



The Concept Of Changing The Right To Cultivated Land Into Property Rights In Terms Of Government Regulation No. 18 Of 2021 (Case Study Of Cultivated Land In Bandar Khalipah Village Deli Serdang)

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Abstract: Land is one of the vital assets for human life. In Indonesia, the issue of land management has always been a hot topic, especially with regard to the status of land rights. Government Regulation No. 18 of 2021 marks a significant step in land rights reform, particularly in the transformation of cultivated land rights into property rights. Although this policy comes with noble goals, its implementation in the field, especially in Bandar Khalipah Village, Deli Serdang, has encountered a number of obstacles. One of them is the lack of evenly distributed information to the community and the existence of individuals who try to take advantage of the situation for personal gain. Through a qualitative approach, this research investigates how the community of Bandar Khalipah Village understands and responds to this policy. Data was collected through in-depth interviews, field observations, and analysis of relevant documents. The findings show that many communities do not fully understand the mechanism for changing land rights. In addition, the existence of unscrupulous individuals who claim cultivated land and sell it in various ways, including with a certificate from the village head or through a notary, is one of the main challenges in implementing this policy.

Key Words: Concept, Land Rights, Arable.

1. INTRODUCTION:

Land for life has a multidimensional meaning. Because of this multidimensional meaning, there is a tendency that people who own land will defend their land by any means if their rights are violated. The importance of land for humans as individuals and the state as the highest organization of society is constitutionally regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "The earth, water and natural resources contained therein shall be under the control of the state and shall be used for the greatest prosperity of the people".

Land registration is organized keeping in mind the state of the State and society, the needs of socio-economic traffic and the possibility that every inch of land in the eyes of agrarian law must have a clear status of rights and rights holders. Land rights that contain aspects of legal certainty and justice are not separate from the use and utilization of land that creates prosperity. Certainty and justice alone cannot create prosperity without use and utilization. Conversely, use and utilization alone without certainty and justice cannot provide the just and certain prosperity that is the ideal of independence. Land rights are one of the central issues in agrarian law in Indonesia. Historically, land has not only been a source of life, but also a symbol of power and social status. Therefore, regulations on land rights are important in realizing justice and community welfare. In this context, this research discusses the concept of changing the right to cultivated land into property rights, in terms of Government Regulation No. 18 of 2021, with a focus on a case study of cultivated land in Bandar Khalipah Village, Deli Serdang.

In the history of Indonesia, land rights are not only considered a source of life but also a symbol of power and social status. Starting from the pre-colonial era with custom-based arrangements, to major changes during the Dutch colonial era with the introduction of agrarian law, and continuing to the reform era with the issuance of the Basic



Agrarian Law (UUPA) in 1960. Nevertheless, there are still many farmers who work on land that does not belong to them. In response to these problems, Government Regulation No. 18 of 2021 emerged, which provided an opportunity for farmers to change the status of the land they cultivated into property rights. This regulation created a new milestone in Indonesia's agrarian law, offering a solution to the problematic issue of land ownership. In Bandar Khalipah Village, Deli Serdang, this regulation can change the status of cultivated land to property rights.

However, there are challenges in implementing this regulation. Since the colonial era, the structure of land ownership in Indonesia has favored certain groups, while farmers lack access to land. Moreover, the issue of former PTPN land adds to the complexity of land issues. Communities working on this land are often faced with legal uncertainty, the risk of eviction, as well as the practice of buying and selling land by parties claiming to have a license. In overcoming this challenge, the government's role is crucial. Government Regulation No. 18 of 2021 can be the answer to the problem of cultivated land, but its implementation needs to be monitored in order to provide legal certainty and justice for the community. As part of the efforts to understand and solve this issue, we have specifically researched how the concept of changing the right to cultivated land into property rights is viewed from Government Regulation No. 18 of 2021. And how is the implementation of Government Regulation No. 18 of 2021 regarding the change of rights to cultivated land into property rights, especially in the case of cultivated land in Bandar Khalipah Village, Deli Serdang.

2. METHOD:

In this research, we focus on the concept of changing the right to cultivated land into property rights, specifically based on the provisions affirmed in Government Regulation No. 18 of 2021. To explore this understanding, qualitative and empirical juridical methods are applied. This method was chosen to deeply understand the social phenomena underlying the change in land rights. Through this method, we sought to explore the perceptions, experiences, and views of the various parties involved or affected, such as farmers working the land and village officials. (Moleong, L.J, 2014) And with the Juridical Empirical approach, we not only focus on the normative analysis of Government Regulation No. 18 of 2021, but also explore how this rule is applied in practical reality on the ground. Through this method, the relationship between legal text and social reality in Bandar Khalipah Village is analyzed. (Marzuki, 2005)

The Data and Research Sources that we use are: Primary Data, this data mainly comes from in-depth interviews and field observations in Bandar Khalipah Village. In this way, we were able to understand the perceptions and views of the local community as well as see first-hand the condition of the land and how changes in land rights affect the community. Meanwhile, secondary data includes legal documents such as Government Regulation No. 18 of 2021, relevant academic literature, and archival records relating to land issues and land rights in Bandar Khalipah Village. (Sugiyono, 2017)

