

Optimizing the Electronic Land Information Service Process: Analysis of the Implementation of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 19 of 2020 (Case Study: Way Kanan Regency Land Office)

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Abstract

The government, through the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia, issued Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 19 of 2020 concerning Electronic Land Information Services. With the implementation of the electronic Land Certificate Checking service system, demands for readiness arise for service users, including the Land Office, Land Deed Making Officials, and applicants. This research aims to examine the implementation of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 19 of 2020 concerning Electronic Land Information Services, especially with regard to the electronic Certificate Checking Service Process. The research methods used include normative and empirical juridical using secondary and primary data, involving literature and field studies, as well as analyzing data qualitatively. The results of the research show that the implementation of the Electronic Land Certificate Checking service has been carried out by the Way Kanan District Land Office, but has not been optimal because it faces obstacles such as the readiness of facilities and infrastructure, electronic-based land data, human resources, and understanding of service users. As a recommendation, the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency is advised to propose a separate regulation regarding Electronic Land Certificate Checking services, carry out partial revisions to Government Regulations, and implement them in stages by considering the readiness of various related parties. Apart from that, it is recommended that the Land Office carry out outreach and improve the quality of electronic-based land data.

Keywords: Land Office Readiness, Electronic Land Services, Electronic Land Certificate

1. Introduction

The Implementing Regulations of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) regarding Land Registration have been regulated in Government Regulation Number 24 of 1997. Land registration is carried out by the Government to provide guarantees of legal certainty in the land sector. One of the purposes of land registration is so that third parties can find out the holder of land rights and their boundaries. Land rights must be applied for by legal subjects at the National Land

Agency office and assisted by Land Deed Drafting Officials in the district/city area (Dwiyatmi, S.H., 2020).

In 2020, the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency issued Regulation Number 19 concerning Electronic Land Information Services (Nafisah, R. 2022). One of the aspects discussed is the Electronic Certificate Checking Service Process. This research aims to analyze the implementation of these regulations at the Way Kanan Regency Land Office.

The research method used involves a normative and empirical juridical approach with secondary and primary data collection. The research results show that the implementation of the Electronic Land Certificate Checking service has been implemented by the Way Kanan District Land Office, although it still faces obstacles such as the readiness of facilities and infrastructure, electronic-based land data, human resources, and understanding of service users.

This research provides a theoretical contribution to the development of legal science and provides practical insight for the National Land Agency and the Way Kanan District Land Office. As a thesis to obtain a Master of Law degree, this research is expected to make a positive contribution to the land sector.

2. Literature Review

Based on the provisions of the UUPA, land in the juridical sense is the surface of the earth, while land rights are rights to a certain limited portion of the earth's surface, having two dimensions with length and width (Rosmidah, R. 2013). Land is given to the right holder with the rights provided by UUPA to be used and exploited (Lego, I.R., 2020). The use of land is not only limited to the surface of the earth, but also includes parts of the body of the earth beneath it, water, and the space above it (Ramadhani, R., 2018).

In the context of control over land rights, control that has received legal recognition and protection is referred to as control in the juridical sense. This means control that is based on rights, protected by law, and generally gives the right holder the authority to physically control the land they own (Triningsih, A., & Aditya, Z. F. 2019).

Government Regulation No. 24 of 1997 concerning land registration is related to the Basic Agrarian Law (Setiadi, W., Sinjar, M. A., & Sugiyono, H., 2019). Its implementation is regulated by the Regulation of the Head of the National Land Agency No. 3 of 1997, which includes checking certificates (Ambuliling, S.B.G., 2017). Although the term certificate checking is not used directly, the process is known as data conformity checking (Jaelani, A. Q., & Munawaroh, S. (2023).

The implementation of electronic land policies is updated through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 19 of 2020 (Jaelani, A. Q., & Munawaroh, S. 2023). The Electronic Land Information Service, including the Certificate Checking Service, allows checking and adjusting physical and juridical data on certificates through the National Land Agency database (State, S.A., 2021).

