

## The Implementation of Complete Systematic Land Registration Program

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**Abstract.** *Proof of Ownership Land rights are important in the midst of the increasing need for land, registering land parcels so that there is legal certainty in the land parcels of the people who own them in order to avoid disputes and legal issues related to the legal status of the land parcels under their control. For the State, the Complete Systematic Land Registration Program makes it easier for the government to organize cities. This study aims to find out how the implementation of the Complete Systematic Land Registration Program in the City of Cirebon and to determine the role of the Village/Village in Supporting the Implementation of the Land Registration Program in the City of Cirebon. The approach used in this study uses a sociological juridical approach, with a research specification that is analytical descriptive. The data used are primary and secondary data, where primary data is obtained by means of interviews and secondary data by way of literature study. The data analyzed was carried out qualitatively. Based on the research, it was concluded that the Implementation of the Complete Systematic Land Registration Program in the City of Cirebon went according to the stages in its implementation, starting from the planning and preparation, counseling and outreach stages starting from the Village/Village level as the smallest government that directly deals with the community and the factors that impede the Village/Village Government to support the smooth running of government programs. Conclusions and suggestions as a solution to the problem are sanctions imposed on each related agency that does not support programs that aim to prosper the community.*

**Keywords:** *Implementation; Land; Ownership.*

## 1. Introduction

Land registration/kadaster provides clarity on the area, value, and ownership of a plot of land, as an appropriate tool for describing and continuously identifying land rights.<sup>1</sup>Based on the 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3) states that "Indonesia is a country based on law", the rule of law (constitutional) provides guarantees and provides protection for the rights of citizens, including the rights of citizens to obtain, own and enjoy their property.<sup>2</sup>The main objective of Act No. 5 of 1960 is a tool for the State to realize people's prosperity, granting land rights to individuals and legal entities according to their needs and designations.<sup>3</sup>These land rights include property rights, business use rights, building use rights, usufructuary rights and lease rights.<sup>4</sup>The absence of guaranteed legal certainty over land often triggers disputes and feuds over land in various regions in Indonesia, both between families and between stakeholders (entrepreneurs, BUMN and even the government), this proves how important certificates are as proof of ownership.

The government through the Ministry of ATR/BPN launched the National Priority Program in the form of the Complete Systematic Land Registration Acceleration Program (PTSL) in which this was supported by the SKB 3 ministers appointed local governments to budget for PTSL preparation costs of Rp. 150,000.- through the APBD, even if it is not budgeted in the APBD the local government should make a regional government regulation/perwali to regulate that these costs are borne by the community. The Head of BPN's regulation regarding the implementation of land registration is for the realization of legal certainty over land rights.<sup>5</sup>The Head of BPN's regulation regarding the implementation of land registration is for the realization of legal certainty over land rights.<sup>6</sup>PTSL is land registration for the first time, which is carried out simultaneously and covers all land registration objects that have not been registered in a village or sub-district area, where through this program, the government guarantees legal certainty over land owned by the community. This program is outlined in Ministerial Regulation No. 12 of 2017 concerning PTSL and Presidential Instruction No. 2 of

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<sup>1</sup>AP Parlindungan, 1991, Land Registration in Indonesia (Based on PP No. 24/1997 supplemented by the Position Regulations for Land Deed Makers PP. No. 37 of 1998), First Edition, Bandung:CV. Mander Forward. Matter. 18-19.

<sup>2</sup>Nuryanto and Umar Ma'ruf, 2020, Dynamics of the Community in The Implementation of Complete Systematic Land Registration Program In The Land Office of Blora Regency, Journal of Daulat Hukum, Volume 3, p. 163.

<sup>3</sup>Maria SW Soemardjono, 2008, Land in the Perspective of Economic, Social and Cultural Rights, Jakarta, Kompas, p. 12.

<sup>4</sup>RI, Law Number 5 of 1960 concerning "Basic Regulations on Agrarian Principles", Article 16.

<sup>5</sup>Rahmat Ramadhani, 2017, Guarantee of Legal Certainty contained in Land Rights Certificates, Journal of Law UMSU, Vol. 2 No. 1, p. 147-148.

<sup>6</sup>Rahmat Ramadhani, 2017, Guarantee of Legal Certainty contained in Land Rights Certificates, Journal of Law UMSU, Vol. 2 No. 1, p. 147-148.

