BALTIC JOURNAL OF LAW & POLITICS
A Journal of Vytautas Magnus University
VOLUME 16, NUMBER 3, (2023)
ISSN 2029-0454

Cit.: *Baltic Journal of Law & Politics* 16:3 (2023):294-305
DOI: 10.2478/bjlp-2023-0000023

Politics Of Land Registration Law

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Abstract
The political philosophy of Indonesian land law refers to the noble values of Pancasila, contained in Paragraph IV of the Preamble of the 1945 Constitution. It was consulted in the formulation of Article 33 paragraph (3) of the 1945 Constitution, where land constructed as an integral part of the agrarian is classified as the skin of the earth. Concluded in Law Number 5 of 1960 concerning Basic Agrarian Regulations (State Gazette of the Republic of Indonesia of 1960 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 2043), known as the Basic Agrarian Law, abbreviated as UUPA. Article 19, paragraph (1) UUPA, contains an order to carry out land registration to protect and guarantee legal certainty for registered land parcels. However, technical regulations are needed that specifically regulate the implementation of land registration, as stipulated in Government Regulation (PP) No. 24 of 1997 concerning Land Registration, further elaborated through the Regulation of the Minister of Agrarian Affairs/Head of BPN No. 3 of 1997. Theoretically, determining and selecting programs are not always in line with the results or facts of achievement, and it is not as easy as turning the palms of one's hands. The State or Government through the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (Ministry of ATR/BPN), has announced that around 126 million plots of land have been registered and certified by the end of 2025. Nevertheless, the facts are not as easy as imagined. The reason is that the journey to reach the agreed figures will be confronted with various supporting and hindering phenomena. One of the inhibiting factors was not achieving the previously agreed figures due to the Coronavirus Disease 2019 (Covid-19 Pandemic) [1], which spread to all corners of the country, causing land registration activities to be disrupted so that the frequency of implementation was limited.

Keywords: Legal Politics, Land Registration, Legal Certainty.

Introduction

The land is one of the primary potentials for the people, nation and State of the Republic of Indonesia. Suppose the land is the fundamental and main potential problem, of course. In that case, there will be many problems that require the need for concentration of thought in order to get a possible concept that can be set as an option and solution for solving every seed that might cause the emergence and birth of very complicated and complex soil problems. While the complexity of land issues that can arise is usually related to the existence of land as part of the earth's crust (agrarian). This is the reason why, in the past, land management was categorized as an agrarian issue, and its regulations were spread across various norms of religious law, customary law, and western civil law.

The issue of agricultural *in casu* land is regulated in religious (Islamic) law because the majority of Indonesian people are Muslim, and in fact, many legal institutions and institutions in society are the objects of land; such as shadaqah, grants and property land endowments, if legal certainty is not guaranteed, it will trigger a protracted conflict. Meanwhile, the regulation of land into customary law norms because customary law is considered the original law for the people of Indonesia. Likewise with the enactment of Western civil law on every piece of land, because

the Dutch Colonial once colonized Indonesia and during colonialism, the Western Civil law that was in effect in the Netherlands (colonial country of origin) was applied to each colony, including Indonesia, (part of the Dutch East Indies).

The simultaneous application of the three land law systems in Indonesia reflects Indonesia's legal politics as a country that has just proclaimed its independence. Indonesian legal politics clearly stated in the formulation of Article II of the Transitional Rules of the 1945 Constitution that "*All existing State Bodies and Regulations are still in effect immediately. as long as a new one has not been held according to this Constitution''*. Thus, the land regulations regulated in Islamic law (the Qur'an, the Hadith of the Prophet Muhammad SAW, and the majority of Ulama) remain valid and binding for Muslim people. Whereas customary customs, both written (for example, in *Lontarak* in Makassar) and unwritten as applicable to the Ammatoa Indigenous community in Kajang, Bulukumba Regency, and others) still apply as positive law. Likewise, Western civil law, such as; *Agrarische Wet* (*Staatsblad 1870 No. 55*), *Domein Verklaring* (*Staatsblad, 1870) with* various derivatives a, as well as *Koninklijk Besluit* (*Staatsblad 1872 No. 117*) as long as there is no replacement, then formally juridically it still applies as positive law in Indonesia.

The results of tracing the history of law obtained scientific information that shortly after the Proclamation of Independence was announced, it turned out that the Government of Indonesia had made various efforts to form a National Agrarian Law to replace the Colonial Agrarian Law. Efforts to replace colonial agrarian law with National Agrarian Law are inseparable from developments in the political condition of Indonesian state law, which began with the replacement of the 1945 Constitution. The Law of the United Republic of Indonesia (RIS Constitution) was enacted and replaced with the Provisional Constitution (UUDS). Then, based on the Presidential Decree of July 5 1959, the 1945 Constitution was reinstated, and by the will of the Reformers, the 1945 Constitution was amended (18-8-2000 until now) [2].

