

Implementation Of The Principle Of Publicity In The Complete Systematic Land Registration Program From The Perspective Of Legal Certainty In Semarang City

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Abstract. *The aim of this research isto analyze the implementation of the principle of publicity in the PTSL program has not been able to guarantee legal certainty at the Semarang City Land Office, and the factors that hinder it. The research method used in this study is: the type of research used in this study is empirical legal research, the approach method used is the structural approach and Economic Analysis of Law. The data used is primary data with qualitative descriptive data analysis. The results of the study show that the implementation of the principle of publicity in the PTSL program has not been able to guarantee legal certainty at the Semarang City Land Office, because it uses a negative publication system with positive elements as regulated in Article 24 of 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 PTSL. This means that the State does not guarantee the accuracy of the data presented. For landowners, even though they have been listed as landowners in the certificate, they can still face the possibility of being sued in court by parties who have an interest in the land, meaning that the land title certificate can still be canceled. In 2022-2023, there were 111 certificate lawsuits that were decided by the Semarang District Court Judge, and 16 certificates were canceled by the Semarang State Administrative Court. The inhibiting factors can be seen from 3 (three) angles, namely: First, the legal substance (substance of the law), there are weaknesses in Article 24 of 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 PTSL, related to the use of a negative publication system with positive elements, this causes legal uncertainty, because there is still a possibility of court lawsuits from parties who feel they have an interest in*

the land; Second, the legal structure (structure of law), namely the limited implementing resources, especially survey officers and administrative staff; and Third, legal culture (legal culture), namely the level of community participation is still low, and the occurrence of internal disputes between families or heirs.

Keywords: *Implementation; Legal Certainty; Publicity Principle; PTSL.*

1. Introduction

Land is the source of all material wealth, because everything that can be used and valued comes from land.¹According to Ter Haar, the close relationship between land and humans is because land is a place to live, land that gives life, land where humans are buried, and the relationship is magical and religious.²Based on Article 19 Paragraph (1) of Law Number 5 of 1960 concerning Agrarian Principles (UUPA), the government provides legal certainty for land rights holders. Land rights can be obtained through land registration.³ Land registration,⁴for the first time according to Article 13 paragraph (1) of PP Number 24 of 1997, it was carried out using 2 (two) systems, namely systematic land registration and sporadic land registration.⁵This land registration system was inspired by the failure of the first land registration program, based on Government Regulation No. 10 of 1961 concerning Land Registration (PP No. 10 of 1961), which was in effect for more than 35 years and only resulted in 16.3 million plots of land being registered out of 55 million plots of land rights. Furthermore, with the enactment of PP No. 24 of 1997, the results were also deemed less than optimal. Of the 126 million plots of land in Indonesia, only 46 million have been registered, meaning there are 80 million plots of land that are not yet registered. Meanwhile, land growth is estimated at more than 1 million plots per year.

Considering this condition, the current government through the Ministry of ATR/BPN which has the authority to register land and has a target of 126 million plots of land in Indonesia being registered and certified in total by 2025, has issued a policy regarding the first land registration system called the Complete Systematic Land Registration Program (PTSL) through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the BPN RI Number 6 of 2018 concerning Complete Systematic Land Registration (Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the BPN RI Number 6 of 2018). "PTSL 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/sub-district or other name of the same level, which includes the collection of physical data and legal data regarding one or several Land Registration objects for the purposes of registration."⁶Furthermore, it can be seen in Article 1 number 2 of 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 that:

"The purpose of PTSL is to realize the provision of legal certainty and legal protection of community land rights based on the principles of simplicity, speed, smoothness, security, fairness, equality, openness and accountability, so as to increase the welfare and prosperity of the community and the national economy, as well as reduce and prevent land disputes and conflicts."⁷

¹Bernhard Limbong, Land Politics, Jakarta, Margaretha Pustaka, 2014, p. 1.

²Hilman Hadikusumo, Introduction to Indonesian Customary Law, Bandung, Mandar Maju, 2003, p. 194.

³Article 19 Paragraph (1) of the Republic of Indonesia Law Number 5 of 1960 concerning Agrarian Principles

⁴Article 1 number 1 of the Republic of Indonesia Government Regulation Number 24 of 1997 concerning Land Registration

⁵ Urip Santoso, 2011, Land Registration and Transfer of Land Rights, First Edition, 2nd Printing, Jakarta, Kencana Prenada Media Group, p. 39.

