

The Implications of Electronic Mortgage Right's Implementation to Non-Bank Creditors

Benny Djaja^{1*}, Shinta Jayanti Permatasari² 

¹Faculty of Law, Tarumanagara University, Indonesia

²Faculty of Law, Tarumanagara University, Indonesia

*Corresponding author: bennydjaja.bd@gmail.com

Abstract

Since July 8th 2020, the Minister of ATR/ chief of BPN Regulation Number 5 of 2020 has been ratified regarding Electronic Mortgage Rights, including regulating the implementation of private (non-bank) electronic systems. The application of the electronic system requires that every process from the registration stage of new Mortgage, renewal, and *roya* be carried out electronically. The service subject of the electronic Mortgage system is creditors and *PPAT*. Creditors consist of individuals and legal entities, both banking and non-bank. The author discusses the problem of how the mechanism for registering mortgages and *roya* through an electronic system for non-bank creditors, and how *PPAT*'s responsibility is in registering mortgages electronically. The purpose of this research is to find out and understand the mechanism for registering mortgages and *roya* on non-bank creditors and *PPAT*'s responsibility in registering mortgages electronically. This study uses an empirical juridical approach, with the object of research namely the application of regulations at the Land Agency Office of Kubu Raya Regency, West Kalimantan Province and the experience of several *PPAT*s. Based on the data and analysis, it can be concluded that the mechanism for registering land for creditor accounts begins with registering *Sentuh Tanahku* application, then *PPAT* will carry out the process of making *APHT* with predetermined conditions. During the process of electronically registering Mortgage Rights, *PPAT* is responsible formally, but not materially.

Keywords: Mortgage right; Electronic Mortgage Rights; Non-bank Creditors.

History:

Received: January 25th 2022

Accepted: January 31th 2022

Published: February 11rd 2022

Publisher: Universitas PGRI Madiun

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Introduction

The implementation of the electronic system requires that every process from the registration stage of new Mortgage to the renewal is carried out through an electronic service system (application). The existence of an electronic system is expected to minimize face-to-face meetings, increase time efficiency, minimize errors, simplify bureaucracy, increase transparency and provide certainty. This need was then responded to by the Ministry of ATR/BPN in several ways, namely (Gunarta et al, 2020): increasing the ease of doing business index, namely in Property Registration, EoDB (Ease of Doing Business), Digitizing land and spatial planning data supported by information, technology and communication to provide online-based services; Improving the quality of land and spatial planning services by implementing electronic and government technology; and optimizing state revenues through intensification and extensification of the types and rates of services in the land and spatial planning sector. These changes of course have an impact on various aspects, including the service system, especially in the agencies of the Ministry of ATR/BPN of the Republic of

Indonesia, Land Deed Making Officials (*PPAT*), creditors and debtors. Since July 8th 2020, Regulation of minister of *ATR/KBPN* Number 5 of 2020 has been ratified which regulates electronic Mortgage Rights. The implementation of the electronic Mortgage shows the readiness of the Ministry of *ATR/BPN* to face the era of global digitalization.

Mortgage agreement is an *accessoir* agreement that follows the main agreement. Mortgage rights are not born because of the law but from an agreement. The mortgage agreement begins with the making of a debt agreement between the creditor and the debtor, in essence that the object of the guarantee will be burdened with the mortgage (Dewi, 2012). Based on Article 1 paragraph (1) of the Mortgage Law, "A mortgage is a security right that is imposed on land rights as referred to Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, including or not including other objects that are an integral part of the land, for the settlement of certain debts, which gives priority to certain creditors over other creditors". Some of the elements listed in the definition of Mortgage are (Salim, 2017):

- a. Collateral rights are imposed on land rights, meaning that collateral rights are control rights that can be specifically given to creditors, if the debtor breaks his promise, the creditor can sell the land by auction with prior rights over other creditors.
- b. The following land rights or other objects which are an integral part of that land.
- c. For the settlement of certain debts, it means that the dependents can settle and complete the payment of debts owed by the debtor to the creditor.
- d. Giving position in advance to certain creditors against other creditors.

