

Implementation of an Electronic A System of Land Registration to Offer Legal Confidence in Land Rights in Indonesia

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Abstract. Obtaining legal certainty of property rights is the goal of land registration, which is an action that establishing the UUPA. Regarding land registration, the government has issued several program policies, such as Prona, Adjudication, and PTSL, and the latest is an electronic land registration system. In issuing policies regarding land registration, the government ought to assess how well the program policies. This implies that a software that isn't functioning well shouldn't be replaced with a new one. Likewise, the electronic land registration system policy currently being implemented, considers the condition of most Indonesian people who are not yet familiar with developments in electronic technology. This raises a problem to be discussed further, whether it is time for the electronic land registration system policy to be implemented by Indonesian society. Recommendations that could be material for study by the government are the need to evaluate land registration policies that have been implemented and look at the sociological conditions of society before issuing new policies.

Keywords: Land Registration, Electronic System, Legal Certainty, Land Rights.

1 Introduction

One of the most important natural resources in the Republic of Indonesia is land. In addition to having intrinsic value for the Indonesian people, land serves a crucial strategic purpose in addressing the State's and its citizens' growing and varied needs, both domestically and globally.[1] Such is the significance of land use for human life and the absoluteness of state intervention in the land law system through its representatives.[2] Since land plays a significant part in development dynamics, the 1945 Constitution of the Republic of Indonesia The statement "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people" is the third paragraph of Article 33. Law of the Republic of Indonesia Number 5 of 1960 covering Basic Regulations on Agrarian Principles also contains provisions pertaining to land, or what is typically called UUPA. To realize the State's presence

in the land sector by offering assurances of legal certainty of land rights as evidence of ownership rights, as required by Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations, Article 19. The government is also required to register land across the Republic of Indonesia's territory.

Based on case data received from public reports in 2020 by the National Land Agency/Ministry of Agrarian Affairs and Spatial Planning, it was 6,094 cases. Of the 6,094 cases, 2,501 cases consisted of resolution and conflict cases, 3,527 cases and 66 cases indicated involvement Regarding the land mafia (Ministry of ATR/BPN, Performance Report, 2020). Of the many land grabs, of course, this can be one of the parameters for us to examine whether Indonesia's land registration system is appropriate and The Law of the Basic Agrarian Law, also known as Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Agrarian Regulations, was created with the specific goals of (UUPA). As a form of the Government's efforts to defend each person's rights and responsibilities citizen to obtain legal protection and prosperity for every person, for this reason, the government realizes these efforts by making a regulation that regulates land ownership, specifically Law Number 5 of 1960 of the Republic of Indonesia pertaining to Fundamental Rules on Agrarian Principles, to provide legal certainty by presenting a written law that regulates and organizes land registration.

The Republic of Indonesia's Number 10 of 1961 Land Registration Government Regulation, which has been modified with the enactment Government Regulation No. 24 of 1997 of the Republic of Indonesia pertaining to Land Registration. According to Republic of Indonesia Government Regulation Number 24 of 1997 Governing Land Registration, a negative publication system is used in Indonesia for land registration. Despite the fact that current government regulations do not explicitly state this, this feature can be seen in the Elucidation of Government Regulation Number 24 of 1997 of the Republic of Indonesia pertaining to Land Registration, Article 32, paragraph (2).

Regarding legal certainty, this is also the aim Under Law Number 5 of 1960 of the Republic of Indonesia pertaining to Fundamental Rules on Agrarian Principles,

which can be seen in the overall description of the

law, which states:

- a. laying the groundwork for the creation of national agrarian law, which will serve as a tool to promote happiness, prosperity, and justice for the State and its citizens—particularly farmers—within the context of a prosperous and just society;
- b. laying the groundwork for the unification and simplification of land law; and
- c. laying the groundwork for the provision of legal certainty regarding land rights for the populace at large.

Providing One of the goals of the UUPA enactment, which is to provide legal certainty about land rights for all Indonesians, can be achieved in two ways:

1. The availability of documented, comprehensive, and unambiguous legal instruments that are regularly applied in accordance with their contents and spirit.
2. Implementation of land registration, which enables the government to carry out land policies and allows land rights holders to readily demonstrate their ownership of the land under their control. It also enables interested parties, including potential creditors and buyers, to acquire the information they need about the land that is the subject of the legal action.”[3]

Registration of land Land registration can now be done progressively online thanks to the publication of ATR/BPN Ministerial Regulation Number 1 of 2021 concerning Electronic Certificates. Electronic documents are defined as electronic information created, forwarded, sent, received, or stored in analog, digital, electromagnetic, optical, or the like that can be seen, displayed, and/or heard via a computer or electronic system. This includes, but is not limited to, writing, sound, images, maps, plans, photos, or the like, letters, signs, numbers, access codes, symbols, or perforations that have their own meaning or sense or that can be understood by those who can understand them (Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Electronic Information and Transactions).

