

IMPLEMENTATION OF COMPLETE SYSTEMIC LAND REGISTRATION ACTIVITIES IN BUKITTINGGI CITY

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Abstract: Complete Systematic Land Registration is a form of implementation of the government's obligation to achieve legal certainty and protection for the ownership of land rights holders. The Ministry of Agrarian and Spatial Planning/National Land Agency(ATR/BPN) targets that by 2025, all land parcels in Indonesia have been registered through PTSL activities. The implementation of PTSL activities is regulated in 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. This research was conducted by using empirical juridical research method, which was conducted in Bukittinggi City.

Key Words: Complete Systematic Land Registration, Land Dispute Resolution, Mediation.

1. INTRODUCTION:

The city of Bukittinggi is one of the areas in the province of West Sumatra where the city is still in a fairly dominant Minangkabau customary system in which a communal land ownership system is attached, known as communal land or ulayat land. Ulayat land is communal land owned by the customary law community which is not divided and is given in the form of control and utilization in the form of customary use rights. Customary rights are communal rights of customary law communities in Indonesia to control and manage a certain area as a field of life in order to support the survival of members of their own community. Each member of the customary law community concerned has the right to freely cultivate and utilize the land and natural resources in their area, and other people are not entitled except with the permission of the community itself.[1] In such a system, the release of land ownership rights cannot be carried out by someone without fulfilling the conditions and decisions that allow for it. Therefore, it is considered important to conduct research related to the implementation of Complete Systematic Land Registration (PTSL) in Bukittinggi City.

2. THEORITICAL FRAMEWORK:

- Legal Certainty Theory
According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented.[2]
- Dispute Resolution Theory
A dispute is something that causes a difference of opinion between two or more parties who are in dispute in a court case.[3]

3. LITERATURE REVIEW:

According to Boedi Harsono, land registration is an attack of activities carried out by the government continuously and regularly in the form of collecting certain data which is then processed, stored and presented which is used for the benefit of the community to obtain legal certainty guarantees and issue land certificates as evidence and maintenance. [4]

PTSL is a form of implementation of the government's obligation to provide legal certainty and protection for land ownership. In addition, people who have received a certificate can use the certificate as capital for business assistance to improve their welfare.

According to Sarjita, land disputes are disputes that occur between two or more parties who feel or are harmed by these parties for the use and control of their land rights which are resolved through deliberation or through the courts. [5]

4. METHOD:

The method used in this study is an empirical juridical approach, namely an approach based on field research methods, namely examining applicable legal provisions and what is happening in people's lives.[6]

5. DISCUSSION:

Land registration is held with the aim that the parties concerned can know the status or legal standing of the land they are dealing with, its location, area and boundaries, who owns it and what burdens are on it.⁵ Evidence of the land having been registered, namely the existence of a land certificate which also serves as proof of the holder's control or ownership of the land.[7] According to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Land Cases, land disputes are land disputes between individuals, legal entities or institutions that do not have a wide impact. The existence of a land dispute is due to the interest of an individual or legal entity in the land. The existence of land objects that are mutually contested by two or more parties is due to differences in perceptions or perspectives on who has the right to the land.

6. ANALYSIS:

A. Implementation of Complete Systematic Land Registration in Bukittinggi City

The delimitation contradiction is a norm used in land registration which requires land rights holders to pay attention to the placement, determination and maintenance of land boundaries based on the agreement of the interested parties, namely the land owners bordering the land they own. When the owners of bordering land do not get an agreement regarding the boundary, even though mediation has been carried out, the determination of the boundary is determined through a court decision. Therefore, it is important to determine land boundaries to obtain legal certainty. If this is not done, then in the future it can cause *overlapping* of land parcel boundaries, due to unclear land parcels, causing land disputes.

B. Land Registration Dispute Settlement in the Implementation of PTSL in Bukittinggi City

The implementation of mediation as an alternative to land dispute resolution at the Bukittinggi City Land Office has resulted in peace outcomes for the disputing parties. This of course cannot be separated from the role of the two parties who are mutually cooperative to carry out mediation so as to produce an agreement.

7. CONCLUSION

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) The process of implementing a complete systematic land registration in the City of Bukittinggi has not been carried out in accordance with the Regulation of the Minister of State for Agrarian Affairs and Spatial Planning/Head of BPN No. 6 of 2018 concerning Complete Systematic Land Registration.
- 2) The implementation of PTSL activities in Bukittinggi City also encountered a number of obstacles such as many PTSL applicants from nomads and the large number of clan members who were outside the area so that the process of preparing the rights mat took a long time, there was no agreement among the clans and clan members to take measurements of land parcels because it was still there are internal disputes among his people, there are still concerns from the community about registering their land because they assume that after the land is certified, the land will be sold or pawned, and the profession of the community, the majority of whom are traders, so that they do not have enough time to take care of the land rights.

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