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Legal Status of Electronic Land Certificates in the Land Case Proof System in Indonesia

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Abstract

This study aimed to examine the legal standing of electronic land certificates in Indonesia's land case proof system. Electronic land certificates appear in the digital age and are offered to courts as proof of ownership. However, prosecutors question the validity of the computerized land certificate. This study utilized secondary data to provide a comprehensive examination of the topic. A comprehensive analysis of different reports, surveys, land-related cases, and preceding literature was conducted. The study shows no opposition to the legal adoption of electronic land certificates as proof of land ownership in Indonesia. The study has important theoretical and practical implications for the issues surrounding the legal status of electronic land certificates in Indonesia's land case proof system. Importantly, this study is a significant contribution because no previous research has addressed this topic concerning Indonesia.

Keywords. Electronic Land Certificate, Land Case Proof, Legal Land Certificate, and Indonesian Land Management

1. Introduction

In modern times, the world has been transported to the digital arena, where everything is digitalized, and technology is exploited for the people's long-term benefit. In this way, the public and private sectors' processes and mechanisms have likewise evolved in the digital realm. All over the world, digital tools are being considered modern tools for different purposes due to their easy accessibility and validity (Hasannudin et al., 2022). All changes in technology, the legislation, and the justice systems of the majority of developed nations have been converted to a digital system in which all records are stored on a digital platform that is beneficial to the public. The most significant advantage of this digital transition is the time savings. In regards to digital documentation, however, several nations have yet to catch up since they have not utilized digital technology to a greater extent (Bachtiar, 2018). Similarly, in court proceedings involving land concerns, the modern form of land records like the electronic land certificate is a more accessible and traceable

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document for continuing the research. Different countries, however, do not accept the electronic land certificate in land-related court matters since it is believed that the integrity of these electronic land records is in issue. Importantly, in the instance of Indonesia, higher courts accept the electronic land certificate due to its modernity and reliability (Budiman et al., 2020). The land and agriculture industry contributes more to Indonesia's economy than any other sector. (see Figure 1).

