

Effectiveness of Regulation of The Minister of Agrarian and Spatial/ Head of The National Land of The Republic of Indonesia Number 10 of 2017 Concerning The Internship in Semarang City

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Abstract. The aim of this study is to: 1) To investigate the implementation of the internship based on the Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency No. 20 of 2018 on the Land Office of Semarang 2) To determine the effectiveness of the implementation of the Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic Indonesia Number 20 Of 2018 About internships in the Land Office of Semarang 3) To know the obstacles and solutions in the implementation of an internship at the Land Office of Semarang. The data used in this research is the premier tertiary secondary data and data that can support the assessment, which is then analyzed by method of escriptive analysis.

Based on the results of data analysis concluded that: 1) Implementation of the internship based on the norm of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 of 2018 in the Semarang City, the internship was conducted over 6 months in the Land Office, implement section of land registration, transfer of rights, land acquisition and disputes. 2) Effectiveness implementation of the internship is considered effective in accordance with Article 9 of the regulation, which is a process of activities and land services, the process of receiving and inspection certificates that are listed, and the process of juridical pemeriksaandata Landrights request. 3) Regulation of the Minister of Agrarian Barriers to implementation and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 of 2018 on the Land Office of Semarang is the absence of a system switching between the center of the National Land Agency (Semarang) and at Home Service. Because considered when doing an internship at the Land Office center of internship scope for more.

Keywords: Effectiveness; Implementation; Internship.

1. Introduction

Land investment business is more involved many people. Reviewing of the increasing demand for land soil, making the land becomes as a potential source of income. Role to land for various purposes will be increased, whether for a place for living or a place for business activities. Legal Certainty in the field of land, can be reached through land

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registration as a process that ends with the issuance of the certificate on behalf of the owner as proof of ownership or control rights. This is confirmed in Article 19 of the BAL which states that the registration of land held by the Government, in this case the National Land Agency.

Land as a part of the elements of the State, became a very important part for the welfare of the nation. In that regard, the State has the duty and authority to outline the values in the effort to organize the structure of the land fair and insightful wellbeing, as follows:⁴

- all land rights have social function
- ownership and control of land beyond the limit tidakdiperkenankan
- the soil should be done alone actively by its owner and prevent the way from extortion
- business in the agrarian field should not be a monopoly
- ensure the interests of the economically weak groups, and
- for the common good.

Registration of land regulated by Government Regulation No. 24 of 1997 on Land Registration and refined by Government Regulation No. 24 of 1997 laying the foundation for the implementation of the BAL in carrying out governance. Land registration is required both by society and authorities relating to the ground.

Land Deed Official (PPAT) is a public official authorized to make the deeds of authenticity regarding certain legal actions regarding land rights or Top Properties Unit Flats. Article 6, paragraph (2) PP number 24 in 1997 that "in carrying out land registration, Head of the Land Office, assisted by PPAT and other officials assigned to carry out certain activities menerut this government regulation and legislation is concerned". This is confirmed in Article 2 paragraph (1) of Regulation Pemerintah Nomor 37 of 1998 which states that PPAT duty staple implement land registration, Head of the Land Office, assisted by PPAT and Other officials who were assigned to carry out certain activities in accordance with Regulations and Laws this.

In accordance with the Government Regulation (PP) No. 24 of 2016 on the Amendment of Government Regulation No. 37 of 1998 on the Regulation of Land Deed Official Position. The terms of the appointment of a candidate PPAT as follows: (1) The internship is done before taking the exam. (2) Internship held for 1 (one) year at the Land Office and the Office of PPAT, with the division of time: 6 (six) months of the Land Office; and 6 (six) months in office PPAT. (3) Participants of the internship as referred to in paragraph (1) shall not be given honorarium. (4) Application Internship submitted in writing to: Head of the Land Office, if the internship held at the Land Office; or PPAT with copy Chairman of the Regional Committee IPPAT according to the location request Internships, Internships when implemented in PPAT Office. (5) Application Internship referred to in paragraph (4) is equipped with: photocopy of ID card applicants; photocopies of diplomas Notary Education Program Specialist or Master of Notary; Certificate of Graduation Exam, if it has passed the test; and Letter sufficiently stamped statement from the applicant stating that the Land Office is willing intern or volunteer PPAT Office without asking for recompense.

