



ACKNOWLEDGE JURIDICAL REVIEW ON THE INFLUENCE OF COMPLETE SYSTEMATIC LAND REGISTRATION

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ABSTRACT

Land as a means to meet basic human needs has an important meaning and a very basic role in achieving the welfare of human life, both as individuals and as social beings. Humans as social beings who always make relations with the earth including the wealth contained therein, including land, so that intervention from the Government is needed, especially in the aspect of land which is very closely related to the national economy. This research uses descriptive research, qualitative research type, and uses empirical juridical research with a sociological approach, and this research uses field data collection methods (field research). As for writing this thesis, the writer argues that the implementation of Complete Systematic Land Registration (PTSL) in Batang Beruh Village has a positive effect on the high interest of the community to participate as participants, and also influences the creation of orderly land, especially orderly law and orderly administration, as well as influencing the increase economy and people's standard of living with easy access to banking capital.

INTRODUCTION

Land as a means to meet basic human needs has an important meaning and a very basic role in achieving the welfare of human life, both as individuals and as social beings. Humans as social beings who always make relations with the earth, including the wealth contained therein, include land, so that intervention from the government is needed. In regulating this matter, it has been mandated in Article 33 Paragraph (3) of the Constitution of the Unitary State of the Republic of Indonesia which is commonly referred to as the 1945 Constitution which says that "Earth, water and natural resources contained therein are controlled by the State and used to the fullest extent possible." for the prosperity of the people".

The land aspect is very closely related to the national economy, many economic activities related to land aspects such as buying and selling and land are also used as credit collateral in banks. Land is very important for the community so that it can trigger conflicts in the community which cause disputes in land issues. The problem of legal certainty of tenure and ownership rights over land in Indonesia is still a complex and quite complicated problem to be resolved by the National Land Agency (BPN) in general and land offices that exist and are spread across all provinces and regions.

Many land disputes occur because of a conflict of interest between who and whom/friction of interests. Due to public awareness of the importance of land for residence or other interests, both commercial and social. So to prevent the conflict required legal certainty. In obtaining legal certainty and certainty of land rights, the community needs to register land in order to obtain a certificate of land rights.



In Article 19 Paragraph (1) of the UUPA it is stated that "to ensure legal certainty by the Government land registration will be held throughout the territory of the Republic of Indonesia according to the provisions stipulated by government regulations". These provisions are directed at the government to carry out land registration throughout the territory of Indonesia. The holders of land rights in question have the right to register their land with the aim of obtaining valid evidence in the form of a certificate as a strong means of proof as holders of land rights.

Certificates are proof of ownership and guarantees of legal certainty provided by the Government to the people in maintaining their ownership of the land they own. Legal certainty guarantees include: legal certainty regarding the person or entity that is the holder of the rights (subject of rights), legal certainty regarding the location, boundaries and area of a parcel of land rights (object of rights), and certainty

law regarding their rights.

In relation to land registration, especially first time systematic land registration is a very important process of land registration. This land registration has been regulated in Government Regulation Number 24 of 1997 concerning Land Registration, and through Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 35 of 2016 which was ratified on November 9, 2016 concerning the Acceleration of the Implementation of Complete Systematic Land Registration.

The object of the Complete Systematic Land Registration (PTSL) includes all land parcels without exception, both land parcels that do not yet have rights to the land or private land parcels, both land assets of the Government/Regional Government, land of State Owned Enterprises/Regional Owned Enterprises, village land, state land, customary law community land, forest areas, land reform objects, transmigration land, and other plots of land.

The purpose and objective of issuing the Complete Systematic Land Registration Program (PTSL) is to accelerate the provision of legal certainty and legal protection of community land rights in a simple, fast, smooth, safe, fair, certain, equitable, open and accountable manner.

