JURNAL ILMIAH DUNIA HUKUM
Volume 10 Issue 1 Oktober 2025
ISSN Print: 2528-6137 | ISSN Online: 2721-0391

Optimization of Land Certificates Through Tax Settlement in the PTSL Program in Central Maluku

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Submission
2025-Mar-11
Review
2025-Agust-13
Accepted
2025-Oct-14
Publish
2025-Oct-16

Abstrak

This study analyzes the effectiveness of these mechanisms in supporting land certification optimization in Central Maluku Regency. Using an empirical juridical approach, the research combines legal analysis with field data from interviews and document studies. Findings indicate that obstacles to tax settlement include unclear tax calculations, limited public understanding of taxes beyond Land and Building Tax (PBB), low-income community conditions, difficulties with online payments, and discrepancies between tax data and SPPT. Despite these challenges, PPh and BPHTB settlement can be carried out through two main mechanisms: payment at the Tax Office (KPP) or the Regional Revenue Office (Dispenda) according to applicable formulas. Once taxes are validated and registered at the land office, land certificates can be issued and utilized for economic purposes. Beyond serving as proof of ownership, land certificates can act as collateral for financing, enabling owners to improve productivity and access economic opportunities. Overall, land certification not only provides individual benefits but also contributes to economic stability and sustainable development.

Keywords: *BPHTB; Income Tax (PPh); Land Certificate; Optimization*

How to Cite: Roulinta Y Sinaga, et.al, Optimization of Land Certificates Through Tax Settlement in the PTSL Program in Central Maluku" *Jurnal Ilmiah Dunia Hukum*, 10 no. 1 (2025): 103-126. DOI : 10.35973/jidh.xxxxxx

1. Introduction

Land ownership is fundamental to the community's social and economic life. The land is a natural resource that can be utilized for agriculture, housing, and industry, and it has high economic value. Land also has an important position as a form of trust and social capital in the practice of guaranteeing money.[1]. However, the full potential of land as an asset is often hampered by legal uncertainty regarding its ownership. Ambiguity in land ownership can trigger various conflicts and disputes, hinder development, and reduce the economic value of the land. In this context, land certification becomes very important.

Land certificates are official documents issued by the Government, which legally state who owns the land. Land certificates consist of copies of land books and measurement letters stitched together and issued by the National Land Agency.[2] This certification

[1] I Nengah Suriata, "Legal and Social Perspectives on Land as Loan Collateral in Subak Abian Jepun, Antiga Village," *Journal of Social Sciences and Humanities* 13, no. 3 (2024): 537–47.
[2] Yulies Tiena Masriani, "The Importance of Land Certificate Ownership Through Land Registration as Proof of Rights," *USM Law Review* 5, no. 2 (2022): 539–52.

provides legal certainty of land ownership, reduces the risk of disputes, and increases legal protection for landowners. In Indonesia, the land certification process has become a major focus of government programs to strengthen legal certainty and support economic development. Legal certainty over land rights is guaranteed under Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA), particularly Article 19, which requires the state to organize land registration to ensure legal certainty for right holders. This provision is further elaborated in Government Regulation Number 24 of 1997 concerning Land Registration, which aims to provide legal protection and support orderly land administration.

Legal certainty obtained through land certification directly impacts social and economic stability. With land certificates, people not only feel safer and more protected from claims by other parties but can also use their land more productively. For example, certified land can be used as collateral to obtain credit from banks, which can then be used for investment in various productive businesses.

In addition, land certification also contributes to increasing the economic value of land. Certified land has a higher market value because buyers and investors feel more secure and confident about its ownership status. In the long term, this can encourage more dynamic economic activities, increase the competitiveness of the property market, and accelerate infrastructure development. In an effort to achieve sustainable development goals, the Government and various related parties continue to encourage land certification programs. This effort is not only to provide legal certainty for landowners but also to optimize the economic potential of land as a valuable asset. Thus, land certification plays an important role in creating a conducive environment for economic development and the welfare of society as a whole.

Land registration is the initial stage in obtaining land certification. Land registration, also known as the Legal Cadaster, produces a certificate as proof of rights.[3]. Land ownership problems are often colored by legal uncertainty and protracted conflicts, which hinder development and community welfare. In an effort to overcome this problem, the Indonesian Government launched the Complete Systematic Land Registration Program (PTSL). PTSL is a national program that aims to accelerate the land registration process throughout Indonesia. This program is designed to ensure that all land plots in Indonesia are registered and certified, providing legal certainty for land owners and minimizing agrarian conflicts.[4]. The implementation of PTSL is legally based on the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Regulation Number 6 of 2018, which regulates the mechanism for accelerating comprehensive and systematic land registration throughout Indonesia.

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[3] Urip Santoso, *Land Registration and Transfer of Land Rights* (Jakarta: Kencana Prenamedia Group, 2010).

[4] Ahmad Ramdani Chairi, Aris Munandar, and Djumardin Djumardin, "Land Rights Registration in the Complete Systematic Land Registration (PTSL) Program," *Kertha Semaya: Journal of Legal Studies* 10, no. 1740 (2022): 10–24843.

Through PTSL, the Government seeks to record and validate land ownership rights systematically and comprehensively. The PTSL program is expected to improve the land administration system, increase legal certainty, and encourage more inclusive economic development. This program is also used to prevent double certificates because all land plots have been mapped and registered.[5]. PTSL includes several important stages, starting from socialization to the community, collection of legal and physical land data, verification and validation of data, and the issuance of land certificates. This program involves various stakeholders, including local governments, the National Land Agency (BPN), and local communities.

The land certification process through the PTSL program is an important step in providing legal certainty over land ownership. However, in some cases, issues related to income tax (PPH) and land and building acquisition tax (BPHTB) can obstruct the land certification process in Indonesia. In the context of fiscal law, tax obligations in the process of land title transfer are regulated under Law Number 7 of 1983 in conjunction with Law Number 36 of 2008 on Income Tax (PPh), as well as Law Number 28 of 2009 on Regional Taxes and Regional Levies (PDRD), particularly concerning BPHTB (Duty on the Acquisition of Land and Building Rights). PPH is an integral part of the land certification process. When land ownership is transferred, either through sale or inheritance, the party conducting the transaction must pay PPH on the profits obtained from the transaction. However, sometimes, fulfilling this PPH obligation can be complicated and time-consuming, especially if there is no clarity regarding the transaction value or if there is a disagreement between the parties involved.

