

EFFECTIVENESS OF IMPLEMENTING COMPLETE SYSTEMATIC LAND REGISTRATION ON VILLAGE LANDS IN SINGAKERTA VILLAGE, GIANYAR DISTRICT

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Article Info:

Received: 2024-04-21

Revised: 2024-05-17

Accepted: 2024-05-28

Vol: 2

Number: 1

Page: 11 - 20

Keywords:

Effectiveness, Land Registration, Traditional Villages.

Abstrak:

The existence of customary land cannot be separated from the existence of a Traditional Village, for example, in Bali Province, where a Traditional Village has the right to own land called Druwe Village. The existence of Druwe Village has a starting point that is measured by the existence of traditional villages. Land has become an elemental philosophy, with the term Pateman, which is an element that creates a balanced life that is related to the continuity of environmental life. In this research, the discussion is about the effectiveness of carrying out village land registration through a complete system land registration (PTSL) program in Singakerta Village, which is located in Gianyar Regency and the rights and obligations of all traditional village members who live/occupy the land. Carried out from generation to generation after the village yard land (PKD) is registered. This research uses research conducted empirically. The Government's ongoing efforts to carry out land registration in regions in Indonesia, namely in the Singakerta Traditional Village, include carrying out improvements and implementing regulations so that they are perfect for the regulations that have been issued. About the issuance of a Land Certificate in the name of an individual or an individual regarding Tri Hita Karana objects, one of which is tebe/telajakan land, by submitting a personal land registration application using personal fees and if the budget year is for an object that is not designated by the systematic land registration object complete (PTSL).

INTRODUCTION

The existence of a land with the existence of Druwe Village is used as a benchmark for the existence of a Traditional Village. Related to a philosophy that originates from an element called Pabelasan, it is the only element of life balance that is directly related to the environment. Druwe village land is one part of the existence of an element called Pawongan and Perahyangan, combined to achieve a balanced life in a traditional village (Dody, 2018).

Provisions in the Bali Province Regional Regulation on Traditional Villages in Bali define tri hita karana, which states that three causes can give rise to happiness: the treatment of life with balance and harmony devoted to God, the existence of devotion between fellow human beings, and the treatment of loving others. The natural environment based on the existence of a holy sacrifice is also called Tanya.

There is a principle that traditional villages are a legacy of government organizations in local communities whose maintenance is carried out from generation to generation and always receive recognition and struggle for implementation by the Government and the community in traditional villages, which can later have a function in carrying out prosperity and identity. Socio-cultural. The right to origin with ownership of a traditional village is dominant in many ways rather than the



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origin of the right from the existence of a traditional village since the traditional village exists as a community that genuinely exists in society (Amalia, 2016).

The land is significant for survival in society, so complete regulations are carried out regarding its use, utilization, ownership, and the making of laws related to this matter. The aim of having legal certainty from the Government in carrying out a series of valuable activities is to provide a guarantee and create protection by issuing a certificate of title to the land that the Certificate is a right which is proof of the right which is enforced to prove the practical matters and regarding physical data as well as the juridical data which makes the rules therein regarding this matter.

Provisions for the existence of principles or concepts from the adoption of customary law regulations, which begin with establishing national land law, include: Based on the concept of Customary Law with the relationship of humans to natural wealth, such as land which has magical religious properties, natural wealth as a gift from God to the legal community custom.

In the community environment, customary law, or what is usually called layout rights, defined as rights owned by traditional communities, contains authority and requires controlling, using, and maintaining natural wealth in layout rights with the region.

In customary law, apart from containing rights owned by indigenous peoples, there are customary rights with recognized land ownership. In the life of traditional communities, there is a principle called cooperation, which means that the business efforts carried out are related to the interests of the person and the community, which are carried out in cooperation. Another principle in customary law is a distinction between the community and foreigners regarding the authority to use the natural resources they own.

The existence of the position of land is considered very important in customary law, which is the cause of a very close relationship between land and the existence of an alliance that can give rise to a relationship with the nature of what is called religious magic and creates the right to create secure in control and utilization. , Collection of plant products as stated above (Suwitra, 2017).

