

Corruption Crimes Complete Systematic Land Registration Program in Indonesia

Corruption Crimes Complete Systematic Land Registration Program in Indonesia

Vani Wirawan¹

Yeni Widowaty²

Abstract: Indonesia until this reform period did not see any significant progress in eradicating corruption, especially the rampant corruption in the land sector which is currently facing the PTSL Program. This study wants to know and develop a more ideal reconstruction of the PTSL corruption eradication law so that *ius constituendum* is found in the eradication of future land sector corruption crimes. This research is a socio-legal research that is descriptive and analytical. This research produces alternative new legal constructions for the eradication of corruption in the future PTSL Program. The construction of the new law is in

-
- 1 Doctor of Law Study Program, Universitas Diponegoro, Kota Semarang, Indonesia. Email: vaniwirawan@students.undip.ac.id
 - 2 Doctor of Law Study Program, Universitas Diponegoro, Kota Semarang, Indonesia. Email: yeniwidowaty@umy.ac.id

the form of external concepts and internal concepts. Some of these ideal concepts are needed in fraud control plan efforts for national strategic land programs, especially PTSL, government steps are also needed to evaluate, update, and change the provisions of the Joint Decree of the Minister of ATR/BPN, Minister of Home Affairs, Minister of Village Development of Disadvantaged Regions and Transmigration Number 25/SKB/V/2017, Number 590-3167A of 2017, Number 34 of 2017 concerning Financing for Preparation of Systematic Land Registration, especially in the substance of the Seventh Dictum.

Keywords: Land Crimes, Corruption, PTSL, Indonesia

Introduction

Corruption that has been rooted so strongly will have the consequence of hampering development in a country. The criminal act of corruption will ultimately greatly harm state finances and the country's economy, where the main impact is the goal of national development to realize a just and prosperous society based on Pancasila and the 1945 NRI Constitution (Hamzah, 2015). In general, this criminal act of corruption not only results in state financial losses (Choobamroong, 1991), but can also have a very broad impact, in the social, legal, economic, security, political, and cultural fields (Riyadi et al., 2020). Corruption is also a criminal act that can damage the democratic values and morality of a nation. Not only that, corruption in addition to tormenting the people, also violates the economic and social rights of the people (Alkostar, 2015).

Indonesia until this reform period did not see any significant progress in eradicating corruption, so in a few

decades, there was a movement of change to a system called Legal Reform that led to the purity of democracy from all elements of law enforcement (Kusumawati et al., 2020). The eradication of corruption always gets greater attention compared to other crimes because it is classified as a special crime and is an extraordinary crime (Hidayat et al., 2020). Corruption is not only in the infrastructure, economic, and legal sectors but also in the land sector (Snape, 1999).

The development of the land sector in Indonesia in recent years has undergone considerable and massive changes, one of which is in the management of land asset legalization or land rights certification to create massive legal certainty of land rights in the form of the Complete Systematic Land Registration Program or more famously often referred to as PTSL, which is part of the National Strategic Program and is also one part of the Program Nawacita Government. If PTSL succeeds, some of the President's Nawacita can be said to be successful, because the success of asset legalization is in Nawacita and implemented with Renstra (Strategic Plan), namely systematic land registration (Setkab, 2018).

This PTSL program is a systematic land registration activity for the first time for lands that have not been registered and also includes measurement and mapping for lands that have been registered in village areas or other names of the same level (ATR/BPN, 2018). This land program aims to realize the provision of legal certainty and legal protection of land rights to realize the welfare of the community as a whole. The underlying background of the holding of the program is that the government still finds that a lot of land rights in Indonesian territory have not been certified and have legal certainty (Istiqamah, 2018).

The implementation of the PTSL Program began in Fiscal Year 2017 simultaneously throughout the territory of

the Republic of Indonesia. PTSL targets 126 million plots of registered and certified land in total by 2025 (T. Aditya et al., 2020). Furthermore, it is detailed in the stage targets of 5 million fields in 2017, 7 million fields in 2018, 9 million fields in 2019, and 10 million annually until 2025 (Mujiburohman, 2018). According to data from the Land Data and Information Center of the Ministry of ATR/BPN in 2017, registered land throughout Indonesia has only reached 50,482,072 plots or 40.07% of the estimated land parcels throughout Indonesia of $\pm 126,000,037$ plots. However, in the course of implementing the PTSL Program, it was disturbed and experienced several realities of criminal acts of corruption. Some of these facts can be seen from 10 (ten) cases of corruption that have been decided and have permanent legal force (*in cracht van gewijsde*) as follows:

- a. ASRI HADIYANTO, based on Decision Number 138/Pid.sus/TPK/2017/PN. Sby.;
- b. SUPRIYONO, based on Decision Number 1/Pid. Sus-TPK/2019/PN. Yyk.;
- c. ABDUL SAID LAGUNI, and SARIPAH AHMAD, based on Decision Number 60/Pid.Sus-TPK/2017/PN. Pal.;
- d. MULYATI, based on Decision Number 43/Pid. SUS-TPK/2018/PN. Ptk.;
- e. MUHAMAD SUBUR, based on Decision Number 09/Pid.Sus/TPK/2019/PN. Sby, and ARIFIN, SH., based on Decision Number 7/Pid.Sus-TPK/2020/PN. Sby.;
- f. ASMANUDIN and SOLEHONO, based on Decision Number 34/Pid.Sus-TPK/2018/PN. Tjk, and DAMIRI, based on Decision Number 35/Pid.Sus-TPK/2018/PN. Tjk.;
- g. MARSUDI, SAMSUDIN, and SUPARNO, based on

- Decision Number 50/Pid.Sus-TPK/2018/PN. Sby.;
- h. ALI SUBHAN, based on Decision Number 68/Pid. Sus-TPK/2018/PN. Smg.;
 - f. BAMBANG HARIYONO, based on Decision Number 80/Pid.Sus/TPK/2019/PN. Sby.; and
 - g. SUNARTO based on Decision Number 2/Pid.Sus-TPK/2019/PN. Smg.

