

Analysis of Public Legal Awareness of the Implementation of Electronic Certificates in Indonesia

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ABSTRACT

Electronic land certificates serve as state-recognized proof of ownership alongside physical certificates, yet their application and acceptance remain dependent on the community's level of legal awareness. Through empirical-normative methods, this study found that there are several factors that influence public awareness of electronic land certificates, namely: the level of public knowledge about the law of electronic certificates, knowledge of the content of regulations regarding electronic certificates, attitudes towards these regulations, and patterns of public behavior.

INTRODUCTION

Digitalization has penetrated various sectors, such as banking, buying and selling, academic activities, and others, including in the aspect of proof of ownership rights, such as training certificates, webinar certificates, including land ownership certificates. At the time of writing this article, it has been 5 (five) years since electronic land certificates were implemented based on Article 147 of Law (UU) Number 11 of 2020 concerning Job Creation as revoked by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which reads as follows: "Proof of land rights, ownership rights to apartment units, management rights, and mortgage rights, including land transfer deeds and other documents related to land can be in electronic form."

The law gave rise to implementing regulations, initially through the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 1 of 2021 on Electronic Certificates, which was subsequently annulled and replaced by Regulation No. 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities.

In fact, the growth in the application and use of electronic certificates is very rapid. The enforcement of electronic land certificates is currently increasingly widespread. A total of 31 provinces have fully implemented electronic services. The total number of electronic land certificates issued currently stands at 865,646. However, it must be acknowledged that public distrust regarding the implementation of electronic land certificates remains. Not all segments of society are willing to digitize their land certificates, and there are still concerns that the certificates could be misused. Therefore, it is crucial to build public trust in the importance of digitizing land certificates.

In line with the facts on the ground, the author found complaints from the public regarding the slow process of issuing electronic certificates at one of the National Land Agency Regional Offices. Some community groups disagree with the transformation from manual land certificates to electronic versions ones. The reason is quite simple: the network in Indonesia is still very slow. There are concerns that when people need documents and the system fails, it will cause problems related to effectiveness and efficiency, as well as other legal issues.

This prompted the author to conduct this research to explore the extent of public legal awareness regarding electronic land certificates, which are considered more secure than conventional certificates. The research questions asked were: What is the level of legal awareness among Indonesians regarding electronic certificates, and what factors influence this awareness?

LITERATURE REVIEW

The study of legal awareness in relation to electronic land certificates reveals that the concept of legal consciousness is multifaceted and influenced by various factors. According to Achmad Ali, elaborating on the views of Ewick and Silbey, legal awareness refers to the understanding of both individuals and institutions toward the law in the context of everyday practice. This highlights that legal consciousness is not confined solely to normative dimensions, but is

also reflected in the concrete actions of society. Alexandra Michailowna Drozdova and her colleagues further emphasize that legal awareness is built upon two essential elements: legal psychology, which is associated with values, emotions, and social habits, and legal ideology, which is grounded in legal knowledge and measurable indicators of implementation.

Furthermore, Soerjono Soekanto, citing Kutschinsky, divides legal awareness into four main indicators, namely understanding of legal provisions, comprehension of the substance of the law, attitudes toward the law, and legal behavior. This framework provides a comprehensive approach to assess the extent to which individuals not only possess knowledge of the law but also demonstrate appropriate legal attitudes and behaviors. In line with this, Madina Kozhukhova and Miras Zhiyenbayev classify legal awareness into three levels: everyday legal awareness, which exists among the general public; professional legal awareness, which develops through legal education and practice; and scientific or theoretical legal awareness, typically held by legal scholars.

In the context of electronic land certificates, the literature underscores the importance of public knowledge and understanding of applicable regulations. Limited comprehension of legal substance, coupled with the proliferation of misinformation and hoaxes regarding the digitalization of land certificates, directly contributes to low public trust. Prior studies have demonstrated that legal education and community outreach play a significant role in improving public understanding of the legitimacy of electronic certificates as valid legal evidence.

Moreover, public attitudes toward land digitalization regulations are also shaped by their empirical experiences. Reluctance to transition from physical to electronic certificates reflects a psychological attachment to conventional documents, which are often perceived as more secure. However, the evolution of legal technology requires a paradigm shift from traditional to digital approaches. In this regard, the role of Land Deed Officials (PPAT) and the National Land Agency (BPN) is crucial in shaping public legal behavior by providing transparent, efficient, and secure services.

