

The Role of Land Deed Making Officials in the Plan for Implementing Land Deed Making in the Digital Era for Electronic Land Registration Services

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Abstract. *This study aims to analyze: 1) The role of PPAT in overcoming administrative and legal challenges that arise in making land deeds in the digital era. 2) The impact of the use of information technology on the security and validity of land deed documents made by PPAT in the digital era. This type of research is included in the scope of empirical research. The approach method in this study is a sociological legal approach. The types and sources of data in this study are primary and secondary data obtained through interviews and literature studies. The analysis in this study is prescriptive. The results of the study concluded: 1) The role of PPAT in overcoming administrative and legal challenges that arise in making land deeds in the digital era, namely PPAT plays an important role in overcoming administrative and legal challenges in the digital era by ensuring legal certainty, the validity of electronic documents, transparency of the process, and data security in making land deeds. PPAT also acts as an intermediary who helps the public understand digital procedures and provides input for improving regulations. 2) The impact of the use of information technology on the security and validity of land deed documents made by PPAT in the digital era, namely providing benefits in terms of security, efficiency, and transparency. Technology enables more secure document storage and tracking, speeds up administrative processes, and supports certainty of rights. However, because current regulations do not fully accommodate electronic deeds as valid documents, there are challenges related to data security and legal validity. With regulatory improvements that support legal recognition of electronic deeds, the positive potential of using technology in making PPAT deeds can be maximized, thereby providing greater benefits to the community.*

Keywords: Digital; Document; Storage; Tracking.

1. Introduction

In everyday life, land certificates are often disputed, even to the point of court. This arises because land has a very important function for people's lives, which makes people try to obtain land in various ways, even by seizing other people's land. Settlement of land ownership disputes through the courts is a decision that determines who the real certified landowner is from the disputed land.¹ Land issues have long been a complicated and legal issue complex and has broad dimensions in both developed and developing countries, so that not easy to solve quickly.²

The certificate is the final result of land registration and is authentic evidence. The power of the certificate is a guarantee of legal certainty for the certificate holder as perfect evidence as long as no opposing party proves otherwise. A person or legal entity will easily prove themselves as the rights holder of a plot of land and the condition of the land, for example the area, boundaries, existing buildings, types of rights and the burdens on the rights to the land, and so on.³

Law Number 5 of 1960 concerning the basic regulations of Agrarian principles which explains that all people who own a plot of land must have a land certificate, but the implementation of the Law has not run smoothly as expected. This is because for rural communities who do not yet know much about the importance of land certificates. Land registration which requires high costs, in contrast to the low income of the community causes obstacles for the weak economic community to certify their land.⁴

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 electronic land services. Digitization of land administration is one of the implementation of government duties aimed at realizing national development goals. Land administration that is still conventionally based must be shifted towards digital-based land administration. Land administration services such as complete systematic land registration that are not yet digital-based must be directed towards digitalization, especially in the era of increasingly rapid development of science and technology. This is to accelerate services, facilitate investment entry, data integration between development sectors, and accelerate the realization of national goals. However,

¹Syarifah Lia, Lathifah Hanim, Legal Certainty in Settlement of Disputes Emerging from Overlapping Certificates of Ownership Rights (SHM) on Land (Case Study at the Land/Agrarian and Spatial Planning Office of Pontianak City), *Jurnal Akta*, Vol. 4. No. 1, March 2017, p.35

²Irawan Soerodjo, 2002, Legal Certainty of Land Rights in Indonesia, Arkola, Surabaya, p. 25.

³Adrian Sutedi, 2011, Land Rights Certificate, Sinar Grafika, Jakarta, p. 1.

