

## Implementation Of Complete Systematic Land Registration Services During The Covid-19 Pandemic

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### Abstract

*The purpose of this study is as follows: To find out the problems faced in PTSL services during the Covid-19 Pandemic at the Pekalongan City Land Office, to find out and analyze the implementation of PTSL services during the Covid-19 Pandemic at the Pekalongan City Land Office. This study uses a sociological juridical approach. Based on the results of the study, it can be concluded: (1) Existing Problems in PTSL Services During the Covid-19 Pandemic Period at the Land Office of Pekalongan City, including: (a) The factor of social distancing so it is not allowed to carry out measurements as before the pandemic, thus progress of implementation becomes hampered, while there is still a PTSL completion target that must be met, (b) The budget factor of the ministry of ATR/BPN is saved for the needs of handling the pandemic, so that the target is reduced / unit costs are lowered / there is even work in the implementation of PTSL that cannot be paid, (c) The time period for the announcement of physical data and juridical data differs between the Government Regulation and the Ministerial Regulation concerning PTSL, (d) The factor of law enforcement facilities, the presence of an invalid resident e-KTP has been brought to the sub-district office but is still not recorded in the KKP application so that the efforts made are to coordinate with the Population and Civil Registry Office of Pekalongan City, (e) The factor of low public interest in participating in the implementation of PTSL activities from from the beginning until the issuance of certificates in 2020 there were 504 certificates printed, 504 certificate signatures, and G. Scan BT PTSL 2020, (2) Implementation of PTSL Services During the Covid-19 Pandemic Period at the Land Office of Pekalongan City, the results namely Print Certificate: 504 fields, Certificate Signature: 504 fields, and G. Scan BT PTSL 2020: 504 fields.*

*Keywords: PTSL; Services; Covid-19; Pandemic; Social Distancing.*

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### 1. Introduction

Land is a very vital item for an agricultural country like Indonesia. So important land for human survival because that's where humans live, grow and develop, even at the same time is a place to be buried at the time of death.<sup>1</sup> But on the other hand, land is also a very vulnerable and potential trigger for social crises.<sup>2</sup> It also includes the general fact that everyone may have property rights, but in special circumstances (for the public interest), the state can take property rights in a non-arbitrary manner.<sup>3</sup>

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<sup>1</sup> Sujono Wignjodipuro, *Pengantar dan Asas-Asas Hukum Adat*, Gunung Agung, Jakarta, 1982, p.197

<sup>2</sup> Djuhaedah Hasan, *Lembaga Jaminan Kebendaan Bagi Tanah dan Benda lain yang melekat Pada Tanah Dalam Konsepsi Penerapan Atas Pemisahan Horisontal*, Citra Aditya Bakti, Bandung, 1996, p.64

<sup>3</sup> Umar Ma'ruf, *Politik Hukum Di bidang Pertanahan*, Badan penerbit Universitas Diponegoro ,Semarang, 2010, p. 24-25

The existence of legal certainty regarding land has been regulated in the Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles in Article 19 stating that to ensure legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions stipulated by law. Government Regulation, which aims to guarantee legal certainty over land rights.<sup>4</sup> Legal certainty that is meant includes: certainty regarding the legal subject of land (person or legal entity); certainty regarding the location, boundaries, size or area of land or certainty related to the object of rights; as well as certainty regarding the status of land rights which is the foundation of the relationship between land and persons or legal entities.<sup>5</sup>

The land registration includes: (1) Measurement, mapping and bookkeeping of land, (2) Registration of land rights and the transfer of such rights, and (3) Provision of certificates of proof of rights, which act as valid evidence.<sup>6</sup>

In addition, the implementation of land registration will produce a final product in the form of a certificate as proof of ownership of land rights. However, in its implementation, there must be obstacles, both in the administration and from the community itself. There are still people who do not really understand the importance of a land data collection.<sup>7</sup>

