



**Registration of Guarantee Rights After The Issuance of The
Minister of Agrarian Regulation And The Layout / Head of The
National Land Agency Number 5 of 2020 Regarding Integrated
Security Rights Services Electronically**

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ABSTRACT

The publication of Ministerial Regulation No.5 of 2020 is a new step in the services provided by the Minister of The National Land to the community. Integrated electronic security services are based on Ministerial Regulation No. 5 of 2009 was carried out to adjust to the development of law, technology and the needs of society. Electronic mortgage services are new in Indonesia and need to be well understood by the users, in this case people who need fast, affordable, and easy mortgage services. This article is the result of a study that aims to analyze the implementation of security rights electronically. This research is a socio-legal research using primary and secondary data, also using qualitative analysis technique. The results of the research show that electronic mortgage services can run well even though there are some obstacles in the implementation. Electronic mortgage services are highly dependent on the web and internet facilities, so there is a need for a good network when operating this service. The quality of human resources needs to be improved in order to be able to face the era of the industrial revolution which all really depends on the technology.

Keywords: Mortgage; Land Office; Online Registration.



INTRODUCTION

Land is an important thing in human life. The importance of land for human is not only as a place to live but also as a source of livelihood for human. Land is a place for human to carry out activities. In addition, land is a place for animals and plants to grow and develop that are useful for human. Land contains human needs such as water, nutrients, mining, etc. Land becomes an asset for humans in their life, a precious and valuable asset.

The condition of the community is very dependent on activities and businesses which are mostly agricultural, meaning that the land is the foundation of hope for the community so that they can carry out the principles and system of life¹. The issue of land in human life has a very important meaning, because most of their lives depend on land and various aspects of life always needs land. The importance of land for human can be seen in the reality, namely houses, offices, factories, schools and shopping centers. This encourages human to exploit. The point is that land has many benefits in human life.

In general, what is meant by land is always associated with the right to the land that is given or owned by someone, so that its benefits can be enjoyed and used according to its purposes. Thus, the meaning of ownership of land rights is the land, in the sense that it is not only a certain part of the earth's surface².

Land becomes valuable because it can be transferred from the owner to another party who wants it, but in general there are sacrifices that must be made by those who want the land. Transfer of land is closely related to the power of law to provide certainty over land rights for someone who will acquire it. The transfer of rights certainly involves two aspects that need to be considered, namely the transferring party and the party receiving the transfer of rights.

Land is one of the main assets for the Indonesian nation which is a major element in development towards the formation of a just and prosperous society based on Pancasila and the 1945 Constitution. As we know, human need for land has a central position either as a

¹ Sibuea, Harris Yonatan Parmahan. "Arti Penting Pendaftaran Tanah Untuk Pertama Kali." *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 2.2 (2016): 287-306.

² Boedi Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya*, Edisi Revisi 2008, (Jakarta: Djambatan, 2008), Page 16.



production resource or as a place of settlement or to be used as a long term investment. Land for human has a very important position where land is a primary need. This is because all human activities are carried out on the land.

Ownership of land is important with its various advantages. The advantages of which are as assets that can be used for investment or as assets that can be bought and sold as well as assets that can be guaranteed. Land as an object of guarantee can be done by using a guarantee mechanism of mortgage rights.

Guarantee arrangements in a conventional bank credit are always placed in a special article. Collateral is usually applied by prioritizing the highest power of execution, namely in the form of fixed assets (in this case houses and / or land) and can be encumbered with mortgage rights. The reason is, only mortgage rights have very clear "rules of the game" with easier execution procedures, among the various types of guarantees that exist and are applied in Indonesia³.

Land is a security item for debt repayment that is the yt preferred by financial institutions that provide credit facilities⁴. Land is very important to be owned by the community because in addition to being used for a place to live or a business, it can also be used as collateral by using a mortgage⁵. Mortgage guarantee is a material guarantee institution that is widely used by banks to protect credit submitted by debtors⁶.

