



Supporting 21st-Century Learning by Providing Educational Infrastructure in the Form of Land: Legal Perspective

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Abstract: Land as school infrastructure is often neglected in the certification process. This research emphasized that school land certification is essential and whether it automatically includes authority over everything on it, what land rights can be given to the school, and how it is carried out. This research used the normative juridical research method by leaning on empirical research. Secondary data taken from library research dominates this research. The data was obtained through document studies or library studies. Furthermore, some primary data was obtained through observations. Land certificates is a piece of solid evidence to ascertain the rights of the education provider as the subject of rights so that they can defend their rights from claims by other parties. However, it does not automatically cover all authority over what is on the land because it is a part of the horizontal separation principle. School land can have the status of State land and can also have four types of land rights owned by the education providers, namely Freehold Title, Building Right Title, Cultivation Right Title, and Mortmain (Waqf) right. The rights can be obtained through sporadic registration or complete systematic land registration. The availability and readiness of facilities and infrastructure are essential in 21st-century education and learning because they will significantly affect learning.

INTRODUCTION

Technology-based learning in 21st-century education requires various facilities and infrastructure readiness (Afandi et al., 2016; Softwan & Habibi, 2018). Obstacles will inhibit schools from running correctly and carryout various 21st-century learning activities (Boholano, 2017; Saputro et al., 2019; Talmi et al., 2018). Obstacles to educational infrastructure can disturb the teaching and learning process (Wijasena & Haq, 2021). If it continues, it will affect students' quality. The success of education is determined by internal factors, including the quality of teachers, students' intellectual abilities, and

available facilities (Khoeriyah, 2021; Sulfemi, 2020) but is also influenced by external factors such as the safety of the school environment.

One of the safety issues in the school environment is land rights claims by other parties (Judge et al., 2019). The need for land continues to increase to fulfil various interests while the land area is fixed. It triggers people to seek land rights through different legal and illegal methods (Aji et al., 2019; Prayogo et al., 2019; Usman et al., 2019). A simple way to acquire land without the need to spend money is to target the land with unclear status, which seems to be intertwined with the authority of the targeting party.

Before the value of land was as valuable as it is now, it was common to transfer the land rights for educational purposes by custom, which sometimes without any proof. This process is known as the type of ulayat rights as communal ownership and individual land rights. Much of the land controlled by the school comes from ulayat lands. Fortunately, if the State directly owns the school land, although it does not rule out claims from other parties, the possibility is much smaller than school on land controlled indirectly by the State.

Ideally, all school lands have certainty of rights to get solid legal protection. However, The Director-General of PHPT (*Penetapan Hak dan Pendaftaran Tanah/* Assignment of Rights and Land Registration) revealed that only 82 million lands had been registered until 2020 out of 126 million plots of land (Fadli, 2020).

Land as school infrastructure is often neglected in the certification process. The schools as public facilities with all their supporting elements engaged in the world of education and considered highly respected and sacred are assumed to escape from interference from other parties. That assumption is incorrect because the development of the modern world, which is dominated by liberalism and capitalism, leads people to shift away from socialism.

Several previous studies have discussed land disputes and school infrastructure, including the role of the Karangasem District Defense Office in land disputes (Pradipta et al., 2020), the importance of the status of ownership of land rights (Suherman & Imran, 2020),

the study of the impact of land disputes on the right to education (Judge et al., 2019), the influence of infrastructure on students' achievement (Rahmaluddin et al., 2021), identification of infrastructure through SWOT analysis (Khoeriyah, 2021), the optimization of IT-based infrastructure (Wijasena & Haq, 2021), the relationship between school infrastructure and teacher teaching motivation (Sulfemi, 2020), and the leadership role of school principals in improving facilities and infrastructure (Nasution, 2021).

Based on several published journal studies, no study has discussed school infrastructures, especially regarding land supporting 21st-century learning. 21st-century skills consist of critical thinking, collaboration, creative thinking, and communication (Abidinsyah et al., 2019; Camacho & Legare, 2015; Nissim et al., 2016). These four abilities are important to be improved in the 21st-century through comfort and a good learning environment.

METHOD

This study applied the library study approach, where the data were taken from primary and secondary data. The primary data were obtained from regulations (laws), journals, and websites, while the secondary data were obtained from books. The selected data specifically discussed the management and infrastructure in education. The data were analyzed descriptively through editing and coding as well as qualitative data analysis. The research procedure can be seen in Figure 1.



