

Research Article

The Concept of Complete Systematic Land Registration (PTSL) in Providing Legal Certainty Guarantees to Land Rights Holders

Anna Martina Anggitasari^{1*}, Made Warka², Sjaifurrachman³

¹ Universitas 17 Agustus 1945 Surabaya; e-mail: annaanggitasari@gmail.com

² Fakultas Hukum, Universitas 17 Agustus 1945 Surabaya; e-mail: madewarka@untag-sby.ac.id

³ Magister Hukum, Pascasarjana, Universitas Wiraraja; e-mail: sjaifurrachman@wiraraja.ac.id

* Corresponding Author : Anna Martina Anggitasari

Abstract: This study aims to identify and analyze the ratio legis of the principle that the Complete Systematic Land Registration (PTSL) program needs to be regulated and adhered to. Furthermore, this research also seeks to examine the legal consequences of the Complete Systematic Land Registration (PTSL) program. The awareness of the special position of land in the Indonesian national consciousness is also revealed in the Basic Agrarian Law (UUPA), which states the eternal relationship between the Indonesian people and the land. However, the term “controlled” in Article 33 of the 1945 Constitution does not imply that the state is the owner. The general explanation of the 1960 UUPA clarifies that the state (government) only controls the land. The meaning of land being “controlled” does not equate to “owned” but rather refers to certain authorities granted to the state as a power organization. Ownership of land rights must be proven by authentic or valid evidence in the form of a land rights certificate, where such certified ownership is an absolute requirement. Therefore, the Indonesian Government, through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration, aims to facilitate the implementation of systematic and complete land registration as a government program. From this explanation, it can be concluded that the ratio legis of the Complete Systematic Land Registration (PTSL) program principle requires regulation and adherence to provide guarantees of legal certainty, transparency of information related to land parcels that can be utilized by legitimate parties, and ensure orderly administration in the field of land affairs, thereby delivering benefits and justice...

Keywords: Land Registration; Legal Certainty; Transparency of Information

1. Introduction

In the history of human civilization, land has been the most fundamental factor determining production in every phase of civilization. Land not only holds high economic value but also possesses philosophical, political, social, and cultural significance. It is therefore unsurprising that land is a special asset that continuously triggers various complex and intricate social issues.

For the Indonesian people, land is a vital element in the life of the nation and state. The relationship between the Indonesian nation and the land is an eternal one. The entire territory of the Unitary State of the Republic of Indonesia (NKRI) constitutes the homeland for the entire Indonesian people. Land serves as the adhesive that binds the NKRI. Therefore, land must be managed and regulated nationally to maintain the sustainability of the nation’s social and state system..

Recognizing the value and significance of land, the founders of the Unitary State of the Republic of Indonesia (NKRI) formulated a brief yet profoundly philosophical and substantive provision regarding land and natural resources in the Constitution, Article 33 Paragraph (3) of the 1945 Constitution, which states: “The earth, water, and the natural wealth

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contained therein are controlled by the state and used for the greatest prosperity of the people”.

The awareness of the special status of land in the Indonesian national consciousness is also reflected in the Basic Agrarian Law (UUPA), which affirms the eternal relationship between the Indonesian people and the land. However, the term “controlled” (“dikuasai”) in Article 33 of the 1945 Constitution does not imply that the state is the owner. The general explanation of the 1960 UUPA clarifies that the state (government) only exercises control over the land. The notion of land “control” does not equate to “ownership,” but rather refers to certain authorities granted to the state as an organization of power. This is explicitly formulated in Article 2 Paragraph (2) of the UUPA, stating that the authority of the state is to:

1. To regulate and manage the allocation, use, availability, and conservation of land, water, and airspace.
2. To determine and regulate the legal relationships between individuals and land, water, and airspace.
3. To determine and regulate the legal relationships among individuals and the legal actions concerning land, water, and airspace..

Based on the state’s right to control land, earth, and water, it becomes the Government’s obligation to carry out land registration throughout the territory of the Republic of Indonesia. Land, along with everything contained within and above it, is referred to as agrarian.. The term agrarian originates from the word akker (Dutch), agros (Greek), which means agricultural land; agger (Latin), meaning land or a plot of land; agrarius (Latin), meaning farming, rice fields, agriculture; and agrarian (English), referring to land for agriculture. Legally, land is always associated with rights granted by the state to entitled individuals, allowing them to enjoy its benefits and use it according to its designated purpose.

The relationship between humans and land is essentially inseparable, meaning that humans inevitably require land for their existence and livelihood. The supply of land is limited, while human needs are unlimited. Naturally, human needs continue to grow, which impacts various social issues. These issues arise due to disparities in access to land. On one hand, some people have access to land, while on the other hand, others cannot directly access it. One way to address these issues, particularly concerning legal certainty in land matters, is through land registration.

The purpose of land registration is to collect and provide comprehensive information regarding land parcels, reinforced by the possibility of maintaining land records even when physical and juridical data are incomplete. Land registration activities in Indonesia, which have been conducted since September 24, 1961, based on the provisions of Article 19 of the Basic Agrarian Law (UUPA), aim to guarantee legal certainty and certainty of land rights. The implementation is regulated under Government Regulation Number 10 of 1961 concerning Land Registration, which has been refined since October 8, 1997, by Government Regulation Number 24 of 1997.

Article 1 point 1 of Government Regulation Number 24 of 1997 concerning Land Registration defines it as: “a series of activities conducted by the Government continuously, sustainably, and systematically, including the collection, processing, recording, presentation, and maintenance of physical and juridical data in the form of maps and lists, regarding land parcels and condominium units, including the issuance of proof of rights for land parcels that already have rights and ownership of condominium units, as well as certain rights encumbering them.” The definition of land registration in Government Regulation Number 24 of 1997 is the same as that in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Condominium Units, and Land Registration.

