

**IMPLEMENTATION OF LAND REGISTRATION ON THE USE OF RESERVED LAND BY THE
TRANSMIGRATION COMMUNITY IN DHARMASRAYA DISTRICT**

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Abstract: *This research occurred because of the granting of land rights to transmigrants who came from state land, where this state land also arose from the existence of control rights; ownership rights were granted to transmigrants, but some of them did not have evidence that they had controlled it for 20 years. The formulation of the problem in this study is: Why is there remaining Transmigration land, how can transmigration communities control it, and how is the Land Registration process in Sitiung District, Dharmasraya Regency? This research method is empirical legal research, using primary data and qualitative data analysis. The results of the study indicate that the cause of this remaining land is due to the excess of the government program for transmigration communities. At that time, the remaining land was in the form of swamps, forests, or bushes, so it was not suitable to be distributed to the community. The process of registering remaining land at the Dharmasraya Regency Land Office states that several document requirements must be completed by transmigration communities to control the land, namely: a statement of control over the land, a letter of application for the issuance of a statement of control over the land, a letter of statement of control over the land by the village head, a statement of absolute responsibility by the applicant, a letter of application for the issuance of a recommendation by the Village Head to the Sub-district Head, a letter of application for a recommendation by the Sub-district Head.*

Keywords: *Transmigration Restan Land, Ownership Rights, Land Registration.*

A. introduction

Government Regulation No. 24 of 1997 Article 1 of land registration is a series of activities carried out by the government permanently, continuously, and regularly, including the collection, processing, accounting, presentation and maintenance of physical

and legal data, in the form of cards and lists, related to land plots and apartments¹. The first recording activity is presented in detail: a. Collecting and processing physical data, b. Proof of rights and accounts; c. Issuance of certificates; d. Presentation of physical and legal data; e. General data storage documents².

Certificates in Article 32 paragraph (1) of PP No. 24 of 1997 are valid proof of rights as a strong means of proof regarding physical and legal information, by the information in the measurement letter and the relevant land rights book. The importance of registering land for the community is to obtain legal certainty. Legal certainty is legal protection against arbitrary actions, which means that someone will be able to obtain something that is expected in certain circumstances. The community expects legal certainty because with legal certainty, the community will be more orderly. The law is tasked with creating legal certainty because it aims for public order.

The New Order government placed policies related to transmigration as a way to regulate human relations with the land. This program was implemented on a large scale during the New Order period, namely aimed at improving the standard of living, regional development, population distribution balance, equitable development throughout Indonesia, utilization of natural resources and human resources, national unity, and strengthening national defense and security³. The use of state land through government programs, one of which is the transmigration program. Transmigration is the movement of people from a densely populated area to another island area with few or no residents at all. According to Soedharyo Soimin, the transmigration program is an effort to harmonize the distribution of natural potential and the environment, so that the quality of life can be improved throughout Indonesia and human resources can be utilized more productively⁴. Transmigrants are given land rights in the form of ownership rights by Article 29, paragraph 4 of Law Number 29 of 2009 concerning Amendments to Law Number 15 of 1997 concerning Transmigration. Provision of land for transmigration under the explanation of Article 24 paragraph (1) of Law Number 29 of 2009 concerning Amendments to Law Number 15 of 1997 concerning Transmigration, in its explanation that "Provision of land for the implementation of transmigration can come from state land and/or land rights".

Land rights granted to transmigrants come from state land where which state land also arises from the existence of control rights. In other words, control rights are converted into management rights by the Ministry of Manpower and Transmigration, and these management rights are given ownership rights to transmigrants. The granting of these ownership rights is carried out by handing over land ownership certificates to transmigrants. For legal certainty regarding the majority of residents who do not have evidence, efforts are also made through physical evidence of control, namely land that has

¹ Presiden Republik Indonesia, "Peraturan Pemerintah (PP) Nomor 24 Tahun 1997 tentang Pendaftaran Tanah," Pub. L. No. 24, Pemerintah Pusat 2 (1997), <https://peraturan.bpk.go.id/Details/56273/pp-no-24-tahun-1997>.

² Mhd. Yamin Lubis and Abd. Rahim Lubis, *Hukum Pendaftaran Tanah* (Bandung: Penerbit Bandar Maju, 2008).

³ Moh Nasichin and Pristria Ika Agustina, "Peralihan Hak Milik Atas Tanah Yang Diperoleh Dari Program Transmigrasi," *Jurnal Penelitian Bidang Hukum Universitas Gresik* 10, no. 2 (December 2021): 3, <http://journal.unigres.ac.id/index.php/JurnalProHukum/article/download/1607/1179>.

