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Problems in The Implementation of Complete Systematic Land Registration (PTSL) in Jombang Regency

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ABSTRACT

Land registration is a critical government activity aimed at recording and maintaining physical and juridical data for land parcels, ensuring legal certainty for land rights holders. In Jombang Regency, despite 76.7% of 592,744 land parcels being titled, 100% titling has not been achieved. The government introduced the Complete Systematic Land Registration (PTSL) program, facilitated by Ministerial Regulations, to accelerate this process and provide legal certainty. However, the implementation of PTSL in Jombang Regency faces significant challenges, making it an important area for study. This research aims to analyze the implementation of the PTSL program in Jombang Regency, focusing on the challenges faced and the obstacles affecting its effectiveness in achieving legal certainty and reducing land disputes. This research uses an empirical juridical approach with a sociological juridical focus, drawing on primary data from interviews with the Jombang Regency Land Office and secondary data from laws and regulations related to land registration and PTSL, including Law No. 5/1960 and various government and ministerial regulations. This research revealed several technical constraints impacting PTSL implementation in Jombang Regency. These include a lack of human resources, limited timeframes for completion, insufficient public awareness regarding administrative requirements, and challenges in socialization and counseling. Further obstacles involve difficulties in retrieving and collecting juridical data, issues with physical data measurement due to terrain, and problems with certificate submission. Additionally, legal issues, particularly those related to inheritance and lost proof of ownership (Letter C), significantly impede the process.

Keywords: Land Registration, Problems, PTSL

INTRODUCTION

Land, a highly valuable resource for humans, is deeply intertwined with our lives, from birth to death. Our connection to the land is not merely economic but also emotional and spiritual. It embodies specific cultural and customary values that we must respect and appreciate.¹ To ensure legal certainty and protection for land rights holders, land registration is not just a process but a crucial responsibility. Land registration is a series of activities carried out by the government to record and maintain physical and juridical data regarding land parcels and apartment units.² Land registration is carried out systematically (through government initiatives) or sporadically (at the request of the right holder).³

There are 592,744 parcels of land in Jombang District, including 17,197 parcels of village treasury land (TKD). Of the total land parcels, 76.7% of them, namely 455,193 parcels, have been titled. Land titling, while a significant achievement, has not yet been fully achieved. This underscores the crucial importance of continued land registration to achieve legal certainty and reduce the occurrence of existing land disputes.

In order to achieve legal certainty over a plot of land owned by a person, the Central Government in Nawacita, which is the 9 priorities that are prioritized, provides a program that empowers the community in processing certificates as proof of rights. This is conducted by issuing Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No. 6/2018 concerning Amendments to Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency No. 12/2017 concerning Accelerating the Implementation of Complete Systematic Land Registration.

The acceleration of the implementation of Complete Systematic Land Registration (PTSL) as stipulated in Article 4 Paragraph 4 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6/2018, a legally binding document, on the Acceleration of the Implementation of Complete Systematic Land Registration, is carried out in stages:

1. Planning;
2. Location determination;
3. Preparation;

¹ Fokky Fuad et al., "Ownership of Land: Legal Philosophy and Culture Analysis of Land Property Rights," *Jurnal Media Hukum* 30, no. 2 (December 26, 2023): 98–116, <https://doi.org/10.18196/jmh.v30i2.18264>.

² Joko Widodo, Abdul Halim, and Siti Muqhimatul Lulu'ah, "Sistem Pendaftaran Tanah Di Indonesia Menurut Peraturan Pemerintah No. 24 Tahun 1997 Tentang Pendaftaran Tanah," *AL-BURHAN* 12, no. 1 (February 24, 2022): 53–71, <https://doi.org/10.56322/jab.v12i1.18>.

³ SH. MHum Ratna D.E Sirait and Mkn Dr. Tiromsi Sitanggang, SH, MH, "Land Registration Derived from Customary Land According to Government Regulation Number 24 of 1997," *The International Journal of Humanities & Social Studies*, August 28, 2023, <https://doi.org/10.24940/theijhss/2023/v11/i6/HS2306-010>.

