

Legal Problems of Land Services Online

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Abstract

The problem of online land services by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has several legal problems related to the nature of land registration to ensure legal certainty as its main substance. The problem to be discussed is regarding the online land service policy implemented by the National Land Agency with various obstacles and legal problems that arise against the policy. The research method used is normative legal research. The results showed that in terms of online land services, for the first time registration activities, especially in physical land measurement services, it could not be carried out online so that the substance of online land service policies could not be fully implemented. The lack of public knowledge about technology makes it difficult to access land services online, which becomes a separate obstacle in implementing online land service policies.

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A. Introduction

Responding to the integration challenge as instructed in Presidential Regulation Number 95 of 2018 concerning the Electronic-Based Government System (SPBE), basically the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) has started implementing communication and information technology centrally since 1997 through the Land Office Computerization (LOC) project. At the end of the CIMSA contract period in 2009, LOC had been implemented in 325 offices spread throughout the Republic of Indonesia with details: 1 at the Head Office, 27 Provincial BPN Regional Offices and 297 Land Offices (CIMSA in Mustofa, 2015). Along with the implementation of the LOC, the Standing Alone System (SAS) application was built as a simple form of LOC intended for the Land Office which has a small volume of work. Then in 2009 the LOC and SAS applications evolved into the Computerized Land Office (KKP), which until 2015 had been implemented in 430 offices throughout Indonesia. The KKP maturation process went through the initial implementation phase (KKP Desktop), adding geo-referenced features (Geo-KKP) and finally a web-based application (KKP-Web).¹

Land registration in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) as referred to in paragraph (1) and paragraph (2) Article 19. First, guaranteeing legal certainty by the government regarding land registration throughout the territory of the Unitary State. the Republic of Indonesia in accordance with the provisions stipulated in government regulations; Second, land registration in this article includes the process of measuring, mapping and registering land, registering land ownership rights and transferring these rights, providing proof of rights, which is legal and strong evidence.

Through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2017 concerning Electronic Land Information Services, land information services can be accessed electronically/online. This online information service can make it easier for PPAT and the public to check certificates in full through a web application without the need to visit the Land Office, so that PPAT and the community can work more effectively and efficiently. However, until now, electronic land information services cannot be

¹ Mustofa in Septina Marryanti Prihatin, et al., *Penelitian Kesiapan Data Pertanahan Menuju Pelayanan Online*, Jakarta: Pusat Penelitian dan Pengembangan Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, (2019), p.3.

enjoyed throughout the country.² These services include the transition of services that were previously conventional (manual) to online services for several services such as registration and deletion of mortgages, as well as checking of certificates and issuance of land certificates.

The application and service process is carried out online through the Online Counter Service Application or the Land Office service center email, but other services that require field verification or require direct interaction between the applicant and Land Office officials will be limited or terminated according to field conditions. Several problems regarding the implications of this online land service letter, including; first, physical documents and field verification services. On the one hand, the online service policy requires that several land services be carried out electronically, but on the other hand there is also a policy that still requires the submission of physical documents directly to the counter officer at the Land Office. The online service policy is considered ineffective in terms of handling services that require direct verification, such as land parcel measurement services in the first land registration activities, extension or renewal of certificates and separation, splitting or merging of land certificates.

Based on the description above, it is considered important to analyze the legal problems of this online land service. The research method used is legal research as a process to provide solutions to existing legal issues by leading to normative juridical methods.³ In essence, normative juridical law research uses library research using various written literature, and the data sources used in this research include primary legal materials, secondary legal materials and tertiary materials.⁴ This legal material will also serve as an interesting literature review and evaluate a variety of different sources including academic articles, and professional journals, books, and web-based resources.⁵

The procedure used to collect data in this study is in the form of documentation, namely: guidelines used in the form of notes or quotes, searching legal literature, books and others related to identification of problems in this research offline and online.⁶ Analysis of legal materials is carried out using the content analysis method (content analysis method) which is carried out by explaining the material on legal events or legal products in detail in order to facilitate interpretation in the discussion,⁷ through a statutory approach, namely formulating a legal definition based on legal principles from the results of a study of laws and regulations by looking at various opinions of experts and writers related to the issues discussed.⁸

B. Discussion

The essence of land is very meaningful for human life, especially the people of Indonesia. This is because the development carried out by the government always faces obstacles in providing land. The land needed for each activity is carried out by most of the Indonesian people, while the amount remains or does not increase, because the available land is no longer able to meet the increasing needs and especially the need for land to build housing as a place to live, farm and build public facilities.

