

A Juridical Analysis on the Authority of the Indonesian National Land Office of Medan City in Terms of Implementation of Land Registration in Assuring the Legal Certainty

Jenda Ingan Mahuli
Universiy Of Upmi Medan, Faculty Of Civil Law

Abstract

Land appears to have a significant role in the development dynamics, accordingly, the Article 33 clause (3) of 1945 Constitution of Indonesia says that “The land, the waters and the natural resources in it shall be under the power of the State and shall be used to the greatest benefit of the people”. The Provisions on the land matters can also be found in the Law of the Republic of Indonesia Number 5 of 1960 on the Fundamental Regulations on the Agrarian Affairs (UUPA). On the other hands, there are several constraints occurring at Indonesian National Land (BPN) Office in term of the Land Administration, such as: Factor of Limited Human Resources and Equipment, Factor of Poor Community Legal Awareness, Factor of Inability to Present the Adjacent Neighbours and Land Boundaries, Factor of the use of illegal negotiator, Factor of Ignorance of Many People for the existence of PRONA (Agrarian National Operations Project), Factor of Distant Location for Land Administration. These kind of constraints in Land Registration can be solved by the way of socialization, either at the sub-district, district level or direct socialization to the community, and emphasizing the importance of Land Certificate Registration, in order to raise the community awareness and provide more clear explanation on the administration system as specified in the Government Regulation Number 128 of 2015, and ultimately, the community will no longer use the illegal negotiator and feel harmed

Keywords: Land, Authority, Legal Certainty, Legal Registration

1. INTRODUCTION

Land does exist as the most fundamental needs in human life. Humans live and do their activities on the ground, so that humans can't stand alone and apart from the land, and it may even be said that all activities in human life, directly or indirectly, always require land. When humans die, they still need land for its funeral. This immense importance of land for the human life makes every individual attempts to acquire and control it. Land appears to have a significant role in the development dynamics, accordingly, the Article 33 clause (3) of 1945 Constitution of Indonesia says that “The land, the waters and the natural resources within shall be under the power of the State and shall be used to the greatest benefit of the people”. The Provisions on the land matters can also be found in the Law of the Republic of Indonesia Number 5 of 1960 on the Basic Regulations on the Agrarian Affairs (UUPA). Soerojo Wignodipoero argues that there are 2 factors turning the Land to have a prominent position in the custom law, the first factor is the nature of land, in which it constitutes the one and only property, even under unfavourable and fickle circumstances, will remain the same in its state, indeed, the land price sometimes is continuing to increase along the time. The second factor shows that land appears to provide inhabitation to any alliance, a place where the dead people of such alliance will be buried, and a place where the protective maids and ancestral spirits of such alliance live. Van Vollenhoven suggests the theory on the land rights, or known as *Beschikkingsrecht*. According his perspective, the rights on land acquired by the custom people/ indigenous people and its members refer to the rights to acquire such land, as they do not have proprietary rights upon it. The concept and view of this theory was developed as the definition of Ulayat Right. Whilst the Ulayat Right was adopted from Minangkabau language meaning as the right to acquire an area under a control of the alliance head. Land is, indeed, the most prominent part in the humans life, and it is substantial to manage the existence of land, and the country as the land ruler is responsible to establish a regulation on the land matters, accordingly, upon the freedom of Indonesia and political situation began to be stable, on the 24th September 1960, the Law Number 5 of 1960 on the Fundamental Regulations for Agrarian Affairs was arranged and enacted, which ever since is known as the Basic Agrarian Law (UUPA). Rights on Land play a crucial role in the human life, Pursuant to the Basic Agrarian Law No. 5 of 1960, Article 19 clause (1), which shall be read as: “In order to guarantee legal security, the Government, hereby, shall conduct land registration throughout the territory of the Republic of Indonesia in accordance with the Provisions as set out in the Government Regulations”. UUPA as the derivative of the Article 33 clause (3) of the 1945 Constituent of Indonesia contains the principles that all rights on land are under the State's control, and any of rights on land may be revoked for the purpose of public importances. These principles are reflected in the Article 2 and Article 18 of UUPA. According to the Article 2 thereof, State shall represent all parties who claim to be the legitimate owner of such land. The Government as the executing institution of such Law, shall act in this case as the party who carries out and implements the provisions set out in the Article 2 of UUPA . Syafruddin Kalo considers that the Government