Based on several cases that have permanent legal force above, it states that cases of corruption in the PTSL Program can have various qualifications in the form of Bribery, Extortion (some experts argue the category of *pungli*), Abuse of Office, to Gratification. Although at this time there have been several that have been decided and have permanent legal force, from the cases of corruption crimes in the PTSL Program it is also possible that in the following years, there are still many other cases both in the stages of suspicion, reporting, investigation, and until the investigation of determining suspects. This indicates that in some strategic programs, the land sector is very prone to the emergence of criminal acts of corruption.

Criminal law adheres that an act is considered subject to criminal sanctions if it has committed a crime and violated binding legal norms (Wirawan, 2021), simply meaning that corruption crimes in the PTSL Program occur because they contain elements of *actus reus* and *mens rea*. The collection of financing for strategic land programs in Indonesian territory is not as it should be in accordance with existing laws and regulations, accompanied by intentional perpetrators or malicious intentions in committing criminal acts of corruption in the land sector.

In basic rule in legal research recognize the understanding of *das sollen* (discussing between what should be law as legal fact) and *das sein* (law as fact or what is real).

Connected with the author's description above, it has been found that *das sein* is not in line with *das sollen*, where the desire or ideal of implementing the PTSL Program is smooth, accountable, transparent, and clean but in practice, there are several criminal acts of corruption, and in the end the community is harmed.

Problem Statement

The discussion about the crime of corruption in the land sector, which especially occurs in the PTSL Program, is interesting to be studied and observed because this problem concerns programs held nationally and also concerns the morals, responsibilities and professionalism of many parties. Based on what has been described in the introduction above, the formulation of the main problem can be identified: How to reconstruct the law to eradicate corruption The ideal PTSL program, so that there is no more corruptive behavior in the land sector? Thus, it is expected to find goals and legal development (*ius constituendum*) in efforts to eradicate land corruption in Indonesia in the future, so that corruptive behavior in the land sector will slowly begin to decrease.

Literature Review

The international community provides an understanding of corruption based on the Black Law Dictionary, namely corruption an act done with an intent to give some advantage inconsistent with official duty and and the rights of others. The act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or another person, contrary to duty and the right of others (Garner, 2010). The term corruption

means all kinds of bad deeds (Abraham & Pea, 2020), as Andi Hamzah said as rottenness, ugliness, evil, dishonesty, bribery, immorality, deviation from chastity, insulting or defamatory words or utterances (Hamzah, 1991).

According to Law Number 31 of 1999 concerning the Eradication of Corruption or called UUPTPK, what is included in the criminal act of corruption is any person who is categorized as unlawful, enriching himself, benefiting himself or another person or a corporation, abusing authority or opportunities or facilities available to him because of a position or position that can harm state finances or the state economy (Serbabagus, 2017). There are three elements of corruption, namely unlawfully enriching oneself or others or a corporation that can harm the state or the country's economy (Setiadi, 2018). Perpetrators of corruption are everyone means individuals, corporations, whether in the form of legal entities or not, civil servants, the Armed Forces of the Republic of Indonesia, and the Police (Arief & Muladi, 1992).

Indonesia has enacted a positive law regulating land registration through Article 19 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles often called UUPA. Government Regulation Number 24 of 1997 concerning Land Registration confirms that the government organizes land registration systematically and sporadically (Lestario & Erlina, 2022). To accelerate this systematic land registration program, the government established the PTSL program which was initially regulated by the Regulation of the Minister of ATR/BPN Number 35 of 2016 concerning the Acceleration of Complete Systematic Land Registration. This Ministerial Regulation as stated in the Transitional Chapter Article 19 states that it revokes the National Agrarian Program also often called PRONA (Hisbullah et al., 2019). The latest PTSL regulation is the Regulation of the Minister of

ATR/BPN Number 6 of 2018 concerning Complete Systematic Land Registration.

The target of the PTSL Program land parcels is all land registration objects in one Village area throughout Indonesia (Rahmawati, 2022), so that complete information is obtained on all land parcels, both registered and unregistered (Tanri et al., 2020). Then the target of registration of the land parcel is divided into several Clusters (K) including (Aisyah et al., 2020):

- a. K1 is an unregistered land parcel that meets the requirements for issuance of a Land Rights number;
- b. K2 is a piece of land that cannot be granted the issuance of a Land Rights number because there is a case in the Court;
- c. K3 is a piece of land that has not been registered but cannot be issued a Land Rights number because it does not meet the predetermined conditions; and
- d. K4 is a registered land parcel that has not been mapped in the KKP Application Registration Map.

Community participation is the key to accelerating the implementation of PTSL in the field (H. Y. Wibowo, 2021) so its role has been stated in the Regulation of the Minister of ATR/BPN Number 6 of 2018, namely Article 42 paragraph (1), that the implementation of PTSL can be carried out based on community participation assisted by Land Data Collection Officers. The PTSL Program has also changed its name to Community Participation-Based PTSL abbreviated as PTSL + PM. This shows its progress as a form of expansion in the development of participatory mapping methods, namely the participation of rural communities in providing data, maps, and more complete spatial mapping initiatives (Sutisna, 2019).

Theoretical Framework

This research discusses, studies, and analyzes the reconstruction of the law to eradicate corruption in the PTSL Program (Wirawan, 2020). In the process of results and discussion, the theory is needed as a knife to analyze the problems in this article, so it requires social exchange theory, criminal policy theory, and legal change theory. Social exchange theory is based on the idea that people view peer relationships in an economic context count sacrifices and compare them to the rewards gained by continuing those relationships. Criminal policy theory is the rational attempt of society to prevent crime and hold reactions to crime. The theory of legal change essentially starts from the gap between the conditions that occur in society and their regulation by law.

Some of the theories offered are as a study of the problem of PTSL corruption crimes, the analysis process to the stage of answering the problems to be addressed. As an applied theory, social exchange theory, criminal policy theory, and legal change theory will combine proportionally at the stage of results and discussion, prioritizing qualitative analysis. The initial form will be outlined in outline about criminal acts in general, then lead to narrowing the discussion of problems about PTSL crimes, so that it will answer the problem. The combination of the three theories to the discussion of the problem uses an accumulative analytical system.

