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The Role of the Regional Supervisory and Supervisory Council (MPPD) in Handling Violations of the Code of Ethics for Land Deed Officials

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Abstract

Land Deed Making Officials (PPAT) play an important role in land transactions, as outlined in Government Regulations (PP) Number 24 of 2016. This regulation gives PPAT the authority to make authentic deeds for certain legal acts relating to land rights and ownership of apartment units. Given the breadth of authority held by PPAT, it is important to ensure compliance with ethical standards and legal regulations. To address this, the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (Permen ATR/BPN) stipulated Regulation Number 2 of 2018 which

regulates the Establishment of a Supervisory Board and Supervision of Land Deed Making Officials. The aim of this research is to analyze and explain the responsibilities and roles of the MPPD in handling violations of the PPAT code of ethics. Apart from that, it also aims to determine appropriate sanctions for PPATs who are proven to have violated the code of ethics and examine the preventive efforts carried out by MPPD to mitigate violations of the PPAT code of ethics.

Keywords: MPPD, Violations, Land Deed Making Official (PPAT), PPAT Code of Ethics

Introduction

Land is an important part of people's lives. As time goes by, the population continues to increase, causing the need for land to continue to increase. This gives rise to land problems that are often encountered in society. Currently, the need for land continues to increase, there are many reasons for this, population growth is one of the factors that causes the need for land to continue to increase. Land is an important part of people's lives.¹ In the pursuit of securing legal assurance for their land, individuals consistently strive to establish a sense of certainty. To ensure that their rights are protected and ownership is legally recognized, communities take the necessary step of registering the land, thereby obtaining an official certificate of title.

To ensure legal stability in the field of land, the government has implemented a system for registering land. This initiative is in accordance with Law No. 5 of 1960, also known as UUPA, which states in Article 19 (1) that "the government is obligated to carry out land registration across the entire territory of Indonesia, following the regulations set forth by the government." The responsibility and authority for conducting this land registration lies with the Head of the Land Office, an agency appointed by the government. As explained in Article 6 (1) PP No. 24 of 1997 concerning Land Registration, namely "in the context of carrying out land registration as intended in Article 5, the task of land registration is carried out by the Head of the Land Office". The purpose of land registration is to ensure legal certainty and legal protection of land ownership. To achieve government goals in terms of land management, especially in terms of administration, management and orderly maintenance of land.

PP No.24 of 2016 concerning Amendments to PP No.37 of 1998 concerning Regulations on the Position of Officials Making Land Deeds, which regulates the duties of PPATs in assisting land offices in carrying out land registration. PPAT's duties as a General Official are also mentioned in Article 6 (2) PP No.24 of 1997, it is explained 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 the

¹ Jimmy Joses Sembiring, *Panduan Mengurus Sertifikat Tanah*, Jakarta Selatan: Transmedia Pustaka, 2010, hlm. 1

PP and the Laws and Regulations. valid invitation. PPAT as a general official is not a general official who receives a salary from the government like Civil Servants (PNS).²

In accordance with applicable regulations, PPAT is given the authority to make certain deeds relating to the transfer and assignment of land rights,³ or often also called a deed for certain legal actions on land. The legal acts referred to include: buying and selling, exchanging, giving, sharing joint rights, income in a company, granting mortgage rights, granting building use rights/usage rights over land owned and granting authority to impose mortgage rights.⁴

On the basis of making a deed by the PPAT as intended above, namely to carry out changes to land registration data, it can be said that this is the authority of the PPAT to make the deed, which can later be used as evidence that certain legal acts or actions are related to land rights. has occurred between the parties. Therefore, it is very important to monitor the existence of PPATs from various angles, including the background of PPATs in carrying out their duties, especially if there is competition among PPATs in carrying out their duties and the influence of service provision between them. This is what sometimes becomes the trigger, causing unhealthy competition and actually violating applicable regulations, by no longer paying attention to the rights and obligations of PPAT in carrying out its duties and functions. This includes when the PPAT misunderstands or interprets the provisions for implementing the tasks for which it is responsible.

The PPAT deed, which is an authentic deed, is the strongest and most complete piece of evidence, so that the PPAT deed plays an important role in court if a dispute occurs between the parties. Therefore, PPAT in carrying out its duties or position must first prioritize the interests of the community and not solely for its own personal interests, and is obliged to guarantee the truth of the deeds it makes.⁵ This is found in every legal system that exists in social life.⁶ Thus, in making an authentic deed, including in making an AJB for a plot of land, the PPAT must have the funds to prioritize the principle of prudence, because the deed (AJB) made by the PPAT can be used as the basis for transferring land rights from the seller's name to buyer.⁷ Therefore, every deed made by PPAT according to PP No. 24 of 1997 must be registered at the local land office because the deed is the legal basis for the land office to transfer the name of ownership rights to land from the seller to the buyer. The PPAT must also read the AJB to related or interested parties and provide an explanation of the contents of the deed to

ensure that the party understands the contents of the AJB of land rights.⁸

The code of ethics plays an important role as a guideline for carrying out the professional duties of a PPAT. A code of ethics is a regulation that regulates a person's decision-making attitude and standards of behavior in their work as a public official in the field of land registration.⁹ In addition, the PPAT code of ethics limits the duties of land deed officials to maintain their honor and dignity and prevent unhealthy competition between them.¹⁰

