The Function of the Delimitation Contradictory Principle in the Settlement of Land Plot Boundary Disputes

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Abstract
Placement of boundaries is necessary to avoid boundary disputes between landowners. The installation of land boundary markings by the owner with the approval of the boundary neighbors witnessed by village officials or authorized officials is called the delimitation contradiction principle. This principle is evidenced by an affidavit of approval which is signed directly by the land owner and adjacent land owner and witnesses who are present in the form of village officials. The principle of contradictory delimitation is a very basic thing that must be done by the owners, this is the main and very important condition for the land to be registered at the land office. Although land registration and the principles in land registration have been regulated in such a way and there is a legal basis governing these provisions, there are still many people who do not care, causing a problem, one of which often occurs in the field, namely the lost land boundary because the owner does not care. maintain and maintain these boundaries properly so that at the time of measurement by the land surveying officer, new land boundaries are installed and do not present bordering neighbors so that errors can occur in determining land boundaries. The problem that often arises is that neighboring neighbors underestimate their presence, consider measurements to be unimportant for certain reasons and because this can lead to disputes with other owners seizing land boundaries and there is no agreement between the parties in determining land boundaries. This indicates that the delimitation contradiction principle is not fulfilled. The procedure used to collect data in this study is in the form of documentation, namely the guidelines used in the form of notes or quotes, searching for legal literature, books and others related to the identification of problems in this study both offline and online. Analysis of legal materials is carried out using the content analysis method which is carried out by describing the material of legal events or legal products in detail in order to facilitate interpretation in the discussion. Basically the application of the delimitation contradiction principle is the presence of the parties concerned, namely the land registration applicant and the parties directly adjacent to the land boundary measurement and mapping carried out by the Land Office. has not been carried out, it is also possible that all of the parties concerned came but at the time of the measurement there was a dispute of opinion regarding the results of the measurement and mapping of land boundaries that was carried out, the application of the Delimitation Contradictory principle had also not been implemented.

Keywords: Delimitation Contradictory Principle, Land Plot Boundary Dispute.

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A. Introduction
The principle of contradiction in agrarian law is known as land registration which is the initial process of creating proof of ownership of land rights which guarantees legal certainty for holders of land rights. Land registration is regulated in Article 19 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, hereinafter referred to as the LoGA which states that to guarantee legal certainty, land registration is held by the government, namely the Minister Agrarian by considering the state and society. The land registration includes measurement, mapping and land bookkeeping. As in Article 19 paragraph (2) letter a of the UUPA, that there is a measurement process in land registration which is the first step and it is very important to establish land boundary Delimitation, Land Plot Boundary Dispute.
Article 17 of Government Regulation Number 24 of 1997 concerning Land Registration, states that:

1. In order to obtain the physical data required for land registration, the plots of land to be mapped are measured, after determining their location, boundaries and according to the need, boundary markings are placed in each corner of the land parcel concerned.

2. In determining the boundaries of land parcels for systematic land registration and sporadic land registration, efforts are made to arrange boundaries based on the agreement of the parties concerned.

3. Placement of boundary signs, including their maintenance, must be carried out by the holder of the land right in question.

The placement of these boundaries is necessary to avoid boundary disputes between land owners. The installation of land boundary markings by the owner with the approval of the boundary neighbors witnessed by village officials or authorized officials is called the delimitation contradiction principle. This principle is evidenced by an affidavit of approval which is signed directly by the land owner and adjacent land owner and witnesses who are present in the form of village officials. The principle of contradictory delimitation is a very basic thing that must be done by the owners, this is the main and very important condition for the land to be registered at the land office. Although land registration and the principles in land registration have been regulated in such a way and there is a legal basis governing these provisions, there are still many people who do not care, causing a problem, one of which often occurs in the field, namely the lost land boundary because the owner does not care. Maintain and maintain these boundaries properly so that at the time of measurement by the land surveying officer, new land boundaries are installed and do not present bordering neighbors so that errors can occur in determining land boundaries. The problem that often arises is that neighboring neighbors underestimate their presence, consider measurements to be unimportant for certain reasons and because this can lead to disputes with other owners seizing land boundaries and there is no agreement between the parties in determining land boundaries. This indicates that the delimitation contradiction principle is not fulfilled. If the implementation of the delimitation contradiction principle is not implemented according to the law, it will result in land disputes later.

