



Received: 14-03-2024
Accepted: 24-04-2024

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

Juridical Consequences on Violations of Self Advertising of Land Deed Official via Internet

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Abstract

This research aims to examine the juridical consequences of self-advertising violations committed by Land Deed Making Officials (PPAT) using internet facilities or media. This is important, because with the rapid development of the times, the cycle of life also develops. This is of course due to the rapid development of science and technology. One of the extraordinary developments is the existence of the internet which can access and send information to parts of the world very quickly, and this technological progress is something

that is impossible to avoid. So, it is not uncommon for certain parties, both bodies and individuals, to try to advertise themselves through internet media, including PPAT. Even though self-advertising in Article 4 of the Code of Ethics of the Association of Land Deed Officials (IPPAT) is clearly prohibited and PPATs who violate it can be subject to sanctions. However, this is still ongoing, including PPAT in the Municipality of Banda Aceh.

Keywords: PPAT, Self Advertising, Advertising via Internet

1. Introduction

The rapid development of the times means that the cycle of life also develops. Apart from fast-moving technological developments, one of the developments that also continues to keep up with the times is related to ownership of movable or immovable objects, one of which is land. In the past, in traditional communities, a person could own a piece of land only by agreement between both parties which was then written down on a piece of paper with a thumbprint or signature, but nowadays this is not strong enough to prove that the piece of land is his. The use of land, which was previously only used for agriculture, forestry and plantations, is now also developing into business centers, industries and buildings with economic value,¹ so that people's demand and need for land increases, while the available land cannot meet market demand. This is what makes land very valuable and everyone wants to own it. This competition is what makes the land so valuable that it requires strong legal powers for the owner to avoid future conflicts.² Not only that, the use of land itself must also be adjusted to the function, purpose, nature and condition of the land so as not to harm society and the state.³

Article 33 paragraph (3) of the 1945 Constitution explains that "Earth, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people", so that the state is fully responsible for the management of land in the territory of Indonesia. In order to achieve legal certainty in land, there are two things that must be fulfilled, namely written legal rules related to land and the implementation of land registration itself.⁴ To make this happen, the government formulates land regulations. Land, also known as agrarian land, was first mentioned in Law No. 5 of 1960 concerning Basic Agrarian Principles, known as UUPA.⁵ In Article 19 (2) letter c UUPA also explains that the land rights

¹ Wibawa, Kadek Cahya, *Menakar Kewenangan Dan Tanggung Jawab Pejabat Pembuat Akta Tanah (PPAT) Dalam Perspektif Bestuurs Bevoegdheid*. CREPIDO, Vol. 1, No. 1, 2019, pp. 40–51, doi:10.14710/crepido.1.1.40-51.

² *Ibid*, hal 41.

³ Santoso, Urip, *Perolehan Hak Atas Tanah*, Jakarta: Kencana, 2015, hlm. 7.

⁴ Tehupeory, Aartje, *Pentingnya Pendaftaran Tanah Di Indonesia*, Jakarta: Raih Asa Sukses, 2012, hlm. 6.

⁵ Waskito, dan Hadi Arnowo, *Pertanahan, Agraria, Dan Tata Ruang*, Jakarta: Kencana, 2017, hlm. 6.

registration certificate acts as valid and strong evidence.⁶ On this basis, the government then also provides services related to land registration needs, both registration of land rights and registration of transfers of land rights⁷ through Land Deed Officials (PPAT). Since 1961, regulations have required the making of a transfer deed directly before the PPAT, this is regulated in Article 19 of Government Regulation Number 10 of 1961 concerning Land Registration which states that:⁸ Every agreement that contains the intention of granting a new right to land, transferring or transferring land rights, borrowing money with the land rights used as collateral, must be proven by a deed. The deed is made by and before an official appointed by the Minister of Agrarian Affairs and its form is also determined by the Minister of Agrarian Affairs.

