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Implementation of Registration of Ex-Customary Land through Complete Systemic Land Registration in Pemalang Regency

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ABSTRACT

This research means to determine that application through ex-customary land enlistment and that obstacles experienced in the application of old land registration in two sub-districts in Pemalang District. The oncoming how used is a sociological juridical approach. This type of research is qualitative research, namely research that describes or describes how the

applicable laws and regulations are related to their implementation practices, which will then be analyzed. This study also found that applications for ex-customary land were starting to be registered by the village government, where this program was initiated by the central government in the Complete Systematic Land Registration (PTSL) programme. This programme is also based on few agendas, namely, determining the location of the program, selecting a committee as adjudication, followed by counseling, correcting physical data, and synchronizing land objects with witness of ownership, issue judgment on granting soil rights, bookkeeping and issuance of soil title certificates and transfers. Giving in the form of a certificate itself aims provide legal certainty and legal protection for the owner of the land object. The obstacles faced are the boundaries of the soil parcels that are not in appropriate with the ready-made certificate. The conclusion of the implementation of land registration of ex-ulayat land in Pematang Regency is registered by the village government through the Complete Systematic Land Registration program.

Keywords: *Registration of Land, Customary Property Rights, PTSL, Complete Systematic Land Registration*

INTRODUCTION

Soil is firmly connected with human existence in regular daily existence. For a country, land assumes a significant part in showing the sovereignty of the country concerned. At the beginning of the founding of Indonesia, there was already an awareness of nationalism, and the welfare of the people could only be achieved through government intervention. The arrangements in the Preamble and Principles of the 1945 Constitution express that the method for accomplishing thriving for the Indonesian public is to do the job of the state through its executives as giving headings,

strategy producers, and rules in view of the Pancasila belief system and public way of thinking.¹

Soil is an important aspect in life because soil is the main foundation of all activities carried out by humans. In addition, land functions as a source of wealth because land and its contents can provide various sources of income for the owner or those who control it. In the interim, one of the goals of land enrollment is to give lawful conviction in regard to control and responsibility for plot of land.²

Clause 33 entry 3 of the 1945 Constitution communicates that: Earth, water and the ordinary resources contained in that are compelled by nation and utilized for the best flourishing people. In light of this, it tends to be presumed that Clause 33 passage (3) of the 1945 Constitution is the legitimate reason for the planning of the UUPA and is a source of law (material) in the development of national agrarian law which will bring prosperity, happiness, justice and legal certainty, to the nation and state.³

To understand the assurance of legitimate conviction in the land area, there are two things that should be thought of, to be specific the requirement for a composed land regulation and the execution of land enlistment. In other words, when talking about land registration, it means talking about one of the efforts in the context of realizing lawful assurance in the land area.⁴

Land as a crucial thing makes every country in the world regulate its land ownership in such a way that it can be economically useful and at the

¹ Suhadi & Dani Muhtada, "Transformation of the Meaning of Public Interest in the Indonesian Regulations on Land Acquisition: A Sustainable Development, *Advances in Social Science, Education and Humanities Research*," *ICGLOW* 35 (2019): 01, <https://icglow-unnes>.

² Kartika Widyaningsih and Budi Santoso, "Pelaksanaan Pendaftaran Tanah Untuk Pertama Kali Terhadap Tanah Yang Belum Bersertipikat Melalui Program Nasional Agraria (Prona) Di Kantor Pertanahan Jakarta Barat," *Notarius* 12, No. 2 (2019): 824–41.

³ Widyaningsih and Santoso.

⁴ Aartje Tehupeiory, *Pentingnya Pendaftaran Tanah di Indonesia (Raih Asa Sukses, 2012)*.

same time provide legal certainty. Including Indonesia, making rules to manage land demesne in the district of the Republic of Indonesia.⁵

Of course, having ownership of the land requires organized and orderly administrative support. The approach that may be used is to register land throughout Indonesia. This is in appropriate with the directive in Clause 9 Section 1 of the Intrinsic Agrarian Verdict, which guarantees the Government's rightful conviction by maintaining Land Registration in all Indonesian domains in accordance with the Government by holding Land Registration in all Indonesian domains as per the arrangements specified by Government Regulations.⁶ In the Basic Agrarian Verdict, it is regulated that the rights for land that can be registered are Property Rights, Planting Rights, Construction Rights, Use Rights and Lease Rights for construction that are not required to be registered.

