

## Legal Review of the Phenomenon of Communities Occupying Land That Already Have Certificate of Property Rights (Case Study of South Ternate City District)



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**ABSTRACT:** The research aims to find out what phenomena affect the community occupying land that already has a Certificate of Ownership without going through a process of legal rights under the law and how the settlement process for land objects occupied by the community already has a Certificate of Ownership.

The results of this research indicate that legal awareness, law-conscious culture, and law-abiding in social life, various people's perspectives on the land they occupy. After the certificate issuance is not accompanied by socialization by SHM holders, publications. Law enforcement efforts do not exist with the Ternate City Government and the Ternate City Land Agency, because it exists in other institutions. Persuasive approach, deliberation, mediation as a solution to the dispute resolution over SHM 812, SHM 235, SHM 229, and SHM Number: 00977, interpretation of the evidence of ownership of the parties to the dispute failed amicably, the final solution to the dispute over SHM 812, SHM 235, SHM 229, and SHM Number: 00977, through judicial efforts to obtain legal certainty for SHM owners, and people who occupy certified land.

**KEYWORDS:** Legal, Land disputes, Communities, Property Rights

### INTRODUCTION

#### 1. Problem Background

Although there are legal norms governing land rights, at the implementation level there are often differences in interpretation in the community which can lead to legal problems.

This phenomenon, in the District of South Ternate City, Ternate City, especially in Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Fitu Village, for example, there is a land problem, namely that people occupy land that already has a Certificate of Ownership (SHM) without a process of transferring rights. legally. Based on the observations made by the author, it shows that the chronology of the problems in Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Fitu Village has complex and lengthy problems, draining energy, cost, and time. Problems with land in Kayu Merah Village on Certificate of Ownership Number: 235 with an area of 21,900M<sup>2</sup> on behalf of the right holder, Boedihardjo Aryo Suhendro. Another phenomenon, there is also the Certificate of Ownership Number: 229 covering an area of 12,650M<sup>2</sup> ironically the other party claims the land belongs to his grandmother so that it has become an inheritance for his children and grandchildren. Likewise, the land problem in Fitu Village above the Certificate of Ownership Number: 00977, area of 434 M<sup>2</sup>, the other party claims the existence of a part of the land above the SHM Number: 00977. Here lies a unique problem, because the people who occupy it tend to side with other parties over their arguments about the historical land that has been used. occupied even though it does not show proof of legal rights or acknowledgment from the relevant agency. From the series of descriptions above, this study wants to know more clearly about the legal phenomenon in the community, namely occupying land that already has a Certificate of Ownership (SHM), to be researched and studied comprehensively, from a juridical perspective.

#### 2. Problem Formulation

Based on the facts that have been described in the background that has been stated above, the problems to be studied and discussed in this study are formulated as follows:

- a. What affects the people occupying land that already has a Certificate of Ownership without going through a legal process of rights under the law.

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- b. How is the settlement process for land objects occupied by the community by having a Certificate of Ownership.

### **RESEARCH METHOD**

#### **1. Data Collection**

Data was collected using various methods and approaches that are in line with the type of research. These methods and approaches include:

- a. Literature Study

Literature study is a method used in normative legal research. As for empirical law researchers (sociology), library research is a data collection method that is used together with other methods such as interviews and observations.

- b. Interview

Interviewer or face to face with the respondent to ask about the respondent's personality, the facts and opinions as well as the respondent's self-perception and even the respondent's suggestions.

- c. Observation (Observation)

Observations are possible to focus on social phenomena or social behaviors, provided that the observations must remain in line with the title, type and purpose of the research.

#### **2. Population And Sample**

The method used in this research consists of 2 (two) methods:

- a. Probability Sampling

This study is a person (subject) who occupies the object in this study as the main sample of 8 (eight) people according to the distribution. The sampling criteria are the representation of the subject in the research object, namely above the Certificate of Ownership Number: 812 with an area of 304.M2 as many as 20 people, and 3 people selected directly by the researcher

This research is addressed directly to Government Agencies, the National Land Agency of Ternate City, and the Head of the Legal Division of Ternate City Government, who are expected to provide data and information that support this research.

