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Analysis of the Bengkulu Land Dispute Following the Complete Systematic Land Registration (PTSL) in Tanjungmojo Village, Kendal Regency

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Abstract

The Comprehensive Systematic Land Registration (PTSL) program was designed to ensure legal certainty; however, its implementation regarding irregularly shaped plots in Tanjungmojo Village demonstrates that disputes can still arise due to physical control on the ground that does not align with established boundaries. This article aims to analyze the factors causing post-PTSL disputes over irregularly shaped land and to formulate strategies for preventing future disputes over village assets. This study employs an empirical legal method with a descriptive-analytical approach through interviews and field observations of the subject of Land Use Certificate No. 00014. The findings reveal that the dispute arose due to residents' unauthorized physical occupation of

approximately 477 m² following the certificate's issuance, which was not accompanied by optimal physical boundary demarcation. It is concluded that legal certainty through the PTSL program does not rely solely on administrative data but also on the control of physical conditions on the ground. As a recommendation, strengthening the supervision and maintenance of boundary markers is necessary to prevent future disputes.

Keywords *PTSL, Bengkok Land, Land Disputes, Legal Certainty, Village Assets.*

A. Introduction

Land serves as the source of all material activities, as everything that can be used and understood originates from the land. The registration of land parcels is crucial for policy formulation, regulation-making, and land management to ensure the well-being of all citizens, as well as to provide legal certainty for landowners. A lack of awareness regarding the importance of initial land registration has led to a scarcity of land certificates, making land ownership without a certificate a problem.¹ Many members of the public have not yet registered their land. Although the general public understands the purpose of land registration, the complex registration process, the length of the process, and the high costs make it difficult for the general public to accept it.²

In 2017, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency introduced a National Priority Program in the form of the Acceleration of Complete Systematic Land Registration (PTSL) aimed at registering all

¹ Lisnadia Nur Avivah, Dwi Wulan, and Titik Andari, "Pentingnya Pendaftaran Tanah Untuk Pertama Kali Dalam Rangka Perlindungan Hukum Kepemilikan Sertifikat Tanah," *Tunas Agraria* 5, no. 3 (2022): 197–210.

² Devi Veronica Agustin, Yaqub Ciqusin, and Langgeng Racmatullah Putra, "Implementasi Kebijakan Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Di Kantor Badan Pertanahan Nasional (BPN) Kabupaten Mojokerto," *Jurnal Respon Publik* 17, no. 6 (2023): 28–38.

land plots as an effort to address various land issues while supporting economic growth. Initially, this program was regulated by Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 12 of 2017. However, this regulation was later revoked and replaced by Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 and Presidential Instruction Number 2 of 2018.³ Both regulations provide updates to the guidelines for implementing PTSL throughout Indonesia, including the mechanisms and procedures for organizing land registration.

The objective of the Comprehensive Systematic Land Registration Program (PTSL) is to provide legal certainty for every parcel of land in a village. Certainty regarding the subject, object, and boundaries of a parcel of land is a critical aspect of its implementation. However, in practice, implementing PTSL is not always straightforward, particularly for land with irregular shapes and complex ownership histories, so that physical conditions on the ground often do not fully reflect the established boundaries.⁴

In the context of land law, it is necessary to distinguish between disputes, conflicts, and land cases. Pursuant to Article 1 of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 15 of 2024 on the Prevention of Land Cases, a Land Dispute, hereinafter referred to as a Dispute, is a land dispute between individuals, legal entities, or institutions that does not have a widespread impact. A Land Conflict, hereinafter referred to as a Conflict, is a land dispute between individuals, groups, factions, organizations, legal entities, or institutions that has the potential to or has already had a widespread impact. A Land Case, hereinafter referred to as a Case, is a land dispute

³ Ussy Nadian and Tukiman, "Implementasi Pendaftaran Tanah Sistematis Lengkap (PTSL) Sebagai Perwujudan Kebijakan Publik Di Kota Surabaya," *Jurnal Ilmiah Universitas Batanghari Jambi* 24, no. 1 (2024): 185–97,

⁴ Adrian Sutedi, *Peralihan Hak Atas Tanah Dan Pendaftarannya*, ed. Ade Hairul Rachman, 1st ed. (Jakarta: Sinar Grafika, 2007),

whose handling and resolution are conducted through the judicial system.

One example of a land boundary dispute occurred in Tanjungmojo Village, stemming from the PTSL program. The disputed land is village land for which a Right-of-Use Certificate was subsequently issued in the name of the Village Government through the PTSL program in 2019, covering an area of approximately 2,935 m². The issue arose after the certificate was issued. In practice, a portion of the land measuring approximately 477 m² had been occupied and utilized by a resident without official permission from the village government. After boundary demarcation was conducted by land officials, it was discovered that this portion of the land was included within the scope of the village certificate issued through the PTSL program.

The certificate issued through the PTSL program serves as the primary basis for the village government in regulating the use of this land. However, disputes still arise not due to errors in the certificate issuance process, but because the physical conditions on the ground do not align with the established boundaries. In this case, although the surveying, boundary demarcation, and data announcement processes were carried out in accordance with regulations, control and oversight of the physical conditions of the land after the certificate was issued have not been optimally implemented.

These conditions indicate that the success of the PTSL program in providing administrative legal certainty must be balanced with ongoing physical security measures, particularly regarding land classified as “bengkok” land or village communal land. Without the maintenance of boundary markers and oversight of physical control, the potential for boundary shifts and unauthorized land use remains a risk. The impact of such disputes is that crooked land, which should serve as a source of village revenue and support the administration of village governance, cannot be utilized optimally. This ultimately disrupts the management of village assets and reduces the economic benefits that the village government should be able to obtain.⁵

⁵ Silvan Daniel Sitorus et al., “Efforts to Raise Legal Awareness For

In addition to causing administrative losses for the village, this dispute has also triggered criminal legal proceedings based on the unauthorized use of land by the rightful owner. This land boundary dispute demonstrates that although the PTSL program aims to provide legal certainty regarding land rights, in practice disputes can still arise if the actual physical control on the ground does not align with or is not maintained in accordance with the boundaries established in the certificate. Thus, the problem that has arisen is not caused by a mismatch in administrative data, but rather by physical control that extends beyond the boundaries of the land parcel and weak control and supervision of those boundaries after the certificate was issued. Therefore, strengthening on-site supervision and physical security, including the maintenance of boundary markers and control over land use, is a critical aspect for preventing disputes from arising after the land registration process is completed.

In theory, the PTSL program is designed as a preventive legal protection mechanism through the standardization of physical and legal data.⁶ In the case of the disputed land in Tanjungmojo Village, these steps have essentially been carried out in accordance with applicable regulations. However, the issues that have arisen indicate that the legal certainty resulting from the administrative process has not been fully matched by physical security on the ground. This raises concerns regarding the effectiveness of village asset management, particularly in maintaining established land boundaries and controlling physical occupation by third parties.⁷

The latest data from the National Land Agency (BPN) and the Kendal Regency Government indicates that there are

The People of Purwajaya Village to Have A Land Certificate as Authentic Proof of Land Ownership," *MSJ: Majority Science Journal* 2, no. 3 (2024): 239–246.

⁶ Virgine Kailla Reflind and Asmarani Ramli, "Analisis Penyebab Terjadinya Sertipikat Ganda (Studi Kasus Di Kelurahan Patemon , Kecamatan Gunungpati , Kota Semarang," *Book Chapter Hukum Dan Lingkungan Jilid*, 2025, 1748–76.

