

Community Legal Awareness in the Implementation of Land Administration in Tanjung Bunga Village

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ABSTRACT

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This research is motivated by the low legal awareness of the community in the administration of land administration in Tanjung Bunga Village. This study aims to analyze the mechanism, the causes of the low legal awareness, and how to increase the legal awareness of the community in certifying land. This research is qualitative descriptive research with a case study method. In determining the informants, the researcher used a purposive sampling technique consisting of 27 people, and the data were obtained through observation, interviews, and documentation. All data were tested for validity using Source Triangulation. In the data analysis technique, the researcher uses data reduction (data reduction), data presentation (data display), and conclusion drawing (verification). The results showed that the mechanism used to certify land had three stages, consisting of land registration procedures, time for obtaining certificates, and costs for obtaining land certificates. The factors that cause low public awareness of land certification are based on 3 (three) factors, namely, community confidence, less than optimal socialization methods, and less availability of time from the community. The efforts that have been made are asking for help from the land office to provide socialization to the village community, taking advantage of the free land certificate program from the government, and visiting each resident's house by Tanjung Bunga Village officials. This study concludes that the government's efforts to certify community land still have serious challenges due to the belief factor owned by the community.



Introduction

The land has a very important meaning for the life of the community and the state, in addition to being used as a place of settlement as well as a source of livelihood for the community to earn a living through agriculture, mining and plantations. The land has a very high value, not only of economic value but also concerning issues of social and political values.¹ With this very important meaning, Indonesia is a country with a very high number of land conflicts. This is evidenced by the results of a report from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) that the number of land disputes and conflicts that occurred in Indonesia from 2015-2020 amounted to 9,500 land cases, which were recorded by the Director General of Dispute and Conflict Handling Land Affairs (PSKP).

From the results of research related to land conflicts, there are four causes of land conflicts; first, ownership of land certificates, and second, the existence of a tradition of speech related to agreements and land boundaries. Third, violation of customary law regarding the prohibition of selling customary land, and fourth, discrimination in

¹ Diana Lubis, "Peralihan Hak Atas Tanah Yang Tidak Diketahui Keberadaan Pemiliknnya", *Recital Review*, Vol. 3, No. 1, 2021. 105-119.

compensation for land acquisition.² Related to this, to reduce the occurrence of various land conflicts in the community, the ownership of land certificates is very urgent for the community. Various research results that discuss land certification include: states that land certificates are the strongest evidence in guaranteeing legal certainty.³ In addition, land certificates have an impact on reducing land conflicts.⁴ So one of the factors that contribute to guaranteeing land rights is in the form of land registration which is facilitated by the state.⁵

Related to land certification, the community must be willing to take care of it. However, based on the results of research conducted that the community still has low legal awareness, due to several factors including the majority of people who work as farmers and the location of the house with the land office being far away.⁶ In addition, the village head is also an important actor in urging the community to register land registration and be able to take advantage of the situation to conduct counseling, either through village meetings or community service.⁷ It is emphasized that all stakeholders must have good synergy in designing activities that are direct outreach to the community.⁸

One of the villages where the community is still low on legal awareness to wants to certify land in Tanjung Bunga Village, Sungai Penuh City. Various implications caused by the low legal awareness of the community in land certification in Tanjung Bunga Village include, first, plantation land border conflicts between residents who both do not have certificates, claiming each other's land boundaries with a benchmark in the form of pots that have been cemented with bamboo by the local community. each party. This is a serious problem caused by the lack of community efforts to certify their land. Second, the case of disputes over the land border between the house and neighboring land, whether intentionally or unintentionally, between parties who have certificates and those who do not have land certificates. The grabbing is done intentionally to increase the size of the land without being noticed by the party next to it. Meanwhile, the treatment was carried out accidentally because the person who carried out the treatment did not know the proper size of the land.

Related to the situation above, the administration of land administration is so that land certificates can be carried out by all communities as contained in Article 3 of the Government Regulation Number 24 of 1997 concerning land registration is to provide guarantees of legal certainty and legal protection to holders of rights to a plot of land, unit flats and or other registered rights to easily prove themselves as the holder of the rights concerned, namely the provision of land certificates.

