

The Role and Existence of Land Statement in Land Rights Applications and Their Problems

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Abstract:

Land is an important need for human life, because land is a source to meet the needs of people's lives and is a source of gifts from God Almighty. The increasingly limited amount of land has an impact on increasing land problems or disputes that occur, including land that has been registered with the National Land Agency and has been certified. Example of a case studied is the falsification of a land statement by Atang for land belonging to his late parents which has been sold and has been certified in the names of David Gunawan, Tony Tjahjadi, and Rina Gunawan.

This study uses a normative legal approach with analytical descriptive research specifications. Analysis of the data used in this study is qualitative normative. The data collection techniques used in this research is documentation studies.

The results of the study concluded that land statement are no longer a mandatory requirement and are no longer needed in the process of applying for land rights registration, but this is not stated explicitly. The Village Office itself has a very important role in issuing various types of letters related to land rights ownership and is the responsibility of a Village Head. The author can provide suggestions: first, the Government should review the regulations that emphasize the elimination of land statement requirements in applications for land rights registration. Second, the Village Office and Village Head must always be more careful in issuing letters, especially letters of information relating to land ownership, so as not to cause new problems.

Keywords: *Land rights, land law, agrarian law, document forgery*

1. Introduction

Land is an important need for human life, because land is a source to meet the needs of people's lives and is a source of gifts from God Almighty in the form of natural resources that are very much needed by humans. Various human activities are always related to land and all these activities are carried out on land.^[1] Land functions to fulfill needs, both those that are directly for life, such as for farming or to fulfill the need for a place to live/housing, or to carry out business, such as for trade, industry, education, construction of facilities and other infrastructure.^[2] The occurrence of this interaction indicates that land is very much needed by humans, inanimate objects and other living creatures, but the area of this land is very limited, therefore land is included in the category of limited natural resources, this limitation is caused by the limitations imposed by nature itself due to the existence of seas, rivers and space as well as control and/or ownership of land. On the other hand, the land area does not increase causing the pressure on the land to be heavier, the population continues to grow, the need for land for housing, infrastructure and industry and so on. A person can obtain land ownership status in several ways, either by buying and selling, granting, testamentary granting, inheritance without a will, exchange, giving according to custom.

The increasingly limited amount of land has an impact on increasing land problems or disputes that occur in society. Land disputes are a complicated and complex problem. Many cases of disputes, conflicts and land cases seem to never subside. Every day they increase both in terms of quantity and quality, and the majority

of these dispute cases are based on the fact that there are still legal loopholes in the legal evidence of ownership owned by each community for the registration process for the lands they own or feel they own, especially land obtained from inheritance without a will or customary gifts. It is also possible that land obtained through buying and selling still has gaps in legal certainty in the ownership process, and there are still many people who have not registered their land, thus still opening up opportunities for disputes over land.

The large number of lands in Indonesia that have customary land status also contributes to the rampant disputes, where many processes of transferring rights to customary land are unknown to each other, both neighboring borders and the original owner. In addition, there is often overlapping of the land itself, both in terms of area and ownership. For this reason, land registration is needed as early as possible for existing customary lands; in addition, data updates are needed if there is an expansion of the land area in order to provide legal certainty and guarantees for the rights of the land owner.

Article 19 paragraph (2) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) states that a certificate is a letter of proof of rights to land, management rights, waqf land, ownership rights to apartment units, and mortgage rights, each of which has been recorded in the relevant land book. Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration (PP 24/1997) explains that a certificate is a document that is proof of rights which is valid as a strong means of proof regarding the physical data and legal data contained therein, as long as the physical data and legal data are in accordance with the data contained in the measurement letter and the land title book in question. Land book is a document in the form of a list containing legal data and physical data of a land registration object that already has rights. Physical data is information regarding the location, boundaries and area of the land plot and apartment units registered, including information regarding the existence of buildings or parts of buildings on it. Legal data is information regarding the legal status of the land plot and apartment units registered the rights holders and the rights of other parties and other burdens that burden it.^[3]

