

# Application of Delimitatie Contradictoire Principles in Sporadic Land Registration Based on PP No. 24 of 1997 in Demak District

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**ABSTRACT**--Land registration is a series of activities carried out by the government continuously, continuously and regularly, including measurement, processing, bookkeeping and presentation and maintenance of physical and juridical data, which is set forth in the form of maps and lists of land parcels and apartment units, including the issuance of certificates as proof of their rights to plots of land for which there are already rights and ownership rights over the Flats and certain rights which encumber them. Such is the definition of land registration in general provisions Article 1 Government Regulation No. 24 of 1997. The determination of the boundary is carried out by the owner of the land right with the owner of the land right that borders on a contradictory basis or known as the Contradictory Delimitation / Contradictoire Delimitatie principle. Based on the description above, the writer is interested in studying this problem with the title "The Application of Delimitatie Contradictoire Principle in Sporadic Land Registration Based on PP No. 24 of 1997 in Demak Regency ". and problems can be formulated as follows : How is the application of Delimitatie Contradictoire Principle in sporadic land registration based on PP No. 24 of 1997 in Demak Regency, Are there factors that hinder the application of the Delimitatie Contradictoire Principle in sporadic land registration under PP No. 24 of 1997 in Demak Regency, The efforts made in implementing the Delimitatie Contradictoire Principle in sporadic land registration based on PP No. 24 of 1997 in Demak Regency. The type of research in this paper is normative. Normative research in question is research whose object of study includes basic norms or rules, legal principles, statutory regulations, legal comparisons, doctrines, and jurisprudence. From the results of field research, the Contradictoire Delimitatie principle is often not implemented as it should be because there is no agreement on the boundaries of land to be registered. However, based on the provisions of Article 19 of Government Regulation Number 24 of 1997 that in the determination of the boundary of land parcels as meant there is no agreement obtained between the holder of the relevant land rights and the holder of the adjacent land rights, then the measurement of the plot of land is temporarily carried out based on the boundaries which in reality makes the boundaries of the relevant land parcels

**Keywords:** *Delimitations / Contradictoire Delimitatie*

## I. INTRODUCTION

Land has an important role in human life because it is the main foundation in all activities carried out by humans. In addition, the working land as a source of wealth for the owner also controls it.

Because the function of land is very abundant for human life, therefore it is necessary to regulate in terms of ownership and control. As stated in the Basic Agrarian Law, Law Number 5 of 1960 one of the objectives is to provide legal certainty of land rights for all people. The

Government of the Republic of Indonesia through the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency conducts land registration activities throughout the territory of Indonesia in accordance with the mandate of Article 19 paragraph 1 of the agrarian basic law.

Provisions on Land Registration in Indonesia are regulated in LoGA Article 19, which is implemented by Government Regulation No. 24 of 1997 which is effective since October 8, 1997.[1]

Land registration is a series of activities carried out by the government continuously, continuously and regularly, including measurement, processing, bookkeeping and presentation and maintenance of physical and juridical data, which is set forth in the form of maps and lists of land parcels and apartment units, including the issuance of certificates as proof of their rights to parcels of land that already have their rights and ownership rights over the Flats and certain rights that encumber them. Such is the definition of land registration in general provisions Article 1 Government Regulation No. 24 of 1997.

Article 19 of the BAL states that land registration includes land measurement, mapping and accounting. This is done for the first time land registration and registration for the transfer of land rights. The implementation of land registration is regulated in Government Regulation No. 24 of 1997 article 11 and Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency No. 3 of 1997 concerning Provisions for Implementing Government Regulation No. 24 of 1997 concerning Land Registration.

Land registration for the first time is carried out through systematic land registration or sporadic land registration. Sporadic land registration is carried out at the request of interested parties. What is meant by interested parties are parties who are entitled to the relevant parcels or their proxies. Measurement of land parcels is the first thing done in land registration, but before the process is carried out, it must first be ensured that boundary marks have been placed on each corner of the parcel of land to be measured. The holder or owner of the plot of land has the obligation to install and maintain the boundary mark. This is intended to avoid land disputes or disputes with land owners who border. The determination of the boundary is carried out by the owner of the land right with the owners of the land boundary which contradicts or known as the Contradictory Delimitation / Contradictoire Delimitatie principle.

For the purposes of installing sporadic boundary markings in sporadic land registration must be witnessed by officials or village or kelurahan officials who know or have land ownership data that is boundary. The Delimitatie Contradictoire Principle is then proven by a statement signed by the owner of the land and the owner of the adjacent land and by officials or village or village officials. The determination of boundaries is set out in the Research Report on Juridical Data and the Establishment of Limits (questionnaire 201) obtained from the Land Office. The results of the determination of the boundaries as well as the boundary demarcation, this boundary is outlined in the Minutes of the Boundary Arrangement (questionnaire 201A). This is a condition for submitting a measurement request to the Land Office as an initial step in the land registration process. Measuring officers from the Land Office will not take measurements if the Contradictoire Delimitatie principle is not achieved between the land owner and the land owners who border.

