

The Implication Of Computerized System-Based Mortgage Right Registration

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Abstrak

The Circular No. 5/SE-100/I/2015 dated January, 29th 2015 issued by the Ministry of Agrarian and Spatial Planning/Head of National Land Agency, gives order to all ranks of working environment of the Land Agency to use the computerized system in the service of land registration, as long as the facilities and infrastructures are adequate. The strategy is aimed at; easing the access to land registration services for society and modernizing the agrarian management and service, Spatial Planning, and Land service. This is due to some reasons, which also affects the Mortgage Right registration system which, according to respondents, more than one registration of deed of imposition of mortgage but still in one credit agreement, cannot be registered at the same time. This study is an empirical research or non-doctrinal legal research. With regard to this the present study examines implementation of Mortgage Right registration at the Land Office of Badung District based on a computerized system after the issuance of the Circular 5/2015, to identify the obstacles faced in registering Mortgage Right in that new system and to seek for solutions to solve it.

Keywords: Computerized Land Registration; Form Letter; Land Titles Registrar; National Land Agency

1. INTRODUCTION

A large portion of the population in developing countries lives on land that it does not formally own (Hawley, Miranda, & Sawyer, 2018). However, although land reforms have advanced in many developing countries, some continue to suffer from a lack of effective land use and management (Ekpodessi & Nakamura, 2018). Land use change is the oldest anthropogenic environmental intervention and is referred to as an aspect of 'the global change' (Cegielska et al., 2018). The land is not only a vital livelihood asset but also indispensable for the enjoyment of several human rights including the right

to life, the right to food, the right to housing, the right to property, the right to development, and the right to self-determination (Tura, 2018).

The extreme version of this systematic-titling argument even led part of the "land administration" literature to propose "holistic" objectives, according to which surveying each land parcel was considered a requirement for good titling (Arruñada, 2018). Self-governed forest resources would be those that are governed entirely by the users of the forests and not at all by external authorities (Caballero, 2015). Collective land one-time buyout means that the collective transfers the collective land right to the land users within a certain

period of time, and the land users need pay land-transferring fees to the collective (Ye et al., 2018).

Land registration is a legal process in countries in the world, and is no exception in Indonesia. Land registration in Indonesia is covered by Law, Article 19 paragraph (1) Basic Agrarian Law (very well known in Indonesia with the term "UUPA"). Guided by this law, in Government Regulation Number 24 of 1997, Article 1 number 1 concerning Land Registration (Government Regulation on Land Registration), provisions regarding land registration are stipulated that:

"Land registration is a series of activities conducted by the Government on an ongoing basis and in an orderly manner which comprise the collection, processing, recording, presentation, and maintenance of physical and juridical data in the form of maps and registers concerning land parcels and apartments, including the issuance of right-evidencing documents for land parcels on which rights have been established and for apartment ownership rights as well as for the encumbrances thereon."

Land registration is an activity carried out by the government continuously and regularly and regularly, in addition to maintaining data by the government, it can also provide legal certainty and legal protection to the rights holders of a plot of land while providing information to interested parties so that they can easily hold or know about legal actions against land parcels (Article 3 letters (a) and (b), 1997). There are two types of land registration: land registration for the first time and land registration for data maintenance.

Regarding the Mortgage Right in the Government Regulation on Land Registration is regulated in Article 44 paragraph (1):

"The encumbering of a land right or an apartment ownership right with a hak tanggungan (security title), the

encumbering of a hak milik (right of ownership) with a hak guna bangunan (right of use of structures), a hak pakai (right of use), a hak sewa bangunan (right of use of structures), and the encumbering of a land right or an apartment ownership right with another lawful encumbrance can be registered if it is evidenced with a deed made by the authorized PPAT in accordance with the applicable regulations."

The implication of the provisions of the Article is that Mortgage Right registration is carried out by recording the information on the land book or the land certificate used as the object of the Mortgage Right through the Deed of Concession Right made before the Land Title Registrar (or in Indonesia known as "PPAT"). Provisions regarding the Mortgage Rights are further regulated in Law No. 4 of 1996 concerning Right-to-Land and Land-Related Objects, which in Indonesia is known as *UUHT*. In the General Provisions of Article 1 point 1 *UUHT* it is determined that:

Mortgage Rights on land and land-related objects, hereinafter referred to as Mortgage Right, shall be the security right under which a land title is placed as stipulated in Law No. 5/1960 on the Basic Agrarian Law, with or without other objects forming united with the land, for particular creditor over other creditors.

