

The Role of the Land Office in Efforts to Increase Public Awareness Regarding Complete Systematic Land Registration

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Abstract. *This research aims to find out and analyze the implementation of complete systematic land registration in Cirebon Regency, to find out and analyze the role of the land office in efforts to increase public awareness regarding complete systematic land registration in Cirebon Regency, and to find out and analyze obstacles and solutions in efforts to increase public awareness regarding complete systematic land registration. The research approach used in this thesis is an empirical juridical legal research method. This research specification uses descriptive analysis. The type of data used in this research is primary data through field studies in the form of practical experience and opinions of research subjects about everything related to this research. as well as secondary data containing books and other supporting documents. Collecting research data using interview techniques and studying documents or library materials. The data analysis method used in analyzing the data is qualitative analysis. The research results show that there is still a high number of people who have not registered their land. Efforts that ATR/BPN can make at the Cirebon Regency Land Office in implementing the Complete Systematic Land Registration Program are to collaborate with the community in speeding up the Complete Systematic Land Registration program. It is hoped that for future PTSL activities, they will carry out comprehensive outreach activities and explain them in detail and clearly so that public awareness can be created to register their land through PTSL activities.*

Keywords: Certificate; Community; Land.

1. Introduction

Soil has an important meaning for human survival. As a source of life, the

existence of land in life has meaning and at the same time has a dual function, namely as a social asset and a capital asset. As a social asset, land is a means of binding social unity among Indonesian people in social life, while as a capital asset, land is a capital factor in development and land must be used and exploited as much as possible for the welfare of the people in a fair and equitable manner, and its sustainability must also be maintained.¹ Considering the importance of land for the survival of society, complete regulations are needed regarding use, utilization, ownership and making laws related to this matter.

Development related to land can be seen both in the field of infrastructure for the public interest, as well as development that is for private purposes. The public interest referred to is as stated in Article 10 of Law Number 2 of 2012² concerning Land Acquisition for Development in the Public Interest, including land used for the construction of national defense and security, public roads, toll roads, tunnels, railway lines, train stations and train operation facilities; reservoirs, dams, weirs, irrigation, drinking water channels, water and sanitation sewers, and other water structures; ports, airports and terminals; oil, gas and geothermal infrastructure; generation, transmission, substations, networks and distribution of electric power; Government telecommunications and information networks; waste disposal and processing places; Government/Local Government hospitals; public safety facilities; Government/Regional Government public burial places; social facilities, public facilities, and public green open spaces; natural reserves and cultural heritage; Government/Regional/Village Government offices; arrangement of urban slum settlements and/or land consolidation, as well as housing for low-income people with rental status; Government/Regional Government educational or school infrastructure; Government/Local Government sports infrastructure; and public markets and public parking lots.

Development that is to fulfill personal interests, for example building houses and housing. All of this, whether for development to meet public or private needs, of course requires land. In Indonesia, these lands are managed by the National Land Agency. Ownership of these lands of course needs to be supported by orderly and orderly administration. The method that can be taken is by registering land throughout Indonesia. To obtain legal certainty and assurance of land rights, Agrarian Law no. 5 of 1960 has placed an obligation on the Government to carry out land registration throughout Indonesia, in addition to the right holders to register the rights to the land they have in accordance with applicable

¹Jayadi Setiabudi, 2013, Complete Guide to Managing Home Land and All Permits, Buku Pintar, Yogyakarta, p. 5.

²Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, article 10.

regulations.³

In Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it is stated that the State of Indonesia is a state of law, therefore of course there must be a legal rule that provides a guarantee of legal certainty regarding land registration in the Republic of Indonesia.⁴As the main basis for national development in the land sector, in accordance with Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "earth, water and all natural resources contained are controlled by the state and used as much as possible for prosperity people."⁵By realizing that land is the most important asset in human life, especially a place to live and earn a living, there is increasingly a need for structuring and controlling the land sector so that the function of land can be utilized as much as possible and as well as possible for the benefit of all the people in the area concerned.

The government carries out a series of activities to provide guarantees and protection by issuing land title certificates. A certificate is a proof of rights which acts as strong proof of the physical data and juridical data contained therein. With the enactment of Law Number 5 of 1960 concerning Basic Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration, the Government has carried out systematic and sporadic land registration. It can be found in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 35 of 2016 in the general provisions of Article 1 number 1, namely complete systematic land registration,

The first systematic implementation of land registration was Complete Systematic Land Registration (PTSL) as regulated in the Minister of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) Regulation Number 6 of 2018 concerning Complete Systematic Land Registration. The target of systematic land registration is the registration of uncertified land rights through the process of granting, recognizing and convection of land rights while still being guided by Government Regulation Number 24 of 1997 concerning Land Registration. With this systematic land registration, people who have land that has not yet been certified will find it very helpful.