In a previous article, the author has described that: "Not every people has the same willingness to make a full cash payment for a real estate purchase. Their's financial capability to pay in cash and more aside, some people might decide that their reserved cash would better be allocated elsewhere to cover other needs, such as business financing or other investment. They would opt to fund their real estate purchase with bank loans, which is notoriously time-consuming and lengthy in process as well as demanding relatively high interest rates in return. However, banks are not the only available source of loans to consider. Individuals are alternative lenders with untapped potentials remained to be explored in fueling credit activities. Unfortunately, it remains that many are still apprehensive about granting loans for the fear of failure on the part of the debtors to make full repayment or return of their funds. Meanwhile, the Mortgage Law provides that not only banks are entitled to grant credit. Individuals, although uncommon, could also do the same and be the solution to credit funding, receiving mortgage as the collateral to secure full payment of debts (Djaja, 2020)." Based on this thought, it can be stated that in addition to making loans through banks, loans through individual creditors can also be an option that is protected by the Mortgage Law as regulated in the Mortgage Law Number 4 of 1996 Article 8 paragraph (1) which reads "The Giver of Mortgage is an individual or legal entity that has the authority to take legal action against the object of the Mortgage concerned". The Mortgage Law confirms that the creditor is the holder of a special right on an object of mortgage (Setiawan, 2019).

Since July 8th, 2020, Regulation of minister of *ATR/KBPN* Number 5 of 2020 has been ratified which regulates electronic Mortgage Rights, so that all registration processes up to roya are carried out electronically. It is stipulated in Article 7 of Regulation of minister *ATR/KBPN* Number 5 of 2020 that the users of the electronic Mortgage system are creditors and *PPAT*. Land Deed Maker Officials (*PPAT*) who can use this electronic Mortgage system are *PPAT* who have been registered in the *Aplikasi Mitra Kerja* with the browser address <https://mitra.atrbpn.go.id> Creditors who can use the electronic Mortgage system are creditors who are registered in the application and have validated the data and have been verified by the Ministry of *ATR/BPN*. Since the enactment of Regulation of minister *ATR/KBPN* Number

5 of 2020 "PPAT submits the deed and complete documents of the requirements as referred to in Article 9 paragraph (2) through the electronic system of Work Partners which is integrated with the electronic Mortgage system." (Wiguna, 2020) The mechanism for registration of mortgage rights in the electronic system must still be recorded in the land book. This is done by the creditor up to printing the Mortgage Certificate and attaching it to the Land Rights Certificate (Imanda, 2020).

Based on the background that the author has put forward, several problems can be formulated, namely: first, What is the mechanism for registering mortgages and royas through the electronic system for non-bank creditors. Second, what is the *PPAT's* responsibility in registering mortgages electronically with non-bank creditors.

The purpose of this research is to solve problems related to the application of Regulation of minister ATR/KBPN Number 5 of 2020 related to the guarantee of electronic Mortgage Rights, which is to find out the mechanism for registering mortgages and roya on non-bank creditors through the electronic system and to understand their responsibilities. *PPAT* in registering mortgages electronically with non-bank creditors.

The author takes 3 (three) examples of the application of Regulation of minister ATR/KBPN Number 5 of 2020 carried out by *PPAT* with non-bank creditors, which are as follows:

- a. Notary and *PPAT* Hawa Pratiwi, S.H., M.H., M.Kn. the working area of Kubu Raya Regency (*PPAT* Hawa Pratiwi), carries out registration for individual creditors.
- b. Notary and *PPAT* Paramita Widya, S.H., M.Kn., working area in Karawang Regency (*PPAT* Paramita Widya), carry out registration for creditors of legal entities of non-bank financial institutions.
- c. Notary and *PPAT* Veronika, S.H., M.Kn., working area of South Tangerang City (*PPAT* Veronika), carry out registration for creditors of legal entities of non-bank financial institutions.

Materials and Methods

The method used in this study is an empirical juridical approach. Empirical juridical research is legal research regarding the application or implementation of normative legal provisions in action on every particular legal event that occurs in society (Muhammad, 2008), using an empirical juridical approach the author will examine the problems that have been formulated by combining primary, secondary and tertiary legal materials (which is secondary data), with primary data obtained in the field, namely regarding the application of the Ministerial Regulation of *ATR/KBPN* Number 5 of 2020 in which regulations related to services for guaranteeing mortgage rights have been integrated electronically. Researchers used data collection tools in the form of document studies and theories and existing regulations (Jatmika, 2021).

In this study, the author will take the object of research at the Land Agency Office of Kubu Raya Regency, West Kalimantan Province, and *PPAT* whose working area will be determined randomly. The author wants to know the extent of the application of electronic Mortgage in the field, and what obstacles are faced by *PPAT* during the electronic Mortgage registration process until the electronic mortgage process is carried out. The type of data collected in this study is divided into two types of data, namely primary data and secondary data with data collection techniques by means of interviews or data obtained directly from data sources at the research location or field, and by means of documentation studies to obtain secondary data research in this research is carried out by reviewing and studying library materials in the form of legal materials, both primary, secondary and tertiary legal materials.

