

The Role and Authority of a Notary/Official Land Deed Maker in Electronic Mortgage Registration at the Cirebon Regency Land Office

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Abstract. *Currently, the government has attempted to issue an emergency policy in order to boost the wheels of the economy in Indonesia and keep governance running, one of which is by providing public services online. in this case ATR/BPN performs public services regarding the registration of Mortgage Rights online. This study aims to determine and analyze the role and authority of a Notary as well as a Land Deed Maker in carrying out the process of electronically registering Mortgage Rights at the Cirebon Regency Land Office, to find out and analyze the legal consequences of Electronic Mortgage Registration by a Notary as well as an Official Land Deed Maker in the Office Cirebon Regency Land Affairs, and to find out and analyze the obstacles and solutions faced by Notaries as well as Land Deed Making Officials in carrying out electronic Mortgage Registration at the Cirebon Regency Land Office. The research approach method used in this thesis is an empirical juridical legal research method. This research specification uses descriptive analysis. Research data collection with interview techniques and study of documents or library materials. The data analysis method used in analyzing the data is interactive qualitative analysis. The results of the study show that: First, Granting of Mortgage is carried out by signing the Deed of Granting Mortgage by a Notary/Official for Making Land Deeds electronically. Second, the registration of Mortgage carried out by all Notaries/PPATs must go through the Electronic Mortgage system and the Electronically Integrated Mortgage Service is carried out entirely through the online system, without any direct interaction between the Electronic Mortgage Service User and the Electronic Mortgage Service Executor. Third, there are still obstacles in the implementation of the Electronic Mortgage Registration System.*

Keywords: *Authorities; Mortgage; Registration.*

1. Introduction

Economic development, as part of national development, is one of the efforts to realize a just and prosperous people's welfare based on Pancasila and the 1945 Constitution of the Republic of Indonesia. In this millennial and digital era, many people and the private sector are trying their luck by starting a business. To overcome the lack of funds in running their business, many business actors apply for loans/credit to the bank. The loan to the credit bank is related to the Insurer's Responsibilities in the Credit Agreement, various legal provisions for guarantees. Collateral is everything in the form of objects or goods (assets) belonging to the Debtor which is submitted to the Creditor to provide assurance that the Debtor will fulfill his obligations arising through the engagement.

In order to protect the funds that have been disbursed to the debtor, the banking sector creates a security fence. The security fence itself is a guarantee provided by the debtor. The guarantee institution by banks that is considered the most effective and safe is land with mortgage guarantees. This is based on the ease of identifying the object of Mortgage, clear and definite execution and prioritizing payments from the results of the land auction to creditors. Utilization of the Mortgage Execution Agency is a way of accelerating the settlement of receivables so that funds that have been issued by the bank can be immediately paid and can be reused by other debtors. The granting of this guarantee must be subject to a guarantee agreement, as an additional agreement due to the existence of the main agreement. This guarantee is in the form of a mortgage guarantee. Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (hereinafter referred to as UUPA) regulates various types of land rights that can be granted to individuals, groups of people together and legal entities. Holders of land rights are given the authority to use and/or collect proceeds from the land they control. One of the rights given to the holder of land rights on the land they control is to guarantee land rights for a certain debt with a mortgage.

The development of technology and information in several developing countries is currently increasingly rapid and very dominant. Currently, the Government of Indonesia has made various changes, especially in accelerating the field of electronic services, which aims to improve services to the public and make it easier for every community to access all information through their electronic devices according to their needs. Because, today's electronic devices have been used as a new lifestyle by the community. Technology has an important role,

both positive and negative, so this digital era is a new challenge. Digital technology was born with the internet network, especially computer information technology. The ability of the media has always been the forefront of society in receiving information. So, there is no choice but to master and control technology properly and correctly in order to provide the maximum benefit. For example, in the last 2 (two) years, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (hereinafter referred to as the Ministry of ATR/BPN) has issued rules and made changes to the rules regarding Electronic Mortgage Registration (hereinafter referred to as Electronic Mortgage Registration), namely based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning / National Land Agency Number 9 of 2019 concerning Electronic Integrated Mortgage Services (hereinafter referred to as Permen ATR/BPN No.