ATR/BPN Ministerial Regulation Number 1 of 2021 concerning Electronic Certificates refers to the basis for consideration (consideration), namely UUPA, its Implementing Regulations, and ITE Law-related legislation. Regarding electronic certificates, ATR/BPN Ministerial Regulation Number 1 of 2021 is still in its infancy.

This Ministerial Regulation was ratified on January 12, 2021. The position of Minister of ATR/BPN Regulation Number 1 of 2021 concerning One kind of statutory regulation is that of electronic certificates. Two requirements must be met for this regulation to be acknowledged for its existence and have binding legal force: it must be created by authority or mandated by higher legislative regulations.

Enhancing indices of the community's satisfaction with public services can be achieved through modernizing electronic-based land services. By making the best use of information and communication technologies, this is put into practice. By observing the author's believes it is necessary to bring up a question regarding the goals of the establishment of Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Regulations on Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration in connection with the Regulation of the Minister of ATR/BPN Number 1 of 2021 concerning Electronic Certificates. Specifically, is it time for Indonesian society to adopt the policy of an electronic land registration system?

2. Method

This study employs the qualitative research method. The research methodology used is either normative juridical or doctrinal. Normative juridical study, according to Mukti Fajar and Yulianto Achmad, is legal research that subdues legislation as the foundation of the norm system. From laws and regulations to court rulings, agreements, and doctrines, the norm system in question is represented through principles, policies, and rules. [4] The application of data in this study begins with an analysis in the discussion that underpins the formation of the title.

3. Findings and Conversation

3.1. Land Definition Registration

"Land registration comes from the word Cadastre (Dutch Kadaster), a technical term for a record, showing the area, value, and ownership (or other rights) of a plot of land. This word comes from the Latin "Capistratum" which means a register or capita or unit made for Roman land tax (Capotatio Terrens). In a strict sense, Cadastre is a record of land, the value of the land, and its rights holders and for tax purposes.[5] Thus, Cadastre is the right tool that provides a description and identification of this and also serves as a continuous recording of land rights.[6]

The term for land registration in Latin is called "Capistratum", in Germany and Italy it is called "Catastro", in France, it is called "Cadastre", in the Netherlands and also in Indonesia it is called "Kadastrale" or "Kadaster". The meaning of Capistratum or Kadaster in terms of language is a register or capita made for Roman land tax, which means a technical term for a record that shows the area, value, and ownership or right holder of a plot of land. At the same time, the modern Cadastre can occur with large maps and related lists.[7] The term land registration: creates the impression as if the main object of registration or the only object of registration is land. Indeed, regarding the collection and presentation of physical data, the land is the object of registration, namely to ascertain its location, boundaries, and area on the registration map and also presented in the "land register". The word "Cadaster" which refers to physical activities comes from the Latin term "Capistratum" which is a list containing data about land.[8]

Article 1 number 1 of the Republic of Indonesia Government Regulation Number 24 of 1997 concerning Land Registration explains land registration which states:

"Land registration is a series of activities carried out by the Government continuously, continuously and regularly, including collecting, processing, bookkeeping, and presenting and maintaining physical data and juridical data, in the form of maps and lists, regarding land plots and units. condominiums, including the provision of certificates of title to plots of land to which there are already existing rights and ownership rights to the condominium units as well as certain rights that encumber them."

According to Soedikno Mertokusumo, there are two types of principles in land registration, namely:[9]

1. Specialiteit Principle.

This means that land registration is carried out based on certain statutory regulations, which technically involve matters of measuring, mapping, and registering transfers. Therefore, the implementation of land registration can provide legal certainty regarding land rights, namely providing clear physical data regarding land area, location, and land boundaries.

2. Openbaarheid Principle (Publicity Principle).

This principle provides juridical data about who is the subject of the rights, what the name of the land rights is, and how the transfer and encumbrance occur. This data is open to the public, meaning anyone can see it.

3.2. Publication System in Land Registration

Theoretically, there are two publication systems in land registration, namely the negative publication system and the positive publication system.

