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 Kaligawe Rd KM 4, Central java

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER



Our Speaker



Prof. Henning Glasser
 Thammasat University



Prof. Yuzuru Shimada
 Nagoya University



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 UNSW Australia



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Assoc. Prof. Dr. Hj. Sri Kusriyah
 Sultan Agung Islamic University

*Democracy In Digital Era : Law,
 Governance, Sosial And Economic
 Perspective In Asia, Australia And
 Dutch*



September 23-24, 2020
 Imam Assafel Buiding, Faculty of Law, Unissula
 Kaligawe Rd KM 4 Semarang, Central Java

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER

THEME : DEMOCRACY IN DIGITAL ERA: LAW, GOVERNANCE, SOCIAL AND ECONOMIC PERSPECTIVE IN ASIA, AUSTRALIA AND DUTCH

Keywords: *Digital Media, Political and Governance Institutions, Electoral Processes, People Representation, Digital Disinformation, Democracy, Digital Economic, Social issue*



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Melissa Crouch
UNSW Australia



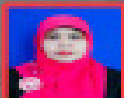
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This agenda aims to provide insights in theory and practice:

1. To exchange and discuss views on the most important issues on Democracy in Digital Era: Law, Governance, Social and Economic Perspective in Asia, Australia and Dutch and its consequences to Law in countries.
2. To discuss the challenges and practical aspect of Democracy and Governance in a Digital Era.

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KATA PENGANTAR

Bismillahirrohmanirrohim

Assalamu'alaikum Wr. Wb.

Puji syukur kehadiran Allah S.W.T, Tuhan Semesta Alam Yang Maha Esa. Alhamdulillah, sebagai ucapan syukur kehadiran Allah Subhanahu Wata'ala kami dapat menyelenggarakan The 6nd Proceeding International Conference And Call Paper dengan tema "*Democracy In Digital Era : Law, Governance, Sosial And Economic Perspective In Asia, Australia And Dutch*" terselenggara dengan baik. Pemilihan tema tersebut dipilih karena pada era searang ini kita dihadapkan dengan era industri 4.0, dimana para kandidat doktor dituntut untuk bisa menyesuaikan dengan perkembangan global dan meningkatkan kompetensi keilmuan serta kemampuan.

Pada seminar ini telah dipresentasikan hasil penelitian dosen dan mahasiswa yang diikuti oleh peneliti-peneliti dari berbagai universitas yang telah membahas berbagai keilmuan Hukum dan Humaniora.

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Dynamics Community Complete Systematic Land Registration

Nuryanto

MIH Unissula

Abstract

The government as state administrator has formal authority to establish policies as an effort to overcome land disputes and accelerate the fulfillment of land ownership rights in Indonesia. One of the efforts made is through government policy through the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency by launching a National Priority program in the form of a Complete Systematic Acceleration of Land Registration. The approach method used in this research is sociological juridical. This research specification is descriptive analytical. The data sources used are primary data and secondary data. Based on the results of the study, it can be concluded: Based on the Regulation of the Minister of Agrarian and Spatial Planning Number 6 of 2018 concerning the Acceleration of Complete Systematic Land Registration. These stages are Preparation, Counseling, Measurement and mapping of fields, Collection of Juridical Data, Processing of Juridical Data and Proof of Rights, Land Examination, Announcement, Ratification, Issuance of Decree on Rights Determination and Decree of Confirmation / Recognition of Rights, Book of Rights. The obstacles faced by the Blora Regency Land Office in implementing the PTSL program are low interest in community participation and obstacles and problems related to the juridical and physical fields.

Keywords: *Dynamics Community, Complete Systematic Land Registration, Land Office*

A. Introduction

Amendments to the 1945 Constitution, especially after the fourth amendment, reinforce the concept of state law and are set forth in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which reads: "The State of Indonesia is a constitutional state". State law in question is a state that places law as commander in regulating the life of the Indonesian people.¹

Land is an important economic factor and has strategic value from anywhere, be it social, political or cultural. Land cannot be separated from people's lives from the past until now. The human need for land is increasing every year, this is due to the increasing number of people who are getting higher, besides that land is a valuable asset that belongs to a country.