With the renewal of Mortgage services, the government issued Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 5 of 2020 concerning Electronic Integrated Mortgage Services, hereinafter referred to as (Permen ATR/BPN Number 5 of 2020). The changes that occurred with the issuance of Permen ATR/BPN Number 5 of 2020 were the simplification of the process of providing Mortgage services that were registered electronically, in addition to the renewal of Regulations regarding Electronic Mortgage Services, which was the government's effort to make it easier for people who wanted to get Mortgage land guarantee services for their business needs, so there is no need to come to the local Land Office. In Permen ATR/BPN No.¹

The authority of PPAT in registration of Electronic Mortgage is in the case of application for registration of Mortgage, the application requirements in the form of APHT are submitted by PPAT in the form of Electronic Document in the form of a scan. The certificate issued in the electronic Mortgage is in the form of an electronic Mortgage Certificate with an electronic signature.²

2. Research Methods

The research approach method used in this thesis is an empirical juridical approach. The empirical juridical approach is a research conducted on the actual

¹Iman Sjahputra, 2002, Indonesian Internet Legal Problems, PT. Prenhallindo, Jakarta, p. 5.

²Bernadetha Aurelia Oktavira, 2020, Electronic Mortgage Registration Mechanism, <https://m.hukumonline.com/klinik/detail/review/lt5d78bcd61c63c/mekanisme-registrasi-hak-tanah-terdaftar-digital>, accessed on September 28, 23:37

situation or real conditions that have occurred in the community with the intention of knowing and finding the facts and data needed. So, this research was conducted by conducting interviews with activities in the electronic registration of Mortgage Rights.

3. Results and Discussion

3.1. What is the Role and Authority of ATR/BPN in the process of electronically registering Mortgage Rights by a Notary/PPAT at the Land Office of Cirebon Regency

According to Presidential Regulation Number 10 of 2006 it is explained that the National Land Agency (BPN) is a Non-Departmental Government Institution which is under and responsible to the President and led by the Head of the National Land Agency has the task of carrying out government duties in the land sector nationally, regionally and sectorally. . The task of the National Land Agency is to assist the President in managing and developing the Land Administration both based on Act No. 5 of 1960 and other laws and regulations covering the regulation, use, control and ownership of land, determination of land rights, measurement and registration land and others related to land issues based on the policy set by the President.

The task of BPN according to resource person Iwan Darmawan as regulated in Article 7 paragraph (2) of Act No. 22 of 1999 is to carry out national land registration which is part of the administration of land, water, air and other natural resources that are excluded from regional autonomy. ³In the practice of structuring land parcels under the authority of BPN, it can take the form of controlling the use and control of land through the determination of land rights which culminate in the issuance of land certificates. If the authority is handed over to the region without a solid legal basis, who guarantees that the land certificate issued by the regional office is legal, because until now there has been no regulation regarding the delegation of certificate issuance to the regional office.⁴PP No. 24 of 1997 which is the implementing regulation of Article 19 of the LoGA, the official authorized to stipulate and issue land certificates (including Mortgage Certificates which have an executorial title) is the Head of the Land Office. The central government has not yet delegated the authority in this field to the regions to carry out their own in relation to regional autonomy.

³Interview with Iwan Darmawan (Coordinator of the Substance and Space Registration Group, Communal Land and Institutional Relations of the Cirebon Regency Land Office) 06 June 2022 in Cirebon Regency

⁴Roestomo Eko, 2001, Polemic of Presidential Decree No. 10/2001 and Land Issues, Article in Surya Daily, Surabaya, May 30, 2001, p. 8

The services provided by ATR/BPN in carrying out their functions are in the field of maintaining land registration data, one of which is in terms of Mortgage Rights. These services include Mortgage Registration, Royalty, Transfer of Mortgage, change of Creditors, deletion of Mortgage and data correction.

