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The Power of Detailed Evidence as a Base on Land Rights

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ABSTRACT
The strength of the proof of detail as the basis for land rights. This study was conducted to analyze the position of the detail as the basis for land rights in proving community ownership of land and to analyze the legal protection of land tenure by the community based on the detail as the basis for their rights. This research uses empirical legal research. The results of the study show that (1) the position of detail as the basis for land rights in proving land ownership by the community, namely before the issuance of the UUPA, detail was proof of ownership of land rights. Along with the enactment of the UUPA and Government Regulation Number 24 of 1997 concerning Land Registration, the Details are no longer as evidence of land rights, but as evidence of a person's control over the controlled land, so that if it is not corroborated with other evidence, the Details cannot be used absolutely as a tool. proof of ownership of land in the trial; and (2) legal protection of land tenure by the community based on details as the basis for their rights, namely that they have not yet fully received legal protection. So that in order to obtain legal certainty and protection.
Keywords: *Strength of Evidence, Details, Base on Land Rights*

1. Introduction

Land is one of the natural resources that is an essential need for mankind so that it functions very essential to the life and livelihood of mankind, even determines the civilization of a nation. Land is a place to live for human beings other than as a source of earning a living through agriculture and plantations until it eventually becomes the final resting place for mankind (Ilham, 2015). Every human being has human rights, In the period before the UUPA came into force, there was legal dualism in the field of land, namely the enactment of Customary Law in addition to Western Law (La Ode Haniru, 2017). For community members who are subject to Western law, their land rights are generally registered. Meanwhile, community members who are subject to customary law generally have not registered their land rights, which creates legal uncertainty and difficulties in the event of land disputes.

Land according to the juridical understanding of the UUPA is the surface of the earth, while land rights are rights to the earth's surface which are limited, two-dimensional in length and width. Land rights authorize the holder of the right to be able to use the land and take advantage of the land he is entitled to (aminuddin salle, 2010; Salam, 2019). The right of control over land is a right containing a series of powers, obligations or prohibitions for the holder of the right to do something about the land that has the right. Something that is allowed, obligated or prohibited to be done is a benchmark between land tenure rights regulated in land law. Land tenure rights in the National Land Law have the following hierarchy (Arba, 2019):

a. Indonesian Nation's Right to Land.
b. The state's right to control the land.
c. ulayat rights of indigenous peoples.
d. Individual rights to land which include:
    1. Land rights.
    2. Ownership of land rights.

3. Security rights to land (mortgage rights).
4. Ownership of an apartment.

Land is one of the very basic assets of the Indonesian state, because the state and the nation live and develop on land, land is one of the important factors in the survival of the nation and state. Because as we know that Indonesia is an agrarian country so land is very important for the survival of the nation. The 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as UUDNRI 1945) Article 33 paragraph (3) affirms that the earth, water and space as well as the natural resources contained therein are controlled by the state and are intended for the greatest prosperity of the people who become the people. One of the objectives of the establishment of the UUPA is to lay the foundations for providing legal certainty and protection regarding land rights for the Indonesian people as a whole (Nirwana, Farida Patittingi, 2018).

The objectives of the promulgation of the UUPA as described in the general explanation are:

a. Laying the foundations for the preparation of a national agrarian, which will be a tool to bring prosperity, happiness and justice to the State and the people, especially the peasants, in the framework of a just and prosperous society.
b. Laying the foundations for unity and simplicity in land law
c. Laying the foundations to provide legal certainty regarding land rights for the whole people

The purpose of providing legal certainty over land has been regulated in Article 19 paragraph (1) of the UUPA that in order to guarantee legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions stipulated in a Government Regulation. In connection with the above provisions, Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter abbreviated as PP No. 24 of 1997) was issued as time went on from the term of PP No. 24 of 1997 underwent changes, then Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration Units was issued (hereinafter abbreviated as PP No. 18 of 2021) which is currently valid

The purpose of land registration is regulated in Article 3 PP No. 24 of 1997, namely:

1. To provide legal certainty and legal protection to holders of rights to a parcel of land, apartment units, and other registered rights so that they can easily prove themselves as holders of the rights in question.
2. To provide information to interested parties including the government so that they can easily obtain the data needed to make legal claims regarding land parcels and apartment units that have been registered.
3. For the implementation, land administration is involved.

