

THE REGISTRATION OF PROPRIETARY LAND AS A RESULT OF EXCHANGE FOR VILLAGE CASH LAND THROUGH A COMPLETE SYSTEMATIC LAND REGISTRATION PROGRAM

Ade Riusma Ariyana

Master of Law, Universitas Semarang (USM), Indonesia, Email: aderiusma@gmail.com

ARTICLE INFO

Keywords:

Exchange; Land;
Registration; Village

ABSTRACT

Complete Systematic Land Registration (PTSL) is a land registration process for the first time, which is carried out simultaneously and includes all land registration objects that have not been registered in a village or sub-district area or other names at the same level. Land is not always located in strategic areas. There are several processes including land exchange. The aim of this research is to determine and analyze the process of registration of land ownership resulting from an exchange with village cash land through the PTSL program until the issuance of the certificate of ownership in Cilacap Regency; To find out and analyze what obstacles and solutions are faced by the Applicant, the Cilacap Regency Regional Government, and the Cilacap Regency Land Office in the Process of Registration of Ownership Land as a result of the Exchange with Village Treasury Land through PTSL until the issuance of the Ownership Certificate in Cilacap Regency. This research uses a sociological juridical type of research, the research specifications are descriptive, the data sources used by the author are primary data and secondary data. The results of this research are The process of exchanging community land for village treasury land in Cilacap Regency is in accordance with applicable regulations, namely in accordance with the Cilacap Regent's Letter dated 22 December 2004 Number: 143/033/00. Meanwhile, the process of registering freehold land resulting from an exchange with village treasury land through the PTSL program in Cilacap Regency is in accordance with PTSL technical instructions Number 1/Juknis-100.Hk.02.01/I/2021 and has been completed until the issuance of the Ownership Certificate. The Petitioner and the Regional Government did not encounter any obstacles in implementing the Registration of Ownership Land as a result of the Exchange with Village Treasury Land through the PTSL Program until the issuance of the Certificate of Ownership in Cilacap Regency. Meanwhile, the obstacle faced by the Cilacap Regency Land Office is that the distance between the exchange process and land registration is very long, namely 18 years, which creates obstacles

A. INTRODUCTION

In the history of human civilization, land is the most important factor in determining production in each phase of civilization. Land not only has high

economic value, but also philosophical, political, social and cultural value¹. It is not surprising that land is a special asset that continually triggers various complex and complicated social problems.²

Based on Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration, land registration is a series of activities carried out by the Government continuously, continuously and regularly, including collection, processing, bookkeeping and presentation as well as maintenance of physical data and juridical data, in the form of maps and lists, regarding plots of land and apartment units, including the provision of letters of proof of title to plots of land for which there are already existing rights and ownership rights to apartment units and other rights. certain rights that burden him. Land registration for the first time is the activity of registering for the first time a plot of land that was not previously registered according to the relevant land registration provisions.³

Complete Systematic Land Registration (PTSL) is a land registration process for the first time, which is carried out simultaneously and includes all land registration objects that have not been registered in a village or sub-district area or other names at the same level.⁴Through this program, the government guarantees legal certainty or rights to land owned by the community.

Land is not always located in strategic areas for development to be carried out. Obtaining land in the desired location cannot always be achieved by buying and selling between parties. There are several processes including land exchange. Based on Government Regulation number 27 of 2014 concerning Management of State/Regional Property, exchange is the transfer of ownership of regional state property carried out between the central government and regional governments, between regional governments, or between central regional governments and other parties, by receiving compensation in the form of goods of at least equal value⁵.

Village treasury land is part of the village's wealth which has potential for running village household affairs. Villages have the authority to carry out village autonomy based on customary provisions, have wealth in the form of customary lands. crooked and various types of village bondho soil. This means that villages have autonomy in the sense of independence in managing and determining issues related to the land in their area. This independence in management is supported by a village deliberation

1 Sri Hartati., The Sustainable Cropland Protection In The Perspective Of Policy Implementation In Karawang Regency, *Journal of New Government Paradigm*, Vol. 2, No. 2, 2015, page. 73

2 Benhard Limbong., *Land Conflict*, Jakarta: Magaretha Pustaka, 2012, page. 1.

3 Boedi Harsono., *Indonesian Agrarian Law print 12*, Jakarta, Djangkat, 2008, page. 74.

4 National Land Agency., *Policy Paper for the Implementation of Accelerated Land Registration*, Jakarta: BPN RI, 2017, page. 8.

