



Information Technology in Electronic Land Registration System as the Standard of Government Performance in the Industry 4.0 Revolution

Widhi Handoko ^{1,*} and Ricco Survival Yubaidi ²

¹ Universitas Islam Sultan Agung, Semarang, Indonesia

² Universiti Kebangsaan Malaysia, Selangor, Malaysia

** Corresponding author*

Abstract. Land law policy covers fundamental aspects, namely the principle of fulfilling the people's constitutional rights to meet daily life's needs and respect the principle of human equality. One of the objectives of the establishment of the Republic of Indonesia, as mandated by the 1945 Constitution, is to realize public welfare. The government's main task is to create a government management system that can properly manage national resources to achieve prosperity and prosperity and social justice for all the people of Indonesia. The government must be able to realize land law reform, especially public services in the land sector. The formation of the National Bureaucracy Reform Committee is aimed at continuing the government's plans that have not been effective, namely the creation of an accountable, productive, professional, and free of corruption bureaucracy. The most important improvement effort on land law reform is to reconstruct the land registration system in realizing the industrial revolution 4.0, in the form of an electronic certificate on land as a form of creativity and innovation to grow and develop digital technology while forming a legal culture in bureaucratic services and strong public services.

Keywords: Information technology, Electronic registration system, Land reform, Industry 4.0 revolution



Abstrak. *Kebijaksanaan hukum pertanahan mencakup aspek-aspek mendasar, yaitu asas pemenuhan hak konstitusional rakyat untuk memenuhi kebutuhan hidup sehari-hari dan menjunjung tinggi asas persamaan hak asasi manusia. Salah satu tujuan berdirinya Negara Republik Indonesia sebagaimana diamanatkan oleh UUD 1945 adalah untuk mewujudkan kesejahteraan umum. Tugas pokok pemerintah adalah mewujudkan sistem penyelenggaraan pemerintahan yang dapat mengelola sumber daya nasional dengan baik untuk tercapainya kemakmuran dan kesejahteraan serta keadilan sosial bagi seluruh rakyat Indonesia. Pemerintah harus mampu mewujudkan reformasi hukum pertanahan, khususnya pelayanan publik di bidang pertanahan. Pembentukan Komite Reformasi Birokrasi Nasional bertujuan untuk melanjutkan rencana pemerintah yang belum efektif, yaitu mewujudkan birokrasi yang akuntabel, produktif, profesional dan bebas korupsi. Upaya pembenahan reformasi hukum pertanahan yang terpenting adalah merekonstruksi sistem pendaftaran tanah dalam mewujudkan revolusi industri 4.0, berupa sertifikat tanah elektronik sebagai bentuk kreativitas dan inovasi menumbuhkan dan mengembangkan teknologi digital, sekaligus membentuk budaya hukum. dalam pelayanan birokrasi dan pelayanan publik yang kuat.*

Kata kunci: *Teknologi informasi, Sistem registrasi elektronik, Land reform, Revolusi industri 4.0*

1. Introduction

The land registration policy and issuing certificates of land rights in Indonesia need to be designed to support the vision and mission of the government in realizing the industrial revolution 4.0, democratization, and the establishment of clean and good governance.¹ Industrial revolution 4.0 needs a rational government, transparency, and an attitude of competition between departments towards modernity to realize industrial revolution 4.0 while at the same time encouraging the upholding of the law and being willing to provide public accountability. Industrial revolution 4.0 emphasizes digital economic patterns, artificial intelligence, big data, automation, robotics, cloud computing, and the like.

The task of the government is to create a strong culture of public service organizations and ensure legal certainty in the land registration system. It is necessary to hold land registration in all regions of Indonesia according to the provisions regulated by Government Regulation, in accordance with the development of modernization in the era of the industrial revolution 4.0. Implementation of land registration is a state duty carried out by the government for the benefit of the people in the framework of providing legal certainty in the land sector. Some of the activities take the form of physical data collection on land whose rights are registered and can be assigned to the private sector, but to obtain legal certainty, the results require the Land Registry Officer, who is authorized to obtain legality as evidence data. Article 1 paragraph (1) Gov. Reg. No. 24 of 1997 provides an explanation that land registration is a series of activities carried out by the government continuously and regularly, including the collection, processing, bookkeeping, and presentation and maintenance of physical and juridical data, in the form of maps and lists, regarding the fields parcels of land and units of flats, including the granting of proof of rights to plots of land for which there are rights and ownership rights over the units of flats and certain rights which burden them.