Land registration is a series of activities carried out by the State/Government continuously, sustainably and regularly in the form of collecting certain information or data regarding certain lands in certain areas, processing, storing and presenting them as well as maintaining physical data and legal data, in the form of maps and lists for the benefit of the people, in order to provide legal certainty in the land sector, including the issuance of evidence and their maintenance.^[4] And therefore, in terms of ensuring certainty of land ownership rights, it must go through a land registration process.^[5]

The rampant cases of land disputes cannot be avoided, even though the land has been registered with the National Land Agency (BPN) and has been certified. In addition to being caused by weak law enforcement, on the other hand it is also caused by various very high land needs in today's era, while the number of land plots is limited. Land disputes are disputes that arise due to conflicts of interest over land. Many people feel that they still have rights to a plot of land due to the inheritance process, which actually has the possibility that before their parents died, the land had already been sold to another party, so that the heir feels that he still has rights to the land and makes various efforts to be able to regain control of the land.

The author takes one example of a problem (dispute) in the land sector, such as in decision number 839/Pid.B/2023/PN Blb in conjunction with decision number 16/Pid/2024/PT BDG in conjunction with decision number 731/K/Pid/2024. This problem originated from a land sale and purchase transaction as follows:

- a. David Gunawan bought from Warma, according to C number 1413 Plot 37a with AJB Number 685/CMNY/1997, certificate of ownership (SHM) number 1830/Ciburial in the name of Warma and has been changed to David Gunawan;
- b. Tony Tjahjadi bought from Emed, according to C number 1414 Plot 37a with AJB number 691/CMENYAN/1997, SHM number 1963/Ciburial in the name of Emed and has been changed to Toni Tjahjadi;
- c. Rina Gunawan bought from Emed, according to C number 1414 Plot 37a according to AJB number 696/CMNY/1997, SHM number 1823/Ciburial in the name of Emed and has been changed to Rina Gunawan;
- d. Rina Gunawan bought from H. Neneng, according to C number 1414 Plot 37a with AJB number 696/CMNY/1997, SHM number 1823/Ciburial in the name of H. Neneng and has been changed to the name of Rina Gunawan.

After that, Atang, the son of the late Emed wanted to regain control of the land that had been sold by his parents. Atang submitted a request to block the land with SHM number 1963/Ciburial in the name of Tony Tjahjadi to the Bandung Regency BPN office on December 10, 2014, but could not be followed up by the Bandung Regency BPN office because the requirements for the blocking application were incomplete. In October 2018, Atang came to the Ciburial Village office and asked for a legalized copy of Letter C Number 1414 Plot 37a, with an area of approximately 5,000 m² and made a deed or letter containing incorrect information, in the form of:

- a. Statement letter of installation and determination of boundary markers, which states that boundary markers have been installed for the purpose of carrying out measurements;
- b. Statement letter under oath dated October 8, 2018, which states that Atang is the owner of the land and only has the deed documents that are currently being submitted for certificate registration at the Bandung Regency BPN office;
- c. Statement letter of physical control of the land area which states that the entire location of the land is continuously controlled by the defendant, is not used as collateral for debt, and is not in a state of dispute.

The document or certificate was used by Atang as a basis for submitting a measurement request letter to the Bandung Regency BPN office. On October 28, 2018, Bandung Regency BPN office issued a measurement assignment letter number 4297/St-10.14/X/2018 to carry out measurements, and then a Land Statement (SKT) number is issued 53 of 2018, December 31, 2018 with an area of 3,471 m².

As an heir, Atang (the defendant) already knew that the disputed object or plot of land belonging to his parents located in Block Pasir Cangkudu Letter C number 1414 Plot 37a with an area of approximately 5000 m² in the name of Emed had been sold in its entirety by the late Emed. The disputed object has been controlled by the buyers, namely: David Gunawan, Tony Tjahjadi, and Rina Gunawan.

Based on the description of the case example above, the author is interested in studying how the existence of SKT is in the process of applying for land rights registration? And, what is the role of the Village office in issuing letters related to land ownership rights?

