



## A Study on the Implementation and Legal Protection of Electronic Land Registration in Gorontalo City

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**Abstract:** This study aims to examine and analyze the implementation of the electronic land registration system at the National Land Agency (BPN) Office of Gorontalo City, as well as the forms of legal protection provided to land rights holders in the event of errors in the system. This research adopts a normative-empirical legal approach, utilizing statutory, conceptual, and case study methods. Primary data were obtained from the Gorontalo City BPN Office, while secondary data were sourced from legislation, literature, and relevant research findings. All data were analyzed using a descriptive-qualitative method. The findings indicate that the implementation of the electronic land registration system in Gorontalo City has generally been in accordance with the applicable regulations, although it still faces various challenges from both the public and the internal operations of the BPN. The registration process continues to adhere to the fundamental principles and objectives of land registration. Legal protection for land rights holders is provided optimally through a correction mechanism in cases of errors in physical or juridical data, referring to the land register stored at the land office. Furthermore, the security features of electronic certificates are considered adequate, difficult to forge, and capable of preventing overlaps or duplication of certificates..

**Keywords:** Electronic Land Registration; Legal Protection; Electronic Certificate.

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### **How to cite (Chicago Style):**

Lini Lisa Nur Khairia Podungge, Suwitno Y. Imran, and Moh. Taufiq Zulfikar Sarson. "A Study on the Implementation and Legal Protection of Electronic Land Registration in Gorontalo City." *Estudiante Law Journal*, 7 (3), (October 2025): 741-757. <http://dx.doi.org/10.33756/eslaj.v7i3.32504>

## 1. Introduction

Land is a divine gift that plays a vital role in human life. Beyond serving as a place for residence and cultivation, land holds profound social, cultural, economic, and spiritual values.<sup>1</sup> Therefore, its existence and ownership play a crucial role in the structure of society and the state. Since the beginning of human civilization, land has been a fundamental resource that determines survival, prosperity, and social stability. In Indonesia an archipelagic nation with approximately 1.9 million square kilometers of land area land rights management and regulation are critical aspects of national development.<sup>2</sup> The complexity of land issues in Indonesia continues to grow in tandem with population growth, urbanization, and the dynamics of economic development, all of which demand legal certainty in land transactions and ownership.

In legal terms, land is specifically defined as the surface of the earth, while land rights refer to the rights over a particular portion of the earth's surface, defined by its length and width, as stipulated in national land law.<sup>3</sup> In the Indonesian legal system, land rights are protected and recognized through legal instruments in the form of land certificates issued by the Land Office as official proof of ownership. Law No. 5 of 1960 on the Basic Agrarian Principles (UUPA) serves as the primary legal foundation for land regulation in Indonesia. The UUPA emphasizes the importance of land registration as a means to guarantee legal certainty, simplicity, and unity within the national agrarian system. Through the *recht cadaster* system, the land registration process aims to provide legal protection for land rights holders, both physically and juridically. However, more than six decades after its implementation, the conventional land registration system faces structural challenges that require comprehensive and innovative solutions.<sup>4</sup>

In practice, the document-based conventional land registration system has long been plagued by various issues, including certificate forgery, overlapping land parcels, and ownership disputes. These problems indicate that land certificates have not fully

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<sup>1</sup> Jumadi Jumadi, "Revitalisasi Nilai Budaya Suku Cerekang Sebagai Upaya Pelestarian Lingkungan Hidup," *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah* 8, no. 2 (April 30, 2023): 815–21, <https://doi.org/10.24815/jimps.v8i2.24919>.

<sup>2</sup> M. Rosid Tooli, "Hak Atas Laut Dalam Bentuk Sertifikat : Bentuk Peningkaran Terhadap Putusan Mahkamah Konstitusi Nomor 3/PUU-VIII/2010?," *Iuris Studia: Jurnal Kajian Hukum* 6, no. 1 (May 11, 2025): 208–17, <https://doi.org/10.55357/is.v6i1.894>; Abdul Qodir Jaelani, "Illegal Unreported and Unregulated (IUU) Fishing: Upaya Mencegah Dan Memberantas Illegal Fishing Dalam Membangun Poros Maritim Indonesia," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 3, no. 1 (June 1, 2014), <https://doi.org/10.14421/sh.v3i1.1958>; Maya Lasena et al., "Cockfighting Gambling Criminal Acts Commitment," *Estudiante Law Journal* 4, no. 2 (June 1, 2022): 77–90, <https://doi.org/10.33756/eslaj.v4i2.16039>.