Finally, the literature highlights that legal certainty lies at the core of fostering public legal awareness. The legitimacy of electronic land certificates is established through various regulations, including the Job Creation Law, Government Regulation No. 24 of 1997 on Land Registration, and Ministerial Regulation No. 3 of 2023 on the Issuance of Electronic Documents in Land Registration. Furthermore, the Electronic Information and Transactions Law (ITE Law) affirms that electronic documents hold evidentiary power equivalent to physical documents. Thus, the consensus in the literature is that the primary challenge lies not in the legality of electronic certificates, but in the level of public understanding, trust, and legal behavior in accepting their implementation.

METHODOLOGY

The type of legal research employed is normative-empirical legal research. This approach, often referred to as applied legal research, focuses on examining how positive legal norms (statutory regulations) and written legal documents are

actually implemented in practice concerning specific legal cases within society. The purpose of this study is to assess whether the application of the law in concrete situations aligns with the provisions set out in legislation. In essence, this research seeks to evaluate the extent to which statutory regulations have been effectively enforced, thereby enabling the relevant parties to achieve their intended objectives.

This study employs Primary Data derived from structured interviews, as well as Secondary Data comprising primary legal sources, including statutory regulations such as the Job Creation Law and regulations issued by the Minister of Agrarian Affairs and Spatial Planning/National Land Agency. In addition, secondary legal references are obtained from journals, scholarly books, and online media that discuss matters related to electronic land certificates.

RESEARCH RESULTS AND DISCUSSION

Legal Awareness in the Implementation of Electronic Land Certificates

Land certificates, as proof of land ownership, are fundamental in proving ownership. The role of certificates is crucial and directly related to the public's legal awareness of their land ownership.

Legal awareness according to Achmad Ali, Elaborating on Ewick and Silbey's perspective, they refer to how individuals and legal institutions understand the law. In other words, legal awareness focuses on the understanding or meaning of human actions, which are formed in factual actions. This means that legal awareness exists within the realm of law in action. Being legally aware means that person understands and comprehends the law. Although within the realm of law in action, this perspective emphasizes the cognitive aspect because legal knowledge and understanding are closely related to human cognitive function.

Complementing the above, Alexandra Michailowna Drozdova et. al emphasize 2 (two) fundamental elements that form legal awareness, namely legal psychology and legal ideology. Legal psychology refers to aspects such as emotions, desires, habits, spontaneity, and the connection with individual values. Meanwhile, legal ideology is constructed on the foundation of legal knowledge and the assessment of legal indicators, which are formulated and oriented towards practical implementation. In full, it states:

The issue of legal consciousness remains a significant and complex matter that continues to attract wide attention. Legal practitioners often perceive legal consciousness as the spiritual dimension of law, a system grounded in morality, concepts of justice, solidarity, virtue, and religious values passed down through generations, all of which influence its development. The composition of legal consciousness itself can be shaped by these various elements consciousness is known and represented by two elements, namely: legal psychology (feelings, desires, habits, spontaneity and connection with personal values) and legal ideology, which is formed on the basis of legal knowledge, estimated indicators of law, which are established and directed to the person for their implementation, while ensuring control over the behavior of the individual.

Furthermore, estimates of legal indicators regarding legal awareness, by Kutschinsky as quoted by Soerjono Soekanto, are described in 4 (four) main

points, namely: Understanding of legal provisions (law awareness), comprehension of their substance (law acquaintance), perspectives on legal norms (legal attitude), and tendencies in legal practice (legal behavior). Legal knowledge is knowledge about certain behaviors, especially regarding prohibited and permitted things; legal understanding is information about the content, purpose/benefit of written laws owned by a person; attitude towards law is a tendency to accept or reject the law, as a form of appreciation for legal laws; legal behavior is the implementation and proof of the extent to which society complies with the law. In line with the above views, Madina Kozhukhova and Miras Zhiyenbayev (2018) identified legal awareness in 3 (three) levels, namely everyday legal awareness, professional legal awareness, and scientific/theoretical legal awareness. They confirmed that,

Legal awareness is generally categorized into three levels. The first is everyday legal awareness, which is commonly found among the general population within a society. The state of this level significantly influences the overall legal culture, social stability, and the way social life is organized. The second is professional legal awareness, developed through legal education and practical experience. Individuals at this level possess specialized and in-depth knowledge of prevailing laws, along with the ability to apply them effectively. In today's context, fostering professional legal awareness deserves particular emphasis. The third is scientific or theoretical legal awareness, typically associated with scholars who study legal culture, philosophy of law, law-making processes, and the conceptual framework underlying the regulation of social relations.

