

## PROBLEMS ARISE IN CHECKING THE CERTIFICATE ELECTRONICALLY IN THE PROCESS OF TRANSITIONING LAND RIGHTS AND SOLUTIONS

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### ABSTRACT

Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 16 of 2021 Third Amendment to the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration which requires checking certificates carried out entirely by electronic means by the Land Deed Making Officer (PPAT) but in practice, there are still many obstacles that must be faced by PPAT for the electronic certificate checking. This paper aims to describe various problems with electronic certificate checking by PPAT as well as solutions to all problems that occur in providing legal land guarantees and certainty and information disclosure in the community. The method used in this research is normative research using secondary data in the form of primary legal material in the form of legislation. The technique used in legal materials collection is a literature review or documentation using legal material analysis techniques as well as the deductive method. The results of this study put forward the problems that occur in checking electronic certificates, among others, physical certificates received by PPAT for checking cannot be ascertained whether or not valid, there is a discrepancy of data on the certificate checking results, the certificate data are not suitable for the land book data in the office of the National Land Agency (BPN), causing doubts and obstructing the transferring process of rights. The results of this study also offer a number of solutions that can be considered, among others: PPAT must carefully ensure the suitability of the existing data on the physical certificate or the data of results of electronic certificate checking, BPN is actively updating database system that adheres to the principle of liability, and it is expected that the BPN can minimize the error in recording juridical and physical data in the future. In the end, checking the certificate is a very effective step against the prevention of land disputes in the process of land transition and also reduces cases of land mafia in Indonesia. This will also be realized if supported by all parties both from PPAT, the community and BPN. The role of BPN is very necessary for this step, especially in the rule of the letters archived in BPN synchronized correctly when checking the certificate electronically.

**Keywords:** Land deed making officer (PPAT), Checking, Land certificate, Electronic, Land mafia, Land registration.

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### INTRODUCTION

Land is a very important source of life, both used as a place to live and as a place of business. Along with the development of a community, land needs are also increasing. The relationship between humans and land is long-term or even forever while the object of the land is still available. There must be carefully managed in the present and future to provide maximum benefits to the welfare of the people. Land that has been classified as a primary need is very vulnerable to causing problems and conflicts during people's lives, especially with the many cases of land dispute conflicts that occur in Indonesia at this time such as the case of land mafia which is intense to be eradicated in Indonesia, double ownership of land, or other land problems. The extent to which the government's authority in land management which is one of the important natural resources for human survival, human relations with the land are not just a place of life, but more than that, the land provides resources for human survival.

For this case, based on the Presidential Decree of the Republic of Indonesia Number 26 of 1988 in charge of assisting the President in managing and developing land administration, both based on the Agrarian Act (UUPA) and other laws and regulations, so that the National Land Agency (BPN) was formed or now known as the Ministry of Agrarian Agency for the National Land Agency (ATR/BPN) (Djohan, 2015). In addition, according to the Presidential Regulation of the Republic of Indonesia Number 20 of 2015 concerning the National Land Agency, BPN has the task of carrying out governmental tasks in the field of land in accordance with the provisions of the legislation ([atrbpnkotapalu.com](http://atrbpnkotapalu.com), 2023).

In practice, ATR/BPN Kantah cannot carry out its own land registration activities but requires the assistance of other parties, one of which is the Land Deed Making Officer (PPAT) which has been emphasized in Article 6 Section (2) Government Regulation Number 24 of 1997 concerning Registration Land, namely:

"In registering the land, the Head of the Land Office is assisted by the Land Deed Making Officer (PPAT) and other officials assigned to carry out certain activities according to the legislation concerned."

PPAT, which is a general official, is given the authority to make a transfer deed of land rights, such as the sale and purchase deed, exchange deed, business income deed, grant deed, deed of the Right to distribute, deed of building rights/rights to use the land rights, Deed of granting mortgage, and the deed of granting power of attorney charges to mortgage. PPAT Deed is one of the data sources for the maintenance of land registration data, so it must be made in such a way that it can be used as a strong basis for the registration of the transfer and imposition of the relevant rights. Therefore, before making a land sale and purchase deed or other land registration, PPAT is responsible for examining the conditions for the legal actions of the relevant legal, such as matching the data contained in the certificate by checking the certificate of the Land Office (Harsono, 2005).

