LEGAL POWER OF GIRIK LAND HOLDERS FOR GIRIK HOLDERS IN THE INDONESIAN LEGAL SYSTEM

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Abstract— The Republic of Indonesia as a legal state based on Pancasila and the 1945 Constitution of the Republic of Indonesia guarantees legal certainty. Land has a big role in the dynamics of development, one of the efforts made by the state to fulfill the goal of increasing general welfare according to the 1945 Constitution, especially in the field of land is by issuing the Basic Agrarian Law or what is commonly called the UUPA. Girik is proof of tax payment, not as proof of ownership of land rights, proof of ownership of land rights according to the UUPA is a land certificate. This research is a form of normative research. What is meant by normative type research means that in this research, in addition to researching the contents of the legislation itself, it also finds the truth based on scientific logic from the normative side. Certainty is defined as a clear norm so that it can be used as a guideline or guidance for the community that is subject to this regulation. Girik who wish to have legal certainty must be registered first and become a land certificate. The purpose of land registration being held is to provide guarantees of legal certainty in the land sector.

Index Terms— Legal Certainty, Agrarian, Land, Certificate of Land Rights, Girik, Agrarian in Indonesia, tax

1 INTRODUCTION

Writing this journal is part of my thesis, the State of Indonesia is a state of law based on the form of legal regulations that govern it. History before the issuance of Law no. 50 of 1960 concerning the Basic Agrarian Law, hereinafter referred to as (UUPA) there is a dualism of land law rules, namely relying on customary law and originating on Western law, in this regulation it is very detrimental to indigenous groups, because customary law governs lands with customary rights is an unwritten law while western law governing lands at that time was already written. With the birth of the UUPA, it put an end to the dualism of land law rules and created the unification of our National Land Law. In the considerations of the UUPA it is stated that there is a need for a national agrarian law based on customary land law, in Article 5 of the UUPA there is a statement that our national land law is customary law. This shows that there is a functional relationship between Customary Law and our National Land Law. In the development of the National Land Law, Customary Law has a function as the main source in obtaining the necessary materials. Relationship with the positive National Land Law is that customary law norms have a function as complementary law.

Understanding of the Indonesian people that girik is proof of ownership of land rights after the Basic Agrarian Law, is due to the growing assumption among the society, including among the government and also among the judiciary, that people by holding evidence of ownership in the form of girik already feel safe because they feel they have have proof of ownership of the land rights. Girik was a tax document on agricultural products before the implementation of the UUPA and was also proof of ownership of land rights, but after the implementation of the UUPA, girik was no longer proof of land rights,

but only a certificate of land object. Girik certificates, which are still used by some Indonesian people, are only proof of paying taxes on customary land or proof that the land has been registered as a tax object and thus taxes must be paid. In a juridical context, the legal status of land that only uses Girik as proof of ownership of land is not strong because it is not protected by the UUPA. Girik's reasoning land status often triggers problems, because there are so many people who control the land but the land title certificate is in the name of someone else.

Girik letter is proof of tax payment, not as proof of ownership of land rights. Proof of ownership of land rights according to the UUPA is a land certificate. In the midst of rural and urban communities there are still many lands that have not been registered. There are some people who still think that a letter of girik is proof of ownership of land rights. Girik letter as proof of tax payment receipt issued by the Tax Service office, where the Letter C quotation book is in the Ward or Village. With the application for the Girik Letter for registration of land rights certificates in the absence of a letter C quotation book in the Kelurahan. Is there any other evidence that must be fulfilled or completed as registration for a certificate of land rights. Meanwhile, the Basic Agrarian Law (UUPA) mandates to provide protection and legal certainty for land that has not been registered. Legal Strength of the Girik Letter As proof of ownership of land after going through the land registration process, the National Land Agency as a non-departmental government agency whose task is to assist the President in managing and developing land administration in Indonesia will issue land certificates. This land certificate is the only evidence of land ownership rights that are recognized and legal according to law. Apart from certificates as legal proof of land ownership, in fact Indonesia still recognizes land with the status of Girik or Kekitir or Petuk. According to Maria S.W. Sumar-Djono, of the 55 million plots of land in Indonesia, only 30% have certificates. With these data it becomes exactly what A.P. concluded. Parlindungan, that the process of land registration in Indonesia until now has not been satisfactory, it is evident that there are still a few people who register their land.

