

LEGAL CERTAINTY IN THE TRANSFER OF LAND RIGHTS THROUGH ELECTRONIC CERTIFICATES IN THE PRACTICE OF LAND DEED OFFICIALS (PPAT)

Markus Gunawan^{1*}

¹Faculty of Law, Universitas Batam, Batam, Indonesia

*Corresponding author: markusgunawan@univbatam.ac.id

Received: 05/07/2024 | Revised: 10/07/2024 | Accepted: 15/08/2024 | Published: 25/08/2024

Abstract

The migration of Indonesian land administration from paper certificates to electronic certificates, initiated by Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 1 of 2021 and consolidated by Regulation No. 3 of 2023, is presented by the State as a guarantee of legal certainty. This study interrogates that claim at the point where it is actually tested: the office of the Land Deed Official (Pejabat Pembuat Akta Tanah, PPAT), through which every conveyance of registered land must pass. Using a normative juridical method with statutory, conceptual, and case approaches, the study examines whether the electronic certificate regime in fact delivers certainty in the transfer of land rights, and identifies the obstacles that arise in PPAT practice. The findings are threefold. First, electronic certificates strengthen what may be termed documentary and procedural certainty - integrity of the record, verifiability, and speed - but they do not and cannot alter the substantive character of Indonesian land registration, which remains a negative system with positive tendencies under Article 19 of the Basic Agrarian Law and Article 32(2) of Government Regulation No. 24 of 1997. Digitalisation improves the reliability of the register; it does not confer indefeasibility of title. Second, a structural normative tension persists between the electronic land regime and Article 5(4) of the Electronic Information and Transactions Law, which excludes instruments required by law to take the form of a notarial or official deed from the scope of electronic documents; the PPAT deed therefore remains a paper instrument executed in physical presence, while the certificate it operates upon has become electronic. Third, in practice the resulting hybrid produces friction: incomplete media conversion, dual-format certificates circulating simultaneously, uneven readiness of land offices and PPAT offices, unresolved allocation of liability for verification failures, and personal-data exposure under Law No. 27 of 2022. The study argues that legal certainty in electronic conveyancing depends less on the digital format of the certificate than on the coherence of the norms surrounding it, and proposes a targeted reform agenda comprising an explicit statutory basis for electronic PPAT deeds, a standardised electronic verification protocol with a defined evidentiary effect, a clear allocation of liability between the Land Office and the PPAT, and a transitional framework governing the coexistence of analogue and electronic certificates.

Keywords: Legal Certainty; Land Rights Transfer; Electronic Certificate; PPAT; Land Registration; Digital Land Administration

INTRODUCTION

Land is the asset around which Indonesian civil life is organised, and the certificate of title is the instrument through which the State communicates who holds it. Article 19(1) of Law No. 5 of 1960 on Basic Agrarian Principles (UUPA) obliges the government to conduct land registration throughout the territory of the Republic in order to guarantee legal certainty, and Article 19(2)(c) identifies the certificate of title as the resulting evidence of right. For six decades that instrument was a bound paper booklet, physically held by the right-holder and physically surrendered at each transaction. On 12 January 2021 the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency issued Regulation No. 1 of 2021 on Electronic Certificates, subsequently replaced and expanded by Regulation No. 3 of 2023 on the Issuance of Electronic Documents in Land Registration Activities. The paper booklet is being replaced by an electronic document authenticated by electronic signature and verifiable against a central database. The policy rationale is not obscure. Permadi and Herlindah (2023) characterise Regulation No. 1 of 2021 as a turning point in Indonesian land governance, capable of increasing the legal certainty of tenure by streamlining registration and dispute resolution. Mujiburohman (2021), examining the transformation from paper to electronic

form, identifies the same promise while cautioning that the juridical and technical preconditions are more demanding than the policy discourse acknowledges. Alimuddin (2021) treats the electronic certificate as an instrument capable of guaranteeing certainty of ownership, and Nafan (2022) reaches a broadly similar conclusion regarding its status as proof of control over land. The recurring justification is the vulnerability of the paper regime: duplicated certificates, forged documents, physical loss, and the organised fraud commonly described in Indonesian discourse as the work of the land mafia.

