

DETAILED LAND REGISTRATION MECHANISM AND ITS LEGALITY IN MAKASSAR CITY FROM THE PERSPECTIVE OF THE HISTORICAL SCHOOL

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ABSTRACT

Study This examine validity land based details in architecture law land national as well as mechanism registration in Makassar City from perspective school of thought historical . Purpose study map position details as a base of old rights , explains stages conversion administrative going to certificate through registration Sporadic and Systematic Land Registration Complete , as well as test room proof details in dispute civil . The method used in the form of study law normative with approach legislation and history , reinforced interpretation juridical dogmatic , reading hermeneutics , and field data collection through interview with stakeholders interest land . References main UUPA Article 19 and PP 24 of 1997 Article 23, Article 24 paragraph 2, Article 26, Article 32 paragraph 1, as well as ATR BPN Regulation 6 of 2018 and Instructions President 2 Years 2018. The results show details has legal data status beginning with mark proof conditional that can recognized if fulfilled authenticity documents , continuity mastery physique more of twenty years , credible testimony , evidence fulfillment obligation fiscal , as well as suitability spatial with results measure . Mechanism registration covers submission application , legal data check , physical data check , announcement three tens day , determination rights and publication certificate . Makassar City's jurisprudence in the Andi Baso Matutu case confirm corridor proof for non- certificate documents Because verified details , supported mastery real , witnesses , and data integrity , can culminating in a verdict powerful law fixed and executed . Findings This affirm certificate as tool proof strongest at a time confess role details as door enter proof and conversion basis going to certification through PTSL. Implications practical recommend matrix weighing verification testimony , evidence mastery , suitability spatial , and record administration For standardize assessment , strengthening certainty law , and suppress cost social dispute .

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INTRODUCTIONS

Land can be understood as part of the earth's surface layer and is one of the important elements that is the object of regulation in the agrarian legal system. Agrarian law, regulations regarding land are directly related to land rights

as part of the earth's surface. ¹This is emphasized in Article 4 paragraph (1) of the Republic of Indonesia Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which states that based on the right of control by the state as stated in Article 2, various types of rights to the surface of the earth are determined, called land. These rights can be granted to individuals individually or collectively, including to legal entities.

Land ownership rights encompass a number of authorities, responsibilities, and restrictions inherent in the owner of those rights to perform certain actions on the land that constitutes their rights. Provisions regarding what may, must, or may not be done on land are the primary indicators in determining the nature and limitations of these rights within the land law system. Under national land law, there is a hierarchical structure of the types of land rights that are systematically regulated.

- a. Land rights are owned by the entire Indonesian nation.
- b. State authority regarding land ownership.
- c. Customary rights owned by customary law communities.
- d. Individual rights related to land include:
 1. Land ownership rights.
 2. Waqf for land with ownership status.
 3. Mortgage rights as security for land.
 4. Individual ownership of apartment units.²

Land plays a vital role as one of the nation's primary resources, as it is on this land that the life of the Indonesian people takes place and continues to develop. Known as an agrarian nation, the existence and utilization of land are determining factors for the sustainability of national and state life. This is in line with the mandate contained in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that the earth, water, space, and all natural resources contained therein are under the control of the state and must be utilized to the greatest extent possible for the welfare of the people. One of the main objectives of the establishment of the Basic Agrarian Law (UUPA) is to establish a solid legal foundation in guaranteeing certainty and legal protection of land rights for all Indonesian people.

The main objective of the enactment of the Basic Agrarian Law (UUPA) as explained in the general explanation includes several important things, including:

- a. Developing a legal foundation for national agrarian policy aimed at creating prosperity, justice, and happiness for the people, especially farmers, in realizing a just and prosperous society.
- b. Building a foundation for creating a unified land law system that is simple and easy to understand.
- c. Establishing the basis for guaranteeing legal certainty regarding land rights for all citizens.³

The guarantee of legal certainty over land is stated in Article 19 paragraph (1) of the UUPA, which states that the government is obliged to organize a comprehensive land registration system throughout Indonesia, in accordance with the provisions stipulated in Government Regulations.

Government Regulation Number 24 of 1997 concerning Land Registration was issued as a follow-up, which was then updated through Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration.

The objectives of land registration as stated in Article 3 of Government Regulation No. 24 of 1997 include:

- a. Provide legal certainty and protection to holders of rights to land, apartment units, and other registered rights so that they can legally prove their ownership status.

