

The Implementation of Digital Validation of Certificate Name Change Documents at the Land Office of Makassar City

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The Implementation of Digital Validation of Certificate Name Change Documents at the Land Office of Makassar City

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Abstract

This study aims to determine the implementation of digital certificate file validation and to find out the obstacles in implementing digital transfer file validation. This type of research is a descriptive empirical research. Using a qualitative legal research approach. Based on the results of research and discussion, it is concluded that the implementation of digital transfer of file validation is a policy taken by the Head of the Makassar City Land Office who sees from the current situation that it requires to continue to carry out services to the community. There is no change in the transfer of land rights before and after online, in terms of the files needed to carry out the mandate of the certificate name transfer. Only before delivering it to the Land Office, all the completeness of the file must first be inputted from the PPAT office. As well as various obstacles that arise in the Implementation of Digital Certificate File Transfer Validation, namely internal barriers consisting of insufficient human resources (HR), the absence of definite legal provisions governing digital validation of transfer files and inadequate facilitation in Makassar City Land Office as well as external obstacles consisting of many heirs who live far apart, incomplete files and unclear files scanned by PPAT/Notary.

INTRODUCTION

In the era of the Covid-19 pandemic, it is important for us to continue to move forward in seeking and exploring new sources of knowledge. The constantly changing social conditions play a vital role in the lives of individuals and human groups. The advancement of time also has an impact on technology and information that is becoming more sophisticated day by day. The internet has become one of the factors that influence the governance and services system in Indonesia. In this case, the rapid, dynamic, and extensive growth of information and internet services, supported by advances in technology and information in all sectors, is driving social change from traditional to more informative. The importance of information systems and technology for the success of businesses and institutions, including the Makassar City Land Office, cannot be underestimated. Society demands faster and more transparent land services, so the change from manual to technology-based systems is a necessity. Every member of the institution is expected to be able to operate the internet and computer devices, regardless of age. Information technology has benefits for individuals, organizations, and institutions, and is used to search for data that is correlated and has high credibility. Useful information can be used as a main reference, especially in government agencies such as the National Land Agency.

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency began

implementing bureaucracy reform since 2013. Bureaucratic reform in the National Land Agency is an effort to realize good governance by making fundamental reforms and changes to the implementation system at the National Land Agency. One of the aspects reformed by the National Land Agency is the Public Services aspect in the land sector. The challenge for the National Land Agency to eliminate the stigma that land service is complicated, slow, and prone to corruption, collusion, and nepotism, needs to be changed immediately. On the other hand, society's demand for improvement and quality improvement of National Land Agency services is an urgent need. This is evidenced by the many complaints from the public about land services. The service that is often complained about by the public is the issuance of land certificates, which is a complicated process (Triani et al., 2023).

This has encouraged the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency to make various breakthroughs and innovations by utilizing information and communication technology. Various innovations have been made to improve land-related services so that the services provided by the National Land Agency become effective, efficient, and transparent. As a public service institution, the National Land Agency of the Republic of Indonesia is always striving to improve the quality of its services. One of the efforts is to change the pattern of services to the public, from manual service to computerized service.

One of the ways to realize excellent land certificate services that comply with regulations at the Makassar Land Office requires the support of information technology, but there are several obstacles encountered in its implementation related to information technology (Nabila et al., 2021). Essentially, the workforce at the Makassar National Land Agency has been able to provide understanding and land certification services and use the available technology optimally. However, the high target for land ownership transfer certification causes employees to have to work overtime on working days and even on weekends. This will be further investigated to determine whether the presence of the Online Validation Service at the Land Office simplifies the land management process, particularly regarding the registration of land ownership transfer, to effectively support part of the land management process.

As explained above, to evaluate the extent of implementation and effectiveness of a legal provision, it is necessary to measure the level of compliance with that rule. If the majority of the targeted recipients have complied with the rule, it can be said that the rule is effective. However, the effectiveness of the rule can still be further questioned. Therefore, it is difficult to conclude whether the legal product is effective or not in achieving its own legal objectives, namely to create certainty, utility, and justice (Pransisto, 2018).