In the context of state administrative law, policy is defined as the aim of a program, decision, law, provision or grand design (Suharjono, M. (2014). State administrative law regulates special legal relationships between state administrative equipment or government and citizens state (Agutina, E, 2018). State administrative law can be interpreted as a set of regulations that enable state administration to carry out its functions while protecting citizens and itself.

In research, several theoretical concepts used involve Public Policy Theory and Legal System Theory (Ramdhani, A., & Ramdhani, M. A., 2017). Public Policy Theory involves identifying policy problems, setting agendas, formulating policies, ratifying policies, implementing policies, and evaluating policies. Meanwhile, Legal System Theory includes legal structure, substance and legal culture (Hariansah, S., 2022).

The effectiveness of a public policy really depends on the policy process which involves formulation, implementation and evaluation (Mansur, J., 2021). The legal system, which consists of legal structure, substance and culture, plays an important role in explaining the background and impact of public policy (Agus, P.A., 2017).

3. Research Method

In this research, there are two approaches used to overcome problems, namely the normative juridical approach and the empirical approach. The normative juridical approach is used in legal research to study certain legal phenomena through analysis and examination of legal facts, as well as seeking solutions to problems that arise. This research also includes an empirical approach by researching and collecting primary data directly related to the Analysis of the Implementation of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 19 of 2020 concerning Electronic Land Information Services, especially regarding the electronic certificate checking service process at the Way Kanan Regency Land Office.

Data sources in this research consist of secondary data and primary data. Secondary data sources involve literature, legal journals, legal dictionaries, newspapers, print media, and electronic media. The types of data used include secondary data and primary data. Secondary data was obtained from the literature study, while primary data was obtained from the results of field research by conducting direct observations and interviews regarding the implementation of these regulations at the Way Kanan Regency Land Office.

The data collection procedure involved a literature study to collect secondary data, while the field study was carried out using direct observation and interview techniques at the Way Kanan District Land Office. Data processing involves classification, inventory, and systematization of data to facilitate analysis. The data analysis used is descriptive-qualitative, which combines field data and literature to provide an in-depth understanding of the implementation of these regulations.

This research is qualitative in nature, where the findings do not depend on statistical procedures or calculations, but rather on an in-depth understanding of the phenomenon being studied. Qualitative methods are used to uncover and understand unknown aspects, provide insight into new things, and provide complex details about phenomena that are difficult to express.

4. Result and Discussion

a. Implementation of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 19 of 2020 regarding Electronic Land Information Services and Checking Electronic Certificates at the Way Kanan Regency Land Office.

Based on an interview with Jery Jordan, Substance Coordinator for Data Maintenance and PPAT Development at the Way Kanan District Land Office, the Electronic Checking service has been implemented as a form of ATR/BPN Ministerial Regulation Number 19 of 2020 concerning Electronic Land Information Services. However, its implementation still faces various obstacles and barriers. The lack of overall PPAT participation is a reflection of the less than optimal electronic checking service. Apart from that, knowledge regarding the mechanism of this service among implementers, both at the Land Office, PPAT, and applicants, is still low. The general public also does not fully know and understand this service.

Checking certificates is an integral part of the land registration process, and the five principles of land registration (simple, safe, affordable, up-to-date and open) must be implemented in its implementation. Electronic certificate checking, which has been in effect since April 1 2020, aims to make it easy for the public to check land title certificates

electronically, fulfilling the principles of simplicity, affordability and openness. Apart from that, this encourages BPN to continuously update its database system, comply with up-to-date principles, and provide a sense of security to the public.

The benefit of certificate checking activities, which are carried out electronically, involves monitoring the latest status of land plots that have been registered or have certificates. By checking the data on the certificate and comparing it with physical and juridical data, this activity provides legal certainty to the public before taking legal action regarding the land. This service innovation creates better performance for Way Kanan District Land Office employees, increasing the credibility, accountability and transparency of the office.

