

Model for Securing Muhammadiyah Land Assets that Do Not Have Rights in North Sumatra Province

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Abstract

This research aims to find a model for securing land assets of the Muhammadiyah Association in Prov. North Sumatra that has not yet been certified, especially for land that is controlled without a legal basis or whose legal basis has been lost, in an effort to prevent ownership disputes so that legal certainty can be secured, protected, and guaranteed. The research method used uses a type of normative legal research. Norms, rules, and legal principles related to the objectives of this research will be obtained from secondary data sources, including primary, secondary, and tertiary legal materials, which will be collected by means of library research and then processed and analyzed qualitatively using a qualitative approach. legislation (statute approach). The results of the research show that the factors inhibiting the security of Muhammadiyah Persyarikatan land assets in the North Sumatra Province area that do not have legal rights include technical and non-technical factors. Technical factors include lack of rights, historical actors who have died, land control by individuals, and funding factors. Meanwhile, non-technical factors include low public legal awareness, physical land plots not controlled or utilized optimally, and physical control of land plots located in protected areas to which rights cannot be attached. There are 3 asset security models that can be used to secure Muhammadiyah Persyarikatan land assets in the North Sumatra Province area that do not have a legal basis, namely the juridical data security model, the physical security model of land parcels, and the model of securing the status of land rights through land registration activities based on land law. which applies in Indonesia.

Keywords: Registration, Security, Land, Muhammadiyah, Base of Rights.

INTRODUCTION

As a capital asset, land has a very high economic value. The limited number of plots of land is inversely proportional to the number of people's need for land, which is a determining factor causing the increase in the number of land cases in Indonesia (Rahmat, 2022). Based on documented legal material sources, it is known that from October 2021 until now, there have been at least 732 land cases reported to the Investigation Inspectorate formed by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, and 493 of these cases are land conflicts and disputes (Bahfein, 2021).

Land cases are common and affect many parties. It could be that, from the 493 cases mentioned above, the land claimed as an asset of the Muhammadiyah Association is one of the

objects of the ongoing conflict or dispute. Quoted from documented legal material sources, the Muhammadiyah Central Leadership revealed that the total land assets owned by Persyarikatan Muhammadiyah are no less than 21,000,000 M², and only half (50%) of these assets have been utilized effectively (Idris, 2020).

If we track it further via the official Muhammadiyah website, <https://muhammadiyah.or.id/>, no detailed data on land location, type of land rights status, and so on, including what use it is used for, is found. This means that the land assets owned and controlled by Persyarikatan Muhammadiyah do not reflect good governance. In essence, apart from the legality of ownership, the reflection of good governance is also seen in terms of the management and utilization of land plots according to their intended use, including the openness of public information regarding the asset data in question. This condition requires an announcement that conveys a sense of concern about the absence of concrete and actual data regarding the actual size of the Muhammadiyah Persyarikatan's land assets.

Based on information obtained from the North Sumatra Provincial Leadership Law and Human Rights Council (MHH PWM Sumut) for the 2015–2022 period, there were land cases with problems due to the land assets of Muhammadiyah in the province. North Sumatra, which has not been certified and does not have rights, including the confiscation of the land assets of Muhammadiyah in the Sei Tualang Raso Branch, Tanjung Balai Selatan District, Tanjung Balai City, Confiscation of part of the land assets of Muhammadiyah Branch Barus City, District. Barus, Central Tapanuli Regency, Control, and Use of Land for the Kwalamadu Muhammadiyah Modern Islamic Boarding School in Langkat (Kodiyat, 2023). The legal problems relating to land cases in the Muhammadiyah Region of North Sumatra Province boil down to weak evidence of ownership and control of Muhammadiyah land assets.

Securing the land assets of the Muhammadiyah Association, which does not yet have a certificate of proof of land rights and does not have a legal basis, will certainly be difficult to carry out and even vulnerable to ownership disputes. Apart from that, steps to register the land in question will also be hampered due to the absence of a legal basis for applying for rights to the land office. As a consequence, the legal certainty of legal protection for the land assets of the Muhammadiyah Association will be difficult to obtain. Article 19 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) explicitly states that one of the purposes of land registration is to provide legal certainty, including a guarantee of certainty of object, a guarantee of certainty of subject, and a guarantee of certainty of rights status.

