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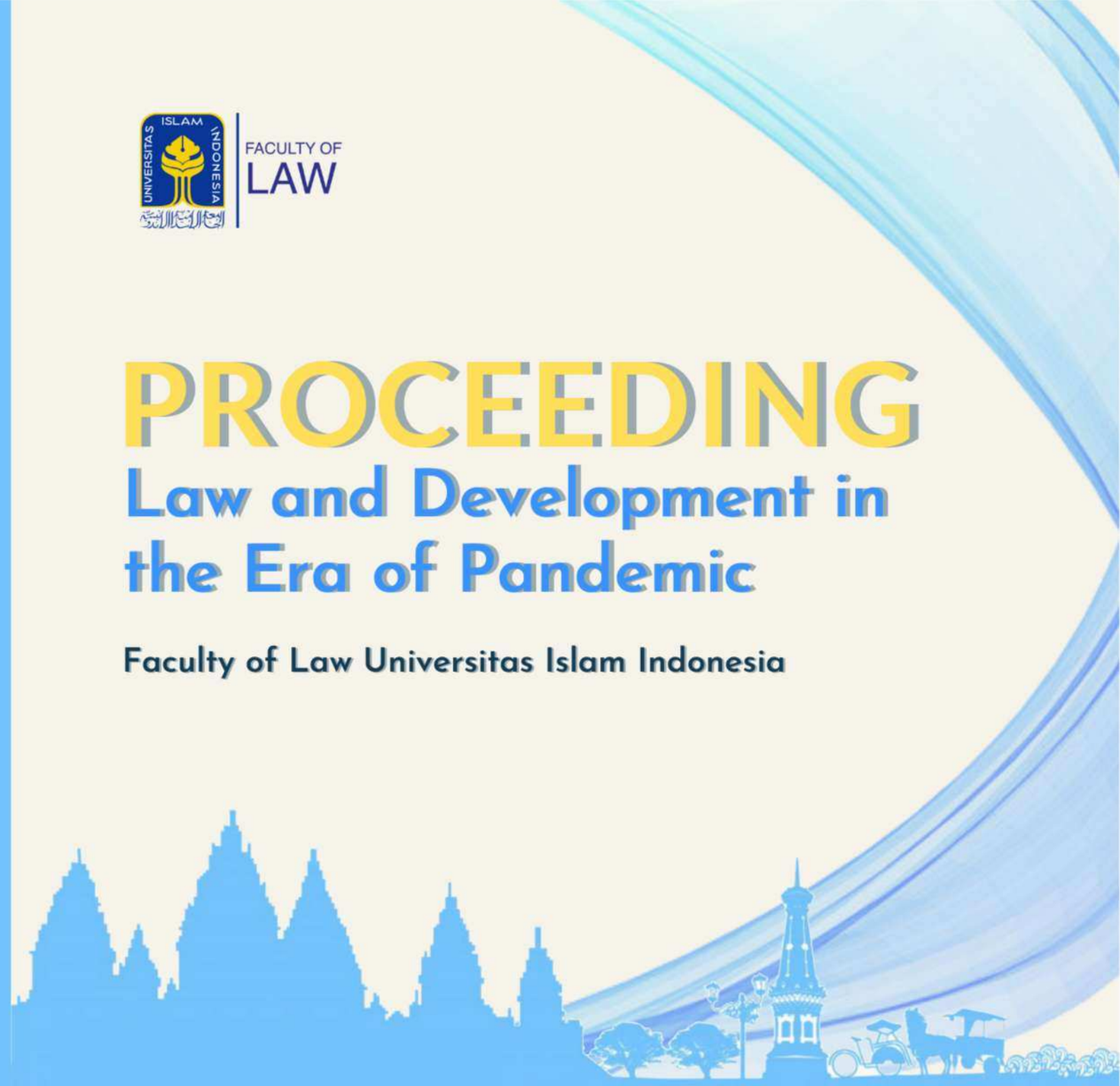
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Law and Development in the Era of Pandemic

Faculty of Law Universitas Islam Indonesia



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Foreword

Assalamualaikum, wr., wb.,

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Wassalamualaikum wr. wb.