5 Sri Ahyani., Land Registration As A Legal Construction Of Law In Order To Facing Asean Economic Communities, *International Journal of Nusantara Islam*, Vol. 06, No. 02, 2017, page.198-207;Also see: Yunita Budi Chrissanni dan Amin Purnawan, Peranan PPAT dalam Pemungutan Bea Perolehan Hak Tanah dan Bangunan (BPHTB) On Line Atas Transaksi Jual Beli Tanah dan Bangunan di Kota Magelang, *Jurnal Akta*, Vol. 4 No. 3, 2017, page. 3.

mechanism through "minggon" meetings (community meetings) which function as a forum to involve as many community members as possible before the village head makes important decisions, especially those relating to land.⁶

In accordance with the provisions of Article 6 paragraph (1) of the Minister of Home Affairs Regulation Number 1 of 2016 concerning Village Asset Management, as one of the village assets⁷, village treasury land must be certified in the name of the Village Government. Regarding its use, benthic land can be in the form of rent, lease-to-use, cooperative use, and build-to-transfer.

B. RESEARCH METHODS

This research uses a type of Sociological Juridical research, Sociological Juridical, namely by finding legal realities experienced in the field or an approach that stems from problems regarding juridical matters and existing realities. Sociological juridical legal research mainly examines primary data while also collecting data from secondary data. So in this research it is more suitable to use sociological juridical, because in formulating the problem the data obtained is more accurate.⁸ This research uses descriptive research specifications. Descriptive research according to Soerjono Soekanto is research that is intended to provide as precise data as possible about people, conditions or other symptoms.⁹

C. RESULTS AND DISCUSSION

1. The process of registering land ownership rights resulting from an exchange with village treasury land through the complete systematic land registration program until the issuance of a certificate of ownership rights in Cilacap Regency

Cilacap Regency has an area of 225,360,840 Ha, which is divided into 24 sub-districts, 269 villages and 15 sub-districts, because the number of village areas is so large compared to sub-district areas in Cilacap Regency and in order to support accelerated development in accordance with the 2008 Regional Medium Term Development Plan-2012, in order to realize the optimization of government administration, development and community welfare, which is directed at empowering rural communities in accordance with the determination of the Governor of Central Java "Bali Ndeso Mbangun Deso", the Regent of Cilacap issued

6 Sri Winarsi & Sumardji., *Village Treasury Land Management in the Era of Regional Autonomy*, Institute for Research and Community Service, Surabaya: Airlangga University, 2005, page:14.

7 Laura Notess (WRI) , Peter Veit (WRI), Iliana Monterroso (WRI), Andiko (WRI), Emmanuel Sulle (WRI), Anne M. Larson (WRI), Anne-Sophie Gindroz (WRI), Julia Quaedvlieg (WRI) and Andrew Williams (WRI) - July 2018, *The Scramble for Land Rights, Reducing Inequity between Communities and Companies*, <https://wri-indonesia.org/en/publication/scramble-land-rights>.

8 Hilman Hadi Kusuma., *Methods for Making Legal Science Working Papers or Theses*, Bandung: CV. Mandar Maju, 1995, page. 7.

9 Soerjono Soekanto., Jakarta, *Introduction to Legal Research*, UI Press, 1986, page. 32.

Cilacap Regent Regulation Number 76 of 2011 concerning Guidelines for Implementing the "Proud to Mbangun Desa" Movement which is oriented towards comprehensive rural development in the fields of education, health, economics and the socio-cultural environment, without abandoning urban development with the principles of, by and for the community, therefore development is very important for the welfare of villages and their communities in Cilacap Regency.

In this case, village treasury land plays an important role in the welfare of the village, village treasury land is still very much needed to pay its officials. This is different from sub-districts whose officials are paid by the government¹⁰.

Exchanging village treasury land for freehold land can occur, as long as the person requesting village treasury land must also replace the land, and the land used as a replacement for village treasury land must be more profitable for the Village and must not be detrimental to the Village.