This certificate checking is not only aimed at matching juridical and physical data certificates with the data in the land book in the ATR/BPN office, but also to clearly find out whether the certificate is in disputes and/or error, so in this case, checking the certificate is the first step in legal protection for those who want to carry out the Deed of Transitional/Granting Mortgage.

Because basically, a certificate is not enough to ensure that the rights to the land owned by someone are null errors, a process of checking the certificate is needed to be able to ensure that the certificate is null errors. This certificate checking is a form of legal certainty facility provided by ATR/BPN to the community. In practice, the owner of land rights more often is to use PPAT to check the certificate in the Land Office before or after the issuance of the ATR/BPN Minister Regulation Number 16 of 2021 concerning the Third Amendment to the Agrarian Minister Regulation Number 3 of 1997 that checking certificates is not manually held in the Land Office but online using the PPAT account concerned, infrequently there is still a problem in practice that is once a certificate has been carried out officially checking, problems arise apparently such as data out of certificate checking is different from the original certificate in PPAT or transferring the rights with the mechanism of sale and purchase and has been checked at the Land Office and declared null error but if after payment, a deed of sale and purchase is registered for the transfer of rights or behind the name process turns to be a problem that is the land object that will be bought and sells, the status is blocked by the related parties. This certainly gives losses to related parties and checking the certificate is doubt to its existence and its function

### Objectives

Objective of this article is specifically intended to find out how the process of checking certificates electronically in Indonesia and what are the problems and solutions for handling them.

### METHODS

The types of research in this study are normative legal research, normative research is research conducted by conducting legislation, court decisions, legal theory, and can be in the form of scientific opinions that are arranged systematically and then form conclusions relating to studies under study (Marzuki, 2014). Because of this, this research uses secondary data in the form of primary legal material in the form of legislation, secondary data, namely, data obtained by researchers indirectly from literature research in the form of legal materials. The technique used in the collection of legal materials in writing this law is a literature study or document study (library research). This legal research uses legal material analysis techniques using the deductive method (Efendi and Ibrahim, 2008).

This study also uses the legislation approach and conceptual approach that analyzes from the perspective of legal concepts as well as the legislation approach carried out by examining all legislation and regulations continuously with the issue or topic of law that is happening regarding problems that occur on the role of PPAT in within checking the certificate of land rights electronically.

### DISCUSSION

#### Reviewing on the rights of ownership of the land

Article 20 paragraph (1) of Law No.05 of 1960 concerning Basic Principles of Agrarian Principles states that:

"Ownership rights are the right to fall, the strongest, and fulfilled that people can have on land by remembering the provisions in Article 6" Pasal 20 ayat (1) UU No.05 Tahun 1960 tentang Peraturan Dasar Pokok-pokok Agraria menyatakan bahwa:

"Hak Milik adalah hak turun menurun, terkuat, dan terpenuh yang dapat dipunyai orang atas tanah dengan mengingat ketentuan dalam Pasal 6"

Decreased, meaning that the property rights to land do not only continue as long as the owner is still alive but if the land owner or heir dies. These property rights can be continued as long as they meet the requirements as the subject of the strongest ownership, meaning that the property rights to land can be burdened by other land rights, except the right to use because the right to use must be on state land. Meeting means that the ownership of the land gives the authority to

the most extensive owner when compared to other land rights (Agnes Aprilia, 2016).

The certificate of land rights is the main proof of the owner related to the legal certainty of the land rights obtained or the history of its acquisition. However, if there is doubt or a border that causes civil and criminal cases from the truth of a physical document of the land certificate, then a request for cancellation of the certificate of land rights through the District Court (Gunawan *et al.*, 2020).

The land certificate in the substance is a copy of the land book and a measuring letter that has been put together and given to the right as a letter of proof of rights. The land certificate is the final product of all land registration processes (Agustina, 2021). The land certificate is a strong evidence, the purpose of the sentence statement is that all information contained in the land certificate has legal or juridical forces and must be accepted as correct information during and as long as there is no other proof that can prove the opposite (Ramadani and Hikmah, 2022).

