

CONSTRAINTS OF COMPLETE SYSTEMIC LAND REGISTRATION FISCAL YEAR 2020 ACCORDING TO REGULATIONS OF THE MINISTER OF AGRARIAN AND SPATIAL PLANNING/NATIONAL LAND AGENCY NUMBER 12 YEAR 2017

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Abstract : Implementation of the Complete Systematic Land Registration of the Karanganyar Regency Land Office in Sringin Village, Jumantono District, according to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency number 12 of 2017 can run well and smoothly in accordance with the Land Rights Certificate target of Sringin Village as many as 85 land parcels and Land Plane Map as many as 86 plots of land. Whereas in the implementation of the Complete Systematic Land Registration the Karanganyar Regency Land Office in Sringin Village, Jumantono District, there are obstacles, namely: Technical Constraints: factors that can hinder, hinder and limit the implementation of Complete Systematic Land Registration activities, namely in terms of cost, communication, time, HR, and the surrounding environment. Legal Constraints: factors that can hinder, hinder and limit legal issues including administrative constraints, oro - oro land problems and swap issues.

Keywords: *Oro-oro land, Complete Systematic Land Registration, ruilslag*

1. Introduction

Land registration is held in order to guarantee legal certainty in the control and use of land. Government Regulation No. 24 of 1997 states that a certificate is a strong proof of right, in the sense that as long as it cannot be proven otherwise, the physical data and juridical data contained therein must be accepted as correct data. Of course, the physical data and juridical data listed in the certificate must be in accordance with the data listed in the land book and the measuring document in question, because the data are taken from the land book and measuring certificate.

Land registration for the first time is carried out in two ways, namely systematic land registration and sporadic land registration. Systematic land registration is a land registration activity for the first time that is carried out simultaneously which includes all land registration objects that have not been registered in the territory or part of the territory of a village (Tehupeiory, 2012). Sporadic land registration is a land registration activity for the first time regarding one or several objects of land registration within the territory or part of the territory of a village/ individually or in bulk (Santoso, 2010).

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency regarding changes to the regulation of the Minister of Agrarian Affairs Head of the National Land Agency number 12 of 2017 states that the Complete Systematic Land

Registration is carried out for all Land Registration objects throughout the territory of the Republic of Indonesia, Land Registration Objects as referred to in paragraph (1). referred to in paragraph (1) includes all parcels of land without exception, both parcels of land rights, land assets of the Government/Regional Government, land of State-Owned Enterprises/Regional-Owned Enterprises, village land, State land, community land customary law, forest area, land reform object, transmigration land, and other land parcels (Mujiburohman, 2018).

Systematic land registration system is considered the fastest to provide legal certainty regarding ownership of land rights in Indonesia. The Ministry of Agrarian and Spatial Planning/National Land Agency targets the completion of the Complete Systematic Land Registration Program certifying 10 million parcels of land by 2020. The PTSL program is targeted to adopt digital data updating. Digitalization is one way to achieve the target of 126 million parcels of land throughout Indonesia to be certified by 2025. The digital system can validate data on findings in the field accurately, to check the synchronization of existing certificates and check land that has not been certified (Murkastari. 2019)

Digitalization is one way to achieve the target of 126 million parcels of land throughout Indonesia to be certified by 2025. The digital system can validate data on findings in the field accurately, to check the synchronization of existing certificates and check land that has not been certified. The potential for overlapping land which usually causes disputes is in the form of oro-oro land or swap issues.

Karanganyar Regency which has an area of 77,379 Ha consisting of 23107 Ha of rice fields, 29795 Ha of non-rice fields and 24477 Ha of non-agricultural land. Rice fields consist of 20419 hectares of technical irrigation, while non-irrigated/non-irrigated rice fields are 2688 hectares. Karanganyar Regency consists of 17 sub-districts, 15 sub-districts, and 162 villages, one of which is in Sringin Village, Jumantono District. Karanganyar Regency in 2020 has a target of 8478 plots of land parcel maps and Certificates Land Rights are 5961 plots and in Sringin Village, Jumantono District, the land parcel maps target is 85 plots and certificates Land Rights is 86 plots. (Decree of the Head of the Karanganyar, 2020)

The 1945 Constitution Article 28 D Paragraph (1) states that "Everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law". This provision also applies in the land sector. The Indonesian government feels the need to create a legal umbrella product on land whose purpose is to protect the lands of the Indonesian people by issuing Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles or also known as the Basic Agrarian Law .

