

The Authority of the Ombudsman of the Republic of Indonesia in Supervising the Notary Supervisory Board and the Board of Trustees and Supervisors for Land Deed Making Officials (PPAT)

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Abstract. *The Ombudsman of the Republic of Indonesia is a state institution overseeing the implementation of public services. From the data from the Ombudsman RI report, there are a number of public reports regarding the services of the Notary Supervisory Council (MPN) and the PPAT Advisory & Supervisory Council (MPP PPAT). The purpose of this study is to find out and analyze the authority of the Indonesian Ombudsman in supervising the MPN and MPP PPAT in Kendari City, Southeast Sulawesi Province as well as the efforts made by the Ombudsman of the Republic of Indonesia in order to supervise and resolve allegations of maladministration committed by the MPN and MPP PPAT in Kendari City, Southeast Sulawesi Province. The approach method used in discussing this research problem is a sociological juridical approach. The specification of the research used is descriptive analytical research. Types of data using primary and secondary data. The data analysis method used is qualitative data analysis. The results of the study concluded that mutatis mutandis, the Ombudsman of the Republic of Indonesia through the Representative of the Ombudsman of the Republic of Indonesia in Southeast Sulawesi Province domiciled in Kendari City: 1) Has the authority to supervise the implementation of tasks and authorities carried out by the MPN and MPP PPAT because in their organizational structure they have elements from the government, the source of the budget comes from the State Budget (APBN) and organizes public services. in the field of public services in terms of receiving reports from the public and in the field of public administration in terms of issuing administrative decisions/decisions. 2) Oversight efforts of the Indonesian Ombudsman namely in terms of receiving, following up, and complete community reports regarding allegations of maladministration by MPN and MPP PPAT. The follow-up actions of the Ombudsman of the Republic of Indonesia include recording reports, formal and material verification of reports, requests for clarification, investigations, summons, mediation/conciliation and issuing the Final Examination Results Report (LAHP) as well as the last effort, namely Recommendations.*

Keywords: Ombudsman; Public; Service; Supervisory.

1. Introduction

The administration of the government system requires changes in the life of the state, nation and society, which focus on the main objectives of government, namely a government that is democratic, just and has legal certainty. One effort that can be done is to carry out bureaucratic reform, especially in the fields of institutions, management, and human resources. Among these fields also includes the position of Notary and the position of Official for Making Land Deeds (hereinafter referred to as PPAT).

According to Aryani Witasari, that a notary has a role in carrying out state duties in the field of civil law, and a notary is qualified as a public official authorized to make an authentic deed, and a deed is a formulation of the wishes or wishes of the parties as outlined in a notary deed made before or by a notary. , and other powers.¹Meanwhile, PPAT is a public official who is authorized to make authentic deeds regarding certain legal actions regarding land rights or ownership rights to flat units.²

In principle, notaries and PPATs have something in common, namely that they are public officials who are authorized by law to exercise some of the authority of the state or government in matters of civil law, especially in making authentic deeds. Every Notary and PPAT is required to be obliged to provide legal services to all levels of society optimally and to be responsible for the authentic deeds they have made.

According to Ngadino, quoted by Ade Kusumadewi, Gunarto and Maryanto that Regarding the responsibilities of a Notary Public or PPAT as a public official relating to material truth, it is divided into 4, among others: First, The responsibility of the Notary/PPAT for the material the truth of the deed he made. Second, Civil responsibility of the Notary/PPAT regarding the material truth in the deed he makes. Third, The responsibility of the Notary/PPAT based on the Notary Position Regulation and the Position of the Land Deed Maker regarding the material truth of the deed he makes. Fourth, The responsibility of the Notary/PPAT in carrying out its office duties in accordance with the Code of Ethics the responsibility of the Notary/PPAT for the material truth of the actions he made. Second, the civil responsibility of the Notary/PPAT regarding the material truth in the deed he made. Third, the responsibility of the Notary/PPAT

¹Aryani Witasari, 2012, "MPD is not an advocate for notaries under law no. 30 of 2004 concerning the Position of Notary", *Journal of Law*, No. 2, Vol. XXVIII, p. 885., http://jurnal.unissula.ac.id/index.php/jurnal_Hukum/article/view/218/194, accessed on 19 June 2022, at 13.10.

²Indonesian Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations for the Position of Officials Making Land Deeds, Article 1 point 1.

based on the Position Regulations of Notaries and Land Deed Officials regarding the material validity of the deed they made. Fourth, the responsibility of the Notary/PPAT in carrying out their duties in accordance with the code of ethics).³

Given the importance of the role of Notaries and PPATs for the traffic of law in the life of society and the state, they are vulnerable to abuse or maladministration practices that can cause harm to the parties. Currently, internal supervision and guidance on the performance of Notary duties is carried out by the Notary Supervisory Board (hereinafter referred to as the MPN). While supervision of the implementation of PPAT positions internally is carried out by the PPAT Advisory & Supervisory Board (hereinafter referred to as the PPAT MPP).