Considering the importance of converting ulayat rights into customary land as substantiation. Legal demesne of soil rights is one of the objectives of the LoGA. Its purpose is to create legal certainty and legal protection of land rights in a fair and equitable manner and to promote the country's economic growth. Overall, the national economy in particular is speeding up the implementation of land registration, which is being done within the Republic of Indonesia through the Complete System Land Registration Acceleration (PTSL) program.⁷

Guarantees of legal certainty include: 1. Lawful sureness in regards to the individual or element that is the holder of the right (subject of privileges), 2. Lawful conviction in regards to the area, limits, and region

⁵ San Yuan Sirait, Muhammad Nazer, and Busyra Azheri, "Sertifikasi Tanah Program Pendaftaran Tanah Sistematis Lengkap: Deskripsi Dan Manfaatnya," *BHUMI: Jurnal Agraria dan Pertanahan* 6, No. 2 (2020): 236–248.

⁶ Mira Novana Ardani, "Peran Kantor Pertanahan dalam Kegiatan Pendaftaran Tanah Sistematis Lengkap," *Gema Keadilan* 6, No. 1 (2019): 45–62.

⁷ Rahmat Riardo, "Konversi Hak Atas Tanah Ulayat Kaum Menjadi Hak Milik Melalui Program Pendaftaran Tanah Sistematis Lengkap di Kota Solok," *Soumatara Law Review* 2, No. 2 (2019): 193–206.

of a bundle of land freedoms (object of privileges), 3. Legal certainty regarding the rights.⁸

The existence of substantiation of demesne of soil is a means of legal certainty, comprehensively from both the subject and the object of the soil. However, legal certainty is not only given directly, but there is also an initial process, namely registration which will eventually be given a certificate as substantiation of legal demesne of the soil.⁹

The benefits of the soil certification program for the community are still being debated. There are those who support and there are those who are against the policies of land certification programs, there are people who think that ownership certificates are the solution to land problems, while others think that it is the certificate itself that triggers land problems. Some argue that proof of property rights is necessary protect the most vulnerable of society, for others, proof of title is a major cause of marginalization.¹⁰

One of the soil enrollment exercises includes first land enlistment. First soil enlistment is the registration of soil whose object has not been enrolled in view of Government Regulation Issue 10 of 1961 concerning Soil Registration and PP 24 of 1997. There are two ways to register this event activities, namely systematically and sporadic. Systematic soil enrollment belonging soil registration activities done out simultaneously by the Government in the region or part of the domain of a town or sub-locale.¹¹

Based on Article 3 of PP No. 24 of 1997 concerning Land Registration, the objectives of soil registration are:

⁸ Saharuddin Daming and Eka Sri Budi Harsini, "Tinjauan Hukum Administrasi Negara Terhadap Pendaftaran Tanah Atas Hak Milik Adat Sekitar Garis Sempadan Situ," *YUSTISI* 8, No. 2 (2022): 65–90.

⁹ Masnah Masnah, "Implementasi Kebijakan Pendaftaran Tanah Sistematis Lengkap (PTSL) Di Kabupaten Muaro Jambi," *Jurnal Renaissance* 6, nNo. 2 (2021): 783–801.

¹⁰ Sirait, Nazer, and Azheri, "Sertifikasi Tanah Program Pendaftaran Tanah Sistematis Lengkap: Deskripsi Dan Manfaatnya."

¹¹ Isdiyana Kusuma Ayu, "Problematika Pelaksanaan Pendaftaran Tanah Melalui Pendaftaran Tanah Sistematis Lengkap Di Kota Batu," *Legality: Jurnal Ilmiah Hukum* 27, No. 1 (2019): 27–40.

1. Registered thus they can quickly prove themselves as the holder of the right in question. Provide a form of protection and legal certainty to people who own land objects, buildings and other rights with proof of certificate ownership.
2. Providing information to the government and the public, as well as ensuring the confidentiality of data from irresponsible elements such as the land mafia, which often occurs. In accordance with the Law on land parcels.
3. The realization of orderly land administration.¹²

Accelerate the advancement of soil registration activities to realize orderly land management. The Ministry of Agriculture and Spatial Planning/National Soil Agency (Ministry of ATR/BPN) organized an innovation in the National Strategic Plan, namely the Complete System of Land Registration (PTSL).¹³

PTSL is one form of fulfilling the government's duty to ensure legal certainty and protection of community soil demesne. After that, those who receive the certificate can use the certificate as a legally valid business support capital to improve their welfare. However, there are still various problems at the implementation level.¹⁴

For soil registration in Indonesia, the ministry aims to register all soil in the Republic of Indonesia by 2025 at the latest through the Land Program, which is essentially a full system of land registration (PTSL). In accordance with PP Number 24 of 1997 Article (1) Paragraph (10)

¹² Ria Sintha Devi and Melinda Marsaulina Hutapea, "Tinjauan Yuridis Terhadap Pendaftaran Hak Atas Tanah Melalui Proyek Pendaftaran Tanah Sistematis Lengkap (Ptl) Di Kantor Badan Pertanahan Nasional Kota Medan," *Jurnal Rectum* 1, No. 1 (2019): 47–86.