Methodology

This research is descriptive and analytical, with a socio-legal approach or socio-legal research method. This research

is a study of law using the approach of law and social sciences (Rahardjo, 2009), which is related to land crimes, especially corruption in the PTSL Program. This research is expected to get an idea of the ideal legal construction for eradicating corruption in the PTSL Program. The data analysis method used in this study is qualitative (Patton, 2014). Qualitative analysis uses literature materials as a source of research data, in the form of primary legal materials, secondary legal materials, and tertiary or non-legal legal materials. Data that have been analyzed qualitatively obtained from literature studies will be analyzed and reviewed. Furthermore, the data is systematized into data analysis compiled in the form of legal writing regarding efforts to resolve corruption crimes in the PTSL Program that can reduce corruptive behavior in the land sector in the future.

Results and Discussion

It is a social fact that corruption cases are cases that can be classified into so-called white-collar crimes (Artello & Albanese, 2020), namely crimes committed by people who have high positions in society and are committed in connection with their duties or work (Edelbacher et al., 2015). The difference between corruption crimes and other crimes only lies in the socioeconomic level or personal education of the perpetrators (Mietzner, 2015). But also in the current era, corruption has spread in the lower circles of society (Soemanto et al., 2014), namely not closing at the upper economic level but also at the lower economy and the education level (Suryadarma, 2012).

Corruption is carried out to benefit oneself or another person or a corporation (Villanueva, 2018), abusing the authority, opportunity, or means available to him because

of a position or position that can harm state finances or the country's economy (Sihombing, 2018), and giving gifts or promises to public servants by remembering the power or authority attached to his position or position (A. Wibowo, 2020). The behavior of corruption is influenced by social exchange theory where in a social relationship there are elements of reward, sacrifice, and mutual benefit (Candra, 2018). This theory explains how humans perceive relationships according to what they perceive themselves into: the balance between what is given to the relationship and what is excluded from the relationship; the type of relationship performed; and the opportunity to have better relationships with others (Umar, 2017).

In general, social relationships consist of society, so individuals and other communities are seen to have behaviors that influence each other in these relationships, which have elements of reward, sacrifice and benefit (Su & Ni, 2021). Reward is everything that is obtained through sacrifice, while sacrifice is all things that are avoided, and profit is reward reduced by sacrifice (Mighfar, 2015). So social behavior consists of the least exchange between two people based on profit-loss calculations (Umar, 2017). For example, patterns of behavior in the workplace or bureaucracy, romance, marriage, and friendship (Adams et al., 2011).

The criminal act of corruption in the PTSL Program is a serious matter that must be considered by the state because there have been many reports and news in various public media that were initially established as social relations as deviant behavior. The mode used in this action is to withdraw or ask for financing beyond what has been stipulated by laws and regulations, namely in the Joint Decree of the Minister of ATR/BPN, Minister of Home Affairs, Minister of Village Development of Disadvantaged Regions and Transmigra-

tion Number 25/SKB/V/2017, Number 590-3167A of 2017, Number 34 of 2017 concerning Financing for Preparation of Systematic Land Registration hereinafter referred to as SKB 3 Minister, several regions in PTSL financing standards are divided including:

- a. Category I (Papua Province, West Papua Province, Maluku Province, North Maluku Province, and East Nusa Tenggara Province) amounting to IDR 450,000.00;
- b. Category II (Riau Islands Province, Bangka Belitung Province, Central Sulawesi Province, North Sulawesi Province, Southeast Sulawesi Province, West Nusa Tenggara Province) amounting to IDR 350,000.00;
- c. Category III (Gorontalo Province, West Sulawesi Province, South Sulawesi Province, Central Kalimantan Province, West Kalimantan Province, North Sumatra Province, Aceh Province, West Sumatra Province, East Kalimantan Province) amounting to IDR 250,000.00;
- d. Category IV (Riau Province, Jambi Province, South Sumatra Province, Lampung Province, Bengkulu Province, South Kalimantan Province) amounting to IDR 200,000.00; and

Category V (Java and Bali) amounting to IDR 150,000.00.

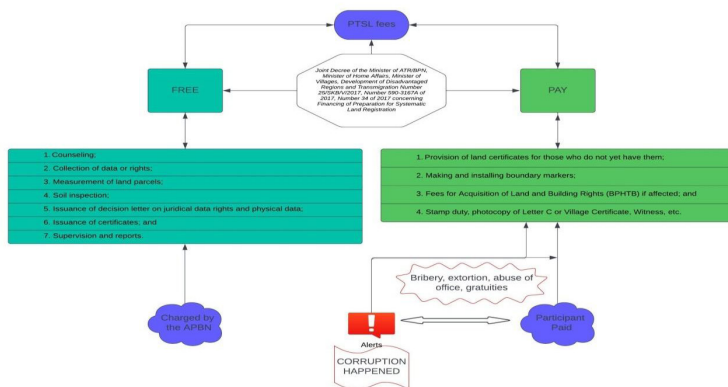
Perpetrators of corruption in the PTSL Program in practice ask for financing more than what has been stipulated by the rules of the Ministerial Decree 3, mentioned above. For example, in the case that ensnared ASRI HADIYANTO, the Head of Kedunglo Village because the defendant withdrew per-field financing for the PTSL Program in the amount of IDR 700,000.00 based on the contents of the verdict: 138/

Pid.sus/TPK/2017/PN Sby even though according to the provisions of the Ministerial Decree 3 for the Java Region (Category V) of IDR 150,000.00. The second is SUPRIYONO, Head of Cangkringan Hamlet because the defendant withdrew per-field financing in the PTSL Program of IDR 900,000.00 based on the contents of the verdict: 1/Pid.Sus-TPK/2019/PN Yyk even though according to the provisions of the Ministerial Decree 3 for the Java Region (Category V) amounting to IDR 150,000.00. The three ABDUL SAID LAGUNI and SARIPAH AHMAD, respectively served as Lurah and Sub-district Secretary in Pagimana Village because the defendant withdrew per-field financing in the PTSL Program amounting to IDR 450,000.00-IDR 550,000.00 based on the contents of the verdict: 60/Pid.Sus-TPK/2017/PN Pal even though by the provisions of the Ministerial Decree 3 for the Central Sulawesi Province (Category II) amounting to IDR 350,000.00. Fourth, MULYATI, the Head of Balai Karangany Village because the defendant withdrew per-field financing in the PTSL Program of IDR 800,000.00 based on the contents of the verdict: 43/Pid.SUS-TPK/2018/PN Ptk even though by the provisions of the Ministerial Decree 3 for the West Kalimantan Region (Category III) of IDR 250,000.00.

