

FULL SYSTEMATIC LAND REGISTRATION PROCEDURE (PTSL) IN DENPASAR CITY LAND OFFICE

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ABSTRACT

The problem described in this study is about how the procedure for Complete Systematic Land Registration (PTSL) at the Denpasar City Land Office is and how is the implementation of Complete Systematic Land Registration (PTSL) at the Denpasar City Land Office. The research method used in this thesis is the type of empirical research, namely research that conducts observations and conducts research directly into the field in this case, namely at the Denpasar City Land Office. The results of the research are the procedures for implementing the Complete Systematic Land Registration (PTSL) program carried out by the Denpasar City Land Office including (a) planning and preparation, (b) determining the location of activities, (c) formation and determination of the adjudication committee, (d) conducting counseling activities, (e) collecting physical data and juridical data on land parcels, (f) researching juridical data and proof of rights, (g) announcement of physical data and juridical data and their ratification, (h) issuance of a decision on affirmation/recognition of land rights, (i) bookkeeping of rights, (j) issuance and submission of land rights certificates, (k) processing of paperwork or documents and (l) reporting. Implementation of the Complete Systematic Land Registration (PTSL) carried out by the Denpasar City Land Office, namely when viewed from standard indicators and policy targets, human resources, communication between organizations, characteristics of implementing agents, social, economic and political conditions have been going well, This is evidenced by the fact that 12,607 plots of land have been certified and have been mapped, even if the Denpasar City Government is planning development, it can be seen from the land registration map to the number of land parcels owned. Maps are displayed online.

Keywords: Complete Systematic Land Registration, Denpasar City Land Office.

1. PRELIMINARY

Law Number 5 of 1960 concerning Basic Agrarian Regulations in Article 19 states that in order to guarantee legal certainty by the government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions stipulated by government regulations. The registration includes (1) measurement, mapping and bookkeeping of land, (2) registration of land rights and the transfer of these rights, (3) issuance of letters of proof of title, which are valid as a strong means of proof (FX Sumarja, 2015:17). Land registration is carried out keeping in mind the condition of the State and society, the need for socio-economic traffic and the possibility that every inch of land in the eyes of agrarian law must have clear status of rights and holders of rights. For example, Freehold land is clearly not state land and the criteria are different from land with building use rights, usufructuary rights and usufructuary rights. Likewise anyone who may control or own it and the allotment of land use has different criteria. Freehold land or other land rights must be registered at the land offices (BPN). Evidence that the land has been registered is a land certificate which is also proof of the owner's control or ownership of the land. The government's goal of holding land registration and issuing certificates is one of the manifestations of the intended purpose of land registration. Law Number 5 of 1960 concerning Basic Agrarian Regulations through Article 19 mandates that the government carry out land registration for the entire territory of the Republic of

Indonesia and that land rights certificates are strong evidence of a possession or ownership of land (FX Sumarja, 2012: 9-10). The government requires that land registration and issuance of certificates is one of the manifestations of the intended purpose of land registration. Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations stipulates that the government shall carry out land registration for the entire territory of the Republic of Indonesia and that certificates of land rights constitute strong evidence of a possession or ownership of land. Article 3 Government Regulation Number 24 of 1997 concerning Land Registration, explain the purpose and use of land registration and one of its products is called a certificate of land rights. To provide legal certainty and legal protection to holders of rights to a plot of land, flats and other registered rights so that they can easily prove themselves as holders of the rights concerned (Ali Achmad Chomzah, 2012: 23).

From the description of the problems above, several problems can be formulated, including what is the procedure for Complete Systematic Land Registration (PTSL) at the Denpasar City Land Office and how is the implementation of the Complete Systematic Land Registration (PTSL) at the Denpasar City Land Office. The formulation of the research objectives is to find out the procedures for Complete Systematic Land Registration (PTSL) at the Denpasar City Land Office and to find out the implementation of the Complete Systematic Land Registration (PTSL) at the Denpasar City Land Office.

