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## **Binding Strength of MP2D Supervision Results on Violations Committed BY PPAT**

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### **Abstract**

PPAT is an important part of the land registration system in Indonesia which has the authority to make authentic deeds. This authentic deed will be the basis for changes to land registration data. Apart from that, it also has a function as the most appropriate and complete evidence in court in this case if there has been a dispute over rights and obligations between the parties who entered into an agreement before the PPAT. MP2D is a supervisory and supervisory council that has the authority to develop and supervise PPAT, PPATS, Substitute PPAT and Special PPAT. The function of MP2D is to create a PPAT that is professional, has integrity and maintains the dignity of the PPAT. In addition, so that PPAT in carrying out its positions remains in

accordance with statutory regulations and the PPAT code of ethics. The supervision carried out by BPN on PPAT is only functional, in the sense that it only provides guidance and supervision of PPAT in carrying out its positions. Supervision carried out by the Association of Land Deed Officials only applies to PPATs who are IPPAT members and has implications for the imposition of sanctions, in the sense that if the PPAT is found to have violated the PPAT Code of Ethics, it will immediately be examined and if it is proven to have violated the PPAT Code of Ethics, it will sanctions are given according to the type of violation committed.

**Keywords:** Binding Strength, MP2D, PPAT Violations

### **1. Introduction**

Land registration carried out by an agency is important to complete with sufficient equipment and sufficient funding, based on because Land registration has a broad scope of work. Registration Land is regulated through Government Regulation Number 24 of 1997 concerning Registration Land, where land registration is a series of activities carried out government in a continuous and orderly manner which includes collection, management, bookkeeping and presentation and maintenance of physical data and juridical data in the form of maps and lists regarding land parcels and units apartments, including providing proof of rights to the plots of land there are already rights to the apartment unit and certain rights that burden it.<sup>1</sup>

Article 16 paragraph (1) of Law Number 5 of 1960 concerning the Basic Agrarian Law (hereinafter referred to as the Basic Agrarian Law), states the land plots which are the object of land registration, including rights to the land plots mentioned in the following: Ownership Rights, Building Use Rights, Use Rights, Rental Rights, Land Clearing Rights, Forest Product Harvesting Rights, and other rights included in these rights, which will be determined by law as well as temporary rights as stated in Article 53 of the Basic Agrarian Law.<sup>2</sup>

In carrying out his duties, the Head of the Land Office is assisted by the Land Deed Drafting Officer (hereinafter referred to as PPAT) and other officials who are assigned to carry out certain activities according to statutory regulations.<sup>3</sup> PPAT is appointed and dismissed by the Head of the National Land Agency. PPAT can be categorized as general PPAT, special PPAT or temporary PPAT. All three are used in continuous land registration activities (continuous recording) for land that has been

<sup>1</sup> Affan Mukti, Pokok-Pokok Bahasan Hukum Agraria, (Medan, USU Press, 2006), h 51-52.

<sup>2</sup> Winahyu Erwiningsih, Hak Pengelolaan Atas Tanah, (Yogyakarta, Total Media, 2011), h. 3.

<sup>3</sup> Bhim Prakoso, Pendaftaran Tanah Sistematis Lengkap Sebagai Dasar Perubahan Sistem Publikasi Pendaftaran Tanah, Journal of Private and Economic Law, Vol.1, No.1 (2021): h 63-82.

registered/certified which is usually called land registration data maintenance activities such as transfer of rights, encumbrance of rights and granting of other rights over certain land rights such as ownership rights and management rights.

The Regency/City Land Office, PPAT professional organization was then formed by the Minister, namely MP2D, which has the function of coaching and supervising the PPAT profession as its scope is not only regulated by the regulations mentioned above. Apart from that, in practice the scope of supervision and guidance can be wider depending on the Land Office policy and the existing situation in each region.<sup>4</sup>

The Land Deed Making Official (PPAT) is an official appointed based on the decree of the Minister of State for Agrarian Affairs or the Head of the National Land Agency dated 2 June 1998 Number 8-XI-1998 to represent some of the state's duties.<sup>5</sup> The Land Deed Making Official (PPAT) is tasked with making deeds or documents required by the state relating to the implementation of land regulations and registration of state assets, in serving the needs of the community in the field of civil law with land objects as stated in the UUPA.<sup>6</sup> In carrying out its position, The Land Deed Making Official (PPAT) must be professional because it is vulnerable and prone to problems. This is due to a lack of accuracy and understanding of law, especially civil law, laws, regulations, norms and customs that apply in society.

In 1998, the government issued The Land Deed Making Official (PPAT) regulations, namely PP Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds.<sup>7</sup> The regulation only regulates The Land Deed Making Official (PPAT) supervision in article 33 which reads "The Minister carries out guidance and supervision over the implementation of The Land Deed Making Official (PPAT) duties" without explaining in detail the form of supervision, object of supervision or supervision mechanism.

