

Problems of Electronic Registration of Mortgage Rights at the Kendal Regency PPAT Office

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Abstract. *Entering the digital era, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (BPN) has launched electronic land services including digital or electronic mortgage services. The purpose of this study is to determine and analyze the problems of electronic mortgage registration at the PPAT office of Kendal Regency. The method used by the researcher is empirical juridical. The sources and types of data in this study are primary data obtained from interviews and secondary data obtained from the laws and regulations in force in Indonesia. Based on the results of the study, electronic mortgage registration at the PPAT office of Kendal Regency is that the granting of mortgage rights carried out electronically can be done anytime and anywhere so that the debtor, PPAT and land office can adjust to their respective times. Electronic mortgage registration also makes it easier for PPAT to impose mortgage rights on collateral objects, because it is faster than using manual registration by coming to the land office. In its implementation, there are still difficulties in inputting and uploading documents, so that the principles of timeliness, speed and convenience have not been achieved, which have been stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Integrated Electronic Mortgage Rights Services. It is better to make improvements/updates to the system on one day for several months, so that the mortgage rights system does not experience weak networks every day. For PPAT, it is better to use files according to the document size that has been determined by the land office. So that the system can read and successfully upload documents quickly.*

Keywords: *Electronics; Mortgage; Rights.*

1. Introduction

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency has an important role in land formation, management of government and individual land ownership rights, issuance of documents relating to land ownership which is the

key link between the people and the government and government services to its people.¹

PPAT is an official who is authorized to make deeds of transfer of land rights and other deeds whose forms have been determined. PPAT deed is a tool to prove that a legal act has been carried out.²

The issuance of ATR/BPN Regulation Number 9 of 2019 concerning electronically integrated mortgage services has made the Indonesian government aim to improve mortgage services in accordance with the principles of openness, timeliness, speed, convenience, effectiveness, and efficiency.³

With the update on Mortgage Rights services, the government issued Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 5 of 2020 concerning Integrated Electronic Mortgage Rights Services hereinafter referred to as (Permen ATR/BPN Number 5 of 2020). The changes that occurred with the issuance of Permen ATR/BPN Number 5 of 2020 are the simplification of the Mortgage Rights service process that is registered electronically, with the update of the regulation regarding Electronic Mortgage Rights services being the government's effort to make it easier for people who want to get Mortgage Rights land guarantee services for their business needs so that they do not need to come to the local Land Office. In Permen ATR/BPN No. 5 of 2020, the registration of Mortgage Rights is carried out electronically without the need to submit physical evidence at the counter at the Land Office.⁴

Registration of Mortgage Rights in the electronic system must still be recorded in the land book. This is done by the creditor by printing the mortgage certificate and placing it on the land title certificate.⁵

The Indonesian government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has taken significant steps in modernizing the land administration system by issuing Regulation of the Minister of ATR/BPN Number 5 of 2020 concerning Electronically Integrated Mortgage

¹Hermansyah, 2005, Indonesian National Banking Law, Fajar Interpratama Mandiri, Jakarta, p. 20

²Boedi Harsono, 1999, Indonesian Agrarian Law, History of the Formation of UUPA, Contents and Implementation, Djambatan, Jakarta, p. 19

³Imanda, N., 2020, The Birth of Mortgage Rights According to the Agrarian Government Regulation Concerning Electronically Integrated Mortgage Rights Services, *Notaire*, 3(1), p.151. <https://doi.org/10.14710/nts.v14i2.43755>

⁴Nur Azizah, Abdul Halim Barkatullah, and Noor Hafidah, 2022, "Electronic Registration of Mortgage Rights (Study at the PPAT Office in North Banjarmasin Region)", *Notary Law Journal*, Vol. 1, Issue. 2, p. 86, <https://notarylaw.journal.ulm.ac.id/index.php/nolaj/article/download/12/9>. accessed on July 15, 2023 at 15.15 WIB

⁵Nadia Imanda, 2020, The Birth of Mortgage Rights According to the Agrarian Government Regulation Concerning Electronically Integrated Mortgage, *Journal of Notary Law, Notaire*, Vol 3 No. 1, p. 158.

Rights. This policy aims to increase efficiency, transparency, and security in the mortgage registration process, which has so far been carried out manually and often causes various problems, such as complicated bureaucracy, corruption, and legal uncertainty.

However, the implementation of this electronic system is not free from various problems. In addition, technical problems also often arise, such as system disruptions, data input errors, and limited server capacity that can hinder the smooth registration process. This electronic system must be able to guarantee the security of mortgage data from potential cyber threats. Data leaks or manipulation can cause serious legal problems and harm various parties. By considering these various problems, the implementation of the Regulation of the Minister of ATR/BPN Number 5 of 2020 is a challenge as well as an opportunity to improve the land administration system in Indonesia.

A strong commitment from the government and all stakeholders is needed to overcome these challenges and ensure that the electronic mortgage registration system can run effectively and provide optimal benefits to the community. This modernization is expected to not only increase efficiency and transparency, but also encourage the development of a more advanced and competitive land sector in the digital era. For this reason, in the process of implementing electronic Mortgage Registration Based on the Regulation of the Minister of ATR/BPN Number 5 of 2020 concerning Electronically Integrated Mortgage Rights, the author wants to know more about the implementation and problems by conducting a case study at the Kendal Regency PPAT Office.

