

Implementation of Land Registration Transformation Electronic Land Services at the Land Office of Tegal Regency

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Abstract. *The implementation of the transformation of land certificates from analog certificates to electronic certificates is carried out in stages through a media transfer process. The consideration for issuing the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 1 of 2021 concerning Electronic Certificates is to realize improved land services in order to improve public services to the community and indicators of ease of doing business, which are supported by information and communication technology by implementing electronic-based land services. The digitization of land certificates in Indonesia occurs when there is a new registration application and then the electronic land certificate process or media transfer from analog certificates to electronic land certificates is carried out, or due to something such as the practice of land buying and selling processes, changes in ownership status and others. Although there are no sanctions in the Regulation of the Minister of ATR/BPN Number 1 of 2021 concerning Electronic Certificates, for parties who are reluctant to digitize land certificates, it is undeniable that the digitization of land certificates in Indonesia will continue. Therefore, the ATR/BPN Office of Tegal Regency as the agency that technically oversees the land sector can prepare in terms of human resources (HR) and quality by prioritizing the principles of caution and accuracy.*

Keywords: *Certificate; Digitalization; Electronic; Media.*

1. Introduction

Land certificates are documents proving land ownership rights as the final product of the land registration process. The Indonesian government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia has gradually implemented electronic services by issuing 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, this is one form of legal policy to transform land and spatial

information services as an effort to improve the public service system concerning service methods and procedures in order to provide easy, fast, precise, affordable and accountable services through the application and development of Information and Communication Technology (ICT) in land administration services by expanding local community access, opening interactive services, and encouraging community participation so that increased access and quality of services are realized.

In addition, in order to follow up on the direction of the President of the Republic of Indonesia to increase the E ranking *ease of Doing Business (EoDB)* in 2021, one of the strategies used for improvement is the openness of land information to the public and business actors, and reduce the number of disputes, conflicts, and court cases regarding land, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia issued Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 1 of 2021 concerning Electronic Certificates. The enactment of this Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia concerning Electronic Certificates revokes the provisions of several articles of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 7 of 2019 concerning the Second Amendment to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 1997 concerning Implementing Provisions of Government Number 24 of 1997 concerning Land Registration. Several articles are Article 163A, Article 178A, and Article 192A. These articles are revoked and declared no longer valid.

The consideration of issuing the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 1 of 2021 concerning Electronic Certificates is to realize the improvement of land services in order to improve public services to the community and indicators of ease of doing business, which are supported by information and communication technology by implementing electronic-based land services. In addition, it is also to catch up with other countries, so that domestic investors do not go abroad or foreign investors will be interested in entering Indonesia because legal certainty is guaranteed, time efficiency related to the process of making land certificates, and it is practical to access electronic document data than electronic certificates. With the issuance of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 1 of 2021 concerning Electronic Certificates, the government wishes to realize the objectives of the formation of the UUPA, namely modernization in agrarian law.¹ There is a Technical Instruction Number 3/Juknis-HK.02/IV/2022 dated April 25, 2022 concerning Online Certificate and Land Registration Certificate (SKPT) Checking Services. This provides legal certainty for

¹Heru Kuswanto, 2021, Land Registration Law in the Digital Era, Lakeisha, Klaten, p.96.

the standardization of online certificate checking services. The implementation of electronic land and spatial information services must be followed by competent human resources, therefore training is needed for employees.

Electronic services are expected to make it easier for the public to administer services in the land sector, making it easier, faster and more efficient.²

In general, the people of Tegal Regency in particular are still not aware of the importance of the transformation of electronic land services so that later on there are many legal problems related to land registration, therefore the author is interested in studying further the problem with the title "Implementation of the Transformation of Land Registration of Electronic Land Services at the Tegal Regency Land Office".

2. Research Methods

In this study, the author applies the empirical legal research method which is one type of legal research that studies and analyzes the workings of law in society. Based on the problems studied by the researcher, the research approach is used with the sociological method or socio-legal research, namely a research approach that studies the perception and legal behavior of people (humans and legal entities) that occur in the field.³In obtaining data sources, researchers use primary and secondary data sources. Data collection methods include interviews, document studies, literature studies and field studies. The data analysis method used in this study is the descriptive analysis method.

