

Society Legal Awareness In The Implementation Of Land Administration In Tanjung Bunga Village

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Abstract

This research is motivated by the lack legal awareness of the society in the administration of land administration in Tanjung Bunga Village. This study aims to analyze the mechanism, the causes of the lack legal awareness, and how to increase the legal awareness of the society in certifying land. This research is qualitative descriptive research with a case study method. In determining the informant, the researcher used purposive sampling technique obtained through observation, interviews and documentation. The results showed that there were 3 mechanisms used to certify land, namely land registration procedures, time for obtaining certificates, and costs for obtaining land certificates. The factors causing the lack public awareness of land certification are based on 3 (three) factors, namely, society confidence, less than optimal socialization methods, and less time available from the society. The efforts carried out were coordinating with the land office for socialization to the village society, utilizing the free land certificate program from the government, and visiting each resident's house by Tanjung Bunga Village officials. This study concludes that the mechanism for administering land administration in Tanjung Bunga Village is carried out in accordance with the provisions set by the land office, namely completing and follacking the requirements that have been set. In addition, related to the lack legal awareness of the society, in the future it is necessary to carry out intense cooperation from village officials and the government for the implementation of land administration for all society.

Keywords: Legal Awareness, Society, Land Administration

Abstrak

Penelitian ini dilatarbelakangi dengan kurangnya kesadaran hukum masyarakat dalam penyelenggaraan administrasi pertanahan di Desa Tanjung Bunga. Adapun



penelitian ini bertujuan untuk menganalisis mekanisme, penyebab kurangnya kesadaran hukum, dan bagaimana upaya peningkatan kesadaran hukum masyarakat dalam pensertifikatan tanah. Penelitian ini merupakan penelitian deskriptif kualitatif dengan metode studi kasus. Dalam menentukan informan peneliti menggunakan teknik purposive sampling yang diperoleh melalui observasi, wawancara dan dokumentasi. Hasil penelitian menunjukkan bahwa terdapat 3 mekanisme yang digunakan untuk mensertifikatkan tanah, yaitu prosedur pendaftaran tanah, waktu pengurusan sertifikat, dan biaya pengurusan sertifikat tanah. Adapun penyebab kurangnya kesadaran masyarakat terhadap pensertifikatan tanah berdasarkan 3 (tiga) faktor yaitu, keyakinan masyarakat, cara sosialisasi yang kurang maksimal, dan ketersediaan waktu yang kurang dari masyarakat. Adapun upaya yang dilaksanakan ialah melakukan koordinasi dengan pihak kantor pertanahan untuk sosialisasi kepada masyarakat Desa, pemanfaatan program sertifikat tanah gratis dari pemerintah, dan mendatangi rumah masing-masing warga oleh petugas Desa Tanjung Bunga. Penelitian ini menyimpulkan bahwa mekanisme penyelenggaraan administrasi pertanahan di Desa Tanjung Bunga dilaksanakan sesuai dengan ketentuan yang telah ditetapkan oleh kantor pertanahan yaitu melengkapi dan mengikuti persyaratan-persyaratan yang telah ditetapkan. Selain itu, terkait dengan faktor kurangnya kesadaran hukum masyarakat, untuk kedepannya perlu dilakukan kerjasama yang intens dari aparat desa dan pemerintah untuk terselenggaranya administrasi pertanahan bagi semua masyarakat.

Kata Kunci: Kesadaran Hukum, Masyarakat, Administrasi Pertanahan

INTRODUCTION

Land has a very important meaning for the life of the society and the state, in addition to being used as a place of settlement as well as a source of livelihood for the society 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 (Lubis, 2021). With this pivotal meaning, Indonesia is a country with a very high number of boundary dispute. By this crucial findings, Indonesia is a country whom the amount of territorial disputes are extremely excessive. Affairs and Spatial Planning/National Land Agency (ATR/BPN) that the number of land disputes and conflicts that occurred in Indonesia from 2015 to 2020 amounted to 9,500 land cases, which were recorded by the Director General of Dispute and Conflict Handling Land Affairs.