#### Reviewing on land registration

Land registration activities are further explained in Government Regulation No. 24 of 1997 concerning land registration, namely, land registration activities for the 1<sup>st</sup> time is the land registration activity carried out on the object of land registration that has not been registered. This land registration activity is carried out in two ways, namely, systematic and sporadic. Systematic land registration is carried out simultaneously which includes all objects that have not been registered in the area of a village/kelurahan. For sporadic land registration is a registration activity of one or several objects in the area or part of a village/kelurahan individually or mass (Shafira, 2021).

The model of land registration system can be seen as applicable legal provisions in Government Regulation No.24 of 1997 and Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration. Both contain rules to guarantee the certainty of land rights addressed to the holders of the rights concerned. The holder of these rights includes Indonesian citizens and legal entities established according to Indonesian law and domiciled in Indonesia (Supadno and Junarto, 2022).

Article 2 Government Regulation No.24 of 1997 concerning Land Registration, which determines that:

"Land registration is carried out based on the principle of simple, safe, affordable, up-to-date and safe." Pasal 2 Peraturan Pemerintah No.24 Tahun 1997 tentang Pendaftaran Tanah, yang menentukan bahwa:

"Pendaftaran tanah dilaksanakan berdasarkan asas sederhana, aman, terjangkau, mutakhir dan aman."

According to those principles can be elaborated as follows:

1. The simple principle is intended so that the basic provisions and procedures are easily understood by the interested parties, especially the holders of land rights;
2. Safe foundation is intended to provide guarantee of legal certainty according to the purpose of registration of the land itself;
3. The affordable principle is intended affordable for those who need it, especially for the weak economic group;
4. The latest principle is intended to be adequate completeness in its implementation and input in the maintenance of the data. The available data must show the latest situation. For this reason, the obligation to register and record changes that occur in the future;
5. The open principle is intended so that the community can find out or obtain information about the correct physical data and juridical data at any time at the Regency/City Land Office (Urip, 2019).

The purpose of land registration in Article 19 paragraph (1) of Law No.5 of 1960 concerning Agrarian Principal Jo Article 3 PP Land Registration, namely, "To guarantee legal certainty by the government, land

registration is held throughout the territory of the Republic of Indonesia according to the provisions stipulated by the Regulation Government.” “Untuk menjamin kepastian hukum oleh Pemerintah diadakan pendaftaran tanah diseluruh wilayah Republik Indonesia menurut ketentuan-ketentuan yang diatur dengan Peraturan Pemerintah.”

Objects in Land Registration Based on Article 9 Government Regulation No.24 of 1997 concerning Land Registration, among others as follows:

1. The areas of land owned by ownership, right to effort, building rights, rights
2. Land of management rights
3. Waqf Land
4. Certificate of Condominium Units
5. Mortgage
6. State Land.

In connection with the purpose of land registration, namely, providing legal certainty to the owner or holder of the rights of a land field, in principle, two kinds of publication systems are known, namely:

#### *Positive publication system*

The positive publication system uses a rights registration system so there must be a register or land book as a form of storage and presentation of juridical data and certificates as proof of rights. Register or land book that is in this positive publication system is guaranteed by the state (Harsono, 2005). Sistem publikasi positif menggunakan sistem pendaftaran hak sehingga harus ada register atau buku tanah sebagai bentuk penyimpanan dan penyajian data yuridis serta sertipikat sebagai surat tanda bukti hak. Register atau buku tanah yang berada dalam sistem publikasi positif ini dijamin kebenarannya oleh Negara (Harsono, 2005).

#### *Negative publication system*

The negative publication system that the state does not guarantee the truth of the data that is in the physical certificate, because it is not necessarily someone whose name has been written on the certificate document is absolute or as a definite owner (Yamin *et al.*, 2010) Sistem publikasi negatif yakni negara tidak menjamin akan kebenaran data yang berada di dalam fisik sertipikat, oleh karena hal tersebut belum tentu seseorang yang telah tertulis namanya pada dokumen sertipikat adalah mutlak atau sebagai pemilik pasti (Yamin *et al.*, 2010).

In Indonesia, the national land legal system adheres to a negative but not pure negative publication system, but instead contains positive elements or often referred to as a negative publication system with positive tendencies (Martiananda, 2015) can be seen from the provisions of Article 19 paragraph 2 letter c of Law No. Law No.5 of 1960 concerning the Principal Agrarian which states that “the provision of proof of rights, which applies as a strong proof tool.”

