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Increasing Public Legal Awareness of Land Certificate Ownership

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Abstract: A land certificate is considered a legal land identity, providing authentic, inviolable proof of land control by the community. This certificate is an important piece of evidence in the legal realm, in accordance with the provisions stipulated in government regulations. The findings show that land certificates have high legal force, allowing them to be used in various financial transactions such as loans and credit. However, in Nagari Pasia Laweh, there are several factors that hinder the ownership of land certificates, including a lack of public understanding of the importance of land certificates and uncertainty regarding land ownership or transfer of ownership. Efforts are needed to increase civic knowledge and public legal awareness regarding ownership of land certificates. One of the efforts made is through outreach and the Complete Systematic Land Registration (PTSL) program. PTSL is a program that aims to provide legal certainty over land to the community at affordable costs, as well as to prevent land disputes and conflicts. Through socialization and the PTSL program, it is hoped that the community can increase awareness of the importance of owning land certificates as proof of land rights and maintaining the stability of land administration.

Keyword: Awareness, Certificate, Land

INTRODUCTION

Ownership of certificates as proof of control of land rights is very important to continue to be socialized in the community. Land certificates not only fulfill administrative requirements, but are a guarantee of legal certainty because they contain binding physical and juridical data. As stated by Juliana Abdullah (2020), land is a very basic human need. Humans carry out various activities on land, making it an important living resource in every country. The importance of land ownership is increasingly felt with the expansion of community activities in various fields and the increase in population, which causes land to have a vital position in its control, use and ownership. Economic development also encourages an increase in land-related transactions, such as buying and selling, leasing, inheritance, granting credit, and legal relations with foreign parties. In this context, the formation of regulations in the land sector becomes very important to harmonize the needs of the community with applicable legal principles. Indonesia, as a state of law, affirms the importance of being based on the law in every action and behavior of society, as stated in the 1945 Constitution of the Republic of Indonesia Article 1 paragraph 3 which states that

"Indonesia is a State of Law." Through an understanding of the importance of land certificate ownership as proof of control over land rights, it is hoped that the community can better understand their rights and obligations in dealing with land, and maintain legal certainty in their activities. Therefore, socialization continues to be needed to increase awareness of the importance of land certificate ownership in everyday life¹.

Land has a very important function in Indonesia in order to realize public welfare, as mandated in the 1945 Constitution of the Republic of Indonesia. To ensure that land, water and space can function properly and appropriately, their management needs to be regulated through laws, especially within the scope of agrarian law. In the context of a state of law, citizen participation plays an important role in determining the direction of policy and the application of law in it. Citizens have a strategic position in the state, as one of the elements of state formation. As a citizen, a person has rights and obligations that must be carried out in accordance with the applicable regulations in the country that recognizes them as a citizen. The rights and obligations of citizens are important indicators in assessing whether the community can be called a good citizen or not. To form good citizens, civic education plays a key role. Civic knowledge relates to what citizens should know about their rights and obligations in society. Strengthening civic knowledge in increasing legal awareness is a strategic step that must be supported by habituation in various environments, including home, school, and society in general. However, the effectiveness of civic knowledge in enhancing legal awareness largely depends on the extent to which individuals are able to internalize the knowledge and apply it in their daily lives. In the agrarian context in Indonesia, a strong understanding of rights and obligations in land ownership as well as awareness of the importance of adherence to agrarian law are key in maintaining legal certainty and community welfare. Therefore, this study aims to explore the relationship between civic knowledge and legal awareness in the agrarian context in Indonesia, as well as to identify effective strategies in improving people's legal awareness regarding land ownership. With a better understanding of the correlation between civic knowledge and legal awareness, it is hoped that concrete measures can be formulated to increase citizens' active participation in realizing better and sustainable land governance².

