

IMPLEMENTATION OF REGULAR LAND ADMINISTRATION IN THE MANAGEMENT OF LAND RIGHTS CERTIFICATE THROUGH A FULL SYSTEMIC LAND REGISTRATION SYSTEM (PTSL)

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ABSTRACT

The orderly implementation of land administration in the management of land rights certificates through the PTSL system, complete systematic land registration, which includes the first objective of the research is to find out and analyze what the legal bases must be when implementing land administration. To find out and analyze how the implementation of the tasks of the Land Administration. The second scope of research describes land administration in the management of land rights certificates. The third research method is using qualitative research methods that are nomative. Fourth discussion. The implementation of land administration which is carried out by the government on a daily basis carried out by the ranks of the Land Agency cannot be separated from the legal foundations that underlie it. The land administration assists the transfer of land tenure and land policy into land management, namely the spatial arrangement of the community environment. Land administration, both formal and informal, covers a wide range of systems and processes, some of which are related to land tenure, while others are more concerned with land management. In 2020, the government has targeted to certify 10 million plots of land, this number has increased compared to last year's 9 million certificates. Of course this is a breath of fresh air for those of you who want to certify this year. Through the Complete Systematic Land Registration (PTSL) program, land certificates will be distributed. Fifth Conclusion Land administration activities are formed to ensure that land administration activities run smoothly and are structured in their implementation. If there is no administrative structure in land affairs, then the division of tasks will not be carried out properly and regularly. The problems that will be faced will be increasingly complex so that little by little it is necessary to change and remove the pattern of the mechanism.

Keywords: *Implementation of Land Administration, Land Certificate Management*

I. INTRODUCTION

A. Background

The word administration comes from the Dutch language, "administratie" which means all activities that include writing, typing, computerization, correspondence (correspondence), archives, agenda (office administrative work). ministrare" which means Ad means on, ministrare means to serve, then the word administration means to provide service. From the two definitions above, it can be clearly interpreted that administration has the following meanings: "office administrative services" (typing/computer services, correspondence services, and so on).³

Understanding Administration To be able to provide an understanding of the meaning of administration, it cannot be separated from the origin of the word administration itself as discussed earlier, namely "office administration activities" and "serving". office administration activities such as: writing, typing correspondence (including using a computer), agendas, archives, bookkeeping and so on.⁴

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3 <http://evariyanti199.blogspot.com/2016/05/pengertian-administrasi-asal-usul.html>

4 Ibid.

The existence of Land Administration The things that underlie the condition of Indonesian society, especially those related to land, namely: The condition of agrarian law before the enactment of the UUPA was dualistic and even pluralistic (agrarian law was scattered in several branches, among others, can be found in western agrarian law, between groups, etc.) Whereas the condition of the land law before the LoGA was more influenced by the elements of the colonial government which had a feudalistic pattern, thus becoming feudalism and capitalism.⁵

Whereas the condition of agrarian law prior to the enactment of the LoGA did not guarantee legal certainty for the land rights of the people who were the largest group of the Indonesian population (past agrarian law did not provide guarantees for small people) because the land registration was solely western law So back to capitalism.⁶

Land Administration is the granting of rights, extension of rights, renewal of rights, transfer of rights, enhancement of rights, merger of rights, separation of rights, division of rights, assignment of rights, location permits, permits for changes in land use, as well as permits for the appointment and use of land.⁷

Land Administration is a business and activity of an organization and management related to the implementation of Government policies in the land sector by mobilizing resources to achieve goals in accordance with applicable laws and regulations.

There are four main components in land administration, namely;⁸

1. Land Ownership With regard to the legality of land ownership, the rights to land ownership. Each land right, which reflects the status of control/ownership of the land, is manifested in the form of a certificate. The certificate is issued by the government (National Land Agency) through the Land Registration process.
2. Land Value Relates to estimating a land and property value. By paying attention to income through taxation, as well as adjudication of land valuation and tax disputes.
3. Land Use Relates to controlling land use through planning policies and regulations of land use owned by each level of government.
4. Land Development Related to the implementation of a new infrastructure development plan, as well as land use change through planning permits and renewal schemes on existing land.

B. Problem Formulation

1. What are the legal bases that must be based on the implementation of land administration?
2. What is the form of the implementation of the tasks of the Land Administration?

C. Purpose of Land Administration

1. To find out and analyze What are the legal bases that must be based on the implementation of land administration
2. To find out and analyze how the implementation of the tasks of the Land Administration

D. Research Method

This research method uses a normative juridical method which analyzes qualitatively taking data from secondary data that has been obtained empirically.

