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IMPLEMENTATION OF THE PRINCIPLE OF SECURITY IN THE PROCESS OF ELECTRONIC FIRST-TIME LAND REGISTRATION TO REALIZE LEGAL CERTAINTY FOR THE COMMUNITY

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ABSTRACT

In the current industrial era 4.0, the development of information technology has influenced all aspects of people's lives, including implementing government duties. One area that is also affected by advances in information technology is the land sector. The enactment of ATR/BPN Ministerial Regulation No.1 of 2021 and PP No. 18 of 2021 is a concrete manifestation of the use of developments in information technology in the land sector. Implementing land registration through an electronic system is expected to benefit the community, especially in terms of guaranteeing legal certainty. However, in its implementation, it turns out that various problems are still found, one of which is the neglect of the principles in land registration, namely the principle of security. The principle of security requires that land registration be carried out carefully and meticulously to guarantee legal certainty for holders of land rights. In this research, we will examine the application of the principle of security in electronic land registration to ensure legal certainty for the community. Using the normative juridical approach and analytical descriptive method, it can be said that the implementation of the principle of security in land registration via an electronic system that has been carried out by the Land Office has not been optimal. This can be seen from the many disputes and cases in the land sector that are still occurring and of course, they are detrimental to society.

Keywords: safe principles; electronic land registration; electronic certificates.

INTRODUCTION

Land registration is a series of activities carried out by the government on an ongoing basis which includes collecting, processing, bookkeeping, and presenting and maintaining physical data and juridical data regarding a land parcel including the provision of proof of ownership rights. The purpose of land registration is to ensure legal certainty which includes certainty of the status of registered rights, certainty of the subject of rights, and certainty of the object of rights.¹

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¹ Urip Santoso, (2010), *Pendaftaran dan Peralihan Hak Atas Tanah*, Jakarta: Kencana, p. 2.

In the land registration system, there are 2 (two) types of land registration, namely land registration for the first time and registration of land data maintenance.² Land registration for the first time is land registration carried out on land parcels that have never been legally registered with the government, while land data maintenance registration is land registration carried out when there are changes to land data.

The implementation of land registration in Indonesia has been ongoing since the enactment of Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA). However, until 2020, out of a total of 126 million land parcels in Indonesia, only 82 million parcels were registered. That means there are still around 35% of land parcels that have not been officially registered.³

The government has planned that by 2025 all existing land parcels must be officially registered. Therefore, to realize this goal, one of the efforts made by the government is to implement a land registration system through an electronic system. The electronic system is considered capable of accelerating the realization of national goals because land registration will be carried out more effectively and efficiently. The idea of this electronic system was carried out with the enactment of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration.

The implementation of electronic land registration, in addition to accelerating and facilitating land registration activities, is also able to minimize the occurrence of land disputes. This is done because until now there are still quite frequent land disputes that occur due to errors made in the process of registering land rights.

Based on the delivery of material from the handling and resolution of conflicts, disputes, and land cases (land cases) at the National Working Meeting (Rakernas) of the Ministry of ATR/BPN in 2020, the number of land conflicts from the 2015-2019 timeframe can still be categorized as quite high, namely a total of 9,124 cases. Of the total number of cases, 3,179 cases were completed, 3,100 cases were still in process, 1,958 were blank and 3,100 unfinished cases were remaining. In 2019, 2,347 new cases also emerged.⁴

There are still quite often disputes, conflicts, and cases in the land sector, one of the factors is that the application of the existing principles in the land registration process is not well implemented. Article 2 of Government Regulation Number 24 of 1997

² Waskito dan Hadi Arnowo, (2019) *Penyelenggaraan Pendaftaran Tanah di Indonesia*, Jakarta: Kencana, p. 35.

³ Ardiansyah Fadli dan Hilda B Alexander, "Baru 82 Juta Bidang Tanah Tersertifikasi", Kompas.com, <https://properti.kompas.com/read/2020/12/10/164926321/baru-82-juta-bidang-tanah-tersertifikasi>, accessed on 08-11-2023 at 12:54 WIB.

⁴ Bahan Penyampaian Rakernas Kementerian ATR/BPN RI Tahun 2020 dalam Priyo Katon Prasetyo, dkk, *Praktik Kebijakan Program Strategis Nasional, Kendala dan Peluang (Hasil Penelitian Sistematis dan Strategis STPN Tahun 2020)*, Yogyakarta: SPTN Press, 2020, p. 114.

concerning Land Registration explains that the principles of land registration are simple, safe, affordable, up-to-date, and open.