Ownership of land rights must be proven by authentic or valid evidence in the form of a land rights certificate, where ownership of land with such a certificate is an absolute requirement that must be fulfilled. Currently, many people have not yet realized the importance of holding a land certificate, making proof of ownership very difficult because many still possess only traditional proof such as old land marks (petok) or outdated evidence of land rights ownership.

The promulgation of the Basic Agrarian Law (UUPA), which embodies individualistic, communalistic, and religious principles, aims not only to protect land through land registration but also to regulate legal relationships concerning land rights through certificates as the legal basis or proof of land rights for the holders. From these provisions, it is understood that land registration is directed to the Government as the supreme authority over the land..

The purpose of land registration as stated in Article 3 of Government Regulation Number 24 of 1997 concerning Land Registration (State Gazette of 1997 Number 59, Supplement to the State Gazette Number 3696) is that the purpose of land registration is to:

1. To provide legal certainty and legal protection to the holders of rights over a plot of land, strata units, and other registered rights so that they can easily prove themselves as the rightful holders of such rights..
2. To provide information to interested parties, including the government, so that they can easily obtain the necessary data to conduct legal actions concerning the registered land plots and strata units.
3. To ensure the orderly administration of land affairs.

The guarantee of legal certainty intended to be realized through land registration includes certainty of the registered right's status, certainty of the right's subject, and certainty of the right's object. This registration results in a certificate as the proof of the right. The essence of these provisions determines that the "valid evidence of ownership rights over land is the certificate".

The government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (Kementerian Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional), launched a National Priority Program called the Complete Systematic Land Registration Acceleration Program (Pendaftaran Tanah Sistematis Lengkap - PTSL). This PTSL Work Program is an innovation by the government aimed at providing legal certainty and legal protection for community land rights fairly and equitably, as well as encouraging national economic growth in general and the people's economy in particular. This program is stipulated in Presidential Instruction No. 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration across the Entire Territory of the Republic of Indonesia and Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 6 of 2018 concerning Complete Systematic Land Registration. It is further regulated in the Technical Guidelines for Complete Systematic Land Registration Number: 1/Juknis-100.HK.02.01/I/2022..

The issuance of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 6 of 2018 concerning Complete Systematic Land Registration (PTSL) aims to assist the implementation of land registration in a complete and systematic manner as a government program. Article 1 paragraph (2) explains that Complete Systematic Land Registration, hereinafter abbreviated as PTSL, is the first-time land registration activity conducted simultaneously for all land registration objects within the entire territory of the Republic of Indonesia in one village/sub-district or an equivalent administrative area. This activity includes the collection and verification of physical and juridical data regarding one or several land registration objects for registration purposes. This regulation aims to realize the provision of legal certainty and legal protection of community land rights based on principles that are simple, fast, smooth, safe, just, equitable, transparent, and accountable, thereby improving community welfare and national economic prosperity, as well as reducing and preventing land disputes and conflicts.

The implementation of the Complete Systematic Land Registration (PTSL) is carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency through the reGENCY/city level offices known as the Land Offices (Kantor Pertanahan). The Head of the Land Office is responsible for executing the PTSL activities by issuing a decree establishing a task force (satgas) from the supervisory officials at the Land Office down to the village apparatus at the village office. Various obstacles have been encountered in relation to the PTSL activities, one of which is the land title (alas hak), a very important requirement in the land registration process.

The term "alas hak" is defined in Article 523 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) as "bezit," meaning possession or ownership of land (Eigendom). The concept of alas hak is also mentioned in Article 60 paragraph (2) of the Minister of Agrarian Affairs/Head of National Land Agency Regulation No. 3 of 1997, which describes it as a form of ownership. Alas hak serves as proof of ownership by an individual over the land they possess, which can then be registered at the Land Office for the issuance of a land certificate.

Communities without an official alas hak for the land they control are provided guarantees through the Circular Letter of the Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency No. 1756/15.I/IV/2016 concerning Guidelines for Community Land Registration, and Ministerial Regulation No. 6 of 2018 Article 22 paragraph (2), which essentially simplifies the requirements for alas hak in land registration. This simplification is

carried out by a written statement declaring ownership and/or physical control of the land with good faith by the concerned party. This written statement is commonly known as the Statement of Physical Control over Land (Surat Pernyataan Penguasaan Fisik Bidang Tanah)..

The Statement of Physical Control over Land (Surat Pernyataan Penguasaan Fisik Bidang Tanah) is widely used in the Complete Systematic Land Registration (PTSL) program as a basis of ownership (alas hak) because, in terms of implementation, it greatly facilitates the community. The simplification of the ownership proof into the Statement of Physical Control over Land in the land registration process under the PTSL program is regulated in Article 22 of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 6 of 2018.

In relation to this matter, the policy of simplifying the ownership proof has caused a conflict between the Ministerial Regulation No. 6 of 2018 and Government Regulation No. 24 of 1997. There is a substantive difference regarding the definition of ownership proof as the basis for the land registration process in PTSL according to the Ministerial Regulation No. 6 of 2018 compared to Government Regulation No. 24 of 1997 and its implementing regulations. This discrepancy raises legal consequences stemming from the implementation of this policy.

The Complete Systematic Land Registration (PTSL) program is implemented within a one fiscal year period, during which there may be personnel changes at the Land Office, including mutations or the passing away of officials. Officials who sign the certificates issued as products of the PTSL program are appointed in accordance with the applicable regulations. This includes a Decree from the Head of the Land Office regarding the formation and designation of the PTSL Adjudication Committee. Subsequently, an oath-taking ceremony must be conducted for the appointed members of the PTSL Adjudication Committee.