In the village treasury land exchange process, there are several permits that need to be obtained first, including permission from the Regent and Governor. Only then can the land be processed to become freehold land. These permits are in the form of permission from the local village government by holding a village meeting, known in Cilacap Regency as "village discussion", namely a village meeting to obtain an agreement so that the bent land can be released and transferred to individuals. After receiving approval from the village, other things that must be completed include a Decree from the Regent of Cilacap and a Decree from the Governor of Central Java. The village treasury land exchange process has undergone changes in the licensing process, namely:¹¹ 1) Before 1980, the initial process of transferring the status of village treasury land including village treasury land before 1980 was with a "village meeting", namely a village meeting to obtain an agreement so that the bent land could be released and transferred to individuals. After a consensus is reached in the village meeting, it is submitted to the regent for follow-up and a decision letter is made from the regent. Before 1980 the only permit required was permission from the regent of Cilacap Regency without any permission from the Governor of Central Java. Only then can it be registered as freehold land at the Land Office. 2) Between 1980 – 2001, the process of transitioning village treasury land into privately owned land between 1980 and 2000 required obtaining recommendation permits from the Regent and Governor. Apart from permission from the Regent and Governor, it must also be done beforehand, namely a "village meeting" so that there are no misunderstandings between the community. These files must be complete and there must be no deficiencies. Because if there is a

10 Wood, David., *Forests to Fields, Restoring tropical lands to Agriculture, Land Use Policy*, Vol. 10, page.91-107.

11 Interview with (Narko Upoyo) Village Analyst, Village Government Development Staff, Community and Village Empowerment Service, Cilacap Regency, 24 May 2023.

shortage, in this case a lack of documents, either a Decree from the Regent, Governor or from the Village, then the process of transferring the bent land cannot take place. 3) In 2001-2006, from 2001 to 2006 in Cilacap Regency the regional autonomy system was implemented. Regional autonomy is the right to organize and manage one's own household. The permission required to carry out the process of transferring village treasury land to freehold land is only with the Regent's permission¹². This is different from the process of transferring the status of village treasury land to ownership before 2001, which required completing a Decree from the Governor. Between 2001-2006 the only permission required was from the village, namely by village decision letter by holding a "village meeting" and a decision letter from the Regent of Cilacap only. So, from 2001 to 2006 the governor's permission was no longer needed. 4) From 2007 until now, the process of transitioning the status of village treasury land to freehold land in Cilacap Regency starting in 2007 again implemented permits from 1980 to 2000. Apart from the Village Decree obtained through village meetings, there must also be a Decree from the Regent of Cilacap and Decree of the Governor of Central Java¹³.

In this thesis, the author conducted research in Adimulya Village, Wanareja District, Cilacap Regency, the exchange of village treasury land with freehold land in Adimulya Village, Wanareja District was carried out in 2004 so that permission was needed only from the Village, namely by Village Decree by holding a "rembug village" and a Decree from the Regent of Cilacap only. These documents must be completed before being registered to become property rights at the Land Office. If one of these documents cannot be completed then the process of transferring the village treasury land into ownership will not be able to occur.

These permits are very important in managing the process of exchanging village treasury land for freehold land because if these permits are not completed then the land office cannot process the land due to incomplete administration.

In 2004, the Adimulya Village Government, Wanareja District carried out an exchange of unproductive (often flooded) Village Treasury land covering an area of 7,863 m² (subsequently divided into 21 plots) with community land covering an area of 8,022 m² (subsequently becoming village treasury/Bengkok Village land) .

After the exchange process was complete, 21 plots of land had been released to the public, however land certificates were only issued for 7 plots so there were still 14 other plots that had not yet been

12 Ngadenan., Eksekusi Hak Tanggungan Sebagai Konsekuensi Jaminan Kredit Untuk Perlindungan Hukum Bagi Kepentingan Kreditur Di Mungkid, *Jurnal Law Reform*, Vol. 5, No. 1, April 2010

