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The Role of the Adjudication Committee in Implementation Complete Systematic Land Registration (PTSL) In Keerom Regency

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Abstract: This research was carried out because until now there is a lot of land that has not been certified and disputes often occur in Keerom Regency. In addition, a systematic land registration process is very important to create orderly land law and ensure legal certainty. This study aims to determine the role played by the Adjudication Committee in carrying out complete systematic land registration in Keerom Regency as well as the obstacles faced by the Adjudication Committee in doing so. In this research, normative and empirical juridical are used. This means laws, literary materials, written regulations, and ways of identifying and conceptualizing law as an actual social institution in real life systems. This research shows that the adjudication committee plays an important role in carrying out comprehensive and systematic land registration in Keerom Regency. This is shown by the large number of lands that have been certified during the land registration process. This will automatically reduce the number of land disputes because residents already have certificates as proof of land ownership. To carry out complete systematic land registration in Keerom Regency, there are three factors that become obstacles. The first is the announcement of physical and juridical data; the second is the challenge of applying the contradiction principle of delimitation; and the third is proof of rights.

Keyword: Role, Adjudication Committee, Complete Systematic Land Registration (PTSL), Keerom Regency.

INTRODUCTION

The relationship between the Indonesian people and the land is eternal because the land was given by God Almighty for the prosperity of the Indonesian people. Soil is one of the most important natural resources for the survival of mankind. Humans' relationship with the land includes more than just a place to live; Land is the place where humans live and develop, and is the source of everything necessary for human life.

It is not surprising that everyone wants to own or control land, because land is very important for human life. As a result, there are land issues that often cause disputes. Therefore, Indonesian land law requires all owners of land rights to register their rights or register their land (Boedi Harsono, 1999).

As an important component of various potentials, the state establishes land policy lines to realize state policies regarding the arrangement and management of natural resources, as stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states: "The earth, water and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people." Therefore, the Basic Agrarian Principles Regulation Number 5 of 1960 was ratified on September 24 1960.

Economic growth and an increase in the economic value of land can cause social inequality and various insecurities in the land sector, according to Sumardjono (Maria S.W. Sumardjono, 2008).

The purpose of Law Number 5 of 1960 concerning Basic Agrarian Regulations, also known as the Basic Agrarian Law (UUPA), one of which is to provide legal guarantees regarding people's rights to land. According to Article 19 (1) UUPA, "To ensure legal certainty, land registration is carried out by the Government throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations" (Boedi Harsono, 2002).

The term "cadastre", which is used in Dutch as "kadaster", comes from the Latin "capitastrum", which means a register or capita or unit created for the Roman land tax (Capotatio Torrens), and indicates the area, value and ownership a plot of land. Cadastre is a non-land record, non-land values, and rights holders and for tax purposes (A.P. Parlindungan, 1999).

According to Article 3 of Government Regulation Number 24 of 1997, the objectives of land registration are as follows:

1. Providing legal certainty and legal protection to holders of land rights, housing units and other registered rights so that they can easily prove themselves as holders of the rights in question.
2. Providing information to interested parties, including the government, so that they can easily prove themselves as the holder of the rights in question.
3. To maintain orderly land administration.

Government Regulation Number 24 of 1997 provides a detailed explanation of land registration procedures carried out to ensure legal certainty over land. This procedure includes measuring, mapping and clearing land, as well as registering land rights and "transfer of rights", as well as providing strong evidence of rights that serves as proof.

According to Article 20 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), land rights are hereditary, strongest and fullest land rights that people can have over land. Hereditary rights are intended as rights that can be passed down to heirs, are strongest in relation to other land rights, and are complete in terms of the authority possessed by the holder of land rights. Land ownership rights are one of the recognized rights, according to Article 16 paragraph (1) letter a UUPA.

To ensure legal certainty of land rights, a rights registration process is necessary, and the result is a land rights certificate. An effective proof tool is a land title certificate. This is the most important function as stated in article 19 paragraph (2) letter c UUPA. With the name clearly stated on the certificate, it is easy for a person or legal entity to prove that they are the holder of land rights (Adrian Sutedi, 2011).

