



Government Policy In Issuing Letter Of Recognition Of Land Rights (Study in North Musi Rawas Regency)

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ABSTRACT

The problem of this research was regarding the alienation certificate (SPH) like: 1). less awareness of people about the importance of alienation certificate, 2). the lack of socialization from the related institute about the importance of this alienation in village or district, 3). lack of education on people about the importance of this land affairs document, which in the document regulation was arranged regarding the realization of the land affairs. This research aimed to know the policy of alienation certificate (a study in Rawas Ilir district North Musi Rawas). This study used qualitative method and the data analysis technique were data reduction, data display, and conclusion drawing or verification. The results of this study indicated that some indicators as follow: Communication and bureaucracy had been achieved the indicators represents the implementation of SPH in the village. Therefore it can be concluded that policy of alienation certificate policy in Rawas Ilir district has been achieved.

ABSTRAK

Permasalahan dalam penelitian mengenai; Bagaimana Kebijakan Pemerintah dalam penerbitan Surat Pengakuan Hak Atas Tanah. Sebagai berikut: 1). Kurangnya kesadaran masyarakat tentang pentingnya SPH. 2) Kurangnya sosialisasi dari instansi terkait tentang pentingnya SPH di Desa maupun di Kelurahan. 3) Masyarakat belum teredukasi terhadap pentingnya dokumentasi tentang pertanahan, juga di dalam dokumen pertanahan diatur tentang realisasi objek pertanahan tersebut. Penelitian ini bertujuan untuk mengetahui Kebijakan Pemerintah Dalam Penerbitan Surat Pengakuan Hak Atas (Studi di Kabupaten Musi Rawas Utara). Penelitian ini menggunakan metode kualitatif dan teknik analisa data yang digunakan dalam penelitian ini meliputi reduksi data, display data dan conclusion drawing/ferivation. teknik sampling di atas peneliti menggunakan purposive sampling yang memiliki arti teknik penentuan sampel dengan pertimbangan tertentu. Hasil penelitian ini menunjukkan Penyalur komunikasi dalam pengurusan SPH, yaitu bermula dari masyarakat dan selanjutnya kepada Lurah/Kepala desa. Surat asal usul kepemilikan hak atas tanah. Kejelasan komunikasi merupakan petunjuk dalam membuat SPH. Kemampuan pegawai dalam merealisasikan atau memberikan suatu penerbitan pembuatan SPH, haruslah jelas dan dapat mempermudah kegiatan yang berhubungan dengan pembuatan SPH. Kesesuaian organisasi birokrasi yang menjadi penyelenggara implementasi kebijakan public, struktur birokrasi menjelaskan susunan tugas dan pelaksana kebijakan, memecahkannya dalam perincian tugas, serta menetapkan Standar Operasional Prosedur (SOP) merupakan peraturan yang dibuat secara teknis untuk mengatur penerbitan SPH, untuk memudahkan proses pembuatan seperti terlihat dengan jelas apa yang menjadi persyaratan dalam penerbitan SPH tersebut.

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I. INTRODUCTION

Based on the Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration that the Land Management Right is a control right from the state where the right is obtained from a legal relationship between the right holder and the Land, including space above the Land, and/or space under the Land to control, own, use, and utilize, as well as maintain the Land, space above the Land, and/or space under the Land. So that in the maintenance and utilization of the land there must be legal certainty so that the land must go through registration which is a series of activities carried out by the Government continuously, continuously and regularly including collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in in the form of maps and lists, regarding land parcels, above ground spaces, basements and apartment units, including the issuance of certificates of proof of title for land parcels. Letters of Acknowledgment of Rights (SPH), or referred to by other names in various regions in Indonesia, in fact still exist and are ongoing in land law traffic. SPH as one of the bases for land ownership rights. The granting and issuance of SPH in government practice in Indonesia, is based on Government Regulation Number 8 of 1953 concerning Control of State Lands, which gives control authority over State land to the Ministry of Home Affairs. In the practice of controlling SPH, this is issued by the District Government. With the existence of the Basic Agrarian Law Number 5 of 1960, which was followed up with Government Regulation Number 10 of 1961 which was later amended by Government Regulation Number 24 of 1997 concerning Land Registration, it is no longer possible to issue rights that are subject to Civil Code or customary rights. Certificates are proof of land rights based on Article 19 paragraph (2) of the UUPA and Article 31 of Government Regulation Number 24 of 1997 in the context of implementing land registration. The land certificate proves that the right holder has a right to a particular plot of land, bearing in mind that land is one of the most basic assets of the Indonesian State, this can be because the State and nation live and develop on land, and the Indonesian people position land in a very important position. important, because it is a major factor in increasing agrarian productivity.

