

## **The Electronic Registration of Liability Rights (Study Case in Mataram City)**

**Arief Rahman**

Law Faculty, University of Mataram  
Email: [ariefrahman@unram.ac.id](mailto:ariefrahman@unram.ac.id)

**Wiwiek Wahyuningsih**

Law Faculty, University of Mataram  
Email: [wiwiekwahyuningsih@unram.ac.id](mailto:wiwiekwahyuningsih@unram.ac.id)

**Shinta Andriyani**

Law Faculty, University of Mataram  
Email: [shintaandriyani@unram.ac.id](mailto:shintaandriyani@unram.ac.id)

---

### **ABSTRACT**

*This research aims to examine the inhibiting factor of electronic mortgage registration procedures. The type of this research is empirical normative legal research by using the statutory, conceptual and empirical approach. The result shows that the electronic registration of mortgage performed through several steps, namely: (1) login to the application of electronic land services; (2) choosing the mortgage service on the menu bar; (3) submit an application to make a mortgage file; (4) completing the entry; (5) uploading the necessary documents; (6) confirming file; (7) paying a deposit order for the security rights registration; (8) recording and issuance of mortgage certificate. While the inhibiting factors on the electronic registration of mortgages are: (a) there is some official land registrar (in short term known as PPAT) who do not understand the registration procedures of electronic mortgage rights services. (b) the PPAT has not validated and registered their data in the PPAT Partner application at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id); (c) the creditors have not validated and registers in the financial services partners application at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id) (d) the certificate of land rights has not been validated which will be used as the object to grant a mortgage right. Before the deed of mortgage rights granted, at the time of the checking the PNPB can only be paid a day after the validation completed; (e) the server problem which often occurred when uploading the requirements and the deed documents; (f) the required documents for filing a mortgage rights application are not complete.*

**Keywords: Mortgage Rights; Electronic Registration**

---

### **INTRODUCTION**

National development carried out in stages in order to improve the standard of living of the people both materially and spiritually based on the Pancasila and the 1945 Constitution so that justice and prosperity of society can be implemented. Some of the way is through the economic development as part of this national development as an effort to create a fair and prosperous people's welfare according to the laws. For this reason, the development activities in the economic sector certainly require a sufficiently large provision of capital. The community,

individuals, or business entities that tried to increase consumptive or productive demand needs funding from bank as the source of funds, including the credit form to support their business improvement.<sup>1</sup>

The activity of lending and borrowing money (credit) was known for a long time in people's live who have recognized it as the means of payment. The activity of lending and borrowing money needed to be supported and improve the economic needs.<sup>2</sup> One of the facilities that have a strategic role in the provision of funds was a banking institution that helped the funding needs for economic activity by providing cash investments like a bank credit. A credit is money lent to a customer and will be returned at a certain time in the future accompanied by a counter-performance in the form of interest.<sup>3</sup> Articles 3 and 4 of Law Number 10 of 1998 concerning Amendment of Law Number 7 of 1992 stipulated that "The main function of Indonesian banking is to collect and channel funds from the public to support the implementation of national development towards improving the welfare of the people." In carrying out its business, the bank collected funds from the public in demand of deposits, time deposits, certificates of deposit, savings, etc. In this case, banks also channel funds from the public by providing credit in banking credit. Under Article 1 number 11 of Act Number 10 of 1998 concerning Banking, formulated that:

*"Credit is the provision of money or an equivalent claim, based on a loan agreement between the bank and other party which requires the borrower to pay off its debt after a certain period of time with interest."*

The crucial element of bank credit is the trust from the bank as a creditor against the borrowing customer as a debtor.<sup>4</sup> To find out or determine that someone is trusted to obtain credit. In general, the banking world uses an analytical instrument known as the five c's of credit analysis or 5 C's, one of them is collateral (guarantee).<sup>5</sup> Collateral is assets that can be bound as collateral to ensure certainty of re-payment of debts if in the future the debtor does not pay off his debt by selling collateral and re-payment from the sale of the assets that become collateral.<sup>6</sup>

