

Historical Review Of Agrarian Reform Is The Idea Of A Complete Systematic Land Registration Program (Ptsl) That Affects The Land Rights Of The Indonesian People

Rian Rahadian¹, Agung Sudjadi², Nina Andriani³, Afifah Nuranti Putri⁴, Maman Abdurakhman⁵, Mochmad Andhika Ramadhan⁶, Miki Kalimanto⁷

1,2,3,4,5,6,7 Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Buana Perjuangan Karawang.

Received ; June 29, 2024

Revised ; July 17, 2024

Accepted: July 22, 2024

Published: July 27, 2024

Corresponding Author:

Author Name: Rian Rahadian S.IP,
MH.

e-mail:

Rian.rahadian@ubpkarawang.ac.id

Abstrak

The PTSL program, formally known as the Complete Systematic Land Registration Program, is an important initiative in Indonesia's ongoing agrarian reform efforts, which are deeply rooted in the country's historical trajectory and its leadership platform that aims to address socio-economic disparities and land ownership gaps. These efforts are part of a broader agenda to empower rural communities, increase agricultural productivity and foster social justice. This study uses qualitative research methodologies, such as historical document analysis and the use of historical analysis methods, providing invaluable insights into the origins and evolution of the PTSL program. The book *Sejarah Perjalanan Hukum Agraria di Indonesia* serves as a rich primary source, which provides a detailed account of the legislative milestones, policy frameworks, and socio-political contexts that shaped Indonesia's agrarian landscape. It is clear from the research that the PTSL program was conceptualized as a continuation and expansion of Bung Karno's vision of agrarian reform. It represents a pragmatic implementation strategy aimed at realizing the enduring goals of land redistribution and rural development articulated during his presidency. Inductively, the PTSL program is evidence of Indonesia's commitment to agrarian reform as a catalyst for sustainable development, and social justice.

Translated with DeepL.com (free version)

Keywords: Complete Systematic Registration Program (PTSL), Land Reform Ideas, Journey of Agrarian History

INTRODUCTION

Agrarian Law can be a set of drafted and unwritten legal standards that oversee the lawful relationship between legal substances in horticulture. Agrarian Law is a collection of different areas of law, each of which directs the right to control common assets, especially local law, water law, mining law, and fisheries law, as well as the control of energy and space components (Sahnan, 2016).

In Indonesia, the term horticulture in authoritative environments is acclimated to refer to arrival, both agrarian and non-agricultural, but Agrarian Law or rural law aural the administration is confined to a important set of legal controls. For agencies useful in actualizing approaches in the arrival segment, these lawful reports are a part of the country's authoritative law (Limbong, 2014).

Basic Agrarian Law No. 5 of 1960 can be an authoritative product that resolves colonial agrarian laws, particularly the 1870 Rural Law. The Basic Agrarian Law Number 5 of 1960 is the most populist law as well as the post of agrarian land. It essentially prioritized the redistribution of income to poor farmers, guaranteed income-generating social work and prohibited private control of agriculture. This was a small victory for the poor proletariat. What arrives in the legal sense is the surface of the earth as set out in the regulation of Law No. 1/1960 on Agrarian Standards.



For human life, arrival plays a very important role because of course there is always a coordinated relationship between humans and arrival. In this case, it can be illustrated that the relationship between humans and arrival is very close because arrival is the greatest capital and for most Indonesians, arrival is as if it were capital. Furthermore, humans are dependent on because has existed for some time before humans were born and thus humans cannot live without.

also a social image in society, where ownership of a small amount of also symbolizes the value of honor, pride and individual achievement, so that economically, socially and socially, the owned can be a source of life, an image of identity, honor, and respect from its supporters, so that such actions are needed. Registration of can be a means of controlling property rights over land because land has financial value, ownership of can be exchanged or exchanged in the form of blessing, sale, inheritance and other forms¹.

The transfer of land use rights is usually done in writing, either by a deed of sale and purchase, a deed of inheritance, or a deed of blessing, signed by the parties concerned with the exchange of land use rights. And the deed of exchange of land use rights must be made some time ago recently by a notarial/land deed, so that the deed of exchange of land use rights has evidentiary control both as a deed in court and as a deed of the power of attorney that controls it. used as a premise. to make a certificate. In the exchange of property rights, there is the guideline of *nemo juris* which guarantees the actual holder of the right and the guideline of great trust which implies guaranteeing the people who acquire the right to the good trust of the owner who is charged with the legal ownership of the goods.

