



## Legal Dynamics Of Land Digitalization In The Electronic Land Registration System

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### ABSTRACT

*The purpose of this study is to examine and analyze legal arrangements for land registration in accordance with the concepts and constraints in implementing land digitization. The analysis in this study uses a qualitative descriptive research method with primary and secondary legal data sources, namely looking at implementation and compliance with current regulations. The object of the research was conducted at the Deli Serdang Regency Land Office as one of the land offices that has the most services in Indonesia. The results of the research from this paper are that the regulation of online clean check services and electronic mortgage rights has not been specifically regulated in an implementing regulation but rather a computerized system implemented by automating procedures that were previously manual. Then the implementation concept is carried out based on the ATR/BPN ministerial policy related to the implementation of electronic certificates. In its implementation, there are 2 (two) obstacles, namely internal constraints and external constraints.*

## 1. Introduction

Land registration is an activity carried out for the first time to register land that has never been registered or has never been certified, in accordance with the provisions of PP No. 24 of 1997 concerning land registration. Land registration is carried out by the parties concerned to find out the status of the particular land to which they are entitled, to know the location, area or boundaries of the land, the owner of the previous right and what burdens are on it.<sup>1</sup> The land issues in Indonesia are complex and have been going on for a long time. Land is a matter that concerns the interests of the livelihood of many people so that it obliges the state to intervene in its management. This is as emphasized in the 1945 Constitution of the Republic of Indonesia Article 33 paragraph (3) that: "Earth, water and the natural resources contained therein are controlled by the

1 Effendi Perangin, *Hukum Agraria Indonesia*, Jakarta, CV. Rajawali, 1991, page.95

State and used as much as possible for the prosperity of the people."<sup>2</sup> This norm is then poured explicitly in Law no. 5 of 1960 on Basic Agrarian Law where in Article 2 paragraph (1), it states that based on the provisions of Article 33 Paragraph (3) of the 1945 Constitution and the matters referred to in Article 1 in which the earth, water and space including the natural wealth contained in it is at the highest level controlled by the state as an organization of power of all people.<sup>3</sup>

In the elucidation of Article 19 Paragraph (1) of the UUPA it is stated that in order to guarantee legal certainty by the Government, land registration will be held throughout the territory of the Republic of Indonesia in accordance with the provisions stipulated by Government regulations. The holders of land rights in question have the obligation to register their land with the Land Office according to the location of the land in order to obtain a certificate of proof of land rights which is valid as a strong means of proof for the holders of said land rights.<sup>4</sup> Government Regulation Number 1 of 2021 concerning Procedures for Inspecting Non-Tax State Revenue which is the latest regulation regarding PNPB in the Republic of Indonesia. Based on the regulations of the National Land Agency called Land Data and Information. This Land Agency is tasked with managing land data in a National Land Information and Management System from the Central National Land Agency, Provincial National Land Agency and District or City Land Offices.<sup>5</sup>

Computerized Land Office system was created, namely a computerized land service system, so that data on land parcels, both textual and spatial, can be well integrated. By digitizing everything to use the long-term benefits of technology, the universe has entered a technological period in the modern world.<sup>6</sup> KKP is implemented with the aim of maintaining textual and spatial data and monitoring land services. Based on Articles 184 to 186, the PERMEN ATR reviews the storage of data and documents in digital form, imaging systems or micro films that are stored at the Land Office in a special place in accordance with good procedures for storing the media in question, including in terms of making registration map, which is stated in Article 142 especially in Paragraph (2) in which the registration map which is made by mapping the measurement results of land parcels on the registration base map can also be made in digital form.

