

## **THE PHENOMENON OF ELECTRONIC REGISTRATION OF DEPENDENT RIGHTS THAT DEVELOPS IN SOCIETY**

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### **ABSTRACT**

The purpose of this study is to analyze: 1) How is the implementation of the implementation of the rights of dependents electronically based on Regulation No. 9 of 2019 concerning electronically integrated services of the rights of dependents? 2) What are the inhibiting factors in the electronic exercise of the rights of dependents? 3) What is the ideal concept of electronic registration of dependents? The research method used is normative juridical with a statutory approach, concept approach, and case studies.

The results showed that: 1) Based on Article 7 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 9 of 2019, those who can use the Electronic Dependent Rights System service are called users of Dependent Rights are individuals / legal entities as creditors and the State Civil Apparatus of the Ministry in charge of serving Dependent Rights, namely the Ministry of Agrarian and Spatial Planning / National Land Agency (Ministry of ATR / BPN), 2) The obstacles to the legal culture in the implementation of the rights of dependents can be reviewed from officials within the Land Office, as well as the parties involved in the implementation of the rights of dependents. For example, in banking practice, banks have collaborated with certain PPAT / Notaries to take care of credit agreements and guarantee agreements, including APHT. 3) In realizing an effective and efficient system, comprehensive cooperation from interested parties is needed. There are three pillars of the implementation of Electronic Dependent Rights, including: Bank, PPAT, Land Office.

*Keywords: Phenomenon, Registration, Rights, Dependents, Electronic, Developing, Society*

## INTRODUCTION

### Background

Right of Liability is a security right imposed on the right to land, along with or not along with other objects that are an integral part of the land, for the repayment of certain debts. Regarding the definition of Dependent Rights based on Article 1 number 1 of Law Number 4 of 1996 concerning Dependent Rights hereinafter referred to as (UUHT) states that: *"Dependent Rights on land and objects related to land, hereinafter referred to as Dependent Rights, are security rights imposed on land rights as referred to in Law Number 5 of 1960 concerning Basic Regulations of Agrarian Principles, Here or not along with the objects which are an integral part of the land, for the repayment of certain debts which give precedence to certain creditors over other creditors"*.

The existence of Dependent Rights is determined through an encumbrance process which is carried out through two stages, namely, the first stage of granting Dependent Rights which is carried out by Making a Deed of Granting Dependent Rights (APHT) by the Land Deed Making Officer (PPAT). In this case, the role of Notaries in Dependent Rights is to match according to the original letter and make a Power of Attorney to Impose Dependent Rights (SKMHT) while the PPAT in Dependent Rights according to the UUHT is appointed as an official to make APHT. In the prevailing laws and regulations, PPAT is an official authorized to make deeds of transfer of land rights and other deeds whose form of deed has been determined. The PPAT Deed is a tool to prove that a legal act has been committed.<sup>1</sup>

With the renewal of the Right to Cover service, the government issued Regulation of the Minister of Agrarian Affairs and Spatial Planning / National Land Agency Number 5 of 2020 concerning Electronic Integrated Dependent Rights Services hereinafter referred to as (Minister of ATR / BPN Number 5 of 2020). The changes that occurred with the issuance of Regulation of ATR / BPN Number 5 of 2020 are

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<sup>1</sup> Setyaningsih, Hidayat Abdulah, and Anis Mashdurohatun, "The Role of Notaries in Making Deed of Granting Rights of Dependents (APHT) to Credit Agreements between Creditors and Debtors with Collateral Rights in Purwokerto," Journal of Deed 5, no. 1 (2018): 187–96,

simplification of the process of electronically registered Right to Dependents services, with the renewal of regulations regarding Electronic Right to Cover services is an effort by the government to make it easier for people who want to get Right to Cover land guarantee services for their business needs so that they do not need to come to the local Land Office.

