

Legal Security and Legal Protection in the First Time Land Registration Publication System in Indonesia

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DOI: <https://dx.doi.org/10.47772/IJRISS.2024.8080343>

Received: 08 August 2024; Accepted: 27 August 2024; Published: 24 September 2024

ABSTRACT

This research examines legal certainty and legal protection in the first land registration publication system in Indonesia. The land registration system has a crucial role in providing legal certainty over land ownership and legal protection for land owners. This research analyzes how the land registration publication system, which is regulated in Indonesian legislation, ensures that the rights of land owners are recognized and protected. The method used in this research is a normative juridical approach by examining various regulations, legal documents and related literature. The research results show that the land registration publication system in Indonesia has provided a strong legal basis for certainty of property rights, but there are still challenges in its implementation, including administrative problems and a lack of public legal awareness. This research also finds that legal protection for land owners can be improved through improving regulations and increasing the capacity of related institutions. In conclusion, although the first land registration publication system in Indonesia has provided the basis for legal certainty and protection, continued efforts are needed to overcome existing obstacles and ensure this system can function optimally.

Keywords: Legal Certainty, Legal Protection, Land Registration Publication System.

INTRODUCTION

Talking about regulations in the land sector in Indonesia, they are basically regulated in Law Number 5 of 1960. After Indonesia became independent on 17 August 1945, the condition of agrarian law in Indonesia was in a situation of dualism in agrarian law. The dualism of agrarian law is characterized by the enactment of laws inherited from the colonial (Dutch) in the field of land and customary law as the original law of the Indonesian nation. This condition of dualism in agrarian law lasted for 15 years after independence so that in the end it became the background for the government to enact Law Number 5 of 1960 concerning Basic Agrarian Principles. The UUPA eliminates the dualism of agrarian law in Indonesia, one of the main principles of which is the unity of agrarian law for all regions of the country.

This was marked by repealing all provisions of the Dutch Agrarian Law and making Customary Law its material basis. Ida Nurlinda said that the preparation of the UUPA was based on noble ideals so that the UUPA would become a means of achieving prosperity for the Indonesian people. After being passed on September 24 1960, Law Number 5 of 1960 became better known as UUPA (Basic Agrarian Law). It is called the Basic Law, because the UUPA is the parent of all regulations in the Agrarian sector. It can be understood that one of the objectives of the UUPA is to provide legal certainty for all people regarding their land rights. In connection with the importance of legal certainty over land control, especially in state life, agrarian legislation in Indonesia regulates land registration in order to guarantee legal certainty for holders of the land rights in question.

In order to guarantee legal certainty for holders of land rights, according to the law a "certificate" is a strong means of proof so that the owner is given legal certainty and legal protection. With this certificate, the existence of land rights holders will be guaranteed. Talking about registration of land rights in order to obtain legal certainty and protection, of course it is also related to the land registration publication system. This means that legal certainty and legal protection as one of the objectives of land registration depend on the land registration publication system adopted by a country. Indonesia as a country adheres to a negative land registration

publication system.

A negative registration system means that the Government does not guarantee the correctness of the data presented in land certificates and books. This negative publication system is considered by several groups to provide no guarantee of legal certainty for certificate holders. Many people think that the negative publication system is not as ideal as the positive publication system implemented by developed countries. This is because it is considered that the negative publication system does not provide legal certainty and thus has the potential to cause disputes. The agrarian program for land registration activities has not been fully completed. This is because there is still an opinion that obtaining a land certificate requires a series of activities that are not easy and very difficult, the burden imposed is very high and takes a long time. As a result of this assumption, people are reluctant to certify their land. Land registration activities are a necessity that is carried out repeatedly and in a structured manner in inventorying data about land plots based on the UUPA and Government Regulation no. 24 of 1997 concerning Land Registration. This aims to obtain the strongest proof of ownership. Even though the Government has tried to carry out the directives from the contents of this law, in fact, up to now there are still many people who have not registered their land plots, namely because people are not interested in registering their land plots due to the failure to apply even the slightest sanctions imposed and given to people whose plots of land are not registered and who lack understanding regarding the importance of evidence of rights to land plots called land certificates.

