

RESEARCH ARTICLE

LETTER C DOCUMENT AS A PRELIMINARY EVIDENCE OF OWNERSHIP OF LAND RIGHTS (STUDY IN KEBUMEN DISTRICT, INDONESIA)

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ABSTRACT

Land is the main need for humans because human life cannot be separated from the soil. The Indonesian state is increasingly experiencing developments in the arrangement of land ownership rights, which is followed by the issuance of regulations governing land. Understanding of the initial evidence of ownership of land rights between the community and government institutions in conflict areas such as what happened in Central Java, the southern part of Kebumen Regency, there is an area called urutsewu. This creates a gap both vertically and horizontally, based on the legality of proof of ownership of legal property rights, namely a certificate, but to issue a certificate it must be preceded by initial evidence of ownership such as letter C books, SPPT and other evidence available at the village level, in accordance with the Law. Basic Agrarian Law Number 5 of 1960. From this description, what is the strength of the evidence for quoting the village letter C book in obtaining rights and what is the procedure for obtaining land rights, what is the status of ownership of land rights with evidence of village letter C quotations in the Urutsewu area, Regency of Kebumen.

Keywords: *Land Conflict, Dispute, Land Rights, Evidence, Letter C Document*

INTRODUCTION

The Indonesian state has experienced developments in all fields, including the land sector, which is marked by the issuance of regulations governing land. In the midst of the development of land law, the community has not been able to fully understand the regulations in the agrarian sector (Kartasapoetra, 1985). Land is the main need for human life, because human life cannot be separated from soil. Humans live on land and obtain food by utilizing the land, on the other hand land can cause disputes and wars because humans or a nation want to control the land of another person or nation because of the natural resources contained therein.

The people who are most vulnerable to understanding or not getting information related to land regulations are rural communities even though most of their needs are met by growing crops with soil media. The legal understanding of the community regarding proof of ownership of land parcels is limited to a few that are considered proof of ownership, for example: Letter C, *Girik*, *Ketitir* and *Petuk*. However, based on the Basic Agrarian Law Number 5 of 1960 concerning Basic Agrarian Provisions (hereinafter UUPA), the strongest base of rights over a plot of land is a certificate (Art. 19(2) C UUPA). The problem is the reluctance of the community or the ignorance of the community to increase their rights to their property due to the fact that the land owned by rural communities has been passed down from generation to generation from their ancestors, the land ownership certificates they have are very minimal and some even do not have them at all. They have occupied and worked on the land for decades so that the people know that the land is theirs based on recognition without the need to know the land ownership documents.

The village government as an extension of the central government, especially in the Java region, the administration of community land ownership in the village originating from the *Yasan* land is recorded or recorded in the village book which is commonly called the village C book or letter C. Information on the existing land In the letter C book, the village is considered incomplete and less accurate when compared to the certificate, both in terms of land size, land boundaries, because of the transfer of rights, because in book C the village only explains: Land parcels, class or type of land, both rice fields and land. land area, land area with less valid size, the origin of the land and the transfer of ownership is only carried out by crossing out moving to another C on the basis of transfer using the terms *Wr(waris)*, *Hb(Hibah)*, *Ks(kasih)*, *Dj(djual)*, *Bl(beli)*, this will cause problems such as boundary disputes, land area disputes, ownership disputes and so on.

With the existence of the Basic Agrarian Law Number 5 of 1960, it is hoped that it will guarantee more legal certainty regarding land, for example the provisions of Article 19 of the UUPA No. 5 of 1960. Recognition of property rights on land is concreted with a certificate as proof of land rights based on article 19 paragraph (2) UUPA No. 5 of 1960 and article 31 of Government Regulation No. 24 of 1997, in the context of implementing land registration. A land certificate proves that the right holder has a right to a certain plot of land. The letter C book is one of the requirements for obtaining land certificates in addition to other requirements such as SPPT, family cards, ID cards and land certificates that are not in dispute issued by the local village government. Existing western land rights in Kebumen Regency, for example, the land of the former Prembun sugar factory, Vanderwijck Gombong fort, former Zending land (Kebumen Hospital) and others, on which the right to use the building and/or the right to use has been placed on the land. Agricultural land in the Urutsewu area of Kebumen Regency has never been placed on western rights.

The land in the Urutsewu area of Kebumen Regency is the same land as in general, in Central Java Province, especially in Kebumen Regency, the lands belonging to the community which were originally known as yasan rights are identified or recorded in the administrative register of land ownership which is now known as the village C book and the land is known as letter C land, which has been in the management and control of the community so that it does not include the land referred to in the provisions of Government Regulation No. 8 of 1953 concerning control of State lands or more specifically that land in urutsewu is not qualified as State land. In some previous research found that the land and agrarian conflict between State and the Citizens have been occurred in many regions in Indonesia, and mostly the case concerning to the ownership rights disputes. Further, for some cases, the agrarian conflict also violated some human rights principles (Widayati, 2019; Mujiburohman & Kusmiarto, 2014; Ubaidillah, 2016; Akbar, 2017; Illiyani, 2017).

