

The Role Of Land Deed Official (PPAT) In Application Of Transfer Function On Agricultural Land To Be Non-Agricultural In Tegal (Certificate Study Of Ownership Right Number 998 / Pakembaran)

Mochammad Yefrie Dwi Oga¹ and Lathifah Hanim²

Abstract. The purpose of this study was to determine: 1) The role of the Land Deed Official (PPAT) in registration of rights to land conversion of agricultural to non-agricultural to residential in Tegal. 2) The procedure of registration of land rights over the function of agricultural to non-agricultural to residential in Tegal. 3) Obstacles and solutions of conversion rights over agricultural land into non-agricultural to residential in Tegal. This study uses empirical juridical approach or socio-legal research. Data collected through literature, observation and interviews. Based on data analysis concluded that: 1) The role of PPAT in enrollment over the function of rights over agricultural land into non-agricultural to residential houses which provide information on the law relating to the procedure of land conversion and registration of land rights after deters conversion and the making of letters or deeds relating for their particular legal acts such as the breakdown of plot, behind the name, as well as buying and selling land. 2) The procedure of registration of land rights over the function of agricultural to non-agricultural to residential implemented through several stages of the formation of the assessment team, the assessment of land use change object, the trial of the determination, the recommendations and the issuance of a decision on approval of land use changes. 3) Obstacles and solutions in the conversion of agricultural land rights into non-agricultural to residential namely population growth, land agricultural diminishing and changing the status of land use. The solution in the conversion of rights over agricultural land into non-agricultural to residential houses of government is more emphasis on the rules on agricultural land and non-agricultural order later on agricultural land does not decrease faster than society itself should be aware of the importance of agricultural for food security community own.

Keywords: Notary / PPAT; Role; Registration; Transfer Function; Land.

1. Introduction

The composition of Indonesian life, including the economy still patterned agricultural land conversion or the actual agricultural land conversion not a new problem. Population growth and growth demanding that the economy in the form of infrastructure development street, industrial and residential buildings. It must of course be supported by the availability of land. Conversion of agricultural land used to do directly by the landowner or indirectly by the other party previously first begins with the sale and purchase transactions land agricultural. Many factors affect land owners conversion or sell farm, such as the price of land, the proportion of income, land use, land productivity, as well as the land status government policies.

Conversion of agricultural land into non-agricultural, especially in the Tegal has increased, initially the main purpose of the changes the use of agricultural land into non-agricultural namely to increase public welfare as well as the nation's economy. But in implementation can threaten food supply certainty if it is not controlled, in order to length of time these changes can be resulting in the loss of agricultural social. Land is land or land intended or

¹ Students Master of Notary, Sultan Agung Islamic University in Semarang email jefri.jdy@gmail.com

² Lecturer Master of Notary UNISSULA, Semarang

suitable as farm land to produce crops agricultural and livestock including farmland is all farmland, ponds for fishing, the land where the shepherd livestock, land fallow thickets and forest where the eye income for eligible³.

In Indonesia, conversion of agricultural land into non-agricultural figures indeed it is astonishing. Size Conversion farmland intended for non-agricultural development such as residential areas, industrial, offices, roads and other public facilities by an average of 60,000 agricultural land into non up to 100,000 hectares per year. This means that there almost of 4,000 hectares of paddy per day converted to non-agricultural land⁴.

Recorded in Tegal has an area of agricultural land by 2018 of \pm 48,500 hectares⁵. And of the agricultural land each year shrink. Each year about 2 hectares of productive agricultural land in Tegal is lost, due to the conversion of land or land conversion agricultural. Diversion of the largest land function caused by settlement building or housing complex by the developer or manufacture of plots of land ready to build, there are even some who used for the mining industry.

Provincial Legislative Council (DPRD) of Tegal later issued Local Regulation Number 10 of 2012 on Spatial Plan Spatial (RT/RW) of 2012-2032, where a law says aims among other things to reduce land conversion activities in Tegal. In Article 31, written about the area of agricultural land, wetlands and dry land. The number of wetlands in Tegal area 35.946 hectares of dry land area of 6,630 hectares⁶.