13 Karina Prasetyo Putri., Tanggung Jawab Dan Perlindungan Hukum Bagi Notaris Purna Bakti Terhadap Akta Yang Pernah Dibuat (Analisis Pasal 65 dan Pasal 66 Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris), *Jurnal Fakultas Hukum*, Universitas Brawijaya

certified because at that time the land owners of these 14 plots did not yet have the costs of certifying them so that after With the PTSL Program, the land owners of these 14 plots have just registered their land through the PTSL program because there are no land certification fees and especially in Cilacap Regency, the Regional Government waives BPHTB fees for PTSL, while those that have become village land are 2 plots in Sidamulya Village, Wanareja District. Cilacap Regency and 1 plot in Sidamulya Village, Wanareja District, Cilacap Regency, no one has a certificate yet. Previously, the two villages were one village, namely Wanareja Village, which later expanded into three villages.¹⁴

The people who own 14 plots of land as a result of the exchange feel helped by the PTSL program, after waiting 18 years without having a land certificate and the unclear status of the land, they have now received a land ownership certificate as a legal certainty as in Article 2 of Ministerial Regulation Number 6 of 2018 regarding Complete Systematic Land Registration (PTSL), that "The aim of implementing complete systematic land registration is to realize the provision of legal certainty and legal protection of community Land Rights based on the principles of simple, fast, smooth, safe, fair, equitable and open and accountable, so that it can increasing the welfare and prosperity of society and the country's economy, as well as reducing and preventing land disputes and conflicts"

Van Kant said that "law aims to safeguard the interests of each human being so that these interests are not disturbed. That the law has a duty to guarantee legal certainty in society."¹⁵

2. Implementation of Complete Systematic Land Registration in Cilacap Regency

The current land registration policy refers to Ministerial Regulation Number 6 of 2018 concerning Complete Systematic Land Registration in which the ATR/BPN ministry targets 126 million certified land parcels throughout Indonesia by 2025.

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 Systematic Land Registration Article 2 states that this Ministerial Regulation is intended as a guideline for implementing PTSL activities carried out village by village in district areas and subdistrict by subdistrict in urban areas which covers all plots of land throughout the territory of the Republic of Indonesia. Complete Systematic Land Registration aims to realize the provision of legal certainty and legal protection of community Land Rights based on the principles of simple, fast, smooth, safe, fair, equitable and open and accountable, so that it can improve the welfare and prosperity of society

14 Interview with (Novyan) Secretary of Adimulya Village, Wanareja District, Cilacap Regency, 9 May 2023.

15 CST Kansil, Introduction to Indonesian Law and Legal Administration, Jakarta: Balai Pustaka, 2002, page. 44.

and the country's economy, as well as reduce and prevent land disputes and conflicts

Complete Systematic Land Registration (PTSL) in the territory of the Republic of Indonesia is a land registration process for the first time, which is carried out simultaneously and includes all land registration objects that have not been registered in a village or sub-district area or other names at the same level. The Complete Systematic Land Registration Program (PTSL) apart from targeting community land that has not been registered/certified, also targets waqf land, Government land and Village asset land that has not been registered/certified. Through this program, the government guarantees legal certainty or rights to land owned by the community.

Based on the Decree of the Head of the Cilacap Regency Land Office Number: 5352/SK-33.01.UP.02.03/XII/2022 concerning the Sixth Revision of Determination of Locations for Complete Systematic Land Registration (PTSL) in 2022, the Cilacap Regency Land Office in 2022 received a PTSL target allocation of 57,257 plots for SHAT (Land Rights Certificate), 79,111 PBT (Land Plot Map) plots, and 4,000 K 4 plots (Cluster 4, namely Updating land plots that have been certified on the registration map) located in 80 villages/districts.

Through the PTSL program, the completion of land certification in the Cilacap Regency area was carried out because of the synergy between BPN, Regional Government, Village Government and the community. In the PTSL program the applicant, in this case, makes things very easy for the community in terms of requirements and land registration until the certificate is issued, in the PTSL program the applicant/community simply sits back and doesn't have to bother going to the Land Office in person to process the land registration because the BPN officers, in this case the Adjudication Committee PTSL is the one who will take the ball to each village to carry out outreach, land registration, and distribute certificates to each village until the certificates are in the hands of the community.

