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**LEGAL CONSTRUCTION OF GOVERNMENT AGENCY ASSET  
CERTIFICATION REGARDING LAND RIGHTS FORMERLY UNDER  
DUTCH CONTROL**

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**Abstract**

An important aspect of optimal management of state assets includes aspects of securing state assets. The form of state asset security measures can be through certification activities for land plots spread throughout the territory of Indonesia. Normatively, "Law of the Republic of Indonesia Number 1 of 2004 concerning State Treasury instructs that state/regional property in the form of land controlled by the Central/Regional Government must be certified in the name of the government of the Republic of Indonesia/the relevant regional government." In its development, it turned out that there were assets owned by government agencies that had the status of objects of Control of Fixed Assets Owned by Individual Dutch Citizens" or Dutch Legal Entities (P3MB). Normatively, the P3MB land certification process has special regulatory characteristics, namely the priority scale of granting rights and payment of compensation to the State through the Sale and Purchase. Of course, this is. However, what the author needs to highlight here is that there is no subject of Prospective Recipients of Rights in the Government/Government Agency group. In addition, problems also occur regarding the purchase mechanism up to the process of transferring rights by Government Agencies, which should be a single entity with the State itself.

**Keywords:** Legal Construction, Government Agency Asset, Land Rights, Formerly Under Dutch Control

## INTRODUCTION

The organization of the state certainly cannot be separated from the role of state financial management, especially assets. Assets play an important role in the organization of the state, both as a tool for running the government and as a source of state revenue. Management of state assets must be carried out with full responsibility and prioritize the welfare of the people as philosophically formulated based on the provisions of "Article 23 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which reads:

"The state revenue and expenditure budget, as a manifestation of state financial management, is determined annually by law and implemented openly and responsibly for the greatest prosperity of the people."

One important aspect of optimal management of state assets includes aspects of securing state assets. The form of state asset security measures can be through certification activities for land plots spread throughout the territory of Indonesia. Normatively, "Law of the Republic of Indonesia Number 1 of 2004 concerning State Treasury instructs that state/regional property in the form of land controlled by the Central/Regional Government must be certified in the name of the government of the Republic of Indonesia/the relevant regional government."

In line with the interests of asset security through certification, the State, as the authority that regulates the use, designation, and legal relations of land areas in Indonesia and guarantees legal certainty for existing land areas. The authority of the state to achieve legal certainty is stated in the provisions of "Article 19 Paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Principles which reads, "To guarantee legal certainty, the Government carries out land registration activities throughout the territory of the Republic."

Talking about assets, of course, cannot be separated from the scope of history during the colonial era. As time went by, when Indonesia became independent, the Indonesian nation was surrounded by assets of the Dutch colonial government, where some of these assets were profitable and some were not. Indonesia nationalized these assets which was a government initiative that came from the people (Wasino, et.al., 2013). Economic

growth during the Dutch East Indies era not only left a legacy of corporate assets affected by Nationalization, but also fixed assets owned individually by Dutch East Indies citizens have an existence regulated in the provisions of "Article 1 of Law Number 3 Prp. of 1960 concerning Control of Fixed Assets Owned by Dutch Citizens". In Article 1, it is stated that:

“All fixed assets owned individually by Dutch citizens that are not included in the scope of Law No. 86 of 1958 concerning the "Nationalization of Dutch Companies" ("State Gazette of 1958 No. 162"), and whose owners have left the territory of the Republic of Indonesia since the enactment of this Government Regulation in Lieu of Law, are under the control of the Government, in this case managed by the (Young) Minister of Agrarian Affairs."

The existence of an element of government control over permanent objects inherited from the Dutch is a form of authority from the right to control the state, which will later be followed up with procedures. Settlement must be carried out in accordance with the provisions stipulated in the laws and regulations. However, the fact is that until now, the status of permanent objects inherited from the Dutch has not been resolved in accordance with applicable regulations. Moreover, objects owned by Dutch citizens that were originally only controlled by the government have been transformed into assets belonging to the state or regions.

