



IMPLEMENTATION OF ATR/BPN REGULATION NO. 16 OF 2021 ON THE REGISTRATION OF UNMAPPED CERTIFIED LAND IN LAMPUNG

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Abstract

The government's obligation in the implementation of the registration of K4 Land Objects is very important. The greater the proportion of K4 objects in the Land Office, the greater the likelihood of land disputes, on the other hand, if all K4 objects have been mapped and validated (valid land books and survey letters) 100%, then there will be no more cases of certificate overlap. This means that legal risks such as lawsuits over land rights certificates that have been issued are reduced along with the completion of the registration of the K4 Land Object. Given the importance of K4 Land Object registration has become a national strategic issue, based on this background, the author takes the theme "Implementation of the Policy for the Registration of Uncharted Land Objects (K4) in the Context of Ensuring Legal Certainty (Study at the South Lampung Land Office). In this stage, the policies that have been implemented will be assessed or evaluated, to see the extent of the policies made to achieve the desired impact, namely solving the problems faced by the community. Therefore, it is determined that the measures or criteria are the basis for assessing whether the public policy that has been implemented has achieved the desired impact or goal or not.

Keywords: *Land Objects, K4, Land, Disputes*

1. Introduction

The State of Indonesia is a state of law as affirmed in the 1945 Constitution (hereinafter referred to as the 1945 Constitution) Article 1 paragraph (3) which reads "The State of Indonesia is a State of Law" (Simamora, 2014). Indonesia as a legal country has met the above requirements, and implemented a mixed legal system, namely the civil law system as the main legal system adopted from Dutch colonial law. In addition, Indonesia also has a customary law system (1945 Constitution Article 18B paragraph 2 and Law No. 5 of 1960 concerning Agrarian Principles) and an Islamic sharia law system (Law No. 44 of 1999 concerning the Implementation of Provincial Privileges of the Special Region of Aceh and Law No. 18 of 2001 concerning Special Autonomy for the Province of the Special Region of Aceh) (Hamzah, 2022).

In order to provide legal certainty related to land ownership for the people, the Government of Indonesia on September 24, 1960 replaced the agrarian law of the Dutch East Indies era (*rechtsstaat*) with the national agrarian law which was then outlined in Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles (hereinafter referred to as the UUPA). This UUPA provides legal certainty for land rights holders, especially on customary lands, because western rights do not register customary land on a *Rechts Cadaster*, but land registration is carried out on a Fiscal Basis (Budhayati, 2018). Furthermore, to ensure legal certainty over land ownership and control, Article 19 paragraph (1) of the UUPA mandates land registration throughout Indonesia.

As a derivative of Article 19 paragraph (2) of the UUPA, the government made Government Regulation Number 10 of 1961 concerning Land Registration. In its course (1961-1996), the land registration which was held based on Government Regulation Number 10 of 1961 still had many weaknesses so that it was revised and produced Government Regulation Number 24 of 1997 (hereinafter referred to as PP 24/1997) concerning Land Registration. To carry out land registration in Government Regulation 24/1997, the Ministry of State for Agrarian Affairs made Regulation of the Minister of State for Agrarian Affairs Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as PMNA Number 3/1997).



In its implementation (in 1997-2020), land registration still left problems that led to conflicts or cases. After the issuance of the Job Creation Law, the Ministry of ATR/BPN revised PMNA Number 3/1997 by issuing Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 16 of 2021 concerning the Third Amendment to PMNA Number 3/1997 (hereinafter referred to as Permen ATR/BPN 16/2021). In 2017, the Ministry of ATR/BPN issued the Complete Systematic Land Registration program (hereinafter referred to as PTSL) with the aim of providing legal certainty as a form of the state's presence in accelerating land registration activities (Rajagukguk et al., 2019). Until now, there are PTSL products that are not in accordance with applicable regulations or commonly known as "Residues and Anomalies". The product can be said to be administratively flawed or through incorrect procedures, thus giving rise to new problems up to the national level (National, 2022a).

The legal certainty of land registration basically lies in the power of the land certificate as proof of land ownership, including evidence in court, if in the future there is a dispute over land ownership rights. Land registration in Indonesia that uses negative stelsel at an empirical level has had an impact on the legal certainty of land registration and the certainty of land certificates as proof of land ownership for certificate holders. One of the points in the PTSL program is the improvement of plotting land plots, where measurement and mapping are not only on the land that will follow the PTSL, but also the plotting of land objects that are certified but have not been mapped (hereinafter referred to as K4) physically, further improvements will be made to the juridical link, mapping of land plots (PBT products), offline and online map fireplaces via computerized land offices (hereinafter referred to as KKP), and support the declaration of complete villages/sub-districts as PTSL (National, 2022).

In the implementation of the national land registration policy (online), it provides quite severe problems, especially in certificates that have been issued before the existence of internet technology. Where nationally there are as many as 15 million K4 objects that have not been mapped nationally. Based on data from the KKP as of July 2022, the South Lampung Land Office has a load of K4 objects as many as 96,409 fields (24%) that must be mapped electronically. Another problem if the K4 object is not resolved immediately can give rise to more complex problems such as overlap or double certificates. Overlapping certified land ownership can occur due to the digital transformation of the registration basemap, where at the time of moving from manual basemap to digital basemap there are parts that are not entered/missing (Deslina, 2018). Thus, the Land Office considers that the location has never been issued a land certificate so that the issuance of rights based on the regulatory ecosystem makes it possible to issue certificates. Given the importance of K4 Land Object registration has become a national strategic issue, based on this background, the author takes the theme "Implementation of the Policy of Registration of Uncharted Land Objects (K4) in the Context of Ensuring Legal Certainty (Study at the South Lampung Land Office)".