Land Deed Official (PPAT) should provide answers accordingly, tell how the sequence and procedure must be implemented in the process of conversion agricultural. Notify the existence of legislation that enacted in Tegal over the functions associated with the process land agricultural to non-agricultural. Provide legal counseling and rules law in Tegal.

Based on this background, lifted the title "The Role Of Land Deed Official (PPAT) In Application Of Transfer Function On Agricultural Land To Be Non- Agricultural In Tegal (Certificate Study of Ownership Right Number 998 / Pakembaran)". This study tries to answer concerns the role of the Land Deed Official (PPAT) in enrollment over function rights over agricultural land into non-agricultural to residential houses Tegal , the procedure of registration of land rights over the function agricultural to non-agricultural to residential in Tegal, barriers and solutions of conversion rights over agricultural land into non-agricultural to residential in Tegal.

The approach used in this research is empirical juridical approach or *Socio-Legal Research*. Specification research by the writer is descriptive analysis specifications, a study that attempted to describe the legal issues, the system law, and studying or analyzing according to the research needs mentioned⁷. The data sources used are: primary data, ie data obtained directly from the public whether conducted through interviews, observation and others⁸. Secondary data, ie data obtained of or derived from the literature. Methods of data collection in research.

This is done as literature, observation, and interviews. Methods of analysis the author uses qualitative descriptive method, ie the data obtained arranged systematically analyzed and the results reported descriptively in the form of a thesis. Actual qualitative approach is a research procedure that produces descriptive data, ie what declared by the

³ Ali Achmad Chomzah, 2005, *Hukum Agraria (Pertanahan Indonesia)*, Prestasi Pustaka Publisher, Jakarta p, 56

⁴ Tegal regency, Central Bureau of Statistics, Census of Agricultural 2018.

⁵ *Ibid*.

⁶ Tegal Regency Regulation No. 10 of 2012 to 2032.

⁷ Joko Subagyo, 1997, *Metode Penelitian*, Rineka Cipta, Jakarta, p. 87

⁸ *Ibid*, p. 87.

respondent in writing and oral, and real behavior. Researched and studied is a research object intact.

2. RESULTS AND DISCUSSION

2.1 The role of the Land Deed Official (PPAT) In Registration Transfer Function of Agricultural Land Rights Become Non-Agricultural for House Live.

The agricultural sector is a strategic sector and plays an important role in the national economy and the survival of society, especially in contribution to GDP (*Gross domestic product*), employers, and food providers in the country. Wetland importance, namely as a medium of farming activity in order to produce basic foodstuffs (Especially rice) for the needs of mankind⁹.

Agricultural development should be an integrated effort with regional and rural development. Especially with regard to the land question, need continued and enhanced measures to control the efficient problem use, control, ownership and transfer of rights to soil, so it is really in accordance with the principle of fair and equitable. Diversion land rights, land ownership needs to be prevented from exceeding the provisions apply¹⁰.

One form of land¹¹ "occupied country" proliferation-related transfer functions is the prohibition of land conversion of agricultural land into non-agricultural as stipulated in Article 1 (3) of Act No. 41 Of 2009 on the protection of agricultural land sustainable food states that agricultural land sustainable food is a plot agricultural are set to be protected and developed consistently in order to produce the staple food for independence, resilience, and sovereignty national food ".

In Tegal conversion of agricultural land into things that are not that unavoidable. Need for land for a variety of needs in the field of encourage non-agricultural land conversion. Society needs limited number of land for a variety of needs. Growth rate population and rapid development progress made over the function land becomes unavoidable. One of the parties that are directly or indirect, related to the diversion of land function namely agricultural Notary/Land Deed Official (PPAT). It is reasonable given the Notary / Land Deed Official (PPAT) is a profession relating to the land sector. Notary / Deed Official Land (PPAT) have a role in the registration of agricultural land conversion to non-agricultural.

Role Land Deed Official (PPAT) in Tegal in registration of rights over the function of agricultural land into non-agricultural is Notary duties and obligations as described in the Act Notary Act (UUJN), namely that the Notary shall give legal counseling to anyone and about anything, including about land conversion, especially to the people who come in need information on the conversion of agricultural land. Public views Notary/Land Deed Official (PPAT) is a party to an expert in legal field of defense. Such conditions are the experts in the field of land law. These conditions cause the community do not know the procedures and diversion of agricultural land function come to the Notary / Land Deed Official (PPAT) to obtain information about it¹².