After that, as time progressed, these regulations continued to be updated until PP No. 24 of 2016 concerning Amendments to PP No. 37 of 1998 concerning Position Regulations for Officials Making Land Deeds. The government delegates authority to PPAT to provide services related to land. This aims to provide legal certainty regarding ownership of land rights and apartment units. PPAT is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights or ownership rights to apartment units.⁹

PPAT is a general official appointed by the National Land Agency (BPN) who is given certain authority regarding a person's legal actions as proven by an authentic PPAT deed.¹⁰ The public officials referred to here are not general officials like the State Civil Apparatus (ASN) or Civil Servants (PNS).¹¹ Certain powers are the authority of a PPAT in making deeds for legal acts in the form of: buying and selling land, grants, exchange of a plot of land, division of property or joint rights, investment or entry into a company, granting rights to land such as Building use rights (HGB) or use rights over other people's land ownership rights as well as encumbrances with mortgage rights.¹² Later, the Deed of legal action is an authentic deed made by an authorized official regarding the legal action in question and becomes a perfect means of proof of a legal action regarding a plot of land or land rights.¹³

Furthermore, a PPAT has basic duties, obligations and prohibitions that must be obeyed in every action. This is

stated in the Presidential Regulation (Perpres) as well as the Code of Ethics for the Association of Land Deed Officials (IPPAT) which was issued through the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN (Minister of ATR/Head of BPN). In carrying out his position, a PPAT must be very careful and obey the existing rules, not only in carrying out his main duties as a PPAT, but also in terms of prohibitions that must be observed so as not to receive sanctions for this matter. If, in carrying out his main duties, a PPAT makes a mistake, this will affect the deeds he makes, and could even result in someone losing their rights and obligations over their property, so that a PPAT is required to apply the principle of prudence in carrying out their duties and authority.¹⁴ For PPAT itself, those who commit violations or errors will also receive sanctions for their negligence, whether administrative sanctions, civil sanctions or criminal sanctions in accordance with the regulations governing the PPAT Regulations. Not only that, in carrying out its activities a PPAT is also limited by the IPPAT Code of Ethics in maintaining honor and dignity, honor and the absence of competition among PPATs¹⁵ which acts as a legal basis as well as guidelines for PPATs,¹⁶ so that every PPAT both in carrying out office duties and in everyday life -prohibited days:¹⁷

- a. Having or opening a branch office/representative office in a place other than the actual office.
- b. Becoming an intermediary or using an intermediary or engaging an intermediary directly based on certain circumstances or conditions or certain reasons;
- c. Carry out self-promotion using certain mass media.
- d. Advertise yourself by carrying out actions that are essentially included in the category of self-advertising, such as:
 1. Placing advertisements in mass media such as in newspapers, magazines published periodically (first issue of an office, advertising agency, service bureau, company, either in the form of name, telephone number, address, or in the form of congratulations, support or donations.
 2. Sponsorship of an activity or event in the form of money or other forms, even humanitarian activities, social activities, sports and others, including publication in books provided for advertising and/or marketing promotions.
 3. Sending a bouquet of flowers to anyone and for any event, which is known or displayed to the public (limited or unlimited), so that their existence is known as a member of the IPPAT association.
 4. Sending or using a third party as a "salesman" to various locations or certain places to get clients to make a deed.
 5. Carry out an act of placing advertisements for marketing or other propaganda.

⁶ Sutedi, Adrian, *Sertifikat Hak Atas Tanah*, Jakarta: Sinar Grafika, 2011, hlm.1

⁷ Prawira, I Gusti Bagus Yoga, *Tanggung Jawab PPAT Terhadap Akta Jual Beli Tanah*, Jurnal IUS, Vol. 4, No. 1, April 2016, hlm. 64.

⁸ Sihombing, B. F, *Sistem Hukum PPAT Dalam Hukum Tanah Indonesia*, Jakarta: Kencana, 2019, hlm.17

⁹ Peraturan Pemerintah Nomor 24 Tahun 2016 Tentang Perubahan Atas Peraturan Pemerintah Nomor 37 Tahun 1998 Tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah, Pasal 1 ayat (1).

¹⁰ Santoso, Urip, *Pejabat Pembuat Akta Tanah: Perspektif Regulasi, Wewenang, Dan Sifat Akta*, Jakarta : Prenadamedia Group, 2016, hlm. 18.

