

The Role of the Regional Advisory and Supervisory Board Regarding the Responsibilities of Temporary Land Deed Making Officials in Storing Protocols

Ahmad Firdaus^{1*}, Rosita Indrayati², Andika Putra Eskanugraha³
^{1,2,3}Universitas Jember, Indonesia

Address: Kalimantan Road Number 37, Summersari, Jember, Indonesia
Corresponding author : ahmadfirdaus@gmail.com*

Abstract. PPAT is an important part of the land registration system in Indonesia which has the authority to make authentic deeds. The main task of PPAT is to make deeds stating that certain legal acts related to land ownership have been fulfilled which will be the basis for data on land transfer registration. In order to maintain quality and continue to carry out its duties carefully, guidance and supervision are needed for PPAT. Based on Article 1 of PMNA/KBPN 2/2018, the Minister authorizes MP2D to carry out guidance and supervision of PPAT in the form of conveying policies that have been determined by the Minister regarding the implementation of PPAT duties, socialization, dissemination, inspections to PPAT offices, and guidance on the implementation of PPAT duties and functions in accordance with the Code of Ethics. Guidance and supervision of PPAT as regulated in the ministerial regulation also applies to PPATS, Substitute PPAT, and Special PPAT. However, there are still many legal problems found, such as not reading or explaining the deed in front of the parties and witnesses, and especially related to the storage of PPAT protocols. The normative research method used in this study is the type of normative juridical legal research using 2 (two) legal approaches, namely the legislative approach and the conceptual approach. The Result is MP2D plays a role in supervising PPAT, especially PPATS in carrying out its duties to ensure that PPATS has carried out its duties and functions as mandated by the Head of the Land Office, to maintain and ensure that services continue to run in accordance with the provisions of laws and regulations, ensure that professional ethics are well maintained, minimize violations, provide understanding, improve discipline and service to PPATS, especially related to maintaining the PPATS protocol which is a state archive that must be maintained, cared for and stored properly and safely.

Keywords: Legal Protection, Children, Criminal Acts, Diversion.

1. INTRODUCTION

Land is the property of all Indonesian people. down hereditary (Mahardika, 2022). Country can control land only solely Forinterests and welfare and/or prosperity of its people, as poured out in Chapter 33 Paragraph (3) Constitution Base Country Republic Indonesia 1945 (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia). The regulation of land in Indonesia is stipulated in Constitution Number 5 Year 1960 about Regulation Base Agrarian Principles (hereinafter referred to as the Basic Agrarian Law) which aims to provide a sense of justice and legal certainty for the community.

Registration land is series activity Which done by Government in a way Keep going continuously, continuous And regular (Rahmi, 2020). Series activities show all registration implementation activities land that is related and sequential becomes one series to create land registration purposes. Keep going continuously, continuous, regular means that allactivities must be based on applicable laws and regulations, because results is data

proof in a way law. Implementation activity registration land implemented by the Ministry of Agrarian and Spatial Planning/ Agency Land National Republic Indonesia (hereinafter referred to as the Ministry of ATR/BPN).

The Ministry of ATR/BPN has the task of providing legal protection and legal certainty to land rights holders, including through land registration activities (Mahardika, 2022). So that with the guarantee certainty law in field land so organization land registration can be carried out effectively (Harsono, 2005). The Ministry of ATR/BPN in carrying out its duties and functions in terms of registering the transfer of land rights is assisted by the Land Deed Making Officer (hereinafter referred to as PPAT).

PPAT is an important part of the land registration system in Indonesia which has the authority to make authentic deeds. PPAT products in the form of authentic deeds are the basis for changes to land registration data, in addition to functioning as the most appropriate and complete evidence in court, if there is a dispute over rights and obligations between the parties who entered into an agreement before the PPAT (Santoso, 2014).

Based on Government Regulation Number 24 of 1998 concerning the Regulation of the Position of Land Deed Makers which has been amended by Government Regulation Number 24 of 2016 (hereinafter referred to as PP PPAT), the definition of PPAT is a public official who is authorized to act or carry out good faith in relation to certain legal processes related to land or apartment ownership rights. According to Boedi Harsono, a public official is someone appointed by the government who has the duty and authority to serve the community in certain fields (Salim HS, 2016).

As stipulated in Article 1 of the PP IPPAT, PPAT is divided into 3 (three) types, namely: 1) PPAT, 2) Temporary PPAT (hereinafter referred to as PPATS) who is appointed to carry out PPAT duties in areas where there are not enough PPATs, 3) Special PPAT is a BPN official who is appointed to make deeds, specifically based on the implementation of programs, or certain government tasks.

The main task of the PPAT is to carry out a number of registration activities by issuing certificates stating that certain legal acts related to land or apartment ownership have been fulfilled, in this case in accordance with Article 2 paragraph (1) of the PP IPPAT which will be the basis for land registration data caused by a legal act. Certain legal acts can include buying and selling, exchanging, granting, entering into a company (*inbreng*), distributing Joint Rights, granting Building Use Rights or Use Rights over Land Ownership Rights, granting Mortgage Rights and granting power to encumber Mortgage

Rights. The authority of the PPAT is regulated in Article 3 paragraph (1) of Article 2 paragraph (1) of the PP IPPAT which states:

"PPAT has the authority to make authentic deeds regarding all legal acts as referred to in Article 2 paragraph (2) regarding land rights and ownership rights to apartment units located in his work area."