In the consideration of Permen ATR/Head of BPN No. 1 of 2021 states that

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2 Nareswari Kencana, Liza Priandhini, The Implementation of a Complete Systematic Land Registration Program to Realize Legal Protection and Public Welfare, *Jurnal Akta*, Vol.9 No.4, December 2022, page.402-411

3 Hasyim Mustofa, The Role Of Notary In Deed Of Sale And Purchase Agreement to Support National Development, *Jurnal Pembaharuan Hukum*, Vol.IV No.2, Mei-Agustus 2017, page.167-175

4 Bachtiar Effendy, *Pendaftaran Tanah diIndonesia dan Pelaksanaannya*, Bandung, Alumni, 1993, page.10

5 Ana Silviana, Urgensi Sertipikat Tanah Elektronik Dalam Sistem Hukum Pendaftaran Tanah di Indonesia, *Administrative Law & Governance Journal*, Vol.4 Issue.1, March 2021, page.54

6 Pan, H., Qi, L., Zhang, Z., & Yan, J., Kinetic Energy Harvesting Technologies For Applications In Land Transportation: A Comprehensive Review, *Applied Energy*, Vol.286, 116518, 2021;

the reason for the existence of electronic certificates is to realize the modernization of land services in order to improve indicators of ease of doing business and public services to the community, so it is necessary to optimize the use of information and communication technology by implementing electronic-based land services, so that the birth of electronic certificates is one of the basics to provide convenience. business and public service.<sup>7</sup> The existence of this Ministerial Regulation became a polemic, the community was made restless, because not long ago the community had received millions of land certificates (analog) through the Complete Systematic Land Registration (PTSL) program, suddenly the community was asked to exchange electronic certificates. It is as if the policies made by the government are contradictory, not well planned and systematic.<sup>8</sup>

In a previous study conducted by Vishnu Mareta Nugraha stated that Electronic-based public services in the land sector were initially carried out through the Land Office Computerization (LOC) program in 1997, then changed its name to Computerized Land Activities (KKP), this KKP also underwent a transformation initially using KKP-Desktop, then into Geo-Desktop. KKP and finally a web-based application/KKP-Web. This land service continues to be improved and developed, then evolved into an electronic based. This transformation is in view because land registration and cadastral functions are regulated independently, and do not work together effectively.<sup>9</sup> while research conducted by Nabila Chyntia Dahani states that the implementation of electronic land registration at the National Land Agency Office of Sragen Regency can guarantee legal certainty, because electronic certificates are guaranteed by law and can be used as legal evidence. Registration of this electronic certificate can be through PPAT.<sup>10</sup>

The purpose of this study is to examine and analyze legal arrangements for land registration in accordance with the concepts and constraints in implementing land digitization In practice, the obstacle in the Implementation of Land Digitization related to online clean checks is that if the land certificate to be cleared is still blocked or the certificate is not found, then in this regard, an arrangement must be made in advance to the authorized Land Office to unblock or search for certificates that do not exist in the online system

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7 Suyanto, Legal Problems of Regulation of Electronic Land Certificates In the Legislation System in Indonesia, *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)*, Vol.4 No.4, November 2021, page.9648-9654

8 Enny Agustina, Kajian Yuridis Program Penerbitan Sertipikat Hak Atas Tanah Elektronik, *Solusi*, Vol.19 No.3, Bulan September 2021, page.341-358

9 Vishnu Mareta Nugraha, Implementation of First Time Electronic Land Registration by Notary as Officer of Land Deed Management at the ffice of the National Land Agency, *Sultan Agung Notary Law Review (SANLaR)*, Vol.4 No.2, June 2022, page.690-696

10 Nabila Chyntia Dahani, The Effectiveness of the Implementation of Electronic Land Registration at the Office of National Land Agency, *Sultan Agung Notary Law Review (SANLaR)*, Vol.4 No.2, June 2022, page.603-615

## **2. Research Methods**

The method used in this research is normative which is described by descriptive method. The legal source of this research consists of primary materials and secondary materials. This approach is an approach in which law is conceptualized as what is written in laws and regulations (law in books) or law is conceptualized as rules or norms.<sup>11</sup>

## **3. Result and Discussion**

### **3.1 Legal Arrangements for Electronic Land Registration**

Prior online registration, of course, refers to PP 24/1997 to support the running of land administration in the Orderly Land and Land Law Chess program in Indonesia. Maria S W Sumardjono stated that the issuance of PP 24/1997 was motivated by the awareness of the increasingly important role of land in development which increasingly requires the support of legal certainty in the land sector. Empirically, the existence of laws and regulations needs to be implemented consistently and consistently by supporting human resources.<sup>12</sup>

