

Analysis Government Regulation No. 24 Of 2016 On Changes of PP No. 37 of 1998 on Regulation of Title Deed Land Builders Officials (PPAT) Viewed From Public Service Perspective

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Abstract. PPAT is a Public Officer who was given authority to make Authentic Acts concerning certain Legal Acts. The position setting originally stipulated in Government Regulation No. 37 of 1998 About the Position Rules PPAT. But the PP is then converted into PP No. 24 of 2016.

Changes in the Articles of the regulation be deleted, changed, added and replaced to accommodate the social and technological development of society. Such changes of course have specific objectives and considerations. In one considering mentioned that the amendment is aimed at increasing the role of the PPAT as well as to improve services to the public relating to the Registration of Land.

The purpose of this writing is to analyze Articles on Government Regulation No. 37 of 1998 which experienced Changes to Regulation No. 24, 2016. These changes are described and analyzed from the perspective of the Public Service. In essence there are two (2) Provisions that Changed Age Requirements to be PPAT the original 30 (thirty) years to 22 (twenty two) years and change the Working Area of Regency / City became the Province. Seen from the Perspective of Public Service, is aimed Positive Normative changes. Nevertheless Technical and Ethical Aspects always be a consideration in the implementation in the field.

Keywords: PP No. 37 of 1998; PP No. 24 of 2016; Public Service; PPAT.

1. Introduction

Considering the background of Agriculture, the Land has a very important meaning to the lives of communities in Indonesia, especially farmers in the countryside. Land serves as a place where Citizens residing and ground also provide Livelihoods him.

Land has a very important value in the life of society, it is because the soil has Economic Value, as well as Magis-Religio Cosmic according to the view of the Indonesian nation, he also frequently gives vibration in peace, and often cause shock in the community, and he is also a frequent pose obstacles in the implementation of the National Development.

Recognizing the significance of the land, the State which has set up everything related to Land Administration. National Land Agency (hereinafter referred to as BPN) to Land Administration Sector's Leading Deed Official Land (hereinafter referred PPAT) became official that has an Important Role in Land Administration. For the various Regulations relating to Land and Land Administration Officials who handle is regulated by the ever-changing with the times.

Legal Profession as a respectable profession, there is a Moral Values profession that must be obeyed by the Administrative Law who runs the profession, as follows:

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Honesty, authentic, responsible, moral independence and moral courage.³ Notary and PPAT as a profession in the Legal Affairs Delegation of authority to get the Government to create Authentic Deed for the Rule of Law society, in addition to running the profession must be based on the Act, must uphold the Moral Values of the Profession. On the other hand, the Establishment or change a rule of law should have a specific purpose. In the preamble Considering the letter "a" PP No. 24 of 2016 expressly stated that the PP Considerations is to improve services to the public on the Land Registry, it is necessary to amend some provisions in Government Regulation No. 37 of 1998 on the Position Rules PPAT.

However, sometimes Implementation of a regulation field raises Pros and Cons. A recently the norm of can be advantageous or disadvantageous for the perpetrators. Judging from the nature of its activities PPAT is official that serves the community in conjunction with the Land Administration. People are the main stakeholders of PPAT Services.

Based on the description of these issues were interested to analyze on Government Regulation No. 24 of 2016 top Change of Government Regulation No. 37 of 1998 About the Position Rules PPAT Seen From the Perspective of Public Service. While the Problem Formulation in This article is as follows: a. What's changed in the provisions in Regulation No. 24 of 2016 on the Amendment of Government Regulation No. 37 of 1998 on the Position Rules PPAT ?; b. How changes were seen from the Perspective of Public Services?

2. Results And Discussion

Changes in Government Regulation No. 37 of 1998 into Regulation No. 24, 2016 a PP very radical changes. Only 16 (sixteen) chapter Stay or Not Experiencing Change. This means that there are 22 Section (57.8%) Changed (in Understanding Deleted, Changed, Added and Replaced). 16 (Sixteen) Article Not Experiencing Change Relating to Duty and Authority PPAT, Terms of Appointment Position PPAT, Form and Technical Binding deed, Blood Relationship Between Consumers and Conditions PPAT with replacement when PPAT Leaving Office.

