Journal of Social Research
P-ISSN: 2827-9832
E-ISSN: 2828-335x
http://ijsr.internationaljournallabs.com/index.php/ijsr

LAND RIGHTS IN THE LAND LAW SYSTEM IN INDONESIA ACCORDING TO THE BASIC AGRARIAN LAW NUMBER 5 OF 1960

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ABSTRACT

Law No. 5 of 1960. This law explains that land law in Indonesia is Unofficial. This means that all issues, status, and legal basis of land in Indonesia must refer to UUPA No. 5 of 1960. Actually, this UUPA is a land nationalization project in Indonesia. So that land is properly owned and enjoyed by Indonesian citizens so that foreign nationals do not have the right to land in Indonesia except Hak Pakai. This control is not meant to be Hak Milik, but the state controls land in the sense that the State is given the right to manage land in Indonesia for the prosperity of the Indonesian people themselves. There is recognition of customary law rights, especially in the land sector which is famous for the existence of Customary Rights. The UUPA itself provides recognition of Customary Land Rights. The concept of customary rights is in line with Article 6 of the UUPA that land must have a social function. This means that the function of land is not only for personal interests, but more importantly for the benefit of the wider community or for the common good. Individual rights to land also receive recognition from the UUPA such as Hak Milik (HM), Hak Guna Usaha (HGU), Hak Guna Bangunan (HGB), Hak Pakai (HP), Waqf and Land Security Rights. So it is clear that the Indonesian land law system is indeed based on the noble values of the Indonesian nation itself such as togetherness, justice, prosperity and kinship in land control and utilization while adhering to the principle that land must have a social function.

Keywords: *Agrarian Law, Agrarian Law System, Law No. 5 of 1960 concerning Agrarian Principles*

INTRODUCTION

With the enactment of the Basic Agrarian Law (Law Number 5 of 1960), the land tenure and management system in Indonesia has undergone significant changes (Krismantoro, 2020). Where land use is more emphasized for the realization of prosperity and happiness of the Indonesian people (Rahman et al., 2021). Land is no longer owned by only a few people but belongs to the Indonesian nation (Drewes, 1968). Land must have a social function for all Indonesian people, meaning that land tenure is more about common interests than personal interests. So that finally the Unification of Land Law in Indonesia was realized with the promulgation of the UUPA along with the Implementing Regulations and other related regulations.

The basis for consideration of the promulgation of the UUPA are: first; that in the Republic of Indonesia whose people's life structure, including the economy, is mainly agrarian, earth, water, and space as gifts of God Almighty have a very important function to build a just and prosperous society, secondly; that the agrarian law in force before the UUPA was partly composed of the aims and joints of the colonial government and partly influenced by it, thus contradicting the interests of the people and the state in completing the present national revolution and universal development, third; that before the enactment of the UUPA agrarian law was dualism, with the enactment of customary law in addition to the establishment of western law, and fourthly; that for indigenous Indonesians, colonial agrarian law does not guarantee legal certainty.

The purpose of this study is to examine and analyze more deeply how the land law system in Indonesia after the promulgation of the Basic Agrarian Law No.5 / Year 1960 it has provided welfare, justice, and happiness for the Indonesian people in particular. And whether the social function of land has really been realized.

METHOD

This research uses normative legal research methods, by conducting a literature study approach method, also equipped with an analysis of laws and regulations related to the testament of common property objects, as well as reviewing several literatures, research results related to writing topics, opinions of competent experts and several scientific journals. Furthermore, the collected data is processed, analyzed qualitatively, and described descriptively.

RESULTS AND DISCUSSION

Land Law in Indonesia Agrarian and Land

The notion of agrarianism can be seen in a narrow and broad sense. In a narrow sense, agrarianism can be interpreted as land and can also be interpreted only as agricultural land. Furthermore, the definition of agrarian in a broad sense can be seen in Law No. 5 / Year 1960 concerning Basic Regulations on Agrarian Principles (better known as the Basic Agrarian Law or abbreviated as UUPA). According to UUPA agrarian includes earth, water and space, including the natural wealth contained therein. The UUPA specifies that in the sense of the earth, in addition to the surface of the earth, it includes the body of the earth, below it and under water (Article 1 paragraph 4). The definition of water includes inland waters and seas of Indonesian territory (Article 1 paragraph 5), which includes space covering space above the earth and water (Sitorus & Sierrad, 2006).

