



Implementation of The People's Service Program for Land Certificate in City of Tebing Tinggi

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Abstract

The government through BPN has made a program for land registration, which can be marked by the Larasita Program. With the implementation of the Larasita Program in the City of Tebing Tinggi, it is expected to increase the registration of property rights to land in the City of Tebing Tinggi. In its implementation, the Larasita Program has not been successful in increasing the registration of land ownership rights in the City of Tebing Tinggi. This study uses an empirical juridical approach, with the research location in Tebing Tinggi City. A juridical approach is used to analyze various laws and regulations related to the implementation of the Larasita Program in the City of Tebing Tinggi. An empirical approach is used to analyze the law which is seen as the behavior of the people of Tebing Tinggi City who register property rights to land through the Larasita Program, which is patterned in people's lives, which always interact and relate in social aspects. Based on the research, it is known that the Larasita Program is regulated in the LBPNRI Perkaban. There are internal and external factors that influence the Larasita Program in the City of Tebing Tinggi, and efforts have been made by the BPN in the City of Tebing Tinggi so that the Larasita Program can be successful in increasing the registration of land rights in the City of Tebing Tinggi.

Keywords: Implementation, Program, Larasita.

1. Introduction

Indonesia is a state of law (*rechtstaat*), and is not a mere state of power (*machtstaat*). This is determined in the 1945 Constitution of the Republic of Indonesia (UUD 1945) before the amendment, namely in the Elucidation section, and after the amendment, it is determined in the Body, namely in Article 1 paragraph(3) which determines that: "The State of Indonesia is a state of law".

Law is one of the most important elements in a state's life. The fact that people's lives are increasingly dynamic, has made the law a controlling sign. From this, it can be emphasized that the law plays an important role in the life of society, nation and state, and must be used as a solution to the problems that occur.

Law as a rule is not something that just comes, but the law comes from the community, which is then used by the community to regulate forms of human relations.

Society cannot escape from the ties that exist in its midst. Therefore, it is a fact that must be acknowledged that: "Where there is society, there must also be law".

In essence, the state can be seen as a collection of people who live to achieve some common goals. Indonesia is a legal state based on Pancasila. "The rule of law adopted by the Republic of Indonesia is seen from a legal point of view, not in a formal sense, but in a material sense. This material understanding is termed a welfare state, or a welfare state.

The rule of law is a state based on law, and guarantees justice for all its people. It can be emphasized that all acts of state equipment or authorities are solely based on the law, or in other words regulated by law. This is certainly a reflection of a sense of justice for the social life of the community.

As a state of law, all activities of the Government and the people in the life of the nation and state must be in accordance with, or not in conflict with, applicable law. Law is the main foundation in carrying out all activities of community, state and national life, in order to achieve the ideals of a just and prosperous society equally.

In accordance with the concept of the rule of law, one of the things regulated by law by the Government is land. The legality of the Government's actions is based on the existence of a constitutional legal basis, namely the provisions in Article 33 paragraph (3) of the 1945 Constitution, which stipulates that: "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. "

Based on the provisions of Article 33 paragraph (3) of the 1945 Constitution, the Government issues a basic law in the land sector, which can be marked by the issuance of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UU PA), which ratified on September 24, 1960.

At the present time, the demand for land in Indonesia (especially in urban areas) has been increasing. Likewise, specifically in the City of Tebing Tinggi, which is one part of the territory of the Province of North Sumatra (Sumut). Various factors have led to the increasing demand for land in urban areas, including the following:

- a. "Increased development;
- b. The increasing need of every resident for space to accommodate their increasingly diverse life activities;
- c. The scarcity of land rights that give economic and strategic meaning, so that the Economic Law also applies to land;
- d. Increasing the function of the city to the surrounding area".

"Land plays a very strategic role, in various sectors of human life it has 3 (three) very strategic aspects, namely economic aspects, political aspects, and legal aspects". These three aspects are central issues that are interrelated as an integrated unit in making the legal policy process in the land sector carried out by the Government, and also to ensure the creation of legal certainty.

Regarding land, there are various types of rights regulated in the PA Law, which can be broadly distinguished, as follows:

- a. Permanent land rights, as regulated in Article 16 paragraph (1) of the PA Law;
- b. Temporary land rights, as regulated in Article 53 paragraph (1) of the PA Law.

