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## LEGAL PROTECTION OF COMMUNITY MEMBERS IN THE COMPLETE SYSTEMATIC LAND REGISTRATION PROGRAM

This research discusses the issue of legal protection for the community in the Complete Systematic Land Registration Program, which is motivated by the issuance of the Joint Decree of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency, Minister of Home Affairs, and Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 25/SKB/V/2017, Number 590-3167A Year 2017, Number 34 Year 2017. This decision opens up opportunities for local governments to adopt additional regulations related to the financing of PTSL, which is often a loophole for illegal extortion. This study raises the question of how legal protection of the community in the process of implementing PTSL. The research method used is a regulatory and legal one with the use of the statutory and conceptual approaches. The results of the analysis show that the Ratio Legis of the Joint Decree is philosophically a form of application of Pancasila and the 1945 Constitution, especially Article 33 paragraph (3) and Article 28D paragraph (1), which emphasize protection and legal certainty for the community. Sociologically, the program is designed to accelerate land legalization by considering the geographical conditions and social diversity of Indonesian society. However, legal protection in PTSL is mostly repressive, while preventive protection is inadequate. Regulatory adjustments are needed, including the determination of fair fees based on geographical difficulties and land contours, as well as continuous evaluation and supervision to prevent corrupt acts and illegal levies in this program. This is important to ensure transparency, accountability and a focus on social justice for all segments of society.

**Keywords:** *Complete System Land Registration, Ratio Legis, agrarian law, legal protection, community, local governments, legal protection.*

### *Original article*

**INTRODUCTION.** Land is very important to society and can be interpreted as one of the basic elements in people's lives, with physical and social significance. In the Indonesian context, land is not just the surface of the earth, but also an asset with deep social, cultural and economic values. From an agrarian perspective, land rights are regulated by the Basic Agrarian Law (UUPA) No. 5 as of 1960. Land rights give individuals or legal entities the right to control, use and dispose of

land, which is intended to provide legal certainty, prevent disputes and protect the rights of land-owners.

Land rights in Indonesia include different types such as Property Rights, Business Use Rights, Building Use Rights, Use Rights, Wakf Rights, Management Rights, Ulayat Rights and Kaum Rights, as explained in the UUPA. This arrangement aims to provide justice and legal certainty for the community, including through land registration as

stipulated in Article 19 of the UUPA. This article confirms that the government is obliged to organize land registration throughout the territory of Indonesia to ensure legal certainty.

Thus, the regulation of land rights is crucial to ensure justice and sustainability in the management of agrarian resources in Indonesia. Thus, the land has property rights and as a guarantee of legal certainty for land owners is to register the land. In accordance with the Basic Agrarian Regulation, which is the legal basis for land guidelines in Indonesia, it is stipulated that the Public Authority has the option to carry out land transformation or land registration.

The UUPA is the basis of agrarian reform (land reform) (Nugroho, 2002, p. 99), one of the main goals of which is to provide legal certainty, legal protection and legal benefits. In the Preamble of the 1945 Constitution of the Republic of Indonesia, the 4th paragraph says: *“Then, to form a government of the Indonesian state that protects all Indonesian people and all Indonesian blood spills and to promote general welfare, educate the nation’s life, and participate in implementing world order based on independence, lasting peace and social justice, the Indonesian national independence is compiled in a Constitution of the Indonesian state, which is formed in a state structure of the Republic of Indonesia which is people’s sovereignty based on: One God, a just and civilized humanity, Indonesian unity, and a democracy led by wisdom in deliberation/representation, and by realizing a social justice for all Indonesian people”*.

Through the registration of land ownership rights in Indonesia, UUPA guarantees legal certainty. This can be seen from the UUPA, which is designed to provide certainty in the land sector so that people can benefit from justice, protection, structure, function, and welfare (Handoko, 2011, p. 143).