⁶ article 1 Number 1 of 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.

⁷Article 1 number 2., Ibid.

The implementation of PTSL is based on Article 4 Paragraph (4) of 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, which is outlined in the PTSL Technical Instructions Number 3/Juknis-HK.02/III/2023 which was issued on March 3, 2023,⁸ guided by the principles as regulated in Article 2 of PP Number 24 of 1997, which expressly states that land registration is carried out based on the principles of simplicity, safety, affordability, modernity and openness.⁹ Furthermore, according to Soedikno Mertokusumo, in land registration there are 2 (two) types of principles, namely:

"The principle of specialiteit, namely the implementation of land registration is carried out on the basis of certain laws and regulations which technically concern the issues of measurement, mapping, and registration of its transfer. Meanwhile, the principle of openbaarheid, known as the principle of publicity or openness, means that everyone has the right to know the legal data regarding the subject of rights, the name of land rights, transfer of rights, and encumbrances of land rights that exist at the Land Office, including filing objections before the issuance of certificates, replacement certificates, lost certificates or damaged certificates.¹⁰

The focus of discussion in this research is the principle of publicity. The principle of publicity in the implementation of land registration provides an opportunity for other parties to provide objections to a registered land plot before the issuance of the certificate. In Article 24 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 Number 6 of 2018, the time for the announcement of physical data and legal data regulated by the ministerial regulation is 14 (fourteen) working days. One of the important issues related to the legal certainty of the implementation of land registration is the principle of publicity. The principle of publicity regulates and guarantees proof of ownership of land rights where each registration application must be announced with physical data and legal data within a certain time.¹¹ To test the validity of the certificate, a publication system is also used in land registration. The publication system is used to test the validity of the certificate, namely whether it is strong or not and whether it is absolute or not. This is the positive and negative publication system:

"If a country uses a positive publication system, then the certificate issued has absolute evidentiary power, so that the certificate issued by that country cannot be sued, so that no changes can be made to the land title certificate.¹² Meanwhile, the negative publication system can protect the true rights holder, as the true rights holder can reclaim their rights even if they are registered in someone else's name. Therefore, a country that uses the negative publication system can still file a lawsuit against a land title certificate, as the data contained in the certificate can still be changed at any time.¹³

In Indonesia, a negative publication system with positive elements is adopted as regulated in Article 19 of the UUPA and Article 24 of 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 2018.¹⁴A specific phenomenon in Semarang City can be taken as an example. In 2022-2023, there were 111 certificate lawsuits that were decided by the Semarang District Court Judge, and 16 certificates were canceled by the Semarang PTUN.¹⁵This phenomenon shows that the PTSL program has not yet realized legal certainty as mandated by Article 19 of the UUPA.¹⁶In this regard Gustav Radbruch,¹⁷ explains that legal certainty is one of the objectives of law and it can be said that legal certainty is part of the effort to realize justice. Legal certainty itself has a concrete form, namely the implementation and enforcement of the law against an action that does not see who the individual is doing. Through legal certainty, everyone is able to predict what they will experience if they carry out a certain legal action. Starting from this phenomenon, it has inspired researchers to conduct more in-depth research, with the title: "IMPLEMENTATION OF THE PUBLICITY PRINCIPLE IN THE COMPLETE SYSTEMATIC LAND REGISTRATION PROGRAM FROM THE PERSPECTIVE OF LEGAL CERTAINTY IN SEMARANG CITY".

2. Research Methods

The research approach method used in this thesis is the empirical legal research method, namely research that emphasizes research aimed at obtaining legal knowledge empirically by going directly to the object.¹⁸This type of research is

⁸Article 4 Paragraph (4)., Ibid.

⁹Article 2 of Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration

¹⁰Urip Santoso, Op.Cit., pp. 16-17

¹¹Ibid.

¹²Fina Ayu Safitri, Lita Tyesta ALW., Anggita Doramia Lumbanraja, 2020, Legal Consequences of Using a Negative Publication System with Positive Elements in Land Registration in Semarang City, NOTARIUS, Vol. 13 No. 2, pp. 778-802.

¹³Ibid.

¹⁴Article 24 of 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.