Yet the claim that digitalisation produces legal certainty is asserted far more often than it is examined, and it is almost never examined at the point where conveyancing actually occurs. Under Article 37(1) of Government Regulation No. 24 of 1997 on Land Registration, a transfer of registered land by sale, exchange, gift, or contribution to a company can be registered only on the basis of a deed drawn up by a Land Deed Official (Pejabat Pembuat Akta Tanah, PPAT). The PPAT is therefore the compulsory gateway through which every conveyance must pass. Whatever the electronic certificate does or does not achieve, it does so through the PPAT office. Yubaidi (2020) makes the point directly in relation to systematic registration: the PPAT is not an administrative appendage to the land registration system but a constitutive element of the certainty it produces.

Existing scholarship has largely approached the electronic certificate from the perspective of the right-holder or of the Land Office. Adinegoro (2023a) catalogues implementation challenges within the Ministry itself; Putranto and Mansyur (2023) argue the urgency of adoption; Juliyanti, Dharsana, and Ujianti (2023) address the data-protection dimension. Where the PPAT appears, it is usually in a narrow frame: Shafira (2021) examines the online certificate-checking service as a protective measure, and Wibowo, Susanto, Prihadyatama, and Ahmad (2023) analyse the legal implications of online checking. What is missing is an account of the electronic regime as it is encountered in PPAT practice as a whole - from verification, through execution of the deed, to registration of the transfer - and of the specific normative gaps that practice reveals.

Those gaps are not trivial. The most significant is structural. Article 5(4) of Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016, expressly provides that the provisions recognising electronic information and documents as valid evidence do not apply to letters which by law must be made in written form and to letters and documents which by law must be made in the form of a notarial deed or a deed made by a deed-making official. The PPAT deed falls squarely within that exclusion. The consequence is a system in which the certificate has become electronic while the instrument that transfers it has not - a hybrid whose internal coherence has not been established and whose practical effects have not been mapped.

This article accordingly addresses two research problems:

1. To what extent does the electronic certificate regime, as regulated in Ministerial Regulation No. 3 of 2023 and its supporting instruments, provide legal certainty in the transfer of land rights?
2. What obstacles arise in the practice of PPAT offices in implementing the transfer of land rights on the basis of electronic certificates, and how should they be addressed normatively?

The novelty of this study lies in reframing the question. Rather than asking whether electronic certificates are legally valid - a question the literature has largely settled in the affirmative - it asks what kind of certainty they produce, distinguishes that kind from the certainty of title that the policy discourse implicitly promises, and locates the residual uncertainty in the normative architecture surrounding the PPAT rather than in the technology itself.

RESEARCH METHOD

This is normative legal research, treating law as a system of norms and drawing on secondary data comprising primary, secondary, and tertiary legal materials. Nurhayati, Ifrani, and Said (2021) describe this method as the analysis of legal norms in their systemic coherence, which is precisely what the coexistence of the agrarian, registration, and electronic-transactions regimes requires.

Three approaches are combined. The statutory approach examines the UUPA, Government Regulation No. 24 of 1997 on Land Registration, Government Regulation No. 37 of 1998 on the Regulations for the Office of PPAT as amended by Government Regulation No. 24 of 2016, Government Regulation No. 18 of 2021, Ministerial Regulations No. 1 of 2021 and No. 3 of 2023, Law No. 11 of 2008 as amended by Law No. 19 of 2016, and Law No. 27 of 2022 on Personal Data Protection. The conceptual approach draws on the theory of legal certainty in the tradition of Radbruch and Mertokusumo, supplemented by Otto's notion of real legal certainty, which insists that certainty exists only where citizens can in fact obtain from state institutions the outcome the rules promise. The case approach considers judicial treatment of PPAT deeds and land certificates, including the established position that a PPAT deed is a civil-law instrument rather than an administrative decision and therefore is not amenable to challenge before the Administrative Court.

Legal materials were gathered through documentary study and analysed qualitatively using grammatical, systematic, and teleological interpretation, with conclusions drawn deductively.