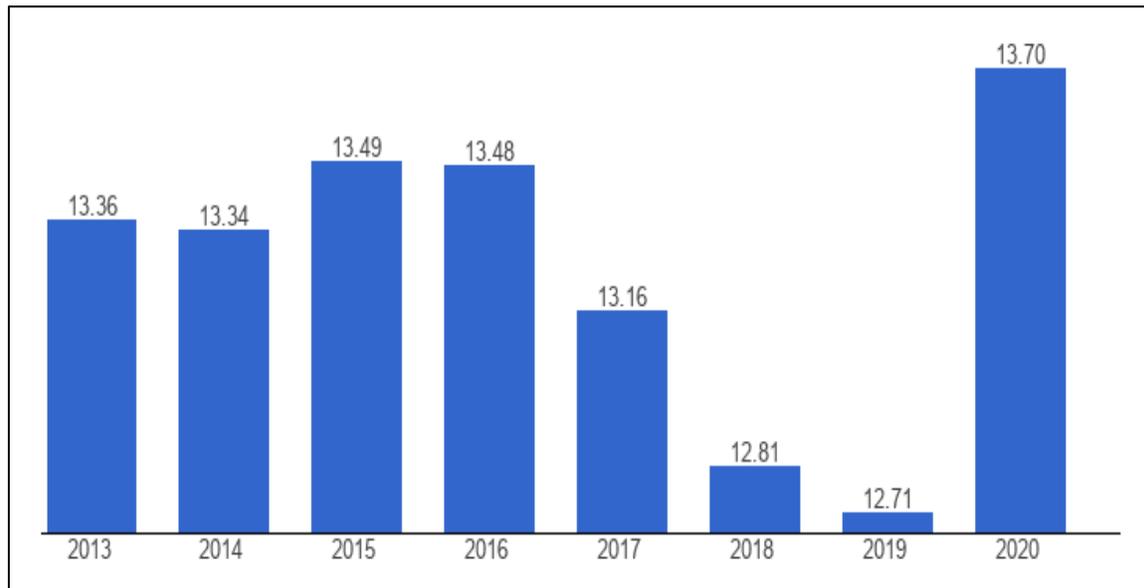


Figure 1. Agricultural Sector Contribution to Economy
Source: The Global Economy

The electronic land certificate is a modern document related to land that is useful for the land owner and issued by the land record management authority (Yohmad & Prabrat, 2022). In the past, there was a manual manuscript-based land certificate issued by the concerned authorities. However, in past, it was difficult to maintain the record simply with the help of a land certificate (Kato & Charoenrat, 2018). Similarly, the validity of a land certificate relates to the value and acceptability of a land certificate by any legal body. Similarly, in developed nations, computerized land certificates are essential when land-related disputes are reported to a court of law (Narendra et al., 2019). Moreover, there is no legal bidding to accept the electronic land certificate in a court of law (Wattanawong et al., 2021). Land knowledge refers to the information related to the ownership and trust of land (Chrismanto et al., 2019). It is the information maintained by the land management department and is quite useful for the maintenance of records in any country. The countries that are efficiently maintaining the land record are more concerned and the process of these countries is at an advanced level (Khaonuan, 2022). In the Indonesian court system, the validity of the electronic land certificate is checked, but it is acceptable as current legal regulations require the acceptance of these certificates at a higher level. In this way, the court system of Indonesia is related to the contemporary challenges to solving the issues at any level. This is because almost 50% of people in Indonesia are associated with the agricultural land sector (see Figure 2).

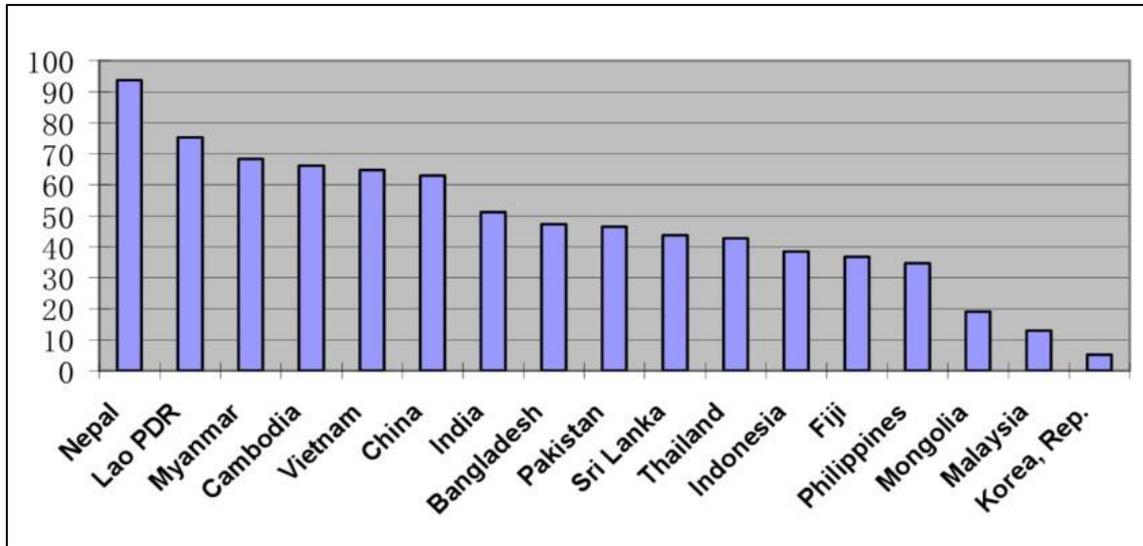


Figure 2. Indonesian People in Agriculture Sector
Source: Agriculture Development Index

The objective of this study was to check the legal status of electronic land certificates in the land case proof system in Indonesia. It is a fact that there are always challenges for any new approach to integrating with the previous system effectively. Therefore, Indonesia's traditional land management system was not digital, but introducing the digital system in land management has led the laws and regulations to new challenges that were not addressed by the courts earlier (Maroeto et al., 2019). Furthermore, in this study, the existing literature was analyzed in a detailed way and a proper gap in the research was identified. Based on the identified research gap, the study aimed to determine the legal status of electronic land certificates in Indonesia's land case proof system. This study will address the relationship between an electronic land certificate, land knowledge, community legal protection, and court proceeding in Indonesia. In this way, the purpose of the study would be based on a straight to check the legal status of electronic land certificatesIndonesia's land case proof system.

