

## PROJECTIONS AND PROBLEMS OF LAND REGISTRATION THROUGH A COMPLETE SYSTEMATIC LAND REGISTRATION (PTSL) POLICY (STUDY AT BPN MATARAM CITY)

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### **ABSTRACT**

*The author can describe the aim of this research as follows: first: To get a complete picture of the projected implementation of land registration through Complete Systematic Land Implementation (PTSL) at BPN Mataram, second: To get a complete picture of the problems faced in implementing the land registration program through Systematic Land Implementation Complete (PTSL) at BPN Mataram. This type of research is normative and empirical legal research that examines legal materials and data. The approaches used are a legislative approach, a conceptual approach and a sociological approach. The technique for collecting legal materials and data is using literature studies and interviews. After the legal materials and data have been identified, the next stage is processing by systematizing them, then reasoning logically and systematically using qualitative descriptive analysis and concluding deductively.*

*The projected implementation of land registration through Complete Systematic Land Implementation (PTSL) at BPN Mataram is carried out to provide legal certainty and legal protection to land owners and avoid disputes and disputes in the future, which is carried out free of charge for the community. This program began in 2017 and will end in 2025. The land plots targeted for 2022, 2023 and 2024 have met each year's target with a total of 2,076 land plots mapped. Problems faced in implementing the land registration program through Complete Systematic Land Implementation (PTSL) at BPN Mataram include internal factors such as the lack of availability of Facilities and Infrastructure and Certificates Issued Before Complete Mapping of the System. In contrast, external factors include a lack of community initiative to register, and the community needs help in preparing application files and proof of land ownership (Alas Hak).*

**Keywords: Projections, Problems, PTSL, BPN, Mataram City**

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### **INTRODUCTION**

Land registration is an activity carried out by the government to provide legal certainty and legal protection for every holder of land rights. By registering land, the land owner obtains a guarantee of legal certainty of ownership of land rights. The same thing also happens through the issuance of land certificates by the government, which is guaranteed through certainty of rights, certainty of goods, and certainty of subjects including administration of registration and issuance of certificates.

In reality, there are often still some landowners who are reluctant to register their ownership for various reasons, including a very long process that takes a lot of time and costs a lot. Land registration aims to provide a guarantee of legal certainty, known as *recht cadaster*/legal cadaster. The guarantee of legal certainty that is intended to be realized includes certainty about the status of registered rights, certainty about the subject of the right and certainty about the object of the right. The final result of the Land Registration process is a certificate, which is a letter of proof of ownership of rights that functions as a vital means of proof. One of the land registration programs implemented by the government is Complete Systematic Land Registration (PTSL). In land registration, the first activity carried out is collecting physical data or what is usually called measuring land plots.

The Regional Office of the National Land Agency (BPN) of NTB Province installed land boundary markers in 10 districts/cities. This installation was carried out simultaneously in the 1 million land boundary marker program from the Ministry of ATR/BPN. Installing land boundary markers can reduce land disputes and conflicts. Which often involves the community with the community, as well as the community with companies or the government.<sup>1</sup>

Until 2022, the NTB Provincial BPN recorded that there were more than 500 thousand plots of land that had not been recorded or recorded. This condition has the potential to trigger disputes and conflicts in the future if handled after a period of the time. His party is targeting all land plots in NTB Province to be registered by 2025. The land data collection process takes work, officers in the field often need help with problems. For example, the land owner is not present, and there are even cases where the land object is unknown. So, the legal issues that arise in this research what are the projections for the implementation of land registration through the Complete Systematic Land Implementation (PTSL) at BPN Mataram and how problems are faced in implementing the land registration program through the Complete Systematic Land Implementation (PTSL) at BPN Mataram.

## METHOD

### 1. Research Type

In writing this research to meet scientific criteria and approach the truth, the types of research used are Normative Legal Research and Empirical Legal Research. Normative legal research is a process of determining a principle, and the rule of law on the legal issues faced to get an answer.<sup>2</sup> This research is doctrinal because the focus of this study uses written rules and other literature from the library. Normative legal research is also called doctrinal research. In this type of law research, the law is often conceptualized as what is written in legislation (law in the book) or as a rule or norm, which is a standard of behavior for humans considered appropriate,<sup>3</sup> While empirical legal research is often conceptualized as what happens (law in action).