Prior to the issuance of the Complete Systematic Land Registration Program (PTSL), there was already what was called the National Agrarian Project (Prona). Basically, these two programs have in common, namely the free land certification program. The difference is that in the Prona program, one budget year can be implemented for several villages in one district. Meanwhile, the PTSL program is only focused on one particular village. In the Prona program, not all uncertified land parcels in one village are given assistance but it is done in stages, so the Prona program has limitations. Whereas in PTSL all land parcels including land where government-owned buildings, such as village offices, schools, bridges, public latrines, health centers, and community-owned buildings can be certified can be carried out.

LITERATURE REVIEW.

2.1. Definition of Land

According to the Big Indonesian Dictionary, land is a surface earth or the top layer of the earth⁴. In the perspective of agrarian law, land is based on its juridical aspects, namely those directly related to land rights that are part of the surface of the earth⁵. In another definition according to juridical understanding, land is the surface of the earth, land rights are rights to a certain part of the earth's surface, which is limited, has two dimensions with length and width⁶. The basis of legal certainty in written legal regulations as the executor of the Basic Agrarian Law Number 5 of 1960, allows interested parties to easily know the applicable law and the existing authorities and obligations over the land they own. Because the human need for land today is increasing.



2.2. Definition of Land Ownership Rights

Based on Article 20 Paragraph (1) of the UUPA, land ownership is a hereditary, strongest and fullest right that a person can own over land while taking into account the social functions that land has. Hereditary, namely land ownership rights are valid continuously as long as the owner of land rights is still alive, if the owner dies the property rights can be passed on to their heirs by fulfilling the requirements to become the subject of property rights. The strongest, namely the right to own land is the most powerful right compared to other land rights, not easy to delete, easy to defend from harassment by other parties, and not limited by time. Fully fulfilled, namely the owner of land rights has broad authority to use his land according to his wishes, broader than other land rights⁷

2.3. Definition of Land Registration

In terms of terminology, land registration in Latin is called *capitastrum*, in Germany and Italy it is called *Catastro*, in Latin France is called *Cadastr*, by the Dutch Colonial in Indonesia called with the *Kadastrale* or *Cadastral*. According to Boedi Harsono, land registration is a series of activities carried out by the state or government continuously and regularly which include collecting, processing and presenting certain data, for the benefit of the people, regarding certain lands located in certain areas, in order to provide a guarantee of legal certainty in the land sector, incl also issuance of proof of rights and maintenance.

With the implementation of land registration, the parties concerned can easily find out the legal status or position of the particular land they are dealing with, its location, area and boundaries, who owns it. have and what load is on it.

2.4. Definition of Complete Systematic Land Registration (PTSL)

Florianus SP Sangsun explained that systematic land registration is a land registration activity for the first time which is carried out simultaneously which includes all land registration objects that have not been registered in the area or part of the territory of a village/kelurahan. Systematic land registration is based on a work plan and is carried out in areas that are

METHOD

The research method is used as a systematic way to seek, find, develop, analyze a problem, test objective and optimal truth and apply the correct method, the right method is expected to be able to provide a sequential flow of thought in an effort to achieve assessment¹². Research methods are needed as a type of scientific thinking that is used in the research and evaluation of this thesis, which has the ultimate goal of achieving the objectivity of writing this thesis.

Writing this thesis using empirical juridical research methods. Empirical juridical is a way of legal research that uses primary data and data secondary. Empirical juridical research is a sociological legal research method and can also be called field research, which examines legal research applies and what happens in reality in society.¹³ This research method aims to examine the effectiveness of a law and research that wants to find a relationship (correlation) between various symptoms or variables as a tool data collection consists of interviews (interview) and document study.

This research uses library data collection methods (library research) and field data collection (field research). The library method is used to find answers to the formulation of the problem in reading sources (references), such as literature, books, magazines, journals, e-journals, and other sources. Field data collection method is to collect data from circumstances, phenomena,

The type of data used in writing this thesis is through primary data and secondary data. Primary data is a source of data obtained directly from the original source, which can be in the form of individual or group opinions and the results of observations of an event or activity.



