

The Implementation of Supervision and Guidance of Officials for Making Land Deeds (PPAT) by the Board of Trustees and Supervisors for Officials for Making Land Deeds (PPAT)

Dian Prilia *)

*) Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, E-mail: dianprilia@gmail.com

Abstract. Land Deed Making Officer (PPAT) is one of the professions carried out by legal subjects relating to official documents regarding land deed making, as a profession whose authority is given based on delegation of authority from the National Land Agency institution, the PPAT profession in carrying out its duties and its functions are fostered and supervised by the National Land Agency through the PPAT Advisory and Supervisory Council, as well as the Southeast Sulawesi BPN Regional Office which conducts guidance and supervision of PPAT, efforts to foster and supervise carried out by the PPAT supervisory and supervisory assembly are carried out with the aim of achieving quality PPAT better as well as supervision to ensure that PPATs carry out their positions in accordance with statutory provisions. The research approach method used in this thesis is a sociological juridical legal research method. The specification of this research uses descriptive analysis. The type of data used in this study is primary data which includes the 1945 Constitution; Act No. 2 of 2014; Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No. 2 of 2018, as well as secondary data containing books and other supporting documents. Collecting research data using interview techniques and study of documents or library materials. The data analysis method used in analyzing the data is an interactive model qualitative analysis as proposed by Miles and Huberman. The results of the study show that: First, the implementation of guidance and supervision of the Advisory and Supervisory Board of PPATs, namely conducting visits to several PPATs and providing guidance related to PPAT position regulations, dissemination of regulations concerning the PPAT's code of ethics and supervision, namely in the form of supervising the implementation of PPAT positions and enforcement legal rules in accordance with regulations in the field of PPAT. Second, what hinders the implementation of PPAT Guidance and Supervision by the PPAT Advisory and Supervisory Board for the Southeast Sulawesi Province, namely: 1) There are no technical instructions/instructions for implementing even clear and firm SOPs regarding supervision of PPATs. 2) The available budget is very limited and 3) Facilities and infrastructure are not available in carrying out supervision. So far,

the secretariat of the PPAT Advisory and Supervisory Council is still in the BPN Regional Office. The solution to overcome this is to coordinate with the PPAT main organization, in this case IPPAT

Keywords: Advisory; Agrarian; Supervisory.

1. Introduction

The 1945 Constitution of the Republic of Indonesia (1945 Constitution) in Article 1 paragraph (3) confirms that "Indonesia is a country based on law". This formulation implies that it is the law that holds the highest command in administering the state (rule of law, and not of man), this is what is called the power exercised by law (nomos), there is recognition of the principle of supremacy of law and the constitution, the adoption of a system of separation and division of powers according to the constitutional system regulated in the 1945 Constitution, the guarantee of human rights in the 1945 Constitution, the existence of the principle of an independent and impartial judiciary which guarantees equality for every citizen before the law and guarantees justice for everyone including against abuse of authority by the ruling party.¹

The state's obligation to achieve legal certainty is the embodiment of the state's goals which are based on the values of social justice for all Indonesian people. Thus realizing legal certainty is the duty and responsibility of the state that must be realized by state administrators. In the 1945 Constitution of the Republic of Indonesia (1945 Constitution) it has explicitly provided guarantees of protection and legal certainty for everyone, namely that everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before law.²

Legal certainty can be interpreted as a condition that is certain and in accordance with the provisions and provisions of the purpose of forming a law. Legal certainty is closely related to feelings of security and comfort, because the nature of legal certainty is to create certainty about everything that concerns doubt, uncertainty and human fear. Furthermore, the study of legal certainty is closely related to the study of legitimacy. A definite situation is considered a legal situation according to statutory regulations, both formally and materially.³

¹Jimly Asshiddiqie, 1994, KR Ideas in the Constitution and Its Implementation in Indonesia, Rajawali Press, Jakarta, , p.306

²Article 28D paragraph (1) of the 1945 Constitution

³Rahmat Ramadhani, 2017. Guarantee of Legal Certainty contained in Land Rights Certificates, De Lega Lata, Vol 2, No 1, p. 139-157

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law must be implemented in a good way. Legal certainty requires efforts to regulate law in legislation made by authorized and authoritative parties, so that these rules have a juridical aspect that can guarantee certainty that the law functions as a rule that must be obeyed.⁴

In order to achieve legal objectives, especially legal certainty, an instrument is needed to support the achievement of legal objectives. As one example of the importance of legal certainty is in terms of land ownership with the land registration system in Indonesia. Land registration is a form of achieving legal certainty, because the land registration system must be accompanied by written documents that can explain the subject and object that describe the basis of a person's ownership rights to land which will be needed as authentic evidence. The existence of a land certificate as a written document becomes evidence that guarantees legal certainty for someone who has a land right.

