

## Sociological Study for the Community of the Complete Systematic Land Registration Program

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### ABSTRACT

The Land and Natural Resources Use Program (PTSL) has a significant social impact on society. This program not only influences economic and environmental aspects, but also contributes to social dynamics at local and national levels. This study aims to discover and analyze the social benefits of implementing PTSL, focusing on increasing social justice, community participation and social stability. The main social benefits of PTSL include increased social justice through fairer access for local communities to natural resources. This program helps reduce inequalities in land ownership rights and access to natural resources, which are often sources of social conflict. In addition, PTSL encourages the community to participate actively in decision-making processes related to land and natural resource management. Through public consultation mechanisms and local empowerment, this program increases the community's ability to be involved in development and decision-making processes that directly impact their lives. Additionally, PTSL increases social stability by creating a more predictable legal environment and reducing the possibility of conflict over land ownership rights. By providing clear land certification and legally protected rights, this program reduces the social tensions that often arise due to uncertain land ownership. In the context of increasing urbanization and globalization, it is essential to understand that PTSL is concerned with natural resource management and strengthening social ties within society. By analyzing the social benefits of PTSL, this study provides important insights for inclusive and sustainable policy planning and reinforces the role of communities in sustainable development. The method used in this research analyzes the objects of norms issued by the government regarding the Complete Systematic Land Registration Program. This research uses a sociological approach which is presented in a descriptive manner through primary legal materials in the form of statutory regulations, namely through Minister of Agrarian Regulation Number 6 of 2018 in conjunction with Presidential Instruction Number 2 of 2018 in conjunction with Government Regulation number 18 of 2018 and secondary legal materials through books, journals on the internet and seminar results. The results obtained are that there are no fair benefits in society, especially in terms of the significant costs that the community must incur and the lack of information obtained by the community. The conclusion is that the benefits obtained from the Complete Systematic Land Registration Program do not accommodate the community's interests as a whole.

Keywords: PTSL program, social benefits, social justice, social involvement, social stability.

### **ABSTRAK**

Program Penggunaan Tanah dan Sumber Daya Alam (PTSL) memiliki dampak sosial yang signifikan pada masyarakat. Program ini tidak hanya mempengaruhi aspek ekonomi dan lingkungan, tetapi juga berkontribusi pada dinamika sosial di tingkat lokal dan nasional. Tujuan dari studi ini adalah untuk menemukan dan menganalisis manfaat sosial dari penerapan PTSL, dengan fokus pada peningkatan keadilan sosial, partisipasi masyarakat, dan stabilitas sosial. Manfaat sosial utama PTSL termasuk peningkatan keadilan sosial melalui akses yang lebih adil bagi masyarakat lokal terhadap sumber daya alam. Program ini membantu mengurangi ketidaksetaraan dalam hak kepemilikan tanah dan akses terhadap sumber daya alam, yang sering menjadi sumber konflik sosial. Selain itu, PTSL mendorong masyarakat untuk berpartisipasi secara aktif dalam proses pengambilan keputusan yang berkaitan dengan pengelolaan tanah dan sumber daya alam. Melalui mekanisme konsultasi publik dan pemberdayaan lokal, program ini meningkatkan kemampuan masyarakat untuk terlibat dalam proses pembangunan dan pengambilan keputusan yang berdampak langsung pada kehidupan mereka. Selain itu, PTSL meningkatkan stabilitas sosial dengan menciptakan lingkungan hukum yang lebih terprediksi dan mengurangi kemungkinan konflik atas hak kepemilikan tanah. Dengan memberikan sertifikasi tanah yang jelas dan hak yang dilindungi secara hukum, program ini mengurangi ketegangan sosial yang sering muncul karena ketidakpastian kepemilikan tanah. Dalam konteks urbanisasi dan globalisasi yang semakin meningkat, penting untuk memahami bahwa PTSL tidak hanya berkaitan dengan manajemen sumber daya alam tetapi juga memperkuat ikatan sosial dalam masyarakat. Dengan menganalisis manfaat sosial PTSL, studi ini memberikan wawasan penting untuk perencanaan kebijakan yang inklusif dan berkelanjutan serta memperkuat peran masyarakat dalam pembangunan berkelanjutan. Metode yang digunakan dalam penelitian ini menganalisa objek norma yang dikeluarkan oleh pemerintah mengenai Program Pendaftaran Tanah Sistematis Lengkap. Penelitian ini menggunakan pendekatan secara sosiologis yang disajikan dengan cara deskriptif melalui bahan hukum primer berupa peraturan perundang-undangan yaitu melalui Peraturan Menteri Agraria Nomor 6 Tahun 2018 juncto Instruksi Presiden Nomor 2 Tahun 2018 juncto Peraturan Pemerintah nomor 18 Tahun 2018 dan bahan hukum sekunder melalui buku-buku, jurnal-jurnal yang ada di internet serta hasil seminar. Hasil yang didapatkan adalah belum adanya manfaat yang adil dalam Masyarakat khususnya dalam hal banyaknya biaya yang harus dikeluarkan oleh Masyarakat dan kurangnya informasi yang diperoleh Masyarakat. Kesimpulannya bahwa manfaat yang diperoleh dari program Program Pendaftaran Tanah Sistematis Lengkap kurang mengakomodir kepentingan seluruh Masyarakat.