2. Literature review and hypothesis development

1. State Administrative Law

The term state administrative law in Dutch is *bestuursrecht*, with the main element *bestuur*. The term *bestuur* is related to *stuur* and *sturing*. *Bestuur* is formulated as an environment of state power outside the environment of legislative and judicial power. The State Administration Law (HAN) is a law that regulates government authority, the implementation of government duties and protects the administrative rights of the people in administering government. According to Ridwan HR, the State Administration Law is a set of regulations that allow the state administration to carry out its functions, which at the same time also protects citizens against state administrative actions, and protects the state administration itself (HR, 2006).

According to Malthew Groves and HP Lee, HAN cannot be defined strictly because it will always intersect with public law. HAN is a whole about what the executive government (ministries/agencies) can and cannot do. In other words, the HAN includes mechanisms and principles that allow the people to question that or against decisions made by executive officials (Tjandra, 2018). According to Rene Serden and Frits Stroink, HAN is a relationship between the state and the people, where the administration has the power to influence the legal position of the community and organize social



relations in various fields. according to the CJN. Verstedden, with the HAN, can be taken into account the regulation on supervision from the higher government to the lower government (Tjandra, 2018).

- 1) the rules of law that govern in the manner in which the apparatus of the state performs its duties; and
- 2) legal rules that regulate the legal relationship (rechtsbetrekking) between the administrative equipment of the state or government and its citizens.

2. Functions and Objectives of State Administration Law

The existence of state administrative law in the state dimension has a very important function and purpose because its existence is not only to ensure that the wheels of state government continue to run but also to move in the desired direction by providing protection for citizens and sufficient protection for the state administrative apparatus so that irregularities do not occur. So that the state administrative law is an instrument of control and regulates power in carrying out government affairs. Specifically, related to the legal function of state administration, according to Philipus M. Hadjon, there are three types of functions of Administrative Law, namely:

- 1) normative function,
- 2) instrumental function, and
- (3) Security.

These three functions are interrelated with each other. The normative function that concerns the norm of the ruling power is clearly closely related to the instrumental function that determines the instruments used by the government to exercise the power to govern and in the end the norms of government and the instruments of government used must guarantee legal protection for the people. Irfan Mawardi added that the State Administration Law is instrumental of the state administrative apparatus in carrying out its duties as public servants to prosper citizens in a country that adheres to the welfare state. In this type of country, the purpose of administrative law is as a basis for the implementation of the duties of the state administrative apparatus so that it works correctly and fairly. So in principle, the law of state administration aims to achieve various state goals.

Some of the objectives of the State Administrative Law are:

- a. To protect citizens against the attitude of the state's own administrative apparatus
- b. To control the state administrative apparatus in order to be able to know the limits and nature of its powers, the purpose and nature of its obligations, as well as the form of sanctions if it violates the law
- c. To control and discipline the operationalization process of the implementation of state administrative duties and functions by the state administrative apparatus.

3. Legal Position of State Administration

In law, it is known that the field of legal division is divided into the fields of civil law, constitutional law, and administrative law, criminal law and international law. In the field of constitutional law and administrative law, which are part of public law, it is more concerned with the relationship between the government and the community, which Utrecht calls the relationship of special law. The position of administrative law in the field of law in the field of material administrative law lies between private law and criminal law. Criminal law contains norms that are so important for people's lives that the enforcement of these norms is not left to the particle but must be carried out by the authorities. Private law contains norms whose enforcement can be left to the private sector. Between the two fields of law lies administrative law.

4. Principles of State Administration Law

As a manifestation that Indonesia is a country of law, Indonesia applies the concept of "Good Governance" or in Dutch known as "Algemene Beginselen van Behoorlijk Bestuur" (hereinafter referred to as ABBB). The history of the concept of ABBB or Good Government was initiated by Crince Le Roy who said that there are 11 general principles of Algemene Beginselen van Behoorlijk Bestuur. The eleven principles were then developed again by Juntjoro Purbopranoto by adding two principles, namely (Friedman, 2018):



- a. Asas kepastian hukum (principle of legal security);
- b. Asas keseimbangan (principle of proportionality);
- c. The principle of equality in decision-making;
- d. Asas bertindak cermat (principle of carefulness);
- e. The principle of motivation for every decision;
- f. The principle of not to confuse authority (principle of non-misuse of competence);
- g. The principle of fair play;
- h. Asas keadilan atau kewajaran (principle of reasonableness or prohibition of arbitrariness);
- i. Asas menanggapi pengharapan yang wajar (principle of meeting raised expectation);
- j. The principle of undoing the consequences of annulled decision;
- k. Asas perlindungan atas pandangan hidup (principle of protecting the personal way of life).
- l. The principle of sapientia; and
- m. The principle of public service.

3. Methodology

This study uses qualitative research methods (Kerlinger, 1990), descriptive qualitative research using a socio-legal approach. The data collection method is carried out qualitatively, namely through literature studies and focus group discussions (FGD). This research takes the theoretical approach of Meuwissen (Sidharta, 2007) who argue that the formation of legislation distinguishes two central moments in the formation of law, namely political-ideological moments and technical moments. The ideological political moment is related to the content of the desired legislation, which is related to articulating or processing political goals, while the technical moment is related to the technical process of legal drafting. These two moments create conditions for the complexity of legislation. The complexity of legislation development is in line with what D'Anjou stated as quoted by Satjipto Rahardjo (Rahardjo, 2007) that the development of legislation is a complex process. Complexity (Seidmann, 2001) This then becomes an important spotlight in the context of the follow-up of legislation to simplify it to be able to have practicality.

