

Legal Consequences for Wrong Land Plot Objects in the PTSL Program (Case Study in Lemahkarya Village)

Lia Amaliya¹, Amaey², Desi Ayu Oktapianti³, M. Ardi Wiranata⁴, Piki Hendiko Siregar⁵,
Trisna Ramadani⁶, Yudha Yolandha Jaya⁷

1,2,3,4,5,6,7 Prodi Ilmu Hukum, Fakultas Hukum, Universitas Buana Perjuangan Karawang, Indonesia

Email: liaamalia@ubpkarawang.ac.id

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Corresponding Author:

Author Name*: Lia Amaliya

Email*:

liaamalia@ubpkarawang.ac.id



Abstract: *This research examines errors in land parcels in certificates that have been issued in the Complete Systematic Land Registration Program (PTSL), errors in land parcels in certificates that have been issued result in legal defects or administrative defects. By using research question: Legal consequences of Wrong Land Plot Objects in the PTSL Program. The research method used is empirical. The results of the research show that "Article 62 paragraph (1) of the Regulation of the Head of the National Land Agency Number 3 of 2011 explains that certificates of land right which contain administrative legal defect can be canceled or changed by the government in recording the maintenance of land registration data according to statutory regulations." The BPN and TUN systems allow for the cancellation of certificates, which may then be reissued or re-registered.*

Keywords: *Land registration, PTSL, Land Parcel Object*

INTRODUCTION

"The Preamble to the Constitution of the Republic Indonesian in 1945 is to protect the entire Indonesian nation and all its foundations, to promote general welfare, to educate independence, to last a long time, and to do social justice," reads the preamble. As a result, it is the duty of the state to uphold each and every right guaranteed by Constitution.

A number of ongoing, sustainable, and routine government actions are referred to as "land registration". In this activity, you will gather, total, archive, and store lawful and actual information with respect to land bundles and cond units as records and guides. You will also be required to show proof of rights and other rights related to the flats regulated by the Government Regulation on General Land Provisions.¹

Soil is essential to human existence because it fulfills their basic needs. Therefore,

some people will do anything to become a landowner, even if the land is actually owned by someone else. Land mafias and land rulers who violate the law, that is, who do so without the consent of the right holder are not strange. This is due to the fact that the land area cannot grow at the same rate as the population grows and their need for land.² Therefore, there is a strong emotional connection between the land and its owners, so protection of land ownership is important.³ Therefore, to prevent problems in the future, land ownership needs to be legally ensured. The fundamental established command, which gives the state command over the earth, water, and normal assets contained in that, is contained in "Article 33 passage (3) of the 1945 Constitution of the Republic of Indonesia which is hereinafter alluded to as the 1945 Constitution of the Republic of Indonesia. The use and utilization of these resources by the state must be as great as possible for the

¹Pasal 1 ayat (1) Peraturan Pemerintah Nomor 24 tahun 1997 tentang Pendaftaran Tanah

² Syahyuti, P. (2004). Kendala Pelaksanaan Landreform Di Indonesia: Analisa Terhadap Kondisi Dan Perkembangan Berbagai Faktor

Prasyarat Kendala Pelaksanaan Reform Agraria. *Forum Penelitian Argo Ekonomi*, 22(2), 89-101.

³ Amarohman, F. J & Wijaksono, O. O. F. (2021). Buku Ajar Hukum Agraria. Semarang: UNDP Press.

prosperity and welfare of the people. "The 1945 Constitution of the Republic of Indonesia, especially Article 33 paragraph (3), became the basis for the birth of Indonesia's agricultural law, namely Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA), which was ratified on September 24, 1960."