One type of permanent land rights is property rights. Based on the provisions in Article 20 paragraph (1) of the PA Law, land ownership rights are hereditary, strongest, and fullest rights that people can have on land, keeping in mind the provisions in Article 6 of the PA Law. Ownership rights to land can be transferred and transferred to other parties, and only Indonesian citizens (WNI) can have ownership rights to land. For legal entities, the requirements are set by the Government.

Ensuring legal certainty of land ownership rights, of course, land registration must be done. The PA Law has also mandated land registration activities. Article 19 of the PA Law, stipulates that:

- a. "To guarantee legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions stipulated in a Government Regulation;
- b. The registration referred to in paragraph (1) of this article includes:
 - 1) Measurement of land mapping and bookkeeping;
 - 2) Registration of land rights and the transfer of such rights;
 - 3) Provision of certificates of proof of rights, which act as strong evidence;
- c. Land registration is carried out taking into account the state and community conditions, the need for socio-economic traffic and the possibility of its implementation, according to the consideration of the Minister of Agrarian Affairs;
- d. The Government Regulation regulates the costs associated with the registration as referred to in paragraph (1) above, provided that people who cannot afford are exempted from paying these fees".

Following up on the provisions of Article 19 of the PA Law, the Government issued Government Regulation Number 10 of 1961 concerning Land Registration, as was amended in 1997 which became Government Regulation Number 24 of 1997 concerning Land Registration (PP PT). In Article 3 of PP PT it is determined that the purpose of land registration is as follows:

- a. "To provide legal certainty and legal protection to holders of rights to a parcel of land, apartment units and other registered rights so that they can easily prove themselves as holders of the rights concerned;
- b. To provide information to interested parties including the Government so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units;
- c. For the implementation of orderly land administration".

PP PT is a rule for the implementation of land rights registration in the context of legal registration (*recht cadastral*), which aims to provide legal certainty and legal protection to land rights holders, with evidence in the form of land certificates consisting of copies of land books and certificates of measurement. .

Based on the provisions of Article 5 of PP PT, land registration is carried out by the National Land Agency (BPN). At this time, BPN has also made a program for land registration, which can be marked by the People's Service Program for Land Certificates (Larasita).

The Larasita program is an innovative policy that starts from fulfilling the sense of justice that is needed, expected, and thought of by the community. The Larasita program was built and developed to fulfill the mandate of Article 33 paragraph (3) of the 1945 Constitution, UU PA, and various other regulations in the field of Agrarian Law.

The development of the Larasita Program departed from the will and motivation to bring BPN closer to the community, while at the same time changing the paradigm of implementing BPN's main tasks and functions (tupoksi) from waiting (passive) to being pro-active, visiting the community directly (picking up the ball to the community).

The Larasita program is implemented in all districts/cities within the auspices of the territory of Indonesia. Likewise in the City of Tebing Tinggi, which was carried out by the BPN of the City of Tebing Tinggi. With the implementation of the Larasita Program in the City of Tebing Tinggi, of course, it is hoped that it will increase the registration of land rights (land rights referred to in the Larasita Program are land ownership rights) in the City of Tebing Tinggi. Based on the research, it is known that: "The Larasita Program, in its implementation has not succeeded in increasing the registration of land ownership rights in the City of Tebing Tinggi".

2. Research Methods

2.1 Research location and time

This research was conducted in the City of Tebing Tinggi, at the Office of the BPN in the City of Tebing Tinggi. Which is located on Jl. YosSudarso No. 101 Tebing Tinggi - North Sumatra. Which started in January 2014 and finished in March 2014.

2.2 Data collection technique

To obtain data, the authors collect data through library research (Library Research), field research (Field Research). The technique used is data collection and interviews.

2.3 Population

The population in this study were all parties involved in the implementation of the Larasita Program in Tebing Tinggi City. Given the large number of populations in this study, not all populations will be studied as a whole. For this reason, a sample of 150 (one hundred and fifty) residents of the City of Tebing Tinggi who registered land ownership rights through the Larasita Program will be taken from the population by purposive sampling.