DISCUSSION

1. Land Registration in Indonesia

In connection with the third objective of the promulgation of Law Number 5 of 1960, namely to lay the foundation for legal certainty, Article 19 of the UUPA regulates land registration. This land registration is organized to regulate legal relations between subjects and objects of land plots. According to Muchsin et al., efforts to provide legal certainty are carried out by conducting land registration and carrying out the conversion of land rights originating from the old agrarian law in accordance with the provisions of the new national agrarian law (UUPA). Land registration is regulated in Article 19 of the UUPA, while conversion is regulated in the second dictum of the UUPA concerning conversion provisions.

Regarding land registration to ensure legal certainty, it is further regulated in Government Regulation Number 24 of 1997 as an amendment to Government Regulation Number 10 of 1961 concerning Land Registration. As a manifestation of State Control Rights (HMN), in order to guarantee legal certainty of land rights, the UUPA requires the Government to carry out land registration throughout the territory of the Republic of Indonesia and requires the relevant rights holders to register their land rights. As is known, the development of society with a population that is increasing rapidly over time will certainly result in the need for more land, while the quantity of land does not increase. Such conditions can certainly trigger the emergence of various conflicts and land disputes where land becomes the object of seizure, confiscation, and other disputes. In connection with the importance of land as a source of life, land registration is a very urgent matter, especially in today's increasingly complex society.

Land registration is an ideal solution to obtain an instrument that has strong force or evidence (in the form of a certificate) for the holder of the right to the land, ensuring that the holder has legal authority or power over a plot of registered land. Based on Government Regulation Number 24 of 1997 concerning Land Registration, land registration itself aims to:

1. "Provide legal certainty and legal protection to holders of rights to a plot of land, apartment units, and other registered rights so that they can easily prove themselves as holders of the rights in question;
2. Provide information to interested parties, including the Government, so that they can easily obtain the data needed to carry out legal actions regarding land plots and apartment units that have been registered, for the implementation of orderly land administration."

In line with Regulation Number 24 of 1997, according to Boedi Harsono, the purpose of land registration is to

create a situation where:

1. "Individuals and legal entities who own land can easily prove that they are entitled to the land, what rights they have, and which land they are entitled to. This goal is achieved by providing a letter of proof of rights to the relevant rights holder.
2. Anyone who needs it can easily obtain reliable information regarding land located in the relevant registration area (whether they are a prospective buyer or a prospective creditor) who wants to obtain certainty as to whether the information provided by the prospective seller or debtor is correct. This goal is achieved by providing an open nature to the stored data."

In the case of land registration, as explained above, it is further explained that to ensure legal certainty for holders of land rights, according to Government Regulations, holders of registered land rights will be given a certificate as strong evidence. This is in accordance with Article 4 of Government Regulation Number 24 of 1997, which states:

"To provide legal certainty and protection as intended in Article 3 letter a, the relevant rights holder is given a land rights certificate."

The objects of land registration as regulated in Government Regulation Number 24 of 1997 are:

"Plots of land owned by ownership rights, HGU (Hak Guna Usaha), HGB (Hak Guna Bangunan), and HP (Hak Pakai), Land Management Rights, Waqf Land, Ownership Rights over Flat Units, Mortgage Rights, State Land (specifically for state land, registration is carried out by recording the plot of land in question in the land register and a certificate is not issued for it). Meanwhile, for other land registration objects, they are recorded in the registration map and land book and a certificate is issued as proof of their rights."

Land registration itself is carried out by the National Land Agency, which at the Regency or Regional Level II is carried out by the Land Office or Land Registration Office. Land registration by the National Land Agency is a manifestation of the State's right to control, in this case, executive power (in addition to legislative and judicial authority). In connection with land registration to ensure legal certainty, a certificate will be issued to the entitled party as proof of their rights. In connection with the object of land registration where the certificate is a means of proving rights, there are various certificates based on the object of land registration in Government Regulation No. 40 of 1996 and Government Regulation Number 24 of 1997.

