

The Strength of Proof of Letter C in Civil Cases at the Ponorogo Court

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Abstract.

This research discusses the evidentiary power of Letter C certificates which are used as evidence in civil disputes in accordance with statutory regulations and jurisprudence. This research uses an empirical juridical method by examining a legal rule and then linking it to the reality in the field. The results of this research are that Letter C can be used as evidence in civil cases in court because Letter C is one of the first pieces of evidence that a person registers land with the National Land Agency to be used as evidence of an Authentic Deed in the form of a certificate. The author concludes that the judge's consideration granted the land ownership dispute in accordance with applicable regulations. The author's suggestion is for the community to convention their land rights so that they are in accordance with applicable regulations. The purpose of converting is so that the land owned has a strong legal basis. If it is not converted or registered there will be a big chance of a dispute occurring.

Keywords: Proof, Authentic Deed and Letter C.

I. INTRODUCTION

It has been almost sixty years since UUPA has been in effect in Indonesia, but during that time land problems have never subsided. In reality, as of 2019 the government has still not succeeded in completing all land registration activities mandated by the Basic Agrarian Law. Based on existing data, there are still 70 million plots of land that do not have certificates as of 2019. The Basic Agrarian Law emphasizes that land registration or determination of land rights can only be carried out by the state through the government. Therefore, every time a problem arises, the resolution of the problem is through the courts, namely through the implementation of formal law or what is usually called civil procedural law to ensure compliance with material law through the intermediary of a judge. The trial process is at the evidentiary stage. In proving a civil case, the judge examining the case requires evidence submitted by the plaintiff and defendant to present evidence such as documentary evidence or witnesses. The plaintiff is given the first opportunity to present evidence.

Based on Article 19 paragraph (2) letter c Law Number 5 of 1960 concerning Basic Agrarian Regulations and Article 32 paragraph (1) Government Regulation Number 24 of 1997 concerning Land Registration states that a certificate is proof of land rights. A letter of proof of land rights in the form of a certificate is a strong means of proof because it contains physical data and juridical data as stated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997. The physical data in the certificate includes data regarding the type of right, its subject as well as regarding its location, limits and extent so that the certificate can provide legal certainty regarding this data.¹ The juridical data in the certificate is information regarding the legal status of the plot of land and apartment units being registered, the rights holders and the rights of other parties as well as other burdens that burden them.

Based on the background of the problem that the author has described above, the problem formulation is prepared as follows:

1. What is the strength of the proof of letter C in the process of proving civil cases in decision number 33/Pdt.G/2014/PN.Png ?
2. How do the judge's considerations in decision Number 33/Pdt.G/2014/PN. Png conform to the statutory regulations?

II. METHODS

This research is descriptive doctrinal legal research using a case study approach. Sources of legal materials used include primary legal materials and secondary legal materials collected using literature research techniques. The legal material analysis technique used in this legal research is analysis using the deductive syllogism method

III. RESULT AND DISCUSSION

A. *Strength of Proof of Letter C in trials at the Ponorogo Court*

The existence of disputes in the civil sector gives rise to actions by individuals to resolve them in court through a claim of rights. Civil courts basically examine, try, decide and resolve civil disputes through judges. The aim of juridical proof is to find the truth of the event disputed by the parties to the case. The truth of an event can only be obtained from evidence which is then used by the judge to make a decision. In civil justice, the truth sought and realized by judges is formal truth (*formeel waarheid*). In civil cases, the parties often deliberately provide evidence that can be used if a dispute arises, and usually this evidence is written evidence.² The Civil Code regarding written evidence is regulated in articles 1867 -1894. Where Article 1867 of the Civil Code states that written proof is carried out using authentic writings or written underhand. Article 19 of UUPA number 5 of 1960 explains that the government must carry out land registration in all regions of the Republic of Indonesia, due to the lack of knowledge and public awareness regarding proof of land ownership.³ They consider customary land with ownership in the form of a *girik*, which has a Letter C Excerpt in the Subdistrict/Village as legal proof of ownership. There is also still a transfer of rights such as buying and selling, grants, inheritance or deeds that have not been registered. There has been a transfer of rights whose basis is obtained from *girik* and there are still mutations of *girik*. Teguh Samudera argues in his book Civil Procedure Law that in this case the judge is free to assess the letter, not deed, whether it can be used as perfect evidence or whether it has no evidentiary power at all. So all you have to do is look at the conditions and circumstances of the case at hand.