The problems in this research focus on two things, namely: 1) What are the factors that influence the obstruction of securing Muhammadiyah Persyarikatan land assets that do not have rights in North Sumatra Province? And; 2). What is the model for securing Muhammadiyah Persyarikatan land assets that do not have rights in North Sumatra Province? Therefore, this research aims to find a model for securing land assets of the Muhammadiyah Association in Prov. North Sumatra that has not yet been certified, especially for land that is controlled without a legal basis or whose legal basis has been lost, in an effort to prevent ownership disputes so that legal certainty can be secured, protected, and guaranteed.

RESEARCH METHOD

The research method used is normative legal research, namely research that places law as a building system of norms (Fajar & Achmad, 2019). Norms, rules, and legal principles related to the objectives of this research will be obtained from secondary data sources, including primary, secondary, and tertiary legal materials, which will be collected by means of library research and then processed and analyzed qualitatively using a qualitative approach. legislation (statute approach), namely an approach using legislation and regulations (Marzuki, 2021). The additional data in this research is data obtained from field research, which was collected using tools in the form of interview guides with informants from MHH PWM North Sumatra.

DISCUSS AND ANALYSIS

Factors Influencing the Obstacles in Securing Land Assets of the Muhammadiyah Persyarikatan, Which Have No Rights in North Sumatra Province

The legal problem faced by the North Sumatra Muhammadiyah Regional Leadership (PWM North Sumatra) in securing the Persyarikatan's land assets is that, until now, they do not have complete data regarding the land assets controlled, managed, and owned by the Muhammadiyah Association at the level of regional leadership, branch leaders, and Muhammadiyah Rating Leaders in North Sumatra Province. In relation to this, so far the security of Muhammadiyah Persyarikatan assets (especially land assets) will be handled by MHH PWM North Sumatra if there is a potential for legal problems or land cases to arise regarding the land assets in question, because according to its title, MHH PWM North Sumatra is the assembly in charge of matters. enforcement of law and human rights both at the internal and external levels of PWM North Sumatra (Faisal, 2023).

Weak data on the basis of rights as proof of control and ownership of land rights of the Muhammadiyah Association in the North Sumatra Province region is certainly one of the inhibiting factors in carrying out legal security for the land assets in question. The basis of rights is written evidence of the acquisition of rights to land regarding the statement of control of a certain plot of land by a subject of rights (Ramadhani, 2018a). For land that has been certified (registered at the Land Office), the basis of title is in the form of a land title certificate, while for land that has not been certified (not yet registered at the Land Office), the basis of title is usually interpreted as a land certificate (SKT), or it can also be in other forms in the form of authentic documents relating to the basis of land rights, such as a Normatic Deed (Rahmat, 2022), or private documents can be in the form of grant certificates, sale and purchase receipts, sale and purchase statements, land sale and purchase letters (seals and stamps), and so on.

In its development, there have been various interpretations of SKT. The form and format of writing also vary. As is true in the provinces of West Sumatra, North Sumatra, Aceh Province, and also Riau Province, which incidentally have many customary land areas, they have their own terms for land documents issued by their respective regional government agencies. If in North Sumatra Province, SKT is known as 'District Head's Decree', then in Aceh Province, SKT is known as Geuchik Certificate (the term for a position at the level of village head), as is the case in West Sumatra, Riau, or other provinces.

According to the results of the research carried out, the factors that influence the obstruction of securing Muhammadiyah Persyarikatan land assets in the North Sumatra Province region can be classified into two categories: technical factors and non-technical factors. Based on legal material sources documented in this research, it is known that several technical factors influence the obstruction of securing Muhammadiyah Persyarikatan land assets in the North Sumatra Province region, namely: (Faisal, 2023)

First, there is no legal basis for land assets. The Muhammadiyah Association, whether at the level of Branch Leadership, Branch Leadership, Regional Leadership, or Muhammadiyah Regional Leadership in the North Sumatra Province region, generally neglects the administration of land rights, which are assets of the Persyarikatan. This condition positions the Muhammadiyah Association as weak in terms of proving the existence of a legal relationship between the subject and the object of land rights, which are recognized as assets.

