

THE ROLE OF THE NATIONAL LAND AGENCY OF GIANYAR REGENCY IN OPTIMIZING THE OWNERSHIP OF ELECTRONIC LAND CERTIFICATES AS AN EFFORT TO PREVENT DOUBLE CERTIFICATES

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ABSTRACT

The overlap of land certificates involves various legal aspects, including Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA), Government Regulation Number 24 of 1997 concerning Land Registration, as well as the procedures applied in the Prona program. The purpose of this research is to analyze the role of the National Land Agency of Gianyar Regency in optimizing the ownership of electronic land certificates as a strategic measure to prevent double certificates. The type of research used in this study is empirical legal research. The research location is the National Land Agency Office of Gianyar Regency. The results of this study show that the implementation of electronic land certificates requires a longer transition period because the public has not yet fully trusted the existence of these electronic certificates, which also poses a challenge. The conclusion of this study is that the role of the National Land Agency of Gianyar Regency in optimizing the ownership of electronic certificates is very crucial in efforts to prevent double certificates. Through digital transformation, the Gianyar Land Agency encourages the integration of land data into a verified and transparent electronic system. The challenges faced by the National Land Agency of Gianyar Regency in optimizing electronic certificate ownership include uneven technological infrastructure, limited human resources who understand digital systems, and the low level of public literacy regarding the use of electronic documents. In addition, there are still technical obstacles such as overlapping old land data and challenges related to administrative culture.

Keywords: prevention, double certificates, electronic certificates

1. INTRODUCTION

Land issues in Indonesia remain complex and multidimensional, one of which is the overlap of land rights or the occurrence of duplicate land certificates. Duplicate certificates not only harm the legitimate rights holders but also create legal uncertainty and hinder development processes that require certainty of land status. Therefore, a modern, transparent, and accountable land administration system is needed to minimize the potential for agrarian conflicts.

As part of the digital transformation in the agrarian sector, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has initiated the issuance of electronic land certificates (e-certificates) to replace physical certificates. Electronic certificates are believed to improve the efficiency of land services, reduce document forgery practices, and most importantly, prevent the occurrence of duplicate certificates through an integrated and digitally-based data management system.

Gianyar Regency, as one of the strategic areas in Bali Province with a relatively high level of land dynamics, faces its own challenges in organizing land administration. Therefore, optimizing the issuance and utilization of electronic land certificates in Gianyar is a crucial step in preventing land conflicts and improving public services. One of the identified issues at the Gianyar Land Office (BPN Gianyar) is related to Ownership Certificates, which serve as valid and legally

recognized proof of land ownership in Indonesia. However, cases of overlapping or duplicate certificates frequently arise, leading to legal disputes in the land sector. One example is the case involving SHM Number 177 under the name of I Made Dapir, located in Keramas Village, covering an area of 1,960 m². This certificate was issued on October 7, 1981.

At one point, the owner of SHM 177 used the land as collateral by registering a mortgage at a Rural Credit Bank (Bank Perkreditan Rakyat) as part of a credit facility. The mortgage registration process typically involves verifying the validity of the land certificate at the National Land Agency (BPN) to ensure there are no legal issues concerning the land being used as collateral. However, during a validity check in early 2024, it was discovered that SHM 177 had a serious issue in the form of an overlap with another land certificate. The overlapping certificate is SHM Number 00755, located in Medahan Village. SHM 00755 covers an area of 2,714 m² and is registered under the names of I Wayan Rabih, I Ketut Merus, and I Ketut Rabuh. This certificate was issued through the National Agrarian Program (PRONA) on September 15, 2010. This case has raised a number of legal and administrative concerns.

Geographically, the land locations described in both certificates appear to partially or entirely overlap. The existence of overlapping land certificates raises questions about the validity of each certificate, whether one was issued through improper procedures, or whether there were administrative errors during the land registration process. This issue also has direct implications for the involved parties. The owner of SHM 177 faces uncertainty in using the land, whether for personal or commercial purposes. On the other hand, the bank that accepted the land as loan collateral also suffers losses due to the uncertain value of the collateral. Meanwhile, the owners of SHM 00755 also face the risk of losing their rights to land they believed to be legally theirs based on a certificate issued under a government program.

The problems to be discussed in this study are as follows :

1. What is the role of the National Land Agency of Gianyar Regency in maximizing the ownership of electronic land certificates as an effort to prevent duplicate certificates?
2. What are the obstacles faced by the National Land Agency of Gianyar Regency in maximizing the ownership of electronic land certificates?