Applicants also get benefits, such as freedom from risks and doubts, secure online database storage, and ease of the registration process without having to come directly to the office. A more effective and efficient service is realized by the applicant or PPAT being able to enter their own data online, replacing the manual process previously carried out by officers. Rates for electronic certificate checking have also been regulated in accordance with applicable regulations, ensuring fairness and affordability of this service.

The electronic certificate checking service makes it easier for applicants wherever they are, allowing access without having to come directly to the Way Kanan Regency Land Office. The process of transferring rights and services becomes more effective and efficient with a checking time of only 15 minutes, as long as the Land Book has been validated and plotted. However, if it has not been validated or there is overlap, the process needs to wait for validation or blocking first.

Checking certificates electronically is regulated by Article 1 point 5 of Agrarian Ministerial Regulation No. 19 of 2020. This service aims to check the conformity of physical and juridical data in land title certificates with electronic data in the BPN database. This is an implementation of the purpose of land registration, allowing everyone to know their registered land data. Article 2 paragraph (2) letter a Agrarian Ministerial Decree No. 19 of 2020 states that those who can apply for a certificate check include individuals, notaries, PPAT, licensed cadastral surveyor services offices, legal entities, local governments, and others.

Applicants, PPATs and notaries can submit certificate checks electronically in accordance with Article 4 paragraph (1) of Agrarian Ministerial Decree No. 19 of 2020. Previously, they had to register on the Land Information Services application and obtain an identity in the form of a username and password. Submitting an application requires several attachments, such as the identity of the rights holder, power of attorney, original certificate and statement letter. After completing the attachment, the system will issue proof of registration. Applicants who have paid will have their applications processed by the BPN system. The results of the certificate check can be printed by the applicant and are valid for 7 calendar days. If within 7 days there is no legal action, a check again is required.

Checking the certificate electronically is carried out before making an authentic deed. The result is an electronic document that can be printed after paying the PNBPN. This process is carried out with funds sourced from the community in accordance with the provisions of the Republic of Indonesia Government Regulation Number 128 of 2015. In comparison with manual checking, there are significant changes in the process and results. Electronic checking allows the applicant/PPAT to carry out checks at their own office without having to come to the BPN office. The result is an electronic document that can be printed yourself, different from manual results which require certain stamps and writing.

Discrepancies in the results of electronic checks can cause losses to the applicant, such as the cost of paying PNBPN for checks that do not match the original. This can

hamper the buying and selling process and create a sense of distrust from buyers towards sellers regarding land ownership. The applicant must resolve these discrepancies to continue the legal process.

BPN's exercise of authority in the land registration process, especially in checking certificates electronically, has the potential for errors. These errors can be in the form of physical or legal errors, including errors in writing names, dates of birth, measurement certificate numbers, or pictures of the situation on land title certificates. In fact, errors can occur in the electronic document checking the certificate, even though there is a collateral confiscation or blocking on the land title certificate. Regulation no. 8/2012 Article 97 paragraph (5) letter b stipulates that SKPT will be issued if there is a difference between the land title certificate and the land book at BPN. Although SKPT provides caution, this does not apply to checking certificates electronically. This process issues an electronic document checking certificate without paying attention to collateral confiscation or blocking. Applicants/PPATs who are used to checking certificates manually are faced with the level of complexity of electronic certificate checking services. Even though the Way Kanan Regency Land Office has achieved 91.5% land book validation, there are still obstacles, such as server errors, that hinder work.

Errors in the results of checking certificates electronically are the responsibility of BPN in accordance with Agrarian Ministerial Regulation No. 19 of 2020 Article 10 paragraph (3). BPN as the organizer of land registration must guarantee the correctness of physical and juridical data on land title certificates and provide legal certainty. Clarification is a form of BPN's responsibility if there are discrepancies in the checking results. An interview with the Head of the Rights Determination and Registration Section shows that caution in entering physical and juridical data in the land book is important. Checking certificates electronically makes things difficult for PPAT because the information does not match the physical data of the original certificate. Limitations of ATR/BPN Ministerial Regulation No. 5 of 2020 causes a lack of supervision over the validity of electronic documents.