Land plays a vital role in the lives of Indonesian people, not only as a source of livelihood and food, but also as an asset that has deep social, cultural and economic values. Land rights are a crucial aspect of agrarian regulation in Indonesia, which is regulated in the Basic Agrarian Law (UUPA) Number 5 of 1960. UUPA aims to provide legal certainty regarding land rights, including registration and transfer of rights, in order to prevent disputes and abuse (Ismail, 2007, p. 124).

Land registration is an important instrument to ensure justice and sustainability in the management of agrarian resources in Indonesia. Through registration, landowners are guaranteed legal certainty over their ownership. Article 19 paragraph (1) of the UUPA states that the government carries out land registration throughout

the territory of Indonesia to ensure legal certainty (Handoko, 2011, p. 142).

As a form of implementation, the government launched the Complete Systematic Land Registration (PTSL) Program, which aims to provide legal certainty over community land through simultaneous registration in all regions. With PTSL land certificates, people are not only protected from disputes but can also use their land as collateral to obtain credit (Prakoso, 2021, p. 68). However, this program is not free from various challenges, including the practice of illegal levies that have the potential to undermine justice and transparency in its implementation (Wulansari, Widiantoro, Widodo, 2024, p. 112). Therefore, efforts to improve regulations and increase supervision are needed to ensure legal certainty and legal protection in the implementation of PTSL (Widodo, Wardani, 2023, p. 30).

Therefore, this research raises the Legal Protection of Community Members in the Complete Systematic Land Registration Program (PTSL) to analyze the issue of legal protection for the community. The focus of this research is to examine the government’s efforts to ensure legal certainty through PTSL while overcoming challenges that arise, such as extortion practices and abuse of authority by village officials or certain parties.

**PURPOSE AND OBJECTIVE OF THE RESEARCH.** The purpose of this research is to critically analyze the adequacy of legal protection provided to the community in the implementation of the Complete Systematic Land Registration (PTSL) Program. This study seeks to evaluate the alignment of the PTSL program with the philosophical and legal principles of Pancasila and the 1945 Constitution, particularly in ensuring legal certainty and social justice for all. It also aims to uncover gaps in existing legal frameworks and practices, emphasizing the challenges posed by repressive over preventive legal protections.

The objective is to explore the philosophical and juridical foundations of the Joint Decree governing the PTSL program while analyzing the implementation practices that often lead to issues such as illegal levies and corruption. This research endeavors to provide concrete recommendations for regulatory adjustments, including the establishment of fair fee structures and enhanced oversight mechanisms. Furthermore, it seeks to propose strategies to strengthen preventive legal protections that uphold transparency, accountability, and fairness, ensuring that the program operates effectively and equitably across Indonesia’s diverse social and geographical contexts.

**METHODOLOGY.** This study employs a normative juridical method, which aims to analyze

formal legal rules such as laws, government regulations, and ministerial regulations related to the Complete Systematic Land Registration (PTSL) program. This approach was chosen to evaluate the coherence of these regulations with the underlying legal norms and to assess the extent to which legal protection is provided to the community in the program's implementation (Creswell, 2014, p. 160).

The statute approach was applied by examining various legal regulations, including Law Number 5 of 1960 on Basic Agrarian Principles, Government Regulation Number 24 of 1997 regulating land registration procedures, and Government Regulation Number 18 of 2021, the latest regulation related to PTSL. The results of this approach reveal gaps in the regulations, particularly concerning financing arrangements, which are often exploited as loopholes for illegal levies. This approach effectively identifies inconsistencies between regulations and their impact on legal certainty for the community (Hadjon, 1987, p. 14).

The conceptual approach was used to analyze the legal concepts underpinning legal protection and certainty. The concept of legal protection analyzed includes preventive protection, which aims to prevent violations, and repressive protection, which addresses violations that have already occurred. In the implementation of PTSL, it was found that legal protection predominantly takes a repressive form rather than a preventive one. This highlights a weakness in preventive measures, which are essential to mitigating potential violations in the program's execution (Diantha, 2016, p. 21). In this case, researchers examine Law Number 5 of 1960, Government Regulation Number 24 of 1997, and Government Regulation Number 18 of 2021 to analyze the legal protection of community members.