A land title certificate is a document that provides legal certainty and protection to the landowner. The existence of this legal certainty provides protection against arbitrary actions and provides a guarantee that a person can obtain the expected rights in certain situations. Sudikno (Julyano, 2019) emphasizes the importance of having a land certificate as a form of protection for justice seekers. Cristiana Sri Murni (2018) explains that the process of buying and selling land rights that have been registered or certified has low legal risk. This is because the ownership rights and identity of the land seller are clear and transparent. For holders of land rights certificates, this provides more value and a sense of security that those whose land is not certified do not have. However, in order to obtain a land title certificate, a land registration process must first be carried out. Land registration in Indonesia is regulated in Government Regulation No. 24 of 1997 on land registration. This land registration process is important to ensure that land ownership is officially documented and recorded in the country's legal system. In the context of agrarian law in Indonesia, having a land title certificate also means having better access to various financial services, such as bank loans or credit, as certified land can be used as collateral. This facilitates economic development and investment in the agricultural and rural sectors, and helps

¹ Warman, S., Joharsah, J., & Muhlizar, M. (2022). Pendampingan Kesadaran Hukum Dalam Kepemilikan Hak Tanah Masyarakat Secara Legal Di Desa Sei Rampah. *Wahana Jurnal Pengabdian Kepada Masyarakat*, 1(1), 25-29.

² Kurniawan, K. D., Hapsari, D. R. I., & Fajrin, Y. A. (2021). Peningkatan Kesadaran Hukum Mengenai Sertifikasi Tanah Pada Masyarakat Dusun Klandungan Desa Landungsari Kabupaten Malang. *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI*, 3(2), 219-236.

improve people's welfare. The importance of having a land title certificate is not only related to legal and administrative aspects, but also has a significant impact on the economic and social development of the community. Therefore, the government and various related institutions need to continue to encourage and facilitate the land registration process for the community so that more landowners can obtain legal certainty and protection for their important assets, namely land.

METHOD

This paper uses the Normative Juridical Research Method. Normative legal research is one of the methods often used in the discipline of law. In contrast to empirical research that focuses on real data and observable phenomena, normative legal research concentrates on existing legal norms, principles, and concepts. This article will discuss the approach and implementation in normative legal research. Normative legal research is a type of research that examines the law as norms or rules that apply. Its main focus is the analysis of legal texts, such as laws, regulations, court decisions, doctrines, and legal literature. The purpose of this research is to understand, explain, criticize, and formulate the ideal law in accordance with the principles of justice and legal certainty. Normative legal research is a very important method in the development of legal science. By focusing on legal norms and principles, this research helps in understanding and criticizing existing laws as well as formulating more just and effective laws.

RESULTS AND DISCUSSION

Community Understanding of Land Certificate Ownership

A land certificate is not just a piece of paper; for the community, it is a land identity that proves ownership authentically and indisputably. In the court of law, the certificate is irrefutable proof of land ownership. But what exactly makes land certificates so powerful as evidence? And what is the legal process governing the proof of ownership of land rights? According to Article 23 of Government Regulation No. 24/1997 on land registration, proving ownership of land rights is done in two main ways. First, through a determination of the granting of rights from an authorized official. This applies especially if the land rights originate from state land or management rights land. This stipulation can be issued individually, collectively, or publicly. Second, by using the original PPAT deed that records the granting of rights from the holder of the property right to the beneficiary in relation to the right to use the building or the right of use on the property right land. The rules regarding the right to use buildings or the right of use are not only regulated in Government Regulation No. 40 of 1996, but also in Regulation of the Minister of Agrarian Affairs/Head of BPN No. 9 of 1999. Land certificates have very important legal powers. It is not just a document, but legal proof of land ownership. In the legal process, land certificates are the strongest means of proof. With certificates, landowners can defend their ownership rights and protect their assets from claims or interference from other parties. The legal certainty provided by land certificates is the main foundation in upholding justice in the land sector. To obtain a land certificate, the first step is to legally register the land in accordance with the procedures set out in the law. This registration ensures that land ownership is officially recorded and can be legally recognized. Through the correct registration process, people can obtain legal certainty over their land and prevent disputes or claims from arising in the future. A land certificate is not just a piece of paper, but an important key that provides legal certainty and protection to land owned by the community. With its power as unchallengeable evidence in the court of law, a land certificate becomes a valuable asset for its owner. Therefore, legal land registration in accordance with the rule of law is an important first step for every individual

or institution that wants to obtain a land title certificate. Thus, the existence of land certificates will continue to be a guarantor of justice and legal certainty in the land sector³.