### 2. Problem Approach

In this study, the approaches used include:

#### a. Legislative Approach.

According to Peter Mahmud Marzuki, the statute approach is “to review all laws and regulations relating to the legal issues being handled”<sup>4</sup>

#### b. Sociological Approach

<sup>1</sup><https://lombokpost.jawapos.com/ntb/1502795694/kanwil-bpn-ntb-siapkan-12-ribu-patok-batas-gratis-untuk-program-ptsl> diakses pada tanggal 13 Maret 2024

<sup>2</sup>Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta Kencana Persada Media Group, 2017. Hlm; 35

<sup>3</sup>Amiruddin dan Zainal Asikin, *”Pengantar Metode Penelitian Hukum”* Penerbit PT. Raja Grafindo Persada. Jakarta, 2014.

Hlm: 118.

<sup>4</sup>Peter Mahmud Marzuki, *” Op. Cit,* p. 35

A sociological approach is an approach that moves from the implementation of a rule in society. By analyzing the implementation of the rules in society so that they can see the law holistically between *Das Solen* and *Das Sein*

3. Types of Legal Materials and Data Types of legal materials consist of:<sup>5</sup>

a. Primary Legal Materials, namely binding legal materials, consist of statutory regulations jurisprudence relating to the problem under study as:

- 1) The 1945 Constitution of the Republic of Indonesia.
- 2) Law Number 5 of 1950 concerning Basic Regulations on Agrarian Principles.
- 3) Government Regulation Number 24 of 1997 concerning Land Registration.
- 4) Regulation of the Minister of State for Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration.
- 5) Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning Amendments to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration.

b. Secondary Legal Materials, namely legal materials that provide explanations of primary legal materials, in the form of draft laws, research results, textbooks, scientific journals, newspapers and internet news.

c. Tertiary legal materials are also legal materials that explain primary and secondary legal materials in the form of dictionaries and encyclopedias.

While the type of data consists of:<sup>12</sup>

a. Primary data in this study is obtained mainly from empirical research results, namely research conducted directly in the field.

b. Secondary data in this study is obtained from the literature review results.

4. Techniques for Collection Processing of Legal Materials

Legal materials and data collection techniques

a. Techniques for collecting legal materials:

The technique of collecting legal materials is carried out by studying literature on legal materials, both primary, and secondary legal materials and tertiary legal materials. The search for legal materials is carried out by reading, viewing, listening or browsing the internet.

b. Data collection techniques:

The data collection technique in this study is an interview technique, where the researcher conducts questions and answers directly with the resource persons to obtain the required information.

After they are collected, the next stage is processing them by systematizing legal materials to make it easier for researchers to conduct analysis. By selecting legal materials that are then classified according to their classification, they are arranged systematically and logically to get a general picture of the research results.

<sup>5</sup>Mukti Fajar ND dan Yulianto Achmad. (2013). *Dualisme Penelitian Hukum Normatif Dan Empiris*. Cetakan I. Yogyakarta: Penerbit Pustaka Pelajar, p. 157-158

## 5. Analysis of Legal Materials and Data

Analysis of legal materials is a method of studying, reviewing and analyzing legal materials to produce a systematic description. Will analyze the legal materials obtained from literature studies and field research descriptively and qualitatively. Where is an analysis of legal materials and data that groups and selects legal materials obtained from literature and field studies according to their quality and truth, then linked with theories, principles and legal rules so that answers to the problems are formulated? After the analysis, the next step is to conclude, while the way of concluding this study is by deductive means, which is a way of concluding general things to specific things.

## ANALYSIS AND DISCUSSION

### Projection of the implementation of land registration through Complete Systematic Land Implementation (PTSL) at BPN Mataram

In accordance with Presidential Regulation of the Republic of Indonesia Number 20 of 2015 concerning the National Land Agency, BPN has the task of carrying out government duties in the land sector in accordance with the provisions of statutory regulations. In carrying out its duties, the National Land Agency carries out the following functions:

1. Preparation and determination of policies in the land sector;
2. Formulation and implementation of policies in the fields of surveying, measurement and mapping;
3. Formulation and implementation of policies in the fields of determining land rights, land registration and community empowerment;
4. Formulation and implementation of policies in the field of land policy regulation, structuring and control;
5. Formulation and implementation of policies in the field of land acquisition;
6. Formulation and implementation of policies in the field of controlling and handling land disputes and cases;
7. Supervision of the implementation of tasks within BPN;
8. Carrying out task coordination, coaching and providing administrative support to all organizational units within BPN;
9. Implementation of data management on sustainable food agricultural land and information in the land sector;
10. Implementation of research and development in the land sector;
11. Implementation of human resource development in the land sector.