In the perspective of the Pancasila as the Indonesian Ideology, the Contradictoire Delimitatie Principle is one of the manifestations of the 4th principle of the Pancasila. The common thread that can be drawn between the Contradictoire Delimitatie Principle and the 4th Principles of Pancasila is the spirit of the Pancasila in implementing the Deliberation for Consensus in making decisions which in this case is the approval and determination of land boundaries by boundary parties in the context of Land Registration. This is intended to guarantee legal certainty over the location and boundaries of land objects and avoid land disputes and conflicts that will occur in the future. With the principle of deliberation to reach consensus, the approval and determination of boundaries of a parcel of land can avoid the existence of disagreements between the parties that border. Anything that arises as a result of an agreement has not been reached yet, is discussed wisely together with the parties that border until the agreement is reached so that the process of registering the relevant land parcels can run smoothly and avoid potential conflicts.[9] If the Delimitatie Contradictoire principle is not achieved then land registration will be useless because the measurement process cannot be carried out.

The problem of land ownership has been arranged in such a way, but in the field implementation it is still found problems that occur. For example, the case of overlepping or overlapping boundaries of land parcels due to unclear boundaries of land parcels caused by the owners of parcels and adjacent landowners do not maintain the mark of the boundary of the parcels.

In addition to the overlapping problem or Overlapping, the Delimitatie Contradictoire principle in the field is also not going well. The Delimitatie Contradictoire Principle does not work well because of conflicts or personal disputes between landowners and landowners who border. This dispute resulted in landowners who refused to attend when the implementation of the boundary marking, and also refused to sign the Minutes of Border Arrangement (201A entries) and the boundaries were set out in the Minutes of Research on Juridical Data and Boundaries (list of 201)

obtained from Land Office. Due to the rejection of one of the boundary neighbors, the measurement process could not be carried out because there was no agreement between the two parties. This resulted in the land registration process being hampered.

In addition, when setting boundaries in the field the boundary landowners are supposed to be present but cannot attend because the bordering landowners are outside the city or abroad that cannot be contacted, plus officials and village officials do not know the boundaries of the land. This also becomes an obstacle in the implementation of the Delimitatie Contradictoire principle and the process of land measurement so that the land registration process is also hampered.

At the time of implementing the boundary determination all parties are present to jointly determine the boundary. However, at the time of determining the boundary of one of the landowners who borders the land owner who will register his land, there is a mutual claim and one of them does not want to succumb to one another. With this situation, the Delimitatie Contradictoire principle cannot be implemented so that the land registration process is hampered.

Based on the description above, the writer is interested in studying this problem with the title "The Application of Delimitatie Contradictoire Principle in Sporadic Land Registration Based on PP No. 24 of 1997 in Demak Regency".

## II. DISCUSSION

### *A. Application of Delimitatie Contradictoire Principle in sporadic land registration based on PP No. 24 of 1997 in Demak Regency*

Land Registration as mandated by Law No. 5 of 1960 included activities such as: Measurement, Mapping, and Bookkeeping. The first registration by the applicant begins by requesting a blank request for recognition of rights (conversion) in the National Land Agency cooperative for free, which is collected in a folder containing forms that must be filled out and completed by the applicant in accordance with information from the village office where the land object is located, where the forms include:

- a. Application letter to the head of the city / regency land office
- b. A letter of physical control and minutes of testimony from parcels of land
- c. The affidavit has posted a boundary mark
- d. Certificate of land history
- e. Certificate of not in dispute
- f. Conversion confirmation request letter
- g. Excerpt from the village letter C
- h. Declaration accepts different width and different limit

In addition to filling out the form, the applicant is also required to include other requirements in the form of a power of attorney if authorized, identity card or original identity card (KTP) and a photocopy of ID card that is legalized in accordance with the original, Land identity in the form of Indonesian verponding (Land Tax

Identification or girik) or a copy of letter C that has been legalized and in accordance with the original by the village head and the UN SPPT of the current year.

Based on the conditions above, the following is an explanation of each point based on interview with Land Registration Subsection (Suyudi, A.Ptnh). The applicant's identity, in the form of a Resident's Identity Card (KTP) that shows the name, address, occupation, resident's identification card number, which is photocopied and legalized according to the applicant's identity address. Identity Card must be valid when registering for the first time. Photocopies and legalization by the village head concerned aims to avoid fraud in the process such as falsifying the identity of the applicant.

Land identity in the form of a letter C. Letter C in the form of a big book that contains a list of land history in a particular region or village that is only controlled by the head of the village or lurah concerned, Letter C documents are confidential documents that not just anyone can use or see. For the area of Demak, most Letter C holders are the Village Secretary. And in this case a quote or photocopy of letter C must be legalized by the village head containing the type of land, book number letter C, parcel number, class, area, information and name of the land owner based on the letter C book.

