

The Effectiveness of Implementing a Complete Systematic Land Registration (PTSL) Policy in Realizing Legal Certainty for Rightsholders

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Abstract. The purpose of the implementation of registration and issuance of land certificates as stated in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration. is a manifestation of the purpose of land registration itself and one of the products is a certificate of land rights. The PTS'L program is a land registration activity that is carried out simultaneously which covers all land registration objects that have not been registered in one village area or other names. The existence of the PTS'L program indirectly provides legal protection to the community in owning land rights because it protects the actual holder or owner of land rights and there is no guarantee from the government regarding the correctness of juridical data and physical data listed in the land book register or land certificate. Research objectives namely to find out and analyze the implementation of PTS'L policies and the effectiveness of the PTS'L program in realizing legal certainty for rights holders in the Lamongan Regency area. From the research carried out, it can be concluded that the PTS'L of the District Land Office was carried out in several stages, namely: preparation, counseling, data collection and processing of juridical data processing, land inspection, announcement of physical data, validation of physical data, issuance of decisions on granting land rights, bookkeeping of rights over land, issuance and submission of certificates, document management, and reporting. Effectiveness the implementation of the PTS'L policy and its solutions are explained at several points, namely: 1) That the PTS'L program has been effective can be seen from the objectives to be achieved through the PTS'L program. This is also supported by the important role of several related parties such as the National Land Agency, the subdistrict, the village head and the head of the environment; 2) The PTS'L program has been successfully implemented in Bluluk and Kedungpring Districts. The PTS'L activity was successful because of the community's enthusiasm for the free land registration program and the 100% completion, namely 2,500

certificates; 3) The PTSL program already has simple facilities and infrastructure that support the success of this program such as a hall as a temporary post for the BPN and tables and chairs; 4) The program has been implemented in accordance with the plan, namely with evidence that the program has been implemented according to plan, namely the presence of BPN officers who are at the command post,

Keywords: Certainty; Rights; Holders.

1. Introduction

Indonesia is an agricultural country, the majority of the population has a livelihood in the agricultural sector. The relationship between humans and land is very close and inseparable, because land rights always follow the certainty of the land owner. The relationship between humans and land cannot be separated from the function of land ownership. Land has a social function which means land ownership is not individual but in groups in the form of land, springs around the land, as well as plantation areas controlled by both individuals and groups, another function of land is an economic function in which land can be transferred as it is sale and purchase of land, grants or inheritance.

In the Basic Agrarian Law (UUPA) Number 5 of 1960 it is explained that land in a juridical sense is as an understanding that has been given official boundaries by the LoGA. The entire earth, water and space, including the natural wealth contained therein within the territory of the Republic of Indonesia as a gift from God Almighty, is the earth, water and space of the Indonesian nation and constitutes national wealth.¹ In this case the earth in question is land that exists throughout the territory of the Republic of Indonesia which is natural wealth as a gift from God Almighty which is intended for the welfare of society. For that. Humans and land are two things that cannot be separated, because human life cannot be separated from land².

In terms of basic state control rights, in this case the government gives an obligation to every citizen to carry out the registration of land rights in accordance with the applicable regulations contained in the UUPA Article 19 paragraph (1) and paragraph (2) which states that:

¹President of the Republic of Indonesia, 1961, Basic Agrarian Law Number 5 of 1960 concerning Basic Agrarian Regulations of the President of the Republic of Indonesia, Jakarta, p.2

²Erna Sri Wibawanti, 2013, Land Rights and Transfers, Liberty, Yogyakarta, p.11

(1) "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 Government Regulations.

(2) The registration in paragraph (1) of this article includes:

- a. land mapping and bookkeeping measurement;
- b. registration of land rights and the transfer of said rights;
- c. granting of letters of evidence of rights, which are valid as a strong means of proof.³

Article 19 of the UUPA above is a form of government effort in providing guarantees of legal certainty and protection namely provide guarantees to persons or legal entities that are the holders of rights (subjects of land rights), guarantees of legal certainty regarding the location, boundaries, and area of a parcel of land (objects of land rights) and guarantees of legal certainty regarding land rights⁴. Through land registration, land rights holders will receive proof of their land rights, namely a certificate. With the existence of a certificate, the holder of land rights will be guaranteed the existence of his rights.

