



Guarantee of legal certainty in the implementation of complete systematic land registration (PTSL)

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Abstract

This research focuses on the implementation of Complete Systematic Land Registration (PTSL) in accordance with Article 25 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 6 of 2018. PTSL is divided into 4 clusters with the main aim of providing legal certainty over community land rights. The results showed that PTSL is a program that involves steps, including administrative data collection and direct measurement in the field. Although its implementation shows commitment in Aceh, there are still obstacles such as overlapping certificates and ownership claims that can lead to land conflicts.

Keywords: Complete systematic land registration (PTSL) implementation, legal certainty

Introduction

Indonesia as a state of law that gives rights to every individual, including land rights. Land registration is carried out continuously and regularly to provide legal certainty. The Complete Systematic Land Registration Program (PTSL) is a government initiative to register land comprehensively throughout Indonesia. (Soeroso, 2009)^[9]

Land registration involves two ways, namely irregular and methodical. PRONA (National Agrarian Operation Project) has been carried out since 1981, but has only certified 44% of Indonesia's land until 2016. PTSL is the first simultaneous land registration program for all land objects in a region. There are four clusters in PTSL, involving land registration that already has certificates to those that have not been registered. (Sarkawi, 2014)^[8]

The data shows the number of certificates issued and the number of cases and disputes that occurred from 2018 to 2022. (Isdiana, 2019) In fact, PTSL regulations and guidelines change frequently, creating challenges in program implementation. The principle of publicity and the principle of contradiction of delimitation are the main concerns to ensure legal certainty. However, changes in announcement deadlines and constraints in implementing the principle of deliberative contradictions have an impact on the smooth running of the program.

The principles of PTSL implementation such as deliberative contradictions are difficult to implement due to low awareness of land rights holders and technical problems in the field. (Maulidiah, 2023) There are also problems related to authentic proof of ownership of land rights, which can lead to conflicts between residents. Case studies in case show legal flaws in the certificate issuance process.

Research methods

The research method used in this study is empirical juridical with field, legislation, and case approaches. Empirical juridical is a method of legal analysis that emphasizes observation and analysis of social reality and the implementation of law in a practical context. (Leeuw, 2016)^[3] In contrast to the normative juridical approach, which focuses more on the prevailing legal norms and the ideal expectation that society should adhere to. Empirical

juridical generally uses field research approaches, surveys, interviews, and data analysis to identify factors that influence human behavior towards the law, as well as evaluate the impact and effectiveness of the law on society. One of the jurists who applied an empirical juridical approach was Soerjono Soekanto, who formulated the sociology of law as a branch of science that studies why humans are subject to the law and what causes disobedience (Maulidiah, 2023)

This type of research collects primary data from sources such as officials. The primary data is used to answer the problems that arise in this study. In addition to primary data, this study also uses secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials (Budianto, 2020)^[1].

The data collection techniques used are interviews with related parties and document studies. Interviews were conducted to confirm the data that had been collected and document studies were carried out using various written sources such as books, journals, newspapers, the internet, and thesis writing guidelines for the Master of Law Study Program of Syiah Kuala University in 2017. After the data is collected, data analysis is carried out which involves deciphering and utilizing the data that has been collected. Primary data and secondary data are combined and arranged systematically. Data analysis is carried out comprehensively according to the title, problem background, and research problem formulation. The approach used in the analysis is qualitative.

The results of this data analysis will be used to reach conclusions and provide suggestions that become the culmination point of this study. By using this research method, it is expected to systematically describe the process of implementing Complete Systematic Land Registration (PTSL) and identify legal certainty problems related to applicable laws and regulations.