Understanding of the initial evidence of ownership of land rights between the community and government institutions in conflict areas such as what happened in Central Java, the southern part of Kebumen Regency, there is an area called urutsewu. This creates a gap both vertically and horizontally, based on the legality of proof of ownership of legal property rights is a certificate, but to issue a certificate must be preceded by initial proof of ownership such as letter C, SPPT and other evidence in the village. For land that has a minimal letter in the form of letter C, which is issued by the village government where the land is located, this letter C is the initial evidence in the form of notes that are in the village office. Meanwhile, the parent of the letter C quote is found at the land and building tax service office.

South coast farmers of Kebumen Regency, commonly called *urutsewu*, have local characters with symbols, idioms and local wisdom that have developed into horticultural agricultural areas. After the stipulation of the Kebumen Regional Regulation on Regional Spatial Planning (RTRW) Number 23 of 2012 article 39 letter (a) National Strategic Area from the point of view of defense and security interests and article 40 paragraph (1) letter (g) TNI training area, letter (h) TNI training and testing areas, letter (i) Weapon testing field, and paragraph (2) which mentions Mirit Subdistrict, Ambal Subdistrict and Buluspesantren Subdistrict as areas for HANKAM and military weapons testing ([Perda RTRW Kebumen Regency No. 23 of 2021](#)). While the basic demands of the farmers of the *urutsewu* area, the area is an area that has been cultivated and controlled by farmers for generations long before the Republic of Indonesia was established, then in its development it will be transformed into an agricultural area and people's tourism. The Javanese philosophy of *sadumuk* is that coughing is as gentle as the earth, the yen needs to be filled with starch. Shows how close the relationship between humans and the land. Every inch of land is self-esteem that will be defended with all the soul and body ([Cahyati, 2011](#)). This means something that must be defended because it involves property rights and self-respect that is really manifested in the attitude of the farmers. This difference in interests then causes friction or what is called a land conflict or agrarian conflict in the *Urutsewu* area.

METHOD

This research used empirical legal research, that focused on the Land Rights in *Urutsewu* Kebumen, Central Java Indonesia. Some data obtained by analyzing some research documents and regulations. To complete the data and information, interview with some related persons also conducted by Author.

GENERAL OVERVIEW CONCERNING URUTSEWU CASE

Urutsewu is a term for a rural area on the southern coast of Kebumen, Central Java. The name *Urutsewu* is better known to the public, as a southern coastal area that stretches for 22.5 kilometers from the Lukulo river, Buluspesantren sub-district to the Wawar river, Mirit sub-district bordering Purworejo. Methodologically, chronological preparation is done by collecting documents containing the legal history of land tenure and ownership, visiting related locations, interviewing, and discussing field facts, citing secondary sources from related previous studies or research, as well

as information from the media. clarified or cross-checked. This is all done to provide descriptions, legal events, as well as a more complete legal analysis related to agrarian conflicts involving 15 villages with the TNI-AD, in Buluspesantren, Ambal and Mirit Subdistricts, Kebumen Regency, Central Java. The history of the chronology of the Urutsewu Agrarian conflict can be traced from several periods; The period before Indonesia's independence before 1945, the early period of independence between 1945-1970, the period of confiscation of people's land by the TNI since 1970, the period of the TNI in Mining Business and Certificate of Use Rights on People's Land. So that there are legal problems with mutual claims between the community and the TNI-AD (Personal Interview, 2021). The early period of independence between 1945-1970, the period of confiscation of people's land by the TNI since 1970, the period of the TNI in Mining Business and Certificate of Use Rights on People's Land. So that there are legal problems with mutual claims between the community and the TNI-AD (Personal Interview, 2021). The early period of independence between 1945-1970, the period of confiscation of people's land by the TNI since 1970, the period of the TNI in Mining Business and Certificate of Use Rights on People's Land. So that there are legal problems with mutual claims between the community and the TNI-AD (Personal Interview, 2021).

The definition of land status includes: (1) land rights; and (2) State Land. Land rights are land that has attached land rights as well as land rights based on the 1960 BAL. State land is land that has not been attached to land rights based on the basic agrarian law. Coastal land is flat sandy land on the edge of the beach, dry land area between the coastline at high tide and the highest coastline that can be reached by sea water when a typhoon hits (KBBI, 2019). Based on the above, coastal land can be in the form of individual land rights, village communal land, or state power land, depending on physical and juridical evidence and legal arguments that accompany it.

A. State Land

The latest terms and definitions of state land according to the Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning management rights, land rights, apartment units, and land registration. In accordance with article 1 paragraph (2), State land or Land Controlled Directly by the State is Land that is not attached to any land rights, is not waqf land, is not Ulayat land and/or is not an asset of the State property, property of the region. As is known in government regulation No. 8 of 1953 concerning control of state lands established under the 1950 Constitution, it can be concluded that state land is land that is fully controlled by the state which is used for two purposes, namely the interests of ministries, agencies and the interests of

autonomous regions. If we conclude again, state lands are lands that are actually used for the benefit of government agencies, both at the central and regional levels. The 1945 Constitution does not find the term state land, but according to article 33 paragraph (3). The earth, water and natural resources contained therein are controlled by the state and used for the greatest benefit of the people. Similarly, in the Basic Agrarian Law Number 5 of 1960 which was established based on the 1945 Constitution in 1960, also not found at all the term state land. Only according to article 2, the Basic Agrarian Law:

- a) On the basis of the provisions in Article 33 paragraph (3) of the Constitution and the matters referred to in Article 1, the earth, water and space, including the natural resources contained therein, are at the highest level controlled by the state, as an organization of all power. people.
- b) The right to control from the state referred to in paragraph (1) of this article authorizes:
 - 1) Regulate and administer the designation, use, supply and maintenance of earth, water and space.
 - 2) Determine and regulate legal relations between people and the earth, water and space.
 - 3) Determine and regulate legal relations between people and legal actions concerning earth, water, and space.