From the results of research can be classified into four (4) Group Changes in Regulation No. 37 of 1998 as follows: Deleted Group, Group of the Amended Articles; Articles group that Plus and Group Articles Replaced.

First group Deleted Articles, meaning that the previous chapters exist in Government Regulation No. 37 of 1998 but are no longer listed in Regulation No. 24 of 2016; Both groups are Articles Amended Articles means these good experience Changes By Redaction and Substantial; The third group is Articles Added, meaning that those Articles did not previously exist in Government Regulation No. 37 of 1998, but in Regulation No. 24, 2016; and the fourth group was the Articles of Regulation No. 37 of 1998 Replaced, meaning there are chapters that previously existed on Government Regulation No. 37 of 1998, then nothing in Regulation No. 24, 2016, then came the new chapters are replacing.

Of the 38 (thirty-eight) article, there are three (3) Article Removed (Article 1 Point 7, Article 11 Paragraph (1) and Paragraph (2), Article 14 Paragraph (1) and Paragraph (2). Articles PPAT is related to the formation in one region and About Dismissal While PPAT when he was in the Examination For Doing a Crime.

That most of the chapters are experiencing changes in both the Editorial and Substance. Results from No 12 (twelve) Article (31.6%) who experienced changes or

³Abdulkadir Muhammad, 2011, *Etika Profesi Hukum*, PT. Citra Aditya Bakti, Bandung,, p. 4

nearly a third of the entire Article. The articles undergo changes with regard to requirements for becoming PPAT, Positions PPAT, Termination PPAT, PPAT Work Area Changes, Expansion Areas, Conditions PPAT Meanwhile, PPAT Job Execution, Conditions When PPAT Stop Serving and Conditions of Money Services PPAT.

Then there are six (6) Article Added to Regulation No. 24 of 2016. These articles not previously exist in Regulation No. 37 of 1998, which is related to Undergo Internship Requirements Candidate For PPAT Having graduated from Notary Education, Points Position PPAT Office, provisions positions As a Notary and Procedures for the Development and Control of PPAT.

While the Transitional Article 5 (five) article on PP 37 1998 entirely Being Removed and Replaced six (6) Article in PP 24, 2016.

Of Overall Changes in those Articles and their relation to the Public Service, the author focuses on two thing, namely Articles relating to the requirements to become PPAT and Articles related to Regional Expansion to Analyzed from the Perspective of Public Service.

2.1. Minimum age requirements and be PPAT Retirement Age

Requirements to be PPAT Being Enough Changes Significant Objects. In Article 6 letter b occurs Amendment Minimum Age Requirements A PPAT from the beginning at least 30 (thirty) years be at least 22 twenty two) years. While Article 8 Paragraph (2) states that the provisions which PPAT Retirement Age limit 65 (sixty-five) years may be extended a maximum of two (2) years up to the age of 67 (sixty seven) years by considering health is concerned.

In some legislation in Indonesia, an age-restricted this maturity different widely. The discussion usually associated with age is associated with Age Age Children and Adults. The difference depends on the angle seen Which Age understanding and interpretation. It is certainly no consideration aspects relating Psychic Life Maturity Someone⁴, On the other hand, the need for an agreement to determine one's Age Limit Maturity Clear and Straightforward to avoid confusion.

Book of the Law of Civil Law Gives Limitations on Maturity someone by saying that the Son or People who are minors are those who have the age of 21 (twenty-one) years, as stated in Article 330, which reads, "minors are those who have not yet reached even the age of twenty-one years and not prior to mating."⁵

As with the Decree of the President of the Republic of Indonesia Number 36 of 1990 on the Ratification of the Convention on the Rights of the Child, that child is every man under 18 (Eighteen-Year) except pursuant to an Act other applicable to Minors is determined that the Age Adults attained earlier.⁶

According to Article 1 paragraph 5 of the Law of the Republic of Indonesia Number 39 of 1999 on Human Rights, the Son of Man Every Aged under 18 (eighteen) years old and unmarried. Thus, the definition of Adults in general is a person who is above the age of Certain, or Already Never Married. So Restrictions Age 22 Years in Government Regulation No. 24, 2016 as conditions become A PPAT Not violates the General Norms and Legal Norms for People Aged Above 21 years Already regarded Age Has Reached Maturity and can take actions Law.

