

The Role of Cadastral Surveyor in Land Measurement in Complete Systematic Land Registration in Semarang City

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ABSTRACT

In guaranteeing legal certainty to holders of Land Rights (HAT), what is called land registration is carried out as a form of implementation carried out by the Government. Land registration itself is regulated in Government Regulation Number 24 of 1997 concerning Land Registration. At the land registration stage, a physical and juridical data collection process is required wherein the physical data collection is carried out by the measuring officer or a Licensed Cadastral Surveyor. So that in this study aims to find out more about the role of the Licensed Cadastral Surveyor in the process of measuring land parcels in the Complete Systematic Land Registration program in Semarang City and the regulations governing the role of the Licensed Cadastral Surveyor in terms of measuring land parcels. This study used qualitative normative methods with data collection techniques using library research and observations made in Sampangan and Bendan Duwur Villages, Semarang City. The results of the study show that the role of the Licensed Cadastral Surveyor in the Complete Systematic Land Registration conducted in the City of Semarang is very important in measuring land parcels and collecting data by always paying attention to the Delimitation Contradictory Principle. Regulations regarding Licensed Surveyors are guided by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the Republic of Indonesia Land Agency Number 22 of 2016 and Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 9 of 2021 concerning Licensed Surveyors.

Keywords: Licensed Cadastral Surveyor, Land Registration, Regulation.

1. INTRODUCTION

Land as a crucial thing makes every country in the world regulate its land ownership in such a way that it can be economically beneficial and at the same time provide legal certainty. Including Indonesia, making rules to regulate land ownership in the territory of the Republic of Indonesia (Sirait et al., 2020). In guaranteeing legal certainty to holders of land rights, registration is carried out as a form of protection provided by the government as described in Article 19 Paragraph (1) of the UUPA that in order to guarantee legal certainty by the Government, land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions stipulated regulated by Government Regulation. In the case of granting legal certainty guarantees that are to be realized in land registration include certainty of the status of the registered rights, certainty of the subject of the rights, and certainty of the object of the rights. Land registration produces a land certificate as a form of proof of ownership rights (Urip Santoso, 2010:2).



Registration itself is regulated in Government Regulation Number 24 of 1997 concerning Land Registration which explains that land registration is a series of activities carried out by the Government continuously, continuously and regularly, including collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding land parcels and apartment units, including the issuance of certificates of proof of title for land parcels for which there are already rights and ownership rights to apartment units and certain rights that burden them. In providing legal certainty in the form of land rights to landowners, a land registration process is needed (Urip Santoso, 2010).

Complete Systematic Land Registration (PTSL) is a land registration activity for the first time which is carried out simultaneously which includes all land registration objects that have not been registered in the area or part of the territory of a village/kelurahan or other name equivalent to that, which includes the collection of physical data and juridical data regarding one or several land registration objects for the purpose of registration (Zaenuri, 2019:2). The PTSL program is carried out evenly in all regions in Indonesia, including in the city of Semarang which consists of 16 sub-districts and 177 urban villages. Sampangan and Bendanduwur Villages are part of Gajahmungkur District. The area of the Sampangan Village is 0.96 km² and the Bendanduwur Village is 1.57 km². The two sub-districts are participants in the 2021 Complete Systematic Land Registration (PTSL) program. In practice, the Semarang City ATR/BPN is targeting more than 55,000 registered plot maps, 50,000 certified plots of land, and also 148,000 plots for data improvement or K4 with the goal of becoming a Complete City (Rachmawati et al., 2021:18).

In land registration for the first time, one of the activities that must be carried out is carrying out measurement activities, cadastral mapping and determining land parcel boundaries which are a series of processes from land registration activities which are the authority of the National Land Agency or commonly called BPN, but in order to accelerate the implementation of land registration, then based on Ministerial Regulation ATR/Kep. BPN Number 11 of 2017 concerning Amendments to Ministerial Regulation ATR/Kep. BPN Number 33 of 2016 concerning Licensed Cadastral Surveyors, with regard to measurement and mapping tasks, cooperation with the private sector can be carried out, in this case carried out by a licensed cadastral surveyor, consisting of cadastral surveyors and cadastral surveyor assistants.

