

## An Implementation Review of The Program of Complete Systematic Land Registration in Indonesia

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### Abstract

Complete Systematic Land Registration (*PTSL*) is the process of registering land for the first time, which is carried out simultaneously and includes all objects of land registration that have not been registered in an area. Through this program, the government guarantees legal certainty or rights to land owned by the community. However, the importance of land registration in Indonesia has not been followed by a good understanding by the community. Many lands in Indonesia that have not been certified are due to various factors that prevent communities from registering ownership rights to their land. This study aims to describe the implementation of the *PTSL* program and analyze the program related to its role in resolving land disputes in Indonesia. This study is qualitative research and used an interpretive paradigm. Data collection techniques were carried out through literature studies and focus group discussions. The results showed that *PTSL* is not a form of agrarian reform at the implementation level. The *PTSL* program still has things that have the potential to become problems in the future, including the implementation of *PTSL* is still fertile with the practice of extortion, potential claims on land after certification are still often occurring, and the non-functioning of the publicity and delimitation contradictory principle has resulted in many land conflicts/disputes.

**Keywords:** *agrarian reform, implementation, land registration*

### Abstrak

Pendaftaran Tanah Sistematis Lengkap (PTSL) adalah proses pendaftaran tanah untuk pertama kali, yang dilakukan secara serentak dan meliputi semua objek pendaftaran tanah yang belum didaftarkan di suatu daerah. Melalui program ini, pemerintah menjamin kepastian hukum atau hak atas tanah milik masyarakat. Namun, pentingnya pendaftaran tanah di Indonesia belum diikuti dengan pemahaman yang baik oleh masyarakat. Banyaknya tanah di Indonesia yang belum bersertifikat disebabkan oleh berbagai faktor yang menghambat masyarakat untuk mendaftarkan hak milik atas tanahnya. Penelitian ini bertujuan untuk mendeskripsikan pelaksanaan program PTSL dan menganalisis program terkait perannya dalam penyelesaian sengketa tanah di Indonesia. Penelitian ini merupakan penelitian kualitatif dan menggunakan paradigma interpretif. Teknik pengumpulan data dilakukan melalui studi literatur dan focus group discussion. Hasil penelitian menunjukkan bahwa PTSL bukan merupakan bentuk reforma agraria pada tataran implementasi. Program PTSL masih memiliki hal-hal yang berpotensi menjadi permasalahan di masa depan, antara lain pelaksanaan PTSL masih subur dengan praktik pungli, potensi klaim atas tanah setelah sertifikasi masih sering terjadi, dan tidak berfungsinya publisitas. dan prinsip kontradiktif delimitasi telah mengakibatkan banyak konflik/sengketa tanah.

**Kata kunci:** implementasi, pendaftaran tanah, reformasi agraria

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## INTRODUCTION

Land is a fundamental human necessity. Humans live and do activities on the ground so that every time humans are always in touch with the land. It can be said that almost all activities of human life, both directly and indirectly, always require land (Chigbu et al., 2021; Marryanti & Purbawa, 2018; Zhou et al., 2020). Land is essential for human life, and then everyone will always try to own and dominate it (Enemark et al., 2014; Safitri, 2018). Because many of them want to dominate it, the land is often the source of disputes. Disputes over land rights occur in many places in almost all of Indonesia, both in villages and cities. Land disputes will always be necessary considering that land will not increase in size while the human population always increases (Bappenas, 2016; Susan, 2013; Tolo, 2016).

The government realizes that land affairs will always be a problem in the community. Land disputes are like fire in chaff that can burn at any time. Therefore, one of the Laws of the Republic of Indonesia that was made in the old order was Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (*UUPA*). Until now, the *UUPA* is a law that has never been changed. In other words, this law has

become one of the most essential laws in Indonesia (Danu et al., 2020; Triningsih & Aditya, 2019). *UUPA* itself is a manifestation of the principle of social justice in Pancasila and the 1945 Constitution Article 33 Paragraph (3), "The earth and water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". In other words, the spirit of social justice and the prosperity of the people becomes the main motive of the *UUPA* and all its legislative regulations.

Nowadays, the Government strives to improve the community's social welfare. One of the actions taken by the Government is to encourage agrarian reform through land redistribution and land ownership programs. Also, a commitment to continue to restructure ownership, control, and use of agricultural resources, especially land, continues to be carried out (Utomo, 2021; Waryanta, 2016).

