

Implementation Of The Meaning Of The Phrase “In Certain Circumstances And The Level Of Truth That Is Considered Sufficient According To The Head Of The Land Office” In Article 37 Paragraph (2) Of Government Regulation Number 24 Of 1997 On Land Registration

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Abstract

This study aims to examine and analyze the implementation of the meaning of the phrase "in certain circumstances and the degree of truth that is considered sufficient according to the head of the Land Office" as written in Article 37 paragraph (2) of Government Regulation No. 24 of 1997 on Land Registration. The study was conducted on the island of Madura with the method of socio-legal research, which examines the perception and legal behavior of the community as well as their interaction with prevailing norms. Primary Data were obtained through interviews with the public and Land Office officials in four districts in Madura: Bangkalan, Sampang, Pamekasan, and Sumenep. Secondary Data were obtained from the study of documentation of legislation and Related Literature. The results showed that the implementation of the meaning of the phrase "in certain circumstances and the degree of truth that is considered sufficient according to the head of the Land Office" often led to different interpretations in the field. This has the potential to be abused by certain individuals who can damage the integrity of the land registration process. In addition, the lack of public understanding of land registration procedures led to many lands not being officially registered, creating legal problems in the future. This study suggests that the government clarify the criteria in the relevant regulations to avoid multi-interpretation and increase socialization to the public about the importance of land registration by legislation, in order to provide legal certainty and protect land rights.

Kata Kunci: *Land Registry, Legal Certainty, Legal Interpretation.*

INTRODUCTION

Land is a valuable asset and plays an important role in human life. This is because humans are very dependent on land to meet their needs, especially for shelter (Christiana,2020). In terms of economy, the land has a high economic value because the land has a fixed nature and can be used in the future. Over time, the human need for land has increased; in line with development, economic growth and population density (Christiana,2020). There is also an increasing need for support in the form of guarantees of legal certainty in the land sector. "According to the general explanation of Government Regulation No. 24 of 1997 on Land Registration (PP No. 24/1997), the provision of legal certainty in the land sector, for all the people of Indonesia can be realized through two parts. The first part requires a written, complete, and clear set of laws that are implemented consistently in accordance with the spirit and content of the provisions; so it is necessary to make laws and regulations ordered by Law No. 5 of 1960 on basic agrarian principles (UUPA) in accordance with the spirit and principles of the UUPA. The second part, to deal with concrete cases in the land sector, the provision of legal certainty cannot be realized only by the availability of legal instruments that meet the requirements. However, it is also necessary to organize a land registry that allows land rights holders to easily prove their rights to the land they own, and facilitate economic activities such as buying and selling, buyers will" easily find out the information needed about the land that will be the object of legal acts carried

out. Therefore, the information is stored in the Land Office as an executor of land registration and is open to the public and for the government to implement land policy (Yulia 2020).

The transfer of land rights is the transfer of land rights from the Old rights holder to the new rights, while the transfer of land rights can be separated into 2 (two) parts, switched and transferred. Switching is the transfer of land rights without legal action, for example, the transition is due to inheritance and transferred is the transfer of land rights due to legal action, for example due to sale and purchase. Before the enactment of the UUPA, the transition of land rights was still using the Civil Code. After the enactment of the uupa transition of land rights using government regulations.

The transfer of land rights must be in the presence of the competent authority, in accordance with Article 37(1) and (2) PP No. 24/1997 that reads: "The transfer of land rights and property rights to apartment units through sale and purchase, exchange, grant, income in the company and other legal acts of transfer of rights, except the transfer of rights through auction, can only be registered if proven by a deed made by the authorized PPAT according to applicable laws and regulations." Further in Paragraph (2) reads : "Under certain circumstances as determined by the minister, the head of the Land Office may register the transfer of rights to land plots of property rights, which is carried out between individual Indonesian citizens as evidenced by a deed not made by PPAT but which, according to the head of the Land Office, the level of truth is considered sufficient to register the transfer of the rights in question"

Article 37 paragraph (1) PP No. 24 of 1997 determines that the transfer of land rights and property rights to apartment units through sale and Exchange, grants, income in companies and other legal acts of transfer of rights, except the transfer of rights through auctions can only be registered if it can be proved by a deed made by PPAT authorized under the provisions of applicable laws and regulations. If in reality the head of the Land Office subjectively overrides the provisions of this article, so that without proof of the deed made by PPAT the transfer of rights to the land can be registered. This is what causes the transfer of rights to land that is not in accordance with applicable regulations, indirectly it is an unlawful act.