Discussion

Implementation of Complete Systematic Land Registration (PTSL)

To ensure legal certainty in terms of land, including the issuance and maintenance of evidence, Boedi Harsono

stated that land registration is a series of actions carried out by the State/Government in a sustainable and orderly manner. This act includes the collection, processing, storage, and presentation of certain information or data for the benefit of the people. Thus, land registration can prevent disputes, conflicts, and abuse of land rights, as well as improve welfare and social justice for communities (Ramadhani, 2018) ^[7] Complete Systematic Land Registration is defined as an initial land registration activity carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in one Village/Kelurahan area, or other names at that level. It includes the collection and determination of the accuracy of physical data and juridical data on one or more objects of land registration for the purpose of their registration. This definition is contained in Ministerial Regulation Number 6 of 2018 concerning the Acceleration of Complete Systematic Land Registration. PTSL is an acronym for Complete Systematic Land Registration. This is a government program that aims to provide free land titles to communities who do not yet have proof of legal land ownership. This program was launched in 2017 based on ATR/BPN Ministerial Regulation No. 12 of 2017 and Presidential Instruction No. 2 of 2018

PTSL aims to provide legal certainty related to land ownership for the people of Indonesia. In implementing this program, the government is committed to issuing land certificates free of charge to individuals or groups who do not have proof of legal ownership. This initiative was launched as an effort to accelerate land registration and increase legal certainty related to land rights.

The PTSL program emphasizes the importance of comprehensive land registration to cover all parts of Indonesia, starting from the Village/Kelurahan level. The collection of physical and juridical data is carried out to ensure the accuracy of information related to the object of land registration. The Ministerial Regulation governing PTSL, namely ATR/BPN Ministerial Regulation No. 6 of 2018, is the legal basis for the implementation of this program.

Although the purpose of PTSL is to provide land certificates to the community, its implementation is inseparable from various challenges. Changes in regulations, such as those that occurred four times, as well as technical and administrative obstacles in the field can affect the smooth implementation of PTSL.

In addition, in the face of regulatory changes, it is important for the government to ensure that aspects of legal certainty and publication principles are maintained. This involves timing the announcement adequately and providing opportunities for interested parties to respond or object.

Nevertheless, PTSL is a significant step in efforts to update and perfect the land ownership system in Indonesia. As a program that reaches all regions, PTSL is expected to have a positive impact in providing legal certainty to the community regarding their land ownership rights. The Complete Systematic Land Registration Acceleration Program (PTSL) is part of the government's efforts to accelerate the process of land registration and issuance of land certificates for communities. The PTSL implementation process involves various parties, including the National Land Agency (BPN) and field officers such as physical and juridical officers

The Complete Systematic Land Registration Program (PTSL) aims to provide legal certainty and legal protection for land rights owned by communities. The program is based on the principles of simple, fast, smooth, safe, fair, equitable, open, and accountable. Through PTSL, it is expected to create welfare and prosperity for the community and the country's economic growth. In addition, this program also aims to reduce and prevent disputes and conflicts in terms of land ownership. (Prakoso, 2021) ^[6]

PTSL or Complete Systematic Land Registration was established to provide legal certainty for land ownership for people who do not yet have land titles. In its implementation, PTSL aims to speed up the land registration process, improve the quality of land data and information, and provide easy access for the community to obtain land certificates. With PTSL, it is expected to reduce land disputes and increase investment in the property sector (Suharto, 2023) ^[10]

The Integrated Land Registration Acceleration Initiative (PPTT) is part of the government's strategy to accelerate the process of land registration and certificate issuance for communities. The implementation of PPTT involves various parties, including the National Land Agency (BPN) and field personnel such as physical and juridical officers

The PTSL implementation process involves several stages, including:

1. Collection of administrative data: Juridical officers collect administrative data related to land registration.
2. Field measurement: Physical officers take field measurements to determine the boundaries of land to be registered.
3. Printing and certificate issuance: After the measurement process is complete, printing and issuance of land certificates are carried out.

In addition, good communication between BPN and PTSL officers is also an important factor in the PTSL implementation process. In this process, there are obstacles faced, such as administrative problems and owners of land parcels that do not meet the requirements.

The process of implementing the Complete Systematic Land Registration (PTSL) involves several stages which generally include:

1. Administrative Data Collection: The initial stage involves collecting administrative data related to land registration, including juridical and physical data regarding the land to be registered.
2. Field Measurement: This stage involves measuring the field to determine the boundaries of the land to be registered. This process is carried out by field officers who are responsible for ensuring the accuracy of the physical data of the soil.
3. Data Verification: After the administrative data and physical data are collected, a verification stage is carried out to ensure a match between the administrative data and field data.
4. Printing and Certificate Issuance: After the verification process is complete, printing and issuance of land certificates are carried out for landowners who have successfully registered.

