

# Utilitarianism in The Complete Systematic Land Registration (PTSL) Program Policy

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## Abstract

This research discusses the application of the principle of utilitarianism in the Complete Systematic Land Registration (PTSL) Program policy in Indonesia which aims to provide legal certainty and improve community welfare through land certification. Data shows that until 2021, there are 54 million parcels of land that have not been certified, which has the potential to cause agrarian conflicts and gaps in economic access. The utilitarianism approach is used to analyze the impact of the program on the benefits for the wider community. This research uses a qualitative method with a literature review approach and uses secondary data from various official sources. The results show that PTSL has provided significant benefits, such as reduced land conflicts and improved economic access. On the other hand, there are still challenges in implementation, such as illegal levies and lack of transparency. Therefore, it is necessary to emphasize the importance of monitoring and improving the quality of program implementation to maximize benefits for the community.

**Keywords:** Ethics; Utilitarianism; PTSL Program

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## Introduction

Indonesia is the largest archipelago in the world with 13,466 islands stretching from Sabang to Merauke. The number of scattered islands makes the area of land in Indonesia reach 1,922,570 km<sup>2</sup> (Geospatial Information Agency, 2024). With a land area that is expected to decrease over the years, it is not proportional to the increasing population in Indonesia. The community's need for land and the increase in land issues are accompanied by a surge in the number of residents who are getting bigger. It cannot be denied that land plays an important role for the survival of humans and other living things. Even countries in Europe in the past implemented land banking programs as a form of refinement of land management patterns in the agricultural sector (Rudianto and Heriyanto, 2022). The urgency of implementing land management is triggered by the increasing population, so that land, which is static, must be able to provide the basic needs of its inhabitants. Currently, land banking is used in land management in many countries, including for the purpose of consolidating land spatial planning, controlling land price fluctuations, streamlining land management, preventing non-optimal utilization and developing new urban planning.

In order to realize the welfare and prosperity of the community, the state's goal has been mandated in the 1945 Constitution to protect the entire nation and the blood of Indonesia so that the state is obliged to fulfill the basic rights of its citizens. Starting from shelter, education, decent work, and an adequate environment, the state is required to be able to utilize every inch of its land optimally. As stated in Article 33

paragraph 3 of the 1945 Constitution states that:

"The land and water and the wealth and nature contained therein shall be under the control of the state to be used for the greatest prosperity of the people."

Meanwhile, Law Number 5 of 1960 concerning Basic Agrarian Principles states that:

"All of the earth, water and space, including the natural resources contained therein within the territory of the Republic of Indonesia as a gift of God Almighty is the earth, water and space of the Indonesian nation and is national wealth."

Land becomes one of the important indicators in achieving success and equitable development in the process of nation building. In order to reduce conflicts, disputes, and land issues and support the purpose of land registration is to provide landowners with legal certainty. The main policy relating to land known as orderly administration of the land sector aims to ensure that data about each recorded land parcel is complete and prevent land-related problems. The purpose of the orderly administration of the land sector is to provide land certificates to landowners as legal proof of land ownership (Rudianto and Heriyanto, 2022). Signs of ownership of land can be proven by the existence of land certificates or other letters that can prove land ownership rights issued by the Government such as the Ministry of Agrarian Affairs and Spatial Planning or the National Land Agency (BPN) which will then be given to landowners. The government issued a program to make it easier for the community in terms of managing land rights certificates. Every citizen in order to obtain certainty or guarantee of land rights

owned must follow the procedure, namely registering the land first and then the government will issue a land certificate as proof of ownership of land rights. The slow process of making land certificates complained about by the community in the process of managing land registration administration requires the government to improve to speed up the land registration process. The Minister of Agrarian and Spatial Planning / BPN launched the Complete Systematic Land Registration (PTSL) program as a form of government commitment so that people can obtain legal certainty and legal protection of land rights in a certain, fast, simple, safe, smooth, fair, equitable and transparent manner (Rudianto and Heriyanto, 2022). This innovation is based on data from the Ministry of ATR / BPN that there are 126 million parcels of land but until now only 72 million parcels of land have been certified with an area of 29,688,781 hectares (ha). This means that 54 million parcels of land have yet to be certified. The following is data on the status of land in Indonesia in 2021.