Kata kunci : Program PTSL, keuntungan sosial, keadilan sosial, keterlibatan sosial, stabilitas sosial.

## A. BACKGROUND

Home is one of the basic human needs. The house is where he stands, lives and carries out all his activities. The house is closely related to the land. Even in land law, the terms land and buildings are often heard. Many people actively pursue their basic needs for land and buildings as a place to live. In carrying out all activities, humans must interact with other people because of their predicate as social creatures. Furthermore, this land and buildings often become a source of problems when humans interact with other people. Therefore, the law regulates everything, including land and building matters. According to Van Apeldoorn, the law aims to regulate peaceful social interactions<sup>1</sup>. Concerning land and buildings, we know that there are land registration regulations. Land registration is by Article 1 of government regulation number 24 of 1997, registration of land, which includes collecting, processing, bookkeeping and providing data. as well as storing physical and juridical data about land parcels and apartment units in the form of lists and maps, including providing certificates of proof of rights to existing land parcels and ownership rights to apartment units, as well as certain rights encumbering them. Land registration is essential because it can show proof of someone's land ownership. The first land registration regulations in Indonesia are in the Basic Agrarian Law Article 19, where the implementation regulations are regulated in the Government Regulation of the Republic of Indonesia Number 10 of 1961 concerning the registration of every land registration. Then, it was refined in Government Regulation Number 24 of 1997, and then refined again in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, and Flats. Inland registration is a publication that is carried out, one of which is legal certainty, namely by conveying who has the right to own the land in the land certificate. The positive publication system always uses a rights registration system, so registers or land books must be used to store and convey juridical data, and title certificates must be used as proof of rights. The land registration system a country uses depends on the laws that are used by that country regarding land transfer<sup>2</sup>. There are two legal principles: the principle of *nemo plus juris* and the principle of good faith. The principle of *Nemo plus Juris* states that someone who obtains a right with good intentions will remain the legal right holder according to the law and aims to protect people with good intentions. On the other hand, the principle of good faith states that a person cannot transfer rights that already exist to him

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<sup>1</sup> Van Apeldoorn, *PENGANTAR ILMU HUKUM*, 3rd ed. (Jakarta: PT. Pradnya Paramita, 2009).

<sup>2</sup> Adrian Sutedi, *PERALIHAN HAK ATAS TANAH Dan PENDAFTARANNYA*, ed. Ade Hairul Rahman, 1st ed. (Sinar Grafika, 2022).

