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The Principle of Legal Certainty for the Removal of Ex-Eigendom Verponding Land Right

SUWITO[1], M. KHOIDIN[2], ENDANG PRASETYAWATI[3] AND SRI SETYADJI[4]

ABSTRACT

The land categorized with former right of land usage (furthermore will be mentioned as Eigendom Verponding) is recorded as an asset of the Surabaya City Government in Registry Number 2381810. It has been decided by the Surabaya District Court in a Civil case Number : 625/pdt.G/2008/PN.Surabaya, dated July 28, 2009 as the object of the case. The decision was confirmed by the Judicial Review Decision of Supreme Court of the Republic of Indonesia or PK Decision Number : 409PK/Pdt/2017, dated 19 October 2017 which states that the public has the right to apply for Building Usage Right (or SHGB). GS Regulation No. 400/S/1991 is declared invalid and has no legal force as the basis for recording the asset. It shows tangible manifestation of the occurrence of conflict of norms between Article 2 of the Land Act and the provisions of Conversion of Act Number 1 of 2004 as well as its implementing regulations.

Based on the legal aspects in the description of the background, the problems can be formulated, namely (1) the principle of legal certainty for the elimination of Surabaya City Government assets in the release of rights to state lands of the former eigendom verponding (2) Legal protection of holders of rights to former eigendom verponding state lands registered as assets of the City Government Surabaya.

This dissertation uses normative legal research methods with statutory, case, historical, conceptual and philosophical approaches to analyze and find legal certainty in the norms for elimination of Government assets based on Act 1 of 2004, Government Regulation 27 of 2014, Domestic Affairs Ministry Regulation 19 of 2016, Surabaya Regional Regulation 14 of 2012 concerning Management of Regional Property.

The findings of this dissertation, attributively the Surabaya City Government, do not carry out court decisions that have legal-binding fore with consideration of the Legal Opinion of the Prosecutor's Office. Based on the principle of preference as regulated in Act 12 of 2011, that Legal Opinion is not a statutory regulation, so that hierarchically, the Surabaya City

[1] Universitas 17 Agustus 1945 Surabaya, Indonesia.
[2] Universitas 17 Agustus 1945 Surabaya, Indonesia.
[3] Universitas 17 Agustus 1945 Surabaya, Indonesia.
[4] Universitas 17 Agustus 1945 Surabaya, Indonesia.

 [ISSN 2581-5369]

Government does not carry out the General Principles of Good Governance and commits legal deviations resulting in no legal certainty and legal protection based on Law Number 30 of 2014 concerning Government Administration. Therefore, the function of regional legislatures, especially in controlling and supervising functions in relation to disputes concerning assets, should be able to provide recommendations and approvals for asset write-offs for the creation of General Principles of Good Governance in order to provide legal certainty and protection.

***Keyword** : Asset Elimination, State Land, Eigendom Verponding.*

I. INTRODUCTION

Land is a gift from the Creator as one of the main sources of survival and livelihood for all people. The philosophy of the Indonesia state is that land is used for the greatest prosperity of the people and is divided fairly and equitably (Harsono 2001). Land will be used to fulfill real needs by humans, so the provision, designation, control, use, and management or maintenance of land needs to be regulated by a law. The aim is to ensure justice, certainty, benefit and providing legal protection for the people in the context of supporting sustainable development without ignoring the principle of environmental sustainability.

Soil is the surface of the earth. The benefit-gaining of land is not only limited to the surface of the earth, but also everything beneath the earth, water, and space above it. To what extent the earth's body may be used and how high the space above it may be used, is determined by the purpose of its use within reasonable limits, technical calculations of the ability of the earth's body itself, the capacity of the right holder and the provisions of the relevant laws and regulations.

In the opinion of Boedi Harsono, in the History of the Establishment of the LoGA "Land" are:

1. The earth's surface or layers of the earth above.
2. The state of the earth in a place.
3. The surface of the earth that is delimited.
4. Materials from the earth, the earth as a material (sand, rock, marl, and so on) (Harsono 2008).

