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DAFTAR ISI

THE CONCEPT OF AGRARIAN REFORM ON THE WELFARE OF FARMERS (CASE STUDY IN TANGERANG REGENCY) Annisa Puspita Sari, Amiludin..... 1-15

NETIZENS' OPINIONS ON LAW ENFORCEMENT AND SOCIAL RESPONSIBILITY
Hartanto, Agus Hidayat..... 16-33

ABUSE OF AUTHORITY BY VILLAGE HEADS IN THE COMPLETE SYSTEMATIC LAND REGISTRATION PROGRAM (PTSL) (Case Study of Cikupa Village for Fiscal Year 2021) Raji Zamzami Sulthony, Ulil Albab, Amiludin 34-50

THE DISPARITY IN JUDGES' DECISIONS ON THE CRIME OF SEXUAL VIOLENCE AGAINST CHILDREN IS REVIEWED FROM LAW NUMBER 35 OF 2014 CONCERNING AMENDMENTS TO LAW NO. 23 OF 2002 CONCERNING CHILD PROTECTION (Study of Decision Number 858/Pid.Sus/2022/PN Bjm and Number 137/Pid.Sus/2023/PN Grt) Mutiara Rengganis, Gary Gagarin, Zarisnov Arafat..... 51-68

LAW ENFORCEMENT EFFORTS AGAINST LIMESTONE MINING ACTIVITIES IN TAMANSARI VILLAGE, PANGKALAN DISTRICT ARE LINKED TO LAW NUMBER 3 OF 2020 CONCERNING AMENDMENTS TO LAW NUMBER 4 OF 2009 CONCERNING MINERAL AND COAL MINING Maya Setiawathi, Anwar Hidayat, Zarisnov Arafat 69-85

LEGAL PROTECTION FOR NOTARIES IN MAKING A DEED OF STATEMENT OF MEETING RESOLUTION (PKR) BASED ON CIRCULAR DECISIONS OUTSIDE THE GENERAL MEETING OF SHAREHOLDERS (GMS) MADE BY SHAREHOLDERS (Case Study at the Office of Notary Mulyani, S.H., M.Kn) Tiyas Vironika, Muhamad Abas, Zarisnov Arafat 86-101

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

THE CONCEPT OF AGRARIAN REFORM ON THE WELFARE OF FARMERS (CASE STUDY IN TANGERANG REGENCY)

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Abstract: *In order to realize Agrarian Reform, Tangerang Regency has implemented a national program which is called as Agrarian Reform Movement, one of which is through asset legality. In fact, the Agrarian Reform Movement program run by Office of Land Affairs in Tangerang Regency regarding asset legality has not run well since there are still problems regarding land, one of which is that many people have not received legal certainty regarding their land rights. The aim of this study is to determine the concept of Complete Systematic Land Registration (PTSL) which is one of the Agrarian Reform schemes from the Agrarian Reform Synergy Movement program and its benefits for farmer welfare. Moreover, the research method used in this study is a qualitative research method with a normative legal approach and data sources obtained from secondary data. The result of this study shows that the implementation of PTSL conducted by the PTSL Adjudication Team in Tangerang Regency has run well in accordance with the target and PTSL certificate which is very beneficial for farmer welfare.*

Keywords: *Agrarian Reform, Land Registration, Farmer Welfare.*

1. Introduction

After the fall of the New Order, the people of Indonesia experienced euphoria of freedom

Land and water and other products are the grace of Almighty God. Indonesia as a maritime country whose oceans are flanked by two oceans, of course has a lot of marine resources. Not only that, Indonesia is also known for its archipelagic country that has several islands that extend from Sabang to Merauke which makes Indonesia have a wealth of terrestrial natural resources.

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

In terms of utilizing natural resources for the welfare of the people of Indonesia, the Constitution that Indonesia has, namely the 1945 Constitution of the Republic of Indonesia, has made arrangements regarding itself.¹ In Article 33 Paragraph 3 of the 1945 Constitution, it is explained that if the earth, water, and the products of other nature found in the place itself, the State has power over it and is used very greatly for the welfare of the people.² Based on this, it can be concluded that the state is obliged to participate in organizing the empowerment of natural resources and the welfare of its people.