The legal basis for implementing PTSL used by the Mataram City Land Office is Minister of Agrarian and Spatial Planning/State Land Agency Regulation Number 6 of 2018 and Presidential Instruction Number 2 of 2018.

Based on the results of interviews with the Head of PTSL Adjudication.<sup>6</sup>

“Land registration is basically carried out in two ways, namely systematically covering the area of one village/ ward as carried out on the initiative of the Government and sporadically, namely registration of land plots at the request of the relevant rights holders individually or en masse. In the case of PTSL, the initial step taken by the Mataram National Land Agency is to identify all areas of Mataram City to find out which parts of the area have not yet been mapped.

<sup>6</sup>Wawancara dengan Bapak Dicky Atmajaya, Ketua Ajudikasi PTSL Kota Mataram, tanggal 27 Agustus 2024 di Kantor Pertanahan Kota Mataram.

“In implementing these activities, it cannot be carried out partially, only in certain areas, but must be structured throughout the area.”

The issuance of land title certificates follows the procedures determined by the Provincial National Land Agency and the City/Regency Land Office as the agencies authorized to issue certificates where the process of issuing the PTSL certificate is free of charge by the Mataram City BPN as long as the public applicant can prepare documents or data, both juridical data and physical data.

In Mataram City itself, there are targets for land plots proposed for the PTSL program from 2022, 2023 and 2024, the numbers of which can be seen in the following table:<sup>7</sup>

Table 1  
**Data on the Number of Land Plots Targeted and Realized**

No	Year	Target/Realization	Plot (Ha)
1.	2022	Target	1.500 Plot
		Realization	1.500 Plot
2.	2023	Target	426 Plot
		Realization	426 Plot
3.	2024	Target	150 Plot
		Realization	150 Plot
<b>Amount</b>		<b>Realized</b>	<b>2.076 Plot</b>

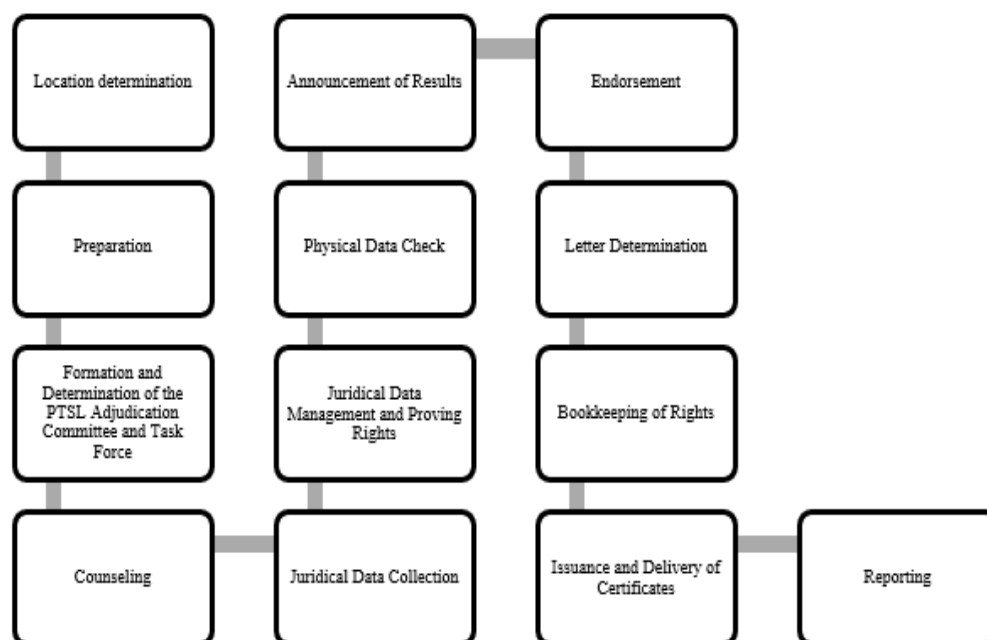
*Data Source:* Primary ATR/BPN Mataram City.

