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Reconstruction of transitional rights of former eigendom land rights in Indonesia based on justice

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Abstract
The purpose of this research is to find out and analyze the transfer of land rights to former *eigendom* rights according to the current positive law; the transfer of land rights to former *eigendom* rights not based on justice values; legal reconstruction of the transfer of land rights to former *eigendom* rights based on the value of justice.
This type of research used in this dissertation is to use the method of doctrinal law research. The approach of this research approach sosiolegal (*sociolegal research*), namely, that an alternative approach that tested the study doctrinal against the law. This research was analyzed using qualitative data analysis techniques.
The results of this study are (1) literally interpreted that *Eigendom* is a permanent property right on land and *Verponding* is a tax bill for the said land or land and building. Conversion of rights from *eigendom* does not always become a property, because conversions must pay attention to the requirements for granting a right regulated in the LoGA. Actually, the conversion should be set ah BAL enacted, or at the latest twenty years later, but due to the ignorance of the community or keitdakmampuan take care of the conversion *rights eigendom* be a certificate is still a lot of land which is still attached to the right to be *Eigendom Ve rponding;* (2) Transition of land rights ex-rights eigendom not based on values of justice because of p roses conversion of land rights from the rights of the west (including *eigendom)* can be directly carried out the conversion along the petitioner is still seba gai land-rights holders in evidence or if it has not yet been transferred to the name of another person, and there is a map / measurement letter, then the bookkeeping is simply done by giving a stamp mark on the evidence by writing down the type of rights and the number of rights converted; and (3) Physical control of land is not always done directly by the applicant, but physical management is given to other parties to manage it with an agreement or agreement between them. The applicant is not always domiciled or in an area where the land for which the right of ownership is being applied for, and generally regarding the documents regarding the evidence of the petition for the land, is in the hands of the ruler and the person who manages it does not know about it. With the management given to other parties, it is not the basis of the land manager being the applicant for ownership of the land.

Keywords: regulation reconstruction, transfer of ownership, eigendom, justice

Introduction
Indonesia, which consists of thousands of islands and the islands are surrounded by a sea that both its land and sea has natural resources that are very valuable that overall it is a gift from God Almighty for our hands for the welfare of the nation, the society and the state. As mentioned in Article 1 (2) of Agrarian law No.5 of 1960 which states: that the whole earth, water and space, and including the natural resources contained therein, within the Republic of Indonesia is as a gift from God Almighty. Indonesia's water and outer space is a national treasure. The statement of article 1 paragraph (2) emphasizes the religious communalistic nature in Indonesian law. This can be interpreted that there is no land in this country that does not *belong to nobody* ("*resnulius*") because the entire territory of Indonesia is an inseparable unit one another.
For the Indonesian people, land is a gift from God Almighty. Article 1 paragraph (2) of the Agrarian Law states that: all earth, water and space, including the natural wealth contained in its territory in the territory of the Republic of Indonesia, as a gift from God Almighty, are the earth, water and space of the Indonesian people and a wealth nasional.Apa stated in Article 1 (2) at the top of the appointment of the nature of Religious Communalistic in national land laws. It could mean that there is also no inch of land in Indonesia a no man's land (" *res nullius*"), for the whole of Indonesia is an integral land and water from all of the people of Indonesia, who have been united as a nation of Indonesia.
So close is the relationship of the Indonesian people with earth, water and space that it is often called an eternal relationship? This means that as long as the Indonesian people who are united as the Indonesian nation still exist and as long as the earth, water and space of Indonesia still exist, in any case, there is no power that will be able to break or negate the relationship.
Place of business: agriculture, plantation, animal husbandry and building office buildings, factories. Humans and the land do have a close relationship. Basic land needs. Because the land has a high position for human life, as a place where he was born, raised, built his life as a place to live, a source of income, and also where they are buried when they died later.