These guidelines are used to provide conclusive evidence against the maps and public registers of the Office. In the principle of *nemo juga juris*, protection is given to the actual owner of a right, so that with this guideline there remains the possibility of legal action against the registered owner of someone who thinks he is the actual owner (Sutedi, 2013)².

METHOD

The ultimate goal of qualitative research is to identify meaning rather than generalize findings to a larger population. The results of qualitative research often take the form of rich descriptions, thick narratives, or conceptual frameworks that provide insight into the research topic. These findings can be used to develop theory, inform policy making, or improve practice in various fields. In short, qualitative research is a powerful approach that allows researchers to gain deep insight into complex social phenomena by collecting

RESULTS AND DISCUSSION

A. The Importance of Agrarische Wet Law in Agrarian Reform.

Agrarian Law Before Independence There were several legal bases that at the time became positive law:

1. Agrarische Wet 1870

The Agrarische Wet was a law introduced in the Netherlands in 1870. It added five new paragraphs to article 62 of the Dutch East India Ordinance of 1854. One of the main provisions of this law was the prohibition on the sale of land by the Governor-General. However, there were

¹ Limbong, B. (2014). *Politik Pertahanan*, Jakarta: Margaretha Pustaka. Page 40-62.

² Sutedi, A. (2013). *Peralihan Hak Atas Tanah Dan Pendaftarannya*. Jakarta: Sinar Grafika, Page 80.

exceptions for certain towns, villages or areas used to expand craft operations. In addition, the Agrarische Wet also regulates the granting of land with long-term lease rights (hak sewa) of up to 75 years. (H. Ali Achmad Chomzah, 2004).

It should be noted, however, that the Governor-General had a duty to ensure that land grants did not infringe on the rights of indigenous peoples, and also prohibited the Governor-General from appropriating land owned by people for private use, except for the public interest provided for in the law. In addition, local regulations governed borrowing and lending, and the transfer of land between local residents and foreigners. It is important to understand that the Agrarische Wet was born in response to pressure from large private entrepreneurs. Previously, the state monopoly system and forced labor in the Kulturstersel (forced planting system) made it difficult for private entrepreneurs to acquire large amounts of plantation land. (Rachman, 2012).

By providing stronger legal guarantees for land ownership, the Agrarische Wet laid the foundation for the development of large-scale private enterprise in the Dutch East Indies. Although the Agrarische Wet brought about significant changes in land regulation in the Dutch East Indies, its objectives also reflected the liberal spirit of the time, a system of free competition and individual protection. As such, the Agrarische Wet reflected the social and political changes taking place in the Dutch East Indies at the time³.

2. Agrarische Besluit (Koninklijke Besluit) in year 1870.

The Agrarische Besluit of 1870, the changes in land law in Indonesia, especially with the passage of the Agrarian Law Indonesia (UUPA) in 1960, reflected a significant evolution in the understanding and handling of land rights. The Agrarische Besluit (Agrarian Decree) of 1870 was an important first step in land regulation in the Dutch East Indies, which at the time introduced a more centralized concept of land rights and resulted in the concentration of land in colonial hands and Dutch private companies. The transformation to the Agrarian Law (UUPA) in 1960 marked a major change from the previous legal framework. Agrarian Law (UUPA) resulted in a more structured legal system and sought to create a better balance between the interests of the state and local communities, especially farmers.

Agrarische Besluit which tended to favor colonial rulers and large corporations. Both reflected attempts to regulate land rights and its utilization, but with different priorities and approaches. While the Agrarische Besluit asserted colonial control, the Agrarian Law (UUPA) focused more on social justice and the protection of the rights of farmers and local communities. By comparing the Agrarische Besluit of 1870 with the Agrarian Law (UUPA) of 1960, we can see a long journey in the development of land law in Indonesia, from the colonial era that may have emphasized exploitation and land concentration, to post-independence efforts that were more inclusive and equitable. (Rachman, 2012).

3. Agrarian Law after Merdeka..

Since Indonesia's independence in 1945, the development of legal politics in this country has started from the Dutch East Indies land law politics, so that land law has a dual or dualistic structure. and on the other hand the enactment of Western Land Law is a Reformation for the Newly Formed Indonesian Nation So that Agrarian Rules are Formed According to Western Land Law Introduced by the Dutch East Indies Government in the Civil Code Book. Thus in the field of control and ownership of land there are differences in applicable law For European groups and those who are equal to them and foreign Eastern groups, Western Land Law applies which is based on the

³ Sahnan. (2016). Hukum Agraria Indonesia. Malang: Setara Press, Page 120.

provisions of Book II of the Civil Code there is a dual structure, where for the Bumi Putera (Indigenous) group applies Customary Land Law, Customary Land is land controlled by land rights based on Western Land Law (Civil Code), while for Europeans applies Eigendom Land.