<sup>3</sup>. The many agrarian conflicts show that Indonesia's land administration system must be improved to provide legal certainty of land rights. As mentioned previously, the system is considered to be one of the sources of agrarian conflict problems <sup>4</sup>. Land registration was first carried out without using a positive publication system. This includes measuring and mapping, land accounting, adjudication, recording land rights, and issuing certificates, but uses a negative publication system. The State cannot guarantee the veracity of the data presented in this system. However, the negative publication system is not intended to be used ultimately <sup>5</sup>. Indonesian land registration uses a negative publication system with a positive tendency. This means that the Land Office where the land object is registered only carries out registration without checking, investigating, etc. So, the conclusion can still be challenged in court if it is clear whether the names listed on the certificate are the owners. This also differentiates the land registration system in Indonesia and other countries, such as Malaysia. Malaysia uses the National Land Code to register property rights, while Indonesia uses deed registration related to the Basic Agrarian Law (BAL) (Yubaidi et al., 2022). The Australian Torrens system was adopted by Malaysian land law, with the caveat that registers are everything and should be used as an irrefutable source of evidence <sup>6</sup>. Indonesia is a legal country where everything is regulated systematically and structured to create societal order. In line with this, there is no exception in the land sector. Therefore, during the leadership of President Joko Widodo, the government, regulated land that had not been certified so that land registration could be carried out immediately, through Minister of Agrarian Regulation Number 6 of 2018 issued regulations regarding direct system land registration or what is known as PTSL simultaneously in throughout Indonesia. The Direct System Land Registration Program is part of the agrarian reform program so that all land in Indonesia can be inventoried orderly by collecting physical and juridical data. The problem in this research is whether the government issued land registration regulations simultaneously throughout Indonesia by issuing Minister of Agrarian Regulation Number 6 of 2018 concerning Complete Systematic Land Registration. It has considered it from a sociological perspective to achieve benefits for society.

## B. RESEARCH METHODOLOGY

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<sup>3</sup> Sutedi.

<sup>4</sup> et al., "Analisis Prospek Pemberlakuan Sistem Pendaftaran Tanah Publikasi Positif Dan Aspek Kepastian Hukum Pemegang Hak Atas Tanah."

<sup>5</sup> et al.

<sup>6</sup> Ricco Survival Yubaidi, Mazliza Mohamad, and Saidatul Nadia Abd Aziz, "Land Registration Acceleration in Indonesia: A Lesson-Learned Guideline From Land Registration Issues in Malaysia," *UUM Journal of Legal Studies* 13, no. 1 (2022): 155–74, <https://doi.org/10.32890/uumjls.13.1.2022.10765>.

The author uses a normative research method, namely research where the research object is a norm or rule. The approach taken is to analyze whether the object of the norm is following the requests and needs of the community by considering the sociological factors presented descriptively. However, this research also contains elements of a few interviews that the author conducted with employees of the South Tangerang City Land Office, during which the author carried out an internship program that is mandatory for every candidate for a Land Deed Official (PPAT). This research uses primary legal materials, namely statutory regulations related to the Government's Complete Systematic Land Registration Program and various literary sources from internet media and books in the law field, especially land law. This research began with the author's curiosity when carrying out an internship program as a condition for taking the Land Deed Official Examination (PPAT) in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 10 of 2017 concerning Examination Procedures, Internships, Appointments and Extension of the Term of Office of Land Deed Officials. At that time, the author was asked for help verifying physical and legal documents that had been entered into the South Tangerang City Land Office. The author's curiosity arose when the author interviewed with one of the members of the Complete Systematic Registration Program (PTSL) task force team.

### C. DISCUSSION

Complete Systematic Land Registration (PTSL) is the first registration procedure to be carried out simultaneously for all land registration objects located throughout the territory of the Republic of Indonesia, including village areas, sub-districts, or other equivalent names, which includes the collection and validation of physical and juridical data relating to land registration objects for registration purposes<sup>7</sup>. To achieve a particular goal, a person performs actions known as implementation<sup>8</sup>. Complete Systematic Land Registration (PTSL) is the first land registration procedure carried out to ensure legal certainty and legal protection of people's land rights fairly and evenly, as well as to encourage economic growth of the country and the people's economy in particular, land registration must be accelerated in all regions Republic of Indonesia<sup>9</sup>.

The requirements for applying for Land Registration in the Complete Systematic Land Registration Program are to collect the following documents :

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<sup>7</sup> Ardiyan Syamsi, Siti Aisyah, and Fatia Fatimah, "Implementasi Kebijakan Pendaftaran Tanah Sistematis Lengkap Di Kantor Pertanahan," *JlIP - Jurnal Ilmiah Ilmu Pendidikan* 7, no. 3 (2024): 3240–47, <https://doi.org/10.54371/jlrip.v7i3.4058>.

