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REGISTRATION OF TRADITIONAL VILLAGE LAND IN THE PTSL PROGRAM IN GIANYAR DISTRICT

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This writing aims to find subjects as appropriate rights enforcers in land registration in traditional villages in the Complete Systematic Land Registration (PTSL) program. The problem discussed is how to carry out the registration of Traditional Village land in the PTSL program in Gianyar Regency and the conflict implications of registering Traditional Village land in the PTSL program in Gianyar Regency. The type of research used in this research is empirical legal research with the problem approach used, namely the fact approach, case approach, statutory approach, concept approach, legal sociology approach, and customary law approach. Research data sources consist of primary data sources and secondary data sources. Next, it was analyzed using hermamatic analysis and content analysis. The results of this research show that the implementation of the PTSL program in Gianyar Regency can be said to be still less than optimal, where there are still many plots of land that cannot be certified due to the lack of complete physical data caused by the incomplete production of Measurement Drawings (GU) and the lack of completeness of juridical data caused by the discovery of files that have not been completed with research minutes on juridical data and boundary determination. The implications of the conflict over customary village land registration in the PTSL program in Gianyar Regency have given rise to differences in perception regarding the meaning of the concept of land control and ownership of customary law communities and the state in real terms implemented by the Government, the National Land Agency, and Court Judges.

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1. Introduction

Land plays a crucial role in human life, as it is essential from birth until death, particularly in societies with agrarian economies. The importance of land is constitutionally recognized in Article 33, paragraph (3) of the 1945 Constitution, which states that "The earth, water, and natural resources therein are controlled by the state and utilized for the greatest prosperity of the people." This principle is further articulated in Law No. 5 of 1960, known as the Basic Agrarian Law (UUPA), which provides the legal foundation for land rights in Indonesia. UUPA addresses issues such as land ownership, boundaries, and area size through land registration, as mandated in Article 19.

To ensure legal certainty in land registration, Government Regulation No. 24 of 1997 was established, replacing the earlier Government Regulation No. 10 of 1961. This regulation highlights the importance of land registration for the first time, both systematically and sporadically. The PRONA program, initiated by the Ministry of Agrarian Affairs in 1981, was later replaced in 2017 by the Complete Systematic Land Registration (PTSL) program, aiming to accelerate land registration across Indonesia. PTSL is intended to provide legal certainty and protection for land rights, improve public welfare, and reduce land disputes.

In Bali, PTSL has been operational since 2019, with Gianyar Regency targeted to become a "Complete Regency" by the end of 2023, following Badung Regency. Despite significant progress, customary land disputes remain an issue in Gianyar, often arising from the registration process, which transitions communal land rights to individual ownership through PTSL. The Provincial Regulation of Bali No. 4 of 2019 defines Traditional Villages and their assets, including various types of customary land. Legal recognition and protection of customary land are essential, though challenges persist due to differing opinions on what constitutes customary land and the varying strength of traditional village regulations.

This study examines: 1) How land registration is conducted in Traditional Villages under the PTSL program in Gianyar Regency, and 2) The conflict implications of registering Traditional Village land under the PTSL program in Gianyar Regency. The objectives are to analyze the implementation of Traditional Village land registration in the PTSL program and understand the resulting conflicts in Gianyar Regency.

2. Method

The type of research used is empirical legal research, with a fact approach, a case approach, a statutory approach, a conceptual approach, a legal sociology approach, and a customary law approach. The data sources for this research consist of primary data sources and secondary

data sources. Primary data in this research was collected using interview techniques with related people to obtain answers that were relevant to the problem being studied, collected using interview and observation techniques. Meanwhile, secondary data is collected by means of documentation and recording through a file system. Informants in this research are people who provide information about other people's conditions, such as: authorized officials at the Gianyar Regency Land Office, while respondents are people who provide information about their own conditions, such as: parties directly involved in the dispute, traditional prajuru as the parties. The data analysis technique used in this research uses the hermeneutics analysis and content analysis models.

3. Result and Discussion

Implementation of traditional village land registration in the PTSL program in Gianyar Regency

Table. 1 Data Table on the Number of PKD and AYDS Lands registered with the Gianyar Regency Regional Financial and Asset Management Agency as of 31 December 2023.

