



Land Certification Policy through Complete Systematic Land Registration (PTSL) in Malang Regency of Indonesia

(Study on Policy Implementation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency)

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ABSTRACT

The Land is a public good that has a high enough economic value because the land provisions and the number of people who need land for activities increases. This is the basis for national and international regulations that justify the need for the presence of a government that has the power to regulate and limit the absolute freedom of use of property rights by legal persons with the status of citizens. The existence of the state in regulating land ownership is the basis for legal certainty in regulating justice in society. The State's authority to be present in land affairs is regulated by Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (Article 19) which states to ensure legal certainty by the Government through registration including: first, measurement, mapping and land bookkeeping; second, the registration of land rights and the transfer of these rights; and third, the issuance of letters of proof of ownership rights. In the legal principle of the law above, it is explained through Government Regulation Number 24 of 1997 concerning Land Registration, explains the purpose and use of land registration as legal certainty for land rights holders and is explained in more detail through the regulation of the State Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 2018 concerning Complete Systematic Land Registration of PTSL as the embodiment of Agrarian Reform. One of the districts that implement the PTSL Program is the Malang district with the Perbup Kab. Malang number 14 of 2018 which regulates the financing of the Complete Systematic Land Registration Preparation Charged to the Community with a 2018 target of a quota of 62,000 (sixty two thousand) fields spread over 15 (fifteen) Districts and 23 (twenty-three) Villages that become The formulation of the research problem is to study the implementation of PTSL policies, the supporting and inhibiting factors of the program and the implementation model of land administration policies as land reform through the PTSL program. The theory in this study focuses on the public policy process with an approach to implementing public policy in the continental state system to explain government actions that have a set of authoritative value authority in political, legal and financial aspects as the government's response to a series of utilitarian alternatives in solving community problems that have the potential for conflict. Contradictions of various procedures, actors and substantive social problems, the government must have ethical awareness to create maximum happiness and minimize suffering and injustice in society. This research uses a descriptive qualitative approach as a naturalistic approach that collects secondary and primary data types with the data sources in this study being research informants, events, documents and using triangulation techniques as a combination methodological technique to understand a phenomenon holistically. From the results of the study, it was found that several phenomena regarding the implementation of land certificate policies through the PTSL program in the Malang Regency had been regulated through the Regency Perbup. Malang number 14 of 2018 as a massive PTSL technical implementation in the Malang Regency with a fairly large target in 2021 with a target of 97,225 plots of land this is a form of Good Government and Public Relations (HAM). In the implementation of the PTSL stage, it was in accordance with applicable procedures and rules as well as physical and juridical requirements with the implementation involving village officials as a technical team. Various villages have differences in the estimation of PTSL financing, but the case model is relatively the same, namely the lack of budget because many. Activities are outside the plan and lead to corporate, the applicant's physical evidence is mostly in the form of letter C and the lack of data collection on changes in land status in the village ledger. the delay in the completion of the PTSL field officer this could potentially lead to horizontal conflicts and the risk lawsuit over the certificate of ownership of the PTSL program. Such problems need to change the PTSL mechanism that applies the value of utilitarianism such as the adjustment of field officers to the location of the PTSL program, sharing of community financing, village governments and local governments. the delay in the completion of the PTSL field officer this could potentially lead to horizontal conflicts and risk a lawsuit over the certificate of ownership of the PTSL program. Such problems need to change the PTSL mechanism that applies the value of utilitarianism such as the adjustment of field officers to the location of the PTSL program, sharing of community financing, village governments and local governments. the delay in the completion of the PTSL field officer this could potentially lead to horizontal conflicts and risk a lawsuit over the certificate of ownership of the PTSL program. Such problems need to

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Keywords: Agrarian Reform, Policy, Land Reform, Land Administration.

1. INTRODUCTION

Soil is the most important thing in human life, from the time they are born until they die, so it can be said that humans will continue to be in touch with the land. Land is also a very important factor in the life of a society, especially in the environment of Indonesian society, where most of the population depend on land for their livelihood. Land, if properly managed and maintained, can bring prosperity to the owner who cultivates it. The demands of development and the demands of improving the welfare of mankind require that arrangements be made on land management in the best possible way so that various interests and needs for land can be carried out in a harmonious, harmonious, balanced and precise manner.

Official land registration information can be used as proof of ownership of land, for example in dispute resolution or when land is used as collateral. To be systematic, there must be policies, standards and procedures for collecting, validating, maintaining and providing access to land information. The program launched by the government through PTSL is implemented in the context of accelerating land administration as an effort to support the land reform agenda.

In Indonesia, the basic policies of national development are contained in the Preamble to the 1945 Constitution, namely protecting the entire nation and the entire homeland of Indonesia, promoting public welfare, educating the nation's life and participating in carrying out world order based on independence, eternal peace, and social justice. Of the many development sectors, the policy on land legality is a very important part for people who need legal certainty over their land, both land for settlements and land for business. Communities can be more productive if the land they own has legal certainty. In the concept of ownership based on Ancient Roman law which became the basis for land regulations in Indonesia, Property rights are born on the basis of the process of occupation and control so that they get recognition (Soesangobeng, 2012). These three stages are passed by residents by occupying a piece of land and then controlling it so that in the end it gets recognition from the government through a legal decision (land certificate) so that in enforcing land administration and law it is done through affirmation and protection of a person's civil rights (civiel recht) (corpus) every time, citizens of the land they own.

The authority and power of the State as the highest land owner because of its legal sovereignty, causes the State to have the power to regulate and limit the absolute freedom of use of property rights by legal persons with the status of citizens. Therefore, Indonesia has guaranteed the rights of its people as stated in the constitution. It is undeniable that the application of regulations on agrarian matters in Indonesia refers to the agrarian law inherited from the Dutch colonial government. The status of land ownership based on the BW (wetboek) inherited from the Dutch colonial government is part of the law of objects so that property rights on a plot of land are divided into two parts, namely property rights and agrarian rights (Soesangobeng, 2012). Property rights are granted by the state to individuals to control the plots of land they own. while agrarian rights are usufructuary rights or leases that the state gives to a person. So, from the philosophical explanation of the law related to land ownership, it is concluded that the highest right holder of land tenure is the State.