2018. Land registration is carried out based on the principles of simple, safe, affordable, up-to-date and open (Article 2 PP 24/1997)<sup>7</sup>

ATR Ministerial Regulation/Head of BPN Number 12 of 2017 and Presidential Instruction No. 2 of 2018, namely the land registration process for the first time which is carried out simultaneously and includes all land registration objects that have not been registered in a Village or Village area or other names that are at the same level, associated with article 4 paragraph (1) of Government Regulation No. 73 of 2005, namely the Lurah as referred to in Article 3 paragraph (2) has the main task of administering government, development and social affairs.<sup>8</sup>In practice, many villages/Villages do not run the PTSL program in their area or even no longer register their villages in the following year for various reasons. not supported by the absence of rules or sanctions for elements of the government that do not carry out a national program aimed at the welfare of society. Even though there are still many regions that decide not to participate in this program anymore, some still support and even successfully run this program.

## **2. Research Methods**

This research is a sociological juridical research that uses a qualitative approach which is a way of analyzing research results that produces analytical descriptive data. The interview aims to collect information about opinions that are carried out to obtain both written and oral data as well as to collect legal materials related to the problems in the research. This research is an attempt to describe how the Implementation of Complete Systematic Land Registration in the City of Cirebon.

## **3. Results and Discussion**

### **3.1. Implementation of Complete Systematic Land Registration Program in Cirebon City**

In 2018 the City of Cirebon received 250 parcels of land, each of which was spread in the Sunyaragi Village with 75 PTSL certificates, the Kesenden Village with 75 PTSL certificates, and the Harjamukti Village with 100 certificates, of which there are still around 700 thousand square meters spread across 22, There are also locations where most do not have certificates, namely Harjamukti Village with 1,500 land plots, Argasunya Village with 1,000 land plots, Karyamulya Village with 1,400 land plots and Kalijaga Village with 800 land plots.

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<sup>7</sup>Widhi Handoko, 2014, Land Law Policy, A Progressive Legal Justice, Thafa Media, Yogyakarta, p. 235.

<sup>8</sup>Regulation of the Government of the Republic of Indonesia article 4 paragraph (1)

While the rest are scattered in a number of urban villages in Cirebon City.<sup>9</sup>To achieve this, Indonesia must start from the bottom-up development paradigm (Village and Village) as the leading government units.<sup>10</sup>

Land registration is an activity of registering a property right over land so that it has legal force.<sup>11</sup>In its implementation, it is carried out through several stages in accordance with the Regulation of the Minister of Agrarian Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration. In the Cirebon City area the PTSL program is divided into 5 (five) sub-districts and 22 (twenty two) sub-districts, which are carried out through several stages:

### **1. PTSL Planning in Cirebon City**

In the context of planning to run the PTSL program, the Land Agency Office forms an Adjudication Committee assisted by a Task Force (Satgas) consisting of a Physical Task Force and a Juridical Unit to set targets for the Fiscal Year

### **2. Determination of PTSL Activity Locations in Cirebon City**

Where PTSL activities in Cirebon City are divided into two implementations, namely, the first implementation is carried out by the State Civil Apparatus (ASN) which determines 20,100 fields which are divided into 5 (five) Districts and 17 (seventeen) Villages, the second Executor is carried out by a third party/private party Licensed Surveyor Services Office, namely PT. Metaforma Consultants which determines 10,000 fields divided into 3 Districts and 8 Villages. Stages of Complete Systematic Land Registration Program activities in the City of Cirebon

In accordance with the Regulation of the Minister of Agrarian Spatial Planning/Head of Office of the National Land Agency Number 6 of 2018 divided into 5 (five) sub-districts and 22 (twenty-two) sub-districts which are carried out through several stages of the Complete Systematic Land Registration Program in Cirebon City:

#### **a. Formation of the Adjudication Committee and Task Force**

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<sup>9</sup>Soehino, 1998, State Science, Liberty, Yogyakarta, p. 156.