The author can find this phenomenon in the Jakarta Province. Reported from [detiknews.com](https://detiknews.com), the Corruption Eradication Commission (hereinafter referred to as the KPK) has held a meeting to discuss the regulation of the management of Dutch land assets/objects of the Committee for the Implementation of Control of Dutch Fixed Assets. The KPK is coordinating with the DKI Provincial Government to regulate these assets. We understand together that the problems in the management of these strategic ex-Dutch assets have the potential for the loss of assets in the form of land or buildings (Azhar Bagas Ramadhan, 2024).

In addition to the examples above, based on the results of pre-research conducted by the author, it can be seen that currently there is a P3MB object owned by the Malang City

Regional Government agency located at Jalan Jenderal Basuki Rahmat Number 11, Kauman Village, Klojen District, Malang City which is currently in the process of applying for certification to secure Regional Property assets.

Normatively, the P3MB land certification process has special regulatory characteristics, namely the priority scale for granting rights and payment of compensation to the State through Sale and Purchase. Furthermore, based on the provisions of Article 1 paragraph (2) of "Government Regulation Number 223 of 1961 concerning Guidelines for the Implementation of Article 4 and Article 5 of Law 3 Prp. of 1960 concerning Control of Fixed Assets Owned by Individual Dutch Citizens", it is stated that permission to purchase a house/land as long as it is not needed by the Government itself for a special purpose, is granted using the following priority order: 1) To civil servants who live in the house/land users concerned who do not yet own a house/land; 2) To civil servants who live in the house/use the land in question, provided that with the new purchase, they will not own more than 2 houses/land plots; 3) For civil servants who are not residents of the house/land user in question, who do not yet own a house/land; 4) To those who are not civil servants, but who are house owners/land users in question, who do not yet own a house/land.

To understand more about the certification of government agency assets on land formerly controlled by fixed assets owned by Dutch citizens, further study is needed on the Identification of Factors Causing Legal Problems and Solutions for Certification of Government Agency Assets on Land Controlled by Fixed Assets Owned by Dutch Citizens or Dutch Legal Entities (P3mb).

So far, based on the provisions of Law Number 3 Prp. 1960 concerning "Control of Fixed Assets Owned by Individual Dutch Citizens" junto Government Regulation Number 223 of 1961 concerning Guidelines for the Implementation of "Article 4 and Article 5 of Law 3 Prp. of 1960 concerning Control of Fixed Assets Owned by Individual Dutch Citizens" junto Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia "Number 3 of 2020 Concerning Procedures for Determining and Registering Land Rights Formerly Controlled by Fixed Assets Owned by Individual Dutch Citizens or Legal Entities Owned by the Netherlands" there are no firm and



clear regulations regarding the mechanism for resolving the certification of government agency assets that are the object of P3MB, especially in the formulation of Article 4 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2020 Concerning Procedures for Determining and Registering Land Rights Formerly Controlled by Fixed Assets Owned by Individual Dutch Citizens or Legal Entities Owned by the Netherlands.

Based on the description above, the legal issue of the research that the author raises is the legal ambiguity regarding the certification of government agency assets land for objects that are indicated as Land Formerly Controlled by Fixed Assets Owned by Individual Dutch Citizens. Of course, the problem of legal ambiguity causes the potential for further legal problems regarding the clarity of procedures, legal certainty of state assets, the potential for asset transfers, and the potential for criminal acts committed by the state itself if the use of the budget is not carried out for its intended purpose.

For that reason, the author feels the need to conduct research in order to provide an ideal legal construction of the legal ambiguity related to the registration of land that was formerly controlled by fixed assets owned by Dutch citizens or Dutch legal entities. Therefore, efforts are needed to provide adequate protection for "land rights holders".