In practice, the field shows that there are many pieces of evidence other than Land Rights Certificates that are disputed until they become cases in the Judiciary Institution. In fact, some of them resulted in decisions that have permanent legal force (Incraht Van Gewijsde) to cancel Land Rights Certificates even though it has been more than 5 (five years). Based on the facts that exist in the society, land title certificates have not fully guaranteed legal certainty and legal protection to land rights holders. The land title certificate is still facing the possibility of a lawsuit from other parties who feel they have the land rights, so if it can be legally proven that he is the real owner, the land rights certificate can be cancelled. Like the example case that I will examine, the plaintiffs in this case are the heirs of the late. Uji Bin Otong who died in 1976, that originally during his lifetime the late Alm. Uji Bin Otong owns customary land located in Cibatu Village, Cikarang Selatan District, Bekasi Regency with a total area of approximately 42,410 square meters in accordance with Girik C, during his lifetime Uji Bin Otong never transferred his rights, transferred or relinquished ownership of the land. and Girik C's original letter until the lawsuit was filed, this lawsuit is still in the hands of the plaintiffs as heirs. At the time the lawsuit was filed, the land was under construction for the Meikarta project or the PT. Lippo Cikarang, Tbk complex, the heirs of the late. Uji Bin Otong sought information and asked for clarification from PT. Lippo Cikarang, Tbk, and mediated at the Bekasi District Land Office on August 16 2017, because mediation was not reached then the heirs of the late. Uji Bin Otong filed a lawsuit which was registered at the Bekasi Court against PT. Lippo Cikarang and the Bekasi District Land Office.

The Bekasi Court Panel of Judges in giving a decision on this case stated that the claim of the heirs of the late. Uji Bin Otong cannot be accepted on the grounds that girik is not proof of ownership and then the heirs of the late. Uji Bin Otong filed an appeal to the Bandung High Court on July 10 2018 on the

grounds that PT. Lippo Cikarang, Tbk, had bought the land from the wrong person, namely PT. Lippo Cikarang, Tbk, had bought the land to the wrong person, namely Uji Bin Kotong, the heirs explained that Uji bin Otong and Uji bin Kotong were different people. The Panel of Judges of the High Court in deciding this case stated that it accepted an appeal from the heirs of the late. Uji Bin Otong and certify PT. Lippo Cikarang, Tbk is legally disabled and has no legal force, which means canceling the Bekasi District Court decision and recognizing the customary land owned by Girik/Letter C is absolute proof that Uji Bin Otong is the owner of the disputed land

PT. Lippo Cikarang, Tbk filed a cassation request on May 23, 2019 aiming to annul the High Court's decision on the grounds that the Bandung High Court which annulled the Bekasi District Court's decision misapplied the law but the Supreme Court of Justice rejected the cassation request on the grounds that the Bandung High Court's decision in this case was not contradictory in compliance with the law and/or law, the cassation request filed by the cassation applicant PT. Lippo Cikarang Tbk., must be rejected. Then PT. Lippo Cikarang, Tbk submitted a request for Judicial Review on February 24, 2020. In the case of submitting a request for Judicial Review, the Supreme Court gave a decision containing in this case not solely the land dispute, but rather the land dispute which was the fault of the National Land Agency (BPN) in issuing four certificates of Building Use Rights (SHGB) on behalf of PT. Lippo Cikarang Tbk., there has been overlapping with the land belonging to the heirs of the late. UJi Bin Otong Test so that the BPN's actions were considered as an unlawful act which harmed the parties was the authority of the State Administrative Court (PTUN) thus the Exception of PT. Lippo Cikarang, Tbk was granted and annulled the Supreme Court's Decision which annulled the High Court's Decision which annulled the District Court's Decision Bekasi.

