

IMPLEMENTATION OF COMPLETE SYSTEMIC LAND REGISTRATION FROM TRADITIONAL LAND IN THE REGENCY OF THE MENTAWAI ISLANDS

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Abstract: Complete Systematic Land Registration or PTSL has been a strategic program of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency for the last 4 years. PTSL itself is a strategy to accelerate the completion of land registration throughout Indonesia, as mandated by Article 19, Law Number 5 of 1960 concerning Agrarian Principles or UUPA. Guaranteeing legal certainty over land rights is one of the goals in land development as stated in the 2015-2019 Medium Term Development Plan (RPJM). In the last few years, the awareness of the Mentawai indigenous people to recognize their customary land rights has increased, this awareness is manifested in the efforts of every *uma* to recognize their respective social, territorial and economic boundaries. There are around 45,000 plots of land in the Mentawai Islands Regency, while only 5,851 land parcels have been certified, 39,149 land parcels have not been certified, the Mentawai BPN target in 2025 all land parcels in the Mentawai Islands Regency must be certified, including customary land.

Key Words: PTSL, Indigenous Land, Mentawai Islands.

1. INTRODUCTION:

In the last few years, the awareness of the Mentawai indigenous people to recognize their customary land rights has increased, this awareness is manifested in the efforts of every *uma* to recognize their respective social, territorial and economic boundaries. This tendency is caused by blurred land boundary conflicts between *uma*, namely about who owns the land (*sibakkat laggai*), who immigrants (*si ooi*) or which descendants have the most rights over their customary lands, besides the rapid invasion of entrepreneurs to gain access to forests makes people -*Uma* people are increasingly aware of the importance of state recognition of their land.[1]

Juridically, the government only implemented Article 3 of Law Number 5 of 1960 concerning Agrarian Principles (UUPA) at the end of the New Order period by first providing an understanding of *ulayat* rights through a Regulation of the State Minister of Agrarian Affairs/Head of the State Land Agency (BPN) Number 5 of 1999 concerning Guidelines for the Settlement of Indigenous Law Community Rights Issues (Permenag No. 5 of 1999). This provision was the first to provide a juridical understanding of *ulayat* rights, but the norms governing *ulayat* rights as objects of land registration in this ministerial regulation do not yet exist.

2. THEORITICAL FRAMEWORK:

a. 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]

b. Theory Benefit

Benefit here is defined as happiness (happines), so that the assessment of whether a law is good or bad or not depends on whether the law gives happiness to humans or not.

c. Communal Rights Theory

Cotterrell (1997) argues that society can be associated with at least four idealized contexts of interaction and collective engagement.[3]

3. LITERATURE REVIEW:

Basically, land ownership rights can only be owned by a single Indonesian citizen and cannot be owned by foreign citizens and legal entities, both those established in Indonesia and those established abroad with the exception of certain legal entities as regulated in Government Regulation No. 38 of 1963. This means that apart from a single Indonesian citizen and legal entities designated in Government Regulation No. 38 of 1963, no other party can become the holder of land ownership rights in Indonesia.

Members of customary law communities as individuals are allowed to obtain rights to a portion of communal land. The control of communal land is in the hands of the ruler of the legal alliance. The rules regarding communal land that will be utilized and used by individuals will be limited to the interests of the partnership. Internal rules regulate matters concerning communal land in such a way that every member of the legal alliance community gets a share of the communal land.[4]

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.[5]

5. DISCUSSION:

If it is related to the Complete Systematic Land Registration Program (PTSL) which is currently taking place in the Mentawai Regency, the dualism of the regulation on the registration of ulayat land at the state legal level will certainly make it difficult for those in the field to formulate what mechanism is used to provide legal certainty for ulayat land parcels, which have not been registered. In addition, the uniqueness of the Mentawai customary law community which is manifested in the form of uma kinship should be taken into account in formulating and ascertaining whether a piece of land really belongs to the PTSL subject. Research on the implementation of PTSL for Indigenous Lands is very important to be carried out in the Mentawai Islands region considering the diversity of local wisdom that applies to the tenure system of the Mentawai indigenous people. The legitimacy of land ownership as evidenced by a certificate will be strong if the land registration mechanism carried out accommodates the local wisdom.

6. ANALYSIS:

A. The Process of Making a Right Base in a Complete Systematic Land Registration in the Mentawai Islands Regency

In the process of determining land rights, research is carried out which includes the subject of rights, types of rights, method of acquisition (right base), use/utilization, location and boundaries of land. Research on land history and determination of land parcel boundaries is assigned to a committee formed or an appointed official called the PTSL adjudication committee. For the purposes of researching juridical data on land parcels, evidence is collected regarding land ownership or control, both written and unwritten evidence in the form of witness statements and or relevant information, which is shown by the holder of land rights or their proxies or other interested parties to the land. adjudication committee.

B. The systematic land registration process is complete if the land originates from *Uma/ Sibakkat Lagai* in the Mentawai Islands Regency

In its development, the Systematic Land Registration carried out village by village in the district and village by village in urban areas covering all land parcels throughout the territory of the Republic of Indonesia became a Complete Systematic Land Registration Policy (PTSL). This policy has become a National Strategic Program with the concept of building new land parcel data and at the same time maintaining the quality of existing land parcel data so that all land parcels are registered completely and accurately.

C. Problems and Constraints encountered in the complete systematic land registration in the Mentawai Islands Regency

Regarding the implementation of PTSL, there are several obstacles faced by the adjudication committee and the task force in the field, this obstacle is also recognized by the land office itself because there are several social factors, natural conditions and the level of community knowledge that make the implementation process take a lot of time and the delivery of related information PTSL is not fully understood by the community.

7. CONCLUSION

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

- 1) Pedestals in the Mentawai Islands Regency are included in the manufacture of rights mats in general.
- 2) The implementation of PTSL in Katurai Village and Pasakiat Taileleu Village has been carried out well with a fairly high percentage of achievement, in Katurei Village the level of achievement of land parcels that have been certified even exceeds the initial target planned by the Land Office of the Mentawai Islands Regency, meanwhile Muntei Village which was originally designated as the location of the implementation of PTSL activities but in the village there were mutual land ownership claims, so there was a delay in the land measurement process.

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