

## Problems in Implementing Complete Systematic Land Registration (PTSL) in Semarang City

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**Abstract.** *This research aims to determine the problems of implementing a complete systematic land rights application (PTSL) at the Semarang City Land Office, to find out the factors inhibiting the implementation of land rights applications at the Semarang City Land Office and to find out the efforts of the parties to overcome these obstacles. The research method uses a sociological juridical approach. Data sources are obtained from several stages, namely through field research (interviews) and library research. Data analysis is carried out regularly including data reduction, data presentation and drawing conclusions. The results of research from this paper show that: Problematic Implementation of Complete Systematic Land Registration (PTSL) in the City of Semarang is regulated in Article 1 Number (2) of the Regulation of the Minister of State for Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2017, which is a land registration activity for the first time which is carried out simultaneously for all land registration objects the territory of the Republic of Indonesia in one village or sub-district area or other equivalent name, which includes collecting and determining the correctness of physical data and juridical data regarding one or several land registration objects for registration purposes. After the Rights are given to the Applicant, the Applicant receives a certificate. Obstacles that arise in implementing applications for land rights at the Semarang City Land Office in implementing applications for land rights are a low level of understanding from the community, the existence of levies beyond the established fees, and limited human resources. Efforts made by the Office Semarang City Land Affairs in facing the obstacles that occur in order to realize the vision of the Semarang City Land Office itself, namely "Realizing certainty of land rights in the City of Semarang through excellent service" by always providing direct and indirect outreach to the community, supervising employees as well as providing training to employees to provide excellent service.*

**Keywords:** Application; Land Ownership Rights; Land.

## 1. Introduction

Land is very closely related to humans because land has economic value for all aspects of human life in order to create prosperity and welfare of the people. Especially in Indonesia as an agricultural country where most of the population still lives from agriculture. Humans compete to control and own the desired land.

There are still many people in Semarang City whose lands do not have land title certificates. They do not have any written evidence of land ownership. They still use Letter C, Girik and Petuk as evidence of land ownership and for information on land boundaries and ownership, the owner only has a letter of recognition of rights and a letter of statement from the Sub-district Head. So that this often causes disputes regarding land boundaries.

In Law no. 5 of 1960 Regarding the Basic Agrarian Regulations, Article 9 paragraph (2) states that: "Every Indonesian citizen, both male and female, has the same opportunity to obtain rights to land and to benefit from the results, both for themselves and their families."<sup>1</sup>This means that every citizen who is legally a citizen of the Republic of Indonesia has the opportunity to obtain benefits by using land according to his/her living needs.

Land is something that has a very important value in human life, that is because land has economic value, as well as a cosmic magical-religious point of view from the Indonesian perspective, it also often provides vibrations in peace, and often causes shock in society, and then it also often causes obstacles in the implementation of national development.<sup>2</sup>

The government has a program for the mass land certification process or better known as the PRONA program (national agrarian operations project), but in the current era the mass land registration process organized by the government is the PTSL Program (Complete Systematic Land Registration).

Complete Systematic Land Registration (PTSL) is a land registration activity carried out simultaneously which includes all land registration objects that have not been registered in one village/sub-district area or other names of 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 land plots.

In the Regulation of the Minister of State for Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2017 concerning the Acceleration of the Implementation of Complete Systematic Land Registration,

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<sup>1</sup>Law Number 5 of 1960 Basic Agrarian Regulations

<sup>2</sup>Ma'ruf Ma'ruf Umar, 2014, State's Right to Control Land & Principles of Land Law, Unissula Press, Semarang, p. 30

which regulates the implementation of complete Systematic Land Registration for all Land Registration Objects throughout the Territory of the Republic of Indonesia and regulates the Acceleration of the Implementation of Complete Systematic Land Registration.<sup>3</sup>

Based on the description of the background, the researcher wishes to conduct a thesis research with the title Research.

## **2. Research Methods**

This research uses a type or type of sociological legal study which is based on the view that law is a pattern of institutionalized social behavior and exists as an empirical social variable.<sup>4</sup>, by using an empirical legal research approach, legal research that will provide a complete understanding of the law in the context of norms and when applied in a social context.<sup>5</sup> Approach Empirical data uses secondary data as initial data, which is then continued with primary data or field data, meaning that in addition to looking at land registration procedures and obstacles, researchers also see directly what happens in the field.

