Journal of Private and Commercial Law

A peer-reviewed journal published by Faculty of Law Universitas Negeri Semarang, Indonesia. The title has been indexed by DOAJ, SINTA, GARUDA. ISSN 2599-0314 (Print) 2599-0306 (Online)
Online at https://journal.unnes.ac.id/journals/index.php/jpcl/index

LAND CERTIFICATION OF GOVERNMENT ASSETS RESULTED FROM SWAP-OVER (RUISLAG) TO ENSURE LEGAL CERTAINTY OF LAND RIGHTS
(CASE STUDY: EXECUTION OF RUISLAG MAN 2 KUNINGAN)

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Abstract

This research aims to examine the process of land certification of government assets resulting from the ruislag in the implementation of the ruislag of MAN 2 Kuningan, and to analyze the strategies made by the parties to overcome the issues in the land certification process, to ensure legal certainty. This research employs a qualitative research method, drawing on an empirical legal research approach and a sociological perspective. The results that the certification process involves several stages, including verification of legal ownership, aligning administrative documents, field inspection, and formal submission data of replacement land to the land office, this included in the maintenance service of land registration in accordance with positive law in Indonesia. The issues encountered are related to incomplete administrative documents, unclear designation of replacement land rights, and physically land conditions, because the distance between the ruislag process and land registration is quite long. Strategies made by the parties involved are cooperation between the parties, increasing the intensity of coordination between agencies, and discussions to reinterpret the relevant regulation in the context of specific cases. With these strategies helped to resolve of procedural issues and led to published of Right of Use Certificate for MAN 2 Kuningan and four replacement fields of village treasury land, thus ensuring the legal certainty of land rights for the subjects of the ruislag.

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KEYWORDS: *Land Certification; Ruislag; Legal Certainty; Land Rights*

Introduction

Humans and land have a close correlation. For humans, land is a living capital that enables them to achieve welfare. Land is not only a necessity, but also a crucial factor supporting the development of life in economic, social, political, and cultural aspects.[1] An example is the relationship between agriculture and food security, housing and shelter, economy and livelihoods. In addition to protecting all Indonesians, the government as the highest authority, has a role in using its position of power on land, sea and air.[2] Article 33 paragraph 3 of the Constitution of the Republic of Indonesia (UUD 1945) stipulates that land is a natural resource controlled by the State and used for the greatest prosperity of the people. Based on this, Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA) was formed as a reference for every Indonesian citizen to comply with the rules related to ownership of land rights including its derivative regulations, namely regarding Management Rights, Land Rights, Flat Units, and Land Registration as regulated in Government Regulation No. 18 of 2021 (PP No. 18/2021).

It has become important to have a valid land certificate in terms of administrative, physical, and legal matters. The government, through Law No. 56 of 1960 concerning Basic Agrarian Principles (UUPA) regulates land registration, which aims to realize legal certainty of land rights through proof of rights.[3] As a state governed by law, Indonesia upholds legal

[1] Sukmawati, Putu Diva. "Hukum Agraria Dalam Penyelesaian Sengketa Tanah Di Indonesia." Jurnal Ilmu Hukum Sui Generis 2, no. 2 (2022): 89-102.
[2] Dewi, Elysia Arianti, Suyatno Suyatno, Fajar Rachmad Dwi Miarsa, M. Zamroni, and Ahmad Heru Romadhon. "Tinjauan Yuridis Terkait Kepastian Hukum Hak Pertanahan Dan Jaminan Fidusia Bagi Pemegang Izin Pemakaian Tanah Di Kota Surabaya." UNES Law Review 5, no. 4 (2023): 4435-4446.
[3] Choerunnisa, Icha, Maman Sudirman, and Benny Djaja. "Sertifikasi Barang Milik Negara: Langkah Strategis Memperkuat Kepastian Hukum dan Keamanan Aset

certainty as one of the fundamental objectives as the legal system. Therefore, land ownership and control must be managed in an orderly and legal manner by complying with applicable regulations in order to avoid potential disputes[4], including in cases involving land acquired through the practice of land swap (ruislag) which the government often uses in optimizing the utilization of state assets for the public interest.[5] The location and condition of a field of land are not always strategically suited for development, including public development projects for public interest carried out by the government, which encourages the implementation of a land acquisition mechanism in the procurement or asset management mechanisms such as the land exchange scheme (ruislag).[6] The ruislag of village land has been regulated under Minister of Home Affairs regulation Number 3 of 2024, which amends Minister of Home Affairs Regulation Number 1 of 2016 concerning Village Asset Management (PERMENDAGRI No. 3/2024).