The most important improvement effort on land law reform is to reconstruct the land registration system in realizing the industrial revolution 4.0, in the form of an electronic certificate on land as a form of creativity and innovation to grow and develop digital technology while forming a legal culture in bureaucratic services

¹ Dwiyanto Agus. *Realizing good governance through public services [Indonesian]*. Yogyakarta: Gajah Mada University Press (2008).

and strong public services.² The development of industrial era 4.0 is known as the phenomenon of disruptive innovation, which is considered to threaten the continuity of human work, so the presence of a new system by a part of the Notary profession and the Actor of Land Deed (PPAT) feels his job will be replaced by new technology as a threat. Electronic certificates of land are ideas that need to be realized to support the 4.0 industrial revolution in Indonesia.³ This study seeks to explore the use of information technology in an effort to increase land redistribution to all groups and ensure the rule of law in the land legal system in Indonesia. In addition, the use of technology through electronic registration is useful as a breakdown of land reform in Indonesia in the context of the industrial revolution 4.0.

2. Economic and Human Rights Perspective in Land Registration

Implementation of land registration in the bureaucratic system and public services at the Ministry of Agrarian Spatial Planning (ATR/BPN) still uses the concept of manual or conventional, so there are various irregularities and discrimination in bureaucratic services against the use, control, ownership, and utilization as well as the granting of land rights, indicating that in the legal system there are problems in the legal system in Indonesia.⁴ The first indication of the problem is caused by choice of using a land registration system, namely the negative publicity system (positive element), with the concept of a conventional model land certificate, in the form of paper prints that are easily damaged, lost or falsified. Second, problems in mapping and supervising the use of land tenure, ownership, and use are very weak. Third, land registration bureaucracy in services is constrained by time and cost, so the implementation of registration is ineffective and inefficient, ultimately leading to various land issues, such as the occurrence of cases of double certificates and other land conflicts, reduction of agricultural land

² Barda Nawawi Arief. *Law enforcement and crime prevention policies*[Indonesian]. Citra Aditya Bakti (2001).

³ Yubaidi, Ricco Survival. "The role of land deed official regarding legal certainty of complete systematic land registration." *Jurnal Hukum dan Peradilan* 9, no. 1 (2020): 27-42.

⁴ Budiarta, I. Nyoman Putu, and I. Nyoman Alit Puspadma. "Income Tax in the Issuing of Authentic Deed of Sale-Purchase Rights on Land by Land Deed Officer in Indonesia." *Journal of Legal, Ethical and Regulatory Issues* 22, no. 1 (2019): 1-12.

and conversion of functions agricultural land becomes non-agricultural, the rise of industrialization and housing development, the pretext of development in the public interest.⁵ These cases have resulted in injustice that is the eviction and loss of jobs in the sector. Among the indications of the various impacts of the policy choices can be seen in three things, namely deterioration of land quality, changes in the function of land as one of the main production factors into a means of investment and speculation, and changes in land values in line with the development of capitalism.⁶

The function of the bureaucracy and the state apparatus is to solve the problem, but in reality, the manual and conventional land registration system often part of the source of the problem.⁷ The reality of manual or conventional land registration systems is pseudo colored by tensions and conflicts between various social structures that have different interests, which are based on operations and exploitation, so that social justice aspired by this state is not achieved. In manual administration, the land registration administration process must record a lot of things manually on several working papers/books, and compile a *reportorium* (double entry journal) which is quite confusing for those who do not understand or master the land administration system, and are very time consuming and risk if not careful. The manual system developed into a computer system made based on the work done manually. A process that was initially carried out manually, for example bookkeeping land administration and administration of land data, is translated into a system design and then made a computerized system. In this case the process of land registration and land certification has also been made using a computerized tool, but not yet using a complete and integrated electronic system. The conventional system of land registration was initially manual, then developed with a computer system, it was made only to speed up a work process. Over time and the level of ability of human resources both in terms of technology and users and businesses, the manufacture and use of computer systems is rapidly

⁵ Rachman, Noer Fauzi. *The resurgence of land reform policy and agrarian movements in Indonesia*. University of California, Berkeley, 2011; See also, J Hoekema, André, Janine M Ubink, and Willem J Assies. *Legalising land rights. Local practices, state responses and tenure security in Africa, Asia and Latin America*. Leiden University Press, 2009.

