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The Role of Village Government in the Orderly Land Administration in Dayeuhluhur Village, Tempuran District, Karawang Regency as an Implementation of Agrarian Reform

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Abstract

Order of village land is the process of managing and regulating land at the village government level. According to Law Number 6 Year 2014, villages are authorized to manage local governance matters, including those related to land issues. This research aims to understand the implementation of land administration systems in Dayeuhluhur Village, Tempuran Subdistrict, Karawang Regency, West Java Province. The method used is juridical-empirical, incorporating interviews and direct observations in Dayeuhluhur Village, along with data analysis from literature as supporting evidence. Data collected is qualitatively analyzed to explain findings derived from observations and journal records. Data was gathered from primary sources such as interviews and observations, as well as secondary sources like documents. The study's findings indicate that the land administration system in Dayeuhluhur Village functions effectively. However, it also reveals that the role of the Dayeuhluhur Village government in land administration is not yet ideal due to several reasons, including weaknesses in human resources, lack of coordination with relevant agencies, deficiencies in village land administration systems and procedures, and inadequate community awareness of the importance of orderly land administration. Therefore, due to these inhibiting factors, the village government is less effective in ensuring orderly land administration, both internally and externally. By addressing these barriers, it is hoped that the village government's role in ensuring orderly land administration can be maximized to benefit the community and the village as a whole.

Keyword: The Role Of Village Government, Orderly Land Administration

INTRODUCTION

The order of land administration is contained in the 1945 Constitution, which is the basis for the order of land administration in Indonesia (Arnowo, n.d.). *Social justice*, in accordance with Article 33, paragraph 3 of the 1945 Constitution, states that "the earth, water and natural resources contained in it belong to the people and must be used to the greatest extent possible for the prosperity of the people".¹ This article emphasizes the importance of fair and equitable

land management for the benefit of the people. To realize this principle, land administration governance ensures that land rights are legally protected and prevents unfair land tenure (Rejekiingsih, 2016). *People's sovereignty*, Article 1 paragraph 2 of the 1945 constitution states that "the supreme power is in the hands of the people, and is implemented through the People's Consultative Assembly".² Communities have the right to regulate and manage natural resources, including land (Maarif et al., 2024). The order of land administration plays an important role in ensuring this by involving the community in the decision-making process related to land (Destriana & Allagan, 2022). *Common welfare* "protect the entire nation and all the bloodshed of Indonesia and its allies, and realize social justice for all Indonesian people," as stated in the fourth paragraph of the preamble to the 1945 Constitution.³ This emphasizes the crucial importance of sustainable and beneficial land management for all people. Orderly land administration plays a role in realizing this by encouraging optimal and environmentally friendly land use and preventing land abuse (Metternicht, 2018).

Land is the foundation for various activities, ranging from housing, agricultural businesses, to infrastructure development (Nurseha et al., 2024). Land is an essential natural resource for the life of rural communities. Therefore, managing and maintaining the order of land administration in the village is crucial.

In addition, the Basic Agrarian Law Number 5 of 1960 regulates land administration, especially regarding land registration. Article 19, paragraph 1 of the law states that the government must implement a land registration program to ensure legal certainty in accordance with the provisions regulated through Government Regulations.⁴

The government encourages land registration programs throughout the territory of the Republic of Indonesia. The Village Government also has an important role in improving the implementation of this program. The village government functions as a means for the community in administrative services, including land registration.

Article 79, paragraph 6 of Law Number 6 of 2014 concerning Villages emphasizes the importance of the role of the village government in carrying out government programs. This verse states that government programs on a local scale will be coordinated by the village.⁵ Therefore, based on Article 26, paragraph 4 letter h of Law Number 6 of 2014, the village head has the task of managing the administration of the village government effectively, including the land registration program.⁶

Based on Law No. 23 of 2014 concerning Regional Government and Law No. 6 of 2014 concerning Villages, village governments have an important role in the regulation and management of land in their areas. Law No. 6 of 2014 also provides opportunities for villages to improve land administration.

The Village Government plays an important role as a community center for services, especially administration, including land administration. With the existence of the village government, all village service management processes are expected to run well and optimally. The village government has the Authority to manage the development and fostering of the community based on the 2014 Village Law, article 19 letters a and b. The authority of the village apparatus is sourced from the village-scale local authority, as well as the rights of origin and customs.⁷

The village government does not operate alone but is supported by various village government institutions. Thus, it is hoped that the village government can improve the quality of services and accelerate the provision of services to the village community.^{Eight} this is in accordance with Government Regulation of the Republic of Indonesia Number 43 of 2014 concerning Implementation Regulations of Law Number 6 of 2014 concerning Villages, listed in Article 150 Paragraph 2 Letter c and Article 3 Letter c.