In practice, in the field, there are lots of pieces of evidence other than Land Rights Certificates which are being disputed so that they become cases in the Judiciary, such as the case between PT. Lippo Cikarang, Tbk and the heirs of the late. Uji Bin Otong. Based on the results of the case decision, the Land Rights Certificate has not fully guaranteed legal certainty and provided legal protection to the holders of Land Rights. In the final decision, the PT. Lippo Cikarang, Tbk. Expenditure was granted, meaning that it was deemed that no case had occurred, did not provide legal certainty to PT Lippo Cikarang, Tbk, as the SHGB holder and did not also provide legal certainty to the heirs of the late. Uji Bin Otong as the holder of the Girik land. This is contrary to Article 32 of Government Regulation no. 24 concerning land registration, that a certificate of land rights is a certificate of proof of right which is valid as a strong means of proof regarding the physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data contained in the measurement certificate and land book. the rights concerned. As an example of the Case Number of the Decision: 868 PK/Pdt/2020. So with this, based on the cases described, the author is interested in researching under the title **LEGAL POWER OF GIRIK LAND HOLDER FOR GIRIK HOLDERS IN THE INDONESIAN LEGAL SYSTEM.**

Based on the background that has been described above, the formulation of the problem that I will raise is:

1. How are land rights regulated in Indonesia?

2. What is the legal position of the girik land rights in the Indonesian legal system, especially in the land registration system in Indonesia?

The research carried out in the context of writing this journal is projected to have the objectives of knowing why the Indonesian people still hold the rights to girik land and clarifying the meaning of laws and regulations regarding land rights whose proof of ownership is in the form of girik (grik land) both at the normative level as well as practical, especially for girik land as proof of tax which is recognized as proof of customary ownership of land and produces various

information about the existence of girik land which meets the requirements to be used as proof of land ownership in the Indonesian legal system.

2 DISCUSSION

1. The Right to Regulate Land Rights in Indonesia

Tenure rights over land contain a series of authorities, obligations and/or prohibitions for the holder of the right to do something with the land in question. The "things" that are permissible, obligatory and/or prohibited to do are the distinguishing points between various land tenure rights regulated in the Land Law of the country concerned. We also know that land tenure rights can be interpreted as legal institutions, if they have not been linked to land and certain subjects. Tenure rights over land can also be a concrete legal relationship. ("subject-tief recht"), if it has been linked to certain land and certain subjects as the rights holders. Based on the understanding of tenure rights over land as a legal institution and as a concrete legal relationship and reasoning about their respective contents. In Article 4 paragraph (2) of the UUPA it is stated that the land rights referred to in paragraph (1) of this article give the authority to use the land in question as well as the body of earth and water and the space on it is only needed for interests that are directly related to the use of the land, within the limits according to this Law and other legal regulations that are higher than the formulation of Article 4 paragraph (2) of the UUPA above, it can be concluded that land rights are rights received by individuals or legal entities. as the holder of power over the land that gives authority to the holder to use the land in question within the limits regulated by laws and regulations. The types of control of land rights are regulated in Article 16 Paragraph (1) of the UUPA.

Property rights according to Article 20 UUPA are hereditary, strongest and fullest rights that people can have over land, bearing in mind the provisions of Article 6 and Property rights can be transferred and transferred to other parties. Giving the strongest and most fulfilled nature does not mean that rightis an absolutely unlimited and inviolable right as eigendom rights according to their original meaning. Nature which is thus contrary to the nature of customary law and the social function of theevery right. The strongest and most fulfilled words mean to distinguish it from usufructuary rights, building usufructuary rights, usufructuary rights and others namely to show that among land rights what people can own is the strongest and most fulfilled property right. So the distinctive characteristic of property rights is that rights are hereditary, strongest, and fulfilled. That the property right is a strong right means that right not easily erased and easily defended against interference from other parties, therefore it is mandatory for the right to be registered.

