

The Legal Consequences of Electronic Land Certificate Checking Services for PPAT

Haura Hanun Salsabil*)

*) Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, E-mail: haura.hanun@gmail.com

Abstract. *This study aims to analyze the processes and constraints in the service of checking land certificates electronically for PPATs in the Semarang Regency Region. The research method used is a normative legal research method with a conceptual approach. The method of data analysis used in this research is through a sociological juridical approach with descriptive research specifications. Data collection techniques used field studies at research locations and literature studies related to research. Based on the research it was concluded that the research results showed that: First, the process of implementing an electronic certificate service system at the Semarang District Land Office refers to a simple principle, very simple because checking certificates electronically is very easy because the PPAT only enters data on land rights certificates electronically on the website intan.atrbpn.go.id. Second, in the implementation of the Electronic Certificate Checking Service there are several obstacles, obstacles, and problems that can cause legal consequences for both the PPAT and the Land Office/BPN.*

Keywords: Certificate; Electronic; Land.

1. Introduction

The new direction of land law reform, especially in land law policy, needs to be designed to support democratization and the formation of clean and good governance which is characterized by the existence of a rational government, transparency, and having an attitude of competition between departments in providing services, encouraging law enforcement and being willing to provide accountability to the public (public accountability) regularly.¹

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency began carrying out bureaucratic reforms since 2013. Bureaucratic reform at the National Land Agency is an effort to realize good governance by carrying out

¹Widhi Handoko, Land Law Policy, A Reflection on Progressive Legal Justice, Thafa Media, Yogyakarta, 2014, p. 1

fundamental updates and changes to the administration system at the National Land Agency. One of the aspects reformed by BPN is the aspect of Public Services in the Land sector. Modernization of electronic land services is urgently 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.

There are various Land Service Innovations that have been built by BPN, one of which is the implementation of land certificate checking services based on the provisions of Article 34 of Government Regulation Number 24 of 1997 jo. Article 97 Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997. This is done to provide legal certainty for land rights to prospective right-holders as parties who need land. The check is carried out by taking into account the conformity between the certificate of land rights in question and the registers at the local Land Office.²

There are 4 (four) digital services that have been implemented by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), namely Electronic Mortgage Rights, Roya, Checking Certificates and Land Value Zones (ZNT). The background to the enactment of this Circular Letter is the existence of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2017 concerning Electronic Land Information Services (hereinafter referred to as Permen ATR/Head of BPN No. 5 of 2017). With Circular No. 3/SE-100.TU.03/III/2020 dated 20 March 2020, electronic land information services have started, one of which is checking electronic certificates.³

Checking land certificates must be carried out by the Land Deed Official (hereinafter referred to as PPAT), this serves to provide certainty that the certificate is free from disputes, is not under guarantee or is not under confiscation or collateral confiscation or changes to the data concerned have occurred. , so that the PPAT can determine the actions to be taken to continue the legal action process on the certificate of land rights.⁴Based on the Regulation of the Minister of Agrarian Affairs Number 5 of 2017 in Article 4 which emphasizes that the PPAT is required to check the certificate of land rights

²Rona Yunita Nugraheni, Budi Puspo Priyadi & Kismartini, Online Certificate Checking Land Service Innovation, *PERSPECTIVE*, 10 (1), ISSN 2541-5913, 2021, p. 49, <http://ojs.uma.ac.id/index.php/perspective>.

³DESI NURWIYANTI, Validity of Data Validity Results of Checking Electronic Certificates and Direct Checks, *Authentic's: Journal of Notary Law*, Vol 3, No. 2, July 2021. P-ISSN 2655-5131. E-ISSN 2685-3612. p. 125

⁴Setiawan, DA The Legitimacy of Power of Attorney Imposing Mortgage Rights in the Interbank Credit Transfer Process. *Journal of Law and Notary Affairs*, 2(2), e-ISSN: 2655-7789, 2018, p. 171, <http://research.unisma.ac.id/index.php/hukeno/article/download/1500/1473>.

before making a deed of legal action which will later transfer rights from the land.

The convenience of checking land rights certificates electronically greatly facilitates the PPAT's work. However, during the course of checking the land title certificate that was carried out electronically, there was a discrepancy in the results of the checking. Inconsistencies in checking land rights certificates electronically such as in the form of differences in the name of the owner of the land title certificate, the owner's date of birth, or incompatibility of legal actions listed in the land title certificate and many more discrepancies from the results of electronic certificate checking. In addition, there are still many obstacles, problems and problems that occur from checking certificates electronically.

In connection with the description above to focus on research, the problem is limited to First, how is the process of electronic Land Certificate Checking Services for PPATs in the Semarang Regency Region in carrying out their duties? and Second, what are the obstacles experienced by the PPAT in checking land certificates electronically?