President Joko Widodo, in the 2015-2019 National Medium-Term Development Plan (*RPJMN*), explained that the field of land has 4 (four) strategic issues, namely: (1) Increased legal certainty of land rights; (2) The better proportion of ownership, control, use, and utilization of land and increasing community welfare; (3)

Increased certainty of the availability of land for development in the public interest; and (4) Increased public services in the field of land affairs.

The government translated the plan by designing the Complete Systematic Land Registration (*PTSL*) program. The government believes that land disputes can be reduced by accelerating the process of land certification through *PTSL*. *PTSL* is a land registration process that is carried out for the first time simultaneously and includes all land registration objects that have not been registered in a village area or any other similar name. Through this program, the government guarantees legal certainty or land rights the community owns (Rachma, 2019; Sirait et al., 2020). The *PTSL* method is a government innovation through the *ATR/BPN* Ministry to meet the community's basic needs. The program is outlined in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of *BPN* Number 12 of 2017 concerning *PTSL* and Presidential Instruction Number 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration in All Regions of the Republic of Indonesia.

According to the National Land Agency (*BPN*), Indonesia has 126 million land parcels. Until the end of

2019, only about 51 million land parcels already had certificates. The remaining 75 million plots of land have not been certified, or in other words, the total area of land in Indonesia that has been certified is only about 40% of the total land area in Indonesia. This line is suitable for the speech that is often expressed by President Joko Widodo when visiting regions. President Joko Widodo, from the beginning of his administration, viewed the issue of land disputes in the community as a serious matter and included it as part of a national strategic program and agrarian reform. That means, until 2019, more than half of the land area in Indonesia has unclear status and is prone to disputes (Biro Hukum dan Humas Kementerian Kominfo, 2019).

The land registration activity was carried out before, through the National Agrarian Operations Project (*PRONA*) program, which was carried out in 1981 based on the Decree of the Minister of Home Affairs Number 189 of 1981 concerning the National Agrarian Operations Project (Efendi, 2015). However, because it was not well organized, the *PRONA* program from 1981 to 2016 turned out to have only been able to certify a small portion of land when compared to the many parcels of land that had to be certified

throughout Indonesia (Nurahmani & Rismansyah, 2020).

Efforts to accelerate land registration through *PRONA* did not reach the target, so it was initiated in 2015, a government program that carried out systematic land registration for the first time, namely Complete Systematic Land Registration (*PTSL*).

The concept of implementation of public policy determines whether the target (policy outputs) and goal (policy outcomes) are achieved. The achievement of these two parameters will determine the attainment of policy performance (Putra & Khaidir, 2019). More clearly, Van Meter and Van Horn (in Librasti et al., 2020) define implementation as actions taken either by individuals, officials, government, or private groups to achieve the goals outlined in wise decisions.

George Edward III views policy implementation as a dynamic process where many factors interact and influence policy implementation. These factors need to be displayed in order to find out how the influence of these factors on the implementation (Kusuma & Simanungkalit, 2022). In this context, the successful implementation of *PTSL* will be seen from two significant variables, namely, the content of the policy and the implementation

environment. This model describes the decision-making process carried out by various actors, where the final output is determined by the program material that has been achieved and through the interaction of decision-makers in the context of organizational politics.

From some of the concepts above, it can be said that the implementation of the *PTSL* program can be seen from the implementation process in reality, which can be successful, less successful, or fail at all in terms of the "outcomes" achieved and elements whose influence can be supportive or hindered program goals. The information is used to determine alternatives or the right choice in making a decision.

Several studies have discussed the implementation of the *PTSL* program. Among them is the research conducted by I.K. Ayu (2019), Widarbo (2021), and Mulia & Tamsil (2020), concluding that the *PTSL* Program has provided legal certainty to its participants, but there are still many inhibiting factors that arise from the Land Office, *PTSL* Participants, and the Village or Kelurahan. Prakoso (2021) concluded that the *PTSL* program is a government program that can be a bridge for the state to provide legal certainty and protection in the land sector because the certainty of physical data and juridical data from

applicants and owners of land rights registered in the land book by being given a certificate has led to favorable publicity in the land registration system.