PPAT's work area in making land deeds is regulated through Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 37 of 1998 concerning the Position of Officials Making Land Deeds in conjunction with Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 1 of 2006 concerning Implementing Regulations of Government Regulation Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds.<sup>8</sup> The Regency/City Land Office has the function of coaching and supervising the PPAT profession as its scope is not only

regulated by the regulations mentioned above. Apart from that, in practice the scope of supervision and guidance can be wider depending on the Land Office policy and the existing situation in each region.<sup>9</sup>

So, there is a need for guidance and supervision of PPATs in carrying out their positions in accordance with statutory regulations and the Code of Ethics. The Land Deed Making Official (PPAT) as explained in Article 1 point 1 of PP Number 24 of 2016 is a public official who is given the authority by law to make authentic deeds regarding certain legal acts relating to land rights or ownership rights to housing units Arrange.

In line with legal developments in society, society needs adequate legal protection relating to PPAT, so the government has formed 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, which it is hoped will be better. Better than previous regulations in terms of protecting the interests of the community and also protecting The Land Deed Making Official (PPAT) itself.<sup>10</sup> The Land Deed Making Official (PPAT) is appointed and dismissed by the Head of the National Land Agency, while guidance and supervision is carried out by officials appointed at the district/city level, in this case the Head of the local Land Office.<sup>11</sup>

The issuance of PP PPAT regarding PPAT position regulations has had the impact of changes regarding supervision of PPAT. This is indicated by the addition of a paragraph to Article 33 PP PPAT, namely paragraph (2) which reads "Procedures for guidance and supervision as referred to in paragraph (1) are further regulated by Ministerial Regulations", which indicates that there will be special rules governing guidance. As well as supervision of The Land Deed Making Official (PPAT).<sup>12</sup>

The mandate of this article regulates the procedures for developing and supervising PPAT, based on the Minister of The Land Deed Making Official (PPAT) Development and Supervision Regulation. The Ministerial Regulation is used as a guideline for implementing guidance and supervision as well as enforcing legal rules through imposing sanctions on PPAT carried out by the Ministry. Apart from that, it aims to create a PPAT that is professional, has integrity in carrying out its position in accordance with statutory regulations and code of ethics. What is meant by PPAT includes PPAT, Temporary PPAT, Substitute PPAT, and Special PPAT.

<sup>4</sup> Isro Vita Nugrahaningsih, The Role of Regional Honor Council In Maintaining The Honor of Notary Position, *Jurnal Ilmu Kenotariatan*, Vol. 4, No. 1, (2023), h. 14-24.

<sup>5</sup> Baharudin, *Kewenangan Pejabat Pembuat Akta Tanah (PPAT) Dalam Proses Jual Beli Tanah*, Vol 5 No 1, 2014, h. 90.

<sup>6</sup> Boedi Harsono, dalam Salim HS, 2019, *Peraturan Jabatan dan Kode Etik Pejabat Pembuat Akta Tanah (PPAT)*, Depok: Rajawali Pers.

<sup>7</sup> Sulthon Faiz Saifuddin, *Perbandingan Pelaksanaan Pengawasan Terhadap Notaris Dan Pejabat Pembuat Akta Tanah*, Tesis, (Semarang: Program Magister Kenotariatan Fakultas Hukum Universitas Islam Sultan Agung Semarang, 2021), h. 64.

<sup>8</sup> *Ibid*, h. 65.

<sup>9</sup> Ahmad Fadil Fakhri, *Pelaksanaan Pembinaan dan Pengawasan Pejabat Pembuat Akta Tanah oleh Kepala Kantor Pertanahan Kabupaten Ogan Komering Ulu Selatan Sumatera Selatan*, *Jurnal Officium Notarium* No. 1 Vol. 3 Mei 2023: 20-29.

<sup>10</sup> Mhd. Yamin Lubis dan Rahim Lubis, *Hukum Pendaftaran Tanah Edisi Revisi Peraturan Pemerintah No. 13 Tahun 2010 Jenis dan Tarif Atas Jenis Penerimaan Negara Bukan Pajak Yang Berlaku Pada Badan Pertanahan Nasional*, Mandar Maju, Bandung, 2012.

<sup>11</sup> Tampil Anshari Siregar, *Pendaftaran Tanah Kepastian Hak*, Cetakan Pertama, Multi Grafika, Medan, 2007, h 27.

<sup>12</sup> Sri Winarsi, "Pengaturan Notaris Dan Pejabat Pembuat Akta Tanah Sebagai Pejabat Umum", *Majalah Yuridika*, Fakultas Hukum Universitas Airlangga, Surabaya, Volume 17 Nomor 2 Tahun 2020.

