

## The Role of the National Land Agency in the Complete Systematic Land Registration (PTSL) Program

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**Abstract.** *This study aims to analyze: 1) The role of the National Land Agency in the Complete Systematic Land Registration Program (PTSL) 2) Complete Systematic Land Registration Process (PTSL). The approach method used in this research is a sociological juridical approach. The specification of the research used is descriptive analytical research. Types of data using primary data and secondary data obtained through interviews and literature. The data analysis method used in this research is descriptive analysis. The results of the study concluded: 1) The role of the National Land Agency in the Complete Systematic Land Registration Program (PTSL) is to disseminate to the public about PTSL as well as being the implementing party for PTSL which includes PTSL planning activities, determining locations, preparing facilities and infrastructure, collecting physical and juridical data, conducting research on juridical data to prove rights, making announcements of physical and juridical data and validation, namely the issuance of land certificates. The role of the Pangandaran Regency Land Office is an authority that is obtained by attribution, namely from Legislation. 2) The Complete Systematic Land Registration (PTSL) process starts from the planning, location determination, preparation, formation and determination of the PTSL adjudication committee and task force, counseling, physical and juridical data collection, juridical data research, physical and juridical data announcement data as well as validation, bookkeeping of rights until, issuance and delivery of certificates are carried out based on statutory regulations.*

*Keywords: Agencies; Land; Roles.*

### 1. Introduction

The government has been continuously trying to carry out land registration in all regions of the country to ensure legal certainty. However, until now, the

implementation of land registration has not yielded satisfactory results. Areas that have implemented land registration have not reached 100%. If it is not immediately improved, various conflicts and land disputes will arise.<sup>1</sup>

Land registration is a prerequisite in efforts to organize and regulate allotment, control, ownership and use of land, including overcoming various land problems. Land registration is intended to provide certainty of rights and legal protection for holders of land rights by proving land certificates, as instruments for structuring land tenure and ownership as well as controlling instruments in land use and utilization. Registration of land rights is a guarantee from the State, and is an important instrument for the protection of landowners.<sup>2</sup>

Land registration that can reach all of Indonesia was realized by the government by launching the Complete Systematic Land Registration (PTSL) program. The government has set a target that by 2025 all land in Indonesia will have certificates, this target is an acceleration in the issuance of land certificates with a total of around 126 million plots which if carried out without acceleration will only be achieved within a period of more than 100 years.<sup>3</sup>PTSL as a manifestation of the government's efforts to speed up the land registration process because this program requires various roles from the government, in this case the Land Office as a committee and also village officials, as well as with support from the community.

Complete Systematic Land Registration (PTSL) is a substitute for the National Agrarian Operation Project (PRONA) program. In 2016, the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 35 of 2016 concerning the Acceleration of the Implementation of Complete Systematic Land Registration (PTSL) was stipulated. PTSL is a simultaneous land registration activity for all land registration objects for the first time. The method used in PTSL simultaneously replaces the method that was previously carried out sporadically. PTSL activities include collecting physical data and juridical data on land registration objects. The manifestation of this program

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<sup>1</sup>Maulida Soraya Ulfah. Denny Suwondo. Implementation of Complete Systematic Land Registration (PTSL) in Demak Regency. Proceedings: Unissula Student Scientific Conference (KIMU) 2. Unissula Semarang. 18 October 2019. p. 2

<sup>2</sup>Anis Ayu Rahmawati. Achmad Sulchan. Policy to Streamline the Filing of the Complete Systematic Land Registration Program (PTSL) at the Blora District Land Office. Deed Journal. Volume 5 Number 4. December 2018. p. 885

<sup>3</sup><https://www.atrbpn.go.id/>. accessed on October 22, 2022. at 16.00 WIB

is the issuance of land certificates. PTSL is an acceleration program that is targeted to be able to complete 79 million plots of land by 2025.<sup>4</sup>

The PTSL program conducts data collection on centralized land in one village where all land that does not yet have a certificate in that village will be certified. This is different from the PRONA program because in PRONA land data collection and land certificate recipients are carried out evenly in villages or sub-districts within one district but the issuance of land certificates is not comprehensive. Land in one village will be validated first to obtain data whether the land is disputed land or not. The lands that are still in dispute will be postponed prior to the issuance of the certificate until legal clarity regarding the land is obtained.