⁴ Soedharyo Soimin, *Status Hak Dan Pembebasan Tanah*, 2nd ed. (Jakarta: Sinar Grafika, 2001).

been controlled continuously for 20 (twenty) years, which is carried out by the previous supervisor, so that it can be registered and a certificate can be issued⁵.

One of the areas in West Sumatra that has a transmigration community is Dharmasraya Regency. Dharmasraya Regency has 11 Districts and 52 Nagari. Furthermore, several districts are home to transmigration communities. The land that is distributed and cultivated by transmigrants is land that is directly adjacent to remaining land that cannot be distributed or cultivated by transmigrants, because the use of the land is still in the form of swamps, or its area cannot be distributed to transmigrants. These lands are known as *restan* (remaining) land. *Restan*, according to the Big Indonesian Dictionary, means remaining, excess⁶.

The remaining land above is controlled by transmigrants who are directly adjacent to the transmigration land that has a certificate of ownership. Article 1, paragraph 6 of the Regent Regulation Number 24 of 2021 concerning Procedures for Issuing Recommendations for Transmigrant Land Rights in Dharmasraya Regency states, "Ex-Transmigrant Remaining Land is State Land in the form of remaining land/land more than general transmigration units (settlements, plantations, land, etc)"⁷. The remaining transmigration land in the former Transmigration Department Management Rights area has become highly valuable because the remaining land is strategically located, close to residential land that can be used as a place to live, or the location of the land is close to market developments. This certainly affects the highland utilization of the remaining transmigration land. Article 2 of Regent Regulation Number 24 of 2021 concerning Procedures for Issuing Recommendations for Transmigrant Land Rights in Dharmasraya Regency states that "The issuance of recommendations for managing ownership rights for R (*restan*) extramigration land aims to provide legal certainty and protection to rights holders of a plot of land, apartment units and other registered rights so that they can easily prove themselves as the rights holders concerned"

Regent Regulation Number 24 of 2021 Concerning Procedures for Issuing Recommendations for Transmigrant Land Rights in Dharmasraya Regency:

Article 4 (1) For rights registration, land rights originating from the conversion of old rights are proven by evidence regarding the existence of said rights in the form of written evidence, statements whose level of truth by the Adjudication Committee in systematic land registration or by the Head of the Land Office in sporadic land registration, are considered sufficient to register rights, rights holders and the rights of other parties burdening them. (2) If the evidence as referred to in paragraph (1) is not or is no longer completely available, proof of rights can be carried out based on the fact of physical control of the land area in question for 20 (twenty) years or more consecutively by the registration applicant and his predecessors, with the following conditions:

⁵ Cris Lunnay and Herman Soesangobeng, *Status Reformasi Pertanahan dalam Undang-Undang Pokok Agraria dan Proyek Administrasi Pertanahan dengan Perspektif Sebesar-besarnya Kemakmuran Rakyat* (Bandung: Seminar Nasional Pertanahan, 1998).

⁶ Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, 3rd ed. (Jakarta: Balai Pustaka, 2005).

⁷ Bupati Dharmasraya, "Peraturan Bupati Nomor 24 Tahun 2021 Tentang Tata Cara Penerbitan Rekomendasi Hak Atas Tanah Transmigran Di Kabupaten Dharmasraya," Pub. L. No. 24, 3 (2021), https://jdih.dharmasrayakab.go.id/document/PERATURAN-BUPATI-DHARMASRAYA-NOMOR-24-TAHUN_081121102808.pdf.

- A. The control is carried out in good faith and openly by the person concerned as the person entitled to the land, and is supported by the testimony of a trusted person;
- B. The control, both before and during the announcement, is not disputed by the customary law community or the Nagari concerned, or other parties.

Considering that land registration is carried out to guarantee legal certainty, it is carried out to meet the needs of the community and the government⁸.

The problems that occur in the community that controls the remaining transmigration land in the Dharmasraya Regency area of Sitiung Village, Block A Piruko Village, according to Mr. Julisman, as the head of Sitiung Village in a telephone interview, are that several communities currently control land that is used as a place to live or as a plantation field, whose land status is still state land. The remaining transmigration land controlled by the community was obtained from the provision of land for the development of transmigration areas, which was carried out through the land reservation process mechanism by the Regional Government. When there was remaining land from the transmigration program, many people used the land.