Research Methods

By the problem studied, this research is a qualitative descriptive study with a case study method. John W. Creswell in his book Research Design explains that qualitative research is a

² Susi Fitria Dewi, 2019, *Desain Pendidikan Resolusi Konflik*, Purwokerto: CV IRDH.25

³ Mardiana, Hermanto, And Bambang, "Pengaruh Sertifikasi Tanah Terhadap Nilai Tanah Dan Kondisi Ekonomi Masyarakat Di Kabupaten Sukoharjo", *Jurnal Aplikasi Bisnis Dan Manajemen*, Vol. 2 No. 3, 2016. 304-311,

⁴ Yamin And Zaidar, "Pendaftaran Tanah Dalam Mewujudkan Kepastian Hukum Atas Kepemilikan Tanah Dan Upaya Meminimalisir Konflik Pertanahan", *Jurnal Hukum Samudra Keadilan*, Vol. 12, No. 2, 2018, 201-210.

⁵ Trifina, Endang, And Astuti, "Pemahaman Pentingnya Kesadaran Hukum Akan Manfaat Sertifikasi Tanah Di Masyarakat Kecamatan Penajam Kabupaten Penajam Paser Utara" *Abdi Hukum Masyarakat: Jurnal Pengabdian Pascasarjana Universitas Balikpapan*, Vol. 1 No. 1, 2019, 11-18.

⁶ Yoseph Yansenus, And Rodja Abdul Natsir, "Peningkatan Kesadaran Hukum Masyarakat Terhadap Kepemilikan Sertifikat Tanah Di Desa Waihawa Kecamatan Doreng", *Jurnal JUPEKN*, Vol. 6, No. 1, 2021, 42-46.

⁷ Andria Luhur Prakoso, "Surat Tanda Bukti Hak Waris Dalam Pendaftaran Hak Milik Atas Tanah Di Kecamatan Sukoharjo Kabupaten Sukoharjo", *The 2nd University Research Coloquium 2015*, 181-198.

⁸ Yul Ernis, "Impiliasi Penyuluhan Hukum Langsung Terhadap Peningkatan Kesadaran Hukum Masyarakat", *Jurnal Penelitian Hukum De Jure*, Vol. 18, No. 4, 2018, 477-496.

research process to explore human or social problems by creating a comprehensive and complex picture presented in words, reporting detailed views obtained from information sources, and carried out in a natural setting.⁹ Then data from case studies can be obtained from all parties concerned, in other words, in case of studies data are collected from various sources. Case studies are very suitable for answering questions in the form of "what, how, and why" because these types of questions can dig deeper into the data.¹⁰

