

The Authority of Notaries and Land Deed Officials (PPAT) in Controlling the Conversion of Sustainable Food Agricultural Land (LP2B) during the Transfer of Land Rights

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Abstract. *This study aims to analyze the authority of Notaries and Land Deed Officials (PPAT) in controlling land-use conversion of Sustainable Food Agricultural Land (LP2B) during the transfer of land rights and to examine the juridical implications arising from such authority. The research is grounded on the existence of normative ambiguity and the lack of integration between notarial authority and spatial planning control systems, which creates legal gaps enabling formal yet unlawful land conversion. This research employs a normative juridical method with statutory, conceptual, and case approaches. The findings indicate that the authority of Notaries and PPAT remains general in nature and does not explicitly impose obligations to verify LP2B status, resulting in the suboptimal preventive function as gatekeepers. The juridical implications include potential invalidity of authentic deeds, administrative, civil, and criminal liabilities, as well as legal uncertainty and weakened spatial control effectiveness. Therefore, a comprehensive regulatory reconstruction is required to strengthen the preventive role of Notaries and PPAT in controlling land conversion in order to support national food sovereignty.*

Keywords: Food Sovereignty; Land Transfer; Notary; PPAT; Sustainable Agricultural Land.

1. Introduction

Food security and food sovereignty constitute strategic national agendas with fundamental constitutional, economic, and social dimensions. Pursuant to Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the State is vested with the authority to control and manage agrarian resources for the greatest prosperity of the people. (L. Yusril Wira Saputra; 2023). Agricultural land, particularly Sustainable Food Agricultural Land (Lahan Pertanian Pangan Berkelanjutan/LP2B), occupies a vital position as the foundation of national food production and must therefore be protected on a sustainable basis to guarantee the realization of the right to food as an integral component of human rights. (Ahmad Nur Fauzy Al Arif; 2020). Nevertheless, the existence of LP2B faces a serious threat from the increasing conversion of agricultural land into non-agricultural uses, a phenomenon that has occurred systematically and on a massive scale. This trend is driven by population growth, urban expansion, and infrastructure development, compounded by the inadequacy of the existing legal control

system, which has yet to effectively integrate the various regulatory instruments governing land use.

From a normative perspective, Indonesia has established a relatively comprehensive legal framework to regulate the conversion of agricultural land. Law No. 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, Law No. 26 of 2007 concerning Spatial Planning, together with their implementing regulations, including Presidential Regulation Number 4 of 2026 concerning the Control of Paddy Field Conversion, constitute the principal legal instruments intended to restrict and regulate agricultural land conversion. These regulatory instruments encompass zoning mechanisms, licensing requirements, incentive and disincentive schemes, as well as administrative sanctions. However, despite their systematic design, their implementation remains ineffective due to regulatory disharmony, weak inter-agency coordination, and the absence of an effective control mechanism operating at the level of private legal transactions involving the transfer of land rights.

A fundamental weakness within the LP2B protection regime lies in the disconnect between administrative legal norms and private law practices governing the transfer of land rights. (Lisa Novita Akadir, Ilyas, and Sulaiman; 2019). Changes in land use designation commonly originate from private legal transactions, including sale and purchase agreements, grants, inheritance, or other forms of land rights transfer, all of which are legally formalized through authentic deeds executed by Notaries and Land Deed Officials (*Pejabat Pembuat Akta Tanah/PPAT*). (Ocid Rosadi; 2025). As public officials authorized to prepare authentic deeds, Notaries and PPAT occupy a strategic position within the legal chain of land rights transfer. Nevertheless, the current regulatory framework does not explicitly integrate their authority and legal obligations into the broader system governing the control of agricultural land conversion, thereby creating a normative vacuum at the preventive stage of land transactions.