The PPAT organization is the Association of Land Deed Officials (IPPAT) in accordance with the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 112/KEP-4.1/IV/2017 concerning Ratification of the Code of Ethics for the Association of Land Deed Officials,¹¹ functioning as a forum for all and every individual who carries out their duties as PPAT.¹² This code of ethics applies to all PPATs and replacement PPATs. In this case, it helps the PPAT organization determine sanctions against members who violate their duties and obligations and violate the prohibitions stated in the code of ethics. As an official, PPAT assists BPN in carrying out land registration.

Supervision, guidance and control are also needed to prevent unethical practices on the ground. The guidance and supervision regulations of the PPAT were previously established in Article 33, Paragraph 1, of PP No. 24 of 2016 (amending Regulation No. 37 of 1998 on the Position of Officials for Issuing Land Deeds). It explains that the person responsible for guiding and supervising the implementation of the PPAT's tasks is the Minister. The guidance and supervision of the PPAT is to evaluate the performance of the PPAT in management, reporting and public service without ignoring the legal convictions contained in the enacted laws. This must be done so that land disputes are not caused again.

The issuance of ATR/BPN Ministerial Regulation No. 2 of 2018 concerning the Development and Supervision of Land Deed Drafting Officials. With this regulation, PPAT's guidance and supervision function becomes stronger. This is expected to meet PPAT's needs and monitor their work activities. This Ministerial Regulation is a guideline in carrying out guidance and supervision which aims to create land deed making officials who are professional, have integrity and carry out their duties and obligations in accordance with statutory regulations and the PPAT code of ethics.¹³

The reality that occurs in the field is that there are still violations of the code of ethics committed by PPAT, such as PPAT determining honorarium services in excess of the

² 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*, Volume 10(1), 2023, pp. 65-73.

³ Habib Adjie, *Merajut Pemikiran Dalam Dunia Notaris & PPAT*, Bandung: PT Citra Aditya Bakti, 2014, hlm. 91.

⁴ Gustav Pardosi, *PPAT Sebagai Pejabat Umum*, Jakarta: Citra Ilmu, 2018, hlm. 14.

⁵ 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.

⁶ Oemar Moechthar, "Dasar-dasar Teknik Pembuatan Akta", Surabaya: Airlangga Universitas Press, 2017, hlm. 2.

⁷ Pandu Ismanto, *Tanah Dan PPAT*, Bandung: Refika Aditama, 2009, hlm. 77.

⁸ Darwanto Gunawan, *Membedah Akta PPAT*, Jakarta: Rineka Cipta, 2009, hlm. 51.

⁹ Hatta Isnaini Wahyu Utomo, *Memahami Peraturan Jabatan Pejabat Pembuat Akta Tanah*, Jakarta: Kencana, 2020, hlm. 147.

¹⁰ Sigit Supto Nugroho, (et. al), *Etika Profesi Hukum*, Jawa Tengah: Lakeisha, 2022, hlm. 94.

¹¹ Kode Etik Ikatan Pejabat Pembuat Akta Tanah Nomor 112/KEP-4.1/IV/2017.

¹² Hatta Isnaini Wahyu Utomo, *Loc. Cit.*

¹³ Miftahul huda dan Ani Suhaini, "Kewenangan Majelis Pembina dan Pengawas Daerah Terhadap Pelanggaran Kode etik Oleh Pejabat Pembuat Akta Tanah Dalam Melaksanakan Jabatannya", *Jurnal Hukum*, Vol 20, Nomor 2, hlm. 637, 2023.

applicable provisions.¹⁴ Apart from that, deeds are canceled by the Court because they are deemed to be unlawful acts.¹⁵ Likewise, PPAT committed acts that violated the code of ethics, in the process of making land sale and purchase deeds (AJB)¹⁶ and making AJB without the presence of the parties.¹⁷ Violations like this can cause legal uncertainty and harm one of the parties involved in the land transaction.