Figure 1. Research Procedure

RESULT AND DISCUSSION

In the national agrarian law, the horizontal separation principle means that land and something attached to the land, such as plants and buildings, are seen not as one unit but legally as two separate things. When someone buys a plot of land, the buildings and plants on it are not automatically carried along unless there is an agreement. Thus, a certain plot of land can be owned by one party, while another party owns the plants or buildings on it. For this reason, land certification is only intended to obtain certainty of land rights, which includes the certainty of objects (location, area, and boundaries of land), subject certainty (right holders), and type/status of land rights. The building or the plants on it is another matter and will not be included in the land certificate. Therefore, before a building is erected on a plot of land, the land rights need to be ascertained (Handono et al., 2020; Nurcahyo et al., 2019; Sudiarka et al., 2019).

Information from the Education Office in various regions in Indonesia reveals that Bandung only has 85 certified land plots out of 221 existing plots (Rmoljabar, 2019). West Java province only has 231 certified land plots out of 831 land plots (Rmoljabar, 2019). Furthermore, Pohuwato and Boalemo regencies, Gorontalo Province, only have eight certified land plots out of 43 land plots (Admin, 2020).

Certainty of land rights can only be proven through land certification. Thus, strong legal protection can only be given to the right holder. Certification is the process of registering land rights at the local Land Office to obtain a land certificate. Land disputes or damage to buildings often occur starting from vague land rights. Referring to the school land, there are several possible variants, first, the status of the land directly controlled by the State (State-owned land) and second, the status of land that is not

directly controlled by the State (freehold land).

It is common for school land, especially those used by the private sector, to be located on land with Freehold Title, Building Right Title, Cultivation Right Title, and Mortmain (Waqf). The possibility of it happening to state school cannot be ruled out because many schools that were originally private in status were later transformed into state schools. This phenomenon can create land issues considering the horizontal separation principle of land rights and the government as a public legal entity that does not have the authority to own a freehold title.

Freehold title is hereditary, the strongest, and the complete rights owned by certain people or legal entities. Legal entities that are allowed to have the freehold title are banks established by the State (Government Banks), Agricultural Cooperative Associations, Religious legal entities, or social entities with certain requirements (Government Regulation No. 38 of 1963 concerning the Appointment of Legal Entities That Can Have Property Rights on Land, 1963). For example, Muhammadiyah, as a religious legal entity, has the authority to own land by buying, exchanging, or obtaining grants (not waqf). Furthermore, the Muhammadiyah school that is built on it will be owned by Muhammadiyah itself. Such right is hereditary and can be transferred. However, if the land comes from waqf, then Muhammadiyah is only as Nadzir, not as the owner with the task of maintaining and managing the land according to the mandate of the waqf. The obtained waqf land, whether it has been previously certified or not, the registration remains as a waqf land.

Land registration is regulated in PP No. 24 the Year 1997 (Government Regulation Number 24 of 1997 concerning Land Registration, 1997). The waqf land is contained in Law no. 41 the Year 2004 (Law No. 41 of 2004

concerning Waqf Land, 2004). Land registration is a series of activities carried out by the government continuously and regularly by collecting, processing, bookkeeping, presenting, and maintaining physical data and juridical data in the form of maps, lists of land plots, and apartment units, including granting of proof of rights for plots of land and apartment units as well as certain rights upon them. Land registration aims to provide legal certainty and protection to

rights holders (subjects of rights), provide information to interested parties, and maintain orderly land administration (Angkoso et al., 2020; Fitriyaningsih et al., 2021; Furqon, 2012). The guarantee of legal certainty includes the certainty of objects, subjects, and types of rights, including land issues related to educational facilities. The relationship between educational facilities and infrastructure with learning activities is as follows.

Table 1. The Relationship between Facilities, Teacher, and Student Readiness

Infrastructure	Teacher Readiness	Student Readiness	Information
Adequate	Ready	Ready	Learning goes well
Not ready	Ready	Ready	Learning will be hindered
Ready	Not ready	Ready	The direction of learning is unclear
Ready	Ready	Not ready	Learning material becomes difficult

The relationship between facilities, teacher readiness, and student readiness is very close to each other. Besides adequate infrastructure, teachers and students must fully support the management of facilities and infrastructure and be ready to use the available facilities and infrastructure, starting from IT and the use of learning materials that have been prepared. Also, the land is the main infrastructure in the establishment of educational institutions. Therefore educational institutions need to obtain complete land administration, starting from certificates and other administrations that support infrastructure ownership rights in educational land.

Facilities and infrastructure are some of the educational resources that are very important to be managed properly. The facilities and infrastructure in education are related to the process of education in general. The educational process is strongly influenced by the availability of supporting facilities and infrastructure. Students and teachers must use and maintain various school facilities and infrastructure properly. Besides, the continuity of education is strongly influenced by factors such as the

availability of road access, the Internet, and other supporting facilities (Naganuma, 2017; Rivers & Kinchin, 2019; Yusop & Sumari, 2013). Another support is school land certification.