In addition, BPHTB is also an important factor that needs to be considered in the land certification process.[6]. BPHTB is a tax imposed on the acquisition of land and building rights, either through purchase, grant, inheritance, or other means. However, in practice, determining the value of BPHTB is often the subject of disputes between landowners and authorities, especially if there are differences in perception regarding the land's value. This issue became a public controversy among the residents of Bekasi City in 2022[7]. When beneficiaries of the PTSL program filed lawsuits challenging the BPHTB valuation, considering it inconsistent with the actual market value of the land, the case illustrates a structural problem within the land taxation mechanism. This issue directly impacts delays in the land certification process. This fact is also reflected in various public objections in several regions regarding the determination of NJOP,

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[5] Made Emy Andayani Citra and I Made Sudirga, "The Existence of the Complete Systematic Land Registration (PTSL) Program in Preventing the Issuance of Duplicate Certificates at the Denpasar City Land Office," *Saraswati Law Journal (JHS)* 2, no. 1 SE-Articles (March 1, 2020), https://doi.org/10.36733/jhshs.v2i1.994.

[6] Rini Irianti Sundary, "The Transfer of Land and Building Acquisition Duty (BPHTB) from Central Tax to Local Tax as an Effort to Increase Regional Original Revenue (PAD)," *Aktualita* 1, no. 1 (2018): 279–94.

[7] Yunus Efendi, "BPN and Bekasi City Bapenda Allegedly Violated Laws and Regulations in the Application of BPHTB for PTSL Applicants," n.d., https://poskota.co/hukum-kriminal/bpn-dan-bapenda-kota-bekasi-diduga-melanggar-uu-dan-peraturan-penerapan-bphtb-terhadap-pemohon-ptsl/?utm

which is often deemed excessively high. This situation complicates BPHTB payments and hinders the issuance of land certificates. This problem demonstrates a lack of alignment between agrarian law norms and tax law norms, which in turn disrupts the principle of legal certainty as guaranteed by Article 28D paragraph (1) of the 1945 Constitution. This disharmony of legal norms underlies the urgency of this research.

Both of these issues can be serious obstacles in the land certification process. Uncertainty or controversy related to PPH and BPHTB can slow down the certification process, increase administrative costs, and even trigger conflicts between the parties involved. In addition, uncertainty regarding tax obligations can also reduce public trust in the taxation system and land administration as a whole. Moreover, uncertainty often arises during its implementation, even though regulations have been passed.[8]. Therefore, the Government needs to make more effective efforts to resolve issues related to PPH and BPHTB in the context of land certification. This can be done by simplifying tax procedures, increasing transparency in determining land values, and providing guidance and support to the community regarding tax obligations in the land certification process. In the legal context, legal certainty is not only related to ownership rights but also to the clarity of the obligations attached to them, including fiscal obligations. The lack of synchronization between the land administration and taxation systems creates normative uncertainty that can hinder the optimal use of land. This condition presents a critical research gap: how the mechanisms for settling income tax (PPh) and land and building title transfer duty (BPHTB) can be optimized to ensure that the objective of land certification, which provides legal certainty, is truly achieved.

Several previous studies have been conducted on the implementation of PTSL, as well as the problems of PPh and BPHTB taxes that arise in the PTSL program. The research was conducted by Syahda, Hamza Baharuddin, and Muhammad Ilyas, titled "Implementation of Land Registration by the Government Through the Complete Systematic Land Registration Program (PTSL)." The study of this research is the reality or implementation of land registration by the Government through the PTSL program at the Jeneponto Regency Land Office[9]. The second researcher, Aldi Sagita Hasibuan and Sri Setyadji, with the research title "postponement of PPh and BPHTB tax payments in connection with complete systematic land registration based on the transfer of sale and purchase rights. The focus of the research is on determining the basis for postponing PPh and BPHTB tax payments owed in connection with complete

[8] Siti Wahyu Utami, "The Role of Tax Consultants in Ensuring Legal Certainty in Determining the Selling Price of Land and Building Rights as the Basis for Calculating PPh and BPHTB," *Innovative: Journal of Social Science Research* 4, no. 5 SE-Articles (September 27, 2024): 4262–74, https://doi.org/10.31004/innovative.v4i5.15316.

[9] Syahdan Syahdan, Hamza Baharuddin, and Muhammad Ilyas, "Implementation of Land Registration by the Government Through the Complete Systematic Land Registration (PTSL) Program," *Journal of Lex Philosophy (JLP)* 1, no. 2 (2020): 148–65.

systematic land registration.[10]. Furthermore, research was conducted by Ayu Lestari Tanjung and friends titled "BPHTB policy owed in the context of complete systematic land registration in Nias Regency." This study discusses how the legal policy on the regulation of BPHTB owed is related to the authority to collect BPHTB in the context of PTSL in Nias Regency and the legal certainty of the policy on BPHTB owed related to the reduction of BPHTB in the context of PTSL in Nias Regency[11].

The three studies differ from the research focus that the author will examine, which relates to the use of land certificates, by first completing the land rights tax obtained in the PTSL program. The research conducted raised legal issues to be studied and analyzed, focusing on the obstacles in the settlement of PPH and BPHTB in the PTSL program. And how to optimize the settlement of PPH and BPHTB to make maximum use of land certificates.

2. Research Method

The type of research used is sociolegal research.[12]. *This approach combines doctrinal* legal research methods with empirical legal research methods. The doctrinal research is intended to conduct a literature study by identifying laws and regulations related to Income Tax (PPh), Land and Building Rights Acquisition Duty (BPHTB), and the Complete Systematic Land Registration Program (PTSL). The analysis focuses on Law Number 7 of 1983 concerning Income Tax as amended several times, most recently by Law Number 7 of 2021 concerning the Harmonization of Tax Regulations, Law Number 28 of 2009 concerning Regional Taxes and Levies, Government Regulation Number 34 of 2016 concerning Procedures for Imposing Income Tax on Income from the Transfer of Land and/or Building Rights, as well as other related regulations.

The empirical research aims to identify the implementation of PTSL and the application of PPh and BPHTB taxes in the daily lives of communities in Central Maluku. The research was conducted in Central Maluku Regency, specifically in Amahai District and Masohi City, Maluku Province. The PTSL Program is actively promoted in this area, and the region has significant business development potential. Therefore, land certificates can be utilized as an alternative source of business capital. The types of research data consist of primary data and secondary data. Primary data refers to data obtained directly from respondents in the field through interviews using a pre-prepared interview guide. Secondary data refers to data obtained through library research.