Formulation of the problem
Seeing its Necessary in realizing such conflict should be

observed origin origin transition a land rights, whether that has followed the rule law - law that apply for the early application of the conversion of the land - the land of the former west, it was not as smoothly as expected because lots holders of land rights did not come to provide information on their citizenship and likewise after being given the opportunity to certify Building Use Rights, Business Use Rights and Use Rights and they did not also come to the Land Registry Office. With the arrival of the rights holders are not long then land registration officers do not know who owns the land before, is it the native or the westerner? This situation is causing the problem and since when the Indonesian Proclamation. Therefore what the author want to describe in this article are:

1. How is the transfer of land rights to former *eigendom* rights according to the current positive law?
2. Why has the transfer of land rights to former *eigendom* rights not been based on the value of justice?
3. How is the legal reconstruction of the transfer of land rights to *ex - eigendom* rights based on justice values?

Research Methods

1. Paradigm A Research

Paradigm study of aspects ontology of law, the law of nature in accordance with the flow of legal philosophy, using the flow of legal positivism. The flow of legal positivism to interpret the nature of the law are positive norms in a country's legislative system. Thus for the flow of legal positivism, statutory regulations are positive legal rules. In the legal literature, the view that argues that there is no law outside the legislation is called "legism" or "legalism" [1].

Also using Utilitarianism, looking at "the nature of the law" are positive norms that are implemented in legislation. So from that point ontology, is a view similar to the flow of legal positivism legal utilitarianism [2].

From the aspect of legal axiology, the doctrine of the value of law is related to the purpose of law, then to follow the flow of natural law, because it always frees itself from the attachment of time (present), space (to), in which law is seen to be universally and eternally applicable, "legal axiology "As a personal value of the law is" justice "which also has eternal nature (*enternal justice*). Even at the most concrete level, artificial law will emerge. Humans (lex *human)* must be based on natural law, so the axiological aspect of law remains in "justice [3].

2. Research Approach

This research belongs to the category of socio legal *research* (*sociolegal research)*, that is, an alternative approach that tests doctrinal studies of law. The word ' *socio* ' in *sociolegal* represents the relationship between the context in which the law is located (*an interface with a context within which law exists)* [4].

3. Types of research

This type of research used in this dissertation is doctrinal law research, which is a legal research method carried out by examining the statutory materials, library materials or secondary data. In this dissertation the research is analytical descriptive, that is by collecting data that illustrates or presents the facts and data as well as analysis of research results aimed at obtaining a picture of supporting legal arguments systematically and structured based on normative juridical namely research analysis based on statutory provisions that also refer to supporting facts and theories.

4. Data collection technique

Data collection techniques used in this study include field research or interviews and literature studies.

a. Interview

Interviews, conducted by the method of free guided *interviews* or *interview* methods that are used to obtain information about things that cannot be obtained through observation. This method includes the way someone used for the purpose of a particular task. Before conducting an interview, a structured interview guide is made so that later in the interview, what will be asked is not forgotten.

b. Literature Study

That is a way to obtain data by studying data and analyzing the entire contents of the library by linking to existing problems. The references which are used are books, literature, newspapers, notes or tables, dictionaries, laws and regulations, as well as documents relating to problems in writing this law.

5. Data analysis and validation techniques

Data obtained from subsequent research activities are analyzed appropriately to solve a legal problem that has been studied. Analysis of the data used in this study is a qualitative data analysis, which is the data obtained and then arranged systematically which he then analyzed qualitatively to achieve clarity of the problem discussed.

The data in this study were analyzed using qualitative descriptive methods, where the analysis was carried out together with the process of collecting data, then continue until the time of writing the report by describing the data obtained based on legal norms or legal rules and legal facts that will be associated with the problem this. If conclusions are lacking, a back verification is needed to collect data from the field with three components whose activities take the form of interactions between components and the data collection process. In this form, the researcher continues to move between the three components of analysis with the process of collecting data during data collection activities.

Triangulation is the most commonly used method of guaranteeing the validity of data in qualitative research. Triangulation is a technique for checking the validity of data by utilizing something other than the data for data checking purposes or as a comparison of the data.