Regarding the Agrarian Principles Law, which is not capable of protecting law with the right to control and ownership of land in the community, a customary law with a traditional village that has adapted to legal politics with the desire to reflect on the time of its formation as characteristics of customary land tenure.

Ownership of land with village yard status, from now on referred to as village yard land (PKD), which became unclear after the enactment of the UUPA, is based on national law, which is used as a matter resulting in the absence of legal entity designation for traditional villages with ownership of property rights to land and also for the karma of villages that do not fulfill the conditions or there is a prohibition against awig-awig in a traditional village in carrying out certificates for PKD land.

Meanwhile, the village fatherland of ten, referred to as AYDS, has legal status and owns AYDS land after the enactment of the UUPA, which is clearly stated because there are many with certificates so that legal certainty can be created.

There are obstacles in implementing a change in legal status for PKD land and AYSD land, one of which is related to the strength and weakness of customs in each custom so that the traditional culture can be maintained in order to maintain the existing functions on PKD and AYDS land with a lack of knowledge by karma or village officials, a Regional Government policy that has not provided a solution that is not strictly regulated in the UUPA.

Registered land carried out systematically is an action to register land carried out simultaneously. It includes all objects in registering land not registered in the area or part of the area in the village or sub-district. The Government's implementation of innovations in establishing a



complete system land registration program and accelerating the implementation of land registration. At this time, land registration realizes the obligations carried out in guaranteeing certainty and providing protection for owning land.

Concerning a traditional village subject to collective (communal) ownership rights to land after carrying out land registration in the traditional village, the subsequent implementation of rights in agreeing with a third party is an agreement. In the communal concept of land regarding use in the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 276/Kep-19.2/X/2017, it is clear that a right with a communal nature is meant to be a right that is owned jointly by an indigenous community. It is in the Province of Bali and is a right to land whose rights can be registered as recognized by the Government and the community (Ayu Intan, 2017).

From the explanation above, the author will discuss the effectiveness of implementing complete systematic land registration on village keparangan land in Singakerta Village, Gianyar Regency.

METHODS

This research uses the empirical law method. The author will use descriptive research to research this research. This research uses techniques to collect law-related material, namely literature study. The use of analysis in research using legal materials with qualitative techniques.

RESULT AND DISCUSSION

Effectiveness of Implementing Village Yard Land Registration Through the Complete Systematic Land Registration Program (PTSL) in Singakerta Village, Gianyar Regency. There are three essential values in customary rights and the parent rights in managing natural resources according to the ownership of indigenous communities. Based on Article 3 of the UUPA, which relates to the basis of the recognition of the existence of customary rights by the reality of the life of the legal community concerned, such as the existence of a previously related right and their opinions being heard and having the right to accept holding customary rights (Muhammad, 2007).

Village tenah is one of the druwe rights and rights to village druwe land as per the UUPA. In drive, village land generally referred to as customary land with several qualified parties, is referred to as layout land. This land becomes land controlled communally and then handed over to the customary village karma, carried out individually or called PKD.

Leaders within a community's customs implement existing customary rights by its customary rules. Implementation of these layout rights must involve respect for the land that was previously controlled, including layout rights legally obtained from other parties by procedures and based on legislation.

Customary law communities have rights in a regulation, namely rights to the land and natural resources related to customary rights and individual rights for the entire community in customary law. The meaning of ulayat rights varies in practice. The term ulayat means other rights with any authority related to customary law communities, which is the same as the rights to the ulayat land.

The authority of a customary right as per customary law, which is owned by customary law communities in a particular area, is to become the living environment for all citizens in taking helpful natural resources such as land in that area and for survival in social life. It arises based on relationships between birth and spiritual and hereditary and will be maintained among the indigenous peoples in the area concerned.



Regulations regarding village father's land are at the regional level, the realization of which can be seen in a traditional community in Bali's traditional village area. The land is owned communally in a social-religious association based on the Tri Hita Karana principle.

Much of the land is referred to as an island, generally termed village land or village, drawn from several parties, which can be qualified as customary land as in the UUPA, which is also often referred to today as a Traditional Village (Windia, 2006).

Land in Bali has various types, according to Suwastawan, namely consisting of several types, druwe land or village druwe, which is land with ownership or control of a traditional village obtained by purchasing efforts or other businesses. An example is village druwe land. Namely, market land, fields, and sera/grave land are used as a grave/cemetery. What is categorized as temple profit land is clearly included in land owned by the village or controlled by the village and used specifically for the needs of the holy place.