Thus, in Indonesia a Mortgage Right is a right granted to creditors to certain debts that have been borne by them, so that the creditor holds the mortgage right on land which is used as collateral to obtain the main rights from other creditors to execute the guarantees provided by the debtor to repayment of debt to creditors. The Mortgage Granting Deed (in Indonesia is referred to APHT) making is the authority of PPAT (Article 2 paragraph (2) letter g, 1998). Debtors and Creditors who want to make APHT shall be obliged to face PPAT to make APHT on Land Rights that they want to be guaranteed in a credit agreement, where it is mentioned in Article 10 paragraph (2) *UUHT*: "Granting

a Mortgage Right is done by making Mortgage Granting Deed by PPAT in accordance with applicable laws and regulations.”

Ministry of Agrarian and Spatial Planning/Head of the National Land Agency issued a Circular Number 5/SE-100/I/2015 concerning the Use of Computerized Applications in Land Services dated 29 January 2015 (Circular 5/2015). The Circular 5/2015 contains general provisions, namely:

In order to improve the quality of public services in land activities services and the implementation of duties and functions within the Ministry of Agrarian and Spatial Planning/National Land Agency, a Computerized Land Service Application has now been provided.

The, Circular 5/2015 is aimed and intended to:

- Facilitate public access to land activity services;
- Improve the quality of basic public services in the land sector;
- Improve integrity and the predicate of the anti-corruption perception of the Ministry of Agrarian and Spatial Planning/National Land Agency;
- Modernize agrarian services and governance, Spatial Planning and Land.

Imperatively, the Circular 5/2015 implies:

Ordered to all units/working units within the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency so that from the date of stipulation of this Circular, as long as there are applications, supporting facilities and infrastructure to optimally and in accordance with laws and regulations using KPP (the Computerized Land Service Application) in organizing service, authority, duties and functions.

After the issuance of Circular 5/2015 which aims to improve public services in the land sector, it can be ascertained that there will be changes in the registration

service for Mortgage Rights at the Land Office. According to information from Dewa Putu Gde Mahendra, a staff of a PPAT (Land Title Registrar) of Badung I Nyoman Alit Puspadma, (PPAT, 2006) in registering Mortgage Rights at the Land Office, especially at the Land Office in Badung District, there is an error. If an object is guaranteed in more than one Credit Agreement in the same time, it results in the installation of a rated mortgage. Mortgage Granting Deed shall not be registered simultaneously, but shall be kept on until the First Ranking Rights Certificate (SHT) from the APHT to be issued. Hence, for the second rank APHT it can only be registered, in fact, to issue one SHT takes at least 7 working days. If this is true, the Registration of Mortgage Rights violates the provisions of Article 13 paragraph (2) of UUHT, which states:

It shall not be later than 7 working days after the signing of the Mortgage Granting Deed as referred to in Article 10 paragraph (2), the concerned PPAT is required to submit the Mortgage Granting Deed in question and other necessary documents to the Land Office.

According to one the respondents in this study, the staff from the PPAT in question, issuing a SHT at the Land Office requires at least 7 working days as in determined in Article 13 paragraph (2) UUHT, that a PPAT is only given 7 working days after the APHT concerned was signed. Automatically, the second APHT registration will pass the time period provided by the Law to PPAT .

Based on the foregoing, we traced: first, the implementation of registration of Mortgage Rights at the Land Office that through the computerized system after as ordered in the issuance of Circular 5/2015; second, we identify obstacles that might be faced in the registration of Mortgage Rights after the issuance of Circular 5/2015 and solutions to overcome them.

2. METHOD

This study is an empirical research or non-doctrinal legal research (Socio Legal

Research) (Soemitro, 1983). A non-doctrinal legal research is the one conducted to examine the rule of law which is seen in terms of its application or as an empirical social force. Regarding an empirical legal research, Soemitro emphasized that "Empirical legal research or sociological legal research is a legal study that obtains data from primary data (Soemitro, 1988). According to Soekanto "An empirical research is a study which initially examines secondary data, and then it studies the primary data in the field or to the community" (Soekanto, 1986).