The philosophical aspect is based on the state goal that the State of Indonesia chooses and lays the political foundation of the national agrarian law, namely protecting the entire nation to create a just and prosperous state, as well as realizing general welfare as stipulated in Article 33 paragraph (3) of the 1945 Constitution, namely "Earth, water and The natural wealth

contained therein is controlled by the state and used for the greatest prosperity of the people."

The word "control" does not mean having, but at the highest level, the notion of mastering gives authority to the highest power organization, namely the State (Muchsin and Imam Koeswahyono 2010). The state has the authority to regulate the legal relationship between people and the earth, water and space and to administer, designate, use, supply, manage and maintain land needs.

There is a lack of clarity in the meaning of the provisions of Act 5 of 1960 or Land Act concerning Basic Regulations on Agrarian Principles, especially in section that governs the converted state land of former *eigendom*. It changes Act 1 of 2004 concerning State Asset into Management Rights that formulates the concept of regional government property. The former *eigendom verponding* or state land is physically controlled by the community and is recognized as Surabaya City government's Land Asset resulting in a dispute of land right between the society and the Surabaya Mayor in Surabaya District Court to pursue legal certainty.

Land is used to fulfill real needs by humans, so the provision, designation, control, use, and management or maintenance of land objects need to be regulated by a law based on the provisions of Article 1 paragraph (3) of the Constitution of the Republic of Indonesia. Indonesia in 1945, states "Indonesia is a state of law" which implies that the administration of government and state is based on law.

The State of Indonesia chose and laid the political basis for the national agrarian law, namely protecting the entire nation to create a just and prosperous state, as well as realizing general welfare as stipulated in Article 33 paragraph (3) of the 1945 Constitution which states "Earth, water and natural resources contained therein. controlled by the state and used for the greatest prosperity of the people

Theoretical aspects based on national land law, all land and other natural resources are controlled by the state. Thus, "the state" is the subject, "land" is the object, and the legal relationship between the subject and the object is conceptualized as the right to control the state. Based on the conception of the relationship between the state and land, 3 (three) land entities are produced, namely: (1) state land; (2) ulayat land; and (3) land rights (Land for People's Welfare 2010). For the three entities, there are different land policies, so far the policy on state land management has not materialized.

The causes of the unrealized state land management policy, namely: (a) different perceptions of state land because the provisions on state land (PP No. 8 of 1953) were issued before the LoGA; (b) differences in perception between state land and state forest; and (c) ulayat land

 [ISSN 2581-5369]

which is often considered as state land (Erwiningsih 2019).

There is a shift in State control rights to Management Rights by the Government which forms Regional Property so that the former *eigendom* land belonging to foreign citizens controlled by the society are recognized as assets of the Surabaya City government. The enactment of the BAL on land with converted *eigendom* rights, states that the rights to existing land, upon the entry into force of this law, become property rights, unless the owner does not meet the requirements as stated in Article 21.

Regulation of *eigendom* land right as set in Section 41 sub-section (1) regulates Government of a Foreign State, which is used for the purposes of the residence of the Head of Representative and the embassy building, since the entry into force of this Law becomes the usufructuary rights which will last as long as the land is used for the purposes mentioned above and regulation concerning eigendom land rights belonging to foreigners, a citizen who in addition to his Indonesian citizenship has foreign citizenship and legal entities, who are not appointed by the Government as referred to in section 21 sub-section (2) since the entry into force of this law becomes the right to use the building referred to in section 35 sub-section (1), with a period of 20 years.

The statement that the earth, water and natural resources contained therein are controlled by the state and used for the prosperity of the people, which has been described in Section 2 sub-section (2) of the Land Act. Act 1 of 2004 which states that State/Regional Property is all goods purchased or obtained at the expense of the National Budgeting / Regional Budgeting or derived from other legitimate acquisitions and the arrangement is in accordance with the provisions of Section 49 sub-section (1) that State/Regional Property in the form of land controlled by the Central/Regional Government must be certified on behalf of the government of the Republic of Indonesia/the relevant regional government.

