

## How Safe is Balinese Customary Land if Analog Certificate is Transferred onto E-Certificate?

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### ABSTRACT

In order to realize all areas have been certified, the Indonesian government in this case the Ministry of ATR/BPN has attempted to register land through the PTSL program including land owned by traditional villages. Regarding the analog certificate products for 2017-2023 in the name of the rights holders of traditional villages and traditional villages and the names of the villagers who inhabit the village land, it is not yet clear how to transfer media to electronic and for storing electronic certificates for traditional land if they are transferred to electronic certificates. Based on the analysis of the contents of the regulations related to electronic certificates, namely the ATR Ministerial Regulation which is an order of the UUPA , Government Regulation Number 18 of 2021, Regulation of the Minister of ATR/BPN Number 3 of 2023, Law Number 1 of 2024, and Bali Governor Regulation Number 5 of 2020, it already reflects the media transfer activities to digital but still needs to be added regarding customary lands that already have analog ownership certificates in 2017-2023 or those with electronic management rights if they want to reprint, so as to be able to guarantee certainty and justice as well as legal benefits for the community.

## **INTRODUCTION**

Land issues have long been planned by the Indonesian Government, especially regarding land registration. According to Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the Earth, water, and natural resources within it are under state control and used for the maximum prosperity of the people, the government is empowered to regulate land areas. One strategy used by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) to achieve modernization of land sector services is digital transformation. (Erna Dwi Juliyanti, Ni Kadek, 2021). Government Regulation Number 24 of 1997 about Land Registration serves as the legal foundation for the digital transformation of land registration. Government Regulation Number 18 of 2021 concerning Land Rights Management Rights, Apartment Units, and Land Registration adds more regulations to this framework.

With the publication of Regulation of the Minister of ATR/BPN of the Republic of Indonesia Number 1 of 2021 concerning Electronic Certificates, which was later amended by Regulation of the Minister of ATR/BPN of the Republic of Indonesia Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities (Permen Sertipikat-El), land certificates, which are typically known in paper-based or conventional form, have started to transition from paper-based to electronic since 2021. The Ministry of ATR/BPN asserts that there are numerous benefits to the alteration of the certificate form, particularly with regard to security. Additionally, the Complete Systematic Land Registration Program (PTSL), which is governed by Presidential Instruction Number 2 of 2018 concerning the Acceleration of PTSL, is supported by this electronic certificate program. It is anticipated that this PTSL scheme will hasten the legalization of unregistered land. This electronic certificate will subsequently be used for the initial land registration for unregistered land or to replace certificates with electronic ones for registered land, as specified in the Permen Sertipikat-El. (Wicaksono Faraida, 2021).

Land registration in Indonesia for the first time can be done through systematic and sporadic land registration with a registration publication system adopted by Law Number 5 Year 1960 about Main points Agrarian (UUPA) is a negative publication system that tends to be positive. Related to the implementation of electronic land registration, there are several stages in it which will currently replace analog certificates according to the procedures in the Electronic Certificate Regulation.

Village Custom in Bali has a number of assets called *druwe desa*, which are grouped according to with elements of the village customs namely:

- a. The village *padruwen* is related to *parhyangan*, namely: temple (in the form of a place holy people Hindu), And various completeness other For support activity the temple .
- b. The village customs related to *pawongan*, namely: *awig-awig*, *pipil krama*, Village Credit Institutions (LPD), and various other facilities to support activity the house .

- c. The village padruwen is related to palemahan , namely: land belonging to the traditional village And village natural environment customs. (Windia, 2017).

The phrase "traditional village" describes a socio-religious organization that houses the Customary Law Community Unity, or KMHA, which is present in every Bali village. Customary law grants traditional villages the authority to govern their own homes. Traditional villages in the Province of Bali have existed long before the Republic of Indonesia, which is currently strengthened by Regional Regulation Number 3 of 2001 which was last amended by Bali Provincial Regulation Number 3 of 2003, and the latest regulations are contained in Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali ( Customary Village Regulation) which is an implementation of Article 18 B paragraph (2) of the 1945 Constitution. Generally speaking, traditional villages' autonomy include establishing their own laws (Awig-awig), putting those laws into effect through Prajuru, evaluating and resolving internal issues, and maintaining their own security (Pecalangan).

