

Juridical Overview of the Implementation of Mortgage Registration Services Through an Online Integrated System for Land Deed Maker Officials (PPAT) in the City of Pekalongan

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Abstract

The implementation of Electronic Liability Rights was carried out simultaneously on 8th of April, 2020. In its implementation, there are still frequent obstacles faced by PPAT. Based on these problems, first, how is the implementation of mortgage registration services through an online integrated system for Land Deed Making Officials (PPAT) in the Pekalongan City Region? Second, what are the obstacles faced in implementing mortgage registration services through an online integrated system for Land Deed Maker Officials (PPAT) in the Pekalongan and how to solve them? This research is a sociological juridical research, with a qualitative approach. The sampling technique used was purposive sampling. The data analysis technique used is data reduction.

Researchers conclude, the first conclusion is obtained, the implementation of mortgage registration services through an online integrated system for Land Deed Maker Officials (PPAT) in the Pekalongan City Region, runs well, efficiently, and quickly. Second, the obstacles that are often faced are related to the system, so that in solving it, users must often coordinate with the local Land Office.

Keywords: *Electronic mortgage services; PPAT; implementation.*

A. Introduction

Advances in technology are no longer denied in its development, it provides many benefits for everyday life for people in various parts of the world. Access to technological sophistication makes it easier for people to obtain their needs. This also has an impact on the office management system.¹

Technological developments as described above, provide innovation to the Land Office agency. The Ministry of Agrarian and Spatial Planning/National Land Agency

¹Media Publications, “Pengaruh Pemanfaatan Teknologi Informasi Dan Pengendalian Intern Terhadap Kinerja Instansi Pemerintah (Studi Pada Satuan Kerja Perangkat Daerah Kabupaten Kampar)”, <https://media.neliti.com/media/publications/8841-ID-pengaruh-pemanfaatan-teknologi-informasi-dan-pengendalian-intern-terhadap-kinerj.pdf> (Diakses tanggal 24 September 2021, 21.52).

(ATR/BPN) has launched land services electronically, marked by the issuance of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of National Land Agency Number 9 of 2019 concerning Electronically Integrated Mortgage Services, and simultaneously make changes to the rules regarding HT-el registration as amended by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 5 of 2020 concerning Electronic Integrated Mortgage Services, which was then promulgated on April 8, 2020.²

Since the issuance of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 5 of 2020 concerning Electronically Integrated Mortgage Services which came into force since its promulgation on April 8, 2020, implementation has not always run smoothly. There are many obstacles experienced by Land Deed Making Officials in Pekalongan City. This affects the performance and efficiency of the implementation of mortgage registration services through an online integrated system.³

The Deed of Granting Mortgage (APHT) stipulates the terms and conditions regarding the granting of Mortgage from the debtor to the creditor in relation to debts that are guaranteed by the Mortgage. The granting of this right is intended to give priority to the creditor concerned (preferred creditor) over other creditors (concurrent creditors) as regulated in Law Number 4 of 1996. The granting of Mortgage Rights is a guarantee of repayment of debtor debt to creditors in connection with with the relevant loan/credit agreement. Land as an object of Mortgage may include other objects which are an integral part of the land.⁴

This is possible because of its physical nature to become one unit with the land, both existing and future, in the form of permanent buildings, perennials and works of art, provided that these objects belong to the right holder or to another party (if the object belongs to the right holder or other party). -the object belongs to another party, the person concerned/owner must also sign the APHT).⁵

²Pandam Nurwulan, 2021. “Implementasi Pelayanan Hak Tanggungan Elektronik Bagi Kreditor dan Pejabat Pembuat Akta Tanah”. Jurnal Hukum Ius Quia Iustum, Vol. 28, No. 1, Januari, 2021. Hlm 183.

³ Ibid. Hlm. 187

⁴Supriyadi, 2008. *Hukum Agraria*. Jakarta: Sinar Grafika. Hlm 176.

⁵ Hukum Online, “Akta Pemberian Hak Tanggungan”,

The imposition of Mortgage Rights must meet the requirements stipulated in the UUHT, namely:⁶

1. The granting of Mortgage is preceded by a promise to provide Mortgage as collateral for the settlement of certain debts which are stated in and are an inseparable part of the credit agreement in question or other agreements that give rise to the debt.
2. Granting of Mortgage must meet the special requirements which include: the name and identity of the holder and giver of the Mortgage, the domicile of the parties, the holder and giver of the Mortgage, a clear designation of the debt or debts whose repayment is guaranteed with the Mortgage, the value of the mortgage, and clear description of the object of Mortgage.
3. Granting Mortgage must fulfill publicity requirements through registration of Mortgage at the local Land Office (Municipality/Regency).
4. The Mortgage Certificate as proof of the Mortgage Right contains an executorial title with the words "For the sake of Justice Based on the One Godhead".
5. Canceled by law, if it is agreed that the holder of the Mortgage will have the object of the Mortgage if the debtor is in default (default).⁷

