

Complete Systematic Land Registration

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ABSTRACT

Land registration is a series of activities carried out by the Government continuously, sustainably and regularly, including collecting, processing, bookkeeping, and presenting and maintaining physical data and juridical data. In land registration, it can happen that the object of land registration is encumbered by other rights such as: ownership rights, business use rights, building use rights, use rights, ownership rights over apartment units are used as collateral for debts and are encumbered with mortgage rights. The research method used is through a normative juridical approach, namely by inventorying, reviewing and analyzing and understanding the law as a set of positive norms in the legal system that regulates land registration issues in Indonesia. The results of this research explain that, based on the research results above, it can be concluded that, complete systematic land registration was carried out in the Majalengka Regency area. In 2019 Majalengka Regency distributed 26 thousand complete systematic land registration certificates spread across 2 sub-districts, namely Sindang Sub-district and Lemahsugih Sub-district. Then in 2020 Majalengka Regency again received a quota of 40 thousand complete systematic land registration certificates spread across several sub-districts. Problems of complete systematic land registration in Majalengka Regency, differentiated by time. Legal protection for complete systematic land registration in Majalengka Regency has been carried out well. In particular, regarding the rights of Majalengka residents to use the surface of the earth, along with the body of the earth, and the water and air space above it only as needed for purposes directly related to the use of the land in question.

Keywords: Registration, Land, Majalengka Regency.

1. INTRODUCTION

Land Registration is a series of activities carried out by the Government continuously, sustainably and regularly, including collecting, processing, bookkeeping, and presenting and maintaining physical data and juridical data, in the form of maps and lists, regarding plots of land and apartment units, including providing proof of title to parcels of land to which there is already title, and ownership rights to apartment units and the rights that encumber them (Tehupeiory, 2012). Carrying out land registration is one of the state tasks carried out by the government for the benefit of the people in order to provide legal certainty. According to the research results of Amarudin & Zainal Asikin, (2010), the implementation of land registration activities produces proof of rights in the form of certificates for plots of land that already have rights and certificates of ownership for flats.

In land registration, it can happen that the object of land registration is encumbered by other rights such as: ownership rights, business use rights, building use rights, use rights, ownership rights over apartment units are used as collateral for debts and are encumbered with mortgage rights. The principles of land registration are contained in Government Regulation Number 24 of 1997 Article 2 which states that land registration is carried out based on the principles of simple, safe, affordable, up-to-date and open. Land registration aims to provide a guarantee of legal certainty, known as Rechts Cadaster/Legal Cadaster. Where this registration produces a certificate, which was initially carried out for fiscal purposes, but over time the purpose of land registration has evolved (Efendi, 2005).

Based on Government Regulation Nopmor 24 of 1997 Article 13 paragraph (1), there are two forms of land registration, namely systematic land registration and sporadic land registration. In carrying out land registration activities, only certain objects are the objects of land registration, as stated in Article 9 of Government Regulation Number 24 of 1997 which further expands the objects of land registration, namely, plots of land that are well owned with ownership rights, business use rights, use rights. buildings, as well as use rights, waqf land, and state land.

In the journal Muhammad Irfan, (2020) explains that, there are 2 (two) land registration systems which are called deed registration or what is usually called Registration of Deeds, and the second is title registration which is also called Registratin of Title which is also commonly called "registration with stelsel positive" or called "System Torrens". The basis of the Torrens system is that when a person claims to be the owner of a plot of land, whether due to law or other reasons, he must submit an application to have the land in question placed in his name. Land certificates in the Torrens system are the most complete evidence, the rights of the owner whose name is listed on the certificate cannot be contested by anyone. Then compensate the real owner through insurance funds (Koswara, 2016).

The land use policy is stated in Article 2 paragraph (3) of Law Number 5 of 1960, that land must be used for the greatest prosperity of the people. Land rights originate from the state's right to control the earth, outer space, including the natural wealth contained therein. Meanwhile, the results of Asshiddiqie's research (2010) state that land rights provide authority, where this authority is owned by the land right holder, namely the land right holder to use the land, including the body of the earth, water and outer space above it. necessary for purposes directly related to the use of the land within the limits according to the Basic Agrarian Law and other legal regulations. Meanwhile, the elimination of a person's rights to a land object can be caused by the land being destroyed, the decision letter granting land rights being revoked or because it has expired (Sumardjono, 2001).

