

Comparison of the Legality and Legal Power of Conventional and Electronic Land Certificates in the Land System in Indonesia

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Abstract. *This study aims to analyze: 1) Comparison of the legality between conventional land certificates and electronic land certificates in the land system in Indonesia. 2) Comparison of the legal force of conventional land certificates and electronic land certificates in providing proof and legal protection for land rights holders. This type of research falls within the scope of normative legal research. The approach method in this research is legislation (statue approach). The type of data in this research is secondary data sourced from primary, secondary and tertiary legal materials. The data collection method uses library techniques (study document). The analysis in this research is prescriptive. The results of the research are concluded: 1) Comparison of the legality between conventional land certificates and electronic land certificates in the land system in Indonesia, namely both conventional land certificates and electronic land certificates have equal legality in the Indonesian land law system because both are the result of the land registration process as regulated in Article 19 of the UUPA, PP Number 24 of 1997, and PP Number 18 of 2021. Conventional certificates have strong but not absolute evidentiary power, while electronic certificates obtain legitimacy through the Regulation of the Minister of ATR/BPN Number 3 of 2023 and Article 5 of Law Number 1 of 2024 concerning ITE which confirms the validity of electronic documents as legal evidence. Both are legitimate state administrative decisions, so the difference between physical and digital forms does not affect their status. 2) Comparison of the legal force of conventional land certificates and electronic land certificates in providing evidence and legal protection for land rights holders, namely conventional land certificates and electronic land certificates have equal legal force in providing evidence and legal protection for land rights holders, because both are issued by authorized officials in accordance with Article 19 paragraph (2) letter c UUPA and Article 32 PP Number 24 of 1997. Conventional certificates have strong but not absolute evidentiary force and provide protection for rights holders in good faith, while electronic certificates obtain legal legitimacy through Article 6*

paragraph (2) and Article 16 paragraph (2) of the Minister of ATR/BPN Regulation Number 3 of 2023, and their validity is recognized based on Article 5 of Law Number 1 of 2024 concerning ITE and are equipped with personal data protection as regulated in Law Number 27 of 2022 concerning PDP.

Keywords: Certificate; Electronics; Legality.

1. Introduction

The main objective of the UUPA is not only to provide legal certainty and legal protection regarding land ownership rights for the people, but the UUPA also regulates the various types of land rights that can be granted and owned by individuals, either alone or together with other people or legal entities.¹

A certificate is the final result of land registration and is an authentic piece of evidence. As stated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning land registration, a certificate is a valid proof of rights as a strong means of proof regarding the physical data and legal data contained therein, as long as the physical data and legal data are in accordance with the data contained in the measurement letter and the relevant land title book. The issuance of a land title certificate issued by the Land Office is in the form of a land ownership certificate involving the applicant, the owners of adjacent land, village officials and related agencies to obtain an explanation regarding the documents as the basis for rights related to the certificate application.²

The power of a certificate guarantees legal certainty for the holder. A certificate is a perfect piece of evidence as long as no opposing party proves otherwise. A person or legal entity can easily prove their rights to a plot of land and its condition, such as its area, boundaries, existing buildings, the type of rights and encumbrances attached to the land rights, and so on.³

Conventional land certificates, in physical form, still serve as valid proof of land ownership and are commonly used by the public. These physical land certificates are crucial documents for the public. However, this can cause problems, ranging from falsification of certificate data by land mafias to numerous land disputes resulting from duplicate certificates. Duplicate certificates arise due to legal and

¹Syarifah Lia, Lathifah Hanim, Legal Certainty in Resolving Disputes Arising from Overlapping Certificates of Ownership (SHM) on Land (Case Study at the Land/Agrarian Affairs and Spatial Planning Office of Pontianak City), Jurnal Akta, Volume 4 Number 1 of 2017, p. 33

²Ali Achmad Chomzah, 2003, Land Law Series III - Settlement of Land Rights Disputes and Land Law Series IV - Land Acquisition by Government Agencies, Prestasi Pustaka, Jakarta, p. 18.