In addition, Sudikno Mertokusumo also gave his opinion on the principles used in the land registration process, namely the principle of specialist and the principle of publicity (*Openbaarheid*). The specialist principle means that the implementation of land registration is carried out based on certain provisions that are technically related to measurement, mapping, and maintenance registration. Meanwhile, the principle of publicity means that the existing land data has an open nature so that it can be seen by the community as a whole.⁵

The application of the principle of security is intended to show that the land registration process needs to be carried out thoroughly and carefully so that the results can provide guarantees of legal certainty and legal protection. The thoroughness and accuracy referred to above are that in carrying out the task of land registration, the National Land Agency (BPN) must seriously check and examine the truth and conformity between the physical data and juridical data being registered.

The final result of the land registration process is the issuance of land rights certificates given to the community as proof of ownership rights. The purpose of providing this certificate is to make it easier for land rights holders to prove their land rights. This is because the certificate is issued for the benefit of the right holder by the physical and juridical data registered in the land book.⁶

Therefore, the application of the principles in land registration, especially the principle of security, will have an impact on the quality of land rights certificates issued. The application of good and correct security principles by land office officers will certainly have an impact on reducing land disputes because the certificates issued are in accordance with physical data and juridical data. In addition, with the implementation of the

Electronic land registration is expected to help government performance so that the land registration process can be carried out more effectively and efficiently.

From the explanation above, the problem that will be examined in this paper is the policy implications of electronic registration of land rights by the land office and how the implementation of the principle of security in electronic land registration by the land office provides guarantees of legal certainty for the community.

⁵ Sudikno Mertokusumo dan A. Pitlo, (2013), *Bab-Bab tentang Penemuan Hukum*, Bandung: PT Citra Aditya Bakti, p. 99.

⁶ Urip Santoso, (2012), *Hukum Agraria Kajian Konprehensif*, Jakarta: Kencana, p. 316.

RESEARCH METHODS

The approach method used is normative juridical which is legal research by prioritizing library materials known as secondary data. In addition, in normative juridical research, an inventory is also made of laws and regulations that have a relationship with the problem under study.⁷ The research specification used is descriptive-analytical, which is to describe all existing regulations and legal theories related to the implementation of the law itself in society.⁸

DISCUSSION

Policy Implications of Electronic Land Registration by the Land Office

Land registration is a series of activities carried out by the government continuously, continuously, and regularly which includes collecting, processing, bookkeeping, and presenting and maintaining physical data and juridical data including the provision of proof of rights to the community.⁹ Land registration is carried out as an effort made by the government to create a climate of orderly administration in the land sector by mandating the National Land Agency (BPN).

administration in the land sector by giving a mandate to the National Land Agency (BPN). Then for the implementation, the mandate is given to the Regency/City Land Office by the location of the registered land parcel.¹⁰

The implementation of land registration is an activity carried out to collect and process physical data and juridical data on a land parcel. The purpose of land registration is to provide legal certainty to the community, especially right holders, to provide precise information, and to implement an orderly land administration¹¹.

Orderly administration in the land sector will certainly guarantee legal protection and legal certainty to the community. The UUPA has explained legal certainty, namely subjective and objective legal certainty. Subjective legal certainty relates to individuals or legal entities who are holders of land rights, while objective certainty is certainty relating to the boundaries, length, width, and location of the land parcel.¹²

⁷ C.F.G Sunaryati Hartono, (2006), *Penelitian Hukum di Indonesia Pada Akhir Abad Ke-20*, Bandung: PT. Alumni, p. 141

⁸ Ronny Haniatjo Soemitro, (1990), *Metode Penelitian HUKUM dan Jurumetri*, Jakarta: PT Ghalia Indonesia, p. 97.

⁹ Pasal 1 Angka 1 PP No. 24 Tahun 1997.

¹⁰ Betty Rubiati, dkk, (2015), "Asas Pemisahan Horizontal dalam Kepemilikan Hak atas Tanah dan Bangunan Satuan Rumah Susun bagi Masyarakat Berpenghasilan Rendah (MBR)", *Sosiohumaniora*, 17(2), p. 96.

¹¹ Risha Oktavyana Djibrin dan Indri Fogar Susilowati, (2020), "Tinjauan Yuridis Penerbitan Sertifikat Hak atas Tanah di Sempadan Sungai Seinjing Desa Jambu Kabupaten Kediri", *Novum: Jurnal Hukum*, 7(4), p. 95.