⁴ Abintoro Prakoso, 2016, *Hukum Perlindungan Anak*, LaksBang PRESSindo, Yogyakarta, p.42

⁵ Code of Civil law

⁶ Decree of the President of the Republic of Indonesia Number 36 of 1990 on Ratification of Convention on Rights of the Child

Meanwhile, according to Article 14 Head of BPN Regulation No. 1 In 2006, in order to be able to follow the test PPAT, concerned must be aged at least 30 (thirty) years and Compulsory Registration for Examination of the Executive Committee of the National Land Agency of the Republic of Indonesia. Therefore the issuance of Government Regulation No. 24 of 2016 to be followed by the implementation of regulations under it so that no Rule of Law and there is no contradiction between regulation with each other Regulations.

Viewed from the Perspective of Public Services Policy Positive Impact. With the Age Limit Younger PPAT more and more availability in the Community. The principle that the Public Service according MENPAN Decree No.63 / KEP / M.PAN / 7/2003 among other Ease of Access. The meaning Ease of access is the place and location and Service Facilities Adequate, Easily Reached by the Society. With the Age Restriction Lower the Total PPAT will be available More so Makin Easy to Access Public Service for the Care of the various documents PPAT Land.

While Senior Notary / PPAT Hapendi Harahap said, "... Relating to Minimum Age 22 years, he Assessing that," Professionally Age 22 Years mature it yet, because not Inversely Straight with Intelligence Someone Completing His studies with Practice Experience in the Field " , He said, "In addition to intelligence, Tablet More Preferred is Integrity and Maturity Thinking".⁷He said, "Maturity Thinking will impact on PPAT profession itself".

On the other hand there are changes Article to Extend Retirement Age. Article 8 Paragraph (2) states that "The provisions age as referred to in paragraph (1) letter b can be extended a maximum of two (2) years up to the age of 67 (sixty seven) years by considering health is concerned. The extension of the retirement age, annotated 'taking into account the relevant health'. "

For the same case, the Notary (Positions are usually coupled together with PPAT) also apply the same provisions. In Article 8, paragraph (1) letter 'b' and Article 8, paragraph (2) of Act No. 30 of 2004, ie, after a Notary aged 6 (sixty-five) years and may be extended for two years so that the maximum age of 67 (sixty seven) years. In contrast to the standpoint of the policy makers still adds the phrase "taking into account the relevant health".

Anthony Saga Widjaja even filed a Judicial Review to the Constitutional Court that the Notary Extended Retirement Age to 70 (seventy-five) years. However Judicial Review, which was rejected by the judges who said that the Retirement Age Changes a Legislative Review Officer is an aspect or not Parliament Privileges Privileges Constitutional Court.

According to the Applicant, the article Contrary to Article 27 paragraph (2) 1945 is decisive, namely, "Every Citizen Eligible for Decent Work and Livelihood for Humanity." Article 28A of the 1945 Constitution which states, "Everyone has the right to live and to defend life and livelihood.

Constitutional Court argued that Decree Forming the law on somebody Retirement Age Limit is a Legal Policy Officer Open (open legal policy). Thus, regardless of the age pension is set can not be categorized as a provision that is not Constitutional.⁸ Determination of the Retirement Age Limit usually refers to the customs prevailing in the Company, or guided by some Governing Law The rights pertaining to Retirement,

⁷<https://www.hukumonline.com/berita/baca/lt5785003aba82c/pro-kontra-ppat-soal-pp-no-24-tahun-2016>

⁸ <https://news.detik.com/berita/1465848/mk-tetapkan-usia-maksimal-notaris-67-tahun>, Open on December 6, 2018 00:01 hours.

such as the Social Security Act, the Pension Fund Act or Employment Law and the Law on certain professions. The opinion in accordance with the opinion of the Constitutional Court that, regardless of the age pension is set can not be categorized as a provision that is not Constitutional.

