



ANALYSIS OF THE REGULATION OF ELECTRONIC LAND CERTIFICATES IN THE REGULATION OF THE MINISTER OF AGRARIAN AND SPATIAL PLANNING/HEAD OF THE NATIONAL LAND AGENCY NUMBER 3 OF 2023 CONCERNING THE ISSUANCE OF ELECTRONIC DOCUMENTS

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Abstract: Land certificates is a strong proof of land rights, issued by the State Land Agency of Indonesia. Land certificates contain physical data and juridical data on the land owned. Physical data and Juridical data are stored in the land book at the State Land Agency. Conventional land certificates are issued in the form of books that have been familiar to the community. However, since the issuance of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents, conventional land certificates have been converted into electronic land certificates. This study discusses how to regulate electronic land certificates based on applicable laws. The Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents regulates the issuance of electronic documents in land registration activities by setting limits on the terms used in its regulation. Using the Normative Juridical research method that seeks to explain electronic land certificates based on the applicable law.

Keywords: Electronic Certificates, Land Registration; Ministry Of Agrarian And Spatial Planning/Head Of The National Land Agency

INTRODUCTION

Land is one of the parts of Indonesia's territory which is regulated in Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Basics, which includes but is not limited to the entire earth; water and space which includes all natural resources contained in the territory of the Republic of Indonesia. Land is defined as a land surface that in its use in accordance with article 4 paragraph 2 includes the body of the earth, water, and space on it that is only necessary for the interests

directly related to the use of the land within the limits specified in the Basic Agrarian Law and other higher and special regulations. Siti Zumrokhatusun (2016).

At the highest level, the earth; water; and space which includes the natural wealth contained in it is controlled by the State. explained in article 2 of Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Basics, the right to control from the State gives the authority to:

- a) organize and administer the allocation, use, preparation and

- the maintenance of the earth, water and space;
- b) determine and regulate legal relations between persons with earth, water and space,
 - c) determine and regulate legal relations between persons and legal acts related to the earth, water and space.

The right to control the state is an authority obtained by the state based on the principle of attribution from the 1945 Constitution. Julius Sembiring (2016). On the basis of the right to control from the State, various rights to the earth's surface were then determined, which was then called land. Land rights can be owned by the community either individually or jointly, including legal entities. Land rights are rights that authorize the right holder to use and/or benefit from the land they own. Urip Santoso. (2015).

The certificate of proof of land rights that occurs as a strong proof tool is a land certificate. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration activities explains that a certificate is a certificate of proof of land rights regulated in Law Number 5 of 1960, including land rights; management rights; waqf land; ownership of the flats and dependent rights, each of which has been recorded in the relevant land book. The land certificate consists of a copy of the land book and a survey letter. Christiana Sri Murni (2018).

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration activities instructs the state, in this case represented by the

Ministry of ATR/BPN to convert conventional land certificates into electronic land certificates.

In this paper, the author is interested in understanding what is meant by electronic certificates that are being promoted by the ATR/BPN Office and how the legal rules that govern its implementation.

MAIN PROBLEM

What is meant by an electronic certificate according to the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents?

METHOD OF RESEARCH

In compiling this paper, the author will use the Normative Juridical research method, also called doctinary legal research or literature research because the research is only aimed at values; norm; as well as written regulations so that they are closely related to libraries because they require secondary data in libraries.

In this study, the descriptive research specification is used, where the researcher seeks to explain the values and norms contained in the laws and regulations.

The type of data in this study is in the form of secondary data, namely data obtained by a researcher indirectly from the object of research, but through other sources that have been completed and collected by other parties. The data collection technique is carried out by means of documentary studies which are activities to trace, check, and review secondary data

RESEARCH RESULT AND DISCUSSION

1. Electronic certificate according to the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents

Land registration in Indonesia is a systematic and continuous government activity aimed at ensuring legal certainty and protection for land ownership. This process encompasses various stages, including data collection, processing, bookkeeping, and the issuance of land rights certificates. The primary objective of land registration is to establish a *recht cadastre*, or a legally recognized land record system, which guarantees the validity and security of land rights for individuals and entities. As noted by Ana Silviana (2021), this system is crucial in preventing land disputes and ensuring transparent land governance. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is the government body responsible for overseeing land registration, including the implementation of digital transformation in land administration through electronic systems.

An electronic system, as defined in the regulation, refers to a structured framework of electronic devices and procedures designed to facilitate various stages of land registration. These systems support the preparation, collection, processing, storage, and dissemination of electronic data and documents. The application of electronic systems in land registration enhances efficiency, reduces bureaucratic delays, and minimizes human errors. Specifically, electronic systems are utilized in several key

activities, including first-time land registration, maintenance of land registration data, recording of changes in land information, and the transfer of land rights. Through these processes, electronic systems generate, store, and manage various forms of electronic data, information, and documents.

Data in this context refers to any recorded information pertaining to land, which may include written documents, images, maps, photographs, electronic communications, and other digital records. Electronic information, on the other hand, consists of processed data that is comprehensible and meaningful to authorized users. Meanwhile, an electronic document is any information created, transmitted, or stored in digital or electromagnetic formats, such as scanned documents or digitally generated certificates. These documents serve as legally binding evidence in land transactions and disputes, provided they meet authenticity and integrity requirements.

The issuance of electronic certificates follows a structured land registration process. The first stage involves the collection and processing of physical land data, which is conducted virtually using information and communication technology. The land parcel is digitally mapped and recorded in an electronic survey letter, which is then authenticated with an electronic signature by an authorized official. Following this, juridical data verification is conducted to examine legal evidence of land ownership or control, including written documents, witness statements, and other relevant information. The results of this verification are published as electronic documents and similarly authenticated.

