



WORLD CLASS ISLAMIC UNIVERSITY
UNISSULA
 UNIVERSITAS ISLAM SULTAN AGUNG

Sept 23 - 24 2020

Imam Assafei building Faculty of Law, Unissula
 Kaligawe Rd KM 4, Central java

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER



Our Speaker



Prof. Henning Glasser
 Thammasat University



Prof. Yuzuru Shimada
 Nagoya University



Melissa Crouch
 UNSW Australia



Prof. Henk Adding
 Utrecht University



Assoc. Prof. Dr. Hj. Sri Kusriyah
 Sultan Agung Islamic University

*Democracy In Digital Era : Law,
 Governance, Sosial And Economic
 Perspective In Asia, Australia And
 Dutch*



September 23-24, 2020
 Imam Assafel Buiding, Faculty of Law, Unissula
 Kaligawe Rd KM 4 Semarang, Central Java

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER

THEME : DEMOCRACY IN DIGITAL ERA: LAW, GOVERNANCE, SOCIAL AND ECONOMIC PERSPECTIVE IN ASIA, AUSTRALIA AND DUTCH

Keywords: *Digital Media, Political and Governance Institutions, Electoral Processes, People Representation, Digital Disinformation, Democracy, Digital Economic, Social issue*



Meet Our Speakers



Melissa Crouch
UNSW Australia



Prof Henk Adding
Utrecht University



Prof. Henning Glaser
Thammasat University



Prof. Yuzuru Shimada
Nagoya University



Assoc. Prof. Dr. Hj. Sri Kusriyah
Sultan Agung Islamic University

TECHNICAL MEETING

1. Seminars will be conducted using the Zoom application
2. The Committee will provide a Zoom ID 1 day before the seminar

OBJECTIVE

This agenda aims to provide insights in theory and practice:

1. To exchange and discuss views on the most important issues on Democracy in Digital Era: Law, Governance, Social and Economic Perspective in Asia, Australia and Dutch and its consequences to Law in countries.
2. To discuss the challenges and practical aspect of Democracy and Governance in a Digital Era.

ZOOM CODE

Meeting ID :201 2080995
 Password :UNISSULA

PAPER REQUIREMENTS

- **Title:** (15-word limit). The paper title should use proper capitalization in title case.
- **Abstract:** (150-word limit). This abstract will appear in the conference program.

Submit your paper to :

website : <http://lics.pdih.unissula.ac.id>

Important Note:

selected article will be published in indexed International Journal.

IMPORTANT DATES

- Abstract Submission August 10th- Sept 05th 2020
- Announcement September, 06th 2020
- Full Paper Submission and Transfer September, 07-22 2020
- Conference and Presentations September 24th 2020

CONFERENCE FEE

Conference participants IDR. Free
 Conference and Paper Presentation:
 Doctoral Students IDR. 500.000,00
 General Participants IDR. 750.000,00

PAYMENT

Bank account:
 BNI Syariah 0388094011 a.n Prodi Doktor Ilmu Hukum
 Please make confirmation to +62 8727024038



+62 882-1523-6388 -Huk
 +62 857-2909-4548 -Azis



pdih.fh@unissula.ac.id



lics.pdih.unissula.ac.id

September **23th** 2020

The 2nd

International Conference and Call Paper

"Democracy In Digital Era : Law, Governance, Sosial And Economic Perspective In Asia, Australia And Dutch"

IMAM AS' SYAFEI BUILDING

Faculty of Law, Sultan Agung Islamic University

Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

Diterbitkan oleh :
UNISSULA PRESS

ISBN. 978-623-7097-75-4

COMITTE OF THE 1th PROCEEDING INTERNATIONAL CONFERENCE AND CALL PAPER

*"Omnibus Law Opportunities And Challenges Towards Entrepreneurs And Labor
: Comparative Review"*

Susunan Panitia

Pengarah	: Prof.Dr.H. Gunarto, S.H., S.E.Akt., M.Hum.
Penanggung Jawab	: Prof.Dr. Hj. Anis Mashdurohatun, S.H., M.Hum.
Ketua	: Prof.Dr. Hj. Sri Endah Wahyuningsih, S.H.,M.Hum
Sekretaris	: Nailul Mukorrobin, S.Psi
Bendahara	: Erna Sunarti,S.Pd.,M.Hum
Seksi Acara	: Muhammad Ngazis, S.H., M.H. Marcela Dinda, S.Kom Shinta Puspita, SE.
Seksi Konsumsi	: Bambang Irawan Siti Pardiyah Riswanto
Kesekretariatan	: Slamet Ariyanto,S.T. Agus Prayoga
Reviewer	: Prof. Dr. Eko Soponyono,SH.,M.Hum. Prof. Dr. Hj. I Gusti Ayu KRH, SH.,MM.

Hak Cipta © 2020, pada penulis

Hak Publikasi pada penerbit UNISSULA PRESS

Dilarang memperbanyak, memperbanyak sebagian atau seluruh isi dari buku ini dalam bentuk apapun, tanpa izin tertulis pada penerbit.