Perpetrators of corruption crimes in the PTSL Program can be charged in addition to Law Number 31 of 1999 *juncto* Law Number 20 of 2001, one of which uses the Ministerial Decree 3, and *lex specialis* can also be included with the Regent Regulation which regulates the Charging of Financing for the Preparation of Complete Systematic Land Registration, which has been issued in every district or city government throughout Indonesia. Furthermore, in the understanding of PTSL Program financing, it is not free but cheap, because there are costs that are fully borne by the government and there are some costs that must be borne by the community,

where the costs borne by the community are as stipulated in the Ministerial Decree 3 and regent regulations. Based on these reviews in terms of PTSL preparation financing can be illustrated in the Chart below:

Chart 1.
PTSL Financing Scheme



Source: Ministry of ATR/BPN 2018

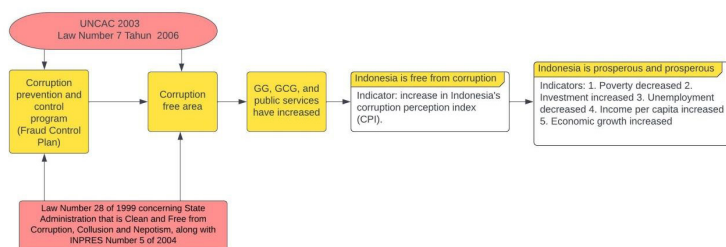
According to Nuridin, as the Head of the Sub-Division of Administration of the Land Office of Sleman Regency explained about PTSL financing that the costs borne by the government include: counseling, juridical data collection, measurement of land parcels, determination of rights/committee A, land registration and issuance of certificates and application forms. Meanwhile, the costs borne by the applicant include land boundary pegs, stamp duty, all management of rights in villages and sub-districts, photocopies of files, and Land and Building Rights Acquisition Duty (BPHTB). Therefore the costs are not all free, some costs must be borne by PTSL participants. However, when compared to regular registration, PTSL is much cheaper (I. Aditya, 2019). In line with what was said by Achmad Fauzan, Head of the Gunung Kidul Regency Land Office that PTSL financing is not purely

free or borne by the government, but there are also costs borne by the applicant and it is sometimes not understood by the community (Herpri, 2018).

Corruption in Indonesia is carried out massively, so it needs systematic handling, especially in the land sector (Aprilianto, 2020). For corruption prevention requires instruments that can strengthen the internal control of government agencies (Tomsa, 2015). A fraud control plan or anti-corruption program is a control development tool specifically and systematically designed to prevent, counteract, and facilitate the disclosure of events indicating corruption to combat systemic corruption with a systematic pattern through specific attributes that are a deepening or strengthening of the governance system of each existing government organization that is influenced by the situation and conditions of each government organization (Utomo, 2008). This program is not repressive but is a combination of preventive and educational. The fraud control plan is built to form an entity that has early detection tools for corruptive actions (Hart, 2001).

The concept of fighting corruption based on the principle of a fraud control plan is to prevent and deter before it occurs, disclose and follow up by applicable regulations (investigative approach), and empower community participation. The implementation of fraud control plans in various government agencies is expected to reduce the level of corruption in Indonesia, preventing corruption more effectively than making repressive efforts against corruption (Kriyantono et al., 2017). The purpose of the fraud control plan itself is to form an entity that has early detection tools for corruptive actions can be seen in the chart below:

Chart 2.
FCP Flow Against Corruption in Indonesia



Source: BPKP 2015

The criminal act of corruption in one of the national strategic programs in the land sector, namely PTSL, requires an approach other than preventive and repressive efforts. In the realm of preventive corruption, it is inseparable from the context of criminal policy theory. Criminal policy talks about a crime policy. That is, there are two means of overcoming crime problems in the context of criminal policy, namely criminal law facilities (penal facilities) in the form of repressive actions and non-criminal law facilities (non-penal facilities) in the form of preventive and educational (Mulyadi, 2011). If crime suppression efforts are carried out preventively, then these efforts are categorized as criminal policies in the broadest sense. That is why the tackling of corruption crimes in Indonesia must be carried out holistically, integrated, and massively, involving all elements including social layers, using legal means outside of criminal law norms (Zaidan, 2016).

Based on the theory put forward by G. Peter Hoefnagels and Barda Nawawi Arief, as well as Mahmud Mulyadi about criminal policy, it can be said that crime reduction policies, especially corruption crimes, can be simplified in two ways, namely penal policies, including the application of criminal law, and non-penal policies, including prevention without

enforcement and influencing public views on crime through mass media, often called prevention by preventive means and accompanied by education (Kenedi, 2017). The establishment of an entity in preventive and educational actions based on criminal policy theory or crime reduction policy aimed at a form of anti-corruption program or fraud control plan for the implementation of PTSL Program.

The policy of forming a further fraud control plan for preventive and educational steps based on criminal political theory is part of the non-penal means taken to prevent corruption (Wirawan, 2020). In particular, the regulation on criminal policies for combating corruption based on the non-penal approach in the UUPTPK can be seen from the substantive policies on asset seizure, revocation of certain rights, payment of substitute money, and temporary suspension of operational activities of a company. Substantive policies in Article 17, Article 18 paragraph (1), and Article 19 of the Law are addressed to the person (in persona), not to his assets as well as the character of the criminal forfeiture (Sinaga, 2016).