Based on banking practice, the form of collateral often used as collateral for debt: property security in the form of land, because banking institutions were considered the most effective and safe. Collateral in the form of land is known as a mortgage. In the provisions of Article 1 paragraph (1) of Law Number 4 of 1996 concerning Mortgage Rights, what is meant by mortgage rights is: a security rights imposed on land rights as referred to Law Number 5 of 1960 concerning Basic Regulations. The Agrarian Principal, along with other objects which are an integral part of the land, for the settlement of certain debts, which given a priority to certain

<sup>1</sup> Herowati Poesoko. (2007). *Parate Executie Obyek Hak Tanggungan (Inkonsistensi, Konflik Norma dan Kesesatan Penalaran dalam UUHT)*. Yogyakarta: LaksBang PRESSINDO. p. 1-2

<sup>2</sup> M. Bahsan. (2012). *Hukum Jaminan dan Jaminan Kredit Perbankan Indonesia*. Jakarta: Rajawali Pers, p.1

<sup>3</sup> Diman Ade Mulada, Arief Rahman. (2020). *Peralihan Kredit kepemilikan Rumah Subsidi Tanpa Persetujuan Pihak Bank*, *Jurnal: Petitum*, 8( 2), p. 90.

<sup>4</sup> Hermansyah. (2005). *Hukum Perbankan Nasional Indonesia*. Jakarta: Kencana Prenadamedia Group. p. 57-59

<sup>5</sup> Sutarno. (2004). *Aspek-Aspek Hukum Perkreditan Pada Bank*. Bandung: Alfabeta. p. 92.

<sup>6</sup> *Ibid*

creditors over other creditors. To provide legal certainty as a form of legal protection, the imposition of these Guarantee Rights must be registered at the Land Office to fulfil the publicity element of collateral and to make it easier for third parties to control in the event of a transfer of collateral. The regulations regarding the registration of security rights regulated under Article 13 to Article 14 of Law Number 4 of 1996 concerning Mortgage Rights. According to this regulation, the registration process for mortgage rights was still carried out conventionally by coming directly to the mortgage registration counter at the authorized National Land Agency Office.

The form of collateral used as collateral for debt is property security in the form of land. However, the issuance of Regulation Number 9 of 2019 concerning Electronic Mortgage Services (HT-el), the registration process for mortgage rights can also electronically. The purpose of conducting electronic mortgage registration is to make it easier for the community because the previous registration of Mortgage Rights was done by the Land Deed Authorities (PPAT). Nowadays, individuals or financial institutions (legal entities) conduct electronic registration through the online media without visited the mortgage registration counter. Based on the background description above, this legal research encourage the author to raise several issues regarding: how is the procedure for registering mortgage rights electronically and what factors that obstacles the process on implementing the electronic registration of security rights.

## **METHOD**

The implementation of this research activity was carried out in the city of Mataram. The type of the research using an empirical normative legal research. The approach method used the statutory law approach, conceptual approach, and empirical approach. The Sources and types of data used in this study are primary and secondary data by using a documentation techniques and interview techniques by interviewing related parties, in this case PPAT Mataram City. From the data that has been collected, then processed, and analysed qualitatively with the intention of obtaining an answer about Electronic Mortgage Registration (Study in the City of Mataram), so that a significant conclusion is obtained with the subject matter raised through the descriptive method, namely in the form of a description. which is formulated with a logical and structured mindset. The qualitative analysis carried out by inductive deductive, by drawing a conclusion from general to specific data to obtain clarity on a truth and a clear picture of the problem through the study.

## **ANALYSIS AND DISCUSSION**

### **Electronic Mortgage Registration Procedure.**

The activity of lending and borrowing money or better known as a credit in the practice of everyday life is not something strange anymore even the term credit was not only known by the urban communities but also reaches people in rural areas. Generally, credit functions were to facilitate a business activity, especially for economic activities in Indonesia. Credit

played a crucial role in the business production process. It aims to improve the standard of living in society. One of the institutions that can serve the public in obtaining loans or credit is banking institutions. The bank has a strategic position because the bank functions as a channel of funds and credit provider. Based on articles 3 and 4 of Law Number 10 of 1998 concerning the Amendment of Law Number 7 of 1992 concerning the Banking stated that the principal function of Indonesian banking is to collect and channel funds from the public to support the implementation of national development to increase the people's welfare.