Data were analyzed using grammatical and systematic interpretations. Grammatical interpretation was carried out to understand the terminology in regulations, such as the meaning of "reasonable" fees in Government Regulation Number 24 of 1997. Meanwhile, systematic interpretation linked various relevant regulations to derive a comprehensive conclusion on legal protection in PTSL. The results of this analysis indicate that fee arrangements need to be adjusted, and periodic evaluations should be conducted to ensure that the implementation of the PTSL program aligns with its social objectives (Poesoko, 2012, p. 36). As explained by Raharjo (2000, p. 31), "the conceptual approach provides a normative point of view by assessing legal concepts against regulatory implementation".

The methods used in this study are effective in evaluating the extent to which the objectives of

the PTSL program have been achieved. The statute approach helps identify weaknesses in regulations that directly affect the legal protection of the community. The conceptual approach provides a theoretical foundation for formulating better policy recommendations, particularly in enhancing preventive protection. Data interpretation offers practical insights into the application of rules in the field and the challenges encountered, thus generating recommendations to improve transparency and accountability in the PTSL program.

## RESULTS AND DISCUSSION

### *Ratio Legis Joint Decree of the Minister of Agrarian and Spatial Planning/National Land Agency, Minister of Home Affairs, Minister of Villages, Development of Disadvantaged Regions, and Transmigration No. 25/SKB/2017, No. 590-3167A/2017, No. 34/2017 on Financing Systematic Land Registration Preparation Related to the Determination of PTSL Fees*

In the context of Indonesian law, land is defined as the surface of the earth that can be owned and utilized by individuals or legal entities in accordance with the provisions of the UUPA (Harsono, 2013, p. 4). According to Article 4 of the UUPA, land includes the surface of the earth, and land rights are rights to certain parts of the earth's surface (Hutagalung et al., 2012, p. 133). Land not only functions as a resource for agriculture and development, but also has high social and economic value, and often causes conflicts over its management and utilization (Sembiring, 2017, p. 3).

The purpose of land registration is based on Article 19 of the UUPA, in essence the purpose of holding a land registration is that land registration is a Government task that is carried out to ensure legal certainty in the land sector (Parlindungan, 1994, p. 112). Land registration is a series of activities carried out by the government continuously, continuously and regularly, including collecting, processing, bookkeeping, and presenting and maintaining physical data and juridical data, in the form of maps and lists, regarding land parcels and units of flats, including the provision of certificates as proof of rights for land parcels that already have rights and Property Rights over Flats and certain rights that encumber them (Taneko, Soekanto, 2015, p. 211).

One form of systematic land registration is Complete Systematic Land Registration (PTSL) because PTSL is carried out simultaneously for all unregistered land registration objects in an area. Regulations Related to Complete Systematic Land Registration (PTSL), based on Article 2 of PMA 6/2018 states that this activity is carried out to realize the provision of legal certainty and legal protection of community land rights based on

simple, fast, smooth, safe, fair, equitable, and open and accountable principles, so as to improve welfare and prosperity for the community and the country's economy, as well as reduce and prevent land disputes and conflicts (Sutedi, 2023, p. 113).

The basis for the implementation of PTSL is in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 concerning Complete Systematic Land Registration. Based on this regulation through the extension of this program, it is said that the financing is said to be borne by the Government to provide PTSL financing according to Article 16 paragraph (2) letter g of PMA 6/2018.

### ***Aspects of Law Building, Principles, and Legal Systems***

In order to analyze and determine the correlation of legislative norms, the mechanisms of financing land registration in accordance with laws, principles and legal systems are presented.