Secondary data is obtained from official documents, books related to research objects, research results in the form of reports, theses, and laws and regulations.

Data types consist of:

a. Primary data

1. Results of interviews with sources with Mr. Karimal Afwi Pulungan, SSTP, as Village Head of Batang Beruh Village, Sidikalang District, Dairi Regency.
2. Interview results with Mr. Amit Manulang, Participant of Complete Systematic Land Registration (PTSL).
3. Interview results with Mr. Nurman Siagian, Participant of Complete Systematic Land Registration (PTSL).
4. The 1945 Constitution of the Republic of Indonesia.
5. Law Number 5 of 1960 concerning Basic Agrarian Regulations.
6. Government Regulation Number 24 of 1997 concerning Land Registration.
7. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 35 of 2016 concerning the Acceleration of Complete Systematic Land Registration.
8. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration

b. Secondary Data

Literature, books, legal dictionaries, journals, legal scientific writings and the internet related to research objects. Data analysis in this study was carried out after obtaining all the required data in the form of primary data and secondary data, then data analysis can be carried out with qualitative analysis, namely analyzing data according to its designation systematically and logically, so as to obtain clarity in answering problems to get scientific conclusions. The conclusions in this study are deductive conclusions, namely conclusions drawn based on general explanations.

1. Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). Article 19 contained in Law Number 5 of 1960 concerning Basic Agrarian Regulations orders the holding of land registration in order to guarantee legal certainty.
2. Government Regulation Number 24 of 1997 Concerning Land Registration.
3. Presidential Instruction Number 2 of 2018 Concerning the Acceleration of Complete Systematic Land Registration.
4. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 35 of 2016 concerning the Acceleration of Complete Systematic Land Registration.
5. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Office of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration.
6. Joint Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, Minister of Home Affairs, Minister of Villages, Underdeveloped Development and Transmigration Number 25/SKB/V/2017, Number 590-3167A of 2017, and Number 34 of 2017 Concerning Preparation Funding Systematic Land Registration.

With the availability of written legal instruments, interested parties will easily find out what possibilities are available to them to control and use the land they need, how to acquire it, what rights, obligations and restrictions exist in controlling land with certain rights. , what sanctions does he face if disregarded the provisions concerned, as well as other matters related to the ownership and use of land owned by them.



Property rights over a land or building that stands on the ground will get protection legally and juridically to obtain recognition from the state if registration has been carried out or in other words, land registration is proof of rights.

Entire data collection will be carried out at the University Quality Assurance Center Office.

1. Observation

Observation is a data collection technique that is carried out through an observation, accompanied by records of the condition or behavior of the target object (Abdurrahman Fatoni, 2011). Then according to Nana Sudjana, observation is systematic observation and recording of the symptoms studied (Nana Sudjana, 1989). Observation techniques are systematically observing and recording the phenomena investigated. In a broad sense, actual observation is not only limited to observations made either directly or indirectly (Singarimbun Masri, 1995).

Based on some of the references above, there is a similarity in meaning where observation is an activity in which it requires direct observation by researchers to collect data and information needed in formulating solutions. Observations were made by observing and being directly involved in the process of handling complaints received by PPMU, during which the research was carried out.

66Interviews are conversations and questions and answers that are directed to achieve a certain goal. This interview aims to gain knowledge about subjective meanings that are understood by individuals regarding the topic under study. In other words, through interviews, more detailed information will be found from each subject according to their respective positions and structures, because the interviewer directly meets the respondent, the response rate is also higher than using a questionnaire (Muri Yusuf, 2017). This will be very useful later in compiling business process flows that will be carried out in this online complaint service later. Subjects to be interviewed in this study are:

- a. Ka. UNPAB University Quality Assurance Center.
- b. Ka. UNPAB Academic Quality Assurance Division
- c. Ka. Internal Quality Assurance Division

Through the observation and interview activities conducted in this study, it is hoped that it will produce some information related to the following matters:

- a. Conditions of complaint service at PPMU.
- b. Problems that arise during the complaint handling process are carried out using the Google form.
- c. UNPAB ICT infrastructure and equipment conditions.
- d. Human Resources (HR) needed to manage online complaint services.