Second, historical actors who have died. Many Muhammadiyah figures at branch level who know the history of the acquisition and control of land owned by Muhammadiyah who have died are also seen as obstacles in completing the story of the history of land controlled by Muhammadiyah. Of course, testimony on this important information will be very valuable in

resolving the absence of land rights for Persyarikatan Muhammadiyah assets or the emergence of land boundary disputes regarding the land assets in question.

Third, funding. In the land registration process, in terms of legal strengthening of Muhammadiyah Persyarikatan land assets, there will certainly be costs that must be met to be paid to the state treasury in the form of non-tax state revenue (PNBP), tax on acquisition of land and building rights (BPHTB), income tax (PPH), and other consumable shopping costs such as procurement and copying of documents, stamp duty, and so on. This is a common occurrence at branch, branch, and regional leadership levels; even Muhammadiyah regional leadership does not have financial support for this.

Fourth, there are efforts to transfer control and ownership of Persyarikatan Muhammadiyah's land assets to individuals. It has been proven that several Muhammadiyah legal cases have clashed with the heirs of managers or parties who control Muhammadiyah Persyarikatan land based on initial documents that wrote the names of their fathers or elders in the land rights of Muhammadiyah assets, on which perhaps building assets that have quite high economic value have stood.

Apart from the technical factors referred to above, there are also other non-technical factors that influence the obstruction of securing land assets in general, including those controlled by Persyarikatan Muhammadiyah in the North Sumatra Province region, namely:

First, there is low legal awareness. This factor is a reflection of the attitude of society's behavior towards the implementation of law in its environment. According to Soerjono Soekanto, people's attitudes are influenced by: knowledge of legal regulations; knowledge of the contents of legal regulations; attitudes towards legal regulations; and patterns of legal behavior (Soekanto, 1982). Indicators include the knowledge, understanding, attitudes, and behavior of the community regarding a law (Salman, 1993). Not knowing and not understanding the essence of the benefits or the importance of guaranteeing legal certainty resulting from a series of land registration activities causes apathetic attitudes and behaviors in the community regarding land certification activities. It cannot be denied that this low level of legal awareness is still found among Muhammadiyah members and Muhammadiyah administrators. This factor requires the government (in this case, the National Land Agency/BPN) to be more active in implementing a series of land registration activities for the prosperity and well-being of the Indonesian people (Sibuea, 2011).

Second is the factor of physical control over land plots. Not a few people ignore, ignore, or even abandon their plots of land. There are also people who don't care about the boundaries of their land parcels, which, over time, has the potential to cause problems. Likewise, Persyarikatan Muhammadiyah's land assets that have not been used optimally or have not yet installed boundary markers are one of the factors inhibiting the security of Persyarikatan Muhammadiyah's land assets. In fact, when registering land at the land office, physical control of this land parcel (including the availability of land parcel boundary markers and the principle of agreement commensurate with land parcel boundaries and delimitation contradictions) becomes one of the important pre-requisites that must be fulfilled. The factor of certainty about the location and boundaries of each plot of land cannot be ignored, because in reality, quite a lot of land disputes arise as a result of the location and boundaries of land plots being incorrect, and quite a lot of boundary disputes even enter the court (Mujiburohman, 2018).

Third, the land status factor cannot be attached to a right. This factor is influenced by the community's lack of understanding (especially Muhammadiyah members) who control, manage or cultivate land located in protected areas such as forests, water bodies (rivers or beaches) and so on. If in substance the status of the land is land that cannot be attached to a right according to law, it will give rise to material defects, so that if a certificate contains legal defects, the certificate in question will not guarantee legal certainty (Ramadhani, 2017).

