

## Legal Effectiveness of Issuing Land Rights Certificates in Palu City

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### ABSTRACT

*This research aims to find out the role of land deed official in the issuance of land rights certificates in Palu City as well as the obstacles faced by land deed official in Palu City in the implementation of the process of issuing land rights certificates. This research uses Empirical Juridical methods through data collection techniques through in-person interviews with informants as well as through document collection. The result of this research is that land deed official Palu City has an important role in the issuance of land rights certificates in Palu City to realize guarantees of legal certainty and administrative order based on Government Regulation No. 24 of 1997 and National Land Agency Regulation No. 1 of 2006. Obstacles regarding the process of issuing land rights certificates faced by land deed official not only come from the public, but also from the government. Obstacles that come from the community include the lack of community understanding of land registration procedures, the community has difficulty meeting the requirements of land rights registration and land rights are difficult to account for legally. Obstacles derived from the government include lack of human resources in the land office in palu city and constraints regarding inadequate facilities.*

### MANUSCRIPT INFO

#### Manuscript History:

##### Received:

2022-07-29

##### Accepted:

2022-10-16

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#### **Keywords:**

Certificate; Land Deed  
Official; Land Rights; Land  
Registration



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#### **Cite this paper**

Rachman, R., Suarlan, & Ardiansyah, E. (2023). Legal Effectiveness of Issuing Land Rights Certificates in Palu City. *Widya Yuridika: Jurnal Hukum*, 6(1). doi: 10.31328/wy.v6i1.3895

#### **Layout Version:**

v.6.2023

### PRELIMINARY

Along with the progress of development in all areas of life which is also followed by advances in the field of education and technology, indirectly forcing everyone who commits legal acts requires a guarantee of legal certainty for their actions. The guarantee of legal certainty in question includes order and legal protection so as to create a sense of security for every legal action carried out. One form of guarantee of legal certainty in the field of land is the existence of proof of ownership of land rights called certificates.

The certificate is a proof of ownership and guarantee of legal certainty provided by the Government to the people in maintaining their ownership of the land they own. The guarantee of legal certainty includes legal certainty regarding the person or entity that is the holder of the right (the subject of the right), legal certainty regarding the location,

boundaries and area of a plot of land rights (object of rights) and legal certainty regarding his rights.<sup>1</sup>

In order to ensure legal certainty over land, regulations are needed regarding the use, utilization, ownership and legal actions related to land. On September 24, 1960, a regulation was made that regulates land, namely Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (Act No. 5 of 1960).

The granting of proof of rights in the form of certificates previously preceded by the registration of land, is mainly addressed to the subject of the right with the intention that the subjects of the right obtain certainty about their rights. This can be seen in the provisions of Article 19 paragraph (1) of the Act No. 5 of 1960 which states that to ensure legal certainty by the government, land registration is held throughout the territory of the Republic of Indonesia according to the provisions regulated by a Government Regulation. The government regulation in question is Government Regulation Number 24 of 1997 concerning Land Registration (Government Regulation No. 24 of 1997).

Article 37 paragraph (1) of Government Regulation No. 24 of 1997 states that any transfer of land rights through sale and purchase, grants, capital income in the company and other legal acts of transfer of rights, can only be registered if it can be proven by a deed made by the land deed official except auctions. According to Article 1 number 24 Government Regulation No. 24 of 1997, land deed official means a general official who is authorized to make certain land deeds.

The next provision governing land deed official is Government Regulation Number 37 of 1998 concerning Regulations for the Position of Land Deed Official (Government Regulation No. 37 of 1998). Land deed official is appointed by the government, in this case the National Land Affairs Agency with certain duties and authorities in order to serve the community's needs for land rights transfer deeds, land rights charge deeds, and deeds of granting power of attorney for the encumbrance of dependent rights as stipulated in the applicable laws and regulations. Land deed official plays an important role in assisting the Heads of District and City Land Offices to carry out activities in the land registration process.

