

**THE LEGAL STATUS OF CERTIFICATES OF CULTIVATION RIGHTS IN THE
CONTEXT OF CONSTITUTIONAL LAW: AN ANALYSIS OF CASE DECISION
NUMBER 4655 K/Pdt/2023**

Maria Kristina, Salmah², Muhammad Sahdan Siregar³, Aldo Yanuarto⁴, Dody Wahyudi⁵
Mahasiswa Hukum Tata Negara, Institut Agama Islam Negeri Palangka Raya
Email: mariakrstnnaaa@gmail.com

ABSTRACT

This research discusses the legal strength of Cultivation Rights Certificates in the context of Constitutional Law, with a focus on the case study of decision Number 4655 K/Pdt/2023. Cultivation rights are contained in Law Number 5 of 1960 concerning Basic Agrarian Principles in Article 28 Paragraph 1. This right gives authority to manage land controlled by the state within a certain period for business purposes in the agricultural sector, fisheries, and animal husbandry. In this case, PT Sarana Subur Agrindotama and the Head of the Provincial State Land Agency as well as the Head of the Regency State Land Agency in the case area sued Muhammad Noor (deceased) for allegedly committing an unlawful act. This research uses a normative analysis approach to explore legal aspects related to the legal strength of Cultivation Rights certificates, as well as their impact on legal certainty in the control and management of land rights. The findings show that procedural Cultivation Rights Certificates as authentic evidence play an important role in protecting the rights of holders of Cultivation Rights Certificates. This ruling also has significant implications for legal practice and land policy in Indonesia and emphasizes the importance of ownership of original documents in land disputes. Thus, this article contributes to the understanding of the relationship between constitutional law and ownership of land rights.

Keywords: *Cultivation Rights, Constitutional Law, Legal Force.*

A. INTRODUCTION

The growing demands of the community concerning land—including residential purposes, gardening, and agriculture—underscore its significance as an economic asset. Land can serve as collateral for loans from financial institutions. In response to these needs, the government has enacted a regulation pertaining to land, namely the Basic Agrarian Law (UUPA) No. 05 of 1960.¹

The provisions outlined in Article 16, paragraphs 1 and 2 of the Basic Agrarian Law (UUPA) state that the government delegates authority to the community concerning various rights, including ownership rights, rights of use, building use rights, lease rights, land clearing rights, and forest harvesting rights, as well as other rights not specifically mentioned, which will be determined by law. Furthermore, temporary rights, as detailed in Article 53, encompass "temporary rights as referenced in Article 16, paragraph (1), letter h," which include mortgage rights, rights for profit-sharing business arrangements, rights to access land, and agricultural land lease rights. These temporary rights are regulated to ensure they do not conflict with the

¹ Taufiqurrahman Syahuri and Euodia Octavia Sitompul, "ANALISIS YURIDIS PENGELOLAAN BATAS WILAYAH LAUT DAN PESISIR BERDASARKAN UNDANG-UNDANG NOMOR 23 TAHUN 2014 TENTANG PEMERINTAHAN DAERAH," *Esensi Hukum* 2, no. 2 (Desember 31, 2020):15.

provisions of this law, and efforts are made to eliminate these rights within a specified timeframe.

The entitlement to hold a Cultivation Rights (HGU) is granted to Indonesian citizens (WNI) or legal entities established under Indonesian law. Should a legal entity that possesses an HGU cease to fulfill the requisite conditions, it is mandated that such rights be relinquished and transferred to another party within one year.

The provisions regarding the Right to Cultivate (HGU) as stipulated in Article 28 of the Basic Agrarian Law (UUPA) indicate that the Right to Cultivate is the entitlement to utilize state-owned land for a specified duration, particularly for activities related to agriculture, fisheries, or livestock enterprises.² In its application, the Right to Cultivate is supported by legal documentation in the form of a Right to Cultivate Certificate (HGU). The HGU represents a valid and recognized type of land right under Indonesian agrarian law. This right is conferred upon individuals or legal entities to cultivate land under state control, primarily for agricultural, fishery, and livestock purposes. However, the management of land classified as HGU is not perpetual. The duration of control over this land is limited to a maximum of 35 years, with the potential for an extension of up to 25 years, contingent upon the fulfillment of specific conditions.

