



The Use of Electronic Certificates in The Transfer of Land Rights Through Sale and Purchase Transactions at the National Land Agency Office of Pekanbaru City

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Abstract: The implementation of electronic certificates by the Ministry of ATR/BPN is part of the digital transformation of land affairs which aims to improve legal certainty, service efficiency, and data security. However, its implementation in the process of transferring land rights through buying and selling in Pekanbaru City still faces various obstacles, especially related to procedural adjustments, data validation, and the condition of old certificates that do not meet digital standards. This research method is empirical juridical legal research. The results of this study are the use of electronic certificates in the process of transferring land rights through buying and selling at the BPN of Pekanbaru City has been carried out in accordance with legal provisions and has increased efficiency, data accuracy, and service transparency, although technical obstacles such as differences in physical data and the need for revalidation are still encountered. Obstacles to the use of electronic certificates in the process of transferring land rights through sales and purchases at the National Land Agency Office in Pekanbaru City include technical, administrative, legal, and social obstacles that arise due to the transition process to a digital system and can be overcome through increased coordination, employee training, socialization, and regulatory improvements. Meanwhile, the status of the Deed of Sale and Purchase that has been signed remains valid and binding because changes to the data on the electronic certificate are only administrative and do not affect the substance of the transfer of rights, so that the authenticity of the AJB remains guaranteed in the electronic land system.

Keywords: Electronic Certificate; Transfer of Land Rights; Sale and Purchase Deed

Introduction

Land is one of the basic human needs and holds strategic value in social, economic, and legal aspects of life. In addition to serving as a place of residence and a means of carrying out daily activities, land also possesses significant economic value, making it a frequent object of various legal transactions, such as sale and purchase, grants, exchanges, and inheritance. From the perspective of Indonesia's national agrarian law, land occupies a highly important position because it is directly related to public welfare and national development. Therefore, through land law regulations, the state is obligated to provide legal certainty regarding the control, ownership, use, and utilization of land for every citizen. Such legal certainty is essential to prevent disputes, land conflicts, and overlapping land rights that may cause losses to the parties involved.¹

As an effort to achieve legal certainty in the land sector, the government administers land registration as mandated by Article 19 of Law Number 5 of 1960 concerning the Basic Agrarian Law Regulations (UUPA). Land registration aims to provide legal certainty and legal protection to land rights holders through the issuance of land certificates as strong evidence of ownership rights. These certificates contain both physical and juridical data that can be used as the basis for proving ownership

¹ Urip Santoso, *Hukum Agraria: Kajian Komprehensif*, Edisi Pertama (Jakarta: Kencana Prenada Media Group, 2012), hlm. 278.

of land rights. Through land registration, the public obtains greater legal protection for their rights and gains easier access to carrying out various legal transactions related to land.²

The rapid development of information and communication technology has encouraged the government to undertake digital transformation in various public service sectors, including the land administration sector. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), as the institution responsible for land administration, has modernized its service system through the implementation of electronic land services. This digital transformation aims to enhance the effectiveness, efficiency, transparency, and accountability of land services while addressing various issues that have traditionally arisen within the conventional land administration system.³

One tangible manifestation of this digital transformation is the enactment of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities. This regulation serves as the legal basis for the implementation of electronic land certificates as a substitute for the physical certificates that have traditionally been used. An electronic land certificate is an electronic document issued through an electronic system and contains physical and juridical data stored in the Electronic Land Book (BT-el). The introduction of electronic certificates is expected to enhance the security of land data, expedite service processes, minimize the risk of document loss or damage, and provide greater legal certainty for the public.

