



Problems with Complete Systematic Land Registration Regulations Perspective of Legal Certainty

Cucu Sudrajat¹ , Toto Tohir Suriaatmadja¹ , Lina Jamilah¹ 

¹Faculty of Law, Islamic University of Bandung, West Java, Indonesia

Corresponding Author: Cucu Sudrajat

Email: scucu74@yahoo.com



Article Info

Article history:

Received 21 December 2022

Received in revised form 28

January 2023

Accepted 7 February 2023

Keywords:

Certainty

Certificate

Land

Law

Registration.

Abstract

The ongoing actions to record all land in Indonesia are part of a larger effort to clarify the law and protect common property rights. Full Systemic Land Registration is a nationwide initiative managed by the Ministry of Agricultural Affairs and Regional Planning/National Land Agency with the goal of streamlining the land registration procedure. as per the order from the National Land Agency Director/Minister of Agriculture and Regional Planning. Inconsistencies in government regulations, rules from the Minister of Agricultural Affairs and Spatial Planning, and the Law on Regional Taxation and Regional Requisitions all work against implementing Full Systemic Land Registry. If the government is committed to implementing Complete Systematic Land Registration, it should adhere to the tenets of the Legitimacy Theory, the Legal Validity Theory, and the Legal Certainty Theory, which state that statutory regulations may not conflict with other regulations in order to provide certainty. Secure in the knowledge that there will be no moral disputes or room for multiple readings at the executive or court levels, landowners can rest easy knowing that the law has their back. The qualitative data from this research will be analyzed using both the normative legal method and the synchrony legal approach.

Introduction

The Constitution of the Republic of Indonesia (originally titled the Constitution of the Unitary State of the Republic of Indonesia) was passed in 1945 with Article 1 clause 2 as its centerpiece. (3). That "Indonesia is a state of law" means that the country upholds its laws and guarantees its citizens' rights as spelled out in its constitution. Individuals are guaranteed the liberty to purchase, own, and make use of private property (Santoso, 2012). Because Indonesia is a "state of law," the rule of law is supreme in the country. That's evident in the fact that everyone is treated equally under the law thanks to the Constitution of 1945. Article 33, paragraph 3 of the 1945 Constitution states, in relevant part, that "the land and the waters, and the natural riches therein, are to be controlled by the state to be exploited to the greatest benefit of the people." This mandates, among other things, the equal enforcement of land right ownership (Yubaidi, 2020). To this end, the government plans to create laws and statutes governing every aspect of citizens' lives, including the management of all property that rightly pertains to Indonesia.

In order to clarify the law and protect the rights of communities, the Indonesian government is registering every land throughout the country. One of the purposes established by the passing of Law No. 5 of 1960 concerning Basic Agrarian Regulations may be achieved in one of two ways. That is, to ensure that all citizens of Indonesia have equal access to justice in matters pertaining to property ownership. There must be first and foremost access to legally binding written documents that are both thorough and clear, and that are executed in a way that is consistent with the letter and intent of the law. and the implementation of a property registration

system that makes it simple for landowners to prove they are the rightful owners of the land in question and provides a platform for interested parties to verify the legitimacy of such claims. Potential parties involved in the pending legal action, such as purchasers and creditors, will need access to specific details about the land at issue. carried out, and the government's duties with respect to land policy management carried out (Santoso, 2012).

Land registration is carried out everywhere in the Republic of Indonesia to ensure legal clarity, as stated in Article 19, clause 1 of Law No. 5 of 1960 covering Fundamental Agricultural Laws. In order to provide proprietors of community-owned land rights with formal certainty and decrease the probability of disagreements and confrontations over control and possession of land rights, this article mandates land registry with a certificate of land rights. There is both legal and tangible information about a piece of property documented on a certificate of title (Gunanegara, 2017).

In order to implement property registry, the government passed Government Regulation 10 of 1961. Government Order No. 24 of 1997 deemed this law defunct and void due to economic, social, cultural, and legal advancements and changes since its enactment. All of these shifts and advancements happened at once. Land registration, as defined in Government Regulation No. 24 of 1997 Concerning Land Registration, consists of a number of governmental tasks, as detailed, for example, in Article 1 point 1 of the regulation. The law governing property registry is where you'll find this meaning. This entails not only the collection, processing, and storage of monetary and physical data but also the presentation and archiving of this information via maps and inventories. This includes the awarding of documents of proof of rights, such as those with preexisting rights and possession rights to apartment units, as well as certain rights that bind them, and it applies to both land plots and apartment units (Ramadhani, 2021).