In order to realize legal certainty in the land sector, the Government has ordered land registration to be held. In the provisions of the National Land Law, namely the Basic Agrarian Act No. 5 of 1960 concerning Basic Agrarian Regulations (hereinafter referred to as UUPA), it has determined that "to ensure legal certainty by the Government land registration is held throughout the territory of the Republic of Indonesia according to the provisions of the provisions stipulated by government regulations," as stipulated in Article 19 paragraph (1) of the UUPA. The implementation of this land registration becomes the authority and responsibility of the Government, the implementation of which is carried out by the agency of the National Land Agency of the Republic of Indonesia. Whereas in Article 6 Paragraph (1) it is emphasized that in the context of implementing Land Registration,⁵

The National Land Agency (hereinafter referred to as BPN) is the leading land administration sector, namely the Official for Making Land Deeds (hereinafter referred to as PPAT) who is an official who has an important role in the Land Administration. For this reason, various regulations relating to land and officials in charge of the administration of land are regulated by regulations that are constantly changing with the times.

Along with the development of people's lives regarding land and buildings, the position of the PPAT as a public official authorized to make authentic deeds relating to land. The position of the PPAT as an authentic official has been

⁴Soerjono Soekanto, 1986, Introduction to Law Research at the University of Indonesia a Press, p. 13

⁵Appears Anshari Siregar, Land Registration Certainty of Rights, First Printing, Medan: Multi Graphic Medan, 2007, p. 27

confirmed in Act No. 4 of 1996 concerning Mortgage and Government Regulation Number 24 of 1997 concerning Land Registration and Government Regulation Number 37 of 1998 concerning Regulations for the Position of Officials Making Land Deeds (hereinafter referred to as PP 37).⁶Based on the applicable law, the PPAT is qualified as a public official and is given the authority to make certain deeds in the field of transfer and encumbrance of land rights.⁷

The purpose of establishing a PPAT is to assist the Government in carrying out land registration as mandated by Article 19 of Act No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA). Then according to Article 1 PP 37 what is meant by PPAT is a public official who is authorized to make authentic deeds regarding certain legal actions concerning land rights or ownership rights to apartment units.

Establishment of a legal umbrella that specifically regulates PPAT positions with Government Regulation Number 24 of 2016 concerning amendments to Government Regulation No. 37 of 1998 concerning PPAT Position Regulations (hereinafter abbreviated as PP Number 37 of 1998) if you look at the basis for its formation, it originates from Article 7 paragraph (3) PP Number 24 of 1997, which is based on UUPA, that: "PPAT Position Regulations as referred to in paragraph (1) regulated by Government Regulation". In Article 7 paragraph (1) PP Number 24 of 1997 it is stated that "PPAT as referred to in Article 6 paragraph (2) is appointed and dismissed by the Minister.⁸Previously, PPAT issues were regulated in the Regulation of the Minister of Agrarian Affairs (PMA) Number 10 of 1961 concerning the Appointment of Officials referred to in Article 19 PP Number 10 of 1961 concerning Land Registration and their rights and obligations.⁹Since 1961, based on PP No. 10 of 1961, notaries are no longer entitled to make agreements on the transfer of land rights. This authority is then given to the Land Deed Making Officer (PPAT).¹⁰

With a clear legal umbrella, the PPAT's position is very strategic because it is a supporting element and partner of the Land Office in the implementation of land registration concerning the maintenance of land registration data. The intended PPAT has the authority to make deeds as proof that certain legal actions have been taken regarding land rights as a basis for registering changes to land

⁶Samsaimun, PPAT Position Regulations, Introduction to the Position Regulations for Land Deed Officials (PPAT) in the Transfer of Land Rights in Indonesia, Bandung; Copyright Library, 2018, pp. 1-2.

⁷Habib Adjie, 2014, Knitting Thoughts in the World of Notaries and PPAT, Bandung: PT. Citra Aditya Bakti, p. 91.

⁸PP Number 24 of 1997 paragraph 1

⁹Mustofa, Guidelines for Making PPAT Deeds, Media Works, Yogyakarta, 2014, page 1

¹⁰R. Soegondo Notodisoerjo, Notary Law in Indonesia, Rajawali Press, Jakarta, 1993, p. 9

registration data. The existence of PPATs with various backgrounds in carrying out their positions needs to be monitored, especially if there is competition in PPAT services regarding the volume of existing work. This can lead to imbalances and violations of the prohibitions, rights and obligations of PPATs in carrying out their duties and functions.