RESULTS AND DISCUSSION

The Normative Architecture of Land Rights Transfer and the Position of the PPAT

The transfer of registered land in Indonesia is a two-stage act. The first stage is the civil-law transaction, governed by Article 1457 and following of the Civil Code where the transfer is by sale, and subject to the customary-law requirements of Indonesian land law that the transfer be cash, clear, and open (*tunai, terang, riil*). The second stage is registration, which under Article 23 of the UUPA and Articles 36 to 45 of Government Regulation No. 24 of 1997 gives the transfer effect vis-a-vis third parties by updating the register.

The PPAT stands at the junction. Article 2(1) of Government Regulation No. 37 of 1998 defines the PPAT as a public official authorised to draw up authentic deeds concerning specified legal acts relating to land rights. Article 37(1) of Government Regulation No. 24 of 1997 makes such a deed a precondition of registration of the transfer, and Article 40(1) requires the PPAT to submit the deed and supporting documents to the Land Office within seven working days of execution. Assikin, Abubakar, and Lubis (2019) emphasise that the deed is not merely evidentiary but constitutive of the registrable event, which is why its annulment has consequences reaching well beyond the parties.

The PPAT's pre-execution duties are equally consequential. Before drawing up a deed of transfer the PPAT must verify the certificate against the Land Office register, confirm the identity and capacity of the parties, establish that the land is not subject to dispute or encumbrance inconsistent with the transaction, and satisfy itself that the applicable income tax and duty on acquisition of land and building rights have been settled. Prawira (2016) characterises these duties as the substance of PPAT responsibility, and Krismiatri (2022), analysing Supreme Court Decision No. 3537 K/Pdt/2018, demonstrates the civil consequences of their neglect. It is these verification duties, rather than the drafting of the deed, that the electronic certificate most directly affects.

The Electronic Certificate Regime: From Regulation No. 1 of 2021 to Regulation No. 3 of 2023

Ministerial Regulation No. 1 of 2021 introduced the electronic certificate as a document produced through the electronic system of the Ministry, authenticated by electronic signature, and stored in a central database. Regulation No. 3 of 2023 replaced it with a broader framework covering electronic documents in land registration generally, and clarified three matters of practical importance: the equivalence in legal force of electronic and analogue certificates; the mechanism of media conversion (*alih media*) by which existing paper certificates are replaced by electronic ones; and the gradual, capacity-dependent character of implementation.

Four features define the regime. First, the electronic certificate is issued as an electronic document bearing an electronic signature and a verification code, allowing any holder to authenticate it against the Ministry's database. Second, the physical booklet is withdrawn upon media conversion and replaced by a printed representation which is not itself the certificate but a display of it. Third, the authoritative record is the database entry rather than any printed artefact - a reversal of the paper regime, in which the booklet in the right-holder's possession was the primary evidence. Fourth, land registration services, including checking, encumbrance registration, and transfer registration, are progressively conducted through the electronic system.

The reversal in point three is the most consequential and the least discussed. Under the paper regime, possession of the booklet functioned as a rough proxy for entitlement, and the PPAT's verification consisted of reconciling that booklet against the register. Under the electronic regime, the booklet no longer exists and the proxy disappears; verification consists entirely of interrogating the database. This is a genuine gain in reliability - Gunarta, Nurasa, and Pinuji (2020), studying the electronic mortgage service, found that creditors and PPATs perceived integrated electronic services as improving both speed and data quality, a finding echoed by Sagari and Mujiati (2022) in their study of effectiveness at the Klaten Land Office. It is also, however, a transfer of dependence: the certainty of the transaction now rests entirely on the integrity and availability of a state-controlled system.

What Kind of Certainty? Three Dimensions Distinguished

The claim that electronic certificates guarantee legal certainty conflates dimensions that ought to be separated. Three should be distinguished.

a. Documentary certainty

This concerns the integrity and authenticity of the instrument itself: whether the document presented is the document the State issued. Here the electronic certificate represents a substantial and largely uncontested advance. A document authenticated by electronic signature and verifiable in real time against a central database

is materially harder to forge than a printed booklet, and duplication - the recurring pathology of the paper regime - becomes detectable rather than merely deniable. Adinegoro and Iswahyuni (2023b) treat this as the principal achievement of the reform.

b. Procedural certainty

This concerns the predictability and traceability of the registration process: whether a party who submits a transfer knows what will happen and when. The electronic system improves this materially where it functions - applications are timestamped, status is visible, and the seven-day submission obligation under Article 40 of Government Regulation No. 24 of 1997 becomes auditable. Prayuti, Anggraeni, and Amalia (2019), examining electronic mortgage certificates, observe the same effect in the adjacent field of security rights.