2.4 Data analysis method

In this study, the data analysis method used is a qualitative analysis method. Data obtained by researching literature studies, laws and regulations, and other documents, as well as answers from informants and respondents, are described and linked in such a way that they can be presented in a more systematic writing, and aims to provide an overview in reality to be able to answer problems which has been formulated. The method of processing legal materials is carried out deductively, namely in drawing conclusions starting from a general problem to a specific or concrete problem faced.

3. Discussion

3.1 Socialization Stage

Socialization is a process of learning culture from community members and their relationship to the social system. Charlotte Buhler argues that socialization is a process that helps individuals learn and adjust to how to live and how to think in their group, so that they can play a role and function in their group. According to Cangara, socialization is providing and teaching knowledge on how people behave according to existing values, and act as members of society effectively.

In disseminating information to the wider community, proper communication is needed. Regarding the problem of socializing the Tebing Tinggi City Land Office, several ways have been carried out in socializing the Larasita Program in its area, but it should also be underlined that so far from the observations made by the author, it can be said that the socialization process that has been carried out by the Tebing Tinggi City Land Office is: socialization in the form of packages of several programs means that in one socialization the land party does not necessarily only socialize the Larasita program but includes other programs such as prona. The form of socialization activities carried out by the Tebing Tinggi City Land Office to introduce the Larasita program to the community in its area is by:

a. Socialize With Direct Communication

Direct communication is a form of face-to-face communication between the communicator and the communicant, in this process the so-called communicator is the Larasita Implementation Team while the communicant is the entire community of Tebing Tinggi City. The forms of direct socialization activities are as follows:

1) Seminar

The Larasita Team for Tebing Tinggi City, which was formed in mid-May 2011, conducted activities such as seminars inside and outside the district. The seminars included Larasita Training for Land Offices throughout the Tebing Tinggi City area, invitations to seminars from the South Sulawesi BPN Office, invitations from other agencies and being included in activities from the Tebing Tinggi City. It should be noted that from the results of the information obtained by the author, it shows that this seminar activity was only carried out at the beginning of the introduction of the Larasita program to the implementers who would later go down in the field.

2) Counseling

The second step that the implementor takes in introducing the Larasita program policy to the community is by direct counseling. Counseling itself is carried out in 2 stages. The first stage is carried out at the district level with the target of the Camat and Village Heads. The second stage is counseling from the Camat or Village Head directly to the community. Counseling is carried out at the sub-district meeting hall, village hall or at the mosque.

At this counseling stage, the community will be introduced to the Larasita program and how to serve the community in the process of obtaining land title certificates. However, from the results of research and direct interviews conducted by the author with the implementor as the object of research, it was obtained information

that so far in the process of counseling the Larasita program in the Region in the City of Tebing Tinggi it has never been done separately regarding Larasita but is included with the program of the Land Office in the City of Tebing Tinggi. The following are excerpts from interviews that the author has done.

From this statement, the authors can see that in terms of counseling carried out by the Land Office in Tebing Tinggi City to the community is still very minimal, this is because people may be confused in distinguishing programs issued by the land office related to service problems in the city of Tebing Tinggi. land area. Therefore, it is necessary to organize an extension system related to the problem of implementing the Larasita program policy in the City of Tebing Tinggi.

b. Socialization With Indirect Communication

Indirect communication is a form of campaign activity by utilizing facilities from external communication media, namely mass media. In relation to the primacy of various types of mass media, Atkin and Arkin as quoted by Pfau and Parrot (1993), stated that radio is the main medium in terms of speed of broadcasting messages in the form of news, television has a wider scope than radio and is a medium of communication. the most trusted by the public and have a high ability to influence the public. General daily serves to provide detailed information. And finally, books provide a more formal way of documenting and viewing. Communicators often use all of these media to convey the targeted target. The forms of indirect communication activities that have been and are temporarily held by the Larasita Team of Tebing Tinggi City include:

1) Distribution of leaflets/brochures

The Larasita team of Tebing Tinggi City made several versions of the Larasita brochure which was placed in

Information Counter at the Tebing Tinggi City Land Office. In addition, brochures were also distributed during mobile services to sub-districts within the Kota Tebing Tinggi area, outreach to the community and when invited to seminars.