With the renewal of Electronic Liability Rights is connected with Cyber Notary. Cyber notary is a concept that utilizes advances in technology for notaries in carrying out their daily duties, such as: digitizing documents, signing deeds electronically, conducting General Meeting of Shareholders (GMS) by teleconference, and other similar matters. The implementation of HT-el begins with verifying and validating user accounts such as creditors and PPAT as partners of the Ministry of ATR / BPN then continued with the HT-el registration process until the issuance of HT-el certificates where all processes must meet the procedures and requirements in accordance with the Minister of ATR / BPN Number 5 of 2020 which is carried out electronically. The active role of the Land Office, including creditors and PPAT, is very important in the implementation of HT-el services.<sup>2</sup>

Right of Liability is an institution of security rights that can be imposed on land rights, as a substitute for the institutions of Hypotheek and Credietverband, the Law on Rights of Dependents was born at the will of Article 51 of the UUPA.<sup>4</sup> In the explanation in Law No. 1996 concerning the Right of Dependency on Land and Objects Related to Land that the only guarantee institution for land rights in Indonesia is the Right of Dependent.<sup>3</sup>

Right of Liability on land and land objects related to tannah, hereinafter referred to as Right of Dependence, is a security right imposed on the right to land as referred to in Law Number 5 of 1960 concerning Basic Regulations of Agrarian Principles, along with or not along with other objects that are an integral part of the land, for the

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<sup>2</sup> Zainatun Rosalina, "The Validity of Notary Deeds Using Cyber Notary as Authentic Deeds," Journal of the Faculty of Law, Universitas Brawijaya (Universitas Brawijaya, 2016).

<sup>3</sup> Akur Nurasa and Dian Aries Mujiburohman, Textbook for Land Registration Data Maintenance (Yogyakarta: STPN Press, 2020).

repayment of certain debts, which give priority to certain creditors over other creditors.

Since the enactment and enactment of PERMA ATR / BPN No. 9 of 2019 concerning Electronic Integrated Dependent Rights Services, until now it has not been effectively implemented in the region. The applicable regulations are made gradually, this seems to be more formal, while the realization turned out to be not as smooth as what was expected and imagined, because new facts were found that occurred in the field / the fact stated that it was still not in accordance with the provisions of existing procedures and there were several obstacles faced by the parties. This clearly raises problems that can harm the parties involved in HT-el, especially the debtor as the applicant.

## **Problem Statement**

1. How is the implementation of the implementation of the rights of dependents electronically based on Regulation No. 9 of 2019 concerning electronically integrated services of the rights of dependents?
2. What are the inhibiting factors in the electronic exercise of the right of dependents?
3. What is the ideal concept of electronic registration of dependents?

## **Theoretical Framework**

### **1. Law Enforcement Theory**

Law enforcement is an act of activity in harmonizing the relationship of values formulated into solid rules and then harmonized with the attitude of action in the final elaboration series, to create, maintain, and maintain peace in community life.<sup>4</sup> Physical strength is needed in law enforcement to enforce the rules of law to become a reality and channeled.<sup>5</sup>

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<sup>4</sup>Soerjono Soekanto. 2014. *Factors Affecting Law Enforcement*. Jakarta: Rajawali Press p.5

<sup>5</sup>Siswantoro Sunarso. 2004. *Law Enforcement of Psychotrapics*. Jakart: PT. King Grafindo Persada. p. 89

Law enforcement is not only to implement legislation, although in reality in Indonesia the tendency is so. But law enforcement is the process of making efforts to uphold or function legal norms in a real way as a guide for legal relations in public and state life. Concrete law enforcement is the enactment of positive laws in practice as they should be obeyed. Therefore, providing justice in a case means deciding the law *in concreto* in maintaining and guaranteeing the observance of material law using procedural means established by formal law.<sup>6</sup>

Law enforcement agencies play an important role in the functioning of the law, if the regulations are good but the quality of law enforcement is low then there will be problems. Vice versa, if the regulations are bad while the quality of law enforcement is good, it may cause new problems. Thus law enforcement has a major influence in the enforcement of a rule of law, the more professional law enforcers are in their duties, the easier the rules are to enforce.<sup>7</sup>

## Research Methodology

The legal research method is a systematic way of conducting research.<sup>8</sup> In this case, it is very important to know and determine the type of research as one of the components in the research method. Because the provisions in a research method will greatly affect the process and results of a legal research. The research method that will be used in this writing is an empirical juridical research method, which means in the use of this legal research method to see the law in a real sense or can be said to see how a law works in society.<sup>9</sup> According to Soetandyo W, empirical juridical

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<sup>6</sup>Shant Dellyana. 1988. *Law Enforcement Concepts*. Yogyakarta: Liberty. p.33.

