

**PROPRIETARY LAND REGISTRATION POLICY IS BASED ON GOVERNMENT REGULATION NUMBER 18 OF 2021 CONCERNING LAND REGISTRATION RIGHTS**Fadila Fais Alim<sup>1</sup>, Moh. Indra Bangsawan<sup>2</sup><sup>1</sup>Fakultas Hukum, Universitas Muhammadiyah Surakarta ([Fadilfaizalimjr@gmail.com](mailto:Fadilfaizalimjr@gmail.com))<sup>2</sup>Fakultas Hukum, Universitas Muhammadiyah Surakarta ([mib136@ums.ac.id](mailto:mib136@ums.ac.id))**ABSTRACT**

Population growth is increasing every year, in proportion to the need for land. This shows that soil is an important element for humans. Land is an important economic factor and has strategic value wherever it is social, political or cultural. This imbalance forces people to use various methods to dominate and even own land, although in the end it will lead to disputes, conflicts and land issues. To ensure legal certainty of land rights, land registration activities are carried out which are a series of land administration activities in collecting and processing physical and juridical data. The research approach method used by researchers is empirical juridical by using approach/theory/concept and analytical methods which are included in the dogmatic discipline of Law. This study aims to study the legal basis used in land registration and to study the mechanism of land registration in Indonesia. This research conducts research related to the Policy of Land Registration Based on Property Rights Peraturan Pemerintah Nomor 18 Tahun 2021 Tentang Hak Pendaftaran Tanah in BPN Pati. The findings of this study indicate that the land registration policy in Indonesia refers to Undang-Undang No. 5 tahun 1960 tentang peraturan dasar pokok-pokok agraria where in its development there is an adjustment with the release PP No. 18 Tahun 2021 tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun dan Pendaftaran Tanah.

**Kata Kunci:** Pendaftaran Tanah, BPN, Kebijakan Pendaftaran Tanah di Indonesia

**INTRODUCTION**

Agrarianis something that is related to the process of delegation and land ownership. Agraria is often equated with land. Land is one of the agrarian resources that plays an important role in human life. For people's lives, land is important because land is used as a medium to bind or unify society and as a medium to fulfill people's living needs.<sup>1</sup>Land has a very important position in customary law because it is the only object of wealth which, even if it experiences certain conditions, will remain in its original condition, sometimes even being unprofitable from an economic perspective.<sup>2</sup>However, in its development, land is a very important or primary need for individuals and society in general, especially at this time with increasingly dense population growth, control or ownership of land is very important.<sup>3</sup>

Based on Article 20 paragraph 1 of the 1960 UUPA, it is explained that property rights are a right that is inherited and has the strongest power regarding individual ownership of land in accordance with Article 9 paragraph 2 which reads "Every Indonesian citizen, both male and female have the same opportunity to obtain rights to land and to benefit from the results, both for themselves and their families."<sup>4</sup>

<sup>1</sup> Avivah, L. N., Sutaryono, S., & Andari, D. W. T. (2022). Pentingnya pendaftaran tanah untuk pertama kali dalam rangka perlindungan hukum kepemilikan sertifikat tanah. *Tunas Agraria*, 5(3), 197–210. <https://doi.org/10.31292/jta.v5i3.186>

<sup>2</sup> Urip Santoso, *Hukum Agraria Komprehensif*, (Jakarta: Prenadamedia Group, 2012) Hal 9.

<sup>3</sup> Della Monika, *Analisis Yuridis Eksistensi Pejabat Pembuat Akta Tanah (PPAT) Dalam Perspektif Pendaftaran Tanah Di Kecamatan Tanjungpinang Timur (Studi Penelitian Dikantor Notaris Dan Pejabat Pembuat Akta Tanah Afika Hersany)*, (2019) 7:1 Jurnal Selat at 65–86.

<sup>4</sup> Undang-Undang Nomor 5 Tahun 2016 tentang Peraturan Dasar Pokok-Pokok Agraria

In living their lives, people need land to use for livelihoods, residences and businesses. Indonesian citizens really need land because the majority of livelihoods in Indonesia are directly related to land. In the context of the land constitution, it is regulated in UUD 45 article 33 paragraph 3 which explains that Earth and Water and the natural riches contained therein are fully under the power of the state which will later be used for the prosperity of citizens.<sup>5</sup>Based on this statement, in the process of land ownership the government is required to be involved as a legal recording and legality guarantee body to provide a guarantee of legal certainty.<sup>6</sup>

Santoso stated that land registration was adopted from the Dutch vocabulary, namely *cadastre*, which means land registration, where the word has the meaning of a recording process that describes the area and value of land as well as the name of the owner.<sup>7</sup>People who register their land will receive valid legal guarantees as evidenced by the existence of a legal certificate of ownership issued by a government representative.<sup>8</sup>

Phenomena related to land have occurred in Pati Regency. This case occurred because of dual certificate ownership between SDN 02 Dukuh Seti and Sutari. Soenari's attorney as the owner of the land certificate firmly believes that based on certificate number 342, the legal owner is Soenari bin Tanus, not the village government, SD or district government.<sup>9</sup>A similar case occurred in 2020 where there were differences of opinion that occurred in the process of signing documents to be submitted for land registration at the Pati Regency Regional People's Representative Council (DPRD) hearings. This happened because the Pati Kidul Village Head refused to sign the land certificate application file in Kasri's name. According to him, the land files submitted by Karsi and WPM were different from the data in the field. However, the plaintiff was dissatisfied with the actions taken by the village head and would file a lawsuit.<sup>10</sup>

