

## Dispute Settlement in Complete Matic System Land Registration



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**ABSTRACT:** This article analyzes Legal Protection for Complete Systematic Land Registration (*Pendaftaran Tanah Secara Sistematis Lengkap*) or PTSL and Dispute Resolution in PTSL. This research is an empirical legal research with statutory approach, case approach, concept approach, and legal sociology approach. The results of this study indicate that legal protection for certificate holders in the PTSL Program is not absolute and only strong because the land registration system in Indonesia adheres to a negative publication system. Dispute settlement in the PTSL Program is resolved through the Non-Litigation and Litigation channels. Based on research at the Gianyar Regency Badan Pertanahan Nasional Office (BPN) or National Land Agency Office and the Tabanan Regency BPN Office, disputes over Overlapping Certificates and Inheritance Disputes dispute settlement through Non-Litigation Methods are carried out by means of Mediation accompanied by a Mediator, which Overlapping Disputes Pays little attention to the elements of Theory Legal Justice because there is no settlement procedure, whereas inheritance disputes have fulfilled the elements of the Theory of Justice where there is a fair procedure in the stages of settlement. Based on the results of research at the Tabanan Regency BPN Office and Karangasem Regency BPN There is a Customary Land Claim Dispute which was resolved through the Litigation Line at the District Court was decided based on considerations of coherence between Physical Data and Juridical Data in the issuance of Certificates of Land Rights which are in accordance with the Theory of the Legal System reflects the Substance The law has clear rules in the judge's considerations, the legal structure has law enforcement officers formed from the legal system, in this case the Adjudication Committee and Judges at the District Court, the Community's Legal Culture towards the PTSL Program reflects that there is still bad faith from the community in submitting its registration.

**KEYWORDS:** National Land Agency, Complete Systematic Land Registration, Rights Disputes

### INTRODUCTION

Soil in human life has a very important role. The importance of land for human life as individuals and the state as the highest social organization, is constitutionally regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "Earth, water and the natural resources contained therein are controlled by by the state and used for the greatest prosperity of the people. (I Made Suwitra, 2009) In terms of regulation of tenure, ownership, allotment, use, and control over the use of land specifically regulated in Law Number 5 of 1960 concerning Basic Agrarian Law, (*Undang-Undang Pokok Agraria*) hereinafter referred to as UUPA. To guarantee legal certainty of ownership of land rights, land registration is carried out in accordance with the provisions of Article 19 paragraphs (1) and (2), namely: (Lombogia, 2017)

(1) To guarantee legal certainty, the government will conduct land registration throughout the territory of the Republic of Indonesia according to the provisions stipulated in government regulations.

(2) Land registration in paragraph 1 of this article includes:

- a. Measuring, mapping and bookkeeping of land;
- b. Registration of land rights and transfer of said rights;
- c. Provision of documents proof of rights, which are valid as strong evidence.

The result of the land registration process given to land rights holders is a letter of proof of title called a certificate. The implementation of land registration makes it possible for holders of land rights to easily prove their rights to the land they control. (Soeromihardjo, 2009)

As an implementation of Article 19 of the UUPA, the government has issued Government Regulation Number 10 of 1961 concerning Land Registration which has been amended by Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration and currently a program is being promoted, namely the Complete Systematic Land Registration Program which will then called PTSL. PTSL is a program created by the Government of Indonesia which according to Article 2 Paragraph 2 PMA

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Number 6 of 2018 Concerning Complete Systematic Land Registration PTSL aims to provide legal certainty and legal protection for land owned by Indonesian people. PTSL provides an opportunity for people who have not registered their land in the entire territory of the Republic of Indonesia in one village or sub-district.

In its journey the PTSL program has raised various disputes which are currently rife, namely disputes over customary land claims such as disputes over customary land claims in Pakraman Buitan Village, Manggis Traditional Village, Karangasem Regency against Individuals, Claim disputes over customary lands, Klecung Traditional Village, Tabanan Regency Against Individuals, Claim disputes Traditional land of Indigenous Village Tunjuk Tabanan Regency against Individuals. Another dispute that is rife in this program is the certificate overlapping dispute. Disputes overlapping certificates are certificate disputes in which more than one certificate is issued for a plot of land where the location of the land overlaps in whole or in part. The emergence of problems such as the issuance of certificates that are legally flawed can cause these certificates to not be used as proof of ownership of land, because it cannot be held legally responsible. The resolution of disputes over overlapping certificates is still unclear because the technical instructions for settlement are still not available to date.