<sup>3</sup> Happy Hayati Helmi, "Reformasi hukum pertanahan: pengaturan komersialisasi ruang tanah," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 3 (December 11, 2019): 381, <https://doi.org/10.33331/rechtsvinding.v8i3.354>.

<sup>4</sup> Aisyah Syafa Carolina, Teza Salih Mauludin, and Meiza Hafilda, "Menakar Ukuran Ideal Pembatasan Hak Guna Usaha (HGU) untuk Badan Hukum sebagai Upaya Mengatasi Ketimpangan Penguasaan Lahan Perkebunan Kelapa Sawit di Indonesia," *Jurnal Hukum Lex Generalis* 3, no. 9 (September 24, 2022): 712–29, <https://doi.org/10.56370/jhlg.v3i9.306>.

guaranteed legal certainty for the public. The issue of land certificate forgery is particularly alarming, with increasingly sophisticated and difficult-to-detect methods.<sup>5</sup> According to data from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), thousands of land dispute cases related to forged documents, duplicate certificates, and manipulated land data occur every year. Overlapping land ownership is also a systemic problem, often leading to prolonged conflicts among landowners, investors, and government institutions. Furthermore, the lengthy and complex bureaucratic procedures in managing conventional land certificates often open opportunities for corruption and illegal levies. The limitations of conventional data storage systems also make them vulnerable to physical damage, document loss, and difficulties in accessing historical ownership records.

With the advancement of time and the demand for greater efficiency, the Ministry of ATR/BPN initiated a digital transformation through the issuance of Ministerial Regulation No. 1 of 2021 on Electronic Certificates. This regulation represents a structural reform in the land sector by introducing the electronic land certificate (sertipikat-el) as a legally valid and digitally integrated ownership document. This digital initiative is part of the government's effort to realize the "One Map Initiative," aimed at integrating all geospatial data in Indonesia into a unified platform. In addition, the Complete Systematic Land Registration (PTSL) program, launched in 2017, seeks to accelerate land certification across the country.<sup>6</sup> Several land information systems—such as the Land Office Computerization (KKP), the Land Management Information System (SIMP), and various online service applications—have been developed as technological foundations to support the sector's digital transformation.

Electronic land certificates offer several advantages, including minimizing the risks of loss and forgery, expediting public services in land affairs, simplifying administrative processes, and facilitating access and reprinting of documents.<sup>7</sup> The use of blockchain systems and encryption technologies in electronic certificates provides a much higher level of security compared to conventional physical documents. Integration with national databases also allows for real-time verification and the prevention of data duplication. From a cost-efficiency perspective, electronic certificates significantly reduce operational expenses related to the printing, storage, and distribution of physical documents. Nevertheless, the implementation of electronic certificates also presents several challenges and weaknesses. Dependence on adequate information technology infrastructure is a critical prerequisite, while not all regions in Indonesia

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<sup>5</sup> Ardhia Pramudhawardhani, Sofi Amalia Aulia Jannah, and Aprilia Niravita, "Revitalisasi Nilai-Nilai Pancasila Dalam Hukum Pertanahan Nasional," *LITRA: Jurnal Hukum Lingkungan, Tata Ruang, Dan Agraria* 3, no. 2 (2024): 125–40, <https://doi.org/10.23920/litra.v3i2.1703>.

<sup>6</sup> Jhon Dearson Parapat and Badrudin Kurniawan, "Implementasi Program Pendaftaran Tanah Sistematis Lengkap (Ptl) Sebagai Upaya Percepatan Pendaftaran Tanah Di Provinsi Jawa Timur," *Publika*, June 28, 2021, 355–68, <https://doi.org/10.26740/publika.v9n4.p355-368>.

<sup>7</sup> Ferdi Budiarsa, Maulana Rifai, and Indra Aditya, "Implementasi Pendaftaran Tanah Sistematis Lengkap (PTSL) Sebagai Upaya Percepatan Pendaftaran Tanah Di Kota Bekasi," *Jurnal Ilmiah Wahana Pendidikan* 8, no. 24 (December 30, 2022): 485–98, <https://doi.org/10.5281/zenodo.7494707>.

have stable internet and electricity access. Cybersecurity risks such as hacking, data breaches, and malware attacks pose new threats that must be anticipated with layered security systems. Moreover, the digital divide between tech-literate communities and those with limited digital access may create disparities in accessing digital land services.

