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Legal Certainty Aspects of the Implementation of Electronic Integrated Mortgage Rights Services at the National Land Agency of Majalengka District

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Abstract. *This study aims to determine and analyze the implementation of electronically integrated mortgage services at the National Land Agency of Majalengka Regency and analyze the implementation of legal certainty against obstacles in the implementation of mortgage services at the National Land Agency of Majalengka Regency. The approach method in this study is a sociological juridical approach. The research specifications used are descriptive analytical research. The type of data uses primary and secondary data. The data analysis method used is the theory of legal effectiveness according to Soerjono Soekanto and the theory of legal certainty according to Gustav Radbruch. The results of the research and discussion in this study are: 1) The implementation of electronically integrated Mortgage Rights services at the National Land Agency of Majalengka Regency is a strategic aspect in order to increase efficiency, transparency and accountability of land services in accordance with the mandate of Law Number 4 of 1996 concerning mortgage rights on land Jo. Government Regulation Number 24 of 1997 concerning Land Registration, Jo. Regulation of the Head of the National Land Agency Number 1 of 2020 concerning the implementation of electronic mortgage rights services, the effectiveness of electronic mortgage rights registration is a key aspect in accelerating registration, submission and ratification of Mortgage Rights appropriately and transparently, minimizing manual interventions that cause deviations or corrupt practices and providing easy access to services to the public and business actors without having to be physically present at the land office. This is in line with the provisions of Law Number 25 of 2009 concerning Public Services which emphasizes the importance of fast, accurate, transparent and accountable services as part of good governance. 2) The implementation of Electronic Mortgage Rights (HT-el) in Majalengka Regency still faces various complex problems, especially the inconsistency between the Regulation of the Minister of ATR/BPN No. 9 of 2019 and Law No. 4 of 1996 concerning Mortgage*

Rights which gives rise to dualism of regulations and legal uncertainty, especially in terms of the form and validity of documents. In addition, the evidentiary power of electronic documents in the HT-el system is still questionable in the event of a dispute, especially if it is not equipped with an adequate security and authentication system. The obligation of Land Deed Officials (PPAT) to make a statement of document validity has also been highlighted because it is considered to burden legal responsibilities unilaterally. Another problem is the low readiness of facilities, infrastructure and human resources both at the Majalengka Regency Land Office and external users such as PPAT and banks which hinders the optimization of the implementation of HT-el as a whole in the Majalengka Regency area.

Keywords: *Agency; Certainty; Electronics; Legal.*

1. Introduction

The ever-increasing pace of development has led to an increase in the standard of living of every community, leading to economic growth. Efforts to grow the economy, both for entrepreneurs and individuals, include borrowing capital from financial institutions.[1]The rapid development of technology and information has transformed various aspects of business and economic behavior worldwide. Along with this progress, the legal field is also faced with the need to adapt, including Indonesian law, which needs to adapt to societal trends.

For the community, individuals or business entities that are trying to increase their consumptive or productive needs, they really need funding from banks as one of the sources of funds, including in the form of credit, in order to be sufficient to support the increase in their business. Banks as one of the financial institutions with the most strategic role in society, aim to collect funds from the community in the form of savings, deposits, current accounts or others and distribute them back in the form of credit distribution to the community, both productive and consumptive credit, therefore banks are said to be agents of trust (trust agents of the Government and community development) and as agents of development (development agents).[2] A mortgage is a right to control land, granting the creditor the authority to act on the land used as collateral. This right is not for physical possession or use, but rather to sell it if the debtor defaults

[1]Evelin Wijaya, Fendy Fendy, and Aisyah Aisyah, 2020, “Legal Issues of Bank Credit Granting with Collateral in the Form of Mortgage at PT. Bank Mestika Dharma, Medan,” Journal of Education, Humanities, and Social Sciences (Jehss) Vol. 3, No. 2, pp. 412–418.
[2]Yulianto. 2004. Notary Responsibilities in Making Bank Credit Guarantee Deeds. Surabaya: Mitra Usaha Abadi. Page 1.

