

The Urgency of the Role of PPAT in Supporting Legal Certainty of Land in Mining Activities

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Abstract. *This study aims to analyze the urgency of the role of Land Deed Officials (PPAT) in supporting legal certainty of land ownership and use for non-metallic mineral and rock mining activities. This study uses an empirical legal research method with a sociological juridical approach, a legislative approach, and a conceptual approach. Data were obtained through literature studies, document studies, and interviews with PPAT, the Energy and Mineral Resources Office of Central Java Province, and the community in Sumberrejo Village. Data were analyzed qualitatively using the Theory of Legal Certainty and the Theory of Legal Effectiveness. The results of the study indicate that PPAT has an urgency in supporting legal certainty of land ownership and use if certain legal actions are carried out on the land. However, in the practice of mining activities in the Gunung Putih area, there has not been any formal involvement of PPAT in the coordination mechanism for mining implementation. Coordination between agencies is still sectoral and there is no specific mechanism connecting mining administration with land administration. Therefore, it is necessary to strengthen coordination between PPAT, ATR/BPN, the ESDM Office, local governments, and law enforcement officials through data integration and a more structured coordination mechanism to achieve legal certainty of land ownership and use.*

Keywords: Control; Land; Legal; Registrar; Titles.

1. Introduction

Mining management is a form of natural resource utilization that requires coordinated governance. Mining issues relate not only to permit issuance and technical supervision, but also to social conflict, legal certainty, the environment, and legal relations over the land where the activity is located. Literature on good extractive governance shows that natural resource management without coordination, participation, and accountability can lead to conflict in mining areas (Huda & Yunas, 2018). Research on mining governance also emphasizes the need for a cross-sectoral approach to ensure balanced management of

economic, community, and environmental interests (Rahimallah et al., 2021).

Legal certainty regarding land is important because mining activities in practice always require space and land as locations for activities. Therefore, the legality of mining business activities does not automatically determine the legality of mining activities.

Resolving issues regarding who controls the land, the basis for that control, and whether the land use complies with land law. Studies of land conflicts in mining areas indicate that overlapping land rights and mining permits can arise when land and sectoral data are not synchronized (Sutisari et al., 2026). This situation demonstrates that mining administration and land administration need to be viewed as two interconnected systems.

In the land law system, the Land Deed Official (PPAT) holds the position of public official authorized to issue authentic deeds regarding certain legal acts regarding land rights or Ownership Rights for Apartment Units. The PPAT deed has an important function in proving and registering changes to land data. Studies on PPAT from the perspective of legal certainty show that clarity of authority, procedures, and implementation of PPAT duties are important elements in providing legal protection for land (Al-Asyari & Yunanto, 2025). The PPAT's principle of prudence is also seen as related to efforts to prevent disputes and ensure legal certainty in legal acts regarding land (Aulia, 2022).

However, the position of Land Deed Officials (PPAT) in the mining context needs to be properly positioned. PPATs are not officials authorized to issue mining business permits nor are they technical supervisors of mining. Their relevance lies in land matters, particularly when certain legal actions on land are related to business activities. Therefore, the involvement of PPATs is not intended to usurp the authority of the Energy and Mineral Resources (ESDM) Agency, the ATR/BPN, local governments, or law enforcement officials, but rather to strengthen data certainty and ensure the legal status of land.

This situation is relevant to the issues identified in the Gunung Putih area, Sumberrejo Village, Donorojo District, Jepara Regency. Based on field research, the community expressed concerns and complaints related to mining activities, including water flow, road damage, dust, and environmental conditions. The community has also expressed their concerns through demonstrations and discussions. Meanwhile, the Energy and Mineral Resources Agency (ESDM) explained that mining supervision requires cross-sector coordination and cannot be carried out by a single agency.

