

Legal Certainty for Holders of Land Documents Other Than Certificates in Relation to Electronic Land Certificates

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Abstract. In the era of globalization and digitalization, land registration in Indonesia has undergone significant transformation through the implementation of electronic certificates. This research aims to examine the legal certainty for holders of land documents other than certificates in relation to electronic land certificates under the Regulation of the Minister of ATR/BPN Number 3 of 2023. The research method used is normative juridical, focusing on the analysis of legislation and jurisprudence. The results indicate that although electronic certificates provide security guarantees and ease of access, land rights holders using traditional documents like *Letter C*, *Girik*, and *Petuk D* still face challenges regarding legal certainty. Failure to register land within the specified timeframe may result in these documents not being recognized as valid proof of ownership. Therefore, communities still using conventional documents are urged to promptly register and convert these documents into Certificate of Ownership (SHM) to obtain stronger legal protection. This research also recommends enhancing socialization and literacy regarding the importance of land ownership documents in the form of certificates. In this regard, electronic certificates can facilitate the land registration process to support legitimate ownership and reduce disputes in the land sector.

Keywords: Legal Certainty, Legal Protection, Land Certificate, Land Registration

INTRODUCTION

The transformation of Indonesia's land administration system represents a critical juncture in the evolution of property rights governance, particularly as the nation transitions from conventional paper-based documentation to digital certification mechanisms (Williamson et al., 2016; Enemark et al., 2018). In the era of globalization, advancements in science and technology are occurring rapidly, continuously reshaping human understanding through innovation (Schwab, 2017; Brynjolfsson & McAfee, 2016). This process involves discovering new knowledge via experimentation and research, which is then realized in more efficient, effective, and user-friendly technologies (OECD, 2020). In the Indonesian context, this technological evolution has profoundly impacted the land registration system, which historically relied on colonial-era documents such as Letter C, Girik, and Petuk D—documents now facing obsolescence amid digital transformation (Enemark et al., 2018; Fitriani & Santoso, 2021; World Bank, 2019).

The legal framework governing land ownership in Indonesia has undergone substantial reform, particularly with the implementation of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN) Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities (Wilfi et al., 2025; Mujiburohman, 2025). This regulation marks a paradigm shift from manual, paper-based certificates to electronic certificates (*sertipikat elektronik*), fundamentally altering the landscape of land rights documentation and raising critical questions about legal certainty for holders of land documents other than certificates in relation to electronic land certificates (Sutrisno et al., 2025; Rahayu, 2025). The era of globalization, driven by information technology and electronic transactions, transforms organizational structures and social

interactions through integrated advances in information technology, media, and telecommunications (Adnyana & Wijaya, 2025; Putri & Hanoselina, 2025). However, the implementation of electronic land certificates still faces technological infrastructure challenges and public skepticism about legal validity (Asari & Huda, 2025; Haspada, 2025).

The transition from manufacturing to service industries in developed countries, along with the spread of computerization in the mid-1960s, marked the birth of the information society (Purnomo & Zacharias, 2005). Computerization continued until the 1990s, giving rise to internet technology. The rapid growth of the internet, with its diverse applications and programs, fundamentally changed the world (Kholil, 2011). This global digital transformation has created both opportunities and challenges for developing nations like Indonesia, particularly in modernizing archaic administrative systems while ensuring equitable access to legal protection for all citizens, regardless of technological literacy or socioeconomic status.

Technology has both positive and negative aspects, creating new obstacles in this digital era. These challenges span defense, education, socio-culture, politics, and information technology itself (Laia et al., 2023). The digital era emerged through internet networks, information technology, and computers. Digital media enables faster information access without face-to-face meetings. Technology will continue evolving like ceaseless ocean currents in human life, so people must use and manage it appropriately to maximize societal benefits.

The digital era is often called the Era of Digital Disruption, characterized by a fundamental shift from offline to online models. Technological advancements have extended to land administration, manifested in online land registration. This process yields digital information and data, replacing conventional book formats. The shift to electronic certificates supports this digital era by enabling more efficient maintenance, management, and anytime, anywhere data accessibility.

Land registration is a series of government activities conducted systematically and sustainably to ensure legal protection and certainty of land rights. It includes collecting juridical and physical land data—such as measurements, mapping, and owner/right identification—which is then recorded in land books and registration maps, forming the basis for issuing certificates as legal ownership documents. The main purpose is to create administrative order in the land sector, reduce disputes, and provide legal certainty for landowners and interested parties. Effective land registration supports concise, appropriate land management and utilization, as well as sustainable economic development.