The Unitary State of the Republic of Indonesia which is based on the 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3) states that "the State of Indonesia is a state based on law" A constitutional state that provides guarantees and provides protection for the rights of citizens, among others citizens' rights to obtain, own and enjoy their property.² With continuous and programmed efforts, it is hoped that development in the land sector can create conditions for land use and ownership that can bring prosperity and peace and security to the citizens of the community, nation and state. In accordance with the constitution of the State of Indonesia, namely the 1945 Constitution of the Republic of Indonesia, Article 33

1. Muhammad Yahya Selma, Reconstruction of Principles of Legality In Criminal Law Based on Justice Value of Pancasila, Jurnal Pembaharuan Hukum, Volume IV No. 3 September-Desember 2017, hlm.305-312

2. Andrian Sutedi, 2016, Peralihan Hak Atas Tanah, Sinar Grafika, Jakarta, hlm. 1.

paragraph (3) which provides the basis that “the earth and water and the natural resources contained therein are controlled by the state and used as much as for the people”.

Property rights to land as a type of property right, which are very important for the state, nation and people of Indonesia as an agrarian society that is developing towards industrial development and so on.³ In Indonesia, the state has a strong role in controlling land rights, with the state controlling the rights to state land, which can minimize land disputes. Disputes related to land are disputes that arise and involve the community in land rights owned by each individual which require legal certainty and security for a land, with that the government needs an equitable development since planning, carrying out data collection on a land, utilization to control up to the process of land registration by the authorized government with simultaneous land registration.

In Indonesia, certificates of land rights act as strong evidence as confirmed in Article 19 paragraph 2 letter c of the UUPA and Article 32 paragraph 1 of Government Regulation Number 24 of 1997. Studies on the validity of certificates are very important because first, certificates provide certainty. land ownership law so as to prevent land disputes. Second, with certificate ownership, land owners can make any law making as long as it does not conflict with law, public order, and morals. In addition, certificates have a high economic value if they are used as collateral for debts with mortgage rights over land.⁴

The lack of rights to land title ownership in Indonesia can be seen from the government’s target, which is conveyed through the official National Land Agency news. The government through the Ministry of Agrarian and Spatial Planning / National Land Agency is targeting 5 million land parcels to be certified in 2017, then 7 million land parcels in 2018, 9 million plots in 2019 and 10 million plots in 2020. The acceleration of asset legalization targets around 63,193 .000 plots of land, which will eventually bring about all the parcels of land that have been certificated by 2025.⁵

Based on these problems, the government as state administrator has the formal authority to establish policies as an effort to overcome land disputes and accelerate the fulfillment of land ownership rights in Indonesia. One of the efforts made is through government policy through the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency by launching a National Priority program in the form of Complete Systematic Land Registration Acceleration (PTSL).

PTSL is a process of land registration which is carried out simultaneously and includes all objects of land registration that have not been registered in a village or kelurahan. Through the PTSL program, the government guarantees legal certainty or rights to land owned by the community. The aim of the PTSL program is to accelerate the provision of legal certainty and legal protection of community land rights in a certain, simple, fast, smooth, safe, fair, equitable and open and accountable manner so as to improve the welfare and prosperity of society and the state economy, and reduce and prevent disputes and land conflict.⁶

One of the regions that has participated in organizing Complete Systematic Land Registration (PTSL) is Blora Regency, which in this case is carried out by the Blora Regency Land Office. Blora Regency has an administrative area of 1820.59 km² (182058,797 ha). Blora Regency with an area of 1820.59 Km², the largest use of its area is as forest which includes state forest and community forest, namely 49.66%, wetland 25.38% and the rest is used as yards, moor, reservoirs, community plantations and others. -Other namely 24.96% of all land use. The largest area of land use for paddy fields is Kunduran District (5559.2174

3. Ibid, hlm 1

4. I Ismail, 2017, Efektivitas Layanan Rakyat untuk Sertifikasi Tanah (LARASITA) di Kota Makassar, Jurnal Ilmiah Administrasita, Vol 8 (01), hlm. 6.

5. Bpn.Go.Id/Berita/Berita-Pertanahan/Default-66786, Kedaulatan Rakyat, Diakses Pada Tanggal 10 November 2019.

6. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 Tentang Pendaftaran Tanah Sistematis Lengkap.