The content is consistent with the elucidation of Article 32 in conjunction with Article 19 of the UUPA, which asserts that the Right to Cultivate, along with the prerequisites for its granting, must be duly registered. This registration is aimed at fostering certainty in land rights and providing a robust means of proof. According to this provision, the principle holds that the state offers legal assurances and certainty of rights pertaining to registered land, irrespective of whether the land is left uncultivated or not. This assurance is materialized through the issuance of a "certificate of rights," which acts as a substantial means of proof.

The ambiguity surrounding land ownership evidence, such as certificates, hinders the establishment of legal and administrative order, potentially leading to land rights disputes. Furthermore, a general lack of public awareness regarding the significance of formal legality in land ownership contributes to the frequent occurrence of these disputes. Such conflicts arise when landowners fail to adhere to the formal legal procedures mandated by the relevant laws and regulations. In the context of unlawful acts, as exemplified by the Case Study of Decision Number 4655 K/Pdt/2023, this underscores the critical importance of enforcing administrative order, which highlights the necessity of addressing the validity of ownership certificates or land cultivation rights within the land sector.

² Aisyah Syafa Carolina, Bambang Daru Nugroho, and Fatmi Utarie, "Urgensi Pembatasan Hak Guna Usaha Perkebunan untuk Badan Hukum sebagai Upaya Mengatasi Ketimpangan Lahan," *Jurnal Impresi Indonesia* 2, no. 3 (Maret 23, 2023):309.

In summary, PT Sarana Subur Agrindotama, along with the Head of the South Kalimantan Provincial Land Agency and the Head of the Tanah Laut Regency Land Agency, initiated a legal action against Muhammad Noor, also known as Amat Iras, for unlawful acts in the Pelaihari District Court, where they secured a victory in the first instance. Following a review of the verdict, Amat Iras subsequently appealed the decision to the Banjarmasin High Court. In this appeal, Amat Iras succeeded in overturning the decision against the Provincial Land Agency, the Tanah Laut Regency Land Agency, and PT Sarana Subur Agrindotama, based on several considerations. The matter then progressed to the cassation level, where the plaintiffs—namely, the Provincial Land Agency, the Tanah Laut Regency Land Agency, and PT Sarana Subur Agrindotama—prevailed. This outcome was supported by the robust legal foundation of a Certificate of Cultivation Rights presented, along with various considerations. Consequently, the researcher finds it pertinent to examine "The Legal Force of Certificates of Cultivation Rights from the Perspective of Constitutional Law."

Based on the background outlined in the introduction, the following problem formulation is presented:

- 1) What is the definition and duration of the Right to Cultivate?
- 2) What are the underlying reasons for the establishment of the Right to Cultivate?
- 3) What principles and requirements govern the registration of the Right to Cultivate?
- 4) What is the legal significance of the Right to Cultivate from a constitutional law perspective?
- 5) How can the considerations of the Supreme Court Decision Number 4655 K/Pdt/2023 be analyzed regarding the relevance of the legal significance of the Right to Cultivate within the framework of constitutional law?

B. RESEARCH METHODS

This research employs a normative legal approach, utilizing both legislative and case-based methods. The methodology involves a literature analysis, supplemented by library resources. The author engages in documentary exploration, which includes reading, citing, and critically reviewing various sources, particularly those pertaining to relevant legislation related to the issues addressed. The reference materials utilized encompass books, authentic documents, and statutes. Subsequently, the author organizes and evaluates the data through a qualitative analysis.