Mortgage protects the bank as the Mortgage Rights Holder after providing loans to debtors who may not pay off their debts as agreed. This right is to limit the guarantor from taking legal actions on the object of the Mortgage Rights Even removing the rights from the Giver of the Mortgage if the debtor does not meet his performance⁷. In this case, the bank

³ Irma Devita Purnamasari, *Hukum Jaminan Perbankan*, (Bandung: Penerbit Kiafa, 2011), Page 21.

⁴ Jayanti, Offi, and Agung Darmawan. "Pelaksanaan Lelang Tanah Jaminan yang Terikat Hak Tanggungan." *Kanun Jurnal Ilmu Hukum* 20.3 (2018): 457-472. DOI: <https://doi.org/10.24815/kanun.v20i3.11830>

⁵ Doly, Denico. "Aspek Hukum Hak Tanggungan Dalam Pelaksanaan Roya." *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 2.1 (2016): 103-128. DOI: <http://dx.doi.org/10.22212/jnh.v2i1.185>

⁶ Sukmawati, Murlyta Nevi. "Personal Guarante Terhadap Perjanjian Kredit Dengan Jaminan Hak Tanggungan." *Airlangga Development Journal* 3.1 (2019): 54-71.

⁷ Risa, Yulia. "Perlindungan Hukum Terhadap Kreditur Atas Wanprestasi Debitur pada Perjanjian Kredit dengan Jaminan Hak Tanggungan." *Normative Jurnal Ilmiah Hukum* 5.2 November (2017): 78-93.



is the creditor and the customer is the debtor.

The imposition of the Mortgage Rights is carried out by registering the mortgage rights so that the birth rights that occur are without legal defects. By registering the Mortgage Rights, the *droit de suite* and *droit de preference* as privileges owned by the bank as creditors as Mortgage holders have been fulfilled. Encumbrance of Mortgage provides certainty for the creditor's right to repay the debt if the debtor defaults on his promises.

Since the promulgation of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 9 of 2019 concerning Electronic Integrated Mortgage Services, on June 21, 2019, there has been a big jump in registering mortgage rights, namely by using an online or electronic system. This development is not an easy thing for the National Land Agency (BPN) because with the promulgation of regulations regarding online mortgage rights, there are major consequences that must be accepted by the National Land Agency (BPN). The consequence of consistent performance and self-improvement is for the smooth running of the online mortgage system that has been implemented by the National Land Agency (BPN).

The online mortgage system has a basic objective, namely to improve mortgage services that meet the principles of openness, timeliness, speed, convenience and affordability in the context of public services, as well as to adjust legal developments, technology and community needs, it is necessary to utilize information technology so that rights service procedures dependents can be integrated electronically so that it becomes more effective and efficient. It is necessary to study further regarding the application of this online mortgage system.

RESEARCH METHOD

This article is the result of research using qualitative research. The use of qualitative methods is expected to find the hidden meanings behind the research subject. This research is a socio-legal research, which begins with secondary data as initial data, then continues



with primary data or field data. This research identifies existing legal issues, online mortgage mechanisms, legal consequences, and the problems that surround them.

Specifications in this research is to obtain data and information on the application of online dependent rights services based on The Minister of Agrarian Regulation And The Layout / Head of The National Land Agency Number 5 of 2020 Regarding Integrated Security Rights Services Electronically.

The research took place at the Ministry of Agrarian Affairs and Spatial Planning / Head of the Land Agency in several cities in Central Java, including Semarang City, Pekalongan City, Pekalongan Regency, Batang Regency and Brebes Regency. The data collection technique used in this study was in-depth interviews.