Certificates as proof of rights, as land registration has been explained, are to guarantee legal certainty for holders of land rights as contained in Article 4 of Government Regulation Number 24 of 1997 concerning Land Registration, namely, to provide legal certainty and protection as intended in Article 3 letter a to The right holder concerned is given a certificate of land rights. Land registration in order to guarantee legal certainty to the entitled parties, a certificate will be issued as proof of rights (Kusumaatmadja & Sidharta, 2000). If in the future there is a lawsuit in court regarding the land object for which a certificate has been issued, then all the information contained in the certificate has strong evidentiary power as long as there is no other evidence that denies it (Salman & Damian, 2006).

According to Soeroso, (2000) is of the view that complete systematic land registration is the first land registration activity carried out simultaneously for all land registration objects throughout Indonesia in one village/kelurahan area which includes the collection of physical data and juridical data regarding one or several land registration objects for registration purposes. Complete systematic land registration is contained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018. This complete systematic land registration activity aims to provide legal certainty and legal protection of community land rights based on the principles of simple, fast, smooth , safe, fair, equitable and open and accountable.

Complete systematic land registration covers all land registration objects in Indonesia without exception, both land plots that do not yet have land rights and private land plots that have rights in order to improve the quality of land registration data. The object of complete systematic land registration also includes land plots that already have boundary markings or those for which boundary markings have just been established (Sembiring Julius, 2016). The National Land Agency is a non-ministerial government institution in Indonesia which has the task of carrying out government duties in the land sector in accordance with statutory provisions. In carrying out its duties, the National Land Agency carries out the following functions, formulating and establishing policies in the land sector, formulating and implementing policies in the field of surveying, measuring and mapping and formulating and implementing policies in the field of controlling and handling land disputes and cases.

Ana, (2017) said that, in implementing complete systematic registration, all plots of land can be processed and all communities throughout Indonesia can participate in complete systematic land registration. In complete systematic land registration there is no charge for land registration which is borne by the Government, the costs incurred in complete systematic land registration are based on the circular of 3 ministers as stated in the Joint Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, the Minister of Home Affairs, and Minister of Villages, Disadvantaged Development and Transmigration Number 25/SKB/V/2017, Number 590-3167A of 2017, Number 34 of 2017 concerning Financing for Complete Systematic Land Registration Preparations, are costs that are personal in nature/return

to the applicant. Namely for stamp fees, stakes. Because according to a circular letter from 3 (three) Ministers for the Java - Bali region, it is IDR 150,000 thousand rupiah.

Geographically, Majalengka Regency is located in the eastern part of West Java Province. In 2019, Majalengka Regency distributed 27 thousand complete systematic registration certificates spread across several sub-districts in Majalengka Regency, such as Sindang District and Lemahsugih District. Then in 2020 Majalengka Regency again received a complete systematic land registration quota of 40,000 thousand plots of land with the target locations being Maja District and Talaga District. The stages of implementing complete systematic land registration in Majalengka Regency as according to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018, namely that the government has determined the areas that will be targets for implementing complete systematic land registration, however, due to the large number of sub-districts/villages that submit yourself to take part in complete systematic land registration so that the National Land Agency summons village leaders to see the readiness and ability of village leaders to collect data on land belonging to the community concerned for carrying out complete systematic land registration. So, based on the description and explanation of the background that has been presented above, the researcher wants to know how the complete systematic land registration process is carried out by the Majalengka Regency government.

2. LITERATURE REVIEW

The principle of publicity provides juridical data regarding rights holders, transfer of rights and encumbrances of land rights at the land office, including filing objections before the issuance of certificates, replacement certificates, lost certificates or damaged certificates. 30 The principles of land registration are contained in Government Regulation Number 24 of 1997 Article 2 which states: "Land registration is carried out based on the principles of simple, safe, affordable, up-to-date and open."