Table 1. Data on Land Status in Indonesia 2021

No	Land Status		Number (Parcels)
1	Certified Land	Freehold Certificate	69.900.000
		Building right	5.300.000
		Business use right	15.600
		Right of use	795.000
		Management right	5.700
		Waqf land	161.100
2	Uncertified Land	Uncertified	53.994.000
		Disputed land	6.000

**Source:** Ministry of ATR/BPN in Rudianto and Heriyanto (2022)

Based on the table above, according to data from the Ministry of ATR / BPN in 2021, the

number of land that does not yet have certificates still reaches 53.9 million plots of land. With 53.9 million parcels of uncertified land, this number is almost equivalent to 70% of the total certified land. This shows that many people do not have legal certainty over their land, potentially leading to conflicts and gaps in economic access. In addition, as many as 6 thousand parcels of land that are currently in dispute were recorded in 2021. In this case, PTSL functions not only to register land but also to resolve land conflicts through clear measurement and recording with the aim of reducing potential conflicts in the future.

According to Suyus in Indonesian Waqf Board (2023) states that the total land parcels registered through PTSL until December 4, 2023 have reached 109.8 million parcels or equivalent to 87.1%. Meanwhile, 89.9 million parcels of land have been certified, equivalent to 71.3%. The purpose of the PTSL program is not only to provide legal certainty but also to improve the welfare of the community. With land certification, landowners have legal certainty because they have legal documents that recognize their land rights. This reduces conflicts or land disputes, both between individuals and individuals with the government and other parties. In addition, in relation to community welfare PTSL creates direct and indirect positive impacts on social and economic aspects.

The writing of this research can be used to fill a void in the agrarian policy literature by utilizing the utilitarianism ethics approach as a framework for evaluating the PTSL program. This approach is rarely used in previous studies that focus more on the legal-formal or technocratic aspects of policy. Thus, this study

offers a normative perspective that focuses on calculating the benefits and moral impacts resulting from policy implementation, especially in relation to distributive justice and community welfare. The implementation of the PTSL program can be analyzed through the ethical theory of utilitarianism. Utilitarianism is often used as a basis for determining whether a program will provide maximum welfare for the community. In reality, in addition to providing a large positive impact, it cannot be denied that the implementation of the PTSL program in Indonesia still allows problems and irregularities to occur, including the collection of unreasonable fees / extortion (Fuad, 2017), the potential for corruption (Sudarmanto, Arifin and Tatara, 2023), and the lack of transparency of the program and the quality of officers or human resources in providing services that are less responsive (Pratama, Sunarya and Pranomo, 2023). Through the PTSL program, which is expected to have a broad impact on the community in relation to legal land ownership and clear legal status, irregularities are still found that can hinder the program implementation process. The concept of Utilitarianism is used to see how much benefit is felt by the community in the midst of these irregularities with the concept of Utilitarianism.

## **Literature review**

### **Complete Systematic Land Registration (PTSL)**

Land registration began with its function as a fiscal cadastre, after which the importance of certainty of rights and legal certainty caused land registration to become a "legal cadastre". Land registration which is a fiscal cadaster, namely land registration activities carried out

by the government, in order to fulfill the interests of the state itself, namely for the purpose of collecting land tax (Harsono, 2005).

According to Article 1 point 9 of Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration states that:

"Land Registration is a series of activities carried out by the Government continuously, continuously and regularly including collecting, processing, bookkeeping, and presenting and maintaining physical data and juridical data, in the form of maps and lists, regarding parcels of Land, Aboveground Space, Underground Space and units of flats, including the provision of evidence of rights for parcels of Land, Aboveground Space, Underground Space that already have rights and ownership rights to Flat House Units and certain rights that burden them."

The purpose of land registration is to provide legal certainty and protection to holders of rights to a parcel of land, apartment units and other registered rights so that they can easily prove themselves as holders of the rights concerned. In this case, the end of land registration activities carried out by the Government is the provision of evidence of rights, which is valid as a strong means of proof, called a certificate. In this regard, the PTSL program according to the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No. 6 of 2018 concerning Systematic and Complete Land Registration, that:

"Complete Systematic Land Registration, hereinafter abbreviated as PTSL, is a Land

Registration activity for the first time carried out simultaneously for all Land Registration objects throughout the territory of the Republic of Indonesia in one village/kelurahan area or other names of the same level, which includes the collection of physical data and juridical data regarding one or several Land Registration objects for registration purposes."

In accordance with the provisions of Article 4 paragraph (4) Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 6 of 2018 is carried out in stages:

- a. Planning;
- b. Determination of Location;
- c. Preparation;
- d. Formation and establishment of PTSL adjudication committee and task force;
- e. Counseling;
- f. Physical data collection and juridical data collection;
- g. Juridical data research to prove rights;
- h. Announcement of physical and juridical data and its validation;
- i. Affirmation of conversion, recognition of rights and granting of rights;
- j. Bookkeeping of rights;
- k. Issuance of land rights certificates;
- l. Documentation and submission of results of activities; and
- m. Reporting.