¹⁵Semarang City Land Office Data for 2023

¹⁶ MarioJulyano, and Aditya Yuli Sulistyawan, 2019, Understanding the Principle of Legal Certainty Through the Construction of Legal Positivism Reasoning, Crepido Journal: Journal of the Basics of Legal Thought: Philosophy and Legal Science, Vol. 1 No. 1, pp. 13-22., url: <https://ejournal2.undip.ac.id/index.php/crepido/>, accessed on May 13, 2024, at 17.00.

¹⁷Gustav Radbruch, "Legal Philosophy," in The Legal Philosophies of Lask, Radbruch, and Dabin, ed. John H. Wigmore, et al., 20th Century Legal Philosophy Series : Vol. IV, Massachusetts: Harvard University Press, p. 52

¹⁸Soejono Soekanto, 2008, Introduction to Legal Research, University of Indonesia Press, Jakarta, p. 88.

used because it examines the implementation of the principle of publicity in the complete systematic land registration program from the perspective of legal certainty in Semarang City, as well as the factors that hinder it. The approach used is a structural approach and Economic Analysis of Law. The specifications of this research use descriptive analysis, namely research that in addition to providing an overview, writing and reporting an object or an event will also draw general conclusions from the problem discussed. Data sources come from primary data, collected through interviews and document studies, and then qualitative data analysis is carried out.

3. Results and Discussion

3.1. Implementation of the Publicity Principle in the Complete Systematic Land Registration Program from the Perspective of Legal Certainty in Semarang City

Land registration is a series of activities carried out by the Government continuously, sustainably and regularly, including the collection, processing, bookkeeping, presentation and maintenance of physical data and legal data, in the form of maps and lists, regarding land plots and apartment units, including the provision of certificates of proof of rights for land plots for which rights already exist and ownership rights to apartment units and certain rights that encumber them."¹⁹

Land registration was first carried out using 2 (two) systems, namely systematic land registration and sporadic land registration, namely as follows:

- a. Systematic land registration is the simultaneous first-time land registration activity that covers all unregistered land registration objects within a village/sub-district or part of a village. Systematic land registration is based on a work plan carried out by the Minister of State for Agrarian Affairs/Head of the National Land Agency.
- b. Sporadic land registration is the first-time land registration activity for one or more land registration objects within a village/sub-district, either individually or en masse. Sporadic land registration is carried out at the request of an interested party and can be carried out individually or en masse.²⁰

¹⁹Article 1 number 1 of the Republic of Indonesia Government Regulation Number 24 of 1997 concerning Land Registration

²⁰ Urip Santoso, 2011, Land Registration and Transfer of Land Rights, First Edition, 2nd Printing, Jakarta, Kencana Prenada Media Group, p. 39.

This land registration system was inspired by the failure to satisfactorily implement the first land registration program, namely the one based on Government Regulation No. 10 of 1961, which has been in effect for over 35 years, has only resulted in the registration of 16.3 million plots of land out of 55 million plots of land rights. Furthermore, the enactment of Government Regulation No. 24 of 1997 also appears to have produced less than optimal results. Of the 126 million plots of land in Indonesia, only 46 million have been registered, meaning 80 million plots remain unregistered. Meanwhile, land registration is estimated to grow by over 1 million plots per year.

Considering this condition, the current government through the Ministry of ATR/BPN which has the authority to register land and has a target of 126 million plots of land in Indonesia being registered and certified in total by 2025, has issued a policy regarding the PTSL system, through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN RI Number 6 of 2018.

"PTSL 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/sub-district or other name of the same level, which includes the collection of physical data and legal data regarding one or several Land Registration objects for the purposes of registration."²¹

PTSL Objectives is to realize the provision of legal certainty and legal protection of community land rights based on the principles of simplicity, speed, smoothness, security, fairness, equality, openness and accountability, so as to increase the welfare and prosperity of the community and the national economy, as well as reduce and prevent land disputes and conflicts."²²

The implementation of PTSL based on Article 4 Paragraph (4) of 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, which is outlined in the Complete Systematic Land Registration Technical Instructions Number 3/Juknis-HK.02/III/2023 issued on March 3, 2023, is carried out through 14 (fourteen) stages, namely:

The implementation of land registration through the Complete Systematic Land Registration program includes the following stages: 1). Planning; 2). Determination of location; 3). Preparation; 4). Formation and appointment of the PTSL adjudication committee and task force; 5). Counseling; 6). Collection of physical data and legal data; 7). Research on legal data for proof of rights; 8).