2. Research Methods

The approach method used is sociological legal research. Sociological legal is an approach based on binding norms or regulations, so it is expected that from this approach it can be known how the law which is empirically a symptom of society can be studied as a causal variable that causes consequences in various aspects of social life.⁶ This means that the object of the problem being studied here does not only concern problems regulated in laws and regulations, but the problems being studied are also related to sociological factors.

3. Results and Discussion

3.1. Implementation of Electronic Mortgage Registration at the Kendal Regency PPAT Office

In conventional mortgage registration, PPAT needs to interact face to face by coming and queuing at the Land Office registration counter to submit an

⁶Ronny Hanitijo Soemitro, 1990, *Legal Research Methodology and Jurimetrics*, Ghalia Indonesia, Bandung, p. 34.

application for mortgage registration. The mortgage certificate that has been issued will also be taken back by PPAT directly to the Land Office.

Meanwhile, the implementation of electronic mortgage rights was only implemented in 2019, in electronic mortgage rights, the registration application is submitted directly by the creditor through an electronic system. This is the most significant difference because the interested party no longer comes to the Land Office and submits the required documents physically. All mortgage registration processes starting from submitting the application, sending the required documents, paying PNBP, and receiving the results are carried out through the electronic mortgage rights system. The electronic mortgage rights registration method also facilitates the work process of Land Office officers because they can directly check the required documents electronically and are issued directly based on the data entered by the creditor and PPAT. In addition, the data provided is more accurate because it will be directly detected by the electronic system if there is a discrepancy. For example, if there is a writing of the name of the debtor or creditor that does not match the Identity Card (hereinafter referred to as KTP) of the party concerned, a notification will be given directly by the electronic system. The electronic mortgage rights system cannot be directly accessed by the interested parties, so that previously there was preparation for the implementation of electronic mortgage rights services.

The preparation in question is the registration of the Land Office account and the creation of an electronic signature as well as the registration and verification of the PPAT and creditor accounts. Account registration and the creation of an electronic signature must be made by attaching a number of required documents. In addition, the account that has been created must be secured by the electronic system implementer, assisted by the personal security of each user for their respective account passwords.

a) Requirements for Electronic Mortgage Registration at the Kendal Regency PPAT Office

Electronic mortgage registration requires documents which will then be scanned and uploaded via the electronic mortgage system. The following documents are required and must be uploaded by the PPAT, namely:⁷

- a. APHT,
- b. SKMHT If any,
- c. KTP of witness for making APHT,

⁷Interview with Siti Mukhayatun, Staff of Notary & PPAT of Kendal Regency, Windi Hiqma Ardiani, SH, M.Kn., August 02, 2024.

- d. The debtor's ID card, family card and approval, if the debtor does not require approval, then a statement of unmarried status, divorce certificate or marriage agreement must be attached.
- e. If the debtor is a legal entity, then it requires articles of association and NPWP,
- f. Certificate of mortgage object,
- g. Current year's PBB SPPT,
- h. Credit agreement,
- i. Declaration form and accountability for the validity and accuracy of the document.

b) Procedures for Implementing Electronic Mortgage Registration at the Kendal Regency PPAT Office

PPAT can register mortgage rights on the official ATR/BPN website, namely <https://mitra.atrbpn.go.id/>, here is how to create a mortgage in the mitra.atrbpn system:⁸

- a. Prepare the documents according to the requirements above, then scan all the documents.
- b. After all documents have been scanned, the PPAT must enter the application <https://mitra.atrbpn.go.id/>, login to PPAT using the registered account and password.
- c. Go to deed reporting and select granting of mortgage rights
- d. New entry for creation of new mortgage rights
- e. Input all data according to the data that will be given mortgage rights

c) Electronic Mortgage Registration Time at the Kendal Regency PPAT Office

Electronic mortgage registration can be done anytime and anywhere so that creditors, PPAT, and the Land Office can adjust to their respective times. If the officer, official, and/or Head of the Land Office are not present, the inspection process can still be carried out at the officer's location and the signing can still be done by the Head of the Office anywhere because it is done electronically. This makes the mortgage certificate automatically issued and can be directly accessed by creditors on the seventh day, after the application is confirmed, so that the mortgage process time becomes faster.

⁸Interview with Mrs. Dewi Ratnasari, Staff of Notary & PPAT of Kendal Regency, Lispeni Kurnia Dewi, SH, M.Kn, August 03, 2024.

d) Electronic PNBP Mortgage Payment

After registering the deed, the creditor will send PNBP or often called SPS (Deposit Order) to the PPAT to be paid immediately by the PPAT, the SPS contains a billing code that will be paid through the post office and bank. The SPS will expire after 7 days since the creditor registers the deed. based on the Attachment to Government Regulation Number 128 of 2015 concerning Types and Tariffs for Types of Non-Tax State Revenue Applicable to the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency.

e) Electronic Mortgage Certificate

After the PNBP is paid, the mortgage certificate will be automatically issued and can be directly accessed by the creditor on the 7th day after the PNBP is paid. After the mortgage certificate is issued, there will be a 30-day time gap to make corrections, if there is a problem with the mortgage certificate that is not correct.