Legal certainty is important to regulate the life of a just society, it can avoid violations that can be committed by the community or law enforcers themselves. For this reason, it is necessary to have legal rules that can be used by the state in regulating the order of people's lives. Likewise regarding land, the Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Regulations on Agrarian Principles in Article 19 states that to ensure legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions stipulated by Government Regulations. The registration includes: first, measurement, mapping and bookkeeping of land; second, the registration of land rights and the transfer of these rights; and third, the issuance of certificates of proof of rights,

Land registration is carried out keeping in mind the state and community conditions, socio-economic traffic needs and the possibility of every inch of land in the eyes of agrarian law, the status of rights and rights holders must be clear. For example, land with Hak Milik is clearly not State land and the criteria are different from lands with Right to Build, Right to Cultivate, and Right to Cultivate..

Complete systematic land registration as formulated in the Regulation of the Minister of State for Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 is a land registration activity for the first time that is carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in one village or sub-district area. or another name at the same level, which includes the collection and determination of the correctness of physical data and juridical data regarding one or several objects of land registration for the purpose of registration. As a form of effort in accelerating complete systematic land registration, there are several regulations that encourage the acceleration of the program to provide legal certainty over land controlled by the community as shown in the following table:

Table 1. Supporting Regulations for the Implementation of a Complete Systematic Land Registration Program

No.	Type of Regulation	Regulatory Number	Regulatory Substance
1	Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the Land Agency National	Number 12 2017	on the Acceleration of Complete Systematic Land Registration,
2	Joint Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, Minister of Home Affairs, Minister of Villages, Development of Disadvantaged Regions and Transmigration	Number: 25/SKB/V/2017 Number: 590- 3167A of 2017 Number: 34 of 2017	About Funding for Complete Systematic Land Registration Preparation
3	Presidential Instruction	Number 2 Year 2018	About Acceleration of Complete Systematic Land Registration in All Territories of the Republic of Indonesia

Source: illustrated by the author from a regulatory review of the PTSL program.

Based on the above regulatory map and various agrarian issues, Malang Regency with regional characteristics is agrarian and prone to conflicts over land ownership, the decentralization of the service system implemented requires local governments to take part in the design of national agrarian reform through a complete systematic land registration program.

One of the supports made by the Malang Regency Government regarding complete systematic land registration is through Malang Regent Regulation Number 14 of 2018 concerning Financing for Complete Systematic Land Registration Preparations Charged to the Community. Regarding the Complete Systematic Land Registration, Malang Regency in 2018 obtained a quota of 62,000 (sixty-two thousand) fields spread over 15 (fifteen) Districts and 23 (twenty-three) Villages.

From the above conditions, Tambakasri Village, Tajinan District, in 2018 related to the complete systematic land registration program, obtained a quota of 1,900 (one thousand nine hundred) parcels out of a total of 62,000 (sixty-two thousand) land parcels. And in other villages it is also proposed as a location for applying for land registration through the PTSL program.

This study aims to analyze and describe the implementation of land certification policies through complete systematic land registration in Malang Regency; analyze and describe the factors driving and inhibiting the implementation of land certification policies through complete systematic land registration in Malang Regency; Analyze, describe, and explain the implementation of land administration policies through complete systematic land registration to realize agrarian reform.

2. LITERATURE REVIEW

2.1. Public Policy Theory and Public Policy Implementation

Reviewing the PTSL program issue as part of public policy, it is necessary to understand that public policy has a very broad (comprehensive) dimension, because public policy covers all issues related to the public or society in general, while the locus of public policy is from the issue of identity cards to defense and security. security. The public domain itself is quite diverse, there are at least 13 domains (Wayne Parson, 2006) concerning the public, such as public interest, public opinion, public goods, public law, public sector, public health, public transport, public education, public service broadcasting, public accountability, public toilets, public order and public debt. Public policy in general can be defined as a system of laws, regulatory measures, actions, and funding priorities on a particular topic announced by a government entity or its representatives is a more specific term, which refers to a long series of actions taken to solve societal problems (Newton and van Deth, 2005).

2.2. Utilitarianism theory

Principle utilitarianism in policy-making emphasizes achieving the greatest good for the greatest number. Actions must be evaluated according to their consequences (Preston, 2007). Utilitarianism emphasizes good results in public making as a basis for evaluating public action. The core idea of Utilitarianism is that what makes a public policy action or policy right is that it brings better consequences than the alternatives. Utilitarian theory offers a variety of definitions of the best policy outcomes, including the greatest possible increase in pleasure over the agony of classical utilitarianism, and the greatest possible satisfaction of welfare economic preferences (Sidney, Fischer and Miller 2007). Moreover, it states that an appropriate public policy action is one that results in the greatest happiness, pleasure or well-being for the greatest citizens of the country.

2.3. Land Theory

Land is the source of all material wealth, because everything that can be used and valued comes from the land. For this reason, records on land parcels are important in the context of formulating policies, making arrangements, managing land to realize welfare for all people and guaranteeing legal certainty for the interests of land owners. However, the urgency of recording (certification) of land must be properly understood. Land certification is not something magical, it will automatically result in good land use and utilization, or by itself can resolve land disputes or conflicts. Certification will not automatically create a fair and equitable land tenure system, or improve the owner's economy.

Certificates are only one means or tools to help administer land parcels for various purposes. Certification is only a means to an end, but it is not an end in itself. If this basic essence is forgotten by the Government (in this case by the land authority), it is likely that a lot of time, energy and effort will be spent without significant benefits, as described in the background.

