

# Complete Systematic Land Registration (PTSL) With Community Participation (PTSL-PM)

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**Abstract.** The land is a means of life for humans, ranging from a place to live to becoming a development asset of a country. Therefore, it is very necessary to have arrangements or ownership rights over land so that each party who controls the land understands the rights and obligations of land ownership. Therefore, it is necessary to have land registration to obtain the legality of ownership of the land rights. Land registration is a series of activities carried out by the government continuously, continuously, and regularly. The importance of land registration for the first time for unregistered land owners and the Government (BPN) as well as the current problems related to land registration for the first time for unregistered land owners.

**Keywords:** land registration, PTSL-PM, technical regulations

## 1 Introduction

In 1960, the Indonesian state entered a new phase, mainly in the field of land or agrarian affairs as a whole, because this year was also the first time that the state made a legal product concerning the regulation of developments in the land sector in Indonesia. This was carried out precisely, namely on September 24, 1960, when the Indonesian government ratified Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA), State Gazette of the Republic of Indonesia (LNRI) of 1960 Number 104 and Supplement to the State Gazette of the Republic of Indonesia (TLNRI) No. 2043[1].

This agrarian regulation which can also be called the UUPA is what ended the enactment of colonial land law regulations during the Dutch colonial period, and also ended the dualism or pluralism of land law regulation in Indonesia, as well as the creation of regulatory basics for the development and development of national land law that one and single, namely those based on customary law as Indonesian national law. However, there are still adjustments and conditions specifically for the recognition and inclusion of customary law in the UUPA, as stated in Article 5 of the UUPA:

"Agrarian law that applies on earth, water, and space is the law of customs, as long as they do not conflict with national and state interests, which are based on national unity, with Indonesian socialism as well as with the regulations contained in this law and

with other regulations, all by taking into account the elements that rely on religious law."

The land is a development and economic asset; therefore, it is very necessary to regulate land ownership rights so that there is clarity of legal certainty regarding the rights and obligations of the land. Therefore, land registration is needed to obtain legality or legal certainty in terms of ownership of the said land rights. Land registration is a series of activities carried out by the government continuously, continuously, and regularly (PP/24 1997). Through the Government Regulation or implementing regulations, namely PP No. 24 of 1997 concerning land registration is an order from Article 19 paragraph (1) of the UUPA. In the article, it is regulated that "To guarantee legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulation." In his book, AP Parlindungan argues that if it is related to the purpose of land registration as stated in PP Number 24 of 1997, it can enrich the provisions of Article 19 of the UUPA, because:

1. With the issuance of a certificate of land rights, the owner is given legal certainty and legal protection.
2. With the land information available at the Land Office, the government will be easier to plan for state development involving land, even for the people themselves to know more about the conditions of land use and ownership.

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3. With good land administration, a planned future of land will be maintained[2].

In terms of land registration, there are two (2) activities, namely land registration for the first time and data maintenance. The series of land registration activities for the first time began with the activities of measuring, mapping, and recording land. In the end, it is possible to issue a certificate of proof of rights, namely in the form of a book called a certificate. The certificate is a strong proof of rights based on Article 19 paragraph 2 of the UUPA. However, This rule was then re-arranged through an implementing regulation, namely Government Regulation No. 10 of 1961 which was later replaced by Government Regulation No. 24 of 1997. It was the presence of an implementing regulation in 1997 that ultimately became the answer to the need for legal certainty for land owners or holders. land rights. Changes from Government Regulation No. 10 of 1961 to Government Regulation No. 24 of 1997 made the implementing regulations of the LoGA more perfect. These improvements include various things that were not clear in the old regulations (PP Number 10 of 1961), including the definition of land registration itself, the principles and objectives of its implementation, which in addition to providing legal certainty also to collect and present complete information regarding data. physical and juridical data regarding the land parcel in question[3].

Registration of land rights is considered very important to guarantee legal certainty and obtain legal protection for every holder of land rights. Thus, it can create a sense of security for the land that has been controlled. Besides that, it is also to overcome disturbances from parties who are not interested and have no right to the land.