5 Rusmadi Murad, *Administrasi Pertanahan Pelaksanaannya dalam Praktek*, (Bandung: Mandar Maju1997), hal. 98

6 Rusmadi Murad, *Ibid.* Hal. 99

7 Harsono, Boedi, *Hukum Agraria Indonesia, Sejarah Pembentukan UUPA, Isi dan Pelaksanaannya*, jilid 1, (Bandung : Citra Aditya Bakti, 1997), hal. 98

8 Rusmadi Murad, *Op. Cit.* Hal. 99

II. DISCUSSION

A. The legal basis that must be based on the implementation of land administration

The implementation of land administration which is carried out by the government on a daily basis carried out by the ranks of the Land Agency cannot be separated from the legal foundations that underlie it, namely: Pancasila and the 1945 Constitution, Law no. 5 of 1960, Law no. 104 of 1960 and its implementing regulations. MPR Decree No.II/MPR/1983, Presidential Decree No. 7 of 1979 concerning Land Order Chess.

Presidential Decree No. 7 of 1979 is the basic foundation of land policy which intends to reorganize the control, ownership and use of land to create an atmosphere that ensures the implementation of development, both handled by the government and the private sector.⁹

With the aim of increasing the guarantee of legal certainty of land rights, the smooth running of services in the field of land that are appropriate, cheap and fast and affordable by all levels of society, improve me and the use of land so that it is more useful for life, our livelihood, the quality of the environment abandon efforts to conserve natural resources, prevent waste, be aware, be responsible and love the environment. The land order chess as the operational basis is:¹⁰

1. Orderly Land Law Efforts to foster land legal certainty as a protection for rights over and their use, so that there is peace in the community and encourage the passion for development.
2. Orderly Land Administration Efforts to facilitate every business of the community related to land, especially with development that requires a source of information for those who need land as a resource, money and capital. Creating an atmosphere of service in the land sector so that it is smooth, orderly, cheap, fast and uncomplicated based on fair and equitable public services.
3. Orderly Use of Land Land must really be used in accordance with its capabilities for the greatest prosperity of the people (article 33 paragraph (3)) by taking into account the fertility and capabilities of the land.
4. Orderly Maintenance of the Land and the Environment It is an effort to avoid soil damage, restore soil fertility and maintain the quality of natural resources, prevent soil pollution that can reduce soil quality and the environment either due to nature or human behavior.

The land administration assists the transfer of land tenure and land policy into land management, namely the spatial arrangement of the community environment. Land administration, both formal and informal, covers a wide range of systems and processes, some of which are related to land tenure, while others are more concerned with land management. Land administration requires several objectives which can be seen from the aspects:¹¹

1. Economic Aspect

Land administration is needed to accelerate economic growth through more effective use of resources. For example, property ownership can be exchanged or used to obtain additional data for private and government development. Even administration can be used as a tool to earn income through sales, leasing, giving and taxation.¹²

9 Keputusan Presiden No. 7 Tahun 1979 tentang Catur Tertib Pertanahan

10 Keputusan Presiden No. 7 Tahun 1979 tentang Catur Tertib Pertanahan

11 Hasan Wargakusumah, dkk, Hukum Agraria 1, Buku Panduan Mahasiswa, (Jakarta : PT Gramedia Pustaka Utama, 1992), hal. 85

12 Moh., Koesnoe, Prinsip-prinsip Hukum Adat Tentang Hak Atas Tanah, Varia Peradilan, Majalah Hukum, Tahun VIII No. 150, Maret, Jakarta, 1998

2. Social Aspects Land administration can be utilized to produce an even distribution of resources. These resources include the land itself, a public facility such as utilities, clinics and schools, as well as information about land and its resources.
3. Environmental Aspects Land administration can be used to protect scarce and fragile resources. For example, restrictions on the use of certain areas such as water reservoirs, coastal zones, wildlife reserves, etc. may be imposed.¹³
4. Political Aspects Land administration can be a way to involve and connect the population with the government. For example, in a land dispute case.

