

## **Electronic Land Certificates in The Perspective IUS Constitutum and IUS Constitutum in Semarang Regency**

Indra Yuliawan

(yuliawan.indra76@gmail.com)

Universitas Ngudi Waluyo

Email Correspondence : yuliawan.indra76@gmail.com

**Abstract.** Electronic services are already very plural in use nowadays. For electronic development and in order to create services to the community quickly and appropriately, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has planned to replace land certificates in physical form into land certificates in electronic form. The hope is that the application of electronic services can facilitate community affairs and build positive public opinion related to land services. Also to minimize or suppress disputes until the forgery that has been raging. The implementation of electronic land certificates or (e-certificates) is contained in Ministerial Regulation Number 1 of 2021 concerning Electronic Land Certificates. The issuance of electronic land certificates is carried out through land registration for the first time for land that has not been registered, or the replacement of previously registered land certificates in the form of analog to digital form. Referring to the definition of electronic systems, namely based on Government Regulation No.71 of 2019, namely a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate electronic information. For this reason, there is a need to anticipate the possibility of electronic data theft in the electronic system that protects the electronic certificate. Currently in Semarang Regency has built an electronic system for electronic certificates since 2020, of course it is necessary to put the principle of caution first. One of the obstacles to the development of a database is to land certificates that are not carried out by law. Therefore, establishing a data base in the information system needs to be time and gradual so that it can make an electronic certificate system that can provide legal certainty and protection.

**Keywords :** Electronic Land Certificate, Legal Protection, Land Registration

### **Introduction**

Sertifikat land is a person's right of ownership of land protected by the Law. As ownership rights to the land, the land certificate is also proof of ownership. Proof of ownership that has strong evidence in the meaning of this certificate of land, the strength of the evidence is not absolute but strong, namely as long as the juridical and physical data in the records in the certificate are correct unless it can be proven otherwise in the Court. Therefore, the records in the land certificate may change in the event of legal defects or administrative defects in the process of issuing them.

The Digital Age can no longer be avoided, all elements of this life will be electronically based, including in service. Electronic services seem to have become a necessity in streamlining or shortening as well as facilitating people's activities. In land, of course, it will not be separated from the modernization process so that Electron-based services are indispensable. Indonesia is unlikely to close itself to technological advances. When the neighboring country has used an electronic system in terms of land, Indonesia is also obliged to use an electronic system. The countries of Malaysia, Singapore and the Philippines have already implemented electronic land certificates. Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency No. 1 of 2021 concerning Electronic Certipikat, signed by Minister of Agraria Sofyan Djalil on 12 January 2021 began the era of digitalization in the land system in Indonesia

In Article 4 paragraph (3) of this Ministerial Regulation, it is explained that electronic land letters will replace physical land letters, including the replacement of land books, measuring letters/plot drawings. Through this regulation, in Article 6 the implementation of land registration that was previously carried out conventionally can be carried out electronically, both first time land registration and data maintenance. Whereas Article 16 paragraph (3) of this Ministerial Regulation states that the government will convene a printed land certificate into digital form.

At this time, Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) Number 1 of 2021 concerning Electronic Certificates has been issued. The Regulation of the Minister of Spatial Planning of the Head of the National Land Agency concerning the registration of land in an electrical manner then ratified Government Regulation Number 18 of 2021 concerning ownership of land management, ownership of condominium units and land registration so that when we want to conduct an assessment, the direction and study of the Laws and Regulations will be used as legal material.

In the existing rules, it is explained in detail how the land registration procedure to obtain a land certificate in this case in electronic form and replace an analogous certificate, thus there are several land registration procedures and the process of issuing certificates among others as follows:

#### **First time land registration to get land certificate**

In the process of registering a plot of land owned for the first time, it must certainly be based on what is determined and with written procedures where this is the beginning of the data collection process based on regulations regarding land registration, namely Article 12 Government Regulation Number 24 of 1997 states several land registration procedures for the first time, including the following :

1. Physical data collection and processing activities;
2. Proof of rights and bookkeeping thereof;
3. Issuance of Certificates.
4. Presentation of physical data and juridical data;
5. Storage of general registers and documents.

The assertion of the definition of land registration, principles and objectives for the implementation of registration in this government regulation is the implementation of activities carried out by the government continuously, continuously and regularly, through the collection, management of bookkeeping and presentation and maintenance of physical data and yuidis data in the form of maps and maps, regarding land parcels and condominium units, including the provision of proof of rights.

