

The Effectiveness of the Implementation of Electronic Land Registration at the Office of National Land Agency

Nabila Chyntia Dahani^{*)}

^{*)} Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, E-mail: nabilachyntia666@gmail.com

Abstract. The purpose of this research is to analyze: 1) Implementation of electronic land registration at the Office of the National Land Agency of Sragen Regency. 2). The effectiveness of the implementation of electronic land registration at the Office of the National Land Agency of Sragen Regency. The approach method used in discussing this research problem is a sociological juridical approach. The research specifications used are descriptive analytical research. This type of data uses primary data and secondary data. The data analysis method used in this research is descriptive qualitative. The results of the study concluded: 1) The implementation of electronic land registration at the Office of the National Land Agency 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 assistance through the site <https://loket.atrbpn.go.id>. After the service registration and documents have been uploaded, the land office will later validate the applicant's files online. If the verification is smooth, a deposit order will be printed and the Applicant needs to make payments according to the applicable rules. After making the payment, the file will be processed immediately. The collection is done by coming to the BPN Office of Sragen Regency according to the specified schedule. 2). The effectiveness of electronic land registration at the National Land Agency Office of Sragen Regency is more effective than conventional land registration. This is because the implementation of land registration online or electronically provides many benefits to the community.

Keywords: Certificate; Effectiveness; Electronic; Land; Registration.

1. Introduction

The modernization of electronic land services are very much needed in the current era of information technology development. This is driven by the increasing need for other agencies for dynamic land data and land services, especially in supporting development planning. Internally, the very high certification target until 2025 requires the anticipation of increasing post-certification derivative services and managing their land records. On the other hand, public perception of land services is still not satisfactory. In such condition, the change of land administration system to electronic is a necessity. Similar conditions were also experienced by other ministries in the process of modernizing public services towards online.¹

The Ministry of Law and Human Rights in its presentation on July 3, 2019 conveyed their experience that public perceptions before the application of online services to services tend to be convoluted, complicated, complicated, chaotic, and there is no clarity. The community is in a weak position in the face of powerful and indifferent officers, inefficient, slow, with a rubber-hour work culture. After establishing online services, service conditions have a significant impact, namely the number of transactions increases, the amount of Non-Tax State Revenue (PNBP) increases, service times are faster and the utilization of human resources is more effective so that they can be diverted to other work. In general, when you are online, you will use a little paper (paperless).²

The National Land Agency provides several waivers and conveniences in managing land matters, this is done in order to help the community in dealing with the impact of COVID-19. Therefore we need a modern land office that provides land and spatial planning services electronically, provides integrated and transparent services for the community and provides security in terms of technology that is reliable and can be trusted by the community. The National Land Agency has an important role in land registration. Based on Article 9 of the Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration,

¹Fitrianingsih. Rakmat Riyadi. Suharno. Evaluasi Digitalisasi Arsip Pertanahan Dan Peta Bidang Tanah Terintegrasi Menuju Pelayanan Online. *Jurnal Tunas Agraria*. Volume 4 No.1. p.64

²Septina Marryanti P. Arsan Nurrokhman. Kesiapan Data Pertanahan Menuju Pelayanan Online. *Prosiding*. Puslitbang Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional. 2019. p.21

the definition of land registration is a series of activities carried out by the Government continuously,

The implementation of land registration in the community is currently the duty of the State. Land registration is carried out by the government for the benefit of the people, as an effort to provide legal certainty in the land sector. Land registration is carried out by the Land Office, and in carrying out these duties the Land Office is assisted by Land Deed Making Officials (PPAT), to carry out certain activities according to Government Regulation Number 24 of 1997 concerning Land Registration.³

Land registration is very important to do, this is as stated in Article 3 of Government Regulation Number 24 of 1997 concerning Land Registration which states that land registration aims, among other things, to:

- To provide legal certainty and legal protection to land rights holders.
- To provide information to interested parties including the government.
- For the implementation of orderly administration.