Starting in 1997 the implementing regulation was maintained and land registration took place using the regulation. So during the administration of President Jokowi, there was a breakthrough in terms of land registration for the first time, namely with the Complete Systematic Land Registration (PTSL) whose regulatory rules were contained in the Minister of ATR/Ka Regulation. BPN No. 12 of 2017 as amended by Ministerial Regulation No. 6 of 2018 concerning Complete Systematic Land Registration (PTSL). It was during the leadership of Joko Widodo and Muhammad Jusuf Kalla that the two pairs of leaders of this country carried the vision, mission, and work program called "Nawacita". The word "Nawacita" contains in it an agrarian reform agenda and a strategy to build Indonesia from the periphery, starting from the village. In terms of national development, agrarian reform is one of the important things that is used as a basic milestone for national economic policies related to efforts to equalize development, reduce inequality, reduce poverty and create job opportunities in rural areas[4]. "Nawacita" is a priority work program that consists of nine main agendas, where one of the contents of the agenda states that the Joko Widodo Government is very concerned about improving people's welfare by encouraging land reform and a land ownership program of 9 million hectares for farmers.

There is a programmatic framework for Agrarian Reform consisting of 6 (six) Priority Programs, namely:

Strengthening the Regulatory Framework and Resolving Agrarian Conflicts; Arrangement of Ownership and Ownership of Land for Agrarian Reform Objects; Legal Certainty and Legalization of Land Rights Objects of Agrarian Reform; Community Empowerment in the Use, Utilization and Production of Land for Agrarian Reform Objects; Allocating Forest Resources to be Managed by the Community; and Implementing Institutions for Central and Regional Agrarian Reform[4].

## 2 Research Method

The preparation of this article uses legal research methods, namely normative juridical research which is intended to process positive legal provisions and positive legal instruments [5]. The positive legal provisions used or referred to as primary materials use the Government Regulation no. 24 of 1997 concerning Land Registration, PERMEN ATR/BPN No. 6 of 2018 concerning PTSL Acceleration, and Technical Instructions No. 01/Juknis-No. 300. UK.01.01/II/ 2019 concerning Complete Systematic Land Sector Measurement and Mapping. In this legal research, the law as conceptualized as what is written in a statutory regulation or law can be conceptualized as a rule or norm that becomes a benchmark or model for human behavior that is considered appropriate [6]. The approach used in this research is a *statute approach* and *conceptual approach*. The Legislative approach, looks at the suitability of a law with other laws or regulations[7].

## 3 Result and Discussion

In 2018, the Ministry of ATR/BPN issued Ministerial Regulation of ATR/BPN Number 6 of 2018 (Permen ATR/BPN) concerning Complete Systematic Land Registration replacing Ministerial Regulation of ATR/BPN Number 12 of 2017 concerning Complete Systematic Land Registration whose purpose is to realize legal certainty and legal protection of people's land rights in a definite, simple, fast, smooth, safe, fair, equitable and open and accountable manner. Thus, it can improve the welfare and prosperity of the people, society, and economy of the Indonesian state and can reduce and prevent land disputes and conflicts. However, there are problems in the field of human resources as revealed by the Director General of Agrarian Infrastructure Adhi Dharmawan who stated that land surveyors or surveyors, both private and private, are only around 9,200 land surveyors when compared to the target of 9 million certificates, a minimum of approx. 10,000 surveyors. In addition, 9,200 surveyors are also not evenly distributed[8].

Therefore, the number of human resources is very limited and the target for land registration is quite high, the Ministry of ATR/BPN must make applicable breakthroughs to assist in achieving the target of land registration work. One of the most important and prominent and strategic breakthroughs is to empower the community by involving community participation or

by building a participatory community with the involvement of stakeholders[9]. Regarding the study of the National Land Registration Movement through Multistakeholder Involvement[10] suggested that to increase public interest in the PTSL program, it is necessary to issue a regulation so that the community/land owner is obliged to report to the village within a certain period to establish a Land Data Bank in each office. village. As we all know that the purpose of the PTSL program is to accelerate the provision of legal certainty and legal protection of community land rights in a definite, simple, fast, smooth, safe, fair, equitable and open, and accountable manner, to improve the welfare and prosperity of the community and the country's economy, as well as reducing and preventing land disputes and conflicts.

And the PTSL object covers all land parcels without exception, both parcels of land for which there is no land title or land rights, whether they are land assets of the Government/Regional Government, land of State-Owned Enterprises/Regional Owned Enterprises, village land, State Land, customary law community land, forest area, land reform object, transmigration land, and other land parcels. Through this applicable breakthrough, it is hoped that both physical data and juridical data from land that will be registered will be collected and validated.

Along with the need for uniformity and harmony in the implementation of Community Participation-Based PTSL (PTSL+PM), on February 1, 2019, PTSL+PM Technical Instructions (Juknis) were issued which mentions emphasized 3 aspects, namely aspects of technical standards, the flow of activities and institutional standards. The community participation in question is in the form of the activeness of the village officials and the high enthusiasm of the community which can be used as the main factor in the implementation of this PTSL.