It is hoped that the implementation of the Complete Systematic Land

³Djoko Prakosa and Budiman Adi Purwanto, 1985, *Prona's Existence as Implementer of Agrarian Function Mechanisms*, Ghalia Indonesia, Jakarta, p. 19.

⁴Hilaire. Nigel D White. McCoubrey, 1999, *Textbook and Jurisprudence*, Blackstone Press Limited, London, p. 88.

⁵See the Constitutional Court Decision Number 85/PUU-XI/2013 which states that Article 33 of the 1945 Constitution of the Republic of Indonesia is a form of constitutionality of the adoption of economic democracy, which means that the basis for the management of natural resources in Indonesia is based on the fourth and fifth principles of Pancasila.

Registration Program can realize real development for Indonesia, and ensure that certificate recipients are right on target, so that people can start improving their quality of life. As well as accelerating the work programs of the Government and the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency of the Republic of Indonesia to provide stimulation and participation to land rights holders so that they want to carry out certificates for their land. Land registration in this way is considered to be able to provide greater results in a relatively shorter time, because the collection of land registration data is carried out simultaneously regarding all 9 plots of land in a village or sub-district and the wider community knows that land registration is being held.

In Cirebon Regency there is still a lot of land that has not been registered and has not been certified, because in its implementation, there will definitely be obstacles, both in administrative implementation and from the community itself. In reality, the implementation of PTSL has not run optimally, this is a result of the importance of land certificates which are still not fully understood by the public. The public in general does not understand the function and use of certificates. There are also those who do not understand land registration procedures.

So, based on this background, researchers studied the role of the land office in efforts to increase public awareness regarding complete systematic land registration at the Cirebon Regency land office. This research aims to determine and analyze the role of the land office in efforts to increase public awareness regarding complete systematic land registration in Cirebon Regency.

2. Research Methods

This research uses the research approach used in this thesis, namely the empirical juridical research method. Empirical juridical research is legal research that approaches the applicable legal aspects and connects them with existing facts in the implementation of these legal aspects in the field, and finds problems found in the research. In this empirical juridical legal research, information extraction is carried out through direct interviews with informants empirically first and then continued by conducting secondary data research contained in literature studies through theoretical steps.⁶

The approach in this research uses a qualitative approach, which is a way of analyzing research results that produces analytical descriptive data, namely data expressed by informants in writing or orally as well as real behavior, which is researched and studied as a whole.⁷Data sources come from primary data and

⁶Abdulkadir Muhammad, 2004, Law and Legal Research, Citra Aditya Bakti, Bandung, p. 134.

⁷Mukti Fajar ND and Yuliono Achmad, 2010, Dualism of Normative & Empirical Legal Research, Student Library, Yogyakarta, p. 50.

secondary data. Data collection methods include interviews, document studies or library materials. The data analysis method used in analyzing the data is qualitative analysis.

3. Results and Discussion

3.1. Implementation of Complete Systematic Land Registration at the Cirebon Regency National Land Agency Office

Completion of land registration throughout Indonesia is planned to be completed in 2024 through the Complete Systematic Land Registration (PTSL) program. PTSL was launched in 2016 through the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 35 of 2016 concerning the Acceleration of Implementation of Complete Systematic Land Registration, then refined by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2017. Results of researcher interviews with Suhardi, A.Md who stated that the free land registration program for the community has been in existence since 2017. The implementation of Complete Systematic Land Registration is hereinafter referred to as PTSL in this discussion, in the context of efficiency and effectiveness in implementing its activities, requires the role of the National Land Agency and the Land Office. As stated in Article 6 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018, to determine the location of PTSL target distribution, the Head of the Land Office determines the location in several villages/sub-districts and/or sub-districts, and for the Head of the Regional Office of the Land Agency Nationally determines its location in several districts/cities in one province.