The statement from the Head of Village was reinforced by the Head of Jorong Block A Piruko, who said that the community had controlled the remaining land that still had the status of state land for more than 20 years. The beginning of the transmigration community to the area was in the 1980s. With that, there was still land in the transmigration environment that still had the status of state land. However, the land that still had the status of state land had been controlled by the transmigration community for more than 20 years, and there was no clear status for the community over the land.

This certainly raises problems for the remaining land related to the control of the remaining land by the transmigration community, the status of the remaining land, the procedure for its registration mechanism, its settlement and management in the future and the implications if the rights to the remaining land are not registered because with land control for more than 20 years, legal certainty is needed through land registration for the transmigration community. So this study was conducted with the title IMPLEMENTATION OF LAND REGISTRATION ON THE USE OF RESERVED LAND BY THE TRANSMIGRATION COMMUNITY IN DHARMASRAYA DISTRICT

B. Literature Review

The following is a review of the literature based on previous research:

1. Siti Rahmah (2018) (Andalas University), with the title Implementation of Complete Systematic Land Registration (PTSL) of Land Rights in Dharmasraya Regency, with the formulation of the problem 1. How is the implementation of Complete Systematic Land Registration of land rights at the Land Office of Dharmasraya Regency? 2. What obstacles are faced in terms of implementing Complete Systematic Land Registration (PTSL) with the stipulation of the Ministerial Regulation on Acceleration of Registration of 14 Complete Systematic Lands at the Land Office of Dharmasraya Regency?
2. Novi Ardiansyah (National Land College, Yogyakarta), with the title Problems of land control over remaining (remaining) former management rights of the Department of Transmigration (case study in Lembah Kuamang Village, Pelepat Ilir District, Bungo Regency, Jambi Province) and formulation of the problem How is the acquisition and

⁸ Onny Medaline and Juli Moertiono, "Legalisasi Aset Tanah Transmigrasi Dalam Rangka Penguatan Reforma Agraria Di Sumatera Utara," *Jurnal Ilmiah Penegakan Hukum* 10, no. 1 (June 30, 2023): 21–32, <https://doi.org/10.31289/jiph.v10i1.8862>.

status of remaining (remaining) former management rights of the Department of Transmigration in Lembah Kuamang Village, Pelepat Ilir District, Bungo Regency, Jambi Province? How is the management of (remaining former management rights of the Department of Transmigration in Lembah Kuamang Village, Pelepat Ilir District, Bungo Regency, Jambi Province?

C. Research Methods

This study uses an empirical legal method approach, which researches the Implementation of Land Registration for the Ownership of Remaining Land of Transmigration Communities in Sitiung District, Dharmasraya Regency. Empirical legal research is legal research that obtains its data from primary sources or data obtained directly from the community⁹. This method is written descriptively, and primary data is data obtained directly from respondents (research objects). In this case, I, the author, obtained data through field research by conducting interviews with respondents, including the Korsub Penetapan Hak dan Pendaftaran at the Dharmasraya Regency Land Office and the transmigration community who participated in the Land Registration system program at the Dharmasraya Regency Land Office. The data is in the form of secondary data obtained by conducting a literature study.

D. Research Results

Based on the author's research results, in the Sitiung sub-district, there are 63 (sixty-three) people who control the remaining land. The area of land that the community controls the remaining land varies. Land in the legal sense is a surface of the earth. Meanwhile, land rights are rights to a certain part of the land or surface of the earth that is bounded, two-dimensional, with length and width. The remaining land is the land that is in the transmigration area. Regarding why the remaining land can appear, the author will explain in detail and clearly. Based on the results of the research conducted by the author, several communities control the remaining land. Communities that control the remaining land that already have certificates.

Based on the results of research with interviews with sources, Mr. Marjo stated that he had controlled the remaining land since 1987. The remaining land was used as a house for him with a land area of 770 m². because previously the land was part of a swamp that was not included in the land certificate from the part given to the transmigration community. However, with the development of the area, the remaining land in the form of a swamp was filled in, and then a house was built. According to him, he had controlled the remaining land since the 1990s¹⁰.

The author of the research results based on an interview with Mr. Paiman, who lives in Jorong Piruko Timur, controls the remaining land (remaining) with an area of 1,260m², which is intended as a residence. From the interview results, Mr. Paiman has controlled the remaining land (remaining) of transmigration since 1988. That the remaining land (Remaining because at the beginning of transmigration in Kenagarian Sitiung, the government provided land or land in the form of settlements and agricultural land. Based on the land or land distributed by the government to the transmigration community, there is excess land in the Kenagarian Sitiung area. The excess land is in the form of swamps or bushes in the transmigration area, which are utilized and controlled by the transmigration community¹¹.

