

LEGAL CONSEQUENCE OF THE LAND CERTIFICATES BLOCKING IN PADANG CITY

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Abstract: Land registration aims to provide legal certainty and protection to the holder of the title to of land, apartment unit and other registered rights so that he can easily prove himself as the holder of the right in question. Blocking a certificate is a form of administrative action by the Head of the Land Office or an appointed official to determine the status quo (freezing) of temporary land rights against legal actions and legal events on the land.

Key Words: Block, Certificate, BPN, Permen ATR/BPN 13 of 2017

1. INTRODUCTION:

Based on the order of the Court Judge, the Head of the Land Office makes notes in the land book and the relevant public register in the Status Quo. The Status Quo is a constant state as it is now. However, within a period of 30 (thirty) days from the date of registration, the confiscation decision is not followed by a decision on bail from the Court Judge, the confiscation record will be automatically deleted if there is no court decision. The confiscation of collateral can also be recorded by the Head of the Land Office at the request of the Prosecutor's Office, Police Office, or the Auction Office. Other records in the land book other than records of confiscation of collateral in civil or criminal cases cannot be made by the Head of the Land Office, unless submitted and approved by the Minister/Head of the National Land Agency.

2. THEORITICAL FRAMEWORK:

a. Theory of Authority

Juridically the notion of authority is the ability given by laws and regulations to cause legal consequences.[1]

b. Legal Certainty

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 enforced.[2]

c. Theory of Legal Protection

According to Satjipto Rahardjo, legal protection is to provide protection for human rights that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law.[3]

3. LITERATURE REVIEW:

Land law policies are part of state policies, as a norm system of land law policies are not only used to regulate and maintain existing behavior patterns, but more than that.[4]

Land registration is the act of recording the rights that are owned and owned by a person, either an individual or a group or an institution on a plot of land carried out by an authorized official and therefore the official is authorized to issue a certificate of ownership rights.

To provide legal certainty and legal protection, land rights holders are given certificates as proof of land rights.

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:

Blocking land certificates can be seen from two sides. From one side, blocking is useful for people who apply to protect their civil rights. On the other hand, blocking causes harm to the person whose certificate is blocked. This happens because in the practice of blocking certificates, we often hear that the blocking status sometimes lasts for a long time. According to Article 13 paragraph (1) of the Regulation of the Minister of ATR/Head of BPN Number 13 of 2017, blocking by individuals or legal entities is valid for a period of 30 (thirty) calendar days from the date of recording the block. While the blocking by law enforcement is valid until the termination of the criminal case that is under investigation and prosecution, or until the blocking is removed by the investigator concerned.

In some cases the blocking carried out by individuals is not followed by legal actions to file a lawsuit in court. As a result, the block is attached to the status of the blocked land certificate. Actually by law, the block automatically expires for 30 days. But in reality, when the owner of the certificate wants to sell his blocked land, the Land Agency Office cannot grant the sale and purchase transaction because it is still in a blocked status. Even though the blocking did not proceed to the legal process. By law, the block should be null and void by law.

6. ANALYSIS:

A. Factors Causing Blocking of Land Certificates in the City of Padang

Based on literature search and information from the State Land Agency (BPN) Padang, the factors causing the blocking of land certificates in the city of Padang are as follows: a) the existence of a civil dispute over the land, b) the existence of debts owed to the state, c) the initiative of the buyer or a third party, d) the loss of land certificates, and e) the existence of law enforcement actions.

B. Process of Blocking Land Certificates in Padang City

The process of blocking land certificates has been regulated nationally by Regulation of the Minister of ATR/Head of BPN Number 13 of 2017 concerning Procedures for Blocking and Confiscation. This Regulation of the Minister of ATR/Head of BPN Number 13 of 2017 applies nationally in all provinces and districts in Indonesia. Thus, it can be concluded that the process of blocking land certificates in Padang City is the same as in other places.

C. Legal Consequences of Blocking Land Certificates

With the blocking of land rights, the Land Office provides legal consequences for land rights, both in the transition and on the imposition of land rights. With the blocking status of land rights, temporarily the certificate owner cannot make the transfer or assignment of land rights because the Land Deed Making Official (PPAT) as the official in making the deed cannot carry out his duties, as stipulated in Article 39 of Government Regulation No. 24 of 1997 is prohibited for PPAT to make a deed, if the registered land is not shown the original certificate, or the object is blocked.

7. CONCLUSION :

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

- 1) The causes of the blocking of land certificates at the Padang City BPN are as follows: a) a civil dispute over the land, b) a debt owed to the state, c) the initiative of the buyer or a third party, d) the loss of the land certificate, and e) the existence of law enforcement action.
- 2) The process of blocking land certificates at the Padang City BPN is the same as in other places, which is guided by the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 13 of 2017 concerning Procedures for Blocking and Confiscation. law.
- 3) The legal consequence of blocking land certificates is that the land that is blocked cannot be transferred to another party because PPAT as an official is authorized to make a deed of transfer of land rights in accordance with Government Regulation Number 24 of 1997 jo. Government Regulation Number 37 of 1998 is prohibited from making a deed of transfer of blocked land rights and also the Land Office must refuse to register the transfer of the land.

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