In the midst of economic growth, improving services for the community is a challenge for land administration in completing work quickly, accurately and effectively with the demands of quantity and quality of data. In response to this, the Government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has made improvements to the modernization of land services in order to adapt to legal and technological developments. Concretely, the Ministry of ATR/BPN has launched a land service modernization program called the Electronically Integrated Land Service. These services consist of Electronically Integrated Mortgage Services (registration of Mortgage Rights, transfer of Mortgage Rights, change of creditor names, deletion of Mortgage Rights and data correction), Electronic Land Information Services,

The Electronic Mortgage Registration Service at the Cirebon Regency Land Office began to be implemented in July 2019 based on the ATR/BPN Ministerial Regulation No. 9 of 2019 concerning Electronically Integrated Mortgage Services.⁵

With the mandatory application of Mortgage through the Electronic Mortgage system, this has an impact on the application of Mortgage for legal entities as Creditors all through the Electronic Mortgage system. Examination of the application file for Electronic Mortgage was initially carried out by the admin of the Electronic Mortgage of the Cirebon Regency Land Office. The inspection process resulted in two decisions, the first is that the application file has been in accordance with the procedure with no problems, while the second file still has deficiencies or errors.⁶ If there are no problems, a Mortgage Certificate and Electronic Mortgage sticker will be issued immediately, but if there are problems or deficiencies, they will be returned to PPAT or the Bank to complete or repair them and then send them back to the Cirebon Regency Land Office. In this case, both PPAT and the Bank must be more careful in monitoring the Mortgage Service whether there are files that are suspended for something that is not in accordance with existing procedures.

The Deed of Granting Mortgage and documents for completeness of the requirements are carried out by PPAT through an electronic system of work

⁵Ibid.

⁶Ibid.

partners that is integrated with the system Electronic Mortgage. All documents for completeness of requirements must be kept by PPAT. In submitting the documents for the completeness of the requirements, the PPAT must also complete the documents for completing the requirements with a statement letter regarding the accountability for the validity and correctness of the electronic document data submitted in accordance with the format in accordance with the attachment of Permen ATR/BPN 5/2020. While the object of Mortgage that can be processed with services Electronic Mortgage is the object of Mortgage as regulated in Act No. 4 of 1996 concerning Mortgage on land and objects related to land.

3.2. What are the Legal Consequences of Electronic Mortgage Registration by a Notary/PPAT at the Land Office of Cirebon Regency

The granting of Mortgage Rights must be registered at the local Land Office where the land rights to be encumbered with the Mortgage Rights are registered. And after the enactment of the Minister of ATR/BPN Regulation Number 5 of 2020 concerning Electronic Integrated Mortgage Services. As a legal consequence of the enactment of these rules, the registration of Mortgage carried out by all Notaries/PPATs must go through the Electronic Mortgage System. Mortgage registration conducted at the Land Office in accordance with the Mortgage Law has legal consequences in the form of proof of electronic Mortgage registration, namely the Electronic Mortgage Certificate.

This Mortgage Certificate is proof that a person has security rights that are imposed on land rights owned by the guarantor (debtor) which gives priority to the Mortgage holder compared to other creditors. This Mortgage Certificate is submitted to the Mortgage Holder.

This means that if the Debtor is in default or in breach of contract, the Creditor will no longer file a lawsuit to the Court but can directly execute the object of the Mortgage. With the executorial title contained in the Mortgage Certificate, the Mortgage holder has the right to sell the Mortgage object under his or her own power through a public auction and take repayment of his receivables from the proceeds of the sale.

