

## Legal Protection for Users of Land Deed Official (PPAT) Services Regarding Electronic Certificate Checks that Error in the Application

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**Abstract.** *This study aims to analyze the form of legal protection for the public if an error occurs in checking electronic certificates, as well as to examine the responsibility of PPAT in providing legal certainty. The research method used is normative legal research with a statute approach and a conceptual approach. Data sources were obtained through a literature review covering legislation, agrarian law literature, and legal doctrines related to legal protection and the authority of PPATs. The research results show that errors in checking electronic certificates can hinder the deed creation process and cause losses to the parties. In this case, legal protection can be provided in the form of preventive protection, namely through improving regulations and issuing technical instructions by the Ministry of ATR/BPN, as well as repressive protection through civil lawsuit mechanisms and administrative complaints against negligent PPAT. PPAT is obliged to act carefully, cautiously, and prioritize the principle of legal certainty in every deed creation. Therefore, the electronic land registration system requires comprehensive regulatory support, strict supervision, and increased PPAT competence to ensure legal protection for service users is truly guaranteed.*

**Keywords:** *Certificates; Electronic; Legal; Protection; Registration.*

### 1. Introduction

Currently, the advancement of the Industry 5.0 era has had a significant impact on policies for modernizing government services, particularly in the land sector. Indonesia itself is entering an era of digital transformation, marked by a shift from manual processes to digital ones through the use of technology. In the agrarian context, this digital transformation is crucial for realizing the modernization of land services, which aims to improve indicators of ease of doing business and the quality of public services to the community. Therefore,

optimizing the use of information and communication technology through electronic-based land services is imperative.

One of the central topics in this modernization is electronic land registration, which results in the production of electronic land title certificates. This policy was officially outlined by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (Kementerian ATR/BPN) through Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities. An electronic certificate is defined as a certificate that is electronic in nature, contains an electronic signature, and identifies the legal subjects of the parties in an electronic transaction.<sup>1</sup>The implementation of electronic certificates is an effort by the Ministry of ATR/BPN to integrate land data and information, which is expected to provide legal protection for the public. Furthermore, this policy is based on Law Number 11 of 2008 concerning Electronic Information and Transactions, where Article 11 recognizes electronic certificates as valid legal evidence, provided they are issued by a recognized electronic certificate provider.

Despite its noble goals, the implementation of electronic certificates has created a gap between public expectations and reality. On the one hand, digitalization is expected to reduce the risk of loss, physical damage, and forgery of certificates. However, on the other hand, challenges and high public concerns have arisen. This sensitive issue, which concerns the interests of almost all land-owning citizens, is exacerbated by limited public awareness and negative experiences with previous digitalization efforts, such as the problematic e-KTP program, which has fueled public distrust in the government's ability to build a reliable and secure electronic land certificate system.

Besides trust issues, technical and operational implementation challenges also arise. Indonesia's vast territory means that the process of changing and implementing electronic land certificates is expected to take a very long time. In terms of priority, this step is not considered urgent. In practice, one problem that frequently occurs in the field is when a Notary/PPAT client requests an electronic certificate check through the application, only to receive an error. This situation delays the signing of the Sale and Purchase Deed, harming the client because the transaction process is delayed, or even failed, even though the error lies with the application system. The most vulnerable party to be harmed by this digitalization is the public.

The importance of land as a source of life, inherent to human rights, makes this

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<sup>1</sup>Ahmad Budi Setiawan, "Study of Electronic Certificate Standardization and Reliability in the Implementation of Electronic Transaction Systems," *Post and Telecommunication Bulletin*, Vol. 12 No. 2, June 2022, p. 125

implementation issue crucial. The government, specifically the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), must guarantee the validity and authentication of community data, both for issuing new certificates and for replacing paper certificates with electronic ones. The availability of the applications used is also a significant obstacle to the implementation of electronic certificates. Therefore, further study is needed regarding legal protection for communities affected by technical and operational constraints in the electronic land system.

Based on the description above, the problem identified for research concerns legal protection for users of Land Deed Official (PPAT) services who experience losses due to application errors when checking electronic certificates. This research is important because it concerns the civil rights of the community in land sales and purchase transactions and ensures legal protection in the era of digital transformation of land services.

This study aims to analyze and formulate legal protection for users of Land Deed Making Official (PPAT) services who experience losses due to electronic certificate checking that experiences errors in the application.