## **3. Results and Discussion**

### **3.1. Implementation of Complete Systematic Land Registration (PTSL) in Semarang City.**

The implementation of land registration will produce a final product in the form of a certificate as proof of land ownership. However, in its implementation, there must be obstacles, both in the implementation of administration and from the community itself. There are still some people who do not really understand the importance of land registration. Land title holders have the right to obtain authentic, legally binding evidence of their land ownership from the authorized institution, namely the National Land Agency.<sup>6</sup>

Complete Systematic Land Registration as formulated in Article 1 Number (2) of the Regulation of the Minister of State for Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2017 is a land registration activity for the first time which is carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in one village or sub-district or other name of the same level, which includes the collection and determination of the truth of physical data and legal data

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<sup>3</sup> Mohammad, Yamin Lubis and Abdur Rahim Lubis, 2008, Land Registration Law, Mandar Forward, Bandung, p. 192.

<sup>4</sup> Sabian Utsman, ,Basics of Sociology of Law, Pustaka Pelajar, Yogyakarta, p. 311.

<sup>5</sup> Mukti Fajar and Yulianto Achmad, 2010, Dualism of Normative and Empirical Legal Research, 1st Edition, Pustaka Pelajar, Yogyakarta, p. 153.

<sup>6</sup>Ali Achmad Chomzah, 2004, Indonesian Land Agrarian Law, Prestasi Pustaka, Jakarta, page 23.

regarding one or several land registration objects for the purposes of their registration.<sup>7</sup>

The results of research at the Semarang City Land Office show that in general the stages of implementing complete systematic land registration or PTSL in Semarang City are divided into several stages:<sup>8</sup>

1. PTSL planning and preparation is carried out by the Head of the Land Office to determine the distribution of PTSL targets for Semarang City and then the Head of the Land Office can mobilize / assign employees from the Land Office.

2. Determination of PTSL activity location The stages of determining the location of PTSL activities are carried out by the Head of the Land Office by determining the location of PTSL activities in his/her work area. The determination of the location is carried out in one sub-district area or gradually part by part in one area.

3. The formation and determination of the PTSL Adjudication Committee is carried out and formed by the Head of the Land Office. The composition of the PTSL Adjudication Committee consists of:<sup>9</sup>

a) The chairman of the committee, who is also a member, is an employee of the Land Office.

b) The Deputy Chairperson in charge of agrarian infrastructure is also a member and is held by a Land Office employee who understands land infrastructure matters.

c) The Deputy Chairperson in charge of agrarian legal relations is also a member and is held by an employee of the Land Office who understands land legal relations matters.

d) The secretary is held by an employee of the Land Office.

e) The local village/sub-district head or a village/sub-district official appointed by him.

f) Members from the Land Office elements as needed. By considering the availability of implementing apparatus resources, each PTSL Adjudication Committee can be formed for more than 1 (one) or for several sub-districts by involving elements of the apparatus of each village/sub-district concerned.

The PTSL Adjudication Committee has the following duties:

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<sup>7</sup>Ibid, p. 23.

<sup>8</sup>Interview with B.Hermanu, Organizing Committee, Semarang City, August 7, 2023.

<sup>9</sup>Interview with the Organizing Committee, Semarang City, August 7, 2023.

- 1) prepare PTSL work plan.
  - 2) collect Physical Data and original Legal Data documents for all land plots in the relevant area and provide a receipt for the documents to the rights holder or his/her attorney.
  - 3) provide assistance in completing the requirements for proof of land ownership in accordance with the provisions of laws and regulations.
  - 4) checking the formal accuracy of Physical Data and Legal data as evidence of land ownership or control.
  - 5) announce the Physical Data and Legal Data of the land plots that have been collected.
  - 6) facilitate the resolution of disputes between the parties concerned regarding the data published.
  - 7) ratify the results of the announcement as referred to in number 5 which will be used as the basis for recording rights or proposing the granting of rights and registering rights.
  - 8) submit periodic reports and submit activity results to the Head of the Land Office.
  - 9) supervise the implementation and results of the work of the Physical Task Force and the Legal Task Force. In carrying out these tasks, the PTSL Adjudication Committee is assisted by the Physical Task Force (Satgas Fisik) and the Legal Task Force (Satgas Yuridis) which are formed in each sub-district or covering several sub-districts.
4. Counseling The counseling stage is carried out by the Land Office along with the PTSL Adjudication Committee, Physical Task Force and Legal Task Force, which is carried out by providing the following explanation:<sup>10</sup>
- a) benefits for the community, government and state from the results of implementing the PTSL program.
  - b) determination and installation of boundary signs for each plot of land.
  - c) legal documents that need to be prepared.
  - d) Schedule for land measurement and collection of legal data by the Physical Task Force and the Legal Task Force.

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<sup>10</sup>Interview, with the Implementation Committee, Semarang City, August 7, 2023.