¹¹ Cut Novadilla Halid, Sanusi, Novi Sri Wahyuni, Suhaimi, A Ban on Notary Self Promotion as Public Official in Notary and Ethical Code Act, *International Journal of Multicultural and Multireligious Understanding*. 2023; 10(1): 65-73.

¹² Sulaeman, Bakri, *Akta Tanah -Akta PPAT*, Jakarta: Penerbit Adata, 2021, hlm.2

¹³ Wirantia, Darmawan, Suhaimi, "PPAT'S Legal Responsibility for the Creation of Empty Deed", *Syiah Kuala Law Journal*, Vol.4(3) Desember 2020, pp.351-368.

¹⁴ Rizal, Emha Ainun. "Tanggung Jawab PPAT Atas Pembatalan Akta Yang Dibuat Dihadapannya." *Jurnal Officium Notarium*, vol. 2, no. 2, 2022, pp. 354–362, doi:10.20885/jon.vol2.iss2.art17.

¹⁵ Nugroho, Sigit Supto, (et.al), *Etika Profesi Hukum*, Jawa Tengah: Penerbit Lakeisha, 2022, hlm. 94.

¹⁶ Pugung, Solahudin. *Perihal Tanah Dan Hukum Jual Belinya Serta Tanggung Jawab PPAT Terhadap Akta Yang Mengandung Cacat Perspektif Negara Hukum*, Yogyakarta: Deepublish, 2021, hlm. 144.

¹⁷ Pasal 4, Kode Etik Ikatan Pejabat Pembuat Akta Tanah.

- e. Installing unreasonable signboards in various places outside the PPAT office environment.
- f. Carrying out actions that lead to the emergence of unhealthy competition for fellow IPPAT members or PPAT partners, such as in determining the amount of fees for making a deed.
- g. Carrying out actions that lead to competition that could harm fellow IPPAT members or PPAT colleagues, both morally and materially, or taking actions to seek profit solely for oneself.
- h. Submit a request orally or in writing to a particular institution, company or agency or to an individual to be designated as a PPAT, with the provision of certain incentives or without incentives.
- i. Accepting a request from someone to make a deed drafted by another PPAT, unless permission has been obtained from the PPAT who drafted the deed.
- j. Taking action or attempting to influence someone to move from another PPAT to him, either directly influencing the client or through the intermediary of another party.

If a PPAT commits a violation as determined above, he may be subject to sanctions for violating the PPAT code of ethics, namely in the form of:¹⁸

- a. Reprimand,
- b. Warning,
- c. Temporary dismissal (suspension) from IPPAT membership,
- d. Dismissal (onzzeting) from IPPAT membership,
- e. Disrespectful dismissal from IPPAT membership.

The imposition of sanctions on PPAT who commit violations is not carried out immediately, but by first assessing the level of the violation,¹⁹ which is carried out by the MKD which also consults with tiered regional²⁰ administrators until the final level which constitutes a serious violation will be delegated to the PPAT supervisor, namely the Minister of ATR/Head of BPN and his staff.²¹

Regarding "The imposition of sanctions as intended in paragraph (1) on members of the IPPAT association who violate the Code of Ethics is adjusted to the frequency and quality of violations committed by members of the IPPAT association." During this time, the regional assembly is obliged to record every decision related to violations of the code of ethics. As a Notary and PPAT who hold two positions at once, they are bound by two different rules and codes of ethics, where these rules are under different umbrellas. A Notary is appointed and dismissed by the Ministry of Law and Human Rights, while a PPAT is appointed and dismissed by the Minister of ATR/Head of BPN.²² Likewise, a Notary is prohibited from carrying out publication activities or self-advertising with the aim of

attracting people to use his services.²³ PPAT is also prohibited from carrying out activities that are self-advertising. This is done so that there is no peer competition between PPATs which will create disharmony. However, in practice, many PPATs promote themselves through social media and even mass media. The forms of promotion carried out are also different, such as on one of the social media, namely Instagram, many PPATs who also double as Notaries are found carrying out self-promotion either directly or indirectly, such as uploading photos or videos that tell or explain their activities as a Notary and PPAT,²⁴ one of them is the uploads made by a Banda Aceh Notary with the initials AR who uploaded his activities to Instagram and WhatsApp Stories while signing a deed at his office. Not only that, AR also uploaded photos several times with his name and title as a Notary and PPAT in the background.²⁵ So, according to the Notary's code of ethics and the PPAT's code of ethics, it is said to be a violation of advertising oneself via social media. Not only through social media, PPAT also often advertises itself through mass media. "Therefore, it would be interesting to conduct a discussion regarding researchers interested in conducting research on self-advertising violations committed by PPAT via the internet."