A land certificate is not just a piece of paperwork; it is a key that opens the door to various financial opportunities for its owner. More than just proof of land ownership, land certificates have a high legal force that can support various financial transactions, ranging from loans to credit guarantees. With land certificates, people can benefit significantly, both in terms of transaction security and asset value. Land certificates provide the legal certainty needed to facilitate various financial transactions. Banks and other financial institutions recognize land certificates as strong collateral for loans and credit. In accordance with Bank Indonesia Regulation No. 9/2007, land is one of the legal collateral objects. Thus, land owners can use their land certificates as collateral to obtain loans or credits from banks or other financial institutions. In addition to facilitating financial transactions, land certificates also have a positive impact on the selling price of land. Certified land tends to have a higher selling value compared to uncertified land. This is because land certificates provide legal certainty to buyers about the ownership status of the land. As a result, landowners with titles can enjoy greater financial benefits when selling their land. Land certificates also play an important role in credit security, especially in the context of mortgage rights. In accordance with Law No. 4/1996 on Mortgage Rights, a mortgage certificate is issued by the land office as evidence of the existence of a mortgage right. The hak tanggungan is a security right imposed on land for the repayment of certain debts. By having a hak tanggungan certificate, landowners can use their land as collateral to obtain credit from financial institutions, giving priority to certain creditors. A land certificate is not just a document, but a key that unlocks various financial opportunities for its owner. With a land certificate, people can gain the legal certainty needed to facilitate various financial transactions, boost the sale price of land, and use their land as collateral to obtain credit. It is therefore important for every landowner to ensure that their land is certified, so that they can enjoy the benefits offered by land titles⁴.

Land certificate ownership is an important aspect of land administration in an area. However, in Nagari Pasia Laweh, several factors were found to hinder the ownership of land certificates, including the lack of public understanding of the importance of land certificates. This highlights the need for a better understanding of the rights and obligations as citizens, which is directly related to the concept of civic knowledge. According to Hartino (2020), civic knowledge includes an understanding of history, government structure and constitutional principles. This understanding is the basis for citizens to actively participate in the life of the nation and state. However, a lack of understanding about land rights and the registration process can hinder land certificate ownership. Improving civic knowledge can be done through various means, such as counseling, training and educational campaigns. By understanding their rights and obligations as citizens, people can more easily understand the importance of land certificate ownership in supporting their lives. In addition to the lack of understanding about land certificates, another factor that hinders land certificate ownership in Nagari Pasia Laweh is the uncertainty of land ownership or uncertain ownership transfer. Based on Government Regulation No.24 of 1997, the transfer of land rights must be registered with a valid deed, such as a deed of sale and purchase made by an authorized Land Deed Official. Public understanding of the importance of land certificate ownership and the registration process is important in realizing land administration order. By increasing understanding of civic knowledge and clarifying unclear land ownership, it is hoped that it

³ Silviana, A. (2012). Kajian tentang kesadaran hukum masyarakat dalam melaksanakan pendaftaran tanah. *Pandecta Research Law Journal*, 7(1).

⁴ Akta PPAT di Kota Binjai. *Jurnal Mercatoria*, 7(1), 1-13.

can overcome obstacles to land certificate ownership in Nagari Pasia Laweh, and have a positive impact on society and regional development as a whole⁵.

Land certificate ownership is an important aspect of land administration, but in the Nagari Pasia Laweh community, there are factors that hinder ownership of land certificates, one of which is the low public awareness of the importance of land certificates. This is related to the strong influence of customs in the community, where land ownership is often considered valid even without an official letter. Legal awareness is the values contained in humans about existing or expected laws. In the context of land certificate ownership, legal awareness refers to the community's understanding of the importance of having a land certificate as proof of legality of ownership. According to Mahmud⁶, self-awareness allows humans to understand the differences between existing norms and to adjust to these norms. Community legal awareness has an important role in obtaining a valid land certificate. Through a good understanding of the importance of land certificates and the registration process, people can become more aware of their rights and obligations in terms of land ownership. Thus, it is hoped that a more organized and equitable environment can be created in land administration, so that the people of Nagari Pasia Laweh and other areas can get the maximum benefit from owning a valid land certificate.

Programs carried out in an effort to provide civic knowledge in shaping legal awareness of land certificate ownership.