2. Research Methods

Methodology is a way to collect data, realize data and organize data as a whole. A research generally aims to find, develop, or test the truth of a knowledge, even though the knowledge itself is a collection of human experience and knowledge that is regularly combined. In order to produce scientific writing that is more directed and scientifically justifiable, it must be supported by accurate facts obtained from the research, so in this study, the method will be used through a sociological juridical approach with descriptive research specifications. Data collection techniques used field studies at research locations and literature studies related to research.

3. Results and Discussion

3.1. Electronic Land Certificate Checking Service Process

Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2017 concerning Electronic Land Information Services Article 1 paragraph (5), Land Checking Services is a service for checking the conformity of physical data and juridical data of land rights certificates with data electronic database.

It is even clearer that the Certificate Checking Service is carried out by conducting an examination regarding the conformity of the Certificate of Land Rights or Ownership Rights to the Flat Unit in question with the registers in the

Land Office. The Certificate Checking Service aims to ensure the conformity of the Physical Data and Juridical Data on the Certificate with the data in the database.⁵

Users who can register on applications provided by the Ministry include:

1. Individuals who can apply for land information services include:
 - a. Indonesian citizens consist of individual rights holders, creditors, *nazhir* and parties who have an interest in obtaining land information (WNI); or
 - b. Foreign Citizens domiciled in Indonesia whose existence provides benefits, conducts business, works, or invests in Indonesia and has immigration visa documents, passports, or residence permits issued by the competent authority in accordance with the provisions of laws and regulations regarding immigration.
2. PPAT registered in the Ministry Partner Application and has validated the data and has been verified by the Land Office
3. Legal entities that can apply for land information services are legal entity rights holders, creditors, *nazhir* or parties who have an interest in obtaining land information.
4. Government Agencies (Ministries/Agencies, Non-Ministerial Government Institutions/Agencies, Regional Governments and Village Governments) Government agencies that can apply for land information services are agencies that have an interest in obtaining land and spatial planning information in order to carry out their duties and functions, including the Auction Office State for the purpose of conducting the auction.
5. Other parties in accordance with the provisions of the legislation.

Based on the Technical Instructions regarding electronic certificate checking services issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Number 3/Juknis-HK.02/IV/2022 Concerning Services for Checking Certificates and Electronic Land Registration Certificates (SKPT), Services Electronic Certificate Checking:⁶

⁵Technical Instructions Number 5/Juknis-100.HK.02/VIII/2021 concerning Electronic Land and Spatial Information Services, August 9, 2021, p. 16

⁶Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Technical Instructions Number 3/Juknis-HK.02/IV/2022 25 April 2022 Concerning Services for Checking Certificates and Electronic Land Registration Certificates (SKPT), pp. 14-18.

1. Electronic Certificate Checking Services can be submitted by PPAT or parties other than PPAT such as individuals, legal entities, government agencies or other interested parties who are holders of land rights.
2. The Electronic Certificate Checking Service submitted by the PPAT is part of the PPAT's obligations before carrying out the making of a deed regarding the transfer/transfer or encumbrance of Land Rights or Ownership Rights over Flats Units.
3. Electronic Certificate Checking Services submitted by parties other than PPAT cannot be used as a condition for making a deed regarding the transfer/transfer or encumbrance of Land Rights or Ownership Rights over Flats Units by PPAT.
4. The Electronic Certificate Checking Service is carried out to check the conformity of the Certificate of Land Rights or Ownership Rights to the Flat Unit in question with the lists in the Land Office. This service aims to ensure the suitability of the Physical Data and Juridical Data on the Certificate with the data in the database.
5. Electronic Certificate Checking Services cannot be performed on land rights that have been deleted, the term has expired, canceled or the rights have been relinquished. Electronic Certificate Checking Services are carried out as follows:
 - a. Service requests are submitted by PPAT through the Ministry Partner Application. Whereas for parties other than PPAT, applications are submitted directly through the local Land Office.
 - b. For Electronic Certificate Checking Services submitted by PPAT, then:
 - 1) PPAT enters data according to the certificate, including province, district/city, sub-district, village and title number;
 - 2) PPAT enters validation data which can be in the form of NIB, certificate serial number or measurement letter number;
 - 3) PPAT uploads the scanned results of the application letter, original certificate, NIK of the owner of the land plot and power of attorney for the application;
 - 4) Make a statement regarding the authenticity of the Certificate, and state that the name listed on the Certificate is the actual right holder and has good faith and is fully responsible for the use of the data accessed.
 - c. For Electronic Certificate Checking Services submitted by parties other than PPAT, applications are submitted directly through the local Land Office. Then the

applicant submits the required documents to the officer at the Land Office counter for later processing through the Electronic Certificate Checking Service System which is accessed by the Land Office.