In line with this, according to the statement of Mr. Erik Ruwiyanto, head of the dispute control and handling section at the National Land Agency, hereinafter referred to as the BPN, in the initial survey of this research at the BPN of the Tabanan district, the overlapping certificates that arise occur because there are certificates that have been issued that are not validated and does not receive a Field Identification Number, hereinafter referred to as NIB. The same thing happened in the BPN of Gianyar regency, according to the statement of Mr. I Gusti Ngurah Gede Darma Arta,

So, based on the explanation of the problems above, researchers are interested in researching, studying and discussing how Legal Protection for Certificate Holders is in PTSL and how is Certificate Ownership Disputes Resolution in PTSL with the title Dispute Resolution in Complete Systematic Land Registration (PTSL).

## METHOD

This research is an empirical legal research that examines the gap between necessity and reality in society (Das Sollen Das Sein). In legal research, there are several types of approaches that can be used to obtain information about the problem under study. According to Peter Mahmud Marzuki in his book entitled "legal research" there are several kinds of approaches used in legal research, namely the statute approach, case approach, historical approach, comparative approach. approach), and a conceptual approach (conceptual approach.(Peter Mahmud Marzuki, 2016)

However, in this study, the approaches to be used are the statute approach, the case approach and the conceptual approach and coupled with the sociology of law approach.

The data from this study come from Primary Data Sources and Secondary Data Sources. Primary Data Sources are obtained from the first source which is obtained directly from the field with Data Collection Techniques, namely Interview Techniques for Informants, while Secondary Data Sources are secondary data sources, namely data obtained by literature study obtained through Documentation and Recording Study Techniques through the File System. This research is located at the Tabanan Regency BPN Office, the Gianyar Regency BPN Office, and the Karangasem Regency BPN Office. The data analysis used in this study is the interpretation data analysis and qualitative data analysis.

## LEGAL PROTECTION FOR CERTIFICATE HOLDERS

Ownership of land rights can be proven through a certificate of land rights which in PP No. 24 of 1997 concerning Land Registration, it has been emphasized that certificates are strong evidence. To obtain a land tenure certificate, you can register the land as ownership (property rights) through the PTSL program in the manner regulated by PP No. 6 of 2018 concerning Complete Systematic Land Registration covering completeness of Juridical data and Physical Data. Which is regulated in detail in article 4 paragraph (4) stipulates that the implementation of PTSL activities is carried out in stages: (Wahyuni, 2018)

- a. Planning;
- b. location determination;
- c. Preparation;
- d. Establishment and determination of the PTSL adjudication committee and task force;
- e. Extension;
- f. Collection of physical data and collection of juridical data;
- g. Research on juridical data to prove rights;
- h. Announcement of physical data and juridical data as well
- i. the endorsement;
- j. Affirmation of conversion, recognition of rights and grant of rights;
- k. bookkeeping of rights;
- l. Issuance of certificates of land rights;
- m. Documentation and submission of activity results; And

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n. Reporting.

The nature of proof of a land certificate, formulated in Article 32 paragraph (1) PP Number 24 of 1997, states that a certificate is only a strong proof of rights and not an absolute proof of rights. That is, the Certificate is a letter of proof of rights which is valid as a strong means of proof regarding physical data and juridical data, as long as there is no other evidence proving otherwise.

Based on the provisions of Article 2 paragraph (2) PMA Number 6 of 2018 concerning Complete Systematic Land Registration determines that:

“(2) This Ministerial Regulation aims to realize the provision of legal certainty and legal protection of community Land Rights based on the principles of simple, fast, smooth, safe, fair, equitable and open and accountable, so as to improve the welfare and prosperity of society and the state economy, and reducing and preventing land disputes and conflicts.”

