The Meaning of Strengthening Licensed Surveyor in the Regulation Minister of Agrarian Affairs and Spatial Planning Number 9 of 2021

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Abstract. One of the legal certainties guaranteed through land registration activities in Indonesia is legal certainty regarding the physical data of land parcels. Legal certainty regarding the physical data of land parcels, including certainty about the location or position, boundaries, and area. Legal certainty regarding the physical data of these land parcels is fulfilled through activities in the technical field of geodesy. This paper proves that legal certainty regarding physical data is first carried out by measuring and mapping land parcels. Accuracy of land parcel data from the aspect of area, shape and position, and accuracy in land use aspects is the core of measurement and mapping activities. Second, strengthening licensed surveyors in the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 9 of 2021 includes strengthening policies, institutions, financing, and human resources. Ministerial Regulation ATR / KBPN Number 9 of 2021 has regulated new things compared to the previously licensed surveyor regulations. However, the licensed surveyors have not been given the official public position as has been granted to the Land Deed Authorization Officer (PPAT).

Keywords: licensed surveyor, measurement, mapping, land registration.

1 Introduction

Land registration as stipulated in the Agrarian Law Number 5 of 1960 which has been going on since 1961 has not realized full legal certainty for holders of land rights. The low legal certainty is partly due to the coverage of the land base map which is only 49.05 per cent, the coverage of digitally certified land parcels is 20.91 percent. In 2024, the Government of Indonesia has a target of the digitized certified land area of 52,120,000 hectares from the 2019 baseline of 13,777,508 hectares [1]. The Indonesian Government also has a target that all land parcels in all parts of Indonesia by 2025 have been registered. The Government has carried out various programs to accelerate land registration to achieve this target, including the Land Administration Project, Land Management and Policy Development, Larasita, and the National Agrarian Project. In fact, since 2017 the Government has held a complete systematic land registration (PTSL). Through PTSL, the Government has a target of 126 million land parcels to be certified, which will be achieved in 2017 as many as 5 million fields, in 2018 as 7 million fields, in 2019 as many as 9 million fields, and from 2020 to 2025 each year as many as 10 million fields. [2]

In order to accelerate PTSL, several efforts have been made, namely involving the private sector in the process of measuring and mapping land parcels, overcoming the shortage of measuring officers at the Ministry of ATR/BPN, involving private companies in corporate social responsibility programs, shortening the announcement period from 1 month to 14 days, and providing the BPHTB mechanism is owed to low-income people and issued a joint decree with the minister regarding the costs of preparing PTSL [3]. The lack of staff for measuring and mapping government land parcels is a significant obstacle to the implementation of PTSL. If the measurement and mapping of land parcels only uses government measurement and mapping officers, the target for the number of registered land parcels cannot be realized. The effort taken to meet the needs of measurement and mapping officers is to utilize existing human resources in the field of measurement and mapping in the community, better known as licensed surveyors. Licensed surveyors are non-government or private measurement and mapping officers. Until

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2017, the number of licensed surveyors in Indonesia was 2,723 people consisting of 296 Cadastral Surveyors and 2,427 Assistant Cadastral Surveyors [4]

The existence of Licensed Surveyors in Indonesia has been regulated in several laws and regulations, which for the first time were regulated by Regulation of the Minister of Agrarian Affairs/Head of National Land Agency Number 2 of 1998 and currently regulated by Regulation of the Minister of Agrarian and Spatial Planning/Head of National Land Agency Number 9 2021 (Minister of ATR/KBPN Regulation No. 9 of 2021). One of the considerations for the establishment of the Ministerial Regulation of ATR/KBPN No. 9 of 2021 is to strengthen policies, institutions, financing, and resources for licensed surveyors. This paper aims to reveal the meaning of strengthening policies, institutions, financing, and licensed surveyor resources in Ministerial Regulation of ATR/KBPN No. 9 of 2021. The meaning of strengthening licensed surveyors is essential and needs to be revealed because on the one hand the existence of licensed surveyors is needed in the implementation of land registration but on the other hand their position and role are not maximized. The need for strengthening policies, institutions, financing, and resources for licensed surveyors has actually been regulated in Ministerial Regulation of ATR/KBPN No. 33 of 2016 which has been amended by Regulation of the Minister of ATR/KBPN No. 11 of 2017. The meaning of strengthening licensed surveyors is revealed through an analysis of the laws and regulations governing land registration and licensed surveyors. In addition, it is also carried out through a literature review and research results written in various journals. Analysis of laws and regulations, literature and journals was conducted to find the policy basis for the involvement of licensed surveyors in land registration activities, institutional development, financing, and human resource development. This paper is structured as follows, first a brief description of land registration in Indonesia. Second, human resources in the field of measurement and mapping are described. Third, the involvement and role of licensed surveyors in land registration. Fourth, aspects of strengthening licensed surveyors.