The negative publication system contains the meaning of the certificate is a proof of rights that apply as a strong proof sign in the sense that as long as it cannot be proven, physical data and juridical data listed or registered in the certificate must be accepted as proof of correct data and throughout The physical data and juridical data are in accordance with the data contained in the measuring letter or the relevant warkah land book (Ramadani and Hikmah, 2022).

#### **The procedure of certificate checking to prevent land disputes in the land right transition**

There is a significant difference in the process and results of the previous land checking manually, the checking process must come to the BPN office by bringing the original certificate that you want to check for the transition process of land registration; there will be checked by the officer then the results of checking the certificate of land rights in the form of a stamp contains that the certificate is clean from confiscated, dependents, or blocking. This is regulated in Article 97 paragraph (3) of Perkebunan No. 8 of 2012, the results of checking the certificate were

affixed by the Head of the BPN Office or the official appointed with the phrase “have been checked and in accordance with the list at the Land Office,” and given paraf and the date of checking (Sumardani and Bagastra, 2021).

Since the issuance and enactment of the Minister of ATR/BPN Regulation No. 16 of 2021 The third amendment to the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration, in the service of checking the certificate of land rights in the BPN office changed to an online-based service. The purpose of the online service is to summarize the queue of services in the BPN office and reduce the physical relationship or contact of the BPN Office Officers or officers with land service users so as to reduce the chances of corruption, collusion, and nepotism as well as the imposition of gratification. Full electronic certificate checking is carried out electronically from January 1, 2021, nationally. Hence, the manual check has been closed 100% (one hundred percent) right on December 31, 2020. (Media Indonesia, “Checking the Full Electronic Land Certificate Starting this year,” accessed from <https://mediaindonesia.com/ekonomi/374493/pengantertipikan-Land-Fullelectronics-start-years-years>, on January 25, 2023).

BPN Office Online Service Application means the application used by PPAT to arrange three land activities that use it to be accessed using the user ID originating from each PPAT that has been obtained by PPAT when guiding or socializing online PPAT in each district or city. User ID PPAT has been verified at the BPN office (Ramadani and Hikmah, 2022).

According to Tanwirul Qulub (interview 20 December 2022) as a notary staff/PPAT he kissed to check the certificate of steps as follows:

1. Opening the website <https://intan.atrbpn.go.id> for this checking can only be done by a notary/ppat because it requires a user id notary/ppat.
2. Attach the original certificate, which will be scanned by a notary/PPAT to be inputted
3. Assignment Letter or Power of Attorney Check from the holder of land rights to the applicant known by the authorized official (Lurah/Camat/Notary/PPAT).
4. Request for checking that has been signed by the Power of Attorney and Power of Attorney (Lurah/Camat/Notary/PPAT).
5. Photocopy of Resident Identity Card (KTP) the owner of the certificate, including a photocopy of the recipient’s KTP if it is authorized. Photocopy of KTP must be legalized by an authorized official for a notary ID card/PPAT does not need to be legalized.
6. Attach a letter of validity/authenticity of the file signed by the authorities and the recipient of the power of attorney.
7. If everything has been inputted, a deposit warrant will be issued where the ID Biling number will be listed to be able to make payments at Pos Indonesia/Teller Bank that has been appointed/Manking who have worked together.
8. The applicant pays through the perception bank no later than given 3 (three) days after the application date. If the applicant exceeds the period of 3 (three) days and the applicant fails to make a payment, the applicant is required to submit a request.
9. The magnitude of the cost of checking certificates based on Non-Tax State Revenue (PNBP) checking the certificate is Rp.50,000,-, where the payment is deposited to the account that has been appointed by the state.
10. Have you been paid, the results of checking will be able to get out. In general, electronic certificate checking takes 24 h.

Related to the process of checking the certificate of land rights that have been applied online, the existence of physical documents of certificates that were originally checked on the physical certificate can receive wet stamps from the local BPN office but for the results of checking certificates online only get electro -shaped documents signed digitally using certificates Electro BSRE and QR code (Ramadani and Hikmah, 2022).

The period of the results of checking the certificate is 7 (seven) days since the results of checking the certificate of land rights certificates are not carried out, it is required to submit a back certificate check.

