

The Existence of a Complete Systematic Land Registration System (PTSL)

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Abstract. *This research aim to understand the complete land registration which has a function in giving legal force to land owners in the life of today's society. Such a situation is clear that it is very supportive of people's lives related to the use of land, including in terms of economic activities. The problem of disruption that is present in the current era of economic globalization requires innovation in various fields of people's lives that are able to make people's lives easier, including in terms of Complete Systematic Land Registration or PTSL. Law as a tool of social engineering, the substance of the law, besides being regulatory, must also be coercive. The coercive nature of the law embodied in a legal product (statutory regulations) will be effective if there are sanctions for non-compliance or violation of the provisions stipulated by law. The substance of Article 23 paragraph (1) of the BAL, emphasizes that property rights, as well as any transfer of building use rights and the imposition of other rights must be registered according to the provisions referred to in Article 19. This provision explicitly obliges property rights holders to register every transfer of rights ownership of land, whether it is the transfer of ownership rights due to buying and selling, grants and so on. However, the provisions of Article 23 paragraph (1) of the UUPA which are imperative in nature do not have coercive power, because there are no strict sanctions for those who do not register any transfer of rights as referred to in the article. The implementation of PTSL as an alternative in answering the problem of the effectiveness of land registration has not been able to materialize. The method in this writing is quantitative. Based on the existing studies, it can be understood that PTSL, which is a new alternative, has not been able to be implemented effectively.*

Keywords: Existence; Registration; Land; Systematic; Complete.

1. INTRODUCTION

Along with the development of economic activities that require land, the registration of land ownership rights is very urgent today¹. The urgency related to land registration in

¹Suyikati, (2019), Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (Ptsl) Berdasarkan Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 6 Tahun 2018 Di Bpn Kota Yogyakarta, *Jurnal Widya Pranata Hukum*, Volume 1, Nomor 2, September 2019, p. 109-111.

the increasingly complex dynamics of community life is because land registration has a goal that is none other than ensuring legal certainty for holders of land rights.²

The importance of the purpose of land registration which is then the basis for the urgency of land registration in the community legally can be found in Article 19 paragraph (1) of Act No. 5 of 1960 concerning Basic Agrarian Regulations of the President of the Republic of Indonesia which states that "to ensure legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations."

The substance of the purpose of land registration is then clarified again in Article 3 of the Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration which states that:

Land registration aims to:

- a. to provide legal certainty and legal protection to holders of rights to a parcel of land, apartment units and other registered rights so that they can easily prove themselves as holders of the rights in question,
- b. to provide information to interested parties including the Government in order to easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units;
- c. for the implementation of orderly land administration.

The various provisions above show how important land registration is because land registration aims to provide legal force for the community to have the right to control the land, so that the legality of ownership of a land object can be guaranteed and at the same time also able to provide legality for economic activities, especially economic activities that are objectified. The need for registration of land rights is not commensurate with the awareness and knowledge of the community about the need for land registration.

This is shown by a statement from Suyus Windayana as the Director General (Dirjen) of Land Rights Determination and Registration, which states that "out of 126 million land parcels in Indonesia, there are only 82 million registered land parcels".³The low awareness and knowledge of the community regarding the function of land registration is due to the lack of socialization about the purpose and function of land registration. This is in line with the opinion of Katugino as the Head of the Land Management Section. The Semarang City Land Office in an interview conducted explained that most people did not understand the importance of land registration. This is shown by the

²Nurhayati. A, (2019), Fungsi Pendaftaran Tanah Terhadap Hak-Hak Atas Tanah Menurut Uupa Tahun 1960, *Jurnal Warta*, Edition 60 April 2019, p. 1829.

³Ardiansyah Fadli, Baru 82 Juta Bidang Tanah Tersertifikasi, accessed from <https://properti.kompas.com/read/2020/12/10/164926321/baru-82-juta-bidang-tanah-tersertifikasi> on 12 September 2021

efforts of the Semarang City Land Agency officers who have to go to the homes of people who have not registered their land one by one.⁴

Suyus' opinion is also supported by data published in the daily "Halo Semarang" which states that there are 56,000 parcels of land in Semarang City that have not been certified throughout 2019 to 2020.⁵This problem can be understood considering the land registration procedure which has been quite complicated and expensive. This was also explained by Adrian Sutedi who stated that:⁶

Land office servants seen from the administrative aspect have also not been able to provide the expected performance, namely simple, safe, affordable and transparent services. The reality is that the service is still slow, difficult, expensive and convoluted and the possibility of malpractice occurring. Some of the land administration services desired by the community are not in accordance with those provided by land office employees.

The complexity of the problem of land registration requires the discovery of new innovations in land registration law. This was then accommodated by the government by creating a Complete Systematic Land Registration system or known as PTSL. PTSL is set in Regulation of the Minister of Agrarian⁷ and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning Complete Systematic Land Registration. Article 1 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 6 of 2018 concerning Systematic Land Registration states that:

Complete Systematic Land Registration, hereinafter abbreviated as PTSL, is a Land Registration activity for the first time which is carried out simultaneously for all Land Registration objects throughout the territory of the Republic of Indonesia in one village area or other names equivalent to that, which includes physical data collection and data collection juridical regarding one or several objects of Land Registration for the purposes of its registration.