This phenomenon shows that there are still many problems arising in the process of ownership and management of land so that many land disputes still arise. Judging from the academic review, it is known that land disputes originate from limited available land, multiple ownership of land, lack of common perception or understanding between land institutions regarding land, miscommunication and unsynchronized data.<sup>11</sup>

Based on the description of the background of the problem that has been put forward, the formulation of the research problem can be described, namely:

- 1) What is the land registration policy in Indonesia?
- 2) What is the land registration policy in Pati Regency based on Government Regulation no. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration?

This research was conducted with the aim of knowing and explaining the policies on the land registration system currently implemented in Indonesia. Apart from that, p is aimed at seeking an explanation regarding the basis of the land registration policy at the National Land Agency of Pati Regency which is in accordance with PP No. 18 of 2021 concerning "Management Rights, Land Rights, Flat Units, and Land Registration". Researchers hope that the research results can contribute to the development of knowledge related to the registration system land in Indonesia. Apart from that, it is hoped that this

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<sup>5</sup> Undang-Undang Dasar 1945 Pasal 33 Ayat 3.

<sup>6</sup> Soerodjo, Irawan. 2013). *Kepastian Hukum Hak Atas Tanah Di Indonesia*, (Surabaya: Arkola), Hal 145..

<sup>7</sup> Urip Santoso, 2012. *Hukum Agraria Komprehensif*, (Jakarta: Prenadamedia Group,) Hal 9.

<sup>8</sup> Felishella Earlene & Jesslyn Evelina Tandrajaya. Sengketa Penguasaan Tanah Antara Warga Kapuk Poglar RT 07/RW 04 Jakarta Barat Dengan Polda Metro Jaya Ditinjau Dari Perspektif Hak Asasi Manusia, (2019) 3:2 Cepalo at 21.

<sup>9</sup> Musthofa, Ali. 2022. Kasus Sengketa Lahan SDN 2 Dukuh Seti: Pemkab Pati Tekankan Upaya Damai, Pengacara Minta Mediasi. [adarkudus.jawapos.com/pati/20/11/2022/kasus-sengketa-lahan-sdn-2-dukuhseti-pemkab-pati-tekanan-upaya-damai-pengacara-minta-mediasi](http://adarkudus.jawapos.com/pati/20/11/2022/kasus-sengketa-lahan-sdn-2-dukuhseti-pemkab-pati-tekanan-upaya-damai-pengacara-minta-mediasi).

<sup>10</sup> Okta, Dwifa. 2020. Polemik Tanah Di Kelurahan Pati Kidul Berlanjut, Bpn Dan Lurah Satu Suara, Wpm: Semua Akan Saya Tuntut. [smartcity.patikab.go.id/index.php/data\\_berita/detail/berita\\_online/3533](http://smartcity.patikab.go.id/index.php/data_berita/detail/berita_online/3533).

<sup>11</sup> Aliya Sandra Dewi. 2018. Mekanisme Pendaftaran Tanah Dan Kekuatan Pembuktian Sertifikat Kepemilikan Tanah. *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum dan Keadilan* Vol. 9 No. 1.

research can be used as a reference for relevant agencies to pay more attention to applicable policies.

The UUPA has provided regulations that land registration is carried out with the main aim of being a legal guarantor of ownership of land. Regulations relating to matters that must be implemented by the government in the land registration process are contained in article 19 of the Basic Agrarian Law. Land registration has meaning and benefits that are crucial to the entire life of the people of the state. History has recorded that humans were created from soil, which means that the relationship between soil and humans cannot be separated.<sup>12</sup>

Article 1 PP No. 24 1997 explains land registration as an activity framework which is carried out by government agencies continuously, has continuity and consistency in which there is a process of collecting, managing, recording as well as submitting and organizing data into a map area related to legal evidence of land ownership followed with their rights and obligations.

Land registration and recording, as the implementation of Article 19 UUPA, is a method used by the Government to create guarantees certainty law. The guarantee referred to is in relation to subjects who are registered as official owners, whether individuals or agencies and legal entities, the area and layout of the land plot as well as the boundaries, obligations and rights of the ownership holder.<sup>13</sup>

The process of registering land ownership in Indonesia is divided into two stages, namely the land registration process for first-time ownership, which is then followed by confirmation of the registration process through two stages, namely complete, systematic and periodic.<sup>14</sup> Systematic land registration is carried out simultaneously under the command of BPN, with the aim of registering land objects which do not have a certificate, guided by long-term work planning and programs by BPN in certain areas. Meanwhile, sporadic registration is a land registration process carried out based on the wishes of both individual and institutional applicants.<sup>15</sup>

The land registration process will bring certainty law because if the land has been officially registered then there will be evidence in the form of a valid certificate owned by the official owner and this certificate is strong evidence and is based on law. The theories used in this research are legal effectiveness theory and legal system theory.