In addition, there are still other businesses in the land sector driven by the Government on behalf of the State. Other positive efforts are meant by issuing various instructions requiring the recording and registration of land through the empowerment of the Regent. Even though it was realized that at that time, all regulations oriented towards land registration and registration applied as positive law according to Indonesian legal politics as required by Article II of the Transitional Rules of the 1945 Constitution. September 24, 1960, namely the promulgation of Law Number 5 of 1960 concerning Basic Agrarian Regulations (State Gazette of the Republic of Indonesia of 1960 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 2043), better known as the Basic Agrarian Law, abbreviated UUPA.
The politics of land law contained in Article 5 of the BAL, it is emphasized that; "Agrarian Law that applies to land, water and space is customary Law, as long as it does not conflict with national and state interests, which is based on national unity, with Indonesian socialism and the regulations contained in this Law and with other laws and regulations. everything by heeding the elements that rely on religious law" [3]. While in the formulation of Article 19 paragraph (1) UUPA, it is emphasized that; "*In order to guarantee legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions stipulated by Government Regulations*".

Then based on land law politics, land registration is concretized through Article 19 paragraph (1) jo. Article 2 paragraph (2) UUPA [4] The government, on behalf of the state, follows up by issuing regulations in the form of Government Regulation (PP) No. 10 of 1961 concerning Land Registration. However, it could no longer keep up with developments in land law and was replaced by PP. No. 24 of 1997 concerning Land Registration, while the technical implementation is followed up through Ministerial Regulation ATR/BPN No. 3 of 1997. A question arises; To what extent the political implementation of land law related to various regulations in the framework of land registration throughout Indonesia is?.

Methodology
Questions oriented towards the political implementation of land law through the various land registration regulations above can only be answered scientifically through a study with a set of

data. Therefore, this study uses secondary qualitative data from primary and secondary legal materials. Primary materials come from various regulations and laws and regulations. In contrast, secondary legal materials come from several literary sources, including books, scientific journals, papers and scientific articles that can explain primary legal materials [5]. This paper also refers to other sciences, namely the science of politics and the science of land. This policy is intended to quickly provide a variety of objective approaches in looking at an issue while sticking to the main concepts and ideas, namely normative juridical.

Data was collected by referring to literature sources, both print and digital. What is meant by library sources are law books or other books that are selected by looking at the relevance of library sources to the topics discussed. Likewise, digital sources originate from journals and articles that can be accessed online, including data obtained from the Ministry of Agrarian Affairs/BPN [6]. The selection of digital sources is also carried out by looking at the relevance of the language and the credibility of the referral source provider. The analysis in this paper is more qualitative. Namely, the analysis is carried out by selecting relevant topics from various reference sources collected and then interpreted to describe differences in viewing land registration as an aspect of the politics of land law in Indonesia, especially concerning provisions settings [7].

Results And Discussion

A. The Political Urgency Of Land Registration Law

1. Understanding Legal Politics

Legal politics is a translation of the Dutch language *rechts politiek*, the word *rechts* means law, and *politics* means *beleid* or policy [8]. While the term politics originates from the word *polis* (Greek), which means *city-state*, which means something related to the state, develops into something related to parts of the state, namely state power, then develops again into something related to one part of the state power. Meanwhile, according to the Indonesian Dictionary, the word politics/politics/ (n) *politics* (English), *politics* (Dutch), *politique* (French), and *rei publicae* (Latin) means:

a. (knowledge) regarding state administration or state administration (such as about the system of Government, the basis of Government).
b. All matters and actions (policies, tactics, and so on) regarding the country's Government or against other countries.
c. How to act (in dealing with or dealing with a problem), policy [9].

Robert A. Dahl revealed that politics are settled patterns of human relations with interest in policy, law (Government, rules and customs) and power. Then Black stated that politics are related to the policies and administration of the state and nation's Government or the organizers of the functions of managing government affairs. Meanwhile, according to Badudu Zain, politics is all kinds of constitutional matters relating to the Government in which there are policy systems and strategies for addressing domestic and foreign affairs [10].

Furthermore, the use of the word politics developed into political science. According to Wilbur White [11], political science studies state and Government, as well as a study related to the layout, forms, and processes of a state and Government. The goals of political science correspond to the nature of law, so the term legal politics was born. Legal politics emerges as an alternative legal discipline amid a methodological deadlock in understanding the complexity of the relationship between law and non-legal entities, especially in politics. The term and study of legal politics, both from a theoretical and practical perspective, has been known for quite a long time in Indonesia. However, its development could have been faster [12].