These principles are as follows:³¹

- a. Simple Principles: In land registration, it is intended that the basic provisions and procedures can be easily understood by interested parties, especially land rights.
- b. The Safe Principle is intended to show that land registration needs to be carried out carefully and carefully so that the results can provide a guarantee of legal certainty according to the purpose of land registration.
- c. Affordable Principle, affordability for parties who need it, especially taking into account the needs and capabilities of economically weak groups, services provided in the context of carrying out land registration must be affordable for parties who need it.
- d. The principle of being up to date, adequate completeness in its implementation and balance in maintaining data, and the available data must show an up-to-date state.
- e. The Affordable Principle is intended so that the public can know or obtain information regarding physical data and juridical data at any time at the Regency/City Land Office

3. RESEARCH METHOD

The research method used is through a normative juridical approach, namely by inventorying, reviewing and analyzing and understanding the law as a set of positive norms in the legal system that regulates land registration issues in Indonesia with analytical descriptive research specifications, namely research to describe the flow of scientific communication and analyze problems that will presented descriptively (Sugiyono, 2009). The type of data used is secondary data which includes library materials related to research, secondary data which includes primary legal materials, secondary legal materials and tertiary legal materials. Then data collection was carried out through library research by reviewing library materials related to the problem being studied, then the data was analyzed normatively-qualitatively.

4. RESULTS AND ANALYSIS

Complete Systematic Land Registration or what is usually called PTSL is a program that was successfully created by the Indonesian Government which aims to provide legal certainty and legal protection of land rights owned by the Indonesian people. PTSL provides an opportunity for people who have not registered their land throughout the Republic of Indonesia in one village or sub-district area. The background to holding this program is because the government still finds a lot of land in Indonesia that has not been certified

or does not have a certificate. Land certification is something that must be done by the community to obtain legal certainty and authentic proof of land ownership as proven by a land certificate (Soimin, 2004).

The implementation of Complete Systematic Land Registration (PTSL) at the Majalengka Regency Land Office for 2019 has distributed 27 thousand complete systematic registration certificates spread across several sub-districts, namely Sindang District and Lemahsugih District with a total number of villages participating in PTSL of 25 villages. Furthermore, in 2020 Majalengka Regency will again receive a PTSL quota of 40,000 thousand plots of land with the target location being Maja District and Talaga District with a total of 45 villages. Based on the results of the inventory, the juridical data is grouped into 4 (four) clusters, namely, Cluster 1 (one), namely land parcels whose juridical data fulfill the requirements for the issuance of a certificate of title to the land. and the issuance of a certificate of land rights after a court decision has permanent legal force, and the decision declares one of the parties as the party with the right.

Cluster 2 (two) plots of land whose juridical data meets the requirements for publication but there is a case in court. As well as Cluster 3 (three), namely plots of land whose legal data cannot be recorded and certificates issued because the subject is a foreign citizen (WNA), state-owned enterprise (BUMN)/regional-owned enterprise (BUMD)/state-owned legal entity (BHMN). , Private Legal Entity, unknown subject, subject unwilling to participate in PTSL. Meanwhile, Cluster 4 (four) is when the subject and object do not meet the requirements for PTSL because they are already certified.

Implementation of Complete Systematic Land Registration in Majalengka Regency

The planning and preparation carried out by the Majalengka Regency Land Office is by holding a coordination meeting to prepare to accelerate the implementation of complete systematic land registration for the 2019 and 2020 fiscal years. The following material and agenda discussed in the meeting forum is the creation of a planning matrix for the implementation of complete systematic land registration for the fiscal year 2019 and 2020. This is the initial process in determining the next activity, which means that this activity is very important to pay attention to considering that it will involve all forms of determining the time to be carried out in the future. This activity becomes a timeline that functions as a reminder for the stakeholders who play a role.