and to take all or part of the proceeds to pay off the debtor's debt to him.[3]Based on the Regulation of the Minister of ATR/BPN Number 5 of 2020 concerning Electronically Integrated Mortgage Rights Services, the Regulation of the Minister of ATR/BPN Number 9 of 2019 is declared invalid. The consideration of letter a of the Regulation of the Minister of ATR/BPN Number 5 of 2020 states that this regulation is intended to implement electronically integrated mortgage rights services in order to improve mortgage rights services that meet the principles of openness, timeliness, speed, convenience and affordability for public services and to adapt to legal developments, technology and community needs. Electronic Mortgage Rights concern the registration relationship of PPAT and/or creditors at the local Land Office. The relationship between PPAT, creditors and debtors in the physical deed creation procedure remains unchanged.

The mortgage rights registration mechanism in the electronic system must still be recorded in the land book. This is done by the creditor by printing the Mortgage Rights Certificate and attaching it to the Land Rights Certificate.[4]This innovation is needed to address competition along with the rapid growth of financial technology (fintech) from the digitalization era. This legal gap occurs in Majalengka Regency where electronic registration of mortgage rights is implemented but still causes several obstacles in terms of efficiency and human resource constraints, resulting in delays in registration and concerning aspects of legal certainty. In addition to the problem of mortgage registration, which becomes a problem again when there is a default on the Mortgage Right Object in Majalengka Regency on a land in Banyusari Village, Malausma District, Majalengka Regency, West Java with a guarantee of a Land and Building Ownership Certificate in the name of YO Number: 0116 with an area of 275 m2 with Measurement Letter Number 41 / Banyusari / 2014 followed by the Submission of Collateral in the Deed of Granting of Mortgage Rights Number: 319. Due to this, the implementation of Mortgage registration in Majalengka Regency, which is currently in the process of adapting its public service system towards digitalization, requires special attention regarding infrastructure readiness, human resource training and implementation supervision to prevent procedural errors that lead to legal losses for the parties. Therefore, a study of the aspects of legal certainty and protection against potential defaults in the implementation of HT-el is very relevant to ensure that digital transformation in land services can run in accordance with the principles of justice and legal certainty guaranteed by laws and regulations. Based on the above description, it is then made in the form of a thesis entitled "Aspects of Legal Certainty

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[3]Budi Harsono, 2016, Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Contents, and Implementation, Jakarta: Djambatan, p. 24.
[4]Nadia Imanda, 2020, "The Birth of Mortgage Rights According to the Agrarian Government Regulation Concerning Electronically Integrated Mortgage Rights Services", Journal of Notary Law, Notaire, Vol. 3 No. 1, P. 158.

Regarding the Implementation of Electronic Integrated Mortgage Rights Services at the National Land Agency of Majalengka Regency".

2. Research Methods

In the research, the author applies an empirical jurisprudence research method, research that is based on observations, experiences, or real data obtained from the real world, not just abstract theories or concepts.[5]Thus, the empirical legal approach in this study means that in analyzing the problem, it is done by combining legal materials (which are secondary data) with primary data obtained in the field regarding the legal certainty aspect of the implementation of electronic integrated mortgage services at the National Land Agency of Majalengka Regency. The research method used is the Structural and Economic Analysis of Law approach. The type of data uses primary data and secondary data. The data analysis method used is qualitative descriptive analysis.