Thus, it is only natural that legal politics can be understood as the basic policy of state administration in the field of land law, including government policies in carrying out land registration in order to achieve the country's aspired goals, namely the provision of protection for rights holders and legal certainty for each parcel of land that has been registered. The political direction of Indonesian land law is more oriented towards forming national land law. For this purpose, the state, through the Government (BPN), is given the authority to stipulate land policies that substantially regulate ownership, control, utilization, legal actions regarding land, and other things related to land. The charge of authority as legal politics provides bounded

freedom. It means; the implementation of each regulation must follow what is determined normatively. Otherwise, it will affect the validity of the relevant legal product.

2. Politics of Land Law

In essence, the politics of national land law is philosophically based on a view of life and the noble values of Pancasila as outlined in Paragraph IV of the Preamble of the 1945 Constitution. Then, constitutionally, Indonesia is a constitutional state with very complex agrarian potential, so the politics of land law is based on the legal provisions stated in the formulation of Article 1 paragraph (3) and Article 33 paragraph (3) of the 1945 Constitution.

How complicated and complex land issues are so that the state, through the Government, is given the authority to make regulations governing various phenomena related to land registration as stated in the formulation of Article 2 paragraph (2) and Article 19 paragraph (1) of the UUPA. The legal politics of land registration are explicitly outlined in the PP. No. 24 of 1997 in conjunction with ATR/BPN Ministerial Regulation No. 3 of 1997. The politics of land law regulated in these various regulations is an integral part of national agrarian law, where land is integral to agrarian issues. The politics of agrarian law is also known as the politics of national land law applied through the UUPA, which requires the importance of land registration to guarantee legal certainty. Sudikno Mertokusumo states that the law creates legal certainty because it aims at public order [13].

Indonesian land law politics began with the promulgation of the UUPA on September 24, 1960. This means that at this time, Indonesia already had its own land law politics and freed itself from its attachment to colonial (Colonial) land law politics. Then concerning the politics of national land law referred to, the meaning of Article 19 of the UUPA has provided recommendations to the Government on behalf of the state trying to make land registration regulations. Therefore, the Government issued PP. No. 10 of 1961 concerning Land Registration. However, after being evaluated, it turned out that this regulation could no longer keep up with developments in land law in the midst of society, so it was repealed and replaced with a PP. No. 24 of 1997 concerning Land Registration was technically followed up through Ministerial Regulation ATR/BPN No. 3 of 1997.

Government policies in the land sector reflect the direction and objectives of Indonesian land politics, but the results could be more optimal. There are always complicated problems where conflicts often occur between public stakeholders and familiar people, which do not create synergy between the two interests [14]. Yanis Maladi [15] states that for the political synergy of land law, Indonesia must adhere to the Pancasila paradigm as a source of fundamental national law. The reason; is that Pancasila is the legal ideal of the Indonesian people and is the fundamental norm of the state, so Pancasila is the basis for all its subordinate norms. At least land regulations, including land registration, as stipulated in the PP. No. 24 of 1997 jo. Regulation of the Minister of ATR/BPN No. 3 of 1997 must radiate Pancasila values . Hence, there is no friction between the two interests (stakeholders and familiar people as land rights holders).

B. The Politics of Land Registration Law

1. Understanding Land Registration Law

In essence, the legal norms for land registration in Indonesia, which are scattered in various regulations, are still neatly wrapped in the noble values of Pancasila. It is to be then poured into the constitution (fundamental state law) as formulated in Article 33 paragraph (3) of the 1945 Constitution, then translated into Article 19 paragraph (1) of the UUPA and more concretely into PP. No. 24 of 1997 is technically regulated further into the ATR/BPN Ministerial Regulation No. 3 of 1997. What is meant by land registration according to Article 1 number 1 PP. No. 24 of 1997, are; a series of activities carried out by the government continuously, continuously and regularly, including the collection, processing, bookkeeping and presentation and maintenance of biological data and juridical data, in the form of maps and lists, regarding land parcels and apartment units, including the issuance of certificates of proof of title for plots of land that already have rights and ownership rights to apartment units as well as certain rights that burden them.

Referring to the formulation of the definition of land registration above, this paper explicitly discusses land rights and in no way will elaborate on matters relating to apartment units. Thus, it becomes more apparent that land registration is carried out in maps and lists. One of the series of land registration activities, according to Arba[16], is the maintenance of physical data and juridical data, which is also carried out in the form of maps and lists containing physical and juridical data of land parcels. While by Arifin Rudiyanto [17] states that land registration is also defined as recording legal ownership rights or land use.