Application letter addressed to the head of the land office where the relevant land object is located. In this letter of application the applicant must fill in his identity and land identity and fill in what this application is filed. This petition is submitted along with the attachments described above. Land history certificate is made and legalized by the village head or lurah concerned by referring to the letter C book as well as information from the surrounding community about the land to be certified. Contains the origin of land ownership before 1960 and after 1960 which explains about the letter C book number, Petok D number, type and class of land, land area and written on whose name.

Declaration of Physical Mastery of Land Sector is made by the applicant on the form sheet that has been provided in the blank of the application for recognition of the rights containing the identity of the applicant starting from the Age Name, Occupation, KTP Number, and Address of the applicant and explains where the land starts to be located on what road, RT / RW , Which village / kelurahan and what is it used for.

In addition to the identity of the applicant and the identity of the land do not forget to include the boundaries of the land that is north, east, south and west. In the statement of physical mastery and minutes of testimonies of land parcels other than the applicant's signature, it must include witnesses of two persons along with the witness's signature in the lower left corner and know the village head or lurah where the location of the land is concerned and not to miss stamped Rp. 6000.

Declaration has put up a boundary marking by the applicant containing the identity of the applicant, the identity of the land and states that it has installed a boundary marking of plots made of iron pipe / pipe paralon / wood / concrete pillar / wall / and others. and at

the time of installation of the boundary marking, there was no objection from the bordering landowners, accompanied by the name and signature of the agreement of the boundary marking by the boundary owner, then was also signed by the applicant and accompanied by a stamp duty of Rp. 6000.

The tax return for the current year's Building Tax is obtained from the village where the tax object is located and contains the name and address of the taxpayer. The UN SPPT is issued by the tax office handed over through the village and distributed by the hamlet head to each taxpayer.

Declaration that the requested land is not in dispute, has never been transferred to another party, is not subject to Law No. 5 of 1960 and not absentee. And contains information about the history of land in the form of land rights before 24-9-1960 and after 1960, the location of land and other information in the form of land boundaries north, east, south and west, land area in accordance with Letter C and land parcels. and type of land use. This statement letter was made by the village head or lurah and signed by the village head or lurah concerned.

Declaration of acceptance of broad differences made by the applicant to include the identity of the applicant and the identity of the land. In this statement the applicant must state the area of land before it is measured and after it is measured by BPN officials and enclose agreement on adjacent parcels complete with the names and signatures of the neighbors, as well as the applicant's signature complete with stamp duty. After the forms are completed, the applicant submits the land registration at the land office in Counter II provided to continue the land registration process. After the Applicant submits an application to the Head of the Regency or City Land Office through Counter II (Service for receiving rights registration application documents). From Counter II, the applicant will be directed to Counter III, namely the Treasurer Counter and pay the fees determined by the National Land Agency.

At Counter III, which is a special treasurer for receipts, the applicant is required to pay fees in accordance with the provisions of the National Land Agency through the Post Office and the Bank, including:

- a) Registration fee
- b) Service fees for maintaining land registration data
- c) Measurement costs
- d) Measurement transport costs
- e) Costs of committee A / soil research team
- f) Committee transportation costs A

The amount of costs is influenced by the location of the land object with the BPN office, the area of the land object and the class of land objects. After the applicant pays the fees determined by the National Land Agency, the applicant receives proof of payment, this proof of payment will later be used for certificate collection. The applicant can wait for the issuance of the land title certificate at least 60 days after the application process and land measurement has been submitted to the Land Office.

Furthermore, the BPN took measurements of the Plots of Land and Making Measures. Plots of land that have been set boundaries are measured by BPN measurement officers and then mapped in the registration base map. To obtain the data needed for land registration, plots of land to be mapped can be measured after the boundary markings are determined in each corner of the parcel of land to be measured. In setting boundaries of land parcels on systematic land registration and sporadic land registration efforts are made to determine boundaries based on the agreement of the parties concerned (the contradictory principle). Placement of boundary markers and including their maintenance must be done by the holder of the relevant land rights.

After the data collected, Committee A identifies the evidence of ownership or control of land with the reality of ownership, use of land, then Committee A draws conclusions through the head of the land measurement and registration section. Based on the conclusion of the section of land measurement and registration section, a plot of land is announced at the Land and Village Office where the relevant land object is located for 60 (sixty) consecutive days. If between the 60 days there is a rebuttal to the object of land to be registered, the BPN will not issue a certificate because the rebuttal is a land dispute that must be resolved by family consensus or through a court decision. Conversely, if during the 60 day announcement there is no objection, the BPN will issue a land certificate.