1. Negative Publication System

In a negative publication system, the certificate issued is a strong proof of land rights, meaning that all information contained in the certificate has legal force and must be accepted as correct information by the judge, as long as it is not proven otherwise by other evidence.

Inland registration using a negative publication system, the state as the registrar does not guarantee that the person registered as the right holder is the rightful person because according to this system, it is not a registration but a legal action the law enacted that determines the transfer of rights to the buyer. Registration does not make a person who has obtained rights from an unauthorized party become a new right holder.

Whereas in this negative publication system, the state only passively accepts what is stated by the party requesting registration. Therefore, it can be sued at any time by people who feel more entitled to the land. The party who acquires land from a registered person is not guaranteed, even if he acquires the land in good faith.

In the negative publication system, the guarantee of legal protection given to third parties is not as absolute as in the positive publication system. Third parties are still always careful and must not believe in what is listed in the land registration book or certificate of rights issued by them.

In the negative publication system, the principle of *Nemo plus juris* applies, meaning that people cannot surrender or transfer rights beyond what they have. A person not entitled to a certain plot of land by itself cannot carry out a legal act to register the land, let alone transfer it to another party.

The characteristics of the negative publication system in land registration are:

1. The land registration system uses a registration of deed system.

2. The certificate issued as proof of right is strong, namely the physical data and juridical data listed in the certificate are considered correct as long as it is not proven otherwise by other evidence. Certificates are not the only proof of entitlement.
3. The state as the registrar does not guarantee that the physical data and juridical data in the land registration are correct.
4. In this publication system, an expired institution is used (acquisitive verification or adverse possessive).
5. Other parties who are harmed by the issuance of the certificate may file an objection to the land registration operator to cancel the certificate or a lawsuit to the court to request that the certificate be declared invalid.
6. Land registration officers are passive, that is, they only accept what is stated by the party requesting land registration.

That the advantages of the negative publication system, are:

1. The actual right holder is protected from other parties who are not entitled to their land.
2. There is an investigation into the history of the land before the issuance of the certificate.
3. There is no time limit for the actual landowner to claim his rights which have been certified by other parties.

The weaknesses of the negative publication system are:

1. There is no certainty on the validity of the certificate because at any time it can or may be sued and canceled if it is proven that the issuance is not valid.
2. The passive role of land registration/cadastral officials does not support the accuracy and correctness of the data contained in the certificate.
3. The working mechanism of such cadastral officials (less transparent) is not easily understood by the general public.

2. Positive Publication System

What is meant by a positive publication system in land registration, that is, what is contained in the land book and certificates of rights issued is an absolute means of proof. This means that a third party acts on the evidence mentioned above, obtaining absolute protection, even if in the future it turns out that the information contained therein is not true. Those who are harmed will receive compensation in other forms.

Inland registration that uses a positive publication system, the person who registers as a holder of land rights cannot be contested anymore. In this system, the state as the registrant guarantees that the registration that has been done is correct.

The characteristics of a positive publication system in land registration are:

1. The land registration system uses a registration of titles system.
2. Certificates issued as proof of rights are absolute, namely physical data, and juridical data listed in the certificate cannot be contested and provide absolute trust in the land book.
3. The state as the registrar guarantees that the physical data and juridical data in the land registration are correct.
4. Third parties who acquire land in good faith receive absolute legal protection.
5. Other parties who are harmed by the issuance of the certificate will receive compensation and other forms.
6. Carrying out land registration takes a long time, land registration officers carry out their duties very carefully and the costs are relatively large.

According to Soedikno Mertokusumo, the benefits of a positive publication system are:

1. There is absolute certainty from the land book.
2. Implementers of land registration are active and thorough.
3. The working mechanism for issuing land rights certificates is easy for others to understand.

Agreeing with Soedikno Mertokusumo, Arie S. Hutagalung stated that the advantages of the positive publication system are:

1. There is legal certainty for certificate holders.
2. There is an active role of cadastral officials.
3. The mechanism for issuing certificates can be easily known by the public.

Soedikno Mertokusumo points out the weaknesses of the positive publication system, namely:

1. As a result of the active nature of the land registration operator, the time used is very long.
2. Owners of land rights who are entitled, will lose their rights.
3. The authority of the court is placed in the administrative authority, namely by issuing a certificate, it cannot be contested.