The existence of soil is very important for all living things, including humans. Land is a human habitation, agricultural production, and an important component in the formation of the state. Historically, land bank initiatives have been used by European countries to improve agricultural land management practices. In Indonesia, "The earth, water and the natural resources contained therein are controlled by the state and utilized for the welfare of the people" reads Article 33 of the 1945 Constitution. In Indonesia, the freedoms to land residency are additionally directed in "Regulation Number 5 of 1960 concerning Essential Guidelines on Agrarian Standards of the Republic of Indonesia"

To ensure that all data from each registered parcel of land is complete and to prevent land-related problems, a fundamental land policy is to manage the land sector in an orderly manner. This includes registering land and granting land certificates to its owners as legal proof of their ownership.

"Government Regulation No. 24 of 1997 concerning Land Registration is the first step of the government's consistency to carry out land registration systematically based on a work plan that is carried out simultaneously for all land registration objects." However, the government must make improvements to speed up the land registration process considering public complaints about the length of the land certificate issuance process during the management of land registration administration.⁴

"The Complete Systematic Land Registration (PTSL) program was then launched by the Minister of Agrarian Affairs

and Spatial Planning/BPN to help the community obtain legal certainty and legal protection of land rights in a certain, fast, simple, safe, smooth, fair, equitable, and transparent manner. The first simultaneous land registration procedure, or PTSL, applies to any parcel of land that has not been registered in a community or village.

The government is the institution responsible for the growth of the nation and has the authority to pass laws. Therefore, it is clear that while land is essential to human existence, it can also give rise to disputes over who owns land. Therefore, land certificates are reliable proof of land ownership. The certainty of strong land ownership is explained in paragraph (1) of Article 19 of the UUPA. The land right holder can then give evidence regarding the land specifications, including size, boundaries, and other relevant information. All information contained in the title deed will be deemed accurate in the event of any future legal claim regarding ownership or tenure of the property in court, provided there is no evidence to the contrary.

The land rights holder can then provide evidence regarding the specifications of the land, including size, boundaries, and other relevant information. All information contained in the title deed will be deemed accurate in the event of any future legal claim regarding ownership or tenure of the property in court, provided there is no evidence to the contrary.⁵ The Optimization of the Acceleration of the Implementation of Agrarian Reform has been held to raise awareness of the importance of rearranging a just life through Agrarian reform, with the Joko Widodo Government Program formulated in the 5th Nawacita Precepts, namely "Work Indonesia Program and Prosperous Indonesia by encouraging Landreform and the Land Ownership Program covering an area of 9 million hectares."

The Optimization of the Acceleration of the Implementation of Agrarian Reform has

⁴ Manthovani, R., Istiqomah (2017). Pendaftaran Tanah Di Indonesia. (Vol. 2, Issue 2).

⁵ Rokhmansyah, M. F., & Octarina, N. F. (2022). Peran Pejabat Pembuat Akta Tanah Dalam

Pendaftaran Tanah Sistem Lengkap. *Jurnal Justisia*, 7(2).

been held to raise awareness of the importance of rearranging a just life through Agrarian reform, with the Joko Widodo Government Program formulated in the 5th Nawacita Precepts, namely "Work Indonesia Program and Prosperous Indonesia by encouraging Landreform and the Land Ownership Program covering an area of 9 million hectares. The land registered in Mr. Haji Encim's certificate is the land owned by Mr. Wawan, the land that is flat in Mr. Sawin's certificate is the land owned by Mrs. Karsiah, the land registered in Mrs. Karsiah's certificate is the land owned by Mr. Sawin, and the land registered in Mr. Wawan's certificate is the land owned by Mr. Haji Encim. So, the problem in this study is: Legal Consequences for the wrong land plot object in the PTSL Program (Case Study in Lemahkarya Village).

METHOD

This kind of study is descriptive, meaning it explains or describes the problem raised. In the PTSL program in Lemahkarya Village, Tempuran District, the purpose of this type of research is to explain and propose improvements to the problem of inconsistencies in the location of land plots. This means explaining the problems starting from the approach to the Lemahkarya Village apparatus represented by one of the staff to provide study data and field to take the coordinate points for the discussion of our research methods.

