
Positive Impact of Administrative Modernization in Land in Indonesia

DR. WINNY WIRIANI, S.H, MBA, M.Kn
TECHNIQUES IN DRAFTING CONTRACTS

ABSTRACT: Modernizing land administration by utilizing e-certificates has become a major concern in efforts to increase efficiency and transparency in land administration in Indonesia. This paper reviews the implementation of e-certificates as part of administrative transformation, with a focus on the Indonesian context. Through a literature review and data analysis, this article highlights the main benefits of e-certificates, including increased data accessibility, efficiency of administrative processes, and increased public trust, legal certainty and economic development. Challenges such as data security, system integration, and public acceptance are also discussed as an integral part of e-certificate implementation. By understanding the importance of administrative modernization with e-land certificates, this paper provides valuable insights for policy makers, legal practitioners, and other stakeholders in efforts to improve the land administration system in Indonesia.

KEYWORDS: modernization, land, e-certificate

INTRODUCTION

Indonesia, as a developing country with a large population and high administrative complexity, faces challenges in managing land certificate administration. As an archipelagic country with many challenges in managing land administration from Sabang to Merauke, Indonesia has made great efforts to improve its administrative system. Human error is one of the most frequent problems in land administration in Indonesia. One aspect that is highlighted in improving the land administration system is carrying out administrative modernization in the management of land certificate administration. Land is a very valuable and vital asset in the economic and social life of society, so land certificates have a crucial role in economic activities, investment and legal protection. Land administration management is a crucial aspect of sustainable development and good governance in Indonesia. However, challenges faced in land administration, such as complex bureaucracy, lack of transparency, and difficulty accessing information, have slowed the development process and hindered investment. Land administration systems that still depend on manual processes are vulnerable to errors, misuse and unclear ownership. In the face of this complexity, the use of information and communications technology (ICT) has emerged as a promising solution. E-land certificates, as one of the implementations of ICT in the land administration system, are the main focus in efforts to modernize land administration.

One of the innovations that stands out is the introduction of e-land certificates. E-land certificates utilize ICT to replace manual processes in registering and transferring land ownership. This step is expected to overcome several challenges faced in land administration, such as complicated bureaucracy and a lack of transparency.

This introduction aims to outline the urgency of administrative modernization in the management of land certificates in Indonesia, with a focus on the positive impact on the implementation of e-certificates. E-land certificates promise a revolution in the way we view and manage land ownership, by introducing a faster, more accurate and transparent process. These steps are expected to reduce time-consuming bureaucracy and increase public confidence in the land administration system.

Apart from that, this introduction will also outline the research objectives and framework which will be explained further in this article. In this way, readers will be guided to understand why administrative modernization with e-land certificates is so important in the current Indonesian context, as well as its relevance in efforts to improve the existing land administration system, and increasing public confidence in the land administration system.

A. Research Methods

1. Type of Research

This type of legal research is carried out in a normative juridical manner where the law is conceptualized as what is written in statutory regulations (law in books) or the law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate.¹ This normative legal research is based on primary and secondary legal materials, namely research that refers to the norms contained in statutory regulations.²

Positive Impact of Administrative Modernization in Land in Indonesia

2. Research Type

This type of legal research is normative juridical where the emphasis will be on studying and tracing legal materials in modernizing land administration in Indonesia.

3. Nature of Research

Analytical prescriptive research, namely scientific research with a method for studying one or several symptoms by analyzing and examining in depth certain facts and then trying to solve the problems caused by these facts. So in this research we will discuss e-certificates in implementing land administrative modernization in Indonesia.

4. Research Approach

This research will be carried out using a statutory approach where statutory regulations will be reviewed and then related to the legal issues discussed.

5. Type of Legal Material

The type of data used is library material, namely primary, secondary and tertiary data.

6. Techniques for Collecting Legal Materials

The collection of legal materials will be carried out by means of a literature study by examining statutory regulations and literature by taking an inventory of books that are related to the problems that will be discussed in this research.

7. Processing and Analysis of Legal Materials

The collected legal materials will be sorted and then processed by classifying, categorizing, systemizing and interpreting according to the research topic.

ANALYSIS AND DISCUSSION

Indonesia has issued regulations regarding the issuance of e-certificates³ which will come into effect on January 12 2021 and the issuance of e-certificates will begin in April 2023. Issuance of e-certificates starts from State Property (BMN)⁴.