The table above shows that the amount of data on land plots targeted for 2022, 2023 and 2024 has met the target for each year with a total of 2,076 plots of land mapped. The land registration procedure through the PTSL program at the Mataram City BPN Office is carried out through several stages, including:

a. PTSL Submission Requirements:

- 1) Photocopy of KTP and KK;
- 2) Attach proof of title or proof of land ownership;
- 3) Attach a receipt or sale and purchase deed, inheritance deed, and grant deed as the origin of the land object;
- 4) Photocopy of SPPT-PBB;
- 5) Prepare stamp duty Rp. 10,000;
- 6) Prepare land boundary markers;

b. Stages of the Certificate Issuance Process



Below, the researcher provides an explanation of the stages of implementing Complete Systematic Land Registration (PTSL) based on Minister of Agrarian Regulation Number 6 of 2018 concerning Complete Systematic Land Registration:

#### 1) Location determination

Determining the location accompanied by a map of the target location, the Head of the Land Office may make changes to the PTSL location that has been determined for specific reasons. The change in location in question, the Head of the Land Office must issue a decision in the form of a change in location in question by providing reasons for the change in location of PTSL activities and reporting to the Regional Office of the Provincial National Land Agency.

In carrying out location determination activities, several provisions are required by the Land Office, namely:

- a) The designated location is capable of attaching a location map, which is used as a work map to optimize the work of the committee and task force.
- b) The location that has been determined is determined again by the Head of the relevant City/Regency Land Office.
- c) If the locations of several villages are objects of Complete Systematic Land Registration, efforts are made to be located close to each other.
- d) In order to be more efficient and effective in achieving work targets, the distribution of the Complete Systematic Land Registration target is concentrated in only a few cities/districts in one province.
- e) Suppose the location is far from one village to another and requires a long journey, and in one village, the number of fields does not require a juridical task force. In that case, it is enough to form one committee and one juridical data collector.

The criteria for determining the location are the availability of a PTSL budget in the APBN/APBD, PNBPN, CSR, or other funding sources. Determining the location is given priority to areas that have previously implemented Prona and considering the capabilities of PTSL implementing officers at each Land Office. The location of these villages is also close to one another.

Mataram City, in determining location criteria, is the availability of the PTSL budget in the APBN/APBD. Determining the location is given priority to areas that have previously

implemented Prona and considering the capabilities of the PTSL implementing officers at the Mataram City Land Office. And the location of the villages/subdistricts in Mataram City are also located close to each other.

## 2) Preparation

In the initial stages of implementing Complete Systematic Land Registration (PTSL), socialization activities, location determination and training were carried out.

### a) Socialization

This activity was carried out with the aim of providing information to the public or stakeholders that there is a government program that plans to implement Complete Systematic Land Registration activities for the community. Socialization activities were carried out in several sub-district or sub-district offices.

### b) Training

To support the smooth implementation of the duties of the registration committee, technical training on “Complete Systematic Land Registration in the Juridical Sector” is explicitly required for the accelerated adjudication committee and the juridical task force, which includes material on juridical data collection, juridical data processing and management of PTSL activities carried out by the Regional Office of the Provincial National Land Agency.

## 3) Formation and Determination of the PTSL Adjudication Committee and Task Force

The Head of the Land Office determines the formation and determination of the PTSL Adjudication Committee and Task Force. The PTSL Adjudication Committee is assisted in carrying out its duties by the Physical Task Force and the Juridical Task Force. If deemed necessary the Head of the Land Office can assign this task to the Ministry’s State Civil Apparatus who is assisted by Non-Permanent Employees and Non-Permanent Government Employees of the Ministry who the Secretary of the PTSL Adjudication Committee chairs.