Knowledge of Legal Regulations or Law Awareness

Data shows that by April 2025, 121.64 million plots of land in Indonesia had been mapped. However, only 94.1 million plots had been certified (Almadinah Putri Brilian: 2025). This is certainly a challenge for the Ministry of Agrarian Affairs and Spatial Planning, to map all land areas in Indonesia, and of course this requires synergy with the community through socialization, the press, and increasing awareness about the importance of knowledge regarding land certification.

Article 1 paragraph (20) of Government Regulation No. 24 of 1997 on Land Registration defines a certificate as an official proof of rights, as referred to in Article 19 paragraph (2) letter c of the Basic Agrarian Law (UUPA). This proof applies to land rights, management rights, waqf land, ownership of apartment units, and mortgage rights, all of which are duly recorded in the relevant land book. In line with the dynamics and progress of agrarian matters in Indonesia, the legal framework also accommodates the use of electronic land ownership certificates, as stipulated in Article 147 of Law No. 11 of 2020 on Job Creation, which has been referenced earlier in this journal.

The legal consequence of this article is the emergence of implementing regulations, namely Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia (Permen ATR/BPN) Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities. The presence of this Permen ATR/BPN does not guarantee public awareness of electronic land certificates.

Furthermore, trust in electronic systems remains very low. The public often doubts the validity and security of electronic certificates, as they feel safer with physical certificates that they can hold and store in a location of their choice.

At the same time, information circulated on social media stating that starting in 2026 all land and house certificates must be converted into electronic certificates, thus the land will be transferred to state ownership and even easily seized by land mafia. This information was immediately strongly denied by the Head of the Land Office of the Ministry of ATR/BPN Bitung City, Budi Tarigan, who stated that the public need not worry if analog certificates are converted to electronic certificates because data security is guaranteed. According to him, electronic land certificates are more secure and practical, making it impossible to falsify data. This is what differentiates them from analog certificates.

Data shows that as of April 2025, the government had digitized 95,944,121 land plots out of a total of 121,728,816 registered plots across Indonesia. A study in Gedungmeneng Baru Village, Bandar Lampung, showed that before outreach, the average community knowledge was only 40.00 (out of 100). After education through lectures, videos, and discussions, this figure increased to an average of 69.57. This indicates significant improvement, but public awareness remains suboptimal. Research by Najwa Nashifa Azhar and I Made Pria Dharsana also demonstrates a lack of public awareness about the importance of official documentation. This linearly demonstrates that limited public knowledge of applicable legal regulations affects legal awareness in Indonesia. Linked to legal knowledge regarding electronic certificates, this certainly needs to be improved through more massive action by the Central Information Agency of the Defense Agency. Counseling needs to be conducted involving more community elements, so that knowledge about land regulations, especially electronic land certificates, can be conveyed to all elements of society. Knowledge of the existence of this regulation can significantly increase public awareness of electronic land certificates. At the same time, synergy is needed with other ministries, such as the Ministry of Communication and Digital, in preventing the spread of information (hoaxes) or disinformation about electronic certificates.

Familiarity with the Normative Content of Laws (Law Acquaintance)

In the case of electronic certificates, knowledge of the contents of land regulations is a determining factor in the level of legal awareness in society. The previous point discussed circulating hoaxes; however, this information is not entirely false. Article 96 of Government Regulation Number 11 of 2021 reads as follows:

- (1) Documentation of former customary land owned by individuals must be registered no later than 5 (five) years from the date this Government Regulation comes into effect.
- (2) In the event that the period as referred to in paragraph (1) ends, the written evidence of former customary land is declared invalid and cannot be used as evidence of land rights and only as a guide for land registration purposes.