[10] Aldi Sagita Hasibuan and Sri Setyadji, "Postponement of PPh and BPHTB Payments in Relation to Complete Systematic Land Registration Based on Sale and Purchase Rights Transfer," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 2 (2023): 1144–58.
[11] Ayu Lestari Tanjung et al., "BPHTB Policy in the Context of Complete Systematic Land Registration in Nias Regency," *Jurnal Media Akademik (JMA)* 2, no. 1 (2024).
[12] Sulistyowati Irianto, *Legal Practice: A Sociolegal Perspective* (Jakarta: Obor Foundation, 2009).

The analysis of laws and regulations (doctrinal) is used to understand the legal framework governing PPh, BPHTB, and PTSL. The results of this analysis then serve as the basis for analyzing empirical findings from the field. For example, the results of interviews with community members will be analyzed by referring to the legal provisions related to PPh and BPHTB to identify the problems faced by the community and determine their legal solutions. Data collection techniques include in-depth interviews with key informants selected through purposive sampling, as well as observation and document studies. The collected data were analyzed qualitatively using descriptive analysis techniques to describe and explain the phenomena found in the field. Data analysis was conducted systematically to identify patterns, themes, and relationships between variables.

3. Research Results and Discussion

3.1. Obstacles In The Settlement Of PPh And BPTHB Taxes In The PTSL Program

The implementation of land registration is an obligation of the government and rights holders in accordance with Articles 19, 23, 32, and 38 of the UUPA. Land registration is a requirement to achieve legal certainty and legal protection of land rights. Land registration protects against arbitrary actions and prevents land disputes by providing certainty of land ownership.[13]. Land registration, in addition to protecting the owner, also functions to determine the status of a plot of land, ownership status, the type of right base, land area, land boundaries, and other data. The guarantee of legal certainty intended to be realized in this land registration includes certainty of the status of the registered rights, the subject of rights, and the object of rights. This land registration produces a certificate as proof of its rights.

The PTSL program, organized by the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency, aims to register and certify a total of 126 million plots of land in Indonesia by 2025. To accelerate the PTSL program, several breakthroughs have been made, including: (a) involving the private sector in the process of measuring and mapping land plots; (b) overcoming the shortage of measuring officers at the Ministry of ATR / BPN; (c) inviting the participation of private companies in the form of corporate social responsibility / CSR programs; (d) shortening the announcement period from 1 month to 14 days, (e) providing a mechanism for BPHTB owed to low-income communities; (f) issuing a Joint Decree (SKB) of the Minister of ATR / Head of BPN, Minister of Home Affairs, and Minister of Villages, Development of Disadvantaged Regions and

[13] Rahmat Ramadhani, "Land Registration as a Step to Obtain Legal Certainty over Land Rights," *SOSEK: Journal of Social and Economic Studies* 2, no. 1 (2021): 31–40.

Transmigration regarding financing for PTSL preparation.

Although various regulations as a legal umbrella for PTSL have been issued, cooperation or coordination between agencies has been built, and various facilities/breakthroughs have been made, there are still obstacles at the implementation level. The implementation of PTSL is oriented towards quantity targets, which allow for ignoring quality. Some of the obstacles found are limited human resources, lack of public awareness, geographical challenges, administrative complexity, and unavailability of documents and proof of ownership.[14].

Based on the research findings, there are several key challenges in resolving Income Tax (PPh) and Land and Building Rights Acquisition Duty (BPHTB) issues within the PTSL program in Central Maluku. These challenges include the fact that many community members do not fully understand their tax obligations related to land rights transfer, resulting in delays in the certification process. In addition, people often lack understanding of the procedures and payment processes for PPh and BPHTB. There are also differences in perception regarding land value or the determination of the Tax Object Sale Value (NJOP). Another challenge concerns issues related to Land and Building Taxes (PPh and BPHTB)

At this point, the field findings regarding the low public awareness of income tax (PPh) and land and building rights acquisition tax (BPHTB) obligations reflect not only technical issues but also have significant legal implications. The lack of public understanding of tax obligations in the PTSL program indicates weaknesses in the dissemination of legal information and a communication gap between the National Land Agency (BPN) and tax authorities. This situation slows down the issuance of land certificates and increases the potential for local tax arrears. In other words, the obstacles related to PPh and BPHTB are not merely about the ability to pay but also about the weak effectiveness of the legal system in supporting the implementation of PTSL.

To gain a deeper understanding of the obstacles in fulfilling PPh and BPHTB obligations, this study uses Lawrence Friedman's legal system theory. According to Friedman, a legal system consists of three main elements: structure, substance, and legal culture.

First, from the structural aspect, the main obstacle arises from weak coordination among institutions such as the Ministry of Agrarian Affairs/National Land Agency (ATR/BPN), the Tax Office, and the Regional Revenue Agency. The lack of alignment between institutional mechanisms forces citizens to undergo lengthy bureaucratic procedures, which delays the fulfillment of tax obligations.

[14] Bambang Suharto, "Obstacles in the Implementation of the Systematic Land Registration Program," 09 (2023): 27–42.

ISSN Print: 2528-6137 ISSN Online: 2721-0391

Therefore, it is necessary to strengthen the institutional capacity of BPN and regional tax offices in Central Maluku. In addition, better coordination between BPN, tax offices, and other officials is needed to facilitate the tax settlement process. Second, from the substantive aspect, Article 33 of Ministerial Regulation of ATR/BPN No. 6 of 2018 provides room for PTSL participants to obtain land certificates even if PPh and BPHTB have not yet been fully paid. However, this regulation does not set a deadline for payment or a clear collection mechanism, resulting in legal uncertainty and the potential accumulation of tax receivables. Tax provisions related to PPh and BPHTB need to be disseminated intensively to the public. Moreover, the tax payment procedures should be simplified, and transparency in determining the taxable object value should be improved.[15]. Third, from the perspective of legal culture, interview findings indicate low public legal awareness regarding tax obligations in the land registration process. Many respondents were not even aware of the PPh and BPHTB components in the PTSL program. This lack of knowledge is directly related to weak legal information dissemination and the limited economic capacity of the community. Therefore, continuous socialization and consistent legal education are necessary.

The difference between the first land registration through PTSL and the first land registration based on PP Number 24/1997 is in the payment of land and building transfer tax and the announcement period. The first systematic land registration regulated in PP Number 24/1997 if there is a transfer of land rights, then the obligation of the parties also needs to attach proof of payment of Land and Building Acquisition Tax (BPHTB) and Income Tax (*vide* Article 103 of the Regulation of the Minister of State for Agrarian Affairs Number 3 of 1997 concerning the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration). When proof of payment of the transfer tax cannot be attached, the land title certificate cannot be issued yet. However, this is different from land registration through PTSL because PTSL participants who still have outstanding BPHTB and Income Tax payments can still be issued a land title certificate, provided that the PTSL participant makes a statement letter of BPHTB and/or Income Tax payable (Article 33 of the Regulation of the Minister of ATR/BPN Number 6 of 2018).