The main task and authority of the PPAT is to carry out some of the land registration activities by making deeds as proof that certain legal actions have been taken regarding land rights or ownership rights to apartment units, which will be used as the basis for the registration of changes and land registration resulting from the legal action. The legal actions referred to as mentioned above are:¹¹

- 1) Buy and sell,
- 2) Exchange,
- 3) Grant,
- 4) Entry into the company (*inbreng*)
- 5) sharing rights,
- 6) Granting of building use rights/use rights over private land,
- 7) Granting of mortgage rights,
- 8) The granting of power of attorney imposes mortgage rights”

The legal relationship with the recording of juridical data, especially the recording of changes to juridical data that have been previously recorded, the role of PPAT is very important. In accordance with the provisions in PP No. 24 of 1997 concerning Land Registration, the transfer and encumbrance of land rights can only be registered at the Land Office if it has been proven by data made by the PPAT.

Making an authentic deed in the land sector, the PPAT must adhere to the precautionary principle, because the PPAT deed is an authentic deed in the land sector, especially the deed of sale and purchase which is an authentic deed which is used as the basis for the transfer of land rights with a certificate from the name of the seller to the name of the buyer.¹² Therefore, every deed of sale

¹¹Gustav Pardosi, PPAT As General Official, Jakarta : Citra Ilmu, 2008, p.14

¹²Pandu Ismanto, 2009, Land and PPAT, Bandung: Refika Aditama, p.77.

and purchase drawn up by the PPAT must be registered at the local land office because it is the legal basis for the land office to transfer the ownership rights to the land. The PPAT must read out the deed of sale and purchase he made to the related/interested parties and explain the contents of the deed to them. This is intended so that the parties understand and understand the contents of the deed of sale and purchase of the certified land rights.¹³

PPAT in its Duties and authorities based on the applicable laws and regulations. Various legal actions regarding land must be proven by a deed made by the PPAT. Without evidence in the form of a PPAT deed, the Head of the Land Office is prohibited from registering the legal action in question. In addition, it is forbidden for anyone other than the PPAT to make the intended deeds. This means that the PPAT is given special authority in making these deeds.

In carrying out its functions and responsibilities as a Public Official, it is not uncommon for PPATs to deal with legal proceedings as a result of reports from the public or through attorneys from the results of products made by notaries. And, not infrequently there is a defendant in court.¹⁴ In this legal process, the PPAT must provide information and testimony regarding the contents of the deed he made. By placing legal and ethical responsibilities on PPATs, the mistakes that often occur in PPATs are caused by the negligence of PPATs. The logical consequence is that along with the PPAT's responsibility to the community, continuous supervision and guidance must be guaranteed so that the PPAT's duties are always in accordance with the legal principles that underlie their authority and can avoid abuse of the authority or trust given.

Based on the results of a preliminary study conducted at the Regional Land Office of the Province of Southeast Sulawesi, there are still many PPATs who make deeds that are not in accordance with applicable regulations, for example delays in the arrival of monthly reports, monthly reports that do not comply with the provisions, PPAT letterhead that does not comply with the provisions and also the contents of the PPAT deed that are incorrect. The actions taken by the PPAT will have an impact on the emergence of land disputes, vulnerabilities in land law issues and make it difficult for efforts to achieve legal certainty and certainty of land rights. So that in this act the community is harmed.

Based on this, it is necessary to have guidance and supervision carried out by the Head of the Regional Land Office regarding the transfer and encumbrance of land rights carried out by the community and by the PPAT. Previously, regulations regarding the development and supervision of PPATs had been

¹³Darwanto Gunawan, 2009, *Dissecting PPAT Deeds*, Jakarta: Rineka Cipta, p. 51

¹⁴<https://sultraonline.com/organization-ini-notary-profesional-dan-bersinergi/accessed26-06-2022>

regulated in the Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 4 of 1999 carried out by the Minister. These provisions are contained in Articles 35 to 38 of the Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 4 of 1999. Implementation of PPAT guidance and supervision in order to assess PPAT performance in administration, reporting and public service without prejudice to the legal certainty contained in every deed made. This needs to be done so that things that are embryonic in nature for the emergence of problems and land disputes in the future.

The issuance of Ministerial Regulation Number 2 of 2018 concerning Development and Supervision of PPATs based on Article 33 PP No. 24 of 2016 concerning Amendments to PP No. 37 of 1998 concerning Regulations for the Position of Land Deed Officials, so it is necessary to regulate guidance and supervision of the implementation of the PPAT's position does not raise any legal problems with the PPAT's deeds. The issuance of this regulation sharpens the PPAT's supervisory and guidance functions to create a PPAT that is professional, integrates and carries out the PPAT's position in accordance with laws and regulations and the PPAT's code of ethics. The implementation of PPAT guidance is expected to be able to accommodate PPAT's interests as well as to monitor their work activities. Adequate and professional PPAT supervisors really support the implementation of PPAT coaching to run well and effectively.

The presence of the PPAT Board of Trustees and Supervisors starts from the regional, regional and central levels, of course besides conducting guidance, socializing regulations and recommending regulations but as a check and balance control over the implementation of the PPAT's duties as an official authorized by the BPN to make authentic deeds.

