



## Juridical Implications of Land Certification in the Framework of Legal Protection of Community Land Ownership

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### **Abstract**

In the Indonesian context, reconstruction of the legal politics for the land certification system has as its main goal the achievement of welfare (welfare of the state) for all people based on the principle of legal certainty and guaranteed protection (legal protection) for ownership of the land used by the people. The Act of Law Number 5 of 1960 emphasizes a land registration system that must have national land certification based on the Preamble of the 1945 Constitution of the Republic of Indonesia, IV Paragraph, and Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The legal substance of land registration adheres to the open publication system, but it still needs to be formed in order to provide more certainty, benefit, and fairness as part of the renewal of the national legal system by looking at the structure of law, law (the substance of the law), and legal culture. Preventive legal protection for landowners in the land certification system is obtained from buying and selling underhandedly in the village, namely, the government issues regulations accompanied by criminal threats, so it is an act that scares both landowners and officials related to the land ownership community, namely, Act of Law Number 224 of 1961. Repressive legal protection against landowners for land ownership can be pursued through non-litigation channels in the form of compensation for damages in the register, namely immediate indefeasible and deferred indefeasible.

**Keywords:** *Land Certification; Legal Implications; Legal Protection*

### **Introduction**

Land has economic value in the continuity of human life because it is able to produce natural resources for many people; therefore, land is said to have a strong bond with humans. This is regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that the earth, water, and natural resources in Indonesia include oil, coal, land, nickel, and other

natural resources contained in the earth or land controlled by the state to be able to protect and guarantee their use for the prosperity and welfare of the people (Wibowo, 2021).

This is reinforced by other written legal provisions contained in the Law of the Republic of Indonesia No. 5 of 1960 concerning general basic agrarian provisions (RI Law No. 5 of 1960), which emphasizes that laying down the legal basis and principles will provide certainty of rights to people's land. The government's reason for issuing this land registration policy is that the government wants to realize the main objectives of the basic agrarian law (Prihardiati, 2021).

Land registration is an arrangement of activities and activities carried out by the government on an ongoing, continuous, and/or regular basis that includes data collection techniques, data processing techniques, and presentation as well as means of maintaining physical and juridical data in the form of maps and lists regarding plots of land as well as apartment units, including the issuance of proof of title to land parcels that already have ownership rights to apartment units and the exclusive rights that charge them. Land registration can be divided into two types: systematic land registration, which is land registration carried out simultaneously, and sporadic land registration, which is land registration in a certain area, or individual and bulk land registration (Hisbullah et al., 2019).

The limited supply of land for both development activities and other human needs, as well as the unavailability of certificates as proof of land ownership, often lead to conflicts in the land sector. Implementation of land certification based on safe, simple, affordable, open, and up-to-date principles has not worked as expected (Kartiwi & Hasyim, 2019).

Some of the objectives of land registration in the implementation of land certification as stipulated in Article 19 paragraph (1) of RI Law No. 5 of 1960 confirm that the holders of land rights have the right to register their land in order to obtain a certificate of proof of valid land rights as one of the tools and instruments of strong proof as the holder of land rights (Rohman & Adisiswanto, 2021).

At the level of implementing regulations, the Government Regulation of the Republic of Indonesia Number 24 of 1997 (PP RI No. 24 of 1997) regulates the purpose of land registration, which can be classified as follows: a) providing legal certainty and protection to holders of rights over a plot of land, apartment units, and other registered rights so they can easily prove themselves as holders of the rights in question; b) providing information to interested parties, including the government, so they can easily obtain the necessary data in carrying out legal actions regarding registered land parcels and apartment units; c) carrying out an orderly land administration. Community interest is still lacking in terms of legalizing the land they own; this is because so far the process of registering certificates takes a very long time and costs a lot of money, so this has resulted in the community's awareness of making certificates for the land owned by them being very low. To overcome land problems, the government, through the Ministry of ATR/BPN, has implemented a legal policy of accelerating complete systemic land registration (hereinafter referred to as PTSL), which is a manifestation of the government's obligation to ensure certainty and protection of community land ownership.