In Indonesia, land registration is a legal and administrative process to ensure legal certainty of land rights for citizens. It is regulated by Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) and its implementing regulations, aimed at establishing land administration order. The system comprises two stages: initial land registration and ongoing data maintenance. Initial registration occurs via systematic or sporadic methods. Systematic registration is government-initiated through Complete Systematic Land Registration (PTSL) by the National Land Agency (BPN), targeting uncertified plots at the sub-district/village level per long-term and annual plans set by the Minister of Agrarian and Spatial Planning/Head of the National Land Agency (ATR/BPN).

A land certificate is a legally recognized ownership document issued by an authorized agency. For landowners, it provides a strong basis for proving ownership, with the law protecting the holder—especially if the name matches the current owner. If the certificate

remains in the previous owner's name, it should be updated promptly for stronger legal protection and to avoid disputes or interference.

Land certificates issued through registration serve as strong proof of ownership under the Basic Agrarian Law. Land disputes are typically resolved via general courts, such as district courts, where parties file claims, present evidence, and assert rights.

Disputing parties or those doubting a certificate's validity may sue in court. If proven untrue, the certificate can be canceled. Ownership disputes fall under general courts, while challenges to Land Office certificate issuances go to the State Administrative Court (*PTUN*), per Article 1 paragraphs (4) and (6) of Law Number 5 of 1986 concerning the State Administrative Court. This allows suits against written decisions by administrative agencies, such as the Head of the Land Office, due to restrictions or inconsistencies.

Land disputes often stem from weak evidentiary strength of customary land proofs like *Letter C*, *Girik*, and *Petuk D*, which remain acknowledged but problematic. The *Letter C*, used from Dutch colonial times until the pre-1960s, was once seen as valid ownership proof. Historically, names on *Letter C*, *Girik*, or *Petuk D* conferred legal certainty—unless contradicted by other evidence.

Amid digital transformation, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) issued Regulation Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities. Previously, four electronic services were implemented: land value zones, electronic dependent rights, land registration certificates, and certificate checks. This regulation enables electronic initial registration and data maintenance, replacing manual processes and aiming to reduce land-related conflicts, disputes, and court cases via the shift to electronic certificates.

A certificate proves rights under Article 19 paragraph (2) *Letter C* of the UUPA for land rights, management rights, waqf land, flat ownership, and dependent rights recorded in land books. An electronic certificate is a digitally issued document; it and its prints qualify as legally recognized evidence under Indonesia's Procedural Law. Proof is accessed via the electronic system.

Electronic certificates' security is ensured through digital systems, digital signatures, ISO-based criteria, and cryptographic encryption by the State Cyber and Cryptography Agency (BSSN). They offer efficient management, anytime/anywhere access, and reduced risks of loss, fire, or theft. Digitalization in registration boosts property registration value and eases business.

Article 96 of Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration requires registration of customary-derived ownership documents within five years of its effect. Article 76A of Regulation of the Minister of ATR/Head of BPN Number 16 of 2021 declares *Letter C*, *Petuk D*, *landrent*, *Girik*, and similar documents invalid five years after February 2, 2021. This raises questions on legal certainty for holders of land documents other than certificates in relation to electronic land certificates, including security and evidentiary status in court.

MATERIALS AND METHOD

The author used a normative juridical research method, which is a research method that focused on laws, jurisprudence, and positive legal principles. Analysis using normative juridical research methods referred to applicable laws and regulations relevant to the legal

issues at the focus of the research. The analytical approach employed in this research combined three complementary techniques: (1) content analysis of statutory provisions governing land registration and electronic certification, examining the textual construction and legislative intent behind Articles 19 and 23 of the UUPA, Government Regulation Number 24 of 1997, and Ministerial Regulation Number 3 of 2023; (2) comparative analysis contrasting the legal status, evidentiary strength, and protective functions of traditional documents (*Letter C*, *Girik*, *Petuk D*) versus official certificates and electronic certificates; and (3) critical analysis of jurisprudential developments, particularly Supreme Court decisions (including Case No. 84K/Sip/1973 and No. 3609 K/Pdt/1985) that established interpretive precedents regarding the evidentiary value of various land ownership documents in Indonesian courts.

In this study, the author comprehensively examined the protection and legal certainty of *Letter C*, *Girik*, and *Petuk D* according to the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities. The research drew upon primary legal sources (statutes, regulations, judicial decisions) and secondary legal materials (scholarly commentaries, legal treatises, and academic analyses) to construct a comprehensive understanding of how the digital transformation of land registration affected the rights and legal security of holders of traditional land documents. Data collection was conducted through systematic review of legislation databases, official government publications from the Ministry of ATR/BPN, and archival research of relevant jurisprudence, supplemented by analysis of recent policy documents and implementation guidelines issued by regional land offices regarding the conversion process for traditional documents.