From various series of land registration for the first time, it is certainly inseparable from the various supporting aspects that must be fulfilled when wishing to register the land as well as the implementation of land registration for the first time based on the provisions of Article 13 of Government Regulation Number 24 of 1997 concerning Land Registration, the implementation is as follows :

- a. Land registration for the first time is carried out through systematic land registration and sporadic land registration.
- b. Land registration is systematically based on a work plan and is carried out in areas specified by the minister.
- c. In the event that a village or village has not been designated as a systematic land registration area as referred to in paragraph (2), systematic land registration as referred to in paragraph (2) shall be carried out through sporadic land registration.
- d. Sporadic land registration is carried out at the request of interested parties.

#### **Procedure for land registration to obtain an electronic certificate**

Electronic Certificates are now a form of advancement in time and technology and to reduce the number of land titles in the field nationally more to provide legal certainty for holders of land titles for the realization of orderly administration in the field nationally.

The procedure for electronic land registration is regulated in the Regulation of the Minister of Agrarian Affairs and the Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates and is described in Government Regulation Number 18 of 2021 concerning Land Management Rights for Layout House Units and Land Registration. Electronic certificates are expected to be effective in the management of the National Land which can minimize the duplication of certificates, forgery and the risk of loss of fire, rain and theft of physical documents.

In accordance with the explanation above, it is clear that electronic land registration is a new thing and must be socialized first about the electronic system. The definition of an electronic system is contained in Article 1 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency on Electronic Certificates which states that a system of electronic tools and procedures that have the function to prepare, combine, analyze, change, place, reveal, inform, transmit, and share information that is electronic.

Between analogous certificates and electronic certificates there are very significant differences starting from the registration process to the process of issuing electronic certificates, especially in the right to affix paraf contained in electronic certificates using electronic parafsecara in accordance with the provisions of Article 1 paragraph (5) concerning the definition of Electronic Signatures, which is electronic paraf, which is electronic information that is attached to and related to other information electronically and is functioned as a medium for confirmation and verification.

Regarding the implementation of Electronic land registration in accordance with the provisions of Chapter 2 of the Regulation of the Minister of Agrarian Spatial Planning of the Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates on Electronic land registration is carried out gradually and determined by the minister by considering the readiness of infrastructure, facilities and infrastructure and and technological readiness. Electronic land registration has several stages in it in accordance with the applicable Laws and Regulations which will currently replace the analogous land certificate according to the existing procedures in this matter described in chapter 2 of the Ministerial Regulation concerning Agrarian and Spatial Planning Number 1 of 2021 by the National Land Institute represented by the head regarding E-Certificates, including the following :

In registering the land owned, the bias is done by electronic means so that it is easier.

In carrying out the registration of land owned by electronic method as referred to in paragraph (1), among others : First time registering the land owned; and Maintaining data related to land registration. As intended in paragraph (2), it is carried out based on the Electronic in its system. It is carried out in a tiered manner regarding its registration which is regulated by the Minister.

To make it easier to understand the general description of Electronic Certificates and Analog Certificates, the authors describe the following :

Table 1. Differences between Electronic Certificates and Analog Certificates

	<b>Electronic Soil Certificate</b>	<b>Difference</b>	<b>Analog Soil Certificate</b>
1	Using the unique Hashcode of the Electronic document generated by the system.	Document Code	Using a unique serial number, which is the combination of letters with numbers in the Blank Code.
2	Equipped with a QR code system that can be scanned to get direct information about the E-certificate so that it can make it easier for the public.	Scan QR code	Without being provided with a QR code
3	Single Identity applies only one type of number as its identity, namely the field identification number or abbreviated nib	ID No.	Many numbers are used, for example the number on the right, the letter of measurement, the number in identifying the field as well as the map of the field.
4	State the aspects of <i>Right, Registration, Responsibility</i> the provisions of obligations and prohibitions are listed.	Provisions for obligations and prohibitions	It is noted in the column that the instructions for recording these provisions are not uniform depending on the respective land office.
5	Using an Electronic signature	Signature	Using manual signatures is prone to duplication

	Electronic Soil Certificate	Difference	Analog Soil Certificate
6	The Electronic Document contains the information provided in a concise, clear and solid form.	DOCUMENTS FORMS	Based on paper in the form of twin-sheet filled blanks.