If the implementation of the Complete Systematic Land Registration (PTSL), including the formation of the Adjudication Committee Team and the authorized officials to issue certificates, is not carried out in accordance with the prevailing laws and regulations, it may result in administrative defects. Consequently, such certificates do not provide legal certainty guarantees to the holders of land rights. The formation and appointment of the PTSL Adjudication Committee and Task Force must be conducted in accordance with the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration and Technical Guidelines Number 1/Juknis-100.HK.02.01/I/2022 concerning Complete Systematic Land Registration so that the certificates issued can provide legal certainty guarantees. Therefore, the problem addressed in this study is: What is the ratio legis of the Complete Systematic Land Registration (PTSL) Work Program

2. Preliminaries or Related Work or Literature Review

2.1. Principles of Land Registration

According to Sudikno Mertokusumo, there are two principles in land registration, namely:

1. Speciality Principle, The implementation of land registration is based on specific laws and regulations that technically address issues such as measurement, mapping, and registration of transfers. This principle ensures that the land registration process provides legal certainty of land rights by providing physical data about the land rights, such as the area, location, and clearly designated boundaries of the land..
2. The Principle of Openbaarheid (Publicity) is also known as the principle of transparency, which provides juridical data about land rights, such as who the rights holder is, the type of land rights granted, and what occurs after transfer or encumbrance of the rights. In addition to this principle, there are also other principles of land registration as stipulated in Article 2 of Government Regulation Number 24 of 1997 concerning Land Registration. Land registration is carried out based on the principles of simplicity, security, affordability, up-to-dateness, and openness. According to Soelarman Brotosoelarno, the definitions of these principles are as follows::

- a) **Simplicity Principle**, This principle aims to ensure that the fundamental provisions as well as the procedures of land registration can be easily understood by the relevant parties, especially the rights holders..
- b) **Security Principle**, This principle is intended to indicate that land registration must be conducted carefully and meticulously, so that the results can provide legal certainty guarantees in accordance with its objectives.
- c) **Affordability Principle**. This principle aims to ensure that the parties who need the service can access it, especially economically disadvantaged groups. The services provided in the framework of land registration must be affordable to those who require them..
- d) **Up-to-Date Principle**, This principle requires adequate completeness in the implementation and continuity of land registration data maintenance. The available data must reflect the current situation, which requires the obligation to register and record any changes that occur. This principle demands continuous and sustainable maintenance of land registration data so that the data stored at the Land Office is always up to date and consistent with the reality on the ground..
- e) **Openness Principle**, This principle aims to ensure that the public can obtain accurate information regarding physical and juridical data at any time (principle of transparency).

Article 2 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Systematic Complete Land Registration stipulates that land registration shall be carried out based on the principles of simplicity, efficiency, smoothness, security, fairness, equity, transparency, and accountability.

2.2 Objectives and Benefits of Land Registration

The purpose of land registration is to ensure legal certainty over land. Through land registration, it becomes easier to determine the legal status and position of a particular parcel of land, including its location, size, boundaries, ownership, and any encumbrances that may exist, such as the imposition of security rights (*hak tanggungan*). Due to advancements in various sectors, there has been a growing involvement of land in economic, socio-cultural, and other activities. As a result, land-related transactions have increasingly intensified, such as land sales, leases, and the use of land as collateral.

In relation to this, the need for legal certainty and security of land rights in the agrarian sector has become increasingly essential. To address this need, the Basic Agrarian Law (UUPA) in Article 19 stipulates that land registration is necessary to guarantee legal certainty. Article 3 of Government Regulation No. 24 of 1997 explains that the objectives of land registration are as follows::

- a. To provide legal certainty and legal protection to holders of rights over a parcel of land, strata title units, and other registered rights, so that they can easily prove their legal ownership;
- b. To provide information to interested parties, including the government, so they can easily obtain the necessary data for conducting legal actions concerning registered land parcels and strata title units;
- c. To support the implementation of orderly land administration.

Yanis Maladi states that the purpose of land registration, in addition to serving socio-economic transactions, is to provide legal certainty through a *rechtskadaster* system, ensuring the certainty of land rights and offering legal protection to parties who acquire land in good faith. The primary benefit of land registration is to provide strong evidence regarding the validity of legal actions concerning land. However, for certain legal actions, land registration serves an additional function—namely, to fulfill the legal requirements for the validity of such actions. In other words, without registration, those legal actions are not considered legally valid.

Proper implementation of land registration serves as a fundamental basis for achieving orderly administration in the land sector. According to R. M. Sudikno Mertokusumo, land

registration has a dual significance. It provides benefits not only to the state but also to the holders of land rights. For land rights holders, the benefits include:

- a. Providing a sense of security;
- b. Facilitating the transfer of land rights;
- c. Increasing the market value of land, as certified land is generally valued higher than uncertified land;
- d. Allowing the land to be used as collateral for loans in banks,
- e. Ensuring accurate determination of land tax (Ipeda) for certified land.

Meanwhile, for the government, the benefits are as follows:

- a. With the issuance of land rights certificates to land rights holders, orderly administration in the land sector will be available and can facilitate all government activities related to land in development,
- b. For land rights holders, it can reduce unrest related to land as the underlying source. According to Urip Santoso, the parties who benefit from land registration are rights holders, the government, and prospective buyers or creditors.

For rights holders, land registration will:

- a. Provide a sense of security;
- b. Allow clear knowledge of both physical and juridical data;
- c. Facilitate the transfer of rights, and land prices tend to be higher compared to unregistered (non-certified) land;
- d. Serve as collateral for loans by being encumbered with security rights; and
- e. Ensure that the determination of Land and Building Tax (PBB) is less prone to errors.

For the government, land registration will::

- a. Ensure the realization of orderly land administration as part of the Four Pillars of Land Order Program (Catur Tertib Pertanahan);
- b. Facilitate government activities related to land in development; and
- c. Reduce conflicts or disputes in the land sector, such as disputes concerning land boundaries or unauthorized occupation by unauthorized parties.

For prospective buyers or creditors, land registration can facilitate obtaining information that serves as the object for conducting legal actions..

