

## Legal Power Regarding the Making of a Statement of the Validity and Truth of Documents in Electronic Mortgage Registration

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**Abstract.** *Electronic Mortgage Certificates have become digitalization in electronic mortgage registration where in today's developments all processes will switch to electronic or digital, one of which is in making a statement of validity and truth of documents in electronic mortgage registration according to article 10 paragraph 4 of the regulation of the Minister of ATR / BPN number 5 of 2020. This study aims to determine and analyze the Legal Force of Making a Statement of Validity and Truth of Documents in Electronic Mortgage Registration. This study uses perspective research with a normative legal research type. This research was conducted with a theoretical approach and a legislative approach to obtain secondary data sourced from primary, secondary, tertiary legal materials obtained through literature studies to strengthen secondary data. Based on the results of the research and discussion, it can be concluded that the first is the procedure and legal basis for making a statement of the validity and truth of documents in electronic mortgage registration that is in accordance with Article 10 paragraph 2 of the Regulation of the Minister of ATR/BPN Number 5 of 2020 which explains that the cover letter of the validity and truth of documents issued by the PPAT is mandatory and is the responsibility of the PPAT and must be signed on a stamp and stamped by the PPAT, the second is the Legal Force Regarding the Making of a Statement of the Validity and Truth of Documents in Electronic Mortgage Registration will only have legally binding force and the power of proof is equivalent to an authentic deed if its truth is recognized by others.*

**Keywords:** *Electronic; Mortgage; Rights; Validity.*

### 1. Introduction

In the current era of digital technology, where the development of science and technology has influenced human life, which generally has a new lifestyle which

cannot be separated from electronic devices whose services are based on technology, information and communication.

Edmon Makarim stated that naturally humans cannot be separated from technological advances which aim to make their lives easier.<sup>1</sup>

And it can be seen from the ease, and the shortness of the distance, eliminating the boundaries of time and distance and increasing efficiency and facilitating use in collecting and distributing certain data or information. The rapid development of technology today brings various impacts of change from the direction of all sectors in life and has begun to be touched by digital transformation, both public and private. One of them is unexpected progress in the forms of e-commerce including e-governance. Transactions carried out through internet media in Indonesia at the conventional level cannot yet be fully reached by law.<sup>2</sup>The development of information technology also greatly affects people's lives and has encouraged the government to issue Law Number 11 of 2008 concerning Electronic Information and Transactions, State Gazette Number 58, Supplement to State Gazette Number 4843 (hereinafter referred to as the ITE Law). The enactment of the ITE Law is expected to guarantee technological progress to improve effectiveness and efficiency in public services.<sup>3</sup>In its development, electronic evidence is known to be regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions in conjunction with Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) dNow the Republic of Indonesia Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions is in effect again.

In the public sector, one of the organizers in the land sector is the Ministry of Agrarian Affairs and Spatial Planning, the National Land Agency of the Republic of Indonesia. In this regard, government agencies have provided electronic administrative services in the land sector. This embodies the transformation of land services, one of which is. In the public service system, it is open and easily accessible to the public. These electronic services include Mortgage Rights, Land Registration Certificates, Land Certificate Checks, and Land Value Information Services or Property Asset Values, these four services are carried out electronically. In this electronic service regarding mortgage rights, the government provides electronic mortgage registration services. These electronic services are to facilitate services for PPAT, Creditors (banks) and Land Offices.

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<sup>1</sup>Edmon Makarim, 2004, *Compilation of Telematics Law*, Raja Grafindo, Jakarta, p. 7

<sup>2</sup>Iman Sjahputra, 2002, *Problems of Indonesian Internet Law*, PT. Prenhallindo, Jakarta, p.5.

<sup>3</sup>Zainatun Rossalina, 2016, *The Validity of Notarial Deeds Using Cyber Notary as Authentic Deeds*, Malang, Brawijaya Law Student Journal. <http://Hukum.studentjournal.ub.ac.id/index.php/Hukum/article/view/1554> accessed on May 27, 2024 at 13.00 WIB

In Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) it is mentioned that land rights guarantees are bound by Mortgage Rights. In relation to that, concerning the land sector in Indonesia, Law Number 4 of 1996 concerning Mortgage Rights on land and objects related to land (UUHT) was stipulated. In order to implement the provisions of the UUPA, the government issued Government Regulation Number 24 of 1997 concerning land registration.

