

Legal Certainty of Electronic Certificates as Evidence of Land Ownership in Indonesian Agrarian Law

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Abstract

The position of electronic certificates in agrarian law in Indonesia is a means of proof of ownership of land rights, ownership rights to apartment units, management rights, and mortgage rights, The Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 5 of 2017 concerning Electronic Land Information Services (hereinafter referred to as Ministerial regulations ATR/Head of BPN 5/2017) which was later replaced by 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 (hereinafter referred to as Ministerial regulations ATR/Head of BPN 19/2020). Ministerial regulations ATR / Head of BPN 5/2017 is the forerunner or embryo of the start of electronic land law politics in Indonesia. For this reason, in order to further realise the certificate, the Indonesian Government should regulate the position of electronic certificates in law and need to support changes in the registration system in Indonesia to a positive system with the issuance of electronic certificates, in addition to conducting comprehensive socialisation to the Indonesian people who think that they do not hold physical evidence of certificates with the assumption that everything is electronically based.

Keywords | *electronic certificates, land, agrarian law*

INTRODUCTION

At the time of the colonial government in Indonesia, land law was regulated by the following regulations:

1. *Agrarische Wet (Staatsblad 1870 No. 55)*, as contained in article 51 of the "*Wet op de Staatsinrichting van Nederlands Indie*" (*Staatsblad 1925 No. 447*) and the provisions in other paragraphs of that article.
2. a. The "*Domienverklaring*" mentioned in article 1 of the "*Agrarisch Besluit*" (*Staatsblad 1870 No. 118*);
b. "*Algemene Domienverklaring*" mentioned in *Staatsblad 1875 No. 119A*;
c. "*Domienverklaring for Sumatra*" mentioned in article 1 of *Staatsblad 1874 No. 94f*;
d. "*Domeinverklaring for the prefecture of Menado*" mentioned in article 1 of *Staatsblad 1877 No. 55*;
e. "*Domeinverklaring for the residentie Zuider en Oosterafdeling van Borneo*" mentioned in article 1 of *Staatsblad 1888 No. 58*;
3. *Koninklijk Besluit* dated April 16, 1872 No. 29 (*Staatsblad 1872 No. 117*) and its implementing regulations;



4. Book II of the Indonesian Civil Code concerning the earth, water and natural resources contained therein, except for the provisions concerning hypothek which are still in force under this Law;"¹

The provisions of the aforementioned regulations were later revoked and replaced with Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (hereinafter referred to as UUPA), which is a national land law umbrella. Law is a norm / rule, science, intertwining values, regular behavior, discipline, government process, ruler's decision, judge's decision, and legal signs.² When studied based on the general explanation in the UUPA, it is stated that:

1. the current agrarian law is partly composed based on the goals and principles of the colonial government, and partly influenced by it, to the extent that it contradicts the interests of the people and the state in carrying out universal development in the context of completing the current national revolution;
2. because as a result of the colonial government's legal policies, the agrarian law has a dualistic nature, namely, the enactment of regulations from customary law in addition to regulations from and based on Western law, which in addition to causing various difficult inter-group problems, is also not in accordance with the ideals of national unity;
3. because for the indigenous people the colonial agrarian law did not guarantee legal certainty.³

Thus, since the enactment of the UUPA, there has been a change in the land sector, this is because both the legal structure, conception and content of agrarian law as stated in the "Opinion" section of the UUPA must be in accordance with or meet the interests and needs of the Indonesian people according to the demands of the times,⁴ The fundamental changes in question are:

1. Eliminating legal dualism in the land sector, namely the customary law system and western law for lands with western rights or lands with customary rights;
2. A unification in the field of land law related to land rights that are regulated or subject to old agrarian law (western law and customary law) are converted into one of the rights stipulated in Article 16 of the UUPA;
3. Regarding the structure of legal instruments, this means that there are regulations and principles that can provide answers or legal bases that apply to resolve legal cases in the field of Agrarian Law.

The principle that a legal regulation to be valid is in itself a positive norm, so that whether or not it is effective it must be a dynamic law.⁵ This means that the legislation in Agrarian Law as stipulated in the UUPA provides a positive norm in land law in Indonesia and is a written constitution.⁶

¹ Boedi Harsono, "Hukum Agraria Indonesia : sejarah pembentukan undang-undang pokok agraria, isi dan pelaksanaannya" (Jakarta : Ed. Rev., cet. 11, Djambatan, Jakarta, 2007), hal. 4.