Understanding land carries broad implications in the field of land. According to Herman Soesangobeng, philosophically customary law sees land as a soulless object that must not be separated from human association. Land and man, although different in form and identity, are a unity that influences each other in the interweaving of the eternal arrangement of the great natural system (macro-cosmos) and small nature (micro-cosmos). In that land is widely understood so that it includes earth, water, air, natural resources, and humans as the center, as well as spirits in the supernatural realm that are fully and thoroughly intertwined.

The definition of agrarian law is the overall legal norms both written and unwritten that regulate legal relations between legal subjects in the agrarian field. Agrarian law is actually a group of various fields of law, each of which has the rights to control natural resources. The group consists of:

1. Land Law: Regulates the rights of tenure over land in the sense of the earth's surface.
2. Water Law: Regulates the rights to control water resources.
3. Mining Law: Regulates the right of control rights over excavated materials as referred to by the Basic Mining Law.
4. Fisheries Law: Regulates the rights of control over the wealth that
contained in water
5. The Law of Control over Energy and Elements of Space, regulates the rights of control over energy and elements in space as referred to in Article 48 of the UUPA.

Sources of Land Law

a. Sources of Material Law

What is meant by Material Legal Sources is: several factors that can determine the content of law such as economic, religious, moral values, history, customs and social society.

b. Formal Legal Sources What is meant by formal legal sources is: legal sources in terms of their formation, in this formal legal source there are formulations of various rules which are the basis for the binding power of regulations to be obeyed by the community and law enforcers.

Written legal sources are:

a. The 1945 Constitution especially Article 33 paragraph 3
b. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA)
c. Implementing Regulations of the UUPA
d. Regulations that are not Implementing Regulations of the UUPA issued after September 24, 1960 due to a matter need to be regulated (for example: Law Number 51 / Prp / 1960 concerning the prohibition of land use without the right permit or its proxy, LN 1960-158, TLN 2160
e. The old regulations that are temporarily still in force are based on the provisions of transitional articles, which are part of positive land law, not part of national land law.

Unwritten legal sources:

f. Customary law norms that have been saneer according to the provisions of articles 5, 56 and 58 of the UUPA.
g. New customary law, including jurisprudence and administrative practices relating to land.

Principles of Land Law

In the UUPA, there are legal principles reflected in its articles, especially regarding land, Djuhaendah Hasan mentions the legal principles of land objects which are distinguished from the legal principles of non-land objects. The principles of these earthen objects include (Kolopaking & SH, 2021):

a. The principle of unification.
b. Principles of customary law
c. Principles of publicity
d. Specialist Principles

Purpose of Land Law

The purpose of Agrarian Law is in line with the objectives of the 1945 Indonesian Constitution as the legal basis for the establishment of the UUPA, namely "protecting the entire Indonesian nation, promoting the general welfare, educating the nation's life, and participating in implementing world order based on independence, lasting peace and social justice.

To achieve the objectives of the state as referred to above, in the field of agrarian affairs it is necessary to procure:

1. The unity of agrarian law that applies to all Indonesian people.
2. Simplifying agrarian law, and eliminating dualism.
3. Provide legal certainty guarantees of what is the right of all Indonesian people.

On the basis of the above, in the Basic Regulation of National Agrarian Principles, namely Law Number 5 of 1960, the main objectives of the establishment of the UUPA were formulated as follows:

a. Laying the foundations in the preparation of the National Agrarian Law which is a tool to bring prosperity, happiness and justice to the country and the people, especially the peasants in order to realize a just and prosperous society.
b. Lay the foundations for unity and simplicity in land law.
c. Lay the foundations for providing legal certainty regarding land rights for the people as a whole.