According to article 1 point 3 of government regulation No. 24 of 1997 concerning land registration, state land or land controlled directly by the state is land that is not owned with any land rights ([Government Regulation No. 24 of 1997 on Land Registration](#)). The question arises, is there really any land in the urutsewu area which does not have a certain right attached to it, at least on a piece of land the customary rights of the customary law community will be attached.

B. The Origin of State Land

In understanding the origin of the land of the State, our memories must return to the history of the formation of the Indonesian nation. Communities in this area have been living regularly in their respective customary law areas (*adatechtkringen*). Because all land has been divided into customary law areas which are also divided into customary lands of customary law communities, so there is no Dutch East Indies state land. Through colonialization by force of arms, finally the Dutch were able to control the entire territory of the Dutch East Indies.

After Indonesia's independence, lands for public purposes, such as for railways, government offices, and so on, were obtained from community lands through compensation payments if there were customary rights on the land. The lands above are placed with beheer

rights, which are then translated into management rights. Based on Article II of the transitional rules of the 1945 Constitution, the Dutch authority over the Beheer land was continued by the Indonesian government. Meanwhile, according to the conversion provisions of the Basic Agrarian Law Article III.

- a) The erfpacht rights for large plantation companies, which existed at the time this law came into force, from then on it became the right to cultivate as referred to in Article 28 paragraph 1 which will last for the remaining term of the erfpacht right, for a maximum of 20 years.
- b) The erfpacht rights for small farms that existed at the time this law came into force were nullified and subsequently settled according to the provisions made by the Minister of Agrarian Affairs.

C. Communal Land

Ulayat land is land located in the territory of customary law community control which, in fact, still exists and is not attached to any land rights ([Art. 1 Par. 13, Government Regulation of the Republic of Indonesia No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration](#)). To determine whether a piece of land is ulayat land or not, it must be considered whether there is an alliance of customary law ruling over the land, or people often refer to it as customary law communities, one of which is in Minangkabau. A customary law alliance is a group of people who feel as a unified whole, either because of genealogical, territorial and interest factors, have a clear organizational structure, have leadership, have separate assets, both tangible and intangible ([Abna & Solomon, 2007](#)). The Indonesian state, which was formed from the unification of customary law communities into customary law areas, as a legal community such as villages on the land of Java, including the Urutsewu area in fifteen villages from three sub-districts in Kebumen Regency. So that the entire territory of the state which is now referred to as the right to control the state can be interpreted as state customary rights and all land within the territory of Indonesia is referred to as state customary land. The content of the customary rights of customary law communities is identical to the content of the state's right to control as contained in Article 2 paragraph (2) of the UUPA No. 5 of 1960.

The same thing also exists in the urutsewu area of Kebumen, where there are certain plots of land with individual rights, which are qualified from *Yasan* rights which are handed over to the village for joint use, which is known in the idiom of the urutsewu community called the land of Pangonan, *berosengojo* which can be brought only the results and has been going on for generations, while the land returns to ulayat land,

but if the land is abandoned, ulayat rights will return so it does not necessarily become state land.

D. Abandoned Land

Based on Government Regulation Number 18 of 2021 concerning management rights, land rights, apartment units, and land registration, the meaning of abandoned land is land with rights, land with management rights, or land obtained on the basis of control over land that is intentionally not cultivated, not used, not used, or not maintained ([Art. 1 Par. 11, Government Regulation of the Republic of Indonesia No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration](#)). And if viewed from the description of the origin of State land, the land in the area along the south coast along the 22.5 kilometers in the east is bounded by the Wawar river in the Mirit sub-district which borders directly with Purworejo Regency while in the west it is bounded by the Lukulo river in the Buluspesantren sub-district, Kebumen Regency, not included in the abandoned land category.

LAND RIGHTS: PROBLEMS AND CHALLENGES IN INDONESIA

After understanding the various types of land rights opportunities in the coastal area and the subjects of their rights, it is necessary to examine the existing rights in the coastal area of Urutsewu, Kebumen Regency based on the available evidence. Land in coastal areas can be in the form of private land (individual), communal land (village), or state land (power), depending on the physical and juridical evidence and the accompanying legal arguments.

A. Coastal Land as Property and Communal Land

Ownership of coastal land by individuals and villages has been known for a long time in Roman law whose principles or principles in it inspire questions of land rights in legal science, there are views of legal experts who are accepted as the principles and teachings of land law, one of which is about littoral rights, which are defined as rights related to property on the part of the coast that is directly adjacent to the ocean, sea, or lake, belongs to the owner whose land is directly adjacent ([Soesangngobeng, 2012](#)).