RESULTS AND DISCUSSION

Legal Certainty for Traditional Land Document Holders

Utrecht argues that legal certainty is a general rule that governs individuals to understand what is permissible and what is prohibited. Sudikno Mertokusumo argues that legal certainty serves as a guarantee that the law can be applied properly, which means that individuals who have rights are those who have accepted the decision of the applicable legal process.

Gustav Radbruch stated that legal certainty is one of the basic elements of law besides justice and utility. Legal certainty requires clear, fixed, and predictable rules to be applied. In this case, legal certainty means that the land can be proven and protected by the state from other parties' claims.

Land registration is a series of activities carried out by the Government continuously, regularly, and continuously. This activity includes the process of collecting, processing, bookkeeping, presenting, and maintaining juridical and physical data through maps and lists regarding land plots and apartment units. In addition, land registration also includes the provision of a certificate of proof of rights for land plots that already have rights and property rights to flats and certain rights that burden the land. From the definition of land registration, it is possible to identify several elements contained in it:

- a. A series of activities refers to various activities in the land registration process, which are interrelated and sequential, forming a unit that aims to provide the necessary data to ensure legal certainty in the land sector for the community. The land registration process includes land registration activities for the first time, which includes the process of

collecting and processing physical data, proving ownership of rights and recording them, issuance of certificates, presentation of physical and juridical data, and storage of documents and public registers. In addition, there are also activities for registration of transfer and encumbrance of rights, as well as registration of changes to other land registration data.

- b. Land registration is carried out by the government as a state task in modern society, with the aim of ensuring legal certainty in the land sector for the benefit of the people.
- c. On a sustainable basis, the implementation of this activity begins and has no end. The data that has been collected and available must always be maintained, i.e. adjusting the changes that occur to still reflect the current situation.
- d. Regularly indicates that all activities must be based on relevant laws and regulations.
- e. Land registration covers various fields, including Property Rights, Right of Use, Right of Use, Management Rights, Rights of Building, Waqf Land, Rights of Dependents, Property Rights of Flats, and State Land.
- f. The object of registration may be subject to certain rights that are burdensome, such as Right of Use, Right of Use, Right of Ownership, Right of Use, and Right of Ownership of Flats Units that are used as debt collateral by being burdened with Dependent Rights, or Property Rights over land that can be burdened with Right of Use or Right to Use.

The purpose of land registration as stipulated in Article 3 and Article 4 of Government Regulation Number 24 of 1997 is as follows:

- a. Providing legal protection and certainty for owners of rights to land plots, apartment units, and other registered rights, it is important for them to be able to easily prove the ownership status of these rights. Article 19 of the Basic Agrarian Law explains that the main purpose of land registration is to ensure legal certainty, so for the holder of evidence other than the certificate of legal certainty, the legal certainty is weak until the land registration is carried out. Therefore, getting a certificate is not just a facility, as a right protected by law for land rights holders. The guarantee of legal certainty that is the purpose of land registration includes:
 - 1) Certainty of the status of registered rights means that the status of the registered rights will be known through the registration of the land, such as Property Rights, HGB, Right of Use, HGU, Management Rights, Ownership Rights of Flats, Dependent Rights, or Waqf Land.
 - 2) The certainty of the subject of the right means that the holder of the right to the land will be identified through the land registration, whether it is an individual, a legal entity, or a group of people together.
 - 3) The certainty of the object of rights means that the type of land, both agricultural and non-agricultural, will be identified, the location of the land, as well as the area or boundaries of the land through land registration.
- b. Providing information for interested parties, including the Government, so that they can easily access information to carry out legal acts related to land plots and flats that have been registered, the presentation of information is carried out at the Regency/City Land Office. The administrative process of land registration is presented in a form known as a general register, which includes land lists, registration maps, surveys, lists of names, and land books. Therefore, interested parties, especially prospective buyers or creditors, need

to know the data stored in the registers at the Land Office before committing legal acts related to a plot of land or a certain unit of flats. This is in line with the principle of openness in land registration.

- c. Ensuring compliance with land administration, land rights certificates are given to rights holders. In addition, to carry out the function of information related to juridical and physical data on registered land plots, the information must be open to the public. In an effort to achieve the goal of orderly land administration, every plot of land or apartment unit, including the encumbrance, transfer, and elimination of land rights and ownership rights to apartment units, is required to be registered.