MPN and MPP PPAT have in common with each other because they were formed by the government and there is involvement of government elements in the composition of the assembly which is regulated in statutory provisions. In general, MPN has duties and authorities in terms of carrying out guidance and supervision of notaries and conducting examinations of alleged violations of behavior and implementation of notary positions. Meanwhile, MPP PPAT has duties and authorities in terms of supervising the implementation of PPAT positions and enforcing the rule of law in accordance with statutory provisions in the PPAT field as well as providing guidance to PPATs to achieve better PPAT quality. Besides that, both MPN and MPP PPAT have the authority to receive reports/complaints from the public regarding alleged violations of the code of ethics of office or violations of provisions in laws and regulations committed by a Notary or PPAT. The service for receiving reports/complaints is also categorized as a form of public service in the field of public services. The consequence is that MPN and MPP PPAT are also prone to commit acts that are deviant, inprocedural, discriminatory, or have conflicts of interest. So that it is necessary to have both internal and external supervision in supervising the implementation of public services.

In Indonesia at present, one of the external supervisory institutions whose supervision focus includes the implementation of public services is the Ombudsman of the Republic of Indonesia (hereinafter referred to as the Ombudsman of the Republic of Indonesia). Based on the provisions of Article 6 of Act No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, the function of the Ombudsman of the Republic of Indonesia is to oversee the implementation of public services organized by state and government

³Ade Kusumadewi, Gunarto & Maryanto, 2020, "The Role of Notary-PPAT in the Implementation of Tax Payment Fraud Prevention", *Sultan Agung Notary Law Riview (SANLaR)*, Vol. 2, Issue 4, p. 313, <http://jurnal.unissula.ac.id/index.php/SANLaR/article/view/18361/pdf>, accessed on 19 June 2022, at 14.33.

administrators, both State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), and State Owned Legal Entities (BHMN) as well as private bodies or individuals who are tasked with administering certain public services.⁴

Based on the results of the author's search of data from the Ombudsman RI Annual Report for 2002 to 2021, it was noted that in 2012 and 2013 there were a number of public reports regarding MPN services. In 2012, the Indonesian Ombudsman received a report from the public regarding allegations of protracted delays by the Regional Supervisory Board (MPW) of West Java Province in following up on public complaints regarding negligence committed by a Notary.⁵ Then, in 2013, the MPW of Central Java Province was reported by the public to the Indonesian Ombudsman for allegedly not following up on complaints regarding violations committed by a notary.⁶ Meanwhile, based on the results of the author's search on the Republic of Indonesia Ombudsman Annual Report 2002 to 2021, there have not been any reports regarding alleged maladministration by the MPP PPAT. In connection with these data, it can be seen that there is an active role of the community in supervising the implementation of MPN duties that are suspected of committing maladministration in the form of protracted delays in following up reports/complaints from the public regarding violations committed by a notary public, so that the community submits reports/complaints officially to the Indonesian Ombudsman . For this reason, the author is interested in conducting research on the legal basis that specifically regulates the authority of the Ombudsman of the Republic of Indonesia so that he is authorized to supervise the implementation of the duties of the MPN and MPP PPAT.

2. Research Methods

The approach method used in this study is the sociological juridical method, which means a research conducted on the real condition of society or the community environment with the intent and purpose of finding facts (fact-finding), which then leads to identification (problem-identification) and in the end leading to problem solving.⁷

The specification of the research used is analytical descriptive. Analytical descriptive means to provide an overview presented in a systematic, clear, detailed and comprehensive manner based on data obtained in a complete and

⁴Adrianus Meliala, 2017, *Ombudsman Tips*, Ombudsman of the Republic of Indonesia, Jakarta, p. 6.

⁵2012 Annual Report of the Indonesian Ombudsman, 2012, p. 153.

⁶2013 Annual Report, *Serving Selflessly, Supervising Without Taking Sides*, RI Ombudsman, 2012, p. 94.

⁷Soerjono Soekanto, 1982, *Introduction to Legal Research*, UI Press, Jakarta, p. 10.

credible manner regarding the authority of the Ombudsman of the Republic of Indonesia. According to Soerjono Soekanto, that analytical descriptive is presenting facts and analyzing them systematically so that they can be easier to understand and conclude.⁸ Data collection methods in this study are through interviews and literature studies. While the data analysis method used in this study is the qualitative data analysis method.

3. Results and Discussion

3.1. The authority of the Ombudsman of the Republic of Indonesia in carrying out supervision of the Notary Supervisory Board (MPN) and the Board of Trustees & Supervisors for Land Deed Making Officials (MPP PPAT) in Kendari City, Southeast Sulawesi Province.