C. RESULTS AND DISCUSSION

Comprehension of Cultivation Rights and the Duration of Such Rights

The Right to Cultivate (HGU), as defined in Article 28, refers to the entitlement for agricultural, fishery, and livestock enterprises to utilize land that is under direct state control for a specified duration. This right is governed by Article 16(1)(b) of the UUPA and is elaborated upon in Articles 28-34 of the UUPA. Furthermore, according to Article 50, paragraph 2 of the UUPA, additional regulations pertaining to the Right to Cultivate are established by statutory provisions, specifically Government Regulation Number 40 of 1996 concerning the Right to Cultivate, the Right to Build, and the Right to Use, as detailed in Articles 2 to 18.³ In Government Regulation Number 40 of 1996, the rights granted to companies were broadened concerning their utilization in the plantation sector.

The Right to Cultivate (HGU) refers to land that is farmed individually, with a minimum area of 5 hectares and a maximum area of 25 hectares. For legal entities, the minimum area is also 5 hectares, while the maximum area is determined by the National Land Agency. Pertaining to the subject of the Right to Cultivate, Article 28, paragraph 2 of the Basic Agrarian Law (UUPA) and Article 5 of Government Regulation Number 40 of 1996, which addresses the Right to Cultivate, Right to Build, and Right of Use, state the following:

1. A citizen of Indonesia.
2. A legal entity established in accordance with Indonesian law and having its registered office in Indonesia (Indonesian legal entity).

If, during its implementation, a subject of the Land Cultivation Rights (HGU) fails to adhere to the stipulated provisions, the rights must be relinquished or transferred to another party that meets the necessary requirements within a one-year period. Failure to comply within this timeframe will result in the revocation of the land cultivation rights, which will subsequently be designated as national (state) land. The duration of the Land Cultivation Rights is set at 25 years, with companies that require an extended period being eligible for a maximum of 35 years, which can be renewed for an additional maximum of 25 years (Article 29, paragraphs 1, 2, and 3 of the Basic Agrarian Law). Additionally, Article 8 of Government Regulation No. 40 of 1996 outlines that the initial duration of the Land Cultivation Rights may extend to a maximum of 35 years, with a renewal period capped at 25 years, and subsequent extensions allowed for a maximum of 35 years. Applications for the extension and restoration of Land Cultivation Rights must be submitted no later than two years prior to the expiration of the current rights period. The Land Cultivation Rights are conferred for an initial term of 25 years..

Even though the Right to Cultivate is granted for a specified duration, it is regarded as a

³ Sigit Sapto Nugroho and Muhammad Tohari, *Hukum Agraria Indonesia* (Solo: Pusaka Iltizam, 2017).

robust right, enabling the holder to protect it against encroachments by third parties.⁴ The extension or restoration of Land Use Rights shall be documented in the land register at the respective local district or city land office. The criteria for entitlement holders seeking extension are as follows:⁵

1. The land continues to be cultivated appropriately, adhering to the established conditions, characteristics, and intended purpose of the rights granted.
2. The conditions for the grant of rights have been adequately satisfied by the holder of the rights.
3. The rights holder continues to fulfill the necessary qualifications as a legitimate rights holder.

Contextual Framework for the Establishment of Cultivation Rights

The entirety of the Earth's surface, including its waters and space, as well as the natural resources contained within, are considered gifts from God Almighty and are the collective property of the Indonesian nation, thereby representing a national wealth. Land plays a vital role in the lives of the populace as it serves two principal functions. Firstly, land acts as a social asset that binds the citizens of the Republic of Indonesia to coexist harmoniously. Secondly, land functions as a capital asset, with its presence capable of attracting investors, thereby generating economic benefits for the local community.⁶

According to Law Number 5 of 1960, Article 1 regarding Basic Agrarian Principles, the authority exercised by the state must be aimed at achieving the maximum welfare for the Indonesian populace. This aligns with the directive found in Article 33, paragraph 3 of the 1945 Constitution. Based on the state's right to control, various categories of land rights are established, pertaining to the surface of the earth, which may be allocated to individuals, either individually or collectively, in conjunction with other individuals or legal entities.⁷

Each category of land rights possesses distinct characteristics, resulting in the Right to Cultivate having specific attributes and indicators that differentiate it from other forms of land rights⁸ The Right to Cultivate may be granted following the submission of a proposal by the

⁴ Parihah, Prastiawan, and Hapsari, "Penyelesaian Sengketa Tanah Dengan Hak Guna Usaha dalam Penertiban Tanah Terlantar.", 71.