The law can carry out its functions as the law must be able to run as mentioned above and can run as expected (Yanto, 2020), then the law must not be static, but must always be dynamic (Wirawan, 2023), and changes must always be made in line with the development of the times and the dynamics of community life (Lathif, 2017). Therefore, it is necessary to update or change laws and regulations. In the theory of legal change, Thomas C. Dienes suggests that there is an opinion that considers that formal legal changes will cause the involvement of the bodies that drive the change, especially the legislature and the judiciary (Ridwan, 2016).

The law can carry out its functions as the law must be able to run as mentioned above and can run as expected, then the law must not be static, but must always be dynamic, and

changes must always be made in line with the development of the times and the dynamics of community life (Lathif, 2017). Therefore, it is necessary to update or change laws and regulations. In the theory of legal change, Thomas C. Dienes suggests that there is an opinion that considers that formal legal changes will cause the involvement of the bodies that drive the change, especially the legislature and the judiciary (Ridwan, 2016).

Based on the theory of legal changes about changes in legislation (Wirawan et al., 2023), it is necessary to be taken seriously by the government against the need for several provisions related to the implementation of PTSL. Some of the regulations in question are especially the Joint Decree of the Minister of ATR/BPN, Minister of Home Affairs, Minister of Village Development of Disadvantaged Regions and Transmigration Number 25/SKB/V/2017, Number 590-3167A of 2017, Number 34 of 2017 concerning Financing for Preparation of Systematic Land Registration, where this regulation indicates that there is a lack of fairness in determining the amount of financing in several regions.

The lack of fairness in the regulation in the ministerial decree 3 can be seen in terms of PTSL financing contained in the Seventh Dictum, the number of costs in the regulation there is no clarity on details regarding the amount of allocation, but is determined based on accumulation. In general, the amount of costs is allocated according to the First Dictum, namely: for the cost of document preparation activities; stake and stamp procurement activities; and officers' operational activities. However, in practice there are differences in the amount of costs borne to complete the implementation of PTSL in several regions, this results in indications of criminal acts of corruption, and the results as in the discussion of the previous paragraph have been at the court stage and have

permanent legal force (*in cracht van gewijsde*). This statement is also inseparable because one of the causes of PTSL corruption is in the form of deliberate and/or desire driven by need.

Further arrangements regarding the lack or difference in the amount of PTSL financing in each province have been issued several Regent Regulations on Charging/Financing Standards for Preparation of Complete Systematic Land Registration by the regent/mayor, the essence of which is if the needs determined by laws and regulations are insufficient due to, among others: the need for additional land boundary pegs and stamp duty; shopping for office stationery; eating and drinking during the implementation of the PTSL Program; transportation from the village to the location of PTSL objects and vice versa whose amount does not exceed the applicable price standards for goods and services; and overtime pay during the implementation of the PTSL Program, which is needed more, the number of costs can be increased according to the results of the deliberation agreement of the PTSL applicant community group.

The existence of a cost determination that should see and study the situation in the field in depth again according to the above opinion is expected to rebuild, evaluate, and harmonize the laws and regulations regarding the implementation of PTSL, especially the substance of the Seventh Dictum of the Ministerial Decree 3. It is hoped that the application of the provisions of fair laws and regulations will not only be applied to PTSL but also to the provisions of other strategic land programs in the future. The ideal concept of corruption prevention is needed with the application of fraud control plans in the future to the implementation of national strategic land programs, especially the PTSL Program, with several concepts applied, including:

- a. External Concept, namely the concept of external

support needed for fraud control plan for the implementation of PTSL in the future by strengthening legal socialization and supervision from BPN and Local Government on PTSL activities; support of PTSL rules that are pro to the community; establishment of the legal basis of PTSL in terms of financing close to field conditions; there is a firmness in the substance of Perbub's provisions on PTSL financing relating to deliberation and agreement in collecting fees; and providing opportunities for the community to participate in supervising the implementation of PTSL; and

- b. Internal Concept, namely the supporting concept from within that is needed for fraud control plan for the implementation of PTSL in the future with transparency in the use of fees to PTSL participants; determination of costs based on agreements and deliberations with confirmed PTSL participants with the authorities (*Saber Pungli* Team, Police, and Prosecutor's Office); providing legal education to the PTSL committee in collaboration with the Law College; strengthening integrity and honesty for the PTSL implementing committee; strengthening coaching of persons, both BPN people and PTSL committee persons; the establishment of clean, honest, and fair PTSL organizers; enforcement of an integrity pact for the PTSL committee; and swearing in the PTSL committee before carrying out activities so as not to commit corruption.

Based on these ideal concepts, in addition to the prevention of corruption crimes supported by the fraud control plan, of course, in the future there is also a need for orderly land administration and legal order. Orderly land adminis-

tration is the result of efforts to expedite every effort from the community that concerns land, especially with development that requires sources of information for landowners as resources, money, and capital. Creating an atmosphere of service in the land sector so that it is smooth, orderly, cheap, fast, and straightforward based on fair and equitable public services.

In the future, it is hoped that the realization of public services and preventing maladministration in the implementation of PTSL are: first, it is necessary to encourage the Land Office in the District/City and Local Government to socialize and evaluate the Ministerial Decree 3 related to financing for the preparation of systematic land registration; second, the Land Office and the District/City Inspectorate assist in providing understanding of laws and regulations related to PTSL in villages/sub-district; third, the head of the village/sub-district to consult with the Legal Section in the local government or with the local District Attorney's Office. With this prevention of maladministration, the prevention of criminal acts in the implementation of PTSL is expected to reduce corruption in the land sector.