Even though Letter C is included in documentary evidence, not a deed, the strength of the evidence depends entirely on the judge's assessment, but after the Basic Agrarian Law was born and PP No. 10 of 1961 as amended by PP No. 24 of 1997 concerning land registration, it was only a certificate. Land rights are recognized as proof of ownership of land rights. A plot of land has not been certified, so there is only a tax letter (*Girik*, letter C, without *Ipeda* payment) which is not proof of ownership of land rights. The land tax letter (letter C) is just a notification that the person paying or paying the tax is the person whose name is listed in the letter. based on deeds, without being registered at the Land Office⁴. In court, the Letter C document cannot be directly accepted as proof of land ownership. There is some jurisprudence which says that letter c is not absolute proof of land ownership. The jurisprudence is as follows.

Supreme Court Decision dated 10 February 1960 number 34/K/Sip/1960, that:

"The land tax advice letter/Letter C document is not absolute proof that the disputed rice field belongs to the person whose name is listed in the Letter C document, but the document is only a sign of who must pay the tax on the rice field in question". *M's decision* Supreme Court No. 15 K/Pdt/2012, that: "Give decisions regarding ownership of land rights based on evidence (Letter C Village and *IPEDA*) which legally cannot be used to prove ownership of land rights According to existing jurisprudence, it can be seen that the position of Letter C in proving the right to *tatas* is as initial evidence. Therefore, in court, other supporting evidence is needed because only letter C is not enough to prove land ownership.

B. *The suitability of the judge's basic considerations in accepting evidence Letter C in decision Number 33/Pdt.G/2014/PN Png with the applicable regulations*

The written evidence submitted was in the form of Letter C, which the Plaintiff said could not be submitted as sole proof of land ownership. Bearing in mind that basically Letter C is a letter, not a deed,

which requires supporting evidence to prove it. Moreover, after the birth of the Basic Agrarian Law and Government Regulation No. 24 of 1997 concerning Land Registration, it is evidence in the form of a certificate that has perfect evidentiary power. So other evidence is needed that can strengthen the document. Other evidence submitted by the Plaintiff is in the form of witness evidence. According to the Ponorogo District Court Judge: "Like other evidence, witness evidence also has formal and material requirements, both of which are communicative, not alternative. Therefore, if one of the conditions contains defects, the evidence will be invalid as witness evidence. If the formal requirements are according to law, but one of the material requirements is incomplete, the witnesses presented are still invalid as evidence. Or vice versa, the material requirements are met, but the formal requirements are not, the law is not formal, so the witness is not valid as evidence." The evidentiary value of witness testimony is independent, seen from Article 1908 of the Civil Code and Article 172HIR.

According to this article, judges are free to consider or evaluate witness statements based on similarities or relationships between one witness and another. The independent strength of evidence outlined in Article 1908 of the Civil Code, Article 172 HIR, is linked to Article 1905 of the Civil Code, Article 169 HIR, the law itself has regulated the minimum limit of evidence: a. Unus Testis Nullus Testis. b. At least one witness, A proof with a witness if there is no written evidence means that the written evidence is not enough. In this case, the witness statement submitted by the plaintiff was excluded from trial because Letter C evidence was not sufficient to prove ownership rights to the land. The judge accepted the testimony of the witnesses presented. The information expressed by Sakasi is in accordance with existing regulations. Article 1902 BW stipulates that, in all cases where written proof is ordered by law, however, if there is a start of proof in writing, proof with witnesses is permitted, unless any evidence other than written is excluded. What is called "initial evidence in writing" is all written deeds originating from the person against whom the claim is filed which confirms the dispute about the truth of the events put forward by the person. The judge's considerations also agreed with existing jurisprudence. Jurisprudence as a source of formal law has an important existence when connected with the duties of judges. Article 10 paragraph (1) Law no. 48 of 2009 concerning Judicial Power also states:

"Courts are prohibited from refusing to examine, try and decide on a case submitted on the pretext that the law does not exist or is unclear, but is obliged to examine and try it." Thus, if the law does not provide regulations that can be used to resolve cases, then the judge can form his own provisions/regulations (legal discovery). A judge's decision containing a provision/regulation can become the basis for other/ later judges' decisions to try similar cases and the judge's decision then becomes a source of law for the court or jurisprudence. This decision is not the only one that approves a case with Letter C evidence or tax evidence. In the Supreme Court Decision Number. 176/Pdt.G/2013/PN.Sby, a Letter C Certificate is also presented as evidence in land disputes. As these two decisions make the author conclude that the judge's considerations in granting land disputes using Letter C are in accordance with the law.

IV. CONCLUSION

1. Letter C submitted by the Letter C Book. Letter C as written evidence in the form of a letter. Letter C is an important piece of evidence and is initial evidence. The Letter C document cannot be submitted as sole evidence, it must be supported by other evidence to strengthen ownership of land rights.
2. The judge's consideration in accepting Letter C as proof of ownership is in accordance with existing jurisprudence. Where after the enactment of UUPA Letter C is not evidence that is strong enough to prove someone's land rights so additional evidence is needed.

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