

## Implementation of Land Registration Policy Complete Systematic in Realizing Legal Certainty for Rights Holders in Kendal Regency

Ahmad Faiz Akbar<sup>1)</sup> & Amin Purnawan<sup>2)</sup>

<sup>1)</sup> Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail: [faizakbar051@gmail.com](mailto:faizakbar051@gmail.com)

<sup>2)</sup> Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail: [aminp@unissula.ac.id](mailto:aminp@unissula.ac.id)

**Abstract.** *This study discusses the Implementation of the Complete Systematic Land Registration Policy (PTSL) in realizing legal certainty for rights holders in Kendal Regency. PTSL aims to provide legal guarantees for land ownership rights through systematic and integrated land registration. This study uses an empirical legal approach to analyze how PTSL is implemented and the obstacles faced in Kendal Regency. The results of the study indicate that the implementation of PTSL is hampered by limited human resources, minimal budget, and low public awareness of the importance of land certification. These obstacles have the potential to hinder the achievement of PTSL goals, namely creating justice, benefits, and legal certainty for all land owners in Kendal Regency. In the analysis using the theory of legal objectives, the implementation of PTSL is expected to be able to answer the community's need for legal certainty and encourage welfare through more productive use of land assets. Using Talcott Parsons' Structural Functionalism theory, this study also found that PTSL plays an important role in maintaining social stability by strengthening integration between the government, village officials, and the community. Recommended solutions include increasing socialization to the community about the benefits of land certification, increasing budget allocations, and increasing human resource capacity to support the smooth implementation of PTSL.*

**Keywords:** Certainty; Legal; Policy; PTSL.

### 1. Introduction

Humans and land are two things that cannot be separated, because human life cannot be separated from land. Land itself is a very valuable thing for humans, because almost all human needs are definitely related to land, from birth to

death humans always need land. The existence of land as a source of life also has complex impacts, especially related to issues of ownership and management. Legal certainty over land rights is very important in maintaining the social and economic stability of a society. Without legal certainty, conflicts will arise that can disrupt the peace and welfare of society.<sup>1</sup>

The issue of land ownership and legal certainty in Indonesia is still a relevant issue, especially in rural areas. The lack of accurate data on land ownership, the complicated registration process, and the lack of public awareness of the importance of land registration are challenges that must be faced.<sup>2</sup>As a result, many people do not have land certificates, which causes legal uncertainty in their land ownership. Land is not only seen as a commodity with economic value, but the relationship between land and its owner contains certain cultural, customary, economic, and spiritual values. Likewise for the government, every development carried out by the government definitely requires land.

Land has an important meaning in human life, as an agricultural country, land is an important factor for the Indonesian nation both as a productive force and as a settlement. Therefore, land management in the sense of regulating land ownership, land use, land rights management, and land measurement and registration needs to be arranged and regulated in such a way that land can be used as much as possible for the prosperity of the people as mandated by the 1945 Constitution of the Republic of Indonesia which states: "The land, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people." This principle is the philosophical basis for land management and utilization, including the regulation of ownership and legal certainty.

As an implementation of the constitutional mandate, the Basic Agrarian Law (UUPA) Number 5 of 1960 was drafted as the main guideline in agrarian management in Indonesia. UUPA emphasizes the importance of legal certainty over land rights through comprehensive land registration. This registration aims to provide legal protection to landowners, avoid conflicts, and support national development. Land registration is an important instrument in enforcing legal certainty over land ownership rights.<sup>3</sup>The land registration system in Indonesia has evolved from being customary and informal to a

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<sup>1</sup>Setiawan, R., 2017. "Community Compliance with the PTSL Program in Kendal Regency: Case Study in Tegalrejo Village", *Journal of Social Studies*, No. 9, Vol. 1, p. 34-45.

<sup>2</sup>Widodo, S., 2018. "Evaluation of PTSL Program Performance in Increasing Legal Certainty of Land Rights Holders in Kendal Regency", *Journal of Public Management*, No. 4, Vol. 2, p. 123-135.

<sup>3</sup>World Bank, "Improving Land Administration and Management in Indonesia: A Road Map for the Future", accessed 27 May 2024, 10 p.m. 10.10.

formal system regulated by law. However, despite efforts to improve legal certainty in land ownership, many challenges remain, especially in rural areas.<sup>4</sup>

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 or other name of the same level, which includes the collection and determination of the truth of physical data and legal data regarding one or more land registration objects for registration purposes. In order to support these efforts, the government has issued various policies, including Government Regulation Number 24 of 1997 concerning Land Registration which was later strengthened through the Complete Systematic Land Registration (PTSL) policy. This policy is emphasized through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (Permen ATR/BPN) Number 6 of 2018, which aims to simplify land registration procedures, improve public access to land services, and provide better legal certainty to land owners.