<sup>10</sup>Murtir Jeddawi, Abdul Rahman, et al, Journal of Government Science, Suara Khatulistiwa, Study of Possible Changes in the Status of Teluk Kapuas Village to Become a Village in Kubu Raya Regency, ISSN 25280-1852 Vol III, No. 01 July 2018

<sup>11</sup>Hadi Arnowo, 2020, Implementation of Land Registration in Indonesia, Prenada Media, Jakarta, p.68

Consisting of a Physical Task Force and a Juridical Unit, namely 3 (three) surveyors, 1 (one) licensed cadre surveyor, 1 (one) PPNPN cadastral surveyor assistant and 2 (two) data processors,

**b. Determination of the Location of Complete Systematic Land Registration Activities**

Determined by the head of the land office in Cirebon City and issued a Location Determination Decree included in PTSL activities. The Complete Systematic Land Registration activity in the City of Cirebon was carried out by two parties, the first executor was carried out by the State Civil Apparatus (ASN) which determined 20,100 fields divided into 5 (five) sub-districts and 17 (seventeen) sub-districts. Furthermore, the second implementation is carried out by a third party / private party, the Licensed Surveyor Service Office (KJSB), namely PT. Metaforma Consultants who have the courage to determine 10,000 fields spread over 3 (three) Districts and 8 (eight) Village in Cirebon City.

**3. Progress of Complete Systematic Land Registration Program Activities in Cirebon City for the 2018-2022 period**

The Complete Systematic Land Registration activity in the City of Cirebon certainly has an impact on increasing the number of certified lands if you look at the data from the year the PTSL Program started:

Table 1. PTSL Program Data

Type of Rights	2018 year	2019 year	2020 year	Year 2021	Year 2022
Freehold Title	77,962	79,156	79,580	80303	81030
Building rights	7.178	6,368	6,705	6,466	6,542
Cultivation Rights	0	0	0	0	0
usufructuary rights	304	313	377	391	451
Lease Rights	0	0	0	0	0

Right Girik	0	0	0	0	0
Other Rights	0	0	0	0	0
Management Rights	119	122	122	124	124
Waqf Rights	154	183	215	240	257
Amount	85,717	86142	86,999	87,254	88,404

\*Data Source of the Cirebon City Land Office for the 2018-2022 period.<sup>12</sup>

It can be analyzed that from the display of the recapitulation of the number of certified land based on the type of land rights in the city of Cirebon which consists of property rights, HGB, HGU, usage rights, management rights and waqf rights, there has been a very significant increase.

#### 4. Obstacles faced by the Cirebon City Land Agency Office

In carrying out the Complete Systematic Land Registration Program in the City of Cirebon several obstacles hinder PTSL activities:

- a. Limited human resources.
- b. The subject of the right that is difficult to identify and the owner of the right who is not in the location
- c. Low public awareness of maintaining boundaries, dWith socialization, giving the community an understanding of the importance of land registration and patterns of land ownership is something that is important in the economic and social life of the community.<sup>13</sup>
- d. Some of the land rights issues that occurred in the city of Cirebon:
  - 1) The problem of land ownership that occurs a lot in the city of Cirebon, which is ex-self-governing land, has caused a lot of conflict.

<sup>12</sup>Cirebon City Land Office Data Source

<sup>13</sup>Moroni S, 2018, Property of Human Rights an Property as a Special Little. Rediscussing Private Ownership Of Land. Land Use Policy, 70. Pg. 278-280.

- 2) Mutual claims between PT. KAI and the Palace of Elders.
- 3) The land of PD Pembangunan which is inhabited by residents has not yet been settled.
- 4) The emerging lands are scattered in 6 (six) sub-districts, namely Kesenden, Kebon Baru, Panjunan, Kesepuhan, Lemahwungkuk, and Pegambiran Villages.

## **5. Efforts of the Land Agency in Overcoming Obstacles**

- a. Maximizing the capabilities of human resources working at the Cirebon City Land Office and optimizing facilities and infrastructure to support the activities of officers and also increasing the time to complete work outside working hours by holding overtime every day.
- b. Involve the village administration in supporting efforts to collect juridical data so as to alleviate the difficulties experienced by the Adjudication Team and the Task Force.
- c. Conveying the obligations of landlords to the community to install stakes and maintain boundary signs through counseling and outreach.
- d. Land that is claimed by several parties is blocked by plots on the PTSL image map, in order to avoid plots of land that are still in dispute and can be re-registered if there is clarity about the status of the land after a court decision has been issued.
- e. For emerging land which is widely spread in the city of Cirebon, there is no regional regulation that regulates the control and use of emergent land, so land registration goes directly to the name of the resident who registered the land.

