



Implementation of a complete systematic land registration policy at the Malinau District Defense Office

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ABSTRACT

This study aims to analyze the implementation of PTSL policies along with the factors that influence the implementation of these policies. This research uses qualitative methods, data in this study was obtained by conducting in-depth interviews, observations and documentation. Data collection techniques use interview methods to find out more in-depth things about participants, observation to obtain actual images directly of daily activity patterns and social reality and literature studies as supporting data. The results showed that the implementation of PTSL policy in Malinau District has not been successful because of the six indicators, only two indicators are considered successful, namely standards, targets, policies and communication between organizations. Human resource indicators, characteristics of implementers, dispositions/attitudes of implementers and social, economic and political conditions have a major influence on the suboptimal implementation of PTSL policies in Malinau District. Limited human resources, characteristics of implementers and dispositions/attitudes of implementers affect the delivery and perspective of the community towards the PTSL program in Malinau Regency.

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1. INTRODUCTION

Malinau is one of the regencies in North Kalimantan resulting from the Regional Expansion of Bulungan Regency which is in the Province of North Kalimantan, formed based on Law Number 47 of 1999 concerning the Establishment of Nunukan Regency, Malinau Regency, West Kutai Regency and East Kutai Regency. The capital of Malinau Regency is located in Malinau City Regency. Based on Census Data from the Central Bureau of Statistics in Malinau Regency in 2021 Figures, it is explained that Malinau Regency is the largest Regency in North Kalimantan with an area of 40,088.38 km², with a population in 2020 of 82,519 people, most of the land is in the form of forests and Malinau Regency borders Sarawak, Malaysia (Hardiyansyah., 2019).

Malinau Regency is often also called Bumi Intimung (Beautiful, Orderly, Prosperous and Superior). Administratively, Malinau Regency consists of 10 sub-districts and 109 villages with an area of 40,088.38 km², it is necessary to carry out orderly land administration, based on the purpose of the division of Malinau Regency from Bulungan Regency to avoid administrative overlap and provide legal certainty in the issuance of land ownership letters and land origin or land history.

Land itself has a very important and fundamental role in human life because land is a productive force to support productivity, living standards and as a place to live or settle. Therefore,

land management which includes arrangements for control, stewardship, ownership, utilization, measurement and registration of land needs to be arranged, managed and regulated so that the land can be used as much as possible for the prosperity of the people mandated in Article 33 paragraph (3) of the 1945 Constitution (Perrin et al., 2020).

Along with the increasing human or population growth as a demographic bonus in Indonesia and the acceleration of infrastructure development, the need for land is increasing and the application for land services is increasing and the resolution of disputes or conflicts and land cases. This stems from not having proof of land ownership certificates and lack of public awareness in completing land ownership administration such as registering land rights in the form of Land Rights Certificates (SHAT) to provide legal certainty over land parcels (Adamie, 2021).

Everyone has the opportunity to obtain legal guarantees and certainty in their country through a complete and systematic registration process. To obtain legal certainty as one of the concepts to provide certainty that the law can be implemented properly so as not to cause harm to anyone and direct the public to be positive in the predetermined state law (Sagama, 2016).

Gustav Radbruch explained that his theory of legal certainty has four fundamental things that are closely related to the meaning of legal certainty itself, namely: Law is positive which means, normatively applicable law, Law is based on facts, meaning that laws are based on reality, The facts contained or contained in the law must be clearly formulated to avoid misinterpretation or interpretation and to be easily enforced, Positive law should not be changed easily (Nursalim, Ahmad and Astuti, Retno Sunu and Kismartini, Kismartini and Afrizal, 2020).

The guarantee of legal certainty in the land sector is stated in the general explanation of Government Regulation Number 24 of 1997, namely *"in dealing with concrete cases, it is also necessary to carry out land registration that allows land rights holders to easily prove rights to the land they control, and for interested parties, such as prospective buyers and prospective creditors, to obtain the necessary information about the land that is the object legal acts to be carried out as well as for the government to implement land policy"* (Firdausi, 2021).