Income Tax and BPHTB are taxes imposed on the transfer of land and building rights. The imposition of these taxes is also a main requirement for land registration, making people reluctant to register their land. The requirement for income tax, BPHTB, and deed making is one of the main inhibiting factors in land registration. So far, the public's impression is that managing certificates is expensive, time-consuming, and complicated. The cost is expensive because you

[15] Bima Satrio Husodo, Sihabudin Sihabudin, and Eny Harjati, "A Legal Review of Income Tax Collection on Land and/or Building Sale and Purchase Transactions," *Pandecta Research Law Journal* 12, no. 2 (2017): 208–24.

have to pay for the Deed, income tax, and BPHTB, the process is long because it takes time to take care of the Deed, pay taxes, and the administrative process at the BPN, it is complicated to have to go back and forth to the PPAT office, Pratama Tax Office, and the Office of the Regional Revenue, Financial Management and Asset Agency and BPN. The synergy of the Ministry in land registration has been established from the beginning, as mandated by law. There is a relationship between the Ministry of ATR/BPN and other agencies, such as the Ministry of Finance regarding Income Tax, and the Regional Government concerning BPHTB and PPAT/Notary, which are required for issuing certificates.

The problem of PPh and BPHTB lies in the implementation of PTSL as regulated in Article 33 of the Regulation of the Minister of ATR/BPN Number 6 of 2018, which provides room for convenience in the implementation of the PTSL program, for those who are not or have not been able to pay PPh and BPHTB by making a statement letter of PPh and BPHTB owed. However, the provisions of this Article still require further explanation, particularly regarding the collection mechanism and the timeframe for payment, as the laws and regulations have not addressed PPh and BPHTB obligations concerning land tax. Although Article 33 only explains that the Head of the Land Office is required to submit a list of BPHTB owed and/or PPh owed periodically within 3 (three) months to the local Regent/Mayor and if there is a Transfer of rights or changes to the Land Book and Land Rights Certificate, it can only be done after the person concerned has paid off the PPh and BPHTB owed.

The definition of tax payable according to Article 1 Number (10) of Law Number 28 of 2007 Third Amendment to Law Number 6 of 1983 concerning General Provisions and Tax Procedures and its implementing regulations (Law Number 28 of 2007), is tax that must be paid at a certain time, in a Tax Period, in a Tax Year, or in a Part of a Tax Year in accordance with the provisions of tax laws and regulations. The regulation of PPh and BPHTB Tax includes a legal regime for PPh, which is governed by Law Number 28 of 2007. At the same time, BPHTB is regulated in Law Number 28 of 2009 concerning Regional Taxes and Regional Retributions (PDRD Law).

This study initiated two main ideas to see the obstacles to resolving land rights taxes. Based on the study's focus, we explore optimizing land certification through PTSL and land certificates by settling land rights taxes. It is important to consider the certification aspect because it is directly related to the success of land certification, which will later lead to tax problems. This study obtained data from interviews with 24 respondents. The respondents were representatives of the Amahai community, who were deliberately appointed by Negeri Amahai, such as representatives of PKK mothers, KKB Administrators, Saniri and Deputy Saniri, Head of Environment, Youth, Head of Finance, Head of Government, Head of

Finance, Head of Planning, Head of General Affairs and TU, and other communities. To explore the optimization of certification through PTSL, we asked 16 questions. From the results of our study, we found that the community realized how important it was to register land.

Table 1.
List of Interview Questions

No	Question	Answer	
		Understand	Do not understand
1	It is important whether the land is registered	24 people	-
2.	Know/don't know the purpose of land registration	3 people	19 people
3.	Benefits of Land Registration	22 people	1 person
4.	What is *the Petuanan land*	24 people	-
5.	*petuanan* land	24 people	-
6.	Has the land *ever* been registered at the land office?	16 people have	8 people never
7.	Is the *Petuanan land* registered? In whose name is it registered?	The answers differ from one another and will be outlined below.	
8.	Ever heard of PTSL?	9 people	15 people
9.	PTSL information sources	- 2 people from the Land Office socialization - 2 people from the government rules - 20 people just heard about this research	
10.	What are the requirements to participate in PTSL?	Four people provided the correct documents: KTP, KK, SPPT, a Copy of Letter C, Proof of Land Acquisition, and a statement of physical control, while 20 other people did not answer.	
12	What are the inhibiting factors for PTSL registration?	- People don't understand yet - No legal basis for land ownership - There has never been any counseling - Land boundaries are unclear	

		- There is a dispute with the neighbor - Not paying taxes - Lack of information (incomplete data/books) - Overlap in certificate measurement on one object - Lack of human resources and infrastructure in the village.

Source: Results of Interviews with the Residents of Amahai Village

The purpose of land registration is regulated in PP Number 24 of 2997, namely, to provide legal protection and legal certainty. Based on the interview results, only 3 respondents understood the essence of the meaning of the purpose of land registration. Other respondents stated that land registration primarily facilitates administration, secures land status, establishes property rights, obtains a certificate, and expedites the process as an asset. The last statement from Mrs. Mercy stated, 'so that land ownership is more accurate and land certificates can be traded at the bank'.

This research also discusses the recognized *Petuanan land in Maluku*. The definition of *petulant* is property rights. Petuanan refers to territory owned and occupied by a community (hamlet or village) or by a clan (*clan*). The entire area (land and sea) is called *Petuanan* Negeri, where "country" has the same meaning as "village" or "hamlet".[16] In the local community's understanding, Petuanan refers to communal property rights (shared property rights). The boundaries of each petunia are determined in various ways, based on local history passed down through generations and local knowledge, which includes customary laws. For land, the limit in history was determined by the outermost point they could reach when they hunted and gathered natural products, starting from the middle of the village. By stretching a straight line connecting two points (the outermost and middle points of the village), a land pentagonal space is defined. During its development, land petulant underwent modifications following agreements between neighboring villages. The marine petuanan area is determined by drawing a straight line from two land boundary points on the coastline to the blue sea. The outermost points on the open sea are defined by places where, when rowing during the day, they can no longer see the coastline. In some villages, the outer boundary is determined simply by the starting point of the "blue water/deep sea.[17]."