In order to improve Mortgage services that meet the principles of openness, timeliness, speed, convenience and affordability for public services, as well as to adapt legal developments, technology and community needs, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency improves its services in the land sector by using electronic system. Electronic System which means a

series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate electronic information. So all services in the land sector are carried out electronically. This includes electronically integrated Mortgage services, which include Mortgage Registration,

Electronic Mortgage Services began to be carried out simultaneously throughout Indonesia after the issuance of Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency number 9 of 2019 concerning Electronic Mortgage Services and then refined by the issuance of a new regulation, namely Permen ATR/BPN Number 5 of 2020 concerning Services. Electronically Integrated Mortgage which is intended to complement and replace the previous Regulations.

Electronic Mortgage Service according to Article 1 paragraph (7) of the Minister of ATR/BPN Regulation number 5 of 2020 is a series of Mortgage service processes in the context of maintaining land registration data which is carried out through an integrated electronic system. Meanwhile, the results of the Electronic Mortgage Rights service based on Article 15 paragraph (1) are in the form of:

- Mortgage Certificate; and
- Mortgage records in the land book and certificates of land rights or property rights over flat units. And the results of these services are in the form of Electronic Documents issued by the Electronic Mortgage System.

*The electronic Mortgage Certificate is the same as the conventional Mortgage Certificate, only the difference between the two is the form of the document on the Mortgage Certificate.*⁷ Conventional Mortgage Certificates are in the form of blanks, while electronic Mortgage Rights are in the form of one sheet electronic document accompanied by a note on Granting Mortgage and ratified with an electronic signature from the Head of the Land Office or authorized official.

Electronic Signature is a signature consisting of Electronic Information attached, associated or related to other Electronic Information used as a means of verification and Authentication. This electronic signature is to maintain the integrity and authenticity of electronic documents. It can also be used to give approval and/or ratification of an electronic land document in carrying out the duties and functions of the Ministry.

According to Article 1 point 6 of the Ministerial Regulation of ATR/BPN Number 3 of 2019 concerning the Application of Electronic Signatures, Electronic Signature Creation data are personal codes, biometric codes, cryptographic codes and/or

⁷Ibid.

codes generated from converting manual signatures into Electronic Signatures, including other codes resulting from the development of Information Technology. Electronic Signature can be done after the Signer has an Electronic Certificate. Regarding the validity or legal force and legal consequences, this electronic signature is equated with a manual signature as described in Article 11 of Act No. 11 of 2008 concerning Information and Electronic Transactions.

Repair of the Online Mortgage Certificate can be done if there is a discrepancy between the physical data in the Certificate and the existing digital data.⁸The repair of this Mortgage is given for 30 calendar days from the issuance of the Mortgage and is carried out by the Creditor. Mortgage Documents that can be repaired include rank, Deed Number, Right Holder, Pointer, Partial Value, Type and Number of Rights and Other Objects, this form of repair note is also printed and pasted on the record of Granting in the Land Rights Certificate which is the object of collateral.

On the Electronic Mortgage Certificate which is affixed with an electronic signature in accordance with Article 14 paragraph (3) of the ATR/BPN Ministerial Regulation Number 9 of 2019 concerning Electronic Mortgage by the Head of the Land Office or the authorized official regarding Mortgage.⁹The electronic signature is intended as proof of ratification and authenticity of the Electronic Mortgage Certificate. This is contained in Article 2 paragraphs (1) and (3) of the ATR/BPN Ministerial Regulation Number 3 of 2019 concerning the Application of Electronic Signatures.

3.3. What are the Obstacles and Solutions in Overcoming the Electronic Mortgage Registration by a Notary/PPAT at the Cirebon Regency Land Office?

Obstacles in the implementation of Electronic Mortgage are faced by both PPAT and Banks as Creditors. These obstacles are summarized based on interviews from PPAT and bank operators who have experience registering Mortgage with the Electronic Mortgage System. Rifki explained that the obstacles in using Electronic Mortgage include, among others, that there were several ranking differences due to the absence of a rating option menu, secondly there was no menu to enter 2 (two) Certificates in 1 (one) application for Mortgage, and finally there was doubt for the second sheet. APHT is submitted to creditors or PPAT

⁸Ibid.