3. Results And Discussion

3.1. Effectiveness of Implementing Electronically Integrated Mortgage Rights Services at the National Land Agency of Majalengka Regency

In the author's opinion, land guarantees give rise to legal problems regarding existing regulations regarding Mortgage Rights themselves if they are linked to the concept of financing and problems regarding PPATs, as we know that before registering Mortgage Rights at the land office, a Deed of Granting of Mortgage Rights must first be made by the PPAT in accordance with applicable regulations.6so that it is possible that the PPAT can make a Power of Attorney to Encumber Mortgage Rights in the event that the grantor of the Mortgage Rights cannot be present before the PPAT as stated in Article 15 Paragraph (1) of Law Number 4 of 1996 concerning mortgage rights over land and objects related to land and/or in the event that the land which is the object of the mortgage rights does not have a certificate.[7]

The imposition of Mortgage Rights in banking creates problems for PPAT because the form of APHT and SKMHT made by PPAT is a standard form that has been determined by the Land Office, this is in accordance with the Regulation of the Head of the Land Agency Number 8 of 2012 concerning Amendments to the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration in Article 96 paragraph (1) letter f concerning the Deed of Granting Mortgage Rights and letter (h) concerning SKMHT whose filling procedures must be made in

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[5] Irwansyah, 2022, Legal Research, Mirra Buana Media, Yogyakarta, p. 43
[6]Adrian Sutedi, 2010, Mortgage Law, Sinar Grafika, Jakarta, p. 92.
[7]Ibid, p. 95.

accordance with the attachment to the regulation. The purpose of the guarantee is to protect credit from the risk of loss, both intentional and unintentional. In the lending and borrowing activities that occur in society, it can be noted that generally it is often required that the debt guarantee be submitted by the borrower to the lender. Furthermore, in the provisions of the UUPA there are Mortgage Rights that can be charged to ownership rights, business cave rights, building use rights.

In carrying out their duties, Land Deed Officials (PPATs) must maintain good character and uphold the dignity and honor of Land Deed Officials (PPATs). Furthermore, they must prioritize service to the interests of the community and the state. They must also demonstrate professional behavior and participate in national development, particularly in the legal field. To advance national development in the land sector, Land Deed Officials (PPATs) must work responsibly, independently, honestly, and impartially.[8]A Deed of Granting Mortgage Rights is a deed made by a Land Deed Making Officer which contains the granting of Mortgage Rights to creditors as a guarantee for the payment of debts.[9]

According to Ms. Cendrawasih Rahayu Wibisono, SH, M.Kn., the implementation of the provisions regarding electronic mortgage registration has been remarkably rapid, and it is undeniable that it has caused obstacles and problems in its implementation, especially in Majalengka Regency. These obstacles may arise from banks, as creditors, who play a significant role in the electronic mortgage registration system when inputting data, in addition to PPAT. This mortgage system is certainly a form and part of the services available at the Land Office in the current era, which limits physical interaction. This is a concrete manifestation of the Government's efforts to realize the values of the Ministry of ATR/BPN: trustworthiness, service, and professionalism.[10]

Electronically integrated mortgage services According to Mrs. Lala Sunara, ST, SH, M.Kn., are a major breakthrough in improving mortgage services that meet the principles of openness, timeliness, speed, convenience, and affordability in the context of public services, as well as adapting to legal developments, technology, and community needs. According to Article 2 paragraph 1 of Government Regulation Number 24 of 1997 concerning Land Registration, PPATs are obliged to carry out part of the land registration activities by making APHT as evidence that the act of granting mortgage rights regarding land rights or Ownership

[8]Urip Santoso, 2016, Land Deed Making Officials: Perspectives on Regulation, Authority, and Nature of Deeds, Kencana Prenadiamedia Group, Jakarta, p. 94.
[9]Sudirman. 2023. Harmonization of Sharia Financing Contracts for Mortgage Guarantees. Media Iuris. Vol. 6 No. 1. p. 154. Retrieved fromhttps://e-journal.unair.ac.id/MI/article/view/40113p. 157.
[10]Interview with Mrs. Cendrawasih Rahayu Wibisono, SH, M.Kn. as the Land Deed Official (PPAT) of Majalengka Regency on September 3, 2025 at 12:00 WIB.

