

LEGAL PROPERTIES OF INDEMNITY AS PREVENTION OF OWNERSHIP AND IMPLEMENTATION OF CONVERSION OF LAND RIGHTS BASED ON LAW NUMBER 5 YEAR 1960 CONCERNING AGRARY BASICS

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ABSTRACT

Many lands have not been registered or have not had a certificate but have been owned by community members with evidence of a land certificate issued by the village head. These unregistered lands are generally found in rural areas where a village head's land certificate only proves land ownership rights. This study questions the concept of the basis for the Indemnity Certificate as the initial evidence of the implementation of the Conversion of SKGR legal status as preliminary evidence of performance and legal protection against the holder of the indemnity certificate in the implementation of the transformation based on Law No. 5 of 1960 concerning the Agrarian Principles. The research method used is descriptive analysis with normative juridical research specifications. Secondary data as primary legal material, the research stage in the form of literature study and field data and data collection techniques used in the form of literature study and to complete data are used field data, data analysis used is in the form of linking legal theory with one statutory regulation with one another. Research Results from the concept of a title in the form of a Compensation Certificate as the initial evidence of the implementation of the Conversion Based on Law No. 5 of 1960 concerning Agrarian Principles, this compensation certificate is made by interested parties, namely the party whose land is compensated and the party giving the loss (the buyer). The concept is quite simple, starting with the head of the local community's testimony, then it is found out by the Village Head that it was confirmed by the and witnesses. Legal Status of Indemnity Certificate as Preliminary Evidence of the implementation of the Conversion based on Law No. 5 of 1960 concerning Agrarian Principles, every holder of a Compensation Certificate is obliged to convert the base of their rights in the land registration system. Preventive legal protection provided to Land Ownership Certificate Holders in good faith, which is regulated in the provisions of Article 32 paragraph (1) and paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration which states that: Paragraph (1): certificate is a proof of rights which is valid as a powerful means of burden proof.

Keywords: Land Certificate, Land Registration.

INTRODUCTION

In the practice of land issues in Indonesia, there are many lands that have not been registered or have not had a certificate, but are physically controlled by the occupants with proof of land certificate issued by the village head. Land which has not been registered are generally contained region of the countryside where the right of ownership over the land only evidenced by the letter of information ground which was issued by the head of the village and the implementation of the transaction selling purchasing is done by the principle of trust under the hand between the seller and the buyer to make a deed in under the hands of the signed signed by the buyer and the seller and witnessed by two people witness and known by the head des a (Muchtar Rudianto, 2010). Transition rights on land (Levering)

in the region of Sumatra know sistem adjudikasi initial letter Description of land as an early first publication of the pedestal right beginning that is commonly used in the region in part of Sumatra is Letter Description Change Loss (SKGR). The issuance of the SKGR started from the existence of an effort to manage land products whose control and management came from clearing state land and / or originating from customary land (Nina Yulianti, 2018). Letter Description Change Loss many found in the province of Riau, Jambi, North Sumatra because generally land in the Province of the island of Sumatra status of State land. State land is land that is controlled by the State, which does not cling to a Rights on Land, and not an item belonging to the State / Local and / or Badan Usaha Milik Country / Region. According to the Head of the Division of Procurement Land Agency Land National Office of the City of Pekanbaru , in the area of the Province of Riau are mostly large territory status of State Lands, the acquisition of Right on Land can be done with the request issuance SKGR first advance as evidence of initial mastery of physical soil , to then be used as the basis of application for issuance of certificates as proof of ownership rights over the land .

The birth of the regime of Law No. 5 Year 1960 About Elementary - Elementary Principal Agricultural (for hereinafter referred to as (UUDPA) in conjunction with Regulation of Government Number 24 Year 1997 on the ground (for hereinafter referred to as PPPT) requires that a list of the land of berbagai regime of the soil before the year 1960 (prior to the regime UUDPA) means of evidence beginning of the list of land identified as originating from the pedestal right to the land of communal , right west (verponding), and even that is derived from the pedestal right SKGR that the origin muasalnya of managing land. Efforts to obtain land rights with recognized documentary evidence require conversion efforts regulated in the PPPT, but in practice the PPPT conversion is often the presence of a legal dispute or harmony with the document ownership system on the basis of rights to prove the origin (land pedigree) and how extensive the legal subject has been. recorded as having opened, controlled, and managed the land, so that the legal subject can calmly enjoy the rights to the land on the basis of protection & legal certainty from the physical ownership and control of the land and documentary evidence of aquo land . The beginning of the issuance of the SKGR land rights document, which came from the land clearing and management regime, but in the process the original manager with the character of the customary law of the maro pawning pattern , maro was a form of transfer of customary land rights and profit sharing from the land, from the initial manager to a third party, as for The initial managers were Javanese transmigrants who were given land directly by the state or on the basis of land management .

