

DOI: <https://doi.org/10.38035/jlph.v4i4>

Received: 19 May 2024, Revised: 29 May 2024, Publish: 4 June 2024

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## The Role of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) as a Government Institution Facilitating the Electronic Land Certificate Policy

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**Abstract:** The land sector is always seeing an increase in the community's demands. The state's land registration program and certificates of land rights are two measures that aim to provide community land-related activities more legal clarity. Technology has progressed to the point where traditional methods of registration and land rights certificates have given way to electronic alternatives. This change has led to a variety of responses and public concerns, one of which is whether the Indonesian state can realize this policy effectively in terms of regulations, institutions, infrastructure and society. This research was conducted to analyze the role of the ATR / BPN ministry as an institution that facilitates the electronic land certificate policy. The writing of this article uses normative research methods with a conceptual approach. The results of this study indicate that the ATR / BPN ministry has a crucial role in implementing this policy, starting from forming legal regulations, providing infrastructure, and creating innovations in the land sector to socialization in the community. The obstacles and constraints in implementing this policy include unprepared and optimized facilities and human resources, lack of public understanding, and imperfect legal regulations and security systems for electronic land certificates.

**Keyword:** Ministry of ATR/BPN, Land Registration, Electronic Land Certificates.

### INTRODUCTION

To realize services in the field of land as the scope of community needs that are increasingly soaring regarding land needs, the implementation of legal instruments provided by the state ensures legal certainty, Specifically, by registering land as a sign of organized land management and then granting land rights certificates to those who already own them.(Putranto & Mansyur, 2023).

In land registration, the state systematically gathers information about specific parcels of land in a given area, processes it, stores it, and then makes it available to the public. This ensures legal certainty in a particular field, in this case agrarian, and ultimately leads to the issuance of proof of rights and the maintenance of the data. (Harsono, 2018).

The local City / District Land Office will issue the necessary paperwork for the issuance of the previous land certificate. This will give the party with the legal right to the land evidence of its rights, including physical and juridical data, and will ensure legal certainty. Legal data includes details about the ownership of the land, including who owns it and whether other parties have any claims to it, whereas physical data includes details about the land's location, boundaries, building size, and any plants that grow on it. Then, the certificate will be signed by an official who will be explained as follows:

1. Systematic land registration: Chairman of the Adjudication Committee on behalf of the head of the district/city land office.
2. Individualized sporadic land registration: Head of the district/city land office.
3. Mass sporadic land registration: Head of the measurement and land registration section on behalf of the Head of the district/city land office. (Bur, 2017).

In response to modernization, particularly in the land sector, the government has recently issued regulations pertaining to electronic land registration, including Government Regulation Number 18 of 2021 on Management Rights, Land Rights and Flat Housing Units, Minister of ATR / BPN Regulation Number 5 of 2020 on Electronic Mortgage Services, and Minister of ATR / BPN Regulation Number 1 of 2021 on Electronic Certificates. These regulations reflect the ever-evolving state of technology. A digital tool that makes use of improvements in information and technology is to be used to implement the guidelines that have been published to organize Indonesia's land administration. (Yulianti, 2022)

The policy of electronic land certificates is one component of Indonesia's modernization of its agrarian law system. A land certificate that is issued electronically is a document that contains both physical and legal data; this data is then saved in an electronic landbook. The National Land Agency, a sub-department of the Ministry of Agrarian Affairs and Spatial Planning, will switch from paper to electronic land certificates in accordance with the Minister of ATR's Regulation, BPN Number 1 of 2021. After this, the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia enacted rule No. 3 of 2023 on the Issuance of Electronic Documents, which revoked the previous standard.

Article 5 of Law No. 11 of 2008 concerning Electronic Information and Transactions confirms the evidentiary power of electronic land certificates as electronic documents applied by the Ministry of ATR / BPN, which has formalized the digital transformation policy. The law states that "Printouts of electronic documents or information are considered additional pieces of evidence under Indonesian procedural law." Next, a legislative framework for the issuance of land books and electronic certificates was put in place on June 16, 2023, with the publication of the Minister of ATR / BPN Number 3 of 2023 as regards the issuance of electronic documents in land registration operations.

The Ministry of ATR / BPN organizes land registration activities based on an electronic system, which is divided into three activities, including land registration activities for the first time, maintenance of land registration data, and also media transfer activities, which are an activity of changing measuring letters into electronic measuring letters and changing land books into electronic land books.

The beginning of the policy related to replacing analog land certificates with electronic land certificates was greeted by some people who considered this positive and some who opposed the policy. Some countries such as Malaysia, Singapore and Australia have implemented electronic certificate policies, but what some people are concerned about is whether our country can be said to be able and capable of following policies like other countries in terms of digitization because this is an important matter concerning the needs of land services in Indonesia.