¹² Irwan Soerodjo, (2003), *Kepastian Hukum Hak atas Tanah di Indonesia*, Surabaya: Arloka, p. 78.

Land registration activities are not only an obligation for land rights owners, but based on the provisions in the UUPA the obligation to organize land registration is an obligation of the government¹³. This is contained in Article 19 paragraph (1) of the UUPA which states that to ensure legal certainty, land registration is held by the government. Land registration carried out by the government based on the Basic Agrarian Law has several things that must be done starting from measurement to issuance of certificate as proof of rights. Several things must be done by the government in land registration.

The first is the measurement and mapping of the registered land parcel. This is the stage where the government ensures that the data in the field is not different from the data requested by the applicant. *Second*, the preparation of a base map is carried out to determine the basic and geographical points around the land parcel such as roads, rivers, buildings, and boundaries with other people's land parcels. *Third*, the preparation of the land register, which according to Article 21 of Government Regulation No. 24 of 1997 is a stage carried out to determine the amount of land available up to the numbering of the land deed.

The fourth is the preparation of a measurement letter, which is carried out using data from the previous measurement and mapping stage. The measurement letter is a document that contains physical data of the land parcel, which is generally in the form of a map and its descriptions. *Fifth*, proof of rights and bookkeeping, which is the process of issuing evidence related to the land plot controlled. *Sixth* is the issuance of certificates as the final stage of the land registration process. Certificates must be issued if they have gone through good land registration procedures to provide legal certainty to the community which can be used as a means of proof if a land dispute occurs in the future.¹⁴

Orderly administration in the land sector is one of the efforts made by the government to create legal certainty for the community and encourage the realization of national goals in the land sector, namely the registration of all land parcels in Indonesia. Therefore, to realize this, a new policy is implemented, namely land registration through an electronic system which is expected to improve the previous conventional land registration system.

The Big Data era is currently being experienced by the entire world community where daily living habits, lifestyles, and ways of thinking have changed. However, big data is a double-edged sword for humans because it can bring comfort and security to its users as well as certain risks.¹⁵ Changes in land rights certificates that were originally

¹³Syendy A. Korompis, (2018), "Pengaturan Hukum tentang Pendaftaran Tanah Menjadi Hak Milik Menurut Peraturan Pemerintah Nomor 24 Tahun 1997", *Lex Privatum*, 6(1), p. 21.

¹⁴Arif Rahman, Muammar, (2021), "Prosedur Penerbitan Sertifikat Elektronik Sebagai Bukti Autentik Penguasaan Hak Atas Tanah", *Juridica: Jurnal Fakultas Hukum Universitas Gunung Rinjani*, 3(1) p. 10.

¹⁵Dongpo Zhang, "Big Data Security and Privacy Protection", *Atlantis Press*, Vol.77, p. 275.

in physical form into electronic form certainly have several objectives to be achieved. The objectives of the issuance of e-certificates include¹⁶:

1. Efficiency and transparency in land registration;
2. Improved archive management and land records will be more secure;
3. Answering the challenges of the modernization era and the demands of improving the ecosystem in the economic, social, and cultural fields towards industry 4.0;
4. As an effort to minimize the occurrence of disputes and court cases regarding land;
5. Increase the value of registering property to improve the ease of doing business (EoDB) ranking.

The implementation of the land registration policy through an electronic system is a new policy made by the government to create an orderly land administration which will certainly cause new impacts or consequences as an implication of the implementation of a new policy. Implication according to the Big Indonesian Dictionary (KBBI) is an involvement or state of being involved and included, suggested but not real. Then if it is associated with electronic land registration, the meaning of implication here means that it is a result of the implementation of land registration through the electronic system.

Research that has been conducted on the implementation of land registration policies through the electronic system as described in the discussion above can find several consequences that are felt both directly and indirectly by the parties involved such as the community, PPAT, and BPN officers themselves. Among the implications of implementing a land registration policy through an electronic system are as follows:

1. Data Correction Difficulties

Data rectification difficulties in this case occur when officers from the Land Office make data input errors or errors made by the applicant himself. This will have an impact on the need for repairs submitted to the National Land Agency at the central level which will certainly take a long time.