To find out about the implementation of complete systematic land registration and what obstacles occur in the reality on the ground, it is necessary to conduct further studies regarding the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 12 of 2017.

2. Discussion

1) Implementation of Complete Systematic Land Registration in Sringin Village, Jumantono District, Karanganyar Regency

According to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency number 12 of 2017 concerning the Implementation of Complete Systematic Land Registration, the stages that must be carried out by the Karanganyar Regency Land Office are as follows:

a. Planning and Preparation

According to the regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 12 of 2017, at the planning stage the Head of the Land Office of Karanganyar Regency determines the spread of Complete Systematic Land Registration (PTSL) targets which is concentrated in Karanganyar Regency in stages, then the Head of the Office Land Affairs of Karanganyar Regency coordinates with the sub-districts that will be PTSL targets, which explains the administration related to PTSL.

Then at the preparation stage, the Head of the Karanganyar Regency Land Office carried out socialization, determined the location of PTSL activities, formed an Adjudication Committee, and provided special training on PTSL to all Karanganyar Regency Land Office employees.

b. Determination of Activity Location

The location that is the target of the PTSL program is determined by the issuance of the Decree of the Head of the Karanganyar Regency Land Office number 1225/SK-33.13.UP.03.01/V/2020. Based on the Decree concerning the Second Amendment to the Determination of Locations for Complete Systematic Land Registration for the 2020 Fiscal Year, 14 Sub-districts were determined to participate in the PTSL program, namely Colomadu, Gondangrejo, Jaten, Karangpandan, Matesih, Ngargoyoso, Taeangmangu, Jatupuro, Jatiyoso, Jumapolo, Jumantono, Jenawi, Mojogedang and Kerjo. With the target of PTSL in Karanganyar Regency, SHAT is 5961 fields, PBT is 8478 fields and K4 is 7577 fields.

From the villages registered to take part in the PTSL program, researchers took a sample of Sringin Village to be the object of research. Based on the results of the interview with Mr. Panjas, it is known that in the village there are still parcels of land that have not been certified, especially the land administration that still needs to be addressed and there are problems regarding Swap Guling and Oro-oro land.

c. Complete Systematic Land Registration (PTSL) Stages

PTSL is implemented for all land registration objects throughout the territory of the Republic of Indonesia. The object of PTSL includes all parcels of land without exception, both parcels of land for which there are no rights to the land or parcels of land rights, whether they are Government/Local Government asset land, State-Owned Enterprises/Regional-Owned Enterprises, village land, State land, land customary law community, forest area, land reform object, transmigration land, and other land parcels.

The implementation of PTSL can be carried out through a special PTSL program and budget, or a combination of the PTSL program with other programs and/or activities. The Head of the Land Office determines the spread of PTSL targets which are concentrated in several districts/cities in one province in stages.

Location determination can be carried out in one village/kelurahan area or gradually part by part in one stretch. In the event that the determined location consists of several villages/kelurahan, it is endeavored that the villages/kelurahan that become PTSL objects are located close together. After determining the location, the Head of the Land Office forms and determines the PTSL Adjudication Committee.

Members of the PTSL Adjudication Committee can be appointed from other section component employees apart from the section on Agrarian Law Relations and Agrarian

Infrastructure within the Regional Office of the National Land Agency and the Land Office. Each PTSL Adjudication Committee can be formed for more than one or for several sub-districts by involving elements of the apparatus of each village/kelurahan concerned.

The PTSL Adjudication Committee is assisted by a Physical Task Force and a Juridical Task Force. After that, counseling was held by the Land Office along with the PTSL Adjudication Committee, Physical Task Force and Juridical Task Force.

Implementation of collection, processing and maintenance of Physical Data and Juridical Data for Determination of Rights and Land Registration using a register fields, blanks, maps and other lists as well as entries or entries in the KKP application. Physical data collection is carried out through measuring and mapping land parcels, which are carried out using survey and mapping technologies such as drones, Global Positioning System, Continuously Operating Reference Stations, Total Stations, Distometers and others, as well as utilizing image maps/ photo maps with high resolution as the basis for making registration maps. Physical Data collection is carried out by the Physical Task Force by referring to the provisions of the legislation.

In carrying out the measurement of land parcels, the Physical Task Force must know data or information about each owner or party entitled to their land, at least in the form of a photocopy of their ID card, title and certificate of ownership or a statement of physical control over the land.