⁹ Mukti Fajar ND and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Yogyakarta: Pensil Komunika, 2009).

¹⁰ Ayu Dika Febriyani P, "Hasil Wawancara Dengan Bapak Marjo, Masyarakat Transmigrasi" (February 20, 2024).

¹¹ Ayu Dika Febriyani P, "Hasil wawancara dengan Bapak Paiman, masyarakat transmigrasi" (February 20, 2024).

The remaining land in Sitiung District, Dharmasraya Regency, West Sumatra Province has long been occupied by transmigrants. Along with the rapid population growth in the transmigration area, Sitiung District, Dharmasraya Regency, West Sumatra Province, the remaining transmigration land in the former Management Rights area of the Department of Transmigration has become highly valuable because the remaining land is strategically located, close to residential land that can be used as a place to live, or the location of the land is close to market developments. This certainly affects the high utilization of land. The increase in land value and the strategic position of the land cause land prices to soar.

Similarly, what was expressed by the transmigration community, based on the results of an interview with the village head of Kenagarian Sitiung, namely Mr. Julisman, was that the restan (remaining land emerged when the excess remaining land from the government program for the transmigration community was utilized and managed by the transmigration community. At that time, the remaining land was in the form of swamps, forests, or bushes, so it was not suitable to be distributed to the transmigration community. The land that was controlled was in the environment of the transmigration itself, so that its rights had been released from the state's control rights and then management rights were given to the Ministry of Transmigration at that time¹².

From the results of the author's interview with Mr. Idris Sardi as a community member who controls the Restan (remaining) transmigration land as well as the Wali jorong and elder in Jorong Piruko Selatan, he said that he has controlled the restan (remaining) land since 2000 with a land area of 675m², the land is used for Rice Processing and rubber plantations. In the interview, he said that the remaining transmigration land used to be excess land from the distribution of transmigration land. However, the restan (remaining land was not included in the land certificate map distributed by the government at that time. The community that controlled the Restan (remaining land since the early years of transmigration was in the Sitiung sub-district, namely around the 1980s¹³.

According to him, Mr. Suhari, whose address is in Jorong Piruko, has been in control of the restan (leftover) land since 1995. Initially, the land was used and controlled by his parents. At that time, this land was still bush. The land has an area of 1,238 m². Initially, the land was used as agricultural land for planting tubers. However, with the development of time and humans, this land was used by Mr. Suhari himself, and he used it as his current residence.

The author's interview with Mr. Idris Sardi was then strengthened by Mr. Marjo, as a community member who currently controls the remaining land in Jorong Piruko Timur. The remaining land has been controlled by Mr. Marjo since 1987. The remaining land was used as his residence with a land area of 770 m². According to his statement, he controlled the land since it was still in the form of bushes. Based on his statement, the land could be controlled because at the beginning of the transmigration the area was still in the form of forest or bushes, so that many transmigration communities utilized the land¹⁴.

The land utilized by the transmigration community is still in the land division area from the government, and is not far from their original residence. Based on the interview

¹² Ayu Dika Febriyani P, "Hasil wawancara Bapak Julisman, Wali Nagari Sitiung" (February 19, 2024).

¹³ Ayu Dika Febriyani P, "Hasil wawancara dengan Bapak Idris Sardi, Kepala Jorong Blok A Piruko" (February 15, 2024).

¹⁴ Ayu Dika Febriyani P, "Hasil Wawancara Bapak Marjo, Masyarakat Transmigrasi" (February 16, 2024).

results, he also said that the remaining land has been controlled for more than 20 years. However, many people who control the remaining land still do not have proof of ownership. Over time, land that was previously only controlled to be used as a garden has now changed many functions, such as becoming residential buildings or business buildings, because of its strategic location.

E. Discussion

1. The occurrence of Transmigration Remainder Land in Sitiung District, Dharmasraya Regency

Sitiung District was chosen as a transmigration area because it was previously a wilderness, undeveloped, and empty area, so it was considered suitable for transmigrants. With the transmigration in Sitiung District, the Regional Government of the Social, Manpower and Transmigration Service of Dharmasraya Regency planned a program to develop the transmigration area, which consists of providing and improving environmental service facilities, community development, and improving cooperation between regions in the context of developing the transmigration area¹⁵. The program has several objectives, namely providing decent and environmentally friendly settlements for transmigrants and increasing cooperation in the placement and development of transmigrants¹⁶.

