

Conference Paper

Green Legality Certificate on Agrarian Reform: Indonesian Experience

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Abstract.

As the most essential human need, territory is crucial for the survival of humanity. The increase in population and demand for land, as a result of urbanization, can no longer satisfy human requirements. The research method in this study is a normative legal research method. The approach method uses a statute approach, a comparative approach, and an analytical approach. The green certification serves as evidence for the legality of a building, fulfilling the criteria for a green building, as well as supports the green movement, which contributes to a positive public image. In the future, unregistered land could receive electronic certificates for the first time through land registration. As a guarantee of ownership of land rights, the legislation provides holders of electronic certificates with legal protection. The electronic information and transaction law (IET Law) accepts electronic land certificates as proof of electronic tenure.

Keywords: green legality, land, certificate, Agrarian reform

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1. INTRODUCTION

Ownership of land rights is one of the government's initiatives to implement the mandate of Law Number 24 of 1997 UUPA, which was refined in Law Number 20 of 2000 UUPA, and to provide legal certainty to the community as a whole in regards to land ownership. The process of acquiring land rights in accordance with statutory rules and government regulations is an attempt by the government to prevent abuse.[1] Regardless of the land-rights situation, the existence of dependable land-administration services is indicated by the high quality and totality of all land parcels in a country.[2]

Initially analog (manual) market transactions and public services have been replaced by electronic-based services in Indonesia as a result of the use of information and communication technology. Several countries' experiences demonstrate that electronic land registration is an inevitable consequence of advances in information and communication

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technology. This digital system can have an effect on reducing environmental pollution in order to provide a cleaner and healthier environment.[3] This is due to the fact that many companies, both commercial and industrial, generate hazardous waste in the adjacent environment, which contributes to global warming. Global warming refers to the warming of the Earth's surface.[4]

The pulp and paper industry is one of the industrial divisions that make up the energy-intensive sector. The pulp and paper industry is approximately 57.96% prevalent in the Java region (6,607,200 tons/year), 37.43% prevalent in the Sumatra region (4,266,000 tons/year), and 4.61% prevalent in the Kalimantan region (52,500 tons/year). In 2010, pulp production capacity was approximately 7,902,100 tons and paper production capacity was approximately 12,895,950 tons. According to the Pulp and Paper Association, pulp production can hit 20.4 million tons in 2020, while paper production can reach 19.8 million tons. This industry deserves to be referred to as environmentally responsible buildings, also known as green buildings.[5] Growing global awareness of the need for energy-efficient buildings has spurred the development of green buildings.[6] In addition, the United States, the United Kingdom, Germany, France, Singapore, Japan, and other developed nations have the most advanced green building infrastructure. According to the US Green Building Council, green buildings can reduce energy consumption by at least 24% to 50%, CO₂ emissions by 33% to 39%, water consumption by 40%, and solid waste by 70%. Therefore, there is a need for recognition of green buildings, which can be achieved by issuing a certificate of correct operation.[7]

In addition to standard comparisons, green building technologies implemented in certified projects were also outlined. It is a positive development when support for green buildings or green buildings in Indonesia grows and their number increases.[8] The green building concept is regarded as one of the solutions for minimizing environmental damage and carbon emissions, the primary cause of global warming, from construction units. 40% of global carbon emissions result from buildings and building operations, including construction, operation, renovation, and maintenance.[9] The World Green Building Council reports that buildings contribute 33 percent of CO₂ emissions, consume 17 percent of pure water, 25 percent of wood products, 30 to 40 percent of energy, and 40 to 50 percent of raw materials for construction and operation.[10]

Green buildings (GBs) are touted as a promising solution for mitigating the negative environmental footprints of buildings over their lifetimes.[11] In the beginning stages of development, green construction will demand a substantial amount of capital. As a result of the concept that prioritizes energy, water, and material efficiency, building

maintenance costs will be reduced by 5 to 20 percent per month.[12] The green certification can serve as evidence of the legality of a building that fulfills the criteria for a green building, as well as an effort to support the green movement, which contributes to a positive public image.[13]

2. METHODOLOGY/ MATERIALS

In this study, a normative legal research methodology was used. The methodology employs an analytical approach, a comparison approach, and a statutory approach. Although comparative studies only describe differences in legal regulations, the emphasis in this research is on the comparative law approach with the ultimate goal of developing the study of national law as a way to provide alternatives for the development of national law.[14]