Land registration is a series of activities carried out by the government on a regular and continuous basis, including the collection and processing of books and presentation and maintenance of actual data and juridical data in the form of maps and lists of land areas and housing units, including submission of

² *Ibid.*, p.5.

³ Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group, (2005), p. 35.

⁴ Rahmat Ramadhani, "Analisis Yuridis Penguasaan Tanah Garapan Eks Hak Guna Usaha PT. Perkebunan Nusantara II Oleh Para Penggarap", Seminar Nasional Teknologi Edukasi Sosial dan Humaniora 1, No. 1, (2021): p. 859.

⁵ Rahmat Ramadhani, "Legalisasi Aset Tanah Dan Asupan Modal Usaha Menengah Kecil Masyarakat", Seminar Nasional Kewirausahaan, 2, No. 1, (2021): p. 280.

⁶ Rahmat Ramadhani, "Peran Serta Masyarakat dalam Pemberantasan Mafia Tanah Pasca Pandemic Covid-19", Seminar Nasional Hukum, Sosial dan Ekonomi (SANKSI), 1, No. 1, (2022): p. 3.

⁷ Rahmat Ramadhani & Ummi Salamah Lubis, "The Function of the Delimitation Contradictory Principle in the Settlement of Land Plot Boundary Disputes", IJRS: International Journal Reglement & Society 2, No. 3, (2021): p. 138.

⁸ Rahmat Ramadhani, "Legal Protection For Land Rights Holders Who Are Victims Of The Land Mafia", IJRS: International Journal Reglement & Society 2, No. 2, (2021): p. 89.

proof of rights. Apartment ownership and some guaranteed rights.⁹ The definition of land registration has many interpretations, the goal must remain the same, namely to issue land rights certificates.¹⁰

Based on the Regulation of the Minister of ATR/BPN Number 5 of 2017, basically Electronic Land Information Service is the process of providing information electronically including confirmation of the suitability of physical data and juridical data on Land Rights Certificates and other information in the database. In this regard, the information service is not only in the form of textual information, but includes other related documents.¹¹ This causes online services to be seen as not providing solutions and potentially creating new obstacles. Especially in land registration that requires high accuracy, the use of information technology is very relevant in accelerating the accurate land registration process.¹² Then, if it meets the requirements, the service process will be carried out, but still after the physical data is received. From receiving requests physically to rather strict health protocols. If the physical documents are complete, the employee then sends document receipts and filing letters via email to the applicant.

In the current era, efforts must be made by the rule of law to achieve legal certainty that leads to the development of written positive law. In Indonesia, the influence of legal teachings plays a very important role in setting legal standards. The form of positive law, written, occupies a major position in the system of legislation in Indonesia, so that legal certainty is an essential component of law. Legal certainty is seen if the source is positive law. When preparing laws and regulations, it is not allowed to use unclear words. Thus it can be translated into various legal needs. This can happen because the system is not good, language is not straight, and others that can lead to varied interpretations.

Clarity of language and not causing multiple interpretations is the main component in finding legal certainty. The following developments in land administration policies lead to the simplification of the land registration system which can speed up the land registration process. The simplified registration system also includes recording various types of land transactions including transfer of ownership status, reasons for sale, inheritance, lease or other transactions that are expected to be more intense in the future. The structure of land costs can be accessed by the community but can still maintain the continuity of the registration system as it should be. Thus, it is hoped that the acceleration of land registration or registration can be achieved. Another important point about the basic data regarding the soil. Database system refers to a system of collection, preparation, and recording (registration), with the exception of using a computer as an automated process with the aim of providing information at any time for various purposes.