2. Research Method

2.1 Approach Method

Normative legal research is legal research that places law as a building of normative systems. The normative system in question is about the principles, norms, rules of legal regulations, court decisions, agreements and doctrines.^[6]

2.2 Research Specifications

The research specifications used in this research are analytical descriptive, namely analyzing the research object by describing the situation and problem to obtain an overview of the situation and circumstances, by presenting the data obtained as it is, which is then analyzed to produce several conclusions.^[7] To describe, find legal facts comprehensively, and systematically examine legal sources relating to the evidence process in the form of photocopies of documentary evidence.

2.3 Stages of Research

Stages of research used in this research are:

- a. Literature study to obtain secondary data, namely data obtained from the results of a literature review or review of various literature or library materials related to the problem or research material which is often referred to as legal material, consisting of primary legal materials, secondary legal materials (books, scientific papers, and journals), and tertiary legal materials (encyclopedia, news, and internet).
- b. Field studies, namely obtaining primary data which is done by conducting observations or collecting data through direct observation of case examples, to obtain information which will be processed and studied based on applicable regulations.

2.4 Data Collection Technique

The data collection techniques used in this research is documentation studies and field studies. Documentation study is a method of collecting information by studying documents to obtain information related to the problem being studied. Documentation study is one way in which qualitative researchers can visualize the perspective of the subject through written materials or other documents produced directly by the people involved. Field studies are conducted by observation to obtain primary data.

2.5 Data Analysis

Analysis of the data used in this research is qualitative normative. Normative legal research is legal research that focuses on written regulations or legislation (law in books) or research based on the rules or norms that apply in society. Normative research can be said to be literature review research where most of the data sources are secondary data sources consisting of primary legal materials, secondary legal materials and tertiary legal materials. Most of the data comes from written laws or regulations that apply in society. Qualitative research is a research method used to research the natural conditions of objects, where the researcher is the key instrument. Based on research procedures that produce descriptive data, which is in the form of written words.

3. Result and Discussion

3.1 Land Tenure Rights Procedures, Land Registration, and Problems

Land ownership rights are a concrete legal relationship or right, if it has been connected to a certain land object as its object and a certain person or legal entity as the subject or holder of its rights. Land ownership aspects consist of civil (private) aspects and public aspects. Private aspect, namely legal control over land, but physical control is carried out by another party and legal physical control does not provide authority to physically control the land in question. Public aspect, namely control over land as stated in Article 33 paragraph (3) of the 1945 Constitution and Article 2 of the UUPA. Control over land is based on rights, which are protected by law and generally contain a series of authorities, obligations and prohibitions for the rights holder to do something regarding the land. But there is also control of land rights which, although given the authority to control the land physically, in reality its physical control is controlled by another party, for example: land that is owned is then rented to another person and the tenant controls it physically or the land is physically controlled by another party who does not have land rights. Something that is allowed, mandatory, or prohibited to be done, which is the content of the right of control, is the criterion or benchmark for distinguishing between the rights of control, which is the benchmark for distinguishing between the rights of control over land regulated in land law.^[8]

The UUPA clearly regulates and has been determined regarding the levels or hierarchy of land ownership rights, namely:

1. Article 1, there are the rights of the Indonesian Nation as the highest land control rights, which have civil (private) and public aspects;
2. Article 2, there are state control rights that are solely public, where this right covers all land without exception, and does not provide the authority to physically control the land and use it like land rights, if the state needs land to carry out its duties, then the land in question will be given by the State through an authorized government institution with one land right, to be physically controlled and used, not as a governing body that has the right to control;
3. Article 3, there are customary rights of customary law communities that have civil (private) and public aspects; and
4. Individual rights, all of which have civil (private) aspects, consisting of:
 - a. Article 16 and Article 53 contain land rights as individual rights that directly or indirectly originate from the Nation's Rights, such as ownership rights as the most complete and strongest rights and are hereditary, which are only given to single Indonesian citizens with the exception of certain legal entities whose use can be adjusted to the designation of their land in the area where the land is located, business use rights, building use rights, use rights and lease rights;
 - b. Article 49 contains waqf, which is a property right that has been waqfed;
 - c. Article 25, Article 33, Article 39, and Article 51 contain land security rights called mortgage rights, which contain the authority for creditors to do something about the land that is used as collateral, not to be physically controlled and used but to sell it if the debtor defaults and takes the results, either in whole or in part as payment of debt to the debtor;