⁵ Indah Sari, "HAK-HAK ATAS TANAH DALAM SISTEM HUKUM PERTANAHAN DI INDONESIA MENURUT UNDANG-UNDANG POKOK AGRARIA (UUPA)," *Jurnal Mitra Managemen* 9, no. 1 (2017):492.

⁶ Nadhil Rifqi Izhar and Hasni Hasni, "Analisis Terhadap Permasalahan Hukum Penguasaan Tanah Dengan Hak Guna Usaha di Kalimantan (Studi Putusan Mahkamah Agung Nomor 121 K/TUN/ 2017)," *Jurnal Hukum Adigama* 2, no. 2 (December 14, 2019): 3.

⁷ Mira Novana Ardani, "Pemanfaatan Tanah Hak Guna Bangunan Guna Mencegah Tanah Menjadi Terlantar," *Gema Keadilan* 8, no. 1 (2021): 63–79.

⁸ Ni Ketut Krismanika, I Putu Gede Seputra, and Luh Putu Suryani, "Pemberian Hak Guna Usaha di Atas Tanah Hak Komunal Menurut Hukum Pertanahan di Indonesia," *Jurnal Interpretasi Hukum* 1, no. 1 (August 20, 2020): 164.

applicant to the National Land Agency in the pertinent jurisdiction.⁹ The Ministry of National Land Agency of the Republic of Indonesia shall issue a Decree on the Granting of Rights (SKPH) upon the approval of the application by the Ministry of National Land Agency in the pertinent jurisdiction.¹⁰

Regional spatial planning demonstrates a dedication to executing planning in a robust and consistent manner, adhering to land regulations as outlined by spatial planning laws. Consequently, in the realm of spatial utilization, it is essential to formulate land use regulations that encompass control measures, management strategies, and the optimal use of land resources.

However, if the operation and utilization of land do not adhere to applicable regulations, specifically the law, a range of issues will arise in spatial utilization that contravenes established rules. A pertinent example of this is the prevalent issue of overlapping land management.¹¹ This serves as the precursor to the establishment of Business Use Certificates for entities and individuals who manage and utilize state-owned land.

Criteria and Standards for the Registration of Cultivation Rights.

The requirements for establishing a government use right are designed to ensure that the utilization of land granted through such rights is conducted legally, safely, and sustainably, without causing harm to third parties. These requirements not only confer a status upon the holder of the use right but also empower the government to oversee the land subject to the use right within the relevant jurisdiction.

According to Article 2 of the 1960 Basic Agrarian Law (UUPA), the registration of land parcels must adhere to the principles of simplicity, security, affordability, currency, and transparency. The following provides an explanation of these principles.¹²

1. **Simplicity Principle:** The fundamental provisions and procedures governing land registration should be readily comprehensible to all parties involved, particularly those who possess rights and have a pressing need for clarity.
2. **Safety Principle:** The registration process must be conducted with thoroughness, care, and precision to ensure that the outcomes provide a guarantee of legal certainty in alignment with its intended purpose.

⁹ Rahadiyan Veda Mahardika, Bhim Prakoso, and iswi Hariyani, *Kedudukan Subyek Hukum Ditinjau Dari Hak Keperdataan (Refleksi: Terjadinya Tumpang Tindih Lahan Hak Guna Usaha)*, 1st ed. (Jember: UM JEMBER PRESS, 2022).

¹⁰ Muhammad Iqbal, Abrar Saleng, and Sri Susyanti Nur, "Analisis Aspek Hukum Pemberian Hak Guna Bangunan Kepada PT. Yasmin Bumi Asri pada Proyek Reklamasi Kawasan Centre Point of Indonesia," *Jurnal Ilmiah Dunia Hukum* 4, no. 2 (March 8, 2020): 92.

¹¹ Ristya Amalia Utami, "Tumpang Tindih antara ijin Usaha Pertambangan dengan Hak Guna Usaha Bangunan Perkebunan," *JUSTITIA JURNAL HUKUM* 2, no. 2 (2018): 319.

