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IMPLEMENTATION OF COMPLETE SYSTEMATIC LAND REGISTRATION (PTSL) FINANCING BASED ON A JOINT DECREE OF 3 MINISTERS (MEDAN LAND OFFICE STUDY)

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Abstract

Complete Systematic Land Registration (PTSL) is one of the programs organized by the Government to assist communities in obtaining land certificates. The purpose of this study was to determine the financing procedure for Complete Systematic Land Registration (PTSL) based on the Joint Ministerial Decree, to determine the legal certainty of Complete Systematic Land Registration (PTSL) based on the Joint Ministerial Decree, to determine dispute resolution in complete systematic land registration. The writing of this thesis is descriptive and the approach used is empirical juridical research aimed at analyzing the problem by combining legal materials (which are secondary data) with primary data obtained in the field. The data collection tools are document studies and interviews and are analyzed qualitatively. The financing procedure for Complete Systematic Land Registration (PTSL) based on the Joint Ministerial Decree has determined the cost of preparation for implementation (document preparation activities, procurement of stakes and stamps, operational activities of kelurahan/village officers). PTSL for category III (North Sumatra) costs Rp.197.160.- (one hundred ninety seven thousand one hundred and sixty rupiah). Legal certainty for Complete Systematic Land Registration (PTSL) based on a Joint Ministerial Decree is to provide legal protection to the holder of rights to a plot of land in the form of granting a certificate of land rights and provide information to interested parties so that it is easy to obtain data, both data and information, physical and juridical data that have been registered are open to the public as well as the implementation of an orderly administration, both in terms of transfer, encumbrance, and annulment of rights to land parcels. Dispute resolution in a complete systematic land registration is if there is an error in the data, both physical data and juridical data at the time of data announcement in the village/kelurahan, it can be corrected before a certificate is made, but if the certificate has been issued but there are data errors in it, the wrong data can be submitted. objections to the National Land Agency Office and can be resolved through litigation or non-litigation. namely through mediation or by means of the State Administrative Court.

Keywords: Implementation, Financing of Complete Systematic Land Registration (PTSL), Joint Decree of 3 Ministers.

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1. INTRODUCTION

The government in order to guarantee legal certainty in the land sector, land registration is held throughout the territory of the Republic of Indonesia. Land registration in Indonesia is an important thing that must be done by the community to obtain legal certainty on the land they own. The legal certainty has been guaranteed by the Government in accordance with Article of Law Number 1 year on Agrarian Principles.

The government is to provide a means of providing legal certainty guarantees by issuing Government Regulation Number 1 year on Land Registration which in Article letter a states that land registration aims to provide legal certainty and legal protection to holders of rights to a parcel of land, apartment units, and rights. -other rights registered so that they can easily prove themselves as the holder of the rights concerned.

The government has issued regulations regarding land registration but the results have not been able to realize all areas in Indonesia are registered. This is evidenced by the issuance of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number Year concerning the National Agrarian Program (PRONA). The issuance of this regulation aims to provide land registration services for the first time with a simple, easy, fast, and inexpensive process in the context of accelerating land registration throughout Indonesia to ensure legal certainty of land rights. PRONA targets are all uncertified land parcels that are controlled or owned by individuals.

There are still obstacles in the implementation of the Ministerial Regulation, so adjustments need to be made. Based on this, the Minister of Agrarian and Spatial Planning Regulation/Head of the National Land Agency Number Year concerning the National Agrarian Program (PRONA) was issued, which revoked the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number Year concerning the National Agrarian Program (PRONA).

Efforts made by the government to carry out land registration throughout the territory of Indonesia continue to run, by making improvements, perfecting the rules that have been issued to accelerate the implementation of Complete Systematic Land Registration (PTSL), namely the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number Year .

Complete Systematic Land Registration (PTSL) is one of the programs organized by the Government to assist communities in obtaining land certificates. The reason for the issuance of several regulations related to Complete Systematic Land Registration (PTSL) is because the number of land parcels in the territory of Indonesia is very wide, so that related to land registration a breakthrough is needed so that in realizing orderly administration in the land sector, one way is by land registration. which will produce evidence in the form of a certificate can be achieved in a not too long time.

