

Research Article

Registration of Deeds of Encumbrance That Exceed the Time Limit in Badung Regency

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Abstract: This study aims to analyze the registration of Deeds of Mortgage (APHT) that exceed the 7 (seven) day time limit in Badung Regency and the legal consequences that arise from this. The research uses empirical legal methods with a legislative, analytical, case, and legal sociology approach. Data was obtained through interviews with PPAT and the Badung Regency Land Office (BPN) as well as a study of secondary legal materials. The results of the study show that delays in APHT registration still occur both through the manual (offline) and electronic (HT-el) systems. The contributing factors include negligence or workload of PPAT, incomplete documents from the parties, administrative obstacles at the Land Office, and technical disruptions to the electronic system. Legally, delays do not invalidate APHT, but they delay the creation of mortgage rights because these rights only have legal force from the date of recording in the Land Registry. As a result, creditors do not obtain preferential rights and full legal protection before registration is carried out. PPATs who are late may be subject to administrative sanctions in accordance with official regulations. Based on the theories of utility, legal protection, and legal certainty, delays in APHT registration reduce the effectiveness of creditor protection and create potential legal uncertainty. Therefore, it is necessary to improve supervision and guidance for PPATs, as well as optimize the HT-el system to ensure legal certainty and protection in the practice of registering Mortgage Rights.

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Keywords: APHT; Deadline; Deed; Mortgage; Registration.

1. Introduction

Land is one of the basic necessities that is essential for humans in order to fulfill their needs and survive (Nurasa & Mujiburohman, 2020). Therefore, in order to ensure legal certainty and create legal unity and administrative order in the field of land, the Indonesian Government enacted Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA) as the national legal basis governing the administration of land rights in accordance with state law (Suwitra, 2024). The UUPA is the main foundation for the regulation of agrarian issues in Indonesia, which regulates matters relating to land rights, water rights, and airspace, including the natural resources contained therein, which are controlled at the highest level by the State, as the organization of the people's power as stipulated in Article 2 paragraph (1) of the UUPA (Catur Ayu Ningtyas, 2023). In order to implement the provisions of the UUPA, the government issued Government Regulation No. 24 of 1997 concerning Land Registration (hereinafter referred to as PP 24/1997) as a significant regulation in handling the land registration process in Indonesia (Susantini, 2024), land is an asset that is often required by financial institutions (creditors) as collateral for loans (Andriano & Irwansah, 2025). Because land is generally easy to sell, its price continues to increase, it has proof of ownership, it is difficult to embezzle, and it can be encumbered with a mortgage that gives special rights to creditors (Rachman, 2024). Thus, it is clear that the State must regulate all matters relating to

land (which is part of the earth) so that it is used to the greatest extent possible for the prosperity of the people (Eka Muji Diliwiyana, 2022). Therefore, the regulations regarding the use and control of such land have been stipulated in the Basic Agrarian Law.

In the Indonesian dictionary, *tanggungan* is defined as an item used as collateral. Meanwhile, *jaminan* itself means collateral received as security (Satrio, 1998). Guarantees can be divided into tangible guarantees and intangible guarantees (Gunawan et al., 2025). This personal guarantee can only be enforced against certain individuals, whereby a creditor can seize the assets of a debtor who has defaulted on their obligations through or without a legal procedure known as "seizure of collateral," because what is bound as collateral here is not the assets but the individual. Guarantees are distinguished between general guarantees based on the provisions of Article 1131 of the Civil Code (hereinafter abbreviated as KUH Perdata) and special guarantees based on agreements made between creditors and debtors, as stated in Article 1133 of the Civil Code. Specifically, collateral in the form of immovable property is a right to land encumbered with a mortgage as regulated in the Land Mortgage Law.