The land included as the village controls PKD island by giving the land to village residents or village karma, which will be used for residence. Meanwhile, land with an AYDS status island controlled by the village is cultivated and handed over to each village community. There is a right to enjoy it and is obliged to provide fathers, such as labor or materials for the traditional village. Whatever is needed is explicitly ownership of temple land/pure profit. It belongs to a traditional village.

According to the provisions of the Ministry of Home Affairs Decree Number SK.556/DJA/1986, dated 24 September 1986, holy places have received recognition as legal entities in religious terms, which can be the subject of land ownership rights. However, traditional villages have not been expressly designated as entities. Law that can be a legal subject for ownership of land. So, with the land as a village drive, it cannot be certified explicitly that ownership belongs to the traditional village.

Regarding land registration, which is currently under the program called PTSL, as has been the issuance of Minister of Agrarian Regulation Number 35 of 2016 regarding the Acceleration of PTSL Implementation, which has revoked Minister of Agrarian Regulation Number 28 of 2015 concerning Acceleration of the National Agrarian Operational Program through Systematic Land Registration with Operational Programs The Agrarian National was unable to fulfill the needs of society at that time with the need for speedy granting of certainties in the legal definition of land with such rights (Rahmat, 2019).

PTSL aims to provide a means for BPN to create a complete picture of a village and become the basis for managing the complete administration of a land database accurately and reliably. Within one year of the ongoing program, BPN must make efforts to cover all plots of land in one location with measurable determination and maintain physical data on the land.

The first target of a registered land based on PTSL is the registration of a plot of land, which includes ownership of indigenous communities, state land, forest areas, and other land areas. The amount realized is appropriate based on budget availability from the APBN in the current year.

The results of the author's interview with a resource person named Ni Luh Purnama Wati, a Judicial Staff Member at the Gianyar Regency Land Office, stated that the objects of PTSL are all land registrations for the main object as well as land that does not yet have a certificate for all objects throughout the territory of the Republic of Indonesia from a village area to other villages.

In an implementation, PTSL objects are divided into 4 (four) clusters, namely: Objects that can potentially be utilized are issued certificates, Objects that are still in dispute are still mapped if there is a binding judge's decision or a new Eintracht a certificate is issued, Objects that cannot be utilized are mapped. Moreover, the object has been registered or has a certificate but has not been mapped.



The stages in a PTSL process are: Proposed determination of the location of the PTSL Village Area, Socialization or counseling is carried out, Collection of physical and juridical data, After the results of the assessment are published in the form of PBT, registration is carried out with a list of 300 entries. Next, the physical and juridical data is announced at the Village Office and the Gianyar Land Office for 14 days. When announcing the absence of a party who has submitted an objection, the process of issuing a certificate with form 208 is carried out.

Interview with a source named Gede Widiastika, JF, Head of Physical Adjudication at BPN Gianyar Regency, stated that in implementing PTSL, the Head of Office delegated his authority and formed an Adjudication Team consisting of a Physical Adjudication Team and a Judicial Adjudication Team.

The Physical Adjudication Team consists of the Chair, Deputy Chair, Members and Secretary, whose duties are collecting physical data, measuring, mapping, making Maps, Land Plots (PBT), and making Measurement Letters. The Juridical Adjudication Team consists of the chairman, Deputy Chairman, Members and Secretary whose duties are to collect juridical data, register the status of rights, hold Adjudication Committee Meetings to check the correctness of physical data and juridical data, Create and announce physical data and juridical data, ratify the Announcement, making and issuing PTSL Certificates carried out by the Chair of the Adjudication Committee on behalf of the Head of the Gianyar Regency Land Office.

In a PTSL process, this is the first time that land registration is carried out simultaneously, consisting of all the objects of land registered, whether there is no registration in the village area or other names at the same level as that right. PTSL has become a program in both central and regional Governments. Land registration is free of charge if the APBN covers the costs. However, if there is no budget, a Regent's Regulation must be issued stating that the burden for land registration will be carried out individually.