[16] Wellem Hendra Balubun, Imanuel Inriyanto Ruslak Hammar, and Apolinaris Labetubun, "The Reality of Sea Tenure Rights in Ohoi Hollat, North East Kei Besar, Kei Islands," *PATRIOT*, 2019, 1–24..
[17] Paschalis Maria Laksono, "Ken Sa Faak: Seeds of Peace from the Kei Islands," 2004

Petuanan land was also interpreted differently by the respondents, some argued that *Petuanan land* was land that came from the country's grandfathers, land that was bequeathed by ancestors to children and grandchildren according to lineage, land that became the right of a country or clan based on rights of origin, inheritance rights determined based on a joint decision of the clan, land based on war journeys of ancestors that was passed on to children and grandchildren, land whose ownership belonged to several clans (dati land). The issue of registration of *public* land also attracts attention, considering that ownership of the land belongs to many people. According to Mr. EAO, the *Petuanan land* has never been registered because it contains dati, clan, and other types of land. However, some of the responses answered that the *Petuanan* land had never been registered. Registered *petuanan* land is registered in the name of the owner who has distributed it to an individual, or in the name of a family; registered in the name of parents; registered in the name of the heir; some are registered with the state government; some are registered in the name of one of the heirs, heirs or clans determined based on consensus of the house; in the name of the country or village. This *petulant* land was even registered with the PRONA program.

After exploring the issue of optimizing land certification through land registration based on community understanding, the study involved interviews with Mrs. Stefani, the Head of the Government Section, who was tasked with addressing land issues in Amahai Village. Based on the information received, it was revealed that the PTSL program had been implemented in Amahai Village several years ago. Still, the community was unaware of the imposition of the PPH and BPHTB taxes. This tax issue also became additional work for the village government because it experienced the following obstacles.

There is resistance from the community, who say, 'We own the land, why are we the ones paying taxes?'. The public does not understand the types of PPh and BPHTB taxes. The public assumes that land tax is only the PBB tax, which must be paid annually. PBB tax arrears are equated with PPh and BPHTB arrears. People do not understand the procedures for paying taxes or the documents required to do so. The public does not know the types of tax codes and how to fill out tax forms (*e-billing*). Tax payments are still done manually, not using an online system. Tax collection is transferred to the state government by the regional revenue service as a condition for the disbursement of ADD (Village Fund Budget) Phase 3. The name of the tax object on the SPPT does not match the name on the KTP, which causes concern among taxpayers about their payment obligations. The public assumes they should change the name first and then pay the tax, leading to arrears over the years. Some people only have income for daily consumption, so they will not be able to pay hundreds of thousands in taxes.

The regulation in tax law is divided into two, namely, material tax law and formal tax law. Material tax law regulates the provisions regarding who is taxed, who is exempted, what is taxed and what is exempted, and how much tax is owed. While formal law regulates how to implement material tax law, regulates the procedures (methods) for fulfilling tax rights and obligations.[18].

The provisions on PPh payable are not regulated in the Government Regulation, and it does not clearly state when the tax is payable. It is stipulated that before an authorized official signs the Deed, auction minutes, or other letter, proof of PPh payment must first be shown. This is different from the provisions in BPHTB, which clearly state that tax payable arises when an authorized official signs the Deed, auction minutes, or other related letter, but on the other hand, the authorized official is prohibited from signing the Deed, auction minutes, or other related letter before proof of BPHTB payment is shown.

In accordance with *the Self Assessment System*, Tax Payable is administratively calculated by the Taxpayer themselves. It only contains the principal tax debt, excluding components such as underpaid tax, sanctions (interest, fines, and increases), or tax collection costs. The implementation of PTSL in Ngajum Village, Ngajum District, Malang Regency, involves applying Income Tax and BPHTB Payable, using a Statement of Income Tax and BPHTB Payable.[19]. The following statement contains the identity of the party stating that the control/ownership of a plot of land is in accordance with and/or stated in the Decree on Granting Land Rights/Decree on Confirmation of Conversion of Land Rights. Furthermore, the statement explains the location and boundaries of the land. The odd thing in the statement is that there is no limit to the payment of tax payable. It only explains that the tax payable is entirely the responsibility of the applicant; there is no provision for when the tax payable is paid. In fact, the transfer of rights or changes to the land book on the certificate can only be done after the BPHTB payable has been paid in full.[20].

This tax debt statement letter is a strategy for the smooth running of PTSL. In accordance with Article 24 paragraph (3), paragraph (4), and paragraph (5) of the ATR/BPN Regulation Number 12 of 2017, it states that if PTSL participants are not or have not been able to pay BPHTB, the person concerned must make a statement letter of BPHTB owed. (4) If the land area originates from a past sale and purchase where the current buyer does not have proof of payment of PPh from the seller in the past, the person concerned must make a statement letter of PPh owed. (5) The contents of the statement letter and the statement letter as

[18] Dian Aries Mujiburohman, "Potential Problems in Complete Systematic Land Registration (PTSL)," *Bhumi Journal of Agrarian and Land Affairs* 4, no. 1 (2018): 88–101.
[19] Muh Reska, Alief Utama, and Bambang Eko Turisno, "Solutions for BPHTB and Final PPh in the PTSL Program in Malang Regency," *Notarius* 17, no. 1 (2024): 15–27.
[20] Indra Lestari and Rosmidah Rosmidah, "Mechanism of Imposing Land and Building Acquisition Tax (BPHTB) in the Complete Systematic Land Registration (PTSL) Program," *Recital Review* 5, no. 1 (2023): 174–93.

referred to in paragraph (4) and paragraph (5) are contained in the Decision on Granting Land Rights and are then recorded in the Land Book and Certificate as BPHTB owed by the relevant land owner or PPh owed by the relevant land seller

3.2. Settlement Of PPH and BPTHB Taxes In The Ptsl Program To Optimize Land Certificates

Presidential Instruction Number 2 of 2018 does not include a dictum that exempts or nullifies BPHTB for recipients of PTSL certificates. This means that the implementation of the PTSL program, including NPOP, NPOPTKP, levies, and/or BPHTB payments, must comply with the Regional Tax and Regional Retribution Law and the KUP Law. In the seventh dictum, there is a presidential instruction to the Minister of Finance to provide relief on stamp duty and income tax (PPh) for the PTSL program, but not with the BPHTB issue. Up to this point, the presidential instruction regarding BPHTB tax is clear (*lex certa-lex stricta*) that PTSL is still subject to BPHTB tax in accordance with the laws and regulations applicable to BPHTB.

