

LAND REGISTRATION AND SPORADIC COOPERATION POLICY

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Abstract

This research aims to understand the complete systematic land registration policy and to understand the complete systematic land registration model at the Jepara Regency Land Office. The approach method used is sociological juridical and data collection is done using the interview method. The results of this study indicate that the complete systematic land registration policy has been implemented in a collaborative manner with sporadic registration, which is ultimately divided into 4 (four) clusters. This is because not all people agree with the Complete Systematic Land Registration program. Collaboration of the registration system is carried out in order to achieve target group.

Keywords: *Land Registration; Policy; Sporadic Cooperation;*

A. INTRODUCTION

The government feels the need to intervene in managing land, because land has an important meaning in human life which can be used as a means of achieving a prosperous life. The policy in land affairs shall be sourced from the spirit of Article 33 paragraph (2) of the 1945 Constitution, which affirms that "Bumi dan air dan kekayaan alam yang terkandung di dalamnya dikuasai oleh negara dan dipergunakan untuk sebesar-besar kemakmuran rakyat". This norm is then poured explicitly in Law no. 5 of 1960 on Basic Agrarian Law where in Article 2 paragraph (1), it states that based on the provisions of Article 33 Paragraph (3) of the 1945 Constitution and the matters referred to in Article 1 in which the earth, water and space including the natural wealth contained in it is at the highest level controlled by the state as an organization of power of all people.¹

Land area which tends to be fixed and even decreases, this is inversely proportional to the increasing human need for land, so that land needs to be managed and regulated nationally and implemented at regional and sectoral levels to maintain the sustainability of the life system of the nation and state.²

Procedural land registration is very important, this is because this factor supports the implementation of sustainable development and the development carried out is a conscious effort made by the community to achieve a better life. The current development process will always be in contact with the environment, in this case the use of the land itself, which can lead to very

1 Hasyim Mustofa, The Role Of Notary In Deed Of Sale And Purchase Agreement to Support National Development, *Jurnal Pembaharuan Hukum Volume IV No. 2 Mei-Agustus 2017*, Page.167-175

2 Samun Ismaya, *Pengantar Hukum Agraria*, Graha Ilmu, Yogyakarta, 2011.

complex problems, such as in land registration procedures, as a guarantee of legal certainty, for land owned by people from the state.³

The purpose of holding land registration is so that the parties concerned can easily find out the status or legal position of the particular land they face, its location, area and boundaries, who owns it and what burdens there are. Many lands in Indonesia are not yet certified, of course, due to various factors that cause people to be reluctant to register their land ownership rights. There is a perception stating that obtaining a certificate requires a long time and complicated procedure mechanisms as well as high costs are inhibiting factors for land registration.

Government policy to overcome this problem by issuing a Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 35 of 2016 concerning Acceleration of Complete Systematic Land Registration. In this Ministerial Regulation as stated in Article 19 states that the National Agrarian Program (Prona) is regulated in the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 4 of 2015 concerning Prona⁴.

Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 35 of 2016 concerning Acceleration of Complete Systematic Land Registration, there have been several changes, namely through the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 1 of 2017 concerning Amendments to Ministerial Regulations Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 35 of 2016 which amended several articles, and most recently revoked the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 1 of 2017 and replaced it with the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning Acceleration of Complete Systematic Land Registration. The scope of this Ministerial Regulation is the acceleration of the implementation of the Complete Systematic Land Registration program hereinafter abbreviated as PTS.

The PTSL program implemented village by village in regencies and sub-districts by village in urban areas covering all land parcels throughout the Republic of Indonesia. Based on article 1 paragraph (2) Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 12 of 2017 concerning Acceleration of Complete Systematic Land Registration, that Complete Systematic Land Registration, hereinafter abbreviated as PTSL, is the first Land Registration activity carried out simultaneously for all. Objects for Land Registration in the entire territory of the Republic of Indonesia in one village or other name abbreviated thereof, which

3 Indra Yudha Koswara, Pendaftaran Tanah Sebagai Wujud Kepastian Hukum Dalam Rangka Menghadapi Masyarakat Ekonomi Asean (MEA), *Jurnal Hukum Positum Vol. 1, No. 1, Desember 2016*, Page.23-38