Implementation of Government Regulation no. 24 of 1997 requires an adequate land registration map so that the implementation of land registration can run as expected, especially in the complete systematic land registration process. It is intended to prevent disputes in the land sector. According to the provisions of PP number 24 of 1997, in order to prevent disputes over land parcel boundaries, it is necessary to determine land parcel boundaries or stakes carried out by an authorized agency, namely the National Land Agency. In determining the boundaries of land parcels, it is also necessary to pay attention to the Delimitation Contradictory Principle, namely the land registration process which is witnessed and approved by the landowners who are directly adjacent to the land parcel to be registered. The definition of the principle of Contradictory Delimitation is also contained in Article 18 PP No. 24 of 1997, which reads as follows. First, the determination of the boundaries of land parcels that are already owned with a right that has not been registered or which have been registered but there is no measurement letter or picture of the situation or the existing measurement letter or picture of the situation is no longer in accordance with the actual situation, is carried out by the Systematic Land Registration Committee. Complete in land registration, based on the designation of boundaries by the holder of the land rights concerned and as much as possible approved by the holders of the rights to the adjacent land. Second, the determination of the boundaries of land parcels to be granted with new rights is carried out in accordance with the provisions as referred to in paragraph (1) or upon the appointment of the competent authority. Third, in determining the boundaries of land parcels, the Complete Systematic Land Registration Committee or the Head of the Land Office shall pay attention to the boundaries of the registered land parcels or parcels and the letter of measurement or picture of the situation in question. Fourth, the approval as referred to in paragraphs (1) and (2) shall be stated in an official report signed by those who gave the approval. Fifth, the form of the official report as referred to in paragraph (4) shall be determined by the Minister.1

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Although the problem of land ownership has been regulated in such a way, there are still problems that occur in the field such as overlapping or overlapping of land parcel boundaries due to unclear boundaries of land parcels. This is because the owner of the plot of land does not maintain the boundaries of the plot of land properly. In addition to the problem of overlapping land parcel boundaries, in reality in the field the Delimitation Contradictory principle has not been able to work properly. This is due to internal disputes between landowners and adjacent landowners. This dispute resulted in the bordering parties refusing to be present at the time of delimitation and refuse to sign the boundary statement and the 201 List of Contents obtained from the Land Office. With this rejection, the measurement process could not be carried out properly, because no agreement was found between the two parties. The disagreement over the boundaries of the land parcels resulted in the land registration process being hampered. In addition, every boundary delimitation in the field should be attended by land owners and adjacent land owners. However, there are times when parties whose land borders are unable to attend because they live outside the city or even abroad. Land owners cannot contact bordering parties, while village officials also do not know the exact boundaries of the land. This also hinders the application of the principle of Contradictory Delimitation.2

Based on the description above, it can be concluded that the main problem is how to apply the principle of delimitation contradiction in the land registration process? And what is the function of the contraditory delimitation principle in the settlement of land parcel boundary disputes? The procedure used to collect data in this study is in the form of documentation, namely the guidelines used in the form of notes or quotes, searching for legal literature, books and others related to the identification of problems in this study both offline and online. Analysis of legal materials is carried out using the content analysis method (content analysis method) which is carried out by describing the material of legal events or legal products in detail in order to facilitate interpretation in the discussion.3

B. Discussion
1. Application of the Delimitation Contradictory Principle in the Land Registration Process

Law is the basis of various implementations, one of which is for orderly administration and legal certainty of the status of land rights which have been regulated in positive law in Indonesia. Legal positivism adopted by Indonesia, then everything must be based on applicable law, for example the implementation of land registration which was previously done manually is now done digitally.4 Land is a gift from God Almighty, on the basis of the right to control from the state. Actually not infrequently many certificates of land rights are circulated, which in addition to the land are also partially certified, so that the term "overlapping certificates" appears.5

Land is a gift from God Almighty, on the basis of the right to control from the state. Actually not infrequently many certificates of land rights are regulated. Regulations on land registration were implemented for the first time based on Government Regulation no. 10 of 1961 concerning Land Registration (PP No. 10 of 1961). Since October 8, 1977 the regulation has been refined by Government Regulation no. 24 of 1997 concerning Land Registration (PP No. 24 of 1997). Land registration took effect on September 24, 1961 based on Article 19 of the LoGA. The reason for the amendment of Government Regulation Number 10 of 1961 is based on several things, as stated in the consideration considering: ar, which in addition to land is also partially certified, so the term "overlapping certificates" appears:6

a. that the improvement of sustainable National Development requires legal certainty in the land sector;

b. that land registration whose implementation by the LoGA is assigned to the government is a means of providing guarantees for the intended legal certainty;

c. that PP No. 10 of 1961 concerning Land Registration is deemed no longer able to fully support the achievement of more tangible results in national development, so that it is necessary to make improvements.