D.A. Mujiburohman (2018) concluded that at the implementation level, *PTSL* still has obstacles that have the potential to become problems in the future, including land taxes (*PPh* and *BPHTB* payable), human resources, facilities and infrastructure, absentee land problems, maximum excess, and abandoned land, the issue of the announcement of biological data and juridical data, the problem of applying the principle of delimitation contradiction and proof of rights.

However, the importance of land registration in Indonesia has not been followed by a good understanding of the community. There are still many lands owned by the community that has not been certified. Many lands in Indonesia that have not been certified are caused by various factors that cause people to be reluctant to register ownership rights to their lands. There is an assumption that getting a certificate requires a long time, and complicated procedural mechanisms and expensive costs are factors that cannot be denied (Anatami, 2017; Despriyatmoko et al., 2016).

Those studies used a qualitative descriptive method similar to this research method. However, the studies above are limited to implementing land registration in land management programs and development projects at the district level. The difference in the research that the author did was that we took samples from several regions in Indonesia and made a holistic interpretive study. In general, another thing that was not found in previous studies is that there is no offer of a solution to the problems. Our study tries to solve land disputes that cannot be resolved with the *PTSL* program.

Based on these problems, this study aims to describe how the implementation of the *PTSL* program so far and analyze the problems that arise in the program. Thus, this study is expected to be useful for policymakers in both the executive and legislative branches. Besides, this study is also helpful as a reference for academicians interested in agrarian affairs problems. This study is limited to agrarian issues, especially the implementation of *the PTSL* policy, focusing on how the *PTSL* program addresses land disputes and how they are applied in the field.

## METHOD

This study is qualitative research and used an interpretive paradigm. This study was conducted by collecting data from the publication of agencies/institutions, which were juxtaposed with various sources of expert literature and legislative documents for later analysis to become a conclusion and recommendation. The technique for obtaining data in this study is through library research, in-depth interview, and group discussions with officials/experts who are competent in their fields. The discussion was carried out by involving the House of Regional Representative, the Ministry of Agrarian Affairs and Spatial Planning, the Agrarian Reform Consortium, and academician in agrarian law in the form of Focus Group Discussions.

This study used Qualitative Data Software Analysis (QDSA) ATLAS.ti 9 to analyze research data. ATLAS.ti 9 is a *software* that can help researchers provide a broader understanding through a deeper analysis of research findings. The ATLAS.ti 9 software allows researchers to code interview transcripts based on research indicators. The use of Atlas.ti 9 as an analytical tool has stages starting with; (1) data retrieval, (2) data

import, (3) data coding, (4) data classification, and (5) data presentation.

This study used data validation techniques formulated by Creswell (2017). *First*, data triangulation, all information from an informant is compared with information provided by other informants. *Second*, member checking. In this stage, the authors bring back the research report to the informant to test the accuracy of the author's interpretation. In this stage, the authors interviewed the informants to provide their comments. *Third*, peer review. At this stage, the authors discuss the research reports with fellow researchers and policy analysts at the House of Regional Representative of the Republic of Indonesia.

## RESULT AND DISCUSSION

### Implementation of the *PTSL* Program

In Indonesia's land registration regulations regime, land registration can be divided into two categories, namely sporadic land registration and systematic land registration. Sporadic land registration is the activity of land registration concerning one or several objects of land registration in the territory or part of a village, either individually or in bulk. Sporadic land

registration is carried out at the request of interested parties.

Meanwhile, systematic land registration is the activity of land registration for the first time, which includes all objects of land registration that have not been registered in the territory or territory of a village area (Bappenas, 2016). The keyword lies in the origin of the application for land registration if sporadic land registration is a request of interested parties. In contrast, systematic land registration is a government program with several specific incentives, such as exemption from the cost of managing land registration and others.

In this context, *PTSL* is a program included in the category of systematic land registration. In general, *PTSL* aims to provide legal certainty over community land ownership. Nevertheless, it must be underlined here that *PTSL* is one of (not the only)

systematic land registration program ever held in Indonesia. Previously there were similar programs, namely the Land Administration Project (*PAP*), Land Management and Policy Development Project (*LMPDP*), and the National Agrarian Operations Project (*PRONA*). *PTSL* is a land registration scheme born because previous programs were deemed not to

have adequate regulations sufficiently so that they could not reach the target of land registration throughout Indonesia.

Complete Systematic Land Registration is regulated by Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 12 of 2017, as amended by Regulation of the Minister of Agrarian and Spatial Planning Number 6 of 2018 concerning Complete Systematic Land Registration. This amendment aims to reorganize the acceleration of land registration throughout the territory of the Republic of Indonesia through *PTSL*.