The target of the Department of Agrarian and Spatial Planning is to achieve all registered land plots throughout the Unitary State of the Republic of Indonesia by 2025. To achieve this goal, it is necessary to increase or accelerate the development of agrarian infrastructure. This includes empowering human resources in the field of measurement and mapping, providing facilities and infrastructure to support base map measurement and mapping activities, implementing government programs that facilitate measurement and mapping, and providing facilities and infrastructure to support

First-time land registration, also known as initial registration, can be done in two ways: systematic or sporadic. Systematic registration covers all unregistered land within a region or part of a region. Sporadic registration is usually carried out by the government, which is regulated in a Ministerial Regulation.

According to Article 1 point 1 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration, "Complete Systematic Land Registration is a land registration activity for the first time which is carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in one region."

Systematic land registration is preferable to sporadic land registration because it will speed up the acquisition of data about the land to be registered. However, it takes time to meet the funds, personnel and equipment. While implementation must be based on a continuous annual implementation plan through due diligence so that it runs smoothly, sporadic land registration will also increase implementation because demand for individual and mass registration required for development implementation will increase (Boedi Harsono, 1997).

The National Land Agency (BPN) collaborates with the Land Deed Drafting Officer (PPAT) and other officials appointed to carry out certain tasks in accordance with Government Regulation Number 24 of 1997 and the relevant laws and regulations in carrying out land registration. For example, regular registration is carried out by the Adjudication Committee.

The Adjudication Committee is formed by the Minister of State for Agrarian Affairs, who acts as Head of BPN or an appointed official. With the formation of the Adjudication Committee, systematic land registration can be carried out more quickly and on a mass scale. The Adjudication Committee is assisted by a measurement and mapping task force, a juridical data collection task force, and an administrative task force. The Minister regulates the duties, composition and activities of these units. The applicable regulations also regulate the duties and authorities of the Chair and members of the Adjudication Committee.

In accordance with Ministerial Regulation 3/1997 Article 1 number 8, adjudication is an action carried out at the initial stage of the land registration process and includes collecting and determining that physical and juridical data about the land registration object is really necessary for registration. The final result of the land registration process is the issuance of a certificate by BPN containing physical and juridical data about the land. Through land registration activities, proof of the legal relationship is then formalized.

In other words, there are tasks involved in the land registration process, such as registering land rights and registering the transfer of land rights. It can even be said that administrative tasks are almost entirely related to activities related to juridical aspects or collecting juridical data, starting from the issuance of land books, certificates and other general registers as well as recording future changes. There is a checklist with a certain code that is used to record all actions related to land registration carried out in the land registration administration process.

METHOD

The type of research used is normative juridical and empirical. Normative juridical refers to laws, literature, written regulations, or other secondary legal sources, while empirical juridical identifies and conceptualizes law as a real social institution that functions in the living system (Ronny Hanitijo Soemitro, 1994).

RESULTS AND DISCUSSION

Complete Systematic Land Registration (PTSL) is the first land registration process carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia, including village areas, sub-districts, or other equivalent names. PTSL includes the collection and validation of physical and juridical data regarding one or more land registration objects for registration purposes.

According to Article 1 point (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency number 35 of 2016 and updated with the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency number 12 of 2017, the Acceleration of Complete Systematic Land Registration (PTSL) is one of the national priority programs which includes collecting and determining the correctness of physical data and juridical data regarding one or several land registration objects for registration purposes.

The PTSL objective covers all types of land, both those that do not yet have rights to them and those that are government assets, regional governments, state-owned companies, regional-owned companies, villages, the state, customary law communities, forest areas, land for land reform, transmigration land, and other land.

The implementation of PTSL is carried out in accordance with the object, subject, basis of rights, process and financing of PTSL program activities. To make the implementation of PTSL more efficient and effective, the Head of the Land Office decided to spread the PTSL targets in stages to several districts or cities in one province. This is done by considering the availability of human resources within the Land Office and Regional Offices.