This is related to management in education that provides structural and institutional facilities (Hafiz, 2019). The structure aims to organize education to regulate the process of the course of education, ranging from vertical and horizontal terms which include schools' facilities and infrastructure. The institutional goal is to ensure that the educational process held within the structure runs consistently and is relevant to educational goals (Herwan et al., 2018). The structural and institutional factors must function interactionally or influence each other to achieve the desired educational goals so that the educational process can meet the needs and development of the 21st-century.

In accordance with the design of school development in the industrial era 4.0 (Suyanta et al., 2018) where school facilities need to be clearly regulated in order to meet standards to face the 21st century education era.

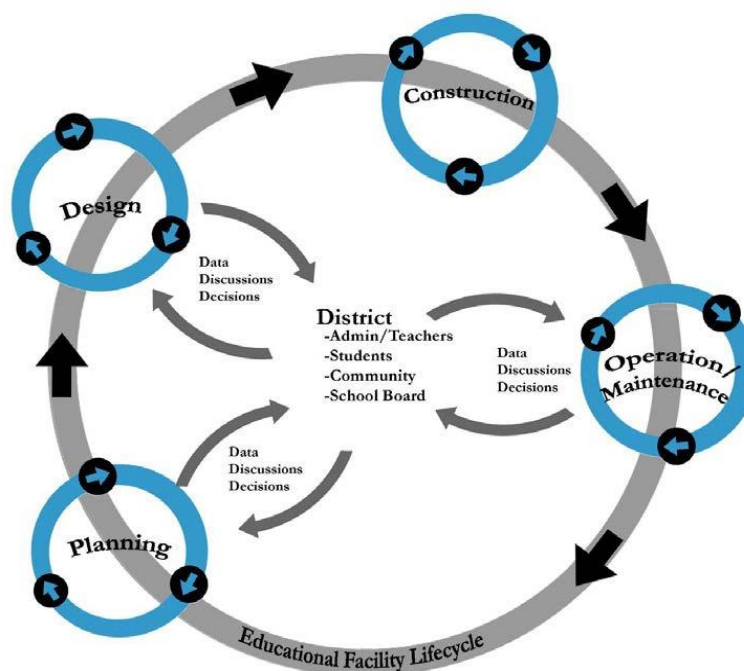


Figure 2. Education Facility Cycle (Suyanta et al., 2018)

Figure 2 illustrates that the construction of a school's facilities must be supported by four interrelated factors, namely design, construction, planning, and implementation. One of the things that is often ignored is related to construction where school land ownership rights are often problematic, resulting in disputes that can interfere with the implementation of learning (Hakim, et al., 2019). Therefore, the general standard of school infrastructure must be clearly defined and regulated for the sake of the implementation of the learning process in accordance with educational objectives (Gershberg, 2014).

A certified school land has greater comfort than schools that do not have land certification, which is easy to get into chaos regarding the legality of the land. If these facilities and infrastructure cannot be fulfilled properly, it will disturb the learning and teaching processes. Various references that have been studied State that land is one of the main factors that need to be resolved to gain comfort in

learning (Fitrianingsih et al., 2021; Suherman & Imran, 2020).

Issues that have been discussed become an obstacle in implementing 21st-century learning. 21st-century skills consist of critical thinking, collaboration, creative thinking, and communication (Abidinsyah et al., 2019; Camacho & Legare, 2015; Nissim et al., 2016). These four abilities are important to be improved in the 21st-century through comfort and a good learning environment.

As previously explained, the legal connection between land and the learning process is very close. The legal status of the land will make it easier for school administrators to construct permanent buildings. Schools that have legality will easily create, renovate, and increase the size of buildings, either vertically or horizontally according to their needs. If the standards and quality of the facilities are higher, automatically the quality of 21st-century learning will also increase.

In realizing 21st-century learning, schools must provide many standardized rooms and facilities, such as classrooms,

laboratories, libraries, teachers' rooms, service rooms, green open spaces, sports centers, health centers, student research centers, student organization centers, living rooms, multimedia rooms, business center, and so on. Indirectly, these rooms can be a means for students to learn to think critically, think creatively, and collaborate in various activities. These rooms can also be a means of interaction and communication between students.

CONCLUSION

Several land disputes, especially land owned by schools, is due to the absence of land certificates as strong evidence. That is why certification is important. School land can have the status of State land and can also be land rights with the possibility of 4 types of land rights owned by education providers, namely: property rights, HGB, use rights, and waqf rights. The various obstacles in terms of facilities and infrastructure must be overcome to make 21st-century learning run well. Also, the land is the main infrastructure in the establishment of educational institutions. Therefore, educational institutions need to obtain complete land administration, starting from certification and other administration that supports property rights.

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