Based on the regulation and combined with data collected by researchers in the field, the *PTSL* implementation process can be described as follows:

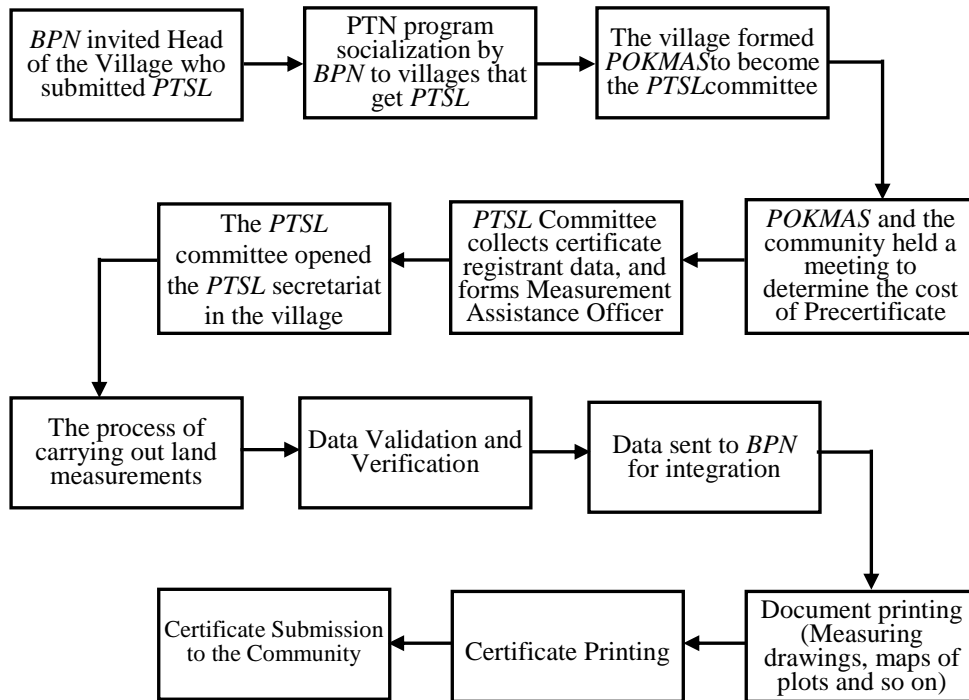


Image 1.

### Flowchart of PTSL Implementation

Source: National Land Agency (2021), processed by researchers

From the scheme, it can be summarized that to implement the PTSL program, and the government organized several stages, namely: 1. Counseling. BPN officers carry out this stage in the village area. All PTSL participants attended the training; 2. Data collection. At this stage, the officer will ask for a history of land ownership, such as the previous owner, the basis of ownership (whether it is a grant, inheritance, or sale and purchase), and tax history (BPHTB and PPh); 3. Measurement. Officers will measure and examine the boundaries of land ownership. At this stage, the applicant must indicate the location, shape of the plot, area of land, and land boundaries.

In addition, land measurement also requires the approval of adjoining land voters; 4. Session of Committee A. Officers will examine the juridical data and conduct a field check. In addition, the officer consisting of three BPN members and one village officer will also record the rebuttal, conclusion, and request additional information; 5. Announcement and Ratification. For 14 days, the announcement of the approval for submitting the land certificate will be posted at the village, village, or local land office. The announcement contains a list of names, areas, locations of land, maps of land, and other information; 6. Issuance of Certificates. At this stage,



the applicant will receive a certificate. Land certificates are distributed by officers from *ATR /BPN* and submitted directly to the applicant.

The *PTSL* program can be attended by people who have land claims but do not yet have a certificate. Several requirements must be met by the community who want to join this program: 1. Population documents in the form of a Family Card and Identity Card; 2. Land certificate can be in the form of Letter C, Deed of Sale and Purchase, Deed of Grant, or Minutes of Testimony, etc; 3. Land boundary markings are attached, but keep in mind that these land boundary markings must have the approval of the adjacent landowners; 4 . roof of payment of the Fees for the Acquisition of Rights to Land and Buildings (*BPHTB*) and Income Tax (*PPh*).