³Adrian Sutedi, 2011, Land Rights Certificate, Sinar Grafika, Jakarta, p. 1.

physical defects, in this case, when the certificates are not properly mapped on the land registration map by the local Land Office.⁴

According to the latest data from the Agrarian Reform Consortium (KPA), more than 300 agrarian conflicts were recorded across Indonesia throughout 2023. These conflicts involved over 200,000 hectares of land and impacted thousands of families. In some areas, these conflicts have persisted for years without any satisfactory resolution. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) revealed that approximately 40% of Indonesia's total land area remains uncertified. This situation is exacerbated by the persistently high number of cases of duplicate land titles and falsified land documents. In 2023 alone, more than 1,000 disputes related to overlapping land ownership were recorded.⁵ This problem shows that the land administration system based on physical documents still has gaps that allow land disputes to occur in society.⁶

The land administration system in Indonesia continues to evolve with the implementation of electronic land certificates (e-certificates) through Ministerial Regulation of ATR/BPN Number 1 of 2021, which was updated with Ministerial Regulation of ATR/BPN Number 3 of 2023. This aims to improve the efficiency, transparency, and security of land data. This innovation aligns with global practices such as those in Malaysia, South Korea, Singapore, and the Philippines, which have adopted digital systems to expedite services and reduce disputes. Electronic certificates serve as digital proof of land rights stored in the BPN system and are expected to strengthen legal protection for land ownership. However, their implementation still raises issues regarding legality, evidentiary strength, rights protection, and infrastructure readiness and digital literacy in various regions. Therefore, a comprehensive legal analysis is needed to assess the extent to which the transition to a digital system can guarantee legal certainty and protect land rights as stipulated in laws and regulations.

2. Research Methods

This type of research falls within the scope of normative legal research. The approach method in this research is legislation (statue approach). The type of data in this research is secondary data sourced from primary, secondary and tertiary legal materials. The data collection method uses library techniques (document study). The analysis in this research is prescriptive.

⁴Agus Salim, 2019, Settlement of Legal Disputes Against Ownership Certificate Holders with the Issuance of Duplicate Certificates, USM Law Review Journal, Volume 2, Number 2, p. 183

⁵<https://kumparan.com/addinansyah->, accessed May 30, 2025 at 11:20 WIB

⁶Boedi Harsono. 2003, Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Contents and Implementation, Djambatan, Jakarta, p. 386.

3. Results and Discussion

3.1 Comparison of Legality Between Conventional Certificates and Electronic Land Certificates in the Land System in Indonesia

Land registration guarantees that a plot of land has been officially registered at the Land Office and has a legitimate title holder. This prevents unilateral claims from other parties to the same land, unless the party can prove their rights through legal mechanisms applicable in court in accordance with the principles of land registration as stipulated in Government Regulation Number 24 of 1997. Thus, land registration functions not only as an administrative instrument, but also as a means of legal protection and the creation of legal certainty in the land sector. The final product of land registration is a certificate as proof of ownership of land rights.⁷

Conventional land certificates are the classic form of land title evidence known and used in the national land system. The legality of conventional certificates is firmly rooted in Indonesia's agrarian legal regime, specifically Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), the primary foundation of land law. Conventional certificates are issued as the final result of the land registration process carried out by the government through the Land Office, thus serving not merely as administrative documents but as legal products that legitimize control and ownership of land rights.

Article 3 Government Regulation Number 24 of 1997 explains that Land registration aims to:

- 1) Provide legal certainty and protection to rights holders of land plots, apartment units and other registered rights so that they can easily prove themselves as the rights holders in question.
- 2) Providing information to interested parties, including the government, so that they can easily obtain the data needed to carry out legal actions regarding registered land plots and apartment units.
- 3) Implementation of orderly land administration.