Regarding the land registration process, the land registration process at BPN RI has taken advantage of the convenience and sophistication of online service applications, the application is based on the attachment to PERMEN ATR/BPN 1/2021 Concerning Electronic Certificates which are required to use a QR Code. The service is through:<sup>13</sup>

3.1.1 Land Office Computerization Program;

3.1.2 Land Certificate Service for the People (LARASITA);

3.1.3 Seven Minute Service;

3.1.4 One Day Service (1 day service) includes Checking Certificates, Abolition of Mortgage Rights (Roya), Registration of Property Rights Based on Decision Letters, Increase of Rights or Changes of Rights, Transfer of Rights, Certificate of Land Registration (SKPT), Extension of Rights without Change of Confiscation Record Forms and Block recording;

3.1.5 Weekend Service;

3.1.6 Quick Service Program (Quick Service);

3.1.7 Online Information Services;

3.1.8 Online registration service;

3.1.8.1 LOKET or Land Office Online Services, namely services aimed at

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11 Tommy Leonard, Elvira Fitriyani Pakpahan, The Role of The Government in The Protection of Health Workers During The Covid-19 Pandemic, *Jurnal Pembaharuan Hukum*, Vol.9 No.3, December 2022, page.517-526

12 Urip Santoso, *Pendaftaran dan Peralihan Hak Atas Tanah*, Jakarta, Prenadamedia Group, 2010, page.7

13 Kementerian Agraria dan Tata Ruang (Badan Pertanahan Nasional), Land Service Innovation, <http://www.bpn.go.id/publikasi/inovasi>, accessed March 30, 2021

shortening queues at the land office and reducing direct contact between service officers and users of land services. The counter includes land management in terms of rights transfer services, namely buying and selling, inheritance, grants, exchange, distribution of joint rights, entry into companies, mergers, court decisions or decisions and auctions, mortgage services, namely with 5 activities including rights Dependents, cessie, subrogation, merger of mortgages and roya as well as land information services, namely with 4 activities including checking certificates, Certificate of Land Registration, Information on Land Value or Property Asset Value, and Information on Land Value Zoning.<sup>14</sup>

- 3.1.8.2 PERMATA or Independent Land Deed Services, namely land services that facilitate the registration of deed of Land Deed Making Officer (PPAT). With PERMATA, users can check documents at any time and can register documents anytime, anywhere.
- 3.1.9 LAYANG MAS namely the Community Member Service application with a touchscreen computer, for the use of land services based on the Computerized Land Office or KKP;
- 3.1.10 Non-Cash Service, is a cashless payment method made through a Perception Bank or using a credit card and debit card for land service fees, in accordance with the provisions of Government Regulation Number 13 of 2010 concerning Types and Tariffs on Applicable Types of Non-Tax State Revenue (PNBP) At the National Land Agency;
- 3.1.11 Measurement Services with CORS;
- 3.1.12 Online Monitoring Services or monitoring the process of implementing land services and implementing information and communication technology
- 3.1.13 Utilization activities to develop a BPN RI manual oversight system;
- 3.1.14 Geoservice Land Thematic Map Service, which is a website service that specifically supports entering land thematic map data, searching for strategies in available data networks and facilitating the presentation of map data (WMS/Web Map Service, WFS/Web Feature Service and WCS/Web Coverage Service), offers an approach function analysis for land thematic map data.