The main object of land registration or land registration is land whose data collection and presentation includes location, boundaries, area on the registration map, all of which are presented in the "land register". PTSL is a program aimed at assisting communities in obtaining legal certainty over their land. By owning a land certificate, people can use their land certificate to open or expand their business by increasing business capital. The PTSL program is a program that helps people get certificates free of charge. This program is carried out with a budget that has been determined by the government.<sup>5</sup>

The PTSL program is carried out by all regions in Indonesia, one of which is running in Pangandaran Regency. Efforts in order to provide guarantees of legal certainty and legal protection of land rights for people who do not yet have complete proof of ownership of land rights. The implementation of the PTSL Program in Pangandaran Regency experienced several obstacles, one of which was due to the fact that many residents did not understand the PTSL Program and also the difficulty of changing public interest in converting SPPT into certificates was still low. Regarding the cost of PSTL in Pangandaran Regency, it is regulated in Pangandaran Regent Regulation Number 12 of 2020 concerning Funding for Preparation of Complete Systematic Land Registration in Pangandaran Regency. The party that has an important role in the PTSL program is the National Land Agency (BPN).

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<sup>4</sup><https://kominfo.go.id/>. accessed on October 22, 2022. at 16.30 WIB

<sup>5</sup>Ardo Yoga. Implementation of Complete Systematic Land Registration Fees (PTSL) at City/Regency Level. 2021 Law Thesis. Unissula Notary Law Masters Program. Semarang. matter. 4

## **2. Research Methods**

The approach method used in this study is a sociological juridical approach. The specification of the research conducted by the writer belongs to the analytical descriptive research. Methods of data collection using techniques of literature study and interviews. The method of data analysis is descriptive qualitative analysis. Types and sources of data come from primary data and secondary data. The method of collecting data in this study was using literature (study document) and interviews. Methods of data analysis using descriptive analysis.

## **3. Results and Discussion**

### **3.1. The role of the National Land Agency in the Complete Systematic Land Registration Program (PTSL)**

Complete Systematic Land Registration (PTSL) is carried out by collecting data thoroughly and simultaneously in the Pangandaran Regency area. Regarding the cost of PSTL in Pangandaran Regency, it is regulated in Pangandaran Regent Regulation Number 12 of 2020 concerning Funding for Preparation of Complete Systematic Land Registration in Pangandaran Regency. The PTSL fee is regulated in Article 5, which is IDR 150,000.00. The amount of the fee referred to in Article 5 does not include the cost of making a deed and income tax (PPH). However, this complete systematic land registration program is exempt from the acquisition of land and building rights. Furthermore, in Articles 9 and 10 it is explained that the exemption from land and building rights acquisition fees is based on requests from taxpayers or complete systematic land registration participants.

The 2022 PTSL program in Pangandaran Regency targets 50 thousand plots of land in 17 villages from 7 sub-districts in Pangandaran Regency. PTSL activities certainly involve roles, starting from the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, as well as the land office. According to Presidential Regulation Number 20 of 2015 concerning the National Land Agency Article 1 Paragraph (1), the National Land Agency (abbreviated as BPN) is a Non-Ministerial Government Institution that is under and responsible to the President. In Paragraph (2) it says that BPN carries out governmental tasks in the land sector in accordance with the provisions of laws and regulations. In implementing this PTSL the National Land Agency (BPN) of Pangandaran Regency has an important role, these roles include:

a. Conduct socialization of PTSL to the community

For the smooth running of the PTSL program, the Pangandaran Regency BPN conducted outreach in every village that was scheduled to carry out the PTSL program. In this socialization, the BPN and village officials will discuss how the strategy in PTSL data collection and also the information regarding PTSL provided to the community can later be truly understood by the community so that there is no confusion. The role of BPN in socializing the Complete Systematic Land Registration program can assist the community in increasing the effectiveness of activities. Socialization regarding the Complete Systematic Land Registration program is very important as an effort to inform that land registration is carried out based on the principles of simple, safe, affordable, up-to-date and open.

b. As a PTSL Executor

Based on Presidential Regulation Number 20 of 2015, the main task of BPN is to assist the president in managing and developing land administration, both based on the UUPA, as well as other laws and regulations which cover regulation, supervision of land ownership, management of land rights, measurement, land registration, and others related to land issues based on policies determined by the president.<sup>6</sup>As the executor of PTSL, the Pangandaran Regency National Land Agency in optimizing land registration in Pangandaran Regency is carried out in accordance with the duties and authorities of the applicable Laws and Regulations in particular Government Regulation Number 24 of 1997 concerning Land Registration, in an effort to increase the registration of land rights, land agencies is as the vanguard in serving the community in carrying out land registration for the first time as well as in the context of maintaining the general register of land registration. As the executor, the role of BPN is to carry out PTSL planning, determine locations, prepare facilities and infrastructure, collect physical and juridical data, conduct research on juridical data to prove rights,

