

Electronic Land Certificates: Its Goals and Challenges

Elza Syarief^{1,*}

¹ Universitas Internasional Batam,
Indonesia

* Corresponding author:

Email: elzasyarief@elzalaw.co.id

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Abstract

Recently, the Government through the Ministry of ATR/BPN launched a plan to adopt digital transformation. In accordance with this goal, there is a new breakthrough in making land certificates, namely electronic land certificates. This study aims to find out the challenges and results achieved in the application of electronic land certificates. The results showed that the transformation from physical certificates to electronic certificates takes time. The land certificate was an implementation of the Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates. The issuance of electronic certificates could later be done through land registration for the first time for unregistered land. In addition, the change of physical certificates into electronic certificates for registered land can be done voluntarily by the owner by visiting the land office.

Keywords

land registration, electronic certificates, Indonesia.

1. Introduction

The government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (BPN), has officially released new regulations regarding proof of land ownership (Aji & Nugroho, 2021). Director General of Land Rights and Registration (PHPT) Suyus Windayana revealed, from a total of approximately 126 million land parcels in Indonesia, as many as 82 million plots have registered by 2020 (Fadli, 2020). However, Suyus claims that the registration of these land parcels has always increased its target every year. Since 2015, the target

for registered land is only five million plots, therefore in 2021, the Ministry of ATR/BPN is targeting PTSL to reach 8.3 million certified land parcels.

It takes careful planning and the right strategic steps to achieve the PTSL program targets, there are a number of things that must be considered in order to be able to plan the 2021 strategy. The PTSL program must be able to systematically create a complete city or district through land registration so that it is complete throughout Indonesia (Syarief, 2021). The plan is expected to support the digital transformation of the Ministry of ATR/BPN. Therefore, there is a new breakthrough in making land certificates, namely electronic land certificates.

The Director of Land and Space Registration Arrangements for the Directorate General of Rights and Land Registration, Dwi Purnama said that the background for the launch of the electronic land certificate is for the efficiency of land registration, legal certainty and legal protection, reducing the number of disputes, conflicts and court cases regarding land and increasing the value of registering property in order to improve the Ease of Doing Business (EoDB) ranking. This study aims to determine the challenges and results achieved in the application of electronic land certificates.

2. Current Development in Land Registration in Indonesia

A new regulation is contained in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency (BPN) No. 1 of 2021 concerning Electronic Certificates, which have been signed and take effect from 12 January 2021. Head of the Public Relations Bureau of the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN), Yulia Jaya Nirmawati, said that with this regulation, proof of land ownership would no longer be in the form of a Land Certificate or a paper land book. Instead, it will be replaced with an Electronic Land Certificate or El Certificate whose data is included in the land system. The Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 has been issued regarding Electronic Certificates as the basis for implementing Electronic Certificates. Yulia explained, after this new rule came into effect, the implementation of land registration that was previously carried out conventionally, can now be done electronically, this applies to both first-time land registration and data maintenance.

The ATR/BPN Ministry are therefore slowly starting to prepare steps for the implementation of electronic land registration. The implementation of electronic land registration is implemented in stages and will be regulated by the Minister. The results of the implementation of electronic land registration (Land Certificate) will be in the form of data, information, or electronic documents. The data is data on rights holders, physical data, and juridical data on land parcels that are valid and have their authenticity maintained (Sapromo and Sihombing, 2020). All products of this electronic Land Certificate service will be stored in the Electronic System Database (Fakhimuddin et al., 2021). However, the public did not need to worry about the security of this electronic Land Certificate registration. This is because the implementation of Land Certificate registration using this electronic system is carried out reliably, safely and responsibly (Syarief & Prayogo, 2018).

The implementation of an electronic system for the implementation of land registration will later include data collection, processing and presentation. The result of the operation of the electronic system is in the form of a Land Certificate in the form of an electronic document. The

purpose of using an electronic Land Certificate is to improve business indicators and services to the community, while also realizing electronic-based land services (Syarief, 2021). Therefore, it can be ascertained that in the future there will be no more Land Certificate in the form of paper, all of which will be in the form of an electronic Soil Certificate or EI Certificate (Sihombing & Sugiantoro, 2016).