2 Land Registration in Indonesia: A Brief Description

The Government holds land registration in Indonesia in order to guarantee legal certainty. Land registration is regulated in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) and Government Regulation Number 24 of 1997 concerning Land Registration and its implementing regulations. Land registration is a series of activities carried out by the Government continuously and regularly, including the collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists regarding land parcels and housing units. Flats, including the provision of proof of title for parcels of land that already have rights and ownership rights to flat units as well as certain rights that encumber them.

Land registration as regulated in Article 19 paragraph (1) of the LoGA is a r*echtskadastral* land registration that aims to ensure legal certainty. Through land registration, the right holder obtains legal certainty guarantees, can easily prove that he is entitled to a plot of land, with certain rights, location, boundaries and area as stated in the certificate of title. The guarantee of legal certainty in land registration is carried out for land registration for the first time and in land registration data maintenance activities. Land registration was first referred to as a static model, while the maintenance of land registration data, both physical and juridical data, was referred to as a dynamic model. In the static model there are 3 (three) entities that must be ensured, namely persons, rights and parcels, while in the dynamic model 3 (three) essential elements are adjudication, transfer of rights, and division of land parcels. In the dynamic model, changes can occur to the holder of land rights due to the transfer or transfer of rights, and there can also be changes to the physical data of the land parcels due to the splitting or merging of land parcels.[5]

Based on Government Regulation Number 24 of 1997, legal certainty in land registration includes physical data and juridical data on land parcels. Physical data is a description of the location, boundaries, and area of the plot of land including the building or part of the building on it, while the juridical data is a description of the legal status of the land parcel, its rights holders and other parties and the burden that burdens them. Certainty about physical data and juridical data is important to fulfill the principle of specialization in land registration that objects, subjects, and the legal relationship between subjects and objects are identified or specific.

Certainty on physical data and juridical data on land parcels is obtained through geodetic technical activities, legal, technical fields, and administrative activities. [6] Geodetic technical activities are measurement and mapping activities. Legal technical activities are related to activities to obtain data regarding the types of rights, rights holders, the presence or absence of rights of other parties and the burden on the land. Administrative activities are related to the issuance of lists or documents including proof of rights. The certainty of physical data can be obtained through measurements and mapping that are carried out carefully and carefully. Measurement is the process of ascertaining the location and boundaries of plots of land in one or several villages/kelurahan or parts of villages or wards. At the same time, mapping is an activity of data processing and describing the results of measurements of plots of land with a particular method on certain media so that the location and size of the plots can be known from the media where the plot of land was mapped. Specific methods in question are terrestrial methods, photogrammetric, satellite observations, and a combination of the three methods.[7]

3 Human Resources in the Field of Land Measurement and Mapping

Human resources in the field of measurement and mapping of land parcels can be seen from the provisions governing the implementation of land registration. Based on Article 8 of Government Regulation Number 24 of 1997, in the implementation of systematic land registration, the Head of the Land Office is assisted by the Adjudication Committee. In carrying out its duties, the Adjudication Committee is assisted by 3 (three) task forces, namely the measurement and mapping task force, the juridical data collection task force, and the administrative task force. The measurement and mapping task force, based on Article 54 of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997, has 7 (seven) tasks: a) Determine the boundaries of land parcels in terms of the task force measuring and Mapping is an employee of the National Land Agency, b) Carrying out measurements of land parcel boundaries, c) Making measuring drawings, d) Making maps of land parcels, e) Making land registers, f) Making registration maps, g) Making survey letters. The measurement and mapping task force consists of several measuring officers and assisted by several assistant measuring officers in carrying out their duties. The juridical data collection task force has the task of: a) inspecting land parcels and determining their boundaries, b) making sketches (rough drawings) of land parcels if there is no map of the land parcels available, c) conducting land history investigations and withdraw the original land ownership or control documents and provide receipts, d) make a list of land parcels that have been adjudicated, e) make reports on the implementation of work every week, f) prepare announcements on juridical data, g) inventory objections objections and their resolutions, h) prepare data for the preparation of a checklist and examination of certificates. The administrative task force has the task of: a) carrying out typing, document duplicating, receiving general letters and giving receipts and other administrative work, b) preparing reports to the Land Office, Regional Office and other work units deemed necessary, c) managing office stationery, d) preparing attendance lists, e) managing the household of the Adjudication Committee, f) making reports on the results of the Adjudication Committee meetings, g) preparing reports on the results of activities regularly, h) making evaluations for reports on the results of activities regularly.