Tangerang Regency has implemented a national program called the Agrarian Reform Synergy Movement which aims to explain the results of cooperation carried out by the National Land Agency of Tangerang Regency (hereinafter referred to as BPN Tangerang Regency) in the context of asset structuring and access arrangement carried out by means of asset legalization, land redistribution and social forestry which is expected to be useful for the welfare of the community, especially farmers, Especially in utilizing land and providing legality of land ownership data.³

However, the actual reality is that the Agrarian Reform Synergy Movement program implemented by the Tangerang Regency BPN has not been successfully implemented, considering that there are still many agrarian problems such as land conversion, land disputes, and many individuals who do not have enough legal certainty over the land they own.

¹ Yance Arizona, "The Development of the Constitutionality of State Control over Natural Resources in the Constitutional Court Decision," *Constitutional Journal* 8, no. 3 (2011): 257–314, <https://doi.org/10.31078/jk833>.

² "The Constitution of the Republic of Indonesia Year 1945".

³ "Agrarian Reform Synergy Movement and Distribution of Free Certificates for the Community," accessed June 30, 2024, <https://kab-tangerang.atrbpn.go.id/siaran-pers/detail/10014/gerakan-sinergi-reforma-agraria-serta-pembagian-sertifikat-gratis-bagi-masyarakat>.

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

An example of a scheme from the Agrarian Reform Synergy Movement is to legally ensure land ownership rights for every individual in Tangerang Regency by registering community lands that do not have rights to land with the agenda of Complete Systematic Land Registration (PTSL). PTSL is an agenda that has the intention of ensuring compliance with the law through the application of the principle of justice to the community in an area whose land has not been registered by registering the land for the first time for free at the same time in order to improve the economy of the community in the area.⁴

In Tangerang Regency, there are still many lands that have not been registered or have land legality in the form of certificates. In the 2019 Tangerang Regency BPN Performance Report, there are 262,365 plots of land.⁵ In addition, in the Tangerang Regency Strategic Plan for 2020-2024, there are still 209,835 land plots that have not been certified.⁶ This shows that a large amount of land is found that does not have legal certainty, so that business actors, especially in the agricultural sector, must be careful in utilizing the land they own and running their businesses.

In a previous study written by Siti Nurhayati, et al. explained that the research conducted with the qualitative method showed that the existing policy regarding PTSL was based on Article 3 paragraph (3) of the 1945 Constitution and Article 19 of Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) where in the Law itself it was explained that every individual who has economic limitations is free from the burden of land registration. The

⁴ Masnah, Sampara Lukman, and Ali Hanafiah Muhi, "Implementation of the Complete Systematic Land Registration Policy (PTSL) in Muaro Jambi Regency," *Renaissance Journal* 6, no. 02 (2021): 783–801, <https://doi.org/10.53878/jr.v6i2.150>.

⁵ "2019 Performance Report (LKj) of the Tangerang Regency Land Office" (Tangerang Regency Land Office, 2019), https://kab-tangerang.atrbpn.go.id/cms/assets/upload/kantor_485/jurnal/file/2022010417582620220104175826.pdf.

⁶ "Strategic Plan of the Office of the National Land Agency of Tangerang Regency for 2020-2024," t.t., blob:<https://kab-tangerang.atrbpn.go.id/87648247-739e-4795-b636-911a70202c7b>.

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

implementation of PTSL by the Medan City BPN which was studied in the study has also gone well, although a number of obstacles were found in its implementation.⁷

In contrast to the research, this study is focused on the discussion of the PTSL program as one of the agrarian reform schemes implemented in Tangerang Regency with the aim of prospering the farmers, so that the formulation of the problems in the study carried out is formed, namely: What is the concept of agrarian reform with the Complete Systematic Land Registration (PTSL) scheme in Tangerang Regency and its benefits on the welfare of farmers?

2. Method

The study carried out uses a qualitative study method with a normative juridical approach. Zainuddin Ali in his essay entitled Legal Research Methods conveyed the definition of a qualitative study method with a normative juridical approach, namely a study that refers to legal norms found in legal policies, court decisions and several rules that are born and grow in the midst of the environment.⁸

In this study, a theory initiated by MR. R. Kranenburng, which is about the welfare state where the state is responsible for prosperity and social justice for its people for the realization of prosperity in the midst of society.

The data source is obtained from secondary sources. This was obtained from unauthorized files or work reports from the Tangerang Regency BPN Performance

⁷ Siti Nurhayati, Ayumi Kartika Sari, and Onny Medaline, "Implementation of Complete Systematic Land Registration (PTSL) as Community Welfare," *Scenario (Seminar of Social Sciences Engineering and Humanities)*, September 1, 2022, 567–72.