The definition of land registration data maintenance is explicitly defined in Article 1 number 12, namely that land registration data maintenance is a land registration activity to adjust the physical and legal data in registration maps, land lists, name lists, measurement letters, land books, and certificates with changes that occur later. This formulation shows that data maintenance covers all land administration instruments, including certificates as proof of rights. Thus, the legality of conventional certificates depends on the ongoing conformity between the data

⁷Irawan Soerodjo, 2002, Legal Certainty of Land Rights Registration in Indonesia, Arloka, Surabaya, p. 40.

contained in the certificate and the data stored in the land books and measurement letters.

The legality of conventional land certificates as proof of rights is explicitly stated in Article 32 paragraph (1), namely:

"A certificate is a document that serves as proof of rights which is valid as a strong means of proof regarding the physical data and legal data contained therein, as long as the physical data and legal data are in accordance with the data contained in the measurement letter and the land title book in question."

This provision emphasizes that the legal validity of conventional certificates is conditional on the conformity between the certificate, land register, and measurement deed. Therefore, data maintenance, recording changes to data and information, and media transfer are normative prerequisites for maintaining the legality of certificates in the land registration system.

Strengthening the legality of conventional certificates is explicitly regulated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, which places conventional certificates as the main instrument in guaranteeing legal certainty for land rights holders, as long as the data listed therein corresponds to the data recorded in the land book and measurement letter at the Land Office.⁸

The legality of conventional certificates is also closely related to the character of the Indonesian land registration system, which adheres to a negative publication system with positive elements. Under this system, the state does not guarantee the absolute accuracy of the data contained in the certificate, but provides strong legal protection to certificate holders acting in good faith. Conventional certificates can still be challenged if another party can prove a legal flaw in the acquisition process. However, as long as there is no court decision annulling or declaring it invalid, the certificate must be considered valid and binding.⁹

From a state administrative law perspective, conventional certificates are the result of an administrative legal action in the form of an individual and concrete state administrative decision (*beschikking*). Therefore, the legality of their issuance can be tested through either state administrative court mechanisms or general courts, depending on the disputed object. This position demonstrates that conventional certificates possess strong legal legitimacy, yet remain open to legal review as a form of control over government actions.¹⁰

⁸Boedi Harsono, 2008, *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Contents and Implementation*, Djambatan, Jakarta, p. 484.

⁹Urip Santoso, 2010, *Registration and Transfer of Land Rights*, Kencana Prenada Media Group, Jakarta, p. 67.

¹⁰Philipus M. Hadjon, 2011, *Introduction to Indonesian Administrative Law*, Gadjah Mada University Press, Yogyakarta, p. 135.

The validity of conventional certificates is also supported by the principle of publicity, namely the transparency of land data that allows the public to determine the legal status of a plot of land. Through land registration and certificate issuance, physical and legal data are officially announced and recorded in the land administration system. This principle is an important basis for preventing disputes and providing legal protection for interested third parties, for example in the transfer of rights or the assignment of mortgages.¹¹

Despite their strong legal legitimacy, conventional certificates are not free from various implementation weaknesses, particularly those related to susceptibility to forgery, duplication, and the lack of synchronization of physical and legal data. However, these weaknesses do not necessarily diminish the legality of conventional certificates as proof of rights, but rather reflect the administrative and technical challenges in implementing land registration. Therefore, normatively, conventional certificates remain valid and have full legal force as long as they are issued in accordance with the procedures and provisions of applicable laws and regulations. Therefore, it can be affirmed that the legality of conventional land certificates in the Indonesian land law system has been firmly established through the UUPA and its implementing regulations. Conventional certificates serve as strong proof of rights, provide legal certainty and legal protection to their holders, and serve as a key pillar of the national land registration system before and until the transformation to an electronic land certificate system takes place.