This sentence shows that not only land that is directly adjacent to the beach can become property rights, but property on a part of the coast can also become property of the owner of the land bordering it. That is, coastal land is not automatically confirmed as state land. Government

Regulation No. 40 of 1996 which completes the determination of the implementation of the right to cultivate, the right to build, and the right to use which is regulated in the UUPA No. 5 of 1960 mentions the question of land on or bordering the coast. The coast can be taken as property rights but must be open to the general public of the village community, especially the coast which is usually used for customary interests (Harsono, 2007). Coastal land can be either *gogolan* land or communal land. The people who got a share of the communal land were called *gogols*, or different names in different places. Communal land does not mean that this land belongs to the people and the results are worked for the people together.

This land is worked by one person, and the result is also for one person, because it is often called *communaal individueel bezit* (Tauchid, 2009). In addition to being managed as agricultural land, the coastal land is usually reserved for livestock raising and salt making. *Gogolan* rights in addition to permanent *Pekulen* or *Sanggan* rights upon the entry into force of UUPA No. 5 of 1960 can become property rights in accordance with Article VII of the conversion provisions, UUPA No. 5 of 1960. People can apply for conversion into property rights. The land belonging to the people during the colonial period was taken for granted for the construction of salt fields and for the benefit of military and civilian buildings, as well as for the construction of fields (van Vollenhoven, 2013).

B. Coastal Land as State Land

Coastal areas can also be categorized as state land. Not in the sense of state-owned land, considering that philosophically the state does not have ownership rights to land. This is emphasized by UUPA No. 5 of 1960 which is *anti-domeinverklaring*. This national land law replaces the state-domain statement with the principle of the right to control the state. Here the State as an organization of power for all the people is given the mandate and authority to administer land in the regulation of agrarian resource relations with individuals or legal entities according to article 2 paragraph (2). Rights to this state land may be granted to individuals or collectively and to legal entities, in the form of property rights, cultivation rights, building rights, use rights, lease rights, land clearing rights, rights to collect forest products, and other rights that are not included in the rights mentioned in article 16 paragraph (1).

State land itself is defined as land that is fully controlled by the state (Government Regulation No. 8 of 1953, Article 1 paragraph (a)). Another definition states that state land is land that is not given with any rights to other parties, or is not attached with a right, namely property rights, cultivation rights, building use rights, use rights, management

rights, *Ulayat* land and waqf land (Sumardjono, 2010). The term state land itself appears in the practice of land administration, where the control is carried out by the land authority, namely the National Land Agency (Harsono, 2007). Government agencies claim and control state land without the clarity of granting rights in advance from the state, which in this case is by BPN RI as the mandated authority.

Government agencies can use it, for example with usufructuary rights granted by the state through BPN RI. Then, state land is divided into two types, namely free state land (*vrij lands/staatsdomein*) and non-free state land (*onvrij lands/staatsdomein*). Free state lands are lands that are not owned or cultivated by any person or legal entity, as well as lands that are not controlled, occupied and utilized by the people. This land is generally declared as land outside the village area. This land is commonly referred to as GG land. Meanwhile, non-free state land is land that has been and is being controlled, occupied, used, and actually utilized by the people (Djalins & Rachman in van Vollenhoven, 2013, p. xv). The people can apply for the land to the state, even though the application for property rights. This is in line with the principle that the authority that comes from the state's right to control is to be used to achieve the greatest prosperity of the people, Article 2 paragraph (3) of the UUPA No. 5 of 1960.

C. Coastal Land as Community Property

Various written documents and historical information submitted orally indicate that the claim to land by the Urutsewu community, Kebumen Regency is quite strong. Several periods marked the control and ownership of land in the coastal area of Urutsewu, Kebumen Regency.

- a) It is called the land reform policy as well as land consolidation. The policy in question is land management with the *larak* line system. This policy was implemented during the reign of the Regent of Ambal, R. Poerbonegoro (1830-1871). Although the year has not yet been determined, this policy was carried out gradually during his leadership era, meaning that it did not happen in one year at a time. In the map of land parcels that exist until now, it is very clear that this *larak* line system, namely a 2-4 meter wide area extending from the center of the village to the south to the coast. The plots of land are then divided among the community.
- b) In 1920 there was a policy of merging villages in Urutsewu, Kebumen Regency. A total of 2-4 villages were merged into one. It is possible that this policy was part of the agrarian reorganization policy that ended the traditional *apanase-bekel* system in the kingdom's territory. Urutsewu as part of Bagelen is the territory of the kingdom of Surakarta. This policy resulted in the abolition of the apanage system,

the expansion or merger of villages along with land rights called crooked lands, village treasuries, the granting of property rights to the people, setting up a land lease system for both indigenous and European and far eastern groups, as well as reducing mandatory work (Setiawati, 2011). This *blengketan* village still exists today.