3. Proposed Method

3.1. Type of Research

This study employs normative legal research, which is legal research based on applicable laws and regulations and is also referred to as doctrinal legal research. According to Peter Mahmud Marzuki, normative legal research is a process of finding legal rules, legal principles, or legal doctrines to address the legal issues faced.. In this study, law is often conceptualized as what is written in statutory regulations (law in books) or as rules and norms that serve as behavioral standards for society regarding what is considered appropriate..

3.2. Problem Approach

The problem approach in this study uses the statute approach. The statute approach involves examining laws and regulations related to the existing legal issues.

In this approach, an analysis is conducted on the laws and regulations pertaining to the legal issues of the Systematic Complete Land Registration (PTSL) Work Program as stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 6 of 2018, compared with Government Regulation No. 24 of 1997 and its implementing regulations.

3.3. Sources of Legal Materials

Using primary legal materials consisting of:

1. The 1945 Constitution of the Republic of Indonesia.
2. Law Number 5 of 1960 concerning Basic Agrarian Principles.
3. Government Regulation Number 24 of 1997 concerning Land Registration.
4. Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Strata Title Units, and Land Registration.
5. 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 Systematic Complete Land Registration.
6. Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning the Implementation Provisions of Government Regulation Number 24 of 1997 concerning Land Registration.
7. Presidential Instruction of the Republic of Indonesia Number 2 of 2018 concerning the Acceleration of Systematic Complete Land Registration throughout the Territory of the Republic of Indonesia.
8. Technical Guidelines Number 1/Juknis-100.HK.02.01/I/2022 concerning Systematic Complete Land Registration.

This study also uses secondary legal materials. Secondary legal materials refer to all publications related to law. These legal publications include textbooks, legal dictionaries, and legal journals.

3.4. Techniques for Collecting Legal Materials

The technique for collecting legal materials in this thesis involves gathering, classifying, and elaborating on the materials. The method used is to explore the normative framework by utilizing legal materials that discuss legal theories and law enforcement. Both primary and secondary legal materials are collected based on the formulated problem topics, classified according to their sources, and comprehensively analyzed. The legal materials obtained from the literature study will be described and interconnected in such a way that they can be systematically presented in writing to achieve the desired objective, namely providing answers to the issues under investigation.

3.5. Techniques for Processing Legal Materials

Data processing in this research involves reviewing the systematic arrangement of laws and regulations by collecting regulations in certain fields or several related fields that are the focus of the study, followed by analysis. The processing of legal materials in this thesis is conducted using two techniques for collecting legal materials. These two techniques are the literature and legal materials search technique and the legal document tracing technique related to the Systematic Complete Land Registration (PTSL) Work Program.

3.6. Analysis of Legal Materials

The analysis of legal materials in this thesis involves collecting both primary and secondary legal materials, which are broadly analyzed using qualitative methods. Qualitative methods are a type of writing approach that differs in characteristics from quantitative writing. This study also employs deductive analysis, which involves reasoning from general conclusions or generalizations to specific concrete examples or facts to explain those conclusions or generalizations—in other words, moving from the general to the particular. Additionally, prescriptive analysis is used, which examines or analyzes legal issues based on applicable official regulations..

4. Results and Discussion

4.1. Analyzing the Ratio Legis of the Systematic Complete Land Registration (PTSL) Work Program

PTSL is a land registration activity conducted simultaneously for the first time, covering all land registration objects that have not yet been registered within a village/urban village area or an equivalent administrative unit. In its implementation, PTSL has its own strengths, weaknesses, opportunities, and challenges when compared to previous land registration acceleration programs. From the implementation of PTSL in 2017, several variables that may or may not have an influence will be tested in order to identify factors that significantly affect the realization of land registration parcels.

Providing legal certainty regarding land rights throughout the territory of the Republic of Indonesia is one of the main objectives of the Basic Agrarian Law (UUPA). Article 19 paragraph (1) of the UUPA mandates the government to guarantee legal certainty concerning all matters related to land through land registration, both physically (such as boundaries of land parcels) and juridically (such as status of control, ownership, use, and utilization of land). Furthermore, the government is also obligated to issue Government Regulations to regulate the implementation of land registration..

One year after the enactment of Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA), the government issued Government Regulation Number 10 of 1961 concerning Land Registration. Over time, this regulation was considered no longer fully capable of supporting more tangible outcomes in national development, thus requiring improvement. In 1997, with the revocation of Government Regulation Number 10 of 1961, the government issued Government Regulation Number 24 of 1997 concerning Land Registration as an improvement of the previous regulation.

Government Regulation Number 24 of 1997 states that land registration is a series of activities carried out by the government continuously, sustainably, and systematically, including the collection, processing, bookkeeping, presentation, and maintenance of physical and juridical data in the form of maps and lists regarding land parcels and strata title units. It also includes the issuance of certificates of rights for land parcels with existing rights, ownership of strata units, and certain rights encumbering them..

Since the issuance of several regulations to implement land registration, the government has continuously endeavored to carry out land registration throughout the entire territory of the country to guarantee legal certainty. However, to date, the implementation of land registration has not yielded satisfactory results. The areas where land registration has been conducted have not reached 100%. If this is not promptly improved, it may lead to various land conflicts and disputes. Conversely, if all areas in the Republic of Indonesia are fully registered, it will realize:

1. Legal certainty and protection for holders of rights over a land parcel, strata title units, and other registered rights, so that they can easily prove their ownership when needed. As proof of rights, land certificates are issued to rights holders as a legal product that can be used when necessary.
2. Guarantee of transparency of information related to land parcels or strata title units, allowing interested parties to access such information lawfully. Clear information

supports legal actions concerning registered land parcels and strata units. This facilitates all parties, such as prospective buyers or creditors, in making informed decisions before undertaking legal actions related to the land parcel or strata unit.