The term state/regional assets is born as if identical with the term state/regional property. This can be seen from the legal actions of local governments on land in the form of buying and selling, renting, exchanging and others, which have shifted the position of regions as subjects of public law to become subjects of private law on land.

Lands that were ex-Western *Eigendom* rights inherited from foreign governments are lands that were ex-Eigendom Goverment Indie and lands inherited from foreigners who are taxed on people who are Indonesian citizens and control the *Eigendom* lands are ex-*Eigendom Verponding* lands and the importance of land for one's life has finally become an object of dispute, especially the former *eigendom verponding* state land which is controlled by the

 [ISSN 2581-5369]

people, with the ex-*eigendom verponding* state land controlled by the government in its management to become State or Regional Property, hereinafter referred to as asset land.

The process of acquiring the converted state land, the former *eigendom verponding*, is contrary to Land Act, Section 41 sub-section (3) states that, the granting of a Right of Use may not be accompanied by conditions containing elements of confiscation, the Minister of Finance shall establish the legal status of the land to be given to the Ministry/Government Agencies, contains elements of confiscation of the former holder rights, because the land is still attached to buildings, plants and priority rights belonging to the former rights holders, the acquisition of this kind of usufructuary referred to in the research of this dissertation contains an element of confiscation, because it takes the people's rights without any agreement from the former land owners.

Section 24 sub-section (1) Government Regulation 24 of 1997 which states that for the purpose of registering rights, land rights originating from the conversion of old rights are proven by evidence regarding the existence of such rights in the form of written evidence, witness statements and or the statement concerned, which is correct by the Adjudication Committee in systematic land registration or by the Head of the Land Office in sporadic land registration, is considered sufficient to register rights, rights holders and the rights of other parties that burden them.

The Surabaya City Government has made the state lands of the former eigendom verponding which are controlled by the community recognized as Regional Property Assets and registered in the inventory list, so that the people who control the former eigendom verponding state lands have not received legal certainty to obtain a certificate of building use rights, even though in one location. State land certificates have been issued by the Surabaya Land Office and have been blocked from paying taxes on state lands that were ex-eigendom verponding controlled by the community.

The State Land of the Former *Eigendom Verponding* which is recorded in the list of wealth inventory Regester Number 2381810 which is the object of the case has been decided by the Surabaya District Court Number: 625/pdt.G/2008/PN.Sby. dated July 28, 2009, upheld by the Decision of the High Court of Surabaya Number 92/Pdt/2010/PT.Surabaya dated April 5, 2010, and confirmed again by the Decision of the Supreme Court of the Republic of Indonesia Number 2063K/Pdt/2011, dated March 19, 2012 and upheld by the Decision of the Review Again (PK) the Supreme Court of the Republic of Indonesia Number: 409PK/Pdt/2017, dated October 19, 2017, whose decision was wrong, stating that the plaintiff (the community) has the

right to apply for a Building Use Right Certificate and GS Situation Drawing No.400/S/1991/as the basis for the assets of the Surabaya City government stated in the Court Decision that it is invalid and has no legal force but the court decision which has permanent legal force has not provided fair legal certainty to remove from the Surabaya City Government Assets list and release assets to the public justice seeker.

The legal problems found in the abolition of the former *Eigendom Verponding* State Land recorded as Surabaya City Government Assets in Number 2381810 registry that becomes the object of the case. It was decided by the Surabaya District Court in Civil Case Number: 625/pdt.G/2008/PN.Surabaya, dated 28 In July 2009, it was confirmed by the PK Decision of the Supreme Court of the Republic of Indonesia Number: 409PK/Pdt/2017, dated October 19, 2017 which stated that the public had the right to apply for SHGB and GS. No. 400/S/1991 as the basis for recording the asset is declared invalid and has no legal force, is a tangible manifestation of the occurrence of a conflict of norms between Article 2 of the UUPA and the provisions of Conversion with Law Number 1 of 2004 as well as its implementing regulations.