2. Research Methods

The type of research used in this research is empirical legal research or what is often called sociological juridical research or field research. This research examines the implementation of applicable laws in society. Law is studied as an object of research, so that law is not seen as an applied science but as a legal reality that applies in society.²⁶ Legal norms are studied to see the interactions that occur when these norms work in society. In this type of research, the data used comes from primary data,²⁷ namely basic data obtained from field research²⁸ using either questionnaire interviews or observations.²⁹ The research that the researcher is conducting will use interview and observation methods to get answers to the formulation of the problem to be studied. This method will describe and analyze the legal regulations that have been issued regarding PPAT Advertising Violations via the Internet and then look at their application in the field.

²³Budiono, Arief, *Praktik Profesional Hukum Gagasan Pemikiran Tentang Penegakan Hukum*, Jawa Tengah: Muhammadiyah University Press, 2022. Hlm. 246. ISBN: 9786023614721

²⁴Penelitian lapangan yang di tinjau dari data acak sosial media Notaris yang ada di Banda Aceh. Dalam merumuskan kesimpulan mengiklankan diri ini di ambil 10 sampel acak Notaris yang ada di Notaris dan melihat media sosial Instagram mereka untuk penelitian.

²⁵Data ini diperoleh dari pengamatan langsung yang dilakukan oleh penulis terhadap subjek penelitian.

²⁶Sonata, Depri Liber. "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum." *FIAT JUSTISIA: Jurnal Ilmu Hukum*, vol. 8, no. 1, 2015, doi:10.25041/fiatjustisia.v8no1.283, hlm. 29.

²⁷Bachtari, "Metode Penelitian Hukum", Tangerang Selatan: UNPAM PRESS, 2018, p.60.

²⁸*Ibid*, hlm. 30.

²⁹Quoted dari Zulfadli Barus, "Analisis Filosofis tentang Peta Konseptual Penelitian Hukum Normatif dan Penelitian Hukum Empiris", *Jurnal Dinamika Hukum*, Volume 13 No. 2, Mei 2013, hlm. 311

¹⁸Pasal 6 ayat (1), Kode Etik Ikatan Pejabat Pembuat Akta Tanah

¹⁹Pasal 6 ayat (2), Kode Etik Ikatan Pejabat Pembuat Akta Tanah.

²⁰Yuwono, Ismantoro Dwi. *Memahami Berbagai Etika Profesi Dan Pekerjaan*, Probolinggo: Pustaka Yustisia, 2011, hlm.25

²¹Pasal 6 ayat (3), Kode Etik Ikatan Pejabat Pembuat Akta Tanah. "Penjatuhan sanksi sebagaimana dimaksud pada ayat (1) dan ayat (2) akan berakibat pada penjatuhan sanksi yang akan diberikan kemudian oleh Pembina PPAT."

²²Salim, *Peraturan Jabatan Notaris*, Jakarta Timur: Sinar Grafika, 2018.

The legal materials used in this research are primary, secondary and tertiary legal materials where these three sources of material will later be used to answer questions or problems in the research. Primary legal materials are the main legal materials obtained from the results of field surveys, which are obtained or seen from people's behavior.³⁰ Primary data in this research is data taken from interviews with informants and field observations, namely internet media. Apart from that, researchers also used primary data originating from regulations related to the prohibition on PPAT self-advertising.

The data processing process was carried out after collecting all the necessary data, namely through literature study, interviews and observations. Then the collected data is processed and analyzed systematically to obtain a picture that is appropriate to the research problem. Furthermore, the data obtained was analyzed using a qualitative approach, so that conclusions from the results obtained could answer the problems in this research, which then became the basis for making conclusions and suggestions from all research results.