One of the cases related to violations of the code of ethics in the process of making AJB carried out by PPAT in Banda Aceh City is a case of unlawful acts contained in the Banda Aceh District Court Decision Case Number 18/Pdt.G/2021/PN. This case was then appealed to the Banda Aceh High Court Number 118/PDT/2021/PT BNA, and strengthened by the cassation decision at the Supreme Court of the Republic of Indonesia (RI) Number 1787 K/Pdt/2022. The plaintiff requested the cancellation of the Deed of Sale and Purchase Agreement known as the Sale and Purchase Agreement (PPJB) and AJB issued by defendant IV (PPAT) Number: 57 dated 23 January and Number: 35 dated 07 February 2019.

The background to the lawsuit is that on January 23 2019 the Plaintiff took her husband (who has now died) to the PPAT office (Defendant IV) to make a PPJB. With the consent of her husband who was still alive at that time, the Plaintiff made a PPJB with the Defendant at that time, the Plaintiff made a PPJB with Defendant I, and the agreement was stated in a PPJB Deed. However, when the deed was signed by the Plaintiff and her husband, Defendant IV was not there. The deed to be signed was given by the staff of defendant IV, and the staff did not explain the main contents and important clauses in the PPJB and AJB Deeds.

Based on the description above, this research will raise the title "The Role of the Regional Supervisory and Supervisory Council (MPPD) in Handling Violations of the Code of Ethics for Land Deed Officials."

Research Methods

This research is empirical juridical research, also known as field research, which is the type of research used. In other words, studying the legal certainty that applies and events that occur in society.¹⁸ Empirical juridical research is literature and field research that uses statutory legal materials and legal facts that occur in the field. Literary research collects legal materials or secondary data to examine the provisions of a system of norms or rules, and

field research collects primary data or examines events that occur in society.

The approach used in this research is as follows:

- a. The statutory approach is a method of resolving legal problems using existing laws and regulations. In this approach, law is considered the main source of information that must be used as a reference in resolving legal problems.¹⁹
- b. Conceptual Approach. The views and doctrines that develop in legal science are the basis of the conceptual approach. These view and doctrine are studied in legal science, legal concepts, and legal principles that are relevant to the problems at hand. Understanding these perspectives and principles is the basis for research in building arguments and solving the problems faced.²⁰
- c. Case Approach. In the case approach, the Court looks at various cases related to the issue and makes a decision that has legal force. The main study in the cases approach is ratio decidendi or reasoning, namely the reasons used by the court to make decisions.²¹

The research location was carried out in the Municipality of Banda Aceh. The reason for choosing this location was because there were cases of violation of the PPAT code of ethics and easy access, and it was very relevant to the title of the research. Meanwhile, the research population is members of the PPAT Advisory and Supervisory Council, IPPAT administrators, and PPAT located in the Municipality of Banda Aceh. From this population several respondents and informants were taken to be used as samples.

The data analysis used is qualitative analysis. Data was collected from research in the field through interviews and literature case studies. After that, the data that has been collected is analysed again to find answers to questions originating from the hypothesis or research problem formulation. Next, the results of the analysis are connected to the Legislative Regulations and theories used and then explained in sentence form and research conclusions are drawn to find solutions to each problem found.

Results and Discussion

A. MPPD's Role and Responsibilities in Handling Violations of the PPAT Code of Ethics

In carrying out its tasks, the PPAT has bodies responsible for guidance and supervision at the district, regional and central levels. The implementation is regulated by ATR/BPN Ministerial Regulation No. 2 of 2018. The aim of this provision is to achieve effectiveness and efficiency, as well as realizing quality and professional PPAT. In the ATR/BPN Ministerial Regulation No.2 of 2018, there are several points that regulate the supervision and guidance of PPAT. The authority to carry out supervision and guidance is determined, namely through the formation of a PPAT supervisory board. Based on Article 3 (1) the scope of this Ministerial Regulation includes:

- a. PPAT coaching and supervision.
- b. Establishment of a board of trustees and supervisors of PPAT.

¹⁴ Denny Chandra, "pelaksanaan ketentuan besaran uang jasa pejabat pembuat akta tanah di kabupaten Bener Meriah", *Tesis*, Banda Aceh: Universitas Syiah Kuala, Darussalam, hlm. 1, 2023.

¹⁵ Amira Fadlita, "Pertanggung Jawaban Pejabat Pembuat Akta Tanah Terhadap Akta Jual Beli Atas Tanah Yang Dibatalkan Oleh Pengadilan", *Tesis*, Banda Aceh: Universitas Syiah Kuala, Darussalam, hlm. 1, 2023.

¹⁶ Indah Mustika, Yusri dan Siti Rahmah, "Legal Consequences for the Parties of the Cancellation of the Deed of Sale Which in the Process of Making is an Unlawful Action Performed by the PPAT", *International Journal of Law*, Volume 9, hlm. 183-188 2023.