Conversion of land by using SKGR, crystallized in Decision No. 136 / G / 2017 / PTUN-MDN. The decision provided information on the issuance of a Certificate of Ownership whose origin was based on a Certificate of Compensation (SKGR) above the Certificate of Business Use Rights Number 3 in Pulahan Plantation Village Seruwai. SKGR is a letter issued by village officials and its status resembles a sale and purchase deed made before the PPAT, the strength of the compensation certificate has many legal loopholes, apart from being compensated by two buyers who are different from the witnesses and the village official's stamp as the Land Deed Making Officer (PPAT) will temporarily create land

disputes. Letter Description Change losses must be carried out supervision of institutions PPAT and villages in the conversion SKGR, Case No. 136 / G / 2017 / PTUN-MDN, the right to manage the land the state in the enterprise is a kind of right to control of state authority of the implementation partly delegated to the lord of the aquo land . The issuance of SKGR which is made on land that has not been converted, and is controlled by the community, the legalization of SKGR is made as if the land has become someone's right or is included in the category of customary rights. the effort to legalize SKGR aquo is a problem in the PPPT regime in 1997, the Compensation Certificate should have been accommodated by the adjudication regime in 1961 until the enactment of the PPPT in 1997. The existence of the Indemnity Certificate as evidence of the basis for adjudication in the PPPT regime in 1997, is considered to have expired up to the PPPT regime in 1997, meaning that after 1997, efforts to increase the SKGR strata had expired (expired), the expiration of the SKGR became a legal issue for the nationalization of land law that must be resolved and requires an *ius constitutum* in land institutions, dualism law in case Number: 136 / G / 2017 / PTUN-MDN, that is, there is no certainty for SKGR owners who want to increase their land ownership strata.

CONCEPTUAL FRAMEWORK

Indonesia recognizes the term welfare law state or welfare law state in accordance with the direction of the opening of the 1945 Constitution, the fourth amendment. Then *wetmatig* element, *rechtmatig* and *doelmatig*, Julius Stahlsebagai summarized by the following: Protecting human rights (according to the concept Liberal) , In order to protect the well should the system triad politics or its variations; His administration should begin with *wetmatig*, *rechtmatig* and *doelmatig*- bestuur ; If in protecting human rights even though it is already *wet*, it is dead; *rechtmatig*dandoelmatig, but it still violates the rights of an individual or a civil legal entity, then it must be tried in an administrative court; The land policy is based on the basic provisions contained in the 1960 land conversion regime which are the basic principles of national land law. The Indonesian people still believe in the relevance of Law Number 5 of 1960 concerning Basic Agrarian Regulations with the demands of the era and the demands for reform, considering that the land conversion regime in 1960 was harmonious with the current developments.

In line with efforts to provide protection and legal certainty of land ownership rights and in the context of land adjudication reform, the government issued a special conversion Rezi, namely PPPT 1997 as a substitute for Government Regulation Number 10 of 1961 concerning Land Adjudication. This is based on the provisions of Article 19 of the 1960 land conversion regime, which states the guarantee of the legal certainty of the Government in adjudication in Indonesia according to the PPPT regime in 1997. land and conversion of such rights, issuance of a certificate of proof of rights, which is valid as the beginning of proof, and adjudication shall be carried out keeping in mind the state and society conditions The PPPT adjudication regime in 1997 regulates adjudication, which is a constant and regular series of Government activities, including the collection, processing, bookkeeping and presentation and maintenance of physical and juridical data in the form of maps and lists, regarding land parcels and SMARS, including the issuance of letters proof of rights