Land Administration Function

Therefore, land administration includes the functions of regulating the development and use of land, collecting income from land through sales, rentals and taxes, as well as resolving disputes regarding ownership and use of land.¹⁴

1. Juridical Function The function of land administration in the juridical field is related to strengthening land tenure security through land registration, which includes: registration of land parcels, transfer of rights, demarcation, adjudication, and others
2. Regulatory Function The function of land administration in the field of regulation is generally related to the regulation of land use including the development and restriction of land use.
3. Fiscal Function The function of land administration in the fiscal sector is related to increasing the collection of land and building taxes and fees for acquisition of land and building rights. In addition, it is also related to determining the value of a property, namely the assessment of the value of land parcels and their increase.
4. Information Management Function The function of land administration in the field of information management is the process of managing the collection, storage, retrieval, dissemination and use of land information. This is an integration of three components, namely; rights cadastre as the main pillar of land registration, fiscal cadastre assists in valuation and taxation, and zoning and other information systems facilitate land use planning and regulation¹⁵

The benefits of the establishment of a land administration system are, namely;

1. Providing guarantees for the certainty of rights, the clearer the purpose of determining someone's property rights will make it easier for that person to defend their rights to claims from other people.
2. Social stability, proper public records will protect against gossip about legal ownership (if later there is a lawsuit), and help resolve other problems quickly since land boundaries and ownership are made.
3. Credit, public records will reduce information uncertainty through the granting of authority to creditors to determine whether a potential borrower has the right to transfer the requested rights according to what is requested as collateral for the borrower.
4. The process of land improvement, renewal of guarantees for certainty of owner rights will increase a person's tendency to seek profit when investing in buildings, equipment or infrastructure improvements including land protection measures. Improved credit lines provide financial resources that can affect land values.
5. Productivity, factors such as use value, land transfer, ownership, development, land rights and others are combined to ensure that the land is developing towards the best value and benefits, for example, commercial farming is done by smart farmers to get more profit and land. It is different from

13 Moh Koesnoe, Ibid,

14 Ruchiyat, Edy, Politik Pertanahan Nasional Sampai Orde Reformasi, Edisi Kedua, (Bandung : Alumni, 1999), hal 35

15 Hasan Wargakusumah, Ibid, hal. 87

ordinary farmers who cannot develop their land.

6. Liquidity, when ownership rights have been formally legalized, these assets can be exchanged quickly on a large scale and at low prices. In developing countries, the majority of property rights are in informal status, therefore they cannot enter the formal market place as a negotiable asset.

B. Main Duties and Functions of the Land Office in Running Land Administration

The main task of the Government in the field of land administration is as mandated by Law no. 05 of 1960 (State Gazette of 1960 No. 104) concerning Basic Regulations on Agrarian Principles, called the Basic Agrarian Law (UUPA) Article 19 that to ensure legal certainty, the Government holds land registration which includes:¹⁶

1. Land measurement, mapping and bookkeeping;
2. Registration of land rights and the acquisition of these rights;
3. Giving letters of proof of rights, which apply as a strong evidence.

Based on Government Regulation no. 128 of 2015, the duration of certificate processing is as follows:

1. 38 (thirty eight) days for agricultural land which is not more than 2 Ha and non-agricultural land which is not more than 2,000 m²
2. 57 (fifty-seven) days for agricultural land with an area of more than 2 Ha and non-agricultural land with an area of more than 2,000 m² up to 5,000 m²
3. 97 (ninety-seven) days for land with an area of more than 5,000 m² Land registration is carried out based on simple, safe, affordable, up-to-date and open principles. The principle is the foundation that underlies the occurrence of something and is the basis of an activity, this also applies to the registration of land certificates. In Article 2 of PP Number 24 of 1997 it is stated based on a simple principle.

Especially for land registration, in processing, it is necessary to carry out recording activities on the list of entries. In detail, the types of Land Administration services are as follows:¹⁷

1. Application for registration of customary land certificates of origin (conversion). The conditions are:
 - 1) Fill out the application form
 - 2) Certificate of origin (grants, inheritance and so on) made before 24 September 1960 (Minister of Agrarian Regulation No. 2 of 1962 Articles 2 and 3; proof of Land Product Tax rights / VI or letter of granting rights from authorized agencies or ; according to the provisions of the Decree of the Minister of Home Affairs No. SK. 26/DDA/1970 for areas where PHB/VI has not been collected on 24-1960, it is enough with the original letters of sale and purchase, grants and so on).
 - 3) Kikitir/Kohir/Girik issued before 24 September 1960 or a photocopy of book C, Desa/Kecamatan which has been legalized (SK.26/DDA/1970).
 - 4) Information from the Village Head/Lurah confirmed by the Camat.
 - 5) A statement letter that is not in dispute, is not guaranteed and has never been made a certificate, which is legalized by the Village Head/Lurah and Camat.
 - 6) The applicant's ID card is still valid.
 - 7) Certificate of Land History from the Village/Camat Head (1003).