4 Effendi Warsin, *Hukum Agraria Indonesia*, CV. Rajawali, Jakarta, 1991, Page. 95.

includes the collection and determination of the correctness of physical data and juridical data regarding one or several objects of Land Registration for the purpose of registration.⁵

The aim of the PTSL program is to accelerate the provision of legal certainty and legal protection of community land rights in a certain, simple, fast, smooth, safe, fair, equitable and open and accountable manner, so as to improve the welfare and prosperity of the community, improve the country's economy and reduce or prevent land disputes and conflicts. Complete Systematic Land Registration which is carried out to provide assurance of legal certainty and legal protection of land rights to the community in the form of awarding certificates, with a simple process that is smooth, safe, fair, equitable and open to anyone without exception by fulfilling the requirements has been determined in the statutory regulations and is accountable for which there is accountability from the PTSL program organizer.⁶

The implementation of land registration is carried out by the National Land Agency as regulated in Article 5 of Government Regulation No. 24 of 1997 concerning Land Registration. The National Land Agency was formed by Presidential Regulation Number 17 of 2015 concerning the Ministry of Agrarian Affairs and Spatial Planning and Presidential Regulation Number 20 of 2015 concerning the National Land Agency. To carry out the duties and functions of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency, Provincial National Land Agency Regional Offices and Regency / Municipal Land Offices are established as Vertical Institutions of the National Land Agency, hereinafter abbreviated as BPN.

Based on the Center for Land Data and Information⁷, Spatial Planning and Land for Sustainable Food Agriculture, Ministry of Agrarian Affairs and Spatial Planning/National Land Agency the number of land parcels in the Unitary State of the Republic of Indonesia is around 126 million land parcels. Of these, 46 million land parcels have been registered/certified, so that the number of unregistered/certified plots is 80 million land parcels. Seeing that the rate of land registration in Indonesia per year is 500,000-800,000 land parcels per year, at such speed it will take 80 years to map land parcels throughout Indonesia, therefore it is necessary to do a way to accelerate land registration in all parts of Indonesia. the way is with PTSL.

PTSL activities as regulated in the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning Complete Systematic Land Registration, the meaning of PTSL is the activity of registering land for the first

5 Yusnita Rachma, Pelayanan Pendaftaran Tanah Sistematis Lengkap (PTSL) Oleh Kantor Pertanahan Kabupaten Pangandaran Di Desa Wonoharjo Kecamatan Pangandaran Kabupaten Pangandaran, *Jurnal Moderat, Volume 5, Nomor 4, November 2019*, Page.519-529.

6 Sofi Alawiya, Kristiyanto dan Anggit Wicaksono, Pelaksanaan Kegiatan Proyek Percepatan Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (Ptl) Di Desa Sukobubuk Kecamatan Margorejo Kabupaten Pati, *Jurnal Suara Keadilan, Vol 19, No 1 (2018)*, Page.24-30.

7 Wahyu Andi Kurniawan, Setiowati, Theresia Supriyanti, Expectations of Complete Systematic Land Registration Against Social and Economic Factors for Society, *Tunas Agraria Journal Vol. 1 No. 1, September 2018*, Page.1-19

time carried out simultaneously for all land registration objects throughout the Republic Indonesia.

The President issued Presidential Instruction No.2 of 2018 concerning the Acceleration of Complete Systematic Land Registration throughout the Territories of the Republic of Indonesia, which in the Second Dictum ordered the Minister of Agrarian and Spatial Planning / Head of the National Land Agency to revise several important things, namely revising the Regulations governing the time period announcement of physical data and juridical data to accelerate the completion of PTSL, one of which is the announcement of physical and juridical data in terms of time period, in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning PTSL, there has been an improvement in the regulation of the announcement the physical and juridical data regarding the period, from 14 (fourteen) working days to 14 (fourteen) calendar days, thus accelerating the soil certification process.