Results and Discussion

The implementation of the electronic system requires that every process from the registration stage of new Mortgage to the renewal is carried out through an electronic service system (application) that has been provided, meaning that this system is expected to minimize face-to-face meetings, more time efficiency, minimize errors, simplify bureaucracy, improve transparency and provide certainty. Therefore, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia as a government institution is required to build a public service system that is open and easily accessible to the public, especially in the field of land services. These changes certainly have an impact on various aspects, namely the service system, especially in the agencies of the Ministry of ATR/BPN of the Republic of Indonesia, PPAT, Creditors and Debtors. PPAT is person who usually also as notary/public notary, the existence of a notary in ancient times can be seen from the existence of a statue that was on the side of the king of pharaohs in Egypt sitting while writing. So the notary profession has existed since about 5000 years ago, long before the lawyer profession was born (Arrizal and Sari, 2021)

The elements contained in the definition of Mortgage include collateral rights that are charged with land rights, meaning control rights that can specifically be given to creditors who authorize them if the debtor breaks his promise. The subject of Mortgage is regulated in Article 8 and Article 9 of the Mortgage Law. The grantor of the Mortgage is also known as the debtor, what is meant by the debtor in the Mortgage is the one who has the authority to take legal action against the object of the Mortgage. Debtors can be in the form of legal entities or individuals. Meanwhile, the recipient of the Mortgage is referred to as the creditor. Creditors can also be in the form of legal entities or individuals who have a position as the party that lends money. If further elaborated, creditors on mortgages in the form of legal entities can come from bank financial institutions or from non-banks (non-bank financial institutions or individuals), which include non-bank financial institutions, among others, such as savings and loan cooperatives, pawnshops, insurance companies, and pension funds (*dana pensiun*). Guarantee rights imposed on land rights, what is meant by collateral rights over land are tenure rights that can be specifically granted to creditors, which authorizes them to, if the debtor defaults.

A. Electronic Mortgage Registration Mechanism

The registration of the object of Mortgage can only be done on the type of ownership rights, *hak guna usaha*, *hak guna bangunan*, *hak pakai*, and finally the rights to land including buildings, plants and works that already exist or will exist which are an integral part of the land and are the property of the holder of the land rights whose burden is expressly stated in the deed of granting the rights to the land in question. Prior to the implementation of the electronic system, the imposition of Mortgage Rights can be carried out through several stages, namely the stage of granting Mortgage which is carried out before the PPAT, which is preceded by a guaranteed debt agreement, then the stage of granting Mortgage must be preceded by a promise to provide Mortgage as collateral for the repayment of certain debts, which It is stated in the debt-receivable agreement and the last stage of registration is carried out at the local Regency/Municipal Land Office (Adjie, 2018). The electronic mortgage registration stage first begins with account registration by the Work Partner application user/user and/or *Sentuh Tanahku*. The users of the application are creditors and PPAT. All users who access for the first time must be registered and verified in the *Sentuh Tanahku* application system (for individual creditors) and Work Partners with the following procedure.

Individual Creditor Account Registration

- a. The requirement for individual creditors is to be registered as a verified user of the *Sentuh Tanahku* Application.
- b. Individual Creditors access the electronic mortgage System using the *Sentuh Tanahku* Application account.

Registration of Legal Entity Creditor Accounts, can be independent or have branches as operational offices that serve credit.

- a. Creditors Legal Entities with branches register a central admin account, branch office admin account, supervisor account and operator account.
- b. Independent Legal Entity Creditors register central admin accounts, supervisor accounts and operator accounts.

In terms of facilitating the flow of understanding, the author describes the scheme and explanation in the registration of Mortgage which is done electronically where each user of the Mortgage service electronically must first be registered, validated and verified on the Partner application, which is as follows:

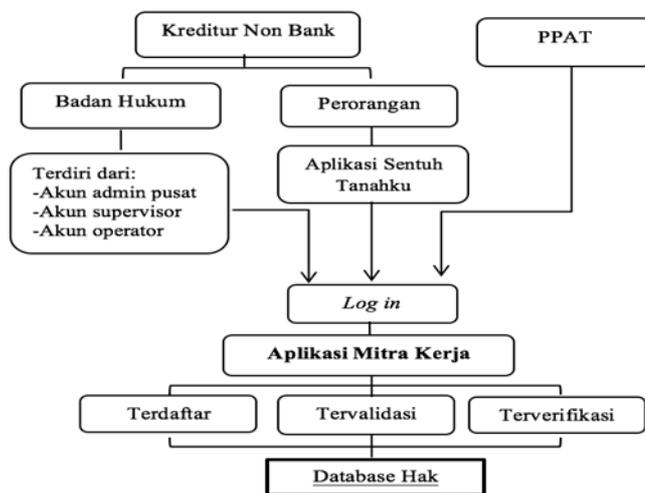


Figure 1. Application for Electronic Mortgage Rights Users

The registration process to become a user of electronic Mortgage is an important basis for registering an electronic based Mortgage. In principle, to use electronic based services, users and service implementers must enter the electronic Mortgage data base system. Creditors and *PPAT* are users and implementers of system services. Based on Article 9 of the Mortgage Law which regulates the subject of mortgage recipients (creditors), namely legal entities and individuals. The creditors as referred to in Article 9 may be in the form of bank financial institutions, non-bank financial institutions, or individuals. In using the application, individual creditors must first be registered, validated and verified in the *Sentuh Tanahku* application system, and then enter into the Partner Application system, while registration of non-bank financial institutions goes directly into the Partner application, followed by registering an account, central admin, supervisor account and operator account. The implementation in the registration of electronic Mortgage as regulated in Article 9 paragraph (2) of the Minister of *ATR/KBPN* Regulation Number 5 of 2020 is *PPAT* with the aim of submitting the deed and documents of complete requirements through the Electronic Partner system which is integrated with the electronic Mortgage system. To simplify the flow of thought, the author describes the scheme for registering non-bank creditors systematically in the image below:

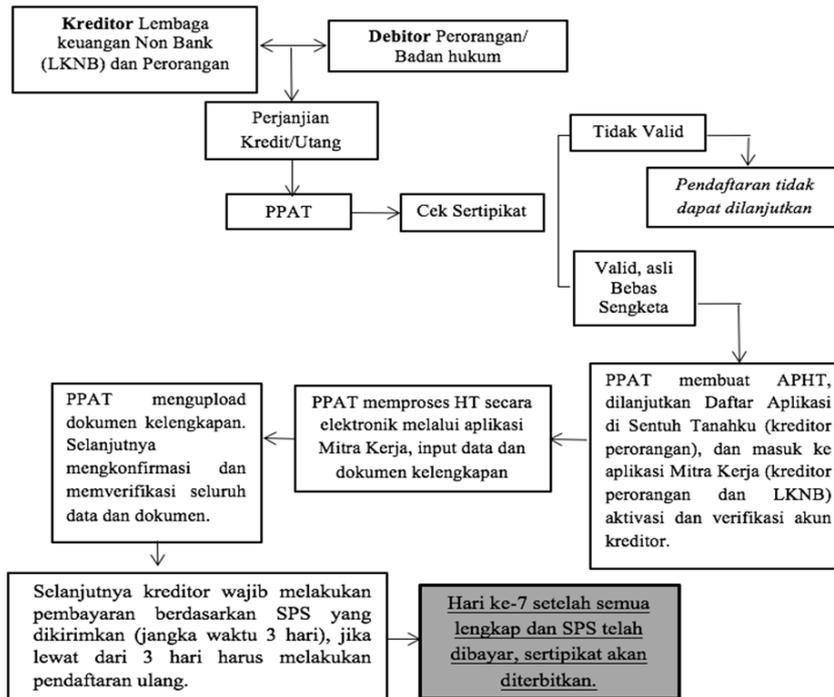


Figure 2. Non-Bank Creditor Registration Scheme

Before applying for electronic Mortgage registration, creditors and debtors bind themselves in a credit/debt agreement, as stipulated in Article 1233 of the Civil Code that the parties agree to bind themselves in a written agreement. Installation of electronic Mortgage, begins with the making of the Deed of Granting Mortgage. The next process *PPAT* checks the certificate through 2 (two) service options, namely electronic services and non-electronic services. If the certificate is valid, original and not in dispute, *PPAT* will proceed further to make a Deed of Granting Mortgage. The next process is to complete the file with the data contents of the Deed of Granting Mortgage. Furthermore, *PPAT* will complete the data through the Partner application, *PPAT* inputs the deed number and other data elements, and uploads the necessary deed and documents, namely: certificate of object of Mortgage, debtor's family card, creditor's family card, creditor's identity card, debtor's identity card, photocopy of Identity Card of 2 (two) witnesses, photocopy of Identity Card of the party with the approval of the debtor, Land and Building Tax, Credit Agreement, photocopy of Power of Attorney to impose Mortgage (if any), cover letter for deed, cover letter for deed that has been signed, a statement of responsibility for the validity and correctness of the document.