Based on search results on the Information System for Completion of Reports (SIMPeL) of the Ombudsman of the Republic of Indonesia, as of August 2022, no public reports have been received or received by the Ombudsman Representative Office of the Republic of Indonesia regarding alleged maladministration by the MPN and MPP PPAT. However, in several Ombudsman Representative Offices, including the Indonesian Ombudsman Head Office in Jakarta, there have been a number of reports regarding alleged maladministration by the MPN and MPP PPAT. According to public report data received by the Ombudsman of the Republic of Indonesia and recorded in the Information System for Completion of Reports (SIMPeL) of the Ombudsman RI, in 2019, 2020, 2021 and 2022, there are a number of reports related to allegations of maladministration committed by the Notary Supervisory Council (MPN) and the PPAT Advisory & Supervisory Council (MPP PPAT). The data is presented in the following table:⁹

Table 1 Data from the 2019 Indonesian Ombudsman Report regarding allegations of maladministration by the Notary Supervisory Council (MPN).

No.	Office of the Ombudsman	the Reported	Regarding
1	Bandar Lampung	Notary Regional Supervisory Board (MPW) Lampung	Alleged irregularities in procedures in issuing a decision letter from the Chairman of the Regional

⁸Ibid., p. 85.

⁹Interview and request for data with Ms. Aulia P. Dwiputri, Assistant Ombudsman of the Republic of Indonesia Southeast Sulawesi Province, 02 August 2022.

		Province	Supervisory Council (MPW) of Lampung Province so that the decision of the Notary Central Supervisory Council (MPP) cannot be implemented
2	Bandar Lampung	Notary Regional Supervisory Board (MPW) Lampung Province	Alleged abuse of authority by the Chairman of the Regional Supervisory Council (MPW) of Central Lampung Province
3	Center	Regional Supervisory Council (MPW) DKI Jakarta Province	The alleged protracted delay in following up the Complainant's complaint regarding an alleged unlawful act by a notary.
4	Center	Central Supervisory Council (MPP)	Alleged procedural irregularities in issuing MPP decisions
5	Greater Jakarta	Regional Supervisory Council (MPW) DKI Jakarta Province	Alleged procedural irregularities in the examination of a Notary.
6	East Java	Regional Supervisory Council (MPD) Surabaya	The alleged protracted delay in following up the Complainant's complaint against the deed drawn up by a notary
7	Center	Central Supervisory	Alleged procedural deviation from the MPP's

		Council (MPP)	decision regarding a violation of the code of ethics by a notary
8	Jayapura	Jayapura Regional Supervisory Council (MPW).	Alleged incompetence of the Chairman of the MPW in following up on the Complainant's report.

Table 2 Data from the 2020 Indonesian Ombudsman Report regarding allegations of maladministration by the Notary Supervisory Council (MPN).

No.	Office of the Ombudsman	the Reported	Regarding
1	Riau	Pekanbaru Regional Supervisory Council (MPD).	Alleged procedural deviations in following up on Reporting Report regarding the actions of a notary
2	Greater Jakarta	Regional Supervisory Council (MPW) DKI Jakarta Province	Alleged procedural irregularities in terms of failure to inform the deadline for filing an appeal against the MPW's decision
3	Banten	Regional Supervisory Council (MPW) Banten Province	Allegedly protracted delays in following up on Complainant's complaint regarding the actions of a notary
4	Center	Central Supervisory	MPP's application for

		Council (MPP)	legal protection.
5	Riau	Regional Supervisory Council (MPD) Pekanbaru City	Alleged abuse of authority in following up complaints from the complainant regarding the actions of a notary
6	North Sumatra	Regional Supervisory Council (MPW) of North Sumatra Province	Alleged procedural irregularities in issuing decisions.
7	Center	Central Supervisory Council (MPP)	Alleged procedural irregularities in issuing decisions.
8	Lampung	Regional Supervisory Council (MPD) of South Lampung Regency	Allegedly protracted delays in following up on the reporting report regarding the notary's actions.
9	West Java	Regional Supervisory Council (MPW) of West Java Province	Alleged deviation from the procedure for imposing sanctions on a notary
10	West Java	Regional Supervisory Council (MPD) Bandung City	Allegations of protracted delays regarding the statement of a substitute notary
11	Center	Regional Supervisory Council (MPW) of North Sumatra	Alleged procedural irregularities in issuing decrees

Province			
12	West Java	Regional Supervisory Council (MPW) of West Java Province	Alleged procedural deviations from a notary examination
13	Yogyakarta	Regional Supervisory Council (MPD) Yogyakarta City	Alleged procedural deviations in submitting the results of the examination of the Whistleblower's report
14	West Java	Regional Supervisory Council (MPW) Bandung City	The alleged protracted delay is related to the absence of a response regarding the request for information by the Reporting Party

Table 3 Data from the 2021 Indonesian Ombudsman report regarding allegations of maladministration by the Notary Supervisory Council (MPN).