Land Tenure Rights

The right to control is a form of legal relationship over real control of an object to be used or utilized for its own interests. In terms of the right to control means the function of physical supervision (control) of the objects he controls. One of the principles of the right to control is the power to defend its rights against those who seek to grace it (Soerodjo, 2014).

In the National Land Law (Agrarian Law) several types of land tenure rights are known hierarchically as follows:

Rights of the Indonesian Nation

That land becomes the right of the Indonesian nation is stated in Article 1 paragraphs 1 to 3 of the UUPA which reads as follows:

a. The entire territory of Indonesia is the unitary homeland of all Indonesian people, who are united as the Indonesian Nation.
b. The entire earth, water and space, including the natural wealth contained therein in the territory of the Republic of Indonesia as a gift of God Almighty, is the earth, water and space of the Indonesian nation and is a national treasure.
c. The legal relationship between the Indonesian nation and earth, water and space included in paragraph 2 of this article is an eternal relationship.

Hak Bangsa is a designation given by land law scholars to legal institutions and concrete legal relations with the earth, water and space of Indonesia, including the natural resources contained therein, which is referred to in Article 1 paragraphs 2 and 3 above. UUPA itself does not give a specific name. This right is the highest land tenure right in the National Land Law. Other land tenure rights, directly or indirectly derived from it. The Right of the Nation contains 2 elements, namely the element of ownership and the element of authority to regulate and lead the control and use of the common land it has. The Nation's right to common land is not a property right in the juridical sense. So in the framework of National Rights there are individual property rights over land. The task of authority to regulate control and lead the use of the common land is delegated to the State. That the Right of the Nation includes land that is within the territory of the Republic of Indonesia and automatically becomes the Subject of the Right of the Nation of all Indonesian people throughout the ages who are united as the Indonesian Nation, namely the previous, present and future generations.

When was the creation of the Right of the Nation? The common land is the gift of God Almighty to the people of Indonesia who have united as the Indonesian Nation. The right of the nation as a legal institution and as a concrete legal relationship is an inseparable whole. The

right of the nation as a legal institution is created when concrete legal relations with land as a gift of God Almighty to the people of Indonesia. The Right of the Nation is an eternal legal relationship that means: "as long as the Indonesian people who are united as the Indonesian Nation still exist and as long as the earth, water and space of Indonesia still exist, under any circumstances, no power will be able to sever or negate the legal relationship."

The Right to Control from the State

Regarding the Right to Control of the State, it is contained in the provisions of Article 2 of the UUPA which states as follows:

a. On the basis of the provisions of Article 33 paragraph (3) of the Constitution and matters as referred to in Article 1 of the Law. Earth, water, space, including the natural wealth contained therein, are at the highest level controlled by the State as an organization of power of all people.

b. The right of control of the state in paragraph

(1) This article authorizes to:

1) Regulate and administer the allocation, use, supply and use of the earth, water and space.
2) Determine and regulate the legal relationships between people and earth, water and space
3) Determine and regulate legal relations between persons and legal deeds concerning earth, water and space.

c. The authority derived from the right to control from the State in paragraph (2) of this article, is used to achieve the greatest prosperity of the people, in the sense of nationality, welfare and independence in society and the legal state of the Republic of Indonesia which is independent, sovereign, just and prosperous

d. The right of control of the state above its implementation can be authorized to Swatantra areas and Customary Law communities, only necessary and not contrary to the national interest, according to the provisions of the Government Regulation.