Based on the formulation of the meaning of land registration above, it can be stated that the elements of land registration are (1) a series of activities, that the activities carried out in land registration are activities to collect both physical data and juridical data from the land, (2) by the government, that in this land registration activity there is a special agency that has authority and is competent, BPN (National Land Agency), (3) regularly and continuously, that the process of land registration is an activity based on statutory regulations, and this activity carried out continuously, not stopping until someone gets proof of rights, (4) land data, that the first result of the land registration process is, physical data and juridical data are produced. Physical data contains data about land, among others, location, boundaries, building area, and plants on it. While the juridical data contains data regarding the rights, among others, what rights, the holders of the rights, (5) the area, can be the territory of the registration administration unit, which covers the entire territory of the State, (6) certain lands, related to the object of the land registration, (7) evidence, there is evidence of ownership of rights in the form of a certificate (Boedi Harsono, 2013:73). The authority obtained by attribution is original in nature originating from the laws and regulations. Government organs obtain authority directly from certain articles in a statutory regulation. In attribution, The recipient of authority can create new authority or expand existing authority with internal and external responsibilities for the implementation of fully attributable authority. The authority in implementing the Complete Systematic Land Registration (PTSL) at the Denpasar City Land Office is the authority of the central government in this case the Minister of Agrarian Planning / Head of the National Land Agency to provide legal certainty and legal protection of people's land rights in a definite, simple, fast manner , smooth, safe, fair, equitable and open and accountable, so as to improve the welfare and prosperity of society (Bagir Manan, 2009:10).

2. RESEARCH METHODS

The method used in this study is an empirical research method, which is research that focuses on community behavior (law in action), and requires primary data as primary data in addition to secondary data (legal material). Empirical understanding is notions of truth according to empirical understanding based on various aspects of experience, and usually refers to sensory experience. Empirical understandings in a certain sense view propositions as predictive or hypothetical, and view the truth of proportions as the fulfillment of those predictions. This causes truth to become a subjective and relative understanding. Truth that becomes dynamic and uncertain,

rather than absolute and static. Such characteristics depend on what is predicted by the proposition in question. Empirical legal research data sources are obtained through primary data as the main data and secondary data in the form of legal materials used as support. Primary data is data that is directly obtained from respondents or sources about the object under study, while secondary data is in the form of primary legal materials covering statutory regulations, and secondary legal materials covering books, research results, legal journals, legal opinions and so on.

The primary data used in this study are (1) data from the Denpasar City Land Office and (2) interviews with informants, namely the Head of the Land Legal Relations Section at the Denpasar Land Office, Analysis of Land Rights Applications and Land Registration at the Denpasar City Land Office. , Measurement Officer (Measurement Coordinator) at the Denpasar City Land Office, Head of the Infrastructure Section at the Denpasar City Land Office. The secondary data used in this study uses primary legal materials, secondary legal materials, primary legal materials including: (1) the 1945 Constitution of the Republic of Indonesia, (2) Law Number 5 of 1960 concerning Basic Basic Regulations -Agrarian Tree,

Data collection was carried out using legal material data analysis techniques by conducting direct research into the field to obtain data directly using interview techniques and direct data collection in this case at the Denpasar City Land Office. Primary data was obtained through direct research into the field using the interview method and collecting data from respondents to obtain indicators regarding the Complete Systematic Land Registration (PTSL) procedure at the Denpasar City Land Office.

The paper presented in this thesis uses data processing and analysis techniques by qualitative analysis. The collected legal material is then presented in the form of descriptive scientific writing, namely presentation by describing in full the particular aspects related to the issue to be discussed, then analyzed to obtain the truth.

3. RESULTS AND DISCUSSION

Land registration based on Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration is a series of activities carried out by the government continuously, continuously and regularly, including collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data in the form of maps and lists. , regarding land parcels and apartment units, including the issuance of certificates of proof of rights for land parcels that already have rights and ownership rights to apartment units as well as certain rights that encumber them. This is also similar to what is contained in Article 1 paragraph (1) of 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). In order to provide legal certainty to landholders in this government regulation, confirmation is given regarding the extent of the strength of certificate proof, which is stated as a strong means of proof by Law Number 5 of 1960 concerning Basic Agrarian Regulations. For this reason, it is stipulated that as long as the juridical data included in the certificate must be accepted as correct data, both in day-to-day law-making and in court disputes. In accordance with Article 32 paragraph 1 of Government Regulation Number 24 of 1997 concerning Land Registration, namely as long as the data is in accordance with what is stated in the measurement letter and the land book concerned that people cannot claim land that has been certified on behalf of another person or legal entity,

The object of the Complete Systematic Land Registration (PTSL) includes all land parcels without exception, both land parcels that do not yet have rights to the land or private land parcels, whether they are government/regional government asset land, state-owned company land/regional-owned company land. , village land, state land, customary law community land, forest areas, land reform objects,

transmigration land, and other plots of land (Pransisca Romana Dwi Hastuti. 2015: 13). The implementation of the Complete Systematic Land Registration (PTSL) program procedures carried out by the Denpasar City Land Office includes:

- 1) Planning and preparation
Implementation planning through Complete Systematic Land Registration (PTSL) activities with programs or activities:
 - a. Cross-sector certification program.
 - b. Community self-help mass certification program.
 - c. Programs or activities for mass certification of land redistribution for land reform, land consolidation and transmigration objects.
 - d. Other mass certification programs or activities, or a combination of several or all of the activities as referred to in letters a to d in accordance with the provisions of laws and regulations. Meanwhile, the preparation includes facilities and infrastructure for the implementation of Complete Systematic Land Registration (PTSL), human resources, transportation needs, coordination with other government officials and budget allocations.
- 2) Determination of the location of the Complete Systematic Land Registration (PTSL) activity
In the context of efficiency and effectiveness in the implementation of Complete Systematic Land Registration (PTSL), the head of the Denpasar City Land Office gradually determines the location of the target distribution which is concentrated in several villages/kelurahan as well as sub-districts and districts/cities within one province.
- 3) Formation and determination of the Adjudication Committee for Complete Systematic Land Registration (PTSL). Before carrying out their duties, the Adjudication Committee for Complete Systematic Land Registration (PTSL) and the task force must take an oath before the official who appointed them.
- 4) Counseling
Counseling was carried out by the Head of the Land Office of Denpasar City along with the Complete Systematic Land Registration (PTSL) adjudication committee, the physical task force and the juridical task force. This counseling is carried out by providing at least an explanation regarding the benefits for the community, government and the state for the results of the implementation of Complete Systematic Land Registration (PTSL) activities.
- 5) Collection of physical data and juridical data on land parcels
The collection, processing and maintenance of physical data and juridical data on determination of rights and land registration using checklists, blanks, maps and other lists as well as entries or entries in the application are in accordance with the provisions of laws and regulations by adjusting the needs of Complete Systematic Land Registration activities (PTSL).
- 6) Research on juridical data and proof of rights
The collected juridical data is analyzed by the PTSL adjudication committee regarding ownership data that shows the legal relationship between participants in a complete systematic land registration and the object of a complete systematic land registration either written evidence, witness statements or statements in question.
- 7) Announcement of physical data and juridical data and their approval
In proving land ownership, juridical data and physical data of land parcels and maps of land parcels are announced on a bulletin board at the Land Office, Kelurahan or Village Office and RT/RW Secretariat of the location of the land parcels for 14 (fourteen) working days with the aim of known to the general public and provide an opportunity for interested parties to convey their objections if there are objections. The results of the announcement are ratified in the minutes of the results of the announcement by the PTSL adjudication

committee.

- 8) Issuance of decisions on affirmation/recognition and granting of land rights
Based on the minutes of the announcement of the results of the PTSL adjudication committee in the juridical field, the text of the decision on the determination of rights and the decision on affirmation/recognition of rights shall be signed by the chairman of the PTSL adjudication committee.
- 9) Bookkeeping rights
The PTSL adjudication committee in the juridical field prepares or prints the land book and the chairman of the PTSL adjudication committee signs the land book.
- 10) Issuance and submission of certificates of land rights
The PTSL adjudication committee in the juridical field prepares/prints a certificate of land rights, the Head of the Land Office signs the certificate of land rights or can delegate the authority to sign the certificate to the chairman of the PTSL adjudication committee. The PTSL adjudication committee submits a certificate of land rights to the right holder or his proxies by recording it in the certificate submission list.
- 11) Warkah or document processing
All documents or physical and juridical data documents that have been used in the adjudication process and have been properly documented along with the minutes of handover from the PTSL adjudication committee to the Head of the Land Office at the end of their working period and before leaving the location for a complete systematic land registration.
- 12) Reporting
Reports on the implementation of the PTSL adjudication committee are carried out in stages and periodically from the Land Office to the Head of the Regional Office then to the Ministry of Agrarian Affairs and Spatial Planning or the National Land Agency using the Land Service Quality Constraints System (SKMPP). Reports on the progress of the physical work on the implementation of complete systematic land registration in the juridical field apart from being carried out through the Land Service Quality Constraint System (SKMPP) are also carried out periodically to the Minister of Agrarian Spatial Planning/Head of the National Land Agency cq Directorate General of Agrarian Law Relations with regard to the problems that are summed up in each stage activity.