¹ Arum Mei Sari and Edy Lisdiyono, 'Legal Protection for Applicants Regarding Land Sale and Purchase Deed Problems by PPAT (Case Study of Semarang District Court Decision Number: 676/PID.B/2016/PN.SMG)', *Jurnal Akta Notaris*, 3.1 (2024), pp. 97–114, doi:10.56444/aktanotaris.v3i1.1752.

² Antonio Tilman, Dian Aries Mujiburohman, and Asih Retno Dewi, 'Legalization of Sultanate Land and Duchy Land in the Special Region of Yogyakarta', *Riau Law Journal*, 5.1 (2021), pp. 1–13, doi:10.30652/rlj.v5i1.7852.

³ Dewi Rachmawati, 'Legal Certainty Regarding Evidence of Land Ownership', *Syntax Literate; Indonesian Scientific Journal*, 6.6 (2021), p. 2700, doi:10.36418/syntax-literate.v6i6.3038.

- b. Providing accurate information for related parties, including the government, to facilitate the implementation of legal actions on land plots and apartment units.
- c. Realizing orderly and systematic land administration.

Land certificates generated through this registration system serve as strong evidence of land ownership. Article 32 paragraph (1) of Government Regulation Number 24 of 1997 stipulates that certificates constitute valid and strong evidence of rights regarding physical and legal information, as long as they correspond to the data in the measurement letter and land book. Lands formerly under customary rights are also regulated in Article 96 of Government Regulation Number 18 of 2021, which requires written evidence of rights to privately owned customary land to be registered within five years of the regulation's enactment. After this period, the written evidence is deemed invalid as evidence of rights and may only be used as administrative guidance.

Land certificates serve a crucial role as proof of legal ownership. They provide legal certainty regarding who legally holds the land, as well as protection against interference from other parties and preventing disputes. Although recognized in the Basic Agrarian Law, the existence of a certificate does not completely guarantee undisputed ownership. The legal system still allows other parties who believe they have the right to file a civil lawsuit against the name listed on the certificate, either through a general court or the State Administrative Court against the Head of the National Land Agency.

Agrarian conflicts often arise as complex legal disputes, especially because they relate to land rights that involve many interests and a long history of land ownership. The process of resolving such conflicts is not simple because the disputing parties strive to prove their respective claims. Proving agrarian cases requires a careful approach, considering the many types of evidence that can be submitted, both in the form of official documents and traditional administrative historical evidence. The Right to Use Certificate is one of the documents that is often used as a legal basis for parties claiming land rights in accordance with Article 1 number 20 of Government Regulation Number 24 of 1997 concerning Land Registration which refers to Article 19 paragraph (2) of the Basic Agrarian Law (UUPA). This certificate has strong evidentiary power because it is the result of official registration carried out by the National Land Agency (BPN).

Land ownership claims cannot always be proven with official certificates. In some regions, particularly those with a history of hereditary land ownership dating back to before the enactment of the Basic Agrarian Law (UUPA) of 1960, communities still use outdated documents such as the rincik (land title) to support their claims. A rincik is a land administration document inherited from the Dutch colonial era or the early years of independence that records ownership or control over a plot of land.⁴ In Makassar City, for example, especially in areas such as Tamalanrea, Biringkanaya, and Manggala, many residents still hold rincik as proof of inherited land rights. These documents typically originate from the Land Tax Office during the Dutch East Indies era or were issued by village heads during the early years of independence.⁵

Although not legally equivalent to a land certificate issued by the National Land Agency (BPN), a rincik can still be used as evidence in court as long as it meets certain requirements. This is in accordance with the provisions of Article 24 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, which states that proof of ownership of uncertified land can be based on physical data and legal data supported by documents and community recognition. This means that a rincik still has evidentiary value, especially if accompanied by witness testimony, real and continuous land ownership, and the absence of objections from other parties. The court also considers the social and historical context of land ownership in the area. The main reason that a rincik is still valid is

⁴ Heril, Andi Suriyaman M Pide, and Sri Susyanti Nur, 'Legal Protection of Customary Land of the Bugis/Tolotang Tribe in Sidenreng Rappang Regency', *Journal of Legal Science Research*, 2.2 (2022), pp. 159–69 <<https://jurnal.untirta.ac.id/index.php/jurisprudence/indexDOI:http://dx.doi.org/10.51825/sjp.v1i2.>>.