One of ATR/BPN's efforts to improve the task of Land Services by utilizing advances in information technology is the Construction of Buildings and Computerization of the Land Office (KKP) because the Land Office is the main base in service activities. In addition, a web-based service model is being developed with Larasita development. With this service, it is hoped that land services can reach all levels of society, especially those with less public access to the land office. The network is expected to be able to build and develop computerized land offices in all land offices in the territory of the Republic of Indonesia, and can continue to improve the construction and development of Larasita. Thus, land services can be achieved in a quality, transparent, participatory and accountable manner. Through the application of the various ranking tables, BPN is expected to be able to confront the nation in realizing the nation's ideals of making land and land for the greatest prosperity of the people, as well as justice and the sustainability of the social and national system of the Republic of Indonesia.¹³

In Aristotle's theory of justice, justice will happen to a person given what is worrying. It is said that the person did not apply the fair prejudice that the man took more than he should. And people who ignore the law are also people who are unjust, because everything that is based on the law can be

⁹ Kacung Efendi, "Pelayanan Sertipikat Hak Atas Tanah Di Kantor Pertanahan Kabupaten Tuban (Studi Peningkatan Kinerja Pelayanan Sertipikat Hak Atas Tanah Melalui Proyek Operasi Nasional Agraria (Prona) Di Kantor Pertanahan Kabupaten Tuban)", *Jurnal Penelitian Administrasi Publik* 1, No. 2 (2015).

¹⁰ Rahmat Ramadhani, "Korelasi Hukum Antara Pengaturan Zonasi Wilayah Dengan Pendaftaran Hak Milik Atas Tanah Di Kota Medan", *Jurnal EduTech* 4, No.2 (2018), p.20-29.

¹¹ Septina Marryanti Prihatin, et al., *Op.Cit.*, p.14

¹² Darwin Ginting, "Land Registration In Information Technology Perspective A Basis Of Basic Agrarian Law In Indonesia", *International Journal Of Scientific & Technology Research*, 5 (5), (2016), p.186

¹³ *Ibid.*, p.133.

considered just. Thus, justice is given to both parties according to what is their right, namely proportionally and does not violate the law.¹⁴

Land administration in Indonesia is the constitutional basis and is the direction of land administration policies regulated in Article 33 paragraph (3) of the Constitution and has been regulated in the UUPA which contains the National Land Policy which is the basis for the administration of land in Indonesia, including the status of evidence. land ownership in the form of land certificates.

In the administration and management of land, especially those relating to the administration of control and rights to land (land control and land rights), land registration institutions are required to provide legal certainty between the holder of the right to land, the right to transfer land rights, the right to accountability for land and transfer of land rights. rights of dependents. Land registration is a source of information for decision making in the administration of land, both in terms of controlling and using land and its utilization. Article 19 of Law Number 5 of 1960 states that the land is registered to guarantee legal certainty. Government Regulation of the Republic of Indonesia Number 24 of 1997 concerning Land Registration is regulated at a later stage. According to Government Regulation No. 24/1997, Article 32 states that a certificate is a proof of obligation to file rights as strong evidence of actual and legal data that contains all actual data and juridical data in accordance with the data in the size of the book land certificate. Related rights.

The arrangements in the field are not yet clear, but a legal certificate has been issued in the name of the person or legal entity who obtained the land in good faith in secret, then other parties in the field feel it and the application does not return the exercise of the right if within 5 years from the issuance of the certificate it is not file a written objection. To the certificate holder and the head of the land office concerned, or not to file a lawsuit with the court regarding land acquisition or the issuance of the certificate. The factors that influence the quality of service under study based on Christiadi's opinion are: regulatory factors, device factors, and system factors. The factor service system in question is an interrelated unit in accordance with a plan that aims to transfer organizational tasks to achieve departmental goals. The service system indicators used in this study are: availability of extension services, clarity of service conditions, availability of timely information, costs and procedures, and availability of media books or manuals, integrated information.¹⁵

Physical data in the form of descriptions related to the location, boundaries and area of parcels and flats included in the list, as well as information on the legal status of parcels and flats that are included in the list, voting rights and other parties, as well as other burdens placed on them. The government carries out land registration in modern society from state duties, which are carried out for the benefit of the people in order to provide legal certainty in the land sector. The government agency that has land registration is the Land Registration Agency, while the implementation is carried out by the head of the city or district land office. The word "ordinary" means that all activities must be based on statutory regulations because the results will be evidence based on the law. The proof is not always the same as the laws of countries that regulate land registration.