## RESEARCH METHODS

The method in the approach used in this research is empirical juridical where the researcher uses ideas in the form of theoretical studies and analysis which are included in the discipline Doctrinal Legal Science.<sup>16</sup> The empirical juridical method or in other terms known as legal sociology is an approach that places more emphasis on observing legal aspects that occur in social interactions in society at large.<sup>17</sup> By focusing the research process on documents regarding primary legal materials including legislation, while secondary data is in the form of journals and libraries. Apart from that, researchers carry out field research which is used to support research studies in order to obtain accurate results and be able to prove the problem formulation which has been stated previously.

This research uses literature study, namely a method used as an effort to trace the theoretical basis and sources of information regarding the research object by using primary data with compelling properties and other legal bases.<sup>18</sup> The data sources used by researchers consist of:

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<sup>12</sup> I Gusti Nyoman Guntur, Pendaftaran Tanah, Kementerian Agraria Dan Tata Ruang/Badan Pertanahan Nasional Sekolah Tinggi Pertanahan Nasional, Yogyakarta, 2014, Hal. 1

<sup>13</sup> A. P. Parlindungan, Komentar Undang-Undang Pokok Agraria, (Bandung: Mandar Maju, 1993), Hal. 15.

<sup>14</sup> Reda Manthovani, Istiqomah, 2017. Pendaftaran Tanah di Indonesia, *Junral Magister Ilmu Hukum*. Vol. 2, No. 2.

<sup>15</sup> Harris Yonatan Parmahan Sibue. 2011. Arti Penting Pendaftaran Tanah Untuk Pertama Kali. *Negara Hukum*: Vol. 2, No. 2

<sup>16</sup> Sri, Hajati. 2018. Buku ajar Politik Hukum Pertanahan, (Surabaya: Airlangga University Press), Hal 1.

<sup>17</sup> Zainudin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2016), Hal 17.

<sup>18</sup> Ronny Hanitjo Soemitro, *Metode Penelitian Hukum dan Jurimetri*, Ghalia Indonesia, Semarang, 1990, Hal. 97

- 1) Primary Legal Material, consisting of:
  - a) Government Regulation no. 18 of 2021 concerning "Management Rights, Land Rights, Flat Units, and Land Registration."
- 2) Legal Materials secondary, consisting of:
  - a) Thesis and Thesis
  - b) Scientific journals
  - c) Scientific articles
- 3) Material Tertiary Law

It is a basic guide that provides various information related to the main and supporting legal bases, including the legal syllabus and related publications.

In this research, researchers used semi-structured interviews. According to Sugiyono, semi-structured interviewing techniques or in-depth interviews are a method in which the interviewer gives several questions or statements to the interviewee without being bound by standard rules compared to structured interviews but still paying attention to interview guidelines. which has been arranged systematically.<sup>19</sup> Apart from conducting interviews, researchers carried out observations which were carried out through a thorough understanding of the object of observation in order to obtain information about the real conditions that occurred when the land registration process was carried out.

A tool is an infrastructure that is used. The data in this research was collected through a medium that is based on normative research, reviewing recorded documents, and resumes of research observation results and answers to questions raised by resource persons. Apart from this data, draft questions were also used which were prepared systematically and accurately.<sup>20</sup>

Analysis is a series of processing of data that has been obtained to then be translated into a research discussion based on the facts found.<sup>21</sup> Researchers use normative data. The reason for using this data is because the main references used are norms, principles and statutory regulations which are used in law. positive, meanwhile the qualitative type is an analysis technique obtained from various sources of information from various angles view of science law.<sup>22</sup>

## RESULTS AND DISCUSSION

Based on observations made by researchers regarding the land registration process and land registration policies at BPN Pati, the following results were obtained:

### A. Land Registration Policy in Indonesia

#### 1. Land Registration Policy in Indonesia

Land registration policy in Indonesia refers to Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles. UUPA is a law that regulates agrarian law in Indonesia and provides an important legal basis for managing land and natural resources in Indonesia. The 1960 UUPA regulates various matters related to land rights, restrictions on land rights, registration of land rights, land disputes, and supervision and enforcement of laws related to land use. In its development, land registration legal policies in Indonesia have been adapted to legal developments in Indonesia.

The 1960 UUPA also provides recognition and protection for customary rights owned by indigenous communities and provides authority for indigenous communities in managing land and natural resources in their customary territories. The 1960 UUPA has undergone several amendments to strengthen regulations in managing land and natural resources in Indonesia.

<sup>19</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan Kombinasi*, (Bandung: Alfabeta, 2016), Hal. 467.

<sup>20</sup> Ali, Zainudin. 2016. *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika), Hal 17.

<sup>21</sup> Soerjono Soekanto, *Kesadaran Hukum dan Kepatuhan Hukum*, CV. Rajawali, Jakarta, 1982, Hal 37

<sup>22</sup> Ronny Hanitjo Soemitro. 2010. *Metode Penelitian Hukum dan Jurimetri*, (Ghalia Indonesia, Semarang) Hal. 97.