Sudikno Mertokusumo [18] stated that in the UUPA, two legal principles must be obeyed in the context of carrying out land registration. The two legal principles referred to are:

a.Principle *Specialiteit*;
The implementation of land registration is based on specific laws and regulations, which technically involve issues; measurement, mapping, and registration of its transition. Therefore, carrying out land registration can provide legal certainty of land rights, namely providing physical data regarding land rights such as area, land location and land boundaries that are explicitly designated.

b.principle *Openbaarheid*;
This principle is also known as the principle of publicity (openness), namely: providing juridical data regarding land rights, such as; who is the subject of the rights, what the name of the land rights granted, and what happens after changes and encumbrances are made.

If we examine carefully the two types of legal principles that need to be included in the land registration regulations according to Sudikno Mertokusumo, both have been compiled and contained in the legal principles for implementing land registration as stated in Article 2 PP. No. 24 of 1997, as follows:

a. Simple Principle; that in land registration, it is intended that the main provisions and procedures can be easily understood by interested parties, especially the holders of land rights.
b. Safe Principle; land registration is meant to be carried out thoroughly and accurately so that the results can provide legal certainty following the purpose of land registration itself.
c. Affordable Principles; that in land registration so that it is affordable for those who need it, especially by considering the needs and capabilities of the economically vulnerable group. The services in implementing land registration must be affordable to the parties needing them.
d. Sophisticated Principles; that in the implementation of land registration, there is sufficient completeness in its implementation and continuity in the maintenance of the data. The available data must show the current state. For this reason, it is necessary to follow the obligation to register and record changes that occur in the future. This principle requires continuous and sustainable maintenance of land registration data so that the data stored at the Land Office always follows the natural conditions on the ground and the public can obtain correct data at all times.
e. Open Principle; land registration should always be open to all parties so that those who need information about the land can quickly obtain the necessary information.

Furthermore, if one looks at the five legal principles in the context of implementing land law politics through land registration activities as stipulated in Article 2 PP. No. 24 of 1997 jo. Regulation of the Minister of ATR/BPN No. 3 of 1997 above, a fundamental conclusion will be obtained that the implementation of land registration contains the principle of providing equal protection, both to parties who own land and are controlled and used accordingly, as well as to parties who acquire and control it in good faith and are strengthened by land registration. Concerned on behalf of [19]. The importance of the legal principles for the implementation of land registration is expected to provide conveniences in the implementation of land registration. This is understandably important because at least land registration aims to legalize land assets up to issuing certificates as proof of land ownership.

In connection with this matter, the legal politics of land registration, as stated in the formulation of Article 3 PP. No. 24 of 1997 emphasized the existence of three main objectives for carrying out land registration in Indonesia. The three main objectives of implementing land registration as part of Indonesian land law politics are as follows:

a. In order to provide legal certainty and protection to rights holders over a parcel of land, apartment units, and other registered rights so that they can easily prove themselves as the holder of the relevant rights, the right holders are given a certificate as evidence.
b. To provide information to interested parties, including the government, so they can quickly obtain the data needed to carry out legal actions regarding registered land parcels and apartment units. To carry out this information function, physical and juridical data on a plot of land is open to the public [20].
c. For the implementation of orderly land administration.

Thus, Yanis Maladi[21] states that the purpose of land registration is not only for socio-economic traffic but also to provide guarantees of legal certainty that are *rechts cadastral*, the certainty of individual rights, as well as to provide legal protection to parties who acquire land in good faith. . While the guarantee of legal certainty over land rights according to HM Arba[22], includes:

a. Legal certainty over the object of the land parcel, namely the location of the land parcel, the location of the boundaries and the extent (object rights).
b. Legal certainty over the subject of his rights, namely, who is the owner (subject of rights).
c. Legal certainty over the type of land rights.

Legal certainty regarding the object and subject of land rights as referred to in Article 9 PP. No. 24 of 1997, factually, it is essential for facilitating economic traffic because certificates as an output (product) of land registration can be used as collateral for credit (investment). Therefore, the title of legal certainty regarding land rights through land registration is given according to a publicity system that opens up opportunities to obtain land data.

As an application of Indonesian land law politics, the land registration system has its characteristics, which are covered with the noble values of Pancasila. It is more oriented towards increasing the welfare and prosperity of the Indonesian people. The distinctive feature of the Pancasila politics of land law in implementing land registration is a differentiator from the land registration system carried out by other countries in all corners of the world. Therefore, *ex officio*, the land registration system implemented in Indonesia is never the same and always different from that implemented in other countries, namely the negative publication land registration system, which has a positive tendency.