One of the development agendas for the public interest includes the construction of Madrasah Aliyah Negeri (MAN), which typically involves the use of land, space, and surrounding areas, as regulated in Law Number 2 of 2012 concerning Land Acquisition for Public Interest (UU No.2/2012). The construction of MAN 2 Kuningan took place on tanah kas desa (village-owned land) belonging to Ciawigebang Village. So that MAN 2 Kuningan under the Ministry of Religious Affairs had to ruislag and provide a replacement land for the village.

Negara." Jurnal Justitia: Jurnal Ilmu Hukum Humaniora 6, no. 2 (2023): 628-642.

[4] Permadi, Iwan. 2023. "Problematika Pelaksanaan Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Terhadap Pendaftaran Tanah Yang Berkepastian Hukum." JUSTISI 10 (1): 68–79. https://doi.org/10.33506/jurnaljustisi.v10i1.2512.

[5] Damayanti, Ekasari. "Pelaksanaan Tukar Guling (ruislag) Tanah Wakaf di Kota Semarang Untuk Pembangunan Jalan Tol Trans Jawa." Journal of Politic and Government Studies 8, no. 04 (2019): 351-360

[6] Nazila, Dara. 2021. "TUKAR MENUKAR (RUILSLAG) TANAH ASET DAERAH(Studi Kasus PT Sawit Arum Madani Dan PT Bina Peri Permai Dengan Pemerintah Kabupaten Blitar)."

Although the administrative procedures for land exchange have been clearly stipulated in the applicable regulations, but in the practical implementation of this ruislag often faces various issues until disputes arise, the result of this ruislag activity is a change in land status on each exchanged land. The legal certainty of government land rights resulting from this ruislag is crucial, in addition to ensuring the legality of land rights, it also supports the efficiency of asset management.[7] Following the process of ruislag, the next essential step after the ruislag process is the certification of the government asset that is the object of the ruislag including the replacement land provided by the village government. The change in land status due to ruislag must be registered at the Land Office (BPN). This is not without reason, according to Setiowati et al. (2016) that the replacement land has not been certified can cause losses to the village and hamper the development process in the future due to the unclear legal status of the land.

This section describes about prior research that was used as a reference by the author to establish the novelty of this research. First, an article entitled "Pengaruh Sertifikat Hak Atas Tanah Sebagai Alat Bukti Dalam Mencapai Kepastian Hukum" writen by Abdul Muthallib.[8] That research presents two main discussions, focuses on legal certainty and land certificates as a means of proof. The research discusses that land has a strategic role in ensuring legal certainty over land ownership in Indonesia, in line with purpose of the Basic Agrarian Law (UUPA), which is to provide legal certainty regarding land rights for all citizens. The author explains that a land certificate as the outcome of the land registration process serves as strong and formal evidence in the civil law system because it contains juridical and physical land information, though the negative publication system in which third parties can sue within a period of five years that causes

[7] Basri, Hasan. 2021. "KAJIAN HUKUM TERHADAP PENGELOLAAN ASET DAERAH" 1:86.

[8] Muthallib, Abdul. 2020. "PENGARUH SERTIFIKAT HAK ATAS TANAH SEBAGAI ALAT BUKTI DALAM MENCAPAI KEPASTIAN HUKUM." Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan, Dan Ekonomi Islam 12 (1): 21–43. https://doi.org/10.32505/jurisprudensi.v12i1.1673.

the certificate has not fully provided an absolute guarantee against the absence of disputes. However, in practice before the court, the existence of a land certificate is valid written evidence that provides legal protection and formal legality for landowners so that it can reduce land conflicts due to unclear ownership status. Furthermore, the difference between the previous research and the current research is that the previous research does discuss land title certificates in achieving legal certainty but does not discuss the process of certifying government land resulting from ruislag, so the novelty of this research its will examine the process of certifying government-owned land resulting from the ruislag process in avoiding conflicts due to unclear land ownership status.