RESULTS AND DISCUSSIONS

Implementation of Online Mortgage Based on The Minister of Agrarian Regulation And The Layout / Head of The National Land Agency Number 5 of 2020 Regarding Integrated Security Rights Services Electronically

In the era of the Industrial Revolution 4.0, it is currently having a tremendous impact in various sectors, including the service sector in government. The rapid development of the world, especially in the field of technology, has made almost everything completely online or electronic. The Ministry of Agrarian Affairs and Spatial Planning / National Land Agency (ATR / BPN) has launched an electronic service that can be used by PPAT and Financial Services to register requests for land information services directly without the need to go to the land office again. One of them is collecting data on mortgage rights at the Land Office. The government through the ATR / Head of BPN issued Regulation of the Minister of Agrarian and Spatial Planning for the Head of the National Land Agency Number 9 of 2019 concerning Electronically Integrated Mortgage Services on June 21, 2019. Regulation of the Minister of Agrarian Affairs and Spatial Planning for the Head of the National Land Agency Number 9 of 2019 is a continuation with the previous Regulation of the Minister of Agrarian and Spatial Planning for the Head of the National Land Agency, namely Permen ATR / KBPN Number 3 of 2019 concerning the use of



electronic systems and Permen Number 7 of 2019 concerning changes to certificate forms. However, the implementation of the electronic system at that time was still being carried out based on the readiness of each Land Office so that the implementation was not yet comprehensive.

Early 2020, the government through ATR / Head of BPN issued Regulation of the Minister of Agrarian Affairs and Spatial Planning for the Head of the National Land Agency Number 5 of 2020 concerning Electronic Mortgage Services which was promulgated on April 8, 2020 replacing Ministerial Regulation Number 9 of 2019. This is because Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency No. 9 of 2019 is considered to have flaws and weaknesses. With the enactment of the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency No. 5 of 2020, the Permen ATR / BPN No. 9 of 2019 is revoked and declared invalid.

In Indonesia, the electronic (online) security rights system is referred to as HT-el. Online Mortgage Registration is a series of mortgage service processes in the context of maintaining land registration data, which is organized through an integrated electronic system. The HT-el system is an integrated electronic system developed by a technical unit that has tasks in the field of data and information to process HT-el services. The Regulation of the Minister of Agrarian and Spatial Planning for the Head of the National Land Agency Number 5 of 2020 is used as a step to make it easier for the community to provide online mortgage guarantee services so that people do not need to come to the Land Office to get services, the community simply registers their mortgage rights online. HT-el has been running until now, in almost all Land Offices in Indonesia.

Providing online mortgage services (HT-el), namely (1) the Ministry as the organizer (in this case the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency); (2) Land office as executor; (3) Creditors, PPAT or other parties determined by the Ministry as users.

The Land Office will implement the HT-el system in stages by adjusting the readiness of supporting data in the Land Office itself. The legal basis for implementing Mortgage



Rights electronically is: (1) Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 7 of 2019 concerning Second Amendment to Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 1997 regarding Land Registration; (2) Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 5 of 2017 concerning Electronic Information Services; (3) Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency Number 3 of 2019 concerning Application of Electronic Signatures; (4) Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 9 of 2019 concerning Electronic Integrated Mortgage Services; (5) Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronically Integrated Mortgage Services

Types of HT-e-mail services that can be submitted through the HT-e-system include: (1) Registration of Mortgage Rights; (2) Transfer of Mortgage Rights; (3) Change of creditor name; (4) Abolition of Mortgage Rights; and (5) data correction. Mortgage services are carried out in accordance with the provisions of laws and regulations governing service standards and land arrangements within the Ministry. The HT-el system is held reliably and safely and is responsible for the operation of the electronic system. The HT-el system is a system that has been certified by the competent authority and is subject to the provisions of laws and regulations regarding the operation of electronic systems and transactions.

The ministry is responsible for the administration of the online mortgage system (HT-el) and is subject to the provisions of existing laws and regulations in Indonesia. The Land Office is a component of the Administration (part of the Ministry of Agrarian Affairs / National Land Agency). The HT-el system has the authority to inspect and certify the results of HT-el services and is subject to the provisions of the legislation. Creditors, PPATs or other parties determined by the Ministry as users are people who use the HT-e system provided by the Operator.