2. RESEARCH METODOLOGY

The research method used is an empirical type of research that emphasizes field research or the process of discovering legal rules, legal principles, and legal opinions to address the issues faced, focusing on the behavior of the legal community (law in action). This requires primary data as the main data, alongside secondary data in the form of legal materials from the literature (Arka, 2021, p.508).

Empirical legal research is not only directed at the community but also at law enforcers and the facilities expected to support the implementation of the regulations. This empirical approach is a method of observation conducted through human senses, so the method used can be known and observed by others. The location of this research is at the National Land Agency of Gianyar Regency.

3. RELATED RESEARCH/LITERATUR REVIEW

The electronic land certificate is an innovation introduced by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) aimed at improving the security, efficiency, and accuracy of land data. Based on Ministerial Regulation of ATR/BPN No. 3 of 2023 concerning the Issuance of Electronic Documents, electronic certificates possess the same legal force as physical

certificates, but they utilize a digital-based storage and verification system, making them more difficult to forge or duplicate.

The issue of duplicate land certificates in Indonesia generally arises from overlapping data, administrative irregularities, and weaknesses in manual filing systems. Through the digitalization of land data, all information regarding land parcels can be integrated into a national database, ensuring that each plot of land has only one verified digital identity. This integration forms the main foundation for preventing the occurrence of duplicate certificates.

The National Land Agency (BPN) of Gianyar Regency plays a crucial role in implementing this policy at the regional level. Its roles include: (1) public outreach regarding the benefits and mechanisms of electronic land certificates; (2) data updating and digitization of old land archives; (3) field verification to ensure the validity of land parcel data; and (4) coordination with the central government in the implementation of the electronic land system.

Through the implementation of these functions, BPN Gianyar is expected to maximize the ownership of electronic land certificates within its jurisdiction and reduce the risk of issuing duplicate certificates, which has long been one of the main sources of land disputes. The success of this program largely depends on the readiness of technological infrastructure, the quality of human resources, and the active participation of the community in the process of land data digitalization.

4. RESULTS AND DISCUSSION

The Role of the National Land Agency of Gianyar Regency in Maximizing the Ownership of Electronic Land Certificates as an Effort to Prevent Duplicate Certificates.

The National Land Agency (BPN) is a government institution authorized to administer land registration in Indonesia. Through the land digitalization policy launched by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), BPN plays an important role in implementing electronic land certificates (e-certificates) as part of the modernization of public services in the land sector.

The electronic certificate is regulated under Ministerial Regulation of ATR/BPN Number 3 of 2023 concerning the Issuance of Electronic Documents. This regulation affirms that electronic certificates have the same legal validity as physical certificates, but are supported by digital-based systems for storage, verification, and security. The system aims to improve data reliability, prevent forgery, and avoid the occurrence of duplicate certificates, a condition in which one parcel of land is registered under more than one ownership certificate.

At the regional level, the BPN of Gianyar Regency holds a strategic role in maximizing the ownership of electronic certificates. Its roles include :

1. Conducting public outreach and education on the benefits and procedures of using electronic certificates.
2. Updating and digitizing land archives, so that physical land data can be integrated into the national electronic system.
3. Carrying out field verification and data validation to ensure the authenticity of land parcels before electronic certificates are issued.
4. Coordinating with central and regional institutions to strengthen the implementation of technology-based land administration systems.

The success of BPN Gianyar's role in maximizing electronic land certificate ownership is largely determined by the institution's internal capacity. Therefore, training and strengthening the competence of land affairs human resources are crucial aspects to ensure that the implementation of electronic certificates runs according to established standards. BPN officers must possess skills in land information system management, digital mapping, and the secure and verified processing of electronic documents. These capacities serve as vital assets to

maintain the integrity of public services while preventing potential fraud within the digital system.

Amid all these strategic efforts, it cannot be ignored that BPN Gianyar also faces social and cultural challenges in the transformation process toward electronic certification. Some members of the community still tend to distrust digital documents that cannot be physically held. Therefore, a cultural approach and persuasive communication are key factors in increasing public participation in electronic land services. BPN Gianyar acts as the implementing authority responsible for translating national regulations into the local context of Gianyar Regency. Ensuring alignment between national regulations and local implementation is essential to prevent legal gaps that could otherwise be exploited by irresponsible parties.

Through the implementation of these roles, the BPN of Gianyar Regency is expected to increase public awareness and participation in the ownership of electronic land certificates and reduce the potential emergence of duplicate certificates. Furthermore, the success of this program depends on the support of technological infrastructure, the improvement of human resource competence, and strong synergy among relevant institutions in the field of land administration.

