JURIDICAL ANALYSIS OF COMMUNITIES' REJECTION ON COMMUNITY PARTICIPATION COMPLETE SYSTEMATIC LAND REGISTRATION PROGRAM (PTSL-PM)

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ABSTRACT

The PTSL-PM program aims to register land so that it can provide guarantees of legal certainty and rights to a land owned by the community, while its implementation cannot be separated from obstacles. One of them happened in Mundu Pesisir Village where some people rejected the PTSL-PM program. The purpose of writing this journal is to find out the reasons for the rejection of some Mundu Pesisir Village Communities against the government program, namely a complete systematic land registration program. The research method used by the author is empirical juridical through interviews and observations, based on the results that the authors get is the internal condition of their own families who are confused about ownership of inheritance land certificates that are prone to causing conflicts between families. This resulted in some family members being reluctant to implement the program because they were worried that it would cause jealousy among them regarding the name that would be included in the land certificate that could be misused in the future, causing conflicts over land disputes within the family.

INTRODUCTION

Indonesia is an agricultural country that has a very large land area. The land is one of the means for the community in the productivity of food needs and settlements (Hemathilake & Gunathilake, 2021; Mu’adi et al., 2020; Suharyanto et al., 2021). This certainly makes Indonesia as a legal state must have formal rules in the agrarian sector. In this case, land registration aims to provide legal certainty about the ownership of land rights in the form of land certificates (Permadi & Herlindah, 2023; Syahda et al., 2024; Yubaidi, 2020). Hence, the owner of the land certificate can protect his rights and prevent land disputes that can occur in the future.

Land registration is a mandate from Article 19 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, clearly stated in Article 19 paragraph (1) of the UUPA that to ensure legal certainty by the Government, land registration is held throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations. The main purpose of land registration is the guarantee of legal certainty for the right to the land (Afrianedy, 2020).

The implementation of land registration is regulated in Government Regulation No. 24 of 1997 (PP No. 24/1997) concerning Land Registration. The government regulation explains that land registration in Indonesia can be carried out sporadically, namely registration of land parcels at the request of the relevant holder or beneficiary individually or en masse, systematic land registration, namely registration covering the area of one village or kelurahan or part of it which is mainly carried out on the initiative of the government.

Complete Systematic Land Registration abbreviated as PTSL-PM is the first Land Registration activity carried out simultaneously for all Land Registration objects throughout...
the territory of the Republic of Indonesia in one Village/kelurahan area or other names of the same level, which includes the collection of physical data and juridical data regarding one or several objects of Land Registration for the purposes of its registration. PTSL-PM is a simultaneous program implemented by the government to provide guarantees of legal certainty and rights to a community-owned land for free. This free certification program has been implemented since 2018 and will continue until 2025.

Several studies related to this research have been conducted by a number of previous researchers, including Darmotannyono et al. (2023) research. Based on the results of the study, the implementation of the policy of Acceleration of the Implementation of Complete Systematic Land Registration (PTSL-PM) by the National Land Agency of Jember Regency is going well even though human resources or implementing personnel in the field are still lacking in quantity. So that implementors in the field must work with inappropriate workloads.

Furthermore, research from Rudianto & Heriyanto (2022) illustrates that the implementation of the PTSL-PM program in Ngada Regency has been going well, judging from the achievement of the targets given, but of course there are obstacles faced related to customary land and the lack of human resources and measuring equipment owned and geographical conditions of Ngada Regency. The National Land Agency of Ngada Regency is expected to continue to innovate and be responsive in accelerating the administrative service process.

Every policy program that has been planned by the government does not always run smoothly (Green, 2022; McKenzie et al., 2022; Shaturaev, 2021). There are almost always obstacles in every implementation, one of which is the PTSL-PM program which aims at land registration so that it can provide guarantees of legal certainty and rights to a land owned by the community, while its implementation cannot be separated from obstacles. One of them happened in Mundu Pesisir Village where some people rejected the PTSL-PM program. The implementation of the Complete Systematic Land Registration program in Mundu Pesisir Village has obstacles in the process of making certificates because there are some people who refuse to be used as land certificates, some of them only want to become letter c or land measurement.