In the implementation of land registration and the transfer of land rights, the role of the Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) is highly significant. A PPAT is a public official authorized to prepare authentic deeds concerning specific legal acts related to land rights. In the process of transferring land rights through sale and purchase transactions, the PPAT is responsible for drafting the Deed of Sale and Purchase (Akta Jual Beli/AJB), which serves as the basis for registering changes in land records at the Land Office. With the implementation of the electronic system, PPATs are also required to adapt their service procedures to the digital system established by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), including the electronic verification, validation, and submission of required documents.⁴

The transition from a physical certificate system to an electronic certificate system has also given rise to legal issues concerning the status of a Deed of Sale and Purchase (Akta Jual Beli/AJB) that has already been executed when changes occur in the data contained within an electronic certificate. Clarity regarding the legal force of the AJB and legal certainty for the parties involved is an important aspect that must be examined to ensure that the digital transformation of land administration does not create legal uncertainty in the future. Therefore, comprehensive research is needed on the use of electronic land certificates in the process of transferring land rights through sale and purchase transactions, particularly at the Pekanbaru City National Land Agency Office.

This research is important because it can provide an overview of the implementation of electronic certificates in practice, identify obstacles encountered during their application, and analyze the legal certainty of the Deed of Sale and Purchase within the electronic land administration system. The findings of this study are expected to contribute to the development of land law scholarship, particularly in relation to the digitalization of land services, while also serving as an evaluative reference for the government in improving policies regarding the implementation of electronic land certificates in Indonesia.

² I Ketut Oka Setiawan, *Hukum Pendaftaran Tanah dan Hak Tanggungan* (Jakarta: Sinar Grafika, 2019), hlm. 18-20.

³ Syamsur dkk., "Peran Pejabat Pembuat Akta Tanah Terhadap Penerapan Sertipikat Elektronik Dalam Kegiatan Pendaftaran Tanah Di Kantor Badan Pertanahan Nasional Kota Pekanbaru," *Indonesian Journal of Legality of Law*, Vol. 6, No. 2, 2023, hlm. 97.

⁴ Syarifatul Hidayah dkk., "Tantangan dan Peluang Sertifikat Elektronik dalam Reformasi Pendaftaran Tanah di Era Digital," *Jurnal Ilmiah Nusantara (JINU)*, Vol. 1, No. 6, 2024, hlm. 187;

Research Method

This study employs an empirical juridical legal research method, which examines both the applicable legal provisions and their implementation in practice within society. The empirical juridical approach is used to analyze the use of electronic land certificates in the process of transferring land rights through sale and purchase transactions at the National Land Agency (BPN) Office of Pekanbaru City. This research is descriptive-analytical in nature, aiming to provide a systematic, factual, and accurate description of the implementation of electronic certificates, the obstacles encountered in their application, and their legal implications for the transfer of land rights. Through this approach, the author not only describes the facts discovered in the field but also analyzes those facts based on the prevailing legal regulations.

The research was conducted at the National Land Agency Office of Pekanbaru City and several offices of Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) in Pekanbaru City. These locations were selected on the basis that Pekanbaru City has implemented the electronic certificate system in land registration activities and land rights transfer processes. The data used in this study consist of primary and secondary data. Primary data were obtained directly through interviews with relevant parties, namely officials of the Pekanbaru City National Land Agency Office and PPATs involved in the transfer of land rights through sale and purchase transactions. Meanwhile, secondary data were collected from primary legal materials, secondary legal materials, and tertiary legal materials relevant to the research object, including legislation, books, scientific journals, previous research findings, and other library sources.

Data collection techniques included library research, observation, and interviews. Library research was conducted by reviewing various literature sources and legal regulations related to electronic certificates and the transfer of land rights. Observation was carried out to obtain a direct understanding of the implementation of electronic land services at the research locations, while semi-structured interviews were conducted with informants who possessed the relevant expertise and authority concerning the issues under investigation. The data collected were then analyzed using a qualitative descriptive analysis method, involving the systematic processing, classification, and interpretation of data to obtain a comprehensive understanding of the use of electronic land certificates in the transfer of land rights through sale and purchase transactions in Pekanbaru City. The results of this analysis were subsequently used as the basis for drawing conclusions and formulating recommendations in accordance with the objectives of the study.