2) Running Ads

The purpose of running ads is the use of logos and images that are identical to Larasita on Larasita cars. So that when this car is driving on the highway, it is a form of socialization to the community. The forms of communication in the socialization of the Larasita program in the City of Tebing Tinggi include: interpersonal communication is carried out between the communicator in this case the implementor of the Larasita program policy in the City of Tebing Tinggi and the participants of the direct counseling. Group communication is carried out during socialization in the form of seminars and when receiving invitations from other agencies. Communication through the mass media is carried out during public service advertisements and advertorials in several local newspapers, banners, billboards and distribution of brochures to the public. Although we cannot deny together that in its implementation there are still some shortcomings in it.

3.2 Service Procedure for Land Rights Certificate Management in Larasita Program in Tebing Tinggi City

The next stage which is the main part in analyzing the implementation of Larasita program policy is to know the implementation of the service process from the program Larasita in Tebing Tinggi City. However, before discussing this further, it should be noted that ideally all activities carried out by the Land Office should also be carried out in Larasita. However, the availability of equipment and conditions in the field may not be supportive. Therefore, Larasita performs minimal services or focuses on the following activities:

- a. First land registration service.
- b. Conduct counseling and socialization of land information and policies on land sector to the public.
- c. Serve the community wherever they are and interact in community activities at various levels such as RT, RW, Kelurahan/village and sub-district in all working areas, especially in remote areas or areas far from the Land Office of Tebing Tinggi City.

After all work procedures are completed, the final result is the issuance of land certificates. Land certificate is a certificate of proof of rights issued for the benefit of the right holder concerned in accordance with the physical data contained in the letter of measurement and juridical data that has been registered in the land book. In addition, the land certificate is a copy of the land book and measuring document which is bound together with a special cover regulated by law. In this case, the measurement letter from the measurement results containing physical data is bound together with a copy of the land book and then submitted to the Head of the Tebing Tinggi City Land Office for signing. If the Head of the Office is unable or in the context of serving the application for mass land registration, the authority to sign the land book and land certificate is delegated to the Head of the Land Measurement and Registration Section.

From such a long explanation regarding the procedure for obtaining land rights certificates which are carried out through the Larasita program policy issued by the government through the Ministry of Agrarian and Spatial Planning of the Republic of Indonesia which is continued at the district level which is the implementer of this policy, it is clear that there is seriousness. But behind it all from the results of research and observations made by the author states that there are still many weaknesses in the implementation of the Larasita program in Tebing Tinggi City, such as the data input process that is still manually which is due to the limitations of the wi-fi network so connectivity from the field to the Tebing Tinggi City Land Office was hampered.

4. Conclusion

The conclusions in this study are as follows:

- a. The regulation of the Larasita Program in the laws and regulations is that the Larasita Program is regulated in the LBPNI Perkaban, which based on the provisions of Article 8 of the PPPU Law, is one type of legislation in Indonesia.

- b. The influencing factors that hinder the Larasita Program in Tebing Tinggi City are as follows:
- 1) Internal factors, namely factors originating from the Tebing Tinggi City BPN Office, in the form of:
 - a) The lack of socialization regarding the Larasita Program, whether through Radio PemkoTebing Tinggi, local print media, and making banners and billboards;
 - b) A long period of time in issuing certificates through the Larasita Program;
 - c) Lack of implementation of the Larasita Program to remote villages;
 - 2) External factors, namely factors originating from the residents of the City of Tebing Tinggi, in the form of:
 - a) The lack of legal knowledge of the majority of the residents of the City of Tebing Tinggi regarding the objectives and benefits of registering property rights over land through the Larasita Program;
 - b) The lack of legal awareness of some residents of the City of Tebing Tinggi to register land ownership rights through the Larasita Program;
 - c) Socialization carried out through the website, can only be accessed by a small number of residents of the City of Tebing Tinggi;
 - d) The lack of legal compliance by most of the residents of the City of Tebing Tinggi to pay for BPHTB.
- c. Efforts made by the Tebing Tinggi City BPN so that the Larasita Program can be successful in increasing the registration of land ownership rights in Tebing Tinggi City is to approach the Larasita Program participants or prospective Larasita Program participants, through outreach to various Kelurahan Offices in Tebing City High.

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