Furthermore, this is reinforced by Allah's words in the Qur'an that explain the essence of certainty, usefulness, and justice, as mentioned in Surah Al-Maidah, Verse 8 which can be translated as follows:

"O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is Acquainted with what you do." (Surah Al-Maidah, Ayat 8)"

This is ² what drives the author to propose a research entitled: "Implementation of Digital Validation in ¹⁸ the Transfer of Certificate Document ¹⁹ at the Land Office of Makassar City".

METHODOLOGY¹

This ¹⁸ research was conducted at the Land Office of Makassar ¹⁹ as the research location, ¹⁸ considering that the location is relevant to the issue that will be studied. This article uses an empirical legal research method, with primary and secondary data types. Primary legal data was obtained from interviews with informants related to the research, while secondary legal data was obtained from literature, legal documents, and regulations related to the primary data. The data obtained or successfully collected during the research process in the form of primary or secondary data was analyzed qualitatively and presented descriptively, explaining and elaborating according to the problem that is closely related to the research conducted by the author.

RESULTS AND DISCUSSION

1. Implementation of Digital Validation of ¹⁹ Certificate Name Change Documents

Public services are a series of activities to fulfill the needs of recipients of public services, ¹⁸ in the form of administrative services, goods, and services provided ¹⁸ by public servants in accordance with regulations (Nurmandi et ¹² al., 2021). The existence of public services aims to improve the quality of public services to meet the needs and expectations of the community.

The community's increasingly complex needs, especially related to land registration, are handled by the Land Office of Makassar City, which strives to improve services and expedite and simplify services. Through online services initiated by the Land Office of Makassar City, it is easier for its colleagues, namely PPAT / Notaries, to handle land registration. On the other hand, there are still many types of services provided by the Land Office of Makassar City, and the focus is ² on the transfer of land rights service. This is because many applicants request services related to the transfer of rights, so that with the online validation service and the role of PPAT, the public feels helped. Therefore, the Land Office of Makassar City is required to provide quality services that can satisfy PPAT and the public and provide services in accordance with established standards. The discussion of the research results uses the theory proposed by Achmadi Natsir that the quality of service can be measured from 5 dimensions, namely: Tangible, Reliability, Responsiveness, Assurance, and Empathy (Yuningsih, 2016). These five dimensions are used to determine the extent of the quality of online validation services at the Land Office of Makassar City.

Digitalization itself has the following definition: "digitalization is the process of changing the format of documents from printed documents into digital formats" (Sugiarti, 2017). On the other hand, digitalization can also mean a process that converts analog signals into digital form. From the opinions above, it can be concluded that digitalization is a process of transforming the form of physical documents or files into digital form. Digitalization includes the creation of digital copies of analog objects (original collections before digital form) (Terras, 2006). So digitalization services here provide assistance to the ATR / BPN Office in the process of transforming the form of physical or file documents of the public into

digital files in PDF (Portable Document Format) format. This also applies to documents from PPAT which are collected in the ATR / BPN database.

An online system is a data delivery system through telecommunications facilities from one location to a data processing center, where the data is directly processed by the CPU (Central Processing Unit). In this online communication system, data sent through a computer terminal can be obtained directly and processed by the computer when needed (Sugiharto, 2022).

The online-based service discussed in this research is operated on a daily basis with an application called the Online Land Office Service Application (hereinafter referred to as the Online Land Office Service Application in this study) (Basir et al., 2023). The Online Land Office Service Application refers to the application used by PPAT to conduct land management activities, which is applied using their respective user IDs obtained by PPAT during the Online PPAT training held in the City of Makassar. However, upon further examination, the definition and purpose of the Online Land Office Service Application researched in this thesis are not directly mentioned in the ATR/BPN Regulation No. 5 of 2017, and the information service is actually part of the Online Land Office Service Application. This means that it is not the Land Office information service that provides the Online Land Office Service Application, but rather the Online Service Application that includes the Online Information Service.

