



Implementation of The Law on The Validity of Electronic Certificates As Ownership of Land Rights In Indonesia

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Abstract: The Indonesian government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), has begun implementing an electronic certificate policy as part of the digital transformation of the national land system. The purpose of the study is to analyze, identify and recommend legal implementation to improve the protection of the rights of electronic certificate land owners. The research method uses a qualitative method with a normative legal research type with a statutory and conceptual approach. The results of the study show that electronic certificates have valid legal force based on the Regulation of the Minister of ATR/BPN Number 1 of 2021 and the Law on Information and Electronic Transactions. Although it has a strong legal basis, its implementation still faces challenges in the form of limited digital infrastructure, low public literacy, and concerns about data security. Therefore, it is necessary to strengthen the legal protection system and comprehensive socialization to the community. In conclusion, the legal validity of electronic certificates is not only determined by the normative framework, but is also supported by public trust, the integrity of the digital system, and legal protection that is equivalent to physical certificates. Research Strengthening technological infrastructure, digital literacy, and a reliable monitoring system are the keys to success.

Keyword: Electronic Certificates, Land Rights, Legal Implementation, Indonesia

INTRODUCTION

A land certificate is an important document that proves ownership of land rights (Admin et al., 2024; Andari et al 2023). However, with the development of technology, the emergence of electronic certificates has become a promising alternative in the era of information technology development in various aspects of life, including in the management and administration of land rights. The digitalization of the land administration system aims to

increase efficiency, transparency, and accountability in the management of land rights, one of which is through the implementation of electronic certificates as a digital form of conventional land certificates (Widyawati, 2024).

The Indonesian government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), has begun implementing an electronic certificate policy as part of the digital transformation in the national land system (Adinda et al., 2023). This policy is based on the Regulation of the Minister of ATR/Head of BPN Number 1 of 2021 concerning Electronic Certificates, which aims to replace physical land certificates with electronic documents that have the same legal force (Rizkiana & Handoko, 2022). It is expected that with the existence of electronic certificates, various land administration problems such as overlapping ownership, document forgery, and land mafia practices can be minimized. The implementation of electronic certificates brings various advantages and legal challenges that are still being debated among academics and legal practitioners.

One of the main issues is related to the legal validity of electronic certificates and the extent to which legal protection of landowners' rights can be guaranteed in a digital system. Given that land certificates are proof of legal ownership of land, the legal aspect must have strong legal certainty so as not to cause disputes in the future. Technical challenges of technological infrastructure, data security, and community readiness in switching from conventional to digital systems also need to be considered. Cybersecurity is a crucial factor in ensuring that electronic certificates are not vulnerable to hacking or data misuse. Meanwhile, digital literacy of the community, especially in remote areas, is a challenge in itself in ensuring that this policy can be implemented evenly and effectively.

Therefore, a study on the implementation of the law on electronic certificates and its impact on land ownership rights in Indonesia is very important. This study will discuss how this policy is implemented, the challenges faced, and the extent to which legal protection can be provided to land owners in the electronic certificate system. Previous research studies have been analyzed to provide context and theoretical basis regarding the Validity of Electronic Certificates as Land Ownership Rights. According to Hartono et al. (2022) cancellation of land title certificates in land sales and purchases shows the importance of legal certainty in land transactions. In addition, Barkah et al., (2022) highlights the interaction between the president and the community regarding the distribution of land certificates in Magelang, which reflects the government's efforts to increase land ownership.

According to Syamsur et al., (2023) legal analysis of the cancellation of land ownership certificates based on nominative agreements, emphasizing the need for clarity in the agreement to protect the owner's rights. According to Fitria et al., (2021) identify obstacles in the implementation of electronic certificates and offer solutions to overcome these problems, which are relevant to the implementation of electronic certificates nationally. Furthermore, according to Harahap, (2021) analyzing public services in making land certificates at the National Land Agency Office, shows the importance of efficiency and transparency in the administrative process. Research by Putri et al., (2023) the power of the certificate as proof of ownership of land rights, which is the basis for the validity of the electronic certificate. According to Winatha, (2024) legal aspects and rights to land certificates according to the expiration of Article 1963 of the Civil Code, legal challenges faced in recognizing land rights.