This study is significant to consider in modern studies because it addresses the unaddressed topic in the literature. This study will deal with the legal status of electronic land certificates in Indonesia's land case proof system for theoretical and practical purposes. In this regard, the study would provide theoretical and practical implications that are important to consider in the relationship of these electronic land certificates with the court of law. It was identified that there is a gap in the practical implications of the electronic land certificate in an effective way in the court system of Indonesia. Moreover, it was also observed that the laws in Indonesia needed to be reviewed by the legislature because the gap between the traditional laws and the modern electronic land management system needed to be addressed (Nguyen, 2022). In this regard, this study significantly bridges the time horizon of laws and provides theoretical implications that would be important for the legal status of electronic land certificates in Indonesia's land case proof system. Furthermore, this study offers future directions for the modern and advanced studies to work on the worthy areas identified in the literature review that would be useful for future implications.

2. Literature Review

2.1 Electronic Land Certificate

In the contemporary world, the digital arena is altering the communication dynamics of society. This is due to digitalization, which was accountable for all aspects working in the right direction, which would ultimately benefit the community and the legal system. In the traditional, non-electronic land system, the court questioned the certificate's validity since fraudulent and immoral land certificates were frequently presented to the court (Salverda, 2019). In this regard, the problem caused all possible scenarios to result in court proceedings being postponed for such unethical reasons. In this way, according to Purnomo et al. (2019), where the shift in technology has altered the world's dynamics from a new perspective, the land record management system has transitioned to electronic printing, which is beneficial for the people and legal procedures. As a result, as Zhao et al. (2020) note, the electronic land system plays a more significant role in the courts since the land record statement is transferred to the electronic land system, which is advantageous for both parties in court.

Nonetheless, it is essential to recognize that the electronic land certification has been in place for a long time in developed and advanced nations and has been functioning and giving benefits to society and judicial proceedings (Sulaiman et al., 2019). As a result, the electronic land system and the electronic land certificate system were built in Indonesia in stages to ensure that the Indonesian community as a whole will benefit. It is crucial to recognize that the purpose of these land management systems is not limited to delivering this record to the people for their land and other proceedings but also to assist the court with information about the land record. In contrast to Indonesia, countries that have not yet adopted the electronic land certificate system are confronted with various legal and social concerns about the transfer of land ownership (Yubaidi et al., 2022). It is the administration's job to ensure that all proceedings are conducted efficiently using an electronic land management system that provides electronic certificates to the populace. In addition, the computerized land management system applies to all land-related activities and difficulties. However, the integrity of the automated land certificate system has been questioned in the past, and people have been unwilling to accept it at a higher level (Purnamasari et al., 2019). Moreover, Surya et al. (2020) illustrate that the government has implemented the electronic land certificates system to expedite the completion of legal procedures by utilizing an electronic land management system to collect land management data. Countries working on an electronic land management system must examine the significance of the system to a higher degree for the use of an electronic land certificate for the greater good of society, which aids in the court process.

2.2 Land Certificate Validity in Indonesia

Land certificates are used for information connected to land ownership and the legal concerns surrounding the transfer of land ownership. In this regard, it is the government's responsibility to provide adequate services related to the land records of the people when they buy or sell land to one another (Surya et al., 2020). In the like manner, it is the responsibility of the electronic land management system to ensure that the people are provided with appropriate services, and they are not left behind in anything. In Canada and Australia, the land management system offers electronic

certificates to the people that help them proceed with their legal and social activities in a court of law with adequate record data (Wahidah & Martono, 2022). At the same time, according to the study of Wahidah and Martono (2022), it is important to understand that the countries that are not working on an effective management system related to the record management these countries are failed to provide the best services to the people associated with the management of the electronic related to their land. It is not only the responsibility of the people to ask the government for the effective and efficient management of their land record, but at the same time, it is the responsibility of the government to ensure that the people are provided with the best services and the accurate data related to their land management system (Shantiko et al., 2021). It is the responsibility of all the stakeholders of the electronic land management system to ensure that the people are provided with the appropriate services and the legal authenticity of their electronic land management records in a court of law. The Indonesian judicial courts accept the electronic land management system in the legal proceeding when the electronic land certificate is presented before the courts (Brontowiyono et al., 2022). It is critical to understand that the judiciary accepts electronic land management system documents for proof in a court of law (Cahyowati & Cahyowati, 2019). In this regard, the management of the electronic land record system is to ensure the authenticity of the land record and provide accurate descriptions to the community for their purpose in society.