The location determination carried out by the Head of the Land Office is carried out at the location of PTSL activities in its work area, which can be in one village area, or sub-district, or in stages over one stretch. This is contained in Article 7. The next stage of PTSL implementation is the preparation stage. According to Article 9, the Head of the Land Office makes preparations for the implementation of PTSL activities by preparing: facilities and infrastructure for implementing PTSL activities, human resources, transportation needs, coordination with other government officials, and budget allocation. After that, in accordance with Article 10, the Head of the Land Office prepares a basic registration map in the form of a line map or photo map.

Then the PTSL adjudication process and task force was formed by the Head of the Land Office. This is contained in Article 11. The PTSL adjudication committee also includes a committee made up of land office employees. After the PTSL adjudication committee was formed, then in Article 16, the Head of the Land Office along with the PTSL adjudication committee, Physical Task Force and

Juridical Task Force provided counseling to the public, both those who already had and did not have a certificate, as well as to the Regional Government, related agencies, law enforcement and/or community figures.

Followed by the stage of physical data collection and juridical data collection. Furthermore, for the purposes of proving rights, the PTSL adjudication committee conducts research on juridical data, in accordance with Article 22. The next stage is the announcement of physical data and juridical data as well as validation and the announcement of physical data and juridical data. After the announcement period ends, the physical data and juridical data are ratified by the PTSL Adjudication Committee in the form of a Minutes of Ratification of the Announcement of Physical Data and Juridical Data.

Next is the stage of confirming conversion, recognizing rights, and granting rights. According to Article 27, based on the proposed decision on granting rights, for plots of land which are state land, the Head of the Land Office shall determine the decision on granting rights to be carried out collectively and provide a note on the last page of the list of proposals for granting Ownership/Building Use/Use Rights. Article 28, regarding the stages of recording rights, in the case of signing a land book confirming conversion and recognition of rights, determining the decision to grant rights, the ownership rights, building use rights, use rights and/or waqf are recorded in the relevant land book, carried out by the Chair of the Adjudication Committee on behalf of the Head of the Land Office. Apart from that, Article 29, in the event that there is a plot of land that meets the requirements for issuing a certificate but there is a case in court,

The signing of the certificate of land rights resulting from the implementation of PTSL activities is carried out by the Chair of the PTSL Adjudication Committee for and on behalf of the Head of the Land Office. And ending with the Reporting stage, in accordance with Article 39, carried out by the Chair of the PTSL Adjudication Committee to the Head of the Land Office with a copy to the Director General of Agrarian Legal Relations and the Head of the BPN Regional Office if problems arise in the implementation of PTSL activities.

Suhardi A.Md. as the Deputy Chief Juridical Officer of the Cirebon BPN office stated that in Cirebon Regency there are still many plots of land that have not been registered. So it can be concluded that the implementation of complete systematic land registration at the Cirebon Regency Land Office has not been carried out effectively. This is shown by the high number of people who have not registered their land.⁸

⁸Interview with Suhardi, A.Md as Deputy Chair of the Juridical/Judicial Task Force in PTSL Activities at the Cirebon Regency Land Office, on July 14 2023

3.2. The Role of the Land Office in Efforts to Increase Public Awareness regarding Complete Systematic Land Registration at the Cirebon Regency National Land Agency Office

Based on 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. The role of the Land Office is to realize the contents of the Law, especially the articles relating to Complete Systematic Land Registration. Complete Systematic Land Registration Activities according to 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. Carried out by the government and the community in registering land. This is also explained in article 1 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia concerning Complete Systematic Land Registration which states that,⁹

The Cirebon Regency National Land Agency is responsible and has policies for providing services in the context of efficiency and effectiveness in implementing Complete Systematic Land Registration (PTSL) activities. In implementing PTSL, each Land Office utilizes existing resources to complete land registration targets. The number and speed of registration of registered areas differs from one Land Office to another. Every program created by the government always expects participation from the community or expects awareness from the community because awareness from the community is very influential on the success of a policy made by the government.

Awareness in implementation includes community participation in administrative activities, or public awareness of programs created by the government. Every program created by the government is to solve problems that occur in society, so public awareness is needed in its implementation. The program created by the government is the Complete Systematic Land Registration program which requires the community to participate in the program. Participation here is more seen as how the community directly participates in the program being created. Regarding community participation in the PTSL program, in every village in the target location of the Cirebon Regency PTSL program there are still people who have not participated.