“Where the team has a minimum of 10 members consisting of the Chairperson who is also a member, the Deputy Chairperson for Juridical Affairs who is also a member, the Deputy Chairperson for Physical Affairs who is also a member, the Secretary who is also a member and the Head of the Village Head/Kaling Member. “This team can be assisted by the Physical Task Force/PuldasiK Team (physical data collectors/measuring officers) as well as the Administrative Task Force, the number of which depends on needs.”<sup>8</sup>

## 4) Counseling

Extension activities are carried out in order to provide the public with an understanding of the material/explanation of the program, benefits, requirements, rights and obligations as well as costs borne by the government in carrying out the PTSL program and its procedures. In implementing the PTSL program, the counseling was initially carried out at the Mataram City Land Office, then the counseling was carried out again in each sub-district by contacting the sub-district committee such as the head of the environment so that information could be provided directly to the community.

## 5) Juridical Data Collection

Collecting juridical data (documents) through the Land Office and Subdistrict Office to coordinate with each other to collect data from the community regarding proof of ownership of land which is the basis for granting a Complete Systematic Land Registration (PTSL) certificate.

Technically, the collection of juridical data is generally carried out by the registration committee which goes directly to the community or coordinates directly with the village

<sup>8</sup>Wawancara dengan Bapak Dicky Atmajaya, Ketua Ajudikasi PTSL Kota Mataram, tanggal 27 Agustus 2024 di Kantor Pertanahan Kota Mataram.

head and neighborhood head so that it can be collected collectively. The juridical data from the community includes application letters, proof of ownership of land (base of rights) and proof of tax payments.

#### 6) Juridical Data Management and Proving Rights

The collected data (juridical data) will be analyzed by the Accelerated Adjudication Committee regarding ownership data regarding the legal relationship between PTSL certificate applicant participants and the proposed land object.

#### 7) Physical Data Check

Land inspection is carried out to check or to ensure that the data attached to the juridical data is in accordance with the conditions/circumstances in the field by seeking information based on the applicant's request and then verifying and validating the suitability of the conditions of control, suitability of the land location, boundaries and area of the land object.

#### 8) Announcement of Results

The results of the examination of juridical data and physical land data that have been carried out are then concluded by the committee so that land rights certificates can be recorded/ issued and announced at the Land Office or at the Subdistrict Office or at the Head of the local Environment, so that the public knows them and if there are objections they will be given space to convey it.<sup>9</sup>

#### 9) Endorsement

The results of the announcement are ratified in the minutes by the Adjudication Committee. If at the time of validation of the physical data and juridical data carried out by the organizer there are still deficiencies or there are still objections that have not been resolved, then the physical data and juridical data are provided with a record of the minutes of validation of the physical data and juridical data which are incomplete. Handling of objections submitted by applicants can be carried out in accordance with the provisions of applicable laws and regulations.

#### 10) Letter Determination

In order to issue the letter, the Accelerated Adjudication Committee signs a decision letter determining rights in which the public or applicant is advised to bring proof of BPHTB payment, while for parties who cannot afford it, they are advised to make a statement.

#### 11) Bookkeeping of Rights

In the process of recording rights, the parties responsible in this case are the Head of the Mataram City Land Office and the team leader assigned to the sub-district where the activity takes place. By processing the data results from the juridical team to issue a certificate or not which is signed by the Chair of the Adjudication Committee.

#### 12) Issuance and Delivery of Certificates

After the PTSL certificate has been issued, the Mataram City Land Agency and the Village and PTSL Committee hand over the certificate to the community. In its implementation, the Head of the Land Office signs the certificate or gives authority to the Chair of the Adjudication Committee which is then handed over to the community or applicant. So the time period for the issuance process from the initial application to the issuance of the certificate is more than three to four months.

#### 13) Reporting

<sup>9</sup>Wawancara dengan Bapak Dicky Atmajaya, Ketua Ajudikasi PTSL Kota Mataram, tanggal 27 Agustus 2024 di Kantor Pertanahan Kota Mataram.



After the certificate submission process is carried out, the next stage of reporting is carried out in stages. Reporting is carried out through the Land Service Quality Control System (SKMPP), periodically to the Minister of Agrarian Infrastructure and Agrarian Legal Relations.

In Prona, only registered land is measured and data collected. Meanwhile, the difference in PTSL is that the government focuses on systematically collecting land data. So even though the land is not registered in PTSL, measurements will still be carried out for the needs of land mapping. Currently, Prona and PTSL themselves have been integrated. So with this activity, you can immediately take part in the PTSL program which aims to obtain SHM land. Meanwhile, the conditions for Prona and PTSL recipients are no different, so Prona recipients can also receive PTSL.<sup>10</sup> The advantage of the Complete Systematic Land Registration (PTSL) program is that it provides land certification for all levels of society, both rich and poor, including certification of waqf land. Apart from that, with the Complete Systematic Land Registration (PTSL), land certification will be more practical, faster and free for all first-time land registrations.

