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LAW & SOCIAL POLICY | RESEARCH ARTICLE

The Importance of Community Legal Awareness in Land Registration

Muhammad Rinaldy Bima

Abstract:

This study aims to determine and analyze the level of legal awareness of the community in Manuju District, Gowa Regency in registering their land, to find out the factors that influence the community in Manuju District, Gowa Regency in registering their land. This research uses empirical method. The research location is in Manuju District, Gowa Regency. The results of this study indicate that the level of public legal awareness in the context of land registration in Manuju District, Gowa Regency can be said to be sufficient. Judged from several aspects, namely sufficient in legal knowledge, legal understanding, legal attitudes, and community behavior. The inhibiting factors for the community in Manuju District, Gowa Regency in registering their land are lack of understanding of the functions and uses of land certificates, thinking that the land registration process takes a long time, the costs incurred in the land management process and tax payments, the supporting factors for the community in registering their land are that it can create a sense of security, obtain legal protection, can be used as strong evidence in the eyes of the law, increase selling value, and improve the community's economy, and facilitate the transfer of rights. The government should more often conduct socialization about the importance of registering land, the community should ask the local government or use the services of land officials if they do not know the land registration process.

Keywords: Land; Legal Awareness; Community Legal Awareness; Land Registration; Land Certificate;

1. INTRODUCTION

Nature is a very important and inseparable natural resource in human life, both as a place to live and to meet needs by farming. In the Quran, there are many verses that explain the importance of land in human life and remind humans not to destroy nature (land, water, air). Given the importance of land in human life, every human being wants to own and control it which eventually leads to disputes, so the state takes part in regulating it in order to achieve the welfare of life for the Indonesian people. This is contained in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred as UUD NRI 1945), that "The land, water, and natural resources contained therein shall be under the control of the State and shall be used for the greatest prosperity of the people", then on September 24, 1960 Law Number 5 of 1960 concerning the Basic Agrarian Law (hereinafter referred as UUPA) was born.

The Basic Agrarian Law with its implementing regulations aims to realize the guarantee of legal certainty of land rights, in the context of reorganizing the use, control, and ownership of land, the registration of land rights is a very important tool for the realization of legal certainty. Article 19 paragraph (1) of Law No. 5/1960 states that, "To ensure legal certainty, the Government shall organize land registration throughout the territory of the Republic of Indonesia in accordance with the provisions regulated by government regulations". This provision aims to organize land registration throughout the territory of Indonesia, because holders of land rights must register their land in order to obtain a land title certificate which is valid as strong evidence of ownership of land rights.

According to Article 23 paragraph (1) of the UUPA on the Transfer of Property Rights, it is explained that property rights as well as any transfer, annulment, and encumbrance with other rights must be registered according to the provisions referred to in Article 19 of the UUPA. Legal certainty is addressed to land rights holders who register their land, whether the registration is done for the first time or conversion, or the acquisition will cause legal problems if it is not registered, which will be strong evidence for the right holder.

The Basic Agrarian Law will continue to develop, because in UUPA the philosophy of land ownership is that the land belongs to the nation, (Middin et al., 2021) controlled by the state, the



people can own it with the right to control from the state, in UUPA Property Rights, Building Rights, Use Rights, Business Rights, and Waqf are land rights recognized in UUPA. With the state's recognition, land rights that can be controlled by individuals and legal entities indicate that the state recognizes its citizens as individuals who have land rights with the consequences of rights and obligations as well as permits and prohibitions. The elements in land ownership are by not contradicting the Law, violating public order, and not disturbing the rights of others. (Nasrullah, 2018)

Manuju sub-district is one of the sub-districts in Gowa Regency located in the highlands with an area of 91.87m², consisting of 7 villages, namely: Pattalikang Village, Tanakaraeng Village, Moncongloe Village, Bilalang Village, Manuju Village, Tassese Village, and Tamalatea Village. Manuju sub-district is bordered to the north by Parangloe sub-district, to the east by Parigi sub-district, to the south by Bungaya sub-district and Takalar district, and to the west by Bontomarannu sub-district.