¹⁷ Fauzi Rahman, "Pembuatan Akta Jual Beli Oleh Pejabat Pembuat Akta Tanah Sementara tanpa Kehadiran Para Pihak", *Tesis*, Banda Aceh: Universitas Syiah Kuala, Darussalam, hlm. 1, 2023.

¹⁸ Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, Jakarta: Rineka Cipta, 2012, hlm. 126.

¹⁹ Ronny Hanitijo Soemitro, *Metode Penelitian Hukum dan Jurimetri*, Bogor: Ghalia Indonesia, 2015, hlm. 9.

²⁰ Peter Mahmud Marzuki, *Op. Cit.*, hlm. 136.

²¹ *Ibid*, hlm.134.

- c. Work procedures for examining suspected PPAT violations.
- d. Legal assistance for PPAT.

In carrying out their duties and positions, PPAT professionals are required to carry out their duties and authority as officials who have been appointed to make authentic deeds, because PPAT deeds are one of the main sources for maintaining land registration data in Indonesia. For the implementation of the authority of the PPAT position as mentioned above, so that it can run well, guidance and supervision is needed to improve the quality of the PPAT, as well as being preventive and repressive.

Legal development must be carried out as part of national development to increase legal awareness, guarantee enforcement, services and legal certainty. PPAT has a big responsibility in relation to the community, and supervision and guidance are needed to maintain the honor and dignity of the position. Guidance and supervision of PPAT is carried out by an organization so that the PPAT carries out its duties in accordance with applicable laws and regulations and the PPAT code of ethics.

Guidance carried out by MPPD with socialization methods related to regulatory policies governing PPAT obligations and prohibitions which are guided by PP No.24 of 2016,²² this form of socialization is carried out through coordination meetings held by MPPD 1 (time) in a year.²³ Supervision of the implementation of the PPAT's position is carried out to ensure that the PPAT carries out the PPAT's obligations and positions in accordance with the provisions of the Law.²⁴ This means that in this case the MPPD has an important role in carrying out supervision over the PPAT carrying out its office. This can take the form of actively carrying out inspections of PPAT obligations related to the protocol in the form of:²⁵

1. Deed register book
2. Original deed
3. Documents supporting the deed
4. Report archive
5. Agenda
6. Letters

Supervision as regulated in Article 1 (3) is a preventive or repressive administrative action carried out by the Minister to ensure that PPAT carries out its duties in accordance with the legislation. According to Article 9 (1), the purpose of this supervision is to ensure that PPAT carries out its obligations and responsibilities in accordance with statutory provisions. According to Article 12 (1), supervision is the enforcement of legal rules in accordance with the provisions of Legislation in the field of PPAT as intended in Article 8 letter b. This supervision is carried out through inspections at the PPAT office or through other supervision methods. If the Ministry finds that there is a violation in the

implementation of the PPAT's office, or if a complaint about an alleged violation is filed.²⁶

The purpose of holding public complaints is to form or produce quality PPATs and carry out their duties and positions in accordance with the regulations and code of ethics that apply to PPATs. Complaints submitted by the public must meet the requirements for the complaint to be accepted, namely by having the identity of the complainant or community member making the complaint as well as the identity of the PPAT suspected of committing the violation, then attaching evidence related to the alleged violation of the code of ethics committed.²⁷

Violation committed by PPAT can be in form of not carrying out obligations stipulated in the Legislative Regulations, violating the prohibitory provision stipulated in the Legislative Regulations or violating the code of ethics. Follow-up supervision of PPAT is very important in upholding its functions.²⁸

The Councils of Trustess and Supervisor of LandDeed Making Officials in the Banda Aceh Municipality area consists of 5 people, 2 people from government elements and 3 people from the organizational element of the Association of Land Deed Making Officials (IPPAT). The positions of chairman of the supervisory council and supervisor of land deed making officials at the central, regional and regional levels follow the positions at the ministry in the sense that the position of chairman of the MPPD continues to be based on his position even though the officials change.²⁹ Regarding supervision in the field of enforcing legal rules, this is related to the ethics of a PPAT in carrying out his position. Supervision carried out by the Board of Trustes and Supervisor of PPAT is preventive supervision and repressive supervision.³⁰

1. Preventive supervision

Preventive supervision carried out by the Banda Aceh Municipality land office is one of the most important efforts in ensuring optimal PPAT performance. One of the methods used in this preventive supervision is by visiting PPAT offices directly. By visiting PPAT offices, MPPD can directly check PPAT's performance in carrying out its duties, this aims to ensure that PPAT is running well and in accordance with established standards. During this visit, supervisory officers can directly monitor the supervision process carried out by PPAT, including verification of required documents and data.