In this regard, land registration driven by the Government (on behalf of the State) always uses a negative publication land registration system that has a positive tendency by always using a system of registration of rights (*Torrens system/registration of titles*), not at all a system of registration of deeds (*registration of deeds*). This is important to explain because the deed registration system where the land registration officer is not authorized to test the correctness of the data contained in each deed (passive). So, in carrying out their duties and authorities, land registration officials only act as administrators who try to provide the best service in the context of land registration to all service users who need land administration.

In this regard, in the land registration system, a harmful publication where the deed only functions as a robust tool or means can prove that an event or legal action has occurred. Therefore, Ahmad Setiawan [23] stated that whenever an event or legal act occurs that results in a change in the data implied in the land certificate, a new deed must be done with the legal stipulation that the necessary juridical data must be sought in the relevant deeds. The implementation of land registration also seeks to collect and present complete information regarding physical and juridical data for every land parcel that is registered. Necessary *title research* can take time and costs due to expert assistance.

It also needs to be clarified that using the State's negative publicity system does not guarantee that the physical and juridical data presented in the certificate are actually according to the truth. It means; the physical and juridical data referred to are still considered correct as long as their untruth is not proven. That is the basis for his consideration that if the data presented in the

certificate turns out to be incorrect data, either due to a registration error or due to fraud (an unlawful act/criminal act), then legally, changes or corrections can be made based on a judge's decision that has permanent legal force. (*in kracht van gewijsde*). In addition, the State does not provide compensation for damages to parties who have lost their land rights due to registration errors or fraud. Therefore, the Jurisprudence of the Supreme Court of the Republic of Indonesia (MARI) Reg. No. 823 K/Sip/1973 – February 18, 1976, provides a legal argument that if the certificate of land rights (authentic deed) is used as evidence if the truth is denied, the party who denies it must prove the deed is untrue (*tegenbewijs*).

Furthermore, the positive efforts made by the Government on behalf of the State in anticipating all possibilities that are considered to weaken the publication system in the context of implementing land registration, the solution is to utilize and empower the *rechtsverwerking*. The use of the *rechts verordening* is consistent with the UUPA, which recognizes the existence of customary land law [24] and is endeavoured to be referred to as the material national nature of the UUPA, which continues to recognize individual rights to land and social functions over land.

2. Implementation of Land Registration

nationalization of UUPA material is seen in the land registration regulations as stated in the formulation of Article 19 paragraph (1) of the UUPA, that in order to guarantee legal certainty by the Government (on behalf of the State and this authority is not given to private parties), registration is held. Land throughout the territory of the Republic of Indonesia according to the provisions stipulated by Government Regulations. The intended land registration regulations, namely PP.No. 10 of 1961 concerning Land Registration, then repealed and replaced with PP. No. 24 of 1997. Reasons for the repeal of PP. No. 10 of 1961, according to PP's explanation. No. 24 of 1997, because they can only register less than 30% of land parcels that meet the requirements to be registered. Of the approximately 55 million land parcels with rights that meet the requirements for registration, only approximately 16.3 million land parcels have been registered [25].

Even though the regulations for land registration as stipulated in PP. No. 10 of 1961 was considered slow and did not meet the target, there were many land disputes due to the wrong boundaries and location of land parcels, so it was repealed and replaced with PP. No. 24 of 1997, but the goals and systems set by the UUPA are still being maintained. The main things that are maintained in the PP. No. 24 of 1997, among others, Data collection, presentation and storage must be taken seriously, mainly since the land registration carried out is oriented towards providing legal protection and guaranteeing legal certainty for each plot of land registered.

Other data obtained regarding the implementation of land registration comes from Jakarta Kompas.Com. - The Ministry of Agrarian Affairs/Head of BPN reported that more than 79 million parcels of land had been registered throughout Indonesia, or 79,191,671 million, to be exact, through the Complete Systematic Land Registration (PTSL) program. Head of Public Relations Bureau of the ATR/BPN Ministry Yulia Yulia Jaya Nirmawati[26] revealed this number reflects 62.85 per cent of the 2025 completion target of 126 million plots of land. "This achievement has reached 62.85 per cent of the target for completion in 2025, namely 126 million plots of land," explained Yulia in a statement Thursday (6/1/2022). As of 2017, the ATR/BPN Ministry has registered 5.4 million land parcels. Then in 2018 and 2019, the agency registered 9.3 million and 11.2 million land parcels. "Then it decreased due to the Covid-19 pandemic in 2020 to 7.1 million land parcels registered and in 2021 10.7 million land parcels are registered,".

