

REVIEW JURIDICAL REDISTRIBUTION OF LAND TO THE OBJECT OF LAND IN THE DISTRICT DELI SERDANG

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ABSTRACT

For the State of Indonesia the land is a gift from God Almighty as well as national wealth Land in an agrarian society has a very important positions so it is very necessary for the state and society to make the best use of the land for the welfare of the people for their survival Therefore this discussion is very interesting to study This research is: analyzing the laws and regulations concerning the redistribution of land objects in Indonesia analyzing the implementation of redistribution land object in Deli Serdang Regency analyzing the obstacles experienced in land redistribution for land objects in Deli Serdang Regency Can provide benefits for the development of legal science especially regarding Land Redistribution in Indonesia Practical Benefits is expected to provide useful information useful for the community/readers and Notaries in carrying out their duties related to Land Redistribution of Land Objects in Indonesia Indonesia The theoretical framework used is legal certainty namely providing legal certainty to individuals with the aim of protecting individuals from the arbitrariness of the government or other legal entities.

Keywords: Land redistribution Land Object Deli Serdang Regency

INTRODUCTION

Indonesia is thenation's agrarian who hang lif peoplein ground for society indonesia land i s source life really urgent. Importance land for the life of man because life man is not can separated from ground together mall.

Based on a right to master the state aimed for by her prosperity of the people power state that is covering all the land in the territory of the State Unitary Republic of Indonesia good land which has not or who have been granted the rights of individuals in the BAL - called land tenure directly by the State.

In line with the rapid growth of population of Indonesia most large population of these will be accommodated in the sectors of agriculture which has a land area and farmers are not land itself.

To earn a living for farmers is closely related to the extent of land ownership which turns out to be an inequality of land ownership on the one hand , the land area is controlled by a few people while on the other hand the narrow land is controlled by many people, namely a just and equitable society , material and spiritual, has not been achieved.

Efforts to fulfill all the needs of land in building a society fair and prosperous requires setting mastery of possession and use of land arrangements are expected to be able to prevent the domination of land farming are exaggerated by a group of people in an effort heightened well-being and prosperity of society.

Setting the control and ownership of land is reflected in the article are contained in the Law of Agrarian (BAL) , namely Article 7 which prohibits the possession of land ririskiky a to the amount that is contrary to interest folk of Article 10 paragraph (10) are arranged that each owner on the ground agriculture has to compulsory commercialize the soil itself of Article 17 set the limit max and mini m of land that can be controlled by an individual per family should be regulated at land reform is one of the means to elevate the standard of living members of the farmer and because it was the purpose of the primary who want in reach among other destinations per economy 's objectives of social politics and psychology mental Interest economics who want to achieve is improving conditions of socio economic community by strengthening the right to belong to and provide content functional rights of socially on the right belongs.

To achieve the purpose of the body of law has been doing land reform in the sense of small is the implementation of the redistribution of land redistribution of land is the division of land that is owned by the state and has been used as an ob j ek land reform that is in love to the planters who have to implement the requirements of Regulation of the Government No. 224 Year 1961 with the purpose to increase the level of economic society.

In line great goal convening Landreform Indonesia by Cristina Sri Koestiati Soetopo (1993: 11), namely:

1. Improving the socio economic conditions of the community by strengthening property rights and providing functional content to property rights
2. Improving the productivity of the national especially the sectors of agriculture in order to increase the income and standard of living of society
3. End system master land and abolish the ownership of the land that is widely
4. Organizing equitable distribution of farmers' sources of livelihood in the form of land with the aim that there is a fair distribution of results
5. Enhance the spirit of the work of planters to provide certainty of rights on ownership of land
6. Improving the relationship work between the owners of land and tenants

CONCEPTUAL FRAMEWORK

The type of research that is used is the study of Law Empirical is a method of research which uses the fact empirically from the behavior of man both were obtained from interviews and were conducted through observation immediately Research Empirical also be used to observe the results of the behavior of humans in the form of legacy physical and archives.

The nature of the research it is using the research descriptive study was descriptive is a form of research that aims to describe the phenomenon that there is a good phenomenon alammaupun phenomenon results from human.

DISCUSSION

After Indonesia free of occupation at the time it was the law that there still is pluralistic and has a variety of conceptions and policies that underlie There is a law of the land west the concept individualistic liberal and there are legal ground customary that the concept of social governance is based on Article 33 UUD , 1945 that discusses that sanya earth water and richness of nature that is contained in it dikuasa by the State should be used to by big her to the people.