2.4. Agrarian Reform Theory

ReformAgrarian Affairs, which in its implementation is also called the National Agrarian Reform Program (PPAN), is a joint effort of all components of the nation in order to reorganize the inequality of control, ownership, use and utilization of land towards a structure that better guarantees justice, sustainability and improves welfare, in accordance with the land principle. for justice and the welfare of the people. PPAN is a continuous process with regard to the realignment of control, ownership, use and utilization of land. Implemented in order to achieve legal certainty and protection as well as justice and prosperity for all Indonesian people (Sumarjono, 2009).

2.5. Conception of Complete Systematic Land Registration Program (PTSL)

In the planning stage of PTSL activities, the Head of the Land Office has developed PTSL Program service standards, as the init process has two stages; Identification of Land Data, Completion of K4 Studio and Repositioning, and preparation of a roadmap and determination of PTSL strategy.

3. RESEARCH METHODS

3.1. Types of research

This study uses a qualitative approach where this research can generally be used for research on people's lives, history, behavior, functional organizations, social activities and others (Strauss and Corbing, 1997). This research is a case study research that occurs in a certain area.

3.2. Research focus

The focus of this research is as follows:

1) PTSL implementation stages

- a. Location setting
- b. Formation of the accelerated adjudication team
- c. Counseling
- d. Physical data collection
 - (1) Preparation;
 - (2) Measurement & mapping of land parcels;
 - (3) Juridical data collection;
 - (4) Data processing & determination of land rights;
 - (5) Bookkeeping of rights & issuance of certificates

2) Factors that support and hinder the implementation of PTSL in Malang Regency, including:

- a. Supporting factors:
 - (1) Institutional
 - (2) Resource
 - (3) Funding/Budget

- (4) Stakeholder Commitment
- (5) Stakeholder Coordination and Communication

b. Inhibiting factors:

- (1) Availability of infrastructure
- (2) Availability of resources
- (3) Financing scheme
- (4) Stakeholder support
- (5) Legal protection (PTSL products & officers)
- (6) The model of implementing land administration policies through complete systematic land registration to realize agrarian reform in Malang Regency.

3.3. Data analysis technique

The data analysis technique used in this research to answer the problems and research objectives is interactive analysis. This analytical technique examines discursively from various issues related to the reconstruction of community policing.

4. DISCUSSION

4.1. PTSL Implementation Stages

Organized land registration system can produce the final product in the form of a certificate. This is proof that the legal form of land ownership in an area in Indonesia is legally valid. In the implementation of the administration as well as from the community itself. There are still people who do not really understand the importance of a land data collection. Holders of land rights are entitled to obtain authentic evidence with legal force regarding their land ownership from the authorized institution, namely the National Land Agency.

Complete Systematic Land Registration as formulated in Article 1 Number (2) Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 6 of 2018 is a form of land registration activity for the first time which is carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in one village or sub-district area or another name at the same level, which includes the collection and determination of the correctness of physical data and juridical data regarding one or several objects of land registration for the purpose of registration.

As the stages of land certification clearly fulfill the following stages; In the first stage of the PTSL program in Malang Regency, planning and preparing for the implementation of the PTSL program by coordinating and mobilizing the assignment of employees from the BPN office in the Malang Regency area as an effort to manage human resources for backward conditions or the limited number of field assistant officers.

Second stage namely the determination of the location of PTSL where the implementation of the determination is carried out by the head of the land office by determining the location of PTSL activities as a priority by referring to the amount of land per Village/Urban Village, and District relating to land that has not been registered in the mapped or uncharted category (K42). The process of determining the categorization and priority of PTSL by the Head of the BPN based on the basic map information per Urban Village/Village which is based on the work map of the Malang Regency BPN.

The results of the analysis of the determination of the location of PTSL in Malang Regency based on data from the Village/Urban Village as the results of the analysis of the Head of the Malang Regency BPN in 2019 and 2020 there were 47 villages based on village readiness with community collaboration efforts. And the readiness of the village apparatus system to provide information on the registered land register.

Third stage namely the establishment of the PTSL Acceleration Adjudication Team consisting of the following;

- a. The Chairman of the Committee concurrently serves as a member of the Land Office.
- b. The Deputy Chair in charge of agrarian infrastructure and concurrently a member is held by an employee of the Land Office who understands the affairs of land infrastructure.
- c. The Deputy Chair in charge of agrarian legal relations and concurrently a member is held by an employee of the Land Office who understands the affairs of land law relations.

- d. Secretary who is held by an employee of the Land Office.
- e. Head Village/Village local or a civil servantThe village/sub-district he designates.
- f. Members of the Land Office elements as needed. Taking into account the availability of resources for implementing officials, each PTSL Adjudication Committee can be formed for more than 1 (one) or for several sub-districts by involving elements of the apparatus of each village/Urban Village concerned.

Fourth stage that is counseling where this stage is carried out by the Malang Regency PBN office and the Adjudication Committee assisted by the Physical Task Force and Juridical Task Force whose implementation can be explained in an interview explanation by the Head of the BPN as follows:

- 1) Benefits for the community and government in the clarity of the land ownership process and its boundaries.
- 2) Determination and installation of land boundaries that will reduce the risk of changing the permanent boundaries of the land. So that there will be clarity in the continuity of the land.
- 3) Preparation of juridical evidence for the juridical task force

Preparation of the scheduling agenda for land area measurement as a stage of juridical data collection by the physical task force and the juridical task force.