Ha) and Kedungtuban District (4676.7590 Ha), which have been known as the granary of Blora Regency.⁷ Blora Regency Land Office, Ministry of Agrarian and Spatial Planning / National Land Agency is one of the spearheads of PTSL implementation.

This article aims to find out, study and analyze the arrangements related to the Complete Systematic Land Registration program and community dynamics in implementing a complete systematic land registration in Blora Regency. This program is a pick-up service with visits to people's homes online by utilizing the latest technology connected via satellite. connected to the Land Office by utilizing internet facilities and a wireless communication system. However, based on the research conducted by the author, the socialization carried out by the Blora Regency Land Office to the community is still being maximally pressed because the PTSL program has not been touched by the whole community in Blora Regency regarding the program information due to various factors including the size of the Blora Regency area. Approach to society as the main effort in carrying out a government policy. It can be seen from the reality that is happening in the field today, relatively less land assets that have been registered have been registered with legal force. This has an impact on juridical implications such as the legal status of land rights that have not been certified.

B. Research Methods

To conduct a study in this study the author uses the sociological juridical method (social legal research) to study and discuss the problems raised. Juridical is an approach that uses legal principles and principles derived from written regulations, sociology is an approach that aims to clarify the real situation that exists and appears in society regarding the problem being researched or gives importance to observation steps.⁸

C. Results and Discussion

1. Community dynamics in the Complete Systematic Land Registration program

Land registration throughout the territory of the Republic of Indonesia is carried out by the Indonesian government, in order to regulate the legal relationship between the subject and object of land parcels.⁹ To ensure legal certainty by the government, land registration is held throughout the territory of the Republic of Indonesia according to the provisions stipulated by government regulations. This is contained in Article 19 paragraph (1) of the UUPA. The implementation of such land registration is an instruction given to the government, in this case the National Land Agency, whose implementation is at the Land Office.

Land registration according to Article 1 number 1 PP No.24 of 1997 concerning Land Registration, namely Land Registration is a series of activities carried out by the Government continuously, continuously and regularly, including collection, processing, bookkeeping, and presentation and maintenance of physical and juridical data. , in the form of maps and lists, regarding land parcels and apartment units, including the issuance of certificates of proof of their rights for land parcels for which there are already rights and ownership rights over apartment units and certain rights which impose them.

Complete Systematic Land Registration is carried out in order to realize the presence of the State in the land sector by providing legal certainty guarantees of Land Rights. as mandated in Article 19 of Law Number 5 Year 1960 concerning Basic Agrarian Principles. The government is obliged to carry out land registration throughout the territory of the Republic of Indonesia.

7. <http://www.blorakab.go.id/index.php/public/profil/index/164>, Diakses Pada Tanggal 10 November 2019.

8. Rony Hanitijo Soemitro, 1990, Metodologi Penelitian Hukum dan Jurimetri, Ghalia Indonesia, Jakarta, hlm 34

9. Prama Widianugraha, 2019, Tinjauan Normatif Pendaftaran Tanah Sistematis Lengkap Dikaitkan Pembentukan Aturan Peraturan PerundangUndangan, Jurnal Bina Mulia Hukum, Volume 3, Nomor 2, Maret.

Complete systematic land registration is carried out starting with socialization and counseling from a team formed by the National Land Agency to provide education and outreach to the public regarding government programs, namely complete systematic land registration. The land registration process is based on existing regulations, namely Presidential Instruction Number 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration throughout the Territories of the Republic of Indonesia. In the Presidential Instruction, instructs the minister of agrarian affairs to make regulations regarding complete systematic land registration.

The strategy of the Ministry of Agrarian and Spatial Planning to accelerate land registration is carried out through the Accelerated Implementation of Complete Systematic Land Registration program as regulated in the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration as a substitute for the Regulation of the Minister of Agrarian Spatial Planning / Head of the National Land Agency No. 12 of 2017.

In Article 1 point 2 of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning Acceleration of Complete Systematic Land Registration, that Complete Systematic Land Registration (PTSL) is the first Land Registration activity which is carried out simultaneously for all Registration objects. Land throughout the territory of the Republic of Indonesia in one village / kelurahan or other similar name, which includes the collection and determination of the correctness of physical data and juridical data regarding one or several objects of Land Registration for the purpose of registration.

