

LAND MANAGEMENT OF ASSETS PT. KERETA API INDONESIA (Persero) AS A STATE-OWNED GOODS IN PAYAKUMBUH CITY

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Abstract: Seeing the increasing need for land for living necessities, while the relative land area still does not increase. So that many people use the land around them to support their lives. In Payakumbuh City there is a cross-land of non-active railways, many land assets of PT. KAI (Persero) which is not functioning optimally anymore, Land crossing non-active railways in Payakumbuh City is controlled by PT. Trains to be used as additional income by PT. KAI (Persero). Many who have been controlled by the community are made into permanent buildings. Land control by PT. Railroad on land which is a non-active crossing of railways in Payakumbuh City must have legal certainty over the land rights it controls and must have clear ownership based on applicable regulations. But there are still many that have not been certified by PT. KAI (Persero), control of state land requires that agencies register it at the land registration office for conversion and issuance of new rights according to national land law so as to provide legal certainty and legal protection to rights holders of land so that they can easily prove themselves as holders rights concerned. PT KAI (Persero) land assets must be safeguarded and utilized so that asset ownership is clearer and to prevent future disputes because at this time there is a lot of land acquisition of PT. KAI by another party.

Key Words: Management, Use, Utilization, Asset Land, and Railways

1. INTRODUCTION:

In accordance with the applicable provisions as referred to in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) Landlegal relationship that gives the authority to do something to the legal subject (person or legal entity) against the legal object, namely the land under his control. The occurrence of land PT. The train was deactivated due to the development of the times marked by the development of transportation facilities, resulting in transportation facilities not being able to develop properly. One of the areas where the land and railway lines become non-active traffic is Payakumbuh City. The condition of this inactive railroad land invites people to use it as a place to live for housing, shops, especially those from PT. Kereta Api to take advantage of the inactive land, for rent, and also in collaboration with other parties. The community has erected a permanent building on the former rail land. This makes an illustration that there is physical and juridical use of land and it can be said that there is no legal certainty of land rights.

2. THEORITICAL FRAMEWORK:

a. Theory of Legal

Certainty According to Radbruch, certainty is the certainty of the existence of the regulation itself or the certainty of the regulation (*sicherheit des Rechts*).[1]

b. Theory of Legal Protection

According to Satjipto Raharjo, legal protection is to provide protection for rights that are harmed by others and that protection is given to the public so that they can enjoy all the rights granted by law.[2]

c. Theory of Land Tenure and Ownership

According to Boedi Harsono, the relationship of tenure can be used in a juridical or physical sense.[3]

3. LITERATURE REVIEW:

Article 4 paragraph (1) of Law No. 5 of 1960 on the Basic Agrarian Regulations defines land as the surface of the earth, thus the right to land is the right to the surface of the earth. Right of Use is the right to use and or collect proceeds from land controlled directly by the state or land belonging to other authorized persons and the obligations specified in the decision of granting it by the authorized official grant it in the land cultivation

agreement, everything of origin is not contrary to the spirit and provisions Law.[4] The right of management does not explicitly appear in the Basic Agrarian Law but only implied in the general explanation of the UUPA which states: a person or other party) to a person or entities with a right according to its provisions or needs for example with Property Rights, Business Use Rights, Building Use Rights or Use Rights or give it by management to a governing body (Department, Office or Autonomous Region) to used for the implementation of their respective duties (Article 2 paragraph (4)).

5. METHOD:

The method used in this study is a normative juridical approach, namely an approach that uses a *positivist legislative conception*, which views law as identical with written norms made and promulgated by authorized institutions or officials.[5]

6. DISCUSSION:

PT Kereta Api Indonesia (*Persero*) which was established based on Government Regulation No. 19 of 1998 concerning the transfer of the form of a public company (Perum Kereta Api to a Limited Liability Company (*Persero*) is a form of state-owned company. PT Kereta Api Indonesia is a state-owned company that has rights To manage the railways in Indonesia, of course, it is supported by various facilities and infrastructure to run the railways and one of the supports for the railways is land. Ownership of land assets of PT. Kereta Api Indonesia (*Persero*) in the form of *grondkaart* is not a form of land rights, but can only be categorized as a basis for the company's rights to utilize state land. A land right appears after being carried out at the local BPN where the land parcel that is the object of the registration is located. Therefore, the legal basis for proof of ownership rights is only an initial legitimacy or recognition of land tenure by the subject of rights, which at a later stage must be registered according to the provisions of national land law, namely in accordance with Government Regulation Number 24 of 1997 concerning Land Registration.