⁴JW. Muliawan, *Pemberian Hak Milik Untuk Rumah Tinggal*, (Jakarta, Cerdas Pustaka Publisher), 2009, p. 84.

In accordance with these regulations, apprenticeship is a system circuit in the appointment process PPAT form of activities to deepen the duties and functions in the field of legal relations keagrariaann conducted in practice in the Land Office and the Office of PPAT PPAT in order to establish a professional and integrity.

Implementation of internships arranged in regulation Agricultural and Spatial Planning / Head of National Land Agency No. 20 of 2018, in which includes all the rules on internships. Implementation PPAT internship candidates have different regulations in each State / District.

From background above, the writer interested to do more research is conducted lanjutyang be formulated in the form of research is conducted titled: "Effectiveness Of Regulation Of The Minister Of Agrarian And Spatial/Head Of The National Land Of The Republic Of Indonesia Number 10 Of 2017 Concerning The Internship In Semarang City".

Research Methods

The method used in this study is primarily a descriptive analysis. Descriptive analysis is research that describes an analysis of the existing findings.⁵ Analysts descriptive approach in this study, is the approach in terms of legislation and legal norms in accordance permasalahan there. This research uses descriptive specification research method consists of the method of approach, researchers species, methods of collection and analysis methods

2. Results and Discussion

2.1 Implementation of the internship based on Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 Of 2018 Land Office in Semarang City

The volume of work in the field of land registration is enormous, according to the soil are scattered throughout the archipelago, there are areas that are accessible, there are areas that are very difficult to be done the measurement and mapping, therefore it is logical that the registration of the land shall be carried on one agencies even if necessary the department has the funds, equipment and skilled manpower sufficient to inflate the task.

The importance of an institution that is equipped with enough equipment and adequate funding, based for land registration has coverage the scope of the extensive work, the scope of registration as where mentioned in Government Regulation No. 24 of 1997 on Land Registration, where land registration is series of activities undertaken the government is continuously continuous and regular covering the collection, management, accounting and presentation as well as the maintenance of physical data and juridical data in the form of a map and a list of the parcels of land and apartment units, including the provision of proof of his right to areas of existing land rights and apartment units as well as certain rights which encumber.⁶

⁵ Soerjono Soekanto, op.cit, p. 51

⁶ Affan Mukti, *Pokok-pokok Bahasan Hukum Agraria*, USU Press, Medan, 2006, p.51-52

Profession Deed Official Land (PPAT) are positions that are important in the administration of land in Indonesia, therefore to increase the precautionary principle for Deed Official Land, the operator of the land registry, the Ministry of Agricultural and Spatial Planning / National Land Agency publishes the rules relating to office PPAT, namely Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency Number 20 Of 2018 on Procedures for Examination, Internship, Appointment and Term Extension Deed Official Land.⁷

Internships by Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 Of 2018 is partly an attempt to increase the ability for potential PPAT before being appointed. To get the PPAT qualified, candidates must comply with the Quality Improvement PPAT and Internship. Under Article 15 above, the implementation of quality include:

- Quality Improvement was held by the Ministry to:
 - PPAT quality produce and profesional;
 - Improving one's kemmpuan and knowledge in the field of land;
 - Improving the quality of a deed in serving the community;
 - Improving understanding of the legal basis in accordance with laws and regulations; and
 - Guidance and supervision keagrariaan administrative / office land and the implementation of PPAT.
- Improvement consists of:
 - Improving the quality of the person who has passed the notary education and will follow the test or prior to the exam or before being appointed as PPAT.
 - Improving the quality of the sub-district head who will be appointed as PPAT meantime.