The Indonesian government's Ministry of Agricultural Affairs and Regional Planning/National Land Agency has recently established a new initiative called the Complete Systemic Land Registry (PTSL). The formal title for this initiative is "Full Automated Property Registry." The Ministry of ATR/Ka is in charge of this program, and they want to streamline the process of property registry all over Indonesia. The BPN has projected that by 2025, 126 million separate parcels of property across Indonesia will be officially recognized and verified. The plan then shifts to yearly goals of 10 million plots through 2025, from an initial goal of 5 million plots in 2017. (Mujiburohman, 2018).

With the goal of laying the legal foundation for Complete Systematic Land Registration, the Minister of Agricultural Affairs and Spatial Planning and the Chief of the National Land Agency released Order No. 35 of 2016 on the Advancement of Complete Systematic Land Registration. You can read the whole rule right here. The amendments were made by Regulation No. 1 of 2017, which updated Regulation No. 35 of 2016, which rushed through the implementation of comprehensive cadastral registration. The Minister of Agricultural and Regional Planning and the Chief Executive Officer of the National Land Administration released this directive.

Take action in accordance with Presidential Directive No. 2 of 2018, which was issued by the President of Indonesia and which aims to speed up nationwide land registration on a systematic basis. The Minister of Agricultural Affairs and Regional Planning and the Director General of the National Land Agency issued Regulation No. 35 in 2016; this regulation was amended by Regulation No. 1 in 2018, also issued by these officials. The Minister of Agricultural Affairs and Spatial Planning doubles as the Chief of the National Land Agency, so he or she released Order No. 6 of 2018 to execute Systemic Full Land Registry. The need for the renewal of the Complete Systematic Land Registration regulation arose from the fact that the previous

regulation-rules pertaining to Complete Systematic Land Registration required improvement in substance or material to comply with statutory provisions pertaining to land registration and other land provisions. As a result, the law requiring comprehensive land registration became necessary.

Despite the passage of several laws that will serve as the legal framework for Complete Systematic Land Registration, the formation of collaboration or coordination between agencies, and the development of a number of facilities and breakthroughs, Complete Systematic Land Registration is still in its infancy. More effort is required to finish the project. At the level of execution, there are still obstacles to the spread of PTSL. These roadblocks are based on numerical goals, which makes quality an afterthought (Mujiburohman, 2018). Inconsistencies (disharmony) exist in the following areas: 1) Announcement of Physical Data and Juridical Data (Principle of Publicity); 2) Proof of Ownership of Land; and 3) Proof of Ownership of Land and Improvements between Permen ATR/BPN Number 6 of 2018 on Complete Systematic Land Registration, Government Regulation Number 24 of 1997 on Land Registration, and Law Number 28 of 2009 on Regional Taxes And Regional Retribution, all of which are problematic for the implementation of Complete (Indeed Income Tax and BPHTB).

In order to avoid plagiarism, this study makes reference to the following works: 1) "Political Model of Full Systemic Property Registry Legislation to Actualize Economic Development Compliant in Batam City, Indonesia" by Idham, Irfan, Azuar Juliandi, Fadlan, and Iskandar Muda. The economic well-being of the people of Batam City, Indonesia, is the focus of this study, which aims to provide a legal analysis of the city's comprehensive property registry legislation. Journal writing using these strategies is a form of normative legal writing; it is grounded in social (empirical) research, and it employs theories as sharp tools in its analysis. Jeremy Bentham developed a utilitarian philosophy in his writings. Discussing and analyzing building plans is essential for completing a comprehensive property registry in Batam City. Complete methodical property registry in Batam City has been completed, which has the potential to boost economic development for residents. Idham et al. (2018) recommend that the government move forward with a program of complete systematic land registration to speed up land registration in Indonesia, and Ricco Survival Yubaidi's "The Role of Land Deed Official Regarding Legal Certainty of Complete Systematic Land Registration" elaborates on why this is necessary.

According to the Minister of Agricultural Affairs/Head of the National Land Agency's Directive, the Adjudication Commission is responsible for carrying out Full Systemic Land Registry in this instance. Government Regulation 24 of 1997 designated the PPAT as a general officer responsible for land registration, but the PPAT has struggled to identify its place in the Adjudication Committee's work toward Full Systemic Land Registry. The purpose of this research is to determine what part PPATs, both those already in place and those that ought to be, play in carrying out a system of comprehensive land registration. Using existing legal literature as its main source, this study employs a normative legal research approach. The study's findings indicate that PPAT plays no part in the CSR statutes and rules. Reference being made to Government Regulation Number 24 of 1997, a PPAT document is required as recorded evidence of possession or transfer of property rights for all transactions occurring after the issuing of this regulation. The Adjudication Committee as the executor of Complete Systematic Land Registration should coordinate with PPAT to ensure that Complete Systematic Land Registration fulfills the stages of juridical data research so as to achieve orderly, complete land registration and provide legal certainty regarding ownership of land rights (Yubaidi, 2020).