The mapping of the transmigration land is not all the land that can be distributed to the people who participate in the transmigration program. The distribution of land that is intended for the transmigration community includes land that cannot be distributed to the transmigration community. However, the land in the transmigration area that cannot be distributed is under the management rights of the Ministry of Transmigration and Manpower. Land that cannot be distributed to the transmigration community is land in the form of swamps and bushes¹⁷.

According to the Circular of the Ministry of Villages, Development of Disadvantaged Regions and Transmigration Areas of the Republic of Indonesia Number 18 of 2020 Concerning Explanation of Remaining Land in Transmigration Areas, remaining land is part of the land/land of the Settlement Unit or Transmigration Area that has not been used/utilized. Currently, there is a lot of remaining land that has not been used/utilized because there are no regulations on the use of remaining land, so it is necessary to explain the status and authority to utilize remaining land. The theory of control should be able to provide an answer to why land control can occur by the community with ownership rights, and how the community obtains these ownership rights, what conditions and regulations should be obeyed by the community for land control with ownership rights in the Dharmasraya Regency transmigration area, Sitiung District.

The Remaining land can be controlled by the transmigration community because the land is not included in the mapping provided by the government at that time. The status of remaining land in the Sitiung District transmigration area is in the form of management rights granted to the transmigration and manpower office.

2. Masyarakat Transmigrasi Dapat Menguasai Tanah Restan (Sisa) Transmigrasi Di Kecamatan Sitiung Kabupaten Dharmasraya

¹⁵ Pembangunan Daerah Tertinggal dan Transmigrasi RI Kementerian Desa, *TRANSMIGRASI: Masa Doeloe, Kini Dan Harapan Kedepan* (Jakarta: Direktorat Bina Potensi Kawasan Transmigrasi., 2015).

¹⁶ Dinas Transmigrasi dan Tenaga Kerja Kabupaten Dharmasraya, "Rencana Kerja Dinas Sosial Tenaga Kerja Dan Transmigrasi Tahun Anggaran 2016 Pemerintah Kabupaten Dharmasraya." (Dhamasraya, 2016).

¹⁷ Ayu Dika Febriyani P, "Hasil Wawancara Dengan Bapak Julisman Wali Nagari Sitiung" (February 19, 2024).

Related to the theory of control, which reflects the existence of a real relationship between individuals and land that is under their control. It is further explained that to be in a position of power, individuals must act as if they are the owners of the objects they control. Thus, the legal relationship between individuals who have a position of power and the objects they control is a direct interaction between the legal subject and the legal object, which gives rise to a legal relationship of goods.

Control of restan land in the Sitiung District area, Dharmasraya Regency, is divided into two categories, namely:

- a. Communities that control the remaining land that have received a Regent's recommendation decree with the status of land above HPL,
- b. Communities that control the remaining land but do not yet have a Regent's recommendation decree with the status of land above HPL and have controlled the land for more than 20 years.

Communities registered in the Regent's Recommendation Decree are allowed to apply for their land registration at the local Land Office, while on the other hand, communities that have controlled land for more than 20 years without a Regent's Recommendation Decree cannot register their land¹⁸. The community that has controlled the remaining land for more than 20 (twenty) years but has not received a recommendation decree from the Regent is because the transmigrant residents did not submit a recommendation application to the local government. Based on the results of the author's study, the remaining land originated from state land. Then in the 1980s, when transmigration began in Dharmasraya Regency, the state land had its rights released to become management land, which was handed over to the Ministry of Manpower and Transmigration. Article 5 (1) of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, Land Registration, Management Rights originating from State Land are granted to Central Government Agencies, Regional Governments, State-owned Enterprises/Regional-owned Enterprises, State-owned Legal Entities/Regional-owned Legal Entities, Land Bank Agency; or legal entities appointed by the Central Government

Land management rights by the Ministry of Manpower and Transmigration are distributed to family cardholders to transmigration communities. The Restan Land, controlled by the transmigration community, is located in the transmigration environment. The remaining land has the status of labor and transmigration management rights. According to the Circular of the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration of the Republic of Indonesia Number 18 of 2020 concerning the explanation of the status of restan land in the transmigration area, restan land or remaining land that is not utilized in the transmigration area, its use is regulated as follows:

- a. There is still a status of the translation position of the order/submitted from the promotion unit, or the direction of the local government or the development of the settlement unit, the local or regional/city government, but there is no HPL-SK/certificate, but the use of the Restan government still exists in this country.
- b. Restan has landed in the migrant area either with the status of a comparison unit that is still being promoted, or with a comparison unit, instruction, or development, or with the instruction or development of the state or regional government that has been taken through the HPL-SK/certificate.