### **The effectiveness of certificate checking to prevent land disputes in the land right transition**

Effectiveness According to the Big Indonesian Dictionary, the word effective has the meaning of effects, influences, consequences, or can bring results. Hence, effectiveness is active, efficiency, and existence of compatibility in an activity of people who carry out tasks with the intended target (KBBI Online). The more plans that can be achieved, the more effective the activity, so that the word effectiveness can also be interpreted as a level of success that can be achieved from a particular way or effort in accordance with the objectives to be achieved (Putri et al., 2018).

Against land that already has a certificate of ownership (SHM) or Building Use Rights (SHGB). However, there are often cases of double ownership in Indonesia. To further ensure the authenticity of the certificate, it can be asked to the Land Office. The Land Office will provide information whether your certificate is clean or in a dispute. Another option to check soil legality can be through notary or PPAT assistance. It has become the standard operating procedures of the Land Deed Making Officer that every object that will be carried out in the transfer of rights or guaranteed, the certificate of rights of the object must be checked to the Land Office before the action is signed (Putri et al., 2018).

To the whole regarding the urgency of the implementation of the certificate checking before the transfer of rights or the imposition of guarantees on land, in essence checking has the aim of obtaining information about physical and juridical data on the certificate data that becomes the basis. There is no record for example in the form of blocking or confiscation of guarantees from the court. Because the certificate has gone through examination and matching data with land books, it is considered clean and safe for rights transition (Putri et al., 2018).

The effectiveness of checking certificates is as a source of information and juridical foundations for those who have the interests of the land. Or ineffective, where the process of checking the certificate as a formal procedure is only the substance to be achieved from the implementation of the stages of the checking and to security because in reality the certificate of land rights which is the result of various government programs cannot Laws that have the potential to harm the community, such as some cases that occur are cases of falsification of land certificates, cases of double land certificates or overlapping land certificates and rise of soil mafia are the causes of various land disputes that will ultimately harm the community (Nafan, 2022).

One case of overlapping land disputes that were warmly sticking out to the public last year was the case between Rocky Gerung versus PT Sentul City. Rocky received a summons posted by PT Sentul City, whose contents to immediately empty the house in the disputed land. PT Sentul City claims to have the rights to the former land use rights of PT Perkebunan XI, ownership is contained in the Building Use Rights Letter (SHGB) No. B 411 and 412 since 1994. While Rocky claimed that the land he occupied by means of the transaction of the OPE legitimately from the previous owner also had a basis that was a legitimate certificate that had been legally recorded with administrative number 592/IV/2009. Cases like this have often occurred in Indonesia, what is more often harmed is the community itself. The cause is due to omission that occurs for a very long time to the land dispute by the corporation or related agencies, or it could be due to counterfeiting and duplication of land certificates by irresponsible land individuals and then traded to the community. This causes the reduced confidence of the Indonesian people in the way the government works, especially in the land sector (Muhammad and Hastri, 2021).

Subsequently stated by Putri (2018) in her research interview with Kamaruddin that, basically checking has effectively preventing disputes in the transfer of land rights. The still high land disputes are influenced by a variety of very complex factors. However, in the case of land registration and the transfer of rights, checking has become an absolute procedure in minimizing disputes on the soil because the function of checking the certificate itself is to match juridical data and physical data in the Land Book of the National Land Agency with the certificate held by the community to carry out the transition Land rights or future registration (Putri et al., 2018).

### **The role of PPAT in checking the certificate as an effort to protect the legal before the rights transition deed was made**

The land registration activity as mentioned by the government in this case the National Land Agency which is a representative institution from the government and in its implementation is carried out by the Head of the Land Office assisted by PPAT and other officials as mentioned in Article 6 PP No. 24 of 1997. It can be said that PPAT carried out "partial activities" of land registration and "partial activities" carried out by the Head of the Land Office (Nurwiyanti, 2021).