The land certificate is a copy of the land book and in it there is a picture of the situation and the measurement letter and contains physical data and juridical data in accordance with the data contained in the measurement letter and the land title book concerned. The emergence of disputes between village communities and plantation and mining companies, usually always raises issues regarding formal verification between SPH owned by community members and HGU certificates or usage rights over other rights owned by companies. Therefore, land issues arising from land rights will be more numerous and varied, due to the fact that all existing land parcels have not been registered, so that legal certainty and legal protection have not been created. Regarding the matter of land registration, it has been regulated according to Article 9 of Government Regulation No. 24 of 1997 concerning Land Registration, which explains that what can become the object of land registration are: a. plots of land owned by property rights, usufructuary rights, building use rights and usufructuary rights; b. land management rights; c. waqf land; d. ownership rights to apartment units; e. mortgage right; f. state land; Nevertheless, one of the fundamental problems of land problems and the emergence of symptoms of legal uncertainty in terms of control and exploitation of land parcels by members of the public, is that land registration has not been carried out properly, accurately and continuously throughout Indonesia, including the maintenance of registration data. So in addition to implementing the laws and regulations in the field of land consequently, the main thing is the implementation of land registration throughout Indonesia. Based on the problems above, it can be found that the formulation of the problem in the research is, How is the Government Policy in Issuing Letters of Acknowledgement of Land Rights, especially in Rawas Ilir District, North Muli Rawas Regency. As for the limitations of the problem in this study so as not to expand, the researchers limited the procedures and publications in making SPH in Rawallir District, North Muli

Rawas Regency. The purpose of this researcher is to find out in depth, Government Policy in Issuing SPH in Rawas Ilir District, North Musi Rawas Regency.

II. RESEARCH METHODS

Qualitative

Qualitative is research in the form of words, sentences, gestures, facial expressions, charts, pictures and photographs. According to Strauss and Corbin in V. Wiratna Sujarwen's book, qualitative aims to understand social phenomena or symptoms by providing a clear explanation of these social phenomena or symptoms in the form of a series of words which will eventually produce a theory.

Framework

The framework is the stages of the process sequential research based on interrelated steps, can be seen in Figure 1

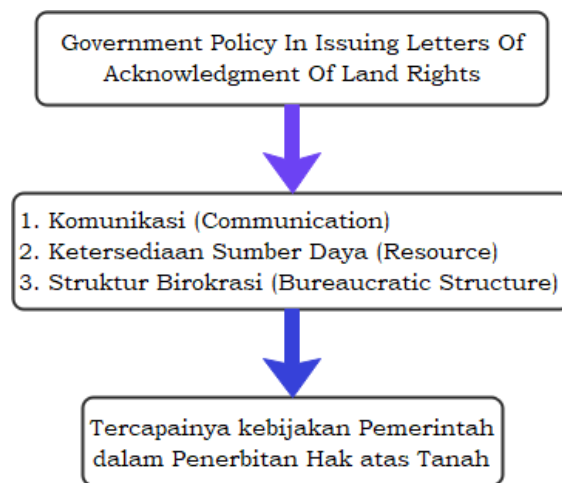


Image 1. Framework

III. RESULTS AND DISCUSSION

This condition also seems to apply to evidence of initial possession of land rights, in the case of girik, for example, before the birth of the UUPA, girik was still recognized as proof of land rights, but after the birth of the UUPA and PP No. 10 of 1961 as amended by PP no. 24 of 1997 concerning Land Registration, only certificates of land rights are recognized as proof of ownership of land rights. SPH management is very important bearing in mind that the Indonesian nation is a unitary state that places land in an important position because it cannot be separated from the condition of an agrarian society. The clarity of communication regarding SPH management is that efforts have been made by the Rawas Ilir sub-district in providing socialization on the importance of SPH for the community and the sub-district head issues a letter of assignment to village officials to socialize it to the community so that the Rawas Ilir sub-district community wants to make an SPH.

Government Policy in Issuing Letters of Acknowledgment of Land Rights

Policy is a series of actions or activities proposed by a person, group, or government in a certain environment where there are obstacles (difficulties) and possibilities (opportunities).