So that the five types of The Land Deed Making Official (PPAT) are subjects subject to guidance and supervision based on Article 4 paragraph (2) of the Ministerial Regulation which explains that guidance and supervision in the regions is carried out by the Head of the BPN Regional Office and the Head of the Land Office.<sup>13</sup> The implementation is based on Article 15 paragraphs (1) and (2) of the Ministerial Regulation on PPAT guidance and supervision can be carried out by establishing a PPAT Supervisory and Supervisory Council.<sup>14</sup>

Establishment of a PPAT Advisory and Supervisory Council by the Minister to assist him in inspection and supervision consisting of elements from the Minister and IPPAT. Guidance and supervision functions so that PPAT carries out its office in accordance with statutory regulations, while IPPAT provides guidance and supervision of PPAT so that it complies with the PPAT Code of Ethics. MP2D has the authority to guide and supervise PPAT as well as provide sanctions for those who commit violations. Guidance can be carried out by the Minister as well as the Head of Regional Office and Head of Land Office.

Guidance carried out by the Minister takes the form of determining policies regarding the implementation of the duties of the PPAT position, providing direction to all interested parties, carrying out actions deemed necessary to ensure that PPAT services continue to run in accordance with the provisions of statutory regulations. Head of BPN Regional Office formed MP2D chaired by Head of Land Office, in carrying out guidance it can take the form of conveying and explaining policies that have been determined by the Minister regarding the implementation of PPAT duties. Socialization can be carried out, dissemination of land policies and regulations, regular inspections at the PPAT office, as well as guidance on the implementation of PPAT duties and functions in accordance with the code of ethics. This is regulated in Article 5 paragraph (2) Ministerial Regulation Number 2 of 2018.

The monitoring mechanism for PPAT is in the form of monitoring the implementation of the position, with inspections at the PPAT office at least once a year. Supervision of the implementation of the position can take the form of:

1. Location of The Land Deed Making Official;
2. PPAT position stamp;
3. Name plate and The Land Deed Making Official letterhead;
4. Use of deed formulas, making deeds and submitting deeds;
5. Submission of monthly deed reports;
6. Preparation of The Land Deed Making Official deed register;
7. Binding of deeds, documents supporting deeds, protocols or storage of original bundles of deeds;
8. Implementation of other positions determined by the Minister.

<sup>13</sup> Sulthon Faiz Saifuddin, Op.cit, h. 66.

<sup>14</sup> Masriyani, Fungsi Badan Pertanahan Nasional Dalam Pengawasan Pejabat Pembuat Akta Tanah Di Kabupaten Tanjong Jabung Barat, Wajah Hukum, Vol 2 No 1, 2018, h 84.

Apart from inspections at the PPAT office, MP2D<sup>15</sup> under supervision enforces legal regulations in accordance with statutory regulations. This is done if there are complaints from the public, whether individuals or legal entities and/or IPPAT, regarding PPAT committing violations. Violations committed may include:

1. Violation of the implementation of PPAT's office;
2. Failure to carry out obligations stipulated in statutory regulations;
3. Violating the prohibitory provisions stipulated in statutory regulations;
4. Violating the code of ethics.

There are 2 (two) types of violations that PPAT can commit, namely minor violations and serious violations. Guidance and supervision of the previous regulations was carried out only by the National Land Agency (hereinafter referred to as BPN). However, with the issuance of the PPAT Supervision and Development Ministerial Regulation, inspections at the PPAT office also involve the Association of Land Deed Officials (hereinafter referred to as IPPAT).

This is an interesting thing to discuss regarding changes involving IPPAT in the guidance and inspection of PPAT itself. The role of MP2D which consists of elements from BPN and IPPAT in developing and supervising PPAT in its implementation has not been running optimally. One of the factors influencing this is the Head of the Land Office, who as Chair of the MP2D, was negligent in carrying out supervision of the PPAT due to the heavy daily workload of the land department and a lack of human resources.<sup>16</sup>

The guidance and supervision of PPATs regulated in ministerial regulations also applies to PPATS, Substitute PPATs and Special PPATs, but so far MP2D has only carried out guidance and supervision of PPATs. Problems in making deeds by PPATS often arise due to errors in implementation or lack of understanding of the applicable laws and regulations, because there are PPATS who do not have the same educational background as PPAT. This could result in harm to the parties.

Based on the background of the problem, a problem can be formulated as follows: 1). What is the binding force of MP2D's monitoring results to violations committed by PPAT? And 2). What will be the future arrangements for the role of MP2D's guidance and supervision of PPAT in carrying out their positions?

## 2. Methodology

The research method is expected to produce a plot that is consistent with what the author researched. In relation to this, legal research according to Peter Mahmud Marzuki is the process of finding legal rules, legal principles and legal doctrine to answer the legal problems currently being faced.

