

Implementantion of Law And Utility In Land Electric Registration In Rogojampi Village, Banyuwangi Region

Tamsil¹, Indri Fogar Susilowati², Mahendra Wardhana³, Dita Perwitasari⁴,
Astrid Amidiaputri Hasyati⁵, Ahmad Nailul⁶
^{1,2,3,4,5,6} Ilmu Hukum, Fakultas Hukum, Universitas Negeri Surabaya, Surabaya, Indonesia

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ABSTRAK

Akselerasi pendaftaran tanah diakomodir melalui Undang-Undang No. 11 Tahun 2020 tentang Cipta Kerja, Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional menerbitkan aturan turunan yakni Peraturan Menteri ATR/Kepala BPN No. 1 Tahun 2021 tentang Sertipikat Elektronik. Persoalan pendaftaran tanah di Banyuwangi terdapat 93.599 Bidang Tanah yang belum terdaftar, berkunjung ke Desa Rogojampi Kecamatan Rogojampi Kabupaten Banyuwangi, masyarakat setempat menyampaikan bahwa pendaftaran tanah dikatakan terlalu menyulitkan dan pendaftaran secara elektronik tidak memberikan rasa aman atau kepastian bagi masyarakat. Sehingga dalam hal ini penulis akan berdiskusi tentang Implementasi hukum dan kemanfaatan atas pendaftaran tanah secara elektronik untuk pertama kali yang dihadapi masyarakat desa Rogojampi. Penelitian memilih menyelesaikan isu hukum dalam tulisan ini menggunakan metode penelitian normatif, dilakukan melalui pendekatan perundang-undangan dan pendekatan konseptual. Sertipikat sebagai alat bukti atas kepemilikan hak atas tanah secara elektronik melalui 2 faktor autentikasi dan metode enkripsi, kumpulan sertipikat tersimpan pada pangkalan data sebagai riwayat untuk memastikan bahwa yang diterbitkan adalah benar.

ABSTRACT

Acceleration of land registration is accommodated through Law No. 11 of 2020 concerning Job Creation, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency issued derivative regulations, namely the Regulation of the Minister of ATR/Head of BPN No. 1 of 2021 concerning Electronic Certificates. The problem of land registration in Banyuwangi is that there are 93,599 unregistered land plots, visiting Rogojampi Village, Rogojampi District, Banyuwangi Regency, the local community said that land registration was said to be too difficult and electronic registration did not provide a sense of security or certainty for the community. So in this case the author will discuss the Implementation of law and the benefits of electronic land registration for the first time faced by the Rogojampi village community. The study chose to resolve the legal issues in this paper using a normative research method, carried out through a legislative approach and a conceptual approach. Certificates as proof of ownership of land rights electronically through 2 authentication factors and encryption methods, a collection of certificates are stored in the database as a history to ensure that what was issued is correct.

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Corresponding Author:

Tamsil
Ilmu Hukum, Fakultas Hukum, Universitas Negeri Surabaya
Surabaya, Indonesia
Email: astridhasyyati@unesa.ac.id

1. INTRODUCTION

The era of land or agrarian in Indonesia has changed with the issuance of legal products in the form of Law Number 5 of 1960 concerning Agrarian Affairs, the State Gazette of the Republic of Indonesia (LNRI) of 1960 Number 104 and Supplement to the State Gazette of the Republic of Indonesia (LNRI) Number 2403 or hereinafter referred to as UUPA [1]. In the new era after the enactment of UUPA as the starting point for uniformity of agrarian regulations in Indonesia after the dualism of colonial land law and pluralism of Indonesian land law. Several things still need to be adjusted and provisions regarding the recognition and inclusion of customary law in the UUPA, are regulated in Article 5 of the UUPA stating:

"The agrarian law applicable on earth, water, and space is customary agrarian law, as long as it does not conflict with national and state interests based on national unity, with Indonesian socialism, and with the regulations contained in this Law and other regulations, all things taking into account elements based on religious law"

The existence of customary land law in Indonesia remains in effect as long as it does not conflict with applicable laws and regulations, furthermore regarding land registration which still considers customary land law is regulated in Article 19 of the UUPA and PP Number 10 of 1961 which was later amended and supplemented by PP Number 24 of 1997 concerning Land Registration. The issuance of the PP is to provide legal certainty to land rights owners, land registration is carried out to meet the needs of the community and government, a land institution was also born to perfect the need for land registration in the community and government. Previously, both legal products were known as the Cadastre Office or Land Rights Registration Office [2]. The PP also provides an understanding of Land Registration, principles, and objectives of implementation as well as forms of legal certainty to collect and present complete information regarding physical data and legal data regarding the land area in question [3].

