INTERNATIONAL SIGNIFICANCE OF NOTARY
Volume 3 Issue 1, 2023
E-ISSN: **3025-3993**

Implementation Of The Regulation Of The Minister Of Agraria And Spatial Planning/ Head Of The National Land Agency Of The Republic Of Indonesia Number 5 Of 2020 Concerning Electronic Integrated Liability Rights Services (Study At The Blitar City Land Office)

Sunardi [1], Diyan Isnaeni, [2] Ari Prisnawan [3]

[1]*Master of Notarial Universitas Islam Malang,*
Email : sunardi_mkn@unisma.ac,id
[2]*Master of Notarial Universitas Islam Malang,*
Email : aripris85@gmail.com
[3]Malang Islamic University Students :

Abstract : Entering the digital era in today's technological developments, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, hereinafter referred to as ATR/BPN, has launched electronic land services. The electronic service in question concerns digital or electronic mortgage services. This was marked by the publication of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Electronic Integrated Mortgage Rights services, hereinafter referred to as Minister of Atr/Bpn Regulation No. 9 of 2019. And revoked and replaced with Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronic Integrated Mortgage Services
Problem formulation 1) How to implement the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronically Integrated Mortgage Rights Services at the Blitar City Land Office. 2) What are the obstacles in managing mortgage rights (Ht-El) for individuals who are not financial institutions at the Blitar City Land Office. 3) What steps are taken by the Blitar City Land Agency to resolve these obstacles. The method in this research is empirical research with a sociological and legislative approach with data collection techniques using document studies, interviews.
Results of research on the implementation of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronically Integrated Mortgage Rights Services at the Blitar City Land Office. At first it didn't work well because it was a new product that had been implemented at the Blitar City Land Office, in other words it didn't work effectively. What are the Obstacles in Managing Mortgage Rights (Ht-El) for Individuals and Not Financial Institutions at the Blitar City Land Office? That the main obstacle often experienced by Htel users and administrators is the IT system on HT-el or the HT-el application which is still often problematic and lacking. human resources at ATR BPN Blitar City. What steps have been taken by the Blitar City Land Agency in resolving these obstacles, including server repairs and training for Blitar City BPN Atr officials as well as outreach to the community and PPAT.

Keywords : regulations, mortgage rights, electronics.

1. Introduction

Entering the digital era in today's technological developments, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, hereinafter referred to as ATR/BPN, has launched electronic land services. The electronic service in question concerns digital or electronic mortgage services. This was marked by the publication of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 9 of 2019 concerning Electronic Integrated Mortgage Rights services, hereinafter referred to as Minister of Atr/Bpn Regulation No. 9 of 2019. And revoked and replaced with Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronic Integrated Mortgage Services.

The journey of Electronic Mortgage Services has actually started since the enactment of ATR/BPN Ministerial Regulation Number 7 of 2019 concerning the second amendment to ATR/BPN Ministerial Regulation Number 3 of 1997 concerning Implementation Provisions of Government Regulation Number 24 of 1997, as well as ATR Ministerial Regulation Number 9 of 2019 concerning Rights Services Electronically Integrated Dependents. What is meant is, among other things, to regulate that the PPAT Deed submitted to the Land Office can be in the form of an electronic document carried out via an electronic system. And it was revoked and replaced with the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronic Integrated Mortgage Services.

At that time, Electronic Mortgage Rights were implemented in several Land Offices in Indonesia as a trial, where the installation of Electronic Mortgage Rights via the HT-el system could be carried out for Debtors who were also Holders of Land Rights which were the object of Collateral which was burdened with Electronic Mortgage Rights. For Debtors who are not Land Rights Holders and also Individual Creditors, the granting of Mortgage Rights cannot yet be carried out electronically and is still carried out manually by registering directly at the local Land Office.

HT-el registration for individual creditors, the mechanism is the same as for bank legal entity creditors. Individual creditors must register and create an account via the link https://htel.atrbpn.go.id, after the creditor creates an account then PPAT will input or upload the HT-el registration requirements file, the creditor's task is only to register and pay the SPS (Order Letter). Deposit) if there is a notification for the SPS payment.

Based on the results of the author's survey, electronic registration of mortgage rights provides benefits for the PPAT itself, the benefits include that managing HT becomes more practical, time efficient, PPAT does not need to go back and forth to the land office for the process of issuing the mortgage rights itself, all the data just needs to be uploaded to existing applications. And also because HT-el is not carried out face to face, it can minimize and avoid non-legal activities such as corruption, collusion and nepotism.

However, in reality and in practice, the implementation of HT-el does not always run smoothly, because HT-el is something that is relatively new and its implementation is carried out simultaneously and is not accompanied by adequate introduction/socialization resulting in many obstacles that arise in the HT-el system service. This. This clearly creates problems that can be detrimental to the parties involved in HT-el, whether PPAT, creditors, and debtors, not to mention if there are errors or mistakes in HT-el registration, who will be responsible. Therefore, it is very necessary to have mature regulations and systems in implementing Electronic HT.

There are obstacles that arise in HT-el registration, especially for HT-el users, namely PPAT and creditors that need to be resolved. These obstacles or problems are related to the technical usage that the Ministry of ATR/BPN made on April 29 2020. These obstacles are related to the IT system and the HT-el service server. Both creditors and PPAT are required to always confirm IT problems with the organizer, namely the local defense office. In order to complete the granting of mortgage rights until the certificate is issued, the creditor and PPAT are required to have good abilities and skills in using the IT system because HT-el is only a system that is ordered by humans. Therefore, adequate human resources are needed in carrying out the HT-el registration, both from PPAT, creditors and human resources from the office.

From the obstacles that occur in implementing HT-el, it can be concluded that although Ministerial Regulation no. 5/2020 concerning HT-el has been issued and has been in effect since its promulgation, however the implementation of Ministerial Regulation no. 5/2020 concerning HT-el still depends on the readiness of each Land Service office in implementing an electronic system in providing services to the community, even though the main aim of HT-el is to provide convenience in the service system for the community and PPAT, there are still many problems or obstacles which arise in the service and implementation of this electronic HT system.