As a result of interviews conducted with the Majalengka Regency BPN, it was discovered that the Government had determined a number of areas that were prepared to be targets for implementing this complete systematic land registration. However, it turns out that there are many sub-districts and villages that submit their own applications to be able to take part in this complete systematic land registration program. This caused the Majalengka Regency BPN to call a number of local village leaders or heads to ensure that they had the ability and readiness to collect various kinds of data about community land related to this complete systematic land registration. In this regard, it is known that in 2019 complete systematic land registration was implemented in 2 sub-districts, namely Sindang sub-district and Lemah Sugih sub-district, along with a total of 25 villages in both.

There is a target for the land title certificate (shat), a target for measuring the map of the land parcel, and who executes it. For the first year 2019, in Sindang District itself, Sindang Village was the area with the highest shat target with a number of 1500 along with the measurement target which was also the largest, namely 3278. Meanwhile, the lowest number of shat targets was in Gunungkuning Village at 803, but the number of measurement targets The lowest falls on Pasirayu Village at 1405. Second, in Lemah Sugih District, Borogojol Village is the area that has the highest shat target, namely 3154, along with the largest measurement target, namely 3000. On the other hand, Bang Shadow is the village with the smallest shat and measurement targets, respectively. -300 shats each and a measurement target of 300.

In 2020, first in Maja District itself, Pageraji Village is the area with the highest shat target of 1,780, and Cihaur Village with the highest measurement target of 2,810. Meanwhile, the lowest number of shat targets is Banjaran Village with a total of 436 and the lowest measurement target is Sindangkerta Village, namely 636. Second, in Talaga District, Talaga Kulon Village with the highest shat target of 1,810 and Gunungmanik Village with the highest measurement target with a total of 3,874. then the lowest shat target fell on Kertarahayu Village with a number of 229 and the lowest measurement target was Cicanir Village with a number of 1,308. third, Cikijing District with Cidulang Village as the shat target and the highest measurement target, namely 4000 for the measurement target and 2,975 for the shat target. For Lemahsugih District itself, there is a shat target which is a continuation of the PTSL completion in 2019. The party responsible for carrying out this measurement is the State Civil Apparatus of the National Land Agency of Majalengka Regency and the third party who received the auction tender, namely KJSKB (Surveyor Services Office Licensed Cadastre).

Every year the determination of the complete systematic land registration location is different. In 2020, in implementation, based on the table above, there are several villages with (Cluster 4), namely land plots whose objects and subjects do not meet the requirements for carrying out complete systematic land

registration because they have been certified, both those that have not been mapped and those that have been mapped. The purpose of the mapping (Cluster 4) is to complete the registration map so that land parcels that have been certified can be stored in the KKP database and identified. Based on the results of interviews conducted with the National Land Agency, this activity was carried out by all levels of the National Land Agency, either directly explaining it to the public or through existing media. The Head of Sub-Division for Handling Disputes, Conflicts and Land Cases as well as Head of the Adjudication Team explained that in order to provide a good understanding of PTSL socialization and counseling to the community, the apparatus makes every effort to use language and terms that are easy to understand so that the aims and objectives of PTSL can be understood, hit and be well received by the community, especially in relation to the importance of the community having land certificates. This was done because we remember that previously, a number of outreach and counseling had been carried out but it seemed only normative and a formality so that what was conveyed could not be well received by the community. This socialization and counseling activity was carried out in 25 villages in Sindang District and Lemah Sugih District, both in residents' homes and at the RT/RW offices in these 25 villages.

Problems of complete systematic land registration in Majalengka Regency

In principle, PTSL is intended as a facility that can provide various kinds of convenience to the people of Majalengka Regency. However, in fact, these things often conflict when implementing them, namely obstacles that arise both from the National Land Agency itself and from the community. One of the factors behind the community participating in complete systematic land registration is because there was a proposal from the village. This is different because in 2021 the government is making a program to become a complete village. The purpose of this complete village is for plots of land that have been covered by complete systematic land registration in the previous year to be continued for settlements that have been measured but have not yet been converted into certificates. The complete definition itself can be said to be able to map and be able to record data and also to have a data base in the villages concerned (Utomo, 2016).