²¹ article 1 Number 1 of 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.

²² Article 1 number 2., Ibid.

Announcement of physical data and legal data and their validation; 9). Completion of PTSL Activities, 10). Confirmation of conversion, recognition of rights and granting of rights; 11). Bookkeeping of rights; 12). Issuance of land title certificates; 13). Documentation and submission of activity results; and 14). Reporting".²³

The implementation of PTSL must be guided by the principles for obtaining the validity of land title certificates as a form of legal certainty, where the land title certificate will later serve as strong evidence of land ownership. The principles referred to are as regulated in Article 2 of Government Regulation Number 24 of 1997, namely:

- a. The principle of simplicity means that land registration procedures are made easy to understand and implement by interested parties.
- b. The principle of safety means that the implementation of land registration must be thorough and precise so that the results provide certainty and strong legal guarantees for rights holders.
- c. The principle of affordability means that land registration services must be accessible to those who need them, including taking into account the economic capabilities of the weak.
- d. The principle of up-to-dateness means that land registration data must be maintained continuously and sustainably to match conditions in the field, so that the public can obtain accurate information at any time.
- e. The principle of openness means that land registration data must be accessible to interested parties in accordance with applicable laws and regulations.

According to Soedikno Mertokusumo, in land registration there are 2 (two) types of principles, namely the specialiteit principle and the openbaarheid principle. namely:

"The principle of specialiteit, namely the implementation of land registration is carried out on the basis of certain laws and regulations which technically concern the issue of measurement, mapping, and registration of its transfer. The principle of openbaarheid, known as the principle of publicity or openness, means that everyone has the right to know the legal data regarding the subject of rights, the name of land rights, transfer of rights, and encumbrances of land rights that exist

²³Article 4 Paragraph (4)., Ibid.

at the Land Office, including filing objections before the issuance of certificates, replacement certificates, lost certificates / damaged certificates.²⁴

The principle of publicity requires that everyone has the right to know the physical data and legal data at the Land Office.

Physical data in the PTSL program includes information on the location, boundaries, and area of registered land plots and apartment units, including information on the presence of buildings or parts of buildings on them. The purpose of collecting this data is to ensure the accuracy and precision of the data used to issue land certificates, thereby providing legal certainty and protection for the community. Legal data in the PTSL program includes information on the legal status of land plots, their rights holders, the rights of other parties encumbering them, and proof of land ownership and control. This data is collected to complete physical documents (measurements) and is a primary requirement in the process of issuing land title certificates.²⁵

Thus, the land registration process produces a land title certificate consisting of a copy of the Land Book containing legal data, then attached to the Measurement Letter containing physical data, then bound together and given a green cover with a picture of a Garuda bird. To test the strength of the certificate, the land registration also uses a publication system. The publication system is used to test the evidentiary strength of the certificate, namely strong or not strong and absolute or not absolute. There are 2 (two) types of publication systems: the positive publication system and the negative publication system.

"A positive publication system, using a rights registration system, requires a register or land book to store and present legal data, while a certificate serves as proof of title. Recording a person's name in the register as a rights holder makes them the rights holder of the land in question, not the legal act of transferring the rights.²⁶

This statement is the philosophical basis underlying the Torrens system, namely, that with this positive publication system, the state guarantees the accuracy of the data presented. If a state uses a positive publication system, the certificate issued has absolute evidentiary power. Because its evidentiary power is absolute, the certificate issued by the state cannot be challenged, and therefore, no changes can be made to the land title certificate.

²⁴Urip Santoso, Op.Cit., pp. 16-17

²⁵Urip Santoso, Ibid., pp. 16-17

²⁶Fina Ayu Safitri, Lita Tyesta ALW., Anggita Doramia Lumbanraja, 2020, Legal Consequences of Using a Negative Publication System with Positive Elements in Land Registration in Semarang City, NOTARIUS, Vol. 13 No. 2, pp. 778-802.