Communication

a. Communications Distributor

With regard to how policies are communicated to the public, the availability of resources to implement the policies, the attitudes and responses of the actors involved, and the organizational structure of

implementing the policies. Communication is needed by every policy implementer to find out what they have to do. In this case there are communication activities with communication channels, where there is communication with the community in Rawas Ilir District, North Musi Rawas Regency. So that in channeling the communication of SPH issuance from the Camat, Sekcam, 1 Kecamatan 12 Desa, Kades Beringin Makmur, Kadus, and supported by documentation including letters from the Kecamatan, letters from the Kades and minutes and minutes.

b. Clarity of Communication

In the clarity of the communication regarding SPH management, there was an effort made by the Rawas Ilir District in providing socialization on the understanding of the importance of SPH for the community and the Camat issued an assignment letter to village officials to socialize to the community so that the Rawas Ilir Subdistrict community would make an SPH.

Table 3.1 Amount of SPH Issuance

No	Village/Kelurahan	SPH that has been issued	SPH in progress
1	Kelurahan Bingin Teluk	143	24
2	Desa Beringin Sakti	235	32
3	Desa Mandi Angin	221	12
4	Desa Beringin Makmur I	197	55
5	Desa Beringin Makmur II	187	32
6	Desa Belani	298	34
7	Desa Batu Kucing	110	12
8	Desa Pauh	250	89
9	Desa Pauh I	194	21
10	Desa Air Bening	200	9
11	Desa Ketapat Bening	213	45
12	Desa Mekar Sari	188	21
13	Desa Tanjung Raja	213	7
	Jumlah	2.649	393

Availability of Resources (Resource)

a. Employee Capability

In terms of the ability of employees to be supported in improving human resources or increasing the ability of employees of the Rawas Ilir Sub-District, the Camat always guides employees to provide the best service to the community, where this is supported in the form of documentation of acknowledgment of rights.

b. Information

There is a letter of invitation to village officials to hold discussions regarding SPH issues in Rawas Ilir Subdistrict, where by conducting discussions on controlling the object of a statement of rights acknowledgment. So that it is known that in overcoming the problem of issuing SPH, the District of Rawas Ilir made an invitation letter for the socialization of the issuance of SPH by inviting village officials in the Rawas Ilir District area, which aims to provide an understanding of how important it is to issue an SPH.

Bureaucratic Structure (Bureaucratic Structure)

The bureaucratic structure explains the composition of tasks and policy implementing apparatus, solves them in task details, and establishes standard operating procedures. In this case it is known that there is a document in the form of Standard Operating Procedure number 140/140/Pem/2018

that the Standard Operating Procedure for making SPH in Rawas Ilir District has several SPH requirements, each of which is in 2 copies, namely as follows: a). Photocopy of KTP/KK of beneficiary members. b). Death Certificate of the heir issued by the lurah/village head, c). Stamp duty 6000 2 sheets, d). PBB bill,

And to register SPH, there are requirements, each of which is made in duplicate, namely: a). Make a request that is shown to the Lurah/Village Head, b). Letter of origin of ownership/rights (receipt of sale/purchase/certificate of inheritance/grant/etc), c). Photocopy of KTP/KK, d). Minutes of land measurement, e). A certificate from the lurah/village head, f). Stamp duty 6000 2 sheets, g). PBB bill

Communications Distributor

Zaenal Mukarom (2015, p. 207-209), Communication can relate to how policies are communicated to the public, the availability of resources to implement policies, attitudes and responses of the actors involved, and how the organizational structure of implementing the policy. Communication is needed by every policy implementer to know what they have to do. In this case there is also Government Regulation Number 24 of 1997 which is the implementation of the Government in simplifying the pattern of land registration in Indonesia. Based on the results of observations, interviews and also documentation using Zainal Mukarom's theory or government regulation number 24 of 1997 concerning land registration, it can be concluded that while it is appropriate, so that the issuance of the SPH has been achieved.

Clarity of Communication

Zaenal Mukarom (2015, p. 207-209), Communication relates to how policies are communicated to the public, the availability of resources to implement policies, attitudes and responses of the actors involved, and how the organizational structure of implementing policies. Communication is needed by every policy implementer to know what they have to do. Government Regulation Number 24 of 1997 is the implementation of the Government in simplifying the pattern of land registration in Indonesia. Based on the results of observations, interviews or documentation using Zainal Mukarom's theory and laws and regulations, it can be said that they are appropriate.