<sup>8</sup> Analisis Putusan et al., "Petitum LawJournal," *PetitumLawJournal* 1, no. 1 (2023): 177–88, [file:///C:/Users/LENOVO/Documents/S3/REFERENSI PROCEEDING/IMPLEMENTASI PERATURAN MENTERI AGRARIA DAN TATA RUANGKEPALA BPN NOMOR 6 TAHUN 2018 TENTANG PENDAFTARAN TANAH SISTEMATIS LENGKAP \(PTSL\).pdf](file:///C:/Users/LENOVO/Documents/S3/REFERENSI%20PROCEEDING/IMPLEMENTASI%20PERATURAN%20MENTERI%20AGRARIA%20DAN%20TATA%20RUANGKEPALA%20BPN%20NOMOR%206%20TAHUN%202018%20TENTANG%20PENDAFTARAN%20TANAH%20SISTEMATIS%20LENGKAP%20(PTSL).pdf).

<sup>9</sup> Syamsi, Aisyah, and Fatimah, "Implementasi Kebijakan Pendaftaran Tanah Sistematis Lengkap Di Kantor Pertanahan."

1. Photocopy of Resident Identification Card
2. Photocopy of Family Card or c1
3. Photocopy of your own Letter C (name listed by your Resident Identity Card)
4. Photocopy of the latest SPPT-PBB
5. Statement of Physical Control with two known witnesses.
6. Land Sketch
7. Names and Signs of western, eastern, northern and southern boundaries.
8. Include the location of the land
9. More than one stamp duty
10. Prepare more than three paths

If the land to be included in the Complete Systematic Land Registration Program is an object of inheritance, then:

1. Photocopy of Resident Identification Card
2. Photocopy of Family Card or c1
3. Photocopy of the land owner's death certificate (as stated in letter c)
4. Photocopy of the latest SPPT-PBB
5. Statement of Physical Control with two known witnesses
6. Land Sketch
7. Names and Signs of western, eastern, northern and southern boundaries.
8. Include the location of the land
9. More than one stamp duty
10. Prepare more than three paths

A complete systematic land registration program aims to build a comprehensive, structured, and efficient land registration system. The following are some of the main objectives of implementing the program :

1. **Legal Certainty:** One of the main objectives is to provide legal certainty regarding land ownership. With a complete and organized land registration system, landowners can have clear and legal proof that they are land owners. This helps reduce the possibility of legal disputes relating to land ownership.
2. **Transparency:** This program aims to increase land ownership and use transparency. Information about land ownership will become easily accessible to the public, so that everyone can know their status and rights to land.

3. **Economic Development:** Having registered and registered land can help these programs gain more accessible access to financial resources such as bank loans and credit necessary for investment and local economic development.
4. **Protection Against Unauthorized Claims:** This program protects land owners from unauthorized claims or land disputes. A complete registration system officially records land ownership, thereby reducing the possibility of land owners becoming victims of illegal claims or expropriation.
5. **Management of Natural Resources and the Environment:** With accurate information about land ownership, the government can better manage the use of natural resources and the environment. This includes regulating agricultural land use, nature conservation, infrastructure development, and environmental protection.
6. **Improved Tax Administration:** An organized land registration program can also help better manage property taxes. Detailed information about land ownership can be used to determine a fair tax value and collect more property taxes.
7. **Infrastructure Development:** The government can plan and implement infrastructure development that is more organized and coordinated with recorded land ownership. This will support economic growth and community welfare through sustainable development.
8. **Community Empowerment:** This program aims to increase community awareness about land ownership and management. By understanding land and accessing information about it, communities can more actively participate in managing natural resources, developing their land, and improving their economic conditions.

It is hoped that a complete systematic land registration program can achieve these goals, promote more stable and sustainable management of land and natural resources, and improve welfare and justice for society as a whole.

Every government policy issued through legal regulations will definitely give rise to pros and cons in society with all its advantages and disadvantages.

Excess :

The advantages and disadvantages of the Complete Systematic Land Registration Program are:

1. Following are some of the main advantages of a complete systematic land registration program, which helps sustainable economic growth, legal stability and administrative efficacy:
2. **Legal Certainty:** This program has significant advantages because it provides high legal certainty regarding land ownership; each land will be registered officially and clearly, thereby reducing the possibility of ownership disputes and strengthening the legal rights of land owners.

