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LEGAL ASSISTANCE IN APPLYING FOR TRANSFER OF LAND RIGHTS SUBMISSIONS IN KANTOR NOTARIS & PPAT RIAN SUGITO, S.H., M.Kn.

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Abstract

Lands in Indonesia aren't all managed by the capital and central government. Every region has institutions selected to manage and achieve rights to land managements. Specifically, in Batam, a body called Badan Pengusahaan Batam is the selected institution to conduct such function by the state. Rights to the land management also included rights to transfer of land rights through purchase and procurement, trade, participation of capital and bequest. This right include Rights to build and Rights to use. This usage of right must be followed title transfer when transfer of rights occur. These rights require written agreement from the institute that has the rights to the land management, which is BP Batam in te form of land transfer permission approval and within its development, the approval is requested and processed through an online system. BP Batam uses an application named Land Management System or LMS and its implementation isn't fully effective. Based on this background, the author would like to conduct an assistance to apply for the request of land transfer permission approval and title transfer. The author will conduct observation to gather necessary data within the program.

Keywords: *Land Transfer Permission Approval, Rights to Build, Rights to Management*

Background

When it was first established, Batam city is an area of authority under Badan Otorita, and then under Peraturan Pemerintah Nomor 46 Tahun 2007 Tentang Kawasan Perdagangan Bebas dan Pelabuhan Bebas Batam, the name Badan Otorita is changed in to Badan Pengusahaan Batam or known as BP Batam. The authority then becomes the institution held responsible for the development and growth of the city. The appointment was made under the presidential decree no. 41 of 1973 that reveals that all the land in Batam island is handed over with the management rights to the head of Batam Island's industrial development authority. The management rights that were delegated includes planning, using, and handing over rights over the land to a third party according to the law in force. In terms of handing over the land to a third party, BP Batam is obliged to issue the letter of land rights

transfer in order to legitimately and authentically hand over the building rights through transfer of title within the building rights certificate. Under UU No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria, Hak Guna Bangunan, it mentions that building rights is described as the rights to build and own a building on a land that is not owned by the owner of the building rights. The owner of building rights has the authority to control and utilize the land that is given the status of building rights during the certain period to build and own a building and transfer that right to other parties. The proses of transfer for building rights is done with the process of purchase deeds by the land deeds official as the primary necessities in managing the transfer. Exclusively in Batam city, every transfer of rights must own a written agreement from BP Batam as the special institution selected to manage the lands in Batam alongside the national land agency in Batam. This written agreement is known as letter of land rights transfer approval. Currently, BP Batam is using an online system to do the paperwork for the letter of approval. It uses the application called Land Management System of LMS. It becomes the replacement of the previously used application called BSW. Through the activity of community service, the author hopes to acquire the knowledge on how to do the proper paperwork during the application for the letter of approval through LMS.

Implementation Method

Data Collection Method

The data collection method that the author uses are interview and observation method on the partner's office, which is Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn. The observation and interview are directly done on the venue and with the partner and the partner's staff.

Output Designing Process

The community service is firstly done by discovering the information about the process of applying for the letter of approval including all the necessary paperwork to apply for it through the LMS application. Once its done, the author shall done data presenting and arranging.

Pre-implementation Phase

In this phase, the author will decide on the location for the community service. The author will then consult with the potential partner candidate and the lecturer about the possibility of implementing the community service with the potential partner. Once it is approved, then the author shall formally send a proposal which will be approved by the lecturer before sending MOU and MOA from the faculty. Once the paperwork is done, the author will then proceed to implement the community service program

Implementation Phase

Within this phase, the author will do the work as written in the proposal, which is to provide legal assistance in applying for the transfer of land title certificate in Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn. through an online system called LMS to achieve the goal of the project.

Evaluation Phase

The author will be enclosing every report and evidence of the community service implementation in several form, which are : the report, the paper, documentations, and the output of the activity which is the letter of approval for land rights transfer and the bill invoice of the administration that is issued by BP Batam

Location, Time and Activity Duration

The activity will take place at Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn. that is located at Komplek Acellence Blok A No. 16, Kota Batam. The activity will last for 16 weeks.

Discussion

The output of the activity Is the evidence of a successful application for letter of approval through the LMS online system. The letter of approval that the author received is Surat Pemberitahuan Izin Peralihan Hak Atas Tanah Nomor B/9395/IPH/A3.4/A3.44/9/2021 tanggal 23 September 2021, Administration bill invoice for transfer number 860/FBAP/PL/09/2021 dated 23 September 2021, and Surat Izin Persetujuan Peralihan Hak Atas Tanah Nomor 08928/IPH/9/2021 tanggal 27 September 2021 that was issued by BP Batam



Picture 1. Activity’s output

Output Implementation Process

The author will firstly observe the operational process that the partner does on daily basis, such as how do the staffs apply for the permits using the LMS and how do the staffs do the paperwork for the process and ensure that the partner has used the LMS online system that is provided by BP Batam that could be accessed through lms.bpmatam.go.id



Picture 2. Assistance process with the partner's staff

Post Implementation Condition

The output that is produced after the assistance that the author has done in Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn. in applying for the land trights title transfer through the online LMS system is the letter of approval with the serial number of B/9395/IPH/A3.4/A3.44/9/2021 dated 23 September 2021, Transfer administration bill invoice of 860/FBAP/PL/09/2021 Dated 23 September 2021, and the Letter of approval of land rights transfer with the identification number 08928/IPH/9/2021 dated 27 September 2021 issued by BP Batam.



Picture 3. Front View of Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn

The output of the activity also becomes the success indicator of the author in implementing the community service activity as it eases and also gives an easier understanding on how to manage the online based land permits by BP Batam.

Conclusion

Kantor Notaris dan PPAT Rian Sugito, S.H., M.Kn. that is located at Komplek Acellence Blok A No. 16, Kota Batam, is established and provides legal services to the banks and society based on Surat Keputusan Menteri Kehakiman dan Hak Asasi Manusia dengan nomor registrasi notaris: 283/KEP-20.3/X/2017 pada tanggal 31 Oktober 2017 as the land deeds official that is responsible for issuing Authentic certificate on deeds, agreement and resolutions under the law in force or willed by the parties to be mentioned in the authentic documents as evidence in a form of legitimate legal documents to be presented in court. The community service program is done through interview and observation on the partner of the service program which is Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn to discover the problem that the partner faces during the usage of the online system. The problem that the author discovered is regarding how there are lack of

information and understanding on how to operate the application on the LMS as it was recently substituted from the previous program which is the BSW. The output of the activity is the evidence of a successful application on the LMS which results in the letter of approval for the land title transfer, the bill invoice for the transfer administration that is issued by BP Batam

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