Through Article 19 of the UUPA, land registration is regulated as an effort to provide legal certainty and protect people's rights to their land, in line with the values of Pancasila and national goals. A clear example of the implementation of Article 19 of the LoGA can be seen in the Complete Systematic Land Registration (PTSL) program, which integrates the principles of social and national functions. This program provides land certificates as legal evidence to the community, including the economically weak, thus ensuring that their land rights are protected. In addition, GR No. 18/2021 strengthens this policy by emphasizing transparency of the registration process, accessibility of services for the wider community, and protection of customary rights of indigenous communities. Therefore, it is important for implementing regulations such as GR No. 18/2021 to align the principles of the UUPA with equitable agrarian policies through mechanisms that strengthen legal certainty, provide wider access to communities, and ensure the implementation of the principle of the social function of land. In this way, PP No. 18/2021 can become an instrument to realize land tenure equity, protection of customary rights, and justice for the economically weak, in line with the ideals of the UUPA.

The law, as one of the principle-based legal structures, is used as a foundation for all aspects of life. In the context of agrarian law, this law provides a framework that ensures that land management is carried out in a fair and sustainable manner. The norms outlined therein are considered as guidelines to regulate social life, especially in the context of land registration regulated by Article 19 of the UUPA, which aims to provide

legal certainty and protect community rights. This is in line with UUPA principles, such as the social function of land and the protection of customary rights, which are further elaborated in Government Regulation No. 18 of 2021 to ensure equitable implementation.

The law is also a system, as Cicero mentioned with *ubi societas, ibi ius*, which means where there is society, there is law. This concept emphasizes that laws are a manifestation of society's need for rules that create order, including in the context of agrarian law such as land registration.

The principles of agrarian law in UUPA direct the management and utilization of land for the welfare of the wider community. For example, in the implementation of Article 19 of UUPA, which is regulated through Government Regulation No. 18 of 2021, the principles of social and national functions are applied to ensure fairer access to land for the community, especially the economically weak. In addition, the principles of general planning and land preservation help support sustainable agrarian policies, such as the management of legally recognized customary land and are designed to provide maximum social benefits to local communities. Principles such as nationality, social function, ownership boundaries and land preservation demonstrate the importance of balancing individual and community interests. In addition, the principles of sustainability and equity in land planning and management are emphasized. Through Article 19 of the UUPA, land registration is regulated as an effort to provide legal certainty and protect people's rights to their land, in line with the values of Pancasila and national goals. Therefore, it is important for implementing regulations such as PP No. 18 of 2021 to align the principles of UUPA with equitable agrarian policies through mechanisms that strengthen legal certainty, provide wider access to the community, and ensure the implementation of the principle of the social function of land. In this way, PP No. 18/2021 can become an instrument to realize land tenure equity, protection of customary rights, and justice for the economically weak, in line with the ideals of the UUPA.

### ***Social, Political, and Cultural Aspects***

Humans are closely connected to land, socially, culturally and politically. Land registration, in this context, is not only an administrative process but also plays an important role in providing legal certainty over land rights and ensuring that land utilization takes into account social and public interests. Land, according to customary law, has a very deep meaning, likened to the relationship between a mother and her children, which signifies the importance of land in people's lives

(Moechthar et al., 2024, p. 153). The government through BPN runs various programs such as Pokmasdartibnah (Land Awareness Community Group) to increase community awareness and participation in land management. This program shows how land registration not only involves legal aspects but also supports social sustainability and community welfare (Suharto, Supadno, 2023, p. 31).

Customary and national law arrangements in land registration in Indonesia reflect the complexity of social relations in society. Customary law, which views land as an integral part of community life, stipulates conditions such as cash, real and clear in land transactions. This philosophy reinforces the meaning of land as an important element of indigenous life (Hidayat, 2019, p. 61). Meanwhile, national laws such as the UUPA provide a comprehensive legal framework to regulate aspects of land, covering the principles and institutions of agrarian law. The combination of these two legal systems ensures equitable land management in accordance with local wisdom (Santoso, 2019, p. 86).