In addition to the above stages, the PTSL implementation process also involves socialization to the community to provide an understanding of this program and the

procedures that must be followed. In addition, the implementation of PTSL also requires good coordination between various related parties, including the National Land Agency (BPN) and field officers. These stages may vary depending on the policies and procedures applicable in each region or region. Further information regarding the PTSL implementation process can be obtained from relevant official sources, such as the official website of BPN or related agencies in the relevant region.

The implementation of PTSL aims to make it easier for people to get land certificates for free, in accordance with the central government program. In interviews with field officers and related parties, it was seen that this program received positive responses from the community, who felt helped by this program.

Thus, the implementation of PTSL involves various stages and related parties, with the aim of making it easier for the community to obtain land certificates for free, in accordance with the central government program.

Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (PTSL) di menjamin kepastian hukum

The idea of legal certainty states that the law must be understandable to its people in order for them to comply with current regulations and to prevent the state from acting arbitrarily while enforcing its authority. Legal certainty also means that everyone can estimate the legal consequences of actions they do or don't do. (Tamelab, 2023) ^[11] Legal certainty has several objectives, including:

1. Provide legal protection and justice for the community.
2. Prevent and resolve conflicts and legal disputes that arise in society.
3. Encourage the use of law as a tool to improve the welfare and development of society.
4. Support spatial planning and sustainable natural resource management.
5. Maintain social order and order.

Legal certainty and PTSL are closely related. PTSL is one of the government's efforts to provide legal certainty to communities who own land but do not yet have a certificate or proof of legal land ownership. By having a land certificate, people can feel safe and comfortable in controlling and utilizing their land. In addition, land certificates can also prevent and resolve land disputes that often occur in various regions. Land titles can also increase the economic value of land and make it easier for people to get access to capital. The benefits of PTSL's legal certainty to the community are as follows:

1. Communities can have land certificates that are proof of legal land ownership and recognized by the state.
2. Communities can avoid land disputes that often occur due to unclear land status and boundaries.
3. Communities can use their land as business capital, for example by applying for bank credit, selling, leasing, or mortgaging their land.
4. Communities can improve their well-being by deriving economic, social, and environmental benefits from their land.

Communities can support spatial planning and sustainable management of natural resources in their areas. Thus, PTSL can provide benefits for the welfare and development of the community. In the implementation of Complete Systematic

Land Registration (PTSL), some of the obstacles that may be faced include:

1. **Administrative Complexity:** Complex administrative processes and requirements that are difficult for communities to meet can be obstacles in registering land through PTSL.
2. **Limited Resources:** Limited human, technological, and financial resources at the local level can affect the smooth implementation of PTSL.
3. **Lack of Community Awareness:** Lack of community understanding and awareness regarding the importance of land registration and the procedures to be followed can also be an obstacle.
4. **Conflict of Interest:** The existence of conflicts of interest between landowners, the government, and other parties related to land ownership can also hinder the implementation of PTSL.
5. **Technical Constraints:** Technical constraints such as inaccurate mapping, lack of infrastructure, or complex land tenure issues can also be obstacles.
6. **Interagency Coordination:** Lack of coordination between various relevant agencies in the implementation of PTSL can also hinder the smooth running of this program.

To overcome these obstacles, efforts are needed such as simplification of administrative procedures, increasing public awareness, allocation of adequate resources, improving coordination between agencies, and strengthening the capacity of field officers and related communities.

In the implementation of the Complete Systematic Land Registration (PTSL), several efforts can be made to improve the effectiveness and smoothness of the program include::

1. **Community Socialization and Education:** Conducting intensive socialization to the community about the importance of land registration, the benefits of land title ownership, and the procedures that must be followed in PTSL.
2. **Simplification of Procedures:** Improve and simplify administrative procedures and requirements required for land registration, making it more understandable and accessible to communities.
3. **Increased Resources:** Allocate adequate human, technological, and financial resources to support the implementation of PTSL, including training for field officers and strengthening infrastructure.
4. **Strengthening Coordination:** Improve coordination between various relevant agencies, including the National Land Agency (BPN), local governments, and other relevant institutions to ensure the smooth implementation of PTSL.
5. **Raising Legal Awareness:** Educating the public about the importance of legal certainty in land ownership and their rights as landowners.