¹⁸ Ayu Dika Febriyani P, "Hasil wawancara dengan Bapak Roni, Staff Kantor Pertanahan Dharmasraya" (February 19, 2024).

- c. Rest of the land, which meets the eligibility of translation settlements, can be planned for the development of immigrant settlements according to ability
- d. Rest of land needed for the interests of developing the local/city/city government.

Dharmasraya Regency's Land Restan already has HPL-SK/certificate. The use of the restaurant state is the authority of the ministry for village development and disadvantaged immigration. Based on an interview with Diane, the right to manage migrant land to the Dharmasalaya Regency regional government is regulated by regulation number 18 of Article 12 (2) Article 12 (2) and cannot transfer administrative power rights, flat legal rights, agricultural legal rights, or agricultural legal rights. Based on this article, there is a difference between regulations and implementation.

3. Land Registration Process for Ownership of Remaining Land of Transmigration Communities in Sitiung District, Dharmasraya Regency

The theory of authority in the context of land registration is the authority held by the government based on legal regulations. The Basic Agriculture Law highlights that land registration is the responsibility of the government and that land registration is encouraged in all parts of Indonesia. Activities are carried out continuously, continuously and regularly. The obligation to register land rights to state-controlled institutions is calculated, which means that the task of securing state rights after the end of the authority is secured, but in particular the designated regulations, the authority is included in the context of the implementation of tasks and distribution of authority and distribution of authority¹⁹.

The theory of legal certainty in the field of state law is that the rightful owner needs to receive security through government rights and clear directions. Further implementation of Article 2 (2) of PP No. 2 of 1997 is in Article 76 (2) of the Agrarian/Capriot Measurement Regulation of the National Land Agency No. 3 of 1997. The written requirements are not sufficient for registration. Requirements can be met with a proper explanation using reliable information from at least two (two) local witnesses. This is not good vertically and horizontally relative to those affected by the person who did this to become the owner of the country involved, and the evidence and conditions above cannot be done in connection with the certificate.

Regarding the remaining transmigration land controlled by the surrounding community according to Article 4 paragraph 2 of Dharmasraya Regent Regulation Number 24 of 2021 concerning Procedures for Issuing Recommendations for Transmigration Land Rights in Dharmasraya Regency, namely: If the evidence referred to in paragraph (1) is not or is no longer completely available, proof of rights can be carried out based on the fact of physical control of the land area in question for 20 (twenty) years or more consecutively by the registration applicant and his predecessors, with the following conditions:

- A. The control is carried out in good faith and openly by the person concerned as the person entitled to the land, and is supported by the testimony of a trusted person;
- B. The control, both before and during the announcement, is not disputed by the customary law community or Nagari

The control of remaining land (Remaining) by transmigration communities that have proven physical control for more than 20 years can become ownership rights. Thus, the community will get legal certainty over the remaining land (remaining). Based on the results of the author's research at the Dharmasraya district land office, several document

¹⁹ Indrohato, *Asas-Asas Umum Pemerintahan Yang Baik, Dalam Paulus Efendie Lotulung, Himpunan-Makalah Asas-Asas Umum Pemerintahan Yang Baik* (Bandung: Citra Aditya Bakti, 1994).

requirements must be completed by transmigration communities who control remaining land (remaining) if they want to be registered, namely:

1. Statement of control over land R (resting);
2. Letter of application for the issuance of a statement of control over land R (resting) by the applicant;
3. Letter of statement of control over land R (resting) by the village head;
4. A letter of statement of absolute responsibility by the applicant;
5. Letter of application for the issuance of a recommendation by the Village Head to the Sub-district Head;
6. Letter of application for a recommendation by the Sub-district Head;
7. Power of attorney from the applicant to be submitted to the recipient of the power of attorney

The document requirements must be obtained by the community that controls the remaining land (remaining). The government allows the community to register their land to obtain legal certainty²⁰.

The remaining land registration (remaining) is carried out by the community of interest itself. The translation community is registered in the Regent's recommendation letter and then registered at the Dharmasraya Regency Land Office. The Dharmasraya Office is a team that checks whether the registered country is included in a public or social institution. The Dharmasraya Land Office team then measures the country (remaining) of the restaurant. The Dharmasraya Office will process the real estate registration until it issues a land certificate²¹.