On the other hand, without programmed PPAT guidance, conflicts of interest and inequality can arise as a form of implementation work without supervision and control. Then services regarding PPAT services are needed. It is necessary to monitor the existence of PPATs whose distribution is centralized or that most of the PPATs domiciled in the region need to be monitored, because they are prone to irregularities in the implementation of the duties and functions of PPATs. The PPAT as a member of the IPPAT who is suspected of violating the professional code of ethics, will be examined by the PPAT Advisory and Supervisory Council which consists of elements from the government and the PPAT profession.

2. Research Methods

The method used in this study is a sociological juridical approach. The sociological juridical approach is carried out by field research aimed at the application of law. The sociological juridical approach is an approach that is

carried out by looking at the reality that exists in practice in the field.¹⁵ The research approach method used in this thesis is a sociological juridical research method. Sociological juridical research emphasizes research aimed at obtaining legal knowledge empirically by going directly to the object.¹⁶ Sociological juridical research is legal research using secondary data as initial data, which is then followed up with primary data in the field or on the community.

3. Results and Discussion

3.1. Implementation of PPAT Guidance and Supervision by the PPAT Advisory and Supervisory Board for the Southeast Sulawesi Province

PPAT development and supervision at the provincial level is carried out by MPPW. MPPW is the PPAT Advisory and Supervisory Board formed and determined by the director general and domiciled in the BPN regional office. The Southeast Sulawesi PPAT Regional Supervisory and Supervisory Council was formed in 2022, with its chairman being the Head of the Regional Office of the National Land Agency of Southeast Sulawesi Province, its 9 members consisting of the Head of the Administration Section, Head of the Stipulation of Rights and Registration Sector, Head of the Stipulation of Rights and Registration Sector, head of control and handling of disputes and land affairs, Penata Muda and there are 4 IPPAT members.¹⁷

Guidance and supervision carried out by the PPAT Board of Trustees and Supervisors of Land Deed Officials in Southeast Sulawesi Province, Andi Renald said that the implementation of the guidance and supervision of the Board of Trustees and Supervisors for PPAT guidance and supervision was by visiting several PPATs in Southeast Sulawesi and provide guidance related to PPAT position regulations. There are new regulations issued through Perkabang as well as government regulations regarding the position of the PPAT itself. These regulations are disseminated to PPATs including the PPAT's code of ethics. In order to provide guidance to the PPAT so that in carrying out the duties and positions of the PPAT they carry out it in accordance with the applicable laws and regulations.¹⁸

Guidance by the Head of the Southeast Sulawesi Province BPN Regional Office as chairman of the MPPW can be in the form of:

¹⁵Agung Nugroho and Sukarmi, 2020, Notary Authority in Installing Mortgage as Effort to Settle Bad Credit (Second Way Out), Sultan Agung Notary Law Review, Vol. 2, No. 2, 2020. p. 93

¹⁶Bambang Waluyo, 2002, Legal Research in Sinar Graphic Practice, Jakarta, p. 15

¹⁷Interview with Andi Renald as Head of BPN Regional Office for Southeast Sulawesi Province

¹⁸Ibid

1. Submission and explanation of policies that have been determined by the Minister regarding the implementation of PPAT duties in accordance with statutory provisions;
2. Socialization, dissemination of policies and laws and regulations on land;
3. Examination to the PPAT office in the framework of periodic supervision; and/or
4. Guidance on the implementation of the duties and functions of the PPAT in accordance with the Code of Ethics

Guidance is the efforts, actions and activities carried out by the Minister for PPATs effectively and efficiently to achieve better PPAT quality. Meanwhile, supervision is an activity that is preventive and repressive by the Minister which aims to ensure that PPATs carry out their positions in accordance with statutory provisions.¹⁹

It is hoped that there will be a PPAT Advisory and Supervisory Board that the guidance and supervision of PPATs can be carried out more effectively to create professional and integrity PPATs, reports of complaints of violations of PPAT positions can be responded to immediately and followed up by imposing sanctions in accordance with the provisions and can realize harmonization and synergy between the ATR Ministries / BPN with IPPAT in carrying out PPAT duties;

There is a mandate from Article 32 paragraph (2) PP No. 24 of 2016 to regulate the procedures for fostering and supervising PPATs in a Ministerial Regulation followed up by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Development and Supervision of Officials for Making Land Deeds (hereinafter written Permen ATR/Ka. BPN No. 2 of 2018), which was promulgated on March 20, 2018. Birth of Ministerial Regulation ATR/Ka.BPN No. 2 of 2018 is intended as a guideline for the implementation of guidance and supervision and enforcement of the rule of law through the imposition of sanctions on PPATs carried out by the Ministry. In addition, the promulgation of Permen ATR/Ka. BPN Number 2 of 2018 also aims to create a PPAT that is professional, has integrity and carries out PPAT positions in accordance with statutory provisions and a code of ethics.²⁰

