

The Effectiveness of Complete Systemic Land Registration (PTSL) Program by the Land Office towards Increasing Ownership of Certificate of Land Rights in Malang District

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Abstract

The effectiveness of the complete systematic land registration program to increase the ownership of land rights certificates at the Malang Regency land office has not been effective. The Covid-19 pandemic had an impact on the target of issuing a Complete Systematic Land Registration certificate in Malang Regency. Impact of Covid 19, In 2020, the target is only 4,675 plots of land by pre-antecedent, only 50 percent of land in Malang Regency has a certificate. Farmers who do not have a field certificate are 651 fields. Still less than 650 thousand. The inhibiting factors for the complete systematic land registration program to increase the ownership of land rights certificates by the Malang Regency land office include (1) the level of community education (2) PTSL applicants are difficult to attend during measurement activities (3) Completeness of administrative requirements (4) Still lacking Coordination (5) Lack of Community Interest and Discipline of Malang Regency and (6) Geographical Condition of Malang Regency. Efforts made by the land office of Malang Regency in streamlining the complete systematic land registration program towards increasing ownership of land rights certificates are (1) Coordinating the Land Office with the village/kelurahan government (2) Increasing Outreach To Attract Enthusiastic Citizens and (3) Increasing Quality of Facilities and Infrastructure.

Keywords

effectiveness; land registration; complete systematic



I. Introduction

One of the objectives of land registration is to provide legal certainty of land rights owned. Legal certainty of the right to Land rights can be obtained by land rights holders by means of land registration. The goal of legal certainty over land rights is to provide legal protection to holders of land rights, and certainty regarding the object, namely its location, boundaries and extent as well as the presence or absence of buildings, plants on it.

The series of land registration activities consist of (1) Collection and physical data processing; (2) Proof of Rights and Bookkeeping; (3) issuance of certificates; (4) presentation of physical data and juridical data; (5) storage of general registers and documents for the first land registration and (1) registration of changes and assignment of rights; and (2) registration of changes to other land registration data.

The policy of President Joko Widodo (Jokowi) to accelerate the process of land certification included in the Nawacita program is a very appropriate policy. In various areas, there are still many lands belonging to the community that have not been certified. President Jokowi Widodo's policy is contained in Presidential Instruction No. 2 of 2018 concerning Acceleration of complete systematic land registration throughout Indonesia.

The issuance of this Presidential Instruction is proof of the government's seriousness in encouraging all landowners to be certified. The government created a strategy regarding land registration for population which includes nine work program strategies or can also be referred to as *nawacita*. As a manifestation of one of the points of the dream program, the government provides a program on complete systematic land registration (PTSL) in which there is a goal in encouraging the implementation of land reform.

The background of the Complete Systematic Land Registration (PTSL) program is because the government still finds a lot of land in Indonesia that has not been certified or does not have a certificate. One area that has a lot of land that has not been certified is Malang Regency.

Malang Regency has a very serious problem. From data from the Malang Regency Land Office, there are more than 50 percent of the land in Malang Regency that has not been certified. There are many problems that make the land in the Malang Regency area uncertified. The low public awareness of the importance of land certificates is an obstacle or the cause of land in Malang Regency not being certified. The existence of information about the complexity of managing land certificates, the high costs and the practice of extortion make people lazy to certify their land. Whereas land certificates are an absolute element in land ownership in realizing legal certainty.

In the Malang Regency area, there are still around 800 thousand parcels of land and buildings that have not been certified. According to President Jokowi's instructions, this issue must be quickly addressed and resolved. For this reason, the Malang Regency Land Office in collaboration with the Malang Regency Regional Government has set a target that by 2025, no less than 800 thousand lands will be completed. For this reason, BPN in one year must be able to certify land of not less than 100 thousand parcels of land.