Measurement and mapping activities are the initial stage in the land registration process. Measurement and mapping are two different but related activities. Measurement is the process of ascertaining the location and boundaries of land parcels in one or several villages or parts of the village. At the same time, mapping is an activity of data processing and describing the results of measurements of land parcels with a specific method on certain media so that the location and size of the land parcels can be known from the media where mapping of the plot of land. Measurement and mapping activities consist of making registration base maps, delimiting land parcels, measuring and mapping land parcels and making registration maps, making land registers, and making survey documents.

The basic principle of measuring land parcels in the context of carrying out land registration as regulated in Article 24 paragraph (2) of PMNA 3 of 1997 is to comply with the technical rules of measurement and mapping so that the plot of land being measured can be mapped and its location and boundaries can be known on the map and can reconstructed its boundaries in the field. As an activity that must meet technical rules, measurement and mapping is carried out

by people who have knowledge, expertise or skills in the cadastral field. Knowledge of cadastral and cadastral systems includes land tenure, land value and land use. Cadastral surveyors must also have knowledge and skills in the fields of land law, agrarian law, land administration, social sciences, geomatics-geodesy, surveying cadastral, land appraisal, spatial/land use and land management. [8] Measurement and mapping must be carried out by people who have competence in the cadastral field.

The competency standard for the cadastral field, as regulated in the Decree of the Minister of Manpower of the Republic of Indonesia Number 295 of 2019, includes 12 competency units, namely analyzing land rights application documents, identifying land parcels on registration maps, identifying land parcel boundaries, carrying out delimitation contradictions, making measuring drawings. , make a letter of measurement, guarantee the quality of the measuring image. Each competency unit of the 12 competency units has a more detailed element of competence. The competency units and elements of competence in the cadastral field are presented in Table 1.

Table 1. Competency Units and Elements of Competence in the Cadastral Field

No.	Competency Units	Elements of Competence
1	analyzing land rights application documents	1. prepare the application document for land rights 2. to verify between the documents of the application for land rights
2	identify plots of land on registration maps	3. Conduct an inventory of supporting documents and data on land parcels 4. verify the plot of land on the registration map
3	identify land parcel boundaries	5. prepare for identification of land boundaries 6. determine the boundaries of the land parcel
4	carry out the contradictory delimitation	7. prepare relevant documents and equipment 8. carry out communication with related parties 9. agree on the boundaries of the land parcels by all relevant parties 10. carry out limit setting
5	make a measuring picture	11. prepare the data and completeness of the Measurement Drawing 12. Fill in the measuring drawing form, pouring data on the size of the plot of land 13. draw a plot of land with the software 14. make manuscripts/carrots of land parcels 15. Documenting measurement drawings
6	Make a measuring letter	16. Prepare the necessary data, materials and equipment 17. Manage measurement letters
7	Guarantee the quality of the measured image	18. Prepare the necessary documents 19. Validate the measuring image 20. Prepare reports and minutes berita
8	Guarantee the quality of the measuring letter	21. Prepare the required documents 22. Validate the measurement letter
9	Guarantee the quality of the map of the plot of land	23. Prepare the necessary materials and equipment 24. Identify the edge information of the land parcel map 25. Validate the drawing of the plot of land 26. Validate land parcel maps with registration maps 27. Checking the printout of the land parcel map
10	Creating a cadastral contract document	28. Planning the preparation of contract documents