Based on the Theory of Legal Certainty According to Jan Michiel Otto provides a view that the legal certainty of this PTSL Program is:(Ruslan, 2011)

- 1) Clear, consistent and accessible rules are available, which of course in a complete Systematic Land Registration the rules in this registration are based on the statutory hierarchy, namely PMA No. 6 of 2018 concerning Complete Systematic Land Registration
- 2) The ruling agencies (government) apply these legal rules consistently and are also subject to and obey them, in this case the relevant agency is the National Land Agency, the Village Apparatus in the Complete Systematic Land Registration is appointed as the Adjudication Committee in accordance with the Exposition in the Procedures sub-chapter. Previous PTSL certification.
- 3) Civilians adjust their behavior to these rules, based on the Instruction of the President of the Republic of Indonesia Number 2 of 2018 concerning the Acceleration of Complete Systematic Land Registration throughout Indonesia, communities throughout Indonesia who have not registered their rights are to immediately register their rights and to be orderly in land administration, especially in the renewal of old rights.
- 4) Judges (judicial) who are independent and impartial apply these legal rules consistently when they resolve legal disputes, in this right if a dispute occurs whose settlement reaches the realm of litigation the judge must be fair in deciding the case by analyzing the suitability of evidence, namely suitability of Juridical Data and Physical Data which form the basis of Rights in Complete Systematic Registration.
- 5) The court decision is concretely carried out, for disputes that have been decided, the parties must obey and carry out the decision.

Based on the legal certainty of the complete systematic land registration mentioned above, a form of legal protection was born. The word protection in English is protection which means: (1) protecting or being protected; (2) system protecting; (3) person or thing that protects. In the Big Indonesian Dictionary, protection is defined as: (1) shelter; (2) acts or things and so on protect. (KBBI Online, 2020) From these two definitions, protection is an act of protecting, for example, giving protection to the weak. Legal protection provides protection for a person's rights.

Which in the PTSL Program is relevant to Philips M Hardjo's Legal Protection Theory divides the forms of legal protection for the people as follows: (Philip M. Hadjon, 2016)

- 1) Preventive legal protection means that people are given the opportunity to submit their opinions before a government decision gets a definitive form that aims to prevent disputes from occurring. 6 of 2018 concerning Complete Systematic Land Registration (PTSL) Article 4 paragraph 4 Before the issuance of the certificate to guarantee the validity of the certificate, an Announcement of Juridical Data is carried out first, the public is given a forum for 14 days after the announcement of the Juridical data to submit an objection to the announcement if they feel they have an interest in accordance with PMA No. 6 of 2018 concerning Complete Systematic Land Registration article 24 paragraph 2.
- 2) Refrensive legal protection aimed at resolving disputes. In land registration with a negative publication nature, there is a positive tendency as described above, where after the issuance of a certificate of land rights there is a possibility that there will be objections or lawsuits against the issuance of the certificate, this form of legal protection is contained in PMA No. 21 of 2020 concerning the Handling and Settlement of Land Cases, namely the facilitation of Space for Mediation or Non-Litigation pathways. If it cannot be resolved by means of non-litigation, then the parties to the dispute can ask for justice in the litigation channel and this is where the obligations of the parties to the dispute are to prove their arguments.

From the explanation above, it can be seen that the Complete Systematic Land Registration (PTSL) adheres to a Negative System, namely Negative Publications with a Positive Tendency of legal protection in complete systematic Land Registration, which can be seen from the Legal Certainty of Land Registration where legal protection is only strong but not absolute for certificate holders Objections and lawsuits can still be filed against the certificate. However, if the certificate holder can prove the suitability of the Juridical data and Physical Data on the certificate owned, the legal protection for the certificate holder is absolute.

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### SETTLEMENT OF DISPUTES IN LAND REGISTRATION

The definition of land disputes is formulated in article 1 number PMA No. 21 of 2020 concerning Handling and Settlement of Land Cases states "Land Disputes, hereinafter referred to as Disputes, are land disputes between individuals, legal entities, or institutions that do not have a broad impact".