If at any time there is a lawsuit or claim in court regarding the land object for which a certificate has been issued, then all the information contained in the certificate has strong evidentiary power as long as there is no other evidence that refutes it. In resolving civil cases, documentary evidence is very important in obtaining truth, certainty, and justice in a case. Land title certificates as proof of written documents have many functions for the owner. The main function of a certificate is as strong evidence. This is stated in Article 19 of UUPA Number 5 of 1960 as previously explained. In this way, anyone can prove their land rights if it is clear that the name listed on the certificate is the holder.

2. Land Registration Publication System

As is known, land registration activities lead to the issuance of a certificate containing information regarding the physical and legal data of the land. However, the question often asked is to what extent other parties can trust the data presented in land certificates and books as true information. Is there a possibility that the data presented is not accurate, in the sense that another party may actually have the right to the registered object? To answer this question, it depends on the land registration publication system adopted and implemented by a country. There are two land registration publication systems adopted and implemented by countries worldwide, namely the positive publication system and the negative publication system.

The distinction between these two land registration publication systems depends on the extent to which legal protection is given to those with good intentions if it turns out that the registration results are incorrect. A positive publication system is when the government guarantees the truth of the presented data. This means that whoever's

name is registered in the land book obtains what is called a right that cannot be contested, except in the event of forgery. In this positive publication system, the state as the registrar guarantees that the registration carried out is correct. This positive publication system is adopted by Australia, Singapore, Germany, Switzerland, and Commonwealth countries, among others. It can be seen that countries that dare to implement a positive land registration publication system are developed countries that have achieved orderly land administration.

Meanwhile, the publication system is negative if the government (in this case the land registration official) does not test the correctness of the listed data (does not guarantee the correctness of the presented data). This means that registration does not cause those who are not entitled to become entitled to a plot of land just because their name is mistakenly recorded as having the right. Those who have the right can demand that corrections be made. In this negative system, the state only passively accepts what is stated by the party registering the land. Land registration that adheres to the negative principle means that the person whose name is written on the certificate or land book is not necessarily the absolute owner.

Both negative registration systems and positive registration systems each have their own advantages and disadvantages. The positive publication system has several advantages, such as legal certainty for certificate holders, an active role from land registration officials, and a certificate issuance mechanism that can be easily known to the public. Meanwhile, the weaknesses of the positive publication system include that the actual landowner may lose their rights because the land has been certified in the name of another party, which cannot be changed, requires high costs, and the authority of the court is placed within the administration's authority. On the other hand, the advantages of the negative publication system include that the actual rights holder will be protected from other parties who are not the true owner, there is an investigation into the history of the land before issuing the certificate, and there is no time limit for the actual landowner to claim their rights which have been registered by another party.

The weaknesses of the negative publication system include the lack of certainty regarding the validity of certificates because they can be sued or canceled at any time, the passive role of land registration officials who do not support the accuracy or correctness of data, and the working mechanisms of land registration officials that are less transparent (not understood by the public). According to Mrs. Arie S. Hutaigailung, in practice, these two systems have never been implemented in a pure manner. The positive system places a heavy burden on the state as a registrar. If there is an error in registration, the state must bear the risk of that error, for which the state must compensate. In the end, the state charges expensive fees for registration so that there is a special fund to deal with claims for losses if errors occur in land registration.

On this basis, it is natural that a positive publication system develops in developed countries (such as England, Australia) and smaller countries (such as Malaysia, Singapore) where it is possible to guarantee the correctness of data due to good land administration and the economic level of the people. This can be compared with the condition of Indonesia as a very large archipelagic country and the community's economic level is relatively low.

3. Land Registration Publication System in Indonesia in Relation to the Principles of Legal Certainty and Legal Protection as the Goal of Land Registration

The emergence of land cases, often covered by various mass media, is largely an accumulation of cases that have been ongoing for a long time and have not been resolved. Land cases that have attracted public attention, such as land cases in Mesuji Regency, Lampung, Sungai Sodong Village, South Sumatra, Sinamai Grainny Kampair, and other major cases, in addition to cases of disputes between individuals, always color people's lives. Various parties believe that many conflicts and agrarian disputes are rooted in the negative registration land system policy, which does not provide legal certainty for rights holders, thus hindering the implementation of national development.