The establishment of the State Constitution on August 18, 1945 became an important milestone in the development of national law. Article 33 paragraph (3) of the 1945 Constitution establishes the principle that the earth, water and natural resources are controlled by the State and used for the prosperity of the people. This became the basis for the Indonesian government in formulating legislation in the land sector. Agrarian issues became the main focus because at that time most of Indonesia's population depended on the agricultural sector. However, fertile agricultural and plantation land was controlled by a handful of people, resulting in a large gap between landowners and the farming community. (Harsono, 2005).

Land reform, in the context of Soekarno-Hatta's ideas, emerged as a response to the economic and social injustices that afflicted rural communities in Indonesia before and at the beginning of independence. Primarily influenced by nationalist ideology and aspirations to change the unfair agricultural structure and create equality in land ownership, Soekarno-Hatta viewed land reform as an important tool to achieve their goal of socialism. They saw concentrated land ownership in the hands of a small group of elites as the cause of inequality and exploitation to the detriment of most farmers. By implementing land reform, they aimed to eliminate land monopolies, equalize land distribution, and improve peasant welfare,

This thinking was reflected in various policies and actions of the Soekarno administration, such as the passing of the Basic Agricultural Law (UUPA) in 1960 which regulated land rights and land reform. The UUPA provided a legal foundation for the implementation of land reform in Indonesia. Specific programs such as the establishment of the Agrarian Reform Agency (BURA), the redistribution of land to small farmers, and the nationalization of colonial assets were realizations of this idea⁴.

4. Agrarian Reform in Indonesia

The Reformation Era began with the political, educational, religious, and other conditions that were heating up due to the economic crisis, this had an impact on the state of law at that time. With the fall of the old order government, there was a change in Agrarian policy in Indonesia, marked by the MPR Policy at that time, namely MPR Decree No. IX/MPR/2001, concerning Agrarian Reform and Natural Resource Management, and MPR Decree No. 5/MPR/2003. (Suardi, 2005).

Despite the Reformation Era, the land idea under Soekarno-Hatta remains the foundation for land reform in that era, the idea being Land Reform. This showed a strong determination to reform an unjust land structure, the implementation of which was often hampered by political, economic and social challenges. For example, the nationalization of colonial property led to conflicts with Western countries.

Land redistribution was often hampered by administrative barriers and resistance from certain groups. Overall, Soekarno-Hatta's land reform ideas reflected the spirit of creating economic and social justice for all Indonesians, especially farmers. Although its implementation was not always smooth or fully successful, land reform remains an integral part of the history of Indonesia's agricultural development and an important step in the effort to achieve equality and prosperity for the people of Indonesia. (Sujata Antonius, 2000).

⁴ Harsono, B. (2005). *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*,. Jakarta: Djambatan, Page 78.

This has moved governments in this era to make policies based on these ideas, with legal firmness provided by the government. As in the era of Susilo Bambang Yudhoyono's government who in his speech on January 31, 2007, sparked the idea of retribution and rearrangement of land, water, and natural resources to the welfare of farmers to be a major factor in increasing the Legal Certainty of Land Ownership Seeing data in 2003 land ownership of farmers is still not optimal.

Therefore, the Susilo Bambang Yudhoyono administration created the Larasita program in 2008. It is expected that with this program BPN can serve the making of land certificates in remote areas, but due to technological limitations, the program only occurs in the Prambanan Temple area. This became an evaluation of the next government, namely the Joko Widodo administration, which echoed Agrarian Reform with the help of technological advances in 2017.

In 2017, the PTSL Program was designed, and tested, which from the results of the trial had a positive impact, in 2018, the Minister of ATR / BPN Regulation No. 6 of 2018, legalized the PTSL Program into a National Program. The PTSL program is an implementation of the idea of Land Reform by Soekarno and the Larasita program by Susilo Bambang Yudhiyono.

B. The idea of Land Reform became the foundation of the Complete Systematic Land Registration Program (PTSL).

Land Reform according to Soekarno was one of the solutions for farmers at that time, which was considered by some people to lean towards the "Communist" ideology, why? Because in practice the idea of land reform focuses on providing justice to farmers by promoting systematic land registration so that farmers get their rights, in this case land rights.