Soedikno Martokusumo, stated that in land registration there are 2 types of principles, namely: the specialty principle that land registration is carried out on the basis of statutory regulations, especially those concerning technical matters, measuring, mapping and recording transitions. Therefore, in the implementation of land registration, it is possible to provide legal certainty over land rights which provide actual data from the land boundary planning area, the *openbaarheid* principle, this principle provides legal information on the issue of rights, what are the names of land ownership rights, and how the transfer and allocation are made. occur. This type of data is open to the public, and this means that anyone can see it. On the basis of this principle, everyone has the right to determine juridical data regarding the transfer of land rights and obligations to land rights at the National Land Agency, including filing objections before issuing certificates, certificates for replacing lost or damaged certificates.

Article 2 of Government Regulation Number 24 of 1997 concerning Land Registration in essence stipulates that land registration is carried out on the basis of several principles, for example the simple principle, meaning that the basic provisions and procedures are easily understood by the parties involved at the beginning, namely the owners of rights. over the ground. Shows that land registration must be

¹⁴ Dardji Darmodihardjo & Sidarta, *Pokok-Pokok Filasafat Hukum*, Jakarta: Gramedia Pustaka Utama Jakarta, (2004), p.167.

¹⁵ Fitriya & Bening Hadilinatih, "Faktor-Faktor Yang Mempengaruhi Kualitas Pelayanan Pembuatan Sertifikat Tanah Pada Kantor Badan Pertanahan Nasional Kabupaten Sumenep", *Jurnal Enersia Publika* 2, No. 1, (2018), p.13-28.

carried out properly and carefully so that the results can provide legal certainty in accordance with the objectives of the land registration itself, and the fair principle aims to provide affordability for those in need, especially by taking into account the needs and capabilities of vulnerable communities. economy. The services provided in the context of carrying out land registration must be accessible to the parties. The principle underlying this principle means the completion of adequate implementation and continuity in data preservation. Available data should indicate circumstances unique to the circumstances that follow the liability records and record changes that occur in the future.

This principle requires that it must be prepared in accordance with land registration data continuously and continuously, so that the data stored at the Land Office is always in accordance with the real conditions in the field, the open principle. PP No. 24 of 1997, which has the main objective to provide legal certainty to land rights holders and to ensure that the administrative system in land areas must be improved. Regarding law enforcement in the Soerjono Soekanto community, there are five factors that can influence, namely: law enforcement or state regulations themselves, infrastructure, society and culture. The Land Office is a government agency of the National Land Agency in the region/city which is under the responsibility of the Head of the National Land Agency. The Land Office carries out some of the functions and functions of the National Land Agency in the province/city concerned.

The tasks as referred to in Article 30 the Land Agency have duties which in essence carry out the preparation of plans, programs and budgets in the context of carrying out tasks from the land sector, services, licensing, and recommendations in the land sector, carrying out surveys and measurements, setting basic fields and mapping measurements. and land registration, thematic maps, land potential surveys, implementation of land supervision, land reform, consolidation, land management on the coast and small islands, boundaries and certain areas, proposal and implementation of land ownership rights determination, land ownership rights registration, maintenance of land and land data, management of government assets, implementation of land tenure. Land, state land management, abandoned critical land, and increasing community participation and empowerment; as well as dealing with conflicts, disputes and land issues, coordinating interests, land users, managing the National Land Administration Information System (SIMTANAS), providing land information and information to the government and private public, coordinating research and development, coordinating human resources, land development, implementing administration, personnel and finance, infrastructure and land laws and regulations.

Physical data and juridical data are contained in the land book in the form of a list, while physical data is contained in a measuring document contained in maps and descriptions. The letter of measurement shall include the condition of the land, location, area, and boundaries of the area concerned, up to the land certificate which is not accompanied by a measuring document which is called a temporary certificate. Instead of the measurement letters, then the uploaded image of the status in the temporary certificate. The status of the image function on the temporary certificate is limited to setting the rights of the object included, not physical evidence of image status data, but quotes from the country map. Meanwhile, map development is the result of measuring and mapping land in the village, but it has not been completed yet, and is being prepared as a preparation area.