During the implementation of 37 (thirty seven) years of land registration based on Government Regulation Number 10 of 1961, it is estimated that of the total of 55 (fifty five) million lands in Indonesia, only 30% (thirty percent) can be registered for land rights, so that an instrument for implementing land registration is needed to be more effective and efficient [4]. Based on this, it was amended and added to Government Regulation Number 24 of 1997 which firmly states "To guarantee legal certainty, the Government organizes land registration throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulation", according to A.P. Parlindungan, if associated with the purpose of registration as written in PP 24 of 1997, it can enrich the provisions of Article 19 of the UUPA because: With the issuance of land title certificates, the owners are given legal certainty and legal protection; The availability of land information at the Land Office, the Government will easily explain the development of the country related to land, even for the

community to be more aware of the conditions of land allocation and ownership; and with good land administration, the planned future of land will be maintained [5].

Banyuwangi Regency has registered 687,619 (six hundred thousand eighty seven six hundred nineteen) plots out of a total of 781,178 (seven hundred eighty one one hundred seventy eight) plots spread across Banyuwangi or around 88.02% (eighty eight point two percent) have certificates, the remaining plots of land that have not been registered in Banyuwangi Regency are around 93,599 (ninety thousand five hundred ninety nine) plots [6]. Rogojampi Village is one of the villages in the Rogojampi District, Banyuwangi Regency, East Java Province, Indonesia. Land registration carried out in villages in the Rogojampi District, Banyuwangi Regency can be successful if the community understands the purpose of land registration. Therefore, the willingness of the community to register their land is influenced by many aspects, namely: cost aspects, aspects of completeness of documents, aspects of ease in land registration, and the most important thing is the community's knowledge and understanding of land registration. If the community knows and understands that land registration aims to provide legal certainty regarding the rights and subjects of the rights of the land they control, so as to minimize the occurrence of land conflicts. In Rogojampi Village, there are still people who have not registered their land, based on initial information it is concluded that the problems they encounter in land registration are :

- a) In Rogojampi village, not all residents have registered their land, one of the reasons is the cost borne by those who register the land in the PTSL program which is a government program to accelerate land registration throughout Indonesia. Therefore, a detailed understanding of land registration is needed, both systematically and sporadically;
- b) The perception of land registration applications being complicated and expensive, by carrying out this activity, it can provide correct and valuable information for the community.

The public receives incorrect information about the registration programs that are currently being carried out and have been carried out by the government, such as PRONA and PTSL, so the public needs to be educated about the land registration program carried out by the government.

Legal Certainty according to Adrian Sutendi, Jan Michiel Otto, legal certainty should meet the requirements of having clear and consistent legal rules, in government agencies the application of consistent law, submission and obedience to it, the community is expected to be able to adapt to the customs of the rule of law, independent judges, impartial and apply the rule of law consistently and carefully in resolving legal disputes and court decisions in concrete terms [7]. The Minister of ATR/BPN through the Ministry of ATR/BPN issued a policy on January 12, 2021 concerning electronic certificates to accommodate changes in the agrarian legal system regarding certificates. The change from printed certificates to electronic certificates in the digital era is considered necessary to create effectiveness and efficiency in welcoming the era of legal certainty and reducing agrarian cases [8]. According to Alimuddin, electronic certificates are a form of guarantee of legal certainty for land rights because there is relevance between electronic certificates and the development of science, technology and information and the legal certainty of electronic certificates in the form of digital data free

from forgery [9]. This study will discuss the guarantee of legal certainty in the provision of electronic certificates of land rights that will realize the ideals of providing certainty to the community effectively and efficiently. This study uses some data obtained while in Rogojampi Village, Banyuwangi Regency as one of the legal materials in solving the problem formulation in this paper.