According to Avivah et al., (2022) examine the process of changing the name of the land ownership certificate at the Batang Regency National Land Office, which is important for understanding the applicable administrative procedures. Finally, according to Endriana et al.,(2022) developing an electronic signing design using a bot platform, which can be an innovation in managing electronic certificates. By integrating the findings from these various studies, it is expected to provide a comprehensive picture of the challenges and solutions in implementing electronic certificates in Indonesia. Many previous studies have discussed

electronic certificates, there is still a gap in the study of the implementation of specific laws regarding the validity of electronic certificates as proof of land ownership in Indonesia. This study will highlight legal aspects that have not been widely discussed, such as the need for clear regulations and protection mechanisms for electronic certificate owners. Thus, this study is expected to provide new contributions in understanding the challenges and opportunities faced in implementing electronic certificates in Indonesia.

Electronic certificates are an innovation in the land administration system that aims to increase efficiency, transparency, and security in land transactions. With electronic certificates, landowners gain stronger legal certainty because documents are stored in a digital system that can be verified instantly, reducing the risk of forgery and loss of physical documents (Rizkiana & Handoko, 2022). An electronic certificate is a digital document that functions as proof of legal and legally recognized ownership of land rights (Sudarto, 2022). Electronic certificates provide higher security guarantees than conventional certificates (Putra & Winanti, 2024). Electronic certificates have legally recognized evidentiary power, provided they meet a number of established requirements (Sartika, 2020; Sudirga, 2024). These requirements include Document Authenticity, Electronic Signature Validity, Compliance with Applicable Regulations.

The advantages of electronic certificates not only lie in the security aspect, but also in the ease of access for the public (Prihartini et al., 2023). The process of buying and selling, granting, inheriting, or pledging land becomes more practical because documents can be accessed and verified online without the need to bring physical certificates to the land office. This contributes to time efficiency and reduces the potential for disputes due to duplicate certificates or overlapping ownership. However, the implementation of electronic certificates still faces various challenges, especially in terms of legal recognition and public acceptance. One of the main challenges is socializing the validity and security of this system to the public. Many people are still accustomed to physical certificates and are skeptical about the sustainability and reliability of digital technology in maintaining their land ownership rights. Therefore, clear regulations, reliable technological infrastructure, and massive education are needed to increase public trust.

There needs to be coordination between various parties, including the government, financial institutions, notaries, and technology developers, so that the electronic certificate system can run optimally. Standardization of data security systems is also a crucial factor in ensuring that digital documents cannot be misused or hacked by unauthorized parties. The purpose of this study is to analyze the implementation of the law on the validity of electronic certificates as ownership of land rights in Indonesia. Identify the legal challenges faced in the recognition of electronic certificates. Analyze existing regulations and the need for new regulations related to electronic certificates. Provide recommendations to improve the protection of the rights of electronic certificate land owners.

METHOD

The research method uses qualitative methods (Syahrizal & Jailani, 2023) with the type of normative legal research with a statutory and conceptual approach. Normative legal research is conducted to examine the applicable legal norms related to electronic certificates as proof of ownership of land rights, while the conceptual approach is conducted to analyze the concept of legal validity of electronic certificates in the context of land administration in Indonesia.

The approach used in this study includes the Statute Approach which examines various laws and regulations such as the Basic Agrarian Law, Regulation of the Minister of ATR/BPN Number 1 of 2021 concerning Electronic Certificates, and other related regulations. Conceptual Approach that examines legal concepts regarding proof of land ownership, validity of

electronic documents, and legal protection of land rights in digital systems. The research uses three types of data sources, namely primary, secondary and tertiary legal materials.

The data collection technique in this study was carried out through library research, namely by reading, reviewing, and analyzing various relevant primary, secondary, and tertiary legal materials. In addition, an analysis of previous research literature was also carried out to compare and identify existing research gaps, so that a more comprehensive picture of the implementation of the law on the validity of electronic certificates as proof of ownership of land rights in Indonesia was obtained. The data that has been collected was analyzed qualitatively, by interpreting various relevant laws and regulations, reviewing legal concepts and theories on electronic evidence, land rights, and legal protection. This analysis aims to draw conclusions systematically in order to answer the formulation of the problem, especially regarding the legal validity of electronic certificates as proof of ownership of land rights.