The Juridis-Emperical approach is the research method used, namely a legal research strategy that begins with secondary data and continues with primary data or field data. This approach is used because it is possible to see law as a rule that governs the application of law in society as well as rules or regulations.

RESULTS AND DISCUSSION

Legal Consequences for Wrong Land Plots in the Complete System Land Registration Program (PTSL)

The Complete Systematic Land Registration (PTSL) program, a government initiative, aims to simultaneously register land in each village or sub-district, especially for land that has not been registered in the name of

a person or organization. The project's objective is to provide the community with legal clarity regarding land rights, which is crucial for resolving current land disputes. This legal certainty not only helps in resolving disputes, but also facilitates access to financial services and improves regional planning and development by the government.

With official documents that recognize land rights, land-related conflicts can be minimized, and landowners can feel safer and more protected. The PTSL program supports sustainable economic and social development by strengthening the legal and land administration systems. This is a proactive step in ensuring that every citizen has certainty over the land they own or occupy, which will ultimately support sustainable economic and social development.

The complete systematic land registration operation, more commonly referred to as PTSL, is carried out by the Adjudication Committee of the Complete Systematic Land Registration. Based on "Article 5 paragraph (2) of the Regulation of the Minister of Agrarian and Spatial Planning/National Land Agency Number 1 of 2017, the composition of the Complete Systematic Land Registration Adjudication Committee consists of:

- a. The Director of the Board is likewise a part, who is held by a representative of the Land Office.
- b. The Vice Chairman in charge of agrarian instructors is also a member, and the position is held by employees of the Land Office who are familiar with the matters pertaining to land instructors.
- c. The deputy chairman in charge of agrarian legal relations is also a member held by an employee of the Land Office who understands land law.
- d. Secretary held by employees of the Land Office.
- e. The head of the local Village/Village or a Village/Village Leader appointed by him.

- f. Members can be added from the elements of the Land Office as needed.”⁶

In point (e) it is stated that the duties of the local village apparatus (Lemahkarya) there are several officers who receive, manage and work on this PTSL program, there are several stages that must be passed listed in «Article 3 paragraph (3) of the Regulation of the Minister of Agrarian Affairs / National Land Agency number 1 of 2017, before going to the following problem points:

- a. Choosing a Location of Activities to Accelerate the Completion of Systematic Land Registration.
- b. Establishing a complete and systematic committee to adjudicate land registration applications.
- c. Giving advice.
- d. Collect and analyze legal data and physical data on land parcels.
- e. Soil Inspection.
- f. Juridical and Physical Data Publication.
- g. Deciding on the granting of land rights.
- h. Publication of Physical and Juridical Data on Land Parcels and Bookkeeping of Rights.
- i. Bookkeeping and Issuance of Land Rights Certificates.
- j. Submission of Land Rights Certificate.”

Physical data collection consists of the following:

- a. Establishing boundaries between parcels of land,
- b. Determining boundaries between parcels of land,
- c. Mapping of land parcels,
- d. Physical statement,

Data and procedures related to real land need to be integrated into the KKP36 system, which is a computerized system for land activities. This must be done in accordance with

the applicable legal provisions, which provide guidance on how to measure and map land. This ensures that all information that goes into this system is accurate and in accordance with the standards set by regulations.⁷

Based on the stages of the PTSL program, there should be no mistakes in Lemahkarya Village such as the wrong field object because there is already an SOP for work in accordance with the rules. With the data and materials that we have collected, hopefully there will be a solution where the error lies.

And we are assisted by village officials as representatives of the task force from the Karawang Regency BPN (Land Agency) to research this Scientific Method.

The stages of PTSL Program Registration are as follows:

1. Socialization and Counseling

The Workers' Committee disseminated to the people of Lemahkarya Village about PTSL end masse. Together with representatives from Lemahkarya Village, Physical Task Force, PTSL Committee, and BPN Karawang Regency, socialization was carried out. In the socialization, it was conveyed that residents of Lemahkarya Village who want to take part in the PTSL program should prepare the documents needed for registration, including Identity Cards (KTP), Family Cards (KK), Then C/Girik, SPPT, Death Certificates, and Inheritance Certificates if they have passed away.