⁷ Urip Santoso, *Hukum Agraria: Kajian Komprehensif*, 1st ed. (Jakarta: Kencana, 2017),

still a number of land parcels that remain uncertified, even though the Comprehensive Systematic Land Registration (PTSL) program has been implemented in phases. According to official reports, out of a total of approximately 551,000 land parcels, 473,860 parcels ($\pm 86\%$) have been certified, while 77,140 parcels ($\pm 14\%$) remain uncertified and are targeted for completion under the PTSL program in the coming period.⁸

The PTSL program in Kendal Regency has been implemented in several villages and subdistricts; data as of the end of 2023 indicates that at least 24,644 certificates have been successfully issued through the PTSL program.⁹ In 2025, Kendal Regency will cover 5,593 land parcels, including 13 villages with a backlog and 14 new villages.¹⁰ As part of efforts to accelerate land rights, the Deputy Minister of ATR/BPN also once handed over 500 land certificates resulting from the PTSL program to the people of Kendal Regency during a public event, demonstrating the central government's commitment to the program.

Although the certification rate through the PTSL program is relatively high, challenges remain in its implementation, particularly regarding the monitoring of the physical condition of land in the field. Disputes may still arise if established land boundaries are not consistently maintained after certificates are issued. Therefore, a legal review of the implementation of PTSL is necessary, particularly regarding village lands such as communal lands, which have their own distinct characteristics and socio-administrative implications.

A number of previous studies have examined land issues in the implementation of the Comprehensive Systematic Land

⁸ devi Khofifatur Rizqi, "77.140 Bidang Tanah Di Kendal Belum Bersertifikat," Jawa Pos Radar Semarang, 2023, <https://radarsemarang.jawapos.com/kendal/721713360/77140-bidang-tanah-di-kendal-belum-bersertifikat>.

⁹ Hermawan Endra, "Wamen ATR BPN Serahkan 500 Sertifikat Program PTSL Untuk Masyarakat," TribunJateng.com, 2023.

¹⁰ Septi Maudi Pratiwi, "Daftar Desa PTSL 2025 Kantor Pertanahan Kabupaten Kendal," Kantor Pertanahan Kabupaten Kendal, 2025, <https://kab-kendal.atrbpn.go.id/berita/daftar-desa-ptsl-2025-kantor-pertanahan-kabupaten-kendal>.

Registration (PTSL) program. In a study titled *Legal Protection for Owners of Overlapping Land Certificates in the Comprehensive Systematic Land Registration (PTSL) Program*, authored by Kholissatus Sa'adah, Rahmat Saputra, and Diana Fitriana, the disputes arising from overlapping land certificates during the implementation of PTSL are discussed. This study indicates that the issuance of two or more certificates for the same parcel of land can result in losses for rights holders, as well as administrative issues at the land office that are inconsistent with the principles of legal certainty and administrative diligence. The research findings suggest that certificate holders experiencing overlapping should verify the situation at the land office and then file an objection or a lawsuit through the Administrative Court (PTUN) if necessary, as a means of legal protection. This study is relevant to the proposed research because both address land disputes resulting from the implementation of the PTSL program; however, the focus of the proposed study is specifically on "bengkok" land as a village asset.¹¹

Another related study is *"Resolving Land Registration Overlaps in the Comprehensive Systematic Land Registration Program in South Solok Regency,"* written by Didik Supantri and Yulia Mirwati. This study examines cases of overlapping land certificates that occurred during the implementation of the Comprehensive Systematic Land Registration Program (PTSL) in South Solok Regency due to inaccuracies in determining boundaries and a lack of updated land maps. This study found that overlapping land certificates create legal uncertainty for certificate holders and reduce the probative value of the certificates as evidence. The dispute resolution process involved the Land Office facilitating mediation between the disputing parties. This study indicates that although the PTSL program was designed to prevent disputes, its implementation can actually give rise to new

¹¹ Kholissatus Sa'adah, Rahmat Saputra, and Diana Fitriana, "Perlindungan Hukum Bagi Pemilik Sertifikat Tanah Yang Tumpang Tindih (Overlapping) Dalam Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Jurnal Hukum Sasana* 11, no. 1 (2025): 149–69.

disputes if the initial data is incomplete or the base maps are inaccurate. This study supports the findings of this research but has not yet focused on crooked land or village legal aspects in detail, thereby highlighting a research gap that future researchers can address.¹²

From the various previous studies, it can be seen that research on the PTSL program generally focuses on disputes over overlapping land certificates or the program's effectiveness in providing legal certainty. However, there has been little research specifically examining disputes over "bengkok" land that arise during the implementation of the PTSL program, particularly using an empirical-juridical approach at the village level. Thus, there is a significant research gap that warrants further investigation.

This study employs an empirical legal approach, a research method that views law not merely as a set of normative rules but also as a living and evolving social reality within society. This approach was chosen because it allows the researcher to examine the gap between positive law (*das sollen*) and its implementation in practice (*das sein*), particularly in the implementation of the PTSL program regarding irregularly shaped land. The research design is descriptive-analytical, aiming to systematically describe the facts regarding disputes over irregularly shaped land in Tanjungmojo Village, and then analyze them based on relevant legal provisions, such as Law No. 5 of 1960 on the Basic Agrarian Law (UUPA), Government Regulation No. 24 of 1997 on Land Registration, Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 6 of 2018 on the PTSL Program, and Law No. 6 of 2014 on Villages.

The data sources for this study consist of primary and secondary data. Primary data were obtained through in-depth interviews with key informants selected through purposive sampling, including officials from Tanjungmojo Village (the

¹² Didik Supantri and Yulia Mirwati, "Penyelesaian Sengketa Tumpang Tindih Pendaftaran Tanah Sistematis Lengkap Di Kabupaten Solok Selatan," *Andalas Notary Journal*, no. 2 (2024): 176–90.

Village Head, Village Secretary, and officials responsible for village assets), staff from the Kendal Regency Land Office involved in the implementation of the PTSL program, and community members who hold title to the disputed land. In addition, field observations were conducted to directly observe the physical condition of the disputed land and to identify land control and use that did not conform to the established boundaries. Secondary data was obtained through a literature review covering primary legal materials (laws and regulations), secondary legal materials (textbooks, scientific journals, previous research findings), and tertiary legal materials (legal dictionaries, encyclopedias). Data analysis was conducted qualitatively using an interactive model through the stages of data reduction, data presentation, and drawing conclusions, as well as using source triangulation to ensure data validity.

B. Overview of Bengkulu Land and the Implementation of PTSL in Tanjungmojo Village

1. The Concept of Bengkulu Land as Village Communal Land

Bentland is included in village assets whose management is the responsibility of the village government. Provisions regarding bengkok land are regulated in the Village Law with the aim of improving the welfare of village communities as stated in the fourth paragraph of the Preamble to the 1945 Constitution. The implementation of this government also refers to Article 18 of the 1945 Constitution which confirms the state's recognition of the existence of regional government, the interests of local communities, and the protection of rights within the framework of the Unitary State of the Republic of Indonesia.

Law Number 5 of 1960 concerning Agrarian Principles (UUPA) provides a more explicit explanation of land rights and authorities and serves as the primary basis for land management in Indonesia, including for state-controlled land. This historical background also influenced the formation of the bengkok land management system, which remains recognized today. Legally, Article 41 of the UUPA stipulates that the right to use is the right to use and/or benefit from

land controlled by the state or owned by another party, accompanied by authorities and obligations in accordance with statutory provisions or based on an agreement with the landowner.¹³ This right to use is distinct from a lease or other form of land ownership, as long as it does not conflict with applicable laws.