The implementation of electronic land registration is confirmed in Article 84 Paragraph 1 that the implementation and implementation of Land Registration can be done electronically. Previously, this was also explained in Article 35 Paragraph (5) of Government Regulation Number 24 of 1997 concerning Land Registration which stated that, gradually land registration data was stored and presented using electronic equipment and micro-film. In 2021 BPN realizes electronic-based land registration activities in Permen ATR/Ka BPN No. 1 of 2021, which comes into force on January 12, 2021.

Facing the Covid-19 Pandemic, the Sragen Regency Land Office remains committed to providing the best service to the community. The implementation of this service is carried out as a follow-up to the Secretary General's Circular Number 3/SE-100.TU.3/III/2020 to implement social distancing (maintain social distance), physical distancing (maintain physical distance) and work from home (work from home).) in order to break the chain of the spread of the Corona virus in Indonesia. This online service involves validation, both textual and spatial,

³Kusmaryanto. Gunarto. Pendaftaran Akta Jual Beli Yang Melebihi Jangka Waktu Pendaftaran Tanah Di Kantor Agraria Dan Tata Ruang/Badan Pertanahan Nasional Kota Semarang. *Jurnal Akta*. Unissula. Volume 4 No. 3 September 2017. p.476

actually in accordance with health protocols, namely Physical Distancing and Work from Home (WfH), Then data maintenance services include rights transfer services, changes in rights, Royalty and Mortgage as well as land information services in the form of checking, SKPT, and ZNT. The advantages of online services are to minimize face-to-face services, <https://www.bpnsrcen.online>.

The digitization of land administration is one of the implementation of government tasks aimed at realizing national development goals. Land administration which is still conventionally based must be shifted towards digital land administration. Land administration services such as systematic land registration set that is not yet digital-based must be directed towards digitization, especially in an era of accelerating development science and technology. This is to speed up services, facilitate investment entry, integration data between development sectors, and accelerate the realization of national goals. However, a foundation is needed and guidelines for Government Agencies or Officials in carrying out the task of implementing land digitization. These foundations and guidelines are currently not well formulated in a legal product.⁴ If this is related to the electronic-based land registration regulation, this land archive digitization activity is a tangible form of the Ministry of ATR/BPN to provide a database/data source. Efforts to provide digital/electronic data sources for the successful implementation of online-based electronic land services. When this digitalization activity can run smoothly and optimally, the acceleration of land services will be realized immediately.⁵

2. Research Methods

The approach method used in discussing this research problem is a sociological juridical approach, namely legal research by approaching existing facts by examining and analyzing secondary data as the main source supported by field research.⁶ This research is a descriptive analytical research. This type of data uses primary data and secondary data. The data analysis method used in this research is descriptive qualitative.

⁴Riswan Erfa. Digitalisasi Administrasi Pertanahan Untuk Mewujudkan Percepatan Pembangunan Nasional Perspektif Kebijakan Hukum (*Legal Policy*). *Jurnal Pertanahan*. Volume 10 No. 1 July 2020. p.36

⁵Fitrianingsih. Op.cit. p.64

⁶Soerjono Soekanto dan Sri Mamudji. (1985). *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Rajawali. p. 15.

3. Results and Discussion

3.1. Implementation of Electronic Land Registration at the Office of the National Land Agency of Sragen Regency

Land in a juridical sense can be interpreted as the surface of the earth. Meanwhile, land rights are rights to certain parts of the earth's surface, which are limited, have two dimensions, with length and width.⁷ Article 1 paragraph (2) in conjunction with Article 4 paragraph (1) of the LoGA, land is the surface of the earth and space, meaning that land is the same as the surface of the earth, which is a gift from God Almighty. It is interpreted the same as space when using it because it includes the body of the earth and the water below it and the space above it is only needed for interests that are directly related to the use of land within the limits according to this law and other higher regulations. Soil is the surface of the earth that is above once. The meaning of the earth's surface as part of the land whose rights can be owned by every person or legal entity.⁸

The application of online land services in Sragen Regency involves data maintenance including transfer of rights, change of rights, Roya and Mortgage as well as land information services in the form of checking, SKPT, and ZNT. Online services at the Land Agency Office of Sragen Regency starting from Wednesday, April 15, 2020 based on the Decree of the Head of BNPB dated February 29, 2020 Number: 13.A of 2020, until the deadline to be informed further.