The existence of land registration according to the method that has been considered can provide an advantageous result in a relatively short time compared to what has been determined. The public can become aware of the existence of a land registration, which allows many objections to be known immediately.

The systematic land registration program is complete in providing results in the form of a map of land registration. This map contains a consolidated map of registered land areas linked to specific points so that boundary reconstruction can be carried out quickly. Therefore, it can avoid disputes regarding land boundaries that have occurred up to now.

The actions carried out by the Government for the PTSL program are by those regulated in the accelerated implementation of PTSL, namely the Minister of Agrarian Regulation Number 35 of 2016, which has been assessed effectively, where this program has become something that the Government is trying to implement as specifically in BPN. Gianyar Regency so that land registration can be carried out, which will provide rights and obligations in controlling land based on customary rights with AYDS or PKD status so that there can be an acceleration in granting definite laws and legal protection given to land that has the right to the public.

Rights and Obligations for Krama Desa, Who Occupy the Land, Gradually Decrease After the Village Yard Land (Pkd) is Registered. Indigenous communities have spiritual, cultural, social and economic relationships according to their traditional areas. This can cause the relationship between humans and land to create a close relationship and can be used as a place for humans to live and continue life. Viewed from the perspective of customary law, traditions and practices illustrate the causes of interest in the land and account for the traditional preservation of the area for the needs of the next generation (Supriadi, 2006).



UUPA regulations that are not directed at maintaining order and social order function not only as an instrument of social supervision but also develop as a tool in engineering social life to realize the value of legal certainty. They also function to the extent that they can be used to maintain and strengthen a nation's integration into community life with a multicultural pattern (Nazaruddin, 2017).

In practice, much of the land owned by customs in Bali cannot be transferred to private names with the approval of a meeting held by the customary village. In Bali, land ownership is defined as ulayat land.

Joint ownership rights over customary land from a customary law community are of the view of being together with land, which is a gift with ownership that has power; therefore, individual rights with sources originating from land include, among others, customary land such as PKD land, AYDS land with control by individuals is contained in the concept called Tri Hita Karana, namely Perahyangan with the form of Trajan (a sacred place for the family), the embodiment in the form of a house which includes the palemahan concept and the embodiment of each family member who lives there as the concept of pagan with the primary form of a Associations of traditional communities and traditional villages which are currently regulated by awig-awig in all traditional villages.

The land currently controlled is economically beneficial not only for increasing personal welfare but also for its overall importance by being implemented in the form of the Parahyangan concept, which has social and religious dimensions (Traditional villages with Parhyangan, such as the Kahyangan Tiga temple) so that a communal concept that is implemented religiously can be ensured by having the status as customary land owned by individuals who are members of the traditional village.

In a traditional village, there has been no fulfillment that could have the effect of carrying out a conversion of AYDS, which as land is owned by individuals as a whole and AYDS, which is based on following the provisions of land with PKD status with various rights which are required for ceremonies in a religion by originating and producing AYDS land. Called teba, which is a source of necessities with AYDS land, which is a rice field and is a place to carry out activities related to traditional activities that can be carried out on land with AYDS status, which is categorized as nista mandala as a Tri mandala concept.

Based on the provisions of land that have the status of customary ownership rights and land in Indonesia, where the rights are determined by going through a conversion procedure through confirmation of conversion or through rights that have been recognized by fulfilling the principle of publicity, there is an announcement that is used to provide an opportunity for other people who feel the existence of an objection (Mughtar, 2008).

There are facts in community life, one of which is that traditional land in Bali cannot change hands in the name of an individual without approval from the traditional village council (namely, meetings or conferences held by the traditional village community). Ownership of that land in Bali is ulayat land, which means land related to ulayat rights (village rights).

Provisions that each individual in a society has the right to exercise it on the basis determined by the conversion to the UUPA or the existence of rights granted by the state based on statutory regulations. Regarding the existence of rights for individuals related to land and natural resources with provisions in the UUPA specifically for individual rights for indigenous peoples by the provisions of the UUPA which recognizes privileges in the statement that agrarian law applies to earth, water, space, and natural wealth is a customary law. Therefore, the existence of individual





rights among community members in customary law has received recognition and respect under the law.