3. Results and Discussion

3.1. Implementation of Electronic Certificates at the Tegal Regency Land Office

The digital land certificate program or electronic land certificate is carried out in stages starting from big cities such as Jakarta and Surabaya. Including in Tegal Regency itself, since 2024, the development of the analog certificate registration process into an electronic certificate has been carried out by means of media transfer or new registration of electronic land certificates. The land registration procedure to obtain an electronic land certificate refers to the regulations that have regulated electronic land registration, namely the Regulation of the Minister of ATR/BPN Number 1 of 2021 concerning Electronic Certificates. The land registration procedure and the land certificate issuance process include several things, including the following:

- 1) The initial land registration to obtain a land certificate goes through several stages such as: activities and processing of physical data; proof of rights and their

²Dwi Wulan Titik Andari, Dian Ares Mujiburohman, (2023), Legal Aspects of Electronic Certificate Services, Al' Adl Law Journal, Vol. 15, No. 1, p. 156

³Sabian Utsman, Basics of Sociology of Law: Complete with Legal Research Proposal, Pustaka Belajar, Yogyakarta: 2013, p.26.

bookkeeping; issuance of certificates; presentation of physical and legal data; and storage of general lists and documents.

2) Registration Procedures for Obtaining Land Certificates

There are several processes that must be followed to obtain a land certificate as regulated in the provisions of Government Regulation Number 24 of 1997 concerning Land Registration, including the following:⁴

1) Measurement and Mapping.

The result of a measurement and mapping of the land area. Next, enter the stage of making a land list and measurement letter.

2) Base Map Creation and Registration.

The basic registration map is a map that contains the basics of the method and the elements in it such as roads, rivers, buildings and benchmarks that form the basis of the boundaries for each plot of land. The registration map itself is a depiction of a form or plot of land that is done for the purposes of recording.⁵

3) Land Register Creation

This stage is a stage carried out to determine the amount of land until the numbering of the land deed is given as stated in Article 21 of Government Regulation (PP) Number 24 of 1997.

4) Making of Measurement Letter

The process of making a measurement letter in accordance with the provisions of Article 22 of PP Number 24 of 1997, the Minister determines the contents, form, method of filling in, storing and maintaining the measurement letter.

5) Certificate Issuance

This land title certificate is issued through existing procedures, and functions as valid evidence if a legal problem arises in the future.

3) Physical Data Management and Storage of Land Certificate Documents

When a land certificate has been obtained, there is data collected as a requirement for land registration in the form of legal data and fictional data in accordance with what has been regulated in Articles 33 and 34 of Government Regulation Number 17 of 1997 concerning Land Registration.

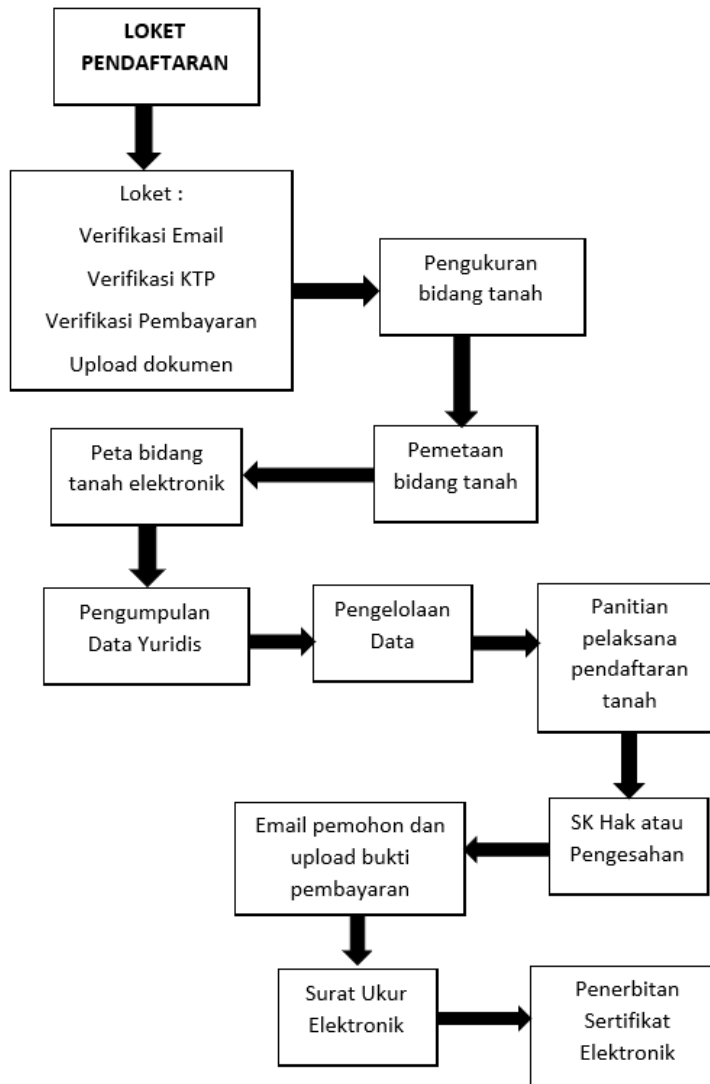
⁴Ibid, Article 4

⁵Eko Budi Wahyono, Basic Land Registration Map and Registration Map, Material Slides, <https://slideplayer.com>. Accessed December 21, 2024, 19.00 WIB.