In relation to land registration as mentioned above, it has been mentioned in Article 3 of Government Regulation Number 24 of 1997 concerning Land Registration, which explains the purpose and use of land registration and one of its products is called land title certificate. To provide legal certainty and legal protection to the holder of the right to a parcel of land, apartment unit and other registered rights so that he can easily prove himself as the holder of the right in question.<sup>8</sup>

With the enactment of Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration, the Government has carried out systematic and sporadic land registration. Systematic land registration is a land registration activity for the first time that is carried out simultaneously which includes all land registration objects that have not been registered in the territory or part of the territory of a village/kelurahan. The government made an innovation by establishing a Complete Systematic Land Registration program (hereinafter abbreviated as PSTL) to accelerate the implementation of land registration. However, it also needs to be avoided so that the implementation of PSTL avoids corrupt behavior.<sup>9</sup>

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<sup>4</sup>Urip Santoso, *Hukum Agraria dan Hak-hak Atas Tanah*, Prenada Media Group, Jakarta, 2010, p. 248.

<sup>5</sup> Dwi Anas Rudiantoro and Sri Kusriyah, "Mechanism for Handling of Criminal Action Prohibiting the Use of Land Without Permission" in *Law Development Journal Volume 2 Issue 4, December 2020*, p. 520-521. <http://jurnal.unissula.ac.id/index.php/ldj/article/view/13632/5184>

<sup>6</sup> Sumarja, *Hukum Pendaftaran Tanah*, Universitas Lampung Press, Bandar Lampung, 2015, p.17.

<sup>7</sup>Irawan Soerodjo. *Kepastian Hukum Pendaftaran Hak Atas Tanah di Indonesia*. Arloka, Surabaya, 2002, p. 40

<sup>8</sup>Ali Achmad Chomzah, *Hukum Agraria Pertanahan Indonesia*, Prestasi Pustaka, Jakarta, 2004, p. 23

<sup>9</sup> Antonius Agung Ariyanto and Ira Alia Maerani, "The Element of Deliberate Action in a Series of Actions on PRONA Program's Corruption Crime" dalam *Law Development Journal Volume 3 Issue 1, March 2021*, (44 – 51), <http://jurnal.unissula.ac.id/index.php/ldj/article/view/14238/5413>

The legal certainty of land registration is also confirmed in the Regulation of the State Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2017 concerning Acceleration of Complete Systematic Land Registration, which regulates that complete systematic land registration is carried out for all Land Registration objects throughout the territory of the Republic of Indonesia and regulate the acceleration of the implementation of Registration. The PTSL program is regulated in the 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.

Land registration systematically is one of the efforts made for promoting the certification of the land as well as to involve the active participation of the community, especially the land-rights holders to cooperate with the government of the convening of land registration, then the parties concerned can easily know the status or legal position rather than a particular land that it faces, the location, area and boundaries, who have and load what is on it.<sup>10</sup>

Implementation of Complete Systematic Land Registration (PTSL) at the Land Office of Pekalongan City for Fiscal Year 2020 which has been regulated in the planning with a target of 1000 Land Map (PBT) and 1000 Land Rights Certificates (SHAT), changed after in March 2020 the spread of Corona Virus Disease 2019 (COVID-19) which spreads almost all over the world, including in the territory of Indonesia. Even Corona Virus Disease 2019 (Covid-19) has been declared by the World Health Organization (WHO) as a pandemic and Indonesia has declared Covid-19 as a non-natural disaster in the form of a disease outbreak that must be taken care of so that there is no increase in cases.

The spread of the Corona Virus Disease 2019 (COVID-19) pandemic causes problems that require clear juridical implementation to overcome them. In this regard, the authors intend to examine and discuss in this research about implementation of PTSL services during the Covid-19 Pandemic at the Land Office of Pekalongan City.

Based on the description above, this study aims to determine the problems faced in PTSL services during the Covid-19 Pandemic at the Land Office of Pekalongan City; To find out the implementation of PTSL services during the Covid-19 Pandemic at the Pekalongan City Land Office.