- 1) Finalization of the final results of PTSL program activities
- 2) The stages of financing proposed to the central government through the National Land Agency, as well as collective community self-help funds, which are technically assisted by physical task force officers.
- 3) Determination of costs and / taxes borne by PTSL activity participants
- 4) In the village counseling process carried out by Task Force officers and the Village Government / Village apparatus through village meetings as well as an initial evaluation of the need for assistant officers in the field. At this stage, responsiveness to institutional needs has been recorded, management functions have been used properly as the stages of Planning, Organizing, Staffing, Directing, Coordinating, Reporting and Baggetting (POSDCROB) Glick and Urwick (1933 in Thoha, 2003: 23).
- 5) The committee's good communication with the community is able to build community participation. In PTSL phase I can complete the target according to the quota from the central government, which in the next phase can also be completed optimally. The suitability of the target is also another consideration by the community to trust the PTSL program.

Fifth stage namely the collection of physical data where the process of examining physical evidence and juridical evidence is adjusted to the real conditions in the field or the verification stage of physical, juridical evidence with factual in the field. As the steps carried out are already procedures, as follows;

- a. Exploring information regarding the suitability of the names and professions of PTSL Adjudication participants.
- b. Comparing the suitability of the information contained in the inventory form and juridical documents/data with the conditions of land tenure and use, as well as the suitability of the location of boundaries and area as stated in the physical data, namely the Land Plane Map, and other physical data if necessary, with the reality on the ground. Inspection of land to determine the status of ownership is very important considering that land is one of the primary needs for humans and the need for land is increasing. This is due to the increasing number of residents, while on the other hand the land area does not increase. The basis for legal certainty regarding land ownership rights is contained in Article 19 Paragraph (1) of the LoGA which states that to guarantee legal certainty by the Government.
- c. Announcement of Physical Data and Juridical Data on Land Sector and Proof of Rights The stages of announcement of physical data and juridical data on land parcels and proof of rights are carried out to fulfill the announcement of physical data and juridical data published at the Land Office and the local Village/Urban Village Head Office and if available at the Assistant Office (basecamp) PTSL Adjudication Committee, for 14 (fourteen) calendar days. The determination of the deadline for 14 calendar days is one of the efforts to accelerate the land registration process, so that by determining the time limit the process of announcement of physical data and juridical data becomes faster, and the stages of land registration through PTSL can be continued at the next stage.

4.2. Factors that Support and Inhibit PTSL Implementation in Malang Regency

4.2.1. Supporting Factors

a. Institutional

Institutionally the PTSL program is a Stragas program / National Strategy Backed up by the ministry of regulation, Permen ATR/Head of BPN No. 6/2018 states that the implementation of PTSL can be carried out through PTSL activities, or a combination of PTSL activities with other programs and/or activities, namely:

- a. Cross Sector Certification Program;
- b. Community self-help mass certification program;
- c. Programs or activities for mass certification of land redistribution objects for land reform, land consolidation, and transmigration; or
- d. Other mass certification programs or activities, or a combination of several/all activities in accordance with the provisions of laws and regulations

Where the existence of an organization that has been well organized and structurally also clearly has an impact on producing a good work environment. A good work environment will also have a positive impact on PTSL officers in each village, for the work environment at the village level is already good and nothing is different, because they have a great responsibility so that they create a comfortable work environment, so that the officers also can complete the process of filing and inputting data in a timely manner, and also the community certificate is ready.

The rule factor where the rules are an important tool as an institution, in all things people's actions and actions. The role of the rules must be made, obeyed and monitored so that they can achieve the goals in accordance with the objectives. As explained in the formulation of problem 1 regarding the legal basis related to the implementation process and the registration financing process. Where in each village has its own policies and regulations.

Determination of PTSL targets is carried out using IP4T and UN data. However, it turns out that the use of PBB SPT data was not carried out carefully whether the holder of the PBB SPT is really the owner or only the party who controls it, the Tebing Tinggi City Land Office for example, the area is mostly PTPN and KAI lands, so the K1 target is not fulfilled because many cannot be processed until the certificate is issued, because the Subject of Rights temporarily does not meet the PTSL requirements. In Malang Regency, most of them have been measured and mapped, but due to not taking into account juridical data, the achievement in SKMPP is only 3.7%.

b. Resource

The PTSL program is supported by the Infrastructure Sector at the Regional Office in addition to the central government as well as support from the local government where in determining field officers also involves local wisdom as the key to the success of the PTSL program. It is not easy to determine the boundary point of the land; because the responsibility for the validity of the data is a problem.

Despite the limited number of staff at the district level / measuring officers whose duties are 244,375. 15 ha was assigned to 32 qualified persons in the measurement who have expertise in land measurement, there are still physical task force officers and juridical task force officers. The clarity of the officers is the basis for determining the location that has been decided by the Head of the Malang Regency BPN.

In addition, the income/reward factor of a person, which is also not far from the work motivation factor for officers, either in the form of enthusiasm or in the form of rewards, both financially and in the form of other rewards.

The desire for self-desire is different from one person to another, so that human behavior tends to vary in work. Work motivation is really needed, because completing responsibilities as a PTSL officer is indeed not easy, so communication between the chairman and members is needed, and one member to another. , so as to create cohesiveness in the teamwork.

c. Funding/Budget

There is still a relatively minimal budget from the center with the assumption that one land certificate is subsidized for 150,000 (one hundred and fifty thousand), for the cost of certification. This gives full authority to field officers to calculate the additional costs for reporting and then being informed by the community as fulfillment of implementation. stakes and measurement costs after determining the measurement of land boundaries one by one plot.

The ease of funding the PTSL program is due to the PTSL program which has been subsidized by the central government

from APBN sources and at the same time the funds charged to the community are also relatively cheap and the mechanism is easy. Many people are interested in the PTSL program. Because the benefits of the PTSL program for the community are also quite clear, namely being able to be used as collateral in trading business capital and funds for other consumptive purposes.

d. Stakeholder Commitment

Many parties support the PTSL program because the benefits of certification can be used as collateral for borrowing money at the bank or it will be easier to give up / transfer land ownership status. The commitment by the village government and the community is quite large, this can be seen from the support or support from the government at the village level, sub-district level government and even district level government, this shows commitment and support for the PTSL program institutionally (Farazmand, 2009).