Land registration is also related to land control and community empowerment. The government through its policies of land redistribution, asset legalization and control of abandoned land seeks to create a balance between individual, social and public interests. However, the diversity of Indonesia's society and geography, including different topographical shapes, pose challenges in the implementation of programs such as PTSL (Complete Systematic Land Registration Program). Location accessibility, social conflicts, limited human resources, and technological infrastructure are obstacles in ensuring the efficiency and effectiveness of the program (Mujiburohman, 2018, p. 92).

While geographical challenges often hamper land registration, modern technologies such as digital mapping and drones provide potential solutions. However, unequal distribution of technology as well as low community participation in remote areas remain obstacles. Therefore, it is important for the government to integrate policies that support community participation and overcome geographical barriers to ensure that all citizens have equal access to land rights (Ayu, 2019, p. 34).

### **Legal Perspective Analysis**

#### *1. Juridical Analysis*

Law No. 12/2011 on the Formation of Laws and Regulations regulates the existence and binding force of laws and regulations, including regulations stipulated by the Minister. Article 8 paragraph (1) of Law No. 12/2011 states that ministerial regulations have binding legal force if they are ordered by higher regulations or formed based on authority (Attamimi, 1990, p. 347). This is the legal basis for the existence of the SKB 3 Ministers as a form of

regulation to support the implementation of the Complete Systematic Land Registration Program (PTSL). In addition, the SKB 3 Ministers also reflects the spirit of providing legal certainty based on the principles of simple, fast, smooth, safe, fair and accountable.

The phrase “established on the basis of authority” in Article 8 paragraph (2) of Law No. 12/2011 emphasizes that ministerial regulations, including the SKB 3 Ministers, can take effect even if they are not directly ordered by a higher regulation, as long as they are in accordance with the inherent authority of the institution (Laia, Daliwu, 2022, p. 546). For example, in the Ninth Dictum of the Joint Ministerial Decree, it is stated that “in the event that the preparation fee for systematic land registration is not budgeted in the APBD, the Minister of Home Affairs instructs the Regent/Mayor to make a Regent/Mayor Regulation that the fee be borne by the community”. This provision shows how regional autonomy is applied to meet local needs, while still being based on the principles of justice and accountability.

#### *2. Ratio Legis of the establishment of SKB 3 Minister*

##### *Philosophical Foundation*

Philosophically, the SKB 3 Minister aims to create social justice in agrarian management, as reflected in the values of Pancasila and the Preamble of the 1945 Constitution (Laia, Daliwu, 2022, p. 549). This philosophical foundation ensures that every citizen has equal rights to land and fair legal protection. This can be seen from the provisions that direct the implementation of PTSL as part of efforts to provide legal certainty involving the participation of the community and local governments.

Philosophical considerations include:

1. Realizing social justice based on the values of Pancasila.
2. Ensure social attachment of the community to regulations through acceptance of philosophical values.
3. Support legal stability by ensuring that regulations are not only legally relevant but also in line with societal norms.

The preamble of the UUPA emphasizes that agrarian law aims to lay down legal foundations that are simple, consistent, and provide legal certainty. Article 33 paragraph (3) of the 1945 Constitution emphasizes that all natural resources are controlled by the state for the greatest prosperity of the people (Buton, Narjilah, Erik, 2022, p. 5). Therefore, the SKB 3 Ministers was drafted to ensure the effective and equitable implementation of PTSL, by mentioning uniform and affordable procedures and financing in all regions of Indonesia.

Implementation of Regional Autonomy in SKB 3 Minister, Indonesia implemented regional autonomy to answer the needs of decentralization (Buton, Narjilah, Erik, 2022, p. 7). In the context of SKB 3 Minister, regional autonomy allows each district/city to adjust PTSL financing regulations according to local needs and capabilities. Regional autonomy factors such as area, cultural diversity, and community empowerment are the main considerations in these adjustments.