Then the document uploaded by the creditor himself into the Partner application is the creditor's application letter. Individual creditors who have entered/attached files through the Partner application will receive a deposit order (*SPS*). *SPS* is automatically sent to the registered email address (to the creditor's email) to pay non-tax state revenues, the creditor is obliged to make payments based on the deposit order sent, if the billing code exceeds the time limit determined by the system, which is within 3 days, the file will not be submitted can be run and must be re-registered. After all processes are ready and verified, within 7 (seven) days an electronic Mortgage Certificate will be issued. Mortgage rights are recorded as early as the 7th (seventh) working day since the completeness file is received by the Land Office because land disputes are complicated matters, so that they become a sensitive issue. Dependent if something happens before the 7th (seventh) day. The stages of electronic Mortgage registration are almost the same as conventional registration, except that in the

previous method, almost the entire registration process was carried out by *PPAT* (Nurwulan, 2021)

B. Roya Process on Electronic Mortgage Rights

Since the enactment of Regulation of minister *ATR/KBPN* Number 5 of 2020, the process of submitting roya/removal of Mortgage is carried out electronically through an application as stipulated in Technical Instructions Number 2/Juknis-400.Hr.02/IV/2020. Prior to the implementation of the electronic system, the application for Roya, either in whole or in part (partial) was done by physically withdrawing the Mortgage Land book and declared no longer valid, but currently all the Roya application process is carried out through an application, the results of the Roya service in whole or in part, will turn off the certificate. The previous Mortgage Certificate will be given a special sign stating that the certificate is not valid because of roya. The stages of applying for the abolition of Mortgage are carried out through the electronic system as regulated in Technical Instructions Number 2/Juknis-400.Hr.02/IV/2020, with the following procedure.

1. The creditor submits an application for registration services for the abolition of the Mortgage Rights in whole or in part
2. The creditor uploads the required documents, including a letter of roya/declaration of payment/debt settlement from the creditor/court decision/letter of release of Mortgage Rights/abolition of land rights encumbered with Mortgage Rights and others, if necessary.
3. The creditor uploads the required documents and makes a statement in digital form.
4. The creditor selects the object of land rights/property rights to the apartment unit to be refinanced, provided that:
 - a. If all objects of land rights or apartment units are selected, the electronic Mortgage system will determine that the roya is processed as a full roya;
 - b. If only part of the object of land rights or apartment units is selected, then the electronic Mortgage system will determine that the roya is processed as a partial roya.
5. Creditors check the suitability of the uploaded Roya application document data with physical documents. If it is appropriate, the Creditor confirms the request for the abolition of the Mortgage Rights.
6. The electronic Mortgage System will issue a Deposit Order/*SPS* service fee.
7. After receiving the *SPS*, the Creditor is required to make payments through the perception bank no later than 3 (three) days. If the time is over, the application file will be canceled automatically and the creditor can submit a new application.
8. After the payment is confirmed by the System, the draft of the Electronic Mortgage Certificate will be displayed and notes will be attached to the Certificate of Land/Ownership Rights to the Unit.
9. Creditors can immediately check the draft of the electronic Mortgage Certificate and the said records and if there are discrepancies, the Creditors can coordinate directly with the Land Office for repairs.
10. If the draft of the electronic Mortgage Certificate and the records referred to are appropriate, then no later than the 5th (fifth) day, the electronic Mortgage Certificate and the notes that will be attached to the Land Rights Certificate/Ownership Right to the Flat Unit are issued in the form of a Document. Electronic containing Electronic Signature by the electronic Mortgage System.
11. Partial roya results will be issued in the form of a new edition of mortgage certificate with the same number as the previous certificate, which contains the latest amended data.

12. The results of the full roya service will negate the Mortgage Certificate. The old Mortgage Certificate will be given a special sign stating that the certificate is not valid because of Roya.
13. An electronic Mortgage Certificate will be sent via email to the supervisor (supervisor) and can be printed.
14. The records that will be attached to the Certificate of Land Rights/Ownership Rights to the Flat Units must be printed and attached to the note sheet under the last line of the last note of the Certificate of Land Rights/Ownerships to the Flats that are the object of the Mortgage Rights.
15. For partial roya service, the Creditor is obliged to check the electronic Mortgage Certificate resulting from the partial roya service.
16. If there is an error in the data contained in the electronic Mortgage Certificate, the Creditor is given 30 calendar days from the date of issuance to register the issued Mortgage Data Repair Service.
17. Creditors are obligated to submit Certificates of Land Rights or Ownership Rights to Flat Units that have been made fully roya to the Debtors no later than 5 (five) days since the abolition of Mortgage Rights is implemented.