According to Article 1 number 8 of the Customary Village Regulation, a customary village is a unit of a Bali customary law community that has its own territory, position, original structure, traditional rights, wealth, traditions, social interaction customs that have been passed down from generation to generation in a sacred place (three kahyangan or village kahyangan), duties and authority, and the ability to control and manage its own household. A customary village is a Balinese Hindu community organization based on the unity of a shared residential area and the most basic religious spirituality for the pattern of relationships and social interaction patterns of the Balinese community, consisting of 3 (three) elements, namely: (1) Parahyangan element (in the form of a temple or sacred place for Hindus). (2) Pawongan element (village residents who are Hindu). (3) Palemahan element (village area in the form of land/ karang desa and karang ayahan desa and karang guna kaya or individual land).

The aforementioned Regional Regulation describes the customary village as a unit of the Bali customary law community, comprising both customary land (village-owned land) and village residents (krama desa). Druwe Desa Land, Laba Pura Land, Village Yard Land, and Ayahan Desa Land are the categories of Bali's customary lands. According to customary land law, several types and functions of customary land in Bali are known, namely:

- a. Druwe Village Land is land owned or controlled by traditional villages such as market land, open land, burial land, evidence land.
- b. Pelaba Pura Land is land owned by land that was previously owned by the village and specifically used for the needs of the Pura , namely the place where the Pura is built and which is used to finance the needs of the Pura , such as financing routine ceremonies and repairs to the Pura .
- c. Village Yard Land is land controlled by a traditional village which is given to krama negak for residence with an attached father .

- d. Ayahan land is land controlled by a traditional village, the cultivation of which is handed over to the local village community with the right to enjoy it with a certain agreement and the obligation to provide ayahan . (S. Hendriatiningsih, 2008).

Transformation or change of land certificates owned by traditional villages that are analog or manual containing detailed history of land ownership and held intact then changed into a piece of paper raises pros and cons in society. The media transfer that is being encouraged is still not an obligation if the rights holder has not made any changes to physical data or legal data and legal events. Legal entity or individual rights holders if they have carried out the act or event then automatically the new product that comes out is an electronic certificate, but it is different with land owned by traditional villages.

The names of the rights holders of the customary village community that were issued between 2017 and 2023 are still in the form of analog or paper-based certificates. These certificates were issued in accordance with the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 276/KEP-19.2/X/2017 concerning the Designation of Customary Villages in Bali Province as Subjects of Joint Ownership Rights (Communal) and customary villages as a result of the emergence of the Customary Village Regulation. Which certificates, if converted into electronic certificates, do not yet have a legal umbrella that regulates them, although in the previous regulations it was implied that they would be stored by the customary village community from generation to generation or in their respective village offices. This could certainly cause problems in the future if the provisions regarding the storage of certificates belonging to customary villages have not been clarified, following the emergence of digital transformation. An explanation is needed if the electronic certificate belonging to the traditional village is damaged or the barcode cannot be read or is lost, who is authorized to take care of it and how safe is the transfer of the certificate for analog products from 2017 to 2023.

Reflecting on previous analog (manual) products, that certificates are often duplicated, then questions will arise such as what happens when the certificate has become electronic with only 1 (one) sheet, is there a guarantee of authenticity without any data errors in the data center, what is the solution when the server is undergoing maintenance or is down, if there are hackers who hijack state data, how and what is the solution to the public's concerns. Socialization to the general public has not been effective and is still ongoing along with the implementation of this program.

Information and socialization related to the transfer of analog to electronic certificate media has been provided since 2023 to Notaries/PPAT as ATR/BPN partners and to the public. However, it was only in 2024 that electronic certificates were launched. Notaries/PPATs play a part in creating genuine land registration deeds in the event that physical or legal data changes, or if a law is passed that calls for the PPAT's ability to create an authentic deed.

The Industrial Era 5.0 in an effort to transform technological progress is one of the challenges in land administration. The expected benefits of migrating from analog to digital will make the management of archive documents and documents at the land office more secure and free from natural disasters and damage. This land digitization provides various conveniences that aim for efficiency and transparency. Minimizing direct face-to-face meetings with government officials is one form of transparency where the public will be able to directly find out the process of their files and where the obstacles and solutions are for each land account.