This research is based on a review of national documents, focusing on regulations and policies issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). In addition, this study also refers to the implementation of electronic certificates in several regions in Indonesia as an example of policy implementation, in order to obtain an overview of the challenges and opportunities in its implementation at the field level.

RESULTS AND DISCUSSION

The evidentiary power of electronic land certificates

Electronic land certificates are an innovation in the land administration system that aims to improve efficiency, transparency, and security in recording land rights. The validity and legal force of electronic land certificates are supported by various principles and legal provisions governing electronic documents, including electronic signatures and the recognition of digital documents as valid evidence in the Indonesian legal system. This evidence can be seen in the following table:

Table 1. Legal Regulations Supporting Electronic Land Certificates

| No | Regulations | Main Settings |
|----|--|---|
| 1 | Law No. 11 of 2008 concerning Electronic Information and Transactions (jo. Law No. 19 of 2016) | Electronic information and documents are legally valid (Article 5 paragraph (1)). Electronic signatures are equivalent to manual signatures (Article 11). |
| 2 | PP No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions | Electronic documents as legal evidence. Providing a legal basis for the implementation of electronic systems in the land sector. |
| 3 | ATR/BPN Regulation No. 1 of 2021 concerning Electronic Certificates | Replacement of physical land certificates. Rules for issuing, storing, securing, and protecting electronic land certificates. |

This table displays various laws and regulations that serve as the legal basis for the validity of electronic land certificates in Indonesia. Starting from the Electronic Information and Transactions Law (UU ITE) which recognizes the legality of electronic documents, the Government Regulation on the Implementation of Electronic Systems, to the Regulation of the Minister of ATR/BPN which technically regulates the mechanism for issuing and protecting electronic certificates. These three regulations form a solid legal foundation for the implementation of digitalization of land administration.

Table 2. Principles of Validity of Electronic Land Certificates

| No | Legal Principles | Explanation |
|----|-----------------------------|--|
| 1 | Legality | An electronic certificate is valid if it meets legal requirements and uses a certified electronic signature. |
| 2 | Non-Repudiation | The certificate uses a digital signature from PSrE which guarantees authenticity and prevents owner denial. |
| 3 | Data Integrity and Security | Use of encryption and authorized data centers to prevent data manipulation or alteration. |

This table summarizes the legal principles that must be met for an electronic land certificate to be legally recognized in the Indonesian legal system. The principle of legality emphasizes the need for compliance with applicable regulations, the principle of non-repudiation ensures that the signing party cannot deny the validity of the document, while the principle of data integrity and security ensures that the contents of the document cannot be illegally changed. These three principles provide a guarantee of validity and security for the owner of the electronic land certificate.

Table 3. Position of Electronic Certificates in Land Disputes

| Aspect | Explanations |
|-----------------------|---|
| Authentic Proof | Recognized under Article 1866 of the Civil Code and Article 5 of the ITE Law as valid evidence in court. |
| Validity Verification | Verifiable through government electronic systems, reducing the risk of forgery. |
| Accessibility | Facilitate the process of proving land disputes with a fast, transparent system that can be accessed at any time. |

This table illustrates how electronic land certificates are positioned in land dispute resolution. Electronic certificates are recognized as authentic evidence based on the Civil Code and the ITE Law, and their validity can be verified directly through the government system that manages land data. In addition, the high accessibility of electronic certificates makes it easier to prove land rights in court proceedings and administrative settlements, thus accelerating dispute resolution.

1. Laws governing Electronic Land Certificates in Land Transactions

Electronic land certificates are part of the digital transformation in the land administration system in Indonesia. Its use in land transactions is supported by various regulations governing the validity of electronic documents, electronic signatures, and the recognition of electronic certificates as valid evidence. The following are some laws and regulations that form the legal basis for the implementation of electronic land certificates:

Table 4. Laws governing the Validity of Electronic Land Certificates

| No | Regulation | Main Contents | Information |
|----|-----------------------------------|---|---|
| 1 | Law No. 5 of 1960 concerning UUPA | Becoming the basis of national land law; requiring land registration for legal certainty (Article 19) | Electronic certificates are a form of modernization of land registration. |