The essential element of bank credit is the trust from the bank as a creditor against the borrowing customer as a debtor.<sup>7</sup> The activity of lending and borrowing money or better known as To find out or determine that someone is trusted to obtain a credit, in general, the banking world uses an analytical instrument known as the five of credit analysis or 5 C. The 5C analysis instruments that must be satisfied by the credit applicants are: character, capacity, capital, collateral and condition.

One of the 5C instruments mentioned above that can provide confidence or trust for creditors is collateral or a guarantee object given to the creditors by the debtor. To guarantee the repayment of the debt for the sake of security and legal certainty, if after the agreement period, the debtor has not cleared the debt/committed default. According to collateral instrument it will referred to the fixed objects and movable objects: legally bound as dependents and economically, the requirement of collateral instruments is having a high value, exceeds the amount of credit limit, and cash if the debtor wants.

Further, one of the most collateral used in bank credit agreements are land rights, the status of ownership rights, rights of use, building rights, and usage rights. In general, it has a high value or price and continues to increase. In this case, it is appropriate for the debtor to receive credit and creditors as providers of credit facilities and related parties to receive protection through a guarantee rights institution that provided legal certainty. Article 51 of Law Number 5 the Year 1960 concerning Basic Agrarian Principles, stated that a guarantee rights institution provide and imposed on land rights, namely Mortgage Rights as a substitute for hypothesis and credit bank institutions. For more than 30 years since the Basic Agrarian law came into force, the mortgage institution has not been able to carried the duties, because it is not lawfully regulates and the provision under the applicable regulation are no longer in accordance with the principles of the national land law and not meet the economic demand of the credit sector.<sup>8</sup>

The Mortgage Guarantee Institution recognized for its existence through the Law Number 4 of 1996 concerning Mortgage Rights to Land and Objects Related to Land and makes the interests of debtors and creditors to get legal protection from the government. The main objective of the enactment of this Mortgage Rights Law, in particular, is to provide legal protection for creditors if the debtor commits unlawful act in the form of default. According to the Law Number 4 of 1996, Mortgage Rights are collateral rights imposed on land rights

<sup>7</sup> Hermansyah, *Op. cit.*, p. 57-59

<sup>8</sup> Yudha Pandu. (2008). *Himpunan Peraturan Perundang-undangan Jaminan Fidusia dan Hak Tanggungan*. Jakarta : Indonesia Legal Center Publishing. p. 65-66

as referred to Law Number 5 of 1960 concerning Basic Agrarian Principles, following or not following other objects which constitute one unit. Through the land, for the settlement of certain debts, the creditor took precedence over other creditors.

Mortgage creditors are preferred creditors, namely creditors who are prioritized in obtaining a debt repayment and have the rights to execute directly with the execution agency.<sup>9</sup> So, if the debtor defaults, the creditor as the holder of the Mortgage can sell the object of the Mortgage through public sale or auction”.

The making of credit agreement is referring to the act of land rights (UUHT). It must states in the form of authentic document made by the official land authority (PPAT).<sup>10</sup> Several contracts signed including credit agreement, debt recognition, Deed of Assignment of Mortgage Rights (APHT). Deed of Encumbrance of Mortgage made before the Authorized Land Deed Maker (PPAT) by the PPAT working area, based on the elements and procedures for making APHT, the APHT was authentic. Besides, to fulfill the factors of a valid document determined by the Civil Code and the Law on Notary Position, APHT has characteristics and must meet the requirements as specified in the Mortgage Rights Law. The occurrence of the mortgage imposition process begins with:

- 1) A debt agreement (engagement) that contains a promise to give Mortgage Rights. This agreement is consensual obligatory. Obligatory nature contains of the debtor's obligation to give (deliver) thing of the mortgage to the creditor. This agreement including a clause to grant Mortgage Rights or an individual and principal approval.
- 2) Granting mortgage rights

The procedure for granting mortgages regulated under articles 10 and 15 of Law Number 4 of 1999. Based on article 10 of Law Number 4 1996 organized the process by the guarantor of the mortgage right. Article 15 of Law Number 4 1996 regulated the stages to impose mortgage rights by the security rights to the recipient of power. The procedure for granting mortgage rights presented as follows:

- a) Preceded by a promise to provide a mortgage as collateral to pay off certain debts, which is inseparable from the debt agreement.
- b) Conducted by the issuance of a Deed of Mortgage granting (APHT) by PPAT by the prevailing laws and regulations.
- c) The object of a mortgage took from an old right that has fulfilled the requirements for registration but has not completed. It is grants security right at the same time as an application for registration of the land title in question. The procedure of assigning mortgage rights using a power of attorney to impose mortgage rights, as referred to under Article 15 of Law Number 4 of 1996 presented as follows:

---

<sup>9</sup> IGA Gangga Santi Dewi dan Mira Novana.(2020). Kebijakan Penjaminan Tanah Melalui Hak Tanggungan di Indonesia (Studi Penjaminan Hak Tanggungan Elektronik di Kabupaten Badung Provinsi Bali). *Jurnal: Law, Development & Justice Review*. 3 (1). 57

<sup>10</sup> Siti Nuru Iltan Sari D dan Wardani Rizkianti. (2019). Studi Komperatif Pendaftaran Hak Tanggungan Dikota Bogor Dan Kota Depok. *Jurnal Yuridis*. 6 (2). 121

- 1) Must be made with a notary deed or PPAT Deed and meet the following requirements:
  - (a) Does not contain the power to perform legal acts other than imposing mortgage rights;
  - (b) Does not include the substitution power;
  - (c) Clearly state the object of the mortgage, the amount of debt, the name and identity of the creditor, the name and personality of the debtor if the debtor is not the provider of the mortgage right.
- (2) It cannot terminate for any reason because the authority of attorney has exercised or the period has expired.
- (3) The power of attorney imposes security rights regarding registered land rights, which must follow by making APHT not later than 1 (one) month after granted.
- (4) The power of attorney imposes mortgage rights regarding land rights that have not registered must follow by a Deed of Granting Mortgage Rights (APHT) no later than 3 (three) months after granted. The procedures in letters c and d do not apply if a power of attorney imposes a mortgage to guarantee the particular credit as stipulated in the prevailing laws and regulations.

Provide legal certainty from granting mortgages as a form of legal protection, the imposition of collateral must be registered at the Land Office to fulfill the publicity element of collateral and make it easier for the third parties to control in the event of a transfer of collateral. Regulations regarding the registration of mortgage rights regulated under Article 13 to Article 14 of Law Number 4 1996, concerning Mortgage Rights. The registration process for mortgage rights is still carried out conventionally by coming directly to the mortgage registration counter at the authorized National Land Agency Office.

The national law Number 9 of 2019, as amended by Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 5 of 2020 concerning Electronic Mortgage Services (HT-el), the registration process for mortgage rights can also be done electronically. Electronic mortgage registration has not been enforced in all regions of Indonesia, but only in a few parts of Indonesia, one of which is in the Province of West Nusa Tenggara (NTB). The province of NTB itself, an electronic registration of Mortgage Rights only applied in the area of Mataram city.

The electronic mortgage registration system is a series of mortgage service processes in maintaining land registration data carried out through an integrated electronic system. The purpose of conducting electronic mortgage registration is to make it easier for the community because the previous registration of Mortgage Rights was done by the Land Deed Authorities (PPAT), but now, electronic registration of Mortgage Rights can be done by individuals or financial institutions (legal entities) through online without the need to come to the mortgage registration counter at the land agency office. In addition, registration of mortgage rights is a condition that must be done if you want to obtain a loan from the bank.

For the types of mortgage services submitted through the electronic mortgage system, one of which was a registration of mortgage rights. In addition, this system also serves transfer of Mortgage Rights, change of creditor names, and the abolition of Mortgage Rights. Electronic Signature in the electronic mortgage system To maintain the integrity and authenticity of electronic documents, the Certificate of Mortgage issued by the Electronic Mortgage System issued with an electronic signature. The electronic signature was a signature consisting of electronic information that is embedded, associated, or related to other electronic information that is used as a verification and authentication tool as referred to in the law on electronic information and transactions.