4. Formation and determination of the Adjudication Committee for Complete Systematic Land Registration and Task Force;
5. Counseling;
6. Physical Data Collection and Juridical Data Collection;
7. Juridical Data Research for Proof of Rights;
8. Announcement of Physical Data and Juridical Data and its Ratification;
9. Affirmation of Conversion, Recognition of Rights, and Granting of Rights;
10. Bookkeeping of Rights;
11. Issuance of Land Rights Certificate;
12. Documentation and Submission of Activity Results; and
13. Reporting.⁴

The National Land Agency (BPN) has launched the PTSL program, a community-focused initiative that replaces the Prona program. This program, proposed by the Ministry of Agrarian Affairs and Spatial Planning (ATR)/BPN, aims to record and subsequently provide free certificates for 5 (five) million parcels of land in each local BPN region. The PTSL program, which began in 2017, is set to continue until 2025, with a target of 126 million parcels.

After a comprehensive budget discussion, we have approved around 2 million land parcels for PTSL in fiscal year 2017. This decision, which will result in a yearly increase in the number of land parcels designated as PTSL objects across the Republic of Indonesia, underscores our unwavering and unwavering commitment to efficient land management. The PTSL target for 2025 is set at 1.5 million parcels, a figure that reflects our dedication and the need to register the remaining unclaimed land.

After going through the budget discussion process, only around 2 million land parcels were approved for PTSL in fiscal year 2017. Every year, the number of land parcels designated as PTSL objects is expected to increase throughout the territory of the Republic of Indonesia. The PTSL target for 2025 is set at 1.5 million parcels. This figure is lower than that of the Head of the Jombang District Land Office, ensuring that there is no cost in the land certificate process and the process of obtaining a land certificate is free of charge, starting from the registration fee for collecting juridical data or physical checking, measuring the land, all costs are borne from the APBN, the applicant is only charged with buying stamps, boundary marks in the form of stakes and filing. Moreover, in PTSL, data processing is also faster if the registration data is declared correct and complete, as certificates can be immediately issued to applicants, unlike in other systems. In the previous year, it

⁴ “Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 Tentang Pendaftaran Tanah Sistematis Lengkap” (2018), <https://peraturan.bpk.go.id/Details/103713/permen-agrariakepala-bpn-no-6-tahun-2018>.

reached 3 million fields. This is part of the efficiency strategy and adjustments to the remaining unregistered land.

The Jombang District Land Office in the PTSL program is targeting the tying of approximately 6,000 parcels of land. In the second phase, 20,000 parcels of land are included in the measurement data collection process. BPN Jombang is also implementing a cross-sector program involving 500 parcels of land, comprising 300 parcels of land in the agricultural sector and 200 parcels of land in the SME sector. This brings the total target of PTSL in Jombang Regency to 26,000 parcels of land, a clear and definitive goal for our collective efforts.

PTSL targets in Jombang District are divided into four PTSL Implementation teams, with each team responsible for approximately 6,000 parcels of land. PTSL should be of interest to the community because it provides a convenient way to obtain land certificates. This includes no registration fee, although the cost components of requirements, such as the purchase of stamps, land stakes, and land taxation fees, are still borne by the applicant. PTSL, importantly, is also expected to significantly reduce the potential for land disputes and conflicts caused by the unclear status of land ownership and control in the eyes of the law, providing a sense of security and confidence in the program.

The PTSL target in Jombang Regency in 2024 is 20,550 fields.⁵ The previous year, 2023, Jombang had completed 38,374 certificates through the PTSL program. The PTSL program aims to provide legal certainty over land ownership rights and reduce land disputes. The PTSL program has reached 51 villages and sub-districts. A total of 300,000 parcels of land in Jombang have been registered under this program, covering about 50% of the total 306 villages and sub-districts in Jombang.⁶ Although the target for 2024 is lower than that of the previous year, the national PTSL program is still ongoing and aims to target 1.5 million parcels of land, according to the Minister of ATR/BPN. This is part of the effort to complete land certification across Indonesia. Based on this description, a problem formulation is presented, specifically the implementation of PTSL and the issues encountered during its implementation in Jombang Regency.

RESEARCH METHODOLOGY

The research method employed in this study is an empirical juridical approach with a sociological juridical orientation. The data sources used in this research are primary data, specifically the valuable information obtained from interviews with the Jombang Regency Land Office, and secondary data, in the form of laws and

⁵ Yuyun Rakhmawati, "BPN Jombang Targetkan PTSL Sebanyak 20.550 Bidang Di Tahun 2024," *mediapetisi.net*, 2024, <https://mediapetisi.net/2024/03/04/bpn-jombang-targetkan-ptsl-sebanyak-20-550-bidang-di-tahun-2024/>.