PP No. 24 of 1997 determines the types of land that must be registered as stipulated in Article 9 paragraph (1) regarding the object of land registration as follows (Jimmy Joses Sembiring, 2010):

a. Plots of land owned with ownership rights, cultivation rights, building use rights, and use rights
b. Land management rights
c. waqf land
d. Ownership of the apartment unit
e. Mortgage right
f. State Land

The purpose of land registration that produces a certificate, after the enactment of the LoGA, the strongest evidence for land rights is the certificate which has been regulated in Article 32 paragraph (1) PP No. 24 of 1997 states that the certificate is a proof of right that applies as a strong means of proof regarding the physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data contained in the letter of measurement and the book of land rights in question.

To obtain legal certainty, all land must be registered, but in fact there are still many people in rural areas, precisely in Gowa Regency who own land but do not have a certificate as proof of land ownership, because the land rights have not been registered and still only use tools. evidence in the form of details which are used as evidence of ownership rights prior to the enactment of the LoGA. In the past, detail was a temporary registration letter originating from old land rights that had not been converted into land with certain rights that had not been registered or certified at the land office.

The provisions for proving the old rights of former customary land have been regulated in Article 96 of PP No. 18 of 2021, namely:

(1) Written evidence of ex-customary land owned by an individual must be registered within a maximum period of 5 (five) years from the enactment of this Government Regulation.

(2) In the event that the period as referred to in paragraph (1) expires, the written evidence of land belonging to the adat is declared invalid and cannot be used as a means of proving land rights and only as a guide in the context of land registration.

The issuance of a usufructuary certificate on land belonging to a resident, namely Batje Binti Tjale, is the owner of the land located on Jalan Malino, Batang Kaluku Village, Somba Opu District, Gowa Regency, which has evidence of Detailed Persil No. 12 SI Kohir No. 303 CI, in 1958 covering an area of 4,400 M2 (four thousand four hundred square meters) in the name of Batje Binti Tjale, that as long as Batje Binti Tjale owned the above mentioned land object, he had never transferred it in any way to another party, either in whole or in part and neither party claimed it as their own, but without the knowledge of Batje Binti Tjale. The Level I Regional Government of South Sulawesi Province has applied for a certificate of use rights to the Gowa District Land Office for the entire land belonging to Batje Binti Tjale..

A person may lose his rights due to ignorance, thus making the lawsuit unclear, vague or lacking in parties. It should be in accordance with the provisions of Article 119 HIR/Article 143 RBG that the Head of the District Court has the authority to provide advice and legal assistance to the plaintiff or his representative or proxy in the case of filing a lawsuit. After the judge has studied and found formal defects in the lawsuit, during the trial the judge gives advice on repairing the lawsuit to the plaintiff so that the lawsuit can be corrected and the party who has rights in this land dispute can be decided as fairly as possible..

The legal issue that will be discussed in this thesis is the strength of the details as proof of land ownership prior to the enactment of the UUPA, the details of which are considered a temporary registration letter for Indonesian land before the enactment of Government Regulation No. 10 of 1961 which is one of the proofs of ownership based on the explanation of Article 96 PP. No. 18 of 2021 is proof of ownership of old rights holders which until now the state still provides an opportunity to convert to new land rights after the enactment of the UUPA which means that details cannot be ruled out and have strong evidence, but based on the Decision of the High Court of Sulawesi South Number 119/PDT/2015/PT.Mks juncto Supreme Court Cassation Decision Number 3136. k/pdt/2015 has been absorbed into a right of use certificate by the Regional Government of South Sulawesi Province. Therefore, the author is interested in putting it in the title of the thesis to study further on "The Power of Detailed Evidence as a Basis for Land Rights (Study of Land Assets of the Regional Government of South Sulawesi Province in Gowa Regency)"

2. Method

The data were obtained by means of observation, documentation, then processed by the inspection, tagging, compilation and systematic stages based on research discussions and the results of data analysis then carried out descriptively (Irwansyah, 2020). The method used in this research is the empirical legal research method, which is a research method that seeks to see the law in a real sense and see how the law works in society. Because empirical legal research is closely related to society, it is not uncommon for empirical legal research to be referred to as sociological legal research. Empirical legal research can also be said as research conducted by examining primary data, namely data obtained from the public, legal entities or government agencies as respondents

3. Result and Discussion

The land law that applies in Indonesia in agrarian law there are two phases of the application of agrarian law, on September 24, 1960, when it was promulgated and declared the enactment of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The first phase is when the LoGA has not been promulgated and the second phase is after the UUPA comes into force until now (Marihot Pahala Siahan, 2003). The phase prior to the enactment of the UUPA applied two agrarian laws recognized by the Indonesian government, namely customary agrarian law and western agrarian law. Customary agrarian law applies to indigenous Indonesians who are subject to customary law while western agrarian law applies to Indonesians who are subject to western civil law, namely the Dutch, Europeans and foreigners.