Departing from the above, it is interesting to study what the author wrote in this study with the title "The Effectiveness of a Complete Systematic Land Registration Program on Increasing Ownership of Land Rights Certificates (Study at the Malang Regency Land Office)". This research is important because it relates to the interests of many people who need legal certainty over ownership of land rights in Malang Regency.

II. Review of Literature

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the earth, water and natural resources contained therein are controlled by the state to be used for the greatest prosperity of the people. then sprouted firmly in. The provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia are further elaborated in Article 2 paragraph (1) of Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) which states that "Earth, water and space, including the natural resources contained therein, are at the highest level controlled by the state as an organization of power for the entire people".

The government's authority in regulating, managing and managing land is based on Article 2 paragraph (2) of the UUPA, namely to organize the use of supplies and maintenance of land. For this reason, the government has an obligation to regulate problems in the land sector in the context of the welfare of citizens and society.

Soil is a very vital element for humans in their activities. Ownership of land is absolutely necessary in order to realize legal certainty, so that ownership of a land must be registered. PP No. 24 of 1997 concerning land registration is a legal umbrella in the context of registering an ownership of land.

Land rights that have been registered will be given the right to manage the land according to its designation to the subject or owner of the land. ownership of land rights is absolutely necessary so that in the future there will be no land disputes. This land registration is the first step in obtaining land ownership rights.

Land registration according to PP No. 24 of 1997 concerning land registration, is divided into two forms, namely:

a. Systematic land registration

Systematic land registration is a registration activity for the first time that is carried out simultaneously for all land registration objects that are carried out through an adjudication program. Self-adjudication based on Article 1 point 8 PP No. 24 of 1997 is "Activities carried out in the framework of the land registration process for the first time, including the collection and determination of the correctness of physical data and juridical data regarding one or several objects of land registration for the purpose of registration".

Systematic land registration according to Article 1 point 10 PP No. 24 of 1997, namely: "Simultaneous registration of land which includes all objects of land registration that have not been registered in the territory or part of the village or sub-district area." Systematic land registration is carried out at the initiative of the Government.

b. Sporadic land registration

This sporadic land registration is based on the initiative of each land owner. Land owners must actively take care of land applications by completing the conditions that have been determined. This sporadic land registration is known as individual land registration.

III. Results and Discussion

3.1 Effectiveness of Complete Systematic Land Registration Program on Increasing Ownership of Land Rights Certificates at the Malang Regency Land Office

The topographical conditions of Malang Regency are highlands surrounded by several mountains and lowlands or valleys at an altitude of 250-500 meters above sea level which is located in the central part of Malang Regency. The highlands are limestone hills (Gunung Kendeng) in the south at an altitude of 0-650 meters above sea level, the slopes of Tengger Semeru in the east stretch from north to south at an altitude of 500-3600 meters above sea level and the slopes of Kawi Arjuno in the west at an altitude of 500-3,300 meters above sea level. There are 10 mountains which spread evenly to the north, east, south and west of Malang Regency: G. Kelud (1.731 m), G. Kawi (2.651 m), G. Panderman (2.040 m), G. Anjasmoro (2.277 m), G. Welirang (2.156 m), G. Arjuno (3.339 m), G. Bromo (2.329 m), G. Batok (2.868 m), G. Semeru (3.676 m), Pegunungan Kendeng (600m).

Malang Regency with topographical conditions like this indicates a large forest potential, has a sufficient source of water that flows throughout the year through its rivers to drain agricultural land. It has 18 major rivers, including the Brantas River, the largest and longest river in East Java. The land use structure includes: settlements/built areas 22.5%; industry 0.2%; rice fields 13%; dry land agriculture 23.8%; plantation 6%; forest 28.6%; swamp/reservoir 0.2%; pond pond 0.1% pasture/vacant land 0.3%; barren land/damaged land 1.5%; quarry C 0.3%; others 3.2%. The physical condition and area of Malang Regency which is so wide with the distribution of settlements and/or domiciles of the population are scattered, become obstacles in accessing information services from the government.