On the basis of the provided context, the issue identification is formed. How do issues with completely standardized land registration regulations relate to legal certainty? The objective of

this research is to identify and provide answers to challenges associated with comprehensive systematic registration and legal certainty.

Methods

Research is an effort made to discover, develop, and validate the reality of a body of information; this endeavor is carried out via the use of scientific procedures (Hadi, 2000). Both a Normative Legal Approach and a Synchronized Legal Approach have been used in this study. Which is between Complete Systematic Land Registration based on the Regulation Number 6 of 2018 about Complete Systematic Land Registration issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency. This is part of an endeavor to legalize land ownership in accordance with the rules and regulations that govern the land sector in terms of how ownership of property may be proven and how it should be publicized.

Results and Discussion

Land issues are intricate, multifaceted, and cross-disciplinary problems that affect many facets of human existence. As a result, the resolution of this property dispute can't be evaluated from just one perspective. However, in order for the deal to be finalized, it must be thorough and coordinated. Similarly, in the case of community members' land registration, particularly in Indonesia, each entity associated with the land program is mainly associated with the issue of credentials on land to be effectively and fully organized. This is done so that one may participate, within the bounds of one's own job, in the resolution of property problems. Strategic land problems, such as property registry, require coordination efforts led by the National Land Agency, which necessitates a network of collaboration with all connected organizations (Richard et al., 2018)

Complete Systematic Land Registration is one of the Government's strategic programs that really helps the community in terms of Land Registration, by registering community land and having a certificate of course it will indirectly improve the community's economy, it would be better if Complete Systematic Land Registration is improved with regulations/regulations that strong to guarantee legal certainty to land that has violated its rights, especially in terms of the regulatory hierarchy, so that it will not cause conflicts of norms and will not cause problems in the future which will further add to land problems, which to minimize it requires in-depth handling involving the community, both regional and central government, and agencies authorized in this matter (Gyourko et al., 2021), but in reality there are still regulatory/regulation discrepancies that form the basis of implementation, these problems include:

Announcement of Physical Data and Juridical Data (Publicity Principle)

A declaration of both the tangible and judicial data satisfies the requirements of the exposure principle for demonstrating land title and attaining legal surety. For purposes of achieving formal clarity, this is done. Taking this step will help you reach your ultimate goal faster. However, the reality that the time limit for disclosing tangible data and the time limit for disclosing legal data are not the same presents a challenge and has the potential to contribute to a breach of the rules that govern the situation. Between Government Regulation No. 24 of 2018 and 1997 Concerning Land Registration and Government Regulation No. 6 of 2018 Concerning Full Systemic Land Registration published by the Minister of Agricultural Affairs and Spatial Planning and the Director of the National Land Agency. Both of these regulations pertain to the process of property filing.

It is mentioned, for example, that in order to conform with the idea of exposure in showing land title, as stated in Article 24 of Order Number 6 of 2018 published by the Minister of

Agricultural Affairs and Spatial Planning/Head of the National Land Agency. This is necessary to establish the claimant's right to the property. Legal and topographical information about plots of property, as well as charts of those areas, are available to the public at the PTSL Adjudication Committee and the Village/Kelurahan Head's offices for a time of fourteen (14) calendar days. The time frame for the declaration differs from what is stated in Article 26 of Government Order Number 24 of 1997 relating to Property Registry (1). Which provides, among other things, that the Minister's Filling List, together with a map of the parcel or parcels of land in question as a result of the measurement, must be made public within 30 (thirty) days for systematic land registration and within 60 (sixty) days for sporadic land registration. This is true of both routine property registration and informal registration that occurs occasionally. This is done so that anyone who is eager can apply and be taken into consideration for the position.

There is yet another method to deviate from the standards that are stated in PP 24 of 1997 when public revelations of enhanced physical data and legal data are made. Full Systemic Land Registry (PTSL) regulations set forth in Permen Agraria No. 6 of 2018, which went into force in 2018, limit the public release of bodily and legal data to a mere fourteen calendar days (Isdiyana, 2019).

With the issuance of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration, the issue of the disparity in the amount of time it takes to publish physical data versus juridical data has been resolved. Although it may seem like a belated solution, the Government has done so despite the fact that it appears to be too late. This information may be found in article 88, which states, among other things, that the "announcement of the findings of the collection of physical data and juridical data in systematic land registration is carried out for fourteen (fourteen) calendar days." However, the challenge is how, with the millions of certificate goods that have resulted from PTSL operations, legal certainty and the strength of evidence can be ensured, particularly if the land itself is the object of the lawsuit that is being heard in court.