Building Use Rights according to Article 35 UUPA is the right to own or build buildings on land for a certain period of time where the buildings on the land do not belong to themselves, with a maximum period of 30 years. So, in this case the building user is not the owner of the building land. so that building users and owners of land rights are 2 (two) different things. So here it means that the holder of the right to build is different from the holder of the right to own the land, or it can be interpreted that the holder of the right to use the building is not the owner of the right to the land. In Article 36 paragraph 1 it regulates who has the right to have a Building Use Right that those who can have a Building Use Right are individual Indonesian citizens and legal entities domiciled in Indonesia. In this case, it has been stated in article 39 of the UUPA, it is possible for a legal entity to have a Building Use Right by fulfilling predetermined conditions, namely Established according to the provisions of Indonesian law and the legal entity is domiciled in Indonesia.

Cultivation rights according to Article 28 of the UUPA. are rights to cultivate land directly controlled by the State, within the period referred to in Article 29 for agricultural, fishery or animal husbandry companies. In contrast to ownership rights, the purpose of using the land owned with the usufructuary right is limited, namely to agricultural, fishery, and livestock. The usufructuary right can only be granted by the state. With PP No. 40 of 1996 has issued provisions regarding Cultivation Rights regulated from article 1 to

article 18, and if see what is regulated in PP No. 40 of 1996 there is several provisions that enrich the provisions concerning Cultivation Rights without changing the existing provisions. Then when the UUPA came into effect, the erfpacht rights that existed before the UUPA came into effect, were converted into Cultivation Rights for the remaining time with a maximum limit of September 28, 1980 or no later than 20 years.

The right to use according to Article 41 paragraph (1) UUPA is the right to use and/or collect produce from land that is directly controlled by the state or land belonging to another person, which gives the authority and obligations specified in the decision to grant it by the official authorized to give it or in an agreement with the owner of the land, which is not a lease agreement or land management agreement, everything as long as it does not conflict with the spirit and provisions of this law. pursuant to the provisions of Article 41 paragraph (2) of the UUPA, usufructuary rights can be granted for a certain period of time or as long as the land is used for certain purposes and for free, with payment or provision of services in any form.

Article 1 Paragraph (2) Government Regulation No. 40 of 1996 regarding HGU, HGB, and Land Use Rights, what is meant by rights Management is the right to control from the state that has authority its implementation is partially delegated to the holder. There are rights management in land law is not mentioned in the UUPA, but it is implied in the general explanation statement that: guided by the objectives mentioned above, the state can grant such land to a person or entity with a right according to designation and needs, for example property rights, usufructuary rights, building use rights or usufructuary rights or give it in management to an entity authority (department, service or autonomous region) to use for the performance of their respective duties.

With regard to legal certainty of certificates of land rights, it can be seen from the formulation of Article 3 of Government Regulation Number 24 of 1997 concerning Land Registration, which states that land registration aims to provide legal certainty and legal protection to rights holders over a plot of land, an apartment unit. and other registered rights so that one can easily prove himself as the holder of the right in question. In order to provide legal certainty and legal protection, the right holder concerned is given a certificate of land rights. The editorial of the aforementioned article explicitly states that a certificate of land rights given to holders of land rights is an attempt to provide legal certainty and legal protection for holders of land rights regarding land status, land subjects and objects.

Certificates of land rights as the final product of land registration ordered by the law which is UUPA and Government Regulation Number 24 of 1997 concerning Land Registration have been binding for officials of the National Land Agency to issue certificates as a strong means of proof of ownership of land rights. In terms of proving land ownership, this can be seen in the formulation of Article 23 of Government Regulation Number 24 of 1997, which states that in order to obtain the correctness of juridical data for new rights and for the purposes of registration of rights. Explanation of Government Regulation No. 24 of 1997 concerning Land Registration states, in this Government Regulation which amends Government Regulation Number 10 of 1961, the objectives and system used are maintained, which in essence have been stipulated in the Basic Agrarian Law (UUPA), namely that land registration is carried out in in order to provide guarantees of legal certainty in the land sector and that the publication system is a negative system, but which contains positive elements, because it will produce letters of proof of rights that apply as a strong means of proof, as stated in Article 19 paragraph (2) letter c, Article 23 paragraph (2), Article 32 paragraph (2), and Article 38 paragraph (2) UUPA. Land registration is also still carried out in two ways, namely first systematically covering the territory of one village or sub-district or part of it which is mainly carried out at the initiative of the government and sporadically, namely registration of land parcels at the request of the holder or recipient of the rights in question. individually or in bulk. The meaning of the statement that a Certificate is a strong means of proof and that the purpose of land