To fulfill the principles of good governance, namely the principles of legality and certainty, the government's policy is stated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia, Number 6 of 2018, concerning Complete Systematic Land Registration (Permanent ATR/BPN No.6 of 2018) and the Instruction of the President of the Republic of Indonesia, Number 2 of 2018, concerning the Acceleration of Systematic Land Registration (hereinafter referred to as the Presidential Instruction of the Republic of Indonesia, No. 2 of 2018) throughout the territory of the Republic of Indonesia. The regulation is a reference for land-titling activities in a systematic manner (Sulistyaningsih, 2021).

The purpose of the acceleration of PTSL is to accelerate the provision of certainty and legal protection of people's land rights in a definite, simple, fast, smooth, safe, fair, equitable, open, and accountable manner so as to improve the welfare and prosperity of the community. PTSL is carried out for all objects of land registration throughout the territory of the Republic of Indonesia, covering all land parcels without exception, whether they are government or local government asset land, land for state-owned enterprises (hereinafter referred to as BUMN) or regionally owned enterprises (hereinafter referred to as BUMD), village land, state land, customary land, forest areas, land reform objects, transmigration land, and other plots of land (Jaenudin Umar, 2021).

The land certification program, by granting land certificates, is very important to provide a solution to the problem of land disputes and ensure legal protection for the community. Of course, see the opinion of Phillipus M. Hadjon, who emphasizes preventive and repressive legal protection (Phillipus M. Hadjon, 1987). Legal protection must look at the stages, namely that legal protection is born based on legal provisions, and all legal regulations given by the community are basically agreements by the community to regulate behavioral relations between community members and between individuals and the government as representatives of community interests. There are still many unregistered and uncertified lands, so the government implemented a policy by providing facilities and convenience to land rights holders in the form of relief in financing and accelerating the process of completing certificates with land registration through an adjudication team as a form of systematic land registration. Adjudication activities have an important role in systematic land registration so that the land can be certified. Adjudication is a form of activity carried out in the land registration process, including the collection and determination of the correctness of physical and juridical data regarding one or several objects of land registration. The purpose of land registration is to carry out land registration activities on land objects that have not been registered.

When the adjudication team carries out its role, several things need to be considered in the land certification process. Certificates are issued by the Office of Agrarian Affairs and Spatial Planning and the National Land Agency (ATR/BPN), located in the regency or municipal area, which registers land rights and their maintenance. The certificate is issued for the benefit of the rightful holder in accordance with the physical and juridical data that has been registered in the land book. Physical data is information regarding the layout, boundaries, and area of land or apartment units registered, including information regarding the existence of buildings and parts of buildings on them. Another completeness is juridical data, in which information is provided regarding the legal status of land parcels and apartment units that are registered, the right holders, the rights of other parties, and other burdens that burden them.

The ATR/BPN Ministry stated that in Indonesia there are around 126 million land parcels, and currently 51 million land parcels have been registered, which means that there are still 75 million land parcels that have not been registered. If there is no acceleration, it will take more than 100 years to issue land title certificates. For this reason, starting in 2017, the government carried out mass land certification through the Complete Systematic Land Registration (PTSL). Through PTSL, land certification throughout Indonesia can be cut to only 9 years. It is hoped that in 2025 all land parcels can be registered and certified (Sitorus & Khuluki, 2021).

Through PTSL the implementation of land registration is accelerated and carried out simultaneously by the government at a low cost. The Joint Decree of the Minister of ATR/BPN, Minister of Home Affairs, and Minister of Villages for Development of Disadvantaged Regions and Transmigration, Number 25/SKB/V/2017, Number 590-3167 A of 2017, Number 34 of 2017, stipulates the amount of the fee as follows (Alvian & Mujiburohman, 2022) :

- a. Category I (Papua Province, West Papua Province, Maluku Province, North Maluku Province, and East Nusa Tenggara Province) in the amount of IDR 450,000.00
- b. Category II (Riau Islands Province, Bangka Belitung Province, Central Sulawesi Province, North Sulawesi Province, Southeast Sulawesi Province, West Nusa Tenggara Province) in the amount of IDR 350,000.00.
- c. Category III (Gorontalo Province, West Sulawesi Province, South Sulawesi Province, Central Kalimantan Province, West Kalimantan Province, North Sumatra Province, Aceh Province, West Sumatra Province, East Kalimantan Province) in the amount of IDR 250,000.00
- d. Category IV (Riau Province, Jambi Province, South Sumatra Province, Lampung Province, Bengkulu Province, South Kalimantan Province) in the amount of IDR 200,000.00
- e. Category V (Java and Bali) in the amount of IDR 150,000.00.