Proof of Ownership of Land Rights

There are no rights to land if there is no basis for the rights "no little, no land right" or "no right, no land little". A certificate of land rights will be given to anyone who can prove that the 'reason for rights' to their land is correct. The legal relationship between people and unregistered land is called the basis of rights (Gunanegara, 2017).

There is a distinction to be made between establishing new rights and demonstrating existing rights when it comes to the process of gathering legal material. New rights are rights that have just recently been awarded or established after the PP 24/1997 law came into effect. These new rights are considered to be more recent than the law. While old rights are land rights that originated from the conversion of existing rights at the time that the UUPA came into force and rights that have not been registered in accordance with PP 10. /1961, new rights are land rights that were created after the UUPA came into effect.

Proof of ownership must be in the form of a deed drawn up by an authorized PPAT in accordance with the provisions of the applicable laws and regulations, as per Article 37 (1) of PP 24 of 1997: "Transfer of land rights and ownership rights to apartment units through buying and selling, exchange, grants, income in companies and other legal acts of transferring rights, except the transfer of rights through an auction can only be registered if it is proven by a deed." A deed prepared by the Land Deed Making Official is required for any deal involving the transfer of property rights, as stated in the piece (PPAT).

Article 22 of the Minister/Ka Regulation details what sort of documentation is needed for PTSL compliance. This is the sixth and concluding BPN of the year. The problem stems from the absence of, or insufficiency of, a written statement proving possession and/or real control of land areas in good faith. Providing a documented statement of good faith and actual possession of property plots is required per Article 22. (Mujiburohman, 2018).

A written statement regarding ownership and/or physical control of land parcels in good faith by the person concerned may be used to complete and prove evidence of community land ownership if it is incomplete or absent altogether, as stated in Article 22 of the Minister's Regulation/Ka. BPN No. 6 of 2018. In contrast to Article 37 (1) of PP 24 of 1997, which says that the sale of any land rights requires a land deed prepared by the Land Deed Making Official, this clause does not impose such a requirement (PPAT).

In its most fundamental form, good faith may be understood to mean honesty—both the honesty of the right holder in gaining the property and the honesty of the party in meeting the requirements that have been established. Provisions for good faith are the antithesis of provisions for ill faith or dishonesty. Because it has an abstract meaning that may be interpreted in a number of various ways, identifying good faith can be a challenging task. According to Article 22, good faith is being honest about one's ability to govern the actual land and about one's ability to meet the requirements that have been set. The Adjudication Committee has shown that it has acted in good faith by carrying out the measure in the form of calculations in its heart, which show that the applicant has satisfied the stipulated administrative conditions (Mujiburohman, 2018). In addition, if the problem of different arrangements for proving ownership of land rights is brought before the court, the legal evidence will, of course, be weak. This is especially true in regard to the principles of laws and regulations, particularly the principle of *lex superior derogat legi inferiori*, which indicates that higher regulations take precedence over lower ones.

Tax Costs on Land (Indeed Income Tax and BPHTB)

Law No. 28 of 2007 amending Law No. 6 of 1983 establishing Basic Rules and Tax Processes, and its corresponding regulations, regulate Tax Plans PPh. Legal requirements for BPHTB can be found in Law no. 6 of 1983 covering Basic Rules and Tax Processes and its corresponding laws. Ordinance No. 28 of 2009, pertaining to Regional Taxation and Regional Punishment, is currently in effect and governs the BPHTB (Mujiburohman, 2018).

Businesses and individuals are subject to a fee known as the Land and Building Rights Purchase Fee (or BPHTB) whenever a formal transaction involves the purchase of land or buildings. The word "land rights" encompasses a wide range of legal protections, including property rights, usufruct rights, the right to use a building, the right to use a specific unit in a building, and the right to control how the building is operated. Use of Buildings and Utilities Rights are two other types of property ownership (Ihza, Rahmatunnisa, & Mulyana, 2021).

The costs for obtaining land and/or building rights are as follows, per Article 1 point 2 of the Law of the Republic of Indonesia Number 21 of 1997 Regulating Fees for the Purchase of Land and or Building Rights: The following are some of the expenses that may arise when buying property or the right to build on it: Either the act of purchasing land and/or building rights, or a formal event leading to the buying of land and/or building rights by an individual or business, can be considered an acquire of land and/or building rights. It's possible that whatever is being defined by both of these terms is actually the same entity.