Information as strong evidence in proving ownership, then a certificate that guarantees legal certainty about the person who is the owner of land ownership rights, legal certainty regarding the location of the land and the boundaries of a plot of land, and from legal certainty regarding the rights over the land. With legal certainty, the person mentioned in the testimony can be protected from third party interference and Ringhendari's disputes with other parties. Legal certainty is not only addressed to people who include names in land owners' statements, but also government policies in creating organized land administration which requires the government to carry out registration of lands throughout Indonesia. and dual certificates. This is the result of the constant and responsible implementation of PAL and its implementing regulations, in addition to the presence of someone seeking personal gain.

The inaccuracy of the land certificate issued or the inaccuracy of this certificate, and the negligence in checking the document carefully whether it meets the requirements specified in the provisions of the applicable law or not. According to AB Al-Sarraj, land registration comes from the word Cadastre (Dutch Land Registry) which is a technical term for registration (registration), which indicates that the wider community has ownership value (or other rights), of aircraft on the ground. The word comes from

the Latin "Capistratum" which means registration, individual or unit is the Roman land tax (Capotatio Terrens). In the sense of a real estate listing company, it is a precise tool that provides a description and identification of things as well as continuous recording (continuous registration) of land rights.¹⁶

Yamin Lubis and Abd Rahim Lubis emphasized that in terms of land registration in Latin "capistratum" in Germany and in Italy it is called "catastro", in French it is called "land registration" in the Netherlands as well as in Indonesia with the meaning of the term "kadastrale" or "kadastral". "capistratum or survey meaning The language is a Roman land tax record of a person or entity, which means a technical term at the level (tape) broadly indicating the value of ownership or enforcement of rights to aircraft in the field, while modern cadastral can occur on your large-scale map and register and connect.¹⁷

Based on the land registration above, it can be said that several elements are important, such as the existence of a "chain of activities", and the existence of various activities in the implementation of land registration which are interrelated with each other, each in a single circle which is summarized in the availability of data. provide legal certainty in the land sector to the community. Land registration activities consist of first-time land registration activities whose activities include collecting and processing physical and juridical data, storing public registers and documents, as well as land maintenance and registration activities. The form of activity is recording the transfer and granting of rights, as well as recording changes in other land data. Land recording activities produce two types of data, namely physical data and juridical data.

UUPA and PP 24/1997 regulate the duties of the state and its authorities in the field of public law, among others: regulating and providing evidence of legal relationships with land registration arrangements covering the entire territory of the country whose regulations are concerning the implementation of an integrated land information system and the provision of land data. which includes physical data and juridical data as well as data inventory capacity, assignment and use as well as land value needed for planning and implementation of development by the state and the community, as well as regulating legal dispute resolution. In the field of civil land and state administration, establishing institutions to carry out missions, both at the central and local government levels, as well as providing skilled and capable human resources through education. State authority in the land sector, both in terms of issuing dispute resolution provisions in the revocation of certificates held by BPN which regulates land registration given to agencies/officials of the Regency/Municipal Land Office.

The joints of human life are included in the field of public service. Those who are unable or lagging behind in using this technology will find it difficult to operate online services to take care of administration in this land sector. The public service process that is often encountered is the problem of recording requests for proof of land rights (certificates). So far, there are still many BPN offices that carry out the process of making certificates manually, for example at the BPN office. As a result, it is difficult for the community to obtain information about land, register requests for proof of land rights (certificates) and information related to their land in detail before it is legally recognized. Often the process of registering an application for proof of land rights (certificate) becomes too tedious for most people. This is because the administrative process is considered very long and less informative. The reason is, there are still many BPN offices that carry out the process of making certificates manually, for example at the BPN office. As a result, it is difficult for the community to obtain information about land, register requests for proof of land rights (certificates) and information related to their land in detail before it is legally recognized. And to address the need to develop a service delivery ground, BPN uses the internet to facilitate land registration.¹⁸

The existence of land in human life has a meaning as well as a dual function, namely as a social origin and a capitalist asset. Land as a means of connecting the community's social unity with life, especially for self-development. Understanding capital assets, especially land, is one factor in the development of capital. According to the multidimensional problem that is full of justice issues, the land issue seems to never subside. For centuries, countries in the world have recognized conditions related to soil/land structure. Reform and renewal of land arrangements are carried out to fulfill the principles of justice and improve people's welfare. The concept of agrarian reform itself has different forms and

¹⁶ A.P. Parlindungan, *Pendaftaran Tanah di Indonesia*, Bandung: Mandar Maju, (1990), p. 18-19.

