

The Optimization of Complete Systematic Land Registration (PTSL)

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Abstract. *The right to own land is a very important right, this is a guarantee of legal certainty regarding land ownership. In order to achieve optimization in land registration, the government created a complete systematic land registration system or PTSL. In fact, the implementation of PTSL has not been optimal, especially in Pati Regency. Based on the results of the research conducted, it can be understood that the implementation of PTSL in Pati Regency has not been able to materialize effectively. There are strict sanctions from the government.*

Keywords: Complete; Land; Registration; Systematic.

1. Introduction

Certainty of land ownership is regulated in Government Regulation Number 24 of 1997 concerning Land Registration. The Land Registration Regulations provide legal certainty to the owner or control over the land.¹ Land registration will run if there is legal awareness of the community. The purpose of land registration is to provide legal certainty and legal protection to holders of land rights. This is because the results of land registration activities are in the form of issuing evidence of ownership of land rights. The proof of ownership can be used to prove himself as the holder of the right in question.²

¹Maulida Soraya Ulfah, Denny Suwondo, IMPLEMENTATION OF COMPLETE SYSTEMATIC LAND REGISTRATION (PTSL) IN DEMAK Proceedings of UNISSULA STUDENTS SCIENTIFIC CONFERENCE (KIMU) 2 Sultan Agung Islamic University Semarang, 18 October 2019, p. 83-86.

²Nareswari Kencana and Liza Priandhini, The Implementation of a Complete Systematic Land Registration Program to Realize Legal Protection and Public Welfare, Journal of Deeds, Volume 9, No. 4, December 2022, p. 403-404.

In accordance with the provisions contained in Article 19 of the UUPA, land registration carried out in Indonesia is land registration in the context of "*Cadastre Rechts*", namely land registration whose purpose is to provide legal certainty and legal protection to holders of land rights, in the final process of land registration is issued as evidence in the form of a land book and land certificate consisting of a copy of the land book and measurement certificate.

In order to provide guarantees of legal certainty and legal protection of people's land rights in a fair and equitable manner, as well as to encourage the growth of the country's economy in general and the people's economy in particular, and to immediately realize what is mandated by Article 19 of the UUPA, that land registration is carried out throughout the territory of the Republic of Indonesia, then activities to accelerate complete systematic land registration (PTSL) throughout the territory of the Republic of Indonesia are carried out.³

PTSL is basically a land registration process for the first time, which is carried out simultaneously and covers all land registration objects that have not been registered in a village or sub-district area or other names that are equivalent to that. Through this program, the government guarantees legal certainty or land rights owned by the community. The PTSL method is a government innovation through the ATR/BPN Ministry to meet the basic needs of the community: clothing, food and shelter. The program is outlined in Ministerial Regulation No. 12 of 2017 concerning PTSL and Presidential Instruction No. 2 of 2018. PTSL, which is popularly known as land certification, is a manifestation of the implementation of the government's obligation to guarantee legal certainty and protection for community land ownership. In addition, later people who have received certificates can use these certificates as capital for business assistance that is powerful and effective for improving their welfare.⁴In fact, the implementation of PTSL has not run optimally, as a result of this about the importance of land certificates that are still not fully understood by the community generally do not understand the functions and uses of certificates, this is a dilator because the community does not receive accurate information about land registration. Due to the lack of accurate and easy-to-understand information about land registration, it will affect people's awareness to register their land. Then there is the community's opinion that land title certificates are only seen from economic value alone, then there is the community's opinion that taking care of land title certificates takes quite a long time. As revealed by one of the people who have registered their land sporadically individually, it is known that the shortest period of making a certificate is 3 or 4 months and the longest is 8 months and some even took up to 1 year to complete. The presumption

³Mira Novana Ardani . Diponegoro University Journal Volume 6, Edition I, Semarang, 2019 p. 53

⁴https://www.kominfo.go.id/content/detail/12924/program-pts-l-pastikan-pembelesaian-certifikasi-lahan-akan-cepat-target/0/artikel_gpr, accessed on June 1, 2022.

factor on the basis of land rights owned is already very strong. This happened in Pati City. This can be seen in Margorejo District, where land registration does not increase systematically every year, in 2021 there will still be 78 landowners who have not registered their land ownership at the Pati City National Land Agency Office. Most people still feel that obtaining land certificates is a complicated job with a fairly high cost. Mujiono as the Head of the Pati City BPN Office said that the obstacle in implementing PTSL in Pati City was that there were still many people who did not have clear land certificate registration requirements, then many people also did not actively come to register land certificates,⁵

2. Research Methods

This research used an empirical juridical method, which examines legal issues with a sociological perspective of society, or sees law as a product that was born and develops in society.

