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Juridical Study of Resolution of Land Ownership Conflicts In The Development of Legal Security In Indonesia

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Abstract: Conflicts over land ownership rights occur because of the existence of two different legal systems, namely the western legal system used by the Dutch and customary law such as customary law which is still applied in Indonesia. As a result, documents that are still under control based on the legal system, for example girik documents, SKT, stakes and so on, make legal certainty unclear. Certainty of land ownership rights in Indonesia is currently regulated based on UUPA no. 5 of 1960 in the form of a certificate document as proof of strong land control which contains physical data and juridical data as proof of land ownership rights. The best solution to resolve land ownership conflicts is to register ownership rights to land obtained based on the Dutch legal and customary system in accordance with UUPA no. 5 of 1960 and PP no. 24 of 1997 concerning land registration in conjunction with PP No. 18 of 2021 concerning management rights, land rights, apartment units, and land registration in conjunction with jurisprudence No. 234 K/Pdt/1992.

Keyword: Land, Law, Legal Certainty, Girik, SKT, Patok.

INTRODUCTION

Conflicts over land ownership rights occur because of the existence of two different legal systems, namely the western legal system used by the Dutch and customary law such as customary law which is still applied in Indonesia. As a result, documents that are still under control based on the legal system, for example girik documents, SKT, stakes and so on, make legal certainty unclear. Certainty of land ownership rights in Indonesia is currently regulated based on UUPA no. 5 of 1960 in the form of a certificate document as proof of strong land control which contains physical data and juridical data as proof of land ownership rights. The best solution to resolve land ownership conflicts is to register ownership rights to land obtained based on the Dutch legal and customary system in accordance with UUPA no. 5 of 1960 and PP no. 24 of 1997 concerning land registration in conjunction with PP No. 18 of 2021 concerning management rights, land rights, apartment units, and land registration in conjunction with jurisprudence No. 234 K/Pdt/1992.

The subject of land rights according to the Basic Agrarian Law is defined as all of the earth, water and space, including the natural wealth contained therein. The law recognizes

land with a certificate, as stated in Article 16 of the UUPA, based on Government Regulation no. 24 of 1997. Basic Agrarian Law no. 5 of 1960 was promulgated on 24 September 1960, which requires the conversion of land rights that are still regulated by Dutch agrarian law in accordance with this law. Converted rights, such as eigendom, automatically become property rights, and failure to convert them will result in those rights remaining in effect for 20 years from the enactment of the law. Optstal and erfpacht rights converted into building use rights and business use rights, respectively, will also remain valid for 20 years unless immediately converted in accordance with the law.

Land ownership regulated by Dutch agrarian law will be valid for a maximum of 20 years from the enactment of Law no. 5 of 1960. Land rights are recognized and still valid, in accordance with Government Regulation no. 24 of 1997 concerning Land Registration, documented in the form of a certificate. There are three ways to obtain land rights, namely through a deed, sporadic transactions facilitated by the Land Deed Making Officer (PPAT), and the Agrarian National Operation Project (PRONA), a government program that provides free certificates to eligible individuals..

Land ownership conflicts often arise when someone does not have a valid ownership certificate according to the Basic Agrarian Law Number 5 of 1960. The term "conflict" comes from the Latin word "configure" which means to hit each other, which sociologically implies that one party makes the other party helpless. Legal ownership of land requires a certificate obtained through a deed or recording process by the relevant government which can be converted within 20 years from 24 September 1960 to 24 September 1980 in accordance with Article 7 paragraph 2 of Government Regulation no. 20 of 2021 concerning Controlling Abandoned Areas and Land.

Failure to convert documents such as petok, girik, SKT, etc., into ownership certificates will result in the land being controlled by the Ngegara which will result in revocation of legal rights and injustice for the buyer (Zainal Arifin & Eddy O.S, 2023).