⁵ Ahmar Bayu Wijaya, Nurdin, and Hambali Husaini, 'Non-Litigation Dispute Resolution Regarding Ownership Certificates (SHM) and Detailed Letters (Case Study of Tanralili District, Maros Regency)', *Kajian Eksekusi Madani Law Journal*, 1.3 (2024), Pp. 331–43.

because until now not all land in Indonesia, including in Makassar, is officially registered with the BPN. ⁶Therefore, as long as there is no registration and issuance of certificates, a rincik remains relevant in agrarian law practices, especially in proving rights to customary or inherited land.

The position of the rincik is worthy of consideration as long as an official certificate has not been issued by the National Land Agency (BPN). The absence of land registration means that this traditional document still functions in agrarian legal practices, particularly regarding customary land and inheritance. This situation demonstrates that legal practices in Indonesia are inseparable from historical roots and local traditions that are part of the social reality of society. Understanding the relationship between custom, history, and law in this area requires a theoretical framework that positions law as a result of historical development, not simply a formal product.⁷

According to Jacob Grimm, "The law of a nation is born, grows, and develops from the history, customs, language, and spirit of the nation itself, not created suddenly by the legislators. Understanding the law can only be achieved through historical and philological research into the customs and traditions of its people."⁸ This view places customs, language, and collective memory as the primary sources of legal understanding. Law is not seen as a mere product of formal legislation, but rather as the result of the evolution of social customs recorded in language, traditional documents, and everyday life practices.

The method used is based on a historical-philological approach by examining the origins of legal terms, comparing various manuscripts and customary records, and collecting oral information to reconstruct the rules implemented in the community.⁹ Perspective school of thought historical, assessing proof ownership land through document traditional like rincik, because although No own formal equal standing with certificate modern land, documents still record practice mastery as well as confession valuable social historical.¹⁰ Documents can be recognized as valid evidence if they are supported by witness testimony, supported by real and continuous physical possession, and supported by the conformity of terms and practices that can be traced historically, so that their existence fulfills the elements of agrarian legal evidence that is not only formal, but also reflects the social and historical reality of society.¹¹

The normative implications of this approach align with land law provisions that recognize physical data, legal data, and local community recognition as elements of evidence.¹² Agrarian justice practices can combine historical analysis from customary sources, detailed evidence, oral testimony, and land use patterns with positive norms, resulting in decisions that go beyond formalities and reflect historical realities. Such an approach demonstrates sensitivity to the socio-cultural context while maintaining legal certainty and protecting the rights of stakeholders.¹³

A concrete example of the use of rincik as strong evidence is found in a land dispute on Jalan AP Pettarani, Makassar City. Andi Baso Matutu claimed ownership of 12,931 square meters of land based on the rincik. The defendants were the heirs of Saladin Hamat Yusuf, who controlled nine shophouses and one permanent building on the land, equipped with a Certificate of Ownership issued by the National Land Agency (BPN), a Building Permit, and proof of payment of Land and Building Tax for more than eight decades. The court ruled that the rincik documents submitted by Matutu were valid as the basis for the rights because the defendant's Certificate of Ownership was proven to be a forged document, based on a previous criminal verdict.

⁶ Lailesya Triyono, Zulkifli Makkawaru, and Andi Tira, 'Control of Land Rights Based on Temporary Certificates', *Clavia: Journal of Law*, 22.3 (2024), pp. 426–437.

⁷ Maria SW Sumardjono, *Policy Land Between Regulation and Implementation* (Jakarta: Kompas, 2018), p. 156.

⁸ Jacob Grimm, *Deutsche Rechtsalterthümer* (Göttingen: Dieterichsche Buchhandlung, 1828), p. 13; see also Franz Wieacker, *A History of Private Law in Europe* (Oxford: Clarendon Press, 1995), p. 210.

⁹ Jacob Grimm, *Deutsche Rechtsalterthümer* (Göttingen: Dieterichsche Buchhandlung, 1828), p. 13.

¹⁰ Boedi Harsono, *Indonesian Agrarian Law : History of the Formation of UUPA, Contents, and Implementation* (Jakarta: Djambatan, 2008), p. 423.

¹¹ Maria SW Sumardjono, *Policy Land Between Regulation and Implementation* (Jakarta: Kompas, 2018), p. 156.

¹² Yance Arizona, "Legal Pluralism in Recognition of Indigenous Peoples' Rights to Land," *IUS QUIA IUSTUM Law Journal*, 19.4 (2012), pp. 590–609.

¹³ Supriadi, *Agrarian Law* (Jakarta: Sinar Grafika, 2020), p. 214.

