

The Implementation of the Transition of Manual Land Registration Services to Electronic

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Abstract. *This study aims to analyze: 1) Implementation of the transition from manual to electronic land registration services in Cirebon Regency. 2) Constraints and solutions in implementing the transition from manual to electronic land registration services in Cirebon Regency. The approach method used in this research is a sociological juridical approach. The research specification used is descriptive analytical research. This type of data uses primary data and secondary data with library research and interview collection methods. The data analysis method used in this research is qualitative analysis. The results of the study concluded: 1). The implementation of the transition from manual to electronic land registration services in Cirebon Regency can provide many benefits for the community including minimizing fraud, minimizing land brokers/mafia, preventing corruption, preventing double certificates, saving costs, preventing disputes, conflicts and land cases, minimizing physical meetings, and reducing the intervention of unauthorized parties. The implementation of land services electronically can be done through the Touch Tanahku application. The result of the implementation of electronic land registration is an electronic certificate. Electronic certificates are legally used as evidence and can provide legal certainty because they are guaranteed by laws and regulations. 2). Obstacles in the implementation of the transition from manual to electronic land registration services in Cirebon Regency are the lack of public understanding of electronic certificates, lack of completeness of files, unprepared human resources for implementation, uneven internet network, and uneven land mapping.*

Keywords: Certificate; Electronic; Land; Registration.

1. Introduction

Land is the surface of the earth or a layer of the earth that is outside once, the condition of the earth in a place, the earth's surface which is bounded by land,¹ whereas according to Article 4 Paragraph (1) of the Act No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA), land is the surface of the earth. Land has an important role in development, so its existence is regulated in the law. Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that:

"Earth, water and the natural resources contained therein are controlled by the State and used for the greatest prosperity of the people". From these basic provisions, it can be seen that it is the people's prosperity that is the main goal in utilizing the functions of the earth, water and natural resources contained therein.²

Land has a very important function and position in various forms of life, moreover as a place to live/housing. The rise of buildings in various fields of life has caused land to become a commodity that has very high economic value and is difficult to control, this condition is caused by the need for land which continues to increase very rapidly, while the supply is limited so that it often causes land conflicts, both in the form of ownership conflicts and conflicts involving relating to the use/appointment of the land itself.³With the existing land law, it is hoped that conflicts/disputes regarding land can be prevented, at least minimized. For this reason, the government, represented by the authorized agency, organizes and organizes land administration.⁴

Land registration is one of the government programs in an orderly business of land administration. As in Article 1 Paragraph 9 of the Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration, the definition of land registration is a series of activities carried out by the Government continuously, continuously and regularly, including collection, processing, bookkeeping, and presentation

¹Sudarsono. (2010). The Latest Edition of Legal Dictionary. Jakarta: Rineka Cipta. p. 483.

²Urip Santoso. (2008). Agrarian Law & Land Rights. Jakarta: Kencana. p. 50.

³Adrian Sutedi. (2018). Transfer of Land Rights and Registration thereof. Jakarta: Sinar Graphics. p.22

⁴Dyara Radhite Oryza Fea. (2018). Guide to Managing Home Land and Permits. Jakarta: Legality. p.1

and maintenance of physical data and juridical data, in the form of maps and lists, concerning parcels of land, space above ground, basement and apartment units, including the issuance of certificates of proof of title to these areas. land, space above ground, basement which already has rights and ownership rights to apartment units as well as certain rights that burden them.

The purpose of registration as stipulated in the UUPA and Government Regulation Number 24 of 1997 concerning Land Registration is to provide legal certainty and legal protection to holders of land rights. The strength of the Certificate is a guarantee of legal certainty for the holder of the Certificate as a perfect means of proof as long as there are no opposing parties who prove otherwise. It is easy for a person or legal entity to prove himself as the holder of rights to a parcel of land and the conditions of the land, for example the area, boundaries, existing buildings, the type of right and the burdens attached to the land right, and so on.⁵

Act No. 5 of 1960 concerning the basic regulations on Agrarian principles which explains that all people who own a plot of land are required to have a land certificate, but the implementation of the Law does not run as smoothly as expected. This is because the village community does not know much about the importance of land certificates. Land registration which requires a high cost, is inversely proportional to the low income of the community which causes obstacles for economically weak communities to certify their land.⁶

The current technological sophistication is undeniable in its development, it provides many benefits for everyday life for people in various parts of the world. Access to technological sophistication makes it easier for people to obtain their needs. Entering the digital era in current technological developments, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, hereinafter referred to as ATR/BPN, has launched land services electronically. Electronic services referred to as electronic-based land registration activities are regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN of the Republic of Indonesia Number 5 of 2017 concerning Electronic Land Information Services.