The current server is managed as one and centered at the central level of the BPN so that if an error occurs as described above, it requires a request for improvement to be submitted to the center. Therefore, this will certainly be homework for the Ministry of ATR/BPN to prepare each Land Office at the Regency/City level to independently manage its server. This will certainly shorten the time to make corrections to incorrect data.

¹⁶Risti Dwi Ramasari dan Shella Aniscasary, (2022), "Tinjauan Yuridis Kekuatan Hukum Sertifikat Tanah Elektronik Berdasarkan Peraturan Menteri Agraria dan Tata Ruang Nomor 1 Tahun 2021", *Jurnal Hukum dan Etika Kesehatan*, 2(1), p. 9.

2. Obstructing Land Registration

The next consequence arising from the implementation of the land registration policy through this electronic system is that it can hamper the process of registering land rights belonging to other parties so that the purpose of this policy, namely to accelerate the land registration process, is not achieved. This obstacle can occur if there is an overlap in the submission of applications for registration of land rights.

When using the previous conventional system, if there was an error in the registration number, it could be corrected directly by crossing out and then signing by the officer on the registration form. However, since the implementation of the policy, if there is an overlap in the registration number, it must be corrected through a system whose server is managed centrally by the BPN at the central level so that it will take longer.

3. Obstructing the work of PPAT

The land registration policy can only be implemented through the electronic system with the assistance of BPN's working partners, namely PPAT. In this case, PPAT helps the community with the process of applying for land registration through its registered account in the BPN system. This effect can occur if the community applies for land registration of the same land parcel but with more than one PPAT. If the applicant wants to switch PPATs, they must first revoke the application from the previous PPAT. Of course, this will become an obstacle so it will add other work that must be completed by land office officials and by the PPAT itself.

Some of the implications that occur as a result of the implementation of land registration policies through electronic systems as described above must certainly be a concern for the government. In the future, it is hoped that the government will find a solution to the various negative consequences caused. This can be done by preparing better for the server that will be used by the land office in implementing the land registration policy through the electronic system.

Implementation of the Secure Principle in the Electronic Land Registration Process by the Land Office to Provide Legal Certainty for the Community.

The principle according to the Big Indonesian Dictionary means something that is used to think and argue. According to Paul Scholten, the principle of law is a tendency that is signaled by the law by understanding morality which means that the principle of

law is the basis of thought that is in and behind the legal system.¹⁷ So according to Satjipto Rahardjo, the legal principle is the "heart" of a legal regulation.¹⁸

Legal principles are the reason for the formation of a rule of law. Where in this case related to the understanding of legal principles, several experts in the field of law also provide their views on legal principles, including *first*, according to Paul Scholten's opinion that legal principles are tendencies that are signaled by a view of morality towards law. Principles are general characteristics with all their limitations as general carriers, but which cannot but must exist.¹⁹

Second G.W. Paton also gave his view regarding the principle which means that the principle is a broadly formulated thought which is the basis or main foundation for legal rules or rules. Therefore, according to him also that the legal principle has an abstract nature while legal rules/rules it is concrete regarding certain legal behaviors or actions.²⁰

Third H.J Homes in his book "*Betekenis van de Algemene Rechtsbeginselen voor d praktijk*" explains the principle which means that principles in law should not be considered as concrete legal norms, but must be seen as general principles or guidelines for applicable law. Therefore, the principle of law is the basic rule used in a rule of law.²¹

When viewed from the understanding of the principles that have been explained by several legal experts above, a conclusion can be drawn about legal principles is the general basis that exists in legal regulation and these basics are something that contains ethical values, as well as the soul of legal norms which is a more concrete elaboration of legal principles.

Legal principles have 2 (two) main functions, namely functions in the law itself and functions in legal science. Principles in law base their existence in the formulation of the formation of laws and legal rights, their function is to authorize and have a normative influence and bind the parties, while the principles in legal science are only regulating and explicative or explaining. Sudikno argues that legal principles are divided into 2 (two) types, namely:

1. Legal principles that have a general nature. In this case, legal principles that relate to all areas of law without any restrictions on a particular such as the principle of legalism and so on.

¹⁷ Dewa Gede Atmadja, (2018), "Asas-asas Hukum dalam Sistem Hukum", *Jurnal Kertha Wicaksana*, 12(2) p. 146.

¹⁸ Satjipto Rahardjo, (2012), *Ilmu Hukum*, Bandung: PT Citra Aditya Bakti, p. 45.

