

JURIDICAL ANALYSIS OF COMPLETE SYSTEMATIC LAND REGISTRATION (PTSL) OF KAMPUNG TUA LAND RIGHTS TO REALIZE THE PRINCIPLE OF PEOPLE'S SOVEREIGNTY AND LEGAL SECURITY” (RESEARCH STUDY IN BATAM CITY LAND OFFICE)

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ABSTRACT

Registration land is expected to bring legal certainty to the community. Complete Systematic Land Registration (PTSL) is the activity of registering land for the first time, which is carried out simultaneously and includes all objects of land registration that have not been reported in one village or another similar name, and also includes mapping of all land registration objects that have been registered. To collect and provide complete information about the parcels of land. This study aims to find out how the legal arrangements and obstacles faced in the process of legalizing community land ownership through the Complete Systematic Land Registration (PTSL) program over management rights in the perspective of legal certainty, not only that this research uses empirical normative legal research, namely legal research which using secondary data sources combined with legal analysis using primary data sources. The Latest Land Registration Program Organized by the Ministry of Agrarian Affairs and Spatial Planning/BPN is targeting 126 million land parcels in Indonesia to be registered and certified as a whole by 2025 and are described in a target of 5 million fields in 2017, 7 million areas in 2018, 9 Million Fields in 2019 and 10 Million Fields Annually Until 2025. So the Batam City Land Office has provided protection and certainty, especially regarding land registration carried out through the Land Registration Program, but there are several obstacles, namely, many landowners still need land certificates. , there are many lands in Batam that do not yet have Land Management Rights (HPL). In contrast, the community has occupied the land, and there are no regulations governing the spatial planning of Batam City (there is no Regional Regulation on Batam City spatial planning). For this reason, the government should make a spatial plan for RT/RW by BP Batam, Batam City Government Regional Regulations concerning TR/RW Locations of Kampung Tua, which are scattered throughout Batam Island, must have clear boundaries in the field. Regional Space Until now, the Batam City Government does not yet have the latest RT / RW. This is because there are still problems with Protected Forests and Settlements in Batam City.

Keywords: Legality, land registration, and rights to old village land

1. INTRODUCTION

Soil is the foundation of every aspect of human life, and most people depend on land use results. It can be enjoyed as an effort to survive. The human need for land continues to increase daily, in line with the rapid development in all fields. Land is essential for humans because almost every human need is related to land. Along

with the increasing population and the amount of growth in various sectors of life, both in the economic, sociocultural, and defense and security sectors, therefore the availability and use of the land are valid for the prosperity of the people; the explanation above can be linked to Article 33 paragraph (3) of the Law The 1945 Constitution of the Republic of Indonesia states that "earth, water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people."

As a follow-up to Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, "Earth and water and the natural resources contained therein are controlled by the State and used for the greatest prosperity of the people" Law Number 1960 concerning The Basic Agrarian Principles Regulations (State Gazette of the Republic of Indonesia of 1960 Number 104) after this referred to as the UUPA, in Article 19 paragraph (1) contains the registration of land throughout the Republic of Indonesia according to the provisions in force, from the explanation above it can be concluded that the guarantee of legal certainty has regulated through Government Regulation Number 24 of 1997 concerning Land Registration in Indonesia (State Gazette of the Republic of Indonesia of 1997 Number 59).

The State of Indonesia is a relatively large country. It has a considerable amount of land. However, with this large amount of land, it is still seen that many have not registered their land or have not taken care of ownership certificates; one of the reasons is due to the community's ability to bear the cost of writing their land and their limited budget by the country itself. This also happened in Batam City, controlling land certificates in the old village area.

The current government, through the ministry authorized to carry out land registration in Indonesia, namely the Ministry of ATR/BPN, has made efforts to accelerate land registration in Indonesia with various models of work programs/projects and other breakthroughs related to land registration. One of the programs for land registration programmed by the government is the National Agrarian Operations Project program, known as the abbreviation PRONA.

Along with developments and the public's need for law in Indonesia, the government has established a new program so that it can complete according to the target in Land Registration. Land registration is carried out through the Complete Systematic Land Registration Program, which has been regulated by the government, namely the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration. Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration Article 1 paragraph (2) Complete Systematic Land Registration, after this referred to as PTSL, is the activity of land registration for the first time carried out simultaneously for all objects of registration land throughout the territory of the Republic of Indonesia in one village area or other names equivalent to that, which includes the collection of biological data and juridical data regarding one or several objects of land registration for registration.