In this regard, the government provides integrated electronic mortgage registration services based on the Regulation of the Minister of ATR/BPN Number 5 of 2020 concerning Electronic Integrated Mortgage Services, in Article 1 paragraph 6 of the Regulation of the Minister of ATR/BPN Number 5 of 2020 concerning Electronic Mortgage Rights, it states that the electronic system itself is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, send, and/or distribute electronic information. And Article 1 paragraph (7) states that "HT-el is a series of mortgage service processes in the context of maintaining land registration data which is organized through an integrated electronic system".<sup>4</sup>

Initially, registration of mortgage rights was carried out conventionally, where the applicant was...The PPAT sends the APHT and other documents to the Land Office. This changes the way people view documents that were previously in paper media to electronic media. The current trending term is Paperless, which means all forms of document storage activities without using paper or switching to digital form. Where the use of paper becomes less so that Electronic Mortgage Registration is only done through a special Website/application from the Ministry of ATR/BPN to save on the cost of printing mortgage certificates.

The implementation of HT-el installation is a registration process until the delivery of the product which is carried out online so that it is more practical because the applicant does not need to queue to come to the Land Office to register the application. In addition, the implementation time of HT-el installation becomes more standard because it is regulated by the system. Recording and signing are carried out electronically through the system and then affixed to the Land Book and Certificate. HT-el application documents are stored by the system so that they do not require space for storage and make it easier to search for documents.

The implementation of the HT-el system is carried out in stages by adjusting the supporting data available at the land office. In carrying out HT-el registration online, one of the mandatory requirements for applicants is to make a statement regarding the validity and truth of the electronic documents submitted and made in the form of electronic documents and can only be

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<sup>4</sup>Article 1 paragraph (7) of ATR/BPN Regulation No. 5 of 2020, concerning Electronic Integrated Mortgage Rights Services.

issued by a land deed official (PPAT). In this case, the PPAT has a big responsibility and must be very careful before issuing the statement letter. The PPAT has a very important role because the PPAT issues a statement letter containing the PPAT's own statement in it, which states that the documents received by the PPAT are correct and in accordance with the original, if this is true.<sup>5</sup>

In practice, every printed electronic document that has been issued by an authorized official has the same legal force as a conventional document that has been stamped and signed by the relevant official. It turns out that the legal dynamics that show the authenticity of the electronic document have not yet holistically shown the authenticity system of the electronic document itself, for that a more in-depth study is needed regarding the validity of the legalization of the electronic document itself.

The Land Deed Making Officer (PPAT) is a public official who is authorized to make deeds of transfer of land rights and other deeds in the context of encumbrance of land rights, the form of which is stipulated as evidence of the carrying out of certain legal acts concerning land located in their respective work areas.<sup>6</sup>

The role of the PPAT is very important in making the statement letter which states that the documents received by the PPAT are correct and in accordance with the original, according to Article 10 Paragraph (2) of the ATR/KBPN Regulation Number 5 of 2020, namely that the PPAT in submitting documents must be accompanied by a Statement Letter regarding the validity and truth of the submitted electronic document data.

In carrying out the position and duties of a PPAT, the principle of caution must be applied as stated in Article 34 paragraph (1) of the Ministerial/Head of BPN Regulation Number 1 of 2006, which states: "That I will carry out my position honestly, orderly, carefully and with full awareness, be responsible and impartial."

The involvement of the PPAT is fully responsible for the validity and truth of the contents of the document both formally and materially, and if in the future there are problems, the PPAT is willing to accept the legal impacts, both civil and criminal, in accordance with the provisions of the law. Especially in the format of the Statement of the Validity and Truth of Electronic Document Data uploaded by the

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<sup>5</sup>Dinar Fatmawati, 2021, Analysis Good Governance Heuristics in Public Services to the ATR/BPN District Regulation Number 1 of 2010 Concerning Service Standards and Land Regulations, (*Indonesian Journal of Social Technology*), Vol. 2.5 <https://jst.publikasiindonesia.id/index.php/jst/article/view/149>, accessed on May 24, 2024 at 10.00 WIB.