Since the enactment of the Basic Agrarian Law (UUPA), the status of bengkok land has been converted to use rights in accordance with Article IV concerning conversion. The UUPA aims to provide legal certainty and serve as a basis for regulating land rights. Therefore, ownership and management of bengkok land must be recorded in the Village Book C as legal proof of ownership.¹⁴

Villages are given the authority to regulate, manage and utilize their assets in accordance with the provisions of Law Number 6 of 2014 concerning Villages and Government Regulation Number 43 of 2015 as implementing regulations. One of the village assets that plays an important role is bengkok land, the existence of which is directed to support the development process and fulfill the interests of the wider community. Bengkok land itself has a number of characteristics, namely: (1) its ownership status is under the control of the village and is part of the collective interests of its citizens; (2) its management is handed over to the village government, especially the Village Head or Lurah; (3) the results of its utilization are used to support the operational needs of the Village Head and the ranks of village officials; and (4) if the term of office of the Village Head or village officials has ended, the management rights to the land are returned in full to the village.¹⁵

¹³ Bagus Oktafian and Muhammad Azharuddin, "Status Hak Atas Tanah Kas Desa Dan Prosedur Pendaftarannya Menurut Hukum Administrasi Pertanahan," *Pandecta* 16, no. 2 (2021): 205–17.

¹⁴ Boedi Harsono, *Hukum Agraria Indonesia* (Jakarta: Djambatan, 2008).

¹⁵ Bagus Oktafian Abrianto and Muhammad Azharuddin Fikri, "Status Hak Atas Tanah Kas Desa Dan Prosedur Pendaftarannya Menurut Hukum Administrasi Pertanahan," Unairnews, 2022, <https://unair.ac.id/status-hak-atas-tanah-kas-des-dan-prosedur-pendaftarannya-menurut-hukum-administrasi->

Bengkok land serves as a source of income for village officials and officials who have the right to use it during their official term of office. Therefore, when their term ends, the management rights to the bentok land relinquish and must be returned to the village treasury, even if the management previously involved an outside party.¹⁶ This change also shifts the form of compensation for village officials, from the original land-based land to a fixed income in the form of salary, allowances, or other legitimate income from the government. Furthermore, Article 15 of Minister of Home Affairs Regulation No. 4 of 2007 concerning the management of bentok land expressly prohibits the sale and purchase of village land, except for the public interest. However, bentok land can still be utilized through a lease agreement, thus maintaining the potential to be a source of village income

Tanjungmojo Village's assets cover a total area of approximately 25 hectares, consisting of agricultural land and buildings. Of this total, approximately 23 hectares are agricultural land, while the remainder is allocated for school buildings and various public facilities such as cemeteries, sports fields, and other facilities. The entire 25 hectares of bengkok land have been documented in the village's Book C, which contains data on land parcels, land boundaries, and the location of village assets. The regulation of the division of bengkok land in Tanjungmojo Village is permanent and has binding legal force, as stipulated in Village Regulation (Perdes) Number 2 of 2007 concerning village asset management. Based on this composition, the types and proportions of village land assets that form the basis for bengkok land management can be identified as presented in the following table:

pertanahan/#:~:text=Tanah bengkok merupakan istilah yang,sebagai gaji selama mereka menjabat.

¹⁶ David Rustam Aji, "Tinjauan Fiqh Muamalah Terhadap Praktik Sewa-Menyewa Tanah Bengkok Sebagai Strategi Peningkatan Pendapatan Perangkat Desa" (Uin Raden Mas Said Surakarta, 2022).

Table 1. Land Asset Data for Tanjungmojo Village

Asset Type	Area (Ha)	Designation	Description
Agricultural Land	23	Land productive agricultural	Including irregularly shaped land
Public Facilities	2	Schools, cemeteries, field	Non-productive assets
Total	25	-	Recorded in Village Book C

Source: Author's Analysis (2026)

Tanjungmojo Village divides its total land holdings among various village officials in varying portions. The Village Head receives 5 hectares of bengkok land as additional income, while the Village Secretary (Carik) receives 2 hectares. The remaining land is then distributed proportionally to regional officials and technical staff or heads of affairs (kaur), each receiving approximately 9,575 m². These figures are averages, and actual distributions may vary depending on land availability.

When analyzed based on the distribution of bengkok land to village officials, the patterns of distribution and utilization of bengkok land as part of village assets can be identified, as presented in the following table:

Table 2. Allocation of Village Land in Tanjungmojo Village

Recipients	Area Allocation	Basis Legal	Remarks
Village Head	5 Ha	Perdes No. 2 Tahun 2007	Additional income during tenure
Village Secretary (Carik)	2 Ha	Perdes No. 2 Tahun 2007	Additional income during tenure
Other Village Officials	9.575 m ² per person	Perdes No. 2 Tahun 2007	Average nominal amount, allocation depending on availability

Source: Author's Analysis (2026)

These allocations indicate that village-owned land serves not only as a village asset but also as a means of ensuring the well-being of village officials during their tenure.

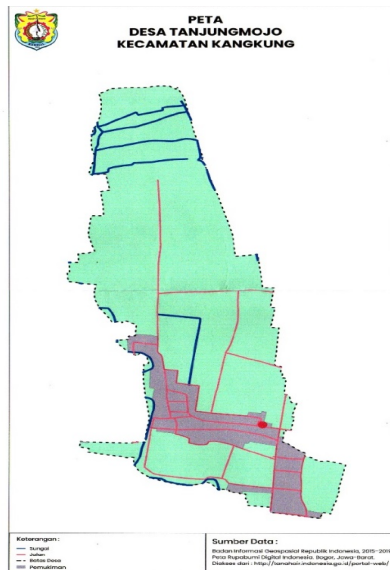
2. Profile of Tanjungmojo Village and Land Characteristics

Geographically, Tanjungmojo Village is located west of the Kendal Regency capital. Tanjungmojo Village is one of the villages in Kangkung Subdistrict, Kendal Regency, located 1.5 km from the subdistrict capital and 9 km from the regency capital, a distance that takes approximately 30 minutes by car. The village borders Kangkung and Jungsemi villages to the west, the Java Sea to the north, Lebosari village to the south, and Kalirejo and Rejosari villages to the east. The land area of Tanjungmojo village is 406,215 m² with a 2 km coastline.

The village of Tanjungmojo is characterized by an area dominated by productive agricultural land. Geographically, the village is located in a lowland region that relies heavily on the agricultural sector as the primary economic pillar of its community. Demographic data indicates that the majority of residents work as farmers and farm laborers, for whom land is not merely an economic asset but also holds significant social value. The continuously rising population density has fueled a high demand for land, which indirectly increases the potential for boundary disputes between privately owned land and village-owned land. The existing land area is divided into several designations, which can be categorized as public facilities, residential areas, agriculture, economic activities, and others.

To provide a more comprehensive overview of the geographical conditions and location of the study area, the administrative map of Tanjungmojo Village is presented below. This map includes the village boundaries, hamlet divisions, and the distribution of land use, which serve as a crucial context for understanding the land characteristics in the area.

Figure 1. Map of Tanjungmojo Village, Kangkung Subdistrict, Kendal Regency



Source: Author's Research (2026)

Administratively, the village of Tanjungmojo consists of 31 neighborhood units (RT) and 6 sub-neighborhood units (RW), encompassing three hamlets: Balun, Wedari, and Gambiran. Topographically, Tanjungmojo Village can be divided into two areas: the coastal area in the north and the low-lying inland area in the south. Given this topography, Tanjungmojo Village has an elevation ranging from 1 to 2 meters above sea level. The lowest area is RT 05 RW 06, and the highest area is RT 02 RW 02.