Before the enactment of the Basic Agrarian Law no. 5 of 1960, there are problems of dualism and pluralism regarding land use under the Dutch system and various customary laws throughout Indonesia. Dualism involves conflicting Dutch agrarian law and customary law, while pluralism reflects the diversity of customary law in various regions, which causes legal uncertainty. To overcome this problem, the Indonesian government implemented the Basic Agrarian Law no. 5 of 1960, which guarantees national legal certainty.

1. Basic Agrarian Law no. 5 of 1960 included important principles to overcome the problem of dualism and pluralism, such as Dutch agrarian law and customary law;
2. The principle of nationalism (Article 9 paragraph 1): Only Indonesian citizens can have full connection with the earth, water and space within the limits specified in Articles 1 and 2;
3. The principle of non-discrimination (Article 9, paragraph 2): Every Indonesian citizen, both men and women, has the same opportunity to obtain land rights and obtain benefits from the results of that land for themselves and their families;
4. Principle of social function (Article 6): All land rights have a social function;
5. The principle of control by the State (Article 2 paragraph 1): "...Earth, water and outer space, including the natural resources contained therein, are controlled at the highest level by the State, as the ruling organization of all the people...".

Even though there is recognition of land ownership in the form of certificates, there are still many Indonesians who do not have them, and still hold documents such as girik, SKT, petok, etc., which causes ownership disputes. In 2018, of the 126 million plots of land in Indonesia, only 51 million were registered, leaving 79 million unregistered. As of July 25 2023, 105.2 million land plots have been registered, with 86.6 million land plots having certificates (Cakti, 2023). Documents such as girik, SKT, etc., are vulnerable to

manipulation, resulting in disputes, thus emphasizing the need for legal certainty in land ownership and clarity on the status of these documents.

With the above background, this research needs to be carried out to understand the legal certainty that applies in Indonesia in line with the current development and dynamics of agrarian law regulations. This research is normative in nature with a perspective approach, using three approaches, namely the statutory approach, which is carried out using related laws and regulations, especially those relating to land ownership; case approach, which is carried out by studying court decisions relating to land ownership; and a historical approach, which examines the history of land ownership in Indonesia (Triningsih & Aditya, 2019).

METHOD

Legal research is divided into two types of normative or doctrinal legal research and empirical or sociological legal research. Normative legal research is conceptualized as what is written in the law or statute (Law In Book), which functions as norms or guidelines for appropriate behavior. This research studies how law is applied in society, taking into account the factors that influence its application, such as legal principles, legal awareness, etc. The perspective research approach aims to provide a general overview of issues related to existing normative standards in order to offer recommendations for overcoming specific problems (Suteki & Taufani, 2020).

Normative legal research only uses secondary data with three types of legal materials, namely primary, secondary and tertiary. Primary legal materials are authoritative or have authority. Secondary legal materials lack authority but are still relevant to the research, and their inclusion is necessary (Hakim, 2016). Tertiary legal materials are legal sources that are outside the research context but are needed to support research, such as dictionaries, encyclopedias, etc. In this research, the primary legal materials used are laws, government regulations, and court decisions (Sihombing, 2022). Secondary legal materials include books related to agrarian and land issues in Indonesia, as well as other legal books. Tertiary legal materials, such as dictionaries and encyclopedias, were not used in this research. The data analysis used in this research is qualitative analysis, meaning that the data is analyzed without using numerical values but relying on sentences with a strong basis and basis.

RESULTS AND DISCUSSION

Land Ownership in Indonesia

Land is a crucial legal object where many problems arise due to land ownership. Land ownership in Indonesia, seen from a historical perspective, before 1960, still adhered to the Dutch legal system where various land rights were known, such as eigendom (ownership rights), erfpacht (business use rights), opstal (building use rights), and land ownership rights. -other rights such as customary rights and land owned by the government.

Based on the explanation above, land ownership before 1960 can be divided into individual ownership and communal ownership, such as ulayat land and government land (State Land), which were adopted from customary law. (Uktolseja, 2023).

From a customary law perspective, viewing customary land as ulayat land means considering it as land given by local authorities in a certain area to someone for generations. This right can be inherited by a person's children and grandchildren for certain purposes that have social value (Rafiqi et al., 2021).