This situation reflects the existence of vague legal norms (*vague normen*) concerning the authority of Notaries and PPAT, particularly regarding their obligation to verify the spatial planning status and LP2B designation of land prior to executing deeds of transfer. The Law on Notarial Office and the regulations governing the office of PPAT principally regulate their formal administrative authority in preparing authentic deeds, without expressly imposing substantive obligations to ensure that the intended land use conforms to applicable spatial planning regulations and agricultural land protection policies. Consequently, in practice, Notaries and PPAT primarily function as legal legitimators of private transactions rather than as institutional gatekeepers responsible for preventing unlawful land conversion.

2. Research Methods

This study employs normative juridical legal research, a legal research methodology that emphasizes the examination of legal norms embodied in statutory regulations, legal principles, and legal doctrines or scholarly opinions as the primary sources of analysis. (Peter Mahmud Marzuki; 2019). This approach was selected because the legal issues examined are closely associated with the ambiguity and inadequacy of the existing normative framework governing the authority of Notaries and Land Deed Officials (*Pejabat Pembuat Akta Tanah—PPAT*) in controlling the conversion of Sustainable Food

Agricultural Land (*Lahan Pertanian Pangan Berkelanjutan*—LP2B), particularly during the process of transferring land rights.

This normative legal research adopts several complementary approaches. First, the statutory approach is employed through a comprehensive examination of relevant legislation, including Law No. 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, Law No. 26 of 2007 concerning Spatial Planning, the Law on the Office of Notary, the Government Regulation on the Office of Land Deed Officials (PPAT), and Presidential Regulation Number 4 of 2026 concerning the Control of Paddy Field Conversion. This approach aims to identify and analyze the legal norms governing the authority of Notaries and PPAT, as well as their relationship with the legal framework for controlling the conversion of LP2B.

Second, the conceptual approach is utilized to examine relevant legal concepts, including the concepts of authority, legal certainty, and food sovereignty. This approach provides the theoretical foundation for assessing whether the existing legal framework conforms to fundamental legal principles and for formulating a more coherent and effective regulatory model for future legal development.

The legal materials employed in this research consist of three categories. Primary legal materials include statutory regulations and judicial decisions. Secondary legal materials comprise legal literature, scholarly journal articles, and the opinions of legal scholars relevant to the research topic. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference materials that facilitate the interpretation of legal terminology. These legal materials were collected through library research, involving a systematic identification, review, and analysis of relevant legal sources.

The collected legal materials were analyzed qualitatively using a prescriptive-analytical method, which involves interpreting, constructing, and critically evaluating existing legal norms in order to formulate recommendations and propose an ideal regulatory framework. (Soekanto). This analytical method is intended to determine how the law ought to be developed and implemented, particularly in strengthening the preventive role of Notaries and PPAT as legal institutions responsible for controlling the conversion of Sustainable Food Agricultural Land (LP2B) during the transfer of land rights.

3. Results and Discussion

3.1. The Authority of Notaries and Land Deed Officials (PPAT) in the Control of the Conversion of Sustainable Food Agricultural Land during the Transfer of Land Rights

Under the Indonesian legal system, the authority of Notaries and Land Deed Officials within the national land law framework derives from the normative construction established by Law No. 30 of 2004 concerning the Office of Notary, as amended by Law No. 2 of 2014, and Government Regulation Number 37 of 1998 concerning the Office of Land Deed Officials, as amended by Government Regulation Number 24 of 2016. These statutory instruments confer legal authority upon Notaries and PPATs as public officials empowered to execute authentic deeds concerning legal acts in the field of land law, including the transfer of land rights.

