

Implementation of First Time Electronic Land Registration by Notary as Officer of Land Deed Management at the Office of the National Land Agency

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Abstract. *This research aims to examine the Implementation of First Time Electronic Land Registration by Notary as Officer of Land Deed Management at the Office of the National Land Agency with the formulation of the problem, namely the stages in the implementation of electronic land registration certificates, the effectiveness of electronic certificates in the implementation of registration of certificates and solutions Electronic. The purpose of this research is to find out and analyze the stages in the implementation of Electronic Certificate land registration, the Effectiveness of Electronic Certificates and the Constraints and Solutions in the implementation of Electronic Certificate registration. The benefits and uses of this research are in the form of theoretical benefits and practical benefits, using normative research methods. Based on the research results, the procedure for issuing Electronic Certificates must refer to Government Regulation Number 24 of 1997 concerning land registration for land that has not been registered and does not have physical and juridical evidence in accordance with articles 11 and 12. Then to obtain an Electronic Certificate or replacement of an analogous Certificate becoming an Electronic certificate refers to the Regulation of the Minister of Spatial Planning of the Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates, namely Article 2, then the implementing regulations are issued, namely Government Regulation Number 18 of 2021 concerning management rights, land rights, apartment units and land registration that is article 84, furthermore the power of Electronic Certificates as authentic evidence of control of land rights is included in the expansion of documentary evidence, namely in Article 1866 of the Civil Code and certificates of land rights can be canceled for authenticity if they do not meet the elements of an authentic deed in accordance with the provisions of article 1868 civil law books and can subsequently be annulled if after 5 years of the issuance of a certificate there is an objection that they can file a lawsuit to the National Land Agency office or to the court in accordance with article 32 paragraph (2) Government Regulation Number 24 of 1997 concerning land registration.*

Keywords: Benefit; Certificate; Electronic; Issuance; Procedure.

1. Introduction

Land certificates are documents that prove ownership rights to land as the final product of the land registration process. The land registration agency in Indonesia only existed in 1960 when the Government Regulation No. 10 of 1961 was enacted which regulates Land Registration. This institution was born because of an order from the LoGA, that one of the objectives of the issuance of the UUPA (Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles) was to provide legal certainty guarantees for the land rights of the Indonesian people. Article 19 of the UUPA mandates that the guarantee of legal certainty will be realized through the implementation of land registration throughout Indonesia.¹ The digital era is an era where all activities that support life are made easier by technology to make it more practical and modern. The development towards the digital era can no longer be prevented. In the land sector, in the context of realizing the modernization of land services, starting to apply electronic-based land services, to the documents produced in the form of electronic documents. The policy for the launch of electronic land certificates began in 2021 with the issuance of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 1 of 2021 concerning Electronic Certificates, which was signed by the Minister of Agrarian Affairs Sofyan Djalil on January 12, 2021. This turned out to be a pro and contra².

Information technology advances shifts the land registration system which was previously a paper-based process to an electronic one. In Indonesia, the use of information and communication technology has progressively changed the original market transactions and public services analog (manual) turned into electronic-based services, such as e-commerce (trade), e-government (government system), e-Court (judicial), e-KTP (population), e-filing, e-SPT, e-Billing (taxation), OSS: Online Single Submission (business licensing service), e-money (banking), the implementation of e-money has also been carried out by startup companies, such as Grab-Pay and Go-Pay, and Registration of Fiduciary Guarantees Electronic³. These services have been implemented in the

¹Rabu (10/11/2021). Artikel ini telah tayang di Kompas.com dengan judul "Baru82JutaBidang.Tanah.Tersertifikasi",Klikuntukbaca:<https://properti.kompas.com/read/2020/12/10/164926321/baru-82-juta-bidangtanah-tersertifikasi>.