According to applicable regulations, village administration is regulated by various regulations, including Regional Government Law Number 32 of 2004, Government Regulation

Number 72 of 2005 concerning Villages, Government Regulation Number 79 of 2005 concerning Guidance and Supervision of Regional Government Implementation, Regulation of the Ministry of Home Affairs Number 32 of 2006, and Chapter II Article 2 of the Regulation of the Minister of Home Affairs Number 47 of 2016. Village administration includes various aspects such as general administration, population administration, financial administration, development administration, and other administrations.^{nine reviews}

Village regulation books, village head decrees, inventories and assets, village government officials, cash land and land in the village, agendas, expeditions, sheets, and village news are part of the General Administration as outlined in Chapter IV Article 5 Number 2.^{10 reviews.}

One of the important elements in creating a structured land administration is administrative order. This includes ensuring legal certainty over land ownership, planning, regulation and use of land, and providing appropriate land data. Village governments play a crucial role in maintaining order in land administration, as stipulated in Village Law Number 6 of 2014. This law gives the Authority to village governments to supervise and regulate various aspects of village government, including matters related to land.

Administrative regularity is an indicator of success in village government.¹¹ Therefore, Law Number 6 of 2014 concerning Villages emphasizes that one of the responsibilities of village government is to carry out effective government administration. Recording data and information about village government activities in the village register book is an integral part of village government administration.¹² Village administrative governance can be considered efficient and effective if all activities are well recorded, all administrative books and reports are compiled and stored neatly regarding all events that occur inside and outside the village government, and all important documents and letters are also well organized and stored.

Dayeuhluhur Village, Tempuran District, Karawang Regency is one of the villages with great potential in the field of land. This village has an area of 569 hectares with a population of 6,131 people, of which the majority are farmers.¹³ However, many people in Dayeuhluhur Village do not yet have land certificates, indicating that land administration in the village is still not optimal.

Judging from the data obtained from the Karawang Regency BPN, that from the area of 6.68 Km², there are as many as 863 fields that have not been certified.¹⁴ As shown by the findings of an interview conducted by the researcher on March 7, 2024, it shows that based on the information of the Head of Dayeuhluhur Village, the same thing also shows that Dayeuhluhur Village is not optimal order of land administration "in Dayeuhluhur Village, there is still a lot of land, both land and rice field land, that has not been certified".^{15 reviews}

In addition, the staff of the land section of Dayeuhluhur Village also said that when residents want to take care of land certificates, they should go through the village government first, but the majority of Dayeuhluhur Village residents take care of it directly to the BPN office. Thus, the village government is flawed in the administration or has incomplete records related to residents' land certificates in Dayeuhluhur Village.¹⁶ From this, the question arises: what is the matter between the residents and the village government in Dayeuhluhur Village so that the administrative order does not run optimally?

Not only related to this, the staff of the land section of Dayeuhluhur Village also said that government programs such as the PTSL program are not running in Dayeuhluhur Village. The program was last implemented in 2021, and until now, the program has not been running in Dayeuhluhur Village.¹⁷ From these things, we can conclude that in Dayeuhluhur Village, Agrarian Reform is not running so well, and the village government is supposed to be a forum for residents, but the role of the village government is not optimal in ordering land administration in Dayeuhluhur Village.

Increasing the role of the village government is one way to solve the problem of land administration in Dayeuhluhur Village. Regular land management provides many advantages, such as:

1. Increase legal certainty over land ownership.

This can minimize the potential for land disputes and social conflicts that can harm the community. With orderly land administration, clear and documented land ownership can provide legal certainty to landowners. This can reduce conflicts related to land tenure and encourage investment in agriculture and regional development.

2. Facilitate the management of land-related documents.

With the orderly land administration in the village, the village community can take care of various needs such as capital loans at banks, house construction, more easily and smoothly. The village becomes a bridge for the community to communicate with higher agencies.

3. Increase village original income (PAD).

The issuance of SKTD (village land certificate) can be a significant source of PAD for villages. By effectively harnessing the revenue potential from SKTD issuance and land management, villages can increase their PAD, which in turn can be used to finance many development programs and projects that are beneficial to village communities.

4. Facilitate village development planning.

One of the things that is an important foundation in effective spatial mapping and village development planning is data on village land. With orderly land administration, the government can more easily plan and implement infrastructure projects such as roads, irrigation, and electricity. A clear knowledge of land ownership allows the planning and execution process of infrastructure projects to run smoothly without legal barriers or conflicts.