Theoretically, the purpose and benefits of this research are to analyze and find the principle of legal certainty for the elimination of Surabaya City Government assets in the release of state land rights in the former *eigendom verponding* and practically it is hoped that it can be used as a contribution / contribution of thought, for the development of national land law science and can provide legal reform for the Government, especially in providing legal protection to holders of state land rights, ex-*eigendom verponding*, which are registered as assets of the Surabaya City Government.

The legal basis for the regulation of state land rights in the former *eigendom verponding* as land assets by the Surabaya government for the release of rights is based on regulations:

1. Act 1 of 2004 concerning the State Treasury regulates the Management of State/Regional Property.
2. Government Regulation Number 27 of 2014 which has been amended by PP No. 28 of 2020 concerning Management of State/Regional Property.
3. Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration
4. Domestic Affairs Ministry Regulation 19 of 2016, concerning Guidelines for the Management of Regional Property

 [ISSN 2581-5369]

5. Surabaya City Regional Regulation Number 14 of 2012 concerning Management of Regional Property
6. Surabaya City Regional Regulation Number 16 of 2014 concerning the Release of Land Assets of the Surabaya City Government.

Provisions on State/Regional Property are all goods purchased or obtained at the expense of the APBN/APBD or derived from other legitimate acquisitions and State/regional property in the form of land controlled by the Central/Regional Government must be certified on behalf of the Government of the Republic of Indonesia/Local Government concerned, and if it is not in accordance with the acquisition, the land cannot be recognized as a land asset so that due to its authority the Government is obliged to remove it from the Assets Inventory List and release the Assets to those entitled to it

(A) Method

This research is a normative law to find a rule of law, legal principles, and legal doctrines in order to answer the legal issues faced with descriptive analytical discussion using the approach of legislation, conceptual, philosophy and cases, based on the opinion of Johnny Ibrahim who put forward normative legal theory, namely:

As a normative science (science of norms), jurisprudence directs its reflection to basic norms which are given a concrete form in the norms determined in certain fields, for example how the pattern of living together between humans is based on the norms of justice. These norms in turn will be incarnated in concrete regulations for a particular society. Thus, scientific exploration is directed to certain laws or positive laws. Hans Kelsen provides a review of the importance of order in social life which can only be achieved through legal institutions to be obeyed together, including determining what can be done and what should not be done (Johnny Ibrahim 2006). The mutually agreed rules are disclosed by Kelsen as follows.

"The living together ofhuman beings is characterized by the setting up of institutions that regulate this living together. Such an institution is called an 'order', The living together of individuals, in itself a biological phenomenon, becomes a social phenomenon by the very act of being regulated. Society is ordered living together, or, more accurately put, society is ordering of the living together individuals".

"The function of every social order is to bring about certain mutual behaviour of individuals; to induce them to certain positive or negative behaviour, to certain action or abstention from action. To the individual the orders appears as complex of rules that determine how the

individual should conduct himself. These rules are called norms(*The Law As A Specific Social Technique* 1941)

II. Discussion

Legal Basis for Management of Regional Assets State land is different to the definition of government asset land. Government asset lands are lands controlled by both central and regional governments. Government asset land is included in the class of land rights and is a State asset whose physical control is with the relevant agency, while the juridical control is with the Minister of Finance.