The form of support for stakeholders in the PTSL program in Malang Regency is also personal support. Namely the commitment of the wider community in Malang Regency to participate in the PTSL program.

Based on the above analysis, the realized commitment to the partnership is formed if the commitment requires the following conditions.

- a. There are two or more parties, namely the government, the private sector and the community.

Have a common vision in the success of the PTSL program as a common goal in realizing land reform in Indonesia

- a) There is a common understanding so that there is an agreement between the government and the community in the management of PTSL which can have an indirect positive effect on the economy of the surrounding community.
 - b) Needing each other from the government and the community have their respective roles that cannot be separated and both need each other for the Land Certification program.
- b. Partnerships that are implemented in tourism development and management must have a clear concept and provide benefits to the surrounding community. The infrastructure partnership developed in the PTSL program between the government and the private sector has several concepts ranging from fully public (fully government) to fully private (fully private) (Savas, 2000).

e. Stakeholder Coordination and Communication

Communication and Coordination being an integral part of institutions is one of the most important forms of human activity. Not a day without communication. There is no human society that does not carry out communication, because communication is a symbol of the existence of life in society. While the organization is the stage of evaluation of the stages of the program. Viewed from this point of view, communication and organization are seen from the general and broad meaning, namely the relationships and interactions that occur between two or more people/parties. This interaction occurs because someone conveys messages in a certain form that is received by the other party who is the target so that more or less will affect the attitude and behavior of the party in question. Anyone as a member of society does this continuously—sometimes even without realizing it—including those who do not understand the meaning of the concept of communication. Therefore, it can be understood that communication is an activity carried out by all members of society.

4.2.2. Inhibiting factors

1) Availability of infrastructure

Infrastructure in the PTSL program in Malang Regency concerns the registration base map / work map which is legally agrarian called the PTSL location base map. Problems encountered in infrastructure include;

- a) **First** concerning the issue of photo maps obtained from satellite images, which are the result of facilitation from the ministry of ATR/BPN. However, the image has a different level of resolution, the image has a low spatial resolution, so there are difficulties if it is used to identify the position of the plot of land.

The accuracy of the image geometry is also not very good, so the mapping officer must translate and rotate the position of the ground plane. Not all areas in one district administration area are well recorded, there are some areas that are covered with clouds such as what happened in Kepanjen District, Bululawang District, Lawang District. In addition, there are problems with administrative order where the Registration Map is brought home by the Measurement Officer. Such efforts have been coordinated for efforts to collect physical and juridical data.

Map archives are not good at several Land Offices. One that is very useful for planning is the availability of maps such as registration base maps, registration maps, IP4T maps, upright image maps, UN block maps. Ideally, before the measuring officer goes to the field, the juridical data collector first conducts data collection and analyzes how many fields can be

processed until the certificate is issued, how many fields are still in dispute, how many fields are subject to rights that do not meet PTSL requirements, and how many fields have been included in the GeoKKP application. ATR/BPN, but the quality does not meet the requirements.

However, several Land Offices cannot do this because the management of the maps is not good. The Land Office cannot rely on GeoKKP maps alone to plan PSTSL targets but must use work maps that can inform all existing fields.

- b) **Second** concerning the quantity, quality and types of measuring instruments. Almost all land offices used as research samples have insufficient number, quality and types of measuring instruments to support PTSL activities. For example, at the Malang Regency Land Office, the target is 88,095 fields with only 6 Total Stations, a GNSS rover with a Navigation type and a meet band. Such conditions are of course unfavorable.

Even the Malang Regency Land Office with a 2019 target of 58,000 plot maps and in 2020 as many as 47,424 land parcel maps only has 1 (one) Total Station with new measuring officers carrying out study assignments at STPN. Almost every land office that is the research sample has minimal measuring tools, even CORS technology has not been optimally used. From the sample of the Land Office, only the Malang Regency Land Office and CORS technology were used optimally.

2) Resource Availability

As the most important resource is human resources with a total of 32 cadastral assistants with a burden of 58,000 land certificates with the assumption that for one month / 30 days, they have to work extra from 14 sub-districts. Per day, assuming only measurements for PTSL, have not taken into account routine measurement tasks which average 3 fields per day. And time constraints will be human resources and also tools. Furthermore, the Malang Regency BPN Office which works a total of 17 fields per day for PTSL measurements plus regular measurements of an average of 3 fields per day.

The Malang Regency BPN Office noticed that research in the field did not find any measuring officer at the Malang Regency Land Office in August, but we found that in November there was 1 (one) measuring officer who finished his study assignment at STPN. The involvement of the Licensed Cadastre Surveyor until the researchers fielded, in July 2017, could not be carried out optimally and was still using or guided by the Regulation of the Head of the National Land Agency Number 9 of 2013, not fully referring to the Regulation of the State Minister of Agrarian Affairs Number 33 of 2016. There are still doubts in the application of the Regulation of the Minister of State for Agrarian Affairs Number 33 of 2016.

There is only one Licensed Surveyor Service Office in all of East Java Province, the Individual Licensed Surveyor Service Office with work permit number: 122/KEP-15.2/V/2017. Whereas the results of the previous licensing exam for the Province of North Sumatra have passed a relatively large number of Licensed Cadastre Surveyors and Licensed Cadastre Surveyor Assistants. Involvement of Licensed Surveyors in measuring and mapping work in the context of land registration has not been carried out due to:

- a. Understanding and implementation of Permen ATR/BPN number 33 of 2016 which has not been optimal.
- b. There is experience of unqualified 3rd party work;
- c. The Office of the Licensed Surveyor Service does not yet have measuring instruments as required in Ministerial Regulation No. 33 of 2017, so that if the procurement of measuring goods and services is carried out to KJSKB it is still necessary to rent measuring instruments;
- d. There is a difference in the value of the financing of work carried out by Licensed Cadastre Surveyors with ASN in the same type of work causing its own problems, jealousy in the environment
- e. ASNA Assistant Licensed Cadastre Surveyor, is still not optimized independently/individually, even though according to Permen ATR/BPN No. 33/2017, allowed until October 2017.