d. After the application is received, the Electronic System will issue an order for the deposit of service fees, which contains the file number and date of registration, the name of the Applicant, the payment billing code, a list of fees and the method of payment and sent to the address of the Applicant's Electronic Domicile.

e. After receiving the deposit order, the Applicant is required to make payments through the perception bank no later than 3 (three) calendar days after the deposit order is issued. If within this period the payment is not made, the application file is automatically canceled by the Electronic System and the Applicant can submit a new application.

f. Payment status contains information about NTPN Number, Payment Date, Payment Amount, Name of Payer, Billing Code, Billing Code Date, Billing Code Expiration.

g. After the payment is confirmed by the Electronic System, the application is processed by the executor at the Land Office.

h. The executor at the Land Office checks the completeness of the application file, the validity of the data and the appropriateness of the information held by the Land Office.

i. If deemed sufficient, the authorized official certifies the results of the Electronic Certificate Checking Service using the TTE of the authorized official.

j. After being ratified by the authorized official, the electronic system will publish the results of the Electronic Certificate Checking Service.

k. If there are differences in data between the results of the Electronic Certificate Checking Service and the data on the Certificate then:

1) The applicant can confirm directly with the local Land Office by bringing Proof of Registration, Original Certificate and the results of the Electronic Certificate Checking Service; and

2) The application is not subject to a return fee if confirmation is made no later than 7 days after the service results are published.

l. In the relevant physical Land Book, the recording of the Electronic Certificate Checking Service will continue until the Electronic Certificate Checking Service System has been certified.

6. Service Results Electronic Certificate Checking Service Results are made in accordance with the format

3.2. Constraint experienced by PPAT in checking land certificates electronically

RegulationThe Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2017 concerning Electronic Land Information Services states that electronic land information services are the process of providing information electronically including confirmation of conformity of physical data and juridical data of Land Rights certificates and other information in database. However, in reality, until now there are still many obstacles, obstacles, and problems experienced, both from the National Land Agency (BPN) and from the applicant, namely the PPAT.

3.3. Barriers, Constraints, and Problems experienced by BPN

BPN as the party that provides electronic certificate checking services also experiences obstacles, problems, and problems in the electronic certificate checking process.

*"Obstacles, Obstacles, and Problems that can hinder the electronic checking process include administrative defects in uploading PPAT documents as applicants that do not comply with the provisions. Second, there is land data that is not yet valid. Third, there are still 15.8 million uncharted land parcels. Mapping requires quite a large effort so it is indeed very time consuming and you have to be patient. Fourth, there are still executive doubts about issuing land information when there is a dispute. Fifth, the repair of documents by the PPAT as the applicant still takes quite a long time, this also greatly hampers the work of the BPN ladies and gentlemen, because that way the incoming data from unfinished files looks very significant. And lastly, the disorderly use of PPAT accounts"*⁷ said I Ketut Gede Ary Sucaya, ST, M.Sc as Head of PUSDATIN ATR/BPN in a Webinar discussing the Socialization of the New System for Checking Certificates Online from the Center for Land Data and Information, Spatial Planning and Sustainable Food Agricultural Land (PUSDATIN) Ministry of ATR/ BPN on June 27, 2022.

⁷Resource person I Ketut Gede Ary Sucaya, ST, M.Sc as Head of PUSDATIN ATR/BPN in the Webinar discussing the Socialization of the New System for Checking Certificates Online from the Center for Land Data and Information, Spatial Planning and Sustainable Food Agricultural Land (PUSDATIN) Ministry of ATR/ BPN, on 27 June 2022

"We understand and are well aware that electronic land information services are not entirely perfect and there are still some obstacles, obstacles and problems. we from PUSDATIN ATR/BPN continue to innovate and always make system changes so that the process of electronic land information services can continue to provide benefits for all of us, both for BPN and for the Applicant, namely the PPAT." he said.

The webinar also explained that BPN had made improvements both in terms of the system and the land data needed to support this electronic land information service, especially the electronic certificate checking service, to be better. The digital transformation process for land information services at the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), especially in the field of electronic certificate checking services, continues to be carried out in stages and continuously. In its implementation, the Ministry of ATR/BPN wants to ensure that the transition process runs smoothly. Strengthening the internal and external supporting factors is also always sought, so that the quality of service for the community will be better.

3.4. Barriers, Constraints, and Problems experienced by BPN

The research will focus on electronic land checking activities where the definition and urgency of checking have the same substance between Government Regulation Number 24 of 1997, Minister of Agrarian Regulation Number 3 of 1997 and ATR/BPN Ministerial Regulation Number 5 of 2017 which explains that the activity of checking land rights certificates land is an activity that must be carried out by the PPAT (Land Deed Making Officer) before making a deed. It is clear that the object being requested for inspection is a certificate, with clarity on the urgency, namely that there is conformity between the certificate and the registers at the Land Office.