Based on information from Mr. Dian Ayunda S.H., M.H as a member of the Banda Aceh Municipality PPAT Regional Supervisory and Supervisory Council from the ministry element, so far the PPAT Regional Supervisory and Supervisory Council has not carried out an examination of PPAT which violated the code of ethics, and also does not

²² Peraturan Pemerintah Nomor 24 Tahun 2016 Tentang Perubahan Atas Peraturan Pemerintah Nomor 37 Tahun 1998 Tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah.

²³ Wawancara dengan anggota MPPD bapak Dian Ayunda S.H., M.H., pada tanggal 6 November 2023 di Kantor Pertanahan Kota Banda Aceh, jam: 11.32.

²⁴ Ani Suhaini, "Kewenangan Majelis Pembina Dan Pengawas Daerah Terhadap Pelanggaran Kode Etik Oleh Pejabat Pembuat Akta Tanah Dalam Melaksanakan Jabatannya", vol. 20, No. 2, *Jurnal Hukum*, hlm. 681, 2023.

²⁵ Mustofa, *Tuntunan Pembuatan Akta-Akta PPAT*, Yogyakarta: Karya Media, 2017, hlm. 16.

²⁶ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nomor 2 Tahun 2018 tentang Pembinaan dan Pengawasan Pejabat pembuat akta Tanah.

²⁷ Hatta Isnaini Wahyu Utomo, *Memahami Peraturan Jabatan Pejabat Pembuat Akta Tanah*, Jakarta: Kencana, 2020, hlm. 125-127.

²⁸ Wawancara dengan anggota MPPD bapak Dian Ayunda S.H., M.H., pada tanggal 6 November 2023 di Kantor Pertanahan Kota Banda Aceh, jam: 11.32.

²⁹ Wawancara dengan anggota MPPW bapak Nazriansyah S.T.P., pada tanggal 13 Oktober 2023 di Kantor Kanwil BPN pada jam: 15.20.

³⁰ Hatta Isnaini Wahyu Utomo, *Op. Cit*, hlm. 82.

know about the case that ensnared him, because there were no reports from the public and from the IPPAT organization itself which reported to the Banda Aceh Municipality regional land office.³¹

2. Repressive supervision

In Article 30 of the ATR BPN Ministerial Regulation No. 2 of 2018 concerning the guidance and supervision of PPAT, the authority to examine alleged violations committed by the MPPD has 4 stages, namely:

- The first level examination is an examination by the MPPD for alleged violations by the PPAT.
- If it is proven that the PPAT has committed a violation, a written warning will be given.
- Form and assign an inspection team to public reports.
- MPPD as an inspection team must not have family or marital relations with the PPAT being examined.

Based on information from Mrs. Yuniarti, S.H., M.Kn., who is a member of the MPPD and head of the Land Deed Drafting Officer (IPPAT), there are several important things that need to be paid attention to regarding the supervision of the PPAT code of ethics. stated that so far there has been no monitoring action in the form of preventive action from the MPPD or the Land Office. This indicates a deficiency in the preventive measures that should be taken to ensure compliance with the code of ethics and standards of professionalism. Apart from the lack of preventive measures, Mrs. Yuniarti S.H., M.Kn also highlighted that there were no repressive measures taken by the Banda Aceh Municipality Land Office regarding the violations that occurred. These repressive measures are important to provide sanctions and deterrent effects to violators, as well as ensuring that violations do not recur in the future. The absence of these two types of action, both preventive and repressive, indicates the need for improvements in the supervisory system at the land office. With more effective supervisory measures, it is hoped that compliance with the code of ethics can be better maintained and the integrity of the PPAT profession can be maintained.³²

B. Mechanism for Determining Sanctions against PPATs that Violate the Code of Ethics

Examination or handling of alleged violations committed by PPAT is carried out starting from the MPPD level. MPPD follows up on reports of alleged violations committed by PPAT by conducting an examination of the reported PPAT. If the alleged violation committed by the PPAT has been clearly proven and real, the head of the land office can immediately issue sanctions in the form of a written warning letter to the PPAT without going through an inspection by the MPPD. Handling of PPATs suspected of committing violations is clearly regulated in Minister of Agrarian Regulation No. 2 of 2018.³³

Handling PPAT violations begins with the PPAT inspection stage. It starts with summoning the PPAT which is reported via a letter signed by the MPPD chairman. After that, the

MPPD will summon and hold a meeting to carry out the PPAT examination process and determine whether the PPAT has committed a violation. In urgent situations, a summons can be sent via facsimile or electronic mail, immediately followed by an official summons letter. The reported party must appear in person to fulfill the summons and must not be accompanied by a legal advisor. The first summons is made no later than seven calendar days before the examination.³⁴