c. Certainty of title

This concerns whether the person named in the register is conclusively the owner. Here the electronic certificate changes nothing, and the failure to say so plainly is the principal weakness of the policy discourse. Indonesian land registration operates a negative system with positive tendencies: Article 32(1) of Government Regulation No. 24 of 1997 makes the certificate strong but not conclusive evidence, and Article 32(2) bars challenge only after five years of undisturbed, good-faith possession by the registered holder. The register remains rebuttable. A forged deed of transfer registered electronically produces an electronic certificate that is documentarily impeccable and substantively void.

This distinction has a direct practical implication for the PPAT. Because certainty of title is unaffected, the PPAT's substantive verification duties - identity, capacity, consent, absence of dispute - remain undiminished. The electronic system automates the reconciliation of the document against the register; it does not automate the assessment of whether the person presenting the document is entitled to deal with the land. A PPAT who treats successful electronic verification as discharging the duty of care has misread what the system does. The comparative evidence supports this caution: Tesfaye, Lengoiboni, Zevenbergen, and Simane (2023), studying land certification in Ethiopia, found that formal certification improved tenure security along some dimensions while leaving disputes and management problems substantially untouched, precisely because certification addressed documentation rather than the underlying social and evidentiary conditions.

The Article 5(4) Problem: An Electronic Certificate and a Paper Deed

The central normative tension of the current regime can be stated simply. Article 5(1) of Law No. 11 of 2008 provides that electronic information and electronic documents constitute valid legal evidence. Article 5(4) then excludes from that provision letters which by law must be made in written form and letters and documents which by law must be made in the form of a notarial deed or a deed made by a deed-making official. The PPAT deed is a deed made by a deed-making official. It is therefore excluded.

The result is a system operating at two speeds. The certificate is an electronic document held in a state database. The deed that transfers it must be drawn up on paper in a form prescribed by ministerial regulation, read to the parties in the physical presence of the PPAT and two witnesses, and signed in wet ink. The PPAT then converts that paper deed into an electronic image for submission. The electronic system, in other words, does not extend to the constitutive act; it extends only to the record of the act and to the transmission of evidence of it.

Three consequences follow.

- a. First, the efficiency gains of digitalisation are structurally capped. The bottleneck in a conveyance is not the transmission of documents to the Land Office but the assembly of parties for execution, and that bottleneck is untouched.
- b. Second, the integrity chain is broken at its most vulnerable point. Every link in the chain is electronically verifiable except the deed itself, which exists as a paper original and an uploaded image. The document most likely to be falsified in a fraudulent conveyance is the one least protected by the new architecture.
- c. Third, the exclusion is not obviously justified on its own terms. Article 5(4) protects the solemnity of authentic instruments - the personal appearance, the reading, the contemporaneous witnessing - but these are functions, not formats. Nothing in the concept of an authentic deed requires paper; what it requires is verified identity, established consent, and reliable attribution. Those functions can in principle be performed electronically, and the failure of Indonesian law to say how is a legislative omission rather than a conceptual necessity.

Sulistyaningsih (2021) situates this kind of mismatch within the broader difficulty of agrarian reform, in which institutional modernisation repeatedly outpaces the statutory framework meant to authorise it. The observation applies with force here: Ministerial Regulation No. 3 of 2023 is a regulation of ministerial rank attempting to reorganise a field whose evidentiary rules are set by statute.

Obstacles in PPAT Practice

The obstacles reported in the literature and observable in practice can be organised into five clusters, summarised in Table 1.