The existence of the Complete Systematic Land Registration (PTSL) program by the Cilacap Regency Land Office will be a means of realizing the image of a village with a complete village information system and as a basis for processing the administration of a complete and actual land database. To date, the Cilacap Regency Land Office continues to ensure that all land plots in several designated locations can be measured and maintain physical land data. This was done in order to achieve the main target of land registration through Complete Systematic Land Registration (PTSL), the realization amount of which is adjusted to the amount of budget available by the current year's APBN¹⁶.

16 Anang Ade Irawan., Pertanggungjawaban Ahli Waris Notaris sebagai Pejabat Umum atas Akta Notaris yang Menimbulkan Kerugian Para Pihak, *Jurnal Lentera Hukum*, Vol. 5, Issue. 2, 2018 see Eko Puji Hartono, Akhmad Khisni., The Role of PPAT in Making the Deed of Transfer of Rights to Land and/or Buildings Formerly of Customary Ownership Related to the

The existence of the Complete Systematic Land Registration (PTSL) program implemented by the Cilacap Regency Land Office is an advantage for the Village Government, one of which is building a complete database and land map in the village and securing village assets, in this case the village treasury land certificate/bench.

Apart from providing benefits for the Village Government, Complete Systematic Land Registration (PTSL) also provides benefits for people who have never registered their land as owners/right holders because the program does not charge the community any fees for the costs of socialization, measurement, and issuance of land certificates covered by the government through the State Revenue and Expenditure Budget (APBN) except for pre-certificate administration costs which are charged to the applicant such as making and installing boundary signs, stamps and so on which are determined by the village meeting.

In order to support the smooth and successful implementation of Complete Systematic Land Registration (PTSL) activities in the Cilacap Regency area, the Regent of Cilacap provided exemption from Land and Building Rights Acquisition Fees (BPHTB) which should be collected from the process of transferring land rights as an incentive from the Cilacap Regency Government¹⁷.

By regulation, the Cilacap Regency Regional Government issued Cilacap Regency Regional Regulation No. 3 of 2021 concerning the Third Amendment to Cilacap Regency Regional Regulation Number 18 of 2010 concerning Regional Taxes and Regent's Regulation Number 79 of 2017 concerning Financing of Preparations for the Implementation of PTSL for the Community in Cilacap Regency which was later updated with Regent's Regulation Number 34 of 2019.

The land certification/asset legalization policy implemented by the Cilacap Regency Land Office is a small part of the agrarian reform process. Bearing in mind, the agrarian reform agenda that should be pushed by the government before issuing the legalization of land assets/certification is to reorganize unequal control, ownership and use of land to create the bases of society's productive forces and realize social justice as stipulated in Article 5 paragraph (1) TAP MPR NO: IX/MPR/2001 Concerning Agrarian Reform. We need to know that the implementation of agrarian reform is intended to improve people's welfare. There are two schemes that can be implemented by the government in implementing land reform, namely asset reform and access reform. Asset reform is carried out with the presence of the state to provide land to people who need it and strengthen land ownership rights to land that has been controlled by the community. Looking at the high asset legalization target data from the Cilacap Regency Land Office,

Payment of Duty on the Acquisition of Rights to Land and/or Buildings, *Jurnal Akta*, Vol. 5, No. 1, March 2018

¹⁷ Harnita, dkk., Tanggung Jawab PPAT dalam Penetapan Nilai Transaksi Jual Beli Tanah dan Bangunan di Kota Banda Aceh, *Udayana Master Law Journal*, Vol. 8, No. 3 September 2019, page. 354-370.

it shows that strengthening land ownership rights to land – land that has been controlled by the community is a priority. Furthermore, there is access reform as a manifestation of the presence of the state towards recipients of reform assets so that they are able to empower their land to improve their welfare so that improvement efforts carried out through restructuring the structure of control, ownership, use and utilization of land into a new agrarian order will be able to guarantee justice and harmony. social, productivity and sustainability. The implementation of this access program is carried out through the distribution and redistribution of assets owned by the State for people who do not have land assets to support their daily lives. Therefore, the Cilacap Regency BPN Office needs to view Agrarian Reform as a big agenda in contributing to realizing people's welfare.