Customary Rights of Indigenous Peoples

The term Hak Ulayat is used in Indonesian positive law, for example in the Explanation of Article 3 of the UUPA and Permeneg Agraria/ Head of BPN No.5/1999 concerning Guidelines for Solving Customary Rights Problems of Customary Law Peoples (Boedi Harsono, 2006: 53-59). Supomo uses the term lordship rights. The term Hak Ulayat or Hak Pertuanan and other similar terms are translations of Van Vollenhoven's Dutch term beschikkingrecht. Where is the Customary Right governed? The legal basis for regulating customary rights is: In the current reform era, the existence of customary rights of indigenous peoples has received explicit recognition from the State, the recognition is contained in Article 18B paragraph (2) of the 1945 Constitution which reads:

"The State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia stipulated in the Law"

As described above, Hak Ulayat is the name given by jurists to legal institutions and concrete legal relations between customary law communities and their lands and territories, called customary land. In customary law language what is known is the designation of the land. In the Dutch-language library of Customary Law, following its naming by Van Vallenhoven, the institution is called "beschikkingsrecht". Customary rights are a series of powers and obligations of a customary law community, relating to land located within its territory. Hak Ulayat contains 2 elements, namely: the element of property which belongs to the field of civil law and the element of the duty of authority to regulate the control and lead the use of common land, which belongs to the field of public law. The element of authority that includes the field of public law is delegated to the Customary Head alone or together with the Customary elders of the customary law community concerned.

Individual Rights consist of:

Land Rights (Article 4) Land rights are primary: Primary land rights are land rights derived from state land consisting of: Property Rights, Business Use Rights, Building Use Rights on state land and Use Rights on state land. Secondary land rights: Secondary land rights come from land controlled by other parties, including Right to Build (HGB) on land Right of Management or HaB land Right of Ownership, Right of Use on Management Land or Right of Use on Right of Ownership land, Right of Rent for Building, Pawn Rights (land lien). Production Sharing Business Rights (profit sharing agreements), Boarding Rights and Agricultural Land Lease Rights.

Endowments

The regulation of land waqf Hak Milik is in Article 49 paragraph 3 of UUPA jo PP Number 28 of 1977 concerning Land Wakafan Ownership. Then this Government Regulation was implemented with the Regulation of the Minister of Home Affairs Number 6 of 1977 concerning Procedures for Land Registration concerning Land Ownership Wakafan. What is meant by Waqf is: legal acts of a person or legal entity that separates part of his property in the form of owned land and institutionalizes it forever for the benefit of worship or other public purposes in accordance with the teachings of Islam (Article 1 paragraph 1 PP Number 28 of 1977).

Rights of Dependents

Land security rights in national land law are known as Hak Dependan. In the UUPA, that can be charged with the Right of Dependents are: Property Rights (Article 25), Business Use Rights (Article 33), and Building Use Rights (Article 39). Then in Article 51 of the UUPA, it has been stated that the Rights of Dependents are further regulated by law. The laws governing the Right of Dependents are: Law Number 4 of 1996 concerning the Right of Dependents on Land and objects related to land. What is meant by Right of Liability is the Right of Guarantee imposed on the right to land as referred to in Law Number 5 of 1960 concerning the Regulation of the Basics of Agrarian Principles, along with or not along with other objects that are an integral part of the land, for the repayment of certain debts to other creditors (Article 1 paragraph 1 of Law number 4 of 1996).

Ownership Rights of Flats

Regarding Ownership Rights over Flats units which are implicitly regulated in Article 4 paragraph 1 of the UUPA, namely the granting of land rights can be given to a group of people, either individually or jointly with other people and legal entities. Land rights that can be jointly owned or controlled by all apartment unit owners can be in the form of Property Rights, Building Use Rights, and or Use Rights on State land. The provisions that adhere to flats are Law Number 20 of 2011 concerning Flats.

Land Rights According to UUPA (Law No. 5 / Year 1960) Property Rights

Property rights are hereditary, strongest and fulfilled rights that people can have over land (Article 20 of the UUPA). This means that Property Rights have 3T properties (hereditary, strongest and fulfilled). Hereditary means that the right to the land continues even though the person who has the Right of Ownership dies and continues to his heirs as long as he still meets the requirements as Hak Milik. Strongest means that the title to this land lasts for an indefinite period of time and can be juridically defended against other parties. Furthermore, the meaning fulfilled in Hak Milik means that the holder of the Right of Property has broad authority, namely the holder of the Right of Property can transfer, pledge, lease and even hand over the use of the land to other parties by granting rights to new land (Right to Build or Right to Use).