Based on the Legal Arrangement for Electronic Land Registration, the regulation states that the implementation and testing of the Electronic Presence and Certification System Utilizing the QR Code Using the AES Algorithm can be concluded that the Presence and Electronic Certification System Utilizing the QR Code Using the AES Algorithm consists of web-based applications and in split into 2 roles. The participant role is useful for registering to take part in an event organized by the committee, while the admin role is useful for making it

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<sup>14</sup> *Ibid.*

easier for the admin to work on event administration.<sup>15</sup> The results of the implementation of electronic land registration (Land Certificate) will be in the form of data, information, or electronic documents. The data is data on rights holders, physical data, and juridical data on land parcels that are valid and have their authenticity maintained.<sup>16</sup>

### **3.2 The Concept of Implementing Land Digitization.**

Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia Number 5 of 2017 concerning Electronic Land Information Services (PERMEN ATR/BPN 5/2017) is the basis for implementing online services at the Republic of Indonesia National Land Agency (BPRN RI). In addition, there are two active agencies, "The Ministry of Electronic Information Law (MEIL) and the Ministry of Communication and Informatics (MOCI)," that monitor data protection and cybersecurity about electronic land certificates in Indonesia.<sup>17</sup> Prior to implementing land digitization, the documents that must be submitted at the time of carrying out land registration activities to the Land Office are regulated in the Regulation of the State Minister for Agrarian Affairs/Head of the Land Agency Number 3 of 1997 concerning the implementation provisions of PP 24/1997 as follows:

- 3.2.1 Letter of application for registration signed by the applicant or his attorney;
- 3.2.2 If authorized, a written power of attorney from the applicant;
- 3.2.3 Original documents related to the application for rights, for example deed of sale and purchase, grants and so on;
- 3.2.4 Photocopy of proof of identity of the applicant (KTP, KK, Marriage Certificate);
- 3.2.5 Original land certificate;
- 3.2.6 Proof of payment of PBB, PPh and BPHTB.

Transfer of land rights before or after the existence of online services, the documents that must be completed by the applicant are original certificates, KTP, KK, PBB, proof of payment of PPh and BPHTB as well as documents required by the Land Office according to the registration process requested. The signing process and completeness of the file remains the same. However, after the online service is available, the completeness will be registered in advance from the PPAT office with the online PPAT service. When the files will be delivered to the Land Office, the promise to deliver the files must also be

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15 Harfidz Alif Alfatihah, Iskandar Fitri, Andrianingsih Andrianingsih, Electronic Presence and Certification System Utilizing QR Codes Using AES Algorithm, *SMATIKA: STIKI Informatika Jurnal*, Vol.11 No.2, Desember 2021, page.70-80

16 Ade Saptomo, Sihombing, Certificate of Land Rights in the Legal Philosophy of Notary, *International Journal of Scientific Research and Management (IJSRM)*, Vol.8 Issue.12 December 2020, page.297-309

17 Elza Syarief, Security Concerns in Digital Transformation of Electronic Land Registration: Legal Protection in Cybersecurity Laws in Indonesia, *International Journal of Cyber Criminology*, Vol.16 Issue.2 July-December 2022, page.32-46

registered.

Returning to the subject of discussion, there are 2 things that are the subject of discussion of land registration in this study, namely regarding online certificate checks and online mortgage rights. Land registration itself is an activity carried out by the Government in a sustainable and systematic manner to collect data on land in certain areas. In addition, land registration is also carried out for processing, bookkeeping or presentation and maintenance of physical data and juridical data into the register of land parcels, flats, and for issuing certificates as proof of the rights that burden them. Land registration is an administrative process organized by the Government in this case delegated to the National Land Agency (BPN) and the implementer is the District/City Land Office where the land parcels to be registered are located. From the provisions above, land registration is an autonomous authority of the Regency or City Land Office. Article 19 of the UUPA is the legal basis for implementing land registration, then its implementation was carried out by Government Regulation No. 10 of 1961 (PP 10/1961) which was renewed by Government Regulation No. 24 of 1997 concerning Land Registration (PP 24/1997) and refined by Government Regulation No. 18 of 2021 which regulates Management Rights, Land Rights, Flats and Land Registration.