From January 1, 2011, per Article 28 of Law No. 28 of 2009 Concerning Regional Taxes and Levies, regional governments have the power to control BPHTB Charges. The first of the year

marked the start of the new policy. The change went into effect on January 1, marking the start of a brand new calendar year. Or, to put it another way: All phases, from data gathering through computation, billing, collection, and assessment, fall under the sole responsibility of the Regional Government. All choices pertaining to these responsibilities must be made by the head of the regional administration. The application of BPHTB makes reference to Law No. 20 of 2000, which amended Law No. 21 of 1997, Regulating Costs for Purchase of Property and Construction Rights. Which can be traced back to the 1960 passing of Law No. 5 on Agricultural Values. Law 20 was passed in 2000, the second major piece of legislation following Law 21 (1997, also passed) (Ihza et al., 2021).

Issues involving Debt PPh and BPHTB in the framework of implementing PTSL are addressed and regulated in Article 33 of Ministerial Order ATR/Ka BPN No. 6 of 2018. To be more precise, it is still unclear what the invoicing method is and when payment is due, both of which are mentioned in Article 33. This is because the quantity of income tax and BPHTB that must be paid in connection to land tax is not yet regulated by the terms of the laws and regulations. Article 33 only explains that the Head of the Land Office must submit a list of BPHTB payable and/or PPh payable to the local Regent/Mayor on a periodic basis within three (three) months, and that any changes to the Land Book and Certificate of Land Rights must be paid for in full before they are made. The text offers no other clarification.

The regulation of tax payments is within the purview of Law Number 28 of 2009 of the Republic of Indonesia Concerning Regional Taxes and Regional Levies. This statute addresses issues pertaining to regional taxes as well as regional levies. There are some differences between the provisions for paying PPh and BPHTB that are regulated in Article 91 of the Law of the Republic of Indonesia Number 28 of 2009 concerning Regional Taxes and Regional Levies and the provisions that are stated in Article 33 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration. These provisions can be found in the Law of the Republic of Indonesia Number 28 of 2009 concerning Regional Taxes and (out of sync).

In line with its content, this study uses Stufenbau Theory, Theory Legal Legitimacy and Validity and Legal Certainty Theory as an analytical knife to analyze the contents of this paper. Stufenbeautheorie is "positive law theory, but not talking about positive law in a particular legal system, but a general law theory. Hans Kelsen's presentation in Stufenbeautheorie aims to explain how the law actually originated, until it appeared in positive law regulations (Samekto, 2019).

Laws and regulations may not conflict with the above regulations or regulations that are higher in position (hierarchically), this has become the basic principle which is contained or written in Stufenbau Theory. This is useful so that there is no overlap between one regulation and another, this overlapping norm will cause legal uncertainty for the community. This legal uncertainty occurs because both at the implementing level and at the technical level, law enforcers are confused about which law or rule to use to address a matter (Usfunan, 2020).

The theory of legal validity is one of the most important theories in legal science. The theory of validity or legitimacy of law (Legal validity) is a theory that teaches how and what are the conditions for a rule of law to become legitimate and valid (valid) in effect, so that it can be applied to society, if necessary by force, namely a rule of law that meet the following requirements: 1) The rule of law must be in the form of a formal rule; 2) The regulation must be legally made; 3) By law, the rule of law cannot be canceled; 4) Against these formal rules there are no other juridical defects, for example not contradicting higher regulations; 5) The rule of law must be able to be applied by law implementing bodies, such as courts, police,

prosecutors; 6) The rule of law must be acceptable and obeyed by society; and 7) The rule of law is in accordance with the soul of the nation concerned (Fuady, 2013).

In a state based on law (*rechstat*), legal certainty is very important as a form of guaranteeing the legitimacy of a state or government, not only legal certainty in an abstract form, but also the application of legal certainty in a concrete case. Certainty comes from the word definite which means of course, is fixed, is not allowed or not, so certainty means provisions, provisions (Poerwadarminta, 1985). Certainty itself is essentially the main goal of law.

When regarded from a historical perspective, there has been a great deal of debate on the legal system. Because order is the fundamental component of certainty itself, there is a strong correlation between legal certainty and the maintenance of community order. In accordance with this, it is said that from a legal point of view. The concept of absolute certainty is always connected with the explanation of legal concepts. The legitimate safeguard against arbitrary behavior that legal certainty provides is peace of mind. Which indicates that an individual will be able to receive something that is anticipated under certain conditions (Mertokusumo, 1999).

During this time, legal certainty has to be established in statutory regulations by imposing standards on the internal structure of the legal norms themselves. These requirements should address conceptual clarity, hierarchical clarity, and consistency (Ismail, 2006).