From the table above, the differences between electronic certificates and analogous certificates are clearly very different starting from the form to the registration process as the author explained above, but here can be drawn an initial conclusion that Electronic Certificates are very helpful to the community practically and technically as well as Analog Certificates are very helpful to the community as initial evidence of ownership of land rights. Sound Article 3 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 1 of 2021 by the National Land Institute represented by the head regarding Electronic Certificates, namely :

1. After registering the land with an electronic method, it produces data, as well as information and documents in electronic form.
2. Data and information and electronic documents as stated in paragraph (1), namely data on ownership, material and juridical data regarding land parcels that are legally and recognized by law.
3. The storage of data and information and documents is different in the database from the Electronic System used.

To ensure the security and legal certainty of electronic certificates in accordance with Article 4 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates:

The electronic system used is carried out as intended in Article 2 paragraph (3) carried out in a professional, safe, and accountable manner regarding the operation of the Electronic System used.

The use of Electronic Systems to carry out land registration is :

1. Collecting data
2. Processing data; and
3. Presenting data.

In the use of Electronic Systems get results as intended in paragraph (2), namely in the form of electronic documents, which are as follows :

- a) The type of electronic document where the issuance is carried out based on an electronic system;
- b) Redirection of documents from a regular type to an electronic document type.

The issuance of electronic documents as stated in paragraph (3) letter a endorsement shall be carried out through electronic paraphs based on what is specified in the rules of the Law.

As stated in paragraph (3) letter b, electronic documents produced from media transfer are endorsed by providing an electronic stamp through the system used.

In Article 5, it is also explained about Electronic Certificates, namely :

- a. As referred to in Article 4 paragraph (3), what is meant by electronic documents and the results of printing are valid physical evidence in the eyes of the law and are expanded evidence based on applicable civil law.
- b. Biased electronic documents are obtained on a system that is used as a legitimate means of evidence.

Thus, there are several land registration procedures and procedures for issuing electronic certificates including the following :

#### **Issuance of Electronic Certificate for Pertamakali**

First-time land registration for land that has never been registered before or has not been registered where the process includes processing and collecting material data, bookkeeping in proof of land, issuance of certificates, presentation of physical data and juridical data, and storage based on electronic systems for both documents and public registers.

The provisions of the registration process are also based on the same regulations referred to in Article 6 regarding electronic certificates which can be explained as follows: The issuance of electronic certificates for the first time is held by :

1. In the activity of registering land for the first time for land that has never been registered before;
2. Changes in the certificate system from an ordinary document to an electronic document for land that has been previously registered.

The above explanation is sufficient to provide an explanation of how to register the portion of land that has never been registered before then the activity of registering the first land for land that has never been registered before is described in Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 13 including :

In Article 7 with the same regulations as before, it is discussed about registration for land for the first time for land that has never been registered before or has not been registered as intended in Article 6 where the process includes processing and collecting material data, bookkeeping in proof of land, issuance of certificates, presentation of physical and legal data, and storage based on electronic systems both for documents and public registers.

In Article 8, the same regulations as before are discussed regarding land registration. Activities to collect and process material data in the form of electronically systematized documents result in:

1. Image of the size of the land parcel;
2. Mapping of space or land parcels;
3. Measurement result documents, floor plans for the layout house units or spatial measurement results documents; and
4. Other records related to processed data and the resulting material data set.

The explanation of Article 8 above reaffirms about the procedure when wanting to process physical data in the form of documents such as measuring letters of parcel images and parcel maps all the procedures for unregistered land are the same as the registration of unregistered land is the same as the registration of land determined by Government Regulation Number 24 of 1997.

The sounding of Article 9 with the same regulations as before is discussed regarding land registration. Each parcel of land when it has been determined its border with other land, both the registration is carried out in an organized and dispersed way to obtain an Identification Number for the parcel of land.

The details of the identification number of the field as intended in paragraph (1) consist of 14 digits which are detailed :

1. The code for the Province is recorded with the first two digits;
2. The code for the Regency/City is recorded in the next 2 (two) digits;
3. The numbering for the relevant land parcels is listed by the next 9 (Nine) digits; and
4. Codes related to land parcels on a surface, above ground, underground, ownership of condominium units, as well as ownership over surface ownership, ownership over basement and ownership of basement rooms.

The reference number used for each stage in the activity of registering land is referred to as the land parcel identification number.

The identification number will not change even if the village, sub-district or sub-district realignment occurs.