The licensed cadastral surveyor himself has the function of checking the completeness of land documents as well as investigating, measuring, mapping the land parcels of ownership in accordance with applicable regulations (Roesli et al., 2017). This is done in order to avoid disputes about land boundaries in the future and guarantee legal certainty. Before the land measurement process is carried out by a licensed cadastral surveyor, it must first be ensured that boundary marks



have been installed at every corner of the land parcel to be measured. The holder or owner of the boundary markers has the obligation to install and maintain the boundary markers as stipulated in Article 17 Paragraph 2 of Government Regulation Number 24 of 1997 concerning Land Registration.

Arrangements related to the determination of boundaries of land parcels are regulated in Article 17 of Government Regulation no. 24 of 1997 which explains that land rights holders are required to stipulate, determine the boundaries of land parcels with agreement or approval by the parties concerned as referred to in Article 17 Paragraph (2) PP No. 24 of 1997. Because if this principle is not fulfilled then the next process of land registration will of course be in vain because the process of measuring land parcels will cause uncertainty in the measurement results of the Delimitation Contradictory Principle (Rudy Patar, 2020:35).

Based on the background described above, the author will elaborate further on the role of the Licensed Cadastral Surveyor in the implementation of Complete Systematic Land Registration in the City of Semarang, as well as the regulations governing the Licensed Cadastral Surveyor in carrying out his duties as a measuring officer.

2. RESEARCH METHODS

In this research, qualitative normative legal research is used. Sources of data obtained in this study secondary data such as legal materials (Sukanto & Mamudji, 2011:12). In research, it is generally distinguished between data obtained directly from the community and from library materials. In this study the results obtained were descriptive-qualitative in nature, which is research by producing descriptive analysis data expressed by respondents orally or in writing so as to provide detailed, accurate and complete explanations about field facts regarding the role of the Licensed Cadastral Surveyor in Complete Systematic Land Registration in the city of Semarang as well as in literature studies by examining the literature that is appropriate to the problem as a theoretical basis for further discussion.

3. RESULTS AND DISCUSSION

Arrangements regarding Licensed Cadastral Surveyors in the Process of Measuring Land Plots in Complete Systematic Land Registration

The Cadastral Surveyor is a person who has expertise and skills in conducting surveillance and vibration processes land in the context of land registration and responsibility absolutely before the law over the control of data and its weaknesses it generates. The duties of a Licensed Cadastral Surveyor (SKB) are to carry out Monitoring and Mapping activities. Monitoring and Mapping is



planning, organizing, and implementing measurement activities in the context of collecting physical data on land parcels and catches. Licensed Cadastral Surveyor (SKB) consists of Cadastral Surveyors and Assistant Cadastral Surveyor.

Licensed Surveyors in Indonesia have existed since the issuance of Minister of Agrarian Regulation No. 1998 concerning Licensed Surveyors (Ratrianto et al., 2022). This regulation regulates the authority of a Licensed Surveyor, namely to carry out direct service work to the community and work assignments from the Land Office. The working area of a Licensed Surveyor consisting of a Cadastral Surveyor and an Assistant Cadastral Surveyor is one area of the City or Regency Land Office. In 2013 another Regulation of the Head of the National Land Agency regarding Licensed Surveyors was issued.

Licensed Surveyors consisting of Land Surveyors whose working areas are throughout Indonesia and Assistant Land Surveyors with a working area of one province. This regulation also regulates the Licensed Surveyor Services Office (KJSB) whose scope of work includes measurement and mapping in the framework of land registration for the first time sporadically or systematically and/or measurement (Martinus, 2020) and thematic mapping whose source of funds is funded through DIPA BPN. To meet the needs of accelerated land registration, especially Complete Systematic Land Registration (PTSL), Minister of Agrarian Regulation No. 9 of 2013 was changed to Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN No. 33 of 2016 concerning Licensed Surveyors. This regulation also regulates a business entity called the Licensed Cadastral Surveyor Services Office (KJSKB) with a working area of one province (H Widodo, 1997). Since the issuance of Minister of Agrarian Affairs and Spatial Planning/ Head of BPN No. 33 of 2016 was enacted, in 2017 another regulation regarding Licensed Surveyors was issued, namely Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 11 of 2017 (Ratrianto et al., 2022).