Article 19 of Law Number 5 of 1960 concerning the Basic Agrarian Law (UUPA) has mandated the Government of Indonesia to carry out land registration throughout Indonesia in order to ensure legal certainty of land rights which includes certainty of rights, certainty of subjects and certainty of objects of rights as follows: To ensure legal certainty by the government, land registration is held throughout Indonesia according to the provisions regulated by government regulations; Such registration in paragraph 1 of this article includes: Measurement, mapping and bookkeeping of rights, Registration of land rights and transfer of such rights, Provision of valid proof letters as strong evidence; Land registration is carried out keeping in mind the situation and community, socio-economic traffic needs and the possibility of its implementation according to the consideration of the Minister of Agrarian Affairs; In government regulations, the fees related to registration are regulated in paragraph 1 above provided that indigent people are exempt from paying these fees.

The government through the Ministry of ATR / BPN has the authority to carry out land registration activities as well as accelerate land registration with various programs. Programs that have been implemented such as accelerating land registration through the Land Administration Project (PAP), *Land Management and Policy Development Project* (LMPDP) or adjudication projects, Larasita and the National Agrarian Program (Prona) but these programs have not been able to achieve the target of land registration throughout Indonesia (Mujiburohman, 2018).

To realize the mandate of the constitution, the government implements a land registration acceleration program through Complete Systematic Land Registration (PTSL) for all land parcels in Indonesia where this PTSL is a government breakthrough through the Ministry of ATR / BPN to realize the implementation of government obligations in providing protection and legal certainty for community land ownership. Protection and legal certainty over land ownership in the form of land rights certificates received by the community can later be used as empowered and useful business capital for improving their welfare. The PTSL program is contained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 6 of 2018 concerning Complete Systematic Land Registration and Presidential Instruction Number 2 of 2018.

Complete Systematic Land Registration PTSL is as formulated in Article 1 Number (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 12 of 2017 is a land registration activity for the first time carried out simultaneously for all land registration objects throughout the territory of the Republic of Indonesia in one village area or *kelurahan* or other names at the same level, which includes the collection and determination of the correctness of physical data and juridical data regarding one or several objects of land registration for the purposes of registration. Complete systematic land registration activities in Malinau Regency, considering that many communities in Malinau Regency have not registered their land rights, the Complete Systematic Land Registration activity is an agenda that has been set by the Malinau Regency Land Office to help communities register their land rights (Biddulph & Hillbom, 2020).

Malinau Regency as one of the developing districts in North Kalimantan Province, it is important that every inch of land has legal certainty to minimize potential conflicts as the district area develops, especially not all communities have knowledge about land registration, how to obtain certificates and the process of applying for land certificates. In addition to the problem of land registration, on the other hand, the problem is that Malinau Regency has indigenous peoples who are reluctant to manage their land ownership, where their thinking is that it will not be possible for the land they cultivate to be owned by others, so there are still many people who are reluctant to take care of their land rights and understand land registration systematically.

In its journey, the PTSL policy is not easy and many obstacles become obstacles to meet the PTSL target, especially in Malinau District such as land registration for all land parcels in all locations designated in PTSL activities and outside the Forestry Area must be mapped and registered without exception both settlements and agriculture, but the understanding of PTSL policies between agencies varies in terms of the domicile of the landowner with the location of the field soil. PTSL policy does not discriminate regarding the domicile of landowners wherever they are, if the landowner is domiciled outside the PTSL location but owns a plot of land at the PTSL location, the landowner can follow and register his land parcel to participate in the PTSL program.

2. RESEARCH METHOD

The research to be conducted uses qualitative research methods. This research will be carried out at the location of PTSL activities of the Malinau Regency Land Office, namely villages in Malinau Regency based on the Decree of the Head of the Malinau Regency Land Office concerning the Determination of the Location of Complete Systematic Land Registration in 2021. The researcher chose the PTSL research location at the Malinau Regency Land Office because it is the working area of the researcher as well as the researcher is interested in conducting research on the implementation of PTSL activities at the Malinau Regency Land Office which has never been assessed the results of the implementation of the Complete Systematic Land Registration policy which began in 2017 until today and the implementation of the PTSL policy has experienced many land problems (Arikunto, 2019). Data collection that will be used in this research plan is the method of interviews, observations and literature studies of related documents. In qualitative research, data sources are prioritized from an emic perspective, namely obtaining data not based on what is thought by researchers but based on what is happening in the field, experienced, felt and thought by participants or data sources. In this study, data analysis will be carried out using interactive model analysis developed by Miles and Huberman (in Sugiyono, 2013) with qualitative data analysis activities carried out interactively and continuously until complete. The analysis activities include *data collection*, *data reduction*, *data display* and *conclusion drawing/verification* (Sugiyono, 2013).