The transition from conventional to electronic land certificates also raises various legal and social concerns. Public resistance persists, particularly regarding fears of data security, potential hacking, and the withdrawal of conventional certificates, which can lead to legal misunderstandings. This issue is exacerbated by the spread of incomplete information on social media, resulting in misinterpretations of the norms contained in Article 16 of Ministerial Regulation No. 1 of 2021. These concerns have gained further relevance in light of prominent land mafia cases, including the forgery of land certificates affecting the family of former Deputy Minister of Foreign Affairs, Dino Patti Djalal. Such cases demonstrate that despite the digital transformation of the land system, legal gaps and weaknesses remain in protecting citizens' rights as landowners. To address these issues, comprehensive solutions are necessary. First, strengthening regulations and harmonizing rules related to electronic certificates with existing laws; second, increasing public digital literacy through widespread and continuous education and outreach programs; third, developing robust cybersecurity systems through the implementation of multi-factor authentication, blockchain technology, and redundant backup systems; fourth, establishing effective complaint and dispute resolution mechanisms to handle potential conflicts; and fifth, providing alternative access to land services for communities not yet ready for digital technology.

The national implementation of electronic land certificates officially began on December 4, 2023. At the local level, such as in Gorontalo City, the policy was launched more recently, on June 10, 2024. This situation raises important questions regarding legal protection and certainty for land rights holders amid the digitalization process, particularly when electronic certificates are issued based on unlawful acts or invalid data. Therefore, an in-depth study of the implementation of electronic land certificate policies is essential to ensure that this digital transformation truly provides optimal legal protection for the public and fulfills the mandate for legal certainty as enshrined in the UUPA and the Constitution. The ultimate goal of the digital transformation in the land sector is to establish a transparent, accountable, efficient, and reliable land administration system. As such, electronic land certificates are expected to serve as a definitive solution to structural problems within Indonesia's land administration system while also contributing significantly to improving the investment climate, protecting human rights, and promoting sustainable national economic development. The success of implementing electronic certificates will be a key indicator of Indonesia's ability to adopt digital technology to enhance public service quality and good governance.

## 2. Method

The research method employed in this study is a normative-empirical legal research method. The normative approach is used to examine the laws and regulations governing land certificates, particularly Ministerial Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 1 of 2021 on Electronic Certificates, as well as other relevant regulations concerning legal protection and legal certainty for land rights holders. The analysis focuses on legal principles, legal doctrines, and relevant legal norms in the context of digital transformation in land administration. Meanwhile, the empirical approach is used to observe the implementation of electronic certificates in practice, particularly in the City of Gorontalo, by collecting data through interviews with officials at the Land Office, case studies, and direct observation of electronic land administration practices. The combination of normative and empirical approaches is intended to provide a comprehensive and holistic understanding of the policy's effectiveness and the extent of legal protection afforded to the public in the implementation of electronic land certificates.<sup>8</sup>

## 3. Analysis and Discussion

### 3.1. Implementation of the Electronic Land Registration System at the Gorontalo City National Land Agency Office

The electronic land registration system is implemented throughout Indonesia by the Land Agency in each region, without exception in the Gorontalo Province area, especially in Gorontalo City. Gorontalo City has 9 sub-districts with an area of 79.59 km<sup>2</sup>. As the capital city of Gorontalo Province, the implementation of this registration system can be carried out as it should be.<sup>9</sup>

The electronic land registration system in this area will only be implemented on June 10, 2024. The transition to the land registration system requires very mature readiness so as not to cause new problems in the land sector. The implementation of this policy is an effort to digitally transform the current government. With the implementation of this land registration, there has been a change in the proof of ownership of land rights which was previously in the form of a conventional land certificate to an electronic land certificate. The terms and procedures for electronic land registration have not undergone significant changes; What has changed is only the electronic system used in land registration.<sup>10</sup>

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<sup>8</sup> Irwansyah Irwansyah, *Penelitian Hukum ; Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2020); Peter Mahmud Marzuki, *Penelitian Hukum*, Edisi Revisi (Jakarta: Prenadamedia Group, 2014); Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum : Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

<sup>9</sup> Badan Pusat Statistik Kota Gorontalo, "Luas Daerah - Tabel Statistik," <https://gorontalokota.bps.go.id/>, 2024, <https://gorontalokota.bps.go.id/id/statistics-table/2/MTA0IzI=/luas-daerah.html>.

<sup>10</sup> Devi Elora, "Problematika Pelaksanaan Alih Media Sertipikat Menjadi Sertipikat Elektronik," *Cendekia : Jurnal Hukum, Sosial Dan Humaniora* 2, no. 3 (July 30, 2024): 762–73, <https://doi.org/10.5281/zenodo.13834686>.

Electronic systems according to Article 1 paragraph (1) of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 1 of 2021 concerning Electronic Certificates (hereinafter written as Permen ATR/BPN No. 1 of 2021) are a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, send, and/or disseminate electronic information.