Legal certainty is important to regulate the life of a just society, to prevent violations that can be committed by the community or law enforcers themselves. For this reason, it is necessary to have legal rules that can be used by the state in regulating the order of people's lives. As is the case with legal certainty over land, land registration is carried out bearing in mind the condition of the state and society, the need for socio-economic traffic and the possibility that every inch of land in the eyes of agrarian law must have clear status of rights and rights holders.⁵ For example, freehold land is clearly not state land and the criteria are different from land with building use rights, usufructuary rights and usufructuary rights. Likewise, whoever is allowed to control or own it and the allotment of land use has different criteria. Freehold land or other land rights must be registered at the offices of the National Land Agency (BPN).

Evidence that the land has been registered is a land certificate which is also proof of the owner's control or ownership of the land. Land registration is the

³President of the Republic of Indonesia, 1961, Basic Agrarian Law Number 5 of 1960 concerning Basic Agrarian Regulations of the President of the Republic of Indonesia Article 19 paragraphs (1) and (2), Jakarta, p.7

⁴AP Parlindungan, 1993, Commentary on the Basic Agrarian Law, Mandar Maju, Bandung, p. 15

⁵Siti Hafsa, 2019, Quality of Service in the Implementation of the PTS (Complete Systematic Land Registration) Program at the Office of the National Land Agency, Deli Serdang Regency, Medan, p. 132

registration of land rights in order to realize orderly administration in the land sector. As for what is meant by land rights are rights that give authority to the holder of the right to use and or take advantage of the land that is claimed⁶.

However, there are still disputes over the ownership of land rights that occur in the community. The emergence of disputes over land rights is due to the position of land which has a very important function for people's lives. As a result, people are always trying to obtain land rights in various ways, even by grabbing other people's land⁷. In addition, the absence of legal certainty over land often triggers disputes and disputes over land in various regions in Indonesia. Apart from within the community, both between families, it is not uncommon for land disputes to also occur between stakeholders (entrepreneurs, BUMN and the government). This proves the importance of land certificates as a legal proof of the land owned. With these incidents still occurring, the government is trying to encourage the establishment of an orderly administration in the land sector to avoid and prevent land disputes through a complete systematic land registration (PTSL).

The PTSL program is a land registration activity that is carried out simultaneously which covers all land registration objects that have not been registered in one village area or other names that are at the same level, and also includes mapping of all land registration objects that have been registered in order to collect and provide complete information regarding the plots of land. Mass land certification through Complete Systematic Land Registration is one of the land development activities that has received a positive response from some people in Lamongan Regency. For the 2020 PTSL implementation, the Lamongan Regency area targets 65,000 land parcels to be registered. The implementation of the PTSL program is carried out according to the budget plan, namely 1 year work budget.⁸.

2. Research Methods

The research approach method in the preparation of this thesis is classified as empirical normative research in which this research is carried out because it is related to certain legal issues. The empirical normative approach allows researchers to gain a complete and integrated understanding of the application of law to that particular case. In this study, empirical normative research was carried out by researchers to obtain data related to the effectiveness of PTSL program policies at the Lamongan Regency Office of the National Land Agency in terms of legal arrangements for the implementation of the PTSL program, the

⁶Urip Santoso, 2012, Agrarian Law Comprehensive Study, Prenada Kencana Media Group, Jakarta, p. 15

⁷Adrian Sutedi, 2012, Certificate of Land Rights, Sinar Graphic, Jakarta, p. 46.

⁸Lamongan District Land Office, 2020, Documentation of the Lamongan District National Land Agency Office, Lamongan, p.

implementation of the PTSL program, up to legal protection for holders of certificates of land rights through the PTSL program. at the Office of the National Land Agency of Lamongan Regency.

3. Result and Discussion

3.1. Legal Basis for Land Registration

According to government regulation Number 18 of 2021 concerning Concerning management rights, land rights, apartment units, and land registration are a series of activities carried out by the government continuously, continuously and regularly, including collection, management, bookkeeping and presentation and maintenance of physical data and yridis data, in the form of maps and lists, concerning land parcels and apartment units, including the issuance of certificates of proof of title for land parcels for which there are already rights and ownership rights to apartment units as well as certain rights that are burden it.