Based on the background above, the author is interested in conducting research with the title: Implementation of Integrated Electronic Mortgage Services (Study at the Blitar City Land Office)

From the background description of the problem above, the author formulates the problem as follows:

1. How is the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronically Integrated Mortgage Rights Services at the Blitar City Land Office?
2. What are the obstacles in managing mortgage rights (Ht-El) for individuals who are not financial institutions at the Blitar City Land Office?
3. Efforts made by the Blitar City Land Agency to resolve these obstacles?

2. Method

This research method is empirical with a sociological juridical approach. The research location chosen for this research is the Blitar City land office and Blitar City PPAT.

There are 2 (two) types of data sources used in this empirical legal research, namely primary data and secondary data, namely:

1. Primary Data Source
   Primary data is data obtained through field surveys. Primary data is obtained directly from primary sources, such as the behavior of community members as seen through research[1].
2. Secondary Data Sources
   Secondary data is data that is collected, processed and then presented by another party, both in form and content. The secondary data has been formed and filled in by previous researchers, thus subsequent researchers have no supervision over the collection, management, analysis and construction of data.[2]

In this research, the data collection technique uses 2 (two) methods, namely first, field research, namely primary data obtained directly from interviews with informants and respondents, and second, using library research. Data analysis is a process of using and organizing data in patterns, categories and basic units of description, so that themes can be obtained and a working hypothesis can be formulated as suggested by the data.[3]

3. Discussion

A. How is the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronically Integrated Mortgage Rights Services at the Blitar City Land Office.

---

[1] Soerjono soekamto, *pengantar penelitian hukum*, jakarta, ui pres, 1986, hlm. 10.

[2] *ibid*, hlm. 12

[3] Johnny ibrahim, *teori dan metodologi penelitian hukum normatif,* Malang, banyu media, 2005, hlm. 81.

The importance of registering the mortgage right is an absolute requirement for the birth of the mortgage right, so that the principle of publicity is fulfilled which has an important influence on the material guarantee agreement made by the debtor and creditor. Fulfilling the principle of publicity means that the material guarantee agreement will not only be valid and binding on the parties, but will also bind third parties and provide legal certainty to interested parties, if it has been registered at the land office so that it is open and known to the public.

In connection with the registration of mortgage rights guarantees on June 21 2019, the government through the Minister of ATR/BPN issued "Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency Number 9 of 2019 concerning Electronic Integrated Mortgage Services". And ATR/BPN Ministerial Regulation No. 5 of 2020 origin 1 paragraph 7 states that:

"Electronically Integrated Mortgage Rights Services, hereinafter referred to as HT-el Services, is a series of mortgage rights services processes in the context of maintaining land registration data which is carried out through an integrated electronic system."

This is an embodiment of Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions, which in Article 1 Paragraph 1 states that an electronic system is: "a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce , send, and/or disseminate Electronic Information."

However, this regulation only lasted one year, on July 8 2020 PM ATR/BPN No. 9 of 2019 was revoked and replaced with Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronic Integrated Mortgage Services which is based on Article 38 This Ministerial Regulation comes into force on the date of promulgation, namely April 8 2020.

The issuance of this candy is a step forward for the Ministry of Agrarian Affairs and Spatial Planning of the National Land Agency in making it easier for the public to obtain services from the ministry by taking advantage of technological developments. and it is also hoped that this HT-el will reduce 50 percent of the queues at the Blitar City Land Office counter, will reduce the potential for fraud, reduce documents that have been piling up at the Blitar City Land Office, and can provide certainty of time and cost certainty to the public. 4

Regulation of Electronic Mortgage Rights is contained in ATR/BPN Ministerial Regulation No. 5 of 2020 concerning Electronic Integrated Mortgage Services (HT-el Ministerial Regulation), in which it is stated that: "the types of mortgage services

[4] Wawancara dengan Suwito Adi, A.Ptnh. Kasi peralihan hak atas tanah pada tanggal 05 januari 2023 pukul 09.45 wib.

that can be submitted through the HT-el system include registration of mortgage rights; transfer of mortgage rights; change of creditor name; elimination of mortgage rights; and data improvement."

HT-el registration arrangements are regulated in ATR/BPN Ministerial Regulation No. 5 of 2020 concerning Electronic Integrated Mortgage Services (Permen HT-el), in which CHAPTER III Mechanism for Electronic Integrated Mortgage Services Article 9 states that:5

1) Creditors apply for HT-el Services through the HT-el System provided by the Ministry.
2) In the event that the application for HT-el Services as referred to in paragraph (1) is in the form of registration of Mortgage Rights or transfer of Mortgage Rights, complete required documents are submitted by PPAT.
3) In the event that the request for HT-el Services as referred to in paragraph (1) is in the form of a change in the Creditor's name, deletion of Mortgage Rights, or data correction, the completeness of the required documents shall be submitted by the Creditor.
4) Requirements for requests for HT-el Services are in accordance with statutory provisions and are submitted in the form of Electronic Documents.

Basically, to use the HT - el system, users must be registered first with the following conditions:[6]

1. Users of the HT-el system service consist of individuals/legal entities as creditors and Ministry of State Civil Apparatus tasked with servicing mortgage rights;
2. The individuals/legal entities referred to previously must be registered users of the HT-el system, by fulfilling the following requirements:
   a. Have an electronic domicile;
   b. Certificate of registration with the financial services authority;
   c. Statement of fulfillment of requirements and criteria and agreement to conditions as a registered user;
   d. Other conditions determined by the ministry.
3. The Ministry verifies the registration and has the right to refuse the registration in question.

Article 10 contains the rules for submitting deeds and documents complementary to credit requirements by PPAT. This delivery is stated in Article 9 Paragraph (2), namely through the work partner's electronic system which is

---

[5] Wawancara dengan Suwito Adi, A.Ptnh. Kasi peralihan hak atas tanah pada tanggal 05 januari 2023 pukul 09.45 wib.

[6] Sekretariat Negara Republik Indonesia. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 9 Tahun 2019 tentang *Pelayanan Hak Tanggungan Terintegrasi Secara Elek tronik*. Jakarta, 2019.