⁹Ibid.

saves together with the first sheet of APHT because usually the second sheet of APHT is submitted to the Land Office.¹⁰

According to Tin Affiani Notary/PPAT Cirebon Regency, the Electronic Mortgage Service is very effective and facilitates the work of Mortgage even though PPAT, which used to deliver APHT and Warkah to be registered as Mortgage, now only reports APHT through the application.¹¹The obstacle is the problem of ranking which still has errors because there is no choice and regarding the application which has uploaded a scan of the file perfectly but in fact when checking the results cannot be read other problems in the application such as the use of PBB is not the latest so we must be ready to respond to responses from the land office to repair at any time even on holidays. Based on the interview above, the obstacles that occur in PPAT include:

- Problems with the duties and authorities of PPAT, which previously submitted and registered APHT, now only submit without registering;
- There needs to be a choice of ranking in the submission of APHT in the application because it is not once or twice that a rating error occurs when the Ht-el draft is published. This rating option must exist because an object of Mortgage can be burdened with more than one in order to guarantee the repayment of more than one debt. In the granting of Mortgage on a different Credit, if the Creditor feels confident with the ability of the Debtor and the collateral guaranteed is still sufficient to be used as collateral, a Second Rank Mortgage can be made;
- The Land Office responds to an error in the application file that is uploaded at any time as long as the file has been registered because in the Electronic Mortgage Law, the day is a calendar day, not a working day. Allows inspection and response on holidays so PPAT will continue to repair or complete on working days. This situation is because conditions such as PBB to repair can only be done on weekdays where the tax management office (Regional Revenue Service) is closed on holidays.
- PPAT has doubts regarding the second sheet of APHT whether it is submitted to the creditor or kept by PPAT itself. In conventional Mortgage registration, APHT and other warrants are submitted to the Land Office, but in Electronic Mortgage there are no more physical files submitted to the Cirebon Regency Land Office.

According to Iwan Darmawan, Registration of Mortgage from electronic services at the Ministry of ATR/BPN is to eliminate warkah documents (warkahs are not submitted to the Land Office). This is the first step to prepare a land office based on e-office and zero warkah. However, this is contrary to UUHT where in UUHT

¹⁰Interview with Rifki (Bank Operator/Credit) conducted on 2 June 2022.

¹¹Interview with Tin Affiani Notary/PPAT Cirebon Regency on June 2, 2022

Mortgage Rights are not carried out through electronic media, Article 13 paragraph (2) "PPAT is obliged to send APHT and other documents to the Land Office". According to Iwan Darmawan further, explaining that "the hierarchical position of UUHT is above or higher than Permen ATR/BPN No. 9 of 2019, therefore, Permen ATR/BPN No. 9 of 2019 may not conflict with UUHT, but in fact this is not the case".¹²

According to Rifki in interviews that have been conducted, as a party to a bank that uses Electronic Mortgage services, it has obstacles, namely:¹³

- It is necessary to add more time for more than three days in payment, because in Electronic Mortgage there are no working days but calendar days. If the bank registers the Mortgage on Thursday and the deposit order comes out on Thursday afternoon then on Friday it happens to be a national holiday which causes the bank to take a holiday resulting in delays in payment, so it is necessary to re-register and add work and costs.
- So that each bank is given more than one operator and supervisor account so that many jobs can be completed on time;
- So that the limitation per account can only register Mortgage 10 (ten) files per day, delete or increase the quota. The obstacles raised by the Bank operators above have not been known by the Admin of Electronic Mortgage of the Land Office of Cirebon Regency;
- The bank is still difficult to get an account, especially bank branches. In getting an operator account and a branch bank supervisor under Electronic Mortgage, it depends on the Admin of the Bank Branch where the account will be created, where the requirements are in the form of a photo, photocopy of ID card, a letter of appointment for a supervisor or operator and a decree for appointment as an employee. Based on the interview above, it means that there is no account relationship with the Land Office where both operator and supervisor accounts are issued based on the completeness of the requirements and the Bank Branch Admin in registering them. In its implementation, it turns out that obstacles also occur in the Land Office.