"The negative publication system means that the validity of the legal act, not the registration, determines the transfer of rights to the buyer. Registration does not make a person who acquires land from an unauthorized party the new rights holder. In the negative publication system, the principle of *nemo plus juris* applies, meaning that a person cannot transfer or assign rights beyond what they themselves possess. Therefore, the state does not guarantee the accuracy of the data presented. Even if registration has been carried out, the buyer may still be sued by someone who has evidence that they are the true rights holder."²⁷

The negative publication system can protect the true rights holder, as the true rights holder can reclaim their rights even if they are registered in someone else's name. Therefore, a country that uses the negative publication system can still file a lawsuit against a land title certificate, as the data contained in the certificate can still be changed at any time.

Based on the results of an interview with the Head of the Land Registration Section at the Semarang City Land Office in 2024, namely Rudi Prihantoro, A.Ptnh., MM, MH, the process of publishing the results of collecting physical data and legal data in PTSL is based on the Regulation of the Minister of ATR/Head of BPN Number 6 of 2018, which involves several channels:

a) Announcement at the Village/Sub-district Office

The PTSL Adjudication Committee announces physical data (location, boundaries, land area) and legal data (legal status of land, owner, burden of rights) at the local village or sub-district office.

b) Strategic Location

Announcements are also made in strategic places that are easily accessible and visible to the public in the PTSL area, such as village notice boards, community halls, or other public areas.

c) Electronic Media

Publication can also be done through electronic media or the official website of the local Land Office, as seen on the Semarang City ATR/BPN page, using the "Touch My Land" app. For village/sub-district offices, WhatsApp groups, Instagram, and Facebook are used.²⁸

²⁷Ibid.

²⁸Interview, Rudi Prihantoro, A.Ptnh., MM, MH, as Head of Land Registration Section at the Semarang City Land Office, June 3, 2024, at 15.00 WIB.

The use of channels in the process of publishing the results of collecting physical data and legal data in the implementation of PTSL at the Semarang City Land Office as mentioned above, was confirmed by Niken Nugrahaeni, SE,²⁹ as the Head of Siwalan Village, Gayamsari District, Semarang City; Sukiswo, SH,³⁰ as the Head of Tambakrejo Village, Gayamsari District, Semarang City; Suharyati, S.IP.,³¹ as the Head of Karang Tempel Village in West Semarang District, Semarang City; and Sofia Ernowati, SE, MM,³² as the Head of Muktiharjo Kidul Village, Pedurungan District, Semarang City, who stated that the channels used in the publication process included the village announcement board, community hall, the Sentuh Tanahku application, Whatshap Group media, IG, Facebook.

Based on the description above, it can be stated that the land registration process through PTSL produces a land title certificate consisting of a copy of the land book containing legal data, then attached to the measurement letter containing physical data, then bound together and given a green cover with a picture of a Garuda bird. To test the validity of the certificate, the land registration also uses a publication system. The publication system is used to test the validity of the certificate's evidence, namely whether it is strong or not strong and absolute or not absolute.

Based on the results of an interview with the Head of the Land Registration Section at the Semarang City Land Office in 2024, namely Rudi Prihantoro, A.Ptnh., MM, MH,³³ The publication system in PTSL in Semarang City is a negative publication system with positive elements, this means that the state does not guarantee the absolute accuracy of the data presented in the certificate, but provides legal certainty and protection to rights holders if other parties do not file objections during the announcement period. However, if there are still parties who object after the verification and correction process for the submission of objections to physical data and legal data is carried out within a maximum of 14 calendar days from the receipt of the objection submission, the relevant party can file a lawsuit with the local PTUN,³⁴ as regulated in Article 24 of the Regulation of the Minister

²⁹Interview, Niken Nugrahaeni, SE., as Head of Siwalan Village, Gayamsari District, Semarang City, October 13, 2025, at 10:00 WIB.

³⁰Interview, Sukiswo, SH., as the Head of Tambakrejo Village, Gayamsari District, Semarang City, October 28, 2025, at 15.00 WIB.

³¹Interview, Suharyati, S.IP., as the Head of Karang Tempel Village in West Semarang District, Semarang City, November 18, 2025, at 08.00 WIB.

³²Interview, Sofia Ernowati, SE, MM, as the Head of Muktiharjo Kidul Village, Pedurungan District, Semarang City, November 18, 2025, at 13.00 WIB.

³³Rudi Prihantoro., Op.Cit.

³⁴Article 24 of 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.

of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018.