4. Results and discussion

4.1. Implementation of K4 Land Object Registration at the Regency Land Office South Lampung

In implementing the registration of K4 land objects at the South Lampung Regency Land Office, there are things that are the benchmark for success, namely whether or not the designed activities are realized. Therefore, the stakeholders realized several activities for the completion of this K4 land object registration activity. In accordance with the actualization plan, the registration of K4 land objects will begin in the fifth week or February 31, 2022. The implementation of this activity involved archivists, and sub-divisions of the Survey and Mapping Section of the South Lampung Regency Land Office. In the implementation of this K4 land object registration activity, stakeholders carried out five stages:

1. Prepare the Survey Letter Archive and Registration Basic Map Archive as well as the results of the Registration Basic Map Archive Scanning

The first activity carried out was the preparation of the Registration Basic Map archive and the results of the Registration Basic Map Archive Scanning needed. Here are some stages of the activity carried out:

- a. Coordinating the archives officer to find the archives of the Registration Basic Map and Survey Letter

Coordination is carried out to make it easier for archivists to find the required registration map and survey map archives. It is done by providing a list of Registration Map Numbers and Survey Letters needed to the archival officers.



Figure 3-3 Borrowed Survey Letter Archive

b. Collecting archives of Registration Basic Maps and Survey Letters After coordinating with the archive officer, the borrowed Registration Basic Map and Survey Letter archives can be collected. The number of borrowed archives exceeded the work target for anticipation.

c. Sorting and grouping the Registration Basic Map archives in accordance with the map number and Survey Letters according to the right number of the Survey Letter Archive and the Registration Map that have been borrowed and then sorted and grouped. In 1 sheet of the Basic Registration Map there are many fields with a random right number.

27	NA.0013	01.01.0000.0000	10000	10	28	NA.0000	01.01.0000.0000	10000	10
28	NA.0014	01.01.0000.0000	10000	10	29	NA.0000	01.01.0000.0000	10000	10
29	NA.0015	01.01.0000.0000	10000	10	30	NA.0000	01.01.0000.0000	10000	10
30	NA.0016	01.01.0000.0000	10000	10	31	NA.0000	01.01.0000.0000	10000	10
31	NA.0017	01.01.0000.0000	10000	10	32	NA.0000	01.01.0000.0000	10000	10
32	NA.0018	01.01.0000.0000	10000	10	33	NA.0000	01.01.0000.0000	10000	10
33	NA.0019	01.01.0000.0000	10000	10	34	NA.0000	01.01.0000.0000	10000	10
34	NA.0020	01.01.0000.0000	10000	10	35	NA.0000	01.01.0000.0000	10000	10
35	NA.0021	01.01.0000.0000	10000	10	36	NA.0000	01.01.0000.0000	10000	10
36	NA.0022	01.01.0000.0000	10000	10	37	NA.0000	01.01.0000.0000	10000	10
37	NA.0023	01.01.0000.0000	10000	10	38	NA.0000	01.01.0000.0000	10000	10
38	NA.0024	01.01.0000.0000	10000	10	39	NA.0000	01.01.0000.0000	10000	10
39	NA.0025	01.01.0000.0000	10000	10	40	NA.0000	01.01.0000.0000	10000	10
40	NA.0026	01.01.0000.0000	10000	10	41	NA.0000	01.01.0000.0000	10000	10
41	NA.0027	01.01.0000.0000	10000	10	42	NA.0000	01.01.0000.0000	10000	10
42	NA.0028	01.01.0000.0000	10000	10	43	NA.0000	01.01.0000.0000	10000	10
43	NA.0029	01.01.0000.0000	10000	10	44	NA.0000	01.01.0000.0000	10000	10
44	NA.0030	01.01.0000.0000	10000	10	45	NA.0000	01.01.0000.0000	10000	10
45	NA.0031	01.01.0000.0000	10000	10	46	NA.0000	01.01.0000.0000	10000	10
46	NA.0032	01.01.0000.0000	10000	10	47	NA.0000	01.01.0000.0000	10000	10
47	NA.0033	01.01.0000.0000	10000	10	48	NA.0000	01.01.0000.0000	10000	10
48	NA.0034	01.01.0000.0000	10000	10	49	NA.0000	01.01.0000.0000	10000	10
49	NA.0035	01.01.0000.0000	10000	10	50	NA.0000	01.01.0000.0000	10000	10
50	NA.0036	01.01.0000.0000	10000	10	51	NA.0000	01.01.0000.0000	10000	10
51	NA.0037	01.01.0000.0000	10000	10	52	NA.0000	01.01.0000.0000	10000	10
52	NA.0038	01.01.0000.0000	10000	10	53	NA.0000	01.01.0000.0000	10000	10
53	NA.0039	01.01.0000.0000	10000	10	54	NA.0000	01.01.0000.0000	10000	10
54	NA.0040	01.01.0000.0000	10000	10	55	NA.0000	01.01.0000.0000	10000	10
55	NA.0041	01.01.0000.0000	10000	10	56	NA.0000	01.01.0000.0000	10000	10
56	NA.0042	01.01.0000.0000	10000	10	57	NA.0000	01.01.0000.0000	10000	10
57	NA.0043	01.01.0000.0000	10000	10	58	NA.0000	01.01.0000.0000	10000	10
58	NA.0044	01.01.0000.0000	10000	10	59	NA.0000	01.01.0000.0000	10000	10
59	NA.0045	01.01.0000.0000	10000	10	60	NA.0000	01.01.0000.0000	10000	10
60	NA.0046	01.01.0000.0000	10000	10	61	NA.0000	01.01.0000.0000	10000	10
61	NA.0047	01.01.0000.0000	10000	10	62	NA.0000	01.01.0000.0000	10000	10
62	NA.0048	01.01.0000.0000	10000	10	63	NA.0000	01.01.0000.0000	10000	10
63	NA.0049	01.01.0000.0000	10000	10	64	NA.0000	01.01.0000.0000	10000	10
64	NA.0050	01.01.0000.0000	10000	10	65	NA.0000	01.01.0000.0000	10000	10
65	NA.0051	01.01.0000.0000	10000	10	66	NA.0000	01.01.0000.0000	10000	10
66	NA.0052	01.01.0000.0000	10000	10	67	NA.0000	01.01.0000.0000	10000	10
67	NA.0053	01.01.0000.0000	10000	10	68	NA.0000	01.01.0000.0000	10000	10
68	NA.0054	01.01.0000.0000	10000	10	69	NA.0000	01.01.0000.0000	10000	10
69	NA.0055	01.01.0000.0000	10000	10	70	NA.0000	01.01.0000.0000	10000	10
70	NA.0056	01.01.0000.0000	10000	10	71	NA.0000	01.01.0000.0000	10000	10
71	NA.0057	01.01.0000.0000	10000	10	72	NA.0000	01.01.0000.0000	10000	10
72	NA.0058	01.01.0000.0000	10000	10	73	NA.0000	01.01.0000.0000	10000	10
73	NA.0059	01.01.0000.0000	10000	10	74	NA.0000	01.01.0000.0000	10000	10
74	NA.0060	01.01.0000.0000	10000	10	75	NA.0000	01.01.0000.0000	10000	10
75	NA.0061	01.01.0000.0000	10000	10	76	NA.0000	01.01.0000.0000	10000	10
76	NA.0062	01.01.0000.0000	10000	10	77	NA.0000	01.01.0000.0000	10000	10
77	NA.0063	01.01.0000.0000	10000	10	78	NA.0000	01.01.0000.0000	10000	10
78	NA.0064	01.01.0000.0000	10000	10	79	NA.0000	01.01.0000.0000	10000	10
79	NA.0065	01.01.0000.0000	10000	10	80	NA.0000	01.01.0000.0000	10000	10
80	NA.0066	01.01.0000.0000	10000	10	81	NA.0000	01.01.0000.0000	10000	10
81	NA.0067	01.01.0000.0000	10000	10	82	NA.0000	01.01.0000.0000	10000	10
82	NA.0068	01.01.0000.0000	10000	10	83	NA.0000	01.01.0000.0000	10000	10
83	NA.0069	01.01.0000.0000	10000	10	84	NA.0000	01.01.0000.0000	10000	10
84	NA.0070	01.01.0000.0000	10000	10	85	NA.0000	01.01.0000.0000	10000	10
85	NA.0071	01.01.0000.0000	10000	10	86	NA.0000	01.01.0000.0000	10000	10
86	NA.0072	01.01.0000.0000	10000	10	87	NA.0000	01.01.0000.0000	10000	10
87	NA.0073	01.01.0000.0000	10000	10	88	NA.0000	01.01.0000.0000	10000	10
88	NA.0074	01.01.0000.0000	10000	10	89	NA.0000	01.01.0000.0000	10000	10
89	NA.0075	01.01.0000.0000	10000	10	90	NA.0000	01.01.0000.0000	10000	10
90	NA.0076	01.01.0000.0000	10000	10	91	NA.0000	01.01.0000.0000	10000	10
91	NA.0077	01.01.0000.0000	10000	10	92	NA.0000	01.01.0000.0000	10000	10
92	NA.0078	01.01.0000.0000	10000	10	93	NA.0000	01.01.0000.0000	10000	10
93	NA.0079	01.01.0000.0000	10000	10	94	NA.0000	01.01.0000.0000	10000	10
94	NA.0080	01.01.0000.0000	10000	10	95	NA.0000	01.01.0000.0000	10000	10
95	NA.0081	01.01.0000.0000	10000	10	96	NA.0000	01.01.0000.0000	10000	10
96	NA.0082	01.01.0000.0000	10000	10	97	NA.0000	01.01.0000.0000	10000	10
97	NA.0083	01.01.0000.0000	10000	10	98	NA.0000	01.01.0000.0000	10000	10
98	NA.0084	01.01.0000.0000	10000	10	99	NA.0000	01.01.0000.0000	10000	10
99	NA.0085	01.01.0000.0000	10000	10	100	NA.0000	01.01.0000.0000	10000	10

