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Implementation of Electronic Land Rights Transfer In North Lombok District

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Abstract: This thesis discusses the implementation of electronic land rights transfer in North Lombok Regency, focusing on two main problems. First, how is the process of implementing the electronic transfer of land rights at the Land Office of North Lombok Regency, and second, what is the role of the Land Deed Official (PPAT) in implementing the process. This research uses an empirical normative method with a case study approach, where data is collected through interviews, observation, and document analysis. The results show that the implementation of an electronic system in the transfer of land rights has provided efficiency in the administrative process and facilitated access for the community. Nonetheless, challenges such as limited technological infrastructure and lack of public understanding of the system still need to be overcome. In addition, the role of PPAT is vital in ensuring the validity and smoothness of the title transfer process, as well as educating the public about the applicable procedures. Based on these findings, it is recommended to increase socialization and education about the electronic title transfer system to the public, as well as provide training for PPATs. In addition, the development of adequate technological infrastructure also needs to be done to support the effectiveness of this process.

Keyword: Carbon, Trading, Sequestration, Palm Oil, OpenLCA

INTRODUCTION

Along with the development of human life and society, marked by the rapid increase in population, the flow of modernization marked by the sophistication of transportation, communication and information, human needs for land are also increasing. This phenomenon cannot be avoided, including by people living in rural areas. Humans are competing to control land along with the increasing economic value of land. (Arifin Bur and Desi Apriani; 2017; 36)

The Indonesian government seeks improvement in the land sector through the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency (ATR / BPN) has attempted

to carry out bureaucratic reforms by utilizing the development of information technology. One of the programs rolled out is the National Agrarian Service System (SELAN) with the transfer of land rights carried out electronically (Regulation of the Head of BPN RI Number 5 of 2020). This system aims to accelerate the process of transferring land rights and increase transparency and accountability of land services.

Transfer of land rights is the transfer of land rights from the old right holder to the new right holder. The transfer of land rights can occur through various means, such as sale and purchase, grants, exchanges, gifts by will, and inheritance. The transfer of land rights can be done conventionally and electronically. The transfer of land rights electronically is contained in the Regulation of the Head of the National Land Agency Number 5 of 2020 concerning Electronic Land Rights Transfer Services, this Regulation regulates the electronic land rights transfer service, which is part of the National Agrarian Service System (SELAN). This regulation aims to increase efficiency and transparency in land rights transfer services (Boedi Harsono; 2003; 472).

North Lombok Regency, as one of the regions in West Nusa Tenggara Province, also implemented this electronic land title transfer program. However, in reality there are several challenges faced, both in terms of human resources, and information technology infrastructure. Regarding human resources, the readiness and understanding of land office employees in operating the electronic system is an important factor. In addition, the availability of adequate information technology infrastructure, such as a stable internet network and supporting hardware, is also a challenge in North Lombok Regency, which is mostly a rural area.

The people in North Lombok Regency are still thick with local traditions and culture. This certainly affects the level of public acceptance and trust in the electronic land rights transfer system. Socialization and education about the benefits and security of this system are important to do (Soerjono Soekanto; 2007; 3).

Legal and regulatory aspects are also important factors in the implementation of electronic land rights transfer. The current laws and regulations still require harmonization and synchronization in order to optimally support the implementation of electronic systems, thus the importance of the role of the National Land Agency (BPN) in socializing the process of transferring land rights electronically.

Based on the background description above, the author formulates two main problems, namely how is the implementation of the process of transferring land rights electronically at the North Lombok district land office? and how is the role of PPAT in the implementation of electronic transfer of land rights at the North Lombok district land office?

METHOD

The type of research used by the author to analyze this problem is using empirical juridical research methods consisting of research on legal identification and research on legal effectiveness (Soerjono Soekanto; 2007; 105). The approach used is a qualitative approach which is the researcher's perspective in conducting the study. Qualitative approaches generally use observation and interview techniques. The instruments used are recording devices and memos or notebooks. In addition to a qualitative approach, it also uses a juridical approach, namely an approach that is carried out by looking at aspects of applicable laws and regulations.

The source of legal material is the place where the data from a study is obtained. In this research, the sources of legal materials used in this research are primary, secondary, and tertiary data including laws and regulations, books, legal dictionaries and others. Data in research is a material that will be used in solving problems that have been formulated in research. Therefore, the data must be collected so that the problems in the research can be solved. In this study, the type of data collected is divided into two types of data, namely interviews and documentation. After the data is collected both obtained by interviews and literature studies, it is then analyzed qualitatively, namely the data stated by respondents in writing or orally as well as real behavior,

which is studied and studied as a whole (Soerjono Soekanto; 2007; 105). Then described by using prescriptive thinking logic.