Juridical data collection is carried out by the Juridical Task Force by referring to the provisions of the legislation. Juridical data collection is carried out through collecting and checking the history of land ownership using an inventory and identification form for PTSL participants. Soil inspection is carried out to ensure that the information contained in the physical data and juridical data is in accordance with the conditions in the field.

In the event that the plot of land that becomes the object of PTSL is land that is ex-customary ownership, the ownership is proven by the original Girik, Pipil, Petuk, Verponding Indonesia or other designations that are the same or applicable in the local area on behalf of the subject or party entitled to Land Rights of participants in the PTSL Adjudication. In the event that the evidence of community land ownership is incomplete or non-existent, it can be completed and proven by a written statement regarding the physical control of the land parcel in good faith by the person concerned.

Usually in land inspections there are several legal obstacles, for example there is oro-oro land and a case of swap bolsters occurs. If the problem can be solved and to fulfill the principle of publicity in proving land ownership, an announcement of Physical Data and Juridical Data will be published at the Land Office and the local Village Head Office and if available at the PTSL Adjudication Committee Basecamp, for fourteen calendar days.

Based on the Minutes of Announcement Results, the Chairperson of the PTSL Adjudication Committee shall determine the Decision on Determination of Rights or Decision on Affirmation/Recognition of Rights. For the issuance of the Decision on Granting Rights, PTSL participants must attach proof of payment of Land and Building Rights Acquisition Fee or Income Tax at the time of registration of rights.

For land for which an official report of the completion of the Land Registration process has been made, it shall be recorded in the General Register of Land Registration and other registers, and signed by the Chairperson of the PTSL Adjudication Committee. Then the minutes that have been signed and entered Category K will immediately make a certificate of land rights. Then the Chair of the PTSL Adjudication Committee submits the results of the

PTSL implementation to the Head of the Land Office which is then signed by the Head of the Land Office.

2) *Inhibiting Factors or Obstacles in the Implementation of Complete Systematic Land Registration in Sringin Village, Jumantono District, Karanganyar Regency*

Constraints are things that can become an obstacle, hinder, or limit so that PTSL activities do not go according to plan. Constraints that arise can be in the form of cost constraints, communication constraints, time constraints, human resource constraints, constraints from the surrounding environment and obstacles because they are contrary to applicable regulations. The existence of these obstacles or obstacles can affect the target of land parcels that should be certified through PTSL program. Based on research by conducting interviews with officers of the PTSL Adjudication Committee for the Land Office of Karanganyar Regency and the results of interviews with Mr. Panjas as the Head of Sringin Village, Jumantono District, the author divides these obstacles into 2, namely:

a. Technical Obstacle

Technical constraints are factors that can hinder, hinder and limit the implementation of PTSL activities, namely in terms of costs, communication, time, human resources, and the surrounding environment.

1. Constraints in terms of Cost

In financing PTSL activities, the source of costs has been subsidized by the APBD in accordance with predetermined regulations, but sometimes there are still other costs needed which are managed by the Village which are borne by PTSL participants.

Based on the results of an interview with Pitra Juridical Data Collector in Sringin Village, Jumantono District, April 14, 2021, other costs needed are usually used to purchase stationery, photocopy of files, stamp duty, consumption costs.

2. Communication Constraints

Based on the results of an interview with Panjas, Head of Sringin Village, Jumantono District, April 19, 2021, communication is very important in order to get correct and accurate information. With the counseling and socialization, it is hoped that correct information can be conveyed properly to the community, especially regarding this PTSL program. However, sometimes there are community leaders who are unable to attend the counseling or socialization, resulting in miscommunication. Some people still think that PTSL is free, even though it is still subject to costs other than those borne by the Regional expenditure budget, as has been explained in the cost constraint. Communication problems also sometimes occur when determining land boundaries. For example, if there is a witness who is unable to attend the meeting, determination of land boundaries, which can later lead to miscommunication with land owners.

3. Constraints in terms of time

Based on the results of an interview with Panjas, Head of Sringin Village, Jumantono District, April 19, 2021, this time constraint is usually influenced by the work of the Adjudication Committee Officer and the work of the Village Apparatus who cannot fully focus on PTSL activities.

The Adjudication Committee officer has daily duties at the Land Office which must also be completed, so the Adjudication Committee officer must be able to

divide his time as an employee of the Karanganyar Regency Land Office and his duties as the PTSL Adjudication Committee.