Overall the guidance and supervision by the PPAT Supervisory and Supervisory Board of PPAT is carried out by the Minister, but in the implementation of guidance and supervision in the regions it is carried out by the Head of the BPN Regional Office and the Head of the Land Office. Guidance on PPAT carried out by the Minister can be in the form of determining policies regarding the implementation of PPAT office duties, giving directions to all interested parties related to policies in the field of PPAT's, carrying out actions deemed necessary to ensure PPAT services continue to run in accordance with regulatory provisions

¹⁹Hatta Isnaini Wahyu Utomo, Op.Cit, p. 123

²⁰Hatta Isnaini Wahyu Utomo, Op.Cit, p. 123-124

legislation, and/or ensure that the PPAT carries out its duties and functions in accordance with the code of ethics.

In addition to the guidance as referred to above, BPN or members of the Board of Trustees and Supervisors appointed to examine the deed made by the PPAT in the area at the time of registration of the transfer of rights and encumbrance of rights how to make a Deed and its shortcomings because the PPAT sends a copy of the report to the land office and regional office. Supervision of the implementation of this PPAT is carried out internally by the Board of Trustees and Supervisors that is, such as checking minutes/deeds, supervising the performance of the PPAT.²¹ For the guidance carried out by the PPAT Board of Trustees and Supervisors in the form of submitting and explaining policies that have been determined by the minister regarding the implementation of PPAT duties in accordance with statutory provisions and outreach, dissemination of land policies and legislation, and implementation of PPAT duties and functions in accordance with a code of ethics, carried out periodically. In carrying out this guidance, the head of the BPN regional office and/or the head of the land office may be assisted by the PPAT Board of Trustees and Supervisors in accordance with their duties and authorities.²²

Provisions regarding the development of PPAT, in Permen ATR/Ka. BPN No. 2 of 2018 also regulates supervision of PPAT. Regarding the scope of supervision of the PPAT includes Supervision of the implementation of the PPAT's position, and enforcement of legal regulations in accordance with the provisions of the laws and regulations in the field of PPAT. The Council of PPAT Trustees and Supervisors for the Southeast Sulawesi Province supervises PPAT which consists of 2 types, namely supervision of the implementation of PPAT positions and supervision of the enforcement of legal regulations. In the supervision of PPAT law enforcement, this is related to the ethics of a PPAT, so far there have been no reports from the public regarding violations committed by PPAT and received requests from investigators regarding violations committed by the PPAT itself.²³

Supervision of the implementation of the PPAT's position is carried out by the PPAT's Board of Trustees and Supervisors to ensure that the PPAT carries out its PPAT's obligations and positions in accordance with statutory provisions. The object of supervision of the implementation of the PPAT position is in the form of supervision of:

1. The domicile of the PPAT office
2. PPAT position stamp
3. PPAT nameplate and letterhead
4. Using the deed form, drawing up the deed and submitting the deed

²¹Interview with Markus Senimianto Young Land Stylist, BPN Regional Office, Southeast Sulawesi Province

²²Hatta Isnaini Wahyu Utomo, Op.Cit, p. 125

²³Interview with Andi Renald as Head of BPN Regional Office for Southeast Sulawesi Province

5. Submission of deed monthly reports
6. Making a list of PPAT Deeds
7. Deed binding, documents supporting the Deed, protocol or storage of the original deed bundle, and
8. Implementation of other positions determined by the Minister

Supervision of the implementation of positions is carried out by checking the PPAT office or other supervision methods, which are carried out by the PPAT Advisory and Supervisory Board, carried out periodically, and the Head of the BPN Regional Office, carried out at least 1 (one) time in 1 (one) year. The head of the BPN regional office and/or the head of the land office may assign an appointed official to carry out an inspection to the PPAT office. In carrying out the inspection, the head of the BPN regional office or the PPAT Advisory and Supervisory Board is in accordance with their duties and authorities. If the inspection to the PPAT office is the head of the BPN regional office and/or the head of the land office assisted by the PPAT Advisory and Supervisory Council, then it will be carried out provided that they receive an assignment from the Chairperson of the PPAT Supervisory and Supervisory Council,²⁴

The results of the inspection are made in the form of minutes. If there are findings of violations committed by the PPAT, it is followed up with an examination by the PPAT Advisory and Supervisory Board. The inspection results to the PPAT office are reported periodically to the Minister. Reporting is carried out in stages, with the following provisions:

1. The head of the land office submits this to the head of the BPN regional office
2. The head of the BPN regional office submits reports in his area and reports from the land office to the director general, no later than the second week of the month, and
3. The director general forwards the reports of the head of the land office and the head of the BPN regional office to the Minister

The supervision carried out by the PPAT Supervisory and Supervisory Board is to prevent violations committed by the PPAT in order to realize the dignity of the PPAT as a State Official.²⁵ Effective supervision of Land Deed Making Officers carried out by the Board of Trustees and Supervisors can minimize violations committed by the PPAT in order to achieve the implementation of his position in accordance with applicable regulations in order to protect the public interest.²⁶