Systematic land registration is a land registration activity for the first time that is carried out simultaneously which includes all land registration objects that have not been registered in the territory or part of the territory of a Village/Kelurahan. Systematic land registration is carried out at the initiative of the Government based on a long-term and annual work plan and is carried out in areas determined by the State Minister of Agrarian Affairs/Head of BPN. If a Village/Kelurahan has not been designated as a systematic land registration area, its registration is carried out through sporadic land registration.

The legal basis for PTSL activities is the Regulation of the Minister of Agrarian and Spatial Planning/Head of BPN Number 6 of 2018 concerning Complete Systematic Land Registration and Presidential Instruction Number 2 of 2018 concerning Acceleration of Complete Systematic Land Registration in All Territories of the Republic of Indonesia. Based on these regulations, PTSL activities are the government's flagship program to realize land registration in Indonesia. Through the PTS program, it is expected that the completion target of 79 million land parcels will be completed by 2025.

PTSL is a government program in the completion of land registration throughout Indonesia which is planned to be completed in 2025, the PTSL program was launched in 2016 through the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency No. 35 of 2016 (Permen ATR/ Ka.BPN No. 35 of 2016) concerning Acceleration of Complete Systematic Land Registration, which was later refined by Permen ATR/ Ka.BPN No. 12 of 2017, but there are still problems in its implementation so that it is refined again with Permen ATR/Ka.BPN No. 6 of 2018 concerning PTSL. Acceleration of asset legalization carried out through the PTSL program, in 2017 the PTSL target reached 5 million plots of land, in 2018 it reached 7 million parcels of land, in 2019 it reached 9 million parcels of land, and 10 million plots of land annually, so it is hoped that by 2025, all land parcels in Indonesia have been registered entirely.

Permen ATR/ Ka.BPN No. 6 of 2018 concerning PTSL which has the aim of realizing the provision of legal certainty and legal protection of people's land rights in a definite, simple, fast, smooth, safe, fair, equitable and open and accountable manner, so as to improve the welfare and prosperity of the community and the country's economy and reduce and prevent land disputes and conflicts. The problem in the field of human resources was once expressed by the Director General of Agrarian Infrastructure, Adhi Dharmawan, who said that the total land surveyor or surveyors, both private and private, were only about 9,200 land surveyors, compared to the target of 9 million certificates, a minimum of 10,000 surveyors are needed. In addition, the 9,200 surveyors are also not evenly distributed.

The purpose of the PTSL program as stated in Article 2 Paragraph 2 of the Regulation of the Minister of ATR/Head of BPN Number 6 of 2018 concerning Complete Systematic Land Registration, is to accelerate the provision of legal certainty and legal protection of Community Land Rights in a definite, simple, fast, smooth, and efficient manner, safe, fair, equitable and open and accountable, so as to improve the welfare and prosperity of the community and the country's economy, as well as reduce and prevent land disputes and conflicts.

The relationship between legal certainty and legal protection of land rights to improving community welfare is as follows:

- a. Provides a sense of security so that they are more productive in working on their land
- b. Provide motivation to use land more productively
- c. Have access to capital through the granting of Mortgage Rights on land certificates.

Land Registration Service Complete Systematic is carried out so that all citizens of the upper middle class or lower middle class can obtain recognition of patent rights on the land that is owned legally owned and existing legislation. The complete systematic land registration service is intended so that every member of the community pays attention to the aspect of taking part in the land they own so that they can have a certificate of ownership of land at a lower cost.