Article 4 paragraph 3 states that the objects of the Complete Systematic Land Registration (PTSL) include all land parcels without exception, both land parcels that have no land

rights and land parcels that have rights in order to improve the quality of land registration data, which includes land parcels that already have boundary marks and those that will be marked in the implementation of PTSL.

### **Ethical Approach Concept**

Ethics is the science of good and bad behavior, moral rights and obligations; a set of expectations or values relating to morals; this also includes values regarding the right or wrong actions or behavior adopted by society. Etymologically, ethics comes from the Greek word *ethos*, which means moral character or custom. Meanwhile, according to philosophy, ethics is defined as the science that investigates what is good and what is bad by paying attention to human deeds as far as the mind can know. Basically, ethics discusses human behavior (Kusumawati, 2019).

The concept of ethics is often used with the meaning of the word moral. These two terms have the nuances of two different traditions of moral philosophy thought. Aristotle in his book *Ethique a Nicomaque*, in addition to the word *ethos* which means the quality of a trait, also uses the term *ethos* which is interpreted as a habit. The meaning of *ethos* here is defined as a way of thinking and feeling, a way of acting and behaving that characterizes one's belonging to a group. In this second word term, it corresponds to the translation in Latin *moralis* (*mos, moris* = custom, habit). The term from the word *moralis* becomes a technical term that is not just interpreted as a habit but contains moral meaning as used in the current sense. (Kusumawati, 2019)

There is another opinion according to John P. Noman SJ who says that Ethics is the science of

the morality of human acts, which means ethics is a science that studies the morality of human actions. Ethics is concerned with the process that explains what is right and wrong and leads us to act on what we consider right. Ethics is also concerned with the use of reason in determining the right course of action. Ethics becomes a moral standard. According to Bertens in Sadhana (2010: 4) concludes that there are three important meanings of ethics, namely (1) ethics as moral values and moral norms that guide a person or group in regulating their behavior, or called a "value system";

(2) ethics as a collection of moral principles or values that are often known as "codes of ethics"; and (3) as a science about good or bad, which is often called "moral philosophy". According to Sadhana (2010: 8-11) there are two general approaches that are usually used in administrative ethics, namely Utilitarianism and Deontology.

### **1. Utilitarianism Approach**

The Utilitarianism approach is one of the categories of approaches in the teleological approach group. The teleological approach when associated with administrative ethics is based on what is good and bad or what the administration should or should not do. The main benchmark is the value of the benefits that will be generated. In the context of public administration, the teleological approach to good and bad is measured based on the achievement of public policy goals, the fulfillment of public choices or the manifestation of organizational power, even individual power if that is the goal of administration. This approach also consists of various categories, the

first is ethical egoism, which seeks to develop goodness for itself. A well-known pioneer of this approach is Niccolo Machiavelli, who was an Italian (Florentine) bureaucrat in the 15th century. The second is utilitarianism, which is based on the principle of utility. This principle seeks the best for the greatest number of people. This principle also has long roots, especially in the 19th century views of Jeremy Bentham and John Stuart Mills.

In Utilitarianism, an action is right if it benefits the most people. According to the adherents of this approach, there are no universal principles that can guide an action. The benefits and costs associated with an action must be taken into account to determine whether the action is moral or not. Adherents of this approach say that a truth cannot be a priori judged as right or wrong. In determining the rightness and wrongness of an action, it will depend on the calculation of who is helped and who is harmed by the action. The actions themselves have no intrinsic values, they are only a means to achieve things that have value (Sadhana, 2010).

The term utilitarianism comes from the Latin word *utilis* which means useful (Bertens, 2014). According to utilitarianism theory, an action will be considered good if it brings benefits to society as a whole. As in the writings of Jeremy Bentham and John Stuart Mill, according to Mill in Weru (2019) wrote the credo of utilitarianism which reads,

"Act in such a way that the action brings the greatest amount of happiness to the greatest number of people affected by the action" (Weru, 2019).