⁴Putri Bahagia Ningrum, Kami Hartono, Implementation of Complete Systematic Land Registration (PTSL) Based on Ministerial Regulation Number 6 of 2018 Study in Semarang Regency, Proceedings, Unissula Student Scientific Conference (KIMU) 4, October 2020, p.634

a basis and guidelines are needed for Government Agencies or Officials in carrying out the task of implementing land digitalization. These foundations and guidelines have not yet been properly formulated in a legal product.⁵

The process of making land deeds in Indonesia is regulated by complex regulations. PPAT as a public official is given authority by the state to carry out some tasks related to land registration by making authentic deeds for certain legal acts concerning land rights or ownership rights to apartment units which are then used as the basis for carrying out the registration process or changing land data as regulated in Article 37 paragraph (1) PP 24/1997 which stipulates that the transfer of land rights and ownership rights to apartment units through sale and purchase, exchange, grant, income in a company and other legal acts of transferring rights, except for the transfer of rights through auction, can only be registered if proven by a deed made by a PPAT who is authorized according to applicable laws and regulations.

Furthermore, there are new provisions regarding PPAT legal products, namely authentic deeds, the government has also issued Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration (hereinafter referred to as PP 18/2021). The basis for the enactment of PP 18/2021 regulates PPAT deeds that can be made electronically as stipulated in Article 86 which states that "the making of deeds by Land Deed Making Officials can be done electronically". Based on these provisions, PPAT deeds made electronically, one of which is an APHT deed, can result in the position of the electronic deed having legal force in evidence in court as an authentic deed or being equivalent to a deed under hand.⁶Based on the provisions of Article 86 of PP 18/2021, there has been a lack of clarity in the norms, where there is no definite explanation regarding what kind of PPAT deeds can be enforced electronically, so that research needs to be conducted in order to obtain legal certainty regarding PPAT deeds that can be made in electronic form. It is important for PPAT to play an active role in overcoming the administrative and legal challenges in making land deeds in the digital era. This involves not only adjusting to existing regulations and procedures, but also investing in appropriate technology and educating the public about the benefits and safety of using technology in the legal process."

⁵Riswan Erfa, Land Administration Digitalization to Realize National Development Acceleration from a Legal Policy Perspective, *Land Journal*, Volume 10 Number 1 July 2020, p.36

⁶Grace Coresy and Moh Saleh, 2020, Liability for Violation of the Principle of Confidentiality in Electronic Deeds When Linked to the Notary Law and the Electronic Information and Transactions Law," *Supremacy of Law: Journal of Legal Studies*, volume 9, Number . 1, p. 1–11,

2. Research methods

This type of research is empirical legal research. The approach method in this research is the sociological legal approach method. The type of data in this research is primary and secondary secondary data obtained through interviews and literature studies. The analysis in this research is prescriptive.

3. Results and Discussion

3.1. The Role of PPAT in Overcoming Administrative and Legal Challenges That Arise in Making Land Deeds in the Digital Era

In Indonesia, where many people still do not have access to land, land availability is critical, and disputes over land ownership often end up in court. Land cases in Indonesia cover a wide range of issues and problems related to land registration, management, and use.⁷Legal certainty of land can be realized through two efforts. First, by providing complete and clear written legal instruments. Second, by organizing land registration that allows land rights holders to prove their rights to the land they control and for the government to implement land policies.⁸The legal basis for land registration is Law Number 5 of 1960 concerning UUPA, Government Regulation No. 24 of 1997, furthermore in its implementation it is further elaborated in the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 dated October 1, 1997 concerning the Implementing Regulations of Government Regulation Number 24 of 1997 concerning Land Registration. The purpose of land registration is to guarantee legal certainty of land rights, including legal certainty of land plot objects (rights objects), legal certainty of the subjects of their rights (rights subjects), legal certainty of the types of land rights.⁹

Output the result of land registration is a land certificate. Legal certainty in the land sector in everyday life intersects with the issue of land certificates. A land certificate is a document issued by the National Land Agency (BPN) as proof of ownership and a person's rights to land.¹⁰

⁷Erick Ricardo, Government Policy in Addressing Land Problems in the Digitalization Era and Its Implementation of the Duties and Functions of Notaries, *Das Sollen Journal*, Volume 01, Number 01, p.3

⁸Dyara Radhite Oryza Fea, 2018, *Guide to Managing Home Land and Permits, Legality*, Yogyakarta, p. 90

⁹Nurhidayah, 2012, *Implementation of the Fulfillment of Ppat's Responsibilities in Making Land Sale and Purchase Deeds and Their Legal Consequences*, Publication Manuscript, Muhammadiyah University, Surakarta, p.16