⁶ Sumardjono. *Land in the perspective of economic, social and cultural rights [Indonesian]*. Penerbit Buku Kompas, (2008)

⁷ Salim A. Fillah. *Theories and Paradigms of Social Research for Qualitative Research [Indonesian]*. Yogyakarta: Tiara Wacana. (2006)

increasing. The computer system is no longer just for speeding up but also makes it easy to make office administration, reports, checking processes based on data flow, and locking up the possibility of fraud or misuse.

Land law policies and land law regulations have often been improved, but the results of implementation of the ATR/BPN bureaucratic system and public services are still far from the realization of the value of social justice. The embodiment of reform cannot be separated from the government's role in land law policy on the choice of using negative with positive element publicity,⁸ and manual system or conventional bureaucratic system models of Weber's bureaucratic model in the application of land rights registration systems, needs to be reviewed and reconstruction more oriented in the development of the modernization of the industrial revolution 4.0 (in the direction of the vision and mission of digital economic patterns, artificial intelligence, big data, automation, robotics, cloud computing and the like).

Electronic land certificate, intended to provide solutions to conventional bureaucratic problems. Settling using an electronic system, as well as to carry out protective and settlement (*solutive*) cases of land registration, including cases of double ownership of rights and multiple certificates and other cases.⁹ Without a solution to the systemic reform of land law policies, especially in the choice of using a negative publicity system (positive element) and the conventional land registration system will add various problems and accumulate problems without a definite solution. Several cases of land that were presented, there are indications of improvement in land reforms that are not right this can be given an assessment from Sudarsono (Secretary General of the Ministry of ATR/BPN.) said that the purpose of bureaucratic reform is to provide excellent service in the field of land and quality spatial planning. That is how we build professional apparatus behavior, have high integrity, fast, cheap, simple, certain and not corruption.¹⁰

⁸ Silviana, Ana, Yos Johan Utama, and Nurhasan Ismail. "Preferability of the positive-characterized negative publication in cadastral registration in Indonesia." *Journal of Critical Reviews* 7, no. 7 (2020): 979-982

⁹ Ginting, Darwin. "Land registration in information technology perspective a basis of basic agrarian law in indonesia." *International Journal of Scientific & Technology Research* 5, no. 5 (2016): 184-186

¹⁰ Tarmizi, Taher. Legal simplification of land regulation associated with increased investment as the basis for conceptualization of the omnibus law. *Journal of Advanced Research in Law and Economics* 11(1), (2020). 203-207; See also, Ashirbekov, Marat, Sabigul Bekisheva, Indira

Sudarsono revealed that Bureaucratic Reform can be said to be successful if the creation of excellent services, services that are in accordance with the needs and expectations of the community. The existence of an orderly, non-overlapping and conducive regulation. The creation of ASN with integrity, competence, professionalism, high performance and prosperity. Work processes and procedures are clear, effective and in accordance with government principles. The creation of an organization that has the right function and size, and the increased capacity and accountability of team performance. ATR/BPN bureaucratic reform, from internal and external assessments targeted in 2019, all ATR/BPN Ministry Offices in Indonesia both central and regional have the title of Office with integrity zone.¹¹

Evaluation or evaluation from ATR/BPN ministry officials clearly shows that there is no understanding of the real problems that ATR/BPN faces and faces in carrying out bureaucratic land registration services and in developing land registration systems that still use conventional systems and land registration system manuals with printed certificates. land book (paper material), which contains physical data and juridical data. Study conducted by the Corruption Eradication Commission (KPK), Corruption Prevention Sector, which provides an assessment that the number of state assets converted into private property, and one of the causes of the emergence of illegal transfer of functions is the existence of a double certificate, and this does not only lead to disputes between parties third and state, but also between state institutions. Land conflicts not only undermine ownership of state assets, clarity of land status will also affect investment. In a decade, the resolution of land conflicts has not yet been resolved. From the data revealed since the two periods of government before and after the current administration, showed no significant changes to the settlement of land cases.