## **REVIEW OF LITERATURE**

The theory of legal certainty is used to build a legal concept that examines whether a legal regulation can provide legal certainty in its implementation or not, this is related to the provisions for implementing the Certification of indicated asset objects or those that have been determined as P3MB, so that the results of the legal concept are considered as a truth and it is hoped that the rules can provide legal certainty in their implementation. Based on the legal dimension, the concept of legal certainty means that the formulation of legal norms is clear and not open to multiple interpretations, applied in accordance with the principle of *similia-similibus* (the same legal rules are applied to the same case) (I Dewa Gede Atmadja, 2018).

The law enforced and enforced by law enforcement agencies that are given the task to do so, must claim legal certainty to uphold order and justice in the life of society. Legal uncertainty will cause chaos in the life of society, and people will act as they please and do as they please. This situation makes life in an atmosphere of social disorganization or social chaos (I Dewa Gede Atmadja, 2018). With this theory, the author will analyze related legal materials to determine how urgent or important the legal regulation of P3MB land registration is from the aspect of legal certainty for land rights holders."

Legal discovery is defined as "the process of forming laws carried out by judges and legal officers who have the authority based on the law to resolve a particular event. "Legal discovery is also often referred to as the term legal formation, so that legal discovery provides suggestions as if the law already exists" (I Dewa Gede Atmadja, 2018).

Legal discovery is used by judges to answer problems that arise due to a legal event. Basically, judges are always faced with concrete events, conflicts, or cases that require resolution, so a search for relevant law is needed to resolve the problem (Sudikno Mertokusumo, 2001). According to Utrecht, legal discovery occurs when there is a regulation that has not been regulated or there is a regulation but the regulation is unclear, and the judge can act according to his initiative to resolve the case he is facing. In this case, the judge has a role to determine the law on the case, even though there is no regulation to help them (Ernest Utrecht, 1986).

The legal reconstruction method is a method of legal discovery used by judges when facing legal ambiguity, where judges are prohibited from rejecting a case submitted to them because there is no law governing it or there are no rules governing it (the principle of *ius curia novit*)". The judge can resolve these legal problems by exploring the legal problems and looking at the laws that exist in society and are developing in society, in this case "judges as law enforcers play a role in exploring, understanding and following legal values" that exist in society and determining a sense of justice for society (Jazim Hamidi, 2005).

Using this theory, the author will analyze the related legal materials to understand the ideal regulations regarding the registration of "Land Formerly Controlled by Fixed Assets Owned by Individual Dutch Citizens or Dutch-Owned Legal Entities".





Before the Indonesian nation became independent, most of the agrarian laws were made by the colonizers, especially during the Dutch colonial period, so it is clear that the purpose of making them was solely for the interests and benefits of the colonizers. The Basic Principles of Agrarian Law produced by the nation itself are still in the nature of Colonial Agrarian Law, which is very detrimental to the interests of the Indonesian nation (Muchsin, et.al., 2007). (a). *Eigendom Rights*, Western civil law, as well as land law, is based on prioritizing personal interests (liberal individualism) so that the basis and center of regulation lies in eigendom-recht (eigendom rights), namely full and absolute individual ownership, in addition to the domein varklaring (domain statement) regarding land ownership by the state (Hasan Wargakusumah, 1995). (b). *Opstal Rights*, According to Article 711 of the Civil Code, the right to use a freehold or a right that grants "power over land belonging to another person, for example, the right to erect and own buildings" or plants on another person's land (R. Subekti, 1965). (c). *Erfpacht Rights*, According to Article 720 of the Civil Code, the right of erfpacht is a property right that gives someone the authority to fully enjoy the benefits or uses of immovable property owned by another person, with the obligation to pay an annual tribute in return to the owner as an acknowledgment of the roots of his ownership, either in the form of money or income. In general, the right of erfpacht is carried out on land that is still in the form of bushes, so that the right of erfpacht is often carried out for a plantation (Bhim Prakoso, 2021). (d). *Vruchtgebruik Rights*, the right to own property is a property right to take a result, income from an object owned by another person, where the object is as if it were one's own property, with the obligation to maintain the object so that it remains in its original condition (R. Subekti, 1965). (e). *Gebruik Rights*, According to Article 756 of the Civil Code, gebruik rights are a property right, by which a person is allowed to withdraw all proceeds from an object belonging to another person, so that it is as if he were the owner of the object and with the obligation to maintain it as well as possible.

