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# The 2nd Proceeding "Indonesia Clean of Corruption in 2020"



"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



**IMAM AS SYAFEI BUILDING**  
Faculty of Law, Sultan Agung Islamic University  
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

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# IMPLEMENTATION OF ACCELERATION SYSTEMATIC LAND REGISTRATION FULL IN HUMBANG HASUNDUTAN DISTRICT

**Ruslan**

Student of Doctoral Program Faculty of Law Sultan Agung Islamic University

Email : [tobasaruslan@yahoo.co.id](mailto:tobasaruslan@yahoo.co.id)

**Djauhari**

Doctoral Program Faculty of Law Sultan Agung Islamic University

Email : [djauhari@unissula.ac.id](mailto:djauhari@unissula.ac.id)

## **Background**

Land has a very important role for the community as a place of development and also the people's livelihood, especially in the state of Indonesia as the State Agriculture, so that the State Constitution RI Tahun 1945 Article 33 paragraph (3) states that: "Earth, water, space, and wealth nature contained in it are controlled by the State and used for the greatest prosperity of the people ". As a follow up of Article 33 paragraph (3) that on September 24, 1960, enacted Law No. 5 of 1960 on Basic Regulation of Agrarian called by its official acronym BAL. Article 19 of Law No. 5 of 1960 stipulates that "to ensure legal certainty by the Government held land registration throughout the territory of the Republic of Indonesia in accordance with the provisions stipulated by Government Regulation", which was followed up with a given title deed as proof and evidence right, because it can ensure legal certainty for everyone. Then BAL is described by the issuance of PP 10 of 1961 on registration of land and replaced by Regulation No. 24 of 1997 on Land Registration Jo Minister of State for Agrarian Affairs / Head of National Land Agency No. 3 of 1997 on the Implementation of Government Regulation No. 24 of 1997 on Land Registration and based on Indonesian Presidential Regulation No. 17 of 2015 of the Ministry of Agricultural and Spatial jo Indonesian Presidential Regulation No. 20 Year 2015 concerning the National Land Agency, the Ministry of Agricultural and Spatial Planning / National Land Agency (KATR / BPN) is assigned to carry out government affairs in the area of land that is responsible to the Coordinating Ministry of Economic Affairs. Mentioned legal certainty in land registration is given a letter of proof of land rights called the title deed to the parties concerned as proof and evidentiary tool for rights to lands that held them. Implementation of registration of land in modern society is the duty of the State carried out by the government for the people's interest in ensuring legal certainty in the field

of land. Right to control the state for land, water and air space in Indonesia is the devolution of the elements of the public of the rights of the nation, while the right of the people on the earth, water and air space of Indonesia, is a right of the people of Indonesia, as Haqul of God given to Haqul Adam (Indonesian people).

That until the moment of registration of land in Indonesia has reached  $\pm$  54 (fifty-four) million plot of  $\pm$  85 (eighty-five) million parcels of land (data from the Center for Data and Information Land November 11, 2015) because since 1981 carried out land registration the first time en masse on the issuance of certificates of land rights as a letter of proof of the rights which a proofing tool that is powerful, through the Strategic Program as Prona, Agricultural land, fisherman, Micro, Small, Low-Income Communities, redistribution of land, Consolidation Land, Transmigration and others which are land development activities for Indonesian citizens or legal entities / social and religious organizations, preferred to the economically weak to medium. 2017 has been issued Regulation of the Minister of Agriculture of Dan Spatial / Head of National Land Agency Number 1 Year 2017 on the Acceleration of the Implementation of the Land Registration Systematic Full of Changes to the Regulation of the Minister of Agriculture and Spatial Planning / Head of National Land Agency No. 35 Year 2016 on the Acceleration implementation of the land Registry Systematic Complete, which aims to provide legal certainty and legal protection of land rights of the people in a fair and equitable, and promote economic growth in general and the people's economy in particular, as well as reduce the incidence of land disputes in the future so it needs to be accelerated registration complete a systematic land in all regions of the Republic of Indonesia, especially in Humbang Hasundutan.

### **Legal Basis**

Land registration carried out pursuant to Act No. 5 of 1960 About the Basic Regulation of Agrarian Affairs, Government Regulation No. 24 of 1997 on Land Registration, Government Regulation Number 128 Year 2015 regarding Type and Tariff on non-tax revenues applicable to the Ministry of Agricultural and Spatial Planning / National Land Agency, Minister of State for Agrarian Affairs / Head of National Land Agency No. 3 of 1997 on the Implementation of Government Regulation No. 24 of 1997 on Land Registration, Minister of State for Agrarian Affairs / Head of National Land Agency No. 9 of 1999 on Procedures for Granting and Cancellation rights to the State Land and rights Management, Regulation of the National Land Agency No. 1 of 2010 on Service Standards and Regulation of Land, Head of

BPN Regulation No. 2 Year 2013 About the devolution of authority to grant landrights and Activities Land Registration, Regulation of the Minister of Agriculture and Tata Ruang / Head of National Land Agency No. 1 Year 2017 on the Acceleration of the Implementation of Complete Systematic Land Registration Regulation on the Amendment of the Minister of Agriculture and Spatial Planning / Head of National Land Agency No. 35 Year 2016 on Accelerating the Implementation of Systematic Land Registration Complete. and other regulations.