From the results of research related to land conflicts, there are four causes of land conflicts according to Arsadi (in Susi, 2019); first, ownership of land certificates, and second, verbal agreement related to land boundaries. Third,

violation of customary law regarding the prohibition of selling customary land, and fourth, discrimination in compensation for land acquisition. Related to this, to reduce the occurrence of various land conflicts in the society, the ownership of land certificates is very urgent for the society.

Various research results that discuss land certification include (Mardiana et al., 2016), which state that land certificates are the strongest evidence in guaranteeing legal certainty. This is also stated by (Yamin & Zaidar, 2018) that land certificates have an impact on reducing land conflicts. In addition, (Suherman & Imran, 2020) states that land certificates are a tool to improve the society's economy. The same thing was also stated by (Ramadhani, 2021) that the legality of land ownership is an additional business capital for the society. This is emphasized by (Trifina, et al, 2019) that one of the contributors to being able to guarantee land rights is in the form of land registration which is facilitated by the state.

Related to land certification, the society must be willing to take care of it. However, based on the results of research conducted (Yoseph et al., 2021) that the society still has lack legal awareness, it is caused by several factors including the majority of people who work as farmers and the location of the house with the land office is far away. The same thing was also stated by (Hehanusa, 2019) that time constraints, the lack economy of the society, and the complicated process of certain agencies. Likewise (Abdullah, 2020) looks more at a lack level of education. In addition, (Hasibuan, 2014) stated that there were no legal socialization activities carried out by the local government. This is emphasized (Rosana, 2014) that the lack of synergy between legislation, law enforcement officers, and the legal culture of the society, is the cause of the lack legal awareness of the society.

From the various research results regarding the lack level of legal awareness above, serious efforts are needed to deal with it. Based on the results of research (Prakoso, 2015) that the village head is an important actor in urging the society to register land. The same thing was also stated by (Sejati & Ma'ruf, 2020) that the village head must be able to take advantage of the counseling situation, either through village meetings or society service. Likewise (Budiman, 2020) that the village government seeks to facilitate residents in obtaining land certificates from the BPN office. In addition (Hanafi et al., 2020) that village officials become assistants for the society to register land. This is emphasized (Ernis, 2018) that all stakeholders must work together in designing activities that are direct outreach to the society.

One or other the countryside where the people who live in still lack consciousness in the field of law authenticate their land none other than Tanjung Bunga, one of the villages in Sungai Penuh. Sundry of implications caused by the

low awareness of law around the society in validating the land in Tanjung Bunga. First is the contravention between the land owner which none of them has a certificate to define their plantation land, they interclaim the limit of their land using the vase cemented for being a benchmark and also the bamboo by each other. This is a dangerous matter that occurred by the community which has no effort to certify their land. Second, in the case of dispute usurpation the limit of land for one house to the side one, purposely or not between the owner who owns a certificate to the owner who does not has authentication. Intentionally usurpation conducted intends to widen the measure of ground unnoticed by the other one. While the unpurposely usurpation occurred due to the nescience actually of the ground dimension.

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 legal certainty guarantees 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.