No.	Office of the Ombudsman	the Reported	Regarding
1	West Java	Regional Supervisory Council (MPD) Bandung City	Allegedly protracted delays in handing over the replacement notary protocol
2	North Sumatra	Regional Supervisory Council (MPW) of North Sumatra	Alleged procedural irregularities in issuing decrees

Province			
3	Center	Regional Supervisory Council (MPD) Bogor Regency	Alleged protracted delays in following up on the Reporting Report on the notary's actions.
4	North Sumatra	Regional Supervisory Council (MPW) of North Sumatra Province	Alleged procedural irregularities in issuing decrees
5	Riau	Pekanbaru Regional Supervisory Council (MPD).	Allegedly protracted delays in following up on the reporting report on the notary's actions
6	Center	Central Supervisory Council (MPP)	Alleged neglect of legal obligations in following up on requests for review of examination results by the Cirebon Regency Regional Supervisory Council (MPD)
7	West Java	Regional Supervisory Council (MPW) of West Java Province	Allegedly protracted delays in carrying out the decision on the results of the Regional Supervisory Council (MPD) examination
8	Banten	Serang City Regional Supervisory Council (MPD).	Allegedly did not provide services related to requests for legal consultations

9	Riau	Batam Regional Supervisory Council (MPD).	City	Allegedly delays in following up on the reporting report on the notary's actions
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Table 4 Data from the Republic of Indonesia Ombudsman report for 2021 regarding allegations of maladministration by the PPAT Advisory and Supervisory Council (MPP) for the period January to August 2022.

No.	Office of the Ombudsman	the Reported	Regarding
1	West Java	Regional Supervisory Council (MPPD) West Bandung Regency	PPAT Allegedly protracted delays in following up the complainant's complaint on PPAT's actions.
2	Center	Regional Supervisory Council (MPPD) Rokan Hulu Regency	PPAT Allegedly protracted delays in implementing the Supreme Court's decision
3	Riau	Regional Supervisory Council (MPPD) Rokan Hulu Regency	PPAT Alleged procedural irregularities in issuing decisions.

Based on the table above, it can be seen that in several regions there are reports from the public regarding the implementation of the duties and authorities of both MPN and MPP PPAT. From 2019 to 2021, 31 (thirty one) reports regarding MPN were recorded. Meanwhile, the report data entered into the Ombudsman of the Republic of Indonesia regarding the new MPP PPAT will be in 2022, the

number is relatively small, namely 3 (three) reports. The majority of reports from the public complained about allegations of maladministration in the form of protracted delays in following up on reports of public complaints submitted to both the MPN and reports of public complaints submitted to the MPP PPAT. The rest were reported by the public related to procedural irregularities, neglect of legal obligations, abuse of authority, and others.

According to Prajudi Atmosudirdjo that basically government authority can be translated into 2 (two) meanings, namely as the right to carry out a government affair and as the right to be able to significantly influence decisions taken by other government agencies¹⁰. Meanwhile, Peter Leyland and Terry Woods firmly stated that public authority has 2 (two) main characteristics, namely: first, every decision made by government officials has binding power to all members of society, in the sense that all members of society must obey it, and secondly, every decision made by a government official has a public function or performs a public service.¹¹

Referring to the theories of authority above, essentially the authority of the Ombudsman of the Republic of Indonesia certainly comes from the granting of authority by attribution. Normatively, the definition of attribution is explained in the provisions of Act No. 30 of 2014 concerning Government Administration that the acquisition of authority by attribution is defined as the granting of authority to Government Agencies and/or Officials by the 1945 Constitution of the Republic of Indonesia or the Law. Thus, the attribution authority of the Ombudsman of the Republic of Indonesia was obtained after the enactment of Act No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia.

Normatively, the supervisory authority of the Ombudsman of the Republic of Indonesia is specifically spelled out in the provisions of Article 8 of Law 37 of 2008 concerning the Ombudsman of the Republic of Indonesia. There are 3 (three) forms of supervision carried out by the Ombudsman of the Republic of Indonesia, namely preventive, repressive and general supervision, as follows:¹²First, preventive supervision is a prevention activity whose purpose is to educate the public to play an active role in supervising state administrators. Second, repressive supervision is oriented towards reports of public complaints and reports of complaints that are carried out independently, which are called initiative investigative reports. Third, general supervision is carried out in a process of state administration activities in providing services that look at the implementation and applicable regulations.

¹⁰Prajudi Atmosudirdjo, 1981, *State Administrative Law*, Ghalia Indonesia, Jakarta, p. 76.

¹¹Aminuddin Ilmar, 2014, *Governance Law*, Kencana, Jakarta, p. 101.

¹²Interview with Mr. Mastri Susilo, Head of Representative Office of the Ombudsman of the Republic of Indonesia, Southeast Sulawesi Province, 22 July 2022.