Editor in Chief,

Dodik Setiawan Nur Heriyanto, S.H., M.H., L.LM., Ph.D.

Analysis of Conventional Mortgage Regulations and Electronically Integrated Mortgage Rights (eMortgage) for Land Deed Officers (PPAT), Mortgagees, and Land Offices in Klaten Regency

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Abstract

This study aims to examine and analyze the mechanism for implementing conventional Mortgage Rights based on UUHT and eMortgage based on the eMortgage Ministerial Regulation, the compliance of eMortgage implementation with applicable legal norms and obstacles to implementing the eMortgage system for Land Deed Officers (PPAT), Mortgagees and land offices in Klaten Regency, Indonesia. The research was conducted using an empirical juridical approach and a statute approach. Data were collected through interview and literature review, and were analyzed using a qualitative descriptive method. It was revealed that the conventional implementation mechanism of Mortgage constitute of encumbrance and registration, while the mechanism of eMortgage implementation covers preparation and registration. As seen from the legal norms of eMortgage, the implementation of eMortgage has complied with legal norms of orders and dispensations, has not been violated legal norms of prohibition, and is not listed in legal norms of permits. Some obstacles to implementing the eMortgage system for PPAT, Mortgagees and the Klaten Regency Land Office are the frequent errors in the eMortgage system, PPAT errors in uploading documents, unclear arrangements regarding the second sheet of APHT (Land Mortgage Deed) submitted to the land office or Mortgagee, abrupt payment period for eMortgage registration for the Mortgagee, especially during national holidays, and problematic land data validation. Thus, PPAT, Mortgagees, and the land office are required to work carefully in implementing the eMortgage system based on their respective duties.

Keywords*: Mortgage Right, eMortgage, PPAT, Mortgagee*

Abstrak

Penelitian ini bertujuan untuk mengkaji dan menganalisis mekanisme pelaksanaan Hak Tanggungan secara konvensional berdasarkan UUHT dan HT-el berdasarkan Permen HT-el, kesesuaian pelaksanaan HT-el dengan norma hukum yang berlaku serta kendala pelaksanaan sistem HT-el bagi PPAT, kreditur dan kantor pertanahan di Kabupaten Klaten. Metode penelitian menggunakan yuridis empiris dengan pendekatan perundang-undangan (*statute approach*). Analisis data dilakukan menggunakan metode deskriptif kualitatif. Teknik pengumpulan data dilakukan melalui wawancara dan studi pustaka. Hasil penelitian menunjukkan mekanisme pelaksanaan Hak Tanggungan secara konvensional meliputi: pembebanan dan pendaftaran, sedangkan mekanisme pelaksanaan HT-el meliputi: persiapan dan pendaftaran. Pelaksanaan HT-el terhadap norma hukum HT-

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el telah sesuai terhadap norma hukum perintah dan dispensasi, belum sesuai terhadap norma hukum larangan dan tidak ditemukan pada norma hukum izin. Kendala pelaksanaan sistem HT-el bagi PPAT, kreditur dan Kantor Pertanahan Kabupaten Klaten sebagai berikut: sering kali terdapat *error* pada sistem HT-el, kesalahan PPAT dalam mengunggah dokumen, ketidakjelasan pengaturan mengenai lembar kedua APHT diserahkan kepada kantor pertanahan atau kreditur, jangka waktu pembayaran untuk pendaftaran HT-el dirasa terlalu singkat oleh pihak kreditur terutama jika jatuh di tanggal merah kalender, dan validasi data pertanahan masih bermasalah. Diperlukan sikap kehati-hatian dan ketelitian bagi PPAT, kreditur dan kantor pertanahan dalam pelaksanaan sistem HT-el berdasarkan tupoksi masing-masing.