In this study, there are 2 (two) data analysis techniques, namely:

According to the title proposed in this study, the author will build a mobile-based online community complaint system which has so far been carried out using the Google form and through the medium of suggestion boxes and submission directly to PPMU. Therefore, in conducting an analysis of the running system, the author will observe the entire process that occurs from the time the complaint is received to the return report on the actions taken against the complaint.

Infrastructure is the media used to present applications (delivery) to users, both the community and managers. The application infrastructure must be able to make the application accessible online using the internet network. Infrastructure requirements of course adjust to the application load. For the initial implementation phase, minimum infrastructure specifications will be used, which later when an evaluation is carried out, the optimal needs will be found. To meet these needs, the infrastructure needed is:

- a. *servers*, with a minimum specification of 4 core CPU, 8GB of RAM, and 100GB of storage.
- b. Dedicated internet connection for accessibility and application connections of at least 10 mbps.
- c. Internet connection for each management room at the Ministry of Communication and Informatics is at least 5 mbps.
- d. *PC/ Laptops*, printers and scanners to manage applications, upload and print documents from applications.

To reduce disputes and to provide legal certainty to landowners. The government launched a program to make it easier for the community to obtain certificates of land rights.



According to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration (PTSL). Complete Systematic Land Registration (PTSL) is a Land Registration activity for the first time which is carried out simultaneously for all Land Registration objects throughout the territory of the Republic of Indonesia in one village or sub-district area or other names that are at the same level as that, which includes collecting and determining validity physical data and juridical data regarding one or several Land Registration objects for land registration purposes.

The juridical basis of land registration in Indonesia is the regulations regarding the implementation of land registration regulated in the Basic Agrarian Law (UUPA) Article 19 Paragraph (1) which reads: in order to guarantee legal certainty by the Government, land registration is carried out in all parts of Indonesia according to the provisions stipulated with Government Regulations.

The Government Regulation referred to in the aforementioned provision is Government Regulation Number 24 of 1997 concerning Land Registration. With the issuance of Government Regulation Number 24 of 1997, the background is awareness of the increasingly important role of land in development which increasingly requires the support of legal certainty in the field of land. As a result of the land registration process, the holders of registered land rights are given a letter of proof of title called a certificate. Certificate according to Government Regulation No. 24 of 1997 is a document document proof of right that contains juridical data and physical data of registered objects, for each right has been recorded in the land book. Juridical data is taken from the land book, while physical data is taken from the measurement certificate.

By continuing to use a negative publication system that contains positive elements in land registration activities in Indonesia, a certificate of proof of title (certificate) is valid as a strong means of proof, as stated in Article 19 Paragraph (2) letter c, Article 23 Paragraph (2) , Article 32 Paragraph (2) and Article 38 Paragraph (2) UUPA. This means that as long as it cannot be proven otherwise, the physical data and juridical data contained in the certificate must be accepted as correct data, both in terms of carrying out daily legal actions and in legal proceedings in court. Land registration is held to ensure legal certainty, land registration is held to meet the needs of the community and government.

RESULT.