The positive impact in the implementation of electronic mortgage services can be felt for users of this system. With the HT-e service, the mortgage registration process is faster and relatively more efficient than the manual system. This is important for business people who need fast time and money in business. The efficiency of the land business process can be supported by the HT-el system because generally in Indonesia, in purchasing a house or land, many use mortgages rather than cash purchases.

The HT-el system can provide mortgage services with a wider range of services, in the sense that HT-el services can not only be enjoyed and accessed by people located close to the Land Office, but people who have an internet connection can enjoy HT-el system services.

The Ministry of ATR / BPN as the operator of the HT-el system adjusts to the provisions contained in the ITE Law where Electronic System Operators are required to operate Electronic Systems that meet the following minimum requirements: (a) Can display Electronic Information and / or Electronic Documents completely in accordance with with a retention period stipulated by Legislation; (b) Can protect the availability, integrity, authenticity, confidentiality and access of Electronic Information in the Operation of Electronic Systems; (c) Can operate in accordance with procedures or instructions in the Operation of Electronic Systems; (d) Equipped with procedures or instructions that are announced in a language, information or symbols that can be understood by the party concerned with the Operation of Electronic Systems; and (e) Have a sustainable mechanism to maintain the novelty, clarity and accountability of procedures or instructions.

The implementation of HT-el services is very dependent on the knowledge, skills and skills of the parties involved in the implementation of mortgage services, including PPAT, creditors, land office employees. These parties must be "technologically literate" because the HT-el system was built following current technological advances.

PPAT has an important role in integrated electronic mortgage services. The role of PPAT as an electronically integrated mortgage service user after the issuance of Permen ATR / BPN Number 5 of 2020 is starting from making a credit agreement, checking land



certificates electronically before making a Deed of Granting Mortgage Rights, Making a Deed of Granting Mortgage Rights to uploading the Deed of Granting Mortgage along with supporting data to the local Land Office through the PPAT Partner Application at <https://mitra.atrbpn.go.id>. Then the PPAT will submit a copy of the Minuta Deed of Granting Mortgage Rights to debtors and creditors. Meanwhile, the original Deed of Granting Mortgage is kept by the PPAT⁸.

Land Deed Making Officials (PPAT) must be able to have accuracy, especially ensuring the validity of documents related to HT-el services. In addition, PPAT must have a good archive storage method so that if there is an incident (for example, fire, earthquake, robbery, etc.), all the documents that have been uploaded to the HT-el system will not be a problem in itself.

PPAT has an obligation to make deeds and submit the deed to creditors as work partners. Submission of these documents is accompanied by a statement letter regarding the accountability for the legality and correctness of the submitted electronic document data. It means that in this case the PPAT must be really careful about the validity of the documents. If in the future it is known that there are illegal documents, it becomes an important question, whether PPAT can be held accountable. Judging from the statement letter made by PPAT regarding the accountability for the validity and correctness of the submitted electronic document data, PPAT should be responsible for the validity or not of the document. Unless the PPAT can prove in court that he was not involved in the production of the illegal document, however, in this case the PPAT party is deemed negligent in examining the validity of the document.

Integrated Electronic Mortgage Services Mechanism

The electronic registration system is not new to Indonesia, previously Indonesia also implemented an electronic fiduciary registration system. Learning from the online fiduciary security system of the Ministry of Law and Human Rights, the Indonesian Land Agency has

⁸ Aufima, Zidna. "Peran PPAT Selaku Pengguna Layanan Hak Tanggungan Terintegrasi Secara Elektronik." *Journal of Judicial Review* 22.2 (2020): 259-270. DOI: <http://dx.doi.org/10.37253/jjr.v22i2.1224>.



implemented an online mortgage registration system. This system is not much different from the online fiduciary registration system.