Complete Systematic Land Registration (PTSL) is a means for the National Land Agency to be able to create a complete picture of one village and as a basis for processing the administration of an actual and reliable land database completeness. The government in carrying out land registration does not waive all land registration fees which are the obligations of the land registration applicant as stated in the Joint Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, Minister of Home Affairs, Minister of Villages, Development of Disadvantaged Regions and Transmigration Number /SKB/ V/ , Number - A Year , Number Year concerning Financing for Preparation of Complete Systematic Land Registration (Joint Ministerial Decree Year 2017).

The existence of the obligation of the local government and the community who will register the land to pay a number of administrative costs for these activities is one of the causes of the large number of lands of the local government and the community that have not been registered (certified). The community believes that the costs incurred are quite large and the bureaucracy is also long.

Based on the above background, the authors chose the title of the thesis on "Implementation of Complete Systematic Land Registration (PTSL) Financing Based on a Joint Ministerial Decree (Study of the Medan Land Office)"

2. METHODOLOGY

This type of research is normative legal research, namely research on legal principles. Normative legal research is also called doctrinal legal research, where law is conceptualized as what is written in laws and regulations (law in books) and a comparative legal research approach is carried out according to certain statutory regulations or written law.

3. RESULTS

Complete Systematic Land Registration (PTSL) Financing Procedure Based on a Joint Ministerial Decree

Based on the SBK Year, the Unit Price of PBT and the Unit Price of Land Rights Certificate consists of seven zoning. In the previous Fiscal Year the Regional Zoning was divided into five Zoning only. Two additional Zones are Zone Six, namely for the Archipelago area and Zone Seven for remote/outermost areas.

Based on the SBK Year of Land Field Measurement and Mapping activities in Zone Six and Zone Seven, there are only SBK for ASN. The unit price has increased when compared to the unit price for the Fiscal Year. The unit costs are divided into two categories, namely the unit cost of measurement and the unit cost of land rights certification

The issuance of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number Year concerning Complete Systematic Land Registration, which is an amendment to the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number jo. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number Year on the Acceleration of Complete Systematic Land Registration, it is necessary to make adjustments to the implementation of the budget and activities as stated in the Technical Guidelines Number - /X/ concerning Implementation of the Complete Systematic Land Registration Budget.

The object of Complete Systematic Land Registration (PTSL) includes all parcels of land without exception, both parcels of land for which there are no land rights and land parcels with rights that have rights in order to improve the quality of land registration data. These objects include parcels of land that already have boundaries or those whose boundaries will be marked in the implementation of Complete Systematic Land Registration (PTSL) activities. If the location that is designated as the object of a Complete Systematic Land Registration (PTSL) contains land for land reform that no longer meets the requirements, then the land is automatically removed from the object of land reform and the implementation of land registration is carried out through the mechanism of Complete Systematic Land Registration (PTSL).

Complete Systematic Land Registration (PTSL) activities, especially the stage of measuring land parcels carried out through third parties are other services, which can be carried out by licensed cadastral surveyors, the Office of Licensed Cadastre Surveyor Services (KJSKB), or other parties in accordance with statutory regulations, using agreements/contracts that are guided by the provisions regarding the procurement of goods and services and the relevant laws and regulations.

Legal Certainty of Complete Systematic Land Registration (PTSL) Based on a Joint Ministerial Decree

The government in order to guarantee legal certainty, land registration is held throughout the territory of the Republic of Indonesia. Land registration has the aim of providing legal certainty and legal protection to land rights holders. This is because the result of land registration activities is the issuance of proof of ownership of land rights. The proof of ownership can be used to prove himself as the holder of the right in question.

The certificate of land rights is a common thread that connects legal certainty, land parcels and rights holders. Article paragraph () letter (c) Government Regulation Number Year concerning Land Registration confirms that: "Providing certificates of rights (certificates) that are valid as strong evidence" but what is emphasized in the article does not fully guarantee certainty and protection. the law for holders of land rights, because the Indonesian land registration system which adheres to a negative system has a positive tendency, meaning that everything listed in the land book and certificate of land rights acts as a strong sign of evidence until it can be proven that the opposite is not true. 33 On the other hand, the proof of the untruth of data as referred to in the negative stelsel registration system with a positive tendency has a time limit for other parties who object to a right held by the holder of land rights.