The electronic system used in this land registry produces electronic documents. According to Article 1 paragraph (2) of the Ministerial Regulation of ATR/BPN No. 1 of 2021, electronic documents are any electronic information that is created, forwarded, transmitted, received, or stored in analog, digital, electromagnetic, optical, or similar form, which can be seen, displayed, and/or heard through a computer or electronic system, including but not limited to writing, sound, images, maps, designs, photographs or the like, letters, signs, numbers, access codes, symbols, or perforations that have a meaning or meaning or can be understood by a person who is able to understand them.

The implementation of electronic land registration includes:

a. Land Registration for the First Time

Land registration activities for the first time based on Article 12 paragraph (1) of Government Regulation No. 24 of 1997 include:

- 1) Collection and processing of physical data
- 2) Proof of rights and bookkeeping
- 3) Issuance of certificates
- 4) Presentation of physical data and juridical data
- 5) Storage of general lists and documents

Land registration for the first time is carried out in two ways, namely:<sup>11</sup>

1) Systematic Land Registration

Systematic land registration is land registration carried out on the initiative of the government. This program can be used by the community because through this program, the government seeks to immediately register land that has not been certified to obtain a certificate of land rights.<sup>12</sup>

2) Sporadic Land Registration

Sporadic land registration is a land registration activity for the first time regarding one or several land registration objects in the area or part of the territory of a village/sub-district individually or en masse. Sporadic land registration is carried out at the request of interested parties, namely parties who are entitled to the object

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<sup>11</sup> Bambang Suharto and Supadno Supadno, "Hambatan-Hambatan dalam Pelaksanaan Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *The Indonesian Journal of Public Administration (IJPA)* 9, no. 1 (July 12, 2023), <https://doi.org/10.52447/ijpa.v9i1.6824>.

<sup>12</sup> Dita Tatiana Putri\*, Ichsan Anwary, and Yulia Qamariyanti, "Pendaftaran Tanah Secara Sistematis Di Kabupaten Kotawaringin Timur," *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah* 8, no. 4 (August 31, 2023): 6101-17, <https://doi.org/10.24815/jimps.v8i4.28850>.

of land registration in question or their proxies. This registration is carried out by the community itself by registering their land with the land office.<sup>13</sup>

b. Land Registration Data Maintenance

Kegiatan pemeliharaan data pendaftaran tanah berdasarkan Pasal 12 ayat (2) PP No. 24 Tahun 1997 meliputi:

- 1) Registration of other land registration data changes
- 2) Registration of maintenance and encumbrance of rights

The registration of other data changes is intended so that any data change, either due to a legal act or a legal event that occurs on the land, must still be registered. Likewise, the registration of the imposition of rights that occur on the land must be registered.

c. Land Certificate Media Transfer

Electronic land registration activities in addition to those mentioned above, also include media transfer activities. Land certificate media transfer is the process of converting physical land certificates into electronic land certificates.

The change of physical land certificates to electronic certificates is carried out on the basis of a request from the right holder himself without having to take legal action on the land. People who want to carry out media transfer activities go directly to the land office by bringing proof of previous certificates along with other supporting data.

### 3.1.1. Basics and Objectives of Electronic Land Registration

Electronic land registration has not undergone any changes related to the principles and purposes of its registration. The principle of land registration in Indonesia refers to Government Regulation No. 24 of 1997 which is stated in Article 2, that land registration is carried out based on:

#### Basics of Land Registration

1) Simple

The simple principle is intended so that the procedures and main provisions of land registration can be easily understood by land rights holders and interested parties.<sup>14</sup>

2) Safe

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<sup>13</sup> Rahmat Ramadhani, "Pendaftaran Tanah Sebagai Langkah Untuk Mendapatkan Kepastian Hukum Terhadap Hak Atas Tanah," *SOSEK: Jurnal Sosial Dan Ekonomi* 2, no. 1 (June 9, 2021): 31-40, <https://doi.org/10.55357/sosek.v2i1.119>.

<sup>14</sup> Ana Silviana, "Urgensi Sertipikat Tanah Elektronik Dalam Sistem Hukum Pendaftaran Tanah di Indonesia," *Administrative Law and Governance Journal* 4, no. 1 (March 31, 2021): 51-68, <https://doi.org/10.14710/alj.v4i1.51->; Linda S. M. Sahono, "Penerbitan Sertipikat Hak Atas Tanah Dan Implikasi Hukumnya," *Perspektif* 17, no. 2 (May 27, 2012): 90-97, <https://doi.org/10.30742/perspektif.v17i2.98>.