RESULT AND DISCUSSION

Implementation of Electronic Land Rights Transfer Process in North Lombok Regency

The transfer of land rights is an important aspect of natural resource management in Indonesia. In North Lombok District, the transfer of land rights often faces various challenges, such as slow bureaucracy, lack of transparency, and complex legal issues. In this context, the implementation of an electronic system for the transfer of land rights is highly relevant. According to data from the National Land Agency (BPN), in 2023, there were approximately 644 land rights transfer transactions recorded in North Lombok, but only 60% were carried out efficiently (Interview North Lombok ATR Officer).

The application of information technology in land administration in Indonesia has started since the early 2000s, but implementation is still slow in some areas. According to a report from the Ministry of Agrarian Affairs and Spatial Planning, only around 20% of the total districts in Indonesia have fully implemented electronic systems in land management. This shows that there are still many regions that need to carry out digital transformation to improve public services. In the context of North Lombok, the use of electronic systems is expected to reduce the time and cost required for the land rights transfer process.

Electronic land rights transfer systems also have the potential to reduce corrupt practices that often occur in the land administration process. With greater transparency, the public can more easily monitor the process. A study by Transparency International Indonesia shows that the land sector is one of the most vulnerable sectors to corruption. Therefore, the implementation of an electronic system is expected to be a solution to overcome this problem.

However, implementing an electronic system is not without its challenges. Some of the obstacles that may be faced include the lack of adequate technological infrastructure, the low level of digital literacy among the public, and resistance from certain parties who feel threatened by this change. Therefore, it is important to conduct an in-depth study of the factors that influence the successful implementation of this system in North Lombok.

According to App, the implementation of an electronic system in land rights transfers in North Lombok district can increase efficiency and transparency. Preliminary data collected from interviews with BPN officers showed that more than 70% of officers felt that the electronic system could speed up the title transfer process. This is in line with findings in other regions, where the application of information technology has been shown to reduce administrative processing time (Interview North Lombok ATR Officer).

Interviews with Mr. S (community member) said that the impact of the electronic system on people who have transferred their rights electronically shows that they feel more satisfied with the faster and more transparent process. They also revealed that easier access to information through the electronic system made them more confident in carrying out transactions (KLU Community Interview).

However, there are obstacles such as the lack of public understanding of the use of electronic systems. Many people still find it difficult to access and use the technology. Therefore, there needs to be a more intensive training and socialization program so that people can better understand and utilize this system (Interview North Lombok ATR Official).

The implementation of an electronic land title transfer process can have several positive impacts on the speed of the land registration process in North Lombok District. The following are some of the impacts that occur:

1. Speed of Document Submission in Using the Online System

By using an online system, interested parties can submit documents for the transfer of land rights directly and quickly via the internet. This can reduce the time needed to collect and send physical documents to the land office.

2. **Faster Verification Process with Automated Document Verification**
Electronic systems can perform document verification automatically, thus speeding up the document verification and validation process. This can reduce the time needed to check the validity of documents.
3. **Reduced Settlement Time with Integration through Information Systems**
Electronic systems can be integrated with other information systems, such as accounting systems and financial systems, thereby speeding up the land registration completion process. This can reduce the time needed to process and complete land registration.
4. **Improving Openness and Transparency i.e. Open access to Information**
Electronic systems can provide open access to information on the status of land registration, thus allowing interested parties to monitor the land registration process in real-time.
5. **Reduces Administrative Costs i.e. Efficient Use of Resources**
Electronic systems can reduce administrative costs due to more efficient use of resources. This can reduce the cost required to operate a land office.
6. **Improving the Quality of Service**
Improve service quality by providing faster, more accurate, and more transparent services through electronic systems. This can improve public satisfaction and increase public trust in the land office.

Overall, the implementation of the electronic land rights transfer process can increase the speed of the land registration process in North Lombok Regency by reducing document submission time, accelerating the verification process, reducing completion time, increasing openness and transparency, reducing administrative costs, and improving service quality. However, to ensure that the implementation of this electronic system is effective, several things need to be done such as:

1. **Good System Development:** The system must be well developed to meet the needs and requirements of the community.
2. **Employee Training:** Employees must be trained to use the electronic system effectively.
3. **Monitoring and Evaluation:** The system should be monitored and evaluated regularly to ensure that it is running properly and effectively.