2. Determination of Location and Number of Fields

Registration participants for the 2021 Lemahkarya Village PTSL Program are residents from various hamlets in the village. In detail, there are several fields that have not been completed because there is a problem with the wrong object of the land location. However, there are some that

⁶ Peraturan Menteri Agraria dan Tata Ruang No. 12 Tahun 2017 tentang Percepatan Pendaftaran Tanah Sistematis Lengkap.

⁷ Palenewen, James. Y. (2022). Hukum Agraria Dan Pendaftaran Tanah Di Indonesia. Bandung: Widina Media Utama

have been completed and handed over to the landowner (for Kuato, it is not explained how much has been completed and has not been completed).

The Juridical Task Force is in charge of collecting juridical data, which can obtain assistance from members of certain groups or professions. Among the forms of evidence used in the collection of legal data are:

- a. Alas Hak, for example proof of ownership after 1960 such as: Later C, Girik, Seseal.
- b. Proof of transfer of rights or proof of ownership under the hand.
- c. In the event that the evidence of ownership is misplaced, it can be established through rights-based evidence of physical possession.⁸

3. Physical Data Collection

It is the responsibility of the physical task force to collect physical data regarding the boundaries of land objects, land parcel areas, and departmenet units, as well as information about structures or parts of buildings in the property.

4. Land Inspection and Decision-Making Regarding Land Rights

The Juridical Task Force looked at the legal relationship between PTSL participants and the land applied for as well as its status, history, and condition. After confirming that the evidence received does not exist or is incomplete, a statement letter is made which is used as evidence to carry out PTSL activities.

5. Show of Actual Information and Juridical Information

In terms of time, this is a significant distinction between conventional systematic land registration and PTSL. The State Administrative Court (PTUN) can accept objections within 14 working days, in which case objections can be submitted there; If no objections are received within that period, the certificate will be issued and ratified on the 15th day.

6. Issuance and Submission of Land Title Certificates

The Chairman of the Acceleration Adjudication Committee can sign the land right certificate, or the Judicial Adjudication Committee can make or print the certificate. The Top of the Land Office will sign the endorsement. PTSL endorsement shipped off the town/sub-locale corridor to be enlisted.⁹

Based on the results of the interview with Mr. Sopandi Ade Sofyan as the Village PPAT, it was the exchange of four plots of land that were registered as certificates, namely land owned by Mr. Haji Encim, Mr. Sawin, Mrs. Karsiah, and Mr. Wawan. The land registered in Mr. Haji Encim's certificate is land owned by Mr. Wawan, the land that is flat in Mr. Sawin's certificate is the land owned by Mrs. Karsiah, the land registered in Mrs. Karsiah's certificate is the land owned by Mr. Sawin, and the land registered in Mr. Wawan's certificate is the land owned by Mr. Haji Encim.

According to the "Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 9 of 1999", the four certificates are administrative legal defects that require the cancellation of land rights-article 106 paragraphs (1) and (2) and 107. According to Article 106 (1), an authorized official can make the decision to cancel land rights due to administrative legal defects in their issuance without requiring an

⁸ Solichin, Nurul. (2024). Optimalisasi Percepatan Pelaksanaan Reforma Agraria Kabupaten Karawang. Kantor Pertanahan Kabupaten Karawang.

⁹ Rachmawati, S. A. (2021). Revolusi Sistem Pencatatan Tanah Melalui Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Studi Lapangan Di Desa Bantul. *Pranata Hukum*, (Vol. 3, Issue 1).

application. (2) An Application for retraction of privileges might be submitted or straightforwardly to the Clergyman or a selected authority or through the Top of the Land Office.”