To grant legal status to legal land owners, land registration adjudication is a special process. For adjudication, a systematic land registration pattern is used, which means on a mass basis, with mapping and inventory of all land determined by the government. Land parcels are measured and registered, both land with problems and land without problems. This process is assisted by the Adjudication Committee, which is assisted by the local government of the village or sub-district concerned, to speed up the land registration process from the beginning to the issuance of proof of ownership.

Ministerial Regulation Number 3 of 1997 Article 48-54 further regulates the formation of the adjudication committee, as well as its composition, duties and authority. Basically, the adjudication committee is an investigative institution that researches and seeks the truth of the facts. Measurement and mapping institutions, juridical data collection institutions, and administrative institutions are assisted by the adjudication committee in carrying out their duties.

The Adjudication Committee consists of a chairman and members selected by a BPN employee. Other members include a National Land Agency employee who is skilled in land registration and a National Land Agency employee who is skilled in land rights. The head of the village or sub-district concerned, as well as the village or sub-district officials appointed by him

Additionally, a member may be added to the Adjudication Committee; This is very important to assess the validity of juridical data regarding land located in the village or sub-district area concerned. According to regulations, the Adjudication Committee is assigned to carry out land registration. Among his duties are to prepare a comprehensive adjudication work plan, collect physical data and original documents about all plots of land in the area concerned, provide receipt of documents to the right holder or their proxy, investigate the history of the land and verify the validity of proof of land ownership, validate the results of the announcement of physical data and juridical data which will be used as a basis for recording rights or proposing rights, receive payments, collect and maintain every receipt showing payments and payments made by interested parties in accordance with applicable

regulations, submit periodic reports, and submit the results of the adjudication committee's activities to the Head of the Land Office.

Based on the designation of boundaries by the holder of the right to the land, the determination of the boundaries of land plots that are already owned by rights that have not been registered or that have been registered but do not have measuring letters or pictures of the situation or existing measuring letters or pictures of the situation no longer correspond to the actual situation can be carried out by the Adjudication Committee in land registration or the Head of the Land Office in sporadic registration.

For owners of land rights, systematic land registration has several benefits. This includes easy procedures (the committee comes to the location), affordable costs, fast announcement (30 days), legal certainty, a sense of security, land prices become more expensive, can be used as collateral for debts, and makes it easier to transfer rights. Land and Building Tax (PBB) is also not wrong. Apart from that, the benefits for the government are as follows: regular land administration can reduce land disputes and make government activities easier. Systematic land registration has many benefits for the government and land rights owners. Some of these advantages include land title holders not having to visit a land office, more land being registered due to bulk, lower costs, and shorter announcements.

In accordance with the government program regarding land registration, Complete Systematic Land Registration has been implemented in Keerom Regency. Various regulations have been created and refined to enable the implementation of Complete Systematic Land Registration to provide legal certainty and legal protection, as well as reduce the level of disputes. However, there are still obstacles at the implementation level that can cause problems in the future, including:

1. Announcement of Physical Data and Juridical Data, Complete Systematic Land Registration activities really require a guarantee of legal certainty. One of the important issues related to legal certainty is the principle of publicity which has different regulations between government regulations and ministerial regulations. To fulfill the principle of publicity in proving land ownership, physical data and juridical data are announced within 14 (fourteen) calendar days (Article 24 of ATR/Ka. BPN Regulation Number 6 of 2018) as follows:
 - a. The recapitulation of juridical data that has been outlined in the juridical data research minutes regarding land plots that have been mapped in the land plot map, is included in the list of juridical data and physical data on land plots.
 - b. To fulfill the principle of publicity in proving land ownership, juridical data and physical data of land plots and maps of land plots are announced using the physical data and juridical data announcement form for 14 (fourteen) calendar days at the Complete Systematic Land Registration adjudication committee office and office. village/sub-district head.
 - c. Interested parties are given the opportunity to submit objections regarding the announcement of physical data and juridical data as intended in paragraph (2) during the announcement period.
 - d. After the announcement period as intended in paragraph (2) ends, the physical data and juridical data are ratified by the Complete Systematic Land Registration adjudication committee which is made in the form of an official report on the ratification of the announcement of the physical data and juridical data.
 - e. The list of juridical data and physical data on land plots is made in accordance with the format as stated in the attachment which is an inseparable part of this ministerial regulation.
 - f. If at the time of ratification of the physical data and juridical data as intended in paragraph (4) there are still incomplete data or there are still objections that have not been resolved, then the physical data and juridical data are still validated by providing a