2.2. Education Requirements

Important changes relating to the Terms become official PPAT is Education Requirements. Article 6 (f) Regulation No. 24 of 2016 Requires that to become a Certified Officials should PPAT Bachelor of Law and Graduate Study Strata Two Notary or PPAT graduate Special Education Program organized by the Ministry of Government Affairs held a field Agricultural / Land. A requirement that officials initially PPAT is Graduates Education Specialist Notary or PPAT Special Education Program organized by the Institute of Higher Education.

The amendment confirms that officials should PPAT People who have a background in law and master sciences in Public Law (Bachelor degree in Law). These requirements are reasonable considering the work of an official who is always PPAT relating to the Law are so wide-ranging. For the people of the addition of these requirements is that positive, considering the products PPAT is Legal Products Legal Certainty should have.

Given the importance of Duties and Functions PPAT in public life, the Government has set the criteria and Conditions of this PPAT in Article 11 and Article 12 of the National Land Agency chief Regulation No. 1 of 2006. Article 11 states that PPAT appointed by the Head of the Agency National land, to be appointed as PPAT, the question must Passed Exams PPAT organized by the National land Agency of the Republic of Indonesia and the Exam PPAT PPAT organized for filling vacancies in the District / Municipal Formations his PPAT unmet.⁹

While Article 12 states that, before taking the Exam PPAT, the relevant compulsory education and training PPAT organized by the National Land Agency of the Republic of Indonesia that its implementation may work with professional organizations PPAT; Education and training is intended to get the PPAT PPAT Professional candidates and have ability in carrying out tasks His post. Several provisions in the regulations need adjustment related to the issuance of Government Regulation No. 24 of 2016 so that no Rule of Law in the implementation.

That in accordance with the Principles of Public Service under Decision MENPANNo.63 / KEP / M.PAN / 7/2003 among others are: Accuracy. What is meant by Accuracy is accepted by the Public Service Products True, Right and Legal. To meet the requirements of the Linear background with Profession Education Officer PPAT indispensable. Linear and education to the position is a Bachelor of Law.

Second and equally important is the Giver Services Competency Standards Officers. In accordance with the Principles of Public Service under Decision MENPAN No.63 / KEP / M.PAN / 7/2003 that one of the Standards in Public Service is the man in charge of Competency Standards, should be set appropriately based on Knowledge, Skills, Attitudes and Behavior Required.¹⁰ Government Regulation No. 24 of 2016 has

⁹*Ketentuan Pelaksanaan Peraturan Pemerintah tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah: Peraturan Kepala BPN No. 1 Tahun 2006.* Media Makmur Majumandiri, Jakarta, 2007, *Op. Cit.*, p. 9.

¹⁰ Decision MENPANNo.63 / KEP / M.PAN / 7/2003, concerning General Guidelines for the Implementation of Public Service.

established that officials should PPAT a background Bachelor of Law as a backdrop Meets Education Competency Standards.

2.2. Work Area of PPAT

Change Work Area settings PPAT in Article 12 of this is getting the most changes Spotlight. In this article PPAT Work areas surrounding the original Work Area District Land Office / City changed to the Provincial.

Various opinions Practitioners associated with it spread in cyberspace. Notary & Senior PPAT Surabaya, Habib Adjie, see Work Area Expansion PPAT into the Province area would potentially cause problems of its own for PPAT. On the one hand, indeed Expansion Work areas will be many interpreted as a 'new opportunity' for PPAT. Instead, Habib saw a rather crucial problem of technical terms that will face each PPAT in the implementation of these provisions.

Of note Habib, there are at least three problems that may be encountered when attempting PPAT 'expanded' to other Work areas in the province. First, the current difficulties associated with the Party of National Land Agency (BPN). For example, the City PPAT X when it will check online certificates only just enter the account and password through BPN database system in the City of X. Instead, PPAT of State Y would be trouble when you want to check online certificates because the account and password PPAT concerned yet BPN registered in the database in City X.