About the procedure for providing national legal recommendations in Dharmasraya Regency, according to Article 13 of the Dharmasraya Regulation 2 2021, the municipality must register the Regent's recommendation. There is an opportunity to register land other than agricultural Land Registration (Remaining) at Dharmasraya Regency Land Office is currently underway in stages due to the implementation of its government. Registration for 2023 consists of up to eight certificates of ownership issued by the Dharmasraya Regency Land Office. Issuing certificates, legal certainty to the owners of their rights at Land Restaurant (Rested)²².

Based on the results of the author's interview with Saijo, who has controlled the rest of the land since 1985 with the designation of making a house with a land area of 1,992m². from his statement, he has now obtained a certificate of ownership of the land with the following process:

- a. Provide/submit a letter of recommendation from the Sijunjung district for the restan (remaining land to the village government.
- b. The village government forwards it to the governance or asset section of Dharmasraya district to propose the issuance of a recommendation from Dharmasraya district
- c. After the recommendation from Dharmasraya district is issued, the applicant then provides the following files: a statement of control over land R (restan); a letter of request for the issuance of a statement of control over land R (restan) by the applicant; a statement of control over land R (restan) by the village head; a statement of absolute responsibility by the applicant; a letter of request for the issuance of a recommendation by the Village Head to the Sub-district Head; a letter of request for

²⁰ P, "Hasil wawancara dengan Bapak Roni, Staff Kantor Pertanahan Dharmasraya."

²¹ p.

²² p.

a recommendation by the Sub-district Head; a letter of power of attorney from the applicant to be submitted to the authorized person

- d. Mr. Saijo gives power of attorney to the village government to process the issuance of the certificate
- e. Furthermore, the village government submits documents and files to the Dharmasraya district land office²³.

Based on the results of the author's research on the employees of Wali Nagari Situng from all translation communities that control the country (permanent), there are still people who do not have or have received property rights certificates. Based on the results of interviews with the Dharmasraya Regency Land Office, in the process of running the Dharmasraya Regency Land Office which will be carried out in stages, many (9) applicants are controlled by the translation community, controlled by the translation community, because they are limited to measurement. Therefore, it has been managed for a long time by the translation community during the registration process by Land Restan²⁴.

F. Conclusion and Suggestions

Conclusion

1. The existence of remaining land in the transmigration area is because initially, the remaining land was land that was not included in the division or land map distributed to each transmigration community. The remaining land was utilized by the transmigration community because it was located not far from the land divided by the government
2. The remaining land that can be controlled has the status of management rights of the Ministry of Manpower and Transmigration. The community that controls the remaining land that already has a Regent's recommendation decree with land status above HPL. The remaining land in Dharmasraya Regency already has a decree/HPL certificate, so the utilization of the remaining land is the authority of the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration. The right to manage transmigration land has been given to the Dharmasraya Regency Regional Government
3. The registration process for remaining land at the Dharmasraya Regency Land Office states that several document requirements must be completed by the transmigration community who controls the remaining land if they want to be registered, namely: 1. statement of ownership of land R (restan); 2. letter of application for the issuance of a statement of control over land R (restan) by the applicant; 3. certificate of ownership of land R (restan) by the nagari guardian; 4. letter of statement of absolute responsibility by the applicant; 5. letter of request for issuance of recommendations by the Nagari Mayor to the District Head; 6. letter of request for recommendation by the sub-district head; 7. Power of attorney from the applicant to the recipient of the power of attorney. These document requirements must be obtained by the people who control the restan (remaining land).

Suggestions

²³ Ayu Dika Febriyani P, "Hasil Wawancara Dengan Bapak Saijo, Masyarakat Yang Mengusai Tanah Restan" (April 1, 2024).

²⁴ Ayu Dika Febriyani P, "Hasil Wawancara Dengan Bapak Roni, Staff Kantor Pertanahan Kabupaten Dharmasraya" (April 21, 2024).

1. The community should be given counseling or socialization by the Government regarding the remaining land, and whether the remaining land can be controlled by the community
2. There needs to be a provision that regulates transmigrant residents who control the remaining land that is not a Family Card Fraction, so that recommendations can be given by the Regent. Carry out an inventory of control, ownership, designation, and use of land between the National Land Agency through the Local Land Office and the Manpower and Transmigration Service for the subject and object of the remaining land.
2. Circular of the Minister of State for Agrarian Affairs/Head of the National Land Agency, concerning Technical Instructions that specifically regulate the certification of restan land can clarify to the community that Restan (remaining) land can be registered as land ownership at the Dharmasraya Regency Land Office.