<sup>17</sup> The type of research used in this thesis research is

<sup>15</sup> Teuke Fahryanda Irsal, 2021, "Fungsi Dan Kedudukan Majelis Pembina Dan Pengawas Pejabat Pembuat Akta Tanah (PPAT)", Skripsi, Fakultas Hukum, Universitas Gadjra Mada, Yogyakarta

<sup>16</sup> Maharani Wibowo, Pembinaan Dan Pengawasan Kepala Kantor Pertanahan Kabupaten Malang Terhadap PPAT Dan PPATS, Justitia Jurnal Hukum, Fakultas Hukum Universitas Muhammadiyah Surabaya, h. 350

<sup>17</sup> Peter Mahmud Marzuki, Penelitian Hukum, (Jakarta, Kencana Group, 2020), h. 35.

normative juridical is research into legislation, court decisions, and legal doctrine to understand positive law and resolve legal issues.<sup>18</sup> In this writing, we use a conceptual approach, statutory approach, and comparative approach.

### 3. Discussion

#### 3.1 The Binding Force of MP2D's Monitoring Results to Violations Committed by PPAT

Guidance and supervision are carried out because of the need to maintain public trust in the PPAT profession as a service provider. In order to achieve an ideal coaching and supervision practice, in principle coaching and supervision really depends on how the coaching and supervision is carried out. The implementation of coaching and supervision must be adjusted to the needs and objectives to be achieved through such supervision. Therefore, the steps taken must be thought out carefully and thoroughly so that they are right on target.

Coaching is an action, effort and activity that is carried out effectively and efficiently in order to obtain better results. The existence of guidance by MP2D for PPAT can create quality PPAT.<sup>19</sup> Guidance can take the form of conveying and explaining policies that have been determined by the Minister regarding the implementation of PPAT duties in accordance with the provisions of statutory regulations. If there are new regulations issued through *Perkaban* or government regulations related to policies in the field of PPAT and land, MP2D will disseminate and socialize them to PPAT.

Guidance for PPAT can also be carried out through the ATR/BPN partner website which is accessed on the [mitra.atrbpn.go.id](http://mitra.atrbpn.go.id) page. The existence of this website is to provide information related to policies in the PPAT and land sectors, so that PPAT is not left behind with the latest information. Guidance is carried out to create a PPAT that is professional, has integrity and continues to carry out its position in accordance with statutory regulations so that it can provide the best service to the community.<sup>20</sup>

PPATs suspected of committing violations will be followed up by conducting an inspection first before being given sanctions. The results of the inspection are reported periodically to the Minister. Reporting is carried out in stages, with the following provisions:

1. The head of the land office conveys 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 first month, and

<sup>18</sup> Susanti, Dyah Ochtorina dan A'an Efendi, 2018, *Penelitian Hukum (Legal Research)*, Jakarta: Sinar Grafika., h. 50.

<sup>19</sup> Terry Maharani Wibowo, *Pembinaan dan Pengawasan Kepala Kantor Pertanahan Kabupaten Malang Terhadap PPAT dan PPATS*, *Justitia Jurnal Hukum*, Vol. 2, No. 2, 2018, h. 346.

<sup>20</sup> Dian Prilia, "Implementasi Pengawasan Dan Pembina Pejabat Pembuat Akta Tanah (Ppat) Oleh Majelis Pembina Dan Pengawas Pejabat Pembuat Akta Tanah (PPAT) (Studi Khusus Pejabat Pembuat Akta Tanah (PPAT) Di Provinsi Sulawesi Tenggara)", Tesis, Semarang: Program Magister Kenotariatan Fakultas Hukum Universitas Islam Sultan Agung Semarang, 2022.

3. The director general forwards the report from the land office and the head of the BPN regional office to the Minister.<sup>21</sup>

Investigations into alleged violations committed by PPAT are carried out starting from the MP2D level which has been regulated from Article 30 to Article 37 of the Ministerial Regulation on PPAT guidance and supervision. In investigating alleged violations by PPAT, an MP2D inspection team will be formed who will then summon the reported PPAT for information. Summons are made a maximum of 3 (three) times with a period of 7 (seven) calendar days before the examination, 7 (seven) calendar days after the second summons, and 7 (seven) calendar days after the third summons.<sup>22</sup>

Information from the reported PPAT will be included in the Minutes of Providing Information. Decision making is carried out through discussion meetings. The results of the MP2D examination are made in the form of an examination report containing the reasons and considerations used as a basis for providing recommendations in giving decisions and types of sanctions against the reported PPAT.

Based on Article 34 paragraph (4) of PERMEN Number 2 of 2018 concerning the Development and Supervision of Land Deed Making Officials, MP2D can provide recommendations from the results of the inspection in the form of:<sup>23</sup>

1. Imposing written warning sanctions;
2. Imposing dismissal sanctions, in the form of temporary dismissal, honorable dismissal or dishonorable dismissal;
3. There was no indication of a violation.