Land registration is regulated in Article 19, Article 23, Article 32, and 38 of the UUPA which is further regulated in Government Regulation Number 10 of 1962 concerning Land Registration and in further developments on July 8, 1997 was amended by PP 24/1997. Article 2 of PP 24/1997 explains that land registration is carried out based on the principles of simplicity, safety, affordability, modernity and openness. In the general explanation of the government regulation, it is stated that the objectives of land registration are as follows:

1. To provide legal certainty and legal protection to rights holders of a plot of land, apartment units and other registered rights, so that they can easily prove themselves as the rights holders concerned;
2. To provide information to interested parties, including the Government, so that they can easily obtain the data required to carry out legal acts regarding registered land plots and apartment units;
3. To ensure orderly land administration.

The purpose of this land registration is to collect and provide fairly complete information on land plots with the recording of land plots whose physical data is incomplete or still disputed, although for such lands do not yet have certificates as proof of legal rights. Article 9 of PP 24/1997 regulates the objects of land registration, namely land plots owned with ownership rights, business use rights, building use rights and use rights; land management rights; waqf land; ownership rights for apartment units; mortgage rights; and state land.

Land registration for the first time is carried out through systematic registration and sporadic land registration. Systematic land registration is a land registration activity for the first time which is carried out simultaneously which includes all land registration objects that have not been registered in the area or part of the area of a village or sub-district, generally the initiative comes from the government which is regulated in the Regulation of the Minister of State for Agrarian Affairs/Head of BPN Number 3 of 1995 concerning the Implementation of Systematic Land Registration. Meanwhile, for village/sub-district areas that have not been designated as systematic land registration areas, registration is carried out through sporadic land registration. Sporadic land registration is the activity of registering land for the first time regarding one or several land registration objects in the area or part of the area of a village/sub-district individually or en masse, which is carried out at the request of the interested party, namely the party entitled to the land registration object in question or his/her attorney.

In accordance with Article 19 of the UUPA, it is explained that land registration is carried out by the Government, in this case the BPN assisted by the Land Deed Making Officer (PPAT) and other officials assigned to carry out certain other activities. Land registration activities include:

1. Collection and management of physical data

In this process, the basic map of registration is made, the boundaries of land plots are determined, the measurement and mapping of land plots are made, and the land register and measurement letter are made. Some of the mandatory form documents that must be attached at this stage are:^[9]

- Inheritance/sale/grant/shared rights deed;
 - Death certificate and proof of heirs;
 - Photocopy of resident identity card;
 - Photocopy of family card;
 - Photocopy of taxpayer identification number (NPWP);
 - Photocopy of Tax Notice of Land and Building Tax Payable (SPPT PBB) for the current year;
 - Proof of payment of Land and Building Acquisition Fee (BPHTB) and Income Tax (PPh);
 - Certificate of land history issued by the village/sub-district office;
 - Copy of C and extract from the Village/Sub-district C book;
 - Statement of physical control of the land (sporadic);
 - Statement of land owner/control;
 - Statement letter of installation and determination of boundary markers;
 - Statement letter of installation of boundary markers and approval of the adjacent owner;
 - Statement letter of area difference;
 - Statement letter of excess area (if necessary);
 - Statement letter of insufficient area (if necessary);
 - Power of attorney (if necessary);
2. Collection and processing of legal data and bookkeeping of rights;
 3. Issuance of certificates;
 4. Presentation of physical data and legal data;
 5. Storage of general lists and documents;

In the land registration process, the Village Head has an important role. The Village Head is someone who is chosen by the community to run the village-level government who has the authority, duties and obligations to organize village development, village community development, village community empowerment and carry out the duties of the Government. As a formal leader in the village-level government, the Village Head

is part of the government apparatus at the lowest level. The Village Head has an important role in supporting the achievement of legal certainty of land rights.^[10]

Based on the case of decision number 839/Pid.B/2023/PN Blb in conjunction with decision number 16/Pid/2024/PT BDG in conjunction with decision number 731/K/Pid/2024, the defendant was proven to have sent a letter of application addressed to the Head of Ciburial Village to request a legalized photocopy of the sales and purchase register book on October 6, 1997 (sale and purchase between Emed and David Gunawan, Tony Tjahjadi, and Rina Gunawan). Upon this request, the Head of Ciburial Village issued a reply letter by attaching 2 copies of the legalized photocopy of the sales and purchase registration book.

