



## **Complete Systematic Land Registration Model (Ptsl) In Acceleration Of Equal Land Rights Certification**

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### **Abstract**

As part of the implementation of the government's obligation to realize orderly land administration through the registration of existing lands throughout Indonesia, a policy of mass and simultaneous land certificate procurement services has established throughout Indonesia through the Complete Systematic Land Registration (PTSL) program. This study aims to determine the conditions of regulation and implementation of the PTSL system in accelerating land rights certification in Indonesia at this time, as well as examine the PTSL model in accelerating equitable land rights certification. This research method uses an empirical juridical approach with a statutory, conceptual, case, and comparative study approach with other countries. The results of this study indicate some weaknesses in the regulation and implementation of the PTSL program, so a PTSL model needs to accelerate the certification of equitable land rights for people who have uncertified land. The recommendation from this research is that the government's efforts are needed to realize the protection and guarantee of legal certainty over ownership rights to community land based on the simple, fast, careful, smooth, safe, fair, equitable, transparent, and accountable principles, to improve the welfare of the community and support the country's economy, as well as reducing and preventing problems in the land sector.

**Keywords:** Complete Systematic Land Registration, Justice, Land Rights Certificate, Model.

### **INTRODUCTION**

Indonesia is an agrarian country with the majority of its population having a livelihood in the agricultural sector, where human and land related to social functions in the form of land ownership and economic functions such as the transfer of land rights in the form of buying and selling land, grants, and inheritance (Sri & Murjiyanto, 2013). Juridical, land can be understood in the broader scope as part of agrarian understanding, which includes the earth, water, and natural resources contained therein as a gift from God Almighty, intended for the welfare of society. The land is the uppermost layer of the earth's surface to which land rights can be attached as a limitation of control and utilization of a specific part of the earth's surface (Santoso, 2005). The limitation of these rights makes it possible for each interested party to ensure certain authorities, obligations, and prohibitions on the ownership and use of land.

One form of effort to obtain legal certainty on land rights is through efforts to orderly land administration. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) has determined that efforts to orderly land administration are part of the government's obligations which are carried out through the implementation of the registration of lands throughout Indonesia and are supported by rights holders also to register land rights owned following the provisions of the applicable laws and regulations. The land registration carried out is marked through proof of biological data and reliable juridical data and acts as proof of land ownership rights in the form of a land certificate (Number 5 CE). Landowners must register their land rights to guarantee protection and legal certainty for land ownership and concrete evidence

for rights owners when experiencing disputes, as long as the proof of ownership of land rights follows the data contained in the measuring letter and book. The land in question. (Hatta, 2014) As part of the government's obligation to realize orderly land administration through the registration of existing lands throughout Indonesia, a policy of mass and simultaneous land certificate procurement services has been established throughout Indonesia through the Complete Systematic Land Registration program (PTSL). The program aims to provide guarantees for protection and legal certainty for the community as holders of land rights, both from low to medium economic groups, to have land certificates as proof of ownership of land rights quickly and at a low cost to resolve land disputes.

The basis for the regulation of the implementation of the PTSL program has been contained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (Permen ATR/Head of BPN) Number 6 of 2018 concerning Complete Systematic Land Registration, where materially the content in the regulation is more focused on the acceleration of implementation. However, in substance, the regulation related to land registration is contrary to the mandate of the LoGA, which instead prioritizes procedures that are careful and full of accuracy. The acceleration of program implementation in PTSL that is not accompanied by careful and careful procedures will cause problems, such as the issue of multiple certificates.

Based on data from the National Land Agency in Kendal Regency in 2019, the implementation of PTSL has been carried out with the achievement of 47,123 certificates from the set target of 48,718 certificates. Furthermore, according to the same data in 2020, of the 27,422 certificate targets set, the PTSL implementation successfully achieved in Kendal Regency was only 26,573. Implementing other PTSL in Boyolali Regency has carried out as many as 64,181 land certificates from the certification target of 67,081 plots of land, with the realization percentage reaching 95.55 per cent. In addition, the implementation of PTSL in Karanganyar Regency has been recorded from a target of 18,500 land parcels to 2,200 uncertified land parcels in 2021. The implementation of land registration is a crucial matter that has been mandated to the government as stated in the UUPA, because land registration is the initial process of the birth of proof of land ownership rights, so in the process, it needs to be carried out correctly, carefully, and with complete accuracy. Based on the description of the background above, the authors determine the formulation of the problem of this research as follows: 1) What are the conditions for setting up and implementing the PTSL system in accelerating land rights certification in Indonesia at this time; and 2) What is the PTSL model in accelerating the certification of fair land rights?