¹⁹ O. Notohamidjoyo, (1975), *Demi Keadilan dan Kemanusiaan: Beberapa Bab dari Filsafat Hukum*, Jakarta: Gunung Mulia, p. 49.

²⁰ G.W Paton, (1969), *A Textbook of Jurisprudence*, London: Oxford University Press, p. 204.

²¹ Dewa Gede Atmadja, *Loc. Cit.*

2. Legal principles that have a special nature. In this category, this legal principle functions in a narrower or specific field. This legal principle is a further elaboration of general legal principles such as the principles that apply in the land registration system.

The implementation of land registration activities must of course be based on legal principles as specified in Article 2 of Government Regulation Number 24 of 1997 concerning Land Registration with the aim that all processes in land registration can be carried out properly and provide comfort and create legal certainty for the community. The principles in land registration as contained in the article include simple principles, safe principles, affordable principles, up-to-date principles, and open principles.

Soedikno Mertokusumo also argues about the principles of land registration which are divided into 2 (two) kinds of principles, including²²:

1. Principle of Specialization

The implementation of land registration is carried out based on certain provisions that are technically related to the problems of measurement, mapping, and maintenance registration. Therefore, this land registration can provide information about clear physical data about the area, location, and boundaries of a land plot.

2. Openbaarheids Principle (Principle of Publicity)

This principle provides juridical data on the subject of land rights, the type of land rights that exist, and how the transfer and encumbrance of rights occurs. This data is open to the public so that it can be seen by everyone.

The principle of security means that land registration must be carried out carefully and meticulously to minimize errors²³. So that the principle of security in the implementation of land registration is a principle that provides a guarantee of legal certainty and legal protection for everyone who holds a land title certificate. This is because this principle obliges the government that the implementation of land registration activities must be carried out carefully and carefully and prudently. The goal is that the certificate issued from the registration does not suffer from administrative defects and can provide legal certainty for the community.

The implementation of land registration must be carried out by applying the principle of security, namely with full care and accuracy to minimize the occurrence of errors both in terms of land registration typographical errors to errors regarding physical data and juridical data. The application of good security principles is considered capable of providing assurance of legal certainty and protection for the community. So it is hoped

²²Soedikno, *Op.Cit*, p. 99.

²³Muhammad Nabil dan Nia Kurniati (2023), "Hilangnya Keabsahan Hak atas Tanah Akibat Kelalaian Pejabat Pembuat Akta Tanah", *LITRA: Jurnal Hukum Lingkungan Tata Ruang dan Agraria*, 3(1), p. 98.

that it can also provide a sense of security and comfort for holders of rights to certificates that have been issued by the Land Office.

The application of the principle of security in land registration both the previous conventional system and now the electronic system does not have so many differences because the desired result is the same, namely for the realization of certainty and legal protection for the community. The application of good security principles in the process of land registration activities can be started from, *first*, the application stage. In this initial stage where the applicant (in this case the community) must complete the requirements needed to submit a land registration application and submit it to the land office. The requirements that must be completed by the applicant can be in the form of registration blanks, forms, completeness of identity, proof of control over a land plot, and other requirements that are required to be completed before applying for land registration. In this stage, the application of the principle of security can be done by checking carefully and thoroughly regarding the completeness of the requirements that have been submitted by the applicant. Examination and validation of data must be carried out properly by officers to find out whether the data provided is original and correct so that the individual applying for land registration is the legal owner of the land plot controlled. If there are errors and shortcomings in the requirements that have been submitted by the applicant, it will be rejected and asked to complete the requirements as completely as possible first and then can be submitted again.

The second is the measurement stage, which is a series of land registration activities this stage is carried out to make a basic registration map, determine the boundaries of the registered land parcel, and make a land register to make a measurement letter. At this stage, the application of the principle of security by land office officials must be carried out properly. The accuracy and precision of the officers must be improved in terms of measuring and mapping the registered land parcels. The determination of the boundaries of the applicant's land parcel and that of others must be checked carefully to avoid overlapping boundaries that will lead to disputes in the future. In addition, officers must also ensure that other parties whose land is directly adjacent to the land parcel submitted by the applicant are present at the measurement and mapping stage to show and validate the boundaries to the officers so that the data obtained is truly accurate and avoid errors in data presentation. This is important because it avoids a lawsuit over the certificate that will be issued by the land office as a valid legal product that serves as proof of ownership of land rights for the applicant.