Prior to the enactment of BAL in Indonesia yet no arrangements are clear about the restrictions on the ownership of land Owners of land that is not regulated lead to the emergence of the practice of master land in the ownership of the land that is low that farmers who do not gain ground refined itself resulting in timbulannya inequality of social between the owner of the land and the farmers in terms of ownership soil , especially soil pertania.

The government issued peru ndang 's Basic Agrarian about Rule Basic Principles of Agricultural; Number 5 Year 1960 Article 10 paragraph (1) "Every person and body of law which entitled on the ground of agriculture in principle obliged to undertake or pursue alone is active in preventing extortion" Meaning land has an active social function.

Meaning Redistribus i provision of land that is controlled by the state and was confirmed as the object of land reform, which is given to tenants who have to implement the requirements that have been stipulated in the rules of Regulation of Government No. 224 Year 1961 that has the intent to improve the welfare of the people of the condition of the social economy of society , especially farmers by making division land that is fair and equitable for the livelihood of living the farmer in the form of land So with the distribution of this can be achieved even distribution of the results were uneven.

To sum up the meaning of the redistribution of land , namely the activities of legal entities to share back land farming country to the farmers of small so the object it is land farming with the status of the ground state and has been said to be authorized by a legal entity or Agency Land National as the object of land reform.

It turns out that is given is not limited to the land which exceed the limit max were taken by a legal entity , but the land that was taken by a legal entity that caused absence of land autonomously or land former legal entities that own , for example land former preparations great and former land belonging to private.

Land which is abandoned by the holders of rights according to the regulations that exist Bureau of Land National can make Kepu decision- relationship with the holder of the rights and lands to set it as the land abandoned.

In essentially land reform requires a program of redistribution of land for the benefit of which seek land and restrictions on the rights of individuals on the source of power of land policy of land reform is a policy that is required to do in order to issue the development of the economy in the state agrarian not hampered.

The number of farmers who do not have land kept rising because it means that the conditions for obtaining land plots increasingly difficult as more and many farmers are in need of land cultivated then limit the maximum land farming are controlled lower than 20hektar All it has the purpose to reach the prosperity of the people is the purpose of happiness prosperity and independence in a group and state law.

It is demonstrated that sannya ownership of land agriculture according to the existing rules are not allowed because in principle violate the principle in Article 10 of Law Basic Agrarian (BAL) states:

"Every individual and entity laws which have entitled on land agriculture in essentially required commercialize itself is active by way away from extortion"

In principle, the land shall be cultivated with inactive by the owner 's own basing the principle of process / work on the land farming is active as referred BAL besides that which prohibited the ownership of land absent / guntai is ownership over land land farming on the outside where live the owners of land or marks identifying the owner of the land Prohibition this relates to the purpose of the provisions of the principal land reform as it is stipulated in legislation BAL and Law No. 56 Prp 1960 so that farmers can actively and effectively in **pengelolaan** land agricultural productivity to achieve high and eliminating levies of land in the hands of a handful of master land.

The number of absences / ownership of land in Indonesia certainly will impact negatively among others is explained by the results of the study earlier than Ariska Dwi that is not their ownership of land will lead to the lands of the purchased some in whom is Apart from the owners who live far away from their land and had to return a year once village officials also find it difficult to collect taxes".

In line with the case that the action of enforcement of law who have authority in the matter that is the Agency of Land National as where the implementing ordinance policies that are in the field of land given one of the functions and duties Agency Land National is doing oversight and supervision to control the ownership of the land of the Agency Land National besides Article 197 Regulation of the Head of the Agency land National No. 1 Year 2014 mentioned that the Directorate of land Reform has the authority to supervise the absence / holding ownership of the land chapter "Directorate of land Reform has the duty to carry out the activities preparatory technical formulation of the policies and activities of the implementation of the regulation and activity determination of ownership of land and control of land " in carrying out his duties Directorate of Land Reform carry out the function as it is right in Article 198 which reads m carry out the function of monitoring evaluation and reporting of the implementation of the Land Reform " Rules which contains tasks and functions of the Directorate of Land Reform in the above related to the provision of goods Land reform and as a rule executor of the rules are contained in Article 7 10 17 BAL.