Digital transformation in the land sector is a strategic step taken by the government to improve the quality of public services, one of which is through the policy of issuing electronic land certificates as stipulated in Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1 of 2021, which has now been replaced by 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. This policy aims to promote efficiency, transparency, and strengthen legal certainty and protection for land rights holders.¹²

The change in the format of land certificates is not merely a technological innovation, but also part of land law reform, or agrarian law. The goal of this change is to improve the quality of public services, expedite the land registration process, and strengthen legal certainty. The laws and regulations referred to in this regard not only cover land technicalities but also address the validity of

¹¹Maria SW Sumardjono, 2009, *Land in the Perspective of Economic, Social and Cultural Rights*, Kompas, Jakarta, page 112.

¹²Julianus Zandrato, 2025, *Legal Analysis of the Transfer of Conventional Land Certificates to Electronic Land Certificates in Indonesia Based on the Regulation of the Minister of Agr/Head of Bpn No. 1 of 2021*, Jurnal Media Akademik (JMA) Vol.3, No.7,

electronic documents, the protection of personal data, and guarantees of the integrity and integrity of digital information.¹³

This electronic certification allows the land registration and certification process to be conducted online and more efficiently. Land registration systems worldwide have undergone a process of modernization through the use of information and communication technology. In the development of electronic certificates, several countries have begun implementing them. Land applications such as e-Tanah, e-Kadastre, and MyGeoName were introduced in 2018. Malaysia began digitizing land data around 1998. South Korea has implemented electronic land certification through the Korea Land Information System agency, which is trusted to transcribe and estimate land information. Similarly, electronic land certificates have also been implemented in Singapore and the Philippines to demonstrate land ownership rights. Indeed, technology has facilitated the provision of practical, fast, and easy services.¹⁴

From a legal perspective, the legality of electronic land certificates cannot be separated from the principle that all land rights must receive equal legal recognition and protection, whether issued in physical or electronic form. This principle aligns with the principle of equality before the law, which places electronic land certificates as proof of rights with the same legal force as conventional certificates as long as they are issued by authorized officials and in accordance with procedures stipulated by laws and regulations.

The legality of electronic land certificates is also reflected in their status as a product of state administrative law. Electronic certificates are issued through a decree of a state administrative official, in this case the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (BPN), or an official delegated their authority. This is as stipulated in Article 2 of 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, namely:

- 1) Land Registration is organized by the Ministry.
- 2) Land Registration as referred to in paragraph (1) may apply information and communication technology.
- 3) The application of information and communication technology in Land Registration activities as referred to in paragraph (2) is carried out through an Electronic System.

¹³Ibid., p. 6

¹⁴Ana Silviana, 2021, "The Urgency of Electronic Land Certificates in the Land Registration Legal System in Indonesia," *Administrative Law and Governance Journal*, Volume 4, Number 1, p. 8

Based on the description of the legality of conventional and electronic land certificates, it can be seen that both have different legal bases but are part of the same land registration system. These differences primarily relate to the certificate format, issuance mechanism, and underlying normative regulations. Therefore, to provide a clearer picture of the legal position of each certificate within the Indonesian land system, a comparative discussion of conventional and electronic land certificates is necessary, as follows.

Legal Aspects	Conventional Land Certificate	Electronic Land Certificate
Main legal basis	Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) as the basis for national agrarian law	Law Number 5 of 1960 concerning UUPA which remains the legal basis for land rights
Regulations for the implementation of land registration	Government Regulation Number 24 of 1997 concerning Land Registration	Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration
Normative basis for issuing certificates	Certificates are issued as the final result of conventional land registration based on PP Number 24 of 1997	Certificates are issued in the form of electronic documents based on the Regulation of the Minister of ATR/Head of BPN Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities.
Form of certificate as a legal document	Physical documents in the form of certificate books containing physical data and legal data	Electronic documents (electronic state documents) whose physical and legal data are stored in the Electronic Land Database (BT-el)
The position of certificates in the legal system	Recognized as a valid proof of land rights in the national land law system.	Recognized as a valid state document and legally equivalent to a conventional certificate
State recognition of the form of the document	The state recognizes physical documents as land administration products.	The state recognizes electronic documents as land administration products through official electronic systems.
Legal basis for the validity of electronic media	Not using electronic media as a publishing basis	Strengthened by Law Number 11 of 2008 concerning Electronic Information and Transactions as last amended by Law Number 1 of 2024
Publisher's authority	Issued by the Land Office as an implementation of the state's administrative authority	Issued by the Minister of ATR/Head of BPN or an official who has delegated authority through an electronic system
Characteristics of administrative law products	It is a state administrative decision (beschikking) which is individual and concrete in physical form.	It is a state administrative decision (beschikking) which is individual and concrete in electronic form.
Land registration publication system	Stay in the negative publicity system with positive elements	Remain in a negative publication system with positive elements, but supported by electronic data integration