Letter C currently functions as if it were proof of land ownership, but in fact this letter is in the form of a book and contains records about tax withdrawals and land identity information during the colonial period. The information about the land listed in the *Letter C* book is very incomplete, and the recording is done less carefully and carefully, so that it can cause many problems in the future due to the lack of accurate data listed in the *Letter C* book. The *Letter C* quotation is a copy of the *Letter C* book as proof of tax payment owned by the landowner, while the original document is obtained from the village or sub-district office where the land is located, and serves as a proof in the form of a record in the village or sub-district office.

Girik is a document used for tax payments in rural areas. It can be said that *Girik* functions as a land ownership document which is proof of land tenure for taxation purposes, not as a certificate of ownership. In the past, this *Girik* was issued by the local government before the official land registration. However, since the enactment of the Basic Agrarian Law (UUPA) Number 5 of 1960 and Government Regulation Number 10 of 1961, *Girik* is no longer considered as proof of legal ownership.

Petok D is a land ownership certificate issued by the village head and local sub-district, especially before the enactment of the Basic Agrarian Law (UUPA) on December 24, 1960. In the past, petok D was considered as proof of legal land ownership, but after the UUPA, its legal status became weak and was only recognized as administrative proof or payment of land tax. In the past, petok D was considered as proof of legal land ownership, but after the UUPA, its legal status became weak and was only recognized as administrative proof or payment of land tax. Currently, petok D is no longer proof of official ownership and does not provide strong legal protection. Therefore, landowners with a D stamp are urged to change their status to a Certificate of Ownership (SHM) so that land ownership is legally recognized by the state. Land with D stamp can still be sold, but the process is risky and prone to cause disputes if it is not converted to SHM. It can be interpreted that *Letter C*, *Girik*, petok D are documents used by the community as tax deductions and used as proof of land ownership for people who do not have land certificates.

Provisions related to *Letter C* as proof of land registration are regulated in Article 3 of the Regulation of the Minister of Agriculture and Agrarian Affairs Number 2 of 1962 concerning Indonesian Product Tax Certificates/*Verponding* or letters of granting rights from authorized agencies. This regulation states that *Letter C* only serves as preliminary evidence to obtain a certificate as juridical proof of land ownership. Certificates act as a powerful means of proof in ownership. The certificate provides legal certainty regarding the holder of land rights, location, boundaries, and area of the land plot, as well as the rights to the land. Legal certainty will provide protection to individuals whose names are listed on the certificate, as

well as protect them from interference by other parties and prevent disputes.

Currently, with the existence of the UUPA followed by Government Regulation Number 10 of 1961, which was later replaced by Government Regulation Number 24 of 1997 concerning Land Registration, it is no longer possible to issue rights that are subject to the Civil Code or that will be subject to local customary law, unless it is stated that these rights are customary rights. The importance of registering ownership rights on customary land as proof of legal ownership in accordance with Article 23, Article 32, and Article 38 of the UUPA, is required to register customary land, especially customary property rights.

Article 19 of the UUPA states that the government's obligation to carry out land registration throughout the territory of the Republic of Indonesia, considering the low knowledge and awareness of the public regarding evidence of land ownership. They think that customary land as evidenced by *Girik* and *Letter C* citations from the Village or Village is proof of legal ownership. In addition, there is still a transfer of rights such as sale and purchase, inheritance, and grants, where the deeds have not been registered, so that the transfer of rights based on the *Girik* is still ongoing, and the mutation of *Girik* based on the deed also occurs without registration at the Land Office. This is also strengthened by the Letter of the Director General of Taxes dated March 27, 1993, Number SE-15/PJ. G/1993, which regulates the prohibition of the issuance of *Girik*, *Petuk D*, *kekitir*, and tax object information (KP. UN II).

The letters of proof of rights according to the Regulation of the Minister of Land and Agrarian Affairs Number 2 of 1962 concerning the Affirmation of Conversion and Registration of Former Indonesian Rights to Land are as follows:

- a. "Land rights letters issued based on the Regulation of the Minister of Agrarian Affairs No. 9 of 1959, *ordononatie* in S. 1873 No. 38, as well as Special Regulations in the Special Regions of Yogyakarta, Surakarta, East Sumatra, Riau, and West Kalimantan (Article 2 of the Regulation of the Minister of Land and Agrarian Affairs No. 2 of 1962)."
- b. Indonesian Product Tax Letter or letter of granting rights from the authorized agency (Article 3 of the Regulation of the Minister of Land and Agrarian Affairs Number 2 of 1962).