From the existence of the main tasks carried out by PPAT, the authority was born in the position of PPAT to make authentic deeds regarding certain legal actions such as, transfer of land rights, carried out by means of buying and selling, exchange, grants, income in companies, and legal actions transitional rights. Others, unless the transfer through auction, can only be registered if proven by the deed made by the authorized PPAT. Thus every transition of ownership rights to land, which is carried out in the form of buying and selling, exchange or grants must be made in front of PPAT for registered lands (certificates) must first check the certificate at the local Land Office. (Shafira, 2021) Caused before making the deed, an examination of the suitability of the certificate is one of the conditions in the procedure for the transfer of the right to maintain the land registration data carried out by PPAT. PPAT has an obligation to first conduct an inspection or check on the local land office regarding the suitability of the certificate of land rights that will be used as an object of transition to land rights (Nurudin, 2016).

The responsibility owned by PPAT is not only related to the making of the deed but also the responsibility after the deed is signed. As a profession of PPAT's responsibility is divided into two, namely, ethics relating to the profession and legal responsibilities that are related to the deed made (Anggraeni and Marwanto, 2020).

Therefore, the information presented in the land book or other general lists must be in accordance with the real reality or legal facts and always the latest. Every legal facts that occur in a land sector must be immediately or recorded in the land book as far as possible in the certificate to meet the principles of land registration publicity. The latest information that must be presented includes the transition of rights, release of rights, roya, blocking, disputes, and cases in court, confiscation of guarantees, court decisions, and separation, solving, merging in land (Mujiburohman, 2020).

Information in the land book stored in the land office must be the same as the information on the certificate carried by the land owner. Checking the certificate intends to find out whether the information on the certificate is the same as the information in the land book, as well as whether the certificate is made or published by the land office (Shafira, 2021).

### **Problems frequently arised by PPAT in checking certificate electronically**

As for some of the problems that are often found in conducting electronic certificates, among others, namely:

Adapun beberapa persoalan-persoalan yang sering didapati dalam melakukan pengecekan sertipikat secara elektronik ini antara lain yakni:

1. The existence of physical certificate documents received by PPAT for checking cannot be ascertained the validity or valid of a physical certificate of soil that is received by the data as long as the data can be checked electronically because the results of the checking have been listed in a separate document issued and Signed electronically from the BPN office according to the location of the certificate object. Unlike the case with the results of checking before online which is required to come directly to the local land office and the physical certificate must be brought to be able to know its authenticity and be able to get a wet stamp and be given a date by the local BPN office.
2. Checking the certificate of land rights carried out electronically, there is a discrepancy in the results of the checking. The mismatch of checking the certificate of land rights electronically such as the difference in the name of the owner of the owner of the certificate of land rights, the date of birth of the owner, or the incompatibility of the legal actions listed in the certificate of land rights.
3. Certificate data does not match the data in the land book at the BPN or Warkah office, causing doubt by PPAT, it is feared that the certificate that is the object of the transaction is not a document issued or issued from the BPN office, it actually reduces the trust of the PPAT which in this case is the power of The owner of the land rights certificate to BPN related to the provision of legal certainty data stored in the BPN database.
4. The process of buying and selling between sellers who need fast funds, constrained by the results of checking certificates that are not appropriate as a result of BPN errors who do not renew the data base system so that they must check or contact the local BPN for the truth of the data.
5. Cause a loss to the community who asks about the legal force of checking the certificate electronically the results with the original certificate. Even though the community checks the certificate with the aim of getting legal certainty, but the community must take legal action because it does not get certainty from the BPN.
6. In practice, PPAT often experiences problematic server constraints such as offline, website renewal or website is still under improvement from the Central BPN Office.
7. PPAT also must spend energy and additional costs again to ask for responsibilities from BPN related to errors due to the absence of a database system, as well as PPAT it is necessary Updating the data base is due to the manual revision system through the website of the certificate checking website has been eliminated.
5. BPN as the organizer of land registration must provide clarification by improving and frequently renewing the database system and always to guarantee the truth of land data both physical and juridical in the certificate of land rights,
6. In the future, it is expected that BPN can provide legal certainty by implementing the latest principles, so that the community will feel safe because the community gives its trust to BPN as a government that provides a guarantee of certainty from land rights. So that it can be seen that the accountability in the incompatibility of the results of the certificate checking electronically because it does not update the database system adheres to the principle of accountability based on errors, therefore BPN must be responsible if there is an error in the results of checking the certificate of land rights that have a discrepancy with the original certificate (such as the name of the name, date of birth or number of measuring documents, and the situation image).
7. Minimizing document counterfeiting by involving the court and improvement in the laws and regulations. Like, land administration that is not single, which is in several places such as in the Kelurahan (PP. 24 Years 97) which recognizes Pethuk Girik. The possibility of use in a negative direction certainly exists by certain groups. The certificate also has a gap to be falsified with the involvement of the land office;