2. METHOD

Legal research involves finding a solution to a problem without anticipating a binary answer like true or false, but rather determining what is suitable, unsuitable, right, or wrong, ultimately resulting in a judgment[10]. This research is a normative legal research that focuses on the study of the Implementation of Law and Benefits in Electronic Land Registration in Rogojampi Village, Banyuwangi Regency. Normative Legal Research according to Philipus M. Hadjon is research aimed at finding and formulating legal arguments through analysis of the main problem. The information utilized includes UUPA and PP No. 24 year 1997 regarding land registration, and the study will be conducted qualitatively in a normative approach, specifically qualitative juridical [11]. The approaches used are the statutory regulatory approach and the conceptual approach. This study uses primary legal materials, namely the Basic Agrarian Law and laws and regulations related to land. Secondary legal materials the authors use here are books, journal articles, and research results related to the concept of Law and benefits and land registration. Non-legal materials are the results of the socialization of electronic land registration as an effort to succeed in the acceleration program in Rogojampi Village, Banyuwangi Regency. The approaches used are conceptual and statutory approaches.

3. RESULT AND DISCUSSION

UUPA Article 19 paragraph (1) states that the purpose of land registration activities is "To guarantee legal certainty, the Government carries out land registration throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulation.". PP Number 24 of 1997 as the implementing regulation of UUPA is in line with the statement of the purpose of land registration as regulated in Article 3 :

- a. To give the owners of a piece of land, apartment buildings, and other registered rights legal certainty and protection so they can readily establish their ownership of the relevant rights.
- b. To make information available to interested parties, including the government, so that they can quickly acquire the information required to execute legal actions pertaining to registered apartment buildings and land plots in order to implement orderly land administration.

A.P. Parlindungan claims that it can strengthen the terms of Article 19 of the UUPA if it is connected to the goal of land registration as specified in PP Number 24 of 1997 because :

1. The owner receives legal protection and certainty upon the issuing of a land title certificate;
2. Having access to land information at the Land Office will facilitate state development planning and increase public awareness about land use and ownership conditions;
3. Having effective land administration will ensure the preservation of a well planned land future [12].

Land registration serves as a crucial tool in achieving legal certainty. Land registration in contemporary society is a responsibility of the government that aims to offer legal security in land matters for the well being of the population [13]. In the UUPA, land registration objects, also referred to as land rights in accordance with the regulations under UUPA Article 16, include:

- a. Property rights;
- b. Cultivation rights;
- c. Building use rights;
- d. Rental rights;
- e. Right to open land;
- f. Rights to gather forest resources, additional rights determined by law and temporary rights specified in article 53, all fall outside the rights mentioned before.

Meanwhile, in Government Regulation No. 24 of 1997, the objects of land registration are further expanded, namely not only land rights, but also other rights. Article 9 of Government Regulation No. 24 of 1997 stipulates the objects of land registration, namely: [14]

- a. Land plots owned with ownership rights, business use rights, building use rights, and use rights;
- b. Land management rights;
- c. Waqf land;
- d. Ownership rights for apartment units;
- e. Mortgage rights;
- f. State Land.

The principles of land registration are contained in PP Number 24 of 1997 Article 2 which states "Land registration is carried out based on the principles of simplicity, safety, affordability, modernity and openness." Urip Santoso explained the principles of land registration in Article 2 of PP Number 24 of 1997 above [15]. Simple principle, The principle aims to ensure that interested parties, particularly land rights holders, can easily grasp the main provisions and procedures. Safe principle, This Principle emphasizes the importance of conducting land registration with careful precision to ensure the resulting certainty aligns with the purpose of land registration. Affordable principle, This guideline aims to be accessible to individuals requiring it, particularly by considering the needs and resources of the less affluent demographic. Services related to the organization of land registration should be reasonably priced for individuals in need of them. Up-to-date principle, current principle is meant to be fully comprehensive in its execution and consistency in upholding its information. The data that is accessible should reflect the most recent circumstances. Therefore, it is necessary to register and document any future changes that may occur. This principle necessitates the continuous and sustainable upkeep of land registration data to ensure that the information at the Land Office accurately reflects the actual conditions on the ground. The principle of transparency ensures that the public has access to accurate physical and legal data from the Land Office in the Regency/City at all times

That some people still think that land registration is not the main thing they have to do, the complicated registration issues, expensive costs and understanding of the land

registration program carried out by the government can be obstacles to the implementation of land registration in Rogojampi Village, Rogojampi District, Banyuwangi Regency. Incorrect information received by the community increases the reluctance of the community to register land, this can have an impact on the certainty of the land rights they control. Land registration aims not only to address the legal certainty of land rights controlled by the community, but with land registration it will minimize land conflicts in Rogojampi Village, so as not to disrupt the comfort of their lives.