In customary law, land is considered an entity with a soul, the same as humans although it has a different form. Land is understood to include water, air and the natural riches contained therein. In Indonesian land law, the principle of accession states that essentially the land owner also owns all the objects on the land (Sari, 2020).

Ownership rights to land, from a historical perspective during the Dutch colonial period in Indonesia, were owned by kings, sultans, traditional leaders, or by different titles

given by various regions to their rulers. Each region had different names for their rulers. At that time, concessions or permits were given to the Dutch to manage the land (Rafiqi et al., 2021).

Long before the arrival of the Dutch and Japanese in Indonesia, people freely managed the land because most of it was still forest or jungle. The large concessions given by the rulers at that time (sultans, kings, tribal chiefs, traditional leaders) to the Dutch as permits for Dutch plantations succeeded in attracting workers from various regions. This has changed areas that were originally forests and jungles into busy plantation areas with an ever-increasing population, and residential development around these plantation areas continues.

With the increasing population and limited land for businesses and residences, conflicts over land ownership arise. The rulers in various regions continued to make significant concessions to the Dutch without negotiating with the rulers and local communities, thus creating conflict between the communities and the Dutch. In Malay society, the famous conflict known as the Gelam River War occurred over the concession of customary rights to (Dutch) plantation entrepreneurs.

During the period when parts of Indonesia were under Dutch rule, land rights regulations were divided into two based on civil law introduced by the Dutch and customary law issued by regional rulers (sultans, kings, tribal chiefs, traditional leaders, village heads). In the eastern part of the Malay region, rulers issued four types of grants. The first is the controleur grant (C), which can be upgraded to a cultivation right and is granted to foreigners subject to Dutch civil law.

Second, deli maatschappij (D), where the sultan of a self-governing country grants land use rights for 99 years to foreigners. Third is the sultan grant (S), which is given by the sultan to the native population and can be increased to property rights, business use rights and building use rights.

The final regulations at that time were known as Agricultural Concessions (Landbouwcencesie), which were granted to anyone wishing to manage land for a period of between 75 and 99 years. The context of this right is the leasing of land from local authorities (sultans, kings, tribal chiefs, traditional leaders) to third parties for a certain period of time (Rafiqi, 2019).

The delegation of authority over land by rulers in various regions in Indonesia developed into customary law known as "hak ulayat," where a person has the right to control customary land. However, each region has various types of documents that represent the rights granted by their respective authorities, such as Grant Letters, SPT, SKT, Girik, and other documents (Usman, 2020).

After Indonesia's independence, the Basic Agrarian Law (UUPA), which was first introduced in 1960, addressed conflicts arising from the two previously applicable legal systems and the issue of pluralism. UUPA falls under the domain of administrative law, regulating land rights.

From an administrative law perspective, the UUPA regulates the rights and actions of individuals and individuals and the State regarding land rights (Saidin, 2017). From a civil law perspective, a legacy of the Dutch colonial era, land rights involve the legal relationship between individuals and land, which applies to certain groups (Sitompul, 2017). Meanwhile, from an agrarian law perspective, since 1960, the Indonesian government has made quite significant changes to agrarian law with the promulgation of the Basic Agrarian Law (UUPA) no. 5 of 1960, which provides legal certainty for the national community in accordance with the ideals of the Indonesian nation which is based on the 1945 Constitution. The UUPA comprehensively discusses and explains land rights. The formation of the UUPA aims to provide legal certainty based on the basic principles of this law:

1. The Domain Principle is abolished and replaced with "State Property", as regulated in Article 2 paragraph 1, where the State controls the earth, water and outer space, including

the natural resources contained therein. This means that the State as the holder of the highest authority has the right to regulate and carry out the allocation, preservation and utilization of these natural resources;
2. The state has the right to regulate the rights that can be had, and regulate legal relations and actions between individuals. Being controlled or controlled by the State means regulating, increasing and considering the production of natural resources;
3. Recognition and legal certainty over customary land is outlined in Article 3 of the Basic Agrarian Law No. 5 of 1960;
4. Land rights are based on its social function, as regulated in Article 6 of the Basic Agrarian Law No. 5 of 1960;
5. Implementation of the national principle, where only Indonesian citizens can have ownership rights to land in accordance with Article 9, Article 21 paragraph 1, and Article 26 paragraph 2 of the Basic Agrarian Law No. 5 of 1960.
6. Implementation of the principle of gender equality to protect the interests of all citizens regarding land rights in accordance with Article 9 paragraph 2 of the Basic Agrarian Law No. 5 of 1960;
7. Implementation of the principles of "agrarian reform" in Article 10 paragraphs 1 and 2 of the Basic Agrarian Law No. 5 of 1960;
8. To achieve the nation's aspirations, the government needs to make plans, both at regional and national levels, for organized and directed land use.

Basic Agrarian Law no. 5 of 1960 also established the basis for achieving legal unity and simplicity. Before this law, Indonesia used Western law and customary law. Therefore, this law is based on these two legal systems, and all Indonesian citizens must submit and comply with it. Basic Agrarian Law No. 5 of 1960 also recognizes the potential legal needs of certain community groups. However, any differences in interests must not conflict with national interests.

In cases where there are conflicting economic interests between strong and weak economic groups, the law emphasizes prioritizing the interests of the weaker economic group. Apart from ownership rights, which are the strongest rights a person can have, the Basic Agrarian Law also guarantees other rights, such as rights adopted from customary law. The UUPA also guarantees other rights to meet community needs, including the right to use land and buildings.

Legal certainty in the Basic Agrarian Law no. 5 of 1960 is regulated in Article 19, which mandates the government to register land that is included in the "rechts-kadaster" category to ensure legal certainty. Land registration is mandatory for the relevant rights holders to obtain legal certainty.

Land Registration

Land registration is a series of activities carried out by the government on a regular and continuous basis to provide legal certainty in the land sector, including the provision of documents proving rights and their maintenance.

The state does not own land, but controls it. The term "control" has a different meaning where the State is a body (lichaam) that holds supreme power, different from the government as an organ (Suwarti et al., 2022). The state controls land for social purposes, while the government can own land. Before the enactment of the Basic Agrarian Law (UUPA), the government owned land to fulfill its duties, just like a sultan who owned land and gave rights to certain individuals (Triningsih & Aditya, 2019). After the enactment of UUPA no. 5 of 1960, land rights recognized in Indonesia are described in Article 16 paragraphs 1 and 2, as follows:

Paragraph 1 states that land rights include: a. Property rights, b. Cultivation rights, c. Building use rights, d. Use rights, e. Rental rights, f. Right to open land, g. Right to collect

forest products, h. Other rights which are not included in the rights mentioned above, which will be determined by law, as well as temporary rights as intended in Article 53.

Paragraph 2 states: "...Rights to water and air space include a. water use rights, b. fisheries conservation rights and fishing rights, c. right to use air space…" . Land registration is explained in Article 19 paragraph 2, which states that land registration includes: "a. land surveying and mapping, b. registration of land rights and transfer of these rights, c. the issuance of documents as evidence of rights that act as strong evidence".

Since the enactment of the Basic Agrarian Law no. 5 of 1960, land registration is mandatory for individuals who have received land rights before the enactment of this law. These rights will be converted into rights recognized under this law and registration of land rights must be carried out by the old rights holder.

Documents that function as strong evidence of rights, as intended in Article 19 paragraph 2 letter c, are explained in Article 32 paragraphs 1 and 2 of Government Regulation no. 24 of 1997 concerning Land Registration where the certificate is a valid physical and juridical evidence provided that the physical and juridical data corresponds to the data in the measurement letter and land rights book in question.

However, if the certificate has been made by someone in good faith, then the party who feels in control of it within a period of 5 years since the certificate was issued has the right to file an objection to the certificate holder and the head of the land office as well as a court action regarding the issuance of the certificate.