In practice, Land Deed Officials (hereinafter referred to as PPAT) are public officials who partner with the National Land Agency (BPN) in land registration activities to assist/formalize every legal action on land carried out by the parties as outlined in an authentic deed (Sevia et al., 2025). Badung Regency consists of 6 districts, namely Abiansemal, Kuta, South Kuta, North Kuta, Mengwi, and Petang. It has 16 subdistricts and 46 villages, with a population of 468,346 and an area of 418.62 km², resulting in a population density of 1,118 people/km². The list of Notaries/PPAT in Badung Regency in 2024 includes 156 Notaries/PPAT, and in 2025, there will be 169 Notaries/PPAT.

Article 1 paragraph 1 of the Mortgage Law stipulates that a mortgage is a security right imposed on land rights as referred to in the Basic Agrarian Law, with or without other objects that form an integral part of the land, for the repayment of certain debts, which gives priority to certain creditors over other creditors. Every granting of a Mortgage Right is carried out before a Notary Public, and therefore the Deed of Granting of Mortgage Rights (hereinafter referred to as APHT) must be registered at the local land office to fulfill the publicity requirement, namely no later than 7 (seven) working days after the APHT is signed by both parties, the Notary Public must send the APHT along with the documents to the land office (Susilawati & Maulisa, 2024). Such registration is mandatory, as it determines the creation of the relevant Mortgage Right. The granting of a Mortgage Right is preceded by a promise to grant a Mortgage Right as collateral for the repayment of a specific debt, which is set forth in and forms an integral part of the relevant debt agreement or other agreement giving rise to the debt (Chandra & Lukman, 2022). The Land Office issues Mortgage Rights, according to standard operating procedures within 7 days, but in reality they are often delayed due to various factors, one of which is the lengthy, manual and/or conventional bureaucratic process at the Land Office, such as manual signatures that require the signing officer to be present.

Registration of mortgage rights at the National Land Agency (BPN) is carried out after the creation of an APHT by a PPAT and must be done electronically through the Electronic Mortgage Rights System (HT-el) since July 8, 2020. The PPAT will submit the APHT along with supporting documents through an integrated electronic system to the Land Office (BPN) to be recorded in the Land Registry and land certificate. After registration is complete, the BPN will issue a Mortgage Certificate (SHT) as proof of collateral for the creditor (Lindartanto et al., 2025). The imposition of encumbrances must be carried out by the Grantor of the Encumbrance, and if the Grantor of the Encumbrance cannot be present before the PPAT, then in accordance with the requirements, they must appoint another party as their proxy by drawing up a Power of Attorney for the Imposition of Encumbrances (hereinafter referred to as SKMHT) in the form of an authentic deed. While Article 15 paragraph (1) of the UUHT also stipulates that the SKMHT must be drawn up by a Notary and a PPAT. In other words, even though it must be drawn up as an authentic deed, the choice is not limited to a notary deed, but can also be drawn up by a PPAT.

In relation to SKMHT, the provisions of Article 15 paragraph (3) further state that "A Power of Attorney to Impose a Mortgage on registered land rights must be followed by the creation of a Mortgage Deed no later than 1 (one) month after it is granted" and the provisions of paragraph (4) which state that a Power of Attorney for Imposing Mortgage Rights on unregistered land rights must be followed by the issuance of an APHT no later than 3 (three) months after it is granted", the provisions of Article 15 paragraph (3) and (4) of the UUHT clearly and explicitly stipulate that the SKMHT must be followed by the issuance of an APHT no later than 1 (one) month for collateral in the form of certified land and no later than 3 (three) months for collateral in the form of uncertified land. Therefore, there is an obligation

for the PPAT to complete the APHT before the SKMHT period expires. If this period is not met, the SKMHT becomes "legally void" (Saputro & Silviana, 2024).