Ending the culture of corruption can only be realized by upholding a culture of ethics and integrity, and making the law the commander-in-chief. Corruption must not be protected, because the more protected it is, the more it becomes a permanent culture with eternal strength (Dwiputrianti, 2009). As long as the culture of ethics and integrity is not strong in the nation and state, all efforts to eradicate corruption will be in vain. Every citizen is obliged to contribute to stopping the culture of corruption. In addition, it is necessary for the integrity and consistency of the government together with all high and highest institutions of the state to build systems, governance, and policies that make corruption powerless. Eliminating the culture of corruption

must be done by building a mindset, that office is a tool for the service of integrity, and not as a tool for profit (Maison-dra, 2022).

Conclusion and Recommendation

Legal reconstruction must be carried out towards the eradication of corruption in the PTSL Program as a repressive and preventive effort in the land sector. The idea of legal reconstruction is in the form of the application of external concepts and internal concepts. External concepts include: strengthening legal socialization and supervision from BPN and Regional Governments on PTSL activities; support of PTSL rules that favor the community; establishment of the legal basis of PTSL in terms of financing close to field conditions; there is a firmness in the substance of Perbub's provisions on PTSL financing relating to deliberation and agreement in collecting fees; and providing opportunities for the community to participate in supervising the implementation of PTSL. The internal concept is: transparency in the use of fees for PTSL participants; determination of costs based on agreements and deliberations with confirmed PTSL participants with the authorities (Saber Pungli Team, Police, and Prosecutor's Office); providing legal education to the PTSL committee in collaboration with the Law College; strengthening integrity and honesty for the PTSL implementing committee; strengthening coaching of persons, both BPN people and PTSL committee persons; the establishment of clean, honest, and fair PTSL organizers; enforcement of an integrity pact for the PTSL committee; and swearing in the PTSL committee before carrying out activities so as not to commit corruption. These external concepts and internal concepts are needed in the efforts of the anti-corruption

program (fraud control plan) towards the implementation of the national strategic land program, especially PTSL in the future, government steps are also needed, namely to evaluate, update, and/or change the provisions of the Ministerial Decree 3, especially in the substance of the Seventh Dictum, and its implementing regulations, namely the Regent Regulation on Financing Standards for Preparation of Systematic Land Registration Complete that has been published in each district/city.

Conflict of Interest

The authors declare that there is no conflict of interest.

Acknowledgments

Special thanks to Allah Subhanahu wa ta'ala and Rasulullah Shollallah alaihi wasallam, writer's father and mother, children and wife, author supervisor Prof. Dr. Yeni Widowaty, S.H., M.Hum.

References

- Abraham, J., & Pea, A. G. (2020). Can proneness to moral emotions detect corruption? The mediating role of ethical judgment based on unified ethics. *Kasetsart Journal of Social Sciences, Volume 41*(1), 152-159. <https://doi.org/10.1016/j.kjss.2018.07.013>
- Adams, C., Procter, M., & Rowe, M. (2011). Bureaucracy, Corruption, and Accountability in Historical Perspective. *International Journal of Public Administration, Volume 34*(11), 697-700. <https://doi.org/10.1080/01900692.2011.598260>

Aditya, I. (2019). *Kantor Pertanahan Sleman Targetkan 30 Ribu Bidang*. <https://www.krjogja.com/Berita-Lokal/Diy/Sleman/Kantor-Pertanahan-Sleman-Targetkan-30-Ribu-Bidang/>.

Aditya, T., Unger, E. M., Berg, C. vd, Bennett, R., Saers, P., Syahid, H. L., Erwan, D., Wits, T., Widjajanti, N., Santosa, P. B., Atunggal, D., Hanafi, I., & Sutejo, D. (2020). Participatory Land Administration in Indonesia: Quality and Usability Assessment. *Land, Volume 9*(3), 1-27. <https://doi.org/10.3390/land9030079>

Aisyah, Susmiyati, H. R., & Al-Hidayah, R. (2020). Implementasi Asas Sederhana Pendaftaran Tanah Sistematis Lengkap dalam Menjamin Hak Keperdataan. *Petitung, Volume 8*(2), 131-142. <https://doi.org/10.36090/jh.v8i2.813>

Alkostar, A. (2015). *Korupsi Politik di Negara Modern*. FH UII Press.

Aprilianto, R. (2020). Penyidikan Operasi Tangkap Tangan Pungutan Liar Pendaftaran Tanah. *Jurnal Ilmu Kepolisian, Volume 14*(1), 49-64. <https://doi.org/10.35879/jik.v14i1.204>

Arief, B. N., & Muladi. (1992). *Bunga Rampai Hukum Pidana*. Alumni.

Artello, K., & Albanese, J. S. (2020). Rising to the surface: The detection of public corruption. *Criminology, Criminal Justice, Law and Society, Volume 21*(1), 74-89. <https://doi.org/10.21428/cb6ab371.a9269513>

ATR/BPN, P. (2018). *Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 6 Tahun 2018 tentang Pendaftaran Tanah Sistematis Lengkap*.

Candra, T. (2018). *Korupsi dan Pertukaran Sosial di Indonesia*. <https://www.sanglah-institute.org/2018/09/Korupsi-Dan-Pertukaran-Sosial-Di.Html>.

Choobamroong, A. (1991). Corruption Control: A Comparison between Thailand and Sweden. *Kasetsart Journal of Social Sciences, Volume 12*(1), 1-9.

Dwiputrianti, S. (2009). Memahami Strategi Pemberantasan Korupsi Di Indonesia. *Jurnal Ilmu Administrasi: Media Pengembangan Ilmu Dan Praktek Administrasi, Volum 6*(3), 256-281. <https://doi.org/10.31113/jia.v6i3.364>

Edelbacher, M., Kratcoski, P. C., & Dobovsek, B. (2015). *Corruption, Fraud, Organized Crime, and the Shadow Economy*. Routledge Taylor. <https://doi.org/10.1201/b19415>

Garner, B. A. (2010). *Black's Law Dictionary, Abridged*. West, a Thomson Reuters Business.

Hamzah, A. (1991). *Korupsi Di Indonesia*. Sinar Grafika.