Full Systemic Land Registry, or PTSL for short, is a Strategy Initiative that the government is currently executing. We're talking about the National Land Administration, or the Minister of Agricultural Affairs and Regional Planning. Communities that take part in this effort will reap many benefits, particularly in the realm of property registry. Land administration is based on a solid foundation of properly implemented property registry procedures, which form the very core of land administration. To facilitate the efficient management of land, it is necessary to register all plots of land and apartment units, as well as transfers, encumbrances, and releases of rights to land tracts and property rights to apartment units. This is essential for the orderly administration of all property rights, including those to individual plots of ground and individual housing units.

Land registration is done in part to provide legal security, so it makes sense that Full Systemic Land Registration (PTSL) would benefit from a solid legal basis. Land registry was established in part to accomplish this aim. Other legal flaws, such as a conflict with superior standards or a contradiction with regulations or other legal norms that could eventually lead to a conflict of norms, are also unacceptable. Furthermore, there must be no other legal defects.

There are a number of issues with PTSL that have been described by previous authors, most notably the discrepancies or incompatibilities between the rules of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 Concerning the Acceleration of PTSL and the rules of Government Regulation Number 24 of 1997 Concerning Land Registration with respect to Publication of physical data and jurisprudence. In addition, when compared with the various legal theories that form the Author's basis, Law No. 28 of 2007 regarding the Third Amendment to Law No. 6 of 1983 concerning General Provisions and Procedures Taxation and its implementing regulations regarding PPh Tax and Law No. 28 of 2009 concerning Regional Taxes and Regional Levies appear to be at odds with one another. The Taxes Basic Articles and Processes Third Revision Law (No. 28 of 2007) modifies Law (No. 6) of 1983. It is the Basic Provisions Ordinance (No. 6 of 1983) that The author's claims are grounded in these concepts.

Based on the *stufenbau* theory, it is a basic principle that laws and regulations may not conflict with the regulations above them or regulations that are higher in position (hierarchically), these

provisions are so that there is no overlap between one regulation and another, this overlapping norm will cause a legal uncertainty for society. This legal uncertainty occurs because at the implementing level as well as at the technical level, law enforcement will be confused about which law or rule to apply to address a matter.

According to the Basic Norms (Grundnorm) from Hans Kelsen, every law in a country must originate from a basic law (grundnorm), namely the Constitution. Therefore, in order to measure its consistency with basic law, several legal principles regarding the logic of jurisprudence have been developed, namely: 1) Derogation Rule, every legal rule originates from a higher legal rule; 2) The rule of recognition (recognition). The Non-Contradiction Rule. There must be no contradiction between one rule of law and another, so that between one legal norm and another it must be harmonious, synchronous and integrated (principle of integrity); 3) Derivative principle, sentence rules at the lower level are part of higher level legal rules drawn based on practical deduction principles; 4) Systemic Principles, a system of lower-level legal rules is a sub-system of higher rules, so that all applicable legal rules constitute a system as a whole; 5) Generalized principle, a higher legal rule is a generalization of a lower legal rule. And vice versa, that the lower rules are the specificity of the higher rules; 6) The Principle of Reductionism, a lower law is a reduction of a higher legal order; and 7) The principle of subsumption, in the sense that legal rules must still belong to or be included in a higher class of rules. So, not from another rule group.

Based on the theory of validity or legitimacy of law (Legal validity): There are no other juridical defects to these formal rules, for example they do not conflict with higher regulations, and these legal rules must be applicable by law implementing bodies, such as courts, police, prosecutor.

The reason for a norm in law will typically refer to some truth that confirms the standard's legitimacy in practice. This is a mistaken impression because norms themselves are never founded on empirical evidence but rather on other norms. When we try to figure out where a standard came from, we end up looking to other norms rather than truth itself. To put it another way, the statement "reality" is true because it correlates to the reality of sense experience, while the statement "necessity" is a norm that is only valid if it is part of a system of valid norms, if it is drawn from a posited valid fundamental norm.

The conformity of the statement 'reality' with empirical reality is the basis for the truth of the statement, whereas a postulate is the basis for the validity of a norm. More specifically, a norm that is postulated as a norm that is essentially valid, also known as a basic norm, is the norm that serves as the basis for the postulate (ground norm). A system of norms, also known as an order of norms, is comprised of all the norms whose applicability can be tracked back to the same fundamental standard. The fundamental norm, which serves as the primary source, acts as a connecting element for the various norms that come together to create a collection of norms. The only way to verify the legitimacy of a norm that is part of a specific set of norms or normative arrangements is to establish that the norm gets its justification from the fundamental norms that are part of the order that these norms follow.