In terms of socio-cultural conditions, the law of Mundu Pesisir Village still adheres to the culture of customary law, due to several factors that affect the adaptation of legal culture in facing the development of the times, such as refusing to make certificates due to lack of understanding of land ownership of certificates as legal certainty, and fears of transferring land ownership or as collateral to other parties.

It was identified that the legal culture of Mundu Pesisir Village where some people consider that the sale and purchase deed is more valuable than the land certificate, but formally states that the land certificate has a stronger position as proof of land ownership when compared to the sale and purchase deed.

This study aims to find out what is the reason why some Mundu Pesisir Village communities reject the PTSL-PM program and how the strategy of the Cirebon Regency Land Office and Mundu Pesisir Village Government so that the PTSL-PM program can work. The research is hoped to give more information on the topic discussed and become a reference for future relevant research.

RESEARCH METHOD

The research method used by the author is empirical juridical through interviews and observations of subjects who are the target of research in the field actually.
The interview is intended to conduct direct questions and answers between researchers and respondents or sources or informants to obtain information. Interviews are an important part of empirical legal research (Nugroho et al., 2020). The interview method is used to obtain information about things that cannot be obtained through observation. Because without interviews, researchers will lose information that is only obtained by asking directly to respondents, sources or informants. These interviews can use a guided list of questions or questions and answers conducted freely, which is important the researcher gets the data needed (Nugroho et al., 2020).

Observation: Observation or observation is an activity carried out by researchers in the context of collecting data by observing the phenomenon of a certain society in a certain time (Nugroho et al., 2020). The purpose of observation is to obtain comprehensive data from human behavior in reality, obtain a relatively complete description of social life or one of its aspects, and conduct an exploration of the human life studied (Rahardjo, 2012).

RESULTS AND DISCUSSION

The Complete Systematic Land Registration Policy (PTSLPM) in issuing land certificates is important in guaranteeing one's rights to land and realizing accurate and guaranteed land management and land administration. In the event that a piece of land has been validly issued a certificate in the name of the person or legal entity who acquired the land properly and actually controls it, then the other party who believes has a right to the land. Unlike uncertified land whose legal certainty guarantees are weaker, law enforcement cannot be carried out (Darmotannyono et al., 2023).

Legal certainty is a guarantee that the law must be carried out in a good way. Legal certainty requires legal regulation efforts in legislation made by authorized and authoritative parties, so that these rules have a juridical aspect that can guarantee certainty that the law functions as a regulation that must be obeyed (Asikin, 2012).

The theory of legal certainty has a very important relevance to the objectives of the Complete Systematic Land Registration Acceleration Program (PTSL). Legal certainty in this context means the guarantee that land rights are obtained and maintained legally and in accordance with laws and regulations. As stated in several sources, the purpose of PTSL is to ensure legal certainty of community land rights in a clear, simple and transparent manner.

The PTSL-PM program will begin to be implemented in 2023, the implementation of which is accelerated so that the PTSL-PM program runs quickly because the PTSL-PM program has a limited time, namely until the end of 2023 and also to meet the targets set by the Cirebon Regency Land Office. In its implementation there are several different reactions.

Based on the results of research in Mundu Pesisir Village, Mundu Pesisir District, Cirebon Regency, we met a resource person, namely Mr. Rudi Yanto as the Village Administrator who is also the Land Data Collection in Mundu Coastal Village. Stating that "The PTSL-PM program is very good for the future of the people of Mundu Pesisir Village to have proof of ownership of land rights. The PTSL-PM program has no fees at all so this program is very helpful for people who need land certificates, in addition to being free, the PTSL-PM program is very influential to avoid land disputes and land mafias. The PTSL-PM program is also eagerly awaited by the community because there are many interests of each person such as buying and selling, grants, etc. In addition, the PTSL-PM program received good enthusiasm, in its implementation there were also several varied reactions, the reaction of the people of Mundu Pesisir Village itself when they learned of the PTSL-PM program from the government. The residents were very interested in the program so many of the
residents actively asked the village about the PTSL-PM program because they felt this program was very useful for them because of the presence of the PTSL-PM program in Mundu Pesisir Village.