Results and Discussion

The Use of Electronic Land Certificates in the Process of Transfer of Land Rights Through Sale and Purchase Transactions

The implementation of electronic land certificates is part of the digital transformation of land services carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) to improve the effectiveness, efficiency, and legal certainty of land administration. In the process of transferring land rights through sale and purchase transactions, electronic land certificates are utilized through an electronic land service system that integrates the physical and juridical data of land into the national land database. The transfer of land rights through sale and purchase begins with the preparation of a Deed of Sale and Purchase (Akta Jual Beli/AJB) by a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) as the legal basis for the transfer of rights. After the AJB has been signed by the parties, the PPAT submits an application for the registration of the transfer of rights through the electronic system provided by ATR/BPN. Subsequently, all required documents are uploaded to the system for processing by the Land Office until an electronic land certificate is issued in the name of the new rights holder.⁵

⁵ Urip Santoso, *Pendaftaran dan Peralihan Hak atas Tanah*, (Jakarta: Kencana, 2010), hlm. 72–74.

In practice, the electronic land certificate system emphasizes data validation and verification processes to ensure the accuracy and security of land information. The validation stage is conducted to examine the completeness of the administrative documents submitted by the applicant, including the identities of the parties, the Deed of Sale and Purchase, proof of tax payments, and other supporting documents. Once the documents have been declared complete, the Land Office verifies the physical and juridical data of the land recorded in the land database. For older certificates that still rely on manual measurement systems, boundary rearrangement and remeasurement are often required before conversion into electronic certificates can be carried out. This process is intended to ensure that the data stored in the electronic system accurately reflects the actual conditions on the ground, thereby preventing overlapping ownership claims and potential land disputes in the future.⁶

The role of the Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) in the process of transferring land rights through the electronic system has become increasingly important. PPATs are not only responsible for preparing the Deed of Sale and Purchase (Akta Jual Beli/AJB), but also serve as strategic partners of the National Land Agency (BPN) in the implementation of electronic land services. PPATs are responsible for ensuring the validity of the submitted documents, verifying the identities and legal data of the parties involved, and uploading all required documents into the electronic system in accordance with the established procedures. Consequently, PPATs act as intermediaries between the public and the Land Office in the process of registering the transfer of land rights. The transition from a conventional system to an electronic system requires PPATs to possess adequate technical skills and a thorough understanding of electronic land service applications to ensure that the registration process is carried out effectively and in compliance with the applicable legal provisions.⁷

From the perspective of service effectiveness, the implementation of electronic land certificates offers numerous benefits for both the public and the government. The electronic system enables land services to be delivered more quickly, transparently, and with better documentation. In addition, digital data storage minimizes the risks of loss, damage, and forgery of land certificate documents, which have frequently occurred under the conventional system. Electronic certificates also provide rights holders with easier access to land information through official applications provided by ATR/BPN, thereby enhancing legal certainty and strengthening the protection of land rights. Nevertheless, the effectiveness of electronic certificate implementation is still influenced by several factors, including the readiness of information technology infrastructure, the quality of the land database, the competence of human resources, and the level of public understanding of electronic service systems. Therefore, the successful implementation of electronic land certificates requires continuous support from the government, the National Land Agency (BPN), PPATs, and the public as users of land administration services.⁸

Obstacles to the Use of Electronic Land Certificates in the Transfer of Land Rights Through Sale and Purchase Transactions

The implementation of electronic land certificates in the process of transferring land rights through sale and purchase transactions represents a progressive step by the government toward establishing a modern, effective, and transparent land administration system. Nevertheless, in practice, various obstacles continue to affect the effectiveness of its implementation. The first obstacle commonly encountered is technical in nature and relates to the readiness of information technology infrastructure. The electronic land service system is highly dependent on reliable internet connectivity, server capacity,

⁶ Dwi Rinto Yulias Setyono, *Pelaksanaan Sertipikat Hak Atas Tanah Elektronik Pada Kantor Pertanahan Kabupaten Bekasi*, Tesis Magister Kenotariatan Universitas Islam Sultan Agung, 2024, hlm. 52–55.