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 or other name of the same level, which includes the collection and determination of the truth of physical data and legal data regarding one or more land registration objects for the purposes of the registrant. PTSL is designed as a systematic and integrated step to ensure that all land in Indonesia is officially registered. Through this program, the government hopes to overcome various challenges, such as inaccurate land ownership data, complicated administrative processes, and minimal public awareness of the importance of land certification. This policy is also expected to support Nawacita as a government priority program in strengthening legal certainty and empowering the community through easier and more efficient access to public services.

Kendal Regency, located in Central Java Province, stands out as one of the agricultural regions in Indonesia that is rich in agricultural potential and natural resources. However, behind the prosperity of its natural resources, Kendal also faces challenges in land registration issues that have an impact on legal uncertainty in land ownership. This uncertainty is a serious concern because it hinders the economic and social development of the community, as well as causing potential land conflicts that can disrupt peace in the region. One of the

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<sup>4</sup>Sujarwanto, et al., 2023, "Analysis of the Effectiveness of the Implementation of Complete Systematic Land Registration (PTSL) in Kendal Regency", *Journal of Public Administration*, Vol. 8, No. 2, p. 123-140.

main factors causing legal uncertainty in land ownership in Kendal is the lack of accurate data on land ownership.<sup>5</sup>

Although PTSL is seen as a potential solution, its implementation in the field has not always gone smoothly. A number of obstacles have arisen, significantly affecting the progress of this program. One of the main obstacles is the limited human resources. The process of land identification, mapping, and registration requires skilled and trained workers, but in many cases, the available human resources are inadequate. The lack of number and quality of field officers often becomes a serious obstacle in carrying out the tasks necessary for the success of the PTSL program.<sup>6</sup>This article discusses the Complete Systematic Land Registration Policy in Realizing Legal Certainty for Rights Holders, obstacles and solutions to overcome them in Kendal Regency.

## 2. Research Methods

The research method used in this research uses an empirical legal research method, namely legal research that will provide a complete understanding of law in the context of norms and when applied in a social context.<sup>7</sup>or research that examines legal events that exist in the life of society or research conducted on the actual legal conditions that occur in the life of society. The approach used is juridical, namely the approach from the perspective of laws and legal norms in accordance with the existing problems. The types and sources of data come from primary data and secondary data. Data collection methods include Interviews, Literature Studies, Observations, and Questionnaires. The data analysis method used is a qualitative method, namely the data obtained is arranged systematically and then analyzed qualitatively in order to obtain clarity on the problems discussed.<sup>8</sup>

## 3. Results and Discussion

### 3.1. Implementation of the Complete Systematic Land Registration Policy (PTSL) in Realizing Legal Certainty for Rights Holders in Kendal Regency

Complete Systematic Land Registration (PTSL) is a government program that aims to provide legal certainty over land to all Indonesian people, in accordance with Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), which stipulates that all land must be registered and certified to ensure its ownership. In Kendal Regency, the implementation

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<sup>5</sup>Sugiyanto, T., 2020. "Socio-Economic Impact Analysis of PTSL Implementation in Kendal Regency", *Journal of Development Economics*, No. 12, Vol. 2, p. 67-79.

<sup>6</sup>Ibid.

<sup>7</sup>Mukti Fajar and Yulianto Achmad, *Dualism of Normative & Empirical Legal Research*, Pustaka Pelajar, Yogyakarta, 2010 p. 153.

<sup>8</sup>Rahayu, S. 2019. "Tax Obligations in PPJB: Case Study in Indonesia", *Journal of Legal Studies*, No. 11, Vol. 3, p. 200-219.

of this policy is very important in providing legal certainty to landowners and reducing disputes that often occur due to the absence of certificates.