3. Result and Discussion

As a public official whose duty is to serve the community, PPAT also has an obligation to provide land-related education to people who need it. Based on article 3 letter h of the PPAT Code of Ethics, it is explained that every PPAT is obliged to "provide legal counseling to people who need its services with the aim of making people aware of and appreciate their rights and obligations as citizens and members of society". This legal counseling can be done in various ways, either directly or through the media.

The increasing intensity of internet media means that legal counseling carried out by PPAT is mostly carried out on internet media, both mass media and social media. In the mass media, PPAT will usually create a special blog or website to explain land matters which can target every reader more easily. Meanwhile, through social media, PPAT usually makes posts on its personal social media accounts containing education about land.

However, the legal counseling obligations carried out by PPAT are currently often used as a tool to advertise themselves. According to the KBBI, advertising is ordered news to attract, persuade and encourage the general public to a product or service being offered. From this explanation it can be concluded that self-advertising is ordered news that is made to introduce oneself to the general public in order to sell one's name, position and services.

Basically, advertising yourself or promoting yourself is something that is commonly done in cyberspace today, but this is not permitted by a Notary or PPAT. This violates the PPAT code of ethics which states that every PPAT in the context of carrying out their position and daily life is prohibited from using promotional mass media and doing things that essentially advertise themselves both in mass media and social media.³¹

The following are several promotions (self-advertising) carried out in the mass media in the form of promotions on websites, including:

1. The website [https://jiwa.online/2023/06/jasa-baik-](https://jiwa.online/2023/06/jasa-baik-nama-sertipikat-tanah-semarang/)

[nama-sertipikat-tanah-semarang/](https://jiwa.online/2023/06/jasa-baik-nama-sertipikat-tanah-semarang/) was only launched on June 9 2023, but this site has been established since 2008. This website explains regarding the process of changing the name of a land certificate, starting from the requirements, the flow to the offer for a free consultation via WhatsApp, they also offer orders for the name changing process service by including the WA link, the CEO of this site is a Notary and PPAT in Semarang with the initials APP.

2. The website <https://Notarismichael.com/jasa-PPAT> is a site that provides business licensing services, trademark and logo management services, sworn translation services, Notary services, and PPAT services. This service is based at the Notary and PPAT office of Mr. MC.
3. Website <https://duniaNotaris.com/jasa-pembuatan-dan-pengurusan-sertipikat-tanah-ert-rumah-shm-se-jabodetabek.php> which has been established since 2001. This site offers all Notary and PPAT services At the same time, what is even more surprising is that the staff or people who play an important role in this site are not just one Notary and PPAT, but 4 at the same time with the initials JT as founder, LN, INI, ES as staff. They worked together to build this site with the aim of helping the business world and making it easier to provide Notary and PPAT services, but this clearly violates the Notary and PPAT code of ethics.

It is further stated that things which include self-advertising include "placing advertisements in newspapers, periodicals or first publications of an office, company, service bureau, advertising agency, whether in the form of name, address, telephone number, or in the form of congratulations.", support, donations."³²

It can be detailed what can be called self-advertising if a PPAT uploads something to the public, whether it is education or posting photos or videos that include

1. Name, title and position (example: Notary Nelly Zarnida S.H., M.Kn)
2. Office address or work area (example: Banda Aceh Notary Nelly Zarnida S.H., Mkn)
3. Personal telephone number
4. Congratulations and support in the name of the position (example: the extended family of the office of Notary Nelly Zarnida S.H., Mkn condolences...)

Examples of posts, congratulations and other things, including bouquets or flower boards, are included in the self-advertising category, because with these posts, congratulations or flower boards, the general public can know that the person concerned is a public official, namely PPAT.

Currently, self-advertising is often done on social media and mass media. In the mass media we can find various websites managed directly by PPAT which provide education related to land, it is not uncommon for websites to say sponsor or advertisement, which means the site is advertised. This website usually contains introductory explanations related to land registration, requirements, steps that must be taken and other matters related to PPAT. If seen from an educational point of view, there is nothing wrong with these sites, which contain information about land and help people to know more about land, including improving the site through sponsorship or advertising. However, if you look further,

³⁰Soekanto, Soerjono, *Pengantar Penelitian Hukum*, Jakarta: UI Pres, 1986, hlm. 10.