Thus, the implementation of an electronic land title transfer process can be an effective solution to improve the speed of the land registration process in North Lombok District.

Arrangements in the implementation of the transfer of land rights electronically at the land office of North Lombok district

1. Legal basis for the implementation of electronic transfer of land rights

The implementation of electronic land title transfer in Indonesia is based on several legal bases related to land registration and applicable laws and regulations. The following are the legal bases for the electronic transfer of land rights:

- a. **Law No. 5 of 1960 on Agrarian Principles** This law is the main legal basis that regulates the transfer of land rights, including the process of registration and legalization of the transfer of rights.
- b. **Government Regulation No. 24 of 1992 on Registration** This regulation governs the land registration process, including the use of electronic systems in the process of registering transfers of land rights.
- c. **Law No. 11 of 2020 on Job Creation and Law No. 11 of 2008 on Electronic Information and Transactions**
- d. **Government Regulation No. 24 of 1997** which regulates the procedures for the implementation of the transfer of land rights due to sale and purchase
- e. **Regulation of the Minister of ATR/Head of BPN Number 1 of 2021 on Electronic Certificates** which regulates the implementation of electronic certificates.

Thus, the legal basis for the implementation of electronic land rights transfers in Indonesia includes the Basic Agrarian Law, government regulations on land registration,

circular letters of the Head of the BPN, and legal certainty in the registration of land rights transfers.

In the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997, CHAPTER IV entitled MAINTENANCE OF LAND REGISTRATION DATA, Article 94 stipulates, paragraph (1) Maintenance of land registration data is carried out by registering changes in physical data and or juridical data of land registration objects that have been registered by recording them in the public register in accordance with the provisions in this regulation. Paragraph (2) Changes in juridical data as referred to in paragraph (1) are in the form of:

- a. transfer of rights due to sale and purchase, exchange, grant, inclusion in a company, and other legal acts of transfer of rights;
- b. transfer due to inheritance;
- c. transfer of rights due to the merger or consolidation of a Company or cooperative;
- d. the encumbrance of a Hak Tanggungan;
- e. transfer of mortgage rights
- f. nullification of land rights, management rights, property rights over flat units and mortgage rights;
- g. division of joint rights;
- h. changes in land registration data based on a court decision or stipulation of the Chief Justice;
- i. change of name due to change of name of the right holder;
- j. extension of time period;

Paragraph (3) Changes to physical data as referred to in paragraph (1) are in the form of”

- a. division of the land parcel;
- b. separation of part or parts of a land parcel;
- c. merger of two or more parcels of land.

Government Regulation Number 24 Year 1997, Article 37:

- (1) Transfers of land rights and ownership rights over apartment units through sale and purchase, exchange, grants, company data entry and other legal acts of transfer of rights, except for transfers of rights through auctions can only be registered if evidenced by a deed made by an authorized PPAT in accordance with the provisions of the prevailing laws and regulations.
- (2) In certain circumstances as determined by the Minister, the Head of the Land Office may register a transfer of rights over a parcel of freehold land, which is carried out between individual Indonesian citizens evidenced by a deed which is not made by a PPAT, but which in the opinion of the Head of the Land Office is considered sufficient for registering the transfer of rights concerned.

In Government Regulation of the Republic of Indonesia Number 18 of 2021 concerning Management Rights, Land Rights, Flat Housing Units and Land Registration, Article 92, paragraph (1) In the event that the Land is the object of a court case, the object of a status quo determination by the judge examining the case or the object of a court seizure, the head of the Land Office refuses to register the transfer or encumbrance. Paragraph (2) After the period of the record of the object of the court case as referred to in Article 91 paragraph (2)6 and/or the record of the object of the status quo determination as referred to in Article 91 paragraph (4) has lapsed and the object of the case is not followed by the determination of a security seizure, the registration of the transfer or encumbrance of the right may be carried out. Paragraph (3) The refusal of the head of the Land Office as referred to in paragraph (1) shall be made in writing containing the reasons for the refusal.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 on the Third Amendment to Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 on Provisions for the Implementation of Government Regulation Number 24 of 1997 on Land Registration, Article 94 paragraph (1) Maintenance of land registration data is carried out by registering changes in physical data and/or juridical data of land registration objects that have been registered by recording them in the public register in accordance with the provisions in this regulation. Paragraph (3) Changes in juridical data as referred to in paragraph (1) are in the form of:

- a. transfer of rights due to sale and purchase, exchange, grant, inclusion in a company, and other legal acts of transfer of rights;
- b. transfer of rights due to inheritance;
- c. transfer of rights by reason of the merger, consolidation or separation of a Company or cooperative in accordance with the provisions of legislative regulations;

Article 91 paragraph (1) In the event that land becomes the object of a court case, an interested party may apply to the Land Office for a record that a Land Right or an ownership right over a Flat Unit has become the object of a court case by submitting a copy of the lawsuit. (2) The record as referred to in paragraph (1) shall lapse by itself within a period of 30 (thirty) calendar days as from the date of the record or if the party applying for the record has withdrawn its request before the expiry of the period. (3) If the judge examining the case as referred to in paragraph (1) orders the status quo of the Land Right or the ownership right over the Unit of Flat concerned, upon the judge's order, the application shall be recorded at the Land Office. Paragraph (4) The record of the status quo order as referred to in paragraph (3) shall automatically lapse within 30 (thirty) calendar days unless followed by a decision of confiscation of collateral of which an official copy and minutes of execution shall be submitted to the Head of the Land Office.

- a. encumbrance of Mortgage Rights;
- b. transfer of the Mortgage Right;
- c. annulment of land rights, management rights, property rights over flat units and mortgage rights;
- d. division of joint rights;
- e. changes in land registration data based on a court decision or stipulation of the Chairman of the Court
- f. change of name due to change of name of the right holder;
- g. extension of the period of Land Rights.

2. Implementation of Transfer of Land Ownership Rights Due to Sale and Purchase

The transfer of land ownership rights due to sale and purchase is one of the legal acts and every transfer of land ownership rights due to sale and purchase must be registered. This is in accordance with the provisions of Article 23 paragraph 1 of the UUPA, which stipulates that the right of ownership, as well as any transfer, nullification and encumbrance with other rights must be registered according to the provisions referred to in Article 19. Before transferring land rights, the two parties first make an agreement or agreement regarding the land plot to be transferred. Where the ownership right to the land cannot be directly transferred to the buyer as long as the juridical submission has not been made, because the sale and purchase agreement and the juridical submission (*balik nama*) are strictly separated. So, for example, a deposit of a certain amount of money to the seller does not mean that the land sold automatically becomes the property of the buyer. But the buyer still has to perform another legal action, namely the transfer of name to be carried out as the new landowner. The transfer of land ownership rights due to sale and purchase is carried out after the price is agreed between the seller and the buyer, which is strengthened by a letter of agreement

between the two parties and witnessed by at least two witnesses and in front of the local government authorized to do so.

Table 1. Data on transfer of land ownership rights in 2021-2023

Year	Number
2021	404
2022	546
2023	644

Data source: Land Office of North Lombok Regency, 2024

Data on the transfer of land ownership rights in 2021-2023 at the North Lombok District Land Office was the highest in 2023, totaling 644 transfers.

From the data above, it can be seen that many people in North Lombok Regency who transfer their rights by buying and selling have registered at the North Lombok District Land Office. This is evidenced by the number of people who register the transfer of their rights, especially by sale and purchase, to the North Lombok District Land Office every year.

However, when the author conducted interviews with several people in North Lombok Regency, it turned out that there were still people in North Lombok Regency whose transfer of rights had not been registered with the North Lombok District Land Office. Based on the results of interviews with Mr. Dodi as a community in North Lombok Regency on September 15, 2024, the reason that causes people to be reluctant to register the transfer of their rights by sale and purchase is because the community thinks that by transferring land rights by sale and purchase carried out under the hand, the sale and purchase is considered valid without being registered at the North Lombok District Land Office and assumes that the landowner is certain to get land rights and legal certainty guarantees.

According to Mrs. Nita, she is reluctant to register the transfer of her property rights at the Land Office because she considers that the sale and purchase deed at PPAT or PPATS is considered to have legal force for the transfer of property rights and the management at the Land Office is rather long and the payment value is high.

After conducting an interview with Mr. Budiman as the Village Head, the implementation of the transfer of ownership rights to land does not require a certain time, it is enough to complete all the files needed.

To achieve the guarantee and legal certainty of land rights, land registration is carried out by measuring, mapping and organizing the administration of land rights.

Article 19 of the Basic Agrarian Law confirms the government to organize land registration which is rechts in nature. Land registration serves to determine the status of land parcels, who owns them, what the rights are, how much the area is, what it is used for. To obtain the legal force of a series of systematic land registration activities, the submission of material truths proving physical data and juridical data on land rights, or other things needed as the basis for land registration rights, and or the history of the origin of ownership of land, buying and selling, inheritance, cannot be separated from the applicable laws and regulations.