## 2. Research Methods

The approach method in this research is a sociological juridical approach. This research is descriptive analytical, namely analyzing the object of research against existing legal norms and is the basis for conducting studies or research.

Sources of data set in this study in the form of: Primary Data Sources, Secondary Data Sources. Data collection technique is a way of conducting research directly to the object of research to obtain data (filed research or field research),

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<sup>10</sup> Reni Widayanti, Jeifson Sitorus and Gunarto, "The Implementation of Complete Systematic Land Registration (PTSL) Which the Transfer of Rights of His Land Not Using PPAT Deed (Case Study in National Land Agency of Grobogan) dalam Volume 6 Issue 4, December 2019 p. 684; <http://jurnal.unissula.ac.id/index.php/akta/article/view/7592/pdf>

which is used by the author with the following techniques: Observation, Interview / Interview, Library research / library research

The analysis of this study uses a qualitative descriptive analysis method, namely an analysis of the results of the research which is expressed in the form not in the form of numbers but descriptions in systematic sentences.

### **3. Results and Discussion**

#### **3.1. Problems in PTSL Services During the Covid-19 Pandemic at the Land Office of Pekalongan City**

There are several problems that exist in the PTSL service during the COVID-19 pandemic at the Pekalongan City Land Office. The problems that exist in PTSL services during the Covid-19 Pandemic at the Pekalongan City Land office, namely:

- The factor is that there is social distancing so that it is not possible to carry out measurements as before the pandemic, thus the progress of its implementation will be hampered, while there is still a PTSL completion target that must be met

In accordance with the Decree of the Minister of ATR/Head of BPN Number 115/SK-OT.02/V/2020 concerning the Values of the Ministry of ATR/BPN, 3 (three) main values have been set, namely service, professionalism and reliability. However, with the COVID-19 pandemic, PTSL services cannot be maximized, including in measuring land in the field.

In order to provide a solution to the problems above, the Pekalongan City BPN Office refers to the Circular Letter of the Minister of ATR/Head of BPN Number 7/SE-100.HR.01/IV/2020 regarding the ease of service for determining and registering land rights during the status period. Corona virus disease 2019 (covid-19) emergency response.

In line with these efforts, the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency has stipulated the Decree of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 88.1/SK-HR.01/IV/2020 dated April 16, 2020 concerning Extension of the Term of Validity of Rights. On Land, and the Registration Period of Decision Letters for Granting, Extension or Renewal of Land Rights That Have Ended or Will End During the Corona Virus Disease 2019 (COVID-19) Emergency Response Status as well as the ease of submitting the completeness of the validation documents for proof of payment of tax payments for the transfer of rights to land in the form of Customs on Acquisition of Land and Building Rights (BPHTB) and/or Income Tax (PPh) as a form of policy for facilitating land services to provide a stimulus to the community, so that implementation instructions are needed.

The purpose and objective of the implementation of the Circular Letter is as a guide to the policy of facilitating land services provided to the community during the Corona Virus Disease 2019 (COVID-19) emergency response status for services for determining and registering land rights.

- The budget factor for the ministry of ATR / BPN is saved for the needs of handling the pandemic, so that the target is reduced / unit costs are lowered / there is even work in the implementation of PTSL that cannot be paid

With the reduced budget due to the COVID-19 pandemic, in particular the budget that was previously included in the PTSL budget, it will clearly have an influence on PTSL implementation, one of which is the target time and target for certificate products, the amount of which will be reduced from the initial target of PTSL at the Pekalongan City National Land Agency Office. This condition clearly reduces the principle of legal benefits for the implementation of PTSL at the BPN Office of Pekalongan City, which should have targeted the time and the target number of PTSL units to be not in accordance with the initial target.

This shows the degradation of legal benefits due to the COVID-19 pandemic. Because, with the enactment of Government Regulation Number 24 of 1997 concerning Land Registration, it is hoped that it will have a positive impact, both on the community and on the government itself<sup>11</sup>.

