Increasing Community Legal Awareness Regarding Legal Protection of Land Ownership Certificate Holders in Sawahan Village

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Abstract. This community service aims to increase public awareness of the legal protection of certificate holders. Registration of land ownership rights guarantees legal certainty of land ownership rights to legal owners through the issuance of land certificates. Disputes over land ownership often occur in the community because the community needs to understand the legal force of land certificates as proof of rights. Land registration is carried out to provide legal certainty and protection for holders of land ownership certificates in good faith. Public awareness can be increased by understanding legal land ownership in the land registration system. There are 2 methods used in community service, namely, the socialization method and the legal counseling method. The knowledge provided to Partners was in the form of knowledge regarding the law regarding ownership of land certificates, the law in legal ownership of community land rights by statutory regulations, and the legal provisions regarding the land registration system. The results of this community service show that community understanding has increased. The result is indicated by the difference in pre-test and post-test scores administered when the activity was carried out. Communities understand their rights and obligations as owners of land rights legally by laws and regulations through a land registration system.

Keywords: legal protection, land, constitutional

1 Introduction

Land, which is an object of ownership, is part of the earth so called the surface of the earth; the land is one of the objects regulated by agrarian law. Land which is regulated by agrarian law is not land in its various aspects, but land from its juridical aspect, namely those directly related to land rights that are part of the surface of the earth [1]. Apart from having spatial aspects, the land also contains legal aspects, so apart from being a place to live, the land will also be related to a person's right to own and use it [2].

Land plays an important role in human’s life, including, in this case, the life of the Indonesian people, because human’s life cannot be separated from a land where the existence of land is not only a means of residence but also a source of livelihood [3]. Land ownership is a human’s right of every Indonesian citizen, regulated in the 1945 Constitution of the Republic of Indonesia, specifically Article 28H, which states that everyone has the right to have private property rights, which cannot be taken over arbitrarily by anyone [4]. Property rights are not limited in time and are hereditary [5].

In the context of providing guarantees for ownership of land rights, the 1945 Constitution [6] and the Basic Agrarian Law issued Government Regulations as implementing regulations, which then explained that every citizen, in order to obtain
guaranteed rights to the land he owned, must register the land first, then the government will issue a land certificate as proof of ownership of the land rights [7]. Land rights can be granted to and owned by individuals, both Indonesian citizens and foreigners domiciled in Indonesia, a group of people jointly, and legal entities established according to Indonesian law and domiciled in Indonesia or foreign legal entities that have representatives in Indonesia, private legal entities or public legal entities [8].

Government Regulation on Land Registration states that land registration is a series of activities carried out by the Government continuously and regularly, including collection, processing, bookkeeping, presentation, and maintenance of both physical and juridical data in the form of maps and lists, concerning land areas, including the issuance of certificates of proof of title for land parcels for which there are rights and certain rights that burden them [9]. The Government Regulation also states that land registration is important to provide legal certainty and legal protection to rights holders over a parcel of land and to provide information to interested parties, including the Government so that they can easily obtain the necessary data in carrying out legal actions regarding a particular land parcels area and for the implementation of orderly administration [10].

Land registration provides legal certainty and protection to holders of rights to a parcel of land and can prove that a person is the holder of rights to the land in question [11]. According to the Basic Agrarian Law, land ownership, as evidenced by a land certificate, has strong evidentiary power [12], if it meets certain criteria, in other words, if the certificate of land rights is obtained in good faith and the holder of land rights must have real control of the land [13]. Issuance of land rights certificates must go through several processes to obtain legal rights [14].

Many Indonesian people still live and own land illegally, in the sense that people have occupied or owned land not by the applicable laws and regulations [15]. This is due to the lack of public understanding of the meaning of legal land registration. Disputes over land with ownership rights related to land registration are usually caused by the following things, including: (1) procedural errors in the process of measuring, mapping or area calculations, (2) procedural errors in the process of registration of confirmation and/or recognition of rights to former customary land, (3) procedural errors in the process of determining and/or registering land rights, (4) procedural errors in the process of determining abandoned land, (5) overlapping rights or certificates of land rights in which one of the rights bases has an error, (6) procedural errors in the process of maintaining land registration data, (7) procedural errors in the process of issuing replacement certificates, (8) errors in providing land data information, (9) procedural errors in the process of granting permits, (10) misuse of space utilization, other errors in the application of laws and regulations [16], and overlapping land certificates [17]. The dual certificates are caused by humans (human error), errors or carelessness and no good faith or intention, which can lead to intentional or unintentional overlapping [18].

Thus, community service activities have been implemented to increase legal awareness and legal understanding of the Sawahan community in understanding the importance of land ownership rights and the land registration system. Apart from this, it is also an effort to raise legal awareness [19] regarding the importance of certificate ownership as proof of ownership of land rights, as well as an effort to establish order in society and to be able to provide guarantees of legal certainty [20] and legal protection to the community [21].

The problems found are as follows:

1. The community's legal understanding of ownership of land certificates still needs to be improved;
2. Legal awareness regarding the legal ownership of community land rights still needs to be improved; and
3. Legal awareness regarding land ownership rights through the land registration system still needs to be improved.

The solutions to the problems offered are as follows:
1. Providing legal counselling regarding the legal consequences of ownership of land certificates;
2. Providing legal counselling regarding the rights and obligations of the community regarding the legal ownership of land rights following statutory regulations; and
3. Performing dissemination of legal provisions regarding land ownership through the land registration system.