The safe principle is intended to show that this land registration activity is carried out carefully and carefully so as to produce or provide legal certainty in accordance with the purpose of the land registration itself.<sup>15</sup>

3) Affordable

The affordable principle is intended that this land registration can be done by anyone in need, including people who have limited costs. The land registration services provided must be accessible to all communities, especially those who need it.<sup>16</sup>

4) Mutakhir

This principle is intended that the facilities and completeness used in the registration process are guaranteed to be very adequate in their implementation and sustainable in the maintenance of their data. The available data must show up-to-date circumstances. For this reason, it is followed by the obligation to register and record changes that occur in the future. This principle requires the continuous and continuous maintenance of land registration data, so that the data stored at the land office is always in accordance with the real situation in the field.<sup>17</sup>

5) Open

The open principle is intended so that the public can find out or obtain information about physical data and correct juridical data at any time at the land office in accordance with the stipulated provisions.<sup>18</sup>

### Purpose of Land Registration

The purpose of land registration as stated in Article 3 of Government Regulation No. 24 of 1997, aims to:

- a) Providing legal certainty and protection to the right holder of a land plot, flat, and other registered rights so that they can easily prove themselves as the holder of the rights concerned.
- b) Providing information to interested parties, including the government, so that they can easily obtain the data needed to carry out legal acts regarding land plots and registered flats.
- c) The implementation of an orderly land administration.

The principles of land registration as described above aim to provide certainty and legal protection to the holder of the land rights concerned. The theory of legal certainty proposed by Gustav Radbruch as described in Chapter II of this study states that there are four fundamental things that are closely related to the meaning of legal certainty itself, namely:

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<sup>15</sup> Rahmat Ramadhani, "Korelasi Hukum Antara Pengaturan Zonasi Wilayah Dengan Pendaftaran Hak Milik Atas Tanah Di Kota Medan," *EduTech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial* 4, no. 2 (October 5, 2018), <https://doi.org/10.30596/edutech.v4i2.2275>.

<sup>16</sup> Zaenal Darmotannyono, Hadi Susanto, and Sri Mulyani, "Implementasi Kebijakan Pendaftaran Tanah Sistematis Lengkap (Ptl) Di Badan Pertanahan Kabupaten Jember," *Map (Jurnal Manajemen Dan Administrasi Publik)* 5, no. 4 (2022): 402-17, <https://doi.org/10.37504/map.v5i4.474>.

<sup>17</sup> Ramadhani, "Korelasi Hukum Antara Pengaturan Zonasi Wilayah Dengan Pendaftaran Hak Milik Atas Tanah Di Kota Medan."

<sup>18</sup> Hizkia Hutabarat, Erita Sitohang, and Tulus Siambaton, "Peran Badan Pertanahan Nasional Dalam Penyelesaian Sengketa Kepemilikan Tanah," *Jurnal Hukum PATIK* 10, no. 1 (April 24, 2021): 61-68, <https://doi.org/10.51622/patik.v10i1.223>.

- 1) Law is a positive thing which means that positive law is legislation.
- 2) The law is based on a fact, meaning that the law is made based on reality.
- 3) The facts stated or listed in the law must be formulated in a clear way, so that it will avoid mistakes in terms of meaning or interpretation and can be easily implemented.
- 4) Positive laws cannot be easily changed.

The theory of legal certainty by Gustav Radbruch<sup>19</sup> applied in the electronic land registration process as follows:

- 1) The existence of regulations on the implementation of electronic land registration provides certainty to the people who own land rights.
- 2) The issuance of electronic certificates has been based on actual facts and data on the ground.
- 3) The information that has been listed in the electronic certificate has gone through a pre-arranged flow and mechanism.
- 4) Certificates that have been issued through electronic registration are not easily altered or forged.<sup>20</sup>

According to Suseno, certainty is interpreted as clarity of norms so that it can be used as a guideline for people who are subject to the regulation. The definition of legal certainty can be interpreted as that there is clarity and firmness regarding the enactment of the law in society. Certainty can also have the following meanings:

- 1) Clarity
- 2) Does not give rise to multiple interpretations or doubts
- 3) Not contradictory
- 4) It can be done.

Thus, the legal certainty associated with land registration has the following dimensions or criteria:

- 1) The existence of legal clarity means that it can be easily understood by the public related to the regulation of the implementation of electronic land registration.
- 2) The rules governing the implementation of electronic land registration do not contradict each other.
- 3) Clarity of the time frame for the electronic land registration process until the issuance of the electronic certificate.