The Ministry of ATR/BPN needs to ensure the success of policy implementation by increasing the readiness of land offices and conducting outreach. Public policy in implementing electronic certificate checking services at the Way Kanan District Land Office is expected to provide benefits to the community. By considering the effectiveness of the process, it is hoped that this policy can achieve the goals of people's welfare and provide positive values to the public.

b. Implementation of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 19 of 2020 concerning Electronic Land Information Services at the Way Kanan Regency Land Office is experiencing inhibiting factors, especially in the process of electronic certificate checking services.

The implementation of ATR/BPN Ministerial Regulation Number 19 of 2020 at the Way Kanan District Land Office experienced several obstacles which became inhibiting factors in the Electronic Certificate Checking Service process. One of the main factors is the readiness of facilities and infrastructure. According to Jerry Jordan, PPAT Data Maintenance and Development Substance Coordinator, on July 8 2020, the Land Office needs computers and an adequate internet network. A server network that often experiences errors becomes an obstacle, especially during working hours when it is accessed by many users. Efforts continue to be made by the ATR/BPN Ministry to improve server network capabilities so as not to hamper Electronic Checking services.

Technological facilities and infrastructure, such as computer systems and internet networks, are an important aspect of public services today. The electronic certificate

checking service involves the Computerized Land Office Website (KKP WEB) application and ATR/BPN partners. Even though it provides speed and ease of work in inputting, monitoring and evaluating data, there are still weaknesses in using the application, especially related to server errors. Thus, technological aspects need to continue to be improved to increase service effectiveness.

The second factor that is an obstacle is the readiness of electronic-based land data quality. The implementation of the Electronic Based Government System (SPBE) by the Ministry of ATR/BPN requires changes in providing complete and accurate digital data. Requirements, such as the Land Book which has been converted to digital media, have a level of validity that must be increased. Low budget and human resources are obstacles in the validation process, and digital data shifts need to be measured to ensure quality.

Human resource (HR) readiness is the third inhibiting factor. According to Jery Jordan, the implementation of Electronic Services requires officer readiness which involves adequate knowledge and abilities. Errors in filling in data, lack of accuracy in checking files, and lack of understanding of electronic service mechanisms are challenges. Training and supervision of the performance of implementing officers continues to be carried out by the Way Kanan District Land Office.

In the analysis of legal structure, substance and culture, there is a conflict between ATR/BPN Ministerial Regulation Number 19 of 2020 and PP Number 24 of 1997. The legal structure requires credible and competent implementing officials. In terms of legal substance, regulations are needed at the same level as PP Number 24 of 1997 which regulates electronic Land Certificate Checking services. The legal culture faced includes a lack of PPAT participation and low knowledge of electronic service mechanisms.

In dealing with these inhibiting factors, serious efforts need to be made to increase the readiness of facilities and infrastructure, improve technological aspects, increase the validity of land data, train human resources, and harmonize legal regulations to achieve smooth implementation of electronic Certificate Checking at the Way Kanan Regency Land Office.

5. Conclusion and Suggestion

Conclusion

- a. Implementation of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 19 of 2020, namely electronic land information services at the Way Kanan district land office has been implemented, but is still facing obstacles. Then, the main obstacles involve PPAT participation which is not yet optimal, lack of knowledge of implementers, and minimal public understanding regarding the Electronic Checking mechanism.
- b. Constraining factors, namely inadequate facilities and infrastructure, the quality of electronic land data, especially land book validation, is still an obstacle, the readiness of human resources at the Way Kanan district land office needs to be considered.

Suggestion

- a. Strengthening land service application regulations, namely the Ministry of ATR/BPN is advised to strengthen land service regulations and applications, changes in application and a stable legal umbrella are needed to increase legal certainty in the implementation of Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 19 2020.
- b. Changes in the mindset of land office employees, including the Way Kanan district land office, need to change employee mindsets, massive outreach regarding online services, technical training, and intensive understanding of the urgency of online services can help change mindsets and increase efficiency implementation of tasks.

- c. Improving data quality towards electronic services requires improving data quality by speeding up and strengthening the land book validation process.

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