Regarding the provision of evidence on land control rights which is the evidence in this case, it is explained in Article 11 in the same rules as Article 10 which is explained regarding electronic certificates, namely as follows :

1. Written proof related to land ownership rights to register new and old rights based on the stipulations applicable to the rules of land registration law as evidence of the rights owned.
2. Included in the written evidence mentioned in paragraph (1) are :
  - a. Electronic documents issued through the electronic system;
  - b. Based on the stipulation specified in Article 4 paragraph (3) regarding the transition of documents to electronic form.

Explanation in Article 11 of Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) Number 1 of 2021 concerning Electronic Certificates. Grouping of research on legal data in the form of electronic documents including :

1. Information obtained from legal related data research as well as the granting of limits, information of the manager of the examiner for soil A, examination of soil B, records of the results of the Soil check of the Research Team, records of the soil check;
2. Provision of legal data related to material of a land parcel;
3. Regarding material and legal evidence related to the minutes of ratification;

4. Other documentation results, in the form of the results of collecting and researching legal data.
5. Regarding the provision of evidence of the land control rights that are evidence, in this case it is explained in Article 12 in the same rules as Article 11 previously described regarding electronic certificates, namely :
  - 1) Determination of land ownership that becomes land-related rights, rights to manage, ownership of condominium units, dependent ownership and registered representative land based on the electronic system provided based on e-certificates;
  - 2) The e-certificate group stored in the database is composed based on the issue of the registered document into an electronic land certificate;
  - 3) Used for evidence that the rights of the endowment manager are allocated :
    - a. Electronic certificate-based documents; and
    - b. The certificate is accessed through an electronically synchronized system.

It is explained in Article 13 in the same rules as Article 12 detailed earlier regarding electronic certificates, namely :

1. The granting of access and e-certificates as included in Article 12 paragraph (3) has not been biased to be submitted to the endowment manager if the material or legal data are incomplete or still in dispute.
2. If material and legal data are complete or a dispute has occurred, e-certificates and access biases are held by the endowment manager.

#### **Procedure for Replacing Certificates into Electronic Certificates for Registered Land**

Land that has been registered or has a certificate is an analogous certificate that has been registered initially in accordance with Government Regulation Number 24 of 1997 concerning Land Registration and when wishing to register its certificate again to be electronic must first collect and validate data that includes the rights holder's data and physical data until the juridical data and when all have been checked or validated then all forms of physical data will be replaced by electronic documents all described in the Regulation of the Minister of Agrarian Affairs and Spatial Planning Head of the National Land Agency Number 1 of 2021 concerning Land Registration. Described in Article 14 in the same rules as Article 13 detailed regarding electronic certificates are as follows :

By changing the type of ordinary certificate to electronic form for land that has been previously registered as stated in Article 6 letter b is given for land that has been previously registered and issued certificates regarding ownership of land, the right to manage, ownership of condominium units and representative land.

The change of land type certificate to electronic form as stated in paragraph (1) shall be made by providing a request to register the land.

In article 15 in the same rules as Article 14 detailed earlier regarding electronic certificates are as follows :

The change of certificate form to electronic form as stated in Article 14 is carried out if the material data and legal data listed in the land document are the same as what is listed in the electronic document system.

If material data as well as legal data in the case of physical data and juridical data as stated in paragraph (1) if they are not the same, a confirmation shall be made by the Head of the Land Office.

The confirmation consists of :

1. Proof of ownership rights;
2. Material evidence; and
3. Evidence of the law.

When it has been registered electronically, all forms of change that were initially analogous to electronic documents are described in Article 16 in the same rules as Article 15 regarding electronic certificates, namely :

The change of certificate form to electronic form also consists of changes to land books, measurement results documents, floor plans of the condominium units in the form of documents that are systematized electronically.

The change of certificate form to electronic form as intended in paragraph (1) is recorded in the land book, measurement result document, floor plan of the condominium unit.

Retrieval of old certificates by the head of the land office to be grouped with land books and stored as bookkeeping in the office of the land institution.

The entire bookkeeping referred to in paragraph (3) is organized by scanning and stored in the database.

The current polemic is related to Article 16 which in point (3) explains that the government will withdraw analogous certificates. However, the intention is that when there are people who want to register their land, they will be given an electronic certificate in exchange for an analog certificate and then put together and stored in the office of the National Land Agency of the Regency/City of Indonesia.