Compliance and legal awareness of the community must be improved, among others, through legal counseling, distribution of pamphlets related to land law issues with communicative language so that ordinary people can understand, or through other reading materials, and also through social media so that through various methods it is hoped that people who were previously law illiterate can know and understand the law. And if they already know and understand the law, then this will be able to increase the degree of compliance and legal awareness of the community in the field of land law.

In an effort to provide correct data, it is necessary to improve the mastery of regulatory provisions of officials implementing registration activities. Then, so that Government Regulation No. 24 Year 1997 improved regulation in the form of the Act so that the owner of the certificate will feel secure in legal protection and certainty of rights in controlling the

land. And also should the sub-district and village head in issuing a certificate of transfer of land rights should be thorough, careful, careful, and should not be careless. Moreover, the certificate of transfer of land rights issued concerns interested parties.

The ability to scrutinize and check is needed before anything happens. It is important to match the data available at the Kelurahan/Village Office and the Sub-district Office. If this is done properly and correctly, it is in accordance with the principles of the General Principles of Good Governance in providing services to the community. However, this does not mean that caution will lead to convoluted services so that the issuance of a certificate from the Lurah/ Village Head and the Camat becomes longer.

Based on Article 20 paragraph (2) of the UUPA, land rights can be transferred and assigned to other parties. The transfer of land ownership rights must be registered in order to obtain legal certainty.

Article 37 paragraph (1) of Government Regulation No. 24/1997 stipulates that prior to registration of transfer of land ownership rights due to sale and purchase, a deed made by a PPAT is required as evidence and a condition for registration of transfer of land ownership rights due to sale and purchase. A PPAT deed based on Article 1 point 4 of Government Regulation Number 37 of 1998 is a deed made by a PPAT as evidence that certain legal actions have been carried out regarding land rights and ownership rights over apartment units. Article 23 of the UUPA stipulates that: A right of ownership, as well as any transfer, extinguishment and encumbering with other rights, must be registered in accordance with the provisions referred to in Article 19.

3. The registration referred to in paragraph 1 is a strong means of proof regarding the right of ownership and the validity of the transfer and encumbrance of the right (Urip Santoso; 2010; 273)

With the implementation of registration of transfer of ownership rights to land due to sale and purchase in North Lombok Regency, there is a very rapid development such as the construction of supermarkets, factories, and so on. This development requires land so that many community members transfer milk rights to land due to buying and selling in front of the sub-district head as a temporary PPAT. And not only that, the purpose of the community to transfer property rights is for investment which aims to expand the land area for the distribution of children and grandchildren in the future and improve the economic level so that the welfare of the family is more improved according to economic demands.

The applicant does not come directly to the Land Office to register the transfer of land rights by sale and purchase at the North Lombok District Land Office. However, the registration of the transfer of rights is represented by a PPAT.

This is because in addition to the duty of the PPAT to make a deed of sale and purchase of land, the PPAT is also tasked with registering the transfer of rights at the local land office no later than 7 days from the signing of the deed of sale and purchase of land rights.

The process of registering the transfer of ownership rights to land after the issuance of Circular Letter of the Head of BPN RI Number 1/SE-100/2013, namely:

- a. Registration of Land Value Zone Map and Property Assets.
- b. Certificate Checking.
- c. Registration of Transfer of Title due to Sale and Purchase.

In registering the transfer of land ownership rights due to sale and purchase, the following requirements must be attached:

- a. An application form that has been filled in and signed by the applicant or his/her proxy on a stamp duty stamp.
- b. Power of Attorney if authorized
- c. Photocopy of the applicant's identity (KTP, KK) and power of attorney if authorized, which has been matched with the original by the counter clerk

- d. Copy of Deed of Establishment and Legal Entity Authorization that has been matched with the original by the counter officer, for legal entities
- e. Original Certificate
- f. Sale and Purchase Deed from PPAT
- g. Copy of ID card and the seller-buyer parties and/or their proxies
- h. Permission to transfer the right if the certificate/deed includes a mark stating that the right may only be transferred if permission has been obtained from the competent authority,
- i. Photocopy of the current year's SPPT PBB that has been matched with the original by the counter officer, submission of proof of entry (at the time of registration of rights), and
- j. Land and Property Asset Value Zone Map.

Transfer of land rights in Indonesia can be done through two methods: manual and electronic. While both aim to transfer land rights from one party to another, there are significant differences in the process and implementation.