1. **Transparency:** A complete systematic land registration program increases land ownership and use transparency. Information about land ownership has become more open and publicly accessible, allowing the general public and interested parties to exercise better oversight.
3. **Administrative Efficiency:** Processes such as issuing land certificates, transferring ownership, and updating data can be carried out quickly and accurately with an organized and computerized land registration system.
2. **Economic Development:** This program encourages economic growth by providing land owners with land titles as collateral for obtaining bank loans or other investments that promote local economic growth.
4. **Protection Against Unauthorized Claims:** Landowners who have registered proof of land ownership are protected from unauthorized claims or legal disputes related to land ownership. This reduces the risk of losing land due to unauthorized claims or expropriation.
3. **Sustainable Management of Natural Resources:** By having accurate data on land ownership, the government can manage natural resources more efficiently and sustainably. This includes regulating land use for nature conservation, sustainable agriculture, and developing environmentally appropriate infrastructure.
5. **Increased Tax Revenue:** With a complete land registration system, the government can reasonably and efficiently collect more property taxes. Accurate property tax determination is aided by accurate data on land values, which increases local tax revenues.
6. **Community Empowerment:** Land registration programs can also increase community empowerment by providing better access to financial resources and public services. This is because people can get bank loans for land development or other investments that improve their welfare more easily.

A complete systematic land registration program has many benefits in improving land governance, increasing social justice, and supporting sustainable economic development. These benefits make the program an essential tool for solving complex land ownership issues and improving people's quality of life.

Disadvantages or weaknesses:

A complete systematic land registration program has several shortcomings and problems that need to be addressed, although it has many advantages. Following are some of the most common issues encountered while running the program :

1. **High Costs:** Implementation of systematic and comprehensive land registration, which includes land surveying, data collection, land ownership research, and information technology



infrastructure, as well as relevant staff training and development. These costs can be a significant obstacle, especially in countries with limited resources.

2. **Time Required:** Complete systematic land registration often requires a complex process and takes a long time. Data collection, verification and resolution of land ownership disputes can take years, especially in countries with complex land ownership histories or in sparsely recorded rural areas.
3. **Difficulty in Data Verification:** Verifying existing land ownership is sometimes tricky, especially in areas that usually use unwritten or undocumented land ownership systems. A lack of historical data or incomplete records can hamper an accurate verification process.
4. **Resistance and Disputes:** Local communities or parties who wish to maintain the current situation may oppose the land registration program. In addition, this program can also cause new legal disputes regarding land ownership that may have never occurred before.
5. **Institutional Capacity:** Organizations responsible for land registration may not have sufficient staff, technology or administrative systems. This can prevent them from running the program well.
6. **Technical and Technological Challenges:** The land registration system has a lot of complex data requiring a solid and integrated information technology infrastructure. Technical issues such as data security, system interoperability, and information accessibility can hinder successful implementation.
7. **Difficulty in Building Consensus:** Complete systematic land registration programs often require agreement and support from many parties, including the government, local communities, and the private sector. Searching for the right deal can slow or even hinder program progress.
8. **Social and Cultural Challenges:** The concept of land ownership can have significant social and cultural meaning in some societies or communities. Land registration programs may conflict with current conventional principles or systems, which require a cautious approach and strong community participation.

To overcome this problem, a mature strategy, active community participation, an inclusive approach, and government commitment are needed to support and overcome problems that may arise while implementing a complete systematic land registration program. In making every law, the State must consider the sociological basis as a basis that explains why regulations are made to meet the needs of society in various aspects. The State must be able to accommodate all levels of society. We know that not all communities in Indonesia are communities that have the same economic capabilities. Therefore, it is not necessarily because the demands of a state leader's work program within a certain period ignore all aspects of society, including the economic capacity of that society. Please note that community members must pay to register land in the Complete Systematic Land Registration Program because