Hal I-V, 1-127

Cetakan Pertama Tahun 2020

Penerbit UNISSULA PRESS

Jl. Raya Kaligawe Km. 4 Semarang 50112

PO BOX 1054/SM,

Telp. (024) 6583584, Fax. (024) 6594366

ISBN. 978-623-7097-75-4

Editor :

M. Ngazis, SH.,MH
Erna Sunarti, S.Pd.,M.Hum.
Nailul Mukorobin, S.Psi.

Desain Cover :

Muh. Arifin, S.Kom

Desain Lay Out :

Suryo Atmojo, SH

ISBN :

978-623-7097-74-7

Penerbit :

UNISSULA PRESS

Alamat :

Jl. Raya Kaligawe KM. 4 PO. Box. 1054/SM

Semarang 50112 – Indonesia

Phone: +6224 6583584 (8 Saluran) psw. 569

Fax. + 6224 6592735

Email : pdih.fh@unissula.ac.id

www.pdih.unissula.ac.id / www.apic.unissula.ac.id

KATA PENGANTAR

Bismillahirrohmanirrohim

Assalamu'alaikum Wr. Wb.

Puji syukur kehadiran Allah S.W.T, Tuhan Semesta Alam Yang Maha Esa. Alhamdulillah, sebagai ucapan syukur kehadiran Allah Subhanahu Wata'ala kami dapat menyelenggarakan The 6nd Proceeding International Conference And Call Paper dengan tema "*Democracy In Digital Era : Law, Governance, Sosial And Economic Perspective In Asia, Australia And Dutch*" terselenggara dengan baik. Pemilihan tema tersebut dipilih karena pada era searang ini kita dihadapkan dengan era industri 4.0, dimana para kandidat doktor dituntut untuk bisa menyesuaikan dengan perkembangan global dan meningkatkan kompetensi keilmuan serta kemampuan.

Pada seminar ini telah dipresentasikan hasil penelitian dosen dan mahasiswa yang diikuti oleh peneliti-peneliti dari berbagai universitas yang telah membahas berbagai keilmuan Hukum dan Humaniora.

Sesungguhnya keberhasilan dalam mencapai tujuan pendidikan yang dicita-citakan sangat tergantung pada sikap mental, partisipasi serta disiplin setiap unsur yang terlibat dalam proses belajar mengajar. Mudah-mudahan seminar Internasional yang sederhana ini dapat memberi sumbangsih dalam mencerdaskan bangsa Indonesia serta semoga Allah SWT selalu menyertakan ridho-Nya. Amin. Akhir kata, kami mengucapkan terima kasih kepada pimpinan Universitas Islam Sultan Agung, pimpinan fakultas Hukum Unissuala, pemakalah, editor dan serta pihak-pihak yang telah membantu terselenggaranya seminar ini dengan lancar tanpa hambatan suatu apapun.

Wassalamu'alaikum Wr.Wb.

Table Of Content

COVER.....	I
INFO	II
Information Of The International Seminar	III
Committee Composition.....	IV
Preface.....	VI
Mining Industry Activities Related To Mining Management Issues <i>Muhammad Burhanuddin, Dewi Hertiningsih, Sabri Noor Herman.....</i>	<i>1</i>
Environmental Protection And Management In Legal Political Perspective <i>Fredy Rikaltra, H. Novri Ompusunggu, Willy Sebastian.....</i>	<i>11</i>
Criminal Liability Medical Negligence And Medical Malpractice <i>Abd. Halim, Moch Nurdin, Soejono.....</i>	<i>22</i>
Criminal Law Reform Through Actualization Of Pancasila Values <i>Agus Subagya, Arri HD. Wokas, Bambang Winarno.....</i>	<i>32</i>
Revitalization Pancasila In Law Enforcement Of Justice <i>Sandy Rosady, Tutuko Wahyu, Apriady.....</i>	<i>40</i>
Legal Standing Of International Treaties In The National Legal System <i>Achmad Rusdiannor, H. Puar Junaidi, S.Sos, Ali Murtadlo.....</i>	<i>51</i>
The Impact Of Covid-19 On The Implementation Of Credit Agreements In The Digital Economy Era <i>Lathifah Hanim, H.Djunaedi, Dwi Wahyono, Dini Amalia</i>	<i>61</i>
Legal Protection Of Personal Data Based On Electronic Transactions In The Era Of The Digital Economy <i>Andi Aina Ilmih.....</i>	<i>76</i>
Legal Protection For Victims Of Cybercrime In The Digital Era In Strengthening Cyber Democracy In Indonesia Post 2019 General Election <i>Ida Musofiana</i>	<i>84</i>
Legal Development Of Events In The Digital Era <i>Peni Rinda Listyawati,</i>	<i>91</i>