Manual Process

In the manual process, the transfer of rights is done through several steps that involve the physical presence of the parties involved. This procedure generally involves:

- a. Deed Making, A deed of title transfer, such as a sale and purchase deed, must be made in the presence of a Land Deed Official (PPAT). All parties, including the seller and buyer, must be physically present.
- b. Registration, Once the deed is made, the document must be registered at the Land Office for legalization and official recording.
- c. Documentation, The resulting deed is usually kept in two copies, one for the PPAT and one for the Land Office.

Electronic Process

With the development of technology, the process of transferring land rights can now be done electronically, which offers several advantages, such as speed and efficiency. This process includes:

- a. Online Submission, Applicants can apply for title registration online, reducing the need to be physically present at the land office.
- b. Digital Verification, Uploaded documents will be electronically verified by officers, which can speed up the process compared to the manual method that requires physical checks at the counter.
- c. Certificate Return, Once the process is complete, the land title certificate can be returned to the right holder through the electronic system, without the need to come to the land office.
- d. Conclusion

Overall, while both manual and electronic processes serve the same purpose in the transfer of land rights, the electronic method offers greater convenience and efficiency. However, challenges such as lack of public understanding of the electronic system and technical issues also need to be addressed to ensure effective implementation.

The Role of PPAT in the Implementation of Electronic Transfer of Land Rights at the North Lombok Regency Land Office

1. Transfer of Land Rights through Sale and Purchase

The transfer of land rights is a legal act of transferring land rights that is carried out intentionally so that the rights are released from the original holder and become the rights of another party.

Since the enactment of the UUPA, the transfer of land rights can be done through sale and purchase, exchange, granting, giving by will, giving according to custom and other actions intended to transfer property rights.

According to Article 37 paragraph 1 of Government Regulation No. 24 of 1997, it is emphasized that:

The transfer of land rights and ownership rights over apartment units through sale and purchase, exchange, grants, company data entry and other legal acts of transfer of rights, except for the transfer of rights through auction, can only be registered if proven by a deed made by an authorized PPAT according to the provisions of the applicable laws and regulations.

To prove that the land rights are transferred, it must be proven by a deed made by and before a PPAT, namely a deed of sale and purchase which will then be used as the basis for registration of changes in land registration data as referred to in the provisions of Article 95 paragraph 1 letter a of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997. The Sale and Purchase Deed made before a PPAT aims to provide legal certainty to the right holder of a land parcel (land buyer).

2. Implementation of Sale and Purchase Deed Making by Land Deed Officials

In the process of making a sale and purchase deed made before a PPAT, steps are needed that must be passed by the PPAT before the signing of the sale and purchase deed by the interested parties. These steps are:

- a. Before executing a deed of transfer or encumbrance of land rights or property rights over a flat unit, the PPAT must first make an examination at the Land Office of the suitability of the certificate of land rights or property rights over the flat unit concerned with the registers at the local Land Office by showing the original certificate.
- b. The deed must use the prescribed form.
- c. In the event that permission is required for the transfer of rights, it must be obtained before the deed is made.
- d. Before a deed of transfer of land rights is made, the prospective transferee shall make a statement to the effect that:
 - 1) That the person concerned by the transfer of the right is not the holder of a land right that exceeds the maximum provision for land tenure according to the provisions of the prevailing laws and regulations;
 - 2) That the person concerned by the transfer of the right is not the holder of an absentee land right (guntai) according to the provisions of the prevailing laws and regulations;
 - 3) That the person concerned realizes that if the statement as referred to in a and b is not true then the excess land or absentee land becomes an object of land reform;
 - 4) That the person concerned is willing to bear all legal consequences, if the statement as referred to in a and b is not true.
- e. The making of a PPAT deed must be attended by the parties to the legal act or the person authorized by them with a written power of attorney in accordance with the prevailing laws and regulations.
- f. The making of a PPAT deed must be witnessed by at least 2 (two) witnesses who, according to the provisions of the prevailing laws and regulations, are qualified to act as witnesses in a legal action, testifying among others regarding the presence of the parties or their proxies, the existence of the documents indicated in the making of the deed, and the execution of the legal action by the parties concerned.
- g. The PPAT shall read the deed to the parties concerned and provide an explanation of the content and purpose of the deed, and the registration procedures that must be carried out subsequently in accordance with the applicable provisions.
- h. The deed of PPAT shall be read/explained to the parties in the presence of at least 2 (two) witnesses before it is signed immediately by the parties, witnesses and PPAT.