### Problems in *PTSL* Implementation

Although the community is enthusiastic about this program, this program still has several obstacles. The results of the analysis based on theories of policy implementation in this study indicate that there are three main problems in the *PTSL* program, namely: 1. *PTSL* is not a Land Reform. *PTSL* cannot be considered a program that fights for the ideals of land reform.

Therefore, *PTSL* cannot be called a struggle to realize *Nawacita*. For the record, *Nawacita* is the vision of President Joko Widodo, one of which contains the ideals of land reform. The legal rule for implementing land reform is the Basic Agrarian Law No. 5/1960, Production Sharing Agreement Law No. 2 of 1960, and *TAP MPR* No. IX of 2001 concerning Agrarian Reform and Natural Resource Management. Indonesia itself had run a land reform in the early 1960s. The practical implementation of land reform took place between 1961 and 1965. The main activity was land registration and determination of excess land and its distribution to landless people.

However, the transfer of power from the old order to the new order of 1966 caused the *land* reform program to be frozen and not continued because it was considered part of President Soekarno's policy. Even land reform is often accused of being part of the propaganda carried out by the communist party. At that time, the ruler of the new order prioritized economic growth rather than rearranging the imbalance in ownership of agrarian resources. The orientation of the new order is to strengthen the order of capitalist society.

According to the results of the FGD with the Agrarian Reform Consortium, *PTSL* is far from the spirit of land reform. The spirit of land reform is to distribute land to the community even if the community does not have a claim on the land. *PTSL* does not have that spirit. If the government wants to carry out the ideals of land reform in *Nawacita*, what the government should strive for is implementing the Agrarian Reform Land (*TORA*) distribution program.

The purpose of the *TORA* is to provide legal certainty over the control of land by people who live in forest areas. Because the main problem for people who live in the forest area is a matter of the legality of the landowners that they occupy. Even though they were born, significant, and have been hereditary living there. They will not have a certificate of ownership because the area's status hampers it.

The *PTSL* program is not a program for land distribution. However, it helps people who already own land but are constrained by various things to have authentic proof of legal ownership of land, which is a certificate of ownership (*SHM*). So that even communities that cannot demonstrate ownership of land with the weakest legal

evidence cannot participate in the *PTSL* program.

2. Illegal Levies in *PTSL*. Through the *PTSL* program, the government guarantees legal certainty or land rights the community owns. *PTSL*, which is popular with the term land certification, is a form of implementation of government obligations to ensure legal certainty and protection of community land ownership. In addition, the community that has obtained a certificate will be able to make the certificate an empowering and effective business assistance capital for improving their welfare.

Although enthusiastically welcomed by the community, this *PTSL* program is fertile with the practice of extortion (extortion)—a large number of illegal levies ranging from IDR 500,000 to IDR 3,000,000. From the studies that have been done, many illegal levies are carried out by village government officials who are members of the community groups (*POKMAS*). This *POKMAS* is an organization formed by the village government whose task is to coordinate the registration of local community land in the village.

*PTSL* is not a completely free program. As stipulated in Ministerial Decree 3 No. 25 of 2017, the government has set limits on the public's

costs. The amount of the fee depends on the regional category. The following are the categories of regions and *PTSL* maintenance fees: a. Category I for the Provinces of Papua, North Maluku, and East Nusa Tenggara in Rp. in the amount 450,000,-; b. Category II for the Riau Islands Province, Bangka Belitung, Central Sulawesi, North Sulawesi, Southeast Sulawesi, West Nusa Tenggara (NTB) in the amount of Rp. 350,000,-; c. Category III for the Provinces of Gorontalo, West Sulawesi, South Sulawesi, Central Kalimantan, West Kalimantan, North Sumatra, Aceh, West Sumatra, East Kalimantan amounting to Rp 250,000; d. Category IV for the Provinces of Riau, Jambi, South Sumatra, Lampung, Bengkulu, South Kalimantan in the amount of Rp 200,000,-; e. Category V for Java and Bali islands is IDR 150,000-.

The fee will later be entered and processed by *POKMAS* to support the smooth administration of *PTSL*. Meanwhile, the funds are for document preparation, procurement of stakes and stamp duty, then operational activities of village officials. These funds do not go to the *BPN* because, in the *PTSL* program, *BPN* frees the cost of land certification.