2.3 Land Knowledge and Land Laws in Indonesia

Land knowledge is one of the basic information that is always available to the people of any community. It is critical to understand that the people are always concerned about the record of their land because they have acquired their property from their parents or purchased it for their personal use. In this sense, land knowledge encompasses the information about the land and its measurement and all information about the transfer of land, the production of land, and the output of land in a sustainable environment (Soubly & Khatun, 2021). In this way, the community is always concerned with all land-related facts, as land is a significant contributor to the economy of any nation.

Similarly, in the case of the people of Indonesia, the people are always considered the information about the land because they believe that the knowledge about the land would be helpful for them in their long-lasting life and routine activities (Jung et al., 2021). In this way, the government of Indonesia has established the electronic land certificate system opposite to the traditional and manual land management system, which was not enough and compatible with the modern time. In the like manner, according to Handayani et al. (2020), the people of Indonesia are getting all the facility is by the modern land management system that is not only effective for them but it is providing all the related information and the knowledge of the land to each individual of the community on the request. The land management system of Indonesia is designed to support the rules and regulations of the government related to the land in Indonesia. It is critical to understand that in a developed country, when the land management system is effective and people are provided with the accurate information to manage their land-related activities in this country the satisfaction of people with the land management system is increased to an advanced level (Faxon et

al., 2022). However, it is the obligation of the people to obtain all information from each country's land management system, as it is their right to have access to all property-related information. Moreover, in countries where the land management system is ineffective, people are not provided with accurate information to manage their land-related activities, and their knowledge of the land is extremely limited compared to that of other people, land-related corruption is an emergency and disrupts the entire social structure (Fiack et al., 2021). The Indonesian government has set the laws and regulations for the management of land and the distribution of land-related information in the form of land certificates in the country's constitution to ensure that the populace has access to all information regarding their land. In this regard, Hutapea (2018) emphasizes that it has become helpful information for the people since, when presented with such knowledge, they respond in an effective manner that ultimately contributes to the people's larger accomplishment. Moreover, the obligation of the land management system is not limited to giving all information to the public, but also includes supplying land-related information when requested by the Indonesian judiciary. Intriguingly, land-related policies in Indonesia are effective in providing higher benefits to the populace (Kitchanapaibul et al., 2022). In this manner, the government of Indonesia has established several centers in various provinces to deliver electronic land management records in the form of electronic land certificates to the populace, ensuring that the populace has access to the necessary data to resolve all court-related matters. The efficacy of electronic land certificates is assisting the Indonesian judiciary in achieving success in land-related matters in order to give justice to the Indonesian people (Indrajit et al., 2020).

Land Certificate and Community Legal Protection

Land certificates are used for the information related to land activities and the ownership and transfer of land in any country. In the current era, every country is working to ensure that all the people are provided with accurate records related to their land for production (Ramaano, 2022). As Zhang et al. (2019) note, there is corruption in every government department, including the land management department, where land records are corrupted for misuse against the community's residents. As a result, the corruption in the land management department disrupts the social structure as a whole. In this regard, the approach of every government is to work on a policy that would be effective in providing the related and accurate land records to the people for their more significant benefit in society (Hoang, 2018). It is essential to understand that the government has an electronic land management system because it is observed that it is more accurate and more effective for the community.