Sale and purchase of land is an agreement in which one party commits itself to surrender the land and the other party pays the fee as agreed. When the parties have reached an agreement, then that's where the sale and purchase of land is considered to have occurred, even though the land has not been handed over or has not been paid. However, even though the sale and purchase is considered to have occurred, the rights to the land have not been transferred to the buyer. In order for the land to be transferred to the buyer, it is necessary to carry out a legal act in the form of a juridical surrender of the land. The juridical submission seeks to strengthen the rights of the buyer as a new landowner.

Often there are two parties claiming to be the owner of the land that has been registered. This is because people do not know the role of PPAT in relation to the transition of land rights due to buying and selling. On the other hand, the legislation that regulates the sale and purchase of land is potentially irrelevant to the current situation (ta Surayya, 2020), thus making the role of PPAT in the process of transferring the sale and purchase of land rights is still debated, especially regarding how big the role of PPAT is. For this reason, it is necessary to conduct an explicit and in-depth research on the transfer of rights to land that is not carried out in front of the land deed officer.

RESEARCH METHODS

Based on the problems studied by the researcher, the research approach used is the sociological approach or socio-legal research method, which is a research approach that examines the perception and legal behavior of people (humans and legal entities) that occur in the field (Uthman, 2013). In other words, this study is a study that has the object of study of the behavior of the community that arose as a result of interacting with the existing system of norms. The interaction appears as a form of action in influencing the formation of a positive legal provision (Yonata, 2011). In connection with the above, this thesis aims to observe and analyze the meaning of the phrase in Article 37 paragraph (2) regarding the transition and transfer of land rights according to Government Regulation No. 24 of 1997 on Land Registration.

This can be started by analyzing the rules and regulations governing the meaning in certain cases and the level of truth that is considered sufficient according to the head of the Land Office, in this case the head of the National Land Agency (BPN) and the transition and transfer of land rights, then the existing implementation rules in the field both related to the stages of the process and the rules for completing each stage of the process by finding inhibiting factors and supporting factors in the implementation process.

Based on the things above this study can describe, describe, and describe things related to the problems that will be revealed. So that the explanation is obtained carefully and thoroughly and systematically.

RESULT AND DISCUSSION

The meaning of the phrase in certain circumstances and the level of truth that is considered sufficient in Article 37 paragraph (2) of Government Regulation No. 24 of 1997 on Land Registration.

A. In Certain Circumstances In Accordance With Government Regulation No. 24 Of 1997 On Land Registration

Land registration is one of the government's efforts in providing legal certainty on property rights to land, this is contained in Article 19 of the UUPA (Yonata, 2011). Thus the role of the government in ensuring legal certainty to the community so that there are no disputes and disputes caused by land will be reduced. But in fact in practice in the field there are still many lands that do not have a certificate for the reason that people do not know how to obtain the certificate. Furthermore, in the implementation of land registration and transfer of property rights to land plots is the authority of the relevant agencies that have received a mandate. The fact is that in carrying out the authority there are still many irregularities that are carried out so that in understanding the existing definitions and double meanings in the regulations are used by certain elements that will damage the image and harmony of existing legislation. The authority given to the head of the Land Office both districts / cities often cause new problems, this is because the head of the land office always interprets a regulation with the intention to seek opportunities in an open.

The government, in ensuring legal certainty in the land sector, then carried out a land registration activity, issued laws and regulations governing all matters relating to land registration. Although the Land Registry has not been maximized, the update of the legal system regarding strict rules continues. Philosophically, the foundation of control over the land is fully given to the state or in other words, the Earth and water and Natural Resources contained therein are controlled by the state (Rahmi, 2010).

This is explained by Article 33 paragraph (3) of the 1945 law which says that: "Earth and water and Natural Resources contained therein are controlled by the state and used as much as

possible for the prosperity of the people. But in reality at this time that the state and the authorities stand together and suppress the people, so that the provisions contained in the article is only a symbol of interest above interest (Article 33 paragraph (3) of the 1945 law).