The procedure for assigning Mortgage begins with the stage of granting Mortgage in front of the Authorized Land Deed Official (PPAT) and is evidenced by the Deed of Granting Mortgage (APHT) and ends with the stage of registration of Mortgage at the local Land Office.⁸

Based on the description of the problems above, a study was made with the title "Juridical Review of the Implementation of Mortgage Registration Services Through an Online Integrated System for Land Deed Makers (PPAT) in the Pekalongan City Region" with 2 problem formulations: (1) How to implement mortgage registration services through an online integrated system for Land Deed Making Officials (PPAT) in the Pekalongan City Region?, (2) What are the obstacles faced in implementing mortgage registration services

<https://www.hukumonline.com/klinik/a/apht-akte-pemberian-hak-tanggungan-cl944/>(Diakses tanggal 24September 2021, 22.15).

⁶ Ibid.

⁷ Ibid.

⁸Supriyadi, 2008. Op. Cit. Hlm 192.

through an online integrated system for Land Deed Making Officials (PPAT) in the Pekalongan City Region and how to solve them?

B. Research Methods

The writing method in this research is using a sociological juridical approach, namely legal research that analyzes and examines the workings of law in society. The object of the study is about community behavior. The behavior of the people studied is the behavior that arises as a result of interacting with the existing norm system. Interaction appears as a form of public reaction to the implementation of a positive statutory provision and can also be seen from community behavior as a form of action in influencing the formation of a positive legal provision.⁹

Sociological juridical research can also be used to examine the effectiveness of the operation of law in society. Several legal aspects that influence people's behavior when interacting with laws and regulations. Some of these social aspects include: political, economic, social, cultural, educational, gender, demographic, environmental, and religious aspects. While the legal aspects include; textual laws and regulations, regulated community values and interests, procedures for implementing regulations.¹⁰

C. Results and Discussion

1. Research Result

The discussion was carried out descriptively and analyzed from the data obtained through research activities.

The implementation of online integrated mortgage registration services for Land Deed Making Officials (PPAT) in the Pekalongan City area, has shown a significant development, since the promulgation of 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 2020 concerning Mortgage Services Integrated Electronically. With the electronic service system, work becomes more efficient.

⁹Muhaimin, 2020. *Metode Penelitian Hukum*. Mataram-NTB: Mataram University Press. Hlm 86.

¹⁰Mukti Fajar ND dan Yulianto Achmad, 2010. *Dualisme Penelitian Hukum: Normatif & Empiris*. Yogyakarta: Pustaka Pelajar. Hlm 53.

The implementation of mortgage registration services through an online integrated system for Land Deed Making Officials (PPAT) in the Pekalongan City Region has been going well. However, there are still significant obstacles, namely problems with the IT system and data discrepancies between the physical certificate held by the right holder and the database in the local Kantah internal system.

The data discrepancy can be caused by several factors, one example of which is the certificate to be registered with the electronic mortgage, which has previously been re-measured because of the old blank. In the measurement division database, there are new data, such as changing kelurahan, different land area due to road widening, different measurement methods, which data were obtained during the review and re-measurement of the certificate object.

The data update is only carried out by one system in one division. So, when the mortgage registration service will be carried out through an electronic integrated system, there will be differences in data.

Therefore, the electronic mortgage service officer must first adjust the data between the IT system and the land book in the Pekalongan City Land Office, so that the certificate checking process can be carried out, and then proceed with the mortgage registration service process through an electronic integrated system (entitlement). electronic liability).

D. Closing

1. Conclusion

The conclusions from the results of research that have been carried out are as follows:

- a. Implementation of mortgage registration services through an online integrated system for Land Deed Making Officials (PPAT) in the Pekalongan City Region, has been running well. With the existence of mortgage registration services through an online integrated system, Land Deed Making Officials (PPAT) benefit from the timeliness in the process of completing the mortgage registration process.

- b. Obstacles encountered in the implementation of mortgage registration services through an online integrated system for Land Deed Making Officials (PPAT) in the Pekalongan City Region, lies in the error system, in which if these problems occur, some problems can be resolved and corrected at the Land Agency Office. Pekalongan City, there are also those whose completion and repairs are carried out by the Data and Information Center (Pusdatin). In the event that the repair of obstacles must be carried out by the Data and Information Center (Pusdatin), the completion time cannot be estimated, so that it greatly hampers the Land Deed Making Officer (PPAT) in the Pekalongan City Region in completing their work.

2. Suggestion

Based on the research that has been done, there are suggestions as follows:

- a. It would be nice if the ministry as the organizer could further maximize and improve the readiness of the electronic mortgage system for users.
- b. It is hoped that the ministry can minimize the occurrence of system problems, even if an error or maintenance occurs it can be resolved immediately, and in a not too long time. Thus, it can further expedite, simplify, and perfect the implementation of mortgage registration services through an online integrated system for users throughout the country.

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