Modernization of services allows for the delivery of information and services and government products quickly and easily accessible anytime and anywhere. This has been done by various government agencies and the private sector from regional to national levels, where the results have proven to receive a positive response from the community. Customary land with its various characteristics will be difficult to register in a way electronic temporary For type land custom where Which intended for can registration is carried out, it is still not clear. Registration of customary land has been done manually since the past until now it has caused problems such as the recognition of customary land by individuals, differences in the area and location of customary land, and so on. Although we must follow development era However rule Which applicable duly capable create legal certainty and justice.

In order to realize all areas have been certified, the Indonesian government, specifically the ATR/BPN Ministry has attempted to register land through the PTSL program including land owned by traditional villages. However, this government effort still needs to be improved because there are still many gaps in problems that could arise in the future. Regarding the analog certificate products for 2017-2023 in the name of the rights holders of traditional villages and traditional villages and the names of the villagers who inhabit the village land, it is not yet clear how to transfer media to electronic and for storing electronic certificates for traditional land if they are transferred to electronic certificates.

## **THEORETICAL REVIEW**

### ***Theory of Legal Certainty***

Principle Certainty Law, in Language English called legal certainty , whereas in Language Dutch called legality is terms and conditions law or clauses Which capable ensure right And obligation every inhabitant country or the parties. (HS, 2018), Jeremy Bentham stated regarding the theory of legal certainty that is :

*The principle of utility is the foundation of the present work: it will be proper therefore at the outset to give an explicit and determinate account of what is meant by it. By the principle of utility is meant that principle which approves or disapproves of every action whatever. According to the tendency it appears to have to increase or decrease the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or to oppose that happiness. I say of every action whatsoever, and therefore not only of every*

*action of a private individual, but of every measure of government. (Bentham, 2000).*

Translation free core that certainty will give explanation explicit And Certain about What Which meant regarding with add or reduce happiness party Which concerned. Certainty the in the form of individual actions or any government actions arising from the law for individuals in society is the main purpose of law. The main purpose of law is ensure existence happy the best to person as much as possible.

The philosophical basis of agrarian law is contained in Pancasila, especially the first principle. The Fourth and Fifth Precepts reflect that people have equal opportunities in obtaining use of the land. (Dewi, 2018). In line with the state's goal of protecting every the nation and all of Indonesia's blood, so the parameters of citizens are protected is when their rights are fulfilled. The government takes on this protective role including by protecting citizens' rights to legal certainty regarding land as a place where humans live and work.

According to Gustav Radbruch , it is stated that one of the objectives of law or legal ideals is "justice" in addition to "benefit" and "legal certainty". The law must be clear, firm, not give rise to different meanings, not cause contradictions, and easy to implement, so that it can guarantee legal certainty for the community. The law should not be a source of doubt. Bali Governor Regulation Number 5 of 2020 concerning the Implementation of Electronic Certificates within the Bali Provincial Government must be revised, clarified, especially regarding customary lands that have been certified in the form of analog (in the form of ownership rights) or electronic (in the form of electronics), must firmly regulate the storage place and the mechanism for managing reprinting, and must not cause contradictions, and can implemented, which is able to guarantee legal certainty for the community.

The role of theory in writing this research is to provide an explanation of the observed symptoms. This study focuses on the positive law applied, namely how safe is the transfer of analog customary land certificates to electronic certificates. The target of this study is products published in 2017-2023, while this digital transformation was born from the provisions of the Laws and Regulations with the legal obligation to register land for areas that have not been certified, including customary land.

### ***Theory of Legal Pluralism***

John Griffiths said that legal pluralism is divided into 2 (two) types, namely weak legal pluralism and strong legal pluralism . (Griffiths, 1986). Weak legal pluralism or weak legal pluralism is another form of legal centralization, here state law is still considered superior compared to legal pluralism. The reason is, although in reality state law recognizes the existence of other legal systems, state law remains superior and other legal systems are inferior.

It differs from strong legal pluralism in that all current legal systems are regarded as equal in society. It is acknowledged that there is no hierarchy indicating the superiority of one legal system over another. This speaks to the reality that every group in society has many legal systems that are thought to be in the same situation.

The birth of the state gave rise to a situation of “legal pluralism” in life. Legal pluralism in the state is a consequence of the implementation of state law on the one hand and the existence of community laws that live, develop, and are maintained by community groups in the state. Legal pluralism as a reflection of pluralism in the form of several legal systems that live in society, namely state legal systems, local legal systems, customary legal systems, and religious legal systems.