Furthermore, the government in improving and structuring the regulations and provide a legal framework that strengthens the land as follows:

- a. Law of the Republic of Indonesia No. 5 of 1960 on basic regulation of Agrarian principles;
- b. Government regulation of the Republic of Indonesia number 24 of 1997 on Land Registration;
- c. Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency No. 3 of 1997 on the implementation of Government Regulation No. 24 of 1997 on Land Registration;
- d. Regulation of the head of the National Land Agency No. 8 of 2012 on amendments to the regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 3 of 1997 on the implementation of Government Regulation No. 24 of 1997 on Land Registration.

The provisions contained in the agrarian legislation which has been a general provision, in this case law No. 5 of 1960 on basic agrarian principles (UUPA), which regulates land registration. Provisions on land registration is then necessary to do or the establishment of an implementing regulation that is more comprehensive, meaning implementing regulations that explain in more detail about the content of the article and the details of the substance contained in each article.

Therefore, following up on this, a government legal product was made that was used as the basis for implementing the land registration. With the enactment of the government regulation, it is expected that it will make an important change in the problems faced by the Indonesian people, namely land issues that are so important in life in society, both villagers and people living in a developing city.

But in its development, PP No. 10 of 1961, Land Registration is held by the Bureau of land registration which in this case is set by the Meteri Agraria in each region. Article 1 and Article 2 in PP No. 10 of 1961 it states that the land registry is held in villages or areas that are at the same level with it. It can be said, in this regulation is not relevant to the spirit of renewal, so there is a need for a legal framework on land registration which aims to increase the strength and security of land registration, then a new government regulation is made. So it is hoped that it can make a new policy and determination in the land registration that is even better, namely PP No. 24 of 1997 on Land Registration. There are some new things in PP No. 24 of 1997, namely the inclusion of the assertion that is not clear in the previous pertauran understanding of land, principles and objectives

Regulation of the minister of Agrarian Affairs / National Land Agency No. 3 of 1997 on the implementing provisions of PP No. 24 of 1997 which was used as a technical guideline for BPN in organizing land registration activities that make BPN's strength in carrying out its authority.

Over time, this ministerial regulation was amended by the enactment of the regulation of the head of the National Land Office No. 8 of 2012 on amendments to the regulation of the Minister of Agrarian Affairs / Head of the National Land Agency No. 3 of 1997 and PP No. 24 of 1997. Implementation of land registration activities can be done by land registration for the first time and maintenance of land registration data as contained in PP No. 24 of 1997. The explanation contained in the government regulation says that the registration of land for the first

time includes the collection and processing of physical data, proof of rights and books, issuance of certificates, presentation of Juridical data, storage of General data and documents (Tehupeiory, 2012).

Article 37 paragraph (2) explains that the head of the Land Office should not make the legal assumption that in certain circumstances as determined by the minister, the head of the Land Office can register the transfer of rights to land plots between individual Indonesian citizens based on deeds not made by PPAT, this is very contrary to Article 37 paragraph (2) which has been explained previously. But in reality, that every regulation has exceptions that serve as the basis for law enforcement.

in the elucidation of Article 37 paragraph (2) that what is meant in certain circumstances here is remote areas that do not yet have PPAT, so to make it easier for the community to carry out legal acts regarding land, the village head is appointed as a temporary PPAT or this can also be called a substitute for PPAT. Basically, the village head is possible to become a temporary PPAT, while what is meant by temporary PPAT is a government official appointed because of his position to carry out PPAT duties by making PPAT deeds in areas where there are not enough PPAT. (Article 1 Paragraph (2) of Government Regulation No. 37 of 1998 concerning the regulation on the position of land deed officials). Furthermore, strengthening the legal basis of the village head as a temporary PPAT can be seen in Article 5 letter A of Government Regulation Number 37 of 1998 concerning the regulation on the position of land deed Officials states that:

To serve the community in making PPAT deed in areas where there is not enough PPAT or to serve certain groups of people in making certain PPAT deed, the minister may appoint the following officials as temporary PPAT or special PPAT :

1. Camat or village head to serve the making of the deed in areas that have not enough PPAT, as a temporary PPAT;
2. Head of Land Office to serve the creation of PPAT deed required in the framework of the implementation of community service programs or to serve the creation of certain PPAT deed for friendly countries based on the principle of reciprocity in accordance with the considerations of the Ministry of foreign affairs, as a special PPAT.

So that the Sub-District Head (government officials) can also act as an official of the land deed as long as there is not enough PPAT or to serve certain groups of people in making certain PPAT deeds. Usually the land deeds made by the Sub-District Head are in rural areas where there is no notary or PPAT there.