The Complete Systematic Land Registration arrangement is wider than Prona from the object side, Prona there are exceptions to the type of land and land area as regulated in Article 4 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 4 of 2015 concerning the National Agrarian Program. PTSL objects are regulated in Article 4 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning PTSL covering all objects of land registration throughout Indonesia without exception, this is intended so that all land in Indonesia is mapped and has certain rights in the form of land certificate. However, in reality, most of the Land Offices have not implemented a systematic pattern in determining the location of their PTSL.⁸

If the cost of preparing for Systematic Land Registration is not budgeted in the Regional Expenditure Budget, hereinafter abbreviated as APBD, the Minister of Home Affairs will order the Regent / Mayor to make a Regent / Mayor Regulation stating that the cost is borne by the community. The Governor as the Deputy of the Central Government carries out guidance and supervision of the implementation of the Joint Decree of the 3 (three) Ministers of 2017 so that irregularities do not occur.

This research aims to understand the complete systematic land registration policy and to understand the complete systematic land registration model at the Jepara Regency Land Office.

B. RESEARCH METHODS

This research uses an empirical juridical approach. The empirical juridical approach in this study is used to analyze the policy and development of a Complete Systematic Land Registration model at the Jepara Regency Land Office. The specifications of this study indicate a descriptive study, which is a study conducted by describing the facts that exist or the activities carried out by the object under study. Descriptive research is one type of research whose

8 Septina Marryanti, Yudha Purbawa, Optimization of the factors that affect the success of Complete Systematic Land Registration, *BHUMI: Jurnal Agraria dan Pertanahan*, Vol. 4 No. 2, November 2018, Page. 190-207

aim is to present a complete picture of a social reality phenomenon, clearly describing a number of variables with the problem under study.

C. RESULTS AND DISCUSSION

1. Education Policy Activities Complete Systematic Land Registration in Jepara Regency

Land is a very large state asset, the source of state income is also a large part of taxes and one of the taxes is taxes from land, both building taxes and other taxes such as rent, right to use, and so on. Land over time will inevitably run out with every land owned or occupied due to the increasing number of Indonesian population. It could be that over time our land is depleted and all that is used is no land that is empty or abandoned.⁹

The successful implementation of land registration in each region is a big responsibility of the government. Therefore, the community has the right to receive information about the importance of having a certificate of land ownership (certificate) and the land registration process until it is complete, both sporadically (individually) and systematically. As a consequence of state recognition of a person's land or a customary law community, the state is obliged to guarantee legal certainty for said land rights so that it is easier for someone to defend their rights against interference from other parties.¹⁰

Land layout aims to ensure legal certainty over land, by registering the land, it will be easy to find out the status and legal position of a certain land, location, area, boundaries and land owner and other burdens if any, such as imposition of mortgage rights.¹¹ The increase in progress in all fields, the more people's land associated with economic, socio-cultural and other needs, which results in an increase in transactions related to land, for example buying and selling, leasing and as collateral. In this regard, there is a growing need for legal certainty and rights in the agrarian sector. To fulfill this, the UUPA in Article 19 states that land registration is necessary to ensure legal certainty.

The main benefit of land registration is to obtain a strong means of proving the legality of legal actions regarding land. Certain legal actions in land registration have another function, namely to fulfill the validity of the legal act, meaning that without registration, the legal act does not occur legally according to law.

The PTSL policy has described the degree of change desired from the implementation of Land Registration Activities which are carried out based on the Regulation of the Minister of Agrarian Affairs Number: 6 of 2018 concerning Complete Systematic Land Registration.

9 Herlina Ratna Sambawa Ningrum, Analisis Hukum Sistem Penyelesaian Sengketa Atas Tanah Berbasis Keadilan, *Jurnal Pembaharuan Hukum*, Volume I No. 2 Mei – Agustus 2014, Page.219-227

10 Aditya Nursamsi Mohammad, Herman Nayoan, Johannis Kaawoan, Kebijakan Pendaftaran Tanah Sistematis Lengkap Di Kota Manado, *Jurnal Jurusan Ilmu Pemerintahan*, Volume 1 No. 1 Tahun 2018, Page.1-11.