Land ownership data in Tanjungmojo Village prior to the implementation of the Comprehensive Systematic Land Registration (PTSL) program was dominated by a manual administrative system based on the Village Book C or Letter C, a colonial-era land register documenting the history of possession, estimated area, and tax assessments. Legally, although the community regards this document as proof of legal ownership, based on Indonesian Supreme Court Jurisprudence No. 234 K/Pdt/1992, Letter C is actually only evidence of the obligation to pay taxes (land tax) and does not constitute absolute proof of ownership. This is in line with the mandate of Article 19 Law No. 5 of 1960 (UUPA), which

states that land registration aims to ensure legal certainty through the issuance of certificates as a strong instrument of proof.¹⁷ The absence of accurate land parcel maps in the old village administration system meant that land boundaries were determined solely by natural landmarks or verbal agreements; under Government Regulation No. 24 of 1997 on Land Registration, this necessitates the application of the adversarial principle of delimitation to prevent overlapping claims among residents or with village assets.¹⁸

The urgency of updating this data is becoming increasingly critical given the time limit stipulated in Article 96 of Government Regulation No. 18 of 2021, which states that old title documents such as Letter C or Petok D will only be recognized as evidence until February 2026. After this deadline passes, these traditional documents will serve only as references in the land registration process, no longer as primary proof of ownership. Therefore, synchronizing physical and legal data at the village level prior to the PTSL program becomes vital to ensure that village assets particularly communal land remain protected from potential unilateral claims by third parties. This aligns with the standards for village asset management mandated in Ministry of Home Affairs Regulation No. 1 of 2016 on Village Asset Management, which requires that every inch of village land be systematically recorded in the Village Inventory Book (BID) to ensure accountability and the sustainability of village governance.

Bengkok land in Tanjungmojo Village is part of the village's assets allocated to village officials as supplementary allowances during their tenure. Bengkulu land is essentially agricultural land or rice fields whose use is granted to the

¹⁷ Rahmat Teguh et al., "Penguatan Peran Masyarakat Dan Pemerintah Desa Dalam Implementasi Permen No.6 Tahun 2018 Tentang Ptsl," *COMMUNITY: Jurnal Pengabdian Kepada Masyarakat* 6, no. 1 (2026): 336–44.

¹⁸ Alfisyahrin Firdaus et al., "Implementasi Asas Kontradiktur Delimitasi Pada Penetapan Batas Tanah Dalam Sistem Pendaftaran Tanah Nasional," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 2 (2026): 2497–2505.

village head and village officials as a form of additional income beyond their fixed salary (siltap). Generally, the area of bengkok land allocated to the village head is approximately 5 hectares, to the village secretary approximately 2 hectares, and to other village officials approximately 1 hectare each. These plots are distributed across several hamlets in Tanjungmojo Village, namely Balun Hamlet, Gambiran Hamlet, and Wedari Hamlet.

In practice, village-owned land is typically managed directly by the village officials during their term of office without any specific profit-sharing mechanism. This management right applies from the time the village official takes office until the end of their term; after that, the village-owned land reverts to village assets to be managed by the next village official.¹⁹ One of the village-owned plots that is the subject of a dispute in this study is a plot owned by the Head of Hamlet I, located in the Balun hamlet area, and has been managed by the current Head of Hamlet I, Suharmoko.

3. Implementation of the PTSL Program in Tanjungmojo Village

The Comprehensive Systematic Land Registration Program (PTSL) is a government policy aimed at accelerating land registration to provide legal certainty regarding land ownership and control.²⁰ This program is implemented simultaneously across a village's entire territory by conducting data collection, surveying, and issuing land title certificates, both for the community and for village assets. On Article 2 Ministry of Home Affairs Regulation Number 1 Year 2016 explains that village assets consist of the village's indigenous wealth, one of which is village communal land or

¹⁹ Yusni Zakaria, Muh Firyal Akbar, and Widya Kurniati Mohi, "Pengelolaan Aset Dalam Meningkatkan Pendapatan Asli Desa (PAD) Di Desa Modelidu Kecamatan Telaga Biru Kabupaten Gorontalo," 2023.

²⁰ Anna Martina Anggitasari and Made Warka, "The Concept of Complete Systematic Land Registration (PTSL) in Providing Legal Certainty Guarantees to Land Rights Holders," *International Journal of Sociology and Law* 2, no. 3 (2025): 60–76.

village-owned land registered under the program.²¹

The PTSL program in Tanjungmojo Village, Kangkung District, Kendal Regency, has been officially running since 2019. This program refers to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning Complete Systematic Land Registration as the legal basis for its implementation. This regulation contains a series of structured activity stages to provide legal certainty and protection for land rights holders.²² The stages taken in the PTSL implementation in Tanjungmojo Village are as follows:

a. Outreach

The outreach phase is conducted by officials for the village community as a means of raising awareness about the objectives, benefits, and implementation procedures of the PTSL program. During this activity, the community is educated on the importance of land registration in order to achieve legal certainty. Participation in this outreach session is mandatory for PTSL participants as an initial step prior to the administrative and technical processes.

b. Data Collection

During the data collection phase, legal data related to the registered land is gathered, including the history of land tenure, the basis for acquiring rights (such as inheritance, gift, or sale and purchase), and other administrative documentation. In the context of the "bengkok" land in Tanjungmojo Village, the land was previously controlled and utilized for generations by village officials (specifically the hamlet head), so the data collected also reflects a pattern of control that is both traditional and administratively tied to the village. The process

²¹ Asminto Yani et al., "Analisis Hukum Terhadap Tanah Bengkok Pada Desa Kalisidi Ungaran," *Journal of Innovation Research and Knowledge* 5, no. 5 (2025): 5331–40.

²² Reyza Aurelia Triana, Dachran S Bustami, and Muhammad Fachri Said, "Efektivitas Pelaksanaan Pendaftaran Tanah Sistematis Lengkap Di Kabupaten Gowa," *Jurnal Dialogica* 1, no. 1 (2025): 1–18.

registration land also known the existence of the principle public notice aimed at providing an opportunity for other interested parties to raise objections if there are discrepancies regarding the status or boundaries of the registered land. If no objections are raised by other parties during this stage, the land registration process may proceed to the issuance of the certificate.

c. Surveying

The surveying phase is conducted to precisely determine the location, boundaries, and area of a land parcel. The applicant is required to indicate the boundaries of their land and to have the owners of adjacent lands present as a form of consent based on the adversarial principle of delimitation.²³ Regarding physical data, a mass survey was conducted around 2017 prior to the implementation of the PTSL program, and the results were stored in the form of land data. The results of this mass survey were then stored in digital format, containing information regarding the boundaries of the land parcels as well as the identities of the landowners or landholders. This data serves as one of the references for implementing the PTSL program because it provides an initial overview of the condition of the land parcels within the village of Tanjungmojo. With this data available, the surveying process during the PTSL implementation can be conducted more efficiently, as not all land parcels need to be re-measured directly in the field. Based on an interview with Mr. Heru Waluyo, the Village Head of Tanjungmojo, during the surveying and data collection process for irregularly shaped land parcels in Tanjungmojo Village, there were no objections or disputes from any party, allowing the process to proceed smoothly without hindrance.

d. Adjudication Committee Hearing

At this stage, the adjudication committee examines the physical and legal data that has been collected. The

²³ Firdaus et al., "Implementasi Asas Kontradiktur Delimitasi Pada Penetapan Batas Tanah Dalam Sistem Pendaftaran Tanah Nasional."

committee, consisting of representatives from the land administration and village government, conducts field verification, documentation, and an assessment regarding the validity of the data. If there is objections, they will be recorded and followed up; however, in the case of irregularly shaped land at that time, no significant issues were found.

e. Announcement and Ratification

The verified data is then announced to the public for a specific period, namely 14 days, at the village office and the land office.²⁴ The purpose of this announcement is to provide the public with an opportunity to file objections if there are errors in the data. If no objections are raised, the data is ratified as the basis for the issuance of rights. If there are objections from residents, the announcement period is extended to 60 days.

f. Issuance of Certificates

The final stage is the issuance of land title certificates as legal proof of ownership. In the case of Tanjungmojo Village, the communal land was registered and certificates were issued in the name of the village government with a right-of-use status. These certificates subsequently became the legal basis for formal land tenure, although in practice they have actually given rise to new problems regarding land claims and tenure. In accordance with Articles 41 through 43 of Law No. 5 of 1960, which state that the right to use and/or collect proceeds from land directly controlled by the state or land owned by others. The issuance of these certificates aims to provide legal certainty and protect village assets from claims by other parties.

