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Challenges of digital integrated system in land management

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Abstract: Land registration system applied in Indonesia that the registration system of negative publicity positive tendency. In this system of government, contrary to the nature of land registration as mandated by Agrarian Law, which states that to ensure legal certainty, the government held land registration throughout the territory of Indonesia. This article is empirical legal research with a qualitative approach. The results show that implementing an integrated digital land registry has not been implemented due to the regulations issues. The ideal concept in integrated digital land registration is to prepare a National Land Base data center that store data and prepare land legal instruments governing land registration digitally integrated to provide legal certainty of land rights.

3 Introduction

The increased demands for land in Indonesia as a consequence of the population growth and economic development has reportedly have been accelerated from the year to year [1]. However, as it turns out into practice, many land conflicts between communities caused by one of them is a claim to ownership of land. It occurs in almost all parts of Indonesia. The number of conflicts this might indicate a faulty system in land administration in Indonesia. This is caused by the rules left by the invaders in the field of agrarian law have the nature of duality [2]. Remains of invaders law is that until now there are still many problematic lands. For the Indonesian government issued a law in the land sector, namely Law No. 5 of 1960 on Basic Regulation of Agrarian (hereinafter, Agrarian Law).

Land registration system applied in Indonesia that the registration system of negative publicity (*stelsel* negative) positive tendency. In this system of government, contrary to the nature of land registration as mandated by Agrarian Law, which states that to ensure legal certainty, the government held land registration throughout the territory of the Indonesia. Even so, it is not intended for use purely negative publicity system [3]. Besides the provisions regarding procedures for the collection, processing, storage and presentation of physical data and juridical as well as the issuance of the certificate in this regulation, it was apparent effort to the extent possible acquire and presentation of the data is correct, because the land registry is to ensure legal certainty. This provision is aimed, on the one hand to stick to the system of negative publicity and on the other to be equally provide legal certainty to the parties, who in good faith to



master a piece of land and are listed as holders of rights in the land book, with a certificate as a sign of proof, which according to the Agrarian Law apply as much evidentiary tool.

According to Yubaidi (2020) the consistency of Indonesian policy with regard to the idea of structuring tenure and ownership of land rights with social justice has not yet been realized [4]. This is due to the incomplete reconstruction effort in all overlapping and conflicting agrarian laws and regulations. Hence, resolving the problem of overlapping laws and regulations in the field of land is not easy because each sector adheres to its sectorial laws and the position of the sectorial laws is the same. The weakness of the system is that the negative publicity that his name is listed as the holder of rights in land books and certificates are always facing the possibility of a lawsuit from other parties believed that they had the land [5]. The weakness can be overcome by using *verjaring acquitieve* institution or adverse possession. Indonesian customary law, there are agencies that can be used to overcome the weaknesses of the system of negative publicity in the land registry, the agency *rechtzwerwing* [6]. Indonesian customary law, if a person during all this time to let the land is not done, then the land was done by others, who acquired it in good faith, then there goes right to reclaim the land [7]. With that sense, then what is specified in this paragraph shall not create provisions the new law, but is the application of legal provisions that already exist in customary law, which is under the rule of law is now a part of the Law of the National Land Indonesia and provide concrete manifestation in the application of the provisions in the Law on land abandonment.

The number of these issues require serious attention of the government to immediately resolve it. In addition to the institutional handling of disputes, also need to be supported by strong regulation and accurate land registration system that can provide legal certainty for all rights holders. The emergence of these problems is also caused due to any other malfunction adjudication committee formed by the land office in collect documents relating to the physical data of the plots and inadequate service system and manually allowing for errors in the administration.

2. Methodology

This article is an empirical legal research with qualitative approach. Type of empirical research (law applied research) is rooted in legal behavior that is reviewing the legal aspect of land rights in integrated digital systems. Meanwhile, data were analyzed descriptively, consisting of quotes. Data were analyzed with descriptive qualitative analysis with content analysis.

3. Result and discussion

3.1. Challenges of digital integrated system in land management

The Government through the Ministry and Spatial Planning has issued Regulation of the Minister of Agrarian and Governance Space No. 5 of 2017 concerning the Electronic Land Information Service. These regulations are intended to improve land information services with easy, fast, and low cost. Besides, with the publication of these regulations whose implementation tailored to the readiness of each land office cities/regencies, is expected to land registration with simple, affordable, and transparency principles. Besides, the land registry data storage and presentation of electronic and procedures for land information services need to be adapted to the development of law, technology and the needs of society.