Land registration comes from the word Cadastre (Dutch Cadaster), a technical term for a record, showing the area, value and ownership (or other basis of rights) for a plot of land. In a strict sense, Cadastre is a record on land, value rather than land and rights holders and for tax purposes.<sup>18</sup> The sequence of land registration is the collection, processing, storage and presentation of data stored in the form of writing, pictures, maps and numbers on paper, microfilm or using a computer. Land registration is carried out to provide legal certainty guarantees (rechts kadasters) and legal protection for land ownership. The difference in the purpose of registering the Rechts Cadastral/Legal Cadastre land belonging to Indonesia and the Fiscal Cadastral/Fiscal Cadastre belonging to the colonials lies in the land registration that is enforced, because in the fiscal cadastral registration is also carried out for customary lands, while the Cadastral Rechts specifically only applies to lands of western rights. The first land registration is land registration for land parcels that have never been registered according to PP 10 of 1961 and PP 24 of 1997. Meanwhile, maintenance of land registration data is land registration with the aim that the data stored at the Land Office is in accordance with the data in the field. Article 19 Paragraph (2) letter c PP 24/1997 states that the result of the process of land registration activities is the issuance of proof of title which functions as a strong means of proof in the form of a certificate whose form is determined by Article 13 Paragraph (3) PP 10/1961.

The implementation of land registration is the obligation of the government and

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18 Sri Ahyani, Land Registration as a Legal Construction of Law in Order to Facing Asean Economic Communities, *International Journal of Nusantara Islam*, Vol.6 No.2 2017, page.198-207

rights holders as stipulated in Law No. 5/1960 Articles 19, 23, 32 and 38.<sup>19</sup> At the beginning of 2021 a policy was issued from the Minister of Agrarian Affairs regarding proof of land ownership rights in electronic form or Electronic Certificates (el-certificates). This policy is to implement the provisions in the Job Creation Law, namely Law No. 11 of 2020 which mandates that services in the land sector be changed to electronic form. This policy is stated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN No. 1 of 2021 concerning Electronic Certificates (PERMEN ATR/BPN 1/2021). At the time of issuance, the issuance of this Ministerial Regulation related to electronic certificates was deemed to have violated the regulations PP 24/1997, PP 40/1996 concerning HGU, HGB and Right to Use and UUPA.<sup>20</sup> The agenda that must be prioritized first should be the completion of simultaneous and comprehensive land registration throughout Indonesia. Land registration services in an electronic direction have actually been designed since the enactment of PP 24/1997.

In addition, electronic land certificates are novel land-related papers that benefit landowners and expedite the sale and acquisition of land. They are issued by land records administration agencies.<sup>21</sup> Article 35 Paragraph (5), Paragraph (6) and Paragraph (7) states that gradually land registration data is stored and presented using electronic equipment and microfilm. Records of documents produced by electronic devices or microfilm have the power of proof after being signed and affixed with an official stamp by the Head of the Land Office concerned. Article 35 Paragraph (1) and Paragraph (2) state that the form and method for storing, presenting and deleting these documents in, as well as the method for storing and presenting land registration data using electronic devices and microfilm shall be stipulated by the Minister. Regulation of the Head of the National Land Agency No. 3 of 1997 as the implementation of PP 24/1997 has been amended twice. Article 163 A Ministerial Regulation ATR/KBPN No. 7 of 2019 as the second amendment states that the land book is stored electronically in the form of a database in the Electronic System and can be printed using the Land Book Entry List. On January 12, 2021, Sofyan A. Djalil, Minister of ATR/KBPN of the Republic of Indonesia, passed regulations regarding electronic certificates in Ministerial Regulation Number 1 of 2021 (PERMEN 1/2021). Land registration activities will then be issued in the form of electronic documents.