Utility theory is a school of thought of the Contemporary Political Philosophy school. This

school was pioneered by several figures including Jeremy Bentham, John Stuart Mill, and Rudolf Von Jhering. Jeremy Bentham is the most famous figure from the emergence of this school. There are four general characteristics of this school:

1. Critical

This school does not easily accept and obey a norm that is enforced in an environment, they will find out the clear cause and effect of the norm;

2. Rational

For utilitarians, a cause and effect must be rational, where if a norm or rule that applies has many benefits or uses, then they will be obliged to implement and comply with the rule or norm;

3. Teleological

Where right or wrong is not important for utilitarians, as long as what is done produces many uses;

4. Universal

This theory is very concerned with the public interest (together), not personal or group interests. The theory of Utilitarianism put forward by Jeremy Bentham is "The aim of law is The Greatest Happiness for the Greatest Number" which means that "The main purpose of a law is to get the greatest happiness from as many people as possible". According to this school, whether a norm or action is right or wrong, as long as it produces many benefits, it will be in line with the utilitarian principle.

## 2. Deontology Approach

The origin of deontology is the Greek word duty which means duty. This approach is based on moral principles that must be upheld

because truth is not tied to the consequences of actions taken. The principle of this approach is that the administrative process must be based on binding moral values. This approach has a varied view. In its application, incorporating moral values into administration is an effort that is not easy, because it must change the mindset that has long animated the administration.

According to Fox in Sadhana (2010) there are three deontological approaches in administrative ethics. First, the view of social justice, which emerged with the development of the "New State Administration". Where state administration must proactively encourage the creation of equity or social justice. The problem of modern administration is the imbalance between the rich and the poor. The rich have the opportunity to be knowledgeable and well-organized, thus gaining a constantly advantageous position in the state.

Second, regime values or regime norms. This view argues that the ethics of state administration must refer to the values that underlie the existence of the state concerned. Third, the universal moral order. This view argues that there are universal moral values that must be a guide for public administrators.

### The implementation of the PTSL

program can be analyzed through utilitarianism ethical theory because it focuses on the benefits and welfare generated for the wider community. According to utilitarianism ethics theory, an action is considered ethical if it provides the greatest benefit to the greatest number of people. The implementation of the PTSL program can be seen as an effort to provide greater benefits to the community by providing legal certainty of land ownership through guaranteed property rights. This theory

can be used to assess the policy or policy practice of the PTSL program in Indonesia based on its impact on community welfare. The implementation of the PTSL program can be analyzed through the lens of utilitarianism to understand how this policy affects the development of the spatial system in Indonesia.

### Framework

This research not only explains the utilitarianism theory philosophically, but also applies it as an evaluative analysis framework for public policy, in this case the PTSL program. For this reason, a framework was developed that connects the main principles of utilitarianism with indicators of program success, as shown in the following table:

Prinsip of Utilitarianisme		Program PTSL Indicator
Greatest Happiness		Number of certified land parcels that increased significantly
Utility Calculation		Bureaucratic efficiency and ease of service access
Justice and Fairness (Mill)		Equitable distribution of certificates for all groups including vulnerable groups
Public Benefit Orientation		Reduction of agrarian conflicts and increased access to economic facilities and financing

### Method

This research uses a qualitative method with a literature review approach, which is a thorough analysis of theories, findings, and other research sources taken from various references used as the basis for this research. Literature review contains reviews, summaries, and author's views on various literature sources such as articles, books, and others that are relevant to the topic being discussed. The purpose of the literature review is to find the right basis for thinking or theoretical sources as the basis for the problem-solving process in the phenomenon being studied.

The data used in this study is secondary data, which is data obtained not through direct observation but comes from research that has been conducted by previous researchers. Secondary data sources include books and primary scientific reports listed in articles or journals. Research sources were obtained through various ebooks, national and international journals through Google Scholar, Garuda, and government portals (KPA, ATR/BPN) and other references relevant to the research topic on Utilitarianism in the Complete Systematic Land Registration (PTSL) Program Policy. The analysis was conducted using an evaluative approach based on utilitarianism ethics, through thematic coding on the program's benefits, challenges, and impact on the community. During the data analysis process, steps including data reduction, data display, and data collection were carried out systematically as per the Conceptual Framework as follows:

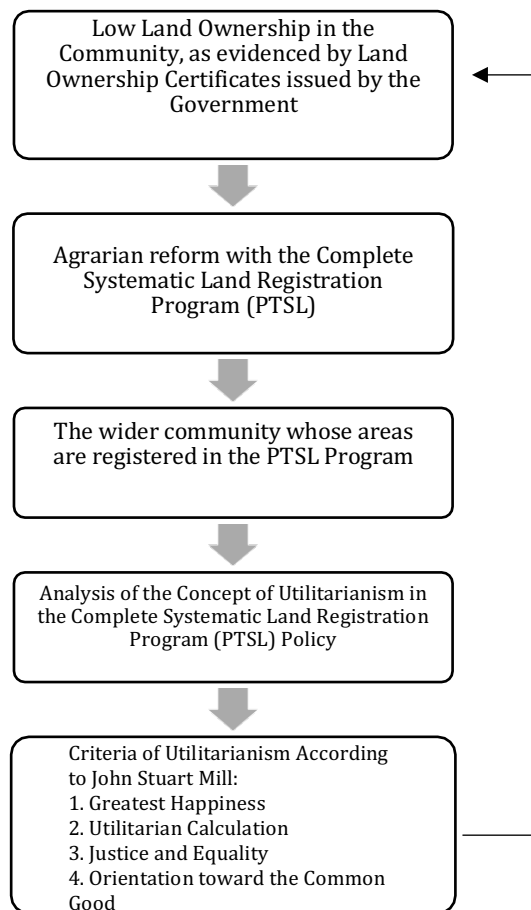


Figure 1. Conceptual Framework

## Results and Discussion

### Agrarian Reform and the Complete Systematic Land Registration Program

Asset legalization is an object of agrarian reform in the 9 (Nine) Priority Agenda of the President and Vice President 2015-2019 known as Nawacita, which is then elaborated in the National Medium-Term Development Plan (RPJMN). Not stopping at the RPJMN 2015-2019 period, this program was again outlined in the next period RPJMN 2020-2024. At that time, the

government planned 9 million hectares of reform. This target includes asset legalization of 4.5 million ha and land redistribution of 4.5 million ha. The asset legalization consists of 3.9 million ha of community land and 0.6 million ha of transmigration land. Land redistribution consisted of the release of 4.1 million ha of forest areas and 0.4 million ha of former cultivated land (HGU), abandoned land, and other state land.

The results achieved in the 2015- 2023 period are still felt to have imbalances. When looking at the results of the agrarian reform program reported on the official website of the Consortium for Agrarian Reform (2024) states that the achievements of the agrarian reform program are considered still far from expectations even though the government has made maximum efforts to implement it. The agrarian reform program still relies on the legalization of land assets so that it has not really unraveled inequality to achieve agrarian justice.

PTSL is a national priority program designed to be part of agrarian reform. One form of the government's commitment is to organize agrarian issues with land certification, which has been considered by the community to be difficult, long and expensive to obtain. Therefore, the government accelerated land certification throughout Indonesia through the Complete Systematic Land Registration (PTSL) (Putrisasmita, 2023). By 2023 the realization of asset legalization has reached 110.5 million parcels of land out of a total target of 126 million parcels of land. This asset certification includes uncertified land of citizens and transmigrants.

The measurement and mapping process is the first step in preparing and applying for a PTSL certificate. This step aims to accurately

identify land boundaries, record information about landowners, and ensure that all land occupied by the community is properly registered. This is our commitment to provide legal certainty to the community over the land they own. By having a PTSL certificate, they will have easier access to credit, investment and other public services (Idris, 2024) . The implementation of PTSL is carried out with stages as mentioned in Permen ATR / Head of BPN Number 6 of 2018 concerning Complete Systematic Land Registration which is described as follows (Rozi et al. ; 2024)

#### 1. Counseling

This counseling was conducted by the Land Office and the PTSL adjudication committee, physical task force and juridical task force. Counseling is conducted to the community, both those who already have and those who do not yet have certificates. In addition to the community, counseling can also be conducted to local government, related agencies, law enforcement and/or community leaders.

#### 2. Physical Data Collection and Juridical Data Collection

Implementation of the collection, processing and maintenance of physical data and juridical data for the determination of rights and land registration using lists, blanks, maps and other lists as well as entries in the KKP application. Physical data collection is carried out through measurement and mapping of land parcels. Measurement and mapping of land parcels are carried out using surveying and mapping technology consisting of terrestrial methods, photogrammetric methods, satellite methods, or a combination of the three methods. Standards, criteria, methods,

procedures, and mechanisms for collecting, processing, and presenting and maintaining physical data and documents are carried out in accordance with the provisions of laws and regulations.

Meanwhile, juridical data collection is carried out by the Juridical Task Force in accordance with the provisions of laws and regulations. The collection of juridical data includes the collection of evidence regarding ownership or control of land, either written evidence, witness testimony and/or statements of the person concerned.

#### 3. Juridical Data Research for Proof of Rights

Juridical data research is conducted by the PTSL adjudication committee. In the event that evidence of community land ownership is incomplete or nonexistent, it can be completed and proven by a written statement regarding the ownership and/or physical control of the land plot in good faith by the person concerned. The element of good faith as intended, consists of the fact of physically controlling, using, utilizing and maintaining the land for generations within a certain time and/or obtaining it in a manner that does not violate the provisions of laws and regulations.