List of Mortgage Rights registered at the Badung National Land Agency (BPN) from 2021 to 2025 for the past 5 years from 2021 to 2025. Over the past 5 years, there have been a total of 18,853 mortgage rights registered at the Badung BPN. In practice, irregularities have been found where PPATs have acted beyond their authority, such as initiating or even carrying out mortgage registrations without following the proper procedures, or overstepping the authority of the land office. These actions can be categorized as "exceeding authority," and there are PPATs who are late in registering APHTs with the land office, which is certainly not in accordance with the purpose of the law, namely legal certainty, especially if it has consequences for creditors as interested parties in the repayment of their debts. Therefore, several PPATs have been subject to sanctions in the form of verbal warnings. Delays in registering APHT will result in delays for the Land Office in creating land books for encumbrances and recording them in the land rights books that are the subject of the encumbrance, as well as copying these records onto the relevant land rights certificates. The UUHT does not explain the sanctions if the PPAT does not submit the APHT to the Land Office for processing of the mortgage certificate within 7 days, nor does it explain the legal consequences if the mortgage certificate is made based on the PPAT's delay in submitting the APHT. Article 40 paragraph (1) of PP 24/1997 states that no later than 7 (seven) working days from the date of signing the relevant deed, the PPAT is required to submit the deed they have made along with the relevant documents to the Land Office for registration. Sanctions against PPATs as stipulated in Article 62 of PP No. 24 of 1997 state that PPATs who, in carrying out their duties, ignore the provisions of Article 40 and the provisions and instructions given by the Minister or designated officials shall be subject to administrative measures in the form of a written warning up to dismissal from their position as PPAT, without prejudice to the possibility of being sued for damages by parties who suffer losses as a result of the disregard of these provisions.

2. Materials and Method

The legal research used in this study is empirical legal research (Mukti Fajar & Achmad, 2010). The use of empirical legal research was due to the existence of regulations that specifically govern the mechanism for registering mortgage deeds by PPATs in Badung Regency and the legal consequences of registering mortgage deeds by PPATs that exceed the time limit in Badung Regency, so it is necessary to review these mortgage rights. The approaches used are the legislative approach, analytical approach, case approach, and sociological approach to law. The data collection technique used is primary data collected in the field from six informants who are sources of information at each PPAT office in the Badung Regency. Secondary data is collected by searching for legal materials. Data analysis was conducted using interpretive research.

3. Results and Discussion

APHT registrations that exceed the 7 (seven) day time limit as stipulated in Article 13 of the UUHT still occur in both offline and online (HT-el) service systems in Badung Regency. The contributing factors are administrative and technical in nature. According to the results of an interview with Mr. I Putu Eka Budi Sastrawan, a staff member of the Mortgage Rights section at the Badung BPN, in the offline (conventional) system, delays are generally caused by:

- a. Internal factors at the PPAT, such as high workloads, poor administration, and delays in sending physical files to the Land Office.
- b. Document completeness factors, namely incomplete or invalid documents from debtors and creditors.
- c. Technical factors at the Land Office (BPN), such as service queues, limited human resources, and the length of the manual file review process.
- d. Physical administrative obstacles, including the risk of file errors, document corrections, or file returns that require additional time.

Meanwhile, in the online system (HT-el), namely:

- a. Technical problems with the electronic system, such as server disruptions, unstable internet connections, or document upload errors.
- b. Inconsistencies or lack of integration of land data in the electronic system, especially for old certificates.

- c. Lack of understanding or accuracy on the part of operators, both from the PPAT and creditors, in data entry.
- d. Delayed electronic verification process, if data inconsistencies are found, causing the system to return the application for correction.