To facilitate understanding of the implementation process of the Comprehensive Systematic Land Registration Program (PTSL) in Tanjungmojo Village, the steps are as follows:

²⁴ Novita Ningsih and Siti Arbayah, "Implementasi Program Pendaftaran Tanah Sistematis Lengkap (Ptsl) Di Desa Hayaping Kecamatan Awang Kabupaten Barito Timur," *JAPB* 7, no. 12 (2024).

Table 3. Stages of PTSL Implementation in Tanjungmojo Village

Stages	Main Activities	Output
Outreach	Outreach on the objectives, benefits, and procedures of PTSL to the public	Increased understanding among the public about the PTSL program
Data Collection	Collection of legal data (history of ownership, basis for acquisition of rights, administrative documents)	Land Administration Documentation
Surveying	Determination of the location, boundaries, and area of a land parcel based on contradictory delimitation	Land parcel maps and spatial data
Adjudication Committee Hearing	Examination of physical and legal data by the adjudication committee	Minutes of the data examination and verification
Announcement and Approval	Publication of data for 14 days at the village office and land office	Approval of data as the basis for the issuance of land rights
Issuance of Certificates	Issuance of land title certificates as legal proof	Certificate of Right to Use No. 00014

Source: Author's Analysis (2026)

C. Causes Of Land Disputes In Bengkulu Following Ptsl In Tanjungmojo Village

1. *Discrepancies Between Administrative Data and Physical Conditions on the Ground*

The implementation of the Comprehensive Systematic Land Registration (PTSL) program is fundamentally aimed at providing legal certainty and legal protection for land rights

through a comprehensive land registration process. Through this program, physical and legal data are collected for each parcel of land, which then serves as the basis for issuing certificates as proof of ownership.²⁵ Physical data is obtained through on-site land measurement and mapping activities, while legal data is derived from documents demonstrating the legal relationship between the landowner and the land parcel, such as village Letter C, land registers, or other land administration documents. In practice, these steps have been carried out in accordance with statutory regulations, thereby producing legally valid administrative data.²⁶

However, in practice, issues may still arise not due to errors in the administrative data, but because the physical conditions on the ground do not fully reflect the boundaries of the land parcels as stated in the legal data. Based on an interview with Mr. Heru Waluyo, the Village Head of Tanjungmojo, the crooked land that is the subject of the dispute was originally village land managed and utilized by village officials as part of their right to manage crooked land. The land was subsequently registered through the PTSL program, resulting in the issuance of a certificate covering an area of approximately 2,935 m² in the name of the village government.

However, after the certificate was issued, a problem arose because a portion of the land, measuring approximately 477 m², was already physically occupied by residents. This situation indicates that the dispute was not caused by discrepancies in administrative data, but rather by physical occupation on the ground that extended beyond the land boundaries established in the certificate. In other words, the legally defined boundaries were not accompanied by adequate physical control and supervision.

²⁵ Shasa Natasya, "Implementasi Ptsl Dan Penguatan Kepastian Hukum Hak Atas Tanah Melalui Sinkronisasi Peraturan Pertanahan Nasional Di Kabupaten Klaten," *Jurnal Hukum Lex Generalis* 6, no. 9 (2025): 1–23.

²⁶ Annisya Rizky Andriana Dewi, "Penyelesaian Sengketa Tanah Overlapping Di Kantor Pertanahan Kota Semarang" (Universitas Islam Sultan Agung, 2024).

This situation underscores the importance of maintaining and securing the physical boundaries of land after the land registration process is completed. This aligns with the provisions of Article 19 of the Basic Agrarian Law and Government Regulation No. 24 of 1997 on Land Registration, which aim to ensure legal certainty regarding land, including certainty regarding its location, boundaries, and area. Therefore, even if administrative data meets the requirements, without being supported by optimal physical security, the potential for disputes remains. Thus, when analyzed in tabular form, the discrepancy between the legal boundaries stated in the certificate and the actual physical conditions on the ground can be clarified as a means of identifying the issues at hand.

Table 4. Comparison of Administrative Data and Physical Conditions of Disputed Land

Aspect	Administrative Data (Certificate)	Physical Conditions on the Ground
Land Area	±2.935 m ²	±2.935 m ² (total)
Land Ownership	Village Government (Right of Use)	There is an area of approximately 477 m ² occupied by residents
Land Boundaries	as specified in the certificate and map	There is a house that extends beyond boundaries
Land Use Status	Village Communal Land (Bengkok Land)	Used without permission for banana and cassava

Source: Author's Analysis (2026)

The purpose of presenting this location map is to clarify the position of the disputed land, including portions that are legally registered as village assets but are, in practice, physically occupied by other parties. This visual representation of the location makes it possible to more clearly identify the discrepancy between the land boundaries as stated in the certificate and the actual physical occupation

on the ground, which extends beyond those boundaries. This situation is one of the factors that has triggered the dispute.

Figure 2. Photo of the Disputed Land and Boundary Markers Erected by Residents in 2022



Source: Author (2026)

Figure 3. Photo of the Disputed Land Site in 2026



Source: Author (2026)

The image shows that part of the house still extends beyond the intended land boundaries, with the roof extending over the disputed land area, indicating physical occupation that does not align with the established administrative land boundaries.

2. Lack of Clarity in Land Boundary Demarcation

Another factor contributing to the occurrence of land boundary disputes following the implementation of the PTSL program is the state of physical control on the ground after the land boundary demarcation process has been completed. In the land registration process, the demarcation of land parcel boundaries is a critical step because it directly relates to the certainty regarding the location and area of a land parcel.

Based on an interview with Mr. Dian Puri Winasto, S.H., Coordinator of the Substance Group for Handling Land Disputes, Conflicts, and Cases at the Kendal Regency Land Office, surveying activities for irregularly shaped land in Tanjungmojo Village were initially conducted through a mass survey in 2017, prior to the implementation of the PTSL program. During the surveying process, the land boundaries were directly indicated by the parties in control of the irregularly shaped land and acknowledged by the adjacent landowners, allowing the surveying activities to proceed without objections or disputes from other parties. This situation indicates that during the initial boundary demarcation phase, there were no issues that could hinder the land registration process.

In the land surveying process, the demarcation of land boundaries is conducted based on the adversarial principle of delimitation, whereby land boundaries are established by having the landowner or landholder indicate the boundaries, which are then approved by the owners of adjacent land on-site.²⁷ If no objections are raised by other parties during this process, the surveying activities may proceed to the stage of certificate issuance. This principle is one of the key mechanisms in land registration activities to ensure that the boundaries of the surveyed land parcels are known and agreed upon by all interested parties.

Based on the facts in Tanjungmojo Village, during the land surveying and data collection process for irregularly

²⁷ Firdaus et al., "Implementasi Asas Kontradiktur Delimitasi Pada Penetapan Batas Tanah Dalam Sistem Pendaftaran Tanah Nasional."

shaped plots through the 2019 PTSL program, no objections or disputes were found from any party, including from the residents who are now the respondents. Theoretically, this situation reflects the operation of the Principle of Contradictory Delimitation, where boundary determination is based on the consent of adjacent landowners. However, the emergence of a resident's claim covering 477 m² after the issuance of Land Use Certificate No. 00014 indicates a disregard for the Principle of Publicity in land registration. Under PTSL regulations, the physical and legal data were publicly announced for 14 days at the village office to provide an opportunity for anyone with objections. The residents' silence during this announcement period can legally be categorized as a form of the Principle of *Rechtsverwerking* the forfeiture of a person's right to sue or reclaim a land right because they have remained silent or failed to exercise their right within a specified timeframe.²⁸

3. The Emergence of the Bengkulu Land Dispute and Its Resolution Process

In 2017, the National Land Agency (BPN) conducted a mass survey of the irregularly shaped land at the center of the dispute, which was followed by the installation of boundary markers to physically demarcate the land parcels on the ground. The installation of these boundary markers was intended to clarify the location and area of the land and to serve as a reference for the subsequent land registration process. However, following the implementation of the Comprehensive Systematic Land Registration (PTSL) program in 2019 and the issuance of certificates, the condition of the boundary markers in the field was no longer maintained as it should be. Based on field observations, it was found that some boundary markers had shifted by 2021 and were even replaced by residents with simple bamboo markers, rendering them no longer aligned with the previously established boundaries.