¹³ Nugraha Salman Ishaya, Haryo Budhiawan, and Koes Widarbo, "Implementasi Hak Servituut Pada Pelaksanaan Pendaftaran Tanah Sistematis Lengkap Di Kabupaten Bekasi," *Marcapada: Jurnal Kebijakan Pertanahan* 1, No. 1 (2021): 1–16.

¹⁴ Muhamad Burhanuddin, Lidya Christina Wardhani, and Faizal Adi Surya, "Pelaksanaan Pendaftaran Tanah Sistematis Lengkap (PTSL) Sebagai Upaya Untuk Mencegah Sengketa Kepemilikan Dan Batas Tanah Di Kantor Pertanahan Kabupaten Kudus," *Jurnal Suara Keadilan* 23, No. 1 (2022): 51–61.

Systematic land registration is land registration which is completed at once by the Government in a space or part of a city, city or sub-district.¹⁵

The initial land registration is land registration whose object has not been enrolled in light of Government Regulation Item 10 of 1961 about Soil Enlistment and PP 24 of 1997. This enlistment activities is done in two ways, namely systematically and sporadically. Efficient land enrollment is a demonstration of land enlistment that is temporarily completed by the Government in a domain or part of a municipal or sub-local domain.¹⁶

Customary land in field practice is land that has been controlled for generations by a certain community which from the time of their ancestors was controlled at least 20 years before the enactment of the UUPA. A little description of customary soil is soil rights that have been removed from ulayat and are individual in nature. Since the Dutch era, this customary land has been subject to a tax called the agricultural tax, which is collected by the Land Product Tax office (landrette). Taxpayers are given proof of tax payment whose names can vary, for example: girik, petok, detail, ketitir, etc. That the birth of the Republic of Indonesia, which is a nation state, has various ethnic backgrounds and social systems.¹⁷

In order to determine which areas are designated as locations for systematic registration, a Regulation of the State Minister is issued and for the determination of that location, both the Heads of State Regional Office and Heads of local State Offices are required.

Pemalang is one of the districts participating in the PTSL program. The implementation of this scheme is considered very relevant considering the scope of land rights. In Pemalang Regency there are many lands whose status is still not registered. This condition is one of the triggers for several

¹⁵ Retni Gampu, "Masalah Pendaftaran Tanah Untuk Memperoleh Sertifikat Hak Milik Atas Tanah Menurut Hukum Positif Dan Hukum Adat," *Lex Privatum* 6, No. 9 (2019).

¹⁶ Isdiyana Kusuma Ayu, "Kepastian Hukum Pendaftaran Tanah Melalui Pendaftaran Tanah Sistematis Lengkap Di Kota Batu," *Mimbar Hukum* 31, No. 3 (2019): 338–351.

¹⁷ Suparjo Sujadi, "Pendaftaran Tanah (Initial Registration) Tanah Bekas Hak Milik Adat Di Kantor Pertanahan Kabupaten Bogor Dan Kota Depok (Laporan Penelitian Singkat Mengenai Praktek Pelaksanaannya)," *Jurnal Hukum & Pembangunan* 34, No. 2 (2017): 143–163.

land problems in the community, so that it does not guarantee legal certainty over existing land rights.¹⁸

The enrollment of ex-standard land in Gambuhan Village, Pulosari District and Gintung Village, Comal District, Pemalang Regency as the object of Complete Systematis Land Rejistration is done on the grounds that there are as yet many terrains that are dependent upon standard regulation, counting Standard proprietary enrolled in the Village Head Office which knownt as letter c and has not been or on the other hand isn't enrolled at the National Land Agency Office in Pemalang Regency. Therefore, the problem of customary land ownership which has been passed down from generation to generation from the time of the ancestors has caused many community members who still have not registered and have certificates for their land.