Article 2 paragraph (1) Regulation of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 3 of 2019 concerning the Application of Electronic Signatures (Permen Agraria 3/2019) explained that electronic signatures can be used to provide approval or ratification. An electronic land document in carrying out the duties and functions of the Ministry of Agrarian Affairs and Spatial Planning ("Ministry"). There were items that need to be underlined, an electronic signature only be done after the signer has an electronic certificate. To obtain this electronic certificate, each official submit an application for electronic signature registration to the registration authority in the work unit that has the task of managing data and information on land and spatial planning.

Electronic-Based Mortgage Registration Mechanism, to use the electronic mortgage system, the user must register first with the following conditions:<sup>11</sup>

- a. Users of electronic mortgage system services consist of individuals/legal entities as creditors and the Ministry's State Civil Apparatus in charge of serving Mortgage Rights;
- b. Individuals/legal entities as referred to previously must be registered users of the electronic security rights system, by meeting the following requirements:
  - 1) Has an electronic domicile;
  - 2) Certificate of Registration with the Financial Services Authority;
  - 3) Statement of compliance with the requirements and criteria as well as approval of the provisions as a registered user, and
  - 4) Other conditions determined by the ministry.
- c. The Ministry verifies the registration and has the right to refuse it.

The registration of Mortgage Rights electronically in the City of Mataram began to be implemented at the end of 2019, which was first carried out by the Ministry of ATR / BPN of Mataram City to related parties, one of it is the Mataram City PPAT in relation to the use of an electronic system in the registering Rights of Dependents.<sup>12</sup> The Mortgage registration mechanism through an electronic mortgage system, will be describe as follows:

<sup>11</sup> H.M. Arba dan Diman Ade Mulada. (2020). *Hukum Hak Tanggungan (Hak Tanggungan Atas Tanah Dan Benda-Benda Diatasnya)*. Jakarta: Sina rGrafika. p. 127

<sup>12</sup> Interview with Dadi Arja Kusuma, SH.,M.Kn, as an official land maker (PPAT) Kota Mataram, at September 18, 2020. 10.30 AM

(1) Login via the electronic land service application

To log into the electronic land service application, user must access the <https://htel.atrbpn.go.id> application, and log in to the electronic land service application.

(2) Selecting the Mortgage Services Menu

In this menu the user choose the Electronic Land services to register. The types of land services are Mortgage Rights, Roya, Cessie, Subrogation, HT data repair. So in this case the user chooses the Mortgage service.

(3) Submission of Application for Making Mortgage Files

Registered users apply for the creation of a Mortgage file by filling in the list of files in the form of: Regional Office, Land Office, Input the file number (If you have previous Mortgage file), and Input the year then Click the new file, then a confirmation pop up appears and click process. After clicking process, a confirmation pop up will appear showing the number and year of the file then click the process again, then the creation of the mortgage file is processed.

(4) Completing Entries

In the user entry menu, the user enter several form to complete the field of Mortgage file, including: select which PPAT, Input the deed number, Input a deed code, then click search deed after that the deed information will appear. The deed, Parties and Certificate which is the object of responsibility. After the deed information appears then click save.

(5) Uploading Documents

On the upload document menu, the user selects several files to complete the mortgage right file, such as: uploading the application form file and other security rights registration application requirements. Specifically, the requirements in the form of a Certificate of Land Rights or Ownership of a Flat Unit must be in the name of the debtor. After all documents are uploaded then click continue to carry out the next steps.

(6) Conducting File Confirmation

To continue the application, the user must confirm the data which previously entered, including:

- a) Detailed list of debtors;
- b) Detailed information on the certificate covered;
- c) Detailed information on deed of mortgage;
- d) Detailed information on documents uploaded by PPAT;
- e) Documents detail information uploaded by creditors.

After check the detail, the file information and there is no data error, then click the data suitability statement button. Service requests received by the electronic mortgage system will obtain proof of application registration issued by the system, containing at

least the application registration file number, application registration date, applicant name, and service fee payment billing code.

(7) Make payment on a deposit order for registration of Security Rights.

The Deposit Order contains information on the full name, payment billing code, list of fees and method of payment. In order to make it easier for users to make payments. A Deposit Order will be automatically sent to the registered email address. Mortgage Services are subject to fees in accordance with the provisions of laws and regulations regarding Non-Tax State Revenue that apply to the Ministry. After obtaining proof of application registration, the applicant will pay the fee through the bank not later than three days after the application registration date. If the billing code exceeds the time limit determined by the system, which is within 3 days, the file cannot be run and must be registered again. If the payment has been made, the automatic payment status will change to “paid” in system. Payment status contains information about NTPN Number, Payment Date, Payment Amount, Name of Obligatory Pay, Billing Code, Billing Code Date, Billing Code Expiration, and payment status.