The form of supervision and guidance carried out by the Board of Trustees and Supervisors is to provide policies regarding the implementation of the duties of the PPAT position, provide direction to all stakeholders related to the PPAT position, conduct guidance and supervision of the PPAT professional organization

²⁴H. Salim, HS., 2016 Op.Cit, p. 102

²⁵Interview with Andi Renald as Head of BPN Regional Office for Southeast Sulawesi Province

²⁶Hatta Isnaini Wahyu Utomo, Op.Cit. pp, 125-127

so that it continues to run according to its direction and objectives, carry out other actions deemed necessary to ensure PPAT services continue to run as they should, and to provide guidance and supervision of PPAT and temporary PPAT in order to carry out the code of ethics of the PPAT profession. Meanwhile, the form of guidance and supervision by the Head of the National Land Agency, the Head of the Regional Office includes conveying and explaining land policies and regulations and applicable laws and regulations,

Some of the things that are the subject of guidance by the PPAT supervisory and supervisory board are the delivery and explanation of policies that have been set by the Minister related to the implementation of the PPAT's duties in accordance with the provisions of laws and regulations, then socialization, dissemination of policies and laws and regulations on land. Routinely at least once a year an inspection is carried out at the PPAT office in the framework of periodic supervision and/or guidance on the implementation of the duties and functions of the PPAT in accordance with the Code of Ethics. In addition, the Head of the Land Office or the appointed officer conducts an examination of the deed made by the PPAT at the time of registration of the transfer of rights and encumbrance of rights. Not only that, the Regional Land Office can carry out monitoring of PPAT through the mitra.atrbpn.go.id website, these matters regarding electronic services in employment relations. Besides that, coaching can also be carried out to PPAT through the site. For example, if there is a PPAT that has not carried out file verification, it can be carried out on that site. And the BPN regional office also urges the district/city land office to contact PPATs who have not yet entered the site to immediately create an account and fulfill the account verification requirements. In the land office, the section or field that has the duties and functions of fostering Land Deed Officials is the Land Legal Relations Section. This function is carried out by the subsection of Land Rights Data Maintenance and PPAT Development. After the issuance of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Guidance and Supervision of Officials for Making Land Deeds, in accordance with Article 4 paragraph (2) that the Guidance and Supervision of PPATs at BPN Regional Offices is carried out by the Head of BPN Regional Offices. In carrying out the guidance and supervision of the PPAT in the Region, a Board of Trustees and Supervisors of Regional Land Deed Officials or abbreviated as MPPW is formed. In the context of implementing PPAT guidance and supervision in Southeast Sulawesi Province it is carried out directly by the Board of Trustees and Supervisors by visiting the PPAT Office.²⁷

Development and supervision so far to the PPAT by providing direction and technical guidance in the development of making deeds, making a list of deeds, making monthly reports in accordance with the Regulation of the Head of the National Land Agency Number 1 of 2006 and the implementing provisions of the

²⁷Albert Widya Arung Raya, chairman of IPPAT SULTRA and deputy chairman of the PPAT Wil. Southeast Sulawesi

Position Regulations for Land Deed Making Officials Number 24 of 2016 So far, guidance and supervision is carried out at the time of registering land rights or transferring to the National Land Agency office if there are material and formal requirements that are still lacking and provide direction to the PPAT.²⁸

The role of the Board of Trustees and Supervisors in fostering and supervising Land Deed Officials to achieve optimalization of their role is the influencing factors that must be considered logically in accordance with the conditions of the organizational dynamics of the BPN Regional Office. Factors influencing the role of the land agency in fostering and supervising BPN Regional Office Making Officers are the substance of the rules for the authority to guide and supervise Land Deed Making Officials by the land agency, human resources and facilities and infrastructure. Coaching and Supervision Framework:²⁹

1. Coaching:

- a. Deed making
- b. Monthly report

2. Supervision

- a. Examination of the deed register
- b. Examination of the results of the binding of the deed
- c. Examination of evidence of deed delivery

3. Imposition of sanctions

Administrative Sanctions for the Implementation of the PPAT Guidance and Supervision Functions by Optimal Implementation of the PPAT Guidance and Supervision Functions by Officials at the Official Agency at the Land Affairs Agency.

Supervision is all efforts or activities to find out and assess the actual reality of the implementation of tasks or activities, supervision is the process of observing the implementation of all organizational activities to ensure that all workers who are being carried out run according to a predetermined plan.³⁰The implementation of the duties of the PPAT Advisory and Supervisory Board is to provide preventive and curative guidance to PPATs in carrying out their profession as public officials so that PPATs must always improve their professionalism and quality of work, so as to provide guarantees of certainty and legal protection for recipients of PPAT services and the wider community. The purpose of the supervision carried out on the PPAT is so that the PPAT fulfills as much as possible the requirements demanded of it. The requirements demanded are not only by law or law, but also based on the trust given by the client to the PPAT. Supervision of PPAT is very important for people's lives.