⁶ Ahmad Fredi, "300 Ribu Bidang Tanah Di Jombang Masuk Radar Program PTSL," *jurnaljatim.com*, 2025, <https://jurnaljatim.com/2023/07/300-ribu-bidang-tanah-di-jombang-masuk-radar-program-ptsl/>.

regulations, namely Law No. 5/1960 concerning Basic Agrarian Principles, Government Regulation No. 24/1997 concerning Land Registration, Government Regulation No. 18/2021 on Management Rights, Land Rights, Flat Units, and Land Registration, Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6/2018 on Amendments to Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 2/2017 on Accelerating the Implementation of Complete Systematic Land Registration.

RESULT AND DISCUSSION

PTSL Implementation

The PTSL program is committed to accelerating the establishment of legal certainty and protection of land rights.⁷ It does so through a specific, simple, fast, smooth, safe, fair, equitable, open, and accountable process. The program's primary objective is to enhance the welfare and prosperity of the community, boost the country's economy, and reduce and prevent land disputes and conflicts.⁸ The PTSL program is a practical application of the principles of land registration, promoting simplicity, speed, openness, safety, and up-to-dateness.

Land registration activities produce land certificates as proof of legal and accountable land rights, a realization of the UUPA that guarantees legal certainty through the government's involvement in the agrarian sector. The government, in its proactive role, organizes land registration to ensure legal certainty and to anticipate and resolve future problems related to agrarian or land disputes.

In Ministerial Regulation No. 6/2018 on Accelerating the Implementation of a Complete and Systematic Land Registration, PTSL refers to a comprehensive land registration activity.⁹ This is the first time that land registration has been carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in a single village/kelurahan area or at a similar level. This includes the collection and verification of physical data and juridical data regarding one or more land registration objects for registration purposes.

The Adjudication Committee for Complete Systematic Land Registration, as mandated by Article 5 Paragraph 2 of the Regulation of the Minister of Agrarian

⁷ Nindha Almira and Nurhaslita Sari, "Efektivitas Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Di Badan Pertanahan Nasional (BPN) Aceh Barat," *Journal of Social and Policy Issues*, September 30, 2022, 130–34, <https://doi.org/10.58835/jspi.v2i3.9>.

⁸ Yulin Kamumu, Nirwan Junus, and Dolot Alhasni Bakung, "Pelaksanaan Pendaftaran Hak Atas Tanah Berdasarkan PERMEN ATR/BPN Nomor 6 Tahun 2018 Tentang Pendaftaran Tanah Sistematis Lengkap Oleh Kantor Pertanahan Kabupaten Boalemo," *Doktrin: Jurnal Dunia Ilmu Hukum Dan Politik* 1, no. 4 (October 4, 2023): 93–114, <https://doi.org/10.59581/doktrin.v1i4.1369>.

⁹ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.

and Spatial Planning/Head of the National Land Agency No. 6/2018, is responsible for PTSL activities.¹⁰ The committee's composition is as follows:

1. The Chairman of the Committee is concurrently a member held by an employee of the Land Office;
2. The vice chairperson in charge of agrarian infrastructure is concurrently a member, held by a Land Office employee who understands land infrastructure affairs;
3. The deputy chairperson in charge of agrarian legal relations is concurrently a member, held by a Land Office employee who understands land legal relations affairs;
4. Secretary, who is an employee of the Land Office;
5. The Head of the local Village/Kelurahan or a Village/Kelurahan Pamong appointed by him; and
6. Members may be added from Land Office elements as needed.

Article 6 of the Ministerial Regulation states that the Adjudication Committee for Complete Systematic Land Registration has the following duties:

1. Prepare a work plan to accelerate land registration;
2. Collect Physical Data and original Juridical Data documents of all land parcels in the area concerned and provide receipt of documents to the right holder or his proxy;
3. Assist in the completeness of land ownership proof requirements by applicable regulations;
4. Checking the formal correctness of Physical Data and Juridical data of evidence of land ownership or control;
5. Announcing the Physical Data and Juridical Data of land parcels that have been collected;
6. Facilitate the settlement of disputes between the parties concerned regarding the published data;
7. Ratify the results of the announcement as referred to in letter e, which will be used as the basis for bookkeeping of rights or proposals for granting rights and registration of rights;
8. Submitting periodic reports and submitting the results of activities to the Head of the Land Office; and
9. Supervise the implementation and work results of the Physical Task Force and the Juridical Task Force.¹¹

¹⁰ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.

¹¹ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.