### **Electronic Maintenance of Land Registry**

The Government has issued implementing rules in clarifying the existing rules, both Government Regulation Number 24 of 1997 concerning Land Registration until the latest Regulation of the Minister of Spatial Affairs and the Head of the National Land Agency concerning Electronic Certificates and currently there is Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Suspension House Unit and Land Registration contained in Article 84 of the Government Regulation on Management Rights, Land Rights, Land Unit and Land Registration:

- 1) The administration and registration of land can be done electronically.
- 2) The results of the implementation and implementation of electronic land registration as referred to in paragraph (1) in the form of data, electronic information and/or electronic documents.
- 3) Electronic information data and/or printouts as referred to in paragraph (3) are an extension of valid evidence in accordance with the laws in force in Indonesia.
- 4) The implementation of electronic land registration is implemented gradually taking into account the readiness of the electronic system built by the ministry.

In relation to the baim document, physical data and juridical data related to the proof have been explained in the provisions of article 85 concerning physical data and juridical data are as follows :

- 1) All data and/or documents in the context of land registration activities are stored and presented in the form of electronic documents by utilizing information and communication technology.
- 2) Data or documents as referred to in paragraph (1) are stored electronically in the ministry's database.
- 3) For the purposes of proving in court and/or providing land information requested by the agency that requires for the performance of its duties, data or documents as referred to in paragraph (2) may be given access through an electronic system.

In accelerating land registration, the government has explained the process in various rules that have been issued related to land registration as well as Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Housing Unit and Land Registration mentioned in Article 87 which reads :

In order to accelerate land registration, the systematic implementation of land registration must be followed by the land parcel owner.

In the event that the landowner does not systematically follow the land registration as referred to in paragraph (1), the land parcel owner must register the land sporadically.

Then the process produces data, both physical and juridical data, then the results are announced in accordance with Article 88 which reads :

Announcement of results of physical data collection and juridical data: Systematic land registration is carried out for 14 (fourteen) calendar days; In sporadic land registration for 30 (thirty) calendar days.

Announcements as referred to in paragraph (1) may be made through a website provided by the ministry. From the various explanations above related to the land registration procedure to obtain an electronic certificate, it can be concluded that the land registration process for land registration first refers to Government Regulation Number 24 of 1997 concerning Land Registration and for land that already has a certificate or that already has physical and juridical evidence, it must be registered electronically in accordance with the Regulation of the Minister of Agrarian Affairs Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates.

Articles of implementation of land registration to obtain certificates based on the provisions of the applicable Laws and Regulations so as to provide reference materials to further study in relation to the Land Registration Procedure to obtain land certificates as follows.

Below is an overview table of the differences from Government Regulation Number 24 of 1997 concerning Land Registration and Regulation of the Minister of Agrarian Affairs and Spatial Planning of the head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates regarding its procedures.

Table of differences between Articles of Government Regulation Number 24 of 1997 concerning Land Registration and Regulation of the Minister of Agrarian Affairs and Spatial Planning of the head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates.

Government Regulation Number 24 of 1997 concerning Land Registration	Regulation of the Minister of Agrarian Affairs and Spatial Planning Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates
	Section 2 of the chapter on Implementation of Land Registration Articles 2, 3, 4 and 5.
2 The fourth part of Article 11 on Implementation of Land Registration	Issuance of electronic certificates for the first time Article 6 paragraphs 1 and 2
3 Fourth part Article 12 paragraphs 1 and 2	First land registration for land that has not been registered Article 7
4 Part five for land registration first Article 13 paragraphs (1) to (4)	Collection and processing of physical data by electronic systems Article 8
5 Collection and processing of physical data Article 14 to Article 20	Right of Proof Article 10
6 Creation of a land register Article 21	Juridical data processing Article 11
7 Manufacture of measuring instruments Article 22	Replacement of certificates into electronic certificates for land already registered Article 14
8 Bookkeeping rights Article 29 to Article 30	Explanation for replacement of Article 15 certificates
9 Issuance of certificates pursuant to Article 31, Article 32.	Maintenance of land registration data Article 17.
10 Presentation of physical data and juridical data Article 33, Article 34, Article 35.	

From the explanation of the table above to make it easier to understand the parts of the land registration process to obtain an electronic certificate based on the Articles in the applicable rules both Government Regulation Number 24 of 1997 and Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency concerning Electronic Certificates.