Talking about the scope of the supervisory authority of the Ombudsman of the Republic of Indonesia, basically this authority does not necessarily involve conducting oversight in all sectors, such as those involving criminal cases, civil rights, electoral disputes, public information disputes, and so on. The scope of authority of the Ombudsman of the Republic of Indonesia is limited to supervising the implementation of public services. Public services as stated in the provisions of Article 1 number 1 of Act No. 25 of 2009 concerning Public Services, namely activities or a series of activities in the context of fulfilling service needs. service,¹³

Based on the provisions of Article 5 of Act No. 25 of 2009 concerning Public Services, it stipulates that: "The scope of public services includes public goods services and public services as well as administrative services as regulated in laws and regulations."

One of the authorities of the MPN is the authority to receive and follow up on reports from the public regarding alleged violations of the notary's code of ethics or violations of the provisions of UUJN. Normatively, one of which is described in Article 70 letter g of Act No. 30 of 2004 concerning the Position of Notary Public, it is explained that: "The Regional Supervisory Council has the authority to: g. receive reports from the public regarding alleged violations of the Notary Code of Ethics or violations of the provisions of this Law". This authority is emphasized in the provisions of Article 29 of Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Board. At the same position, The MPP PPAT is also authorized to receive and follow up on reports from the public regarding violations in the implementation of the PPAT's office or complaints about alleged violations committed by the PPAT. Referring to the provisions in Article 12 paragraph (1) to (3) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 02 of 2018 concerning the Development and Supervision of Officials for Making Land Deeds. Therefore, it explicitly indicates that both MPN and MPP PPAT provide public services in the field of public services, because they provide access to complaint services to people who feel aggrieved both materially and immaterially against alleged violations committed by a notary or PPAT in carrying out their positions.

Not only that, MPN and MPP PPAT also provide public services in the field of public administration. In fact, MPP and MPP PPAT have delegated authority from the minister to carry out supervision. The Minister of Law and Human Rights of the Republic of Indonesia in carrying out supervision of the performance and ethics of notaries formed an MPN and the Minister of Agrarian Affairs & Spatial

¹³Ibid.

Planning/BPN RI in implementing the performance of PPATs formed an MPP PPAT. The positions of the two ministers acting as State Administrative Agencies or Officials who carry out government affairs based on applicable laws and regulations also have consequences for the presence of MPP and MPP PPAT so that both of them also have positions as State Administrative Agencies or Officials.

Based on the provisions of Article 67 paragraph (3) of Act No. 30 of 2004 concerning the Position of Notary juncto Article 7, Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Supervisory Board The Notary, stipulates that: "(3) The Supervisory Board as referred to in paragraph (2) consists of 9 (nine) people, consisting of elements of: a. government of 3 (three) people; b. Notary organization of 3 (three) people; and c. 3 (three) experts/academicians". Then in the provisions of Article 16 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 02 of 2018 concerning the Development and Supervision of Officials for Making Land Deeds, it stipulates that: "(1) Membership of the PPAT Advisory and Supervisory Board as referred to in Article 15 consists of elements of: a. Ministry; and b. IPPAT." These provisions show that both MPP and MPP PPAT contain elements consisting of government elements.

Based on the aspect of budget sources, both MPP and MPP PPAT in carrying out their duties and authorities obtain budget allocations from the APBN. In accordance with the provisions of Article 39 of the Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and the Budget of the Notary Supervisory Council stipulates that: "To carry out the duties, functions and authority in fostering and Supervision, The Supervisory Board is given an honorarium in accordance with the provisions of the laws and regulations." Furthermore, Article 40 of the regulation stipulates that: "All necessary financing for the implementation of the duties and functions of the Supervisory Council is charged to the checklist for the implementation of the budget of the Directorate General of General Legal Administration. "Meanwhile, the MPP PPAT, in carrying out its position, obtains budget support from the secretariat where the secretariat comes from elements of the Ministry of Agrarian Affairs & Spatial Planning/BPN RI as stipulated in Article 20 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 02 of 2018 concerning the Guidance and Supervision of Officials for Making Land Deeds, stipulates that: "(1) In assisting the implementation of the position of the PPAT Advisory and Supervisory Council, a secretariat is formed as referred to in Article 16 paragraph

(2) and paragraph (4)." Furthermore, in paragraph (3) the article stipulates that: "(3) The Secretariat as referred to in paragraph (1) provides administrative support, inspection techniques, preparation of work programs, human resources, budget, facilities, infrastructure, and reports to the Board of Trustees and Supervisor of PPAT.