In the last three years, the Complete Systematic Land Registration (PTSL) program in Kendal Regency has experienced significant development. In 2023, there were 585,757 registered land plots, with 510,934 plots certified, or around 87.22% of the total land plots in the area.<sup>9</sup> Complete Systematic Land Registration (PTSL) in Kendal Regency is a national program that aims to provide legal certainty for land ownership rights. The implementation of PTSL in Kendal Regency is very important considering that there are still many lands that have not been certified. Based on data from the National Land Agency (BPN), before the PTSL program, most people in Kendal Regency only had proof of physical control over the land, such as deeds of sale or customary letters, but did not have land certificates as proof of legal ownership rights.<sup>10</sup>

In the theory of legal objectives put forward by Gustaf Radbruch, there are three main objectives of law, namely justice, benefit, and legal certainty. The implementation of PTSL plays an important role in achieving these three objectives in Kendal Regency. From the aspect of justice, PTSL provides equal opportunities for all people to have land certificates as proof of legal ownership regardless of their social or economic status. From the aspect of benefit as the next legal objective, it can be seen from the direct benefits received by the community through PTSL. Land certificates not only provide clear legal status for their owners, but also open up economic opportunities for the community because land certificates can be used as collateral in obtaining loans or credit for business. Thus, the legal benefits obtained through PTSL include social and economic benefits that contribute to improving the welfare of the community in Kendal Regency.

Land certification in PTSL aims to ensure that communities, both in rural and urban areas, have equal access to land ownership rights. In this context, PTSL helps realize distributive justice by ensuring that every individual receives equal treatment in terms of land ownership. In Kendal Regency, the implementation of PTSL follows the guidelines stipulated in the Regulation of the Minister of ATR/BPN Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL), which regulates the procedures, stages, and basic principles of PTSL implementation. Based on

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<sup>9</sup>Katriana Deputy Minister of ATR handed over 500 land certificates to Kendal residents via PTSL Monday, December 18, 2023 19:28 WIB <https://www.antaraneews.com/berita/3876846/wamen-atr-serahkan-500-sertifikat-tanah-warga-kendal-lewat-pts>

<sup>10</sup>Setyawan, B., & Prasetyo, R. (2019). "Acceleration of Land Registration Through the PTSL Program in Central Java." *Indonesian Agrarian Law Journal*, 12(3), 123-137.

the results of an interview with Ilyas Patuh Pranata as the PTSL Secretariat of the Kendal Regency BPN, the implementation of PTSL in Kendal was carried out through several important stages, namely socialization to the community, collection of physical and legal data, data verification, and issuance of certificates.<sup>11</sup> These stages are important to ensure that the land registration process can run in accordance with applicable regulations, as well as provide legal certainty for people who own land.

The following is a complete explanation of the stages of PTSL implementation:

a) Socialization to the community;

The first and most crucial stage in the implementation of PTSL in Kendal Regency is socialization to the community. This stage is very important because socialization functions as a bridge between the BPN and the community to provide an understanding of the benefits and urgency of land registration.

b) Collection of Physical Data and Legal Data;

After the socialization is complete and the community has a clear understanding of the importance of land registration, the next stage is the collection of physical and legal data. The collection of physical and legal data is one of the most crucial stages in the implementation of PTSL, because this data is the basis for BPN in issuing land certificates.

c) Data Verification;

After collecting physical and legal data, data verification is carried out for 30 days by the Kendal BPN team to ensure the conformity and completeness of the information before the certificate is issued and to provide the public with the opportunity to submit objections or clarifications if there are data errors.

d) Issuance of Certificates.

After verification is complete, and there are no disputes or objections, the land certificate is issued by the BPN. Based on the results interview with Ilyas Patuh Pranata as the Secretary of PTSL BPN Kendal Regency, this PTSL policy has succeeded in registering 22,000 plots of land in 2022 and 24,644 plots of land in 2023. For 2024, the registration process is still ongoing, with a manual certification method until June, then changed to an electronic certificate starting in July with the same

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<sup>11</sup>Interview with Ilyas Patuh, Head of PTSL Secretariat of the National Land Agency (BPN) for Kendal Regency, September 23, 2024

provisions. This policy refers to the Regulation of the Minister of ATR/BPN Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL), which defines the standards for systematic land registration.

Based on the structural functionalism theory, Talcott Parsons sees society as a system consisting of various interrelated elements that function to maintain social balance. In the context of PTSL implementation, this theory can be used to analyze how PTSL policies are structured to meet the community's need for certainty of land ownership while contributing to social stability. One of the main elements of Parsons' theory is the concept of adaptation, which in the context of PTSL is seen through various socialization efforts carried out by the National Land Agency (BPN) to the community. This socialization is a form of adaptation to ensure that the community understands the benefits of land certification and the processes required, so that this program can be well received by the community at all levels. In addition, the concept of integration in Parsons' theory is also reflected in the implementation of PTSL. BPN works with local governments, village officials, and the community as a whole to ensure that this program runs smoothly. This collaboration shows a strong integration between various parties, which is needed to ensure that the land certification program can achieve its desired goals. With good cooperation between BPN and other stakeholders, the PTSL program can be implemented effectively and bring maximum benefits to the community.