### The Power of Proof of Electronic Certificates

Article 1 number 8 of the Regulation of the Minister of Agrarian Affairs/National Land Agency (ATR/BPN) issued by the Ministry of Agrarian Affairs and Spatial Planning Head of the National Land Agency Number 1 of 2021 is explained regarding an electronic certificate, namely a written property right, issued using an electronic system and in the form of a systematic document. Regarding the strength of electronic certificates, a similar explanation is also explained in the Information and Electronic Transactions (ITE) Law Number 11 of 2008 in Article 5 paragraph (2) is a valid proof of ownership based on the stipulation of valid procedural law in Indonesia.

In the strength of electronic certificates, it can be seen from several opinions of legal experts related to authentic evidence. According to Sudikmo Menokusumo, *"Every thing that uses reading signs with the aim of expressing feelings or the expression of ideas and ideas and as a means of evidence is referred to as written evidence or letters"*. The explanation explains that as written evidence or letters are required to have the following elements:

- a. A device employing a readable mark;
- b. Aim to express feelings and ideas;
- c. Used as evidence.

In accordance with the information and explanations of experts and based on the laws and regulations, electronic certificates are included in authentic deeds even in electronic form, but electronic certificates contain electronic signatures. In Indonesian law has never given a definition of the word signature which actually has two basic functions, namely :



1. Signature of the signatory of the identity document; and
2. As a sign of approval from the signing of the obligations attached to the deed.

According to the author's analysis in accordance with Lawrence Meir Friedman's theory, whether or not law enforcement is successful depends on three elements, namely the legal structure, legal substance, and legal culture. The purpose of the legal structure in the land registration process at the national land agency of Semarang Regency is to see how the institution created by the legal system with various functions to support the work of the system. Legal substance is the norms and rules contained in a State. In land registration, there are already rules governing, namely Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA), Government Regulation Number 24 of 1997 concerning Land Registration. While legal culture is a way of thinking and acting, both law enforcement and from the community, legal culture is a human attitude towards law and the legal system, thought and opinion. In land registration how the role of the land office with the community in the land registration process at the time of the PPKM, the first was regarding the procedure or procedure for Land Registration during the Enactment of Restrictions on Office Activities that in the Land Service system in Semarang Regency Land Office has been implemented online or served through online counters and as long as the online counters have not run, the application is submitted via email to the Semarang Regency Land Office Service Center. While defense services require that access to the field can be limited according to field conditions. Second, the obstacles that arise in the land registration process are limited time, Semarang Regency Land Office in the conventional service process is much reduced, and relies more on online services that can be served with the *work from home* system. If forced to be served conventionally/come to the land office, it remains served even if limited and still uses physical distancing protocols. Where people enter the service room one by one. So from the land office in imposing restrictions on activities to maximize online services.

In the midst of the limited movement of electronic services, the mainstay of the Ministry of ATR/BPN was also explained. Several land services that can be carried out with an electronic system, namely Mortgage Rights, Certificate Check, Land Value Zone (ZNT) and issuance of Land Registration Certificate (SKPT).

In the National Land Agency of Semarang Regency has implemented an online land registration service, in addition the system of issuing land certificates or digital proof of ownership has been in accordance with Government Regulation Number 18 of 2021 concerning Land Rights Management, Housing Unit, and Land Registration.

The Law on Agrarian Principal (UUPA) has entrusted the implementation of land registration to obtain proof of rights in the form of a certificate of land rights as a guarantee of legal certainty and this is further regulated in Government Regulation Number 10 of 1961 concerning Land Registration which has been replaced by Government Regulation Number 24 of 1997 concerning Land Registration.

Proof of ownership of land rights is done or shown with various types of evidence. However, the strongest proof is through a land certificate which is the strongest proof for ownership of land rights mentioned in Article 19 paragraph (2) letter c of the UUPA, namely a certificate as a strong proof, namely physical data and juridical data contained in the certificate is considered correct as long as it cannot be proven otherwise by other evidence that can be in the form of a certificate or other than a certificate.

The implementation of land registration in order to obtain proof of rights in the form of a certificate of land rights in the form of a sheet of paper where the last form used is a green sheet of paper containing physical data and juridical data that contains the registration or certificate number, type of rights, name of the right holder and measuring certificate so that the certificate can be known by the land owner and the area and form of the land parcel and the records of changes or charges to the land parcel.