BPHTB (Land and Building Acquisition Fee) is a tax object imposed due to the acquisition of Land and/or Building Rights. Every acquisition of land and/or building rights, citizens to pay BPHTB. In everyday language, BPHTB is also known as the buyer's fee if the acquisition is based on a sale and purchase process. However, under the PDRD Law, BPHTB is imposed not only on acquisitions through sales and purchases but also on all types of land and/or building rights acquisitions.

Meanwhile, the acquisition of rights to land and/or buildings includes: (1) Sale and purchase; (2) Exchange; (3) Grant; (4) Testamentary grant; (5) Inheritance; (6) Entry into a company or other legal entity; (7) Separation of rights resulting in transfer; (8) Appointment of a buyer in an auction; (9) Implementation of a judge's decision that has permanent legal force; (10) Business merger; (11) Business amalgamation; (12) Business expansion; and (13) Gift.

Article 91 paragraph (3) of the PDRD Law states "The head of the land office can only register land rights or register the transfer of land rights after the Taxpayer submits proof of tax payment, which is almost the same as Article 49 letters (e) and (f) of Law Number 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) when the BPHTB debt is determined: (e) on the date of issuance of the decision letter granting rights for the granting of new rights to land as a continuation of the release of rights; (f) on the date of issuance of the decision letter granting rights for the granting of new rights outside the release of rights.

The issue of BPHTB owed on PTSL certificates, if guided by the provisions of Article 44 paragraph (6) of the HKPD Law, is that recipients of PTSL program certificates are still subject to BPHTB levies. This means that recipients of PTSL certificates who still owe BPHTB debts, even though they were issued in the past, are still required to pay off their tax debts. Even though the PDRD Law has been declared null and void, past debts remain objects of tax collection based on the transitional regulations of the HKPD Law. Moreover, Article 44, paragraph (6) of the HKPD Law specifies that land rights, including those from the PTSL program, are objects of BPHTB. Because what is excluded from the BPHTB object in the new regulations is only.

Government offices, regional governments, state administrators, and other state institutions that are recorded as state property or regional property. The state for the administration of Government and/or for the implementation of development for the public interest; International agency or representative body, on the condition that it does not carry out business or undertake other activities outside the functions and duties of the agency or representative body as regulated by ministerial regulations; Diplomatic representation and consulates based on the principle of reciprocal treatment; Individuals or bodies due to the conversion of rights or due to other legal acts without any change of name; Individuals or bodies due to waqf; Individuals or bodies used for religious purposes; Low-income communities in accordance with the provisions of laws and regulations.

Reasons can be excluded from BPHTB objects if they meet the criteria of **low-income communities** as referred to in Article 44 paragraph (6) letter h of the HKPD Law or conversion without any name change as referred to in Article 44 paragraph (6) letter e. Thus, PTSL product certificates before the HKPD Law that contain notes of BPHTB owed other than those referred to in Article 44 paragraph (6) letters e and h are subject to the obligation to pay off their tax debts. If the local Government does not exempt or reduce the BPHTB owed for the 2017-2021 tax year, it will remain a BPHTB receivable. In other words, the BPHTB owed by the recipient of the PTSL certificate does not have to be paid off if it is exempted, declared 0% by the local Government, or has expired. BPHTB owed expires by law if it has been 5 years, while an exemption or 0% BPHTB owed can be applied if certain conditions are met. Only if a regent/mayor decree or regional regulation is issued that is retroactively enforced. The name of the recipient is stated individually, concretely, and finally as free or zero BPHTB.

From a legal policy perspective, this condition indicates the need for a more progressive and responsive legal reconstruction. Considering that the majority of PTSL participants are from low-income communities, the mechanism for exemption or reduction of BPHTB through regional regulations (based on Articles 96 and 101 of the Law on Fiscal Relations between the Central Government and

ISSN Print: 2528-6137 ISSN Online: 2721-0391

Regional Governments/UU HKPD) can serve as an instrument of fiscal justice. Exempting BPHTB for first-time land registration would accelerate the issuance of land certificates and simultaneously enhance the effectiveness of the PTSL program's implementation.

Thus, the proposed legal reconstruction in this study emphasizes the importance of BPHTB exemption policies as a form of fiscal justice, as well as institutional synchronization between the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) and tax authorities. This reconstruction is expected to improve the legal structure (through institutional integration), clarify legal substance (through clear regulations on tax payment and exemption), and strengthen legal culture (through legal education and information dissemination to the public). The following is an example of a certificate that includes the tax payable on land rights.

Figure 1
Certificate Sheet Marked with Payable Tax

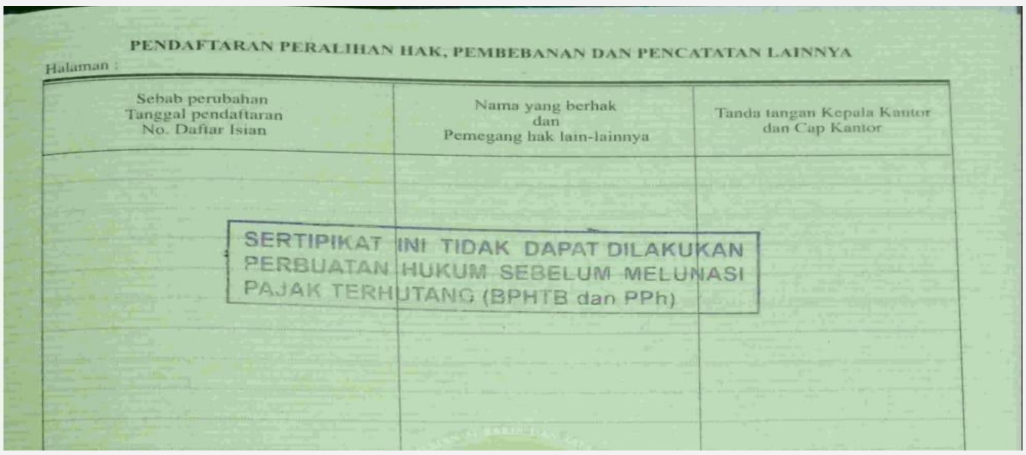

PENDAFTARAN PERALIHAN HAK, PEMBEBANAN DAN PENCATATAN LAINNYA

Halaman :

Sebab perubahan Tanggal pendaftaran No. Daftar Isian	Nama yang berhak dan Pemegang hak lain-lainnya	Tanda tangan Kepala Kantor dan Cap Kantor
BPHTB dan PPh Terhutang		

Source: Research Findings from Amahai Village

Figure 2
Certificate Sheet Marked with Payable Tax


PENDAFTARAN PERALIHAN HAK, PEMBEBANAN DAN PENCATATAN LAINNYA

Halaman :