The control of agricultural land conversion constitutes an integral component of Indonesia's spatial planning control system as regulated under Law No. 26 of 2007 on Spatial Planning. Article 35 of the Law stipulates that spatial utilization shall be controlled through zoning regulations, licensing mechanisms, incentives and disincentives, and the imposition of administrative sanctions. Among these instruments, the licensing mechanism plays a particularly significant role because any proposed conversion of agricultural land must, in principle, obtain a recommendation for land-use conversion from the competent governmental authority. Nevertheless, this regulatory mechanism has not been institutionally integrated with the process of transferring land rights through authentic deeds executed by Notaries and PPATs. Consequently, a legal gap exists whereby agricultural land conversion may formally comply with civil and administrative procedures while simultaneously undermining the statutory policy for the protection of Sustainable Food Agricultural Land (LP2B).

The role of the Notary is principally governed by Article 15 of Law No. 2 of 2014 concerning the Office of Notary, which authorizes Notaries to execute authentic deeds relating to all legal acts, including transactions involving land, and to provide legal counselling to the parties concerned. This advisory function carries important implications for the protection of LP2B because, from a normative perspective, Notaries bear the responsibility of ensuring that the parties fully understand the legal status of the land object, including whether the land has been designated as Sustainable Food Agricultural Land (LP2B) or Protected Paddy Field (*Lahan Sawah yang Dilindungi*—LSD).

More specifically, the authority of PPATs in preparing deeds concerning the transfer of land rights is regulated under Government Regulation Number 24 of 2016, particularly Article 19, which requires PPATs to verify both the juridical and physical data of the land before executing an authentic deed. Within the context of LP2B protection, this statutory obligation should be interpreted broadly to include not only verification of ownership documents but also examination of the applicable spatial planning designation and confirmation of whether the land parcel is included within the official LP2B or Protected Paddy Field maps. (Atika Rahmadatil Aini; 2024). Such an interpretation is particularly relevant considering that data published by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency indicate that Indonesia experiences an annual conversion of approximately 100,000 to 150,000 hectares of paddy fields, reflecting substantial pressure on the sustainability of national agricultural land resources. (Nur Azis; 2025).

The regulatory framework has recently been strengthened through Presidential Regulation Number 4 of 2026 concerning the Control of Paddy Field Conversion, which provides that paddy fields designated within the official Protected Paddy Field map may not be converted without prior approval in the form of a land-use conversion recommendation issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency. (Gede Edi Anawan; 2019). Although the Regulation does not expressly impose obligations upon Notaries and PPATs, its provisions implicitly require a verification mechanism throughout every stage of the transfer of land rights, including the execution of authentic deeds by these public officials.

Viewed from the perspective of the theory of legal authority, this regulatory framework reveals a discrepancy between the statutory authority currently attributed to Notaries and PPATs and the practical requirements of the legal system in controlling agricultural land conversion. The authority conferred by existing legislation remains general in nature

and does not specifically define the role of these public officials in safeguarding LP2B. Consequently, their statutory authority cannot yet function as an effective regulatory instrument because it is not supported by explicit legal norms governing mandatory land-status verification, institutional coordination with relevant government agencies, or legal consequences for non-compliance.

Furthermore, from the standpoint of the theory of legal certainty, the ambiguity of the existing legal framework creates uncertainty for Notaries and PPATs in exercising their statutory authority. (Akbar Karisma; 2023). On the one hand, they are obliged to facilitate the lawful transfer of land rights in accordance with the intentions of the parties. On the other hand, they are expected to support public policies aimed at protecting sustainable agricultural land. In the absence of clear statutory guidance, these competing obligations may generate conflicts of interest that ultimately jeopardize the broader public interest, particularly the preservation of LP2B.

Empirical studies likewise demonstrate that the role of Notaries and PPATs in protecting LP2B remains relatively limited. Research conducted across various regions in Indonesia indicates that PPATs generally confine themselves to providing legal advice to the parties without possessing explicit statutory authority to refuse the execution of an authentic deed where indications exist that the proposed transaction may facilitate unlawful agricultural land conversion. This situation illustrates that the preventive function which could potentially be exercised by Notaries and PPATs has not yet been fully optimized. As a consequence, the process of transferring land rights may inadvertently become one of the legal mechanisms facilitating the continued conversion of agricultural land.