not all costs are borne by the government. So, the consequence is that the community will be burdened with debt. It is stated in Government Regulation Number 18 of 2021 that operational costs for land registration in the Complete Systematic Land Registration Program are a maximum of RP. 150,000,000 (one hundred and fifty thousand rupiah). However, in reality, the information obtained by the author was from a resident who was not named as an informant. The costs incurred did not include the PBB tax on his land. Individuals in sub-districts and sub-districts sometimes set prices above the statutory provisions. So it is not uncommon in reality that after obtaining a certificate of ownership of land owned by residents, it is immediately sold to meet the payment obligations that must be incurred during the land registration process. even though it is not certain that the person/owner of the certificate intends to sell the land immediately. For example, the custom that exists in the Betawi Community in the city of Tangerang is that land is an asset, and savings will be sold if there is an urgent need. Although selling land is not as easy as imagined. Sometimes, sellers set high prices to seek profits from buyers, but the buyers cannot afford it due to their financial conditions. According to the author's analysis, the policies issued by the government, especially with the issuance of Presidential Instruction Number 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration, are too forced. Moreover, article 96, paragraph 1 of Government Regulation Number 18 of 2021 states that former customary land owned by individuals must be registered within 5 (5) years of enacting this Government Regulation. However, in reality in the field, the Complete Systematic Land Registration Program is not carried out simultaneously, meaning that in each Land Office Area at the same level as a Municipality or Regency, not all sub-districts are given the Complete Systematic Land Registration Program at the same time. For example, in the city of South Tangerang, there are seven sub-districts, namely Serpong District, North Serpong District, Setu District, Pamulang District, Pondok Aren District, Ciputat District and East Ciputat District. Sometimes, in one period, each sub-district does not receive a quota from the Complete Systematic Land Registration Program. Even if there is a quota, not all residents can use it. This information is only available at the sub-district/village office. There was no notification to residents, and it was like going door to door to receive this information. In fact, many people do not know about it. After the quota is given in the city of South Tangerang, it can be moved to another municipality or district in the next period. According to the author, this is too forced because approximately 126 million plots of land must be completed within five years since the promulgation of Government Regulation Number 18 of 2021. The next consequence is that if the land is not registered, all documents in the form of customary land (girik) cannot be used as evidence in court and are only limited to indicative evidence. In the author's view, conditions like this are unfair to residents who do not have strong economic capabilities and residents who do not receive clear and timely information on quota information at the sub-district and sub-

district offices within the jurisdiction of the land objects they own. According to John Stuart Mill, justice is *sui generis*, meaning it must benefit society. Justice here can be interpreted as benefits that all levels of society can feel without differentiating between economic strata, programs with quotas that are not half-hearted, leniency in time that is not as short as the consequences of the status of land ownership documents which are differentiated in terms of proof in court and do not even take advantage of the community. who are laypeople about the law for any reason? To answer the phenomenon above, if you think about it carefully and critically, you will find that state legal rules cannot interact because the facts of society can be avoided. This was a sociological, legal movement, which was clearly different from previous movements in legal philosophy. This illustration shows that law must be understood not only as a text, but as is done by the philosophy of legal polycivism. requires contextual understanding supported by social logic <sup>10</sup>.

### C. CONCLUSION AND RECOMMENDATIONS :

Land registration actually provides enormous benefits for the community, considering that much of Indonesia's land is still *girik* (customary) land that has not been registered at the National Land Agency Office. These lands are often used by land mafias, many of whom come from individuals, sub-district or village officials who usually work together with unscrupulous employees of the National Land Agency itself. In the seminar "Upgrading the VIII IPPAT Congress" held by the Association of Land Deed Officials and explained by AKBP Andik Santoso, there were many modes of crime committed by the land mafia, including:

1. Issue and use more than one letter for the same plot of land;
2. Issuing and using fake documents relating to land; And
3. Carrying out unauthorized occupation or control over land belonging to another person (property rights, HGB, HGU, HP, or HPL), whether the rights have expired or the rights are still valid.
4. Change, move, or remove stakes that indicate land boundaries.
5. Apply for a replacement certificate because the certificate has been lost while it is still there and is appropriately held by the owner or someone else, so there are two certificates over the same land area.
6. The certificate still exists and is still held by the owner or
7. Other people in good faith, so there are two results
8. Certificate on the same plot of land

The results obtained from this research are that before issuing a policy regarding a complete system land registration program, it did not examine various aspects, including the sociological aspect of

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<sup>10</sup> Rahmatullah.

society. In issuing any regulations that concern the national interest, the government should consider the sociological aspects of society because, after all, the society itself feels it is necessary to create legal certainty and justice, especially in the field of land law.

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