Table 1. Obstacles to legal certainty in electronic conveyancing and their normative character

Cluster	Manifestation in PPAT practice	Normative character
Hybrid coexistence of formats	Analogue and electronic certificates circulate simultaneously; media conversion is incomplete and uneven across regions; a single transaction may involve parcels in both formats.	Transitional. Requires an explicit transitional regime specifying verification standards for each format and the treatment of mixed transactions.
The deed remains analogue	Physical execution, wet signatures, paper original retained by the PPAT, image uploaded for registration. No legal basis for an electronic PPAT deed.	Structural. Requires statutory amendment of Article 5(4) of the ITE Law or a dedicated electronic conveyancing statute.
Verification and liability	Electronic checking confirms register conformity but not entitlement; it is unclear whether a PPAT who relies on a correct electronic verification is protected where the register itself is wrong.	Allocative. Requires an express rule distributing liability between the Land Office and the PPAT.
Infrastructure and capacity	System outages during execution; uneven connectivity; variable digital competence among PPAT staff and among parties, particularly in rural areas.	Operational, but with normative effect: certainty that is unavailable in practice is not certainty.
Data protection and security	Concentration of ownership, valuation, and identity data in a single database; PPAT access creates a further exposure surface under Law No. 27 of 2022.	Regulatory. Requires access protocols, audit logging, and defined breach consequences.

Several of these clusters have been noted individually in the literature. Adinegoro (2023a) documents infrastructural and human-resource constraints within the Ministry; Putranto and Mansyur (2023) note the gap between policy ambition and institutional readiness; Juliyanti, Dharsana, and Ujianti (2023) analyse the data-protection dimension; Rahmanto (2021) considers the tension between public access to land data and the confidentiality interests of right-holders. What the table adds is a classification by normative character, which matters because the remedies differ: a transitional problem requires a transitional rule, a structural problem requires legislation, and an operational problem requires investment rather than drafting.

The third cluster deserves particular emphasis because it is the least addressed and the most exposed. Under the paper regime, a PPAT who checked the certificate at the Land Office and received confirmation had a defensible position if the register later proved erroneous. Under the electronic regime the same act is performed by machine, instantaneously, and leaves a log. Whether that log protects the PPAT, or merely documents the moment at which reliance began, is unresolved. Assikin, Abubakar, and Lubis (2019) show that Indonesian courts have been willing to hold PPATs liable where a deed is annulled, without consistently distinguishing failures of diligence from failures of the register. Digitalisation sharpens this problem by making the PPAT's reliance perfectly documented while leaving its legal effect undefined.

Toward Real Legal Certainty: A Reform Agenda

Otto's concept of real legal certainty is useful here because it refuses to treat certainty as a property of texts. On that view, certainty exists where rules are clear and accessible, where state institutions apply them consistently, and where citizens can actually obtain from those institutions the outcomes the rules promise. Measured against that standard, the electronic certificate regime is a necessary but insufficient reform. Five measures would move it closer.

- a. A statutory basis for electronic official deeds. Article 5(4) of the ITE Law should be amended, or a dedicated statute enacted, to permit deeds made by deed-making officials to be executed electronically subject to specified safeguards: verified identity, secure electronic signature, and a recorded process establishing that

the deed was read and understood. This is the single change with the greatest effect, because it closes the gap between an electronic register and an analogue constitutive act.

- b. A standardised verification protocol with defined evidentiary effect. The regulation should prescribe the steps constituting adequate electronic verification and state expressly that a PPAT who has performed them is presumed to have discharged the duty of care as to register conformity, leaving the burden on a claimant to show that the PPAT knew or should have known of the defect. Shafira (2021) and Wibowo and colleagues (2023) both identify the need; neither supplies the evidentiary consequence.
- c. An explicit allocation of liability. Where loss arises from an error in the register itself rather than from the PPAT's conduct, the liability should rest with the Land Office. The absence of such a rule currently leaves the PPAT as the residual bearer of systemic risk.
- d. A transitional regime for mixed-format transactions. Verification standards, the treatment of parcels not yet converted, and the status of a printed representation presented as though it were a certificate should be specified rather than left to practice.
- e. Data governance commensurate with the concentration of risk. Role-based access, mandatory audit logging of PPAT queries, retention limits, and defined consequences for breach, aligned with Law No. 27 of 2022.

None of these measures concerns the technology. Each concerns the legal framework within which the technology operates, which is where the residual uncertainty in fact resides.