- c) The transformation of the land system that is more modern and organized is increasingly visible in the Urutsewu area. After structuring land in the same fields as well as strengthening land rights for individuals and villages, a land measurement policy was born with a land valuation classification known as *klangsiran siti* in 1932. In addition to measuring, it was also accompanied by mapping and land administration in each village as a result of *blengketan*, including recording of land owned by individuals, crooked land and village treasury. The community remembered the information provided by the *Klangsir* officer at that time, that the land between the community and the company's land was limited by *pal*. *Pal* along the coast of Urutsewu which is approximately 150-200 meters from the sea, the southern part is called the land of the company while the northern part is called the land of coolies or people. The claim to the south of *Pal* as company land has been rejected by residents in the Urutsewu area since a long time ago, one of which was in the village of *Setrojenar*, so they dubbed the marker with the name *Pal budheg*. The community has controlled the land on the shores of the coast to make salt in this region. Moreover, there had been a sale and purchase transaction on coastal land at that time, and the proof of land ownership in the form of letter C was known, and *klangsiran* was carried out every ten years. In 1932, a re-measurement or cycle II was carried out. The measurement this time was carried out by *mantri klangsir*, with the involvement of the Urutsewu community. Measurement is intended to classify land based on its use so that the amount of tax is known from it. *Klangsiran* produces four classes of land values, namely yard land (*ati* category), paddy field land (*meat* category), coastal land (*balung* category), and village boundary land (*skin* category). Thus the categorization of land which is interpreted by the community as a unitary body of the earth. The naming and meaning is a form of proximity to access and interaction on land by the community, both in the form of control and ownership. From here then the land tax is issued. Tax collection continued to be carried out using *petuk* until 1960. In the village of *Setrojenar*, the coastal land here is included in parcel number five. The reorganization of the national land system following the birth of the national land law in the form of UUPA No. 5 of 1960 also contributed to changes in land administration in this region. There was a mass certification of people's land at the Ministry of Agrarian

Affairs/Directorate General of Agrarian Affairs, Ministry of Home Affairs. There is evidence of land certificates and records in the land book in the form of letter C, petuk and currently SPPT which are used as proof of tax payments. The document as presented clearly shows that the area of ownership is up to the southern limit of the sea. Beaches/coasts are included in the area of property rights. *Yasan* land is privately owned land, which means that the land comes from making itself (*yasan*) which originated when clearing forests in the past for himself and for his later descendants. Since the enactment of UUPA No. 5 of 1960, real land has been converted into proprietary land. So it is appropriate if there are many certificates of land ownership in this period. Residents of *urrtsewu* certify their land, The land owned by the farmers at that time in *Bagelen* was commonly called a *coolie*. *Coolie* in the sense in this area is the meaning in Sanskrit, namely farmer. Not a *coolie* in the sense of a laborer, a *kolie* who was absorbed from the terminology of the history of Dutch plantation companies in Indonesia. Elsewhere, still in the *Bagelen* area, the term *coolies* as land cultivators is also known. *Coolies* are the same as *gogol* or *sikep* as parties who are given power over communal land (Shohibuddin & Luthfi, 2010). In the experience in *urutsewu*, communal land is in the form of land intentionally to grow grass/shrub plants for grazing livestock which are used jointly by the community. Furthermore, with the existence of UUPA No. 5 of 1960, *coolies* can become land owners. Currently, part of the land is intentionally planted with food crops which are owned in the form of property rights. The recognition of *Yasan* land and *coolie* land (*pekulen*) shows that in coastal areas the types of owned land and communal land (in village settings) really exist and are recognized by the land management authority, the Ministry of Agrarian Affairs which later became the National Land Agency, as indicated in the certificate. and land book.

D. Legal Strength of Village Letter C in Indonesian Land Regulations

Residents of the *Urutsewu* area began to occupy and work on land which is now a dispute for decades, even before the Indonesian Army began training in the area. The clearing and cultivation of this land is recognized by the LoGA. One of the rights recognized in the LoGA is the right to clear land as referred to in Article 16 letter f of the LoGA. In agrarian law, there are two concepts of land acquisition, namely original land acquisition or original acquisition, for example by opening land, and derivative land acquisition, namely the transfer of juridical rights such as buying and selling and exchanging. Land acquisition for residents in *Urutsewu* is categorized as land clearing for the first time. Land bordering the coast can become *Hak Milik*, meaning that it does not automatically

become state land. Ownership of citizen land is proven by evidence of letter C or often called Village C. Letter C is proof of land ownership at the village or kelurahan office. A copy is given to the landowner. Prior to the issuance of the LoGA, Letter C had the same power as a *Hak Milik* certificate. After the issuance of the LoGA, lands bearing Letter C can be applied for Property Rights. To carry out a conversion of land rights from customary land rights to property rights, an evidence is needed where this evidence is referred to as proof of rights, and Letter C can be used as one of the evidences of such rights.

The letter C can be used as evidence that is owned by a person, when the person wants to obtain rights to his land, and registers the land in his name. It cannot be forgotten that the letter C book is a necessary condition for the conversion of customary land, as evidence of customary property rights.

a. The function of the letter C Village book

- a) Book letter C as one of the requirements for the conversion of customary land. Article 11 UUPA No. 5 of 1960 paragraph (1), the rights to land that give authority as referred to in Article 20 paragraph (1), as existed at the entry into force of this law, namely agrarische eigendom rights, property, yasan andar beni, rights to druwe / druwe desa, pesini, grant sultan, larderijen bezitreecht, altijddurende erpacht, business rights to former particulate land and other rights under any name which will be further confirmed by the minister of agrarian, since it comes into force this law, becomes the property as referred to in article 20 paragraph (1), unless the owner does not meet the requirements, as stated in article 21.
- b) From the point of view of evidence, there are two types of former customary lands, namely:
 - 1) Ex-customary land which is considered to have written evidence, girik, ketitir, petuk taxes and so on.
 - 2) Ex-customary land that has not been or is not equipped with written evidence.