Fiduciary Dispute Resolution Through The Consumer Dispute Settlement Agency <i>Syariwal Heri, Siska Amilia, Norasya Verdiana, & Anis Mashdurohatun</i>	99
Law Enforcement And The Potential Of Technology 4.0 In Handling Wildfire <i>Andi Adnan Syafruddin ,Prihartono, Mochammad Sutrisno</i>	110
Coordination Pattern Between The Department Of Transportation And Banjarmasin Police Traffic Unit In Overcoming Congestion <i>Bambang Rupaiddi, Retno Galuh Trengga Utami, M. Erwin Prawira Negara</i>	119
Criminal System Of Children As A Criminal Perspective Of Children’s Criminal Judgment System <i>Feri vernando situngkir</i>	128
Enforcement Of Criminal Law Against Premanism In Terminal Mendolo Wonosobo <i>Siti Laelatussofah</i>	138
Accountability of Public Officials for Corrupt Public Actions or Policies <i>Nur indah setyoningrum</i>	144
Abortion Due To Rape <i>Faradina Mar’atus Shofia</i>	154
The Criminal Action Of Criminal Drinking In The Perspective Of The Book Of Criminal Law And Islamic Criminal Law <i>Vidya Ayu Pratama</i>	161
The Principle Of Culpability (No Criminal Without Error) According To The Kuhp And Islamic Law <i>Alfi Nur Fata</i>	168
Prohibition While Entrepreneurship Foreigners Of The State In The Tourism And Manpower Sectors <i>Sri Rahayu</i>	178
Dynamics Community Complete Systematic Land Registration <i>Nuryanto</i>	186
Legal Protection Application Participants Systematic Land Registration Complete <i>Sriyono</i>	195
Legal Protection Victims Crime Of Decency Criminal Justice Process <i>Ria Lathifah</i>	206
Criminal Law Enforcement Fraud Money Duplication <i>Sumaryono</i>	214

Law Enforcement In Children Judicial System Based On The Restorative Justice System
Ade Ismail Ananda..... 223

Chriminology Study Of Criminal Acts Of Administration Of Stolen Goods
Supriyono 233

The Criminal Aspect Of Transfer Of Fidusia Securities As A Basis Of Rules In The Criminal
Jurisdiction Process
Suwanto..... 243

Legal Protection Application Participants Systematic Land Registration Complete

Sriyono

MIH Unissula

Abstract

Complete Systematic Land Registration as a breakthrough in government policy to make it easier for the community to obtain land certificates for their land ownership, however, it is necessary to review the form of legal protection for PTSL participants as a form of legal certainty in obtaining legality over land, which is land as an object prone to disputes and conflicts. . The approach method used in this research is sociological juridical. This research specification is descriptive analytical. The data sources used are primary data and secondary data. Based on the results of the study, it is concluded that the implementation of PTSL through stages based on the Regulation of the Minister of Agrarian and Spatial Planning / Head of BPN of the Republic of Indonesia Number 6 of 2018 concerning PTSL includes location determination, preparation, formation and appointment of an adjudication committee, counseling, collection and processing of physical and juridical data, land inspection, announcements, issuance of decisions on granting land rights, bookkeeping, issuance and delivery of certificates, legal protection in case of data errors, both physical data and juridical data at the time of announcing the data in the village can be corrected again before the certificate is issued, but if the certificate has been issued but there is a data error; the wrong data can be objected to the Land Office and can be resolved through litigation or non-litigation, namely through mediation or through the State Administrative Court.

Keywords: *Legal Protection, Application Participants, Systematic Land Registration Complete*

A. Introduction

Humans are social beings who live in a society by interacting with other humans, therefore we need rules that can regulate the interests of one human being with another. These rules are called laws, which contain orders, prohibitions and sanctions for those who break them.¹ Land is important for the survival of the Indonesian nation. The 1945 Constitution of the Republic of Indonesia has emphasized that the State of Indonesia is a country based on law (*rechstaat*) and not based on mere power (*machstaat*). Likewise, regarding land, the government is obliged to provide legal certainty regarding the status of land controlled by the community or business entities. The Indonesian state has guaranteed the rights of its people. As a democratic country based on Pancasila and the 1945 Constitution of the Republic of Indonesia, it upholds human rights and guarantees that all citizens have an equal position in law and government with no exception.²

1. Anggriani Jum, 2012, *Hukum Administrasi Negara*, Graha Ilmu, Yogyakarta, P.5.

2. Boedi Harsono, 2008, *Hukum Agraria Indonesia: Himpunan Peraturan-Peraturan Hukum Tanah*, Djambatan, Jakarta, P.14.

Land given to and owned by people with the rights provided by the Basic Agrarian Law, is to be used or utilized. The giving and possession of land with these rights will be meaningless if its use is limited to land as the surface of the earth. For whatever purposes it is inevitable, it is also necessary to use part of the earth's body underneath and the water and space above it.³