### **RESULTS AND DISCUSSION**

#### **1. Public Legal Awareness**

Legal awareness can be interpreted as awareness of a person or a group of people to the rules or applicable laws. Legal awareness is needed by a society. This is intended so that order, peace, tranquility, and justice can be realized in the association between others. Without having a high legal awareness, this goal will be difficult to achieve.<sup>1</sup>

The first factor influencing legal awareness is knowledge of legal awareness. Regulations in law must be widely disseminated and valid. Then by itself the rules will be spread and quickly known by the public. People who violate do not necessarily violate the law. This is because there could be a lack of understanding and knowledge of the community about the awareness of the laws and regulations that apply in the law itself.

The next factor that influences legal awareness is about people's obedience to the law. Thus all the interests of the community will depend on the provisions in the law itself.<sup>2</sup>

According to Sarjono Soekanto, the indicators of legal awareness are actually relatively concrete indications of the level of legal awareness. Briefly explained again that the first indicator is legal knowledge. A person knows that certain behaviors are regulated by law. The legal regulations referred to here are written law and unwritten law. This behavior involves behavior that is prohibited by law and behavior that is permitted by law. The second indicator is legal understanding. A member of the community has knowledge and understanding of certain rules, for example the existence of correct knowledge and understanding from the community about the nature and importance of the law. The third indicator is legal attitude. A person has a tendency to make certain judgments about the law. The fourth indicator is legal behavior, which is where a person or in a society whose citizens comply with applicable regulations.<sup>3</sup>

The idea of awareness of citizens as the legal basis for written positive law is found in the teachings of Rechtsgefühl or Rechtsbewustzijn, the point of which is that there is no law that binds citizens except on the basis of their legal awareness. This is

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<sup>1</sup>Iba Nurkasihani, artikel, [www.idih.tanahlautkab.go.id/diakses](http://www.idih.tanahlautkab.go.id/diakses), pada tanggal 18 Juni 2020.

<sup>2</sup>*ibid*

<sup>3</sup>*ibid*

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one aspect of legal awareness, another aspect is that legal awareness is often associated with law compliance, law formation, and legal effectiveness.<sup>4</sup>

Legal awareness issues, including within the scope of legal issues and social values. When viewed from modern theories of law and the opinions of jurists about the binding nature of law, various problems arise. One of the problems that arise is regarding the existence of a gap between assumptions about the basis of the validity of the written law, and the fact that the law is obeyed. There is an opinion which states that the binding of the law mainly depends on one's beliefs. This is what is called the *rechtsbewustzijn* theory.<sup>5</sup> Kutchinsky presents a picture of the relationship between the rule of law and patterns of behavior. In relation to the function of law in society.<sup>6</sup>

Traditional teachings, in general, are based on an assumption that the law clearly defines prohibited and/or permissible behaviors. That the law is automatically obeyed by the majority of the community. This teaching is known as covariance theory, which assumes that there is a match between law and legal behavior patterns. Another teaching states that the law is only effective if it is based on the *volksgeist* or *rechtsbewustzijn* (F.C Van Savigny, adherent of the school of culture).<sup>7</sup>

It should be noted that these teachings or theories question legal awareness which is considered a mediator between law and patterns of human behavior in society, both individually and collectively. Actually, this legal awareness involves a lot of cognitive aspects and feelings which are often considered as factors that influence the relationship between law and patterns of human behavior in society.<sup>8</sup>

Regarding the factors that cause people to obey the law, namely: <sup>9</sup> Compliance, is defined as a compliance based on the expectation of a reward and an effort to avoid punishment or sanctions that may be imposed if someone violates the provisions of the law. This compliance is not at all based on a belief in the purpose of the relevant legal rules, and is more based on the control of the power holder. As a consequence, legal compliance will exist if there is strict supervision of the implementation of these legal rules.

Based on research data, obtained from interviews with Gajali Abdullah, Tatang Hidayang, represented by his son, Ujang Supratman and Daim Senen, as subjects who occupy SHM 812 in Bastiong Talangame Village, RT. 001/RW. 001 District of South Ternate City Ternate City.

In 2002, the motivation to own land is not easy because land in Ternate City is quite expensive, the process of obtaining land is above SHM Number: 812, which is located in Bastiong Talangame Village, RT. 001/RW. 001 District of South Ternate City, is not as complicated as thought because the acquisition is easy, each mastery with varying dimensions, namely 95 M2 is controlled by Gajali Abdullah, 113 M2 is controlled by Tatang Hidayang, and 96 M2 is controlled by Daim Senen. The mastery of objects over SHM 812 as spoken by Gajali Abdullah, Tatang Hida Yang, and Daim Senen have their own arguments.