Recognition of changes in the form of the certificate	Physical form was the primary standard before digital transformation.	Changes in form do not change the substance of rights, only change the administrative media for land registration.
Normative status in the land system	Its legality has been established and has been the main reference in land practices for decades.	Its legality is the latest normative development that is explicitly recognized by statutory regulations.

Based on the comparison of the legal aspects between conventional land certificates and electronic land certificates as depicted in the table above, it can be understood that the main difference between the two does not lie in the recognition of land rights themselves, but rather in the normative framework and administrative media used by the state in legitimizing those rights. Conventional certificates and electronic land certificates both emerged from the national land registration system based on the Basic Agrarian Law, so conceptually both are within the same legal regime.

The legality of conventional land certificates is established through classical regulations that have long been institutionalized in land administration practices, particularly Government Regulation No. 24 of 1997. In contrast, electronic land certificates gain legitimacy through more recent regulatory developments, particularly Government Regulation No. 18 of 2021 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 3 of 2023, which mark a shift in the state's approach to managing land administration from a manual system to an electronic one. This shift demonstrates that the state is not changing the substance of land rights but is instead adapting the forms and means of administrative law to suit developments in information technology.

3.2 Comparison of the Legal Strength of Conventional Land Certificates and Electronic Land Certificates in Providing Evidence and Legal Protection for Land Rights Holders

In terms of legal protection, Article 32 paragraph (2) of Government Regulation Number 24 of 1997 provides additional protection to certificate holders who act in good faith and have actual control of their land, by limiting the possibility of lawsuits after a certain period of time. This provision shows that conventional certificates function as an instrument for stabilizing land legal relations.

The development of information technology is driving the transformation of land administration towards an electronic system. In the context of electronic documents, Article 1 number (23) of the Regulation of the Minister of ATR/Head of BPN No. 3 of 2023 defines an Electronic Certificate as a certificate created and issued electronically by the Land Office. The basic principle of the validity of electronic documents in land is no different from physical/conventional (paper) documents, the only difference being the medium or physical form. Electronic

documents will be considered legally valid if they meet the substantive requirements stipulated in statutory regulations.

From a legal protection perspective, electronic land certificates offer a more structured security mechanism through the implementation of certified electronic signatures, electronic seals, and data storage in the Electronic Land Database. This mechanism serves to guarantee the authentication of authorized officials, maintain the integrity of documents to prevent unauthorized changes, and ensure the traceability of any data changes. In this context, electronic certificates provide a stronger form of preventative legal protection than conventional certificates, particularly in preventing forgery, duplication, and data manipulation. However, both conventional and electronic certificates remain within the framework of the negative publication system, so their validity can be tested through the judicial process in the event of a dispute. In the context of land law, electronic documents have equal standing with conventional documents. This is based on:¹⁵

- 1) Principle of Legal Certainty: Electronic documents provide the same legal certainty as physical documents.
- 2) Principle of Legal Protection: Electronic certificate holders receive the same legal protection.
- 3) Principle of Openness: Electronic documents can be accessed openly through a designated system.
- 4) Principle of Efficiency: The existence of electronic documents supports efficiency in land services.