Every program created requires participation or awareness, especially in the Complete Systematic Land Registration (PTSL) program which requires public

⁹Regulation 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, Article 1 paragraph 2.

awareness. Based on the results of the researcher's interview with the Deputy Chairperson of the PTSL Task Force (Satgas) of the Cirebon Regency Land Office, he stated that: "The PTSL program itself is in in 2022 and the completion of the certificate at the end of 2022. The total target for the total land parcels was 92% fulfilled."¹⁰

The reason why there are still people in the target villages who have not participated in the PTSL program, is that there are still people who do not have basic documents, the original basic documents for community land ownership are still in the bank and the community distrusts the agency. Seeing the level of public awareness regarding participation in the PTSL program in Cirebon Regency, the Cirebon Regency Land Office continues to carry out formal outreach activities which are carried out at the beginning of the activity before entering data collection activities with the aim of ensuring that the public has awareness and participates in this PTSL activity. This counseling was carried out by the Head of Land Affairs of Cirebon Regency along with the PTSL Adjudication Committee, Physical Task Force and Juridical Task Force.

Suhardi, A.Md. stated that the Cirebon Regency Land Office had conducted outreach regarding the Complete Systematic Land Registration program. We carry out outreach/socialization by gathering the community, village officials, law enforcers and prosecutors to provide education about Complete Systematic Land Registration. This counseling is aimed at people who already have a land certificate and people who have not yet made a land certificate. The expected result when this counseling is completed is that people want to take part in PTSL activities and want to register or participate in the PTSL program. After the outreach activities were carried out, the PTSL Task Force team asked the village government to also provide outreach from the village to the community through the Hamlet Head.¹¹

The efforts made by the Cirebon Regency Land Office to increase public awareness are not enough. The Cirebon Regency PTSL Task Force also carries out outreach by getting closer to the target village community while also carrying out direct outreach to the community accompanied by the hamlet head who visits the community door to door.

The Land Agency Office in implementing and counseling regarding the Complete Systematic Land Registration Program (PTSL) in Cirebon Regency has been in line with and has covered more or less what is the obligation of the government and

¹⁰Interview with Suhardi, A.Md as Deputy Chair of the Juridical/Judicial Task Force in PTSL Activities at the Cirebon Regency Land Office, on July 14 2023

¹¹Interview with Suhardi, A.Md as Deputy Chair of the Juridical/Judicial Task Force in PTSL Activities at the Cirebon Regency Land Office, on July 14 2023

regional governments 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.

3.3. Obstacles and Solutions to the Cirebon Regency National Land Agency Office in Efforts to Increase Public Awareness regarding Complete Systematic Land Registration

The implementation of land registration in Cirebon Regency certainly does not go without obstacles. Based on the results of interviews conducted with the deputy juridical chairman of PTSL at the Cirebon Land Office, the factors that influenced the implementation of land registration in Cirebon Regency were obtained as follows:

1. Citizen's awareness

- a. Many people do not know that land must be registered and do not know the benefits of land registration;
- b. The public's limited knowledge of land registration procedures is felt to be too complicated and a process that is difficult to understand, causing people to feel reluctant to carry out land registration sporadically;
- c. There is a perception in the community that the registration process will cost a lot of money;
- d. The character of the community who feel they have no interest in the land they own so that the community has no interest in the land title certificate they own;
- e. Low human resources who still think that certificates are not important;
- f. The awareness of some of the people of Cirebon Regency is not high enough, in contrast to people in other big cities, where the importance of a certificate is already high;
- g. Again, the source of public understanding about laws that should stand up in society is very minimal. Basic things such as filling out the PTSL form, which should be very easy to do because it contains individual data or personal identity, are also obstacles to programs intended to accelerate the registration of land rights such as PTSL.

2. The computerized system is not yet perfect. The program of the PTSL registration system which is operated computerized at the Cirebon Regency Land

Office is not widely understood by all parties/employees of the Land Office itself. The abilities of each personnel are different, both in terms of knowledge in the field of the program used, as well as the use of the program, so that if an error/damage occurs, they will face obstacles and have an impact on work implementation activities.

3. Lack of operational technical personnel Based on interviews which stated that in measuring and mapping activities, the Cirebon Regency Land Office already has sufficient operational technical equipment, however there is still a shortage of personnel in GPS measurement activities due to the limited number of employees in the Cirebon Regency Land Office which specifically addresses this issue compared to the large numbers targeted.

4. Land that has not been registered is the object of dispute a. There is no agreement between the heirs regarding the distribution of inherited land; b. There are still land disputes with third parties

5. There are no strict sanctions from the government, in this case the National Land Agency, if the owner of land rights does not register ownership of the land.