Problems Faced in the Implementation of the Land Registration Program through Complete Systematic Land Implementation (PTSL) at BPN Mataram

Problems in the land registration process have become one of the main problems of concern to the government, especially for the Ministry of Agrarian Affairs/National Land Agency. To overcome this problem, the government, through the Ministry of ATR/BPN, launched the Complete Systematic Land Registration (PTSL) program as a National Priority Program. This program is outlined in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL).

According to an interview with the Head of PTSL Adjudication, in general the realization of the implementation of the PTSL program in Mataram City is on target and even faster than the target, however, in its implementation there are still obstacles faced by the registration committee while in the field. These include internal and external obstacles.<sup>11</sup>

a. Internal

The factors inhibiting the implementation of the PTSL Program internally include:

1) Lack of Availability of Facilities and Infrastructure

Due to the limited facilities and infrastructure owned by the Mataram City Land Office, including a lack of technological measuring instruments, computers, and office space capacity is still limited. The Mataram City Land Office has a working map or base map which is a photo map integrated from satellite imagery, but the resolution of the satellite imagery equipment is still lacking so that implementers in the field experience difficulties when carrying out the process of inspecting land plots.

2) Certificates Issued Before Complete Mapping of the System

One of the obstacles faced by BPN Mataram City in the PTSL program is certificates issued before mapping, namely certificates issued before/under 1997, so their physical form is not known to the Land Office.

b. Eksternal

The factors inhibiting the implementation of the PTSL Program externally include:

1) Lack of Community Initiative

Lack of community initiative in assisting officers in the field when asking residents to install stakes marking the boundaries of their land. This makes it difficult for officers

<sup>10</sup>Website <https://kot-mataram.atrbpn.go.id/daftar-ppat> Diakses tanggal 3 Januari 2024.

<sup>11</sup>Wawancara dengan Bapak Dicky Atmajaya, Ketua Ajudikasi PTSL Kota Mataram, tanggal 27 Agustus 2024 di Kantor Pertanahan Kota Mataram.

in the field to determine the boundaries of land stakes requested due to conflicts/disputes between adjoining land owners and the certainty of land objects.<sup>12</sup>

## 2) Lack of Community Cooperation

One of the things that hinders the adjudication committee from carrying out their duties is the land owner who is not present during the process of checking physical data in the field. When the committee went to the field the applicant was not there even though he had been informed beforehand.

## 3) Communities Have Difficulty in Preparing Application Files and Proof of Land Ownership (Legal Standing Rights)

Some land owners need help in preparing complete application documents and proof of ownership of the land (base of rights) so that it is verified. This becomes a serious problem when people cannot fulfill these requirements, then their registration application will be postponed or even rejected. Due to the lack of application documents and lack of proof of ownership (basis of rights). This problem can cause several factors, one of which is inaccurate documents and a more serious problem, namely land disputes.

## CONCLUSION

Based on the description above, it can be concluded as follows:

1. The projected implementation of land registration through Complete Systematic Land Implementation (PTSL) at BPN Mataram is carried out to provide legal certainty and legal protection to land owners and avoid disputes and disputes in the future which is carried out free of charge for the community. This program began in 2017 and will end in 2025. The land plots targeted for 2022, 2023 and 2024 have met each year's target with a total of 2,076 land plots mapped. By looking at the progress of the number of land registrations which are decreasing every year and the realization of this target being met, so that in the future all land plots in the Mataram City area can be certified.
2. Problems faced in implementing the land registration program through Complete Systematic Land Implementation (PTSL) at BPN Mataram include internal factors such as lack of availability of infrastructure and certificates issued before complete mapping of the system. In contrast, external factors are lack of community initiative, lack of community cooperation and community difficulties in preparing files. Application and Proof of Ownership of Land (Alas Rights).

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<sup>12</sup>Wawancara dengan Bapak Dicky Atmajaya, Ketua Ajudikasi PTSL Kota Mataram, tanggal 27 Agustus 2024 di Kantor Pertanahan Kota Mataram.

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