### 3.1 PTSL Activities

The PTSL implementing officer is the Head of the Land Office who determines the PTSL location and the PTSL Adjudication Committee. The determination of the location of PTSL is based on the availability of the budget in the APBN/APBD and prioritized on the location of the village with PRONA activities.

Meanwhile, in this PTSL-PM activity, it is called Clarification of Land Map. Where the implementers are the Land Office, Community Participation (Puldatan), and the Adjudication Committee. For the determination of the location of the PTSL-PM village, are:

1. Rural Areas with Relatively Flat Topography, and Low Vegetation Cover.
2. Unregistered Land Plot Minimum 50%.
3. The Village Has Never Been Designated as a Ptsl Location before.
4. Village Apparatus and Community Support Ptsl.

### 3.2 PTSL Financing Sources

If it is said that every program must need funds. The success of the PTSL program also requires a certain amount of funds. The sources of funds needed for the PTSL program are obtained from the Budget Program List (DIPA) of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, both in the form of a special budget for the PTSL program and the PRONA budget, transmigration, land *reform*, and land rights certification programs. This means, it can be stated as below, the source of breeding comes from:

- a. List of Budget Program Contents (DIPA) of other government ministries/agencies.
- b. Provincial, Regency/City Regional Revenue and Expenditure Budget (APBD) and Village Funds.
- c. *Corporate Social Responsibility (CSR)* State-Owned Enterprises / Regional-Owned Enterprises, private legal entities.
- d. Public funds through a Mass Self-Help Certificate (SMS) following the provisions of the legislation.
- e. Other legitimate revenues are in the form of grants, loans (*loans*) of private legal entities, or other forms through the mechanism of the State Revenue and Expenditure Budget and/or Non-Tax State Revenue.

However, for this PTSL-PM, the Financing of Ptsl-PM activities uses the Dipa of the Regency-City Land Office/Provincial Bpn Regional Office.

### 3.3 PTSL Program Implementers

The PTSL program implementer is the PTSL Adjudication Committee consisting of:

- a. **The Chairman of the Committee** concurrently serves as a member of the Land Office.
- b. **The Deputy Chair** is in charge of agrarian infrastructure and concurrently a member is held by an employee of the Land Office who understands the affairs of land infrastructure.
- c. **The Deputy Chair** is in charge of agrarian legal relations and concurrently a member is held by an employee of the Land Office who understands the affairs of land law relations.
- d. **The secretary** is held by an employee of the Land Office.
- e. **The local Village/Kelurahan Head** or a Village/Sub-district Pamong appointed by him.

Members of the Land Office elements as needed. In carrying out its duties, the PTSL Adjudication Committee is assisted by a Physical Task Force (Physical Task Force) and Juridical Task Force (Juridical Task Force). For the PTSL-PM Program, the implementers are the Land Office, Community Participation (Puldatan), and the Adjudication Committee. The hallmark of this PTSL-PM is the existence of PULDATAN which helps in collecting data, both physical and juridical, as well as clarifying land parcels.

Puldatan consists of a minimum of 10 people, consisting of:

1. 1 village head or appointed village apparatus;

2. 1 babinsa/babinkamtipmas;
3. 4 surveyors (village youth or youth organizations);
4. 4 village youth leaders/coral cadets, RT heads, community leaders, or female leaders.

In the case of proof of rights referring to PP 24/1997, if the evidence is incomplete or non-existent, it can be completed and proven by a written statement regarding physical control of the parcel of land in good faith by the person concerned, utilization and maintain land from generation to generation within a certain time and/or obtain it in a way that does not violate the provisions of laws and regulations.

Good faith is evidenced by the statement of the applicant/participant of PTSL Adjudication stating:

- a. There are no objections from other parties on land owned or not in a state of dispute.
- b. Does not include or does not constitute:
  1. Assets of the Government, Regional Government, or State-Owned Enterprises/Regional Owned Enterprises.
  2. Forest Area.

## 4 Conclusion

That the Complete Systematic Land Registration (PTSL) given a target from the central government which is high enough to cause problems in the field of human resources can be overcome with a breakthrough program, namely through PTSL-PM or complete systematic land registration with community participation, puldatan. In the context of collecting data, both physical data and juridical data in terms of land registration to clarify land parcels.

## Acknowledgment

The authors would like to thank the Faculty of Social Sciences and Law for facilitating this activity so that the authors get many benefits for scientific development.

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