Hamzah, A. (2015). *Pemberantasan Korupsi: Melalui Hukum Pdana Nasional dan Internasional*. Raja Grafindo Persada.

Hart, N. H. (2001). Anti-Corruption Strategies In Indonesia. *Bulletin of Indonesian Economic Studies, Volume 37*(1), 65-82. <https://doi.org/10.1080/000749101300046519>

Herpri. (2018). *Biaya PTSL Tak Saklek Rp 150 Ribu Per Bidang*. <https://Radarjogja.Co.Id/Breaking-News/2018/05/14/Biaya-Ptsl-Tak-Saklek-Rp-150-Ribu-per-Bidang/>.

Hidayat, S. N., Karjoko, L., & Hermawan, S. (2020). Discourse on Legal Expression in Arrangements of Corruption Eradication in Indonesia. *Journal of Indonesian Legal Studies, Volume 5*(2), 391-418. <https://doi.org/10.15294/jils.v5i2.40670>

Hisbullah, R. W., Patittingi, F., & Arisaputra, M. I. (2019). Asas Publisitas Pada Pelaksanaan Program Nasional Agraria Dalam Rangka Mewujudkan Efektivitas Pelayanan Publik. *Al-Azhar Islamic Law Review, Volume 1*(1), 48-63. <https://doi.org/10.37146/.v1i1.8>

- Istiqamah. (2018). Tinjauan Hukum Legalisasi Aset Melalui Pendaftaran Tanah Sistematis Lengkap (PTSL) Terhadap Kepemilikan Tanah. *Jurisprudentie, Volume 5*(1), 226-235. <https://doi.org/10.24252/jurisprudentie.v5i2.5814>
- Kenedi, J. (2017). Criminal Policy dalam Negara Hukum Indonesia: Upaya Mensejahterakan Masyarakat. *AL-IMARAH: Jurnal Pemerintahan Dan Politik Islam, Volume 2*(1), 15-26. <https://doi.org/10.29300/imr.v2i1.1026>
- Kriyantono, R., Destrity, N. A., Amrullah, A. A., & Rakhmawati, F. Y. (2017). Management of Public Relations for Supporting the Anti-corruption National Program in Indonesia. *International Journal of Applied Business and Economic Research, Volume 15*(20), 293-303.
- Kusumawati, I., Supriyono, Atmadja, I. S., Hasanah, E., & Cahyati, S. (2020). The Role of Law Enforcement Agencies in the Effort of Corruption Prevention and Eradication in the Perspective of Progressive Law in Indonesia. *International Journal of Psychosocial Rehabilitation, Volume 24*(3), 2492-2501. <https://doi.org/10.37200/V24I3/17501>
- Lathif, N. (2017). Teori Hukum Sebagai Sarana Alat Untuk Memperbaharui atau Merekayasa Masyarakat. *Pakuan Law Review, Volume 3*(1), 73-94. <https://doi.org/10.33751/palar.v3i1.402>
- Lestario, A., & Erlina. (2022). Sistem Pendaftaran Tanah yang memberikan Perlindungan Hukum Bagi Pemegang Sertifikat Hak atas Tanah di Indonesia. *Notary Law Journal, Volume 1*(1), 1-30. <https://doi.org/10.32801/nolaj.v1i1.1>
- Maisondra. (2022). *Semangat Aparatur Melawan Korupsi (Seri Manajemen Sumber Daya Manusia Aparatur)* (Cet. I). Rtujuh Mediaprinting.

- Mietzner, M. (2015). Dysfunction by Design: Political Finance and Corruption in Indonesia. *Critical Asian Studies*, Volume 47(4), 587-610. <https://doi.org/10.1080/14672715.2015.1079991>
- Mighfar, S. (2015). Social Exchange Theory: Telaah Konsep George C. Homans Tentang Teori Pertukaran Sosial. *Jurnal Lisan Al Hal*, Volume 9(2), 261-185. <https://doi.org/10.35316/lisanalhal.v9i2.98>
- Mujiburohman, D. A. (2018). Potensi Permasalahan Pendaftaran Tanah Sistematis Lengkap (PTSL). *Jurnal Agraria Dan Pertanahan*, Volume 4(1), 88-101. <https://doi.org/10.31292/jb.v4i1.217>
- Mulyadi, M. (2011). Penanggulangan Tindak Pidana Korupsi dalam Perspektif Criminal Policy. *Jurnal Legislasi Indonesia*, Volume 8(2), 217-238. <https://doi.org/10.54629/jli.v8i2.356>
- Patton, M. Q. (2014). *Qualitative Research & Evaluation Methods Integrating Theory and Practice*. Sage Publication, Inc.
- Rahardjo, S. (2009). *Lapisan-lapisan dalam Studi Hukum*. Bayumedia Publishing.
- Rahmawati, N. (2022). Pendaftaran Tanah Berbasis Desa Lengkap. *Tunas Agraria*, Volume 5(2), 127-141. <https://doi.org/10.31292/jta.v5i2.177>
- Ridwan. (2016). Hukum dan Perubahan Sosial: (Perdebatan Dua Kutub antara Hukum Sebagai Social Control dan Hukum Sebagai Social Enginnering). *Jurisprudence*, Volume 6(1), 28-39. <https://doi.org/10.23917/jurisprudence.v6i1.2993>
- Riyadi, B. S., Wibowo, B. R., & Susanti, V. (2020). Culture of Corruption Politicians' Behavior in Parliament and State Official During Reform Government Indonesia (Ge-

nealogical Study). *International Journal of Criminology and Sociology*, Volume 9, 52-62. <https://doi.org/10.6000/1929-4409.2020.09.06>

Serbabagus, S. (2017). Unsur Dapat Merugikan Keuangan Negara Atau Perekonomian Negara Pada Pertanggungjawaban Tindak Pidana Korupsi. *Lex Journal: Kajian Hukum & Keadilan*, Volume 1(1), 1-25. <https://doi.org/10.25139/lex.v1i1.239>

Setiadi, W. (2018). Korupsi Di Indonesia Penyebab, Hambatan, Solusi dan Regulasi. *Jurnal Legislasi Indonesia*, Volume 15(3), 249-262. <https://doi.org/10.54629/jli.v15i3.234>

Setkab. (2018). Kementerian ATR/BPN: Jika PTSL Berhasil, Sebagian Nawacita Bisa Dibilang Berhasil Read more: <https://setkab.go.id/kementerian-atrbpn-jika-ptsl-berhasil-sebagian-nawacita-bisa-dibilang-berhasil/>. <https://Setkab.Go.Id/Kementerian-Atrbpn-Jika-Ptsl-Berhasil-Sebagian-Nawacita-Bisa-Dibilang-Berhasil/>.