But in fact, it is used by certain people or persons and even the head of the land office himself to set aside the contents of Article 37. Actually, the exception is applied to people who are in remote areas that are difficult to access land deed officials, usually this is done in remote villages far from the crowd but the land owned must have legal force. Certain circumstances contained in government regulation No. 24 of 1997 and other regulations on land registration, does not have clear criteria and can be a reference as a strong legal basis. If it is not clarified, then the condition is very worrying because it will cause a lot of debate and cause multiple interpretations among law enforcement and among the public. In addition, the head of the Land Office may use certain circumstances as a tool to set aside the contents of Article 37 PP. No. 24 of 1997 on the registration of the land.

The head of the Land Office as an official who is authorized in registering the transfer of property rights to land should provide positive support for the community to carry out the mandate conveyed by the laws and regulations. So that in the implementation there are still a lot of head of land office misappropriation on the basis of the position held. The position held is very possible once there is a paradigm shift and the values of Pancasila are lost in the body of a head of the Land Office.

In Article 2 of Government Regulation No. 37 of 1998 on the regulation of Office of land deed officials mentioned that PPAT principal duty to carry out some of the activities of land registration by making the deed as evidence of having done certain legal acts on the right to land or property rights to flats, which will be used as the basis for registration of land registration data changes caused by the legal act. The legal acts referred to are as follows : 1.Sell buy; 2.Switch Switch; 3.Grants; 4.Entry into the company (inbrenng); 5.Division of joint rights; 6.Grant of right to use building/right to use land ownership; 7.Grant Of Liability; 8.Authorization imposes liability.

The authority of PPAT is regulated in Article 3 of Government Regulation Number 37 of 1998 which states that : “to carry out the main duties as referred to in Article 2 a PPAT has the authority to make an authentic deed regarding all legal acts as referred to in Article 2 Paragraph (2) regarding land rights and property rights on Apartment Units located within its working area while PPAT is only authorized to make a deed regarding legal acts specifically referred to in its appointment. The policy carried out by the head of the Land Office on registering the transfer of rights to land plots that are property rights can be ascertained not to contradict the provisions of Article 37 PP. No.24 of 1997 concerning land registration as long as the policy carried out by the head of the land office only registers the transfer of rights to land and property in remote areas, and does not mix certain elements of interest that will damage the provisions of Article 37 PP No. 24 of 1997 on Land Registration. For example, Vice Chairman of the Corruption Eradication Commission (KPK) Chandra m Hamzah and Bibit Samad Rianto in 2010 were accused of abusing their authority by implementing or revoking the status of a ban on suspected corruptors. Since the decision was purely policy and there were no material and non-material benefits obtained by both, Chandra and Bibit could not be convicted for abuse of authority. But actually, it would be better if the provisions of Article 37 PP No. 24 of 1997 is detailed more clearly in order to avoid abuse or errors in policy making by the head of the Land Office.

If there is abuse, it will make the community not get legal certainty and Justice, Justice is needed for the welfare of the community because based on the 5th precept that social justice for all Indonesian people, cumulative justice is a coordinating relationship between the parties. In order for justice to work, two parties must be on the same page. Hence the need for appropriate compensation for land rights holders/land owners in the event of abuse or policy-making errors by the head of the Land Office. So that legal protection is formed to protect the rights of land owners or holders, because land is an important element in national development, its use must be able to reflect the welfare and Justice of the people so that its size becomes clear and better ensures legal certainty and legal justice. Because if this happens the disadvantaged must be people who are under and do not understand the defense of the rights they have. Policy makers can be punished if there is corrupt behavior in the policy-making process. Policy makers certainly should not be immune from criminal sanctions if in the policy-making process there is corrupt behavior. The corruptive behavior referred to here is behavior that can benefit his own personal, other people, or corporations from policy making.

Article 37 should be improved in order to match the expectations coveted by many people and make the guidelines that can not be abused by the head of the Land Office that perverts the authority. Misappropriation of authority by the head of the Land Office and taking advantage of the situation is not just one community affected. However, many and thousands of underprivileged and blind people with the law feel the impact, therefore it is necessary to improve and review the contents of Article 37 PP No. 24 of 1997 on Land Registration.

This misappropriation of authority can make people's right to live deprived, so that the survival of underprivileged people is disrupted. According To Dr. Iwan Permadi that there is a theory of individualism that stems from the nature of human nature as an individual being. As

individual beings, humans have the right to carry on their lives and humans must maintain their right to life, for that humans need an object that can maintain their lives in the form of land which is one of the objects needed by humans to maintain their lives that have the function of shelter and farming (Iwan , 2014).