2 Ibid., p. 209.
Furthermore, Article 19 of the LoGA expressly orders: so that the government organizes land registration in order to guarantee legal certainty in land rights. So basically land registration is carried out to collect and provide complete information regarding land parcels whose physical data and juridical data are incomplete and open to dispute. With this model, it is hoped that legal certainty in the land sector will be realized. Ownership of land rights is absolutely necessary so that it should be fully supported by the government program so that rights as Indonesian citizens can be achieved by prioritizing a continuous sense of justice for Indonesian citizens as a whole can be realized.

Legal protection and guarantee of legal certainty in the land sector are mentioned in the General Elucidation of PP No. 24 of 1997, namely:

In dealing with concrete cases, it is also necessary to carry out land registration which makes it possible for holders of land rights to easily prove their rights to the land they control, and for interested parties, such as prospective buyers and potential creditors, to obtain the necessary information regarding the land being owned. become the object of legal action to be carried out, as well as for the government to implement land policies. Land registration is a series of activities carried out by the government continuously and regularly in the form of collecting certain information or data regarding certain lands in certain areas, managing, storing and presenting them for the benefit of the people, in order to provide legal certainty in the land sector, including the issuance of land registration, proof of ownership.

The purpose of registration is regulated in Article 3 of PP number 24 of 1997 which states that registration aims to:

a. To provide legal certainty and legal protection to rights holders in a plot of land. system of flats from other registered rights so that they can easily and easily prove themselves as holders of the rights in question.

b. To adjust information to interested parties including the government so that they can easily obtain the data needed to carry out legal actions regarding land parcels and apartment units that have been registered.

c. For the orderly administration of registration.

Land registration activities in Article 19 Paragraph (2) of the BAL are further elaborated in Article 11 of Government Regulation Number 24 of 1997, namely: Land Registration for the First Time (Opzet or Initial Registration) and Maintenance of Land Registration Data. Land registration for the first time is a land registration activity carried out on land registration objects that have not been registered based on Article 1 point 9 of Government Regulation Number 24 of 1997. Land registration for the first time is also defined as the registration of lands that have not been attached to a right (not yet certified). Article 11 PP No. 24 of 1997 the first land registration can be done in two ways, namely sporadically and systematically. Sporadic first land registration is land registration carried out on individual initiative, carried out at the request of interested parties with costs borne by the applicant personally.

The first systematic land registration is land registration based on a work plan and carried out in areas determined by the Minister/To the National Defense Agency. The implementation of land registration activities is carried out at the government's initiative systematically accompanied by financing by the government. The series of land registration activities for the first time based on Article 12 paragraph (1) of PP 24 of 1997 includes; 1) physical data collection and processing; 2) proof of rights and bookkeeping; 3) issuance of certificates; 4) presentation of physical data and juridical data; 5) general list and document storage.

Activities in the land registration process include: measuring, mapping and recording land, registering land rights and their transfer, providing valid proof of rights as strong evidence.
essence, land registration aims to guarantee legal certainty of land rights. The confirmation of this can be seen in Article 19 paragraph (1) of the UUPA jo. Article 3 letter (a) PP No. 24 of 1997 which in essence the purpose of land registration is to provide legal certainty and legal protection to holders of rights to a plot of land. In order to achieve the goal of land registration above, the end of the land registration process produces a certificate of land rights as a product of land registration as stated in Article 19 paragraph (2) letter c of the UUPA jo. Article 4 paragraph (1) PP No. 24 of 1997.

There are several principles contained in the land registration process carried out by the Government of Indonesia as described in Article 2 of Government Regulation Number 24 of 1997 concerning Land Registration (PP 24 of 1997) which explicitly states that "land registration is carried out on the basis of simple, safe, affordable, up-to-date and open", with the following explanation;

a. Simple Principles; In land registration, it is intended that the basic provisions and procedures can be easily understood by interested parties, especially land rights holders.

b. Safe Principle; This is intended to show that land registration needs to be carried out carefully and carefully so that the results can provide legal certainty guarantees according to the purpose of the land registration itself.

c. Affordable Principles; It is intended to be affordable for those in need, especially by taking into account the needs and abilities of the weak economic groups. The services provided in the context of carrying out land registration must be affordable by the parties who need it.

d. Advanced Principles; It means adequate completeness in its implementation and continuity in data maintenance. Available data must show the current state. For this reason, it is necessary to follow the obligation to register and record changes that occur in the future.

e. The latest principle requires the maintenance of land registration data continuously and continuously, so that the data stored in the Land Office is always in accordance with the real conditions in the field, and the public can obtain information about the correct data at any time. For this reason, the principle of openness is also applied.

Soedikno Mertokusumo stated that in land registration there are 2 types of principles, namely:11

a. The principle of speciality means that the implementation of land registration is carried out on the basis of certain laws and regulations, which are technically related to the problems of measuring, mapping, and registering the transition. Therefore, in the implementation of land registration, it can provide legal certainty to land rights, namely providing clear physical data regarding land area, location and boundaries of land.

b. Openbarrheid Principle (Principle of Publicity); provide juridical data about who is the subject of their rights, what are the names of land rights, and how the transfer and encumbrances occur. This data is open to the public, meaning that everyone can see it.