The argument put forward, has its own background, that in 2002, after the conflict in North Maluku, another party offered a plot of land located in Bastiong Talangame Village RT.001/RW.001 District of South Ternate City, without examining the history of the land first. first, because they feel the need, then do legal relations.

The sale-purchase agreement was agreed both in cash and non-cash. Non-cash because it is converted with wages for building work belonging to another party, the convention is not in writing, and is only based on oral truth, in addition, the parties who claim to be the owners do not show proof of land ownership, but this is the assumption of the truth of the parties whose claim to be the owner is still considered correct because there is no other party claiming the land yet.

The result of the convention with the party who claims to be the owner, does not seem to have legal force, because it turns out that there are certain parties claiming the land is theirs, the occupying party is in a dilemma, and must acknowledge the claims of these parties, or maintain a legal relationship with other parties who has been agreed beforehand, but this is not an attempt by the occupying party to confront the parties, because both of them remain in principle as the owner, the legal conclusion is that they take the best option which is considered more profitable, because they are able to convince the buyer about the history of the land they occupy and decide to enter into a legal agreement on the land.

The problems with SHM 812 seem to be unresolved over the claims of the parties claiming to be the owners. In 2008, Ilham Do Toka separately inspected the land occupied by Gajali Abdullah, Tatang Hidayang, and Daim Senen. To avoid conflict,

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<sup>4</sup>Jurnal Wawasan Hukum h.34, di akses melalui <https://core.ac.uk/tanggal>, 3 Agustus, 2020.

<sup>5</sup>*ibid*

<sup>6</sup>R. Otje Salman, *Beberapa Aspek Sosiologi Hukum*, Alumni Bandung, 1989, Hlm.49 dalam, *ibid*.

<sup>7</sup> *Ibid* h.35

<sup>8</sup>*Ibid*,

<sup>9</sup>*ibid*

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meet with the head of the Rukun Tetangga.001 "RT", by showing proof of ownership of SHM 812 accompanied by a request that they may summon the residents who have occupied their land.

Another problem faced by Daim Senen who has his own legal view that the main holder of SHM 812 is not entitled to the land he occupies, because this land has been relinquished to him by other parties, as the owner who came from his parents from generation to generation until now. , according to the narrative of the other party regarding the history of the land, so that for him there is no mistake in occupying this land and it is legal as his property.

It is also different from Ujang Supratman, that the land he is currently occupying is on the edge of the river, so legally the land he occupies is outside SHM 812, therefore anyone has no right to forbid him to use it, even though the holder of SHM 812 has repeatedly warned that the land he occupies is his property, feeling disturbed, Ujang Supratman threatened the holder of SHM 812 because it was considered disturbing his peace, this for him did not affect his position on the land he had occupied, and it was inevitable that he would be expelled from his house which he had occupied for years.

Another phenomenon according to data obtained in the field, which is above SHM 235 covering an area of 21,000 M2 which is located in RT.11 Kayu Merah Village, South Ternate City District, according to the results of interviews with Ema and Hi. Muhammad Husain, and the results of observations, the data collected on SHM 235 shows that there are still people in the community who are not aware of the real owner of SHM 235.

Ema on that occasion explained that in 2004, parties who claim to be owners want to relinquish their rights, to ensure the truth of the land being offered, one of the criteria is to have legal proof of ownership according to law so that legal problems occur in the future, data search physical and juridical data, these data are considered sufficient, and after seeing the condition and strategic location of the land, a legal agreement arises with the party who claims to be the owner, because it has been bound in a legal agreement, there is no longer any doubt about the land he currently owns .

The controversy over the ownership of SHM 235, there is no legal certainty for him until now, there is another party, namely Budiharjo, the owner of SHM 235, this is expressed implicitly about the truth of SHM 235 being more concrete, this is proven to be the recipient of the power of attorney from the main owner of SHM 235 to manage, as well as retention rights granted to the buyer in good faith not to be harmed, and not to lose his rights. The sale and purchase transaction is in accordance with legal procedures because it has documentary evidence that can be legally accounted for, and basically the land and buildings currently owned have legal force.

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On the other hand, Yuniarto Hari Nugroho as the recipient of the power of attorney from the owner of SHM 235, on that occasion explained, that to his knowledge only a few were legally known by the owner of SHM 235, and most of the process was unknown, because hearings with the people who occupied them were very difficult, it seemed closed. , and is reluctant to provide information on the history of the acquisition of the land he occupies. The head of RT.11 as a representative of the Ternate City Government at the lower level does not have accountable data, to describe the background of the citizens who are now occupying SHM 235, and recommends that they meet those who are considered responsible, and have sufficient data regarding this land.