The second research is an article entitled "Tinjauan Yuridis Peralihan Hak Milik Atas Tanah Karena Tukar Menukar Berdasarkan Peraturan Pemerintah Nomor 24 Tahun 1997 Pada Kantor Pertanahan Kota Medan" written by Dara Sri Rezeki and Adawiyah Nasution.[9] The article analyzed the exchange mechanism and the legal implications of land exchanges that were not officially registered, the results of this research were the implementation of the transfer of land rights must go through strict procedures but there are many informal practices (customary law) that cause legal uncertainty. There are two important aspects of this research, the first aspects about the procedure for transferring land ownership rights due to exchange, and the second is the exchange that is not made in front of PPAT and is not registered at the Land Office. Furthermore, the difference between the previous research and the current research is in their focus. While the previous research focused on the ruislag procedure according to existing regulations, but does not discuss the issuance of land certificates on each ruislag object, which is important for ensuring legal certainty.

[9] Rezeki, Dara Sri, and Adawiyah Nasution. 2023. "Pada Kantor Pertanahan Kota Medan." *Mediation : Journal Of Law*. Vol. 2. https://pusdikra-publishing.com/index.php/jhkm/index.

In the development of MAN 2 Kuningan, the two objects of ruislag were designated as *Hak Pakai* (Right of Use). As a result, legal certainty of land rights can be obtained through authentic and legally binding in the form of a certificate. The Right of Use lan certificate for MAN 2 Kuningan was published first by the National Land Agency (BPN) of Kuningan Regency, but the Right of Use Certificate for the replacement land which in this case is village treasury land *(tanah kas desa)* of Ciawigebang Village has an obstacle so that there is a delay in the process of publishing the certificate.

The research of Felicia et al., (2016) explained that the beginning of the land exchange dispute in educational infrastructure lies in the procedure for changing the legal status of the land, specifically in replacement land has not yet changed its name.

This research is grounded by the issues that happened in the implementation of the ruislag for MAN 2 Kuningan and the gaps in previous research, so this research fills a gap by focusing on the process of publishing land certificate for government assets as a means to ensure legal certainty over land rights. In line with this objective, this research adopts the theory of land registration and the theory of legal certainty as a theoretical basis.

Based on the background described above, the research questions in this study are :

1. How is the mechanism applied in the certification process of government owned land resulting from ruislag in the implementation of the Ruislag of MAN 2 Kuningan?
2. How strategies have been made by the parties to overcome the issues in the land certification process as a result of the ruislag in order to ensure legal certainty?

Departing from issues and urgency as described, this research specifically aims to analyze the mechanisms applied in the certification process of government land assets as a result of ruislag in the implementation of the land exchange for MAN 2 Kuningan. This research also seeks to comprehensively describe the challenges and strategies made by the

relevant parties in the issuance of Right of Use certificates, in order to achieve legal certainty.

Method

This research employs qualitative method, with the main focus on gaining an understanding of the research subjects experiences of a particular phenomenon, then the collected data are presented in descriptive form. The type of this research is empirical law and is analyzed using a sociological approach, which analyzed how law is actually implemented in real life within society, legal entities, and government institutions. The primary type and sources of data in this research are derived from primary data collected through interviews and observations of informants and resource persons.[10] The subjects of this research are the Land Office of Kuningan Regency and the Village Government of Ciawigebang. The object of this research is the case being examined, is the certification process of government land assets resulting from ruislag in the implementation of ruislag for MAN 2 Kuningan.

Result and Discussions

1. ***Process of land certification of government assets resulting from the ruislag in the implementation of the ruislag of man 2 kuningan.***