As for previous research by digging information from previous research to facilitate the author in compiling research conducted by Hanida Gyuh, (2018) that the Implementation of Complete Systematic Land Registration (PTSL) in Sleman Regency has reached the target of 26,000 parcels of land and 30% of the remaining parcels of soil that have not been completed. Programme registered soil registration is a a complete and systematic soil registration scheme is expected to be completed soon programme. As for Pande Putu Erma's research, (2006) this research leads to low legal awareness of the people of Grobogan Regency who do not understand how important proof of land registration is to obtain proof of legal demesne of the soil objects that we have, to launch government programs, Grobogan Regency adds equipment technical officer at the Land Office. Where also serves to improve services to the community in order to facilitate the implementation of soil registration. Likewise, research by Daike Ayu Pratiwi, (2016) points out that there is a problem with the registration of ex-ulyat land rights, so a solution is provided by holding legal counseling so that it can indirectly improve legal understanding by

¹⁸ M Syuib and Sarah Diana Aulia, "Implementasi PTSL Sebagai Upaya Pencegahan Konflik Pertanahan Di Kecamatan Ingin Jaya Kabupaten Aceh Besar," *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial* 6, No. 2 (2021): 217–234.

providing legal counseling specifically and generally. According to Setyo Wibowo, (2007) that the implementation of the sale and purchase of ex-ownership (customary) land in Bekasi Regency, land certificates are incomplete and there are no heirs. can register their rights to the Land Office, the buyer does not obtain permission to transfer his land rights and has difficulty proving his rights to other parties, dispute resolution is carried out through the RT level, Villages and sub-districts as a family if it has not been resolved in court.

Furthermore, Wisma Teguh Pambudiarta, (2011) concerning the Legal Strength of Former Customary Land or Yasan Judging from the Government Regulation Number 24 of 1997 concerning Land Registration that former customary lands that have not been registered cannot be transferred, therefore they need to be registered at the city land office. Constrained by limited facilities and infrastructure, as well as incomplete application files. the buyer does not obtain permission to transfer his land rights and has difficulty proving his rights to other parties, dispute resolution is carried out through the RT, Village and District levels in a family manner if not resolved in court.

Furthermore, Wisma Teguh Pambudiarta, (2011) concerning the Legal Strength of Lands Formerly Owned by Customs or Foundations Judging from Government Regulation Number 24 of 1997 concerning Land Registration that former customary lands that have not been registered cannot be transferred, therefore they need to be registered at the city land office. Constrained by limited facilities and infrastructure, as well as incomplete application files. Therefore, need to be registered at the city land office. Constrained by limited facilities and infrastructure, as well as incomplete application files.

The reason the researcher chose the research location in Gambuhan Village and Gintung Village was because Gambuhan Village had the largest number of customary land registrations through the Complete Systematic Land Registration (PTSL) program among other villages, and vice versa, Gintung Village had the largest number of customary land registrations through the Complete Systematic Land Registration program

(PTSL) is the smallest among other villages in Pemalang Regency. This is because the research location has a relationship with the problems in the object of research in the implementation of the Complete Systematic Land Registration program for former customary lands. Thus, based on the explanation described above, it is necessary to examine the title in this study "Implementation of Land Registration of Former Indigenous Land Through the Complete Systematic Land Registration Program (PTSL) in Pemalang Regency.

METHOD

Oncoming technique used in this survey is a qualitative method. This type of study is sociological juridical, which is to obtain data from research data in the field, which is then analyzed. This survey aims to carry out the registration of ex-ulyat land in two sub-districts in Pemalang Regency through the Complete Systematic Land Registration (PTSL) program, the obstacles faced and how to overcome them. The data used in this study are: primary data, namely data originating from the research location facile through observation, interviews and secondary data, namely tracing data from primary books that are considered to represent the object of research. Data was collected through observation, interviews, document studies and literature studies. Observations were carried out in accordance with the reality in the field and used direct observation and interviews were conducted by way of question and answer orally. The location of the research was carried out at the National Land Agency of Pemalang Regency, the Gintung Village Village Office and the Gambuhan Village Office of Pemalang Regency. The theory used to analyze the matter of this research is the theory of law enforcement and legal certainty.

RESULT & DISCUSSION

I. Implementation of Land Registration of Former Customary Ownership Rights Through the Complete Systematic Land Registration Program in Pemalang Regency

Soil enlistment is an authoritative action done by the proprietor of the land, either in the exchange of freedoms or the allowing and acknowledgment of new privileges. The enrollment action gives a lucidity on the situation with the land. Enrollment comes from "Cadastre" in Dutch which is a specialized term for a record that shows the region, worth and responsibility for a piece of land. The word Cadastre comes from Latin initials Capitastrum, and that implies an accounting or capita unit which was utilized for soil charges in Rome.¹⁹

With the enrollment of land or the granting of land rights to all subjects of rights, they are also given the authority to use the land according to its designation. Thus, guarantee of legal certainty will be created for the subject of rights in the demesne and use of the land. Soil enrollment exercises will deliver confirmation of land freedoms called authentication. With a land certificate, legal certainty regarding the type of rights to it, the subject of the right, and the object of the right becomes real. Stacked on other written evidence, certificates are solid proof of entitlement.²⁰