E-ISSN: **3025-3993**

connected to the HT-el system. Documents are submitted along with other equipment such as a statement of accountability for the validity/authenticity and correctness of the electronic document data submitted. PPAT is obliged to keep all documents complementary to this mandatory requirement. After that, the HT-el system that has received the HT-el service request will issue proof of the request. Tariffs for HT-el services are determined in the Law concerning Non-Tax State Revenue which is in force at the Ministry. If the system confirms the costs and application data, the application will be processed immediately. Creditors can confirm directly with the Defense/Complaints Service office if the system does not confirm the rates/fees. Whether or not the required documents and the concept of the HT-el certificate are in compliance must be checked by the head of the defense office/relevant official before the results of the HT-el service are issued.

This inspection uses the HT-el system, if something is incomplete/inappropriate then you need to report it to PPAT or the creditor so that you can immediately complete what is incomplete/inappropriate. This document must be completed no later than five days after the HT-el system receives the credit service application. If the time limit exceeds, the Creditor and/or PPAT do not complete the documents, then the application is declared void. Meanwhile, on the other hand, the Head of the Land Office or an appointed official gives approval for the upload of the required documents and concept of the HT-el Certificate. If the Head of the Land Office or appointed official does not examine the required documents until the 7th (seventh) day and the results of the HT-el Service are published by the HT-el System, then it is deemed to have given approval and/or ratification.

Please note, the Head of the Land Office or appointed official is administratively responsible for the results of HT-el services[7] The mechanism for electronic mortgage rights is that PPAT does not need to come to the office to submit the prepared files, just upload them into the system provided by the land office. PPAT is required to use the application provided by the Ministry of ATR/BPN. The way to do this is by joining as a BPN partner, registering and creating an account via the link https://mitra.atrbpn.go.id/datappat/login/in your browser. Next, PPAT submits a copy of the land certificate and deed to the Bank, then the Bank creates an electronic application file, PPAT pays the registration fee, and on the 7th day receives the HT-el certificate in PDF form along with the digital signature. Then the creditor will print and attach the registration records to the Land Rights Certificate as a collateral object.

[7] https://www.hukumonline.com/berita/baca/lt5f27c575eba57/kenali-mekanisme-pendaftaran-hak-tanggungan-secara-elektronik?page=2, Akses 9 April 2021

Likewise with HT-el registration for individual creditors, the mechanism is the same as for bank legal entity creditors. Individual creditors must register and create an account via the link https://htel.atrbpn.go.id, after the creditor creates an account then PPAT will input or upload the HT-el registration requirements file, the creditor's task is only to register and pay the SPS (Order Letter). Deposit) if there is a notification for the SPS payment.[8]

Meanwhile, for APHT entrusted by PPAT whose work area is outside the collateral object, the person who will input or upload the HT-el requirements file after the APHT is issued is the PPAT who created the APHT. Access and registration of services in this electronic land services application cannot be done if the data held is not updated first.9

In the Regulation of the Minister of ATR/BPN of the Republic of Indonesia No. 5 of 2020, especially Article 10 concerning Electronic Integrated Mortgage Services, it is known that physically there is no change in the relationship between the debtor, PPAT and creditor in the step of making the deed. This is because in the provisions of the Ministerial Regulation it is stated that:[10]

a. PPAT submits deeds and documents completing the requirements as intended in article 9 paragraph (2) through the electronic system of working partners which is integrated with the HT-el System;
b. Submission of documents is accompanied by a statement regarding responsibility for the validity and correctness of the submitted electronic document data;
c. All required documents as intended in paragraph (1) must be kept by PPAT;
"The format of the Statement Letter as intended in paragraph (2) is listed in attachment I which is an inseparable part of this Ministerial Regulation."

PPAT or Land Deed Making Official in Indonesia is one of the general officials. PPATK has the authority to make deeds (there are 8 types of PPAT deeds) one of which is APHT/Deed of Granting Mortgage Rights according to PP No. 37 of 1998 concerning PPAT Position Regulations and PP No. 24 of 2016 concerning Amendments to PP No. 37 of 1998 concerning PPAT Position Regulations. PPAT creates its own PPAT deed form based on the existing format according to Perkaban (Regulation of the Head of the National Land Agency) of the Republic of Indonesia No. 8 of 2012 concerning Amendments to Minister of Agrarian

---

[8] Wawancara dengan Suwito Adi, A.Ptnh. Kasi peralihan hak atas tanah pada tanggal 05 januari 2023 pukul 09.45 wib.

[9] Wawancara dengan Suwito Adi, A.Ptnh. Kasi peralihan hak atas tanah pada tanggal 05 januari 2023 pukul 09.45 wib.

[10] Wawancara dengan staf PPAT kota blitar Heru eko pramono, S.H., M.Kn. pada tanggal 6 desember 2022 puku 10.00 wib

E-ISSN: **3025-3993**

Regulations/Head of BPN No. 3 of 1997 concerning Provisions for the Implementation of PP No. 24 of 1997 concerning Land Registration.

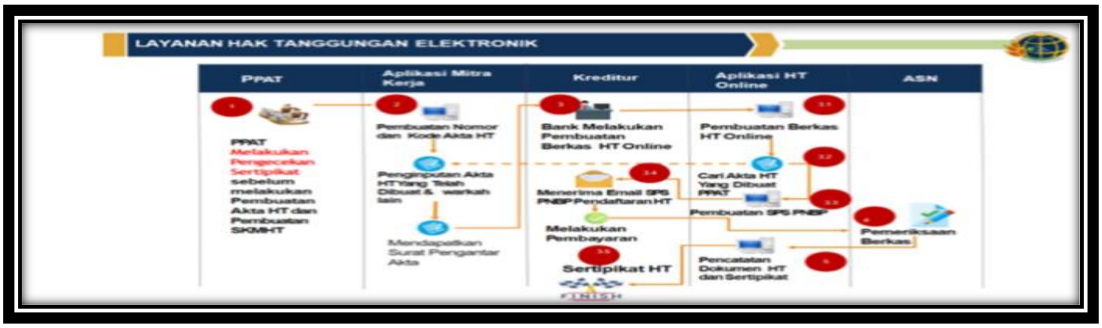
Based on existing legal regulations, PPAT still creates its own physical PPAT deed format. Apart from PPAT, financial institutions such as banks and individuals who act as creditors are other parties who can use Electronic Mortgage Rights.