In another study, Resty Annisa Kusnadi et al. explained that the factors inhibiting society in registering land are, namely: first, inhibiting factors from society, including community weakness factors, land ownership history, community psychology, financial intervention, and community limitation factors. Second, inhibiting factors from the government, including implementing factors, socialization, and implementation factors (Kusnadi et al., 2023). The factors described above are believed to be factors that influence the obstruction of securing community land assets, including those controlled, managed, and owned by Persyarikatan Muhammadiyah, because, in essence, the purpose of land registration is to create a guarantee of legal certainty and legal protection of land rights.

Model for Securing Muhammadiyah Land Assets that Do Not Have Rights in North Sumatra Province

Article 19, paragraph 1, of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) states that "to ensure legal certainty by the government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions regulated by government regulations." In line with this, Article 3 letter a of Government Regulation Number 24 of 1997 concerning Land Registration (PP No. 24 of 1997) states that land registration activities aim to "provide legal certainty and legal protection to holders of rights to a plot of land, apartment units, and other registered rights, so that they can easily prove themselves as holders of the rights in question."

Juridically, land registration guarantees legal certainty for all plots of land that have been registered and has a positive impact on reducing land problems, especially those involving the use and utilization of land, and it is not impossible if the price of land from time to time increases due to the presence of a sign that a person's land rights have been registered. (Ulya, 2015). Another aspect to be achieved by creating legal certainty is creating a situation that is able to provide information about which parties have access to, have the right to control, utilize, and so on a plot of land (Ramadhani, 2020).

One of the indicators of the link between legal certainty of land rights and legal protection is that legal certainty is a means of obtaining legal protection; therefore, legal certainty based on the UUPA includes certainty of object, certainty of subject, and certainty of rights status as means of obtaining legal protection for ownership of land that has been certified (Ramadhani, 2018a). Legal certainty and legal protection resulting from a series of correct, consistent, and consistent land registration processes based on applicable law will prevent the occurrence of land cases in the form of disputes, conflicts, or land cases.

To understand, there are similarities and differences between disputes, conflicts, and land cases, namely: first, equality; the similarities are both disputes that occur between one party and another where the object of the dispute is land rights; Second, difference; the difference lies in terms of: Impact: The dispute does not have a broad impact; the conflict has a broad impact (socio-political); the case has an impact only on the litigants, interests; Disputes involve the interests of the party who feels they have the most rights to the object of the dispute; conflicts involve social and government interests; cases involve the interests of rights holders and their heirs; Settlement: It is possible for disputes to be resolved non-litigationally. Conflicts are resolved with the intervention of regional and central governments in an effort to reduce wider socio-political impacts. Cases are resolved through litigation (trial), involving BPN in the resolution (Ramadhani, 2018b). Land disputes and conflicts are a form of problem that is complex and multidimensional. Therefore, prevention, treatment, and resolution efforts must take into account various aspects, both legal and non-legal. Often, the handling and resolution of land disputes and conflicts is faced with dilemmas between various equally important interests (Koswara, 2016).

Muhammadiyah Persyarikatan land assets in the North Sumatra Province region that do not have legal rights will certainly be difficult to secure and even vulnerable to land cases. Apart from that, steps to register land in accordance with the provisions of land law in force in Indonesia will also be hampered. As a consequence, legal certainty and legal protection for Muhammadiyah Persyarikatan land assets will be difficult to achieve. Based on the sources of legal material documented in this research, it is known that the legal problems regarding land assets of the Muhammadiyah Association in the North Sumatra Province region of MHH PWM North Sumatra for the 2015–2022 period have been handled legally in the form of litigation legal assistance and non-litigation legal assistance (Kodiyat, 2023). Legal assistance in litigation is a legal step that is taken in the form of legal assistance, starting from the level of inquiry, investigation, prosecution, and up to the trial level of the district court, high court, and cassation level of the Supreme Court (Maysarah & Sitompul, 2021). Meanwhile, non-litigation assistance is legal assistance through a dispute resolution process outside of court, which will produce a win-win solution (Riza & Abduh, 2019)

In relation to non-litigation legal handling, it is relevant to three aspects of guaranteeing legal certainty provided by a series of land registration processes as desired by the UUPA and PP No. 24 of 1997, which include certainty of subject, object, and status of rights. There are at least three models that can be offered as a measure to safeguard Persyarikatan Muhammadiyah's land assets that do not have rights in North Sumatra Province, especially land assets that have not been registered at the land office (not yet certified), as described below.