Although there are local adjustments, the basic principle emphasized in the SKB 3 Ministers is the achievement of legal certainty through simple, fast, and affordable land registration. The realization of these values is part of the effort to create equitable agrarian governance, as mandated in Article 28D paragraph (1) of the 1945 Constitution and Article 19 of the UUPA.

#### *Juridical Foundation*

Ratio legis is a concept that refers to the legal reason or purpose underlying the formation of a regulation. In this context, the juridical basis is an important element that explains the legal basis used in making regulations. The juridical basis is the legal provisions used as the basis for making a regulation, including considering existing rules, which will be amended, or which will be revoked, so as not to create overlaps or legal conflicts.

The essential elements of the juridical foundation include:

1. Existing legal provisions: New regulations should take into account existing rules to ensure there is no conflict of law (Sibuea, 2016, p. 289).
2. Legal vacuum: It fills a legal void that was previously unregulated, providing legal certainty in a particular context.
3. Material and formal aspects: Includes the legal basis such as the 1945 Constitution and the authority of certain institutions to draft specific provisions, such as the President's authority to propose draft laws.
4. Consideration of justice and legal certainty: This foundation ensures justice and legal certainty for society.
5. Compatibility with social values: Regulations must conform to social and cultural values in order to be widely accepted by society.

As a state of law, Indonesia guarantees people's rights through Article 33 paragraph (3) of the 1945 Constitution, which states that "the earth, water and natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people". In addition, Article 28D (1) of the 1945 Constitution affirms that "everyone has the right to fair recognition, guarantees, protection and legal certainty".

These arrangements support the legal basis of the Complete Systematic Land Registration (PTSL) program to ensure legal certainty over land. Presidential Instruction No. 2/2018 accelerates the implementation of complete land registration throughout Indonesia, while PMA No. 35/2016 aims to ensure legal protection of people's land and promote economic growth<sup>1</sup>.

#### *Sociological Foundation*

Sociological foundations reflect facts that live in society, which are the main reasons for making regulations to meet the real needs of society. This foundation includes:

1. Community needs: Regulations should be relevant to the needs of society, such as land registration to provide legal certainty (Rahmawati, 2024, p. 85).
2. Social facts: Lawmaking should be based on facts on the ground, such as the high number of uncertified lands in Indonesia (Solihin, 2023, p. 29).
3. Justice and legal certainty: Regulations need to provide legal protection for the community, especially landowners.

For example, land certificates are legal documents that provide legal certainty and protection to landowners. According to Emile Durkheim, the existence of certificates reflects social stability in society. However, the facts show that there are still many lands in Indonesia that do not have certificates:

1. The Governor of West Java stated that hundreds of thousands of plots of land have not been certified<sup>2</sup>.
2. President Joko Widodo said 70 million plots of land have not been registered (Humas, 2019).
3. Land assets can be taken by the state if they are not certified within five years (Sugianto, 2021).

Through the PTSL program, which is based on PMA 6/2018, Presidential Instruction No. 2/2018, and SKB 3 Minister, the government seeks to accelerate land registration in an efficient and affordable manner (Almutoif, 2022). However, Indonesia's vast and diverse geography and social conflicts often pose obstacles to its implementation. To address these challenges, the SKB 3 Minister limits the levies that are not budgeted by the central government according to regional conditions, for example the levy in Java and Bali is Rp150,000 (Rahmawati, 2024, p. 85).

<sup>1</sup> Merdeka.com. (2022, April 26). *Ratusan Ribu Tanah di Jawa Barat Belum Bersertifikat*. merdeka.com. <https://www.merdeka.com/peristiwa/ratusan-ribu-tanah-di-jawa-barat-belum-bersertifikat.html>.

<sup>2</sup> Ibid.