Land rights subject to customary agrarian law are each area called customary land, for example, foundation land, gogolan land, village treasury land, pangonan land (grazing) and grave land. Meanwhile, land rights that are subject to western agrarian law are land rights regulated in the Civil Code, for example, egendom rights, opstal rights, erfpacht rights, recht van gebruit (use rights) and bruikleen (borrowing and use rights) (I.K dan S. Muchsin, 2010). Detail istraditional certificates in Indonesia. The detail letter is a type of temporary registration letter for Indonesian land that existed before 1960 or before the birth of the UUPA. This detail was originally widely used in areas such as Makassar and the surrounding area. This detail is used as proof of control and use of land controlled by someone.

Basically this detail is a temporary registration letter of land owned by Indonesia before the enactment of Government Regulation no. 10 of 1961 concerning Land Registration. This detail was made by local officials so that it has different names. Local officials make land titles based on the customary rights of customary law communities, and this right is recognized by law. Customary rights are the rights of customary law communities which are basically the authority possessed by certain customary law communities over a certain area to take advantage of natural resources including land in that area for survival and life that typically arises from outward and inward relationships. , hereditary, and unbroken between the customary law community and its territory (A. Suriyaman Mustari Pide, 2014).

Land registration in Indonesia is carried out through 2 stages, the first is the first land registration and the second is the maintenance of land registration data. Land registration was first carried out through two types of registration, namely systematic and sporadic. Systematic land registration is land registration that is carried out simultaneously with government initiatives in this case the National Land Agency (hereinafter abbreviated as BPN), for the registration of land parcels that have not been certified based on a long-term and annual work plan carried out in areas that have been registered. determined by the State Minister of Agrarian Affairs/Head of BPN while sporadic land registration is carried out on the initiative of the owner of unregistered land parcels (Sibuea, 2011).

Land is given to and owned by people with the rights provided by the LoGA. According to Wantjik Saleh, that with the granting of land rights, a legal relationship has been established between the person or legal entity, in which legal actions can be taken by the person who has the right to the land to another party (Wantjik Daleh, 1982). In civil terms, the existence of a relationship that owns the land with the land as evidenced by real physical control in the field or there is a legal basis in the form of juridical data means that it has been based on a civil right, the land is already in its control or has become his. Land tenure can be the beginning of the existence or granting of land rights, in other words physical land control is one of the main factors in the context of granting land rights.

The legal basis for this right is usually stated in written form with a decision letter, statement letter, statement letter, confession letter, authentic deed or private letter. So that the juridical control over land always contains the authority given by law to control the physical land. Therefore, juridical control provides a basis for the right to a legal relationship regarding the land in question (Olivia Muldjabar, 2018). In connection with the above, there are several types of letters that are often used by Indonesian people as proof of control over a land and this form of control is recognized by Indonesian land regulations, one of which is detail or also known as the Temporary Registration Letter of Indonesian Land Ownership prior to the enactment of the Government Regulation. Number 10 of 1961 concerning Land Registration.

Detail is one of the proofs of ownership based on the explanation of Article 24 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration is proof of ownership of the old right

holder. Rincik is a term that is known in several areas such as Makassar and its surroundings, but has different names or designations in different regions. This is due to the fact that the detailing is made by local regional officials and is based on the customary rights of indigenous peoples whose existence is recognized by law, so the names can vary.

Prior to the enactment of the UUPA, detail was indeed evidence of ownership of land rights, but after the enactment of the UUPA, detail was no longer evidence of land rights, but only in the form of a certificate of object on land, where detail can be used to register old land rights for certificates to be made for first time (FAHARUDIN, 2019).