Sebab perubahan Tanggal pendaftaran No. Daftar Isian	Nama yang berhak dan Pemegang hak lain-lainnya	Tanda tangan Kepala Kantor dan Cap Kantor

SERTIPIKAT INI TIDAK DAPAT DILAKUKAN PERBUATAN HUKUM SEBELUM MELUNASI PAJAK TERHUTANG (BPHTB dan PPh)

Source: Research Findings from Amahai Village

Settlement of PPH and BPHTB taxes, whether due to the obligation to pay tax or the existence of tax incentives or even zero, requires the following settlement actions:

1. Zero Tax or Rp 0

   If taxpayers want to get zero or free tax, they are required to obtain a tax-free certificate (SKB) from the tax office. SKB PPh can be taken care of at the NOP district/city Pratama tax office (KPP), while SKB PPh can be taken care of at the regional revenue office (depends). The tax office will check the documents and assess whether the Taxpayer meets the requirements to obtain SKB in accordance with applicable tax regulations. However, processing SKB still requires a lengthy process because its issuance is inefficient and involves more than just an administrative problem.[21].

2. Tax paid according to NPOP

   The settlement of PPh and BPHTB Tax must go through at least three stages: the creation of *e-billing*, tax payment, tax validation at the tax office, and the deletion of tax payable by attaching proof of tax validation. The following is the basis for imposing the value of land rights tax transactions:

   a. Income Tax = 2.5% X NPOP

      Final Income Tax Payment Code, Deposit Code 402, Tax Type 41128. E-billing can be made independently through the Taxpayer's online DJP account or by visiting the local KPP. Likewise, tax validation can be done independently at the DJP online or at the local KPP.

   b. BPHTB Tax = 5% X (NPOP – NPOPTKP)

      Payment Code according to the SSPD BPHTB form (the payment code on the back of the SSPD is generally marked with the numbers 01, 02, and so on).

The SSPD form can be filled out online if the taxable regional revenue office has completed the BPHTB Online. For the Amahai village, filling out the BPHTB is still done manually at the revenue office.

Suppose the Taxable Object Acquisition Value (NPOP) is unknown or lower than the NJOP used in imposing PBB in the year of acquisition. In that case, the

[21] Khoulud Beby Bestiani, "Implementation of Issuing Tax Clearance Certificates (SKB) for Income Tax (PPh) on Transfer of Land and/or Building Rights from Inheritance, Reviewed from the Principle of Administrative Ease (Case Study: Yogyakarta City Tax Service Office)," *Journal Equitable* 6, no. 1 (2021): 27–422.

principal amount of BPHTB owed is calculated by multiplying the rate by the NJOP after deducting the Non-Taxable Object Sales Value (NJOPTKP).

Before making tax payments, taxpayers must first prepare personal documents such as Taxpayer ID Card, NPWP, Family Card, BPJS Health Card, SPPT PBB and STTS or proof of PBB payment for the last 5 years, proof of land ownership (certificate, Deed of sale and purchase, letter C/girik), Certificate of inheritance (inheritance) and SSPD BPHTB (payment order in the form of a Regional Tax Payment Letter for Land and Building Acquisition Rights). SSPD BPHTB can be requested from the regional revenue office, land office, or PPAT office.

Landowners with weak economies who generally have low incomes, so as not to get caught up in tax problems due to the acceleration of PTSL, need assistance and guidance from the head of the land office to help create regional government policies that contain reductions, relief, or exemptions from BPHTB for recipients of PTSL certificates. The possible settlement pattern for outstanding BPHTB is by referring to Article 4, paragraph (3), letter a of Government Regulation Number 55 of 2016 concerning General Provisions and Procedures for Collecting Regional Taxes, namely that regional governments issue regional regulations to provide reductions, relief, or exemptions from BPHTB taxes arising from the PTSL certificate program.

The choice of settlement pattern of BPHTB owed by PTSL certificate by the Regional Government will be more successful when there is an active role and effort from the head of the land office (*Government to Government*) rather than being done alone by the community receiving PTSL certificates, who have zero access, zero capital, and minimal *bargaining power*. Several BPHTB settlement patterns on PTSL certificates, if narrowed down into two alternative solutions, namely:

Submitting tax incentives as regulated in Article 101 of the HKPD Law. Individuals who receive PTSL certificates and still have outstanding BPHTB records must submit a tax incentive application to the regional head to receive tax relief. Then, based on the tax incentive application, the regional head will consider, among other things: a. Taxpayer's ability to pay; b.certain conditions of tax objects, such as tax objects being affected by natural disasters, fires, and/or other causes which do not occur due to any deliberate elements carried out by the Taxpayer and/or other parties to avoid paying tax; c. to support and protect micro and ultra micro-entrepreneurs; d. to support regional government policies in achieving regional priority programs and/or; e. to support government policies in achieving national priority programs.

Provision 101 letter e of the HKPD Law can be used most by the Regional Government to ease or exempt the BPHTB owed by recipients of PTSL certificates because it is related to Presidential Instruction No. 2 of 2018. Thus, the enactment of the HKPD Law, particularly Article 101, offers hope and opportunities for BPHTB relief, provided that the regional Government agrees and determines that PTSL is a regional/national strategic program and that taxpayers are genuinely and consistently classified as low-income individuals. Tax incentives, by definition, can be in the form of: exemption from taxation, reduction of the tax base, reduction of tax rates, or tax deferral.

Regional heads provide relief, reduction, exemption, and postponement of payment of principal and/or tax sanctions. Using the provisions of Article 96 paragraph (1) of the HKPD Law, which states that regional heads can provide relief, reduction, exemption, and postponement of payment of principal and/or tax and levy sanctions. Based on the authority derived from the attribution of Article 96 paragraph (1) of the HKPD Law, the regent/mayor issues a regent/mayor decree or regent/mayor regulation by providing relief, reduction, exemption, or postponement of payment because the Taxpayer's condition and/or tax object are clearly low-income people with small land and not for medium-large businesses.