Article 2 of Government Regulation No. 37 of 1998 states that the main task of land deed official is to carry out some land registration activities by making deeds as evidence of certain legal actions regarding land rights or property rights to flats, which will be used as the basis for registering changes in land registration data caused by legal actions. The legal acts in question are buying and selling, exchanging, grants, income into the company, sharing of common rights, granting right to build or right to use above land of right of ownership, granting land mortgage and granting power of attorney to grant land mortgage.

The issuance of land rights certificates can be done individually (individually) or en masse (collectively) and certainly cannot be separated from land deed official assistance. This is in line with some of the main tasks of the land deed official, namely handling the process of issuing land rights certificates in accordance with their authority. As is known that land registration can be through 2 (two) ways, namely systematic methods and sporadic methods. For the systematic way, there are not many problems because this is directly related to government programs so that there are not too many obstacles in the field. However, for sporadic methods (the initiative comes from landowners by applying) there are many obstacles encountered.

The obstacle that often arises in land registration, especially in Palu City, is that there are still many people who do not understand the procedures and mechanisms for land registration so that the implementation of land registration seems complicated. This is one of the challenges for land deed official to explain it so that the public understands and understands the sporadic land registration procedure. In addition, obstacles also arise from the government, namely the many public complaints against services at the Palu city land office which seems slow. No wonder that during this time the impression was formed that to

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<sup>1</sup> Aartje Tehupeior. (2012). *Pentingnya Pendaftaran Tanah Di Indonesia*, Depok: Raih Asa Sukses, p. 10.

obtain a land title certificate was very difficult, took a long time and required expensive costs.

As a consideration in this study, several previous studies were listed that were related to the research that the author conducted, more precisely 5 (five) studies. Some research related to the Legal Effectiveness of Issuing Land Rights Certificates in Palu City is a research conducted by Della Monika with the title "Juridical Analysis of the Existence of Land Deed Official in the Perspective of Land Registration in East Tanjungpinang District (Research Study at the Notary office and Land Deed Office Afika Hersany)". This study discusses the implementation of land registration in order to guarantee and provide legal certainty to landowners, so that it can be legally accounted for, especially during the certificate issuance process and to find out the supporting and inhibiting factors in the implementation of land registration in East Tanjungpinang District.<sup>2</sup>

The second research was entitled "The Role of Notary/Land Deed Official in the Implementation of Land Registration for the First Time Sporadically on Uncertified Land" conducted by Musyafa Alif Abdi. This study discusses the implementation of sporadic first-time land registration on uncertified land at the Malang Regency land office as well as the role of notary or land deed official related to sporadic first-time land registration.<sup>3</sup>

The third research was entitled "Duties and Functions of Land Deed Official in the Context of Land Registration According to National Land Affairs Agency Regulation Number 1 of 2006" conducted by Ester Anastasiya Komaling. This study discusses how the duties and functions of land deed official in land registration and what factors hinder the implementation of land registration.<sup>4</sup>

The fourth research was entitled "Duties and Authorities of Land Deed Official in the Implementation of Land Registration in Indonesia" conducted by Suci Ananda Badu. This study discusses how the duties and authorities of land deed official in realizing the guarantee of certainty of land registration in Indonesia and how the implementation of land registration by land deed official in ensuring legal certainty through land registration activities in Indonesia.<sup>5</sup>

The fifth research was entitled "The Role of Land Deed Official in the Implementation of Land Registration in Gowa Regency" conducted by Muhammad Irsan Sugeng. This study discusses the role of Land Deed Official in the implementation of Land Registration and the inhibiting factors that affect it in Gowa Regency.<sup>6</sup>

Based on the description on the background of the problem above, the formulation of the problem that will be answered in this study is how is the role of land deed official in issuing land rights certificates in Palu City? And what are the obstacles faced by land deed official in Palu City in the implementation of the process of issuing land rights certificates?