## RESEARCH METHOD

This study uses the type of normative-empirical legal research. According to Abdulkadir Muhammad, what is meant by normative-empirical legal research (applied law research) is research that uses normative-empirical legal case studies in the form of legal behavioral products (Abdulkadir Muhammad, 2004). Normative-empirical (applied) legal research begins with written positive legal provisions that apply to in concreto legal events in society. In relation to this research, in the initial stage, the author will analyze the applicable legal provisions regarding the procedures for determining and registering land rights that were previously controlled by fixed assets owned by Dutch citizens regarding the land certification process for government agency assets. Then, in the second stage, the author will observe the application of the law when the government agency's asset certification process is carried out, especially when the Malang Regency Government applies for land rights for its assets, which are former land inherited from Dutch citizens. It is hoped that through these two stages, an understanding will be obtained between the realization of whether the implementation of normative legal provisions has been carried out properly or not.

Normative legal analysis is carried out by studying the legal materials obtained, which include primary, secondary, and tertiary legal materials. The review of primary and secondary legal materials is carried out by analyzing the principles of law, as far as the legal materials contain relevant legal rules. The legal material analysis technique in normative legal research consists of several types of techniques, namely description techniques, interpretation techniques, evaluation techniques, and systematization techniques. This research will later use the interpretation of legal analysis technique. The interpretation technique used is systematic interpretation, namely basing provisions on a system of rules and interpreting a legal provision (Jimly Asshiddiqie, 1997) conducted to determine the legal systematics contained in this research, namely by examining existing legal texts, in accordance with primary legal materials.



## RESULTS AND DISCUSSION

Concerning the implementation of P3MB object certification, as known based on the provisions of Article 1 Number 4 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2020 states, the P3MB/Prk.5 Committee is a committee appointed by the Head of the National Land Agency Regional Office. Thus, the author can describe the elements of the implementation of P3MB, which are the authority of the National Land Agency Regional Office of the Province, and are also assisted by the Land Office. In addition, because the object of the research is the assets of government agencies, it is also necessary to search for legal materials on the elements of government agencies that are authorized to organize the management of State Property assets. So based on this description, the author collects legal materials from institutions that are relevant to the formulation of the problem, including: 1) Malang City Land Office; 2) Regional Office of the National Land Agency of East Java Province; 3) Malang Regency Land Agency as the applicant agency; 4) State Asset and Auction Service Office Malang.

The author can identify the factors causing the Legal Problems of certification of government agency assets indicated as P3MB objects from the aspect of Government Agencies dominated by several factors, namely: 1) There are different interpretations regarding the meaning of “as long as it is not needed by the government itself” in the provisions of Article 4 Paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2020, which has resulted in the delay in certification of government agency assets; 2) Lack of socialization with government agencies regarding certification of government agency assets indicated as P3MB objects; 3) There are no clear regulations regarding the certification of government agency assets that are indicated as P3MB objects and until this writing, the certification completion guidelines only refer to the guideline letter from the Directorate General of Land Rights Determination and Registration, Ministry of

Agrarian Affairs and Spatial Planning/National Land Agency Number: B/HT.02/1248-400.19/VIII/2024;

Legal experts have given different descriptions of the a contrario method of interpreting law. According to Sudikno Mertokusumo, the a contrario method emphasizes the dissimilarity of events. Sometimes, an event is not specifically regulated by law, but the opposite of that event is regulated in law. Here, there are no regulations provided for the event whose law is sought, but there are regulations specifically provided for other events that are not the same, but have elements of similarity with the event whose law is sought (Sudikno Mertokusumo, 2005). As is known, one of the causes of legal problems in the certification of government agency assets indicated as P3MB objects is the legal factor because there are no clear, consistent, and practical rules as classified by Jan Michiel Otto through the theory of legal certainty. There are no clear regulations regarding the mechanism for resolving the certification of government agency assets that are P3MB objects. To answer the second problem formulation, the author departs from the provisions of Article 4 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2020 concerning Procedures for Determining and Registering Land Rights Formerly Controlled by Fixed Assets Owned by Individuals of Dutch Citizens or Legal Entities Owned by the Netherlands, stating:

“The priority order for the Subject of the Prospective Purchaser of the P3MB/Prk.5 Object as referred to in paragraph (1) may be excluded, and the P3MB/Prk.5 Object may be given to another party with the following provisions:

- a. The government does not use the P3MB/Prk.5 object; and
- b. Is the party that has final control over the P3MB/Prk.5 Object in good faith.”

Because the provisions regarding ownership of P3MB objects by Government Agencies are not specifically regulated in the norm, and the clause in the article formulates the priority of prospective purchaser subjects, whose priority can be denied under certain conditions. Thus, if the Government uses/owns P3MB/PrK5 objects, it can be interpreted in the opposite way that “the government is not a criterion for prospective purchaser subjects of P3MB objects” but rather a party that owns P3MB objects without having to make a



purchase. Thus, according to the author's analysis, a contrario, Government Agency assets that are indicated as P3MB objects and are owned and controlled, then based on Article 4 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2020 concerning Procedures for Determining and Registering Land Rights Formerly Controlled by Fixed Assets Owned by Individual Citizens, it does not require settlement through a "sale and purchase" mechanism.

This is certainly very much in line with the principle of managing regional assets, where the State, as the owner of the assets, cannot possibly make transactions to itself because it will potentially cause overlapping between the budget expenditure balance and the income balance. However, the answer to the formulation of the second problem does not stop at an a contrario interpretation.

Government agency asset certification must also pay attention to the history of land ownership and the type of land rights that exist. As is known, the object of this study is the Former Control of Fixed Assets Owned by Individual Dutch Citizens or Legal Entities Owned by the Netherlands, with a history of control from the colonial period and has characteristics that are subject to Western land law. In fact, it should be noted that the rules for certification of government agency assets land with similar characteristics are not new. This can be seen by referring to the provisions of the Minister of Finance Regulation Number 62/PMK.06/2020 concerning the Settlement of Former Foreign/Chinese Assets. Before discussing further regarding ABMA/T, the author can explain that in the Provisions of Article 2 of the Minister of Finance Regulation Number 62/PMK.06/2020 concerning the Settlement of Former Foreign/Chinese Assets, the scope of ABMAT is explained, which includes land and/or buildings formerly owned by:

- a. Chinese associations that are declared prohibited and disbanded by the Central Warlord Regulation;
- b. Foreign religious movements that are contrary to the characteristics of the Indonesian nation and have been declared illegal and then disbanded;
- c. Groups that were the target of mass action in 1965/1966 due to the involvement of the People's Republic of China (PRC) in the G.30.S/PKI

incident which was regulated by the Regional Dwikora Executive Authority;

- d. Agencies formed by or for Chinese migrants (Hoa Kiauw) who are not foreign citizens who have diplomatic relations with the Republic of Indonesia and/or have received recognition from the Republic of Indonesia, including their branches and members.

Through the formulation of the article, it can be seen that the object of ABMA/T is land and buildings originating from groups, associations, beliefs, bodies that are prohibited, illegal, involved in the G.30.S/PKI rebellion, and foreign citizens who do not yet have diplomatic relations with the Republic of Indonesia. Historical facts have recorded that the regulation of ABMAT settlement was first regulated in the Regulation of the Minister of Finance Number 188/PMK.06/2008 concerning the Settlement of Formerly Foreign/Chinese Assets. In its considerations, the government stated that *“the control of foreign/Chinese assets by the State in the period 1957 to 1967 was carried out based on a set of laws and regulations governing emergency/special conditions.”*