Agreeing with Soedikno Mertokusumo, Arie S. Hutagalung stated that the weaknesses of the positive publication system are:

1. The real owner of the land will lose his rights because the land already has a certificate in the name of another party that cannot be changed anymore.
2. The active role of cadastral officials requires time and expensive infrastructure.
3. The authority of the court is placed in the authority of the administrative court.

Law No. 5 of 1960 (UUPA) does not explicitly state the publication system adopted in land registration. In Article 19 paragraph (2) letter c of the UUPA, it is stated that one of the activities in land registration is the issuance of certificates of proof of rights, which act as strong evidence. The explanation of the publication system adopted in Indonesia is first explained in the General Explanation in letter b of Government Regulation no. 10 of 1961 concerning Land Registration, namely:

"Bookkeeping a right in the land book register in the name of a person does not result in that the person who is entitled to the land will lose his right, that person can still sue the rights of the person registered in the land book as a person who has the right (Article 19 paragraph (2) of Law No. - Basic Agrarian Law). So the way of registration of rights regulated in this Government Regulation is not positive, but negative. Those who are entitled are given a certificate, which is a proof of right consisting of a copy of the land book and a measuring document which is sewn together with a cover paper (Article 13 paragraphs (1), (2), and (3). The certificate is a strong means of proof (Article 13 paragraph (4) in conjunction with Article 19 of the Basic Agrarian Law). Therefore, the measuring document is also a strong means of proof."

It is also mentioned in Article 32 Paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration, which contains the following:

"If a parcel of land has been legally issued in the name of the person or legal entity that obtained the land in good faith and controls it, then the other party who feels that he has rights to the land can no longer demand the exercise of that right if within 5 (five) years since the issuance of the certificate, do not file a written objection to the certificate holder and the Head of the Land Office concerned or do not file a lawsuit to the Court regarding the control of the land or the issuance of the certificate."

In explanation of Article 32 paragraph (2) of Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration, which states:

"Land registration whose implementation is ordered by the UUPA does not use a positive publication system, where the truth of the data presented is guaranteed by the State, but uses a negative publication system. In the negative publication system, the State does not guarantee the truth of the data presented...". The weakness of the

negative publication system is that parties whose names are listed as rights holders in the land book and certificate always face the possibility of lawsuits from other parties who feel they own the land. Generally, these weaknesses are overcome by using an acquisitive perjury or adverse possession institution...”

According to the author's analysis, considering the provisions of Government Regulation 24 of 1997's Article 32 Paragraph 2 on Land Registration and its justification, it is clear that there has been an ambiguous attitude towards the application of the land registration publication system activities. On the one hand, it appears that the orientation of the land registration publication system will refer to a positive publication system. On the other hand, the land registration publication system is always overshadowed by the negative publication system that has occurred so far. So according to the author, in the implementation of land registration activities so far there have been inconsistencies in the application of the land registration publication system. It is only natural that disputes in the land sector still occur which in the end guarantees to give land rights holders and owners legal certainty have not been fully realized.

3.3. Electronic Land Registration

Land registration since the publication of the Ministerial Regulation ATR/BPN Number 1 of 2021 concerning Electronic Certificates, land registration can gradually be carried out electronically. Law Number 11 of 2008 as amended based on Law Number 19 of 2016 concerning Electronic Information and Transactions, electronic documents are electronic information that is created, for Gradually, land registration can be completed online. Electronic documents are defined as electronic information created, forwarded, sent, received, or stored in analog, digital, electromagnetic, optical, or the like that can be seen, displayed, and/or heard via a computer or electronic system. This includes, but is not limited to, writing, sound, images, maps, plans, photographs, or the like, letters, signs, numbers, access codes, symbols, or perforations that have meaning or that can be understood by people who can understand them. This definition was based on Law Number 11 of 2008, as amended by Law Number 19 of 2016 concerning Electronic Information and Transactions.

warded, sent, received, or stored in analog, digital, electromagnetic, optical, or the like, which can be seen, displayed and/or heard via a computer or electronic system, but not limited to writing, sound, images, maps, plans, photographs or the like, letters, signs, numbers, access codes, symbols or perforations that have meaning or meaning or can be understood by people who can understand it (Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Information and Electronic Transactions).

Electronic records are a transformation of conventional documents which will replace conventional documents. This is the government's effort to keep up with developments in the digital era. The existence of regulations regarding electronic documents can make it easier for the public to obtain services from the government and the public can participate in controlling the government's work.