In the implementation of land use, if any applicant comes in Notary Public, Notary Office shall provide information about the conversion agricultural to non-agricultural land,

⁹ Soerjono Soekanto, 1984, *Pengantar Penelitian Hukum*, Universitas Indonesia, Jakarta, p. 32;

¹⁰ Agribisnis, 2015, Alih fungsi Lahan Pertanian, <http://agribisnis14.wordpress.com/2019/05/07/alih-fungsi-lahan-pertanian>, accessed on 07 May 2019

¹¹ A.P Parlindungan, 2008, *Komentar Atas Undang-Undang Agraria*, Mandar Maju , Bandung p. 6.

¹² Interview with Prasetyaningsih, SH, Notary / Land Deed Official (PPAT) in Tegal, dated May 10, 2019;

especially with regard to their regional regulations related there to, namely Regulation Regional Tegal Number 10 of 2012 on Spatial Planning Tegal in 2012 - 2032. In this case the Notary/Officer Deed Land (PPAT) informed about the rules as stated in the Local Regulations¹³. In the conversion of agricultural land to non-agricultural related to the deed he made the Land Deed Official (PPAT) play a role deed regarding the transfer of land rights after deters function land for their particular legal acts as their solving plot, behind the name, as well as buying and selling land. Deeds legal act which led to the transfer of land rights sometimes done after their conversion agricultural land into non-agricultural process is carried out sequentially. In such case, Notary's role as well as legal and regulatory officials extension Deed Land (PPAT) as related land deed deeds land rights laws that cause the change of land rights¹⁴.

Once done deed, Land Deed Official (PPAT) then submit the file deed to the Land Office for the purposes behind certificate name. Submission must be implemented not later than seven days since the signing of the deed. The file submitted to the Land Office as defined in Article 103 paragraph (2) of Regulation Minister of Agrarian Affairs / Head of National Land Agency No. 3, 1997 concerning provisions for the implementation of Government Regulation No. 24 of 1997 on Land Registration is as follows¹⁵:

- Letter of application for registration of transfer of rights signed by assignee or attorney;
- Written authorization of the assignee when applying registration of transfer of rights not assignee;
- Deed of transfer of rights of legal acts in question are made by PPAT deed which at the time was still serving and that the area of work includes the lay of the land in question;
- Proof of identity of the assignor rights;
- Proof of identity of the assignee;
- Certificate of land rights or property of apartment units were transferred;
- Permit the transfer of rights referred to in Article 98 paragraph (2);
- Proof of payment of Tax on Acquisition of Land and Building (BPHTB) as defined in the Act No. 21 1997 on the duty payable;
- Proof of payment of income tax payments as defined in Regulation No. 27 of 1996 on the rights of the tax owed.

The next process is the registration transfer of land rights in the Office Land for legal actions that cause a shift land rights. Transitional registration of land rights in the Land Office is one of the activities regarding the registration of transfer of land rights.

Recording transition of land rights is an activity of recording administrative / technical juridical sometimes even on the shift / displacement ownership of a plot from one party to another party.

2.2 Procedures Registration Transfer Function In Agricultural to Non-Agricultural To House Live.

Change of use of agricultural land into non-agricultural Tegal given by the Governor of Central Java through the Land Office of Tegal¹⁶. Use change permit application procedures the land is as follows¹⁷:

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Interview with Mohammed Afifudin, S.Hut., M.Sc., MT, Division Head of Infrastructure Development of Tegal Regional Development Planning Agency, dated May 13, 2019;