However, in the explanation of Article 96 paragraph (1), there is the following statement; That the written evidence of the land formerly owned by customary

law has not yet been certified. A period of 5 (five) years is considered the timeframe for completing land registration throughout the Republic of Indonesia. The ineffectiveness of written evidence of former customary law land does not change the status of the land.

Traditional land documents in Indonesia, such as Letter C, Petuk D, and Landrente, have limited legal status in the modern land system. While they have historical value as administrative records and proof of tax payments, these documents cannot be considered valid and strong proof of land ownership. Government Regulation Number 18 of 2021 (PP 18/2021) significantly changes the legal status of these documents by affirming that land certificates are the only valid and strong proof of ownership.

The Minister of ATR/Head of BPN, Nusron Wahid, explained that girik is automatically no longer valid once all the land in an area has been mapped and the certificates have been issued.

"When an area has been declared complete, the owner has been mapped, and the certificate is issued, the girik is automatically no longer valid. Unless there is an administrative defect that is proven within less than five years, then the girik can still be used as evidence," he said at a media meeting entitled "End of Year Notes of the Ministry of ATR/BPN" at the Prona Hall, Jakarta, Tuesday (31/12/2024). Furthermore, Minister Nusron emphasized that if the certificate is more than five years old, the problem can only be resolved through the courts. "Land certificates are legal products. According to Government Regulation Number 18 of 2021, legal products can only be replaced with other legal products upon court order."

From the explanation above, it is clear that electronic land certificates do not immediately erase land ownership rights, and emphasizes that the Government, through The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency aims to increase community awareness of the law, stressing that conventional evidence of ownership is not reliable.

"To date, many land disputes and conflicts have originated from girik (land titles). In fact, girik often becomes a loophole exploited by land mafias through forged documents. Therefore, the elimination of girik aims to prevent future conflicts," said Asnaedi. Therefore, with the success of the Complete Regency/City program, girik is no longer relevant. "As the Minister stated, once all land in an area is complete and registered, the girik is automatically no longer valid," Asnaedi emphasized.

The spread of hoaxes regarding the revocation of analog certificates also demonstrates the public's lack of awareness regarding the regulations. Therefore, efforts must be made not only to disseminate information about the regulations but also to foster an understanding of their contents. This will significantly contribute to strengthening public legal awareness.

Attitude towards Legal Regulations or Legal Attitude

Legal attitudes are an inseparable part of legal awareness. High or low legal awareness will influence a person's legal stance and their decision to act or not act regarding existing legal regulations. Low legal awareness is influenced by internal factors, including education, responsibility, mindset, and low economic status. Therefore, building legal awareness is not easy.

Legal awareness essentially addresses human behavior in general across all groups, as the concept of legal awareness itself embodies elements of values internalized by society from an early age. Legal awareness encompasses not only awareness of legal obligations and adherence to statutory provisions, but also unwritten legal provisions. Legal awareness can also arise from real-life events or occurrences. If an event or occurrence occurs repeatedly and regularly, it will lead to the emergence of a perception or awareness that it constitutes a legal obligation.

Legal attitudes tend to be influenced by experiences and events experienced empirically through the senses. When a person's rights are taken by another person, even by the state, it can lead to a decrease in legal awareness. In the author's experience, when land was already controlled by an heir, while the heir's parents were still alive, the heirs were reluctant to transfer their rights from their parents. When their parents died, the process of transferring their rights became more complicated, such as obtaining an inheritance certificate and the approval of other heirs. This sometimes gave rise to new problems that even led to court decisions. However, after the person had gone through this lengthy process, he finally decided to take legal action to prevent such an incident from happening to his children (his heirs).

The same thing is happening with the digitalization of land administration. The decision to digitize electronic land certificates demonstrates public legal awareness of the importance of using electronic land certificates.

Patterns of Legal Behavior

Conventional Pattern towards Digital Transformation of Land

The digital transformation is driving a shift in societal trends from previously requiring physical access to virtual reality, including in the land sector. Initially, land administration in Indonesia still used a conventional approach, with manual processes that were time-consuming and vulnerable to data manipulation. With the development of information and communication technology, the Indonesian government began to recognize the importance of adopting a technology-based land administration system. The first initiative in this regard was the establishment of the National Land Agency (BPN) in 1961, which aimed to formulate policies and coordinate the implementation of land administration at the national level.