Electronic records are a real manifestation of e-government implementation because electronic documents guarantee convenience for people who need them. People do not need to take care of their interests in the government by coming directly to government offices. But you can take care of it via the Internet by opening the government sites you want to go to. Ministerial Regulation for ATR/BPN Number 1 of 2021 concerning Electronic Certificates refers to the basic consideration (consideration), namely UUPA and its Implementing Regulations as well as Legislation related to the ITE Law and Job Creation Law. So it can be said that the Ministerial Regulation is based on a higher order which shows the basic authority of ministers as assistants to the President who has certain authority in the government. In this case, the government in question is the Ministry of ATR/BPN which is in charge of land and spatial planning affairs. ATR/BPN Ministerial Regulation Number 1 of 2021 concerning Electronic Certificates is still relatively new. This Ministerial Regulation was ratified on January 12, 2021. The position of Minister of ATR/BPN Regulation Number 1 of 2021 concerning Electronic Certificates is one type of statutory regulation. high or formed based on authority.

Prior to issuing a land certificate, the land must be registered. Land registration is a set of ongoing, routine activities that the state or government performs, such as gathering information or specific data about a piece of land in a specific area, processing, bookkeeping, and presenting and maintaining physical and legal data in the form of maps and lists pertaining to land and apartment plots, as well as providing certificates as proof of rights for land plots that already have ownership rights over apartments and certain rights encumbering them. Another administrative procedure used by the government to give land rights holders legal protection and certainty is land registration.

Technological advances occurring in Indonesia, have triggered changes in public services such as services in the land sector, so the government must follow current developments. So currently the land registration process until its issuance is carried out electronically. Electronic land registration will result in the issuance of electronic proof of ownership. The Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia governs the process for an electronic system-based land registration system. Number 1 of 2021 concerning Electronic Certificates. Implementation of electronic land registration in Indonesia will be carried out in stages by the readiness of each Regency/City Land Office with a determination from the Minister.

The Minister chooses the phases in which to implement electronic land registration. Data, electronic information, and/or electronic papers are the end products of the adoption of electronic land registration. Data, electronic information, and/or Electronic documents are legitimate and authentic data about land plots that include information on rights holders, physical data, and legal data. The Electronic System Database contains all of the data, information, and/or electronic documents. [10]

3.4. First Time Activities Related to Land Registration

For unregistered land, the initial land registration procedures include gathering and processing physical data, documenting and demonstrating rights, issuing certificates, and presenting both legal and physical facts, as well as storing general registers and documents,[11] in this case

conducted using an electronic system. For each plot of land whose boundaries have been determined either in systematic or sporadic land registration, a land plot identification number is given. This identification number is a reference number used at every stage of land registration activities and if there is an expansion of the village/kelurahan or sub-district area, the identification of the land parcel is not changed. And land whose rights have been determined will be registered via an electronic system and issued as an e-certificate. As proof of rights ownership, the rights holder will be given an e-certificate and access to the e-certificate in the electronic system. However, if the data provided is incomplete or there is still a dispute, the rights holder will not be granted access to the electronic certificate until the data is finished or the issue is deemed resolved.

3.5. Replacing The Certificate with an electronic certificate for already registered land.

Replacement certificates are usually electronic certificates for registered land or has an analog certification that has been registered by PP No. 24 of 1997 pertaining to the Registration of Land which has been Government Regulation No. 18 of 2021, which relates to land rights, management rights, flat units, and land registration, modified where if you want to re-register the analog certificate into an electronic certificate, then first carry out data collection and validation. covering rights holder data and physical data to juridical data and when all data has been checked or validated, all forms of physical data will be replaced by electronic documents. All of this is done through a request for land registration data maintenance services. However, if it is not appropriate, the Head of the Land Office will carry out validation, which includes information on the owners of rights, physical information, and legal information.

Replacing an ordinary certificate with an electronic certificate includes replacing the land book, measuring letter, and/or apartment unit floor plan drawing into an electronic document, and the replacement of this certificate will be recorded in the land book, measuring letter, and/or apartment unit floor plan drawing. If there is a change in the juridical data and/or physical data regarding the e-certificate issued for the first time, a new e-certificate will be issued with the numbering being the second edition and the previous edition of the e-certificate will not be valid, and become land registration history. Legal protection of land ownership and legal certainty (*rechts cadaster*) of property rights are the goals of land registration in Indonesia.