3. Guarantee of orderly administration in the land sector. To achieve such orderly administration, every land parcel and strata unit, including transfers, encumbrances, and cancellations, must be registered. This will reduce or even eliminate potential disputes arising from unclear ownership or multiple ownership claims.

Land registration is also one of the indicators that drive Ease of Doing Business (EoDB). The World Bank measures the ease of doing business in a country compared to others. Ease of Doing Business is a ranking that reflects the level of ease for conducting business in a country relative to others, measured by the World Bank through ten indicators, namely:

- a. Ease of Starting a Business.
- b. Ease of Obtaining Electricity Connections.
- c. Tax Payment.
- d. Contract Enforcement.
- e. Bankruptcy Resolution.
- f. Land and Building Registration.
- g. Construction Permit Issues.
- h. Ease of Access to Credit.
- i. Investor Protection.
- j. Cross-Border Trade.

Various efforts have been made by ministries and agencies related to the Ease of Doing Business (EoDB) assessment indicators, including the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), to improve Indonesia's EoDB ranking in land and building registration through land registration programs. To support the acceleration of land registration in Indonesia, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has launched various programs aimed at expediting land registration. These efforts have been implemented by the government through the Research and Development Center of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, including the National Agrarian Operation Project (PRONA), Adjudication Project, Land Redistribution, Public Land Certification Services (Larasita), Systematic Complete Land Registration (PTSL), as well as other strategic programs.

In implementing the Systematic Complete Land Registration (PTSL) activities, the implementation must follow Technical Guidelines Number 1/Juknis-100.HK.02.01/I/2022 concerning Systematic Complete Land Registration issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) as a guideline for executing Government Regulation Number 6 of 2018 regarding Systematic Complete Land Registration (PTSL). The activities carried out are as follows :

1. Location Determination Planning

In the planning stage of the PTSL activities, the Head of the Land Office prepares a roadmap or work plan for the completion of PTSL for each Regency/City by compiling initial data on the number of land parcels per Village/Sub-district, per District, and per Regency/City. This data includes registered and unregistered land parcels, validated and unvalidated parcels, mapped and unmapped parcels (K4), planned up to the year 2025. In this planning, it is mandatory to prepare a base registration map per Village/Sub-district as a working map and prioritize the formation of complete Villages/Sub-districts.

In determining the Location Determination, the Head of the Land Office prioritizes one Village/Sub-district to become a complete Village/Sub-district with the output of all land parcels (K1, K2, K3.1, K3.2, K3.3, and K4) by delineating (identifying) village boundaries through land applications and estimating the number of land parcels in that village.

The working map must clearly contain information such as the map number, type of map, map scale, map source, and year of creation. The creation of the working map should, as much as possible, overlay the Registration Map with other maps, such as Forest Area Boundary Maps, Conservation Area Maps, Land and Building Tax (PBB) Maps, Administrative Boundary Maps, LP2B Maps, and Indicative Maps for the Suspension of New Permit Issuance (PIPIB).

- a. Criteria for selecting villages as PTSL locations. In principle, the selected villages are those closest to villages that have previously been included as objects in PRONA activities or PTSL activities conducted in prior years. This refers to the provisions in the PTSL Technical Guidelines (JUKNIS), which prioritize in location determination that one Village/Sub-district becomes a complete Village/Sub-district with the output of all land parcels (K1, K2, K3.1, K3.2, K3.3, and K4).
- b. Office Administrative Preparation, to ensure the smooth implementation of PTSL activities, the Head of the Land Office prepares the necessary facilities and infrastructure, human resources, transportation needs, coordinates with other government officials, and allocates the budget. To create the preparation map, identification of K4 data is carried out, which originates from registered land parcels with data quality levels KW 4, KW 5, and KW 6 through the KKP Application (Land Office Computer Application). Meanwhile, for the implementation of PTSL, necessary documents must be prepared, such as:
 1. Decree on Location Determination, which includes an attached map of the designated area for Complete Systematic Land Registration.
 2. Decree on the Implementation Team for Complete Land Registration Activities at the Regency/City Level, consisting of the Technical Team from the Survey and Measurement Division and the Legal Relations Division. This team is responsible for ensuring the validity of primary data collected from the field.
- c. Formation and Appointment of the PTSL Adjudication Committee and Task Force, The formation and appointment of the PTSL Adjudication Committee and Task Force are guided by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration.
- d. Socialization is conducted by the Head of the Land Office together with the PTSL Adjudication Committee, Physical Task Force, and Legal Task Force, involving village/kelurahan/district officials, local government authorities, law enforcement officers from the police, prosecutors, military personnel (TNI), as well as community leaders. The socialization is carried out for the community and officials at the village/kelurahan/district/local government levels within one village/kelurahan designated as the PTSL location. Socialization sessions may be held more than once depending on budget availability, with different participants each time. The results of the socialization consist of an Attendance List and Socialization Minutes. During the socialization, explanations are also given regarding the joint decision of three ministers concerning the PTSL fees charged to the community during the implementation of PTSL. These fees are government-mandated costs regulated under the Joint Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, the Minister of Home Affairs, and the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 25/SKB/V/2017, Number 590-3167A Year 2017, and Number 34 Year 2017 regarding the Financing of the Preparation of Systematic Land Registration, hereinafter referred to as the Three-Minister Joint Decree (SKB 3 Menteri).