According to Irwan Surojo (Irwan Surajo, 2003) opinion in his book entitled, Legal Capacity Over Land in Indonesia, land disputes are conflicts between two or more parties who have different interests in one or several objects of land rights which can result in legal consequences for both. (Ruslan, 2011) The following is a table of the number of disputes in PTSL at the Tabanan Regency BPN Office, Gianyar Regency BPN Office, Karangasem Regency

**Table 1: Data on the Number of Complete Systematic Land Registration Disputes from 2018-2022**

No	Place of Dispute	Number of Disputes
1.	Gianyar Regency Land Agency Office	13
2.	Tabanan District Land Agency Office	10
3.	Karangasem Regency Land Agency Office	9

According to an interview with Mr. I Gusti Ngurah Gede Darma as the Head of the Dispute Control and Handling Section at the Gianyar Regency Land Office, the factors that led to the occurrence of disputes were the factors originating from the law related to PMA No. 6 of 2018 which states that land registration can only be carried out by attaching a physical possession letter without having to prove juridical mastery. namely only 14 days, other factors that occur are system factors, The factor referred to here occurred in the form of an Old Land Title Certificate which was not validated in the KPP application so that it did not receive an NIB (Sector Identification Number). Land administration in the past was not carried out in an orderly manner. Over time there have been changes in data both regarding the subject and the physical land, but not followed by changes in administrative data. The condition of land administration occurred over a long period of time so that with the alternation of generations and socio-cultural changes in society, it could create land disputes. Especially for areas where land data has not been recorded, land tenure/ownership is not supported by documentary evidence but rather relies on physical evidence and testimony. This will also affect the occurrence of land disputes along with the change of generations, development developments and socio-cultural changes. Such as the dispute that occurred in the village of Buitan and Timpag village.

Settlement of Land Disputes can be done through Non-Litigation and Litigation. Settlement of non-litigation land disputes is taken by holding mediation assisted by a mediator. Based on the results of an interview with Mr. I Gusti Ngurah Gede Darma Arta Head of the dispute Control and Handling section of the Gianyar Regency Land Agency Office that disputes resolved through mediation at the Gianyar Regency Land Agency Office which have been resolved one of which is the Overlapping Certificate dispute with an example of a dispute between NN Arsini against Cok.AB Bagus Dharma Putra, where certificate of ownership number 358/Desa Puhu on behalf of N Mrs Arsini was apparently re-issued certificate of ownership number: 4081/Desa Puhu on behalf of Cok.ABDharma Putra. Overlapping Certificate Disputes are disputes over one or several overlapping certificates in one plot of land either in whole or in part. Regarding the settlement of disputes over overlapping certificates, this is regulated in PMA No. 21 of 2020 concerning the Handling and Settlement of Land Cases, article 34 paragraph 4 stipulates that procedures for resolving overlapping issues are further regulated by Technical Instructions. But until now the technical guide has not been published. Overlapping Certificate Disputes are resolved using special technical guidelines because both parties hold strong proof of ownership.

As a comparison, based on the results of research at the Tabanan Regency Land Agency Office, there were disputes which were also resolved through mediation, one of which was the Inheritance Dispute, the dispute began with the existence of an objection letter submitted on January 3, 2022 regarding the issuance of a certificate of ownership rights in the PTSL Program in the name of I Mrs. Sukarba with a Freehold Certificate Number 8591 and a Freehold Certificate No. 8277 which are inherited land from Nang Kecis whose descendants are not only I Mrs Sukarba but also I Gede Sugama, I Putu Gede Darmita, I Nyoman Adi Nugraha. However, without an agreement on the distribution of inheritance, I Nyoman Sukarba registered the land as private land in his own name which resulted in a dispute. Inheritance Disputes are disputes caused by the absence of an agreement regarding the transfer of ownership rights over the inheritance of the heir and then having not determined who has the right to become the heir and determine how many shares each has. In the resolution of this inheritance dispute, it does not require special technical instructions, namely it is resolved by procedures or stages of settlement in general.

In general, the procedures or stages referred to are regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 Concerning Handling and Settlement of Land Cases, article 6 stipulates that:

“(1) The handling of disputes and conflicts is carried out through the following stages:

- a. Case Review;
- b. Initial Degree;
- c. Study ;



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- d. Expose research results;
- e. Coordination meetings;
- f. Final Degree; and Settlement of Cases.”