<sup>7</sup>Wenny Puspitasari. Eny Sulistyowati. "Law Enforcement Against Trade in Imported Used Clothing at the Surabaya City Heroes Monument". *Novum Jurnaal Law*. Vol 2 No 3. 2015. p 3

<sup>8</sup> Abdulkadir Muhammad, *Law and Legal Research*, PT Citra AdityaBakti, Bandung, 2004, p 57

<sup>9</sup> Jonaedi Efendi, *Normative and Empirical Legal Research Methods*, Preradamedia Group, Jakarta, 2016, p 150

research is a research in the form of empirical studies to find theories about the process of occurrence and about the process of legal work in society.<sup>10</sup>

The data used in this study are primary, secondary and tertiary legal data consisting of;

Primary legal material, is a legal material that has *ptpritas* (authority) meaning that it is binding and related to related issues, Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 9 of 2019 concerning Electronic Integrated Dependent Rights Services. Secondary legal materials include books written by legal experts, legal dictionaries, legal encyclopedias, legal journals, legal dissertations, legal theses, legal theses, legal commentaries and court decision comments, and so on. Secondary legal material offers benefits such as introducing legal issues to be examined. Tertiary Law, material that provides explanations of primary legal material and secondary legal material, such as *huum* dictionaries, and encyclopedias.

## RESEARCH RESULTS

### **Implementation of Electronic Implementation of Dependent Rights Based on Regulation No. 9 of 2019 concerning Electronic Integrated Dependent Rights Services**

Based on Article 7 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 9 of 2019, those who can use the Electronic Dependent Rights System service are called users of Dependent Rights are individuals / legal entities as creditors and the State Civil Apparatus of the Ministry in charge of serving Dependent Rights, namely the Ministry of Agrarian and Spatial Planning / National Land Agency (Ministry of ATR / BPN).<sup>11</sup>

The process of registering rights electronically is carried out by registered users by submitting an application for rights of dependents services through the HT-el

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<sup>10</sup> Bambang Sunggono, Research Methods and Legal Writing, Rajawali Pers, Jakarta, 2012, p 112

<sup>11</sup> Jefri Guntoro et al, Juridical Review of Registration of Dependent Rights in Electronic Integrated Dependent Rights Services, *Bengkoelen Justice*, Vol. 10 No.2 November 2020, 216.

system as specified in Article 9 of Perkaban Number 9/2019. As well as making a statement letter regarding the accountability of the validity and correctness of the submitted electronic documents. Both the application and the affidavit are submitted in the form of electronic documents in accordance with Article 9 paragraph (4). In addition to these requirements, there are also requirements in the form of Land Rights Certificates or Property Rights of Flats Units which must be on behalf of the debtor regulated by Article 9 paragraph (5). As mentioned above, the application is submitted by a registered user as a party entitled to use the HT-el system which in the event that the application for dependent rights is carried out by PPAT as Article 10 paragraph (1) "in the case of application for registration of dependent rights, the application requirements in the form of APHT are submitted by PPAT in electronic form". After the submission of the application is received by the HT-el system, a proof of application will be given by the system that contains:

- a. Application registration file number;
- b. Date of registration of the application;
- c. Name of applicant; and
- d. Service fee payment code.<sup>12</sup>

The electronic liability service further guarantees legal certainty at the moment of birth of the dependent right for the recipient of the dependent right because the certificate of dependent rights must be issued within a grace period of 7 (seven) days if there are no deficiencies or discrepancies in the file. The certificate is automatically sent through the electronic liability system. Previously, the submission of the certificate from the Land Office was first submitted to the PPAT, then the PPAT handed over to the holder of the dependent rights where the goods must have passed 7 (days) since the approval of the file. This is because the inclusion of the seventh day is only done formally on that date in the slicing of Table of Contents 208 as proof that bookkeeping work has been carried out, while recording dates both in the land book and land rights book and in each certificate, always cannot be fulfilled within a period of 7 (seven)