3. RESULTS AND DISCUSSION

Implementation of Mortgage Rights Registration at the Land Office with a Computerized System after the Issuance of Circular 5/2015 of the Indonesian Ministry of Agrarian and Spatial Planning

According to Respondent 1, Heryanto, Heryanto, the Badung District National Land Agency (hereinafter referred to BPN) office began to implement a computerized system optimally in land registration services, because a computerized land registration system would greatly facilitate service users, PPAT authorities and BPN itself. For BPN, this computerized system will simplify and accelerate in providing land registration services. The obstacle is the limited quality of Human Resources (HR) and insight into Information Technology from most of the PPAT in the District. Apart from the quality of human resources, the facilities needed are still inadequate to facilitate computerized land-based registration activities, such as the limited quantity and strength of computers available, internet connection capacity that is considered insufficient, not all PPAT s have installed internet connections in their offices and server capacity which is still very limited.

Respondent 2, Sunarto explained that the documents attached as computerized registration rights based on requirements for registration were still the same as conventional mortgage rights

requirements. This is stipulated in item 11, attachment II of the Regulation of the Head of National Land Agency number 1 of 2010 concerning the Standard of Services and Arrangement of Land Affairs (*PerKa BPN 1/2010*). The requirements are:

- Application form that has been filled in and signed by the applicant or his proxy is on an adequate stamp;
- Power of Attorney if it is authorized;
- A copy of the identity of the applicant (Identity Card, Family Card) and power of attorney if it is authorized, which has been matched with the original by the ticket window clerk;
- A copy of the Legal Entity Establishment and Ratification Deed that has been matched with the original by the ticket window clerk, for a legal entity;
- Original Certificate;
- Deed of Granting Mortgage (APHT);
- A copy of the APHT already initialed by the relevant PPAT to be ratified as a copy by the Head of Office for the creation of the Mortgage Certificate;
- Copy of Identity Card of Mortgage Right provider (debtor) or Legal Entity Establishment Deed, Mortgage Right recipient (Creditors) and/or proxy that has been matched with the original by the ticket window clerk;
- Power of Attorney of Charging the Mortgage Rights (SKMHT) if the Granting of the Mortgage Right through Proxy.

The documents are collected, and then scanned to become data on the computer and uploaded to the server. The Mandiri Land Counter Application is accessed by visiting the website <https://loket.BPN.go.id>. After the upload process is complete and validated by the server, a receipt and Deposit Order (SPS) will be issued. In the SPS there is a sum of fees that are in accordance with Non-Tax State

Revenues (PNBP) and paid to the counters at the National Land Agency Office or at the Bank Teller in collaboration with the local Land Agency Office, which means that documents have been received by the National Land Agency Office.

In practice, the registration of Mortgage on Land through computed-system results involves a mechanism of activity that is not much different from the process normally carried out at the Land Office. In other words, the average procedure is the same as stipulated in the BPNR. II. No. 11, attachment III in the BPK PerKa 1/2010, which determines the following: the applicant comes to the service counter in the BPN office to deliver the required file in accordance with the desired service. After the required documents are received by the service counter, then the service counter will issue a deposit order in accordance with the service used. The applicant comes to the payment counter to make a payment by bringing a deposit order given by the service counter. After payment is made, land registration is carried out by the BPN in accordance with the type of service required by the applicant, in this case the recording and bookkeeping of rights is carried out, and after that then SHT is issued to the applicant to be given to the Creditors.

Mandiri Land Counter Application is a website that can be accessed by visiting the website <https://loket.BPN.go.id>. In this application, the applicant can choose the type of land registration to be carried out and upload documents in the form of data that will be verified by the Land Agency. When the applicant can access the website, the display that shows the operational steps will come out. The applicant, in this case the PPAT authority, is provided steps of using the application to register the land, which especially in this study is the mortgage right registration. The steps in question are:

- Login into the Application by inserting in the User ID and Password;

- After successfully logging into the application, the Home Application will appear;
- The next step, the Applicant chooses the "Service Registration" menu that can be used to carry out the registration process for land services. In this module, the types of service activities that will be processed at the BPN are displayed, which are grouped into: 1) Transfer of Rights Services; 2) Mortgage Services; and 3) Land Information Services;
- Select the Mortgage Registration activity: the applicant can click on the Mortgage checkbox in the section E. "Mortgage Service", then clicking the right arrow button located between the "Non-Tax Country Revenue Type" box and "Selected Activity Type", and then the "Mortgage Right" text will appear in the right box. Followed by clicking on the "Process" button to continue, and the display will appear;
- The next step is to enter data on prospective Mortgage Rights holder in this case the creditor that is done by inputting "Power of Attorney Data", where the data is already automatically available if it has previously been stored. There are 3 types of groups, among others: 1) Legal Entity, 2) Government Agencies, and 3) Individuals;
- The next step is to upload the documents that are the requirements in the Mortgage Registration. Mandatory documents shall be marked with a check in the checkbox located on the left in the "Required" table. To input documents, an Applicant does a "Double Click" on the type of document s/he wants to upload. Then, an entry matching window to the type of document will appear and after the document has been uploaded, a check will appear in the "Status" table;
- The next step is to enter and upload