The HT-el registration mechanism is explained in ATR/BPN Ministerial Regulation Number 5 of 2020 concerning Electronic Integrated Mortgage Services. Before carrying out HT-el registration, PPAT and Creditors as service users must be registered so they can get access to use the Mitra Kerja Application.

The process of electronically encumbering Mortgage Rights from the making of the APHT to the issuance of the Mortgage Rights Certificate can be seen in the picture of the Electronic Mortgage Encumbrance Flow/Process below:

Figure 4.1

Mortgage Services



Gambar 4.1. Layanan Hak Tanggungan Elektronik

For PPAT, before carrying out the Mortgage Rights registration process, they must first register on the PPAT Work Partner Application at mitra.atrbpn.go.id and have validated the data and have it verified by the Land Office. The HT-el registration flow or mechanism is carried out from the https://htel.atrbpn.go.id application by users registered as PPAT and Financial Services. After logging in to the BPN partner application, the steps to be carried out are:[11]

[11] Wawancara dengan Ibu fatmawati selaku Karyawan Bank BRI Kantor Cabang Kota blitar, pada tanggal 04 Januari 2023 pukul 12.00 wib

Figure 4.2

Online Mortgage Rights page for PPATs that have been registered with BPN partners.

Sumber: https://docs.atrbpn.go.id/htel/bank/htel/

o Click the Service menu (number 1)

o Click Login (number 2)

Figure 4.3.

Member login page for PPATs that are registered with BPN partners

Sumber: https://docs.atrbpn.go.id/htel/bank/htel/

o Input user name (Financial Services) (number 3)

o Password input (number 4)

o Checklist to stay logged in (number 5)

o Click login (number 6)

After logging in to the BPN partner application, the steps to be carried out are:[12]

[12] Wawancara dengan PPAT Kota Blitar Lia Retno Wulan, S.H., M.Kn, pada tanggal 03 januari 2023 pukul 09.00 wib

E-ISSN: **3025-3993**

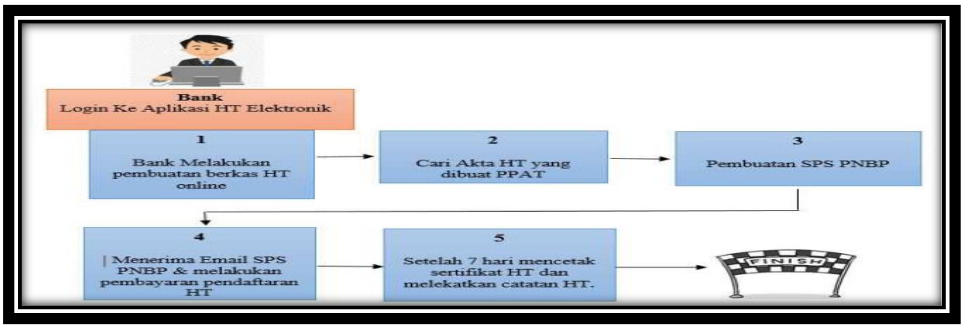
1. The creditor/bank comes to PPAT to make APHT;
2. Check the certificate/measurement letter for the object of the Mortgage Guarantee manually and check it into the electronic system;
3. After checking and the results are appropriate, an APHT (Deed of Granting Mortgage Rights) will be made and signed by the bank then returned to PPAT;
4. The signed APHT is then scanned and input into the system along with other documents, such as KTP, HT guarantee object certificate, PNBP, bank authorization, SKMHT (if the basis is SKMHT), into the HT-el system;
5. PPAT registers the Deed of Granting Mortgage Rights (APHT) to obtain the deed code by filling in all the information contained in the APHT, such as deed data, debtor identity, creditor identity, witnesses, agreement of the parties, certificate data, and other documents included in the HT-el application requirements.
6. After that, download the deed cover letter and submit it to the creditor/bank.

Flow of the Electronic Mortgage Rights Mechanism by the Bank as creditor:[13]

1. Bank login to the HT Elektronik application;

Figure 4.4

HT-el registration is carried out by the Bank as the creditor



Sumber: https://docs.atrbpn.go.id/htel/bank/htel/

[13] Wawancara dengan Ibu fatmawati selaku Karyawan Bank BRI Kantor Cabang Kota blitar, pada tanggal 04 Januari 2023 pukul 12.00 wib

2. The bank creates an online HT application file which is signed by the management and has sufficient stamp duty, then scanned and uploaded to the application along with the HT deed that has been prepared by PPAT;
3. Then the PNPB SPS (Deposit Order) will appear and make the payment. Payment at the Bank can be made within 3 (three) days after the date of application submission.
4. The application is processed after the data and fees paid have been confirmed by the HT-el system.
5. If the payment is not confirmed by the HT-el system, creditors can confirm directly to the Land Office or Complaints Service.
6. Check the conformity of the required documents and the concept of the HT-el certificate by the Head of the Land Office or appointed official.
7. Inspection is carried out via the HT-el system.
8. If the audit results show incomplete or inappropriate documents, creditors and/or PPAT will be notified to immediately complete the files and be given a maximum period of 5 (five) days from the time the service request is received by the HT-el system.
9. If within this time period the creditor or PPAT does not complete the documents, the application is declared void.
10. If the required documents are appropriate, the Head of the Land Office or an appointed official will give approval for the upload of the required documents and the HT-el certificate concept.
11. After the file inspection has been carried out and the payment has been confirmed, the Land Office will record the Mortgage Rights in the land book and check the concept of the HT-el Certificate. Then the creditor records it on the land title certificate or HMSRS by attaching a printout of the note issued by the system. HT-el service products will be issued 7 (seven) days after the application registration is confirmed. The product produced is in the form of a Mortgage Rights Certificate which is signed electronically by the Head of the Land Office and a Mortgage Rights record in the land book and a Land Rights Certificate or HMSRS.
12. The results of the HT-el service are in the form of electronic documents which include (a) an HT-el certificate, (b) a record of Mortgage Rights in the land book of land rights or ownership rights to an apartment unit, and (c) a record of Mortgage Rights in the Title Certificate On Land or Ownership Rights on Flat Units. 16) Recording of Mortgage Rights in the land book of land rights or ownership rights of apartment units is carried out in the Electronic Land Book by the Head of the Land Office or an official who is given authority.