The analysis that can be put forward is that the use of this negative publication system is a lack of legal certainty for land owners, because even though they have been listed as land owners in the certificate, the land owner can still face the possibility of being sued by parties who feel they have an interest in the land, meaning that the land title certificate can still be canceled, therefore many people file for certificate cancellation because the provisions in the regulations allow it, so that there are still many disputes that occur due to the use of a negative publication system with positive elements in Indonesia. This provision opens the opportunity for others to sue people who already have certificates. In 2022-2023 there were 111 certificate lawsuits that were decided by the Semarang District Court Judge, and 16 certificates were canceled by the Semarang PTUN.³⁵

This issue indicates that the PTSL program has not yet realized the legal certainty mandated by Article 19 of the UUPA. Regarding this, Gustav Radbruch explained that legal certainty is one of the objectives of law and can be said to be part of the effort to achieve justice. Legal certainty itself has a concrete form, namely the implementation and enforcement of the law against an action regardless of the individual who committed it. Through legal certainty, each person can predict what they will experience if they commit a certain legal action.³⁶ Land title certificates can still be changed, even though they are the strongest proof of land ownership, because the publication system used in Indonesia is a negative publication system with positive elements. In a negative publication system, the state does not guarantee the accuracy of the data presented. Land title certificates are a strong means of proof, not an absolute means of proof. The person whose name is listed as the rights holder in the land book and certificate always faces the possibility of lawsuits from other parties who feel they have an interest in the land, so the use of a negative publication system results in a lack of legal certainty for landowners.

3.2. Factors That Inhibit the Implementation of the Principle of Publicity in the Complete Systematic Land Registration Program So That It Cannot Guarantee Legal Certainty in the City of Semarang

Observing the implementation of the publicity principle in the complete systematic land registration program at the Semarang City Land Office using a negative publication system with positive elements, resulting in lawsuits in 2022-2023, there were 111 certificate lawsuits that had been decided by the Semarang District Court Judge, and 16 certificates were canceled by the Semarang PTUN, of

³⁵ Semarang City Land Office Data for 2023

³⁶ Mario Julyano, and Aditya Yuli Sulistyawan, Mario Julyano, and Aditya Yuli Sulistyawan, Op.Cit., pp. 13-22.

course this was due to various factors. The inhibiting factors can be analyzed using the legal system theory of Lawrence M. Friedmann, then every legal system consists of 3 (three) sub-systems, namely the legal substance (substance of the law), legal structure (structure of law), and legal culture (legal culture).

Based on the results of an interview with the Head of the Land Registration Section at the Semarang City Land Office in 2024, namely Rudi Prihantoro, A.Ptnh., MM, MH,³⁷Based on the legal system theory of Lawrence M. Friedmann, it shows that there are weaknesses in the publicity principle policy in the complete systematic land registration program so that it cannot guarantee legal certainty at the Semarang City Land Office as regulated 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. The description is as follows:

a. Substance of the Law

Regarding the substance of law (Substance of the Law), Lawrence M. Friedman explains that "Another aspect of the legal system is its substance. By this is meant the actual rules, norms, and behavioral patterns of people within the system...the emphasis here is on living law, not just rules in law books." Another aspect of the legal system is its substance, namely the rules, norms, and actual behavioral patterns of people within the system. So the substance of law concerns the applicable laws and regulations that have binding force and serve as guidelines for law enforcement officials.

Based on the results of an interview with the Head of the Land Registration Section at the Semarang City Land Office, Rudi Prihantoro, A.Ptnh., MM, MH,³⁸, from the substantive aspect, this regulation has a weakness, when this regulation is implemented, namely that it has the potential to not provide a guarantee of legal certainty, namely Article 24Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 20182018, which regulates the announcement of physical data and legal data and their ratification, which is usually called the principle of publicity, that land registration data must be accessible to interested parties in accordance with applicable laws and regulations.

- (1) The recapitulation of legal data that has been included in the legal data research report regarding land plots that have been mapped on land plot maps, is included in the list of legal data and land plot data.

³⁷Rudi Prihantoro., Op.Cit.

³⁸Rudi Prihantoro., Ibid.