² Aga Wigana, Political Directions For Land Law On Land Property Rights For The People, *The 5th International Conference and Call for Paper* Faculty of Law 2019, Sultan Agung Islamic University

³ Wood, David. (1993). Forests to fields. Restoring tropical lands to agriculture. *Land use policy*. 10. 91-107. 10.1016/0264-8377(93)90001-Q, https://www.researchgate.net/publication/11109790_Forests_to_fields_Restoring_tropical_land_s_to_agriculture/citation/download

government sector and private companies as a form of efficiency, transparency and accountability in performing public services.

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. Technological or other improvements, only improving one or several parts as necessary, then treated as an integrated system, and studied, analyzed and improved as a whole.⁴

The implementation of this temporary e-certificate will be tested at land offices in big cities, as the locus of EoDB (Ease of Doing Business) for reasons of ease of doing business, licensing, taxation, electricity network, ease of obtaining loans and property registration and so on. So the EoDB locus representing the implementation of e-certificates such as five Land Offices in Jakarta Province and two Surabaya Land Offices 1 (one) and Surabaya 2 (two), will then gradually be implemented in Land Offices throughout Indonesia. Initial implementation is planned for government agency lands in advance. This is also related to supporting facilities and infrastructure in electronic certification. The EoDB locus was chosen because the supporting facilities and infrastructure such as electronic devices⁵.

The results of research on electronic land certificates from the author's search so far have not been found, because the regulation on e-certificates is categorized as new, set on January 12, 2021. The author found the results of research on electronic-based services as mentioned in the second paragraph. Electronic-based land services only on HT-el which emphasizes the registration process, files in digital form⁶, similarities with e-certificates related to electronic HT-signatures and certificates, not changing the original certificates. Based on this, this article analyzes the technical and juridical aspects of electronic certificates. Likewise, the

⁴Beberapa Negara Yang Berlakukan Layanan Pertanahan Elektronik Seperti Indonesia, <https://www.rumah.com>

⁵ Ambe J. Njoh, Liora Bigon, Erick O. Ananga, Richard A. Ayuk-Etang, Institutional, economic and socio-cultural factors accounting for gender-based inequalities in land title procurement in Cameroon, *Journal of Public Transportation*, p. 116-125, <https://www.sciencedirect.com/journal/land-use-policy/vol/78/suppl/C>

⁶ Sri Hartati, The Sustainable Cropland Protection In The Perspective Of Policy Implementation In Karawang Regency, *Journal of New Government Paradigm* Volume 2, 2nd Edition, 2015, p. 73

Land Office Computerization (LOC) system, which later became a web KKP, has not yet implemented an electronic system.

2. Research Methods

The approach method used in the research is sociological juridical, namely legal research that is carried out on the real conditions of society or the community environment with the intent and purpose to find facts (fact-finding) and then identify (problem-identification) and ultimately lead to problem solving (problems-solutions).⁷ This type of research is a type of field research. The sociological juridical approach method was chosen because it fits the research objective, namely to examine the effectiveness of the implementation of the first time electronic land registration by a Notary as PPAT at the Kendal Regency National Land Office.

3. Results and Discussion

3.1. Stages in the Implementation of Electronic Certificate Land Registration

In this case, the procedure for registering land to obtain Electronic Certificates, especially for land for the first time, is to register, while the flow of the implementation of the registration is divided into 3, namely issuance of Electronic Certificates for the first time, issuance of Electronic Certificates through media transfer applications. Which of course refers to the applicable regulations regarding land registration both to get an analog land certificate and to get an electronic certificate and to find out more details about how the procedure is carried out, it is explained as follows.

3.2. Issuance of Electronic Certificates is carried out with the first registration

In this case, to make it easier to understand the flow of the Electronic Certificate issuance procedure, it is done by registering at the registration counter and then verifying it and can be done by e-mail complete with an ID card (Kartu Identity Card) making payments for PNBP (Non-Tax State Revenue) then upload the next step or take land measurements, and an Electronic Land Map will be issued, juridical data collection, data management, the land registration committee will then issue a decree on the right to legalization and will get a notification via email of the applicant and upload evidence after that a letter will be issued The last Electronic Measurement will be issued an Electronic Certificate Product⁸.