⁸ Zainuddin Ali, *Legal Research Methods* (Jakarta: Sinar Grafika, 2021).

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

Report, the Agricultural Census Report from the Tangerang Regency Central Statistics Agency and other books and scientific works related to this research.

3. Analysis or Discussion

A. AGRARIAN REFORM IN TANGERANG

Agrarian Reform or Agrarian Reform is a mandate from the MPR TAP Number IX/MPR/2001 concerning Agrarian and Natural Resources Reform.⁹ Agrarian reform was formed to provide justice and abolish excessive land ownership and use, reduce poverty levels, and fix several economic problems experienced by every individual from the land sector. In this way, agrarian reform is expected to make the poor peasants prosperous and improve the justice in rural communities.

The agrarian reform program is not only about land distribution and redistribution. An example of an agrarian reform agenda that is often encountered in the field is about Legal Certainty and Legalization of Land Rights Objects of Agrarian Reform or commonly referred to as Complete Systematic Land Registration (PTSL).¹⁰

Budi Harsono in his book defines the activity of registering land as a movement carried out by the government in a continuous and continuous and systematic manner carried out by collecting, managing, bookkeeping, presenting and maintaining physical files and juridical data in the form of maps and lists of a number

⁹ Ana Anida, Arief Daryanto, and Dudi S. Hendrawan, "Strategies for Providing Access Reform in the Agrarian Reform Program in Jasinga District, Bogor Regency," *Journal of Business and Management Applications (JABM)* 4, no. 2 (May 10, 2018): 159–159, <https://doi.org/10.17358/jabm.4.2.159>.

¹⁰ Dr. Isnaini et al., *Agrarian Law: A Comprehensive Study* (Medan: CV. Pustaka Prima, 2022).

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

of land plots or flats, as well as providing certificates for land if the rights to the land have been belonging to him or a number of other rights that exist on him.¹¹

The intended thing of the Complete Systematic Land Registration (PTSL) program is so that those who have land rights can have legal guarantees and protection, to facilitate access to information for those who have needs as well as the government so that they can get the information they need if the party who holds the land rights carries out legal actions related to the land plot he holds, and to achieve administrative order in the land sector.¹²

PTSL is further regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 6 of 2018 concerning Complete Systematic Land Registration as mandated and one of the programs carried out by President Joko Widodo. In Article 2 paragraph (1) of the Minister of Agrarian and Spatial Planning Number 6 of 2018, it is stated that PTSL is carried out from village to village within the scope of the district or from village to village within the scope of the city which covers all land in Indonesia.¹³

In Tangerang Regency itself, the PTSL program is implemented by the National Land Agency (BPN) of Tangerang Regency (hereinafter referred to as BPN Tangerang Regency) by forming a team called the PTSL Adjudication Team to handle land registration.

¹¹ Budi Harsono, *Indonesia's agrarian law: the history of the formation of the main agrarian law, its content and implementation*. National Land Law (Jakarta: Djambatan, 1997).

¹² Heddy, "Legal Certainty of the Implementation of Land Registration in Improving the Community Economy in North Minahasa Regency," *Lex Et Societatis* 4, No. 8 (August 2, 2016), [HTTPS://thee.org/10.35796/les.v4i8.13001](https://thee.org/10.35796/les.v4i8.13001).

¹³ "Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Republic of Indonesia Number 6 of 2018 concerning Complete Systematic Land Registration".

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

Tangerang Regency is the area with the largest land area between Tangerang City and South Tangerang City, covering an area of 959.61 km² in which there are 29 sub-districts and 246 villages.

The stages of PTSL implementation in Tangerang Regency are the same as in other regions in accordance with the Minister of Agrarian and Spatial Planning Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration¹⁴, namely:

1. Preparation of strategies and efforts to prepare. At this stage, the Land Office prepares a PTSL target roadmap, then the Regional Office will review the roadmap and submit it to the Ministry for synchronization and then submit it to the Directorate General of Budget.
2. Location determination. Villages and/or sub-districts that are the locations of PTSL activities are expected to collect integrated physical data and complete until the village/sub-district is complete.
3. Determination and formation of the PTSL adjudication committee. The PTSL adjudication committee can be supported by the Physical Task Force consisting of ASN and SK/ASK Juridical Task Force consisting of ASN and Village Apparatus.
4. Extension. Counseling is carried out carefully for the community at the PTSL place which is carried out by the Head of the Land Office, the adjudication

¹⁴ "Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration" (t.t.), 12.