### CONCLUSION

Every transition of ownership rights to land, which is carried out in the form of buying and selling, exchange or grants must be made in front of PPAT for registered lands (interpreted) must first check the certificate at the Land Office. Therefore, the data contained in the Land/ Warkah Book in the National Land Agency with the Certificate Data both physical and juridical data held by the community must be the same. Warkah is also a document that contains the most basic source of information or also called the basic base until the process of issuance of land rights certificates. The function of the Warkah is very important to be evidence of the issuance of the certificate of land rights. Provisions regarding the necessity of checking the certificate of land rights in the BPN office aims so that the interested parties can actually be protected and there are no dispute problems in the future such as minimizing the certificate not in accordance with the data in the Land Book at the BPN or Warkah office or it turns out that the certificate has become. The object of the transaction is not a document issued or issued from the BPN Office to also minimize the cases of land mafia that are rife. But in practice there are still many problems that arise in electronic certificate checking such as the existence of physical certificate documents received by PPAT for checking cannot be ascertained the validity or valid of a physical document of the soil certificate received by PPAT, the data from checking the certificate are different from the certificate with the certificate physical held by PPAT, there is a difference in BPN land book data with physical certificate data due to lack of renewal at the BPN Database System so that it becomes a decrease in public trust in the management of the Land Archive System in Indonesia. If the implementation of the certificate checking is in accordance with good procedures and the data base system supports, the checking of this certificate is felt to be one of the first ways in repeating cases of soil mafia in Indonesia.

In connection with this conclusion, it can be recommended to the BPN to always renew the data base system so that it will provide a sense of security to the community, and it is recommended to the notary/PPAT to always be careful in reading the results of checking the certificate of land rights electronically, because if it the certificate has a confiscation of guarantees or blocking, the results of the electronic certificate checking are still released.

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### Solutions for problems in checking certificate electronically

As for some of the solutions that the authors offer to the problems above include the following:

1. PPAT must carefully ensure the suitability of existing data in the physical certificate or data that is in the results of the certificate checking electronically. In electronic checks sometimes, there are some information that is not in accordance with the physical certificate held by the PPAT, this can affect the making of the deed, if the incompatibility of the results of checking the certificate continues to print the results of checking, then this can be avoided by ensuring that the data are appropriate, if data are not appropriate, in electronic checking services, there is an option not to continue and can submit data improvement in advance to the land office through the service. So that legal protection for parties who will carry out legal actions can be protected by PPAT in carrying out their positions.
2. To ensure legal certainty of land rights, especially legal certainty for related parties in the process of transitioning land rights should be in maintaining and recording land data to minimize the possibility of errors in recording juridical data and physical data in the land book so that such cases do not recur.
3. There needs to be a regulation that provides firmness regarding sanctions for negligence and/or intentional from the Land Office apparatus who make mistakes in carrying out their duties and authorities, especially in recording data in the land book.
4. BPN offices should improve the quality of internet networks in each system so that such network problems can be minimized and toward a transparent and accountable good governance.