¹² Istanti Istanti and Akhmad Khisni, "AKIBAT HUKUM DARI AKTA JUAL BELI TANAH DIHADAPAN PPAT YANG DIBUAT TIDAK SESUAI DENGAN PROSEDUR PEMBUATAN AKTA PPAT," *Jurnal Akta* 4, no. 2 (June 10, 2017): 275.

3. Affordability Principle: The process of registration should be accessible to all segments of society, particularly the economically disadvantaged, enabling them to attain legal certainty as well.
4. Current Principle: The data maintained must accurately reflect contemporary conditions, necessitating the prompt registration and recording of any changes that may occur.
5. Transparency Principle: Land registration data must be managed in a sustainable manner and consistently updated, ensuring that the information held by the Land Office aligns with the actual conditions on the ground.

In the context of Land Use Rights registration, the Explanation of Article 32 in conjunction with Article 19 of the UUPA stipulates that Land Use Rights must be registered along with the necessary requirements for their grant. This registration is essential to ensure certainty in land rights and serves as a robust means of proof. The legal implications concerning the evidence of land ownership rights and the weight of such evidence are addressed in various provisions of relevant laws and regulations.¹³

Article 19, paragraphs (1) and (2) of the Basic Agrarian Law (UUPA) stipulates that:¹⁴

- 1) To ensure legal certainty, the Government implements land registration across the entire territory of the Republic of Indonesia in accordance with the provisions set forth in Government Regulation. Article 19, paragraphs (1) and (2) of the UUPA stipulate that;
- 2) The registration mentioned in paragraph 1 of this Article encompasses:
 - a. Conducting measurements, surveys, and maintaining records related to land.
 - b. Registering land rights and facilitating the transfer of such rights.
 - c. Issuing certificates of entitlement, which serve as authoritative evidence of ownership.

The principle of the state ensures the legal certainty and recognition of rights to registered land, irrespective of the owner's attention to the land. This guarantee is manifested through a "certificate of rights," which serves as compelling evidence of ownership concerning registered land.

In Article 1, number 20 of Government Regulation No. 24 of 1997 concerning land registration, a certificate is defined as a document proving rights as mentioned in Article 19, paragraph (2), letter c of the Basic Agrarian Law (UUPA). This includes Land Rights, Management Rights, waqf land, Ownership Rights for apartment units, and Mortgage Rights, all of which must be recorded in the corresponding land registry. This is further referenced in

¹³ Ahmad Muliadi, *Hak-Hak Atas Tanah* (Jakarta: ERZATAMA KARYA ABADI, 2015), 122.

¹⁴ Ilyas Ismail, "Sertifikat sebagai Alat Bukti Hak Atas Tanah dalam Proses Peradilan," *Kanun Jurnal Ilmu Hukum* 13, no. 53 (2011): 24.

Article 9 of Government Regulation No. 24 of 1997, which outlines that the objects of land registration consist of:¹⁵

- 1) Plots of land possessed under Ownership Rights, Cultivation Rights, Building Use Rights, and Use Rights.
- 2) Rights to Manage Land.
- 3) Waqf Land Rights.
- 4) Ownership Rights for Condominium Units.
- 5) Rights Associated with Mortgages.
- 6) Public Land.

It can therefore be emphasized that there are two distinct categories of recognized rights: land rights, which are evidenced by certificates issued by the National Land Agency, and other forms of proof related to land rights, such as HPL (Right to Manage) certificates, waqf land, mortgage rights, and ownership rights over apartment units.

The Legal Authority of Cultivation Rights from a Constitutional Law Perspective.

The authority of the Right to Cultivate (HGU) originates from the state institution responsible for issuing the HGU permit. Under the Basic Agrarian Law (UUPA), the authority to grant HGU permits is vested in the Minister in charge of agrarian affairs, or in an official designated or authorized by the Minister. Consequently, the legitimacy and strength of the HGU permit are reinforced when it is issued by a state institution with unequivocal authority, such as a ministry.