Based on interviews with several PPATs in Badung Regency, namely in Mengwi District, there are Mrs. Ni Kade Arini, S.H., M.Kn, Mrs. Anak Agung Ayu Dhiah Tri Setiawati, S.H., M.Kn, and Mr. Ida Bagus Putu Gina Antara, S.H. In North Kuta District, there is Mr. Andreanto Mahardhika Saputro, S.H., M.Kn. In Kuta District, there is Dr. I Putu Ngurah Aryana, S.H., M.H. In Kuta Selatan District, there is Mrs. Dr. Ni Made Diah Wiriani, S.H., M.Kn, and in Abiansemal District, there is Mrs. Umiati Soedjati, S.H., who stated that APHT registrations exceeding the 7-day deadline after signing in Badung Regency are generally caused by a combination of technical, human, and administrative factors. The factors causing the delay are as follows:

- a. Factor PPAT
 - 1) Negligence or Work Backlog: PPATs have many deeds to process, so APHTs are not submitted to the Land Office immediately after signing.
 - 2) Errors in Deeds: Errors in APHT data require deed corrections (changes), thereby delaying the registration process.
 - 3) Administrative Delays: Poor file management at the PPAT office results in files piling up and not being processed immediately electronically (e-HT).
- b. Factors Related to the Parties (Debtor and Creditor)
 - 1) Document Completeness: Debtors are often slow in fulfilling the required documents, such as spousal consent letters, collateral documents, or other supporting documents.
 - 2) Delayed Payment of Fees: Delays in the settlement of registration fees and taxes (BPHTB/HT Tax) by the debtor, resulting in the PPAT being unable to register the deed.
- c. Factors related to the National Land Agency (BPN) and the System
 - 1) Checking Old Certificates: The process of checking Land Title Certificates at the Land Office takes a long time (up to 30 days or more), which hinders the processing of APHT.
 - 2) Technical Issues with the Online System (Electronic Land Rights): Server or Electronic Land Rights (HT-el) system disruptions during spikes in applications, especially in areas with high transaction volumes such as Badung.
 - 3) Land Data Issues: Discrepancies between certificate data and land registry data at the Land Office, requiring data updates or re-plotting.

Delays in APHT registration result in delays in the creation of collateral rights, potentially creating legal risks for creditors, particularly in relation to preferential status and certainty of collateral (Putri & Safitri, 2026). Therefore, improved coordination between parties, optimization of the administrative system, and strengthened supervision of timely registration obligations are necessary to ensure legal certainty and legal protection for all parties.

Even if registration is late, APHT can still be processed, but there is a legal risk (lower creditor priority) if there is a seizure by another party before registration is completed (Budi Suranto Bangun & Gunawan Widjaja, 2025). PPATs are usually required to make a statement of delay when submitting files to the Badung BPN.

Based on Indonesian laws and regulations, PPATs are required to register APHTs with the Land Office/BPN no later than 7 (seven) days after signing. Based on interviews with several PPATs in Badung Regency, namely in Mengwi District, there are Mrs. Ni Kade Arini, S.H., M.Kn, Mrs. Anak Agung Ayu Dhiah Tri Setiawati, S.H., M.Kn, and Mr. Ida Bagus Putu Gina Antara, S.H. In North Kuta District, there is Mr. Andreanto Mahardhika Saputro, S.H., M.Kn. In Kuta District, there is Mr. Dr. I Putu Ngurah Aryana, S.H., M.H. In South Kuta District, there is Mrs. Dr. Ni Made Diah Wiriani, S.H., M.Kn, and in Abiansemal District, there is Mrs. Umiati Soedjati, S.H., who said that if the PPAT exceeds the deadline, the following measures will be taken:

- a. Preparation of a Statement or Clarification Letter to the Badung National Land Agency

Prepare a statement letter explaining the delay in APHT. In the statement letter, explain the reason for the delay in registering the collateral rights, such as the need to complete other documents, e.g., the identities of the parties involved, etc., or problems/disruptions in the server system.

b. Coordination (with creditors (banks) and debtors)

If there is a delay in the submission of documents from the debtor, the PPAT has the right to notify the debtor to prepare all necessary documents.

Efforts by the Badung National Land Agency if the PPAT is late in registering the APHT are as follows:

a. More Careful Administrative Checks

In the event of a delay, the BPN usually does the following:

- 1) More thorough verification of document completeness,
- 2) Checking the conformity of legal and physical data,
- 3) Examination of the possibility of other rights or seizures that have been registered prior to the registration of the Mortgage.

b. Guidance and Supervision of PPAT

As the supervisory agency for PPAT, BPN can perform the following functions:

- 1) Verbal or written warning,
- 2) Recording in the PPAT performance evaluation,
- 3) Administrative guidance to prevent recurrence.