- e) final results of PTSL program activities.
  - f) financing provided by the Government and/or other legitimate sources through PTSL activities.
  - g) possible costs and/or taxes to be borne by PTSL activity participants.
5. Collection of Physical Data and Legal Data on Land Areas The stages of collecting physical data are carried out through measurement and mapping activities which include making basic registration maps, determining land area boundaries, measuring and mapping land areas and making registration maps, making land lists and making measurement letters.
6. Land Inspection The land inspection stage is carried out to ensure the information contained in the physical data and legal data.
7. Announcement of Physical Data and Legal Data of Land Areas and Proof of Rights The stages of announcing physical data and legal data of land areas and proof of rights are carried out to fulfill the principle of publicity in proving land ownership, therefore announcements of physical data and legal data are carried out which are published at the Land Office and the local Village/Sub-district Head's Office.
8. Issuance of the Decision on Granting Land Rights Based on the Minutes of the Announcement Results, the Chairperson of the PTSL Adjudication Committee shall determine the Decision on Determination of Rights or the Decision on Affirmation/Recognition of Rights.
9. Issuance of the Decision on Granting Land Rights Based on the Minutes of the Announcement Results, the Chairperson of the PTSL Adjudication Committee shall determine the Decision on Determination of Rights or the Decision on Affirmation/Recognition of Rights.
10. Completion of the Land Registration process through PTSL.
11. Submission of Land Rights Certificates Land title certificates are handed over to PSTL participants after all stages have been completed. The certificate may only be handed over to the party whose name is listed in the relevant land book as the holder of the rights or another party authorized by him.

The implementation of Complete Systematic Land Registration on uncertified land in Semarang City is carried out based on the provisions of the Regulation of the Minister of State for Agrarian Affairs and Spatial Planning or the Head of the National Land Agency Number 1 of 2017 concerning the Acceleration of the Implementation of Complete Systematic Land Registration, which includes: Determination of the location of PTSL activities, formation and appointment of

the PTSL Adjudication Committee, counseling, collection of physical data and legal data of land plots, land inspection, announcement of physical data and legal data of land plots and proof of rights, issuance of decisions granting or recognizing land rights, bookkeeping and issuance of land rights certificates and submission of land rights certificates.

So that it is in accordance with the Legal System Theory which was put forward by Lawrence M. Friedman, the legal system of a state of law is essentially a State in which the Legal System is a legal entity consisting of 3 elements, namely, legal structure, legal substance, legal culture. So that the community gets legal certainty with government programs such as Complete Systematic Land Registration so that in the future there will be no more lands that do not have certificates.

### **3.2. Problems in the Implementation of Complete Systematic Land Registration (PTSL) and the solutions provided in Semarang City**

Problems in implementing complete systematic land registration in Tinjomoyo Village, Banyumanik District, Semarang City.<sup>11</sup>

There are objections or rebuttals from other parties to the land registration process carried out by the applicant through PTSL because they consider they have more rights to the registered land, which is supported by proof of ownership in the form of a seal or land certificate. In general, applicants find it difficult to complete the requirements for applying for land registration for the first time through PTSL, this is because for a statement of physical control of a land plot (sporadic), many elements must be included in it, both as witnesses, justifiers and knowing. The low level of public understanding of land law is indicated by the behavior of the community who do not include related parties in the land measurement process. Other obstacles are the existence of different facts between physical and legal documents, incomplete data from the history of the land, the chronology of the deed is broken or lost and there are land disputes and the absence of boundary marks in land measurement by officers and registration costs borne by the land owner himself. People who take care of it themselves must also be prepared for all risks.

The government program to accelerate the Complete Systematic Land Registration (PTSL) in Semarang City, especially in Penggaron Lor Village, Genuk District, Semarang City, has been implemented well in accordance with the set targets. However, in its implementation, it sometimes encounters obstacles, both obstacles originating from the Land Office as the agency directly responsible for

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<sup>11</sup>Interview with the Organizing Committee, Semarang City, August 7, 2023.



the implementation of land registration and obstacles originating from the community.<sup>12</sup>

The problems experienced by the Semarang City Land Office are problems that occur internally and externally in the Land Office, where the limitations of Human Resources (HR) in order to meet the target in the implementation of the acceleration of Complete Systematic Land Registration (PTSL) require adequate human resources so that the process of accelerating the Complete Systematic Land Registration (PTSL) can run well and smoothly according to their respective duties. However, based on the results of the study, it was stated that the number of human resources owned by the Semarang City Land Office was very limited, both land measurement personnel (measuring officers) and administrative personnel, considering the many components of activities that must be carried out. The increase in the volume of work is not comparable to the number of human resources owned.<sup>13</sup>

On the other hand, the implementation of the Complete Systematic Land Registration (PTSL) program in Semarang City is only carried out for 1 budget year starting from January to December. In accordance with the provisions, all stages of the implementation of the Complete Systematic Land Registration (PTSL) must be completed immediately by the appointed committee, so that the short time to complete the program and the limited number of human resources owned by the Semarang City Land Office (BPN) resulted in a slight delay in the completion of the work.