PTSL as the government's priority agenda, is not only the responsibility of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BN) but also needs support and commitment from the local government. The key to the success of the PTSL program is the existence of support from the local government because land objects are located in regional areas, especially villages/kelurahans, and the community as the owners of these land objects are

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<sup>6</sup>Ali Achmad Chomzah. (2003). Land Law: Government Agency Land Procurement. Jakarta: Library Achievement. p.5

located. Local government activity in the success of this program can be done by bridging the community with the land office as the main executor of the PTSL program. The government has provided convenience to the community regarding PTSL costs, but in determining PTSL costs the local government must be able to consider various aspects of the costs incurred in the program. The central government has provided several categories of nominal fees and types of fees used with the aim of equalizing costs at the local government level. Therefore, local governments need to regulate funding sources for the PTSL program that are not included in the state budget so that the costs borne by the community are not too high.<sup>7</sup>

PTSL activities are held with the aim of providing a guarantee of legal certainty over land to the holders of said land rights, as well as to provide legal certainty and legal protection of land rights in a definite, simple, fast, smooth, safe, fair, equitable and open manner and accountable and can be used as an object of mortgage rights as collateral to obtain business capital for the community, and is part of the implementation of agrarian reform.<sup>8</sup>

The Pangandaran Regency National Land Agency has an important role in implementing PTSL in Pangandaran Regency, namely conducting outreach to the community as well as being the implementing party in implementing PTSL. The Complete Systematic Land Registration (PTSL) carried out by the Pangandaran Regency National Land Agency was carried out based on Act No. 5 of 1960 concerning Basic Agrarian Regulations, Government Regulation Number 24 of 1997 concerning Land Registration, Presidential Regulation Number 17 of 2015 concerning Ministries Agrarian and Spatial Planning, Presidential Regulation Number 20 of 2015 National Land Agency, 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 the National Agrarian Program (PRONA),

Based on authority theory, Philipus M. Hadjon said that this authority was obtained from three sources, namely attribution, delegation and mandate. Attributional authority is usually outlined through the distribution of state power

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<sup>7</sup>Ardo Yoga Pradana. Achmad Sulchan. Implementation of Complete Systematic Land Registration Fees (PTSL) at City/Regency Level. Sanlar: Sultan Agung Notary Law Review. Volume 3 No. 4. December 2021. p. 1183

<sup>8</sup>Yusnita Rahma. Complete Systematic Land Registration Service (PTSL) by the Land Office of Pangandaran Regency in Wonoharjo Village, Pangandaran District, Pangandaran Regency. Moderate Journal. Volume 5. Number 4. p. 524

by the constitution, while delegation and mandate authority are powers that originate from delegation. Based on the theory of authority above, the role of the National Land Agency is in the Complete Systematic Land Registration Program (PTSL) at the Pangandaran District Land Office is an attribution authority obtained through Laws and Regulations.

It appears that the authority obtained by attribution is original, originating from statutory regulations. In other words, government organs obtain authority directly from the editorial board of certain articles in a statutory regulation, the implementation of which authority is fully attributed to the recipient of the authority. The National Land Agency (BPN) has a big role in carrying out land registration activities by making certificates as proof that certain legal actions have been carried out regarding land rights which are authentic deeds.<sup>9</sup>

### **3.2. Complete Systematic Land Registration Process (PTSL)**

The National Land Agency (BPN) is a Ministry that has direct responsibility to the highest state leadership, namely the President. BPN is responsible for land issues in accordance with applicable regulations. One of the main tasks and functions of BPN is to formulate and implement a policy for determining land rights and governance. As with the national strategic program called PTSL.<sup>10</sup>

The process of carrying out the Complete Systematic Land Registration (PTSL) at the Pangandaran Regency National Land Office is carried out based on 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 Systematic Land Registration. In more detail, it has been explained in Article 5-Article 39, namely:

- a. Planning
- b. Location Determination
- c. Preparation

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<sup>9</sup>Addien Iftitah. Authorities of Land Deed Making Officials (Ppat) in Making Land Sale and Purchase Deeds and Their Legal Consequences. *Journal Lex Private*. Volume II Number 3. Aug-Oct/2014. matter. 52