3. DISCUSSION:

1. The concept of changing the right to cultivated land into property rights in terms of Government Regulation No. 18 of 2021

The mechanism and procedure for changing the right to cultivated land into property rights needs to be explained in detail in order to provide a comprehensive understanding. Legally, this mechanism is regulated in Government Regulation No. 18 of 2021. This regulation is part of the government's efforts to provide legal certainty over the status of cultivated land and open up access for people, especially farmers, to legally own the land they cultivate. Broadly speaking, the process of changing the right to cultivated land into property rights starts with the mapping and identification of cultivated land by the local government, followed by a data verification and validation process involving the National Land Agency (BPN) and the applicant, to the administrative settlement process which includes submitting an application and issuing a certificate of property rights.

Mapping and identification of cultivated land is a crucial early stage. Local governments play an important role in this process, given their knowledge and understanding of conditions on the ground. Local governments should involve communities and other stakeholders in this mapping and identification process, including discussing potential issues such as land tenure conflicts.

Next, a data verification and validation process involving the BPN and the applicant. This stage aims to ensure that the data collected during mapping and identification is accurate and valid. The BPN checks all data and documentation submitted by the applicant, including evidence of land cultivation. Once the data verification and validation is complete, the applicant can submit an application to the BPN to change the right to cultivate the land into a property right. This application will be followed up by the BPN and if it meets the requirements, a certificate of ownership of the cultivated land will be issued.

In this context, Government Regulation No. 18 of 2021 has an important role in providing legal access to the community, especially farmers, to own the land they cultivate. However, the implementation of this regulation needs to



be done carefully, given the complexity of land issues in Indonesia and the potential conflicts that may arise. In addition, there needs to be further efforts to educate the public about these mechanisms and procedures, so that they can take advantage of this opportunity to obtain legal certainty over the land they cultivate.

To clarify the understanding of this process and mechanism, we can look at the following case example. Suppose Mr. Joko is a farmer who has been cultivating land in Bandar Khalipah Village, Deli Serdang for a long time. The land is actually cultivated land whose legal status is unclear. Now, with the Government Regulation No. 18 of 2021, Mr. Joko has the opportunity to change the status of the cultivated land to property rights.

The following is the mechanism that Mr. Joko must go through:

- **Identification and Mapping:** The local government will conduct mapping and identification of the cultivated land controlled by Mr. Joko. This is done by conducting field surveys, data collection, and discussions with the local community.
- **Data Verification and Validation:** After the mapping and identification process is complete, Mr. Joko needs to verify and validate the data. In this process, the local BPN will check the data and documentation submitted by Mr. Joko, such as proof of land cultivation, proof of tax payment, and others.
- **Submission of Application:** If the data and documentation have been verified and validated, Mr. Joko can submit an application to the local BPN to change the right to cultivate the land into a property right. This application must be completed with the required supporting documents.
- **Issuance of Certificate of Title:** If Mr. Joko's application meets the requirements, the local BPN will issue a certificate of ownership for the cultivated land controlled by Mr. Joko. This certificate serves as legal proof that Mr. Joko owns the land.

This process and mechanism certainly requires time and commitment from various parties, including Mr. Joko himself, the local government, and BPN. However, with legal certainty over the land, Mr. Joko and other farmers can work more calmly and focus on managing their land.

To better understand the process and mechanism of converting cultivated land rights into property rights, we must look more broadly, including ex-PPN cultivated land, cultivated land managed by the local government, and customary land. Firstly, as we discussed earlier, ex-PTPN cultivated land requires approval for the release of rights from the SOE or provincial government. For these lands in particular, the process can be a bit more complicated as it involves several entities and a lengthy administrative process.

Secondly, with regard to cultivated land managed by local governments, the process of change is similar, but has some differences. For example, in this context, the role of the local government becomes very important in granting permission to release rights to cultivated land. The local government has the authority to evaluate and decide whether or not the land is worth releasing rights to. Third, for customary land, the process of change becomes even more complex. This is because customary land has its own regulations and legal system that is often different from national land law. In this case, changes in the right to cultivated land to property rights must be approved and regulated in accordance with local customs. So far, GR No. 18 of 2021 has not specifically regulated customary land, and this poses a challenge in its implementation. From these various perspectives, we can see that the mechanism for converting cultivated land rights into property rights is highly dependent on the context and type of land being cultivated. Therefore, it requires a good understanding of the law and adjustments to local policies, so that this process can run smoothly and produce legal certainty for land cultivators. (Amirudin & Asikin, 2014)

2. Implementation of Government Regulation No. 18 of 2021 concerning the change of cultivated land rights to property rights in Bandar Khalipah Village, Deli Serdang