Soil tenure and ownership often lead to conflicts, both vertical and horizontal conflicts. In acknowledging legitimate sureness of land possession in Indonesia, it has been managed in Clause 19 passage (1) of Law Item 5 of 1960 concerning Basic Agrarian Regulations (hereinafter

¹⁹ Bambang Sugianto, "Pendaftaran Tanah Adat Untuk Mendapat Kepastian Hukum Di Kabupaten Kepahiang," *Jurnal Panorama Hukum* 2, No. 2 (2017): 131–148.

²⁰ Reda Manthovani and Istiqomah Istiqomah, "Pendaftaran Tanah Di Indonesia," *Jurnal Magister Ilmu Hukum* 2, No. 2 (2021): 23–28.

composed UUPA) that's what which specifies "To guarantee lawful conviction by the Ministry, soil enrollment is a held all through the area of the Republic of Indonesia as per the arrangements directed by a Ministry Rule". Soil registration has a good impact, including: (a) the existence of legal certainty over land rights, (b) a clean and orderly land registration service system, (c) avoiding conflicts or disputes due to certificate status, (d) creating public trust in National Land Agency.²¹

Legitimate assurance over soil is something outright that should exist to keep up with the security of land use being developed and to make lawful conviction over land possession for individual individuals who need to be in contact with the land. Legal certainty referred to in land enlistment will bring about the issuance of a testament of verification of privileges.²²

As far as giving legitimate sureness and lawful security of property freedoms over land, as per Government Regulation no. 24 of 1997 concerning Land Registration, the government is obliged to register all land parcels in the territory of Indonesia, both with a systematic and sporadic approach. The first land registration activity in Indonesia was called PRONA, then it was replaced with an accelerated land registration program from the central government in 2017 relating to the provision of certificates to the community, namely Complete Systematic Land Registration (PTSL) up to 2025 because there are still many lands that have not been registered. certified or uncertified. The differences that occur between Prona and PTSL, namely the Prona program is more specifically for people who have a low economic group or less well-off, while PTSL is not only for low-income groups but for all groups of people.

Soil enlistment interestingly is an act of registration after land registration is a protest that the poor have registered, see Government

²¹ Ni Putu Adnyani, Imam Kuswahyono, and Supriyadi Supriyadi, "Implementasi Pendaftaran Hak Atas Tanah Komunal Di Desa Adat Pakraman Bungbungan Bali," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 5, No. 1 (2020): 148–158.

²² Rahmat Ramadhani, "Pendaftaran Tanah Sebagai Langkah Untuk Mendapatkan Kepastian Hukum Terhadap Hak Atas Tanah," *SOSEK: Jurnal Sosial Dan Ekonomi* 2, No. 1 (2021): 31–40.

Regulation Number 10 of 1961 and Government Regulation Number 24 of 1997. Land enlistment interestingly is helped out through deliberate land enrollment and irregular land enrollment. Precise land enlistment is a land enrollment movement interestingly that is done at the same time which incorporates all land enlistment protests that poor person been an enlisted in locality or part of the region of a Village or sub-locale. Deliberate land enlistment is done on the drive of the Government in light of a long haul and yearly work plan and is completed not entirely settled by the State Minister of Agrarian Affairs/Head of BPN. In shebang that a village or sub-district not appointed as a complete systematic land registration area, it is carried out through sporadic land enrollment.

In the PTSL program at the Pemalang Regency Land Office, one of the objects of land enrollment through the PTSL program is former customary land ownership in Gambuhan Village, Pulosari District and Gintung Village, Comal District, Pemalang Regency. Soil enrollment through the PTSL program is because there are still many customary soil rights that have not been certified or registered with the Land Office. The origin of the former soil owned by (customary) land in Pemalang Regency is land that has existed since the 1960's, then the status of the land is not yet certified (the land certificate has never been made) and in Pemalang Regency it is known as Leter C. / Girik / Petok. Given that there are still many customary land rights in Pemalang Regency that have not been certified, in practice there are still many people who still refer to it as customary land.

As per Rule Ministry No. 24 of 1997 affirms that property privileges are property freedoms as per adat or as indicated by the Basic Agrarian Law No. 5 of 1969 (UUPA) whether individual or group is a hereditary right and is the strongest for property rights holders and has the right to be free by selling, donating, exchanging and inheriting it.