Founded on the theory of legal certainty, which proposes that there should be transparency regarding the order of authority within the organizations that are responsible for the formation of laws and regulations. Clarity in this structure is essential because it determines whether or not the laws and regulations it makes are enforceable, as well as whether or not it is lawful to make those laws and regulations. The lucidity of the hierarchy will provide legislators with the authority to shape certain laws and regulations with direction, as well as ensure the coherence

of statutory legal standards. This indicates that the provisions of a number of laws and regulations pertaining to a specific topic do not contradict with one another in any way.

According to Meuwissen, a piece of legislation is considered to be of high quality if it satisfies all three of the following criteria: a. It must have social or factual validity. b. It must be legally enforceable. c. It must promote moral conduct. That the rule of law is in reality recognized and enforced by the general public is the concept of social or factual enforceability. This includes the general public's willingness to accept consequences against those who do not comply with the rule of law. Legal applicability, also known as the rule of law, is achieved by following the appropriate method, and it does not come into conflict with any other rules, particularly those that are of a higher level. As for the moral application of the rule of law, in order for the rule of law to be legitimate, it must not be in contradiction with the ideals that constitute morality; for instance, the rule of law must not violate human rights.

The principle of *lex superior derogat legi inferiori* says that more stringent rules and regulations supersede those of a lesser legal authority. In most countries with a rule of law, the legal system is written and structured in a hierarchy, making it difficult to ascertain whether one code is superior to another. Articles 7 and 8 of Law No. 12 of 2011 on the Creation of Legislation provide a comprehensive overview of the various types of legislation and their hierarchical placement within Indonesia's legal structure.

The government's goal in enacting this land registry is to encourage and involve land rights holders in the execution of their land credentials and to help resolve strategic land conflicts by offering facilities and facilities and empowering groups and Human Resources. The government is also taking steps to facilitate the use of property licenses by their owners. The purpose of land registry is to establish a system of property rights that guarantees individual possession of land and gives its users the protections of the law. Having physical documentation of property possession, like a deed or title, is central to the concept of land registry. One piece of proof that the rule of land law has been properly applied is the availability of property documents. One of the government's top objectives is making sure that land disputes don't arise and that libraries stay up and running as usual. The purpose is to enhance the quality of community activities in a time- and cost-efficient way. The general public, and especially monetarily vulnerable groups, as well as constant land users, stand to benefit from these enhancements (Ramadhani & Abduh, 2021).

In order to realize good Legislation, at least it is necessary to ensure that five prerequisites for the realization of a good Legislation environment are fulfilled, including: 1. The foundations of good legislation (type, hierarchy and content material); 2. Orderly formation of Legislation (orderly procedure and orderly substance); 3. Public Participation; 4. Adoption of evaluation of Legislation; and 5. The running of a good system of testing Legislation.

Conclusion

Legal security and legal safety for land rights proprietors is the goal of the Government of the Republic of Indonesia's Full Systematic Land Registry (PTSL) initiative, administered by the Ministry of Agricultural Affairs and Spatial Planning/Head of the National Land Agency. Because of its low price and simple criteria, this initiative is a huge boon to the local community in terms of recording property rights. The government can also reap some benefits from this, so it's a win-win. For the simple reason that it will lessen the frequency with which property disagreements, conflicts, and instances arise. Because their rights have been recorded with BPN, the government, specifically the Minister of Agricultural Affairs and Spatial Planning/Head of BPN, will be able to quickly identify the issue.

There are a number of issues with the implementation of Complete Systematic Land Registration, including: Announcement of Physical Data and Juridical Data (Publicity Principle); Proof of Ownership of Land Right; and Discrepancies (disharmony) between Permen ATR/BPN Number 6 of 2018 concerning Complete Systematic Land Registration and Government Regulation Number 24 of 1997 concerning Land Registration and Law Number 28 of 2009 concerning Regional Taxes and Regional Retribution (Indebted Income Tax and BPHTB).

If the regulations that form the legal basis conflict with the regulations above it or regulations that have a higher position (hierarchy), or if there are overlapping rules, the goal of Complete Systematic Land Registration (PTSL) will not be fully achieved, which is to provide legal certainty and legal protection for holders of land rights. according to Stufenbau's Legitimacy Theory and Legal Validity and Legal Certainty Theory, between two different types of law. Inconsistencies in the law will make life more difficult for everyone. This legal ambiguity arises due to the fact that determining which law or set of rules must be applied to handle a problem, in this instance the land issue, will lead to discord or misunderstanding at the operational level as well as the technological level of law enforcement.