- Application for approval; The license application submitted to the land use change Regents. The agency is linked to the license application conversion of agricultural land into non-agricultural in Tegal relation in the presence of Tegal Regulation No. 10 of 2012 on Spatial Planning Tegal Of 2012 – 2023 among others *Bappeda* (Regional Development Planning Agency), the Department of Land Settlement Housing and Spatial Planning (*Perkimtaru*), Office of the Board National Land of Tegal, the location of the Department of Agricultural and Resilience Food¹⁸. A letter of request on conversion of agricultural be non- agricultural at the Department of Agricultural and Food Security of Tegal it is the duty of Section Infrastructures because technically Part Infrastructures are as Tim BKPRD (Coordinating Board Regional Space Utilization) who participated to make decisions.
- Establishment of the Assessment Team. Applications for permission to land use changes by rights holders land proposed to the Regent, the Office of the National Land of Tegal subsequently formed a team at the request of the Office Regents to determine whether or not the petition use land filed by holders of land rights approved / granted. The permit application assessment team land use changes Land formed Office of Tegal consists of:
 - Government Village / Village land where the object is located;
 - The government of ground where the object is located;
 - Land Settlement Department of Housing and Spatial Planning (*Perkimtaru*);
 - Agricultural and Food Security;
 - DLH (Environment Agency) / Legal Department;
 - Development Planning Agency at Sub-National Level ;
 - National Land Agency Tegal / Secretariat.
- Assessment of the object Land Use Change
- Determination Session
- Recommendations Issuance of Permit Decision About Change Land Use.

After the Land Use Change Permit Decision acquired the applicant, then the applicant must enroll Use Change Permit Decision Land on the Measurement and Land Registration Section at the Office of National Land of Tegal, after obtaining a recommendation from Land Use Administration Section Chief. Furthermore, Section Measurement and Land Registry to maintain data for land registration their changing land use by noting Decree Regent on Land Use Change Permit on sheets or pages in column "for a change" on the land concerned Certificates. The next change was signed by the Head Office of the Agency National Land of Tegal.

2.3 Obstacles and Solutions in the Transfer Function of Agricultural Land Rights Become Non-Agricultural For Home Living in Tegal

2.3.1. Obstacles in the Transfer Function of Agricultural Land Rights Become Non Agricultural For Home Living in Tegal ;

- Demographics or The Very Rapidly Growing Population.

Based on data from the Central Statistics Agency (BPS) Tegal rate population growth from year to year is always an increase that significantly. By 2016 the population numbered the people of Tegal 1,429,386 increase in 2017 to 1,433,881 soul or an increase of 4,495 is increased and in 2018 to 1,438,384 people or increase by 4,503 people.

¹⁷ *Ibid.*

¹⁸ Interview with Mr. Kusnoyo, staff Sub-Section Planning Department of Agricultural and Food Security Tegal, dated May 23, 2019;

Based on these data the population growth of Tegal 2016 to 2018 amounted to 8998 inhabitants¹⁹. Growth rate resident in Tegal so quickly mentioned of course needed a place or land for housing. It became one of the contributors to the conversion of agricultural land into non farms for residential purposes. Meeting the needs of housing rapid population if non-agricultural land that has not been used productively is very limited.

- Economic factors

Among farmers themselves economic factors are the dominant factor for Tegal society that drivers of conversion land agricultural to non-agricultural. The higher the economic need whereas agricultural products cannot meet the economic needs often the reason farmers volunteered to sell some even the whole farm to another party and transformed to enable to various purposes, such as housing.

- Changes Mindset and Behavior.

In Tegal many a farmer who does not degrade job as a farmer to his child These conditions are increasingly making job as a farmer marginalized so that no generation continue the profession and the work of farmers. This has an impact on many agricultural land sale and transfer to agricultural functioned as is no longer working on agricultural land after old farmer further.

- Agricultural Production Process The Unbalanced Results

2.2.2. The solution in the Transfer Function of Agricultural Land Rights Become Non-Agricultural For Home Staying at Tegal.

- Changes in land ownership patterns.

The control / change of land use can be in the know of ownership of land and how the land is accessible by others. The changes that occur as a result of the conversion is a change number tenure land. It can be explained that the farmer turned into tenants and sharecroppers turned into a laborer.

The implications of these changes are difficult to acquire land agricultural laborers and the process of marginalization. It happens in Tegal, many landowners sell agricultural land owned. Furthermore owner The land turned into tenant farmers or farm workers because they do not to leave his job as temporary farmers to switch into other professions do not have sufficient expertise. agricultural which is a hereditary forced work they do though no longer have this itself. The agricultural land causing the owner agricultural land are forced to work as tenant farmers or agricultural laborers.