With regard to the explanation above, in essence, the source of supervisory authority by the Ombudsman of the Republic of Indonesia is obtained through attribution based on Act No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia. In terms of attribution, the types of authority under supervision by the Indonesian Ombudsman can be translated into preventive, repressive and general supervision. The supervisory authority of the Ombudsman of the Republic of Indonesia also includes oversight of the duties and powers of the MPP and MPP PPAT. This is because in the organizational structure MPN and MPP PPAT have elements/composition from the government as well as representatives of ministers (Ministry of Law & Human Rights of the Republic of Indonesia for MPN and Minister of Agrarian Affairs & Spatial Planning/BPN RI for MPP PPAT) as Government Agencies and/or Officials as provisions of Act No. 30 of 2014 concerning Government Administration. Then the sources for the MPN and MPP PPAT budgets come from the respective ministries in charge, which of course the ministry's budget comes from the APBN. In addition, MPN and MPP PPAT also provide public services as mandated by Act No. 25 of 2009 concerning Public Services. The implementation of public services referred to are: First, providing public services in the field of public services in terms of receiving reports/complaints from the public regarding alleged violations of statutory provisions committed by a Notary or PPAT. Second, public services in the field of public administration in terms of issuing government administrative decisions/decisions that are administrative in nature. Besides that,

3.2. Efforts made by the Ombudsman of the Republic of Indonesia in the context of supervising and resolving allegations of maladministration by the Notary Supervisory Council (MPN) and the Board of Trustees & Supervisors for Land Deed Making Officials (MPP PPAT) in Kendari City, Southeast Sulawesi Province

The oversight efforts of the Indonesian Ombudsman are a form of law enforcement efforts. According to Soetjipto Rahardjo, as quoted by Tutik Triwulan Tutik, said that law enforcement is an effort to realize ideas about justice, legal certainty and social benefits into reality. The process of embodiment of ideas which is the essence of law enforcement.¹⁴ Then emphasized by Soerjono Soekanto as quoted by the Tutik Triwulan Point, law enforcement is an activity of

¹⁴Tutik Quarter Point, 2010, Introduction to Indonesian State Administrative Law, Pustakarya Achievements, Jakarta p. 259.

harmonizing the relationship of values that is spelled out in solid and manifest principles and attitudes as a series of elaboration of final values, to create, maintain and maintain social peace. life.¹⁵ Meanwhile, from the criminal law aspect, according to Joseph Goldstein, law enforcement efforts are divided into 3 (three) namely Total Enforcement, Full Enforcement, Actual Enforcement.

According to the Head of the Republic of Indonesia Ombudsman Representative Office in Southeast Sulawesi Province, the scope of law enforcement by the Indonesian Ombudsman and the Indonesian Ombudsman representative office can start from when the Indonesian Ombudsman receives public reports, follows up on reports, and up to completing public reports. However, full law enforcement is carried out when the Indonesian Ombudsman finds maladministration and completes public reports and issues the final product, namely the Final Report on Examination Results (LAHP) and/or Recommendations. LAHP and Ombudsman Recommendations are conclusions, opinions and suggestions prepared based on the results of Ombudsman investigations, to the Reported Party's superiors to be implemented and/or followed up in order to improve the quality of good government administration.¹⁶For this reason, law enforcement by the Indonesian Ombudsman against Notary Supervisory Board (MPN) and Board of Trustees & Supervisors for Land Deed Making Officials (MPP PPAT) in Kendari City, Southeast Sulawesi Province in a concrete way, namely by completing alleged maladministration by MPN and MPP PPAT through the Republic of Indonesia Ombudsman Representative Office Southeast Sulawesi Representative. Implementation of settlement of alleged reports maladministration by MPN and MPP PPAT by the Indonesian Ombudsman Representative of Southeast Sulawesi Province is inseparable from the functions of the 3 (three) work units including:

1. Assistant for Receiving and Verifying Reports (PVL),
2. Report Examination Assistant (Riksa), and
3. Maladministration Prevention Assistant (Prevent).¹⁷

Mechanisms and procedures for resolving reports on allegation administration reported to the Indonesian Ombudsman Representative for Southeast Sulawesi begins with the receipt and verification of reports by the PVL Assistantship. The PVL's assistant duties include receiving and verifying (checking) the completeness of the report requirements submitted by the public to the Ombudsman, both formal and material. Formal requirements basically

¹⁵Ibid.

¹⁶Interview with Mr. Mastri Susilo, Loc.Cit.

¹⁷Ibid.