### **3.1.2. Benefits of Electronic Land Registration**

Every policy taken by the government certainly has benefits for the community in general and especially for the government itself. The benefits of land registration in general are to provide legal certainty, legal protection of land, and orderly land administration. In addition, electronic land registration has more informative physical

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<sup>19</sup> Fence M Wantu, *Idee Des Recht : Kepastian Hukum, Keadilan, dan Kemanfaatan* (Yogyakarta: Pustaka Pelajar, 2011),

[//perpustakaan.ung.ac.id%2Fopac%2Findex.php%3Fp%3Dshow\\_detail%26id%3D32529](http://perpustakaan.ung.ac.id%2Fopac%2Findex.php%3Fp%3Dshow_detail%26id%3D32529).

<sup>20</sup> Fence M. Wantu, *Dimensi-Dimensi Pelayanan Hukum* (Malang: Thafa Media, 2020).

data because the map used using Google Earth, not only shows the location of the land, but the location of the land around it can also be seen. Land registration can also prevent interference from unauthorized parties.<sup>21</sup>

The benefits of land registration are seen from the laws and regulations on land, including the UUPA, PP No. 24 of 1997, and PP No. 18 of 2021, as follows:

- 1) Obtaining a certificate as proof of land rights
- 2) The existence of land rights is guaranteed, even if the land will be traded
- 3) Ensuring legal certainty and legal protection to land rights holders
- 4) Prevent disturbances from disinterested or disinterested parties
- 5) To provide understanding and knowledge about the origin of land ownership
- 6) Help avoid future conflicts or land disputes
- 7) It can be used as empowered and successful business assistance capital to improve the welfare of residents.

### **3.1.3. Ban on Electronic Land Registration**

A prohibition is an order or rule not to do an act. In electronic land registration, there are things or circumstances that occur to the object of land registration, including the recording of blocks and confiscations. Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 13 of 2017 concerning Blocking and Confiscation Procedures (hereinafter written by the Minister of Agrarian and Spatial Planning/BPN No. 13 of 2017), the recording of blocks and confiscations is:<sup>22</sup>

#### **1. Block Logging**

Blocking is an administrative action of the Head of the Land Office or an appointed official to establish a status quo (freeze) state of land rights that are temporary against legal acts and legal events on the land.

#### **2. Confiscation Recording**

Confiscation recording is an administrative action of the Head of the Land Office or an official appointed to record the existence of confiscation from judicial institutions, investigators, or other authorized agencies. There are 3 confiscations in this ministerial regulation, namely:

##### **1. Seizure of the Case**

Case confiscation is the confiscation of Land Books, Survey Letters, or other data submitted by the court bailiff or interested parties, including the plaintiff or defendant in order to protect the object of the case.

##### **2. Criminal Seizure**

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<sup>21</sup> Results of the Interview with the Coordinator of the Land Registration Subdivision of the National Land Office of Gorontalo City, on January 20, 2025 at 10.00 WITA

<sup>22</sup> Results of the Interview with the Coordinator of the Land Registration Subdivision of the National Land Office of Gorontalo City, on January 20, 2025 at 10.00 WITA

Criminal confiscation is the confiscation of Land Books, Survey Letters, or other data submitted by investigators that are used as evidence in the court with the Minutes of Confiscation and receipts of confiscated goods.

### 3. Adjustment Seizure

Adjustment confiscation is the second/third and subsequent confiscation application that aims to adjust to the previous confiscation and the object of confiscation has been expressly accountable to the other party.

Land that has been proposed to be blocked or confiscated cannot be registered electronically. This is done so as not to cause legal problems in the future.

#### 3.1.4. Barriers to Electronic Land Registration

The implementation of the electronic land registration program has various obstacles in its implementation. The obstacles faced by the Gorontalo City BPN include:<sup>23</sup>

##### 1. Internet Network

The internet network is a global network that connects millions of computer devices around the world. This network allows for quick and easy exchange of information. If there is a problem in this network, it can hinder the electronic land registration process.

##### 2. The Land Area in the Old Certificate is Different from the Land in the Field

This obstacle occurs due to a recording error, and must be corrected first (difference in area and so on). If it cannot be changed, it must go to the Data and Information Technology Center (PUSDATIN) of the Ministry of ATR/BPN.

##### 3. Electronic Land Registration Application is made through the BPN Office directly

Applications for electronic land registration can only be made at the land office directly. People have not been able to access this application from their respective residences.

