



Case Study

STATUS OF MULTIPLE OWNERSHIP LAND CERTIFICATES ACCORDING TO GOVERNMENT REGULATION OF LAND REGISTRATION**Anto Seno^{1)*}, Arya Wijaya¹⁾**¹⁾ Universitas Trisakti, Indonesia

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ABSTRACT

Background. Certificate as legality of ownership land, registering land rights is an important thing to ensure certainty for land rights holders and other parties who have an interest in the land. The research purposed to determine the status of multiple ownership land certificates according to government regulation of land registration.

Research Method. This research is considered as a field research or case study. It uses used descriptive analysis method and the type of research is qualitative research. The data collection procedures of this study were observation, interviews, and documentation. The case study of Jakarta Religious Court Decision 619/Pdt.J/2023/PN.Jkt.

Findings. There are 2 (two) ways to obtain a land title certificate systematic registration and sporadic registration is a registration activity that is carried out simultaneously in one place a certain region or region, or a village sub-district where the land is located.

Conclusion. Certificate as legality of land ownership, registering land rights is an important thing to guarantee legal certainty and protection of land rights holders and other parties with interests in the land.

Keywords: Certificate Status, Double Certificates, Property Rights.

BACKGROUND

In terms of land legality, it is very important. It is important to anticipate the occurrence of legal problems in the future, all related documents need to be taken care of so that they are safe from disputes and falsification of certificates, these legalities are very helpful when they occur problems and evidence can also be made in court, legal aspects other than as a tool proof of ownership is also to provide legal certainty to the parties that there is legal owner of the land[1].

The certificate is a letter of proof of rights other than as evidence Certificate rights are also the legality of ownership each of which is needed in the book of the land in question, in knowing or understanding the various types of title certificates land, there is a certificate of ownership (SHM), certificate building use rights (SHGB), use rights certificates business (SHGU), or certificate of title apartment unit (SHSRS), according to Government Regulation Number 24 of 1997 regarding land registration a certificate is issued by the National Land Agency (BPN) through land offices of each region[2].

Basically, the certificate is printed in two copies one copy printed at BPN as a land book and one copy is held by the community as proof of ownership of land and building, in the land book archive listed in detail regarding the land, good physical data and juridical data such as area, boundaries, the basis of ownership, data owner and other data, land title certificates are important because they are incomplete if there is no ownership or control over the land accompanied by proof of ownership in the form of a certificate[3].

The provisions of Article 32 are to provide guarantees of legal[4] certainty over a plot of land that becomes visible and feels its practical meaning even though the system the publication used is negative[5]. Article 32 paragraph (2) states that people cannot claim land that has been certified in the name of another person or legal entity, if for 5 (five) years from its issuance that certificate he did not demand or file a lawsuit in court regarding control of land rights, issuance of certificates that, so the land title certificate is a copy of the land book and measurement letter then bound together with a cover whose shape has been determined so land title certificate is issued[6].

For someone who holds an "asphalt" certificate (original but fake) or downright fake, falsehood the certificate will be easily exposed when with juridical data and physical data on land plots in the certificate is matched with archive data in the land book register and register well maintained name in the office land, so don't worry about how thorough the internal land office is establish juridical evidence and physical data of land plots before they are recorded and then certified, for issue a certificate of ownership of data land and historical information on the land plot so broad and deep and detailed it turns out must be sought by the land office or committee adjudication, even the results must be announced used to be in public for 30 (thirty) or 60 (sixty) days to accommodate objections before land parcels can be recorded and then certified[7], so if anyone to certify land that is not owned ownership rights or "paving".

The certificate property rights immediately report to the party concerned authorities, especially the Land Office, which it's definitely a bit of a hassle for everyone insiders responded to this "asphalt" certificate is, if our land is certified as "asphalt" But it turns out it wasn't us by someone else certify, for legal data and physical data. As for the issue of ownership certificates double that often occurs in circles society in general is about the implementation of registration procedures, so the purpose of this research determine the status of the land title certificate double on the same object in the case.

RESEARCH METHOD

This research method used normative legal research, and legal research literature, namely legal research. This is done by examining the materials libraries or secondary materials. The authors propose a legislative approach invitation (statute approach), namely the approach using legislation and regulations[8].

Procedures for collecting legal materials that research sources used by this author is primary legal material (have binding force, namely government regulation number 24 years 1997 about land registration, material secondary law (publications about law explain the primary legal material and tertiary legal materials (explaining primary legal materials and legal materials secondary).

In this research, the researchers collected data by reading, studying, and identifying all good data legislation, and literature, which general and then drawn or concluded be specific so that the data obtained related to the issues discussed in this research.