3. Result and Discussion

3.1. Complete Systematic Land Registration

The Complete Systematic Land Registration (PTSL) is a land registration activity for the first time carried out simultaneously for all objects of land registration throughout the territory of the Republic of Indonesia in one village area or other name equivalent to that, which includes the collection of physical data and juridical data regarding one or several land registration objects for registration purposes (Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration). The Complete Systematic Land Registration Service is carried out so that all citizens of the upper middle class or lower middle class can obtain recognition of patent rights to their legally owned land through existing laws and regulations.

Systematic land registration within the framework of government programs is indeed more profitable than applying for land registration at the BPN yourself. The rights holder must provide many fees that must be paid. In carrying out and managing PTSL files, the rights holder is still burdened with administrative costs. In order to avoid cases of illegal levies (Pungli) the Indonesian government issued a joint decision by the Minister of Agrarian Affairs and Spatial Planning/Head of the Land Agency.

This program was 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 and accountable manner and can be used as an object of

⁵Mujiono As Head of the Pati City BPN Office, Personal Interview on October 4, 2022.

mortgage rights as collateral to obtain business capital for the community, as well as being part of the implementation of agrarian reform. The theory used as a guideline in this research is several principles of land registration according to Parlindungan including dimensions namely⁶:

a. Simple principle

Land registration referred to in this principle is so that the main provisions and procedures can be easily understood by interested parties, especially land rights holders.

b. Safe principle

Land registration must be able to guarantee these rights so that the security of the status of land rights will be guaranteed

c. Affordable basis

Land registration needs to be carried out carefully and carefully so that the results can provide guarantees of legal certainty according to the purpose of land registration itself

d. Up-to-date principles; And

What is meant by adequate completeness in implementation and continuity in data maintenance, the available data must show the most up-to-date condition. For this reason, it is necessary to have the obligation to register and record any changes that occur from land rights in the future.

e. Open principle

The principle of openness includes the maintenance of land registration data continuously and continuously so that the data submitted at the Land Office is always in accordance with the real conditions on the ground and the public can obtain information regarding the correct data at any time.

Based on PP No. 24 of 1997 the land registration system used is a negative system containing positive elements. This principle implies that if the information contained in the land book is incorrect then this can be changed and justified, while the positive is the active role of implementing officials. In addition, there are many benefits that can be felt by the community and the government from the implementation of Asset Legalization through PTSL. One of them is that the community can guarantee the existence of their rights, and the government can complete the land database, so that one of the chess pieces of land is realized, namely orderly land administration. Granting certificates in the context of systematic government programs can also improve and supervise the

⁶Yusnita Rachma. "Complete Systematic Land Registration (PTSL) Services by the Land Office of Pangandaran Regency in Wonoharjo Village, Pangandaran District, Pangandaran Regency." Moderate Journal, Volume 5, Number 4, Galuh University, Ciamis, 2019, page 524

implementation of land reform, supervise absantee land, as well as preventing fragmentation due to inheritance or control over the accumulation of land in one person. In an effort to carry out land registration, it is necessary to carry out adjudication activities, namely activities carried out within the framework of the land registration process for the first time. Adjudication activities include collecting and determining the truth of physical data and data. Juridical regarding one or several objects of land registration for registration purposes. Land registration for the first time can be carried out systematically or sporadically (PP 24/1997 concerning Land Registration).

Table of Comparison Systematic and sporadic land registration

Difference	Systematic Registration	Sporadic Registration
Implementation	Simultaneously	Individual or bulk
Source of fund	Funded by the Government	Personal Expenses
Data Acquisition Period	It is faster to get data about the land parcels to be registered	It takes longer to get data about the land parcels to be registered
Timeframe for Preparation and Implementation	Requires more time in preparation and implementation	Does not require a long time in preparation and implementation
Number of Objects Registered	All land registration objects are registered	Only one or several objects of land registration are registered
Implementation	Implemented at the request of the government	Executed at the request of interested parties

Source: Developed from PP 24/1997 and Author's Analysis, 2021⁷

1. The implementation of Complete Systematic Land Registration (PTSL) at BPN/ATR Kota Pati

⁷Budi Sulyono, Personal Interview with the Head of Survey and Mapping of the BPN Pati Office on June 1, 2022.

