

The Effectiveness of Complete Systematic Land Registration (PTSL) in Preventing Land Disputes

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Abstract. *This research aims to analyze: 1) The effectiveness of implementing Complete Systematic Land Registration (PTSL) in preventing land disputes. 2) Obstacles and solutions in the implementation of PTSL. The approach method used in this research is a sociological juridical approach. The specification of the research used is descriptive analytical research. This type of data uses primary data and secondary data obtained through interviews and literature study. The data analysis method used in this research is descriptive analysis. The research results concluded: 1). The effectiveness of the implementation of Complete Systematic Land Registration (PTSL) in preventing land disputes has been effective, although there are several obstacles in it. The effective implementation of the Complete Systematic Land Registration (PTSL) Program can be seen from the objectives to be achieved through the Complete Systematic Land Registration (PTSL) program. 2) Technical obstacles in implementing PTSL are the unavailability of parties from the relevant sub-districts, and in the field of measuring and mapping land plots which have not been thoroughly implemented. The solution is to carry out comprehensive measurements and mapping of land plots in the village/sub-district areas that have been designated as activity locations, both for registered land plots, improving the quality of registered land plots that have not been mapped, and unregistered land plots that carried out in a complete systematic manner grouped in one complete village/sub-district area.*

Keywords: Effectiveness; Land; Disputes; PTSL.

1. Introduction

Land has an important meaning for the life of the Indonesian nation, this is because Indonesia is an agricultural country, so that every activity carried out by the majority of Indonesian people always requires and involves land issues. In fact, for most people, land is considered something sacred, because there is a symbol of its social status there.¹The rise of development in various areas of life has caused land to become a commodity that has very high economic value and is difficult to control.²

Land registration is one of the government programs in orderly land administration efforts. The increasing rate of development in Indonesia cannot be separated from the certainty of land registration. The land aspect is the most important and so important for the ongoing aspect of development, where all development activities carried out by the community require land to carry out these activities.³As in Article 1 Paragraph 9 of the Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration, the definition of land registration is a series of activities carried out by the Government continuously, sustainably and regularly including collecting, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding plots of land, above-ground space, basements and apartment units, including providing letters of proof of rights to plots of land, space above the ground, basement which already has rights and ownership rights to apartment units as well as certain rights that burden them.

The purpose of registration as regulated in UUPA and Government Regulation Number 24 of 1997 concerning Land Registration is to provide legal certainty and legal protection to holders of land rights. With certainty of land rights, at least land disputes can be prevented. With a land certificate, it is clear that the land has been registered at the Land Office, so that everyone can know that the land has an owner. Likewise, land registration carried out on someone's rights prevents a person's claim to land, unless he has more rights and can apply to the Court to prove the truth of his rights in accordance with the principles of land

¹Bagas Imam Arianto. Gunarto Juridical Review of the Implementation of Complete Systematic Land Registration (PTSL) at the Grobogan Regency BPN Office. Proceedings: Unissula Student Scientific Conference (KIMU) 2. Unissula Semarang. October 18, 2019. p. 353

²Adrian Sutedi. (2018). Transfer of Land Rights and Registration. Jakarta: Sinar Graphic. p.22

³Kusmaryanto & Gunarto. Registration of Sale and Purchase Deeds Exceeding the Land Registration Period at the Agrarian and Spatial Planning Office/National Land Agency of Semarang City. Jurnal Deeds. Vol. 4 No. 3 September 2017. p. 475

registration as regulated in Government Regulation Number 24 of 1997 concerning Land Registration.⁴

Land registration is a prerequisite in efforts to organize and regulate allotment, control, ownership and use of land, including overcoming various problemsland. Land registration is intended to provide certainty of rights and legal protection for holders of land rights by proving land certificates, as an instrument for structuring land control and ownership and as an instrument for controlling the use and utilization of land. Registration of land rights is a guarantee from the State, and is an important instrument for the protection of land owners.⁵

Through the land registration program, the community, both individuals and legal entities, can obtain certificates of land rights. It is hoped that with the registration of plot after plot of land, the state of defense administration can become more orderly. Communities who have obtained certificates of land rights can participate actively in utilizing their land optimally. In addition, land that has been certified can be used to reduce the potential for land ownership disputes and can be used as credit collateral.⁶

The Complete Systematic Land Registration Program (PTSL) is an innovation carried out by the Minister of Agrarian Affairs and Spatial Planning as an effort to accelerate land registration and form a complete map of an area. The Complete Systematic Land Registration Program (PTSL) is an effort so that the public can obtain legal certainty and legal protection of land rights in a definite, fast, simple, safe, smooth, fair, equitable and transparent manner. PTSL is a land registration process that is carried outFirstthe first time simultaneously and covering all land registration objects that have not been registered in a sub-district/village area. The systematic land registration program is useful for creating orderly land administration so as to anticipate land cases or disputes and for the formation of a complete map of land parcels in a village/kelurahan which will make it easier for the public and the government to obtain land information in an area.