It is undeniable that the Agrarian Law (UUPA) was born because of this Land Reform Idea, from various politicizations at the time, Soekarno still gave birth to the Agrarian Law (UUPA) which was very important because it eliminated the Dualism Rules for Agrarian Law in Indonesia. Today, in the politics of 2024, land registration is considered a success because it has almost reached the target that will be maximized in the Prabowo Subianto administration, namely the Complete Systematic Land Registration Program (PTSL).

In preparation for land registration, the provision of information capacity as the use of subject verification activities. Including displaying juridical and physical information as evidence of truth, proof, statement and persuasive evidence. Indonesia adheres to the Negative Evidence Framework with a Positive Tendency in Registering. This means that the certificate of arrival issued by the State Arrival Agency (BPN) is strong evidence of land ownership, but there is still the possibility of legitimate claims from other parties claiming higher rights over the arrival. How to obtain a certificate of arrival ownership is closely related to the existence of a declaration organization within the framework of arrival registration. This organization allows other parties to protest or challenge the registration. A legitimate system points to directing the rights and obligations of holders of registered land rights (Santoso., 2010).

In this context, the Pagadungan Regent needs to reduce constraints in the collection of juridical data related to entry registration. They regulate the use of physical data and juridical evidence in accordance with Government Regulation (PP) Number 24 of 1997 on Entry Registration, specifically Article 24 Paragraphs 1 and 2.

Article 24 Paragraphs 1 and 2 of GR No. 24/1997 may direct certain strategies or prerequisites related to the corroboration of juridical data. This could include physical documentation requirements that must be provided by the owner of the arrival or right holder, as well as confirmation forms that must be undertaken by specialists to guarantee the validity of the data.

By utilizing existing physical data, such as arrival reports and accessible property, and by conducting juridical confirmation in accordance with applicable legal provisions, the Town of Pagadungan believes it can streamline the way juridical data required for entry registration is collected. This will help reduce

complexity and increase effectiveness in managing the organization related to resident entry registration. (Arba H.M, 2016)⁵.

CONCLUSION & SUGGESTIONS

CONCLUSION

Agrarian Law in Indonesia, originated from the Dutch Colonialism where at that time, it was first known as Agrarian Politics, which gave birth to the first Agrarian Law in the archipelago or at that time the Dutch East Indies, namely Agrarische Wet and Agrarische Besluit, in 1870, where this law benefited the Dutch East Indies Government, Namely with the Application of Domein Verklaring, and also this Agrarian Law Contains Discrimination for the Nation or Native Tribe of the Archipelago (PRIBUMI), Therefore, After Independence Precisely in 1960, Indonesia's First President Soekarno gave the Idea of Land Reform as a Form of Agrarian Reform, until after the reform. The idea of Land Reform after the Reformation had a big impact on the community, especially those who worked as farmers, because the idea of Land Reform, especially during the Joko Widodo administration, gave birth to the Great Reform of Land Registration, with the Complete Systematic Land Registration Program (PTSL), and will be continued by Prabowo Subianto, in his administration as a form of Agrarian Reform.

REFERENCES

- Arba H.M. (2016). *Hukum Agraria Indonesia*. Jakarta: Sinar Grafika.
- H. Ali Achmad Chomzah. (2004). *Hukum Agraria (Pertanahan Indonesia) Jilid I*. Jakarta: Prestasi Pustaka.
- Harsono, B. (2005). *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*. Jakarta: Djambatan.
- Limbong, B. (2014). *Politik Pertahanan*. Jakarta: Margaretha Pustaka.
- Rachman, N. F. (2012). *Land Reform Dari Masa Ke Masa*. Yogyakarta: Tanah Air Beta dan Konsorsium Pembaruan Agraria (KPA).
- Sahnan. (2016). *Hukum Agraria Indonesia*. Malang: Setara Press.
- Santoso., U. (2010). *Pendaftaran dan Peralihan Hak atas Tanah*. Jakarta: Kencana.,Suardi. (2005). *Hukum Agraria*. Jakarta: Badan Penerbit Iblam.
- Sujata Antonius. (2000). *Reformasi Dalam Penegakan Hukum*. Jakarta: Jambatan.
- Sutedi, A. (2013). *Peralihan Hak Atas Tanah Dan Pendaftarannya*. Jakarta: Sinar Grafika.

⁵ Arba H.M. (2016). *Hukum Agraria Indonesia*. Jakarta: Sinar Grafika, Page 113.