Interviews with Land Title Officials (PPAT) indicated that, until the study was conducted, there had been no formal coordination mechanism between PPATs and mining agencies regarding land use as mining sites. PPATs essentially

exercise their authority when certain legal actions are taken on land. This situation demonstrates a gap between the factual relationship between mining activities and land and the administrative structure, which remains sectoral. Previous research on mining legal certainty also indicates that overlapping administrative issues and weak coordination can be sources of legal uncertainty (Hartana, 2017; Haris, 2015).

This issue highlights the importance of examining not only whether Land Deed Officials (PPAT) should be part of the mining permit issuance body, but also how their land authority can be positioned proportionally within mining governance. By strengthening the relationship between land data, mining data, and inter-agency coordination mechanisms, preventative legal protection can be implemented before conflicts escalate into disputes. Based on this description, this study aims to analyze the urgency of the role of Land Deed Officials (PPAT) in supporting legal certainty regarding land ownership and use for mining activities.

2. Research Methods

This research is an empirical legal study with a sociological juridical approach, supported by both legislative and conceptual approaches. The research specifications are descriptive and analytical in nature, describing the implementation of authority and inter-agency coordination related to land use for mining activities and analyzing its compliance with legal provisions. Primary data were obtained through semi-structured interviews with Ahmad Shobirin, SH, M.Kn. as the Land Deed Official (PPAT) of Jepara Regency, Nurida as a representative of the Energy and Mineral Resources Office of Central Java Province, and Bagaskara as the Head of the Sumberrejo Village Youth Organization. Secondary data were obtained through laws and regulations, books, scientific journals, land and mining documents, and research documentation. Data were analyzed descriptively qualitatively through data reduction, data presentation, and drawing conclusions using the theories of authority, legal certainty, and legal effectiveness.

3. Results and Discussion

3.1. The Urgency of the Role of PPAT in Supporting Legal Certainty of Land for Mining Activities

Indonesia possesses abundant natural resources, and their management must be directed towards maximizing the prosperity of the people. In the context of non-metallic mineral and rock mining, the utilization of these natural resources cannot be separated from the land aspect. Mining activities are carried out in a space legally attached to a plot of land with a specific status, rights holder, and ownership history. Therefore, the legality of mining and the legality of land use are two interrelated aspects.

The Gunung Putih area in Sumberrejo Village was the subject of this research due to mining activities and the social issues that have developed within the community. According to interviews with Bagaskara, residents complained about reduced water flow, road damage caused by mining vehicles, increased dust, and concerns about environmental changes. The community has expressed their concerns through demonstrations and deliberations. These findings are not intended to causally conclude that all impacts are solely due to mining, but rather indicate governance issues that require government attention.

From the government's perspective, an interview with Nurida from the Central Java Provincial Energy and Mineral Resources Agency revealed that mining oversight requires synergy between various agencies. The agency cannot resolve all issues alone, as mining intersects with land, spatial planning, the environment, traffic, local government, and law enforcement. These findings reinforce the view that mining governance is a multidimensional issue that requires a clear division of authority and effective coordination.

Within this framework, Land Title Officials (PPAT) have a distinct position from mining technical agencies. PPATs do not issue mining permits and do not determine the technical feasibility of mining activities. PPATs are authorized to issue authentic deeds regarding certain legal acts concerning land. These deeds can serve as the basis for registering changes to land data. Therefore, when there is a transfer, assignment, or other legal act on land related to business activities, the legality of the land must be ensured through appropriate land instruments.

The urgency of PPATs, therefore, lies not in expanding their authority to the mining sector, but in utilizing the land competence and authority granted by law. Legal data regarding parties with legal relationships to the land, the history of transfers, and documents that form the basis for changes to land data can provide crucial information for the government when assessing the legality of land use. In this context, PPATs can be positioned as a supporting element of legal certainty, not a substitute for licensing institutions.

Interviews with Ahmad Shobirin revealed that ensuring the legal status of land is crucial for preventing disputes. Various issues can arise if the rights, documents, or legal relationships between parties are unclear. In mining activities, these risks can be further complicated because land use intersects business interests, community interests, and government authority. Therefore, accurate land information must be available before any land-use activity is undertaken.