must and have authority to settle and mediate the land disputes that arise, as well as act as the facilitator for the parties in disputes. The central government holds the absolute authority on the agrarian matters, however, within its implementation; such authority may be delegated to the regional government or the federation of indigenous people. The sporadic disputes on the status of land ownership that frequently arise in Indonesia, are possibly caused by the absences of firmness of State organizer on such ownership. Upon the enactment of Presidential Decree No. 26 of 1988 (as amended into the Presidential Decree No. 34 of 2003 on the National Policy on Land Affairs, stipulated on the 31st May 2003), the Directorate General of Agraria Affairs of the Ministry of Home Affairs, was promoted into the Indonesian National Land Agency, which operates under the supervision of the Agency Head, whose performance will be directly accountable to the President, and ever since 1992 to date, the State Minister of Agraria Affairs/ Head of Indonesian National Land Agency (KBPN) had been established to deal with the land affairs in Indonesia. On 11th April 2006, the Presidential Regulation No. 10 of 2006 on the Indonesian National Land Agency (BPN) was issued and enacted, strengthening the institutional of BPN, in which BPN of the Republic of Indonesia would deal with wider and sundry issues. On 2nd October 2013, the Presidential Regulation No. 63 of 2014 on the Indonesian National Land Agency was issued and enacted. The National Land Agency of the Republic of Indonesia turned into the Ministry of Agraria and Spatial Affairs/ National Land Agency of the Republic of Indonesia according to the Presidential Regulation Number 17 of 2015 on the Ministry of Agrarian Affairs functioning as the Spatial Planner and the Presidential Regulation No. 20 of 2015 in the National Land Agency which was stipulated on the 21st January 2015. The registration for new acquired land began to obtain significant attention upon the issuance of UUPA and to be followed up with its technical operating regulation in form of the Governmental Regulation No. 10 of 1961 on the Land Registration. Land Registration may be done in two methods, first, in systematic manner, in which such Land Registration is done upon all pieces of land covering the entire areas of village/ sub-district or others and to which implementation is initiated by the Government (adopting the Land Registration under village by village system; second, in sporadic manner, in which such registration is performed for a particular plot of land upon the request of land owner or recipient of such right, both individually or collectively. In order to assure the legal order and certainty upon the rights on land, BPN has targeted to complete the land registrations and issuance of its land title certificates at national level by 2020. This target may possibly be achieved if the Provincial and Regency/ City Governments in all over Indonesia synergize with BPN in the endeavour for throughout land certification program. This target was delivered by the Executive Secretary of Central BPN, Shaily Syam during the hand over of land certificates in the 2014 Strategic Programmes of BPN of the Republic of Indonesia event, held at the yard of Regional BPN Office of South Sumatera, Jl. Brigjend Katamso Medan. On that occasssion, Suhaily said that, at the national level, there were 46.732.200 land plod (hectare) or 54.46 percent from 85.8 million hectare of land plots which had been registered and had obtained land title certificates. While the remainders were still registered to and had obtained land title sertificate from the regional BPN. One of the constraints face in the land registration and certification was the limited funds allocated by the Government from the State Budget. Until 2004, the government was only able to provide each region with land registration and certification funds for 100 land title certificates per year. Since 2005, the government had allocated more adequate funds for the registration and certification of 1.000 to 2.000 land title certificates per year. BPN encouraged the Provincial and Regency/ City Governments to allocate their Regional Budget for the land certification. And for the success collaboration, he was sure that by 2010, all land plots would be fully registered and had obtained the land title certificates. BPN would establish a special team, engaging the Government of North Sumatera Province and regency and city government, in the endeavour to settle the land issues in North Sumatera, either the community disputes with Perseroan Terbatas Perkebunan Nusantara (PTPN), community disputes with the foreign plantation company, community disputes with the private plantation, or one community with other community. He said "This special team is expected to settle all land disputes arising in North Sumatera, particularly land disputes with PTPN and regarding to the asset acquisition permit from SOE." BPN and its components must act fairly in settling such land disputes and conflicts in accordance with 5 Strategic Programmes of BPN, suchas the acceleration of assets and lands legalization through the Agrarian National Operations Project (PRONA), land redistribution as included in the implementation of Agrarian Reform program, control of obandoned land, acceleration of land disputes settlement and optimization of the implementation of community service for Land Certification. While the Vice Governor of North Sumatera said that, there were 714 land dispute cases reported to the Provincial Government of North Sumateral, including the land conflict between the community with PTPN, community with foreign plantation, community with private plantation, and land conflict among the communities themselves. Land disputes potentially arose issues which may disrupt the security stability. The Regional Office Head of North Sumatera BPN, Raden Muhammad Adi Darmawan said that only 3,010 land title certificates had been issued by North Sumatera BPN in 2014, and this number was far from the target. The targeted land title certificates to be issued in 2014 were 40 thousand land title certificates. Whilts in 2011, BPN in Medan City recorded a decreased land title certificates issuance by 22% to 50% or equivalent to 21,291 land title certificates. The existence of Indonesian National Land Agency is highly correlated to the nation dynamics