### **Objectives and Principles and Benefits.**

In Article 1 (1) of Government Regulation No. 24 of 1997 declared the meaning of the Land Registry is a series of activities undertaken by the Government of continuous, sustainable and teratus, include the collection, processing, bookkeeping, and presentation as well as the maintenance of physical data and juridical , in the form of maps and lists, on plots and units of flats, including providing proof of their right letters for plots of existing rights and ownership of the apartment units as well as certain rights which encumber. Purpose of implementation of land registration under Article 3 of Government Regulation No. 24 of 1997, as ordered Article 19 BAL are:

- a. To provide legal certainty and legal protection to rights holders to land, apartment units and other rights registered in order to easily be able to prove himself as the holder of the rights in question;
- b. To provide information to the parties concerned, including the Government that can easily acquire the necessary data in performing legal acts concerning land parcels and units of flats terd afar;
- c. To ensure that the orderly administration

According to Arie S. Hutagalung in positive publicity system, people who register as holders of land rights can not be contested again right, in this system the State as the registrant ensure registration of land that has been done is correct. Meanwhile, according to Mertokusumo Sudikno stated that the positive publicity system is the certainty of the land book are absolute, implementation of land registration is active and conscientious, the mechanism of action in issuing land rights certificates are easy to understand others. The certainty of the law in question is the certainty of juridical data which includes information on the legal status of land and apartment units were registered, the rights holder and the rights of others as well as

loads of other burdens, as well as uncertainty about the physical data is information regarding the location, boundaries and outside the plot and the didaftarnya apartment units, including information on their buildings or parts of buildings on it.

Protection of the law in question is the legal protection to beneficiaries of land rights because for no proof of the contrary, physical data and juridical data contained in the certificate must be accepted as true, either in a legal act everyday as well as in the dispute in court and things this in Constitutional Law known as the principle of the presumption of *justae causa* (a decision of the State Administration should be right along there is no decision to cancel it)

Thus the legal certainty covering certainty about the person or legal entity that owns the rights of so-called certainties regarding the subject of rights and certainty regarding the location, boundaries and vast areas of land called certainties regarding the rights object. Azas Land Registry Land Registry conducted based on "the principle is simple, safe, affordable, advanced and open". The principle is simple intended that the provisions of the essence and the procedure can easily be understood by the parties concerned, especially land-rights holders. Secure the principle is intended to show that the land registration should be organized carefully and meticulously so that the results can provide legal guarantee to the purpose of registration of the land itself. The principle of affordability affordable intended for those in need, especially with regard to the needs and capabilities of the weak economy, the service must be affordable for those who need. The principle of completeness sufficient for the purpose advanced in the implementation and continuity in data maintenance and data provided must show the latest data (latest data). The principle of open said people concerned may obtain the correct information at all times.

The benefits of the convening of land registration for the parties concerned are:

- a. The benefits for rights holders.
- b. Benefits for the government.
- c. Benefits for prospective buyers or lenders.

For prospective buyers or lenders can easily obtain a clear explanation of the physical data and juridical data of land that will be the object of a legal act on the ground. The object of land registration are as follows: plots that dipinyai Properties, leasehold,

Broking, Right to Use, Land Management Rights, Land Endowment, Hak Up Unit Housing, Mortgage, State Land.

Accelerating the implementation of Systematic Land Registration Complete (PTSL) Land Office Humbang Hasundutan

Based on data from the Land Office Humbang Hasundutan number of parcels that have been registered (bersertipikat) in Humbang Hasundutan until December 31, 2016 as many as 15 542 fields with total area of 72,965,636 M2 consisting of as many as 15 349 Property Rights Division, as much Broking 20 field and the right to use as much as 173 fields, Given the entirely 251.765.93 Humbang Hasundutan Ha and based on the data while at the Land Office Humbang Hasundutan number of parcels in Humbang Hasundutan as many as 117 265 field, so when compared to the parcels of land registered, then there are approximately  $\pm$  85% parcels of land that have not been registered.

In 2016 the Land Office Land Humbang Hasundutan implement land registration through the Strategic Program Legalization of Assets Prona 2,000 Field, Small Micro 301 Field, State Property by 4 fields, HKBP based MoU as many as 27 fields (up to now 39 Sector ) as well as non-governmental 268 field for a total of 2,600 plots of land disertipikat as many fields.