Land registration must fulfill the principles of justice, expediency and legal certainty (Ismaya, 2018). According to Satjipto Rahardjo in Halilah & Arif, (2021) Legal principles are considered the soul of law because the birth of a legal regulation is influenced by these legal principles. This statement explains that the principle of justice is considered an abstract legal principle because perceptions of justice can differ from one individual to another. However, philosophically, justice is interpreted as achieving equal rights between conflicting parties (Harisah et al., 2020).

In line with this, it is emphasized that the principle of benefit is considered a success in law enforcement because one of the aims of a rule is to create specific benefits (Setiadi et al., 2019). This statement reflects that the principle of legal certainty is considered clarity. norms, so that these norms can be used clearly by people who comply with these regulations (Moho, 2019).

The principle of justice in Article 32 paragraph 2 of Government Regulation no. 24 of 1997 concerning Land Registration is reflected in the phrase "in good faith and real control and other parties who feel they have rights to the land cannot demand the implementation of their rights if within a period of 5 (five) years from the issuance of the certificate they do not raise objections". This sentence protects the defendant and plaintiff, providing justice for both parties in the dispute. The provisions in this regulation have binding legal force, so they also reflect the principle of legal certainty.

In the case of registration of old rights, documents in forms other than certificates must be converted or registered first according to the provisions of this Basic Agrarian Law. The physical data and juridical data referred to are explained in Article 1 points 6 and 7 of Government Regulation no. 24 of 1997.

Apart from written documents in the form of certificates, Government Regulation no. 24 of 1997 in conjunction with Government Regulation no. 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration Article 95 paragraphs 1 and 2 explains that written evidence of former western land rights is no longer valid and is back under the control of the State so that to register these rights you must complete the conditions that The land is not customary land and truly belongs to the person concerned, it is physically controlled and known to 2 witnesses. Control of abandoned land that has no owner can be owned with conditions in accordance with Government Regulation no. 20 of 2021

concerning Controlling Abandoned Areas and Land which must be controlled in good faith for 20 consecutive years or more and there are witnesses/witnesses and it is not customary or village/sub-district land in line with this other documents such as girik, SKT, etc. -Others must adhere to the provisions of the article.

A certificate is a document that has strong legal force to prove legal and physical data, but is not absolute legal evidence as long as it can be proven that the certificate contains errors in accuracy or incomplete technical data collection in the field and limited access to validate the evidence of ownership. or because there are formal or material violations of the sequence of stages in registering the land certificate.

Land Ownership Rights Conflict

Conflict or 'contendere' in Latin means a mutual attack between two parties, where one party persuades another party by defeating the second party with whom he is at odds (Zulfikar, 2015). Conflict theory is a change that occurs as a result of conflict or problems that lead to an agreement on previous conditions (Ridwantono, 2014). In conflict theory, things do not always go according to the applicable rules or order, conflict is necessary to produce agreed changes as a result of negotiations.

In the legal realm, conflicts arise due to misunderstandings, misperceptions, lack of understanding regarding the origin of the land and applicable regulations, giving rise to legal problems for both parties to the conflict. The term 'conflict' is known in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21 of 2020, which explains that conflict is a land dispute involving individuals, groups, communities, organizations, legal entities or institutions that tends to or has had a wide impact.

From a customary law perspective, ownership rights to land can be granted by traditional leaders/elders as traditional leaders. However, the ownership rights granted are not absolute, meaning that the ownership rights can be transferred to other people and canceled by traditional elders if the land is not used according to its intended purpose. Land owned by a group of indigenous peoples is used for the needs of the customary community, including property rights for the living needs of individual members of the customary community. Ownership rights to land owned by a person on customary land who clears and cultivates customary land such as forests is an ownership right granted by traditional elders where that person has the right to live and has full rights to the land and this right must be respected by other indigenous peoples. also with provisions that must be respected, such as respecting village customary rights, the interests of other people who own land and applicable customary regulations.