In carrying out its duties, the PPAT is required to increase professionalism and quality of work, so as to provide guarantees of legal certainty and protection for

²⁸Albert Widya Arung Raya, chairman of IPPAT SULTRA and deputy chairman of the PPAT Wil. Southeast Sulawesi

²⁹Asmarani Ramli, Op.Cit. p.64

³⁰Sujanto, Aspects of Supervision in Indonesia, Sinar Graphic, Bandung: p.53

clients and the wider community. The number of PPATs is increasing every year, resulting in increasingly intense competition for PPATs to act professionally and improve self-quality.

3.2. Factors Obstructing the Implementation of PPAT Guidance and Supervision by the PPAT Advisory and Supervisory Board for the Southeast Sulawesi Province

1. Obstacle factor

Since its birth, the existence of the PPAT Advisory and Supervisory Board in several regions has so far not been running as it should in terms of carrying out its duties and functions as a PPAT supervisory and supervisory institution, especially in the Southeast Sulawesi Province Region. In other words, supervision of PPAT has not been carried out optimally. The factors that impede the implementation of guidance and supervision by the Supervisory and Supervisory Board of PPAT that so far have not found any obstacles in conducting PPAT guidance and supervision of PPAT, there are no implementation instructions (juklat) and technical technical guidelines, even Standard Operating Procedures (SOP) which clear and firm regarding supervision of the PPAT to carry out guidance and supervision of the PPAT. However, the implementation of guidance and supervision carried out by the PPAT Board of Trustees and Supervisors still refers to the previous rules. There is a Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning Guidance and Supervision of Officials for Making Land Deeds because in carrying out guidance and supervision, of course, it must be accompanied by technical and implementation guidelines issued by the BPN so that this makes it easier for members of the Assembly PPAT supervisors and supervisors in conducting guidance and supervision.³¹

The arrangement of the authority of the PPAT Advisory and Supervisory Council for the implementation of PPAT supervision and supervision in Southeast Sulawesi Province has been regulated based on Ministerial Regulation Number 2 of 2018, where the Head of the BPN Regional Office/Head of the Land Office forms the PPAT Supervisory and Supervisory Council to help convey and explain the policies that have been stipulated by the Minister regarding the implementation of duties as a PPAT. The authority of the PPAT Supervisory and Supervisory Board is to carry out guidance and supervision to PPAT offices. The guidance carried out includes the submission of policies that have been determined by the Minister of Agrarian Affairs, inspections to PPAT offices periodically, and guidance on the implementation of tasks in accordance with the Code of Ethics. As for the implementation of PPAT positions and the enforcement of legal rules in accordance with regulations in the PPAT field.

³¹Albert Widya Arung Raya, chairman of IPPAT SULTRA and deputy chairman of the PPAT Wil. Southeast Sulawesi)

However, the Ministerial Regulation does not regulate the monitoring system and implementation instructions (juklak) or technical guidelines (juknis) for supervision of PPATs, which results in the PPAT Supervisory and Supervisory Board not knowing what steps must be taken in the Supervision, so that in the end the inspection is carried out nothing is done against the PPAT.

Another problem related to obstacles in the implementation of guidance and supervision by the PPAT Board of Trustees and supervisors is the lack of available budget even though the Supervisory Board's duties require large funds in conducting visits to PPAT offices in the regions. This is very concerning considering that supervisory work is very dependent on funds provided by the government, because if there are not sufficient funds, the development and supervision operations will be delayed and cannot be carried out properly. Facilities and infrastructure are not available in carrying out supervision. So far, the secretariat of the PPAT Advisory and Supervisory Council is still in the BPN Regional Office.³²

2. Solution to Overcome It

Basically, all forms of supervision and guidance carried out by the Board of Trustees and Regional Supervisors on PPAT arise because of the need for upholding professional ethics itself, where professional ethics contains good and bad values, what is permissible and what is not permissible, and regarding propriety related to the implementation of the PPAT profession. The implementation of the PPAT profession is seen as an attitude of life, in the form of a willingness to provide professional services in the field of land to the community with full involvement and expertise in the context of carrying out tasks in the form of obligations to the community who need legal services/authentic data on land accompanied by careful reflection and therefore in carrying out their profession there are basic principles in the form of a PPAT professional code of ethics. In addition, guidance and supervision are carried out because of the need to maintain public trust in the PPAT profession as a service user. To achieve an ideal supervisory and supervisory practice, in principle coaching and supervision is very dependent on how coaching and supervision is carried out. In other words, the implementation of guidance and supervision must be adjusted to the needs and objectives to be achieved through such supervision. Therefore, the steps taken in carrying out guidance and supervision must be considered carefully and thoroughly so that they are right on target.