Rights for Apartment Units has been carried out, which will be used as the basis for registering changes to land registration data resulting from the legal act. The PPAT is obliged to carry out this registration obligation by sending the APHT and the necessary supporting documents (warkah) to the Land Office. With the electronic mortgage system, PPATs are obliged to upload these documents to https://mitra.atrbpn.go.id.[11]In contrast to the provisions for mortgage rights which are registered manually, with the electronic mortgage rights system, creditors also take a role, namely creditors will enter https://htel.atrbpn.go.idand enter three types of data: the name of the Land Deed Official (PPAT), the deed number, and the deed code as stated in the deed cover letter. One copy of the cover letter obtained from the PPAT. The system will then send a Deposit Order. After the creditor deposits, the electronic mortgage system will display a draft of the electronic mortgage certificate. If there are errors in the data entered by the Land Office, the creditor will immediately coordinate directly with the Land Office. On the seventh day, the mortgage certificate will be issued in the form of an electronic document, and the creditor is obliged to attach a white sticker to the Land Title Certificate containing the mortgage encumbrance data.[12]

According to Mrs. Lala Sunara, ST, SH, M.Kn., there are several general mechanisms for the Mortgage Registration process that occur during conventional registration in Majalengka Regency, namely reviewed from several stages:[13]

1) Submitting files to the registration counter includes:

a. Original land title certificate;

b. Copy of APHT made by PPAT;

c. SKMHT when using power of attorney;

d. *Photocopy*KTP and KK of the debtor and guarantor;

e. *Photocopy*deed of establishment and ratification for debtors in the form of legal entities;

f. *Photocopy* Creditor's ID card and SK;

g. If there are missing documents in the Cover Letter and HT Application, they will be returned to the applicant;

[11]Interview with Mrs. Lala Sunara, ST, SH, M.Kn. as Land Deed Official of Majalengka Regency on September 3, 2025 at 12:25 WIB.
[12]Ibid. Mrs. Lala Sunara, ST, SH, M.Kn.
[13]Interview with Mrs. Lala Sunara, ST, SH, M.Kn.

2) If the completeness of the files is checked and meets the requirements, the counter officer will provide a receipt in the form of yellow paper or what is called attachment 13 and/or Model A.

3) Make PNBP payments, the amount of which is determined by the value of the mortgage that will be burdened.

4) The land office processes the encumbrance of the mortgage until it is issued.

5) After payment, the Mortgage Book will be issued within 7 working days of the mortgage registration date. Each Mortgage Certificate, consisting of a copy of the land book sewn together with a copy of the APHT, contains a number and issuance date.

Regarding the above, this is related to the theory of legal effectiveness according to Soerjono Soekanto that law is not only determined by written legal norms, but is also influenced by social, cultural, economic, political, and administrative factors. The implementation of electronically integrated Mortgage Rights (HT-el) services at the National Land Agency of Majalengka Regency is one of the strategic efforts in order to increase efficiency, transparency and accountability of land services regulated by Law Number 4 of 1996 concerning mortgage rights on land and objects related to land and Government Regulation Number 24 of 1997 concerning Land Registration and supported by Regulation of the Head of the National Land Agency Number 1 of 2020 concerning the Implementation of Electronic Mortgage Rights Services where this electronic system allows the process of registration, submission and ratification of Mortgage Rights to be carried out online so as to minimize administrative obstacles, speed up the service process and reduce the potential for corrupt practices that have occurred in conventional services.