The government has continuously attempted to implement land registration in all regions of the country to ensure legal certainty. HoweveruntilCurrently, the implementation of land registration has not provided satisfactory results. Areas where land registration has been carried out have not yet reached 100%. If it is

⁴Adrian Sutedi.Op.cit..hal. 164

⁵Anis Ayu Rahmawati & Achmad Sulchan. Policies to Streamline the Filing of the Complete Systematic Land Registration Program (PTSL) at the Blora Regency Land Office. Journal of Deeds. Volume 5 Number 4. December 2018. p. 885

⁶Putri Happy Ningrum & Kami Hartono. Implementation of Complete Systematic Land Registration (PTSL). Proceedings: Unissula Student Scientific Conference (KIMU) 4. Unissula Semarang. 28 October 2020 p. 637

not immediately improved, various conflicts and land disputes will emerge.⁷The problem of land disputes that often occur is because there is still a lot of land that does not yet have a land certificate. A land certificate is a state document that can be used as proof of ownership of a person's rights to land issued by the National Land Agency. This encouraged the Tuban Regency Government to complete the Land Registration Program. This program aims to prevent land disputes in Tuban Regency, as well as create legal certaintylandfor society and investors. In connection with the above issue, the author feels that it is necessary to discuss it in more depth regarding "The Effectiveness of Implementing Complete Systematic Land Registration (PTSL) in Preventing Land Disputes in Tuban Regency".

2. Research Methods

The approach method in this research is a sociological juridical approach. The specification of the research used is descriptive analytical research. Types of data using primary and secondary data. Data collection by interview method and literature study. The data analysis method used is descriptive qualitative analysis.

3. Results and Discussion

3.1. The Effectiveness of Complete Systematic Land Registration (PTSL) in Preventing Land Disputes

Creating legal certainty regarding land rights requires a strong legal foundation. The legal foundations related to agrarian issues in Indonesia are generally regulated in Law No. 5 of 1960 concerning Basic Agrarian Regulations, better known as the Basic Agrarian Law (UUPA). According to UUPA, the term agrarian means not only limited to land, but also includes earth, water and the natural resources contained therein. Even according to BoediHarsono, space is also included in it, where on earth and water contain energy and elements that can be used for efforts to maintain and develop the fertility of the earth, water and natural resources and other things related to it.⁸ With the availability of written legal instruments, anyone with an interest will easily know what possibilities are available to him to control and use the land he needs, how to obtain it, what rights, obligations and prohibitions there are in controlling land with certain

⁷Maulida Soraya Ulfah & Denny Suwondo. Implementation of Complete Systematic Land Registration (PTSL) in Demak Regency. Proceedings: Unissula Student Scientific Conference (KIMU) 2. Unissula Semarang. October 18, 2019. p. 2

⁸Rahmat Ramadhani. The guarantee of legal certainty contained in the certificate of land rights. *Journal De Lega Lata*. Volume 2. Number 1. January – June 2017. p.139

rights. , what sanctions he will face if he ignores the relevant provisions, as well as other matters relating to the control and use of the land he owns.⁹

The Basic Agrarian Law (UUPA) regulates land registration with the aim of providing guarantees of legal certainty. Because the UUPA only regulates land matters in basic matters, an implementing regulation is needed that has the function of perfecting the substance of this UUPA. The government regulation that regulates land registration is Government Regulation Number 24 of 1997 in lieu of Government Regulation Number 10 of 1961 concerning Land Registration. The function of land registration is to obtain a strong means of proof Article 19 Paragraph (2) Letter c of the BAL regarding the legality of legal actions regarding land. For this reason, a Certificate is given as proof of ownership rights to land which contains a copy of the Land Book & Measurement Letter.¹⁰The product (output) of a land registration process is a certificate that proves the right given to the holder of the right.¹¹

Land registration is an important and principal activity in land management. For this reason, a number of provisions and policies related to land registration have been issued, but in reality there are still many land registration problems. Apart from within the community, both between families, it is not uncommon for land disputes to also occur between stakeholders (businesspeople, BUMN and the government). This proves the importance of land certificates as a legal proof of the land owned. If people understood how important it is to have an official land certificate that is recognized by the government, it would probably minimize the occurrence of land cases in an area.¹²