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<sup>12</sup> I Wayan Jody Bagus Wiguna, Juridical Review Regarding Electronic Registration of Dependent Rights, Acta Comitatus, Vol.05 No. 01 April 2020, 84.

days and likewise the completion of work can be a week or more, After imputing the date on each land book and certificate. <sup>13</sup>This can be done by the Land Office because the certificate of dependents even though it has been signed on the seventh day, may not be submitted to the PPAT or the holder of the dependent rights.

With electronic registration of dependents, the provision of land information can be done faster, more affordable and the data is more up-to-date because it is done online. Electronic registration of dependent rights has adopted Electronic Land Information Services and Land Checking Services as stipulated in Article 1 paragraph 9 and Article 1 paragraph 10 of the Technical Guidelines of the Minister of ATR / BPN concerning Electronic Dependent Rights. Electronic Land Information Service is the process of providing information electronically including confirmation of conformity of physical data and juridical data, certificates of land rights, and other information in databases. Meanwhile, the Land Checking Service is a service for checking the conformity of physical data and juridical data Certificate of Land Rights / Ownership Rights to Flats with electronic data in the database.<sup>14</sup>

After the issuance of Agrarian Regulation Number 9 of 2019, the registration mechanism for Dependent Rights has developed towards electronic-based technology, the provisions for registering Dependent Rights are as follows:<sup>15</sup>

1. Users of HT-el System services consist of individuals/legal entities as creditors and the State Civil Apparatus of the Ministry in charge of serving the Rights of Dependents;
2. Individuals/legal entities as referred to earlier must be registered users of the HT-el System, by meeting the requirements:
  - a. Have an electronic domicile;
  - b. Certificate Registered with the Financial Services Authority;
  - c. Statement of fulfillment of requirements and criteria and agreement to the conditions as a Registered User; and

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<sup>13</sup> Lubis, M. Y., & Lubis, A. R. (2008). Land Registration Law, Mandar Maju. Bandung.

<sup>14</sup> Sandi Halim, Electronic Registration of Dependents, Locus Journal of Academic Literature Review Volume 1 Issue 8, December 2022, 453-454.

<sup>15</sup> Article 7 of the Minister of Agrarian Affairs and Spatial Planning / National Land Agency Number 9 of 2019



- d. Other conditions determined by the Ministry.
- 3. The Ministry verifies the registration and reserves the right to refuse the registration.<sup>16</sup>

Therefore, to determine the momentum of the birth of Dependent Rights registered through the HT-el System, we can look to the principles of Dependent Rights. Dependent Rights have several main characteristics, namely:<sup>17</sup>

- a. Give precedence (preference) to its creditors;
- b. Always follow the object in the hands of whomever it is;
- c. Fulfill the principles of speciality and publicity; and
- d. Easy and sure execution execution.

### **Inhibiting Factors in the Electronic Implementation of Dependent Rights**

The Minister of ATR/BPN on Electronic Dependent Rights is not formed based on a clear legal basis, especially from the legal umbrella of dependent rights, namely UUHT. In fact, the Minister of ATR / BPN concerning Electronic Dependent Rights as a law as referred to in Article 8 paragraph 1 of Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations (hereinafter referred to as the PPP Law) must comply and obey the principles of the procedures for the formation of laws and regulations. Consequently, every legislation is shaped by higher norms.<sup>18</sup> Article 17 of the UUHT regulates delegation regulations in Government Regulations which contain regulatory substances such as the form and content of APHT, the form and content of the land book of dependent rights, and other matters related to procedures for granting and registering dependent rights.

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<sup>16</sup> Nadia Imanda, The Birth of Dependent Rights According to Agrarian Government Regulations on Electronic Integrated Dependent Rights Services, *Notaire*, 3 (1) 2020: 151-164

<sup>17</sup> Maria SW Soemardjono, *Dependent and Fiduciary Rights* (Citra Aditya Bakti 1996). [2].