Land registration that aims to provide legal certainty is known as the Rechts Cadaster or Legal Cadaster. The guarantee of legal certainty that is intended to be manifested in land registration includes certainty in the status of the rights being registered, certainty of the subject of rights, and uncertainty of objects of rights. This land registration produces a certificate as proof of his rights. The opposite of the Rechts Cadaster land registration, is the Fiscaal Cadaster, which is land registration which aims to determine who should pay taxes on land. This land registration produces a certificate of payment of tax on land, which is now known as the Land and Building Tax Payable Tax Return.⁴

Government Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997 are forms of land registration in the framework of rechtscadaster (land registration) which aims to provide legal certainty and legal protection to land rights holders, with evidence produced at the end of the land registration process. these are in the form of a Land Book and a land certificate consisting of a copy of the land book and a measurement letter.⁵

Land registration is a prerequisite in an effort to organize and regulate the designation, control, ownership and use of land, including overcoming various land problems. Land registration is intended to provide legal certainty and legal protection for land rights holders by proving land certificates, as an instrument for structuring land tenure and ownership and as a controlling instrument in the use and utilization of land.⁶ A certificate can provide legal certainty of land ownership for a person whose name is listed on the certificate. The issuance of certificates is intended to prevent land ownership disputes. With ownership of a certificate, the land owner can take any legal action as long as it is not against the law, public order, and morals.⁷ In general, applications for the issuance of land title certificates must follow a procedure determined by the Provincial BPN and the Regency/City Land Office as the agency authorized to issue certificates. In addition to having to follow the prescribed procedure, the applicant must also fulfill the requirements determined unilaterally by BPN (through the Regulation of the Head of BPN). The procedures and requirements vary depending on the type of land title.⁸

As for the purpose of this paper is to find out, review and analyze the basis for implementing the complete systematic land registration program (PTSL), a form of legal protection for participants in the complete systematic land registration program (PTSL) which is based on juridical.

B. Research Methods

To conduct a study in this study the author uses the sociological juridical method (social legal research) to study and discuss the problems raised. Juridical is an approach that uses legal principles and principles derived from written regulations, sociology is an approach that aims to clarify the real situation that exists and appears in society regarding the problem being researched or gives importance to observation steps.⁹

3. Ibid, P.18.

4. Urip Santoso, 2010, Pendaftaran dan Peralihan Hak atas Tanah, Edisi Pertama, Prenadamedia Group, Jakarta, P.2.

5. Arie S. Hutagulung, 2005, Tebaran Pemikiran Seputar Masalah Hukum Tanah, Lembaga Pemberdayaan Hukum Indonesia, Jakarta, P.81.

6. J. B Daliyo, 2001, Hukum Agraria I, Cetakan 5, Prehallindo, Jakarta, P.80.

7. Adi Kusnadi, 1999, Laporan Teknis Intern tentang Masalah Hukum Perubahan Status, Jakarta, P.15

8. Adrian Sutedi, 2017, Sertifikat Hak Atas Tanah, Edisi I, Cetakan 4, Sinar Grafika, Jakarta, P.56.

9. Rony Hanitijo Soemitro, 1990, Metodologi Penelitian Hukum dan Jurimetri, Ghalia Indonesia, Jakarta, P.34

C. Results and Discussion

1. Implementation of the Complete Systematic Land Registration Program

In order to realize the presence of the State in the land sector by providing legal certainty of Land Rights as proof of ownership rights as mandated in Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Principles, the Government is obliged to carry out land registration throughout the territory of the Republic of Indonesia. Therefore, it is deemed necessary to accelerate land registration to catch up with the percentage of registered land which is still below 50% (fifty) percent until now. One of the methods taken by the Ministry of Agrarian Affairs and Spatial Planning is through the Acceleration of Implementation of Complete Systematic Land Registration as regulated in the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning Acceleration of Complete Systematic Land Registration. Complete Systematic Land Registration is the activity of registering land for the first time (either first-time land registration Conversion / Recognition / Confirmation of Rights or first land registration granting rights) which is carried out simultaneously which includes all land registration objects that have not been registered in a village area or other names at the same level, and also includes mapping of all land registration objects that have been registered in order to collect and provide complete information regarding the land parcels. The implementation of a complete systematic land registration can be carried out as a routine activity of the Land Office or as an annual activity of a project / program.¹⁰

The meaning of Complete Systematic Land Registration based on the Regulation of the Minister of Agrarian Affairs Number 6 of 2018 is: “Complete Systematic Land Registration is the activity of registering land for the first time carried out simultaneously for all objects of land registration throughout the territory of the Republic of Indonesia in one village / sub-district area or other names at the same level, which includes the collection and determination of the correctness of physical data and data. juridical regarding one or more land registration objects for the purpose of registration.”