If the recommendation for sanctions is in the form of a temporary dismissal, honorable dismissal or dishonorable dismissal, a proposal will be forwarded/ requested to the Head of the BPN Regional Office as chairman of the MP2W. In the event that there is no indication of a violation, the Head of the Land Office will notify the relevant PPAT with a copy to the Head of the BPN Regional Office.

The inspection authority of MP2W is to follow up on MP2D's proposals regarding the results of the inspection in the form of recommendations for temporary dismissal, honorable dismissal or dishonorable dismissal and MP2D's proposals regarding PPAT which has received written warnings 2 (two) times but still commits violations. Apart from that, MP2W also has the authority to follow up on the reported PPAT's objections during the investigation which were subject to sanctions in the form of a written warning by MP2D. This follow-up is carried out by forming and assigning a team of MP2W examiners to carry out inspections and/or studies of proposals or objections.<sup>24</sup>

<sup>21</sup> Dian Prilia, *Ibid*, h 133.

<sup>22</sup> Pasal 31 PERMEN Nomor 2 Tahun 2018 tentang *Pembinaan Dan Pengawasan Pejabat Pembuat Akta Tanah*.

<sup>23</sup> Bimo Aryo Nugroho, "Peran Majelis Pembina Dan Pengawasan Daerah (MPPD) Dalam Pengawasan Bagi Pejabat Pembuat Akta Tanah (PPAT) Yang Tidak Memiliki Izin Cuti Di Kabupaten Bantul", Tesis, Magister Kenotariatan Universitas Gadjadara, Yogyakarta, 2017.

<sup>24</sup> Suhwardi K. Lubis, *Etika Profesi Hukum*, Cetakan Ke-5 (Sinar Grafika: Jakarta, 2008), h 14.

The process of summoning the reported PPAT during the inspection, taking information and making decisions by MP2W is the same as the inspection process by MP2D. The results of the MP2W inspection and/or study are made in the form of a report on the results of the inspection and/or study which is used as a basis for providing recommendations in providing decisions and types of sanctions against the reported PPAT. Providing recommendations for inspection results by MP2W based on Article 40 paragraph (3) of the PPAT guidance and supervision Ministerial Regulation, can be in the form of:

- a. Imposing temporary dismissal sanctions;
- b. Approve or reject the reported objection; or
- c. Recommendations for imposing sanctions in the form of honorable dismissal or dishonorable dismissal.

The results of the examination in the form of temporary dismissal will be followed up by issuing a temporary dismissal decision letter. Sanctions in the form of temporary dismissal are given a maximum of 2 (two) times. If PPAT still commits violations, the head of the BPN regional office will report it to the Minister to be given sanctions in the form of honorable dismissal or dishonorable dismissal. A PPAT that is subject to a temporary suspension can still submit a written objection to the Minister no later than 14 (fourteen) days after the decision is received. These are the obligations of MP2D to provide guidance and supervision. So that PPAT can carry out its duties better and minimize the risk of violations.

The violations above are very contrary to the PPAT and PP IPPAT Code of Ethics. PPAT's duties and responsibilities are not only to fill out the deed form, read the deed, sign and put a stamp on the deed, but PPAT is also required to guarantee that the deed it issues complies with applicable legal provisions. Because the deeds made by PPAT are authentic deeds and have a very important position and role in legal traffic, both private law and public law. Therefore, it is very necessary to implement MP2D in coaching and supervising PPAT to run as it should.

### 3.2 The Future Arrangements for the Role of MP2D's Guidance and Supervision of PPAT in Carrying Out their Positions

As an implementation of the provisions of Article 19 paragraph 1 of the UUPA, the government stipulated Government Regulation Number 10 of 1961 concerning Land Registration (hereinafter referred to as PP Number 10 of 1961). It is stated in article 19 of PP Number 10 of 1961 that every agreement which intends to transfer land rights, give new rights to land, pawn land or borrow money with land rights as collateral, must be proven by a deed made by and in the presence of the official in charge. Appointed by the Minister of Agrarian Affairs. In this article, however, it has not been explained who the officials or people who can be appointed as officials have the authority to make deeds related to land.<sup>25</sup>

Because PP number 10 of 1961 is seen as no longer able to fully support the achievement of more concrete results in

national development, improvements need to be made by issuing Government Regulation Number 24 of 1997 concerning land registration, hereinafter referred to as PP Number 24 of 1997). Furthermore, to complete the issuance of PP Number 24 of 1997 concerning land registration, PP Number 37 of 1998 was issued concerning Regulations for Officials Making Land Deeds.