The following are several important points from the 1960 UUPA:

- a. The purpose of the 1960 UUPA is to regulate legal relations regarding land and natural resources that exist above or below the surface of the land in Indonesia.
- b. The 1960 UUPA stipulates that land and the natural resources contained therein belong to the state, except for land owned by customary rights by indigenous peoples or land owned by foreigners which is regulated by applicable laws and regulations.
- c. UUPA 1960 regulates land rights, including ownership rights, cultivation rights, use rights, rental rights and management rights. Land rights can be obtained through granting rights by the state, grant, purchase, or inheritance.
- d. The 1960 UUPA also regulates restrictions on land rights, such as the prohibition on selling or transferring rights to land owned by customary rights, the prohibition on transferring land rights while it is still under cultivation, and the prohibition on acquiring land in certain areas by foreigners.
- e. UUPA 1960 regulates the procedures for registering land rights, which is carried out through the National Land Agency (BPN) and is carried out by granting land rights certificates.
- f. The 1960 UUPA regulates rights related to land, such as the right to exploit natural resources, the right to buildings, and the right to request compensation if land is used for public purposes.
- g. UUPA 1960 regulates land disputes and procedures for resolving these disputes, which can be carried out through the judiciary or through land dispute resolution institutions regulated by the government.
- h. UUPA 1960 regulates supervision and law enforcement related to land use, which is carried out by the government through BPN and security forces.
- i. The 1960 UUPA regulates agrarian affairs as a source of community life. This shows that the government has an obligation to ensure that the management of land and natural resources in Indonesia is carried out in a sustainable manner and takes into account the interests of the community.
- j. UUPA 1960 also regulates land as a national interest. This shows that land management in Indonesia must be carried out taking into account the interests of the state and the entire community.
- k. The 1960 UUPA also regulates the empowerment of indigenous communities in land management. This law provides recognition and protection for customary rights owned by indigenous communities and gives customary communities authority to manage land and natural resources in their customary territories.
- l. UUPA 1960 also provides legal certainty for investment in the land sector. This is important in supporting investments made by private parties or foreign investors in managing land and natural resources in Indonesia.
- m. Lastly, the 1960 UUPA continues to develop in line with developments in the needs and socio-economic conditions of society. Several amendments have been made to strengthen regulations in managing land and natural resources in Indonesia.

In 2020 Law no. 11 of 2020 concerning Job Creation which changes legal policy in Indonesia. Even though the two are not directly related, there are several provisions in the Job Creation Law that relate to land and agrarian regulations. One of these provisions is regarding the formation of village legal entities, which can assist in managing natural resources and developing regional potential through good spatial planning.

Apart from that, the Job Creation Law also provides regulations regarding ease of licensing for business and investment, including in the agrarian and plantation sectors. This is expected to encourage economic growth, including in the agricultural and plantation sectors related to land and agrarian management. The government issued PP no. 18 of 2021 concerning Management Rights, Land Rights, Flats, and Land Registration to adjust land law to the Job Creation Law. However, PP no. 18 of

2021 concerning Management Rights, Land Rights, Flats and Land Registration only regulates a general description of land registration so that the Minister of Agrarian Affairs issued Minister of Agrarian Regulation/Head of BPN No. 18 of 2021 concerning Procedures for Determining Management Rights and Land Rights which regulates land in Indonesia in detail.

## 2. Legal Basis Used in Land Registration Policy in Indonesia

The National Land Agency uses several legal bases which are used as guidelines and references in carrying out the land registration process in Indonesia. The legal basis includes:

a. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles

Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) is the law which is the legal basis for land regulation in Indonesia. UUPA regulates land rights, land use and land control. The UUPA also regulates property rights, business use rights, use rights, rental rights and land management rights. Apart from that, UUPA also regulates land acquisition for public purposes, land acquisition, and compensation for land that has been taken over by the government.

b. Law Number 24 of 1992 concerning Spatial Planning

Law Number 24 of 1992 concerning Spatial Planning regulates the planning and control of space use related to national development activities. The law also regulates spatial planning, urban development, rural development, development control and environmental protection.

c. Regulation Government Number 24 of 1997 concerning Land Registration

Government regulations Number 24 of 1997 concerning The Land Registry regulates registration land carried out in Indonesia. This regulation regulates the conditions for land registration, procedures for land registration, and the types of land rights that can be registered.<sup>23</sup>

d. Regulation Minister of Agrarian Affairs and Management Room/Head of Body National Land Affairs Number 4 of 2016 concerning Registration Procedures Land

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the Land Agency National No 4 of 2016 concerning Land Registration Procedures regulate land registration procedures in more detail than Government Regulation Number 24 of 1997 concerning Land Registration. This regulation regulates administrative requirements, technical requirements, land registration procedures and procedures for canceling land registration.

e. Law Number 2 of 2012 concerning Land Acquisition for Infrastructure Development

Law Number 2 of 2012 concerning Land Acquisition for Infrastructure Development regulates land acquisition for public purposes, especially for infrastructure development. The law regulates land acquisition procedures, the amount of compensation that must be given to land owners, and the rights of land owners that must be respected.<sup>24</sup>

f. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 13 of 2019 concerning Complete Systematic Land Registration

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 13 of 2019 concerning Complete Systematic Land Registration regulates complete systematic land registration which aims to increase legal certainty over land rights. This regulation regulates procedures for complete systematic land registration, administrative requirements, technical requirements, as well as procedures for canceling complete systematic land registration.<sup>25</sup>

g. PP No. 18 of 2021 concerning Amendments to Government Regulation No. 24 of 1997 concerning Land Registration

Government Regulation Number 18 of 2021 regulates the process and procedures for land registration. Apart from that, this regulation also regulates complete systematic land registration, which is a government program to improve land ownership data and increase legal certainty over

<sup>23</sup> Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.

