



Implementation of Electronic Mortgage Services through Land Deed Maker Officials in Padang Pariaman Regency

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Abstract

The development and growth of technology and communication that is increasing, has a positive impact on the development of the bureaucracy in Indonesia. One of them is trying to cut the bureaucracy in terms of registration of Mortgage Rights at the National Land Agency. Conventionally, Mortgage Registration is done manually at BPN, but since the enactment of Ministerial Regulation of ATR/BPN Number 5 of 2020, it requires that Mortgage registration be done electronically through the HT-EI system. However, this program has not been running well, because there are still technical obstacles that occur, for example, it still requires applicants to validate land certificates both physically, materially and formally with those contained in the BPN online system. And what happened at BPN Padang Pariaman, there were still many uncharted lands that had not been validated by the BPN system. The problems studied in this thesis are: 1) How is the implementation of electronic Mortgage through the Land Deed Maker Officer in Padang Pariaman Regency? 2) What are the obstacles in the implementation of Electronic Mortgage Rights through Land Deed Officers in Padang Pariaman Regency and how to manage these obstacles? The approach method used in this research is the empirical juridical method. This research is descriptive. The data used are primary data and secondary data. The data sources in this research are library research and field research. Data were collected through interviews and document studies. The data obtained were processed through editing and coding, then analyzed using qualitative analysis. Furthermore, the data is presented descriptively. Based on the results of the research, the authors conclude: 1) The implementation of electronic Mortgage registration through the Land Deed Maker Officer in Padang Pariaman Regency is a very good program, due to bureaucratic cuts and requires PPAT as the executor of this program to be more independent. 2) The obstacle in its implementation is that there are still lands in Padang Pariaman Regency in particular that have not been mapped and there are still many land certificates that have not been formally and materially validated with the existing system at BPN.

Keywords: *Registration; Electronic Mortgage Rights; Land Deed Maker Official; The National Land Agency of Padang Pariaman Regency*

Introduction

Judging from Permen ATR/BPN Number 5 of 2020, the purpose of doing Electronic Mortgage Rights is for effectiveness and efficiency as well as cutting bureaucracy, so that HT registration does not require a long time. Based on the regulation above, which is contained in Article 9 paragraph (1) and paragraph (2), creditors and PPAT have an active role in the registration of HT-el. After checking the certificate, PPAT is in charge of making APHT in accordance with the Credit Agreement that has been agreed upon by the Debtor and Creditor, and signing the APHT.

Based on Article 9 paragraph (2), PPAT is responsible for registering HT through the online system of BPN Partners, according to the format contained in the system, by inputting scanned data of debtors, creditors, PPAT witnesses, certificates, APHT, SKMHT, PBB and other accessories. After completion, the creditors, especially the bank, register the HT, until a Deposit Order is issued which must be paid to be processed by the BPN officer who is authorized to examine the HT.

The problem that occurs when the HT has been registered is when an error occurs or there is a lack of completeness of the HT registration, then the process is temporarily suspended, but there is no notification (notification) of the changes that must be made in the HT online system. Meanwhile, repairs are only given 5 days including holidays, if not repaired within 5 days, the system will reject the registration file automatically, so HT registration is required again. This is one of the obstacles to the electronic-based Mortgage process.

Based on the description above, the authors are interested in conducting research with the title **Implementation of Electronic Mortgage Services Through Land Deed Maker Officials in Padang Pariaman Regency.**

Research Methods

Research Method is a scientific activity related to analysis and construction which is carried out methodologically, systematically and consistently. Methodological means in accordance with a certain method or method, systematic is based on a system, while consistent means the absence of contradictory matters within a certain framework.

The problem approach to be used in this research is an empirical juridical-empirical sociological approach or an empirical sociological approach to law as law in action, described as an empirical social phenomenon. Thus, law is not only given meaning as an interweaving of values, official decisions, interwoven rules and norms, written positive law, but can also be given meaning as a teaching system about reality, regular and steady behavior, or law in the sense of an officer.