³¹Pasal 4 huruf c dan d Kode Etik PPAT.

³²Pasal 4 huruf d (1) Kode Etik PPAT.

what makes the site problematic is when the site lists things that involve prohibited PPAT information, such as including office addresses and contact persons. Including the office address and contact person using language inviting people to make or handle land issues with them, it is not uncommon for PPAT to also directly provide a WhatsApp link which directly connects to PPAT, clearly this is a violation of the code of ethics, where every PPAT is prohibited from doing things like this. things that are self-advertising and promotional.³³ From the results of the author's search, in the city of Banda Aceh itself we have not found any PPAT that creates a website like this,³⁴ but in big cities such as Jakarta, Surabaya, Yogyakarta we can find many PPATs that advertise themselves through the mass media.

Apart from mass media, PPAT also often advertises itself through social media such as WhatsApp, Instagram, Twitter and other social media. Advertising itself via social media is mostly done by PPAT, considering that currently everyone is familiar with social media, especially WhatsApp and Instagram. The forms of promotion or self-advertising carried out by PPAT also vary, from including the name of the office address and contact person on their social media accounts, to photos and videos showing the office sign.

Basically, PPAT carries out personal branding to make its reputation good among the public. Personal branding itself can be interpreted as activities carried out by someone to create a personal brand, where this aims to attract or attract the attention of those who see it.³⁵ One forum for personal branding is social media such as Instagram. In some literature personal branding is synonymous with:³⁶

1. A condition in forming perceptions or maintaining one's emotions in certain circumstances.
2. A reflection of behavior that shows his identity by forming a condition that can create a sense of trust in himself.
3. Efforts made to influence other people's views of themselves.
4. Conditioning other people's views on their values, such as testimonials for example.
5. Create certain better expectations for clients or audiences.
6. Creating an image of oneself or one's participation in a particular activity that is useful.

If analyzed further, advertising yourself or building personal branding is a necessity for us today. Personal branding is used to show our identity and who we are on social media. Carrying out personal branding will have a good impact on building our self-image as well as making it easier for us to become better known and trusted by the general public, this will also affect the work we will or are currently pursuing. Personal branding or self-advertising is not always a positive thing for everyone, where this will become a scourge for some people when they are in an environment where this is prohibited.

³³Pasal 4, Kode Etik PPAT.

³⁴Hasil wawancara dengan Notaris Yuniarti, S.H., M.Kn., Ketua IPPAT Kota Banda Aceh dan Anggota Majelis Kehormatan PPAT Kota Banda Aceh.

³⁵Yusanda, Awallina, *et al.* "Strategi Personal Branding Melalui Media Sosial Instagram (Analisis Isi Pada Media Sosial Mahasiswa Universitas Kristen Satya Wacana)." *Scriptura*, vol. 11, no. 1, 2021, pp. 41–52, doi:10.9744/scriptura.11.1.41-52.

³⁶Loc. Cit

Even though the regulations clearly stipulate that every PPAT in everyday life is prohibited from doing things that are self-advertising or promotional, there are still many PPATs who do this. It is not uncommon for them to do this while providing education to the public both in mass media and social media, so that it is almost impossible to distinguish whether this is a violation or not.

According to MKD PPAT Banda Aceh Municipality, self-advertising violations are still rarely followed up, this is because there are almost no reports regarding self-advertising violations. If you look at the PPAT Code of Ethics, it states that MKD is obliged within 7 working days to follow up on alleged violations committed by PPAT through public reports, IPPAT management reports or from MKD's own knowledge.³⁷ So that if the MKD, in carrying out supervision and guidance, is aware of indications of violations, they can also take follow-up action against the PPAT concerned. From PPAT itself there were no complaints due to a feeling of connectedness, discomfort, and strong consideration for the feelings of other PPATs.³⁸

So far the PPAT in Banda Aceh City that has been processed regarding this matter is the PPAT Notary ARN. ARN received a direct warning from MP3D during a supervisory and guidance patrol to his office in mid-2023.³⁹ The warning was carried out based on reports from the public via PPAT which were then followed up by MP3D, however the warning given was only an initial warning, namely a verbal warning and guidance.⁴⁰ Based on field facts, it can be concluded that law enforcement against this violation is still weak, this can be seen from the lack of follow-up provided by MP3D after giving a verbal warning. In fact, several months after the verbal warning was given, ARN again committed a violation of self-advertising and to date there has been no follow-up from MP3D.