## METHOD

The problems that have been formulated above will be answered or solved using empirical juridical research methods. Juridical research (law is seen as a norm or *das sollen*), because in discussing the problem this research uses legal materials (both written and unwritten laws or both primary legal materials and secondary legal materials). Empirical research (law as a social reality, cultural or *das sein*), because in this study used primary data obtained from the field.

<sup>2</sup> Della Monika, 2020. "Analisis Yuridis Eksistensi Pejabat Pembuat Akta Tanah (PPAT) Dalam Perspektif Pendaftaran Tanah Di Kecamatan Tanjungpinang Timur (Studi Penelitian Dikantor Notaris Dan Pejabat Pembuat Akta Tanah Afika Hersany)", Jurnal Selat. 7 (1).

<sup>3</sup> Musyafa Alif Abdi, 2021. "Peranan Notaris/PPAT Dalam Pelaksanaan Pendaftaran Tanah Untuk Pertama Kali Secara Sporadik Pada Tanah Yang Belum Bersertifikat", Signifikan. 2 (1).

<sup>4</sup> Ester Anastasiya Komaling, 2019. "Tugas dan Fungsi Pejabat Pembuat Akta Tanah (PPAT) Dalam Rangka Pendaftaran Tanah Menurut Peraturan Badan Pertanahan Nasional Nomor 1 Tahun 2006". Lex Privatum. 7 (4).

<sup>5</sup> Suci Ananda Badu, 2017. "Tugas dan Kewenangan Pejabat Pembuat Akta Tanah (PPAT) Dalam Pelaksanaan Pendaftaran Tanah di Indonesia", Lex Administratum. 5 (6).

<sup>6</sup> Muhammad Irsan Sugeng, 2002. "Peran Pejabat Pembuat Akta Tanah (PPAT) Dalam Pelaksanaan Pendaftaran Tanah di Kabupaten Gowa", Jurnal Yustisiabel. 4 (2).

In this study, the type of data collected consisted of data that was primary and data that was secondary. Primary data is data that is directly obtained from data sources in the field (field research). This primary data was obtained using interviews with informants from relevant agencies and through the collection of document data from relevant agencies as well.

Data collection techniques in empirical or field legal research are carried out by collecting data sources, both primary data and secondary data, which are adjusted to the type of research used. The primary data collection technique used is by in-person interviews. Interviews are conducted to obtain oral information in order to achieve the goal of obtaining accurate information from competent sources.<sup>7</sup>

## RESULT AND DISCUSSION

### 1. The Role of Land Deed Official in Issuing Land Rights Certificates in Palu City

Based on Article 1 of the Head of National Land Affairs Agency Regulation Number 1 of 2006 concerning Implementation Provisions Government Regulation Number 37 of 1998 concerning Regulations for the Position of Land Deed Official (Regulation of the Head of BPN No.1/2006), the authority of land deed official as a general official is to make authentic deeds regarding certain legal acts regarding land rights. Furthermore, Article 2 of the Regulation of the Head of BPN No.1/2006, states the main task of land deed official, namely carrying out some land registration activities by making deeds as evidence of the implementation of certain legal actions regarding land rights or Property Rights to Flats Units which will be used as the basis for registration of changes in land registration data caused by these legal acts. Effendi Peranginangin gave the opinion that land deed official is an official who has the authority to make deeds rather than agreements that intend to transfer rights to land, give something new rights to land, mortgage land or lend money with land rights as dependents.<sup>8</sup>

One of the PPAT in Palu City chosen by the author as a respondent is land deed official "N" who explained that the role of land deed official in the process of issuing land rights certificates to provide legal certainty is very important. For example, if there is a transfer of rights to land grants, then in accordance with Government Regulation No. 24 of 1997.