3. RESULTS AND DISCUSSIONS

Complete Systematic Land Registration Policy in Indonesia

Complete Systematic Land Registration (PTSL) is regulated in the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No. 6 of 2018 concerning Complete Systematic Land Registration. This PTSL activity is different from previous mass certification programs such as Prona (National Agrarian Project)

where the Prona Program is implemented en masse but does not cover all land parcels, PTSL is the first land registration activity that covers all land parcels in the land registration unit in one location area, namely villages/kelurahan. Stages of Complete Systematic Land Registration activities through the process:

Planning

In the planning stage of PTSL activities, the Head of the Land Office conducts Land Data Identification, prospective PTSL locations to be determined, inventory of land data quality, completion of repositioning of registered fields (K4), preparation of roadmaps and determination of PTSL implementation strategies.

PTSL Location Determination is based on locations where the percentage of the number of registered land plots is still relatively low or Villages/Villages that are priorities such as having the potential of previously mapped land plots of PTSL that are less than optimal. The location of the Village/Kelurahan designated as the location of PTSL 2021 is attempted by Villages/Villages bordering the Village/Village in the previous year that already have a Complete Village Value (NDL) but have not reached 100% of the registered land plots.

Preparation

For the smooth implementation of PTSL activities, the Head of the Land Office needs to prepare the legality of the task force, facilities and infrastructure for the implementation of PTSL activities such as human resources, coordination with local government officials and budget allocation.

The legality of the implementation of PTSL requires a document Decree of the Head of the Land Office on Location Determination, the formation of an Adjudication Team. Location Determination attaches a map of the location determination of the Complete Systematic Land Registry, the composition of the Adjudication Team consists of a physical task force and a juridical task force. Prior to implementation, each task force prepares a working map to be used as well as identifying land data on registered and unregistered land parcels.

Establishment and Establishment of PTSL Adjudication Committee and Task Force

In carrying out the Land Registration systematically, the Head of the Land Office is assisted by an Adjudication Committee formed by the Minister or appointed Officer. In carrying out the duties of the Adjudication Committee is assisted by a physical task force, a juridical task force and an administrative task force whose duties, structure and activities are regulated by the Minister.

The physical task force is tasked with collecting physical field data such as preparing work maps, measuring and mapping land parcels and identifying land parcels that have been registered. The juridical task force is in charge of collecting juridical data such as ownership of rights pedestals, supporting land documents and registration forms, the administrative task force is in charge of preparing the legality of work such as preparing assignment letters, preparing documents needed in budget realization.

In order to be effective and efficient, the assignment of the PTSL Adjudication Committee needs to take into account the distance of the working area, take into account the workload analysis and the ability of the Adjudication Committee, Physical Task Force, Juridical Task Force and Administrative Task Force, if under certain circumstances including limited human resources, lack of routine services, the Chairman of the PTSL Adjudication Committee can be held by the Head of the Land Office and the implementation of the inauguration as Chairman of the PTSL Adjudication Committee is carried out by the Head of the Office The territory of the local National Land Agency.

Extension

Counseling was carried out by the Head of the Land Office along with the PTSL Adjudication Committee, Physical Task Force and Juridical Task Force involving Village/Village/Subdistrict/Local Government/Prosecutor's Office, TNI/Polri and community leaders. Counseling is carried out to the community, Village/Kelurahan/Subdistrict/Local Government officials, who are in 1 (one) Village/Kelurahan designated as the location of PTSL.

Counseling can be done more than once according to the availability of different budgets and conditions of participants. Counseling can be done by meeting (forum) with the land-owning community or the community at the PTSL location, distributing brochures / pamphlets or installing banners. Each extension is a maximum of 200 people representing 1,000 fields.

Collection of Physical and Juridical Data

The collection of Physical Data and Juridical Data by the Physical Task Force and the Juridical Task Force can be carried out simultaneously at the same time or respectively along the location of the Village/Village designated as the PTSL location with the same Working Map.