Elucidation of Article 19 of Law Number 5 of 19960 concerning Basic Agrarian Regulations (UUPA) outlines that land registration will be carried out in a simple and easy way to be understood and carried out by the people concerned. Meanwhile, in the explanatory memory of the LoGa, it is stated that Article 19 of the LoGa is addressed to the government, in order to carry out land registration throughout the territory of Indonesia which aims to ensure legal certainty that is cadastral rechts.12

In addition to the basic principles in the implementation of land registration as described above, there is one more principle that has an important role in realizing the guarantee of legal capacity in the land registration process, namely the Delimitation Contradictory Principle. The essence of the contradictory delimitation principle is the obligation for the holder of land rights to pay attention to the placement, determination and maintenance of land boundaries in a contradictory manner or based on the agreement and approval of the interested parties, which in this case is the owner of the land bordering the land he owns.13

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The formal definition related to the principle of delimitation contradiction is written in Article 18 paragraph (1) to paragraph (5) of PP No. 24 of 1997. Article 18 paragraph (1) of PP No. 24 of 1997 confirms that:

Determination of the boundaries of land parcels that are already owned with a right that has not been registered or which have been registered but there is no measurement letter/drawing of the situation or the existing measurement letter/picture of the situation is no longer in accordance with the actual situation, carried out by the Adjudication Committee in sporadic land registration. based on the designation of boundaries by the holders of land rights in question and as much as possible approved by the holders of rights to the adjacent land.

The definition of the delimitation contradiction principle as stated in Article 18 paragraph (1) of PP no. 24 of 1997 was reaffirmed in Article 19 paragraph (1) letter b of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration (PMNA/Ka. BPN No. 3 of 1997). which in essence emphasizes that the party who controls land parcels in systematic land registration is required to show the boundaries of the land parcels concerned and, if there is an agreement regarding these boundaries with the holders of rights to the adjacent land parcels, put up boundary signs (boundary markers).

Except for clear boundary markings such as permanent concrete fences on rice fields and others, the provisions regarding boundary markers according to Article 22 PMNA/Ka. BPN Number 3 of 1997, are:

(1). For parcels of land with an area of less than 10 ha, the following signs shall be used:
   a. an iron pipe or iron rod, a length of at least 100 cm and a diameter of at least 5 cm, is inserted into the ground for a length of 80 cm, while the remaining 20 cm is covered and painted red, or;
   b. a paralon pipe filled with concrete (sand mixed with gravel and cement) a length of at least 100 cm and a diameter of at least 5 cm, is inserted into the ground for a length of 80 cm, while the remaining 20 cm is painted red, or;
   c. iron wood, bengkirai, teak and other strong woods with a length of at least 100 cm and a width of wood of at least 7.5 cm, are inserted into the ground for a length of 80 cm, while the remaining 20 cm on the ground surface are painted red, provided that for the swamp area is at least 1.5 m long and at least 10 cm wide, of which 1 m is inserted into the ground, while what appears on the ground is painted red. At about 0.2 m from the bottom end, first, two pieces of similar wood with a size of at least 0.05 x 0.05 x 0.70 m are installed which are crosses, or;
   d. a monument made of brick or adobe covered with cement with a size of at least 0.20 m x 0.20 m and a height of at least 0.40 m, half of which is inserted into the ground, or;
   e. a monument made of concrete, river stone or granite is carved at least 0.10 m2 and 0.50 m long, 0.40 m is inserted into the ground, provided that if the boundary marks are made of concrete in the middle it is installed nails or iron.

(2). For parcels of land with an area of 10 ha or more, the following boundary markings are used:
   a. a long iron pipe of at least 1.5 m with a diameter of at least 10 cm, is inserted into the ground for a length of 1 m, while the rest is covered with iron and painted red, or;
   b. iron block with a length of at least 1.5 m and a width of at least 10 cm, inserted into the ground 1 m long, on the part that appears above the ground painted red, or;
   c. iron wood, bengkirai, teak and other strong wood with a length of at least 1.5 m and a width of at least 10 cm, inserted into the ground for a length of 1 m, at about 20 cm from the bottom end 2 pieces of similar wood are installed which are a cross, measuring at least 0.05 x 0.05 x 0.7m; The upper part that appears above the ground is painted red, or;
   d. a monument made of bricks or adobe covered with cement or concrete with a size of at least 0.30 mx 0.30 m from a height of at least 0.60 m, and standing on a base stone that is inserted into the ground of at least 0. 70 x 0.70 x 0.40m, or;
   e. Paralon pipes filled with concrete with a length of at least 1.5 m and a diameter of at least 10 cm, which are inserted into the ground for a length of 1 m, and which appear above the ground are painted red.
(3). The deviation from the shape and size of the land boundary markings as referred to in paragraph (1) to adjust to local conditions is determined by a decision of the Head of the Land Office.