In the implementation of complete systematic land registration (PTSL) in Blora Regency, as a result of interviews with Blora Regency Land Office officials, Suroso Adi Budi stated that the implementation of PTSL goes through various stages which are also based on the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning Complete Systematic Registration. Implementation of PTSL in the Land Office of Blora Regency, Suroso Adi Budi explained that the stages carried out include:¹¹

1) Location Determination

The Head of the Land Office determines the location of PTSL activities in his working area. Location Determination can be carried out in one village area or gradually part by part in one stretch. The location is determined with provisions:

- a. Based on the availability of a special PTSL budget that has been allocated in the APBN / APBD;
- b. Prioritized for village locations where PRONA/ PRODA activities, village funds, cross-sectoral, mass non-governmental organizations, Corporate Social Responsibility (CSR) and / or other mass land registration programs, or based on the

10. Direktorat Jenderal Infrastruktur Keagrariaan, 2016, Petunjuk Teknis Pengukuran Dan Pemetaan Bidang Tanah Sistematis Lengkap, Kementerian Agraria Dan Tata Ruang/ Badan Pertanahan Nasional, Jakarta, P.1

11. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

availability of legitimate funds in accordance with the provisions of laws invitation, for 1 (one) PTSL village;

- c. Taking into account the availability of work maps, the availability and optimal capability of PTSL implementers at each Land Office.¹²

In the event that the designated location consists of several villages, efforts are made to ensure that the villages that are the object of PTSL are located close together.

2) Preparation

The head of the land office prepares a base map for registration in the form of a base map in the form of a line map or photo map. Then proceed with the preparation of human resources, transportation needs, coordination with other government officials, and budget allocations.¹³

3) Establishment and Determination of the Adjudication Committee

The Head of the Land Office forms and sets the PTSL Adjudication Committee. The composition of the PTSL Adjudication Committee consists of:

- a. The Chairman of the Committee is also a member who is served by an employee of the Land Office;
- b. Deputy Chairman in charge of agrarian infrastructure who is concurrently a member who is held by an employee of the Land Office who understands land infrastructure affairs;
- c. Deputy Chairman in charge of agrarian law relations who is also a member who is held by an employee of the Land Office who understands matters of land legal relations;
- d. The secretary who is held by an employee of the Land Office;
- e. The local Village Head or an appointed Village Pamong;
- f. members of the Land Office elements as needed.¹⁴

Taking into account the availability of implementing apparatus resources, each PTSL Adjudication Committee can be formed for more than 1 (one) or for several sub-districts by involving elements of the apparatus of each village concerned.

4) Counseling

Counseling was carried out by the Land Office along with the PTSL Adjudication Committee, the Physical Task Force and the Juridical Task Force. Extension is carried out by providing the least explanation regarding:

- a. Benefits for the community, government and state for the results of the implementation of the PTSL program;
- b. Stages and mechanism of PTSL activities;
- c. Determination and installation of boundary marks for each plot of land;
- d. Juridical documents that need to be prepared;
- e. The schedule for measuring land parcels and collecting juridical data by the Physical Task Force and the Juridical Task Force;

12. Interview Results With Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

13. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

14. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

- f. The final results of the PTSL program activities;
 - g. Financing provided by the Government and / or other legitimate sources through PTSL activities;
 - h. Possible costs and / or taxes that will be borne by PTSL activity participants.¹⁵
- 5) Collecting and processing physical and juridical data

a. Physical Data

Physical data collection is carried out through measuring and mapping land parcels. Measurement and mapping of land parcels is carried out using survey and mapping technology such as drones, Global Positioning System (GPS), Continuously Operating Reference Station (CORS), Total Station, Distometer and others, as well as utilizing high resolution image maps / photo maps as the basis for making registration map. Physical Data Collection is carried out by the Physical Task Force based on the provisions of laws and regulations.¹⁶

In carrying out the measurement of land parcels, the Physical Task Force must know data or information about each owner or party entitled to the land, at least in the form of a photocopy of KTP, title and certificate of ownership or a statement of physical ownership of the land.¹⁷

b. Juridical Data

Juridical data collection is carried out by the Juridical Task Force based on the provisions of the legislation. In carrying out their duties, the Juridical Task Force can be assisted by the Juridical Data Collector through procedures and funding in accordance with the provisions of laws and regulations. Standards, criteria, methods, procedures, and mechanisms for collecting, processing and presenting as well as maintaining juridical data and documents in accordance with the provisions of laws and regulations.

Juridical data collection is carried out through collecting and checking the history of land ownership using an inventory form and identification of PTSL participants.

The results of juridical data collection are made in the form of PTSL Inventory and Identification Data Recapitulation. For the Forms for the inventory and identification of PTSL Adjudication participants, and the PTSL Inventory and Identification Data Recapitulation is an integral part of the Regulation of the Minister of Agrarian Affairs regarding PTSL.¹⁸

6) Land Inspection

Soil inspection is carried out to ensure that the information contained in the juridical data is in accordance with the conditions in the field. This is done by digging up information which includes the suitability of the names and professions of the Complete Systematic Land Registration. Comparing the information contained in the inventory form and juridical documents / data with the suitability of tenure conditions, land use in the field, and the

15. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

16. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

17. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

18. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

suitability of the location, boundaries and area contained in the physical data (Land Map) with the reality in the field. The results of the land inspection support the analysis of juridical data which results in K1 (land status is clean and clear so that a certificate can be issued), K2 (the status of the land is disputed so that it is only recorded in the land book), K3 (the status of the land subject has not met the requirements so it is only recorded in the list. land), and K4 (the land already has a certificate but needs correction of the information on the map). The results of land inspection shall be contained in the Fill List in accordance with the Minutes of Research on Juridical Data and Boundary Determination.¹⁹

7) Announcement

- a. Announcement to fulfill the principle of publicity and to provide opportunities for members of the community who own land or other interested parties to submit objections regarding the name of ownership, area, location and form of land parcels;
- b. The announcement covers all land parcels measured and / or mapped. If there is a disputed plot of land and / or litigation, a note should be made in the announcement map;
- c. If there is a land certificate that cannot be mapped even though in one village all the objects of the land parcel have been mapped, then the announcement is made so that the land certificate owner reports to the Acceleration Adjudication Team to carry out verification;
- d. If there is a rebuttal at the time of the announcement and based on the research of the Acceleration Adjudication Committee there is an error regarding the results of the size of the land parcels listed on the Land Parcel Map, changes will be made to the land parcel map and registration map.²⁰

The results of the land inspection which conclude that the land rights certificate and / or the issuance of a certificate of land rights over one parcel of land will be announced on an announcement board at the Land Office and / or Village Office and / or RT / RW Secretariat of the location of the land parcel for 14 working days, with the aim of knowing the public and provide opportunities for interested parties to submit objections if there are objections.

8) Issuance of Decree on Granting Land Rights

The Chair of the PTSL Adjudication Committee determines a Decision on Establishing Rights or a Decision on Confirmation / Recognition of Rights. For the issuance of a Decree on Granting Rights, PTSL participants must attach proof of payment of Land and Building Rights Acquisition Fee (BPHTB) or Income Tax (PPH) at the time of entitlement registration. In the event that the PTSL participant is not or has not been able to pay the BPHTB, the concerned must make a statement that the BPHTB is owed. In the case of land parcels originating from past sale and purchase where the present buyer does not have proof of payment of income tax from the seller in the past, the concerned must make a certificate of income tax payable.²¹

9) Bookkeeping

Land for which an official report on the completion of the Land Registration process has been made, is recorded in the general list of Land Registration and other lists, and signed

19. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

20. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

21. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

by the Chairman of the PTSL Adjudication Committee. The signing of the Land Rights Certificate mentioned above is the result of the implementation of the PTSL Adjudication program which can be carried out by the Chair of the PTSL Adjudication Committee for and on behalf of the Head of the Land Office.²²

10) Issuance and delivery of certificates

1. The Adjudication Committee for the Acceleration of Judicial Affairs prepares / prints a Certificate of Land Rights;
2. The Head of the Land Office signs the certificate of land rights or can delegate the authority for signing the certificate to the Chairman of the Acceleration Adjudication Committee;
3. The Acceleration Adjudication Committee submits the Certificate of Land Rights to the Rights Holder or their proxy by recording it in the certificate submission form.²³

The main key in the welfare state is the issue of guaranteeing the welfare of the people by the state. In this regard, Jurgen Habermas argues that the guarantee of the welfare of all the people is essential for the modern state. Furthermore, according to Habermas, the guarantee of the welfare of all the people in question is manifested in the protection of The risk of unemployment, accident, illness, old age, and death of the breadwinner must be covered largely through welfare provisions of the state.²⁴

2. Legal Protection for Participants in the Complete Systematic Land Registration Program

According to Hans Kelsen, law is a normative science and not a natural science.²⁵ Hans Kelsen further explained that law is a social technique to regulate people's behavior.²⁶ Linguistically, the word protection in English is called protection. The term protection according to KBBI can be equated with the term protection, which means the process or act of protecting, while according to *Black's Law Dictionary*, *protection* adalah *the act of protecting*.²⁷

In general, protection means protecting something from things that are dangerous, something that can either be interests or things or things. In addition, protection also implies protection given by someone to someone who is weaker. Thus, legal protection can be defined as all government efforts to ensure legal certainty to provide protection to its citizens so that their rights as citizens are not violated, and those who violate them will be subject to sanctions in accordance with applicable regulations.

According to Hadjon, legal protection for the people includes two things, namely:

- a. Preventive Legal Protection, namely a form of legal protection in which the people are given the opportunity to submit objections or opinions before a government decision takes a definitive form;
- b. Repressive Legal Protection, namely a form of legal protection which is more aimed at resolving disputes.²⁸

Conceptually, the legal protection provided to the Indonesian people is an implementation of the principle of recognition and protection of human dignity which is based on Pancasila and the principle of a

22. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

23. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

24. Gianfranco Poggi, 1992, *The Development of the Modern State* "Sociological Introduction, Standford University Press, California, P.126

25. Jimly Asshiddiqie dan M. Ali Safa'at, 2006, *Teori Hans Kelsen Tentang Hukum*, Sekretariat Jenderal dan Kepaniteraan MK RI, Jakarta, P.12

26. Hans Kelsen, 2009, *Dasar-Dasar Hukum Normatif*, Nusamedia, Jakarta, P.343

27. Bryan A. Garner, 2009, *Black's Law Dictionary*, ninth edition, West, St. Paul, P.1343

28. Philipus M. Hadjon, 1987, *Perlindungan Hukum Bagi Rakyat Indonesia*, PT. Bina Ilmu, Surabaya, P.5

rule of law based on Pancasila. In essence, every person has the right to protection from the law. Almost all legal relationships must receive protection from the law.