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|---|--|--|--|
| 2 | Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 concerning ITE | Electronic documents and electronic signatures have legal force and can be used as evidence (Articles 5 and 11). | Become the legal basis for electronic land certificates. |
| 3 | Law No. 30 of 2014 concerning Government Administration | Administrative decisions can be in the form of electronic documents (Article 5 paragraph (2)). | Strengthening the legality of digital administration products. |
| 4 | UU no. 6 of 2023 concerning Job Creation | Encouraging digitalization of land administration for efficiency and acceleration. | Supporting the acceleration of electronic land certificate transformation. |

Table 5. Implementing Regulations Supporting Electronics Land Certificates

| No | Regulation | Main Contents | Information |
|----|--|---|--|
| 1 | PP No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions | Regulating the reliability, security and sustainability of electronic systems and electronic signatures (Article 39). | Ensuring the implementation of safe electronic systems on land. |
| 2 | ATR/BPN Regulation No. 1 of 2021 concerning Electronic Certificates | Electronic land certificates are issued and stored digitally at the BPN (Articles 6, 10, 16). | Be the operational basis for issuing electronic land certificates. |

Table 6. Position of Electronic Land Certificates in Land Transactions

| No | Aspect | Explanation | Information |
|----|-------------------------------|--|--|
| 1 | Validity as Evidence | Recognized as valid evidence in court based on Article 5 of the ITE Law. | Can be verified through the BPN electronic system. |
| 2 | Data Security and Reliability | Using certified electronic signatures and storage in the BPN data center. | Ensures data is difficult to manipulate and secure. |
| 3 | Efficiency in Transactions | Facilitate transactions without physical documents and reduce the risk of loss | Increase speed and security in buying and selling land |

Based on the normative and conceptual legal approach and analysis of primary, secondary, and tertiary legal materials, several important findings were obtained regarding the legal validity of electronic certificates as proof of ownership of land rights in Indonesia. Referring to the Regulation of the Minister of ATR/BPN Number 1 of 2021, electronic certificates are recognized as having the same legal force as physical certificates (Rizkiana & Handoko, 2022). The existence of this electronic certificate is supported by Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), which stipulates that electronic documents, including certificates, can be used as legal evidence in court (Sari, 2024).

Therefore, the validity of an electronic certificate is not only measured in terms of formal legal aspects, but also from functional aspects that include the reliability and security of the electronic data processed. The conceptual aspect of the legal validity of an electronic certificate includes two main dimensions, namely formal and material aspects. The formal aspect relates to the validity of documents issued by authorized officials, while the material aspect emphasizes the conformity between the contents of the certificate and the actual land data and

the protection of third party rights (Anjani & Santoso, 2018). This shows that the management of electronic certificates must consider the integrity of the system used by the Ministry of ATR/BPN and electronic data protection.

In addition, the results of the study showed that there are challenges in implementing electronic certificates, especially related to digital infrastructure and the level of community literacy (Rachmat, 2022). In remote areas, limited infrastructure is a major barrier to effective implementation of electronic systems. Another problem is the low level of understanding among the public and officials about the validity of electronic certificates, which can arise from doubts about the security and authenticity of electronic documents, potentially causing distrust (Nisa', 2020). Nevertheless, electronic certificates offer the potential to improve the efficiency of land services and promote transparency. Holders of electronic certificates, both legally and substantially, have equal rights to holders of physical certificates. Regulations such as Law No. 5 of 1960 concerning the Principles of Agrarian Law and the Civil Code continue to function as the basis for resolving land rights disputes, where electronic certificates only change the evidence media but do not reduce the legal substance that protects land rights (Tetama, 2023). As long as the electronic system is managed safely and transparently, electronic certificates can function as valid evidence by providing guarantees for land rights holders in Indonesia.

CONCLUSION

Based on normative and conceptual legal analysis, it can be concluded that electronic certificates have legal validity as proof of ownership of land rights in Indonesia, as stated in the Regulation of the Minister of ATR/BPN Number 1 of 2021 and supported by provisions in the ITE Law. The novelty of this research lies in the emphasis that the legal validity of electronic certificates is not only determined by the normative framework, but is also supported by public trust, the integrity of the digital system, and legal protection that is equivalent to physical certificates. Therefore, strengthening technological infrastructure, digital literacy, and a reliable monitoring system are the keys to the successful implementation of electronic certificates in the national land administration system.

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