for land parcels where there are already rights and ownership rights to apartment units and certain rights that are imposed on them. The urgency of adjudication in Article 3 of the PPPT of 1997, regulates legal certainty and legal protection for land holders in the national land map, this is intended to facilitate verification for rights holders physically and documents, and provision of information for registrants including the government so that they can easily be obtained. obtain the necessary data to obtain judged land map information. Land policy in deciding the status of ownership (Article 5 of the Forestry Law on state forests and traditional forest. Determination of the status of state forests and forest rights. Decision The Supreme Constitutional Number 35 / PUU-X / 2012 in sitting case is dispute about the takeover rights of the unity of the community law customary on the area of forest customary to then be used as a forest country , which subsequently precisely on the name of the country is given and / or handed over to the owners of capital through various schemes of licensing to be exploited without regard rights as well as the wisdom of local unity of community law customary , things have led to the conflict between unity public law customary that the entrepreneurs (Regulation of Government Number 6 Year 1999 on Exploitation of Forest and Voting Results of Forest Production , in addition to that there are published anyway Candy LHK No. P.1 / MENLHK / Secretariat / KUM.1 / 1/2019 on License Industry Primary Results Forests , the formation of this Permen is based on that to accelerate and increase the planting of capital as well as trying to need to replace the Regulation of the Minister of the Environment Life and Forestry Number P.13 / MENLHK-II / 2015 on License Business Industry Primary Results Forest , law customary on customary more days will be increasingly eroded by sustainable development.)

Proof of ownership according to Article 24 of the PPPT adjudication regime of 1997 is regulated regarding the type of documentary evidence concerning the measurement of land titles and bookkeeping, adjudication of the increase in the strata of land rights and the transfer of these rights, and issuance of proof of rights, which are valid as strong evidence. Evidence of compensation letters reviewed in a simple principle is intended so that the regulations can be easily understood by interested parties, especially land rights holders, while the principle of safety is intended to show that adjudication of the elevation of the strata of land rights needs to be pursued carefully and carefully so that the results can provide guarantees. legal certainty according to the purpose of land conversion itself.

DISCUSSION

Alas concept SKGR Rights As evidence Initial Implementation Basic Conversion Based Regime Basic Basic Agrarian Year 1960 (UUDPA)

The regulation of land rights can be based on article 28 letter h paragraph (4) of the 1945 Constitution which states that everyone has the right to private property rights and these rights cannot be taken over arbitrarily by anyone, furthermore in Article 33 Paragraph (3) The 1945 Constitution states that Earth and water and the natural resources contained therein are controlled by the state and used for the greatest welfare of the people. The legal concept of the recognition of SKGR as preliminary evidence in the land system in Indonesia, land on the basis of SKGR rights should be aligned with other rights recognized by the land system, so that the SKGR concept in law should be able to document the origin

of Asahan Samosir's legal acts and should be able to increased the status or strata of ownership to property rights, based on the theory of proof of land, the SKGR document should have legal protection on the existence of preliminary evidence of Land Certificate No. 06/3 / Kwt / 1982 dated 27 January 1982 from the Village Head of Kwala Tanjung who was known to the Head of the Air Putih Sub-district along with the original Letter of Transfer of Land Rights No. 88/3 / Kwt / 1981 dated 8 September 1981 and Original Certificate of Land No. 80/3 / PL / 1982 dated 16 April 1982 from the Head of Pasar Lapan Village known to the Head of Air Putih Sub-District along with the Original Letter of Handover and Indemnity dated 16 April 1982 as well as a Certificate of Indemnity in his possession.

The aspects of land ownership and control have in common with de jure and de facto aspects, meaning that land ownership must have a legally and factually recognized aspect so that ownership can have a full position before the law and be recognized in local customary rules. The practice of converting Indonesian land ownership and control has not guaranteed legal certainty for Asahan Samosir as the SKGR document holder, SKGR as initial evidence of land with the conversion system of land ownership and control has obstacles in the concept of leveraging land as immovable objects, and the concept of SKGR document evidence can transferred (movable objects) by way of buying and selling, leasing, pawning, maro with the concept of customary land law.