In addition, there are also lands that have *Girik*, *Letter C*, *Letter D*, or *Petuk D*, as well as receipts and other Land and Building Tax (PBB) payment documents, which are not valid as proof of land ownership, but only as proof of ownership. Therefore, its status as proof of land rights is still very weak when compared to certificates.

The Supreme Court's Jurisprudence in the Supreme Court's decision. Reg. No. 84K/Sip/1973 dated June 25, 1973 states that records from the village book or *Letter C* cannot be used as proof of property in court if they are not accompanied by other evidence. The additional evidence includes oaths, confessions, witness statements, and suspicions, oaths. In addition, the evidentiary power of *Letter C* filed in court cannot be directly accepted. This is different from a certificate submitted as written evidence, as the certificate serves as stronger proof of land ownership. The UUPA provides legal certainty for land ownership through the registration contained in the certificate. This is affirmed in Article 32 Paragraph (1) of Government Regulation No. 24 of 1997, which states that a certificate is a certificate of proof of rights that functions as strong evidence related to the juridical and physical data contained in it, as long as the data is in accordance with those in the survey letter and the relevant land book. The evidentiary power of a certificate is higher than that of *Letter C*, because a certificate

is an authentic deed that has complete and perfect evidentiary power. In other words, a certificate as evidence does not require any other additional evidence, in contrast to *Letter C* which must be accompanied by other evidence.

Article 1881 Paragraph (2) of the Civil Code states that the evidentiary power of *Letter C*, which is a letter and not a deed, is independent and depends on the judge's judgment. Article 1888 of the Civil Code states that the power of proof of a written evidence lies in the original deed. Copies and overviews can only be considered valid if they match the original, which can be requested to be shown. The jurisprudence in the Supreme Court decision No.: 3609 K/Pdt/1985 emphasizes that written evidence in the form of letters or documents, according to legal principles, must be set aside if the evidence letter is in the form of a photocopy that has never been submitted or does not have the original letter.

Implementation of Strengthening Traditional Documents in UUPA and Electronic Certificates

The implementation of land registration produces a certificate that is carried out for the first time as a document that is proof of land ownership that already has rights, as well as a certificate of ownership for a flat. The certificate is a certificate of proof of rights in accordance with the provisions of Article 19 paragraph (2) *Letter C* of the UUPA regarding land rights and dependent rights, each of which has been recorded in the relevant land book.

A certificate is a letter that functions as a proof of rights and acts as a strong means of proof related to juridical and physical data, referring to the information contained in the survey letter and related land book. Thus, as long as there is no evidence to the contrary, the juridical and physical data contained in the certificate must be considered as correct information, both in the implementation of daily legal actions and in court proceedings.

Indonesia implements a land registration system that is negative but tends to be positive. This meaning means that the land registration system used is negative, which allows for the recognition of land rights. The government in this case is trying to get the actual facts related to the land rights claim. Therefore, Government Regulation Number 10 of 1961 provides a general explanation regarding the legal certainty given to the party who is truly entitled to the land, while the party registered in the land book can still be sued.

The publication system in the implementation of land registration questions the extent to which the public can trust the truth of the data provided by the state as a result of the land registration activities carried out. In addition, it is also necessary to consider what legal consequences will arise if one takes legal action related to land that has been registered using the data, and then it is proven that the data is inaccurate.

The advantages of the negative system include: a) protection for legitimate rights holders; b) there is research on the land records before the issuance of the certificate. In the negative registration system, it is not the obligation of the land registration official to check on whose behalf the registration rights are carried out. The official registers rights in the public register on behalf of the applicant without conducting a preliminary review of the applicant, so that the registration process for the transfer of rights in the negative system can be carried out quickly and smoothly, due to the absence of an inspection by the land registration official. The disadvantage of the negative system is that there is no guarantee about the accuracy of the contents in the general list, so the rights holder must be prepared to face the risk if it is recorded

that someone is not a legitimate rightholder.

Laws and regulations provide protection for certificate holders. Thus, the juridical and physical data listed in the land certificate is not necessarily accurate, although it must still be accepted by the Court as valid data as long as there is no evidence to the contrary. This gives the right for other parties who feel that they have the same object to object to the issuance of the certificate, as stipulated in Article 32 paragraph (2) of Government Regulation Number 24 of 1997 which states that: "If a land parcel has been issued a certificate legally in the name of an individual or legal entity that acquires the land in good faith and actually controls it, then another party who feels that he has the right to the land cannot demand the exercise of his rights if within 5 (five) years from the issuance of the certificate he does not submit a written objection to the certificate holder and the Head of the Land Office concerned, or does not file a lawsuit with the court regarding the possession of the land or the issuance of the certificate."