- note in the minutes of ratification of the physical data and juridical data regarding the matter. - Incomplete matters and/or objections that have not been resolved.
- g. In the event that a party files an objection as intended in paragraph (3), a written notification is given to immediately submit a lawsuit to the Court.
 - h. Objections as intended in paragraph (6) are recorded in the list of objections/rebuttals to the announcement of research results on physical data and juridical data.
 - i. Handling of objections is carried out in accordance with the provisions of statutory regulations.
2. Difficulty in applying the Contradictory Delimitation Principle. An activity in placing the boundaries of land parcels based on the agreement of the interested parties in land registration is called the *Contradictoire Delimitatie* principle. The delimitation contradiction is a norm used in Land Registration which requires holders of land rights to pay attention to the placement, determination and maintenance of land boundaries based on the agreement and approval of interested parties, which in this case is the owner of the land bordering the land they own. If the owners of bordering land do not reach an agreement on the actual location of a boundary even though mediation has been carried out, then the boundary is determined by a court decision (Articles 17, 18, 19 Government Regulation Number 24 of 1997). Therefore, the agreement/agreement and presence of the land owner borders are an obligation in land registration. The application of the Delimitation Contradictory Principle runs well if the interested parties are present and give their approval in determining boundary marks. However, in reality it is different, the application of the principle of contradictory delimitation experiences difficulties in the field, both in the implementation of routine land registration as usual and in the Complete Systematic Land Registration program.
 3. Proof of Rights, proof of rights in the implementation of Complete Systematic Land Registration is regulated in Article 22 of Ministerial Regulation/KBPN Number 6 of 2018. The issue is related to a written statement regarding ownership and/or physical control of land plots in good faith in the event that proof of land ownership is incomplete or none at all. The provisions of Article 22 require a written statement regarding physical control of the land plot and in good faith. The statement of physical control of the land plot must be witnessed by at least 2 (two) witnesses from the local area who are not related and can be held liable both civilly and criminally. If in the future there are elements of untruth in the statement, it is not the responsibility of the Complete Systematic Land Registration Adjudication Committee.

The researcher believes that the solution is basically good faith which is interpreted as honesty, honesty of the right holder in acquiring his land, honesty in fulfilling the conditions that have been determined. The provision of good faith is the opposite of bad faith or dishonesty. Likewise, outreach in the form of counseling to the public about the importance of placing, determining and maintaining land boundaries in the measurement process is the obligation of the land owner, not the authority of the measuring officer. The authority of the measuring officer is to measure the boundary signs that have been installed by the rights holder and the owner of the bordering land, not to install boundary signs and the obligation of the land owner to maintain land boundaries such as stakes as land boundaries, not installed and owned by the National Land Agency. Therefore, educating the public regarding the application of the principle of contradictory delimitation is very important to avoid disputes in the future.

CONCLUSION

The role of the adjudication committee in implementing complete systematic land registration in Keerom Regency is very important in carrying out its duties and functions to create orderly land law as shown by the large number of land parcels that have been able to

be certified in this land registration process. This will have an automatic impact on reducing the number of land disputes, because residents already have proof of ownership of land rights in the form of certificates. Meanwhile, the obstacles found in implementing complete systematic land registration in Keerom Regency can be seen from three factors, namely first, the announcement of physical data and juridical data, second, it is difficult to apply the principle of contradictory delimitation and third, proof of rights. Therefore, the researcher suggests that the government, especially in this case the National Land Agency, revise and provide a solution for implementing the announcement of physical data and juridical data in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning the Acceleration of Systematic Land Registration Complete with Government Regulation Number 24 of 1997 concerning Land Registration. Meanwhile, for the people of Keerom Regency, if there is counseling or outreach from BPN regarding complete systematic land registration, it is hoped that all local people can attend to take part in the counseling so that there will be no more problems or disputes in the future.

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