Examining the description above, the Ministry of ATR / BPN, as the organizer of land registration, certainly has a vital role in realizing orderly land administration in Indonesia so that it runs optimally and is relevant as the stipulation of policies passed by the Indonesian government into the legislation. This is of interest to the author to find out in detail about the Ministry of Agrarian Affairs and Spatial Planning / Indonesian Land Agency (ATR / BPN) as an institution that facilitates the electronic land certificate policy with the following main problems:

1. What role does the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency play in facilitating the electronic land certificate policy?
2. What are the obstacles faced by the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency in the electronic land certificate policy?

## **METHOD**

This scientific work was prepared using the normative research method, which is carried out by analyzing a juridical or normative element by linking the problems studied in this study by visualizing a problem systematically, in detail and accurately. Furthermore, data is obtained through literature studies (*Library Research*), which includes primary and secondary legal materials. As a support in obtaining data and other findings, the author realizes this research through a conceptual approach and a statutory approach. Then, the data is processed using a qualitative method, analyzing literature, observations, and data in depth and concluding with a deductive mindset method. (Soekanto, 2015).

## **RESULTS AND DISCUSSION**

### **The Role of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency in Implementing the Electronic Certificate Policy.**

In realizing the orderly administration of land and also the provision of legal certainty to land ownership through the issuance of land certificates itself, it should be noted that the Ministry of ATR / BPN is very much needed cooperation and active role to be able to achieve land utilization that flows into the realization of the welfare of the people who use their land rights. Because of this, the National Land Agency and its staff must have a fair attitude and side with the right if there are land dispute problems that still often occur in certain areas due to slow land certificates. The Ministry of Agrarian Affairs and Spatial Planning is a government agency that supports the president in the land sector, which has duties including:

1. Developing, outlining, and carrying out policies pertaining to land use and tenure, agrarian development, land infrastructure, land legal relations, agrarian structuring, land acquisition, and the management of land, space use, and agrarian concerns.
2. He oversees the execution of duties, coaches, and offers administrative assistance to all parts of the ATR/BPN ministry's organizational structure.
3. It is the duty of the ATR/BPN ministry to oversee the administration of state property and riches.
4. Oversee the ATR/BPN ministry's job execution.
5. Establish technical guidelines and oversee the operations of the regional ATR/BPN ministries.
6. Inside the Ministry of ATR/BPN, establish substantial support for all parts of the organization.

The ITE Law and the Job Creation Law are the legal sources for the transition from paper land certificates to electronic land certificates. This Ministerial Regulation will technically regulate the transition, and it will be recognized as having binding legal force given an order from higher legislation or authority. The data will be stored through an electronic system, and the results will be published as electronic documents. Electronic certificates issued through Regulation of the Minister of ATR / BPN No. 1 of 2021 are

revoked by Regulation of the Minister of ATR / BPN No.3 of 2023, which refers to Law No. 1 of 2021. which refers to Law No. 5 of 1960 concerning Basic Agrarian Principles / UUPA and Law No. 11 of 2008 concerning Electronic Information and Transactions / ITE Law, and Law No. 11 of 2020 concerning Job Creation / Job Creation Law, therefore this Ministerial Regulation on electronic certificates is formed by the basis of the highest regulatory order which is indicated by the essential authority of the Minister whose job is to assist the president with certain authorities in each field in this case the Ministry of ATR / BPN which promotes government affairs in the field of agrarian (land) and spatial planning as the owner of attributive authority in organizing the electronic land certificate.(Dian Aries Mujiburohman, 2021)

The Ministry of ATR/BPN brought in KKP or computerized land offices whose transformation began with the development of *desktop KKP*, continued with the addition of various *geo-referenced* features, and finally, KKP was converted into a web known as KKP Web as a digital-based public service in the agrarian sector. Furthermore, the provision of electronic land services has been implemented in the Zone of Land Value (ZNT) information service, land certificate examination, land registration information letter (SKPT) and Electronic Mortgage, which program is carried out in stages along with the implementation of electronic land certificates.

These changes in the land sector have put the Ministry of ATR/BPN in a position to provide digital land services like electronic land registration; nevertheless, they also recognize the need to continuously enhance and expand this land service. In accordance with relevant rules and regulations, the Ministry of ATR / BPN must accomplish service requirements, since land certificates are meant to serve as basic documentation for those who own property.

The Ministry of ATR / BPN also has a role in providing understanding and socialization with the policy of implementing electronic certificates in a series of supporting factors for implementing the policy to all parties who have a very close relationship in the management of electronic certificates, including internal Ministry ranks, the public, as well as partners of the Ministry of ATR / BPN as PPATs and Notaries, where PPATs have their duties and authority in the land sector, namely in terms of doing authentic deeds related to land rights in the context of first-time registration and transfer. PPAT is a relation that supports the duties of the head of the land office, approximately 70%, in carrying out land registration activities. Therefore, PPAT is expected to be able to work together towards a professional and have integrity in facilitating the Community, which is based on the ideals, vision and mission of the Ministry of ATR / BPN.

