

**IMPLEMENTASI PASAL 10 PERATURAN MENTERI AGRARIA DAN TATA RUANG/
KEPALA BADAN PERTANAHAN NASIONAL REPUBLIK INDONESIA NOMOR 5
TAHUN 2020 TENTANG PELAYANAN HAK TANGGUNGAN TERINTEGRASI
SECARA ELEKTRONIK DI KABUPATEN SLEMAN**

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis implementasi dan kendala dalam pelaksanaan Pasal 10 Permen ATR/BPN No. 5/2020 tentang Pelayanan Hak Tanggungan Terintegrasi secara Elektronik di Kabupaten Sleman, serta akibat hukumnya dalam hal tidak terpenuhinya Pasal 10 tersebut.

Penelitian ini merupakan jenis penelitian hukum normatif empiris. Sifat penelitian yang dilakukan adalah deskriptif. Teknik dan alat pengumpulan data menggunakan metode *purposive sampling* dengan wawancara kepada responden dan narasumber. Analisis data dilakukan dengan cara kualitatif dan disajikan secara deskriptif. Penarikan kesimpulan menggunakan metode interpretasi.

Hasil penelitian diketahui implementasi Pasal 10 Permen ATR/BPN No. 5/2020 di Kabupaten Sleman dilakukan sejak April 2020, dan ditemukan APHT dengan pemegang Hak Tanggungan adalah Bank Mandiri yang dibuat pada tanggal setelah berlakunya Permen ATR/BPN No. 5/2020 didaftarkan dengan Surat Pernyataan pertanggungjawaban keabsahan dan kebenaran data dan dokumen elektronik yang ditandatangani oleh pejabat Bank. Kendala yang dihadapi dalam implementasi HT-*el* antara lain gangguan sistem HT-*el*, kesalahan peringkat Hak Tanggungan, aplikasi HT-*el* dibatalkan dan PNBPN yang dibayarkan hangus (mekanisme pengembalian PNBPN masih belum jelas) dikarenakan Bank dan PPAT tidak rutin melakukan pengecekan perihal kekurangan dokumen. Akibat hukum tidak terpenuhinya Pasal 10 yaitu pertama, sertifikat HT-*el* dan APHT harus dianggap berlaku dan memiliki kekuatan hukum sebelum ada pembatalan dari pengadilan. Kedua, surat pernyataan pertanggungjawaban merupakan pernyataan sepihak karenanya harus dilihat dari kewenangan bertindak dan kompetensi dari PPAT dalam hubungannya dengan tanggung jawab profesi baik itu pertanggungjawaban perdata, pidana, administrasi dan kode etik PPAT.

Kata Kunci : PPAT, Hak Tanggungan, HT-*el*, Permen ATR/BPN No. 5/2020, Surat Pernyataan Pertanggungjawaban.

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**THE IMPLEMENTATION OF ARTICLE 10 REGULATION OF MINISTRY
OF AGRARIAN AND SPATIAL PLANNING /HEAD OF THE NATIONAL
LAND AFFAIRS AGENCY NO. 5 OF 2020 ON ELECTRONIC
HAK TANGGUNGAN INTEGRATED SERVICES
IN SLEMAN DISTRICT**

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ABSTRACT

This study aims to finding out and analyzing the implementation and obstacles in implementing Article 10 of Permen ATR/BPN No. 5/2020 on Electronic Hak Tanggungan integrated services in Sleman District, as well as its legal consequences in terms of Article 10 of Permen ATR/BPN No. 5/2020 is not fulfilled.

This study used juridical empirical method with descriptive explanations of legal construct. Data collection methods is purposive sampling to gathering primary data through structured-open-interview with respondents and informants. The obtained data were then analyzed qualitatively and presented descriptively and the conclusion constructed via interpretation of legal sources.

Based on the results of this research, shows that The Article 10 of Permen ATR/BPN No. 5/2020 has been implemented in Sleman District since April 2020 and there were APHT with the holder of HT-*el* is Bank Mandiri which created on the date after the enactment of Permen ATR/BPN No. 5/2020 and registered with a statement of responsibility for the authenticity and correctness of electronic data and documents signed by bank officials. Obstacles in implementing electronic Hak Tanggungan such as system HT-*el* disruption, typographical error of Hak Tanggungan's rating in HT-*el* certificate, HT-*el* application cancelled by system HT-*el* and PNBPN already paid are forfeited (PNBPN refund mechanism was therefore still a pain point) due to Bank and PPAT do not routinely check notification about the application documents are not complete and correct yet. Legal consequences for violating The Article 10 can be drawn in 2 (two) inferences. First, consequence towards HT-*el* certificate and APHT still considered to be legitimate for exercising rights or defending lawful interests, before it is cancelled by the general court. Second, consequence relating to statement of responsibility signed by PPAT is a one-sided statement therefore it must be understood in legal authority to act and legal competence of PPAT in relation to civil, criminal, administrative liability and code of conduct of PPAT.

Keywords : PPAT, Hak Tanggungan, HT-*el*, statement of responsibility, Permen ATR/BPN No. 5/2020.

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