

## Land Declaration Letter As Proof Of Ownership Of Land Rights (Case Study In Palangka Raya City)

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### Abstract.

*Land declaration (SPT) is the basic proof of ownership of a plot of land controlled by a person or legal entity. This right is generally used as a condition in the application process for the issuance of certificates of property rights by the National Land Agency. There are still many people who think that the Declaration of land owned is proof of ownership of land rights. It appears in many land cases in the judicial process. There are usually disputes between certificates and certificates, certificates and land certificates, or double certificates. However, the case that I take in this journal is taken from the decision of Case Number 160/Pdt.G/2020/PN Plk, which the judge declared valid and had legal force to bind the land declaration letter in the name of Mr. Basuki. Number: 140.594/300/KL-MTG/PEM Declaration of Land won from the Certificate of Title.. This study uses normative research methods that are accompanied by primary legal materials and secondary legal materials. To answer legal issues by describing, reviewing, reviewing, and explaining precisely and analyzing the applicable laws and regulations as well as from various legal expert opinions, in order to get answers to the problems raised.*

**Keywords:** *Land declaration, proof of ownership of land rights and land in the city of Palangka Raya.*

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### I. INTRODUCTION

The land is a blessing and mercy of God to the whole community. So the management of the land is needed as well as possible so that its use can provide prosperity for the people of Indonesia, in accordance with the mandate of Article 33 paragraph (3) of the 1945 Constitution. Daily human activities can not be separated from the functions and benefits of land that can occur today (Heru, 2001). To realize the mandate of the Constitution of 1945, the issuance of Law No. 5 of 1960 on the Basic Rules of Agrarian principles. In Article 16 of Law No. 5 of 1960, ownership of land is realized by the following Rights: 1) property rights, 2) building Rights, 3) Business Use Rights, 4) Use Rights, 5) lease rights, 6) land clearing rights, 7) Forest Product Collection rights, and 8) other rights that are not included in these rights. People who own land must know that the land they own has a social function as stated in Article 6 of the agrarian Basic Law (UUPA) number 5 of 1960. The land should not be abandoned, meaning that the land must be worked effectively so as not to cause problems. But land disputes still occur in many people's lives, because in essence everyone does not want something that he had it fell into the hands of others let alone the object has become the property of someone (Sutedi, 2007). To be able to keep the land, you have to register the land. Because the registration of property rights on land is an absolute thing to do. If a person who has registered his land (who then has a certificate of ownership) but there are still those who interfere with the land, then what can be done is that the party who feels aggrieved can resolve the problem by deliberation. Furthermore, if in the case of deliberation does not find a bright spot, then the problem or dispute can be brought to court so that it can be processed fairly and can provide legal certainty to both parties.

In addition, in order to support the effectiveness of Law No. 5 of 1960, the government reissued Government Regulation No. 24 of 1997 on Land Registration. This is because there are still many Indonesian people, especially in rural areas far from land offices who still do not have land certificates. Not having a land certificate does not mean that the community does not have proof of legitimate land ownership. Rather, the community in general is far from the land office, in this case the community chooses

to prove the land using a land declaration letter (SPT) issued by the village head/Lurah. Land certificate issued by the head of the village/local headman. This is based on Government Regulation No. 24 of 1997 on Land Registration, Article 7, Article 8 and Article 39. PP No. 37 of 1998 on PPAT position, Article 5 Paragraph (3) Letter A states that: “the village head as the lowest village apparatus has very strategic tasks in assisting the head of the Land Office in carrying out land registration in accordance with the provisions of applicable laws and regulations”. The land declaration letter includes the basis of Rights which are generally used as requirements in the application process for the issuance of land certificates by the National Land Agency (BPN). The land Declaration is not regulated in detail in Indonesian law. Land declaration letter (SPT) which can be said to be a proof of ownership of land whose level is below the certificate is still widely issued by the village in the management of ownership of a land in the city of Palangka Raya, in terms of proving land ownership SPT is sufficient to provide the basis for ownership of a land.

However, when juxtaposed with a Certificate of course the land declaration must really be checked for truth. The rise of land dispute cases in Palangka Raya City, which was recorded in 2022 alone there have been 65 dispute cases at the National Land Agency of Palangka Raya City (Riza, 2023). Cases of these disputes vary, but the case is resolved in the Office of the National Defense Agency Palangka Raya only dispute about the certificate (only accept cases produk dari BPN only). In addition, the dispute resolved through the District Court is also quite a lot, usually there is a dispute between the land Declaration and the certificate, which then the case was won by the certificate. On the contrary there is also a case between the land Declaration and the certificate but won by the land declaration. Or the case of land Declaration and land declaration. Basically, in deciding this matter, sufficient consideration is needed by the judge to see which data is more able to provide evidence of truth. Then the parties to the dispute must be able to explain how the origin of the land and must also prove the papers are valid and trustworthy. From these explanations, this study would like to focus on proving the land declaration granted by the panel of judges to be valid and have the legal force to bind the land declaration in dispute case number 160/Pdt.G / 2020 / PN Plk in the city of Palangka Raya, where the case is the land Sengeketa between the land declaration issued in 2010 and Certificate Of Ownership No.15089 issued in 2017, and won by Mr. B, the owner of the land deed. Because in many cases the dispute that occurs is generally won by the owner who has a Certificate of property the type of rights.