(8) Registration and Issuance of Mortgage Certificate

After the application data and application registration fees were confirmed by the electronic system. The electronic mortgage system will process the recording of the Mortgage Rights in the land book. The head of the Land Office shall record the land book. Meanwhile, creditors recorded the Mortgage Rights in the Certificate of Land Rights or Ownership of Apartment Units by printing the notes issued by the electronic Mortgage System and attaching them to the Certificate of Land Rights or Ownership of Flats. After all, the stages were completed, the results of the mortgage service issued were in the form of a Certificate of Mortgage and a Note of Mortgage on the land book and a Certificate of Land Rights or Ownership of a Flat. This document will published on the seventh day after the application is confirmed. In order to maintain the integrity and authenticity of electronic documents, a Certificate of Mortgage issued by the electronic security rights system provides an electronic signature. Before the results of the mortgage service are issued, the Head of the Land Office or the appointed official must examine the concept of an electronic mortgage certificate and the documents of application. The Head of the Land Office or a designated Officer administratively responsible for the results of Mortgage services. In the event that the Head of the Land Office or a designated official did not conduct an inspection, the Head of the Land Office or appointed official deemed to give approval. Meanwhile, the material accuracy of the documents on which the service results were based on the electronic security rights system is not the responsibility of the land office.

## **The Inhibiting Factors in the Process of Electronic Mortgage Registration.**

The land is crucial for people's lives in Indonesia. Many people's lives depend on land for their daily livelihoods, both for farming, gardening, and other businesses by utilizing their land. Besides, making the land as an investment asset for their future, children and grandchildren. The price of assets (land) will continue to rise due to the increasing need for land availability, while the available land will never increase.

Many other facts shows how strategic the role of land is for human life. As a result, its not uncommon for lives to be often at stake to maintain ownership over the land. It's just a pity that the height of courage to maintain ownership rights over the land is not proportional with the low awareness to registers the land at the local Land Office.

The registration of a land is one of the Government's efforts to provide legal certainty regarding land ownership, According to article 19 paragraph (1) of Law Number 5 of 1960 (Basic Agrarian Principles (UUPA)), to ensure legal certainty by the Government, land registration held throughout the territory of the Republic of Indonesia according to the provisions stipulated by Government Regulations. The government regulation is PP. 24 of 1997 concerning Land Registration.

Land registration is a series of activities done by the Government continuously and regularly. Including the collection, processing, bookkeeping, and presentation and maintenance of the physical data and juridical data, in the form of maps and lists, regarding land parcels which already have rights and ownership rights to apartment units and rights that impose them (Article 1 number 1 PP No. 24 of 1997). The objectives of land registration are:

- a. Provides legal certainty and legal protection for a field, apartment units, and other registered rights.
- b. Provides information on fields, apartment units, and other registered rights.
- c. The implementation of an orderly land administration.

To provide legal certainty and legal protection as the objective of land registration, the holder of the land rights concerned was given a certificate. A certificate is a strong proof of rights for land rights, management rights, waqf land, ownership rights to apartment units and mortgage rights, each of which has been recorded in the relevant land book.

The Ministry of Agrarian Affairs and Spatial Planning / National Land Agency (BPN) has implemented digital or electronic-based land services that aim to facilitate management of land issues. Digital-based land services or electronically, consisting of: Electronic Land Information Services, Land Value Zones (ZNT), Land Registration Certificate (SKPT) and Checking and Modernization of Application Services for Decree Granting Land Rights, Electronic Services for Mortgage Rights / HT-el (Registration of Mortgage Rights , Roya, Cessie, Subrogation).