## RESEARCH METHOD

This research uncovered legal issues related to the PTSL model in accelerating the certification of land rights with justice. The research method used in this research is using empirical juridical legal research methods by studying and analyzing the workings of law in society as actual behaviour, which is the primary data in research obtained from field research locations (Muhammad, 2004). The research approach used in this research is to use a case study approach, analytical approach, and conceptual approach, which is carried out by examining the PTSL model in accelerating the certification of equitable land rights.

## DISCUSSION

### A. Conditions of Regulation and Implementation of the PTSL System in Accelerating Land Rights Certification in Indonesia currently

PTSL Program is a land registration activity for the first time that is carried out simultaneously, which includes all land registration objects that have not been registered in one village or sub-district area or other names, which is equivalent to that. The PTSL program is a manifestation of the state's presence to provide protection and guarantee legal certainty in the land sector through land registration and proof of land ownership rights as mandated in Article 19 of the UUPA.

The purpose of implementing the PTSL program as a government effort to realize orderly land administration is to provide guarantees for protection and legal certainty to holders of ownership rights over a plot of land, apartment units, and other registered rights so that they can easily prove themselves as rights holders. They were concerned through proof of land ownership rights. The implementation of PTSL in a definite, simple, fast, smooth, safe, fair, equitable and accountable manner can also improve the welfare and prosperity of the community and the

country's economy, as well as reduce and prevent land disputes and conflicts. (Martati & Karjoko, 2018)

Until 2019, the issuance of certificates as proof of land ownership rights through the government's PTSL program reached 11,200,000 certificates (TV, 2020). This achievement does not mean that it runs smoothly without problems, where the implementation of the PTSL program still leaves various problems.

Based on the findings of field research at the National Land Agency in 3 (three) districts, including Kendal district, Boyolali district, and Karanganyar district, it shows that there are problems that arise in the form of dual certificate problems in the implementation of PTSL. At least some factors cause the occurrence of double certificates. Namely, some unilateral claims without knowledge of land use are considered abandoned by others. In addition, the weak database on the recording of land parcels, both registered and unregistered, owned by the National Land Agency and the local government at the district or village level, is a contributing factor to the occurrence of multiple certificates.

In the implementation of PTSL in some of the districts above, some obstacles occur, namely in the form of disputes in the form of unilateral claims from parties other than the registrant who feel more entitled to the ownership of a plot of land against the land registration process through PTSL. These obstacles are also reinforced by the people who do not fully understand the legal provisions in the land sector. In addition, the requirements for applying for land registration for the first time through PTSL, which are challenging to complete and prove the measurement limits because they must include witnesses as justification for the statement of physical control of land parcels, are part of the obstacles that occur in the implementation of PTSL in Kendal Regency. In addition, other problems related to the acceleration of the implementation of the PTSL program are the limited number of human resources owned, which are not proportional to the increase in the workload in completing the program.

Juridically, several provisions in the Ministerial Regulation of ATR/Head of BPN Number 6 of 2018 concerning Complete Systematic Land Registration, which currently has several weaknesses in its regulation. For example, the provisions regarding the principles in the implementation of PTSL in Article 2 paragraph (2) of the Ministerial Regulation of ATR/Head of BPN Number 6 of 2018 concerning Complete Systematic Land Registration have not accommodated the principle of accuracy for program implementation but instead focuses more on the principle of implementing PTSL which is carried out systematically. Just hurry up.

Then, the same regulation in Article 8 paragraph (1) has not yet determined the basis of authority for the Head of the Land Office to make changes to the location of the PTSL program, so this allows the determination to be made based on the subjectivity of the Head of the Land Office only. Of course, this is contrary to implementing a fair PTSL based on legal certainty in managing land rights for the Indonesian people.