The implementation of state government to realize the goals of the state gives rise to state rights and obligations that need to be managed in a state financial management system as referred to in the 1945 Constitution of the Republic of Indonesia that needs to be carried out openly and responsibly for the greatest prosperity of the people, which is manifested in The State Revenue and Expenditure Budget (APBN) and Regional Revenue and Expenditure Budget (APBD), hereinafter the Management of State/Regional Property is regulated in the Law of the Republic of Indonesia Number 1 of 2004 concerning the State Treasury starting from Article 42 to Article 49 by regulating officials who manage State/Regional Property, stipulate policies for the management of regional property, Property User and/or Proxy of Property User, provisions and procedures for Transfer of state/regional property, administration of state/regional property can be divided into 2 matters in land control, namely:

1. The legal aspect of controlling and managing Regional Assets is based on the *publickrechtelik* principle which includes the authority to make policies (*beleidsdaad*), management actions (*bestuursdaad*), regulation (*regelensdaad*), management (*beheersdaad*) and supervision (*toezichthoudensdaad*), as a consequence of the *publickrechtelijk* principle of the Right to Control by State of land in Indonesia:
    a. The *publickrchtelijk* principle can be seen from the analysis of the relationship between the concepts of the State, State Controlling Rights, Regions, and Regional Asset Land:
        1) The Republic of Indonesia as an organization of power for all the people or the Indonesian nation, is a tool that will be used to achieve the goals of the State, namely the welfare and prosperity of all the people or the Indonesian nation, has agreed to choose the philosophical basis of the Principle of the Right to Control the State over the control of agrarian resources or natural resources, including

land therein, as stated in the Preamble to the 1945 Constitution and Section 33 sub-section(3) of the 1945 Constitution;

2) In order to achieve the objectives of the State as referred to in number (1) above, the State is divided into Provincial Regions, and Provincial Regions are further divided into Regency Regions and City Regions, each of which the Regency and City Regions run the Government. based on the principles of Autonomy and Assistance Tasks.

3) Based on the provisions of Section 2 sub-section (4) of Act 5 of 1960 concerning Basic Provisions for Agrarian Affairs, also known as the Land Act, abbreviated as UUPA, the implementation of State Controlling Rights over Land can be delegated to autonomous regions (Regencies). and City Area).

4) As a consequence of the public krechtelijk principle of the State's Right to Control over the land, the Control of Land by the Regency and City Regions in the form of Use Rights and Management Rights and subsequently the Use Rights and Management Rights to become Regional Assets, is also public krechtelijk, so that the control of the Regional Asset Land becomes public krechtelijk as well.

b. Regions as the subject of Use Rights and Management Rights based on Publickrechtelijk, then on the lands of Regional Assets under their control, public legal acts and not private legal acts shall apply. One-sided public legal actions on land include relinquishing rights and accepting relinquishment of rights, and not private legal acts, namely buying and selling land, leasing land, and others based on privaatrechtelijk.

2. The regulation of land control and management by the Region based on Government Regulation Number 8 of 1953 concerning State Land Control, shows that the legal politics of land control and management by Government agencies has not changed with the enactment of the LoGA, which remains as it was during the Dutch East Indies era with the enactment of the Staadsblad 1911 No.110:

a. The line of legal policy during the Dutch East Indies era until the independence era before the enactment of the UUPA and after its enactment. The LoGA remains the same, namely for free State land under the control of the National Land Agency (formerly the Department of Van Benninland Bestuur or the Ministry of Home Affairs, while state land which has been controlled from the beginning by the

 [ISSN 2581-5369]

City/Regency Region, either because of the liberation of Indonesian rights or because of the granting of rights to land). by the National Land Agency (formerly the Department of Van Benninland Bestuur or the Ministry of Home Affairs) is under the control of the City/Regency Region (formerly known as the Autonomous Region).

b. Tenure rights and management rights were originally two different types of rights in land law and land administration practice. Management rights are granted over free state land, while control rights are granted over private land.

c. Regional Asset Land is land under Regional control, with the following conditions: (i) Acquired with the intention of being used in the operational activities of the Regional Government and in a condition ready for use. In this case, for example, after the soil is ripened until it is ready for use; (ii) There is evidence of legal control, for example Certificate of Use of Land Right or Right of Management on behalf of the Region; (iii) There is proof of payment and control of the land certificate in the name of the previous owner. (iv) Can be measured in units of money.

