

THE AUTHORITY OF LAND TITLE CERTIFICATES CONCERNING SECURITY IN LAND REGISTRATION

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Abstract: The Result is process of issuing land certificates during the initial land registration at the Makassar City Land Office is not functioning optimally. This is evident from numerous complaints from individuals who are unhappy with how long it takes to receive their land certificates from the initial registration. According to Perkabab No. 1/2010, the timeline for issuing a land ownership certificate during the first registration should only take 98 days. Nonetheless, many individuals have expressed dissatisfaction over the delays in receiving their land ownership certificates stemming from the first-time registration.

INTRODUCTION

The law of tort (onrechtmatige daad or tort law) has experienced a challenging evolution. A century ago, this area of study was quite limited, primarily addressing just two actions: breaching a statutory rule and directly infringing upon the rights of another individual or group. The twentieth century witnessed the swift growth of unwritten law. An action (which can include doing something or failing to act) has since been deemed unlawful, thereby establishing a duty for the acting party to offer compensation if it contradicts the level of care or caution expected in public dealings with others or their property.

Unlawful actions within the Civil Code are outlined in Articles 1365 to 1380. Although tort regulation in the Civil Code consists of merely 15 Articles, it is evident that civil court cases are largely comprised of tort claims alongside default cases. The term tort is a translation from the Dutch word *onrechtmatige daad* or the English word 'tort'.

RESULTS AND DISCUSSION

The land title certificate is provided by the Level II Agrarian Office (Land Office) within the land registration division. This registration can be for an initial registration or an ongoing one, which is mandated by the State's authority to regulate and will not be

transferred to another entity. The land certificate issued can act as proof of land ownership if there is a dispute. One of the rights related to land in the main category is Hak Milik. This aligns with the stipulations in Article 20 paragraphs (1) and (2) of the Basic Agrarian Law, which states: ‘Hak Milik is the strongest, most complete, and hereditary right individuals can possess over land, according to the rules in Article certificate may be transferred and granted to other individuals.’

CONCLUSION

1. The process of issuing land certificates during the initial land registration at the Makassar City Land Office is not functioning optimally. This is evident from numerous complaints from individuals who are unhappy with how long it takes to receive their land certificates from the initial registration. According to Perkebunan No. 1/2010, the timeline for issuing a land ownership certificate during the first registration should only take 98 days. Nonetheless, many individuals have expressed dissatisfaction over the delays in receiving their land ownership certificates stemming from the first-time registration.
2. The insufficient performance of the Makassar City Land Office can be attributed to its practice of leaving unresolved applications as ‘debts’ that carry over into the next year. This results in the office's operations not aligning with the timeliness outlined in standard operating procedures. Additionally, there is a lack of public understanding regarding the processes involved in first-time land registration, as well as the necessary timelines and fees associated with obtaining ownership certificates. This knowledge gap has slowed down the issuance of land certificates for first-time applicants, often leading to incomplete documentation being returned to applicants for further completion. There are also discrepancies between the legal basis and data available on-site, compounded by a shortage of staff at the Makassar City Land Office. As the workload increases daily, the number of personnel does not sufficiently match the workload, leading to inefficiencies in their operations.

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