¹⁶ Undang-undang N0. 05 Tahun 1960 (Lembaran Negara Tahun 1960 No. 104) tentang Peraturan Dasar Pokok-pokok agraria, disebut Undang-undang Pokok Agraria (UUPA) Pasal 19

¹⁷ Soemarjono, Maria, S.W, Kebijakan Pertanahan antara Regulasi dan Implementasi, (Jakarta : Penerbit Buku Kompas, 2005), hal 89

- 8) Zegel's Certificate and Statement are missing (1002).
- 9) Full payment receipt for the last year's PBB.
- 10) Pay the registration fee (D1 301)

After the requirements 1 to 10 are complete and the engraving is completed, the application will be announced for 2 (two) months. The problem with the conversion of customary land is mainly in the assessment of the land documents submitted to complete the requirements for the conversion application and the applicant.¹⁸

As testing data, a certificate of land history is included from an outside IPEDA Office, but since the Minister of Finance in 1987 issued a circular prohibiting each tax office from issuing land history information, then the focus is on information on land history from the Lurah or Camat.¹⁹

2. Application for a replacement certificate due to loss The conditions are:
 - 1) Fill out the application (DI 1003).
 - 2) Application letter to obtain a second/replacement certificate.
 - 3) Statement letter on stamp duty stating that:
 - a. The certificate is completely lost.
 - b. It has never been pledged to a bank or individual, either officially or privately.
 - c. Not controlled by other parties and not in dispute.
 - d. And will report back if the lost certificate is found.
3. Letter of evidence of loss report from the police.
 - 1) Photocopy of the last year's PBB.
 - 2) Pay a predetermined fee.
 - 3) The loss pursuant to Article 23 of Government Regulation Number 10 of 1961 must be announced in newspapers for 2 consecutive months to give opportunity to those who object to the announcement of the loss announcement.
4. Application for certificate of separation (transfer of name) The conditions are:²⁰
 - 1) Filler of application (DI 1003).
 - 2) Submit the original certificate.
 - 3) PPAT Deed (sales and purchases, grants, inheritance).
 - 4) Photocopy of ID card.
 - 5) Copy of PBB last year.
 - 6) Pay a predetermined fee.
5. Application for roya/roya with replacement of certificate due to regional expansion. Conditions:
 - 1) Fill out the application (DI 1003).
 - 2) A letter of determination of roya from the creditor.
 - 3) Hypotheek certificate/CV.
 - 4) Land title certificate.
6. Registration of name transfer due to transfer of rights/buying and selling Conditions:²¹
 - a) Application for transfer of rights by filling out the form (DI 1003).
 - b) The deed of sale and purchase drawn up before the PPAT, the PPAT notary, is made in 2 copies, one of which has sufficient stamp duty.
 - c) Bring the land certificate.

18 Soemarjono, *ibid*, hal. 90

19 Surat Keputusan Menteri Dalam Negeri (MDN) No. 26/DDA/1970)

20 Badan Pertanahan Nasional, *Himpunan Karya Tulis Pendaftaran Tanah*, Jakarta : Maret 1989

21 Badan Pertanahan Nasional, *Himpunan Karya Tulis Pendaftaran Tanah*, Jakarta : Maret 1989

- d) Fill out the form and sign to get permission for the transfer of rights (Minister of Agrarian Regulation Number 14 of 1961).
- e) Fill out the land ownership declaration form (Decree 59/DDA/1970) in duplicate, including sufficient stamp duty.
- f) Attach a letter of Indonesian citizenship / Letter of Change of Name.
- g) Articles of Association (Legal Entity), Supplement to the State Gazette, Seller (for Legal Entities).
- h) Power of attorney to administer (sufficient stamped), if administered by another party.
- i) Photocopy of KTP/PBB.
- j) Pay the registration fee and transfer of rights (transfer of name) to the Regulation of the Minister of Home Affairs Number 2 of 1978.

Since September 24, 1989, the form of the PPAT Deed is based on the Regulation of the Head of the National Land Agency Number 6 of 1989, the types are as follows:

- 1) Deed of Sale and Purchase;
- 2) Grant deed
- 3) Deed of exchange;
- 4) Deed of capital entry;
- 5) Deed of separation and division;
- 6) Hypotheek Deed;
- 7) Verband Credit Deed;
- 8) Fiduciary Deed
- 9) Deed of Granting of Rights on Ownership.

The issuance and sale of PPAT deeds since August 1, 1989 based on the Circular of the Head of the National Land Agency dated August 1, 1989 Number. 640-2902 is no longer carried out freely but is limited, namely that only PPAT can purchase PPAT Deeds after submitting a written request to the Post Office.