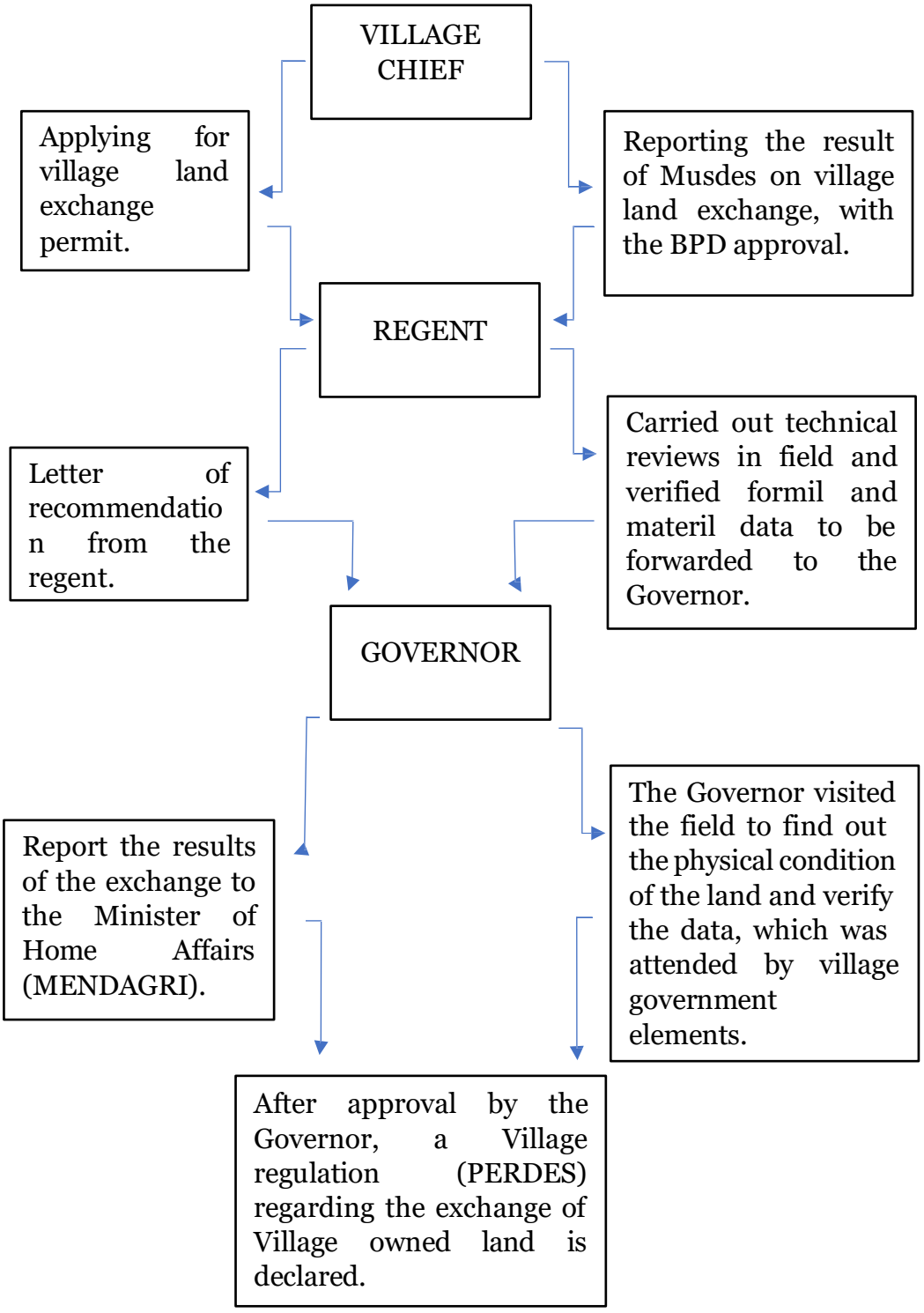
Swap of village land, commonly referred to as land exchange, is regulated under Minister of Home Affairs Regulation No. 3 of 2024 on Amendments to Minister of Home Affairs Regulation No. 1 of 2016 concerning village Asset Management (PERMENDAGRI No.3/2024). Land exchange, often called *tukar menukar* in the context of village treasury land (*Tanah Kas Desa* or TKD), is one of the activities permitted for the transfer of village assets. The transfer of village assets in the form of land through

[10] Muhaimin, Muhaimin. "Metode penelitian hukum." *Dalam S. Dr. Muhaimin, Metode Penelitian Hukum, Mataram-NTB: Mataram* (2020).

land exchange is intended for four purposes: for National Strategic Projects, for public interest, for non-public interest, and for village interests. Matters concerning public interest are further regulated in Law Number 2 Year 2012 concerning Land Acquisition for Development in the Public Interest (UU No.2/2012), which affirms that the government is obliged to realize the interests of the nation, state, and society with the primary goal of maximizing public welfare. Land that will be utilized or allocated for collective interests is subsequently used for development, including, among others, government educational infrastructure or public schools.