<sup>24</sup> Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah untuk Pembangunan Infrastruktur.

<sup>25</sup> Peraturan Menteri Agraria/Kepala BPN No. 13 Tahun 2019 tentang tentang Pendaftaran Tanah Sistematis Lengkap.

land rights. This regulation regulates the requirements and procedures for complete systematic land registration, as well as sanctions for parties who do not fulfill their obligations in implementation.<sup>26</sup>

- h. Agrarian Ministerial Decree Head of BPN No. 18 years 2021 about Procedures Determination of Management Rights and Top Rights Land

Minister of Agrarian Affairs/Head of BPN No. 18 of 2021 concerning Procedures for Determining Management Rights and Land Rights regulates procedures for determining management rights and land rights in Indonesia. Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 18 of 2021 also emphasizes the importance of paying attention to environmental and social aspects in determining management rights and land rights. In this case, the applicant is required to attach relevant environmental and social documents as one of the administrative requirements in submitting an application for determination of management rights and land rights.<sup>27</sup>

### 3. Land Registration Mechanism in Indonesia

PP 24 of 1997 concerning Land Registration regulates the land registration mechanism in Indonesia. The following is the land registration mechanism according to PP 24 of 1997:

- 1) Land Registration Application

An application for land registration is submitted by the owner or user of land rights to the local Land Office.

- 2) Application Examination

The local land office will examine the registration application, including checking the necessary data and other requirements.

- 3) Land Measurement

If the application is declared to meet the requirements, land measurements will be carried out by the local Land Office.

- 4) Field Inspection

After the measurements are complete, the local Land Office will carry out a field inspection to ensure that the data filled in in the application matches the field conditions.

- 5) Notification and Disclaimer Time

If the data is correct and the documents have been declared valid, the local Land Office will notify the interested parties of the application within 14 days. Furthermore, the party who feels aggrieved can submit an objection within 14 days.

- 6) Registration Decision

After the objection period ends, the local Land Office will determine the land registration decision and issue a land title certificate if the application is declared valid.

- 7) Registration Fee Payment

Applicants must pay registration fees and other costs related to land registration in accordance with applicable regulations.

- 8) Submission of Land Certificate

The land title certificate will be handed over to the applicant or the applicant's appointed representative after the applicant has paid the registration fee and other costs related to land registration.

This is the land registration mechanism according to PP 24 of 1997. This regulation aims to strengthen land ownership rights and provide legal certainty for land owners. It is important to pay attention to the applicable rules and requirements to ensure the land registration process can be

<sup>26</sup> Peraturan Pemerintah No. 18 Tahun 2021 Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, Dan Pendaftaran Tanah.

<sup>27</sup> Peraturan Menteri Agraria/Kepala BPN No. 18 Tahun 2021 tentang Tata Cara Penetapan Hak Pengelolaan dan Hak Atas Tanah mengatur mengenai tata cara penetapan hak pengelolaan dan hak atas tanah di Indonesia.

carried out smoothly.

## **B. Land Registration Policy in Pati Regency based on Government Regulation no. 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration**

### **1. Implementation of PP no. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration at BPN Pati**

The Pati National Land Agency has implemented PP no. 18 years 2021 on Rights Management, Top Rights Land, Unit Flats and Registration Land, this is proven by the existence of the KKP (Computerized Land Activities) application. Within the scope of the Ministry of ATR/BPN specifically related to the land stewardship process, and the layout of land plots is stored safely at the KKP (Computerization Land Activities). KKP is an information system that is used by utilizing developments in computer technology and is also used as a data center.

With this system, the Pati National Land Agency has implemented the latest regulations. The KKP application has been adapted to the latest land regulations, making it easier for BPN Pati staff to carry out land registration procedures in accordance with applicable regulations. The KKP system does not fully accommodate the entire contents of land regulations, however the steps in submitting an application for land registration have been adjusted to PP No. 18 of 2021 and Minister of Agrarian Affairs/Head of BPN Regulation No. 18 of 2021 concerning Procedures for Determining Management Rights and Land Rights. Apart from that, every time there are new regulations, staff within BPN Pati are always given further guidance regarding these regulations to make their implementation easier.

### **2. Procedures for Application for Land Rights Based on PP No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration at BPN Pati**

Application for land rights based on PP No. 18 of 2021 can be explained more fully by referring to Minister of Agrarian Affairs/Head of BPN Regulation No. 18 of 2021 concerning Procedures for Determining Management Rights and Land Rights.

The following are the steps that must be taken when applying for land rights:

- 1) Make an application containing the applicant's identity, such as name, address and identity number.
- 2) Attach the required documents, such as:
  - a. Proof of previous land ownership or management rights
  - b. Land acknowledgment statement from the previous land owner
  - c. Letter of objection from the previous land owner
  - d. Power of attorney if the application is submitted by another party
- 3) Fill out the land rights application form provided by BPN.
- 4) Paying registration fees and the land measurement process which will be carried out by BPN.
- 5) After the application is received, BPN will carry out the process of verifying the documents and measuring the land requested.
- 6) After the verification and measurement process is complete, BPN will provide a decision regarding the determination of the requested land rights. After the decree is issued, BPN ensures that PPh/TB tax matters are clear and there are no obstacles. So BPN is required to synergize with several agencies.
- 7) If the application is accepted, the applicant will be given a valid land title certificate.