the Certificate of Land Rights which will be used as the Mortgage Right object. This is done by firstly entering a complete 14 digit number of certificate consisting of 2 digit provincial code, 2 digit city/regency code, 2 digit sub-district code, 2 digit village/*kelurahan* code, 1 digit of right type code and 5 digit rights number printed on the lower right side of the certificate. After that, the step is to press "Tab" on the computer keyboard to do the validation and the certificate number will appear. Next is choosing a currency and exchange rate, and entering the partial value of Underwriting Rights. Next is to upload the document by clicking on the "Browse" button to select the file and upload the document to be saved. Once the document has been uploaded, the "Save" button will be active, then the "Save" button shall be pressed on to save the uploaded certificate data. Finally, the "Finish" button is clicked if the document is appropriate;

- The next activity is to enter the APHT data and to complete them in accordance with the APHT made by the PPAT concerned. To upload the APHT file is done by clicking on the "Browse" button in the "File Deed" section and then selecting the APHT data to upload. Then, an applicant should click the "Bank Name" tab to enter the Creditors listed in the APHT. Looking for a bank name has the same stage by looking for an attorney. If the data on "Bank Name" is the same as that of on "Power of Attorney", simply the activity can be proceeded by clicking the "Take from Applicant Data" button to copy the data into "Bank Name". If the data is appropriate, "Finish" must be clicked to exit the APHT Window;
- Uploading "Other Documents" has the same steps as "Received

Documents", followed by calculation of costs that will automatically appear by clicking the "Calculate Fees";

- The final step is to print the file details. This is done by returning to the "Service Registration" menu; clicking on the "Print File Details" button automatically makes the saved data appear. The details of this file can be saved and printed, which will then be confirmed by the BPN whether the application for registration of the Underwriting Right has fulfilled the requirements and is ready for registration of the Underwriting Rights followed by the issuance of the SHT or rejected due to any documents that do not meet the requirements.

As a comparison, and due to failure in applying computerized system-based registration of mortgage rights, we conducted an interview with PPAT of Tabanan, one of the other districts in Bali because as referred to information from the Head of Legal Relations Section at the Badung District Land Office, the practice of computerized system-based land registration has been implemented successfully in the region.

Respondent 3: I Ketut Nuridja, S.H., M.Kn.

Checking the initial certificate can be done online at the office. After the process is accomplished, it is followed by submitting the document file to the BPN to execute another check; then payment remittance is made through the bank designated by the BPN Officer of Tabanan. File checking is done to ascertain whether the file uploaded by the PPAT has been inputted successfully into the server or not. These steps apply to all types of registration. According to Respondent 3, computerized system of land registration services based on BPN services have been running significantly better, and the schedule for completing certificates, especially SHT, has been conducted more

quickly and openly, so Respondent 3 as a PPAT could better serve the community and reduce complaints from time uncertainty for completion of land registration.

The advancement of services in a better direction cannot be averted from mistakes such as technical errors or errors that arise from individuals. For checking at the beginning and end of the month it is usually difficult to access but when regarding it is asked to the BPN, the problem originates from the full application server which causes access to the website to upload files to be late.

The Respondent 3 in this study expects that BPN can improve service quality in terms of supporting facilities such as computer hardware to reduce the emergence of technical constraints.

Respondent 4, I Putu Artana, S.H

Overall, the computerized system makes the service of respondents 4 to the community growing better. The registration process at the BPN also takes place faster, especially in areas that are crowded with applicants. According to respondent 4, during the transition from conventional land registration to computerized system, many Office Heads were not ready for it so that the system had to be privatized. This system actually also makes it easier for respondents to carry out their work in applying for land because in the application of file availability or documents or unmet requirements are also shown, and thus there is no need to spend a lot of time in improving the documents to be submitted.