The concept of the basis of rights in the form of SKGR as initial evidence of the implementation of Conversion Based on Law No. 5 of 1960 concerning Agrarian Principles requires land system data, that proving land legally is to provide sufficient legal basis for the judge examining the case in question to provide certainty about the truth. the genealogical event that is proposed, proof of the land system serves to prove the de facto aspect, which begins with the explanation of the phenomenon of origin that occurs in a control and ownership of land, whereas proof of SKGR documents is normatively identical to proof by de jure means that proof of SKGR should show documentary evidence of ownership rights regarding who is responsible for the disputed land, as contained in the statutory regulations. If the proof of lineage of land is evaluated whether it can provide facts or contradicts the SKGR document itself, then the SKGR document and genealogy must have legal relevance and have the evidentiary value of each evidence submitted as initial evidence of land. The acquisition of the position of SKGR begins with the existence of a legal act of buying and selling land as preliminary evidence and this requires research on the characteristics of SKGR which cannot be obtained from legislation alone, so a sample of land is needed with the basis of the right is SKGR, this is needed as an initial milestone to be protected. SKGR holders, this protection is also the beginning of the implementation of land conversion for SKGR holders who have not been touched by activities that are "legal cadastre".

Based on the description above, it can be seen that although the Certificate of Land Ownership is written evidence under hand whose power of proof is not as strong as an authentic deed, because the land certificates are documents categorized as legal rights or

juridical data on land which are used as a requirement. The completeness of the requirements for the application for land rights as regulated in the provisions of the land law, the certificate of land management is a very important document in the process of issuing a certificate of land rights. The legal strength of the Village Head's land certificate in land sale and purchase transactions is reviewed from Government Regulation Number 24 of 1997 concerning Land, has legal force if it is known by the Camat as the official making the land deeds, with a legal basis based on the Elucidation of Article 7 paragraph (2) and Article 39 paragraph letter b numbers (1) and number (2) of the 1997 PPPT regime can be categorized as the basis for the rights filed as completeness of the requirements for the application for land rights.

Legal Status SKGR As Evidence Based Early Conversion Implementation Act-u regime ndang Basic Basic Basic Agraria 1960.

Legal issues that are closely related to legal certainty in land are problems of proof. In the adjudication regime, there are 2 (two) land rights approaches, namely: New land rights. Proof of new land rights is carried out by: Determination of the granting of rights from the official authorized to grant the rights concerned according to the applicable provisions if the granting of rights originates from state land or land with management rights; The original PPAT deed which contains the granting of rights by the holder of ownership rights to the recipient of the rights concerned for the right to build and use rights over land with ownership rights Management rights are evidenced by the determination of the granting of rights by the competent official Waqf land as evidenced by a waqf pledge deed, Ownership rights over flat units proven by deed of separation, Granting of Mortgage Rights is evidenced by a deed of granting Mortgage Rights. Proof of old rights based on the adjudication regime of Article 24 PPPT of 1997, namely:

For land purposes, land rights originating from the conversion of old rights are evidenced by evidence regarding the existence of such rights in the form of written evidence, a statement of sanctions and / or a statement of the concerned person whose correctness is deemed sufficient to register the rights, rights holders and other parties who charge them. In the event that proof of evidence is not available or is no longer available, it can be proven based on the physical possession of the land concerned for 20 years or more consecutively by the applicant and his predecessors.

In Article 60 of the PPPT adjudication regime of 1997, there are several written evidence that can be used for old rights and is a complete document for the benefit of land, namely the grosse deed of eigendom rights, a certificate of ownership rights issued based on the relevant self-governing regulations, a certificate of ownership which is issued based on Ministerial Regulation No. 9 of 1959 Duties Obligations of the Committee for Determination of Compensation for Dutch-Owned Companies subject to Nationalization and Method of Submitting a Request for Compensation, a decree granting property rights from the competent authority either before or since the enactment of the 1960 UUDPA regime, an appropriation of Land Tax before the enactment of Government Regulation No. 10 of 1961 concerning Land, deed of transfer of rights made under the hand which is affixed with testimony by the Head of Customs / Heads of Villages / Kelurahan which was drawn

up before the enactment of Government Regulation No. 24 of 1997 concerning land accompanied by the transfer of rights, deed of transfer of rights made by PPAT, deed of waqf pledge, minutes of agreement made by auction officials, letters of appointment or purchase of land plots taken by the government, certificates of land history made by the Office Land and Building Tax Service, accompanied by the transferred title. From several old evidences that can be used to carry out land for the first time based on Government Regulation no. 24 of 1997 the authors see two pieces of evidence that need attention, namely:

Testimony Evidence Tool

Evidence by witnesses in land law is used as evidence of ownership of a plot of land in the form of written evidence referred to above is incomplete or non-existent, then proof of rights can be made with the statement concerned and credible information from at least 2 (two) witnesses from the environment. local people who do not have family relations with the person concerned up to the second degree, either above or to the side. The purpose of land is essentially to provide a guarantee of legal certainty which leads to the legal protection of land rights holders. Thus, land certificates are very important evidence for legal subjects on land, so it is very naive if PP. 24 of 1997 requires witness evidence in carrying out the land issuance process because according to the author, the witness evidence has a very light weight and is prone to the risk of error. If an event has occurred for a long time then it is not uncommon that what happened cannot be remembered in its entirety. It is not easy to testify to events that have long been. In general, at the time of arresting the incident, the witness did not direct his actions to become a witness at a later date so that his observations at the time of the incident could not have been accurate. Capturing an event and then processing it and finally telling it as a testimony is a process that can obscure the truth at a later date.

Underhand Evidence

In legal theory there are 2 (two) types of deeds, namely authentic deeds and underhand deeds. The authentic deed is regulated in Article 165 HIR, Article 1868 BW and Article 285 Rbg. Authentic deeds based on the articles in some of these regulations have perfect proof strength for both parties, their heirs and the people who get rights from them. Underhand evidence is not regulated in HIR but regulated in S 1867 No. 29 for Java and Madura and Article 286 to Article 305 Rbg. The deed under hand is recognized in the Civil Code. Article 1320 has determined the validity of the agreement. Judging from the 4 legal requirements referred to, it can be interpreted that a deed that is not drawn up by and before the PPAT is still valid as long as the parties have agreed and fulfilled the elements in Article 1320 of the Civil Code. There are 2 functions of deeds, namely the formal function which determines the completeness (not for validity) and the function of the deed as evidence in the future. The power of proof between authentic deeds and underhand deeds has a difference.

Judging from the power of proof, where an authentic deed is signed by an authorized official, the burden of proof is left to those who question its authenticity. As for the underhand deed, the deed is physically related to the signature. If the signature is acknowledged then the underhanded deed has perfect evidentiary power. The power possessed by a signature is not a strong birth proof power because it is possible to be denied. The power of formal proof on authentic deeds has legal certainty because it is the official who explains the truth of what the official sees, hears and does, while for deeds under hand, the acknowledgment from the signed party becomes the power of formal proof. In connection with the validity of the letter under hand, the researchers reviewed two things:

In general, in Indonesia there is a number of jurisprudence which asserts that transactions that are not carried out in front of the competent authority are illegal transactions according to law so that the parties do not need legal protection. The jurisprudence referred to includes the Decree of the Supreme Court of the Republic of Indonesia Number 598 K / Sip / 1971 dated 18 December 1971, Decree of the Supreme Court of the Republic of Indonesia Number 601.K / Sip / 1972 dated 14 March 1973, Decree of the Supreme Court of the Republic of Indonesia Number 393 K / Sip. / 1973 dated 11 July 1973.

In particular, the regulations regarding land in Article 95 of the Regulation of the Minister of State Agrarian Affairs No. 3 of 1997 concerning Provisions for the Implementation of Government Regulation No. 24 of 1997 concerning Land are: Land deeds made by PPAT to serve as the basis for changing land data are:

1. Deed of Sale and Purchase
2. Exchange Deed
3. Grant Deed
4. Deed of Entry into the Company
5. Deed of Sharing of Rights
6. Deed of Granting Mortgage Rights
7. Deed of Granting Building Utilization Rights to Freehold Land
8. Deed of Granting Use Rights to Freehold Land.