¹⁰Ahmad Yani and Rezky Amalia Syafiin, 2021, *Electronic Archiving of Land Certificates to Ensure the Availability of Archives as Valid Evidence in Land Disputes*, *Khazanah: Journal of Archival Development*, Volume 14 Number 1, p.59

The digital era is a change that marks an era from offline to online.¹¹With the development of science, technology and electronic administration, the National Land Agency (BPN) carries out land registration which can be done electronically and the results of the land registration are in the form of data, electronic information, no longer conventional.¹²

The Ministry of ATR/BPN in this digital era implements electronic certificates as a positive step as a form of service improvement and modernization. In this digital era, it is very easy for the community because all activities that support life become more practical and modern. Technological advances will empower the registration of reports that were previously made conventionally to be transferred into an electronic archive structure, electronic archiving is planned for a substantial proof method. This is an effort to integrate data owned by the Ministry of ATR/BPN. Integration of data and information through electronic certificates has the potential to become legal protection for the community. Of course, it will be easier to track the protection of land title documents such as deeds, jobs, and so on if electronic land certificates are converted. Although it has been included in the Regulation of the Minister of ATR/BPN Number 3 of 2023, it turns out that there are still many obstacles that occur in the public or officers who organize it. When viewed from the needs of the public where most activities are carried out digitally, the result is that the implementation of the electronic certificate is a very good progress to be implemented, but in this case it is also mandatory to review how urgent it is regarding the implementation of this electronic certificate.¹³

Implementation of the policy of making PPAT Deeds in the digital era in terms of improving services, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) continues to strive to improve ease of service, one of which is by launching electronic services such as the Land Certificate Checking service, Land Registration Certificate (SKPT), Land Value Zone Information (ZNT) and Electronic Mortgage Rights (HT-el).¹⁴As is known, these deeds are made manually by making a draft first, then printed and signed by the parties in front of the PPAT. However, currently only APHT is submitted electronically based on the Regulation of the Minister of ATR/BPN Number 5 of 2020.

¹¹Qisthi Fauziyyah Sugianto and Widhi Handoko, 2019, Opportunities and Challenges for Notary Candidates in Facing the Development of Disruption in the Digital Era, *Notarius*, Volume 12, no. 2, p.657

¹²Galuh Dwi Anugrahany et al., 2024 The Urgency of Electronic Land Certificates as a Transformation of the Land Registration System in Magelang Regency, *Journal of Law and Citizenship*, Volume 2, Number 8, p.100.

¹³Reza Ardiansyah and Atik Winanti, 2024, Urgency of Issuance of Electronic Land Certificate Documents Post Regulation of the Minister of ATR/BPN Number 3 of 2023, *USM Law Review Journal*, Volume 7 Number, p.841

¹⁴M Nafan, 2022, Legal Certainty Regarding the Implementation of Electronic Certificates as Evidence of Land Rights Control in Indonesia, *Tambusai Education Journal*, Volume 6, p. 55.

One of the leading services that has been digitally transformed is Mortgage Rights. There are two main factors why Mortgage Rights services are the first land services to undergo digital transformation, as follows:¹⁵

- 1) Mortgage Rights are land services that have a multiplier effect.
- 2) Mortgage Rights are land services with relatively large numbers.

In 2019, through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 9 of 2019 concerning Electronic Integrated Mortgage Rights Services, Mortgage Rights registration can be done electronically. At the time of the implementation of the regulation, service users could still choose whether to use conventional or electronic services. In 2020, the regulation was revoked and replaced by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronic Integrated Mortgage Rights Services which closed conventional mortgage rights services and migrated mortgage rights services to electronic in full.