Before issuing a certificate, the Land Office shall make a draft, type and bind the land book and the land certificate to be issued. After making the concept, typing and binding are handed over to the section head of the land right and the registration of the land to be corrected, after the correction is made, the last thing is the signature of the head of the Land office where the relevant land object is located.

In the process of registering land for the first time, the period from the time the applicant first registers to completion is 98 days. However, in field practice the period from the first time the applicant registers up to the applicant's certificate is 6 months - 1 year. After the certificate is complete, the applicant will receive notification from the relevant Land office through the village office or a letter addressed directly to the applicant's address so that the applicant can immediately receive the certificate after showing proof of payment at Counter IV, namely the delivery of the certificate.

Based on the set of procedures, it is clear that it is very important before the measurements are made first that the boundaries of the land to be measured are determined, or the measurement of a piece of land must meet the Contradictoire Delimitatie principle. If the Delimitatie Contradictoire Principle is not carried out, then all continuation of the land registration process will not proceed. The measurement process cannot be carried out, as well as the making of maps and bookkeeping of land, especially the granting of letters of proof of rights will certainly not be allowed, it is based on Interview with Land Infrastructure Subsection (Robi Permana, S.SiT).

Delimitatie Contradictoire Principle is Determination of boundary location conducted by landowners with landowners bordering on contradictions known as Contradictoire Delimitatie principle. Contradictory determination of boundaries is an agreement made legally valid as a law for those who make it (1338 BW).

This agreement involves all parties, each must fulfill the obligation to maintain the location of the boundary of the plot of land. Each agreement applies a principle, called the principle of consensuality from the origin of the word consensus means to agree. The principle of consensuality (1320 Civil Code) means that an agreement has been born since the moment of reaching an agreement, the agreement is valid if an agreement has been made that can be proven formally.

Proof of the Delimitatie Contradictoire Principle, evidenced by a Statement signed by the owner of the land and the owner of the land that borders and by the Head of the Village / Kelurahan. At the same time, the contradictions of the dilimitation must also be agreed upon and in the data in the 201 one-page Entry List (the contents of the legal code in the land office), the agreement letter and data evidence 201 (both of these written evidences) become the conditions for submitting measurements or determination of the boundary of the said plot of land to the Land Office. The Land Office will not accept a request for measurement if the boundary markers installed do not meet the Delimitatie Contradictoire principle. So that the Land Office Measuring Officer can only take measurements after Delimitatie's Contradictoire principle is fulfilled. If at the time of installation a temporary boundary marking is required, then the measurement does not have to be carried out by the Land Office measurement officer. Temporary measurements and the installation of temporary measurement limits can be done by private measurement officers or local district office measurement officers. If the boundary landowners do not obtain an agreement with the actual location of a boundary even though mediation has been carried out, the boundary determination must be submitted to the Judge, through the application for the determination of the boundary mark.

Land area boundary size data is recorded in the field in the Measure Drawings, the data must be kept at the Land Office for all time as long as the land parcels are still present, if later on the data is needed, then the data can be used for reconstruction of land parcels if they are lost. Landowners and adjacent landowners can attend to witness measurements and sign the Measurement Drawings by making a statement that the boundary marking at the time of measurement or determination of boundaries does not change as stated in the contradictory Statement previously bound.

With the adoption of the Contradictoire Delimitatie principle as an initial step in the measurement process, each landowner must first put up land boundary signs in accordance with the agreement of the parties bordering his land. These boundary signs must be adjusted and meet the requirements according to Regulation of the Minister of

Agrarian Republic of Indonesia Number 3 of 1997, concerning the signs of land rights limit in Article 21 that:

"Boundary signs are posted on every corner of the land boundary, if deemed necessary by the officer carrying out the measurements also at certain points along the boundary line of the land parcels."

Detailed provisions are explained in Article 22 regarding land boundaries for certain parcels of land. With the fulfillment of the boundary markings which are installed on the actual boundary, the Land Office will bring up the land area based on the measurement results whose boundaries are in accordance with the Delimitatie Contradictoire principle agreement. For making the registration map, the applicant's name, field identification number, and appropriate land area will be raised in the field. This registration map is then included in the Measurement Letter which is then used as part of the land certificate.

When the measurement officer is about to make a measurement, the parties that border and the applicant must be present and show the boundaries of the land while putting up the boundary markers at the agreed boundary. The size of the boundary markings is in accordance with the Minister of Home Affairs Regulation Number 3 of 1997. After this boundary measurement and adjustment activity, the border parties will sign the registration form, which is the measuring sheet (veldwerk), 201 page one entry page, wide different statement letter, and the minutes of measurement as proof that the Contradictoire Delimitatie principle is fulfilled when setting boundaries and measurements. Furthermore, the measuring officer will draw the results of the measurement and pour it on the measurement letter on the plot of land in accordance with the location, boundaries and area of the land that has been measured.