### **Legal Protection of Community Members in the PTSL Program**

The realistic goal of law is to provide legal certainty and legal benefits. According to Dosminikus Rato in his book, *Philosophy of Law Seeking and Understanding Law*, legal objectives include not only certainty, but also legal expediency to prevent injustice that can arise from rigid application of the law (Rato, 2010, p. 59). This approach is in line with the views of the Positivists, who emphasize legal certainty, and the Functionalists, who prioritize legal expediency.

In the context of Agrarian Law, land is regulated through Article 4 of UUPA, which states that, “on the basis of the right to control from the state as referred to in Article 2, various rights over the surface of the earth, called land, are determined”. Land rights include various rights, such as Hak Milik, Hak Guna Bangunan, and others (Harsono, 2008, p. 455). Meanwhile, Article 20 of the UUPA states that Hak Milik is a hereditary, strongest, and fullest right that can be owned by a person or legal entity.

Property rights to land can be created through customary law, government stipulations, or statutory provisions as stipulated in Article 22 of the UUPA. It can also be lost through revocation of rights, voluntary surrender, or abandonment, in accordance with the provisions of Article 27 of UUPA. To ensure legal certainty, the government organizes land registration in accordance with Government Regulation Number 18 of 2021, which includes collecting, processing, and maintaining land data. However, the implementation of the Complete Systematic Land Registration (PTSL) Program is often plagued by illegal levies. For example, in Papringan Village, Semarang Regency, residents were charged up to Rp900,000, although the official limit was only Rp150,000. Yeni Eka’s (2024) report in Semarang News noted that the loss due to this practice reached Rp800 million. The Ombudsman also found extortion practices in Bangka Belitung Islands, involving unscrupulous village officials manipulating PTSL fees (Putra, 2024).

Statistical data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) reveals significant insights into the challenges faced by the PTSL program. Between 2017 and 2023, the ministry reported approximately 3,800 complaints related to irregularities in PTSL implementation, with 45 % of these cases involving illegal levies. A regional breakdown highlights that Java accounts for 60 % of reported extortion cases, followed by Sumatra at 25 %, and Eastern Indonesia at 15 %. In areas like Semarang Regency, where documented illegal levies

reached up to Rp900,000 per registration, community losses were estimated at Rp800 million in a single fiscal year.

Furthermore, a study by the Indonesian Ombudsman in 2023 found that 72 % of surveyed respondents believed that PTSL implementation lacked transparency, particularly in fee determination and service delivery. Another report by Transparency International Indonesia indicated that 65 % of extortion complaints stemmed from unclear regulations, such as the SKB 3 Ministers, which failed to provide detailed guidelines on acceptable service fees.

Regions with difficult geographical conditions, such as Papua and Sulawesi, face even more acute issues. ATR/BPN data shows that the operational costs for survey and mapping in these areas are 25 % higher than in urban regions, yet the fee structures remain uniform across the country. This disparity exacerbates financial burdens for communities and contributes to lower program participation rates in remote areas, with registration rates in these regions averaging only 40 % of the national target compared to 75 % in Java.

The incompleteness of the rules in the SKB 3 Minister is one of the causes of space for irregularities. Article 28D paragraph (1) of the 1945 Constitution states that, “everyone has the right to fair recognition, guarantees, protection and legal certainty”. However, in reality, this regulation has not fully provided legal protection for the community in the face of arbitrary actions by unscrupulous officials.

Philippus M. Hadjon (1987, p. 5) divides legal protection into two categories: preventive, which prevents disputes, and repressive, which resolves disputes. Unfortunately, preventive protection in the PTSL program is still minimal, so that many people become victims of illegal levies that are financially detrimental and undermine trust in the government.

To address this issue, it is necessary to strengthen clear regulations, including additional rules that take into account geographical difficulties and land contours in determining PTSL fees. Consistent law enforcement through collaboration between the Ministry of ATR/BPN, the Police, and the Attorney General’s Office is needed. Perpetrators of extortion involving village officials can be charged with Article 368 of the Criminal Code (extortion), Article 421 of the Criminal Code (abuse of authority), or Article 385 of the Criminal Code (stellionaat).