Mortgage Rights stated in the form of APHT, must be registered with the Land Office in order to have legal force, as explained in Article 13 of the Mortgage Rights Law. Before the digital transformation, Mortgage Rights registration was carried out conventionally, the standard operating procedures for registration were regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 1 of 2010 concerning Land Service Standards and Regulations. Basically, Electronic Mortgage Rights are no different from Conventional Mortgage Rights, but the striking difference is in the registration mechanism, processing and results obtained. If Conventional Mortgage Rights are still paper-based, Electronic Mortgage Rights are based on data stored on the server. However, it does not rule out the possibility of physically printing Electronic Mortgage Rights.¹⁶

The mechanism for electronically integrated Mortgage Rights services has been regulated in Article 9 of the Regulation of the Minister of ATR/BPN Number 5 of 2020. Similar to Conventional Mortgage Rights, Mortgage Rights stated in the form of APHT must be registered with the Land Office in order to have legal force, as explained in Article 13 of the Mortgage Rights Law.

¹⁵Kurnia Reza, 2023, Analysis of Digital Transformation of Public Land Services: Electronic Mortgage Rights at the Ministry of Agrarian Affairs and Spatial Planning, Journal of Public Administration, Volume XIX, Number 1, p. 36

¹⁶Kurnia Reza, Op.cit., p.40

Electronic Mortgage Rights (HT-el) Services in this case are one of the services related to PPAT deeds, considering that one of the authorities of PPAT is to make Mortgage Rights Granting Deeds (APHT). In this case, with the HT-el policy, PPAT has additional authority to store all APHTs, both the first and second sheets, in his office, and requires him to maintain the APHT.¹⁷ From this, it can be seen that the implementation of HT-el is only an implementation of a land registration system that is made easier to be online or electronic.¹⁸

APHT is only submitted through an electronic system while referring to Article 86 of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration, in this case what is meant by electronic is its creation which should be electronic, not only in terms of archiving/storage. So in this case APHT cannot be said to have been implemented electronically because PPAT only carries out the registration which has now changed to electronic from what was originally done conventionally.¹⁹

The provisions of Article 86 of Government Regulation Number 18 of 2021 are still considered insufficient because there are several prerequisites that have not been met, such as the absence of a legal umbrella that regulates the mechanism for making deeds electronically considering that in making a deed, the interested party must meet with the PPAT, furthermore, the format/form of the PPAT deed made electronically has not been regulated. In terms of implementation, the Electronic Mortgage Rights (HT-el) service is only a registration and reporting service for the Mortgage Rights Granting Deed (APHT) which can now be done electronically. In terms of making APHT itself, it is still not electronic. So in this case, there needs to be an improvement in regulations based on the readiness of the Government in its implementation, either in the form of changes that can be made by deleting Article 86 in PP Number 18 of 2021 when the policy is considered still not feasible to implement or changes to the clauses in its regulations.

The role of Land Deed Officials (PPAT) is becoming increasingly important in facing administrative and legal challenges in making land deeds in the digital era. The digitalization of the land system, launched by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), provides convenience in several aspects such as checking land certificates, Land Registration Certificates (SKPT), Land Value Zone Information (ZNT), and Electronic Mortgage Rights (HT-el) registration. However, the process of making PPAT deeds, especially

¹⁷Muhammad Bayanullah, 2022, Legality of Electronic Mortgage Grant Deeds, *Journal of Law and Notary*, Volume 6 Number 5, p. 594–612.

¹⁸Nur Azizah, Abdul Halim Barkatullah, and Noor Hafidah, 2022 Electronic Registration of Mortgage Rights (Study at the PPAT Office in North Banjarmasin), *Nolaj*, Volume 1 Number 2, p. 84–99.

¹⁹Risa Hasmi, 2022, Fulfillment of Formal Requirements and Evidentiary Power of Deeds of Electronic Land Deed Making Officials', *BaLRev*, Volume 4 Number 1 p., 85–97.

Mortgage Rights Granting Deeds (APHT), mostly still requires manual procedures with direct signatures from the relevant parties. Here are some of the main challenges that arise and how PPAT can play a role in overcoming them:²⁰

1) Legal Certainty and Validity of Electronic Documents

a. Challenges: Digitalization raises questions about the legal validity of electronic documents, especially in the use of electronic signatures and digital data storage systems. The public and PPAT need to be convinced that deeds made electronically or submitted digitally have the same legal force as physical documents.

b. Role of PPAT: PPAT must ensure that all documents created and submitted electronically meet applicable legal standards. They must also understand the verification and security procedures for electronic data to maintain the validity of the deeds. With socialization and guidance to the community, PPAT can strengthen public trust in electronic documents and digital procedures.