In practice, the Delimitatie Contradictoire Contradictory principle is often not implemented as it should be because there is no agreement on the boundaries of land to be registered. However, based on the provisions of Article 19 of Government Regulation Number 24 of 1997 that in the determination of the boundary of land parcels as meant there is no agreement obtained between the holder of the relevant land rights and the holder of the adjacent land rights, then the measurement of the plot of land is temporarily carried out based on the boundaries which in reality makes the boundaries of the relevant land parcels

**B. Factors that hinder the application of the Delimitatie Contradictoire Principle in sporadic land registration based on PP No. 24 of 1997 in Demak Regency**

Control over a parcel of land is also one of the factors that inhibits the application of the Delimitatie Contradictoire Principle, where disagreements occur over the boundaries of parcels. In this case each party considers the boundary shown is the most correct information.

In the case of land disputes, data on land registration then becomes very important because the land registration that is held provides guarantees of legal certainty because

it will produce letters of proof of rights that are valid as a strong proof, as stated in article 19 paragraph (2) letters c, article 23 paragraph (2), article 32 paragraph (2) and article 38 paragraph (2) of the Basic Agrarian Law.

Article 19 paragraph (2) letter c which states that:  
"The granting of letters of evidence of rights, which acts as a strong proof."

Article 23 paragraph (2) which says that:  
"Registration included in paragraph (1) is a strong proof of the abolition of ownership rights and the validity of the transfer and imposition of these rights."

Article 32 paragraph (2) which says that:  
"The registration referred to in this paragraph marks a strong evidentiary instrument regarding the transfer and the abolition of the right to use the business, except in that right it is deleted because the time period is over."

Article 38 paragraph (2) which says that:  
"The registration referred to in paragraph (1) is a strong means of proving the abolition of the right to build and the validity of the transfer of the right, except in that right it is deleted because the time period is over."

In order to guarantee legal certainty in the field of control and ownership of land, the certainty of the location and boundary of each parcel of land cannot be ignored. Looking at a number of cases in the past, quite a lot of land disputes have arisen as a result of the location and boundaries of parcels of land being incorrect. Therefore the problem of measurement and mapping and the provision of large-scale maps for the purposes of conducting land registration is an important part that needs serious and careful attention, not only in the context of collecting land tenure data but also in assessing land tenure / ownership data and storing such data.

The land registration data obtained from the Office of the National Land Agency in Demak Regency in 2018 are as follows:

**Table. 1 Register for 2017**

No	Types of Measurement Services	Number of Fields
1	Cadastral Measurement and Mapping	3,525
2	Remasurement and Mapping of Cadastral Certificates as Replacement for Old Stamps	382
3	First Land Registration Recognition / Affirmation of Rights	1,639
4	Field Split	4,114
5	Field Merge	40
6	First Land Registration Waqf For Land That Has Not Been Certified As Indigenous Land	1
7	Limit Returns	35
8	Complete Systematic Land Registration	21,500
	amount	32,236

Source: Data from the Land Infrastructure Section of BPN District, Demak

**Table 2 Register for Registration in 2018**

No	Types of Measurement Services	Number of Fields
1	Cadastral Measurement and Mapping	2,086
2	Remasurement and Mapping of Cadastral Certificates as Replacement for Old Stamps	367
3	First Land Registration Recognition / Affirmation of Rights	478
4	Field Split	3,074
5	Field Merge	58
6	First Land Registration Waqf For Land That Has Not Been Certified As Indigenous Land	28
7	Limit Returns	55
8	Complete Systematic Land Registration	53,080

The table above is the land registration data obtained from the National Land Agency of Demak Regency which shows land registration data from 2017 to 2018. Based on these data it can be seen that in 2017 the number of registrations is very high, whereas in 2018 the number of each type of land registration registered an increase. With the large number of land registrations, the application of the Delimitatie Contradictoire principle must really be carried out in order to anticipate future boundary disputes.

As for the scope of Demak Regency itself, land disputes are included, including the typology of disputes regarding Land Boundaries. The following is a sample table regarding several cases of land ownership disputes in Demak Regency.

**Table 3 Land Border Disputes and ownership rights**

NO	NAME OF THE PARTIES	LAND OBJECT	DISPUTES	DISPUTING TYPOLOGY	RESULTS
1	Haji Roni Sudiryo with soni Darsono, SH	HM.10556 / Batursari kec. Manggen, Kab. Demak	Application for clarification / mediation of land with building SHM.10556 an. Sony Darsono, SH / HM No.11424	Land ownership and ownership disputes	Done with legal channels
2	Ferianto with Marjanah and Drs. Afidhori (kades)	HM.671 / Rejosari kec. Mjen, Kab. Demak	Border dispute HM.671 / Rejosari, kec. Mjen	Border Disputes	Done with the peace agreement
3	Sutrisno, A.Ag. SH, Msi Advocate and his assistant the power of Nurhan alias Noerhan with salim bin Yajari KH. Nasosha	HM.44 Area of 808 square meters of Bonang rejo village, Bonang sub-district, Demak district	land boundary dispute between nurhan and salim bin yajari's land which has been sold to KH. Nasosha then felt that the nursery land was reduced, so that it was not in accordance with HM.44 / Bonangrejo certificate	Border Disputes	finished