1. Model for Securing Juridical Data in the Land Sector.

This model aims to produce legal and valid rights data. Securing juridical data is a very important model to be implemented as a measure to safeguard Muhammadiyah Persyarikatan land assets, wherever they are located. Because the basis of rights is essentially a basic piece of evidence for the subject of rights in proving the legal relationship between himself and the rights attached to the land he owns (the object of rights), Therefore, a basis of rights must be able to explain the legal relationship between the subject of rights (an individual or legal entity) and the object of rights (one or several parcels of land) that is controlled. This means that a legal basis should be able to describe and explain in a straightforward, clear, and unequivocal manner the chronological details of how a person can control a plot of land so that the historical evidence of control over that land is clear.

The validity of juridical data on land will create a guarantee of legal certainty and legal protection for the subject of rights. Certainty of the subject of rights is one of the outputs of land registration, as stated in the land rights certificate. Muchtar Wahid stated that subject certainty is about who owns it; it is necessary to know who is related to being able to carry out legal actions legally, regarding whether or not there are rights and interests of third parties, and to know whether or not action is necessary to take action. guarantee effective and safe control and use of the land concerned (Wahid, 2008).

Referring to the provisions of article 9 paragraph (2) number 2 letter (a) Regulation of the Minister of State Agraria/Head of the National Land Agency (PMNA/Ka. BPN) Number 9 of 1999 concerning Procedures for Granting and Cancellation of State Land Rights and Management Rights (as has been revoked and declared invalid by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2021 concerning Procedures for Determining Management Rights and Land Rights) where both regulations state that the basis of rights is the basis for control over a plot of land has become one of the mandatory requirements in land registration administration.

The main target of the juridical data security model is to resolve the problem of the absence of rights to land assets controlled by Pesyarikatan Muhammadiyah, either because they have been lost, scattered, damaged, or destroyed. Security measures using this model will be

easier to implement if the copy or photocopy of the lost or scattered rights base is still owned by Persyarikatan Muhammadiyah, as stated above. However, if you don't have a copy or photocopy of the document, extra work is needed in pursuing a juridical data security model, namely by searching the archives at the rights-issuing agency, such as at the notary's office, village or district office, or even at the sub-district office, and then requesting a copy and correlating it with other legalities, such as the issuance of a loss certificate from the police. It is different if the lack of rights is due to the fact that it has never been managed or owned at all by Persyarikatan Muhammadiyah. Then, the model for securing juridical data that can be implemented is by arranging land certificates at the village or district office in the form of a land certificate (SKT), which will later be used as a land certificate.

2. Land-Sector Physical Security Model

The aim to be achieved by this model is to create certainty and legal protection for land plots as objects of land rights (object certainty), which will later be produced in land registration activities as stated in the land rights certificate. Certainty of the object of the right in question includes the location and boundaries of the plot of land to which a right is attached.

The first step that can be taken in this security model is to install boundary markers at the corners of the land according to the area stated in the rights base. Provisions regarding the installation of boundary markers are regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (Permen ATR/BPN) Number 16 of 2021 concerning the Third Amendment to Minister of ATR/BPN Regulation Number 3 of 1997 concerning Provisions for Implementing PP Number 24 of 1997 concerning Land Registration. Article 19A of ATR/BPN Ministerial Regulation Number 16 of 2021 states that installing boundary markers is the obligation of the applicant (land right holder) after obtaining approval from the bordering land owner.