Why Some People in Mundu Pesisir Village reject the PTSL-PM program

Based on the results of the author's interview with a resource person, namely Mr. Rudi Yana as a data and land collection officer (PULDATAN) conducted by the Mundu Pesisir Village Hall, the narasumber said that the cause of some Mundu Pesisir Village Community rejecting the PTSL-PM program in Mundu Pesisir Village was an obstacle which indeed from the beginning the presence of PTSL-PM caused pros and cons in the community. Although the community is enthusiastic about the presence of PTSL-PM, on the other hand there are obstacles in its implementation as it happens within the family itself.

One of the obstacles that exist in Mundu Pesisir Village such as, there is a family conflict that arises where the family has land granted from their parents, where each child has a family, so they are still hesitant to give a name on the land certificate, that each child wants to have a land certificate in his own name and does not want the name on the land certificate to be listed with other relatives. The child consists of 5 siblings whose whereabouts are currently out of town so the lack of communication makes them still confused to determine in whose land certificate will be in whose name.

Based on the results of the interview, the author concluded that although they knew the PTSL-PM program was important, in the end they were reluctant to implement PTSL-PM because of fears that it would cause jealousy among them regarding the name to be listed, while the land is an inheritance land which, as we know, the inheritance land is prone to conflict.

The strategy of the Cirebon Regency Land Office and Mundu Pesisir Village Government so that the PTSL-PM program can run

Based on the results of research conducted by the author at the research location of the Cirebon Regency Land Office Agency that the strategy is to socialize the PTSL-PM program to all people of Cirebon Regency. The promotion that is prioritized about this program is the distribution of certificates that are faster, cheaper, and easier, one of the efforts of the Cirebon Regency Land Office in its socialization is to approach the community such as installing banners.

Basically, the Cirebon Regency Land Office does not force the community to register PTSL-PM because it returns to the right of every individual to register PTSL-PM or register their land so that it has legality and has a strong legal basis, the Cirebon Regency Land Office only appeals and promotes to the community that with PTSL-PM this will be more effective and efficient than routine land registration. And by registering the land as a certificate it has a very positive economic effect on the community. The positive of the PTSL-PM program is not like registering land regularly, because the process of making certificates through the PTSL-PM program is normally 1 month to 3 months. By registering for the PTSL-PM program whose registration fee is much lighter compared to regular registration where the registration fee regularly reaches a high cost, therefore the PTSL-PM program whose registration fee is lighter can be reached by the lower middle class.

Mundu Pesisir Village does not violate legal policies and there are no sanctions imposed on some communities who do not participate in the PTSL-PM program, because the PTSL-PM program is an acceleration program and to register land rights or not is an individual right, the PTSL-PM program which is commonly used as a land certificate is a
form of government obligation to ensure the security and legal protection of community land ownership.

The Village Strategy continues to encourage and invite residents through the approach and provide verbal explanations door to door to register land, while there is still a PTSL-PM program. But if the residents do not want to stiffen the registration then it is returned to the residents again so that there is no forced effort from the Village.

Very grateful and enthusiastic because PTSL-PM land registration is considered cheaper when compared to independent registration which costs so much for residents that the PTSL-PM program runs well even though its implementation has obstacles. Residents are also happy because this program is considered very useful for them. For the reaction of the coastal mundu village community itself, when they first learned there was a PTSL-PM program from the government. The enthusiasm of the residents themselves is very good, they are actively asking about the PTSL-PM program because what is offered from this policy is convenience and free of charge, so that the community feels facilitated, this shows how enthusiastic they are in participating in this program.

CONCLUSION

The author’s research reveals that the rejection of the PTSL-PM program in Mundu Pesisir Village is due to the internal conflicts within families regarding heritage land certificates. This confusion can lead to conflicts over land disputes within the family. Despite this, the residents’ enthusiasm for the program is high due to its convenience and free of charge. However, the implementation of the PTSL-PM policy faces challenges, such as the Cirebon Regency Land Office’s implementation of comprehensive land certificates. The author suggests that PULDATAN and the Cirebon Regency Land Office should take a more in-depth approach to the program, focusing on the importance of land certificates in preventing legal disputes. This could involve increasing significant taxes, such as Land and Building Tax or Land and Building Rights Acquisition Duty, to encourage people to register their land as a certificate as proof of legal ownership. This would help improve the performance of implementors in the future.

REFERENCES