The civil decision regarding the dispute was first handed down by the Makassar District Court through Decision Number 49/Pdt.G/2018/PN Mks. This decision was upheld by the South Sulawesi High Court through Decision Number 133/Pdt/2019/PT Mks, the Supreme Court in Cassation Number 2106 K/Pdt/2020, and two Judicial Reviews through Decision Number 826/PK/Pdt/2021 and Decision Number 1133/PK/Pdt/2023. Matutu's Rincik obtained legitimacy as legal evidence of ownership and has permanent legal force. This litigation process demonstrates that the national legal system still provides room for proof of non-certificate documents as long as their authenticity can be proven and supported by facts of actual control over the land.

The execution of the verdict was carried out by the Makassar District Court on February 13, 2025 with security of around 1,500 police personnel considering the rejection from the defendant and the community who occupied the building above the disputed object, which resulted in chaos and the arrest of two people for allegedly obstructing officers; the defendant's heirs' attorney stated that his client was never properly summoned during the trial and had complete documents in the form of a Certificate of Ownership, building permit, and proof of tax payment, so a complaint was filed with the Judicial Commission for alleged injustice and the removal of evidence in the trial process; This event confirms the validity of the norm of Article 24 paragraph 2 of Government Regulation Number 24 of 1997 which provides space for proving land ownership through traditional documents such as rincik in areas that have not been fully officially registered with the National Land Agency, while in Makassar City there are still many plots of land that have not been certified, especially inherited land that has been controlled for generations, so that before land registration is carried out comprehensively, rincik remains relevant in agrarian law practices, especially in disputes concerning customary land, inherited land or old ownership patterns recognized by the local community.

Based on the previous discussion, the author intends to examine the status of Rincik as evidence of land registration in Makassar. This research will examine various aspects of this policy in depth, and the results will be compiled in a thesis entitled: "The Rincik Land Registration Mechanism and Its Validity in Makassar City from a Historical School Perspective."

METHOD

This study uses a normative legal research design that examines the norms for proving land rights in the national land registration system and land administration practices in Makassar City. A legislative approach is applied to comprehensively examine Law Number 5 of 1960 concerning Basic Agrarian Principles, Government Regulation Number 24 of 1997 concerning Land Registration, as well as ministerial regulations and technical guidelines issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency; a historical approach is used to trace the origins, functions, and changes in the status of detailed documents from the colonial period to the post-independence period. The legal materials analyzed include primary legal materials in the form of laws, government regulations, ministerial regulations, and court decisions; secondary legal materials in the form of books, scientific journal articles, research reports, and expert opinions; and tertiary legal materials in the form of dictionaries and encyclopedias. The collection of legal materials is carried out through document studies and systematic literature studies of all these sources. The analysis is conducted through juridical-dogmatic interpretation, systematization of regulations, deductive reasoning, and hermeneutic reading of the socio-historical context of Makassar City to assess the legal position of rincik in proving land registration and formulate recommendations that are in line with the principles of legal certainty and benefit.

RESULTS AND DISCUSSIONS

Mechanism Detailed Land Registration in Makassar City

Details is one of the old legal grounds that still exists Lots found in Makassar City and its surroundings . Document This born during a transitional period when system law agrarian in Indonesia has not fully use certificate as sign proof rights . Practice in the field put details as notes administrative ownership land that contains Name owner , location or location fields , natural boundaries and artificial , and wide field . Detailed used public as proof mastery land , especially before its validity Constitution Main Point Agrarian Law (UUPA) Number 5 of 1960 and the Regulation Government Number 10 of 1961 concerning Land Registration .

System law land moment This No Again confess details as sign proof perfect rights Because his status limited to document administrative nature historical . The people of Makassar City remain utilise document This as a basis for rights For submit registration land to the National Land Agency . Basis juridical listed in Article 24 paragraph 2 of the Regulations Government Number 24 of 1997 concerning Land Registry stating that proof written old rights that are not complete can equipped with information witnesses and evidence mastery physique land in a way real and sustainable for at least 20 years . Position details in context This more appropriate understood as proof supporters or initial data administrative functions open road going to publishing certificate right on land .