The facts of the land case are related to land conflicts and disputes which contain several aspects, including strong involvement of economic, policy and social actors; long duration of time; administrative issues/chaotic adjudication process; and more complicated cases can be found in forestry areas that will be

Nessipbaeva, and Assel Sopykhanova. "Issues of Improving the Legislation of Kazakhstan Aimed at Countering the Unauthorized Seizure of Land and Its Illegal Sale." *J. Advanced Res. L. & Econ.* 9 (2018): 2232.

¹¹ Ministry of Agrarian Affairs and Spatial Planning. *Menyikapi OTT Pungli dan Korupsi, ATR/BPN Pertajam Pelaksanaan Reformasi Birokrasi*. 2018. Retrieved from <https://www.atrbpn.go.id/beranda/menyikapi-ott-pungli-dan-korupsi-atrbpn-pertajam-pelaksanaan-reformasi-birokrasi-75443>.

converted to plantations.¹² Like the problem of plantation location permits granted by the regional government, is the company's strategy in taking wood products. This settlement is more complicated because of the existence of forestry and land law regulations that overlap with land rules regarding their authority, cases like this are also laced with the interests of cutting laborers, indigenous peoples to reforestation and land rehabilitation funds which are quite tempting.¹³

3. The Importance of Using Electronic Registration in the Industry 4.0 Revolution

The cases above always involve a part of the community as lay victims due to their ignorance of positive law, but in reality many people in rural areas even not a few urban people have controlled land for generations but do not get legal certainty over land they. The regional government on behalf of the state can evict the land under the pretext of the validity of the land certificates. If it is carefully questioned that land conflicts and disputes are closely related to land legal policies on negative publicity (positive elements) and conventional certificate products with a system that is limited to land registration services, which are used in the bureaucratic system and public services ATR/BPN, especially the lack of accountability for certificate products produced and issued by ATR/BPN. Land issues that surface, do not just require a handling of conflict and dispute resolution that is able to provide justice to victims and other parties, but a very fundamental problem is the need for proof of land ownership that provides legal certainty. The background to the emergence of land conflicts is due to the lack of legal certainty over the product of the land certificate itself. Land titles are strong evidence but the government or the State does not guarantee legal certainty. Fair measures in the public service system are a balance of rights and obligations between the people and the state. If

¹² Kaldarbekuly, Omiruzak, Kaldarbek Dossymbet, Lazzat Yerkinbayeva, Baurzhan Taubayev, Galym B. Teleuyev, and Nazerke Mussanova. "Problems of Compulsory Alienation of Land for State Needs: A Comparative Analysis of the Legislation of Kazakhstan and Western Countries." *J. Advanced Res. L. & Econ.* 10 (2019): 216

¹³ McCarthy, John F., and Kathryn Robinson, eds. *Land and development in Indonesia: searching for the people's sovereignty*. ISEAS-Yusof Ishak Institute, 2016; Jones, David S. "Land Registration and Administrative Reform in Southeast Asian States: Progress and." *International Public Management Review* 11, no. 1 (2010): 67-89

the application of land law policy is not balanced (between conception and implementation are not the same), then it will result in injustice. To understand injustice it is necessary to understand the concept of justice in the land registration system. Justice is something that is felt balanced, appropriate, so that everyone or most people who experience feel appropriate.¹⁴ The balance in question is that on one hand the people are obliged to achieve achievements to the State and on the other hand the State also has the obligation to provide achievements on the management of their government to their people. When the State does not provide legal certainty to the ownership of the land of its people, the State has neglected to carry out its obligations and also when the government is not responsible for an act of public service to its people, it means that the government has denied the rights of its people. The government can be said to have denied the results of its performance (a land certificate was created and produced by a land registration system organized and implemented by the government), if the government is not responsible for the product certificate issued, the government has denied the constitutional rights of its people, namely the right to obtain protection for land ownership, as well as the government has denied the existence of the principle of balance between rights and obligations, so that it can be said that the government has denied the value of justice, the value of certainty and the value of the benefits of the land of its people. The absence of legal certainty over proof of land ownership is very disturbing for the people, where proof of land ownership is always open to be sued, which for some people clearly does not cause calm, peace or happiness. Supratikno expressed his concern for the Indonesian rule of law with the hope that the law should make people happy, not difficult and not painful.¹⁵ From the rule of law, Supratikno stated that to emphasize a perspective that the rule of law is for the welfare and happiness of the Indonesian people, not the other way around.¹⁶ The law must not make life more difficult. This is what should be a measure of the appearance and success (standard of performance and result) of Indonesia's law state.¹⁷ According to Gustav Radbruch to provide legal certainty,