Responsibility and Consequences: If the delay occurs due to negligence on the part of the PPAT, the following administrative penalties may be imposed:

- a. Warning
- b. Administrative sanctions in accordance with PPAT regulations, namely verbal or written warnings
- c. Guidance from the supervisory agency

However, the delay does not invalidate the APHT, but only postpones the birth of the Mortgage Right until it is recorded in the Land Registry (Simanungkalit & Rahayu, 2024). If the PPAT continues to be late in registering the Mortgage Rights despite having received a warning, then normatively this can be categorized as a repeated administrative violation of official duties as stipulated in Article 13 of Law Number 4 of 1996 concerning Mortgage Rights and PPAT official regulations. Repeated delays indicate serious negligence and failure to meet professional standards and the principle of prudence in carrying out duties as a public official.

In such circumstances, administrative sanctions may be gradually increased from verbal or written warnings to more severe sanctions, such as temporary dismissal or even dishonorable discharge if the violation is deemed serious and damaging to the integrity of the position.

APHT registration is an obligation of PPAT that must be carried out no later than 7 (seven) days after the signing of the deed, as stipulated in the applicable laws and regulations (Steffy Sabatini et al., 2025). This obligation aims to ensure legal certainty, creditor protection, and orderly land administration (Susanto & Haiti, 2025). According to an interview with Mr. I Putu Eka Budi Sastrawan, a staff member of the Mortgage Rights Division at the Badung National Land Agency (BPN), if the APHT registration exceeds the deadline, either offline or online (through the HT-el system), based on Law No. 4 of 1996 concerning Mortgage Rights (UUHT) and the principle of land registration, the legal consequences are as follows:

- a. Delay in the Creation of Security Rights. The main consequence of late APHT registration is a delay in the creation of Security Rights. Security Rights are only created on the date the Land Registry Book is recorded at the Land Office. This has the potential to harm creditors if, during this period, there is a transfer of rights, seizure, or other encumbrance on the collateral.
- b. The PPAT may be subject to administrative sanctions for negligence or delay in fulfilling registration obligations, in the form of verbal warnings, written warnings, temporary suspension, or permanent dismissal in accordance with the PPAT Position Regulations.
- c. Risks Related to SKMHT (If the APHT originates from SKMHT). If the APHT is made based on a Power of Attorney for Encumbering Rights (SKMHT), and the registration of the APHT exceeds the deadline, then the SKMHT may be declared null and void, and the APHT cannot be processed at all.

PPATs are required to maximize the use of the electronic HT registration system at the Badung Regency Land Office so that registration can be carried out on time (7 days) to ensure legal certainty for creditors. Thus, delays in APHT registration do not automatically invalidate the deed, but do have administrative consequences for PPATs and have the potential to weaken legal protection for creditors until the rights are officially registered. Based on interviews with several PPATs in Badung Regency, namely in Mengwi District, there are Mrs.

Ni Kade Arini, S.H., M.Kn, Mrs. Anak Agung Ayu Dhiah Tri Setiawati, S.H., M.Kn, and Mr. Ida Bagus Putu Gina Antara, S.H. In North Kuta District, there is Mr. Andreanto Mahardhika Saputro, S.H., M.Kn. In Kuta District, there is Mr. Dr. I Putu Ngurah Aryana, S.H., M.H. In South Kuta District, there is Mrs. Dr. Ni Made Diah Wiriani, S.H., M.Kn, and in Abiansemal District, there is Mrs. Umiati Soedjati, S.H., who said that APHT registration must be done no later than 7 (seven) days from the date of signing the deed. Delays in registration, whether offline or through the electronic system (HT-el), have legal and administrative consequences.