- (2) To fulfill the principle of publicity in proving land ownership, legal data and physical data of land plots and maps of land plots are announced using the physical data and legal data announcement form (DI 201B) for 14 (fourteen) calendar days at the PTSL Adjudication Committee Office and the Village Office.
- (3) Interested parties are given the opportunity to submit objections regarding physical data and legal data (DI 201B) as referred to in paragraph (2) during the announcement period.
- (4) After the announcement period as referred to in paragraph (2) ends, the physical data and legal data are validated by the PTSL Adjudication Committee which is made in the form of a report on the validation of the announcement of physical data and legal data (DI 202).
- (5) Legal data and physical data of land plots are prepared in accordance with the format as stated in Attachment VII which is an integral part of this Ministerial Regulation.
- (6) If at the time of the validation of the physical data and legal data as referred to in paragraph (4) there are still incomplete data or there are still objections that have not been resolved, then the physical data and legal data will still be validated by providing notes in the minutes of validation of the physical data and legal data regarding the incomplete matters and/or objections that have not been resolved.
- (7) In the event that a party files an objection as referred to in paragraph (3), written notification will be given to immediately file a lawsuit with the court.
- (8) The objections referred to in paragraph (6) are recorded in the list of objections/objections to the announcement of the results of the physical data and legal data research (DI 309).
- (9) Handling of objections is carried out in accordance with statutory provisions.

Based on the provisions of Article 24 Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018²⁰¹⁸ clearly stipulates that the principle of publication in the PTSL program is a negative publication system with positive elements. This means that the state does not guarantee the absolute accuracy of the data presented in the certificate, but provides legal certainty and protection to rights holders if other parties do not file objections during the announcement

period. However, if there are still parties who object after the verification process, the parties concerned can file a lawsuit with the local PTUN.³⁹

The implementation of the principle of publicity in land registration provides an opportunity for other parties to submit objections to a registered plot of land before the issuance of a certificate. Article 24 of 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 states that verification and correction of objections to physical and legal data must be carried out within a maximum of 14 (fourteen) calendar days from the receipt of the objection. If there are still parties who object after the verification process, the relevant party can file a lawsuit with the local PTUN. The deadline for filing a lawsuit to the PTUN is 90 days from the date the decision or announcement is received or known. In 2022-2023, there were 111 certificate lawsuits decided by the Semarang District Court Judge, and 16 certificates were canceled by the Semarang PTUN. The analysis that can be put forward is that one of the characteristics of the negative publicity system is that land rights registration does not constitute a guarantee for the name registered in the land book. In other words, land records can be changed as long as it can be proven that the land is the real owner through a court decision that has permanent legal force.

b. Legal Structure (Structure of Law)

Discussing the legal structure (Structure of Law), Lawrence M. Friedman explains:

*"To begin with, the legal system has the structure of a legal system consisting of elements of this kind: the number and size of courts; their jurisdiction....Structure also means how the legislature is organized....what procedures the police department follows, and so on. Structure, in a way, is a kind of cross section of the legal system...a kind of still photograph, with freezes the action."*⁴⁰

The structure of a legal system consists of the following elements: the number and size of courts, their jurisdiction (including the types of cases they have jurisdiction to hear), and the procedures for appeals from one court to another. Structure also refers to how the legislature is structured, what the executive branch can and cannot do, the procedures followed by the judiciary, and so on. Thus, the legal structure consists of the legal institutions that exist to implement the existing legal system.

³⁹Article 24 of 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.

⁴⁰ Lawrence M. Friedman, *Op.Cit.*, p. 9.

The weakness of the publicity principle policy 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 is seen from the aspect of legal structure, based on the results of interviews with the Head of the Land Registration Section at the Semarang City Land Office in 2024, namely Rudi Prihantoro, A.Ptnh., MM, MH,⁴¹ is the limitation of implementing resources.

In 2023, the Head of the Semarang City Land Office has determined the locations of PTSL activities in 16 sub-districts in the Semarang City area with a target of 688,000 PTSL certificates. To meet this target, adequate human resources are needed, so that the PTSL acceleration process can run well and smoothly according to their respective duties. However, based on research results, the number of human resources owned by the Semarang City Land Office (BPN) is very limited, both land surveyors (measuring officers) and administrative staff, considering the many components of activities that must be implemented. The increase in work volume is not proportional to the number of human resources available.