Validity is the degree of determination between the data that occurs in the object of research with data that can be reported by researchers. There are several techniques that can be used to determine the validity of data, namely:

a. Triangulation techniques between data sources, data collection techniques, and data collection in this case the researcher will try to get colleagues or helpers in collecting data from residents in locations that can help after being given an explanation.
b. Checking the correctness of information to the informants that has been written by the researcher in the research report (*member check*).
c. Will discuss and seminar with the theme of colleagues in the department of study learning (*peer debricfing)*, including corrections under the supervisors.

Extension of research time. This method will be taken not

only to obtain more complete evidence but also to check the consistency of the informants' actions.

Discussion

1. The Definition of Land and Land Law

Land in the legal sense is the surface of the earth, this can be understood through the provisions of Article 4 of the Agrarian Law [5], as completely formulated: "On the basis of the rights of control of nation as which are referred to in Article 2 determined the various rights over the earth's surface, called the soil, which can be provided to and owned by people either individually or jointly - with other people and legal entities ".

A. Agrarian Law is the field of law that regulates the rights of control over the earth, water, space and natural resources contained therein. Whereas Land Law is a legal field that regulates tenure rights over land, which includes the Rights of a Country, the Right to Control from the State, Customary Rights, Management Rights, Endowments and land rights (such as Ownership Rights, Business Use Rights, Use Rights Buildings, use rights and land rights originating from the customary law of local customary law communities) [6].
B. In the western legal system, land law is known by the *contents of* "Grondrecht "to indicate "Land Ownership Rights", and "Agrarische *Rechten* "(Agrarian Rights) as rights obtained to cultivate land. Land Law, which regulates the rights t anah set in *Burgerlijke Wetboek*, hereinafter called B. W. Meanwhile, agrarian rights are regulated in laws or regulations, either in the form of *ordinances, wet* or *regelingen.* Applicability B. W. in Indonesia is based on the principle of concordance (*Concordan tie Beginsel*), and until recently was known by the term of the Indonesian Civil Code, or shortened to KUHPdt.
C. KUHPdt, for land referred to by the term commonly used is *Grond* or *Grond Eigendom*, which is "Land" or "Land Ownership Rights". But because of the Criminal Code. Does not apply to indigenous groups, then the term *Grondrechten* for Land Law is not commonly used for indigenous people. In line with the enactment of the Dutch East Indies agrarian law, namely *Agrarische Wet* 1870, which was later translated into Agrarian Law, the term Agrarian Law became commonly used today. While the term Land Law is not commonly used [7].

2. Indonesian Agrarian Law Conception

Indonesian Agrarian Law will remain as the law of the land of Indonesia, composed by the nature of thought customary law regarding the legal relationship between a particular customary law communities with customary rights. The nature of customary law thought contains the concept of customary law regarding land, which is adopted as the concept of National Land Law, which is formulated as *communalistic-religious.* In this conception allows the control of parts of the land together with the gift of God Almighty by individual citizens with rights to land that are personal, as well as contain elements of togetherness. The *communalistic-religious* legal relations in customary law thinking, which in law are known as customary rights, by the National Land Law are adopted at the national level into legal relations between the Indonesian people and all land in all regions of the country as shared land which is adjusted to current and future national and community developments and needs.

3. Definition of Land Registration

Land registration is derived from the word *Cadastre*, a technical term for a *record,* showing the area, value and ownership (or other rights) for a piece of land.

This word comes from the Latin *capistrum* which means a register or capita or unit that is made for Roman land tax (*copotatio terrena)*. In a strict sense *Cadastre* is a record (records of land, value of land and rights holders and for tax purposes). Thus *cadastre* provides the right tools that provide a description and identification of certain land and also as a *continuous record* (*continuous* recording) of land rights [8].

The definition of land registration in Indonesia can be taken from the provisions of Article 19 paragraph (1) and (2) of the Agrarian Law and Government Regulation Number 24 of 1997 and Articles 5 to 8. Article 21 of the Agrarian Law states that land registration is an activity carried out by as stated in Article 19 paragraph (2) of the Agrarian Law includes:

a. Measurement, mapping and accounting of land
b. Registration of land rights and transfer of rights
c. Granting proof of rights, which acts as a strong proof.