These findings align with the principle of legal certainty. Legal certainty requires clarity regarding the rights and obligations of the parties and the legal basis for government actions. In the mining context, legal certainty is not sufficient simply to ensure that business actors meet licensing requirements. The government

also needs to ensure that land use as a location for activities has a clear legal basis and does not result in overlapping rights.

In relation to the theory of authority, each official can only act based on the authority granted by law. Therefore, Land Deed Officials (PPAT) cannot be positioned as mining supervisors or permit issuers. However, the theory of authority also requires that all existing authorities be used synergistically to achieve the objectives of government administration. The authority of PPATs in the land sector can contribute when there is a need to verify or confirm legal relations over land.

This urgency also relates to preventative legal protection. The government should not only act after a dispute or violation occurs, but also take preventative measures through verification, coordination, and the provision of adequate information. In this context, the proportional involvement of Land Deed Officials (PPAT) can be a preventive measure in the event of legal actions on land related to mining activities.

This study did not find any legal acts involving PPATs in the research object during the research period. Therefore, this study does not conclude that PPATs have played an actual role in mining activities in the Gunung Putih area. The findings that can be emphasized are the normative relevance of PPAT authority to land legal certainty and the need to link land administration with mining administration if in the future there are legal acts related to land activities.

3.2. Implementation and Constraints of PPAT Involvement in Mining Governance

The research results indicate that coordination of mining operations has an institutional basis through cross-sectoral mechanisms involving government agencies and law enforcement officials. Therefore, the research issue does not imply a complete lack of coordination by the government. Rather, it suggests that this coordination has not explicitly linked mining administration to land administration, which falls under the jurisdiction of Land Deed Officials (PPAT).

According to Nurida, when there are allegations of illegal mining or violations of mining regulations, handling them requires coordination with law enforcement officials and other agencies within their respective jurisdictions. This pattern indicates that coordination occurs more frequently when problems or alleged violations arise. Meanwhile, research has not identified a preventative mechanism linking land data prior to mining operations.

Ahmad Shobirin explained that, until the research was conducted, PPATs had not been directly involved in the coordination mechanism for mining supervision. In practice, PPATs exercise their authority when certain legal actions are taken on land. Once the deed is drawn up and the registration process is complete, there

is no normative obligation for PPATs to continue coordinating with the relevant agencies. This situation explains why institutionally, the relationship between PPAT and the mining sector has not yet developed into operational coordination.

This situation is a consequence of the sectoral division of legal regimes. Mining law regulates licensing, development, supervision, reclamation, and post-mining, while land law regulates land rights, land registration, and certain legal actions related to land. Each sector has different objectives and authorities. However, the material objects can converge on a single plot of land used for mining activities.

From Soerjono Soekanto's perspective on legal effectiveness, this situation can be analyzed through legal factors, law enforcement, facilities, society, and legal culture. From a legal perspective, the study found no explicit provisions governing the coordination mechanism between Land Deed Officials (PPAT) and mining agencies. This means that regulations have granted authority to each agency, but have not provided a normative framework governing how these authorities are reconciled.

From a legal structural perspective, several institutions have their respective authorities, namely the ESDM Agency, the ATR/BPN, local governments, law enforcement officials, and Land Deed Officials (PPAT). This structure essentially allows for coordination, but without specific procedures, coordination can be incidental. Research shows that PPATs are not yet an explicit part of mining coordination mechanisms related to land status.

In terms of infrastructure and facilities, the study found that an integrated information system linking mining and land data is lacking. The Energy and Mineral Resources Agency (ESDM) maintains data related to mining activities and supervision, the ATR/BPN maintains land registration data, and the Land Deed Official (PPAT) generates and stores information related to specific legal actions on land within its jurisdiction. These three are not yet connected through a joint verification mechanism.

From a community perspective, interview results indicate that residents expect the government to conduct more effective oversight and provide solutions to the problems they experience. Public participation is crucial because they are directly affected by the project location. Effective oversight requires providing transparent channels for complaints and information so that the community is not merely a recipient of impacts but also participates in oversight.