The acceleration of PTSL implementation, as contained in Article 3 Paragraph 3 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6/2018, is carried out in stages:

1. Determination of the location of activities to accelerate Complete Systematic Land Registration;
2. Formation and establishment of Adjudication Committee for Complete Systematic Land Registration;
3. Counseling;
4. Collection and processing of Physical Data and Juridical Data of land parcels;
5. Land inspection;
6. Physical and Juridical Data Announcement; Physical and Juridical Data Announcement;
7. Issuance of decision to grant land rights;
8. Recordkeeping of Land Rights;
9. Issuance of Land Rights Certificate; and/or
10. Submission of land rights certificates.¹²

The subject, object, rights base, and PTSL process carry out these stages. In this case, there are several differences in stages with Article 3 Paragraph (4) of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6/2018, namely:

1. Planning and preparation;
2. Determination of ptsl activity locations;
3. Formation and determination of the ptsl adjudication committee;
4. Counseling;
5. Physical and juridical data collection of land parcels;
6. Land inspection;
7. Physical and juridical data announcement of land parcels and proof of rights;
8. Issuance of a decision to grant or recognize land rights;
9. Recordkeeping and issuance of land rights certificates; and
10. Submission of land rights certificates.¹³

The different stages do not affect the implementation of PTSL, as the essence is essentially the same: to accelerate systematic land registration and obtain legal certainty and protection.

¹² Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.

¹³ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.

PTSL field measurement and mapping activities, based on Article 15 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6/2018, obtain costs from:

1. Central Government Budget (APBN);
2. List of Budget Program Inputs (DIPA);
3. Local Government Budget (APBD);
4. Village funds;
5. Self-help community;
6. Private sector through Corporate Social Responsibility (CSR) programs;
7. Other funds in accordance with applicable regulations.¹⁴

Physical data collection, a key aspect of accelerating PTSL, is optimized when the measurement and mapping of land parcels are systematically implemented and clustered within a single complete village area. This approach, supported by the availability of land registration base maps, ensures the reliability and accuracy of the data.¹⁵ Following the collection of physical data, the equally important collection of juridical data is carried out, with the planning of committee personnel and the Juridical Task Force. It is essential to note that this process is fully compliant with the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency No. 6/2018, ensuring the legality and validity of the data collection.

1. The Head of the Jombang District Land Office conducted an inventory of the number of employees designated as juridical committees and task forces;
2. One committee in PTSL is called the Accelerated Adjudication committee, which consists of 4 land office employees plus one from the village, and its membership can be increased as needed;
3. For the collection of juridical data, the Accelerated Adjudication Committee is assisted by a Juridical Task Force consisting of at least 1 (one) land office civil servant and 1 (one) resident as needed;
4. One Accelerated Adjudication Committee may be accompanied or assisted by a judicial data collector or judicial task force, depending on the volume or target.
5. One juridical data collector has a target of at least 15 files or parcels per day. At the Jombang District Land Office, one juridical data collector can complete 50-100 files/parcels;
6. The collection and analysis of juridical data is completed within one fiscal year by taking into account the timeframe of the activity stages;

¹⁴ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.

¹⁵ I Gede Kusuma Artika and Westi Utami, "Percepatan Pembenahan Data Bidang Tanah Kluster 4 Melalui Survei Data Pertanahan," *BHUMI: Jurnal Agraria Dan Pertanahan* 6, no. 1 (May 15, 2020), <https://doi.org/10.31292/jb.v6i1.425>.

7. The Chairman of the Accelerated Adjudication Committee signs the Decree on the Determination of Rights and the Decree on Affirmation/Recognition of Rights, Bookkeeping of Rights, and Issuance of land rights certificates based on the delegation of authority to the Head of the Land Office;
8. The secretary of the Accelerated Adjudication Committee is responsible for carrying out administrative and secretarial duties.¹⁶

Based on the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6/2018, juridical data collection is determined by an inventory of juridical data, which is then grouped into 4 (four) clusters, namely:

1. CLUSTER 1 (one), i.e., land parcels for which the juridical data meet the requirements for a land certificate to be issued, including:
 - a. Traditionally Owned Land
 - 1) Girik, Pipil, Petuk, Verponding Indonesia, or other similar/applicable designations in the local area on behalf of PTSL participants;
 - 2) For lands bearing designations such as Girik, Pipil, Petuk, Verponding Indonesia, or other similar local designations, not in the name of PTSL participants, the provision of a history of land acquisition in the form of evidence is crucial. This evidence, whether it's a Deed of Transfer of Rights underhand for actions before 1997 or a PPAT deed for actions after 1997, is a weighty requirement. The acquisition of land through auction necessitates a deed of division/Fatwa/Determination of Inheritance, Auction Deed.
 - 3) Girik, Pipil, Petuk, Verponding Indonesia, or other similar/applicable designations in the local area, which are used as the basis for the application for recognition of rights, must refer to the location of PTSL participants, except in the event of the expansion of the government administrative area (village, sub-district, district/city);
 - 4) Statement of Physical Land Tenure applies to all applications (complete/incomplete/absent juridical documents);
 - 5) If there is no stamp duty in the statement letter, the provisions of Law No. 13 of 1985 concerning Stamp Duty shall apply;
 - 6) The identity of the PTSL participant subject is qualified, namely:

¹⁶ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.