3. Implementation of the Registration Process for Ownership Land as a result of Exchange with Village Treasury Land through the Complete Systematic Land Registration Program in Cilacap Regency

Adimulya Village is one of the villages that received the Complete Systematic Land Registration Program (PTSL) in 2022, in the locations affected by the Complete Systematic Land Registration Program (PTSL) there are plots of land that have the status of land resulting from the exchange of village treasury land for land owned by the community. which have not been completed until the certification stage.

The applicant, in this case the community and the Adimulya Village Government as the party carrying out the exchange of village treasury land with community-owned land, submitted an application for registration of the land resulting from the exchange to the Complete Systematic Land Registration Program (PTSL), and the Adjudication Committee TIM IV Registration Complete Systematic Land The Cilacap Regency Land Office identified the land resulting from the exchange by checking the location and collecting land data on measuring drawings to match the land conditions and PTSL measuring results.

The results of the identification carried out by the TIM IV Adjudication Committee Complete Systematic Land Registration of the Cilacap Regency Land Office regarding the land resulting from the exchange, namely that there are 21 plots of community land resulting from the exchange and 3 plots of village treasury land resulting from the exchange, within the 21 plots of community land resulting from the exchange In this exchange, there were 7 plots of land that had been certified and the remaining 14 plots had not been certified, therefore these 14 plots of land were registered through the Complete Systematic Land Registration Program (PTSL).

From the results of the Land Identification Exchange of Village Treasury Land with Freehold Land in Adimulya Village, Wanareja District, Cilacap Regency above, it shows that there are 7 plots of land that were certified in 2005 with Ownership Rights Numbers 87 to 93, 8 plots of

land have changed ownership, and 6 plots land which still has the same ownership as the Decree of the Regent of Cilacap Regarding Permits to Disposal of Land to the Treasury of Adimulya Village, Wanareja District in 2004.

In the village treasury land exchange process, initially the Cilacap Regency Housing, Settlement and Land Service was in charge, after the existence of the Cilacap Regency Regional Government Governance Organization, its authority was delegated to the relevant Regional Apparatus Organization, namely the Cilacap Regency Community and Village Empowerment Service.

The authority regarding village treasury land in Cilacap Regency starting from 2019 is the authority of the Cilacap Regency Community and Village Empowerment Service, but because the Adimulya Village Government sent a letter to the Cilacap Regent regarding land problems in Adimulya Village, the Cilacap Regent Disposed it to the Head of the Housing, Settlement and Areas Service. Cilacap Regency Land Affairs to be facilitated in resolving land problems in Adimulya Village and followed up with a meeting of the Cilacap Regency Land Problem, Dispute and Conflict Resolution Facilitation Team.

Furthermore, the Head of the Cilacap Regency Housing, Settlement and Land Office wrote a letter to the Head of the Cilacap Regency Land Office dated December 8 2022 regarding the follow-up to the resolution of the land problem in Adimulya Village, Wanareja District, then forwarded it to the Head of the Land Acquisition and Development Section of the Cilacap Regency Land Office for processing the certificate application. the remainder through the Complete Systematic Land Registration program in Adimulya Village, Wanareja District.

The Head of the Land Acquisition and Development Section of the Cilacap Regency Land Office who was also at that time the Head of Adjudication for TEAM IV Complete Systematic Land Registration, the Cilacap Regency Land Office followed up on the land registration stage through the Complete Systematic Land Registration program.

Basically, the Cilacap Regency Land Office does not have the duties and authority in the process of exchanging village treasury land for community land because this is the duty and authority of the Regional Government and the Regent who issues the permit to release the village treasury land, the Cilacap Regency Land Office has the duties and authority in land registration which is carried out after the exchange process is completed with the requirements of application files, title documents, village treasury land release permit/permit documents, spatial planning information, description of village assets for village government land applicants, proof of tax deposits, Land Plot Map, then registered through the Rights Grant Application process.

The handover of the certificate resulting from the exchange of village treasury land with property rights through the Complete Systematic Land Registration program is handed over directly by the Adjudication Committee Team IV Complete Systematic Land Registration

of the Cilacap Regency Land Office to the Applicant/Community by coming directly to the village, becoming the applicant/community recipient of the certificate. There is no need to bother coming to pick it up at the Cilacap Regency Land Office, this is very helpful for the applicant / community considering the distance from Adimulya Village, Wanareja District, which is quite far from the Cilacap Regency Land Office, namely approximately 80 km.