The principle of contradictory delimitation is a prerequisite that must be met in the measurement stage in the series of land registration processes. If this principle is not fulfilled, the continuation of the land registration process will be in vain, because the measurement of land parcels cannot be carried out, as well as the making of maps and land books, including the issuance of certificates of proof of rights. Problems related to the application of the principle of contradictory delimitation tend to more often encounter obstacles in systematic land registration activities for the first time. Constraints that are often faced in the implementation of land parcel measurements in general are the difficulty of presenting land owners who are adjacent to or adjacent to the land object whose rights will be applied for.

Based on the data sources that have been documented, there are several obstacles to the application of the principle of delimitation contradiction in the land registration process by the Medan City Land Office at the stage of physical measurement of land parcels, especially in the Complete Systematic Land Registration (PTSL) activity, namely, among others:

1. There are several owners of land parcels who have not yet installed boundary markers at the corners of the plot of land to be measured;
2. The owner of the plot of land is outside the city and does not give power of attorney to the family or other party who can clearly indicate the boundaries of the parcel of land;
3. There are still disagreements about land boundaries between land owners and neighbors of land parcels whose rights will be registered or there is no agreement on boundaries of land parcels between owners and border neighbors.

Against the constraints mentioned above, the Physical Task Force for PTSL activities at the Medan City Land Office took the following steps:

1. Ask the land owner to put up the boundary markers for the plot of land first, and then the measuring officer from the Physical Task Force will measure the plot of land in question. If the whereabouts of the land owner is not known, then those who install boundary markers are the local kelurahan government apparatus, either the plot (RW) or RT in the location where the land is located, who know the boundaries of the land in question. The form of boundary markers as referred to above refers to the provisions of Article 22 PMNA/Ka.BPN Number 3 of 1997 or can be in the form of fences, rice fields, pond embankments or other permanent boundary markings as described in the Technical Instructions for Complete Systematic Land Measurement and Mapping. Number 01/Juknis-300.01.01/II/2019 dated February 1, 2019.
2. Ensure that the land ownership is owned by neighbors, community leaders or village government officials, either the Head of the Neighborhood (head of the RW) or the head of the RT. In the GU, the measuring officer is given information regarding the existence of the subject. If the boundary of a land parcel whose boundaries can be ascertained, while the owner is not located/its whereabouts are known, then the writing of the NIK can be replaced with the NIK of boundary markers/local officials accompanied by a Certificate. The use of this temporary NIK should be recorded on the land register and informed to the Juridical Data Collection Task Force (Puldadis) for follow-up. However, if the limit is temporary/non-permanent, the GU by the measuring officer is marked with a dash. And for the boundaries of lakes, rivers, roads, the measurements are based on the applicable provisions and are marked with a strip.
3. Regarding the problem of disagreements regarding land boundaries between land owners and neighbors of land parcels whose rights will be registered or there is no agreement on boundaries of land parcels between owners and border neighbors, the Physical Task Force will...

16Ibid., p. 104-107.
measure temporary land parcels based on the boundaries of the land parcels, present at the
time of measurement and given information in the GU regarding temporary limits. Then the
temporary measurement is stated in the official report made by the head of the Adjudication
Committee or the Head of the Physical Division of PTSL Activities as referred to in Article 19
PP No. 24 Year 1997.

In the context of sporadic land registration, basically the application of the principle of
Contradictory Delimitation in sporadic land registration is carried out as much as possible as stated in
Article 18 PP No. 24 of 1997, as follows: 17

First, the determination of the boundaries of a parcel of land that is already owned with a right
that has not been registered or which has been registered but there is no measurement
letter/drawing of the situation or a letter of measurement/drawing of the situation that is no longer
in accordance with the actual situation, is carried out by the Adjudication Committee in land
registration sporadically, based on the designation of boundaries by the holders of the land rights
concerned and as much as possible approved by the holders of the rights to the adjacent land.
Second, the determination of the boundaries of land parcels to be granted with new rights is
carried out in accordance with the provisions as referred to in paragraph (1) or upon the
appointment of the competent authority. Third, in determining the boundaries of the land parcels,
the Adjudication Committee or the Head of the Land Office shall take into account the boundaries
of the registered land parcels or land parcels and the letter of measurement or picture of the
situation in question. Fourth, the approval as referred to in paragraphs (1) and (2) shall be stated
in an official report signed by those who gave the approval. Fifth, the form of the official report as
referred to in paragraph (4) shall be determined by the Minister.