The legal strength of a Right to Cultivate (HGU) largely relies on the procedures and considerations followed by state institutions in issuing HGU permits. When these procedures and considerations adhere to established legal rules and regulations, they reinforce the validity of the HGU. Conversely, any procedural or substantive errors in this process can undermine the legitimacy of the issued HGU permits.¹⁶ The authority of the Right to Cultivate (HGU) is reinforced through the supervision and evaluation of its implementation.

Pursuant to Article 21, paragraph (2) of the Basic Agrarian Law (UUPA), holders of the Right to Cultivate (HGU) are required to submit an annual report on the implementation of the HGU to the relevant authority that granted the permit.¹⁷ Oversight and evaluation by government institutions, on one hand, ensure that the implementation of the Right to Cultivate (Hak Guna Usaha - HGU) aligns with its intended purposes, while on the other hand, they also affirm the legitimacy of the HGU.

¹⁵ Yustisia Setiarini Simarmata, "Kedudukan Hukum Pihak yang Menguasai Hak atas Tanah Terkait Proses Peralihan Hak yang Belum Sempurna," *Indonesian Notary* 3, no. 2 (2021): 10.

¹⁶ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, 1 (PT. Raja Grafindo Persada, 2016), 222.

¹⁷ Pasal 21 ayat (2) Undang-Undang Pokok Agraria No. 5 Tahun 1960

Based on these aspects, it can be concluded that the legal validity of HGU (Right to Cultivate) derives from the state's absolute authority to grant permits, adherence to proper procedures and considerations, as well as ongoing supervision and evaluation. Consequently, HGU, as a vital instrument in natural resource management, holds substantial legal weight from a constitutional law perspective.

Moreover, the Right to Cultivate falls under the category of primary (permanent) land use rights. This means that such land rights can be held or controlled directly by individuals or legal entities for an extended period of time and may be transferred to third parties or their heirs. This primary land right is granted directly by the legal subject, whether an individual or legal entity, to the state.¹⁸

An Analysis of the Reasoning Behind Supreme Court Decision Number 4655 K/Pdt/2023 Regarding the Legal Validity of Land Use Rights Certificates from a Constitutional Law Perspective.

On January 12, 2023, the Pelaihari District Court ruled in favor of PT Sarana Subur Agrindotama, the Head of the South Kalimantan Provincial State Land Agency, and the Tanah Laut Regency State Land Agency, concluding that Amat Iras had engaged in fraudulent activities and falsified land documentation. The court declared that Certificate Number II-01-01 / SK / KDJ / 1986, dated September 20, 1986, in the name of Amat Iras (the Reconventional Defendant), was invalid and without legal effect. This decision supported the assertion that Amat Iras improperly claimed ownership of land utilized by PT Sarana Subur Agrindotama, based on a certificate that did not belong to him.

Subsequently, Amat Iras filed an appeal to the Banjarmasin High Court, where he prevailed in the proceedings. The appellate decision, identified by Certificate Number II-01-01/SK/KDJ/1986, dated September 20, 1986, confirms that the land certificate issued in the name of Amat Iras is legally valid for the land previously known as Padang-Pondok Sarai, located in Jorong Village, Jorong District, as issued by the head of Jorong Village. It appears that the judge made an error in rendering the decision, possibly due to a misinterpretation of the law or a failure to properly assess the facts. Clear evidence indicates that the judge was negligent in considering or identifying the relevant facts, leading to incorrect determinations regarding the associated legal issues, resulting in a flawed conclusion in the judgment (error in *judicando*).¹⁹ The judge's imprecision in evaluating the primary case is evident, particularly regarding the Land Certificate, which cannot serve as definitive evidence of land ownership. Following the enactment of the Basic Agrarian Law, ownership of land must be substantiated by

¹⁸ Napitupulu Diana R. W., *Hukum Pertanahan*, 1 (Jakarta: UKI PRESS, 2024), 62.