The conclusion is that respondent 4 as PPAT felt very helpful since the introduction of a computerized land registration system in providing land services for the society. Service to the community becomes increasingly easy, fast and transparent. The community no longer has to wait long for the completion of the land registration application apart from the certainty of the completion time provided by the BPN through PPAT.

Circular 5/2015 has a general explanation: "... done in order to improve the quality of public services in the land ..." as explained earlier, public service is an activity or set of activities carried out by the government to provide services in the field of goods, services or administrative services to the public held by public service providers that are authorized by the state under the Act.

Public Services must pay attention to the principles stated in number III of the MenPan Decree 63/2003, namely transparency that is open, easy and can be accessed by interested parties; accountability, where public service activities should not deviate from the provisions of the law and can be accounted for by public service providers; conditionally, public service providers must pay attention to the various conditions faced before implementing public services such as the availability of facilities and infrastructure, human resource capabilities and so on and must stick to the principles of efficiency and effectiveness; participatory, encouraging the participation of the recipient community by paying attention to the aspirations, needs and expectations of the community; equality of rights, does not distinguish the quality and quantity of service delivery to all levels of society in terms of ethnicity, race, religion, class, gender and economic status; balance of rights and obligations, providers and recipients of public services shall fulfill the rights and obligations of each party.

Circular 5/2015 issued by the National Land Agency of the Republic of Indonesia addressed to 2 of the 5 agencies contained in the territory of the National Land Agency:

- Heads of Regional Offices of the National Land Agency; and
- Heads of Regency/Municipal Offices

The person or agency addressed by Circular 5/2015 is a part of the National Land Agency. (Article 7 paragraph (1) and (2), 2015) According to opinion, the land registration service is a form of

administrative services carried out by the National Land Agency at the local Land Office. Land Agency according to Article 1 paragraph (2) of the Public Service Law is a Public Service Provider, as follows.

Public service providers, hereinafter referred to as Organizers, are each state-running institution, corporation, independent institution formed based on the law for public service activities and other legal entities formed solely for public service activities.

The National Land Agency fulfills the requirements as stated in Article 1 paragraph (2) of the Public Service Law above. The National Land Agency is a non-ministerial government institution that is under and is responsible to the president (Article 1 paragraph (1), 2015) and the National Land Agency is an institution formed based on legislation specifically presidential regulations. The Public Service provided by the National Land Agency is Land Registration which aims to provide legal certainty to landowners that the concerned person has the authority to use land for individual and social purposes as well as to provide information to other parties regarding land parcels and to organize orderly administration to avoid the emergence of overlap between information and information provided to the community regarding land parcels became clear.

In letter d, in the Purpose and Objectives section of Circular 5/2015, states that the purpose of implementing the computerized system in land registration is to "modernize services and agrarian governance, spatial planning and land." According to Hardiyansyah, computerization is called E-Government. The term "e-government" relates to the ability to use information and communication technology to improve relations between government and society, between government and business actors and between government agencies." According to him, the use of e-government has several advantages, including (Article 7 paragraph (1) and (2), 2015):

- It improves the service quality: Public services can be carried out for 24 hours as a result of internet technology;
- By using online technology, a large number of operating processes can be accomplished in digital format, and this will reduce too much paper usage. The operating process will be more efficient and economical;
- Database and process are integrated (higher data accuracy). It reduces errors of identity etc.);
- All processes are carried out transparently, because all processes run online.

Another advantage according to Hardiyansyah is that people can access the world of governance quickly and linkage between regions is easier to control (Article 7 paragraph (1) and (2), 2015).

In the results of this study, the Badung District National Land Agency was not eligible to carry out the order in Circular 5/2015 issued by the National Land Agency of the Republic of Indonesia for the following reasons:

- Server instability as a computerized land registration tool to offset the number of requests for the land registration process;
- Hardware as a means of land registration is not yet adequate;
- Human Resources in this case the staff from the National Land Agency and PPAT partners are not yet ready for the development of Information Technology;
- There are still PPAT offices that have not used internet services.

Through Number 5 in Circular 5/2015, the National Land Agency of the Republic of Indonesia orders all units/working units within the Ministry of Agrarian and Spatial Planning/National Land Agency to use to use computerized land registration services as long as applications are available, supporting facilities and infrastructure to optimally run the Land Registration

service. The sentence confirms that Circular 5/2015 does not require fully to the Land Office to implement a computerized land-based registration system if supporting facilities and infrastructure are not yet available. So, the Badung Land Office can be deemed not to violate the order provisions of Circular 5/2015 because it does not yet have supporting facilities and infrastructure to run a computerized land registration system optimally.