If the first summons does not arrive until the seventh calendar day of the report from the date of the summons, a second summons will be made. If within seven calendar days after the second call the reported person does not come, make a third call. Furthermore, if seven working days after the third summons does not come, the examination process can continue without the presence of the reported party. Information from the reported party is stated in the minutes of providing information signed by the examiner and the reported party. If the reported party does not want to sign the minutes of providing information, the examination can still be continued without the presence of the reported party. Information from the reported party is stated in the minutes of giving information signed by the examiner and the reported party. If the reported party does not want to sign the minutes of providing information, the examination can still continue. Decision making is carried out at a discussion meeting held at the Land Office. Furthermore, the results of the discussion meeting are presented in the form of minutes of decision making. The results of the MPPD inspection are made in the form of an inspection report and submitted to the Head of the Land Office. The inspection report contains the reasons and considerations that are used as a basis for providing recommendations in giving decisions and types of sanctions against the reported PPAT. Recommendations for giving decisions and types of sanctions against the reported PPAT are in the form of:³⁵

- Issuance of a written warning. Based on the findings of the inspection (in the form of a recommendation to impose a written warning), the Land Office Head then sends a written warning letter to the PPAT.
- Sanctions in the form of temporary discharge, honorable discharge, or dishonorable discharge. Based on the findings of the inspection in the form of a recommendation for temporary discharge, honorable discharge, or dishonorable discharge, the Land Office Head submits a proposal to the Regional Office Head who serves as the MPPW Chair.
- No evidence of any violation. If the findings of the inspection do not provide evidence of a violation, the Land Office Head will notify the relevant PPAT and provide a copy to the Regional Office Head. The written warning letter contains the types of violations and follow-up actions that must be fulfilled by PPAT.

The written warning letter is valid for a period of one month. If PPAT does not comply or does not follow up on the first written warning within a period of four days, a second written warning can be immediately given. Sanction in the form of written warnings are given a maximum of two times and the PPAT continues to commit violations, the

³¹ Wawancara dengan anggota MPPD bapak Dian Ayunda S.H., M.H., pada tanggal 6 November 2023 di Kantor Pertanahan Kota Banda Aceh, jam: 11.32.

³² Wawancara dengan Ketua IPPAT (anggota MPPD dari unsur PPAT) Ibu Yuniarti S.H., M.Kn. S, pada tanggal 16 November 2023 di Kantor Notaris/PPAT jam 16.29.

³³ Wawancara dengan anggota MPPD bapak Dian Ayunda S.H., M.H., pada tanggal 6 November 2023 di Kantor Pertanahan Kota Banda Aceh, jam: 11.32.

³⁴ Wawancara dengan anggota MPPW bapak Nazriansyah S.T.P., pada tanggal 13 Oktober 2023 di Kantor Kanwil BPN pada jam: 15.20.

³⁵ *Ibid*, hlm. 133-134.

Head of the Land Office reports to the Head of the BPN Regionall Office to be given sanctions in the form of temporary dismissal.³⁶ A PPAT that is subject to sanctions in the form of a written warning by the Head of the Land Office can submit a written objection to the Head of the BPN Regional Office within a maximum period of fourteen working days after the warning letter is received. However, if the violation committed by PPAT has been clearly proven and real, PPAT cannot raise an objection.³⁷

Based on Article 5 (1) of PP No. 24 of 2016,³⁸ it is stated that the appointment and dismissal of PPAT is carried out by the Minister, then if in the recommendation for a decision the sanctions imposed on PPATs who commit violations of decision making must be carried out in stages or must be coordinated vertically upwards based on level. Supervisory Board. The first recommendation for sanctions is through the MPPD level, then if further action is needed, the results of the recommendations will be forwarded to the MPPW and the MPPW will carry out further investigations regarding the recommendations. Furthermore, if the MPPW, in the case of a land PPAT, continues to carry out his position even though he has violated the PPAT code of ethics, the MPPD will carry out an inspection there.³⁹

This is contrary to the facts on the ground, the MPPD structure in Banda Aceh Municipality has been formed since 2018 but is still not operational. Evidence that the effectiveness of the MPPD has not been implemented is that there are still many violations of the code of ethics committed by PPAT, including violations of position, not carrying out obligations as regulated in the Legislative Regulations, violating the prohibitory provisions regulated in the Legislative Regulations and violations of the code of ethics such as has been mentioned in Article 12 (2) ATR/BPN Ministerial Regulation No. 2 of 2018.

C. Efforts Made by MPPD to Prevent Violations of the PPAT Code of Ethics

Efforts made by the MPPD to prevent violations of the code of ethics in carrying out their duties and positions have been carried out by providing guidance and supervision. Regarding the guidance mentioned in Article 7 (2) of ATR/BPN Ministerial Regulation No. 2 of 2019, in the form of transmission and interpretation of the guidelines established by the Minister for the implementation of the PPAT mission in accordance with the provisions of: legal regulations and socialization, dissemination of guidelines and legislative orders, land invitations, and the implementation of PPAT tasks and functions in accordance with the Code of Ethics, which are carried out on a regular basis.