Figure 4.5
Example of Mortgage Rights certificate along with Mortgage Rights record

The HT-el certificate can be downloaded and printed by the creditor, this certificate is only one sheet and is in pdf form, although this file is in pdf format and can be converted to Microsoft Word format so that it can be edited, this is very minimal because it is in the certificate HT-el has a barcode containing all information related to the Mortgage Rights Certificate which can be used to check the results of the service by scanning it using the Touch Tanahku application.

Therefore, it is very unlikely that the HT-el certificate will be misused by creditors who have bad intentions. And also in Article 21 of the Agrarian Ministerial Regulation Number 5 of 2020, it is stated that there is a prohibition on changing the contents, manipulating etc. of certificates. Even if the HT-el certificate holder is found to have changed or manipulated the contents of the HT-el certificate, he may be subject to sanctions in accordance with applicable laws and regulations.[14]

For the second level Mortgage Rights registration and then a new HT-el certificate with a new number is issued. The ranking in Mortgage Rights is a Preference Right for creditors. Each rank of mortgage right holder is only the first mortgage right holder who has the right to sell the object of mortgage rights. This provision is stated in Article 6 of the Mortgage Rights Law, namely;[15]

"If the debtor breaks his contract, the holder of the first mortgage right has the right to sell the object of the mortgage right under his own authority through a public auction and collect the receivables from the proceeds of the sale."

The collateral for land rights is encumbered with mortgage rights of up to 6 (six) levels, namely;

[14] Wawancara dengan Arief Wibowo SH., M.H Kepala Sub Bagian Tata Usaha pada tanggal 05 januari 2023 pukul 09.45 wib

[15] Wawancara dengan PPAT Kota Blitar Lia Retno Wulan, S.H., M.Kn, pada tanggal 03 januari 2023 pukul 09.00 wib

1. Rank I (First), rank I mortgage rights occur because the guarantee of land rights is imposed on the first credit application.
2. Rank II (Second), rank II (second) mortgage rights occur because the collateral for land rights that have been charged with mortgage rights at level I (first) is charged again in the application for additional credit or addendum to the first credit agreement.
3. Rank III (Third), rank III (third) mortgage rights occur because the guarantee of land rights is imposed on the credit application and the addendum to the first credit agreement is charged again for the second additional credit application.
4. Rank IV (Fourth), rank IV (fourth) mortgage rights occur because the guarantee of land rights is charged on the credit application, addendum to the first credit agreement, and the second credit application addendum is charged again for the third credit application addendum.
5. Rank V (Fifth), rank V (fifth) mortgage rights occur because the guarantee of land rights is charged on the credit application, addendum to the first credit agreement, addendum to the second credit agreement and addendum to the third credit agreement, charged again for the application for addendum to the fourth credit agreement .
6. Rank VI (Sixth), rank VI (sixth) mortgage rights occur because the guarantee of land rights is charged on the credit application, the addendum to the first credit agreement, the addendum to the second credit agreement, the addendum to the third credit agreement, and the addendum to the fourth credit agreement are charged again for application for addendum to the fifth credit agreement.

The emergence of a mortgage rights certificate in a credit agreement with collateral for land rights which can give rise to a mortgage right ranking is not all going well. This is because not all guarantees of land rights in a credit agreement can be encumbered with mortgage rights, because the encumbrance of mortgage rights is not carried out in its entirety but only on relatively high credit applications where the encumbrance of mortgage rights is registered[16]. So even though the value of the collateral used as collateral in a credit application is very high, if the credit application is small, a mortgage is not charged. Therefore, even though the value of the collateral still allows an application for additional credit to be submitted, it is not possible to submit an application for additional credit again because the mortgage rights are not charged. Meanwhile, if there is a mortgage right ranking, it is possible to apply for credit more than once or add credit, if the collateral for land rights is registered with the right to encumber the mortgage right.

[16] Wawancara dengan Ibu fatmawati selaku Karyawan Bank BRI Kantor Cabang Kota blitar, pada tanggal 04 Januari 2023 pukul 12.00 wib

Based on ATR/BPN Ministerial Regulation No. 5 of 2020 Article 5 paragraph (1) "Components for providing HT-el Services, consist of:

1. Ministry as organizer;
2. Land Office as executor: and
3. Creditors, PPAT or other parties determined by the ministry as users.

The HT-el system operator is responsible for the operation of the HT-el System and is subject to the provisions of laws and regulations. The HT-el system implementer is a component of the HT-el System Operator which has the authority to examine and validate the results of HT-el services and is subject to statutory regulations. HT-el System users are those who utilize the HT-el System provided by the Operator.

Users of the HT-el System based on ATR/BPN Ministerial Regulation No. 5 of 2020 Article 7 paragraph (1) include:

1. Creditors: and
2. PPAT or other parties determined by the Ministry.

Creditors are individuals/legal entities as regulated in statutory regulations. Registered users have the right to use the HT-el system with all its supporting features and must comply with the terms and conditions regulated in the HT-el system and the ministry has the authority to take action against all forms of violations committed by Registered Users. Implementation at the Blitar City Land Office which are creditors are verified banks and also PPAT as users, namely PPAT which has been verified on the website https://mitra.atrbpn.go.id/ HT-el services carried out by the City Land Office Blitar since the end of December 2019. In 2020 HT-el at the Blitar City Land Office was still implemented on a hybrid basis and in 2021 everything will be done electronically. HT-el services from January 2021 to the end of January 2022 totaled 1055 requests.17

ATR/BPN Ministerial Regulation No. 5 of 2020 concerning Electronic Integrated Mortgage Services, seen from the contents of article by article, it is very supportive in the implementation of HT-el services carried out throughout Indonesia, especially at the Blitar City Land Office, is adequate and supports the implementation of HT-el . At the beginning of the implementation, it was clear that there were complaints and obstacles from PPAT due to limited human resources, so far they had not used computers, but as time went by, there were no longer any problems.