“Article 107 Administrative legal defects as referred to in Article 106 paragraph (1) are: a. Procedural errors; b. Errors in the application of laws and regulations; c. Offences of the subject of rights; d. Errors of the object of rights; e. Errors of the right type; f. Calculation error of area; g. There is an overlap of land rights; h. Juridical data or physical data is incorrect; or i. Other errors of an administrative legal nature.”¹⁰ In this case, it is

said that the administrative law is defective because there is an error in the object of rights. Written requests can be directly accepted by the Minister or Minister of Agrarian and Spatial Planning/National Land Agency. This submission is made through the Head of the Land Office in charge of the area where the land is located to request the cancellation of the land certificate without going through the legal process.¹¹

“Article 110 jo.” Regulates the mechanism. The application for cancellation of land rights as referred to in Article 108 paragraph (1) of the Minister of Agrarian Affairs/BPN 9/1999, which is described in Article 110, is submitted to the Minister through the Head of the Land Office whose work area includes the location of the land in question.

“Article 108 (1) An application for dropping of land freedoms is submitted recorded as a hard copy. (2) As stated in paragraph (1), the following are included in the application for rights cancellation: The applicant’s information: a. If a person: their name, age, nationality, address, and occupation; b. If a legal entity: name, place of residence, deed or regulation of establishment, in

accordance with the provisions of applicable laws and regulations. 2. Data about the land, including legal and physical information: a. Number and type of land rights; b. location, boundaries, and area (in the event that a Situation Drawing or Survey Letter exists, specify the date and number of that document); c. Soil type (Agricultural or non-agricultural). 3. Others: Reasons for cancellation application; Other information that is considered necessary.”¹²

Two of the four certificates have been submitted for certificate cancellation and new certificates have been issued while two more certificates are in the process of applying for certificate improvement, but in reality BPN provides convenience without cancellation but with repair. Certificates that violate administrative law can be cancelled by submitting an application to the State Administrative Court (TUN) or BPN. Re-registering or renewing the in question certificate will complete it. :Article 62 paragraph (1) of the Regulation of the Head of the National Land Agency Number 3 of 2011 explains that the government can cancel or change land rights certificates that contain administrative legal defects, as well as land maintenance and registration records in accordance with laws and regulations,” reads the document.”¹³

CONCLUSION

Article 62 passage (1) of the Guideline of the Top of the Public Land Organization No. 3 of 2011 gives the public authority the position to drop or change land freedoms declarations that are demonstrated to have lacks in authoritative legitimate angles. This shortcoming must be in accordance with the provisions in the applicable laws and regulations. This legal foundation is strengthened by the 1999 Regulation of the

¹⁰ Tata Cara Pemberian dan Pembatalan Hak Atas Tanah Negara dan Hak Pengelolaan dalam Peraturan Nomor 9 Tahun 1999 oleh Kepala Badan Pertanahan Nasional dan Menteri Negara Agraria.

¹¹ Instruksi Presiden No. 2 Tahun 2018 tentang Percepatan Pendaftaran Tanah Sistematis Lengkap Di Seluruh Wilayah Republik Indonesia.

¹² Peraturan Menteri Negara Agraria / Kepala Badan Pertanahan Nasional Nomor 9 Tahun 1999 Tentang Tata Cara Pemberian Dan Pembatalan Hak Atas Tanah Negara Dan Hak Pengelolaan.

¹³ Peraturan Kepala Badan Pertanahan Nasional Nomor 3 Tahun 2011, pasal 62 ayat (1)

Minister of State for Agrarian Affairs, Article 1 Number 14, which states that land rights can be cancelled if an administrative legal defect in the certificate's granting occurs.

The cancellation of certificates for this reason has serious legal consequences. The National Land Agency (BPN) and the State Administrative Court (TUN) have the authority to cancel the certificate if it has administrative or legal flaws. The solution to this problematic certificate could be certificate renewal, re-registration, or a combination of both, depending on the specific case. This ensures that all land rights certificates issued by the government are free from administrative and legal errors, thus providing legal certainty to landowners.

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