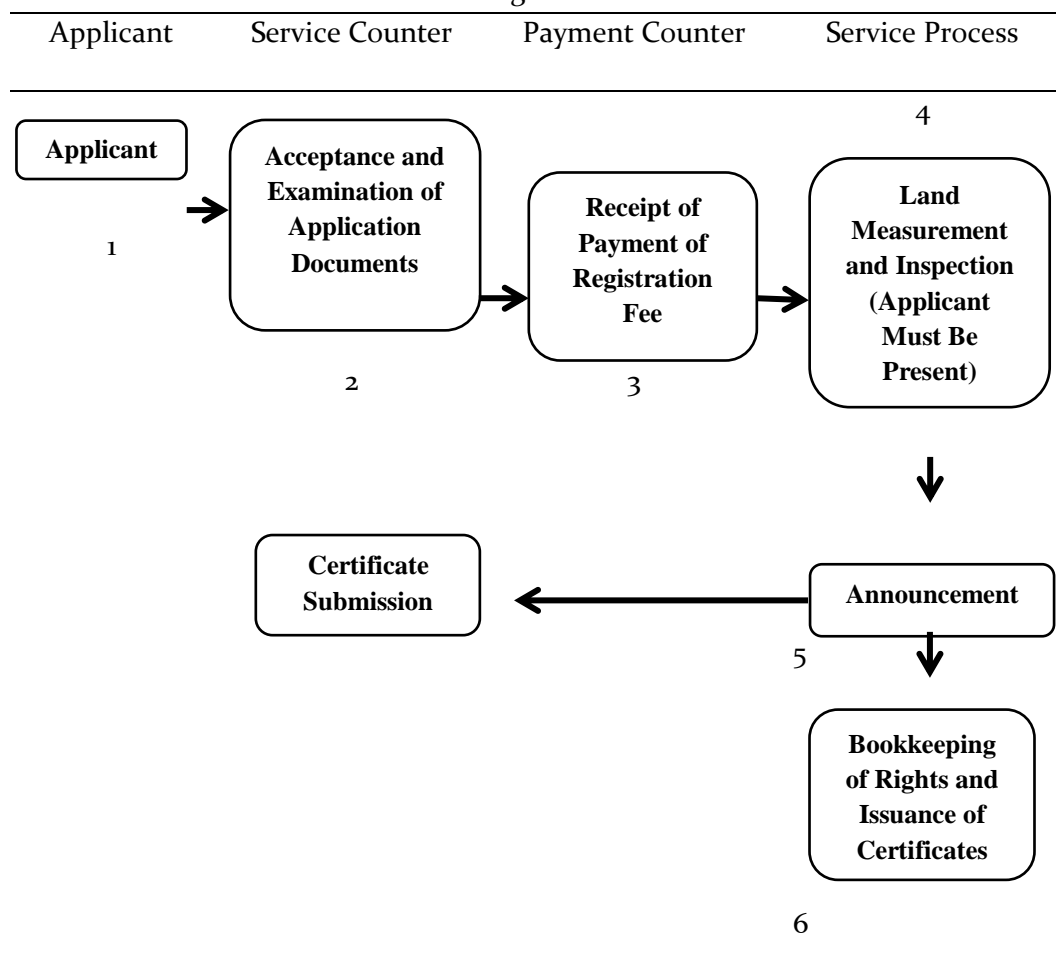
Results and Discussion

A. Mechanism of land Registration and Certification Based on PP RI No. 24 of 1997

1. Land Registration Procedure

One of the existing land offices in the Jambi province is the land office of Sungai Penuh City. To make land administration successful in Sungai Penuh City, procedures have been made in terms of services for the community to certify land. The following is the procedure applied in Sungai Penuh City, as shown in the following table:

Tabel 1. Land Registration Procedure



The table above is the documents that must be prepared by the applicant in certifying the land such as filling in the blank registration form, a statement that the land is free from dispute, an ID card that has been legalized by the authorized official,

⁹ John W. Creswell, 2003, *Research Design Qualitative, Quantitative, And Mixed Methods Approaches*, London: Sage Publications.
¹⁰ Robert K. Yin, 2014, *Studi Kasus Desain Dan Metode*, Jakarta: Grafindo Persada.

Family Card, proof of payment of Land and Building Tax (PBB), letter sale and purchase (if the land is the result of buying and selling), current year's income tax (PPh) and other statements.

Figure 1. Land registration procedure service



2. Land Certificate Management Fee

One thing that is no less important in the land registration mechanism is the amount and details of the costs that must be prepared and issued by the applicant for the processing of land certificates, from the beginning to the issuance of the land certificate. Based on the results of interviews with officials from the land office of Sungai Penuh City, he said that :

"If the PTSL program is carried out for free, it means that each program will have a fee but not much, for example from the village there are several costs that must be incurred such as buying some stamps for signatures, photocopies of forms, and so on. Of course, some fees must be paid by the applicant."

In addition, the land office service counter staff also conveyed the same thing, that:

" Usually for the calculation of costs using the via the system, that is, if the file has been entered and you already know how much it is, then the cost will come out later, but for an estimate, there is no because later the system will calculate the detailed cost itself. However, if you want to know manually, the applicant can calculate his estimate according to the formula listed on the wall in front of the lobby."