¹⁷ Mhd. Yamin Lubis & Abd. Rahim Lubis, *Pendaftaran Tanah*, Bandung: Mandar Maju (2008), p. 18-19.

¹⁸ Herry Sofyan, *et al*, "Pengembangan Aplikasi Layanan Pertanahan Berbasis Web Pada Kantor Bpn (Badan Pertanahan Nasional)", Seminar Nasional Informatika 2008 (semnasIF 2008), Veteran, Yogyakarta, (2008), p. 304-305.

characteristics according to the age and place of agrarian reform. And because each country has a different land structure and political system, although there are fundamental similarities in land reform, namely the essence of agrarian reform is the equal distribution of agrarian resources.¹⁹

According to Bachtiar Effendi, Law Number 5 of 1960 which came into force on October 24, 1960 provides a view on the basics of the land sector which is the basis of legal rules regarding land registration which are expected to provide legal certainty to the community on the land they own. He said that prosperity must be achieved where people can safely exercise their rights and obligations regarding land.

Land registration in all land rights, meaning that the basics of achieving legal certainty over land rights for all Indonesian people, especially rural communities in society, have given their rights in accordance with mutual protection through land reform in a narrow sense. Land registration has a purpose for legal awareness aimed at the government at least changing the land law as long as the national land law government will be enforced.²⁰

Barriers and obstacles to land registration, first, the education factor. Education is very influential on the procedure for land registration, because for them (the community) to be registered or the right to land ownership there is no problem, because they see land not from the administration but from the use of the land itself (the principle of use), but also influenced by customs. culture. Second, the labor factor for people who only work as farmers on a daily basis have almost the same opinion about land registration, they don't care about the status of their ancestral lands, they can cultivate the land in peace.

Lack of understanding of the function of the right to witness over land. This is because the government does not provide sustainable or sustainable advice (ATR/BPN) to provide an information function for testimony and what its benefits are due to the lack of public knowledge about the meaning and use of the testimony, so that local communities as holders of customary land rights are not interested in registering rights. hers. The procedure for obtaining certification by registering land ownership rights is the duty and responsibility or parental right of interested parties to apply for registration of land ownership rights to the ATR/BPN office in the context of registration and affirmation of rights.²¹

Barriers and obstacles in registering land ownership rights come not only from the community but also from the BPN which so far cannot be overcome, obstacles that must be seriously considered by interested parties (ATR/BPN) in managing certificates. For example, there is no written evidence of property rights. Given that land rights exist in need of transportation, facilities and field costs in addition to a lack of outreach. Lack of encouragement to the community to register rights. With the enlightenment given to the public we will understand the function of certification and its uses.²²

Given the important role of land based on MPR Decree Number IV/MPR/1978 that development in the land sector is directed at regulating the use, control, and ownership of land. Based on MPR Decree Number IV/MPR/1978, the President issued Presidential Decree Number 7 of 1979 which contains one of the disciplines in the administration of land, and is directed by programs that accelerate the service process related to land. Compilation of data and registers of land owners, land that exceeds the limit, land excursions and government land; Organizing land administration is one of the tasks of the Ministry of Land and Spatial Planning which regulates the formulation and implementation of land rights registration policies. This is regulated in Article 15 of Presidential Regulation Number 17 of 2015, there is an organizational structure in the Ministry of Land and also a survey, namely the General Administration of Land Legal Relations.²³

The land issue is a very complex problem because it involves many aspects of people's lives. Given the many land issues, the National Land Agency as a government agency tasked with dealing with land issues has begun to anticipate problems that will arise. He followed up on this by developing land data and information, in accordance with Presidential Regulation Number 10 of 2006.