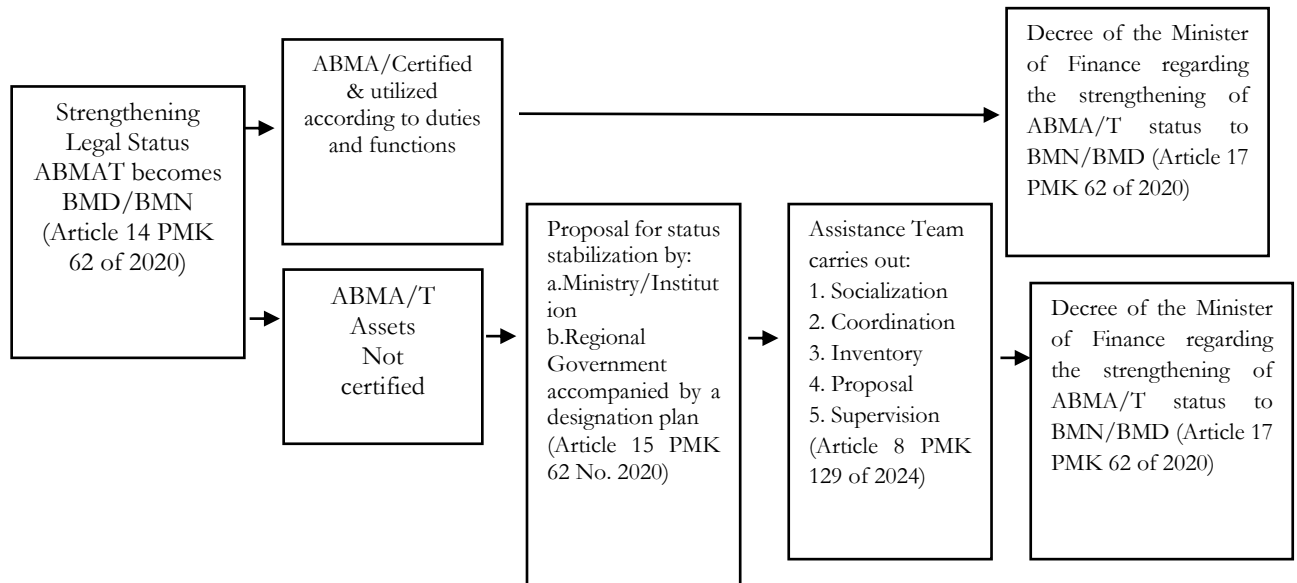
To find out more about the characteristics of the regulations regarding ABMA/T as a reference for the author to carry out systematic interpretation. Thus, the author can systematically analyze that the concept of the regulation that should be applied to the land registration law for Government Agency assets that are indicated as P3MB objects can refer to the rules and norms of the Minister of Finance Regulation Number 62/PMK.06/2020 concerning the Settlement of Formerly Foreign/Chinese-Owned Assets, with the following considerations: 1) The provisions regarding P3MB objects are similar to those regarding ABMA/T objects ; 2) In substance, these two regulations regulate the objects of permanent property belonging to the inheritance of foreign nationals left behind; 3) In substance, the object of land rights has the same type of legal basis, namely State Land, former Western Rights, as previously Chinese citizens were prohibited from owning land that was attached to customary rights (prohibition on land alienation), while the land object of P3MB is land plots that are subject to Western Land law; 4) Have a similar settlement mechanism by way of payment of compensation to the state as a form of other state income that does not come from taxes.



Through the explanation as mentioned above, the author can explain that if the legal regulation of certification of government agency assets indicated as P3MB objects refers to the ABMA/T settlement guidelines, then currently the ABMA/T settlement guidelines are subject to the Regulation of the Minister of Finance of the Republic of Indonesia Number 129 of 2024 concerning the Second Amendment to the Regulation of the Minister of Finance Number 62/PMK.06/2020 concerning the Settlement of Former Foreign/Chinese Assets. According to the provisions of Article 10 Paragraph (1) of the Regulation of the Minister of Finance of the Republic of Indonesia Number 129 of 2024 concerning the Second Amendment to the Regulation of the Minister of Finance Number 62/PMK.06/2020 concerning the Settlement of Former Foreign/Chinese Assets, the State Gazette of the Republic of Indonesia states that the Settlement of ABMA/T is carried out in the following manner: 1) Its legal status is confirmed as State/Regional/Village Property; 2) Its control is released from the State to a Third Party or Other Party by way of payment of compensation to the Government; 3) Returned to a legitimate Third Party; and/or 4) Declared complete due to certain circumstances.