Position the only detail nature supporters this is what then push owner land For go through track registration sporadic in Makassar City. Mechanism This executed on base request individuals outside of mass programs Systematic Land Registration Complete . Based on information official from the National Land Agency or the Ministry of Agrarian Affairs and Spatial Planning of Makassar City, the route sporadic implemented through a number of stages which are mutual related and become procedure main in the conversion process details going to certificate right on land that is :

a. Submission Application

Owner land come to the Makassar City Land Office with bring details as a basis for rights main . Document This must equipped with photocopy of Resident Identity Card and Family Card , proof payment Tax Land and Buildings year lastly , letter information village head or sub-district head regarding tenure status , as well letter statement from applicant that land No currently disputed . At this stage This National Land Agency officers carry out inspection beginning to completeness file administration remember archives This often in condition obsolete , damaged , or No Again in accordance with conditions in the field .

b. Legal Data Examination

Applications received enter stage verification juridical . Detailed viewed as proof old rights with characteristic limited . If No There is support other formal documents , applicant required present at least two witnesses who know history mastery land . Provisions This based on Article 24 paragraph 2 of the Regulations Government Number 24 of 1997 concerning Land Registry that provides room use information witnesses and evidence mastery physique land in a way real and sustainable during more from 20 years . Examination juridical also carried out with search to sub-districts , districts , and institution archiving area use ensure No There is claim double on field the land requested .

c. Physical Data Examination

Measuring team from the National Land Agency down direct to field For set boundaries and area field land in accordance condition factual . This process involving applicant and owner land bordering . The result in the form of map field the land that describes location , area and coordinates field based on system map base land . If there is mismatch between details and conditions field , result data measuring made into references main .

d. Announcement of Physical and Legal Data

Data that has been verified announced for 30 days full at the office ward location land and the Makassar City Land Office as arranged in Article 26 of the Regulation Government Number 24 of 1997 concerning Land Registration . Purpose announcement This is give chance to party third For submit object if feel own rights . Objections filed causes the registration process suspended until problem completed .

e. Determination of Rights

announcement period has ended without object give authority to Head of Land Office For set right on field land. Manuscript this is the beginning only in the form of notes administrative strengthened with the results data measure and verify juridical so that legitimate become base determination right .

f. Publishing Certificate

Stage end in the form of publishing certificate right on land by the National Land Agency . Certificate This is the only one sign proof recognized rights in a way full as confirmed in Article 32 paragraph 1 of the Regulations Government Number 24 of 1997 concerning Land Registration . With publication certificate , details lost position the law and only worth as archives historical . Certificate become instrument main for owner land in transaction sell purchase , inheritance , financing , and guarantees certainty law before court .

Interview results with the National Land Agency or the Ministry of Agrarian Affairs and Spatial Planning of Makassar City shows that details recognized in a way limited as door enter registration land . Legitimacy details No nature absolute and not can stand himself . The applicant must complete details with condition proof additional so that you can used as a basis for rights in the application registration .

- a. Testimony of at least two people who know history mastery land and can explains boundaries, origins , and transition mastery from time to time .
- b. Proof of mastery physique real , peaceful and sustainable land during more of twenty year , for example through cultivation , maintenance , utilization , or security field in a way consistent .
- c. Proof of payment obligation relevant fiscal like Tax Land and Buildings as well as history levy previously in the form of Regional Development Contribution if available .
- d. Certificate from village head or head the village that explains mastery and not existence disputes at the administrative area level local .

Position details in registration land functioning as proof administrative historical value together element proof other . Weight the proof No match sign proof perfect rights . Legitimate and enforceable end result law tie in the form of certificate right on land issued by the National Land Agency after all over stages inspection fulfilled .

Mechanism registration land based rincik in Makassar City formed series a step-by-step and mutually reinforcing procedure linking . Stage submission application open channel through inspection completeness file For ensure base administrative can processed . Verification juridical evaluate origin and status of ownership with test details , description witnesses , and results search to sub-district , district and archives area use get rid of claim double . Examination physical in the field produce map plane , boundary, area , and coordinates through measurement together applicants and owners field bordering so that accurate spatial data available For seated with results verification legal . Announcement of physical and legal data during three tens day at the office sub-district and land office give room object for party third as the final filter to potential dispute . Absence proven objections become base for Head of Land Office For set rights , then publishing certificate finish conversion from document historical become sign proof applicable rights full .

