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## THE JOURNEY OF THE DIGITAL REVOLUTION FOR MORTGAGE REGISTRATION SERVICE IN INDONESIA

A digital government service is one of the basic capabilities of national automated system offered by several government agencies in Indonesia. The digital government service is not a new concept that has been integrated by The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (“**MoA**”) especially in the implementation of mortgage registration. In 2019, MoA issued the Regulation No. 9 of 2019 (“**MoAR No. 9/2019**”) concerning Electronically Integrated Mortgage Registration Service “**HT-el**”.

On April 6, 2020, MoA issued new regulation No. 5 of 2020 (“**MoAR No. 5/2020**”) which replaced MoAR No. 9/2019. The main difference is that, Article 3 (2) of MoAR No. 5/2020 states the mortgage registration service shall be done solely by HT-el. Subsequently, starting from April 8, 2020, MoA will no longer receive any manual submission of mortgage registration.

### **THE NEW FORM OF HT-EL**

In MoAR No. 5/2020, the certification of registration from the Financial Services Authority/*Otoritas Jasa Keuangan* is no longer required. Previously, MoAR No. 4/2019 regulates a few requirements to be registered as a user. Meanwhile, MoAR No. 5/2020 broadens it and stipulates that any private person or legal entity may be registered as the user.

The object of HT-el regulated in MoAR No. 5/2020 does not limit the subject of mortgage’s grantor. There is no provision which limits the subject of mortgage’s grantor unlike the requirement regulated under MoAR No. 9/2019. In Article 9 (5) of MoAR No. 9/2019, the object of HT-el shall be owned by the debtor.

The implementation of the HT-el system shall be operated through the website <https://htel.atrbpn.go.id>. Meanwhile, the HT-el services and accounts of legal entity shall be conducted through a different website <https://mitra.atrbpn.go.id>. An individual creditor shall use the mobile application *Sentuh Tanahku* to conduct HT-el services and create an account for being a registered user, which can be downloaded through Google Play or App Store through this link <https://www.atrbpn.go.id/Layanan-Publik/APLIKASI-SENTUH-TANAHKU>. However, the most updated version of *Sentuh Tanahku* is the android version from Google Play which can be fully operated.

Moreover, a wide range of the standardization and guidelines for HT-el users to run a complete HT-el system is facilitated by MoA through a technical manual as stipulated in Article 32 of MoAR No. 5/2020.

Based on the attachment of MoAR No. 5/2020, the format of Mortgage's Certificate and Mortgage's Note issued by HT-el will be in the form of an electronic document with an electronic signature and QR code of MoA certified by the Electronic Certification Agency/*Balai Sertifikasi Elektronik* ("**BsrE**"). In order to support the process of HT-el, the land office needs to conduct the preparation *i.e.* data validation process for the land certificate, account registration and the registration of electronic signature.

MoAR No. 5/2020 confirms that the mortgage registration that has been obtained before the renewal of MoAR No. 5/2020 will remain valid.

## **CONCLUSION**

In the uncertain times of the coronavirus pandemic, minimizing any direct contact with the system is indispensable, as this necessity boosts MoA to finalize the mortgage registration system. The elimination of manual submission is a significant step of MoA, which brings great difference and development in the new era of mortgage registration services in land system in Republic of Indonesia. It is believed that MoAR No. 5/2020 was issued in order to perfect the implementation of mortgage registration services which previously regulated under MoAR No. 9/2019.

This new era of HT-el specifically brings benefits to the creditor in terms of data compilation of mortgage registration held by them. MoA provides the creditor an authority to conduct the implementation of mortgage services by registering and managing their account in the relevant ATRBPN's website.

As of today, the new system is still not in its optimal form and will be upgraded periodically, according to the system development. We hope that the system development will be sorted out immediately and the users can access optimally.

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