The implementation of electronic land registration in Gorontalo City will only be carried out in June 2024. The electronic certificate data that has been issued by the Gorontalo City BPN until January 20, 2025 submitted by the public is as follows:

Table 1. Number of Electronic Land Certificates

No.	Types of Rights	Number of Certificates
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<sup>23</sup> Results of the Interview with the Coordinator of the Land Registration Subdivision of the National Land Office of Gorontalo City, on January 20, 2025 at 10.00 WITA

1.	Proprietary	1024
2.	Building Use Rights	1159
3.	Right to Use	10

Meanwhile, what was done independently by the Gorontalo City BPN has just switched the manual land book to electronic as follows:

Table 2. Number of Electronic Land Books

No.	Types of Rights	Number of Certificates
1.	Proprietary	9441
2.	Building Use Rights	2709
3.	Right to Use	125

From the data above, the author argues that the implementation of the electronic land registration system at BPN Gorontalo City has been running as it should, it's just that it is necessary to socialize it to the community so that they can participate in this government program. Based on the discussion above, this electronic registration provides more legal certainty to land rights owners and also provides benefits for the government for orderly land administration and digital transformation efforts.

### **3.2. Legal Protection for Land Rights Owners in the Event of an Error in the Electronic Land Registration System**

The digital transformation carried out by the government in various sectors, including the electronic land registration system, is the result of a careful study. This policy is not only designed to improve efficiency, but has also taken into account potential errors in its implementation.<sup>24</sup> In the context of land registration, this transformation aims not only to create legal certainty, but also to provide legal protection to land rights holders.<sup>25</sup> This is in line with the principle of the Indonesian state of law, as stated in the Preamble to the Constitution of the Republic of Indonesia in 1945, which states that the purpose of the state is to protect the entire nation and all of Indonesia's

<sup>24</sup> Suci Febrianti, "Perlindungan Hukum Terhadap Pemegang Sertipikat Hak Atas Tanah Elektronik," *Indonesian Notary* 3, no. 3 (September 30, 2021), <https://scholarhub.ui.ac.id/notary/vol3/iss3/9>.

<sup>25</sup> Gandi Assidiqih and Indri fogar Susilowati, "Juridical Review of Electronic Land Certificates as Evidence of Land Ownership in Indonesia: Tinjauan Yuridis Sertifikat Tanah Elektronik Sebagai Bukti Kepemilikan Tanah Di Indonesia," *Novum: Jurnal Hukum*, January 9, 2024, 57-72, <https://ejournal.unesa.ac.id/index.php/novum/article/view/58097>.

bloodshed, promote public welfare, educate the nation's life, and participate in implementing world order based on independence, lasting peace, and social justice.

The protection of every citizen is a constitutional obligation that must be fulfilled by the state. Such protection is not limited to national jurisdictions, but applies worldwide because it is part of human rights.<sup>26</sup> This is affirmed in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that "Everyone has the right to fair legal recognition, guarantee, protection, and certainty as well as equal treatment before the law."<sup>27</sup> Thus, when the state provides protection to its citizens, including in the context of electronic land registration, the state not only fulfills its legal obligations, but also exercises respect for the constitutional rights of citizens.

According to Muktie Fadjar, legal protection is a narrowing of the meaning of protection itself, which in this case is focused on protection through law.<sup>28</sup> This kind of protection is closely related to the existence of rights and obligations inherent in human beings as legal subjects in social and environmental interactions. In this context, the rights and obligations of land rights holders must be fulfilled in order for legal protection to be truly realized. Several legal experts also reinforced the importance of legal protection. Soerjono Soekanto stated that legal protection is an effort to fulfill rights and provide assistance to create a sense of security, including in the form of restitution, compensation, medical services, and legal assistance.<sup>29</sup> Sementara itu, Lili Rasjidi dan I.B. Wyasa Putra emphasizing that the law must be able to function in an adaptive, flexible, predictive, and anticipatory manner.<sup>30</sup> Phillipus M. Hadjon added that legal protection consists of preventive and repressive actions.<sup>31</sup> Preventive protection aims to prevent disputes, while repressive protection is related to the settlement of disputes that have occurred. In this study, the author refers to two forms of legal protection, namely preventive and repressive legal protection. Preventive legal protection is carried out through legal measures by the government,

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<sup>26</sup> Ahmad Ahmad, Viorizza Suciani Putri, and Mohamad Hidayat Muhtar, "Antara Otoritas dan Otonomi : Pertautan Hak Asasi Manusia dalam Praktik Eksekusi Putusan PTUN: Perlindungan HAM dalam Eksekusi Upaya Paksa Terhadap Putusan Peradilan Tata Usaha Negara," *Jurnal Konstitusi* 21, no. 3 (September 1, 2024): 392–412, <https://doi.org/10.31078/jk2133>.