Procedur ruislag for public interest with the object is village treasury land and the position of the replacement land not in the same village will involve the Village Chief, regent, and Governor. First, the Village Chief must submit a permit regarding the village treasury land swap to the Regent and submit the results of the village conference on ruislag, based on BPD approval. Second, after the first stage, the regent will carry out a technical review in the field, verify the data, and provide recommendations to be submitted to the Governor. Third, the Governor will visit the field to check the physical condition of the land and the suitability data with the village Government, then the Governor will report the results of the ruislag to the Minister of Home Affairs. After all and the Governor approves the ruislag, a Village Regulation (PERDES) about ruislag is stipulated. Below is a diagram related to the procedure for exchanging village treasury land for public interest, with the provision that the replacement land is not located within the same village (based on interviews with part of BPN Kuningan and applicable regulations):

Diagram 1: Stages of Village Land Swap for public interest



The ruislag process carried out for the construction of MAN 2 Ciawigebang represents one of the exchanges of village treasury land for development in the public interest. The land swap between the Village Treasury Land of Ciawigebang and the land owned by MAN 2 Ciawigebang was conducted through a deliberative meeting of Ciawigebang Village, which was subsequently formalized in Ciawigebang Village Regulation Number 03 of 2005 (Peraturan Desa Ciawigebang No.3/2005) dated 2 August 2005 concerning the Approval of the Exchange of Village Treasury Land in Ciawigebang Subdistrict with Land Owned by Madrasah Aliyah Negeri (MAN) Ciawigebang.

A land swap (ruislag) involving village land constitutes the transfer of ownership of village assets, which can be executed between the village government and other parties, whereby the village will receive compensation in the form of land, buildings, or money with a value that is at least equivalent or more favorable.[11] Ruislag can be regarded as one of the asset management mechanisms utilized by the government as regulated in the relevant statutory provisions. The objective of this process is to optimize the use of less productive land by exchanging it for land that is more strategic or better suited to the needs of the relevant institution. For example, the construction of MAN 2 Kuningan was carried out on land owned by Ciawigebang Village with an area of 8,400 m², thus necessitating a land swap process in which MAN 2 Ciawigebang provided replacement land of at least equal or greater value. In this implementation, MAN 2 Kuningan provided 4 parcels of land located at:

1. Gembor Block, Pamijahan Village, Ciawigebang Subdistrict, with an area of 2,420 m², evidenced by a Certificate of Ownership (Sertifikat Hak Milik) Number 269 in the name of Dartam;
2. Gembor Block, Pamijahan Village, Ciawigebang Subdistrict, with an area of 4,420 m², evidenced by a Certificate of Ownership (Sertifikat Hak Milik) Number 666 in the name of H. Sudarmo Sukarno;

[11] Permendagri No.3 tahun 2024

3. Gembor Block, Pamijahan Village, Ciawigebang Subdistrict, with an area of 2,113 m², evidenced by Sale and Purchase Deed Number 96 of 2005 in the name of Dartam; and
4. Wareng Block, Geresik Village, Ciawigebang Subdistrict, with an area of 3,590 m², evidenced by a Certificate of Ownership (Sertifikat Hak Milik) Number 216 in the name of H. Anwar.

The total area of the replacement land is 12,543 m². Since the replacement land provided by MAN 2 Kuningan exceeds the area of the land used, the village benefits from this arrangement. The increasingly complex relationship between humans and land, driven by population growth and intense development, impacts the availability of limited and fixed land areas, which can trigger land ownership disputes. To prevent conflicts, legal regulations and government actions are necessary to ensure legal certainty of land rights.[12] UUPA Article 19 paragraph (1) essentially states that the government, through a land registration program, is responsible for providing this legal certainty Implemented throughout the entire territory of Indonesia, this program aims to achieve legal certainty over land in accordance with the provisions stipulated in Government Regulations. Furthermore, UUPA Article 19 paragraph 1 details the stages of land registration, which consist of:

1. Measurement, mapping, and bookkeeping;
2. Registration of land rights and the transfer of those rights;
3. Issuance of certificates of proof of rights, which serve as strong evidentiary instruments.[13]

The implementation of land registration guarantees legal certainty for the rights holders, the land as the object, and the land rights themselves. Proof of ownership of a field of land and its buildings is established by the issuance of a legal document as written evidence indicating the ownership

[12] Istiqamah, Istiqamah. "Tinjauan Hukum Legalisasi Aset Melalui Pendaftaran Tanah Sistematis Lengkap (PTSL) Terhadap Kepemilikan Tanah." Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah dan Hukum 5, no. 1 (2018): 226-235.
[13] UU No.5 tahun 1960 (UUPA)

of rights in the form of a certificate.[14] This is in accordance with Article 4 paragraph (1) Government Regulation No. 24 of 1997 on Land Registration (PP No. 24/1997), which states that the issuance of land rights certificates to rights holders serves to provide legal certainty and protection. This includes the certification of government asset land resulting from land swaps (ruislag), thereby preventing the emergence of disputes in the future.[15]

The National Land Agency (Badan Pertanahan Nasional, BPN) serves as the government's extension in administering governmental duties in the field of land affairs. The implementation of the Land Registration program is divided into two types, namely:

1. Initial Land Registration;
2. Maintenance of Land Registration Data.

The implementation of land exchange (ruislag) falls within the category of Land Registration Data Maintenance services. The data maintenance activity involves updating the physical and juridical data recorded in the registration map, land measurement documents, land books, land name registers, and certificates to reflect changes occurring in the field.[16] Data maintenance resulting from ruislag entails changes in the land book, specifically changes in the subject of rights due to the transfer of ownership through land exchange (ruislag). Matters related to the processes and requirements for Land Registration Data Maintenance services are regulated under Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2010 concerning Service Standards and Land Regulations (PERKBPN No.1/2010).

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[14] Medaline, Onny, Nurhilmiyah, and Rizka Syafriana. 2024. "Analisis Implementasi Pensertifikatan Aset Tanah Pemerintah Daerah Kabupaten Langkat." Jurnal Ilmiah Penegakan Hukum 11 (1): 45–55. https://doi.org/10.31289/jiph.v11i1.11830.

[15] Dwijayanto, Kurniawan Yoganing. "Pendaftaran tanah hak milik hasil tukar menukar dengan tanah kas desa melalui program pendaftaran tanah sistematis lengkap di kabupaten cilacap." Master's thesis, Universitas Islam Sultan Agung (Indonesia), 2023.

[16] Richard, H., SH SE, M. Kn, and M. H. Agus Sudradjat. *TEORI DAN PRAKTIK PENDAFTARAN TANAH (Berikut Contoh Draft Akta)*. CV Cendekia Press, 2024.

The process of publishing certificates for the asset land resulting from the land exchange between MAN 2 Kuningan and the Ciawigebang Village authorities has been ongoing since 2019 but was temporarily halted due to obstacles arising from discrepancies in administrative data and documents among the parties involved, including MAN 2 Kuningan, the Village, and the Kuningan National Land Agency (BPN).[17] Additionally, the change of the School Principal posed a challenge, as the agreement stipulated that MAN 2 Kuningan was responsible for the process until the certificate was published, including bearing the associated costs. The issuance of the certificate for MAN 2 Kuningan's asset proceeded with minimal difficulties and in accordance with the applicable laws and regulations. Consequently, in 2021, the Right of Use Certificate (*Sertifikat Hak Pakai*) for MAN Kuningan was published with the following details[18]:

1. Number: 00004 in the name of Pemerintah Republik Indonesia cq. Kementrian Agama Republik Indonesia , covering an area of 8,403 m² in accordance with Land Measurement Certificate Number: 01812/Ciawigebang/2021 dated July 23, 2021; and
2. Number: 00005 in the name of Pemerintah Republik Indonesia cq. Kementrian Agama Republik Indonesia, covering an area of 1,688 m² in accordance with Land Measurement Certificate Number: 01857/Ciawigebang/2021 dated October 29, 2021.