However, the reality that occurs shows that there are still many villages that do not have an optimal land administration order. This is caused by various things and factors, including:

1. Lack of public knowledge and understanding of the importance of orderly village land administration.
2. Weak human resources in village government.
3. Lack of coordination with related agencies.

Dayeuhluhur Village in Tempuran District, Karawang Regency, West Java, is an example of a village that does not have an optimal level of land administration regularity.

Problems

1. What is the role of the village government in carrying out village land administration according to laws and regulations in the context of the implementation of Agrarian Reform?
2. What are the factors that hinder the role of the government of Dayeuhluhur Village, Tempuran District, Karawang Regency, in realizing the orderly land administration in the village as an implementation of Agrarian Reform?

Research Methods

In this study, the type of research used is empirical juridical research. Empirical juridical research is a type of research that begins with primary data analysis before continuing with secondary data collection directly in the field.

Empirical juridical research includes the investigation of practical issues by referring to existing legal regulations to identify problems that arise in practice. This method is descriptive and analytical with the aim of providing a systematic picture based on the data collected. The result of this research is an explanation and solution to the problem at hand.

Furthermore, the data acquisition is managed and analyzed in a qualitative way by drawing a conclusion based on a logical view based on the results of interviews that have been carried out with resource persons and also data from literature studies.

RESULTS AND DISCUSSION

A. The role of the village government in carrying out village land administration according to laws and regulations as the implementation of agrarian reform.

Managing government administration, implementing development projects, developing the community, and maintaining customary order are the main responsibilities of the village. Based on Article 19 of Law Number 6 of 2014 concerning Villages, the village apparatus has various authorities, namely:¹⁸ Authority on the right of the origin, local Authority on the village scale, carrying out duties assigned by the government, provincial, and local government, or district/city local government, carrying out additional duties given by the central government, provincial, local government, or district/city regional government in accordance with the provisions of regulations legislation.

Of these four authorities, as well as the Authority of origin and local Authority at the village scale, the village has several important authorities. The village does not have residual Authority given by the district or city government, as stipulated in the Regional Government Law Number 32 of 2004 and Regional Government Regulation Number 72 of 2005. This law directly establishes and regulates such Authority, and government regulations provide an explanation of such Authority.^{19 reviews}

The right of origin is the basis for local Authority at the village level, which includes the regulation and management of the interests of the village community that have been carried out or emerged as a result of the development and initiative of the village community itself. This remaining Authority is rooted in the efforts and initiatives that have been undertaken by the village or its community throughout the history of community development and is known as "authority based on the right of origin".

Based on Article 1 of Government Regulation No. 43 of 2014 concerning the Implementation Regulation of Law No. 6 of 2014 concerning Villages, the Authority of the village includes the following:²⁰ Existing government affairs based on the right of origin of the village, government affairs handed over to the village by the district or city government to be regulated, assistance duties given by the central government, the provincial government, and regency/city governments, additional government services given to villages through laws and regulations.

In the government structure of the Unitary State of the Republic of Indonesia, the village government is responsible for the management of government affairs and pays attention to the interests of the local community.²¹ The village government functions as an institution for the community to handle all administrative needs needed by the community. Chapter II, Article 2 of the Regulation of the Minister of Home Affairs Number 47 of 2016, describes the procedures and provisions that apply to administrative arrangements at the village level. It covers various aspects of administration, such as general administration, population administration, financial administration, development administration, and other administrative fields.^{22 reviews}

Paragraph 1 covers matters related to general administration in the village, such as village regulation books, village head decisions, inventories and assets, village government officials, village finances, agendas, expeditions, publications, and village news, in accordance with what is explained in Article IV Part (5) number 2.²³ In addition, Law No. 6 of 2014 concerning Villages also emphasizes that villages have the right to regulate and manage land in their area. This shows that the village government has the main responsibility of ensuring that the administration related to village land runs well, effectively and in an orderly manner.

The order of land administration includes the clarity of land data, legal guarantees of land rights, and the regulation and use of land in an orderly manner. The village government has a crucial role in creating this order, which is in line with Law Number 6 of 2014 concerning

villages, which gives authority to villages to supervise and control local government, including in terms of land.

Here are some important roles of village governments in land administration order:²⁴

1. Socialization and education of the community about the importance of orderly land administration are also needed.

Efforts to improve the quality of life and happiness of the community by expanding understanding, building positive attitudes, developing skills, encouraging active action, and increasing capacity and awareness. This is done through the use of available resources and the creation of policies, programs, activities, and mentoring tailored to key problems and needs in rural areas.