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

committee and involves village officials and/or sub-districts where the PTSL is located.

5. Collection of physical and juridical data on land and evidence of ownership. Data collection can be carried out simultaneously or individually.
6. Soil checking. Land checks are carried out in order to prove the land rights carried out by the adjudication committee.
7. The activity announced physical data and juridical data of the land plot and proved rights. The act of announcing physical data is carried out by the adjudication committee through the preparation of Minutes of Ratification of the Announcement of Physical Data and Juridical Data.
8. The activity of issuing a decision to grant or recognize Land Rights. This process is carried out by the Chairman of the Adjudication Committee by providing a final conclusion containing the conversion/recognition of affirmed rights, proposals to grant rights, land at the dispute stage, land that cannot be bookkeerated and the issuance of certificates.
9. Bookkeeping and issuance of Land Rights Certificates. The certificate that has been printed is then signed by the Chairman of the PTSL Adjudication Committee on behalf of the Head of the Land Office.
10. Submission of Land Rights Certificates. The certificate was given by the Chairman of the PTSL Adjudication Committee to the Head of the local Land Office who was then handed over the names listed in the certificates.

The implementation of PTSL as one of the agrarian reform schemes in Tangerang Regency in 2023 also has targets listed in the 2023 Performance

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

Agreement (Revision) of the Tangerang Regency Land Office. PTSL is included in the Activity Targets that will be carried out by the Land and Space Registration Activities section. In the 2023 Performance Agreement (Revised), the Tangerang Regency Land Office targets to complete 12,383 plots of land for the SHAT PSTL ASN Category V activities.¹⁵

Table 1.

NO.	YEAR	PHYSICAL TARGETS	REALIZATION	%REACH
1	2022	20,250 Fields	20,250 Fields	100%
2	2023	12,383 Fields	12,383 Fields	100%

Source: BPN Tangerang Regency.

From Table 1, it can be seen that the implementation of PTSL activities in Tangerang Regency has been carried out well judging from the achievement of physical targets in accordance with the Tangerang Regency Performance Agreement.

B. THE BENEFITS OF AGRARIAN REFORM WITH THE PTSL SCHEME IN TANGERANG REGENCY AND ITS BENEFITS TO THE WELFARE OF FARMERS.

In improving the national economy, there are several sectors that are felt to be able to contribute significantly, one of which is the agricultural sector. This is

¹⁵ "2023 Performance Agreement (Revised) Tangerang Regency Land Office," t.t.

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

because the agricultural and/or agribusiness sector still plays an important role in contributing a considerable amount of foreign exchange.

In Banten Province, an example of an area that is found to have an agricultural sector that is considered quite large is Tangerang Regency. Tangerang Regency is one of the supporting areas in terms of food needs from the metropolitan city, namely Jakarta, which results in population growth in Tangerang Regency.

Tangerang Regency has an area of 36,202 km² of rice fields and the largest area of rice fields is in Mauk District, which is 25.69 km².¹⁶ Tangerang Regency has as many as 98,936 people who manage individual agricultural businesses.¹⁷

Seeing the size of rice fields and the number of farmers who manage individual agricultural businesses in Tangerang Regency, it is certainly very important for farmers in Tangerang Regency to have knowledge and/or understanding and awareness of the importance of land rights. The importance of knowledge and awareness of land rights ownership is needed because currently life is developing and the times are getting more advanced where land problems will be more and more and if farmers do not have knowledge and/or awareness about it, it is feared that the land problems will become a burden for them.

¹⁶ "Rice Field Land Area in 2023 - Rice Field Land Area in Tangerang Regency | Tangerang Regency," accessed July 21, 2024, <https://opendata.tangerangkab.go.id/dataset/luas-lahan-sawah-di-kabupaten-tangerang/resource/517889be-c6aa-4dfd-adba-c2d7473a08fd#?view=graph:{graphOptions:{hooks:{processOffset:{},bindEvents:{}}},graphOptions:{hooks:{processOffset:{},bindEvents:{}}}}>.