Thus, based on the results of interviews with HT-el, PPAT and bank implementing officers, in the implementation of HT-el services at the Blitar City Land Office, especially the registration of Mortgage Rights, the author can conclude

[17] Wawancara dengan Suwito Adi, A.Ptnh. Kasi peralihan hak atas tanah pada tanggal 05 januari 2023 pukul 09.45 wib.

that HT-el starts from an agreement between the debtor and creditor to carry out a Credit Agreement (PK) with the guarantee of a land rights certificate and then face the Land Deed Making Officer (PPAT) by making a Deed of Granting Mortgage Rights which is also called APHT. Previously, the land rights certificate was checked electronically via the website https://htel. atrbpn.go.id/ by carrying out online clean check services to avoid false or inappropriate guarantees in making APHT. There are two results from the clean check of the land title certificate, namely appropriate and non-compliant, if appropriate then this APHT can be made. If the results of this clean check do not match, it will be checked again by officers at the Blitar City Land Office or an online Land Registration Certificate (SKPT) will be issued.

The APHT and its complete files are uploaded by PPAT on the website https://mitra.atrbpn.go.id/ followed by HT registration carried out by the bank which has been verified as a creditor based on the APHT which has been registered by PPAT and then checked again by the creditor previously without visiting the Blitar City Land Office. The creditor as the operator creates files and completes the APHT data that has been created by PPAT and uploads the HT installation application letter file which then prints a Deposit Order Letter (SPS) where the amount to be paid is stated and you will get a State Revenue Transaction Number (NTPN) which is payment code that will be paid through the designated banks. After payment, a receipt for payment will be issued.

The next task carried out by the HT-el Implementing Officer at the Blitar City Land Office is processing the HT-el application file where the digital files that have been uploaded will be checked again by the HT-el implementing officer. There are 2 results of decisions regarding the HT-el application files that have been examined, namely the files are appropriate and not appropriate. If the application documents are in accordance with the APHT along with other supporting documents and the completeness requirements have been met, the HT-el certificate can be issued by sending it via email to the creditor supervisor and PPAT will receive notification that the HT-el certificate has been issued. If it is not appropriate, the HT-el Implementing Officer will postpone the HT-el application until the bank (creditor) or PPAT corrects it within 5 days after the application file is registered because the HT-el settlement time is only 7 calendar days. If there has been no improvement from the bank (creditor) and PPAT after 5 days of the application file being registered then the HT-el application is canceled and the fees paid cannot be returned. If you want to re-register you have to start again from the beginning. If force majeure occurs which disrupts the HT-el system and causes service results such as HT-el certificates to not be issued, then the application submitted is deemed to be cancelled. In this case, the Creditor can reapply and the previously paid fees will be used to reimburse HT-el service fees provided that the subject and object of registration are the same.

B. What are the Obstacles in Managing Mortgage Rights (Ht-El) for Individuals and Not Financial Institutions at the Blitar City Land Office

Based on the results of an interview with Lia Retno Wulan, S.H., M.Kn as a Notary and PPAT in Blitar City, in practice in the field the implementation of Electronic Mortgage Rights services does not always run smoothly, because Electronic Mortgage Rights are something new and implementation is carried out without going through Adequate socialization transition resulted in various obstacles emerging in the implementation of Electronic Mortgage Services based on the Republic of Indonesia ATR/KBPN Ministerial Regulation No. 5 of 2020 which has been implemented simultaneously nationally since 8 July 2020, these obstacles have become challenges for PPAT and creditors, these obstacles include:[18]

1. Obstacles in implementing HT-el for PPAT
   a. Checks and balances are lacking, after the file is registered there will be a correction within 5 working days, if there are errors or deficiencies in the PPAT file/the bank as the creditor is obliged to correct the error, however the Land Office often corrects it in a short time, the correction notification appears within 4 the day after the file is registered, like it or not, PPAT/Bank as the creditor must correct the correction on that same day, even though it is not certain that the file that must be corrected is easy to obtain and if it is not immediately corrected the SPS PNBP will be forfeited and you will usually have to start over from the beginning. The Land Office does not want to be blamed, this is very detrimental to creditors, because until now there has been no regulation regarding procedures for returning PNBP and service fees. in the Technical Instructions Number: 2/Juknis-400.HR.02/IV/2020 only explains that a refund of service fees can be submitted if the mortgage service is declared canceled due to force majeure circumstances due to problems with the system. But in practice, the process of returning costs is very difficult and what happens is that the costs remain forfeited.
   b. The IT system is not ready, the HT application server errors often experience problems which usually occur during working hours because it is used throughout Indonesia, it is difficult to upload data, so it needs to be done repeatedly, even though PPAT only has 7 working days after the APHT is created.
   c. The certificate is not ready when it is uploaded, it has not been validated, it has not been uploaded, the certificate is not found in the system, the data on

[18] Wawancara dengan PPAT Kota Blitar Lia Retno Wulan, S.H., M.Kn, pada tanggal 03 januari 2023 pukul 09.00 wib

the certificate is not the same as the physical data with the data at the Land Office because usually the data at the Land Office is old data that has not been updated. even though this takes a long time.

d. Electronic Mortgage Rights services are only for land that has been certified, for land that has not been certified a conversion must be carried out first, starting with the creation of a SKMHT (Power of Attorney to Encumber Mortgage Rights) and this must be done conventionally. In other words, electronic mortgage services do not provide access to implement the provisions of Article 10 paragraph (3) UUHT.
e. Banks as creditors usually take a long time to register and need to be reminded. In fact, HT-el registration all depends on PPAT and the bank as the creditor itself.

According to Mr. Heru Eko Pramono, S.H., M.Kn[19] The certificate must be validated by the Blitar City Land Office. If it is not validated, you cannot continue to register for Electronic Mortgage Rights. Apart from that, sometimes the system is down and cannot be accessed.