<sup>18</sup> Indrati, M. F. (2007). *Statutory science: types, functions and material of charge*

It is said to be inconsistent because UUHT does not recognize the electronic dependency system at all and does not recognize the use of electronic documents in the service of dependent rights, what is known in the UUHT is the manual dependent system and by using physical documents. Therefore, electronic registration of dependent rights cannot be enforced because the UUHT is still in force and the rules governing electronically integrated dependent rights are Ministerial Regulations that require delegation of authority from higher ranking regulations in their enforcement.<sup>19</sup>

Technical Guidelines of the Minister of ATR / BPN concerning Electronic Dependent Rights that regulate PPAT must upload land rights certificates inconsistent with the provisions of Article 11 paragraph 1 of the UUHT which clearly and clearly allow the creation of APHT whose object of dependent rights is still unregistered land. Because the Minister of ATR/BPN on Electronic Dependent Rights in a hierarchical manner of laws and regulations is under the Law, in this case the UUHT, the principle of *lex superiori derogate legi inferiori* should apply. The principle of *lex superior derogat legi inferiori* means that higher norms/rules of law negate the enforceability of lower norms/rules of law. Thus, the provisions in the UUHT must take precedence over the provisions in the Minister of ATR / BPN concerning Electronic Dependent Rights. But ironically in practice, it is precisely the regulations in the Minister of ATR / BPN concerning Electronic Dependent Rights implemented by the Land Office and PPAT. Thus, the purpose of providing opportunities for land rights owners who have not been certified to obtain credit as determined by the UUHT has not materialized.<sup>20</sup>

In the context of the regulation of the Minister of ATR / BPN concerning Electronic Dependent Rights in Article 10 paragraph 3 regulates the second sheet to be stored at the PPAT Office. However, according to the author, the Land Office as an institution that monopolizes *the recording of title* and *continuous recording* must still have the original archive of the registration of the dependent rights, because the PPAT is not a structural official under the Land Office, on the contrary, the PPAT is actually

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<sup>19</sup> Wiguna, I. (2020). Juridical review of electronic registration of dependents. Journal of Acta Comitas, 81.

<sup>20</sup> Sihombing, C. M. (2021). Encumbrance of Dependent Rights on land that has not been certified. Dharmasisya, 1(2), 11

an official who makes land deeds that acts as a recorder of deeds.<sup>21</sup>The regulation of the Minister of ATR/BPN on Electronic Dependent Rights also transfers the archival responsibility to the PPAT Office only, and frees the Land Office to store and be responsible for the basic documents for registering the dependent rights.

The Land Office for the speed of public services facilitates the registration of dependent rights, but on the other hand seems to ignore administrative obligations to verify / inspect them and even transfer responsibility for the uploaded data to the PPAT alone. This transfer of responsibility can be seen in the obligation of PPAT to upload a statement of responsibility for the validity and correctness of electronic document data.

In addition, historically grosse mortgage deed as proof of the existence of a mortgage (or right of dependent), turned into a certificate of title in which a copy of APHT is still attached. Finally, with the Minister of ATR / BPN concerning Electronic Dependent Rights, the copy of APHT is no longer part of the certificate of liability rights and is in the form of an electronic document. Therefore, the provisions of the UUHT concerning the form of certificates of rights of dependents are fundamentally changed by the Minister of ATR / BPN concerning Electronic Rights of Dependents with the release of the obligation to attach a copy of APHT to the certificate. But keep in mind the essence of the certificate of rights of dependents is a sign of proof of the existence of dependent rights as regulated by Article 14 paragraph 1 of the Law. Therefore, the certificate of dependent rights is actually very important in proving the existence of a dependent right in court when a dispute occurs. However, the problem is, judging from the law of evidence, electronic documents of certificates of rights in the form of electronic evidence have not been clearly and firmly regulated by formal legal norms or procedural law.