An internship is a process that must be taken in order to become the profesional PPAT. The definition of an apprentice in this process, in accordance with Article 16 of the Regulation Agricultural and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 Of 2018 are:

- Apprenticeship or obviously been working as an employee in the office PPAT and the Land Office is a requirement to be appointed as PPAT.
- Internship referred to in paragraph (1) shall only be followed by those who have passed the notary education.
- Internships referred paada provisions of paragraph (1) shall not apply to:
 - Participants who pass the exam and has served as a Notary;
 - Graduated diselenggrakan special education program by the Ministry; or
 - Never structural positions in the field of agrarian legal relations or its equivalent, is the lowest supervisory officials within the Ministry.

Implementation of an internship at the Land Office in Semarang conducted for 6 (six) months. In the prospective implementation PPAT carry out internships section of land registration, transfer of rights, taanah procurement, and dispute, which will each month will be placed at different parts.

⁷<https://omtanah.com/2018/07/13/magang-ppat/> accessed on February 5, 2019 at 21:15

2.2 Frame effectiveness of the norm of the Minister of Agricultural and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 10 Of 2017 concerning internships in Semarang City

Role to land for various purposes will increase, both as a place for living or for business activities. Segubungan with it will increase the need for support in the form of legal certainty in the field of land.

Legal certainty in the field of land, can be reached through land registration as a process that ends with the issuance of the certificate on behalf of the owner as proof of ownership or control rights. This is confirmed in Article 19 of the BAL which states that the registration of land held by the Government, in this case the National Land Agency. Registration of land regulated by Government Regulation No. 10 of 1961 on Land Registration.

Government Regulation No. 24 of 1997 still lay the basis for implementing the BAL in running the administration of land registration is required both by public officials mapun relating to land registration.

Soil is a very complex because it involves many aspects of community life. Everyone lives in need of land, whether for residence or place of business. Increasing population, increasing the need on the ground, whereas the area of the State is fixed or limited.⁸

Many enthusiasts profession Land Deed Official (PPAT) much in demand, because the land is considered as a long term investment. Investment land is considered very profitable because the land value more years getting bounced.

Requirements to become a candidate Land Deed Official, is one of them for an internship. Implementation of this internship, it is set in the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 Of 2018 on Procedures for Examination, Internship, Rapture, Rapture Back and Extension of Tenure of Land Deed Officer.

Effective word comes from the English that is effective that have meaning successful or something done. Effectiveness is always associated with the relationship between the expected results with actual results.⁹ Effectiveness means "effective" influence / effect, or efficacy / efficacy.¹⁰ In other words, the effectiveness shows how far the achievement of results in accordance with its intended purpose.

According to the Law Republic Indonesia Number 13 of 2003 on Labor, apprenticeship is part of sistem job training that integrates training at a training institute to work directly under the guidance and supervision of an instructor or workers / laborers who are more experienced, in the production process goods / services in the enterprise, in order to master a certain skill or trade. According Sumardiono, an internship is a learning process of a person's real-world experts through activities.¹¹ Implementation of the internship in accordance with the Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 10 Of 2017 has the goal of Quality Improvement, namely:

⁸Sri Sayekti, *Hukum Agraria Nasional*, Universitas Lampung, Lampung, 2000, p. 1

⁹<http://madhienyutnyut.blogspot/2012/02/pengertian-efektifitas-menurut-para.html> accessed on October 31, 2018 06:00

¹⁰Barda Nawawi Arief, 2003, *Kapita Selekta Hukum Pidana*, Bandung, Citra Aditya Bakti, p. 85

¹¹Rusdi. 2006. Panduan Laporan Magang (dalam http://www.akmi-baturaja.ac.id/wp-content/uploads/2011/12/Panduan_Magang.pdf). Access: October 31, 2018 07:00

- Improving the quality of the person who has passed the notary education, and will follow the test or before being appointed as PPAT
- Improved quality for someone who has served as PPAT in a certain time
- Improved a lot of quality for the sub-district head who will be appointed as temporary PPAT.