While overall according to Article 19, it is addressed to the government as an instruction, so that in all regions of Indonesia a *rechtkdaster* land registration is *held*, meaning that it aims to guarantee legal certainty.

The definition of land registration according to Article 1 paragraph (1) of Government Regulation Number 24 of 1997 is a series of activities carried out by the Government continuously, continuously and regularly, including the collection, processing, accounting and presentation and maintenance of physical and juridical data, in the form of maps and a list, regarding parcels of land and units of flats, including the granting of proof of rights to existing plots of land, ownership rights to the unit of flats and certain rights that burden it.

4. Land Registration System

As is known that land registration is aimed at obtaining a form of legal certainty and certainty of rights for holders of land rights. With the registration of this land it is hoped that someone who holds rights to land will feel secure that there will be no interference with the ownership rights to a piece of land. Legal action and registration of this land is a form of legal event that is very owned by someone.

Pitlo [9], states that when the registration of land rights is carried out, the personal legal relationship between a person and the land is announced to a third party or community. Since that time the third party is considered to know of a legal relationship between the person and the land concerned, knowing that there is a legal relationship between the person and the said land, for which he is bound and must respect such rights as an obligation arising from propriety. Some land registration systems according to Parlindungan [10], are:

a. Land registration system Torrens
b. Negative system land registration
c. Positive land registration system

The land registration system used by a country depends on the legal principles adopted by the state in transferring its rights.

5. Transfer of rights to former *Eigendom* rights under current positive laws

Before the Agrarian Law came into effect, property rights (especially those subject to western law) mentioned more often using Dutch, which means *eigendom* or property rights. This is in accordance with the legal basis for its regulation which originates from Dutch law, namely *Burgelijk Wetboek* (BW), precisely in book II Chapter 3. The definition of *eigendom* rights themselves is contained in Article 570 BW which determines:

Property rights are the rights to enjoy a goods more freely and to act on the goods completely freely, as long as they are not in conflict with the law or general regulations determined by the authorized authority and as long as they do not interfere with the rights of others; all of this does not reduce the possibility of revoking rights in the public interest and appropriate compensation, based on statutory provisions.

The term *verponding* in Law Number 72 of 1958 concerning Tax Verponding for 1957 and hereafter is used to refer to one type of tax that is imposed on fixed objects (land). In addition, in the decision of the Supreme Court Number 2082 K / Pdt / 20 13 the term *eigendom verponding is* used to designate a title to a land [11].

During the western civil period, indigenous groups used customary law so that at that time there was a dualism of land ownership laws, namely the West Land Law and the Customary Land Law. The application of the conversion of western rights is done by giving a time limit of up to 20 years from the enactment of the Agrarian Law. That is, requires land rights to *eigendom, Erfpacht, Opstal,* and so on is converted into ownership no later than September 24, 1980 [12].

In 1960 all types of land rights including *eigendom* rights *were* not abolished, but were changed or converted to certain types of land rights, with certain conditions that must be fulfilled. For example, *eigendom* rights become property rights, *erfpacht* rights become business use rights, *opstal* rights become building rights [13].

The rules of regulating western land rights are not only ancient Dutch law and civil law (BW), but also administrative law. Western land law in the form of administrative land law is a regulation that gives authority / authority of the Dutch colonial government to carry out his land policy, which was realized in Agrarische Wet 1870 as a basic provision, with its implementing regulations namely *Agrarische Besluit* (Staatsblad No. 118 of 1870) which Article 1 regulates *Domeomeveraring* which essentially states that all lands which cannot be proven *eigendom* rights are belonging to the State. *Domeinverklaring* concluded that the land here is not part of public law but civil law, in which the State may have ownership rights over land and even the rights of this State are prioritized [14].