However, in this case, it is necessary to discuss the philosophy of the negative publication system, taking into account the realities of life in Indonesia, to determine whether the negative publication system adopted truly has negative implications or is actually relevant to people's lives. Regarding the confirmation of the land registration publication system adopted in land policy in Indonesia, it can be seen from several court decisions as follows:

1. Supreme Court Decision dated 18 September 1975 No. 459 K/Sip/1975 determines: "Bearing in mind the negative registration regarding land registers/registrations that apply in Indonesia, then registering a person's name in the land register does not mean absolute ownership of the land if its invalidity can be proven by another party."
2. Supreme Court Decision on July 2, 1974 No. 480K/Sip/1973 determines: "The transfer of land rights according to Article 26 UUPA jo. PP No. 10 of 1961 must be made in the presence of a Land Deed Making Official and cannot be executed by someone under their own hand as is now the case which must be taken by the plaintiff. If the defendant does not want to fulfill the agreement voluntarily, the plaintiff can request that the two private deeds be declared valid and valuable by the court, and request that the defendant be sentenced to appear together with the plaintiff before a Land Deed Making Official to make a land deed regarding these two parcels."

According to Boedi Harsono, the land registration publication system that applies in Indonesia is a negative system that contains positive elements because it will produce letters of proof of rights that act as strong evidence, as stated in Article 19 paragraph (2) letter c, Article 23 paragraph (2), Article 32 paragraph (2), and Article 38 paragraph (2) of UUPA. It is not a purely negative publication system. A purely negative publication system would not use a rights registration system. There would also be no statement, as in the UUPA articles, that the certificate is strong evidence. Therefore, according to Boedi Harsono, the system that applies in Indonesia is a negative system that contains positive elements (so it is not a purely negative system).

In line with Boedi Harsono, Mariam Badruzaman said that the land registration publication system adopted by UUPA is a mixed system between a negative system and a positive system. The negative aspect is manifested in legal protection for the true owner of land rights through the principle of *nemo plus juris*, while the positive aspect can be seen from the government's authority and intervention in the registration of land rights, where the PPAIT (Land Deed Maker Official) and the land registration section emphasize the truth of data on every transfer of land rights. The principle of *nemo plus juris* in the negative publication system means that no one can transfer greater rights than they have. The aim is to protect the actual holder of land rights from the actions of other people who transfer these rights without the true rights holder's knowledge.

The main characteristic of a negative system is that land registration does not guarantee that the registered names are absolutely indisputable if it turns out that the registered names are not the real owners. Another main characteristic of officials behind the name is that they play a passive role, meaning that the concerned official is not obliged to investigate the truth of the documents given to him. Thus, through negative registration, it gives an opportunity to people or parties who feel their rights are truer/stronger than those contained in a certificate to claim this by submitting it to the local District Court with the adage that anyone who feels entitled must submit evidence. If this is convincing, then the district court judge declares that the certificate is void and states that the person who filed the case is more entitled and convincing.

On that basis, according to AIP. Protection of PP Number 24 of 1997 adheres to a registration or negative publication system that is limited to 5 years. After the land rights are registered, the Government issues a land certificate as proof of ownership of the land from the party applying. This land certificate acts as strong proof of ownership of land rights. However, "strong" does not mean that the certificate is "absolute." As a legal consequence of registering land rights, everything stated in the certificate can be considered correct as long as no one else can prove the contrary. The certificate is only strong proof and is not an absolute or perfect proof according to the provisions of UUPA and Government Regulation Number 10 of 1961 concerning Land Registration or Government Regulation Number 24 of 1997 concerning Amendments to PP Number 10 of 1961.

This means that the information contained therein has legal force and must be accepted by the judge as true information as long as there is no evidence to prove otherwise. Thus, the court will decide which evidence is correct, and if it turns out that the data from the land registration is incorrect, changes and corrections will be made to the court's decision. Cancellation of a certificate by a PTUN judge can be justified as long as the cancellation is based on strong evidence regarding defects in the legal basis for issuing the certificate, both formal and material. As previously mentioned, Indonesia's adoption of a negative (although not pure) publication system has left various groups dissatisfied because it is seen as not providing legal certainty for the

parties whose names are listed on the certificate.