in seeking for the improved community's wealth, especially in term of Land Registration in order to assure the legal certainty. Specifically, through this writing, the author is willing to focus the discussion on the Non-Department Governmental Institution, namely BPN. Therefore, this research will conduct a research with the title of "**Juridical Analysis on the Authority of Indonesian National Land Office of Medan City in term of Land Registration in Assuring the Legal Certainty.**"

LITERATURE REVIEW

A. Definition of Juridical Analysis

Analysis refers to an activity summarizing a huge amount of raw material, then classifying and distinguishing such data into a components and relevant parts, and ultimately correlating the collected data to address any issues. Analysis is an endeavour to consistently depict the patterns in form of data, hence the analysis results are learnable, translatable and definable. Whilst, the terms "Juridical" refers to a matter acknowledged by law, built upon law, and any matter forming a good order and having an effect against its violation.

B. Definition of BPN of Medan City

Indonesian National Land Agency (BPN) is a Non- Governmental Department existing under and accountable to the President and chaired by the Agency Head. (In accordance with the Presidential Regulation No. 10 of 2006).

C. Definition of Land Registration

Land Registration describes a series of activities steadily, sustainably, and regularly performed by the Government, which include the collection, processing, book keeping, presentation until maintenance of physical and juridical data in form of map and list, in regard to the plots of land and condominium unit, including the the issuance of Certificate of Land Ownership and Strata Title Certificate, as well as any particular rights attached to it.

RESEARCH METHODS

A. Research Specification

This research used descriptive analytics method. Whitney suggests that the descriptive analytics means collecting facts in appropriately interpretable format. This research method is used to discuss an issue by the means of observation, data processing, data analysis, interpretation of discussion result in regular and sistematic manners, and closed with conclusions and suggestions as necessary. This research method, either empirical or normative in nature, basically constitutes the integration between normative law approaches with the inclusion of any empirical elements. The normative- empirical research mentod on the implementation of normative law provision (law) steps in every particular legal event that occurs in a community.

B. Type of Data

This research involved both primary and secondary data. Primary data were immediately obtained from direct interview with the head of Dispute, Conflict and Case division of BPN Office of Medan City. Secondary data were obtained from the prevailing Legislation, official documents, and books .

C. Data Analysis

This research used qualitative data analysis. Data analysis is mandatory research principles to be done by all researchers, as a research without the existence of analysis will bear none other than meaningless raw data. The analysis of these data was done by site visit, dstudying, analysing, and making conclusions for the phenomenons that occur on site. The researcher had to deal with the field data. The researcher must analyze such data in order to reveal its purpose before ultimately presenting the research results.

RESEARCH RESULTS AND DISCUSSION

A. Legal Basis of the Authority of BPN of Medan City in the Enforcement of Land Registration

The legal basis for the enforcement of Land Registration in Medan City is regulated in

1. Law No. 5 of 1960 on the Fundamental Regulation for Agrarian Affairs

Article 19 clause (1), which shall be read as :

"In order to guarantee legal security, the Government, hereby, shall conduct land registration throughout the territory of the Republic of Indonesia in accordance with the Provisions as set out in the Government Regulations". 27

2. Governmental Regulation No. 24 of 1997 on the Land Registration:

a. Article 5, shall be read as :

"Land Registration is to be organized by the Indonesian National Land Agency

b. Article 6 clause (1), shall be read as :

"Within the context of the enforcement of Land Registration as referred to in the Article 5, the

Head of Land Office must execute and administer the Land Registration, unless for any particular activities which are assigned under this Governmental Regulation or any relevant laws to other officials ”.