As explained previously, PPAT has the authority to make authentic deeds relating to land and apartment rights. The main duties and authorities of PPAT are further stated in article 2 of PP No.37 of 1998 concerning Position Regulations for Land Deed Officials:

1. PPAT has the main task of carrying out some land registration activities by making deeds as proof that certain legal acts have been carried out regarding land rights or ownership rights to apartment units, which will be used as the basis for registering changes to land registration data resulting from that legal act.
2. The legal acts as intended in paragraph (1) are as follows:
 - a. buy and sell;
 - b. exchange;
 - c. grant;
 - d. income into the company (inbrenng);
 - e. sharing of joint rights;
 - f. granting Building Use Rights/Use Rights over Freehold land;
 - g. granting Mortgage Rights;
 - h. granting power of attorney to impose mortgage rights.

³⁷Pasal 9 ayat (1) Kode Etik PPAT.

³⁸Hasil wawancara dengan PPAT di Kota Banda Aceh.

³⁹Tidak disebutkan dengan jelas tanggal dan bulannya.

⁴⁰Kesimpulan peneliti dalam menganalisis hasil wawancara dengan pihak MP3D.

Similar to notaries, PPAT also has prohibitions that must be heeded as previously explained, which are stated in article 4 of the PPAT Code of Ethics, one of which is Prohibits the use of promotional mass media and doing things that are essentially self-advertising, such as:

- a. Place an advertisement in a newspaper, periodical magazine or first publication of an office, company, service bureau, advertising agency, either in the form of name, address, telephone number, or in the form of congratulations, support, donations.
- b. Money or anything else, sponsorship of any activities, whether social, humanitarian, sports and in any form, publication in books provided for advertising and/or marketing promotions,
- c. Send bouquets of flowers for any event and to anyone with the names of members of the IPPAT association displayed to the public, both limited and unlimited;
- d. Sending people as "salesmen" to various places/locations to collect clients for the purpose of making deeds; And
- e. Actions in the form of placing advertisements for marketing or other propaganda purposes, as well as carrying out businesses that lead to the emergence of unhealthy competition with fellow PPAT partners, either directly or indirectly, including, among other things, determining the amount of fees for making a deed.

If you look at the two existing regulations, Notaries and PPATs have the same prohibition, namely prohibiting self-promotion or self-advertising. This prohibition is not without reason, considering that self-advertising will have an impact on the morality and authority of notaries and PPATs themselves, as well as creating unhealthy competition between fellow Notaries or PPATs.

Basically, Notaries are allowed to hold concurrent positions as PPAT, just as PPATs can also hold concurrent positions as Notaries, so it is not uncommon for someone to hold two positions at once. In the case of holding two positions that have different rules, notaries and PPATs must be extra careful and considerate in doing things. A problem that often occurs is promotion or advertising of a Notary who also serves as a PPAT.

Based on the results of interviews with Notary and PPAT Yuniarti, S.H., MKn as chairman of the Banda Aceh IPPAT and member of the Banda Aceh PPAT Honorary Council stated that usually if a PPAT Notary commits a violation that involves two rules at once, then according to the rules he must be sanctioned by both rules or by In other words, he will be sanctioned twice because he holds two positions simultaneously. However, follow-up actions carried out in the field are only sanctioned by one of the rules, either PPAT rules or notary rules.

This also happened to ARN who only received a warning and supervision from the Banda Aceh City MPPD as PPAT supervision regarding the case of advertising himself on social media. In the ARN case, the sanctions given are a verbal warning as well as coaching.