<sup>6</sup>Ngadino, 2019, General Provisions on Procedures for Making and Filling in PPAT Deeds, UPT Publisher Universitas PGRI Semarang Press, Semarang, p.92.

PPAT at the time of registration of Electronic Mortgage Rights, it truly guarantees that the documents they receive are all correct.

While in practice there is no guarantee that the information submitted is the same as the original document, this matter is not sufficient to be done in the form of scanning the document into a PDF file alone, but requires clarity of authenticity attached to the document electronically.

Ulfa Roffilah Meiyona and Ali Ismail Shaleh said; however, in practice, will the party who delegates responsibility to the PPAT argue as it should be the PPAT's responsibility or not, unless the act can indeed be proven and must also be proven with the theory of proof or proof with civil procedural law, as well as regarding the position and function and responsibility of the PPAT in his legal actions and the PPAT who exercises part of the government's authority and a position of trust that has been given.<sup>7</sup>

Tracing the provisions that regulate the legal force that binds a statement of the validity and truth of electronic documents made by PPAT as an authentic deed in the evidence system is interesting to do. Responding to the implementation of a statement of the validity and truth of electronic documents in carrying out electronic mortgage registration and the accountability of the Land Deed Making Officer (PPAT) in its implementation there is incorrect data in the electronic mortgage registration.

Based on the background of the problem, the researcher conducted research entitled LEGAL FORCE ON THE PREPARATION OF A STATEMENT OF THE VALIDITY AND TRUTH OF DOCUMENTS IN ELECTRONIC REGISTRATION OF MORTGAGE RIGHTS.

## **2. Research Methods**

This study used normative legal research, Research approach method This research was conducted with a theoretical approach and a legislative approach to obtain secondary data sourced from primary, secondary, and tertiary legal materials obtained through literature studies to strengthen secondary data, and data analysis in this study using a prescriptive method refers to an approach or analysis that provides recommendations, suggestions, or norms regarding what should be done or how a situation should be addressed.

## **3. Results and Discussion**

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<sup>7</sup>Ulfa Roffilah Meiyona and Ali Ismail Shaleh, 2022, PPAT's Accountability for the Preparation of a Statement of the Validity and Truth of Electronic Documents, *Bonum Commune Law Journal*" No. 1 Vol 5, page 99, <https://jurnal.untag-sby.ac.id/index.php/bonumcommune/article/view/5739>, accessed May 26, 2024 at 10.00 WIB

### **3.1. Procedures and Legal Basis for making a statement of the validity and truth of documents in electronic mortgage registration**

Regulation of the Minister of ATR/KBPN Number 5 of 2020 concerning Integrated Electronic Mortgage Rights Services as a law in society is a means to create order and peace in carrying out electronic registration, so that in relations between members of society, human interests in the form of norms or rules can be maintained. With the regulation regarding HT-el, deeds and documents are now submitted in scan form via an electronic system and BPN no longer accepts physical documents.<sup>8</sup>

In electronic registration of Mortgage Rights, there is one requirement that must be made and signed by the Land Deed Making Officer (PPAT), namely a statement of the validity and truth of electronic documents, the existence of which is regarding the accountability for the validity and truth of electronic documents, the format of which is determined in a standard manner and is an integral part of the Regulation of the Minister of ATR/KBPN Number 5 of 2020, requiring and requiring PPAT to sign the statement.

According to the Justika editorial article, a statement letter is a statement in the form of an acknowledgement from a person regarding a certain matter or condition which is then produced in written form or in writing.<sup>9</sup>A Statement Letter can be said to be a unilateral obligation as regulated in Article 1313 of the Civil Code which states:

"an agreement is an act by which one or more persons bind themselves to one or more other persons."

It is said to be unilateral because only the party making the statement has a legal obligation to carry out the statement, while the other party does not.