Within the framework of a modern legal system, the existence of gatekeepers at the initial stage of legal transactions constitutes an essential safeguard for preventing legal violations. Notaries and PPATs occupy a uniquely strategic position because every transfer of land rights must ultimately be formalized through the authentic deeds that they execute. Accordingly, strengthening the authority of Notaries and PPATs as legal gatekeepers in controlling the conversion of Sustainable Food Agricultural Land represents an urgent regulatory necessity. Such optimization should be pursued through the establishment of explicit legal norms requiring mandatory verification of land status, comprehensive legal counselling for the parties, and institutional coordination with the competent governmental authorities responsible for land administration and spatial planning.

3.2. Juridical Implications of the Exercise of the Authority of Notaries and Land Deed Officials (PPAT) within the Framework of Controlling the Conversion of Sustainable Food Agricultural Land (LP2B)

The control of the conversion of Sustainable Food Agricultural Land (LP2B) is principally governed by Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land, which expressly prohibits the conversion of agricultural land designated as LP2B except under limited circumstances subject to stringent statutory licensing procedures. Accordingly, any legal act resulting in a change in the designated use of protected agricultural land, including through the transfer of land rights, must strictly comply with these legal requirements.

One of the most fundamental juridical implications concerns the validity of authentic deeds executed by Notaries and Land Deed Officials (PPAT). Under Article 1320 of the Indonesian Civil Code, the validity of a contract depends upon the fulfillment of four essential legal requirements: mutual consent of the parties, legal capacity, a specific subject matter, and a lawful cause (*causa*). (Muh. Kandriana; 2025). In the context of LP2B, where a transfer of land rights is intended to facilitate the unlawful conversion of protected agricultural land without obtaining the mandatory governmental approvals, the agreement may be deemed to possess an unlawful cause. (Pratiwi).

Another significant juridical implication relates to the legal liability of Notaries and PPAT in exercising their statutory authority. Where a Notary or PPAT fails to verify whether the land concerned constitutes LP2B or neglects to ensure the existence of the requisite governmental recommendation or land-use conversion approval as prescribed by applicable regulations, such omission may give rise to administrative, civil, and, under certain circumstances, criminal liability. Administrative liability may include disciplinary sanctions under the governing professional regulations, ranging from written warnings and temporary suspension to permanent dismissal from office. Civil liability may arise where such negligence causes financial or legal harm to another party, such as a purchaser who acquires land without knowledge that it forms part of protected agricultural land and therefore cannot lawfully be converted. Furthermore, where intentional misconduct or gross negligence results in violations of statutory provisions, criminal liability may also arise in accordance with the applicable criminal legislation.

The juridical implications are likewise evident from the perspective of legal certainty within the land administration system. Authentic deeds executed by Notaries and PPAT constitute the principal legal basis for the registration of transfers of land rights before the Land Office. Where such deeds are prepared without due regard to the statutory restrictions applicable to LP2B, legal uncertainty may emerge because, on the one hand, the transfer of land rights receives formal legal recognition through registration, while, on the other hand, substantive law continues to prohibit any alteration of the land's designated agricultural function. This inconsistency creates the potential for legal disputes between land-right holders and governmental authorities or other interested parties and ultimately undermines public confidence in the integrity of Indonesia's land law system.

Furthermore, the exercise of the authority of Notaries and PPAT has significant implications for the effectiveness of spatial planning and land-use control mechanisms established under Law No. 26 of 2007 on Spatial Planning. Where Notaries and PPAT fail to perform adequate verification and preventive oversight during the land rights transfer process, statutory zoning regulations and licensing mechanisms become substantially less effective, since violations of spatial planning regulations may continue to occur through private civil transactions despite existing administrative restrictions.