The extent of authority granted by law to the holder of the Right of Ownership as mentioned above, does not mean that the holder of the Right of Ownership can do anything or without limit on the use of the land. Even though the land has the status of Hak Milik, the holder of Hak Milik is restricted within a corridor of the applicable rules where the right holder must pay attention to the social function of the land as mandated in Article 6 of the Basic Agrarian Law which means: (Soerodjo, 2014)

a. In the activity of land use or utilization must not cause harm to others.
b. Land use must be adjusted to the designation that has been determined in accordance with the spatial plan.
c. The use or utilization of land must pay attention to public interests in addition to private interests.
d. Land used or utilized must be maintained properly and prevent soil damage.
e. The land used must not be abandoned so as to cause losses to the land, both in terms of fertility, use and benefit of the land.

When is the abolition of land ownership? The abolition of property rights over land has been regulated in Article 27 of the UUPA which states that property rights over land are abolished and result in the land falling to the State, namely:

a. Due to the deprivation of land rights under Article 8
b. Due to voluntary surrender by the owner
c. Because of abandonment
d. Because of the provisions as stipulated in Article 21 paragraph 3, namely because the subject of his rights does not qualify as a subject of Ownership Rights over land and Article 26 paragraph 2, namely: because of the transfer of rights that results in his land transferring to another party does not qualify as a subject of Ownership Rights over land.

1. Business Use Rights (HGU)

Right to Cultivate is the right to cultivate land directly controlled by the State, within the period specified in Article 29, for agricultural, fisheries, or livestock companies (Article 28 paragraph 1). Then, Government Regulation Number 40 of 1996 added for plantation companies.

The provisions governing Business Use Rights are: Article 16 paragraph 1 letter b of the UUPA, then specifically the Right to Cultivate is regulated in Articles 28 to 34 of the UUPA, further provisions regarding Business Use Rights are regulated by Laws and Regulations (Article 50 paragraph 2). The regulation in question is Government Regulation Number 40 of 1996 concerning Business Use Rights, Building Use Rights and Land Use Rights, which then specifically regulates in Articles 2 to 18.

The land area of Right to Use for individuals is a minimum of 5 hectares and a maximum area of 25 hectares. As for legal entities, the minimum area is 5 hectares and the maximum area is determined by the National Land Agency (Article 28 paragraph 2 of UUPA jo Article 5 of Government Regulation Number 40 of 1996). The subjects in Right to Cultivate law are:

a. Indonesian Citizen
b. Legal Entity established under Indonesian law and domiciled in Indonesia (Article 30 UUPA jo Article 2 PP Number 40 of 1996).

The term of the Right to Cultivate is 25 years and for companies that require a longer period can be given a maximum of 35 years and can be extended for a maximum period of 25 years (Article 29 paragraphs 1, 2 and 3 of the Law). Then in Article 8 of PP No. 40 of 1996 regulates the period of Business Use Rights for the first time for a maximum of 35 years, can be extended for a maximum of 25 years, and renewed for a maximum of 35 years. Applications for extension or renewal of HGU shall be submitted no later than two years before the expiry of the HGU period. The extension or renewal of the HGU is recorded in the land book at the local Regency / City land office. The requirements for renewal made by the right holder are:

a. The land is still well cultivated in accordance with the circumstances, nature, and purpose of granting the right.
b. The conditions of granting such rights are well fulfilled by the right holder.
c. The right holder still qualifies as a right holder (Article 9 paragraph 1).

Obligations of Rightholders:

Businesses are:

a. Paying income to the State
b. Carry out agricultural, plantation, fishery, and/or livestock businesses in accordance with the designation and requirements as stipulated in the decision granting rights.
c. Cultivate your own HGU land properly in accordance with business feasibility based on criteria set by technical agencies.
d. Build and maintain environmental infrastructure and land facilities in the HGU environment.
e. Maintain soil fertility, prevent damage to natural resources and preserve environmental capabilities in accordance with applicable laws and regulations.
f. Submit a written report at the end of each year regarding the use of HGU
g. Handing back land granted with an HGU to the State after the HGU is abolished.

h. Submit the deleted HGU certificate to the Head of the Land Office (Article 12 paragraph 1 PP Number 40 of 1996).