2) Regulatory Harmony in Land Deed Digitalization

a. Challenges: Currently, regulations related to digitalization are still not fully comprehensive. Several aspects of the creation of PPAT deeds still require revision to support a full transition to digital format. For example, HT-el already allows electronic registration and reporting, but the creation of APHT itself has not been carried out digitally.

b. Role of PPAT: PPAT can play a role in advocating for regulatory changes that support full digitalization, based on their experience in the field. By providing input to the government, they help ensure that regulations are tailored to the needs of practice in the field. In addition, PPAT needs to understand and apply any existing digital regulations while continuing to adapt to policy developments.

3) Transparency and Clarity of Process for the Community

a. Challenges: Not all communities understand the new digital procedures. This lack of understanding can lead to confusion or misinterpretation, potentially detrimental to parties involved in land transactions.

b. Role of PPAT: As an intermediary who explains legal procedures, PPAT has the responsibility to ensure that all parties understand every step and legal consequences of the land deed making process. PPAT can provide easy-to-understand explanations and ensure that every procedure has been understood by the parties involved in the transaction, reducing the risk of misinterpretation and minimizing administrative errors.

²⁰*Ibid.*

4) Stability and Certainty in Legal Procedures

a. Challenges: Changes in regulations that are too rapid or frequent can create uncertainty for PPAT and the public. Digitalization must be accompanied by stable and unchangeable regulations so as not to disrupt legal certainty.

b. Role of PPAT: In carrying out their role, PPAT must be consistent in following applicable regulations. On the other hand, they can provide feedback to the government if there are obstacles in implementing digital regulations, with the hope that changes will only be made when absolutely necessary and after considering the interests of various parties. This stability will support legal certainty and public trust in the digital land system.

5) Data Security and Privacy Protection

a. Challenge: Digitization of land data requires a strong security system to protect data from leaks or manipulation that could harm related parties.

b. Role of PPAT: PPAT must ensure that personal data and important documents processed in the electronic system are protected. They also need to follow data security standards set by the government, as well as educate parties about the importance of maintaining the confidentiality of information in every digital transaction.

The role of PPAT in facing administrative and legal challenges in the digital era is very important to maintain legal certainty, procedural stability, and transparency for the community. By ensuring that regulations are complied with, socializing digital processes to the community, and maintaining data security, PPAT can help overcome challenges in the digitization of land deeds. Collaborative efforts between PPAT and the government will also strengthen the sustainability and effectiveness of a legal system that is adaptive to technological developments in the land sector.

3.2. The Impact of the Use of Information Technology on the Security and Validity of Land Deed Documents Made by PPAT in the Digital Era

Land Deed Making Officers (PPAT) play an important role in land registration to assist the BPN in carrying out land registration activities to serve the community in the land sector. PPAT (Land Deed Making Official) who is a public official is given the authority to make authentic deeds regarding certain legal acts regarding land rights.²¹In carrying out his duties, the PPAT also carries out some land registration activities, where the deed he makes is evidence that a legal act

²¹Solahudin Pugung, 2021, Regarding Land and the Law of Its Sale and Purchase and the Responsibility of PPAT for Deeds Containing Defects from the Perspective of the Rule of Law, Budi Utama, Yogyakarta, p.30.

has been carried out which is used as the basis for registering changes to land registration data resulting from the legal act.²²

The authority held by the PPAT as a public official is to make an authentic deed as stipulated in Article 1 paragraph (4) of PP 37/1998 which stipulates that a PPAT Deed is a deed made by the PPAT as evidence that certain legal acts have been carried out regarding land rights or Ownership Rights for Apartment Units. From the authority held by the PPAT, namely the authority of attribution because this authority is given directly by law to make an authentic deed.²³

Deeds according to their form as per Article 1867 of the Civil Code can be divided into 2 (two) deeds, namely authentic deeds and private deeds. The provisions of Article 1868 of the Civil Code stipulate that an authentic deed is a deed made in the form determined by law by or before a public official authorized for that purpose at the place where the deed was made. Based on the definition of an authentic deed in Article 1868 of the Civil Code, there are 3 (three) requirements for an authentic deed, namely:²⁴

- a. The deed must be made in the form and manner determined by law.
- b. A deed made by (door) or in the presence (ten overstaan) of a public official.
- c. The official must have the authority to make the deed.