According to the legal opinion of Advocate Elza Rianty, SH, MH, a stamp is also required in the statement letter so that the statement letter process shows the seriousness of the contents of the letter in accordance with Law Number 10 of 2020 concerning Stamp Duty. That way, the party making the statement letter can strengthen the meaning of the letter made and the party receiving the statement letter also receives the information provided by the maker of the statement letter because of its official nature.<sup>10</sup> The statement letter can be legalized or authorized

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<sup>8</sup> Anggi Tamamia Septanti, Muhammad Khoidin, & Mohammad Ali, 2023, Storage of the Original Second Sheet of the Deed of Granting of Mortgage Rights After the Electronic Mortgage Rights Come into Effect, *Journal of Social Engineering Science*5, no. 2, page 178,

<sup>9</sup> <https://blog.justika.com/document-bisnis/landasan-Hukum-surat-pernyataan/> accessed on August 13, 2024 at 12.00 WIB

<sup>10</sup>Elza Rianty, SH, MH, 2021, "I Want to Make a Statement, Should There Be Witnesses and a Stamp?" detiknews article, <https://news.detik.com/berita/d-5803025/saya-mau-buat-surat-pernyataan-besarkah-ada-saksi-dan-meterai/2>

by a notary as regulated in Article 15 paragraph 2 of Law Number 30 of 2004 concerning the Position of Notary.

The legal basis for the statement letter is the Civil Code, Law Number 30 of 2004 concerning the Position of Notary, Law Number 10 of 2020 concerning Stamp Duty, PP Number 24 of 2000 concerning changes to stamp duty rates and the amount of the nominal price limit imposed to stamp duty.

The legal basis governing electronic mortgage registration must be clear and comprehensive, so as not to cause doubt or different interpretations. The procedures used are also standardized and easily accessible to all parties involved, ensuring that every step in the process can be accounted for and analyzed.

The procedure for making a statement of the validity and truth of documents in electronic mortgage registration is:

- 1) Collect and check the validity of the document data that needs to be scanned in the Electronic Mortgage Registration.
- 2) Photocopy all the document data and then legalize it if it matches the original.
- 3) Number and create a Deed of Power of Attorney to Encumber Mortgage Rights and a Deed of Granting Mortgage Rights, then scan and upload it.
- 4) Download the statement of responsibility for the validity and truth of the document, then fill in the data in the statement according to the data in the document that has been uploaded.
- 5) The statement of the validity and truth of the document is printed and then signed on a stamp by the PPAT and stamped after that it is scanned and uploaded.

According to the author, the legal basis for making a statement of the validity and truth of documents in electronic mortgage registration is:

- a. 1945 Constitution
- b. Civil Code
- c. Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions
- d. Law Number 30 of 2004 concerning the Position of Notary.
- e. Law Number 10 of 2020 concerning Stamp Duty.
- f. Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations on the



Position of Land Deed Making Officials.

- g. Government Regulation Number 24 of 2000 Concerning Changes in Stamp Duty Tariffs and the Limit on Nominal Prices Subject to Stamp Duty.
- h. Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as PP Land Registration)
- i. 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 Electronically Integrated Mortgage Rights Services (hereinafter referred to as the Regulation concerning HT-El) Article 10 paragraph 2.

In Gustav Radbruch's theory, it is stated that the purpose of law is based on priority, namely justice, new benefits of legal certainty. According to the author in the theory of the purpose of law based on legal justice towards the creation of the Statement of the validity and truth of the document prepared by the PPAT has a significant dual role. The statement is not only intended to protect the interests of the parties involved in the HT-el system, but also aims to mitigate potential losses that may be incurred by the PPAT. In the legal benefits of making a statement of the validity and truth of the document, the PPAT seeks to provide a guarantee of the truth and validity of the documents they issue, thus ensuring that the mortgage registration process can run smoothly and in accordance with applicable legal provisions. And in the legal certainty of making the statement, to ensure the validity and authenticity of documents used in transactions, their authority is limited to the deed-making process in accordance with applicable regulations, namely a regulation that is made and enacted in a concrete manner and contains clear and logical provisions.

In making a statement of the validity and truth of documents in electronic mortgage registration, legal certainty can be achieved through a clear legal basis and transparent procedures, namely where the PPAT is required to sign the statement on a stamp and stamped. Thus, legal certainty according to Gustav Radbruch in this study means the existence of clear legal regulations and procedures and consistency which together ensure that the documents and statements made have legal validity and truth that can be legally accounted for.

The purpose of making a statement of the validity and truth of documents in electronic mortgage registration is that parties who state that the document data is in accordance with the original can easily find out the status or legal standing of the authenticity and truth and to guarantee legal certainty for the maker of the statement. And the statement can be used as strong evidence if at some point a lawsuit is filed by another party.