Land conflict is essentially a search for actual facts about the origin of the land where dispute resolution can be carried out using non-litigation methods such as customary deliberations or litigation in court.

In this research, researchers also conducted interviews with traditional elders/mamak grandmothers regarding the resolution of disputes over the origin of land in cases of land origin that were resolved according to custom regarding ownership rights to unclaimed land or bush land or cultivated land. Indonesia has many tribes gathered in one unit of the Republic of Indonesia, the customary laws that apply in each region regarding land ownership also have dominant differences. Settlement of disputes over the origin of land through non-litigation (customary deliberation) is handed over to the tribal chief/village head/sub-district head to decide ownership of the land within their territorial jurisdiction.

Source: Research Results

Figure 1. Location Of Traditional Court

In the resolution of land disputes in the Batin tribe, Tabir District, Merangin Regency, Jambi Province which was held on April 16 2008 at the Dusun Baru Subdistrict office, this trial was named the Kaum Sembilan adat deliberation where the substance of this conflict was the recognition of the property rights of both parties. early work on the thickets/gardens/forests/no-man's land where the conflict area occurs in Dusun Baru Village, the traditional territory of the Batin tribe.

Table 1. Batin Tribal Customary Disputes

Year	Amount	Category	Specification
2008	1	Land dispute	The Origin of Soil
2009	-	-	-
2010	-	-	-
2011	-	-	-
2012	2	Inheritance Disputes	Division of Inherited Land
2013	1	Inheritance Disputes	Division of Inherited Land
2014	-	-	-
2015	-	-	-
2016	-	-	-
2017	-	-	-
2018	-	-	-
2019	1	Inheritance Disputes	Division of Inherited Land
2020	-	-	-
2021	-	-	-
2022	-	-	-
2023	3	Inheritance Disputes	Division of Inherited Land

Source: Research data

The traditional trial was attended by 6 traditional elders/mamak grandmothers and was attended by witnesses from the defendant and plaintiff. After hearing the testimony of witnesses from each party in the lawsuit, the grandmother mamak or traditional elders conducted an inspection of the land where there was a dispute and decided in the traditional court that the thickets cultivated by the plaintiff had indeed belonged to the plaintiff because the plaintiff was the first to manage the land. This is as explained in traditional proverbs:*"Sabarakek, sabarulih; Sabarimbang, batu jalo; Sapo necepek, napulih; Sapo nakaniyan, payah sajo".*

Based on the origin of the land, registration of the land can be carried out. Based on the results of interviews with local mamak grandmothers and village heads, land ownership rights in rural areas where community members still adhere to customs and respect traditional leaders, conflicts over the origin of land can in practice be resolved through customary deliberation.

The case of the girik land dispute as happened to Antonius Kim Hwa et al as the heirs of the late. Tan Mie Seng as the owner of the customary land recorded in Book C of Pondok Betung Village Number: 852 Parsil 14D, in the name of Tan Mie Seng, covering an area of +

7,300 M2 where the land is currently controlled by another party who has ownership certificate No. 4580/Pondok Karya where the results of the trial at the District Court rejected the lawsuit and in its exception stated that the lawsuit had expired. An appeal was made against this decision with decision number 60/PDT/2017/PT BTN which stated that the lawsuit could not be accepted and the expiration date had passed so the plaintiff filed a cassation number 1347 k/pdt/2018 which resulted in the same decision that the lawsuit was rejected and the expiration date had passed. past.

This decision is in accordance with Article 32 Paragraph 2 of Government Regulation Number 24 of 1997 concerning Land Registration and is supported by Jurisprudence No. 234 K/Pdt/1992 concerning the Village Letter C Book is not proof of ownership rights, but is only a person's obligation to pay taxes on the land they control.