During the implementation of PTSL, the collection of physical data and juridical data by the Physical Task Force and the Legal Task Force can be conducted simultaneously (at the same time and location) or separately by each task force, as long as it takes place within the village/kelurahan designated as the PTSL location using the same Work Map..

a. Collection of Physical Data

Collection of physical data can be carried out by the physical task force or by a third party winner of the tender. The measurement and mapping activities of land parcels within the framework of the Complete Systematic Land Registration (PTSL) are conducted through two mechanisms, namely Self-Management (Swakelola) and Third Party involvement. The Self-Management mechanism is carried out by civil servant surveyors and/or individual SKB personnel, whereas the Third Party mechanism is implemented by KJSKB or companies (corporate legal entities) operating in the survey, mapping, and geospatial information industry.

b. Implementation of the principle of contaditure, Installation and Designation of Boundary Markers

Boundary markers can take the form of points/boundary stakes, fences, or other permanent boundary signs that can be identified both in the field and on the map. The installation and/or designation of boundary markers must be carried out by the landowner or their authorized representative. The installation of boundary markers may be conducted simultaneously by the community, so that at the time of measurement, all land parcels already have boundary markers. In the implementation of PTSL, the principle of contradictory evidence (testimony of neighboring parties) does not always guarantee the presence of both parties. Therefore, the realization of this principle is carried out through representation by the landowner's guardian, such as village officials or authorized persons. The surveyor then requests signatures on the Measurement Drawing (DI.107), which has been modified for PTSL activities. In this Measurement Drawing, the landowner's signature serves as a declaration that the landowner and the neighboring parties are aware of the land parcel measurement and have agreed on the boundaries measured..

In the implementation of land parcel measurement, data collection is carried out including: owner identity (ID card/family card), proof of rights (if available), and/or Certificate/GS/SU (if available) for registered or certified land parcels. This data is directly entered digitally into the physical and juridical data collection application. Measurement and/or mapping of land parcels is conducted on unregistered land parcels as well as registered land parcels that have not yet been mapped (K4).

c. Measurement of Land Parcels

During the measurement of land parcels, the surveyor uses measuring instruments and documents the measurement results on the Measurement Drawing (Gambar Ukur - GU). The GU is a form that contains data on the land parcel based on field data (measurement results taken on site). The GU can include one or several land parcels. The measurement data recorded on the GU must be usable as boundary reconstruction data for the land parcels..

Recording boundary markers and land parcel information for unregistered land parcels must follow the Measurement Drawing (GU) format (DI 107) PTSL – Terrestrial Method. If there are land parcels with unknown owners, ownership must be confirmed based on statements from neighboring landowners, community leaders, or relevant officials, and this information must be recorded in the GU regarding the subject's existence. If the boundaries are temporary and/or the owner is unknown or there is no agreement yet, the boundary lines on the GU should be marked with dashed lines. For boundaries along lakes, rivers, or roads, measurements must comply with applicable laws and regulations, and these boundaries on the GU should also be marked with dashed lines. If the working map is attached to the GU, the landowner or their representative may sign and write their name on the working map as a form of approval or boundary agreement. This working map sheet becomes an integral part of the GU.

d. Issuance of Land Parcel Maps

The land parcel map is a map that displays the measured land parcels. The land parcel map includes information on the area, NIB (Land Registration Number), and the name of the land parcel owner. Printing of the land parcel map is carried out through the KKP Application after linking with the juridical data, showing all land parcels in one overlay, including both registered land parcels (K4) and unregistered parcels (resulting from measurements). If a parcel on the land parcel map has not yet been processed into a certificate, re-measurement must be conducted for parcels whose boundaries have changed. The land parcel map is printed in three copies: for public announcement, for the adjudication committee, and for archives.

e. Issuance of Measurement Letters (Surat Ukur - SU)

A Survey Certificate (Surat Ukur) is a copy of the land book kept as an archive. The printing of the Survey Certificate is done digitally using the KKP Application. The Survey Certificate is signed by the Head of the Physical Task Force on behalf of the Section Head responsible for Measurement and Mapping. If the measurement and mapping are conducted by a Third Party, the column for Boundary Appointment and Determination shall include the name of the survey officer or Licensed Cadastral Surveyor (Surveyor Kadaster Berlisensi) and their license number.

f. Quality Control

Quality control is overseen by the Deputy Chairperson of the Physical Task Force. This quality control is essential to ensure the accuracy and reliability of measurement results. The quality control process includes verifying the completeness of administrative data for all measurement and mapping outputs of land parcels obtained from PTSL activities or complete land registration at the Regency/City level. Furthermore, it involves field testing by re-measuring selected sample land parcels identified by the Physical Task Force and already verified administratively. To adhere to statistical standards, the sample of re-measured land parcels must constitute at least 5% of the total data, selected randomly and evenly distributed using stratified or clustered sampling methods.

g. Verification and Validation

Each land parcel that passes the quality control is marked with a checklist on the Measurement Letter (GU). Parcels that do not meet the quality control criteria are given notes regarding the reasons for non-compliance. Validity assessments are conducted both on an individual parcel basis and collectively within the village area as follows: validity on an individual parcel basis is carried out by the quality control officers of the local Land Office, while collective validity within the complete village area is conducted by the monitoring team from the Regional Office and the central monitoring team.

h. Legal Data Research for Proof of Rights

Collection of juridical data includes gathering documents as evidence of ownership or control over the land, whether written proof, witness statements, and/or declarations from the relevant parties for each land parcel. The collection of juridical data can be coordinated with the Village/Sub-district Government and can be conducted collectively by involving community participation at the PTSL location. The types of evidence used in the collection of juridical data include, among others:

- 1) Proof of rights, such as tax evidence held before 1960;
- 2) Evidence of transfer of rights, such as sale and purchase deeds or private written statements; and
- 3) Apabila peserta PTSL tidak dapat menyediakan bukti kepemilikan baik yang berupa bukti If PTSL participants are unable to provide proof of ownership, either in written form or other reliable forms, proof of rights may be established not based on ownership evidence but on physical possession carried out by the PTSL participants and their predecessors.

The collected documents are scanned and stamped with “This Document Has Been Used for Registration” to prevent the documents or proof of rights from being reused..