Electronic Services of Mortgage Rights / HT-el are regulated under the "Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 9 of 2019 as amended by" Regulation of the Minister of Agrarian and Spatial Planning / Head

of the National Land Agency Number 5 of 2020 concerning Mortgage Services. Integrated Electronically”. Electronic HT services are known as the Electronic Mortgage System (“HT-el System”). The electronic security rights system, as referred to in Article 1 point 6 of the Regulation of the Minister of Agrarian Affairs Number 5 of 2020: a series of mortgage service processes in the context of maintaining land registration data which carried out through an integrated electronic system. The implementation of this electronic mortgage system done by the Land Office in stages according to the readiness of supporting data. There are 3 (three) Elements to implement the Electronic Mortgage Rights (HT-el), namely:<sup>13</sup>

1) Elements of Human Resources;

The Bank, PPAT, and Land Office are the elements of human resources that determine the implementation of HT-el easily by what is faced by the government and society. The three pillars of the elements mentioned above, namely the Bank, PPAT, and Land Office have the function to assist government’s task.

2) Element of Facilities and Infrastructure;

Providing HT-el services, it needs to be supported by a sophisticated equipment that means the data storage and data transmission mutually register between the regional land office and the central land office. HT-el service is a form of service provision from the Ministry of ATR / BPN in facilitating services to the community by taking advantage of developments in information technology.

3) Arrangement Elements

The form of an electronic registration of mortgage rights under the Regulation of the Minister of Agrarian and Spatial Planning / Head of the Indonesian National Land Agency number 9 of 2019 as amended by the Regulation of the Minister of Agrarian and Spatial Planning / Head of the Indonesian National Land Agency number 5 of 2020 regarding an integrated insurance services as the next electronic system called as HT-el.

Mataram city as one of the regions that has implemented an electoral mortgage registration system in the implementation of electronic mortgage registration has several inhibiting factors:<sup>14</sup>

a) There are still several PPATs that still do not understand the procedures of electronic mortgage registration:

Because it is a new application, certainly some PPATs still do not understand the registration process of mortgage rights carried out electronically. As for the solutions made by PPAT who do not understand the application, they consulted with PPAT colleagues who already understand the use of electronic mortgage registration applications or consult directly to the Mataram City Land Agency Office.

b) PPAT has not validated the data and registered in the PPAT Partner Application at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id).

<sup>13</sup> Nurul Nadira. (2019) .Pendaftaran Hak Tanggungan Elektronik Yang Akan Mulai Dilaksanakan Di Badan Pertanahan Nasional, Fairness and Justice: *Jurnal Ilmiah Ilmu Hukum*. 17 (II). 163-164

<sup>14</sup> Interview with Dadi Arja Kusuma, SH.,M.Kn, as an official land maker ( PPAT) of Mataram, at September 18,2020. 10.30 AM.

The problem is when we applied the registration of insurance rights electronically, many PPATs has not registered themselves, so the solution provided by the Mataram State Land agency (BPN) is to solve it manually. In this case, they still accepted conventional (manual) registration, even though they have implemented an electronic registration system for mortgage rights. But now it can be said that almost all PPATs in the city of Mataram have validated the data and registered in the PPAT Partner Application at [partner.atrbpn.go.id](http://partner.atrbpn.go.id), because it was a mandatory requirement for PPAT to be able to register mortgage rights electronically.

- c) Creditors have not validated the data and registered in the Financial Services Partners application at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id),

The problem is when we applied the registration of insurance rights electronically, many creditors had not registered themselves, so the solution provided by the Mataram state land agency (BPN) is the creditors should come directly to the office, but they still accept a conventional (manual) registration, even though they have implemented an electronic registration system for mortgage rights. But now it can be said that almost all of the creditors in the city of Mataram have validated the data and registered in the Financial Services Partner at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id), because it was a mandatory requirement for creditors to be able to use the HT-el system. The creditors registered in the Mitra application Financial Services at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id) and validated the data and verified by the Ministry of ATR / BPN.

- d) The certificate of land rights has not validated, because the process of checking PNBP can only be paid a day after the validation completed (checking the object of granting Mortgage Rights implemented before making the Agreement of Granting Mortgage Rights).
- e) Server problems that often appear when uploading Deed documents and other requirements, even though PPAT only has a time limit of 7 working days after the Deed of Granting Mortgage Rights (APHT) was assigned to immediately register mortgage rights in an electronic system.
- f) The required documents to fill the application of mortgage right is not complete. So, if the application registration requirements were not complete, the registration process cannot continue until the required documents completed.