In response to this guidance, several efforts have been made. Guidance of meetings held by the IPPAT organization. Among them, the leadership of the IPPAT organization

asked the MPPD members of the BPN members to provide guidance in the form of transmission and interpretation of the guidelines established by the Minister for the implementation of the PPAT mission in accordance with the provisions of the Regulation. Legislation and socialization, dissemination of policies and land laws and regulations, in short providing socialization if there are new laws and regulations. It is hoped that all PPATs in the City of Banda Aceh can clearly understand what is being socialized by the MPPD so that they can avoid mistakes when carrying out their duties and positions. Guidance on the implementation of PPAT duties and functions according to the code of ethics is carried out by the IPPAT organization. If there is a report from the PPAT that there are several PPATs who have committed violations ranging from minor violations to serious violations, the IPPAT chairman chooses to take persuasive action by giving directions to the PPAT concerned and reminding him that what he has done is something that violates the Laws and Code of Ethics. The IPPAT chairman does not immediately report directly to the MPPD even though this can be done because in article 12 paragraph (3) letter b it is said that complaints regarding alleged violations committed by the PPAT can come from the IPPAT.⁴⁰

Reviewing the violations that still occur at PPAT, MPPD monitoring efforts to increase PPAT compliance in carrying out their duties and positions have been carried out by MPPD in the form of inspections at the PPAT office for the purpose of periodic supervision, as mentioned in Article 5 (2) of the ATR Ministerial Regulation/ BPN No. 2 of 2018.⁴¹ MPPD has carried out this guidance by conducting inspections at the PPAT office to identify possible violations of the code of ethics at an early stage. This supervision and guidance aims to ensure that any potential violations of the code of ethics can be immediately identified before they develop into more serious problems. To consistently monitor suspicious activities, MPPD carries out routine guidance and supervision.

This process is carried out once a year, monitoring and coaching and which is carried out consistently allows early detection of any actions that violate the code of ethics. With early detection, MPPD can immediately take the necessary preventive actions. These preventative measures aim to stop violations before they actually occur. Through a strict and routine supervision and coaching approach, MPPD strives to create an ethical and professional work environment. These steps not only help in maintaining ethical standards, but also increase public confidence in the PPAT profession.⁴²

Based on information from Mrs. Novi Sri Wahyuni S.H., M.Kn., who is a member of the MPPW from the IPPAT element, MPPD must also carry out regular outreach regarding violations of the code of ethics to all PPAT members. Through periodic workshops, seminars and training, PPAT is given an in-depth understanding of the importance of a code of ethics in maintaining the integrity

³⁶ Pasal 36 Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 2 Tahun 2018 Tentang Pembinaan dan Pengawasan Pejabat Pembuat Akta Tanah.

³⁷ Pasal 37 ayat (1) dan (2) Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 2 Tahun 2018 Tentang Pembinaan dan Pengawasan Pejabat Pembuat Akta Tanah.

³⁸ Peraturan Pemerintah Nomor 24 Tahun 2016 tentang perubahan atas Peraturan Pemerintah Nomor 37 tahun 1998 tentang Peraturan jabatan Pembuat Akta Tanah.

³⁹ Wawancara dengan anggota MPPD bapak Dian Ayunda S.H., M.H., pada tanggal 6 November 2023 di Kantor Pertanahan Kota Banda Aceh, jam: 11.32.

⁴⁰ Wawancara dengan Ketua IPPAT (anggota MPPD dari unsur PPAT) Ibu Yuniarti S.H., M.Kn. S, pada tanggal 16 November 2023 di Kantor Notaris/PPAT jam 16.29.

⁴¹ Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 2 Tahun 2018 Tentang Pembinaan dan Pengawasan Pejabat Pembuat Akta Tanah.

⁴² Wawancara dengan anggota MPPD bapak Dian Ayunda S.H., M.H., pada tanggal 6 November 2023 di Kantor Pertanahan Kota Banda Aceh, jam: 11.32.

and reputation of the organization. This education is very important for every PPAT to be aware of their role and responsibility in complying with the established code of ethics. These workshops, seminars and training not only provide theory but also real examples of violations of the code of ethics. These examples are taken from actual cases that have occurred, so that PPAT can see the real impact of these violations. Through this approach, it is hoped that PPAT can better understand the consequences of unethical actions. Apart from that, the education provided also includes an analysis of the consequences of violating the PPAT code of ethics. By understanding the negative impacts that can be caused, PPAT is expected to be careful in its actions and always consider ethical aspects in every decision it makes. This is important to prevent violations and maintain the reputation of the PPAT organization. By providing regular outreach and education, MPPD strives to create an ethical and professional work culture. This step is part of a comprehensive effort to ensure that every member of the organization understands and complies with the applicable code of ethics, so as to minimize the potential for future violations.⁴³