(Source: Data from the BPN Land Dispute Section, Demak Regency)

The table above shows several cases regarding land and ownership boundary disputes in the Demak Regency BPN Office. The dispute was caused by the lack of public awareness in maintaining boundaries of land parcels. On the other hand the land certification from the previous table also shows that it is still inclined to the demand program, while the sporadic registration of the community itself is still not very much, even though land administration programs such as prona, PTSL and educational projects are relatively successful in achieving their objectives.

Land disputes that have occurred so far based on interviews are explained by the interviewees that this land dispute has broad dimensions, then the National Land Agency as an authorized institution, regulates land issues, states in the Head of Indonesian Republic National Land Agency Regulation No. 3/2006 concerning Organization

and Work Procedure The Indonesian Republic National Land Agency, gives a more technical meaning to the definition of land disputes, which includes:

1. Juridical Disputes which include:
  - a. Tenure disputes which include land rights that have not yet been clung to;
  - b. Ownership disputes involving land that has been clung to by a right.
2. Physical Disputes are divided into two namely;
  - a. Disputes over boundaries and locations, and land parcels
  - b. Border dispute

The meaning and value of such land which is strategic and special encourage each individual to own, maintain and care for their land properly. The causes in the case of land boundary disputes that occurred in several districts of Demak include the following:

1. The parties concerned are not present in the determination of the boundary markings. Neither the applicant nor the owner of the adjacent land can be present at the time of the determination of the mark of the land boundary, this hinders the measurement process thereby slowing the completion of the land registration. The absence of the border parties can be caused by several things, among others, the parties that border at the time of setting the boundaries are outside the district / city even family or representatives cannot follow the boundary setting. But the absence of the party concerned did not immediately close the course of the measurement process, but the measurement officer of the BPN asked the applicant to invite witnesses from the local village government (Kelurahan or Kecamatan) to attend to witness the measurement process as well as a witness who confirmed that the land was correct the applicant's ownership and so does the adjacent boundary position
2. Land is not fitted with Stakes / Limits Lack of community awareness to maintain boundary markers or parcels of land owned by them has resulted in difficulty measuring officers because the boundaries of the land are unclear, this makes it difficult in measurement and mapping. In addition, as explained at the outset that no boundary markers are maintained can also result in the recognition of other parties regarding the ownership of the land so that this will result in a dispute.
3. The Acts of Persons
 

In this case several elements often cause the implementation of the Contradictoire Delimitatie principle to not be implemented correctly where the parties, among others, the measurement officers together with the local village apparatuses work together in adding information on the applicant's land boundaries which causes overlapping land parcels
5. Technical issues where the map of village land registration is incomplete at the Demak District Land Office. The incomplete map of village land



registration in the BPN office also impedes the implementation of the Delimitatie Contradictoire principle. This land registration map is very necessary because it becomes a reference for carrying out the measurement process. 4. Lack of socialization or guidelines regarding technical land registration. Socialization and guidance to the local government as well as technical knowledge are very important in supporting the implementation of the Delimitatie Contradictoire principle. In addition to the local government, it is also important for residents or anyone who wishes to register land to install and maintain boundaries or peg their respective parcels.

While in general regarding land disputes, the matters that have resulted in land disputes in the last 2 years are:

1. There are overlapping decisions issued by state institutions with an interest in ownership of land rights.
2. The discovery of a double certificate when staring at the same soil object.
3. There is a boundary dispute when measuring land parcels with adjacent land boundaries.
4. And rob natural disasters that cause damage to proof of ownership of land rights and the sinking of land after a disaster.
5. And the most complex thing is not to use the existing land registration map in the land office in the process of measuring parcels of land.
6. Not infrequently also found dishonesty of village officials and petitioners in this case the landowner in providing information to BPN is a major factor. Those are some small things that cause land disputes and multiple certificates which of course there are still many other things that can cause land disputes

Other external factors are:

1. The community still does not know enough about the laws and regulations regarding land, especially regarding the procedure for making land certificates.
2. Community awareness to install and maintain border signs is lacking because the border neighbors are still their own families so there is no need to post boundaries.
3. Community awareness to install and maintain the boundary markings is lacking because the boundary neighbors are still their own families so there is no need to post boundaries.

The need for shelter and development results in an increase in the need for land while the availability of land is very limited so that it encourages the transition of land functions from agricultural land to non-agricultural land, this causes land prices to surge.

