

PPAT Reformulation in Electronically Integrated Registration of Mortgage Rights

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Abstract. *Mortgage is a guarantee for land that is registered online at the National Land Agency. PPAT reformulation is important so that data is guaranteed to be accurate. PPAT examines documents, draws up deeds, and submits registration to BPN. PPAT is responsible for the validity of documents. Registration of electronic Mortgage is faster, more efficient and safer because it is connected to the database. The research method used is normative law, viewing law as a system of norms. This research includes principles, norms, rules, court decisions, agreements, and doctrine. Normative legal research aims to find rules, principles, and doctrines to answer legal problems. This research is descriptive-analytical in nature, providing an overview and assessment of PPAT reformulation in integrated mortgage registration. The Electronic Mortgage System is the registration and maintenance of land data through an integrated electronic system. Registered user meets the requirements, application is accepted. PPAT and banks are responsible. Mortgage rights involve guarantees for property, business use, building, and usage rights. Electronic registration according to the rules. PPAT constraints: user requirements, certificates at the OJK, debtor certificates, credit syndication arrangements, and creditor registration obligations. PPAT ensures data accuracy. PPAT Constraints in electronic Mortgage registration: Registered user requirements impede access, Requirements for registered letters at the OJK limit the choice of creditors, Requirements for certificates in the name of the debtor are contrary to UUHT. There is no registration mechanism in a credit syndication, Registration obligation is the responsibility creditor, not PPAT.*

Keywords: *Electronic; Mortgage; Reformulation.*

1. Introduction

Based on Government Regulation Number 37 of 1998 concerning Position Regulations for Officials for Making Land Deeds (PPAT), the PPAT's duties include making deed of application for registration of Mortgage Rights. Mortgage rights can be given over property rights, usufructuary rights, building use rights, and usufructuary rights over state land, which must be registered and can be transferred.¹

Mortgage rights have different characteristics from other material security rights, in which their original nature cannot be divided, unless agreed in the Deed of Granting Mortgage Rights. This is regulated in Article 2 and Article 3 of the Mortgage Act (UUHT).²

Registration of Mortgage Right is currently often done online through the official website of the National Land Agency. After registration, the creditor will obtain a Mortgage certificate as proof of guarantee registration for certain obligations. This certificate becomes the basis for the creditor to protect his guarantee against the collateral object.

The difference between electronic mortgage rights and manual mortgage rights lies in the way they are registered. For manual mortgage rights, registration is done by submitting an application directly to the land office and filling out the registration form manually. Whereas for electronic mortgage rights, registration is done online through an electronic registration system provided by the National Land Agency. In addition, electronic mortgage rights also have advantages in terms of speed and efficiency in the registration process, because they do not require as long as manual registration. In addition, electronic mortgage rights also have a better level of security because they are carried out electronically and are integrated with existing database systems.

Reformulation in the electronically integrated Mortgage registration system provides advantages in terms of speed, efficiency, and level of security. The National Land Agency (BPN) has an important role in providing legal certainty and protecting the guarantor and the mortgagee. PPAT also has an important role in electronically integrated registration of Mortgage Rights by verifying documents and ensuring the validity of the data entered.

¹Sari, SNI & Rizkianti, W. 2019. Comparative Study of Mortgage Registration. National Development University: Juridical Journal, vol. 2 , Bogor & Depok , p.118-135

²HM Arba and Diman Ade Mulada, 2020, Law of Mortgage Rights, Mortgage Rights on Land and Objects on it, Sinar Graphic, Jakarta, pp. 38-39

Through this reformulation, it is hoped that the registration of Mortgage Rights can be carried out more easily, quickly and accurately, thereby providing legal certainty for all parties involved.

The process of registration of Mortgage Rights in Indonesia faces several problems that need to be identified and addressed. First, the complexity of the registration process is related to the various regulations and laws governing Mortgage Rights, such as Government Regulation Number 37 of 1998 and the Mortgage Law. These complex and complicated rules can become an obstacle for parties who wish to register Mortgage Rights, complicate and slow down the registration process.