Furthermore, in the reform era, there was an acceleration in land administration reform. In 2021, during the pandemic, the Ministry of ATR/BPN issued Regulation Number 01 of 2021 concerning Electronic Certificates, hereinafter referred to as the Electronic Certificate Regulation, on January 12, 2021. The expected implications of the Electronic Certificate Regulation are to The

goal is to enhance the effectiveness and efficiency of land services, not only by shortening service time and duration but also by reducing related costs. Another important purpose is to ensure stronger legal certainty and protection, which surpasses that of conventional documentary evidence, particularly with regard to the accuracy of physical and legal data presented in electronic form.

The Role of Land Deed Officials in Changing Legal Behavior in Electronic Land Certification)

Cooperation between Land Deed Officials (PPAT) and the National Land Agency (BPN) is crucial in the implementation of electronic land certificates. Electronic land certificates are a form of land title certificate issued electronically, replacing conventional physical certificates. In this context, PPATs play a crucial role in providing the data and information required by the BPN for the e-certificate issuance process. In issuing e-certificates, PPATs are responsible for collecting and providing the necessary data, such as information on land transactions, landowner identities, and other relevant documents.

In addition, PPAT must also carry out verification and validation. The author interviewed several Land Deed Officials to support this research. A structured interview was conducted with Rio Fardiawan (the interview was conducted at the Notary and Land Deed Officials Office Rio Fardiawan, SH., M.Kn. located on Jalan Kalisari, East Jakarta, on May 2, 2025). Rio Fardiawan explained that notable developments have occurred within 5 (five) years after the enactment of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 1 of 2021 on Electronic Certificates, or 2 (two) years following its revision through Regulation No. 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration. He noted that although the implementation of electronic certificates has been relatively effective, challenges remain, particularly regarding the processing time at the National Land Agency, including aspects of measurement, data management, and supporting documentation. Furthermore, he emphasized the need to strengthen the number of human resources in each Regional Office of the National Land Agency, as the current capacity is still insufficient.

To complete the data, the author also interviewed another Land Deed Maker, Elsha Fitria, SH., M.Kn (the interview was conducted at the Notary and PPAT ELSHA FITRIA Office located at Radin Inten II, Duren Sawit District, East Jakarta). Elsha Fitria said almost the same thing, that the implementation has been effective but has obstacles on the National Land Agency Server which is sometimes problematic; so the aspect that needs to be improved is the quality of the National Land Agency Server. Finally, the author also interviewed a Notary and Land Deed Maker in Bekasi Regency, Elsha Evelina SH., M.Kn (the interview was conducted at the Notary and PPAT Elsa Fitria S.H., M.kn Office located in East Jakarta). According to her, the implementation of electronic certificates in 2025 has been effective, there are no obstacles, but there still needs to be improvements in cybersecurity aspects, for example hacker attacks that hack the Electronic Certificate Data Center.

Society as a shaper of legal awareness behavior patterns in the implementation of Electronic Land Certificates

Ultimately, it is the public that must determine the legal behavior patterns that must be adopted regarding the implementation of electronic land certificates. In this understanding, legal certainty is needed to encourage the implementation of good legal behavior. The level of legal literacy in the public regarding electronic land certificates remains a significant challenge, especially among rural communities. A lack of understanding of land law leaves many people unaware of their rights and obligations regarding land, including the fundamental differences between ownership rights, building use rights, and use rights. This lack of understanding often leaves people confused when navigating the electronic land registration process. The solution to this problem, of course, lies in legal scholars and land experts who can provide simple explanations, including the importance of managing electronic land certificates themselves.

Furthermore, limited information regarding electronic land certificate regulations can exacerbate the situation. Newly introduced regulations are often perceived as overly complex, with legal terminology difficult for laypeople to understand, making it difficult for them to comply with existing procedures.