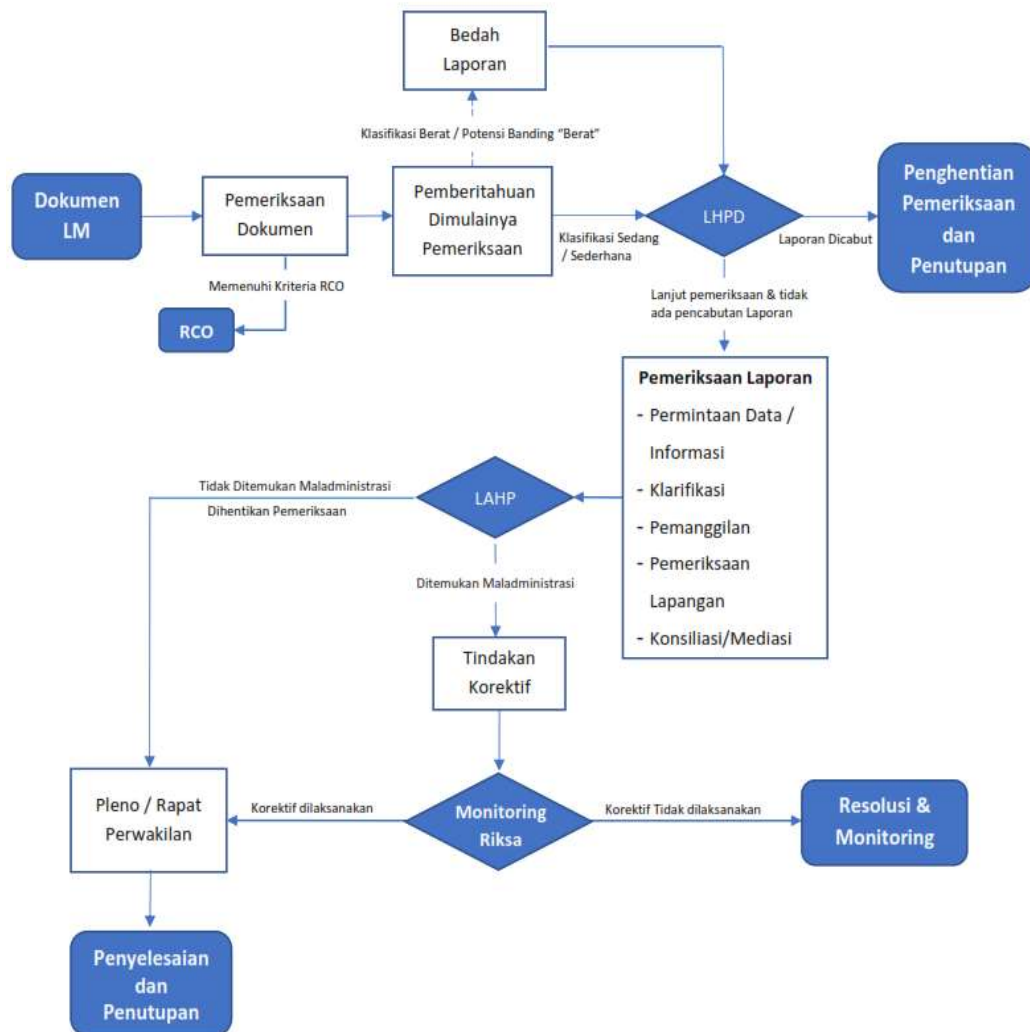
cover administrative and physical requirements, for example: copy of KTP/SIM, original power of attorney if authorized, report descriptions can be in the form of letters or verbal descriptions, and so on. After the formal requirements have been met by the Rapporteur and according to PVL Assistantship are declared complete, then the material requirements are then verified as stipulated in Article 5 RI Ombudsman Regulation Number 48 of 2020 concerning Amendments to Ombudsman Regulation Number 26 of 2017 concerning Procedures for Receiving, Examining and Completing Reports. It is very important to verify the material requirements because at this stage, the Ombudsman of the Republic of Indonesia will identify whether the public's report has met the requirements substantively. At this stage verification will also be carried out, one of which is whether the substance of the report falls within the scope of the authority of the Indonesian Ombudsman.

After the public report is declared to meet the material requirements based on a representative meeting, it is then continued at the report inspection stage by the Report Examination Assistant. Examination is carried out to request explanations, confirm responses, request documents and others from the reported party or related parties so that the incoming reports match the reality that occurred in the field. In addition to this, an investigation was also carried out so that the Ombudsman would not take wrong action because the action was carried out to improve every line of public service. This fact illustrates that not all incoming reports will be followed up directly by the Ombudsman but there is a certain mechanism before taking preventive action in any maladministration in the service sector that is reported by the public.¹⁸

The mechanisms and procedures for examining reports are explicitly regulated in the provisions of Article RI Ombudsman Regulation Number 48 of 2020 concerning Amendments to RI Ombudsman Regulation Number 26 of 2017 concerning Procedures for Receiving, Examining and Completing Reports. In general, the mechanisms and procedures for examining reports are presented in the form of a flowchart below:

Figure 1 Flowchart for examining the Ombudsman Report

¹⁸M. Rafi Ariansyah & Rahmadani Yusran, 2020. "Implementation of the Oversight Function of the Indonesian Ombudsman Representative of West Sumatra for Public Services", Student Journal of Public Administration Science, No. 4, Vol. 2, p. 5-6.