The object of Complete Systematic Land Registration which is listed in Article 3 paragraph (1) and (2) Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning Acceleration of Complete Systematic Land Registration determines that:

1. PTSL is implemented for all objects of land registration throughout the territory of the Republic of Indonesia;
2. The PTSL object as referred to in paragraph (1) includes all land parcels without exception, both land parcels that do not yet have rights to land or private land parcels, whether they are land assets of the Government / Regional Government, land of State owned Enterprises / Owned Enterprises. Region, village land, State land, customary law community land, forest area, land reform object, transmigration land, and other parcels of land.

Based on the article above, the object of complete systematic land registration (PTSL) includes both land parcels which already have boundary marks and those that will be defined as boundary marks in the implementation of complete systematic land registration. In the results of the author's interview with a resource person at the Blora Regency Land Office, namely Bayu Indarto, as Head of the Legal Relations Section at the Land Office of Blora Regency, explained that Complete Systematic Land Registration is carried out through stages which are also based on Regulation of the Minister of Agrarian and Spatial Planning Number 6 Years 2018 concerning the Acceleration of Complete Systematic Land Registration. These stages are as follows:

1. Preparation, all levels of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency provide information openly to the public that a Complete Systematic Land Registration will be carried out either directly or through various media. Also prepared is a database of land parcels of land that have not been validated, parcels of land that have not been mapped, and plots of land that have not been registered, and see the availability of base maps.

2. Counseling, carried out by the Land Offices along with the Acceleration Adjudication Committee and the Juridical Task Force together with the Physical Task Force. In the extension, the stages of the Complete Systematic Land Registration, the juridical documents that need to be prepared and the juridical data collection schedule were conveyed. For fields that have the potential to be processed in the K1 cluster, the right subjects are collected to carry out the boundary designation (stake installation);
3. Field measurement and mapping, carried out by several measurement methods such as: Terrestrial, Photogrammetry, Satellite Observation, or a combination of the three;
4. Juridical data collection, carried out by juridical data collectors, namely a State Civil Apparatus and / or non-State Civil Servants who have been assigned to carry out the task of collecting juridical data;
5. Juridical Data Processing and Proof of Rights, the analysis is carried out by the Acceleration Adjudication Committee regarding ownership data that has a legal relationship between the Complete Systematic Land Registration subject / participant and the Complete Systematic Land Registration object land, which will then be clustered / grouped according to the provisions of the Ministry of Agrarian Affairs and Administration. Space / National Land Agency;
6. Land Inspection, to ensure that the information contained in juridical is in accordance with the conditions in the field;
7. Announcement, the results of land inspection concluding that a land title certificate can be booked and / or the issuance of a Certificate of Land Rights for a field is announced on an announcement board at the Land Office, Village / Village Office, RT / RW Secretariat and / or the regional web portal / Ministry of Agrarian Affairs and Administration. Space / National Land Agency;
8. Ratification, the results of the announcement are validated in the Minutes of the Announcement Results by the Adjudication Committee;
9. Issuance of Decree of Rights Determination and Decree of Confirmation / Recognition of Rights;
10. Bookkeeping of Rights, printing of Land Books and copies thereof (land title certificates);
11. Certificate Submission, is recorded in the Certificate Delivery List.¹⁰

Based on the provisions of Article 4 of the Regulation of the Minister of Agrarian and Spatial Planning Number 6 of 2018 concerning the Acceleration of Implementation of Complete Systematic Land Registration, the stages in implementing complete systematic land registration (PTSL) must be carried out according to the object, subject, rights, and process as well as the financing of PTSL program activities.

An interesting difference between the PTSL concept compared to the previous systematic land registration concept is the awareness that based on the juridical aspect not all land parcels can be issued certificates. To fulfill the completeness aspect of the land register, in the PTSL Legal Data Collection Technical Guideline Number 01 / JUKNIS400 / XII / 2016, classifies the juridical data on land parcels into 4 clusters, namely:

- a. Cluster 1, namely juridical data on land parcels, meets the requirements for processing until the issuance of a certificate of land rights;

¹⁰. Hasil Wawancara Dengan Bayu Indarto, S.Sit, M.H, Kepala Seksi Hubungan Hukum, Kantor Pertanahan Kabupaten Blora, Pada Tanggal 9 Januari 2020