Land as a valuable asset has an important role in people's lives, including for the residents of Bandar Khalipah Village in Deli Serdang. Therefore, granting land rights is very important. In 2021, the government launched Government Regulation No. 18 which regulates the conversion of cultivated land rights into property rights. The main objective of this regulation is to provide legal certainty and improve the welfare of the community, especially for those who have been working on land for a long time but do not have legal certainty over the land they work on. (Sulistyo, 2018)

However, in Bandar Khalipah Village, the implementation of this regulation does not appear to have been optimal. Although regulations have been issued, information about the mechanisms and procedures for changing rights does not seem to have penetrated well among the community. In the book "The Dynamics of Land Law in Indonesia" by Sulistyo, it is stated that land is one of the important components in people's lives, and has social, economic and cultural functions. (Sulistyo, 2018) Bandar Khalipah Village, as part of Deli Serdang Regency, has a long history of land issues. As an agricultural village, many of its residents live from crops, but do not have legal rights to the land they cultivate.



One of the main issues encountered is the lack of socialization from local governments regarding Government Regulation No. 18 of 2021. This is reinforced by the journal "Implementation of Land Policy in Indonesia: A Case Study in Deli Serdang" which found that information on land regulations often does not reach rural communities. As a result, many Bandar Khalipah villagers are unaware of their rights and how to access them. (Putri, 2020)

In addition, there are also bureaucratic and administrative obstacles. Some residents who know about these regulations have difficulties when applying for a change of rights due to complicated requirements and bureaucratic red tape. The ignorance of the community regarding this change of rights has the potential to cause various problems. One of them is the potential for land conflicts between the community and certain parties who have the information and resources to access the land rights. This can threaten social stability and injustice in the granting of land rights.

Sadly, although this policy (PP No. 18 of 2021) is revolutionary, many people in Bandar Khalipah Village are unaware of this regulation. A sense of uncertainty and confusion ensues as to how the community should act and claim their rights. Difficult access to information is often found in rural areas, and Bandar Khalipah is no exception. (Kurniawan, 2020)

In the midst of this information uncertainty, there are people who take advantage of the situation. With various *modus operandi*, they claim cultivated land that actually belongs to the local community. Not only that, there are people who sell cultivated land to the community with various fake evidence, such as ordinary receipts, village head certificates, or even notarized agreements with disguised land objects. (Hartono, 2019) In the research "Land Dynamics and Conflicts in North Sumatra" by Rizal Harahap, it is known that such practices often occur in various regions in North Sumatra, including in Deli Serdang. This creates social injustice and legal uncertainty. When people buy land from unscrupulous people with false evidence, they will be trapped in a more complicated situation. Not only do they feel that they have obtained property rights to the land, but they also risk losing the land if strong evidence is found that the land does not belong to the person. Land conflicts become inevitable. On the other hand, people who are supposed to get land rights based on Government Regulation No. 18 of 2021, have lost their opportunity because the land that should belong to them has been claimed by someone. This is a form of denial of rights and justice that must be addressed immediately.

Bandar Khalipah Village, Bandar Setia Village, Deli Serdang, is not only a clear example of the challenges faced when implementing land policies at the village level, but also an important reflection on the urgency of information awareness and integrity of all parties in managing land resources. From all the dynamics and problems that arise, there is a great opportunity for the government, both at the central and regional levels, to conduct in-depth evaluations and improve regulations and their implementation in the field.

In this regard, there is a need for greater collaboration and synchronization of programs. In this context, the Complete Systematic Land Registration (PTSL) program run by the Ministry of ATR/BPN can be a strategic solution. By combining the PTSL program, which focuses on land certification, and the policy of changing the rights to cultivated land into property rights, it will be able to increase legal certainty, reduce potential disputes, and ensure a fairer and more equitable distribution of land. Given the essence of Article 33 of the 1945 Constitution, which states that all natural resources contained in the territory of Indonesia are controlled by the state and used for the greatest prosperity of the people, it is a moral and constitutional duty for the government to ensure that land, including ex-PPN land or abandoned state land, is properly managed and given to those who need and are able to manage it for the common welfare.

Therefore, in the future, the implementation of land policy must be pursued with a more inclusive, integrated approach, and oriented towards justice and prosperity of the people. A vision that must be realized not only in words, but also in concrete actions on the ground. Hopefully, future policies will increasingly favor the people, especially those who work hard to cultivate the land and hope for justice for the land they have long managed.

4. CONCLUSION:

From the results of the research on the concept of changing the right to cultivated land into property rights based on Government Regulation No. 18 of 2021, it appears that this policy is a progressive effort from the government to provide legal certainty and welfare for land cultivators, especially in Bandar Khalipah Village, Deli Serdang. Although the purpose of this policy is to provide maximum benefits to the community, in its implementation there are still obstacles, especially related to uneven information and the existence of individuals who try to take advantage of the situation. Furthermore, for the central and local governments, the results of this research should be an important consideration in designing further programs and solutions to existing problems. It is hoped that with a more inclusive, participatory and transparent approach, land policy in Indonesia, especially regarding changes in rights to cultivated land, can truly fulfill the ideals of the constitution, namely realizing welfare for all Indonesian people.

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