Other obstacles faced by the Land Office are:

- The problem of validating land data is still one of the main obstacles in electronic services;
- The Electronic Mortgage Rights Admin has an additional task because they have to check the Certificate at the Computerized Land Office (KKP) for the authenticity of the Certificate, ranking and records therein;

¹²Ibid.

¹³Interview with Rifki (Bank Operator/Credit) conducted on 2 June 2022.

- Server problems or the application of Electronic Mortgage which if the problem has to wait until the next day to check the application for Electronic Mortgage; and
- It is necessary to immediately conduct an electronic land data check to speed up the work.

Various problems/obstacles in the implementation of Electronic Mortgage services based on the Minister of ATR/KBPN RI No. 5 of 2020 which has been carried out simultaneously nationally since July 8, 2020, is a lot and becomes a challenge for Users of Electronic Mortgage Rights, especially PPAT and Creditors including:

- If not registered, PPAT data can be deleted, until now many PPATs have not updated their personal data;
- Only registered, validated and verified creditors can use the ATR BPN partner application, in fact there are still many banking institutions that have not submitted an application for Electronic Mortgage Service Registration so that as a user you do not have an account that must be registered;
- Certificate validation and the time period for checking Land Rights Certificates for which Mortgage is to be encumbered at the Land Office are often long and not in accordance with the timeframe in the SOP for various reasons;
- PPAT experienced many problems when inputting data based on the APHT he made and the supporting data in PDF file format, including statements made by PPAT being responsible for the correctness of documents both formally and materially, this was burdensome for PPAT;
- Change of Creditor's Name, Roya and Revision of Mortgage, submitted by the Creditor, When contacting the Land Office, the response is often long, so that the repair time is overdue and is detrimental to the user;
- The Mortgage Rating under the authority of BPN to determine it is often wrong, even though the PPAT has correctly entered it, for example, for syndicated credit, the PPAT has inputted all the codes of the Bank/financial institution as the creditor of the Mortgage Recipient, but the BPN incorrectly entered the creditor receiving the Mortgage;
- When the server error, the Mortgage rating is wrong and you have to pay SPS again;
- The compatibility of physical data and digital data that often occurs and after PPAT informs the Land Office the response is slow;
- Regarding the subject of debtors who are different from the holders of land rights guaranteed by PPAT, they often err in entering data on the holders of land rights in the menu for making the Deed of Approval;

- Implementation of Electronic Mortgage Rights for Individual Creditors;
- Mortgage file closed due to rejection and not immediately repaired by HT Users, both PPAT and Creditors;
- If the Debtor fails according to Article 6 of UUHT, the creditor has the right to sell the object of Mortgage, how is the arrangement for the implementation of the object of Mortgage electronically?¹⁴; and
- The Electronic Mortgage Service does not provide access to implement the provisions of Article 10 paragraph (3) UUHT.

Of the various problems and obstacles above, almost all of them refer to the IT system prepared by the Government (Ministry of ATR/BPN), namely PUSDATIN (Center for Land and Spatial Information Data). Not to mention Article 22 of the Ministerial Regulation of ATR/BPN also regulates the prohibition that must be a separate observation for users of the Electronic Mortgage Rights service, namely the prohibition of falsifying identities, giving usernames and passwords to other parties which causes information to be disclosed, falsifying documents and/or providing unauthorized information which causes errors in the results of the Electronic Mortgage Rights and other actions determined by the Electronic Mortgage Operator. Article 23 can be seen regarding the sanctions, namely temporary or permanent closure of access,

Land rights that have not been certified based on Article 10 paragraph (3) of the Mortgage Law above are allowed, if it is to be carried out then PPAT will use the existing practice, namely by using SKMHT/Power of Attorney for Imposing Mortgage Rights, then registering the conversion/certification only then installed APHT. Therefore, the Land Office should continue to accept the manual/conventional Mortgage Registration for the field of Land Rights which is used as collateral but has not been certified in order to comply with the provisions of Article 10 paragraph (3) of the UUHT. The Ministry of ATR/BPN regarding the problem with the Electronic Integrated Mortgage Registration service has made its Technical Instructions on April 29, 2020,¹⁵ but the fact that the problems and obstacles that arise in the implementation of the Electronic Mortgage Rights service based on the Ministerial Regulation of ATR/KBPN No. 5 of 2020 is still there and even many as described above.