Based on the description, which is sourced from interviews, and direct observations in the field, according to the author, to develop legal awareness is the challenge and responsibility of all parties. The culture of being aware of the law and obeying the

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law must actually be instilled in the life of the nation and society as a state of law. So elements of the Ternate City Government must synergize and be the spearhead in instilling attitudes and habits to comply with existing legal rules.

The Ternate City Government and its subordinates, the Ternate City National Land Agency, the Legal Aid Institute (LBH) are able to synergize in providing legal education, greatly influencing the formation of community character in Ternate City in the future. If the attitude and behavior of obeying the law has been instilled, then in the future, the attitude to respect the rights of others, and obey the rules of the law is ingrained and entrenched in the people of Ternate City (Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Sub-District). Fitu) Of course this is done by providing correct knowledge about what is right and what is not.

If the legal awareness of the community has been embedded in the Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Fitu Village, it will create a civilized society. Building legal awareness, does not have to wait after the occurrence of legal actions and actions by law enforcement. Preventive efforts are considered very important and can be started from within the family as the smallest community unit in Ternate City, especially in Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Fitu Village.

With this legal awareness, we will witness that there are no violations so that the ideal life will be met. Formal, informal, and non-formal educational institutions need to be invited to jointly develop legal awareness and intelligence from the start. Legal education is not limited to only formal education at the University, but can also be done through non-formal channels. Learning about law from the beginning must be taught to the community in its environment. So that later embedded in them a sense of the need for the rule of law. So that legal awareness will be embedded in the soul of the community itself. Aturan-aturan hukum, putusan Pengadilan, doktrin hukum, maupun artikel-artikel hukum, seyogianya dilakukan melalui kegiatan penyuluhan hukum secara *kontinyu*, dan tersinerginya dengan semua elemen, tidak terlepas peran kampus, program kampus seperti KUBERMAS atau KKN, tidak semata-mata berorientasi pada kegiatan fisik, namun yang lebih penting adalah *edukasi* hukum kepada masyarakat.

The growth and development of legal awareness of the people of Ternate City, especially in Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Fitu Village, must be accompanied by efforts from the Ternate City Government and its subordinates, the Ternate City Land Agency, the Ministry of Law and Human Rights at the Provincial level, Institutions Legal Aid, and campuses (Faculty of Law). Law Number: 16 of 2011 concerning legal aid, as the basis for legal counseling activities, legal consultations, assistance outside the court, it is intended that other non-government institutions play a broad role for the sake of creation of a law-abiding society.

Legal aid organizations, according to the mandate of Law Number: 16 of 2011 concerning legal aid, have a very large role, not only litigation, but non-litigation is highly expected, as an effort to change the behavior of people who do not obey the law into people who obey the rule of law. The output of a law-abiding society will create social conditions that are safe, peaceful, protected by individual and group rights, as a reflection of a rule of law.

### **2. Firmness of Land Owner**

To provide legal certainty and protection, the holders of land rights in question are given land rights certificates, while to carry out the information function, data relating to the physical and juridical aspects of registered land parcels are declared open to the public (principle of publicity). ), while in terms of achieving the goal of orderly land administration, in each plot of land<sup>10</sup>.

Ways of land owners in defending their rights by carrying out a series of preventive and repressive measures, namely handling and resolving the consequences of a legal action beyond the knowledge of the certified land owner who is entitled to the land, controlled by someone who is not the owner or another party physically.<sup>11</sup>

Efforts to maintain rights are not easy, because of the various perspectives of the community on the land they occupy, even though the land legally belongs to another party because it has been certified as proof of rights for the land owner which is guaranteed by law.

The difficulties faced by land owners are caused by the apathetic culture of the community to the rule of law and the lack of counseling to increase legal awareness, this is the cause of land ownership claims with certain parties which are sometimes difficult to resolve. The reality faced by the owner of the land above SHM 812 In Bastiong Talangame Village, he must be more proactive considering the parties who claim cannot accept this reality because they are in danger of losing their place of residence which they have lived in for years. In order to defend the rights over SHM 812, the steps taken through a persuasive approach are intended so that the parties who claim it do not feel disturbed, but a sense of solidarity arises and wants to have a dialogue to

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<sup>10</sup>*ibid*

<sup>11</sup>*ibid*

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reach an agreement and understanding with the land owner, and avoid conflicts of interest, which can cause losses on the one hand. The persuasive efforts carried out by the owner of SHM 812, did not find maximum results, therefore another effort that was considered effective in breaking the deadlock was through the approach of the authorities, this was done so that the authorities intervened as a political policy (legal policy) in their jurisdiction, as a form of preventive action.