d. There has been an internal shift in the LoGA, namely:

   1) Shifting the principle of public legal relations (publiekrechtelijke) between the State and/or Regions with land, into a relationship that is private legal relationship (privaatrechtelijke) between the State and/or Region and the land;

   2) Shifting of the subjects of the Executing Right of Control from the State based on Article 2 paragraph (4) of the LoGA, namely the Autonomous Regions and Customary Law Communities, to becoming the subjects of implementing the Right of Control by the State as referred to in General Elucidation II. 2 UUPA, namely Departments, Bureaus, and Autonomous Regions. Thus, based on the formulation of Elucidation II.2 of the LoGA, two new subjects of State Controlling Rights have been born, namely Departments and Bureaus, and have eliminated other State Controlling Rights executors, namely Customary Law Communities.

e. The external shift occurs as a result of an internal shift in the LoGA, namely between the LoGA and the laws and regulations outside the LoGA, and the further the shift occurs over subjects implementing the State's Controlling Rights over land. The Right of Use and Right of Management which have aspects of Public

 [ISSN 2581-5369]

law, shifted to the aspect of Private Law in Legislation outside the Basic Agrarian Law.

f. The regulation on land management of Regional Assets is included in the term Regional Property, which actually consists of two types of goods, namely movable goods and immovable goods. For movable goods, the Region may use the term 'Regional Owned', but for immovable objects in the form of land, it is inappropriate to use the term 'Regional Owned' which is synonymous with "Ownership Rights" on land. It is more appropriate to use the term "Mastery" of the Region, and the form of control is in the form of Use Rights and Management Rights.

g. The implementation of the State's Right to Control over land by the Region is a manifestation of the implementation of the principle of decentralization in the administration of the state;

h. Lands controlled and managed by the Region are not necessarily Regional Assets, but must meet several requirements or criteria, both legally and administratively. Legally, it complies with the provisions of Government Regulation No. 24 of 2005 concerning Government Accounting Standards, and Administratively, it fulfills the following requirements: (i) Obtained with the intention of being used in government operational activities and in a ready-to-use condition. In this case, for example, after the soil is ripened until it is ready for use; (ii) There is evidence of legal control, for example Certificate of Use of Land Right or Right of Management on behalf of the Region; (iii) There is proof of payment and control of the land certificate in the name of the previous owner, (iv) Can be measured in units of money.

Based on the Legal Purpose theory and the Authority theory that the Supreme Court of the Republic of Indonesia's Judicial Review Decision Number: 409PK/Pdt/2017, 19 October 2017 A rights dispute between the community and the Surabaya City Government which claims the former Eigendom Verponding State land becomes an asset, the Supreme Court's decision RI is right to provide legal certainty for the abolition of state land of the former Eigendom Verponding from the list of regional assets inventory assets.

Based on the theory of authority, referring to Law no. 1 of 2004, PP 27 of 2014 and Regional Regulation 14 of 2012 the Surabaya City Government attributively has the inherent authority granted by law to be able to remove assets and release rights to regional property without going

through civil rights disputes or State Administration disputes using the judicial system short simple and low cost.

Based on Article 39 paragraph (6) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number: 21 of 2020 concerning Handling and Settlement of Land Cases, it is stated that the determination of Land Rights to the winner of the case is carried out after the application for rights by attaching: a. Decree on the Elimination of fixed assets/assets from the inventory list of the relevant agency's assets and/or other similar documents; b. The approval letter for the disposal of assets from the asset manager so that the Head of the Surabaya City Land Office I made the basis for not issuing the Building Use Rights Certificate that was requested by the community before fulfilling the requirements.