		29. Prepare the completeness of the contract document materials 30. Drafting a cadastral contract
11	Conducting socialization of land registration	31. 1. Develop a socialization plan 32. 2. Carry out program socialization 33. 3. Make a report
12	Providing consultation in the cadastral field	34. 1. Identify consulting needs 35. 2. Analyze the main problem 36. 3. Provide alternative solutions

Human resources in the field of measurement and mapping in land registration, based on their employment status, can be grouped into 2, namely measuring and mapping officers with the status of state civil servants (government surveyors) and private measuring and mapping officers (non-government measuring officers) who are also called licensed surveyors. The existence of Government and non-government measuring officers can be seen from the provisions contained in PMNA 3 of 1997, especially Article 7, that in the context of measuring and mapping in systematic land registration, there are two types of measuring and mapping officers, namely measuring and mapping officers with the status of employees of the National Land Agency. And third party measurement and mapping officers. Even though they both carry out measurements and mapping, there are differences between measuring officers who are BPN employees and third parties. In the measurement and mapping carried out by the BPN employee measuring officer, the determination of the boundaries is carried out by the measurement and mapping task force on behalf of the Chair of the Adjudication Committee. In contrast, the determination of the boundaries in the measurement and mapping carried out by a third party is carried out by the juridical data collection task force on behalf of the Chair of the Adjudication Committee. Third party measurement and mapping officers, referred to in the 3-Year PMNA are non-government measurement and mapping officers. Based on the Elucidation of Article 20 paragraph (4) of Government Regulation Number 24 of 1997, these non-government measuring and mapping personnel are called Licensed Surveyors.

The existence of Licensed Surveyors in land registration regulations in Indonesia is not only mentioned in the Elucidation of Article 20 paragraph (4) of Government Regulation Number 24 of 1997, it is also mentioned in the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1977. The provisions of Article 20, among others, stipulate that based on the appointment of the Deputy for Land Measurement and Registration, the measurement of a large plot of land or a large number of plots can be carried out by a third party. The measurement of land parcels by a third party is supervised and the results are ratified by the Head of the Land Office, Head of Regional Office or Deputy for Land Measurement and Registration following their respective authorities. The implementation of the measurement of land parcels by a third party is supervised and the results are approved by the Head of the Land Office, Head of Regional Office or Deputy for Land Measurement and Registration in accordance with their authority.

4 Involvement and Role of Licensed Surveyors in Land Registration

Although licensed surveyors in land registration have been regulated since 1997, operationally it was only regulated in 1998, namely with the issuance of Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 2 of 1998 concerning Licensed Surveyors. A Licensed Surveyor is a person who has expertise and/or skills in the field of surveying and mapping who is appointed and dismissed by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and obtains delegation of authority to assist the ministry in conducting land surveys and mapping. Based on this provision, the authority possessed by a Licensed Surveyor in conducting measurements and mapping comes from the authority granted by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency.

The involvement of licensed surveyors in land registration activities is intended to utilize all potential human resources in the field of measurement and mapping that exist in the community in the implementation of land registration. Human resources' involvement in measuring and mapping land parcels is very important to create a basic mapping framework,

base maps, land parcel maps, and registration maps. Since 1998, the regulations regarding licensed surveyors have been amended and replaced several times, most recently by Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2021 concerning Licensed Surveyors.

Licensed Surveyors consist of Cadastral Surveyors and Assistant Cadastral Surveyors. A Cadastral Surveyor is someone who has expertise and skills in carrying out the survey and mapping process and is responsible before the law for the survey and mapping data it produces. Assistant Cadastral Surveyor has skills in carrying out survey and mapping processes under the supervision of a Cadastral Surveyor or official who is authorized and fully responsible before the law for the survey and mapping data it produces. In other words, the cadastral surveyor is an expert and skilled person, while the cadastral surveyor assistant is at a skilled level, who needs to be supervised by the cadastral surveyor. Because the level of expertise and skills between the Cadastral Surveyor and the Assistant Cadastral Surveyor is also different, so there are similarities between the two, there are also differences, especially in terms of the authority possessed. The license is valid for two years and can be extended for three years; prospective licensed surveyors are required to take a licensing exam organized by the Ministry of ATR/BPN, must report to the Head of the Regional Office of the Ministry of ATR/BPN no later than 30 days after receiving a Ministerial Decree.

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