11 Hadi Setia Tunggal, *Pendaftaran Tanah Beserta Peraturan Pelaksanaannya*, Harvindo, Jakarta 1981, Page.6

Towise have a goal directed towards a social problem. The PTSL policy is appropriate, not only measured by the output or impact felt by the target group from the implementation of PTSL. In this case, the PTSL Acceleration policy is considered successful in overcoming social problems in the land sector in the community of Jepara Regency.

The benefits of this PTSL policy are able to reduce the number of cases of disputes over land rights in Jepara Regency which each year averages 132 cases. Considering that not all landowners want to participate in the PTSL program even though their village locations are targeted as PTSL locations, the Jepara District Land Office has made a policy that land registration is still implemented but uses a sporadic system.

The reason people do not want to participate in the PTSL program is because they are still charged official fees and are not one hundred percent free. The community also thinks that by registering and issuing a title certificate, the land owner feels it will be difficult if in the future he will distribute the land to his heirs. The absence of public awareness of the importance of proof of ownership of land rights in the form of a certificate and the lack of understanding that the certificate has a strong legal certainty and high economic value is also an obstacle to the implementation of the PTSL program.

To overcome the problem of people's lack of awareness in participating in the PTSL program, a policy was taken by the Jepara Regency Land Office, that the PTSL target villages whose communities refused to register using the PTSL system were still subject to land registration, but with a sporadic system.

The following villages are implementing land registration activities using a sporadic system, because the community rejects land registration using the PTSL system, namely:

- a. Sinanggul Village, Mlonggo District, Jepara Regency;
- b. Jambu Village, Mlonggo District, Jepara Regency;
- c. Mantingan Village, Tahunan District, Jepara Regency.

In villages whose communities do not reject land registration using the PTSL system, registration is still carried out using the PTSL system procedure, which includes:

- a. Bantrung Village, Bateait District, Jepara Regency;
- b. Mororejo Village, Mlonggo District, Jepara Regency;
- c. Mindah Village, Batealit District, Jepara Regency.

The policy of implementing land registration, either sporadically or in PTSL, needs to be taken so that all PTSL target villages can still register their land parcels, so that physical and or juridical data collection can be carried out on these land parcels.

2. Model Procedure of Complete Systematic Land Registration List

Land registration activities carried out by the Government to provide legal certainty and legal protection of land rights holders. Land registration activities consist of first-time land registration and data maintenance. First-

time land registration activities can be carried out sporadically or systematically. The first sporadic land registration means that the land registration is carried out by a group of people who will use the land which still has the old title status. First-time land registration through systematic land registration was the first time carried out by the Government of a sub-district that was still not land certified.¹²

The background of the Complete Systematic Land Registration namely to provide legal certainty and legal protection of people's Land Rights in a just and equitable manner, as well as to encourage the economic growth of the state in general and the economy of the people in particular. Therefore, it is necessary to accelerate complete land registration throughout the territory of the Republic of Indonesia as mandated in Article 19, Law Number 5 of 1960 concerning Basic Agrarian Regulations.

In the Porigin 1 paragraph (2) Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number: 6 of 2018 concerning Complete Systematic Land Registration explains that Complete Systematic Land Registration, hereinafter abbreviated as PTSL, is the activity of Land Registration for the first time carried out simultaneously. for all objects of Land Registration throughout the territory of the Republic of Indonesia in one village / kelurahan or other name at the same level, which includes the collection and determination of the correctness of physical data and juridical data regarding one or more Land Registration objects for the purpose of registration.

The purpose of PTSL is to be able to obtain complete juridical and physical data on land so that the subject and object have legal certainty over the rights they hold.