Obstacles Faced in the Mortgage Right Registration after the Issuance of Circular 5/2015 Substituting the Conventional Land Registration System at National Land Agency Office of Badung

Respondent 5 Dr. I Made Pria Dharsana, S.H., M.Hum.

The transition of a land registration system from a conventional system that relies on written data in the Office of the National Land Agency into a computerized based registration system that relies on digital data and computer devices as a means to access data certainly will not run smoothly but will find many obstacles that will be faced as stated by the respondent I Made Pria Dharsana. According to respondents, this computerized system has not been fully implemented even though checking certificates is done online. Basically, signing and wet stamps must always be done. Respondents stated that as PPAT, the concerned person is not ready to register land with a computerized system because he had not yet obtained certainty regarding the service system. In addition, the S.O.P must also be clear, because it will create obstacles due to its lack of transparency. Some of the problems according to respondents which have caused a hindrance to computerized land registration systems include:

Since the enactment of this computerized land registration system, PPATs' jobs have been increasing, because even though they have uploaded the necessary documents, the National Land Agency still asks the concerned person to

bring physical documents from documents uploaded at the National Land Agency office because validation still needs to be done to ascertain whether the uploaded document is the original or not. In short, according to the concerned, a computerized system-based registration system cannot yet be an effective method and it is time wasting.

There is still no certainty about when the application from PPAT regarding the period of completion of land registration will be completed. According to respondents 5, PPAT as the spearhead in land registration services to the community cannot provide maximum service because there is no certainty regarding the period of completion of the land registration process, so PPAT cannot provide certainty of time to the applicant community.

According to respondent 5, computerized land registration will certainly pose a serious risk and requires great responsibility from the National Land Agency, especially in the security of data that must be guarded and monitored closely. Data on land parcels presented in computers connected to the internet does make it easier for people to obtain it, but it will be very risky if there are irresponsible individuals hack the BPN database and manipulate existing land data for personal or group interests which can harm the wider community.

According to respondents 5, the current BPN service has not changed so far because it still follows a conventional system that does not include computerized systems.

Respondent 6, Ni Made Listyawati, S.H., M.Kn.

The next respondent is Ni Made Listyawati. Information from these respondents is not much different from the previous respondents. However, according to respondents 6, 1 the Credit Agreement followed by 2 collateral objects by making 2 APHTs indeed cannot be registered at the same time. According to information

from the BPN, the system of software used in conducting land registration services is indeed impossible to do such a thing. Thus, in the registration of 2 APHT with 1 Credit Agreement shall be carried out in turns, namely by registering the numbered APHT for the first time and after the SHT from the first APHT has been issued, the second APHT can be registered and this process will take longer than those in conventional land registration. That, because in conventional land registration, land security registration in the Credit Agreement which creates more than 1 APHTs can be done at once. And this action resulted in PPAT indirectly violating the provisions of Article 13 paragraph (2) UUHT. Other constraints faced after the introduction of computerized land registration after the issuance of Circular 5/2015 are:

The problem often faced by respondents 6 after the enactment of a computerized land-based registration system is the problem of server stability such as congestion of access if the number of users is very crowded and this crowd also occurs every day. This greatly inhibits the respondent from doing his job as a PPAT.

It is the same with those of previous respondents. The physical file of the uploaded file must still be submitted to the BPN for further validation, which according to the respondent wastes time and is inefficient.

According to the Government Regulation on Land Registration, there are 5 land registration principles, namely simple, safe, affordable, up-to-date and open. If the purpose of these principles is related to the results of interviews of researchers with respondents 5 and respondents 6, the following conditions occur:

Simple: it is said to be simple according to respondents 5 and 6 if PPAT as a partner is still obliged to convey the supporting physical properties of the APHT which is a requirement in the registration

of Mortgage Rights whose scan results have been uploaded to the server by PPAT. According to respondents 5 and 6, physical files whose scan results have been uploaded are inefficient and time-consuming and staff.

Safe: Computerized land registration will greatly facilitate anyone who wants to apply for land registration to the BPN, but that does not mean it does not have weaknesses. According to respondents 5, land data that is on the BPN server is not impossible to reach by hacking from irresponsible parties who have the ability to hack and can manipulate land data for personal or group interests that can harm many parties.