By registering the land, the owner of the land plot will receive a proof of title document as proof of ownership of the rights to the data whose legal certainty is guaranteed. The implementation of *rechts cadaster* land registration aims to provide legal certainty and legal protection to land rights holders, with proof that was provided at the conclusion of the land registration procedure in the form of a Land Book and Land Certificate, which included a copy of the Measurement Letter and the Land Book. All forms of handover that were initially analog will become electronic papers once land registration has been completed electronically.

3.6 Obstacles to Electronically Registering Land for the First Time in National Land

The law electronic certificates are typically used for security purposes in the digital world. The Ministry of Agrarian Affairs and Spatial Planning also carries this out (ATR/BPN). Namely, an Electronic Certificate based on Ministerial Regulation Number 1 of 2021 concerning Electronic Certificates. Referring to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, this is an electronic certificate issued by an electronic operator that includes an electronic signature and identity proving the parties' legal subject status in an electronic transaction. The electronic certificate, also known as an e-certificate, that is mentioned in Ministerial Regulation Number 1 of 2021 about electronic certificates is one that is issued via an electronic system in the form of electronic documents.

For the rights holder, land certificates offer significant benefits and meaning, ensuring legal clarity in the event of a land dispute. The government has issued an electronic land certificate policy, which offers advantages and disadvantages for the general people, due to the quick technological advancements that take place in this digital age. People continue to doubt the security assurances provided by the use of electronic land certificates.[12] Since there are still a lot of land conflicts, whether as a result of overlapping or fabricated certificates, or other factors, such as the necessity to register land throughout Indonesia as a top priority, many parties believe that e-certificates are not necessary at this time.

The problem with Since the certificate is the last step in the land registration process, electronic certificates are not the form of the certificate. Data security concerns to safeguard rights holders and the validity of e-certificates in the evidential process are the primary difficulties, along with electronic processing from the beginning of land registration until the certificate is issued in court.[13] So far, physical certificates are at risk of being easily lost, easily misused by other people, and easily duplicated, so according to the Head of BPN and Minister of Agrarian Affairs and Spatial Planning, electronic land certificates are safer than those in physical form. However, BPN will not withdraw the physical certificate before it is transferred in electronic form.

This electronic land certificate will be protected by security using The National Cyber and Crypto Agency (BSSN) uses encryption technology, including cryptography. The existence of the BSSN guarantees legal certainty. There are various ways to define certainty, including being clear, not subject to conflicting interpretations, implementable, and non-ambiguous. Legal certainty refers to a nation's legal framework that is clear, does not lead to conflicting interpretations, is implementable, and that can ensure that every citizen's rights and responsibilities are upheld by the prevailing social norms. Therefore, laws must be applied consistently throughout society and be transparent enough for everyone to comprehend what they imply. Additionally, laws must not conflict with one another in order to avoid creating uncertainty.[14] Law No. 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions governs the status of electronic information and/or documents.

For all advantage benefits of using an electronic system, of course, there are also obstacles, including:

1. Educational obstacles, not all Indonesian people master internet-based information and communication technology to operate it, making it difficult to register land or maintain land data with an electronic system.
2. Economic constraints, the majority of people do not have hardware (computers or cellphones), at least they will use internet cafe services or brokers to process with an electronic system.
3. Constraints on the facilities' preparedness, infrastructure, and Human Resources (HR) of the Ministry of ATR/BPN. Each Land Office has very diverse constraints, in terms of the caliber and amount of facilities, infrastructure, and human resources. The Land Office on Java Island is relatively better, in terms of access to electricity networks, internet, and hardware including human resources.
4. Due to certain obstacles, such as power failure, internet network disruption, or system down, whether to use the manual system. These particular obstacles need to be anticipated, this will have legal consequences regarding the validity of the electronic certificate that will be issued. Therefore, the government must also prepare to face the worst possibility that will happen later. However, the Ministry of ATR/BPN itself as the organizer of the electronic land registration system has stated its readiness, even though the implementation of electronic registration is being carried out in stages.

4. Conclusion

This paper concludes that the policy of the electronic land registration system program is not yet time to be implemented in Indonesian society. Obstacles in registering electronic certificates include people's reluctance to register their land due to their perception of several things, namely the procedure is difficult, large expenses related to taxes paid, the drawn-out registration procedure, and generally complicated. A recommendation that could be used as study material for the government is to spread more thorough, understandable, and extensive information regarding the significance of ensuring the legal certainty of land rights so that people's enthusiasm for registering their land can increase. Apart from that, it is necessary to evaluate the registration of land policies that have been implemented and look at the sociological conditions of society before issuing new policies.

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