⁷ Dea Indah Nurrisa, *Pendaftaran Pemeliharaan Data dengan Penerbitan Sertipikat Elektronik di Kantor Pertanahan Kota Pekanbaru*, Tesis Magister Kenotariatan Universitas Andalas, 2025, hlm. 87–90.

⁸ Syarifatul Hidayah, dkk., "Tantangan dan Peluang Sertifikat Elektronik dalam Reformasi Pendaftaran Tanah di Era Digital", *Jurnal Ilmiah Nusantara*, Vol. 1, No. 6, 2024, hlm. 185–188;

and effective data integration. In certain circumstances, system disruptions, limited server capacity, and network access problems may delay the submission and processing of applications for the transfer of land rights. Furthermore, the unequal level of digital literacy and technological competence among both land administration officials and service users remains a factor affecting the smooth implementation of electronic land certificates.⁹

In addition to technical challenges, administrative obstacles also arise in relation to the completeness and accuracy of the documents submitted during the land rights transfer process. The electronic system requires that all data entered into the system correspond precisely with the information stored in the land administration database. In practice, discrepancies are still frequently found regarding the identities of rights holders, inconsistencies in land object data, and incomplete supporting documents, which necessitate corrections and repeated verification procedures. Such conditions often result in longer processing times than anticipated. Administrative obstacles also emerge when land records maintained in manual archives have not been fully integrated into the electronic system, thereby requiring repeated data matching and verification processes before the transfer of rights can proceed to the next stage.¹⁰

From a legal perspective, the implementation of electronic land certificates also faces several challenges related to legal certainty and legal protection for the parties involved. Although electronic land certificates have a legal basis under the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 2023, some members of the public still question their evidentiary value compared to conventional physical certificates. Furthermore, the development of electronic systems has introduced new potential risks, including data entry errors, system failures, and the possibility of unauthorized access to land information. These circumstances require more comprehensive regulations and effective supervisory mechanisms to ensure that the rights of the public remain adequately protected. Legal certainty is a crucial aspect, considering that any error within the electronic system may directly affect the ownership status and transfer of land rights.¹¹

Another significant obstacle is the social challenge associated with the level of public understanding of electronic land certificates. A portion of the community still perceives physical certificates as being more secure than electronic certificates because they can be physically seen, held, and stored. The lack of public awareness and socialization regarding the benefits, procedures, and security features of electronic certificates has contributed to continued hesitation in accepting the digital transformation of land administration. Many individuals remain unfamiliar with the procedures for accessing land information through digital applications and the steps required to complete an electronic land rights transfer process. This limited level of digital literacy has become one of the factors hindering the optimal implementation of electronic land certificates in land administration services.¹²

More specifically, one of the principal obstacles identified in the practice of transferring land rights through sale and purchase transactions in Pekanbaru City is the existence of older land certificates that were issued based on manual measurement systems. Prior to their conversion into electronic certificates, these certificates often require boundary re-establishment and remeasurement procedures to ensure that the physical land data accurately correspond to the actual conditions on the ground. Boundary re-establishment is necessary when there is uncertainty regarding land boundaries, changes in physical conditions, or discrepancies between historical records and the results of recent

⁹ Dea Indah Nurrisa, *Pendaftaran Pemeliharaan Data dengan Penerbitan Sertipikat Elektronik di Kantor Pertanahan Kota Pekanbaru*, Tesis Magister Kenotariatan Universitas Andalas, 2025, hlm. 94–97.

¹⁰ Dwi Rinto Yulias Setyono, *Pelaksanaan Sertipikat Hak Atas Tanah Elektronik Pada Kantor Pertanahan Kabupaten Bekasi*, Tesis Magister Kenotariatan Universitas Islam Sultan Agung, 2024, hlm. 73–76.