3.2. Problems in the Implementation of Electronic Mortgage Registration at the Kendal Regency PPAT Office

In its implementation, the electronic mortgage rights that have been implemented based on the results of interviews with Notary & PPAT staff of Kendal Regency Windi Hiqma Ardiani, SH, M.Kn, Mrs. Siti Mukhayatun said that she still found problems, one of which was that errors often occurred when trying to input collateral documents. This obstacle often occurs when the certificate that is used as collateral has been updated in the last few years. For checking the certificate has been updated, but the electronic mortgage system has not been updated. For example, in the last case, Mrs. Siti Mukhayatun explained that there was a building use rights certificate whose active period had been extended. The results of the certificate check have shown that the building use rights certificate has been extended, but in the electronic mortgage system, the certificate has not been updated. So that the integrated mortgage service electronically in order to improve mortgage services that meet the principles of openness, timeliness, speed, convenience and affordability for public services, as well as to adjust to legal developments, technology and community needs, which have been stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Integrated Mortgage Services Electronically is not yet appropriate. In the case of Mrs. Siti Mukhayatun, she had to wait for the IT department of the land office to fix the electronic mortgage system which took almost a month.⁹

⁹Interview with Mrs. Siti Mukhayatun, Staff of Notary & PPAT Kendal Regency, Windi Hiqma Ardiani, SH, M.Kn, August 04, 2024.

Based on the results of interviews with the staff of Notary & PPAT Kendal Regency Lispeni Kurnia Dewi, SH, M.Kn, Mrs. Dewi Ratnasari said the obstacle is if the value of the mortgage is not in rupiah, then Mrs. Dewi Ratnasari must ask the land office to help input the exchange rate to rupiah. Because the creditor cannot register the deed of mortgage encumbrance if the exchange rate is not input, while in the electronic mortgage system of PPAT there is no column for inputting the exchange rate to rupiah. This can result in delays in deed registration, so that the principles of timeliness, speed and convenience are not achieved, which have been stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Integrated Electronic Mortgage Rights Services.¹⁰

Based on the results of interviews with the staff of Notary & PPAT Kendal Regency Sri Winarti, SH, M.Kn, Mrs. Nur Hikmawati said that the obstacle was when there was a correction of the mortgage after payment of PNBPN or Deposit Order (SPS). The correction of the mortgage occurred within 7 days after payment of PNBPN/SPS. In this case, Mrs. Nur Hikmawati did not know that there was a correction, there was no notification to find out if there was a correction of the document, so the PPAT/Staff must always monitor the registered deed. If there is a correction and the PPAT/Staff does not know about it, then the PNBPN/SPS that has been paid will be forfeited, so that a letter of application must be submitted to open the system with the same Deed Introduction Letter (SPA) code as the mortgage that has been corrected, so that the payment of PNBPN/SPS is not forfeited. The process of submitting the application letter is carried out by coming to the land office and having to wait a few more days for the system to be opened. This can also result in delays in deed registration, so that the principles of timeliness, speed and convenience are not achieved, as stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Integrated Electronic Mortgage Rights Services.¹¹

The problems faced in the implementation of electronic mortgage rights are input for the government, especially the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, as the policy and system maker.

4. Conclusion

The implementation of electronic mortgage registration at the Kendal Regency PPAT Office, electronic mortgage registration can be done anytime and anywhere so that creditors, PPATs and land offices can adjust to their respective times. Electronic mortgage registration also makes it easier for PPATs to impose

¹⁰Interview with Mrs. Dewi Ratnasari, Staff of Notary & PPAT of Kendal Regency, Lispeni Kurnia Dewi, SH, M.Kn, August 03, 2024.

¹¹Interview with Mrs. Nur Hikmawati, Notary & PPAT Staff of Kendal Regency Sri Winarti, SH, M.Kn, August 02, 2024.

mortgage rights on collateral objects, because it is faster than using manual registration by coming to the land office. The correction process from the land office is also relatively fast, namely in approximately 7 days the mortgage certificate can be issued, whereas when it was still manual, PPATs had to wait for a long correction queue because there were many mortgages piling up at the land office. the problem with its implementation is the system which often errors and is not updated according to the latest state of the collateral object. The land office should be able to connect the online checking application with the online mortgage application. So that the latest state of the collateral object is always updated, adjusting to the latest state when checked. Problems in implementing electronic mortgage registration at the Kendal Regency PPAT Office, Data correction after the mortgage certificate is issued, is still classified as using a manual system, by coming directly to the land office bringing a letter of application to fix the system that needs to be fixed, so that the principles of timeliness, speed and convenience are not achieved, which have been stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Integrated Electronic Mortgage Rights Services. For data correction, the land office should have an online service, which provides PPAT with space to complain and request data correction online. In order to be more timely and the mortgage certificate is completed immediately.

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