Complete Systematic Land Registration is one of the new programs formed and implemented by the government to serve the community for land registration in a way that is easily understood by the public and low cost for registration. Registering land for the first time will produce a letter of evidence in the form of a certificate of solid evidence. With the issuance of a certificate by the National Land Agency (BPN) assisted by a Land Deed Official (PPAT), the owner or holder of land rights can easily prove that he or she is the owner or holder of land rights.

There are also old village lands in the Batam City area, many of which still need certificates of ownership rights. The term old village will not be found in any area in Indonesia except in areas where the original inhabitants are ethnic Malays. Batam is one of the cities with a native Malay population. Batam city was originally part of the Riau Province. In 2002, it entered the area of the Riau Islands Provincial Government.

An old village or old village is a group of houses that functioned as the neighborhood where the original residents of Batam City lived before 1970 when Batam was built, which contains historical, local cultural, and religious values.

To preserve and maintain the preservation of Malay culture, the Mayor of Batam decided to carry out measurements and mapping of old villages. This activity was started in 2006 and was completed in 2011. The purpose and objective of this activity are to preserve the old Malay village and protect the rights of the Malay community.

This activity is a follow-up to the Decree of the Mayor of Batam No. 105/HK/III/2004 concerning the Determination of Old/Old Village Areas in Batam City. The Old Village needs to be preserved amid industrialization and trade flows; 33 Old Village points need to be preserved on the mainland with a total area of approximately 1,200 hectares, or 3% of the area of Batam island. At present, it is suspected that several Old Villages are still being affected by the industrial and trade area development policy. Residents oppose BP Batam's

policy of allocating land for investors they consider to be in the Old Village area. As a result, land conflicts were colored by clashes between community members and people from the investors' side. This policy was further strengthened through Batam City Regional Regulation No. 2 of 2004 concerning the 2004-2014 Batam City Regional Spatial Plan, which includes the meaning of Old Village.

FORMULATION OF THE PROBLEM

1. What are the legal arrangements for Complete Systematic Land Registration (PTSL) for Kampung Tua Land Rights to Realize the Principles of People's Sovereignty and Legal Certainty?
2. What factors and obstacles to Complete Systematic Land Registration (PTSL) for Old Village Land Rights to Realize the Principles of People's Sovereignty and Legal Certainty?

2. METHODOLOGY

Research Approach

This research is descriptive analysis in nature, namely research that seeks to describe facts and situations relating to legal arrangements for Complete Systematic Land Registration (PTSL) of Old Village Land Rights to Realize the Principles of People's Sovereignty and Legal Certainty.

The approach method used in this study is normative and empirical juridical. This approach is carried out by studying and reviewing applicable legal principles, especially legal arrangements for Complete Systematic Land Registration (PTSL) of Kampung Tua Land Rights to Realize the Principle of People's Sovereignty and Legal Certainty.

Data Sources And Data Collection Tools

Sources of data in this study are primary data and secondary data. Primary data was sourced from interviews at the Batam City Land Office. Secondary data collection was carried out through library research by reviewing books, journals, research results, conventions, laws and regulations, and internet media regarding research problems. Primary data was obtained by conducting field research using interviews at the Batam City Land Office and respondents related to the object of this research.

Data analysis

The data that has been obtained, both primary data from field research and secondary data obtained from library research, are generalized, then analyzed qualitatively. This data analysis aims to find and organize data systematically to increase the researcher's understanding of the problem under study and present it as a research finding.

3. RESULTS AND DISCUSSION

A. Legal arrangements for Complete Systematic Land Registration (PTSL) for Old Village Land Rights

1. Definition of Land Registration

Initially, the land registration system applied by the Dutch colonial authorities in Indonesia was a western legal system by the principles of concordance they adhered to. The goal is legal certainty and land rights for those who submit voluntarily to western law.

At the same time, land registration was also implemented for the indigenous population. However, land registration addressed to indigenous people was not intended to guarantee certainty of rights but for purely economic purposes, namely in determining the size of the tax on agricultural products to be

collected by the colonial government. This is detrimental to the Indonesian people who still live in the simplicity of customary law.

Completion of land registration in Government Regulation no. 24 of 1997 against Government Regulation no. 1 of 1961, which was enacted, includes the confirmation of various matters that were not clear in the old regulations, including the meaning of land registration itself, the principles and objectives of its implementation, which in addition to providing legal certainty as referred to above are also intended to collect and present information complete physical data and juridical data regarding the land parcel in question. Procedures for collecting land tenure data were also clarified, shortened, and simplified.