<sup>27</sup> Ahmad Ahmad and Novendri M. Nggilu, *Constitutional Dialogue : Menguatkan Intraksi Menekan Dominasi (Konvergensi Terhadap Pengujian Norma Di Mahkamah Konstitusi)* (Yogyakarta: UII Press, 2023); Ahmad Ahmad, Fence M. Wantu, and Novendri Mohamad Nggilu, *Hukum Konstitusi: Menyongsong Fajar Perubahan Konstitusi Indonesia Melalui Pelibatan Mahkamah Konstitusi* (Yogyakarta: UII Press, 2020).

<sup>28</sup> Noni Fitriyani and Irene Svinarky, "Tinjauan Yuridis Terhadap Perlindungan Hukum Hak Anak Angkat Akibat Dari Pengangkatan Anak Maupun Adopsi Berdasarkan Hukum Positif," *Scientia Journal: Jurnal Ilmiah Mahasiswa* 1, no. 2 (July 2, 2019), [https://ejournal.upbatam.ac.id/index.php/scientia\\_journal/article/view/2524](https://ejournal.upbatam.ac.id/index.php/scientia_journal/article/view/2524).

<sup>29</sup> Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Pers, 2019), <https://www.rajagrafindo.co.id/produk/faktor-faktor-yang-mempengaruhi-penegakan-hukum-soerjono-soekanto/>.

<sup>30</sup> Lili Rasjidi and I. B. Wyasa Putra, *Hukum Sebagai Suatu Sistem* (Bandung: Mandar Maju, 2003), <https://simpus.mkri.id/opac/detail-opac?id=5152>.

<sup>31</sup> Philpus M. Hadjon, "Peradilan Tata Usaha Negara Dalam Konteks Undang-Undang No. Tanggal 30. Tentang Administrasi Pemerintahan 2014," *Jurnal Hukum Dan Peradilan* 4, no. 1 (2015): 51–64, <https://doi.org/10.25216/jhp>.

especially the Ministry of ATR/BPN and the land office, in order to prevent violations in the electronic land registration process. This effort involves technical and legislative arrangements that ensure that the rights of landowners are protected. Meanwhile, repressive legal protection is carried out when a dispute has occurred, with the aim of resolving conflicts due to differences of interest between the parties involved in land registration. The resolution of the dispute can be carried out through litigation (court) and non-litigation (outside the court), such as arbitration, mediation, conciliation, negotiation, consultation, and expert assessment.

One of the issues that often arise in the land registration system is errors in the physical data of the land. Based on Government Regulation No. 24 of 1997, physical data includes information about the location, boundaries, and area of land plots, as well as buildings on them. In the process of electronic land registration, especially when there is a transfer of rights, the first step is to transfer the media from a physical certificate to an electronic certificate. This process must be preceded by a review of physical data, and if there is a discrepancy, a re-measurement is carried out which is witnessed by the adjacent parties. In addition, validation is also carried out through matching satellite imagery to avoid land overlap, including the use of applications such as Touch My Land to verify the position of the land.

In addition to physical data, juridical data must also be carefully examined before issuing an electronic certificate. Based on Government Regulation No. 24 of 1997, juridical data includes information about the legal status of the land, rights holders, and the burden or rights of other parties on the land. If an error is found in the juridical data, the first step is to check the land book. If there is a difference, corrections are made to the certificate so that it is in accordance with the official data in the land book. After the correction is made and verified, then the process of media transfer and transfer of rights can continue.<sup>32</sup>

Based on the above description, the author argues that in the event of an error in both physical and juridical data, one of the forms of legal protection provided by the National Land Agency is through a data correction mechanism in accordance with the land book. Therefore, before carrying out legal acts such as buying and selling or other transfer of rights, it is mandatory to check the certificate first to ensure its compatibility with the land book stored at the land office. This is a form of legal protection that reflects the purpose of the law itself, namely justice, utility, and legal certainty.

Thus, legal protection in the context of land registration is not only formal and administrative, but also substantive. The protection aims to ensure that every holder of land rights obtains fair and equal legal guarantees, in accordance with the principles of the Indonesian rule of law.

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<sup>32</sup> Hasil Wawancara Bersama Koordinator Sub Bagian Pendaftaran Tanah Kantor Pertanahan Nasional Kota Gorontalo, pada tanggal 20 Januari 2025 Pukul 10.00 Wita

## 5. Conclusion

The conclusion of this study shows that the implementation of the Electronic Land Registration System in Gorontalo City has been running in accordance with the principles and objectives of land registration, although it is still faced with several obstacles from the community and the Land Agency. Electronic land certificates are considered more informative because they utilize technology such as Google Earth to accurately show the location and area of the land. Legal protection for land rights owners has also been well implemented; If there is a physical or juridical data error, correction will be made based on the land book. In addition, electronic certificates have been designed with a high security system so that they are difficult to forge and can prevent overlap or double certificates.

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