The implementation of electronically integrated Mortgage Rights services at the National Land Agency of Majalengka Regency is a strategic effort to increase efficiency, transparency and accountability of land services in accordance with the mandate of Law Number 4 of 1996 concerning mortgage rights on land and objects related to land which regulates the registration and protection of Mortgage Rights, and is supported by Government Regulation Number 24 of 1997 concerning Land Registration which requires systematic and integrated land registration, so that with the implementation of this electronic system which is also regulated in the Regulation of the Head of the National Land Agency Number 1 of 2020 concerning the implementation of electronic mortgage rights services, it is hoped that the entire process of registration, submission and validation of Mortgage Rights can be carried out more quickly, precisely and transparently, minimizing manual intervention which has the potential to cause deviations or corrupt practices, and providing easy access to services to the public and business actors without having to be physically present at the land office. However, the effectiveness of the implementation of this electronic Mortgage Right service in Majalengka Regency still faces a number of challenges, including the limitations of information technology infrastructure such as internet connections that are not evenly distributed and stable in several areas and the lack of understanding of the community and business actors regarding the mechanism of using electronic systems that require adjustments and increased digital literacy, so it is important for the National Land Agency of Majalengka Regency to conduct intensive socialization and training for system users in order to optimize the benefits of this service, in line with the provisions of Law Number 25 of 2009 concerning Public Services which emphasizes the importance of fast, accurate, transparent and accountable services as part of good governance.

Therefore, although the implementation of electronic Mortgage Rights services in Majalengka Regency has a positive impact on accelerating the process and reducing transaction costs, its success depends on improving the quality of human resources who manage the system, improving technological infrastructure and awareness and active participation of the community in using these electronic services, so that in the end it can realize effective, efficient and reliable land services in accordance with the principles of Good Governance and encourage ease of doing business as mandated by Presidential Regulation Number 91 of 2017 concerning the Acceleration of Business Implementation.

3.2. Implementation of Legal Certainty Regarding Obstacles in the Implementation of Mortgage Rights Services at the National Land Agency Office, Majalengka Regency

Government regulations in following up on resolving obstacles in the service of making Mortgage certificates in terms of differences in the provisions of Article 10 paragraph (3) of the Mortgage Law with the Regulation of the Minister of ART/BPN Number 5 of 2020 regarding guarantees for Land Rights that have not been registered, where in the explanation of Article 10 paragraph (3) of the UUHT that the imposition of Mortgage Rights on land rights is possible as long as the granting is carried out together with the applicant for registration of land rights. This possibility is intended to provide an opportunity for holders of land rights who have not been certified to obtain credit. In addition, it also has the possibility to encourage certification of land rights in general. With these provisions, it means that the use of land whose proof of ownership is in the form of petok, girik and others of the same kind is still possible as a use as regulated in Law Number 7 of 1992 concerning banking. Meanwhile, in the Regulation of the Minister of ART/BPN Number 5 of 2020, article 15 only regulates land rights that have been certified. When unregistered land rights are used as collateral for mortgages, they must be converted or registered in parallel, meaning the existing land rights must first be registered according to established procedures.

Once the land title certificate is issued, it can be used as collateral within seven days of its issuance. The National Land Agency (BPN) has a national strategic program called PTSL (Complete Systematic Land Registration), formerly known as Prona, which requires all land in Indonesia to be certified.[14] For the banking world, it is certainly hoped that the Electronic Mortgage Right service will provide many benefits, including timely registration of Mortgage Rights on the seventh (7) day after registration. This registration is more economical because we no longer need to come to the local Land Office. Other benefits include being able to carry out Roya and Credit Operations quickly, then also ease of asset management (no need to scan Mortgage Right certificates) and also being able to create reports and monitor the number and value of Mortgage Rights in all branches of the relevant Bank.[15]

The most obvious thing when the process of registering mortgage rights electronically is that in this case the PPAT in this case only needs to check the certificate at the land office, the purpose of checking is to determine the location of the land according to the certificate and so on. After completing the registration, the PPAT submits the documents to the creditor to be checked for compliance when inputting the HT-el registration. Unlike conventional mortgage rights with HT-el, the creditor does not need to send any documents to the land office because all checks are based on documents that have been uploaded and then approved for completeness within 7 days. Then the creditor checks the conformity of the documents from the PPAT, the creditor issues a deposit order (SPS). This SPS is a non-tax state revenue (PNBP). After the SPS is issued, the creditor will also pay the PNBP. Seven days after the PNBP payment, the creditor can download and print the mortgage rights certificate.[16]The role of PPAT is very important, as can be seen from its capacity to provide legal advice and verify an agreement, determining whether an agreement has been made in accordance with the rules of making a correct agreement and does not harm either party or whether the agreement is made in accordance with the requirements. Conversely, if the duties and authorities given by the State to PPAT are not carried out properly and precisely, then errors and abuses committed by PPAT can disrupt legal certainty and the sense of justice in society.[17]