Every right to land, including its changes, transfers, and encumbrances, must be registered. Registration is not only done for lands that have never been registered (without certificates) but also for lands that have been registered (with certificates) but have undergone changes in either the land or the owner. Land changes can vary, it can be due to a transfer of ownership, an encumbrance, or even if the land is lost or destroyed it must still be registered. One of the legal bases for the registration of the transfer of land ownership is Article 23 Paragraph (1) of the UUPA which states that "ownership rights, as well as any transfers, cancellations, and encumbrances with other rights must be registered in accordance with the provisions referred to in Article 19 of the UUPA." Therefore, every landowner is obligated to register their land as regulated by the UUPA. In accordance with the provisions of Article 19 Paragraph 1 of the UUPA No.5 of 1960, "to ensure legal certainty, the government conducts land registration throughout the territory of the Republic of Indonesia in accordance with the provisions stipulated by the government regulations."

The transfer of land ownership before and after the online system, in terms of the required documents for the transfer of certificate ownership, has not changed, such as the original certificate, ID card, family card, property tax proof, income tax and transfer fees payment proof, and other supporting documents if necessary (such as power of attorney in the case of sale, where the seller uses an agent). All of these documents must be completed by the parties involved. Regarding the steps in the process of making and signing the deed and paying transfer taxes, nothing has changed, even in terms of data completeness it remains the same. Only before delivering it to the Land Office, all completeness of documents must first be inputted from the PPAT office, in this case, referred to as online PPAT. If the documents have arrived at the Land Office, they will be checked by authorized personnel.

This verification process is carried out to avoid errors or discrepancies in the applicant's

data. In accordance with Regulation No. 1 of 2010 of the Republic of Indonesia regarding Land Service Standards and Regulations (SOP) Article 13 Transitional Provisions which states "at the time this regulation takes effect, land service applications that have been received in full will be carried out in accordance with the provisions that applied before the enactment of this regulation." With the enactment of this regulation, the service process also starts to apply, including the verification of applicant documents so that they can be immediately recorded and processed. Then there is the payment of the land registration fee. Just like other government institutions, if we want to arrange or have business with such an institution, of course there are fees that must be paid. In this case, regarding the procedure for transferring the name of the land ownership certificate at the Land Office, in accordance with Regulation No. 1 of 2010 of the Republic of Indonesia regarding Land Service Standards and Regulations Article 7 which states "the fees referred to in Article 4 letter c are service fees required of applicants in accordance with laws and regulations on the types and rates of non-tax state revenue receipts applicable to the National Land Agency of the Republic of Indonesia." Referring to this regulation, as an applicant, you are required to pay the predetermined fee in accordance with Government Regulation No. 128 of 2015 regarding the Types and Rates of Non-Tax State Revenue Receipts applicable to the Ministry of Agrarian Affairs and Spatial Planning of the National Land Agency, Article 16 Paragraph (2) which states "the service tariff for maintaining land registration data referred to in Article 15 letter b in the form of Land Transfer Registration Services for Individuals and Legal Entities, is calculated based on the formula $T = (1\% \times \text{Land Value}) \text{ IDR } 50,000.00$." Therefore, every service process at the Land Office is regulated according to the existing regulations. Regulation No. 1 of 2010 of the Republic of Indonesia regarding Land Service Standards and Regulations Article 9 which states "the procedure referred to in Article 4 letter e is the service process stages for each type of activity as listed in the flow chart in Annex III of this Regulation."

The procedure for transferring the name of the land ownership certificate at the Land Office has a process of work, recording, and correspondence, and there is a coordinator appointed for each according to their abilities and competence. As stipulated in Regulation No. 157 of 2010 of the Republic of Indonesia regarding Land Service Standards and Regulations Article 11 Paragraphs 1 & 2, namely: (1) For the smooth implementation of services, the Head of the Land Office and the Head of the Regional Office of the National Land Agency each appoint a coordinator and service counter officer who has the necessary skills and capabilities to meet the service needs. (2) The coordinators and officers referred to in paragraph 1 are periodically appointed by the Head of the Land Office or the Head of the Regional Office of the National Land Agency for a maximum of 2 (two) years. If the documents are complete and the payment has been made, the certificate requested by the applicant will then be recorded and processed by authorized employees. The name of the previous holder of the right in the land book and the certificate will be crossed out with black ink and initialed by the Head of the Land Office or the appointed Officer. The name of the new holder of the right is written on the page and column in the land book and the certificate, with the date of recording and signature of the Head of the Land Office or the appointed Officer, with the permission of the Provincial Regional Land Agency and the Central Land