Although the costs have been determined, there are indications that the *POKMAS* sets costs beyond the costs that have been set and determined by the Joint Decree of 3 Minister Number 25 of 2017. Costs outside of this regulation are meant by extortion. This study found that there are three reasons why extortion can exist in this *PTSL* program, namely: a. Lack of socialization of the rules regarding Joint Decree of 3 Minister Number 25 of 2017. Before the *PTSL* program was implemented, *BPN* was required to conduct socialization related to the technical implementation of *PTSL*, including costs that the community must pay. However, the community feels that the *BPN* has not conveyed the regulation; b. No institution must supervise *POKMAS*. *POKMAS* is an ad-hoc institution established by the village government to coordinate land registration arrangements in the *PTSL* program. However, this institution is not supervised; c. Costs determined by the government through Joint Decree of 3 Minister Number 25 of 2017 are considered by village officials to be too small. According to one informant who did not want to be named, operational costs during the process often take months. For example, if ten measuring staff plus clerks work day and night, the

available funds will not be sufficient; d. Potential Claims for Land After Certification.

From the results of the FGD with *BPN*, it can be concluded that there is a possibility that conflicts will arise after certificates of ownership are circulated. There is excellent potential for a struggle over land claims because the nature of land in Indonesia is inherited from the land given to many people. So there is a possibility that there will be heirs who cannot accept one plot of land on behalf of only one heir. Cases like this are very likely to occur considering the cultural context in Indonesia, where many still inherit land from many of their children or relatives.

The claim was based on evidence in a copy of *eigendom* as proof of ownership rights. The first party usually asks for compensation from the second party and threatens to block the certificate or do other things if it does not fulfill the request within a certain period. Following the law, it is true that certificates are proof of ownership of substantial land rights. However, please note that ownership is not absolute.

It is because our country adheres to the principle of *Nemo Plus Juris*, which protects fundamental rights holders. The principle of *Nemo Plus Juris* is a principle whereby people cannot transfer

rights beyond their rights. This principle aims to protect right holders who can always reclaim their rights registered in the name of anyone (Legianty & Irawati, 2019; Yanto & Prianto, 2018). Thus, even though certain lands have been certified, there are still possibilities for claims or claims from other parties who feel they have rights to the land. 1. The Problem of Publicity Principle and Delimitation Contradictory Principle One important issue related to the legal certainty of implementing land registration is the Publicity Principle. This principle regulates and guarantees proof of ownership of land rights where every application for registration must carry out the announcement of physical data and juridical data for a specific time. In Article 26 *PP* Number 24 of 1997, 30 calendar days are given for anyone to submit an objection. This can usually be used to file a block and claim by the disputing party. However, in the Regulation of Head of *BPN* Number 6 of 2018 Article 24, this deadline is reduced to 14 calendar days only, without previously changing the provisions of Article 26 *PP* Number 24 of 1997.

This time difference is only 16 calendar days but opens up a dispute that will drag on later. Especially considering that the *lex superior derogate legi inferior* principle will make the 14

calendar days publication procedure not have permanent legal force and does not remember because it is contrary to the regulations above.

Whereas the Delimitation Contradictory Principle is a norm in the Land Registry that requires holders of land rights to pay attention to the placement, determination, and maintenance of land boundaries based on the agreement and agreement of the parties, in this case, the landowner who borders the land concerned. If they disagree, mediation can be carried out to determine the limit with a court decision.

This principle is still challenging to implement. Low awareness of right-holders to maintain parcels of land boundaries, loss of boundary marks, and overlapping boundaries often become obstacles in measurement. Not to mention if the parties were not present at the time of setting the boundaries (due to their busy schedule and reasons) to the issue of inheritance land disputes which certainly made the consensus process very difficult to do quickly. With deadlines and very dense *PTSL* targets, it becomes complicated for the measuring officer to pay attention and ensure this principle is operating correctly.