In general, people who are in a weak economic group very difficult to improve their economic standard. This is because in general they still experience problems in capital, namely the absence of adequate guarantees such as certificates. The provision of land certificates to the community through the PTSL program provides individual access to capital. On a broad scale, the number of certificate recipients through the PTSL program can accumulate a large amount of capital. This must be followed up with the formation of business capital such as cooperatives so that the use of capital becomes effective. Thus, the certificate through the PTSL program has greater benefits

The PTSL program is a national agenda and part of the government's program to complete land certificates en masse. The purpose of PTSL is for the community to have legal certainty over their land rights. This PTSL program exists because the government still finds a lot of land in Indonesia that has not been certified. Land certificates are mandatory for the community to obtain legal certainty and authentic evidence of land ownership.

Legal certainty in the case of Land Registration is carried out for issuance certificate, certificate as proof of legal rights according to law. With the issuance of a certificate, the purpose of land registration is to provide legal certainty, the most important of which is the regulation, regardless of whether the regulation is fair or unfair and beneficial to the community or not.

Agrarian Reform is part of the President's vision, to equalize people's welfare, consisting of Reform Assets and Reform Access. The Ministry of ATR/BPN has the main task of carrying out Asset Reform, through Asset Legalization and Land Redistribution. The Covid-19 pandemic had an impact on the target of issuing a Complete Systematic Land Registration certificate in Malang Regency. Impact of Covid 19, In 2020, the target is only 4,675 plots of land by pre-antecedent, only 50 percent of land in Malang Regency has a certificate. Farmers who do not have a field certificate are 651 fields. Still less than 650 thousand.

The target of the PTSL program in 2020 in the Malang Regency area is as many as 36,675 plots of land. Of these, 17,402 land parcels have been completed. The problem that exists is that the implementation of Complete Systematic Land Registration has not been implemented effectively, so it has not been able to achieve its objectives as in Article 2 paragraph (2) of 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 Complete Systematic Land Registration.

The outbreak of this virus has an impact of a nation and Globally (Ningrum *et al*, 2020). The presence of Covid-19 as a pandemic certainly has an economic, social and psychological impact on society (Saleh and Mujahiddin, 2020). Covid 19 pandemic caused all efforts not to be as maximal as expected (Sihombing and Nasib, 2020).

According to the Head of the National Land Agency (BPN) of Malang Regency, La Ode Asrofil, the Covid-19 pandemic has had an impact on the target of issuing Complete Systematic Land Registration (PTSL) certificates in Malang Regency. In 2020, the target is only 4,675 plots of land from the original target of 60 thousand. There are also many agricultural lands in Malang Regency that do not have PTSL certificates. In fact, only 50

percent of them have a certificate. Farmers who do not have a field certificate are 651 fields. 50 percent of the land has been certified. There are less than 650 thousand that must be certified.

Complete Systematic Land Registration in Malang Regency has been implemented in accordance with government programs related to land registration. Various regulations are made and refined in the implementation of complete Systematic Land Registration to create legal certainty guarantees and legal protection, as well as to reduce disputes.

For the financing of the PTSL Program itself which is basically a National program that will be carried out regularly every year and is financed by the Government. However, the implementation of PTSL is not fully funded by the Government.

The costs in the mass land certification process through the PTSL program at the Malang Regency Land Office are entirely charged to the National Land Agency Budget through the State Revenue and Expenditure Budget (APBN) purely from the center and do not get a budget from the APBD or other budget sources. Meanwhile, the cost of processing at the village level carried out by the committee/team is borne by the PTSL participants/applicants, such as stamp duty, boundary marking fees/palm (paralon pipes, fences, short walls), warkah costs and transportation costs for village officials.

The determination of the amount of fees for PTSL participants/applicants is in accordance with the operational needs of the land certification process. The amount of the cost of implementing the PTSL program is regulated in a Joint Decree of 3 Ministers where the maximum maximum cost for the Dompu Regency area is Rp. 350,000, and it must not exceed the amount of the stipulated fee, while for the minimum there is no limit because the use is according to needs. There is no difference in costs for each type of land, whether land grants, inheritance land, conversion land and others are all the same.