The key solution to implementing land certification includes increasing public legal awareness through the Complete Systematic Land Registration (PTSL) program in Cirebon Regency, in providing legal certainty that will be effective with the following factors, namely:

1. Complete regulations regarding land registration encourage the Cirebon District Land Office to complete the target of legalizing as many assets as possible in a short time;

2. The Land Office provides PTSL implementing elements so that it contributes to completing the achievement of land certification targets;

3. Regional Government supports the implementation of the Complete Systematic Land Registration (PTSL) program by enhancing coordination between the Land Office, Regional Government, District and Village Government;

4. The community supports the Complete Systematic Land Registration (PTSL) program as an effort to obtain legal certainty regarding land ownership rights.

According to Suhardi, A.Md. The Cirebon Regency Land Office is making every effort to encourage the public to register their land in the following way:

1. Carrying out outreach and outreach activities with the PTSL target village government, the Cirebon Regency PTSL task force team, and the village community.
2. If in an area or area and/or block within a village there are still quite a lot of people who have not registered their land, the task force team will be deployed to several hamlets or RWs in the target village where there are people who have not registered their land, to approach the community accompanied by the hamlet head or RW again explained the importance of registering land and immediately following the ongoing PTSL activities to register the land owned.
3. Often people do not understand the PTSL procedures and therefore do not register their land. So the PTSL task force team will help to provide direction on how to register land through PTSL activities.

4. Conclusion

Deputy Head of Juridical Affairs at the BPN Cirebon office, Suhardi, A.Md. stated that in Cirebon Regency there are still many plots of land that have not been registered. So it can be concluded that the implementation of complete systematic land registration at the Cirebon Regency Land Office has not been carried out effectively. This is shown by the high number of people who have not registered their land. Seeing the level of public awareness regarding participation in the PTSL program in Cirebon Regency, the Cirebon Regency Land Office continues to carry out formal outreach activities which are carried out at the beginning of the activity before entering data collection activities with the aim of ensuring that the public has awareness and participates in this PTSL activity. This counseling was carried out by the Head of Land Affairs of Cirebon Regency along with the PTSL Adjudication Committee, Physical Task Force and Juridical Task Force. Efforts that can be made to create public awareness about registering their land include outreach activities, if there are still people who have not registered their land through PTSL, the PTSL task force team will approach the community accompanied by the hamlet or RW head by explaining again the importance of registering land and immediately following the ongoing PTSL program to register the land they own. And the PTSL task force team helps to provide direction on how to register land through PTSL activities for people who do not understand the procedures for registering land through the PTSL program.

5. References

Journals:

Azrianti, Septia, 2017, *Peran Badan Pertanahan Nasional Dalam Mengoptimalkan Pendaftaran Tanah di Kota Tebing Tinggi*, Batam: Vol.6, No.1

Lisnadia Nur Aviva, dkk, 2022, *Pentingnya Pendaftaran Tanah Untuk Pertama Kali Dalam Rangka Perlindungan Hukum Kepemilikan Sertifikat Tanah*, <https://www.jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/download/186/170>, accessed on 5 March 2023.

Books:

Abdulkadir Muhammad. (2004). *Hukum dan Penelitian Hukum*. Bandung: Citra Aditya Bakti.

Djoko Prakosa dan Budiman Adi Purwanto. (1985). *Prona Sebagai Pelaksana Mekanisme Fungsi Agraria*. Jakarta: Ghalia Indonesia.

Hilaire. Nigel D. White. McCoubrey. (1999). *Textbook and Jurisprudence*. London: Blackstone Press Limited.

Jayadi Setiabudi. (2013). *Panduan Lengkap Mengurus Tanah Rumah Serta Segala Perizinannya*. Yogyakarta: Buku Pintar.

Mukti Fajar ND dan Yuliono Achmad. (2010). *Dualisme Penelitian Hukum Normatif & Empiris*. Yogyakarta: Pustaka Pelajar.

Regulation:

Constitutional Court Decision Number 85/PUU-XI/2013 which states that Article 33 of the 1945 Constitution of the Republic of Indonesia is a form of constitutionality of the adoption of economic democracy, which means that the basis for the management of natural resources in Indonesia is based on the fourth and fifth principles of Pancasila.

Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, article 10.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 35 of 2016 concerning Acceleration of Implementation of Complete Systematic Land Registration

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, Article 1 paragraph 2.