Another respondent chosen by the author was land deed official "S" in Palu City who gave his opinion that the registration of land carried out by the government based on article 19 of the Act No. 5 of 1960, one of which includes the issuance of letters of proof of rights in the form of certificates of land rights as a form of government presence to the community in providing guarantees of legal certainty.

The issuance of land rights certificates in the City when viewed from the authority and main duties of land deed official is in accordance with its role because by issuing land rights certificates, land deed official provides certainty and legal protection to the rights holders. Because with the issuance of a certificate of land rights, it is considered as a strong evidence. This is in line with what is explained in Article 4 of Government Regulation No. 24 of 1997, namely:<sup>9</sup>

- a) To provide legal certainty and legal protection to the holder of the right to a plot of land. Units of flats and other rights registered in order to easily prove themselves as the holder of the rights concerned;
- b) To provide information to interested parties including the government so that they can easily obtain the data needed in carrying out legal actions regarding land plots and units of flats that have been registered;
- c) For the implementation of administrative order.

The legal effectiveness of Article 4 of Government Regulation No. 24 of 1997 has been achieved. According to Hans Kelsen, When talking about the effectiveness of the law, it is also

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<sup>7</sup> Burhan Ashshofa. (2013). *Metode Penelitian Hukum*, Jakarta: Rineka Cipta, p. 71.

<sup>8</sup> Effendi Peranginangin. (1993). *Hukum Agraria Di Indonesia: Suatu Telaah Dari Sudut Pandang Praktisi Hukum*, Jakarta: Rajawali, p. 3.

<sup>9</sup> Dadi Arja Kusuma (2017). "Sertifikat Hak Milik Atas Tanah Sebagai Alat Bukti Hak Yang Kuat," *Jurnal IUS Kajian Hukum Dan Keadilan*. 5 (2). p. 310.

talked about the validity of the law. The validity of the law means that the norms, that the legal norms are binding, that one must do as required by the legal norms., that one must comply with and apply the norms of the law. The effectiveness of the law means that people actually do according to the norms of the law as they should, that those norms are actually applied and obeyed.<sup>10</sup>

With regard to the strong evidentiary power, the certificate of title to the land is said to be strong meaning that it must be considered true as long as it cannot be proven otherwise in court with other evidence.<sup>11</sup> According to its form, written evidence is classified into 2 (two) types, namely deed letters and non-deed letters. A deed letter is a letter dated and signed, containing the events on which a right or engagement is based, which is used for proof of.<sup>12</sup> A deed is different from a letter, which is a writing that is deliberately made to be used as evidence of an event and signed. Deed letters are further classified into 2 (two) types, namely Authentic Deed letters and Inauthentic Deeds.<sup>13</sup>

A deed is referred to as an authentic deed because it contains a signature and is used as evidence, it is also necessary to pay attention to the process of making it before and or by a public official who is authorized to do so in the form prescribed by law.<sup>14</sup> The authentic deed contains the information of a legally valid public official, therefore everyone must trust and recognize the contents of the authentic deed. The truth contained in the authentic deed is sufficiently proved by the form of the deed itself until it can be proved otherwise.<sup>15</sup> Proof to the contrary based on Article 148 of the Indonesian Civil Code is only allowed by using letters, witnesses and experts.

Authentic deeds made by land deed official have both formal and material evidentiary power. An authentic deed that has the power of formal proof means that there is a guarantee of the correctness of the contents of the deed, the correctness of the signature contained in the deed, the identity of the comparaten and the correctness of the location where the deed was made and the certainty of the date of the deed.<sup>16</sup> By not prejudice to the proof to the contrary, then the formal proof of an authentic deed is a complete proof, meaning that the power of proof of the deeds of the parties or the deeds of officials is the same. Whereas the strength of material proof is a certainty for the parties that it is not merely facing but proving that they have carried out as stated in the contents of the deed. The authentic deed provides a perfect and binding proof of the correctness of the contents of the deed for the parties concerned and the heirs.<sup>17</sup>