Regarding the legal position of the Land Rights Certificate issued is a legal product of the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration is one of the technical implementing rules of land registration which is a mandate of the Basic Agrarian Law Article 19 is to guarantee legal certainty for land rights throughout Indonesia. Likewise in this case, the position of the complete systematic land registration administration certificate as described in the previous discussion is administratively valid and accountable.

One of the important things that must be considered in the success of PTSL is the availability of laws and regulations that protect PTSL processes and products. In an interview with a respondent from the Blora Regency Land Office, Suroso Adi Budi explained, there is a concern that Permen No.6 of 2018 concerning PTSL cannot guarantee legal protection of the certificate issuance process because it is not in accordance with Government Regulation Number 24 of 1997 which is a hierarchically higher position. Among them is the problem of the length of time for the announcement and the process of examining juridical data that does not go through the adjudication process (land inspection in the field).²⁹

However, the informant stated that regarding the existence of different views regarding the announcement period which has been stipulated by the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration, this does not reduce the legality of the issued certificate in question because this refers to the principle of “lex superior derogate legi inferiori” related to Article 7 paragraph (1) of Law 12/2011 concerning the Formation of Legislative Regulations, and this is an act of discretion. In addition, the basis for the issuance of the Regulation of the Minister of Agrarian Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration from the above rules is a more specific technical rule regarding Complete Systematic Land Registration (Lex Specialist) from Law Number 5 of 1960 concerning Principles Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration. On this basis, the Minister of Agrarian Spatial Planning / Head of the National Land Agency uses his / her authority to accelerate the land registration process throughout Indonesia. The use of discretion is used to follow developments in the dynamics of society that occur which have not been touched by statutory regulations.

The law can be enforced if it takes into account three elements, namely legal certainty, benefit and justice. However, the three elements cannot be focused on just one element, because it is not always easy to strive for a balance between the three elements. Normative legal certainty is a rule that is made and promulgated because it regulates clearly and logically.³⁰ Without legal certainty, a person does not know what to do and eventually a feeling of discomfort arises, but when too emphasis is placed on legal certainty, obeying a rule will result in rigidity and lead to injustice.

Legal certainty is the thing that becomes the hope of legal subjects to know what is prohibited or not prohibited by law, so there is a need for a good and clear normation in a statutory regulation, as well as clear application in society. Legal certainty is not an absolute thing to fulfill legal objectives, but rather acts as a suggestion that is used in accordance with the situation and conditions by taking into account the principles of benefit and efficiency. Legal certainty when associated with land registration which is generally regulated in Article 19 paragraph (1) of the UUPA, which states that:

29. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

30. Amran Suadi, et al., 2016, Politik Hukum: Perspektif Hukum Perdata dan Pidana Islam Serta Ekonomi Syariah, Kencana, Jakarta, P.295.

“To ensure legal certainty by the Government, land registration is held throughout the territory of the Republic of Indonesia according to the provisions stipulated in a Government Regulation.³¹

Based on this article, the Government has guaranteed legal certainty and legal protection for the community to control land, namely through land registration. The implementation of PTSL also applies to the principles of land registration as stated in Government Regulation Number 24 of 1997 concerning Land Registration as the legal basis for the entire land registration program.³² that covers:

1. Simple Principle

The simple principle in land registration is intended so that the basic provisions and procedures can be easily understood by interested parties, especially land rights holders.

2. Principle of Safe

The principle of security implies that the examination of physical data and juridical data in the procedure for obtaining ownership of land rights is carried out carefully and carefully, which is possible using modern technology computerized equipment so that the goal of land registration is achieved, namely legal certainty of ownership of land rights.

3. Principle of Affordability

The principle of affordability is intended for affordability for parties in need, especially with regard to the needs and capabilities of the economically weak. The services provided in the context of implementing land registration must be affordable to the parties in need.

4. Current Principles

The current principle is intended for adequate completeness in its implementation and continuity in data maintenance. The data available must be up to date. For this reason, it is necessary to follow the obligation to register and record changes that occur at a later date. The current principle demands that land registration data be maintained continuously and continuously, so that the data stored in the Land Office is always in accordance with the real situation in the field and the community can obtain information regarding the correct data at any time. For this reason, the open principle is applied.