Once the physical and juridical data of a land parcel have been thoroughly

validated, the next critical step in the land registration process is the formal recording of land rights in an electronic land book. This digital ledger serves as the authoritative repository for all land-related data, including management rights, ownership rights, waqf (endowment) land, and strata titles for flats. The electronic land book is designed to ensure that every piece of land information is meticulously documented, systematically organized, and accurately linked to corresponding digital maps, thereby eliminating discrepancies that often arise in traditional paper-based systems. The integrity of this digital record-keeping process is reinforced through the use of electronic signatures by authorized officials, guaranteeing the authenticity and legal enforceability of the recorded data.

The electronic land book is not merely a digital replica of its physical counterpart but a foundational component of Indonesia's modernized land administration framework. It provides the basis for issuing electronic certificates, which are official documents generated through a secure electronic system. These certificates contain verified physical and juridical data extracted from the electronic land book and are authenticated with legally recognized digital signatures. Under Indonesian law, an electronic certificate carries the same legal weight as a printed certificate, serving as irrefutable proof of land ownership or other registered rights. This digital transformation ensures that landholders receive the same level of legal protection while benefiting from the efficiency and security of a digitized system.

The introduction of electronic certificates under Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 3 of 2023 marks a pivotal advancement in Indonesia's land governance. By embracing digital technology, the government seeks to modernize land administration, addressing long-standing challenges such as bureaucratic inefficiencies, fraudulent land documentation, and delays in land transactions. The shift toward electronic certification is not merely a procedural update but a strategic move to enhance transparency, reduce opportunities for corruption, and improve the overall reliability of land records. These improvements are expected to foster greater public trust in land registration processes while ensuring that landholders across the country—whether individuals, businesses, or religious endowments—enjoy stronger legal certainty regarding their property rights.

2. The Urgency of Electronic Land Certificates: Key Objectives

The transition from physical to electronic land certificates is driven by several critical objectives that align with broader governmental efforts to digitize public services and strengthen legal frameworks. One of the foremost reasons for this shift is the reduction of risks associated with loss and damage to physical documents. Traditional paper certificates are vulnerable to deterioration, misplacement, and destruction due to natural disasters or human error. In contrast, electronic certificates are stored in secure digital databases with multiple backup systems, ensuring that land ownership

records remain intact and accessible even in adverse circumstances.

Another key objective is the streamlining of data management within the land administration system. Physical land records require extensive manual handling, storage space, and periodic updates, all of which contribute to administrative inefficiencies. Electronic certificates, on the other hand, enable centralized and automated data management, significantly reducing the time and costs associated with manual processing. Furthermore, digital records enhance data security by incorporating encryption and access controls, minimizing the risk of unauthorized alterations or breaches. This shift not only improves operational efficiency for the National Land Agency (BPN) but also enhances the confidentiality and integrity of sensitive land ownership information.

The adoption of electronic land certificates offers numerous advantages that address the limitations of traditional paper-based documentation. One of the most significant benefits is the efficiency in issuance time. The conventional process of printing, signing, and distributing physical certificates often involves prolonged waiting periods due to logistical and bureaucratic delays. Electronic certificates, however, can be generated and delivered almost instantaneously once all verification processes are completed. This acceleration in issuance time is particularly beneficial for landholders who require swift documentation for transactions, loans, or legal proceedings.

Additionally, electronic certificates greatly simplify administrative processes, especially in the context of property transactions such as sales, purchases, and mortgages. In the past,

transferring land rights or registering liens required physical submission of documents, in-person verification, and lengthy processing times. With electronic certification, these procedures can be conducted online, reducing the need for multiple visits to land offices and expediting transaction approvals. This convenience is particularly advantageous in remote areas where access to land administration offices may be limited.

Another crucial advantage is the minimization of risks related to counterfeit and duplicate certificates. Physical land certificates have historically been susceptible to forgery, leading to fraudulent claims and legal disputes. Electronic certificates incorporate advanced security features such as digital signatures, unique identification codes, and blockchain-based verification (where applicable), making them nearly impossible to replicate or alter fraudulently. This enhanced security framework ensures that only legitimate, verified certificates are recognized in legal and financial transactions, thereby protecting both landowners and government institutions from fraudulent activities.

The implementation of electronic land certificates represents a transformative step in Indonesia's land administration system, aligning with global trends toward digital governance. By reducing the risks of document loss, improving data management efficiency, and enhancing security against fraud, electronic certificates provide a more reliable and accessible means of land ownership verification. The advantages of faster processing times, simplified administrative procedures, and reduced fraud risks make this digital transition a necessity in an increasingly technology-driven society.

Ultimately, the shift to electronic certification under Regulation No. 3 of 2023 reflects the government's commitment to modernizing land services, ensuring legal certainty, and promoting equitable access to secure land rights. As this system becomes more widely adopted, it is expected to significantly reduce land-related disputes, improve public service delivery, and contribute to Indonesia's broader goals of transparent and accountable governance. The success of this initiative will depend on continued technological infrastructure development, public awareness campaigns, and robust legal enforcement to ensure that all stakeholders can fully benefit from the advantages of electronic land certification.

CONCLUSION

An electronic certificate is a certificate issued through an electronic system in the form of an electronic document whose physical data and juridical data have been stored in an electronic land book. An electronic certificate is issued in the form of an electronic document and is legalized with an electronic signature by an authorized official. The conversion of conventional certificates to electronic certificates is carried out through land registration. Land registration is organized by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. Land registration is a series of activities carried out by the government on a continuous, continuous and regular basis including the collection, processing, bookkeeping and presentation as well as maintenance of physical data and juridical data, in the form of maps and lists, regarding land plots, land space, basements and flats, including the

issuance of certificates of proof of rights for land plots, land space, land space that already has rights and property rights over the flats unit and certain rights by burdening them.

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