On the one hand, it is the responsibility of the government to protect the legal rights of the people because the government is socially responsible for the protection of the right of the people. In this way, in developed countries, the governments always try to maintain accurate land records without any misconduct and illegal activity that would harm the community and its people (Kurbatova et al., 2019). However, on the other hand, the different countries' governments have badly failed to maintain the record because corruption and malpractices are not supporting an effective land management system. In the land management system, there are other problems such as corruption, the illegal transfer of land, and the surgery in the ownership of the land

record to disturb the community in society. Opposite to these all factors that are not in the figure of community and the legal protection of land records of the people of the community, the government of Indonesia has introduced the electronic land management system that is useful for the community (Luik et al., 2021). It is critical to determine that with the help of the land management system and its electronic maintenance of data, there is continuous and well-established monitoring of all the land records and it cannot be changed without the command of higher authority in the land management system. In this way, the people of Indonesia are provided with the opportunity to maintain their land records in the land management department according to the rules and regulations for the legal protection of the people (see Table 1). In this way, not only the land record is managed according to the requirement of the modern record maintenance system, but this land management is helpful in the court of law when the people are in any kind of dispute in land issues. This initiative of the Indonesian government is well-received at the national level, and the populace is pleased because they believe that this system will become more effective in the future and that they will be able to use all the related data to their advantage, thereby protecting their land record and property (Maroeto et al., 2019; Sumani et al., 2022).

Table 1. Community Satisfaction in Legal Protection

Serial No	Provinces	Community Satisfaction with Electronic Certificate
1	Bali	93%
2	Papua	88%
3	East Java	93%
4	Jakarta	75%
5	West Papua	82%

2.4 Land Cases in Indonesian Courts

In the legal system of any country, the cases related to land are identified because land problems are emerging in society. In this way, the judicial courts are working to improve the settlement between the people regarding their issues related to land management and land ownership. It is noted that in the cases of land in the legal procedure, most people are using documents that are not authentic and valid according to the rules and regulations of the courts (Hasannudin et al., 2022). In this regard, according to the study of Chrismanto et al. (2019), the procedural delays in the judicial system exist because the prosecution and the defendant cannot provide the related information to these cases. It is an acknowledged fact that due to corruption and other problems in the legal procedure system, the people benefit from the system by getting the fake and not valid land record certificates to present in the court (see Table 2).

On the one hand, it is the judiciary's responsibility to ensure the validity of these documents for the legal proceeding to conclude any case related to land management (Sulaiman et al., 2019). On the other hand, it is the government's responsibility to ensure that such kinds of documents must not be provided to the people on their requirement, and there must be immediate actions against the use of fake documents for personal benefit of the people. As highlighted in Wahidah and Martono's study, it is crucial to recognize that the management of the land record system is responsible

for training staff not to engage in unethical behavior when distributing land records at the request of the people (2022). In cases involving land management, it has been observed that the procedure of land record management and maintenance fails miserably to provide the appropriate services for the benefit of the community (Faxon et al., 2022). However, since establishing the electronic land certificate, it has become significantly easier for the judiciary to obtain accurate and legitimate land records. Despite the administration and adoption of new and digital electronic land management systems, the government is still responsible for ensuring that any illicit land management-related activities are eradicated from society (Chrismanto et al., 2019; Fahmid et al., 2022).

Table 2. Land Certificate Acceptance Rate

Serial No	Provinces	Electronic Land Certificate Acceptance Rate
1	Bali	79%
2	Papua	77%
3	East Java	81%
4	Jakarta	61%
5	West Papua	76%

3. Research Methodology

This study was conducted on the secondary data because the purpose of the study was to determine the legal status of electronic land certificates Indonesia's land case proof system. In this regard, the legal cases, legal literature, and previous studies were analyzed for the study's conclusion. Furthermore, the data were analyzed in a detailed way to ensure that every aspect of the area of research must be addressed and nothing should be left behind. Furthermore, this study analyzed the role of land knowledge in the legal consideration of electronic land certificates in the court system of Indonesia.

4. Results

The study identified that in the recent past, the land cases were presented before the courts as usual for verdicts. However, in the years 2020 and 2021, the different provinces of Indonesia experienced a deficient and unexpected level of electronic land certificate success. In this regard, in Bali, 20%, Papua, 44%, 53%, Jakarta, 61%, and West Papua, 67% experienced the electronic land certificate management system (Hasannudin et al., 2022). Undoubtedly, Indonesia's government is responsible for managing the land record system of people and working for the best benefit of society effectively. In different reports, it was identified that the role of the electronic land certificate management system failed to provide a level of satisfaction to the people because the procedural delays were a big hurdle in this way. Moreover, this study determined that these procedural delays are creating problems in the judicial system, but at the same time, these problems are horrible for the people of the society. The statistics related to the legal land case record in five states of Indonesia are presented in Table 3.