Based on the flowchart above, in general it shows 3 (three) major stages in the examination of public reports, namely as follows:

1. First Stage (Preliminary Examination)
2. Second Stage (Follow Up Examination)
3. Final Stage (Completion)

The Ombudsman of the Republic of Indonesia in terms of implementing supervision efforts will of course also carry out preventive activities against maladministration by public service delivery agencies. This role is the duty and function of the Maladministration Prevention Assistant. In this field the Indonesian Ombudsman will make preventive efforts against maladministration by empowering the community with the aim of increasing public awareness,

preventing maladministration and increasing good cooperation with public service stakeholders.¹⁹

Based on the discussion above, in essence the efforts to supervise the Indonesian Ombudsman can be interpreted as a form of law enforcement efforts. Law enforcement by the Indonesian Ombudsman and the Ombudsman Representative Office begins with receiving reports/complaints from the public for alleged maladministration by Notary Supervisory Board (MPN) and Board of Trustees & Supervisors for Land Deed Making Officials (MPP PPAT) in Kendari City, Southeast Sulawesi Province. The activity of receiving reports is inseparable from the role of Assistant for Receiving and Verifying Reports (PVL). Furthermore, the results of the PVL Assistantship verification of the community's reports will be followed up by the Report Examination Assistant. The follow-up is in the form of examining the MPP and MPP PPAT through a number of ways including: requests for written statements, summons, field investigations, mediation and/or conciliation. If from the results of a series carried out by the Ombudsman it is found that there has been maladministration, an Ombudsman Final Examination Report (LAHP) will be issued, one of which contains corrective actions that must be carried out by the MPP or MPP PPAT as the Reported Party. Then, if the LAHP is not followed up by the Reported Party, then the status will be upgraded to an Ombudsman Recommendation. Thus, from the results of the examination by the Indonesian Ombudsman or the Ombudsman Representative Office, it can provide justice for people who feel aggrieved by the MPP or MPP PPAT and provide legal certainty in terms of services provided by the MPP or MPP PPAT.

4. Conclusion

The Ombudsman of the Republic of Indonesia by attribution through the Southeast Sulawesi Provincial Representative Office has the authority to supervise the implementation of duties and authorities carried out by the Notary Supervisory Council (MPN) and the PPAT Trustees and Supervisors Council (MPP PPAT) in Kendari City, Southeast Sulawesi Province. Supervision is meant in the form of repressive supervision by receiving reports/complaints from the public regarding alleged maladministration by the MPN and MPP PPAT. This is because in the organizational structure of the MPN and MPP PPAT there are elements from the government which are representatives of ministers as government bodies and/or officials and budget sources come from the APBN and organize public services, namely: First, administering public services in the field of public services in terms of receiving reports/complaints from the public regarding alleged acts of violation of statutory provisions committed by a Notary or PPAT. Second, public services in the field of public administration in terms of issuing

¹⁹Ibid., p. 7

government administrative decisions/decisions that are administrative in nature against the results of supervision of a Notary or PPAT.

5. References

Journals:

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- [2] Aryani Witasari, 2012. "MPD Is Not an Advocate for Notaries Based on Law No. 30 of 2004 concerning the Position of Notary", Journal of Law, No. 2, Vol. XXVIII, <http://jurnal.unissula.ac.id/index.php/jurnalHukum/article/view/218/194>
- [3] M. Rafi Ariansyah & Rahmadani Yusran, 2020. "Implementation of the Oversight Function of the Indonesian Ombudsman Representative of West Sumatra for Public Services", Student Journal of Public Administration Science, No. 4, Vol. 2.

Regulations:

- [1] Act No. 30 of 2004 concerning the Office of a Notary, as amended by Act No. 02 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Position of a Notary.
- [2] Act No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia.
- [3] Act No. 25 of 2009 concerning Public Services
- [4] Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 02 of 2018 concerning the Development and Supervision of Officials for Making Land Deeds.
- [5] Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Council.

- [6] RI Ombudsman Regulation Number 48 of 2020 concerning Amendments to Ombudsman Regulation Number 26 of 2017 concerning Procedures for Receiving, Examining and Settlement
- [7] Decree of the Chairman of the Indonesian Ombudsman Number 244 of 2020 concerning Technical Guidelines for the Procedure for Providing Consultations, Acceptance and Verification of Reports.
- [8] Decree of the Chairman of the Ombudsman of the Republic of Indonesia Number 37 of 2021 concerning Technical Guidelines for Examining Public Reports within the Ombudsman of the Republic of Indonesia

Othes:

- [1] 2012 Annual Report of the Indonesian Ombudsman, 2012.
- [2] 2013 Annual Report, Serving Selflessly, Supervising Without Taking Sides, RI Ombudsman, 2012.

Interview:

- [1] Interview with Ms. Aulia P. Dwiputri, Assistant Ombudsman of the Republic of Indonesia, Southeast Sulawesi Province.
- [2] Interview with Mr. Mastri Susilo, Head of Representative Office of the Ombudsman of the Republic of Indonesia, Southeast Sulawesi Province.