In addition, the deeds as referred to in paragraph (1) PPAT also make a power of attorney to impose a mortgage right which is the deed of granting power which is used in making the deed of granting mortgage rights. The above provisions are different from the provisions in Article 24 of Government Regulation No. 24 of 1997. From the regulations in the Ministerial Regulation, it can be seen that there is an obligation to carry out all legal actions relating to land titles that must be made by and before the official land deed maker. This provision is binding and contains a legal consequence that if a transaction with an object in the form of land is carried out under hand, it is threatened with being canceled, because it is contrary to the regulations which require that every transaction be made by and in the presence of the Land Deed Making Official. In law, the principle of higher rules overrides those who are lower applies. If based on this principle, permission to use an underhand deed to be used as a basis of rights in issuing a certificate can be justified. However, the dissynchronization between PP. 24 of 1997 with the Decree of the State Minister for

Agrarian Affairs has implications for community uncertainty. Multiinterpretation can occur when there is a difference between the two. Indemnity Certificate (SKGR), which is the basis for the title, is land that has not been certified. The Indemnity Certificate (SKGR) is only a letter issued by the village head or sub-district head as evidence of the transfer of State land from the cultivator to the buyer, which in this case pays compensation for the cultivated land that has been cultivated by the cultivator. In order to obtain a certificate against a Certificate of Indemnity (SKGR), it is necessary to do land first to the local Land Office. Each holder of a Certificate of Indemnity (SKGR) is obliged to convert his / her title in the land system, a Certificate of Indemnity (SKGR) as the initial proof of land rights should be a proof that is guaranteed by the state.

A Certificate of Compensation (SKGR) as initial evidence of the existence of a legal act of transferring land by way of sale and purchase, it should involve the Land Deed Officials or authorized officials, the problem is that there is a lot of land transfer by way of buying and selling legitimized by village officials, namely sub-districts and sub-districts, this is legal in the eyes of the law[2] as long as the Camat and lurah fulfill their function as land deeds making officials in accordance with the provisional PPAT criteria. In the Camat and lurah practice, a lot of land in the area has been transferred by way of sale and purchase without paying attention to the de facto data of the land, even SKGR as proof of land transfer by sale and purchase can be bought and sold again, so that the land being traded experiences a dispute between the owner. As in the case of State Administration Number: 136/G/2017 / PTUN-MDN in the main case there is an overlap between SKGR and SHM and HGU in the same land, while there is an SKGR ownership that has increased its ownership to SHM in HGU.

Statement of Compensation (SKGR) is evidence, its status is documentary evidence, letters are written evidence, Certificate of Indemnity (SKGR) is required as an authentic deed, authentic requires witnesses as persons who legalize, see, give signs hands and know the legal act of transfer of land rights by way of sale and purchase, as a legal event. Witnesses in the existence of a Certificate of Compensation (SKGR) are the witnesses from the District Head and the Village Head, as fact witnesses and expert witnesses.

This happens a lot in the village so that often there are disputes over land that is compensated for, therefore it is necessary to study the legal power of the transfer of rights from the first party to the second party with a certificate of compensation so that in the future there will be no more problems. Regarding land tenure for the first time, for uncertified land, the community usually clears the land, then by the person who clears this land, if they want to transfer the land, then a proof of transition called a Certificate of Compensation (SKGR) appears. As a reward received by the person who has cleared the land. This Statement of Indemnity (SKGR) is prepared by an interested party, namely the party whose land is compensated for (the cultivator) and the party who causes the loss (the buyer). The process is simple, starting with the testimony of the Head of the Rukun Tetangga (RT), the Head of the Rukun Warga (RW), then being recognized by the Hamlet Head, approved by the village head or head of the village head and subsequently confirmed

by the sub-district head and witnesses. Compensation is the (absolute) right of the land rights holder who has released or surrendered the land. Thus, there is no authority for anyone, including the Government (State), to take people's land without compensation. The principle of respect for land rights is highly emphasized in Presidential Regulation Number 65 of 2006 concerning Land Acquisition for the Implementation of Development in the Public Interest, precisely in the consideration of considering and Article 3, namely to further enhance the principle of respect for legal land rights and legal certainty in land acquisition. for the implementation of development for the public interest. Legal Protection Against Holder of Certificate of Change Rugidalam deploy n Conversion Based Regime Law - Law Basics Basic Agrarian year 1960.