In 2020, the implementation of complete systematic land registration faced obstacles due to Covid-19 so that many stages of land registration were postponed for the measurement process, then due to the Covid-19 pandemic there were budget cuts which caused the target for complete systematic land registration to be cut. The problem that arises from the National Land Agency in Majalengka Regency is the lack of Human Resources, namely limited staff, with very many targets that must be completed in a short time, it is not possible to complete them due to limited workers. The need for human resources also determines the success of implementing complete systematic land registration. In each implementation, there are challenges faced by the running team because they are required to be firm, precise, fast and professional every day and are required to work hard in carrying out their duties. Because the target continues to increase every year and must be completed in just one period, it seems impossible to complete it quickly due to limited human resources.

In practice, officers often face the absence of the parties required for registration to fulfill the requirements for complete systematic land registration, thereby slowing down the registration process. In collecting physical data and juridical data, the data collected by the community is incomplete/does not meet the requirements so that the applicants submit data that does not match reality/is incorrect, such as land location and land ownership.

This is also based on the lack of enthusiasm of the community in participating in complete systematic land registration. Because public awareness plays an important role in its implementation, the public as applicants who are not agile in fulfilling administrative requirements will hinder the complete systematic land registration process and complete systematic land registration can run and be successful if there is cooperation from both parties, both from the National Land Agency and from the community, because many villages stop in the middle of the road because there is no activity from the village or community itself. Apart from that, there are also obstacles faced during measurements, namely the unavailability of the community who owns legal land data in measuring the boundaries of the land being measured, so that the measurement process experiences delays.

Then regarding the issue of absentee land management in PTSL, where the control and ownership of absentee land as per Article 10 of the UUPA, in principle, those who own agricultural land are obliged to work and cultivate it themselves. Absentee land is agricultural land owned by individuals whose residence is not in the same sub-district. Because if the land is included in absentee land, it must be transferred to another person who lives in the same sub-district as the land within 6 months after the land owner moves.

In implementing PTSL, the National Land Agency will know if there is absentee land at the time of administrative collection. Then the National Land Agency will coordinate with the village/district authorities

and immediately inspect the location of the absentee's land. The National Land Agency will not refuse complete systematic land registration, which is a national program where land that has not been certified must be issued a certificate, namely by land registration. However, for absentee land itself there are K1-K4 provisions. Absentee land is included in the K3 group. Based on the results of the interview, absentee land certificates cannot be issued, but can be issued if the land is transferred or the land owner changes residence.

The existence of absentee land is due to a lack of legal awareness from the community, lack of coordination from law enforcement officials where law enforcement officers play a strategic role that is needed by the community, legal awareness of the community is still lacking, because the existence of absentee land cannot be separated from the role of the community which does not comply with regulations. Apart from that, there are also problems that can arise in implementing complete systematic land registration, namely difficulties in dealing with the application of the principle of contradiction of demilitation. This principle explains the installation of boundary signs and the determination of boundary signs at corner points of land parcels and has been approved by the parties directly bordering (Santoso, 2003).

The existence of this principle is to avoid land conflicts in the future. This principle is used during the measurement process on land plots by officers for the purposes of land registration administration, because during the measurement process there are still land plots that exceed the limits. Therefore, this principle will work well if the owners as interested parties are present during the process of measuring boundary marks on land plots. However, this did not go well because there were obstacles in the implementation process, both in the usual land registration process and in activities such as complete systematic land registration. For example, when measuring boundary land, the parties whose land borders are not present for the process of reaching an agreement. Then the land to be measured was not installed with stakes because the community did not maintain land boundary markers/stakes, causing officers to experience difficulties in carrying out measurements. This can also happen due to a lack of outreach and direction from the National Land Agency to the community. So if this principle does not work well, this principle could cause problems such as land disputes.

Complete systematic land registration legal protection in Majalengka Regency

An important part of national land law mostly discusses land rights. Land rights are essentially a concrete legal relationship between people (including legal entities) and land, where this relationship has legal protection. The purpose of land rights is to provide legal certainty regarding the legal relationship, so that the right holder can exercise the authority/content of their land rights safely. By holding a complete systematic land registration, the parties concerned can easily find out the legal status or position of the particular land they are dealing with, its location, area and boundaries, who owns it and what burdens are placed on it.