- The time period for the announcement of physical data and juridical data differs between Government Regulations and Ministerial Regulations concerning PTSL.

The slow process of making land certificates and the absence of legal certainty over land often triggers land disputes and disputes in various parts of Indonesia. This proves the importance of land certificates as legal evidence of land owned.

Land registration was originally carried out for fiscal purposes (fiscal cadastral), but in its development, to face the uncertainty faced in legal actions regarding land, land registration was born for the purpose of legal certainty (recht cadastral).

- The factor of law enforcement facilities, the presence of an invalid resident e-KTP has been brought to the sub-district office but is still not recorded in the KKP application so that efforts are being made to coordinate with the Population and Civil Registry Office of Pekalongan City.
- The factor of the low public interest in participating in the implementation of PTSL activities from the beginning to the issuance of certificates in 2020 was that there were 504 certificates printed, 504 certificate signatures, and G. Scan BT PTSL 2020.

Land registration through PTSL must reflect legal certainty. Legal certainty according to Jan Michiel Otto defines it as the possibility that in certain situations:

- There are clear, consistent and easy to obtain regulations, issued by and recognized because of the (power) of the nagara.
- Ruling agencies (government) apply these legal rules consistently and are also subject to and obedient to them.
- Citizens principally adjust their behavior to these rules.
- Independent and thoughtless judges (judicials) apply the rules of law consistently when they resolve legal disputes.
- Judicial decisions are concretely implemented.<sup>12</sup>

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<sup>11</sup> Victoria, Ong Argo, & Myska. (2021). Doctor's Contributions in Transportation Monitoring During COVID-19 Pandemic. *KnE Social Sciences*, UEA Dubai 5(1), 598-618. <https://doi.org/10.18502/kss.v5i1.8317>

<sup>12</sup> Soeroso, *Pengantar Ilmu Hukum*, Sinar Grafika, Jakarta, 2016, p. 32

On the other hand, the implementation of land registration should also prioritize aspects of legal benefits. With land registration, benefits will be obtained both for the right holder, the government and for prospective buyers or creditors.

### **3.2. Implementation of PTSL Services During the Covid-19 Pandemic at the Land Office of Pekalongan City**

Complete Systematic Land Registration (PTSL) carried out at the Pekalongan City BPN Office is a land registration activity for the first time that is carried out simultaneously which includes all land registration objects that have not been registered in one village/kelurahan area or other equivalent names, and also includes mapping all land registration objects that have been registered in order to collect and provide complete information regarding the land parcels. The implementation of a complete systematic land registration can be carried out as a routine activity of the Land Office or as an annual activity of a project/program.

According to Boedi Harsono, land registration activities include land registration activities for the first time and available data maintenance activities. Land registration for the first time (initial registration) includes three areas of activity, namely:

- Cadastral physical or technical field;
- juridical field; and
- Issuance of documents for proof of rights.<sup>13</sup>

In general, when there is no COVID-19 pandemic, the Complete Systematic Land Registration (PTSL) at the Pekalongan City BPN is carried out with the following stages:

- Planning and Preparation, all levels of the Ministry of ATR/BPN provide information openly to the public that a Complete Systematic Land Registration (PTSL) will be carried out either directly or through various media;
- Determination of Locations for Complete Systematic Land Registration (PTSL);
- Establishment and stipulation of the Complete Systematic Land Registration Adjudication Committee (PTSL);
- Counseling is carried out by the Land Office along with the Acceleration Adjudication Committee and the Juridical Task Force together with the Physical Task Force. In the counseling, the stages of the Complete Systematic Land Registration (PTSL) activity, the juridical documents that need to be prepared and the schedule for collecting juridical data are presented.
- Collection of Physical Data and Juridical Data on Land Sector;
- Soil Inspection;
- Announcement of Physical Data and Juridical Data on Land Sector and Proof of Rights;
- Issuance of Decision on Granting or Recognition of Land Rights;
- Bookkeeping and Issuance of Land Rights Certificates; and