6. Legal consequences of the transition of *Eigendom* rights to *ownership* rights

Related to the conversion of land rights, after the entry into force of the Agrarian Law, all land, whether land rights originating from customary law or land rights originating from western law, are converted to land rights under the Agrarian Law. These terms of conversion are regulated in Part Two of the provisions concerning the provisions of the conversion of the Agrarian Law, Presidential Decree Number 32 of 1979 and the Minister of Home Affairs Regulation Number 3 of 1979. Rights to land originating from western law are converted to rights in the Agrarian Law (Ownership of Land Rights, Land-Use Right, Building-Use Rights) and given a period to be converted for the remaining time of the relevant rights, but no later than 20 years since the enactment of the Agrarian Law, ie on September 24, 1980. If the said period has been completed, then by law the land becomes land directly controlled by the State or commonly referred to as State land.

From the explanation above it can be seen that in the legislation itself recognizes *eigendom verponding* as a proof of rights, which is used as one of the conditions for making a request to obtain ownership rights. In addition *eigendom verponding* can also be used as evidence of control of land. Based on this, it can be concluded that *eigendom verponding* can be used as a basis for converting land rights, while still meeting other conditions for obtaining land rights.

In Indonesian land law, it can be interpreted that *eigendom verponding* is a land right derived from Western rights. But actually the *eigendom verponding* was published in Dutch times for Indonesian citizens. So it is not absolutely understandable to say that *eigendom verponding* is the land of the West.

Literally interpreted that *Eigendom* is a permanent property right to land and *Verponding* is a tax bill for the land or land and building in question. At the moment the *verponding* has been changed to Land and Building Tax Return (SPPT-PBB). Whereas *eigendom is* required to be converted into a type of land right as regulated in Law No. 5 of 1960 concerning the Basic Agrarian Law (UUPA).

7. Definition of Conversion

Understanding Conversion of land rights is a change of land rights in connection with the enactment of the Agrarian Law. Land rights that existed before the entry into force of the Agrarian Law were changed to land rights set out by the Agrarian Law [15].

It can be interpreted that the conversion of land rights is the replacement / change of land rights from the old status, that is, before the entry into force of the Agrarian Law becomes a new status, as regulated according to the Agrarian Law itself. What is meant by land rights prior to the entry into force of the Agrarian Law is land rights that are regulated and subject to customary law and Western law (BW) [16].

As for the legal basis for the Conversion of land rights that existed before the entry into force of the Agrarian Law on September 24, 1960, was the second part of the Agrarian Law "concerning the convention provisions comprising Article IX, namely Article I to Article IX", particularly for Conversion lands subject to customary law and the like are regulated in Article II, Article VI and Article VII Conversion provisions, in addition to the implementation of the conversion referred to by the Agrarian Law reaffirmed by the issuance of the Minister of Agriculture and Agrarian Regulation No. 2 of 1962 and Decree of the Minister of Home Affairs Number 26 / DDA / 1970, namely "concerning the affirmation of the conversion and registration of the former Indonesian rights in terms of land" [17].

Some provisions on Conversion of customary land rights: Article II of the Conversion Provisions reads:

a. Land rights that give authority as or similar to the rights referred to in Article 20 paragraph (1) as such with the

name as it was in effect when this Law came into force, namely *agrarisceh eigendom, belonging to the real, andarbani rights to druwe, Rights For Druwe Pesini, Grant given by Sultan, Lander Bezitrecht, Altijddurence Erfpacht, business rights on ex-particulate land and other rights* under any name, which will also be further confirmed by the Minister of Agrarian Affairs, since the entry into force of this Law becomes the property rights mentioned in Article 20 paragraph (1) unless those who do not fulfill the requirements as mentioned in Article 21.

b. The rights mentioned in paragraph (1) belong to foreigners, citizens besides foreign citizenship and legal entities which are not appointed by the government as referred to in Article 21 paragraph (2) shall become the Right to Business or Building Rights in accordance with the relevant regulations. The legitimation, as further asserted by the Minister of Agrarian Affairs.