Basically, the registration of former customary lands in Gambuhan Village, Pulosari Subdistrict and Gintung Village, Comal Subdistrict through the Complete Systematic Land Registration (PTSL) program with community land registration in general there is no difference. The thing that distinguishes the registration of the two types of land is in the proof

of their rights. On land owned by customary rights, it is proven by Letter C with proof of land ownership such as petuk leter C and is also located on the origin of the land.

The requirements that must be met are the same as the requirements for PTSL in general. The requirements that must be met in the registration of customary land rights to submit an application to become Property Rights, among others:

- 1) Quote C village, removed from the local village C book list quote.
- 2) Photocopy of KTP of land owner.
- 3) Copy of land owner's family card.
- 4) Photocopy of PBB or Taxpayer.
- 5) Statement from the owner that the land is not in dispute.

That the letter c book can be used as evidence that is owned by a person, when that person wants to obtain rights to his land and wants to register land in his name. And it cannot be forgotten that letter c is also a necessary condition for the conversion of customary land, as evidence of customary property rights.

The implementation of land registration of ex-customary land in two sub-districts in Pemalang Regency through the Complete Systematic Land Registration (PTSL) program at the Pemalang Regency Land Office is carried out through the application, preparation stages (Socialization, Determination of Location, Planning Personnel and Establishment of the Acceleration Committee, Training); Counseling; Juridical Data Collection; Juridical Data Processing and Proof of Rights; Soil Inspection; Announcement; endorsement; Issuance of Decision Letter on Determination of Rights and Decision on Affirmation/Recojniton of Rightss; Bookkeping Rights; Issuances and Submission of Certificates; *Warkah*/Document Management; Reporting.

One of the stages of the soil registration activity is the physical data collection activity. Physical data collection in the context of accelerating complete systematic land registration (PTSL) will produce optimal results if the It is done to measure and map out land parcels systematically in groups in one complete village/kelurahan area, in addition to being

supported by the availability of a land registration base map. This is what makes it different from previous asset legalization projects. Apart from the technical implementation, the activity financing factor also experienced a significant decrease.²³

Basically, when implementing PTSL, care must be taken to ensure complete understanding, as a systematic approach is very different from piecemeal importance, from determining the location of land registry entries, data collection, data processing, budgeting, to creating parcels that are systematically recorded land. Systematic registration not only brings about the output in the form of certificates, but the most important thing is to register every land plot in Indonesia, while repairing the existing certificate products and suppressing land disputes.²⁴

TABLE 1. Realization of the PTSL Program for the Pemalang Regency Land Office in 2019

No.	Village	Target PBT	Realization PBT	Target SHAT
1	Plakaran	3.043	3.644	2.441
2	Walangsanga	4.15	4.105	1.853
3	Clekatakan	4.988	4.986	3.088
4	Batursari	1.88	2.373	1.35
5	Penakir	661	661	530
6	Gunungsari	2.782	2.739	2.419
7	Jurangmangu	1.203	1.203	1.158
8	Gambuhan	5.475	5.825	4.053
9	Karangsari	500	409	466
10	Nyalembeng	1.426	1.226	776
11	Pulosari	4.033	3.985	1.92
12	Pagenteran	1.11	1.095	750
13	Siremeng	3.749	3.749	2.75
14	Cikendung	3.631	3.628	2.008
15	Sambeng	1.168	1.978	1.477

²³ Ayumi Kartika Sari, “Peraturan Hukum Program Pendaftaran Tanah Sistemik Lengkap (PTSL),” *Jurnal Regionomic* 4, No. 2 (2022): 26–32.

²⁴ Septina Marryanti and Yudha Purbawa, “Optimalisasi Faktor–Faktor Yang Mempengaruhi Keberhasilan Pendaftaran Tanah Sistematis Lengkap,” *BHUMI: Jurnal Agraria Dan Pertanahan* 4, No. 2 (2018): 190–207.

No.	Village	Target PBT	Realization PBT	Target SHAT
16	Peguyangan	1.655	1.655	1.259
17	Karangmoncol	4.483	4.483	3.389
18	Semingkir	4.595	4.592	2.444
19	Kejene	4.535	5.467	2.65
20	Surajaya	1.165	1.165	1.075
21	Wanamulya	1.428	1.335	1.082
22	Bojongnangka	3.01	2.971	2.593
23	Tambakrejo	2.757	2.755	2
24	Jebed Selatan	1.528	1.528	1.215
25	Temuireng	67	67	532
26	Nyamplungsari	1.626	2.626	1.93
27	Tegalsari Timur	345	344	988
28	Tegalsari Barat	2.901	3.901	2.263
29	Gintung	585	585	426
30	Wonokromo	1.207	1.207	800
31	Bumirejo	1.037	1.037	665
TOTAL		72.723	77.324	52.350