The position has a close relationship in a community unit under customary law. It is the source of the connection between a view and magical religious properties. It has a magical religious nature, namely the right to control the land for the use of the land by harvesting the growth of living plants and animals.

Customary law communities have rights to land and rights that have given land authority to customary communities, referred to as rights in lordship and customary rights. In customary rights or individual rights as well as ownership rights with recognition of each sectoral regulation in managing natural resources. Each business license has the right to manage natural resources, which is something to recognize despite differences in integrity. Judging from the customary land and land owned by individuals, many Government or private sector development activities are based on the parties' agreement.

The customary land provided, as well as individual land within a customary law community in providing a need, is primarily carried out by deliberations with the customary community and all concerned residents to obtain an agreement on handing over land for the purposes or in the form of compensation.

In this case, it has been based on the existence of a characteristic of an area in Bali which can be seen in the life of Hindu religious people, customs and culture with unification in a harmonious atmosphere that is independent of a role and all components and inheritance from the existence of principles in the unity of traditional communities as far as Before Indonesian independence they were called traditional villages (Nurjaya, 2006).

Individual land that is not in full, including land with PKD, AYDS, Catu land or ownership with proof of implementation with individuals who are like ownership of rights with a hereditary nature, which means village ownership rights which reappear if customary land with ownership is neglected or by revoking both land with PKD and AYDS status.

Each individual will always have a good relationship with the banjar or traditional village, an alliance. In contrast, communal land is communal land, and the traditional village can use it, provide a benefit or regulate its use in the public interest. Until now, a traditional village has not been designated as a legal subject with ownership rights. Traditional villages have land that can be integrated with the territory or weakened, which can be used as a right to control the traditional village.

Let us talk about the right to control something. It cannot be separated from the role of PPAT as PPAT is defined in the Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations. Making Officials are Land Deed Making Officials; from now on, PPAT is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights or ownership rights to apartment units.

The first process that must be carried out is the registration of land objects, which begins with the implementation of data searching and data discovery. This carries out mapping and measuring, which then determines area boundaries and creates the basis for land registration, such as maps, proof of the existence of rights, and bookkeeping. The process ends with issuing a certificate.

Proof of new ownership processed during the Santa requires proof based on the PPAT deed if, in the future, a change made either physically or juridically will carry out data maintenance on registered land. However, if there is a change, the land owner must provide all this information through the land office.



The process begins by making a deed outlining the scope of rights that can be transferred and the burden on the owner. The owner implements it directly before the PPAT within 7 (seven) days of signing the deed. The PPAT deed and supporting documents can be submitted to the Land Office (Pratama, 2010).

Based on the results of interviews conducted by the author with a source named I Gusti Made Wijayana the former Head of the Banjar Jukutpaku Environment, whose address is at Br. Jukutpaku, Singakerta Village, Ubud, Gianyar Regency.

The things done by the Traditional Village to obtain customary land certification include the following: After the letter was given by the Gianyar Regency National Land Agency (BPN), which has been appointed as the Object of Complete Systematic Land Registration (PTSL) for Fiscal Year 2018, the Village Party Adat carried out socialization at the Singakerta Village Office including the certification of Ayahan Desa land (AYDS) and Village Yard Land (PKD) and the Singakerta Traditional Village held a seminar to convey matters related to land certification.

The unique thing about PKD land is that the land that becomes AYDS is in the form of rice fields or agricultural land with an average area of 3,500 m² (three thousand five hundred square meters) as part of PKD and has been certified through PRONA in the name of the owner or control because it was obtained based on a gift. From the King during the Kingdom era, which has been owned and controlled from generation to generation until now and also has the function of carrying out obligations as one of the village fathers or closely related to the three abhyanga or tri abhyanga, namely push temple, village temple and Salem temple which are called ayahan patok and Until now, it has been implemented safely, peacefully and harmoniously.

According to I Ketut Arjana, SH, MH, M.Kn., titling Traditional Village land requires obtaining a letter from the Gianyar Regency District Land Office (BPN). The Singakerta Traditional Village was appointed as the object of Complete Systematic Land Registration (PTSL) in 2017, carried out through Paruman in the Singakerta Traditional Village.