According to the above meaning, the words “any particular activities to which its execution are assigned to other Officials, refer to any activities which utilization are intended for national level or beyond the work area of the Head of Land Office, i.e the measurement of technical base point, photogrametry mapping, and others.

c. Article 6 clause (2), shall be read as :

“In implementing the Land Registration, the Head of Land Office shall be assisted by Land Title Conveyancer (PPAT) and other Officials responsible to carry out any particular activities pursuant to this Governmental Regulation and any legislations related to the Article 7.”

According to the above meaning, the words “particular activities” may comprise of the draw up of notarial deed by PPAT or Provisional PPAT, arrangement of auction summary by the auction officials, adjudication in the systematic land registration by the Adjudication Committee, and others.

3. Government Regulation of the Republic of Indonesia No. 128 of 2015 on The Type and Tariff of Non-Tax State Revenue applicable to the Ministry of Agrarian Affairs and Spatial Planning/ National Land Agency

4. Regulation of the Minister of Agrarian Affairs No. 6 of 1965 on the Basic Guidelines for the Enforcement of Land Registration

Article 1, which shall be read as :

“Before an area is proposed for its declaration as a registered area by the Minister of Agrarian Affairs, to which its registration are completely organized as contemplated in the Article 2 clause (2) of the Government Regulation No. 10 of 1960, the Head of Directorate General of Land Registration, in the first instance, shall stipulate it as the area of preparation for the administration of complete Land Registry (hereinafter referred to as ”area of preparation”).”

B. Constraints Faced by BPN Office of Medan City in the Implementation of Land Registration for their purpose of Assuring the Legal Certainty

1. Factor of Limited Human Resources and Equipment

Task of Land Registration is a “Giant Project” requiring the numerous best human resources and complete equipment for its implementation. But in field, BPN of Medan City must face a lack of human resources compared than high number of lands registered to BPN of Medan City (both in regular basis or under the PRONA), and this situation made the available human resources got overwhelmed with the number of land plots to be surveyed.

Except the lack of human resources, BPN of Medan City also lacked land survey equipment, it only had 1 (one) equipment unit for 5 (five) surveyors, hence, when a land surveyor was going to survey a plot of land, such surveyor must ensure the availability of such equipment. This situation unfortunately hindered a quick land surveying process. Besides, the survey equipment available in Medan City was out-of-date, it must be operated manually and was less accurate. Repeated surveys must be done to obtain a correct and precise result, and it was so time consuming for surveying one plot of land, only.

2. Factor of Poor Community Legal Awareness

Basic Agrarian Law Article 23, 28, and 32 require each holder of property rights (right of ownership), Right to Exploit, and Right to Build, to register its land. Nevertheless, due to poor community awareness, there are number of lands unregistered. To date, most people assumed that the registered lands referred to lands which had obtained certificate of land ownership/ entitlement (whatever the letter name is and whoever issues such letter), as long as it had been issued by government institution, then it had been registered. Actually, all lands owned and possessed by the communities had been imposed with land and building tax (PBB), for the purpose of fulfilment and improvement of state revenue. The availability of good legal instruments and reliable legal enforcers won't guarantee the enforcement of perfect legal life when the community legal awareness is still poor. This situation may also be caused by minimum socialization on legislation, never ending land registration procedures and processes, inavailability of immediate benefit perceived by the community upon such land registration, and others, hence, unsurprisingly that by 2015, BPN of Medan City only issued 124,537 land title certificates in total.

3. Factor of Inability to Present the Adjacent Neighbours and Land Boundaries

The implementation of Government Regulation No. 24 of 1997, Article 18 clause (1):

“The determination of the boundaries of land plot which has been possessed under an unregistered right or under a registered right for which the survey documents or survey/ situation drawings are inavailable, or of which the survey documents/ situation drawings no longer depict the reality, shall be conducted by the Adjudication Committee in the case of sporadic land registration, on the basis of boundaries

which have been located by the holder of the right on land plot in question, and, **where possible**, agreed upon by the holders of the rights on the adjacent land plot". Such regulation explains that the applicant must be present at the location of land to be surveyed, but in fact, most applicants did not attend during the survey process and were unable to present the adjacent neighbours with the land to be registered for obtaining an approval.