Making an authentic deed regarding land registration is one of the main duties of land deed official which is regulated in Article 2 paragraph (1) of the Head of BPN Regulation No.1/2006, namely:

- a) Land deed official is the main task of carrying out some of the land registration activities by making deeds as evidence of the implementation of certain legal actions regarding land rights or Property Rights to Flats Units which will be used as the basis for registration of changes in land registration data caused by the legal act.
- b) The legal acts as referred to in paragraph (1) are as follows: buying and selling, exchanging, grants, income into the company, sharing of common rights, granting right to build or right to use above land of right of ownership, granting land mortgage and granting power of attorney to grant land mortgage.

<sup>10</sup> Sabian Usman. (2010). *Dasar-Dasar Sosiologi*, Yogyakarta: Pustaka Belajar, p. 12.

<sup>11</sup> Ati Yuniati. (2017). "Kekuatan Sertifikat Sebagai Alat Bukti Dalam Penyelesaian Sengketa Tanah," *Justicia Sains: Jurnal Ilmu Hukum*. 2 (1). p. 15.

<sup>12</sup> Sudikno Mertokusumo. 2013. *Hukum Acara Perdata Indonesia*, Yogyakarta: Cahaya Atma Pustaka, p. 149.

<sup>13</sup> Abdul Muthallib. 2020. "Pengaruh Sertifikat Hak Atas Tanah Sebagai Alat Bukti Dalam Mencapai Kepastian Hukum," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam*. 12 (1). p. 31.

<sup>14</sup> Irfan Iryadi. 2018. "Kedudukan Akta Otentik Dalam Hubungannya Dengan Hak Konstitusional Warga Negara," *Jurnal Konstitusi*, 15 (4). p. 802.

<sup>15</sup> Abdulkadir Muhammad. 2017. *Hukum Perdata Indonesia*, Bandung: Citra Aditya Bakti, p. 131.

<sup>16</sup> Juli Asril. 2018. "Notaris Sebagai Pejabat Umum Dalam Pembuatan Akta Otentik Dan Peranannya Dalam Pasar Modal," *Jurnal Ilmiah MEA (Manajemen, Ekonomi, & Akuntansi)*. 2 (2). p. 207.

<sup>17</sup> Tyas Susilo Haryono 2020. "Peranan Notaris Dalam Membuat Akta Akad Pembiayaan Murabahah Di BMT Syariah Wanita Islam," *Notarius: Jurnal Studi Kenotariatan*. 13 (2). p. 690.

Based on the statement from the article above, the main task of land deed official is to carry out some land registration activities by making deeds as evidence of the implementation of certain legal actions regarding land rights or Property Rights to Flats Units which will be used as the basis for registering changes in land registration data including buying and selling, grants, exchanges, income into certain companies, granting Of Building Use Rights, division of common rights, granting of Dependent Rights and granting Of Power of Attorney granting Dependent Rights. Deeds made by land deed official who are authorized to make deeds are authentic deeds.<sup>18</sup>

Based on the results of the author's interview with another land deed official in Palu City who became one of the respondents, namely land deed official "D" explained that in the implementation of land registration for the first time, they would produce a letter of proof of ownership rights in the form of a certificate. Ownership of land rights that have been based only on proof of ownership of rights administered from the village such as letter C and have never received a certificate from the land office, can immediately register with the local land office in order to obtain a certificate of ownership of land rights. Land deed official in managing land that is still letter C, must carefully pay attention to management in the local village, as well as management at the land office so that problems do not arise in the future. Land deed official must apply the prudential principle during the process of managing land registration that is still letter C with the aim of maintaining the dignity and dignity of the land deed official position. This prudential principle is very important as an effort to prevent disputes based on a code of ethics related to civil, administrative and criminal responsibilities as well as the quality of performance in making the deed.<sup>19</sup>