Based on the results of observations conducted by me at the Semarang City Office. The obstacles to the implementation of Complete Systematic Land Registration (PTSL) faced by the sub-district are related to the problem of data collection and meeting the relevant news because many residents of Semarang City work, making it difficult for the committee in the data collection process.<sup>14</sup>

In addition, the large number of houses being rented or sold in the Semarang City area has hampered the process of verifying land owner data by the committee from the sub-district and local community leaders.<sup>15</sup>

Problems faced by the community who are PTSL participants. Based on the results of an interview with one of the residents in Semarang City. The

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<sup>12</sup>Interview with the Head of RT, Tinjomoyo Village, Banyumanik District, Semarang City, August 10, 2023

<sup>13</sup>Interview with the Organizing Committee, Semarang City, August 7, 2023.

<sup>14</sup>Interview with the Organizing Committee, Semarang City, August 7, 2023.

<sup>15</sup>Interview with the Organizing Committee, Semarang City, August 7, 2023.



implementation process is considered very long so that it hampers the handover process of the certificates that have been awaited by residents for a long time.<sup>16</sup>

The solution to the problems carried out by the Tinjomoyo Village Office, Banyumanik District, Semarang City, experienced by the community of systematic land registration participants. The solution to the problem carried out by the Tinjomoyo Village Office, Banyumanik District to overcome the problems related to data collection is that before collecting data, village officers first inform their residents that data collection will be carried out by the committee from the Land Office and other committees so that it is expected that the landowner or representative of the landowner concerned will not carry out activities before the data collection process is complete.<sup>17</sup>

The solution carried out by the Semarang City Land Office to overcome the problems experienced by the PTSL participant community regarding the implementation and certification process which requires a long period of time is to optimize the completion time of the work according to the predetermined time target. If the work can be completed according to the time target and field target, the certificate submission process can be carried out quickly. However, if during the completion process the work experiences obstacles or has not reached the target and is only able to complete work less than the number of registered field targets, the certificate submission process will be carried out in stages. This effort is made so that the obstacles experienced by the community regarding the certification process which is considered too long can be resolved immediately.<sup>18</sup>

Based on the description above, the problems in implementing complete systematic land registration seem to need more attention from the organizing committee of the government program so that there will be no problems like what is happening now in the city of Semarang and the community must also cooperate with the Semarang City Land Office so that the committee in this case the Semarang City Land Office can run government programs well and there will be no problems in the future. Considering that this program is very useful and beneficial to the community so that land that has not been registered is immediately registered in order to obtain legal certainty with this program, so that there is a process of law working in the community through government programs through the Semarang City Land Office in this case PTSL, and reinforced by the theory Chamblis and Said men where the working of law in society is

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<sup>16</sup>Interview with Residents of Tinjomoyo Village, Banyumanik District, Semarang City RT 04/RW 04, August 11, 2023.

<sup>17</sup> Interview with the Head of RT, Tinjomoyo Village, Banyumanik District, Semarang City, August 10, 2023

<sup>18</sup>Interview with the Organizing Committee, Semarang City, August 7, 2023.

influenced by social forces, law-making institutions and program makers in implementing law in Indonesia. So that the working of law cannot be monopolized by the law itself.

#### **4. Conclusion**

The implementation of complete systematic land registration (PTSL) in Semarang City through 12 (twelve) stages, namely Preparation, Counseling, Collection of Legal Data, Processing of Legal Data and Proof of Rights, Land Inspection, Announcement, Validation, Issuance of Decrees on Determination of Rights and Decisions on Affirmation/Recognition of Rights, Bookkeeping of Rights, Issuance and submission of Certificates, Document Management, and Reporting is carried out based on the provisions of the Regulation of the Minister of State for Agrarian Affairs and Spatial Planning or the Head of the National Land Agency Number 1 of 2017 concerning the Acceleration of the Implementation of Complete Systematic Land Registration, which includes: Determination of the location of PTSL activities, formation and determination of the PTSL Adjudication Committee, counseling, collection of physical data and legal data of land plots, land inspection, announcement of physical data and legal data of land plots and proof of rights, issuance of decisions granting or recognizing land rights, bookkeeping and issuance of land rights certificates and submission of land rights certificates. The Semarang City Land Agency is advised to increase legal counseling or socialization regarding land, so that it can increase public knowledge and understanding regarding PTSL in the future.

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