- i. No later than 7 (seven) working days from the date of signing of the relevant deed, the PPAT is obliged to submit the deed he/she has made along with the relevant documents to the Land Office for registration.

Regarding the legal action of transfer of rights, “PPAT is obliged to deliver written notification of the delivery of the deed as referred to above to the parties concerned”. Before signing the sale and purchase deed, the PPAT must first ask for proof of tax payment, this is in accordance with the provisions in Article 91 paragraph 1 of Law Number 28 of 2009 concerning Regional Taxes and Regional Retribution, which explicitly states: “The Land Deed Official/Notary can only sign the deed of transfer of rights to land and/or building after the taxpayer submits proof of tax payment”.

The consequences that will be received by the PPAT, for violations as specified in Article 91 paragraph (1) will be subject to administrative sanctions in the form of a fine of Rp.7,500,000.00 (seven million five hundred thousand rupiah) for each violation.

3. Role of PPAT in Land Registration

PPAT as a public official who is authorized to make deeds in the transfer of land rights, deeds of encumbrance and power of attorney for encumbrance of mortgage rights, is also tasked with assisting the Head of the National Land Office in carrying out land registration by making certain deeds as proof that certain legal actions have been carried out regarding land and or building rights which will be used as the basis for proof of land registration.

PPAT deeds are one of the main sources in the context of maintaining land registration in Indonesia. PPAT has been known since the enactment of Government Regulation No. 10/1961 on Land Registration, which is a land regulation as an implementer of the UUPA.

Given the importance of the function of PPAT, it is necessary to have a separate regulation governing PPAT as stipulated in Article 7 paragraph 3 of Government Regulation No. 24 of 1997, as well as after the issuance of Government Regulation No. 37 of 1998 on the Regulation of Land Deed Officials. Based on Article 1 point 1 of Government Regulation No. 37 of 1998, it is said that PPAT is “a public official who is authorized to make authentic deeds regarding certain legal acts concerning land rights or rights to apartment units”.

Based on the article above, basically the authority of PPAT is closely related to certain legal actions regarding land rights or property rights over apartment units. To prove the existence of a legal act of transfer of land and or building rights, an authentic deed must be made. Without an authentic deed, the legal action to transfer a right to land and buildings is not legally valid.

Regarding the function of a PPAT deed in a sale and purchase, the Supreme Court in its Decision No. 1363/K/Sip/1997 held that Article 19 of Government Regulation No. 10/1961 clearly determines that a PPAT deed is only a means of evidence and does not mention that the deed is an absolute requirement regarding the validity of a land sale and purchase.

According to Boedi Harsono, the PPAT deed serves as a means of proof regarding whether a sale and purchase has been made. The sale and purchase can still be proven by other means of proof. However, in the land registration system according to the improved regulation, namely Government Regulation No. 24 of 1997, registration of sale and purchase can only be done with a PPAT deed as valid evidence. People who make a sale and purchase without being proven by a PPAT deed will not be able to obtain a certificate, even if the sale and purchase is legal according to the law.

In providing services to the community, a PPAT is tasked with serving applications to make certain land deeds referred to in regulations relating to land registration as well as regulations on the Jabatan PPAT. In the face of these applications PPAT is obliged to make a decision to reject or grant the application concerned.

PPAT as a public official, the deed it makes is given the position of an authentic deed, namely a deed made to prove the existence of certain legal actions that result in the transfer of rights to land and buildings.

In connection with the certainty of ownership of land and building rights, every acquisition of rights that occurs from a legal action must be made by an authentic deed. This is important to provide legal certainty for the party acquiring the right so that he can defend his rights from any party's lawsuit. Without an authentic deed, the acquisition of rights is not legally recognized and the actual rights to land and buildings are still with the party transferring the rights. To protect the party acquiring the right, the authentic deed made at the time of acquisition of the right is a strong evidentiary tool that states the existence of a legal act of transfer of land and building rights in question to the party who is declared to have acquired the right.

The existence of a PPAT deed that intends to make a deed of agreement on the transfer of land rights and ownership rights over apartment units through sale and purchase, exchange, grants, inclusion in companies and other legal acts of transfer of rights, except for transfers of rights due to auctions which can only be registered if proven by a deed made by an authorized PPAT and if the deed of transfer of land rights and ownership rights over apartment units has been registered by the Head of the Land Office in the land book register, then the Head of the Land Office provides certificates of land rights or ownership rights over the apartment units concerned to the buyer.