4) Land Registration Procedures to obtain an Electronic Land Certificate

Analog certificates and electronic certificates have quite significant differences from the registration stage to the issuance of electronic certificates, especially in the procedure for electronic initialing as stipulated in Article 1 paragraph (5) regarding the definition of electronic signatures regarding electronic initials.⁶

1) Electronic Certificate Registration is done with First Time Registration. Here is the Land Registration Flow for First Time Electronic Certificates.



Picture1- Land Certificate Registration Flow and K

From the chart review above, it can be seen that in land registration up to the issuance of electronic certificates for newly registered land, the applicant must first come to the registration counter at the land office by bringing an identity card as a data synchronization of land ownership, considering that the registered land

⁶Ibid, Article 1 number 5

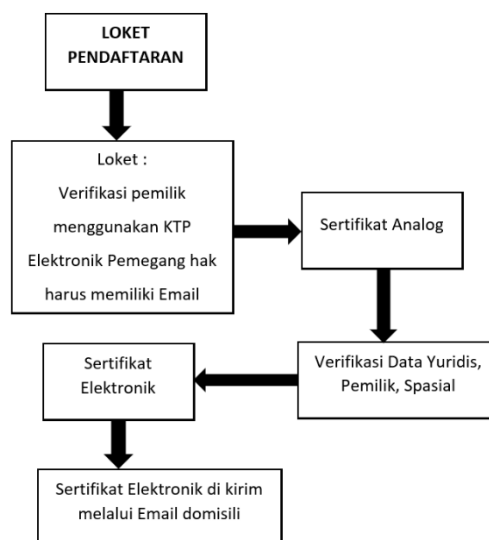
does not yet have a certificate. Land area measurements are carried out by measuring officers after the registration of measurements carried out by the applicant has been verified and an STP (Measurement Task Letter) has been issued from the Land Office at the Regency/City level. At the mapping stage, it is carried out after obtaining valid numbers of measurement results in the field using satellite imagery to obtain the exact number of measurement results and locations. After the results of the area and location of the land from the measurement and mapping appear, a land area map is made containing information about the land. After the above process is completed, legal data is collected considering that this is the first land registration that does not yet have a certificate, so the legal data is collected. After the legal data is collected, the next stage is data processing by competent implementing officers. The results of this data processing will later be followed up with the issuance of a Decree on the rights to the registered land. The final stage is for the applicant to register and pay the administration fee in the amount determined by the implementing officer, so that the measurement letter as proof of the amount of land and the electronic certificate as proof of ownership of land rights can be checked through the Sentuh Tanahku application. Whatever the initial requirements that must be brought by the applicant to the Land Office when registering land or changing it to an electronic certificate include:

- a) Land area map
- b) Mandatory documents that must be included related to ownership (Photocopy of KTP and Electronic KK, SKW/Acquisition Deed, PBB Sppt, Letter C or Letter D Extract).
- c) Physical data processing.

2) Issuance of Electronic Certificates through Media Transfer

The issuance of electronic certificates through media transfer can be done by the rights holder in this case the community who will change the analog certificate into an electronic certificate. To understand the flow further, it can be seen from the chart below:

Chart 2: Media Transfer Land Registration Process



The process of issuing electronic certificates through media transfer applies to land that has a certificate in analog form. The flow and requirements for the changes are as follows:

- a) Have an electronic ID card
- b) Have an email to then log in to the Sentuh Tanahku application; and
- c) Validity of land maintenance and media transfer data

After it is confirmed that the data is valid, then you can register the media transfer and collect the analog certificate to the land office to be stored and combined with the existing land certificate. Officers verify the spatial legal data.

3.2. The Ideal Implementation Mechanism for Management and Application of Law on the Validity of Electronic Certificates at the ATR/BPN Office of Tegal Regency.

