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MORTGAGE RIGHTS INPUT ASSISTANCE ON MITRA ATR BPN SYSTEM IN KANTOR NOTARIS DAN PPAT RIAN SUGITO S.H., M.KN

Wini Rosalya¹, Abdurrakhman Alhakim²

^{1,2}Universitas Internasional Batam,

Email of correspondence: 1851072.wini@uib.edu , alhakim@uib.ac.id

Abstract

Mortgage right is a guaranteed right over property where assets are seen as a unity towards the property that is utilized by the creditor to acquire collateral rights for debt payments. Mortgage rights are regulated in Indonesia under Peraturan Menteri Agraria Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 9 Tahun 2019 tentang Pelayanan Hak Tanggungan Terintegrasi secara elektronik. Input of Mortgage via online system of Mitra ATR BPN improves the simplicity indicator in public service for the people in utilizing communication and information by applying electronic based land services. Land deeds officials and banks are parties who are involved in the execution of mortgage rights applications. The parties need to have a proper comprehension on the technical and be more thorough in order to minimize error in the input of mortgage rights within the electronic system. Currently, the registration of mortgage rights are done through an online application of mitra.atrbpn.go.id by a registered user as land deeds officials and financial service officers in order to process the mortgage certificate legalized by the National Land Agency

Keywords: *Mortgage, Electronic System, Land Deeds Official*

Introduction

The development of information and technology has improved at the pace where there are demands of controls and standardization over information technology on the level of both regional and international. This aims to prevent parties from straying away from the applicable law. This is one of the changes that creates an impact on how entrepreneurs and business persons manage their businesses. Such development in Information and technology is expected to change the society's perspective towards the services conveniences in various sectors, including general services that are preserved by the government as public servants. (Nadira, 2019) The government today has tried hard in order to develop a technological system that is able to provide such convenience to the people. To this day, the government has an important role to achieve good governance which is measured by the quality of public services that was provided whether it is through the system or the application that is provided by the government.

The implementation of e-government applications has also been applied by the Ministry of Agrarian and Spatial Planning / National Land Agency (Also known as ATR/BPN in Indonesia) to provide online services for the public and partner through electronic mortgage rights (HT-el). The existence of HT-el is regulated within Permen ATR/BPN No. 5 Tahun 2020 tentang Layanan Informasi Pertanahan Secara Elektronik which stresses that there are at least electronic land information services. Other provided services are the recognition of online signatures within online documents that were regulated within Peraturan Menteri ATR/BPN No. 3 Tahun 2019. (Wiguna, 2020) HT-El is originally regulated under Peraturan Menteri ATR/BPN No. 9 Tahun 2019 tentang Pelayanan Hak Tanggungan Terintegrasi Secara Elektronik. It was then revoked and replaced under Permen ATR/BPN No. 5 Tahun 2020. Afterwards, the technical instructions were released on April 29th, 2020. Based on Permen ATR/BPN No. 5 Tahun 2020, every services regarding mortgage rights is obliged to be implemented electronically in every land agency in Indonesia effective from July 8th, 2020. Within the ministry governance itself, HT-el is one of the oldest services that is provided for the benefit and the convenience of the society for the purpose of either investments or loans in financial institutions such as banks. The society and the land officials within Indonesia perceives that such online service will provide convenience and effectiveness in comparison to the conventional method of registering mortgage rights. Article 7 (1) of Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 9 Tahun 2019 implies that parties that are able to access the service of HT-el's are legal entities or individuals as creditors and public servants from the ministry who is assigned to serve mortgage rights, namely the ministry of Ministry of Agrarian and Spatial Planning / National Land Agency. (Yubaidi, 2019) Within the regulation, it also regulates which deeds that the land deeds officials are able to assign as electronic documents that are eligible to be applied within the electronic system. (Rianto, 2012) According to the existing regulation, one of the users of the HT-el are land deeds officials who make Deeds for Granting Mortgage. The land deeds officials that are eligible to utilize the system are the officials who are registered within the application of Mitra Kerja PPAT in mitra.atrbpn.go.id and have their data validated by the local land agency. (Anggraeni, 2020) The goal of providing an electronic mortgage system simultaneously on a national scale is to fulfill the principle of transparency, punctuality, efficiency, convenience and reachability in public services and also to adjust to the development of both the law and technology. Within the practice of the online services, there are several weaknesses that arise, one of them is how it is vulnerable to several technical errors such as errors within the data input. Commonly it is found that people would mistaken which system they need to use and sometimes data that isn't sufficient will postpone the input for an unknown period of time. These problems are commonly faced by those who use the service of HT-el. It could be assumed that such errors occur due to the simultaneous implementation being done without any transition and proper socialization.