There are those who advocate that the negative publication system should be improved into a positive publication system. In response to demands for improvements to the land registration system in force in Indonesia, the Government has actually implemented a tendency towards a positive publication system within the scope of regulating data collection procedures to the presentation of the necessary physical and legal data, as well as their maintenance and issuance of title certificates. Even though the publication system is negative, the activities concerned are carried out carefully so that the data presented can be justified as fair as possible. Apart from that, Government Regulation Number 24 of 1997 concerning Land Registration seeks to overcome the weaknesses of the negative publication system for land registration by strengthening the "rechtsverwerking" institution known in customary law through jurisprudence in Article 32 of the Government Regulation.

Proving land rights in Indonesia is very complex because there are no traditions or regulations that state the necessity of registering land. Many land rights do not have written evidence or are only based on certain circumstances that are recognized as someone's rights based on customary rights and are recognized by the land border owner. With the statement in Article 32 paragraph (2) PP No. 24 of 1997, the certificate is a strong means of proof and the purpose of land registration is to ensure legal certainty in the land sector so that its practical meaning is visible and felt, even though the publication system used is a negative publication system. These provisions do not reduce the principle of equal protection, both to parties who own land which is controlled and used properly and to parties who acquire and control it in good faith and are confirmed by the registration of the land in question.

This negative principle, even though it is only limited to 5 years, is the best in land registration. This means that, based on the provisions of Article 32 Paragraph (2) of the Government Regulation above, basically the negative publication system in Indonesia is only valid for 5 years. After the certificate has been issued for 5 years by an authorized official and in good faith, the certificate holder obtains and actually controls the land, and the publication system becomes positive. If the provisions of Article 32 paragraph (2) PP Number 24 of 1997 concerning Land Registration are seen from the concept of individual rights according to customary law in relation to customary rights, then in the traditional values that apply in society, the number 5 years is also always a measure of authority. An individual on land. In customary land law, if a person who previously controlled a plot of land and after 5 years no longer controls the land, in the sense of not actually occupying and maintaining the land, then his individual rights can be weakened or even abolished so that the land then returns to the status of customary rights (returns to communal rights/communal rights of customary law communities), meaning that other members of the community can control and then own the land individually as well.

Such provisions, according to customary law, are based on the reasoning and fact that land that has not been controlled and occupied for 5 years will certainly experience very significant physical changes, becoming bushes or even jungle again. Things like this are contrary to the concept of land control as a property right according to customary law which requires landowners to look after and maintain and actually cultivate their land. Thus, individual property rights according to customary law do not only mean a person's authority over a piece of land, but it also contains an obligation to maintain and cultivate the land so that if the obligation to maintain and cultivate the land is not carried out, this could result in the weakening or even loss of individual property rights on that land. As is known, Indonesian agrarian law is materially based on customary law. The adoption of customary legal values that exist in Indonesian society in relation to the land registration publication system is not unreasonable. This is because ideal law is law that originates from and is in accordance with the soul of the nation. Fairidai Faitittingi said that law must be seen as an incarnation of the soul of a nation. UUPA, as a national agrarian law, explicitly makes customary law the material basis as stated in Article 5 of the law.

Returning to the 5-year limit as regulated by Article 32 (2) PP Number 24 of 1997, is it possible for a person who occupies his land and guards and maintains his land to be completely unaware that his land has been controlled and occupied by another party and even registers it to obtain a certificate? If a true owner exercises his rights correctly, namely occupying, controlling, and cultivating his land in real terms, then land certification by another party will certainly not occur without the true owner's knowledge within the 5-year period. This is related to the provisions of Article 32 PP Number 24 of 1997 which requires a period of 5 years before a claim for the implementation of rights can be filed by the party who feels ownership, as long as the certificate issued

is valid, and the land was acquired in good faith by the certificate holder and the land is legally controlled in real terms by the holder and the land is actually controlled by the holder of the certificate.