The cost of land certification, guided by Government Regulation No. 13 of 2010 concerning Types and Tariffs of Non-Tax State Revenue (PNBP) applicable at BPN, has determined the cost in article 4 paragraph 1. The following is a simulation of land registration rates based on Government Regulation No. 13 in 2010. If you have a plot of land with an area of 100m² then the simulation is as follows:

$$\begin{aligned}\text{Land Measurement Fee: TU} &= (L / 500 \times \text{HSBKu}) + \text{Rp.100.000} \\ &= (100 \text{ m}^2 / 500 \times \text{IDR } 80,000) + \text{IDR } 100,000 \\ &= \text{Rp.116.000}\end{aligned}$$

Note: My valid HSB = IDR 80,000

$$\begin{aligned}\text{Land Inspection Fee: TPA} &= (L / 500 \times \text{HSBKpa}) + \text{IDR } 350.000 \\ &= (100 \text{ m}^2 / 500 \times \text{Rp.67.000}) + \text{Rp.350.000} \\ &= \text{Rp.363,400}\end{aligned}$$

Description: HSBKpa applicable = IDR 67,000

So the total amount of TU + TPA + First time registration fee

$$\text{Rp.116,000} + \text{Rp.363,400} + \text{Rp.50,000} = \text{Rp.529,400}$$

Note: The cost of transportation, consumption, and accommodation of officers is charged to the applicant.

3. Time for Land Certificate Management and Issuance

The rules governing from the beginning of registration until the issuance of land certificates are determined based on the Regulation of the Head of the National Land Agency No. 1 of 2010 concerning Service Standards and Land Regulations that the process for obtaining land certificates is set for 98 working days. However, the process that occurs can take longer than the standard time that has been determined in the sense that it is not on time. The following is an excerpt from an interview with a land office official at Sungai Penuh City where he said:

" After the applicants follow the specified procedure, obtaining a certificate for free applicants (PTSL) usually takes approximately 1 year, whereas if you go through routine/non-PTSL the priority takes 5-6 months."

that the process that takes a long time is land inspection and measurement because there must be an agreement between the officer and the applicant. In addition, land measurement must also have the approval of the land owner around the applicant, namely by coming during the measurement process. This means that all bordering parties must agree with the land bordering.

B. Causes of the Low Legal Awareness of the Community in Certifying Land

1. Community Confidence Factor

Related to this, the researcher interviewed the people of Tanjung Bunga Village:

" I only know that the land registration is for me to be given a land certificate. I don't think there is any need to register the land anymore, the boundaries of the land in my house are also clear, there is a fence made of bamboo, and it's impossible to move the fence next to my house."(8 Community members)

Related to this, the researcher also interviewed the community, that:

" Regarding land registration, Mr. RT once came to my house, gave me a blank paper to fill in and Mr. RT told me to take care of other documents such as a statement that my land was not disputed, and many more that I had to take care of. I've had enough of this, there's never been a problem with my land so far." (6 Society)

The community is convinced that there is no need to register land anymore because it is enough with proof of ownership which they consider a strong legal force in the ownership of their land rights. The following are images that the community considers strong evidence of land ownership:

Figure 2. Land boundaries/marks along with SPPT-PBB



2. Less than Maximum Socialization from the Village Government

In attracting the interest of the community to want to certify land, there is an important role for the village government in urging and inviting the community to want to register their land. On the other hand, if the village government is not able to think of ways to socialize with the community, the community can't be moved by their hearts to want to certify their land. The following is the researcher's interview with the community:

" As far as I know about the land, no village officials have directly disseminated the information to the community. I've heard the announcement from the mouth of the mosque, the mosque is too far from my house, my house is across the river, I can't hear it."(16 People)

" The village government inevitably announces it to the community through the mosque's mouthpiece, we take advantage of the opportunity after Friday prayers, then we inform the community. Even though many people have left the mosque, at least they have listened to what we have to say." (Village officials)

The village government is very minimal in informing the community, so it does not cause a response from the community, the village government should think creatively and innovatively in using something, to be able to invite the community to register their land.

3. Low Availability Time

The unavailability of time for the community to take care of the certificate is unavoidable, considering the community's work as farmers which starts from morning to evening, plus the distance between the house and the proper farming is quite far. So that it is difficult for residents to spend time. Based on interviews with village communities, that:

" There's a lot of work, if one day is not enough to take care of land certificates, how can we work for the family if it's like this, let it be enough like this we know the boundaries of our land." (8 Society)

" Instead of being busy taking care of the land certificate, it's better if I go to the fields, the results are clear, my next door neighbor has never had a problem with me regarding land boundaries." (8 Community)

In addition to the community, the majority of whom are farmers, the distance from the location of the farm to the house is also far, plus the location of the land office is also far away. This means that extra time is needed to carry out the land certificate process. Time constraints make it difficult for the community to move toward the successful implementation of land administration.