3. RESULTS AND DISCUSSIONS

As the most essential human need, territory is crucial to the survival of humanity. As the human population continues to increase and the demand for land increases as a result of urbanization, land can no longer satisfy human requirements. Given the significance of the availability of land for all people, laws that regulate land as a whole are required to minimize land disputes and maintain a balance between land demand and supply.[15] Despite occupying a sizable portion of the earth's surface, agricultural lands continue to play a crucial role in supplying sustenance for the planet's constantly expanding human population.[16] Green building is a building that considers sustainable aspects and results in an environmentally responsible structure and use of processes that conserve resources throughout the building's life cycle. The advancement of technology has extensive effects on all disciplines. One of these concerns documents. Currently, electronic certificates, also known as e-certificates, are available. In addition to the registration of certificates and the transfer of rights, there are matters concerning proof. The ownership of land rights by a person or legal entity must be established.[17] The strongest evidence of ownership of land rights is a land certificate, which is the strongest proof available. The Government Regulation should be implemented correctly, but in practice, it does not provide certainty on the field.[18]

The concept of Electronic Land Certificates has been around for a few years, and in 2021, the government will realize this concept by implementing the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 1 of 2021 concerning Electronic

Certificates (Permen ATR No. 1/2021).[19] The main substance of the problem of online land services by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) involves a number of legal issues relating to the nature of land registration in order to assure legal certainty.[20] In the preamble of Permen ATR No. 1 / 2021, the reasons for changing the land certificate data collection and administration system from physical form, in this case books and certificates held directly by the land proprietor, to digital form are outlined.[21] The Electronic Land Certificate is, of course, a concrete manifestation of the government's efforts to modernize administrative and archival services, particularly in land affairs, in order to improve indicators of ease of doing business and public services to the community, which are contained in the optimization of information and communication technology.[22]

In the future, unregistered land could receive electronic certificates for the first time through land registration. Additionally, the owner of registered land may voluntarily visit the land office to convert physical certificates into electronic certificates. They still support certificates for actual land. Effective land registration, legal clarity, and legal protection would lower the frequency of land disputes, conflicts, and court cases and boost the value of registering property in order to improve the Ease of Doing Business (EoDB) rating.[23]

Legally, Electronic Signatures are governed by the government, which has issued numerous official regulations. Functionally, this electronic signature functions as a tool for verifying and authenticating the signer's identity while ensuring the document's integrity and authenticity.[24] The law guarantees legal protection for electronic certificate holders as a guarantee of land rights ownership. The Electronic Information and Transaction Law (UU ITE) recognizes evidence of electronic tenure in the form of electronic land certificates. This protection is repressive.[25] The study reveals no opposition to the legalization of electronic land certificates in Indonesia as evidence of land ownership. Concerning the legal status of electronic land certificates in Indonesia's land case proof system, this study has crucial theoretical and practical implications. Importantly, this study is a significant contribution because no previous research on Indonesia has addressed this topic.[26]

4. CONCLUSION AND RECOMMENDATION

Ownership of land rights is one of the government's initiatives to implement the mandate of Law Number 24 of 1997 UUPA, which was refined in Law Number 20 of 2000 UUPA, and to provide legal certainty to the community as a whole in regards to

land ownership. In addition to standard comparisons, green building technologies implemented in certified projects were also outlined. It is a positive development when support for green buildings or green buildings in Indonesia grows and their number increases. The green building concept is regarded as one of the solutions for minimizing environmental damage and carbon emissions. As the most essential human need, territory is crucial to the survival of humanity. As the human population continues to increase and the demand for land increases as a result of urbanization, land can no longer satisfy human requirements. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency's (ATR/BPN) issue with online land services revolves around a variety of legal concerns relating to the nature of land registration in order to ensure legal certainty. Additionally, the owner of registered land may voluntarily visit the land office to convert physical certificates into electronic certificates. The study finds no evidence against the legalisation of electronic land certificates as proof of land ownership in Indonesia. This work has significant theoretical and practical ramifications for the legal standing of electronic land certificates in Indonesia's land case evidence system. Importantly, no other study on Indonesia has addressed this issue, making our work an important contribution.

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