²⁸ Sayyidatul Ummah, "Analisis Yuridis Pada Pemberlakuan Asas *Rechtsverwerking* Terhadap Pemegang Hak Atas Tanah" (Universitas Muhammadiyah Metro, 2021).

The land in dispute is owned by the Tanjungmojo Village Government and holds a Right of Use Certificate No. 00014 covering an area of approximately 2,935 m². However, in practice, there is a portion of the land covering approximately ±477 m² that has been used by residents without permission from the village government by planting banana and cassava crops on the land and utilizing the harvest. The Tanjungmojo Village Government became aware of this unauthorized use of village land on March 24, 2022, following an inspection of land use in the area.

Aware of this situation, the village government first pursued a non-litigious resolution by issuing a written warning or notice (*somasi*) to the party using the land, instructing them to cease use of the land and return it to the village government. However, the warning was ignored, and the party in question continued to use the land. To verify the actual boundaries and area of the land, a boundary re-demarcation was conducted by the Kendal Regency Land Office on August 16, 2022. The survey results confirmed that there was indeed a shortfall in the village's land area of approximately ±477 m² that had been used without permission by another party.

The formal dispute resolution process began on May 11, 2022, through a complaint letter submitted by the Village Government to the Kendal District Police (Polres) regarding the alleged encroachment or boundary dispute over the curved plot of land, which holds a Right of Use Certificate in the name of the Village Government. Following up on this report, the Criminal Investigation Unit of the Kendal Police issued a Task Order and an Investigation Order on May 14, 2022, to conduct an in-depth clarification with the relevant parties, including the complainant from the village apparatus and the respondent from the residents claiming the land.

As part of mediation efforts and objective verification, the Police, together with the Land Office (ATR/BPN), conducted a physical demarcation of the land boundaries on-site in accordance with Right of Use Certificate No. 00014 covering an area of 2,935 m². This step was taken to ensure the precision of the boundary coordinates on-site and to address the residents' claims of boundary shifts. In addition to the physical verification, investigators also sought clarification

from key witnesses at the grassroots level, such as the Head of RW 04 and the Head of RT 01 of Tanjungmojo Village, to strengthen the legal data regarding the history of the land's hereditary ownership. As of December 2022, this process continues to progress with the involvement of experts to ensure absolute legal certainty. The police invited a surveying expert from the National Land Agency (BPN) to provide technical information regarding the cadastral boundaries, as well as a criminal law expert to review whether there were any unlawful elements in the land encroachment.

Since attempts to resolve the matter through mutual discussion were unsuccessful, the case was subsequently brought before the courts. This case was filed with the Kendal District Court under Case No. 1/Pid.C/2023/PN Kdl pursuant to Article 6(1)(a) of Government Regulation No. 52 of 1960 on the Prohibition of Land Use Without Permission from the Rightful Owner or Authorized Party. In its ruling on October 20, 2023, the court found that the resident had been proven to have used the land without a valid permit. The defendant subsequently filed an appeal with the Semarang High Court, which amended the ruling by imposing a 15-day custodial sentence with a one-month probation period.

According to Jan Michiel Otto's Theory of Legal Certainty, legal certainty requires laws that are predictable and consistently applied.²⁹ When residents do not raise objections during the adjudication process and the announcement of PTSL data, they are legally deemed to have consented to the established boundaries. This served as the strong basis for the Kendal District Court in Case No. 1/Pid.C/2023/PN Kdl to rule that the resident was guilty of using the land without a valid permit. Unilateral claims that emerge only after the issuance of the Certificate cannot nullify the legal certainty that has arisen from the PTSL procedure that has been duly completed, given that the Certificate serves as strong evidence within Indonesia's land registration system.

In addition to the criminal proceedings, the dispute also evolved into an administrative land dispute. This occurred

²⁹ Jan Michiel Otto, *Kepastian Hukum Di Negara Berkembang*, 1st ed. (Jakarta: Novindo Pustaka Mandiri, 2003).

because the parties involved argued that the issuance of Right-of-Use Certificate No. 00014 in the name of the Tanjungmojo Village Government through the 2019 PTSL program contained administrative defects. Consequently, a lawsuit was filed with the Semarang Administrative Court under Case No. 33/G/2025/PTUN.SMG. However, in its ruling, the panel of judges stated that the plaintiff/resident lacked legal standing because they were not listed on the disputed certificate, and thus the lawsuit was dismissed.

Based on the description of the process from the onset of the dispute to its resolution, a chronological table is presented that systematically and chronologically outlines the sequence of events as follows:

Table 5. Chronology of the LandDispute in Tanjungmojo Village

Date	Incident	Description
2017	Mass survey	Installation of boundary markers from the National Land Agency (BPN) on curved land
2019	Implementation of the PTSL program and issuance of Right of Use Certificate No. 00014	Crooked land registered in the name of the Government Village
2021	Residents moving boundary markers	Residents moved the curved land boundary markers from the National Land Agency (BPN) and replaced them with bamboo markers
24 March 2022	The Village Government is aware of the unauthorized use of the land	Residents occupy approximately 477 m ² for banana and cassava crops

11 May 2022	The Village Government reported the alleged land encroachment to the Kendal Police Department	Official complaint letter submitted
14 May 2022	Kendal Police Department issued an Investigation Order	Conducted clarification from relevant parties
16 August 2022	Restoration of boundaries by the Kendal Regency Land Office	Survey results indicate a shortfall in area $\pm 477 \text{ m}^2$
20 October 2023	Kendal District Court Ruling	The defendant was found guilty of using the land without permission
2025	Lawsuit filed with the Semarang Administrative Court (Case 33/G/2025/PTUN.SMG)	Lawsuit dismissed because the plaintiff lacks legal standing

Source: Author's Analysis (2026)

The emergence of a land boundary dispute in Tanjungmojo Village demonstrates that even though land registration has been carried out through the PTSL program in accordance with applicable regulations, legal issues can still arise if the physical conditions on the ground are not maintained in accordance with the established boundaries. In this case, the dispute is primarily caused by physical occupation by another party that extends beyond the land parcel boundaries as stated in the certificate.

This situation not only creates conflict among the disputing parties but also risks legal uncertainty regarding the status of the disputed land. Therefore, appropriate resolution efforts are needed, whether through non-litigation or litigation mechanisms. However, to date, there has been no final resolution to the dispute. The Tanjungmojo Village Government is still seeking a resolution through non-litigation channels, namely by conducting amicable mediation to reach a mutual agreement among the disputing parties.³⁰

³⁰ Rusmadi Murad, *Penyelesaian Sengketa Hukum Atas Tanah*, 1st ed. (Bandung: Penerbit Alumni, 1991).

Based on Philipus M. Hadjon's Theory of Legal Protection, the land dispute in Tanjungmojo Village demonstrates the use of legal protection mechanisms, which are divided into preventive and repressive measures.³¹ Preventive protection should have occurred during the PTSL phase through the adversarial principle of delimitation and the 14-day public notice of physical-legal data; however, residents did not utilize this mechanism because they did not file any objections whatsoever during the 2019 survey. Consequently, when residents later claimed physical control over an area of 477 m² after the issuance of Land Use Certificate No. 00014, the Village Government pursued repressive legal protection through litigation (Case No. 1/Pid.C/2023/PN Kdl) to restore rights to the village's assets that had been violated. The court's ruling finding the resident guilty demonstrates that certificates issued through the PTSL program provide strong legal protection, while also underscoring that neglecting preventive procedures at the outset of registration has fatal consequences for parties who later file claims.