Gustav Radbruch, a German philosopher of law teaches 3 (three) basic objectives of law are (1). Justice; (2) The Law; And (3) The Law. Legal Certainty. According to Gustav Radbruch, these three elements are the basic objectives of the law together called the combined theory (Vereniging theory). Furthermore, according to Gustav Radbruch in Theo Huijbers quoted by Dr. Bernard L. Tanya, S.H., M.H. as follows: Based on these three principles of natural law, Gustav Radbruch came to the belief that justice towards the individual human being is a joint novelty for the realization of justice in law. From here, too, the three aspects of law are arranged in a structural order that starts from justice, certainty and finality ends. So when collective development is determined as legal finality, it remains subject to justice and legal certainty. This is to avoid arbitrariness (Bernard, 2010).

Meanwhile, the objectives of agrarian reform to be achieved by the UUPA can be seen in the consideration of the UUPA which formulates its objectives, namely: (1). Lay the foundations for the preparation of National Agrarian law which will be a tool to bring prosperity, happiness and justice to the state and the people, especially the peasants in the framework of a just and prosperous society; (2). Lay the foundations for the unity and simplicity megadakan Land Law; (3). Laying the foundations to provide legal certainty regarding land rights for the people as a whole (Ma'moen, 1996). To realize justice in the agrarian sector that is so fundamental, the role of the state is needed. As a welfare state, the state is obliged to ensure the availability of land as a basic human need fairly through legal arrangements (Herlindah, 2010).

Meanwhile, according to Soerjono Soekanto, there are 4 (four) important indicators to develop citizens ' legal awareness, namely (1) legal knowledge, (2) legal understanding, (3) Legal attitude, (4) legal acts.

Related to the above indicators, Otje Salman explained the indicators as below, among others:

1. The first indicator is an understanding of the law, one knows about that certain behaviors have been regulated by law. The legal regulations referred to here are written laws and unwritten laws, the behavior concerns behavior that is prohibited by law and behavior that is allowed by law.
2. The second indicator is the understanding of the law, that is, the amount of information that a person has about the content of the rules of a particular law. Legal understanding here is an understanding of the content and purpose of a regulation in a particular law and its benefits for the parties whose lives are governed by the regulation. A citizen has knowledge and understanding of each of the rules-certain rules. For example, the existence of the right knowledge and understanding of Local Regulation No. 7 of 2012 on the implementation of public order. Especially about street vendors to realize legal awareness and understand the law.
3. The third indicator is the legal attitude, which is a tendency to accept the law because of the appreciation of the law as something useful or profitable if the law is obeyed. someone here who will later have a tendency to make a certain assessment of the law.

The fourth indicator is the pattern of behavior, that is, in which a person or in a society his citizens comply with applicable regulations. This indicator is the most important indicator because in the indicator can be seen whether a rule applies or not in the community, so how far the legal awareness in the community can be seen from the pattern of law.

B. The level of truth that is considered sufficient according to the head of the Land Office in Article 37 paragraph (2) of Government Regulation No. 24 of 1997 on Land Registration

According to Hartanto, 2015, juridical transfer of land rights can be done in writing with a deed made by an authorized official and registered with the National Land Agency. The measure is closely related to the procedure for the transfer of land rights, since the procedure determines the legality of the transfer of rights. Thus, the legality of the transfer of land rights is determined by formal and material conditions, procedures and related parties, both the authority to transfer and the authority of officials to act. The legal procedure for the transfer of a land right can be traced both before and after the enactment of the agrarian Basic Law (UUPA). In Article 37 paragraph 1 of Government Regulation No. 24 of 1997 on Land Registration, it is stated that the transfer of land rights and property rights to apartment units through sale and purchase, exchange, grants, income in companies and other legal acts of transfer of rights, except transfer of rights through auction can only be registered if proven by a deed made by the authorized land deed officer (PPAT) according to the provisions of applicable laws and regulations. According to the provisions of the regulation, it is clear that the transfer of land rights must be proven by a deed made by the acting land deed maker (hereinafter abbreviated as PPAT). Thus there is an absolute element that must be fulfilled in transferring land rights, namely the deed of transfer of land rights made by PPAT.