The use of e-certificates in land administration in Indonesia has brought significant changes in the way land ownership is managed and transferred. In this section, researchers will analyze the positive impact of administrative modernization using e-certificates in the Indonesian land context. The following are some analyzes of these impacts:

1) Administrative Efficiency:

The implementation of e-certificates eliminates dependence on manual processes that are slow and prone to errors. Using electronic⁵ documents allows the process of registering and transferring land ownership which previously took days or even weeks to be completed in a shorter time with e-certificates. Electronic documents allow this process to be carried out online with little or no physical presence at the land office, saving time for land owners and related parties. By using an electronic system⁶, Human errors that may occur in manual processes can be reduced significantly. Data entered into electronic systems tends to be more accurate because the process is more structured and automated. E-certificates allow easier access for land owners and other related parties to submit applications and obtain information related to land ownership. This minimizes the need for physical meetings at land offices, which can save time and travel costs. With a faster and more transparent process, e-certificates open access to land ownership information to more parties, including potential buyers, financial institutions and other interested parties. This promotes fairness and equality in access to property information.

2) Transparency and Accessibility

Information regarding land ownership becomes more easily accessible to the general public. They no longer have to go to the land office in person to check physical documents, but can access this information online through the portal provided by the land agency, namely Pangkalan Data⁷. Land owners, prospective buyers and parties Other related can

¹ Amiruddin & Zainal Asikin, *Pengantar Metode Penelitian Hukum*. Raja Grafindo Persada Jakarta. 2012. hal 118

² Soerjono Soekarto, *Pengantar Penelitian Hukum*, UI Press. Jakarta. 1984. hal 20.

³ Menteri Agraria dan Tata Ruang/BPN, Sofyan Djalil mengeluarkan peraturan digitalisasi sertifikat tanah untuk diterapkan di Indonesia, dituangkan melalui Peraturan Menteri ATR/Kepala Badan Pertanahan Nasional (BPN) Nomor 1 Tahun 2021 tentang Sertipikat Elektronik.

⁴ <https://nasional.kontan.co.id/news/mulai-april-2023-kementrian-atr-bpn-terbitkan-sertifikat-tanah-elektronik>

⁵ Lihat Pasal 1 ayat (2) Permen ATR Nomor 1 Tahun 2021 tentang Sertipikat Elektronik

⁶ Ibid, Pasal 1 ayat (1)

⁷ Lihat Pasal 1 ayat (4) Permen ATR Nomor 1 Tahun 2021 tentang Sertipikat Elektronik

Positive Impact of Administrative Modernization in Land in Indonesia

easily check land ownership status without having to go through complicated or time-consuming processes. They can directly access the e-certificate via the online platform to verify the desired land ownership information. E-certificates help reduce the potential for fraud and land disputes. Clear and easily accessible information reduces the possibility of misunderstandings or manipulation of data which can lead to disputes, with such open information strengthening legal certainty in land ownership and reducing the risk of conflict in the future.

3) Data Accuracy and Security:

E-certificates provide a more accurate and secure mechanism for storing and managing land ownership data that can be stored and managed in a more structured and organized manner. This reduces the risk of human error in data handling, such as typing or filing errors, that can occur in manual processes. E-certificates are equipped with sophisticated security technology to prevent data manipulation or falsification. For example, digital signatures and data encryption can be used to ensure that documents cannot be changed without proper authorization. The e-certificate system is equipped with an audit trail⁸ feature that allows recording every change or access made to data. This makes it possible to trace the digital footprint of every interaction with a document, thereby increasing accountability and data security. The use of e-certificates allows strict access rights to be regulated, so that only authorized parties can access and manage land ownership data. The safe use of electronic systems is also supported by legislation regarding information technology and electronics⁹. This helps prevent unauthorized access or misuse of data by unauthorized parties.

4) Driving Economic Development

Administrative modernization through e-certificates can be an important driver for economic development. This is because it facilitates a more efficient and transparent property development and land investment process, thereby increasing investor interest in the property sector. E-certificates speed up the process of registering and transferring land ownership, which in turn speeds up the property development process. Property developers can obtain land certificates more quickly, speeding up the time from planning to project completion. The openness and security of data provided by e-certificates allows financial institutions to better evaluate risks, thereby increasing access to financing for property projects. The existence of a modern and transparent land administration system, such as e-certificates, can also increase the attraction for foreign investors to invest in property projects in Indonesia. This opens up new opportunities for foreign direct investment (FDI) in the property sector, which in turn can lead to greater economic growth.