## **B. PTSL Model in Accelerating Fair Land Rights Certification**

Improvements to the regulation and implementation of the PTSL program to protect and guarantee legal certainty over land ownership rights need to be carried out to answer and solve problems regarding implementing the PTSL model in accelerating equitable land rights certification. The theory of justice approach is used to answer legal issues related to land ownership rights, especially concerning the PTSL program implementation.

According to **Aristotle**, the law can only be applied if it contains the values of justice because justice is the core of the basic philosophy of law (Apeldoorn, 1996). Equitable land registration can only be realized if an arrangement that forms the basis for implementing the PTSL is formulated in an ideal manner. So, it is fitting that the Minister of ATR/Head of BPN Number 6 of 2018 concerning Complete System Land Registration as the basis for the implementation of the PTSL program needs to be rearranged and based on the values of justice.

The novelty proposed by the author as a result of this research is that efforts are needed to reform some of the provisions of the articles in the Permen ATR/Head of BPN Number 6 of 2018 concerning Complete System Land Registration, especially concerning the principle, setting the authority of the Head of the Land Office in making changes the location of PTSL, the task of the Juridical Task Force, as well as the format for the statement of application for PTSL Adjudication participants are as follows.

**Article 2**

(2) "This Ministerial Regulation aims to realize the provision of legal certainty and legal protection of community land rights based on simple, **accurate**, fast, smooth, safe, fair, equitable and open and accountable principles, so as to improve the welfare and prosperity of the community and the country's economy, as well as reducing and preventing land disputes and conflicts."

**Article 8**

- (1) "In certain circumstances, the Head of the Land Office may change the location of the PTSL that has been determined."
- (2) "The change in the determination of the location as referred to in paragraph (1) is made in the form of a decision by the Head of the Land Office regarding the change in the location of PTSL **accompanied by the reasons for the change of location.**"

**Article 15**

- (2) "The tasks of the Juridical Task Force include:
- a. inspecting documents for proof of ownership/control of land parcels;
  - b. examine the history of the land and withdraw the original proof of ownership or land tenure and provide a receipt;
  - c. make a list of land parcels that have been adjudicated;
  - d. make reports on the implementation of work on a regular basis;
  - e. prepare announcements regarding juridical data;
  - f. take an inventory of objections/objections and their resolutions;
  - g. prepare data for the preparation of a list of entries and examination of certificates;
  - h. input PTSL activities into the KKP Application; and
  - i. cooperate with the district court to ensure that the land certificate submitted is not in dispute."**

Land registration is carried out to provide protection and guarantee of legal certainty for holders of land rights over control and ownership of a plot of land so that it can be proven that the holder of the right is legal and entitled to a particular plot of land marked by proof of land ownership rights in the form of a land certificate. (Tehupeiory, 2012). The proposed model for updating the provisions of the articles in Permen ATR/BPN Number 6 of 2018 concerning Complete Systematic Land Registration above was compiled by incorporating the principle of accuracy as the basis for program implementers, in addition to focusing on the principle of implementing PTSL which is carried out quickly.

In addition, the regulation regarding the authority of the Head of the Land Office to make changes to the location of the PTSL program needs to be accompanied by the reasons for the related changes to minimize the determination made not only based on the subjectivity of the Head of the Land Office which is not following the values of justice and legal certainty. In addition, the additional task of the juridical task force in this provision is to coordinate with the District Court, which is intended to ensure that a parcel of land to be registered through the PTSL program does not have a history or is not currently the object of a dispute at the local District Court.

**CLOSING**

The PTSL program is a land registration activity for first time that is carried out simultaneously, which includes all land registration objects that have not been registered in one village, sub-district area, or other names at the same level. The PTSL program is a manifestation of the state's presence to provide protection and guarantee of legal certainty in the land sector through land registration and proof of land ownership rights as mandated in Article 19 of the UUPA. The basis for the regulation of the implementation of the PTSL program has been contained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (Permen ATR/Head of BPN) Number 6 of 2018 concerning Complete Systematic Land Registration, where currently there are still several weaknesses in its regulation.

Improvements to the regulation and implementation of the PTSL program to protect and guarantee legal certainty over land ownership rights need to be carried out to answer and solve problems regarding the implementation of the PTSL model in accelerating the certification of

equitable land rights. The theory of justice approach is used to answer legal issues related to land ownership rights, especially concerning the PTSL program implementation.

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