The existence of the PTSL program as an implementation of Article 19 of the UUPA must be strengthened with intensive monitoring and evaluation. Thus, this program can truly realize its

objectives: providing legal certainty, improving community welfare, and reducing land conflicts.

**CONCLUSION.** The Joint Decree of the Minister of Agrarian and Spatial Planning/National Land Agency, Minister of Home Affairs, and Minister of Villages on PTSL Financing is grounded in philosophical, juridical, and sociological foundations. Philosophically, it ensures citizens' rights to legal certainty (Article 28D paragraph 1 of the 1945 Constitution). Juridically, it is regulated by Government Regulation Number 24 of 1997 and Presidential Instruction Number 2 of 2018. Sociologically, it aims to accelerate land legalization and reduce conflicts. However, challenges like illegal levies persist due to unclear regulations on village officials' authority.

To address these challenges, policy revisions, improved oversight, public education, digitalization, and continuous evaluation are essential. Fee

regulations must be transparent and fair, considering geographical disparities. The authority of village officials should be clarified to prevent abuse, and accessible complaint mechanisms should be established.

Enhanced oversight requires collaboration between governments and law enforcement, supported by task forces and regular independent audits to ensure accountability. Public education, both through direct outreach and digital platforms, can increase awareness of rights and improve program transparency. Digitalizing land registration can streamline processes, allowing the public to monitor progress and minimizing potential conflicts through integrated national data systems. These steps are crucial to achieving the PTSL program's goals of legal certainty and equitable land management.

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**ПРАВОВИЙ ЗАХИСТ ЧЛЕНІВ ГРОМАДИ В МЕЖАХ ПРОГРАМИ  
КОМПЛЕКСНОЇ СИСТЕМИ РЕЄСТРАЦІЇ ЗЕМЕЛЬНИХ ДІЛЯНОК**

У цьому дослідженні досліджено питання правового захисту громади в межах програми комплексної системи реєстрації земельних ділянок, що зумовлено виданням спільного наказу міністра аграрного і територіального планування та голови Національного земельного агентства, міністра внутрішніх справ і міністра сіл, розвитку неблагополучних регіонів та міграції № 25/SKB/V/2017, № 590-3167A рік 2017, № 34 рік 2017. Це рішення відкриває можливості для органів місцевого самоврядування приймати додаткові нормативні акти, пов'язані з фінансуванням комплексної системи реєстрації земельних ділянок, що часто є лазівкою для незаконного здириництва. Порушено питання щодо правового захисту громади в процесі реалізації програми комплексної системи реєстрації земельних ділянок. Використано нормативно-правовий метод дослідження із застосуванням нормативного та концептуального підходів. Результати аналізу показують, що з філософської точки зору Закон про співвідношення Спільного Декрету є формою застосування Панкасілі та Конституції 1945 року, особливо пункту (3) статті 33 та пункту (1) статті 28D, які наголошують на захисті та правовій визначеності для громади. Соціологічно програма покликана прискорити легалізацію землі, враховуючи географічні умови та соціальне розмаїття індонезійського суспільства. Однак правовий захист у програмі комплексної системи реєстрації земельних ділянок здебільшого є репресивним, тоді як превентивний захист є недостатнім. Необхідні регуляторні зміни, включаючи визначення справедливої плати з урахуванням географічних труднощів і контурів земельних ділянок, а також постійна оцінка і нагляд для запобігання корупційним діям і незаконним зборам у цій програмі. Це важливо для забезпечення прозорості, підзвітності та соціальної справедливості для всіх верств населення.

**Ключові слова:** комплексна система реєстрації земельних ділянок, пайове законодавство, аграрне право, правовий захист, громада, органи місцевого самоврядування, правовий захист.

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