According to the PPAT, in substantive law, APHTs that are registered after the deadline are still considered valid as long as the deed is made in accordance with the procedures and is ultimately registered at the Land Office. However, the new Mortgage Right comes into existence and has permanent legal force from the date of recording in the Land Registry. This means that in the event of a delay, as long as it has not been registered, the creditor does not yet have preferential rights and does not yet have full legal protection against third parties.

In offline registration practices, delays are usually caused by administrative obstacles such as incomplete files, queues at the Land Office, or coordination with banks. Meanwhile, in the online system (HT-el), common obstacles include system disruptions, document upload errors, data discrepancies, or electronic certificate validation issues. Although the HT-el system is considered more efficient, the responsibility remains with the PPAT to ensure that the process runs on time.

The PPATs also stated that in the event of a delay, they could be subject to administrative sanctions in accordance with the PPAT Job Regulations, ranging from verbal warnings and written warnings to more severe sanctions for repeat offenses. However, in practice, sanctions usually begin with guidance and warnings from the Land Office or the PPAT Advisory and Supervisory Council. Thus, based on the interview results, it can be concluded that the main legal consequence of delays in APHT registration is not the cancellation of the deed, but rather the delay in the creation of the Mortgage Right and potential losses for creditors, accompanied by administrative consequences for PPATs who fail to fulfill their obligations.

Based on the Theory of Utility, laws must provide the greatest benefit to all parties and ensure protection and order in society (Azharie, 2023). The 7 (seven) day time limit for registering a lien as stipulated in the Lien Law aims to provide quick and effective protection to creditors, guarantee the certainty of preferential status (Priority Rights), and create orderly land administration (Rokhmad et al., 2025).

If the registration of a lien is done after the deadline, the legal benefits that should have been achieved will be reduced. Creditors have not obtained preferential rights (Priority Rights) and executory power (authority of guarantee certificates (such as Mortgage Rights/Fiduciary Rights) before registration, thus potentially causing losses, legal uncertainty, and the risk of disputes with other parties. This condition is contrary to the principle of benefit because the law is unable to provide optimal protection and a sense of security in financing relationships. In addition, delays caused by PPAT negligence also reduce the usefulness of the law, as they can harm the parties and undermine confidence in the land registration system. Therefore, the application of administrative sanctions against negligent PPATs is part of efforts to maintain the usefulness of the law, in order to create certainty, order, and maximum legal protection.

Thus, based on the Theory of Utility, compliance with the deadline for registering mortgage rights is an important requirement for ensuring the achievement of legal objectives, namely providing benefits, protection, and legal certainty for creditors, debtors, and the wider community. The theory of legal protection aims to provide guarantees for the rights of legal subjects so that they are not harmed by arbitrary actions, either by the state or other parties. According to Philipus M. Hadjon, legal protection is protection of human dignity and recognition of the human rights possessed by legal subjects based on applicable legal provisions.

The theory of legal protection essentially places the law as a means to protect the rights and interests of legal subjects from harmful actions. In the context of Security Rights, legal protection is primarily aimed at creditors as holders of collateral, without neglecting the rights of debtors as providers of Security Rights. Legal protection is divided into:

- a. Preventive legal protection, which is protection provided before a violation of the law occurs; and
- b. Repressive legal protection, which is protection provided after a violation of the law occurs through dispute resolution.

However, empirical practice in Badung Regency has shown that APHT registration is often carried out beyond the time limit specified in the legislation. This delay results in the

legal security interest not yet coming into existence, even though the APHT has been signed by the parties. In this situation, creditors have not obtained maximum legal protection because:

- a. The creditor does not yet have the status of a holder of preferential security rights;
- b. The collateral may still be encumbered by other rights of the debtor;
- c. The creditor cannot execute the collateral in the event of default.

In the context of APHT, legal protection is very important, especially for:

- a. Creditors, as holders of Security Rights;
- b. Debtors, as grantors of Security Rights; and
- c. PPAT, as public officials who draw up APHTs.