### *C. The efforts made in implementing the Delimitatie Contradictoire Principle in sporadic land registration based on PP No. 24 of 1997 in Demak Regency*

Delimitatie Contradictoire Principle or Delimitation Contradictory is a norm used in Land Registration by requiring land rights holders to pay attention to the placement, determination and maintenance of land boundaries in contradictions or based on the agreement and agreement of the parties concerned, in this case the land owner. which borders the land it owns.

In the implementation of the principle of contradictory dilimitation, the installation of boundary markings on land rights must be witnessed by officials or officials who know or have data on who owns the bordering land. The Land Office does not have data on land owners who share borders if the land is not yet registered, because the service is administrative in nature and only records land rights that have been registered through the land registration system.

Data of landowners who have not been registered at the land office, so the data that borders one owner to another owner, is only in the possession of the local Village / Kelurahan Head. Therefore the implementation of the Delimitatie Contradictoire principle must be witnessed by village / kelurahan officials. For legal guarantees and legal certainty, in setting boundaries it should be with an official peg (preferably an official peg from the local land office or kelurahan / kecamatan).

Proof of the Delimitatie Contradictoire Principle, evidenced by a Statement signed by the owner of the land and the owner of the land that borders and by the Head of the Village / Kelurahan. At the same time, the contradictions of the dilimitation must also be agreed upon and in the data in the 201 one-page Entry List (the contents of the legacy code at the land office), the agreement letter and the data evidence 201 (both of these written evidences) become the conditions for submitting measurements or determination of the boundary of the said plot of land to the Land Office. The Land Office will not accept a request for measurement if the boundary markers installed do not meet the Delimitatie Contradictoire principle. So that the Land Office Measuring Officer can thus only take measurements after the principle of contradictory dilimitation is fulfilled. If at the time of installation a temporary boundary marking is required, then the measurement does not have to be carried out by the Land Office measurement officer. Temporary measurements and the installation of temporary measurement limits can be done by private measurement officers or local district office measurement officers.

If the boundary landowners do not obtain an agreement with the actual location of a boundary even though mediation has been carried out, the boundary determination must be submitted to the Judge, through the application for the determination of the boundary mark. Article 14 to Article 19 PP No. 24 of 1997 explained that to provide legal certainty and protection to the right holders, legal certainty was established in advance over

the object of the land rights, through the determination of land parcels. Determination of physical data or determination of ownership limits for plots of land is regulated in Article 17 PP 24 of 1997, based on the agreement of the parties. If there is no agreement then a temporary limit is determined, by the land office, based on the request of the right holder, regulated in Article 19 PP 24 of 1997.

Provisions regarding this principle are contained in the Government Regulation (PP) Number 24 of 1997 concerning Land Registration in Articles 17, 18 and 19:

#### Article 17

- 1) To obtain the physical data needed for land registration, the plots of land to be mapped are measured, after their location has been determined, the boundaries and according to their needs are placed markings in each corner of the relevant parcels.
- 2) In setting the boundaries of land parcels on land registration systematically and sporadic land registration efforts are made to determine boundaries based on the agreement of the parties concerned.
- 3) Placement of boundary signs including their maintenance must be carried out by the holder of the relevant land rights.
- 4) The shape, size and technique for the placement of boundary markers shall be determined by the Minister.

#### Article 18

- 1) Determination of land parcels that are already owned by a right that has not been registered or that have been registered but that there is no letter of measurement / picture of the situation or letter of measurement / picture of the existing situation no longer in accordance with the actual situation, carried out by the Adjudication Committee in registering land systematically or by the Head of the Land Office in sporadic land registration, based on the designation of boundaries by the relevant land rights holders and as far as possible agreed by the holders of adjacent land rights.
- 2) Determination of land parcels to be granted with new rights shall be carried out in accordance with the provisions referred to in paragraph (1) or upon the appointment of the competent authority.
- 3) In determining the boundaries of parcels of land, the Adjudication Committee or the Head of the Land Office shall pay attention to the boundaries of parcels or parcels of land that have been registered and the measuring letters or pictures of the relevant situation.
- 4) Approval as referred to in paragraph (1) and paragraph (2) is stated in an official report signed by those who give approval.

- 5) The form of minutes as referred to in paragraph (4) shall be determined by the Minister

#### Article 19

- 1) If in the determination of the boundary of the plot of land as referred to in Article 18 paragraph (1) no agreement is obtained between the holder of the relevant land rights and the holder of the adjacent land rights, the measurement of the plot of land is temporarily made based on the boundaries which in fact constitute the boundaries of the plots concerned.
- 2) If at the time specified by the relevant land rights holders or the holders of the adjacent land rights are not present after the summons is made, the measurement of the parcels of land is temporarily carried out in accordance with the provisions referred to in paragraph (1).
- 3) The Chair of the Adjudication Committee in systematic land registration or the Head of the Land Office in sporadic land registration make the minutes regarding the interim measurements as referred to in paragraph (1) and paragraph (2), including regarding the boundary density or absence of the right-holder not yet obtained. land in question.
- 4) In the measurement picture as the result of provisional measurement as referred to in paragraph (3) a note or sign shall be affixed indicating that the boundaries of the said plot of land are only temporary limits.
- 5) In the case that an agreement has been reached through deliberation regarding the intended boundaries or certainty based on the decision of the Court that has obtained permanent legal force, adjustments are made to the data available on the relevant registration map