Meanwhile, a private deed is a deed made not in the presence of a public official, which is then signed by the parties to the deed. If the authenticity of the private deed is not denied by the parties to the deed and the parties to the deed acknowledge the truth of the deed they have made then in accordance with Article 1857 of the Civil Code the private deed has the same evidentiary power as an Authentic Deed. Thus, the strength of authentic deed proof is understood to have 3 (three) aspects, namely:²⁵

- a. Formal evidentiary force, because it proves between the parties that they have explained what is written in the deed.
- b. The power of material evidence is because it proves between the parties that the event in the deed actually occurred.
- c. The power of external evidence is binding, because its validity is also binding on third parties other than the parties.

²²Rudi Indrajaya et al., 2020, Notaries and PPAT: An Introduction, Refika Aditama, Bandung, p. 62

²³I Gusti Ayu Agung Devi Maharani, 2018, Notary's Authority in Land and Building Sale and Purchase Transactions: Case Study of Building Use Rights Certificate Retention, Kertha Patrika, volume 40, number 2, page 121.

²⁴Kadek Setiadewi and I Made Hendra Wijaya, 2020, Legality of Cyber Notary-Based Notarial Deeds as Authentic Deeds, Journal of Legal Communication (JKH), volume 6, no. 1, p. 130.

²⁵*ibid.*, p.329

In addition, GHS Lumban Tobing also stated that an authentic deed has 3 (three) evidentiary powers, namely:²⁶

- a. The power of external proof is because the deed itself is able to prove its validity.
- b. The formal evidentiary force is because the deed is guaranteed as to its formal truth by an official as described in the deed.
- c. The power of material evidence because the deed contains complete substance/content and is considered true (certainty as the truth) to be enforced against every person or third party.

An authentic deed has perfect evidentiary power, if it is used as evidence in a trial, then the power of the authentic deed does not require other evidence to prove whether the authentic deed is true or false because the authentic deed contains formal truths that are in accordance with those stated by the Notary/PPAT in the deed.²⁷ Thus, basically, authenticity in material and formal terms must be based on the existence of a guarantee of the process for the authenticity itself. In other words, technically, the authenticity of information on paper media is not sufficient with just a statement written by an official in his deed, but must be supported by evidence that the process or formality that is a prerequisite must be proven by the official.

Furthermore, there are new provisions in Article 86 of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration, which stipulate that the making of deeds by Land Deed Making Officials can be done electronically, based on these provisions, in accordance with Article 1 paragraph (1) of Government Regulation (PP) No. 24 of 2016 concerning the Regulations on the Position of Land Deed Making Officials. then PPAT is a general official who is authorized to make a legal product, namely an authentic deed. Regarding the legal substance of making deeds electronically by PPAT, Edmon Makarim explained that there is actually no prohibition on making electronic copies in the notary law, but there will potentially be problems due to the requirement to read and mark the time indicating the date and/or time at which a certain event occurred (time stamping). Therefore, the parties transacting with a notary must first agree on the time that will be used in an electronic transaction.²⁸

²⁶*Ibid.*, p.329

²⁷Komang Ayuk Septianingsih, I Nyoman Putu Budiarta, and Anak Agung Sagung Laksmi Dewi, 2020, "The Power of Authentic Deed Evidence in Proving Civil Cases," *Journal of Legal Analogy*, volume 2, number 3, p. 337.