4. Factor of the Use of Illegal Negotiator

Most people used the services from illegal negotiators as they didn't want to bother. The illegal negotiator only registers for the Land Registration process and won't bother to comply with all required procedures. It can be concluded that, the illegal negotiator won't be responsible for any issues or shortages, and continue the process until its issuance of land certificate. This illegal negotiator usually works upon the money, and it harms the applicant. Such illegal negotiator, in fact, only pay less amount than the money given to them, the tariff they set is not in accordance with the Government Regulation No. 128 of 2015 on the Type and Tariff of Non- tax State Revenue applicable on the Ministry of Agrarian Affairs and Spatial Planning/ Indonesian National Land Agency. Therefore, the people are encouraged not to use illegal negotiators, but people always think the process of making the certificate is difficult. Many also use illegal negotiators as they do not want to bother and argue that money comes later than the certificate. This circumstance had resulted in the people's unwillingness to register for land title certificate, if they were not in such prominent matters.

5. Factor of Ignorance of Many People for the Existence of PRONA

PRONA stands for the Agrarian National Operations Project. PRONA is one of the government's endeavours in improving the community's wealth. PRONA is done synergically and intended for all community levels, especially for low-income community. PRONA aims to provide their first-instance land registration service through a simple, friendly, low-cost and rapid process for accelerating the land registration throughout Indonesia. The requirements of PRONA have been regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/ Head of National Land Agency No. 1 of 2015, Article 4 clause (1), (2), (3), and (4). Government established PRONA with a subsidy to implement the sporadic Land Registration, both individually and collectively. The implementation of this project engages entire officials both at central and regional levels. The Village Heads, Community Figures and any related institutions, such as Local/ Regional Revenue Offices, are also engaged for the realization of this project. The Government stimulates all holders of rights on land to register for land certification, and ultimately, it will properly facilitate the settlement of strategic land disputes by the solutions of providing facilities to the holders of rights on land. These facilities may take form in a remission for and acceleration of issuance process of land title certificate, and these facilities shall not be deemed to violate the prevailing legislation, namely Government Regulation No. 24 of 1997 .

PRONA is not aimed to replace the issuance procedures of land title certificate as regulated in the Government Regulation No. 24 of 1997. PRONA is only temporary project. The Government expects for the increased community legal awareness and community initiative to apply for land certificate. PRONA has been being performed since 1981, PRONA encourages each citizen, both male and female, who has the same right and opportunity, to obtain rights on land and benefits and good results for themselves or their family, in accordance with the Article 9 clause (2) of UUPA (Basic Agrarian Law). The Regulation of Minister of Agrarian and Spatial Planning/ Head of National Land Agency No. 1 of 2015, Article 3, which shall be read as :

" The subjects of rights entitled to be the participants of PRONA are Indonesian Citizen, Office of Social Affairs, and Office of Religious Affairs".

Yet, many people, especially in Medan City, were not used to with the existence of PRONA.

6. Factor of Remote Location for Land Administration

Medan is a city with total area of 265.10 km², making a considerable distance which has to be taken by communities to Medan City National Land Office, and resulting in such unwillingness to register their lands to BPN/ National Land Office.

C. Addressing the Constrains that Occurs in the Implementation of Land Registration

1. Limited human resources and equipment may be addressed by the additional surveyors, either from the National Land Institute (STPN) which has been accredited for its soil science and obtained licenses pursuant to the Government Regulation, or from other High Intitutions' graduates who have obtained approved Surveyor License. Any additional surveyors, either for whom graduates from STPN or other institutions, have been regulated in the Regulation of the Head of Indonesian National Land Agency No. 9 of 2013 on the Licensed Surveyor. Moreover, number of survey equipment must be increaed with more accurate equipment.
2. Legal socialization needs to be done in such integrated manner with the other agencies, especially in regard to the implementation of Land Registration, in addition to the socialization which is separately

done by BPN. Hence, the community will obtain better comprehension on the importance of land title certificate and any processes/ mechanism as well as parties engaged in the implementation of Land Registration.