From a legal culture perspective, research shows that institutional work patterns still tend to be sectoral. Each agency carries out its duties based on its own authority. This situation does not mean that authority is wrong, but rather indicates the need for a stronger culture of coordination. Changes in legal culture

can be achieved through joint standard operating procedures (SOPs), regular coordination forums, and clear data exchange.

These findings demonstrate a gap between *das sollen* and *das sein*. Normatively, there are numerous regulations aimed at providing legal certainty and good governance. In practice, there is no mechanism specifically incorporating land legal status into the mining coordination process, involving Land Deed Officials (PPAT) when their authority is relevant.

Therefore, the involvement of Land Deed Officials (PPAT) must be selective and based on their authority. PPATs do not need to be involved in every aspect of mining technical supervision. Involvement is necessary when legal actions are involved in land or when land information within the PPAT's authority is relevant to ensuring the legality of legal relations over land. This limitation is important to prevent research recommendations from leading to an unlawful expansion of authority.

This model also avoids the misconception that Land Deed Officials (PPAT) are part of the mining permit-issuing agency. PPATs continue to perform their functions as stipulated in the PPAT job regulations, while the ESDM Agency and other agencies continue to exercise their sectoral authority. Synergy is built on the common ground of legal certainty over land used or to be used for mining activities.

3.3. Model for Strengthening the Coordination of Land Deed Officials (PPAT), Land Affairs, and Mining

Based on research findings, strengthening synergy through informal communication is not sufficient. A mechanism is needed that provides certainty regarding when coordination will occur, what data is required, who is responsible, and how verification results will be used. The coordination model proposed in this study is preventative in nature and does not alter the division of authority between agencies.

The first stage is identifying land use needs. When mining activities require the control or use of a specific plot of land, information regarding that plot needs to be identified based on its location, boundaries, land rights status, and the parties legally connected to the land. This stage can be accomplished by utilizing land data available from the ATR/BPN and relevant legal information from the Land Deed Official (PPAT) if there are legal actions related to the land.

The second stage is verifying the legal status of the land. Verification aims to determine whether registered land rights exist, whether there have been any transfers or changes to relevant data, and whether the legal relationship between the rights holder and the party using the land is legally established. This verification does not require the Land Deed Official (PPAT) to issue a mining

permit, but rather to provide certainty regarding land aspects within their authority.

The third stage is coordination between mining and land agencies. The ESDM Agency can use the verification information to complete the mining administration database, while the ATR/BPN remains the institution responsible for managing mining administering land registration. Land Deed Officials (PPAT) are involved when legal actions involving land require a PPAT deed. This ensures that each institution remains within its jurisdiction.

The fourth stage is digital data integration. The study recommends developing a data exchange system that allows information on mining activity locations to be compared with land parcel data. This system does not have to provide full access to all PPAT data but can instead utilize a limited access mechanism based on needs and authority. Principles of data security, confidentiality, and personal data protection should be part of the system design.

The fifth stage is periodic monitoring and evaluation. A cross-sectoral coordination forum can evaluate mining activities that have the potential to create land disputes. This forum can involve the Energy and Mineral Resources Agency (ESDM), the ATR/BPN (National Land Agency), local governments, law enforcement officials, Land Deed Officials (PPAT)/Land Development Officials (IPPAT) in relevant contexts, and community members. With periodic evaluations, coordination will not only emerge after a conflict has occurred.

Strengthening the coordination model also requires joint standard operating procedures (SOPs). These SOPs should at least regulate the verification stages, the types of data required, the information request mechanism, the limits of each agency's authority, the resolution mechanism for data discrepancies, and documentation of coordination results. SOPs are crucial to ensure coordination is not dependent on personal relationships between officials.

From a regulatory perspective, the government needs to consider establishing or refining technical regulations that form the basis for the relationship between mining administration and land administration. These regulations must be carefully formulated to avoid unlawfully expanding the authority of Land Deed Officials (PPAT). The focus of the regulations should be on the obligation to coordinate and verify land status when land aspects are relevant to mining activities.