- The service of Electronic Mortgage Rights (HT-el) is still implemented through <http://mitra.atrbpn.go.id>.
- Land technical consideration services in the context of Location Permits using the OSS Application.
- Other Services (First Land Registration, Splitting, Transfer of Rights, Change of Blanks, PTP Non Location Permits) are carried out online through <http://loket.atrbpn.go.id> Files are scanned and sent via the link <http://bit.ly/loketbpnsragen> by enclosing the identity of the applicant which is accompanied by a mobile number /WA. Physical files can be sent directly to the Land Office of Sragen Regency, packaged in a Stop Map and tightly wrapped in a plastic bag, including a complete identity

⁷Boedi Harsono. (1994). *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria. Isi dan Pelaksannya*, Jilid I Hukum Tanah Nasional, Jakarta: Djambatan. p. 18

⁸Supriadi. (2010). *Hukum Agraria*, Cetakan Keempat, Jakarta: Sinar Grafika, p. 3

(HP/WA number) and put in a container box that is already available in front of the office lobby.

- Applications that require field activities will be arranged later by considering the development of the situation and conditions (situational) that will be contacted via SMS or WhatsApp by the officer.
- Information and Application File Tracking can be accessed through the Touch Tanahku application, downloaded via the Play Store or App Store.
- Consultation on Land Services, Service Complaints, Dispute Complaints can be done through the Official Social Media Account of the Land Office of Sragen Regency (Twitter, Facebook, IG and web portal <http://kab-sragen.atrbpn.go.id>).
- Complaints, Land Service Consultations can also be via SMS and WhatsApp Hello Head of Office Number: 082135001344
- Product collection can be served through the picket officer by bringing Proof of Document Receipt (STTD) and Power of Attorney (if authorized).

Responding to the implementation of services based on the announcement from the Sragen Regency BPN for the community through PPAT who wish to carry out Land Registration, it is done entirely online and only comes to the Sragen Regency Land Office directly when the land product is finished. The implementation of electronic land registration at the Office of the National Land Agency of Sragen Regency is carried out by:

- Enter the website <https://loket.atrbpn.go.id>, login with the PPAT account
- Fill in data, documents and files in the form of Scan
- After filling in the data, documents, and files in the form of Scan then fill out the website form <http://bit.ly/loketbpnsragen>
- Completely filled form
- Make payment via bank
- After all is completed, the Land Office Officer carries out an examination of the digital document and if it is declared complete then an SPS (Deposit Order) and STTD (Document Receipt Letter) are made, notified via Email / WhatsApp which will then be printed. If it is declared incomplete, a rejected statement will be given via Email/WhatsApp
- After being declared complete, the applicant makes payment through the Bank.
- After making the payment, the printed documents (SPS, Registration Output, and Payment Proof) are submitted by attaching Physical

Documents, put in plastic wrap and put in the box provided by the Sragen Regency BPN Office.

- Then the Applicant submits the STTD via email:loketsragen@gmail.com /.
- Registration has been completed and we are waiting for further information regarding the pick-up schedule via email/WhatsApp by the Sragen Regency BPN Office staff.