Whatever form of settlement pattern is chosen by the regional Government from the provisions of Article 96 of the HKPD Law, it must be stipulated by a decision or regulation of the regent/mayor or regional regulation. The choice of legal product form for settling outstanding BPHTB is important, as it is necessary to provide legal certainty for the chosen regional government policy and the status of outstanding BPHTB for PTSL certificates. Along with the absence of PPh and BPHTB regulations that are clear enough to address these problems, it is necessary to specifically regulate the PPh and BPHTB owed in the implementation of PTSL. The new regulation encourages the Government to facilitate PPh and BPHTB taxes specifically for first-time registration in the implementation of PTSL, offering *zero tax* or zero percent tax. This demonstrates the Government's seriousness in fulfilling the obligation to register land throughout Indonesia. The "zero tax" facility, which offers zero percent tax, is specifically for first-time land registration because, in general, the first land registration is for the underprivileged. This is in accordance with the Decree of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 261/KEP-7.1/XI concerning certification of Land Rights for people who have a prosperous family card, as an effort by the Government to improve community welfare and provide convenience in the service of land rights certification for the first time and provide convenience in the costs of measurement, transportation, accommodation, consumption, and land inspection costs (Committee A) which are charged to the Budget Implementation List (DIPA).

Meanwhile, for BPHTB, the regional Government is requested to be exempted from certain requirements. This provision should be enforced or implemented to attract public interest in registering land. It will provide convenience in accelerating land registration, indirectly encourage economic growth, minimize disputes, and offer legal certainty and protection for land rights holders if the land is registered.

Land certificates play a crucial role in supporting the community's economy, particularly by serving as legal proof of ownership. In agrarian law in Indonesia, a land certificate is an official document issued by the National Land Agency (BPN). It serves as prima facie proof of land ownership, meaning it is considered valid evidence until proven otherwise in court. Ownership of a land certificate provides legal certainty *for* its owner, thus minimizing the risk of land disputes that can result in economic losses. In addition, with legal certainty, landowners can be more confident in utilizing their land for commercial, agrarian, or housing purposes, as the state legally recognizes their rights.

Land certificates also have a strong position in the context of civil law, especially in terms of debt collateral. Based on Article 1131 of the Civil Code (KUHPer), all assets of the debtor, both movable and immovable, including certified land, can be used as collateral for debt repayment. Furthermore, certified land can be used as collateral in the form of Mortgage Rights, in accordance with the provisions of Law Number 4 of 1996 concerning Mortgage Rights. Mortgage Rights are collateral rights over land for debt repayment, giving creditors priority rights to execute the land if the debtor defaults. In this context, land certificates play an important role because they enable landowners to obtain financing from financial institutions, which can be used for various productive purposes, such as business development, investment, or infrastructure development. Thus, certified land is not only idle capital but can also be converted into productive capital that directly contributes to the economy. Land certificates also contribute positively to the disbursement of funds from banks because they are considered to have higher value compared to non-certified certificates.[22].

Land certificates also serve as a guarantee of legal certainty in every transaction involving the transfer of land rights, whether through sale and purchase, grant, inheritance, or other forms of transfer. Article 19 of the UUPA states that land registration is intended to provide legal certainty and legal protection to land rights holders. Therefore, any land transaction not accompanied by an official certificate has the potential to cause future disputes, which can hinder land productivity and reduce its economic value. In land sales and purchases, for example, the presence of a land certificate ensures that the buyer legally obtains

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[22] Hartin Ilham, "Evaluation of MSME Land Certificates in Improving the Welfare of MSME Communities in Gorontalo City," *Journal of Humanities Research* 7, no. 12 (2024): 66–70.

land rights, strengthening their legal position in ownership and facilitating the transfer of rights in the eyes of the law.

In addition to serving as proof of ownership, land certificates also support economic development at both the individual and national levels. Ownership of land certificates allows landowners to access various government programs that support increased land productivity, such as agricultural subsidies, tax incentives, and access to small and medium business capital programs. For example, farmers with certified land can more easily access the people's business credit (KUR) program provided by the Government, as certified land can be used as collateral. This is in accordance with banking regulations that regulate the provision of credit with land rights guarantees. This has been practiced by the community in Madiun.[23]. Business actors use land certificates as collateral to obtain business capital loans, which are, of course, for the development and improvement of their businesses. Moreover, the position of the land title certificate as ownership rights means that banks will find it easier to provide financing, as the certificate is the strongest proof of land ownership and grants full ownership to its holder.[24]. In this context, land certificates become an important legal instrument for accessing broader financing, which can support business development, agricultural productivity, and community welfare improvement.

Land certificates also play a role in the taxation process, especially in calculating income tax on land transactions and BPHTB. Based on Law Number 36 of 2008, every sale of land by individuals or legal entities is subject to income tax at a rate of 2.5% of the selling price. Meanwhile, land buyers are subject to BPHTB based on the PDRD Law, at a rate of 5% of the acquisition value of the taxable object. In this context, land certificates play an important role because they serve as the main reference for determining the value of taxable objects and provide a legal basis for the Government to assess the tax burden. Without a valid certificate, land transactions will be difficult to register and process legally, which in turn will hamper the legality of the transfer of land rights and the related taxation process.

Land certificates are not only legal documents that provide certainty of land ownership, but also legal instruments that support economic development through access to capital, transaction guarantees, legal certainty, and tax compliance. Land certificates allow their owners to more easily optimize the economic value of the land, either through sales, rentals, development, or as collateral to obtain credit. At the macro level, this supports economic stability and

[23] Andy Kurniawan, Mr Sudibyanung, and Theresia Supriyanti, “Utilization of Land Certificates from Complete Systematic Land Registration for Increasing Business Capital in Madiun Regency,” *Tunas Agraria* 3, no. 3 (2020).

[24] Rexy Artmando Gabriel Manoppo, “Legal Study on Land Certificates as Collateral in Credit Agreements,” *Lex Privatum* 9, no. 3 (2021).

sustainable development because productive lands can be utilized optimally and legally, creating a broad positive impact on the community's economy.

4. Closing

4.1. Conclusions

The obstacles in settling Income Tax (PPh) and Land and Building Acquisition Duty (BPHTB) in the PTSL program are caused by low public understanding, administrative complexity, limited information, and weak coordination among related agencies. These challenges also indicate potential regulatory disharmony between the Minister of Agrarian Affairs/Head of BPN Regulation No. 6 of 2018 and the HKPD Law, resulting in legal uncertainty. Regulatory harmonization, providing incentives or BPHTB exemptions for first-time land registration, strengthening socialization and payment systems, and institutional coordination are important steps to enhance legal certainty, improve compliance, and ensure the sustainable and equitable implementation of the PTSL program.

4.2. Suggestions

To address these obstacles, it is necessary to harmonize central and regional regulations, facilitate "zero-tax" or BPHTB exemptions for first-time land registration, strengthen accessible socialization and payment systems, and improve institutional coordination among BPN, local governments, and tax authorities. In addition, regular monitoring and evaluation of the PTSL program implementation and regional tax mechanisms should be conducted to ensure effectiveness, public compliance, and the achievement of fiscal justice.

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