The negative land publication system is still the most relevant publication system to the situation and conditions of Indonesian society. Apart from that, based on the prevailing local wisdom values, this system is relevant as a means of educating the community to care for the land that is the object of their rights and then registering these rights. It has been proven that even though there have been efforts to move towards a positive land registration publication system in Indonesia, in fact after conducting studies and research it was concluded that efforts to change the publication system in a positive direction cannot yet be carried out because the legal and regulatory system does not yet meet the requirements and the state of land registration administration in Indonesia is not yet perfect.

4. Land Registration Problems for the First Time

According to research results, the number of land plots that have been certified has not increased to date. This can be seen since PP No. 10 of 1961, as the first implementing regulation of Article 19 Paragraph (1) of the UUPA for the implementation of land registration, which has been replaced until now with the legal basis of PP No. 24 of 1997, explains that in land registration, there are still many plots of land that have not been registered. Thus, it shows that the increasing number of land plots in Indonesia that have not been certified or registered with the National Land Agency will give rise to various land problems or disputes in the future. The problem is that many people think that tax certificates such as *petuk* land tax, *girik*, *ketitir*, and *ipeida* are proof of land rights, but according to the provisions, these tax certificates do not include proof of land rights or land certificates.

A tax certificate is proof of tax payment, which indicates that the party whose name is recorded on the tax letter is the person who paid the tax payment. However, in reality, the tax certificate can be used as proof of land rights but must also include other documentary evidence, such as information from the village head confirmed by the sub-district head and announcements to the wider public. Some of the problems with systematic land registration activities being carried out for the first time include if the person who has the rights to the land is elderly, causing them to feel reluctant to certify their land because they feel worried and anxious and experience difficulties when distributing inheritance to their children. The community is unable to pay the BPHTB (Land and Building Rights Acquisition Fee) after the land registration procedures have been carried out systematically by the National Land Agency.

These factors result in people being reluctant to register their land. The Government or National Land Agency should be more active in carrying out a series of land registration activities for the welfare and prosperity of the Indonesian people. Legal awareness is the most important factor in assessing the level of effectiveness of the law in society. There are 4 indicators of legal awareness as explained in the definition of legal awareness according to Soerjono Soekanto, namely:

1. **Knowledge of Legal Regulations (legal awareness)** describes a person's knowledge of actions regulated by law, whether written law or unwritten law. PP No. 24 of 1997 explains information, explanations, and benefits of land registration. However, the fact is that up to now, there is still a lot of land that has not been certified.
2. **Knowledge of the Contents of Statutory Regulations (law acquaintance)** is a number of explanations available to parties regarding the rules in certain laws, which refer to knowledge of the contents and objectives of certain legal rules, in addition to the benefits for other parties whose activities are regulated by these rules. The public does not know that PP No. 24 of 1997 includes land regulations that have not been recorded by the National Land Agency with the aim of obtaining legal certainty and legal protection, carrying out an explanatory function for people dealing with them, including the government, so that they can obtain certainty of data regarding registered land plots and flat units, ensuring orderly administration.
3. **Attitude Towards Legal Regulations (legal attitude)** is the desire to agree on the law because

appreciation of the law is a material benefit if the rules are obeyed. The community does not yet have a law where if you register land that has not been certified, you will be given a land title certificate. These land rights include Ownership Rights, Building Use Rights, Business Use Rights, and Ownership Rights over Flat Units. This certificate will provide legal certainty and legal protection.

4. **Legal behavior patterns** are the main thing in legal awareness. Perhaps far from society's legal awareness, this can be seen from society's legal behavior patterns. Land registration is sporadic, and land registration is currently still not recorded, so society's legal action model cannot be classified into legal awareness.

Human awareness of the law can be obtained from these indicators. Each indicator has a level that allows each person to experience increased legal awareness depending on various characteristics. This is also related to the learning process and legal experience that they have encountered. The legal awareness indicator is an initial measuring tool to determine the extent of an individual's legal awareness regarding the implementation of legal rules. Therefore, the Government or National Land Agency must register first so that the percentage of certified land increases. The solution to solve the problem that can be implemented is through improving procedures in carrying out land registration, where improvements start from:

1. Plain land registration that is inexpensive, fast, and easy
2. Carrying out registration in areas that really need it
3. The Government prepares satisfactory employees and equipment and provides land registration for the community
4. There is good confidence in handling parties at the National Land Agency who are trying to investigate land certification services, considering that recent complaints about land problems involving the land mafia and parties from National Land Agency agencies have not been resolved
5. Improving procedures for serving land certification correctly
6. Socialization carried out by the government, namely the National Land Agency or in collaboration with NGOs, regarding multi-level methods for the community, especially rural communities who are still unaware of land registration procedures.