From the explanation above, it can be concluded that before the existence of PPAT, the official who made deeds, including deeds related to land, at that time was a notary, which was regulated in regulations made by the Netherlands. So, if we trace it, the regulations regarding officials who make land deeds that apply in Indonesia today, originally came from Dutch regulations which were later refined. However, what is different is that in the Netherlands there is no term PPAT because notaries have the authority to make deeds regarding land rights or property rights. This is stated in Article 24 paragraph 1 of the kadasterswet (land registration law) which states that:

*“Ter inschrijving van een akte van levering, vereist voor de overdracht van een registergoed, voor de vestiging, afstand of wijziging van een beperkt recht dat een registergoed is, of voor de overgang van een registergoed na toedeling uit hoofde van de verdeling van een gemeenschap, wordt aangeboden een authentiek afschrift dan wel een authentiek uittreksel van de notariële akte betreffende deze levering...”*

(Registration of a transfer required for the transfer of a registered property, establishment, transfer or change of a limited right which is a registered property or for the transfer of a registered property after distribution according to the division of the partnership, shows the original copy or authentic extract from the notarial deed regarding this transfer.)

All matters in making deeds including regarding land in the Netherlands are carried out by a Notary. This is different from Indonesia, where notaries and officials who have the authority to make deeds relating to land, called PPAT, have their own duties and authorities. Indonesia specifically regulates land rights or ownership rights to apartment units as regulated in Government Regulation Number 18 of 2021. Reviewed based on Article 6 paragraph (2) PP Number 18 of 2021, it is stated that in carrying out land registration, the Head of the Land Office is assisted by PPAT and other officials who are assigned to carry out certain activities according to this regulation and the relevant laws and regulations. Then the meaning of PPAT is explained in Article 1 paragraph 24 of PP Number 18 of 2021 which states that PPAT is a public official who is given the authority to make certain land deeds.

In the guidance and supervision chart, it can be understood that the public as users of PPAT services have room to submit complaints regarding violations that may be committed by a PPAT. Supervision of PPAT is preventive and repressive. According to the Big Indonesian Dictionary, the meaning of preventive is preventive in nature which aims to avoid abuse of office and criminal offenses and avoid mistakes. Supervision of PPAT is also repressive. According to the Big Indonesian Dictionary, repressive efforts are repressive efforts (suppressing, restraining, restraining, or oppressing and healing).

Supervision of PPAT is carried out in the form of supervision of the implementation of PPAT's office and enforcement of legal rules. Supervision of the implementation of this position takes the form of an

<sup>25</sup> Slamet Catur Pamungkas, Transformasi UU Agraria Tahun 1870 Ke UUPA 1960 Pada Masa Dekolonisasi Kepemilikan Tanah Pasca Kemerdekaan Indonesia, Al Isnad: Journal Of Islamic Civilization History And Humanities Vol 2 No 2;, 2021, h. 43.

inspection at the PPAT office. Referring to Article 9 paragraph (2), inspection of the implementation of the PPAT office can include the PPAT office residence, stamp, name plate, letterhead, use of deed formulas, making deeds, submitting deeds, submitting monthly reports, making registers of deeds, binding, certificates supporting deeds, storage of the original bundle of deeds, and implementation of other positions determined by the Minister. Meanwhile, guidance for PPAT takes the form of delivering and explaining policies, socialization, dissemination of land policies and regulations, guidance on the implementation of PPAT's duties and functions in accordance with the code of ethics.<sup>26</sup>

MP2D, which has the authority to provide guidance and supervision, also involves elements from IPPAT who are tasked with providing guidance and supervision of the PPAT code of ethics. The implementation of MP2D in coaching and supervising PPAT still experiences many obstacles. Some of the obstacles faced by MP2D are:

1. Head of land office has set aside the implementation of guidance and supervision of PPAT because the land office provides quite a lot of services every day. Meanwhile, coaching and supervising PPAT takes up quite a lot of time. Not to mention the existence of government programs such as systematic and complete land registration (abbreviated as PTSL) which is a program from President Joko Widodo to facilitate the provision of land certificates to the community which also has a target from the center.<sup>27</sup> This has resulted in a disproportion between human resources at the Land Office and their duties, resulting in several tasks being neglected, one of which is the guidance and supervision of PPAT.
2. Lack of coordination between the IPPAT management and the National Land Agency.<sup>28</sup>
3. There are no implementation instructions and technical instructions or even standard operating procedures (SOP) regarding the implementation of PPAT coaching and supervision, which is one of the obstacles. It is appropriate that Ministerial Regulation Number 2 of 2018 be accompanied by technical and implementation instructions issued by BPN so that this can make it easier for MP2D members to carry out guidance and supervision.<sup>29</sup> Regulations regarding the authority of MP2D have been regulated based on Ministerial Regulation number 2 of 2018, but this regulation does not regulate the supervision system and implementation instructions or technical instructions for PPAT

<sup>26</sup> Lampiran keputusan Menteri Agraria dan Tata Ruang/Kepala Baddan Pertanahan Nasional Nomor 112/KEP-4.1/IV/2017