A fact or a concrete event that has occurred shows injustice or has not provided legal certainty and legal benefits that are felt by people seeking justice, as can be seen from the uncertainty of a law that has an impact on rights disputes between holders of rights to state land former eigendom verponding to achieve prosperity. the people, this is because there is no legal certainty that regulates the provisions of standard Land Assets and requires the Government to provide legal protection to holders of state land rights in the former eigendom verponding who legally control the rights dispute between the community and the Government.

This is important so that the holders of state land rights in the former eigendom verponding do not have disputes and to obtain legal protection and legal certainty regulations. Examples of several cases that occurred on state lands that were ex-eigendom verponding in the city of Surabaya show that there are still often disputes over recognition of land assets even though the method of acquisition is not legal.

The legal basis regarding the rights to land of the former eigendom based on the conversion provisions in the LoGA is normatively a priority right for Indonesian citizens to obtain in accordance with the provisions of Article 21 of the UUPA that only Indonesian citizens can have ownership rights to land and this is also confirmed by the Decree President Number 32 of 1979 concerning Policy Principles in the Framework of Granting New Rights to Land of Origin Conversion of Western Rights.

There is legal uncertainty in the norms for asset write-off based on Law no. 1 of 2004, PP No. 27 of 2014, Surabaya City Regulation No. 14 of 2012 which regulates the implementation of policies and guidelines for the management and abolition of Regional Property in the relinquishment of rights to state land ex-eigendom verponding, there is no legal certainty for a

 [ISSN 2581-5369]

certain period of time and the obligation to remove land assets that are not certified or proven legal acquisitions.

The Surabaya City Government did not abolish land assets, in this case the former eigendom verponding State land which has been registered as a juridical asset of the former eigendom verponding State land based on Presidential Decree Number 32 of 1979 gives priority rights to citizens based on the conversion provisions and Article 21 of the UUPA, This is confirmed by the existence of a Court Decision which already has Permanent Legal Force. The reason is that the Surabaya City Government did not release the land recognized as government assets because it adopted a Legal opinion from the State Attorney represented by the East Java High Court with Letter Number: B.5094/O.5/Gs/10/2015 dated October 20, 2015 which suggested that The Surabaya City Government only carries out as stated in the court's decision which has permanent legal force.

By not eliminating the assets of the former *eigendom verponding* land, the Surabaya City Government, based on a good regional government system, should be obliged to comply with every legal provision and must provide legal protection for every citizen who holds, controls, and utilizes the rights to the former *eigendom verponding* state land.

The legal principle for holders of state land rights in the former Verponding eigendom does not get legal certainty. The arguments and legal reasons for the Surabaya City Government not to abolish and relinquish the rights to the former state land rights which are already included in the asset list are based on the legal opinion of the State Attorney represented by the East Java High Prosecutor's Office with Letter Number: B.5094/O.5 /Gs/10/2015 dated October 20, 2015 is a form of non-operation of the General Principles of Good Governance (AUPB) which is regulated in Law 30 of 2014 concerning Government Administration.

Residents of the community do not get legal protection, because the Surabaya City Government, which should be the holder of rights to the land of the former *eigendom verponding*, gets recognition and protection as well as legal certainty. This is meant normatively and explicitly based on the LoGA in the conversion provisions and norms in article 21

III. CONCLUSION

The findings of this dissertation showed that attributively the Surabaya City Government did not carry out court decisions that have permanent legal-binding force following the consideration of the Legal Opinion of the Prosecutor's Office. Based on the principle of preference as regulated in Act 12 of 2011, the aforementioned Legal Opinion is not categorized

 [ISSN 2581-5369]

as a statutory regulation. Hierarchically, Act 30 of 2014 concerning Government Administration becomes the basis of the Surabaya City Government not carrying out the General Principles of Good Governance and commits legal deviations. Such act resulted legal uncertainty and legal protection. Therefore the function of regional legislatures, especially in controlling and supervising functions in relation to disputes concerning assets, should be able to provide recommendations and approvals for asset write-offs for the creation of General Principles of Good Governance in order to provide legal certainty and protection.

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 [ISSN 2581-5369]

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