- a) Individual citizens, in the form of ID cards or other identity documents;
 - b) Religious Social Legal Entity, in the form of Deed of Establishment, Legal Entity Endorsement;
 - c) Government agencies and local governments, in the form of laws and regulations on the establishment of government agencies / local governments;
 - d) Nazir, in the form of an ID card or other identity information, accompanied by a Waqf Pledge Deed or a deed replacing the Waqf Pledge Deed;
- 7) Owned and utilized by the owner, either directly or indirectly;
- 8) If the proposed land is joint property that has not been divided/separated and is requested by one of the parties either during marriage or divorce, it will still be issued in the name of the husband and wife;
- 9) Girik, Pipil, Petuk, Verponding Indonesia, or other similar designations/applicable in the local area used as PTSL evidence that points to a different location from the PTSL object, cannot be used as the basis for land registration, and the documentation/file must be returned, and as a substitute is a Physical Land Tenure Statement;
- b. State Land
 - 1) Letter/Document showing proof of physical possession;
 - 2) A Statement of Physical Possession of the Land Parcel accompanies letters/documents showing proof of physical possession.
 - 3) If cultivated land is utilized by another party based on a lease/other agreement, it must be proven by the existence of a lease agreement/other agreement.
 - 4) If the requested land is jointly controlled, the land rights can be issued in joint names.
 - 5) Not included in the forest area.
- 2. CLUSTER 2 (two): land parcels for which the juridical data qualify for a certificate, but for which there is a court case. The Adjudication Committee takes the following steps:
 - a. The Accelerated Adjudication Committee can book rights by leaving the name of the rights holder blank.
 - b. The Adjudication Committee will accelerate the issuance of land rights certificates after a court decision with permanent legal force has been issued and the verdict declares one of the parties as the rightful owner.

- c. The Head of the Land Office signs and issues a certificate if a court decision with permanent legal force is issued after the end of the budget year for systematic land registration activities, without replacing the land book signed by the Adjudication Committee.
- 3. CLUSTER 3 (three) are land parcels for which juridical data cannot be recorded and certificates issued because:
 - a. Foreigner subject, Private Legal Entity, subject not known, subject not willing to participate in PTSL;
 - b. Objects are P3MB land, Prk 5, Group III houses, nationalization projects, communal land, and absentee land.
 - c. Land objects belonging to adat, as well as documents proving ownership, are incomplete, and participants are not willing to make a statement regarding physical control of the land plot. Land that cannot be recorded and certificates issued are recorded in the land registry.
- 4. CLUSTER 4 (four), i.e., when the subject and object are not eligible for PTSL because they are already certified.

Based on Technical Guidelines Number 01/JUKNIS-300/2016, the objectives of the implementation of systematic measurement and mapping of complete land parcels clustered in one complete village area include:

- a. The implementation time is relatively faster than the implementation of sporadic measurement and mapping of land parcels;
- b. Mobilization and coordination of measuring officers is more straightforward to implement;
- c. Unregistered and registered land parcels within a village area can be identified at the same time;
- d. Problematic land parcels within a village area can be identified;
- e. The contradictory delimitation principle is more straightforward to implement;
- f. Can improve and complete the registration base map.

For the implementation of PTSL to take place efficiently and effectively, the Head of the Land Office determines the distribution of PTSL targets, which are concentrated in several districts or cities within one province, in stages. The Head of the BPN Regional Office can mobilize / assign employees from the BPN Regional Office and from the Land Office to other Land Offices. This process is carefully executed, paying attention to and considering the availability of human resources within the Land Office and the BPN Regional Office, thereby highlighting their value and importance in the process.

The implementation of Land Registration activities based on Government Regulation No. 24/1997 is carried out with a period of 60 days, while the implementation of PTSL based on the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency No. 6/2018 is carried out with a period of 14 days.