⁵Adrian Sutedi. (2011). Land Title Certificate. Jakarta: Sinar Graphics. p. 1.

⁶Ningrum's Happy Princess. We are Hartono. Implementation of Complete Systematic Land Registration (PTSL) Based on Ministerial Regulation Number 6 of 2018 Studies in Semarang Regency. Proceedings Unissula Student Scientific Conference (KIMU) 4. October 2020. p.634

Cirebon Regency is one of the areas that has started implementing electronic registration services. The Cirebon Regency National Land Agency provides some relief and convenience in managing land, this is done so that it can help the community in dealing with the impact of COVID-19. Therefore, we need a modern land office that provides land and spatial planning services electronically, provides integrated and transparent services for the community and provides security from a reliable and trusted technology perspective. Article 35 Paragraph (5) of Government Regulation No. 24 of 1997 concerning Land Registration states that, gradually, land registration data is stored and presented using electronic equipment and micro films.

2. Research Methods

The approach method used in this research is a sociological juridical approach. The specification of the research used is descriptive analytical research. Types of data using primary data and secondary data with literature and interview collection methods. The data analysis method used in this research is qualitative analysis.

3. Results and Discussion

3.1. Implementation of the Transition of Manual Land Registration Services to Electronic

The Industrial Revolution 4.0 is the fourth phase of a historical journey of the industrial revolution which began in the 18th century. Along with this, Indonesia has shown its commitment to building a manufacturing industry and participating in global competition by taking advantage of the accelerated implementation of Industry 4.0. In this regard, it was marked by the launch of Making Indonesia 4.0 as a roadmap and Indonesia's efforts to enter the digital era as currently underway.⁷ The presence and development of the Corona outbreak has caused many crucial problems for countries in the world, including

⁷Venti Eka Satya. Indonesia's Strategy in Facing the Industrial Revolution 4.0. Brief Info Journal. Volume 10 Number 9 of 2018. p.21

Indonesia.⁸The spread and increase in the number of Covid-19 cases in Indonesia occurred in a very short and fast period of time.⁹

Industrial era 4.0 where all activities in the field of government and public services use an electronic system that is connected quickly, easily and effectively in accordance with the provisions in Government Regulation (PP) Number 71 of 2019 concerning Implementation of Electronic Systems and Transactions for government systems in stages. In line with this system in the field of National Land Affairs which has used an electronic system in accordance with the initial existence of rules regarding electronic transactions, namely Act No. 11 of 2008, it has undergone changes according to what is determined by Act No. 19 of 2016 concerning Electronic Transaction Information (ITE) which has been since the beginning, he acknowledged the existence of electronic certificates other than conventional certificates which explained that electronic certificates were electronic certificates that contained electronic signatures and identities indicating the legal subject status of the parties in electronic transactions issued by electronic certification providers.¹⁰

The Ministry of ATR/BPN will implement a change in land certificates from analog to electronic with various stages in 2022. Expert Staff to the Minister of ATR/Head of BPN for Information Technology, Virgo Eresta Jaya said, this transformation is expected to make it easier for the community and provide security for proof of ownership of land rights. This digital transformation aims to realize the vision of the ATR/BPN Ministry to become a world standard institution. The state of existing technology is also sufficient for the transition to electronics. This electronic land certificate is faster and the access is clearer.¹¹

The electronic land registration service in Cirebon Regency can be carried out by applicants by accessing it via the Touch Tanahku application which can be downloaded via the PlayStore application for Android users and the AppStore for

⁸Imas Novita Juaningsih. Policy Analysis of Layoffs for Workers during the Covid-19 Pandemic in Indonesia. Namely: Law & Justice Bulletin. Volume 4 Number 1 of 2020. p.189.