Sihombing, S. O. (2018). Youth perceptions toward corruption and integrity: Indonesian context. *Kasetsart Journal of Social Sciences*, Volume 39(2), 299-304. <https://doi.org/10.1016/j.kjss.2018.03.004>

Sinaga, J. (2016). Kebijakan Penegakan Hukum Dalam Tindak Pidana Korupsi Berdasarkan Pendekatan Non Penal Dalam Rangka Perlindungan Hukum Terhadap Korban. In *Disertasi Doktor Ilmu Hukum Program Pascasarjana Fakultas Hukum Universitas Sumatera Utara* (pp. 441-442.). USU.

Snape, F. R. (1999). Corruption, collusion and nepotism in Indonesia. *Third World Quality*, Volume 20(3), 589-602. <https://doi.org/10.1080/01436599913703>

Soemanto, R., Sudarto, & Sudarsana. (2014). Pemahaman Masyarakat Tentang Korupsi. *Yustisia Jurnal Hukum*, Volume

- 3(1), 80-88. <https://doi.org/10.20961/yustisia.v3i1.10124>
- Su, X., & Ni, X. (2021). Corruption in social relations: Bribe-taking, corruptibility, and corruption risks. *Public Administration*, 1-19. <https://doi.org/10.1111/padm.12795>
- Suryadarma, D. (2012). How corruption diminishes the effectiveness of public spending on education in Indonesia. *Bulletin of Indonesian Economic Studies*, Volume 48(1), 85-100. <https://doi.org/10.1080/00074918.2012.654485>
- Sutisna, S. (2019). *Posisi Pemetaan Partisipatif Dalam Program PTSL Berbasis Partisipasi Masyarakat*. <https://Jkpp.Org/Posisi-Pemetaan-Partisipatif-Dalam-Program-Ptsl/>.
- Tanri, A., Turisno, B. E., & Prabandari, A. P. (2020). Kepastian Hukum Hak Atas Tanah Melalui Pendaftaran Tanah Sistematis Lengkap. *Notarius*, Volume 13(2), 777-787. <https://doi.org/10.14710/nts.v13i2.31166>
- Tomsa, D. (2015). Local Politics and Corruption in Indonesia's Outer Islands. *Bijdragen Tot de Taal*, Volume 171(2), 196-219. <https://doi.org/10.1163/22134379-17101005>
- Umar. (2017). Pendekatan Social Exchange Perspektif George C. Homans. *Tajdid: Jurnal Pemikiran Keislaman Dan Kemanusiaan*, Volume 1(1), 97-111. <https://doi.org/10.52266/tajdid.v1i1.5>
- Utomo, W. (2008). Fraud Control Plan: Sebuah Solusi. *Paraikatte*, Volume 1(3), 6-7.
- Villanueva, P. A. G. (2018). Institutional change , corruption and e-government transformation in the Philippines : The Benigno Simeon Aquino III administration. *Kasetsart Journal of Social Sciences*, 39(3), 463-471. <https://doi.org/10.1016/j.kjss.2018.07.015>
- Wibowo, A. (2020). Penentuan Kriteria Unsur Penyalahgu-

naan Wewenang Dalam Perkara Tindak Pidana Korupsi (Studi Putusan Pengadilan). *Jurnal Yuridis*, Volume 7(1), 120-148. <https://doi.org/10.35586/jjur.v7i1.1025>

Wibowo, H. Y. (2021). Critical Review Pendaftaran Tanah Sistematis Di Indonesia Sampai Tahun 2024. *Elipsoida : Jurnal Geodesi Dan Geomatika*, Volume 4(2), 65-72. <https://doi.org/10.14710/elipsoida.2021.15156>

Wirawan, V. (2020). Tindak Pidana Korupsi Dalam Bidang Pertanahan Di Indonesia (Suatu Kajian Kritis Terhadap Program Pendaftaran Tanah Sistematis Lengkap). *Tesis Pada Program Magister Ilmu Hukum, Universitas Muhammadiyah Yogyakarta*.

Wirawan, V. (2021). Tindak Pidana Perpajakan dalam Pembuatan dan Pendaftaran Surat Keterangan Waris. *Jurnal Ilmiah Kebijakan Hukum*, Volume 15(3), 489-508. <https://doi.org/10.30641/kebijakan.2021.V15.489-508>

Wirawan, V. (2023). Agrarian Development in Indonesia: Post-Reformation Legal and Sociological Perspectives. *Journal of Advanced Zoology*, Volume 44(3), 635-642. <https://doi.org/10.17762/jaz.v44i3.959>

Wirawan, V., Yusriyadi, Silviana, A., & Widowaty, Y. (2023). Political Reform of Land Mafia Prevention Law in Indonesia. *Russian Law Journal*, Volume 11(5s), 482-487. <https://doi.org/10.52783/rlj.v11i5s.967>

Yanto, O. (2020). *Negara Hukum: Kepastian, Keadilan Dan Kemanfaatan Hukum (Dalam Sistem Peradilan Pidana Indonesia)* (Cet. I). Pustaka Reka Cipta.

Zaidan, M. A. (2016). *Kebijakan Kriminal*. Sinar Grafika.

Recebido em: 23/02/2024
Aprovado em: 23/08/2025

Vani Wirawan

E-mail: vaniwirawan@students.undip.ac.id

Yeni Widowaty

E-mail: yeniwidowaty@umy.ac.id