Source: Final Report of PTSL Activities at the Land Office of Pemalang Regency in 2019

From Table 1, it is stated that the Implementation of Complete Systematic Land Registration (PTSL) according to Decree Number: 90/SK-33.27/I/2019 dated January 2, 2019 has determined the location of complete systematic land registration activities at the Pemalang Regency Land Office. Among them, there are 31 villages/kelurahan as listed in table 1 above. Based on the activities in the table above, it is certain that there are still many villages/kelurahan whose communities still have certificates for their land. Then from 31 villages/kelurahan it can be said that one of the villages that has the largest number is Gambuhan Village located in Pulosari District, while the one with the smallest number is Gintung Village located in Comal District which has the least number of people who do not have certificates.

TABLE 2. Realization of Issuance of PTSL Program Certificates for Pemalang Regency Land Office in 2019

No.	Activities/Sub Activities	Field (Bidang)	Realization (Bidang)	Percentage
1	Counseling	72.723	72.723	100
2	Juridical Data Collection	52.350	52.350	100
3	Land Plane Measurement	72.723	77.324	10,63
4	Ground Inspection	52.350	52.350	100
5	Soil Inspection	52.350	52.350	100
6	Certificate Issuance	52.350	51.276	97,94
7	Reporting	52.350	52.350	100
8	Certificate Submission	52.350	51.276	97,94
TOTAL		52.350	51.276	97,94

Source: Final Report on PTSL Activities at the Pemalang Regency Land Office in 2019

In the data above, that through the Complete Systematic Land Registration program at the Pamalang Regency Land Office in 2019 it can be carried out including 77,324 PBT and 52,521 SHAT, the details of SHAT are Cluster 1 (certificates) as many as 51,276, Cluster 3.1 as many as 1,245 and all of them can be implemented in accordance with implemented target time.

2. Obstacles in the Implementation of Land Registration of Ex-Traditional Property Rights throught the Complete Sysyematic Land Registration Program in Pemalang Regency

In every program implemented by the government, there must always be an evaluation. This is because evaluation is very important in a program implementation process because with evaluation, makers and implementers can assess the program so that the results of the program will be even better in the future. One of the government programs in the field of land registration that needs to be evaluated is the Complete

Systematic Land Registration program as a form of government responsibility in providing legal certainty to the community in terms of ownership of land rights.²⁵

There are a few impediments in the execution of soil enrollment of ex-customary land in two sub-districts in Pemalang Regency through the Complete Systematic Soil Enrollment program, which include:

- 1) *The public/participants still think that the cost of implementing the certificate through the Complete Systematic Land Registration is free, including taxation.*

The fee for this PTSL program is levied by the government or in other words free (no charge). PTSL participants are only required to pay the cost of obtaining land certificates for land without land certificates, making and installing boundary markings, the cost of acquiring land and building rights (BPHATB) if affected, stamp duty, photocopy of letter C Based on existing provisions, the fee for submitting a complete systematic land registration certificate is only charged Rp. 150,000, - (one hundred and fifty thousand), and that also requires coordination with the village party by holding joint deliberation, so that later there will be no disputes and conflicts. misunderstanding between citizens.

- 2) *Landowners who cannot be present at the time of measurement, delaying completion and difficult to contact.*

The large number of people participating in the land registration are working, this situation causes the entire community to not be able to attend on time when the measurement of the plot of land is carried out. Then the landowner is also difficult to contact because there are also landowners who work outside the city so that the committee or village authorities find it difficult to contact. Officers also have to wait for all parties to be present at the measurement time. If the landowner is difficult to contact, then this causes the measurement of customary land rights to be hampered, to take measurements all land owners are required to be present but in reality in the field it is not easy to be

²⁵ Gemala Elfani and M Fachri Adnan, "Evaluasi Pelaksanaan Program Pendaftaran Tanah Sistematis Lengkap Di Kabupaten Sijunjung," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 6, No. 2 (2022), <https://doi.org/http://dx.doi.org/10.36312/jisip.v6i2.2953>.

present at the same time. In this case, the measuring officer must notify in advance if the measurement will be carried out on the plot of land in question.

3) *Field boundary signs that are still not in accordance with the finished certificate*

At the beginning of the implementation of PTSL, it is necessary to conduct measurements of all plots of land that will participate in PTSL activities. But in practice until the completion of the distribution of certificates to each owner of the land parcel, there are still many certificates that have been made but the results of measuring the land are still many and do not match the certificates that have been made. This raises the need for a re-measurement.