Article 32 paragraph (2) of Government Regulation Number 24 of 1997, legal protection for land certificate holders can be realized if the following elements are met:

- a. Legally issued in the name of an individual or legal entity means a certificate issued by the Regency/City Land Office for the object of land registration in the form of land rights.
- b. Land acquired in good faith. The goodwill principle aims to protect individuals who acquire rights in good faith from someone who is considered to be the rightful holder of the right.
- c. The right to the land must be physically controlled and used by the right holder himself or used by another party or legal entity that has obtained the consent of the holder of the right to the land.
- d. Within a period of 5 (five) years from the issuance of the certificate, no party has filed a written objection to the certificate holder and the Head of the local Regency/City Land Office, or has not filed a lawsuit with the court regarding land tenure or issuance of the certificate.

Article 96 of Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration states that written documents proving the ownership of land derived from customary rights by individuals must be registered no later than five years after the government regulation comes into effect. The regulation is affirmed based on the provisions of Article 76A of the Regulation of the Minister of ATR/Head of BPN Number 16 of 2021, *Letter C*, *Petuk D*, landrent, girrik, and other similar documents will be declared invalid five years after the government regulation is stipulated on February 2, 2021.

Article 96 paragraph (2) of Government Regulation No. 18 of 2021 and Article 76A paragraph (2) of the Regulation of the Minister of ATR/Head of BPN Number 16 of 2021 state that: a) If the period ends, then written evidence regarding the Land that previously belonged to the customary will be declared invalid and cannot be used as evidence of Land Rights, but only as a guide for Land Registration; b) Permanent land status of land formerly owned by customs.

The public is urged to immediately register their ownership through the process of recognition of rights by meeting various necessary requirements. This step is very important to provide legal protection to the land they own. Article 76A paragraph (4) of the Regulation of the Minister of ATR/Head of BPN Number 16 of 2021 explains that to apply for recognition of rights, the applicant must complete the document with a statement letter regarding physical

control of the land as well as criminal and civil liability stating that:

- a. The land in question belongs to the applicant and not to someone else, with the status of land derived from custom, not state land.
- b. The land has been under real control for twenty years or more continuously.
- c. The land is controlled in good faith and open by the applicant as the rightful party. The element of good faith includes tangible physical actions, namely controlling, using, utilizing, and caring for land sustainably for a certain period of time and/or obtaining it in a manner in accordance with applicable regulations.
- d. There were no objections from the other party regarding the ownership of the land and it was not in dispute.
- e. There was no objection from the creditors regarding the land being used as collateral for the debt.
- f. The land is not an asset of the Government, Regional Government, or SOEs/BUMDs, and is not located in the Forest Area.

Article 76A paragraph (6) of the Regulation of the Minister of ATR/Head of BPN Number 16 of 2021 explains that the statement letter regarding physical control referred to in paragraph (4) is made with the following provisions:

- a. "Witnessed by at least two witnesses from the local environment who do not have a family relationship with the party concerned to the second degree, either vertically or horizontally, who states that the party is true as the owner and ruler of the land plot;" and
- b. It is prepared based on information that is as accurate as possible and can be accounted for both civilly and criminally if in the future there is an element of untruth in the statement.

The Head of the Depok City BPN, Indra Gunawan, stated that it is important for the community to change the status of customary land to SHM. A certificate of ownership is a legal land ownership document since the enactment of Law Number 5 of 1960 concerning Agrarian Principles. Indra Gunawan emphasized that land certificates are crucial to provide protection for assets against possible risks, including the practice of land mafias that exploit weaknesses and misuse traditional documents.

Land title certificates can be submitted in two steps, namely at the village office and the local land office. Therefore, to get SHM, the applicant needs to prepare documents such as *Girik*, land sale and purchase deeds, KK, photocopies of ID cards, as well as Non-Dispute Certificates, Sporadic Land Certificates from villages or villages, and Land History Certificates. The cost of making a land certificate varies, depending on the location and size of the land. The wider and more strategic the location of the land, the higher the cost of management. Steps to convert the soil *Letter C*, *Girik*, *Petuk D*, etc. to SHM:

1) Village office

"The application for the change of land certificate to SHM by the applicant can begin by visiting the local village office to take care of the following:

a. Certificate of Non-Dispute

This certificate includes the signatures of witnesses, such as RT/RW officials or local traditional leaders.

b. Land History Certificate

This document serves to explain in writing the history of land ownership from the

beginning of registration in the village to the present, including if there is a transfer of ownership.

c. Certificate of Sporadic Land Tenure

This letter includes the date of acquisition or possession of the land."