#### 4. Announcement of Physical Data and Juridical Data and its Ratification

A recapitulation of the juridical data that has been set out in the Minutes of Juridical Data Research concerning land parcels that have been mapped on a map of the land parcels, is included in the List of Juridical Data and Physical Data for Land Parcels. To fulfill the principle of publicity in proving land ownership, juridical data and physical data of land parcels and maps

of land parcels are announced using the Physical Data and Juridical Data Announcement form (DI 201B) for 14 (fourteen) calendar days at the PTSL Adjudication Committee Office and the Village Head Office. Interested parties are given the opportunity to submit objections regarding the Physical Data and Juridical Data Announcement during the announcement period. After the announcement period, the physical data and juridical data are legalized by the PTSL Adjudication Committee which is made in the form of Berita Acara Pengesahan Pengumuman Data Fisik dan Data Yuridis.

#### 5. Bookkeeping of Rights

In the Book of Rights, the restrictions related to the right include restrictions on the transfer of rights, restrictions on land use regarding coastal boundary lines, rivers and others, as well as restrictions on the use of land rights in protected areas. The signing of the Land Book is done by the Chairman of the Adjudication Committee on behalf of the Head of the Land Office. In the case of a parcel of land that is eligible for issuance of a certificate but for which there is a court case, the Land Book is signed with the name of the right holder blanked out. The issuance of a Land Rights Certificate follows a court decision that is legally binding, and whose verdict declares one of the parties to be the rightful party.

#### 6. Issuance of Land Rights Certificates

Land ownership rights, building rights, use rights and waqf rights that have been registered in the land book and meet the requirements to be given proof of rights, are issued land rights certificates. The signing of land rights certificates resulting from the implementation of PTSL activities is carried out by the Chairman of the PTSL Adjudication Committee for and on

behalf of the Head of the Land Office. Land title certificates are handed over to the right holder or his/her proxy, and waqf certificates are handed over to the nadzir. In the event that there is an administrative error in the issuance of the Land Rights Certificate, corrections are made based on the Minutes of Correction of Administrative Errors in accordance with the provisions of laws and regulations.

### Utilitarianism by J. S. Mill

The concept of utilitarianism is attached to the figures Jeremy Bentham and John Stuart Mill. Bentham is the founder of utilitarianism, which seeks the objective basis of a policy by comparing the benefits and consequences that will arise when making a decision that can provide norms accepted by society in establishing social policies and regulations. Furthermore, Bentham saw from an ethical point of view, the right and correct action is when the action taken can affect the great utility for the public (Muharir and Haryono, 2023).

Although Bentham pioneered utilitarianism, J.S Mill became a figure who criticized and refined Bentham's concept. The following thoughts on utilitarianism according to Mill are classified into four important points. The first point, Mill starts by creating a new concept of the principle of usefulness. It refers to actions that are good and right if they have the ultimate goal of supporting justice, and bad if they support evil. J.S Mill's concept of utilitarianism is a reconstruction of Bentham's utilitarianism. This means that Mill scientifically tries to improve the previous definition of utilitarianism.

The second point is John Stuart Mill's principle of utility. The principle of utility is used

to refute the negative perspective on utilitarianism ethics. Mill himself disagrees with the critics of utilitarianism who consider this ethical school as a materialistic school. According to him, there are two kinds of happiness in the human world, the ultimate happiness and the temporary happiness. This means that humans can choose what kind of happiness they want (Saepullah, 2020).

The third point, Mill rejects negative views stemming from a prejudice that says utilitarianism is a type of ethics that is selfish or only concerned with individual interests. The fourth point is the conception and axiology of John Stuart Mill's utilitarianism. John Stuart Mill's ideas or concepts about utilitarianism are put into action. The first action departs from a hypothesis about the seriousness of humans in achieving happiness. Mill proves this by realizing the importance of the value of what humans desire. The second action is that each individual human being has their own standardization of happiness. Mill explains this as an awareness of shared happiness that should be realized. From these actions, there is one conclusion that in fact humans in their subconscious there is a desire that exceeds human happiness. Therefore Mill has the opinion that in essence humans do not always want something that is basic in fulfilling needs but only as a tool or vehicle to achieve happiness.