On the other hand, the PTSL program in Semarang City is only implemented for one fiscal year, starting from January to December. According to regulations, all stages of the PTSL implementation must be completed immediately by a designated committee. Therefore, the short timeframe for completion of the program and the limited human resources available at the Semarang City Land Office (BPN) have resulted in some delays in the completion of the work.

The large number of routine work / routine land service receipts The large number of routine land service / routine work receipts received every day by the Semarang City Land Office, is also an inhibiting factor in the process of completing work related to Complete Systematic Land Registration. This is because the receipt of routine land services carried out by the Semarang City Land Office (BPN) counter cannot be temporarily stopped during the PTSL implementation process, so that routine land services must be carried out every working day the land counter service is open.

c. Legal Culture

Discussing legal culture, Lawrence M. Friedman explains:

*"The third component of legal system, of legal culture. By this we mean people's attitudes toward law and legal system, their beliefs...in other words, is the clarification of social thought and social force that determines how law is used, avoided, or abused."*⁴²

⁴¹Rudi Prihantoro., Op.Cit.

⁴² Lawrence M. Friedman, Op.Cit., p. 9.

Legal culture concerns the legal culture, which is the attitude of people (including the legal culture of law enforcement officers) towards the law and the legal system. No matter how well the legal structure is arranged to implement the established legal rules and how good the quality of the legal substance created, without the support of a legal culture from those involved in the system and society, law enforcement will not be effective. Legal culture can be seen from the traditions of daily behavior that are simple and reflect the guidelines that apply to legal subjects. The emergence of compliance in everyday life and groups begins with public legal awareness. Legal awareness can grow due to the fear that is given by legal sanctions.

The first factor influencing legal awareness is legal knowledge. Legal regulations must be widely disseminated and legally enforceable. This will automatically disseminate and quickly become known to the public. Legal awareness is essentially a person's awareness or values regarding existing or anticipated laws. The emphasis is on values regarding the function of law, not legal judgments regarding concrete events in the community. Violators are not necessarily breaking the law. This could be due to a lack of understanding and knowledge about legal awareness and the regulations within the law itself. Another factor influencing legal awareness is public compliance with the law. Therefore, all societal interests depend on the provisions of the law itself. However, some believe that compliance with the law is driven by fear of punishment or sanctions for breaking the law.

In connection with the implementation of the principle of publicity of the land registration program at the Semarang City Land Office, his success This is inseparable from legal culture factors. As previously explained, there are still issues that could lead to lawsuits if someone feels they have greater rights, which inherently reduces the guarantee of absolute legal certainty for new certificate holders resulting from PTSL. The inhibiting factors from a legal culture perspective based on the results of an interview with the Head of the Land Registration Section at the Semarang City Land Office in 2024 were Rudi Prihantoro, A.Ptnh., MM, MH,⁴³ are: First, the level of public participation is still low. There are still people in Semarang City who are less aware or reluctant to actively participate in the PTSL process, such as not installing clear boundary markers or not being present during the measurement process and announcement of physical or legal data, which hinders the application of the principle of *contradictoire delimitatie* (boundary agreement); Second, the occurrence of internal family or heir disputes. The existence of unresolved internal ownership disputes within the family or heirs

⁴³Rudi Prihantoro., Op.Cit.

often becomes a significant obstacle in the land registration process, because publicity cannot be carried out perfectly without clarity of the subject of rights.

4. Conclusion

The implementation of the publicity principle in the PTSL program has not been able to guarantee legal certainty at the Semarang City Land Office, because it uses a negative publicity system with positive elements as stipulated in Article 24 of 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 PTSL. This means that the state does not guarantee the accuracy of the data presented. For landowners, even though they are listed as landowners on the land certificate, they may still face the possibility of being sued in court by parties who have an interest in the land, meaning that the land title certificate can still be revoked. In 2022-2023, there were 111 certificate lawsuits decided by the Semarang District Court Judge, and 16 certificates were revoked by the Semarang State Administrative Court. The inhibiting factors can be seen from 3 (three) angles, namely: First, the substance of the law, there are weaknesses in Article 24 of 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 PTSL, related to the use of a negative publication system with positive elements, this causes legal uncertainty, because it is possible that there will still be court lawsuits from parties who feel they have an interest in the land; Second, the legal structure (structure of law), namely the limited implementing resources, especially measuring officers and administrative staff; and Third, legal culture, namely the level of community participation is still low, and the occurrence of internal family or heir disputes.

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