¹⁹ Mustika Prabaningrum Kusumawati, "MEMAKNAI KEKHILAFAN HAKIM DALAM PUTUSAN NOMOR 308 K/Pdt.Sus-PHI/2018," *VeJ* 09, no. 02 (2023): 286.

a Land Ownership Certificate; thus, the Land Certificate is only applicable during the registration process of the Land Certificate.²⁰

This is the background for the Plaintiffs to file a lawsuit to the cassation level, at the cassation level, the judge determined that the Plaintiffs won, because the Statement Letter Number II-01 01/SK/KDJ/1986, dated September 20, 1986 in the name of Amat Iras did not have binding legal force, was not legally valid and had no evidentiary value. On the other hand, the Plaintiffs' rebuttal argument was that their control was based on the Cultivation Rights Certificate Number 00162 which was issued in accordance with the law, and was legally binding. In that case, it explained that the legal force of the Cultivation Rights Certificate was due to the Procedures and considerations in accordance with the rules of laws and regulations, and also in its implementation which began in 1995 there was already a reciprocal relationship between the company and the government, of course with periodic supervision and reporting from the company.

D. CONCLUSION

The Certificate of Cultivation Rights possesses significant legal authority as it is granted through procedures that adhere to statutory regulations. The issuance process of this certificate involves a series of administrative steps, beginning with the verification of requirements, which include the legality of the land and various pertinent documents. Furthermore, the government evaluates the assessment of public interest, land management in accordance with the Basic Agrarian Law (UUPA), and the utilization of land for a specified duration. According to Article 21, paragraph (2) of the UUPA, holders of Certificates of Cultivation Rights are required to report annually on the implementation of these rights to the issuing authority, accompanied by supervision related to the land used as the subject of the Cultivation Rights. Ultimately, the Certificate of Cultivation Rights serves as authentic evidence that ensures legal certainty and protection for both individuals and legal entities that possess it, thereby fostering a foundation of legal certainty.

E. BIBLIOGRAPHY

- Ardani, Mira Novana. "Pemanfaatan Tanah Hak Guna Bangunan Guna Mencegah Tanah Menjadi Terlantar." *Gema Keadilan* 8, no. 1 (2021): 63–79.
- Asshiddiqie, Jimly. *Pengantar Ilmu Hukum Tata Negara*. 1. PT. Raja Grafindo Persada, 2016.
- Carolina, Aisyah Syafa, Bambang Daru Nugroho, and Fatmi Utarie. "Urgensi Pembatasan Hak Guna Usaha Perkebunan untuk Badan Hukum sebagai Upaya Mengatasi Ketimpangan

²⁰ Sri Wahyuni Siagian, "KEDUDUKAN SURAT KETERANGAN TANAH SEBAGAI SYARAT KEPEMILIKAN TANAH PASCATERBITNYA UNDANG-UNDANG NOMOR 5 TAHUN 1960 TENTANG POKOK-POKOK AGRARIA DAN PERATURAN PEMERINTAH NOMOR 24 TAHUN 1997," *JURNAL NOTARIUS* 1, no. 20 (December 2022): 256.