PTSL is more effective than Systematic Land Registration. The Adjudication Committee carries out Systematic Land Registration, while a dedicated task force, which plays a crucial role, handles PTSL. The applicant bears the cost of the PTSL participant, and the payment method is regulated by Law No. 20/1997 concerning Non-Tax State Revenue.

Land parcels listed in Article 19 of Ministerial Regulation No. 6/2018 that become PTSL objects are State Land that can be proven by:

1. A letter or document showing evidence of physical possession that is accompanied by a statement of physical possession of the land plot;
2. Letter of lease or other agreement, cultivated land that is utilized by another party based on a lease or other agreement; and
3. The land is not included in the forest area.

If the requested land is jointly controlled, the Land Rights can be issued in joint names. PTSL Objects that are former Customary Owned Land, the ownership is proven by the original Girik, Pipil, Petuk, Verponding Indonesia, or other similar designations or applicable in the local area in the name of the subject or party entitled to Land Rights participating in the PTSL Adjudication. The evidence is an original document issued before September 24, 1960, and not a photocopy/or copy. It cannot be stressed enough that the authenticity of these documents is paramount, as they form the basis of the PTSL process. If the evidence is not in the name of the PTSL participant, it must be equipped with a history of land acquisition in the form of:

1. Proof of acquisition of land under the hand, if the legal action was carried out before 1997;
2. Deed of Transfer of Rights evidenced by a PPAT deed, if the legal action is carried out after 1997;
3. Deed of Distribution/Fatwa/Determination of Heirs; or
4. A Deed of Auction is obtained through an auction.

Suppose this is used as the basis for an application for recognition of rights. In that case, it is of utmost importance to prove that the land parcel in question is in the location of the PTSL Adjudication activity. This is a crucial step, as it ensures the accuracy and validity of the process. Unless there is a division of the administrative area of the village, sub-district, district, or city government, a certificate is issued regarding the division of the area in question. If it cannot prove

the location of the land parcel, or it turns out that the location of the land parcel is different from the location of the PTSL Adjudication activities, then:

1. It cannot be used as the basis for land registration, and the document or file must be returned to the owner;
2. As a substitute, an affidavit of physical possession of the land parcel in good faith may be used.

Suppose there is incomplete or no evidence of community land ownership. In that case, it can be completed and proven by a written statement from the person concerned, stating that they have physical control of the land plot in good faith. Article 19 point 2c of the LoGA states that the end of land registration activities carried out by the Government is the issuance of a certificate of proof of title, which acts as a strong means of evidence. However, with a single clause that this applies as long as it has not been successfully proven, there is a lively debate among legal professionals about whether this weakens the position of the certificate as a strong means of evidence. However, with the existence of Article 40, namely the 5-year grace period for filing a lawsuit, this certainty is even more guaranteed. The UUPA does not mention the name of the land title certificate that is registered.¹⁷

The certificate is issued by the District or Municipal Land Office. The official who signs the certificate is:

1. In systematic land registration, certificates are signed by the Chairman of the Adjudication Committee on behalf of the head of the District Land Office.
2. In individual sporadic land registration, certificates are signed by the Head of the District/Municipal Land Office.
3. In mass sporadic land registration.

The certificate is signed by the Head of the Land Measurement and Registration Section on behalf of the District Land Office's Head. The purpose of issuing a certificate in land registration activities for the first time is to enable the right holder to effortlessly and unequivocally prove their ownership. The certificate is issued for the benefit of the right holder concerned, based on the physical and juridical data registered in the land book.

The parties who receive certificates issued by the District/Municipal Land Office are:

1. For land rights or ownership rights of apartment units held by a single person, the certificate may only be handed over to the person whose name appears in the relevant land book as the right holder or to another party authorized by them.

¹⁷ Soejono and Abdurrahman, *Prosedur Pendaftaran Tanah Tentang Hak Milik, Hak Sewa Guna, Dan Hak Guna Bangunan* (Jakarta: Rineka Cipta, 2015).

2. For waqf land, the certificate is handed over to the Nadzir or another party authorized by him.
3. If the right holder dies, the certificate is transferred to his heirs or one of the heirs with the consent of the other heirs.
4. A single certificate is issued for a land right or a property right in an apartment unit held in joint ownership by several persons or legal entities, which is transferred to one of the joint owners upon the written appointment of the other joint owners.
5. For mortgage rights, the certificate shall be delivered to the party whose name is listed in the relevant land register or to another party authorized by them.