2) Land Office

"After receiving the documents from the village, the landowner continues the process of making SHM to the land office with the following stages:

a. Apply for a certificate

Submit an application by attaching files from the village, photocopies of ID cards and family cards, photocopies of the current year's PBB, and other documents according to the requirements.

b. Measurement to location

After the application file is complete and the applicant receives a receipt from the land office, the land measurement is then carried out by the officer.

c. Verification of survey letter

The results of measurements at the location will be printed and mapped by BPN. Then, a valid survey letter signed by authorized officials such as the head of the measurement and mapping section is issued.

d. Research by committee officer A

After receiving the survey, committee A members consisting of officers from BPN and the local village head conducted research on the land.

e. Announcement of juridical data in the village and BPN

The juridical data on land rights applications is announced at the village office and BPN after 60 days to ensure that there are no objections to land rights applications from other parties.

f. Issuance of a Decree on Land Rights

Furthermore, a decree on land rights was issued. Land on the basis of *Girik* will be immediately issued as a Property Rights Certificate (SHM).

g. Payment of Land Rights Acquisition Duty (BPHTB)

BPHTB is paid according to the area of land applied for as stated in the Survey Letter. The amount of BPHTB depends on the Selling Value of Tax Objects (NJOP) and the land area.

h. Registration of the Decree Right to be issued a certificate

Then, the process of issuing SHM is continued in the Registration of Rights and Information (PHI) subsection.

i. Certificate collection

Certificate collection is carried out at the land office pick-up counter. SHM can be taken approximately six months from the date of the application process."

Electronic certificates are digital documents that are issued through an electronic system and stored in an electronic vault by rights holders. With the birth of electronic certificates, the land registration system became digital-based where: a) land data is stored in the BPN electronic database, b) each certificate has a certified electronic signature, c) and security and authenticity are guaranteed through encryption technology and a centralized land information system. In this case, land certificate holders who do not have a physical certificate can still

apply for land registration to obtain an electronic certificate. Physical certificate holders who are already registered with BPN can convert to digital certificates. Once registered digitally, the legal certainty is just as strong and even safer because it is difficult to counterfeit and easily accessible digitally. Electronic certificates function as:

a. Preventing Damage

Digital certificate data is stored in an electronic format that is more protected compared to physical certificates that are easily damaged or lost.

b. Verified Digital Signatures

Digital certificates use electronic signatures that have been verified by the Electronic Certification Center, hereinafter referred to as BSR E, so that they become more secure.

c. Avoiding the Risk of Dual Certificates

The electronic certificate system guarantees the absence of double certificates, as any data changes will be issued in the latest version.

d. More Guaranteed Security

Only authorized owners can access the electronic certificate, equipped with a QR Code to verify the authenticity and current status of the document.

Prior to the advent of digital certificates, land ownership was evidenced by legally strong physical documents but prone to loss, forgery, and high risk of dispute, with a slow manual administrative process and prone to errors. With the existence of electronic certificates of certified digital proof of ownership, stored in a centralized database, so that legal certainty is stronger, the risk of disputes is lower, and the administrative process is faster, more efficient, and accurate, as well as increasing the security and transparency of land ownership. Therefore, to protect land certificates, it is necessary to register electronic land certificates. Electronic certificates can be accessed through the Touch of My Land application provided by the Ministry of ATR/BPN. Rights holders are required to have an account on this application, the registration of which can be assisted by the Land Office. "The steps that must be taken are:

- 1) Visit the Land Office at the location of the land concerned.
- 2) Prepare the necessary documents, including: original certificate or old copy, application form that has been filled out and signed on stamp, power of attorney if represented, photocopy of ID card and KK that has been adjusted to the original, and photocopy of the deed of establishment of legal entity if the applicant is a legal entity.
- 3) Pay the Non-Tax State Revenue service fee, hereinafter referred to as PNPB for blank replacement.

Once the process is complete, the electronic certificate will be issued and stored in an electronic vault. The authenticity of the electronic certificate can be verified through the *QR Code* listed on the document using the Touch of My Land application."

CONCLUSION

Although *Letter C*, *Girik*, and *Petuk D* have long served communities as proof of land ownership, their legal status remains far weaker than official certificates issued by the BPN, which provide robust legal certainty by clearly documenting rights, subjects, and objects. Electronic certificates enhance this further with greater efficiency, security, accessibility, and transparency in land administration, offering full legal protection only to good-faith holders exercising real control—thus urging owners of traditional documents to register and convert

promptly, especially as these documents will lose validity in 2026 and cannot serve as court evidence. The government should intensify socialization on conversion urgency and electronic certificate benefits while improving easier, transparent, affordable, and digital registration services, alongside technical support and community access, to foster inclusivity, curb disputes, and prevent forgery. For future research, scholars could empirically assess the post-2026 impact of invalidating traditional documents on land dispute rates and rural socioeconomic equity in Indonesia.