In addition to managing land registration online, in addition to processing through PPAT, the community can also manage independently through the Loketku site. People who don't understand can follow the guide via the link <https://docs.atrbpn.go.id/loketku/perorangan/>. In general, the procedure for online land registration through the Loketku site is as follows:

- Applicants need to first open and register in the Touch Tanahku application.
- After that, wait a while because the officer will first verify the account that has been registered.
- After verification, the applicant can login to the Loketku site with an account that has been registered in the Touch Tanahku application. Loketku can be accessed via the link loketku.atrbpn.go.id. Click the Service Registration menu and then click the Service List sub menu. Then select the land office according to the destination (Sragen Regency Land Agency Office). Applicants can immediately make a land service registration file and upload all required documents that must be completed to the system.
- After the service registration and documents have been uploaded, the land office will later validate the applicant's files online.
- Then notifications about the status of the document will also be sent directly to electronic mail or email.
- The flow of files that have been verified by the land office can also be monitored in real time through the Touch Tanahku application.
- Likewise, if there are questions, the public can directly ask through the file ask menu. So that the applicant does not need to come repeatedly to the land office.
- Furthermore, after all documents are completely verified, the Petitioner can freely choose a schedule to come to the intended land office (Sragen Regency Land Agency Office). On the Loketku site, the applicant can also take the queue online.

- It is important to note, when coming to the land office, do not forget to bring the original files of the documents that have been uploaded and other required documents.
- If the verification is smooth, a deposit order will be printed and the Applicant needs to make payments according to the applicable rules.
- After making the payment, the file will be processed immediately.
- The collection is done by coming to the Sragen Regency BPN Office according to the specified schedule by submitting:
 - Photocopy of the applicant's ID card and show the original ID card
 - Power of attorney if authorized (attached with a photocopy of the ID card of the person giving the power of attorney and the recipient of the power of attorney)
 - Original STTD (Document Receipt Letter).

The e-certificate will provide benefits to the community in the form of easy access to digital data and will be free from falsification of land certificates which are the basis for guaranteeing legal certainty.⁹Legal certainty is something that cannot be separated from the law, especially for written norms. Legal certainty as one of the objectives of the law can be said as part of efforts to realize justice. The real form of legal certainty is the implementation of enforcement law against an action regardless of who is doing it. Legal certainty can predict what will happen if you take certain legal actions. Certainty is needed to realize the principle of equality before the law without discrimination.¹⁰

The implementation of this land registration is one way to obtain a certificate for legal certainty on the land and or buildings it owns. This is in line with the theory of legal certainty which normatively is when a regulation is made and promulgated with certainty because it can provide clear and logical arrangements. It is clear in the sense that it does not cause doubt or multiple interpretations, and logical in the sense that the law becomes a system of norms with other norms so that it does not clash or cause conflicting norms or the existence of ambiguity and void of norms. Elucidation of Article 6 letter i of the Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislation, State Gazette of

⁹Nur Hidayani. Implementasi Sertifikat Elektronik Sebagai Jaminan Kepastian Hukum Kepemilikan Hak Atas Tanah di Indonesia. *SASI: Jurnal Terakreditasi Nasional*. Volume 27 No. 3. July - September 2021. p. 335

¹⁰Moh. Mahfud MD. Penegakan Hukum dan Tata Kelola Pemerintahan Yang Baik. Bahan pada Acara Seminar Nasional "Saatnya Hati Nurani Bicara" yang diselenggarakan oleh DPP Partai HANURA. Mahkamah Konstitusi Jakarta. 8 January 2009.

the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234, stipulates that in making laws and regulations, one of them must reflect the principle of legal certainty. Regarding the legal certainty of electronic certificates, it is contained in Article 5 of the Minister of ATR/BPN Number 1 of 2021 concerning Electronic Certificates.

3.2. Effectiveness of Electronic Land Registration at the Office of the National Land Agency of Sragen Regency

The effectiveness of the implementation of online or electronic land registration can be achieved if the benefits or advantages provided outweigh the disadvantages or shortcomings. Based on effectiveness theory Soerjono Soekanto, effectiveness is the extent to which a group can achieve its goals. The law can be said to be effective if there is a positive legal impact, at that time the law reaches the target in guiding or changing human behavior so that it becomes legal behavior.¹¹ The effectiveness of the implementation of electronic registration can be seen from the extent of the advantages of the electronic certificate itself. The differences between conventional certificates and electronic certificates are as follows:

Difference	Conventional Certificate	Electronic Certificate
Certificate Form	Book / paper	Electronics / files
Information Type	It is noted in the instructions column, the application is not uniform depending on each land office	Restriction and Responsibility: prohibition provisions and obligations listed
Security	Blank code and not using QR Code	hash code and QR code
Signature	Manual	Electronic
Document Form	Paper Based	Electronic documents
Identity number	Using multiple numbers, such as entitlement number, measuring letter number, field identification number, field map number	Single identity : using field identification number

¹¹Soerjono Soekanto. (1988). *Efektivitas Hukum dan Penerapan Sanksi*, Bandung: Ramadja Karya. p. 80.

Warkah	Documents are stored in hardcopy at the Land Office so that need room to save it.	Documents are stored in softcopy in the system on the Application so that it does not require space to store them.
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Based on the results of interviews regarding the difference between conventional land certificates and electronic land certificates, it shows that electronic land certificates are more effective than conventional land certificates. The online registration process is more practical because applicants do not need to queue to come to the Land Office to register applications and support the prevention of the spread of the COVID-19 virus. In addition, the service execution time becomes more standard because it is set by the system. Recording and signatures are carried out electronically. Documents are stored by the system so that it does not require space for storage and facilitates the document search process.

Based on the interview with Mr. Arief, Head of the Land Agency Office of Sragen Regency, the response of the people of Sragen to take advantage of online services from the Land Office/National Land Agency (BPN) of Sragen, during the pandemic was quite good. Online services have more benefits such as reducing queues or crowds, providing certainty, speeding up the services needed and avoiding applicants who go back and forth because of the completeness of the required administrative files. The BPN of Sragen Regency will continue to develop this online service, so that it will be easier for people who take care of land and the target of land certification can be achieved immediately. It's just that many Sragen people do not have cell phones, or have cell phones but cannot access online services because they are not yet technology literate. In addition, although there is an online land registration service that can be accessed anytime and anywhere, there are still many people in Sragen Regency who come directly to the BPN Office. This is due to the lack of socialization of BPN to the community. BPN will carry out continuous socialization so that people know and can take advantage of this electronic land registration. This Online Land Service is also still relatively new, so many do not know and think that online land services are more complicated and convoluted.

According to the author, the effectiveness of the implementation of electronic land registration at the Office of the National Land Agency of Sragen Regency can

be achieved by maximizing continuous socialization to the community and improving the Human Resources (HR) in the office. The socialization will emphasize the main differences between analog and electronic certificates, namely physical, types of information and security methods, one of which aims to minimize the duplication of certificates, as well as the replacement method, where this replacement will be carried out in the completion of data maintenance transactions. It will also be conveyed that there are no special changes in the land service process, except for the output of products where all analog certificates become electronic certificates as outputs. Electronic certificates are expected to be effective in the management of national land, in various aspects. Specifically for the aspect of internet availability for rights holders, This is in line with the theory of effectiveness, that the law is said to be effective if it has a positive impact on human behavior.

4. Conclusion

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 assistance through the site <https://loket.atrbpn.go.id>. After the service registration and documents have been uploaded, the land office will later validate the applicant's files online. If the verification is smooth, a deposit order will be printed and the Applicant needs to make payments according to the applicable rules. After making the payment, the file will be processed immediately. The collection is done by coming to the BPN Office of Sragen Regency according to the specified schedule.

2). The effectiveness of electronic land registration at the National Land Agency Office of Sragen Regency is more effective than conventional land registration. This is because the implementation of land registration online or electronically provides many benefits to the community. These benefits are increasing productivity and efficiency, reducing queues or crowds, speeding up the services needed and avoiding applicants who go back and forth because of the completeness of the required administrative files, the service execution time becomes more standard because it is regulated by the system. The response of the people of Sragen to take advantage of online services from the Land Office/National Land Agency (BPN) of Sragen, during the pandemic was quite good.

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