Kata kunci: Hak Tanggungan, HT-el, PPAT, Kreditur

1. INTRODUCTION

To realize the ideals of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) as a public service institution to constantly improve land services[1], and to implement the strategic goal of the Ministry of ATR/BPN in 2020-2024, the government needs to create a modern land office that provides land products, services and information centers for land and spatial planning electronically.[2] As a way to implementat the strategic goal of digital transformation which has been started in 2020 (see Figure 1), the Ministry of ATR/BPN has launched a modernization and digitalization program for electronically integrated land services.[3] The service is provided in the eMortgage system, which serves as a series of Mortgage service processes of maintaining land registration data through an integrated electronic system.[4]

All eMortgage system services are part of the implementation of Ministerial Regulation of ATR/BPN Number 9 of 2019 concerning Electronic Integrated Mortgage Services, which was later replaced by Minister of ATR/BPN Regulation Number 5 of 2020 concerning Electronically Integrated Mortgage Services, hereinafter referred to as eMortgage Regulation. Since the enactment of the eMortgage Ministerial Regulation, land offices in Indonesia have been officially implementing eMortgage services simultaneously. Within a period of one year (from 2020 to 2021), the Ministry of ATR/BPN has been able to ensure the compliance of the eMortgage policy implementation with the standard procedures or mechanisms stipulated in the eMortgage Ministerial Regulation. This is done as an effort to achieve valid and credible digital public services.

---

[1] Hardiansyah, 'Penataan Data Pertanahan Digital Terintegrasi' *(Thesis on the D-IV,* Sekolah Tinggi Pertanahan Nasional 2020)

[2] Kementrian Agraria dan Tata Ruang, *Sosialisasi dan Evaluasi Aplikasi Sistem Informasi Pertanahan Tahap 1 Kementerian ATR/BPN* (White Paper, 2020)

[3] Institut Teknologi Bandung, *Visi Era Digital Sistem Pertanahan di Indonesia,* (White Paper, 2020)

[4] IGA Gangga Santi Dewi & Mira Novana,"Kebijakan Penjaminan Tanah Melalui Hak Tanggungan di Indonesia (Studi Penjaminan Hak Tanggungan Elektronik di Kabupaten Badung Provinsi Bali)", *Jurnal Law, Development & Justice Review (*2020) PL 58.

On this basis, Article 10 paragraph (3) UUHT stipulates:

"If mortgages object is in form of land rights originating from the conversion of the old rights that have fulfilled requirements for registration, but registration has not yet been made, the granting of entitlements is carried out together with applicant for registration of the relevant land rights."

The eMortgage system has not accommodated this article since it prevents uploading files with unregistered or uncertified land rights. The eMortgage should reflect conformity between the implementation of the conventional Mortgage regulations based on UUHT and eMortgage based on the Ministerial Regulation of eMortgage. In addition, the implementation of the eMortgage system should also describe the conformity between the implementation at the land office and legal norms based on applicable regulations.

On the basis of the abovementioned, the author formulates the following main problems: the differences in the mechanism for implementing conventional Mortgage Rights based on UUHT and eMortgage based on the eMortgage Ministerial Regulation result in differences in implementation practice; eMortgage implementation should be in accordance with applicable legal norms; and the obstacles experienced by PPAT, Mortgagees and the Klaten Regency Land Office in eMortgage implementation shall provide an input for the government to constantly improve the eMortgage system.

2. RESEARCH METHODE

The research was conducted using empirical juridical method with qualitative descriptive data analysis. Data were collected through interviews and literature review. The statute approach was carried out by way of examining all relevant laws and regulations related to the legal issues understudy. The research examined and compared the arrangement of conventional Mortgage based on UUHT and that of eMortgage based on the eMortgage Ministerial Regulation, the conformity between eMortgage implementation and eMortgage legal norms, as well as obstacles in the implementation of eMortgage. The research studied UUHT and eMortgage Ministerial Regulation as the research object, and involved PPAT domiciled in Klaten Regency, Mortgagees (BNI Bank of Klaten Branch Office and BRI Bank of Klaten Branch Office) and the Klaten Regency Land Office as the research subjects.