Article 1 number 1 PERMEN 1/2021 states that electronic documents are any electronic information that is created, forwarded, sent, received or stored in analog or digital form that can be seen, displayed and/or heard via a computer or electronic system, including but not limited to writing, sound, pictures, design maps, photographs or the like, letters, signs, numbers, access codes, symbols

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19 Fairus Augustina Rachmawati, Shafa Amalia Choirinnisa, Latif, Integrated Land Registration System: Between Legal Certainty and Challenges (Case of Semarang City), *Indonesian Journal of Advocacy and Legal Services*, Vol.3 No.2, 2021, page.217-232

20 Kebijakan Sertifikat Tanah Elektronik, KPA: Melanggar Aturan Lebih Tinggi, TEMPO.com, Jumat, 5 Februari 2021.

21 Rahmat Ramadhani, Legal Protection for Land Rights Holders Who Are Victims of The Land Mafia, *International Journal Reglement & Society (IJRS)*, Vol.2 No.2, 2021, page.87-95.



or perforations that have meanings or can be understood by people who are able to understand. The implementation of electronic land registration in Indonesia is carried out in stages in accordance with the readiness of the District or City Land Offices. The activity of issuing e-certificates begins with land registration for the first time and carrying out maintenance of land registration, for electronic documents issued at the time of first land registration in the form of e-certificates for land that has not been registered. Article 5 of Law Number 11 of 2008 concerning Information and Electronic Transactions stipulates that electronic information and/or electronic documents and/or printouts are valid legal evidence, an extension of valid evidence in accordance with the procedural law applicable in Indonesia.

Land use in Indonesia has been going on for approximately 61 years until 2021 now. Indonesia adheres to a land registration publication system, namely a negative publication system; in this case, the certificate is only an absolute proof. It means that the physical data and juridical data in the certificate have strong legal force and must be accepted by the judge as accurate information.<sup>22</sup> Out of a total of approximately 126 million plots of land in Indonesia, only 82 million plots have been registered by 2020. This means that 35% of the land has not been registered, said Suyus Windayana Director General (Dirjen) for Determination of Land Rights and Registration of Land. PHPT) and it is hoped that in 2025 the policy launched by the President through the Complete Systematic Land Registration Program (PTSL) to map all land parcels in Indonesian territory can be achieved 100%. As mentioned above, land registration is a series of activities carried out by the state or government in a sustainable and systematic manner in the form of collecting certain data regarding land in certain areas, processing, bookkeeping and presentation and maintenance of physical data and juridical data, in the form of maps and lists. , regarding land parcels and flats, including the issuance of certificates as proof of title for land parcels for which there are already rights and ownership rights to flats units as well as certain rights that burden them. PP No 24/1997 which regulates Land Registration. Article 35 Paragraph (5) states that, gradually, land registration data is stored and presented using electronic equipment and microfilm. Furthermore, Paragraph (6) states that the recorded documents produced by electronic devices or microfilm have the power of proof after being signed and affixed with an official stamp by the Head of the Land Office concerned. According to the Directorate General for Determination of Land Rights and Registration of Land Rights, Suyus Windayana plans to apply in two major cities in Indonesia, there are two locations determined with consideration of the highest level of ease of doing business or Ease of Doing Business (EoDB) in Indonesia.<sup>23</sup>

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22 Tari Annisha Fhonna, etc, Implementation of the Complete Systematic Land Registration Program in Aceh, Indonesia, *Otoritas : Jurnal Ilmu Pemerintahan*, Vol.11 No.2, October 2021, page.108-124

23 Bisnis.com 04 February 2021 17:00 WIB, This article has been published on Bisnis.com with the title "Two Cities Become Pilot Projects for Electronic Land Certificates, Anywhere?", Click here for full details: <https://ekonomi.bisnis.com/read/20210204/9/1352391/dua-kota-jadi-pilot-project-sertifikat-tanah-elektronik-dimana-saja>.

PPAT is a Public Official in Indonesia who carries out their duties based on Government Regulation Number 37 of 1998 concerning PPAT Position Regulations jo. Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning PPAT Position Regulations. One of the PPAT's powers is to make Deeds for Granting Mortgage Rights (APHT), this is carried out based on the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 8 of 2012 concerning Amendments to the Minister of Agrarian Affairs/Head of BPN Number 3 of 1997 concerning Implementation Provisions of PP Number 24 of 1997 concerning Land Registration (PERKABAN 8/202).