Considering that in order to guarantee legal certainty and legal protection of community land rights in a fair and equitable manner, as well as encourage the economic growth of the country in general and the people's economy in particular, it is necessary to accelerate complete land registration throughout the territory of the Republic of Indonesia as mandated in Article 19 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, therefore to make this happen the Ministry of Agrarian Affairs and Spatial Planning regulates the acceleration of complete systematic land registration based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning Acceleration of Registration Complete Systematic Soil.

The Ministry of Agrarian Affairs and Spatial Planning targets that by 2025 all plots of land in the territory of the Unitary State of the Republic of Indonesia will have been registered. In order to achieve this target, it is necessary to accelerate or speed up the development of agrarian infrastructure, including the field of empowering human resources in the field of measurement and mapping, providing facilities and infrastructure. supporting basic map measurement and mapping activities, by implementing government programs, namely complete systematic land registration regulated by the Minister of Agrarian Affairs and Spatial Planning in 2017 and budgeting.

The Majalengka Regency Land Office is an institution that oversees land affairs, especially regarding complete systematic land registration in the jurisdiction of Majalengka Regency. This land right gives the rights holder the authority to use the surface of the earth, along with the body of the earth, and the water and air space above it as necessary for purposes directly related to the use of the land in question within the limits according to the Basic Agrarian Law and regulations. other higher laws. Apart from providing authority, land rights also impose obligations on the rights holder.

Thus land rights are not absolute, because the authority of the rights is limited. Limitations on the exercise of authority over land rights by rights holders are limited by several principles, among others, all land rights have a social function, every person or legal entity that has agricultural land rights is in principle obliged to carry out or cultivate them actively by preventing extortion methods. , every person or legal entity who has land

rights is obliged to maintain the land, including increasing its fertility and preventing damage, and every right holder is prohibited from abandoning the land.

Boedi Harsono stated that based on the explanation in article 8 of the Basic Agrarian Law, it is stated that because land rights only give rights to the surface of the earth, the authorities derived from it do not concern the natural riches contained in the body of the earth, water, and space. Therefore, taking the intended wealth requires separate arrangements. This provision is the basis for mining and other legislation.

5. CONCLUSION

Based on the results of the research above, it can be concluded that, complete systematic land registration is one of the work programs of the President of the Republic of Indonesia Joko Widodo which is motivated by making it easier for people to have land certificates. one of those taking part in PTSL is Majalengka Regency. In 2019, Majalengka Regency distributed 26 thousand complete systematic land registration certificates spread across 2 sub-districts, namely Sindang District and Lemahsugih District. Then in 2020 Majalengka Regency again received a quota of 40 thousand complete systematic land registration certificates spread across several sub-districts. The implementation of complete systematic land registration in Majalengka Regency is in accordance with the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018, taking place in 6 stages. The six stages are; a) Planning and Preparation, b) Location Determination, c) Socialization and Counseling, d) Formation and Determination of a PTSL Adjudication Committee, e) Collection of physical data and juridical data, f) Issuance of land rights certificates. In its implementation it has gone well, although there are several obstacles, this does not prevent the implementation of complete systematic land registration in Majalengka Regency. Problems of complete systematic land registration in Majalengka Regency, differentiated by time. 2020 was due to COVID-19, which resulted in the budget measurement and reduction process being hampered. Legal protection for complete systematic land registration in Majalengka Regency has been carried out well. In particular, regarding the rights of Majalengka residents to use the surface of the earth, along with the body of the earth, and the water and air space above it only as needed for purposes directly related to the use of the land in question.

Suggestion

Based on the conclusions above, researchers need to provide suggestions to related parties in the context of continuous improvement, these suggestions are:

- a. The Majalengka Regency Government is recruiting special personnel to assist with the complete systematic land registration process.
- b. The Majalengka Regency National Land Agency needs to increase outreach to the community and increase its human resource capacity.

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