The importance of land certificate ownership as proof of control of land rights is something that cannot be underestimated, especially in the context of community life in Nagari Pasia Laweh. In order for the community to understand how crucial it is to have a land certificate, various socialization efforts need to be made. One of the efforts that can be done is through organizing a socialization seminar. This seminar can be held by involving speakers directly from the National Land Agency of Agam Regency and the government of Nagari Pasia Laweh. The target audience is the Wali Jorong in each nagari and the entire community of Nagari Pasia Laweh. This socialization seminar must be based on an understanding of the importance of land certificate ownership in the context of community life. Given the livelihood of the community as farmers, the growing need for land can increase efforts to transfer or transfer land rights. This socialization activity is not just about conveying information, but also aims to provide a deep understanding and mobilize public awareness. By knowing the importance of land certificate ownership, it is expected that the community will be more proactive in conducting land registration in accordance with applicable government policies or regulations. Socialization efforts such as this seminar are important to increase public awareness of the importance of land certificate ownership. Through a good understanding, it is hoped that the people of Nagari Pasia Laweh and other areas can feel the maximum benefits of owning a valid land certificate. Thus, a more organized and equitable environment is created in land administration, in accordance with the spirit of providing understanding, enlightenment, and delivery of information to community members⁷.

Land certificate ownership is vital for the people of Nagari Pasia Laweh, but cost constraints and public understanding of the importance of these certificates are often an obstacle. To address this issue, the government has launched the Complete Systematic Land

⁵ Saleh, A., & Kamello, T. (2014). Kesadaran Hukum Masyarakat Dalam Jual Beli Tanah Dengan Hasan, S., & Ramadhita, R. (2020). Kesadaran hukum masyarakat dalam akselerasi sertifikasi tanah wakaf di kota Malang. *De Jure: Jurnal Hukum dan Syari'ah*, 12(1), 35-50.

⁶ Permadi, P., Belladonna, A. P., & Marlina, N. (2020). Kesadaran hukum pembuatan sertifikat hak atas tanah sebagai perwujudan warga negara yang baik. *Mores: Jurnal Pendidikan Hukum, Politik, dan Kewarganegaraan*, 2(2), 123-136.

⁷ Fahrurrahman, A. I. (2020). Kesadaran hukum masyarakat dalam pendaftaran tanah-tanah. *Jurnal Ilmiah Mandala Education*, 6(2).

Registration (PTSL) Program as an inclusive and effective solution. One important step in the implementation of PTSL is to form a small PTSL committee consisting of community members of Nagari Pasia Laweh as well as external parties. By involving the community directly in this process, it is hoped that it will create awareness and shared responsibility in facilitating land certificate ownership. The Indonesian government has implemented PTSL as part of an effort to provide legal certainty over land to the community. Through PTSL, the land registration process is carried out simultaneously and covers all land registration objects, including customary land that has not been registered before. The PTSL program not only aims to ease the cost burden on the community, but also to provide a guarantee of legal certainty that is certain, simple, and fast. Thus, people can feel more secure and protected over their land ownership, and reduce the potential for future land disputes and conflicts. The PTSL program is a progressive step in addressing land ownership issues in Nagari Pasia Laweh and throughout Indonesia. Through active community participation and government support, it is hoped that PTSL can provide significant benefits in improving the welfare and prosperity of the community and reducing the potential for future land conflicts⁸

CONCLUSION

Land certificates are considered land identities that provide authentic evidence that cannot be contested. This is very important because the certificate is proof of legal ownership. Land certificates have the power as evidence in proving ownership of land rights, in accordance with government regulations governing proof of ownership of rights. Land certificates also have high economic value because they can be used as collateral in financial transactions such as loans, credits, and so on. In addition, land certificates can also increase the selling price of land. It is important to increase public understanding of the importance of having a land certificate. Regular socialization and education needs to be conducted, involving relevant parties such as the National Land Agency and local governments. It is necessary to provide easy access and affordable costs for the community to obtain land certificates, for example through the Complete Systematic Land Registration (PTSL) program. Encourage the community to be aware of the importance of compliance with the rule of law, including in terms of land ownership and transfer of land rights. This can be done through the habituation of legal values in daily life. With these steps, it is hoped that land certificate ownership can become more equitable and improve legal certainty and the overall welfare of the community.

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⁸ Renaldy, R., & Maulidiana, L. (2020, November). Optimalisasi Kesadaran Hukum Masyarakat Terhadap Kepastian Hukum Sertifikat Hak Atas Tanah. In *Prosiding Seminar Nasional Penelitian dan Pengabdian kepada Masyarakat* (Vol. 1, No. 1, pp. 447-456).

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