Land registration is an essential and fundamental activity in land management. Under Article 19, paragraph (1) stipulates that land registration is held throughout the territory of the Republic to ensure legal certainty by the government. For this reason, some provisions and policies related to land registration have been issued, but there are still many problems with land registration.<sup>24</sup> Electronic Mortgage Rights are usually used by PPAT and creditors (Financial Institutions or individuals). The community certainly hopes that with the Electronic Mortgage service, the implementation of the Mortgage registration will be in accordance with the time, namely on the 7th day after the registration process is complete, HT registration will also become more affordable. In addition, the Roya process and credit operations can be done quickly. With the enactment of simultaneous national services for electronic Mortgage since 8 July 2020 based on Minister of ATR/Head of BPN Number 5 of 2020, currently there are no services from BPN for conventional Mortgage Granting.

### **3.3 Obstacles to Implementing Land Digitization**

After the Land Office Online Service Application appeared, it actually added to the procedure for registration activities from the procedure previously regulated in Government Regulation Number 24 of 1997. The simple meaning in the Big Indonesian Dictionary is an act (action) that is thrifty and complete. Efficient means efficient both in cost, time and procedures, while thorough means the action (action) is effective and straightforward and the procedure is carried out properly. Meanwhile Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 35 of 2016 concerning Acceleration of Complete Systematic Land Registration, there have been several changes, namely through the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 1 of 2017 concerning Amendments to Ministerial Regulations Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 35 of 2016 which amended several articles, and most recently revoked the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of

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24 Joko Pitoyo Cahyono, Dwiyanto Indiahono, Slamet Rosyadi, The Implementation of a Complete Systematic Land Registration Program in Kebumen Regency, Indonesia, *International Journal of Research and Review*, Vol.9 Issue.9, September 2022, page.100-109

Indonesia Number 1 of 2017 and replaced it with the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning Acceleration of Complete Systematic Land Registration.<sup>25</sup>

The next problem that often occurs is if the land certificate to be checked clean still has a blocked certificate or the certificate is not found, then in relation to this matter an arrangement must be made in advance to the authorized Land Office to unblock or trace a certificate that is not in online system. Apart from that, problems such as the disappearance of the internet network have caused the process of logging in or uploading data for using online land facilities to be very difficult and slow.

Another obstacle that occurred with the simultaneous implementation of HT-el services was:

- 3.3.1 PNPB cannot be returned, if the correction period (7 days) has expired and the revision has not been completed, the PNPB will be forfeited and must be repaid by repeating the process from the beginning. There is no set return procedure.
- 3.3.2 Electronic HT applications often experience problems that occur during working hours, it is difficult to upload documents or register, so it needs to be done repeatedly.
- 3.3.3 There is no information about the identity of the registered land title certificate as in the manual system, the SPS only contains the billing code.
- 3.3.4 The status of the deed should have been registered after the SPS was paid, not after the Creditor uploaded the Application. The provisions of Article 10 paragraph (3) of the UUHT cannot be implemented because HT-el is based on land data that has been certified and registered with the local Land Office, while manual services in all Land Offices have been discontinued since July 8 2020. Thus there is a legal vacuum for implementation of Article 10 paragraph (3) of the Mortgage Law

#### **4. Conclusion**

Electronic Land Registration Legal Arrangements (Online Clean Checks and Electronic Mortgage Rights) have been regulated in the Agrarian Law and laws concerning information systems and electronic transactions. In the concept of the Implementation Concept of Land Digitization for online clean checks and electronic mortgage rights currently carried out based on policies from the Minister of Agrarian regarding proof of land ownership rights in electronic form or Electronic Certificates (el-certificates). In practice, the obstacle in the Implementation of Land Digitization related to online clean checks is that if the land certificate to be cleared is still blocked or the certificate is not found, then in this regard, an arrangement must be made in advance to the authorized

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25 Sulistyowati, Land Registration and Sporadic Cooperation Policy, *Jurnal Pembaharuan Hukum*, Vol.7 No.2, August 2020, page.190-200

Land Office to unblock or search for certificates that do not exist in the online system.

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