From the explanation above, it is very clear that the conversion of customary land requires evidence, one of which is a tax receipt or letter C book. In the case of converting customary land, this letter C is referred to as proof of rights. What is considered as proof of rights according to the Regulation of the Minister of Agriculture and Agrarian No. 2/1962 article 3a, for areas where before September 24, 1960 there was already an Indonesian agricultural tax or verponding, what is considered as proof of rights are:

- a) Indonesian agricultural or verponding tax letter. Girik, pipil, ketitir, petuk and so on are only issued before September 24, 1960. If between September 24, 1960 and the date on which land registration was held according to government regulation No. 10 of 1961 there was a sale and

purchase, exchange, grant, then the original documents a valid deed of sale and purchase, exchange, grant, which is made before the village head/local custom, or made according to local customary law, must also be attached as proof of rights.

- b) As one of the conditions for obtaining ownership rights to land, obtaining ownership rights to a plot of land as a result of the distribution of inheritance, buying a plot of land or a grant does not require a long procedure, it can be carried out in advance of a Notary/PPAT in making a deed. PP No. 24 of 1997, concerning land registration, article 24 paragraph (1), for the purpose of registering rights, land rights originating from the conversion of old rights as evidenced by written evidence, including girik, ketitir, petuk land tax/landrente.

**Conversion of customary rights to land
According to UUPA No. 5 Year 1960**

No	Location	Species name customary rights	Category	Politics of law	Legal basis
1	Outside Java	Hak Ulayat (at other names) Nagari/Village	Public	Appreciated equal to the rights of the State (State land)	Article 3 UU 1960/5
2	Minangkabau	The customary rights of people/tribes/marga over rice fields, fields, tree plantations and secondary forests	Communal Private		
3	Outside Java	Family rights to large fields and secondary forest (former large fields)	Communal Private		
4	Java & Islands ² Small surrounding	Shared rights (authority nganggo run tumurun) over the coast	Communal Private		
5	Outside Java	Rights to fields cleared from primary forest and worked on a rotational basis	Private Individual	Threatened with land abandonment charges	Psl 27 1960/5. Act

6	Outside Java	Right to land cleared from primary forest and cultivated continuously (permanently)	Private Individual	Appreciated as equal to property rights	Psl 22 jo Article II (1) Conversion Terms 1960/5. Act
7	Java	Yasan	Private Individual	Appreciated as property rights	Psl 22 jo Article II (1) Conversion Terms 1960/5 . Act
8	Java	Andarbeni, belongs to	Private Individual	Appreciated as equal to property rights	Article II (1) Conversion Terms 1960/5 . Act
9	Bali	Pesini, druwe, village druwe	Private Individual	Appreciated as equal to property rights	Article II (1) Conversion Terms 1960/5 . Act
10	North Sumatra	Grant Sultan	Private Individual	Appreciated as equal to property rights	Article II (1) Conversion Terms 1960/5 . Act
11	Java	Anggaduh, crooked, weak, pituwas	Private Individual	Appreciated equal to the right to use	Psl VI Conversion Terms 1960/5 . Act
12	Minangkabau North Sumatra	Helpfull Controller Grant	Private Individual	Appreciated equal to the right to use	Psl VI Conversion Terms 1960/5 . Act
13	Java	Gogolan, pekulen / permanent support	Private Individual	Appreciated as property rights	Article VII (1) Conversion Terms 1960/5 . Act
14	Java	Gogolan, pekulen/no-permanent support	Private Individual	Appreciated equal to the right to use	Article VII (2) Conversion Terms 1960/5 . Act

**Conversion of Customary Rights to Land in Java
According to the Agrarian Law 1960/5**

No	Location	Name/type of customary rights	Category	Politics of law	Legal basis
1	Java	Yasan	Private Individual	Appreciated as property rights	Psl 22 jo Article II (1) Conversion Terms 1960/5 . Act
2	Java	Andarbeni,	Private	Appreciated	Article II (1)

		belongs to	Individual	as equal to property rights	Conversion Terms 1960/5 . Act
3	Java	Anggaduh, crooked, weak, pituwas	Private Individual	Appreciated equal to the right to use	PsI VI Conversion Terms 1960/5 . Act
4	Java	Gogolan, pekulen / permanent support	Private Individual	Appreciated as property rights	Article VII (1) Conversion Terms 1960/5 . Act
5	Java	Gogolan, pekulen/no-permanent support	Private Individual	Appreciated equal to the right to use	Article VII (2) Conversion Terms 1960/5 . Act