<sup>27</sup> Isdiyana Kusuma Ayu dan Benny Krestian Heriawanto, *Perbandingan Pelaksanaan Program Nasional Agraria Dan Pendaftaran Tanah Sistematis Lengkap Di Kota Batu*, Jurnal Hukum dan Kenotariatan, Vol 3, No. 2, 2019, h. 240

<sup>28</sup> Chelsia Cristin Sanjaya Phie, *Analisis Yuridis Pembinaan dan Pengawasan PPAT Berdasarkan Peraturan Menteri Agrarian Dan Tata Ruang / Kepala Badan Pertanahan Nasional Republic Indonesia Nomor 2 Tahun 2018 Tentang Pembinaan Dan Pengawasan PPAT*, Skripsi (Surabaya: Program Studi Fakkultas Hukum Universitas Trisakti Surabaya, 2019), h 78

<sup>29</sup> Dian Prilia, op.cit, h 143

supervision. This resulted in MP2D not knowing what steps should be taken in the supervision. So that in the end an inspection was not carried out on the PPAT.<sup>30</sup>

4. Lack of available budget even though the MP2D task requires large funds to carry out visits to the PPAT office. If there are not sufficient funds provided by the government, coaching and supervision operations will be hampered and cannot be carried out properly. Apart from that, the facilities and infrastructure are not available to carry out supervision.

Even though MP2D has not been running optimally, the Land Office has made efforts to anticipate violations committed by PPAT in carrying out its duties. This effort takes the form of PPAT coaching related to discussions of problems occurring in the field which are carried out both by the Land Office and directly from the BPN Regional Office. Head of the Land Office who has the authority to inspect deed made by PPAT and then reporting it back to PPAT. From the Research by the Head of the Land Office found no data to show this there are periodic reports carried out by PPAT. From research only found a report made by the temporary PPAT to the Head of Office Only until 2009 did this land issue receive strict sanctions in accordance with KBPN Regulation Number 1 in 2006. That this is because the duties and functions of the Head of the Land Office are only functional so there are none strict supervision from the Head of the Land Office regarding reports made by PPAT.

The Head of the Land Office is also hampered in his work due to the conflicting laws and regulations governing the duties, functions and authority of the Head of the Land Office, adding that the Head of the Land Office has given a warning letter to PPATs or temporary PPATs who do not report the registration of land rights are completely ignored by PPATs or temporary PPATs because the unclear sanctions governing performance are not implemented properly.

Less harmonious cooperation between the Head of the Land Office and PPAT makes it difficult to supervise PPAT in terms of making deeds and also conveying instructions for implementing PPAT duties, apart from that the Head of Office only carries out supervision through documents or reports reported by PPAT so that the data obtained is not accurate to find out violations committed by PPAT in the creation and registration of land rights.

#### 4. Conclusion

That the legal force and binding force of the results of MP2D's supervision of violations committed by PPAT takes the form of examinations up to the imposition of sanctions. Examinations are carried out to determine the types of violations that have been committed by PPAT. The criteria for minor violations and serious PPAT violations are contained in attachment I to Ministerial Regulation Number 2 of 2018 concerning PPAT Development and Supervision. Sanctions that will be received by PPAT who have been proven to have committed violations can be in the form of a written warning, temporary dismissal, honorable dismissal and dishonorable dismissal according to the level of violation that has been committed by PPAT.

That future arrangements for the role of MP2D's guidance and supervision of PPAT in carrying out their positions require strengthening of human resources, need to be

<sup>30</sup> Ibid.

supported by budgeting, need to have implementation and technical instructions regarding the implementation of PPAT's guidance and supervision, and need to carry out coaching and supervision on a scheduled and continuous basis.