The certificate data is also stored in the Land Office in the form of a Land Book that pours juridical data and Surta Measurement which pours physical data. Recognizing the significance and importance of land functions for the people of Indonesia, the government seeks to improve the management, regulation and management of land in the field through an agency of the National Land Agency (BPN).

In the land registration system based on the rules issued by the government in Government Regulation Number 24 of 1997 concerning land registration, the earliest purpose is to guarantee legal certainty because the land registration process must be considered properly in accordance with the regulations of the Law which are the reference in the registration process of each land parcel in

Indonesia known as there are several ways or processes of land registration in this case to ensure legal certainty or rigour in accordance with the provisions of Article 3 of Government Regulation Number 24 of 1997 concerning Land Registration.

In accordance with the purpose of land registration, the Legislation that was the beginning of land registration is Law Number 5 of 1960 concerning Agrarian Principles, but the rules for implementing land registration that are currently still enforced are based on the rules issued by the government in Government Regulation Number 24 of 1997 concerning Land Registration when we embahas about this matter not separated from these rules even up to the Land Registration process.

To obtain a certificate because it is still in effect today, the land registration process based on Government Regulation Number 24 of 1997 concerning Land Registration is clarified in the discussion of this thesis in accordance with the provisions of the applicable Laws and Regulations.

### Conclusion

Whereas the land registration procedure for obtaining electronic certificates is inseparable from Government Regulation Number 24 of 1997 concerning Land Registration which for land that does not yet have physical data and juridical data still refers to Government Regulation Number 24 of 1997 concerning Land Registration where the land registration procedure for obtaining certificates includes Measurement and mapping, creation of basemaps, registration of land register making, making of measuring papers, proof of rights and bookkeeping, the last of which is the issuance of certificates.

The same as described in the latest Regulation, namely the Regulation of the Minister of ATR/BPN (Agrarian and Spatial Planning/Head of the National Land Agency) Number 1 of 2021 concerning Electronic Certificates in which it is explained about the procedure for obtaining an electronic certificate, including the first issuance of an electronic certificate for the first time, then issuance of an electronic certificate through a media switch, then issuance of an electronic certificate in the context of maintaining data.

Then the implementing rules are issued from the above Regulations, namely Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Unit of Layout House, and Land Registration in which the implementation provisions have been regulated in Article 84 paragraph (1) which reads "*Implementation and implementation of land registration can be carried out electronically*". This means that the procedure for registering land analogously and electronically is not much different starting from the implementation until the process of issuing the certificate in both analog and electronic form.

The evidentiary power of electronic certificates has been explained in Article 19 of the Law on Agrarian Fundamentals (Law on Agrarian Principal) stating that "*The proof of rights produced from land registration activities is valid as a strong evidence*". Article 23 of the Principal Agrarian Law also states that "*Land registration is a powerful means of proof*".

### References

- Ali Achmad Chomzah. 2004. *Indonesian Land Agrarian Law*. Volume 2. Jakarta: Pustaka Achievements.
- Anshari Siregar. 2007. *Land Registry of Certainty Rights*. Field: Multi Graphic.
- A.P. Protection. 2009. *Land Registration in Indonesia Based on Government Regulation Number 24 of 1997*.
- Arie Sportsti Hutagalung. 2012. *Land Law in the Netherlands and Indonesia*. Denpasar: The Adjustment Library.
- Boedi Harsono. 2008. *Indonesian Agrarian Law, History of the Formation of Basic Agrarian Laws, Content and Implementation Contents and Implementation*. Jakarta: Djambatan.
- Hermanses. 2008. *Publication of the Land Registry System*.
- Karina Gita Sahprada. 2018. *Land Registration Through a Complete Systematic Land Registration Program*.
- K. Wantjik Saleh. 1985. *Your Right to the Land*.
- Lexi J, Moleong. 2002. *Qualitative Research Methodology*. Bandung: PT. Juvenile Rosda Works.
- S. Chandra. 2015. *Certificate of Ownership of Land Rights*. Jakarta: Claindo.
- Sugiono. 2002. *Qualitative Approach Methods*. Bandung.
- Tehupeiory, Artje. 2012. *The Importance of Land Registration in Indonesia*. Depok: PS Group.

Triana Rejkiningsih. 2016. The Principle of Social Function of Land Rights in the State of Law (A review of its theory, juridical, and application in Indonesia). *Journal of Yustisia*.  
Waskito, Arnowo Hadi. 2019. *Maintenance of the Land Registry*. Jakarta: Prenadamedia Grup.