Seeing the situation and problems that often occur in the slow process of making land certificates has been the main concern of the government. To overcome these problems, the government through the Ministry of ATR/BPN has launched a National Priority Program in the form of Acceleration of Complete Systematic Land Registration (PTSL) through the Presidential Instruction of the Republic of Indonesia No. 2 of 2018 Concerning the Acceleration of Complete Systematic Land Registration throughout the Republic of Indonesia so that the process of making land certificates can take place effectively and efficiently. The program to accelerate systematic land registration is funded by the government, while still

⁹Budi Harsono. (2007). Indonesian Agrarian Law. The History of the Formation of the Basic Agrarian Laws. Contents and Implementation. National Land Law Volume I. Jakarta: Djbatan. p.69.

¹⁰Novita Riska. Juridical Analysis of Electronic Land Certificates (E-Certificates) for the sake of Realizing Legal Certainty.Jurnal Significant Humanities.Vol. 2. No. 4 (2021) August. pg 8

¹¹Rahmat Ramadhani. op. cit.. p.140

¹²Andhi Nur Rahmadi. Effectiveness of the Complete Systematic Land Registration (PTSL) Program in Preventing Land Mafia in Probolinggo City. Malikussaleh Journal of Social and Political Sciences (JSPM). Volume 3 Number 1 of 2022. p.43

providing facilities and infrastructure for self-help incentives and community participation.¹³

Complete Systematic Land Registration (PTSL) is a land registration activity for the first time carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in one village/sub-district area or other equivalent name, which includes collecting and determining the correctness of physical data and juridical data regarding one or several objects of land registration for the purpose of registration.¹⁴

Tuban Regency, as one of the districts participating in the PTSL Program, has the opportunity to help the community to obtain a certificate because every inch of land must have legal certainty to minimize the potential for land disputes, including the occurrence of land mafia and other cases in the land sector, including within the family and especially the heirs. for land that has not yet been certified. The Tuban Regency National Land Agency (BPN) succeeded in achieving its target of maximizing the Complete Systematic Land Registration (PTSL) program in 2022. In 2023, the Tuban Regency National Land Agency (BPN) will re-implement PTSL for the 2023 fiscal year. This year's target is 50 thousand areas that are the target of the Land Rights Certificate. The villages that are part of the PTSL program for the 2023 fiscal year are Cakalang (Soko), Sidokumpul, Sidotentrem, Klakeh (Bangilan), Sumberarum, Mliwang, Karanglo, Gaji (Kerek), Sumberejo, Kujung, Tegalrejo, Ngadipuro (Widang), Cangkring, Trutup, Kedungrojo, Bandungrjo, Keblopati (Plumpang), Wukirharjo, Kemlaten, Margoasri (Parengan), Cingklung, Bulujowo, Siding, Ngampelrejo (Bancar), Prambonwetan, Campurejo (Rengel), Dikir (Tambakboyo), Ngandong, Pakis (Grabagan). This program is also the first to be implemented in 2023. There is great hope that this PTSL Program will be able to help all Ngadipuro village communities to obtain valid Land Certificates. The ATR/BPN of Tuban Regency will continue to actively provide advice to the public. Because in 2026, land with the status of Girik, Kitir, Letter C, Petok and others will no longer be valid. This program is also the first time it has been implemented in 2023, it is hoped that the PTSL Program will be able to help all the people of the Ngadipuro village to obtain legal land certificates. ATR/BPN Tuban Regency will continue to actively provide advice to the community. Because in 2026, land with the status of Girik, Kitir, Letter C, Petok and others will no longer be valid.

The stages of PTSL implementation activities in Tuban Regency are carried out in accordance with the object, subject, basis of rights, and the process and financing

¹³Ibid

¹⁴Happy Princess & We Hartono. Implementation of Complete Systematic Land Registration (PTSL) Based on Ministerial Regulation Number 6 of 2018 Studies in Semarang Regency. Proceedings of the Unissula Student Scientific Conference (KIMU) 4. Sultan Agung Islamic University. p.634

of PTSL activities. The implementation of PTSL activities is carried out through the following stages:

1. Planning
2. Location determination
3. Preparation
4. Formation and Determination of the PTSL Adjudication Committee and Task Force
5. Counseling
6. Physical Data Collection and Yuruidis Data Collection
7. Juridical Data Research to Prove Rights (Land Inspection)
8. Announcement of Physical Data and Juridical Data and Validation
9. Stages of Completion of PTSL Activities
10. Confirmation of Conversion, Acknowledgment of Rights and Grant of Rights
11. Bookkeeping of Rights.
12. Issuance and Delivery of Certificates
13. Documentation and submission of activity results
14. Reporting