3. DISCUSSION AND ANALYSIS

1. Implementation Mechanisms of Conventional and eMortgage

a. The implementation mechanism for conventional Mortgage based on UUHT covers the following points: 1) Conventional Mortgage assignment based on UUHT must include a clear description of the special requirements made before the PPAT in the form of: the name and identity of both the mortgagor and the mortgagee and a clear designation of the guaranteed loan. This stage is carried out in order to fulfill the principle of speciality in accordance with Article 11 paragraph (1) UUHT; 2) The registration stage at the Land Office is an absolute requirement for the issuance of Mortgage Rights and binding Mortgage Rights to third parties. This registration stage complies with the mandate of UUHT Article paragraph (1) and fulfills the principle of publicity.

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b. The implementation mechanism for eMortgage based on the eMortgage Ministerial Regulation covers the following points: 1) The preparation stage in the form of: land data validation by the Land Office, registration of user accounts by PPAT, Mortgagees and the Land Office, and registration of TTE by the Land Office; 2) eMortgage registration stage at the Land Office in the form of: file submission by PPAT, receipt of files by the system, payment of PNBP related to eMortgage, confirmation of files by the system, eMortgage data recording, certificate signing, and issuance of eMortgage certificates by the system.

Table 1. Comparative Analysis of the Implementation of Conventional Mortgage and eMortgage

Difference	**Conventional Mortgage Rights Based on UUHT**	**eMortgage Based on the Regulation of the Minister of ATR/BPN**	
		Number 9 of 2019	**Number 5 of 2020**
Technical Instructions	No technical instructions for implementation are provided.	No technical instructions are provided.	Technical Instructions are stipulated in Number 2/Juknis 400.HR.02/IV/2020.
Certificate	Certificate book is provided by the Ministry of ATR/BPN.	Certificate is printed by Mortgagees (no detailed explanation is provided).	A certificate of eMortgage is sent to the Mortgagee's email, and printed by the Mortgagee (contained in Tehnical Instruction).
Land Book Notes	Mortgage registration is carried out by the Land Office manually, using either handwriting or typewriting.	Registration of Mortgage on Certificates is carried out by Mortgagees by printing notes issued by the eMortgage System (detail explaination is not provided).	The note is sent to the Mortgagee's email and printed by the Mortgagee using plain white sticker paper (written in the Technical Guidelines).
Date Count	Explanation is not provided.	The definition of "date" is not provided in implementation calculation.	Article 1 paragraph (17) explains that "date" refers to a calendar date.
Scope of Regulation	-	There is a delay in service and data validation (Article 2)	Changed to denial/cancellation of service and preparation for implementation (Article 2)
Parties involved	Mortgagees, PPAT, Land Office (explaination is not provided).	Article 4 is organized by the Land Office (no explanation is provided regarding the components of eMortgage service providers).	Article 5 paragraph (1) explains in detail the components of eMortgage service delivery and their authorities.
Service Type	Mortgage registration and transfer, Mortgagee name change, Mortgage deletion (roya)	Article 6 is on types of services: Mortgage registration, transfer of Mortgage, change of Mortgagee name, deletion of Mortgage.	Article 6 paragraph (1) explains that types of services are added with data correction.