In order to ensure legal certainty in the field of land tenure and ownership, the certainty factor of the location and boundaries of each plot of land must be addressed. From experience, there have been quite several land disputes resulting from the incorrect location and boundaries of land parcels. Because of this, the problem of measuring and mapping as well as providing large-scale maps to administer land registration, is something that cannot be ignored and is an important part that needs serious and careful attention, not only in the context of collecting land tenure data but also in presenting tenure data. /land ownership and data storage. In the context of analyzing the construction of the meaning of ownership rights to land, the primary reference is based on Law No. 5 of 1960, article 20, paragraph 1, which confirms that the definition of land ownership rights is the most substantial and most fulfilled hereditary right that is people can own the land.

Land registration is carried out in the framework of providing legal certainty guarantees in the land sector because it will produce letters of proof of rights that apply as a powerful means of evidence. Land registration is also still carried out in two ways, namely first systematically covering the area of one village or sub-district or part of it, which is mainly carried out at the initiative of the Government and sporadically, namely registration of land parcels at the request of the holder or recipient of the rights concerned individually or in bulk.

2. Characteristics and Areas of Old Village in Batam

Before the Central Government, through the Batam authority, built this island, there were already many residents living here by building settlements, and the villages were named for various backgrounds. The following towns were recognized by the Batam City Government, the Batam Authority (BP Batam), the Batam City DPRD, and the Malay Traditional Institution of Batam City through the Old Village Declaration, which was declared in 2009, namely:

1. Tanjung Bemban.
2. Tanjung Sengkuang.
3. Nongsa Pantai.
4. Teluk Mata Ikan.

5. Bakau Serip.
6. Batu Besar.
7. Kampung Tengah,
8. Kampung Melayu,
9. Kampung Panglong,
10. Tanjung Riau
11. Tanjung Uma.
12. Kampung Setenga
13. Patam Lestari
14. Teluk Air Batu Besar
15. Kampung Belian.
16. Bengkong LautDapur 12Kampung BaganKampung Jabi.
17. Kampung terih
18. Kampung Panau
19. Batu Merah
20. Sei Binti
21. Sei Lekop Sei Tering
22. Tanjung Buntung
23. Tanjung Gundap
24. Tanjung Piayu
25. Telaga Punggur
26. Teluk Lengung
27. Teluk Nipah
28. Tembesi
29. Tiawangkang

Evidence of the community's existence can also be seen from biological evidence such as the burial complex of residents who are tens of years old, the graves of traditional leaders who are hundreds of years old, coconut trees and other trees that are eighty years old, the existence of conventional Malay gate sites in each site of the old village.

3. Procedure for Complete Systematic Land Registration

The workflow of the adjudication committee for accelerating systematic land registration is complete, starting with preparation, including (Socialization, Location Determination, Manpower Planning, and Formation of the Adjudication Committee for the Acceleration, Training).

1. Socialization
2. Determination of Location and Number of Fields
3. Planning of Committee Personnel and Juridical Task Force
4. Training
5. Counseling
6. Juridical Data Collection
7. Processing of Juridical Data and Proof of Rights

8. Soil Examination
9. Announcements
10. Issuance of Decree on the Determination of Rights and Decisions
11. Bookkeeping of Rights
12. Issuance and submission of certificates

Through the latest program moment, the Complete Systematic Land Registration (PTSL) is being held by the Ministry of Agrarian Affairs and Spatial Planning/Ka.BPN targets 126 million plots of land in Indonesia to be fully registered and certified by 2025 and translated into a target of 5 million properties by 2018 2017, 7 million plots in 2018, 9 million plots in 2019, and 10 million plots of land annually until 2025. In the PTSL target throughout Indonesia in 2022, there are 4,489,049 fields; Riau Islands Province has a target of issuing certificates of 16,960 areas with details:

- a. Tanjung Pinang City Land Office with 3,604 fields;
- b. Bintan Regency Land Office with 6,944 fields;
- c. Karimun Regency Land Office with 6,484 fields;
- d. Natuna Regency Land Office with 3,092 fields;
- e. Anambas Islands Regency Land Office with 2,000 fields;
- f. Lingga District Land Office with 2,280 fields;
- g. Batam City Land Office with 12,567 fields.