Legal certainty refers to clear, consistent, and predictable rules so that the public can know their rights and obligations. In the Indonesian context, legal certainty



related to the preparation of a statement of the validity and truth of documents in electronic mortgage registration is regulated in Law Number 4 of 1996 concerning mortgage rights on land and objects related to land. If there is an error in the data, this can be subject to sanctions based on criminal law provisions, as regulated in the Criminal Code, especially the articles on document falsification contained in articles 263 and 264 of the Criminal Code.

In making a Statement of Validity and Truth of Documents, the PPAT must be able to protect himself to carry out the principle of caution in carrying out his position as a PPAT related to the making of the statement, the PPAT matches the personal data of the parties, namely in the form of an ID card which must be matched with the Population and Civil Registration service system and conducts an online certificate check at the Land Office. This principle of caution aims to anticipate and prevent the occurrence of a certain consequence.<sup>11</sup>

Regarding the truth of the KTP data of the party, the PPAT only checks according to the original document, while the truth of the material, whether it is original or fake, is not the authority of the PPAT to state it according to Articles 2 and 3 of Government Regulation Number 37 of 1998 in conjunction with Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Making Officials who only carry out the main tasks of some land registration activities and make certain land deeds. Their authority is limited to the process of making deeds in accordance with applicable regulations. Therefore, if there is a violation or error in the documents submitted by the parties, legal responsibility cannot be fully accounted for by the PPAT. With this matter, the PPAT is authorized to require the existence of legal protection to provide a sense of security for PPAT against criminal and civil liability.

The existence and implementation of ATR/BPN Regulation Number 5 of 2020 is inadequate and does not comply with the theory of legislation and its implementation is inappropriate because it experiences a legal conflict with UUHT as a statutory regulation that underlies the law on guarantees regarding mortgage rights and is also still not fully harmonious and synchronized in determining ministerial regulations regarding electronic mortgage services. In this case, there is no more detailed and relevant legal certainty regarding the statement of validity and truth of documents if there is an error in the data at the time of electronic mortgage registration.

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<sup>11</sup>Sri Wartini, 2007, Implementation of the Precautionary Principle in the Sanitary and Phytosanitary Agreement, Case Study: WTO Appellate Body Decision in the Beef Hormone Case Between the European Union and the United States, *Jurnal Hukum* Vol.14 No.2, p.297, <https://journal.uui.ac.id/IUSTUM/article/view/1074>

### **3.2. Legal force for making a statement of the validity and truth of documents in electronic mortgage registration**

Legal force is what can be said if a decision is valid or considered valid, then the decision has legal force, meaning that the decision can influence legal relations. The legal force of a decision can be in the form of formal legal force and material legal force.<sup>12</sup>

A statement letter on the validity and truth of a document is a document that is required as a requirement when submitting a certain interest. The purpose of a statement letter on the validity and truth of a document is to provide a written statement signed on a stamp.<sup>13</sup>

The validity of the maker of the Statement of Validity and truth of documents in the electronic registration of mortgage rights made by the PPAT has valid and binding legal force because it is a form of his authority. The PPAT must carry out his duties in accordance with the oath of office as regulated in Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Making Officials.

According to the author, the preparation of a statement of the validity and truth of a document in principle has legal force as evidence in the case of electronic registration of mortgage rights as long as the statement is made legally and contains or is attached to supporting document data.

Hans Kelsen's Stufenbau theory argues that legal norms are tiered and layered in a hierarchy (arrangement), in the sense that a lower norm applies, originates from and is based on a higher norm, a higher norm applies, originates from and is based on an even higher norm, and so on until a norm that cannot be traced further and is hypothetical and fictitious, namely the basic norm (groundnorm).<sup>14</sup>In relation to the Stufenbau theory put forward by Hans Kelsen, a norm will always originate and be based on a higher legal norm, so that legal norms will not overlap.

In relation to the validity of the law with a statement of the validity and truth of documents in the electronic registration of mortgage rights, if the Applicant or PPAT cannot find out whether the documents submitted by the debtor are genuine or fake, then there will be problems with civil and criminal legal impacts.