The results of the research and interviews with Ilyas Patuh Pranata as the Secretary of the PTSL Division of the Kendal Regency BPN showed that although PTSL has brought many benefits to the community, its implementation in the field is not free from several obstacles, although there are obstacles in the implementation of the PTSL program, but the issuance of certificates in the PTSL program does not contain overlapping certificates. This is because the verification process of physical and legal data is carried out carefully and well so that it does not cause overlapping certificates.

In terms of legal certainty based on the theory of legal objectives, the implementation of PTSL aims to provide legal guarantees for land owners, so that they have valid evidence and are recognized by the state regarding their land ownership. This is very important in reducing the potential for land disputes in the future and providing peace of mind for land rights holders. With legal certainty through land certification, the community can feel safer and more protected in carrying out various activities on their land.



### **3.2. Obstacles and Solutions for Complete Systematic Land Registration in Realizing Legal Certainty for Rights Holders in Kendal Regency**

Although the implementation of PTSL in Kendal Regency is going quite well, there are a number of obstacles faced, both in terms of technical and social aspects. Some of the main obstacles identified through interviews with the Kendal BPN are as follows:<sup>12</sup>

a) Limited Human Resources (HR)

The number of field officers involved in land measurement and data verification is very limited. This condition affects the smooth implementation of PTSL, especially in the process of physical measurement and collection of legal data which is the basis for issuing land certificates.

b) Lack of Public Awareness

Lack of public awareness of the importance of land registration, many people especially in rural areas, do not understand the benefits of having a land certificate. They are often reluctant to register their land because they consider the process complicated, time-consuming, or even expensive, even though in reality this PTSL program provides convenience and minimal costs.

c) Incomplete Data

Many people do not have complete documents as proof of land ownership. Most of the land that has been owned for generations does not have official documents such as a deed of sale or girik, which are requirements for obtaining a land certificate.

d) Low Level of Public Awareness

There are still residents who are not aware of the importance of land certification, this occurs because there is still a view that customary or inherited land does not require an official certificate, even though land certificates provide stronger legal protection.

To overcome various obstacles that have emerged, BPN Kendal together with the local government has taken various steps, such as:

- a) Increasing HR Capacity through recruitment of contract workers, although they are contract workers, these additional workers have

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<sup>12</sup>Interview with Ilyas Patuh, Head of PTSL Secretariat of the National Land Agency (BPN) for Kendal Regency, September 23, 2024



been given adequate technical training so that they can work according to the standards set by the BPN.

b) Door-to-Door socialization as one of the efforts made to increase community participation is by holding more intensive socialization and involving village officials. To overcome the lack of public awareness, BPN Kendal has initiated several efforts specifically designed to increase community participation in the PTSL program, then involving community leaders because they have great influence in the local community, by involving these leaders, the community is more open and trusts to follow the land registration process.

c) To resolve the issue of incomplete data, BPN Kendal has taken several steps, namely: 1) Re-verification by involving local village officials who know the actual location; 2) Participatory Map, as part of an effort to improve data accuracy, BPN Kendal uses a participatory map method, where the community and village officials together draw land boundaries manually before official measurements are carried out by BPN officers. This step helps minimize conflicts between neighbors regarding land boundaries; 3) Administrative Assistance, for people who do not have complete documents, BPN Kendal provides administrative assistance in the form of processing inheritance documents or deeds of sale and purchase. This is important so that people can still register their land even without original documents.

With these steps, BPN Kendal has succeeded in accelerating data collection and ensuring that each plot of land can be certified in accordance with applicable provisions.

#### **4. Conclusion**

The stages of PTSL Implementation in Kendal Regency, namely the implementation of Complete Systematic Land Registration (PTSL) in Kendal Regency, are carried out in accordance with the guidelines stipulated in the Regulation of the Minister of ATR/BPN Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL), which includes socialization to the community, collection of physical and legal data, data verification, and issuance of certificates. This stage is important to provide legal certainty of land ownership, accelerate the land registration process, and increase community participation. The Kendal Regency BPN involves various parties, including community leaders, in socialization, thereby increasing public awareness and the number of registered lands. Obstacles in PTSL Implementation, although the implementation of PTSL has a positive impact, several obstacles in the field are still found, such as limited human resources, lack of socialization to the community, and resistance

from some people who do not understand the benefits of land certification. In addition, the bureaucracy that is still complicated and corrupt practices at the local level also hamper the smooth implementation of PTSL in several villages in Kendal.

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