Guidance and supervision carried out by the current Guidance and Supervisory Council, especially the Southeast Sulawesi Regional Guidance and Supervisory Council, supervision carried out is very limited to what is regulated in Ministerial Regulation Number 2 of 2018, where the Head of BPN Regional Office/Head of Land Office forms a Supervisory Council and PPAT Trustees where it is stated that the implementation is preventive and repressive by the Minister which aims to

³²Interview with Markus Senimianto Young Land Stylist, BPN Regional Office, Southeast Sulawesi Province

ensure that PPATs carry out their positions in accordance with statutory provisions, which means that supervision is carried out by means of prevention and prosecution.

Guidance and Supervision carried out by the Board of Trustees and supervisors has not been maximized because there are no operational guidelines and technical guidelines related to PPAT supervision. The solution from the PPAT Board of Trustees and supervisors is to coordinate with the main PPAT organization, in this case IPPAT. There is no reference to regulations that must be the basis for the coaching and supervisory board in conducting coaching if there is an alleged violation by the PPAT. There is coordination with IPPAT so that notaries/PPAT who are suspected of having committed an offense, for example, are carried out by the parent organization (IPPAT). So here, of course, we are collaborating with IPPAT to socialize the code of ethics regarding the regulations governing the duties and positions of PPATs.³³

Based on ATR Ministerial Regulation Number 2 of 2018 in Article 1 paragraph 2 and 3 Guidance is efforts, actions and activities carried out by the Minister for PPAT effectively and efficiently to achieve better PPAT quality and Supervision is administrative activities that are preventive and repressive by Minister whose aim is to ensure that PPATs carry out their positions in accordance with statutory provisions. To carry out the guidance and supervision activities, the Board of Trustees and Supervisors are given the authority as stated in the provisions of Article 5 and Article 6. Based on the provisions above, the author tries to identify preventive and repressive supervisory powers where these powers are administrative in nature.

Article 12 paragraphs 1 and 2 which regulates taking action against alleged violations committed by the PPAT against the UUJN and the PPAT's Code of Ethics. Prevention and guidance steps that can be carried out by the PPAT Advisory and Supervisory Board for the Region of Central Sulawesi Province should ideally be able to improve the quality and better quality of PPAT.

Prevention and action taken must be based on high awareness and understanding of moral and ethical values, for this reason it is necessary to start by aligning views between the parties involved so that they can achieve a vision and mission that are the same both in mindset and in the level of implementation, it is hoped that the preventive and coaching actions that will then be carried out can achieve their goals.

Furthermore, the efforts made by the Board of Trustees and Regional Supervisors in addressing the constraints due to the absence of operational guidelines and operational guidelines for PPATs are to carry out coaching activities for 1 or two days for PPAT coaching in activities PPATs throughout Southeast Sulawesi were invited to refresh again regarding the implementation of the PPAT position. In addition to coordinating members of the Board of

³³Albert Widya Arung Raya, chairman of IPPAT SULTRA and deputy chairman of the PPAT Wil. Southeast Sulawesi

Trustees with PPAT supervisors with IPPAT which is scheduled regularly once a month

With regard to the objectives to be achieved with the existence of the Advisory and Supervisory Board, namely increasing the professionalism and quality of PPAT work, so as to provide guarantees of certainty and legal protection for recipients of PPAT services and the wider community, it can be said that preventive and repressive supervision is still unable to reach or has not been maximized to achieve the above objectives considering that the PPAT profession is very closed because the confidentiality of positions must be maintained. For example, dishonest PPAT practices occur in terms of work area, if there is a PPAT who works outside the working area, to what extent can the Supervisory Board and Regional Supervisors know and prove this and to what extent do the Supervisory and Supervisory Board dare to take action on the violation.

4. Conclusion

The implementation of the guidance and supervision of the Board of Trustees and Supervisors regarding the guidance and supervision of PPATs is by visiting several PPATs in Southeast Sulawesi and providing guidance related to PPAT position regulations. There are new regulations issued through Perkaban as well as government regulations regarding the position of the PPAT itself. These regulations are disseminated to PPATs including the PPAT's code of ethics. In order to provide guidance to the PPAT so that in carrying out the duties and positions of the PPAT they carry out it in accordance with the applicable laws and regulations. While covering matters of supervision carried out by the Regional Board of Trustees and Supervisors, namely in the form of supervision of the implementation of PPAT positions and enforcement of legal rules in accordance with regulations in the field of PPAT. However, the Ministerial Regulation does not regulate the supervision system and implementation guidelines (juklak) or technical guidelines (juknis) for PPAT supervision, which results in the PPAT Supervisory and Supervisory Board referring to the previous regulations regarding PPAT supervision.

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