General Directorate of General Law in the Ministry of Law and Human Rights apply online fiduciary in giving services to the public with the reason that this online fiduciary is a new system in the law services, which is faster, accurate, free from illegal levy, and able to stimulate economic growth in Indonesia for the prosperity of the citizen⁹. The reasons are almost the same as online fiduciary, that the online mortgage system is carried out to improve mortgage services that meet the principles of openness, timeliness, speed, convenience and affordability for public services, as well as to adapt legal developments, technology and community needs. Through the HT-el system, the government seeks to provide services to the community with the HT-el system which is carried out so that it is easily accessible and operated and can provide convenience and satisfaction to the community.

Basically an electronic system is a series of electronic devices and procedures that serve to prepare, collect, process, analyze, store, display, announce, transmit, and / or disseminate Electronic Information. Preparing, collecting, processing, analyzing, storing, displaying, announcing, sending and / or distributing Electronic Information, so that the administration of electronic systems can be carried out by state administrators, persons, business entities, and / or the public¹⁰. The HT-el system is integrated electronically. This online process includes: (1) registration of Mortgage Rights; (2) Transfer of Mortgage Rights (subrogation / cessie); (3) Change of creditor name; (4) Termination (roya mortgage).

HT will be born when registration has been made. After the registration was carried out, HT had met the requirements for publicity as one of the conditions for the birth of

⁹ Adhi, Yuli Prasetyo. "Characteristics and problems of online fiduciary in the imposition of fiduciary guarantee in Indonesia." *South East Asian Journal of Contemporary Business Economics and Law* 4.3 (2014).

¹⁰ Zaki, Begiyama Fahmi. "Kepastian Hukum Dalam Pelelangan Objek Hak Tanggungan Secara Online." *Fiat Justisia: Jurnal Ilmu Hukum* 10.2 (2016). DOI: <https://doi.org/10.25041/fiatjustisia.v10no2.748>



HT¹¹. To register Mortgage Rights, system service users must consist of individuals or legal entities who are creditors and Land Office service officers who have the task of serving Mortgage Rights. This is an improvement in the Regulation of the Minister of Agrarian Affairs Number 5 of 2020, the improvement is that the creditor must register it. Requirements that must be possessed by an individual or legal entity are: (1) Having an electronic domicile (electronic KTP); (2) Certificate of registration with the Financial Services Authority (OJK); (3) Statement of compliance with requirements and approval as a user; (4) Other conditions determined by the Ministry.

PPAT that can use the HT-el system is only PPAT that has been registered in the Partner Application at mitra.atrbpn.go.id and has validated the data and has been verified by the Land Office. The Land Office is the same as PPAT, creditors who will use the HT-el system must also be creditors who have registered with the Partner Application at mitra.atrbpn.go.id and have validated the data and have been verified by the Land Office. Mortgage Rights are made from the <https://htel.atrbpn.go.id/> application by users registered as PPAT and Financial Services. In using the HT-el system, various obstacles were encountered by the parties.

The implementation of online mortgage rights has several problems in its implementation, including the readiness of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency, namely a server for implementing online mortgage rights (HT-el system). In order to improve service, several times the server has been slowed down or stopped to upgrade the system again to make it better. In addition, there are also some obstacles from the registration applicant where the internet owned by the applicant in accessing HT-e is often slow in performance, making it difficult to access the HT-e system. In the end there was a buildup of Mortgage registrations the following day.

This HT-el system is very dependent on the internet, so it needs strengthening of a good network. In addition, the level of security in the HT-el system needs to be properly

¹¹ Hutagalung, Arie. "Praktek Pembebanan dan Pelaksanaan Eksekusi Hak Tanggungan di Indonesia." *Jurnal Hukum & Pembangunan* 38.2 (2008): 148-174. DOI: <http://dx.doi.org/10.21143/jhp.vol38.no2.171>



maintained so that things do not happen that can harm the parties involved in HT-el services.

Without an information security system, electronic transactions are very vulnerable to information security disturbances that can cause inconvenience for electronic transaction actors¹². Therefore, it is important for the implementation of the HT-el system to continue to maintain the security of the information contained in the online security rights service.