In the context of electronically integrated Mortgage registration, the PPAT must also ensure that the data entered into the system is correct and accurate. PPAT is responsible for verifying the validity of documents relating to Mortgage transactions and ensuring that the data entered into the system is recorded correctly and completely. This is intended to minimize errors or misuse of data in the electronic Mortgage registration process. According to Government Regulation No. 10 of 1961 regarding Land Registration, *prona* was originally an effort to register land which had the main character. Through Land Registration, land certificates can be issued as evidence of land rights. Then, the Land Registration developed into the National Land Program in order to accelerate the Registration of Land Rights known as the Legalization of Land Assets for community members based on Government Regulation Number 24 of 1997 concerning Land Registration. Land registration was first carried out as proof of land rights.³

Second, limited access and dependence on technology are also problems faced. Although registration of Mortgage is currently done online through the official website of the National Land Agency, access to technology and the internet is important in the registration process. Limited access or lack of understanding of technology can be an obstacle for those who do not have sufficient access or understanding of this technology.

Furthermore, data security and information validity are important factors in online registration of Mortgage Rights. Mortgage has an important role as security for certain obligations, so that vulnerability to data manipulation or security failures can threaten the integrity and trust in the registration system.

Finally, coordination between the National Land Agency (BPN) and the Land Deed Official (PPAT) is another issue that needs to be addressed. Both of these entities have an important role in the registration process Mortgage. However,

³ Hermansyah, 2005 Indonesian National Banking Law, Fajar Interpratama Mandiri, Jakarta, p. 49

without an effective mechanism to ensure document verification and data validity submitted by PPATs, coordination between BPN and PPATs can be challenging.

In the context of reformulating an electronically integrated Mortgage registration system, these problems need to be considered and addressed. The reformulation is expected to overcome the complexity of the registration process, improve data accessibility and security, and facilitate effective coordination between BPN and PPAT. Thus, it is hoped that the registration of Mortgage Rights can be carried out more easily, quickly and accurately, providing legal certainty for all parties involved.

To evaluate PPAT reformulation in ensuring the accuracy and validity of electronically integrated mortgage data, including document verification and validation processes, and ensuring that information related to property rights is accurate and reliable.

2. Research Methods

This study uses normative legal research methods that focus on principles, norms, legal principles, laws and regulations, court decisions, agreements, and doctrines. This research is descriptive analysis in nature, which describes legal phenomena factually and accurately.⁴The data used consists of primary data obtained through direct interviews with informants, and secondary data obtained through literature studies using various primary and secondary legal materials. The data collection technique used was field research through interviews and literature studies. Data analysis was carried out qualitatively by producing descriptive analytical data.

3. Results and Discussion

3.1. How is PPAT reformulation in ensuring the accuracy and validity of electronically integrated mortgage data?

The Electronic Mortgage System regulated by the Minister of Agrarian Regulation Number 9 of 2019 is an important step in updating and modernizing the Mortgage registration process. This system is designed as a series of service processes carried out through an integrated electronic system, replacing manual processes that are time consuming and prone to errors.

⁴Dr. Mukti Fajar Nur Dewata and Yulianto Achmad, 2010, *Dualism of Normative and Empirical Legal Research*, Yogyakarta,, p. 183

The Land Deed Making Officer (PPAT) has an important responsibility in ensuring the accuracy and validity of electronically integrated mortgage data. In this context, the theory of responsibility emphasizes that the PPAT has an ethical and professional obligation to carry out its duties responsibly.⁵

In implementing this system, the Land Office has an important role in managing and supervising the registration process in stages. This step is important to ensure that the necessary supporting data is ready and properly integrated in the system. In this case, data preparation includes accuracy of land information, title certificates, and other supporting documents. This stepwise process allows for a smoother transition from manual to electronic systems.

One of the services that can be submitted through the Electronic Mortgage system is the registration of Mortgage Rights. Through this system, interested parties can apply electronically, avoiding the hassle and time constraints of the previous manual process. In the registration process, registered users need to meet certain requirements, such as having a nearby domicile and a certificate of registration with the Financial Services Authority (OJK). However, it should be noted that these requirements can be an obstacle for parties not engaged in the financial industry, and therefore, it is necessary to review to expand the inclusiveness of access to this service without compromising data security and legitimacy.