¹¹ Satjipto Rahardjo, *Ilmu Hukum*, (Bandung: PT Citra Aditya Bakti, 2000), hlm. 55–57; Gustav Radbruch dalam Theo Huijbers, *Filsafat Hukum dalam Lintasan Sejarah*, (Yogyakarta: Kanisius, 1995), hlm. 162.

¹² Syarifatul Hidayah, dkk., "Tantangan dan Peluang Sertifikat Elektronik dalam Reformasi Pendaftaran Tanah di Era Digital", *Jurnal Ilmiah Nusantara (JINU)*, Vol. 1, No. 6, 2024, hlm. 186–189.

measurements. This process requires a considerable amount of time because it involves neighboring landowners, land surveyors, and field verification conducted by the Land Office. Consequently, the transfer of land rights through sale and purchase transactions may be delayed, often creating uncertainty for the parties involved in the transaction. This condition demonstrates that the successful implementation of electronic land certificates depends not only on technological readiness but also on the accuracy and quality of the land data that serve as the foundation of the electronic land administration system.¹³

The Legal Position of the Deed of Sale and Purchase in the Event of Changes to Data in Electronic Land Certificates

The Deed of Sale and Purchase (Akta Jual Beli/AJB) is one of the most important documents in the process of transferring land rights through sale and purchase transactions. Within the Indonesian land law system, the AJB is executed by a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) as an authentic deed that serves as evidence of the legal act transferring land rights from the seller to the buyer. As an authentic deed, the AJB possesses perfect evidentiary value as stipulated in Article 1868 of the Indonesian Civil Code, namely a deed executed by or before a competent public official in accordance with the form and procedures prescribed by law. Therefore, as long as the AJB is prepared in compliance with the applicable legal provisions and fulfills the validity requirements of an agreement as set forth in Article 1320 of the Civil Code, it possesses binding legal force and may serve as the legal basis for the registration of the transfer of land rights at the Land Office.¹⁴

In the era of land administration digitalization, the implementation of electronic land certificates does not alter the legal status or function of the AJB as the basis for the transfer of land rights. The AJB remains the principal document used in the registration process for changes in land rights ownership within the electronic land administration system. The only changes concern the administrative procedures and data storage mechanisms, which have shifted from manual processes to electronic systems. Accordingly, the relationship between the AJB and electronic land certificates is complementary in nature. The AJB functions as the legal basis for the transfer of rights, while the electronic land certificate serves as administrative proof issued after the transfer of rights has been registered and validated by the Land Office. The existence of the electronic system does not diminish the function of the AJB; rather, it strengthens the land administration process through more accurate and integrated data recording.¹⁵

Legal certainty for the parties involved in land sale and purchase transactions is one of the primary objectives of the implementation of electronic land certificates. In this context, the Deed of Sale and Purchase (Akta Jual Beli/AJB) provides certainty regarding the existence of an agreement and the transfer of rights between the parties, while the electronic land certificate provides certainty regarding the ownership status recorded within the state land administration system. Therefore, if changes occur in the data contained in an electronic land certificate as a result of administrative updates, data corrections, or land data maintenance, such changes do not automatically eliminate or invalidate the rights and obligations that have arisen from the AJB. Legal certainty remains attached to the parties as long as the substance of the legal transaction embodied in the AJB remains unchanged and there is no court decision declaring otherwise.¹⁶

Furthermore, the validity of the AJB remains intact even when administrative changes are made to an electronic land certificate. Administrative changes, such as the correction of the rights holder's

¹³ Urip Santoso, *Pendaftaran dan Peralihan Hak Atas Tanah*, (Jakarta: Kencana, 2010), hlm. 198–201.

¹⁴ Herlien Budiono, *Kumpulan Tulisan Hukum Perdata di Bidang Kenotariatan*, (Bandung: Citra Aditya Bakti, 2015), hlm. 83; R. Subekti, *Hukum Pembuktian*, (Jakarta: Pradnya Paramita, 2010), hlm. 27.