- Changes in land use patterns

Land use patterns can be seen from how the public and others utilize resources. Convention agrarian land causing the shift of labor in the utilization of agrarian resources, especially woman labor. The affecting land reduced farming. Except sector employment, the conversion of land cause changes in utilization of agricultural land with more intensity high. Tegal changes in land use patterns already seen, namely the transfer of the profession of agricultural to non-agricultural, especially industry. Many citizens that originally relied economy of agricultural switched professions to other areas with intention to increase revenue for the agricultural sector during the cultivated deemed to have been not able to provide increased revenue²⁰.

- The changing pattern of agrarian relations

In Tegal for cultivation of paddy soil results with system "*Maro / halved*" has been commonly applied. However the owners of farmland and tenants aware that a limited

¹⁹ The Central Statistics Agency (BPS) Tegal, 2019 *Number and Population Growth Rate According Tegal District in 2016.2017 and 2018*, BPS Tegal.

²⁰ Interview with Mr. Kusnoyo, *op cit*.

number of agricultural land causing sharing system changes with other systems such as "Mertelu / divided by three". This is due to the owners of agricultural land wanted more results with the system "Mertelu / divided into three" as part rice cultivators will be reduced compared to a system of "Maro / split two". This causes the rice cultivators income to be reduced²¹.

- Changing patterns of agrarian income

The pattern of income assessed by the people's livelihood systems of the results - the results of agricultural production compared with the non-agricultural. The limit of land and urgency economists household causing a shift in the source of livelihood of the agricultural sector to non-agricultural sector. Based on the changes - changes in agricultural yields Tegal aforementioned society, especially the tiller society assume increasingly difficult to earn a living from agricultural. Agricultural products considered cannot be expected to many farmers who switched professions such as seller, labor and factory employee²².

- Social Change and Community

Conversion area causes deterioration of economic capability (Revenue decline). Changes in the pattern - the pattern of agrarian life Tegal society led to a decrease in earnings from the sector agricultural so it can not be avoided the transfer of the profession to increase revenue. The social impact of the conversion of agricultural land into nonfarm cause farmers - peasants lose their jobs for land owners to sell land to investors for transformed to enable lands into residential and industrial land.

3. Closing

3.1 Conclusion

- The role of a Land Deed Official (PPAT) in enrollment over function rights over agricultural land into non-agricultural for the home in Tegal namely to provide legal counseling related with land conversion procedure and make letters - letters and or deed of transfer of land rights after the land because it deters existence of certain legal acts such as the breakdown field soil, as well as buying and selling under the name of ground objects.
- The registration procedure conversion of agricultural land into non-agricultural for residential houses in Tegal implemented with registration submission of applications for permission to be implemented through several stages, the establishment of the assessment team, an assessment of the object changes in the use soil, siding determination, granting and issuing recommendations decisions about land use change permits.
- The solution in the Transfer Function of Agricultural Land Rights Become Non-Agricultural For Home Living in Tegal namely land function Switcher agricultural to non-agricultural land is essentially an activities which can not be separated from the provisions of Article 6 of Act No. 5 of 1860 on Basic Agrarian Law (BAL) which states that "all rights to the land have social function" provisions of this article had the purpose that utilization soil including switcher function land should be considering the social function where the public interest should not be ruled out, in other words, the land owner is not allowed use the land as he pleased himself. In fact there are many found that productive agricultural land owners and or fertile half technical irrigation

²¹ *Ibid.*

²² *Ibid.*

facilities as well as technical turn into soil nonfarm whether conducted through the procedures of licensing and without going through the licensing regulations.

3.2 Suggestion

- a. Notary / Land Deed Official (PPAT) should provide contribution in preventing the conversion of Agricultural Land Rights Become Non-Agricultural. Contribution can be between the providing information about the impact over the function of Land Rights Agricultural is the Non-Agricultural or deny making the letters and or land deed to the land - productive land that is in charge functioned.
- b. Functional shift agricultural to non-agricultural land is already very alarming, for it needs serious attention of Tegal government in preventing land conversion agricultural to non-agricultural.
- c. Need for subsidies for farmers to work their fields for improving the welfare of farmers that will maintain land agricultural as the main occupation.

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