A dispute over 1.45 hectares of corn plantation land in Bilampiang Hamlet, Tanakaraeng Village, Manuju Sub-district, Gowa Regency, South Sulawesi that killed three people named Saharudin Daeng Lawu', Daeng Rahim, and Daeng Nampo', and Baharuddin Daeng Nampo' was rushed to Sungguminasa General Hospital, and houses around the scene were burned. The dispute involved two families from Takalar Regency and Gowa Regency. This land dispute case has been handled by the Gowa and Takalar District Police but until now there has been no decision on who is the rightful owner because the two camps each have evidence so that investigators are careful in handling land dispute cases on the border of Gowa and Takalar Districts. This will certainly be very dangerous if left unchecked because it will continue to take lives. (Dwi et al., 2021; Mustikawati, 2013)

The development of an increasingly advanced era has made land an important aspect of people's lives. Ownership requirements will be obtained when registering the plot of land in question with the government, either systematic or sporadic registration. The existence of Government Regulation (PP) No. 18 of 2021 on Management Rights, Land Rights, Flat Units, and Land Registration, an amendment to Government Regulation No. 24 of 1997 on Land Registration (hereinafter referred to as PP No. 18 of 2021) makes the land registration system more orderly, faster, and has stronger legal protection. Minister of Agrarian and Spatial Planning and Head of the National Land Agency Dr. Sofyan A. Djalil on Thursday, January 27, 2022 in the Socialization of Complete Systematic Land Registration (PTSL) explained that of the 126 million parcels of land in Indonesia, around 78 million parcels of land have been certified, while 16 million parcels have been registered but not yet certified until 2021, and those that have not been registered reach around 31.7 million parcels of land. (Sibuea, 2011; Syah, 2014)

2. Research Method and Materials

The method used in this research is the empirical method using facts taken from human behavior through interviews and surveys by providing questions to analyze related to **Community Legal Awareness in the context of Land Registration in Manuju District, Gowa Regency**, with the research location in Manuju District, Gowa Regency with the aim of research to find out the answers of the community regarding the obstacles and factors that are supporting and inhibiting in registering the land. Population is a collection of all research objects used to research, in this case the population in this study is the entire community in Manuju District, Gowa Regency, Samples are part of the entire population that has the same characteristics as the population. The sample in this study were several people in Manuju Subdistrict, Gowa Regency with types of jobs such as Village Officials, Farmers, Self-employed, Civil Servants, and Laborers. The types and sources of data used in this study, namely primary data, are data obtained from research conducted to the community directly in the field either through interviews or surveys with interested parties by providing information related to the problem to be studied. Secondary data is data obtained including official documents, books, research results which are used as complementary and supporting primary data. Data collection techniques carried out by researchers through surveys and direct interviews with respondents and sources, secondary data obtained through sources, literature, laws and regulations, official documents from related agencies, books, and research results. The analysis technique uses qualitative analysis to answer problems descriptively.



3. Results

Researchers conducted a survey by taking 30 people as samples in accordance with the necessary sample requirements. The sample requirements needed in this study are the people of Manuju District, Gowa Regency with the following characteristics.

- a. Characteristics based on gender of respondents

Table 1. Characteristics of Respondents Based on Gender

No.	Gender	Respondent(s)	Presentage (%)
1	Male	17	56.67
2	Female	13	43.33
Total		30	100.00

- b. Characteristics based on respondent age

Table 2. Characteristics of Respondents by Age

No.	Age	Respondent(s)	Presentage (%)
1	≤30	5	16.67
2	31-40	8	26.67
3	41-50	10	33.33
4	≥50	7	23.33
Total		30	100.00

- c. Characteristics Based on Respondents' Education

Table 3. Characteristics of Respondents Based on Education

No.	Education	Respondent(s)	Presentage (%)
1	Elementary School	5	16.67
2	Junior High School	5	16.67
3	Senior High School	7	23.33
4	Bachelor	8	26.67
5	Non Basic Education	5	16.67
Total		30	100.00

- d. Characteristics Based on Respondents' Occupation

Table 4. Characteristics of Respondents Based on Occupation

No.	Occupation	Respondent(s)	Presentage (%)
1	Farmer	5	16.67
2	Laborer	5	16.67
3	Self Employee	7	23.33
4	Village Apparatus	2	6.67
5	Civil Servant	11	36.67
Total		30	100.00

- e. Characteristics Based on How to Get the Land

Table 5. Characteristics of Respondents Based on How to Obtain Land

No.	How o Get Land	Respondent(s)	Presentage (%)
1	Inheritance	16	53.33
2	Buy	13	43.33
3	Grant	1	3.33
Total		30	100.00

- f. Characteristics Based on Length of Residence

Table 5. Characteristics of Respondents Based on Length of Residence

No.	Lenght	Respondent(s)	Presentage (%)
1	1-5	5	16.67
2	10-20	8	26.67
3	>20	17	56.67
Total		30	100.00

g. Characteristics of Land Certificate Ownership

Ownership of land certificates as many as 21 people out of 30 respondents.

