

IMPLEMENTATION OF VILLAGE PROPERTY LAND REGISTRATION TANJUANG BUNGO WHICH EARNED COMES FROM BUYING

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Abstract: Land is one of the assets of the village government which is very vital in government operations and services to the community. This is because land is part of the wealth of the village, which is then monitored and examined internally and externally, for accountability for its implementation, so that there is a lot of interest in these lands, therefore land registration has an important role in land law, while the acquisition of wealth in Tanjung Bungo Village in the form of land is carried out with the transfer of rights based on buying and selling. In this regard, it is necessary to study juridically regarding the Implementation of the Sale and Purchase of Land between the Tanjung Bungo Village Government and the Community, how to carry out land registration as the Property of Tanjung Bungo Village, and the legal position of the Village Government land that has not been certified.

Key Words: buying and selling, registration of land and wealth of the village government.

1. INTRODUCTION:

Land is an important sector in the original income of the Nagari Tanjung Bungo Government, Suliki District, Lima Puluh Kota Regency and as an economic improvement for the community, for example land is empowered as a source of Nagari income, either processed by the village itself or leased. One of the efforts of the Nagari Tanjung Bungo Government in the context of securing the Nagari's wealth in the form of land is to carry out a Nagari land certificate, because the certificate is proof of legal ownership and is a guarantee of legal certainty, as well as a strong means of proof that the assets are really owned and controlled by the Nagari Government. Tanjung Bungo.

2. THEORITICAL FRAMEWORK:

- a. Theory of Transfer of Rights
Transfer Rights to an object can be carried out in real terms, meaning that the object obtained can be directly seen and is in the hands of the person concerned, but there are also transfers of rights that are carried out symbolically or indirectly, only through the form of a letter or certificate. this happens to objects that are not moving.
- b. Agreement Theory
According to Setiawan, an agreement is a legal act in which one or more persons bind themselves to one or more persons.[1]
- c. Legal Certainty Theory
According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is implemented, that those entitled by law can obtain their rights and that decisions can be implemented.[2]

3. LITERATURE REVIEW:

Boedi Harsono in his book explains that land registration is a series of activities carried out by the State/Government authorized in land registration, which is carried out continuously and regularly.[3] Based on article 1457 of the Civil Code, the sale and purchase adopted in Civil Law is only obligatory, meaning that the new sale and purchase agreement lays down mutual rights and obligations between the two parties, or in other words the sale and purchase adopted by Civil Law has not transferred property rights as for rights. new ownership is transferred by delivery or levering.[4]

4. METHOD:

The method used in this study is an empirical juridical approach, namely an approach based on field research methods, namely examining applicable legal provisions and what is happening in people's lives.[5]

5. DISCUSSION:

Land is one of the government's assets that is very vital in government operations and services to the community. This is because there are many kinds of land with different usage statuses, so there are many interests in these lands. To administer lands for regional assets is not an easy thing at this time, because the documents are not easy to trace and proof of ownership is difficult to trace. The Nagari government is currently required to manage Nagari wealth in a professional, transparent, accountable, efficient, and effective manner starting from the planning, distribution, and utilization stages as well as supervision. The acquisition of Nagari Tanjung Bungo's Wealth in the form of land was mostly carried out by transferring rights based on buying and selling. The sale and purchase is carried out between the Community and the Nagari Government, by means of which the land will be made a statement/deed of sale and purchase on sealed paper or stamped paper. / or parcels of land that do not have information, are matters that must be immediately resolved by the Nagari Tanjung Bungo Government because as is well known, certificates are evidence of land rights.

6. ANALYSIS:

A. Overview of Research Sites:

Nagari Tanjung Bungo is located in the Northwest of Suliki Sub-district. If we are in Suliki then there are three intersections, the direction to the west is towards Nagari Koto Tinggi, the direction to the south is towards Payakumbuh City and the direction to the northwest is towards Nagari Tanjung Bungo. From the capital of Suliki sub-district, Nagari Tanjung Bungo is approximately 8 km, the road is initially level for about 4 km and then climbs to the end of the border with Nagari Koto Tangah, Nagari Talang Anau and Nagari Sungai Naniang.

B. The process of implementing the sale and purchase between the Nagari Tanjung Bungo government and the community

In customary law, the system used with regard to buying and selling land is known as a concrete or cash system and it is clear that the transfer of land rights simultaneously once the payment of land prices is handed over to the buyer. Likewise, the meeting of wills must be made concrete with the submission of advance payments so that they are legally binding on customary law. The land sale and purchase transaction can be made on seal paper or without seal paper and must be affixed with sufficient stamp duty which is made by the parties in front of the village head concerned and at the same time as the delivery according to customary law of the land has been transferred to the buyer.

C. Implementation of the Land Registration of Nagari Tanjung Bungo's Wealth, the Acquisition of which is based on the sale and purchase

By providing guarantees and protection for the rights of citizens, for every land control by the Nagari Tanjung Bungo Government which is an asset or state property, for any purpose there needs to be a legal basis for its rights, namely land rights granted by the competent authority. in this case the National Land Agency). The implementation of the registration of the transfer of land rights due to buying and selling cannot be separated from the procedures established by the applicable regulations, therefore, applicants who have an interest in registering their land are required to fulfill the specified requirements.

D. The Legal Position of the Land of the Tanjung Bungo Nagari Government which is not yet certified

If the land is said to be a right of ownership but does not have proof of a certificate of ownership, then the land cannot be said to be a right of ownership but can be said to be land with the status of a usufructuary right, because after the enactment of Law Number 5 of 1960, simultaneously all rights Land rights must be registered with the National Land Agency. So physical possession of land for generations, but without legal evidence is not a property right, but only as a usufructuary right to manage the land in question.

7. CONCLUSION:

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

- The process of implementing the sale and purchase of land between the Nagari Tanjung Bungo government and the community is carried out by buying and selling under the hands/customary but still legal, because the legal requirements for buying and selling according to customary law and UUPA are material conditions that are cash, clear and real.
- Registration of Certificates occurs since the decision to grant Use Rights is registered with the Head of the local Regency/City Land Office to be recorded in the Land Book and a certificate is issued as proof of rights. granting land rights to obtain legal certainty over land rights, so that they can be accounted for.
- The legal position of the Tanjung Bungo Nagari Land which is not registered with the National Land Office, this results in the absence of legal certainty over the evidence of ownership of the Nagari Government assets, also resulting in the control of assets by other parties which can also lead to disputes with the community. and certificates, it is clear ownership of existing land rights and carrying out an inventory and supervision of assets in the form of land.

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