Case studies are carried out to make it easier to understand the cases handled by describing in the form of a subject study, the available data on the subject matter. The Initial Degree Stage is carried out to determine the agency or institution that has authority and/or interests related to the case being handled, formulate a handling plan, determine applicable statutory provisions, determine juridical data, physical data, field data and materials needed, Compile research work plan, determine the target and time of completion. After the Initial Degree is carried out, the next step is to collect Physical data,

At this Expose stage the implementation of mediation over the Overlapping certificate dispute of N Mrs Arsini against Cok.AB Dharma Putra accompanied by mediator Mr. I Gusti Ngurah Gede Darma Arta Head of the Dispute Control and Handling section of the Gianyar Regency Land Agency Office was carried out in the mediation room of the Gianyar Regency BPN Office with agreement on re-measurement, after re-measurement it was found that the land on the object of the dispute indeed overlapped in part with the land owned by N Mrs Arsini because the certificate of Land Rights owned by a/n Mrs Arsini issued in 1970 did not receive an NIB so it was not validated on KPP system. So based on the results of the mediation, a final degree was carried out to make a decision which the result of the decision was the cancellation of the certificate of ownership in the name of Cok. with the authority to hold village meetings, the mediation was carried out at the Bongan Village Office accompanied by a mediator, namely the head of the Bongan Village BPD I Ketut Sukarta which resulted in a peace agreement on inheritance distribution based on Petok DD An. Nang Kecis Cs with the consideration that I Nyoman Sukarba admitted to having made a mistake in certifying the disputed object land. So in response to the results of the peace process, the Gianyar Regency BPN renewed the disputed object land certificate.

From the explanation above, dispute resolution through non-litigation channels in overlapping certificate disputes does not fully fulfill the element of justice which is based on the Theory of Justice of Justice according to Jhon Rawls which states that basically justice is fairness, or what he calls pure procedural justice. From this idea, John Rawls's theory of justice emphasizes the importance of a fair and impartial procedure that allows decisions that arise from this procedure to guarantee the interests of everyone, in this case the Procedure for Settlement of Overlapping Disputes, where the Technical Instructions have not yet been published, it cannot be said that the solution has been resolved. maximum. (Ali, 2009)

Settlement through the Litigation Route Based on research results at the Karangasem Regency Land Agency Office Dispute Settlement through the Litigation Route can be seen from the Decision of Case Number 91/Pdt.G/22/PN. AMP, where the initial case was that there was a lawsuit filed by I Md Ratep, I Wy Lasmika, I Ny Lastra, hereinafter referred to as the plaintiff in the Amlapura District Court suing the Buitan Traditional Village as the Defendant and the Karangasem Regency Land Agency Office as Co-Defendant on the grounds that the plaintiff is the legal owner of a plot of land based on Pilil No. 32, Parcel No. 9B, Class II with an area of 0.090 HA registered in the name of I Meranggi located in Buitan Pasedahan Village, Abian Manggis, Karangasem Regency, Bali. Which has now been issued a certificate of ownership No. 2592/Desa Manggis, covering an area of 890 M2, Measurement Letter dated 10-01-2018 No.1600/Manggis/2018 registered in the name of Pekraman Buitan Village which is domiciled in Manggis Village, Kec. Mangosteen, Kab. Karangasem-Bali which was published by the Co-Defendant was requested by the Defendant. In this case, it was decided by rejecting the plaintiff's lawsuit in its entirety with the consideration of proving that IPEDA had been converted to SPPT PBB on behalf of the Buitan Traditional Village which proved there was coherence of juridical and physical control of the land object in dispute, while the plaintiff could not prove the pipil argued because The proposed Pipil runs away.

Based on the results of research at the Tabanan Regency Land Agency Office as a comparative dispute, it can be seen from Decision Number 39/Pdt.G/2021/PN.Tab with the initial sitting of the case being filed for an Unlawful Act lawsuit at the Tabana District Court between I Gst.P.Surata, I Gst Md. Sutarya, I Gst. Putu Susana was named as the Plaintiff against Pakraman Timpag village Cq Bendesa Adat Timpag Village as the Defendant and the Tabanan District Defense Agency Office as Co-Defendant I and the Tabnan District Health Office Cq. Head of Community Health Center for Timpag Village, Kerambitan District, Tabanan Regency as Co-Defendant II with reasons based on the actions of Co-Defendant I who issued a Certificate of Ownership Number: 02835/Desa Timpag, NIB: 22020314.01979, Area 540 M2, based on Measurement Letter dated 06/11 /2018 No. 01947/TIMPAG/2018 registered in the name of Desa Pakraman Timpag which was requested by Defendant I with proof of Mastery in the form of the PBB SPPT on behalf of Co-Defendant II with a Decision granting the entire plaintiff's lawsuit by considering the trial facts Co-Defendant II testified that Mastery was based on the PBB SPPT as the basis the application for certification in the PTSL has been revoked by the Co-Defendant II and the physical possession letter made by Defendant I, while the land is inherited from I Gst. The family member, who is the father of the plaintiffs, was borrowed by the Timpag customary village for the public interest, namely the Timpag Village Community Health Center with proof of Pipil Number 696/51.02.020.015.019-0072.0, class 084, area 1200m2 in the name of I Gst Made Rai and now has bequeathed to the plaintiffs.