Viewed from the point of view of the concept of ownership, then for those who legally have the right to land, both those that have been registered and those that have not been registered can transfer the rights to the land they own. The right to the land, the right to the land, the right to the land, the right to the land, the right to the land, the right to the land. The right (right) in question, is the inherent legal relationship as an authorized party or authority to carry out legal actions. In legal terminology, the words right are legal rights, or the basis for doing something legally (Ranuhandoko , 2000). Juridically, the transition procedure of land rights through several processes, among others (Soetomo, 2001):

1. Sell buy
2. Grants
3. Switch Switch
4. Division of rights
5. Income within the company
6. Submission of probate grant

In its development as stipulated in Article 37 of Government Regulation No. 24 of 1997 on Land Registration, States :

- (1) the transfer of land rights and property rights to apartment units through sale and purchase, exchange, grant, income in the company and other legal acts of transfer of rights, except the transfer of rights through auction can only be registered if it is evidenced by a deed made by the authorized PPAT according to the provisions of applicable laws and regulations.
- (2) in certain circumstances as determined by the minister, the head of the Land Office may register the transfer of rights to the land plot of property rights, which is carried out between individual Indonesian citizens as evidenced by a deed not made by PPAT, but which, according to the head of the Land Office, the degree of truth is considered sufficient to register the transfer of the rights concerned.

According to the head office that is meant by the level of truth is considered sufficient here is the registration of the transfer of rights to land plots of property rights, which is carried

out between individual Indonesian citizens as evidenced by the deed although not made by PPAT, but enough with the head of the land office in legalizing the deed in a location that does not contain PPAT. The head office uses Article 37 paragraph (2) of Government Regulation No. 24 of 1997, based on this article, The Head Office makes a policy to register the transfer of land rights that occurs under the hand. The policy taken by the head of the office in legalizing deeds made under hand by taking into account Law Number 30 of 2014 concerning government administration, where decision-making and/or action based on legislation that provides a choice of decision and/or action, decision-making and/or action because the legislation does not regulate or because the legislation is incomplete or unclear. It is taken aim to fill the legal void and provide legal certainty.

In practice, many of these sales and purchases of land rights are made by deed under hand by the parties witnessed by the village head or local village head on sufficiently stamped paper. With this deed of sale and purchase, then at that time there has been a transfer of rights from the rights holder as a seller to another party as a buyer. Buying and selling land that has not been registered (not certified and the purpose is to be registered with the PPAT Regency/city land office. Since the Effective Government Regulation No. 24 of 1997 dated October 8, 1997, the sale and purchase of land rights that have not been registered (not certified) that are not made with PPAT deed, the application for land registration in the land registry is sporadically rejected by the head of the district/city land office, then resold by the seller and buyer made with PPAT deed. Before the deed of sale and purchase made PPAT, it is required for the parties to submit the necessary papers to PPAT that is if the land is certified, the original land certificate and proof of payment of registration fees. If the land has not been certified, A certificate that the land has not been certified, existing land letters that require reinforcement by the village head and Sub-District Head, equipped with letters that prove the identity of the seller and the buyer are required for the certification of the land after the completion of the sale and purchase. After the deed is made, no later than 7 days after the deed is signed, PPAT submits the deed to the land registry office for registration of transfer of rights.

CONCLUSION

1. The head of the land office in the land registration that appears at the time of maintaining the land registration data can be in the form of registering the transfer of rights to the land plot of property rights by paying attention to the provisions of Article 37. The policy of the head of the land office faced with the provisions of Article 37 will have the following implications: the policy of registering the transfer of rights to land plots by the head of the Land Office is contrary to the provisions of Article 37 of regulation 24/1997 so that the transfer of Rights is not valid. The implication applies as long as the head of the land office explicitly registers the transfer of rights to land plots of property rights in urban areas that are definitely not included in the category of remote areas as referred to in Article 37. Therefore, it is necessary to change Article 37 which regulates certain circumstances, because if it is not done so, errors and violations will always occur and make the regulation not function properly. However, it would be better if the specific circumstances in question are detailed in the trunk of the body so as not to cause multiple interpretations/ interpretations that can be a loophole for violations and abuse of authority so that it can potentially harm the community. Changes need to be made to ensure legal certainty and legal justice. Then in making the policy, the head of the Land Office should provide an explanation to the public, so as not to cause misunderstandings in land registration activities.