We try to examine the problems faced by the Rogojampi village community and find solutions so that they get the right information about land registration. The activity that we will plan is to conduct Land Registration Socialization in Rogojampi Village, Rogojampi District, Banyuwangi Regency in Order to Make the Land Registration Acceleration Program a Success. This task will provide details on systematic and occasional land registration processes for both initial registration and land data upkeep. During this process of socialization, the aims of land registration are also explained in accordance with law No. 5 of 1960 (referred to as UUPA), specifically article 19, regulation No. 24 year 1997 on land registration relevant laws. In order to ensure legal certainty, the government carries out land registration across the entire territory of Indonesia following the regulations set by Government Regulations in article 19. In accordance with article 19 UUPA, regulations were approved for the implementation of land registration as a serving as the foundation.

Land registration is carried out according to Article 11 of PP No. 24 of 1997 concerning Land Registration, that "The implementation of land registration includes activities for the first time land registration and maintenance of land registration data". Both of these regulations have provided confirmation that land registration. Meanwhile, the regulation in Article 12 paragraph (1) states that activities for the first time land registration include :

- a) Collection and processing of physical data;
- b) Proof of rights and their bookkeeping;
- c) Issuance of certificates;
- d) Presentation of physical and/or legal data;
- e) Storage of general lists and documents.

Meanwhile, regarding the maintenance of land registration data based on PP No. 24 of 1997, it is explained in Article 36 paragraph (1) and (2), as stipulated :

1. Maintenance of land registration data is carried out if there is a change in the physical data or legal data of the registered land registration object.
2. The relevant rights holder is obliged to register the changes as referred to in paragraph (1) to the Land Office. Proof of land ownership whose legal basis is still in the form of a girik/pethuk, in the land registration process must be clearly and completely proven. In this case, both the physical data and the legal data must be able to show data synchronization that supports the proof of the land data. Clear and complete land data can support the smooth implementation of the land registration process.

In addition to the registration of socialization materials, it is also related to the government's accelerated land registration program, for example, an understanding of Prona and PTSL, the purpose of which is to provide legal certainty for land rights owned by the Rogojampi village community. This understanding needs to be conveyed so that

the community is not confused by the two programs. In addition to having similarities, the two programs also have differences that need to be understood by the community. This is intended so that the village community does not easily get unclear information from the two programs. The hope is that with the socialization, the community will receive correct information so that it can arouse the understanding of the Rogojampi village community to register their land, so that their land rights become clear in the eyes of the law, who the rights holders are and the types of rights in order to reduce the number of land conflicts that occur in Indonesia. This activity is also part of the responsibility of universities to practice science so that there are benefits in the community where community service is carried out.

According to the Regulation of the Minister of ATR/BPN Number 1 of 2021, the primary distinction between analog certificates and electronic certificates lies in their physical presence, information type, and security measures. Analog certificates can be physically handed to rights holders in book form for them to touch, while electronic certificates are issued as digital documents that cannot be physically held. Some residents of Rogojampi Village believe that this lack of physical presence may lead to doubts about legal certainty and security regarding land rights certificates. The details presented in the digital certificate along with extra information on limitations and duties. The electronic certificate's security includes Hash Code, QR Code, and TTE. This benefit of electronic certificates helps reduce both forgery and illegal land transactions that are common in society. Electronic certificates are anticipated to be beneficial for national land management in different ways. In particular, the focus is on ensuring that individuals residing in areas with limited internet accessibility can still be assisted at the land office through infrastructure.

4. CONCLUSION

The electronic Land Registration Policy is a role of the Government's presence that can be justified. The existence of the policy as a form of greatest happiness for the greatest number, so it will be very beneficial for the community and also provide justice.

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