So, from the explanation above, it can be seen that the resolution of disputes through litigation is relevant to Lawrence M. Friedman's Legal System Theory. He argued that the effectiveness and success of law enforcement depends on three elements of the

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Legal System Theory, namely the structure of law, the substance of law, and the substance of law. the law) and legal culture. (Lawrence Friedman, 1989)With assessment:

1. *Legal structure (legal structure)* is an institution created by the legal system with various functions in order to support the operation of the system. This component makes it possible to see how the legal system provides services for the regular processing of legal materials. The legal structure referred to in the two disputes is in terms of certification through the PTSL Program, namely the PTSL Adjudication Committee at the Karangasem Regency National Land Agency Office and the Tabanan Regency Land Agency Office and in terms of dispute settlement through litigation carried out by the Karangsem Regency District Court and the Tabanan Regency District Court .
2. Legal substance (legal substance) is the output of the legal system, in the form of regulations, decisions that are used both by those who regulate and those who are regulated. Which Buitan Traditional Village and Timpag customary village certify land through the PTSL registration program based on several stages in accordance with the provisions in Government Regulation Number 6 of 2018 concerning Complete Systematic Land Registration and based on the Decree of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 19.2/X /2017 concerning the Appointment of Pakraman Village as the subject of Joint Ownership Rights. Settlement of disputes through non-litigation channels is called a case, which is stated based on PMA provisions No. 21 of 2020 concerning the handling and settlement of land cases Article 1 number 4 "Land cases, hereinafter referred to as cases, are land disputes which are handled and resolved through the Judiciary Institution". In the case of Buitan Village and Timpag Village, the dispute was resolved in the District Court by filing a Lawsuit for Unlawful Acts regulated in Article 1365 of the Civil Code which reads: "Any unlawful act that causes harm to other people, obliges the person who because of the mistake of issuing the loss, compensates for the loss." . whereas in the Timpag Village case there was no coherence in the registration, namely the inability of the Timpag Traditional Village to prove in court the coherence of Physical and Juridical data in the registration of the PTSL land with the fact that the testimony of the witness namely Co-Defendant II did not justify that he still owns the land and the PBB SPPT for the land has been revoked, with the consideration that the value of the evidentiary power of confession in court according to Article 1925 of the Civil Code Jo. Article 311 RBg which regulates the evidentiary value of acknowledgment of its binding power to be incriminating evidence for the party making the confession, the value of perfect proof strength for the party making the confession, and if the confession is genuine,
3. In this case, dispute resolution is based on culture (legal culture), which consists of values and attitudes that influence the operation of law, or what Friedman calls legal culture. This legal culture functions as a bridge that connects legal regulations with legal behavior of all citizens. Legal culture is part of the general culture of habits, opinions, ways of working and thinking that bind people to get closer to or away from the law in a special way in handling disputes above. there is still bad faith from the Community in submitting an Application for Certification in the PTSL Program.

Based on the Theory of Justice, according to Jhon Rawls, the verdict handed down by the panel of judges took into account the coherence of juridical data and physical data in the certificate of land object of dispute. . From that idea, Rawls's theory of justice emphasizes the importance of a fair and impartial procedural which allows decisions that emerge from that procedure to guarantee the interests of all people.(Lawrence Friedman, 1989)

## CONCLUSION

Legal protection for certificate holders in PTSL is not absolute but strong in nature which is contained in the form of preventive and repressive legal protection, because the land registration system in Indonesia adheres to a negative publication system. Preventive Legal Protection is provided to prevent disputes from occurring in the form of giving opportunities to related parties to submit objections within 14 days as long as Juridical Publications are announced and Repressive Legal Protection is carried out after a dispute occurs as stated in PMA Number 21 of 2020 concerning Handling and Settlement of Petranhan Cases.