No	Village/Subdistrict	Land Status	Land Amount
1	Batubulan	PKD/AYDS	916
2	Batubulan Kangin	PKD/AYDS	558
3	Tewel	PKD/AYDS	799
4	Guwang	PKD/AYDS	377
5	Sukawati	PKD/AYDS	293
6	Celuk	PKD/AYDS	460
7	Singapadu	PKD/AYDS	427
8	Batuan	PKD/AYDS	1,276
9	Kemenuh	PKD/AYDS	484
10	Singapadu Tengah	PKD/AYDS	446
11	Singapadu Kaler	PKD/AYDS	489
12	Saba	PKD/AYDS	674
13	Pering	PKD/AYDS	605
14	Belega	PKD/AYDS	445
15	Blahbatuh	PKD/AYDS	1,017
16	Buruan	PKD/AYDS	445
17	Bedulu	PKD/AYDS	635
18	Medahan	PKD/AYDS	541
19	Bona	PKD/AYDS	354

20	Lebih	PKD/AYDS	896
21	Tulikup	PKD/AYDS	835
22	Sidan	PKD/AYDS	575
23	Sampling	PKD/AYDS	396
24	Abianbase	PKD/AYDS	639
25	Gianyar	PKD/AYDS	250
26	Beng	PKD/AYDS	503
27	Bakbakan	PKD/AYDS	504
28	Siangan	PKD/AYDS	487
29	Petak	PKD/AYDS	372
30	Suwat	PKD/AYDS	280
31	Serongga	PKD/AYDS	386
32	Temesi	PKD/AYDS	316
33	Petak Kaja	PKD/AYDS	475
34	Sumita	PKD/AYDS	197
35	Tegal Tugu	PKD/AYDS	135
36	Pejeng Kawan	PKD/AYDS	1
37	Pejeng	PKD/AYDS	331
38	Pejeng Kelod	PKD/AYDS	254
39	Pejeng Kangin	PKD/AYDS	352
40	Pejeng Kaja	PKD/AYDS	336
41	Sanding	PKD/AYDS	1
42	Tampaksiring	PKD/AYDS	625
43	Manukaya	PKD/AYDS	544
44	Singakerta	PKD/AYDS	469
45	Lodtunduh	PKD/AYDS	548
46	Mas	PKD/AYDS	839
47	Peliatan	PKD/AYDS	989
48	Ubud	PKD/AYDS	783
49	Kedewatan	PKD/AYDS	398
50	Petulu	PKD/AYDS	444
51	Sayan	PKD/AYDS	98
52	Tegalalang	PKD/AYDS	721
53	Keliki	PKD/AYDS	277
54	Kenderan	PKD/AYDS	436
55	Kedisan	PKD/AYDS	405
56	Pupuan	PKD/AYDS	369
57	Sebatu	PKD/AYDS	466
58	Taro	PKD/AYDS	584
59	Melinggih Kelod	PKD/AYDS	327
60	Melinggih	PKD/AYDS	465
61	Kelusa	PKD/AYDS	311
62	Bresela	PKD/AYDS	107
63	Bukian	PKD/AYDS	331

64	Puhu	PKD/AYDS	280
65	Buahan	PKD/AYDS	145
66	Buahan Kaja	PKD/AYDS	74
67	Kerta	PKD/AYDS	271
TOTAL			31,068

Source: Gianyar Regency Regional Financial and Asset Management Agency, 2023.

Table.2. Data Table: Number of PKD and AYDS Land recorded in each Traditional Village which is the Research Object.

No	Traditional Village	Total Land (PKD)	Total Land (AYDS)
1	Gianyar	129	129
2	Demayu Singakerta	192	192
3	Jero Kuta Pejeng	285	285
4	Pakudui Kedisan	67	67

As of December 31, 2023, 31,068 PKD and AYDS lands have been registered with the Gianyar Regency Regional Financial and Asset Management Agency. This inventory of regional assets, particularly customary land, aims to improve administrative order, ensure the efficient use of regional assets, secure these assets, and provide accurate data on regional wealth.