C. Efforts to Increase Community Legal Awareness in Land Certification

1. Asking for Assistance to District and City Governments

Realizing the importance of land for human life, various efforts must be made by the village government with the sub-district office and the City BPN, namely by communicating to bring them to the village. The village government must be able to

create and design activities that are socialized to the community so that they can attract public interest that the implementation of land administration produces a final product in the form of a certificate as proof of ownership of land rights. Regarding this, the researcher interviewed the Head of Tanjung Bunga Village, he said that:

" The village government has tried to communicate with the sub-district office and the land office of Sungai Penuh City, to present it during the community in providing counseling to the community regarding land certificates." (Village officials)

Regarding this, the researcher interviewed the land office official of Sungai Penuh City on October 5, 2021, he said that:

"The outreach is carried out every year, there is a PTSL program, so we coordinate with the village, after coordinating with the village, we will conduct counseling, later there will be several counseling sessions in each village but depending on each year there are several villages that will be targeted, If, for example, Tanjung Bunga Village is the target, we will usually conduct counseling several times, after that, we will assign it from the juridical side to collect the data and measure it."

government has tried to communicate with the sub-district and the BPN, but the village government has only ever come from the sub-district office to help out in conducting outreach to the community, although most of those who attended and participated in the socialization were village officials themselves. From the Sungai Penuh City BPN, to carry out socialization following the predetermined village targets, the Sungai Penuh City Land Office will visit the village for counseling

2. Visiting Residents' Houses

One of the efforts that the village government can take is to visit the homes of each resident. Although this method will take time, the village government can share each member with the parts that must be done. This method can work effectively because it can meet directly with the community. The following is the researcher's interview with the Village Apparatus:

" The Tanjung Bunga village government has made great efforts by visiting each resident's house in attracting the interest of the villagers to register the land, such as providing a form/form that must be filled out by the villagers in the land registration process."

" The village head has shared his duties with us as RT heads to be responsible for their respective RTs by visiting people's homes to provide and explain the land registration form."

The village government through the head of each RT went to residents' houses to provide blanks to the community as well as to socialize the village residents to immediately complete the land registration requirements so that later they could go directly to the village office for other documents and be given directions on what to do. done by villagers.

3. Take advantage of the Free Land Certificate Program from the Government

The free land certificate program is a strategy and effort from the government to invite people to want to certify their land. Therefore, the

existence of this free program must be utilized as well as possible by the city and village governments. Based on the results of interviews with researchers with land office officials, the:

“ This free land certificate program has been launched for a long time, which we often refer to as prona, but now it has been replaced with a more systematic name PTSL. But basically, it is to provide assistance and relief to the whole community so that they are willing to register their land.”

“ With this free program, it will make it easier for the administration to certify land, applicants prepare documents, then go to the village head to register their names, then village officials will coordinate with us at the land office. Yes, later we will conduct outreach activities to villages that have been targeted by the free program.”

“ We, the village government will make every effort to fight for land certification for the Tanjung Bunga village community, so that all village communities will have land certificates later.”

The free land certificate program was issued by the government as an effort to attract people to want to certify land. In addition, there needs to be hard work from the city government and village government so that land administration activities for the community can be carried out. For this reason, the community must also prepare themselves such as preparing the conditions needed to certify land so that later it can be given to the village office. To carry out the land registration mechanism, the procedures carried out must be following those determined by the National Land Agency. Related to this, the procedures used must be followed, adhered to, and implemented to achieve an activity or program created by the government. This can be realized through the implementation of land administration that complies with procedures and is cost-effective and responsive.¹¹ In managing land certificates at the Sungai Penuh City Land Office, applicants are required to obey the procedures set by the government. Complying in the sense of going through stages by stages in the management process and all of them are passed within a period of more than 98 (ninety-eight) working days. Therefore, compliance with procedures in land certificate services in Sungai Penuh City is a procedure for resolving land rights ownership and for improving order and smoothness of the implementation of land administration. To prevent the occurrence of irregularities that are not by the rules and legislation.¹²