DISCUSSION

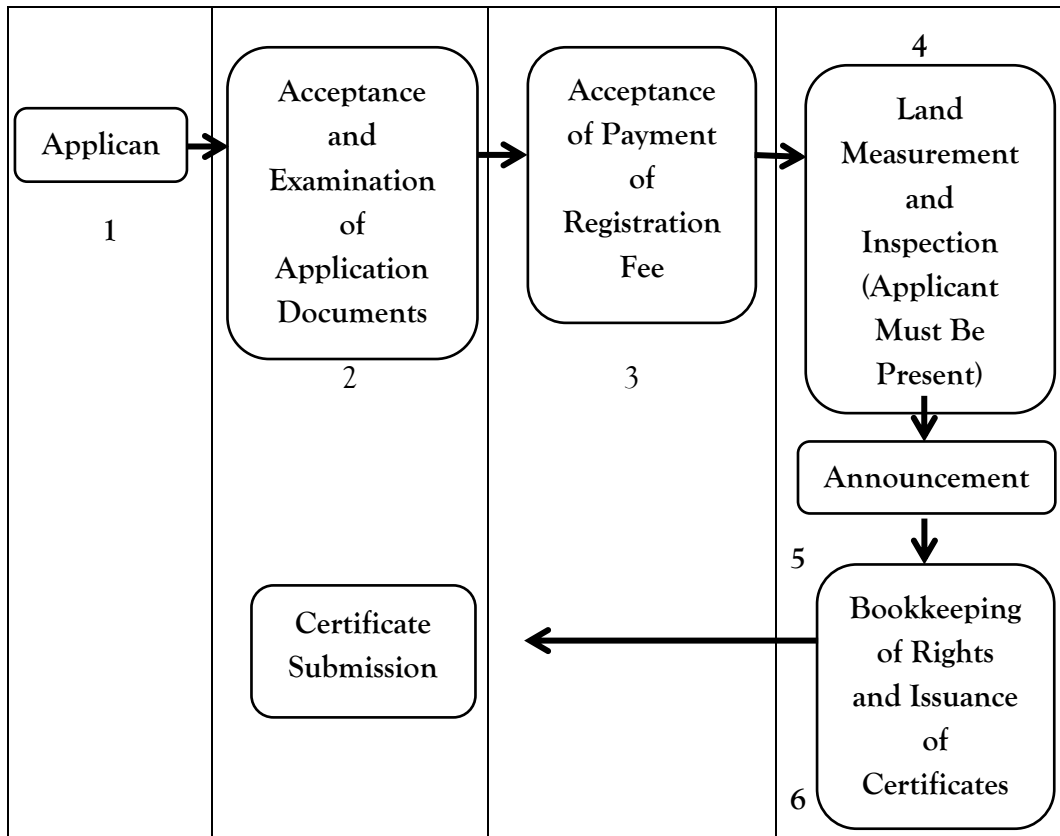
Mechanism of Land Registration and Certification Based on PP RI No. 24 of 1997

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 society to certify land. The follacking is the procedure applied in Sungai Penuh City, as shown in the follacking table:

Tabel 1
Land Registration Procedure Sungai Penuh City

Applicant	Service Counter	Payment Counter	Service Process
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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, 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.

The ensuing is the documentation in the form of service action for the land enrollment procedure for inquisition and validation of the comprehensiveness document submitted by the applicant with the requirements document which has to be prepared by the applicant to the office of defence in Sungai Penuh.

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:

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

Note: My valid HSB = IDR 80,000

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

Description: HSBK_{pa} applicable = IDR 67,000

So the total amount of TU + TPA + First time registration fee
Rp.116,000 + Rp.363,400 + Rp.50,000 = Rp.529,400

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

Time for Land Certificate Management and Issuance

The rules governing the time required from the beginning of registration until the issuance of a land certificate 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 in the processing of land certificates the process 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 who said that:

" 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."

The process takes a long time island 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 landowner around the applicant, namely by coming during the measurement process. This means that all bordering parties must agree with the land bordering.

Causes of the Lack Legal Awareness of the Society in Certifying Land *Society Confidence Factor*

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

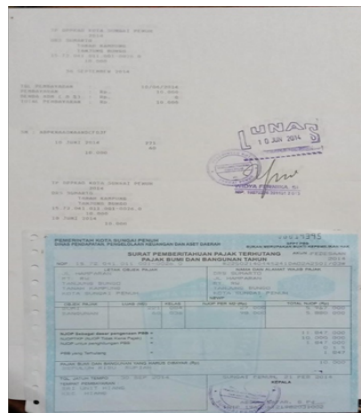
" I only know that the land registration is for me to be given a land certificate. I don't think there is any need to register the land anymore, the boundaries of the land in my house are also clear, there is a fence made of bamboo, and it's impossible to move the fence next to my house."(8 Society members)

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

" Regarding land registration, neighborhood association once came to my house, gave me a blank paper to fill in and neighborhood association 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 society 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 society considers strong evidence of land ownership:

Figure 2: Land boundary markers along with SPPT-PBB



Less than Maximum Socialization from the Village Government

In attracting the interest of the society to want to certify land, there is an important role for the village government in urging and inviting the society 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 society, the society can't be moved by their hearts to want to certify their land. The following is the researcher's interview with the society:

" As far as I know about the land, no village officials have directly disseminated the information to the society. 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 society through the mosque's mouthpiece, we take advantage of the opportunity after Friday prayers, then we inform the society. 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 society, so it does not cause a response from the society, the village government should think creatively and innovatively in using something, to be able to invite the society to register their land.