Based on the provisions of the ITE Law and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 3 of 2023, electronic documents in land registration have legal standing and are equal to conventional documents. Their evidentiary force is the same as physical/conventional documents, both as written evidence and as legal basis for land legal actions.

Referring to Law Number 27 of 2022 concerning Personal Data Protection (PDP Law), the PDP Law stipulates that personal data includes information that can identify an individual, either directly or indirectly, such as full name, identity number, biometric data, and financial information. In the context of electronic land certificates, such data includes the identity of the rights holder, the area and location of the land, and information on land rights, all of which are categorized as personal data. The PDP Law regulates the rights of data subjects, including the right to obtain information, the right to access and correct data, and the right to

¹⁵Fatria Hikmatiar, 2025, Legal Status of Electronic Documents in Registration Activities Land in Indonesia Based on the Regulation of the Minister of ATR/Head of BPN Number 3 of 2023, Collaborative Journal of Science, Volume 8 No. 11, p.7383

delete personal data. Furthermore, the PDP Law also stipulates the obligation for data controllers to protect personal data from unauthorized access, leakage, and misuse.¹⁶

Implementing personal data protection in an electronic land certificate system requires adequate technical and administrative measures. Technically, the use of security technologies such as encryption, digital signatures, and two-factor authentication systems can enhance data security. Administratively, clear policies and procedures regarding personal data management, including complaint mechanisms and data breach handling, are required.

The following is a comparison table of the legal strength of conventional land certificates and electronic land certificates in providing proof and legal protection for land rights holders:

Aspect		Conventional Land Certificate	Electronic Land Certificate (e-Certificate)
Main Basis	Legal	- Article 19 paragraph (2) letter c UUPA (UU No. 5 of 1960) - PP No. 24 of 1997 concerning Land Registration	- Regulation of the Minister of ATR/BPN No. 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities - Law No. 1 of 2024 (Second Amendment to the ITE Law)
Power of Proof		Authentic written evidence that has strong evidentiary power (kracht van bewijs) but is not absolute (can be refuted by proof to the contrary).	Valid electronic evidence (Article 6 paragraph (2) of ATR Regulation 3/2023, Article 5 of the ITE Law) with legal force equivalent to a conventional certificate.
Data Sources and Validity		Based on the land book and measurement letter recorded at the Land Office; validity depends on the conformity of physical and legal data (Article 32 paragraph (1) PP 24/1997).	Based on the Electronic Land Database (BT-el); validity is guaranteed by the electronic system and the responsibility of land officials (Article 16 paragraph (2) of Ministerial Regulation 3/2023).
Authorized Official		Issued by the Head of the Land Office manually through land administration procedures.	Published electronically by the Ministry of ATR/BPN or designated officials through the official electronic system.
Document Form		Physical document (paper) with wet signature and official stamp.	Digital documents with certified electronic signatures, verification codes, and electronic seals.
Publication System		By adopting a system of negative publication with positive elements, the state does not provide absolute guarantees, but protects holders with good intentions (Article 32 paragraph (2) PP 24/1997).	The negative publication system still has positive elements, but is strengthened by the integrity of electronic data and digital footprints.

¹⁶Ni Kadek Erna Dwi Juliyanti, I Made Pria Dharsana, and Ni Made Puspasutari Ujianti, 2022, Legal Protection for Digital Land Certificate Holders Associated with Personal Data Security, Jurnal Prefensi Hukum, volume 4, number 1, p. 96.