¹⁷ "Results of the Complete Enumeration of the 2023 Agricultural Census - Phase I of Tangerang Regency" (Central Statistics Agency of Tangerang Regency, t.t.), <https://tangerangkab.bps.go.id/publication/download.html?nrbvfeve=YTA1YTcyNzQ4M2M1ZjFiMGJZDkxMDU5&xzmn=aHR0cHM6Ly90YW5nZXJhbmRlYWUyYnBzLmdvLmlkL3B1YmVMTiVMTUvYTA1YTcyNzQ4M2M1ZjFiMGJZDkxMDU5L2hhc2lsLXB1bmNhY2FoYW4tbGVuZ2thcC1zZW5zdXMtcGVydGFuaWFuLTIwMjMtLS10YW5nZXJhbmRtaA%3D%3D&twoadfnarfeauf=MjAyNC0wNy0yOSYMTowOToxNg%3D%3D>.

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

One form of awareness of the importance of land rights is to register land owned by farmers if the land has not been registered. The land registration program that is currently the flagship is the Complete Systematic Land Registration (PTSL) which is intended for all citizens, including farmers whose land is categorized as PSTL objects. PTSL is used as a flagship program and is included in an example of the agrarian reform agenda initiated by President Joko Widodo because of its easy, fast process and low cost, which is Rp.150,000,- which is listed in the Decree of 3 Ministers (Minister of ATR/BPN, Minister of Trade, and Mendes PDDT).¹⁸

PTSL as one of the agrarian reform schemes also provides legal certainty by helping the community, including farmers, to obtain a certificate as a sign of ownership rights to a piece of land. Land rights certificates are also able to minimize the occurrence of land disputes that are often experienced in the environment, such as the conversion of rice fields into residential or traffic land.¹⁹ With the sign of land rights in the form of certificates, the losses borne by the peasants due to the transfer of land use can be negotiated, and even the peasants can benefit.

Land rights certificates can also help business capital in an effort to increase the level of production for farmers by using collateral to get credit from banks with the People's Business Credit program for farmers. As explained by President Joko Widodo at his presence in Tangerang Regency in the context of distributing PTSL certificates, he said that certificates can be used as collateral to banks on the condition that they are taken into account first. In terms of rice fields, President Joko Widodo

¹⁸ "Joint Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, Minister of Home Affairs, Minister of Villages, Development of Disadvantaged Regions and Transmigration" (t.t.).

¹⁹ Harris Yonatan Parmahan Sibuea, "THE IMPORTANCE OF LAND REGISTRATION FOR THE FIRST TIME," *The State of Law: Building Laws for Justice and Welfare* 2, No. 2 (August 4, 2016): 287–306, [HTTPS://THEc.org/10.22212/JNh.V2I2.218](https://THEc.org/10.22212/JNh.V2I2.218).

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

said that there should be no conversion of land into housing because rice fields are a source of food for the community and their children and grandchildren in the future.²⁰

Land registration through PTSL is not only intended for the government to achieve administrative order in the land sector, but the benefits are more than that. Actually, this PTSL program is beneficial for the government and the community

3. Conclusion

1. The implementation of Agrarian Reform with the Complete Systematic Land Registration (PTSL) scheme in Tangerang Regency in 2024 implemented by the PTSL Adjudication Team has been successfully implemented in accordance with the targets stated in the 2023 Performance Agreement (Revised) of the Tangerang Regency BPN. However, considering that there are still many land plots in Tangerang Regency that have not been registered, it is hoped that the Tangerang Regency Land Office can improve its performance so that all land that has not been registered can be quickly completed and registered so that Tangerang Regency can become an orderly administrative area.
2. Counseling and/or socialization regarding the importance of land registration for farmers must also be emphasized so that those who have knowledge and awareness of the importance of land rights certificates that can be used and used as collateral to banks with People's Business Credit facilities in order to get credit for additional business capital, so that farmers can use their agricultural land as best as possible for the welfare of farmers.

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²⁰ "Share Land Certificates in Tangerang, Jokowi: Let There Be No Disputes," accessed July 25, 2024, <https://news.detik.com/berita/d-4432989/bagikan-sertifikat-tanah-di-tangerang-jokowi-biar-nggak-ada-sengketa>.

Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

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Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

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Buana Perjuangan Karawang University

Vol. 9 No. 2 (2024)

Submit: 2-Sep-2024 Revised: 5-Sep-2024 Published: 10-Sep-2024

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