The deed made by the land deed official is said to be valid if it meets the conditions specified in the laws and regulations. If the subjective conditions, namely the agreement and the conclusion of one of them are not fulfilled, then the deed can be requested for cancellation through the court. However, if the objectic conditions, namely a certain object and a lawful cause, one of which is not met, then the deed is null and void. That is to say that already from the beginning of the deed made it was considered that it never existed.<sup>20</sup>

Another respondent, namely land deed official "F" in Palu City, explained that a land deed official carries out the task of making deeds in his office with the presence of the parties concerned or their attorneys based on laws and regulations. If one of the parties or their attorneys is unable to come to the land deed official office for a valid reason, then the land deed official can make the deed outside its office provided that the parties must be present before the land deed official in a place that has been mutually agreed upon. Furthermore, land deed official "F" also explained that the land deed official deed was made by filling in the blanks of the deeds that were available completely according to the instructions. Filling in the blanks of the deed must be in accordance with the data, status and actual events by attaching supporting documents in accordance with laws and regulations and must be attended by 2 (two) witnesses.

Land deed official is required to check the suitability of certificates and other supporting documents at the local land office in accordance with the prudential principle. If there is a discrepancy in the formal data, the land deed official can refuse to make the deed. The deed making of some land plots that have been registered cannot be deeded by the land deed official before being measured by the land office and given a Land Plot Identification Number. Land deed official must include Land Plot Identification Number in making deeds and land rights numbers, land use and utilization in accordance with field conditions and the

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<sup>18</sup> I Gusti Agung Dhenita Sari. 2018. "Kewenangan Notaris Dan PPAT Dalam Proses Pemberian Hak Guna Bangunan Atas Tanah Hak Milik," *Acta Comitas: Jurnal Hukum Kenotariatan*. 3 (1). p. 48.

<sup>19</sup> Denny Saputra. 2017. "Prinsip Kehati-Hatian Bagi Notaris/PPAT Dalam Menjalankan Tupoksinya Dalam Upaya Pencegahan Kriminilasasi Berdasarkan Kode Etik," *Jurnal Akta*. 4 (3). p. 351.

<sup>20</sup> Salim HS. 2016. *Teknik Pembuatan Akta Pejabat Pembuat Akta Tanah (PPAT)*, Jakarta: Raja Grafindo Persada, p. 68.

number of the Tax Return Payable. Land deed official is personally responsible for the implementation of its duties and positions in every deed making.<sup>21</sup>

## 2. Land Deed Official Constraints in Palu City in The Implementation of the Process of Issuing Land Rights Certificates

The author's interview with land deed official "N" that there are several obstacles faced by land deed official in Palu city related to the issuance of land rights certificates, including:

- a) Due to the lack of socialization from the government to the community regarding the land rights registration program, it makes the community's lack of understanding of the land registration procedure itself;
- b) The community concerned has difficulty fulfilling the requirements for registering land rights, for example incomplete land certificates or lack of data so that they require a certificate from the local Village Head or Village Head;
- c) The right to land is difficult to account for legally because in practice there are many cases that witnesses who corroborate the boundaries of the land in determining the object of property rights do not exist and there are also many people who cannot prove that the land is properly theirs;
- d) The cost burden required for the issuance of land rights certificates is still relatively high in land offices, districts and Neighborhoods.

If more deeply examined, such obstacles are very common in Palu City, this uncertainty in the status of property rights will certainly be detrimental to the parties in the future and have the potential to cause land dispute problems. Talking about the act of buying and selling, the interested parties must of course understand that buying and selling is an agreement by which the one party binds himself to submit an achievement, namely paying a price that has been mutually agreed upon.

Land deed official "S" mentioned that in practice land registration in palu city can be done through 3 (three) ways, namely:

- 1) Public independently registers its land sporadically;
- 2) Public conducts systematic land registration by participating in the national strategic program for complete systematic land registration which is implemented by the ministry of agrarian affairs and spatial planning/national land agency. Complete systematic land registration information can be obtained by the public at the village office or directly visit and consult at the counter of the land office.