The stages of activities to accelerate the implementation of Complete Land Registration include:

- a. Soialization;
The Ministry of Agrarian Affairs and Spatial Planning / National Land Agency provided information on the implementation of Complete Systematic Land Registration to the public either directly or through the media.
- b. Determination Llocation and number of fields;
Based on the Decree of the Head of the Jepara Regency Land Office Number: 10 / KEP-33.20. UPage02.03 / III / 2019, 02 January 2019, Regarding the Determination of the Location of the Complete Systematic Land Registration (PTSL) of the Jepara Regency Land Office for Fiscal Year 2019, the location of PTSL activities.
- c. Planning the Adjudication Committee and the Juridical Task Force;
Implementation of PTSL requires a very large role, not only from the appointed committee from the land office, but also from the role of village officials, as well as the community itself. The community can cooperate, or support the implementation of PTSL activities that are

12 Isdiyana Kusuma Ayu, Kepastian Hukum Penguasaan Tanah Melalui Pendaftaran Tanah Sistematis Lengkap di Kota Batu, *Mimbar Hukum*, Volume 31, Nomor 3, Oktober 2019, Page.338-351

currently taking place in their area. In accordance with the contents of Article 11 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning PTSL, there is a committee formation and appointment. The Head of the Land Office forms and determines the PTSL Adjudication Committee and the task force, which is outlined in the form of a decision.¹³

- d. Formation of the Adjudication Committee;
Good governance requires open government as one of the foundations, and freedom to obtain information (public access to information) is one of the prerequisites for creating open government. Open government is the administration of government that is accountable, open, and participatory.¹⁴
- e. Training.
Important training is carried out with the aim of uTo prepare for the smooth implementation of the Complete Systematic Land Registration task, it is necessary to carry out technical training on "Systematic Land Registration in the Juridical Field", for the Acceleration Adjudication Committee and the Juridical Task Force.
PTSL training includes material on juridical data collection, juridical data processing and management of Complete Systematic Land Registration activities. This training is carried out by the Regional Office of the Provincial National Land Agency.

From the research results, the PTSL implementation can be grouped into 4 (four) groups or clusters, based on the juridical conditions and the physical condition of the soil when the PTSL implementation activities are carried out. The following is a model for implementing PTSL in Jepara district, which is mapped and divided based on the clusters as follows: the following:

- a. Cluster 1: Land parcels whose physical and juridical data meet the requirements to be issued a certificate.
- b. Cluster 2: Land parcels where physical and juridical data meet the requirements for issuance of a certificate but there is a case in court / there is a dispute, so the issuance of the certificate is postponed until a decision has permanent legal force.
- c. **Cluster 3:**
 - 1) **Cluster 3.1:** namely the land parcel has been measured, the juridical data has been collected, there is already an announcement of the physical and juridical data, but a certificate cannot be issued because the subject and object do not meet the

13 Mira Novana Ardani, Tantangan Pelaksanaan Kegiatan Pendaftaran Tanah Sistematis Lengkap dalam Rangka Mewujudkan Pemberian Kepastian Hukum, *Jurnal Gema Keadilan, Volume 6, Edisi III, Oktober - November 2019*, Page.268-286.

14 Budi Ashari, Aminuddin Ilmar, A. Suriyaman Mustari Pide, Fungsi Komisi Informasi dalam Mendukung Proses Informasi Pertanahan di Kota Makassar, *Amanna Gappa, Vol. 26 No. 1 Maret 2018*, Page.39-52

requirements, for example the subject is not willing to make a statement letter owing BPHTB and PPH.

- 2) **Cluster 3.2:** namely the land parcels have been measured, juridical data has been collected, there has been an announcement of physical and juridical data but certificates cannot be issued because the land is an object of P3MB, customary land, objects of nationalization or the subject is foreigners, BUMN, BUMD, private legal entities.
- 3) **Cluster 3.3:** namely PTSL products carried out up to the physical data collection stage because:
 - a) There is no land title certificate budget available in the current fiscal year;
 - b) The subject is unknown or the subject is not willing to take part in PTSL activities.
- d. **Cluster 4:** Plots of land whose object and subject have been registered and have land title certificates, which have not been mapped.

D. CONCLUSION

Policies and models for Complete Systematic Land Registration (PTSL) have been carried out well at the Jepara Regency Land Office, this is reflected in the existing parameters, namely: The PTSL implementation policy at the Jepara Regency Land Office was partly implemented with a sporadic pattern, so that PTSL locations where people were less interested or rejected could still carry out PTSL activities. The PTSL procedure model at the Jepara Regency Land Office with a sporadic pattern by following the division of clusters. Villages where the community is less interested in participating in the Complete Systematic Land Registration program.

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