

CHAPTER V

CLOSING

A. CONCLUSION

Based on the results of the research and discussion, the following conclusions can be drawn:

1. Letter C can annul a certificate. The position of Letter C is crucial before the issuance of a certificate for the land recorded in Letter C, and its function as the underlying right in issuing a certificate serves as legal protection. However, in this decision, it is found that the certificate owned by the defendant does not have a clear underlying right. Government Regulation No. 24 of 1997 states in Article 24 regarding the proof of old rights in its registration, requiring evidence of such rights in the form of written evidence, statements verified for accuracy by the Adjudication Committee systematically or by the Head of the Land Office sporadically, which is considered sufficient for registering rights, the holder of the right, and other encumbrances.
2. The Legal Consideration by the Judge in Decision Number: 72/PDT.G/2021/PN.KWG is to annul the certificates owned by the defendant and co-defendant that have been issued and request the

defendant to proceed with the process of creating the certificate owned by the plaintiff that was previously delayed. The key reasons why the judge decided to annul the certificate are:

- a. The plaintiff, as the party objecting to the defendant's certificate, was able to prove ownership of the disputed land by presenting evidence of ownership in the form of Letter C obtained through inheritance, serving as the underlying right to issue a certificate originating from old rights.
- b. The existence of a letter of physical possession, which can only be obtained after 20 years of cultivating the land, along with witnesses who are aware of this, in accordance with Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration, Article 92 paragraph 2C.
- c. The defendant never appeared to prove otherwise against the plaintiff's lawsuit. Therefore, the panel of judges considered only the evidence of documents, witnesses, and facts presented during the trial.

B. SUGGESTIONS

Based on the conclusions above, the author provides the following recommendations:

During the initial registration based on old rights, it is advisable to go through the conversion process from old rights to new rights. It should be clear and accurate, where the party registering must convincingly prove the old right to land ownership as the basis for issuing certificates and/or other evidence such as tax payment receipts, traditional markers (girik/pethuk),

letters of land possession, and other evidence, both written and unwritten. With good faith in the proof process, the transition from negative to positive publication should not be problematic. Furthermore, even after more than 5 years, the certificate owner can obtain legal protection as the ultimate goal of positive publication.