3.2 Inhibiting Factors in the Complete Systematic Land Registration Program on Increasing Ownership of Land Rights Certificates by the Malang Regency Land Office

Complete Systematic Land Registration (PTSL) is a systematic effort by the government to accelerate the issuance of certificates to the community. Even though they have received a certificate as proof of land ownership, the community is still faced with problems regarding the use of their land for productive purposes in order to provide prosperity. Land owners who have access to capital can freely use their land, which is supported by mastery of technology and marketing networks so as to bring adequate welfare to their owners. Meanwhile, land owners who do not have access to capital generally only carry out marginal businesses so that they have not brought adequate welfare.

The granting of land certificates as a result of PTSL activities simultaneously is actually a potential for community empowerment that can be used as capital accumulation. Communities receiving land certificates through PTSL can be mobilized together to carry out various productive businesses which are expected to improve the community's economy. However, efforts to improve the community's economy do not only rely on capital loans because the community still needs technical and managerial guidance in order to be competitive in the market.

Land certificates resulting from the PTSL program are the same as the results of sporadic land registrations, namely certificates of property rights. Certificate of Ownership may be encumbered with Mortgage Rights as a condition for obtaining capital credit. The results of obtaining the capital loan indicate that the PTSL program provides support to the community in the form of access to capital loans.

Some of the Inhibiting Factors for the Complete Systematic Land Registration Program to Increase Ownership of Land Rights Certificates by the Malang Regency Land Office are

a. Community Education Level

Of the many residents of Malang Regency, most of the latest education adopted is High School (SMA). The level of public education is still very low, causing not all components of the community to understand and have a quick response regarding the implementation of PTSL. There are still many assumptions by the community that the mass certification program through the PTSL program is expensive and the management is very difficult, because in this case the people of Malang Regency, especially in rural areas, still depend on assistance for their living needs from the government.

b. It is difficult for PTSL applicants to be present at the time of measurement activities

This obstacle is a problem that is very often encountered by the Malang Regency Land Office because it is related to a job. For low-income people, most of the people in Malang Regency work as farmers and builders. The farmer's profession that is carried out requires the community to do their work, namely cultivating the fields starting at dawn until sunset. The rice fields that will be cultivated by the owner are not only in the area of residence but also outside the area where the owner of the field lives. As well as the construction profession, where they can leave their homes for weeks or even months to go to work.

c. Completeness of Administrative Requirements

When the juridical officer and the village committee collected the administrative requirements, it turned out that there were still incomplete requirements that were brought by the applicant at the time of collection. For applicants who have completed the requirements, the juridical officer will bring the data to the Malang Regency Land Office because it is considered complete and meets the administrative requirements. For applicants who have not completed several requirements, the juridical officer assisted by the village committee will collect data on the components of the requirements that have not been completed by the applicant so that they can be completed as soon as possible. For requirements that are still lacking, the applicant can choose to complete it through the Malang Regency Land Office or bring the completeness to the village committee.

d. Still Lack of Coordination

The coordination in question is the coordination between the land office and the village, resulting in frequent delays in data collection, thus hampering work.

e. Lack of Interest and Discipline of Malang Regency Community

Most people in Malang Regency, especially in rural areas, consider that land registration takes a long time and very high costs, so they are very reluctant to take care of land registration.

f. Malang Regency Geographical Condition

The vast area of Malang district is a problem in itself coupled with the lack of facilities and infrastructure at the Malang City Land Office.

3.3 Efforts Made by the Land Office of Malang Regency in Streamlining the Complete Systematic Land Registration Program for Increasing Ownership of Land Rights Certificates

Complete Systematic Land Registration is a land registration activity for the first time that is carried out simultaneously which includes all land registration objects that have not been registered in one village or sub-district area or other names at the same level. Complete Systematic Land Registration is a government program to increase ownership of land title certificates so that they have strong legal force and serve as legal evidence of legal ownership.