registration being carried out is in the context of providing guarantees of legal certainty in the field of land, its practical meaning becomes visible and felt, both to those who own land and are controlled and used accordingly, as well as to the party who obtains and controls it in good faith, which is strengthened by land registration.

2. The legal position of the girik land rights in the Indonesian legal system, especially in the land registration system in Indonesia

Customary land rights in Indonesian are called ulayat rights which according to Decree Number 5 of 1999 of the State Minister of Agriculture/Head of the National Land Agency, Article 1 paragraph (2), are parcels of land on which there are ulayat rights of a certain customary law community. Ulayat rights are authority rights according to customary law owned by customary law communities over certain areas which are the environment of their citizens, where this authority allows the community to take advantage of natural resources, including land in the area for their survival. The community and the resources in question have a hereditary and uninterrupted relationship between the customary law community and the area concerned.

The community is familiar with the term girik land, this term is popularly known as customary land or other lands that have not been converted into certain land rights (Property Rights, Building Use Rights, Use Rights, Cultivation Rights) and have not been registered or certified at the Land Office. local. The understanding that girik is still developing is proof of ownership of land rights after the Basic Agrarian Law, due to this assumption which is still developing among the public, including in government circles, including in the judiciary. On the basis of this evidence, the community already feels safe, because they feel they already have proof of ownership of their land rights. Girik land usually experiences a transfer of rights from hand to hand, where at first it can take the form of very large land, and then it is divided into several very small plots of land. The transfer of rights to the girik land is usually carried out in the presence of the Lurah or Village Head. However, there are also many that are only carried out based on the trust of the parties, so there are no documents whatsoever that can be used to trace their ownership.

Registration of Land Ownership Rights for the First Time, proof of land ownership in the form of Girik is used as initial evidence to obtain a land right in carrying out land registration where the lands are as lands that are subject to customary law, while with regard to Girik, there are still many people who do not understand that Girik is actually just a basis for withdrawing land and building tax so that they only know if someone has occupied the land in which they provide information that is often incomplete and records that are not careful which are usually only recorded directly on the building. during the land registration process, girik is used as the basic data for the issuance of land certificates. The evidence in the form of girik will be checked and matched in the Kelurahan where the girik registration originated through the activities of Committee A. It has been proven that the land has never been certified and during this process no parties have raised objections (regarding the ownership of the land). If these conditions are met, the certification process can be completed in about 6 months to 1 year.

Evidence of land rights other than certificates, in this case proof of payment of taxes, which we know as Girik, turns out to have a strong position before the court. It has been proven in the court environment that there have been many decisions in the Girik land dispute against the Certificate land and then won the Girik land. Basically, in any dispute over ownership of land rights, the thing that is used as proof of ownership of the land rights is in the form of a certificate of land rights. Evidence according to land law plays a very important role in providing legal certainty and legal protection for holders of rights to land parcels, apartment units and other registered rights so that they can easily prove themselves as holders of the rights in question.