Implementation is a process that involves a number of resources including human, financial, organizational capabilities, both by the government and by the private sector (individuals or groups to achieve goals that have been previously set by policy makers). As an approach to decision-making that takes into account both fundamental and incremental decisions and provides the top order for the fundamental policy-making process that provides the basic direction and the incremental and policy-making processes that pave the way for those decisions to be reached (Solichin Abdul Wahab , 2011:19). Policy implementation in principle is a way for a policy to achieve its goals and implement public policies, there are two choices of steps that exist, namely directly implementing in the form of a program or through the formulation of derivative policies or derivatives of these public policies. The series of policy implementations can be clearly observed, starting from the program, to the project, and to the activity. Policies are derived in the form of programs which will later be carried out in the form of projects and finally manifest in activities carried out by the government, the community, or in collaboration with the community. To realize this, the Ministry of Agrarian and Spatial Planning/Head of the National Land Agency stipulates 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). that is :

- 1) Complete Systematic Land Registration
 - a. Villages or sub-districts with Complete Systematic Land Registration (PTSL) by selecting several villages/kelurahans where the number of unregistered land parcels is small or which can be financed with the existing budget.
 - b. City or district Complete Systematic Land Registration (PTSL) for cities or districts where the number of unregistered land parcels is less than 10,000 land parcels or a certain number of land parcels that can be financed with the existing budget.
- 2) Sporadic Land Registration is a grouping towards a complete systematic step by step village by village and village by village within the sub-districts in each city or district.

In relation to the efficiency and effectiveness of the implementation of Complete Systematic Land Registration (PTSL), the head of the Land Office sets the target for distributing Complete Systematic Land Registration (PTSL) which is concentrated in several regencies/cities within one province in stages by taking into account and considering the availability of adequate human resources. exist within the land office and the regional office of the National Land Agency. In connection with the determination of the location as contained in Article 5 of 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) it is said that the Head of the Land Office determines the location of Complete Systematic Land Registration (PTSL) in work area. The location determination is sought in villages/kelurahans where the object of Complete Systematic Land Registration (PTSL) is located nearby. The end result of this Complete Systematic Land Registration (PTSL) activity is the issuance of a decision to grant land rights. Bearing in mind that this preamble states that in order to provide guarantees of legal certainty and legal protection of people's land rights in a fair and equitable manner and to encourage the growth of the country's economy in general and the people's economy, the recipient of a land title certificate is not or has not been able to pay the Cost of Acquisition of Land Rights and Building (BPHTB) and there are still arrears of PPh payments by other parties on the land in question, the issuance of certificates of land rights is still carried out with the following conditions:

- 1) The recipient of the rights submits the original proof of ownership.
- 2) The recipient of the right makes a statement regarding the indebted Land and Building Rights Acquisition Fee (BPHTB) or a statement of income tax payable and is recorded in the land book and certificate of land rights.

The implementation of the Complete Systematic Land Registration (PTSL) carried out by the Denpasar City Land Office, namely when viewed from standard indicators and policy objectives, human resources, inter-organizational communication, characteristics of implementing agents, social, economic and political conditions. This is evidenced by the fact that 12,607 land parcels have been certified and have been mapped, if all the land is mapped, the benefits are enormous, especially the interests of government agencies both in terms of taxation, space use permits even if the Denpasar City Government plans development it can be seen from the land registration map to the total owned land. The map is displayed online, making it easier for the City of Denpasar.

4. CONCLUSION

- 1) The procedure for implementing the Complete Systematic Land Registration (PTSL) program carried out by the Denpasar City Land Office includes (a) planning and preparation, (b) determination of activity locations, (c) formation and determination of adjudication committee, (d) counseling, (e) collection physical data and juridical data on land parcels, (f) juridical data research and proof of rights, (g) announcement of physical data and juridical data and their ratification, (h) issuance of decisions on affirmation/acknowledgment and granting of land rights, (i) bookkeeping of rights (j) issuance and delivery of certificates of land

- rights, (k) Processing of papers or documents, (l) Reporting.
- 2) The implementation of the Complete Systematic Land Registration (PTSL) carried out by the Denpasar City Land Office, namely when viewed from standard indicators and policy targets, human resources, communication between organizations, characteristics of implementing agents, social, economic and political conditions has been going well. This is evidenced by the fact that 12,607 land parcels have been certified and mapped. If all land is mapped, the benefits will be enormous, especially for the interests of government agencies, both in terms of taxation and space use permits. Even if the Denpasar City Government plans development, it can be seen from the land registration map to the number of plots of land owned. Maps are displayed online, so as to make it easier for Denpasar City.

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