- Lahan.” *Jurnal Impresi Indonesia* 2, no. 3 (March 23, 2023): 309. <https://doi.org/10.58344/jii.v2i3.2193>.
- Diana R. W., Napitupulu. *Hukum Pertanahan*. 1. Jakarta: UKI PRESS, 2024.
- Iqbal, Muhammad, Abrar Saleng, and Sri Susyanti Nur. “Analisis Aspek Hukum Pemberian Hak Guna Bangunan Kepada PT. Yasmin Bumi Asri pada Proyek Reklamasi Kawasan Centre Point of Indonesia.” *Jurnal Ilmiah Dunia Hukum* 4, no. 2 (March 8, 2020): 92. <https://doi.org/10.35973/jidh.v4i2.1351>.
- Ismail, Ilyas. “Sertifikat sebagai Alat Bukti Hak Atas Tanah dalam Proses Peradilan.” *Kanun Jurnal Ilmu Hukum* 13, no. 53 (2011): 24.
- Istanti, Istanti, and Akhmad Khisni. “AKIBAT HUKUM DARI AKTA JUAL BELI TANAH DIHADAPAN PPAT YANG DIBUAT TIDAK SESUAI DENGAN PROSEDUR PEMBUATAN AKTA PPAT.” *Jurnal Akta* 4, no. 2 (June 10, 2017): 275. <https://doi.org/10.30659/akta.v4i2.1797>.
- Izhhar, Nadhil Rifqi, and Hasni Hasni. “Analisis Terhadap Permasalahan Hukum Penguasaan Tanaj Dengan Hak Guna Usaha di Kalimantan (Studi Putusan Mahkamah Agung Nomor 121 K/TUN/ 2017).” *Jurnal Hukum Adigama* 2, no. 2 (December 14, 2019): 3. <https://doi.org/10.24912/adigama.v2i2.6916>.
- Krismanika, Ni Ketut, I Putu Gede Seputra, and Luh Putu Suryani. “Pemberian Hak Guna Usaha di Atas Tanah Hak Komunal Menurut Hukum Pertanahan di Indonesia.” *Jurnal Interpretasi Hukum* 1, no. 1 (August 20, 2020): 164. <https://doi.org/10.22225/juinhum.1.1.2204.161-166>.
- Kusumawati, Mustika Prabaningrum. “MEMAKNAI KEKHILAFAN HAKIM DALAM PUTUSAN NOMOR 308 K/Pdt.Sus-PHI/2018.” *VeJ* 09, no. 02 (2023): 286.
- Mahardika, Rahadiyan Veda, Bhim Prakoso, and iswi Hariyani. *Kedudukan Subyek Hukum Ditinjau Dari Hak Keperdataan (Refleksi: Terjadinya Tumpang Tindih Lahan Hak Guna Usaha)*. 1st ed. Jember: UM JEMBER PRESS, 2022.
- Muliadi, Ahmad. *Hak-Hak Atas Tanah*. Jakarta: ERZATAMA KARYA ABADI, 2015.
- Nugroho, Sigit Sapto, and Muhammad Tohari. *Hukum Agraria Indonesia*. Solo: Pusaka Iltizam, 2017.
- Parihah, Vera Siti, M Anggi Prastiawan, and Recca Ayu Hapsari. “Penyelesaian Sengketa Tanah Dengan Hak Guna Usaha dalam Penertiban Tanah Terlantar.” *Administrative Law* 5, no. 3 (2022).
- Sari, Indah. “HAK-HAK ATAS TANAH DALAM SISTEM HUKUM PERTANAHAN DI INDONESIA MENURUT UNDANG-UNDANG POKOK AGRARIA (UUPA).” *Jurnal Mitra Managemen* 9, no. 1 (2017).
- Siagian, Sri Wahyuni. “KEDUDUKAN SURAT KETERANGAN TANAH SEBAGAI SYARAT KEPEMILIKAN TANAH PASCATERBITNYA UNDANG-UNDANG NOMOR 5 TAHUN 1960 TENTANG POKOK-POKOK AGRARIA DAN PERATURAN PEMERINTAH NOMOR 24 TAHUN 1997.” *JURNAL NOTARIUS* 1, no. 20 (December 2022): 256.
- Simarmata, Yustisia Setiarini. “Kedudukan Hukum Pihak yang Menguasai Hak atas Tanah Terkait Proses Peralihan Hak yang Belum Sempurna.” *Indonesian Notary* 3, no. 2 (2021): 10.
- Syahuri, Taufiqurrahman, and Euodia Octavia Sitompul. “ANALISIS YURIDIS PENGELOLAAN BATAS WILAYAH LAUT DAN PESISIR BERDASARKAN UNDANG-UNDANG NOMOR 23 TAHUN 2014 TENTANG PEMERINTAHAN

DAERAH.” *Esensi Hukum* 2, no. 2 (December 31, 2020): 13–22.
<https://doi.org/10.35586/esensihukum.v2i2.25>.

Utami, Ristya Amalia. “Tumpang Tindih antara ijin Usaha Pertambangan dengan Hak Guna Usaha Bangunan Perkebunan.” *JUSTITIA JURNAL HUKUM* 2, no. 2 (2018): 319.