Affordable: Respondent 6 states that if in a credit agreement, the object of guarantee arising from the credit agreement creates more than one guarantee object which also results in more than one APHT number, registration cannot be carried out simultaneously as can be done in conventional land registration. PPAT must wait until the SHT from the first APHT has been issued, and after that the second APHT can be registered and so will the next APHT. This results in more than one registration action to issue all SHTs and for the APHT registration fee to be charged every single registration, which certainly requires more costs.

Current: according to Respondent 1, the Land Office of Badung District has not been able to implement a land registration system because of the factors mentioned, including the unavailability of facilities and infrastructure to implement the system itself. In fact, the latest principle in land registration requires that land registration services at the Land Office continue to adjust to the times, especially the development of information technology in order to provide updated information.

Open: according to respondents 5 the Land Office of Badung District is still not open about the issue of information on the work on land registration requests that are

being carried out, even though information disclosure is needed by PPAT, one of which is information about the range of time needed to complete a land registration request so that the community as applicants also time can be given regarding the completion of the land registration application.

The late submission of the APHT to the Land Office as stated in Article 13 paragraph (2) of the UUHT does not cause the cancellation of the APHT for the sake of law, but it can delay the emergence of preference rights granted to the uncredited SHT Creditors. The legal consequences arising from these cases are objects of collateral that must be controlled by the creditor that cannot be executed when the debtor is declared to have an appointment. This can hamper the repayment of debtor debt to the creditor through the execution of collateral objects. Article 14 paragraph (1) UUHT states "as proof of the Underwriting Right, the Land Office issues a certificate of dependency rights." According to Article 14 paragraph (1) UUHT, SHT is proof that in the relevant land parcels in the form of SHT that contains irreversible it is said that "FOR JUSTICE BASED ON THE ALMIGHTY GODS" is being charged. (Article 14 paragraph (2), 1996). The entitlements gave the SHT issued by the executive force Land Office which was the same as the court decision that had obtained permanent legal force (Article 14 paragraph (2), 1996). So, with this explanation, SHT did give legal certainty to the creditor that he was authorized to execute the Mortgage Rights he controlled based on SHT that had executorial power.

4. CONCLUSION

The Circular 5/2015 letter has the main objective to facilitate the service to the community regarding Land Registration in order to realize the principles of better Land Registration. The Badung Land Office cannot be declared to violate the provisions of Circular Letter 5/2015, because the nature of the order of Circular

5/2015 itself is facultative. This is because in it is implied, "done during the application, supporting facilities and infrastructure are available" and in fact, the Land Office of Badung still does not have the supporting facilities and infrastructure, including human resources that are able to adjust to the rapid development of Information Technology.

Modernizing land registration services is one of the objectives of Circular 5/2015. However, the problems faced by the Badung Land Office and PPAT which have work areas in the Badung District area are, among others:

Viewpoint of Staff of Badung Land Office

- Instability of the Server as a computerized land registration tool to offset the number of requests for the land registration process is still problematic;
- Hardware as a means of land registration is inadequate;
- Human Resources in this case staff from the National Land Agency and PPAT partners are not ready for the development of Information Technology;
- There are still PPAT ()Land Title Registrar offices that have not used Internet services

The View Point of PPAT of Badung Land Office:

- PPAT is still required to submit files to the Land Office such as the scanned area and APHT and uploaded on the BPN server. In fact, according to PPAT, such a process takes time and energy and is inefficient.
- PPAT is still experiencing technical problems when uploading files to the BPN server. Server capabilities are still a problem in accommodating PPAT users who enter into the application which causes delays in accessing PPAT that wants to upload files to the BPN server for validation.

- The use of a computerized system still does not provide certainty of time regarding the execution of land registration applications, and the result of this is that the PPAT cannot provide certainty of time to the community applying for land registration.
- The last problem is regarding registration of mortgage rights when the Badung Land Office adheres to a computerized land-based registration system. Credit agreements that generate more than one APHT cannot be registered at the same time as can be done on conventional land registration. Applicants can only register one first APHT. The second APHT can only be registered after the SHT of the first APHT is published, and so on. This makes PPAT indirectly violate the provisions of Article 13 paragraph (2) UUHT which confirms the period of submission of the APHT to the Land Office is 7 working days since APHT was signed, and given a number by PPAT.

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