The application of the Electronic Mortgage system also brings benefits in speeding up and facilitating the process of registration of Mortgage Rights. In this system, electronic signatures are used to maintain the integrity and authenticity of electronic documents, including Mortgage certificates. Electronic signatures are an efficient and effective verification and authentication tool in ensuring the validity of documents, replacing reliance on physical signatures which require more time and effort.

By utilizing electronic technology and integrated systems, the Mortgage registration process can be carried out more efficiently and accurately. Applications for Mortgage services are submitted electronically, service fees are paid through the system, and verification is carried out by the Land Office. Furthermore, the Mortgage Right data is recorded in the land book and certificate of Land Right or Flat Ownership Right. These steps eliminate a number of complicated manual processes, minimize the risk of errors and speed up the registration process.

⁵Nugraheni. LA (2017). Notary Legal Responsibilities in Electronic Fiduciary Guarantee Registration (Online System). Atma Jaya University Law Journal. <http://e-journal.uajy.ac.id/12159/>

Overall, the Electronic Mortgage System brings significant changes in the registration of Mortgage, replacing the older and more complex manual system. By utilizing integrated technology and systems, the registration process becomes more efficient, accurate, and can be accessed more easily by interested parties. However, it is important to continue to improve and overcome obstacles that may arise, such as the requirements for registered users which need to be more inclusive, inconsistencies with UUHT, registration mechanisms in credit syndications that need to be clarified, as well as data security and PPAT expertise that need careful attention.

In the Electronic Mortgage system, the use of electronic signatures plays a crucial role in maintaining the integrity and authenticity of electronic documents, including Mortgage certificates. This electronic signature is electronic information related to other electronic information and is used as a means of verification and authentication in accordance with the Electronic Information and Transactions Act.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2019 provides further explanation regarding the use of electronic signatures in the land context. According to the regulation, electronic signatures can be used to provide approval and ratification of land electronic documents in the duties and functions of the Ministry of Agrarian Affairs and Spatial Planning. However, it is important to note that the use of electronic signatures can only be done after the signer has a valid electronic certificate. To obtain the electronic certificate, the electronic signature registration process must be carried out by submitting an application to the authorized registration authority.

In the context of registration of Mortgage through the Electronic Mortgage system, there are several steps that must be followed. First, users must be registered in the system by meeting the requirements set by the Ministry. These requirements may include having an electronic domicile, certificate of registration with the Financial Services Authority, statement of fulfillment of requirements and approval as a registered user, as well as other conditions determined by the Ministry. After the user has successfully registered, the Ministry will verify the registration and has the right to refuse registration if necessary.

In order to maintain legal certainty and ensure data security, the process of registering electronic signatures and verifying user registration is very important. The ministry has a central role in ensuring that the registration process is carried out carefully and in accordance with applicable regulations. Through careful verification, the risk of misuse of the system can be minimized, and only users

who meet the requirements will be granted access to the Electronic Mortgage system.

With the electronic signature registration mechanism and strict verification, it is expected that the integrity and legitimacy of electronic documents, including Mortgage certificates, can be properly maintained in the Electronic Mortgage system. This has the benefit of increasing the efficiency, speed and accuracy of the Mortgage registration process, as well as providing confidence to interested parties regarding the validity and legal certainty of electronic documents related to Mortgage Rights.

After being successfully registered in the Electronic Mortgage system, registered users can apply for Mortgage services electronically through the system that has been provided. This application must be accompanied by an electronic document that meets the specified requirements. After the application is received by the system, the applicant will receive proof of registration issued by the system as proof that the application has been received. This proof of registration contains information such as the file number, date of registration, name of the applicant, and the service fee payment code that must be paid.