Funding is not included in the cost of making a deed, as are land and building rights acquisition fees (BPHTB) and income tax (PPh). At the level of systematic land registration, preparation costs are not budgeted for in the regional budget (APBD), and the Minister of Home Affairs orders the Regent or Mayor to make a Regent or Mayor Regulation that these costs are borne by the community. As for one of the cases in Indonesia, including one of the areas in Indonesia that participated in PTSL, namely Batu City, Batu City is located in East Java Province with an area of 19,908.72 ha and a total of 3 sub-districts, 4 sub-districts, and 24 villages (Wirasti, 2021). In 2018, Batu City is targeted by the Central Government to certify 10,000 land plots. The total certificates issued from the PTSL program were distributed, namely 3,000 for Oro-oro Ombo Village, 4,000 for Torongrejo Village, 1,000 for Gunungsari Village, and 2,000 for Dadaprejo Village. Batu City, which is one of the places where PTSL is implemented, requires research related to the implementation of PTSL in Batu City and to find out the problems of land registration through a complete and systematic land registration in Batu City and efforts to solve them.

The implementation of land ownership restrictions up to 52 years of age under RI Law No. 5 of 1960 is still not as expected. This is evident in absentee or collateral land ownership, which is often something that is known but difficult to prove for a variety of reasons. Absentee ownership of agricultural land is expressly prohibited by RI Law No. 5 of 1960. This prohibition is related to the main land reform provisions regulated in Article 7, Article 10, and Article 17 of RI Law No. 5/1960. The purpose of the ban on absentee land ownership is so that farmers can actively and effectively work on their agricultural land so that their productivity can be high (Butarbutar, 2015).

Applications are made to land registration objects that have not been registered based on Government Regulation of the Republic of Indonesia No. 10 of 1961 or Government Regulation of the Republic of Indonesia No. 24 of 1997 (Articles 1, No. 8 and 9). Government Regulation of the Republic of Indonesia Number 224 of 1961 concerning Implementation of Land Distribution and Compensation, where PP RI No. 224 of 1961 was later amended and supplemented by Government Regulation of the Republic of Indonesia Number 41 of 1964 concerning Amendments and Supplements to Government Regulations of the Republic of Indonesia Number 224 of 1961 concerning Implementation of Land Distribution and Compensation.

With the aim of legal certainty in the land sector by the government, land can be used for the greatest possible prosperity of the people, so that control and ownership of land that exceeds the limit and absentee/guntai land are not permitted. This is in accordance with Article 3 paragraph 1 of PP RI No. 224 of 1961. Article 1 contained in PP RI No. 41 of 1964 states that the ownership of agricultural land by people who live outside the district where the land is located is prohibited. Owners of agricultural land who live outside the district where the land is located must, within a period of six months, transfer their land rights to another person in the district where the land is located or move to the district where the land

is located, unless the distance between the district and the owner and the land is such that it is still possible to work the land efficiently.

Nationally, the Ministry of Agrarian Affairs and Spatial Planning (ART)/BPN has proposed a total of 5 million lands for which data will be issued free certificates by each local BPN in the regions. Basically, the issuance of land certificates through the PTSL program is not much different from the issuance of land certificates through the National Agrarian Program (PRONA), which are both carried out free of charge, and also with prerequisites from registration of rights to services from BPN, the pre-service is borne by the land owner. Such as BPHTB, the basis of rights, stamp duty, and boundary markers are borne by the land owner.

Differentiating PTSL from PRONA through the PRONA program PRONA data collection as recipients of prona certificates is carried out evenly in all villages and sub-districts in one district. While the PTSL program for data collection is centralized in one village, Sadan is different from Prona, which only issues partial certificates on all uncertified land parcels in one area, while PTSL for all land in the area that does not yet have a certificate will be generated (Masnah, 2021). The obstacle faced in PRONA was the village head, who did not want to take part in the program. In practice, not everything is financed by the state budget. This has been much talked about lately. According to data shown by the Consortium for Agrarian Reform (KPA), in 2017, it was recorded that there were at least 659 agrarian or land conflicts in various areas covering an area of 520,491.87 hectares. These conflicts involved at least 652,738 families. Compared to 2016, this year's conflict showed a significant increase of 50%.