2. If in reality the head of the Land Office subjectively set aside the provisions of the article, so without proof of the deed made by PPAT transition of rights to the land can be registered. This is what causes the transfer of land rights that is not in accordance with applicable regulations, indirectly it is an act that violates the law and Article 37 PP No. 24 of 1997 is detailed more clearly in order to avoid abuse or errors in policy making by the head of the Land Office. In order for its size to be clear and better ensure legal certainty and legal justice. Because if this happens the disadvantaged must be people who are under and do not understand the defense of the rights they have. Thus, the problem of implications for policies undertaken by the head of the Land Office is very detrimental and abuses the rules and regulations.

REFERENCES

- Aartje Tehupeior, **Pentingnya pendaftaran tanah di Indonesia, Raih asa sukses**, (Jakarta:2012), hlm. 63
- Antje M. Ma'moen, **Pendaftaran Tanah Sebagai Pelaksana UUPA Untuk Mencapai Kepastian Hukum Hak Atas Tanah di Kota Madya Bandung**, Disertasi, Universitas Padjajaran Bandung, 1996, Hlm. 2.
- Bernard L. Tanya, Yoan N. Simanjuntak dan Markus Y. Hage, **Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi**, (Yogyakarta: Genta Publishing, 2010),h.39
- Christiana Sri Murni, **“Pendaftaran Peralihan Hak Milik atas Tanah Karena Pewarisan”** (2020) 6:2 Lex Libr J Ilmu Huk 129–144 at 135.
- Christiana Sri Murni, **“Peralihan Hak atas Tanah Tanpa Sertifikat”** (2018) 4:2 Lex Libr J Ilmu Huk 680–692 at 681.
- Christiana Sri Murni, **“Pendaftaran Peralihan Hak Milik atas Tanah Karena Pewarisan”** (2020) 6:2 Lex Libr J Ilmu Huk 129–144 at 135.
- Elita Rahmi, **“Eksistensi Hak Pengelolaan Atas Tanah (HPL) dan Realitas Pembangunan Indonesia”**, *Dinamika Hukum*, Vol. 10 No. 3, (2010), hlm. 349
- Harris Yonata, **“Parmahan Sibuea, Arti Penting Pendaftaran Tanah Untuk Pertama Kali, Negara Hukum”**, Vol. 2 No. 2, (2011), hlm. 289.
- Herlindah, Iwan P, Ari AK, dan Salma W, dan Arka W, **Hukum Agraria Kontemporer: Realisasinya dengan pembangunan ekonomi di Indonesia**, (Malang: Pustaka Peradaban), hlm 6
- Iwan P, **Hak Atas Tanah Bagi Warga Negara Asing**, (Malang: Gunung Samudera, 2014), hlm 12
- J. Andy Hartanto, **Panduan Lengkap Hukum Praktis Kepemilikan Tanah**, (Surabaya: LaksBang Justitia, 2015), hlm. 135
- Mukti Fajar, Yulianto Ahmad, **Dualisme Penelitian Hukum Normatif & Empiris**, Pustaka Pelajar, Yogyakarta, 2010, hlm. 34 dan 51.
- P.M. Ranuhandoko, **Terminologi Hukum Inggris-Indonesia**, Sinar Grafika, Jakarta, 2000, hlm. 487.
- Pasal 33 ayat (3) Undang-Undang 1945
- Sabian Utsman, **Dasar-dasar Sosiologi Hukum: Dilengkapi Proposal Penelitian Hukum (legal Research)**, Yogyakarta: Pustaka Belajar, 2013, Cet. 3, hlm. 26.
- Soetomo, **Pedoman Jual Beli Tanah Peralihan Hak dan Sertifikat**, Lembaga Penerbitan Universitas Brawijaya, 2001, hlm. 16.
- Tauratiya, **Analisis kesadaran hukum masyarakat generasi z dalam menggunakan media sosial di provinsi Bangka Belitung**, *Jurnal penelitian hukum dan pendidikan*, Vol. 19, Juni 2020, hlm.5

Ta Surayya, “**Idiologi Hukum Pendaftaran Tanah dalam Sistem Hukum Agraria**”. tahun 2020 34:1 Jatiswara

Yulia Amborowati, “**Kekuatan Hukum Perjanjian Terhadap Perjanjian Pengikatan Jual Beli Hak atas Tanah dan Bangunan yang Belum Terdaftar**” (2020) 18:1 Al Qodiri J Pendidikan, Sos Dan Keagamaan 302–319 at 311.