## **2. Research Methods**

This research employs normative legal research or doctrinal legal research. This approach involves examining library materials or secondary data, including primary, secondary, and tertiary legal materials. This research specifically examines legal principles and systematics by examining laws and regulations related to legal protection for users of Land Deed Official (PPAT) services regarding electronic certificate verification errors in the application. This research uses two approach models, namely the statute approach and the conceptual approach.<sup>2</sup> The statutory approach is carried out by analyzing relevant positive legal instruments, while the conceptual approach is used to identify and understand legal concepts that originate from doctrines and the views of scholars.<sup>3</sup> These two approaches aim to conduct a critical evaluation of positive legal regulations in Indonesia related to the legal protection issues studied. The data sources used are secondary data. Primary legal materials consist of legal instruments, ranging from the 1945 Constitution of the Republic of Indonesia to technical regulations such as Regulation of the Minister of ATR/BPN Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities. Secondary legal materials include books, scientific works, journals on land, electronic certificates, and related research results. Meanwhile, tertiary legal materials are used as complementary sources, namely the Legal Dictionary, the Big Indonesian Dictionary (KBBI), and foreign language

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<sup>2</sup>Peter Mahmud Marzuki, *Legal Research*, (Surabaya: Air Langga University, 2010), p. 139.

<sup>3</sup>*Ibid*, p. 142.

dictionaries. The data collection method used in this research is a literature study or document study. Literature study is the examination of written information regarding law originating from various sources and is necessary for normative legal research.<sup>4</sup>The process includes data collection, identification, clarification, and analysis for subsequent recording or citation. The collected data is then analyzed qualitatively. This qualitative analysis technique systematically organizes the collected data, classifying, categorizing, classifying, and connecting them with each other. Then, interpretation and interpretation are carried out from the researcher's perspective to understand the meaning of the data.

### 3. Results and Discussion

#### 3.1. Legal Protection for Users of Land Deed Official (PPAT) Services Who Request to Check Electronic Certificates but Then Get an Error in the Application

##### 1) The Role of PPAT and the Challenges of Digitalization

In the national land law system, the Land Deed Official (PPAT) plays a crucial role as a public official authorized by the state to issue authentic deeds relating to the transfer of land rights. PPATs are required to ensure that the deed-making process meets formal and material requirements, while also protecting the rights of the parties using their services. This obligation aligns with Article 1868 of the Civil Code, which stipulates that authentic deeds provide certainty and complete evidentiary force. With technological advancements, land services are now shifting toward electronic systems, including data verification of land title certificates, through Regulation of the Minister of ATR/Head of BPN Number 1 of 2021 concerning Electronic Certificates.<sup>5</sup>

In practice, the use of electronic certificate checking applications often encounters various technical obstacles such as system errors, data asynchronous, or server disruptions. This prevents Land Deed Officials (PPAT) from obtaining complete and adequate information regarding the status of land certificates. It's not uncommon for electronic certificate checks to yield data that doesn't match the original certificate, such as discrepancies in the owner's name, date of birth, or measurement certificate number. If the data doesn't match, this creates legal uncertainty regarding the land transfer process and can potentially result in losses, especially for the purchaser.<sup>6</sup>

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<sup>4</sup>Abdulkadir Muhammad, Law and Legal Research, Third Edition, (Bandung: Citra Aditya Bakti, 2004), p. 81.

<sup>5</sup>Regulation of the Minister of ATR/Head of BPN Number 1 of 2021 concerning Electronic Certificates.

<sup>6</sup>Desak Komang Lina Maharani, I Ketut Westra. 2022, "The Role of PPAT in Electronically Checking Certificates in Land Sale and Purchase Agreements", Acta Comitatus Journal of Notary Law, Volume

## 2) Layered Responsibility and Protection

Responsibility for land registration data substantively lies with the Land Office (BPN), as stipulated in Article 3 and Article 34 of Government Regulation Number 24 of 1997. BPN as the public electronic service provider is obliged to organize its system reliably and securely, in accordance with Article 16 of the ITE Law. Therefore, if an error occurs in the electronic checking system organized by BPN, in principle it is not the responsibility of the PPAT, as long as the PPAT can be proven to have carried out his duties in good faith and with proper care.

Legal protection for users of PPAT services is realized in two main forms:

a. Preventive Legal Protection: Born from the obligation of Land Deed Officials (PPAT) to apply the prudential principle. PPATs are not permitted to proceed with the creation of deeds before obtaining legal certainty. If data discrepancies or errors are found, PPATs can submit a notification or go directly to the Land Office with the original certificate for data verification and correction. PPATs also mitigate risks by requesting manual confirmation or delaying the signing of the deed, and can make a special note in the minutes of the deed regarding system errors to strengthen the legal position of the service user.

b. Repressive Legal Protection: Available if the service user experiences a real loss. This protection can be achieved through the following mechanisms:

a) Administrative: Submission of case resolution application to the Land Office in accordance with the Regulation of the Minister of ATR/Head of BPN Number 21 of 2020. In addition, Article 9 of the Regulation of the Minister of ATR/BPN No. 3 of 2023 stipulates that the Land Office is required to clarify and correct data if discrepancies are found.

b) Civil: Service users can sue for compensation based on the general principles of civil liability in Article 1365 of the Civil Code, if there is an unlawful act or procedural negligence on the part of the PPAT.