Foundation normative linking every stage reflected in Constitution Main Point Agrarian Number 5 of 1960 and Regulations Government Number 24 of 1997 concerning Land Registration . Article 24 paragraph two of the Regulations Government Number 24 of 1997 becomes base use information witness as well as proof mastery physique real , peaceful and sustainable land more of twenty year For complete proof old rights that are not complete so that direct support verification juridical . Article 26 of the Regulation Government Number 24 of 1997 requires announcement of physical and legal data during three tens working day as mechanism protection interest other parties at the stage pre determination . Article 32 paragraph One Regulation Government Number 24 of 1997 confirms certificate as the only one sign proof applicable rights full at once close series procedure after determination right done . Rules This produce certainty law for applicant as well as integrate details as proof administrative historical to in system modern land management through track registration sporadic

1. Legal Validity of Detailed Land after the National Land Law Post UUPA and PTSL

Constitution Main Point Agrarian Number 5 of 1960 became base law main birth system agrarian national . Article 19 of the Law Main Point Agrarian Number 5 of 1960 states that " For ensure certainty law by the Government held registration land throughout the territory of the Republic of Indonesia according to the provisions stipulated with Regulation Government ". Sound chapter This show that certainty law only will achieved through registration productive land certificate . Document the details that appear from the colonial and administrative period traditional Still found in Makassar City. Its status No Again recognized as proof perfect rights , but rather as proof administrative historical . Position details only considered as a basis for old rights that can be used as initial data in application registration land .

Regulation Government Number 24 of 1997 concerning Land Registration confirms return position of the old right pedestal . Article 23 paragraph (2) states " Registration land For first time done with notice tool proof written about existence rights , including proof written about old rights ". Article 24 paragraph (1) states " For needs registration land first time, right on land that comes from from conversion old rights proven with tool proof written

about existence right the in form existing documents ". Article 24 paragraph (2) adds " In matter No available proof written as referred to in paragraph (1) or available proof written but No complete , proof right can done with information witnesses and statements of the person concerned which are strengthened with mastery physique field land in a way real more from 20 (twenty) years consecutive with good faith well and in a open as well as No disturbed sue " .

Provisions of Article 26 of the Regulation Government Number 24 of 1997 states " Physical data and legal data that have been collected and checked announced at the office village / sub-district and Land Office during term time 30 (three twenty) days ". Announcement This give chance party third For submit object . Article 32 paragraph (1) Regulations Government Number 24 of 1997 confirms that " Certificate is sign proof applicable rights as tool strong evidence regarding the physical data and legal data contained therein , as long as the physical data and legal data That in accordance with data in letter measure and book the land in question . Formulation This show that only recognized certificate as sign proof full and binding rights , temporary details only functioning as document supporters .

Systematic Land Registration Complete become instrument acceleration conversion document traditional like Regulation of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 6 of 2018 concerning Systematic Land Registration Article 2 explains in full " Systematic Land Registration " Complete is activity registration land For the first time it was done in a way simultaneously for all object registration land throughout the territory of the Republic of Indonesia in one village / sub-district area or equivalent with that , which includes collection of physical data and legal data about One or a number of object registration land For needs registration ". Article 4 of the regulations This affirms " Evidence that can be used as base registration land covering tool proof written in the form of girik , petok , rincik , or other similar documents " .

Instructions President Number 2 of 2018 concerning Acceleration Systematic Land Registration Complete order ministries and institutions related For support acceleration registration land throughout Indonesia . Instructions This ensure that document historical like details can processed in framework Systematic Land Registration Complete with notice principle certainty law , transparency and protection interest public .

Normative study confirm that details after Constitution Main Point Agrarian Number 5 of 1960 only domiciled as proof administrative beginning with mark law limited . Validity full No attached to the detail , but born after through mechanism registration regulated land in Regulation Government Number 24 of 1997 concerning Land Registration . Article 24 paragraph (2) Regulations Government Number 24 of 1997 states that if proof written old rights no complete , proof right can done with information witnesses and statements of the person concerned which are strengthened with mastery physique land in a way real more of twenty year consecutively , done with good faith good , open , and No disturbed sue . Article 26 regulates obligation announcement of physical data and legal data during three tens day at the office village or ward as well as office land For give chance the other party submits objection . Article 32 paragraph (1) confirms certificate as sign proof applicable rights as tool strong evidence regarding the physical data and legal data contained therein .