## CONCLUSION:

1. The implementation of electronic mortgage registration are done in stages, as follows:

- a. Login through the electronic land service application;
- b. Choosing the Mortgage Service Menu;
- c. Submission of Application for Making Mortgage Files;
- d. Completing the Entry;
- e. Uploading Documents;

- f. Confirming Files;
  - g. Paying a deposit order for registration of Security Rights;
  - h. Recording and Issuance of Mortgage Certificate
2. Inhibiting Factors in the Process of Electronic Mortgage Registration, namely:
- a. There are still several PPATs that still do not understand the procedures for electronic mortgage registration;
  - b. PPAT has not validated the data and registered in the PPAT Partner Application at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id);
  - c. Creditors have not validated and registered data in the Financial Services Partners application at [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id);
  - d. The certificate of land rights has not validated that used as the object of granting Mortgage Rights when checking the certificate before making the Deed of Granting Mortgage Rights, so the checking PNPB only be paid a day after the validation was complete;
  - e. Server problems that often occur when uploading Deed documents and requirements;
  - f. The required documents for filing a mortgage right application were not complete.

## Bibliography

### Books:

- Hermansyah. (2005). *Hukum Perbankan Nasional Indonesia*. Jakarta: Kencana Prenadamedia Group.
- Herowati Poesoko. (2007). *Parate Executie Obyek Hak Tanggungan (Inkonsistensi, Konflik Norma dan Kesesatan Penalaran dalam UUHT)*. Yogyakarta: LaksBang PRESSindo.
- H. M. Arba dan Diman Ade Mulada. (2020). *Hukum Hak Tanggungan (Hak Tanggungan Atas Tanah Dan Benda-Benda Diatasnya)*. Jakarta: Sinar Grafika.
- M. Bahsan. (2012). *Hukum Jaminan dan Jaminan Kredit Perbankan Indonesia*. Jakarta: Rajawali Pers.
- Moleong Lexi J. (2005). *Metode Penelitian Kuantitatif*. Bandung: Remaja Rosdakarya.
- Sutarno. (2004). *Aspek-Aspek Hukum Perkreditan Pada Bank*. Bandung: Alfabeta.
- Yudha Pandu. (2008). *Himpunan Peraturan Perundang-undangan Jaminan Fidusia dan Hak Tanggungan*. Jakarta : Indonesia Legal Center Publishing.

### Journal articles:

- Diman Ade Mulada dan Arief Rahman. (2020). Peralihan Kredit kepemilikan Rumah Subsidi Tanpa Persetujuan Pihak Bank. *Jurnal: Petitum*, 8 (2): 89-99.
- IGA Gangga Santi Dewi dan Mira Novana. (2020). Kebijakan Penjaminan Tanah Melalui Hak Tanggungan di Indonesia (Studi Penjaminan Hak Tanggungan Elektronik di Kabupaten Badung Provinsi Bali). *Jurnal: Law, Development & Justice Review*, 3 (1): 57-69
- Nurul Nadira. (2019). Pendaftaran Hak Tanggungan Elektronik Yang Akan Mulai Dilaksanakan Di Badan Pertanahan Nasional. *Fairness and Justice: Jurnal Ilmiah Ilmu Hukum*, 17

(2): 162-165

Siti Nurul Intan Sari D dan Wardani Rizkianti. (2019). Studi Komperatif Pendaftaran Hak Tanggungan Di Kota Bogor Dan Kota Depok. *JurnalYuridis*, 6 (2): 118-135

### **Laws and Regulations:**

Indonesia, Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria.

Indonesia, Undang-Undang Nomor 4 Tahun 1996 Tentang Hak Tanggungan.

Indonesia, Undang-Undang Nomor 10 Tahun 1998 Tentang Perbankan.

Indonesia, Peraturan Pemerintah No. 24 Tahun 1997 Tentang Pendaftaran Tanah.

Inonesia, Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 2019 Tentang Penerapan Tanda Tangan Elektronik.

Indonesia, Peraturan Menteri Agraria dan Tata Ruang/ Kepala Badan Pertanahan Nasional Nomor 9 Tahun 2019 5 Tahun 2020 Tentang Pelayanan Hak Tanggungan Secara Elektronik (HT-el).