⁹Fakhrul Rozi Yamali and Ririn Noviyanti Putri. Impact of Covid-19 on the Indonesian Economy. Economics: Journal of Economics and Business. Volume 4 Number 2 of 2020. p.384.

¹⁰Arif Rahman. Muammar. Procedure for Issuing Electronic Certificates as Authentic Evidence of Ownership of Land Rights. Juridica: Journal of the Faculty of Law, Mount Rinjani University. Volume 3 Number 1 November 2021. p. 4

¹¹<https://economy.okezone.com/> accessed on June 20, 2022. at 22.00 WIB

iOS users. Some of the steps in using the touch my land application are as follows:

1. The first stage for land services through the Touch Tanahku Application is to download the Touch Tanahku Application through the Appstore or Playstore via a mobile phone.
2. The second stage is activating the account via Gmail which is registered with the account owner, while the gmail is sent on behalf of the Ministry of Agrarian Affairs/BPN.
3. The third stage is to verify the account by uploading the KTP and facial photos directly and clearly, verification is carried out by the Land Office of the relevant domicile.
4. The fourth stage, verified users of the Touch Tanahku Application can see the terms, fees, and length of service that will be carried out by the applicant in the Service Info Feature.
5. In the fifth stage, users of the Touch Tanahku Application as applicants can access the Loketku feature to select related land services and land offices and upload all files online.
6. The sixth stage, the applicant goes directly to the related Land Office to validate the file by the Registration Counter Officer at the related Land Office. The verification process is carried out by the Registration Officer by uploading the applicant's data according to the file to KKP 2 (Computerization of the Land Office 2) so that it enters the big data Pusdatin Ministry of ATR/BPN.
7. In the seventh stage, the applicant can use the Search Feature to search for travel documents from the land service.
8. The eighth stage, the applicant can take the service product if there is a notification from the Touch Tanahku application that the file has been handled.

Changes to the service system which used to be manual and then changed to electronic also provide several differences. The differences in the transition from manual land registration services to electronic certificates in Cirebon Regency are:

Difference	Analog land certificate	Land certificateElectronic
Document code	Using a unique serial number, which is a combination of letters	Using Hashcode, a unique electronic document code generated by the system.

	accompanied by numbers in the Blank Code	
Scan the QR code	Without being equipped with a QR code	Equipped with a QR code system that can be scanned to get direct information about the E-certificate so that it can make it easier for the public
Identity number	Many numbers are used, for example the number of rights, measurement letters, numbers in identifying fields and field maps	Single Identity applies only one type of number as its identity, namely the field identification number or NIB for short
Provisions of obligations and prohibitions	Note that the column for recording instructions for this provision is not uniform, depending on each land office	Stating aspects of Right, Registrations, Responsibility provisions of obligations and prohibitions are included
Signature	Using a manual signature is prone to being duplicated or forged	Using Electronic signature
Document form	Paper-based in the form of blanks filled with sheets.	Electronic document information that is provided is brief, concise and clear

Procedures for land registration to obtain electronic certificates are divided into 3, namely issuance of electronic certificates for the first time, issuance of electronic certificates through media transfer requests and issuance of electronic

certificates in the context of data maintenance services. Implementation of the transition from manual land registration services to electronic ones in Cirebon Regency provide convenience and benefits including minimizing fraud, minimizing land brokers/mafia, preventing corruption, preventing multiple certificates, saving costs, prevent disputes, conflicts and land cases.

In line with The Directorate General of Land Rights Determination and Registration of the Ministry of ATR/BPN (2021) states that electronic certificates will affect the following, including:

1. Efficiency

Services for electronic documents will automatically be carried out electronically, thereby increasing efficiency at the input, process and output nodes, which will result in service time efficiencies.

2. Minimize physical encounters

Reduced physical meetings will have an impact on minimizing land service transaction costs.