Obstacles faced by the Land Office employees include invalid data. Another obstacle is the lack of PPAT understanding of the HT-el system which is considered a new system that needs to be further understood.

Since mid-November 2019 the Land Office has refused to register Mortgage Rights manually. The Land Office of Brebes Regency on May 1, 2020 has made it mandatory to use the HT-el system. The Land Office in this case acts as an administrator and keeps records.

In providing HT-el services, it needs to be supported by sophisticated equipment that can be a means of data storage and data transmission so that it can be mutually integrated between the regional land office and the regional land office and the central land office¹³. It is appropriate for the Ministry of ATR / BPN to empower Human Resources for the better and to improve HR competencies is one of the main urgencies to support HT-el services.

Creditors apply for HT-el services through the HT-el System provided by the Ministry. Creditors complete the required documents submitted by the PPAT. Requirements for application for HT-el Services are in accordance with the provisions of laws and regulations and are submitted in the form of an Electronic Document. In connection with the enactment of Bank Indonesia Regulation Number 17/3 / PBI / 2015 concerning the

¹² Setiawan, Ahmad Budi. "Studi Standardisasi Sertifikat Elektronik dan Keandalan dalam Penyelenggaraan Sistem Transaksi Elektronik." *Buletin Pos dan Telekomunikasi* 12.2 (2014): 119-134. DOI: <http://dx.doi.org/10.17933/bpostel.2014.120204>

¹³ Nadira, Nurul. "Pendaftaran Hak Tanggungan Elektronik Yang Akan Mulai Dilaksanakan Di Badan Pertanahan." *Fairness and Justice: Jurnal Ilmiah Ilmu Hukum* 17.2 (2019): 162-165. DOI: <https://doi.org/10.32528/faj.v17i2.2801>



Mandatory Use of Rupiah in the Territory of the Republic of Indonesia. This also affects the value of security rights that must be done in rupiah.

PPAT submits deeds and documents of completeness requirements through an electronic system of partners that is integrated with the HT-el System. Submission of documents is accompanied by a Statement Letter regarding the accountability for the legality and correctness of the submitted Electronic Document data.

Application for HT-e services that have been received by the HT-e System shall be provided with proof of registration of the application issued by the system. HT-el services are subject to fees in accordance with the provisions of laws and regulations regarding Non-Tax State Revenue that apply to the Ministry. The application is processed after the application data and fees are confirmed by the HT-el System. In the event that payment of fees is not confirmed by the HT-el System, Creditors can confirm directly to the Land Office or Complaints Service.

The Land Office prepares for the implementation of HT-el Services, including: (1) Data Validity; (2) Account registration; (3) Electronic signature registration. Data validation in the context of electronic mortgage services is carried out on all textual data and spatial data on land parcels. Data validation can be carried out in stages when checking the certificate of land rights. A validated land book of land rights or Ownership Rights to Apartment Units: (1) is given a sign or stamp that has been validated; and (2) the recording of the maintenance of land registration data is then carried out in an electronic land book. Account registration is carried out to the State Civil Apparatus in charge of Mortgage services. Electronic Signature Registration is carried out in stages starting with the Official authorized to sign the HT-el Certificate. Electronic Mortgage Certificate applies nationally.

Before the results of HT-el Services are published, the Head of the Land Office or the appointed official must check the conformity of the document requirements and the concept of HT-el Certificate. Checking the conformity of the document requirements and the HT-el Certificate concept is carried out through the HT-el System. In the event that the results of the examination are incomplete or inappropriate documents, the Creditors and / or PPAT shall be notified to immediately complete the documents. The required



documents must be completed no later than 5 (five) days after the service application is received by the HT-el System. After 5 (five) days the creditor is not completed and / or the PPAT is not, then the application is declared canceled. In the event that the required documents are in accordance, the Head of the Land Office or the appointed official approves the upload of the required documents and the draft HT-el Certificate.