- b. Cluster 2 (two), namely land parcels whose juridical data meets the requirements for issuance of a certificate but there are cases in court as referred to in Article 13 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 35 of 2016;
- c. Cluster 3 (three) is a plot of land where juridical data cannot be recorded and a certificate is issued because the subject is a foreign citizen, private legal entity, the subject is unknown, the subject is not willing to participate in a complete systematic land registration and the object is P3MB land, Prk 5, Class House III, Object of Nationalization, Ulayat Land, Land of Absente, Object of customary land, documents proving incomplete ownership, participants are unwilling to make a statement of physical control over land parcels. Land which cannot be booked and the certificate issued shall be recorded in the register;
- d. Cluster 4 for juridical data, the subject is complete because it is certified, the object meets the requirements, but does not meet the expected quality of spatial data.

An existence of policy regulations cannot be separated from the free authority (*vrijebevoegdheid*) of the government which is commonly referred to as *Freies Ermessen*. In the language of *freies ermessen* comes from the word *frei* which means free, independent, unbound and independent. Then *freies* means people who are free, independent, and free. Meanwhile, *ermessen* means to consider, assess, suspect, and estimate. *Freies ermessen* means a person who has the freedom to judge, suspect and consider things.¹¹

In this case, the implementation of the Complete Systematic Land Registration program which is based on its legal product, namely the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration provides an illustration that government programs through their legal products are a form of law operation in regulating aspects country development. Regarding the operation of law in society, according to Robert B. Seidman in his theory of “the Law of the Non-transferability of Law” (law cannot be simply transferred from one society to another), there are 3 (three) main components that support the operation of the law. namely, regulatory agencies, regulatory enforcement agencies, and interrelated roles in the government system.¹²

2. Obstacles in Implementing Complete Systematic Land Registration and Their Solutions

Around 126 million land parcels in Indonesia take more than 100 years to issue certificates of land rights. If there is no acceleration of registration, since 2017, the government has carried out land certification throughout Indonesia, which could be cut back to nine years. It is expected that by 2025 all land parcels will be registered and certified.¹³

In order for the land to be realized immediately in the territory of Indonesia, it can be registered. In its implementation, PTSL requires a very large role, not only from the appointed committee from the land office, but also from the role of village officials, as well as the community itself. The community can collaborate, or support the implementation of PTSL activities that are currently taking place in their area.

Complete systematic land registration makes it easy for communities to register land through this government program. But in fact, there are still many obstacles that arise, problems that arise so that it is possible that this program will not be achieved. Even though a committee has been formed in the implementation of PTSL activities, each of which has its own duties, but in its implementation there are

11. Marcus Lukman, 1996, Eksistensi Peraturan Kebijaksanaan Dalam Bidang Perencanaan Dan Pelaksanaan Rencana Pembangunan Di Daerah Serta Dampaknya Terhadap Pembangunan Materi Hukum Tertulis Nasional, Universitas Padjajaran, Bandung, hlm. 205.

12. Robert B. Seidman & William J. Chambliss, 1971, Law, Order and Power, Massachusetts, Addison Wesley Publishing Company, hlm 144

13. <https://www.atrbpn.go.id/>, Diakses Pada Tanggal 19 Januari 2019

still opportunities for obstacles. In this case, based on the results of interviews with resource persons Bayu Indarto, the obstacles faced by the Blora Regency Land Office in implementing the PTSL program are:

1) Low interest in community participation

The low interest in participation from the community can be seen when officers from the land office come to the location that has been designated as the PTSL location, but what is found when the officer knocks on the door of the resident's house to conduct socialization, and is told that the land will be measured, various reasons from the community as a manifestation. disinterest in not serving the officers from the Land Office.¹⁴

2) Barriers and problems related to the juridical and physical fields

Barriers and problems related to the juridical sector, among others:

- a. There is a certificate, land book and certificate of PTSL results measurement for 2017 that have not been signed;
- b. There is an Inclusion of Limitation on Changes in Land Use and Transfer of Rights to Land;
- c. There were still files in 2018 that were not completed with a research treatise on juridical data and determination of boundaries;
- d. The issuance of the decision to grant land rights with a PTSL certificate 2018 is not in accordance with the provisions;
- e. K1 documents (the land has a clean and clear status so that a certificate can be issued) and K3 (meaning that the status of the land subject has not met the requirements so that it is only recorded in the land register) are not in accordance with the provisions
- f. Debt land objects (BPHTB and PPh) have not been recorded in the land book and certificate.