Then in 2021 the Minister of Agrarian Affairs and Spatial Planning/Head of BPN issued Regulation No. 9 regarding Licensed Surveyors. This regulation regulates more matters regarding Licensed Surveyors including changes in the nomenclature of KJSKB to KJSB, competency tests and professional associations (Zulmiftahul et al., 2020). With the issuance of this ministerial regulation, it is hoped that the Licensed Surveyor Profession consisting of Cadastral Surveyors and Cadastral Surveyor Assistants will be more developed and advanced by obtaining competency certificates due to their abilities in the aspects of geospatial information, juridical and administrative procedures before obtaining a license (Kementerian Agraria dan Tata Ruang/ Badan Pertanahan Nasional, 2021).



Based on data from the Directorate of Measurement and Basic Mapping of the Ministry of ATR/BPN in 2016 the total number Licensed Surveyors 2,723 people consisting of 296 Land Surveyors and 2,427 Assistant Land Surveyors (Wahyono, 2017). The definition of a Cadastral Surveyor is regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 9 of 2021 concerning Licensed Surveyors in Article 1 Paragraph 5 namely that a Cadastral Surveyor is someone who has expertise and skills in carrying out the Survey and Mapping process and is absolutely responsible in before the law on the Survey and Mapping data it produces. Then in Article 1 Paragraph 4 it is also explained regarding the Licensed Surveyor Service Office is a business entity that has received a work permit from the Minister as a forum for Licensed Surveyors in providing their services.

Regarding the scope of work of the Licensed Surveyor Service Office, it is regulated in Article 12 of the Ministerial Regulation AT/BPN Number 9 of 2021 concerning Licensed Surveyors, namely Survey and Mapping activities which include planning, organizing and implementing, storing and managing documents resulting from the implementation of Survey and Mapping work in Electronic Documents, control quality of work, activities in the field of surveys, mapping of land and other spaces. In the event that the Survey and Mapping Activities as referred to in paragraph (1) are carried out in the framework of:

- a. Land Registration for the first time;
- b. maintenance of Land Registration data;
- c. land acquisition; and
- d. services and activities in the land sector and other space.

The current regulation regarding the Licensed Surveyor is the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 7 of 2021 concerning Amendments to the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 11 of 2017 concerning Amendments to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 33 of 2016 concerning Licensed Cadastral Surveyors. Nonetheless, some of the regulations contained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 33 of 2016 concerning Licensed Cadastral Surveyors are still valid. Amendments to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 33 of 2016 concerning Licensed Cadastral Surveyors include (Wahyono, 2017:224):

1. SKB Institution (Licensed Cadastral Surveyor)



2. License Extension
3. The requirements for obtaining an SK license come from ASK
4. Mechanism of work carried out by individual SK
5. Working result
6. Double job
7. The duration of the ASK short education
8. Responsibility for work results

Survey Officer of the Ministry of Agrarian Affairs/BPN, as referred to in Government Regulation Number 24 of 1997 concerning Land Registration and Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration for systematic land registration is called the Measurement and Mapping Task Force while for Sporadic Land Registration it is called the Measurement Officer. In addition to measuring officers who are PNS/ASN of the Ministry of ATR/BPN, the authority to carry out measurements and mapping is delegated to licensed surveyors (loaded in in the elucidation of Government Regulation No. 24/1997 Article 20 paragraph 4 and Regulation of the Minister of State Agrarian Affairs/Head of Land Agency No. 3 of 1997 Article 77 paragraphs 3, 4 and 5).

Then for more operations regarding licensed surveyors or licensed surveyors are regulated by the Regulation of the State Minister for Agrarian Affairs/Head of BPN No. 2 of 1998 concerning Licensed Surveyors and Decree of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 8 of 1998 concerning Provisions for Implementing there is the Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 2 of 1998 concerning Licensed Surveyors.