² Satya Arinanto, "Silabus Perkuliahan Politik Hukum (2 SKS)" (Jakarta : Program Pascasarjana Fakultas Hukum Universitas Indonesia), hal 3.

³ Republik Indonesia, Undang-Undang tentang Peraturan Dasar Pokok-Pokok Agraria, UU Nomor 5 tahun 1960, LN Tahun 1960 Nomor 104, TLN Nomor 2043.

⁴ *Ibid.*, dalam Penjelasan Umum., hal 28.

⁵ Satya Arinanto, "Politik Hukum 2" (Jakarta : Pascasarjana Fakultas Hukum Universitas Indonesia, 2001), hal 11 s/d 12.

⁶ Satya Arinanto, "Politik Hukum 1" (Jakarta : Pascasarjana Fakultas Hukum Universitas Indonesia, 2001), hal 31.

UUPA is a manifestation of Article 33 paragraph (3) of the 1945 Constitution, which states that all natural resources, including water and other natural resources, belonging to or within the sovereign territory of the Republic of Indonesia, are to be regulated, controlled and managed by the state for the welfare of the Indonesian people as a whole without exception. The UUPA regulates land rights that can be granted to legal subjects as stipulated in the provisions of Article 16 paragraph (1) of the UUPA, namely. Land rights as referred to in Article 4 paragraph (1) are:

- a. right of ownership,
- b. right to cultivate,
- c. right to business use
- d. right of use
- e. right of lease,
- f. the right to open land,
- g. the right to collect forest products,
- h. other rights not included in the rights mentioned above which will be stipulated by Law as well as temporary rights as mentioned in Article 53.⁷

Land rights are then registered by the Government of Indonesia as stipulated in Article 19 of the UUPA, which states that in order to ensure legal certainty, the Government conducts land registration throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulation,⁸ through a *recht cadaster* which aims to ensure legal certainty. The land registration system in Indonesia is a negative system that contains positive elements, then the Indonesian Government regulates land registration as referred to in Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as "PP 24/1997).

Based on the land registration, then for legal subjects given land certificates to produce evidence of rights that apply as a tool of strong bookkeeping as stated in Article 19 paragraph (2) UUPA. The definition of a certificate is regulated in Article 32 paragraph (1) of PP 24/1997, which states that a certificate is a certificate of proof of rights that is valid as a strong evidentiary tool regarding the physical and juridical data contained therein, as long as the physical and juridical data is in accordance with the data contained in the measurement certificate and land book of the right concerned.⁹

In its current development, the Government of Indonesia regulates the change of analog certificates to electronic ones, as stipulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 5 of 2017 concerning Electronic Land Information Services (hereinafter ministerial regulation ATR/Head of BPN 5/2017) which was later replaced by the 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 (hereinafter ministerial regulation ATR/Head of BPN 19/2020).

⁷ Republik Indonesia, Undang-Undang tentang Peraturan Dasar Pokok-Pokok Agraria, UU Nomor 5 tahun 1960, LN Tahun 1960 Nomor 104, TLN Nomor 2043, Pasal 16.

⁸ *Ibid.*, Pasal 19.

⁹ Republik Indonesia, Peraturan Pemerintah tentang Pendaftaran Tanah, PP Nomor 24 tahun 1997, LN Tahun 1997 Nomor 59, Pasal 32 ayat (1).



METHOD

The method used in this research is normative juridical legal research using a statutory approach, conceptual approach, analytical approach. This research is based on secondary data with primary legal materials (authoritative and binding laws and regulations), secondary legal materials (books, journals and other legal materials) and tertiary legal materials. Regarding the collection of legal materials, it is carried out by recording and inventorying documentation of primary legal materials, secondary legal materials and tertiary legal materials to be analyzed and studied, so as to provide answers in the form of conclusions and suggestions.