7. ANALYSIS:

a. Use of land assets of PT. Railways as State Property

Regarding the use of land, PT. Kereta Api should be limited to the implementation of Railways such as: Official Houses, Stations, Workshops, Service Offices, Rails in accordance with the duties and functions assigned by the ministry. And if it is not used in carrying out its duties and functions, it is handed over to the Property Manager. In the city of Payakumbuh Precisely at the station which is still standing PT. Kereta Api namely the official office of PT. The train that was used by PT. Kereta Api as a place for payment and negotiation of land leases. Assets of pt. West Sumatra Divre II Train. In addition, the former railroad track and the station area have been widely used by the people of Payakumbuh City to build houses, shop houses and public facilities, community settlements, and business activities along these non-active routes (rail lines and station areas or ex-emplaces). Land assets of PT. The train in Payakumbuh city extends from the long hall to the flag pole in front of the Payakumbuh city Telkom office, has become the main road for Soekarno Hatta from the flag pole line to the station in Parit Rintang has become a shopping center, from the Bunian village has been used as a shopping center and has also been filled houses and shops were built on land owned by PT KAI. The railway line has changed its function into public facilities and residences and houses and shops are built with permanent buildings. The lands controlled by the community have not been certified or there is no certainty of land rights. However, in the Payakumbuh City Station area, a certificate of Management Rights on behalf of PT. Train.

b. Implementation of registration of land assets of PT. Kereta Api Persero:

The lands controlled by PT. Kereta Api Indonesia Persero is a legacy of the railroad company in the Dutch colonial era. The evidence that has been used by PT. Kereta Api Indonesia Persero as the basis for controlling and expropriating these lands was the *grondkaart* or block map in the days of the Dutch railroad companies. *Grondkaart* or block maps are the only evidence that PT. Kereta Api Indonesia Persero to take over assets in the form of land and buildings which became the legacy of the Dutch railroad company. PT. Kereta Api Indonesia Persero has legal evidence in the form of *grondkaart* proof of control over land used in the Dutch era. This map is the only evidence that PT. Kereta Api Indonesia Persero has legal evidence in the form of *proof* of control over land used in the Dutch era. *Grondkaart*'s final as evidence that BUMN (PT. Kereta Api Indonesia) has over its assets. With the *grondkaart* , PT Kereta Api's land assets are automatically free from community ownership.

8. CONCLUSION :

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

- 1) All employees of the Corruption Eradication Commission were transferred to the State Civil Apparatus (ASN), except for employees who were seconded to the KPK, such as investigators and prosecutors from the police and prosecutors. The transferred KPK employees consisted of non-PNS KPK Permanent Employees, Government Employees with Work Agreements with the provisions of structural positions (PTJS) to become JPT and Administrators, Permanent Employees of Specialist and Administrative Positions (PTJSA) to PNS, Non-Permanent Employees to Implementing Positions, so that to support performance, even though the status of ASN is functionally still subject to the institutional principles of the KPK as an *independent state institution* for prevention and eradication of corruption.
- 2) The managerial design of the KPK staffing must be adapted to the concept of an independent state institution that is free from three chains of power, such as the structural design of the Corruption Eradication Commission organization based on Law Number 30 of 2002 concerning the Corruption Eradication Commission by prioritizing the management of the institution in the form of employment status as an employee of a non-ASN KPK institution. , the internal staffing structure follows the internal regulations of the non-ministerial KPK, and the functions, duties, and responsibilities are part of the internal arrangements of the KPK as an independent state institution.

9. SUGGESTIONS :

The suggestions given by researchers are as follows:

- 1) For land that is not actively used for railway operations in Payakumbuh City, it becomes state land, because based on Government Regulation Number 8 of 1953 concerning the Use of State Land, state land in an agency must be used for the main tasks of the agency concerned if it is no longer used according to its responsibilities, namely to the ground railway operations must be returned to the state in accordance with PMK Number 246/PMK.06/2014.
- 2) The form of land use of PT. Kereta Api in Payakumbuh is in the form of leasing and cooperation with third parties for the former station area in the form of rights. Management.

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