Table 6. Characteristics of Respondents Based on Length of Residence

No.	Question	Total	
		Y	N
1	Is your land certified?	21	9
	Presentage	70	30

Source: primary data processed

4. Discussion

4.1. *Level of Legal Awareness of the Community in Manuju District, Gowa Regency in Registering Their Land*

1) *Legal Knowledge*

Community legal knowledge is known from the answers of respondents who are the people of Manuju Sub-district, Gowa Regency, according to the following survey results.

Table 7. Survey Description of Legal Knowledge

No.	Questions	Total		
		A	B	C
1	Do you know that the procedure for registering land is regulated?	11	11	8
2	Do you know that ownership of a land certificate is mandatory for citizens?	20	10	-
3	Do you know the requirements for registering land?	10	12	8
4	Do you know how much it costs to apply for a land certificate?8	14	8	
5	Do you know the functions and uses of land registration?25	25	5	-
	Total	74	52	24

Source: processed primary data

Notes: A: Knowing, B: Knowing Enough, C: Not Knowing

Based on the survey table above, the general knowledge of the residents of Manuju Subdistrict based on the survey results shows that the majority of respondents know and are in the category of knowing enough regarding the importance of land registration. General knowledge is a person's knowledge about certain behaviors regulated by law. (Bell, 2017) This relates to the assumption that people are considered to know the regulations related to land registration. (Muttaqin & Saputra, 2019)

2) *Legal Understanding*

The legal understanding of the residents of Manuju Sub-district can be known from the respondents' answers to the research with the following survey results.

Table 8. Survey Description of Legal Knowledge

No.	Questions	Total		
		A	B	C
1	Do you understand the requirements needed for land registration?	4	19	7
2	Do you understand the forms involved in land registration?	3	20	7
3	Do you understand the purpose of land registration?	26	4	-
4	Do you understand the negative impacts of not having a land certificate?	20	10	-
	Total	53	53	14

Source: processed primary data

Notes: A: Knowing, B: Quite Understand, C: Do not understand

Based on the survey table above, it shows that the legal understanding of respondents in this study can be categorized as good because the results of the study show that the number of respondents who understand and understand enough about the importance of land registration is balanced.

Legal understanding states that the amount of information a person has regarding the contents of the regulations of a particular law. (Sarvet et al., 2018) Through legal understanding, the public is expected to understand the purpose of legislation and its benefits for the parties whose lives are regulated by legislation, regarding perceptions of the norms that apply in society and daily behavior. (Doshi-Velez et al., 2017)

3) *Legal Attitude*

The legal attitudes of the residents of Manuju Sub-district can be known from the respondents' answers to the research with the following survey results.

Table 9. Survey Description of Legal Knowledge

No.	Questions	Total		
		A	B	C
1	What is your attitude towards the requirements for land registration?	2	17	11
2	What is your attitude towards land registration services?	8	20	2
3	What is your attitude towards the services of government officials in land registration?	2	7	21
4	How do you feel about the fees charged for land registration?	-	15	15
5	How do you feel about the obligation to have a land certificate?	20	10	-
Total		32	69	49

Source: primary data processed

Notes: A: Knowing, B: Agree enough, C: Disagree

It shows that the highest number of respondents' answers in this study was "Agree Enough". This shows that the legal attitude of the respondents in this study is sufficient, the number of "Disagree" is less, and for the respondent's answer "Agree" only differs by 7 values. This shows that the legal attitudes of respondents in this study are quite likely to be lacking. The legal attitude is a tendency to accept the law because of the beneficial benefits or rewards if the law is obeyed, legal attitudes will involve citizens' choices of laws that are in line with their values, so that people will accept the law based on the benefits to them. (Hermawan & Habibi, 2020)

4) *Legal Behavior Patterns*

The legal attitudes of the residents of Manuju Sub-district can be known from the respondents' answers to the research with the following survey results.

Table 10. Survey Description of Legal Knowledge

No.	Questions	Total		
		A	B	C
1	Before registering your land, do you first ask the relevant Government Official/PPAT?	8	7	15
2	In registering your land, did you go through an official process?	4	10	16
3	Do you agree with land registration through brokers?	16	4	10
4	What is your attitude towards the government's program to speed up the issuance of land certificates?	6	24	-
Total				

Source: processed primary data

Notes: A: Knowing, B: Agree enough, C: Disagree

The most common answer in the survey table above is "Quite Agree / CS", this can show the pattern of legal behavior of respondents in Manuju District in the moderate category. Then followed by "Disagree / TS" where this shows that the community has begun to independently register their land officially. The pattern of legal behavior is something that can be seen whether regulations apply or not in society, and public legal awareness will arise if the interests of the community are guaranteed by existing laws. (Usman, 2014)