During the three (three) years of the Jokowi-Jusuf Kalla administration (2015–2017), there were 1,361 agrarian conflicts. The PTSL program, which has been intensified by BPN, is expected to be able to encourage mobility and economic progress for underprivileged communities. Therefore, community certificates can be valuable objects that can be used as collateral for banks and financial institutions. Apart from being able to drive the community's economy, the PTSL program is expected to be able to minimize land conflicts that have often existed so far. This is because this program will record all types of land parcels and map them accurately (Nurahmani & Rismansyah, 2020).

For the sake of realizing people's welfare, the current Indonesian government in regulating land ownership and directing its use has organized land registration throughout Indonesia. Land registration is a government obligation that aims to guarantee legal certainty, but in practice there are several obstacles, one of which is the difference in the time frame for proving land ownership, juridical data and physical data on land parcels. The map of the land parcels was announced between the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration (PTSL) (hereinafter referred to as Permen ATR/BPN No. 6/2018) and the Government Regulation of the Republic of Indonesia Number 24 of the Year 1997 concerning Land Registration (hereinafter referred to as PP RI No. 24/1997), which raises issues related to the Publicity Principle. The implementation of complete and systematic land registration in a normative and legal manner is valid and accountable and does not conflict with the rules of law in the rules of the positive legal system in Indonesia.

The purpose of the PTSL program is to accelerate land registration in order to reduce land disputes and promote orderly land administration, as well as to provide legal certainty and legal protection to rights holders over a parcel of land. While the implementation of the land certification program can resolve land dispute conflicts, the government continues to accelerate the process of obtaining land certificates in order to resolve land dispute conflicts, and the target of issuing land certificates will be able to increase every year. Although it has been started for a long time, the land certification program in

Indonesia is progressing very slowly, and there are still many areas of land owned by the community that have not been certified.

Based on what is described above, the researcher provides a formulation to be examined in this study, including: (1) the legal politics of implementing the land titling program in order to reduce land dispute conflicts, thereby providing clear benchmarks and a legal basis later in order to provide legal certainty regarding the findings of the legal basis in the land titling program, both studied philosophically and from the legal political aspect; and (2) the legal implications of the uncertain implementation of the land titling program in realizing legal protection of community land ownership, so that they can carry out preventive as well as repressive legal actions. This action plan provides an overview of the government's efforts in implementing the land certification program policy by accelerating actions and legal actions on the aspect of land registration.

### ***Research Method***

The research used in this research process uses a type of normative legal research (Soekanto & Mamudji, 2015). By using library materials or secondary materials that have been collected. Legal research is also a process to determine legal rules, legal principles, and legal doctrines in order to answer the legal issues faced.

### ***Result and Discussion***

#### **1.Reconstruction of the Legal Politics of the Land Certification System in Indonesia Against the Land Mafia**

The discrepancy between the number and area of available land does not increase with the need for utilization by the community. This makes the land prone to problems, so that it is absolutely necessary for the state, through its agencies, to intervene in orderly land law. The imbalance between the amount and area of land and the needs of the community has led to land grabbing or competition among human beings, causing many land problems (Antoro, 2016).

This is comparable to the many functions, benefits, and limited availability of land in supporting human life, causing the emergence of land cases. The increase in land mafia cases remains one of the reasons for the increase in land cases in Indonesia. The land mafia in the land sector is still thriving because the high demand for land availability is not commensurate with the number of plots of land available. This is because land, a natural resource that plays a major role in human life, has a high economic value and is non-renewable.

In addition, land has benefits from various aspects, namely that it can improve people's welfare from an economic point of view; politically, it can determine a person's position; socio-cultural aspects of land can determine the level of social status; and, from a legal point of view, land is the basis of jurisdiction, but the community's need for land at this time is not proportional to the limited availability of land (Karlina & Putra, 2022).