When applying for land rights, it is also important to understand the rights and obligations as the owner or manager of the land being applied for. After land rights are granted, the land owner or manager must fulfill the obligation to care for and protect the land, and ensure that the land does not harm other people or the surrounding environment.

### **3. Implementation Process of PP No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration at BPN Pati**

As the central institution that regulates national land registration in Pati Regency, the Pati



National Land Agency (BPN) plays an important role in implementing PP No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration. The implementation process is in accordance with the applicable system. Where in its implementation there are changes in the field of administration and requirements that do not include changes to the basic procedures and rules in the land registration process. Implementation process of PP no. 18 of 2021 makes the land registration process easier. This is because PP no. 18 of 2021 has been clarified again by Agrarian Ministerial Regulation No. 18 of 2021.

Currently the regulations relating to BPN are in good synergy with PP No. 18 of 2021 and provides convenience for BPN Pati as a land ownership recording institution. BPN Pati has the main task of carrying out administrative records of land ownership as proven by a Land Certificate. With the implementation of PP no. 18 of 2021 BPN Pati places greater emphasis on changing requirements to ensure an element of caution in the land registration process.

More clearly the stages of the implementation process of PP No. 18 of 2021 at BPN Pati is explained as follows:

1. Application Submission

Applicants can submit a written application to BPN Pati. The application must contain the complete identity of the applicant, the purpose of applying for rights to the land or apartment unit, and other supporting documents.

2. Document Verification

In this process, after receiving the application, BPN Pati will verify the documents and carry out an inspection of the proposed land object or apartment unit and other requirements. Verification is carried out to ensure the validity of the documents and the existence of the proposed land object or apartment unit in order to implement the precautionary principle.

3. Field Inspection

After document verification, BPN Pati will carry out a field inspection to ensure the correctness of the data and information related to the proposed land object or apartment unit. Field inspections include checking land boundaries, environmental conditions, and the existence of buildings or other facilities in accordance with or not with the documents submitted.

4. Registration and Issuance of Land Certificates

Once the verification and field inspection process has been completed, BPN will register the rights to the land or apartment units in the nationally integrated land registration system to request a Ministerial Decree regarding the application for these rights. After that, BPN Pati will issue a valid land certificate as proof of ownership of land or apartment units registered with BPN.

BPN also continues to make efforts to improve services and service to the community in the process of processing land rights or SRS. One of them is by introducing an electronic land registration system (e-PPAT) which allows people to carry out the registration process online and more efficiently. Apart from that, BPN also continues to monitor and supervise the existence and management of land in Indonesia to prevent disputes or violations of land rights or apartment units.

#### **4. Conformity of the Land Registration Program at BPN Pati with PP No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration**

The land registration program at BPN Pati is in accordance with PP No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration. This is because BPN Pati as an institution responsible for land management in its area must of course follow and implement the provisions stated in PP No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration. Conformity of the land registration program at BPN Pati with PP No. 18 of 2021 can be seen from several aspects, including:

1. Implementation of an Integrated Land Registration System

BPN Pati has implemented and ensured that the land registration system used is integrated and allows online application submissions. This is because PP no. 18 of 2021 emphasizes the importance of a land registration system that is nationally integrated and implemented electronically.

## 2. Document Verification and Field Inspection

BPN Pati always ensures that the document verification process and field inspections are carried out correctly and in accordance with applicable regulations. This is because PP no. 18 of 2021 requires the Land Office to carry out document verification and field inspections to ensure the validity of the documents and the existence of the proposed land object or apartment unit.

## 3. Registration and Issuance of Land Certificates

BPN Pati always carries out and implements the process of registering and issuing land certificates correctly and in accordance with applicable regulations. PP No. 18 of 2021 stipulates that every right to land or apartment units must be registered and a valid land certificate issued by BPN.

By paying attention to and ensuring the suitability of the land registration program at BPN Pati with PP No. 18 of 2021, it is hoped that the process of managing land rights or apartment units can be carried out effectively, efficiently and transparently for the community.

## 5. Land Registration Program at BPN Pati with PP No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration Has Been Implemented in All Pati Regency Areas

Land registration program in accordance with PP no. 18 of 2021 has been implemented throughout the Pati Regency area. This is because each city or region only has 1 BPN representative office. So if someone wants to apply for land registration, they must come to the representative office. This means that BPN Pati has implemented PP no. 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration, the entire Pati Regency area has implemented this regulation.

## 6. Effectiveness of BPN Pati in Implementing PP no. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration

As a statutory regulation, PP no. 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration has been promulgated and officially in effect in Indonesia since February 12 2021 and has been implemented effectively at BPN Pati. This is because PP no. 18 of 2021 aims to improve the system of management rights, land rights, apartment units and land registration in Indonesia, so as to increase legal certainty for land rights owners, encourage investment and support national development.