MPPD also provides firm and fair sanctions for proven violations of the code of ethics. This sanction is not only aimed at punishing the perpetrator, but also as an educational effort so that similar violations are not repeated in the future. By ensuring that every violation is signed off seriously and transparently, MPPD affirms the organization's commitment to integrity and professionalism.⁴⁴

However, it is a shame that monitoring has not been carried out regularly. Since the formation of the Regional Supervisory Council (MPPD) in Banda Aceh City in 2018, the implementation of PPAT coaching in the form of inspections at the PPAT office is only carried out at least once a year. Depends on the available budget. This is certainly an obstacle in ensuring PPAT's performance and compliance with applicable regulations. As a result of budget limitations, supervision that could be carried out more often becomes hampered, and the potential for undetected violations is greater. The PPAT will determine which inspections will be carried out directly at the office and will be carried out randomly and only if a report is received. Apart from that, MPPD tends to be reactive by waiting for reports from the public or IPPAT before taking action. This approach raises concerns about the lack of preventive and proactive supervision that should be carried out to maintain the integrity and professionalism of PPAT. Thus, more efforts are needed to increase the frequency and quality of supervision to ensure better service. It can be said that inspections at the PPAT office for the purpose of periodic supervision do not yet have a clear mechanism, so there is no guarantee that the PPAT will commit a violation. Because there are so many PPATs, in the end, inspections have not been carried out at the PPAT office for periodic supervision, so there are still many violations committed by PPATs both related to the implementation of their positions

⁴³ Wawancara dengan PPAT (anggota MPPW dari unsur IPPAT) Ibu Novi Sri Wahyuni S.H., M.Kn., pada tanggal 26 Februari 2024 di Kantor Notaris/PPAT, jam: 14.32.

⁴⁴ Wawancara dengan staf Kantor Wilayah BPN Banda Aceh bapak Teuku Pitra Mulia S.H., M.H., pada tanggal 13 Oktober 2023 di Kantor Kanwil BPN pada jam: 15.20.

and apart from that, administrative sanctions cannot be implemented as they should.⁴⁵

Conclusion

MPPD has the responsibility to supervise and provide guidance to PPAT in carrying out its duties, including in making deeds in accordance with statutory regulations to improve the quality of PPAT's work. In addition, MPPD has the responsibility to follow up on reports of alleged violations committed by PPAT. MPPD receives complaints from the public who have been harmed by PPAT violations and carries out investigations and provides recommendations for imposing sanctions on the PPAT concerned. To deal with violations of the code of ethics committed by PPAT, people who feel disadvantaged can submit a complaint to the MPPD. Complaints received will be carefully examined by MPPD to ensure their veracity. If during the investigation sufficient evidence is found to indicate a violation of the code of ethics, the MPPD will summon the PPAT concerned to attend a hearing at the PPAT Advisory and Supervision Council. This trial aims to discuss the case that occurred and determine appropriate sanctions according to the level of the violation committed. The sanctions that MPPD can impose vary depending on the seriousness of the proven violation. Some forms of sanctions that may be given include written warning, temporary dismissal, honorable dismissal or dishonorable dismissal. The decision regarding this sanction was taken after a trial and based on the considerations of the PPAT Advisory and Supervisory Board.

The efforts made by MPPD to prevent violations of the code of ethics are by providing regular guidance and supervision. This process is carried out once a year, monitoring and coaching and which is carried out consistently allows early detection of any actions that violate the code of ethics. With early detection, MPPD can immediately take the necessary preventive actions. The obstacles in providing guidance and supervision of PPATs are influenced by several factors, one of which is the head of the land office ignoring the implementation of guidance and supervision of PPATs, because the land office has quite a lot of work to do every day, a lack of human resources and a limited central budget.

Suggestions

Suggestions for the MPPD's role are to increase more intensive supervision and guidance of PPAT through regular supervision and conducting inspections at the PPAT office to ensure that PPAT complies with regulations and does not violate the PPAT code of ethics. Suggestions for determining sanctions must apply clear and consistent procedures in imposing sanctions so that injustice does not occur or sanctions have been imposed to ensure that PPAT complies with the provisions of the Laws and Regulations.

It is recommended that in an effort to prevent violations of the code of ethics, socialization is carried out to increase awareness about the importance of professional ethics among PPATs, and to develop and update the code of ethics periodically to overcome the challenges and dynamics of the profession which continues to develop.

⁴⁵ Wawancara dengan PPAT Kota Banda Aceh Ibu Gita Melisa, S.H., M.Kn., M.h., pada tanggal 26 Februari 2024 di Kantor PPAT/Notaris pada jam: 13.00.

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