Table 3. Legal Land Case Record

Serial No	Provinces	Year	Electronic Land Certificate Success
1	Bali	2020	20%
2	Papua	2021	44%
3	East Java	2020	53%
4	Jakarta	2020	61%
5	West Papua	2021	67%

Furthermore, different reasons are a hurdle to the successful establishment of a judicial proceeding system related to land management and electronic land certificate. In this regard, these hurdles were not only the problems, but also the procedural delays. To begin with, the little land knowledge of the people related to the electronic land record was foremost in such a situation. Secondly, legal regulations are also problems because the traditional regulations and laws were not told the modern technological change (Chrismanto et al., 2019). Thirdly, the poor persecution system is one of the problems that emerged as the hurdle to successful legal acceptance of the electronic land management certificate. Fourthly, the judicial procedural delays that were identified in the surveys and different reports were a big reason for the failure and satisfaction of land-related cases in judicial proceedings. These highlighted hurdles are not best for the judicial procedure system and its verdicts related to society's electronic land certificate management system. However, other reasons are the ultimate hurdles in legal acceptance of electronic land certificates. The percentage of reasons in judicial proceedings is presented in Table 4.

Table 4. Percentage of Reasons in Judicial Proceedings

Serial No	Reasons	Percentage
1	Little Land Knowledge	44%
2	Legal Regulations	63%
3	Poor Prosecution	23%
4	Judicial Delays	64%
5	Other Hurdles	53%

5. Discussion and Conclusion

To begin with, it is the government's responsibility to implement the new rules and regulations necessary for the judicial system to recognize the electronic land certificate as a genuine legal document. Indeed, in nations where electronic land certification is regarded as a valid document for various land management system-related activities, court proceedings are expedited relative to other legal systems (Hardian et al., 2022). In this regard, the traditional regulation must be revised to make them compatible with the modern issues and solve these land-related issues in a protective way that would ultimately help the government provide justice in society. On the one hand, according to Khaonuan's (2022) research, management is concerned with regulating all regulations to ensure that employees are provided with adequate productivity-related solutions. However, on the other hand, to facilitate the community with the electronic land certificates must be done at it is already

established in the advanced and developed countries. In this way, it would be more efficient to accept electronic land certificates as legal and valid documents in the judicial system of Indonesia.

Secondly, the government of Indonesia should consider that the awareness related to land knowledge and land information must be provided to the people because, without the help of this awareness, it would be useless for the management of the land record system to provide electronic land certificates to the people. It is noted that several people in Indonesia are not informed of the land-related laws, and due to this, they are not satisfied with the land management system (Purnomo et al., 2019).

As a result of their dissatisfaction with the land management system, they will not accept the electronic land certificate in court proceedings. This creates difficulty because it is difficult to persuade people to accept electronic land certificates as legal documentation for their land-related matters. In Canada, on the other hand, the government raised public awareness of land knowledge and land information before the proper implementation of the electronic land management system (He, 2022). As a result, Canadians were willing to embrace electronic land certificates as an alternative to manual land certificates for record-keeping. Consequently, management must effectively govern the electronic land certificate for the court of law and the information of individuals.

Thirdly, it is the government's role to regulate the judicial system so that it must accept digitally delivered legal papers in court proceedings. Due to conventional restrictions and laws in the Indonesian judicial system, the judiciary is unwilling to readily accept electronic land certificates as legitimate papers in a court of law. According to Mashele and Alagidede (2022)'s research, there must be judicial changes, and the court must adapt to deal with the difficulties of the modern world. However, it is also the responsibility of the Indonesian judiciary to ensure that judges are functioning in a manner that will expedite their decisions on land-related issues involving electronic land certificates. As illustrated by Flammer (2015), it is expected that with this type of revolution in the legal system, Indonesia's entire land record administration would be effective in facilitating the people's participation in more exciting activities. Fourthly, the Indonesian judicial system must be on the road map of success by adopting the operational activities of the developed countries where the digital documents are accepted as legal and valid documents to proceed with the judicial trials. In this regard, the government of Indonesia must consider that the judicial reforms must be on the way to success that would ultimately benefit the government by providing the effect of the judicial system to the people. However, if the pattern of the modern judicial system must be adopted in Indonesia, then there would not be more problems in the proceeding of the cases related to the issues of the people.