2 Methodology

The socialization method is carried out to provide accurate information regarding legal provisions regarding land ownership through a land registration system. The community is educated that land certificates are proof of ownership of land rights, as well as an effort to establish order in society and to be able to provide guarantees of legal certainty and legal protection to the community.

Program monitoring and evaluation are carried out to ensure the program will be implemented effectively. This monitoring and evaluation activity is routinely carried out for each program/activity implementation stage. Programs/activities can be implemented effectively when the programs/activities achieve the set targets.

3 Results and Discussion

The method used to provide a complete understanding of increasing legal understanding of ownership of land certificates for the community, legal awareness of legal ownership of community land rights, and legal awareness of land ownership rights through the land registration system is the method of socialization and legal counselling.

The method of legal counselling was carried out to convey the legal consequences of ownership of land certificates, as well as legal education regarding the rights and obligations of the community regarding legal ownership of land rights following statutory regulations.

This Community Service Program was carried out on Sunday, 12 February 2023. There were 20 participants from various circles of Sawahan population. The speaker who delivered the material was Mr. Widiyantara. He is a Notary in the Bantul district. He explained that a land certificate is proof of legal ownership and contains a social function. In the question-and-answer session, almost all the participants who attended raised questions related to the land issues being faced, such as very long land management, procedures for the inheritance, inheritance for heirs through a line of grandchildren, and issues of inheritance rights for Indonesian women who are married to foreign men. This counselling was very beneficial for the community because many people experienced problems related to land ownership.
The results of this community service show that community understanding has increased; this is indicated by the difference in pre-test and post-test scores obtained by 20 participants when the activity was carried out in Table 1. The community understands their rights and obligations as owners of land rights, legally following laws and regulations through the land registration system.

Table 1. Pre-Test and Post-Test Results.

<table>
<thead>
<tr>
<th>Question</th>
<th>Pre-Test Answers</th>
<th>Post-Test Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 1</td>
<td>I Know</td>
<td>I don’t know</td>
</tr>
<tr>
<td>What is the legal protection for holders of certificates of ownership of land?</td>
<td>1</td>
<td>19</td>
</tr>
<tr>
<td>Question 2</td>
<td>I Know</td>
<td>I don’t know</td>
</tr>
<tr>
<td>Do you know Indonesian citizens must have legal rights to land by laws and regulations?</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Question 3</td>
<td>I Know</td>
<td>I don’t know</td>
</tr>
<tr>
<td>Do you know about the land registration system?</td>
<td>1</td>
<td>19</td>
</tr>
</tbody>
</table>

After the 20 participants attended the legal counselling and received the material exposure, they became very active in giving responses, at least 10 questions were asked by the participants related to the problems they faced related to land ownership. The keynote speaker had provided answers to these questions very well. The questions asked by the participants can be seen in Table 2.
Table 2. Questions from Extension Participants.

<table>
<thead>
<tr>
<th>No</th>
<th>Name of participant</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ms. Duwi</td>
<td>I married a Dutch citizen. My siblings said marriage to a foreigner abolished my rights as my father's heir. The distribution of my father's inheritance has already been done, and my brothers and sisters have not given me the share of the inheritance at all. Questions: 1. Can marriage with a foreign national eliminate the right of heirs? 2. What legal remedies can I take to get my father’s inheritance?</td>
</tr>
<tr>
<td>2</td>
<td>Mr. Hari</td>
<td>The house and yard left by my grandfather have been occupied by 4 families of my cousins or my grandfather's grandchildren. My uncle once sued for the distribution of inheritance for the house and yard, but the 4 people who occupied it refused it because they were the legal heirs to the house and yard. Questions: 1. Does occupying the house and yard automatically become the legal heir to my grandfather's house and yard? 2. What efforts can be made to resolve the family conflict?</td>
</tr>
<tr>
<td>3</td>
<td>Mr. Jono</td>
<td>I have registered land ownership with a notary, but it has been 2 years since the land ownership certificate has yet to come out. Question: How long should it take to process a land certificate?</td>
</tr>
<tr>
<td>4</td>
<td>Mr. Wahyu</td>
<td>My grandmother has 5 children, and 1 child has died. When Grandmother died, the inheritance had not been divided. Then, Grandmother's children divided the inheritance into 4 parts. However, there was rejection from the grandchildren (children of the deceased grandmother's children) because they felt that they had rights over Grandmother's inheritance. Questions: 1. Is a deceased child not entitled to the inheritance of his parents? 2. Do grandchildren (children of the children who have died) have the right to inherit the property inherited from their grandmother or grandfather?</td>
</tr>
<tr>
<td>5</td>
<td>Ms. Sri</td>
<td>My grandfather has 2 wives, 1 of whom is legally married, while the other is unregistered (stiri). The distribution of my grandfather's inheritance could have gone better because there were demands from the children of my grandfather's wife. Questions: 1. Can my grandfather's inheritance be given to his wives? 2. How many parts of each?</td>
</tr>
<tr>
<td>6</td>
<td>Mr. Pujo</td>
<td>Do children adopted by other families still have the right to inherit from their biological parents?</td>
</tr>
</tbody>
</table>

4 Conclusion

The Community Service Program has been implemented with outreach and legal counselling activities. The results show that this activity is beneficial, namely that it can increase public understanding regarding the legal consequences of ownership of land certificates; the rights and obligations of the community; the legal ownership of land rights following statutory regulations; and land ownership through the land registration system.
References