4.1. The Influence of Complete Systematic Land Registration (PTSL) From a Juridical Viewpoint.

Land registration as a process that ends with the issuance of a certificate by the Regency or City Land Agency, has a positive influence or impact on interested parties, including: For Rightsholders

- a. Can easily prove that he is the right holder. Because, compared to other written evidence, a certificate of land rights is a strong proof of ownership of land rights. As stated in Article 19 Paragraph 2 letter c of the Basic Agrarian Law (UUPA), the contents of which are; A person or legal entity will easily prove himself as the holder of rights to a plot of land if his name is clearly listed on the land certificate. Those whose names are listed on the land certificate can prove the conditions of the land such as the area of the land, its boundaries, the existing buildings, the type of right and the burdens attached to the land right.
- b. Obtain guarantees of legal certainty and legal protection.
- c. Facilitate and shorten the process of transferring land rights and assigning land rights.
- d. Land prices are becoming more expensive (higher).
- e. Strengthen the bargaining position if land rights are required by other parties for development activities if the debt is used as collateral for a higher value.
- f. Determination of the amount of land and building tax is not easily mistaken.



4.2. For Government

- a. Land administration can be created orderly. The existence of a certificate of land rights proves that the relevant land data has been completely registered and stored at the land office.
- b. Can expedite government activities related to land in development programs.
- c. This land data is very important for infrastructure development such as toll roads or railroad networks, planning irrigation pipes, telephone cables, collection of land and building taxes, and others.
- d. Can reduce disputes in the land sector.³³

One of the influences of the Complete Systematic Land Registration Program in Batang Beruh Village, Sidikalang District, Dairi Regency from a juridical perspective is the creation of an orderly land law. The rule of land law is that all persons or legal entities that control or use land have a valid legal relationship with the land in question according to the applicable laws and regulations. This definition can be said that each party owns or controls one or several parcels of land concerned according to the applicable laws and regulations.

This explanation can be said that each party owns or controls one or several plots of land as evidenced by a certificate. Systematic land registration is a process of land certification which basically includes the collection of physical data and juridical data.

In the land certificate there are physical data and juridical data as a construction of the subject and object of land rights. Thus the certificate contains accurate and factual data which is a guarantee of legal certainty. Thus, if each plot of land has its rights registered, accompanied by a land certificate as legal proof of ownership, land disputes and struggles can be eliminated or at least eliminated. Likewise, the facts show that the systematic implementation of land registration in the Batang Beruh Village, Sidikalang District, Dairi Regency has an effect on land disputes in the region.

Systematic land registration provides direction to parcels of land that have been registered to an orderly and orderly condition. This is in accordance with the development goals in the land sector, namely the realization of orderly land affairs, as stated in Presidential Decree No. 7 of 1979 which requires the creation of an orderly land chess which includes: Orderly Land Law, Orderly Land Administration, Orderly Use of Land, and Orderly Maintenance of Land and the Environment.

4.3. Order of Land Law

Orderly land law is a condition in which the availability of statutory regulations that are implemented in an effective way effectively so that all parties who control and use the land have a legal relationship with the land concerned.

Orderly Land Administration is a situation in which for each sector aspects of physical size, control over use, types of rights and legal certainty are available which are managed in a complete land information system. In addition to this, there is a procedural mechanism, a simple, fast and mass service procedure in the land sector which is carried out in an orderly and consistent manner. Orderly Maintenance and the Environment, is a situation in which the handling of the land sector has been able to support the preservation of life and the realization of sustainable development with an environmental nuance. All parties who have a legal relationship with the land carries out obligations in connection with the maintenance of the land.

Thus, the certificate of land rights provides a sense of security for the owner. It is certain and legally accountable. All information contained in the certificate has legal force and must be accepted (by the judge) as true information as long as there is no other evidence to prove otherwise. If it turns out that what is contained therein contains errors, changes and corrections are made as necessary and as appropriate. In this case, it is not the Court that has the right to make corrections, but the one with authority is the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (BPN) as the agency issuing land certificates.



Parties who feel aggrieved due to errors or because of the issuance of certificates of land rights can submit an application to the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency to propose changes to the intended certificate by attaching a Court decision stating that there was an error.

For the government itself from a juridical perspective, the program has created an orderly land administration. Issuance of certificates of land rights, proving that the relevant land data has been completely registered and stored at the land office. In addition, this program has facilitated government activities related to development programs, because land data is very important for infrastructure development and others.

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