According to Edi Suprayitno as one of the recipients of the certificate, with the Complete Systematic Land Registration program in Adimulya Village, the community, especially those who own land resulting from the exchange of village treasury land with freehold land, has really felt helped both in processing the certificate and in the costs of certificates and the community as well. Very happy because after waiting 18 years without having a land certificate and the unclear status of the land, now we have received a land title certificate as a legal certainty.

4. Obstacles and solutions faced by the Petitioner, the Cilacap Regency Regional Government, and the Cilacap Regency Land Office in the Process of Registration of Ownership Land as a result of Exchange with Village Treasury Land through the Complete Systematic Land Registration Program until the issuance of the Ownership Certificate in Cilacap Regency

In implementing the registration of land ownership rights resulting from an exchange with village treasury land through the Complete Systematic Land Registration Program until the issuance of the Certificate of Ownership Rights in Cilacap Regency, it can be said that there are no obstacles faced by the applicant because through the Complete Systematic Land Registration program, the applicant really benefits and making the land registration process easier.

The obstacles faced by the Cilacap Regency Regional Government, in this case the Cilacap Regency Community and Village Empowerment Service and the Cilacap Regency Housing, Settlement and Land Service, generally have no obstacles because the village treasury land exchange process was completed in 2004.

Meanwhile, the obstacles faced by the Cilacap Regency Land Office, in this case the Adjudication Committee Team IV Complete Systematic Land Registration, are because the distance between the exchange process and land registration is very long, namely 18 years, giving rise to the following obstacles and solutions:¹⁸

No.	Constraint	Solution
1.	Soil conditions have changed	Matching the measurement results of the Complete Systematic Land Registration in the field with the measuring areas

18 Interview with (Budi Andoyo, A.Ptnh) Chair of the 2022 Cilacap Regency PTSL Team IV Adjudication Committee, 4 May 2023.

		contained in the Regent's Decree and Measuring Drawings of 7 plots of land that were HM in 2005 at that location.
2.	Subject Rights that have been transferred	Request documents regarding the transfer of rights and include the history of the land in the Statement of Physical Land Control.
3.	Slow land registration file requirements	Often coordinate and pick up the ball directly to the homes of community members/applicants.
4.	Lack of Human Resources in implementing the Registration of Ownership Land as a result of Exchange with Village Treasury Land through the Complete Systematic Land Registration Program	Adding help from outside employees and maximizing working time.
5.	Distance of land location to Cilacap Regency Land Office Distance of land location to Regency Land Office	Maximize working time while at the location/village by always coordinating by telephone with the village and POKMAS.

D. CONCLUSION

The process of exchanging community land for village treasury land in Cilacap Regency is in accordance with applicable regulations, namely in accordance with the provisions stipulated in the Cilacap Regent's Letter dated 22 December 2004 Number: 143/033/00 concerning Permits for the release of Adimulya village treasury land, Wanareja District, which stated, among other things, that the administrative completeness of the exchange of Adimulya village treasury land had been examined by the Committee for Procurement, Disposal and Transfer of Village Cash Land/bench in the Cilacap Regency area at that time and had been stipulated in the Adimulya Village Regulation, Wanareja District Number: 143/IX/2004 dated 18 September 2004 which is guided by the Letter of the Minister of Home Affairs of the Republic of Indonesia Number: 412.2/7608/BPD dated 2 December 2016 concerning Elucidation of Article 9 paragraph (2) Article 48, and Article 49 paragraph (2) of Minister of Home Affairs Regulation Number 1 of 2016 concerning Village Asset Management which had been implemented before Minister of Home Affairs Regulation Number 4 of 2007 concerning Village Wealth Management Guidelines, was fully implemented in accordance with the provisions in force at that time and was guided by the provisions of Cilacap Regency Regional Regulation Number 24 of 2000 concerning Village Income Sources which, among other things, regulates cash land exchange. village can be implemented after the Village Treasury

land release permit is issued from the Regent. Meanwhile, the process of registering freehold land resulting from an exchange with village treasury land through the Complete Systematic Land Registration Program in Cilacap Regency is in accordance with the technical instructions for Complete Systematic Land Registration Number 1/Juknis-100.Hk.02.01/I/2021 and has been completed until publication Certificate of Ownership.