Then the village apparatus also mostly have jobs as farmers. Assisting Land Office officers is usually done after returning from farming, in the afternoon or evening. Or previously coordinated with the Adjudication Committee. Then constraints in terms of time can also be affected if there is a shortage of Inheritance Certificate files and the heirs reside outside the city or outside the island, it will take quite a long time.

4. Constraints in terms of Human Resources

Based on the results of an interview with Mr. Panjas, Head of Sringin Village, Jumantono District, April 19, 2021, problems in terms of HR are usually caused by people who lack knowledge related to PTSL, there are also people who cannot read, so they do not understand in terms of filing, then there are also people who cannot complete the completeness of the files that are required for PTSL.

Then based on the results of an interview with Pitra Juridical Data Collector in Sringin Village, Jumantono District, April 14, 2021, the village also paid little attention to the field of the field that PTSL is applying for sometimes already has a certificate.

5. Environmental Constraints

Based on the results of an interview with Pitra Wahyu Juridical Data Collector of Sringin Village, Jumantono District, April 14, 2021, the environmental constraint factor found in Sringin Village, Jumantono District is that there is Tanah OO or called oro-oro land. Oro - oro land is land with no owner, the land does not have a letter C or petuk d, so the land cannot be certified, because of unclear origins.

b. Legal Obstacles

There were several legal obstacles that occurred during the implementation of PTSL in Sringin Village, Jumantono District, namely:

1. Administrative Obstacles

Based on the results of an interview with Pitra WJuridical Data Collector in Sringin Village, Jumantono District, April 14, 2021, administrative problems that are often encountered by the adjudication committee are that there are deficiencies in the completeness of the PTSL file, usually there is a shortage of sale and purchase statements or letters grant statements, and inheritance certificates, so they have to wait for the heirs' signatures, and if the heirs live outside the city it will also cause problems in terms of time.

2. The problem of the land of Oro – oro

Based on the results of an interview with Pitra Juridical Data Collector of Sringin Village, Jumantono District, April 14, 2021, oro - oro land is land with no owner, the land does not have letter C or petuk d, so the land cannot be certified, because the origin is not clear. But usually oro - oro land is a village asset and if it is found that oro - oro land is traded, it will be subject to legal sanctions. There is also land that is not certified or does not have a letter C but the land is already occupied from generation to generation, the land can be applied for letter C to the village.

3. The problem of swapping rolls

Based on the results of an interview with Pitra Juridical Data Collector in Sringin Village, Jumantono District, April 14, 2021, swap cases usually occur between the village government and individuals. because in ancient times they did not have the

funds to build a village, the land assets of the village were sold to individuals. So at this time it causes problems because the land cannot be included in PTSL because of its ownership status which should not be sold to individuals. This can be solved by the village government having to make an official report on the exchange of village government land to individuals, then submit it to the Regency for a Regent's Decree then the Regent's Decree is submitted to the Governor, then the Provincial Government will send an appraisal team to check the origin of the land. After meeting the requirements of the new Provincial Government submitting a Governor's Decree, then the land can be included in the PTSL program.

3. Conclusion

Based on the description above, the writer can draw conclusions from this research as follows:

- 1) Whereas in the implementation of the Complete Systematic Land Registration the Karanganyar Regency Land Office in Sringin Village, Jumantono District, according to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency number 12 of 2017 it can run well in accordance with the Land Rights Certificate target of Sringin Village as many as 85 plots of land and Land Plane Map as many as 86 plots of land although in its implementation there are several obstacles.
- 2) Whereas in the implementation of the Complete Systematic Land Registration the Karanganyar Regency Land Office in Sringin Village, Jumantono District, there are obstacles, namely:
 - a. Technical Constraints: factors that can hinder, hinder and limit the implementation of Complete Systematic Land Registration activities, namely in terms of costs, communication, time, human resources, and the surrounding environment.
 - b. Legal Constraints: factors that can hinder, hinder and limit legal issues including administrative constraints, oro - oro land problems and swap issues.

4. Suggestion

Based on the description above, the authors provide the following suggestions:

- 1) The village must know the plots of land that will be submitted for Complete Systematic Land Registration lest there are parcels that already have a land certificate. Oro-oro land whose origin is unknown cannot be traded.
- 2) It is hoped that the community and village officials will be more active in the implementation of Complete Systematic Land Registration socialization so as not to cause miscommunication.
- 3) For the problem of swapping before Complete Systematic Land Registration is proposed, the village apparatus and the Adjudication Committee must check the completeness of the file, that the land already has a governor's decree or not, if not, then it is not allowed to take part in the Complete Systematic Land Registration program.

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