2. Completion of PTSL Activities

In this stage of resolution, several activities are carried out, namely: classification of land parcels (clustering), confirmation of conversion, recognition and granting of rights, and issuance of land rights..

a. Clustering of Parcels

- 1) Cluster 1 (K1) refers to land parcels whose physical and juridical data meet the requirements for the issuance of land rights certificates. For the purpose of control and supervision, land objects under land reform whose spatial planning (RTRW) has changed to non-agricultural land, absentee land, excess maximum land, and transmigration land that meet the provisions of Article 13 paragraph (3) letter b of Presidential Regulation Number 86 of 2018 concerning Agrarian Reform, can be classified as K1 provided their physical and juridical data fulfill the requirements for issuing land rights certificates.
- 2) Cluster 2 (K2) refers to land parcels whose physical and juridical data meet the requirements for issuing land rights certificates but are subject to court cases and/or disputes.
- 3) Cluster 3.1 refers to PTSL products that have completed the stages of physical data collection and juridical data collection, followed by juridical data research for proof of rights and announcement of physical and juridical data, but cannot be recorded and have certificates issued because the subject and/or object of rights do not meet certain requirements, such as the subject's refusal to provide a statement of being liable for BPHTB and/or income tax (PPh).
- 4) Cluster 3.2 refers to PTSL products that have completed the stages of physical and juridical data collection, followed by juridical data research for proof of rights and announcement of physical and juridical data, but cannot be recorded and have certificates issued because the land is subject to P3MB, Prk5, ABMAT, customary land (Tanah Ulayat); State House Group III with unpaid lease purchase; nationalization objects; or the subject is a foreign citizen, state-owned enterprises (BUMN/BUMD/BHMN), private legal entities; or land consolidation that cannot have certificates issued in accordance with the provisions..
- 5) Cluster 3.3 refers to PTSL products that have reached the stage of physical data collection, but:
 - a) The SHAT budget is unavailable in the current fiscal year..
 - b) The subject is unknown or unwilling to participate in PTSL activities.
- 6) Cluster 4 (K4) refers to land parcels whose objects and subjects are already registered and have land rights certificates but have not yet been mapped. Almost all land parcels in Air Putih village fall under Cluster 1, meaning their physical and juridical data meet the requirements for issuing land rights certificates. However, some parcels belong to Cluster 4, which includes parcels that have certificates but whose land boundaries have not yet been mapped. Additionally, some parcels fall under Cluster 3.3 due to subjects who have not yet completed the necessary juridical documentations, either because they are unwilling to certify their land or because the available budget is insufficient to finalize the Land Rights Certificates (SHAT).

b. Affirmation of Conversion, Recognition of Rights, and Granting of Rights

In the process of granting land rights over State Land, the Chairperson of the PTSL Adjudication Committee submits a collective proposal for land parcels categorized as State Land to the Head of the Land Office, using the Attachment List of Proposed Granting of Ownership Rights/Building Use Rights/Usage Rights (DI 310). This submission is accompanied by the Minutes of Juridical Data Verification, the Announcement of Physical and Juridical Data, and the List of Physical and Juridical Data. The Head of the Land Office then issues the decision to grant Ownership Rights, Building Use Rights, or Usage Rights over the State Land.

The granting of land rights is determined collectively based on the proposal submitted by the Chairperson of the PTSL Adjudication Committee. The decision to grant land rights by the Head of the Land Office is carried out by making a note on the last page of the Attachment List to the Decree on the Granting of Ownership Rights/Building Use Rights/Usage Rights, in accordance with the attached format. This decision is then assigned a registration number and date by the Land Office and subsequently returned to the Chairperson of the PTSL Adjudication Committee to serve as the basis for registering land rights over State Land.

c. Recording and/or Issuance of Certificates

- 1) For Land Parcels in Cluster 1 (K1), In Cluster 1, the registration of land rights (Ownership Right/Right to Build/Right to Use) or Waqf Land is recorded in the Land Register. The assignment of the rights number and the issuance of the certificate are conducted through the KKP (Land Office Computerization System) application, followed by the printing of the Land Register. The registration of rights and issuance of land certificates must include notations on restrictions on land rights (restrictions) and limitations in land use, such as coastal boundary lines or other relevant zoning requirements. Additionally, the obligations of the right holders (responsibility) must be clearly stated, which include maintaining and preserving the land and its fertility, as well as actively utilizing it. For land parcels with outstanding BPHTB (Duty on the Acquisition of Land and Building Rights) or PPh (Income Tax), a record of the outstanding payment must be noted in the Land Register, specifically in the column designated for Transfer of Rights, Encumbrances, and Other Notes. If the BPHTB/PPh dues are fully paid within the current fiscal year, the deletion of the note is carried out by the Chairperson of the Adjudication Team
- 2) For Land Parcels in Cluster 2, For land parcels that are involved in legal disputes, the case number from the court handling the matter must be recorded in the Land Register. Furthermore, for land parcels that are still under dispute, efforts should first be made to resolve the conflict through mediation. If the mediation does not result in a resolution, then the names of the disputing parties must be recorded in the Land Register for that parcel.

Therefore, during the process of land registration and certificate issuance in the implementation of the Complete Systematic Land Registration (PTSL) program, only these two categories are eligible for certificate issuance, provided that every detail of the requirements and regulations is fulfilled. The purpose of the Complete Systematic Land Registration Program is to accelerate the provision of legal certainty and legal protection of land rights for the community in a definite, simple, fast, smooth, secure, fair, equitable, transparent, and accountable manner, thereby improving the welfare and prosperity of the people and the national economy, as well as reducing and preventing land disputes and conflicts.

The Object of PTSL includes all land registration objects throughout the territory of the Republic of Indonesia. As stipulated in Article 4 paragraph (1) of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 6 of 2018, it encompasses all land parcels without exception, including: Land parcels without existing land rights, and Land parcels with existing land rights, aimed at improving the quality of land registration data. To enhance the quality of such data, the object of

PTSL covers both land parcels that already have boundary markers and those that will have their boundaries established during the implementation of the PTSL activities.