Community service that is conducted by the author based on the given preface is that the author will be providing legal assistance in inputting data within the electronic system of Mitra ATR BPN for one of the notary and land deeds office in

Batam, which is Kantor Notaris dan PPAT Rian Sugito S.H., M.Kn. Within the process, the author will conduct observation and interview with the available employees within the office to identify the issue and provide the assistance with the knowledge and skills that is possessed by the author. Author's partner, Kantor Notaris dan PPAT Rian Sugito S.H., M.Kn is one of the land deeds officials which uses the facility of the HT-el. The partner within the implementation of using the electronic input system is also one of the people who encounters the confusion within trying to apply for the mortgage rights online. The author is someone who is capable and has learnt about how to operate and use the electronic system within the application. Through this opportunity that is given by the partner, the author shall provide assistance in trying to input the mortgage rights within the system

Methods

Data Collection Technique

In order to gather the necessary data for the community service, the author conducts 2 methods of data collection technique. The 2 methods are through interviews, which is done by conducting an interview with one of the partner's employees. The result of the interview will determine and identify the issue that is encountered by the employees which is to be solved later. The second method is through literature review, in which the author will be conducting research on the applicable law that is correlating with the issue

Output Planning Process

The output planning process of the activity is started by gathering the necessary information regarding the steps and what documents are needed to register the mortgage rights. Then we will proceed to the steps where we gather the necessary data to be served.

Pre-implementation Phase

In this phase, the author will determine the venue of the community service and request for permission to conduct. As soon as the author's lecturer and the partner approve the proposal, the author will directly conduct the next step, which is to monitor the partner's office condition and conduct interviews with the partner. The author will ask several questions regarding the partner's office's operational system to further understand the issue that the partner faced. The author will also conduct direct observation to gather relevant information regarding the operational system that is being applied within Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn. Within the observation and interviews, the author discovers that the issue that is found and to be solved later. The issue that was found within the observation and interviews is how the employees within the partner's office have little comprehension on using the electronic based service for mortgage rights within the application of mitra.atrbpn.go.id. The staff are accustomed to the conventional method and are struggling to adapt with the new system.

Implementation Phase

Within the implementation phase, the author will assist the partner and his employees to conduct registration of HT-el using the electronic land service system through the application called mitra.atrbpn.go.id that was provided by the national land agency. Within this phase, the author shall explain about the procedure, and what data is required to be prepared for registration and input of the mortgage rights using the electronic system

Evaluation Phase

In the Evaluation phase, the author will discuss with the partner regarding the implemented activity. This step is intended to measure how far does the partner understand the problem and method that will be converted into a report and an article.

Location, time, and duration of activities

The community service activity will be done at Kantor Notaris & PPAT Rian Sugito, S.H., M.Kn. which is located at Komplek Acellence Blok A No. 16, Kota Batam. The activity will last for approximately 16 weeks.

Results and discussions

To begin with the process of the assistance, the author would observe the activity of the partner's employee. The activity which are within the author's observation are the process of input of the mortgage rights within the system of Mitra ATR BPN and also how the employees prepare the necessary documents for the registration. The author then discovers the method on how to input the data in the system.



Picture 1. Process of assistance of input

The process of inputting the necessary data are as follows: the partner must be registered and validated within the system of Mitra ATR BPN. The user, which are the notary and land deeds officials must firstly verify themselves within the application through <https://htel.atrbpn.go.id/>. Within the verification process, the user must verify their certificates online with several documents such as the certificate, the procuration from the land deeds official, ID of the land owner and the endorsee. As the verification is done, the author will be proceeding to create the deeds for granting mortgage rights. The deeds will then be uploaded within the system. The report can also be done by following the steps that were instructed within the application. Once it's done, the author will be able to insert the party's identity, which are the debtors, creditors, witnesses along with the details of their

identity that is relevant within the deeds of granting mortgage rights. Consent parties are also an optional party to be inputted within the system.

Picture 2. Online form for consent parties

Once all the mentioned steps are done, the author will now conduct the upload of the certificate. The author will be requiring information such as the locations in detail, such as the province, the city, and the details of the certificate address and the type of rights. The partial value is not necessary to be included within the system. The author must remember to cross-check with the actual certificate to prevent and minimize errors. Once we can make sure that the data are correct, then we select the scan output and the online check results to upload. When it's done, the author will need to upload several other documents, such as the 2nd page of Surat Kuasa Memasang Hak Tanggungan (SKMHT), the credit agreement letter, and the property tax. Once it's done, the author will be able to preview the deeds of granting mortgage rights. We must also verify and make a statement that the data that is submitted is true. Once it's done the author will be able to download the cover letter of the deed. The cover letter will be signed by the land deeds official, scanned and uploaded on the system. Once it's done the deeds of granting mortgage rights are done and we will send the file to the bank to continue the registration process and the issuance of a Deposit Order which will be paid by the PPAT Party. After the assistance process within the partner's office is done, the output of the community service is the success of registration and the input of mortgage rights according to the procedure without any errors through the online system that is downloadable in mitra.atrbpn.go.id. The output of the service is the certificate of mortgage rights which is issued electronically.



Picture 3. Certificate of electronic mortgage.

Conclusions

Kantor Notaris dan PPAT Rian Sugito, S.H., M.Kn is a notary and land deeds official office located in Batam that operates and provides legal services to the society and banks. The community service program that is conducted by the author is intended to assist the partner in inputting the mortgage rights in the online system. The author firstly conducts observation and interviews with the staffs and employees of office which then reach a conclusion where there is a problem of how the employees did not understand well about how to use the service from the application due to the habits to working with the conventional method. Throughout the process, the author is able to successfully input the mortgage rights and achieve the output of the community service which is the evidence of the successful input that could be downloaded from the application of mitra.atrbpn.go.id . The evidence then is used to produce the output of the electronic mortgage certificate.

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