Furthermore, he explained that some of the various methods mentioned above have their own considerations. The consideration of the community is to register their own land in a sporadic way, namely being able to know directly the practice of registration, the cost is relatively cheap and can be directly involved in the land registration process. Meanwhile, the consideration of the community is to register land systematically for reasons of relatively cheap costs, but this option has its drawbacks because systematic land registration is an initiative of the government, so the procurement cannot be carried out on an ongoing basis, while the community's need for land is increasing day by day.

Land deed official "N" added that the obstacles regarding the process of issuing land rights certificates do not only come from the community, but also from the government. One of the obstacles is the lack of Human Resources (HR) at the land office in Palu city, when compared to the area of Palu city, which is 395.1 km<sup>2</sup>, which consists of 8 (eight) sub-districts and 46 (forty-six) urban villages, then the existing human resources, both implementing personnel such as measuring personnel or administrative personnel who serve the community are considered lacking. Furthermore, the obstacle regarding inadequate facilities is regarding inadequate measurement tools so that the measurement of

<sup>21</sup> Jovita Elizabeth. 2022. "Pembatalan Akta Jual Beli PPAT Yang Cacat Hukum Berdasarkan Putusan Pengadilan (Studi Kasus Putusan Pengadilan Tinggi Tanjungkarang No. 17/Pdt.G/2012/PT. TK)," *Pakuan Law Review*. 8 (1). hlm. 209.

land plots will take a relatively long time, so because of the length of measurement time, the costs incurred will also be more and more.

Land deed official "D" said that talking about obstacles, of course, the government and the Palu city land office have tried to overcome these obstacles. The Palu city land office in this case provides efforts through improving the quality of its human resources by participating in training programs in the field of mapping and measurement. The goal is that measurements in the field take place properly and are barrier-free, so as to minimize errors, such as mis-measurements and overlapping soil. Furthermore, socialization to the community regarding the land rights registration program. The goal is to deepen the public's knowledge of the land registration process, including in the socialization, namely about what conditions must be met. The government in this case also seeks to overcome these problems through the complete systematic land registration and the National Agrarian Program.

Complete systematic land registration is one of the simultaneous programs from the government that helps communities to obtain land certificates for free to get legal certainty and land rights.<sup>22</sup> Complete systematic land registration is the first land registration process for land that does not yet have a land rights certificate. Complete systematic land registration became an initiative of the government as a basis because of the slow process of issuing land rights certificates which often caused various problems. Therefore, the government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency carried out a program to accelerate land registration in Indonesia through complete systematic land registration.<sup>23</sup> Complete systematic land registration **has been implemented since 2018 and will continue until 2025**. Complete systematic land registration **based on** Ministerial Regulation of of Agrarian Affairs and Spatial Planning/National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration.

Meanwhile, another government program is National Agrarian Program. National Agrarian Program is a land administration process that includes land registration up to the issuance of land rights certificates and is held en masse and prioritized for communities with low economy.<sup>24</sup> The goal is to realize an orderly chess program in the field of land in order to accelerate the fulfillment of the right for the community to obtain legal certainty over their land.<sup>25</sup> National Agrarian Program participants are exempt from the cost of land segregation, land inspection and physical data attestation to the issuance of land rights certificates. These costs are borne by the government.<sup>26</sup> However, there are several costs beyond the government's responsibility, including **Land and building title transfer duty**, stamp duty, Income Tax and the manufacture and installation of stake limits. The difference in costs also occurs because it is influenced by the land area and **tax object sales value** of each region. The legal basis of National Agrarian Program is the Decree of Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 4 of 1995 concerning the National Agrarian Program.<sup>27</sup>

The difference between complete systematic land registration and national agrarian program is that if the government's Complete systematic land registration focuses on systematically recording land, meaning that even if the land is not registered, the land can

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<sup>22</sup> Dhiky Hartono. 2018. "Pemanfaatan Unmanned Aerial Vehicle (UAV) Jenis Quadcopter Untuk Percepatan Pemetaan Bidang Tanah (Studi Kasus: Desa Solokan Jeruk Kabupaten Bandung)," *Reka Geomatika: Jurnal Teknik Geodesi Dan Geomatika*, 2018 (1). p. 31.