Based on the interview above, it can be concluded that the obstacles that occur in PPAT apart from the obstacles above include;

1) The problem with the duties and authority of the PPAT, which previously submitted and registered the APHT, is now only to submit it without registering it.
2) There needs to be a ranking option in submitting APHT in the application because not once or twice a ranking error occurred when the Ht-el draft was published. This ranking option must exist because an HT object can be burdened with more than one to guarantee the repayment of more than one debt. In granting HT for different Credit, if the creditor feels confident in the Debtor's ability and the collateral guaranteed is still sufficient to be re-collateralized, a Second Rank Mortgage Binding can be carried out.
3) There needs to be an option to include more than one certificate for one HT application. The explanation of Article 2 paragraph (2) UUHT states "if the Mortgage Rights are imposed on several rights to land consisting of several parts, each of which is an independent unit and can be assessed separately, the principle of indivisibility "This can be avoided as long as it is expressly agreed in the Deed of Granting the Mortgage Rights in question." Based on the explanation of this article, it is necessary to have the option of entering more than one certificate for registration of mortgage rights using the HT-el system.

[19] Wawancara dengan staf PPAT kota blitar Heru eko pramono, S.H., M.Kn. pada tanggal 6 desember 2022 puku 10.00 wib

4) The Land Office responds to errors in the uploaded application files at any time as long as the files have been registered because according to HT-el regulations days are calendar days, not working days. It is possible to inspect and respond on holidays, so PPAT will still repair or complete it on weekdays. This situation is because conditions such as PBB for repairs can only be carried out on working days where the tax management office (Regional Revenue Service) is closed on holidays.
5) PPAT is unsure whether the second APHT sheet will be handed over to the creditor or kept by PPAT itself. In the conventional APHT mortgage registration and other certificates are submitted to the Land Office, however in HT-el there are no more physical files submitted to the Land Office. The consequence of electronic services at the Ministry of ATR/BPN is that warkah documents are lost (warkah documents are not submitted to the Land Office). This is in accordance with the explanation that HT-el is the first step to prepare an e-office and zero warkah based land office. However, this is in contrast to the UUHT where in the UUHT Mortgage Rights are not carried out via electronic media, Article 13 paragraph (2) "PPAT is obliged to send APHT and other documents to the Land Office".

2. Obstacles in implementing HT-el for banks as creditors.

Based on the results of an interview with Mrs. Fatmawati as an employee of BRI Bank Blitar City Branch Office, it can be seen that the obstacles that are often experienced in the implementation of HT-el are as follows:[20]

a. The system at HT-el partners often does not connect or does not connect because it is used throughout Indonesia during the same working hours.
b. Because the IT system at HT-el is not yet ready, in the electronic mortgage process, many processes cannot be done via computer and you have to use a cellphone first and then continue using a computer.
c. There needs to be an option to include more than one certificate for one HT application. The explanation of Article 2 paragraph (2) UUHT states "if the Mortgage Rights are imposed on several rights to land consisting of several parts, each of which is an independent unit and can be assessed separately, the principle of indivisibility "This can be avoided as long as it is expressly agreed in the Deed of Granting the Mortgage Rights in question." Based on the explanation of this article, it is necessary to have the option of entering more than one certificate for registration of mortgage rights using the HT-el system

[20] Wawancara dengan Ibu fatmawati selaku Karyawan Bank BRI Kantor Cabang Kota blitar, pada tanggal 04 Januari 2023 pukul 12.00 wib

3. Obstacles in implementing HT-el for the Blitar City Land Office

From the perspective of the HT-el implementer, based on the results of an interview with one of the Blitar City Land Office officials[21] In the implementation of HT-el services, the main obstacle that often occurred was that the HT-el application which was integrated with the central connection server often experienced problems when this method was implemented because it was used throughout Indonesia, the connection became slow, but after going through several stages of repairing the connection system. Currently there are no more problems.

Apart from obstacles from PPAT, the Bank as the creditor, and obstacles from the Land Office, there are also obstacles faced by individual creditors, namely that they have not been registered and validated in the electronic mortgage service system. Individual creditors must register as verified users of the Touch Tanahku Application, individual creditors access the HT-el System using the Touch Tanahku Application account first and because individual creditors are usually not people who understand the law, the technicalities of creating partner accounts often encounter problems, namely not understanding the law. register on the application.22

Based on the various problems and obstacles above, the IT and HR systems are still not working well, if the IT and HR systems work well, this Electronic Mortgage Right is very profitable for PPAT/Bank because all control is with PPAT and the Bank. It was stated that one of the obstacles in the Electronic Mortgage Rights service is that it cannot be used for land that has not been certified as stated in point d of the obstacles in the PPAT.23

Thus, from the results of observations in the field and interviews with sources regarding the Obstacles in Managing Mortgage Rights (Ht-El) for Individuals and Not Financial Institutions at the Blitar City Land Office, the author can conclude as follows:

a) That the main problem often experienced by Htel users and operators is the IT system on HT-el or the HT-el application which still often has problems.
b) Constraints on PPAT are: 1). Corrections carried out by the Land Office on files that have been uploaded by PPAT often occur in a short time. 2). The HT-el application often experiences problems or server errors which usually occur during working hours. 3). Insynchronization between the physical data

[21] Wawancara dengan eko priyono SH., Ptnh. Kasi peralihan hak atas tanah pada tanggal 05 januari 2023 pukul 09.45 wib.

[22] Wawancara dengan Suwito Adi, A.Ptnh. Kasi peralihan hak atas tanah pada tanggal 05 januari 2023 pukul 09.45 wib..