3) Financing Scheme

In the process of implementing the Phase I systematic certification, all research samples were 100% completed, including 100% of the funding had been absorbed. Some of the things related to financing found during the research are as follows:

- a. Until July 2017 (when the research was conducted), the DIPA for PTSL Phase II financing (3 million fields) had not decreased. This is an obstacle in the preparation of PTSL work. If referring to the old DIPA, it is unknown: the nomenclature of the Physical Task Force and Juridical Task Force, measuring assistants and committees, making base camps like systematic land registration work with an Adjudication pattern, collecting juridical data involving village officials.

- b. The establishment of a PTSL base camp outside the land office does not yet exist in the DIPA nomenclature, making it difficult for the land office to implement. If someone forms outside the office such as the Malang Regency Land Office, it is more because of the creativity of the Malang Land Office Head.
- c. The Joint Decree of the 3 Ministers related to the financing that may be collected by the Urban Village/village apparatus in the context of implementing PTSL has been reported and ratified by the Malang regency government.

4) Support Stakeholders

The Complete Systematic Land Registration Work will not be successful without the support of other institutions/sectors. Local government support is an absolute thing that must be given, because in terms of completeness of files for PTSL this is published by other agencies. The formal and material truth of land ownership as a proposed right for lands that have not been administered in the ledger book/Buku Gede owned by the village, for example, is a product of the Village Government. As the data analysis shows that not all local governments and communities support the implementation of the PTSL program as well as the village government in the ledger documentation, the reading of the big book can only be done by a few people called Kamituo.

5) Legal Protection (PTSL Products & Officers)

To provide legal certainty and legal protection to holders of rights to a plot of land, holders of flats and other registered rights so that they can easily prove themselves as holders of the rights in question. In the granting process, there is legal certainty and also legal protection for what is being done, as is how to provide a certificate of land rights to the holder of the right in question. The guarantee of legal certainty which is the purpose of land registration is certainty regarding the status of the registered land, certainty regarding the subject of rights and certainty regarding the object of rights.

As the provision of information provided to interested parties including the government so that they can easily obtain the data needed to carry out legal actions regarding registered land parcels and apartment units. of land parcels and apartment units that have been registered are open to the public.

For the implementation of orderly land administration. This is done by registering each plot of land and apartment units, including registration in the event of a transition, encumbrance and annulment of such rights (Rachmanto, 2006:18). Complete Systematic Land Registration or PTSL abbreviation as an acceleration process for land certification in Malang Regency is quite important. The PTSL program is implemented to be able to create legal certainty for people who control their land parcels, so that the control of land parcels by the community in the Malang Regency area has a clear legal basis, giving rise to orderly land ownership rights by the community in the area. it will cause a legal uncertainty regarding the status of land rights in the community, so that it can lead to a dispute or conflict between fellow members of the community that causes chaos in the life of the community.

Table 2. Existing Research Model

No	Formulation of the problem	Research focus	Findings	Minor Proposition	Major Proposition
1.	How is the implementation of the land certificate policy through a complete systematic land registration in Malang Regency to support land administration based on the Regulation of the State Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency Number 6 2018 concerning Complete Systematic Land Registration as an effort to realize agrarian reform?	<p>PTSL implementation stages</p> <ol style="list-style-type: none"> a. Location setting b. Formation of the accelerated adjudication team c. Counseling d. Collection physical data <ul style="list-style-type: none"> - Preparation; - Measurement & mapping of land parcels; - Juridical data collection; e. Data processing & determination of land rights; <ul style="list-style-type: none"> - Bookkeeping of rights & issuance of certificates 	<ol style="list-style-type: none"> 1. The PTSL implementation process is in accordance with the procedure; 2. Establishment of PTSL officers based on coordination with the Malang Regency BPN; 3. The Head of BPN has verified the village data that has been prioritized for the PTSL program; 4. The data collected is still relatively incomplete which causes the data verification process in the field to take a long time; 5. The lack of order in the history of the land in the ledger is the cause of the lengthy process of verifying land data in the field; 6. The difficult performance of land administration is due to unresolved land cases; 7. The large budget for the PTSL program is borne by the community, in many villages the amount of the budget is still borne by the community; 8. The amount of the budget charged to the community is relatively different from one village to another; 9. The lack of juridical data as proof of completeness of the PTSL file; 10. The lack of Assistant Cadastre officers in land surveying in Malang Regency, which amounted to 32 people; 11. PTSL filing delays due to a lot of coverage of the PTSL program area; 12. That the community's participation is driven by economic value. 	<ol style="list-style-type: none"> 1. The lack of data on juridical evidence has slowed the performance of the Head of BPN of the Malang Regency Government; 2. Weak administration at the village / Urban Village government has an impact on the implementation of the PTSL program as well as the fulfillment of juridical and physical evidence; 3. The limited cost of subsidies from the APBN raises corporatism at the costs charged to the community by the village government; 4. The officer's limitations on Cadastre Assistants are not commensurate with the target of land certification; 5. Limitations The cadastral assistant officer in meeting the target has an influence on the correctness in mapping the boundaries of land ownership. 	<p>Land juridical evidence will be a strength in the implementation of the PTSL program so that the Village or Sub-District Government needs to innovate in providing land juridical data so that the constraints of the limitations of BPN officers can be overcome so that the financing charged from the APBN for the implementation of the PTSL program can be carried out optimally. Data validity is important in PTSL products so that the number of surveyor officers and the equipment used must be qualified in accordance with the assigned program achievement targets so that post-implementation conflicts can be minimized and at the same time become a forum for literacy about the importance of the legality of occupied land rights.</p> <p>The clarity of the rules or regulations regarding the mechanism for resolving disputes over land boundaries and land ownership is a necessity in the implementation of the PTSL program that must be prepared by the government to minimize conflicts over land.</p>