The data shows that in each Traditional Village under study—Pakudui, Gianyar, Demayu, and Jero Kuta Pejeng—the amount of PKD and AYDS land is consistent. Typically, families in these villages receive one plot of PKD land for housing, accompanied by one plot of AYDS land for cultivation, with both plots requiring the recipients to fulfill obligations to the Traditional Village.

The Complete Systematic Land Registration (PTSL) program, initiated by the Ministry of ATR/BPN in 2017, aims to register all land parcels in Indonesia by 2025. In Gianyar Regency, the PTSL Adjudication Committee, led by two teams, is targeting the certification of 1,000 plots of land in 2023, including temple lands, uncertified PKD lands, and individual lands. The process is supported by Physical, Juridical, and Administrative Task Forces. According to Mr. Komang Tri Yoga from the PTSL Adjudication Committee, the goal is to ensure legal certainty and protection for land ownership, which can also help improve the economy and welfare of the community by using land certificates as collateral for business capital.

The PTSL program in Gianyar has been active from 2017 to 2023, focusing on registering traditional village land to meet these targets.

The existence of customary lands in Bali is known as customary land in various types, namely land that is controlled communally such as: profit pura , profit banjar, profit village (adat), land setra, market land, field land and land controlled individually such as village yard land (PKD), village father land (AYDS). Gianyar, as one of the districts in Bali Province which has 273 Traditional Villages, has several types of land as mentioned previously, both PKD and AYDS land. Based on data obtained from the Assets Section at the Regional Financial and Asset Management Agency of Gianyar Regency, during an interview with the Head of the Assets Division, Mr. I Gusti Putu Krisna Putra, SIP, on Monday, February 19 2024, the lands of the Customary Villages had good status. PKD and AYDS that have been registered with the Gianyar Regency Regional Financial and Asset Management Agency as of December 31 2023 amount to 31,068 plots of land. Land data that has been registered with the Gianyar Regency BPKAD is described in the following table form:

Table. 3.1.3. Data Table on Number of Traditional Village Land Registrations Through PTSL In Gianyar Regency from 2017-2023.

No	Customary Land Registration Year	Number of Customary Land Registrations
1	2017	16,120
2	2018	2,925
3	2019	2,548
4	2020	144
5	2021	381
6	2022	102
7	2023	112
TOTAL:		22,332

Source: Gianyar Regency Land Office in Section Determination of Rights and Registration on Tuesday, April 16, 2024

From 2017 to 2023, a total of 22,332 plots of customary land were registered through the Complete Systematic Land Registration (PTSL) Program in Gianyar Regency. However, as of December 31, 2023, 31,068 plots of PKD and AYDS land had been registered with the Regional Financial and Asset Management Agency, indicating that some customary lands remain uncertified.

The PTSL program, aiming to complete land registration by 2025, is bolstered by the formation of the PTSL Adjudication Team and task forces, with efforts focused on strengthening

coordination across various levels of government to expedite the registration process. Land registration provides legal certainty and protection for land rights holders, ensuring security and preventing disputes.

However, conflicts have arisen during the registration process, particularly in traditional villages like Gianyar, Jero Kuta Pejeng, and Demayu Singakerta Ubud. These conflicts often stem from disputes over the certification of AYDS land in the name of Traditional Villages. The conflicts underscore the need for legal clarity and the importance of customary laws in managing land rights.

Traditional Villages have been legitimized as land rights holders under the Decree of the Minister of Agrarian Affairs and Spatial Planning, which aligns with Hans Kelsen's theory of law as a system of norms. This provides a legal foundation for Traditional Villages to assert their rights over customary lands. The idea is to balance communal and individual land rights, ensuring that customary law communities benefit from legal certainty, justice, and utility, as outlined in Jeremy Bentham's theory of Utility or Utilitarianism.

2. Implications of Conflict over Traditional Village Land Registration in the PTSL Program in Gianyar Regency

Land conflict, especially in the context of customary village land registration, involves disputes between individuals, groups, organizations, or institutions, often leading to significant socio-political impacts. These conflicts can be resolved through litigation (court) or non-litigation (mediation or customary justice). According to Munir's theory of "semi-autonomous social fields," conflicts can be resolved internally without external interference, such as from state courts.