On the other hand, the effectiveness of implementing PP No. 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration due to changes in administration which makes it easier for BPN Pati to implement them. The main changes contained in PP No. 18 of 2021 from the previous regulations are:

1. Simplification and integration: PP No. 18 of 2021 integrates various previous regulations regarding land rights, land registration and apartment units into one single regulation. This is intended to facilitate and simplify the process of land registration and determining land rights in Indonesia.
2. Strengthening the land registration system: PP No. 18 of 2021 emphasizes the importance of strengthening the land registration system in Indonesia by using information technology and an integrated registration system.
3. Expansion of land registration objects: PP No. 18 of 2021 expands land registration objects to include uncertified land, state-owned land, customary land, ulayat land and forest land.

4. Protection of the rights of land owners and local communities: PP No. 18 of 2021 emphasizes the importance of paying attention to the rights of land owners and local communities in the land registration process and determining land rights.
5. Increased administrative sanctions: PP no. 18 of 2021 increases the administrative sanctions that can be imposed on parties who violate the provisions set out in this regulation.

Overall, the changes contained in PP No. 18 of 2021 from the previous regulation aims to improve and simplify the system of land rights and land registration in Indonesia, as well as increasing protection of the rights of land owners and local communities. These changes are expected to facilitate the land registration process, increase legal certainty, and support national development and sustainable development in Indonesia. With the integration and simplification of regulations regarding land rights, land registration and apartment units, it is hoped that the land registration process will become easier, more effective and efficient. Apart from that, strengthening the land registration system using information technology and an integrated registration system is also expected to increase accuracy and speed in the land registration process.

#### **7. Effectiveness of BPN Pati in Implementing PP no. 18 of 2021 concerning Management Rights, Land Rights, Flat Units and Land Registration**

PP No. 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration contains clear rules regarding the land registration process in Indonesia. However, BPN Pati, as the agency responsible for implementing land registration, still faces several obstacles in this process. Several obstacles faced by BPN Pati in the land registration process based on PP No. 18 of 2021 is more experienced and detrimental to the applicant. These obstacles include:

##### **1. Land Registration Requirements and Administration**

This obstacle is due to the many administrative requirements and documents that must be fulfilled by land owners which are not explained in PP No. 18 of 2021 and Agrarian Ministerial Regulation No. 18 of 2021 but is detailed in the KKP (Computerized Land Activities) application owned by BPN with consideration of the element of caution. So, to find out the requirements, the applicant must come to the BPN office.

##### **2. Land Ownership Issues**

Complex land ownership issues and unclear ownership become obstacles in the land registration process. BPN still faces obstacles in identifying and verifying due to dishonesty of applicants in attaching legal documents, different reported data and disputes when measuring applications.

##### **3. Tax Issues**

Tax problems arise because PPhTB has not been paid in full or there are arrears, causing the land registration process to be hampered. This can be an obstacle in the land registration process because BPN requires proof of tax payment as a land registration requirement to obtain the output in the form of a Land Certificate.

These obstacles cause more losses to the applicant. Obstacles that are detrimental to BPN Pati occur when the land registration application process takes a long time due to differences in field facts and juridical documents, where when BPN Pati officers come to the measurement location, a dispute occurs so that the registration process takes a long time, resulting in time being wasted and consumed just to handle one application. .

### **CONCLUSION AND SUGGESTION**

#### **Conclusion**

Based on the results and discussions that have been discussed by researchers regarding "Ownership Land Registration Policy Based on Government Regulation Number 18 of 2021 concerning Land Registration Rights (Study at BPN Pati" it can be concluded as follows:

- a. Land registration policy in Indonesia refers to Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles. UUPA is a law that regulates agrarian law in Indonesia and provides an important legal basis for managing land and natural resources in Indonesia. In its development, land registration legal policies in Indonesia have been adapted to legal developments in Indonesia. In 2020 Law no. 11 of 2020 concerning Job Creation which changes legal policy in Indonesia. Even though the two are not directly related, there are several provisions in the Job Creation Law that relate to land and agrarian regulations. One of these provisions is regarding the formation of village legal entities, which can assist in managing natural resources and developing regional potential through good spatial planning.
- b. The Pati National Land Agency has implemented PP no. 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration, this is proven by the KKP (Computerization of Land Activities) application. Within the Ministry of ATR/BPN, especially those related to land services, a single map or base map is stored in the KKP (Computerized Land Activities) system. KKP is a land information system where computerization of land activities takes place as well as being a land database. With this system, the Pati National Land Agency has implemented the latest regulations. The KKP application has been adapted to the latest land regulations, making it easier for BPN Pati staff to carry out land registration procedures in accordance with applicable regulations.

### Suggestion

- a. For BPN Pati Regency
  - 1) Increase supervision over the implementation of land registration policies, including ensuring data accuracy and good document management.
  - 2) Carry out intensive outreach to the public regarding the importance of registering land ownership rights, either through print media, online, or direct outreach to the public.
  - 3) Ensure that land registration fees are not too expensive so that they can be reached by people who need them.
- b. For Society
  - 1) Before registering land, the public must understand the applicable regulations well to avoid errors in the registration process. In this case, government regulation number 18 of 2021 concerning land registration rights must be studied carefully.
  - 2) The community needs to prepare the documents required for the land registration process. Some documents that are generally requested include land certificates, land certificates, land ownership statements, and other documents related to land ownership.
  - 3) Before carrying out land registration, the community needs to carry out land measurements to confirm the boundaries of the land they own. This is important to avoid land disputes in the future and to expedite the land registration process