Figure 3.4 Example of a list of Survey Letters archives that have been sorted and grouped according to the archive of the Registration Basic Map sheet

d. Searching for the results of Scanning the Registration Basic Map with the officer who has the file Coordinating with the officer who scans the Registration Basic Map.

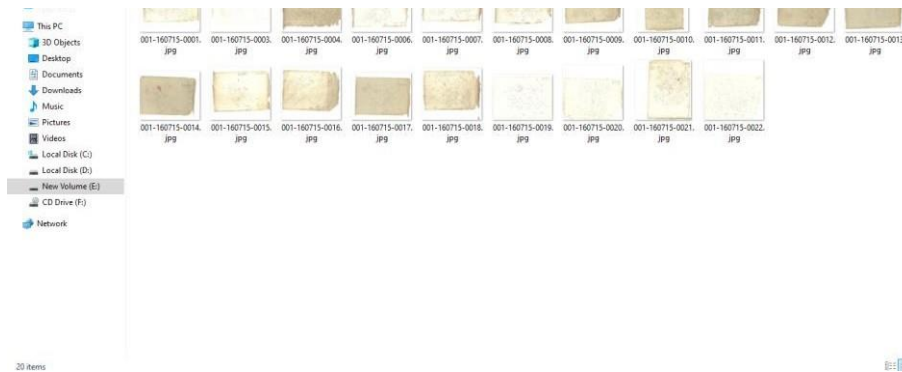


Figure 3.5 File Scanning Registration Basemap

e. Provide the name of the Scanning result file according to the grouping according to the map sheet number of the Registration Basic Map Scanning File that has been obtained previously and then named after the map sheet number. This activity is carried out to make it easier to carry out the next activity.