Mortgagee	It is stipulated in accordance with the laws and regulations.	It is for a registered user.	It is stipulated in accordance with the laws and regulations (Article 7).
Mortgager	It is stipulated in accordance with the laws and regulations.	Article 9 paragraph (5) refers to the same Mortgager listed as the owner of the certificate of Land Rights.	The Mortgager no longer has to match the name of certificate owner.
PPAT	PPAT is obliged to send APHT (Land Mortgage Deed) and other documents by direct submission to the Land Office.	Article 10 stipulates that PPAT only submits APHT (Land Mortgage Deed) through the eMortgage system.	Article 9 has clearly explained the main functions of PPAT and Mortgagees in eMortgage.
File Completion Date	The explanation is not provided.	This Ministerial Regulation has not set the file completion date.	Article 13 stipulates that Mortgagee must submit all completed requirements no later than 5 (fifth) days after the eMortgage system receives the application.
File inspection Date	The explanation is not provided.	Article 15 paragraph (3) does not stipulate file inspection date.	Article 14 stipulates that file inspection date is until the 7th (seventh) day.
Explanation of Mortgage Certificate Number	Changes are recorded manually in the Land Book and Mortgage Certificate records.	Article 16 only describes the eMortgage certificate resulting from the Mortgage transfer service, name change of Mortgagee or partial Mortgage deletion of the same number.	Article 17 has clearly stipulated this, added with the second Mortgage registration and a new number, while the full roya is specially signed to indicate that the eMortgage certificate is not valid.
Service Delay	It is done manually by contacting the applicant.	Article 23 stipulates that in the case of a block or confiscation of the Mortgage certificate to be paired, the service provision will be delayed. If the delay lasts more than 7 (seven) days, the service will be automatically canceled.	Article 24 stipulates that the service can be immediately rejected or canceled automatically.
Implementation Preparation	No preparation is described.	Article 26 only explains data validation,	Article 28 stipulates data validation until changes in electronic BT are made. Article 29 is on account registration by Civil Servants. Article 30 is on registration of electronic signatures.

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		Article 31 is on monitoring and evaluation. Article 32 is on technical guidelines (has yet to be published at the time of the research).

Source: Author's data processing 2021

2. Implementation Conformity between Conventional Mortgage Based on UUHT and eMortgage System Based on eMortgage Ministerial Regulation against Applicable Legal Norms

Table 5. Analysis of the Implementation Conformity between the eMortgage System and the Legal Norms of eMortgage for PPAT, Banks, and Land Offices

Implementation Conformity between the eMortgage System and eMortgage Legal Norms for PPAT, Banks and the Klaten Regency Land Office (Minister of ATR/BPN Regulation Number 9 of 2019 in conjunction with Minister of ATR/BPN Regulation Number 5 of 2020)					
Bank	**Compliance Analysis between Implementation and Legal Norms**	**PPAT**	**Compliance Analysis between Implementation and Legal Norms**	**Land Office**	**Compliance Analysis between Implementation and Legal Norms**
Rules/norms of behavior that contain orders (Regarding activities that must be done)					
Electronic submissio of file application (non-face-to-face) through the eMortgage application system	Appropriate	Uploading data and deeds through the eMortgage application system	Appropriate	Receiving proof of payment for eMortgage services, downloading data sent by service users	Appropriate
Payment of the PNBP registration fee to receive a copy of the deed and land certificate from PPAT	Appropriate	Submit a copy of the deed & land certificate to the Bank (through face to face)	Appropriate	Checking the completeness of documents and their authenticity, verifying and validating files according to the data on the Land of Ministry of Marine and Fisheries (KKP)	Appropriate
Waiting and monitoring the progress of eMortgage service through the eMortgage application system	Appropriate	Uploading the required clear and legible documents (not smudged), and the legal stamps/ affixed seal in colored sheets	Appropriate	The provision of eMortgage service through the eMortgage system	Appropriate

Waiting and monitoring the progress of eMortgage service through the eMortgage application system	Appropriate	-	-	Signing eMortgage electronically, completing eMortgage requirements on eMortgage application system	Appropriate
Waiting and monitoring the progress of eMortgage service through the eMortgage application system	Appropriate	-	-	Automatically sending eMortgage certificates to Mortgagees via email	Appropriate
Receiving electronic Mortgage certificates directly via email and the eMortgage application system (without going through the PPAT)	Appropriate	-	-	The automation certificate is sent on the 7th (seventh) day directly via email and the eMortgage application system.	Appropriate
The certificate is automatically received on the 7th (seventh) day directly (without going through the PPAT).	Appropriate	-	-	-	-
Printing and affixing registration notes to the relevant HAT certificate	Appropriate	-	-	-	-

Rules/norms of conducts containing prohibitions (Regarding prohibitory activities)