### **Alternative Solution for *PTSL* Problems**

From the results of the analysis of the facts found in the field of study, then combined with various theories and concepts related to land administration, alternative solutions that can be applied in *PTSL* include: 1. According to the original concept, complete systematic land registration is a land recording process that results in a complete village land database. The clustering of parcels according to their juridical aspects is a guide to how a complete systematic land registration is carried out because the fact is that not all parcels can be processed until the issuance of proof of rights in the form of certificates. A comprehensive land database for all fields and comprehensive information will provide legal certainty. The land database will also help the Ministry of *ATR/BPN* produce a multipurpose land information system to support the implementation of sustainable land management; 2. The 2015-2019 *RPJM* has stipulated the acceleration of the coverage of registered land parcels by considering the capacity of development and existing resources. Almost all respondents stated that the Land Office lacks human resources to complete its *PTSL* targets. Workload analysis must be carried out for all Land Offices to

obtain the ideal number of HR needed. Furthermore, it is necessary to carry out the fourth policy direction strategy in the 2020-2024 RPJM, which stipulates the availability of a surveyor with a proportion of 30% of all human resources in the Ministry of *ATR/BPN*. The third-party involvement scheme can be implemented if the proportion of 30% of the surveyors at the Ministry is still lacking based on the workload analysis;

3. Need to control administration of maps such as registration maps and other maps in the Land Office. The target planning process of each Land Office should be carried out using existing maps and identified targets with detailed (K1, K2, K3, & K4. If maps are not available, that can be used for planning, and a complete village mapping can be done with the concept of participatory mapping that involves the community who knew the juridical condition of the land parcels in the village;

4. *PTSL* budgeting in 2019 has accommodated K2, K3, and K4 outputs, but it still needs more intensive socialization so that implementation doubts in financial accountability for K2, K3, and K4 can be minimized;

5. Coordination between sectors need to be carried out with the concept of mutually beneficial coordination. What sectors do what, but what benefits other sectors

need to formulate in the coordination framework. For example, the collaboration of *PTSL* implementation with the Village Government will benefit the availability of village maps for village development planning and implementation.

## CONCLUSION

*PTSL* aims to provide legal certainty over community land ownership. Therefore, to guarantee legal certainty and legal protection and reduce land disputes, various regulations have been made or perfected in the implementation of the *PTSL* program. However, at the implementation level, there are still problems that can become problems in the future.

*PTSL* cannot be considered a program that fights for the ideals of land reform, where the main activity is in the form of land registration and determination of excess land and its distribution to people who do not own land. The *PTSL* program is not a program for land distribution but only helps people who already own land but are constrained by various things to have authentic proof of legal ownership of land, which is the Certificate of Ownership (*SHM*). So that even communities who cannot demonstrate ownership of land with the weakest legal

evidence cannot participate in the *PTSL* program.

Although welcomed enthusiastically by the community, the *PTSL* program is still fertile with the practice of extortion. The land certificate issuance program is intended to provide acceleration and relief for the community in obtaining land. There is a possibility that conflicts will arise after ownership certificates have circulated. There is an excellent potential for a struggle over land claims because the nature of land in Indonesia is inherited from the land passed on to many people. So there is a possibility that there will be heirs who cannot accept if one plot of land is named only by one heir.

The non-functioning Publicity Principle and Delimitation Contradictory Principle in the *PTSL* program as it is, has resulted in many land issues/disputes still occurring, one of which is an indicator that can be seen from the many applications for blocking land certificates at BPN.

From these conclusions, some of the things recommended to solve problems related to *PTSL* are as follows:

1. It is necessary to reformulate a new paradigm related to *PTSL* to become a standard guideline, whether the orientation of *PTSL* prioritizes output in the form of certificates in number or

builds a comprehensive land database. This paradigm will determine the planning and implementation of *PTSL* itself; 2. Land offices need to mobilize all available human resources to collect juridical data, and it should still be carried out under the supervision of the state civil apparatus, which has the competence to determine the validation of the legal basis to avoid legal problems in the future. According to the *PTSL* concept, juridical officers escort formal truth and take material responsibility for the juridical data collected; 3. Coordination between sectors must have a legal basis that is more binding than ministerial regulations, so that stakeholder support is systemic support because the land database can be used as a structural infrastructure for other sectors to carry out their government duties; 4. There is a need for massive socialization of *PTSL* on a national scale to reduce the workload of each Land Office. Thus, the energy and resources spent on socialization can be directly utilized for *PTSL*.

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## Laws and Regulations

Presidential Regulation of the Republic of Indonesia Number 20 of 2015 concerning the National Land Agency

Presidential Instruction of the Republic of Indonesia Number 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration in the entire territory of the Republic of Indonesia

Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration

Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 6 of 2018 concerning Complete Systematic Land Registration

Technical Directive of the Minister of Agrarian Affairs and Spatial Planning Number 1069/3.1-100/IV/2018 concerning Implementation of the Systematic Complete Land Registry Budget for 2018