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<sup>13</sup>Boedi Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan UUPA Isi dan Pelaksanaannya*, Ed. Revision, prt.8. Djambatan, Jakarta, 2012, p. 74

- Submission of Certificate of Land Rights.<sup>14</sup>

Implementation of Complete Systematic Land Registration (PTSL) at the Land Office of Pekalongan City for Fiscal Year 2020 which has been regulated in the planning with a target of 1000 Land Map (PBT) and 1000 Land Rights Certificates (SHAT), changed after in March 2020 the spread of Corona Virus Disease 2019 (COVID-19) which spreads almost all over the world, including in the territory of Indonesia. Even Corona Virus Disease 2019 (Covid-19) has been declared by the World Health Organization (WHO) as a pandemic and Indonesia has declared Covid-19 as a non-natural disaster in the form of a disease outbreak that must be taken care of so that there is no increase in cases.

The regulatory products as a strategic step to accelerate the completion of PTSL implementation at the Pekalongan City BPK Office are as follows:

- Decree of the Head of the Pekalongan City Land Office Number: 45/SK-33.75.KP.02/I/2020 dated January 2, 2020 concerning the Determination of the Location of the Complete Systematic Land Registration of the Pekalongan City Land Office for the 2020 Fiscal Year;
- Decree of the Head of the Pekalongan City Land Office Number: 66/SK-33.75.UP.02.01/IV/2020 dated 06 April 2020 concerning the Task Force for the Prevention and Monitoring of the Spread of Corona Virus Disease 2019 (Covid-19) in the Pekalongan City Land Office;
- Decree of the Head of the Pekalongan City Land Office Number: 67/SK-33.75.KP.02/V/2020 dated 11 May 2020 concerning Changes in the Composition of the Adjudication Committee, Physical Task Force, Juridical Task Force, and Complete Systematic Land Registration Administration Task Force (PTSL) at the Land Office of Pekalongan City for Fiscal Year 2020;
- Attachment 1 Decree of the Head of the Pekalongan City Land Office Number: 67/SK-33.75.KP.02/V/2020 dated 11 May 2020 concerning the Composition of the Complete Systematic Land Registration Adjudication Committee (PTSL) at the Pekalongan City Land Office Fiscal Year 2020;
- Appendix 2 Decree of the Head of the Pekalongan City Land Office Number: 67/SK-33.75.KP.02/V/2020 dated 11 May 2020 concerning the Structure of the Physical Task Force for Complete Systematic Land Registration (PTSL) at the Pekalongan City Land Office for Fiscal Year 2020;
- Attachment 3 Decree of the Head of the Pekalongan City Land Office Number: 67/SK-33.75.KP.02/V/2020 dated 11 May 2020 concerning the composition of the Juridical Task Force for Complete Systematic Land Registration (PTSL) at the Pekalongan City Land Office for Fiscal Year 2020;
- Appendix 4 Decree of the Head of the Pekalongan City Land Office Number: 67/SK-33.75.KP.02/V/2020 Dated May 11, 2020 concerning the Structure of the Complete Systematic Land Registration Administration Task Force (PTSL) at the Pekalongan City Land Office for Fiscal Year 2020.

As for the condition of the Covid-19 pandemic, the Pekalongan City BPN Office has provided an applied solution using internet technology, namely by implementing 8 (eight) steps as follows:

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<sup>14</sup>Results of an interview with the Head of the Survey and Mapping Section at the Land Office of Pekalongan City, Karismawan, SST, MH, April 6, 2020.

- The application sends the requested file via the google form at <https://forms.gle/EXE3qMWiEdWAQpz8> in the form of softcopy / scan where each item of the file submitted must be numbered;
- Checking the completeness of the file by the officer. The complete file is printed out the Deposit Order and sent via whatsapp. If the file is incomplete, the officer will notify the applicant of the completeness of the file that must be completed and the applicant will re-upload it;
- The officer prints the Deposit Order (SPS) and then submits a soft copy/scan of the Deposit Order (SPS) to the applicant via whatsapp;
- The applicant makes payment and submits proof of deposit via WhatsApp to the officer. After receiving the proof of deposit, the officer then notifies the applicant of the physical file schedule and submits it to the Pekalongan City BPN Office;
- The process of completing the application at the Pekalongan City BPN Office;
- Service completed. The officer notifies the applicant of the product collection schedule;
- The applicant picks up the product at the Pekalongan City BPN Office.