This PTSL is part of the Agrarian Reform access management program to accelerate land registration in the country. In addition to land registration, Agrarian Reform is also carried out through several activities, namely the legalization of the transmigration of land assets. Approximately 113 hectares, or 168,000 fields, have been registered and certified. To reduce land tenure and ownership inequality, the Government has also implemented Agrarian Reform through a land redistribution program. Then through ex-Hak Guna Usaha (HGU) land that is not being utilized, the land from forest area release is distributed to people who need it with specific criteria or who have already settled in the area.

When PP. No. 24 of 1997 applies as positive law in implementing land registration. There are derivative regulations that can potentially cause land conflicts because they are inappropriate or contradict the basic rules. This can be seen from the provisions stipulated in the Regulation of the Minister of ATR/Head of BPN No. 10 of 2016, which expressly states; Communal rights can be done by land registration. However, in reality, no communal rights certificate has yet been issued. In order to find out the ambiguity in the policy of the Political Land Law Making Officer in the field of land registration above, it must be linked to the types of land registration objects as stipulated in Article 9 paragraph (2) PP. No. 24 of 1997. The results of the analysis of the formulation of Article 9 paragraph (2) PP. No. 24 of 1997, communal rights are not mentioned as objects of land registration. Therefore, the Regulation of the Minister of ATR/Head of BPN No. 10 of 2016 cannot be enforced because it is contrary to the above regulations (violating the hierarchy of laws and regulations - Law No. 12 of 2011).

Still related to the registration of communal rights land, I Ketut Sudantra [27] revealed the fact that on October 27 2017, Pakraman Village in Bali was officially designated as the subject of communal rights to land through Ministerial Decree ART/Head of BPN No. 276/KEP-19.2/X/2017 concerning Appointment of Pakraman Village in the Province of Bali as the Subject of Joint Ownership Rights (Communal) Over Land. This appointment answers the expectations of the Balinese people who have long wanted Pakraman Village to be designated as the subject of land ownership rights. It should be noted that the proposal for Desa Pakraman to be designated as the subject of land ownership rights has long been voiced by traditional institutions and the local Government. However, what needs to be noted, related to the registration of Desa Pakraman land, is that this can have negative implications for the status of the land belonging to Desa Pakraman if the village's land *Ayahan* Desa, are registered in the name of individual rights*, karma desa* (members of Desa Pakraman) who at the time of registration *de facto* controlled the land.

The resource person added that the ATR/BPN Ministry also continues activating the Complete Village program to accelerate the Complete Systematic Land Registration (PTSL) program. Meanwhile, what is meant by a Complete Village is a village in which all land parcels in it have been registered and are valid both spatially and textually. This means that every plot of land in the village has been registered. In this way, the village boundaries become apparent, and there are no more disputes over village boundaries. Moreover, the land data in the village is excellent," he explained. Currently, there are 432 regencies/cities that have *hosted* BPHTB with the Ministry of Agrarian Affairs/BPN.

Regarding the implementation of the PTSL program, The ATR Minister/Head of BPN [28] stated that he would continue to carry out the PTSL and Agrarian Reform programs. This is intended to provide legal certainty for community land. Prior to the existence of PTSL in 2015, 80 million out of a total of 126 million land parcels had yet to be registered in Indonesia. If it is solved using the sporadic method, with an average of only 500,000 land parcels per year, it will take 160 years to register them. Until now, there have been 82 million plots of land certified by the Ministry of Agrarian Affairs/BPN, and 100 million plots have been mapped into PTSL. Has even been made *a roadmap* that 11 million will be mapped in 2023, then in 2024, there will be 11 million, and in 2025 there will be 3 million. If the total is 126 million, then the President's order to complete 126 million registered land parcels can be completed.

Apart from PTSL, another program carried out by the ATR/BPN Ministry is to provide legal certainty over people's land, namely Agrarian Reform, which plays a significant role in preparing people to face a recession because Agrarian Reform results in asset management and access arrangements that have a direct impact on the people's economy. Therefore, immediately took action by contacting the Regional Offices (BPN) to coordinate with the governor so that the Agrarian Reform Task Force (GTRA) was immediately activated to look for Land for Agrarian Reform Objects (TORA) and redistribute them to the community. With these steps, the Minister of ATR/Head of BPN hopes that the community will not experience difficulties despite the world economic crisis. Let us eradicate problems, agrarian conflicts, and land disputes together. Moreover, continue to accelerate the PTSL surge in order to be able to solve the agrarian problem so that in the future, there will be an economic crisis, but no one will go hungry.