Confirmation of the consent of the bordering owner in installing land plot boundary markers is a clause on the principle of contradiction of delimitation that must be applied in the process of measuring land plots cadastrally. The principle of contradictory delimitation is a principle that contains an agreement regarding the installation of land boundary signs by the owner with the approval of the border neighbors witnessed by village officials or authorized officials, as evidenced by a statement of agreement signed directly by the land owner and the owner of the bordering land and witnesses present. in the form of village or sub-district officials where the land is located. This principle is very basic and is the main and most important condition for the land to be registered at the land office (Ramadhani & Lubis, 2021). Asas kontradiktur delimitasi dalam penempatan patok batas-batas bidang tanah diperlukan guna menghindari sengketa batas antara para pemilik tanah di kemudian hari.

The provisions for boundary markings are regulated in detail in Article 22 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency (PMNA/Ka.BPN) Number 3 of 1997, as follows:

- (1) For plots of land whose area is less than 10ha, the following signs are used:
 - a. iron pipe or iron rod, at least 100 cm long and at least 5 cm in diameter, inserted into the ground for 80 cm, while the remaining 20 cm is covered and painted red, or;
 - b. paralon pipe filled with concrete (sand mixed with gravel and cement) at least 100 cm long and with a diameter of at least 5 cm, inserted into the ground for 80 cm, while the remaining 20 cm is painted red, or;
 - c. iron wood, bengkirai, teak, and other strong wood with a length of at least 100 cm and a width of at least 7.5 cm, inserted into the ground for 80 cm, while the remaining 20 cm on the ground surface is painted red, provided that to be In swamp areas, the wood is at least 1.5 m long and at least 10 cm wide, of which 1 m is inserted into the ground, while those that appear on the ground are painted red. At approximately 0.2 m from the

- bottom end, first install two pieces of similar wood with dimensions of at least 0.05 x 0.05 x 0.70 m, which are crosses, or;
- d. a monument made of bricks or bricks coated with cement with a size of at least 0.20 m x 0.20 m and a height of at least 0.40 m, half of which is inserted into the ground, or;
 - e. Monuments made of concrete, river stone, or granite are carved at least 0.10 m square and 0.50 m long, of which 0.40 m are inserted into the ground, provided that if the boundary sign is made of concrete in the middle, it is installed with nails or iron.
- (2) For plots of land with an area of 10 ha or more, the following boundary signs are used:
- a. a long iron pipe of at least 1.5 m with a diameter of at least 10 cm, inserted into the ground for 1 m, while the rest is given an iron cap and painted red, or;
 - b. iron beam with a length of at least 1.5 m and a width of at least 10 cm, inserted into the ground for a length of 1 m, the part that appears above the ground is painted red, or;
 - c. iron wood, bengkirai, teak, and other strong wood with a length of at least 1.5 m and a width of at least 10 cm, inserted into the ground for a length of 1 m, at approximately 20 cm from the bottom end, 2 pieces of similar wood are installed, which are cross, with dimensions of at least 0.05 x 0.05 x 0.7m; the top part that appears above the ground is painted red; or
 - d. a monument made of brick or brick covered with cement or concrete measuring at least 0.30m x 0.30m with a height of at least 0.60m and standing on a base stone inserted into the ground measuring at least 0.70 x 0.70 x 0.40m, or;
 - e. paralon pipe filled with concrete with a length of at least 1.5m and a diameter of at least 10 cm, which is inserted into the ground for 1 m and which appears above the ground, is painted red.

Furthermore, Article 21 paragraph (2) PMNA/Ka.BPN Number 3 of 1997 states that "for the corner boundaries of plots of land whose location is clear because they are marked by permanently installed objects such as concrete fences, wall fences, or monuments or stakes reinforcing wire fences, they do not have to be marked with boundary marks." The next step that can be taken in the physical security model for land plots is to use, manage, cultivate, and maintain the land optimally. This anticipates attempts to invade or take over without rights to land assets due to abandonment. Article 1, Number 2 of Government Regulation Number 20 of 2021 concerning Controlling Abandoned Areas and Land states that "abandoned land is private land, land with management rights, and land obtained based on the basis of land control, which is intentionally not cultivated, not used, not exploited, and/or not maintained."