No	Formulation of the problem	Research focus	Findings	Minor Proposition	Major Proposition
2.	<p>What are the driving and inhibiting factors for implementing a land certificate policy through complete systematic land registration in Malang Regency to support land administration based on the Regulation of the State Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 2018 concerning Complete Systematic Land Registration as an effort to realize agrarian reform?</p>	<p>a. Supporting factors:</p> <ul style="list-style-type: none"> - Institutional - Resource - Funding / Budget - Stakeholder Commitment - Coordination and Stakeholder Communication <p>b. Factors inhibitor:</p> <ul style="list-style-type: none"> - Availability of infrastructure - Availability of resources - Financing scheme - Stakeholder support - Legal protection (PTSL products & officers) 	<p>13. The limitations of the Cadastre Surveyor officers have an impact on the fulfillment of the target for land certification in the PTSL program in the district of Malang;</p> <p>14. The limited availability of tools also has an impact on accelerating the completion of mapping soil;</p> <p>15. The PTSL program has received support from stakeholders and shareholders. The community is motivated by economic factors in supporting and participating in the PTSL program;</p> <p>16. The emergence of unresolved land conflicts and escalation of conflicts during the implementation of the PTSL program</p>	<p>6. Availability of surveyors and tools with high certification targets will affect data validity and data validity when shooting land boundaries;</p> <p>7. The land case is a sensitive issue and an escalation of conflict due to the implementation of PTSL;</p> <p>8. Community participation in the PTSL program is limited to economic interests</p>	<p>Data validity is important in PTSL products so that the number of surveyor officers and the equipment used must be qualified in accordance with the assigned program achievement targets so that post-implementation conflicts can be minimized and at the same time become a forum for literacy about the importance of the legality of occupied land rights.</p>
3.	<p>What is the model for implementing land administration policies through complete systematic land registration to realize agrarian reform?</p>	<p>Recommendation model implementation of land administration policies through complete systematic land registration to realize agrarian reform in Malang Regency</p>	<p>17. The PTSL process as referred to in Article 19 of the UUPA Number 24 of 1997 concerning the purpose of land registration as legal certainty and protection;</p> <p>18. There are still many PTSL registrants who have not completed the juridical aspects;</p> <p>19. The PTSL program has not regulated boundary disputes and land ownership on the basis of mapping.</p>	<p>9. The central government has not regulated the clarity of the mechanism for land boundary disputes and post-measurement land ownership in the PTSL program</p>	<p>The clarity of the rules or regulations regarding the mechanism for resolving disputes over land boundaries and land ownership is a necessity in the implementation of the PTSL program that must be prepared by the government to minimize conflicts over land.</p>

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusion

- 1) The implementation of the land certificate policy through the PTSL Program in Malang Regency refers to the Regulation of the State Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration as an effort to realize agrarian reform by producing good performance results and has

been given a target in 2019 of as many as 58,000 maps of land parcels in 23 villages and in 2020 it is targeted that 52,050 maps of land parcels in 24 villages are fantastically targeted in 2021 for certification of 97,225 plots of land.

In the process, it goes through the stages of determining the location based on village priorities which refer to the base map per Urban Village/village with mapping on land categories, both K1, K2, K3 and also K4 categories. The PTSL program as well as mapping of village administration data include; roads, rivers, and village boundaries. After determining the location as the initial stage, the acceleration adjudication team has formed a juridical task force and a physical task force with the involvement of the village party in validating land map data and tied with a code of ethics as a PTSL committee. The fast work of the PTSL team in the district of Malang is paying off

After the PTSL committee was formed, Malang Regency was directly tasked with socializing to the public regarding financing and also legal and physical requirements for mapping references by the adjudication committee. In line with these stages, the PTSL committee also prepares measuring equipment and stakes as a barrier to land ownership in which the implementation pattern of submitting land certificates must be accompanied by juridical documents, including photocopies of ID cards / Family Cards or demographic statements from the authorized agency. Furthermore, the fulfillment of the physical stage includes the appointment of AJB and the majority of physical evidence of ownership is more evidence of letter C. This becomes an obstacle in the validity of land boundaries for data processing and determination of land rights which makes it difficult for physical officers to clarify data in the field.

- 2) The implementation of the PTSL Program in Malang Regency has been running according to the provisions of regulation Number 6 of 2018 concerning Complete Systematic Land Registration as well as supported by regulations of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 38 of 2016 concerning Organization and Work Procedures of Regional Offices of the Agency National Land Affairs Office and the Land Office, with these regulations the performance of the PTSL committee can work optimally, although there are encouraging and inhibiting factors in the implementation of the PTSL Program. The success of the PTSL program is driven by the collaboration of BPN institutions and community committees that are easy to coordinate.

While the inhibiting factor in the performance of the PTSL committee is the limited physical data owned by the village government as physical data on land boundaries. In addition, the limited availability of resources for PTSL measuring officers makes the slack in the field measurement process with a total of 32 PTSL officers, limitations may be due to the minimum funding from the central government with a sumsid of 150 thousand and the rest becomes the burden of the land certificate proposer, up to 800 thousand. This is an opportunity for the amount of costs that are less transparent on the amount and allocation of financing from the community. With the limitations of such obstacles, it has implications for the validity of the results of the measurement of PTSL certificates which are vulnerable to conflicts of claims over land boundaries.