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References

- Bupati Dhamasraya. Peraturan Bupati Nomor 24 Tahun 2021 Tentang Tata Cara Penerbitan Rekomendasi Hak Atas Tanah Transmigran Di Kabupaten Dharmasraya, Pub. L. No. 24, 3 (2021). https://jdih.dharmasrayakab.go.id/document/PERATURAN-BUPATI-DHARMASRAYA-NOMOR-24-TAHUN_081121102808.pdf.
- Dinas Transmigrasi dan Tenaga Kerja Kabupaten Dharmasraya. "Rencana Kerja Dinas Sosial Tenaga Kerja Dan Transmigrasi Tahun Anggaran 2016 Pemerintah Kabupaten Dharmasraya." Dharmasraya, 2016.
- Indrohato. *Asas-Asas Umum Pemerintahan Yang Baik, Dalam Paulus Efendie Lotulung, Himpunan-Makalah Asas-Asas Umum Pemerintahan Yang Baik*. Bandung: Citra Aditya Bakti, 1994.
- Kementerian Desa, Pembangunan Daerah Tertinggal dan Transmigrasi RI. *TRANSMIGRASI: Masa Doeloe, Kini Dan Harapan Kedepan*. Jakarta: Direktorat Bina Potensi Kawasan Transmigrasi, 2015.
- Lubis, Mhd. Yamin, and Abd. Rahim Lubis. *Hukum Pendaftaran Tanah*. Bandung: Penerbit Bandar Maju, 2008.
- Lunnay, Cris, and Herman Soesangobeng. *Status Reformasi Pertanahan dalam Undang-Undang Pokok Agraria dan Proyek Administrasi Pertanahan dengan Perspektif Sebesarbesarnya Kemakmuran Rakyat*. Bandung: Seminar Nasional Pertahanan, 1998.

- Medaline, Onny, and Juli Moertiono. "Legalisasi Aset Tanah Transmigrasi Dalam Rangka Penguatan Reforma Agraria Di Sumatera Utara." *Jurnal Ilmiah Penegakan Hukum* 10, no. 1 (June 30, 2023): 21–32. <https://doi.org/10.31289/jiph.v10i1.8862>.
- Nasichin, Moh, and Pristria Ika Agustina. "Peralihan Hak Milik Atas Tanah Yang Diperoleh Dari Program Transmigrasi." *Jurnal Penelitian Bidang Hukum Universitas Gresik* 10, no. 2 (December 2021): 3. <http://journal.unigres.ac.id/index.php/JurnalProHukum/article/download/1607/1179>.
- ND, Mukti Fajar, and Yulianto Achmad. *Dualisme Penelitian Hukum Normatif Dan Empiris*. Yogyakarta: Pensil Komunika, 2009.
- P, Ayu Dika Febriyani. "Hasil wawancara Bapak Julisman, Wali Nagari Sitiung." February 19, 2024.
- . "Hasil Wawancara Bapak Marjo, Masyarakat Transmigrasi." February 16, 2024.
- . "Hasil wawancara dengan Bapak Idris Sardi, Kepala Jorong Blok A Piruko." February 15, 2024.
- . "Hasil Wawancara Dengan Bapak Julisman Wali Nagari Sitiung." February 19, 2024.
- . "Hasil Wawancara Dengan Bapak Marjo, Masyarakat Transmigrasi." February 20, 2024.
- . "Hasil wawancara dengan Bapak Paiman, masyarakat transmigrasi." February 20, 2024.
- . "Hasil wawancara dengan Bapak Roni, Staff Kantor Pertanahan Dharmasraya." February 19, 2024.
- . "Hasil Wawancara Dengan Bapak Roni, Staff Kantor Pertanahan Kabupaten Dharmasraya." April 21, 2024.
- . "Hasil Wawancara Dengan Bapak Saijo, Masyarakat Yang Mengusai Tanah Restan." April 1, 2024.
- Presiden Republik Indonesia. Peraturan Pemerintah (PP) Nomor 24 Tahun 1997 tentang Pendaftaran Tanah, Pub. L. No. 24, Pemerintah Pusat 2 (1997). <https://peraturan.bpk.go.id/Details/56273/pp-no-24-tahun-1997>.
- Pusat Bahasa Departemen Pendidikan Nasional. *Kamus Besar Bahasa Indonesia*. 3rd ed. Jakarta: Balai Pustaka, 2005.
- Soimin, Soedharyo. *Status Hak Dan Pembebasan Tanah*. 2nd ed. Jakarta: Sinar Grafika, 2001.