3. Model for Securing the Status of Land Rights.

This model can be implemented if the first model, namely Juridical Data Security and the second model, namely Physical Land Sector Security, have been implemented. This means that this third model, namely securing the status of land rights, is a continuation of the two models previously explained. The model for securing the status of land rights in Indonesian land law is also commonly known as the term security of rights status. To obtain guaranteed certainty and protection of the status of land rights, an application for land registration must first be submitted to the land office (BPN) where the land is located.

Land registration of land that has not been certified (not yet registered) according to applicable land law is called first-time land registration. Land registration can be done in two ways, namely systematically and sporadically. Systematic registration means that land registration is carried out at the initiative/initiative of the government (Ramadhani, 2020). Meanwhile, sporadic land registration is land registration where the initiative comes from the land owner or at the request of an interested party, namely the party entitled to the object of land registration in question or their proxy (Sudiro & Putra, 2020). There are two ways to obtain land rights for individuals or legal entities: first, land rights obtained originally, namely land

rights obtained by a person or legal entity for the first time; and second, land rights obtained derivatively, namely land rights obtained by a person or legal entity from generation to generation from land rights owned or controlled by another party (Santoso, 2012).

Article 19 paragraph (2) UUPA explains that the series of land registration activities consists of “land measurement, mapping, and bookkeeping; registration of land rights and transfer of these rights; and providing certificates of proof of rights that act as a strong means of proof.” At the applicable level, the first series of land registration activities carried out by the land office (BPN) include: (Ramadhani, 2018a)

1. Administrative Activities: starting from the submission of an application for rights by the applicant in the form of application documents accompanied by proof of land ownership (base of rights), payment of non-tax state revenue (PNBR) fees by the applicant in accordance with applicable regulations. This is then continued with administrative administration activities by the local land office, which include completing application files, recording in registration lists (DI), appointing officers, and a schedule for implementing field activities.
2. Field Activities: At this stage of implementation of field activities, there are two types of activities that will be carried out, namely: Firstly, land plot measuring activities include designating boundaries and measuring land plots, as well as signing boundary approvals by the land plot boundary officers whose rights are requested as outlined in the Measurement Drawing/GU/Veldwerk. Second is a field inspection activity by the Land Inspection Committee or Soil Research Team, which previously had a committee meeting held at the local land office. In this field inspection activity, the soil inspection committee (both 'A' and 'B' and not including Committee 'C') or the soil research team carries out research that includes the condition of the location (existing), use and use of the land, the existence of objects and interests of third parties in the land, as well as the history of land control. The overall results of this field research will be outlined in the land inspection minutes.
3. Registration and Publishing Activities: After obtaining field data, proceed with activities including mapping and making Measurement Letters (SU) and issuing a Decree on Granting Rights by the authorized State Administrative Officer (head of the land office). Based on the Decree, rights are then registered by recording them in various registration books (DI) in accordance with the applicable land registration implementation instructions, and then a certificate of land rights is issued according to the type of land rights granted as stated in the Decree on Granting Rights. Land (Decree of Rights).

The activities carried out by the land office (BPN) as described above are simply carried out with reference to two aspects, namely: first, technical aspects, which include certainty of rights objects. Determining the exact location of land plots is one of the things that really determines the value of legal certainty of registered land rights. Second, the judicial aspect includes legal certainty of the status of rights and the subject of rights. Efforts to prove the truth of the rights being applied for are carried out by examining the history of control or ownership of the land in a coherent manner from the beginning until it is controlled or owned by the rights applicant, including the process of acquiring the rights (both direct control and transfer or transfer of rights) (Wahid, 2008).

The output of land registration is a certificate of land rights as proof of rights as intended by Article 19, paragraph (2), letter C UUPA. The reasons for the validity of a land title certificate are important, at least because: first, the certificate provides legal certainty of land ownership for the person whose name is listed on the certificate. The owner of the certificate feels calm and at ease because it is protected from arbitrary action by anyone. Second, issuing certificates can prevent land disputes; third, with a certificate, the owner of land rights can carry out any legal action as long as it does not conflict with the law, public order, or morality; and

fourth, apart from that, certificates also have high economic value if they are used as collateral for debt (one of the functions of the certificate) (Nae, 2013).