Yulia explained, to be able to realize this Electronic Certificate, related institutions need to make validation first with the previous Land Certificate, be it in terms of data, and land size and so on. After the validation is complete and complete, then the Land Certificate can be replaced with an Electronic Certificate. After replacing it with an Electronic Certificate, the original Land Certificate currently held by the community must be submitted to the government through the National Land Agency (BPN). The Land Certificate which has changed will be stored in the database electronically to the respective storage address. With the Electronic Certificate stored in the database, landowners can print or print their certificate anytime and anywhere. The regulation is stated in Article 16 which reads:

- 1) Replacement of a certificate to an e-certificate, including the replacement of a land book, measuring document and/or a drawing of a flat unit plan into an electronic document.
- 2) Replacement of e-certificate as referred to in paragraph (1) shall be recorded in the land book, measurement letter and/or flat plan drawing.
- 3) The Head of the Land Office shall withdraw the certificate to be integrated with the land book and stored as a document at the Land Office.
- 4) All documents as referred to in paragraph (3) shall be scanned and stored in the Database.

3. The Implementation of Land Registration

Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates has been issued at the beginning of this year. This is a series of digital transformations that are currently underway at the ATR/BPN Ministry, where last year four electronic services were implemented including Electronic Mortgage, Certificate Check, Land Value Zone and Land Registration Certificate. Regarding the Electronic Certificate which is planned to be launched this year, it is necessary to convey a full explanation to the public, one of which is through the mass media. In addition, this explanation was also carried out to straighten out the opinions formed in the community after the issuance of the Regulation of the Minister of ATR/Head of BPN concerning the Electronic Certificate (Ramadhansari, 2021).

One of the efforts to provide understanding to the public was through an online press conference. The press conference this time is held so that the public has a comprehensive understanding, not in pieces regarding this Electronic Certificate, and on this occasion the media friends will also be given the opportunity to ask questions (Syarief, 2021). Present as resource persons, Special Staff of the Minister of ATR/Head of BPN for Institutional Affairs, Teuku Taufiqulhadi, Director of Land and Space Registration Arrangements for the Directorate General of Rights and Land Registration, Dwi Purnama and Head of the Center for Data and Information on Land, Spatial Planning, Sustainable Food Agriculture Land (LP2B), Virgo Eresta Jaya. In this activity, there were several questions regarding Electronic Certificates submitted by the media crew. Broadly speaking, these questions are related to the background why certificates are made

electronically, the implementation of Electronic Certificates issuance, the benefits of Electronic Certificates, the differences between Electronic Certificates and analogues, the application of Electronic Certificates to the readiness and security of Electronic Certificates to avoid counterfeiting.

On this occasion, the Special Staff of the Minister of ATR/Head of BPN for Institutional Affairs, Teuku Taufiqulhadi launched the Electronic Certificate, of course there will be a different nuance to the analog certificate commonly used by the public. Even so, he ensures that the use of an Electronic Certificate is technically the same as an analog. Every new technology launched, of course there is a new culture, not only internally, but also the community as related stakeholders.

Furthermore, the Director of Land and Space Registration Regulation explained the implementation of Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates. The issuance of an Electronic Certificate can later be carried out through the first land registration for unregistered land, and the replacement of an analog certificate to an Electronic Certificate for registered land such as voluntarily coming to the land office or buying and selling. It should also be explained in accordance with Article 16 of the regulation that there is no withdrawal of an analog certificate by the head of the office, so when the public wants to replace the analog certificate to electronic or there is a transfer of rights or data maintenance, the analog certificate is withdrawn by the head of the office and is replaced by the Electronic Certificate.

4. Electronic Certificates: Its Goals and Challenges

As for the background for the launch of the Electronic Certificate, Dwi Purnama said for the efficiency of land registration, legal certainty and legal protection, reducing the number of disputes, conflicts and court cases regarding land and increasing the value of registering property in order to improve the Ease of Doing Business (EoDB) ranking. Dwi Purnama stated that the implementation of electronic land registration will increase efficiency at both input, process and output nodes, as well as reduce physical meetings between service users and service providers. Apart from minimizing land transaction costs, this is also effective in reducing the impact of the pandemic.

In terms of its implementation, Dwi Purnama stated that later the Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates and PMNA No. 3 of 1997 will coexist in the implementation of land registration. This is due to several reasons, namely that the implementation of land registration in all parts of Indonesia has not been fully registered so that the physical data and land juridical data for each land parcel are not yet fully available (Syarief, 2021). The Director of Land and Space Registration Arrangements stated that the implementation will also be gradual considering the number of land parcels in Indonesia, then according to conditions geographic diversity and diverse socio-economic conditions of society.

Head of the Center for Data and Information on Land, Spatial Planning, and Sustainable Food Agriculture (LP2B), Virgo Eresta Jaya emphasized the safety of using Electronic Certificates. This is the way of increasing security, because electronically, people are more able to avoid counterfeiting, and cannot be denied and falsified. In electronic certificates the government also

imposes electronic signatures, when digital signing is performed, cryptographic operations attach digital certificates and documents to be signed in a unique code (Andriansyah et al., 2021).