Article 14 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency No. 6/2018 outlines a meticulous process for land registration. The land is first recorded in the minutes of completion, then entered in the general register of land registration and other relevant registers, and finally signed by the Head of the PTSL Adjudication Committee. The Land Rights Certificate is then issued by the Head of the Land Office or may be delegated to the Head of the PTSL Adjudication Committee.

Under the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 6/2018, the issuance of Land Rights Certificates is a significant responsibility of the Head of the Land Office, who can also delegate this to the Head of the PTSL Adjudication Committee for PTSL participants, including:

1. Indonesian citizen, for individuals;
2. Communities included in the Government Program for Simple Housing;
3. Religious legal entities and social legal entities that are designated by the use of the land;
4. Civil Servant, Indonesian National Army or Indonesian National Police;
5. Veteran, Retired Civil Servant, Retired Indonesian National Army, Retired Indonesian National Police and Husband/Wife/Widow/Widower/Veteran/Pensioner of Civil Servant/Retired Indonesian National Army/Retired Indonesian National Police;
6. Government Agencies and Local Governments, to carry out tasks and not for profit;
7. Nazhir; or
8. Customary Law Communities.

If the recipient of a certificate has not been able to pay the Tax on Acquisition of Land and Building Rights (BPHTB), a note is made in the Land Book and Certificate as a tax payable by the owner of the land concerned. The implementation

of issuing certificates that contain a record of tax payable by the landowner concerned is made in a list periodically for each month and submitted to the Regent/Mayor. Based on Article 14, Paragraph 9 of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 6/2018, the issuance of land rights certificates is carried out under the following conditions, emphasising the necessity of compliance with regulations to maintain order and legality.

1. The assignee submits the original ownership documents;
2. The recipient of the right shall make a declaration of the Fees on Acquisition of Land and Building payable, which shall become a certificate of the relevant Land Rights, and shall be recorded in the Land Book and the Land Rights Certificate; and
3. The transfer or change of data on the Land Rights Certificate can only be carried out after the person concerned has proven that the Fees for the Acquisition of Land and building rights have been paid.

Problems in the Implementation of PTSL in Jombang Regency

Several problems or obstacles exist in the implementation of PTSL, including technical constraints. Your role is crucial in overcoming these obstacles. Technical constraints refer to factors or conditions that limit, hinder, or prevent the achievement of technical targets during their implementation. As for some technical obstacles, namely:

1. Lack of Human Resources (HR) in the implementation of PTSL

The lack of human resources in this case is quantitative, specifically the limited number of workers assigned to the PTSL program according to their respective fields. This is an urgent matter as almost every year, employees at the Jombang District Land Office retire. With a substantial target (26,000 parcels of land) that must be completed in about 5 months, it's clear that immediate action is needed to address the staffing shortages.

Each person on the Accelerated Adjudication Team and Task Force is committed to the task, striving to work on approximately 100 plots of land per day. Despite the team's efforts, which comprise around 23 people and several additional employees, it remains a challenge to effectively carry out PTSL with a large target. This is because the entire team also has responsibilities at the Jombang District Land Office, resulting in a double workload. However, the team remains resolute in its commitment to meeting these challenges and achieving the set targets, thereby instilling confidence in its ability to do so.

2. Timeframe Limitations

PTSL is ideally a year-long project, running from January to December. However, in the case of PTSL 2018 in Jombang Regency,

implementation was delayed until July, leading to a December end date due to the commencement of preparations for PTSL 2019 in January. This lack of foresight and strategic planning has had a detrimental effect on the project's effectiveness, resulting in the unfortunate outcome of not meeting our set targets.

3. Lack of public awareness in completing administrative requirements

Public awareness plays a crucial role in the implementation of PTSL, as the community as an applicant must be proficient in fulfilling administrative requirements. If this is not the case, it can hinder or affect the PTSL implementation process, which can be a time-consuming endeavour.

4. Socialization and Counseling

In carrying out socialisation and counselling, the obstacles encountered related to time. The delay in the land office's arrival at the location, which sometimes occurs, is not due to the land office being lazy or uncooperative, but rather because numerous tasks must be completed at the land office. Then, another obstacle arises from people who do not understand how to fill out the registration form correctly. In reality, the time allocated for socialisation, a crucial step in our operations, is approximately one month. Still, it has been completed for more than one month, namely, one and a half months.

5. Retrieval and Collection of Juridical Data

The obstacle encountered during the juridical data collection was that many participants did not understand how to complete the PTSL application form. The solution involved a data collection process utilising POKMAS to assist participants in filling in land data, including Letter C, ID numbers, dates of birth, and addresses.