The community needs to know and understand the importance of having complete and legal land documents. This can be achieved by increasing public awareness of the advantages of regular land administration, such as:

- a. Increase legal certainty over land ownership.
- b. Facilitate the management of documents related to land.
- c. Increase village PAD from the land sector.
- d. Facilitate village planning.

2. Assisting the community in managing land documents.

The village government can help the community keep land documents. The village government is authorized to do so, such as:

- a. Assist the community in filling out the application form to make land documents.
- b. Forwarding the application to the relevant institution to make land documents.
- c. Providing assistance to the community when taking care of land documents.

3. Collecting village land data.

Village land data collection is an important step in realizing an orderly land administration. Village land data can be used to:

- a. Knowing the amount and area of land in the village.
- b. Knowing the ownership of land in the village.
- c. Planning the use of village land.

4. Coordinate with related agencies.

The village government needs to cooperate with institutions that take care of land issues, such as BPN and ATR/BPN. This coordination is crucial to:

- a. Streamline the process of issuing land documents.
- b. Resolve land conflicts in villages.
- c. Aligning village land policies with national policies.

5. Supervising and regulating the use of village land.

The task of village governments is to ensure that the use of land in their area is in accordance with applicable regulations.

6. Making and implementing village land regulations.

Creating and implementing village land regulations is an effort for village governments to fill gaps that may not be covered by national-level regulations. By making village regulations related to land, the village government can regulate things that have not been regulated by national regulations. However, it is important for these village regulations to be in line with higher laws so as not to cause conflicts.

7. Increasing aging resources in the land sector.

Village governments must improve human resources in the land sector so that they can perform their duties and functions well.

8. Creating efficient land administration systems and procedures.

The village government must build efficient systems and procedures for land administration so that the community can take care of land documents easily and quickly.

From the explanation of several previous roles of village government, it can be concluded that village governments have significant responsibilities in managing and taking care of land administration in their area. Even so, many villages still have not succeeded in implementing land administration governance effectively. This is caused by various obstacles or inhibiting factors faced by the village government. As a result, the village government becomes less than optimal in ordering land administration, both due to internal village factors and external village factors.

B. Factors Hindering the Role of the Village Government in Carrying Out Land Administration in Dayeuhluhur Village, Tempuran District, Karawang Regency

Based on Law Number 6 of 2014 concerning Villages, village governments are significantly responsible for taking care of land issues in their area. This regulation gives the Authority to the village to regulate and manage the land in the village area.

But in reality, there are several factors that hinder the Dayeuhluhur Village government from carrying out its duties effectively in managing land affairs in the area.

These inhibiting factors can be categorized into several aspects, namely as follows:

1. Internal Factors of the Village Government

- a. Village officials lack an adequate understanding of land issues. As a result, they face difficulties in carrying out their functions and responsibilities related to land.
- b. Weakness of human resources (HR) of village apparatus. The limited number of village officials and the lack of training and education on land cause village officials to be unable to handle land affairs optimally.
- c. Land administration systems and procedures that are not optimal. Complicated and convoluted systems and procedures can hinder the process of managing land documents.

2. External Factors of the Village Government

- a. Lack of coordination with related agencies.
The process of managing land documents and resolving land disputes in villages can be delayed if there is no cooperation with related agencies such as BPN and ATR/BPN.
- b. Lack of support from the community.
The lack of awareness and community participation in village land activities can hinder the efforts of the village government in realizing an orderly land administration.
- c. Budget limitations.
Village governments often have limited budgets to carry out their duties and functions in land affairs, such as to finance socialization, training, and the procurement of infrastructure.

3. Legal Regulatory Factors

- a. Laws and regulations on land that still overlap.
This can cause confusion between the community and village officials when carrying out their duties and functions.
- b. The process of determining land rights is still complicated and takes a long time.
This can cause people to be reluctant to take care of land documents.
- c. Lack of strict sanctions for violations of land regulations.
This can cause the community to not comply with land regulations.

These inhibiting factors can result in several things, such as:

1. The low level of ownership of Land Rights Certificates (SHAT) by the community.
2. There are many cases of land disputes in the village.
3. Weaknesses in the management of village land data.
4. Lack of village PAD from the land sector.

