

THE FIRST REGISTRATION OF LAND WHICH WAS ACQUIRED FROM THE SALE AND PURCHASE OF RACIAL LAND IN PASAMAN BARAT DISTRICT (CASE STUDY: DATUAK BATUAH RACIAL LAND)

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Abstract: Based on Article 20 to Article 24 of Government Regulation Number 24 of 1997 concerning Land Registration, especially for the first time land registration which requires every land registration first to attach a PPAT certificate after the government regulation comes into effect, while the fact is that until now in West Pasaman Regency, especially in Kinali District, in general, people are buying and selling land based on underhanded children, not through PPAT. The question is whether the sale and purchase is legal and the land that is the object of the sale and purchase can be registered based on the right to buy and sell under the hand.

Key Words: First Time Land Registration, Sale and Purchase of Racially Owned Land.

1. INTRODUCTION:

According to Law Number 5 of 1960 concerning Agrarian Principles (UUPA) the form of land registration through an underhand deed can still be open to the possibility of occurring in the process of making sporadic land registrations for the first time. If the registration of unregistered and uncertified land rights is carried out before the enactment of Government Regulation Number 24 of 1997, then it is sufficient to buy and sell it through an underhand deed made by both parties which is justified and known and signed, recorded in the book of transfer of land rights. by the village head/lurah.[1] However, this provision is of course no longer valid after Government Regulation Number 24 of 1997 concerning Land Registration comes into effect. However, in reality, after the regulation came into effect, there were still many people who bought and sold land under their hands without being made by an authorized official, namely the Land Deed Making Officer (PPAT). So how does the National Land Agency (BPN) deal with this because there are still many people who want to register their land for the first time with the aim of obtaining a certificate of land rights they have and in order to obtain legal certainty, of course, but by attaching an underhand deed. This is still true, of course, because of the lack of public knowledge about national land law and because the length of the first land registration process in a sporadic way takes a long time and the requirements that must be fulfilled are quite a lot because it is related to the relatively low cost of buying and selling deed. cheaper than authentic deeds, especially in West Pasaman Regency.

2. THEORITICAL FRAMEWORK:

a. Theory of Legal Certainty

According to Gustav Radbruch justice and legal certainty are fixed parts of the law.[2]

b. Agreement Theory

Agreement is an absolute element of a cooperation agreement, an agreement can be made in various ways, but the most important thing is that there is an offer and acceptance of the offer.[3]

c. Theory Evidence

In legal science it is not possible to have logical and absolute proof that applies to everyone and closes all possibilities of opposing evidence.

3. LITERATURE REVIEW:

Rights over land including one of the rights of individuals over land is the right that authorizes the holder of its rights (individuals, groups of people collectively, legal entities) to control which data includes using and or taking advantage of the land.

Land registration for the first time is carried out through a systematic land registration known as *systematic initial registration*. This systematic land is based on a work plan and is carried out in the territories designated by the minister.

An act according to Sudikno Mertokusumo is a signed letter containing the events that form the basis of a right or alliance, made from the beginning deliberately for proof. [4]

5. METHOD:

The method used in this study is the empirical juridical method, which is an approach that starts with research on how the law applies in society and how the implementation of a rule that already applies in society in practice. [5]

6. DISCUSSION:

Land has a big and very important role for humans in general, namely as a *social asset* and *capital asset*, as a *social asset* land is a means of binding social unity among the community while as a *capital asset* land has grown and developed as an economic asset whose price always increases from time to time. time, so many people who make land as an investment to seek profit in the future.

The power of proof of an underhand deed is not perfect so its authenticity must be tested and to register land for the first time in West Pasaman Regency usually the BPN stipulates regulations in accordance with Government Regulation Number 24 of 1997 concerning Land Registration, but because of the large number of people who register for land certificates to be made in Pasaman West by using the deed of sale and purchase under the hand as a basis for rights in land certification.

7. ANALYSIS:

A. Form of Agreement of the Parties in the Sale and Purchase of Racially Owned Land in Pasaman Barat Regency (Case Study: Land Owned by the Datuak Batuah Tribe)

Based on the chart above The process of buying and selling land by hand or commonly called land sale is all categorized as tribal land or customary land when the land has never been registered or has not been certified in the District. Pasaman Barat, especially in Kinali District, is done when both the seller and the buyer agree to buy and sell land by hand where the seller agrees to sell his land and the buyer agrees to buy the land at the agreed price.

B. Land Registration Process For The First Time The Acquisition Comes From Racially Owned Land in Pasaman Barat Regency

The implementation of land registration aims to provide legal certainty on land rights for all Indonesians that can be done in a systematic way or in a sporadic manner that will produce a certificate as proof of rights that apply as a strong tool of evidence. land registration activities for the first time regarding one or more land registration objects in the area or part of a territory of a village/sub -district individually or en masse on the interests and wishes of interested parties.

8. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) The form of the agreement for the sale and purchase of land owned by the people in Kinali District, West Regency is as follows: a) Preparation of sale and purchase, the seller and buyer come together to the location of the land to be sold (seeing the physical condition of the land), b) the seller shows the land documents to Buyers such as buying and selling letters, certificates of inheritance, grants and so on, c) Sellers and Buyers who have agreed on the price, then together face Niniak Mamak/Village Head to state their will and make a sale and purchase of land.
- 2) The process of registering land for the first time the Acquisition of Land Owned by the People in West Pasaman Regency which is carried out sporadically after the Petitioner completes the files that have been determined by the Head of the BPN of West Pasaman Regency, then the next process carried out by the Petitioner is to submit an application through the counter available and make payments, the measuring officer goes down to the field to carry out measurements and mapping, after that the Head of BPN issues an announcement that is posted at the BPN Pasaman Barat Office and at the Wali Nagari Kinali Office regarding the requested land ownership for 60 days, if there is no claim from a third party , then the land registration process will continue until the issuance of a certificate of ownership of land.

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