The authority given to SKB and KJSKB in making and signing the product, the product is not a State Administrative Decision but is the result of survey and mapping work, one of which is set forth in making measuring drawings, measurement letters, and Field Maps, different from State Administrative Decrees issued by the National Land Agency in the form of a certificate because the decision is issued by a body/official that is concrete, individual and final in accordance with the essence of State Administrative Decisions in general (Wahyono, 2017:221). The role of KJSKB as a partner in the Ministry of ATR/BPN appointed and dismissed by the Minister of ATR/Head of BPN are to assist ministries in conducting surveys, mapping, and management of geospatial data and information in the framework of acceleration land registration and services.

The Role of a Licensed Cadastral Surveyor in Measuring Land Plots in Complete Systematic Land Registration in the City of Semarang



Land registration is a form of guaranteeing legal certainty to land rights holders with evidence issued, namely land certificates. Land registration itself means a process of officially recording land rights (HAT) and ownership rights (on property) (Zevenbergen, 2004). In the land registration process a series of activities are required, one of which is measurement by a measuring officer (Licensed Cadastral Surveyor). The definition of a cadastral surveyor is a person who has expertise in the field of cadastral measurement and mapping and the ability to organize cadastral measurement and mapping work, who is authorized to carry out certain cadastral measurement and mapping work in the framework of land registration, either as a community service business or as an agency employee. law that seeks in the field of measurement and mapping (Zaenuri, 2019:4).

In the process of carrying out a complete systematic land registration in all parts of Indonesia, extraordinary supporting capacity is required regarding aspects of human resources, land infrastructure, and implementing regulations. Based on research from the Research and Development Center of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency in 2015, data obtained on the number of land parcels in Indonesia amounted to 90,622,503 plots with the number of land parcels that had been registered 35,789,766 plots and 54,832,737 plots that had not been registered (Zaenuri, 2019:12). So if we only rely on human resources with the status of a State Civil Apparatus (ASN) as measuring officers for the work of measuring the boundaries of land parcels, then it is very impossible to achieve the target of accelerating land registration. For this reason, it is necessary to add measuring officers with ASN/PNS employment status to complete the measurement and mapping of all land parcels that have not been registered.

The existence of licensed cadastral surveyors is very helpful in this Complete Systematic Land Registration program because the number of targets for Complete Systematic Land Registration is so large that the Regional Land Office appoints these licensed cadastral surveyors to assist in the Complete Systematic Land Registration program. Indeed, the Complete Systematic Land Registration program itself must be completed within 1 year. So that with the help of a licensed cadastral surveyor, he can assist the program according to the time set according to the planning that has been arranged by the Kanwil. The role of the Licensed Cadastral Surveyor in the Measurement of Land Plots in the Complete Systematic Land Registration of the City of Semarang in practice is to carry out surveys, measurements and mapping of land parcels.

- 1) making a base map for registration;
- 2) determination of boundaries of land parcels;
- 3) measurement and mapping of land parcels and preparation of registration maps;
- 4) measuring drawing; and
- 5) making land maps.

A licensed cadastral surveyor has a very important role in land surveying and mapping according to their duties in collecting physical data. Role is defined as a characteristic that is carried by an actor in a drama stage, which in the social context, role is defined as a position in the social structure. When associated with a licensed cadastral surveyor, because here their position is as a licensed cadastral surveyor, the role that must be carried out is to carry out measurements and mapping in order to collect physical data. Land measurement and mapping are basically carried out to find out the shape and extent of existing land and is indeed a task that must be done because it is a characteristic of a licensed cadastral surveyor that differentiates his duties from others. In collecting this physical data, attention must be paid to an important principle in measuring and mapping land parcels, namely the delimitation contradiction principle. The principle of delimitation contradiction itself is to present landowners and neighbors who are bordering at the time of measurement to witness the measurement process.

If an agreement has been reached, a licensed cadastral surveyor will ask for a signature on the Measurement Drawing (GU). The principle of delimitation contradiction itself is to present landowners and neighbors who are bordering at the time of measurement to witness the measurement process. If an agreement has been reached, a licensed cadastral surveyor will ask for a signature on the Measurement Drawing (GU). The principle of delimitation contradiction itself is to present landowners and neighbors who are bordering at the time of measurement to witness the measurement process. If an agreement has been reached, a licensed cadastral surveyor will ask for a signature on the Measurement Drawing (GU).