Processing and analysis of the legal materials in this research begins with the author conducting research on legal issues by presenting legal facts that raise legal issues, then issues of law adjusted or analyzed according to the material primary law so that it can be determined rule. Whichever one is used, is the next interpretation through the doctrines of experts' laws contained in legal materials secondary, thus the author can respond to the legal issues raised.

FINDINGS

Status of land certificate in case Number 619/Pdt.J/2023/PN.Jkt, regarding lawsuit civil law against the law regarding a plot double certified land on that object the same (overlapping), not just possible happens, and there is often overlapping certificates for mapping coordinate objects land, overlapping areas of land is in contact with the existing plot of land other certified, measurements are not accurate, as well as other physical data defects, most certificates of ownership of land.

First, the registration is published, assumed to be more correct than publication next certificate. Land title certificate in case Number: 619/Pdt.J/2023/PN.Jkt which comes out double both are original but one is not legally flawed has binding legal force, the certificate has been issued and resold on other people, so that the owner of the certificate of rights belongs to the first to dispute about issuance of a second and simultaneous certificate there

is buying and selling of certified land objects double (dual), namely the owner of the ownership certificate.

DISCUSSIONS

In fact, that is the purpose of land registration to provide certainty and protection law regarding land rights, registration land is the government's duty and burden but to make it a success or its success largely depends on active participation or community role especially rights holders. Registration system land covered by Government Regulation Number 10 of 1961 is a negative system, this system is refined or developed by Government Regulation Number 24 of the Year 1997 concerning land registration is basic negative contains positive elements, produces a letter of proof of rights which acts as a tool strong proof[9].

So if you look at the purpose of registration good land through Government Regulation Number 10 of 1961 and Number 24 of 1997[10] then the ownership status of land title certificates for Indonesian citizens will be guaranteed and there will be a certainty and legal protection regarding the subject matter, the object and the rights attached to it according to the sound referred to in Article 3 letter a namely "to provide legal certainty and legal protection for rights holders on a plot of land, apartment units and Other rights are listed in order easily can prove himself as a holder the rights concerned"; and Article 4 paragraph (1) namely "To provide certainty and legal protection as intended in Article 3 letter a to the rights holder[11]. The person concerned is given a certificate of right to do so land" it's just that the Land Office needs to be more actively socializing activities land registration regarding procedures, costs and importance registration of this land for rights holders, and what is more important is that the Land Office must constantly updating land data so that there is no overlapping in giving rights or registration of rights that can be obtained give rise to legal problems, namely disputes or matters caused by it duplicate certificates or fake certificates[12].

Office Land management must always be updated the data[13], especially the land book as a data bank, in the reality of our lives in the midst society there is the fact that there are still many land issues or disputes that originate from There has not been any legal certainty regarding the plot land as if there is still a dispute or cases in the land sector as a good consequence because land rights have not been registered or after registration of land rights, in the sense that after the land is certified[14].

The contribution of this research is to clarify the status of land and land that has not been certified the office has very little land, in other words a history list or land plots such as shown by the contents of the "data research minutes juridical and boundary determination" for plots of land which have not been registered or certified as in the attachment, it hasn't a land office[11]. There are also cases where more than one certificate is issued for a plot of land by the land office, this happened, among other things, as a result of an error designation of boundaries by the applicant or owner when land office officials measure, even though a certificate had previously been issued for the same location, the duplicates are possible also occurs due to negligence of the land office[15, 16]. They have not yet mapped the previous certificate.

As a result, there is more than one certificate issued on the same land.6 That is important reasons why land certificates very important as protection and security guarantee for land ownership[17]. This can also mean a message signal to land buyers to check the status of the plot the land that will be purchased if the land not yet certified so you have to be careful and it is better to postpone the purchase of land until the land has ownership rights valid according to applicable law, and check or review at the office what sub-district is the land located in. The land is not in dispute, if it is a plot. The land to be purchased has not yet been completed certified, we can provide a brief description above shortening it further is a suggestion for everyone who wants to buy land. Immediately the land is certified ways and techniques that can be learned within five minutes, that the ground is property, real

wealth, real property valuable and rare and therefore need protection with a certificate of ownership.

CONCLUSION

In case Number 619/Pdt.J/2023/PN.Jkt, lawsuit civil, core unlawful acts on the main issue regarding a plot of land that is double certified, has no legal force binding and legal defects in SHM. Certificate ownership status for residents The Indonesian state will be guaranteed and will be there is a sense of certainty and protection good law regarding, its subject, its object and the rights attached thereto accordingly the sound referred to in Article 3 letter a namely to provide certainty and legal protection for rights holders on a piece of land, a flat unit and other rights listed. and Article 4 paragraph (1), namely to provide certainty and legal protection as referred to in Article 3 letter a to the relevant rights holder is granted land title certificate.

Conflict of Interest

The author declares there is no conflict of interest with the publication of this paper.

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