The Agrarian and Spatial Planning Office/National Land Agency (ATR/BPN) of Tegal Regency on July 1, 2024 has made a media transition from analog land certificates to be changed to electronic certificates. The next stage that needs to be done immediately is to change the analog land certificates of the Tegal Regency Regional Government offices to electronic certificates. So that if in its development it has been considered sufficient/complete by the Ministry of Agrarian and Spatial Planning/National Land Agency, it can be implemented to the public in this case the general public. When the electronic certificate is valid or in this case the land certificate has been physically or analogously changed to an electronic land certificate, what is no less important is that the analog certificate remains the right of the community, is stored and is not replaced with another regardless of the electronic certificate has been issued. So that this electronic land certificate functions as a backup document when the community loses valuable documents due to disaster or something unwanted, regardless of the electronic land certificate itself being equipped with security guaranteed by the National Cyber and Crypto Agency (BSSN). With the equalization of land certificate digitalization in the future, the hope is that there will be no more parties who can carry out acts of misuse of land rights, playing with land objects or what is commonly called land mafia.

1) Land Deed Making Official in making the Sale and Purchase Deed

The official as referred to in Article 19 of PP No. 10 of 1961 is the Land Deed Making Official or commonly referred to as PPAT. The deed made by PPAT is one of the proofs of land ownership for completeness at the Land Office. Meanwhile, in Article 1 paragraph (4) of Law No. 4 of 1996 concerning mortgage rights on land and objects related to land, it is stated that PPAT is a public official who is authorized by the state to make deeds of transfer of land rights, deeds of

encumbrance of land rights and deeds of granting power of attorney to encumber mortgage rights according to applicable regulations.

a. PPAT Functions and Responsibilities in Making Land Sale and Purchase Deeds

Regarding the duties of a PPAT are as follows:

a) Assisting parties carrying out legal acts to submit applications for transfer of rights permits and applications for confirmation of conversion and registration of land rights.⁷

b) Make deeds regarding legal actions related to land rights and mortgage rights (sale and purchase deeds, exchange deeds, etc.).

Meanwhile, the authority of the PPAT is as follows:⁸

a) Make authentic deeds regarding all legal acts, regarding:

1) Buy and sell.

2) Exchange.

3) Grant.

4) Inflow into the company (Inbreng).

5) Joint distribution of rights.

6) Granting of HGB / Right to Use of Freehold Land.

7) Granting of mortgage rights.

8) The granting of power of attorney imposes mortgage rights.

b) PPAT can make deeds regarding legal actions regarding land rights (including, among other things, Cultivation Rights and former customary land Ownership Rights) or land rights which by their nature can be transferred or burdened with mortgage rights or make a power of attorney to impose mortgage rights; And

c) A special PPAT is only authorized to make deeds regarding legal acts that are specifically mentioned in his/her appointment.

The legal consequences arising from the act of buying and selling land carried out before the Land Deed Official (PPAT) are the birth of an obligation and rights between the binding parties, namely the seller and the buyer and the transfer of control of the rights to the land that is the object of the sale and purchase. The sale and purchase of land carried out before the Land Deed Official (PPAT) can be

⁷Boedi Harsono, 2000, Collection of Land Law Regulations. Djambatan, 2000, South Jakarta, p. 52.

⁸Baharudin, Authority of Land Deed Making Officer (Ppat) in Land Sale and Purchase Process, jdihn.go.id 2019

proven by the existence of a deed of sale and purchase (AJB). The deed of sale and purchase (AJB) is one of the authentic deeds.⁹The government's role in land regulations, which include regulations on land sales and purchases as well as land registration at the National Land Agency (BPN) must be accompanied by a quality bureaucracy that supports the process so that it can run smoothly.

4. Conclusion

The digitization of land certificates in Indonesia occurs when there is a new registration application and then the electronic land certificate process or media transfer from analog certificates to electronic land certificates is carried out, or due to something such as the practice of land buying and selling processes, changes in ownership status and others. Although there are no sanctions in the Regulation of the Minister of ATR/BPN Number 1 of 2021 concerning Electronic Certificates, for parties who are reluctant to digitize land certificates, it is undeniable that the digitization of land certificates in Indonesia will continue. Therefore, the ATR/BPN Office of Tegal Regency as the agency that technically oversees the land sector can prepare in terms of human resources (HR) and quality by prioritizing the principles of caution and accuracy. For the Tegal Regency ATR/BPN Office itself, the electronic certificate product is given to the applicant in physical form (1 sheet) which is marked with a barcode that can be scanned in the "Sentuh Tanahku" application which can be downloaded on the Play Store for Android and the App Store for IOS.

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⁹Anna Ismudiyatun, Duties and Functions of Land Deed Officials (Ppat) in Land Registration in Kudus Regency, Central Java Province, Thesis 2009

Sabian Utsman, *Dasar-dasar Sosiologi Hukum: Dilengkapi Proposal Penelitian Hukum (legal Research)*, Pustaka Belajar, Yogyakarta: 2013, p.26.