CONCLUSION

One of the objectives of the UUPA is to lay down the principle of legal certainty by carrying out land registration. Indonesia, as a large country consisting of thousands of islands with diverse living laws from ancestral times, does not adhere to a positive publication system in land registration policies. However, on the other hand, the negative publication system adopted is not a purely negative publication system, so the principle of legal certainty remains the ultimate goal. With a negative publication system for 5 years, it is actually an effort to provide legal protection to true rights holders. This means that the negative publication system is a system that guarantees legal protection and legal certainty for the actual land rights holders. If the public and observers can interpret this from a positive side, namely to encourage public awareness to actually occupy land, maintain it, and follow up by registering their rights, then legal certainty will be realized and legal protection will be obtained for true rights holders and those with good intentions. Philosophically, this system is very much in accordance with the legal values that exist in society, where land must be acquired in good faith, occupied in real terms, and maintained. These provisions are further refined by national land law, namely by registering rights to obtain legal certainty and protection. It would be better if the party who feels entitled to the land actually controls the land in real terms, maintains and registers their rights, so that legal protection and certainty is obtained even if only with a negative system.

REFERENCES

Book:

1. Boedi Harsono, Indonesian Agrarian Law (History, Formation, Basic Agrarian Laws, Content and Implementation), Djajngkait, Jakarta: 2008.

2. Elza Syarief, Certification of Land Ex-Independence Rights, Gramedia Popular Literature, Jakarta: 2014.
3. JB Dailiyo, et al. Agrarian Law I, PT Preinhalindo Jakarta, Jakarta: 2001.
4. Mrs. Airi S. Hutaigailung, Spread of Thoughts Regarding Land Law Issues, Indonesian Legal Empowerment Institute, Jakarta: 2005.
5. Salim HS, Decision Making Techniques for Land Decision Making Officers, PT Raijai Graifindo Persada, Jakarta: 2016.
6. Supriadi, Agrarian Law, Sinari Graphics, Jakarta: 2006.
7. Soejono and Abdurrahman, Land Registration Procedures (Concerning Ownership Rights, Leasehold Rights, and Building Use Rights), Rineika Cipta, Jakarta: 2003.
8. Urip Santoso, Agrarian Law Comprehensive Study, Keincaina Preinaida Media Group, Jakarta: 2012.
9. White Paper, National Land Management Policy, Ministry of National Development Planning/Bappenas, 2013.

Journal:

1. Alimuddin, NH (2021). Implementation of electronic certificates as a guarantee of legal certainty of ownership of land rights in Indonesia. SAISI, 27(3), 335-345.
2. Apriani, D. (2017). Certificates are a strong means of proof in connection with the land registration publication system. UIR Law Review, 1(2), 127-136.
3. Anjany, DT, Silviana, AI., & Triyono, T. (2019). The importance of land registration to ensure legal certainty (Study in Meitesih sub-district, Teimbailaing sub-district, Semarang City). Diponegoro Law Journal, 8(1), 173-183.
4. Esdarwati, S. (2021). The importance of legal certainty in complete systematic land registration (PTSL) for the community. JPaiHI: Journal of Indonesian Legal Research, 2(01), 41-50.
5. Farurrahman, AI (2020). Community legal awareness in land registration. Mandala Education Scientific Journal, 6(2), 221-229.
6. Muljono, BEI (2016). The first land registration was sporadic through recognition of rights. Independent Journal, 4(1), 20-27.
7. Ramadhani, R. (2021). Land registration is a step to obtain legal certainty regarding land rights. SOSEIK: Social and Economic Journal, 2(1), 31-40.
8. Sibuea, HYP (2016). The importance of registering land for the first time. The Rule of Law: Building Law for Justice and Prosperity, 2(2), 287-306.