

ABSTRACT

Legal certainty is a very important factor for Indonesia and if we relate it to the approaching third millenium and free market era, we will feel the urgency for more attention from the Government, because besides its contribution to domestic society, legal certainty is a vital role as pre-requisite to attract foreign investors to invest their capital in Indonesia in order to turn the economic in our country.

The aspects of land laws, particularly the legal certainty in land registration, constitutes a vital aspect to prevent the rise of disputes, Consequently the law implications involving the function and task of Land-Document-Issuing Officers (PPAT), the National Board of Land Affairs (BPN), and their products in the form of land deeds and certificates should be clarified regarding their positiveness in ensuring the realization of legal certainty. This will become more complex if it is related to the existence to dis-synchronization in land regulations and different perceptions regarding the competence of the juridical institution in land dispute.

It is necessary to trace the development of positive law which have been and or are still effective, among others : plakad, ordonantie, reglement, Laws, Government Regulations, to be further inventorized, identified and analyzed with regard to their contents or structures.

Land-Document-Issuing Officers (PPAT) are the only public officers given the authority by the laws to ascertain an agreement by using an object in the

form of land in an authentic deed which functions as a valid evidence and which does not constitute as a Decree from a State Administration Body (Keputusan Tata Usaha Negara). Likewise are land certificates which, at the outset of their issuance, constitute a valid evidence which can still be subject to claims. However but following an elapse of a 5 (five) year period will acquire a legal certainty (*Rechtszekerheid*) so that they cannot be claimed by anybody. Such is the application of *Rechtsverwerking* principle (*Principe Rechtsverwerking*).

The dis-synchronization in the regulations regarding land affair should be handled seriously to acquire legal certainty in the ownership of right of title on land, so that in this case we need to have the same perception in settling a land dispute in court to acquire legal certainty which will ensure justice to the parties involved.

Key words : Right of title On Land, Legal certainty, Dis-synchronization of Land Regulation, Juridical Competence.