4.2 The Concept of Complete Systematic Land Registration (PTSL)

The Complete Systematic Land Registration (PTSL) is a government program that is essentially similar to the previous program known as PRONA. PRONA, or the National Agrarian Project, was a government initiative providing subsidies for mass land registration. At that time, PRONA was established based on the Minister of Home Affairs Decree No. 189 of 1981. Under PRONA, the government subsidized economically disadvantaged groups, while those who were financially capable bore the operational costs themselves. Consequently, the cost per village under the PRONA program was not necessarily uniform. Furthermore, PRONA's mass certification was conducted selectively ("tebang pilih"), meaning that in one village, only several land parcels were measured according to the quota or number of plots allocated by the local Land Office. This approach resulted in not all land parcels in a village being measured or certified. In contrast, the land registration concept as regulated in the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 6 of 2018, Chapter II Article 2, mandates that the PTSL activities are implemented village by village in regencies and sub-district by sub-district in urban areas, covering all land parcels throughout the territory of the Republic of Indonesia..

In the PTSL program, mapping and measuring all land parcels within a village is mandatory. As stipulated in Article 2, "the objects of PTSL include all land parcels without exception, both parcels without registered land rights and parcels already having rights, in order to improve the quality of land registration data." Article 10 further explains, "if registered land parcels have not been mapped or have been mapped but not in their actual positions, the mapping of these parcels shall be carried out simultaneously with the systematic measurement of land parcels." From this mapping process, the term "Complete Village" emerges, referring to villages where both measured parcels and those with issued certificates are compiled into a single map called the "Complete Village" map. This concept of a Complete Village is a distinctive characteristic of the PTSL program. Within the Complete Village, various types of land parcel information are available, including both problematic and non-problematic parcels. These parcels are then classified into categories K1, K2, K3.1, K3.2, K3.3, and K4. This classification facilitates the identification of each land parcel, enabling clear differentiation between problematic and non-problematic parcels based on the classification..

4.3 Legal Certainty of Ownership Rights to Land

Law can be enforced by considering three elements, namely legal certainty, usefulness, and justice. However, among these three elements, emphasis cannot be placed solely on one, as it is not always easy to achieve a balance between them..

Legal Basis of the Complete Systematic Land Registration (PTSL) Program includes::

1. Law Number 5 of 1960 concerning the Basic Agrarian Principles
2. Government Regulation Number 24 of 1997 concerning Land Registration
3. Government Regulation Number 18 of 2021 concerning Land Management Rights, Land Rights, Condominium Units, and Land Registration
4. Presidential Regulation Number 17 of 2015 concerning the Ministry of Agrarian Affairs and Spatial Planning
5. Presidential Regulation Number 20 of 2015 concerning the National Land Agency
6. Presidential Instruction Number 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration throughout the Territory of the Republic of Indonesia
7. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 8 of 2015 concerning the Organizational Structure and Work Procedures of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency

8. Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning the Implementation Regulation of Government Regulation Number 24 of 1997 on Land Registration
9. 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
10. Technical Guidelines Number 1/Juknis-100.HK.02.01/I/2022 concerning Complete Systematic Land Registration

Legal certainty, normatively, is a regulation that is made and enacted with clarity because it governs matters in a clear and logical manner. Without legal certainty, individuals may be unsure of what actions to take, leading to feelings of discomfort. However, an excessive emphasis on legal certainty and overly strict adherence to rules can result in rigidity and injustice. Legal certainty is an expectation of legal subjects to know what is prohibited or permitted by law; therefore, there must be clear and well-established norms in legislation as well as clear implementation in society. Legal certainty is not an absolute goal of law but serves as a tool applied according to the situation and conditions, taking into account the principles of usefulness and efficiency. When related to land registration, legal certainty is generally regulated in Article 19 paragraph (1) of the Basic Agrarian Law (UUPA), which states: "To guarantee legal certainty, the Government shall conduct land registration throughout the territory of the Republic of Indonesia according to provisions regulated by Government Regulations."

Based on the aforementioned article, the Government has provided guarantees of legal certainty and legal protection for the community to control land through land registration. Land control has two meanings: physical control and juridical control. Juridical control refers to control based on rights protected by law, which grants the right holder the authority to physically control the land they hold rights to. For example, the landowner uses or derives benefits from the land they own and does not transfer it to another party.

The Complete Systematic Land Registration activity, abbreviated as PTSL, as previously explained, is a government program aimed at accelerating land registration throughout Indonesia with a target completion date by 2025. This activity is carried out very rapidly. However, several aspects need to be considered to ensure legal certainty, both in the implementation of Land Registration under Government Regulation Number 24 of 1997 and in the implementation of PTSL under the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 6 of 2018. In its implementation, the principles of land registration must always be observed..

The principle of publicity involves the announcement of physical and juridical data. The PTSL program strongly demands guarantees of legal certainty. One important issue related to this legal certainty is the principle of publicity. To fulfill the principle of publicity in proving land ownership, an announcement of physical and juridical data is conducted for a period of 14 (fourteen) calendar days (Article 24 of Minister of Agrarian Affairs/Head of BPN Regulation No. 6 of 2018).

5. Conclusions

The ratio legis of the Complete Systematic Land Registration (PTSL) Work Program is intended to provide guarantees of legal certainty, ensure transparency of information related to land parcels or condominium units so that it can be utilized by legitimately interested parties, and guarantee the orderly administration in the field of land affairs. Thus, it aims to deliver benefits and justice..

Providing legal certainty guarantees for land rights throughout the territory of the Republic of Indonesia is one of the main objectives of the Basic Agrarian Law (UUPA). Article 19 paragraph (1) of the UUPA mandates the government to ensure legal certainty concerning all matters related to land through land registration, both physically (boundaries of the parcels) and juridically (status of control, ownership, use, and utilization of the land). Furthermore, the government is also obliged to issue Government Regulations to regulate the implementation of land registration.

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