View Boedi Harsono confirm that the old legal basis is like details No Can treated as proof perfect ownership . Details only functioning as legal data necessary start confirmed through registration land , because strength proof full is on the certificate .¹⁴ View This in harmony with Regulation of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 6 of 2018 concerning Systematic Land Registration Complete . Article 4 of the regulations This state that details including in tool proof written that can submitted in Systematic Land Registration Complete , but document This must verified with stages legal data collection , examination physical , announcement , determination , and finally publishing certificate . This program in line with Instructions President Number 2 of 2018 which emphasizes acceleration Systematic Land Registration Complete throughout Indonesia as form giving certainty law .¹⁵

Validity land based details after Constitution Main Point Agrarian Number 5 of 1960 is of a nature conditional . Detailed No legitimate as proof right absolute and only valid if processed through registration land , good through

¹⁴ Boedi Harsono , *Indonesian Agrarian Law : History of its Formation Constitution Main Point Agrarian Law , Contents and Implementation* (Jakarta: Djambatan , 2008), p . 315.

¹⁵ Urip Santoso, *Registration and Transfer of Land Rights* (Jakarta: Kencana , 2012), p . 142.

track sporadic and Systematic Land Registration Complete . Law Main Point Agrarian Number 5 of 1960, Regulation Government Number 24 of 1997 concerning Land Registration , Regulation of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 6 of 2018 concerning Systematic Land Registration Complete , as well as Instructions President Number 2 of 2018 concerning Acceleration Systematic Land Registration Complete in a way consistent confirm that certificate is the only one sign proof applicable rights full and have strength law tie .

2. Mechanism Rincik Land Registration in Makassar City and Its Validity Perspective School of thought Historical

Jacob Grimm looked law as results development history , customs , language , and soul a growing nation in a way organic . Law is not construction instantly former law , but rather reflection from practice inherited social between generation . Understanding to law demand review historical and philological on terms , documents traditional , as well as tradition oral recording experience society . Perspective historical This give runway strong For interpret position rincik in Makassar, a documents that are born from practice administration traditional in transition law agrarian .¹⁶

Details load information about identity owner , area and boundaries of the land so that own function important as proof administrative beginning in mastery field land . Its presence show effort Makassar society standardizes right ownership before birth system registration land national . After its validity Constitution Number 5 of 1960 concerning Basic Rules of Procedure Agrarian , orientation law agrarian shifting to the principle certainty law through registration land . Article 19 paragraph (1) of the law the affirmed : " For ensure certainty law by the Government held registration land throughout the territory of the Republic of Indonesia according to the provisions stipulated with Regulation Government . " Formulation This show that certificate is proof legitimate rights , while details only can used as initial data .

Regulation Government Number 24 of 1997 concerning Land Registration details mechanism proof old rights . Article 23 paragraph (2) states : " Registration land For first time done with notice tool proof written about existence rights , including proof written about old rights . " Article 24 paragraph (1) states : " For needs registration land first time, right on land that originates from conversion old rights proven with tool proof written about existence right the in form existing documents . " The provisions of Article 24 paragraph (2) provide solution if proof written No complete : " In matter No available proof written as referred to in paragraph (1) or available proof written but No complete , proof right can done with information witnesses and statements of the person concerned which are strengthened with mastery physique field land in a way real more from 20 (twenty) years consecutive with good faith well , in general open as well as No disturbed sue . " Article 26 requires announcement of physical and legal data during three tens day as instrument transparency , while Article 32 paragraph (1) confirms certificate as the only one sign proof applicable rights full .

Arrangement latest in Regulation Government Republic of Indonesia Number 18 of 2021 concerning Management Rights , Land Rights, Land Units House Arrange , and the Land Registry confirms return principle This . Article 96 reads : " Written evidence old rights that are not complete can equipped with information witnesses and evidence mastery physique land in a way real and sustainable for at least 20 (twenty) years . " Formulation This show continuity with principles that have been There is since PP Number 24 of 1997, so that document historical like details still recognized in a way limited in system law positive .

Analysis with perspective historical show that details own position unique as inheritance laws that do not Can released from practice social society . Notes administrative This born in the period transition law agrarian when system registration modern land yet woke up in a way comprehensive . The value contained in it is legitimacy social , because load identity owners , boundaries, and wide land recognized by the community local . In glasses historical , detailed represent living law that grows from habits , while system law positive Indonesia demands formal certainty through certificate land .¹⁷

¹⁶Jacob Grimm, *Deutsche Rechtsalterthümer* , ed revision (Darmstadt: Wissenschaftliche Buchgesellschaft , 1965), p . 5–8.

¹⁷ *Ibid* , p . 60.