In the same way, in the modern judicial system, legal documents and electronic certificates are accepted to proceed with the cases in the court of law (Masenya, 2022). Therefore, the people of Indonesia must receive the electronic land certificate as a digital regulation in the legal documents and profit these documents in the concerned issues to the right authority. In this manner, the whole proceeding related to the legal acceptance of electronic land certificates would be done in an appropriate way that would ultimately benefit the judicial system and the society in a long-term orientation approach.

Lastly, it is not only the government's obligation but also the responsibility of other stakeholders, including the administration of the electronic land certificate department, to ensure that individuals have access to legitimate documents containing accurate information. It is observed that the majority of the time, people are provided with the correct information necessary for their legal process (Ait-Lamallam et al., 2022). However, if the management of the land record system is working correctly and effectively to deliver all types of services to the people of Indonesia, it would be incredible for the Indonesian legal system to advance effectively. More electronic land certification facilities must be developed in various Indonesian states to offer timely certificates to the populace. Importantly, if the management worked adequately, there would be sustainability in record management, and individuals would receive the necessary advantages from all the procedures of judicial operations associated with their land disputes.

6. Implementations

6.1 Theoretical Implications

This study has theoretical implications because, in the literature review, it was identified that there is a gap in the literature related to the regulations of electronic land certificates in the court of law of Indonesia. In this regard, the study was conducted to identify the legal status of electronic land certificates in Indonesia. However, this study provides significant theoretical implications that are important to consider to improve the acceptance of electronic land certificates as legal documents in Indonesia. To begin with, the study highlights that the government of Indonesia must have reforms in the judicial system to ensure that the capability of the judiciary should be to accept the electronic land certificate as a valid document. Besides, it is also necessary to manage the electronic land certificate system to ensure that the people are provided with accurate data when required. In this way, the development would be done in the procedure of judicial trial related to the land issues, but at the same time, the digitalization of land certificates would have the whole proceeding in a productive and better way.

Moreover, the responsibility of the management is to ensure that the data management must be done with inaccurate figures. As a result, there would be no chance of a bogus land management certificate system. In the like manner, the operational and functional areas of the land management system would be improved with the new and formulated policies that would be established for the better performance of the management (Roslinda et al., 2022). Therefore, these implications need to be implemented by the government. All the stakeholders must ensure the acceptance of electronic land certificates as valid documents in the judicial proceeding in Indonesia.

6.2 Practical Implications

The study also provides significant practical implications that are important to consider related to the issues of electronic land certificates in the context of Indonesia. However, it was identified that in practice and substance of electronic land certificates, Indonesia faces a different kind of crisis that is not acceptable on the greater level. In this regard, the study provides theoretical as well as practical implications to improve

the legal status of electronic land certificates in Indonesia to meet the standard of digitization with the rest of the world. In this way, the government is responsible for creating awareness related to the land knowledge in the community of Indonesia to ensure that the people are provided with accurate information about their land records. Secondly, when the people are informed about the land management system and the validity of the electronic land certificate, they would keep it for their personal and present it before the proper authority when they are in any dispute related to land. Thirdly, the organizational behavior training must be provided to the management of the electronic land certificate center to improve the practices and operational activities of the administration. Lastly, this study highlights that there must be effective communication between the government and the judicial system to effectively improve the standard of a legal proceeding related to electronic land certificates, because communication is a key to improving functional areas (Yang et al., 2012). Additionally, these significant implications of the study would be helpful for the validity of electronic land certificates in Indonesia to meet the Indonesian judicial system to the advanced level compared to the rest of the world.

7. Future Directions

This study was conducted to understand the legal status of electronic land certificates in Indonesia's land case proof system. However, during the literature review, it was also identified that other areas are still unaddressed in the legal status of electronic land certificates in Indonesia's land case proof system. Therefore, this study recommends that future studies address the prosecutor's role and the worth of electronic land certificates in the legal status of Indonesia's electronic land management system. It will best contribute to future studies if these work areas are addressed competently.

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