5) Increased Legal Compliance

E-certificates ensure that land ownership data is stored and managed with high accuracy in accordance with applicable legal regulations. This electronic document accurately records land ownership information in accordance with applicable legal regulations, reducing the risk of errors or inconsistencies in land administration. With more accurate and transparent information e-certificates help prevent legal conflicts related to land ownership. The parties involved can easily verify land ownership status and related rights through the e-certificate system, reducing the risk of disputes arising from ambiguity or misunderstanding. The implementation of e-certificates provides greater legal certainty for land owners and other related parties. This electronic document provides strong and valid evidence regarding land ownership in accordance with applicable legal provisions, thereby reducing doubt or uncertainty regarding the legal status of a property. Law enforcement regarding land ownership becomes more effective because of well-documented digital track records. This makes it easier for the authorities to monitor and enforce the law against violations or abuse in land administration.

B. CONCLUSION AND RECOMMENDATIONS:

1. Conclusion

Through administrative modernization with e-certificates, Indonesia has taken important steps in increasing the efficiency and speed at which documents can be accessed directly through the online system thereby reducing the time required for processing land certificates; transparency with the e-certificate system allows information about land ownership to be more easily accessed and verified by the general public. The public can access information about land ownership status online, without having to attend the land administration office in person. This simplifies the process of registering land ownership and reduces the costs and time required. The security of the data entered is also better maintained, apart from what has been explained above. The use of e-certificates also helps economic development with more efficient administrative processes encouraging investment in the land sector and legal certainty because e-certificates help ensure that the rights of land owners are properly protected. This system provides accurate and verifiable records of land ownership, reducing the risk of conflict over land ownership and helping to prevent corrupt practices and abuse of land-related power.

⁸ <https://cyberthreat.id/read/10740/Data-Sertifikat-Tanah-Elektronik-Itu-Tak-Bisa-Diubah>

⁹ Undang-undang (UU) Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik

Positive Impact of Administrative Modernization in Land in Indonesia

Another positive impact that is no less important is reducing the use of paper by replacing physical land certificates with e-certificates, so that Indonesia helps reduce global warming because many trees are cut down for paper production purposes, as reported on one of the community's social media¹⁰. In other words, using e-certificates not only makes land administration easier but also protects the environment.

By paying attention to these aspects, the implementation of e-certificates in land in Indonesia can run more smoothly and effectively, bringing significant benefits to efficiency and transparency as well as strengthening legal certainty and protection of land owners' rights in land administration. However, further efforts are needed to ensure the long-term sustainability and success of this initiative.

2. Suggestions

It is recommended that there be frequent outreach, training and capacity building for land administration officers and other stakeholders in using the e-certificate system. Upgrading the system regularly. This will ensure that the system is utilized effectively and efficiently. It is necessary to carry out regular outreach and increase public awareness about the benefits of e-certificates and how to access them, so that people from all levels can enjoy the positive impact of administrative modernization in the land sector. There needs to be collaboration between relevant government agencies, such as the National Land Agency (BPN), the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), and the private sector need to improve to ensure the smooth implementation of e-certificates throughout Indonesia. Finally, there is a continuous monitoring and evaluation system to identify potential improvements and improvements needed in implementing the use of e-certificates.

REFERENCES

Regulations and Legislation

- 1) Undang-Undang Nomor 5 Tahun 1960 tentang Pokok-Pokok Agraria
- 2) Peraturan Menteri ATR Nomor 12 Tahun 2021 tentang Sertipikat Elektronik
- 3) Undang-Undang (UU) Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik

Book

- 1) Amiruddin & Zainal Asikin, *Pengantar Metode Penelitian Hukum*. Raja Grafindo Persada Jakarta. 2012
- 2) Soerjono Soekarto, *Pengantar Penelitian Hukum*, UI Press. Jakarta. 1984

Website

- 1) <https://nasional.kontan.co.id/news/mulai-april-2023-kementerian-atr-bpn-terbitkan-sertifikat-tanah-elektronik>
- 2) <https://cyberthreat.id/read/10740/Data-Sertifikat-Tanah-Elektronik-Itu-Tak-Bisa-Diubah>

¹⁰<https://www.kompas.com/properti/read/2023/12/04/133601021/kenapa-pemerintah-terapkan-sertifikat-tanah-elektronik-ini-jawabannya>