An important point in collecting physical data is that land parcel boundary markings can be boundary pegs, fences, or other fixed boundary marks that can be identified in the field and on maps. The installation and/or designation of boundary marks is carried out by the landowner or his proxy with the consent of the landowner neighboring the boundary. In order to accelerate the installation of boundary marks, it is hoped that it can be carried out with the Joint Movement for the Installation of Land Parcel Boundary Pegs. Juridical Data Research for Proof of Rights. The data that have been collected by the Juridical Task Force, then the PTSL adjudication committee: a) conduct an examination of the completeness of the application file, b) conduct research and assessment on land status, land history and legal relations between the requested land and PTSL participants and other interests, c) conduct research and physical review of the requested land regarding the control, use/condition of the land and the boundaries of the requested land parcel, d) collect information/explanations from bordering landowners, e) examine the suitability of the requested land use with the local Spatial Plan, f) conduct hearings based on physical data and juridical data from field examinations including other supporting data; and g) provide opinions, considerations and conclusions on whether or not rights can be granted, which are outlined in the Juridical Data Research Minutes

Announcement of Physical Data and Juridical Data and Their Attestation, To fulfill the principle of publicity in proving land ownership, physical data and juridical data of land parcels and maps of land parcels are announced according to a predetermined format. The process of announcing physical data and juridical data is given for 14 (fourteen) calendar days which is carried out at the Office of the Adjudication Committee of PTSL or Land Office or Village / Village Office or at the location of the land parcel or in other places that are considered strategic in the PTSL location determination area or through electronic media.

Interested parties/objections are given the opportunity to raise objections/objections regarding the announcement of physical data and juridical data during the announcement period. After the announcement period of physical data and juridical data ends, the physical data and juridical data are then ratified by the Chairman of the PTSL Adjudication Committee which is made in the form of Minutes of Ratification of the Announcement of Physical Data and Juridical Data.

Affirmation of Conversion, Recognition of Rights and Granting of Rights

The Chairman of the Adjudication Committee makes final conclusions on the application contained in the Juridical Data Research Minutes, with the settlement categories can be seen in table 4.1 as follows:

Table 1. PTSL Settlement Categories

Clusters	Solutions
K1	<ol style="list-style-type: none"> 1. Assertion of rights/conversion, if the proof of ownership is complete and the written evidence is incomplete, but there are witness statements or statements concerned 2. Recognition of rights, if the evidence of ownership and/or possession is incomplete/absent altogether, but has been proven physical possession for 20 years; 3. Granting rights in the form of HM / HGB / HP, if the land status is State land.
K2	Soil in the process of matter/dispute
K3.1.	Land cannot be recorded and issued certificates because the subject and/or object has not met the requirements, namely: <ol style="list-style-type: none"> a. the subject is not willing to make a statement letter owed by BPHTB and/or income tax; b. The location (object) of PTSL is in the area of the Indicative Map

	of Termination of Granting New Permits (PIPIB).
K3.2.	Land cannot be recorded and issued a certificate of land rights because the land is the object of P3MB, Prk5, ABMAT, Tanah Ulayat; Group III State House that has not been paid off the lease; The Object of Nationalization or Subject is a Foreign Citizen, BUMN/BUMD/BHMN, Private Legal Entity

Bookkeeping and/or Certificate Control

Bookkeeping is carried out on files with Cluster 1 (K1) and Cluster 2 (K2) categories, while certificate issuance is only carried out on PTSL files with category K1. Land Rights Certificate resulting from PTSL activities can be issued physically and electronically in accordance with the provisions of laws and regulations.

In the K2 cluster, the land rights bookkeeping (HM/HGB/HP) or Waqf Land in the Land Book the name of the right holder is vacated and if due to a case recorded in the Land Book regarding the number of court cases handling it, the K2 cluster land parcel that is still in dispute is sought first for resolution through mediation and if it cannot be resolved it is recorded in the Land Book regarding the parties to the dispute.

Documentation and Submission of Activity Results

The Head of Adjudication of PTSL grouping, processing, storing and submitting PTSL data which includes: a) Juridical data documents consisting of the identity of the right holder, the basis of rights/statement letter, minutes made by the committee, proof of announcement, minutes of ratification of physical data and juridical data and decrees granting rights, b) Physical data documents consisting of measurement data and calculation of measurement results, Measuring Drawings, Land Parcel Maps and Measuring Letters: List of Contents for land registration and land rights, Land Book, Certificate of land rights, Proof of financial administration; and Other administrative data.

The Chairman of the PTSL Adjudication Committee submits the results of the implementation of PTSL activities to the Head of the Land Office at the end of the activity and is accompanied by data on the results of the implementation of PTSL activities in analog and digital form. The submission of the results of PTSL activities and warkah is made in the form of Handover Minutes signed by the Chairman of the PTSL Adjudication Committee and the Head of the Land Office periodically based on the completion of each PTSL location determination. The results of PTSL activities are stored, documented and archived by the Head of the Land Office. The results of activities in this process are the Minutes of Handover of PTSL Activity Results, PTSL and Warkah activity results.

