

REGISTRATION OF ELECTRONICALLY INTEGRATED MORTGAGESERVICES AT THE SOLOK CITY LAND OFFICE

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Abstract: *One of the benefits of current acceleration of technology is the existence of Electronic Mortgage Services carried out by the Ministry of Agrarian Spatial Planning / Head of the National Land Agency by issuing the Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency Number 5 of 2020 concerning Electronically Integrated Mortgage Services. However, the HT-el service that is carried out simultaneously raises many problems, especially the problematic experienced by HT-el implementer and user.*

Key Words: *Electronic Mortgage (HT-el), Implementation, Problematics.*

1. INTRODUCTION:

The implementation of this electronically integrated Mortgage system is in partnership or in collaboration with the Land Deed Maker Official hereinafter referred to as PPAT and the Bank as the creditor. Electronically integrated Mortgage is carried out simultaneously in all Land Offices in Indonesia. One of the Land Offices that implements this electronic Mortgage system is the Solok City Land Office.

One of the benefits of this technological sophistication is the existence of an Electronic Mortgage Rights service hereinafter referred to as HT-el which is carried out by the Minister of Agrarian Spatial Planning / Head of the National Land Agency by issuing the Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency Number 5 of 2020 concerning Service Rights Electronically Integrated Dependents, hereinafter referred to as Perkaban Number 5 of 2020 which shall come into force since its promulgation on April 8, 2020.

2. THEORITICAL FRAMEWORK:

a. Theory of Legal Certainty

According to Gustav Radbruch justice and legal certainty are fixed parts of the law.[1]

b. Authority Theory

The term authority theory comes from an English translation, namely *Authority Of Theory*, and the Dutch language *Theorie Van Het Gezag*, while in German it is called *Theorie Der Autoritat*.[2]

3. LITERATURE REVIEW:

Electronic mortgage is a service system carried out by the land office. Electronically integrated Mortgage Services called HT-el services according to Article 1 point 7 of Perkaban Number 5 of 2020 is a series of mortgage service processes in the context of maintaining land registration data which is carried out through an integrated electronic system.

Land Deed Maker Officials, abbreviated as PPAT, which in English are called *land deed officials*, while in Dutch, called *land titles registrar*, have a very important position and role in the life of the nation and state, because these officials are authorized by the state, to make deeds regarding the transfer of land rights.[3]

5. METHOD:

The method used in this study is an empirical juridical method, namely an approach by looking at something legal reality in society.[4]

6. DISCUSSION:

A guarantee agreement is a special agreement made by a creditor with a debtor or a third party who makes a promise by binding certain objects or the ability of a third party with the aim of providing legal security in returning credit or implementing the main agreement.[5]

The mechanism for Conventional Mortgage, the Bank authorizes the PPAT and entrusts payment of the HT registration fee, the PPAT pays the registration fee, takes the certificate from the Land Office, then the Bank receives a certificate that has been recorded. So with the conventional system almost everything is done by PPAT. With the implementation of national simultaneous services for mortgages electronically since July 8, 2020 based on Perkeb Number 5 of 2020, there are currently no more services from the Land Office for conventional Mortgage Granting. The simultaneous application of the Electronic Mortgage Rights service without going through a transition period and adequate socialization. This of course raises many problems, especially the obstacles/problems faced by Electronic Mortgage Users.

7. ANALYSIS:

A. The implementation of the Electronically Integrated Mortgage Registration System at the Solok City Land Office. Electronically

Integrated Mortgage Rights are carried out simultaneously in all Land Offices in Indonesia. One of them is the Solok City Land Office, which is located at Jalan Lubuk Sikarah Number 25A, IX Korong Village, Lubuk Sikarah District, Solok City, West Sumatra. Prior to the implementation of this electronic Mortgage, the Solok City Land Office conducted socialization especially to the partners of the National Land Agency, hereinafter referred to as BPN, namely the financial service providers in this case are the banks in the City of Solok both which are State-Owned Enterprises. or private banks and PPAT whose legal area of work is in the City of Solok. The counseling was carried out once in the hall of the Solok City Land Office.

B. The Problems of the Parties in the Implementation of Electronically Integrated Mortgages

The presence of the HT-el system is expected to facilitate the land registration process. The HT-el certificate can be downloaded and printed by creditors, this certificate is in the form of a pdf file. If this file is in pdf form, it is vulnerable to be misused by creditors if the creditor does not have good faith.

8. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) The process of registering mortgage rights electronically based on Perkeb Number 5 of 2020, this is done by submitting an application by PPAT through the HT-el system managed by the Land Office.
- 2) In implementing HT-el, the problems experienced by the organizers, namely the Land Office and HT-el users, namely PPAT and Banks as creditors are as follows: 1) Data Validation; 2) Plotting; 3) Internet Network; 4) Term; and 5) Account Registration.

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