Utilitarianism is an ethical and moral understanding that places the so-called good deeds as useful, beneficial and profitable, where bad deeds are deeds that cause suffering and harm. According to Mill, actions should be classified as morally right or wrong only if their consequences are so important that one would

like to see the agent compelled, not merely persuaded and urged, to act. In assessing the consequences of actions, Utilitarianism relies on some theory of intrinsic value i.e. something is considered good in itself, regardless of further consequences, and all other values are believed to derive their worth from their relationship to this intrinsic good as a means to an end (Ni 'am, 2008).

The substance of the teaching of utilitarianism lies in the ultimate goal of the actions performed and caused by a person by considering good and bad. Among them, by considering the most benefits from the largest number, then the behavior can be categorized as good. However, if the most harm out of the largest number is obtained, then the behavior is included in a less ethical action. In the scope of axiology (ethics) which explicitly says that utilitarian ethics itself moves on the "principle of usefulness" and the principle of "greatest happiness" (Saepullah, 2020).

This theory is closely related to the welfare of the people, where a country must be run and produce the welfare of the people as much as possible and as much as possible (Adara, 2020). Mill's relevance states that the utilitarian concept is the concept of usefulness which has the value of happiness in it, if public behavior is part of the action, social action must have a long-term value of benefits because humans are here as social actors.

The government's PTSL program provides extensive benefits to the community, especially the weak economic class, through legal certainty over land. Land certification can increase security and reduce agrarian conflicts. The program aims to minimize conflicts related to land ownership, which is often a source of

problems in society. This resolution creates stability and collective happiness, which is in line with utilitarian principles.

When viewed as a whole, PTSL is closely related to utilitarianism because the program is designed to create great benefits for the wider community, especially in terms of legal certainty, economic and social stability. Although PTSL provides great benefits, utilitarianism also invites evaluation of its implementation. If the program pays insufficient attention to environmental impacts, customary interests, or other vulnerable groups, the maximum expected benefits may be distorted. This needs to be corrected so that the benefits are truly equitable.

### Ethical and Practical Impacts of the PTSL Program

Table 3. Comparative Ethical Impact VS Practical Impact of PTSL Program

Aspec	Ethical Impact (Utilitariansm)	Practical Impact in the Field
<b>Practical Impact in the Field</b>	Improving the welfare of the wider community by ensuring legal certainty over land.	Many people have been helped to Improving the welfare of the wider community by ensuring legal certainty over land.
<b>Social justice</b>	Supports the principle of distributive justice by providing legal ownership to all groups of society.	There are still discriminator practices and extortion in implementati on at the local level..
<b>Efisiensi administrasi</b>	Maximizes utility through bureaucratic efficiency and reduction of agrarian	Procedures in the field are sometimes hampered by the lack of capacity of

	conflicts.	apparatus and weak information systems.
<b>Land mafia eradication</b>	Reduce land mafia practices by clarifying ownership status.	Reduce land mafia practices by clarifying ownership status.
<b>Economic upliftment</b>	Land certification enables access to credit and investment, improving collective welfare.	Some communities do not know how to utilize certificates for productive economic access.
<b>Transparansi dan akuntabilitas</b>	Mendorong praktik pemerintahan yang baik dan etis dalam pelayanan publik.	In some areas, transparency of the PTSL process is low and external oversight is minimal.

Source: Sadhana (2010)

The Complete Systematic Land Registration (PTSL) program can be analyzed through the perspective of utilitarianism as an ethical approach in public policy evaluation. Ethically, Jeremy Bentham's idea of the greatest happiness for the greatest number is reflected in the main objective of PTSL, which is to provide legal certainty over land for as many citizens as possible. The legality of land ownership directly increases security and opens up significant economic opportunities for the wider community. However, the implementation of the program in the field shows its own challenges. Access to PTSL is still limited in some remote areas and illegal levies are still found, reducing the level of collective happiness due to the unequal distribution of program benefits.

Furthermore, John Stuart Mill's thoughts that emphasize the importance of the quality of happiness through justice and good governance are also relevant in assessing PTSL. Mill views that true happiness is not only quantitative, but must also pay attention to the values of justice, equality and individual rights. In this context, the non-transparent implementation of PTSL and the weak supervision of implementing officials at the local level show that deep utilitarian values have not been fully achieved. Therefore, although PTSL has normatively had a major positive impact, there is still a gap between ethical utilitarian values and the reality of implementation in the field. This gap is an important note for policy improvement so that PTSL is not only administratively successful, but also ethically and philosophically in achieving overall community welfare.