In the provisions of Article 24 of Government Regulation Number 24 of 1997 concerning Land Registration, it is stated that:

a. For the purpose of registration of rights, land rights originating from the conversion of old rights are proven by evidence regarding the existence of such rights in the form of written evidence, information with a degree of truth by the Adjudication Committee in systematic land registration or by the Head of the Land Office in Sporadic land registration is considered sufficient to register rights, rights holders and the rights of other parties that burden them.

b. In the event that there are no or no complete evidence tools as referred to in paragraph (1), proof of rights can be carried out based on the fact of physical possession of the land parcel in question for 20 (twenty) years or more in a row by the registration applicant and its predecessors, provided that:

    1) The control is carried out in good faith and openly by the person concerned as having the right to the land, and is strengthened by the testimony of a person who can be trusted;

    2) The control either before or during the announcement as referred to in Article 26 is not disputed by the customary law community or the village/kelurahan concerned or other parties.

Details can prove a person's control and use of controlled land, so that if it is not corroborated by other evidence, detail is not absolutely used as evidence of land ownership rights, but only control and use of land. After the birth of the UUPA, the details are no longer valid as proof of ownership of land rights.

Based on Article 32 of Government Regulation Number 24 of 1997 concerning Land Registration, it is stated that the Certificate is a letter of proof of rights that is valid as a strong proof of physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data provided. is in the letter of measurement and the book of land rights in question. In other words, the details no longer have legal force as proof of ownership or are no longer recognized as evidence of land rights, except only as object information and as proof of land/building tax.

Therefore, proof of ownership of land rights on the basis of detailed evidence is not enough, but must also be proven by physical data and other juridical data as well as physical possession of the land by the person concerned for 20 (twenty) years or more consecutively or continuously. -continuously. With a note that the control is carried out in good faith and openly by the person concerned as having the right to the land, and is strengthened by the testimony of a trustworthy person and the control is not disputed by the customary law community or the concerned Village/Kelurahan or other parties (Munawir Abdul Kamal, 2016)

The understanding that detail is proof of ownership of land rights after the enactment of the LoGA is due to such an assumption that is still developing among the community. The fact that occurs in the community, there are still many cases related to land that have not been registered. One of the land disputes whose proof of ownership has not been registered and becomes a land case because of a lawsuit filed in court.

In the lawsuit that was filed, Batjtje Binti Tjale submitted evidence in the form of:

a. An excerpt of the book on the size of the temporary registration of land owned by Indonesia given to Batjtje Binti Tjale on 15 July 1958;

b. The approval of the head of the Batangkaluku neighborhood in accordance with the original and registered in book F belonging to the Batangkaluku neighborhood;

c. Certificate No. 15/SKT/LBK/VI/2014;

d. Image of object of dispute.

The evidence of the letter above is in the form of a photocopy that has been affixed with sufficient stamp duty and after being matched with the original at trial, so that it can be used as legal evidence. In addition to the evidence mentioned above, Batjtje Binti Tjale also presented witnesses who had testified under oath. in which the witnesses' statements contradict each other stating that the land that was managed and controlled by Batjtje Binti Tjale from 1958 to 2013 came from Tjalle who was the parent of Batjtje Binti Tjale. After Tjalle died, he was replaced by Batjtje Binti Tjale. Where from 1958 to 2013 it was Batjtje Binti Tjale who paid taxes on the land. Batjtje Binti Tjale stopped working on the land in 2013 after there was a government-owned building on the land.

Because based on the case presented, the evidence shown and the witnesses presented by Batjtje Binti Tjale, and taking into account the exceptions submitted by the Defendant and the evidence shown, in the District Court Decision Number 10/PDT.G/2014/ PN.SUNGG, dated December 11, 2014, the Panel of Judges in their ruling, partially granted Batjtje Binti Tjale's claim and stated that Batjtje Binti Tjale was the owner of a land area of 4,400 M2 (four thousand four hundred square meters), Jalan Malino, Batang Kaluku Village, Kecamatan Somba Opu, Gowa Regency which has evidence of Detail Persil No. 12 SI Kohir No. 303 CI. Stated that the South Sulawesi Provincial Government and the Gowa Regency Land Office had committed an unlawful act.