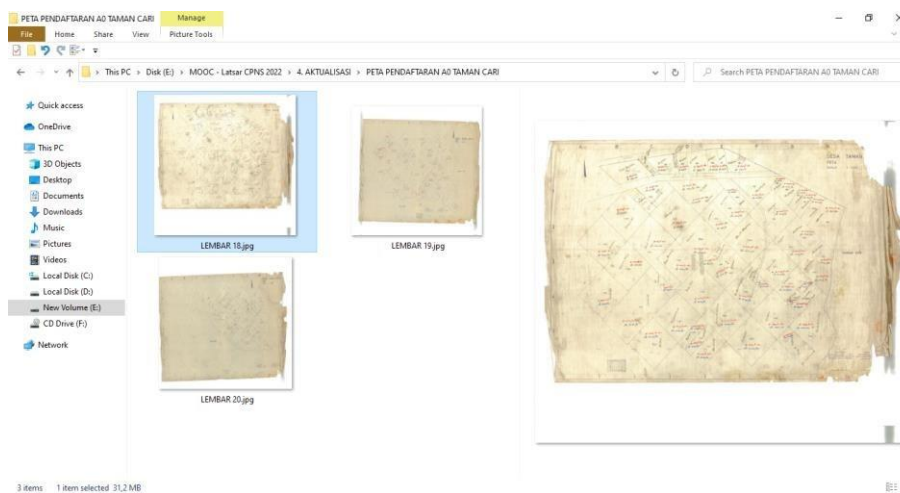


Figure 3.6 File Name of Registration Basic Map Scanning by Map Sheet Number

2. Digitizing Land Plots

The second activity was the digitization of 108 plots of land located in the 3 Basic Registration Maps using the AutoCAD application. Here are some stages of the activity carried out:

- Consult with superiors to ensure that the land plots in digits are correctly located and the data The surveyor consults with the head of the section regarding which land plots need to be digitized so that it makes it easier to digitize.
- Download plots of land that have been mapped in GeoKKP in the AutoCAD application The initial stages of this activity are by downloading all plots of land from those that have been mapped in GeoKKP AutoCAD. The boundaries of the Village to be mapped are also downloaded.

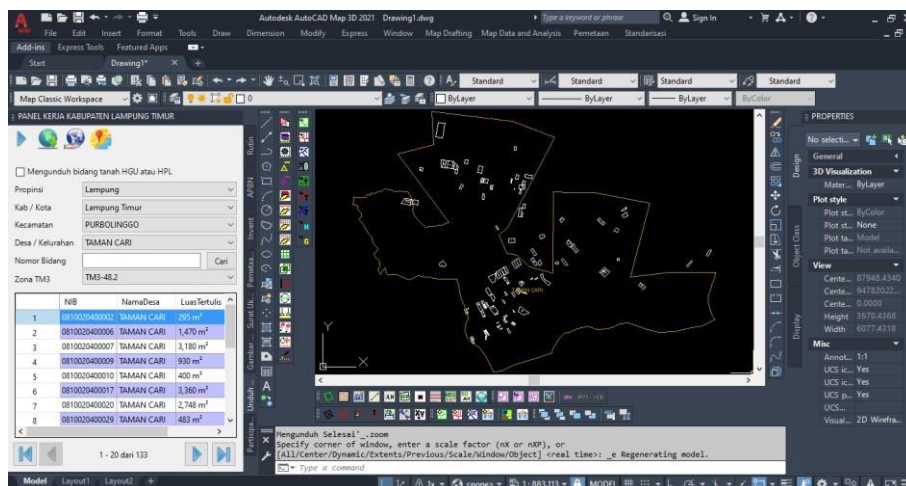


Figure 3.7 Example of the download result of a plot of land from GeoKKP

c. Transfer the scanning results of the Registration Basic Map to AutoCAD according to the coordinates and images At this stage, the activity of downloading the image on the worksheet is first carried out. The downloaded image can use Bingsatellitemap or Googleearthmap, choosing the clearest image. After downloading, all images are overwritten with the results of scanning the Registration Basic Map according to their scale and coordinates.

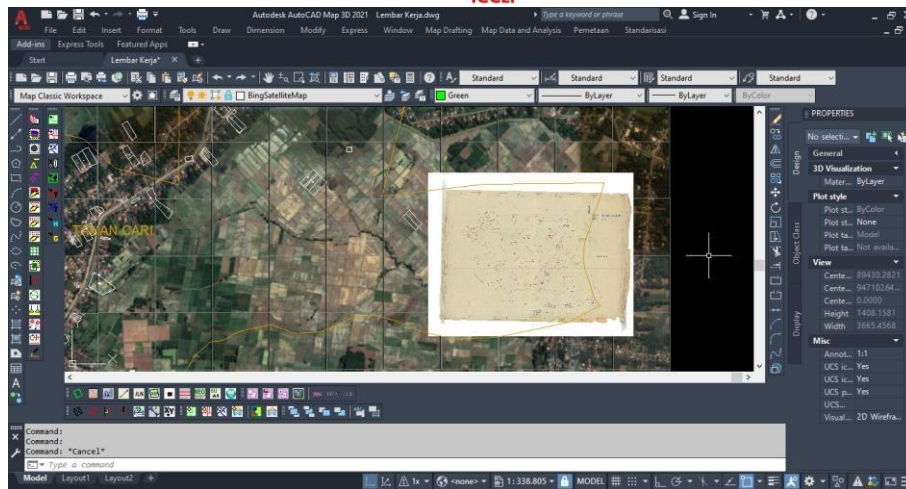


Figure 3.8 Scanning the Registration Base Map overlaid on the image.

d. Digitizing the land plot from the results of scanning the Registration Basic Map while still paying attention to the area according to the Survey Letter At this stage of the activity after scanning the Registration Basic Map is placed on the worksheet, then the digitization of the land plot is carried out. Digitization is carried out using the land plot layer (020100). So that the K4 land objects that have been identified in the KKP until the end of 2022 are 6,593 fields.

e. Tidying up and rechecking to avoid overlap This stage of activity is carried out to control the digitized fields so that there is no overlap (partial overlap) and gab (partial distance) with the fields that have been mapped on the KKP application Registration Map. This stage of activity is carried out by applying the download of all land plots in South Lampung which are mapped on the KKP application Registration Map.