Lack Availability Time

The unavailability of time for the society to take care of the certificate is unavoidable, considering the society'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:

" 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 Society)

In addition to the society, 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 society to move toward the successful implementation of land administration.

Efforts to Increase Society Legal Awareness in Land Certification

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 society 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 society in providing counseling to the society 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 society, 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 by the predetermined village targets, the Sungai Penuh City Land Office will visit the village for counseling.

Visiting People's Homes By Village Officials

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 society. 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 neighborhood association heads to be responsible for their respective neighborhood association by visiting people's homes to provide and explain the land registration form."

The village government through the neighborhood association went to residents' houses to provide blanks to the society 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.

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 National Agrarian Operations Project, but now it has been replaced with a more systematic name PTSL. But basically, it is to provide assistance and relief to the whole society 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 society, 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 society can be carried out. For this reason, the society 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, Elwood (2006) explains that 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. 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, if it is related to what was conveyed by Chomzah (2004) that compliance with procedures in land certificate services in Sungai Penuh City is a procedure in resolving land rights ownership and improving order and smoothness of the implementation of land administration. To prevent the occurrence of irregularities that are not following the rules and legislation.

For the implementation of land administration, high awareness of the society is needed. Looking at the characteristics of legal awareness, according to Salman (2008) that the society'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 society is related to no need to certify anymore. the 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. This is based on the results of research (Abdullah, 2020) that the lack of knowledge and understanding of the law is strongly influenced by the lack 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 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 society assumes that in the end, it will also cost money. (Hasibuan, 2014) also stated that the society's belief factor was strongly influenced by the existence of legal uncertainty, feeling that the land certificates made was not strong in the legal force and were the same as having certificates with those without land certificates. In addition, the results of the study (Hehanusa, 2019) also said that there was a convoluted process from the government that resulted in the society becoming convinced that it was enough as usual and no longer needed to certify land.

The village government also cannot remain silent, must make a mature plan by continuing to communicate and communicate with the sub-district and city governments, in providing socialization regarding land certification for village society. Collaborating with sub-district and city officials is a must for village

governments to increase society legal awareness in certifying their land. Hasan (2005) said that 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.

Therefore, according to (Sudjatmiko, 2020) that the village government must be able to communicate well with the sub-district and city governments so that they are willing to provide socialization assistance to villages, in this case, the village of Tanjung Bunga. (Koapaha, 2018) states that 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 city and city governments.

In addition, (Ernis, 2018) in the results of his research said that in creating a good relationship with the city government, communicative communication is necessary, 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 society to certify their land.

CONCLUSION

Due to the importance of a land certificate, accordingly the administration management of defence has to be done thoroughly for the society to obtain the high legality on the plot of ground, with the result that may reduce either the conflict or usurpation of the estate. Moreover, with the authentication certificate, the purpose is to make the land an asset for use as a resource for a startup in economics by the people. Therefore the community be able to clear and increase the standard and save their life.

In the interest of successful enforcement of the defence administration especially in Tanjung Bunga, will defy either the government of the village or the city in attracting people's interest to verify their land. It needs a sense by the society of purpose that administration management of defence has a great result. However, the cause of lacking awareness among people in validating their estate is affected by people's beliefs that satisfied just knowing the limits of the line through the natural benchmark such as bamboo or vase and also the letter they called SPPT-PBB. As a consequence, counselling and socialization are needed by the government in the city to change people's perception who think that getting the certificate of their land is a difficult thing, spend much time and pay much money.

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