3. Accountability and accessibility

Recording all aspects of land registration electronically will increase the accountability of certificates, and increase the accessibility of information

4. Reducing the intervention of unauthorized parties;

All information nodes are protected by security, so that land rights holders can detect if there is interference with their land rights;

5. Active contribution in improving Indonesia's investment climate; managing land documents in a paperless manner will give a high score to the Registering Property aspect in Indonesia's Ease of Doing Business ranking."¹²

Administrative order in the field of defense is part of an effort to obtain the form of the principle of certainty, especially legal certainty. The rules already laid the task then it is also the authority of the Government to collect data and register land in Indonesia and for community rights holders to be able to register the land under their control based on the applicable provisions, namely the BAL. The provisions in the UUPA, namely article 19 regulates subjective legal certainty, namely provisions regarding legal entities and people who are holders of land rights (subjective conditions) and related to objective certainty in the form of

¹²Mujiburohman. DA Transformation from Paper to Electronic: Juridical and Technical Review of Electronic Land Certificates. *Bhumi: Journal of Agrarian Affairs and Land Affairs*. Volume 7 Number 1 May 2021. p.63

boundaries, length, location to width in their control.¹³ Providing legal certainty over the rights of landowners is very important. Legal certainty over land ownership begins with a legal product in the form of a land ownership certificate issued by the National Land Agency. Land registration is carried out to protect the community's rights to their land ownership.¹⁴The provision of legal certainty in the land sector requires the availability of written, complete and clear legal instruments that are implemented consistently in accordance with the spirit and content of the provisions.¹⁵

Based on the theory of legal certainty, the touch my land application can also provide legal certainty for the community. With service certainty through the Touch Tanahku Application, land service products such as certificates and several files entered in the Touch Tanahku Application can be accessed online, thus increasing the guarantee of the authenticity of certificates connected to land data owned by the Center for Land Data and Information and Agricultural Food Land. Sustainability (Pusdatin) Ministry of ATR/BPN. Therefore, this can uphold public services that serve with honesty and proper management of resources, as well as accountability to the public.¹⁶

Based on the theory of legal certainty, electronic certificates can guarantee legal certainty because they can be used as evidence in court. The meaning of certificates is as a strong means of proof and that the purpose of land registration being held is in the context of providing guarantees of legal certainty in the field of land, as well as guaranteeing orderly administration in the field of land to become visible and meaningful to both the community and the government.¹⁷The power of proof of electronic certificates based on Article 1 point 8 of the Ministerial Regulation of ATR/BPN Number 1 of 2021 explains that electronic certificates are property rights that are written, issued using an electronic system and in the form of a systemized document. Regarding the strength of electronic certificates, a similar explanation is also explained in Act

¹³Irwan Soerodjo. (2003). Legal certainty of land rights in Indonesia. Surabaya: Arloka. p.78

¹⁴Daughter. ca. Gunarto. The Effectiveness of Checking Certificates in Preventing Land Disputes in the Process of Transferring Land Rights. Deed Journal. Volume 5 Number 1 of 2018. p. 268

¹⁵Kuswanto. Ahmad Khishni. Legal Protection for Holders of Land Rights in Cases of Overlapping Ownership of a Plot of Land at the National Land Agency/ATR of Kudus Regency. Deed Journal. Volume 4 Number 1. March 2017. p.73

¹⁶Yola Amanda Putri. et al. Op. cit.. p. 87

¹⁷Wida Wirdaniati. et al. Model of Legalization of Land Certification in Rural Areas and Projections of the Benefit Value of Ownership. Unissula Law Journal. Volume 38 No. 2. August. p.124

No. 11 of 2008 concerning Electronic Information and Transactions in article 5 paragraph (2) which is valid proof of ownership based on legal procedural provisions in Indonesia.