Legal politics as a basis for policy to direct the development of national law. This also applies to the land sector, which is conceptualized in the politics of land law. This legal politics is more about the choice of the law to be enforced, as well as the law to be revoked or not enforced, to achieve the goals of the state as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia. utilization and

ownership of land to guarantee legal protection, improve welfare, and encourage economic activity through the enactment of the land law and its implementing regulations (Prayitno, 2021). The main goal of land law politics in the context of the land titling system in Indonesia is to realize prosperity for all people based on the principles of legal certainty and guaranteed protection of land ownership that is used by the people. RI Law No. 5 of 1960 emphasizes a land registration system that must have national land certification based on the IV Preamble of the 1945 Constitution of the Republic of Indonesia and Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

At the level of RI Law No. 5 of 1960, as a product of national agricultural law, it is based on customary law, which does not conflict with national and state interests and pays attention to elements based on religious law. RI Law No. 5 of 1960 contains the principles of land tenure and use to encourage a change in an advanced society in the economic, industrial, and other fields whose implementation depends on the availability of land but does not ignore community groups that are weak and marginalized by policies in previous land affairs. With these principles, RI Law No. 5 of 1960 can be placed as a progressive law (Aulia, 2018). This is in accordance with the objectives of the national land law, so that the regulation of land tenure and use leads to the creation of equitable prosperity for all people and groups of people. By achieving this goal, RI Law No. 5 of 1960 enters the realm of legal politics, which includes three things, namely: the (ideal) goal to be achieved through law, the right way or method to achieve that goal, and the legal configuration that effectively realizes that goal.

National agrarian politics obligates the state to lead the control and use of land, water, and the natural resources contained therein to achieve the people's welfare. This is a manifestation of developing the land sector as referred to in Article 2 paragraph (2) of RI Law No. 5 of 1960, which is known as the right to control from the state (HMN). The purpose of the HMN is that the management and utilization of land as one of the agrarian resources is borne by the state as a ruling body that is given a mandate from its people, whose estuary must be aimed at the prosperity and welfare of the people in the framework of social justice (Salim & Utami, 2019).

Social welfare is a condition where the material, spiritual, and social needs of citizens must be fulfilled in order to live properly and be able to develop themselves so that they can carry out their social functions. The initial development of the land law system must be based on the meaning of law as a tool of social engineering (law as a social engineering tool), that is, law grows and develops with society driven by habit. The theory used in social principles is that of law as a tool of social engineering, stating that the law in Indonesia not only acts as a tool but also as a means of social renewal. One of the roles of law in law theory as a tool of social engineering must be reflected in future land law politics. This is intended to create a national land policy that makes the people prosperous. The politics of land law need to be accompanied by an improvement in the orderliness of land law so that it reflects better prevention of the land mafia.

The politics of Indonesian land law in setting up the publication system in the process of land registration are actually quite good. The legal politics are in accordance with the concept of law as a tool of social engineering, with the development of a land registration system according to the characteristics of developing countries. The philosophical considerations in choosing a negative publication system with positive characteristics in land registration are that this system is very much in line with the goal of land registration in Indonesia for legal certainty in the character of land to realize justice and people's welfare.

The land registration system is not spared from the loopholes of crimes in the land sector, namely the land mafia. The average crime committed by the land mafia is included in the category of land crimes with broad dimensions. The result of this broad dimension is disputes, conflicts, and land and space cases that have a high economic value. Reconstruction of legal politics in reforming land law as an issue is

complex and multi-faceted, so that its interpretation is not simple, but without intending to simplify the complexity of the problem, reform of agrarian law (agrarian reform) in essence includes the following matters (Darwis, 2006):

- a. A continuous process means that it is carried out within one-time frame, but as long as the goal of agrarian reform has not been achieved, it needs to be continuously pursued;
- b. With regard to the restructuring of ownership/control and utilization of natural resources (agrarian resources) by the community, especially rural communities; and
- c. Implemented in the framework of achieving legal certainty and legal protection of land ownership and utilization of natural resources (agrarian resources), as well as the realization of social justice for all people.

Renewal or development is intended as an effort to increase legal certainty and guarantees, so it is very necessary to change the national land registration system to a positive publication system. A positive publication system in land registration, namely what is contained in the land book and letters of proof of rights issued, are absolute means of proof, meaning that a third party acts on the evidence so that they get absolute protection, even if at a later date it turns out that the information contained therein is not true. The aggrieved party will receive compensation in another form.