In carrying out their role as a licensed cadastral surveyor to help collect physical data for the acceleration of PTSL, a licensed cadastral surveyor has rights and obligations that they must comply with. If they carry out these rights and obligations, they are considered to have carried out their role properly. As contained in the provisions of Article 26 that Licensed Surveyors and KJSB in carrying out their work, are prohibited from:

- a. Committing acts against the law and/or ethics profession;
- b. Unfair and conflicting competition with the provisions of the laws and regulations in get a job from the community or from Ministry;
- c. Transfer the work that is his responsibility to other KJSB;
- d. Misuse the results of the work;
- e. Misusing data, documents and/or warkah are in the Ministry and/or KJSB;
- f. Reducing and/or adding to existing requirements determined in accordance with regulatory provisions legislation;
- g. Concurrent positions as:



1. Advocate, Consultant or Legal Adviser;
 2. State Civil Apparatus (civil servants and government employee with work agreement), employees of state-owned enterprises, agency employees regionally owned business;
 3. State Officials;
 4. Land Deed Official;
 5. Land Appraiser;
 6. Aediators;
 7. Administrators of Political Parties; and/or
 8. Other positions that are prohibited by regulations legislation; and/or
- h. On behalf of the Ministry for the benefit individual against the law.

Then in Article 21 it is also explained that the KJSKB, cadastral surveyor and assistant cadastral surveyor have the right to:

- a. Obtain income for the services provided in accordance with the provisions of laws and regulations;
- b. Obtain data or information from the Ministry regarding:
 - 1) Type of work to be obtained;
 - 2) Physical data relating to the work to be performed;
 - 3) The process of procuring survey and mapping work through the procurement mechanism of goods or services in accordance with the provisions of laws and regulations; and
 - 4) Access to land data related to the work to be carried out both analog, digital and the Computerized Land Activities (KKP) system as well as Geo-KKP,
- c. Exercising their rights in accordance with the provisions of the legislation.

Looking at the conditions in the field, the licensed cadastral surveyors have exercised their rights and obligations according to the rules in the article above. As licensed cadastral surveyors who join and form a KJSKB, they have fulfilled the requirements for forming a KJSKB and indeed have understood what role they have to play in assisting the Complete Systematic Land Registration in the City of Semarang. They have contributed in accordance with the role that must be carried out in accordance with the agreement made with the Semarang City Land Office.

The role of the Licensed Cadastral Surveyor in implementing the Complete Systematic Land Registration program in the City of Semarang is in accordance with his duties, namely measuring and mapping land parcels which includes making registration base maps, determining land parcel boundaries, measuring and mapping land parcels and making registration maps, making measuring drawings and making maps of land parcels. The legal authority of KJSKB in the



implementation of PTSL in Semarang City is related to land registration work, namely data on the results of field measurements, measuring drawings, maps of land plots, and results of services or other survey and mapping activities in accordance with statutory provisions. different from State Administrative Decisions issued by the National Land Agency in the form of certificates because these decisions are issued by bodies/officials that are concrete, individual, and final in accordance with the nature of State Administrative Decisions in general.

4. CONCLUSION

Based on the results of the discussion described above, it can be concluded that a licensed cadastral surveyor has a very important role in terms of measuring and mapping land according to their duties in collecting physical data. Land measurement and mapping are basically carried out to find out the shape and extent of existing land and is indeed a task that must be done because it is a characteristic of a licensed cadastral surveyor that differentiates his duties from others. In collecting this physical data, attention must be paid to an important principle in measuring and mapping land parcels, namely the delimitation contradiction principle. The principle of delimitation contradiction itself is to present landowners and neighbors who are bordering at the time of measurement to witness the measurement process. If an agreement has been reached, a licensed cadastral surveyor will ask for a signature on the Measurement Drawing (GU). The current regulation regarding the Licensed Surveyor is the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 7 of 2021 concerning Amendments to the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 11 of 2017 concerning concerning Licensed Cadastral Surveyors.

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