On another occasion, Hadi Tjahjanto, in his position as Minister of ATR/Head of BPN [29], revealed that he was pursuing the target of accelerating 100 million plots of land to enter the Complete Systematic Land Registration (PTSL) program out of a total of 126 million plots throughout the region. ATR/BPN Minister Hadi Tjahjanto explained the total land registered in the program. Currently, only 80 million have been certified. His party is still working on a settlement related to the land certificate. Currently, it is pursuing the target of accelerating 100 million plots of land to enter the Complete Systematic Land Registration (PTSL) program out of a total of 126 million plots throughout the region. Minister of ATR/BPN Hadi Tjahjanto (Tuesday, 15/11/2022). Explained of the total land registered in the program, only 80 million are currently certified. His party is still working on a settlement related to the land certificate. We have completed over 80 million certificates and more than 100 field maps.

Meanwhile, his party has completed 1.2 million hectares (ha), which have been distributed from the initial target of 600,000 ha for cultivation rights (HGU). This means that we have reached 279 per cent of the target. We have drawn up a *roadmap* that, for 2023, we will complete 11 fields. In 2024 will also have 11 million fields, and by 2025 there will be approximately 3.5 million fields left, so all regions in Indonesia will be registered later. However, some obstacles hinder PTSL and ownership of land certificates. One is the condition where the village community's land is included in the forest area, so their owners cannot be certified. The solution that is being pursued is coordinating with relevant ministries/agencies to issue policies that allow the land to be given to the community.

According to a statement by the Consortium for Agrarian Reform (KPA) [30], there were at least 450 land conflicts throughout 2016, with an area of 1,265,027 hectares, involving 86,745 heads of households. This condition increased sharply if the previous year's appeal reached 252 conflicts, an average of one daily covering 7,756 hectares [31]. In addition, from the total land disputes 1,265,027 hectares, plantations ranked first at 601,680 hectares, forestry sector 450,412 hectares, property 104,379 hectares, oil and gas 43,882 hectares, infrastructure 35,824 hectares, mining 27,393 hectares, coastal 1,706 hectares, and agriculture 5 hectares.

Concerning the data on land disputes above, it becomes clearer that agrarian conflicts are still dominated by structural conflicts focused on implementing government policies on land. At the same time, government policy is part of the legal politics of land registration. In several dispute cases compiled by Kompas Daily, especially large-scale agrarian conflicts from 2007, 2008, 2009, 2010 and 2011, the farmers faced the Government, BUMN and private businesses, which the Central Government and Regional Governments backed up. There are also secondary data which informs that President Joko Widodo is aggressively implementing a land certification program for the people. The government program is under the control of the PTSL program, where the government targets that in the period 2017 – 2025, it must be able to complete the registration and certification of as many as 126 million land plots in the territory of Indonesia [32].

The target setting of 126 million registered and certified land parcels driven by the Government has the potential to fail to be achieved due to the many obstacles and obstacles in its implementation. There are indications that the determination to achieve the intended target violates the legal principle of affordability implied in Article 2, paragraph (3) of the PP. No. 24 of 1997. Starting from the secondary data analysis referred to clearly shows the unprofessionalism of the apparatus (ASN and APH) in interpreting the politics of land law implied in Article 2 and Article 4 of the BAL. This regulation gives authority to regulate (not to side with the powerful), and the familiar people are oppressed and stripped of their rights to their land. Hopefully, such a policy will not be repeated in the future because, according to Jimly Asshiddiqie[33], it is clearly against philosophy, *the general goal of society or the general acceptance of some philosophy of government*.

E. Product Certificate of Land Registration

In principle, the application of a publication system is maintained in implementing land registration, namely a negative publication system but containing positive elements. Such a

system of land registration will give birth to products in the form of letters of evidence of rights which are valid as a powerful means of proof as referred to in the formulation of Article 19 paragraph (2) letter c, Article 23 paragraph (2), Article 32 paragraph (2), and Article 38 paragraph (2) UUPA. Theoretically, the documents resulting from land registration are categorized as written evidence, called certificates of land rights. Then juridically, the said certificate of land rights, the legal rules are regulated in Articles 138, 165, 167 HIR, or Articles 164, 285, 305 RBg, also regulated in *Staatsblad* 1867 No. 29 and Articles 1867 – 1894 BW, and Articles 138 – 147 RV.

In this regard, it becomes pretty clear that certificates of land rights are nothing other than written evidence or letters (*geschrift, writings*), namely, everything that contains punctuation marks intended to pour out one's heart or to convey one's thoughts and be used. as proof [34]. The existence of a letter as evidence can be classified as a deed and other documents that are not a deed, while the deed itself is distinguished between an authentic deed and a private deed. The existence of an authentic deed is emphasized in Article 1868 of the Civil Code and Article 165 HIR, as well as Article 285 RGb. Then Soebekti[35] defines an authentic deed as a deed whose form is determined by law (*welke in de wettelijke vorm is verleden*) and made by or before public officials (*door of ten overstaan van openbare ambtenaren*) who have the power to do so (*daartoe bevoegd*) at the place where the deed was done.