Article paragraph () of Government Regulation Number Year concerning Land Registration stipulates that: "In the event that a land parcel has been legally issued in the name of the person or legal entity that acquires the land in good faith and actually controls it, then the other party who feels that he has the land right can no longer demand the implementation of the right if within (five) years from the issuance of the certificate there is no written objection to the certificate holder and the relevant Head of the Land Office or does not file a lawsuit to the Court regarding the control of the land or the issuance of the certificate.

The problem of legal uncertainty regarding land rights certificates concerning the subject of other rights (other parties) can be in the form of claims by other parties regarding overlapping land parcels, dual certificates, and other disputes that contain practical and strategic social aspects, while issues concerning between the right holder with the certificate of land rights he holds (himself), that is, it is often found that the identity of the subject of the right holder is inconsistent between what is written in the land book or certificate of land rights and the identity of the original proof of identity (Identity Card for individuals). , deed of establishment for legal entities, and so on).

The convenience of registration through PTSL is that when the history of land ownership of PTSL participants is incomplete, it can be completed and proven by a written statement with sufficient stamp duty regarding ownership and/or physical control of the land parcel in good faith from the party concerned. The indicator of good faith is that there is no objection to the land owned or not in a state of dispute, does not include government assets, and is not a forest area. Despite these conveniences, the strength of proof from a stamped statement letter made by a PTSL Participant is the same as a private deed.

The strength of proof of an underhand deed is that the person against whom the unauthorized deed is used is obliged to confirm or deny his signature. When the signature is denied, the judge must order the veracity of the deed to be checked. However, when the signature is recognized by the person concerned, the deed under the hand has the power and becomes perfect evidence so that it can be concluded that the strength of proof of the statement made by the PTSL Participant is not automatically perfect.

The next step is the announcement of physical data and juridical data and their ratification. Announcements in PTSL are only made during calendar days and announced at the PTSL Adjudication Committee Office and the Village/Kelurahan Head Office. This is also applied in the implementation of PTSL in Medan City. The length of the calendar day is used for filing objections or incomplete data. When there are parties who object to the published physical data or juridical data, the objecting party is obliged to notify in writing to immediately file a lawsuit to the Court.

The next stage is bookkeeping of rights which is an activity where physical data and juridical data are recorded in a land book signed by the Chair of the Adjudication Committee on behalf of the Head of the Land Office. The bookkeeping of this right contains restrictions on the transfer of rights, the use of land related to coastlines, rivers, and restrictions on the use of land rights in protected areas. When it has been signed and has fulfilled the requirements to be given proof of its rights, a certificate of land rights will be issued and given to the community.

Systematic land registration is prioritized because it accelerates the acquisition of data regarding land parcels to be registered rather than through sporadic land registration.56 The implementation is the PTSL Program which is a land registration acceleration program which can be seen from the regulations, namely the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the Agency National Land Affairs Number Year concerning Complete Systematic Land Registration and Presidential Instruction Number Year concerning Acceleration of Complete Systematic Land Registration in the entire Territory of the Republic of Indonesia. These two rules are the basis for the implementation of PTSL in Indonesia.

PTSL is carried out to obtain legal certainty for land rights holders and other parties who have an interest in the land they control. Legal certainty of land ownership can be realized by issuing land certificates. The UUPA stipulates that the government conducts land registration throughout the territory of the Republic of Indonesia with the aim of ensuring legal certainty over land rights.58 An effort to realize legal certainty in land registration is the issuance of land certificates. A certificate according to Government Regulation Number Year concerning Land Registration is in the form of a single sheet of document containing information on juridical data and physical data required for a parcel of land whose rights are registered.