The development of the land sector has a very important role because land has economic and social functions. Because it has such a strategic role, land ownership/status of land needs to be given strong evidence in the form of a valid certificate of land ownership in the eyes of the law. Land certificates consist of property rights (HM), business use rights (HGU), building use rights (HGB), usufructuary rights (HP), management rights and endowments.

Based on the data contained in the Pati Regency Medium Term Development Plan, the number of certified lands in Pati Regency is only around 27.5%.⁸Based on the official website of the Pati Regency government website, it is stated that out of 45,250 only 1,430 lands have been certified.⁹The area with a relatively low level of land registration, only reaching 103 certificates, is in the area of Suko Powder Village, Margorejo District, Pati Regency. This is because the village has a population with a weak economic level and a low level of education. Saman as the Head of Suko Powder Village stated that "most of the people do not understand PTSL, besides that the people of Suko Powder also do not understand the nature of the importance of land registration".¹⁰Saman's opinion was justified by Solikin as Head of Title Determination and Land Registration Office of the BPN Pati who explained that:¹¹

Complete systematic land registration in Pati City is actually going well, however, in some places some residents are still not active in registering their land, this is due to the stigma of expensive certificate registration and frequent illegal fees. The community also does not understand the important function of land registration certificate.

Apart from the people who are still lagging behind due to economic and educational levels, geographical position which is still difficult to access is also the reason why PTSL in Pati Regency is still not optimal. Budi Sulistyono as the Head of Survey and Mapping of the BPN Pati office said that:¹²

There are still several places that are difficult to reach for socializing and implementing PTSL in Pati Regency, one of which is Gunungwungkal Village, Gunungmungkal District, Pati Regency. This village is relatively remote and far from the city center and the Pati Regency government. This makes the people in this village far and behind in information, especially regarding PTSL. So that not many people apply for registration of their land.

⁸<file:///C:/Users/windows%2010%20Pro/Downloads/BAB%20IV%20ANALIS%20ISU-ISU.pdf>, accessed on 12 May 2022.

⁹<https://www.patikab.go.id/v2/id/2022/02/11/1430-sertifikat-tanah-dibagikan-di-kayen/>, accessed on 12 May 2022.

¹⁰Saman, Personal Interview with the Head of Dsea Suko Powder, Pati Regency on June 1, 2022.

¹¹Solikin, Personal Interview with Head of Title Determination and Land Registration Office of BPN Pati on September 1, 2022.

¹²Budi Sulyono, Personal Interview with the Head of Survey and Mapping of the BPN Pati Office on June 1, 2022.

Kusdiono, as a field officer for the survey and mapping division of the BPN Pati office, added that in Gunungwungkal village there are still many parcels of land that have not been registered.

2. Factors Influencing the Effectiveness of Complete Systematic Land Registration in Pati Regency

Since the issuance of several regulations in the framework of implementing land registration, the Government has continuously attempted to carry out land registration throughout the territory of the Republic of Indonesia to ensure legal certainty. Land registration is carried out in two ways, namely systematically covering the area of one village or part of it which is mainly carried out at the initiative of the government and sporadically, namely registration of parcels of land at the request of the holders or recipients of the rights concerned individually or in bulk.

Sporadically, land registration does not show a significant increase in the number of registered land parcels, due to the high cost, so that people wait for land registration in a systematic manner.¹³ Systematically, the National Land Agency (BPN) has received an Indonesian Land Administration Project (PAP). LAP has had a significant impact on accelerating land registration, so that the project is continued through the Land Management and Policy Development Program (LMPDP).¹⁴

According to the community's perception, systematic land registration is more affordable in terms of cost, time and certification procedures compared to sporadic land registration, so that similar projects are feasible to be continued in the future.¹⁵ Systematic land registration that provides legal certainty is highly expected for owners of land plots that have not been registered, especially for people with lower middle income.¹⁶

At the initiative of the government, the completion of land registration throughout Indonesia is planned to be completed in 2024 through the Complete Systematic Land Registration (PTSL) program. PTSL was proclaimed in 2016 through the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 35 of 2016 concerning the Acceleration of the Implementation of Complete Systematic Land Registration, then refined with the

¹³Audina, B 2018, The implementation of sporadic registration of land rights for the first time according to the basic agrarian law which was not carried out by the community in the village of Punggur Kecil, Sungai Kakap District, Kubu Raya Regency, E-Journal Fatwa Hukum, Faculty of Law, Tanjungpura University, Vol. 1, No. 1, 2018 (2018), viewed March 22, 2020. (jurnal.untan.ac.id/index.php/jfh).