The legal status of land rights certificates is categorized as documentary evidence with strong and perfect proof. The benchmark is when the physical data and juridical data stated in the certificate of land rights agree with the physical and juridical data recorded in the Land Book and Measurement Letter; Or, in other words, if the existence of a certificate of land rights follows the will of Article 19 paragraph (2) of the UUPA jo. Article 32 paragraph (1) PP. No. 24 of 1997. Meaning; that everything implied in it is always considered accurate before a judge's decision has a permanent force that declares it untrue.

Agus Salim[36] illustrates that land certificates in physical form are crucial documents for the community. It is undeniable that the condition of the title certificate in question has the potential to cause legal problems, both in terms of falsification of the data stated in the certificate involving the land mafia, as well as land disputes due to multiple certificates. The land mafia, according to Nurhasan Ismail[37], is a performance network of many people who are organized, impeccable, systematic, appear reasonable, and legal, but it still contains illegal actions and violations of the law, which are oriented towards gaining profits for themselves and causing losses. Economy for others. How difficult and possible losses due to the work of the land mafia, so it is only natural that the Government (Director General for Handling Agrarian Problems on the Utilization of Land and Space) issues Technical Instructions No. 01/Juknis/DJVII/2018 dated 10 April 2018 concerning the Prevention and Eradication of the Land Mafia.

In connection with efforts to eradicate the land mafia, which is very dangerous, it is only natural and proper that the existence of certificates of land rights as proof of a strong and perfect document can still be maintained as a legal product. Nevertheless, the issuance and security of certificates of land rights are constantly faced with new legal issues that can threaten their validity. The legal issue referred to is due to thoughts and ideas on the use of infrastructure digitization concerning land title certificates through the empowerment of the *blockchain*.

According to Benedetta Cappiello and Gherando Carullo [38], the meaning of blockchain is a series of blocks containing verified data and transactions. Meanwhile, Bart Custers and Lara Overwater[39] revealed that *a blockchain* is a ledger distributed by a group of computers where this system functions as a *node* in the network. Therefore, *blockchain is* an infrastructure with a new filing system that utilizes digital technology to manage data and compile *databases*. Thus, the use of *blockchain* itself, according to Muhammad Usman Noor[40], is seen as an archival concept that is being considered for use in the field of land law, taking into account Indonesia's situation as a country with an emergency land dispute. Alternatively, at least the application of *blockchain* is prepared as a solution to the urgency of a security system for digital land certificates.

The government's initiative, as part of a policy-oriented towards forming legal politics for land registration by utilizing scientific and technological progress to produce digital land title certificates through the *blockchain*, is reflected in Ministerial Regulation ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates. However, application and implementation, primarily how it works, still raises pros and cons among the public, especially experts and academics, so further consideration is needed.

Dewi Kartika, Secretary General of the Consortium for Agrarian Reform (KPA)[41], revealed that the security system for storing data from electronic certificates is only partially secure and even risks losing electronic land certificate data belonging to the community. If it is true that the security of electronic certificates is not guaranteed, it is essential to consider their use and utilization. This is intended so that the physical and juridical land data contained in the certificate of land rights are not misused or hacked because the people who own the data (certificate) will be harmed. Even today, many experts, academics and practitioners are pro-con when the conversation leads to the empowerment of *blockchain* concerning electronic land rights certificates because they have the potential to experience hacking. Another reason for rejecting the application of electronic land title certificates is that the data contained in the certificate can be lost instantly, resulting in losses for the people who own the land title certificates.

CONCLUSION

Based on the description and discussion in the previous section relating to the legal politics of land registration in Indonesia, several conclusions can be drawn as follows:

1. The legal politics of implementing land registration in Indonesia must follow Pancasila's noble values , which are translated into Article 33 paragraph (3) UUD 1945, jo. Article 19 of the BAL, jo. pp. No. 24 of 1997 and technical regulations regulated in PERMEN ATR/Head of BPN No. 3 of 1997 require that every parcel of land be registered and a certificate issued by the competent authority.
2. Certificates of land rights issued by authorized agencies are categorized as documentary evidence with strong and perfect evidence to provide protection and guarantees of legal certainty from the Government for each plot of land the authorized agency has registered.

In this regard, to maintain the existence of certificates of land rights as documentary evidence with strong and perfect evidence, every regulation issued by the Government as a form of policy should comply with the legal provisions on which it is based. This is intended so that the security of the land title certificate is maintained from any possibility of hacking of physical data and juridical data because it will impact the land title certificate itself, which will ultimately harm the land rights holder. In other words, land registration regulations may not conflict with the provisions of Article 7 of the Law. No. 12 of 2011.

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