The application of the delimitation contradiction principle in the land registration process is in
principle the presence of the parties concerned, namely the applicant for land registration and parties
directly adjacent to the time of measurement and mapping of land boundaries carried out by the
measuring officer from the land office, if the party concerned is one of them. If it does not come, then
the application of the Delimitation Contradictory principle has not been implemented, it could also be
that the parties concerned all come but at the time of the measurement there is a dispute of opinion
regarding the results of the measurement and mapping of land boundaries, the application of the
Delimitation Contradictory principle has also not been implemented.

2. Functions of the Delimitation Contradictory Principle in Settlement of Land Plot
Boundary Disputes

In the explanation of PP 24 of 1997 it is stated that land registration based on the order of the
LoGA does not adhere to a positive publication system (positive system) where the truth of the data
presented is fully guaranteed, but the system adopted is a negative publication system (negative
system). In the negative system, the government does not fully guarantee the correctness of the data
presented, however it does not mean that land registration in Indonesia is a pure negative system or
more familiarly known as the negative system registration system with positive tendencies. This
means that everything listed in the land book and certificate of land rights is valid as a strong sign of
evidence until it can be proven that the opposite situation (not true). This is of course inversely
proportional to the purpose of granting the right to control by the state, which is for the greatest
prosperity of the people, in the sense of: Happiness, Prosperity, and Independence in an independent,
sovereign, just and prosperous Indonesian society and legal state. 18

Articles 23, 32 and 38 of the LoGA state that land registration for these rights is addressed to the
rights holders in order to make legal certainty for them, in the sense that it is in the interest of law for
themselves, because of the registration of the transfer, its abolition and its encumbrance. the first time
or registration due to conversion, or its release will cause many legal complications if it is not
registered even though the registration is strong evidence for the rights holder. Land registration serves

17 Qoyum, “Penerapan Asas Kontradiktur Delimitasi Dalam Pendaftaran Tanah Sporadik Di Kecamatan Bodeh Kabupaten
18 Diyan Isnaeni, “Pengadaan Tanah Untuk Pengadaan Jalan Tol Dalam Perspektif Hak Menguasai Negara”, Yurispruden:
not only to protect the owner, but also to find out the status of the plot of land, who is the owner, what are the rights, how much is the area, what is it used for and so on. 19

Md. Yamin Lubis stated that the conditions that must be met so that land registration can guarantee legal certainty are: 20

a. The availability of maps of land parcels which are the results of cadastral measurements that can be used for reconstruction of boundaries in the field and their boundaries are legal boundaries according to law.

b. Availability of a general list of land parcels that can prove the rights holders registered as legal rights holders according to law.

c. The maintenance of a general register of land registrations that is always up-to-date, i.e. any changes in data regarding land rights such as transfer of rights are recorded in the general register.

Land registration aims to provide legal certainty, known as Rechts Cadaster / Legal Cadastre. Land registration produces a product called a certificate as proof of rights. The certificate of land rights as a means of providing legal certainty of land rights includes certainty of the status of rights, certainty of the subject of rights, and certainty of the object of rights. 21

With regard to the certainty of the object of rights resulting from the measurement and mapping of land parcels in the land registration process, there are several legal consequences that arise if the delimitation contradiction principle is not implemented perfectly, namely: 22

1. It will result in boundary disputes between one right holder and another bordering right holder as a result of the absence of clear and correct boundaries;

2. There is no guarantee of legal certainty, especially the certainty of being the object, and it will be difficult to be used as the basis for reconstruction in dispute resolution;

3. It will take a long time for the right holder to return the land rights limit in the future.

4. With respect to the plot of land, of course there will be obstacles later if there is a transfer of rights either due to buying and selling, inheritance and so on.

The principle of contradiction of delimitation is part of the legal certainty of the object of the land parcel, especially in terms of the boundaries of the registered land parcel as contained in the certificate of land rights. Certainty of objects as resulted from the application of the principle of contradictory delimitation at the stage of measuring land parcels in land registration activities is certainly a means of providing legal protection for parties appointed as holders of land rights both to individuals and to legal entities.