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<sup>12</sup>Muhammad Arif Setiawan, 2019 "Legal Power of Evidence of Confession Inside and Outside Land Dispute Trials at the Palembang Class IA District Court", Thesis, Study Program, University of Muhammadiyah Palembang, Palembang, p. 6

<sup>13</sup> <https://blog.privv.id/example-surat-pernyataan-keabsahan-document/> accessed on August 13, 2024 at 13.00 WIB

<sup>14</sup>Maria Farida Indrati S, 2007, "Legal Science (Types, Functions and Content)", Kanisius, Yogya, p.41.

A statement letter, if referring to the Civil Code, is not an authentic deed as regulated in Article 1868 of the Civil Code, namely a deed made in a form determined by law by or before an authorized public official for the place where the deed was made. A statement letter is a deed signed under hand, a register letter, a household affairs letter and other writings made without the intermediary of a public official.

A statement letter will only have legally binding force and evidentiary power equal to an authentic deed if its truth is acknowledged by the person who is presented to it (the person who signs it) as regulated in Article 1875 of the Civil Code. So if the party who signs denies the contents of the statement letter, then the statement letter does not have legally binding force and does not have evidentiary power.

If there is an error in the validity and truth of the contents of the document formally and materially, then the PPAT can be held accountable up to the material truth. Therefore, the PPAT as the sender of the document in the electronic mortgage registration and/or transfer service is responsible both criminally and civilly. If there is a violation that meets the civil and criminal offenses against the PPAT, civil sanctions contained in the Civil Code and criminal sanctions contained in the Criminal Code can be imposed.<sup>15</sup>

A statement of entry as a valid evidence in the law of evidence civil in accordance with Article 164 HIR, Article 284 RBg, and Article 1866 of the Civil Code.

This Statement of Validity and Truth of Documents, provides full legal responsibility in the event of any act of falsification of data or documents and errors, before it is known and proven who committed the act of falsification of data or documents through a Court Decision. To avoid such, the PPAT must ensure to the debtor and creditor the truth and authenticity of the document data and make it first before signing the SKMHT and APHT, namely a stamped self-declaration letter that has been legalized by a Notary as intended containing the personal data of the parties is true and valid data according to the original. From the self-declaration letter will be a reference for making a statement of validity and truth of documents in electronic mortgage registration.

The legal force of the statement of validity and truth of documents in electronic mortgage registration according to the Regulation of the Minister of ATR/KBPN Number 5 of 2020 is equivalent to the original document, provided that it must meet the formal procedures and provisions set. The implementation of these

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<sup>15</sup>Diane Prihastuti, 2020, "Accountability of the Ministry of ATR/BPN to Community Land Ownership Certification", Journal of Legal Recovery, 3.1, <http://ojs.uninus.ac.id/index.php/Pemuliaan/article/view/1026>, accessed on August 22, 2024 at 22.00 WIB

regulations must be in line with higher norms. This regulation is likely to set standards for the authenticity and truth of electronic documents in land transactions. So the statement letter is a letter that has legal force with special characteristics. Meaning that the contents of the statement in the letter also apply as true to the maker and for whom the statement was made.

In the statement of validity and truth of legal documents regulated by the ATR/KBPN Regulation Number 5 of 2020, it is only limited to the physical form or format, while the legal consequences for the legal actions of a PPAT in his actions and signing of the statement of validity and truth of documents have not been regulated by existing regulations.

#### **4. Conclusion**

In making a statement of the validity and truth of documents in registration, it has a legal basis that regulates the registration of mortgage rights electronically must be clear and comprehensive, so as not to cause doubt or different interpretations. The procedures used are also standardized and easily accessible to all parties involved, ensuring that every step in the process can be accounted for and analyzed, where PPAT is required to sign the statement on a stamp and stamped. And if there is an error in the data, this can be subject to sanctions based on criminal law provisions, as regulated in the Criminal Code. The making of a statement of the validity and truth of a document in principle has legal force as evidence in the case of electronic mortgage registration as long as the statement is made legally and contains or is attached to supporting document data. The statement will only have legal binding force and evidentiary force equivalent to an authentic deed if its truth is acknowledged by the person who is presented to it (the person who signs it) as regulated in Article 1875 of the Civil Code. Article 10 The existence of a Letter of Validity and Truth of Documents in electronic mortgage registration is an obligation, but there is no further Article regulating the sanctions for this provision. The requirement to make a Letter of Validity and Truth of Mortgage Electronically has also not been regulated in the PPAT legal act. The legal force of a statement of validity and truth of documents in electronic mortgage registration according to the Regulation of the Minister of ATR/KBPN Number 5 of 2020 is equivalent to an original document, on the condition that it must meet the formal procedures and provisions set. The application of these regulations must be in line with higher norms. This regulation is likely to set standards for the authenticity and truth of electronic documents in land transactions. So the statement letter means a letter that has legal force with special characteristics.