D. Efforts To Prevent Land Disputes In The Future

1. Strengthening the Security and Maintenance of Physical Land Boundaries

Strengthening physical data is a strategic step in preventing future land boundary disputes. In the context of this study, the administrative data used as the basis for issuing certificates through the Comprehensive Systematic Land Registration (PTSL) program is generally in accordance with applicable regulations. However, issues arise precisely because the physical conditions on the ground do not fully reflect the land boundaries as stated in the legal records. Therefore, the primary focus of dispute prevention efforts must be directed toward strengthening physical control and oversight of land parcels.

³¹ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Peradilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara*, 1st ed. (Surabaya: Bina Ilmu, 1987).

Negligence in maintaining and preserving boundary markers not only has the potential to cause boundary shifts and overlapping claims of ownership but can also lead to legal consequences such as land disputes, civil lawsuits, or potential legal liability for losses incurred to village assets. Therefore, the maintenance of boundary markers must be carried out actively through periodic monitoring, inspection of the physical condition of boundary markers, and preventive measures if there are indications of disturbances or boundary changes in the field.

Legally, this obligation is consistent with the provisions of Article 17 of Government Regulation No. 24 of 1997 on Land Registration, which stipulates that the demarcation of land boundaries is based on an agreement between the adjacent parties through the adversarial principle of delimitation; thus, the established boundaries must be upheld and maintained. Furthermore, Article 19 of Law No. 5 of 1960 on Basic Agrarian Principles affirms that land registration aims to ensure legal certainty, including certainty regarding the location, boundaries, and area of land. In relation to the management of village assets, Minister of Home Affairs Regulation No. 1 of 2016 on the Management of Village Assets also mandates that every village asset must be secured administratively, legally, and physically. This physical safeguarding is further specified in Kendal Regent Regulation No. 46 of 2016 on Village Asset Management, particularly Article 21(2)(c), which states that physical safeguarding is carried out, among other things, through the installation of boundary markers and/or fencing. This provision indicates that the existence and maintenance of boundary markers constitute a legal obligation inherent in the management of village assets.

When analyzed using Philipus M. Hadjon's Theory of Legal Protection, the obligation to maintain these boundary markers is part of a form of preventive legal protection that is, preventive measures taken before disputes arise through the strengthening of asset security mechanisms and the clarification of land boundaries. In this theory, preventive legal protection aims to provide an opportunity to prevent the emergence of conflicts through the certainty of rules and

appropriate administrative actions. In this context, the maintenance of boundary markers by village officials or the village head serves as a crucial instrument to ensure that village assets remain protected from potential unilateral claims or unauthorized occupation.

Conversely, if this obligation is neglected, the legal protection that was originally preventive in nature will shift to repressive legal protection through dispute resolution whether through litigation or non-litigation as reflected in the case of the land boundary dispute in Tanjungmojo Village. Thus, the obligation to maintain boundary markers is not merely administrative but also carries a legal dimension as part of preventive legal protection efforts to ensure legal certainty and prevent future disputes.

Based on an interview with Mr. Dian Puri Winasto, S.H., Coordinator of the Substance Group for Dispute Resolution and Land Matters at the Kendal Regency Land Office, orderly land administration and the maintenance of clear land boundaries are crucial steps in preventing land disputes. Village governments also have a duty to maintain land boundaries and ensure that the control and utilization of village land are carried out optimally and in accordance with applicable regulations. If these duties are properly fulfilled, the potential for land disputes can be minimized.

In addition to strengthening administration, coordination between village governments, local governments, and the Land Office also needs to be improved. This is because the management of village land is part of cross-sectoral activities that require inter-institutional cooperation. The Land Office plays a role in land administration processes and the issuance of certificates, while the village government is responsible for the completeness of administrative data that forms the basis for land certification applications. Therefore, synergy among various parties is essential to ensure that village land management runs smoothly and does not lead to problems in the future.

2. Understanding Land Regulations in the Management of Village-Owned Land

Understanding land regulations is a fundamental aspect

of preventing disputes, particularly those related to communal land as a village asset. Communal land, which is generally used as village treasury land to support the welfare of village officials, has specific characteristics because it is not private property but rather part of the village's assets, the management of which is governed by laws and regulations.³²

A lack of understanding regarding the legal status of bengkok land often leads to errors in its utilization, such as the unlawful transfer of rights, hereditary possession, or use that does not comply with regulations. Therefore, village officials and those utilizing bengkok land must have a clear understanding of their rights and obligations.

From an agrarian law perspective, as stipulated in Article 4(1) of the Basic Agrarian Law, it is affirmed that based on the state's right of control, various rights over the earth's surface (land) are established, which may be granted to and held by individuals or legal entities. However, bengkok land does not fall under the category of individual ownership but is part of state land managed by the village government. Furthermore, Article 6 of the Basic Agrarian Law states that all rights to land have a social function. This provision affirms that the use of land, including bengkok land, must take into account the interests of the community and must not be used solely for personal gain. Thus, the utilization of bengkok land must remain aligned with the public interest and the welfare of the village.

In the context of village administration and asset management, provisions regarding village-owned agricultural land are also set forth in Article 76(1) of the Village Law, which states that village assets may include village-owned land, including village-owned agricultural land. Furthermore, Article 77(1) of the Village Law emphasizes that the management of village assets must be carried out based on the principles of public interest, functionality, legal certainty, transparency, efficiency, effectiveness, and accountability.

Additionally, the obligation to maintain proper land

³² Ningsih and Arbayah, "Implementasi Program Pendaftaran Tanah Sistematis Lengkap (Ptl) Di Desa Hayaping Kecamatan Awang Kabupaten Barito Timur."

administration is reinforced in Article 19(1) of the Basic Agrarian Law, which stipulates that the government conducts land registration throughout the territory of the Republic of Indonesia to ensure legal certainty. This means that communal land must also be recorded and registered administratively to clarify its status and boundaries. From the perspective of obligations, parties utilizing irregularly shaped land must still comply with tax obligations, such as the payment of Land and Building Tax (PBB), as long as these are governed by applicable tax regulations. Compliance with these obligations reflects orderly and responsible land management.

Thus, a comprehensive understanding of land regulations, particularly those related to irregularly shaped land, is essential for both village officials and the community. This understanding encompasses not only rights but also obligations and legal limitations regarding its use. With this legal awareness, it is hoped that the management of bengkok land can be conducted in an orderly, transparent, and legally compliant manner, thereby minimizing the potential for future disputes.³³

3. Capacity Building for the Community and Village Officials

Efforts to prevent land disputes can also be made by building the capacity of communities and village officials to understand legal aspects of land management. A lack of understanding regarding land status and boundaries is often a key factor triggering land disputes. One step that can be taken is to educate the public about the importance of land registration and the clarity of land boundaries.³⁴

Provisions regarding mandatory land registration in

³³ Nandar Labunga, Nurwita Ismail, and Dince Aisa Kodai, "Analisis Hukum Peran Pemerintah Desa Dalam Penyelenggaraan Kebijakan Administrasi Pertanahan Dalam Penerbitan Sertipikat Tanah Di Desa Datahu Kecamatan Anggrek Kabupaten Gorontalo Utara," *GJR: Gorontalo Justice Research* 1, no. 1 (2025).

³⁴ Mellinia Dilla Wardhani, "Kesadaran Hukum Masyarakat Dalam Rangka Pendaftaran Tanah Di Desa Banyuurip Kecamatan Gunem Kabupaten Rembang" (2022).