Referring to the legal provisions above, it can be seen that there is a settlement mechanism by means of strengthening its legal status to become BMN/BMD. Of course, the formulation of this article is implemented under certain conditions that cause the ABMA/T object, which was originally an agency asset, to be reaffirmed so that its legal status is strengthened to become BMN/BMN without having to make compensation payments to the government. This is in line with the provisions of Article 14 of the Regulation of the Minister of Finance Number 62 of 2020 concerning the Settlement of Former Foreign/Chinese Assets, which states that the strengthening of the legal status of ABMA/T as referred to in Article 10 paragraph (1) letter a is carried out for ABMA/T that has not been certified or has been certified in the name of the Provincial/District/City/Village Government. To facilitate the description and procedure for the ABMA/T settlement flow based on the strengthening mechanism to become a BMN/BMD/BMDes asset, the author summarizes the mechanism as follows:

**Legal Constructions of Government ...**



**Figure 1.**

**Flowchart of ABMA/T Strengthening to become BMN/BMD/BMDes**

Source: Regulation of the Minister of Finance Number 62 of 2020 Juncto Regulation of the Minister of Finance of the Republic of Indonesia Number 129 of 2024

Through this procedure, the author can describe that the settlement of ABMA/T through the mechanism of strengthening ABMA/T to become BMN/BMD/BMDes assets is a procedure for confirming the legal status of assets in the form of land based on a decree of the Minister of Finance as the basis for the legal validity of asset ownership. This means that both land plots that have been certified or not yet certified and are indicated as ABMA/T objects can be resolved simply by using the decree of the Minister of Finance to be confirmed as BMD/BMN assets without requiring compensation payments.

According to the author's analysis, the regulation is intended to accommodate the ownership of assets by government agencies originating from fixed assets owned by foreign citizens. Of course, as the nature of the state based on the provisions of Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Article 2 Paragraph (1) of the Basic Agrarian Law Number 5 of 1960, it is known that the state exercises its authority to regulate the allocation, use, supply, and maintenance of land, determine the legal relationship between people and land, and take land for public interest. So, if the state is the ruler of fixed assets owned by foreign citizens left behind, as in the case of P3MB and ABMA/T, then



there is no need for rules on procedures for payment of compensation, compensation, or sale and purchase based on the state's right to control its natural resources and wealth. According to the author's analysis, of course, this principle can only be applied when the land owned has been controlled continuously without any previous history of ownership and has been recorded as a BMN/BMD inventory asset.

## CONCLUSION

Factors Causing Legal Problems in the Certification of Government Agency Assets Regarding P3MB Land, that there are differences in interpretation regarding "meaning as long as it is not needed by the government itself" in the provisions of Article 4 Paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2020 causes obstacles to the certification of government agency assets. The lack of socialization with government agencies regarding the certification of government agency assets indicated as P3MB objects. There are no clear regulations regarding the certification of government agency assets indicated as P3MB objects.

Legal Construction of Land Registration of Government Agency Assets Indicated as Objects (P3MB) can be done by conducting legal discovery through the legal discovery method using the interpretation of *Argumentum a Contrario* against the provisions of Article 4 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2020 which states that the priority order of Subjects of Prospective Purchasers of P3MB/Prk.5 Objects as referred to in paragraph (1) can be excluded, and P3MB/Prk.5 Objects are given to other parties with the provision that the Government does not use P3MB/Prk.5 Objects. So, through this formulation, it can be interpreted in the opposite/opposite way that Government Agencies are not the criteria for prospective purchasers of P3MB objects, but rather parties who own P3MB objects without having to make a purchase

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