Prohibition regarding false submission of certificate data by the Bank to PPAT for the application of APHT (Land Mortgage Deed)	Inappropriate (An error is found in the submission of the certificate to PPAT (certificate error)	Prohibition of registering APHT (Land Mortgage Deed) without prior checking or examining certificates at the land office	Inappropriate (Some PPAT parties still upload the required documents without prior checking the certificate)	Prohibition of receiving eMortgage requirements documents that are blurry, unstamped/affixed seal or printed in black and white	Appropriate (the land office does not accept blurry files, unstamped/affixed seal and printed in black and white)
Prohibition regarding false in the appointment of land objects to be applied for the deed	Inappropriate (An error is found in the appointment	Prohibition of uploading currently blocked or confiscated certificates, and	Inappropriate (Some certificates are not clearly and	Prohibition of validating land data at random (incorrect)	Appropriate (the land office validates the land documents

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by PPAT and in attaching Mortgage Rights (Wrong location of land)	of land objects by the Bank)	those land objects with dispute or conflicts	cleanly registered in the system).		correctly and that the certificate is valid)
-	-	Prohibition of uploading photocopies of certificates and other requirements in an blurry manner, without being stamped/affixed seal, or in black and white form	Inappropriate (Some certificates are blurry, unstamped and uploaded in black-and-white mode).	Prohibition of leaving files for more than 7 (seven) calendar dates without prior checking will be considered as approval from the authorized officials and eads to the issuance of certificates.	Inappropriate (Some files pass without prior checking for more than 7 (seven) calendar dates)
-	-	Prohibition of data correction after submission for more than five calendar dates on the eMortgage system	Inappropriate (Some PPATs submitted data correction past the due of five calendar dates)	-	-
Rules/norms of conduct containing permission (Regarding exceptions to certain prohibitions)					
-	-	-	-	-	-
Rules/norms of conduct containing dispensations (Regarding exceptions to certain orders)					
-	-	Uploading a black-and-white and blurry (unclear) scanned certificate document, especially for certificate issued in the past decades (prior to 1997)	Appropriate (Some PPAT uploaded certificates issued in the past decades, even though they are blurry and printed in black and white)	Some blurry (unclear) certificates and printed in black and white are received and re-examined based on the Land Book since these certificates were issued in the past decades (prior to 1997)	Appropriate (Certificates issued in the past decades, even though blurry and printed in black and white are still accepted)

Source: Author's primary data 2021

4. CONSTRAINTS TO THE IMPLEMENTATION OF THE EMORTGAGE SYSTEM FOR SYSTEM USERS

In dealing with eMortgage system, most of PPAT experience the following obstacles: a) Occasional errors in the eMortgage system; b) A discrepancy between the eMortgage system, the land KKP system, and the dukcapil (Department of Population and Civil Registration) system; c) Some bugs in eMortgage services (errors on system devices); d) Lack of option to enter the rank order of Mortgage in the eMortgage application and to enter more than one certificate for one Mortgage application on the

eMortgage; e) Insuffcient time for correcting the eMortgage file given the short period of time between the registration of the Mortgage Rights and the issuance of the certificate; f) Suspension of files on holidays that results in extra work for eMortgage admins, and PPAT; g) Unclear rule regarding where to submit the second sheet of APHT, be it to the land office or Mortgagee.

On the other hand, the Mortgagees mainly have to deal with the following difficulties in the implementation of eMortgage:[5] a) The short payment period for eMortgage registration (only three days); b) Limited operator and supervisor accounts in the eMortgage application system; c) Limited registration of Mortgage through the eMortgage System (limited to only ten Mortgages per day for one bank account); d) Difficulties in obtaining information related to branch code of bank accounts.

Finally, the Klaten Regency Land Office as the implementer of the eMortgage system mostly have to deal with the following obstacles:[6] a) Invalidated land data for voluminous land objects (lack of integration between textual data and spatial data); b) Time-consuming additional tasks for the eMortgage admin since several PPAT do not check the certificate before making the APHT or uploade the photocopy of the old certificate before the record is made; 3) Lack of menu in the eMortgage application for checking certificates and seeing ratings on certificates; 4) Unmatched certificates and frequent overlap with the records in the land book during the validation (even though the certificates have been validated); 5) System error when sending SPS from bank operator to supervisor; 6) Low level of knowledge of some service users (PPAT and banks) related to eMortgage; 7) Lack of menu in the eMortgage application system to view notes on certificates and the form of land objects; 9) Data incompleteness since some PPATs do not enter data in accordance with the previously revised APHT; 10) Inconsistent upload of the required documents by PPAT, which can result in administrative defects, and leads to the invalid eMortgage Certificate; 11) Disconnected or interrupted internet connection during the document upload by PPAT, which results in corrupt files and prevent the land office officer to download the documents.