Data on the size of the boundaries of land parcels recorded in the field in Figure Measure these data must be kept at the Land Office for all time as long as the parcels are still present, later on the data must be able to be used for the reconstruction of the location of land parcels if lost. Landowners and boundary landowners who can attend witness the measurement sign the Measurement Image, DI 201 page one, and the official minutes of measurement by making a statement that the boundary marking at the time of measurement or determination of boundaries does not change as stated in the contradictory Statement.

### III. CONCLUSION

From the description above, the conclusions can be drawn as follows:



1. Implementation of Government Regulation Number 24 of 1997 concerning Land Registration Article 19 to Article 23 concerning the Application of the Contradictoire Delimitatie principle in setting boundaries in the land registration process in Demak Regency has not yet proceeded as it should. Because the application of the Contradictoire Delimitatie principle should be carried out before the measurement officer takes measurements, but in reality the implementation of the boundary determination is still waiting for the measurement officer from the BPN under the pretext of stability with the parties that are present and showing the boundaries of the land and at the same time putting up boundary signs at the agreed limit when measuring the land. After that, the parties that sign the registration form, the measuring sheet, the first 201 pages, and the official minutes of measurement as proof that the Delimitatie Contradictoire principle is fulfilled when setting boundaries and measurements.
2. Factors that hinder the application of the Delimitatie Contradictoire principle in the determination of boundaries in the land registration process include land boundaries disputes, land not fitted with stakes, so that the land boundaries are unclear, this makes it difficult for measurement officers from BPN in measurement and mapping, both the applicant and the owner of the adjacent land cannot be present at the time of the determination of the land boundary, this hinders the measurement so that it slows down the completion of the land registration. The way to overcome this is to notify all interested parties to be present in the settlement of boundary disputes deliberately and through the court, installation of markers for land boundaries, postpone the determination of boundaries or with a power of attorney.
3. Efforts made in the application of the Delimitatie Contradictoire Principle in sporadic land registration based on PP No. 24 of 1997 in Demak District can be carried out well if in the implementation of the installation and determination of boundaries carried out before the measurement by the BPN measurement officers come, and with all parties can be present including the village apparatus and the parties the applicant and the respondent.

#### REFERENCES

- [1]. Sutedi, Adrian. 2006. Transfer of Land Rights and Registration, Sinar Grafika, Jakarta.
- [2]. Harsono, Boedi. Indonesian Agrarian Law: History of the Establishment of the Basic Agrarian Law, Contents and Implementation, Volume 1, National Land Law. Jakarta: Djambat, Revised Edition 1999.
- [3]. Mudjiono, 1992. Agrarian Law, Liberty, Jogjakarta.
- [4]. Ali Achmad. 2002. Land Law. Land Law Series I. Granting of Land Rights. Land Law Series II. Certificates and Problems. Literature Achievement. Jakarta
- [5]. Effendi Perangin, 1994 Agrarian Law in Indonesia, Raja Grafindo Persada, Jakarta.
- [6]. Eko Yulian Isnur. 2009 Procedures for Managing Land and Land Letters, Yusticia Library, Jakarta.
- [7]. Urip Santoso ,. 2005. Agrarian Law and Land Rights. Prenada Media. Jakarta.
- [8]. A.P Protection. 1998. Right of Comment on Basic Agrarian Law.Mandar Maju. Bandung
- [9]. Andika Rahman, Contradictoire Delimitatie "A handful of consensus spirit in the midst of the Wave of Agrarian Transformation", accessed via <http://ndikarahman.nlogspot.com/2012/02/contradiktire-delimitatie-segangani.html> on Wednesday 24 October 2018 at 20.25 WIB.
- [10]. Tjahyo Ariyanto, Location of the Boundary of Land with Legal Strength, Accessed via <http://hukumpertanahansurveikadastral.blogspot.com/2011/07/tinggal-batas-bidang-tanah-yang-meng.html> On Thursday, October 25, 2018 WIB.
- [11]. Code of Civil law.
- [12]. Republic of Indonesia, Law No. 5 of 1960 concerning Basic Rules of Agrarian Principles.
- [13]. Republic of Indonesia, Government Regulation Number 24 of 1997 concerning Land Registration.
- [14]. Republic of Indonesia, Regulation of the Minister of Agrarian Affairs / Head of National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration.
- [15]. Republic of Indonesia Presidential Regulation Number 10 of 2006 concerning the National Land Agency