The targets for the Land Sector Map (PBT) and Land Rights Certificate (SHAT) in the implementation of Complete Systematic Land Registration (PTSL) at the Pekalongan City Land Office for Fiscal Year 2020, are listed in the following table:

Table 3.2  
Target PBT and SHAT Complete Systematic Land Registration (PTSL)  
Pekalongan City Land Office Fiscal of 2020

NO	WARD	PBT TARGET (Plant Map)	TARGET SHAT (Certificate of Land Rights)
1	Degayu	100	100
2	Krapyak	100	100
3	Kauman	85	85
4	Noyontaansari	200	200
5	Sokoduwet	115	115
6	Tirto	250	250
7	Pringrejo	150	150
Amount		1000	1000

Source: Archive Data of the Land Office of Pekalongan City, January 12, 2020.

The results of the Implementation of Complete Systematic Land Registration (PTSL) at the Pekalongan City Land Office for Fiscal Year 2020, are the following saving target results:

1. PBT Target (Land Issuance) : 500 fields
2. Target SHAT (land title certificate) : 500 fields
3. Target K4 (the child already has a certificate but needs to improve the information on the map) : 2,258 fields
4. Number of Location Determinations (Penlok) : 7 Villages.
5. BT Validation : 99.55%
6. Persil Validation (field) : 99.79%
7. Scan the letter : 98.07%

8. K1 realization	: 504
9. K3.1 realization	: 0
10. K3.2 . Realization	: 0
11. Print Certificate	: 504 fields
12. Certificate Signature	: 504 fields
13. G. Scan BT PTSL 2020	: 504 fields. <sup>15</sup>

The adjudication committee has an important role in the field from the beginning to the end of PTSL activities. Counseling which is the mandate of Article 16 has been carried out to provide an explanation of PTSL to the public. Furthermore, the agency collects physical data and juridical data, researches juridical data for proof of rights, announces physical data and juridical data and ratifies it with the realization of physical data at the stage of the map of land parcels being realized and juridical data at the stage of certificate being realized according to the data mentioned above.

#### 4. Closing

The conclusions that can be drawn are based on the discussion of the previous chapter, namely: that the problems that exist in PTSL services during the Covid-19 pandemic at the Pekalongan City Land Office include: the factor of social distancing, the budget factor, the time period for the announcement of physical data and juridical data different between Government Regulations and Ministerial Regulations concerning PTSL, Factors of law enforcement facilities, Factors of low public interest in participating in the implementation of PTSL activities. As for the implementation of PTSL Services During the Covid-19 Pandemic Period at the Land Office of Pekalongan City, the results were Print Certificates: 504 fields, Certificate Signatures: 504 fields, and G. Scan BT PTSL 2020: 504 fields.

Some suggestions that can be submitted are: It is recommended to avoid conflicting norms *lex superior derogate legi inferior* need to be regulated in the form of government regulations so that a period of 14 days can still be applied in the PTSL program with the implementation of the principle of *lex specialis derogate legi generalis*; It is recommended to take a more maximal approach to the community so that it can mobilize the public's interest to follow all stages of complete systematic land registration. As well as strengthening the implementation of complete systematic land registration law enforcement so that obstacles in the implementation of PTSL can be resolved.

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<sup>15</sup> The results of the report from the Head of the Pekalongan City BPN Office, Retna Kustiyah, SH, MM, to the Head of the Central Java BPN Regional Office, December 15, 2020.

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### **Regulations**

- [1] Act No. 24 of 2007 concerning Land Registration.
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