Mastery over land rights that are still in the form of girik must be legally protected. If someone who controls the rights over a piece of land can prove that that person has owned the land in question for more than 20 years

and has additional data on the whereabouts of Petok D, Girik, Pipil, Ketitir, Verponding Indonesia or whatever it's called, the deed of transfer of rights is under the hand signed by the customary/village/kelurahan head, deed of transfer made by the PPAT where the land has not been recorded yet accompanied by the basis for the rights transferred, deed of pledge of waqf / letter of pledge of waqf accompanied by the basis of the rights donated, minutes of auction, letter of appointment for buying plots land in lieu of land taken by the government, a certificate of land history that was made by the head of the PBB office accompanied by the basis for the rights transferred. Tax certificates (Petuk Tax Bumi, Girik, Ketitir, IPEDA, Verponding Indonesia) juridically are not proof of land rights, but in practice the implementation of PP Land Registration tax signatures are accepted as evidence of land rights, but must be supported by a written statement from the Lurah/Village Head confirmed by the Camat as well as an announcement to the wider community. In the Government Regulation on Land Registration, Article 24 paragraph (1), explains that for the purpose of registering land rights originating from the conversion of old rights as evidenced by written evidence, including photocopies of Girik. Girik is a condition that must exist for the conversion of customary land, as proof of customary ownership rights, so Girik can be said to be written evidence, which functions as one of the conditions for the conversion of customary land.

If we have previously discussed the conversion of land rights, then regarding certificates of land rights and also the principle of legal certainty, then all of this is in accordance with the provisions stipulated in Article 19 of the UUPA which is the basis for legal certainty in land registration. The implementation of land registration as stipulated in Article 19 of the UUPA has objectives and benefits, one of which is to provide legal certainty and also legal protection to the holders of land rights in a parcel of land. Article 19 UUPA, which is addressed to the Government to carry out the registration of land rights throughout the territory of the Republic of Indonesia, is an obligation as the highest authority over land. Whereas articles 23, 32 and 84 of the UUPA, which state that land rights such as property rights, business use rights and building use rights for each transfer, cancellation and encumbrance with other rights must be registered because it is an obligation for those who have these rights. , with the intention of obtaining legal certainty regarding this matter.

Tax receipts are another term for Verponding Indonesia, they are not a proof of disputed land rights, but if there is no other evidence, then girik and the like can be used as a guide. That indeed the person whose name has been listed in the girik is the holder of the rights to the land in question. This shows that girik is proof of a letter of imposition and as a sign of tax payment recognized by the community as a sign of land ownership before the birth of the UUPA, because the tax is imposed on those who own the land. However, after the birth of the UUPA girik it was no longer made but its existence is still recognized, because it has a function as one of the conditions for the conversion of customary land.

So that the position of girik is only as proof of tax payments for the land holder concerned. Not as proof of land ownership, which is then used as one of the requirements or preliminary evidence for registering land rights. From the process of registering land rights, certificates will later emerge as strong evidence of ownership of a land right. So, from the above discussion regarding legal certainty, the legal position of the Girik land rights in the Indonesian legal system, especially in the land registration system in Indonesia, the author will describe along with the case. PT. Lippo cikarang Tbk, bought customary land from Uji Bin Otong on the basis of a base in the form of Girik, then the sale and purchase was carried out before the Cibatu District Head as the Provisional PPAT to produce a Sale and Purchase Deed with a Letter of Transfer of Rights from Uji Bin Otong after the Land Registration Procedure was fulfilled, four Certificates were issued Building rights. In 2018 the heirs of Uji Bin Otong sued PT. Lippo Cikarang Tbk. on the basis that the girik land has never been transferred with the knowledge of the heirs. The case was tried by the Bekasi District Court up to the Supreme Court.

In my opinion, the Bandung High Court and the Panel of Supreme Court Judges in giving a decision on the Girik C No customary land dispute. 2397 between PT. Lippo Cikarang Tbk and the heirs of Uji Bin Otong have wrongly applied the law in giving a decision in the land dispute wherein this case won a girik against the HGB certificate on behalf of PT. Lippo Cikarang Tbk where the HGB Certificate is declared legally disabled and has no binding legal force. This is contrary to the understanding that girik is not proof of ownership of land rights but only as proof of payment of taxes, resulting in the evidentiary value of a girik not being directly aligned with a certificate that has the strongest and fullest evidentiary value to be able to prove one's land ownership rights and according to the author of this is contrary to Article 32 (1) Government Regulation No. 24 of 1997 concerning Land Registration which states that a Certificate is a letter of proof of rights that applies as a strong means of proof regarding the physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data contained in the measuring papers and books. the rights of the land concerned and this is corroborated by the results of interviews with the Bekasi Regency National Land Agency that the evidentiary value of a girik cannot be directly aligned with a certificate that has the perfect or the strongest proof value to be able to prove the ownership rights of the land owned by PT. Lippo Cikarang Tbk.