2. Right to Build (HGB)

Article 35 of the UUPA explains that Right to Build (HGB) is the right to build buildings on land that is not its own within a period of 30 years. At the request of the right holder keeping in mind the needs and condition of the buildings. This period can be extended for a maximum of 20 years. HGB can be switched and transferred to other parties. The use of land owned by HGB is to build buildings, including houses, residences, office businesses, industrial shops and others.

a. Commonly-owned HGBs cannot be determined which part of the land belongs to the eligible party, and which part belongs to the non-qualified party.

b. If the HGB is not removed, there will be a condition that someone who does not meet the requirements can continue to have HGB. This situation is contrary to the UUPA.

The objects of HGB according to the provisions of Article 37 paragraph (1) of the UUPA are:

Lands:

a. State Land

b. Freehold Land

Meanwhile, the objects of HGB according to the provisions of Article 21 PP No. 40 of 1996 are:

a. Proprietary
b. Management Rights
c. State Land

Who can have HGB? Those who can have HGB based on Article 48 of the UUPA are:
Indonesian Citizen
A legal entity established under Indonesian law and domiciled in Indonesia.

The Characteristics of Building Use Rights
(HGB) is:

a. Switchable and switchable
b. Limited time period
c. Can be used as debt collateral
d. Can be released by its rights holder
e. Can occur from State Property and Land Rights

3. Right of Use

Right of Use is the right to use and/or collect proceeds from land directly controlled by the State or Hak Milik land or on Management Land. Hak Pakai gives the powers and obligations specified in the decision on the granting of rights by the competent authority or in an agreement with the owner of the land concerned that is not a lease agreement or land cultivation agreement. The meaning of the word "use" means to be able to erect buildings on the land, while the word "collect produce" means to use the land for the benefit of its rights holders, such as agriculture, animal husbandry, fisheries or plantations.

The authority contained in the Right of Use mentioned above, illustrates that the Right of Use seems to be almost the same or resembles other types of land rights such as Right of Ownership, Right to Build or Right to Use because it gives the authority to build buildings or take the results of utilization of the land. In addition, the Right to Use can also be registered, so that it has proof of rights in the form of a certificate. Another similarity is that Right of Use is also the same as Right of Ownership, Right to Build and Right to Use.

The difference with these other land rights is that Right of Use is the only type of land right in the Basic Agrarian Law that can be granted to foreign nationals or foreign legal entities, because this land right gives limited authority (Article 42 of the Law). Right of Use is granted for a certain period of time. According to Government Regulation Number 40 of 1996, Hak Pakai is granted for a period of 25 years and can be extended. This extension is often interpreted as for 15 years but the Right of Use granted to certain legal subjects is granted for a period of time during which the land is used, i.e. only granted to ministries, non-departmental government agencies, local governments, representatives of foreign countries, representatives of international bodies, religious bodies and social bodies. Meanwhile, for residents or legal entities, the extension of the Right to Use period is given in accordance with the decision granting their rights by the local land office. Right of Use can be granted on Right of Management land.

CONCLUSION

In the closing of this paper, the author tries to answer back the two problem formulations as described above. That the land system in Indonesia submits to the Basic Agrarian Law, namely Law Number 5 of 1960. This law explains that land law in Indonesia is Unficial. This means that all issues, status, and legal basis of land in Indonesia must refer to UUPA No. 5 of 1960. Actually, this UUPA is a land nationalization project in Indonesia. So that land is properly owned and enjoyed by Indonesian citizens, so that foreign nationals do not have the right to land in Indonesia except Hak Pakai.