<sup>23</sup> Damar Jati Nurcahyo. 2019. "Pendaftaran Tanah Sistematis Lengkapberbasis Partisipasi Masyarakat (PTSL+PM) Di Kabupaten Ngawi," *Jurnal Tunas Agraria*. 2 (3). p. 140.

<sup>24</sup> Ngurah Yudhi Sosiawan. 2019. "Pengelolaan Dana Prona Di Desa Bondalem," *Jurnal Ilmiah Akuntansi Dan Humanika*. 9 (1). p. 92.

<sup>25</sup> Isdiyana Kusuma Ayu. 2019. "Perbandingan Pelaksanaan Program Nasional Agraria Dan Pendaftaran Tanah Sistematis Lengkap Di Kota Batu," *Jurnal Hukum Dan Kenotariatan*. 3 (2). p. 237.

<sup>26</sup> Luh Mas Megawati. 2017. "Pungutan Liar (Pungli) Dalam Kepengurusan Sertifikat Proyek Operasi Nasional Agraria (PRONA) Terhadap Warga Desa X (Suatu Tinjauan Mengenai Fraud)," *Undiksha: Jurnal Ilmiah Mahasiswa Akuntansi*. 8 (2). p. 3.

<sup>27</sup> Rakhmat Wiwin Hisbullah. 2018. "Asas Publisitas Pada Pelaksanaan Program Nasional Agraria Dalam Rangka Mewujudkan Efektivitas Pelayanan Publik," *Madani Legal Review: Jurnal Ilmiah*. 2 (1). p. 41.



still be measured for land mapping needs.<sup>28</sup> Meanwhile, in national agrarian program, the government focuses on only registered land that is measured and collected data. But the two have been integrated and can get a certificate of land rights.

## CLOSING

The issuance of land rights certificates is part of the main duties of land deed official, land deed official Palu City has a great role in making authentic deeds regarding land registration which as evidence of the implementation of certain legal actions regarding land rights will be used as the basis for registering changes in land registration data caused by the legal act. In carrying out its duties, land deed official Palu city always applies the prudential principle and always adheres to Government Regulation Number 24 of 1997 concerning Land Registration and Head of National Land Affairs Agency Regulation Number 1 of 2006 concerning Implementation Provisions Government Regulation Number 37 of 1998 concerning Regulations for the Position of Land Deed Official.

In the implementation of the process of issuing land rights certificates, land deed official faces several obstacles. The obstacles regarding the process of issuing land rights certificates faced by land deed official do not only come from the community, but also from the government. Obstacles originating from the community include the lack of understanding of the community about the land registration procedure itself due to the lack of socialization from the government to the community regarding the land rights registration program, the community concerned has difficulty meeting the requirements for registration of land rights and land rights are difficult to account for legally because witnesses who corroborate land boundaries in determining the object of property rights do not exist. Obstacles originating from the government include the lack of Human Resources (HR) at the land office in Palu city, both implementing personnel such as measuring personnel or administrative personnel who serve the community are considered lacking and obstacles regarding inadequate facilities, namely regarding inadequate measurement tools so that the measurement of land plots will take a relatively long time, then because of the length of measurement time, the costs incurred will also be more.

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<sup>28</sup> Septina Marryanti. 2018. "Optimalisasi Faktor-Faktor Yang Memengaruhi Keberhasilan Pendaftaran Tanah Sistematis Lengkap," *Bhumi: Jurnal Agraria Dan Pertanahan*. 4 (2). p. 191.

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