This Mortgage Service is not provided free of charge and is subject to a fee in accordance with the provisions of the applicable laws. After obtaining proof of registration, the applicant has three days to pay for the service fee through the perception bank. After the application data and registration fees are confirmed by the system, the Mortgage Right will be recorded in the land book by the authorized Head of the Land Office. Apart from that, the creditor also has the possibility to record the Mortgage Right on the certificate of Land Right or Ownership Right of a Flat unit using the records issued by the system.⁶

After going through all these stages, the results of the Mortgage service will be published. This includes Mortgage certificates and Mortgage records recorded in the land book, as well as certificates of Land Rights or Flat Ownership Rights. The issuance of these documents will be carried out on the seventh day after the application is confirmed. It is important to note that the Mortgage certificate issued by the Electronic Mortgage system will be equipped with an electronic signature as a sign of validity.

Before the results of Mortgage services are issued, the Head of the Land Office or the appointed Official is responsible for checking the Mortgage certificate and the completeness of the application documents. Their responsibility lies in the

⁶Guntoro, J. (2020). *Juridical Review of Mortgage Registration in Electronically Integrated Mortgage Services*, Grafindo Persada, Surabaya, p. 93

administrative aspects of the results of Mortgage services. However, it should be emphasized that the material correctness of the documents which form the basis of the results of the Electronic Mortgage System service is not the responsibility of the land office. The responsibility remains with the party submitting the Mortgage application and the party providing true and accurate information.

In the process of electronically integrated registration of Mortgage Rights, the role of the Land Deed Official (PPAT) becomes very important. PPAT has the main responsibility in ensuring the accuracy and validity of data related to mortgage rights. Mortgage rights themselves are rights related to agreements, such as credit agreements or accounts payable. Therefore, PPATs have ethical and professional obligations in carrying out their duties with full responsibility.

In the context of electronic Mortgage registration through the Electronic Mortgage Right (HT-el) system, PPAT has a significant role. PPAT is responsible for checking the certificate of land rights that will be used as collateral, making Deeds of Mortgage Binding (APHT) which is an official document that regulates mortgage rights, reporting APHT to the Land Office, inputting the necessary data into the system, and producing output in the form of an HT-el certificate which is proof of the existence of electronic mortgage rights. In addition, PPAT can also cooperate with banks in making authentic deeds related to Mortgage Rights.

The reformulation of the PPAT's role in ensuring the accuracy and validity of electronically integrated mortgage data has yielded several significant results. The application of the Electronic Mortgage system enables increased efficiency in the process of registration and renewal of Mortgage rights. The use of electronic signatures as a form of verification and authentication of electronic documents related to mortgage rights also provides transparency and public confidence in the legitimacy and authenticity of these documents.

With the existence of an Electronic Mortgage system that involves the active role of the PPAT, it is hoped that the process of registration and maintenance of Mortgage data can run more efficiently, accurately, and guarantee its validity. The reformulation of the PPAT's role in the electronic context is an important step in advancing and modernizing the mortgage registration system, as well as providing legal certainty for all parties involved in the mortgage agreement.⁷

In the implementation of the Electronic Mortgage system, there is a conflict of norms between the Mortgage Law and the Regulation of the Head of the Land Agency regarding electronic registration of Mortgage. This conflict can create confusion in the interpretation and application of the rules related to electronic

⁷Muhammad Erwin. (2012). *Philosophy of Law Critical Reflection on Law*. Jakarta: PT RajaGrafindo Persada. hal. 17.

mortgage rights. Resolution of this norm conflict is important to achieve harmony in regulations and ensure clarity in the implementation of the Electronic Mortgage system.

In addition to conflicting norms, the Electronic Mortgage system also has weaknesses and strengths. One drawback to note is the reliance on technology. These systems rely on technological infrastructure that is subject to disruption or failure, such as network issues or device failure. Therefore, it is necessary to make appropriate efforts to ensure the availability and reliability of the technology used in this system. In addition, data security risk is also an important thing to pay attention to. In the digital era, the threat of hacking and data theft is a serious problem that must be handled with sophisticated security measures.

However, on the other hand, the Electronic Mortgage system also provides significant advantages. One of the advantages is increased efficiency in the process of registration and renewal of mortgage rights. Processes that previously required more time and costs can be overcome with an electronic system that allows submission and verification of documents online. The speed, accuracy and validity of data can also be improved through the use of information technology in this system. This provides benefits for all parties involved in the registration process and renewal of mortgage rights, including users, PPATs, and related agencies.

