

## **ABSTRACT**

**RICHARD. Legal Certainty Of Making A Certificate Of Property Rights Through The Recognition Of Rights Based On Customary Property Rights (Case Study In Silungkang, Sawahlunto).** This Dissertation under the guidance of Prof. Dr. Ade Saptomo, SH. MSi as promoter and Prof. Dr. H. Faisal Santiago, SH, MM, as Ko-Promoter.

Given the importance of customary land rights as proof of legal ownership of land rights in accordance with article 23, article 32, and article 38 of the Basic Agrarian Law (UUPA), an obligation to register customary land, especially customary property rights, is given. ownership has strong legal force, as stipulated in the Regional Regulation of Sawahlunto No. 6 of 2008 concerning the people Land and its Utilization. In this dissertation the issues discussed are : 1) What is the position of customary land in Minangkabau after being certified as a property right under customary law and land law in Indonesia? 2) Why the BPN adheres to a positive structure in making ownership rights certificates through the recognition of rights based on customary property rights.

This study uses a normative juridical approach. Descriptive analysis, using secondary data, obtained through a literature study of legal sources, both primary, secondary and tertiary. The data are analyzed using qualitative analysis methods.

Research result : 1) This land registration is only an obligation that must be carried out by the government in accordance with article 19 of the Basic Agrarian Law which reads "To guarantee legal certainty by the Government, land registration is carried out in all regions of the Republic of Indonesia according to the provisions regulated by Government Regulations." This means that indigenous people Rights cannot be registered because Ulayat rights are not included in the Object of Land Registration, based on this article there is only recognition, so it is not a right that can be registered. In order for the legal certainty of customary land in Minangkabau to be carried out in West Sumatra, there must be a common view of the community, respected person (nirik mamak) and state administrators (government) on understanding the customary land in the Minangkabau. 2) The BPN factor adheres to a positive structure in making ownership rights certificates through the recognition of rights based on customary rights due to the limitation of the right to sue someone for a certificate that has been issued for 5 (five) years, as long as there is no objection when registering, both regarding mastery or ownership of a piece of land, certificates and land measuring documents, the application of a negative system contains positive elements, more guaranteeing legal certainty than a negative system or a positive system in land registratio

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