[23] Wawancara dengan Ibu fatmawati selaku Karyawan Bank BRI Kantor Cabang Kota blitar, pada tanggal 04 Januari 2023 pukul 12.00 wib

of the Certificate and the data in the Land Office's electronic system. 4). The certificate is not ready when it is uploaded, it has not been validated, it has not been deployed. 5). Banks as creditors need to always be reminded to immediately carry out the Mortgage Rights registration process. 6). HT-el services do not provide access to land that has not been certified

c) Constraints on the Bank as Creditor, namely: 1). Server errors often occur in Ht-el partner applications. 2). There needs to be an option to include more than one certificate for one HT application. The explanation of Article 2 paragraph (2) UUHT states "if the Mortgage Rights are imposed on several rights to land consisting of several parts, each of which is an independent unit and can be assessed separately, the principle of indivisibility "This can be avoided as long as it is expressly agreed in the Deed of Granting the Mortgage Rights in question." Based on the explanation of this article, it is necessary to have the option of entering more than one certificate for registration of mortgage rights using the HT-el system.
d) Constraints on Individual Creditors: 1). Lack of understanding in registering on the Touch Tanahku application, which is an HT-el application for individual creditors.
e) Constraints on the Land Office as implementing HT-el, namely: 1). The main obstacle is the slow connection that occurs on the central server because it is used by Land Offices throughout Indonesia at the same time and day.

C. What steps are taken by the Blitar City Land Agency to resolve these obstacles..

From the results of observations and observations as well as from the results of interviews regarding barriers or obstacles in adding or registering HT-el in accordance with the regulations of Minister of ATR/BPN No. 5 of 2020 concerning Electronic Integrated Mortgage Rights Services, the steps taken by the Blitar City Land Agency in resolving these obstacles include the following:

a) There is a need for revision of the Laws and Regulations which do not yet have provisions regarding accountability and sanctions for users of the Htel system, namely PPAT and banks as creditors and implementers of the HT-el system, namely the Land Office.
b) There is a need to synchronize the Mortgage Rights Law with ATR/BPN Ministerial Regulation No. 5 of 2020 so that their implementation does not overlap.
c) The need for socialization in implementing the new system, socialization can be done using social media or can be done through village officials to socialize to the community, so that people understand about the HT-el system, especially for individual creditors who are basically not legal experts.

d) It is necessary to periodically update the data on the certificate to avoid insynchronization between the data on the physical certificate and the certificate data on the electronic system.
e) The need to mature, renew and maintain the IT system and its human resources (land office employees), because delays in registration of mortgage rights can result in cancellation and non-issuance of mortgage rights certificates. In the implementation of Electronic Mortgage services, the IT system and Human Resources are very closely related.
f) The need to foster good will and the principle of willingness and ability for land office employees. If the principle of willingness and ability is ingrained, everything will certainly run well and smoothly, capable in terms of mastery of the IT system and from a legal perspective. Because IT is only a tool, not a legal expert, it must support adequate legal implementation. If it doesn't support and isn't optimal, it's best to go back to conventional.
g) The need for continuous validation and checking of certificates should be changed to an Electronic System to facilitate the implementation of HT-el.

4. Conclusion

A. Implementation of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2020 concerning Electronically Integrated Mortgage Rights Services at the Blitar City Land Office. At first it didn't go well because it was a new product that had been implemented at the Blitar City Land Office. The mechanics of electronic mortgage registration are as follows:
   a. Register mortgage rights online via the website https://htel.atrbpn.go.id/
   b. APHT and its complete files are uploaded by PPAT on the website https://mitra.atrbpn.go.id/
   c. Followed by HT registration carried out by the bank which has been verified as a creditor based on the APHT which has been registered by PPAT.
   d. Then print a Deposit Order (SPS) where the amount to be paid is stated and you will get a State Revenue Transaction Number (NTPN) which is the payment code that will be paid through the designated banks.
   e. The HT-el Implementing Officer at the Blitar City Land Office processes the HT-el application file where the digital file that has been uploaded will be checked again by the HT-el implementing officer. There are 2 results of decisions regarding the HT-el application files that have been examined, namely the files are appropriate and not appropriate. If the application documents are in accordance with the APHT along with other supporting documents and the completeness requirements have been met, the HT-el

certificate can be issued by sending it via email to the creditor supervisor and PPAT will receive notification that the HT-el certificate has been issued.

B. Obstacles that occur in charging Electronic Mortgage Rights include, among others
   a. The main problem often experienced by Htel users and operators is the IT system on HT-el or the HT-el application which still often has problems.
   b. The obstacles to PPAT are: 1). Corrections carried out by the Land Office on files that have been uploaded by PPAT often occur in a short time. 2). The HT-el application often experiences problems or server errors which usually occur during working hours. 3). Insynchronization between the physical data of the Certificate and the data in the Land Office's electronic system. 4). The certificate is not ready when it is uploaded, it has not been validated, it has not been deployed. 5). Banks as creditors need to always be reminded to immediately carry out the Mortgage Rights registration process. 6). HT-el services do not provide access to land that has not been certified
   c. Constraints on the Bank as Creditor are: 1). Server errors often occur in Ht-el partner applications. 2). There needs to be an option to include more than one certificate for one HT application. Like the explanation of Article 2 paragraph (2) UUHT. Based on the explanation of this article, it is necessary to have the option of entering more than one certificate for registration of mortgage rights using the HT-el system.
   d. Obstacles for Individual Creditors: Lack of understanding in registering on the Touch Tanahku application which is an HT-el application for individual creditors.
   e. The obstacles to the Land Office as the HT-el implementer are: The main obstacle is the slow connection that occurs on the central server because it is used by Land Offices throughout Indonesia at the same time and day.
C. What steps are taken by the Blitar City Land Agency in resolving these obstacles, holding outreach and training, preparing more accountable human resources, improving servers connected to the certificate checking system.

5. References

Soerjono soekamto, *pengantar penelitian hukum*, jakarta, ui pres, 1986.

Johnny ibrahim, *teori dan metodologi penelitian hukum normatif,* Malang, banyu media, 2005.

Sekretariat Negara Republik Indonesia. Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 9 Tahun 2019 tentang *Pelayanan Hak Tanggungan Terintegrasi Secara Elek tronik*. Jakarta.

https://www.hukumonline.com/berita/baca/lt5f27c575eba57/kenali-mekanisme-pendaftaran-hak-tanggungan-secara-elektronik?page=2, Akses 9 April 2021

Conflict of Interest Statement: The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Jurnal Hukum dan kenotariatan is an open access and peer-reviewed journal published by Master Of Notarial, Universitas Islam Malang, Indonesia.

Open Access