TABLE 1.1

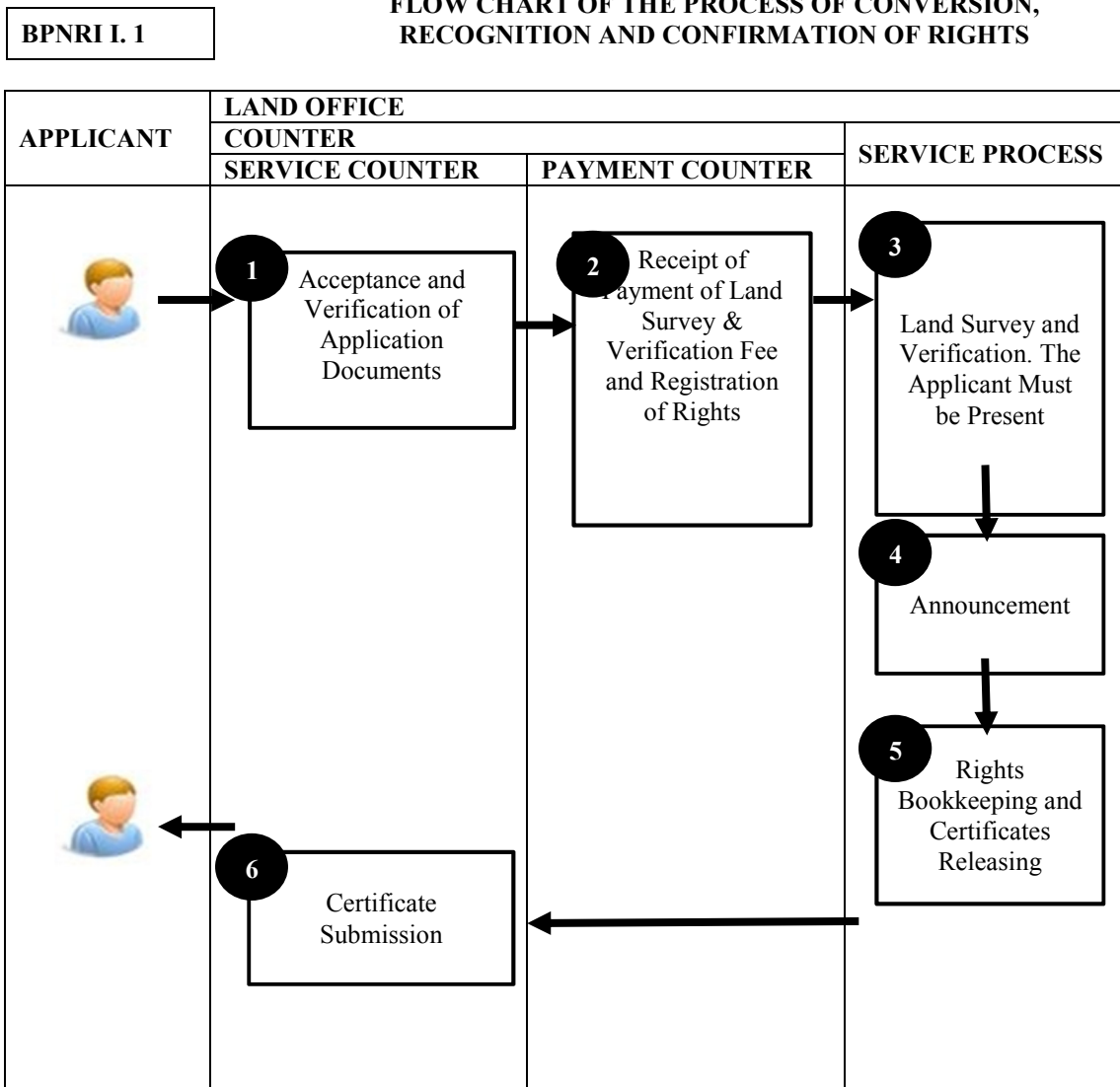
NUMBER OF LANDS THAT HAD BEEN REGISTERED IN THE LAST 5 YEARS

NO	DISTRICTS	YEARS					
		2010	2011	2012	2013	2014	2015
1	M E D A N	419	493	396	464	361	294
2	MEDAN AMPLAS	535	524	782	502	776	785
3	MEDAN AREA	653	524	576	353	361	344
4	MEDAN B A R A T	815	850	553	485	462	344
5	MEDAN B A R U	254	276	253	169	145	164
6	MEDAN D E N A I	1095	822	1425	1062	943	820
7	MEDAN DELI	333	567	556	357	443	523
8	MEDAN HELVETIA	1808	1345	1602	972	923	1124
9	MEDAN JOHOR	1230	1580	2251	2070	1243	1681
10	MEDAN KOTA BELAWAN	55	52	58	31	19	587
11	MEDAN LABUHAN	671	931	606	487	593	545
12	MEDAN MAIMUN	171	382	247	131	372	137
13	MEDAN MARELAN	1252	1056	1380	1386	1062	1011
14	MEDAN PERJUANGAN	531	586	510	250	360	351
15	MEDAN PETISAH	1219	728	656	385	359	299
16	MEDAN POLONIA	280	1449	219	78	192	180
17	MEDAN SELAYANG	1273	2985	1639	1097	1180	942
18	MEDAN SUNGGAL	1282	1535	1434	1110	1207	1190
19	MEDAN TEMBUNG	769	878	1044	788	809	753
20	MEDAN TIMUR	1011	1104	932	686	746	604
21	MEDAN TUNTUNGAN	1491	2624	1972	1214	1503	1258
TOTAL		17147	21291	19091	14077	14060	13939