IPPAT also has the capacity to contribute through education and training on mining law, spatial planning, the environment, and the relationship between legal acts concerning land and mining business activities. This enhanced competence will help Land Deed Officials (PPAT) provide more accurate services when dealing with legal acts concerning land related to the mining sector.

Community participation is another element that needs to be strengthened. The Sumberrejo Village community expressed their aspirations and concerns regarding mining activities during the study. Therefore, transparency regarding the legality of activities, complaint channels, and communication forums can be instrumental in preventing conflict. Good governance positions the community not merely as an object of oversight, but as part of the social oversight mechanism.

The model can be described as a cycle: land identification → verification by the ATR/BPN and PPAT according to their authority → coordination between the ESDM Agency and local governments → decision-making according to sectoral authority → joint supervision → evaluation and data updating. This cycle positions PPATs in the right place, namely as supporters of land legal certainty when legal actions occur on land, not as providers of mining permits.

Theoretically, the model strengthens legal certainty by reducing ambiguity regarding the status and legal relationships of land. From a legal effectiveness perspective, the model improves substance through standard operating procedures (SOPs) and regulations, structure through coordination forums, infrastructure through data integration, communities through participation, and legal culture through cross-sectoral working habits.

Practically, this model can also reduce the potential for disputes because land status issues can be identified early. This aligns with developments in studies on land conflicts in mining areas, which emphasize the importance of synchronizing land and sectoral data. This integration is expected to prevent overlapping data and provide a stronger basis for administrative decisions.

Thus, the novelty of this research lies not in granting new authority to Land Deed Officials (PPATs), but rather in placing existing PPAT authorities within a proportional cross-sectoral coordination mechanism. This approach brings together mining law and land law at a point where both require legal certainty, without eliminating the boundaries of each institution's authority.

3.4. Perspectives on Legal Certainty and Islamic Law

The research findings can be analyzed through the theory of legal certainty. Legal certainty requires clear, consistent, and enforceable rules so that the public can understand their legal position. In this study, regulations regarding mining and land authority are available sectorally, but there is no specific mechanism linking Land Deed Officials (PPAT) with mining administration. This situation means that legal certainty over land still relies on informal coordination.

Strengthening coordination is relevant because the purpose of law goes beyond formal legality. Administrative decisions based on incomplete data can create uncertainty and conflict. Therefore, verifying land status before or during legal

actions related to mining activities is a form of administrative prudence.

From an Islamic legal perspective, the authority of the government and public officials is a trust that must be exercised fairly and responsibly. The principles of trust and justice are relevant in natural resource management because the interests of the community, business actors, and the state must be balanced. Verse 58 of the Quran, An-Nisa, emphasizes the delivery of trusts and the determination of cases fairly. Fairness. This principle can serve as an ethical foundation for government administrators to build transparent and accountable coordination.

Furthermore, protection of land rights is related to the principle of *hifz al-māl* (property of property) within the *maqāṣid al-syarī'ah* (the principles of sharia). The use of natural resources must not eliminate or harm the rights of others. Therefore, mechanisms that ensure land status, the legal relationships between the parties, and the interests of the community are considered from the outset in line with the goal of public welfare.

This perspective strengthens the argument that cross-sector coordination is not merely an administrative necessity but also part of efforts to achieve justice and the common good. The government needs to ensure that mining activities not only provide economic benefits but are also carried out with due regard for legal certainty, community rights, and environmental sustainability.