Suggestion

In an effort to guarantee legal certainty and legal protection for owners of land rights, the author submits suggestions as a thought contribution in the hope that they will be useful for related agencies and institutions and serve as a reference for resolving legal issues pertaining to Complete Systematic Land Registration (PTSL).

To achieve the objective of Complete Systematic Land Registration (PTSL), which is to offer legal certainty and legal protection for land rights holders, the government must adhere to the fundamental principles of constructing laws and regulations in accordance with theory. To achieve harmony in structuring laws and regulations, there should be more intensive coordination between government agencies, both between ministries or agencies in drafting regulations, this is very necessary so as not to cause conflicting regulations which will lead to conflicts of norms/rules.

Acknowledgment

Thanks to the family, and all parties involved in this research, especially to the supervisors who continue to direct and provide input on this research. In addition, this research was carried out as a condition for carrying out a dissertation hearing for the Doctor of Law Program at the Islamic University of Bandung.

References

- Fuady, M. (2013). *Teori-Teori (Grand Teori) Dalam Hukum*. Jakarta: Kencana.
- Gunanegara. (2017). *Hukum Pidana Agraria*. Jakarta: Tatanusa.
- Gyourko, J., Hartley, J. S., & Krimmel, J. (2021). The Local Residential Land Use Regulatory Environment Across U.S. Housing Markets: Evidence From a New Wharton Index. *Journal of Urban Economics*, 124(June 2020), 103337. Elsevier Inc. Retrieved from <https://doi.org/10.1016/j.jue.2021.103337>
- Hadi, S. (2000). *Metode Research Jilid I*. Yogyakarta: Andi.
- Idham, Irfan, Juliandi, A., Fadlan, & Muda, I. (2018). Political Paradigm of Complete Systematic Land Registration Law to Actualize Economic Growth Compliance in Batam City, Indonesia. *Journal of Arts and Humanities*, 7(10), 13–29.

- Ihza, Y., Rahmatunnisa, M., & Mulyana, B. (2021). Analisis Implementasi Kebijakan Pembebasan Pajak Bphtb Bagi Peserta Ptsl Di Kabupaten Belitung Timur. *Jurnal Academia Praja*, 4(1), 42–63.
- Isdiyana, K. A. (2019). Problematika Pelaksanaan Pendaftaran Tanah Melalui Pendaftaran Tanah Sistematis Lengkap di Kota Batu. *Journal Legality*, 27(1), 27–40.
- Ismail, N. (2006). *Perkembangan Hukum pertanahan Indonesia : Suatu Pendekatan Ekonomi Politik*. Universitas Gajah Mada.
- Mertokusumo, S. (1999). *Mengenal Hukum Suatu Pengantar*. Yogyakarta: Liberty.
- Mujiburohman, D. A. (2018). Potensi Permasalahan Pendaftaran Tanah Sistematis Lengkap (PTSL). *BHUMI: Jurnal Agraria dan Pertanahan*, 4(1), 88–101.
- Poerwadarminta. (1985). *Kamus Umum Bahasa Indonesia*. Jakarta: Balai Pustaka.
- Ramadhani, R. (2021). Pendaftaran Tanah sebagai Langkah untuk Mendapatkan Kepastian Hukum terhadap Hak Atas Tanah. *Jurnal Sosial dan Ekonomi*, 2(1), 31–40.
- Ramadhani, R., & Abduh, R. (2021). Legal Assurance of the Land Registration Process in the Pandemic Time of Covid-19. *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, 4(1), 348–358.
- Richard, R., Saptomo, A., Santiago, F., & Barthos, M. (2018). Regional Regulation of Land Registration in Indonesia related to Government Regulation no. 24 of 1997 Concerning Land Registration. *International Journal of Civil Engineering and Technology*, 9(10), 270–280.
- Samekto, F. A. (2019). Menelusuri Akar Pemikiran Hans Kelsen Tentang Stufenbeuthetheorie Dalam Pendekatan Normatif-Filosofis. *Jurnal Hukum Progresif*, 7(1), 1.
- Santoso, U. (2012). *Hukum Agraria: Kajian Komprehensif* (Pertama.). Jakarta: Prenada Media Group.
- Usfunan, M. V. (2020). Pengaturan tentang Penyelesaian Konflik Norma Antara Peraturan Menteri terhadap Undang-Undang. *Kertha Semaya: Journal Ilmu Hukum*, 8(8), 1191–1201.
- Yubaidi, R. S. (2020). The Role of Land Deed Official Regarding Legal Certainty of Complete Systematic Land Registration. *Jurnal Hukum dan Peradilan*, 9(1), 27.