With an empirical sociological law approach, researchers will examine, discuss or examine the implementation of electronic mortgage registration at the Land Agency of Padang Pariaman Regency, researchers will directly observe the situation in the field by survey.

This research is analytical description, namely research that describes and explains a situation obtained through research in the field and then analyzed more deeply using relevant theories, in this case related to the registration of mortgage rights electronically.

Research Result

A. Implementation of Mortgage Granting by PPAT through the HT-el . System

Land Deed Making Official, hereinafter abbreviated as PPAT based on Ministerial Regulation No. 5 of 2020 is a public official who is authorized to make a deed of transfer of land rights, deed of assignment of land rights, and deed of granting power to impose Mortgage Rights according to the provisions of the legislation.

The task of the PPAT is to make a Deed of Granting Mortgage, hereinafter referred to as APHT, namely the PPAT deed which contains the granting of Mortgage to certain creditors as collateral for the settlement of their receivables. The granting of mortgage rights begins with a credit agreement or debt agreement between the debtor and creditor, before making the APHT, the PPAT will check the certificate first, this check can be done manually by visiting the BPN office or by electronic means, checking the Certificate of Land Rights / Ownership of Flats can be done electronically if the land data is already in electronic form or has been changed in electronic form and is available in the Ministry of ATR/BPN database.

PPATs in the Padang Pariaman Regency area that have been registered as BPN Partners, based on BPN Padang Pariaman 2021 data, are 20 people and PPAT Implementing HT-Electronics are 12 people.

The position of PPAT in electronic mortgage registration is as a User, PPAT that can use the HT-el system is a PPAT that has been registered in the PPAT Partner Application at mitra.atrbpn.go.id and has validated the data and has been verified by the Land Office, after After checking the certificate, PPAT will make an APHT Deed based on Ministerial Regulation No. 5 of 2020 concerning Electronic Integrity Mortgage Services, then PPAT no longer registers APHT manually or through the BPN counter, but has used the electronic system by way of :

- 1) PPAT logs in to the BPN partner application at <https://mitra.atrbpn.go.id/login/> Enter username and password
- 2) Click the PPAT partner application menu
- 3) Click the deed menu, enter the deed of granting mortgage, and select new APHT, after that a pop up will appear containing the deed code
- 4) Complete the Deed such as the Deed No, the date, the Rupiah value of the object and the object column which contains a description of what objects are the object of the mortgage
- 5) Complete the identity of the Debtor, such as KTP and KK, then upload the file
- 6) Complete the identity of the Creditor such as Company Name, TIN and Office Code.
- 7) Complete the identity of the witnesses at least 2 witnesses such as ID cards, then upload the file
- 8) Complete the identity of the approval party, if any, such as an ID card, then upload the file
- 9) Enter the certificate input field, enter the address of the object such as RT/RW, District, and Province, No Right, Type of Right and Value of Rights, click check certificate, information on the object of the mortgage and the status of the mortgage, if valid, will appear. then click save.
- 10) Enter certificate, power of attorney to install mortgage, credit agreement, scanned copy of land and building tax for upload
- 11) Enter the document of the mortgage granting deed by scanning and uploading
- 12) Click on the statement about the truth of the deed
- 13) Click save
- 14) After all the above stages are completed, the application will issue a cover letter for the deed, the PPAT will download and print the cover letter for the deed to be given to the Bank

One of the problems that occur in the registration of this Electronic Mortgage is regarding juridical data and physical certificate data where there are still many typing errors in the system or errors

from the Electronic HT system itself, which requires the certificate to be validated before continuing with Electronic HT registration.

Before validating the juridical data and physical data of the certificate to which the Mortgage will be charged, BPN Padang Pariaman requires plotting (adjustment of the coordinate points of a plot of land) first. The plotting process until the legal and physical data validation is carried out takes quite a long time, which is approximately 2 weeks. This time-consuming process is not in accordance with what is expected through the integrated Electronic Mortgage, where with the enactment of Electronic HT, it can cut and shorten the processing time of the electronic HT.