Several factors contribute to these conflicts in customary village land registration:

Differing Perceptions: There are conflicting views on the meaning of land control and ownership between customary law communities and the state, particularly as implemented by the government, BPN (National Land Agency), and court judges. The Basic Agrarian Law (UUPA), meant to provide legal certainty, is seen as infringing on community interests.

Individualism vs. Communal Rights: The process of individualizing communal land rights, often without consulting traditional leaders, conflicts with the maintained communal land practices in customary law.

Regulatory Gaps: Not all customary land is explicitly recognized in village regulations (*awig-awig*), leading the government or BPN to treat such land as state land, allowing third parties to claim it.

Resistance to Court Decisions: Customary law communities may resist the enforcement of court decisions, especially when customary leaders are involved.

In the conflicts studied in Gianyar Traditional Village, Pakudui Traditional Village, Jero Kuta Pejeng Traditional Village, and Demayu Traditional Village, conflict resolution methods varied. Most villages opted for mediation involving BPN, regional governments, or traditional leaders (*Bendesa*), with a focus on achieving peaceful resolutions. Mediation respects the concrete and situational nature of customary law, which treats each case uniquely and aims to resolve disputes comprehensively, ensuring harmony and justice within the community.

For example, the conflicts in Jero Kuta Pejeng and Demayu Traditional Villages were resolved through mediation involving the Gianyar Regent and *Kesbanglimaspol*, leading to mutual agreements. The Pakudui conflict, however, went to the Supreme Court, where the decision was accepted by both parties.

Overall, these conflicts highlight the tension between state law and customary law, the importance of mediation in conflict resolution, and the need for legal recognition and protection of customary land rights.

4. Conclusion

Based on the discussion outlined previously, it can be concluded that the implementation of the PTSL program in Gianyar Regency can be said to be still less than optimal, where there are still many plots of land that cannot be certified due to the lack of complete physical data caused by incomplete construction of Measurement Drawings (*GU*) and The lack of completeness of juridical data is caused by the discovery of files that have not been completed with research minutes on juridical data and boundary determination. The implications of the conflict over customary village land registration in the PTSL program in Gianyar Regency have given rise to differences in perception regarding the meaning of the concept of land control and ownership of customary law communities and the state in real terms implemented by the Government, BPN, and Court Judges. There is a process of individualism regarding communal rights to land, based only on formal legal procedures, without being based on the first rights holder, and without the knowledge of the traditional *prajuru*, while land alienation (*custom*)

in each traditional village which is the Research Object is still maintained until now in the traditional village awig, although it still contains exceptions. In the field of regulation, not all customary land is explicitly mentioned in the awig-awig of traditional villages, giving the impression that land which is actually village customary land is considered by the government or BPN to be free state land, so that other parties' HGBs are issued on ulayat land.

Several suggestions that can be put forward from research data in the field regarding the implementation of traditional village land registration in the PTSL program in Gianyar Regency and the conflict implications of traditional village land registration in the PTSL program in Gianyar Regency are: In order to maximize customary land registration in Gianyar Regency, it is necessary This is done by completing physical data and juridical data in land registration so as to minimize conflicts over land rights in the future. Apart from that, by completing physical and juridical data correctly, the target of completing the registration of all land plots in 2025 can be achieved. It is necessary to carry out socialization which is not only carried out when PTSL is implemented, but must be carried out continuously through various media so that there are no differences in perceptions / mutual claims between individuals and Traditional Villages or individuals and individuals. Apart from that, the Adjudication Committee must not only assess the formal administrative requirements but must also truly understand the condition of the land to be registered and also not only be oriented towards the target because if it is only oriented towards the target, conflicts over the registration of land rights will continue to arise. In the field of regulation, the awig-awig of Traditional Villages should begin to clearly regulate the boundaries of Traditional Village lands because not all customary land is explicitly mentioned in the awig-awig of Traditional Villages, this is done to anticipate land claims from parties outside the Traditional Village.

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