The delay in the publishing of certificates for the village replacement land was also caused by a more complex procedural flow. The replacement land, consisting of four fields with different land ownership statuses, requires the removal of rights first before the Right of Use Certificate (*Sertifikat Hak Pakai*) of Village could be published. Another challenge faced by the village authorities was the lack of technical coordination

[17] Researcher's interview with BPN Kuningan.
[18] Berita Acara Hasil Verifikasi Data dan Penelitian Lapangan Perihal Tukar Menukar Tanah Kas Desa Ciawigebang Kecamatan Ciawigebang Dengan Madrasah Aliyah Negeri 2 Kuningan untuk Pengembangan Fasilitas Pendidikan MAN 2 Kuningan

between agencies, including between the National Land Agency (BPN) and the Regional Village Community Empowerment Office (DPMD), as well as delays in information dissemination and regulatory changes. In 2023, the certificate issuance process was intensified by the Ciawigebang Village authorities through coordination with BPN, resulting in the issuance of the Right to Use Certificate for the replacement Village Treasury Land in 2024, with the following details:

1. Location: Pamijahan; Area: 4,540 m²; Right to Use Certificate (*Sertifikat Hak Pakai*) No. 00042 (10.22.16.06.4.00042);
2. Location: Pamijahan; Area: 2,124 m²; Right to Use Certificate *(Sertifikat Hak Pakai*) No. 00023 (10.22.16.06.4.00023);
3. Location: Pamijahan; Area: 4,324 m²; Right to Use Certificate (*Sertifikat Hak Pakai*) No. 00010 (10.22.16.06.4.00010);
4. Location: Wareng, Gresik; Area: 3,590 m²; Right to Use Certificate (*Sertifikat Hak Pakai*).

The implementation of the land exchange (ruislag) between MAN 2 Kuningan and Ciawigebang Village encountered minimal obstacles, as the process has been ongoing since 2005. The Village authorities coordinated with the Regional Village Community Empowerment Office (DPMD), resulting in the issuance of the Minutes of Verification and Field Investigation Results concerning the Exchange of Village Treasury Land of Ciawigebang Subdistrict with Madrasah Aliyah Negeri 2 Kuningan for the Development of Educational Facilities at Madrasah Aliyah Negeri 2 Kuningan, No: 400.10.2.4/01.TKAD/VIII/2024. The issuance of this official report serves as the basis for the issuance of the Village Treasury Land Certificate of Ciawigebang. Furthermore, with the publication of the Right of Use Cerificate for MAN 2 Kuningan and the replacement land for Ciawigebang Village Treasury Land, it proves that the land registration procedure is in accordance with Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2010 concerning Service Standards and Land Regulations (PERKBPN No.1/2010).

2. The strategies made by the parties to overcome the issues in the ruislag land certification process in order to ensure legal certainty.

Gustav Radbruch introduced the theory of Three Fundamental Values in law where the legal system is built upon three core principles including the justice, utility, and legal certainty.[19] The three fundamental values of law introduced by Gustav Radbruch are the broader meaning of the purpose of law, which is to realize justice, promote utility, and ensure legal certainty.

UUPA regulates that the implementation of land registration is aimed to ensuring legal certainty for all citizens and providing certainty of rights to those who hold land rights, so the importance of this written law is essential to ensure that all parties understand the boundaries of what is permitted and prohibited, and aware of their rights and responsibilities, especially concerning land.[20] The issuance of a Right of Use land certificate through the land registration process realizes to ensure of legal certainty and provide legal protection for every rights holder. The function of certificate is an official document that proves ownership, indicating the name of rightful holder. It is made by an suthorized official and in the process of making it based on valid data and documents in accordance with the background of the land obtained.[21]

In the context of ruislag carried out for public interest, the procedure for obtaining the certificate may refer to PERKBPN No. 1 of 2010. The registration of land rights resulting from ruislag is crucial, given the

[19] Rahim, A. *Dasar-Dasar Hukum Perjanjian: Perspektif Teori dan Praktik*. Humanities Genius, 2022.
[20] Ruchiyat, Eddy. "Sistem Pendaftaran Tanah Sesudah dan Sebelum Berlakunya UPPA." *Sinar Grafika, Jakarta* (1973).
[21] Pangestika, Finna Maessy. 2025. "Unregistered Customary Land: Implications and Challenges in Practice." The Indonesian Journal of International Clinical Legal Education Vol. 6 (Issue 4). https://doi.org/https://doi.org/10.15294/ijicle.v6i4.15511.