The sanctions given depend on the level of violations committed by the PPAT Notary, where this will be decided by the supervisory board, both Notary and PPAT supervisors, where this decision is decided after holding a trial first to determine whether the Notary/PPAT is found guilty or not. no, by examining the existing evidence.

The process of providing sanctions for alleged violations

committed by PPAT begins with reports from the public, PPAT or knowledge from the supervisory board itself. After the supervisory board receives a report or complaint within a period of 7 days, it must immediately take action to convene a Regional Honorary Council meeting to discuss regarding these allegations and examine the existing evidence. After holding a trial and it is believed that a violation has been alleged to have been committed, within 7 days of the trial being held the honorary panel is obliged to summon the IPPAT member suspected of committing the violation by sending an official letter to hear the suspect's defense. MKD will determine whether the suspect is proven to have committed a violation or not and impose sanctions after hearing the suspect's defense in the MKD panel session. The decision to impose sanctions must be made no later than 15 days after the trial hears the suspect's defense, whether the decision is given at that trial or at another trial held by the MKD to make a decision. If the suspect PPAT is not present at the summons and does not provide a clear reason, then within 7 (seven) working days of the summons being made, the MKD can make the 2nd and 3rd summons with an interval of 7 working days per call. If there is still no answer to the summons, the MKD can continue the trial without the presence of the PPAT suspect and decide whether the PPAT suspect is guilty or not and determine the sanctions to be given to the PPAT suspect.

In the event of a sanction of dismissal or temporary dismissal, the PPAT suspect can appeal to the Central Honorary Council (MKP), however this appeal can only be made within 30 days of the decision to impose sanctions, if it exceeds 30 days then the appeal is considered expired. The MKP is obliged to provide a decision within a working period of 30 days from the time the PPAT suspect is summoned to hear information and have the opportunity to defend oneself against the decision that has been given previously. However, previously, since the appeal was submitted, the MKD was obliged to provide all copies and hand over the regional level examination files.

4. Conclusion

The main objective of law enforcement carried out by law enforcers is to create justice, legal certainty and benefit. Enforcement of regulations on officials who make land deeds is carried out by the Supervisory Council and PPAT supervisors, starting from regional, regional to national levels. Even though the regulations strictly regulate the main duties, obligations and prohibitions against PPAT, there are still PPAT individuals who violate these, one of which is the prohibition on self-promotion. In practice, law enforcement carried out by MP3 is not strict enough regarding self-advertising violations committed by PPAT, this is also what makes PPAT not feel deterred by the sanctions given by MP3. The form of supervision and guidance carried out by the PPAT Supervisory Council and Trustees is by carrying out routine patrols which are carried out at least once a year and can be more if there are reports from the public, PPAT or MP3's own knowledge. If during supervision a violation is found, MP3 will follow up and hold a trial to assess whether the PPAT has committed a violation or not.

The legal consequences for PPATs who also as Notaries commit violations of advertising themselves will receive a verbal warning, written warning, temporary dismissal, honorable dismissal or dishonorable dismissal depending on the level of the violation committed. Even though Notaries

and PPATs are under different umbrellas, several violations committed by one person in the two positions they hold are subject to sanctions from only one of them, either based on PPAT sanctions alone or based on notary sanctions alone. In the city of Banda Aceh itself, sanctions for self-advertising violations were given to AR for the first time, the sanctions given were only verbal warnings and without any further supervision of the case.

5. Suggestion

PPAT supervisors and supervisors who are mandated either by the code of ethics, namely MKD or those appointed through Ministerial regulations, namely MP3, should be stricter towards PPATs who commit violations, and carry out regular monitoring of PPATs who are indicated to have committed violations. So, there is a deterrent effect on feeling watched if the PPAT concerned continues to repeat the violation. Supervision of the applicable rules should be carried out more strictly, if the rules relating to self-advertising are difficult to monitor and adjudicate, it would be better to revise the PPAT Code of Ethics, considering that these rules are also less relevant for use in today's era, where internet media becomes a necessity for everyone. However, if self-advertising rules are deemed important to regulate, then the rules and supervision carried out must be stricter and better so as not to harm other PPATs who do not do this because they respect the applicable rules.

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