A. Review of Registration of Land Rights in Islam

The meaning of a certificate according to Government Regulation No. 10 of 1961 is a copy of the land book and measurement letter after being sewn together with a cover paper whose shape is determined by the minister of Agrarian Affairs (Mudjiono, 1992)⁹.Certificates are important and strong evidence in the ownership of land rights in Indonesia.In reality, many people have problems in owning certificates of land rights. Among other things, the distribution of rights over land in the form of inheritance from heirs and disputes over the boundaries of land rights. As for the verse that explains about the prohibition of us taking the rights of others.

B. Overview of Complete Systematic Land Registration (PTSL)

1. Definition of Complete Systematic Land Registration Program (PTSL)

In the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning complete Systematic Land Registration what is meant by: Complete Systematic Land Registration is the activity of land registration for the first time which is carried out simultaneously for all objects of land registration in all regions. Republic of Indonesia in one village area or other name equivalent to that, which includes the collection and determination of the correctness of physical data and

⁹ Cahyowibowo, 2016, *Administration internal land registration modern Society*, Jakarta.

juridical data regarding one or several objects of land registration for the purpose of registration.

C. Review of Legal Certainty

Normatively, legal certainty can be interpreted as a statutory regulation that is made and promulgated with certainty. This is because legal certainty can regulate clearly and logically so that it will not raise doubts if there are multiple interpretations. So that it will not clash and not cause conflict in the norms that exist in society.

D. Review of Legal Effectiveness

The word "effective" comes from the English language, namely effective which means something that is carried out successfully. The word "effective" can also be interpreted as something that has an effect (its effect, its effect) since the entry into force of a law or regulation, according to the Big Indonesian Dictionary.¹⁰. While the effectiveness itself is the situation in which he is played to monitor¹¹. From a legal point of view, what is meant by "he" here is the party in authority, namely the police. The word effectiveness itself was born from the word effective, which means that an effect or result is desired in an action.

H. Discussion of Research Implementation Results

1. How is the implementation of the complete systematic land registration (PTSL) policy in the Lamongan Regency area?

Based on the results of the research described above, the following discussions can be carried out:

Based on data obtained in the field, the implementation of research related to the implementation of a complete systematic land registration (PTSL) policy for the Lamongan District Land Office consists of several stages, including: preparation, counseling, collection of juridical data, processing of juridical data and proving rights, land inspection, announcement of inspection results, validation, issuance of decisions on granting land rights, bookkeeping of land rights, issuance and submission of certificates of land rights, document management, and reporting on program implementation.

In the preparatory stage, the Lamongan District Land Office carries out activities in the form of Socialization, Determination of Locations, Planning of Adjudication

¹⁰KBBI, 2002, Big Indonesian Dictionary, Balai Pustaka, Jakarta, p. 284.

¹¹Ibid

Personnel, and Training. At the socialization stage, The Lamongan Regency Land Office provides information directly or through the media. In determining the location, the Land Office through a Decree of the Head of the Lamongan District Land Office determines several locations for implementing the PTSL program consisting of several sub-districts in Lamongan Regency. In research conducted by researchers, in this study were selected Bluluk sub-district which consists of the villages of Banjargondang, Cangkring, Kuwurejo, and Sumberbanjar and in the Kedungpring sub-district which consists of the villages of Warungering, Tlanak, Nglebur, Majenang, Kedungpring, Mojodadi, Sumengko, Sukomalo, Sidomlagean, Mlati, Banjarejo, Maindu, Kradenanrejo, Jatidrojog, Gunungrejo, and Blawirejo. For the adjudication team, as shown in Table 3.2, training will then be carried out for the adjudication team implementing the PTS defense program.

2. How Effective is the Implementation of the Complete Systematic Land Registration (PTSL) Policy in Realizing Legal Certainty for Lamongan Regency Rightsholders and the Solution?

The results of research findings related to the effectiveness of implementing a complete systematic land registration (PTSL) policy in the Lamongan District Land Office area will be described into four points of discussion as follows:

- a. There are goals to be achieved in the work program.

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 the prosperity of the people and the economy of the State, as well as reducing and preventing land disputes and conflicts.