8. Transfer of Rights to Land Based on *Eigendom* Rights Based on Fair Value

To adjust the old land rights rights into the Basic Agrarian Law System is called conversion. And the settlement of ex BW land has ended with the issuance of Presidential Decree Number 32 of 1979 which states that the land has ended its conversion period and for land that is not adjusted only becomes land controlled by the state [18].

The application of the conversion of western rights by giving a relatively long period of time that is up to 20 (twenty) years since the enactment of the Agrarian Law, is intended to end the remnants of western rights over land in Indonesia with all its characteristics that are not in accordance with Pancasila and the 1945 Constitution, while still being based on the principle of justice, that is, paying attention to the interests of residents or tenants, authorities and former rights holders, so that the interests of the wider community must still be prioritized.

All Nation or customary rights must be converted, without exception though due to the vast Indonesian legal territory and the large number of land holdings, the conversion of all customary rights may not be completed in the immediate time [19]. For special land rights subject to customary law special provisions have been made, namely the Decree of the Minister of Domestic Affairs Number 26 DDA / 1970, where the conversion of customary rights has no conversion deadline due to special considerations of costs, procedures and ignorance of the people to certify their land.

Based on the provisions of Article 88 paragraph (1) sub a, Regulation of the Minister of Agrarian / KBPN Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration, that for former customary land or TMA for which written evidence is complete and for which the written evidence is incomplete but there is a witness statement or statement concerned that is believed to be true by the Head of the Office of Land Affirmation that the conversion to ownership is confirmed, this is in accordance with the provisions on proving old rights in Article 24 paragraph (1) Government Regulation Number 24 of 1997 where for the evidence can be applied affirmation of rights. The AP. Parli ndungan, stated that: the evidence above, before it was announced at the Land Office and in the District to attract reactions from people who are more entitled [20].

With the enactment of the conversion provisions, it means that it is an acknowledgment and affirmation of the old rights, it is also a simplification of the law and efforts to create legal certainty. The simplification of the law is seen in the adjustment of all existing land rights throughout Indonesia which have so far been pluralistic (some are subject to western law, customary law and religious law) by only giving space to a rule that states only in a system land rights are subject to the Agrarian Law. While legal certainty can be seen from the implementation of the conversion which is part of the land registration activity, while the registration activity aims to create legal certainty [21]. This is in accordance with the mandate contained in Article 19 paragraph (1) of the Agrarian Law which states that in order to ensure legal certainty by the government land registrations are carried out throughout Indonesia according to the provisions stipulated by a statute.

After the enactment of PP No. 24 of 1997 concerning Land Registration, the implementation of the conversion of land rights mentioned in the term proving the old rights. Article 24 paragraph (1) regulates that for the purpose of registering rights, land rights originating from the conversion of old rights are proven by bulti instruments regarding the existence of said rights in the form of written evidence, witness testimonies and or statements concerned with the level of truth by The Adjudication Committee in spadadadically registering land is considered sufficient for the registration of rights, rights holders and the rights of other parties who burden it.

Conclusion

Based on the description and analysis in the previous chapters, the following conclusions are presented which are answers to the problems in this study, namely:

1. Literally interpreted that *Eigendom* is a permanent property right to land and *Verponding* is a tax bill for the land or land and building in question. At the moment the *verponding* is changed to become the Tax Return of the Land and Building Tax (SPPT-PBB). While *eigendom is* required to be converted into a type of land right as regulated in Law no. 5 of 1960 concerning the Basic Agrarian Law (UUPA). The term *verponding* in Law Number 72 of 1958 concerning Tax Verponding for 1957 and later is used to refer to one type of tax that is imposed on fixed objects (land). In addition, in the Supreme Court ruling Number 2082 K / Pdt / 2013 the term *eigendom verponding is* used to designate a title to a land. Conversion of rights from an *eigendom* does not always become a property, because the conversion must pay attention to the conditions for granting a right regulated in the Agrarian Law. Actually, the conversion must be done after the Law was passed, or no later than twenty years after, but due to public ignorance or inability to take care of the conversion of *hakeigendom* into certificates up to now there are still many lands that still cling to rights in the form of *Eigendom Verponding*.
2. The transfer of land rights to former eigendom rights has not been based on the value of justice due to the conversion process of land rights originating from western rights (including *eigendom*) can be directly converted as long as the applicant remains the holder of land rights in the old evidence. or have not yet moved on to the name of another person, and there is a map/