According to Sudirman Saad in his book Urip Santoso, legal protection for holders of land rights in land can be realized if 3 (three) cumulative requirements are met, namely: (1) The issuance of land certificates is 5 years old or more (2) The process of issuing the certificate is based on in good faith (3) The land is physically controlled by the holder of the right or power. Conceptually, legal protection of individual and community rights is one of the human rights for individuals and society, in the form of preventive legal protection and repressive legal protection. Protection of preventive law given to Holders SKGR good will that has been set in the provisions of Article 32 paragraph (1) and (2) of Government Regulation No. 24 of 1997 on Land which states that: Paragraph (1): the certificate is a letter tan - There is proof of rights which is valid as a strong means of proof regarding the physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data contained in the relevant measuring letter and land book.

Furthermore, in Paragraph (2): "In the event that a land parcel has been issued a certificate legally in the name of the person or legal entity who acquired the land in good faith and actually controls it, then the other party who feels that he has rights to the land can no longer sue. the exercise of this right if within a period of (5) five years from the issuance of the certificate does not submit written objections to the certificate holder and the head of the Land Office concerned or does not file a lawsuit to the Court regarding land control or the issuance of the certificate. means that the certificate is a strong means of proof and as long as it cannot be proven otherwise, the physical data and juridical data contained in the certificate must be accepted as correct data. Meanwhile, paragraph (2) of this article further emphasizes the guarantee of legal certainty and protection for holders of land title certificates in good faith.

The need to recognize the evidentiary power of SKGR as initial evidence of the implementation of conversion of ownership and control over land by the adjudication committee is a progressive breakthrough in the land system, but in practice, the fact that SKGR's validity is still questionable, occurs in proving several land dispute cases according to SKGR does not show any the objective of formal law, namely the complete truth of a land dispute case by applying the legal provisions of evidentiary procedure in an honest and precise manner with the aim of finding out who is the owner of the land who can be

accounted for and can be proven before the law. In addition to the problem of the validity of the SKGR which is of doubtful strength of proof, SKGR requires the support of other evidence which is regulated in the legal system of evidence, meaning that one piece of evidence is not enough (*Unus testis nullus testis*), other evidence in the civil domain is expert witness evidence (*camat and lurah*) who testify according to their expertise, besides proving land rights requires support from the presence of fact witnesses, in this case, the heirs of a legal act of sale and purchase over the transfer of land rights. The heirs know about the facts that occur in the legal acts of buying and selling committed by the disputing parties. SKGR evidence alone is not sufficient to realize legal validity, the judge assesses SKGR ownership as insufficient evidence to prove ownership of land rights, SKGR has status as evidence of suspicion, this evidence is the judge's conclusion on events that are publicly known (*genealogy*). land as stated in the SKGR), the pedigree contained in the SKGR is an allegation recognized by law, then in the form of an opinion of the suspicion that is connected with the act of buying and selling

The Village Head and the *Camat* are representatives of the Land Deed Making Officials in the regions, based on Article 2 of the 1960 UUDPA regime it is clear that the limits of the right to control of the state, where the state based on the right to control has the authority to regulate, organize and determine all matters related to land, both designation, use, ownership and relations in land, as well as on the basis of the right to control it, the state has the obligation to exercise its authority with the aim of achieving the greatest prosperity of the people, in the sense of happiness, welfare and independence in society and the Indonesian rule of law which is independent, sovereign, just and prosperous.

The decision on the state administrative decree, especially regarding the meaning of "land directly controlled by the state", is groundless because the state does not acquire land or land as regulated in Article 19 of the 1960 UUDPA regime, that guarantees legal certainty by the Government is held for land throughout the territory. The Republic of Indonesia, according to the provisions stipulated by the Government Regulation, regarding the system of proof, namely the provision of proof of rights documents, which act as a strong means of proof. (3) land is administered taking into account the condition of the State and society, the needs of socio-economic traffic and the possibility of its administration, according to the considerations of the Minister of Agrarian Affairs. It is hoped that the legal substance concerning land conversion is able to change land procedures, especially for holders of SKGR rights. protection with the support of other evidence becomes an added value of evidence in a trial. The power of proof by SKGR also requires the judge's confidence in considering land rights decisions.