To reduce the occurrence of conflicts and disputes, the law exists to regulate and protect these interests, which is called legal protection. *Legal protection* is defined as the protection of dignity and recognition of human rights owned by legal subjects based on legal provisions of arbitrariness; whether or not legal protection is achieved, the government has tried to protect the rights of the people, the people who control their land by carrying out land registration, to provide fairness and obligations to the subject of the land parcel.

B. Inhibiting Factors/Constraints and Solutions in the Process of Complete Systematic Land Registration (PTSL) of Old Village Land Rights

Every policy implementation, of course, has its challenges and obstacles, as well as the performance of the Complete Systematic Land Registration (PTSL) policy in issuing land certificates as a whole by the Batam City National Land Agency (BPN). The following are the results of research conducted by the author on several inhibiting factors that interfere with the implementation of Complete Systematic Land Registration (PTSL).

- 1) Inhibiting Factors in the field
 - a) Lack of community enthusiasm due to lack of trust during socialization due to previous government programs other than the National Land Agency (BPN) program, which did not work and harmed the community;
 - b) Administration of completeness of letters. Many landowners do not have land certificates and only make purchases orally without any certificate of land ownership/proof of their rights;
 - c) The problem of spatial planning for the City of Batam has no regulations governing it (there is no Regional Regulation regarding spatial planning for the City of Batam);
 - d) Overlapping land ownership. There are community lands that have more than one land title;
 - e) The problem of the old village of Batam City, whose land status is made the Batam City Government has not issued prime land for the Batam City Government, whose land certificates, but the status of old village land has legally become the property of residents without any ownership certificates. Whereas in the Land Law, there is no such thing as an ancient village;
 - f) Technical constraints, many people need to learn the stakes of their land or the boundaries of their land.
- 2) Inhibiting Factors in the Implementing Committee for Complete Systematic Land Registration
 - a) Indirect budgets can be spent to carry out the Complete Systematic Land Registration Executor program;

- b) Allocation of time between routine tasks at the Batam City National Land Agency Office and implementing Complete Systematic Land Registration. This is because all officers of the Batam City National Land Agency were deployed to become executors of Complete Systematic Land Registration;
- c) Lack of available human resources in the measurement section in the field, so they have to work very hard to complete their work;

The challenge or obstacle for Batam City National Land Agency officers in the Complete Systematic Land Registration Policy (PTSL) in the perspective of Batam City spatial planning is that every officer is required to be faster, more precise, and more professional.

4. CONCLUSIONS

After the authors have described and analyzed the Complete Systematic Land Registration (PTSL) for Kampung Tua Land Rights to Realize the Principles of People's Sovereignty and Legal Certainty in the discussion of this study, it can be concluded that:

- a. In this case, the land registration is carried out so that the land owner has proof of rights over the land; in other words, it gives the land legal certainty. As for legal certainty, according to Utrecht, it contains two meanings, namely, first, the existence of general rules makes individuals know what actions may or may not be carried out, and second, in the form of legal security for individuals from the arbitrariness of the government because with general rules the individual can find out what the State may charge or do to individuals
- b. Complete Systematic Land Registration as a form of government providing legal protection to land owned or controlled by the people, as an effort by the government to protect people's rights from other forces that threaten their rights, and provide obligations to the holders of these rights. Every legal relationship certainly gives rise to rights and responsibilities; apart from that, each member of society certainly has a relationship of different interests that face each other and contradict each other.

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After researching Complete Systematic Land Registration (PTSL) for Kampung Tua Land Rights to Realize the Principles of People's Sovereignty and Legal Certainty, the authors suggest several things:

- a. The Head of the Regional Office of the Provincial National Land Agency increases the planning of Committee Personnel and the Juridical Task Force for employees who can be assigned to the committee and the Juridical Task Force, increases training to prepare for the smooth implementation of the Complete Systematic Land Registration task, it is necessary to conduct training for executors for technical training and improve the extension program carried out by the Land Office and the Adjudication Committee for the Acceleration and the Juridical Task Force and the Physical Task Force for the stages of Complete Systematic Land Registration activities. These juridical documents need to prepare.
- b. Implementing Complete Systematic Land Registration so that indirect budgets can be issued to carry out the Complete Systematic Land Registration Implementing program and dividing time between routine tasks at the Batam City National Land Agency Office with the task of implementing Complete Systematic Land Registration, adding Human Resources personnel in the measurement section in the field.

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