The purpose of the promulgation of the UUPA is in the interest of the Indonesian people themselves to get justice, happiness and prosperity in the land sector. In addition, it also aims to provide legal certainty on what land rights can be controlled by the state, people and customary law communities in Indonesia. In the end, the purpose of the national land law system is in line with the objectives of the Republic of Indonesia as mandated in the 1945 Constitution, namely: providing prosperity and welfare for all Indonesian people.

As for those who have control of land rights are first, the Indonesian people themselves, here it is stated that the land as a whole belongs to the Indonesian nation. There are no few people or a handful of groups who claim that the land as a whole in Indonesian territory belongs to them as a whole, secondly that indeed the State has the right to control land in Indonesia. This control is not meant to be Hak Milik, but the state controls land in the sense that the State is given the right to manage land in Indonesia for the prosperity of the people

Indonesia itself. Third, there is recognition of customary law rights, especially in the land sector, which is known as the existence of Customary Rights. The UUPA itself provides recognition of Customary Land Rights. The concept of customary rights is in line with Article 6 of the UUPA that land must have a social function. This means that the function of land is not only for personal interests, but more importantly for the benefit of the wider community or

for the common good. Fourth, individual rights to land also receive recognition from UUPA such as Hak Milik (HM), Hak Guna Usaha (HGU), Hak Guna Bangunan (HGB), Hak Pakai (HP), Waqf and Right of Security over land. So it is clear that the Indonesian land law system is indeed based on the noble values of the Indonesian nation itself such as togetherness, justice, prosperity and kinship in land tenure and utilization while adhering to the principle that land must have a social function.

REFERENCES

Arba, H.M, Hukum Agraria Indonesia, Sinar Grafika, Jakarta, 2015.

Drewes, G. W. J. (1968). New light on the coming of Islam to Indonesia? Bijdragen Tot de Taal-, Land-En Volkenkunde, 4de Afl, 433–459.

HS. Salim, Pengantar Hukum Perdata Tertulis (BW), Sinar Grafika, Jakarta, 2005.

Kolopaking, I. A. D. A., & SH, M. H. (2021). Penyelundupan Hukum Kepemilikan Hak Milik Atas Tanah di Indonesia. Penerbit Alumni.

Krismantoro, D. (2020). Rearranging Agrarian Law Politics in the Land Regulation System in Indonesia. ENDLESS: INTERNATIONAL JOURNAL OF FUTURE STUDIES, 3(2), 119–125.

Kumpulan Materi Pelatihan Intensif Hukum Properti, Hak-Hak Penguasaan Atas Tanah Dalam Hukum Tanah Nasional, Pusat Pengembangan Hukum dan Bisnis Indonesia, (PPHBI), Jakarta, 13-14 Juni 2016.

Muchsin, Ikhtisar Ilmu Hukum, Badan Penerbit IBLAM, Jakarta, 2006.

Parlindungan, AP, Komentar Atas UndangUndang Pokok Agraria, Mandar Maju, Bandung, 1993.

Rahman, S., Ikbal, M., Nawi, S., & Yunus, A. (2021). The essence of a joint operational agreement in nickel mining business. International Journal of Law and Politics Studies, 3(1), 7–11.

Sahnan, Hukum Agraria Indonesia, Setara Press, Malang, 2016.

Sitorus, O., & Sierrad, H. M. (2006). Hukum agraria di Indonesia: konsep dasar dan implementasi. (No Title).

Soerodjo, I. (2014). Hukum pertanahan hak pengelolaan atas tanah (HPL): eksistensi, pengaturan, dan praktik. Laksbang Mediatama.

Undang-Undang Dasar Republik Indonesia (UUD 1945)

Kitab Undang-Undang Hukum Perdata

Undang-Undang Nomor 5 Tahun 1960 tentang Undang-Undang Pokok Agraria (UUPA)

Undang-Undang Nomor 4 Tahun 1996 tentang Hak Tanggungan atas tanah beserta benda-benda yang berkaitan dengan tanah.

Undang-Undang nomor 20 Tahun 2011 tentang Rumah Susun.