Although the electronic land certificate system offers many advantages, the lack of digital literacy among the public is a major obstacle to its implementation. Many residents, especially those living in rural or remote areas, are still unfamiliar with digital technology. They prefer familiar manual systems, such as physical documents, because they are easier to understand and can be readily stored and handled. In this regard, physical certificates provide a sense of security for them, as they feel they have full control over the document. Furthermore, trust in electronic proof systems remains very low. People often doubt the validity and security of electronic certificates, as they feel safer with physical certificates that they can store in a location of their choice. Many question whether electronic land certificates have the same legal force as physical certificates in the event of disputes or issues related to land ownership. This uncertainty is further exacerbated by limited knowledge about how these digital systems work and how electronic documents can be accounted for in legal proceedings. The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (ATR/BPN) stated, "In West Sumatra, the number is still very small, only 10 plots, or 0.02 percent of the target of 426 plots. We will maximize efforts to ensure all of these are certified by 2025."

The good news is that the massive growth of electronic certificates reflects public legal awareness regarding the implementation of electronic certificates in Indonesia. This reflects a pattern of good legal behavior, which is inseparable from the role of the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and the Acting Land Deed Makers, as parties actively involved in the implementation of the transfer of conventional certificates to electronic certificates. As of October 4, 2024, citing data from the National Land Agency infographic, there were 1,952,868 electronic certificates issued. Of course, without the development of legal awareness in the community, this would not have been possible.

Legal Certainty as the Essence of Determining Public Legal Awareness

Legal Certainty

Legal certainty, or rechtszekerheid, is a core element of law, at least from a formal positivist perspective. In the context of written legal norms, law without certainty loses its meaning because it can no longer serve as a guide to behavior for everyone. Shcherbanyuk et al. state that legal certainty is a component of the rule of law; it includes clarity about the basis, purpose, and content of regulations.

Legal certainty, as an essential element of the rule of law, primarily refers to the necessity for clarity regarding the basis, objectives, and substance of legal regulations, particularly those that are directly applied to individuals.

Clarity of basis, purpose and content, in fact, requires legal validity, according to Radbruch as analyzed by Manullang. Validity does not refer to generalization or individualization. Validity requires positivization; therefore, a positive law can be declared valid without linking it to justice or utility. For Radbruch, every legal validity is essentially a matter of (1) normative ideas and (2) factual matters. In line with this, legal certainty is based on the accuracy of the law's application, its clarity, and its logical coherence, so that (normative) law does not give rise to doubt, multiple interpretations, and ambiguity. In the context of criminal law, Feuerbach underlines the logic of law, namely that: "... if the law aims to address and influence individual behavior, the information given should be precise and reliable (lex certa and lex stricta) and given in statutory form (lex scripta). From this, it can be understood that legal certainty is actually guided by the requirements of lex scripta, lex certa, and lex stricta. Etymologically, these three Latin phrases mean that (certain) law must be written, clear, and interpreted rigidly or strictly.

Despite this interpretation, Elina Paunio emphasized that legal certainty requires a balance between stability and flexibility. Paunio also distinguishes between formal legal certainty and substantive legal certainty. Both involve clarity, stability, and intelligibility. He writes in more detail:

Legal certainty necessitates a balance between stability and adaptability. Drawing on the hermeneutical perspectives of legal scholars such as Aulis Aarnio and Alexander Peczenik, it is possible to differentiate between formal legal certainty and substantive legal certainty, or between the predictability and the acceptability of legal decisions. Formal legal certainty emphasizes that laws and judicial decisions must be foreseeable, meaning that legal rules should meet standards of clarity, consistency, and comprehensibility, allowing individuals to reasonably anticipate the legal consequences of their actions and the results of legal proceedings. Substantive legal certainty, on the other hand, pertains to the rational justifiability of legal decisions. In this regard, it is not enough for laws and adjudication to be predictable; they must also be recognized and accepted by the relevant legal community.

In relation to the implementation of Electronic certificates, legal certainty can be known through several things, namely, first, normative clarity. Article 3 of the Regulation of the Minister of ATR/BPN No. 3 of 2023 on the Issuance of Electronic Documents in Land Registration Activities establishes the normative foundation for electronic land certificates. It stipulates that: [1] the Ministry is