4.2. Factors Influencing Communities in Manuju Sub-district, Gowa Regency in Registering Their Land

4.2.1. Weaknesses Factors

1. Lack of understanding of the functions and uses of certificates

The community considers that land certificates are only needed to increase the price of land because they incur costs when processing certificates to the land office as compensation for processing costs, the community thinks that the price of a land is only assessed based on the area and quality of a land, and considers that land certificates are needed when applying for a loan to a bank as collateral in granting credit. (Mardiana et al., 2016)

2. Assuming that it takes a long time to process the certificate

People think that the land registration process takes a long time, as has happened to people who register their land individually with the land office, which takes 6 months or even years. (Sulaiman, 2023) The land registration process is often hampered by disputes or objections from other parties. Moreover, the distance from Manuju Sub-district to the Gowa Regency Land Office is far enough to make people think about registering their land. This can be seen from the following interview.

"I registered my land because I was afraid of unwanted things happening, such as unilateral claims, etc. However, the process of registering land generally ranges from a few days to a year. However, the land registration process generally takes 60 to 120 days, but in the process of making a land certificate it takes 8 months".

3. Economic Factors

The community thinks that the land registration process requires a lot of money depending on the size of the land owned, because the administrative process requires costs and the taxes that must be paid annually make people think about certifying their land. This is based on the following interview excerpt. "I registered the land that I inherited from my parents, but the costs involved, from registration fees, measurements, committee fees, and the tax that must be paid annually, made me abandon the idea. Besides, the people here know very well that the owner of the land is my family".

4. Lack of desire to register land

The community thinks that land that has been registered or that already has a good land certificate from any party that issues of government agencies feels that it has registered the land and can be a strong evidence, generally to the community who obtained the land from the inheritance of parents feel that they have a witness because the community knows very well the ownership of the land. In fact, all land owned by the community has been set land and building tax in order to fulfill and increase State revenues. (Apriani & Bur, 2020; Putra, 2019)

5. Policy factors regarding tax obligations in land registration activities

The policy in Law No. 20 Year 2000 on Fees for Acquisition of Land and Building Rights (BPHTB) with the determination that if the Acquisition Value of the Land Object is greater, it will be taxed. (Mujiburohman, 2018)

4.2.2. Strength Factors

1) Creating a sense of security for landowners

Avoiding the fear of lawsuits and unilateral claims, this is a necessity for land rights holders. with this feeling of security, the owner or holder of land rights will work or manage his land seriously which will have a positive impact on land productivity and improve the welfare of land owners and cultivators.

2) Obtaining legal protection for people who have land certificates

In accordance with the mandate of Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Principles, in Article 19 paragraph (1) of the UUPA, to ensure legal certainty, the Government conducts land registration throughout the territory of the Republic of Indonesia, so that there is legal certainty for each party and safeguards the rights owned. (Arba et al., 2021; Prakoso, 2021)

3) Increase the selling value of the land

Registered land will generally have a higher selling value than uncertified land, because land buyers are confident that the data they want to buy has legal certainty.

4) Utilizing land as collateral for borrowing money at the bank



The community's economy will be more advanced because it can make land certificates as collateral at the bank, in this case people who do not have capital can obtain business capital by pledging land certificates as collateral for borrowing money at the bank which will have a positive impact on economic growth. (Nawi et al., 2019)

5) *Easy transfer of rights*

The owner of the certificate will easily transfer land rights, because by showing the certificate to the National Land Agency along with other necessary conditions. (Kusno & Nasution, 2021)

5. Conclusion

The level of public legal awareness in the context of land registration in Manuju District, Gowa Regency can be said to be sufficient, this is due to several aspects such as sufficient legal knowledge, legal understanding, legal attitudes, and community behavior because some residents do not understand and know the land registration process, as well as the rampant land management using brokers, and some people still do not understand the importance of having a land certificate. The factors that influence the community in Manuju District, Gowa Regency in registering their land because they do not understand the functions and uses of land certificates, assume that the land registration process takes a long time, there are costs that will be incurred in the land process and tax payments. Supporting factors by creating a sense of security, obtaining legal protection, can be used as strong evidence, increase the selling value of land, improve the economy, and facilitate the transfer of land rights. It is recommended that the Government more often conduct socialization about the importance of land registration, and the process of land registration properly and correctly to overcome legal ignorance in land registration, and to know well how to process land registration through good and official channels to avoid unwanted things later. Conduct counseling through mass media. The public should know the land registration process properly and correctly, if they do not know how the process and flow of land registration, then the public should be able to use the services of PPAT or ask the local government, such as village and sub-district officials, or come directly to the Regional Land Agency Office of Gowa Regency, to avoid unwanted things such as unilateral claims, land disputes, etc., in order to avoid land brokers and brokers

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