## 5. References

1. Affan Mukti. Pokok-Pokok Bahasan Hukum Agraria, (Medan, USU Press), 2006.
2. Winahyu Erwiningsih. Hak Pengelolaan Atas Tanah, (Yogyakarta, Total Media), 2011.
3. Bhim Prakoso. Pendaftaran Tanah Sistematis Lengkap Sebagai Dasar Perubahan Sistem Publikasi Pendaftaran Tanah. *Journal of Private and Economic Law*. 2021; 1(1).
4. Baharudin. Kewenangan Pejabat Pembuat Akta Tanah (PPAT) Dalam Proses Jual Beli Tanah. 2014; 5(1).
5. Boedi Harsono, dalam Salim HS. Peraturan Jabatan dan Kode Etik Pejabat Pembuat Akta Tanah (PPAT), Depok: Rajawali Pers, 2019.
6. Sulthon Faiz Saifuddin. Perbandingan Pelaksanaan Pengawasan Terhadap Notaris Dan Pejabat Pembuat Akta Tanah, Tesis. Semarang: Program Magister Kenotariatan Fakultas Hukum Universitas Islam Sultan Agung Semarang, 2021.
7. Mhd. Yamin Lubis dan Rahim Lubis. Hukum Pendaftaran Tanah Edisi Revisi Peraturan Pemerintah No. 13 Tahun 2010 Jenis dan Tarif Atas Jenis Penerimaan Negara Bukan Pajak Yang Berlaku Pada Badan Pertanahan Nasional, Mandar Maju, Bandung, 2012.
8. Tampil Anshari Siregar. Pendaftaran Tanah Kepastian Hak, Cetakan Pertama, Multi Grafika Medan, Medan, 2007.
9. Ahmad Fadil Fakhri. Pelaksanaan Pembinaan dan Pengawasan Pejabat Pembuat Akta Tanah oleh Kepala Kantor Pertanahan Kabupaten Ogan Komering Ulu Selatan Sumatera Selatan. *Jurnal Officium Notarium*. 2023; 3(1).
10. Masriyani. Fungsi Badan Pertanahan Nasional Dalam Pengawasan Pejabat Pembuat Akta Tanah Di Kabupaten Tanjong Jabung Barat. *Wajah Hukum*. 2018; 2(1).
11. Sri Winarsi. Pengaturan Notaris Dan Pejabat Pembuat Akta Tanah Sebagai Pejabat Umum. *Majalah Yuridika, Fakultas Hukum Universitas Airlangga, Surabaya*. 2020; 17(2).
12. Maharani Wibowo. Pembinaan Dan Pengawasan Kepala Kantor Pertanahan Kabupaten Malang Terhadap PPAT Dan PPATS. *Justitia Jurnal Hukum, Fakultas Hukum Universitas Muhammadiyah Surabaya*, 2020.
13. Peter Mahmud Marzuki. *Penelitian Hukum*. Jakarta, Kencana Group, 2020.
14. Teuke Fahryanda Irsal. Fungsi Dan Kedudukan Majelis Pembina Dan Pengawas Pejabat Pembuat Akta Tanah (PPAT). Skripsi, Fakultas Hukum, Universitas Gadjadara, Yogyakarta, 2021.
15. Susanti Dyah Ochtorina dan A'an Efendi. *Penelitian Hukum (Legal Research)*. Jakarta: Sinar Grafika, 2018.
16. Terry Maharani Wibowo. Pembinaan dan Pengawasan Kepala Kantor Pertanahan Kabupaten Malang Terhadap PPAT dan PPATS. *Justitia Jurnal Hukum*. 2018; 2(2):346.
17. Dian Prilia. Implementasi Pengawasan Dan Pembina Pejabat Pembuat Akta Tanah (Ppat) Oleh Majelis Pembina Dan Pengawas Pejabat Pembuat Akta Tanah (PPAT) (Studi Khusus Pejabat Pembuat Akta Tanah (PPAT) Di Provinsi Sulawesi Tenggara). Tesis, Semarang: Program Magister Kenotariatan Fakultas Hukum Universitas Islam Sultan Agung Semarang, 2022.
18. Bimo Aryo Nugroho. Peran Majelis Pembina Dan Pengawasan Daerah (MPPD) Dalam Pengawasan Bagi Pejabat Pembuat Akta Tanah (PPAT) Yang Tidak Memiliki Izin Cuti Di Kabupaten Bantul. Tesis, Magister Kenotariatan Universitas Gadjadara, Yogyakarta, 2017.
19. Suhwardi K Lubis. *Etika Profesi Hukum*, Cetakan Ke-5. Sinar Grafika: Jakarta, 2008.
20. Slamet Catur Pamungkas. Transformasi UU Agraria Tahun 1870 Ke UUPA 1960 Pada Masa Dekolonisasi Kepemilikan Tanah Pasca Kemerdekaan Indonesia, Al Isnad. *Journal of Islamic Civilization History and Humanities*. 2021; 2(2).
21. Isdiyana Kusuma Ayu dan Benny Krestian Heriawanto. Perbandingan Pelaksanaan Program Nasional Agraria Dan Pendaftaran Tanah Sistematis Lengkap Di Kota Batu. *Jurnal Hukum dan Kenotariatan*. 2019; 3(2).
22. Chelsia Cristin Sanjaya Phie. Analisis Yuridis Pembinaan dan Pengawasan PPAT Berdasarkan Peraturan Menteri Agrarian Dan Tata Ruang / Kepala Badan Pertanahan Nasional Republic Indonesia Nomor 2 Tahun 2018 Tentang Pembinaan Dan Pengawasan PPAT, Skripsi Surabaya: Program Studi Fakultas Hukum Universitas Trisakti Surabaya, 2019.
23. Isro Vita Nugrahaningsih. The Role of Regional Honor Council in Maintaining the Honor of Notary Position. *Jurnal Ilmu Kenotariatan*. 2023; 4(1).