Overall, the reformulation of the PPAT's role and the implementation of the Electronic Mortgage Right system provide significant benefits in increasing efficiency and public confidence in the process of registration and renewal of Mortgage rights. Even though there are still obstacles and conflicts that need to be overcome, the application of information technology in the mortgage system is an important step in optimizing land services and increasing legal certainty regarding mortgage rights. By continuously improving and developing this system and overcoming existing obstacles, it is hoped that the process of registration and renewal of mortgage rights can be more efficient, transparent and accountable.

3.2. What are the obstacles faced by the PPAT in registering Mortgage Rights that are integrated electronically?

Electronically integrated Mortgage is a Mortgage service system that is carried out through an integrated electronic system. However, in implementing this system, there are several obstacles that need to be overcome in order to achieve optimal legal certainty and ensure accessibility for all parties.

First, the requirements that must be met by Registered Users in the Electronic Mortgage system can be an obstacle for individuals or legal entities that are not

engaged in the financial industry. One of the requirements required is a Certificate of Registration with the Financial Services Authority (OJK). This can hinder the public's access to the use of Electronic Mortgage services. Therefore, it is necessary to revise the requirements to be more inclusive without compromising data security and validity. These requirements must consider the diversity of user backgrounds without neglecting the necessary data protection.

Second, there is a mismatch between the regulations governing creditors in the registration of Mortgage Rights and the Mortgage Law. UUHT allows the giver of Mortgage to be an authorized third party, while existing regulations require that the guarantor must be the debtor himself. This misalignment can hinder credit practices involving third parties. Therefore, further studies are needed to align this regulation to suit credit practices that are more flexible and allow the participation of authorized guarantors.

Furthermore, in the case of a credit syndication where there are several creditors, the regulations do not regulate in detail the mechanism for registration of Mortgage Rights. This has led to ambiguity regarding the writing of the creditor's name on the Mortgage certificate and the related land title certificate. It is important to clarify and clearly regulate the registration mechanism in credit syndication cases so as not to create legal uncertainty for all parties involved.

In addition, regulations stipulate obligations for creditors to apply for electronic registration of Mortgage Rights, while UUHT stipulates that applications for registration are carried out by the PPAT. This mismatch can pose risks and legal consequences for the guarantee provided by the debtor if the creditor is negligent in registration. There needs to be harmonization between regulations and the UUHT to ensure legal certainty for the registration of Mortgage Rights, so that registration responsibilities can be carried out clearly and in accordance with applicable regulations.

In the implementation of electronic mortgage registration, reliable infrastructure and technology are important factors. Internet network instability or the inability of the technology system to handle high loads can disrupt the registration process and threaten legal certainty. Therefore, it is important for the government or related institutions to invest adequate resources in building a reliable technology infrastructure that can handle existing needs, as well as ensuring the necessary data security.

Furthermore, the PPAT also needs to acquire sufficient expertise and training related to the electronic Mortgage registration system. With a deep understanding and good skills in using the system, the PPAT will be able to carry

out its duties properly, minimize errors, and ensure the accuracy of the data entered into the system.

To overcome these obstacles, it is necessary to make adequate investments in reliable technology infrastructure, pay attention to data security, and provide adequate training to PPATs. By overcoming these obstacles, legal certainty in the registration of Mortgage rights can be properly maintained, ensuring that the registration process is carried out correctly, safely, and can be accounted for by all parties involved. In this context, cooperation between related institutions, the government and stakeholders is also important in achieving the expected goals.

4. Conclusion

PPATs need to receive adequate training regarding the electronic Mortgage registration system to ensure data accuracy and carry out their duties properly: This suggestion underscores the importance of providing adequate training to PPATs regarding the use and operation of the Electronic Mortgage registration system. This training must include an in-depth understanding of system mechanisms, procedures for filling in data, and ensuring the accuracy of the input data. With adequate training, the PPAT will be able to carry out its duties properly, minimize errors, and ensure the accuracy of the data entered into the system.

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