## **II. METHODS**

research used in preparing this article is normative research. Where the approach taken is based on primary raw materials which examine theoretical matters relating to legal principles, legal conceptions, legal views and doctrines, regulations and legal systems using secondary data and then reviewing laws and court decisions (Soekanto, 2006). Or use normative case studies in the form of legal behavioral products, for example reviewing laws and court decisions. The research materials used are primary legal materials and secondary legal materials. Primary legal materials are laws, government regulations, regulations Minister, and Court Decisions. Secondary Legal Materials consist of books, journals, scientific papers and interviews at the National Defense Agency Office in the city of Palangka Raya in the Dispute Control and Handling section (Fajar & Achmad, 2010). The data collection technique in this research was carried out using a literature study of legal materials, both primary legal materials and secondary legal materials. The data analysis technique uses descriptive qualitative, which means analyzing by explaining or providing a description of the research subject and object based on the results of the research that has been carried out and finally formulating a conclusion from the existing problem.

## **III. RESULT AND DISCUSSION**

### **A. Position Case**

The plaintiff Mr. Batarung, SE owns a plot of land located on Jalan RTA. Milono Km. 5.5 Gg. MD Awan, Menteng Village, Jekan Raya District, Palangka Raya City. In 2010, the Plaintiff was late in obtaining a Land Declaration Letter (SPT) in the name of Batarung, SE Number: 140.594/300/KL-MTG/PEM dated 17 March 2010. Then in 2011 Mr. Nael as the Defendant claimed the entire portion of the Plaintiff's land on the

basis of title Certificate of Ownership Rights No. 15089 an. Nael R. Dawit dated February 21 2017 located at RTA. Milono Km.6 Palangka Raya by just showing the letter. In 2015, mediation was carried out at the Palangka Raya City Land Office led by the Head of the Conflict and Case Disputes Section. Still not finding any clarity, finally the Plaintiff filed a lawsuit at the District Court in the hope that the land based on the Land Declaration Letter could be completely owned by the Plaintiff, so that it could be converted into a Certificate of Ownership and then have strong evidentiary power. And in the Lawsuit Decision Number 160/Pdt.G/2020/PN Plk the Panel of Judges granted the Plaintiff's lawsuit in part, declaring it valid and legally binding on the Land Statement Letter (SPT) in the name of Batarung, SE. Number: 140.594/300/KL-MTG/PEM dated 17 March 2010 located on Jalan RTA. Milono Km. 5.5 Gg. MD Awan, Menteng Village, Jekan Raya District, Palangka Raya City with length: 50 meters, width: 45 meters, area: 2,250 m<sup>2</sup>.

### **B. Strength of Land Statement as Proof of Ownership of Land Rights**

Letter is a very basic land ownership document before it becomes a land certificate issued by the Subdistrict office. A Land Declaration Letter can be used to process documents relating to land and is an important basis for the land registration process (Ownership Certificate at the National Land Agency). Without a land statement, the certificate cannot be applied for (Ali, 2023). A land statement letter is an instrument to explain ownership of land rights. As for the method that can be used to obtain a Land Declaration Letter, the party who owns the land makes an application to the Village office by filling in the data provided (form) and completing the file, then the Village officer checks the file (if it is complete then the registration will be processed, then The correctness is verified and signed by the Village Head. Then the signed file is photocopied by the applicant to be archived at the Village office, then the original file (Land Declaration Letter) is stamped and returned to the applicant. Evidence of land that has not been certified in relation to the registration of rights in PP 24/1997 concerning Land Registration, can use proof of ownership before the UUPA was issued as regulated in Article 24 paragraph (1) of PP 24/1997, which states "Rights to land that originating from the conversion of old rights, proven by means of evidence regarding the existence of these rights in the form of written evidence, information that has a degree of truth. In the event that the complete means of proof are not or are no longer available, proof of rights can be carried out based on the fact of physical control of the land plot in question for 20 (twenty) years or more consecutively by the registration applicant and his predecessors, provided that: said control is carried out in good faith and openly by the person concerned as the person entitled to the land, and is confirmed by the testimony of a trustworthy person;