responsible for managing a reliable and secure Electronic System as referred to in Article 2 paragraph (3), ensuring its proper operation; [2] this Electronic System is applied to several activities, namely: a. initial land registration; b. maintenance of land registration data; c. recording of data and information changes; and d. media transfer; [3] its implementation is carried out gradually by taking into account: a. the availability of infrastructure and human resources in each Land Office; b. the maturity level of information technology at each Land Office; and/or c. the readiness of service users; [4] the phased application of this system is determined by the Minister. Furthermore, Article 17 provides more detailed provisions regarding electronic land certificates, including: [1] rights registration activities under Article 16 produce an e-BT, validated simultaneously with the e-Certificate; [2] the e-Certificate is issued in the form of an electronic document and validated by an authorized official using an electronic signature; [3] the e-Certificate becomes effective once it has been electronically signed; [4] for time-limited certificates such as cultivation rights, building rights, or usage rights, the validity period is calculated from the date of rights registration. Together, these two provisions form a solid legal basis for the application of electronic land certificates.

Second, clarity/certainty of implementation. The two articles above outline the gradual implementation of electronic land certificates. From the clarity of these implementation stages, it can be understood that the regulation has an element of clarity of purpose as part of the measure of legal certainty.

Digital Certificate as an Evidentiary Instrument

Article 5 paragraph (1) of Law No. 1 of 2024, which is the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions, stipulates that Electronic Information, Electronic Documents, and/or their printouts are recognized as valid legal evidence. A certificate itself functions as proof of rights, as outlined in Article 19 paragraph (2) letter c of the Basic Agrarian Law (UUPA), covering land rights, management rights, waqf land, ownership of apartment units, and mortgage rights, all of which are registered in the relevant Land Book. As previously discussed, this proof of rights may also take the form of an electronic certificate. Furthermore, Article 6 affirms that: (1) Electronic Documents are to be accessed and/or printed through an Electronic System; and (2) such Electronic Documents and/or their printouts hold the status of valid legal evidence.

Electronic certificates in court can be categorized as electronic evidence that has the same evidentiary power as written/lettered evidence made on paper and its printouts; in other words, it is a valid form of evidence. This provision affirms the legitimacy of electronic certificates as admissible evidence in court, provided that the data contained in the electronic system remains unaltered and its integrity is ensured in accordance with the records in the land register.

CONCLUSION AND RECOMMENDATIONS

The factors influencing public legal awareness in the implementation of electronic certificates, when viewed from the perspective of legal awareness

theory, include legal knowledge, understanding of legal content, attitudes toward the law, and patterns of legal behavior. Based on these aspects, it can be seen that the application of electronic land certificates has been running relatively effectively, beginning with their initial normative recognition in the Job Creation Law up to their further regulation in the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Regulation No. 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration. In practice, by mid-2025 the National Land Agency had issued a total of 1,952,868 electronic certificates. Despite this progress, certain areas still require improvement, particularly in enhancing legal knowledge related to the issuance of electronic certificates and understanding of the governing regulations, including the Basic Agrarian Law (UUPA), Government Regulation No. 24 of 1997 on Land Registration, and Ministerial Regulation No. 3 of 2023. This knowledge will limit hoaxes and disinformation regarding electronic certificates.

Conversely, improvements in legal attitudes are needed to address deficiencies, such as increasing digital literacy and encouraging the transition of traditional land ownership certificates (*girik*, later C, and so on) to electronic certificates due to their stronger legal force. From a non-legal perspective, improvements are expected in digital literacy, technical aspects, the National Land Agency's database infrastructure, and human resources.

In this regard, server quality improvements are needed as a key to increasing public legal awareness regarding electronic certificates. If data is perceived as secure, people will automatically shift away from conventional certificates. To support this, the National Land Agency (BNPB) is also crucial for conducting extensive outreach campaigns to provide reliable information and refute hoaxes or disinformation that can undermine public legal awareness.

ADVANCED RESEARCH

This advanced research seeks to critically analyze the dynamics of customary land rights (*hak ulayat*) within the framework of Indonesia's national land law, emphasizing the tension between traditional community ownership and state regulation. Unlike conventional normative studies, this research advances by integrating juridical review, socio-cultural perspectives, and empirical observation of indigenous practices to construct a more comprehensive understanding of land governance. By exploring the coexistence of positive law with local wisdom and comparing it to international indigenous land management models, the study not only enriches the theoretical discourse on agrarian law but also provides policy-relevant insights for strengthening recognition, protection, and sustainable utilization of customary land in Indonesia.

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