CONCLUSION

In this research, it can be concluded that legal certainty regarding land ownership rights has been implemented with the promulgation of the Basic Agrarian Law No. 5 of 1960 where the rights known in this Law are property rights, business use rights and building use rights, use rights, rental rights, business use rights, building use rights, business use rights, business use rights, building use, use rights, lease rights, business use rights, building use rights, business use rights, use rights, use rights, building use rights, use rights, use rights, use rights, use rights, use rights, use rights, rights use, use rights, use rights, use rights and other rights.

Transfer of land rights can be carried out as long as you can prove control over the land. Proof of strong control over land containing physical and juridical data in the form of a title certificate recognized in the Basic Agrarian Law No. 5 of 1960. In the event that a certificate has been issued for land and someone feels they have the right to the land, then you need to submit an objection to the certificate for a maximum of 5 years to the land office or owner of the right or a court action, otherwise you cannot claim back. Rights to physically controlled land are justified in Government Regulation no. 24 of 1997 concerning Land Registration and is given the right to register the land as long as it has been controlled for more than 20 years in accordance with the provisions of Article 7 paragraphs 1 and 2 of Government Regulation no. 20 of 2021 concerning Controlling Abandoned Areas and Land, controlled in good faith, has recognition from trusted people and is not disputed land. Documents such as girik, stake and SKT which were issued before the enactment of the Basic Agrarian Law No. 5 of 1960 and has not been registered has weak legal force as proof of ownership rights to land after more than 20 years since UUPA was implemented if there is no other supporting evidence stating ownership rights to the land.

Indonesia already has a strong legal basis in the form of Basic Agrarian Law No. 5 of 1960 to establish legal certainty of land ownership rights and methods for resolving land conflicts based on Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Defense Agency No. 21 of 2020 concerning Handling and Settlement of Land Cases. Land ownership rights are the highest rights that apply generally to all Indonesian people in the form of certificate documents issued by the Indonesian government. Land ownership rights issues that arise based on documents before the enactment of the Basic Agrarian Law No. 5 of 1960 such as girik, patok, SKT do not have strong evidence of physical and juridical data on land ownership, such as a review of the jurisprudence of the decision of the Supreme Court of the Republic of Indonesia with decision number 1347 k/pdt/2018 which states that lawsuits regarding land ownership rights are based on documents. The girik recorded in the Pondok Betung C village land book Number: 852 Parsil 14D was rejected and has expired. This is in line with the provisions of Article 32 Paragraph 2 of Government Regulation Number 24 of 1997 concerning Land Registration and Jurisprudence No. 234 K/Pdt/1992 where in the event that a person has a certificate as proof

of rights which is recognized as the strongest and most complete proof of land rights and then another party declares or feels objection to the land within 5 years of the issuance of the certificate, it can no longer be done. demanding the implementation of these rights and regarding the village letter c book is not proof of ownership rights, but is only a person's obligation to pay taxes on the land they control.

Land ownership rights in a historical perspective are known as customary law where land ownership rights are controlled by local authorities in a monarchical government system, whether by sultan, king, tribal chief, traditional head or by other names according to each region in Indonesia. The government system based on customary law owns land and grants various rights such as use rights, business use rights, building use rights and property rights to indigenous peoples which have been inherited from generation to generation by their children, grandchildren and great-grandchildren to this day. Ulayat land or customary land is also recognized in the Basic Agrarian Law No. 5 of 1960 in Article 3 where customary rights are still recognized as long as in reality they still exist as long as they do not conflict with national interests and statutory regulations. Initially, rights to ulayat land could not be used as freehold land, but management rights were obtained by opening an area within the ulayat land area with the approval of traditional elders, with whose approval someone could own and enjoy the results of the land. Ownership rights to customary land and government land from a customary law perspective can be given to certain parties to become ownership rights to the land with the permission of local customary holders as long as the origin of the land ownership can be proven, both physically and juridically, as in customary disputes that have been carried out in Dusun Baru Village, Tabir District, Merangin Regency, Jambi Province where the plaintiff was declared by the traditional elders or tribal chief to be the owner of the land which had been previously managed by him so that land registration could be carried out to increase ownership rights to the land in the form of a Certificate of Rights document. Owned by.

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