In book C of Kohir village 1414 Plot 37a which was the subject of the dispute, it was proven that the object of the dispute was still registered in the name of the late Emed (father of the defendant). However, based on the land sale and purchase registration book from 1988 to 2021 at the Ciburial Village office, it is recorded that there has been a transfer of rights from the late Emed to David Gunawan, Tony Tjahjadi, and Rina Gunawan. In this case, the author found negligence in the Ciburial Village office in the form of providing a Village C certificate to the defendant, and attaching a legalized photocopy of the Village C. As a result of this, it seems as if the defendant has good intentions, can take advantage of the land status recorded in Letter C in the name of his late father. Furthermore, the defendant used a legalized photocopy of the Village Certificate of Registration to be used as a basis for applying for registration of land rights to the BPN office and manipulated the situation, as if the land had not yet changed ownership.

In addition, the impact of issuing a Village Certificate C without further examination resulted in the Defendant daring to put up 4 signs that said “*TANAH INI MILIK: BAPAK EMED*” (“THIS LAND BELONGS TO: MR EMED”) dan “*TANAH INI DALAM PENANGANAN PERKARA TEAM ADVOKAT DAN PARALEGAL LEMBAGA FAKTA HUKUM INDONESIA*” (“THIS LAND IS IN THE CASE HANDLING OF THE TEAM OF ATTORNEYS AND PARALEGAL OFFICERS OF THE INDONESIAN LEGAL FACT INSTITUTE”) on the land and made several letters that were clearly proven and known to the defendant as false supporting information for land registration, such as: a letter of physical control of the land (sporadic), a statement letter for the installation and determination of boundary markers, a statement letter for the land owner, and so on. The author is of the opinion that this action should have been known by the local village officials, but in fact the village office did not give a warning or reprimand to the defendant for the actions that had been carried out. The actions carried out by the defendant harmed the party that legally had the rights to the land. In his position, the Village Head has responsibility for the lands and legal events that occur in his work area.

3.2 Land Statement Application Procedure

The issue of proof of land ownership rights in Indonesia is still very complex, especially regarding SKT which still contains errors in the issuance process. This is caused by overlapping laws and regulations. As explained above, the registration, granting, and determination of land ownership rights are the duties and authorities of the BPN. The task of the BPN is to issue land statement, this is also regulated in Presidential Regulation Number 63 of 2013 concerning the National Land Agency (Perpres 63/2013).

Land statement is not the only proof of ownership of a piece of land, such as girik, petok D, letter C, *surat ijo* (green letter), and so on. This term is also known as SKT.^[11] The legal basis related to SKT is contained in Article 76 paragraph (3) of the Minister of Agrarian Affairs Regulation Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration (Minister of Agrarian Affairs Regulation 3/1997), which states that in the event that there is no evidence regarding land ownership as referred to in paragraphs (1) and (2), the application must be accompanied by a statement from the applicant. SKT actually confirms the history of the land. The land history certificate is one of the written evidences to show land ownership.^[12] SKT in urban areas is no longer required as a requirement for processing land statement, however, considering that there are still many people in Indonesia, especially in rural areas that are far from the BPN office and do not yet have land statement, people around rural areas choose a land proof system using SKT or Land History Certificate which should be issued by the Village Head or Sub-district Office based on the provisions of Article 7, Article 8, and Article 36 of PP 24/1997.

SKT or now called Land Ownership Certificate (SKPT) which is a legal basis that is widely used in various regions. The ownership certificate that was previously controlled by someone was issued by a letter by the Village Head/Lurah in the form of a felling permit, to prove that they can recognize the land; a SKT/SKPT

was issued.^[13] One of the requirements for the first land registration for land that was formerly customary land and cultivated land, as explained above, is to obtain a letter of recommendation from the Village Head/District Head regarding the land in question, stating that the land has never been certified and that the history of ownership of the land is accompanied by a land history letter. This SKT, in its regulations, is only a legal basis for someone to apply for land registration in order to obtain a land statement, in contrast to the reality that the SKT is proof of legal land ownership and has legal force, especially in terms of proof.