5. Open Principle

The open principle implies that the available land registration data can be informed to the holder or to other parties who need it to be used in accordance with the applicable procedures.³³

The implementation carried out by the Blora Regency Land Office is in accordance with the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration, which completes PTSL activities consisting of 4 (four) clusters, including:

- a. Cluster 1, namely land parcels whose physical data and juridical data meet the requirements for the issuance of a Certificate of Land Rights;
- b. Cluster 2, namely land parcels whose physical data and juridical data meet the requirements for the issuance of a Certificate of Land Rights but there are cases in court and / or disputes;

31. Article 19 paragraph (1) of Law Number 5 of 1960 concerning Agrarian Principles (State Gazette of the Republic of Indonesia of 1960 Number 104, Supplement to the State Gazette Number 2043).

32. Interview Results with Suroso Adi Budi, Kantor Pertanahan Kabupaten Blora, On January 23, 2020

33. Supriadi, 2010, Hukum Agraria, Sinar Grafika, Jakarta, P.164

- c. Cluster 3, namely land parcels where physical data and juridical data cannot be recorded and a Certificate of Land Rights is issued because the subject and / or object of the rights have not met certain requirements stipulated in this Ministerial Regulation; and
- d. Cluster 4, namely land parcels whose objects and subjects have been registered and have land title certificates, either unmapped or mapped but not in accordance with field conditions or changes in physical data must be mapped into the Complete Systematic Land Registration Map.³⁴

With the existence of the Regulation of the Minister of Agrarian Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration, if there are parties who feel that their interests are being harmed, they can submit objections to the official who issued a discretionary decision. Regarding these public objections, the official issuing the discretionary decision is obliged to answer them. If the public who feels that their interests have been harmed are still not satisfied with the answer of the official issuing the discretionary decision, then they can file an administrative appeal to the direct superior of the official issuing the discretionary decision and the direct superior of the official issuing the discretionary decision is also obliged to answer the administrative appeal.

D. CONCLUSION

The dynamics of the community towards the implementation of the PTSL program by looking at the benefits of the program which have a big influence on the welfare of the community. In an effort to realize community welfare, the community who received land certificates through PTSL can be mobilized together to carry out various productive efforts which are expected to improve the community's economy. Land certificates resulting from the PTSL program are the same as those resulting from sporadic land registrations, namely ownership rights certificates. Ownership Certificate can be encumbered with Mortgage Rights as a condition for obtaining capital credit. The results of these capital loans show that the PTSL program provides support to the community in the form of access to capital loans. People who receive certificates from PTSL have self-potential in the form of mental attitudes and motivation to advance through business opportunities. The self-potential of the community is an internal factor that is very important in the formation of a community formation program. Self-potential if developed will become a community participation movement that plays a role in the progress of the program.

BIBLIOGRAPHY

- Adi Kusnadi, 1999, Laporan Teknis Intern tentang Masalah Hukum Perubahan Status, Jakarta;
- Adrian Sutedi, 2017, Sertifikat Hak Atas Tanah, Edisi I, Cetakan 4, Sinar Grafika, Jakarta;
- Amran Suadi, et al., 2016, Politik Hukum: Perspektif Hukum Perdata dan Pidana Islam Serta Ekonomi Syariah, Kencana, Jakarta;
- Anggriani Jum, 2012, Hukum Administrasi Negara, Graha Ilmu, Yogyakarta;
- Arie S. Hutagulung, 2005, Tebaran Pemikiran Seputar Masalah Hukum Tanah, Lembaga Pemberdayaan Hukum Indonesia, Jakarta;

³⁴. Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration

- Boedi Harsono, 2008, Hukum Agraria Indonesia: Himpunan Peraturan-Peraturan Hukum Tanah, Djambatan, Jakarta;
- Bryan A. Garner, 2009, Black's Law Dictionary, ninth edition, West, St. Paul
- Direktorat Jenderal Infrastruktur Keagrariaan, 2016, Petunjuk Teknis Pengukuran Dan Pemetaan Bidang Tanah Sistematis Lengkap, Kementerian Agraria Dan Tata Ruang/ Badan Pertanahan Nasional, Jakarta;
- Gianfranco Poggi, 1992, The Development of the Modern State "Sociological Introduction, Stanford University Press, California;
- J. B Daliyo, 2001, Hukum Agraria I, Cetakan 5, Prehallindo, Jakarta;
- Hans Kelsen, 2009, Dasar-Dasar Hukum Normatif, Nusamedia, Jakarta;
- Jimly Asshiddiqie dan M. Ali Safa'at, 2006, Teori Hans Kelsen Tentang Hukum, Sekretariat Jenderal dan Kepaniteraan MK RI, Jakarta;
- Philipus M. Hadjon, 1987, Perlindungan Hukum Bagi Rakyat Indonesia, PT. Bina Ilmu, Surabaya;
- Rony Hanitijo Soemitro, 1990, Metodologi Penelitian Hukum dan Jurimetri, Ghalia Indonesia, Jakarta;
- Supriadi, 2010, Hukum Agraria, Sinar Grafika, Jakarta;
- Urip Santoso, 2010, Pendaftaran dan Peralihan Hak atas Tanah, Edisi Pertama, Prenadamedia Group, Jakarta;