Law No. 4 of 1996 concerning Mortgage Rights (UUHT) stipulates that Mortgage Rights arise from the date of registration in the Mortgage Rights Land Registry. Therefore, registration of APHT within the specified time limit is a form of preventive legal protection for creditors so that their preferential rights are protected. If APHT registration is carried out beyond the time limit, then:

- a. Creditors lose certainty of their position as preferred creditors;
- b. Security interests may not provide maximum legal protection;
- c. Creditors suffer legal losses in the event of debtor default.

Thus, delays in APHT registration indicate that the legal protection that should be provided by the land law system is not optimal. From the perspective of legal protection theory, delays in APHT registration indicate that the legal protection expected by legal norms is not effectively implemented in practice. The legal protection provided by APHT is potential, not actual, as long as registration has not been carried out. This creates legal vulnerability for creditors and has the potential to harm their interests.

Thus, legal protection theory reveals that the delay in APHT registration in Badung Regency has reduced the level of legal protection for creditors and indicates weaknesses in the implementation of legal obligations by PPAT and the land administration system. Meanwhile, legal certainty theory emphasizes the importance of clarity, consistency, and regularity in the application of legal norms so that legal subjects can predict the legal consequences of an act. In the Mortgage Rights system, legal certainty is realized through provisions regarding the procedures and time limits for APHT registration. The theory of legal certainty emphasizes that the law must:

- a. Clear;
- b. Unambiguous;
- c. Enforceable; and
- d. Provides predictability for legal subjects.

According to Gustav Radbruch, legal certainty is one of the main objectives of law, in addition to justice and utility. Legal certainty requires that legal regulations be implemented consistently and consequentially. Legal Certainty in Mortgage Registration In the mortgage system, legal certainty is realized through:

- a. Obligation to register APHT within a certain period of time;
- b. Recording of Mortgage Rights in the Land Registry;
- c. Issuance of Mortgage Rights Certificates as strong evidence.

The provisions regarding the deadline for APHT registration are intended to:

- a. Guaranteeing the legal certainty of the collateral;
- b. Determining the order of priority of creditors;
- c. Providing clarity to interested third parties.

If APHT registration is done after the deadline, legal uncertainty arises, including:

- a. Uncertainty regarding when the lien arises;
- b. Potential disputes between creditors;
- c. Weak enforceability of the lien.

Thus, from these three theories, it can be concluded that delays in registering encumbrances reduce legal benefits, weaken legal certainty, and hinder legal protection for parties, especially creditors. Therefore, compliance with registration deadlines is an important element in ensuring the effectiveness and legal objectives of the collateral system in Indonesia.

4. Conclusion

APHT registrations that exceed the 7 (seven) day time limit do not result in the cancellation of the APHT, but do result in a delay in the creation of the Mortgage Right. The Mortgage Right only has legal force from the date of registration in the land registry by the

Land Office. Thus, before registration is carried out, the creditor has not yet obtained preferential rights and priority status. In practice in Badung Regency, both in the manual (offline) and electronic (HT-el) systems, the National Land Agency (BPN) continues to accept and process registrations even if they exceed the deadline, as long as the administrative and substantive requirements are met. However, the date of birth of the Mortgage Right is still determined based on the actual date of registration, not the date of signing the deed. The legal consequence is that creditors do not obtain preferential rights before registration is carried out, and there is a risk of other rights, seizures, or new encumbrances arising within the grace period.

It is necessary to improve the quality of the HT-el system, both in terms of technology and human resources, in order to minimize system constraints that can cause delays in the registration process. It is also necessary to consider more strict and detailed regulations regarding the legal consequences of late APHT registration, so as not to cause multiple interpretations and to provide greater legal certainty for the parties. In addition, supervision and guidance of PPATs need to be carried out regularly to ensure compliance with applicable legal provisions.

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