Due to the District Court Decision Number 10/PDT.G/2014/PN.SUNGG, the Panel of Judges rejected the exception of the Level I Regional Government of South Sulawesi Province in its entirety, the Regional Government of South Sulawesi Province filed an appeal at the South Sulawesi High Court and decided on 24 June 2015. In the legal considerations of the Panel of Judges Number 119/PDT/2015/PT.MKS, stated that the exception from the comparative party (Level I Regional Government of South Sulawesi Province) was acceptable because in this case it was considered that the shortcomings of the parties proposed by the appellant (Batje Binti Tjale) because the Regional Government of South Sulawesi Province claimed to have obtained the disputed land from the heirs of Abd. Jamal Dg. However, the party has not been sued, so the subject matter in this case cannot be considered.

Meanwhile, at the Cassation stage, the Supreme Court Court which ruled on August 18, 2016 Number 3136.k/Pdt/2015 in its legal considerations stated that the Decision of the South Sulawesi High Court dated June 24, 2015 Number 119/PDT/2015/PT.MKS, was not wrong in applying the law. with the consideration that in this case it is considered that the parties proposed by Batjtje Binti Tjale are lacking, so that the lawsuit is formally considered vague and unacceptable.

Based on the description of the decision above, it is clear that Batjtje Binti Tjale won in the District Court, but at the High Court and the Supreme Court it was stated that Niet Ontvankelijke verklaard means that the lawsuit cannot be accepted because it contains a formal defect. The lawsuit was not followed up by the judge to be examined and tried so that there was no object of the lawsuit in the decision to be executed.

M. Yahya Harahap explained that there are various kinds of formal defects that may be attached to the lawsuit, including (M. Yahya Harahap, 2006).

1. A lawsuit signed by a power of attorney based on a power of attorney that does not meet the requirements outlined in Article 123 paragraph (1) HIR;
2. The lawsuit has no legal basis;
3. Error in persona lawsuit in the form of disqualification or plarium litis consortium;
4. The lawsuit contains obscuur libel, ne bis in idem defects, or violates absolute or relative jurisdiction (competence).

As the opinion of Riduan Syahrani quoted by Moh. Taufik Makarao, proof is the presentation of legal evidence according to law to a judge who examines a case in order to provide certainty about the truth of the events presented. That is, the presentation of the evidence to reveal the facts of an event that is the object of a dispute (Makarao, Moh. Taufik 2009).

If it is related to the evidence as stipulated in Article 1866 of the Civil Code, it can be stated that the evidence presented by Batjtje Binti Tjale at the trial when filing a lawsuit has fulfilled the elements as evidence.

The only problem is that what Batjtje Binti Tjale shows is a photocopy of a letter/document without showing the original letter/document.

As in the provisions of Article 1888 of the Civil Code, it states that "The power of proof with a written document lies in the original deed. If the original deed exists, then copies and quotations can only be trusted as long as the copies and quotations are in accordance with the original which can always be ordered to be shown.

Likewise in the provisions of Article 1889 of the Civil Code, it states that “If the original certificate of title is no longer available, the copy shall provide evidence, subject to the following conditions”:

a. The first copy (gross) provides the same evidence as the original deed; the same applies to copies made by order of a Judge in the presence of both parties or after both parties have been legally summoned, as well as copies made before both parties with their consent;

b. A copy made after the issuance of the first copy without the intercession of a Judge or without the consent of both parties, either by the Notary in whose presence the deed was made, or by a successor or by an employee who because of his position keeps the original deed (minut) and is authorized to provide copies, can be accepted by the Judge as perfect evidence if the original deed has been lost;

c. If the copy made according to the original deed is not made by the Notary before whom the deed has been made, or by a substitute, or by a public employee who because of his position keeps the original deed, then the copy cannot be used as evidence at all, but only as evidence. written start;

d. An authentic copy of an authentic copy or from a private deed, according to the circumstances, may provide a written preliminary evidence.

The author is of the opinion that detail is still recognized as one of the foundations of land rights even for lands that have not been registered or certified so that the case above will guarantee justice and certainty for those who have examined and proven prior to the rights to land objects that have been identified. be disputed. Therefore, all claims and disclaimers will be based on applying the applicable legal provisions.

However, if there is no complete evidence provided by the applicant, the bookkeeping of rights can be carried out based on the physical possession of the land parcel of the party concerned for 20 (twenty) years or more continuously with the following prerequisites:

1. The control of the land is carried out in good faith and openly by the party concerned as the party entitled to the land and can be strengthened by the testimony of a trusted person.
2. The control of the land is not being disputed by the customary law community or the village/kelurahan concerned or other parties either before or during the announcement period as referred to in Article 26.