Based on this research, PTSL provides convenience for the community to obtain land certificates and the Government will have a single map related to land in Indonesia. In addition, even though it deviates from several provisions in Government Regulation No. Year on Land Registration, especially with regard to the suspension of payment of transitional taxes (BPHTB and/or PPh) and the announcement period, this activity still provides legal certainty to the community in controlling land originating from PTSL activities. This is because PTSL activities in Medan City are carried out in accordance with the provisions of the ATR/BPN Ministerial Regulation No. 2018.

Dispute Resolution in Complete Systematic Land Registration

Land cases distinguish between disputes, conflicts, and land cases. Land disputes are disputes between individuals, legal entities, or institutions that do not have a wide impact. While land conflicts are land disputes, whether people, groups, organizations, legal entities that have a tendency or have a broad impact. Meanwhile, land cases are land disputes that are handled and resolved through the judiciary.

The Regulation of the Minister of Agrarian Affairs Number Year concerning Settlement of Land Cases distinguishes the types of reports based on two avenues, namely initiatives from the ministry and public complaints. The reporting mechanism is distinguished by each administrative process and recording the handling of incoming complaints.

The Regulation of the Minister of Agrarian Affairs Number Year concerning Settlement of Land Cases states that disputes or conflicts are under the authority of the ministry, in this case the Ministry of Agrarian Affairs and Spatial Planning, among others, procedural errors in the process of measuring, mapping, and/or calculating the area, procedural errors in process of registration and/or acknowledgment of rights to ex-customary land, procedural errors in the process of stipulating and/or registering land rights, procedural errors in the process of determining abandoned land, overlapping rights or certificates of land rights in which one of the reasons for the rights is clearly wrong. Furthermore, procedural errors in the process of maintaining land registration data, procedural errors in the process of issuing a replacement certificate, errors in providing land data information, procedural errors in the permit granting process.

4. DISCUSSION

Dispute Resolution in Complete Systematic Land Registration

Land cases distinguish between disputes, conflicts, and land cases. Land disputes are disputes between individuals, legal entities, or institutions that do not have a wide impact. While land conflicts are land disputes, whether people, groups, organizations, legal entities

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In general, land disputes arise due to several factors, including:

- 1. Incomplete regulations; .
- 2. Non-compliance with regulations; .
- 5. Land officials who are less responsive to the need and the amount of available land:
- 6. Inaccurate and incomplete data; .
- 7. Incorrect land data; .
- 8. Limited human resources tasked with resolving land disputes; . erroneous land transactions; .Act of the applicant's rights. There is a settlement from other agencies, so that there is an overlap of authority.

Land dispute resolution in undeveloped areas is generally carried out by community leaders who are respected by local residents, namely customary heads, tribal chiefs, village heads or clan heads. In addition, the role of community leaders also helps to determine the allocation and supervision of land use by local residents. This is because the local customary heads/leaders generally have land data in their respective areas, both regarding the amount, limit and use of land by local residents. In general, land disputes that arise in Indonesia can be grouped into (four) classifications of problems, namely problems related to:

- 1. Recognition of land ownership;
- 2. Transfer of land rights;
- 3. Encumbrance of rights;
- 4. The occupation of former private lands.

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1. Recognition of land ownership;

- 2. Transfer of land rights;
- 3. Encumbrance of rights;
- 4. The occupation of former private lands.

5. CONCLUSION

The financing procedure for the Complete Systematic Land Registration at the Medan City National Land Agency has been running well and in accordance with the Joint Ministerial Decree. The PTSL program is carried out regularly every year and the cost of preparation for implementation (document preparation activities, procurement of stakes and stamps, operational activities of kelurahan/village officers) PTSL for category III (North Sumatra) costs Rp. .- (one hundred ninety seven thousand one hundred and sixty rupiah).

Legal certainty for Complete Systematic Land Registration (PTSL) based on a Joint Ministerial Decree is to provide legal protection to the holder of rights to a plot of land in the form of granting a certificate of land rights and provide information to interested parties so that it is easy to obtain data, both data and information. physical and juridical data that have been registered are open to the public as well as the implementation of an orderly administration, both in terms of transfer, encumbrance, and annulment of rights to land parcels.

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