

Implementation of Regular Land Administration in the Management of Certificate of Rights Land 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 the 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.

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

1. INTRODUCTION

The word administration comes from the Dutch language, "administratie" which means all activities that include writing, typing, computerization, 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).

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. 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, so that it became feudalism and capitalism. 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, so that it became feudalism and capitalism.[1]

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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.[2] 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: 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, 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, land Use Relates to controlling land use through planning policies and regulations of land use owned by each level of government, 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[3]. Purpose of Land Administration: To find out and analyze What are the legal bases that must be based on the implementation of land administration, To find out and analyze how the implementation of the tasks of the Land Administration.[4]

2. METHODS

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

3. RESULT AND DISCUSSION

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, 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. (Keputusan Presiden No. 7 Tahun 1979).

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 livelihoods, the quality of the environment without abandon efforts to preserve natural resources, prevent waste, be aware, responsible and love the environment. The land order chess as the operational basis is: 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, 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.[5]

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.[6] 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.[7] 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.

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. 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.[8]

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. 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 limitation of land use. 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 valuation of property.[9]

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. (Indonesi Law Number 5 of 1960).

Based on Government Regulation no. 128 of 2015, the duration of certificate processing is as follows: 38 days for agricultural land which is not more than 2 Ha and non-agricultural land which is not more than 2,000 m², 57 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, 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.[10]

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: Application for registration of customary land certificates of origin (conversion). The conditions are, Fill out the application form, 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 regions which on 24-1960 have not collected PHB/VI, it is enough with the original letters of sale and purchase, grants and so on).[11]

Application for certificate of separation (transfer of name) The conditions are : Application for certificate of separation (transfer of name) The conditions are: Filler of application (DI 1003), Submit the original certificate, PPAT deed (sales and purchases, grants, inheritance), Photocopy of ID card, Copy of PBB last year. Pay a predetermined fee. Application for roya/roya with certificate replacement due to regional expansion. Conditions, Fill out the application (DI 1003), A letter of determination of roya from the creditor, Hypotheek certificate/CV, Land title certificate.[12]

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 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.[13]

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. The Ministry of ATR/BPN also plans to make electronic land certificates and re-evaluate all previously verified land. It is hoped that by 2025 all land in the territory of Indonesia has been verified.

4. CONCLUSION

From the discussion of the land administration process in the material above, the author can conclude 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.

REFERENCES

- [1] B. Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan UUPA, Isi dan Pelaksanaannya*, 1st ed. Bandung: Citra Aditya Bakti, 1997.
- [2] K. D. Kurniawan, D. R. I. Hapsari, and Y. A. Fajrin, "Peningkatan Kesadaran Hukum Mengenai Sertifikasi Tanah Pada Masyarakat Dusun Klandungan Desa Landungsari Kabupaten Malang," *Indones. J. of Legal Community Engagem.*, vol. 3, no. 2, pp. 219–236, 2021.
- [3] M. Luthfi and Y. A. Fajrin, "Pendampingan Pengurusan Pensertifikatan Tanah wakaf yang Dikelola oleh Pimpinan Daerah Muhammadiyah Kabupaten Malang," *Dedik. Huk.*, vol. 1, no. 1, pp. 32–44, 2021.
- [4] B. Harsono, *Hukum Agraria, Indonesia Himpunan Peraturan-Peraturan Hukum Tanah*. Jakarta: Djambatan, 2000.
- [5] H. Wargakusumah, *Hukum Agraria 1, Buku Panduan Mahasiswa*. Jakarta: PT. Gramedia Pustaka Utama, 1992.
- [6] M. Koesnoe, "Prinsip-prinsip Hukum Adat Tentang Hak Atas Tanah," *Varia Peradilan, Majalah Hukum, Tahun VIII No. 150*, Jakarta, Mar-1998.
- [7] E. Ruchiyat, *Politik Pertanahan Nasional Sampai Orde Reformasi*, 2nd ed. Bandung: Alumni, 1999.
- [8] Badan Pertanahan Nasional, *Himpunan Karya Tulis Pendaftaran Tanah*. Jakarta: Badan Pertanahan Nasional, 1989.
- [9] S. Sudjito, *Prona Pensertifikatan Tanah Secara Massal dan Penyelesaian Sengketa Tanah yang Strategis*, 1st ed. Yogyakarta: Liberty, 1987.
- [10] M. P. Thomson, *Modern Land Law*, 1st ed. New York: New York Oxford University Pres, 2001.
- [11] J. . Daliyo, *Hukum Agraria I*, 1st ed. Jakarta: Prehalindo, 2001.
- [12] A. Sodikin, *Konflik Pemilikan Hak Atas Tanah Perkebunan*. Jakarta: Prisma, 1996.
- [13] Soemarjono and M. S.W, *Kebijakan Pertanahan antara Regulasi dan Implementasi*. Jakarta: Penerbit Buku Kompas, 2005.