Legal protection in this case is closely related to the principle of legal certainty and the principle of public trust (public trust principle). When a system error occurs, the state's responsibility arises to ensure that the losses incurred can be recovered, reinforced by Article 30 paragraph (2) of PP No. 24 of 1997 which requires the state to correct erroneous data. Errors in checking certificates, which could mean invalid data, fake/duplicate certificates, or system errors, require PPATs to apply the prudential principle. By taking regulated mitigation steps (for example, postponing the deed, requesting manual clarification, and recording it in the minutes of the deed), PPATs demonstrate professional

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7 No. 2, <https://ojs.unud.ac.id/index.php/ActaComitas>, accessed on August 26, 2025 at 11:41 WITA

responsibility and protect service users, as well as safeguard themselves from falling into negligence that could give rise to lawsuits.

### 3) Analysis of Regulatory Needs in Electronic Land Systems

While land digitization aims to increase efficiency and accountability, its implementation still requires strengthening legal and technological infrastructure. Implementing electronic systems still faces challenges such as limited information technology infrastructure in the regions, low digital literacy among the public and officials, and cybersecurity issues.

#### a. Technical Regulatory Gaps

The most crucial weakness is the lack of technical regulations (technical instructions/technical guidelines) that directly regulate the procedures for the use and verification of electronic certificates by PPAT.

a) Legal Uncertainty: The absence of technical guidelines creates legal uncertainty in practice, such as regarding validation, filing formats, and proving the validity of electronic certificates. This places Land Deed Officials (PPAT) in a vulnerable legal position.

b) Impact on Evidence: In the court context, the absence of a standard system for assessing the evidentiary strength of electronic certificate files, such as authentication and the validity of digital signatures, risks reducing the effectiveness of evidence in the event of a lawsuit.

c) Urgent Action: It is urgent for the Ministry of ATR/BPN to issue binding and operational technical guidelines. These regulations must serve as uniform, transparent, and detailed technical guidelines, not only for land officials but also for Land Deed Officials (PPAT) and the public.

#### b. State Responsibility in System Guarantee

Legal protection for service users is also inherent in the state's institutional responsibility through the Land Office. Recognizing electronic documents as valid evidence requires the state, as the service provider, to guarantee the integrity of the system. The state's responsibility arises within the framework of ensuring that any losses incurred can be recovered through administrative mechanisms or compensation in the event of a system error.

Thus, optimal legal protection for users of PPAT services requires a combination of the professional obligation of PPAT to act carefully, adequate repressive mechanisms, and comprehensive regulatory support from the Ministry of ATR/BPN to ensure the reliability of the electronic system and provide legal certainty.

### **3.2. Weaknesses and Solutions to the Issuance of Electronic Documents in Land Registration Activities at the National Land Agency**

#### **1) Technical, Infrastructure, and Human Resources Weaknesses**

The issuance of electronic documents in land registration activities, although intended to improve efficiency, still has weaknesses that hamper its implementation. According to Article 5 of the Regulation of the Minister of ATR/BPN Number 3 of 2023 concerning electronic certificates, electronic documents and/or their printouts constitute valid legal evidence and an extension of valid evidence in accordance with the applicable Procedural Law in Indonesia. For evidentiary purposes, these electronic documents can be accessed through an electronic system. Based on these provisions, electronic certificates have the same legal force as conventional certificates, both as proof of rights and as evidence in court for law enforcement purposes. One major weakness is the limited information technology infrastructure in various regional land offices, which contributes to the digital divide. Not all land offices have stable internet access, adequate hardware, and trained human resources (HR). Technically, system disruptions such as application inaccessibility, slow document uploads, or sudden data loss are daily obstacles.