The Minister of Agrarian Affairs and Spatial Planning issued a Circular Letter of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN) number 1756/15.I/IV/2016 concerning Guidelines for the Implementation of Land Registration which contains information on the simplification of the land registration process with the aim of ensuring legal certainty of community land rights and to improve community welfare through land registration. Considering that there are still many people who control land but do not have complete proof of land ownership or even have no proof of ownership at all, so they are constrained in applying for registration of their land rights. The simplification intended in this Circular Letter is regarding the elimination of SKT from the local Village/Sub-district Office, because it takes a long time to process, even though this SKT contains a history of land ownership.^[14]

Circular Letter of the Minister of ATR/BPN Number 1756/15.I/IV/2016 contains:

1. Accelerating land registration activities throughout Indonesia, both through government funds and community self-help funds;
2. In the case where the basis for control and/or evidence of community land ownership is incomplete or there is no basis for control and/or evidence of ownership at all, this must be proven by retrospectively regarding physical control of the land area in good faith from the person concerned;
3. Good faith as mentioned is proven as follows:
 - a. there is no objection from other parties to the land controlled/not in dispute;
 - b. not included as an asset of the Government or regional government;
 - c. not included in the forest area;
4. The statement letter as mentioned above is made in the presence of at least 2 witnesses from the local environment who have no family relationship with the person concerned up to the second degree, either in vertical or horizontal kinship stating that the person concerned is truly the owner and controls the land area;
5. The statement letter is made based on true information and the party making the statement is responsible both civilly and criminally if in the future there are elements of untruth in his statement and is willing for his certificate to be canceled and processed by law according to applicable regulations and does not involve other parties;
6. The statement letter as mentioned above is made in accordance with the attachment to this letter.

If we look more deeply, there is an inconsistency between the Government Regulations and the Circular Letter issued by BPN. Where in Article 24 paragraph (2) of PP 24/1997 it is stated that “in the event that the means of proof as referred to in paragraph (1) are not or are no longer available in full”, Registration of rights can be carried out based on the fact of physical control of the land area in question for 20 years or more consecutively by the applicant for registration and his predecessors, provided that: a). The control is carried out in good faith and openly by the person concerned as the person entitled to the land, and is supported by the testimony of a trusted person; b). The control, both before and during the announcement as referred to in Article 26, is not disputed by the customary law community of the Village/Sub-district concerned or other parties, therefore the SKT is important as evidence in court if a land dispute occurs with the recognition of the 2 disputing parties as an owner. Considering that, as explained previously, the system that Indonesia has for land registration is a negative system with a positive tendency; it is still possible for a lawsuit to be filed by a party who is considered or feels to own the land.^[15]

It is clear from the Circular Letter issued by the Minister of ATR/BPN that the requirement for accelerating land registration can eliminate the principle of legal protection for one of the parties filing a lawsuit as the actual holder of land rights. This is proven by the fact that the Circular Letter removes one of the pieces of evidence that can be used to claim rights in the event of a dispute; this piece of evidence is important evidence because the SKT is written evidence which is stronger when compared to witness evidence or expert testimony. By eliminating one of the requirements which is the basis of rights or basic rights of land ownership in order to accelerate the submission of land registration applications, this can have a negative

impact on the community and can lead to more land disputes. Therefore, it is necessary to have further regulations regarding the position and legal force of the elimination of SKT as old rights.