Statement Article 1 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 6 of 2018 concerning Systematic Land Registration clearly shows that land

⁴Suyus Windayana, Issues on Effectiveness of Land Registration in Semarang City, Personal Interview with the Director General (Dirjen) for Determination of Rights and Land Registration, Interview Conducted On May 12, 2021.

⁵Lanang Wibisono, 56.000 Tanah Di Kota Semarang Belum Bersertifikat, accessed from <https://halosemarang.id/56-000-tanah-di-kota-semarang-belum-bersertifikat>, on 12 September 2021

⁶Adrian Sutedi, (2009), *Peralihan Hak Atas Tanah dan Pendaftarannya*, Print-3, Jakarta: Sinar Grafika, p. 93.

⁷ Deen, Thaufiq., Ong Argo Victoria & Sumain. (2018). *Public Notary Services In Malaysia. JURNAL AKTA: Vol. 5, No. 4, 1017-1026.* Retrieved from <http://jurnal.unissula.ac.id/index.php/akta/article/view/4135> and Ong Argo Victoria, Ade Riusma Ariyana, Devina Arifani. (2020). Code of Ethics and Position of Notary in Indonesia. *Sultan Agung Notary Law Review* 2 (4), 397-407, <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/SANLaR/article/view/13536>

registration is no longer only based on the traditional bureaucratic system, where the fulcrum is with the registrar. So that land registration is very likely to be ineffective due to the passiveness of people who feel that land registration is expensive and complicated. The existence of a Complete Systematic Land Registration system or PTSL does not go hand in hand with the provision⁸ of PTSL facilities and infrastructure as well as adequate socialization of PTSL in various regions. Based on the existing view, it is clear that further analysis is needed regarding the current juridical review of PTSL implementation.

2. RESEARCH METHOD

The method used in this article is quantitative. Qualitative research is research that analyzes data in the form of numbers that can be obtained from the sum or measurement of a variable supported by interview and juridical data. Quantitative data can be obtained by means of questionnaires, test scales, or observation.⁹

3. RESULTS AND DISCUSSION

3.1. The Existence of a Complete Systematic Land Registration System in Central Java

Based on Article 1 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 12 of 2017 concerning Acceleration of Complete Systematic Land Registration, it is explained that Complete Systematic Land Registration, hereinafter abbreviated as PTSL, is a land registration activity for the first time carried out regularly simultaneously for all objects of Land Registration throughout the territory of the Republic of Indonesia in one village area or another name at the same level, which includes collecting and determining the correctness of physical data and juridical data regarding one or several objects of Land Registration for the purposes of registration.¹⁰

The implementation of systematic land registration in its implementation is often associated with the term adjudication.¹¹ The word adjudication is a technical term in land registration which has the meaning: activities and processes in the context of systematic land registration for the first time, in the form of collecting and verifying the truth of physical and juridical data regarding a plot of land or more for the purpose of registration. Furthermore, it was stated by Boedi Harsono, that what is meant by adjudication is an activity carried out in the context of the land registration process for the first time, including the collection and determination of the truth of physical data and juridical data regarding one or several objects of land registration for the purpose of registration. The purpose of implementing systematic land registration, namely legal

⁸ Yaya Kareng, Ong Argo Victoria, R. Juli Moertiyono. (2019). How Notary's Service in Thailand. *Sultan Agung Notary Law Review*, 1 (1), 46-56, <http://jurnal.unissula.ac.id/index.php/SANLaR/article/view/4435>

⁹ Sugiyono, (2013), *Metode Penelitian Kuantitatif, Kualitatif, dan Kombinasi (Mixed Methods)*, Bandung: Alfabeta, p. 5.

¹⁰ Op.Cit.

¹¹ Boedi Harsono, (2008), *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan pelaksanaannya*, Jakarta: Djambatan, p. 472.

order and administrative order, will be achieved, among others, through the priority of implementing mass land certificates through systematic land registration.¹² The following are the stages of implementing Complete Systematic Land Registration (PTSL) which are divided into several stages, namely, as stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning complete systemic registration:

- a. plans;
- b. location determination;
- c. preparation;
- d. establishing and determining the PTSL adjudication committee and task force;
- e. counseling;
- f. physical data collection and juridical data collection;
- g. juridical data research for proof of rights;
- h. announcement of physical data and juridical data and their ratification;
- i. confirmation of conversion, recognition of rights and granting of rights;
- j. book of rights;
- k. issuance of land rights certificates;
- l. documentation and submission of activity results; and
- m. report.

The target of certificate registration in several areas in the Central Java region with the existing realization is still not appropriate.