The purpose of land conversion is to provide documents or documents concerning the land in the form of a certificate. By converting land from the right pad, the SKGR can provide legal protection for the SKGR holder. legal protection is proven by proving the conversion of SKGR to SHM, if in the future there is a dispute over land rights, then the registered SKGR holder will be more recognized as valid than SKGR holders who have not attempted to convert the ownership documents over their land. SKGR documents and related land

books can be used as preliminary evidence of rights, namely written evidence that can be shown in court or court. The objective of legal protection for SKGR holders is as an initial recognition of the legal certainty of documents to carry out other legal actions such as buying and selling, pawning, bank loans so that their validity is more recognized. The SKGR document as a guarantee which should be the object of the mortgage, in practice the ownership rights can be legally transferred to another party. The position of SKGR as collateral for immovable objects should not be transferred and have no selling value, this would be detrimental to Asahan Samosir. Guaranteeing that the SKGR document indirectly releases control and ownership of the land rights, control and ownership of land rights guaranteed / transferred by a certain legal act, is essentially temporary, has an expiration date, that at one time the SKGR document will be transferred. back to the beziter, (asahan samosir as bezit from the SKGR document), because in essence, the concept of pawning, the concept of customary law and / or pawning in bank credit does not mean entering into a legal sale and purchase agreement.

An agreement regarding the transfer of land rights in writing is an absolute condition. This means that the agreement cannot be made verbally. Although the law does not provide an explanation regarding this matter, it can be understood that the agreement's obligation in writing is because it is influenced by the SKGR document object as immovable movable property. Article 1977 of the Civil Code states that a person who controls movable property is considered the owner. A movable object without a body will be difficult to say that someone is in control of it if there is no letter to prove it.

The purpose of land is First to provide legal certainty and legal protection to holders of land rights. Second, the land title certificate is proof of rights which is a manifestation of the land process that can provide legal certainty and legal protection for the holder. Third, the land system in Indonesia adopts a negative publicity system with a positive tendency. Basically, this system does not provide legal certainty, let alone legal protection for both certificate holders and third parties who obtain land rights. In order to provide more legal certainty, the UUDPA 1960 regime should adopt a positive publication system. Fourth, what is protected by the acquisition of land, namely the holder of land title, because by doing the land means that there will be legal certainty, certainty of rights and orderly land administration so that all parties are well protected, both certificate holders, land rights holders, third parties who obtain land rights and the government as state administrators.

CONCLUSION

The concept of a title in the form of a Certificate of Compensation as an initial proof of the implementation of the Conversion Under the 1960 UUDPA regime, this compensation certificate is made by an interested party, namely the party whose land is compensated (the cultivator) and the party who gives the loss (the buyer). The concept is quite simple, starting with the testimony of the head of the Rukun Tetangga (RT), the head of the Rukun Warga (RW), then being recognized by the Village Head, approved by the Village Head or Lurah and subsequently confirmed by the Sub-district Head and witnesses. This Land Certificate is also recognized by the government as evidence in filing a certificate for ownership rights

to obtain a right based on the 1960 UUDPA regime. The community prefers to use a Land Certificate made by the Village Head, the price is more affordable. The legal strength of the Village Head's Land Tenure (SPT) in buying and selling transactions, it can be understood that the position of the Village Head in terms of the PPPT adjudication regime in 1997, stipulates that the village is a temporary PPAT.

Legal standing of Indemnity as Preliminary Evidence of the implementation of the Conversion based on the 1960 UUDPA regime, every holder of the Compensation Proposal is obliged to convert the basis of their rights in the land system, SKGR as initial evidence of land rights should be a proof that is guaranteed by the state. The purpose of land is First to provide legal certainty and legal protection to land rights holders. Second, the land title certificate is proof of rights which is a manifestation of the land process that can provide legal certainty and legal protection for the holder. Third, the land system in Indonesia adopts a negative publicity system with a positive tendency.

Legal protection for holders of indemnity certificates in the implementation of conversion Based on the 1960 UUDPA regime, the validity of the SKGR deed is still questionable in proving its validity, in the case of proving several land dispute cases, according to SKGR, it does not show any formal legal purpose. The preventive legal protection given to Land Ownership Certificate Holders in good faith is regulated in the provisions of Article 32 paragraph (1) and paragraph (2) of the 1997 PPPT adjudication regime which states that Paragraph (1): the certificate is a certificate proof of rights which is valid as a strong means of evidence regarding the physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data contained in the relevant measuring letter and land book.

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