#### D. Regional Program Analysis

The PTSL program aims to provide a legal basis and valid evidence related to land certificates. The target of this program is to issue land rights certificates with categories of customary land, nature reserve land, waqf land, and so on (Mirza, 2019) . This program was implemented, among others, in Girian Indah Village, Bitung City, which had an impact on development in the area. There was an increase in local revenue (tax) from before and after the program. According to Rotinsulu et al. (2023) SPPT-PBB Girian Indah increased by 3% from the previous year. Although it does not have an impact on increasing the income of the surrounding community, the existence of this program opens up access to promising capital. PTSL in Bitung City was realized 100% of the set target of 1750.

From the many achievements of the target, in contrast to the findings conducted by Mantiri and Siwij (2023) in the North Wangurer village, Madidir sub-district, Bitung city, which has not been implemented properly or effectively. The requirements needed in PTSL registration are less / cannot be fulfilled, both physical and juridical data.

The 100% realization of the certification target in Girian Indah urban village, Bitung city, shows the administrative success of the PTSL program. However, if analyzed using the utilitarianism approach, the success indicator is not sufficiently measured by the number of certificates. The 3% increase in tax revenue (Rotinsulu et al., 2023) can be read as a proxy for economic benefits, but it is not clear whether these benefits reach vulnerable groups.

Meanwhile, in Pekanbaru, PTSL is claimed to be able to suppress land mafia practices. Transparency and accountability are key success factors. However, a deeper evaluation is needed on whether these actions have a direct impact on improving agrarian justice or simply curbing old documents. According to Suryadarma (2024) a transparent and accountable registration system makes it difficult for land mafia practices to manipulate data and documents related to land ownership. By limiting the movement of the mafia, it will encourage investment in the area and accelerate development. According to Agusyanti and Sujianto (2023) this will lead to an impact on the level of employment and income of the surrounding community so as to create greater benefits felt by the community.

In 2023, the author found that the implementation of the PTSL program in Galuh Timur Village, Tonjong Subdistrict, Brebes

Regency still had several obstacles that caused the results obtained were not optimal. Galuh Timur Village became one of the villages selected for the PTSL program because of the large number of uncertified land parcels. There is a quota of 6,500 land certificates that are ready to be distributed to people who meet the program's requirements. There were several factors that hindered the implementation of this program, including the level of community education and the completeness of administrative requirements. Galuh Timur Village is still one of the villages where there are many land disputes between local residents. Ownership of land in the village is still not legally registered. With this program, it provides a solution for landowners to recognize their ownership rights with a strong legal basis.

Through this PTSL program, it has a positive impact on regional income through taxes and Fees for Acquisition of Land and Building Rights (BPHTB). Regulations regarding BPHTB are contained in article 33 of the Minister of Agrarian Affairs and Spatial Planning Regulation Number 16 of 2018 concerning Complete Systematic Land Registration (Director General of Taxes, 2023). The impact of the PTSL program provides significant economic value from year to year. This is evidenced by the fact that in 2023 the economic value generated from the land registration program reached more than IDR 100 trillion. As of July 2024, this value has touched Rp46.39 trillion (Sutrisno, 2024). With guaranteed legal certainty, landowners can more easily utilize their land for economic purposes, such as using it as collateral for bank loans, or for other business purposes.

Within the ethical framework of utilitarianism, the PTSL policy should achieve the greatest happiness for as many people as possible. However, the reality on the ground shows that there are inequalities in the distribution of benefits. Extortion practices, administrative discrimination, and weak supervision show that the principle of greatest happiness is not fully achieved. This is an important reflection that administrative success is not always directly proportional to ethical and philosophical success. Moral principles must remain the foundation of every public policy, including in the national land certification program.

## **Conclusions and Recommendations**

The PTSL program is a strategic policy that reflects the ethical principle of utilitarianism through efforts to provide maximum benefits to the community, especially in the form of legal certainty over land ownership. Administratively, this program has proven to be able to reduce the potential for agrarian conflict and open economic access for the community. However, from an ethical point of view, this program has not fully delivered the greatest happiness because there are still extortion practices, discrimination against vulnerable groups, and lack of transparency in its implementation.

Therefore, this program needs to be guarded by strengthening public moral values and ethical accountability in its implementation. Value-based evaluation should not only consider outputs, but also long-term impacts on social justice and public trust. The government needs to improve the supervision design and increase citizen participation so that the benefits

of the program are truly equitable. From an academic perspective, this research contributes to the policy evaluation approach with a utilitarianism ethics lens. Further research is recommended to explore alternative ethical approaches such as deontology and public value to look at the complexity of agrarian policy from the angle of broader public values.

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