Furthermore, according to Article 32 (2) Government Regulation No. 24 of 1997 concerning Land Registration which states that in the event that a land parcel has been issued a valid certificate in the name of a person or legal entity who has acquired the land in good faith and actually controls it, then other parties who feel they have rights over the land can no longer demand the exercise of said right if within 5 (five) years since the issuance of the certificate does not submit a written objection to the certificate holder and the Head of the Land Office concerned or does not file a lawsuit with the Court regarding land tenure or issuance of the certificate. Where are the four SHGBs owned by PT. Lippo Cikarang Tbk. published in 1996 and 1997 and the heirs sued PT. Lippo Cikarang Tbk. in 2018 this is not in line with the stipulation of the five-year period from the issuance of the certificate not to submit a written objection to the certificate holder and the Head of the Land Office concerned or not to file a lawsuit with the Court regarding land tenure or issuance of the certificate. Then the lawsuit should not be accepted because it is clearly contrary to Article 32 (2) Government Regulation No. 24 of 1997 concerning Land Registration.

3 CONCLUSION

Arrangements for land rights in Indonesia are contained in the UUPA. Various types of control over land rights are regulated in Article 16 Paragraph (1) of the UUPA. The rights to the land are:

1. Property Rights
2. Building use rights
3. Cultivation Rights
4. Right of Use
5. Management Rights

In addition to land rights, there are procedures for land registration in Government Regulation No. 24 of 1997 concerning Land Registration. The purpose of land registration being held is to provide guarantees of legal certainty in the land sector. Certificates are a strong means of proof.

Girik's position is only as proof of tax payment for the land holder concerned. Not as proof of land ownership, which is then used as one of the requirements or preliminary evidence for registering land rights. From the process of registering land rights, certificates will later emerge as strong evidence of ownership of a land right. In my opinion, the Bandung High Court and the Panel of Supreme Court Judges in giving a decision on the Girik C No customary land dispute. 2397 between PT. Lippo Cikarang Tbk and the heirs of Uji Bin Otong have wrongly applied the law in giving a decision in the land dispute wherein this case won a girik against the HGB certificate on behalf of PT. Lippo Cikarang Tbk where

the HGB Certificate is declared legally disabled and has no binding legal force. This is contrary to the notion of girik which is only proof for the payment of taxes for landholders which should be according to the Bekasi Regency National Land Agency that the evidentiary value of a girik cannot be directly aligned with a certificate that has perfect or strongest proving value to be able to prove ownership rights. land owned by PT. Lippo Cikarang Tbk.

The author provides recommendations, namely for the government the authors provide recommendations that land rights originating from the conversion of old rights are proven by means of evidence regarding the existence of these rights in the form of written evidence, it is no longer relevant to be used as evidence of ownership of land rights. , because in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles it states that land rights do not mention that Girik is proof of ownership, so the government should explicitly state the existence of girik that has been owned for a long time no longer exists. happen again.

For the National Land Agency, they should periodically provide socialization to the public that legal ownership of land is a certificate in the form of property rights, usufructuary rights, building use rights, usufructuary rights and management rights, while Girik is not proof of ownership after the enactment of the Basic Law. Agrarian only, while Girik is currently only valid as proof of tax payments even though before the enactment of the Basic Agrarian Law Girik was proof of legal ownership of a land, therefore the National Land Agency has a very important role to socialize this.

For the community, especially Girik rights holders, they should be more pro-active in seeking information regarding the legitimacy of Girik's rights to their land ownership, starting with the procedures for the land registration process up to the issuance of ownership certificates by the National Land Agency to obtain legal certainty so as to minimize disputes regarding ownership of land. land with Girik rights.

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