The third is the research stage where after the physical data is collected, the measurement officer will submit the data to the examining committee. In this case, the examining committee consists of Committee A and Committee B. The research activities

carried out by Committee A in this case aim to prove rights and book data that has been obtained from the results of measurements and mapping that have been carried out by previous officers. Based on the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 18 of 2021 concerning Procedures for determining Management Rights and Land Rights (hereinafter referred to as Permen ATR/BPN No. 18 of 2021) states in Article 136 paragraph (1) letter a, that the tasks carried out by Committee A must be completed within a maximum of 14 (fourteen) working days. This is done considering the government's target that by 2025 all existing land must be registered. The application of the principle of security at this stage is considered to have a very important role and is very important has a major influence on the issuance of the certificate of ownership applied for by the applicant. Because it is at this stage that officers must pay more attention and check every existing data carefully and carefully so that no mistakes occur.

Fourth, the announcement stage is carried out at the land office and the local village head's office. This is given to provide an opportunity for other parties who may object to the application for land registration within 30 (thirty) days. In this stage, the officer must receive all information relating to the land parcel being registered. Thoroughness and accuracy must be increased to ensure legal certainty and protection for the entire community. Any lawsuit or objection from the community must be received in advance to conduct a review which will then be decided whether the lawsuit is based or not so that the resulting data can provide certainty for the issuance of certificates.

Fifth the issuance of the certificate is a stage where after the land book is determined and there is no lawsuit and objection from other parties to the land parcel that has been registered by the applicant, then the bookkeeping of rights and the issuance of certificates will be carried out. After the issuance of a land title certificate, the applicant is officially the owner of the registered land parcel and is entitled to utilize the land in accordance with its purpose. If in the future there are changes to the physical and juridical data of the land parcel, changes will be made with re-registration as one of the efforts of the land office to maintain land data and to achieve orderly land administration.

From the entire land registration process as described above, it turns out that the application of the principle of security in land registration carried out by land office officers has not been maximized. This can be seen from the persistence of disputes or cases land cases that occur due to neglect of the application of the principle of security in the land registration process carried out by both field officers and officers at the land office. Land cases that occurred at the Sragen Regency Land Office in the 2019-2023 timeframe were 100 cases. Of this number, 43 land disputes were resolved directly by

the Sragen Regency Land Office, and there were 57 cases in the land sector in the Sragen District Court and Semarang State Administrative Court.²⁴

The typology of land disputes that occur in the Sragen Regency Land Office is dominated by boundary determination disputes and land rights ownership issues. This can occur because officers pay less attention to the process of registering land rights, thus ignoring the application of the principles as mandated in Government Regulation No. 24 of 1997.

Land registration is expected to be carried out properly with the application of the principles referred to in Article 2 of Government Regulation No. 24 of 1997 concerning Land Registration. Carefulness and prudence as a manifestation of the application of the principle of security must be carried out by officers, especially for the Examining Committee in terms of researching registered land parcels. This is because a good application of the principle of security will have a positive impact on the realization of protection and legal certainty regarding land rights for the owner.

Land disputes can still be found as the data shown above, indicating that the implementation of land registration activities has not met the criteria of prudence and good accuracy, especially during the measurement and research stages of the data submitted. The truth about physical data and juridical data is the most important thing in the land registration process, which is the most important thing in the land registration process can be determined from how the measurement and research stages are carried out. A good application of the safe principle will provide good data so that it can provide legal certainty and legal protection for the owner and other related parties.

The rise of land disputes that occur at the Land Office due to the poor implementation of the principle of security in every land registration process is caused by various factors. These inhibiting factors must be immediately addressed and the best solution sought so that in the future nothing like that will happen again. The factors that inhibit the application of the principle of security properly are *firstly* the existence of bad intentions made by the applicant to obtain personal gain. This occurred during the determination of boundaries where the applicant deliberately provided incorrect information regarding the boundaries of his land plot.

Secondly low public awareness regarding the understanding of the history of land ownership and awareness of the importance of boundary demarcation where often the parties directly adjacent to the land being applied for do not attend invitations from the land office. *Third* the limited number of officers in the land registration process. This is considered to be an inhibiting factor because the officers authorized to conduct

²⁴ Agus Wibowo, *Wawancara*, Kepala Seksi Pengendalian dan Penanganan Sengketa di Kantor Pertanahan Kabupaten Sragen, Sragen, Rabu, 29 November 2023.

measurements and research are less than 10 (ten) people, which is not proportional to the area of land that must be worked on.