5. CONCLUSION

The study concludes that the conventional implementation mechanism of Mortgage based on UUHT was carried out by way of: (1) Imposing Mortgage; 2) The registration stage is at the Land Office. Meanwhile, the mechanism for implementing eMortgage is based on the following eMortgage Ministerial Regulation: 1) Preparation stage, 2) eMortgage registration stage at the Land Office; 3) issuance of eMortgage certificate.

Implementation of eMortgage against eMortgage legal rules/norms (Minister of ATR/BPN Regulation Number 9 of 2019 in conjunction with Minister of ATR/BPN Regulation Number 5 of 2020) at the Klaten Regency Land Office is as follows: (1) The code of conducts containing orders reveals that: the implementation of eMortgage has complied with the applicable legal norms. (2) The code of conduct containing prohibitions reveals that: the implementation of eMortgage is not in accordance with the applicable norms. (c) The code of conduct containing permits reveals that:

[5] Interview with Mrs. Nurul, Legal Officer at Bank BNI Branch of Klaten Office, (Klaten, Indonesia, 1 August 2021)
[6] Interview with Mr. Chrisna, S.H., Functional Officer of the Rights Determination and Registration Section, (Klaten, Indonesia, 27 July 2021)

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there is no eMortgage implementation in this category. (d) The code of conduct containing the dispensation reveals that: the implementation of eMortgage has complied with the applicable legal norms. The factual constraints faced by many users in the implementation of the eMortgage system are also experienced by PPAT, Mortgagees, and the defense office. Thus, to keep up with the current demand, it is suggested to develop the eMortgage system according to user needs by taking the following measurements: a) Adding the features for selecting the order of Mortgage rank; b) Adding more than one certificate input features for one Mortgage application; c) Limiting the arrangements for suspension of eMortgage files to working days only; d) Adding Mortgagee accounts with high employment levels; e) Adding the option to view notes on the certificate and, if possible, to have a clear view of the land object; f) Adding an algorithm to the system in order to automatically reject and accept the conformity in uploading required documents; g) Improvement of the eMortgage application system in terms of integration of the Land KKP system and the dukcapil system; Implementation of eMortgage by the land office in order to pay attention to standard eMortgage procedures based on the Ministerial Regulation of eMortgage and Technical Instructions Number: 2/Juknis-400.HR.02/IV/2020 to reach the expected implementation and to achieve maximum output.

REFERENCES

Hardiansyah, 'Penataan Data Pertanahan Digital Terintegrasi' *(Thesis on the D-IV,* Sekolah Tinggi Pertanahan Nasional 2020)

Interview with Mrs. Nurul, Legal Officer at Bank BNI Branch of Klaten Office, (Klaten, Indonesia, 1 August 2021)

Interview with Mr. Chrisna, S.H., Functional Officer of the Rights Determination and Registration Section, (Klaten, Indonesia, 27 July 2021)

Institut Teknologi Bandung, *Visi Era Digital Sistem Pertanahan di Indonesia,* (White Paper, 2020)

IGA Gangga Santi Dewi & Mira Novana, "Kebijakan Penjaminan Tanah Melalui Hak Tanggungan di Indonesia (Studi Penjaminan Hak Tanggungan Elektronik di Kabupaten Badung Provinsi Bali)", *Jurnal Law, Development & Justice Review (*2020)

Kementrian Agraria dan Tata Ruang, *Sosialisasi dan Evaluasi Aplikasi Sistem Informasi Pertanahan Tahap I Kementerian ATR/BPN* (White Paper, 2020)