RESULT AND DISCUSSION

Analysis of the Position of Electronic Certificates as Evidence of Land Ownership in Indonesia

In several decades in Indonesia, there has been a renewal of legal politics,¹⁰ including the politics of land law. UUPA is one of the oldest products of legislation since it was enacted on September 24, 1960 until now there have been no changes in accordance with the times and the needs of the community. The Government of Indonesia then made legislation as stipulated in Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (hereinafter referred to as "*Omnibus Law*"), However, the *Omnibus Law* only regulates the Fourth Part of Land, including the Land Bank Agency, the Strengthening of Management Rights, Flat Units for Foreigners and the Granting of Land Rights/Management Rights on Aboveground and Underground Spaces does not change either partially or completely revoke the UUPA.

In the development of time, technology and science, it is undeniable that currently facing the era of digitalization, the position of land rights certificates has shifted from analog to electronic. The first regulation that regulates the position of electronic land rights certificates in Indonesian law is regulated in Article 147 of the *Omnibus Law*, namely proof of land rights, ownership rights to apartment units, management rights, and mortgage rights, including deeds of transfer of land rights and other documents related to land can be in electronic form.¹¹ and Article 38 states that:

1. Officials and/or Government Bodies may make Electronic Form Decisions.
2. Electronic Form Decisions must be made or submitted for Decisions processed by an electronic system established by the Central Government.
3. A Decision in Electronic Form shall have the same legal force as a written Decision and shall be effective upon receipt of the Decision by the party concerned.
4. In the event that the decision is made in electronic form, then no decision is made in written form.¹²

¹⁰ Satya Arinanto, "Politik Hukum 3" (Jakarta : Pascasarjana Fakultas Hukum Universitas Indonesia, 2001), hal. 127.

¹¹ Republik Indonesia, Undang-Undang tentang Cipta Kerja, UU Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang, LN Tahun 2023 Nomor 41, TLN Nomor 6856, Pasal 147, Paragraf keempat.

¹² Republik Indonesia, Undang-Undang tentang Administrasi Pemerintah, UU Nomor 30 tahun 2014, LN Tahun 2014 Nomor 292, TLN Nomor 5601, Pasal 38.

When studied before the *Omnibus Law* came into effect, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency had made an effort to keep up with technological developments in order to meet the needs and provide convenience for the community in the agrarian sector, as referred to in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2017 concerning Electronic Land Information Services (hereinafter referred to as Ministerial regulations ATR/Head of BPN 5/2017) which was later replaced by Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 19 of 2020 concerning Electronic Land Information Services (hereinafter referred to as Ministerial regulations ATR/Head of BPN 19/2020).¹³ Ministerial regulations ATR / Head of BPN 5/2017 is the forerunner or embryo of the start of electronic land law politics in Indonesia. This means that legal politics can simply be formulated as legal policies implemented nationally by the government and politics influence the law by siding with the configuration of forces in law making and enforcement.¹⁴

This electronic service aims to create fast and precise services to the community, including: checking of land title certificates, SKPT (Land Registration Certificate), textual and/or graphical data information, land value (NT) information, coordinate point information, *Global Navigation Satellite System (GNSS)* or *Continuously Operating Reference System (CORS)* data package information, ownership history and land history information, other information services determined later, as referred to in Article 2 paragraph (2) Ministerial regulations ATR / Head of BPN 19/2020. The Digital Transformation of the Ministry of ATR / BPN is divided into:

1. In 2019, known as the transformation era, among others:
 - a. Electronic *milestone* of mortgage rights, i.e. encumbrance, transfer, change of name, roya on mortgage rights);
 - b. Electronic Information on land, i.e. checking, land checking certificate (SKPT), land value zone (ZNT);
 - c. Document Digitization.
2. In 2020 is known as the era of electronic services, including:
 - a. Electronic mortgage rights apply nationally;
 - b. Electronic Land Information Services apply nationally.
3. In 2021 is known as the era of electronic services, among others:
 - a. Supporting the investment climate and strengthening the Land (*Omnibus Law* & its Implementing Regulations);
 - b. Ease of doing business;
 - c. Implementation of electronic land title certificates;
 - d. Greater delegation of authority to regions;
 - e. Implementation of specialized service units.

¹³ Ulvi Ratmaningsih Sa'adah, "Aplikasi Sentuh Tanahku Sebagai Inovasi Pelayanan Publik Di Kantor Wilayah Badan Pertanahan Nasional Provinsi D.K.I. Jakarta", Jurnal Administrasi Bisnis Terapan, Nomor 1, 2022, hal 8.