For the implementation of land administration, high awareness of the community is needed. Judging from the characteristics of legal awareness, the community's belief factor is strongly influenced by first, knowledge of the law, ignorance of the law, making people underestimate the rules made by the state and assume that what is believed by the community is related to no longer needing to certify land is correct. Second, understanding the law, people who do not understand how important it is to have a land certificate and the benefits for themselves and others. In addition, the lack of knowledge and understanding of the law is strongly influenced by the low level of education coupled with the absence of legal socialization activities carried out by the village government. Third, is the legal attitude, where people who do not want to certify land feel afraid when dealing with the law, so they

¹¹ Mikha Ch. Kaunang, “Proses Pelaksanaan Pendaftaran Tanah Menurut Peratran Pemerintah Nomor 24 Tahun 1997” *Lex Crimen*, Vol. 5, No. 4, 2016, 58-75.

¹² Chomzah, 2004, *Hukum Agraria (Pertanahan Indonesia Jilid 2)*, Jakarta: Prestasi Pustakaraya.

assume that there will be sanctions if they are violated. Fourth, hope for the law, feel unsure about the free program provided by the government, the community assumes that in the end, it will also cost money.¹³ In addition, the fact that people's beliefs are strongly influenced by legal uncertainty, people feel that the land certificates made are not strong in the legal force and are the same as having certificates with those without the land certificate.¹⁴ Therefore, due to a convoluted process from the government, the community became convinced that it was enough as usual and no longer needed to certify land.

The village government also cannot remain silent, it must make a mature plan by continuing to communicate and communicate with the sub-district and city governments. Collaborating with sub-district and city officials is a must for village governments to increase community legal awareness in certifying their land. Therefore, it is necessary to have a synchronous communication process from the village government asking for assistance from the sub-district and city parties. In other words, in realizing a society that is aware of the regulations made by the state, it is very necessary to have smooth communication, in this case, the village, sub-district, and city governments.¹⁵ Pemerintah desa harus mampu mengkomunikasikan dengan baik kepada pemerintah kecamatan dan kota agar mau memberikan bantuan sosialisasi kepada desa, dalam hal ini adalah desa Tanjung Bunga. For the communication process to run smoothly in asking for help from the village government with sub-districts and cities, a good strategy and plan are needed, such as the village government must be able to analyze the problems that exist in the village and understand the purpose of communicating with the sub-district and city governments.¹⁶ Therefore, In creating good relations with the city government, communicative communication is needed, namely, the counseling carried out later to create a climate and atmosphere that is friendly, open, and reciprocal. So that the implementation of assistance from the city government in the form of socialization will foster a legal awareness for the community to certify their land.

Conclusion

To succeed in the implementation of land administration, especially in Tanjung Bunga Village, it is a challenge for the village government and city government in attracting the interest of the community to be enthusiastic in certifying their land. Intense counseling and socialization from village officials and the city government are very much needed for the implementation of land administration for all levels of society. It's not enough, the village government and city government must also provide facilities related to land certification services for the community.

Suggestion

For the people themselves, they should be careful about land certification so that the land they own does not become a space for conflict to occur. at least allow going to the village head office to listen to counseling and appeals to the village community so that the

¹³ Otje Salman, 2008, *Beberapa Aspek Sosiologi Hukum*, Bandung: PT. ALUMNI.¹⁵

¹⁴ Faisal Muhammad, "Perlindungan Hukum Bagi Pemegang Hak Atas Tanah Dalam Pembebasan Tanah ntuk Kepentingan Umum". *Journal Ilmiah Rinjani Universitas Gunung Rinjani*, Vol. 5, No. 1, 2017, 202-209.

¹⁵ Hasan, 2005, *Komunikasi Kaunsling*, PTS Profesional.⁴⁵

¹⁶ Adjeng Putri Kaopaha, desie Warow, And Max Rembang, "Peranan Komnikasi Pemerintah Dalam Meningkatkan Pelayanan Kepada Masyarakat (Studi Pada Pemerintah Kelurahan Bengkol Kecamatan Mapanget)", *Acta Diurna Komunikasi*, Vol. 7, No. 3, 2018, 1-15.

implementation of land administration can be achieved properly for the welfare and harmony of the community.

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