¹⁴ Baharuddin Lopa. *Al-Qur'an and human rights [Indonesian]*. Yogyakarta: Dana Bhakti Prima Yasa. (1996).

¹⁵ Supratikno Rahardjo. *Dissect progressive law [Indonesian]*. Penerbit Buku Kompas. (2006).

¹⁶ *Idem*.

¹⁷ Soediman Kartohadiprodjo. *Pancasila as the view of life of the Indonesian people [Indonesian]*. Yogyakarta: Gatra Pustaka, (2009). See also, Medvid, Viktoriia, Tetiana Ustik, Margarita Lyshenko, and Oleksandr Kovbasa. "Criteria Measurement and Evaluation System of Functioning

it must meet the elements of application and implementation of the law, and three basic values are needed for the implementation of the law, namely legal justice, legal usefulness, and legal certainty.¹⁸ Many land disputes and conflicts have arisen; empirically, it can be seen that social dimensions are contested, ranging from social relations, religion, community sustainability, self-esteem, and human dignity.

The above-mentioned fact raises the problem of justice for victims and legal certainty for the parties, so there are various negative effects (multiplier effect), including social inequality, poverty, and other social injustices. These conflicts are very likely caused by the choice factor of using negative publicity (positive element) systems and the conventional bureaucratic system of land registration and the results of land certificate products that are already inadequate for the development of digital modernization and the latest technology today. As one part of the land law policy in the bureaucratic system and public service of ATR/BPN. The land law policy chooses the system in relation to the purpose of the land law itself. Policy and law are inseparable components. Law is both a goal and a bridge that will bring people to the ideals they aspire to. The goals of the Indonesian people are listed in paragraph 4 of the Preamble to the 1945 Constitution of the Republic of Indonesia. The law is closely related to the policy process and background policy. Land law policy on the choice of using a negative publicity system (positive element) in the manual or conventional system applied to the ATR/BPN public bureaucracy and public service system should be suspected to cause many problems in not working effectively and efficiently. Implementation of the land registration system allegedly occurred irregularities or denial of the legal image. The application of negative publicity systems (positive elements) in the bureaucratic system and public land services conventionally with land certificate products that still use paper, has caused a very broad impact, in addition to the form of land certificates that are easily damaged, lost or falsified, there are also other weaknesses namely inaccuracy of certificates of land rights, weak system of land administration, overlapping institutional arrangements for land rights, the weak performance of land

Efficiency of Ukraine's Regional Landscape." *J. Advanced Res. L. & Econ.* 9 (2018): 2653; Badudu, J. S., Sutan Mohammad Zain, & Sutan Muhammad. "Indonesian general dictionary." Jakarta: Pustaka Sinar Harapan (1996); Susanto, I. S. Corporate Crime in Indonesia New Order Regime Policy Products. *Paper presented in the Inauguration Speech of Professor of Diponegoro University, Semarang*, (1999).

¹⁸ Chroust, Anton-Hermann. "The philosophy of law of Gustav Radbruch." *The Philosophical Review* 53, no. 1 (1944): 23-45

registration, and the occurrence of irregularities in principles in the land registration system, which impact on community poverty and inhibit the progress of the country's economy so that no law is produced that reflects the image of the law.

4. Conclusions

Reform of the land law policy on the application of electronic certificates on land in the study of Reconstruction of the Land Registration System Towards the Industrial Revolution 4.0, as a form of public service innovation in the land registration system. The policy is an important part of replacing the choice of using negative publicity (positive element) systems in the land registration system as well as the behavioral aspects of land registration (bureaucratic culture). Based on the study of relevant land disputes, it becomes the basis of a systemic reconstruction of the implementation of negative publicity systems (positive elements) in the land registration system toward the issuance of electronic certificates of land rights.

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