Profession Land Deed Official (PPAT) is an important position in the administration of land in Indonesia. To run PPAT profession, the need for the precautionary principle as the executor of land registration. Then the Ministry of Agricultural and Spatial Planning / National Land Agency Republic of Indonesia issued a regulation on the Procedure for Examination, Internship, appointment and tenure PPAT. The regulation aims to improve the quality, the principle of prudence in carrying out his position and increase integrity in melaaksanakan sertaa functions and responsibilities in carrying the role of land registration activities.

Implementation of an internship at the Land Office of Semarang, run ineffectively because the implementation is in conformity with Regulation of the Minister of Agrarian and Tata Ruang / Head of National Land Agency of the Republic of Indonesia Number 20 of 2018. When he wants megetahui extent to which the effectiveness of the law, first measure the extent where the rule of law was obeyed or not obeyed, if the rule of law adhered to by a large part of the target which was subjected ketaatannya, the rule of law in question is effective in the implementation of internship candidates PPAT in the Land Office of Semarang not adaanya violations / or no compatibility between the rules determined by the legal rules regarding the implementation of the internship in the office petanahan with the reality in practice, namely:

Implementation of the internship is in conformity with Article 19 paragraph (1), namely:

- Helping poses activities and land services;
- The process of admission and examination certificates listed; and
- The inspection process juridical request Land Rights.
- The filtration systems division is considered very good for prospective PPAT. Intended for prospective PPAT gain broad knowledge, not only on one part only

2.3 Barriers to implementation of the internship based on Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 of 2018 on the Land Office of Semarang

In an activity certainly there is also an obstacle. Thus the process of apprenticeship in the National Land Agency of Semarang. One problem is

- The absence of a system change of placement between the Land Office at Home Land Services.

At home land services at a value less gain sufficient knowledge, since the scope of his work less in comparison with the Land Office.

- Implementation of an internship at the Land Office, the lack of supervision of the Land Office.

In the implementation of the internship at the Land Office, the lack of oversight specifically on PPAT candidates who are undergoing apprenticeship. Once a potential PPAT devisinya placed on each side of the Land Office, the

absence of control on prospective PPAT. Land Office only see from the list of presence, to be able to issue a certificate of apprenticeship.

3. Closing

3.1 Conclusion

Based on the results will be concluded as follows:

- Implementation of the internship based on Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 Of 2018 is pelaksanaan internships may be done before or after the exam PPAT. Internships held for 1 (one) year, namely, six (6) months of the Land Office and six (6) months in office PPAT. Implementation of an internship at the Land Office of Semarang, held every five times a week. In the implementation internship will be transferred every month to each section. Before running the internship candidate has the obligation PPAT and forbidden to double the land documents.
- Effectiveness of the Implementation Regulation of the Minister of Agrarian and Spatial Planning / National Land Agency Republic Indonesia Number 20 Of 2018 concerning internships in effective value. The effectiveness of the implementation of the internship at the Land Office in Semarang rated effective. Because in the internship, the candidate will be able to find the information PPAT sequence of work to do in the land office in processing an application for a certificate. And can provide PPAT candidate who will open his own office.
- Barriers that occur in the implementation of an intern in the Land Office in the city, are:
 - The absence of a system change of placement between the Land Office at Home Land Services.
At home land services at a value less gain sufficient knowledge, since the scope of his work less in comparison with the Land Office.
 - The absence pengawasan against PPAT candidates who are undergoing apprenticeship.

3.2 Suggestion

Implementation of an internship at the Office Pertanahanharus their special supervision over the performance of candidates who are undergoing apprenticeship PPAT, because in accordance with the purpose of Regulation of the Minister of Agrarian and Spatial Planning / Head of National Land Agency of the Republic of Indonesia Number 20 Of 2018 concerning Exam Procedures, Internship, Appointment and Term Extension Deed Official Land is to improve the quality of candidates that nantiya PPAT will open his own office, so dapat be PPAT integrity and profesional.

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