For activities Strategic Program Legalization of Assets Prona and Micro, Small and 2016 as well as regular activities have been submitted as many as 1,000 fields to the community at Humbang Hasundutan on 26 December 2016 during Christmas event National Humbang Hasundutan by the Coordinating Minister maritime RI Gen. (ret ) Luhut Binsar Panjaitan assisted Gubsu HT Erry Nuradi, Trade Minister Enggartiasto Lukita, and Vice Chairman of the Commission Saut Situmorang symbolically awarded to six community representatives to Prona, MSE, government Humbang Hasundutan, HKBP, the Catholic Church and the Land Endowment and the rest is taken directly by the people in the Land Office Humbang Hasundutan.

In 2017 the Land Office Humbang Hasundutan will conduct the Land Registry Systematic Complete (PTSL) and today PTSL Land Office Humbang Hasundutan not yet fully implemented in pure, because the target activity are scattered in several villages implementation of sporadic, through Prona 500 Field , 700 Agricultural Land and Land Consolidation activities as much as 100 fields, so the total certificates to be issued 1,300 field,

Land Consolidation in North Sumatra province only in Humbang Hasundutan, which is a cross-sectoral activities, so it is an honor for us and also a test for us to do that because it will be an example for other districts.

The entire financing of land registration activities in Humbang Hasundutan APBN charged to DIPA Year 2017 Land Office Humbang Hasundutan and DIPA Year 2017 BPN Regional Office of North Sumatra Province for Land Consolidation activities. In improving land services to the people of the Land Office Humbang Hasundutan uphold the motto that has been made, namely: "Serving With Thoughtful, Intelligent, Creative and Glad Enable" which is also the motto of the Ministry of Agrarian And Spatial / National Land Agency, so that the land can be properly -Right be living space equal and sustainable. Government by 2025 hopes that all parcels of land in the territory of the Republic of Indonesia, including Humbang Hasundutan must be registered, through the Acceleration of the Implementation of the Land Registry Systematic Complete in accordance with the Regulation of the Minister of State ATR / KBPN No. 1 of 2017 Jo regulation ATR / KBPN No. 35 2016. the purpose of Systematic land Registration Complete is a land registration activities for the first time carried out simultaneously for all objects in the land registration throughout the village / sub-district level or other name to it, which involves the collection of data and the determination of the truth of physical and juridical concerning one or several objects registration of land for the purposes of registration.

PTSL is to accelerate the provision of legal certainty and legal protection of land rights of the people for certain, simple, fast, smooth, safe, fair, equitable and open and accountable, so as to improve the welfare and prosperity of the people (Article 1 (1) Candy ATR / KBPN No. 1 of 2017). The expected support of the Local Government and Communities

In order to speed up implementation of Systematic Land Registration Complete (PTSL) in Humbang Hasundutan, then Humbang Hasundutan Land Office is expecting the support of the Government Humbang PTSL Hasundutan for this successful event :

- a. Socializing activities PTSL to Humbang Hasundutan across Government and society.
- b. The availability Map Village Regional Administration and Rural Limit Signs on the field for the Conduct of Land Administration.

- c. Appealing to the sub-district and village chief / village in order to pro-actively and fully support the implementation of PTSL provide facilities and encourage people to complete the proof of acquisition or possession of the land for the completeness of the application for registration of land rights.
- d. Providing grants the necessary infrastructure in the implementation PTSL such as Total Station, Global Position System (GPS)

With the implementation of activities PTSL expected that all land parcels in Humbang Hasundutan registered, it can be a supporter of capital for society, the creation tongue Land Administration, reduce problems, disputes and konplik land and will also increase revenue (PAD) in Humbang Hasundutan with participation active people pay BPHTB, Income Tax, and the United Nations.

In addition to government support Humbang Hasundutan also the active participation of the community determine the success of the implementation of PTSL so hopefully people proactively to :

- a. Preparing letters of mastery / acquisition of land under its control (Purchase, Panjajaan, Grant, Waris, etc.).
- b. Installing markers / monuments mark each plot which has been approved by the parties that border.
- c. Implement land distribution undivided common property or inheritance of land that has not been distributed.
- d. Resolve issues / land disputes both individual / family / group / clan by prioritizing consensus.

### **Cover**

With the implementation of the Acceleration of the Land Registry Systematic Complete The Government hopes in addition to the creation of an orderly administration of land also will create a climate and comfort of investing for investors and bolster capital for the community because there is legal certainty and legal protection of land rights of the people, as well as reduce the incidence of land disputes in future day, so as to improve the welfare and prosperity of society, especially the people in the Humbang Hasundutan.



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