Sulistiyowati Irianto defines legal pluralism as how different state legal systems, practices, religions, and other customs that are regarded as law relate to one another, interact, influence one another, and adopt one another. Irianto (2007). Legal pluralism highlights that each community has its own legal system that reflects its own sense of fairness. Legal pluralism is different from legal centralism which uses a legal hierarchy approach which is a characteristic of legal positivism. Legal pluralism views all laws as the same and must be applied equally. He also explained the presence of more than one legal rule in a social environment.

According to Gede Marhaendra in his dissertation, he stated that state law does not only recognize customary law, but also customary law communities. He uses the perspective of legal pluralism in analyzing Regional legislation that acknowledge communities governed by customary law. According to him, the perspective of legal pluralism in the recognition of customary law communities through regional regulations is still limited to protecting customary law communities collectively, and has not protected individuals including dispute resolution mechanisms between community members as individuals and customary law communities as collective units. (Atmaja, 2012).

## **METHODOLOGY**

The term "legal research" consists of 2 (two) words, namely "research" and "law". The origin of the word "research" is "thorough" which means an action that is full of caution and precision. Meanwhile, "law" is interpreted very diversely according to the perspective of each school of legal philosophy. Neutrally and simply, law can be interpreted as a norm that is formed, enforced and recognized by the authority of public power to regulate the state and society, enforced with sanctions. (Diantha, 2018). Legal research is divided into 2 (two) types, namely Empirical or Sociological or Non-Doctrinal legal research which is quantitative and Normative legal research or Doctrinal legal research, which is qualitative.

Non-doctrinal legal research method , which is an approach to the problem by examining the problems that arise in reality in the field and then connecting them with existing Legislation and legal theories. This study uses a research method that is carried out to obtain primary data and find the truth by using the inductive thinking method and the correspondent truth criteria and the facts used to carry out the induction process and truth testing by correspondence are the latest facts.

The working method of the juridical - sociological method in this study, namely from the results of collecting and finding information data through literature studies on the basic assumptions used to answer the problems in this study, then inductive-verification testing is carried out on the latest facts found in society. Thus, the truth in a study has been declared reliable without having to go through a rationalization process. This study starts from the gap between The Sun with Das Sein , namely the gap between the Legislation and Reality or with legal facts in the field. This study examines the transfer of customary land certificates into electronic certificates.

This research starts from the gap between *das solen* and *das sein* , namely the gap between the Legislation and reality or with legal facts, namely the gap in the implementation of the contents of Government Regulation Number 24 of 1997 concerning Land Registration and Regulation of the Minister of Agrarian Affairs/Head of BPN Number 3 of 1997 concerning Implementing Provisions of Government Regulation Number 24 of 1997 concerning Land Registration , which has been clarified through the Regulation of the Minister of ATR/BPN Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities with the reality that occurs in the field.

Approach used by the Researcher in this Research is the Statute Approach , Case Approach , Legal Pluralism Approach , Conceptual Approach , and Sociological Approach . Data analysis techniques using description, interpretation and argumentation. This research focuses on observing the Legal Norm Vacancy in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities related to the transfer of analog customary land certificates issued in 2017-2023 into electronic certificates and the storage mechanism and reprinting management if the electronic certificate is defective or lost.

## **RESULTS**

Land registration services towards electronics have actually been designed since the enactment of Government Regulation Number 24 of 1997 in Article 35 paragraphs (5), (6) and (7) which contain: "gradually land registration data is stored and presented using electronic equipment and microfilm. Document recordings produced by electronic equipment or microfilm have the power of proof after being signed and stamped by the Head of the relevant Land Office. The form and method of storing, presenting and deleting the documents in paragraphs (1) and (2) of Article 35, as well as the method of storing and presenting land registration data with electronic equipment and microfilm are determined by the Minister". This means that the National Land Agency has prepared itself in providing electronic-based land registration services.