What has been explained above, it can be seen that there are obstacles or inhibiting factors in the implementation of a complete systematic land registration which has implications for the non-smooth process of the implementation activities. For this reason, the land office makes efforts to overcome these obstacles by being more active in carrying out.

a. Coordinate between the Land Office and the village/kelurahan government

The form of coordination of the Regional Government to the Malang Regency Land Office is only to know and instruct the Head of the Subdistrict which is within the Malang Regency area. The budget obtained by the Malang Regency Land Office for the implementation of the PTSL program is purely from the APBN and there are no other budget sources in its implementation. Meanwhile, in the Regulation of the Minister of Agrarian Affairs Number 12 of 2017 Article 33 concerning sources of financing, it can come from various sources, one of which is the Provincial, Regency/City Regional Revenue and Expenditure Budgets, and Village Funds. This shows that the collaboration between the Malang Regency Land Office and the Regional Government can be improved, which from the beginning was merely knowing and instructing to add to the PTSL implementation budget by the Regional Government through the Regional Budget or Pal procurement subsidy assistance (boundary sign) to each village. The addition of funds through the APBD is not without reason, with the implementation of the PTSL Program by the Land Office, it can assist the Regional Government in successful performance in the land sector within its autonomous region.

b. Increasing Outreach To Attract Enthusiastic Citizens

The Malang Regency Land Office must make efforts to resolve it by conducting socialization. The socialization is one of the stages of the PTSL implementation, and there are several materials presented, but the Malang Regency Land Office must emphasize or explain more intensively and concretely about the financing material and emphasize that the implementation of this certification program is very easy to do. Submission of material must use simple language and it is better if the extension uses something that is easy to understand. At this counseling stage, a question and answer session must be held until there is nothing that confuses the community. In addition, the Malang Regency Land Office can use brochures as a means of delivering information that can be carried everywhere by participants/applicants.

The Malang Regency Land Office must succeed in changing the mindset of the people of Malang Regency who think that the most important thing is that land can be utilized and meet the needs of life. The Land Office must succeed in raising awareness that land also needs legal protection so that when a problem occurs which results in being included in the court's territory, the land owner can prove his ownership. This is also done so as not to cause problems in the implementation of PTSL activities for years to come.

c. Improving the Quality of Facilities and Infrastructure

The Land Office can improve and maintain existing facilities and infrastructure to support the Complete Systematic Land Registration process, considering that the Malang Regency area is very large.

IV. Conclusion

The effectiveness of the complete systematic land registration program to increase the ownership of land rights certificates at the Malang Regency land office has not been effective. The Covid-19 pandemic had an impact on the target of issuing a Complete Systematic Land Registration certificate in Malang Regency. Impact of Covid 19, In 2020, the target is only 4,675 plots of land by pre-antecedent, only 50 percent of land in Malang Regency has a certificate. Farmers who do not have a field certificate are 651 fields. Still less than 650 thousand. The target of the PTSL program in 2020 in the Malang Regency area is as many as 36,675 plots of land. Of these, 17,402 land parcels have been completed. The problem that exists is that the implementation of Complete Systematic Land Registration has not been implemented effectively, so it has not been able to achieve its objectives as in Article 2 paragraph (2) of 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 Complete Systematic Land Registration .

The inhibiting factors for the complete systematic land registration program to increase the ownership of land rights certificates by the Malang Regency land office include (1) the level of community education (2) PTSL applicants are difficult to attend during measurement activities (3) Completeness of administrative requirements (4) Still lacking Coordination (5) Lack of Community Interest and Discipline in Malang Regency and (6) Geographical Condition of Malang Regency.

Efforts made by the land office of Malang Regency in streamlining the complete systematic land registration program towards increasing ownership of land rights certificates are (1) Coordinating the Land Office with the village/kelurahan government (2) Increasing Outreach To Attract Enthusiastic Citizens and (3) Increasing Quality of Facilities and Infrastructure.

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