Based on the explanation above, it is concluded that the purpose of implementing the Complete Systematic Land Registration (PTSL) program is clear to help people from various groups to be able to have land certificates as proof of legal ownership of land. Because the National Land Agency (BPN) may see that there are still many lands that do not have certificates.

As the results of an interview with the Head of the Kedungpring Environment (KLP) 24 February 2022 regarding the goals to be achieved in the Complete Systematic Land Registration (PTSL) program. In implementing the Complete Systematic Land Registration (PTSL) program there were no special efforts, due to the high enthusiasm of the community in participating in the Complete Systematic Land Registration (PTSL) program. With the high enthusiasm of the community, it proves that the objectives of the Complete Systematic Land Registration (PTSL) program have been achieved.

As stated by Mukarom & Laksana (2016), that effectiveness is the achievement of the goals that have been set, in the form of targets, long-term goals, or organizational missions.

b. The effectiveness of the activities carried out.

The effectiveness of the implementation of the Complete Systematic Land Registration (PTSL) program. This was justified by the source, namely in the opinion of Mr. RJ as the Head of the Adjudication Team (KTA) 10 February 24 2022 that the implementation of the Complete Systematic Land Registration (PTSL) has gone well. There are still some obstacles in its implementation. However, these constraints did not interfere with the implementation of the program as a whole.

c. There are facilities and infrastructure that support program implementation

The effectiveness of a program depends on the facilities and infrastructure that support the implementation of the program. Inadequate facilities and infrastructure will hamper the implementation process. The 2020 Complete Systematic Land Registration Program (PTSL) has been running, in its implementation several supporting facilities and infrastructure have been fulfilled such as the availability of posts and the presence of Human Resources (HR)/officers who serve community registration.

Based on the statement of the source, namely Mr. RJ as Chair of the Adjudication Team (KTA) on 26 February 2022, the sub-district administration only facilitated the location, namely the hall of the sub-district office, then provided tables that could be used to collect registration files. Only such facilities are provided, because the follow-up of the registration documents will be forwarded to the Office of the National Land Agency (BPN) of Lamongan Regency.

d. There is an implementation of the program in accordance with the plan

Program is a policy instrument that contains one or more activities carried out by government agencies/institutions to achieve goals and objectives and obtain budget allocations or community activities coordinated by community agencies. The National Land Agency (BPN) is the government agency that creates and is responsible for the Complete Systematic Land Registration Program (PTSL). The Complete Systematic Land Registration (PTSL) program was created in order to help accelerate the achievement of land registration targets in Indonesia.

Complete Systematic Land Registration (PTSL) is land registration for the first time which is carried out simultaneously for all objects of land registration throughout the territory of the Republic of Indonesia in one village area or other name equivalent to that, which includes the collection and determination of the

correctness of physical data and juridical data regarding one or several objects of land registration for registration purposes.

The Complete Systematic Land Registration Program (PTSL) was created as a replacement program for Prona. Complete Systematic Land Registration (PTSL) took effect in 2016, and Bluluk and Kedungpring sub-districts began to receive part of the program in 2020. Complete Systematic Land Registration (PTSL) has been running according to government plans/expectations. Based on information obtained through the Head of the Kedungpring Environment (KLP), land certificates have been given to the applicants. Then in accordance with the opinion of Mr. RJ as KTA PTS, said the PTS 2020 program had been implemented 100% and land certificates had been given to the beneficiaries ending in March 2021.

According to the RI State Administration Institute, implementation is an effort so that each employee or each member of the organization wants and tries to achieve the goals that have been planned.

4. Conclusion

The Complete Systematic Land Registration Program (PTSL) has been successfully implemented in Bluluk and Kedungpring Districts. The program implementation activities were successful due to the high enthusiasm of the community regarding the free land registration program and 100% of land certificates have been given to PTSL participants, namely 2500 certificates. The Complete Systematic Land Registration Program (PTSL) already has simple facilities and infrastructure that support the success of this program. There is a hall lent by the Family as a temporary post for the National Land Agency (BPN), as well as a table used to collect registration files. This is also assisted by the presence of officers who are swift in serving the community. Evidence that the program has been carried out according to plan is the existence of National Land Agency (BPN) officers at the post, then there are registration activities and the number of certificates that have been given to PTSL participants.

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