The legal umbrella related to electronic certification is still at the level of the ATR Ministerial Regulation which is a derivative of the UUPA (Article 19) ,

Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration, Regulation of the Minister of ATR/ BPN Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, and Bali Governor Regulation Number 5 of 2020 concerning the Implementation of Electronic Certificates within the Bali Provincial Government. Which regulations already reflect the media transfer activities to digital but still need to be added regarding customary lands that already have analog ownership certificates in 2017-2023 or those with electronic management rights (if you want to reprint them), so as to be able to guarantee certainty and justice as well as legal benefits for the community.

Electronic certificates as a form of transformation towards the 5.0 era by the Regulation of the Minister of Electronic Certificates are expected to reduce the number of disputes, conflicts and court cases regarding land. However, the regulations related to the type of electronic certificate object in the form of customary land in Bali are not yet firm and clear so that new regulations are needed to accommodate problems that may arise in the future.

## **DISCUSSION**

### ***Media Transfer of Analog Customary Land Certificates to Electronic Certificates***

The use of secure paper is common in developed countries even though they have stored documents in electronic form. Several other countries have also implemented electronic applications in land matters which will increase land services rapidly, so that in Indonesia, electronic applications are implemented because they will increase the value of Registering Property . The Ministry of ATR/BPN issued regulations related to proof of ownership of a plot of land, namely the Electronic Certificate Regulation.

This analog to digital or electronic transformation aims to increase the value of property registration in increasing Indonesia's ranking in Ease of Doing Business , which provides convenience in services, especially in this case in the land sector. In order to ensure legal certainty from the validity of this electronic certificate, the government must prioritize strengthening data storage and data security which are the main components of electronic certificates, and post or management of data that has been stored (Qonita Rizkiana, 2023).

This land certificate, which was previously in the form of a book or paper, is now an electronic land certificate. The rules related to this electronic certificate are in the Regulation of the Minister of ATR/BPN Number 3 of 2023 concerning Electronic Certificates (Permen Sertipikat Elektronik). The Ministry of ATR/BPN has launched a digital transformation policy, one of which is an electronic certificate in order to advance the legal system in Indonesia. This electronic certificate is part of the electronic services that have been issued previously, namely electronic mortgage rights, certificate checking, land value zones and land registration certificates.

The intensity of the community is increasing every day in the context of land registration activities, especially now where the slogan is fierce that in 2025

there will be no land in Indonesia that is not certified. This encourages the community to immediately register their land. This step is also a preventive effort from counterfeiting land products and safe from land mafia. In order to meet the needs of the community, readiness of infrastructure, human resources, and information technology is needed at each land office as well as the right knowledge and understanding from each service user.

Media transfer is defined as an activity in changing measurement letters and land books on analog certificates into electronic measurement letters and land books. This activity is carried out during land registration data maintenance services or gradually from one village to a complete village. Verification and validation are needed in completing this activity related to physical data on measurement letters and legal data on land books. Data verification is carried out by checking the conformity of the data stored in the electronic land system while data validation is carried out by checking the data structure and the completeness of the data stored in the electronic system.

Land certificates are proof of rights that can be owned by certificate holders. Electronic land certificates are the result of digital transformation. based on the Regulation of the Minister of Electronic Certificates. An electronic certificate is a product issued through an electronic system in the form of an electronic document whose physical data and legal data have been stored in a land book that is authorized by an electronic signature into a data block. The data block in question is a standard format for representing a single unit of legal data and physical data of land registration objects. Provisions related to electronic certificates can be found in:

- 1) Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.
- 2) Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration.
- 3) Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities.
- 4) Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions.

Various issues of opposition colored this Electronic Certificate Regulation before it was implemented, including inequality in land ownership and the existence of land mafia, socialization related to agrarian regulations or policies that were not evenly distributed, this made people in remote areas or lack of knowledge of technology less effective in this policy and therefore the community found it difficult to understand the change from analog certificates to electronic certificates. It is also feared that it will only be effective in urban areas because access in rural and remote areas in Indonesia is still very lacking in internet network availability. Problems with the completion of land registration must be made clear regulations to reduce public concern about the accuracy of electronic certificate data and personal data leaks.