Fourth socialization of land registration to the community is very important to be carried out by the Land Office. This will certainly increase public awareness about important matters regarding the land parcels they own. According to Mr. Bayu Indarto, the lack of socialization is because so far the socialization that has been carried out by the Land Office is only through its partners, namely PPAT. The lack of direct socialization in the community is felt to be one of the factors that have caused the lack of socialization to inhibit the creation of orderly land administration in the Sragen Regency.

The concept of legal certainty confirms that when a regulation is made by paying attention to and considering the principle of legal certainty, it will realize a clear and logical rule that will not have multiple interpretations until there is a conflict with other norms or regulations. In the concept of legal certainty according to Gustav Radbruch, there are 4 (four) main factors of the principle of legal certainty, namely:

1. Positive legislative factors (gesetzliches recht);
2. Based on facts (tatsachen);
3. Facts that occur in an incident must be explained and described properly and correctly so as not to cause misunderstanding;
4. It is a positive law that cannot be easily changed.

By using the concept put forward by Gustav, legal certainty can be interpreted as a condition where the law can function as a rule that must be obeyed.²⁵ Law has the task of realizing legal certainty in society so that the formation of written legal norms cannot be separated from legal certainty as its main characteristic.

The concept that Gustav has put forward about legal certainty, then the land plot that has been legally registered and has been issued a certificate of land rights will avoid acts of arbitrariness. The arbitrariness referred to in this case is the arbitrariness committed by other people or certain parties who have bad faith by recognizing the ownership rights of other people's land parcels to cause losses to the actual land rights holders.

From the results of the research described above regarding the application of the principle of security in the land registration process using an electronic system, it can be said that legal certainty has not been fully fulfilled. This can be seen by the fact that there are still land disputes and cases regarding land that occur in the work area of the Sragen Regency Land Office. The application of the safe principle in every stage of land registration still cannot be done optimally due to factors that provide obstacles in the

²⁵Theo Hujibers, (1982), *Filsafat Hukum dalam Lintasan Sejarah*, Jakarta: Kanisius, p. 162.

application of the safe principle. This will be homework that the Sragen Land Office must immediately find solutions and resolve to create a healthy climate in the land sector in the Sragen Regency. In addition, with the maximum application of the safe principle in the land registration process which will provide legal certainty and protection for the community, this will certainly also support government programs in the land sector and achieve national goals.

CONCLUSION

The implementation of electronic land registration policy has been implemented with the enactment of Permen ATR/BPN Number 1 of 2021 and PP Number 18 of 2021. Both are the main legal basis for implementing the land registration policy through an electronic system. Currently, the electronic land registration that has been carried out is through the working partner of the Land Office, namely the Land Deed Official (PPAT) by accessing the website <https://mitra.atrbpn.co.id>. The implementation of this land registration policy, of course, still has to be assessed and stabilized before it will be applied to the entire community. Given that the final result of this land registration activity is a land title certificate that will be used as a means of proof for land rights holders. Therefore, data security is one of the main factors why the community has responded negatively and has concerns about the electronic system. In addition, the implications of implementing this policy are still more likely to have negative consequences such as hampering the process of registering land owned by others, hampering the work of PPAT, and difficulties in correcting incorrect data.

The implementation of the principle of security in the process of land registration through the electronic system is not much different from conventional land registration. Thoroughness and accuracy are a must that should be owned by every officer at the Land Office to obtain maximum results. The application of the principle of good security can be started during the application process, measurement, research, and announcement up to the issuance of land rights certificates. However, from the results of the research that has been conducted, it can be said that the application of the principle of security at the land office has not been maximized. This can be seen by the occurrence of disputes and cases in the land sector that reach the court office. The occurrence of disputes and cases is dominated by boundary and ownership issues. It can be understood that the application of the principle of security that is not maximized occurs a lot during the measurement and research stages of the applicant's data. The suitability of physical data and juridical data must be the main concern for officers to obtain accurate data so that later certificates issued can provide certainty and legal protection for holders of land rights.

Providing socialization to the public regarding this electronic system must be carried out massively by the Land Office. This aims to provide education to build public awareness regarding the policy. In addition, improving the quality of human resources working in the Land Office must also be done to create superior and quality human resources. This is because disputes occur, and one of the main factors is negligence or neglect of the principles that should be applied in every land registration by land office officers.

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