#### **5. References**

Arif Setiawan, Muhammad,(2019), *"Kekuatan Hukum Alat Bukti Pengakuan di Dalam Dan di Luar Persidangan Perkara Sengketa Tanah Pengadilan Negeri*

- Kelas I A Palembang*”, Palembang, Skripsi, Program Studi Universitas Muhammadiyah Palembang
- Diane Prihastuti, (2020), “Akuntabilitas Kementerian ATR/BPN Terhadap Sertifikasi Kepemilikan Tanah Masyarakat”, *Jurnal Pemulihan Hukum*, 3.1
- Farida Indrati S Maria, (2007), “*Ilmu Perundang-undangan (Jenis, Fungsi dan Materi Muatan)*”, Yogya: Kanisius.
- Fatmawati, Dinar, (2021), Analisis Heurmeunitika Good Governance Dalam Layanan Publik Terhadap Perkaban ATR/BPN Nomor 1 Tahun 2010 Tentang Standart Pelayanan Dan Pengaturan Pertanahan’, (*Jurnal Indonesia Sosial Teknologi*), Vol.2.5.
- <https://blog.justika.com/dokumen-bisnis/landasan-hukum-surat-pernyataan/>  
accessed on 13 August 2024 at 12.00 WIB
- <https://blog.privly.id/contoh-surat-pernyataan-keabsahan-dokumen/>
- <https://eap-lawyer.com/apakah-surat-pernyataan-dapat-dijadikan-sebagai-bukti/>
- Makarim, Edmon, (2004), *Kompilasi Hukum Telematika*, Jakarta: Raja Grafindo.
- Ngadino, (2019), *Ketentuan Umum Tata Cara Pembuatan dan Pengisian Akta PPAT*, Semarang, UPT Penerbit Universitas PGRI Semarang Press.
- Peraturan Menteri Agraria dan Tata Ruang /Kepala Badan Pertanahan Nomor 5 Tahun 2020 tentang Pelayanan Hak Tanggungan Terintegrasi Secara Elektronik.
- Rianty Elza, SH, MH, (2021), “Saya Mau Buat Surat Pernyataan, Haruskah ada Saksi dan Bermaterai”, Artikel detiknews, <https://news.detik.com/berita/d-5803025/saya-mau-buat-surat-pernyataan-haruskah-ada-saksi-dan-meterai/2>
- Roffilah, Meiyna Ulfa dan Shaleh, Ali Ismail, (2022), “Pertanggungjawaban PPAT terhadap Pembuatan Surat Pernyataan Keabsahan dan Kebenaran Dokumen Elektronik”, *Jurnal Hukum Bonum Commune*” No 1 Vol 5,
- Rosalina, Zainatun, (2016), *Keabsahan Akta Notaris yang Menggunakan Cyber Notary sebagai Akta Otentik*, Malang, *Brawijaya Law Student Journal*.
- Septanti Anggi Tamamia, Khoidin Muhammad, & Ali Muhammad, 2023, “Penyimpanan Asli Lembar Kedua Akta Pemberian Hak Tanggungan Setelah Berlakunya Hak Tanggungan Elektronik”, *Jurnal Ilmiah Sosial Teknik* 5, no. 2, p. 178, <https://jurnalequivalent.id/index.php/jequi/article/view/154>.
- Sjahputra Iman, (2002), *Problematika Hukum Internet Indonesia*, Jakarta: PT. Prenhallindo.
- Wartini, Sri, (2007), Implementasi Prinsip Kehati-hatian Dalam Sanitary and Phytosanitary Agreement, Studi Kasus: Keputusan Appellate Body WTO Dalam Kasus Hormone Beef Antara Uni Eropa Dengan Amerika Serikat, *Jurnal Hukum* Vol.14 No.2.