Second, Difficulties associated with Taxation and Third, the problems related to ethics. Regulation is very wide open opportunities for PPAT practice 'between the City, the Province'. Personally, Habib reminded that between PPAT in Provincial Work areas can share with one another. He saw, there are things that are of Conduct as a PPAT take clients in almost every town, although admittedly it does not violate the rules.¹¹

In another study, Ivandi Setiawan,¹² explains that The provision of Article 12 Paragraph (1) Regulation No. 24 of 2016 concerning the PPAT Work Area has yet to be implemented because of the lack of effectiveness in practice as well because there are several factors that lead to inefficient provision. Some of the factors that lead to inefficient Government Regulation No. 24 of 2016 as Online System for inputting the data in the Office of Notary and PPAT it can not process the Sale and Purchase of Land and others are working areas size of the province as well as the Regulation is still used today, namely Regulation No. 37 of 1998 which had been revoked by the Government that it explained that the scope of the PPAT Work Areas covering district or city.

As a result of inefficiency of PP No. 24 of 2016, namely in the form of absence of Rule of Law and Law usefulness. The cause of the inefficiency of Regulation No. 24, 2016, in article 12 paragraph (1) is due to possible errors and lack of precision during the manufacturing of PP No. 24 of 2016, and for the Online System that was created BPN can not be used as they should in a sense Online systems are used that can only be used BPN limited to an area of the District alone when it should be used for an area of one province. Inefficient PP No. 24 of 2016, is also contrary to the principle of the Common Law principle of *lex posterior* which derogate *legi priori* that the principle should be run as it should, but it looks like all ruled out.

¹¹ <https://www.hukumonline.com/berita/baca/lt57878568c57bd/3-potensi-masalah-bagi-ppat-result-expansion-work-area>.

¹² Setiawan, Ivandi, 2017, *Analisis Penerapan Wilayah Kerja Ppat Berdasarkan Peraturan Pemerintah Nomor 24 Tahun 2016 Tentang Perubahan Atas Peraturan Pemerintah Nomor 37 Tahun 1998 Di Provinsi DKI Jakarta*, Fakultas Hukum Universitas Tarumanagara.

A part from issuesThe author argues that the Technical Preview Perspective of Public Service, Labor Regional changes are positive changes. With the Work Area The province, as the Public Service Users have more choices, not limited in the Regency / City. In accordance with the Principles of Public Service under Decision MENPANNo.63 / KEP / M.PAN / 7/2003 that the ease of access into Principles in Public Service.

3. Closing

3.1. Conclusion

Problem formulation and discussion based on this study we can conclude the following matters:

- In essence there are two crucial provisions were changed to PP No. 24 of 2016 on the Amendment of Regulation No. 37year 1998 that provisions related to age and education requirements to become PPAT, as well as changes in the Working PPAT area.

Age requirements to be PPAT initially at least 30 (tiag twenty) years to 22 (twenty two) years raises the pros and cons among practitioners, because the biological age does not always reflect the level of maturity. Provisions background Legal Education and Retirement Age Limit relatively few get opposition.

Work Area PPAT changed from Administrative Region District / City into the territory of the Province. Changes in Working Area is still constrained by the Regulatory aspects, Technical and Ethics. Regulatory Aspects related to the Rule of Law, with regard to the Implementation of Technical Aspects in the Field and related aspects of Working Procedures of Professional Conduct PPAT, particularly in terms of 'intervention Territory', both the Work Area Work Area Land Office and other PPAT.

- b. Seen from the Perspective of Public Service, in Normative Changes in Government Regulation No. 37 of 1998 becoming PP No. 24 of 2016, a positive aim. However, the Law is not held in the Void. After the Implementation Regulations, Technical Aspects and Ethics is always a consideration in carrying out the task of the PPAT.

3.2. Suggestion

In this regard suggestions which may Writer convey is:

- Be related with aspects of the Regulation, must be resolved rules of implementation of PP No. 24 of 2016, to reinforce the principle of Rule of Law, Justice and Implementation of PPAT Work in the Field;
- Be related withTechnical aspects necessary to Understanding Stake-holder for the whole Land, for the implementation in the field can be aligned between PPAT and Land Officials in BPN; and
- Relating to Aspects of Ethics, the need for setting-Code who obeyed PPAT be incorporated Working Procedures, and PPAT PPAT While Substitute in its relations with Associate PPAT PPAT and with officials in the BPN.

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