measurement letter, then the bookkeeping is simply done by giving a stamp mark on the evidence by writing down the type of rights and the number that is converted up to now the government through the Land Office is still serving conversion from *Eigendom Verponding* to a certificate provided that the conversion conditions as stipulated in the law are met. The exact requirement is that the original *Eigendom Verponding* evidence must be submitted to the Land Office when submitting a request for registration of rights and the ownership *history is* clear and can be justified. It is undeniable that at present there are still many lands with the rights of *Eigendom Verponding* which are still chaotic. In reality today is many lands *Eigendom Verponding* already controlled by another party or not holders of land controlled by *eigendom verponding*. It should be noted that if the land has been controlled by another party, especially if the party that has controlled it has held a valid certificate, then they are legally the owners. Because in the process of issuing the certificate, the procedure has been regulated by the law, including on-site measurement by the Land Office official, announcing to the community that a certificate is being requested at the BPN.

3. The regulation to be reconstructed in the dissertation is Government Regulation No. 24 of 1997 concerning Registration of Land. Specifically in Article 24 which reads as follows:

Article 24

1. For the purpose of registering rights, the rights to land originating from the conversion of old rights are proven by means of evidence regarding the existence of said rights in the form of written evidence, witness statements and or statements concerned which are of a truthful level by the Adjudication Committee in a systematic land registration or by the Head of the Land Office in sporadic land registration, it is considered sufficient to register the rights, rights holders and rights of other parties who burden them.
2. In the event that no means or proof of evidence as referred to in paragraph (1) is complete, the bookkeeping rights can be carried out based on the reality of physical control of the relevant parcels of land for 20 (twenty) years or more in a row. by the registration applicant and its predecessor, provided that:

a. Such control is carried out in good faith and openly by the person concerned as entitled to the land, and is strengthened by the testimony of someone who can be trusted.
b. Such authority either before or during the announcement referred to in Article 26 shall not be disputed by the adat law community or the relevant village / kelurahan or other parties.

Article 24 paragraph (2) construction becomes

(2) In the event that evidence equipment is not or no longer completely available as referred to in paragraph (1), bookkeeping rights can be carried out based on the reality of physical control or physical handling provided to another party by the applicant with an agreement or an agreement authentic agreement made by the authorized official for the relevant plot of land for 20 (twenty) years or more in a row by the applicant and his predecessor, on condition:

a. Such control is carried out in good faith and openly by the person concerned as entitled to the land, and is strengthened by the testimony of someone who can be trusted.
b. Such authority either before or during the announcement referred to in Article 26 shall not be disputed by the adat law community or the relevant village / kelurahan or other parties.

Physical control of land is not always done directly by the applicant, but physical management is given to other parties to manage it with an agreement or agreement between them. The applicant is not always domiciled or located in the area where the land for which the application for land is being requested, and in general, regarding the documents regarding the evidence of the requested land, it is in the hands of the ruler and the person managing does not know about it. With the management given to other parties, it is not the basis of the land manager to be the applicant for ownership of the land.

Suggestion

1. Implementation of the conversion must be done consistently and in accordance with the legislation in force, for the creation of legal certainty and the right for holders ha k *eigendom verponding*
2. Revisions to Government Regulation Number 24 of 1997 concerning Land Registration or Law Number 5 of 1960 concerning Basic Regulations on Agrarian *Matters* particularly relating to land *eigendom ve rponding* so that the legal heirs of the *eigendom verponding* land receive their rights and there can be legal certainty over *eigendom verponding* land.
3. Communities, especially holders of land rights to *eigendom verponding* in submitting the *registration* of the transfer of ownership rights to land should be more thorough and careful in completing the requirements set by the Government so that the performance of the authorized officials will be more efficient.

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