2020 LPH YAPHI, solo (Table of Conversion of Customary Rights in Java)

The Supreme Court in its decision stated that the tax letter was not proof of ownership of land rights. The land tax letter is only a notification that the person who pays or pays the tax is the person whose name is listed in the tax letter. The view of the Supreme Court Number MA 34/k.Sip/80. Not recognized as legal proof of land, land tax documents or letter C, these are only preliminary evidence to obtain legal evidence of land rights, namely certificates, but even so, letter C is still said to be evidence (Suparyono, 2008). To obtain land rights, a person must have evidence stating that the land belongs to him. In government regulation No. 24 of 1997, article 24 paragraph (1) states that for the purpose of registering land rights, it is evidenced by evidence, one of which is written evidence. The letter C book is evidence of the acquisition of land rights, namely written evidence, because the letter C book contains matters relating to the land and everything is written clearly. The above opinion does not mean that it is wrong because letter C also has the functions mentioned by the above scholars, but still in its development letter C is still stated as evidence. It is not enough that the bank also has the courage and even the confidence to provide credit to debtors who own land whose proof of ownership is in the form of letter C.

b. Procedure for Acquisition of Land Rights Based on Government Regulation Number 24 of 1997

Land registration in Indonesia and its problems are now increasingly complex, where the regulations on land in Indonesia are not adequate to regulate the problems that arise. For this reason, more adequate legislation is needed. Government Regulation No. 24 of 1997 came into force on October 8, 1997, thus PP No. 24 of 1997 carried out the instructions from Article 19 of the UUPA No. 5 of 1960 which reads as follows:

- a) To ensure legal certainty by the government, land registration is held throughout the territory of the Republic of Indonesia according to the provisions stipulated in government regulations.
- b) The registration referred to in paragraph 1 of this article includes:
 - 1) measuring, mapping and clearing land
 - 2) registration of land rights and the transfer of these rights
 - 3) the provision of letters of proof of rights, which serves as a strong means of proof.
- c) Land registration is carried out taking into account the state and community conditions, socio-economic traffic needs and the possibility of its implementation, according to the consideration of the Minister of Agrarian Affairs.
- d) In a government regulation, the fees related to registration as referred to in paragraph (1) above are regulated, provided that people who cannot afford are exempted from these fees. What has been ordered by paragraph (1) of article 19, the government has issued PP 10 of 1961.

Government regulation number 24 of 1997 is indeed expected to provide a clear direction on land registration compared to Government Regulation No. 10 of 1961, especially regarding land registration. In PP No. 24 of 1997 it is explained about things as objects of conversion or evidence that can be forwarded to be used as certificates. Regarding the need for PP No. 24 of 1997 to be promulgated as a refinement of PP No. 10 of 1961 because it is considered not enough to provide satisfactory results ([Harsono, 2002](#)).

D. Status of Land Rights in the Urutsewu Area, Kebumen Regency

The conflict that occurs in the Urutsewu area is a social conflict which is a vertical conflict that occurs between the community and the Indonesian Army (TNI AD) in terms of fighting over land. In addition to the conflict with the TNI AD, there was also a conflict triggered by the mining of iron sand in the Mirit District area with a company granted a mining permit by the government.

a. Legal status of land in Urutsewu

On the land, community ownership rights have been placed in the form of village letter C long before the establishment of the Unitary State of the Republic of Indonesia and in its development the local community has increased the basis for land rights in the form of certificates issued by the National Land Agency (BPN). The acknowledgment of the letter C of the village by the government of the Republic of Indonesia on the land claimed by the TNI-AD has been proven by the issuance of several certificates. Recognition of letter C of the village as an initial indication of ownership of land rights. for the purpose of registration of rights, land rights originating

from the conversion of old rights as evidenced by written evidence, including girik, ketitir, petuk land tax/landrente.

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b. Different understanding of the status of the land in the Urutsewu area

The provincial government of Central Java and the local government of Kebumen Regency in accordance with their functions are not institutions that are given the authority to judge and decide who owns the land in the Urutsewu area, Kebumen Regency. Because the State has provided a forum for a person or legal entity who fights for their ownership rights or argues that they have the right to something to file legal remedies, according to the constitution, the Republic of Indonesia is a state based on law and upholds human rights. It should be noted that the village government is only the administrative executor of the customary community unit in the village and is not the party that has the right to decide on a person's civil property rights.

The TNI-AD as an institution or institution, can only be granted usufructuary rights if the land is used for the benefit of the TNI-AD, for example for offices, dormitories, schools, commanders' official houses, airfields, shooting ranges, and so on. It should also be noted that land that can be placed with usufructuary rights on it based on Article 41 of the Basic Agrarian Law is only limited to state land, land with management rights, and land with property rights. Regarding the occurrence of use rights on state land and land with management rights, the conditions as stipulated in articles 42–43 of the Basic Agrarian Law apply:

1. The right to use state land is granted by a decision on granting rights by the minister or appointed official.
2. Use rights over management rights are granted with a decision on granting rights by the minister or appointed official based on the proposal of the management right holder.

3. The right of use must be registered in the land book at the land office.
4. Right to use state land and land management rights occur since they are registered by the land office in the land book in accordance with the provisions of the applicable laws and regulations.
5. As proof of rights to the holder of the usufructuary rights, a certificate of land rights is given.