- 3) Complete systematic land registration in Malang Regency to support land administration based on the Regulation of the State Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency

Number 6 of 2018 as an embodiment of good government and human rights in the context of implementing land administration policies through complete systematic land registration to realize agrarian reform. This role becomes a policy process for the provision, regulatory and proficiency roles for the sustainability of PTSL land certificates that are vulnerable to horizontal conflict conditions.

5.2. Theoretical Implications

In this study, using the theory of public policy as a government process in overcoming social problems with coercive authority, because the state has a monopoly right in the obligations of the welfare of its people. David Easton (in Islamy, 1997:19), gives the meaning of state policy as "the authoritative allocation of values for the whole society". Based on this definition Easton in (Islamy, 2004: 19) asserts that only the government can legally do something or not do something as a country with a continental approach, the government formulates a land reform program as a welfare goal and has high economic value.

Policy performance in land reform takes the form of regulatory and allocative as valuable policies to regulate people's behavior as social order and at the same time distribute human resources. The need for this approach shows that public policy is actually a cyclical process, not a linear one. From setting the agenda to implementing policies, there will always be ripples and even contradictions, conflicts between values and interests over land ownership and boundaries.

The realization of land reform in a policy is more on the aspect of utilitarianism (John Stuart Mill; 2005) by determining whether it is good or bad, right or wrong. Therefore, in this view, we are required to choose based on the impact or outcome that is considered the best. In this realization, the government always uses authority in the form of coercion/coercion in the realization of human welfare related to the reality of individual interests, desires and needs (David, 1984). In the midst of the PTSL program, it

becomes an important aspect in the realization of welfare because land is a public good that has value as a "rivalry in consumption" public good, namely land ownership will affect other people's ownership aspects, in this case private understanding in private goods, as the concept of "a room of one's own" to explain that a person is given the right to a land as a form of capacity development and pursue their goals in terms of economy or investment value (Maurizio, 2000; 93-113). Negative externalities because the amount of land does not increase but over time the population increases. In order to create stability in land reform through the PTSL program, it is necessary for the government to formulate public policies in the perspective of utilitarianism, namely the increase in land costs in line with their designation and ownership. 93-113) Therefore, land as a public good has a negative externality because the amount of land does not increase but over time the population increases. In order to create stability in land reform through the PTSL program, it is necessary for the government to formulate public policies in the perspective of utilitarianism, namely the increase in land costs in line with their designation and ownership. 93-113) Therefore, land as a public good has a negative externality because the amount of land does not increase but over time the population increases. In order to create stability in land reform through the PTSL program, it is necessary for the government to formulate public policies in the perspective of utilitarianism, namely the increase in land costs in line with their designation and ownership.

5.3. Practical Implication

The PTSL program implemented by the Government with specified achievement targets is a policy objective for implementing agrarian reform. The policy implementation model resulting from this research is a contribution of thought on the implementation of the PTSL program in order to accelerate and strengthen program implementation by involving many parties, each of which has its own role and responsibility. The PTSL program that is implemented is the government's effort to realize land reform through improving land administration. Therefore, with a good land administration foundation, the land reform system that is being implemented will be easier to implement in accordance with the policy targets.

The output produced from the PTSL program is proof of land rights in the form of a certificate which is a strong legal basis for ownership of the land under control. If in the land registration process outside the PTSL program, through a long process in determining the juridical aspects, then in the PTSL program there is a fast process, because the Village/Urban Village is optimally involved in strengthening the juridical aspects of land controlled by the community. Therefore, the results of PTSL have legal certainty over the products produced by the program launched so that they can become a pillar of support or pillars of the ideals of land reform.

The system model generated from this research is intended to support improvements in land registration practices. Legal certainty of the products produced by the PTSL program is highly dependent on the land registration process. This land registration system is an effort to fulfill land reform resulting from this government program. Due to the interaction of information resources, the registration process and physical land data sources, a good and synergistic management system and organization between policies, regulations, standardization, administration and budgets are used as a managed information flow to realize legal land administration.

The implementation of the PTSL program that involves many parties, especially the village/Urban Village government and the community with the aim of strengthening the juridical aspect of the land administration system. Therefore, efforts to strengthen land reform in the program implemented by the government depend on the administrative process and the land management process controlled by BPN. Thus the coordination mechanism between policies, regulations, organizations, management, and shared standards has a key role in managing the system used as well as information standards which are the central benchmarks set by the government. So, in the system of community involvement in the PTSL program, it is necessary to share resources (resource distribution) and determine the flow of information to strengthen the objectives of land reform.

So, from the results of this study, the practical implication that can be applied to improvements in national land administration lies in the strong juridical aspect of the products produced from the PTSL program as a milestone in land administration, then having clear and strong legal certainty and binding on objects that are controlled by the community, a fast, effective and efficient registration system can meet the government's targets in the agrarian reform process. And the last implication is to provide a good and transparent space for the community in their involvement to strengthen legal certainty of PTSL products resulting from government policies to realize land reform through the land administration system.

5.4. Suggestion

In this study resulted in several findings regarding the implementation of policies, the driving and inhibiting factors as well as the implementation model of agrarian reform policies through the PTSL program, so this research produces the following suggestions:

- 1) The implementation of PTSL in Malang Regency in order to improve the performance of the PTSL committee in the village, it is necessary to clearly clarify the standard of physical evidence accompanied by the target of land certification which is

adjusted to the conditions of field officers, area.

- 2) The lack of budget from the central state budget for subsidies in the PTSL certification program encourages the occurrence of corporatism in the community, so it is necessary to share financing with local governments which has implications for the policy of limiting the maximum fees charged by the community in order to reduce corporatism.
- 3) The results of community land mapping by PTSL officers still need clarity on the status of post-measurement protection. As in the process of fulfilling physical and juridical evidence, the target for certification is quite high, it is necessary to regulate the rules for lawsuits and disputes over land ownership because they are related to the government's accountability for PTSL implementation.

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