¹⁵ Urip Santoso, *Pendaftaran dan Peralihan Hak atas Tanah*, (Jakarta: Kencana, 2010), hlm. 374–376.

¹⁶ Gustav Radbruch dalam Theo Huijbers, *Filsafat Hukum dalam Lintasan Sejarah*, (Yogyakarta: Kanisius, 1995), hlm. 162–164; Sudikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar*, (Yogyakarta: Liberty, 2005), hlm. 32–34.

identity, adjustments to the physical data of the land parcel, updates to the digital system, or the conversion of a physical certificate into an electronic certificate, do not affect the validity of the AJB as an authentic deed. The AJB may only be declared invalid if there are legal defects in its execution, such as the failure to satisfy the legal requirements of a valid agreement, the existence of forged data, coercion, fraud, or a court decision annulling the deed. Accordingly, within the electronic land administration system, the AJB continues to hold its position as a valid and strong instrument of evidence regarding the transfer of land rights, while the electronic land certificate functions as a modernized form of land administration that digitally records and validates such transfer of rights.¹⁷

From the perspective of the theory of legal certainty, the existence of the AJB as an authentic deed and the electronic land certificate as a digital land document should be viewed as an integrated framework that mutually supports the provision of legal protection to the public. The AJB guarantees the legality of the legal transaction conducted by the parties, while the electronic land certificate ensures the security, accuracy, and continuity of land data within the electronic system. Therefore, changes to data contained in an electronic land certificate should not create legal uncertainty regarding a land sale and purchase transaction that has been lawfully completed. On the contrary, the electronic system should strengthen legal protection and enhance public confidence in a modern, transparent, and accountable land administration system.¹⁸

Conclusion

The use of electronic land certificates in the process of transferring land rights through sale and purchase transactions at the National Land Agency Office of Pekanbaru City has been implemented in accordance with the applicable laws and regulations and constitutes an integral part of the digital transformation of land administration services in Indonesia. The implementation of this electronic system has provided various benefits, including improved service efficiency, accelerated administrative processes, enhanced data accuracy, and greater transparency in the provision of land administration services. In practice, the transfer of land rights is carried out through an electronic mechanism that involves the active participation of Land Deed Officials (Pejabat Pembuat Akta Tanah/PPATs) in preparing the Deed of Sale and Purchase (Akta Jual Beli/AJB), submitting applications for the transfer of rights, and uploading the required documents to the electronic land administration system. Nevertheless, its implementation continues to face a number of challenges, including technical, administrative, legal, and social obstacles. These challenges include limitations in information technology infrastructure, inconsistencies in land data, limited public understanding of electronic land certificates, and the necessity of boundary re-establishment and remeasurement for older certificates that do not yet meet digital standards.

Furthermore, within the electronic land administration system, the Deed of Sale and Purchase (AJB) continues to possess valid and binding legal force as an authentic deed that serves as the legal basis for the transfer of land rights. Administrative changes to data contained in electronic land certificates do not affect the validity or evidentiary value of the AJB, as the substance of the legal transaction undertaken by the parties remains protected by law. Accordingly, electronic land certificates and the AJB function as complementary instruments in ensuring legal certainty and legal protection for the public. Therefore, to support the optimal implementation of electronic land certificates, it is necessary to improve the quality of information technology systems, strengthen the regulatory framework, enhance the competence of human resources, and conduct continuous public outreach and education. Such measures are essential to ensure that the objectives of the digitalization of land administration services can be achieved effectively and provide maximum benefits to society.

¹⁷ Boedi Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*, (Jakarta: Universitas Trisakti, 2008), hlm. 512–514; Habib Adjie, *Hukum Notaris Indonesia*, (Bandung: Refika Aditama, 2014), hlm. 46–48.

¹⁸ Satjipto Rahardjo, *Ilmu Hukum*, (Bandung: PT Citra Aditya Bakti, 2000), hlm. 53–55

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