REFERENCES

- Adnyana, P. A. S., & Wijaya, I. K. A. (2025). *Digital transformation of electronic land certificates: Solutions and challenges in Indonesia's modern land registration system*. Aliansi Journal. <https://doi.org/10.62383/aliansi.v2i5.1209>
- Appihi Journal. (Publisher info appears incomplete — tetap dituliskan mengikuti sumber asli.)
- Asari, D. W., & Huda, M. (2025). *Obstacles in the implementation of digital land certificates at ATR/BPN*. Journal of Land Policy and Human Rights. Dinastires.
- Brynjolfsson, E., & McAfee, A. (2016). *The second machine age: Work, progress, and prosperity in a time of brilliant technologies*. W. W. Norton & Company.
- Enemark, S., McLaren, R., & Lemmen, C. (2018). *Fit-for-purpose land administration: Guiding principles for country implementation*. UN-Habitat / World Bank.
- Fitriani, R., & Santoso, B. (2021). *Digital land registration and legal certainty in Indonesia*. Journal of Legal, Ethical and Regulatory Issues, 24(SI), 1–9.
- Gultom, Dikdik M. Arif Mansur, & Elisatris. (2011). *Cyber law: Aspek hukum teknologi informasi*. Refika Aditama.
- Harjono, A. O. P. (2019). *Kekuatan pembuktian surat Letter C dalam pemeriksaan sengketa tanah di persidangan (Studi kasus Putusan Mahkamah Agung Perkara No: 816 K/Pdt/2016)*. Verstek, 7(1), 1–?.
- Harsono, B. (2018). *Hukum agraria Indonesia: Sejarah pembentukan Undang-undang Pokok Agraria, isi dan pelaksanaannya*. Universitas Trisakti.
- Haspada, D. (2025). *The legal validity of electronic certificates as evidence of land ownership in Indonesia*. EJ Politics. EJ Law & Politics.
- Laia, A. D. A. D. A., Fatoni, S. Z. A. B. U., & Virnanda, V. (2023). *Implications of the Digital Age on Social Engagement and Political Participation in the Context of Civic Education*.
- Mujiburohman, D. A. (2025). *Perspektif regulasi, teknologi, dan aksesibilitas pada pendaftaran tanah elektronik di Indonesia*. JIPM.
- OECD. (2020). *Digital government index: 2019 results*. OECD Publishing.
- Putri, N. H., & Hanoselina, Y. (2025). *Implementation of the "Sentuh Tanahku" application as an effort to prevent land disputes through digitalization services*. Journal of Educational Management Research. Serambi.
- Rahayu, R. R. (2025). *The legal validity of legal protection for holders of electronic land certificates*. Journal of Land Policy and Human Rights. Dinastires.
- Schwab, K. (2017). *The fourth industrial revolution*. Crown Business.
- Setiawan, I. K. O. (2019). *Hukum pendaftaran tanah & hak tanggungan*. Sinar Grafika.
- Slaats, E. (2007). *Masalah tanah di Indonesia dari masa ke masa*. Lembaga Studi Hukum Ekonomi, Fakultas Hukum Universitas Indonesia.

- Sugianto, Q. F. (2019). *Peluang dan tantangan calon notaris dalam menghadapi perkembangan disrupsi era digital*. Notarius, 12(2), 657–658.
- Sutedi, A. (2006). *Kekuatan hukum berlakunya sertipikat sebagai tanda bukti hak atas tanah*. Bina Cipta.
- Sutedi, A. (2007). *Peralihan hak atas tanah dan pendaftarannya*. Sinar Grafika.
- Sutrisno, W. L., Widyanti, A. N., & Akkapin, S. (2025). *Legal certainty of electronic land certificates in land registration in Indonesia*. SIBATIK Journal. OJS Indonesia.
- Wilfi, V., Dewi, A. S. K., & Widhiawati, D. (2025). *Analysis of the implementation of ATR/BPN Regulation No. 3 of 2023 concerning the issuance of electronic documents*. Journal of Sorong Social Science. Universitas Musamus Sorong.
- Williamson, I., Enemark, S., Wallace, J., & Rajabifard, A. (2016). *Land administration for sustainable development*. ESRI Press.
- World Bank. (2019). *Indonesia: Towards a comprehensive and integrated land administration system*. World Bank Group.



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