## **3.2. The Role of Village in supporting the Implementation of the Complete Systematic Land Registration (PTSL) Program in Cirebon City**

Research on the Implementation of Complete Systematic Land Registration in Cirebon City is limited to the Pekiringan Village which represents the answer to the reasons from the Village not participating in the PTSL Program from the start due to several reasons namely (Kesambi Village, Pekiringan Village and several Village also choosing not to submit blanks to the City Land Agency Cirebon) and Sunyaragi Sub-District are Villages that are Actively Participating in the PTSL Program in Cirebon City (representing themselves as Argasu Sub-District, Karyamulya Sub-District, Pegambiran Sub-District, Kalijaga Sub-District and several Sub-Districts in Cirebon City) so the general description of each Sub-district is described in this study as follows:

1. Pekiringan Village is a center for Trade and Services, Offices and most of it is a residential area. Pekiringan Village consists of 11 RWs and 57 RTs.
2. The Sunyaragi Village is mostly an Office, Education, Residential and Housing area consisting of 11 RWs and 55 RTs.

### **1. Research on Implementation of Complete Systematic Land Registration in Pekiringan and Sunyaragi Sub-Districts**

In accordance with article 4 paragraph (1) Government Regulation No. 73 of 2005, namely the Lurah as referred to in Article 3 paragraph (2) has the main task of administering government, development and social affairs. It is clearly stated that the Village is a government administrator where every government program for the welfare of the community must be run by the village/Village, the role of the Village is:

- a. Coordinate with the Cirebon City Land Office and the Adjudication Committee and the Cirebon City PTSL Task Force;
- b. Simultaneously issue the basis for land acquisition rights in the PTSL Program;
- c. Forming PTSL committees at the RT, RW levels for outreach;
- d. Submitting a blank request for a quota to the Cirebon City BPN and listing participants who will participate in the next period.

In the Implementation of the Complete Systematic Land Registration Program in the city of Cirebon, what is interesting is that some of the Village in Cirebon City did not participate in this program from the beginning. not enthusiastic because the Pekiringan Village is located in the City Center of Cirebon and generally 90% of the land plots in urban areas are certified. Meanwhile, the sub-districts that participated in the program from the beginning of the 2018 period were Kesambi Sub-District, Karyamulya Sub-District, Argasunya Sub-District, Pegajahan Sub-District which were represented in the research by Sunyaragi Sub-District.

### **2. Factors Inhibiting the Implementation of a Complete Systematic Land Registration Program in Pekiringan and Argasunya Sub-Districts**

Inhibiting factors are the main cause of delays in the implementation of the PTSL Program at the Village level:

- a. Individual factors where the community itself should have awareness that the land registration belongs to them and the active attitude carried out by the village administration at the village level, RW to RT.

b. Communication factors between the community and the Adjudication Committee as well as from the Village are limited so that the community lacks insight into the PTSL program.

c. Cost Factors in the field there are still other costs for the completeness of the Environmental Factors for land parcels whose area of measurement has changed because there are no boundary markers between fields.

### **3. Village Efforts to Overcome Obstacles in Implementation of Complete Systematic Land Registration Program in Pekiringan Sub-District and Argasunya Sub-District**

a. Individual factors, by increasing program outreach to the community.

b. Communication Factor, with outreach to the local RW and RT so that it is conveyed to residents who are difficult to find.

c. The cost factor has been reduced by the costs set by the government in this PTSL program. In the event that there are many illegal levies, it is hoped that there will be supervision at the top level and from the community.

d. Environmental Factors, namely the problem of boundary markers between neighbors that must be patiently educated by officers.

### **4. Conclusion**

Based on the research and analysis as described above, it is concluded that the Implementation of the Complete Systematic Land Registration Program in the City of Cirebon has registered 90% of the land parcels by 2022. land affairs and increase overtime for land employees. 2) Encourage and urge the Village/Village to support the Program. 4) For lands in Cirebon City which are claimed by several parties, the Palace Government, PT. KAI, and PD Pembangunan, the Cirebon City PTSL Committee blocked the flow on a satellite image map.

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