1. The table above shows that community awareness was decreasing. It can be seen that there was a decrease in the number of people who managed their certificates at BPN in the last 5 years. In 2010, only 17.147 people who applied for the land registration while in 2011, 21.291 people were recorded for such application. In 2011 until 2015, the number of people who registered their lands was decreasing. From the table above we can see that the lowest district was Medan Belawan, one of the factors might be caused by the distance to the considerable distance to reach BPN Office.
2. To make the registration faster is by presenting directly the neighbours adjacent to the land objects and making the boundary marks simultaneously, since the one who makes the boundary marks is the applicant, instead of BPN or Medan officers. If the neighbors cannot present to the location, they can be represented by the head of neighbourhood or headman, and if the boundary marks still do not exist, the applicant has to report his/ her land or asks for help to the head of neighborhood to determine land boundaries or mark the boundaries. After the land already has new boundary marks, BPN may legalize the land as acknowledged by the applicant and the adjacent neighbours.
3. To avoid community from using the illegal negotiators, the information center has to clearly explain about the procedures of Land Registration to them. Therefore, community do not think that Land Registration is not as hard as they thought. BPN also has made a banner about activities flow of Land Registration based on the applicable Law. Payment system applied at BPN has been transparently available online, since the applicant has to pay non-tax state revenue directly at bank or ATM. BPN has already cooperated with Corruption Eradication Commission (KPK) in order to omit illegal negotiating practice. From 2013, BPN has been continuously performing some renovations to the service counter and adding more innovative systems.

TABLE 1.2

**FLOW CHART OF THE PROCESS OF CONVERSION,
 RECOGNITION AND CONFIRMATION OF RIGHTS**



Process of Land Registration for the very first time. The applicants comes directly to BPN Offices and brings the documents needed then gives it to the counter officer and the counter officer will verify the documents, whether the documents are complete and qualify or not. If it's complete and qualify, the applicant needs to pay the non-tax state revenue at perception bank. Documents that have been paid by applicant will be sent directly to land survey division. Next, the land survey division will conduct land survey and mapping, so it will produce a Land Map and Survey Certificate. Upon the issuance of Land Map, there will be an announcement in daily newspaper, whether the land under a dispute or not. If it's not, then BPN will decision letter acknowledged by the head of land office. The completed Decision Letter will be noted in the right bookkeeping and the certificate will be issued. Once the land certificate is issued, it can be directly given to the applicant.

- To make community be more aware of National Agrarian Operations Project (PRONA), Thereis a need to do a direct counseling by the headman, since every year, BPN of Medan City had done some counseling and socializations to the headman to appeal the community to participate in PRONA. Only few number of community who used social media facilities provided by BPN such as teitter, website, gateway short message service. Other related institutions are less socialized, especially the local revenue Offices, because in the process of creating PRONA, as BPN also cooperated with revenue Offices related to non-tax state revenue cost.
- The distant location of BPN Office became one of the constraints faced by the community, but BPN had provided a solution by conducting LARASITA. LARASITA is a mobile land service that provides proactive assitance to community. As an innovative decision, LARASITA was created based on the need of fulfilling sense of justice, expected and thought by society, andby the awareness that heavy tasks

cannot be solved only from behind the desk without opening up to the interaction of community whose welfare become the main goal of land management. Implementation of LARASITA that has been running to realize the ease of access to obtain information on the administration of the land certificate, settlement of land issues/ disputes as Mobile Land Office is shortly available to the community, the cost spent to access the Land Office is getting smaller and even less necessary, the administration of land certification becomes cheaper because it does not have to pay for illegal negotiator's service / intermediaries, the administration of land certification becomes easier as its procedures are getting much simple.