Agency. In this process, the transfer of the land ownership certificate name takes around:

"The transfer of rights to land and ownership of apartment units through buying and selling, exchanging, gifting, incorporation into a company, and other forms of transfer of rights, except for transfers through auction, can only be registered if proven by a deed made by a competent PPAT according to the provisions of applicable laws and regulations."

The process of transferring ownership of land certificate can be carried out if the applicant has fulfilled the requirements or completed the necessary documents. This is regulated in the Indonesian Government Regulation No. 1 of 2010 on Land Service Standards and Regulations (SOP) Article 6 Paragraph (2), which states that "the requirements that must be fulfilled by the applicant so that the application can be further processed are in the form of land documents and documents related to land as listed in the appendix II of this regulation."

In addition, the implementation of digital validation in the process of transferring ownership of land certificates is closely related to contracts or agreements. A contract has legal force and must be complied with by both parties involved in the agreement. In the context of digital validation of land certificates, the validation process carried out through digital platforms or systems can be considered as a form of agreement between the validator and the certificate owner. In this case, the certificate owner authorizes the validator to process the application for transferring the certificate. With the implementation of digital validation, a valid and accountable contract is created between both parties. If any disputes arise regarding the validation or transferring process, the contract theory can be used as a reference to resolve the dispute.

Therefore, the implementation of digital validation in the process of transferring ownership of land certificates not only provides convenience and efficiency in administrative processes but also strengthens the legal force in the form of a valid and accountable contract.

2. Constraints of Implementing Digital Validation of Certificate of Title Name Change

Constraints of implementing digital validation of certificate of title name change can be divided into internal and external constraints, namely:

a. Internal Constraints

- 1) Lack of availability and quality of data in the digital system used for validation of certificate of title name change. This can hinder the validation process and cause errors in decision-making.
- 2) Lack of technical skills and understanding among those who perform validation, which can hinder the use of digital systems in the validation process.
- 3) Lack of supervision and control over the validation process conducted digitally, which can increase the risk of errors or data misuse.
- 4) Lack of support from management for the use of digital systems in the validation process, which can hinder the adoption of new technology.

b. External Constraints

- 1) Limited access and adequate internet connectivity, which can hinder the digital validation process of certificate of title name change.
- 2) Concerns about the security and privacy of data transmitted and stored in the digital system, which can hinder the use of digital systems in the validation process by concerned parties.
- 3) Regulations that are inadequate or do not accommodate the use of digital systems in the validation process of certificate of title name change.
- 4) Lack of support and collaboration from other parties, such as notary publics or related institutions, which can accelerate the digital validation process of certificate of title name change.

To overcome these constraints, actions need to be taken such as improving the quality of data in the digital system, providing technical training and support to those who perform validation, implementing strict supervision and control over the validation process, and strengthening support from management for the use of digital systems in the validation process. In addition, collaboration with other parties is necessary and regulations need to be ensured to support the use of digital systems in the validation process of certificate of title name change.

CONCLUSION AND SUGGESTION

Based on the discussion regarding the implementation of digital validation of certificate name change documents at the Land Office of Makassar City, it can be concluded that the use of digital systems in the validation process can provide several benefits such as time efficiency, increased accuracy, and cost reduction. However, the implementation of digital validation of name change documents also faces several challenges such as data quality, technical skills, supervision and control, as well as data security and privacy.

To overcome these challenges, actions need to be taken such as improving the quality of data in the digital system, providing technical training and support, implementing strict supervision and control, and strengthening management support for the use of digital systems. In addition, collaboration with other parties is necessary, and regulations must support the use of digital systems in the validation process.

By taking these actions, it is hoped that the implementation of digital validation of name change documents can run more effectively and efficiently, and provide greater benefits for all parties involved in the process.

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