In fact, through the results of a joint study between the people of the village of Setrojenar, Buluspesantren sub-district, Kebumen Regency, LBH Semarang, and the National Land Agency of Central Java Province on April 29, 2011, the Central Java Provincial BPN stated that:

- a) The TNI-AD claims to have used the area as a military area with proof of land borrowing. So it can be said that the TNI-AD does not yet have land rights.
- b) The basis for claiming the TNI-AD military area above the Urutsewu area, the southern coast of Kebumen Regency is only proof of land borrowing.

Based on the explanation above, it is clear and clear that the Urutsewu community is the rightful owner of the land in the Urutsewu area, the southern coast of Kebumen Regency. For this reason, the TNI-AD's claim to property rights in the area must be said to be unfounded and has no legal force. Thus the struggle of the Urutsewu community in general to make the Urutsewu area an agricultural and tourism area is legitimate both from the sociological, juridical and economic aspects in accordance with the ideals of the state for the welfare of the people.

CONCLUSION

The state through its arm, namely the government must not ignore land rights that have been controlled and owned by the community for generations with various proofs of ownership. Land control and management with various economic activities (agricultural investment) in its development on the other hand the State Institution (TNI-AD) under the pretext of the interest of the State trying to control and own lands that have been controlled/owned/managed for generations by the coastal community of Urutsewu, Kebumen Regency . Ownership claims in its development led to conflicts in the land sector known as the Agararia conflict between the Urutsewu community, Kebumen Regency and the TNI-AD. This research concluded that based on Article 24 paragraph (1) letter K, and Elucidation, Government Regulation no. 24 of 1997; Decision of the Supreme Court of the Republic of Indonesia. No. 34/K.Sip/1960, dated February 19, 1960, although neither the land tax certificate nor the Letter C document are absolute evidence, they become juridical data for submitting the conversion of property rights. The coastal land in the Urutsewu area of Kebumen

Regency has been controlled, managed and owned for generations by the community along with the formation of indigenous peoples, long before the Republic of Indonesia was established which later served as the basis for controlling ownership of land parcels known as Pethuk, Girik, Ketitir and others. which in its development is administered in the Village C book/Letter C. The mention of the lands in the urutsewu area is known as yasan land.

Based on the ownership of the land rights of the urutsewu community, based on real land claims, land clearing and then being worked on for generations by residents, especially farmers. For the control of arable land for residential and agricultural land, tax evidence is issued, and it is recognized in the land registration in the village, which is called Letter C. The ownership and evidence is accompanied by statements from historical witnesses from the villagers, the village administration, as well as from the District Government. Residents have the right to convert their land rights into Hak Milik, because before the issuance of the Basic Agrarian Law (UUPA) Number 5 of 1960, Letter C as evidence has the same power as the certificate of Ownership.

The TNI-AD claimed the land in the Urutsewu area, Kebumen Regency based on a certificate, a map made by the TNI-AD, which legally does not have the power of proof. Repressive measures against landowners on the pretext that the land in the Urutsewu area is State land and will be used for the interests of HANKAM without showing the basis of what rights are placed on the claimed plot of land is a form of arbitrariness of the State Institution against its people. Meanwhile, the Ministry of Land and National Security cq TNI AD, claims the status of land rights with the allotment for the use of shooting training grounds. The claim is based on letters issued by the TNI AD itself. The claim incident began during the New Order era, namely in 1982, the TNI AD borrowed a place during training, In addition to training, the TNI also conducted heavy weapons tests. Also in 1982, the Dislitbang TNI AD was built in the village of Setrojenar, Buluspesantren District.

Meanwhile, the people who have controlled and managed it from generation to generation based on evidence that has been administered in the village government and some have been officially certified by the National Land Agency, continue to strive to maintain the Urutsewu area as an agricultural and tourism area, it is necessary to get support from all parties. So far, the community has sought settlements through the district, provincial, and central governments, as well as through the Land Offices in the regions and the Central BPN. However, over the years, the community's efforts have not obtained a clear settlement of the land rights seized by the TNI AD.

SUGGESTION

Seeing that efforts to confiscate people's lands occurred in a violent process, which took place continuously, accompanied by destruction and intimidation, even the loss of so many human rights, and the violations that occurred in the Urutsewu case took place in a systematic, widespread and planned manner with the involvement of state institutions. Agrarian conflicts that cause harm to the community, a breakthrough is needed from policy makers in the Republic of Indonesia, in this case the President and the Indonesian House of Representatives to form a team to restart the process of resolving Agrarian conflicts with the following steps:

1. From the evidence held by the local community, the State is obliged to protect the property rights to the land of all its citizens, and government institutions must return and acknowledge that the lands in the Urutsewu area, Kebumen Regency, are owned by the residents.
2. Deciding on the claims of state institutions on land rights in the Urutsewu area, as an effort to resolve the agrarian conflict so that it doesn't last long and the Urutsewu area of Kebumen Regency is used by local farmers to create their welfare by utilizing these lands.
3. The PTSL policy as well as within the agrarian reform framework is sought immediately to ensure the legal status of control and ownership of land rights that have been managed for generations with juridical evidence that has been kept and is in local government registrations.

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I will not resolve a land
dispute if civil groups or
politicians are involved in
the **land disputes.**

Hun Sen