The positive publication system applies the principle of good faith. This principle protects parties who, in good faith and by payment, obtain rights from people whose names are registered as legal rights holders in the register. These considerations are often applied to determine the degree of rights or obligations in various forms of agreements made by humans, such as contracts in common law and legal obligations in civil law (Isnaeni, 2017). The good faith contained in a person's personality can be directly felt by the person concerned, as well as by those who feel someone's good faith actions towards them. When the sense of good faith can be felt, the good faith is actually carrying out its function. In addition to being located in the human heart, good faith in exercising rights and obligations arising from a legal relationship must comply with the norms of decency and justice by abstaining from actions that may cause harm to other parties.

## **2. Compensation Sanctions for the Implementation of the Land Certification Program in the Land Registration System**

In order for the implementation of the new open publication system in the land registration system to be successful, there are several things that need to be done by the government, including: (Rachman, 2018):

- a. The government's understanding of the costs and duration of operations required for the new land registration system;
- b. Socialization and evaluation;
- c. Changes in laws and regulations governing the land registration system; and
- d. Resolving various issues and problems related to land.

Based on the mapping of the main substance in this success, the character of the legal substance regarding the need for legal renewal regarding the idea of open publication, it can be seen that the legal substance of land registration that adheres to an open publication system still needs to be formed in order to provide more certainty, benefit, and justice as part of the renewal of the national legal system. The development of the national legal system can include "substantial" development (legal substance), "structural" development (legal structure), and "cultural" development (legal culture) (Wardani, 2018).



As in the theory of the legal system from Lawrence M. Friedman, a legal system must have the first aspect, the structure of law in the sense of law enforcers and regulatory agencies; secondly, it must have a legal substance (substance of the law) covering rules, norms, and real human behavior within the system, including in the sense that this substance is all products, such as decisions and new rules, that are drawn up and produced by people within the system. in that system too. Third, legal culture includes the beliefs, values, thoughts, and expectations of society towards law. Legal culture is anything or anyone who decides to turn on and turn off the machine and how the machine must be used (Cahyana, 2017).

The land certification arrangement system also involves an adjudication team, so it can be interpreted that the adjudication team conducts outreach to PTSL. Implementation of this counseling activity aims to provide an explanation regarding the importance of the legality of ownership of land rights owned, which aims to: (1) describe the stages and mechanisms of the PTSL Program; (2) determine and install boundary signs for each plot of land; (3) know what documents need to be prepared; (4) know the schedule for measuring land parcels and collecting juridical data; (5) find out the final results of PTSL activities; (6) know the legal consequences that occur when the obligations and responsibilities are met; and (7) be aware of the right to raise objections to the adjudication results during the 14-day announcement period.

The implementation of counseling as described above is in accordance with Article 16 of Ministerial Regulation ATR/Ka.BPN Number 6 of 2018 concerning PTSL. The implementation of counseling on PTSL activities in Kampar Regency is also carried out by placing banners that contain announcements that the PTSL program will be carried out in each regency and city; this banner also contains what is stated in Article 16 paragraph (2) of Ministerial Regulation ATR/Ka.BPN Number 6 Year 2018 about PTSL.

Physical data collection is data obtained from measuring and mapping land parcels, as in the case of land surveying and mapping of land parcels carried out by representatives of the physical sector and community participation related to the land parcels. Collection, processing, presentation, and maintenance of data and physical documents, which will eventually produce a base map and land plot map. The collection of juridical data is information regarding the legal status of a parcel of land and an apartment unit that shows the right holder and other parties and other burdens that burden them. Juridical data collection is carried out by the Deputy Chairperson of the Juridical Division and is carried out at the Kumantan Village/Kelurahan Office. Juridical data collection begins with collecting evidence regarding ownership or control of the land rights in question and is accompanied by written evidence (Sianturi & Yani, 2018).

If there are people who do not have proof of land ownership or whose proof is incomplete, then based on Article 22 Paragraph (2) of Ministerial Regulation ATR/Ka.BPN Number 6 of 2018 concerning PTSL, this can be completed and proven with a written statement regarding ownership and/or physical control of the land parcel made in good faith by the person concerned. The element of good faith in article 22 paragraph (2), according to article 22 paragraph (3) of Ministerial Regulation ATR/Ka.BPN Number 6 of 2018 concerning PTSL, consists of the fact that physically mastering, using, utilizing, and maintaining land for generations and/or obtaining it in a way that does not violate statutory provisions (SARI & SUWANDA, 2019).