⁷Soejono Sekanto, (2005), *Pengantar Penelitian Hukum*, Universitas Indonesia Press, Jakarta, p. 88.

⁸ E. Herguido Sevillano, J.F. Lavado Contador, S. Schnabel, M. Pulido, J. Ibáñez, Using spatial models of temporal tree dynamics to evaluate the implementation of EU afforestation policies in rangelands of SW Spain, *Journal of Public Transportation*, p. 166-175, <https://www.sciencedirect.com/journal/land-use-policy/vol/78/suppl/C>

3.3. Issuance of Electronic Certificates through media transfer

Issuance of Electronic Certificates through media transfer who can do so is the right holder which in this case is the public who wants to transfer media data in analog Certificates to Electronic Certificates both physical data and juridical data. Issuance of Electronic Certificates through media transfer, this applies to land that already has a Certificate in analog form which of course based on the chart above can explain the process that must be carried out when the community wants to register an analog land certificate into an Electronic Land Certificate⁹.

3.4. Issuance of Electronic Certificates in the context of data maintenance services

Issuance in the context of data maintenance is used when the rights holder community wants to replace the certificate that is controlled into an Electronic Certificate in accordance with the provisions of Article 2 of the Regulation of the Minister of Agrarian Affairs for the Head of the National Land Agency number 1 of 2021 concerning Electronic Certificates by using option A manual certificates will be processed by Land maintenance process then manual certificate will be transferred to Electronic Certificate then Option B Manual certificate will be transferred to Media Transfer to Electronic Certificate¹⁰. As previously explained, Electronic Certificates are the second alternative to sporadic and systematic land registration or in other words land registration to obtain analog certificates in order to obtain legal certainty in the field of land nationally in accordance with Government Regulation Number 24 of 1997 concerning land registration and when In addition to sporadic and systematic land registration, the Government re-issued the Regulation of the Minister of Spatial Planning of the Head of the National Land Agency number 1 of 2021 concerning Electronic Land Certificates as for the implementation of replacing analog certificates into Electronic Certificates.

Hunter, Susan & Bulirwa, Elizabeth & Kisseka, Edward. (1993). AIDS and agricultural production. *Land use policy*. 10. 241-58. 10.1016/0264-8377(93)90018-6.

⁹ Sri Ahyani, Land Registration As A Legal Construction Of Law In Order To Facing Asean Economic Communities, *International Journal of Nusantara Islam* Vol. 06 No. 02 2017: (198-207), DOI: 10.15575/ijni.v6i2.6227

¹⁰ Laura Notess (WRI) , Peter Veit (WRI), Iliana Monterroso (WRI), Andiko (WRI), Emmanuel Sulle (WRI), Anne M. Larson (WRI), Anne-Sophie Gindroz (WRI), Julia Quaedvlieg (WRI) and Andrew Williams (WRI) - July 2018, The Scramble for Land Rights, Reducing Inequity between Communities and Companies, <https://wri-indonesia.org/en/publication/scramble-land-rights>

4. Conclusion

The procedure for land registration to obtain Electronic Certificates cannot be separated from Government regulation Number 24 concerning land registration which for land that does not yet have physical data and juridical data still refers to Government Regulation Number 24 concerning land registration wherein the land registration procedure to obtain certificates includes, among others are measurement and mapping, making base maps, registration making land registers, making measuring documents, proof of rights and the last one is the issuance of certificates. It is the same as described in the latest regulation, namely the Regulation of the Minister of Spatial Planning of the Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates, which explains the procedure for land registration to obtain Electronic Certificates, including the first Issuance of Electronic Certificates is carried out by registering the land for the first time. Electronic Certificate through Media Transfer and then Electronic Certificate Issuance in the context of data maintenance.

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