The role of the National Land Agency (BPN) of Gianyar Regency in maximizing the ownership of electronic land certificates represents an actualization of the principle of public service that is adaptive to the development of information technology. By promoting digital transformation in the land sector, BPN Gianyar not only improves the quality of its services but also performs a preventive function against potential agrarian conflicts such as duplicate certificates. This role requires institutional commitment, service innovation, and a strong dedication to transparency and accountability.

Challenges Faced by the National Land Agency of Gianyar Regency in Maximizing the Ownership of Electronic Land Certificates.

In its efforts to implement and maximize the ownership of electronic land certificates (e-certificates) as part of the land digitalization program, the National Land Agency (BPN) of Gianyar Regency faces several challenges, both technical, human resource-related, and social in nature.

1. Limited Information Technology Infrastructure

One of the main obstacles is the uneven availability of information technology facilities, such as internet networks, computer equipment, and adequate data storage systems. This condition hinders the process of archive digitization, data uploading, and the optimal issuance of electronic land certificates.

2. Quality and Quantity of Human Resources

The transformation toward an electronic system requires staff with strong competencies in information technology. However, there are still limitations in the technical capabilities of employees in operating digital-based land administration applications, as well as a lack of continuous and intensive training programs.

3. Integration and Validation of Old Land Data

Many historical land records are still in physical form and have not yet been fully digitized. The process of data updating requires significant time, effort, and accuracy to avoid input errors or overlapping information, which could potentially create new cases of duplicate certificates.

4. Lack of Public Understanding and Awareness

Some members of the public do not yet understand the benefits and mechanisms of electronic certificates. Doubts remain regarding the legal validity of digital documents and concerns about data security, resulting in resistance to transitioning from physical to electronic certificates.

5. Suboptimal Interagency Coordination

The implementation of the electronic certificate system requires synergy between the central government, local governments, and supporting

institutions such as notaries, Land Deed Officials (PPAT), and financial institutions. Lack of coordination among these parties can slow down the process of verification and validation of land data integration.

6. Regulatory and Legal Adjustment Issues

Although a legal basis has been established through Ministerial Regulation of ATR/BPN No. 3 of 2023, its application in the field still encounters technical and interpretative obstacles, particularly concerning legal verification mechanisms, electronic signatures, and system interoperability among institutions.

Many notaries and Land Deed Officials (PPAT) are not yet fully prepared for the implementation of the electronic land certificate system. There remains a degree of rigidity in the transition from manual to digital systems, particularly in data entry and document verification processes. On the other hand, financial institutions still question the legal validity of electronic certificates as collateral objects for credit. As a result, land transactions such as buying and selling, grants, or transfers of ownership involving electronic certificates have been hindered, as these documents are not yet widely accepted by other institutions involved in such transactions.

To overcome these challenges, an integrated strategy is required. First, the BPN of Gianyar Regency needs to enhance public education through digital land literacy programs involving traditional leaders, village officials, and community groups. Second, the internal capacity of BPN employees should be strengthened through regular technical and managerial training to ensure that staff can keep pace with developments in digital systems. Third, there is a need for strengthening local regulations that accommodate the unique characteristics of customary land and establish contextual mechanisms for land certificate conversion.

In general, the BPN of Gianyar Regency has made efforts to implement the digitalization of land certificates. However, the success of the electronic certificate program is highly dependent on the readiness of technological infrastructure, the competence of human resources, public support, and inter-agency synergy. Strategic measures such as enhancing employee training, strengthening digital infrastructure, and conducting continuous public outreach are required to effectively achieve the goal of preventing duplicate certificates.

5. CONCLUSION

Based on the description and discussion that the author has described above, the following conclusions can be drawn :

1. The role of the National Land Agency (BPN) of Gianyar Regency in maximizing the ownership of electronic land certificates is crucial in efforts to prevent duplicate certificates. Through digital transformation, BPN Gianyar promotes the integration of land data into a verified and transparent electronic system, thereby narrowing the possibility of ownership duplication. With the use of an electronic-based land information system, the verification process of land rights becomes more accurate, ownership history can be easily traced, and land data can be legally and securely accessed by owners and relevant institutions.
2. The challenges faced by the National Land Agency (BPN) of Gianyar Regency in maximizing the ownership of electronic certificates include uneven technological infrastructure, limited human resources capable of operating digital systems, and low public literacy regarding the use of electronic documents. In addition, there are still technical obstacles such as overlapping old land data and administrative culture challenges that remain accustomed to physical documents. Therefore, system improvement, intensive training, and educational approaches to the community are key to overcoming these obstacles.

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