¹⁹ H. Joni, "Tanah Sebagai Aset Sosial Dalam Perspektif Hukum Agraria Nasional", *Jurnal Cakrawala Hukum*.7, No.1, (2016), p.124.

²⁰ Bambang Sugianto, "Pendaftaran Tanah Adat Untuk Mendapat Kepastian Hukum Di Kabupaten Kepahiang", *Jurnal Panorama Hukum* 2, No. 2 (2017), p. 134.

²¹ *Ibid.*, p.145.

²² *Ibid.*, hlm. 143-145.

²³ Mira Novana Ardani, "Penyelenggaraan Tertib Administrasi Bidang Pertanahan Untuk Menunjang Pelaksanaan Kewenangan", *Administrative Law & Governance Journal* 2, Issue 3, (2019), p.477-488.

The mission of the Media Center is to carry out the process of collecting, processing and presenting land data and information as well as building and developing the National Land Information and Administration System (SIMTANAS). Then it is submitted to the computerized management system at the land office so that data related to land parcels can be integrated both into the text and its location.

An advisory task force was formed with the aim of maintaining textual data and spatial monitoring of land services. BPN RI has carried out several activities related to the implementation of information and communication technology, such as the implementation of a computerized land office or office computerization, the implementation of Larasita, namely mobile services (services to community) which KKP developed in 2006 and is still being developed so far. The preparation of the main technology design for online services in the land sector is one of the technological development efforts planned to support the successful implementation of Strategic Plan 11 of BPN RI. National Land Administration Information (SIMTANAS), an information system consisting of applications related to the main activities of BPN in the field of land administration and management of the Integrated Management Information System (SIMPADU), an information system consisting of applications related to activities management at BPN. The online service grand design is a planning documentation at the strategic level that requires more detailed follow-up. In the grand design, several agendas related to the implementation of information and communication technology are mentioned, including: setting the standardization of SIMTANAS and SIMPADU, developing information systems to support land service activities and other activities.²⁴

Completion of computerization in activities in the field, existing regulations as something set out for digitizing land registration activities. As stated in Article 184, the overview of data and document storage can be stored in the form of a digital imaging system or miniature tape, and in accordance with the relevant storage media arrangement standards, data and document storage media should be stored in the form of a digital system. The registration map made by mapping the results of land parcel measurements can also be placed in digital form on the registration of the base map as stated in Article 142.²⁵

Likewise with the making of a measuring letter contained in Article 157 paragraph (4), if the physical data of a plot of land is stored in digital form, the making of the measuring letter is done by printing the physical data referred to on the measuring letter sheet. In accordance with the contents of Article 178, for the interest of the right holder or waqf land manager, certificates of land rights, management rights, waqf land, property rights to flat units, and mortgage rights are issued. Certificate if we look at the provisions contained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/head of the National Land Agency Number 7 of 2016, one of which contains considerations for carrying out land registration based on simple, safe, affordable, up-to-date and open principles, in this regulation it is stated clearly Gradually, land registration data is stored and presented electronically, so that it is necessary to adjust the form and content of land rights certificates with developments in law, technology and community needs, then land registration is carried out using a computerized system of land activities.

An electronic system is also applied in terms of storing land books in the form of a database in an electronic system, and can be printed using a register of land books. This is stated in Article 163 A. Article 178 A, for certificates, apart from being able to be printed using a list of certificate entries, they can also be made in the form of electronic documents through an electronic system. A certificate in the form of an electronic document is an extraction from the land book database in an electronic system, which is ratified with an electronic signature in accordance with the provisions of laws and regulations. The certificate in the form of an electronic document can be printed as a copy of an electronic document to be submitted to the right holder.

According to Eni Hirawati, land itself is one of the means to achieve the welfare of the Indonesian people. Therefore, the emphasis is on law enforcement on how to make optimal use of land. Ignoring land is an act that is unwise, uneconomical (missing the opportunity to realize the economic potential of the land), is also unfair and is also a violation of obligations that must be maintained. To carry out the rights holders or parties who obtain basic control over the land. In addition to neglecting land, delays in achieving the goals of development programs weaken food security and national economic security,

²⁴ *Ibid.*, p. 484-486.