4) *Determination of unclear boundaries of land parcels making it difficult to measure and map.*

It is as yet observed that there are numerous limits of land distributives are now claimed by somebody who has enlisted their territory however the estimation letter or image of the circumstance is at this point not as per the genuine circumstance. In this case, it will be difficult for the community whose house is next to the land that has been certified because from the results of the existing certificate the building will cover the area of the house next to it whose land has not been registered, so that residents who want to register their land will not be able to because in the registration of their land parcels. it has been recorded that the field already has a land certificate. So that residents whose land has been covered with other land boundary markings will not be able to register their land.

The existence of matter in the enforcement of soil registration with the Complete Systematic Land Registration (PTSL) program in Pemalang Regency, indeed not everything went smoothly, researchers encountered several obstacles that occurred during the PTSL program implementation activities, both external and internal obstacles that occurred at the Regency Land Agency. Pemalang and the obstacles that occurred from both parties, Gambuhan Village, Pulosari District and Gintung Village, Comal District, Pemalang Regency.

From the above, it includes the Theory of Law Enforcement where the theory means the most common way of putting forth attempts to uphold or really work legitimate standards as conduct rules in rush hour gridlock or lawful relations in friendly and state life. As indicated by Soerjono Soekanto that there are factors that can impact, specifically: the law variable legal itself, the law enforcement factor, the facilities and infrastructure factors, the community and cultural factor. The factors that cause delays in the enforcement of land registration in Gambuhan Village and Gintung Village, Pemalang Regency have a relationship with the above factors so that it can be concluded as follows.

First, legal culture factors and legal awareness of the community also greatly affect the process of registering the land. Where the local community still lacks education and knowledge about the costs of the PTSL program so that people think that the land registration process does not spend a penny. *Second*, factors of facilities and infrastructure that have not been declared ideal and adequate. In terms of landowners who cannot be present on time so that it slows down the completion time. Then there is the determination of the boundaries of soil parcels that are not clear, making it difficult to measure. *Third*, law enforcement factors where legitimacy capacity, mindset or character of law enforcement plays an important role, regardless of whether the guidelines are good, but the nature of the officials is not good, it will bring some problems.

Therefore, one of the keys to the progress of policing is the attitude or character of law enforcement. Then there is a mistake in data in regard to the object of land enlistment, so there are as yet numerous limit indications of a package of land that are as yet not as per the ready-made certificate. Four, the legal factor itself is that the certificate has a very important role in the land registration process because it will provide legal certainty but with the presence of boundary markings in each field that are still not in accordance with the finished certificate, it becomes an obstacle that affects land registration.

Thus, the above states that these factors can affect the land registration process. The obstacles here also include parties with their respective duties

or roles in carrying out PTSL program activities that have been carried out. The obstacles encountered in the enforcement of the Land Registration of Former Customary Lands require a link between the government as the program implementer and the community who play an active role in the soil registration to work together in carrying out the Complete Systematic Land Registration (PTSL) programme activities so that it is carried out properly. Especially for the village community who participate in registering their customary land rights.

Then, there needs to be participation from the community which is an important role in accelerating the implementation of the Complete Systematic Land Registration (PTSL) program in the field. Because if the community as the applicant is not agile, it will hinder or affect the PTSL implementation process, and which is obviously very time consuming. To be able to support the performance of a land registration system, it is necessary to have a foundation that can be held in a land registration so that it does not deviate from the purpose or function of the land registration itself.

CONCLUSION

This study concluded that the implementation of registration of ex-customary land rights is registered by the village government through the Complete Systematic Land Registration program which includes: Location of PTSL activities, establishment and determination of PTSL appraisal committees, consultation, collection of physical and legal data on property, inspection of property, disclosure of physical and legal data on property and proof of entitlement, decision to grant or recognize soil rights, accounting and deeds of land rights The issuance and presentation of land title deeds are intended provide legal certainty and protection for soil rights holders. In the registration of customary land rights, the proof of registration of rights is in the form of letter C, while the land rights given to the certificate are in the form of property rights in the name of

individuals which are then designated as buildings for residence and rice fields. The obstacles faced in implementing the registration of customary land rights in Pemalang Regency in 2019 are that the community still thinks that the cost of implementing Certificate obtained through complete systematic recording in the land register is free, including taxation, field boundaries that are still not in accordance with the certificates already issued. Therefore, landowners who cannot be present at the time of measurement, to determine the boundaries of the land are not clear at the time of measurement and mapping, in this case hampers the measurement activities so that it also slows down the completion time of land registration.

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