²⁸Sundani, Tiska, 2017, "Legal Analysis of the Use and Making of Notarial Deeds Electronically." *Premise Law Journal*, Number 1, p. 5

However, the legal products of PPAT which are currently made electronically, in this case authentic deeds, regarding the validity and evidentiary force are emphasized in the provisions of Article 5 of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as the ITE Law) which stipulates that:

1. Electronic Information and/or Electronic Documents and/or printouts thereof constitute valid legal evidence.
2. Electronic Information and/or Electronic Documents and/or printouts thereof as referred to in paragraph (1) constitute an extension of valid evidence in accordance with the Procedural Law in force in Indonesia.
3. Electronic Information and/or Electronic Documents are declared valid if they use an Electronic System in accordance with the provisions stipulated in this Law.
4. The provisions regarding Electronic Information and/or Electronic Documents as referred to in paragraph (1) do not apply to:
 - a. Letters which according to the law must be made in written form.
 - b. The letter and its documents according to the law must be made in the form of a notarial deed or a deed made by the deed-making official.

Electronic documents can be a genuine and original means of proof if they use a secure, reliable and responsible electronic system.²⁹ However, according to positive Indonesian law, regarding the PPAT deed regarding the implementation of the making of the deed can be done electronically, it is not recognized as electronic evidence. This is because there is an Article that prohibits it as stipulated in Article 5 paragraph (4) letter b of the ITE Law above, which does not apply to letters made in the form of notarial deeds/deeds made by deed-making officials as per Article 86 of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration because the making of an authentic deed whose legal product is a PPAT deed is the strongest and most perfect evidence so that it must be made in accordance with the provisions of applicable laws and regulations and cannot be made electronically because it is not in accordance with the provisions of the ITE Law.

Judging from the legal structure in Indonesia, the position of the ITE Law has a higher level than Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration, so that the provisions in the ITE Law take precedence because PPAT deeds made electronically do not have perfect evidentiary force like authentic deeds, this is

²⁹Kadek Setiadewi, Op.cit., p. 132

because PPAT deeds made electronically do not meet the authenticity requirements of a deed and the ITE Law has not yet accommodated PPAT deeds made in electronic form so that they cannot be used as valid evidence. So, to recognize electronic PPAT deeds as valid evidence, changes or improvements are needed to higher laws, including the ITE Law, which regulates the authenticity of electronic deeds so that they can be on par with the standards of physical deeds.

The use of information technology in the making of land deeds by PPAT in the digital era actually has a significant impact on the security and validity of documents, both positive and negative. Here are some of the impacts:

- a. Data and Information Security
- b. Validity of Electronic Documents
- c. Efficiency and Transparency in the Deed Making Process
- d. Protection of Rights and Legal Certainty

4. Conclusion

The role of PPAT in overcoming administrative and legal challenges that arise in making land deeds in the digital era, namely PPAT plays an important role in overcoming administrative and legal challenges in the digital era by ensuring legal certainty, the validity of electronic documents, transparency of the process, and data security in making land deeds. PPAT also acts as an intermediary who helps the public understand digital procedures and provides input for improving regulations. With this role, PPAT supports the transition to a more efficient and adaptive land system to technological developments. Some electronic services in this digital era are Land Certificate Checking services, Land Registration Certificates (SKPT), Land Value Zone Information (ZNT) and Electronic Mortgage Rights (HT-el). In terms of implementation, there is an Electronic Mortgage Rights (HT-el) service. However, this service is only a registration and reporting service for the Mortgage Rights Granting Deed (APHT) which can now be done electronically. In terms of making APHT itself, it is still not electronic. So in this case, there needs to be regulatory improvements based on the Government's readiness in implementing it, either in the form of changes that can be made to PP Number 18 of 2021 when the policy is deemed still not to be implemented or changes to the clauses in its regulations. The impact of the use of information technology on the security and validity of land deed documents made by PPAT in the digital era is that it provides advantages in terms of security, efficiency, and transparency. Technology allows for more secure document storage and tracking, accelerates administrative processes, and supports certainty of rights. However, because current regulations do not fully accommodate electronic deeds as valid documents, there are challenges related to data security and legal validity. With regulatory improvements that support legal recognition of

electronic deeds, the positive potential of using technology in making PPAT deeds can be maximized, thereby providing greater benefits to the community.

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