"This control, both before and during the announcement, is not disputed by the customary law community or the village/sub-district concerned or any other party". Regarding ownership rights to land that has not been certified, it still gets legal protection if you acquire the land in good faith. Legal protection for holders of ownership rights to land that have not been certified in good faith as regulated in Article 32 and Article 27 PP 24/1997 concerning Land Registration, namely being able to submit complaints, objections and lawsuits through the courts to seek the truth regarding legal ownership of land rights. Importance proof of rights to the land, especially at the time of registration of the land and land mau transferred like buying and selling. In the case of land registration for the first time or process issuance of title certificates for land originating from customary lands such as Land Declaration Letters, whether carried out systematically or sporadically, then the implementation procedures carried out by means of Acknowledgment of rights or Affirmation of Rights, as regulated in the Regulations Minister of State for Agrarian Affairs, Head of the National Land Agency Number 3 of 1997 concerning Implementation of Government Regulation Number 24 of 1997 concerning Land Registration. Legal certainty to the Land Declaration Letter as the basis for proof of registration of the Land Rights certificate provide convenience for people who want to register a Land Declaration Letter to the Land Office (Atikah, 2022). Even though the Statement Letter Land is evidence of written rights under the hand which has the power of proof not as strong as a certificate, but a land certificate is physical evidence as proof land ownership history. Letter The Land Statement is a very important document. Land Declaration Letter serves as physical proof of control if errors are found or incomplete proof of control, which is a Statement Letter Land that confirms the history of land ownership.

Statement letter Soil is a tool written evidence showing information about land ownership, made at the request of or community application to the Subdistrict or Village Office where the land object is located is located and upon such request it is issued by the Subdistrict or Village as administrative requirements for the land registration process at the National Land Agency. Judging from the legal strength of the Statement Letter's evidence The evidence for this land is not as strong authentic deed, but because of the Statement Letter The land is a document that is categorized as a basis for rights or juridical data on land which is used as a condition for completing the requirements for a rights application on land as regulated in the provisions of land legislation, then a Statement Letter The land is a very important document in the process of issuing a title certificate above ground (Thalib, 2019). It is also stated that the basis for control or basis of rights to land according to UUPA is derivative, meaning it originates from statutory provisions and from previously existing rights, such as Customary Rights to land and rights originating from Western rights. So, normatively, proof of control or ownership of a plot of land is issued by the previous Government the old basis of control/base of rights was still recognized as the basis of control over land because it was issued by an authorized official and was in accordance with provisions of the laws and regulations in force at that time (Parlindungan, 2003).

### **C. Proof of Ownership of Land Rights According to UUPA**

In Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations, a certificate is proof of legal ownership of land rights. One of the objectives of land registration as stipulated in Article 3 of Government Regulation Number 24 of 1997, is to provide legal certainty and protection to holders of rights to a plot of land, apartment units and other registered rights so that they can easily prove themselves as the relevant right holder. To provide legal certainty and legal protection, the relevant right holder is given a land rights certificate (Lubis & Lubis, 2008). Article 19 Paragraph (2) letter c UUPA states that the end of land registration activities carried out by the Government is the provision of a certificate of proof of title, which acts as a strong means of proof. The UUPA does not mention the name of the registered certificate of land rights. The definition of a certificate according to Article 1 number 20 of Government Regulation Number 24 of 1997, is a letter of proof of rights as intended in Article 19 Paragraph (2) letter c UUPA for land rights, management rights, waqf land, ownership rights to apartment units and rights dependents, each of which has been recorded in the relevant land book. Certificates as a means of proof must provide legal certainty to land rights holders as in Government Regulation Number 24 of 1997 contains an explanation regarding the meaning of strong evidence.

The certificate is a sign of proof strong rights, in the sense that as long as physical data and data cannot be proven otherwise jurisdictional data contained therein must be accepted as correct and listed data in the relevant land book and measurement letter. Registration of a plot of land is carried out in order to obtain legal certainty for holders of land rights or other parties with an interest in land. By registering and obtaining a certificate, the holder of the rights to land has strong evidence of the land. UUPA regulates that the government carry out land registration throughout the territory of the Republic of Indonesia with the aim of to guarantee legal certainty of land rights (Santoso, 2010). Based on the provisions of Article 32 paragraph (2) PP Number 24 of 1997, the certificate is a strong means of proof and that the purpose of land registration is held in order to ensure legal certainty in the land sector its practical meaning becomes visible and felt, regardless of the publication system used is a negative publication system. These provisions do not reduce the principle of protection balance, both to the parties who own the land that is controlled and used as appropriate and to the party who obtains and controls it good faith and confirmed by the registration of the land in question (Harsono, 2008).

## **IV. CONCLUSION**

The position of a Land Declaration Letter in land law in Indonesia is a private deed which serves as a guide in the subsequent land registration process (Certificate of Ownership Rights). Although the UUPA only recognizes valid proof of land rights as a certificate, however if the Land Declaration Letter can be proven to physically prove the right to the land and its juridical data can also be recognized as legal proof of ownership. As in Decision Number 160/Pdt.G/2020/PN Plk, the Panel of Judges granted the Plaintiff's

lawsuit in part, stating that it was valid and had binding legal force. The Land Declaration Letter (SPT) in the name of Batarung, SE Number: 140.594/300/KL-MTG/ PEM dated March 17 2010, where the SPT can be proven to be true and can be confirmed that Mr. Batarung is indeed the owner of the land (where Mr. Batarung can prove the origin of the ownership of the land until the dispute occurred). It is hoped that after this decision the Land Declaration Letter (SPT) can have its status upgraded to a Certificate of Ownership issued by the National Land Agency following the land registration process. This effort is made to ensure legal certainty and legal protection for land rights owners.

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