In the event that the Head of the Land Office or an appointed official does not carry out an inspection until the 7th (seventh) day and the results of HT-el Services are issued by the HT-el System, it is deemed to have given approval and / or approval. Head of the Land Office or appointed official is responsible administratively for the results of HT-el services.

The results of HT-e services are in the form of electronic documents issued by the HT-el system, including: (1) HT-el certificates; (2) Records of Mortgage Rights in the land book of land rights or Ownership Rights to Apartment Units; and (3) Records of Mortgage Rights in a Certificate of Land Rights or Ownership of Apartment Units.

The results of HT-el services are validated with an Electronic Signature by the Head of the Land Office or an authorized official, to maintain the integrity and authenticity of Electronic Documents. Electronic Signature is a signature that consists of Electronic Information that is attached, associated or related to other Electronic Information that is used as a verification and authentication tool. Electronic Signature is carried out in accordance with statutory provisions, namely the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency No. 3 of 2019 concerning the Application of Electronic Signatures. This electronic signature also has the same legal force as a wet signature. The current regulations regarding electronic evidence have provided legal protection for the parties involved in it¹⁴. The issuance of the HT-el Certificate is carried out on the 7th (seventh) day after the HT-el service application is confirmed by the HT-el System.

In the event that the receivables have been paid off, the Creditors shall immediately register the write-off of Mortgage Rights. Application for service to abolish Mortgage

¹⁴ Arkisman, Arkisman, and Nandatama Ayu Lafitri. "Kepastian Hukum Sertipikat Hak Tanggungan Elektronik Dalam Hukum Pembuktian Di Peradilan Menurut Hukum Acara Perdata." *Jurnal Pro Hukum: Jurnal Penelitian Bidang Hukum Universitas Gresik* 9.2 (2020).



Rights is submitted through the HT-el system. After the Mortgage is deleted, then the mortgage note or roya is written off.

Roya in general is the removal of the mortgage attached to the land book which is the object of the mortgage right, because the removal of the mortgage that is burdensome to land¹⁵. The purpose of the removal / roya of Mortgage Rights, as well as in the land book or land certificate concerned, is so that it can be known by the public that these lands have been free again, not encumbered with Mortgage Rights¹⁶.

CONCLUSION

The implementation of Mortgage Rights online is a new thing that is being done by the Indonesian government through the Ministry of Agrarian Affairs and Spatial Planning / the National Land Agency. The implementation of an electronic integrated mortgage service system in Indonesia is called the HT-el system. The parties involved in implementing mortgage rights online are debtors, creditors, PPAT, and the Land Office. Registration is carried out by creditors and the Head of the Land Office has an obligation to validate all inputted data. If an error occurs or an input error occurs, the creditor or PPAT as the user of the HT-el system can make data corrections. If the system is down, then you have to repeat the input data from the beginning again. And this also needs to be avoided by the Ministry so that there is no system down from the center which could result in losses for system users. The results of HT-e services are in the form of electronic documents issued by the HT-e system, in the form of certificates of mortgage and notes of mortgages in the form of electronic documents and validation using an electronic signature Constraints can be identified not only from the credential side but also from the side of the Land Office. This system is highly dependent on internet access so that all parties must be able to understand and master this online system and have high readiness for employees of Land

¹⁵ Syuryani, Syuryani. "Pelaksanaan Roya Hak Tanggungan Sebagai Upaya Menjamin Kepastian Hukum di Kantor Pertanahan (BPN) Kota Bukittinggi." *Pagaruyuang Law Journal* 2.1 (2018): 116-129.

¹⁶ Purnama, Yusuf Bagus. "Kewenangan Notaris dalam Membuat Akta Roya Hak Tanggungan." *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 21.1 (2018): 85-100. DOI: <https://doi.org/10.15642/alqanun.2018.21.1.85-100>



Offices throughout Indonesia. Security for servers from the Ministry of ATR / BPN needs to be improved so that errors do not occur in the system and data base.

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