The benefits offered by electronic certificates are expected to be effective in national land management which can minimize certificate duplication, forgery and illegal land transactions by land mafia and also reduce the risk of loss due to fire, rain and theft of physical documents. (Arif Rahman Hakim, 2021). Other advantages include supporting the paperless office culture in the digital era, accessible anytime and anywhere, supporting the government's go green program , by reducing the use of paper and ink, simplifying and accelerating the signing and service process, and implementing digital signatures that guarantee data authentication, integrity, and anti-denial of land certificates. However, many people are still confused about choosing to use electronic certificates or continue to use conventional certificates, because according to some people, this new regulation is still reluctant to be accepted because it feels less safe to store important documents in digital form due to the rampant cyber cases , but there are also people who think otherwise, because it is free from the risk of damaged or lost certificates. (Muhammad Fachri Herawza, 2023).

The basis for issuing an electronic certificate when the rights recording activity has been carried out in the land book, namely when adjusting the legal data and citing the location of the land plot on the registration map through a digital system. The original copy of the certificate is printed using double-sided paper with special specifications from the digital system at the land office. This certificate is given to the rights holder through a digital system where the rights holder must have a land account on the digital system in order to scan his electronic certificate. The account is a single one whose registration uses the rights holder's identification identity which will be verified by the system and will store data on the lands in the name of the rights holder.

Electronic certificate recording in terms of data maintenance is carried out by recording changes in physical data and/or legal data in the electronic land book. Each recording is made in the form of a new data block whose validation is carried out simultaneously on the electronic certificate. Each recording of changes in the electronic land book is made into a new data block that is stored sequentially based on the history of land registration so that the electronic certificate becomes a continuation edition of the previous edition of the electronic certificate. Along with the issuance of the latest edition of the electronic certificate, the previous edition is declared invalid and only functions as a guide and history of land registration.

The application for the issuance of an electronic certificate is first, you can use digital services via the website or application with the following steps. Starting by filling out the application form and uploading it along with the complete requirements. Then fill in the statement regarding the conformity between the printed document and the document that has been uploaded. Applications that have been confirmed digitally can submit the required documents in printed form to the land counter.

The document will be verified by officers regarding the conformity of the printed document and the uploaded document. The results of the verification, if complete and meet the requirements, will produce a digital product in the form of an electronic certificate. Rights holders can download the Touch Tanahku

application on Android and iOS smartphones to get land service information. The second way to apply for an electronic certificate is that rights holders can apply manually at the local land office counter. Analog certificates will be stored at the land office as documents and when there is a data maintenance transaction carried out, the output will immediately become an electronic certificate.

The common problem with electronic certificates complained about by the public is the length of time it takes to switch media from analog to digital at the land office. This is due to the inconsistency of the latest data in the land system with what is contained in the analog certificate. Fields that change position and area are likely to also change into polemics that color the media transfer. Certificate owners are generally advised to re-measure to adjust and fix the data so that it is in accordance with the current situation.

This digital transformation is not free from system downtime during full access and the center is undergoing repair services. This also slows down the transfer of media to regional offices and requires strengthening technology to facilitate services to the community. Cases of forgery of certificate documents such as duplicate certificates or overlapping certificates are serious problems that occur in the field. The existence of land mafia is the most contributing cause to land disputes that harm the rightful owners. Land certificates that are managed electronically can be integrated through an AI system so that they can detect changes in land use, identify potential violations and even provide early warnings about potential conflicts. The application of AI (artificial intelligence) in monitoring electronic certificates is expected to increase transparency and accountability in the land management system. (Hashfi Sanjaya Maulana, 2024).

The use of AI and digitalization is believed to increase transparency and efficiency in monitoring and preventing land mafia. Problems that can be encountered such as misuse of applications, the need for strict data verification, and digital system security must be addressed. Digitalization of certificates has many advantages, such as increased security, legal certainty, and ease of administration. If successful implementation is to be achieved, technical and social obstacles must be addressed immediately. This digital transformation will be greatly assisted by increased public education and regulation.

The difference between analog certificates and electronic certificates is in terms of physical appearance, the type of information contained and the security method. Physically, analog certificates are submitted to rights holders in book form, while electronic certificates are in file/pdf form that can be printed on a sheet of paper. The type of information that differentiates electronic certificates is that they contain Restrictions and Responsibilities. Meanwhile, the security method uses Hash Code, QR Code, and Electronic Signature. The display on the electronic certificate contains:

- a. Electronic documents
- b. Using Electronic Signatures
- c. 14 digit NIB Identification Number, consisting of pp.kk.nnnnnnnnn.j
- d. Pp is the province code, kk is the city/district code, n Nine digits are the land plot number in the Land Office and j is the code for the type of land registration object.

e. Publishing Edition

The role of Notaries/PPAT and Stakeholders is to educate the public about legal acts on certified land, use biometric recording technology in verifying people, prevent embezzlement or falsification of identity, ensure the conformity of certificates with information from the database and ensure the conformity of the subject of rights and parties in the deed. The issuance of electronic certificates can be through the maintenance of land registration data and in the case of changes in physical data and/or legal data. Land rights registration activities by the Traditional Village which in this case is represented by the Traditional Village Head.