7. Registration of transfer of rights due to inheritance The conditions are:²²

- 1) The beneficiary must attach a certificate of inheritance made by the authorized agency/office: District Court or other competent government agency.
- 2) Bring the inherited land certificate.
- 3) The beneficiary fills out the form for the statement of land ownership that he already owns (agrarian country regulation number 14 of 1961).
- 4) Indonesian citizenship certificate, if a descendant citizen.
- 5) A copy of the ID card of the heirs,
- 6) Sign of payment of PBB payment.
- 7) Pay the registration fee and transfer of rights (bali name).

C. Complete Systematic Land Registration is free, without complicated bureaucracy. Check out the terms and how to make it below.

In Indonesia, cases of land disputes and land disputes often occur. This is actually not surprising, because a lot of land is not registered with the local land agency. In other words, there are still many people's lands that do not have a legal title or certificate of ownership.

One of the problems that often occurs is land claims by other parties because the original owner does not have complete documents. In response to this problem, the Government in the end created a

²² Badan Pertanahan Nasional, *Himpunan Karya Tulis Pendaftaran Tanah*, Jakarta : Maret 1989

PTSL (Complete Systematic Land Registration) program. PTSL has been regulated in Presidential Instruction (Inpres) No. 2 of 2018.

This free program has been running since 2018 and is planned to last until 2025. Well, for those of you who don't have a land certificate, of course you don't want to miss this opportunity. PTSL which is a free certification program from the government, this is because there are still many uncertified lands. In addition, the slow process of making land certificates has been a concern of the government, so that through the ministry of ATR/BPN the National Priority Program was launched in the form of accelerating the Complete Systematic Land Registration.

Complete Systematic Land Registration or PTSL is the first land registration process. Reporting from the Ministry of Communication and Information of the Republic of Indonesia, the program is carried out simultaneously throughout Indonesia for all land registration objects that have not been registered in a village/kelurahan area or simultaneously with it.

PTSL, which is very popular in the community with the term land certification, is fully guaranteed by the government regarding legal certainty and legal protection for land rights owned by the community. The benefits of PTSL for you homeowners who are not certified? Of course, this program benefits you as an asset owner. Land that is not registered with the land agency is at risk of problems or disputes. The clearest example is the struggle for land that often occurs in various parts of Indonesia, both disputes between families and businessmen, BUMN, and the government.

To avoid this unwanted dispute, you can claim the land you own with complete documents. So, you are legal in the eyes of the law as the owner of the land. Having a land certificate also makes it easier for you to license business and development on the land. If you want to own land with secure papers.

Although it is free, PTSL application still requires the completeness of certain documents. This program still requires you to meet the requirements proposed by the government. The following are the requirements that must be met by the applicant. PTSL (Complete Systematic Land Registration) submissions are as follows:²³

1. Resident Documents in the form of Family Cards (KK) and Identity Cards (KTP)
2. Land certificate which can be in the form of letter C, Sale and Purchase Deed, Grant Deed or Minutes of Testimony, etc.
3. Attached land boundary markers. Keep in mind, this land boundary sign must have obtained the approval of the adjacent land owner.
4. Proof of deposit of Acquisition Duty or Land and Building Rights Certificate (BPHTB) and Income Tax (PPh)
5. Application Letter or Participant Statement Letter

In 2020, the government has targeted to certify 10 million plots of land, this number has increased compared to last year's 9 million certificates. Of course this is a breath of fresh air for those of you who want to certify this year. Through the Complete Systematic Land Registration (PTSL) program, land certificates will be distributed.²⁴ The Ministry of ATR/BPN also plans to make land certificates electronic and re-evaluate all previously verified land. It is hoped that by 2025 all land in the territory of Indonesia has been verified.

III. CLOSING

From the discussion of the land administration process in the material above, the author can con-

23 <https://www.rumah.com/panduan-properti/urus-pts1-kini-gratis-ini-syarat-dan-cara> membuatnya

24 Sumber Badan Pertanahan Nasional

clude that in the whole process there are many subs in which there are conditions that can support the smooth process of the land administration. Land administration activities are formed so that land administration activities run smoothly and are structured in their implementation. If there is no administrative structure in land, then the division of tasks will not be carried out properly and regularly.

The problems that will be faced will be increasingly complex so that little by little it is necessary to change and remove the pattern of the mechanism. For example: the procedure for recognizing evidence of old land rights whose management still exists in agencies outside the land office. For example, signs of girik, kohis and so on need to be emphasized that legally it is no longer evidence of land rights but only proof of tax payments.

This is necessary because many people are harmed because of the wrong assumptions about the above. As a result of the development of large urban communities, the land service system must be implemented more openly while still being guided by the principles of easy, cheap, fast, and definite, supported by adequate human resources and supported by appropriate technology.

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