The status of rights stated in the land title certificate is the title of the types of land rights as regulated in Indonesian land law. According to Government Regulation 40 of 1996 concerning Business Use Rights, Building Use Rights and Land Rights (which has been revoked and declared no longer valid by Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration) and Government Regulation Number 24 of 1997, types of certificates include; Certificate of Ownership (SHM); Cultivation Rights Certificate; Certificate of Building Use Rights on State Land; Building Use Rights Certificate for Management Land; Certificate of Use Rights on State Land; Certificate of Use Rights for Management Land; Land Management Rights Certificate; Freehold Land Waqf Certificate; Certificate of Ownership of the Flat Unit; Certificate of Ownership for Non-Flat Units; Mortgage Rights Certificate.

The National Land Agency, in determining the status of rights included in a land title certificate issued, must be based on the various types of land rights as regulated in Article 16 paragraph (1) of the UUPA by considering the subject matter of the prospective rights holder. Not all legal entities can be appointed as subject holders of property rights. Persyarikatan Muhammadiyah is one of the legal entities that can own land with ownership rights, as written in the Decree of the Minister of Home Affairs Number 14/DDA/1972 dated February 10, 1972, concerning the appointment of Persyarikatan Muhammadiyah as a legal entity that can own land with ownership rights.

Another problem that arises from determining the status of ownership rights for legal entities is that there are restrictions on religious organizations and bodies being able to have ownership rights to land, as stated in the provisions of the Explanation to Article 1 letter b of Government Regulation Number 38 of 1963 concerning the Designation of Legal Entities that Can Have Ownership Rights, which emphasizes: "Religious and social bodies need to be appointed one by one because, in practice, it turns out that doubts often arise as to whether an body is a religious body-social body or not. That religious and social bodies can be designated as bodies that can have property rights can be concluded from the provisions of Article 49, Paragraph 1, of the Basic Agrarian Law, even though the appropriate land rights for these bodies are use rights, as also determined in Article 49, Paragraph 2. Land ownership by these bodies is limited to land used for purposes directly related to religious and social businesses. Regarding land used for other purposes, These bodies are considered ordinary legal entities, meaning that land cannot be owned with property rights but with building, business, or use rights."

Considering that most of Muhammadiyah's land assets are used for Muhammadiyah Business Charities (AUM) in the form of schools, Islamic boarding schools, campuses, hospitals, and so on, which are considered by many parties as business activities that produce benefits in the form of money, it is not surprising that in land asset registration Persyarikatan Muhammadiyah, there are differences of opinion among land registration officials at the land office regarding regulations that limit Persyarikatan Muhammadiyah from obtaining property rights when registering Persyarikatan Muhammadiyah's land assets.

CLOSURE

Conclusion

Based on the results of the research, analysis, and discussion as described above, it can be concluded that the factors inhibiting the security of Persyarikatan Muhammadiyah's land assets in the North Sumatra Province area, which do not have rights, include technical and non-technical factors. Technical factors include lack of rights, historical actors who have died, land control by individuals, and funding factors. Meanwhile, non-technical factors include low public legal awareness, physical land plots not controlled or utilized optimally, and physical

control of land plots located in protected areas to which rights cannot be attached. There are 3 asset security models that can be used to secure Muhammadiyah Persyarikatan land assets in the North Sumatra Province area that do not have a legal basis, namely the juridical data security model, the physical land parcel security model, and the land rights status security model through land registration activities based on land law, which applies in Indonesia.

Suggestion

From the results of these conclusions, it is recommended as follows: to anticipate and overcome the inhibiting factors as stated above, it would be a good idea for the Property and Waqf Council to collaborate with MHH PWM North Sumatra to inventory the data, physical, and status of land rights, which are assets of the association. Following are the potential legal problems that exist to then apply the three land asset security models as described above. Finally, in closing, we would like to express our thanks to the Universitas Muhammadiyah Sumatera Utara (UMSU) through the Institute for Research and Community Service (LP2M UMSU) for providing the opportunity and funding for this research for the internal research and service activities of UMSU lecturers in 2023.

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