Implementation..Redistribution done when already the determination of the budget or funding that is given to carrying out the redistribution of land in the district of Deli Serdang Funding that is charged to:

- a. income and / or expenditure State
- b. Regional income and/or expenditure
- c. other matters in accordance with the provisions of the legislation

Implementation of the redistribution of land is done by way of socialization to the people who do it free of charge in accordance with the budget that has been determined. Benda land are distributed in the District of Deli Serdang is the object of land belonging to the community because in terms of redistribution of land of land that was given or distributed to the public is a land that is owned by legal entities and will be used as the object of land reform were distributed to the farmers yang already implemented or meet the requirements of Regulation of the Government No. 224 Year 1961, while the redistribution of land were conducted in the District of Deli Serdang is land that is controlled by the community

How to Implement Land Redistribution

1. Preparation and Planning Includes:
 - a. pe plan an itinerary of activities
 - b. activities are carried out in accordance with land redistribution cost standards
 - c. issuance of judgment
 - d. the emergence of a decree and the determination of the implementing officer
 - e. issuance of the decision letter for the formation of the committee
2. Counseling to Public
3. Inventory and identification object and subject
4. measurement and mapping to land according to with applicable provision
5. committee the committee that considering landre form in kabupaten local can do research field and next continued with trial PPL
6. done assignment object and subject redistribution soil
7. letter decision issued head office land local
8. last stage bookkeeping

Through the results of research can be concluded that the problems were experienced in the redistribution of land in the county Deli Serdang is a lot of ground that still has not been requested by the holder of the land by because it does not can be known with definite certainty what happens land that has or has not been issued by each object landreform certificate Constraints which is often experienced in the field are the constraints that come from the people it itself is due to the implementation of the redistribution of land already has a budget of its own that gives the effect of smoking to society, but in terms of this BPHTB (Customs Procurement of land and Right Guna Bangunan) remain subject to cost BPHTB is a kind of tax that must be paid when buying a house or other property. As a result, a lot of the objections people think when doing counseling is said to free stays incur costs BPHTB constraint other is people assume that when making a certificate of tax the United Nations (Tax Earth and buildings) will increase a result people are less keen to make the certificate there are also forces villagers are less support in this case because the certificate is no longer made through the village head.

In case these people not be forced to make a certificate of land We are only able to provide counseling to explain the benefits of the certificate it 's own as well as to inform that the manufacture of certificates of land is free and if BPHTB in under 60 million not collected fees and if on top of 60 million, for example 61 million then 60 million will be reduced and only used 1 million times 5% and that the results and with the regulation regents were able to do a reduction in the percentage again but still just people not be forced to make a certificate of land.

The purpose of the land in question in the rules of Article 3 Regulation No. 24 Year 1997 , namely:

1. pe plan an itinerary of activities
2. activities are carried out in accordance with land redistribution cost standards
3. issuance of judgment
4. the emergence of a decree and the determination of the implementing officer
5. issuance of the decision letter for the formation of the committee

CONCLUSIONS

From the discussion above, several conclusions can be drawn, namely:

1. Regulation of the legislation concerning the redistribution of land objects land in Indonesia that is most close stipulated in the Regulation of President No86 Year 2018 Regulation of the Government of the Republic of Indonesia No224 Year 1961 Regulations are very clear about how the redistribution of land carried out in the State Indonesia
2. Implementation of the redistribution is done when there is approval and determination of the budget or the funds are available to carry out the redistribution of land in the District of Deli Serdang
3. with the result that in can be known that the problems that occurred in the redistribution of land in the District of Deli Serdang is a lot of land that has not been registered by because it was not able to be seen with the definite results of the amount which has been or has not been issued by each object landreform certificate obstacle that is often experienced in field is the constraints that come from the people it itself is due to the implementation of the redistribution of land already has a budget of its own that gives the effect of smoking to society , but in terms of this BPHTB (Customs Procurement of land and Right Guna Bangunan) remain subject to cost BPHTB is a kind of tax that must be paid when buying house or property more a result a lot of the objections people think when doing counseling is said to free stays incur costs BPHTB constraint other is people assume that when making a certificate of tax the United Nations (tax Earth and buildings) will increase a result people are less keen to make ser tifikat there are also officers villages that lack support in the case is because the certificate no longer made by the head of the village

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