<sup>10</sup>Muhammad Burhanuddin. Lidya Christina Wardhani. Faizal Adi Surya. Implementation of Complete Systematic Land Registration (PTSL) as an Effort to Prevent Disputes over Land Ownership and Boundaries at the Kudus Regency Land Office. *Journal of Voice of Justice*. Vol. 23 No. 1. April 2022. p. 54

- d. Establishment and Determination of PTSL Adjudication Committee and Task Force
- e. Counseling
- f. Physical Data Collection
- g. Juridical Data Collection
- h. Research on Juridical Data for Proving Rights
- i. Announcement of Physical Data and Juridical Data and Their Approval;
- j. Bookkeeping Right
- k. Publishing and Delivery of Certificates

Complete Systematic Land Registration (PTSL) process at the Pangandaran Regency National Land Office starting from the planning, location determination, preparation, establishment and determination of the PTSL adjudication committee and task force, counselling, collection of physical and juridical data, research on juridical data, announcement of physical data and juridical data and their validation, bookkeeping of rights until, the issuance and delivery of certificates is carried out based on Laws and Regulations. However, there are still obstacles in the implementation process, including:

- a. There are residents who do not understand about the PTSL Program
- b. Lack of community participation
- c. There is a land dispute in the location survey of prospective PTSL recipients
- d. There is a discrepancy between physical and juridical data
- e. Lack of administration staff

The implementation of this PTSL is carried out in all villages/kelurahans in each Regency/City. Objective from the PTSL program is to accelerate the provision of legal certainty and legal protection of community land rights in a definite, simple, fast, smooth, safe, fair, equitable and open and accountable manner, so as to increase the welfare and prosperity of society and the country's economy, as well as reduce and prevent land disputes and conflicts.<sup>11</sup>

Legal certainty can have several meanings, namely clarity, not causing multiple interpretations, not causing contradictions, and can be implemented.<sup>12</sup> Gustav Radbruch put forward 4 (four) fundamental things related to the meaning of

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<sup>11</sup>Joshua Melvin Arung La'bi. Sri Susyanti Nur. and Kahar Lahae. Complete Systematic Land Registration (PTSL) for Tongkonan Land. *Journal of Thought and Research in the Social Sciences. Law. & teaching.* Volume XVI Number 1. Hasanudin University. April 2021. p. 1

<sup>12</sup>Asikin Zainal. (2012). *Introduction to the Indonesian Legal System.* Jakarta: Rajawali Press. matter. 22



legal certainty, namely law is positive, meaning that positive law is legislation, law is based on facts, meaning it is based on reality, facts must be formulated in a clear way so that avoid mistakes in meaning, besides being easy to implement and positive law should not be easily changed.<sup>13</sup>

Legal certainty for rights holders is realized by the issuance of certificates of land rights. By having a certificate, legal certainty regarding the types of land rights, the subject of the rights and the object of the rights becomes real. Registration of land rights will result in certainty of land rights. To carry out the information function of physical data and juridical data from land parcels and apartment units that have been registered and open to the public. In order to achieve administrative order, every land parcel and apartment unit, including pets, encumbrances, and the elimination of rights to land parcels and ownership rights to apartment units, must be registered. So, with this Land Registration there are benefits for two parties, namely the government and the right holders. Cancellation of land rights Article 1 Point 14 Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency No. 9 of 1999, and hereinafter referred to as PMNA/Head of BPN 9/1999 is the cancellation of a decision to grant a land right or a certificate of land rights because the decision contains defects in administrative law in its issuance or to implement a court decision that has obtained permanent legal force.

#### **4. Conclusion**

The role of the National Land Agency in the Complete Systematic Land Registration Program (PTSL) at the Land Office is to socialize to the public about PTSL as well as being the implementing party for PTSL which includes PTSL planning activities, determining locations, preparing facilities and infrastructure, collecting physical and juridical data, conducting research on juridical data to prove rights, making announcements of physical data and juridical data and validation, namely the issuance of land certificates. The role of the Pangandaran Regency Land Office is an authority that is obtained by attribution, namely from Legislation. The Complete Systematic Land Registration (PTSL) process at the Pangandaran Regency National Land Office starts from the planning, location determination, preparation,

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<sup>13</sup>Fathiya Achmad. et al.. Implementation of Mortgage Execution by Separatist Creditors in a State of Insolvency. Journal of Notary Nuances. Volume 3 Number 1 July 2017. p. 45

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