*The configuration of power, the parties occupying SHM 235, which is massive, here cannot be seen as a social phenomenon only, but this is a political phenomenon that has influenced the law, because where the owner of SHM 235 encounters very fundamental obstacles, it does not can take advantage of the property they have as appropriate. The owner of SHM 235 does not have the power to face the claims of the parties, the efforts made by the land owner by using a "one man by one men" approach, this is aimed at making the parties acknowledge as a form of support for the validity of the SHM 235 both de facto or de jure by other parties.*

*Maintaining property rights requires extra power, not only prioritizing the juridical aspect, but also the diplomatic aspect, and the political aspect, must coincide as a form of support by competent parties, as did the owner of SHM 229, the diplomatic approach to Basically measuring the mindset of the people who occupy above SHM 229 so that it is well integrated and achieves maximum results*

The political approach of the owner of SHM 229 is basically, in an effort to get recognition, certain parties to channel aspirations, the bureaucracy, agencies or institutions, Ternate City Government agencies, subordinates, Camat and Lurah in their jurisdiction as public servants, because this method is considered effective to get recognition, the legal SHM 229.

Holders of Property Rights Certificate Number: 00977, in defending their rights, face their own challenges, this is because certain parties participate in legitimizing other parties, although this legitimacy is very subjective but it is enough to affect the existence of SHM 00977.

Normatively, "the applicable laws and regulations, the SHM holder, have binding legal force, as long as it cannot be proven otherwise, but if these issues are allowed to develop wildly continuously, it can lead to negative interpretations by the parties. certain, even though the conspiracy does not cancel the SHM. because beschikking "a determination or a decision issued by an administrative official of a concrete and specific nature" which can be overturned only through a court decision.

For land owners, certificates are a strong grip to defend their property rights and are able to act in order to realize a legal certainty, to rights holders and to citizens who occupy and control illegally certified land, and can take legal remedies, both litigation ( Judiciary) and non-litigation (efforts outside the Court). One aspect of the emergence of the problem of certified land in Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Fitu Village, because the land owner did not take a series of actions after the issuance of the land certificate in the form of, installation of bulletin boards, or signs. others to be known by the surrounding community.

Public broadcasting of "publications" by land owners after the issuance of the title certificate, so that the lower levels of government, the Camat, Lurah, and/or RT heads are aware, it is necessary to submit a copy or photocopy of the certificate, this is intended so that the Camat, Lurah, and/or Chairman RT can monitor its citizens or other residents and avoid unlawful actions by certain parties by taking advantage of the condition of the land that is still open.

The role of the Camat, Lurah, and or RT Chair is very necessary because the plurality of the population of Ternate City, especially in Bastiong Talangame Village, Kayu Merah Village, Kalumata Village, and Fitu Village, is one indicator that there are often problems with certified land owners with parties who claim to be the owners of the land. land owners, illegal transfer of rights "beyond the knowledge of the SHM holder" often occurs, and/or illegal land tenure, such as building permanent houses, building places of business and so on.

Legal rules that protect land title certificate holders, often denials occur, legal influence in society becomes weak if community members behave in a manner that is not as expected or desired by the law. no guilt, apathy and so on.

### **a. Firmness of the National Land Agency**

The Land Office cannot continue the certificate issuance process if there are supporting documents or documents such as: a certificate of non-dispute from the Kelurahan or the Village Head, as one of the requirements for the completeness of the documents for the process of issuing land title certificates.

The implementation of the UUPA still does not provide legal guarantees for "proprietorship" SHM owners, this is not because the community is not subject to and obedient to the rules of law, but the enforcement efforts that have been implemented so far are still at the level of coordination, and mediation, the National Land Agency has difficulty determine the established truth.