To fulfill the principle of publicity in proving land ownership, announcements for 14 calendar days are carried out at the PTSL Command Post and the Kelurahan Office. During the 14 days of the announcement, the PTSL adjudication committee/team I validated the physical data and juridical data in the form of minutes of ratification of the announcement of physical data and juridical data. Interested parties can submit objections regarding the publication of physical data and juridical data during the

announcement period, but if the objection is made after the announcement period of 14 days, then the physical data and juridical data are still legalized by providing notes on the minutes of ratification of physical data and juridical data regarding incomplete matters and/or unresolved objections. This is stated in Article 24 paragraphs (3) and (6) of the ATR/Ka.BPN Ministerial Regulation Number 6 of 2018 concerning PTSL.

### **3.Future Legal Policy in the Legal Protection of Community Land Ownership**

Preventive legal protection for landowners in the land certification system is obtained from buying and selling underhandedly in the village, namely, the government issues regulations accompanied by criminal threats, so it is an act that scares both landowners and officials related to land ownership in the community, namely, PP RI No. 224 of 1961, which regulates the implementation of land distribution and compensation, as well as conducting counseling about good land ownership and so on. Repressive legal protection for landowners over land ownership can be pursued through non-litigation channels (outside court). The form of non-litigation settlement that is often taken is mediation between the parties. Usually with this form of settlement, the dispute can be resolved well and peacefully, but if there is no bright spot in resolving the dispute, it can be resolved through litigation.

The main objective of land management policies is to solve problems regarding the availability of land for various development activities and minimize conflicts between land uses in the same location. The arrangement of the land certification system is a support for the implementation of the spatial use plan, which is described in the land and agrarian arrangement plan as land reform. explained that in general, land use stewardship techniques are divided into three types, namely (Pujiriyani, 2022): (1) provision of incentives by utilizing government authority and financing to manage land use more effectively; (2) restrictions by exploiting government powers to prohibit or direct individual land use and development activities; and (3) upgrade management:

Responsive law in implementing the land titling system implies that people have the political capacity to solve their problems, set priorities, and make the necessary commitments. Because responsive law is not a miracle worker in the world of justice.

### ***Conclusion***

First, the reconstruction of legal politics in the implementation of the land titling system has as its main objective, in the overall context of land titling in Indonesia, achieving welfare (the welfare of the state) for all people based on the principles of legal certainty (the law of certainty) and guaranteed protection (the law of protection) on land ownership that is used for the people. RI Law No. 5 of 1960 emphasizes a land registration system that must have national land certification based on the IV Preamble of the 1945 Constitution of the Republic of Indonesia and Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

Second, the mapping of key substantive indicators for success in the land titling system includes: (a) the government's understanding of the costs and duration of operations required for the new land registration system; (b) socialization and evaluation; (c) changes to laws and regulations governing the land registration system; and (d) the resolution of various issues and problems related to land, in which the character of the legal substance requires legal renewal regarding the idea of open publication, it can be seen that the legal substance of land registration which adheres to an open publication system still has to be formed in order to provide more certainty, benefit and fairness as part of the renewal of the national legal system, by looking at the legal structure (structure of law), law (substance of the law), and legal culture (legal culture).

Third, the legal implications of implementing the land certification system are regulated in the statutory regulations of RI Law No. 5 of 1960 and PP RI No. 24 of 1997, which regulate the type of indemnity for errors in the register. In practice, this open publication system has two types of compensation that are adjusted to the legal basis of government used in that country. There are two types of compensation for errors in the register, namely immediate indefeasible and deferred indefeasible. If in the open publication system there is an error in the registration procedure, resulting in losses for parties who may be more entitled, the state guarantees a compensation fund in the form of payment of compensation to the claimant whose rights are proven correct with the concepts of indefeasibility and indemnity.

Fourth, preventive legal protection for landowners in the land certification system is obtained from buying and selling underhandedly in the village, namely, the government issues regulations accompanied by criminal threats, so it is an act that frightens both landowners and officials related to community land ownership, namely, PP RI No. 224 of 1961, which regulates the implementation of land distribution and compensation, as well as conducting counseling about good land ownership and so on. In repressive measures, repressive legal protection for landowners for land ownership can be pursued through non-litigation channels (outside court). The form of non-litigation settlement that is often used is mediation between the parties. Usually with this form of settlement, disputes can be resolved well and peacefully, but if there is no bright spot in resolving the dispute, then it can be resolved through litigation.

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