The difference before and after the application of the *ATR/KBPN* Ministerial Regulation Number 5 of 2020 is that before the *ATR/KBPN* Ministerial Regulation No. 5 of 2020 is enforced, the roya application either in whole or in part (partial) is carried out by means of physical withdrawal of the Mortgage land book paper and declared no longer valid, but now roya submissions are made through the *Mitra Kerja* application, and the submission of complete documents is also done digitally. Since the enactment of this digitalization system, all submissions for new Mortgage will be made through the available applications, except for the old Mortgages that were previously submitted manually, but will still be served manually also.

The provisions in Article 22 paragraph (1) of the Mortgage Law confirms that the deletion of Mortgage in the land book and certificate of land rights is a mere administrative action and does not affect the Mortgage concerned which has been deleted due to events as regulated in Article 18 mortgage law (Usman, 2016). Roya writes off due to factors where the debt is guaranteed by the mortgage, or it could be because the mortgage holder releases the mortgage by including a written statement. In addition to these factors, roya can also occur as a result of a decision from the Chairperson of the Court.

C. *PPAT* Responsibilities in Mortgage Registration

PPAT's task is assisting parties who wish to take legal action to apply for a permit to transfer rights and request confirmation of conversion and registration of land rights (Harsono, 2020). During the registration of electronic Mortgage Rights until the issuance of the Electronic Mortgage Certificate, *PPAT* receives data, information or statements from creditors and debtors which will then be included in the deed. The data, information or statement from the said party is submitted before *PPAT*, then all the data, information or statement stated/contained in the deed shall be valid as true and right. Furthermore, *PPAT* has the obligation to examine and check the certificate data to which Mortgage will be attached. According to the provisions of Article 39 paragraph (1) government regulation No. 24 of 1997 concerning Land Registration which states that *PPAT* can refuse to make a deed if the object to be used as collateral in information is in dispute. Basically *PPAT* does not know whether there is a dispute over a land, therefore it is necessary to check at the *BPN* office for the authenticity of the certificate and not involved in the dispute, after that *PPAT* can proceed further to make a Deed of Granting Mortgage by attaching all data into Partner system.

During the process of checking the authenticity of the document, *PPAT* must be really careful so as not to cause problems in the future. It should be emphasized that all documents submitted to *PPAT* have been formally checked, but materially *PPAT* is not responsible for their correctness. In addition, *PPAT* has an obligation to submit the Deed of Granting Mortgage (*APHT*) and other documents to the Land Office within 5 (five) days from the time the service application is received by the electronic Mortgage System. In the event that the period as referred to in paragraph (4) ends and the creditor and/or *PPAT* does not complete the file, the application is declared null and void. The provisions are regulated in Article 13 of the Minister of *ATR/KBPN* Number 5 of 2020. Article 13 Paragraph (2) of the Mortgage law explains that *PPAT* is obliged to carry out the Submission of *APHT* and other warrants because of their position.

Based on Edmon Makarim's thoughts, the requirements in the explanation of Article 16 paragraph (1) letter m of Law Number 2 of 2014 concerning Notary Profession concerning physical presence, then actually electronic presence can be categorized as physical presence. This can be strengthened by the existence of mobile telecommunication (3G) facilities that have made it possible to trace the actual location of the person. According to the author, Edmon Makarim's statements and opinions related to "...electronic attendance is categorized as physical presence..." is irrelevant and basic, because until now the legal basis for regulating the authority and obligations of Notaries is the Law Number 2 of 2014 concerning Notary Profession.

The regulation of the law emphasizes that there must be a physical presence of the party directly in front of the Notary. Likewise with the provisions in Article 22 of Government Regulation Number 37 of 1998 which has been amended by Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning the Regulation of the Position of the Maker of Land Deeds that *PPAT* deed must be read/explained its contents to the parties in the presence of at least 2 (two) witnesses before being signed immediately by the parties, the witnesses and the *PPAT* itself. Although since the implementation of the electronic system in which all processes are carried out electronically, the face-to-face process has been reduced, but it does not mean that the use of mobile telecommunication (3G) facilities will immediately become the only solution in the process of making land deeds, because if the parties have problems in attend the making of the land deed before the *PPAT*, then there must be a joint alternative while still being subject to the applicable provisions. So that when an event occurs in the presence of the mortgage right before the *PPAT*, it must be attended by the mortgage giver and the mortgage recipient and witnessed by two witnesses (Patrik and Kashadi, 2008). It should be noted that witnesses are included as evidence, and currently electronic evidence tends to be very difficult to prove (Bainbridge, 2003). One of the difficulties contained in electronic evidence is that it is very vulnerable to be changed, tapped, falsified and sent to various parts of the world in a matter of seconds (Mardani, 2009).