Security can also be guaranteed because according to Virgo Eresta Jaya, the entire information security process uses encryption technology such as cryptography by the National Cyber and Crypto Agency (BSSN). In the Electronic Certificate, the integrity of the data will be guaranteed, which means the data will always be intact, not reduced or changed and for our confidentiality, the data has been protected by security using encryption technology from BSSN.

Syarief (2021) said that the electronic certificate will later support a paperless office culture in the digital era, easy to maintain and manage, accessible anytime and anywhere, avoid the risk of loss, burns, rain and theft of physical documents. Sadma (2021) added that the use of electronic certificates is to support the government's go green program, by reducing the use of paper and ink, simplifying and accelerating the signing process and services as well as implementing a digital signature that ensures data authentication, integrity and anti-denial of Land Certificate.

To note, the difference between an analog certificate and an electronic certificate is also explained directly by the Head of the Center for Data and Information on Land, Spatial Planning, and Sustainable Food Agricultural Land (LP2B). In the Electronic Certificate, the hash code, QR Code, single identity will be explained. The provisions for the use of the Electronic Certificate of its obligations and prohibitions will be explained, using electronic signatures and electronic document forms.

5. Conclusion

The transformation from physical certificates to electronic certificates takes time. The land certificate was an implementation of the Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates. The issuance of electronic certificates could later be done through land registration for the first time for unregistered land. In addition, the change of physical certificates into electronic certificates for registered land can be done voluntarily by the owner by visiting the land office.

So, the Government cq. Minister of Agrarian and Spatial Planning/Head of National Land Agency need to socialize Regulation No. 1 of 2021 concerning this Electronic Certificate to the public. The socialization explains to the public the Purpose and Objectives of the Regulation and the differences, weaknesses, and advantages.

References

- Aji, K. P., & Nugroho, T. W. A. (2021, May). Collaborative Efforts in Handling Foreigners Stranded in Indonesia during the Covid-19 Pandemic. In *1st International Conference on Law and Human Rights 2020 (ICLHR 2020)* (pp. 40-49). Atlantis Press.
- Andriansyah, Sulastri E., & Satispi, E. (2021). The role of government policies in environmental management. *Research Horizon*, 1(3).
- Fadli, A. (2020). Baru 82 Juta Bidang Tanah Tersertifikasi. Kompas.com. retrieved by: <https://properti.kompas.com/read/2020/12/10/164926321/baru-82-juta-bidang-tanah-tersertifikasi>.

- Fakhimuddin, M., Khasanah, U., & Trimiyati, R. (2021). Database Management System in Accounting: Assessing the role of Internet Service Communication of Accounting System Information. *Research Horizon*, 1(3).
- Ramadhansari, I., F. (2021). Tidak Semua Ditarik, Ini 4 Edisi Sertifikat Tanah Elektronik. *Bisnis.com*. "Retrieved by: <https://ekonomi.bisnis.com/read/20210204/9/1352163/tidak-semua-ditarik-ini-4-edisi-sertifikat-tanah-elektronik>.
- Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates
- Sadma, O. (2021). The Role of Environmental-Based “Green Startup” in Reducing Waste Problem and its Implication to Environmental Resilience. *Research Horizon*, 1(3).
- Saptomo, A. and Sihombing, B., F. (2020). Certificate of Land Rights in the Legal Philosophy of Notary. *International Journal of Scientific Research and Management (IJSRM)*, 08(12), 297-309.
- Sihombing, B. F., & Sugiantoro, A. (2016). A Comparative Study of Waqf Land for Commercial Use in Indonesia. *International Journal of Business, Economics and Law*, 11(5), 53-56.
- Syarief, E. (2021). Challenges of Implementing Anti-Monopoly and Unfair Competition Law in Creating Market Efficiency in Indonesia. *International Journal of Law*, 7(2), 160-164.
- Syarief, E. (2021). Default in Business Law in Covid-19 Pandemic in Indonesia. *International Journal of Law*, 7(1), 197-201.
- Syarief, E. (2021). Function and Challenges of the Indonesia's Business Competition Supervisory Commission in the Era of Industrial Revolution 4.0.
- Syarief, E. (2021). Land Dispute Resolution through the Special Land Courts as a Transformative Step in Agrarian Reform in Indonesia. *International Journal of Law*, 7(2), 123-126.
- Syarief, E. (2021). Withdrawal of Land Certificates and the Use of E Certificate in the Indonesian Legal System of Land Registration. *IOSR Journal of Humanities and Social Science*, 26(3), 5-9
- Syarief, E., & Prayogo, A. (2018). Analisis Yuridis Hak Erfpacht Verponding Hak Pengelolaan Lahan Kota Batam. *Journal of Law and Policy Transformation*, 3(1), 77-106.