### REFERENCES

1. Avivah, L. N., Sutaryono, S., & Andari, D. W. T. (2022). Pentingnya pendaftaran tanah untuk pertama kali dalam rangka perlindungan hukum kepemilikan sertifikat tanah. *Tunas Agraria*, 5(3), 197–210. <https://doi.org/10.31292/jta.v5i3.186>
2. Dewi, A. S. (2018). Mekanisme Pendaftaran Tanah Dan Kekuatan Pembuktian Sertifikat Kepemilikan Tanah. *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum Dan Keadilan*. <https://doi.org/10.32493/jdmhkdmdhk.v9i1.1174>.
3. Earlene, Felishella, Tandrajaya, Jesslyn Evelina. 2019. Sengketa Penguasaan Tanah Antara Warga Kapuk Poglar RT 07/RW 04 Jakarta Barat Dengan Polda Metro Jaya Ditinjau Dari Perspektif Hak Asasi Manusia, 3:2 Cepalo at 21.
4. Guntur, I Gusti Nyoman, Pendaftaran Tanah, Kementerian Agraria Dan Tata Ruang/Badan Pertanahan Nasional Sekolah Tinggi Pertanahan Nasional, Yogyakarta, 2014, Hal. 1.

5. Hajati, Sri. 2018. Buku ajar Politik Hukum Pertanahan, (Surabaya: Airlangga University Press), Hal 1.
6. Lestario A, Erlina e. (2022). "Sistem Pendaftaran Tanah Yang Memberikan Perlindungan Hukum Bagi Pemegang Sertifikat Hak Atas Tanah Di Indonesia". *Notary Law Journal* 1 (1):1-30. <https://doi.org/10.32801/nolaj.v1i1.1>.
7. Manthovani, R., & Istiqomah, I. (2021). Pendaftaran Tanah Di Indonesia. *Jurnal Magister Ilmu Hukum*. <https://doi.org/10.36722/jmih.v2i2.744>
8. Monika, D. (2020). Analisis Yuridis Eksistensi Pejabat Pembuat Akta Tanah (PPAT) Dalam Perspektif Pendaftaran Tanah Di Kecamatan Tanjungpinang Timur (Studi Penelitian Dikantor Notaris Dan Pejabat Pembuat Akta Tanah Afika Hersany). *Jurnal Selat*. <https://doi.org/10.31629/selat.v7i1.1534>
9. Musthofa, Ali. 2022. Kasus Sengketa Lahan SDN 2 Dukuh Seti: Pemkab Pati Tekankan Upaya Damai, Pengacara Minta Mediasi. [adarkudus.jawapos.com/pati/20/11/2022/kasus-sengketa-lahan-sdn-2-dukuhseti-pemkab-pati-tekanan-upaya-damai-pengacara-minta-mediasi](http://adarkudus.jawapos.com/pati/20/11/2022/kasus-sengketa-lahan-sdn-2-dukuhseti-pemkab-pati-tekanan-upaya-damai-pengacara-minta-mediasi).
10. Parlindungan A. P. 1993. Komentor Undang-Undang Pokok Agraria, (Bandung: Mandar Maju), Hal. 15.
11. Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.
12. Peraturan Pemerintah No. 18 Tahun 2021 Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, Dan Pendaftaran Tanah.
13. Peraturan Menteri Agraria/Kepala BPN No. 13 Tahun 2019 tentang tentang Pendaftaran Tanah Sistematis Lengkap.
14. Peraturan Menteri Agraria/Kepala BPN No. 18 Tahun 2021 tentang Tata Cara Penetapan Hak Pengelolaan dan Hak Atas Tanah mengatur mengenai tata cara penetapan hak pengelolaan dan hak atas tanah di Indonesia.
15. Okta, Dwifa. 2020. Polemik Tanah Di Kelurahan Pati Kidul Berlanjut, Bpn Dan Lurah Satu Suara, Wpm: Semua Akan Saya Tuntut. [smartcity.patikab.go.id/index.php/data\\_berita/detail/berita\\_online/3533](http://smartcity.patikab.go.id/index.php/data_berita/detail/berita_online/3533).
16. Ronny Hanitjo Soemitro, Metode Penelitian Hukum dan Jurimetri, Ghalia Indonesia, Semarang, 1990, Hal. 97.
17. Santoso, Urip. Hukum Agraria Komprehensif, (Jakarta: Prenadamedia Group, 2012) Hal 9.
18. Sibue, H. Y. P. (2010). Tinjauan Yuridis Konsep Kepentingan Umum Dan Dasar Penghitungan Ganti Rugi Dalam Proses Pengadaan Tanah Untuk Kepentingan Umum. Negara Hukum.
19. Soerjono Soekanto, Kesadaran Hukum dan Kepatuhan Hukum, CV. Rajawali, Jakarta, 1982, Hal. 37.
20. Soerodjo, Irawan. 2013). Kepastian Hukum Hak Atas Tanah Di Indonesia, (Surabaya: Arkola), Hal 145.
21. Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan Kombinasi*, (Bandung: Alfabeta, 2016), Hal. 467.
22. Undang-Undang Dasar 1945 Pasal 33 Ayat 3.
23. Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.
24. Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah untuk Pembangunan Infrastruktur.
25. Zainudin, Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2016), Hal 17.