D. Constraints faced by resource persons in registering Electronic Mortgage

Related to the implementation of the electronic Mortgage that has been discussed previously, the author will give some examples of the implementation that has been carried out by fellow Land Deed Making Officials in several regions in Indonesia. Based on the results of interviews with resource persons related to the application of the Ministerial Regulation of *ATR/KBPN* Number 5 of 2020, it can be described as follows.

a. *PPAT* Hawa Pratiwi, working area of Kubu Raya Regency, West Kalimantan Province

The process of inputting creditor data in the Partner application, *PPAT* has difficulties because there is data that has not been validated in the Partner system, such as the Creditor's Resident Identity Number which is not found, as additional information that creditor data has been validated on the *Sentuh Tanahku* application, because it is not

validated then PPAT cannot carry out further processes in the registration of the electronic Mortgage. In accordance with the provisions of the Ministry of *ATR/BPN* for the registration process for individual creditors, *PPAT* has the authority to submit a Deed of Granting Mortgage and fill in the information on the Population Identification Number and individual creditor emails used in the *Sentuh Tanahku* Application, then registration of Mortgage Rights will be resumed by *PPAT* in the Partner application. If during the registration process it is found that the creditor data is invalid in the system, the electronic Mortgage registration must be re-applied in the application.

In the process of inputting individual creditor data, if there are obstacles, namely invalid data, for example when entering the Resident Identity Number of individual creditors in the *Sentuh Tanahku* application, creditor data is not found, based on an interview with Johan Kaedi, Head of Sub-Section for Land Rights Registration Office of the Land Agency of Kubu Raya Regency Based on reports from users, the issue of the Population Registration Number data that is not validated must be updated at the local Population and Civil Registration Office (*Dukcapil* in Indonesia). If the update has been carried out at the *Dukcapil* Office, the individual creditor's Population Identification Number data should be used in the *Sentuh Tanahku* application and Partners.

b. *PPAT* Paramita Widya, working area of Karawang Regency, West Java Province

Experience in electronic Mortgage registration is a process that takes quite a long time, which is approximately 30 (thirty) working days, this is one of the obstacles for Notary and *PPAT* Paramita, SH, M.Kn., in providing services to parties who need. According to the author, with the implementation of a new policy in this case the electronic Mortgage system requires adjustments from various aspects, namely from the creditor account registration process to the issuance of an electronic Mortgage certificate as well as the data needed in the registration process, so the time required will be more. If the creditor's data has been registered in the application, in the future it will facilitate the next electronic Mortgage registration process.

c. *PPAT* Veronika, South Tangerang City area, Banten Province

The application of minister regulation of *ATR/KBPN* Number 5 of 2020 gave a different experience for *PPAT* Veronika who argued that the implementation of electronic Mortgage Rights saves time in registration, but this system has several shortcomings in other aspects, namely the Computerized Land Activities (*KKP*) system which often has errors, refund of non-tax state revenue which is quite long, and the time for checking and repairing the Deed of Granting Mortgage (*APHT*) and other warrants is too short, which is only 5 (five) days. The Land Office carries out a data checking process after the payment of Non-Tax State Revenue by creditors based on a Payment Order (*SPS*) when the Land Office provides information that there is a lack of data or data is not appropriate, it must be completed immediately if it is past 5 (five) days, registration must be carried out repeat.

Based on Technical Instructions Number 2/Juknis-400.Hr.02/IV/2020 letter H concerning Refusal and Cancellation of Mortgage Registration of Mortgage Services, if the file does not comply with the requirements, the creditor or *PPAT* will be notified to immediately make repairs and/or complete required documents, provided that:

1. If up to day 5 (five) repairs have been made or the file has been completed, then an electronic Mortgage Certificate can be issued;
2. If after the 5th (fifth) day no repairs have been made and/or complete the required documents, then the application is declared void.

In contrast to the opinion of the previous *PPAT* (*PPAT* Pramita), according to *PPAT* Veronika, the implementation of this electronic Mortgage saves time, especially if the creditor's account has been registered before. Arrangement for refund/refund of service fees as regulated in Technical Instructions Number 2/Juknis-400.Hr.02/IV/2020 letter J regulates:

1. Refunds for service fees can only be submitted if the Mortgage Service is declared canceled due to force majeure conditions.
2. The Land Office shall input the proposed *NTPN* for refund using the electronic Mortgage System.
3. If the refund has been completed, the Bureau of Finance and State Property will inform the proof of the refund to the Land Office.

Regarding the service fee refund period and frequent system errors, the author has not found further rules in the Technical Instructions regarding electronic Mortgage arrangements. So far, the implementation is based on the system at the local *ATR/BPN* Office.