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[14]Nailu Vina Amaliadkk, 2020, "Analysis of Electronic Mortgage Rights Provisions in the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 9 of 2019 concerning Mortgage Rights Services", Scientific Journal of Pancasila and Citizenship Education, Volume 5, Number 29, p. 336.https://journal2.um.ac.id/index.php/jppk/article/view/12252

[15]Juli Asril, 2020, Several Problems Related to Mortgage Rights as a Land Guarantee Institution, MEA Scientific Journal (Management, Economics and Accounting), Vol. 4 No. 2, Nusantara Islamic University, Bandung, p. 3.

[16]Interview with Mrs. Cendrawasih Rahayu Wibisono, SH, M.Kn.

[17]Sjaifurrahchman and Habib Adjie, 2011, Aspects of Notary Responsibility in Making Deeds, Mandar Maju, Surabaya, p. 7.

The making of the Deed of Granting Mortgage Rights for the granting of loan facilities from the Plaintiff to the Debtor, has been registered at the Majalengka Regional National Land Agency Office, a copy of the Republic of Indonesia National Land Agency, West Java Regional Office, Majalengka Registration Office with Mortgage Rights certificate Number: 01264/2023 dated September 7, 2023. This means that the debtor's actions are a time bomb for a PPAT who registers mortgage rights because in fact many legal issues remain binding on the PPAT as a form of accountability for the deeds he made, as in this study, the issuance of APHT electronically can be sued by parties who feel they have been harmed so that in fact the parties who feel harmed suspect that the making of the APHT is suspected of having a Real Legal Defect. So it is important for PPAT to maintain the principle of caution when making a deed.

According to Mrs. Lala Sunara, ST, SH, M.Kn. there are several obstacles faced by users of electronic mortgage services both by PPAT and creditors. The obstacles are clearly visible from the fact that many PPAT and creditors are not ready, due to the lack of socialization from the government in a very short time suddenly simultaneously must be carried out by providing mortgage rights electronically. The Electronic Mortgage System, on several occasions experienced network weaknesses, Corrections made by the Land Office to files that have been uploaded by PPAT often occur in a short time even though the files that must be corrected are not necessarily files that are easy to obtain, this causes SPS PNBP and service fees to be forfeited and the Land Office does not want to be blamed, resulting in losses for creditors, the HT application often experiences problems or server errors that usually occur during working hours, this occurs because the IT system or the HT-el system is not ready, when uploading files that must be completed in the application for electronic mortgage registration, one of which is APHT, it takes about 5 minutes if there is a weak network. Furthermore, uploading other files, especially large files, experienced significant connection delays. This type of problem is certainly unpredictable for HTel system users because network issues arise in uncertain and unpredictable situations. Another problem arises when uploading files to the Electronic Mortgage Rights System. In this system, if a scanned file has been uploaded, a notification will appear indicating that the file has been successfully uploaded. However, if the notification does not appear or is not available, the system will not recap the uploaded files, resulting in the file upload failing. This occurs due to weak network issues or system downtime. Furthermore, there are physical data in the Certificate that do not match the data at the Land Office. The Certificate is not ready when uploaded and has not been validated.[18]

In addition, obstacles that occur when uploading the Resident Identity Card of many debtors cannot be input because the KTP is not registered because the

[18]Interview with Mrs. Lala Sunara, ST, SH, M.Kn.