6. **Capacity Building:** Provide training and assistance to field officers, including in technical matters of measurement and data verification, as well as administrative capacity building.
7. **Evaluation and Continuous Improvement:** Periodically evaluate the implementation of PTSL, identify obstacles that arise, and make continuous improvements to improve program effectiveness.

By making these efforts, it is hoped that the implementation of PTSL can run more effectively and provide greater benefits for the community in obtaining legal certainty over their land.

The implementation of the Complete Systematic Land Registration (PTSL) aims to provide legal certainty and legal protection for community land rights. With the land certificate issued through PTSL, it is expected that landowners can obtain valid proof of ownership or control of their land. The land title becomes the legal basis that provides certainty about the status and boundaries of the land owned. However, legal certainty provided by PTSL also needs to be supported by a process that is transparent, accountable, and in accordance with applicable legal provisions. In addition, PTSL implementation must also ensure that the data collected and certificates issued have gone through a careful verification process to minimize potential disputes in the future.

Based on the available information, there are several aspects that show that the Complete Systematic Land Registration (PTSL) has contributed to providing legal certainty over land. Some indicators that can be considered include:

1. **Implementation of the PTSL Program:** The implementation of PTSL has been carried out in accordance with the Regulation of the Minister of Agrarian Affairs Number 6 of 2018. This shows commitment in running the program in accordance with applicable regulations.
2. **Program Objectives:** The purpose of PTSL is to provide legal certainty and legal protection of community land rights. Thus, this program has been designed in principle to provide legal certainty to landowners.
3. **Program Evaluation:** Evaluation of the implementation of PTSL can provide an overview of the extent to which legal certainty has been guaranteed through this program. If the evaluation shows that the program has succeeded in providing legal certainty, this can be a positive indicator.

Based on the available information, it can be concluded that the Complete Systematic Land Registration (PTSL) has shown commitment in carrying out the program in accordance with applicable regulations. In addition, the purpose of PTSL is to provide legal certainty and legal protection of community land rights. Thus, in principle, this program has been designed to provide legal certainty to landowners.

Conclusion and recommendation

1. Conclusion

Based on the discussion above, it can be concluded that To obtain a land certificate through the PTSL program, the

community must go through several steps involving administrative data and field data. The first step is to collect administrative data related to the land you want to register, such as ownership documents, certificates, and others. The second step is to measure the soil directly in the field to know its boundaries clearly. Skilled field officers will take these measurements with sophisticated tools. The third step is to verify the data that has been collected, both administrative data and field data. The goal is to ensure there are no errors or discrepancies between existing data. The final step is to print and issue a land certificate which is a valid proof of land ownership. This certificate will be handed over to landowners who have applied through the PTSL program."

The Complete Systematic Land Registration (PTSL) has shown commitment in carrying out the program in accordance with applicable regulations. In addition, the purpose of PTSL is to provide legal certainty and legal protection of community land rights. Thus, in principle, this program has been designed to provide legal certainty to landowners

2. Recommendation

Berikut adalah beberapa saran untuk implementasi Pendaftaran Tanah Sistematis Lengkap (PTSL):

- a. **Intensive Socialization:** Conducting intensive socialization to the community about the importance of land registration, the benefits of land title ownership, and the procedures that must be followed in PTSL.
- b. **Simplification of Procedures:** Improve and simplify administrative procedures and requirements required for land registration, making it more understandable and accessible to communities.
- c. **Increased Resources:** Allocate adequate human, technological, and financial resources to support the implementation of PTSL, including training for field officers and strengthening infrastructure.
- d. **Strengthening Coordination:** Improve coordination between various relevant agencies, including the National Land Agency (BPN), local governments, and other relevant institutions to ensure the smooth implementation of PTSL.
- e. **Raising Legal Awareness:** Educating the public about the importance of legal certainty in land ownership and their rights as landowners.
- f. **Capacity Building:** Provide training and assistance to field officers, including in technical matters of measurement and data verification, as well as administrative capacity building.
- g. **Evaluation and Continuous Improvement:** Periodically evaluate the implementation of PTSL, identify obstacles that arise, and make continuous improvements to improve program effectiveness.

By making these efforts, it is hoped that the implementation of PTSL can run more effectively and provide greater benefits for the community in obtaining legal certainty over brand land

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