Preventive Legal Protection	Given to certificate holders who act in good faith and actually control the land (Article 32 paragraph (2) PP 24/1997).	Provided through digital security, official authentication, and electronic surveillance systems (Articles 6 & 16 of Regulation 3/2023).
Repressive Legal Protection	Disputes are resolved through the courts or administrative mechanisms if data defects are found.	Disputes are resolved through electronic data correction mechanisms or judicial proceedings, with digital audit trails as additional evidence.
Personal Data Protection	Not specifically regulated, only implicit in land data protection.	This is strictly regulated through Law No. 27 of 2022 concerning Personal Data Protection (PDP Law).
Efficiency and Security Aspects	Vulnerable to forgery, duplication and loss of documents.	More efficient, transparent, and secure thanks to encryption, digital verification, and electronic data-based systems.
Character of Evidence in Court	Recognized as strong authentic written evidence but can be revoked by a court decision.	Recognized as valid electronic evidence with equivalent evidentiary value, accompanied by electronic system validation.
Relevant Theories	Demonstrates preventive and repressive legal protection (Philipus M. Hadjon) as well as the principle of legal certainty (Gustav Radbruch).	Strengthening systemic and proactive legal protection, prioritizing digital security and data integrity (Hadjon & Radbruch).

Based on the table above, it can be concluded that normatively conventional land certificates and electronic land certificates have equal legal force in the Indonesian land system. Both function as valid evidence of land rights, issued by authorized officials, and have strong evidentiary power as regulated in Article 19 paragraph (2) letter c of Law Number 5 of 1960, Article 32 of Government Regulation Number 24 of 1997, and Article 6 paragraph (2) and Article 16 paragraph (2) of the Regulation of the Minister of ATR/BPN Number 3 of 2023. The fundamental difference between the two lies only in the media and administration system, where electronic certificates use a digital-based system that is more efficient, transparent, and secure through the application of electronic signatures and personal data protection based on Law Number 27 of 2022 concerning Personal Data Protection.

Based on Philipus M. Hadjon's theoretical framework, both forms of certificates demonstrate that the state provides legal protection in two dimensions: preventive and repressive. Conventional certificates emphasize protection through administrative legitimacy, the principle of real control, and formal legal mechanisms. Meanwhile, electronic certificates add digital system-based protection that strengthens the accuracy, security, and accountability of public officials. In terms of proof, both have equal legal standing as authentic evidence, because they are both issued by authorized officials and function to provide legal certainty for rights holders. However, electronic certificates have additional technological evidentiary value, in the form of digital verification capabilities and

system audit evidence, which support the principles of document authenticity and integrity as stipulated in Article 5 paragraph (3) of Law Number 1 of 2024 concerning ITE. When compared, legal protection under conventional certificates is reactive and administrative, while that of electronic certificates is proactive and systemic, because violation prevention is carried out through technology that automatically detects changes or unauthorized access. However, both remain within the system of negative publication with positive elements, so that the truth of the data listed can still be tested through evidence in court.¹⁷

Thus, through the perspective of Philipus M. Hadjon's legal protection theory, both conventional and electronic certificates have legally equivalent protection and evidentiary functions, but differ in how the state implements these protection functions. Conventional certificates rely on administrative checks and the principle of actual control, while electronic certificates rely on digital security systems, the responsibility of land officials, and the protection of personal data. Both are legal instruments that affirm that land rights receive legal certainty and effective legal protection within the national land system.

4. Conclusion

Conventional and electronic land certificates have equal legal standing because both are the result of land registration in accordance with Article 19 of the UUPA, Government Regulation Number 24 of 1997, and Government Regulation Number 18 of 2021. Electronic certificates are legitimized through Ministerial Regulation of ATR/BPN Number 3 of 2023 and Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE), so the difference between physical and digital forms does not affect their status. Based on Gustav Radbruch's theory of legal certainty, both meet the elements of legal certainty because they are derived from clear positive norms. In terms of legal force, both types of certificates have equal evidentiary power and legal protection because they are issued by authorized officials. Electronic certificates have additional legal basis through the ITE Law and the 2022 PDP Law, with stronger digital protection. Based on Philipus M. Hadjon's theory of legal protection, conventional certificates are reactive-administrative, while electronic certificates are proactive-systemic, both reflecting the state's function in guaranteeing certainty and protection of land rights.

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¹⁷Ni Ketut Supasti Dharmawan, 2016, Legal Protection of Human Rights in Good Governance, Udayana Master of Law Journal, Volume 5 Number 1, p. 131

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