CONCLUSION

The electronic certificate regime established by Ministerial Regulation No. 1 of 2021 and consolidated by Ministerial Regulation No. 3 of 2023 delivers real but bounded gains in legal certainty. It strengthens documentary certainty, by rendering the instrument verifiable and materially harder to forge or duplicate, and procedural certainty, by making the registration process traceable and auditable. It does not, and could not by regulation alone, alter certainty of title: Indonesian land registration remains a negative system with positive tendencies under Article 19 of the UUPA and Article 32 of Government Regulation No. 24 of 1997, and the register remains rebuttable regardless of the medium in which it is kept. Conflating these dimensions overstates what has been achieved and, more damagingly, invites PPATs and parties to relax the substantive verification that the system continues to require.

In PPAT practice the principal obstacle is structural rather than technical. Article 5(4) of the Electronic Information and Transactions Law excludes deeds made by deed-making officials from the electronic-document regime, with the result that an electronic certificate is transferred by a paper deed executed in physical presence. The integrity chain is therefore electronically secured at every point except the constitutive act itself. Around that structural problem cluster four further obstacles: the incomplete and uneven coexistence of analogue and electronic formats, the undefined evidentiary effect of electronic verification and the consequent unallocated liability, uneven infrastructural and human-resource readiness, and the concentration of personal and proprietary data in a single database governed by a data-protection statute whose application to land services remains underdeveloped.

The study accordingly concludes that legal certainty in electronic conveyancing is not principally a function of the certificate's format. It is a function of the coherence of the norms surrounding it. A statutory basis for electronic official deeds, a standardised verification protocol carrying a defined evidentiary presumption, an express allocation of liability between the Land Office and the PPAT, a transitional regime for mixed-format transactions, and proportionate data governance would together convert a technically modernised register into a system delivering real legal certainty to the parties who depend on it.

REFERENCES

Journal Articles

- Adinegoro, K. R. R. (2023a). Tantangan implementasi sertipikat tanah elektronik di Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional Republik Indonesia. *Jurnal Ilmu Kenotariatan*, 4(2), 129–142.
- Adinegoro, K. R. R., & Iswahyuni, D. (2023b). Challenges in implementing land certificates at the Ministry of Agrarian Affairs and Spatial Planning. *MARPADA: Jurnal Kebijakan Pertanahan*, 1(3), 71–80.
- Alimuddin, N. H. (2021). Implementasi sertifikat elektronik sebagai jaminan kepastian hukum kepemilikan hak atas tanah di Indonesia. *SASI*, 27(3), 335–345. <https://doi.org/10.47268/sasi.v27i3.509>

LEGAL CERTAINTY IN THE TRANSFER OF LAND RIGHTS THROUGH ELECTRONIC CERTIFICATES IN THE PRACTICE OF LAND DEED OFFICIALS (PPAT)