BPN partner application is directly connected to the Ministry of Home Affairs date base. For this reason, debtors must synchronize data with the local Population and Civil Registry Office so that it can be input into the BPN application. Furthermore, the deed is registered if there is an error in the document when uploaded either in the PPAT application or the bank application, causing the file to be suspended and this is what causes the PPAT or bank to correct the error. If the file is not corrected, the PNBP that has been paid will be lost in vain and must be repaid. Another obstacle is frequent errors in the KKP BPN or the BPN computerized system so that the application cannot be opened or cannot upload documents.[19]

Furthermore, reviewed from the readiness factor of facilities and infrastructure, both facilities and human resources, it is still low. In the initial period of the implementation of the HT-el system in Majalengka Regency, users still needed adjustments to the system because it was relatively new, many of the users had difficulty using the HT-el system. In the HT-el system itself, shortcomings were also found, both from the content displayed to the website which was often difficult to access, both servers were down and features that were confusing for users. Electronic mortgage rights that had been previously registered manually for now must be adjusted to the registration of mortgage rights electronically, meaning that if you have already registered mortgage rights manually then it is not a problem, but if mortgage rights have not been registered previously, then the Ministry of ATR/BPN of Majalengka Regency recommends registering mortgage rights electronically only. At the Majalengka Regency Land Office, system problems were found such as network disruptions, incomplete content, etc. Because this system requires intensive efforts to develop it so that it can be consistently used by users of the HT-el system.[20]

The HT-el Service aspect is a form of service provision that is focused by the Ministry of ATR/BPN of Majalengka Regency in facilitating services to the people of Majalengka Regency by utilizing the development of information technology. HT-el is an option for registering mortgage rights so that the public can register HT either manually or through the HT-el system. Meanwhile, PPAT is a public official who has the function of assisting the government (in this case the Ministry of ATR/BPN of Majalengka Regency). Who is tasked with validating certain legal acts whose object is land. Thus, the main task of PPAT is to make deeds and submit the deeds they made to the Land Office for data maintenance registration. However, in reality there are still obstacles in the HT-el Service because the people of Majalengka Regency who use this HT-el service do not yet clearly understand the service. This is because the Ministry of ATR/BPN of Majalengka Regency is still preparing the use of information technology in providing land services to the public.

[19]Ibid,
[20]Interview with Mrs. Cendrawasih Rahayu Wibisono, SH, M.Kn.

Analysis after the issuance of the Regulation of the Minister of ATR/BPN Number 5 of 2020 for technical instructions for the implementation of HT-el registration, the Land Office issued Technical Instructions Number: 2/Juknis-400.HR.02/IV/2020 which became a reference or guideline for the Land Office in implementing HT-el services. In the Technical Instructions, system constraints on HT-el are included in the force majeure category, if there are constraints in the system that cause the HT-el System to be disrupted resulting in the results of the Mortgage Right service not being able to be issued and the HT-el Service application being declared canceled, the applicant can submit a re-registration application and can submit a request for a refund of service fees. However, in reality, the cancellation of the issuance of HT-el due to constraints on the HT-el system results in losses for PPAT and creditors because PPAT and creditors have to repeat the HT-el process from the beginning, this is very wasteful of time and service costs and Non-Tax State Revenue (PNBP) that has been paid previously is forfeited and must be repaid, even though there are technical instructions regarding the refund of fees, in practice the process is very difficult. In the Technical Instructions Number: 2/Juknis-400.HR.02/IV/2020 also states that if there are problems that cannot be resolved at the level of the National Land Agency Regional Office, then the Team of Supervisors and Supervisors of the Implementation of Electronically Integrated Mortgage Rights Services at the National Land Agency Regional Office coordinates with the team at the Ministry level to get alternative solutions. In other words, so far the Majalengka Regency Land Office in providing accountability caused by system constraints on HT-el has only been technical, namely by providing solutions to PPAT and Banks as creditors to be able to communicate directly to the local Land Office employees in the Electronic Mortgage Rights registration service section through the WhatsApp application and can also come directly to the land office to face the IT section of the Electronic Mortgage Rights service with a schedule determined by the Land Office and if there are problems that can still be resolved through the application, the Land Office will resolve the problem through the HT-el system, then notifications will be sent automatically to the PPAT and Bank emails.