As an effort to realize the registration of land from manual to fully integrated digital system, as has been done today, although not perfect, it is necessary to make adjustments or revision of some articles in the government regulation No. 24 of 1997 on Land Registry. Implementing digital land registration system is integrated, there are some things that need to be included in the changes in legislation related to land registration. In an effort to reduce land conflicts, the government is obliged to increase legal certainty. The government has now included efforts to explore changes in the system of land registration

publications from negative to positive. A positive publication system will mean that the state guarantees the truth of the information contained in the land certificate issued.

In adjudication practice, examination of physical data and juridical by the adjudication committee should be examined carefully the completeness or accuracy of the letters, and vouched for by the Ministry of Agricultural and Spatial Planning / National Land Agency, so as to have binding legal force. In the framework of the presentation of physical data and juridical, the Land Office organizes the administration of land registration in the public register consisting of map registration, listing land, measurement certificate, land book, and a list of names, all of which are included in the Central Database of Land, so as to guarantee the truth of such information. Documents which constitute the basis of proof tool for land registration can be accessed by the Land Office and the Office of the National Land Agency regions throughout Indonesia, as well as other government agencies. Overall evidence of new rights stored in the database of the National Land Center is a form of letters of ownership rights owned by the owner and a copy may be requested at any time of its print outs.

Base map of land registration, created in digital form using the limits of the coordinates are accurate and can be processed which contains a map of the base land registration Digital Cadastral (Zevenbergen, 2004). To carry out the provision of base maps simultaneously land registration, would require the cost and time for it to do the provision of basic questions need to be focused on priority areas of national development and the border region between premises cultivation area of forest. Provision of basic maps for land registration should cover the entire territory of Indonesia without exception [8]. Government gives time for people to object to the information of a plot that has been registered in the land registry system. Important verification done by the government so that no action on the information of a land sector in the future, while providing legal certainty of land rights in the form of certificates for the community.

Disputes over land parcels have been registered in the registration system is digital with the physical and juridical evidence will facilitate the settlement of disputes and reduce the number of disputes [9]. In this case, although the government does not provide legal guarantee land rights to the public, although the public has a certificate, but with a digital registration on the National Land Information Service, government is expected to fully guarantee the correctness of the information in the certificate that has been stored in the Data Bank. Certificate granting land rights should be in conformity with the subject landowners with land objects. Land title certificates stored in the database of the National Land Center, at any time requested a copy of the rights holder. Certificates contain information corresponding to the information stored in the database of national land. Most important is the subject of applicant's evidence is the same as the owner of the land database. In case the applicant is the heir then need to be requested statement heirs known to the headman or court order to prove the applicant is the rightful heir [10].

The law has a goal to be achieved. The law has a main goal which is to create an orderly community order, creating order and balance [11]. The Agrarian Law that has been enacted and was born since 59 years needs to be reviewed and strengthened so that it can be adapted to social conditions, politics, culture, economy, technology and the changing times of the very fast future. The legal objectives of the regulation and legislation of land ownership must provide justice and prosperity for all Indonesian people. In addition, it must be able to contribute in suppressing and reducing the number of land conflicts that exist in Indonesia.

Digitalization of land services is also expected to be the end of solving problems in the regulation of ownership of land rights [4]. With complete basic information in one map related to land ownership and other geospatial data and information needed. Many land problems that have occurred since the beginning until now cannot be separated from the land administration of the system [12]. The most ideal concept to be applied in registration of land is an integrated digital land registration. However, there are some things

that must be met before implementing these concepts, especially in the ¹ implementation of the registration for the first time.

4. Conclusion

The consistency of Indonesian policy with regard to the idea of structuring tenure and ownership of land rights with social justice has not yet been realized. This is due to the incomplete reconstruction effort in all overlapping and conflicting agrarian laws and regulations. Hence, Resolving the problem of overlapping laws and regulations in the field of land is not easy because each sector adheres to its sectorial laws and the position of the sectorial laws is the same. With the enactment of integrated digital land registration, the existing land registration regulations will be adjusted or even create new, more comprehensive regulations. The ideal concept in integrated digital land registration is to solve all the problems of the land. Then, do the rearrangement of the land base maps and set up legal instruments governing land registration digitally integrated to provide legal certainty of land rights.

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