¹⁴Aziz Bahri, "Juridical Study on the Implementation of Electronic Mortgage Object Auctions", *Legal Journal (Online)*, University of Mataram, April 2019, accessed on June 2, 2022, at 19.30 WIB.

¹⁵Technical Instructions Number 2/Juknis-400.HR.02/IV/2020 Regarding Electronically Integrated Mortgage Services, dated April 29, 2020.

The above Technical Instructions are intended as a guide for the Land Office and Users of the Electronic Mortgage Service with the aim of standardizing, guiding and more detailed instructions in the Electronic Mortgage Service. The scope of this Technical Guide includes;

- Users of the Electronic Mortgage System Service, in this case consisting of three pillars, namely the Land Office, PPAT and Creditors;
 - Object of Mortgage;
 - Preparation;
 - Implementation by PPAT and Creditors;
 - Implementation by the Land Office;
 - Manual Mortgage Advanced Service; and
 - Solving Land Rights Encumbered by Electronic Mortgage Rights.

From what is described in the Technical Guidelines above, there is no formula that accommodates the implementation of Article 10 paragraph (3) of the UUHT.¹⁶

With the description that has been submitted by the author above, the resolution of problems and obstacles faced by Electronic Mortgage Rights Users, especially PPAT and Creditors refers to the Technical Instructions made by the Ministry of ATR/KBPN, 29 April 2020 because basically these problems and obstacles are mostly related to the IT system and server of the Electronic Mortgage Service. Users (PPAT and Creditors) must always confirm the IT problem to the Electronic Mortgage Service provider, namely the Cirebon Regency Land Office, so that the Electronic Mortgage Service User, in this case PPAT and Creditors, must be skilled and adequate in using all the tools needed to complete the grant. Mortgage Rights until the issuance of the Electronic Mortgage Certificate.

4. Conclusion

Electronically Integrated Mortgage Services are carried out completely through an online system, without any direct interaction between Electronic Mortgage Service Users (Creditors and PPATs) with Electronic Mortgage Service Implementers (Cirebon Regency Land Office) so that they are relevant to the

¹⁶Article 10 paragraph (3) UUHT reads; (3) If the object of Mortgage is in the form of Land Rights originating from the conversion of Old Rights which have fulfilled the requirements to be registered but the registration has not been carried out, the granting of Mortgage is carried out simultaneously with the application for registration of the Land Rights in question.

current situation and conditions in order to minimize the spread of Covid 19 and the effectiveness of Public Services. In its implementation, the key to the success of the Electronic Mortgage Service at the Cirebon Regency Land Office which is the first Pioneer of Electronic Mortgage Service in Indonesia is strongly supported by various external factors, such as full support from Electronic Mortgage Service Users (Creditors and PPAT) as well as internal factors, among others. The electronic Mortgage Certificate is the same as the conventional Mortgage Certificate, only the difference between the two is the form of the document in the Mortgage Certificate. Conventional Mortgage Certificates are in the form of blanks, while electronic Mortgage Rights are in the form of one sheet electronic document accompanied by a note on Granting Mortgage and ratified by electronic signature from the Head of the Land Office or authorized official. Electronic Signature is a signature consisting of Electronic Information attached, associated or related to other Electronic Information used as a means of verification and Authentication. This electronic signature is to maintain the integrity and authenticity of electronic documents. It can also be used to give approval and/or ratification of an electronic land document in carrying out the duties and functions of the Ministry.

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