The consistent and consequent application of the principle of delimitation contradiction in the measurement stage of the plot of land in Land registration activities will certainly cause legal uncertainty to the object of the registered land parcel. As a result, it will certainly affect the weak legal certainty of the object of the right to be used as a means for the holder or owner of land rights. The principle of consensuality contained in the principle of contradiction of delimitation becomes a benchmark to guide the agreement of neighboring parties on the boundaries of land parcels on the rights and obligations of each land owner in the concept of agreement theory. The approval of the boundary neighbors in determining the boundaries of the parcels at the time of measurement of the land parcels in the context of land registration as the essence of the contradictory delimitation principle has basically given birth to a private legal relationship as regulated in Article 1338 paragraph (1) of the Civil Code. 23

According to the concept of agreement theory, the principle of delimitation contradiction becomes evidence when disputes arise regarding the boundaries of land parcels. Because basically the

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19 Ibid., p.167.
agreement theory views that the agreement depends on the conformity of the will of two or more people aimed at the emergence of legal consequences from the interests of one party at the expense of the other party or for the mutual interest of each party. Legal disputes related to boundary disputes are still possible even though there has been an agreement and approval of land boundaries by border neighbors.

This is due to the Indonesian land registration system that adheres to a negative system with a positive tendency, meaning that everything listed in the land book and certificate of land rights acts as a strong sign of evidence until it can be proven otherwise (not true). Based on the description above, it can be understood that the legal consequences of not implementing the principle of contradictory delimitation that are most prominent are the absence of guarantees for legal certainty of land rights, especially certainty regarding the object of their rights as summarized in the certificate of land rights. One of the legal consequences that often occurs when the application of the delimitation contradiction principle cannot be applied properly in the land registration process is the emergence of land boundary disputes.

If the application of the delimitation contradiction principle in a complete systematic land registration encounters an obstacle or a dispute regarding the boundaries of the land parcel, it is advisable to resolve the dispute or obstacle regarding the boundaries of the land parcel by means of consensus deliberation between the land owner and the adjacent land owner, with the resolution of disputes or obstacles through deliberation and consensus is more familial and is considered more efficient.  

If the contradictory principle has been met and an agreement has been reached from the owners of the adjacent land, the next process is the measurement stage which is carried out by the measuring officer from the Land Office, and if at the time of installation of boundary markings a measurement is required, then the measurement is not carried out by the measuring officer from the Land Office. Land, however, is carried out by the owner of the plot of land itself. All data on the size of the location of the boundaries of the land parcels recorded in the field as outlined in the Measurement Drawings must be stored properly at the Land Office as long as the land parcels are still there. This data can be used at a later date to reconstruct the location of the boundary of the plot of land if it has been lost.

Land owners and adjacent land owners who have been present to witness the measurement must sign the Measurement Drawing by making a statement that the boundary marks at the time of measurement or boundary determination have not changed as stated in the previous contradictory statement. With the principle of Contradictory Delimitation as the initial stage in the measurement process, each owner of a plot of land must first install stakes or signs of land boundaries in accordance with the agreement of the parties directly bordering, namely the west, north, east, and east. South. These boundary signs must meet the requirements and in accordance with Article 21 of the Regulation of the Minister of Agrarian Affairs of the Republic of Indonesia Number 3 of 1997, concerning land boundary markings that "boundary signs are installed at every corner of the land boundary, if deemed necessary by the officer carrying out the measurement. Also at certain points along the boundary line of the land parcel."

The detailed provisions are then explained in Article 22 of the Regulation of the Minister of Agrarian Affairs of the Republic of Indonesia Number 3 of 1997 concerning land boundaries for parcels of land with a certain area. With the fulfillment of the boundary signs as mentioned above and have been placed in the actual place, the next step is the measurement process. Then the Land Office will show the area of the boundaries and the location of the land as it should be and make maps and calculations of the land area according to the actual situation in the field. Picture of Situation/Surat Measurement which is then used as part of the land certificate.

After the installation of boundary signs, the applicant and the bordering party will hold a deliberation to then determine the boundaries of the land in front of the local village official. After the determination of boundary markings and the installation of boundary markings/pegs, then the applicant and the bordering parties will make a certificate of approval for the determination of boundaries. Furthermore, the applicant submits an application for measurement to the Land Office by attaching a certificate of approval for the determination of the boundary. Based on this application, the

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24 Ibid., p. 38.
Head of the Land Registration Section acting on behalf of the Head of the City Land Office instructs the surveyor to carry out the measurement of the object of the requested land.

If the adjacent land owners (neighbors) do not get an agreement with the actual location of a boundary, even though mediation has been carried out, then the determination of the boundary must be submitted to the court. If the dispute in question is submitted to the Court and by the court a decision that has permanent legal force is issued regarding the land in question, accompanied by an execution report or if a settlement is reached between the parties prior to the announcement period, the notes regarding the temporary limit on the 201 entry list and the measuring image are deleted by crossing out in black ink.