An important role that the Ministry of ATR / BPN will always carry out is to continue to innovate in the land administration system. Even though it will take a long time, this is a good step that needs to be taken in the face of developments in the field of technology and information. The idea of electronic land registration and electronic certificate policy is a policy to increase capacity and effectiveness in Indonesia's land registration system and become an efficient solution to problems in the land office that have weaknesses, including the storage of land books that take up significant locations, the occurrence of document damage due to floods or fires, the occurrence of document theft and so on. (Mujiburohman, 2023)

With infrastructure preparation, infrastructure facilities, and public awareness in mind, the Ministry of ATR / BPN, which is responsible for facilitating the deployment of electronic land certificates, does so in phases. Therefore, until now, the implementation of the electronic certificate policy after being initiated in 2021 was delayed, then began to be implemented again in stages, of which the first stage began in December 2023, starting from certifying BMN, BMD, Legal Entities, BUMN, houses of worship and communities in 12 complete districts/cities such as the cities of Central Jakarta, North Jakarta and West Jakarta

in DKI Jakarta, then the city of Surakarta and the city of Tegal in Central Java, the city of Madiun in East Java, the city of Yogyakarta, the city of Bontang in East Kalimantan, the city of Denpasar and Badung district in Bali, the city of Metro in Lampung and Bogor in West Java.

Thus, the Ministry of ATR/BPN has an important responsibility to ensure that the implementation and use of electronic land certificates can run smoothly and be able to provide utilization and policy feasibility of the regulations that have been established in advance of the orderly administration of land with the aim that this electronic land certificate policy can be a policy that creates convenience for Indonesian citizens in carrying out land registration activities.

### **Constraints of the Ministry of Agrarian Affairs and Spatial Planning / Head of the National Land Agency in Implementing the Electronic Certificate Policy**

Implementing the electronic certificate policy is a follow-up to the Land Sector's Job Creation Law (UUCK), which contains five derivative regulations. The following provisions of law establish the possibility of electronic land registration: (1) Article 84 paragraph 1 of Government Regulation Number 18 of 2021; (2) Article 147 of the UUCK, which encourages the use of digital land services; and (3) The Ministry of ATR / BPN issues a policy for electronic land certificates. In an effort to lessen the number of land-related incidents, electronic land certificates have emerged as a product of modern technology. (Budiono, 2022)

In entering the era of revolution 4.0, of course, the era of digitalization is widely used in the field of work, one of which is land. The replacement of analog land certificates with electronic land certificates was followed by replacing land books and measurement letters, which were converted into electronic documents. This is an innovation and challenge for the Ministry of ATR / BPN in changing and improving land digitization services. With the change of analog certificates, which are then replaced by electronic land certificates, the journey is unlikely to have obstacles in its implementation. Here are some challenges or obstacles in the implementation of electronic certificates, among others:

#### **1. Human Resources Readiness**

Following the development of digitalization, human resources are a supporting factor in implementing increasingly broad technological skills. Therefore, human abilities need to be competent in technology and information. Suppose qualified human resources do not follow the technology that continues to develop rapidly. In that case, everything becomes useless and ineffective in utilizing technology and information in the needs of the state and society.

#### **2. Readiness of Facilities and Infrastructure**

Adequate infrastructure is needed, such as the availability of stable internet and adequate information technology services, which are tailored to the needs of rural areas where internet connections are still not optimal or low because the application of electronic certificates will later be applied to all regions of Indonesia.

#### **3. Lack of Socialization to the Public Regarding Electronic Certificates**

Socialization and counselling on detailed and transparent knowledge of the electronic certificate policy are needed to convince and free people from doubts and worries about the benefits and legal certainty of changing from analog land certificates to electronic land certificates, given that there are still many land disputes.

#### **4. The Need to Perfect the Legal Norms and Security Aspects of Electronic Certificates**

With the electronic certificate regulation being issued, the vocabulary of digital land certificates should be included in the Basic Agrarian Law. This can make digital land certificates more secure, transparent, and directed to rules and their application through implementing government regulations related to electronic certificate security system



aspects. *Blockchain* technology is currently widely used in all fields of work, one of which is land. The utilization of *blockchain* can be used as a security system on digital land certificates where the application of *Blockchain* becomes more systematic and practical if its application also has a clear legal umbrella.

## CONCLUSION

An essential role for the Ministry of ATR / BPN is played by the electronic land certificate policy, which is a product of land registration operations and contributes to the modernization of the land sector. Because of its role in making efficient land management a reality, it receives a lot of attention from the general public. In accordance with the regulations issued by the Minister of ATR / BPN No. 3 of 2023 about the issuing of electronic documents, it has a role as the policy organizer for electronic land certificates. 3 of 2023, which deals with the issuance of electronic records in land registration activities, the Ministry of ATR / BPN has offered four digital land services: Land Value Zones (ZNT), Land Certificate Examination, Land Registration Information Letters (SKPT), and Electronic Mortgage Rights. They have also computerized land offices through desktop KKP development and the most recent update, KKP Web, and organized community outreach and PPAT as a relation to support the head of the land office's duties. Of course, the implementation of electronic land certificates still has several obstacles, such as the readiness of human resources, infrastructure and improving legal norms related to this policy.

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