Certificates of customary land ownership rights whose names are the rights holders are "Desa Pakraman.." and "Desa Adat ..." or "Krama A.. is given the right to control/utilize the Customary Land ..." are still in analog form and for Land Certificates that are given control to Krama Adat , they can be agreed to with third parties so that they have legal consequences for them. There is no specific regulation regarding the transfer of analog certificate media to electronic in the case of customary land. Certificates of customary land management rights which are customary land, regarding the storage mechanism and procedures for customary villages that want to reprint them because they are defective, damaged or lost, are not yet clearly stated in the regulations.

Efforts to reduce barriers to implementing electronic certificates include increasing human resources so they are competent in the fields of information and technology. Apart from that, there must be awareness of human resources to keep up with technological developments so that they are not technologically challenged. There is also a need to improve the quality related to digital culture and digital awareness in learning the latest information technology, especially the older generation who are still familiar with analog.

## CONCLUSIONS AND RECOMMENDATIONS

Electronic certificates are certificates issued through an electronic system in the form of electronic documents. The implementation of electronic land registration includes first-time land registration and maintenance of land registration data. The issuance of electronic certificates is carried out with first-time registration, maintenance of land registration and media transfer. Electronic certificates can also be obtained in the context of maintaining land registration such as through division of rights, registration of deeds, changes in rights by registering analog certificates at the land office, then processed by the implementing officer until finally ratified by the authorized official.

Electronic certificates obtained through a media transfer application by the rights holder submitting a media transfer application to the land office. Furthermore, the ATR/BPN Officer validates the field and verifies the rights holder. After verification and validation are complete, within a few days it will be ratified by an official through an electronic signature. Analog certificates that are still owned and stored by the rights holder or those authorized to administer their storage are still valid and there is no obligation to withdraw and convert them to electronic media. Replacement of certificates will only apply to data

maintenance services and therefore there are no regulations regarding the mechanism and costs for the community who voluntarily convert their analog certificates.

Based on Article 35 of Government Regulation Number 24 of 1997 concerning Land Registration, a loophole has been provided for media transfers so that... land registration data can be stored and presented electronically. This is in line with the issuance of Presidential Decree (Kepres) Number 34 of 2003 concerning National Policy in the Land Sector which orders that land products can be connected to e-government, e-commerce, and e-payment.

Bali has its own uniqueness regarding its traditional villages. Both the Law of the Republic of Indonesia Number 15 of 2023 concerning the Province of Bali, the Regional Regulation of the Province of Bali Number 4 of 2023 concerning the Future Development Guidelines of Bali, 100 Years of the New Era of Bali 2025-2125, the Regulation of the Governor of Bali Number 5 of 2020 concerning the Implementation of Electronic Certificates within the Bali Provincial Government and the Regional Regulation of Traditional Villages have not yet expressly regulated the transfer of customary land ownership certificates to electronic and the storage mechanism for the electronic certificates later if they have been transferred. The procedure for reprinting electronic certificates if they are damaged or lost has also not been listed, whether it is the same as for individuals or different, this needs to be considered . To anticipate the regulatory vacuum and as a continuation of the implementation of the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 276/KEP-19.2/X/2017 concerning the Designation of Pakraman Villages in Bali Province as Subjects of Joint (Communal) Ownership Rights over Land and the Electronic Certificate Regulation .

## **FURTHER STUDY**

The participation of the central and regional governments, Traditional Villages, PPATs and the community is needed to prevent legal uncertainty, especially in the administration of supporting documents, so that the goal of digital transformation services in strengthening certainty, convenience, acceleration of services and ease of doing business in realizing the Industrial Era 5.0 will be achieved. Strengthening, developing, and maintaining the Electronic System Database (PDE) must be improved so that digital data can be stored safely with easy access.

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