The effectiveness of implementing complete systematic land registration (PTSL) can be achieved if the benefits or advantages provided outweigh the weaknesses or shortcomings. Based on the theory of effectiveness Soerjono Soekanto, effectiveness is the extent to which a group can achieve its goals. Law can be said to be effective if there is a positive legal impact, at that time the law achieves its target in guiding or changing human behavior so that it becomes legal behavior.¹⁵ Regarding the effectiveness of the law means discussing the working power of the law in regulating and/or forcing people to obey the law. The law can

¹⁵Soerjono Soekanto. (1988). *Legal Effectiveness and Application of Sanctions*. Bandung: Ramadja Karya. p. 80.

be effective if the factors that influence the law can function as well as possible. A law or statutory regulation will be effective if citizens behave in accordance with what is expected or desired by the statutory regulation and achieve the desired goals, then the effectiveness of the law or statutory regulation has been achieved. The effective measure of whether or not an applicable Law and Regulations can be seen from behavior.

According to the author, the effectiveness of implementing complete systematic land registration (PTSL) can be achieved by maximizing continuous outreach to the community and improving Human Resources (HR) at the Land Office. However, in the process of making land certificates, it is not uncommon for obstacles to be encountered in the field. One of them is related to land boundaries which can cause disputes between land-owning communities. This was experienced by Lasiran, a farmer from Ngadirejo Village, Tuban Regency, when he took part in the land registration process through the Complete Systematic Land Registration (PTSL) program. Lasiran said frankly that he did not want disputes with neighbors to occur. However, he realized that boundary disputes were also caused by the land owner's indifference, including himself, who so far has not installed stakes in accordance with applicable standards. Lasiran then said that he had stopped the ongoing land registration process because there were still arguments regarding land ownership limits. However, after mediation and outreach regarding the importance of utilizing PTSL momentum from the Land Office and village government, the boundary dispute was finally resolved amicably and an agreement was found between the parties concerned. Lasiran later admitted that he did not regret joining the PTSL program. Precisely for him, PTSL is very profitable because it can solve the problems he is experiencing. In addition, he felt that he was not complicated in the process of making a certificate of his land.¹⁶

In the case above, a land dispute occurred because of differences in land boundaries. After participating in PTSL, the dispute can finally be resolved and legal certainty of land ownership between the disputing parties can be achieved. This means that according to the author, PTSL can effectively prevent and resolve land disputes. This is in line with effectiveness theory, that law is said to be effective if it has a positive impact on human behavior.

According to Kakantah, the benefits of PTSL in Tuban Regency are enormous. Benefits can be felt directly or indirectly, including in the form of structuring land administration, building one map, digitizing land in the framework of building an electronic database. This is a step towards modernization so that it can reduce the problem of land disputes and conflicts, as well as increase regional income. Apart from that, of course the ultimate goal is for the development of assets and

¹⁶<https://www.sinarpagibaru.id/berita/>.accessed June 1 2023. At 19.00 WIB

the people's economy. It is hoped that the certificate can be used for the development of the people's economy. One way is through development Micro, Small and Medium Enterprises (MSMEs).

The goal to be achieved in the Complete Systematic Land Registration (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 improve welfare and prosperity of society and the country's economy, as well as reducing and preventing land disputes and conflicts.¹⁷The implementation of the Complete Systematic Land Registration (PTSL) Program has been effective, as can be seen from the objectives to be achieved through the Complete Systematic Land Registration (PTSL) program. PTSL Land Office (Kantah) Tuban Regency succeeded in achieving the target of maximizing the Complete Systematic Land Registration (PTSL) program in 2022. The success of this program cannot be separated from related outreach which continues to be expanded. The result, if you look at the target for completing land registration in Tuban, is that all 10,000 certificates, which were the target for 2022, have been successfully completed. The mapping target itself is 20,050 fields and has been completed in seven villages. The implementation of the Complete Systematic Land Registration (PTSL) program in Tuban Regency has been running effectively, although there are several obstacles in it.