Markus Gunawan

- Assikin, Y. C., Abubakar, L., & Lubis, N. A. (2019). Tanggung jawab Pejabat Pembuat Akta Tanah berkaitan dengan dibatalkannya akta jual beli ditinjau dari peraturan perundang-undangan yang berlaku. *ACTA DIURNAL: Jurnal Ilmu Hukum Kenotariatan*, 3(1), 80–97.
- Gunarta, I. M. D., Nurasa, A., & Pinuji, S. (2020). Persepsi kreditur dan PPAT terhadap kualitas layanan hak tanggungan terintegrasi secara elektronik. *Tunas Agraria*, 3(3). <https://doi.org/10.31292/jta.v3i3.123>
- Juliyanti, N. K. E. D., Dharsana, I. M. P., & Ujianti, N. M. P. (2023). Perlindungan hukum terhadap pemegang sertifikat tanah digital dikaitkan dengan keamanan data pribadi. *Jurnal Preferensi Hukum*, 4(1), 91–96.
- Krismiatri, R. F. (2022). Tanggung jawab Pejabat Pembuat Akta Tanah (PPAT) yang membuat akta jual beli secara melawan hukum (Studi Putusan Mahkamah Agung Republik Indonesia Nomor 3537 K/Pdt/2018). *Indonesian Notary*, 4(1), Article 31.
- Mujiburohman, D. A. (2021). Transformasi dari kertas ke elektronik: Telaah yuridis dan teknis sertipikat tanah elektronik. *BHUMI: Jurnal Agraria dan Pertanahan*, 7(1), 47–63.
- Nafan, M. (2022). Kepastian hukum terhadap penerapan sertipikat tanah elektronik sebagai bukti penguasaan hak atas tanah di Indonesia. *Jurnal Pendidikan Tambusai*, 6(1), 33–42.
- Nurhayati, Y., Ifrani, I., & Said, M. Y. (2021). Metodologi normatif dan empiris dalam perspektif ilmu hukum. *Jurnal Penegakan Hukum Indonesia*, 2(1), 1–20. <https://doi.org/10.51749/jphi.v2i1.14>
- Permadi, I., & Herlindah. (2023). Electronic title certificate as legal evidence: The land registration system and the quest for legal certainty in Indonesia. *Digital Evidence and Electronic Signature Law Review*, 20, 47–61. <https://doi.org/10.14296/deeslr.v20i.5636>
- Prawira, I. G. B. Y. (2016). Tanggung jawab PPAT terhadap akta jual beli tanah. *Jurnal IUS Kajian Hukum dan Keadilan*, 4(1), 66–78.
- Prayuti, Y., Anggraeni, H. Y., & Amalia, N. (2019). Kedudukan sertifikat hak tanggungan elektronik sebagai alat bukti dalam pelaksanaan eksekusi langsung berdasarkan UU No. 4 Tahun 1996 tentang Hak Tanggungan atas Tanah dan Benda-Benda yang Berkaitan dengan Tanah. *Pemuliaan Hukum*, 1(2), 21–26.
- Putranto, M. I. D., & Mansyur, A. (2023). Urgensi penerapan sertipikat tanah secara elektronik. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 12(1), 22–32.
- Rahmanto, N. (2021). Keterbukaan informasi publik data pertanahan. *Widya Bhumi*, 1(1). <https://doi.org/10.31292/wb.v1i1.9>
- Sagari, D., & Mujiati, M. (2022). Efektivitas layanan hak tanggungan terintegrasi secara elektronik di Kantor Pertanahan Kabupaten Klaten. *Tunas Agraria*, 5(1). <https://doi.org/10.31292/jta.v5i1.166>
- Shafira, A. (2021). Peran PPAT selaku pengguna layanan pengecekan sertipikat secara elektronik sebagai upaya perlindungan bagi para pihak yang melakukan peralihan hak milik. *Indonesian Notary*, 3(2), Article 25.
- Sulistyaningsih, R. (2021). Reforma agraria di Indonesia. *Perspektif: Kajian Masalah Hukum dan Pembangunan*, 26(1), 57–64. <https://doi.org/10.30742/perspektif.v26i1.753>
- Tesfaye, B., Lengoiboni, M., Zevenbergen, J., & Simane, B. (2023). Rethinking the impact of land certification on tenure security, land disputes, land management, and agricultural production: Insights from South Wello, Ethiopia. *Land*, 12(9), 1713.
- Wibowo, S. G., Susanto, F., Prihadyatama, A., & Ahmad, N. A. (2023). Implikasi hukum pengecekan sertifikat tanah secara online. *Hakim: Jurnal Ilmu Hukum dan Sosial*, 1(3), 339–348.
- Yubaidi, R. S. (2020). The role of Land Deed Official regarding legal certainty of complete systematic land registration. *Jurnal Hukum dan Peradilan*, 9(1), 27–46.

Legislation

- Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.
- Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, sebagaimana diubah dengan Undang-Undang Nomor 19 Tahun 2016.
- Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi.
- Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.
- Peraturan Pemerintah Nomor 37 Tahun 1998 tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah, sebagaimana diubah dengan Peraturan Pemerintah Nomor 24 Tahun 2016.
- Peraturan Pemerintah Nomor 18 Tahun 2021 tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah.
- Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 1 Tahun 2021 tentang Sertipikat Elektronik.

LEGAL CERTAINTY IN THE TRANSFER OF LAND RIGHTS THROUGH ELECTRONIC CERTIFICATES IN THE PRACTICE OF LAND DEED OFFICIALS (PPAT)

Markus Gunawan

Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 2023 tentang
Penerbitan Dokumen Elektronik dalam Kegiatan Pendaftaran Tanah.
Kitab Undang-Undang Hukum Perdata (Burgerlijk Wetboek voor Indonesie).

Court Decisions

Putusan Mahkamah Agung Republik Indonesia Nomor 3537 K/Pdt/2018.

Putusan Mahkamah Agung Republik Indonesia Nomor 34 PK/TUN/2001.