Conclusion

The implementation of this electronic Mortgage is carried out with the aim of improving the quality of good services that will create a system of governance towards good governance that is transparent and accountable. This electronic system is used to process mortgage services in the context of maintaining land registration data through an electronic system that can be accessed by the public. The realization of this system is expected to help improve the performance and quality of land services, especially in the service of Mortgage which is regulated in Technical Instructions Number 2/Juknis-400.Hr.02/IV/2020. Therefore, it is ensured that the system can provide convenience for *ATR/BPN* (Land Office), *PPAT*, creditors, and debtors.

Based on the writing above, it can be concluded that: Registration of an individual creditor account begins by registering on the *Sentuh Tanahku* Application and it is ensured that the creditor account has been verified. Furthermore, if the account has been verified and validated, creditors can access the electronic Mortgage System through the *Sentuh Tanahku* Application account. In the registration process for individual creditors, the Land Deed Making Officials submits the Deed of Granting Mortgage and fills in the information on the Population Identification Number and individual creditor email used in the *Sentuh Tanahku* Application, then the registration of the Mortgage will be continued by the Partner application user, in this case the Deed Maker Officer Land.

Registration of a creditor account with a legal entity can be registered with an independent legal entity (without branches) or with a branch as an operational office that serves credit. For legal entity creditors who have branches, registration for a central admin account, branch office admin account, supervisor account and operator account is required. For independent Legal Entity Creditors, the account registration process is carried out by registering a central admin account first, followed by registration for a supervisor account and operator account. After the registration process is complete, creditors from non-bank institutions/individuals who have attached and completed documents through the Work Partner application will receive a deposit order, the payment period is 3 days. If all processes are ready and verified, within 7 (seven) days an electronic Mortgage Certificate will be issued.

Prior to the implementation of the electronic system, the application for *roya*, either in whole or in part (partial) was carried out manually, namely physical withdrawal/paper from the Mortgage book and declared no longer valid, but since the enactment of minister regulation of *ATR/KBPN* Number 5 of 2020, the application for *roya*/deletion Mortgage for registration of electronic Mortgage is done electronically through an application, the result of full or partial *Roya* service, will "turn off" the certificate of Mortgage concerned and declared

no longer valid. The arrangement for the roya procedure is regulated in detail in point V.4 of the Technical Instruction Number 2/Juknis-400.Hr.02/IV/2020. Affirmed in Article 9 paragraph (2) of the Ministerial Regulation of *ATR/KBPN* Number 5 of 2020. *ATR/KBPN* Number 5 of 2020 Land Deed Making Officials have the responsibility and authority in submitting the deed and documents that complete the requirements through the Electronic Partner system which is integrated with the Electronic Mortgage System.

During the process of electronically registering Mortgage Rights, Land Deed Making Officials have almost the same responsibilities as conventional registrations, namely to enter the required information, statements and data based on the information provided by creditors and debtors into the deed. All statements, information and data/documents submitted to the Land Deed Making Officials have been formally checked, but materially the Land Deed Making Officials are not responsible for their correctness. Sanctions for violations for Land Deed Making Officials are stipulated in Article 23 paragraph (1) of the Mortgage Law in the form of administrative sanctions for Land Deed Making Officials, sanctions in the form of verbal warnings, written warnings, temporary dismissal from office or dismissal from office, which are adjusted to the severity of the violation or negligence. Based on Mortgage Law states that in addition to being subject to the administrative sanctions mentioned above, if the required conditions are met, the person concerned can still be sued in a civil manner and/or criminally prosecuted.

Sanctions for violations for Land Deed Making Officials are stipulated in Article 23 paragraph (1) of the Mortgage Law in the form of administrative sanctions for Land Deed Making Officials, sanctions in the form of verbal warnings, written warnings, temporary dismissal from office or dismissal from office, which adjusted to the severity of the violation or negligence. Number 11 The General Elucidation of the Mortgage Law states that in addition to being subject to the administrative sanctions mentioned above, if the required conditions are met, the person concerned can still be sued in a civil manner and/or criminally prosecuted.

Acknowledgments

We would like to thank those who have helped and were involved in this writing, including:

1. Head of the Faculty of Law, Tarumanagara University.
2. *PPAT* Hawa Pratiwi, S.H., M.H., M.Kn, Kubu Raya Regency, West Kalimantan Province.
3. *PPAT* Paramita Widya, working area of Karawang Regency, West Java Province.
4. *PPAT* Veronika, South Tangerang City, Banten Province
5. Head of Sub-Section for Land Rights Registration Office of the Kubu Raya Regency Land Agency, Mr. Johan Kaedi, A.Md.

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