Document integration traditional to in framework modern law shows dialectics between two needs : respect for roots historical and certain administration . Tradition No removed , but rather placed as part from the process to formal legality .¹⁸This is can seen in Article 24 paragraph (2) of the Regulations Government Number 24 of 1997 concerning Land Registration and Article 96 of the Regulations Government Number 18 of 2021 concerning Management Rights , Land Rights, Land Units House Arrangement , and Land Registration , in essence arrange that proof old rights that are not complete still can used with support information witnesses and evidence mastery physique land more from 20 years in a way real and sustainable . Provisions the confirm that law positive Still give room for document historical For play a role as door enter going to certification .

Analysis to position details in perspective historical show that document This is inheritance laws that were born from practice social public before system registration land national enforced . Note This functioning as proof administrative beginning which confirms mastery and identity owner land , although strength the proof limited . The state places it as proof the beginning that must be equipped with information witness , evidence mastery physique land , as well as procedure formal law in order to be able to converted become certificate . Approach This in line with Jacob Grimm's view emphasizes importance confess growing law from customs , history and traditions society , even though law positive still demand certainty through certification .

Position details has tested in practice trials , one of which was in the Andi Baso Matutu case against H. Baso Budi. Dispute up to the level cassation and decided by the Supreme Court in Decision Number 1794 K/ Rev /2013. Case dispute Andi Baso Matutu's details against H. Baso Budi, the party plaintiff submit details as proof ownership land . The panel of judges assessed that that details only can positioned as proof beginning , not proof ownership full . Consideration law The Supreme Court stated :

" That proof details submitted by the parties Plaintiff only is proof of old rights base that is not own strength law perfect as sign proof right belong to , so that For prove existence right legal ownership must supported with tool other evidence , either in the form of information witness and proof mastery physique real and sustainable land . "

Court also emphasized return provisions of Article 32 paragraph (1) of the Regulation Government Number 24 of 1997 concerning Land Registration which reads : " Certificate is sign proof applicable rights as tool strong evidence regarding the physical data and legal data contained therein , as long as the physical data and legal data That in accordance with data in letter measure and book the land in question . " Therefore , only certificate land that has strength proof full , while details own position as document administrative historical necessity verified through legal process .

Decision This Supreme Court show consistency law positive in put details as part from tradition recognized law in a way limited . Analysis historical show that details still valued as reflection laws that live in society , while modern law demands certificate as guarantee certainty law . Integration between traditions and formal legality show dynamics law Indonesian agrarians who move between root historical society and needs systematic state administration.

CONCLUSION

Research result about Mechanism Rincik Land Registration and its Validity in Makassar City from Perspective School of thought Historical show that details occupy position important as document administrative historical results practice social public before birth system certification land national . Function details No Again recognized as sign proof perfect rights , but rather only as a basis for old rights that can be used as initial data in registration land . System law positive Indonesia through Constitution Number 5 of 1960 concerning UUPA, Regulation Government Number 24 of 1997 concerning Land Registration , as well as Regulation Government Number 18 of 2021 in particular consistent confirm that certainty law only realized through certificate as sign proof right full . Decision Supreme Court Number 1794 K/ Pdt /2013 strengthens position This with confirm that details just proof the beginning that must be equipped witnesses and evidence mastery physical , whereas certificate is the only one tool proof strong rights .

¹⁸ *Ibid* , p . 70.

Dialectics the reflect dynamics law Indonesian agrarian which seeks balance confession tradition local with need modern and systematic state administration .

Placement details as proof administrative historical demand strict , uniform , and documented verification for fairness substantive for applicant guaranteed across the region and potential bias in the field minimized . Affirmation certificate as sign proof right single strengthen predictability regime land , preventing overlapping overlap claims , as well as lower escalation dispute through mechanism transparent and accessible publication tested . Conversion systematic from details to certificate also provides impact significant economic with increase legality transactions , certainty credit , and clarity inheritance , so that participate strengthen ecosystem investment at the level local and national .

Standardization proof of old legal basis with matrix quantitative assessment information witness , evidence mastery physique sustainable , and record footsteps fiscal need enforced in a way national For close disparity evaluation interregional as well as strengthen accountability verifier . Integration of legal and spatial data with system taxation as well as archives area must accelerated through mapping coordinates and locking geographical field land use reduce claim double . Mechanism multimodal and participatory announcements through digital channels , boards announcements , and communal boundary validation geo-tagging based is necessary expanded For increase transparency and accountability . Improvement literacy law public through clinic registration land , collaboration with college high , and assistance by services help law become important , accompanied by improvement capacity officer measure and verify through training sustainable so that quality service and assurance law land still awake.

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