With the above inhibiting factors, it is necessary to take a number of actions to monitor these obstacles, such as:

1. Increasing the knowledge and understanding of village officials about land through training and education.
2. Strengthen the human resources of village apparatus by increasing the number of village apparatus and providing more adequate training and education.
3. Prepare all the necessary facilities and infrastructure to support the implementation of duties and roles in terms of land affairs.
4. Building a more effective and efficient land administration system and procedures.
5. Increase cooperation with relevant agencies.
6. Increase public awareness of the importance of regular land administration.
7. Increase community involvement in village land activities.
8. Increase the budget for land affairs in the village.
9. Harmonize laws and regulations on land.
10. Simplify the process of determining land rights.
11. Providing strict sanctions for violations of land regulations.

By overcoming these inhibiting factors, it is hoped that the role of village governments in land administration can be optimized, so that it can provide benefits for the community and villages.

CONCLUSION

Orderly land administration means that the order of land data remains orderly, land rights remain clear, and land use remains orderly. The village government has an important role in the order of land administration. This is done based on Village Law No. 6 of 2014, which gives power to villages to manage their local government, including land affairs. The following are some of the important functions played by the village government in carrying out land administration: Socialization and education to the community about the importance of orderly land administration, Assisting the community in taking care of land documents, collecting village land data, coordinating with related agencies, supervising and regulating the use of village land, drafting and implementing village regulations on land, increasing senior resources in the field of land, building effective and efficient land administration systems and procedures. However, there are still many villages that do not have an ideal land administration system. This is because there are several obstacles or several inhibiting factors faced by the village government, namely: lack of knowledge and understanding of the community about the importance of orderly land administration, weakness of human resources in the village government, lack of coordination with related agencies, and the lack of optimal village land administration systems and procedures. So, with these inhibiting factors, the village government becomes less than optimal in ordering village land administration, both internal village factors and external village factors. By overcoming these inhibiting factors, it is hoped that the role of village governments in land administration can be optimized so that it can provide benefits for the community and villages.

BIBLIOGRAPHY

- Arnowo, H. (n.d.). ADMINISTRASI PERTANAHAN DI INDONESIA.
- Destriana, A., & Allagan, T. M. P. (2022). Peran Pejabat Pembuat Akta Tanah Dalam Administrasi Pertanahan Melalui Sertipikat Tanah Elektronik. *PALAR (Pakuan Law Review)*, 8(1), 91–106.
- Maarif, I. F., Sirait, D. B., Niravita, A., & Fikri, M. A. H. (2024). PENGEMBANGAN HAK BANGSA INDONESIA ATAS TANAH SEBAGAI SOLUSI UNTUK PENGELOLAAN SUMBER DAYA ALAM. *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora*, 2(6), 173–178.
- Metternicht, G. (2018). Land use and spatial planning: Enabling sustainable management of

- land resources. Springer.
- Nurseha, S. S., Kamelia, E. A., Suri, V. P. N. B., & Fikri, M. A. H. (2024). URGENSI TRANSISI GREEN ECONOMY OLEH GENERASI MUDA TERHADAP PENGARUH PEMBANGUNAN BERKELANJUTAN. *Neraca: Jurnal Ekonomi, Manajemen Dan Akuntansi*, 2(5), 133–151.
- Rejekiningsih, T. (2016). Asas fungsi sosial hak atas tanah pada negara hukum (suatu tinjauan dari teori, yuridis dan penerapannya di indonesia). *Yustisia*, 5(2), 298–325.
- Ronny Hanitijo Soemitro, 1990. *Legal Research Methodology and Jurymetry*. Ghalia Indonesia, Jakarta.
- Darmi et al., 2015. The arrangement of the Village Government Administration in anticipation of the enactment of the Village Law. Conference on the results of community service at the University of Lampung, Lampung. ISBN: 978-602-0860-06-0. pp. 256-264.
- Erry Agus Priyono, 2003. Lecture material for the UNDIP Legal Research Methodology Course. Semarang.
- Constitution of the Republic of Indonesia 1945.
- Basic Agrarian Law Number 5 of 1960.
- Law Number 6 of 2014 concerning Villages.
- Government Regulation of the Republic of Indonesia Number 42 of 2014 concerning Regulations for the Implementation of Law Number 6 of 2014 concerning Villages.
- Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 47 of 2016 concerning Village Government Administration.
- Chris Januardi. 2023. The form of regulating the Authority of village heads in preventing land conflicts is reviewed from the principle of legal certainty, *Jurisprudence Journal of the Faculty of Law, the University of Islam Malang*.
- Dwi wulan pujiriyani. 2022. Increasing land knowledge of village communities through counseling and land consultation clinics. *Journal of Dharma Discourse Service*.
- Ravicka indatriani, et al., 2019. Optimization of administrative order in Lawang Agung Village, Air Periukan District, Seluma Regency, Bengkulu Province, University of Muhammadiyah Bengkulu.



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