The existence of electronically integrated rights services, the Land Office is hampered from carrying out the obligation to copy records of encumbrance on land rights certificates. This is because the Land Office only sees and checks the results of

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<sup>21</sup> Satrio, J. (1998). Law of guarantees, rights of material guarantees, rights of dependents. The image of Aditya Bakti.

the transfer of land title certificate media uploaded by PPAT. The Land Office obviously cannot copy records on land title certificates that it only receives in the form of electronic documents transferred to the original land title certificate media. As a result, the obligation of the Land Office is partially handed over to the Creditor as the party who holds the real title certificate to the land. This is done by the Creditor printing a sticker in which there is already a record of the encumbrance of the dependent rights, then attached to the certificate of title to the land concerned. In fact, the recording obligation carried out by the Land Office is an administrative action that should be carried out by the state, not by other parties.<sup>22</sup>

The obstacles to legal culture in the implementation of dependent rights can be reviewed from officials within the Land Office, as well as parties involved in the implementation of dependent rights. For example, in banking practice, banks have collaborated with certain PPAT / Notaries to take care of credit agreements and guarantee agreements, including APHT. In fact, PPAT / Notary also takes care of the complete registration process of the dependent rights to completion and submits the certificate of dependent rights to the creditor of the recipient of the dependent rights. However, with the enactment of the Minister of ATR/BPN on Electronic Dependent Rights, the PPAT which was originally in charge of the entire series of registration processes for dependent rights has stalled at the stage of submitting documents into the electronic dependent rights system while creditors of dependent rights have become more involved in electronic registration of dependent rights.

Refunds of service fees can only be submitted if the Dependent Rights service is declared void due to *force majeure* circumstances. What is meant by *force majeure* is what causes the electronic liability system to be disrupted, resulting in the results of the indemnity service cannot be issued and the application for electronic registration of the dependent rights is declared void, including the server experiencing blackouts or malfunctioning; services provided by other agencies are not running; or

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<sup>22</sup>Siahaan, Rudy Haposan. 2020. Banking Creditor Agreements: Legal Aspects in Theory and Practice. Medan: USU Press

communication to the server is interrupted.<sup>23</sup> The next problem is that if the data at the ministry which includes the applicant as the installer of the dependent rights in hacking the less responsible individuals, there will be a data leak and end up in the dissemination of data of the parties who have debts. Ends up using defamation offenses to debtors. Then the most vulnerable thing to happen if the Right of Liability is held electronically, namely the hackers deliberately inserted a virus into the system or website of the online Right of Liability which resulted in the e-document as lost and lost to many parties.<sup>24</sup>

The registration mechanism for the HT-el System, Dependent Rights must still be recorded in the land book, but what distinguishes the UUHT from the Agrarian and Spatial Planning Regulation / National Land Agency Number 9 of 2019 is that creditors can record Dependent Rights on the Certificate of Land Rights or Property Rights of the Flats Unit itself by printing records issued by the HT-el System and attaching them to the Certificate of Land Rights or Property Rights of Flats Units. This legal fact provides a blur to the momentum of the birth of the Right of Dependent, whether the Right of Liability was born when the creditor printed the record issued by the HT-el System and then attached it to the Certificate of Land Rights or Ownership Rights of the Flats Unit or when the Right of Liability was recorded in the land book by the Head of the Land Office, because there is a possibility that the two things happened not at the same time. Different perspectives on the occurrence of Dependent Rights will have consequences on the existence of Dependent Rights when a dispute occurs.<sup>25</sup>

The advantage of using the online HT system is that the purpose is to simplify the registration process. But article 19 paragraph two, if in the registration process there is an error in the form of negligence caused by the party who registers, it will be the origin of a new case, which instead of cutting the bureaucratic path of the rules but making it difficult for the interested party itself because it is required to report in

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<sup>23</sup> Sandi Halim, Electronic Registration of Dependents, Locus Journal of Academic Literature Review Volume 1 Issue 8, December 2022, 458.