4. Conclusion

Based on the research results, PPAT has normative urgency in supporting legal certainty of land ownership and use for mining activities when certain legal acts occur on land within its scope of authority. PPAT is not authorized to issue permits or carry out technical supervision of mining, but deeds and legal land information produced in the exercise of its authority can support the certainty of land status. Research in the Gunung Putih area did not find any legal acts on land involving PPAT in the research object, so it cannot be concluded that PPAT has played an actual role in mining activities. The main finding actually shows the absence of an operational mechanism that explicitly links mining administration with land administration through PPAT. The government needs to strengthen the relationship between the mining and land sectors through technical regulations, cross-sector coordination standard operating procedures (SOPs), regular coordination forums, and the development of a land and mining data integration system while respecting boundaries of authority and data protection. The ESDM Office, ATR/BPN, local governments, law enforcement officials, and Land Deed Officials (PPAT) need to develop preventive mechanisms that can be used when land status verification or legal actions related to mining activities are needed. IPPAT also needs to improve the competence of PPATs in mining, spatial planning, and environmental law, while community participation needs to be

strengthened through information transparency and complaint channels. This model is expected to increase legal certainty and prevent disputes from occurring.

5. References

Journals:

- Al-Asyari, S. V. U., & Yunanto, Y. (2025). Analisis peraturan Pejabat Pembuat Akta Tanah (PPAT) perspektif kepastian hukum di Indonesia. *Legal Standing: Jurnal Ilmu Hukum*, 9(1), 186–203.
- Aulia, A. (2022). Prinsip kehati-hatian PPAT dalam proses pengikatan jual beli tanah sebagai perwujudan kepastian hukum. *Recital Review*, 4(1).
- Dewi, I. G. A. M. S. (2025). Dikotomi kepastian hukum dan kebenaran materiil terhadap akta yang dibuat oleh Pejabat Pembuat Akta Tanah dalam praktik peradilan. *Jurnal Aktual Justice*, 10(2).
- Haris, O. K. (2015). Pembadanan prinsip pemerintahan yang baik (good governance) dalam penerbitan izin usaha pertambangan. *Perspektif Hukum*, 15(2).
- Hartana, H. (2017). Hukum pertambangan: Kepastian hukum terhadap investasi sektor pertambangan batubara di daerah. *Jurnal Komunikasi Hukum*, 3(1), 50–81.
- Huda, M., & Yunas, N. S. (2018). Good extractive governance: Sebuah gagasan untuk kesejahteraan masyarakat wilayah pertambangan di Indonesia. *Matra Pembaruan: Jurnal Inovasi Kebijakan*, 1(2), 99–108.
- Rahimallah, M. T. A., Pratiwi, A. D., & Kusmin, A. F. (2021). Pengelolaan Minerba dalam perspektif good governance. *Jurnal Arajang*, 4(1).
- Saputra, H., Selawaty, D., & Oktavia, L. A. (2026). Implementasi prinsip good governance dalam pengelolaan perizinan pertambangan batu bara. *Restorica*, 12(1), 44–54.
- Sutisari, W., Kurniati, N., Astawa, I. G. P., & Suhendar. (2026). Land disputes and conflicts in Indonesia's mining areas: What constitutes the ideal role of the National Land Agency? *Journal of Law, Environmental and Justice*, 4(1).
- Sutedi, A. (2018). Peralihan hak atas tanah dan pendaftaran tanah dalam perspektif kepastian hukum. *Jurnal Hukum IUS*, 2(1).
- Usman, R. (2016). Aspek hukum pertambangan mineral dan batubara dalam perspektif perlindungan lingkungan. *Jurnal RechtsVinding*, 5(3).

Nugroho, W. (2019). Good mining governance dalam pengelolaan pertambangan di Indonesia. *Jurnal RechtsVinding*, 8(3).

Arizona, Y. (2013). Hak menguasai negara atas sumber daya alam. *Jurnal Konstitusi*, 10(2).

Redi, A. (2015). Dinamika konsep penguasaan negara atas sumber daya alam. *Jurnal Konstitusi*, 12(2).

Regulation:

The 1945 Constitution of the Republic of Indonesia.

Law Number 5 of 1960 concerning Basic Agrarian Regulations. Law Number 2 of 2025 concerning Amendments to Law Number

4 of 2009 concerning Mineral and Coal Mining.

Law Number 30 of 2014 concerning Government Administration. Government Regulation Number 24 of 1997 concerning Land Registration.

Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration.

Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Making Officials.