Therefore, the implementation of Electronic Mortgage Rights (HT-el) in Majalengka Regency in practice still faces various quite complex problems, where one of the main problems is the inconsistency between the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Electronically Integrated Mortgage Rights Services with the provisions of Law Number 4 of 1996 concerning Mortgage Rights on Land and Objects Related to Land which gives rise to dualism of regulations and legal uncertainty in its implementation, especially regarding the form and validity of mortgage documents. In addition, another problem that arises is the weak evidentiary system for electronic documents generated in the HT-el system in the event of a legal dispute, where the strength of these electronic documents is still doubtful before the law, especially if they are not supported by a strong security and authentication system. In the HT-el system, provisions regarding the Declaration of Document Validity which must be made by the Land Deed Official of Majalengka Regency as a form of accountability for the validity and accuracy of the data submitted to the Land Office are also enforced. However, this has actually raised objections from PPATs and Notaries because it is considered to burden responsibility unilaterally, which can have legal implications if in the future there is a discrepancy in the documents. The last problem which is no less important is the still low level of readiness of supporting facilities and infrastructure, both in terms of information technology facilities and in terms of the quality and quantity of human resources, both within the Land Office and external users such as PPATs and banking parties, which results in the implementation of HT-el services not being able to run optimally and evenly in the Majalengka Regency area.

Legal certainty in electronic mortgage registration, which still presents several obstacles in the implementation of services at the National Land Agency Office in Majalengka Regency, is a crucial aspect in ensuring legal protection for interested parties and supporting the creation of transparent, efficient, and accountable land services. The implementation of HTel in Majalengka and other areas has strong potential to improve legal certainty, accelerate services, reduce bureaucracy, and reduce disputes. However, legal certainty will not be automatically achieved unless serious attention is paid to technical, administrative, resource, regulatory, and socialization obstacles. Therefore, infrastructure improvements, human resource training, refinement of local regulations, and massive socialization are needed so that electronic-based mortgage services can run effectively and guarantee legal certainty and protection for all parties involved.

4. Conclusion

The implementation of electronically integrated Mortgage Rights services at the National Land Agency of Majalengka Regency is a strategic aspect in order to increase efficiency, transparency and accountability of land services in accordance with the mandate of Law Number 4 of 1996 concerning mortgage rights on land Jo. Government Regulation Number 24 of 1997 concerning Land Registration, Jo. Regulation of the Head of the National Land Agency Number 1 of 2020 concerning the implementation of electronic mortgage rights services, the effectiveness of electronic mortgage rights registration is a key aspect in accelerating registration, submission and ratification of Mortgage Rights appropriately and transparently, minimizing manual interventions that cause deviations or corrupt practices and providing easy access to services to the public and business actors without having to be physically present at the land office. This is in line with the provisions of Law Number 25 of 2009 concerning Public Services which emphasizes the importance of fast, accurate, transparent and accountable services as part of good governance. The implementation of Electronic Mortgage Rights (HT-el) in Majalengka Regency still faces various complex problems, particularly related to the inconsistency between PERMEN ATR/BPN No. 9 of 2019 and Law No. 4 of 1996 concerning Mortgage Rights which creates dualism in regulations and legal uncertainty, especially regarding the form and validity of documents. In addition, the evidentiary power of electronic documents in the HT-el system is still questionable in the event of a dispute, especially if it is not equipped with an adequate security and authentication system. The obligation of Land Deed Officials (PPAT) to issue a statement of document validity has also been highlighted because it is considered to burden legal responsibilities unilaterally. Another problem is the low readiness of facilities, infrastructure and human resources both at the Majalengka Regency Land Office and external users such as PPAT and banks which hinders the optimization of the implementation of HT-el comprehensively in the Majalengka Regency area.

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