Article 20 PMNA/Ka. BPN No. 3 of 1997, expressly states as follows:
(1). In the event of a dispute concerning the boundaries of adjacent land parcels, the Adjudication Committee in systematic land registration or the Head of the Land Office/measurement officer appointed in the sporadic land registration shall try to resolve it peacefully through deliberation between the right holder and the right holder. bordering land, which, if successful, the resulting boundary determination is stated in the Minutes of Settlement of Boundary Disputes (table of contents 200);
(2). If until such time as the determination of boundaries and measurement of land parcels for a peaceful settlement through deliberation is not successful, then temporary limits shall be determined based on the boundaries which in fact constitute the boundaries of the land parcels concerned as referred to in Article 19 paragraph (1 ) Government Regulation No. 24/1997, and to parties who feel objected, notified in writing to file a lawsuit to the Court;
(3). The determination and measurement of the temporary limit as referred to in paragraph (2) shall be included in the list of entries 201 and recorded on the measuring drawing;
(4). If the dispute in question is submitted to the court and a decision is issued by the court which has permanent legal force regarding the land in question, accompanied by a Minutes of Execution or if a settlement is reached between the parties before the announcement period as referred to in Article 26 of Government Regulation Number 24 Year 1997 ended, then the notes regarding the temporary limit on the 201 entry list and the measuring image were deleted by crossing out in black ink;
(5). Regarding parcels of land which according to evidence of control can be registered through the recognition of rights in accordance with the provisions in Article 24 paragraph (2) of Government Regulation Number 24 of 1997 or can be granted with rights to individuals or legal entities, the determination of boundaries is carried out by exclude riverbanks and land that is planned for roads in accordance with the relevant Regional Spatial Planning Detail Plan;
(6). In systematic land registration, state land to be granted rights to individuals or legal entities and has been measured before the village/kelurahan area is determined as the location for systematic land registration but has not yet made a measurement letter, the limits are redefined by the Adjudication Committee.

In its implementation, the determination of land boundaries in a land registration process is distinguished between Hak Hak and State Land. Based on the provisions of Article 18 PP No. 24 of 1997 jo. Article 20 PMNA/Ka. BPN No. 3 of 1997 above, it is very clear that the application of the principle of Contradictory Delimitation in land registration is carried out as much as possible, because the implementation of the principle of Contradictory Delimitation in sporadic land registration can avoid the occurrence of a dispute or problem regarding land boundaries.
If the application of the Delimitation Contradictory principle is carried out in land registration, disputes regarding land boundaries will not occur, with the implementation of the Delimitation Contradictory principle in land registration, it can reduce or avoid the occurrence of one of the problems or land disputes that are currently rampant. If the application of the Contradictory Delimitation principle in sporadic land registration experiences an obstacle or dispute regarding the boundaries of the land parcels, it is better if the settlement of disputes or obstacles regarding the boundaries of land parcels is carried out through consensus deliberation between the land owner and the adjacent land owner, with a settlement disputes or obstacles through deliberation and consensus are more familial and more efficient.
C. Conclusion

Based on the results of the research conducted, several conclusions can be drawn, namely: First, the application of the principle of delimitation contradiction in the land registration process is carried out if there is an agreement between the neighboring land parcel boundaries who are present and witness the determination of the boundary markings of the land parcels whose rights will be registered at the time of measurement. Plot of land by the measuring officer from the land office, then the agreement is written in the form of a signature commensurate with the boundaries in the measuring drawing as confirmed in Article 18 paragraph (1) of PP No. 24 of 1997. Second, the principle of contradictory delimitation serves as a means to realize one of the guarantees of legal certainty of land rights, namely in the form of certainty of the object of the land parcel including the boundaries of the land parcel, the area of the land parcel and the location of the land parcel. The principle of contradictory delimitation also serves as strong evidence in the event of a dispute/dispute over the boundaries of the land parcels in the future. Because basically the agreement of the boundary neighbors in determining the boundary of the field at the time of measuring the land parcel in the context of land registration as the essence of the contradictory delimitation principle has basically given birth to a legal relationship of marriage as regulated in Article 1338 paragraph (1) of the Civil Code.

The suggestions given on the basis of these conclusions are as follows; First, seeing that there is still the possibility of negligence or the absence of boundary neighbors to witness and give approval commensurate with the boundaries at the stage of measuring land parcels in the land registration process as a form of implementing the principle of contradiction delimitation, it is recommended that further research can produce formulations that can be proposed as input for designing regulations and formal requirements for the application of the principle of contradictory delimitation in the concrete land registration process. Second, considering that the delimitation contradiction principle functions as one of the evidences in the process of resolving land parcel boundary disputes, it is recommended that further research be able to find a standard format regarding the validity of signatures commensurate with the limit so that the delimitation contradiction principle can be applied consistently and consequently which will actually function. to be evidence in the process of returning boundaries and resolving land parcel boundary disputes, both non-litigation and litigation

References