3.2. Obstacles and Solutions in the Implementation of the Transition of Manual Land Registration Services to Electronic

In addition to having weaknesses, the implementation of the transition from manual land registration services to electronic ones also has several obstacles. Constraints that occur in Cirebon Regency, namely:

1. Manual land registration services to be electronic cannot be separated from the community where the law is enforced so that people's understanding and the condition of the community is one of the important factors that must be considered in implementing the issuance of electronic certificates. Not all Indonesian people understand the technology and procedures for issuing electronic certificates. The public needs to understand this, including the community's readiness to accept the existence of electronic certificates. In Cirebon Regency, there are many people who are not aware of the existence of electronic certificates, some who already know think that the process of registering land by electronic means is even more complicated. Apart from that, many people are still clueless and not all people have smartphones.
2. The lack of public knowledge of the importance of data collection for the certificate issuance process, so that the public seems to tend to underestimate the completeness of the application file. In addition, the proof of land ownership obtained was minimal, so statements and testimonies were needed.
3. Inadequate human resources (HR) implementing land registration and the instruments and data owned by the Land Office have not been integrated.
4. Uneven internet network, especially in remote areas
5. Not all land in Indonesia has been mapped and registered;
6. The use of the Touch Tanahku application by the Land Office is experiencing problems because it does not use the "pick up the ball" method in it, but only uses social media as a support for the public test phase of the Touch Tanahku application. In using the Touch Tanahku Application Innovation, there are several complications from using the Touch Tanahku Application for the Community. The complexity of its use is related to accessing the Locketku Feature for the first land service by submitting files to the Land Office. The complexity of accessing Locketku is

felt by the community due to the cessation of the filing process and login problems in the Loketku feature. Besides that,

Possible solutions to overcome the above constraints include:

1. The Ministry of ATR/BPN to deal with this problem, of course, must slowly and gradually overcome it, for example by carrying out socialization by introducing the meaning of digitization, socializing the uses, benefits and functions of el-certificates and even educating in detail how to use the digitization of electronic land certificates, both from modern circles even to the people in remote corners though. So that people understand the importance of land registration and know that electronic land registration actually makes it easier for the community and saves processing costs.
2. To overcome the lack evidence of land ownership obtained, then a statement letter from the local village head is made that can corroborate the completeness of the evidence that is not yet available.
3. Providing training and holding workshops for executors in the Land Office and Land Deed Making Officials (PPAT).
4. Collaborate with provider companies to help distribute the internet network throughout the district
5. Accelerate the updating of land data
6. Improve the touch my land application and strengthen its security so that it is not easily hacked by irresponsible parties.

Implementation of land registration with an electronic system, the government guarantees legal protection for electronic certificate products issued by the National Land Agency of the Republic of Indonesia. Electronic certificates issued through an electronic system will be legalized with an electronic signature in accordance with statutory regulations. This electronic certificate is equipped with a Field Identification Number (NIB), which is a Single ID which is the reference for all land registration activities. This identification number is at the top. Based on the information, the electronic certificate has a unique code (hash code) for the document issued and connected to the electronic document issuance edition.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 1 of 2021 concerning Electronic Certificates is a topic of conversation in the community and reaps pros and cons. Some people accept this regulation as a form of improving land services in terms of time efficiency and it is hoped that it will provide legal certainty, security and legal protection to holders of land rights. However, not a

few people who responded to this regulation seemed rushed and had not been supported with proper preparation, which allowed land registration data to become insecure and uncertainty over land rights.¹⁸

4. Conclusion

The implementation of the transition of manual land registration services to electronic in Cirebon Regency can provide many benefits to the community including minimizing fraud, minimizing land brokers/mafia, preventing corruption, preventing multiple certificates, saving costs, preventing disputes, conflicts and land cases, minimizing physical meetings, and reduce interference from unauthorized parties. The implementation of land services electronically can be done through the Touch Tanahku application. The result of the implementation of electronic land registration is an electronic certificate. Electronic certificates are legally valid to be used as evidence and can provide legal certainty because they have been guaranteed by Laws and Regulations, namely Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 1 of 2021 concerning Electronic Certificates and Act No. 19 of 2016. Amendments to Act No. 11 of 2008 Concerning Information and Electronic Transactions. Obstacles in the implementation of the transition from manual to electronic land registration services in Cirebon Regency, namely the lack of public understanding of electronic certificates, lack of completeness of documents, lack of readiness of implementing human resources, uneven internet network, and uneven land mapping.

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¹⁸Ibid. p. 789

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