Based on the results of interviews with Notary-PPAT Titik Samsiyati, Bachelor of Law PPAT Semarang Regency, checking land certificates electronically has several obstacles in its implementation, including the following:⁸

- a. At the time of checking the land certificate electronically, the parcel validation or mapping has to be carried out beforehand even though in reality according to the physical data contained in the certificate the parcel validation or mapping has been carried out
- b. At the time of checking the certificate electronically, you must attach the location point of the land object to get a Sector Identification Number (NIB),

⁸Interview with Notary-PPAT Titik Samsiyati, Bachelor of Law PPAT Semarang Regency, on 01 August 2022

- c. When checking certificates electronically, there are overlapping validations and must be re-validated
- d. When checking land certificates electronically, there is a Land and Building Rights Acquisition Fee (BPHTB) payable that must be paid in advance, but in reality there are no arrears or BPHTB bills payable on the certificate
- e. The results of checking the certificate are issued with the name of the old right owner, but in reality the physical certificate has changed the name or the ownership name has been reversed
- f. The results of the check are published with data that does not match the uploaded documents
- g. The results of checking certificates are issued with no specified time, this hampers the performance of the PPAT because there is no certainty of the issuance of the results of checking certificates electronically
- h. When checking the certificate electronically, there is often a system disturbance or the system is having an error and the billing code for the Deposit Order (SPS) appears without the billing code number listed, so you have to close the file first and repeat the checking process from the start.⁹

4. Conclusion

This electronic land certificate checking service is a form of business in improving services in the land sector so that land information services become more effective, efficient, transparent, and inexpensive. In addition to improving the accuracy of the information and the validity of the validity of the results of the Electronic Land Certificate Checking Service. The convenience of checking land rights certificates electronically greatly facilitates the PPAT's work. All processes for electronic certificate checking services have been clearly regulated in the Technical Instructions regarding electronic certificate checking services issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Number 3/Juknis-HK.

Whereas checking certificates electronically does make it easy for PPAT and BPN, but in practice, there are several obstacles, obstacles, or problems that can give rise to legal consequences. One example is an invalid land book and there are still many uncharted land parcels which are also an obstacle in conducting electronic checks. From these problems it can also cause discrepancies in the results of checking certificates electronically with the uploaded documents

⁹Interview with Titik Samsiyati, Bachelor of Law, Notary-PPAT Semarang Regency, 09 August 2022

during the checking process. Discrepancies in the results of checking will raise doubts about the validity of the results of checking certificates electronically, which can lead to legal consequences. Barriers, obstacles,

5. References

Journals:

- [1] Desi Nurwiyanti, *Keabsahan Validitas Data Hasil Pengecekan Sertipikat Elektronik Dan Pengecekan Langsung*, Otentik's: Jurnal Hukum Kenotariatan, Vol 3, No. 2, July 2021. P-ISSN 2655-5131. E-ISSN 2685-3612.
- [2] I Ketut Gede Ary Sucaya, S.T., M.Sc selaku Kepala PUSDATIN ATR/BPN dalam Webinar yang membahas mengenai Sosialisasi Sistem Baru Pengecekan Sertifikat Secara Online dari Pusat Data dan Informasi Pertanahan, Tata Ruang dan Lahan Pertanian Pangan Berkelanjutan (PUSDATIN) Kementerian ATR/BPN, on 27 June 2022
- [3] Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, Petunjuk Teknis Nomor 3/Juknis-HK.02/IV/2022 25 April 2022 Tentang Layanan Pengecekan Sertifikat dan Surat Keterangan Pendaftaran Tanah (SKPT) Secara Elektronik.
- [4] Rona Yunita Nugraheni, Budi Puspo Priyadi & Kismartini, *Inovasi Pelayanan Pertanahan Pengecekan Sertifikat online*, PERSPEKTIF, 10 (1), ISSN 2541-5913, 2021, p. 49, <http://ojs.uma.ac.id/index.php/perspektif>.
- [5] Setiawan, D. A. *Keabsahan Surat Kuasa Membebaskan Hak Tanggungan dalam Proses Peralihan Kredit Antar Bank*. Jurnal Hukum dan Kenotariatan, 2 (2), e-ISSN: 2655-7789, 2018, <http://riset.unisma.ac.id/index.php/hukeno/article/download/1500/1473>
- [6] Widhi Handoko, *Kebijakan Hukum Pertanahan, Sebuah Refleksi Keadilan Hukum Progresif*, Thafa Media, Yogyakarta, 2014