In the implementation of counseling or socialization by the Gianyar Regency Land Office. In the delivery of stages that have been carried out, among others: Collection of physical data and juridical data, Carrying out measurements and mapping, Committee A meeting, and Announcement of physical and juridical data, which is carried out for 14 (fourteen days) Ratification of the Announcement, Issuance of land certificate and costs borne by The Government are IDR 150,000 (one hundred and fifty thousand rupiahs) per plot, and participants will be exempt from fees for the Complete Systematic Land Registration (PTSL) process.

The process in the Complete Systematic Land Registration (PTSL) program continues until a Certificate in the Name of the Traditional Village is issued per fiscal year or every fiscal year.

According to I Putu Suardana, in this case, as the Head of the Traditional Village of Singakerta Village, he stated that after the certification of the traditional village land in the name of this individual, he obtained legal certainty of ownership rights to the land and received beneficial rights to rent out. In contrast, the land could not be transferred because it had previously been regulated and would be confirmed as follows. Closely related to the preservation of land belonging to Traditional Villages. The community still has obligations such as praying at the three heavens (holy places), paying land and building taxes or other obligations related to land and protecting the environment. The rights and obligations of traditional village manners have been regulated in the Awig-Awig of the Singakerta Traditional Village, which must be obeyed and implemented. The existence of the National Agrarian Program through PTSL is considered to be effectively implemented in the Singakerta Traditional Village.



CONCLUSION

Land in Bali has various types, according to Suwastawan, namely consisting of several types, *druwe* land or *village druwe*, which is land with ownership or control of a traditional village obtained by purchasing efforts or other businesses. An example is *village druwe* land. Namely, market land, fields, and *sera*/grave land are used as a grave/cemetery. What is categorized as temple profit land is clearly included in land owned by the village or controlled by the village and used specifically for the needs of the holy place. Regulations regarding village father's land are at a level up to the regional level, the realization of which can be seen in a traditional community in Bali in the traditional village area. The land is owned communally in a social-religious association based on the *Tri Hita Karana* principle. PTSL aims to provide a means for BPN to create a complete picture of a village and become the basis for managing the complete administration of a land database accurately and reliably. Within one year of the ongoing program, BPN must make efforts to cover all plots of land in one location with measurable determination and maintain physical data on the land. In the implementation of the Government, such as BPN, specifically in Gianyar Regency, land registration can be carried out, which will provide rights and obligations in controlling land based on customary rights with AYDS or PKD status so that there can be an acceleration providing legal certainty and providing legal protection. Land rights for the community. Regulations regarding village father's land are at a level up to the regional level, the realization of which can be seen in a traditional community in Bali in the traditional village area. The land is owned communally in a social-religious association based on the *Tri Hita Karana* principle. Land in Bali has various types, according to Suwastawan, namely consisting of several types, *druwe* land or *village druwe*, which is land with ownership or control of a traditional village obtained by purchasing efforts or other businesses.

An example is *village drive* land, which includes market land, fields, and *sera*/grave land used as a graveyard or cemetery. What is categorized as temple profit land is clearly included in land owned by or controlled by the village and used specifically for the needs of the holy place.

In community life, one of them is that customary land in Bali can only change hands in the name of an individual with approval from the customary village council, namely meetings or conferences held by the customary village community. The existence of the position of land is considered very important in customary law, which is the cause of a very close relationship between land and the existence of an alliance that can give rise to a relationship with the nature of what is called religious magic and creates the right to create secure in control and utilization. , Collection of plant products as stated above, regarding the Agrarian Principles Law, which is not capable of protecting law with the right to control and ownership of land in the community, a customary law with a traditional village that has adapted to legal politics with the desire to reflect at the time of its formation as characteristics of customary land tenure. Ownership of land with village yard status, from now on referred to as *village yard* land (PKD), which after the enactment of the UUPA became unclear, is based on national law which is used as a matter which results in the absence of legal entity designation for traditional villages with ownership of property rights to land. Moreover, for the karma of villages that do not fulfill the conditions, there is a prohibition against *awig-awig* in a traditional village when carrying out certificates for PKD land. The rights and obligations of traditional village manners have been regulated in the *Awig-Awig* of the Singakerta Traditional Village, which must be obeyed and implemented. The existence of the National Agrarian Program through PTSL is considered to be effectively implemented in the Singakerta Traditional Village.

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