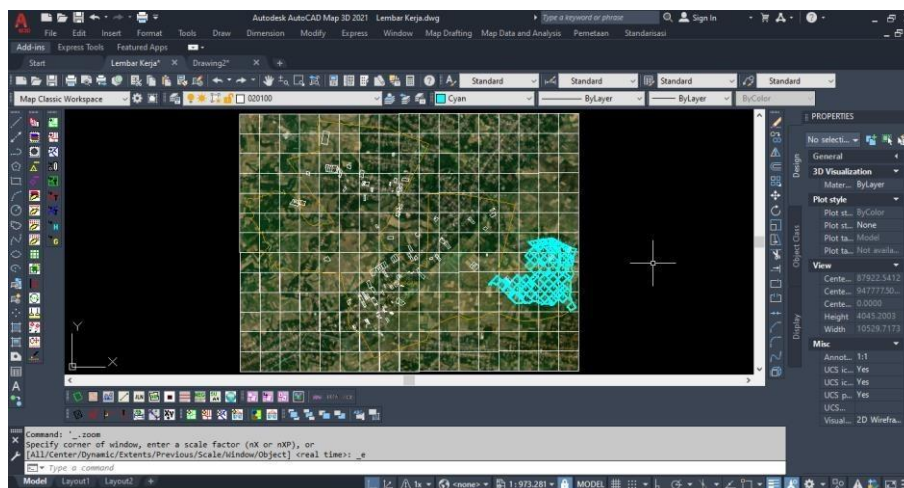


Figure 3.9 Example of the digitization results of land plots on the Registration Basic Map that have been avoided from overlapping, overlays, and gab

4.2. Obstacles to the Implementation of K4 Land Object Registration at the South Lampung Regency Land Office

Based on the results of the research, there are factors that hinder the registration of this K4 Land Object, the inhibiting factors are:

1. Skill

a. Lack of understanding of employees regarding the importance of digital mapping of land plots. Especially for old employees when the KPP was first introduced, there were still many employees who



were not able to read digital maps so they were unable to determine the correct coordinate points. This makes old employees in the past place land objects randomly to cause problematic land objects that overlap or have not been mapped correctly today. To get the exact soil coordinates, it is necessary to re-measure. By taking coordinates online, BPN can improve coordinate positions and map land plots without overlap.

b. The government has various BPN programs that must be implemented by the Land Office, so human resources need to complete ongoing programs and are considered less enthusiastic about completing K4 objects.

2. *System*

a. The mapping of land plots in the old year is still done manually, because there is no computerization of data in the old year. New digital technology has recently been applied to land parcel mapping, so that more certificates of manual mapping results that have been carried out for a long time cannot be mapped.

b. One of the obstacles to the registration of K4 land objects is the lack of exact coordinates, this is because K4 land is mostly an old-year certificate whose mapping has not used modern tools that can take coordinates online from satellites.

3. *Surroundings*

The lack of socialization about the importance of re-measurement for old certificate owners is the main obstacle, communication and public enthusiasm regarding the importance of land parcel mapping has become very difficult, seeing that old certified land owners are elderly or elderly who are estimated to be unable to get information online. There are still many people who already feel safe when they hold the certificate, do not know whether it is correct or not that their land has been mapped by BPN.

4. *Suppliers*

a. Because there are so many archives of warkah (NIB, Survey Letters, and Land Books) before online registration, there are still many warkah that have not been successfully found or are suspected to have been lost or eaten by termites. Some of the warkah that was successfully found has been validated, but the data entry is still incorrect or incomplete in the KKP application, so it is necessary to check the data first before entering the KKP application.

b. The comparison between human resources (HR) and existing documents makes it difficult to find and find the necessary archives. A small number of human resources certainly affects the acceleration of mapping, where the more human resources, the faster the collection of warkah and the measurable land parcels can be mapped immediately.

4.3. *Analysis of the Implementation of Land Registration Policy on K4 Objects at the South Lampung Land Office*

The law in Indonesia is very important to regulate people's lives, so that all forms of crime can be solved as fairly as possible. The existence of the law can avoid violations that can be committed by the community or law enforcers themselves. For this reason, it is necessary to have legal principles that can be used by the Indonesian state in regulating the order of life in society. Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles in article 19 states: to ensure legal certainty by the Government, land registration is held throughout the territory of the Republic of Indonesia in accordance with the provisions regulated by Government Regulations. The registration includes:

1. Land measurement, mapping and bookkeeping
2. Registration of land rights and transfer of such rights
3. Provision of proof of rights, which is valid as a strong means of proof.

Likewise, "To provide legal certainty and legal protection to the holder of rights to a plot of land, flats and other registered rights so that they can easily prove themselves as the holder of the rights concerned" is the stated purpose of the land rights certificate, one of the products of Government Regulation Number 24 of 1997 concerning Land Registration. The government regulation governs the costs associated with land registration, with the provision that the people cannot afford to be exempt from the



payment of these fees. To meet legal certainty, of course, there should be no more k4 objects in the land office. Quantitatively, the land office has completed the land registration procedure for 6000 k4 objects through PTSL activities. This figure is relatively small considering that the burden of land offices in July 2022 had a total of 96,000 K4 fields.

Based on the results of an interview with Hotman Saragih as the Head of the South Lampung Regency Land Office, there are two generations of registration in Indonesia. The first generation was before 1997, where land registration was not carried out using a single projection, so that many land plots could not be returned due to changes in the shape / physical elements of the surrounding location. The characteristic of this product from the first generation is the absence of a registration map sheet that uses the national coordinates TM.3. The second generation is after PP 24 of 1997 with technical provisions referring to PMNA number 3 of 1997.