Settlement can be reached in two ways, namely through the Non-Litigation Route and the Litigation Route, through the Non-Litigation Route, it is carried out by choosing a settlement model. Land cases, based on the results of non-litigation dispute resolution research, there is an overlapping certificate, there is no clear settlement guidelines so that it does not fulfill the element of justice, while in inheritance disputes it fulfills the element of justice because there is a clear and fair procedure for its settlement. Settlement of disputes through the litigation channel is carried out by filing a lawsuit against the law to the District Court,

## SUGGESTION

From the results of this study it can be suggested to the government to extend the announcement period for Juridical Data belonging to the PTSL Program to be very short, namely only 14 days so that disputes do not occur after the issuance of the certificate and the public as a whole gets information regarding the Announcement. Communities who still have old ownership rights should be able to register their land immediately in order to avoid fraud from other parties.

### REFERENCES

- 1) Ali, A. (2009). *Mengungkap Teori Hukum (Legal Theory) dan Teori Peradilan (Judicialprudence) Termasuk Penafsiran Undang-Undang*. Kencana Prenada Media Group.
- 2) I Made Suwitra. (2009). *Eksistensi Hak Penguasaan dan Pemilikan atas Tanah Adat di Bali dalam Perspektif Hukum Agraria Nasional*”,. Program Doktor Ilmu Hukum, Fakultas Hukum Universitas Brawijaya Malang.
- 3) Irwan Surajo. (2003). *Legal Capacity on Land in Indonesia*,. Arkola.
- 4) KBB Online, S. (2020). ”, (Februari 2).
- 5) Lawrence Friedman. (1989). *The Legal System, New York: Russell Sage, See also in Lawrence M. Friedman, “Legal Culture and Welfare State”, Pg 23 (W. de Gruyter. (ed.); (Ed), Dile*.
- 6) Lombogia, : Calvin Brian. (2017). PEROLEHAN HAK ATAS TANAH MELALUI PENEKASAN KONVERSI MENURUT UNDANG-UNDANG NOMOR 5 TAHUN 1960 TENTANG POKOK-POKOK AGRARIA. *Lex et Societatis, Vol. V/No.*, 135–152.
- 7) Peter Mahmud Marzuki. (2016). *Penelitian Hukum*, (Edisi Revi). Prenadamedia Group,.
- 8) Philip M. Hadjon. (2016). *Perlindungan Hukum bagi Masyarakat Indonesia*,. PT. Science Development,.
- 9) Ruslan, A. (2011). *Teori dan Panduan Praktis Pembentukan Peraturan Perundang-undangan di Indonesia*. Petugas Masterpiece Rangkang.
- 10) Soeromihardjo, S. (2009). *Mengkritisi Undang-Undang Dasar Agraria*. Smart Pustaka.
- 11) Wahyuni. (2018). *Tuntas Permasalahan Sistematis Pendaftaran Tanah dan Alternatif Solusi (Studi Kasus di Provinsi Sumatera Utara)*, Kementerian Agraria/BPN. *Pusat Penelitian Dan Pengembangan Kementerian Agraria/BPN Pusat Penelitian Dan Pengembangan*.
- 12) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Lembaran Negara Republik Indonesia Tahun 2006 Nomor 11, Tambahan Lembaran Negara Republik Indonesia Nomor 12, Tambahan Lembaran Negara Republik Indonesia Nomor 13, Tambahan Lembaran Negara Republik Indonesia Nomor 14.
- 13) Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 tentang Peraturan Pokok Agraria, Lembaran Negara Republik Indonesia Tahun 1960 Nomor 104, Tambahan Lembaran Negara Republik Indonesia Nomor 2043.
- 14) Kitab Undang-Undang Hukum Perdata/Burgerlijk Wetboek (BW), Lembaran Negara Republik Indonesia (Staatsblad) Tahun 1847 Nomor 23.
- 15) Peraturan Pemerintah Republik Indonesia Nomor 24 Tahun 1997 tentang Pendaftaran Tanah, Lembaran Negara Republik Indonesia Tahun 1997 Nomor 59, Tambahan Lembaran Negara Republik Indonesia Nomor 3696.
- 16) Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 21 Tahun 2020 tentang Penanganan dan Penyelesaian Kasus Pertanahan.
- 17) Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap.



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