In the current electronic certificate issuance procedure, it still refers to the regulations governing the manual certificate issuance procedure and the implementation of land registration using an electronic system is the second alternative in the land registration process in Indonesia and is carried out voluntarily so that land registration with this electronic system is considered capable of reducing the number of certificates damaged and lost, especially reducing disputes in court and for the strength of this electronic certificate is a valid evidence in accordance with Article 8 Article 5 paragraph (2) of the 2008 Law concerning electronic transaction information. So far, physical certificates are at risk of being easily lost, easily misused by others and easily duplicated, so the Minister of Agrarian Affairs and Spatial Planning/Head of BPN stated that this electronic land certificate is safer than in its physical form. However, for land that does not yet have an electronic certificate, the BPN will not withdraw the physical certificate before it is transferred to electronic form.<sup>7</sup>

The second weakness relates to the digital literacy levels of the public and implementing officials. Many people, especially in the regions, still tend to rely on physical documents and consider electronic documents invalid because they lack a stamp and wet signature. Furthermore, not all BPN (National Land Agency)

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<sup>7</sup>Fikahati Prasetya, Muh. Afif Mahfud, 2023. "First-Time Electronic Land Registration in National Land Law", Unissula Law Journal, Vol.39 No. 1, March, <https://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/30581/8251>, accessed on August 29, 2025 at 11:23 WITA

or PPAT (Land Title Officials) employees understand how to optimally use electronic registration applications.

The next crucial weakness is cybersecurity. Systems lacking multi-layered security are vulnerable to hacking, forgery, and access abuse. The threat of data leaks or digital certificate manipulation is a major concern, despite the involvement of the National Cyber and Crypto Agency (BSSN) in security measures.

## 2) The Technical Regulatory Gap and Its Impact

An equally significant issue is the lack of technical regulations (*juknis*) that directly govern the use and verification of electronic certificates by Land and Building Officials (PPAT). Regulation of the Minister of ATR/BPN Number 1 of 2021 remains general and fails to address technical needs in the field. Many crucial aspects, such as validation mechanisms, proof of validity, and filing procedures, remain undetailed. This gap creates legal uncertainty.

- a. Vulnerability of PPAT's Position: The absence of technical regulations explaining whether downloaded or printed electronic certificates can be legally recognized as evidence or the basis for issuing a deed, places PPAT in a vulnerable legal position.
- b. Complexity of Evidence: In the context of evidence in court, the problem is increasingly complex because the court does not yet have a standard system for assessing the evidentiary strength of electronic certificate files, including aspects of authentication and validity of QR codes or digital signatures.
- c. Non-uniformity of procedures: The absence of procedural standards also creates gaps in understanding and differences in implementation between one region and another.

## 3) Regulatory Solutions and Urgency

The government, through the Ministry of ATR/BPN, should issue binding and operational technical guidelines (*juknis*) or implementing regulations. These guidelines should address the technical needs of PPATs and notaries, provide legal certainty, and protect the profession.

Without adequate technical regulations, the goal of digitalization, which is based on speed and efficiency, can actually create uncertainty. Technical guidelines serve as binding technical guidelines, creating uniform and transparent standards, and strengthening accountability and legal certainty for the public. As emphasized by Boedi Harsono, land registration must be supported by detailed technical regulations to achieve the primary goal of land registration, namely legal certainty and legal protection for rights holders. Other solutions include

increasing infrastructure investment, massive public outreach, and strengthening digital audit systems for cybersecurity.

#### 4. Conclusion

This study concludes that legal protection for Land Deed Officials (PPAT) service users who are harmed by errors in the electronic certificate checking application is essentially guaranteed through the principle of state responsibility in the implementation of land registration by the National Land Agency (BPN). Although PPATs are obliged to provide preventive legal protection (caution, manual verification, and clear information), the primary responsibility for system errors rests with the BPN as the service provider. Repressive legal protection can be achieved through complaints to the BPN, administrative dispute resolution, and judicial channels. Furthermore, it was found that the issuance of electronic documents at the BPN has weaknesses that are technical (prone to errors, network disruptions, and limited infrastructure), regulatory (lack of norms on document proof and validation), and socialization (minimal understanding of PPAT, BPN officers, and the public). To address this, this study suggests several strategic steps: a) The National Land Agency (BPN) needs to improve the quality of information technology infrastructure, create regulations or clear Standard Operating Procedures (SOPs) regarding error handling, completion deadlines, and compensation mechanisms. b) PPATs are advised to improve their skills in using the application optimally, understand alternative steps when an error occurs, and double-confirm data with the Land Office. c) The government needs to strengthen the legal framework regarding data protection and accountability, including clear regulations regarding compensation mechanisms. d) The public/service users are advised to actively understand the certificate checking procedures, save supporting documents as legal evidence, and actively participate in reporting application disruptions. By implementing these suggestions, it is hoped that legal protection for users of PPAT services can be implemented effectively, so that public trust in the electronic-based land system will increase.

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