¹⁴ Satya Arinanto, Hak Asasi manusia Dalam Transisi Politik di Indonesia (Jakarta : Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia) cet. 6, 2021, hal 240.



4. In 2022, it is known as the era of electronic service information and innovation, among others:
 - a. Promulgation as stipulated in Government Regulation Number 18 of 2021 and Minister of Agrarian and Spatial Planning Regulations Number 16 and 18 of 2021;
 - b. SOP update at the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (KBPN);
 - c. National documents or warkah that are electronic and have been validated;
 - d. Targeted 150 land offices with complete data;
 - e. System Integration and Collaboration between government agencies.
5. In 2023 known as the *fully digital* era, among others:
 - a. Expected with 100% Electronic and Validated Documents / Records;
 - b. Expected with 100% Complete City;
 - c. Information Collaboration;
 - d. Change of analog certificates to electronic;
6. By 2024, the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (KBPN) is expected to be a world standard institution that is able to compete and show the world, among others:
 - a. Ranking 40 *Ease of Doing Business* (EoDB);
 - b. *Fully digitized* data and services;
 - c. All land parcels in Indonesia have been validated.

In its development, the Government of Indonesia regulates in the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates which has been revoked based on the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities (hereinafter referred to as Ministerial regulations ATR / Head of BPN 3/2023). The definition of an electronic certificate is a certificate issued through an electronic system in the form of an electronic document,¹⁵ as stipulated in Article 1 point 9 of Ministerial regulations ATR / Head of BPN 3/2023, so that electronic certificates are expected to be able to realize digitization and efficiency in services to the community as a form of land. In the provisions of Article 2 of Ministerial regulations ATR / Head of BPN 3/2023, that land registration can be carried out electronically and in the implementation of electronic land registration is applied in stages determined by the Minister by considering all the readiness of the electronic system used.¹⁶

This is done through first-time land registration (for land that has not yet been registered) and maintenance of land registration data (replacement of previously registered land certificates in analog form into electronic form). Article 15 of Ministerial regulations ATR/Head of BPN 3/2023 states that "the replacement of certificates with e-certificates

¹⁵ Republik Indonesia, Peraturan Menteri Agraria Tata Ruang/Kepala Badan Pertanahan Nasional tentang Sertipikat Elektronik, Permen ATR/KBPN Nomor 1 tahun 2021, BN Tahun 2023, Pasal 1 angka 8.

¹⁶ *Ibid.*, Pasal 2.

includes the replacement of land books, measurement letters and/or drawings of flat unit plans into electronic documents."¹⁷

Thus, the position of electronic certificates in agrarian law is proof of land ownership for every legal subject in Indonesia, both now and in the future, analog land rights certificates will change to electronic certificates and even though electronically is also a valid proof of ownership of land rights as stipulated in Article 19 of the UUPA and Article 32 paragraph (1) of PP 24/1997.

To provide a guarantee of legal protection for holders of land rights, the Government of Indonesia provides certificates of land rights through land rights certificates. The land registration system is known as:

1. A positive system that what has been registered is the actual situation (what it is), and in this case the legal subject has carried out land registration of the land plot, is the holder of a valid land right according to the law and cannot be contested (absolute).
2. The negative system that the registration of land rights carried out by legal subjects will not be guaranteed by the Government of Indonesia as the legal subject of the actual land owner legally.

Land registration adopted by the Government of Indonesia is a negative system of land registration with a positive tendency as referred to in Article 32 paragraph (2) of PP 24/1997, which states that

In the event that a certificate has been issued legally on a parcel of land in the name of a person or legal entity who obtained the land in good faith and actually controls it, then other parties who feel they have a right to the land can no longer demand the exercise of that right if within 5 (five) years of the issuance of the certificate they do not file an objection in writing to the certificate holder and the Head of the Land Office concerned or do not file a lawsuit in court regarding the control of the land or the issuance of the certificate.¹⁸

Based on the provisions of Article 32 paragraph (2) of PP 24/97, it can be analyzed that based on the land registration, a certificate of evidence of rights will be produced which is valid as a strong means of proof (not absolute) which provides legal protection for the subject of land rights.