3.2. Obstacles and Solutions in the Implementation of Complete Systematic Land Registration

Land has an important meaning for the life of the Indonesian nation, this is because Indonesia is an agricultural country, so that every activity carried out by the majority of Indonesian people always requires and involves land issues. In fact, for most people, land is considered something sacred, because there is a symbol of its social status there.¹⁸The government has continuously attempted to implement land registration in all regions of the country to ensure legal certainty. However, to date, the implementation of land registration has not provided satisfactory results. Areas where land registration has been carried out have not

¹⁷Alfian Agum. Effectiveness of Implementing the Complete Systematic Land Registration Program (PTSL). *Yusticia Journal*, Faculty of Law, Darul 'Ulum University. Jombang. Vol. 10 No. 1. March 19, 2021 p.56

¹⁸Bagas Imam Arianto & Gunarto. Juridical Review of the Implementation of Complete Systematic Land Registration (PTSL) at the Grobogan Regency BPN Office. *Proceedings: Unissula Student Scientific Conference (KIMU) 2*. Unissula Semarang. October 18, 2019. p. 353

yet reached 100%. If it is not immediately improved, various conflicts and land disputes will arise.¹⁹

The Complete Systematic Land Registration Program (PTSL) 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.²⁰ Land that is still in dispute will have to postpone the issuance of the certificate until legal clarity regarding the land is obtained.

There are several obstacles in implementing PTSL, including:

1. Technical

Technical constraints are things that occur due to technical errors that are beyond the expectations of the implementer. These obstacles are due to technical problems, such as the unavailability of related parties such as the sub-district head who is required to comply with community file legislation, thereby slowing down the community in carrying out registration. In the field of measurement, the technical constraints faced by the implementer are based on an evaluation of the implementation of a complete systematic land registration (PTSL) in Tuban Regency 2022, the measurement and mapping of land parcels carried out has not been comprehensive in the village/kelurahan area that has been designated as the location of the activity, quality improvement data for both registered land parcels with mapped (KW 1, 2, and 3) and registered land parcels that have not been mapped (KW 4, 5, and 6) and unregistered land parcels which are carried out in a complete systematic manner, grouped in one complete village/kelurahan area. From the results of the implementation of the work still found the following things:

- a. The results of measurement and mapping of PTSL activities are still sporadic.
- b. Data on the measurement results of land parcels that have not been registered are still found to overlap with data on land parcels that have been registered and mapped.

¹⁹Maulida Soraya Ulfah & Denny Suwondo. Implementation of Complete Systematic Land Registration (PTSL) in Demak Regency. Proceedings: Unissula Student Scientific Conference (KIMU) 2. Unissula Semarang. October 18, 2019. p. 2

²⁰Siti Halimah & Widayati. The Role of the National Land Agency in the Complete Systematic Land Registration (PTSL) Program. Constatating Journal (JK). Volume 1 No. 4. October 2022. Unissula. Semarang. p.1558

- c. There is still overlap between the plots of land registered and mapped (KW 1, 2, 3).
- d. Mapped registered land plots do not correspond to actual conditions on the ground.
- e. There are obstacles in the implementation of the mapping of K4 land parcels (KW 4, 5, 6).

The 2023 PTSL activity is the measurement and mapping of land parcels carried out in its entirety in village/kelurahan areas that have been designated as activity locations, both for registered land parcels, improving the quality of registered land parcels that have not been mapped, and unregistered land parcels that have not been mapped. carried out in a complete systematic manner grouped in one complete village/sub-district area. This activity is prioritized to be carried out in village/kelurahan locations that have never been designated as PTSL locations and the collection of physical data must be carried out based on the photo maps made.

2. Human Resources

Resources can be an obstacle in policy implementation. The challenges and obstacles to the implementation of the PTSL Policy in issuing land certificates as a whole by the Tuban Regency National Land Agency (BPN) are the limited number of implementing staff. In practice, the field officers and the people served are very different in comparison. So that the available implementors have to work very hard to complete the work. Apart from that, there is a lack of public awareness in completing the administrative requirements. In this case, public awareness plays an important role in the implementation of PTSL because if the public as applicants are not deft in fulfilling the administrative requirements, it will hinder or affect the PTSL implementation process and which is clearly very time consuming. The solution is to conduct workshops for officers, as well as carry out massive outreach to the communities involved, so that the community is better prepared to carry out PTSL. Increasing the quality of human resources is also prepared to modernize the office by using electronic systems.

4. Conclusion

The effectiveness of the implementation of Complete Systematic Land Registration (PTSL) in preventing land disputes can be seen from the objectives to be achieved through the Complete Systematic Land Registration (PTSL) program. The aim to be achieved in the Complete Systematic Land Registration (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 improve welfare and prosperity of society and the country's economy, as well as reducing and preventing land disputes and conflicts. The obstacle in implementing PTSL in Tuban Regency technically is the unavailability of the parties from the relevant sub-districts, and in the field of measuring and mapping land plots which have not been thoroughly implemented. The solution is to carry out comprehensive measurements and mapping of land plots. The obstacles to the human resources factor are limited implementing staff and lack of public awareness in carrying out PTSL. The solution is to improve the quality of human resources and carry out massive outreach to the community.

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