BIBLIOGRAPHY

Books:

- Anang Ade Irawan., Pertanggungjawaban Ahli Waris Notaris sebagai Pejabat Umum atas Akta Notaris yang Menimbulkan Kerugian Para Pihak, *Jurnal Lentera Hukum*, Vol. 5, Issue. 2, 2018;
- Benhard Limbong., 2012, *Land Conflict*, Magaretha Pustaka. Jakarta;
- Boedi Harsono., 2008, *Indonesian Agrarian Law print 12*, Djangkat, Jakarta;
- CST Kansil., 2002, *Introduction to Indonesian Law and Legal Administration*, Balai Pustaka, Jakarta;
- Hilman Hadi Kusuma., 1995, *Methods for Making Legal Science Working Papers or Theses*, CV. Mandar forward. Bandung;
- M. Iqbal Hasan., 2012, *Main Materials of Research Methodology and Application*, Ghalia Indonesia, Jakarta;
- Sri Winarsi & Sumardji., 2005, *Village Treasury Land Management in the Era of Regional Autonomy*, Institute for Research and Community Service, Airlangga University, Surabaya;

Journals:

- Eko Puji Hartono, Akhmad Khisni., The Role of PPAT in Making the Deed of Transfer of Rights to Land and/or Buildings Formerly of Customary Ownership Related to the Payment of Duty on the Acquisition of Rights to Land and/or Buildings, *Jurnal Akta* Vol. 5, No. 1, March 2018;
- Harnita, dkk., Tanggung Jawab PPAT dalam Penetapan Nilai Transaksi Jual Beli Tanah dan Bangunan di Kota Banda Aceh, *Udayana Master Law Journal*, Vol. 8, No. 3 September 2019,
- Karina Prasetyo Putri., Tanggung Jawab Dan Perlindungan Hukum Bagi Notaris Purna Bakti Terhadap Akta Yang Pernah Dibuat (Analisis Pasal 65 dan Pasal 66 Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris), *Jurnal Fakultas Hukum*, Universitas Brawijaya;
- Ngadenan., Eksekusi Hak Tanggungan Sebagai Konsekuensi Jaminan Kredit Untuk Perlindungan Hukum Bagi Kepentingan Kreditur Di Mungkid, *Jurnal Law Reform*, Vol. 5, No. 1, April 2010;

Sri Ahyani., Land Registration As A Legal Construction Of Law In Order To Facing Asean Economic Communities, *International Journal of Nusantara Islam*, Vol. 06, No. 02, 2017;

Sri Hartati., The Sustainable Cropland Protection In The Perspective Of Policy Implementation In Karawang Regency, *Journal of New Government Paradigm* Vol. 2, No. 2, Edition, 2015;

Wood, David., Forests to Fields, Restoring Tropical Lands To Agriculture, *Land Use Policy*. Vol.10, 1993;

Yunita Budi Chrissanni dan Amin Purnawan., Peranan PPAT dalam Pemungutan Bea Perolehan Hak Tanah dan Bangunan (BPHTB) On Line Atas Transaksi Jual Beli Tanah dan Bangunan di Kota Magelang, *Jurnal Akta*, Vol.4 No.3, 2017;

Websites:

Laura Notess (WRI) , Peter Veit (WRI), Iliana Monterroso (WRI), Andiko (WRI), Emmanuel Sulle (WRI), Anne M. Larson (WRI), Anne-Sophie Gindroz (WRI), Julia Quaedvlieg (WRI) and Andrew Williams (WRI) - July 2018, *The Scramble for Land Rights, Reducing Inequity between Communities and Companies*, <https://wri-indonesia.org/en/publication/scramble-land-rights>

Interview:

Interview with (Budi Andoyo, A.Ptnh) Chair of the 2022 Cilacap Regency PTSL Team IV Adjudication Committee.

Interview with (Narko Upoyo) Village Analyst, Village Government Development Staff, Community and Village Empowerment Service, Cilacap Regency.

Interview with (Novyan) Secretary of Adimulya Village, Wanareja District, Cilacap Regency.