Analysis of the Legal Certainty of Electronic Certificates as Evidence of Land Ownership in Indonesian Agrarian Law.

A legal order is a system consisting of general norms and separate norms that relate to each other according to the principle that the law regulates its own creation. Each norm of this order is created according to the provisions of the basic norms that build the unity of this system of norms, namely the legal order.¹⁹ In providing legal certainty, legal norms have been regulated in a legislation that is expected to provide legal order. For this reason, related to the change of analog certificates back to electronic certificates, it must first collect data and carry out validation, thus making all forms of physical data will be replaced in electronic

¹⁷ *Ibid.*, Pasal 15 Ayat 1.

¹⁸ Republik Indonesia, Peraturan Pemerintah tentang Pendaftaran Tanah, PP Nomor 24 tahun 1997, LN Tahun 1997 Nomor 59, Pasal 32 ayat (1).

¹⁹ Satya Arinanto, "Politik Hukum 2" (Jakarta : Pascasarjana Fakultas Hukum Universitas Indonesia, 2001), hal 19.



form, as explained in Article 14 of the Regulation of the Minister of ATR / Head of BPN Number 1 of 2021 stated that

1. By changing the type of ordinary certificate to electronic form for previously registered land as stated in Article 6 letter b, it is given to land that has previously been registered and issued a certificate regarding ownership of land, the right to manage, ownership of apartment units, and land trusts;
2. The change of the type of land certificate to electronic form, as stated in paragraph (1), is done by providing a request to register the land.²⁰

The process of electronic land registration has been carried out, then all forms of change that were originally in manual form, become electronic documents as explained in Article 17 of Ministerial regulations ATR / Head of BPN 3/2023 stated that:

1. The rights bookkeeping activities as referred to in Article 16 produce BT-el which is endorsed at the same time on the Certificate-el.
2. The e-certificate as referred to in paragraph (1) is issued in the form of an Electronic Document and authenticated with an Electronic Signature by an authorized official.
3. The certificate-el as referred to in paragraph (2) shall be effective after it has been electronically signed.
4. In the case of certificates of business use rights, building use rights or use rights with a term, the expiry date of the rights shall be calculated from the date of the accounting of the rights.
5. The format of the e-certificate referred to in paragraph (2) is set out in Annex I which forms an integral part of this Ministerial Regulation.²¹

The replacement with an electronic certificate can only be done for land parcels that have been registered and issued with a certificate of land rights, management rights, ownership rights over apartment units or waqf land, namely:²²

1. The replacement service is carried out through an application for land registration data maintenance services;
2. The replacement process can be carried out if the physical and juridical data in the land book and certificate match those in the electronic system;
3. If there are discrepancies, the Head of the Land Office will validate the data on the right holder, physical and juridical data;
4. The replacement with an electronic land certificate or el sertipikat involves converting the land book, measurement letter and/or plan drawing of the flat unit into an electronic document;
5. Subsequently, the replacement of the electronic certificate is recorded in the land book, measurement letter and/or flat unit plan drawing;
6. The Head of the Land Office will withdraw the certificate to be integrated with the Land Book and stored as a certificate at the Land Office;
7. All certificates are scanned and stored in a database.

²⁰ Republik Indonesia, Peraturan Menteri Agraria Tata Ruang/Kepala Badan Pertanahan Nasional tentang Sertipikat Elektronik, Permen ATR/KBPN Nomor 1 tahun 2021, BN Tahun 2023, Pasal 14.

²¹ *Ibid*, Pasal 17.

²² Triani, W. A., Rahman, S., dan Abbas, I., "Efektivitas Layanan Elektronik Menurut Permen Agraria No. 1 Tahun 2021 Dalam Pemeliharaan Data Pendaftaran Tanah Di Kantor Pertanahan Kabupaten Gowa". *Journal of Lex Generalis (JLG)*, Nomor 2, 2023, hal 590.