In relation to the case problem in decision number 839/Pid.B/2023/PN Blb in conjunction with decision number 16/Pid/2024/PT BDG in conjunction with decision number 731/K/Pid/2024, BPN issued SKT Number 53 of 2018 and SKT Number 2 of 2021, based on the C statement letter from the Village, and the legalization of Letter C, as well as letters with false information that had been prepared by the defendant such as a statement letter for the installation and determination of boundary markers, a statement letter under oath/promise as the legitimate land owner, a statement letter of physical control of the land area (sporadic). Another problem in this case is the SKT issued by the BPN office, the author believes that the SKT which is the basis for the application for registration of rights should be issued by the Village/Sub-district office based on Article 7, Article 8, and Article 36 of PP 24/1997. However, in this case the SKT was issued by the BPN Office, which is not in line with the regulations in the UUPA which also states that the SKT is no longer issued by the BPN Office, and based on the Circular of the Minister of ATR/BPN Number 1756/15.IV/2016 which states that the SKT is no longer needed in the registration process, so that it is proven that there is a lack of clarity, uncertainty and ambiguity in the regulations and legislation itself, and therefore creates a legal loophole in the form of criminal acts by certain individuals. There should be more emphasis on the existence of the SKT itself, regulations are needed that clearly state that the SKT is no longer required, or that the SKT is still required only in certain circumstances and it is emphasized regarding the officials who are permitted to issue the SKT so that there is no overlap in the land registration process.

3.3 Criminal Act of Forgery of Land Title Certificates

In practice, land disputes often occur that are integrated with the crime of forgery. Forgery of documents is one of the crimes that is very detrimental to many parties and has occurred since ancient times, especially in Indonesia, cases of forgery of documents are increasing along with the development of technology. The crime of forgery can include various types of documents, ranging from personal documents such as identity cards, passports, to official documents such as certificates, deeds and financial documents. Many factors support someone to forge documents, economic factors, opportunities, pressure from other parties, and others.

In this case, the defendant was clearly proven to have manipulated the circumstances in the physical control statement (sporadic) which stated that the defendant controlled the land. In reality, the land was never physically controlled by the defendant, which can be clearly proven by making a statement of installation and determination of boundary markers, making a statement of land owner. In addition, the defendant was proven to know that there had been a transfer of rights to the land from the late Emed (the defendant's parents) to David Gunawan, Tony Tjahjadi, and Rina Gunawan, and a certificate had been issued based on a reply letter issued by the Head of Ciburial Village.

However, the defendant tried several times to submit a certificate blocking application to the BPN, but the application was rejected by the BPN because the required documents were incomplete. Furthermore, the defendant used a letter containing false information as a basis for submitting a letter of application for measurement and registration to the Bandung Regency BPN office. In this case, the Panel of Judges is of the opinion that the defendant was proven legally and convincingly guilty of committing a crime, committing it continuously as an act that was continued by falsifying documents, making fake documents and sentenced him to 3 years in prison, and the signs that had been installed by the defendant on the land were confiscated to be destroyed.

Reflecting on this land dispute case, due to the existence of several statements, fake application letters, and the existence of SKT issued by unauthorized parties, the author is of the opinion that there is still a need for improvements in the field of land management and use for the welfare of the community and especially in the legal certainty therein.^[16] Improvements can be made through socialization from the Village/Sub-district side, because the Village/Sub-district is one of the parties responsible for the transfer of land ownership rights in an area apart from the BPN.

4. Conclusion and Suggestions

From the research and discussion conducted by the author, it can be concluded that SKT is no longer a mandatory requirement and is no longer needed in the process of applying for land rights registration as stated in the Circular Letter of the Minister of ATR/BPN Number 1756/15.IV/2016. However, the Circular

Letter does not explicitly eliminate SKT as one of the requirements for land registration applications, as evidenced by the fact that until now SKT is still issued and needed in the process of registering Land Rights, both at the Village Office and by the BPN Office. Until now, some people in remote areas still use SKT as proof of legal land ownership and can be used as a basis for carrying out acts of buying and selling land. The Village Office itself has a very important role in issuing various types of letters related to land ownership rights in its area. This is the responsibility of a Village Head.

From the results of the discussion and conclusions above, the author can provide the following suggestions: first, the Government should review the regulation that confirms the elimination of the SKT requirement in land rights registration applications, if it is felt that this SKT only slows down the land rights registration application process so that the existence of the SKT becomes clearer and more definite. Second, so that the Village Office and Village Head are always more careful in issuing letters, especially letters of information related to land ownership so as not to cause new problems and not to cause overlapping ownership of a plot of land that can harm many parties.

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