Pelaporan

Reporting is carried out periodically containing the progress and problems in the implementation of PTSL activities, carried out by the Chairman of the PTSL Adjudication Committee to the Head of the Land Office to be subsequently reported to the Head of the Regional Office of the Provincial National Land Agency. Progress Reports on the implementation of PTSL activities at the Regional Office of the Provincial National Land Agency are forwarded and reported periodically to the Minister of Agrarian and Spatial Planning/Head of the National Land Agency c.q. Director General of Land Rights Determination and Registration and Director General of Spatial Land Survey and Mapping.

The final reporting of the implementation of PTSL activities from the Head of the Land Office to the Head of the Regional Office of the National Land Agency and from the Head of the Regional Office of the National Land Agency to the Minister of Agrarian and Spatial Planning/Head of the National Land Agency contains the roadmap, achievements, obstacles and problems, as well as proposals for a complete village declaration.

4. CONCLUSION

Based on the description in the discussion of the research results, it can be concluded that the implementation of the Complete Systematic Land Registration policy in Malinau District in 2021 has not been fully successful.

Some indicators of the success of the Complete Systematic Land Registration (PTSL) policy at the Malinau District Land Office are as follows: Policy standards and objectives. Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 6 of 2018 concerning Complete Systematic Land Registration, the implementation of PTSL in Malinau Regency is carried out in accordance with the PTSL technical guidelines in 2021 where policy standards and targets are planned and determined with a value of policy implementation/performance achievements for PBT and SHAT targets of 100%. a) Resources, the number of human resources and infrastructure has not met the standards of PTSL implementation. PTSL executors concurrently perform various functions in the Land Office such as task forces or structural positions or functional positions, b) Characteristics of the implementer or implementer, the implementation of PTSL 2021 in Malinau Regency has complied with technical guidelines and has awareness and responsibility for its duties and functions in accordance with the Standard Operating Procedures (SOP) of PTSL activities and the cost of PTSL activities services The distribution of tasks and functions is carried out with full responsibility and discipline, but the limited number of Human Resources causes the implementation of PTSL to be not optimal because it carries out various functions at the same time, c) Disposition or attitude of the implementer, employees of the Malinau District Land Office have carried out their duties with discipline, honesty and responsibility. The information submitted to the community regarding PTSL has been very detailed and clear, but the community does not fully understand PTSL, such as the responsibility of land owners to set boundary pegs and the obligation to pay Land and Building Rights Acquisition Duty (BPHTB), d) Communication between organizations, Communication between organizations has been done well. Good relations between the Malinau Regency Land Office and the Malinau Regency Government and other stakeholders related to PTSL have been built and have not created an obstacle, e) Social, economic and political conditions, even though incentives have been given for ease of requirements and fee relief, there are still many communities who are resistant to the Land Registration Program so that people do not want their land parcels to be certified because they do not consider the importance of the function of the certificate and assume that if the land has been certified it will pay a large tax.

This study concludes that the implementation of the Complete Systematic Land Registration (PTSL) policy in Malinau Regency in 2021 has not been fully successful. Several success indicators, such as policy standards and objectives, resources, implementer characteristics, dispositions or attitudes of implementers, communication between organizations, and social, economic, and political conditions, provide an overview of the challenges faced. Although PTSL policies are implemented according to technical guidelines and their implementation reflects discipline, honesty, and responsibility, there are still some obstacles. First, human resources and infrastructure have not met standards, hinting at the need for better resource allocation. Second, although the characteristics of the implementers have complied with technical guidelines, the limited number of human resources indicates the need for capacity building or more efficient task allocation. Third, even though communication between organizations has been good, community understanding of PTSL still needs to be improved, especially regarding the obligations of landowners in determining land boundaries and paying Land and Building Rights Acquisition Duty (BPHTB). Fourth, social, economic, and political conditions reflect community resistance to land registration programs, demonstrating the need for specialized approaches and more effective extension campaigns. The implication of this study is the need for in-depth evaluation and adjustment of PTSL policies in Malinau to improve their effectiveness, including increased human capital, more effective communication with communities, and adjustments to strategies to overcome community resistance.

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