4. The role of PPAT in the implementation of the transfer of land rights

The role of PPAT in the process of transferring land rights has a very important role, especially in helping the community to make a deed as evidence of legal actions regarding land rights or Property Rights of Flat Housing Units. In addition, PPAT also plays a role in the orderliness of land administration, namely before carrying out the making of deeds regarding the transfer or encumbrance of land rights or Property Rights on a Flat Unit, PPAT must first conduct an examination at the land office regarding the suitability of the certificate of land rights or Property Rights on a Flat Unit concerned with the existing lists at the local land office by showing the original certificate.

The role of the PPAT in a series of land registration activities has a very important position, because the PPAT deed made is one of the main sources in the activities of maintaining land registration data. The maintenance of land registration data is an activity carried out when there is a change in the physical data or juridical data of land registration objects that have been registered and the right holder concerned is obliged to register changes in physical data and juridical data with the land office (Article 36 paragraphs (1) and (2) of Government Regulation No. 24 of 1997). Based on Article 94 paragraphs (2) and (3) of PMNA/KBPN Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation No. 24 of 1997 concerning Land Registration, it is stated that what is meant by juridical data changes are:

- a. transfer of rights due to sale and purchase, exchange, grant, inclusion in a company, and other legal acts of transfer of rights;
- b. transfer of rights due to inheritance;
- c. transfer of rights due to merger or consolidation of companies or cooperatives;
- d. encumbrance of Mortgage Rights;
- e. transfer of mortgage rights;
- f. the extinguishment of land rights, management rights, property rights over flat units and mortgage rights;
- g. division of joint rights;
- h. changes in land registration data based on a court decision or stipulation of the Chief Justice;
- i. change of name due to change of name of the right holder;

- j. extension of the period of land rights. Meanwhile, what is meant by changes in physical data are:
- 1) division of land parcels;
 - 2) separation of part or several parts of the land parcel;
 - 3) merger of two or more parcels of land.

In terms of organizational structure, PPAT has no superiors or subordinates but according to Government Regulation No. 24 of 1997, PPAT is an assistant to the Head of the Land Office. Although its authority is obtained from the government, the position of PPAT is an independent profession, which has a function as a public official who based on laws and regulations is authorized by the government through the Minister of Agrarian Affairs/Head of the National Land Agency to make deeds of transfer of rights and encumbrance of Mortgage Rights on land which is an authentic evidence.

This causes the PPAT to be obliged to register the deed he made at the land office, which is no later than 7 (seven) days from the signing of the deed to process changes in juridical data, namely, among others, the name change of the land, so that the position of PPAT has a function and at the same time acts as a legal tool in a land registration process system. Land Deed Officials also function as public servants who aim to achieve prosperity for the people so that PPAT is obliged to provide the best possible service for the parties who need it.

As a series of activities to create an orderly land administration, the PPAT is also required to send a monthly report on the deeds it makes to the Head of the Land Office no later than the 10th (tenth) of the following month. The physical and juridical data reported monthly by the PPAT supports the government to provide information to the public who require land data.

In connection with the above, based on the monthly reports of PPATs in the Land Office of North Lombok Regency, information is obtained that the community in transferring land rights such as: buying and selling, grants and granting Mortgage Rights is more likely to choose PPATs appointed by the MNA/KBPN rather than through Temporary PPATs held by the Sub-District Head.

CONCLUSION

The process of transferring land rights electronically at the North Lombok District Land Office has been running well. This system makes it easier for the community to conduct transactions and speeds up processing time. Nevertheless, there are still some challenges, such as technological accessibility and public understanding of the use of electronic systems, according to the Technical Guidelines, Number: 3/Juknis-HR.02/III/2024, dated March 1, 2024, on the procedures for issuing electronic certificates version 1.0.

Land Deed Officials (PPATs) have a very important role in the implementation of electronic land title transfers. They not only serve as a liaison between the transacting parties, but are also responsible for ensuring the validity and security of documents submitted electronically. PPATs also play a role in educating the public about this process, as stipulated in Article 7 paragraph 3 of Government Regulation No. 24 of 1997, as well as after the issuance of Government Regulation No. 37 of 1998 on the Regulation of Land Deed Officials. According to Article 1 point 1 of Government Regulation No. 37 of 1998, a PPAT is “a public official who is authorized to make authentic deeds concerning certain legal acts concerning land rights or rights over apartment units” and Government Regulation No. 37 of 1998 on the Regulation of Land Deed Officials explicitly regulates this.

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