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#### REFERENCES

- Agnes Aprilia, S. (2016). *Endah cahyowati dan maria hutapea. Pelaksanaan peralihan hak atas tanah (Karena jual beli) dalam mewujudkan kepastian hukum di kabupaten kutai barat kalimantan timur*. Vol. 1. Indonesia: E J UAJY.
- Agustina, E. (2021). Kajian yuridis program penerbitan sertipikat hak atas tanah elektronik. *Jurnal Solusi*, 19,
- Anggraeni, S. Z., & Marwanto, M. (2020). Kewenangan dan tanggung jawab hukum pejabat pembuat akta tanah dalam pelaksanaan pendaftaran hak tanggungan secara elektronik. *Acta Comita: Jurnal Hukum Kenotarisatan*, 5, 261-273.
- Djohan, O. E. (2015). Tugas dan fungsi badan pertanahan nasional dalam pendaftaran tanah. *Jurnal Pranata Hukum*, 10(1),
- Efendi, J., & Ibrahim, J. (2018). *Legal research methods: Normative and empirical*. Jakarta: PT. Prenada Media.
- Gunawan, I. K., Dewi, A. A., & Suryani, L. P. (2020). Kekuatan pembuktian sertifikat hak atas tanah sebagai alat bukti dalam perkara perdata. *Jurnal Konstruksi Hukum Universitas Warmadewa*, 1(2), 358-361.
- Harsono, B. (2005). *Hukum agraria Indonesia: Sejarah pembentukan undang-undang pokok agraria, isi dan pelaksanaannya*. Jakarta: Penerbit Universitas Trisakti.
- KBBI Daring. Retrieved October 2022, from <https://kbbi.kemdikbud.go.id/entri/mengecek>
- Martiananda, T. A. (2015). Kekuatan hukum sertifikat hak atas tanah sebagai alat bukti, (Analisis terhadap pasal 32 peraturan pemerintah nomor 24 Tahun 1997), Tesis Magister Kenotariatan Fakultas Hukum Universitas Islam Indonesia. Yogyakarta.
- Marzuki, P. M. (2014). *Legal research*. Jakarta: Kencana.
- Media Indonesia. *Pengecekan sertifikat tanah full elektronik mulai tahun ini*. Retrieved January 2023, from <https://mediaindonesia.com/ekonomi/374493/pengecekan-sertifikat-tanah-fullelektronik-mulai-tahun-ini,pada tanggal>
- Muhammad, I. R., & Hastri, E. D. (2021). Kajian yuridis program penerbitan sertipikat hak atas tanah elektronik. *Mulawarman Law Review*, 6(2), ???.
- Mujiburohman, N. A. (2020). *Pemeliharaan data pendaftaran tanah*. Yogyakarta: STPN Press.
- Nafan, N. (2022). Kepastian hukum terhadap penerapan sertipikat elektronik sebagai bukti penguasaan hak atas tanah di Indonesia. *Jurnal Pendidikan Tambusai*, 6(1), 3342-3355.
- Nurudin, S. H. (2016). Urgensi penetapan limitasi waktu pemeriksaan kesesuaian sertipikat hak atas tanah di kantor pertanahan sebelum pembuatan akta oleh PPAT. *Kumpulan Jurnal Mahasiswa Fakultas Hukum*, 1(1),
- Nurwiyanti, D. (2021). Keabsahan validitas data hasil pengecekan sertipikat elektronik dan pengecekan langsung. *Otentik's: Jurnal Hukum Kenotariatan*, 3(2),
- Putri, C. A., Sanjaya, F. N., & Gunarto, G. (2018). Efektivitas pengecekan sertipikat terhadap pencegahan sengketa tanah dalam proses peralihan hak atas tanah. *Jurnal Akta*, 5(1),
- Ramadani, S., & Hikmah, M. (2022). Keabsahan dokumen fisik sertipikat hak atas tanah terhadap peran pejabat pembuat akta tanah (PPAT) dalam pengecekan sertipikat hak atas tanah pada layanan berbasis online. *Pamulang Law Review*, 5(1), 65-76.
- Shafira, A. (2021). Peran PPAT selaku pengguna layanan pengecekan sertipikat secara elektronik sebagai upaya perlindungan bagi para pihak yang melakukan peralihan hak milik. *Jurnal Indonesian Notary*, 3(2), 25.
- Sumardani, N. M., & Bagiastra, I. N. (2021). Tanggung jawab hukum badan pertanahan nasional terkait ketidaksesuaian hasil pengecekan sertifikat secara elektronik. *Acta Comita: Jurnal Hukum Kenotarisatan*, 6(2).
- Supadno, S., & Junarto, R. (2022). Mengatasi permasalahan pertanahan dengan gotong royong dan mengangkat ekonomi kerakyatan dengan sertipikasi tanah. *Jurnal Tunas Agraria*, 3(2), 268-265.
- Urip, S. (2019). *Pendaftaran dan peralihan hak atas tanah*. Jakarta: Prenanda Media.
- Yamin, L., & Lubis, R. (2010). *Hukum pendaftaran tanah*. Bandung: CV. Mandar Maju.