In the second era, land registration, especially measurement and mapping, must refer to the national coordinate system, namely the 3-degree transverse mercator. In the second generation, it is marked by a registration map that uses sheets / sheet division based on the national zone that has been divided, so that from Sabang to Merauke each parcel of land will have unique coordinates, so that it is ensured that each plot of land will have different coordinates. Land registration for K4 objects carried out after PP 24 of 1997 is generally easier because there are instructions based on the registration sheet number. Each field that has been issued a certificate will have measurement documents ranging from survey drawings, land plot maps, registration maps, and survey letters. Meanwhile, K4 object land registration activities through PTSL are carried out in villages that determine the location, not all villages. For fields that cannot be mapped based on existing warkah, re-measurements are carried out in the field based on instructions from landowners and local village officials.

Based on the results of an interview with Winarno, as the Head of the Survey and Mapping Section, the implementation of land registration in K4 objects according to criteria is divided into two, namely a mass program allocated through PTSL, and the second is self-sufficiency, carried out by individuals who need land services. For self-help applications, the community usually brings the original certificate to the land office and then replots if the documents brought are in accordance with the data at the land office. If it is not suitable, then the applicant is directed to register a re-measurement for the certificate requested. The completion of land registration for K4 objects is very slow because the land office is passive, waiting for the landowner to apply for land services independently, while the settlement through government programs such as PTSL has very limited funds. Furthermore, Winarno explained that people can see their land parcels through the Touch My Land application, My Land Survey, and bhumi.atr.go.id website.

The government expects the active role of certificate holders to report to the land office if the certificates they have have not been mapped. Based on the results of an interview with Novi, as the Head of the Rights and Determination Registration Section, the behavior of landowners affects the height and low of the land office in completing the registration of K4 objects. Landowners who actively use their assets for checking, name change, inheritance, separation, etc., will definitely automatically reduce the counter data of the K4 object, on the other hand, if the owner rarely or never applies for land services since the certificate was issued, then it could be that the asset will remain the object of K4. In completing it, a document such as the Land Book is needed for scanning so that it can improve the quality of the data. Based on an interview with Suharno as the head of Marga Agung village, Jati Agung, that the residents of Marga Agung are transmigration residents who have been juridically granted miik rights by the State in 1973.

The number of K4 objects in the village is because most of the certificates that have been issued are not held by the community. In addition, the names in the certificate are parents or early generation grandparents who may have died so that the public also finds it difficult to get a replacement certificate due to multiple legal events. Furthermore, the Head of Marga Agung Village explained that the land controlled by the residents of Marga Agung has now changed from the distribution of transmigration allocations in 1973. The change occurred due to the existence of a new road, partially sold or as a result



of inheritance distribution. The physical control of buildings on the ground has been felt to be sufficient by the community, so that this condition makes the community even more reluctant to take care of the certificates they have received.

To increase the achievement of land registration in the K4 object, public policy from the Land Office Officials is very necessary. Woll, cited by Tangkilisan, claimed that public policy is a variety of government initiatives to address societal issues, either directly or through different organizations that have an impact on people's lives. "Is whatever government chooses to do or not to do" is how Thomas R. Dye defines public policy. This definition highlights that public policy is more than just a declaration of the government's or public officials' desires; it is about the actualization of "action." Furthermore, because it has the same consequence as the government's decision to act, the government's decision to do nothing is also considered a public policy. The policy that has been implemented is to measure and map K4 objects which are included in the determination of the location of PTSL.

With complete systematic registration activities, the object of K4 will be reduced. The Land Office has also provided education about the Touch of Your Land application, where people who come to the Land Office will be explained about the uses and functions of the Touch Your Land application. The objectives of launching the Touch My Land Application which are available in Android or iOS versions include:

1. Socializing ATR/BPN strategic programs;
2. Convey information on the status of land ownership (block, expiration of rights, file status), 3. For BMN inventories that have not been mapped by other agencies;
3. Assisting Surveyors/Licensed Cadastral Surveyors to find land plots in the field;
4. Knowing the data of a plot of land before the sale and purchase transaction / dependent rights are carried out;
5. As a reminder (wallet) of our ownership (certificate), as well as our obligations (collateral);
6. Knowing the cost, time and service requirements of BPN in order to increase the transparency of land services; and
7. Tracking the status of application files at the Land Office to increase accountability for service delivery.

Generally speaking, this application can provide both the details of the certificate and the ownership list for K4 objects. The user has the option to report any missing certificate information if a physical certificate is not yet available on the certificate ownership list. The collateral code list details for the certificate are displayed via the Leverage List. A list of ownership (based on NIK) of the certificates linked to the account owner will be shown. To view the certificate details, users can press the list. Users can plot their land parcel if it hasn't already been mapped or view its location on a map using the certificate's details (see Land Plot Location Search). Verified customers can enjoy the comfort of not having to keep track of their certificate numbers across Indonesia. The user can utilize this program to report ownership if it hasn't yet shown up. The user must provide the certificate number to be plotted in order to plot a field. The land plot must then be drawn on the map in accordance with its location and shape. Additionally, the data will be saved on the server by touching the save plot option. Later, the Land Office will confirm the information. Your field will show up in the field plot if it has been validated.

The policy is taken as a form of a series of actions carried out or not carried out by the government that are oriented towards a specific goal in order to solve public problems or in the public interest. The responsibility to complete the registration of K4 objects is the government itself, based on the Government Regulation on Land Registration, land that has been registered by the community, the government must ensure legal certainty, guarantee land information and realize orderly land administration. Due to limited human resources, a participatory method is used, where people who have certificates but have not been mapped can play an active role by independent mapping using the Touch My Land application. To achieve the goal of land registration, the obligation of the Government to complete the K4 object must be supported partially by the community. If the community is passive, the impact that will arise is not only administrative losses, but can lead to material losses. Several cases of



overlapping certificates that have led to cases have occurred because the K4 object could not be resolved completely.