CONCLUSIONS AND SUGGESTIONS

Conclusions

Based on the explanation above, it can be concluded as follows:

1. Legal basis on the authority of BPN of Medan City in the implementation of Land Registration has been reflected in:
 - a. Law Number 5 Article 19 paragraph (1)
 - b. Government Regulation No. 24 of 1997, Article (5), (6)
 - c. Regulation of the Minister of Agrarian Affairs No. 6 of 1965 Article, 1
 - d. Government Regulation of the Republic of Indonesia No. 128 of 2015
2. Constraints must be faced by BPN Office related to Land Registration are:
 - a. Factor of Limited Human Resources and Equipment.
 - b. Factor of Poor Community Legal Awareness.
 - c. Factor of Inability to Present Adjacent Neighbors and Land Boundaries.
 - d. Factor of Use of Illegal Negotiators.
 - e. Factor of Ignorance of Many People for the Existence of PRONA
 - f. Factor of the distant location of Land Registration.
3. Such constraints may be overcome by the socialization, either at sub-district, district level, or directly to the community and provision of more clear explanation about the importance of Land Certificate Registration to promote community awareness and also about the administration systems as listed in accordance with Government Regulation Number 128 of 2015, hence the community will no longer use the illegal negotiators and do not feel disadvantaged.

Suggestion

1. To keep paying attention and overcoming any constraints in terms of Land Registration to be better in the future. Not entirely communities understand the significance of Land Registration and there are still many people who do not have legal guarantee of land rights, as from those two matters, then arise a conflict and land disputes caused by the lack of evidence in the form of land certificates. Settlement of disputes through the court is not effective especially for people with low-income.
2. To maximize the service and conduct direct socialization to the community.
3. The officers / staff of BPN should collaborate with other parties such as the Revenue Offices to minimize the non-tax state revenue cost.

REFERENCES

- Arba, Haji, 2015, *Hukum Agraria Indonesia*, Penerbit Sinar Grafika, Jakarta.
- Handoko, Widhi, 2014, *Kebijakan Hukum Pertanahan*, Penerbit Thafa Media, Yogyakarta.
- Harsono, Boedi, 1994, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanannya*, Penerbit Djambatan, Jakarta.
- Santono, Urip, 2005, *Hukum Agraria Dan Hak-Hak Atas Tanah*, Penerbit Kencana, Jakarta.
- Soekanto, Soerjono, 1986, *Pengantar Penelitian Hukum*, Penerbit UI Press, Jakarta.
- Sunggono, Bambang, 2015, *Metodologi Penelitian Hukum*, Penerbit PT Raja Grafindo Persada, Jakarta.
- Supriadi, 2015, *Hukum Agraria*, Penerbit Sinar Grafika, Jakarta
- Yamin Lubis, Mhd., dan Rahim Lubis, Abd., 2010, *Hukum Pendaftaran Tanah*, Penerbit Mandar Maju, Bandung.
- Undang-Undang Dasar 1945
- Undang-Undang No.5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria
- Peraturan Pemerintah Republik Indonesia Nomor 10 Tahun 1961 Tentang Pendaftaran Tanah
- Peraturan Pemerintah Republik Indonesia Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah
- Peraturan Pemerintah Republik Indonesia Nomor 128 Tahun 2015 Tentang Jenis dan Tarif Penerimaan Negara Bukan Pajak Yang Berlaku Pada Kementerian Agraria Dan Tata Ruang/Badan Pertanahan Nasional
- Peraturan Menteri Agraria Nomor 6 Tahun 1965 Tentang Pedoman-Pedoman Pokok Penyelenggaraan Pendaftaran Tanah Sebagaimana Diatur Dalam Peraturan Pemerintah Nomor 10 Tahun 1961

Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 1 Tahun 2015
Tentang Program Nasional Agraria (PRONA)
Analisis Data Kualitatif <http://dapurilmiah.blogspot.co.id/2014/06/analisis-data-kualitatif.html>, Tanggal 04-02-2015, Pukul 12:42 WIB
Pengertian Pendekatan Deskriptif Analitis <http://www.bimbingan.org/pengertian-pendekatan-deskriptif-analitis.html>, Tanggal 04-02-2015, Pukul 12:42 WIB
Metode Penelitian Hukum Empiris dan Normatif <https://idtesis.com/metode-penelitian-hukum-empiris-dan-normatif/>, Tanggal 16-02-2016, Pukul 16:03 WIB