²⁵ *Ibid.*, p. 487.

close socio-economic access for the community, especially farmers on land, and disrupt the sense of justice and social harmony.²⁶

Land Services Certification through the development of the Larasita program which is being implemented by the State of Indonesia currently requires legal support in various lines. The handling and management of national land is very important and the current government's priority is to make improvements. These improvements include holding a program in the national land area organized by the government through the National Land Agency, to overcome problems that arise in the community, including accelerating the administrative process.²⁷

Politics through the community service program for land certification according to Ministerial Regulation Number 2 of 2015, is one example of government penetration in order to improve services, especially in the land certification process in an effort to bring the service process closer, cutting service bureaucracy, as well as efforts to accelerate the service time provided by the government. government officials through the BPN office community and the business world in Indonesia.²⁸

The government's efforts to accelerate and improve current public services, which are carried out through the current e-government model, are needed because Indonesia is witnessing a drastic change in the nation's life from the previous regime. Changes in the relationship between the center and the regions require the establishment of a clean and transparent government that is able to respond effectively to the demands of change. The government management system for this system is a long cone sector hierarchy of authority and leadership, and its transformation into an organized network management system, which can shorten the decision-making path and expand the range of control in government management.

So far, people's perceptions of bureaucracy at BPN tend to be about maintaining testimonies from complex and impractical bureaucratic fields, as well as the behavior of those who benefit. The condition of parents certainly has a negative impact because the community eventually becomes apathetic in managing land certificates at BPN. On the other hand, facts show that people need land and houses. To avoid the phenomenon of conflict or problems regarding ownership and control over land or houses, it is necessary to pay attention to important matters related to land or house rights.²⁹ Emphasizing on the enforcement of the principle of horizontal segregation as mandated by the LoGA. Kamelo in Ramadhani (2018) explains that property rights through land registration are very urgent to be put in order.³⁰

Recognition of land also makes it possible to preserve many issues both for parties other than other subjects, and the rights listed in the certificate of land rights (owned). Murod in Ramadhani, stated that the issue of legal uncertainty regarding legal rights certificates related to the rights of other parties (other parties) is the statements of other parties regarding overlapping strategic land packages, and other disputes that contain social, practical and general social aspects.³¹ To get physical data, it requires a process in the field, while the service has not covered the procedures in as much detail as possible, because currently various communities in various parts of the world are facing the COVID-19 pandemic so that in the field, for the process of completing physical data, it is also necessary to have similar rules. with health protocols, or can be carried out universally via online to avoid the spread of the covid-19 outbreak.

C. Conclusion

The legal problem of online land registration services is vulnerable to appearing in the land measurement process which is one of the services that has not found a meeting point in the online service mechanism, namely by the registrant's lack of knowledge about technology so that it is difficult to access land services online. In registering land ownership rights, then it relies on ATR/BPN in managing the certificate, besides that there is no written evidence of property rights. The need to minimize the

²⁶ Lianton Vicco Yuniar, "Wewenang Pemerintah dalam Penentuan Kriteria Tanah Terlantar", *Jurist-Diction* 2, No. 6, (2019).

²⁷ Eman Chrisna Aldiro Rampi, "Kepastian Hukum Terhadap Pelayanan Persertifikasian Tanah Melalui Program Layanan Rakyat Untuk Sertifikat Tanah (Larasita)", *Jurnal Hukum Unsrat* 23, No. 10 (2017). p. 34.

²⁸ *Ibid.*, p.15.

²⁹ *Ibid.*

³⁰ Rahmat Ramadhani, "Konstruksi Hukum Kepemilikan Bangunan Di Atas Tanah Hak Milik Orang Lain Berdasarkan Perjanjian Build Operate And Transfer (BOT)", *Jurnal EduTech* 4, No.1 (2018), p. 21-29.

³¹ Ramadhani, Rahmat. "Jaminan Kepastian Hukum Yang Terkandung Dalam Sertipikat Hak Atas Tanah". *De Lega Lata: Jurnal Ilmu Hukum* 2, No. 1 (2017), p. 256.

obstacles and obstacles faced through the existence of an online service policy must reach various inventories of problems in providing services at a very risky period at this time but still not hampering the process of implementing physical data and juridical data.

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