4.4. Analysis of Obstacles to the Implementation of Land Registration Policy on K4 Objects at the South Lampung Land Office

The goal of land registration is to satisfy the needs of the Indonesian people while also achieving legal and administrative order. A certificate proving ownership of land rights will be the end result of land registration. However, there must be barriers to its implementation in terms of administration as well as community knowledge, particularly for the general public who are unaware of the significance of gathering land data. Based on an interview with Hotman Saragih, as the Head of the Land Office, the main obstacle in the registration of land for K4 objects is that the warkah owned by the Land Office is incomplete. Analog data in the form of Survey Drawings, Registration Maps, Land Plot Maps, Land Books, Minutes of the Land Inspection Committee, and Survey Letters are not necessarily complete for each land plot. If the K4 object has this warkah, then improving the quality of data on the K4 object is easier to implement. Furthermore, Hotman Saragih emphasized that not all of the warkah are in good condition. Some maps, survey letters and land books are in a damaged condition, so the data that can be taken is incomplete. For such conditions, officers from the land office must carry out field review tasks so as to increase the cost variable.

Based on an interview with Winarno, as the Head of the Survey and Mapping Section, the obstacles experienced are the shape of the land parcel that is no longer in accordance with the physical conditions in the field. This happens because changes in land use have occurred, such as the construction of new roads, separation due to inheritance, and land plots that have been partially sold but not reported to the land office. Furthermore, Winarno explained, there are several K4 objects that are incomplete and the domicile of the owner is unknown. There are also owners who have land certificates but do not know where they are located. With such conditions, it will certainly be an obstacle in improving the quality of data at the land office. Based on an interview with Novi, as the head of the PHP section, not all K4 objects can be accepted by the Land Office to improve the quality of their data. The certificate on the applicant must be confirmed with the warkah / archive at the Land Office. This condition is an obstacle as well as a finding, there are several certificates circulating in the community that do not match the original.

According to Lawrence M. Friedman, each legal system consists of 3 (three) sub-systems, namely legal substance, legal structure, and legal culture with the following explanation:

1. Legal structure. A machine-like structure in which there are institutions that make and enforce the law, such as the House of Representatives, Executive, Legislature, Police, Prosecutor's Office and Courts;
2. Legal substance is what is done and produced by legislators, in the form of decisions and decrees, laws and regulations, and also includes rules that are outside the law book; and
3. Legal culture is the relationship between social behavior and its relationship with the law. Based on the theory of the legal system presented by Freedman, there are three.

Land registration rules have been issued in such a way that the government can present quality cadastral data, in accordance with the purpose of the land registration itself. In terms of legal structure, derivative rules from PP 24 1997, namely Ministerial Regulation ATR 16 2021 have accommodated the shortcomings that exist in PMNA 3 1997 to keep up with the development of the times. Based on the sub-system legal structure in land registration, employees of the South Lampung land office have a high burden considering the size of the area and the number of land plots that exist. To reduce the gap in this problem, the land office is assisted by licensed surveyors and active participation from the community.

The legal sub-system that most influences the registration of K4 object land is legal culture, or legal culture. In land registration, the community should play an active role by maintaining the land boundary mark that has been certified, while the land office maintains the quality of its archives / warkah. If problems/disputes are found, the land office can bring a writ of certiorari as a commitment that the state provides legal certainty to the land certificate that has been issued. Likewise with the community, if



they actively maintain the boundary marks of their land plots, the Land Office will find it easier to map and improve the quality of the K4 object data.

Based on this description, the implementation of land registration in K4 objects in South Lampung has been carried out but not optimally. This is based on KKP data where in December 2022 it still had a load of K4 objects of approximately 89,000 fields, only reduced by about 6000 fields. The implementation of land registration that has been outlined through the Ministerial Regulation ATR 16 2021 and the 2022 PTSL juknis cannot be fully implemented for the K4 object. The obstacle that still remains is the K4 object whose location/position of the plot of land is unknown, especially if the owner of the land is unknown or cannot be contacted. This is in accordance with Lawrence Meir Friedman's theory of the legal system, if the law does not run optimally, because the legal system itself includes the substance of the law, the legal structure and the culture of the law. The author's suggestion is that the Government plays a more active role through social media and electronic media to provide education to the public to maintain their land boundary signs, as well as inform K4 object holders to immediately report partially through the touch my land application or come to the counter directly.

5. Conclusion

5.1. Conclusion

Based on the results of the discussion and research on the problem, it can be concluded as follows:

1. The implementation of the registration policy for unmapped certified land objects (k4) in order to ensure legal certainty at the South Lampung Regency Land Office has currently been implemented, but it is not optimal, because there are still several obstacles in implementing the regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency.
2. Inhibiting factors in the implementation of registration of certified land objects have not been mapped (k4) In South Lampung Regency, namely the land registration archive / certificate is damaged or not found, the land owner does not know the boundaries of the land plot, and the whereabouts of the land owner are not known, so it is difficult to measure and map the land plot.

5.2. Limitations

This research is limited to the study of the implementation of the policy of the Minister of ATR/BPN Regulation Number 16 of 2021 which specifically regulates the registration of land objects that are certified but have not been mapped. The scope of research is only focused on the normative and administrative aspects of the implementation of the policy in order to ensure legal certainty and prevent land disputes, without examining in depth the technical aspects of geospatial mapping or land survey and mapping technology. Regionally, this study is limited to Lampung Province, so the findings and analysis are not intended to be generalized to other regions with different land characteristics. In addition, this study does not discuss all types of land disputes, but only disputes that are directly related to the status of certified land objects that have not been mapped as regulated in the regulation.

5.3. Suggestions

The author's suggestion is that the Government plays a more active role through social media and electronic media to provide education to the public to maintain their land boundary signs, as well as inform K4 object holders to immediately report partially through the touch my land application or come to the counter directly.

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