PPAT in the HT-el system is no longer able to register mortgages as before, because their task is only to register applications for the deed of granting mortgages and other documents and provide a cover letter to creditors, PPAT also questions the validity of the authenticity of APHT evidence because it has become an electronic document, does it include letter evidence or does it turn into electronic evidence because APHT uses an electronic system that is submitted by PPAT to BPN.

B. Implementation of Mortgage Registration by Creditors through the HT-el . System

After the PPAT registers the APHT application and other documents and submits the APHT Cover Letter, the next process is the HT-el registration by the Bank or financial services through an operator account that has been registered as a BPN partner, as for the method, namely:

- 1) Banks or Creditors enter the website <https://htel.atrbpn.go.id>;
- 2) Select a service, then log in using a registered bank account and enter a password;
- 3) Click the service menu, select the mortgage sub menu;
- 4) Enter the regional office, land office;
- 5) Click the new file, the file No. that has been created will appear, click process;
- 6) A box will appear that fills in the name of the PPAT, the deed number and the code that was made by the previous PPAT, click search for the deed, the application will automatically display the information on the deed that was made by the previous PPAT when making the cover letter for the deed, if the data is correct then click save deed button;
- 7) Next, click the application form button, upload a scanned application form, if you want to add supporting documents such as a checking account, then select another document and upload the file and click the continue button;
- 8) After all files have been uploaded, it will enter the file confirmation stage, at this stage the application will display mortgage identity information that has previously been filled in either by the PPAT or by the Creditor (Bank) along with the uploaded files to be re-checked whether it is appropriate or in need of repair, after everything is checked and the data is correct then click the data conformity statement button, that the data uploaded is correct then click the continue button;
- 9) After the file confirmation stage, it will enter the deposit order stage, the deposit order will be sent via email to the supervisor, and must be paid no later than three days after registration, then click continue, a column will appear showing the payment status, No NTPN , Payment date, Amount of payment, name of mandatory payment, billing code, billing code date and billing code expiration date, if it is appropriate then click the continue button;
- 10) The certificate will be issued on the seventh day by BPN;
- 11) After seven days, the bank will check whether the certificate has been issued via the web <https://htel.atrbpn.go.id>;
- 12) Click the mortgage menu, enter the BPN area and click the search file button, select the file number to be searched for and click, if the certificate has been issued, the file will display information about the certificate in the document menu, the HT-el certificate will be visible, bank can download or print the certificate;

- 13) If the draft of the HT-el Certificate and the said records are appropriate and in the land book of the object of mortgage there is no record of blocking/confiscation or being the object of a case in court until the 7th day, then on the 7th day or the following working day if the the 7th falls on a holiday, the HT-el Certificate and notes to be attached to the Certificate of Land Rights/Ownership Rights to the Flat Unit are issued in the form of Electronic Documents containing Electronic Signatures by the HT-el System;
- 14) The HT-el certificate will be sent via email to the provider (supervisor) and can be printed;
- 15) The notes to be attached to the Certificate of Land Rights/Ownership Rights to the Flats Unit must be printed and attached to the note sheet under the last line of the last note of the Certificates of Land Rights/Ownerships to the Flats that are the object of the Mortgage Rights. Notes are printed using stickers with the following specifications:
 - a. Plain white sticker paper;
 - b. Size of the sticker affixed to the Certificate of Rights

Land/Ownership Rights to Flats are cut out according to the boundaries, then affixed to the note sheet for Certificate of Land Rights/Ownerships to Flats below the last line of the last note.