¹⁴Septina Marryanti and Yudha Purbawa, Optimizing the Factors Influencing the Success of Land Registration, Center for Research and Development of the Ministry of Agrarian Affairs, (BHUMI: Journal of Agrarian Affairs and Land Affairs, 2018), p. 192.

¹⁵Sugiyanto, Siregar, H, & Soetarto, E. 2008, Analysis of the impact of systematic land registration on the socio-economic conditions of people in the city of Depok, Journal of Management and Agribusiness, Vol. 5 No. 2, p. 71.

¹⁶Sibuea 2011, The importance of land registration for the first time, Journal of Negara Hukum: Building Law for Justice and Prosperity, Vol. 2, No. 2, p. 80.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2017. In the ministerial regulation mentioned, there are still several problems in its implementation that require improvement of substance to 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. This PTSL is a land registration activity for the first time which is carried out simultaneously which includes all land registration objects that have not been registered or have been registered in a village area or other name equivalent to that. The process includes the collection of physical data and juridical data regarding one or several objects of land registration for registration purposes.¹⁷ In the implementation of PTSL, each Land Office utilizes existing resources to be able to complete the land registration target. The number and speed of achievement of registered fields varies from one Land Office to another.¹⁸Based on this description, it is very important to conduct research on what factors influence the implementation of land registration.

Likewise, the implementation of land registration in Pati Regency certainly did not go without obstacles. Based on the results of interviews conducted with Notaries in Ngarus, the factors that influence the ineffective implementation of land registration in Pati Regency are as follows:¹⁹

a. Citizen's awareness

- 1) Many people do not know that the land must be registered and do not know the benefits of land registration;
- 2) The community's limited knowledge of land registration procedures which they feel is too complicated and through a process that is difficult to understand causes the community to feel reluctant to carry out land registration sporadically;
- 3) There is a perception in the community that the registration process will cost a lot of money;
- 4) The character of the people who feel they have no interest in the land they own so that the community has no interest in the certificate of land rights they own.
- 5) Low human resources who still think that certificates are not important.
- 6) The awareness of some people in Pati Regency is not high, in contrast to people in other big cities, whose importance to a certificate is already high.

b. Incomplete computerized system

According to a Notary in the Bongsri area, Mulyo Harjo, the program of the PTSL registration system which is operated computerized at the Pati Regency Land Office has not been widely understood by all parties/staff of the Land Office itself. The ability of each personnel varies both in terms of knowledge in the field

¹⁷Septina Marryanti and Yudha Purbawa, Op. cit., p. 193.

¹⁸Loc. cit

¹⁹The results of the researcher's interview with the Notary in the Ngarus area on May 12, 2022.

of the program used, as well as the use of the program, so that if an error/damage occurs, it will face obstacles and affect work implementation activities.²⁰

c. Lack of operational technical personnel

Based on interviews with Notaries in the Pati Lor area, interview results were found which stated that in surveying and mapping activities, the Pati Regency Land Office already has sufficient operational technical equipment, but there is still a shortage of personnel in GPS measurement activities due to the limited number of existing employees at the Pati District Land Office which specifically deals with this issue.²¹

d. Land that has not been registered is the object of the dispute

1) There is no agreement among the heirs regarding the distribution portion of the inherited land;

2) There are still land disputes with third parties.

e. There is no strict sanction from the Government, in this case the National Land Agency, if the owner of the land right does not register the ownership of the land.

The factors that make people still reluctant to register land in Pati Regency are in accordance with what was stated by Muhammad Yamin and Abdul Rahim Lubis, that this is due to the fact that legal certainty for land registration has not yet been realized. Technically, the main purpose of land registration is to create legal certainty and guarantee legal protection. But in reality, the legal certainty of land registration has not been felt by the community. This means that in reality throughout our lives, it is still considered that there is no legal certainty from the existence of land registration in this country, because certificates do not fully guarantee one's land rights.²²

4. Conclusion

The implementation of PTSL in Pati Regency has not been able to materialize effectively as a result of factors in the form of: lack of public awareness, rudimentary computerized systems, lack of operational technical personnel, land that has not been registered is the object of the dispute and there are no strict sanctions from the government.

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²⁰The results of the researcher's interview with the Notary in the Bongsri area on May 12, 2022.

²¹The results of the researcher's interview with the Notary in the Pati Lor area on May 12, 2022.

²²Md. Yamin Lubis and Rahim Lubis, Land Registration Law, (Bandung: Mandar Maju, 2008), p. 128.

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