As time goes by, Government Regulation Number 24 of 1997 concerning Land Registration has changed, namely Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration which are regulated in Article 96 paragraphs (1) and (2) concerning proof of the old rights of former customary lands are as follows:

a. Ex-customary evidence owned by individuals must be registered within a maximum period of 5 (five) years from the enactment of this government regulation

b. In the event that the period of time as referred to in paragraph (1) expires, the written evidence of land belonging to adat is declared null and void and cannot be used as a means of proving land rights and only as a guide in the context of land registration.

From the statement of Article 96 above, it can be interpreted that the proof of ownership of the rights to the former customary land must be immediately registered at the Land Agency office, if the object has not been registered or a certificate has not been issued for a period of 5 years which is taken into consideration the period of completion of land registration. throughout the territory of the Republic of Indonesia since the issuance of this government regulation, evidence of former customary property is no longer valid and cannot change the status of the land.

Legal certainty of land ownership data will be achieved if land registration has been carried out, because the purpose of land registration is to provide legal certainty and legal protection to land rights holders. Both

certainty regarding the subject (i.e. what the rights are, who owns it, whether or not there is a burden on it) and certainty regarding the object, namely its location, boundaries and extent as well as the presence/absence of buildings/plants on it.

In the context of providing legal certainty, those who register their land will be given a document of proof of rights that serves as a strong evidence. In the provisions of the National Land Law, in this case Government Regulation Number 24 of 1997 concerning Land Registration, only certificates of land rights are legally recognized as proof of ownership of land rights which guarantee legal certainty and are protected by law.

Based on the theory of legal protection with reference to the provisions of Article 3 letter a and Article 4 paragraph (1) PP no. 24 of 1997 which regulates the purpose of land registration, where land registration aims to provide legal protection to the holder of the right to a plot of land so that he can easily prove himself as the holder of the right in question. In order to provide legal protection as intended, the holder of the right in question is given a certificate of land rights.

Referring to the case studies carried out, as in the description of the decision that has been described previously, it appears that Batjtje Binti Tjale at the District Court level was declared victorious, then later at the High Court and Supreme Court it was declared*Niet Ontvankelijke verklaard*meaning that the lawsuit cannot be accepted because it contains a formal defect. This certainly affects the legal protection ofBatjtje Binti Tjale who controlled the land based on the details as the basis for the rights he had.

It should be in accordance with the provisions of Article 119 HIR/Article 143 RBG that, the Head of the District Court is authorized to provide legal advice and assistance to the plaintiff or his representative or proxies in the case of filing a lawsuit. Supposedly after the judge studied and found a formal defect in the lawsuit, in the trial the judge gave advice on the improvement of the lawsuit to the plaintiff so that the lawsuit can be corrected and the parties who have rights in this land dispute can be decided in a fair manner.

The dualism of the legality model of ownership has resulted in various problems, which in fact fulfill the cases in court, namely a lawsuit against land between the certificate owner and the detailed owner. The government and the law certainly cannot rule out the existence of these details, because in addition to these details as the legality of land ownership prior to the LoGA, the Government has also not required all owners of detailed lands to register or certify land for free, or BPN's proactive action for data collection and certification of all lands. in the territory of Indonesia. If these steps have been taken by the Government, then the policy of not acknowledging the existence of these details can be justified.

4. Conclusion

The position of detail as the basis for land rights in proving land ownership by the community, namely before the issuance of the UUPA, detail was proof of ownership of land rights. Along with the enactment of the UUPA and Government Regulation Number 24 of 1997 concerning Land Registration, the Details are no longer as evidence of land rights, but as evidence of a person's control over the controlled land, so that if it is not corroborated with other evidence, the Details cannot be used absolutely as a tool. proof of ownership of land in the trial.

The legal protection of land tenure by the community based on the details as the basis for their rights, namely that they have not fully received legal protection. So that in order to obtain legal certainty and protection, land tenure based on details must first be followed up with land registration, in which in the land registration process a certificate will be issued as proof of rights, to avoid disputes in the future. Considering that in the Judicial Process, the position of a certificate is stronger than that of a certificate. So that it can result in a person who only has evidence in the form of details, cannot get legal protection.

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