- 16) Creditors are required to examine the HT-el Certificate resulting from the mortgage registration service. The data that must be checked includes the Certificate Code, DI Number 208, Edition, Mortgage Number, Rank, Mortgage Value, Mortgage Holder, Type and number of rights along with other objects; and Electronic Signature on the issued HT-el Certificate.
- 17) If there is an error in the data contained in the HT-el Certificate, Creditors are given 30 calendar days from the date of issuance to register the Mortgage Data Repair Service that has been published.

C. Implementation of Electronic Mortgage Registration by the Land Office

The land office in the Electronic Mortgage Rights system is domiciled as the executor, the land office as the executor is part of the Ministry of Land as the organizer, the duties of the land office are based on Article 5 paragraph 3 of Ministerial Regulation No. 5 of 2020 which is authorized to examine and ratify the results of HT-el services and is subject to the provisions of the legislation.

As previously explained, in the case of Electronic HT registration, there are 3 parties that are mutually sustainable with each other, PPAT, the Bank and the Land Office, in this particular case the Pariaman Regency Land Office which serves as the executor. The land office as executor is part of the Ministry of Land as the organizer, the task of the land office is based on Article 5 paragraph 3 of Ministerial Regulation No. 5 of 2020 which is authorized to examine and ratify the results of HT-el services and is subject to the provisions of laws and regulations.

The implementation of the registration of mortgage rights by the land office is by:

1. The Land Office carries out HT-el Services using the HT-el Implementing Application with the official address <https://htel-laksana.atrbpn.go.id>. If in certain cases there is a change of address, the change will be announced through the official channel owned by the Ministry of ATR/BPN.
2. Applications for HT-el Services are processed after the application data and service fees are confirmed by the HT-el System.
3. After the application and service fees are confirmed by the HT-el System, an examination of the suitability of the requirements, documents and application data as well as the concept of the results of the HT-el Service is carried out.
4. The inspection is carried out in stages by the verifier, head of subsection and/or section head or appointed official until the HT-el Certificate is legalized by the Head of the Land Office or active official authorized to ratify the HT-el Certificate, except for the abolition of Mortgage Rights (roya).

5. Examination of application files:
 - a. Examination of the substance of the HT-el Certificate concept is carried out on the Mortgage Edition, Number, Code and Rating of Mortgage, Number, Deed Date and Name of PPAT, Mortgage Value, Mortgage Holder, Mortgage Object, ratifying official.
 - b. If an error or deficiency is found during the inspection before the fifth day, the active official authorized to make a request for correction of the application file through the HT-el System.
 - c. If before the fifth day no repairs are made to the file, the HT-el Service process cannot be carried out or is rejected.
 - d. If the application file is corrected, the active authorized official must re-examine it.
6. If the registration of mortgage rights is approved, the National Land Office issues the HT-el Certificate, records the Mortgage in the electronic Land Book of Land Rights or Ownership Rights to the Flat Unit which is the object of the Mortgage Rights and Mortgage Records on the Land Rights Certificate or Ownership Right to the Flat Unit which is the object of the Mortgage Right.

The active official authorized to ratify the HT-el Certificate is the Head of the Land Office, with the authorized official having the right to refuse and cancel the registration of mortgage rights.

D. Constraints and Efforts in the Implementation of Electronic Mortgage Services through Land Deed Maker Officials in Padang Pariaman Regency

Regarding the issue of Validation of physical data and juridical data of a certificate that wants to be a debt guarantee through Mortgage Rights with those contained in the Electronic Liability Rights system, until now it is still one of the obstacles, due to the validation process which still takes a long time. In fact, the validation is not a difficult matter to do, it's just that the influence of the internet is very large so that validation can be carried out properly.

The solutions that must be done in solving the problems that occur in this Electronic HT registration starting from the initial process until the issuance of the Mortgage Certificate are:

- a. There must be an improvement in internet network acceleration at BPN Padang Pariaman Regency
- b. Repairs and system changes that must be done quickly
- c. Human resources must be maximized, so that the implementation of HT-Electronics can be carried out optimally.

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