Another important juridical implication concerns the protection of the public interest and environmental sustainability. LP2B constitutes an essential component of Indonesia's public policy framework aimed at ensuring long-term food security, preserving productive agricultural land, and protecting the rights and livelihoods of farmers. (Saptaning Ruju Paminto; 2024). Consequently, any violation of LP2B regulations extends beyond the interests of the contracting parties and affects society at large. The failure of Notaries and PPAT to adequately consider LP2B protection in performing their

official duties may therefore be regarded as a failure to fulfil the social function of law, ultimately impeding the realization of sustainable development objectives and national food sovereignty.

Moreover, these juridical implications position Notaries and PPAT as strategic legal actors responsible for preventing unlawful conduct at the earliest stage of land transactions. Failure to exercise this preventive function has broader systemic consequences because it creates opportunities for recurring violations of land-use regulations and weakens the effectiveness of the overall legal framework governing agricultural land protection. In other words, inadequate implementation of their statutory authority may significantly diminish the effectiveness of Indonesia's regulatory regime for controlling agricultural land conversion.

Conversely, where the authority of Notaries and PPAT is exercised in full compliance with the statutory provisions governing LP2B, the resulting juridical implications are predominantly positive. Effective verification and legal compliance enable Notaries and PPAT to function as an initial legal safeguard, preventing transactions that contravene agricultural land protection regulations before such transactions proceed to registration. This preventive role reduces the burden on subsequent law enforcement institutions while simultaneously enhancing legal certainty, protecting the legitimate interests of all parties involved, and supporting the realization of Indonesia's broader constitutional objectives relating to sustainable agricultural development and national food sovereignty.

4. Conclusion

The authority of Notaries and Land Deed Officials in controlling the conversion of Sustainable Food Agricultural Land (LP2B) during the transfer of land rights is, from a normative perspective, recognized within Indonesia's positive legal framework as part of their authority to execute authentic deeds. Nevertheless, such authority remains general in nature and has not been systematically integrated into the regulatory framework governing spatial planning control and the protection of LP2B. This normative gap creates opportunities for the legal transfer and conversion of agricultural land that formally complies with procedural requirements but substantively contravenes national policies aimed at preserving sustainable agricultural land. The situation is further exacerbated by the underutilization of the preventive role of Notaries and PPAT as legal gatekeepers responsible for verifying the legal status of land and ensuring compliance with spatial planning regulations, land-use restrictions, and licensing requirements before the execution of land transfer deeds. The legal implications arising from the exercise of such authority encompass the validity of authentic deeds, legal accountability, legal certainty, and the effectiveness of the land-use control system. A transfer of land rights involving land designated as LP2B in violation of applicable statutory provisions may render the authentic deed legally defective due to the absence of a lawful cause (*causa*), thereby exposing Notaries and PPAT to administrative, civil, and even criminal liability. Furthermore, the failure to adequately verify the legal status and designated use of the land may generate legal uncertainty and create a conflict between the formal legality of land transactions and the substantive prohibitions established under the legal regime governing LP2B protection. Such circumstances ultimately undermine public confidence in the integrity and reliability of Indonesia's land administration and land registration system. The limited involvement of Notaries and PPAT in the regulatory

control of land conversion during private land transactions has diminished the effectiveness of spatial planning enforcement mechanisms, thereby weakening the protection of broader public interests, particularly the sustainability of national food production and environmental conservation. Conversely, reconstructing and strengthening their authority through enhanced statutory obligations to conduct land status verification, provide legal counseling to parties, and coordinate with relevant governmental institutions would enable Notaries and PPAT to function as effective preventive legal instruments against unlawful agricultural land conversion. Such a reconstruction would reinforce legal certainty, improve compliance with spatial planning regulations, and contribute to the realization of national food sovereignty. Accordingly, a comprehensive normative reform is required to integrate the authority and responsibilities of Notaries and PPAT into the legal framework governing LP2B protection, thereby establishing a more coherent, effective, and sustainable system for controlling the conversion of protected agricultural land.

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