Availability of Resources (Resource)

a. Employee Capability

Zaenal Mukarom (2015, pp. 207-209), Availability of Resources (Resource); with regard to supporting resources for implementing policies Human Resources are important actors in the implementation of a policy which is a human potential inherent in a person's existence including physical or non-physical in the form of the ability of an employee who accumulates both from experience background, expertise, skills and relationships personal. The issuance of SPH is in accordance with Government Regulation Number 24 of 1997 which took effect on October 8, 1997 concerning Land Registration so that the issuance of SPH has been achieved.

b. Information

Zaenal Mukarom (2015, p. 207-209), Information submitted or received must be clear so that it can facilitate or expedite the issuance of SPH. So it was concluded that the disseminator of information on the issuance of SPH was clear and could facilitate activities related to the issuance of SPH, so that the issuance of SPH had been achieved.

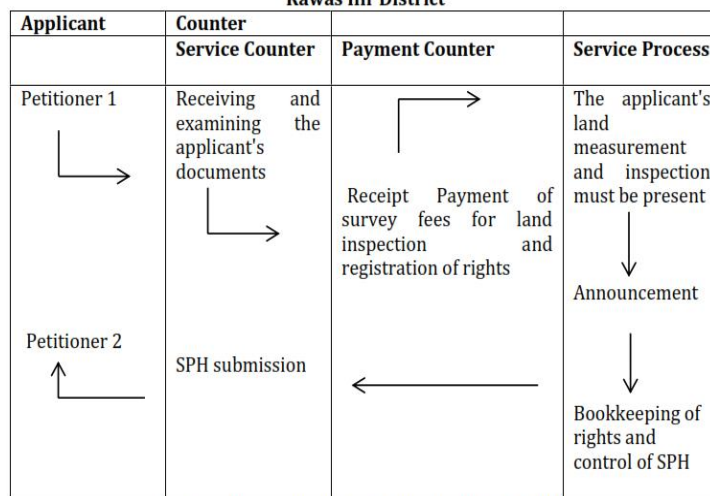
Bureaucratic Structure (Bureaucratic Structure)

Zaenal Mukarom (2015, p. 207-209), Bureaucratic structure with regard to the suitability of the bureaucratic organization that is the organizer of public policy implementation, the bureaucratic structure explains the composition of tasks and establishes standard operating procedures, so that the SPH issuance policy has been achieved

Standard Operating Procedure (SOP)

Standard Operational Procedure for making SPH in Rawas Ilir District, has several types of SPH services, such as, 1) Photocopy of KTP/KK of beneficiary members. 2) The heir's death certificate issued by the lurah/village head. 3) Stamp duty 6000 2 (two) sheets. 4) PBB paid off. 5) 2 (two) copies of each. And to register SPPH, the requirements are 1). make an application addressed to the lurah/village head. 2). Letter of origin of ownership/rights (receipt of sale/purchase/certificate of inheritance/grant/etc). 3). Photocopy of KTP/KK. 4). Minutes of land measurement. 5). Letter of village head/head of village. 6). Stamp duty 6000 2 (two) sheets. 7). PBB bill. 8). 2 (two) copies each. And documentation in the form of Standard Operating Procedure Number 140/10/Pem/2018 concerning notification of control of SPH documents in Rawas Ilir District.

Table of SPH service process in Rawas Ilir District



Source: documentation of Rawas Ilir District, 2019

IV. CONCLUSION

It can be concluded that the government's policy in issuing SPH, especially in Rawas Ilir Subdistrict, Musi Rawas Regency, is that with a total of 1 Kelurahan and 12 Villages, there are 2,649 SPHs that have been issued and 383 SPHs in process. In accordance with the results which explain that the communication channel provides a clear and firm understanding for the community, the ability of employees who must facilitate SPH issuance activities, and the suitability of bureaucratic organizations to facilitate the SPH issuance process. The ability of human resources to realize or provide an SPH issuance service must be qualified and must master what an SPH issuance service is. So people don't misunderstand. Information is an understanding of the SPH that is given to disseminators of information on the issuance of the SPH must be clear and can facilitate activities related to the issuance of the SPH. Standard Operating Procedures (SOP) are technically made regulations to regulate the issuance of SPH, whereby the document is in the form of SOP with number 140/140/Pem/2018 which in this case is to facilitate the issuance process as it is clearly seen that it is a requirement in realizing SPH the. Judging from the theory used is Zaenal Mukarom and/or Government Regulation Number 24 of 1997 concerning Land Registration that the government's policy in issuing SPH has been achieved, taking into account the results of indicators consisting of communication, availability of human resources, and bureaucratic structures as well as Standard Operating Procedures (SOUP).

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