<sup>24</sup> Caesar Wulan Tri Kurniawat, Electronic Registration of Dependent Rights, INNOVATIVE: Journal of Social Science Research Volume 4 Number 1 of 2024

<sup>25</sup> Nadia Imanda, The Birth of Dependent Rights According to Agrarian Government Regulations on Electronic Integrated Dependent Rights Services, Notaire, 3 (1) 2020: 151-164

advance that there is still data that is error and has already entered the system when registration occurs and of course to replace it takes a relatively consuming time because the system is absolute and can be changed if in the process there is a continuation of the interested party making a mistake using contacting the IT concerned.<sup>26</sup>

### **The Ideal Concept of Electronic Registration of Dependent Rights**

The effectiveness or not of a legal regulation related to the effectiveness of law in terms of the optics of legal sociology, law is an empirical phenomenon, and its nature can only be understood by looking at it from the perspective of society. Knowledge of legal forms is necessary to test the effectiveness of the law. In all efforts to achieve the things aimed at development, the legal system can play a supportive role. The ineffectiveness of the legal system can inevitably give obstacles to the achievement of goals. If individual behavior in social life is adjusted to the content that is stipulated in the applicable legal regulations, then the law can be said to be effective.

In order for the law to apply effectively, of course, the obstacles both internally and externally related to the implementation of registration of dependent rights using electronic means, it is necessary to find solutions to overcome these obstacles. After going through the process from the beginning of its entry into force which is very level and encountering various obstacles in carrying out electronic registration, although sometimes encountering obstacles but in general since the entry into force of electronic registration we feel effective.<sup>27</sup>

Basically, an electronic system is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate Electronic Information. So that the implementation of electronic

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<sup>26</sup> Nurul Nadira, "Electronic Registration of Dependent Rights to Begin to Be Implemented at the Land Agency", 17 Fairness and Justice: Scientific Journal of Legal Sciences. (2019): 163- 164

<sup>27</sup> Nyoman Mahayu, The Effectiveness of the Implementation of Registration of Dependent Rights through Electronic Means at Pt. Bpr Pedungan Denpasar, urnal Legal Construction Vol. 2, No. 3, September 2021 p. 610-615

systems can be carried out by state organizers, people, business entities, and / or the community.<sup>28</sup>

In realizing an effective and efficient system, comprehensive cooperation from interested parties is needed. There are three pillars of the implementation of Electronic Liability Rights, including:

- a. The three elements, namely the Bank, PPAT, Land Office, are elements of human resources that determine the implementation of HT-E easily and in accordance with what is faced by the Government and the community. The three pillars mentioned above, namely Banks, PPAT, Land Offices, have the function of assisting the duties of the Government;
- b. 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 Office of the Provincial National Land Agency. HT-el service is a form of service delivery from the Ministry of ATR / BPN in facilitating services to the community by utilizing the development of information technology;
- c. Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 9 of 2019 concerning Electronic Integrated Dependent Rights Services is a series of rights of dependency service processes in the context of maintaining land registration data held through an integrated electronic system.<sup>29</sup>

## CONCLUSION

The results showed that;

- a. Based on Article 7 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 9 of 2019, those who can use the Electronic Dependent Rights System service are

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<sup>28</sup> Fahmi Zaki, 'Legal Certainty in Online Auction of Collateral Objects' (2016) 10 Fiat Justisia.

<sup>29</sup> Nurul Nadira, 'Electronic Registration of Dependent Rights to Begin to Be Implemented at the Land Agency' (2019) 17 Fairness and Justice: Scientific Journal of Legal Sciences.

called users of Dependent Rights are individuals / legal entities as creditors and the State Civil Apparatus of the Ministry in charge of serving Dependent Rights, namely the Ministry of Agrarian and Spatial Planning / National Land Agency (Ministry of ATR / BPN)

- b. The obstacles to legal culture in the implementation of dependent rights can be reviewed from officials within the Land Office, as well as parties involved in the implementation of dependent rights. For example, in banking practice, banks have collaborated with certain PPAT / Notaries to take care of credit agreements and guarantee agreements, including APHT.
- c. In realizing an effective and efficient system, comprehensive cooperation from interested parties is needed. There are three pillars of the implementation of Electronic Dependent Rights, including: Bank, PPAT, Land Office.



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