Hambatan dan permasalahan terkait dengan bidang fisik antara lain:

- a. The PTSL physical activity task force has not made a work map before carrying out field measurements;
- b. There are still incomplete Measurement Images;
- c. The quality control mechanism for measurement activities by a third party, namely the Licensed Cadastre Surveyor Service Office (KJSKB) has not been fully implemented to guarantee the quality of measurement results;
- d. There is a plot of land which is the object of systematic land registration activities which is complete into the convertible production forest area (HPK);
- e. Plotting of land parcels resulting from Complete System Land Registration (PTSL) measurements on GeoKKP (an application taken from the Geographical Information System, which is used to link spatial data and textual data into a system and then stored into the Land Office server) partially overlaps with land parcels other.¹⁵

The solution to these second obstacles and problems can come from the participation that comes from the support of the village, apparatus, and local government. In addition, support from stakeholders also has a very important role. Support from the village and officials, such as the use of additional surveyors, Bintara Pembina Desa (BABINSA), Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat (BHABINKAMTIBMAS), as well as support activities pengumpulan data fisik (Puldasi) and pengumpulan

14. Interview Results With Bayu Indarto, S.Sit, M.H, Kepala Seksi Hubungan Hukum, Kantor Pertanahan Kabupaten Blora, Pada Tanggal 9 Januari 2020

15. Interview Results With Bayu Indarto, S.Sit, M.H, Kepala Seksi Hubungan Hukum, Kantor Pertanahan Kabupaten Blora, Pada Tanggal 9 Januari 2020

data *yuridis* (Puldadis) from the village.

Support from local governments, among others, can be in the form of reduction or imposition policies BPHTB from Local Government, as well as financial support for activities pre-PTSL from Local Government. Stakeholders are equally important in providing their support. For example, support from academics, which can come from universities, can be achieved by encouraging research, research and development of the latest technology in the context of data acquisition and management, as well as the supply of human resources in quality and quantity. Support from the public can be in the form of participation provided by the community. In addition, support from surveying and mapping companies can play a role in data acquisition and quality control. No less important, support comes from ministries or institutions, which can be in the form of mutual synergy and cooperation, compiling an operational, practical and efficient legal framework. However, it does not rule out innovation in the form of participatory mapping. If the existing solutions have been implemented, it is hoped that it can create legal certainty for land rights holders.¹⁶

In implementing the PTSL program which is based on the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 6 of 2018 which is also interrelated with other regulations relating to the land system in Indonesia as a form of legal certainty in all the government's efforts to carry out its program. Legal certainty is a guarantee regarding the law which contains justice. The norms which promote justice must really function as rules to be obeyed. According to Gustav Radbruch, justice and legal certainty are permanent parts of law. He argues that justice and legal certainty must be considered, legal certainty must be maintained for the sake of security and order of a country. Finally, positive law must always be obeyed. Based on the theory of legal certainty and the value to be achieved, namely the value of justice and happiness.¹⁷

D. CONCLUSION

The dynamics of the community towards the implementation of the PTSL program by looking at the benefits of the program which have a big influence on the welfare of the community. In an effort to realize community welfare, the community who received land certificates through PTSL can be mobilized together to carry out various productive efforts which are expected to improve the community's economy. Land certificates resulting from the PTSL program are the same as those resulting from sporadic land registrations, namely ownership rights certificates. Ownership Certificate can be encumbered with Mortgage Rights as a condition for obtaining capital credit. The results of these capital loans show that the PTSL program provides support to the community in the form of access to capital loans. People who receive certificates from PTSL have self-potential in the form of mental attitudes and motivation to advance through business opportunities. The self-potential of the community is an internal factor that is very important in the formation of a community formation program. Self-potential if developed will become a community participation movement that plays a role in the progress of the program.

16. Interview Results With Bayu Indarto,S.Sit,M.H, Kepala Seksi Hubungan Hukum, Kantor Pertanahan Kabupaten Blora, Pada Tanggal 9 Januari 2020

17. Achmad Ali, 2002, Op.Cit, hlm 95

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