The Electronic Land Certificate contains several things, namely:

1. The logo of the Ministry of Agrarian and Spatial Planning/National Land Agency is located parallel to the left with the Garuda Bird Coat of Arms;
2. The type of right will correspond to the land right to be granted (no more land right numbers);
3. Parcel Identification Number (NIB) is a single ID that is a reference for all land registration activities which is a land parcel number;
4. A *uniquecode/hashcode* is a code for an electronic document that is issued continuously with the edition in which each electronic document is issued;
5. A logo or spirit of RRR (*Right, Restriction and Responsibility*) is included on each certificate;
6. Images of land parcels are accompanied by a measurement certificate and *QR code* (referring to the electronic measurement certificate);
7. Attention to the provisions of the electronic document to holders of certificates in the form of this electronic document;
8. *QR Code encrypting* the e-certificate *id* data used to access direct e-certificate information through a system provided by the Ministry;
9. The wavy fine line pattern that forms the background of the electronic certificate as a form of continuity of service;
10. The Ministry's logo *watermark* is placed in the center plus a red text pattern on the left side of the document;
11. Electronic signature, namely the form of signature specimen equipped with a Land Office stamp;
12. *BsrE* emblem as an electronic signature provider *BsrE* (electronic certification center).

Comparison

The comparison between analog and electronic certificates is as follows:

1. Security Code.
 - a) Electronic certificates are based on a *hashcode*, which is a unique code for electronic documents created by the Ministry of Agrarian Affairs and Spatial Planning system involving other agencies;
 - b) Analog certificates are based on a blank code, which is a serial number on the certificate consisting of a combination of letters and numbers.
2. QR codes.
 - a) Electronic certificates use a *QR code* that contains a link to access the electronic document directly;
 - b) Analog certificates do not use *QR codes*.
3. Identity Number of Land Parcel or Flat Unit.
 - a) Electronic certificates focus on the identification number, the parcel identification number (NIB);
 - b) Analog certificates contain numbers, including: land title number, parcel identification number and parcel map number.



4. Obligations and prohibitions.
 - a) Electronic certificates are based on the *right, restriction responsibility* aspect (obligations and prohibitions are included);
 - b) Analog certificates are carried out in the instructions column, thus making this recording adapted to the land book and the policies of the respective Land Office.
5. Signature.
 - a) Electronic certificates already use electronic signatures from authorized officials;
 - b) Analog certificates still use manual signatures;
6. Form of Document:
 - a) Electronic certificates contain dense and concise information, one way is to utilize an electronic service application provided by the Ministry of Agrarian Affairs and Spatial Planning that can be accessed through the Touch My Land application, generally 2 sheets (juridical data sheet and final physical data);
 - b) Analog certificates are still in the form of blanks in general, so that the history of ownership and legal actions/events is recorded in general.

In practice, according to the author, there are several other disadvantages of electronic land certificates, including:

1. Requires a *username* and *password* for access, making it prone to forgetting and data leakage;
2. Inadequate internet access factor, the question is whether all regions in Indonesia have received comprehensive access to the internet and technology.
3. Prone to being hacked by viruses and hackers.
4. Human resources are not familiar with applications and technology, perhaps only for a few generations;
5. The habitual factor of being more comfortable with analog certificates

CLOSING

Conclusion

This study concludes that the position of electronic certificates in agrarian law is interpreted as evidence of ownership of land rights, ownership rights to apartment units, management rights, and mortgage rights, so that all land parcels and ownership rights to apartment units will be given electronic certificates for legal subjects replacing analog certificates. For this reason, electronic certificates are expected to provide legal certainty for the Indonesian people with the advantages of keeping up with the times and technology. This should not be a matter of disagreement among agrarian law experts on the assumption that there is a problem of unconstitutional legislation. The assumption that unconstitutional legislation is invalid is a meaningless assertion, because invalid legislation is not legislation at all because it has not been regulated in a law in Indonesia governing electronic certificates, not in a government regulation or implementing regulation, and because of the politics of land law in Indonesia.

Suggestion and Recommendation

Based on the results of the research, the Government of Indonesia, namely the legislature and stakeholders should revise the UUPA as a form of real agrarian reform by following the times and the dynamic needs of society, besides that relating to electronic certificates, it is necessary to support changes in the registration system in Indonesia to a positive system with the issuance of electronic certificates, besides that thorough socialization is carried out to the Indonesian people who think that they do not hold physical evidence of certificates with the assumption that everything is electronically based.

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