importance of legal certainty and protection for right holders to prevent land disputes which often happen after a ruislag.[22]

The process of publishing a certificate of land rights resulting from ruislag is not without any issues both faced by MAN 2 Kuningan, the Ciawigebang Village authorities, even the Kuningan Regency BPN institution. Strategies to overcome issues in the process of publishing certificates require a comprehensive and integrated approach. To clarify the point of this research, the following table contains issues and strategies in the process of publishing land certificates as a result of ruislag between MAN 2 Kuningan and Ciawigebang Village:

Table 1: Issues and strategies in publishing of land certificate resulting in ruislag between MAN 2 Kuningan and Ciawigebang Village.

Issues	Strategies
The documents required for land registration are incomplete	Awareness of both MAN 2 Kuningan and the Ciawigebang Village authorities. Strengthening coordination among the institutions the parties involved Ruislag, DPMD, and BPN Kuningan Regency.
The physical condition of the land has changed because of the length of	BPN repeatedly measured the land areas involved ruislag object

[22] Wardani, Isti Ary, and Reni Anggriani. 2023. "Faktor Terjadinya Sengketa Tukar Menukar Tanah Di Desa Teloyo Kabupaten Klaten." Media of Law and Sharia 4 (3): 253–70. https://doi.org/10.18196/mls.v4i3.29.

the land registration process.	and carried out boundary making.
The subject of the rights on the replacement land certificate was still registered under a previous rights holder, requires the removal first. This makes for more flow.	BPN coordinated with MAN 2 Kuningan as the provider of the replacement land, also with the legal owners of the replacement land (as stated in the certificate) before to the purchase process to be used as replacement land.
Regulatory changes due to the lengthy period between implementation of the ruislag and the land registration.	BPN reviewed each the new regulation and informed the Ciawigebang Village authorities and MAN 2 Kuningan about new requirements that needed to be filled.

Source: Interview with BPN Kuningan and Ciawigebang Village authorities.

This table provides a comprehensive overview of the issues faced in the land certification process after ruislag of MAN 2 Kuningan and Ciawigebang Village, especially in the context of government asset management. Each issues is accompanied by a detailed explanation to clarify the causes and factors behind it. Proposed strategies not only in reactive, but also in preventive way, which aim to improve legal certainty, administrative efficirncy, and public trust.

Based on the results of interviews held by researchers with BPN Kuningan on 09 May 2025, and interviews with Ciawigebang Village authorities on 15 May 2025, (as described in the table) show that administrative and technical issues are frequently encountered, such as administrative data that does not match, which hampering the certification process. Therefore, intensive coordination between BPN, MAN 2 Kuningan, Ciawigebang Village authorities, and the local government is the key to accelerating the certification process. With the strategies implemented until the certificate on each of the ruislag object land is published, the parties are MAN 2 Kuningan and Ciawigebang Village get a guarantee of legal certainty of land rights.

Conclusion

Based on a case research of the implementation of land exchange (ruislag) for public interest between MAN 2 Kuningan with Ciawigebang Village, a structured mechanism is needed the complies with applicable laws and regulations is the key to ensuring legal certainty. The publication of the Right of Use Certificate for MAN 2 Kuningan and the Right of Use Certificates for four fields of *tanah kas desa* Ciawigebang Village serves as evidence that the ruislag and land registration have been carried out in accordance with legal procedures. The issues encountered during the certification process can be overcome through collaboration among the parties involved, increasing the intensity of coordination, public outreach and dialogue. The strategies that have been made in resolving these issues to securing land rights, this is a form of orderly administration, and optimizing the management of government assets resulting from ruislag. So this helps to prevent future disputes and this ensure legal certainty of land rights.

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DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

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ACKNOWLEDGMENT

The authors thank the anonymous reviewer of this article for their valuable comment and highlights.

GENERATIVE AI STATEMENT

None.

HISTORY OF ARTICLE

Submitted : June 21, 2025
Revised : June 26, 2025
Accepted : June 26, 2025
Published : July 8, 2025