- a. The target for the implementation of PTSL in the Semarang City area is 7,400 but the realization for clear and clean land only reaches 5,660;
- b. The target for the implementation of PTSL in the City of Salatiga is 2,000, for the City of Sala Tiga, the achievement of PTSL is in accordance with the implementation target;
- c. The target for the implementation of PTSL in the Semarang Regency area is 51,617, in fact land registration through PTSL in a clear and clean manner only reaches 36,521;
- d. The target for the implementation of PTSL in the Kendal Regency area is 41,617, in fact land registration through PTSL in a clear and clean manner only reaches 35,893;
- e. The target for the implementation of PTSL in the Demak Regency area is 45,726, in fact land registration through PTSL in a clear and clean manner only reaches 33,411.

3.2. Obstacles in the Implementation of a Complete Systematic Land Registration System

The obstacles that arise in the implementation of the Complete Systematic Land Registration in the City of Semarang, namely:¹³

¹²Ibid, p. 25.

¹³Suyus Windayana, Loc. Cit

- a. Lack of knowledge of citizens about land law, so that many letters of transfer of adjudication and ownership certificates that are owned by residents are only receipts or are found to be incomplete in the order of ownership.
- b. The number of adjudication and prona participants whose economic conditions are low, so that the obligation to pay Land and Building Tax for years has not been paid so that determining the payment of BPHTP becomes a separate obstacle.
- c. A lot of time is taken to provide direction on disputes between the parties, because the problem with the proof of ownership or the boundary in the field does not match the proof of ownership on the other side.
- d. The low interest in participation from the community can be seen when officers from the land office come to a location that has been designated as a PTSL location, but when the officer knocks on the door of a resident's house to conduct socialization, and is told that the land will be measured, the person is busy. If there is no desire to participate in PTSL activities, the committee assigned must be able to convince the community that the existence of PTSL can have a positive impact, and benefit the community itself. For example, it can be socialized that PTSL, not only produces output in the form of certificates, but the most important thing is to register every plot of land in Indonesia while at the same time fixing existing certificates, and suppressing land disputes. The rights holders may be granted certificates,

The ineffectiveness of complete systematic land registration in the study of legal system theory is influenced by the legal substance factor, which in this case is influenced by legal regulations in the land sector. The legal substance in the land sector regulated in the LoGA and the applicable laws and regulations has not been able to encourage public legal awareness. This is because the substance of the LoGA has not succeeded in becoming a social engineering tool in growing public legal awareness to register land. As a result, government programs in an effort to accelerate land registration do not run optimally.

Law as a tool of social engineering, the substance of the law, besides being regulatory, must also be coercive. The coercive nature of the law embodied in a legal product (statutory regulations) will be effective if there are sanctions for non-compliance or violation of the provisions stipulated by law. The substance of Article 23 paragraph (1) of the BAL, emphasizes that property rights, as well as any transfer of building use rights and the imposition of other rights must be registered according to the provisions referred to in Article 19. This provision explicitly obliges property rights holders to register every transfer of rights ownership of land, whether it is the transfer of ownership rights due to buying and selling, grants and so on.¹⁴ However, the provisions of Article 23 paragraph (1) of the UUPA which are imperative in nature do not have coercive power, because there are no strict sanctions for those who do not register any transfer of rights as referred to in the article.¹⁵

¹⁴Suyikati, Loc. Cit

¹⁵Mira Novana Ardani, (2019), Tantangan Pelaksanaan Kegiatan Pendaftaran Tanah Sistematis Lengkap dalam Rangka Mewujudkan Pemberian Kepastian Hukum, *Jurnal Gema Keadilan*, Volume 6, Edition III, October - November 2019, p. 278-279.

The absence of sanctions for holders of land rights who do not and have not registered their land rights in the UUPA and Government Regulation Number 24 of 1997 concerning Land Registration, causes the provisions of Article 23 paragraph (1) to be less effective. Talking about the effectiveness of law in society means talking about the power of law in regulating and or forcing people to obey the law. Legal effectiveness means reviewing the rules that must meet the requirements, namely applicable juridically, sociologically, and philosophically.¹⁶

Efforts are being made to overcome the obstacles that arise in the implementation of the land registration by providing legal counseling to the community, so that residents get adequate legal information and knowledge to support the proper implementation of land registration. For the payment of BPHTB (Bea for the Acquisition of Land Rights) for residents who can't afford it, they have received relief in their payments.

4. CONCLUSION

Land registration is the most important thing in people's lives, especially related to the economic aspect. The low level of public knowledge and awareness of land registration often makes land registration not effective in the community. Complete Systematic Land Registration is here as a new alternative. PTSL which is a new alternative in reality has not been able to be implemented effectively. This is due to obstacles in the form of a lack of knowledge of citizens about land law, so that many letters of adjudication transition and ownership certificates are only receipts or are found to be incomplete in order of ownership, the number of adjudication and prona participants whose economic conditions are low, so it needs more legal focus on it.

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¹⁶Zainuddin Ali, (2011), *Filsafat Hukum*, Jakarta: Sinar Grafika, p. 94.

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