Indonesia are stipulated in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration. This regulation emphasizes that land registration is carried out as an effort to provide certainty and legal protection for land rights holders. Through land registration, the physical and legal data of each plot of land are officially recorded, thereby minimizing the potential for future disputes. Socialization activities also play a crucial role in increasing public understanding of their rights and responsibilities as land owners or managers, which ultimately reduces the risk of unilateral claims in the future.

Outreach regarding the importance of land registration through the Comprehensive Systematic Land Registration (PTSL) program is a crucial instrument in bridging the information gap between the government and landowners.³⁵ Through massive and structured education, the community is made to understand that a land certificate is not merely a formal document, but authentic proof of ownership that provides absolute legal certainty and protection of civil rights. Without effective public awareness campaigns, many residents remain trapped in the risks of agrarian conflicts, overlapping ownership claims, and the threat of land mafia practices—which often exploit the weaknesses of land administration systems that have not yet been digitally registered in the National Land Agency's (BPN) database.³⁶

Furthermore, the PTSL outreach program emphasizes the transformation of property assets from mere “dead assets” into productive assets with high economic value. In the context of a people-centered economy, certificates issued through PTSL serve as valid financial instruments for accessing bank financing through the mortgage mechanism. Additionally, the systematic and simultaneous registration of

³⁵ Desi Syamsiah, “Sosialisasi Tentang Pentingnya Pendaftaran Hak Atas Tanah Bagi Masyarakat Di Kabupaten Karanganyar,” *Jurnal Pengabdian Mandiri* 2, no. 7 (2023): 1449–56.

³⁶ Indra Perdana et al., “Sosialisasi Percepatan Pendaftaran Tanah Dalam Rangka Reforma Agraria Untuk Mewujudkan Kesejahteraan Masyarakat Di Desa Sei Kepayang,” *Jurnal Tectum LPPM Universitas Asahan* 3, no. 2 (2022): 172–76.

land within a single village or subdistrict will create accurate land mapping (a complete cadastre), thereby making ownership boundaries between residents clear and permanent. This automatically reduces the incidence of land boundary disputes, which have long been a trigger for prolonged social conflicts within the community.

From an administrative perspective, this outreach effort also aims to dispel the public's perception that land administration is overly complicated. Officials provided a detailed explanation that the PTSL program is transparent and accountable, with the costs of surveying and issuing certificates covered by the State Budget (APBN). Active community participation in the outreach such as preparing title documents (girik, Letter C, or deeds of sale), independently installing boundary markers (stakeposts), and providing on-site assistance during field surveys is key to the program's success. With the establishment of orderly land administration through PTSL, local governments can also carry out development planning and manage Property Tax (PBB) more accurately, which ultimately leads to improved welfare for the broader community.

In addition, village officials also need legal assistance regarding the management of village assets, including village owned land. Legal assistance for village officials in the implementation of the Comprehensive Systematic Land Registration (PTSL) program serves as a preventive safeguard designed to align on-the-ground technical implementation with the framework of positive law, thereby avoiding both criminal and civil liabilities. Substantively, this guidance involves the District Attorney's Office and the legal team from the Land Office, who serve as legal consultants for the village government.³⁷ The primary focus is to provide legal certainty regarding the issuance of Village Head Decisions or Village Regulations (Perdes) governing PTSL preparation

³⁷ Gede Yasa Suriawan, "Kadus Dan Kasi Pelayanan Dampingi Pengukuran PTSL Tahun Anggaran 2024," Desa Subuk Kecamatan Busungbiu Kabupaten Buleleng Provinsi Bali, 2025, <https://subuk-buleleng.desa.id/index.php/first/artikel/465-Kadus-dan-Kasi-Pelayanan-Dampingi-Pengukuran-PTSL-Tahun-Anggaran-2024>.

costs. This is crucial because there is often confusion between illegal levies (pungli) and legitimate operational costs as defined by the Joint Ministerial Decree (SKB) No. 25/2017. Through this assistance, village officials are guided to prepare an accountable cost estimate (RAB) covering the costs of boundary markers, stamp duty, and witness fees so that every rupiah collected from the public has a strong legal basis and is administratively accountable.

However, this legal assistance covers the aspect of mitigating legal risks in the land history verification process, which is often a weak point for village officials. In practice, village officials are frequently confronted with unresolved inheritance disputes or overlapping land ownership (dual claims) when filling out legal forms.³⁸ This is where the role of legal assistance becomes vital; the assistance team provides support in validating title documents (such as Letter C or Girik) to ensure that the statement of physical control over a land parcel (sporadic) signed by the Village Head does not contain elements of forgery or false statements that could lead to criminal charges under Article 263 of the Criminal Code. With strict oversight from the Prosecutor's Office through the Legal Assistance function, village officials are not only protected from the threat of legal consequences due to ignorance of procedures but are also able to achieve transparent, professional, and corruption-free land administration in the village.³⁹

Based on the discussion regarding efforts to prevent land disputes, an analysis using a table to summarize the strategic steps that can be taken by the village government and relevant parties in a structured manner is as follows:

³⁸ Sitorus et al., "Efforts to Raise Legal Awareness For The People of Purwajaya Village to Have A Land Certificate as Authentic Proof of Land Ownership."

³⁹ Intelijen, "Pendampingan Hukum Terhadap Pelaksanaan PTSL Dalam Rangka Mendukung Capaian Reforma Agraria," Kejaksaan Negeri Nagan Raya, 2025, <https://kejari-naganraya.kejaksaan.go.id/index.php/2025/03/12/pendampingan-hukum-terhadap-pelaksanaan-ptsl-dalam-rangka-mendukung-capaian-reforma-agraria/>.

Table 6. Efforts to Prevent Disputes Over Village Land in the Future

Type of Effort	Strategic Steps	Legal Basis
Strengthening the Security and Maintenance of Physical Land Boundaries	The responsibility of the Village Head and Village Officials to manage land boundary markers	Ministry of Home Affairs Regulation No. 1 of 2016; Government Regulation No. 18 of 2021; Regent Regulation No. 16 of 2023
Understanding Land Regulations in the Management of Village-Owned Land	An understanding of land regulations regarding the management of communal land as a village asset is crucial, particularly with regard to the rights and obligations associated with its use	Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 6 of 2018; Law No. 5 of 1960
Community Capacity Building	Outreach on the importance of land registration and the demarcation of boundaries	Government Regulation No. 18 of 2021
Capacity Building for Village Officials	Legal assistance from the District Attorney's Office; training on village asset management village	Joint Ministerial Decree No. 25/2017

Source: Author's Analysis (2026)

The table shows that efforts to prevent land disputes require not only the strengthening of administrative processes, but also inter-agency collaboration and capacity building for communities and village officials to ensure sustainable legal certainty.

E. Conclusion

This study concludes that the effectiveness of the Comprehensive Systematic Land Registration (PTSL) program in providing legal certainty regarding irregularly shaped plots of land is not solely determined by the validity of legal data, but also depends heavily on consistent monitoring of physical conditions on the ground after certificates are issued. Disputes in Tanjungmojo Village demonstrate that even though land registration procedures have been carried out in accordance with regulations, unauthorized land occupation can still occur if they are not followed by adequate safeguarding and control of physical conditions on the ground. Therefore, certificates resulting from the PTSL program cannot be viewed merely as a final administrative product but as a valid legal protection instrument whose validity must be maintained through the continuous upkeep of physical boundaries and the application of the adversarial principle of delimitation involving the actively engaged neighboring parties.

Implementing these findings requires strengthening village asset management integrated with oversight of physical conditions on the ground. A strategic recommendation for village governments is to conduct regular monitoring of irregularly shaped plots, including ensuring the presence and clarity of boundary markers and preventing unauthorized physical occupation by third parties. Furthermore, strengthening coordination among land agencies, local governments, and village governments is a crucial step to ensure that the implementation of the PTSL program not only produces administrative legal certainty but also sustains substantive legal protection for village assets.

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