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Law Number 51 Prp of 1960 concerning the Prohibition of Land Use Without a Permit with the Right or Their Proxy, this is an effort by the government in anticipating community movements after the birth of the UUPA, but in its implementation it is still not effective in protecting "proprietorship" SHM owners, the weakness of this rule is because it is not accompanied by instructions for the implementation of the procedural law, regarding the description of the requirements, and the elements of the article contained in Law Number 51 Prp of 1960, against the perpetrators of "subjects" controlling land that does not belong to them. Law Number 51 Prp of 1960 concerning the Prohibition of Land Use without the Rightful Permit or Proxy, Article 6 paragraph (2), and paragraph (3)<sup>12</sup> regulates that the criminal threat is still considered light, with a maximum imprisonment of 3 (three) months and/or a maximum fine of Rp. 5000.00 (five thousand rupiah), therefore Law Number 51 Prp of 1960 concerning Prohibition of Use Land without a permit with the right or its proxies needs to be changed and add to the threat of a more severe punishment as a deterrent effect for the perpetrators.

What is contrary to the legal obligations of the perpetrator and also what is contrary to both the moral code, as well as propriety in the association of the "onrechmatig" community, the use of land without the right of permission or their proxies, from the perspective of Article 385 of the Criminal Code, it is more appropriate to apply to the "subject" perpetrator, occupying, controlling, and even selling certified land, because the criminal threat is more severe, namely imprisonment for a maximum of four years is punished compared to Article 6 paragraph (2) and paragraph (3) of Law Number 51 Prp of 1960, namely, 3 (three) Therefore, according to R. Soesilo, the crimes mentioned in Article 385 of the Criminal Code can be called crimes of "stellionaat" which means embezzlement of rights to immovable goods (onrorendegoederen) "immovable property" the same as for example land, fields, buildings etc.

The provisions of Article 6 paragraph (2), and paragraph (3) of Law Number 51 Prp of 1960 are violations, categorized as minor crimes (TIPIRING), in practice, minor crimes during the investigation process until the investigation of the perpetrator is not detained until the verdict is final. The law remains in accordance with the verdict, more precisely Article 6 paragraph (2), and paragraph (3) of Law Number 51 Prp of 1960 adopting the contents of Article 385 of the Criminal Code, because in this article it is usually called a crime, it is more appropriate to apply it to the perpetrator "subject" who owns, occupies, and even sells the certified land.

### **CONCLUSION**

Based on the discussion in the previous chapter which was sourced from the results of the study, the authors can draw the following conclusions:

- a. Phenomena that affect the community occupying SHM Number: 812 in Bationg Talangame Village, above SHM Number 235 in Kayu Merah Village, above SHM 229 Kalumata Village, and above SHM Number: 00977 The lack of legal awareness of the community, and obeying the law is the main cause of disputes This should be accompanied by efforts from the City Government and its subordinates, to build synergy with other government elements such as: Ternate City Land Office, Ministry of Law and Human Rights at the Provincial level, Legal Aid Institutions, and campuses (Faculty of Law and Human Rights). Huum), legal counseling activities, non-governmental institutions play a broad role for the creation of a law-abiding society, law-abiding society will create social conditions that are safe, peaceful, protected by individual rights. The problems that arise in certified lands are due to the apathetic attitude of the community towards the applicable legal rules, the culture of occupying land which is already a property right is still the main factor in land problems, ignoring the values of material and formal truth, historical land as a justification for defending rights.
- b. The dispute resolution process above SHM Number 812, SHM 229, SHM Number: 00977 through the Court which is considered ideal to accommodate the rights of the disputing parties and provide equal opportunities for all parties to submit legal reasons either through a legal representative or act individually or on behalf of a relative who is considered competent in dealing with the settlement of land ownership rights in court. and can take legal action. Settlement through the judiciary provides more legal certainty and is protected against their rights and avoids taking the law into their own hands and causing wider social unrest, in addition to the judicial route carried out through non-judicial or non-

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<sup>12</sup>Bunyi Pasal 6 ayat (2), dan ayat (3): ayat : (2). Ketentuan-ketentuan mengenai penyelesaian yang diadakan oleh Menteri Agraria dan Pengusaha Daerah sebagai yang dimaksud dalam Pasal-Pasal 3 dan 5 dapat memuat ancaman pidana dengan hukuman kurungan selama-lamanya 3 (tiga) bulan dan / atau denda sebanyak-banyaknya Rp. 5.000,00 (lima ribu rupiah) terhadap siapa yang melanggar atau tidak memenuhinya.ayat : (3) tindak pidana tersebut dalam pasal ini adalah pelanggaran.

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litigation channels, seeking ways out of the disputing parties, ignoring material values and prioritizing mutual interests, not considering losing or winning, strong or weak evidence, the satisfaction of all parties is the main goal.

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