6. Measurements to Obtain Physical Data

The obstacle experienced at the location is the terrain of the land parcel that is the object of PTSL. The impact of terrain on GPS signal strength is not just a technicality, but a significant factor in the practicality of our work. In flat terrain, GPS usage is straightforward, allowing physical data to be obtained for approximately 10-20 land parcels in a single day. However, in hilly terrain, the signal received is not strong enough, making GPS usage more challenging. This was observed during measurements taken based on the area's topography.

7. Certificate Submission

Obstacles encountered included villages that were not prepared to receive all the files for certificate issuance and therefore could not hand over certificates, internal village administration issues, time constraints, and incomplete juridical data.

In addition to the technical problems encountered during the implementation of PTSL in Jombang Regency, it also faces legal issues, specifically legal events related to inheritance matters. This can be an obstacle to the implementation of PTSL because if the land parcel to be registered in PTSL is a land parcel whose acquisition method is in the form of a transfer of rights and the name listed in Letter C has died a long time ago and is just submitted for land registration (*pemutihan*) then it requires a death certificate, a document of utmost importance in this process. A certificate of inheritance (signed by all heirs), including the number of heirs, the conditions for inheritance, and other relevant details, can take a considerable amount of time.

Not to mention that if there are many heirs and they are scattered, a common scenario that can pose significant challenges, the division of land based on the heirs must obtain the agreement of all heirs. Therefore, the Accelerated Adjudication Committee or the land office provides an alternative solution in the form of the inclusion of a joint name on the certificate requested, so that if at any time all the heirs can gather and want to divide the land it will be easier because the rights have been stated (the land can be divided by the agreed provisions). The problem lies in the need for a certificate of inheritance to be approved and signed by all heirs, who are often located in different cities or even countries.

In addition to legal events, there are legal actions. In the case of PTSL implementation, the legal actions in question, for example, are buying and selling. Before 1997 or before the promulgation of Government Regulation No. 24 of 1997 concerning Land Registration, in buying and selling land, there must be evidence in the form of receipts, seals and Letter C, while after 1997 or after the promulgation of Government Regulation No. 24 of 1997 concerning Land Registration, in buying and selling land there must be *Akta Jual Beli* (AJB), two witnesses, and stamp duty.

The obstacle here is that when buying and selling, and still using receipts and seals, the PTSL implementer will find it challenging to manage the land registration process. Proof of Ownership (Letter C) is lost; Letter C is a book kept by village officials, usually the village secretary (*Sekdes*). This book can serve as proof of land ownership because the land recorded in the book has been controlled for years, based on which Land Office or BPN officers can determine who is entitled to the ownership of land that has not been titled in a village. Therefore, if Letter C is lost, it will be challenging for the Land Office to implement PTSL, as Letter C is the initial evidence required to obtain juridical proof of land rights, namely certificates. Therefore, if the Letter C is lost, PTSL

participants must first replace the lost Letter C to fulfil the main requirements for PTSL registration.

CONCLUSION AND SUGGESTION

Conclusion

The implementation of Complete Systematic Land Registration (PTSL) is an effort to organise land registration in Indonesia. PTSL is expected to accelerate the process of providing guarantees and protecting land rights throughout Indonesia. One of the objectives of enacting the Basic Agrarian Law will soon be realised. In Jombang Regency, approximately 30% of the remaining unregistered land parcels are expected to be completed as quickly as possible through the PTSL Acceleration program.

Problems that arose in the implementation of PTSL in Jombang District included technical constraints, namely a lack of human resources in the implementation of PTSL, limited timeframes, a lack of public awareness in completing administrative requirements, socialization and counseling, retrieval and collection of juridical data, measurement to obtain physical data, and submission of certificates. The loss of proof of ownership (Letter C) has significantly impacted the process.

Suggestion

The Jombang District Land Office should further optimize the implementation of the PTSL program to ensure that the community receives full and reliable legal certainty over land ownership. This involves not only improving technical execution, such as increasing human resource capacity, streamlining administrative procedures, and enhancing community outreach, but also addressing recurring obstacles in data collection and legal verification.

In parallel, the central government should take a more proactive role by forming an independent special committee dedicated solely to overseeing and supporting PTSL execution at the regional level. This committee should be composed of professionals with legal, technical, and social expertise, and be given the authority and resources to resolve bottlenecks swiftly. Additionally, the committee's operational timeline must be aligned with the official program deadlines to ensure timely and coordinated progress, ultimately supporting the national goal of comprehensive and dispute-free land registration.

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