Regarding the duties and authorities of the PPAT to assist the head of the land office related to land registration by making a deed that will be used as a basis for registering changes to land registration data and in accordance with the PPAT as a public official, in this case the deed that has been made is given the status of an authentic deed. Referring to Article 1868 Book Constitution Law Civil (BW) that the Deed authentic contain 3 (three) element namely: *First* , in form Which determined by Constitution (*welcome in with wet form is download*); *second* , made by or in in front official general authorized to That (*door of ten overstated van openbare ambtenaren*); And *third* , in place in where deed That made by him (Mertokusumo, 2009). Act PPAT including to in Wrong One source data For look after data registration land, so that must designed such that appearance so that can become base Which strong For transition right as well as For loading right Which concerned.

The PPAT deed is made as evidence that a legal act related to land has been carried out. Land transactions are divided into 2 (two), namely transactions whose object is the land itself (transactions on land) such as buying and selling, bartering, grants, etc., and transactions that do not directly involve land as the object of the transaction (transactions involving land). In land transactions as the object of additional agreements (*accessoir*), for example, debt agreements. The PPAT deed is used as evidence to secure legal events in order to avoid disputes. Therefore, the preparation of the deed must be made in such a way that it is free from unclear matters that can cause disputes in the future. So that the PPAT in carrying out his position must always comply with laws and regulations and ethics in carrying out his duties which require guidance and supervision.

Article 1 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Development and Supervision of PPAT (hereinafter referred to as the Regulation of the Minister of Agrarian Affairs and Spatial Planning/BPN Number 2 of 2018) there are 3 types of development councils And supervision PPAT, that is: 1) Assembly Mentor And Supervisor PPAT Center (Which furthermore abbreviated MPPP) is Assembly Mentor And Supervisor Which own position in Ministry; 2) Assembly Mentor And Supervisor

PPAT Region (Which furthermore abbreviated MPPW) is Assembly Mentor And Supervisor Which own position in Office Region National Land Agency; And 3) Assembly Mentor And Supervisor PPAT Area (Which hereinafter abbreviated as MP2D) is Assembly Mentor And Supervisor Which own position in Land Office.

The Minister authorizes MP2D to carry out guidance and supervision of PPAT in the form of conveying policies that have been determined by the Minister regarding the implementation of PPAT duties, socialization, dissemination, inspections to PPAT offices, and guidance on the implementation of PPAT duties and functions in accordance with the Code of Ethics. During that time, MP2D has the authority to follow up if there are findings or complaints of PPAT violations. The purpose of MP2D is to create PPATs who are professional, have integrity and are able to carry out PPAT functions in accordance with the provisions of laws and regulations and the Code of Ethics, in order to provide the best service to the community by improving the quality of public services by the Advisory and Supervisory Board. So that PPAT can gain public trust.

Guidance and supervision in previous regulations were carried out only by the Ministry of ATR/BPN. However, with the issuance of Permen ATR/BPN Number 2 of 2018, the inspection of the PPAT office also involved the Association of Land Deed Making Officials (hereinafter referred to as IPPAT). This is what is interesting to discuss regarding the changes involving IPPAT in the guidance and inspection of PPAT itself. The role of MP2D which consists of elements of BPN and IPPAT in fostering and supervising PPAT has not been optimal in its implementation. One of the factors that influences this is the Head of the Land Office who as the Head of MP2D is negligent in carrying out supervision of PPAT due to the heavy daily workload of the land department and the lack of human resources (Wibowo, 2020).

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

2. THEORETICAL STUDY

Responsibility according to the general dictionary of the Indonesian language is the state of being obliged to bear everything. So being responsible according to the Indonesian dictionary is being obliged to bear, assume responsibility, bear everything, or provide an answer for the consequences. According to Hans Kelsen translated by Somardi in his book on legal responsibility states that: "a person is legally responsible for a certain act or that he bears legal responsibility, the subject means that he is responsible for a sanction in the event of a conflicting act (Kelsen, 2007).

Responsibility also means acting as a manifestation of awareness of one's obligations. The principle of responsibility is a very important matter in consumer protection law. In cases of violation of consumer rights, it is necessary to be careful in analyzing who should be held responsible and how far the responsibility can be imposed on the related parties (Shidarta, 2000).

A concept related to the concept of legal obligation is the concept of legal responsibility (liability). A person is said to be legally responsible for a certain act if he can be subject to a sanction in the case of an opposite act. Normally, in the case of sanctions imposed on the delinquent it is because of his own actions that make the person responsible.

Responsibility in Indonesian can be interpreted as a mandatory condition to bear all things, which can be sued, blamed, prosecuted and so on. In relation to responsibility itself, Hans Kelsen defines it as someone who is legally responsible for carrying out certain actions and this responsibility also applies to receiving sanctions if the action taken is an action that is contrary to applicable regulations (Kelsen, 2007).

When viewed from Civil Law, liability can be divided into two types, namely fault and risk. With this division, the term liability without based *on fault* and liability without fault *emerged*, both of which are often referred to as absolute liability or risk liability (Triwulan, 2010). Responsibility can be interpreted as something that must be done as a result of receiving a right. Responsibility can also be interpreted as a human awareness of behavior and actions that are intentional and also not, in other words, responsibility can be interpreted as a form of awareness of the obligations it has.

3. RESEARCH METHOD

The type of research in this study is Normative Juridical, which is carried out by studying various formal legal regulations such as laws, regulations, jurisprudence, and literature containing theoretical concepts related to this research. This research using 2 (two) legal approaches, namely the legislative approach oriented to legal rules and the conceptual approach as the basis for the concept in analyzing and studying problems. In collecting legal material sources, the library study technique is used.

4. RESULT AND DISCUSSION

PPAT in carrying out his/her position must be professional because it is prone to problems. This is due to the lack of accuracy, understanding of the law, especially civil law, laws, regulations, norms, customs that apply in society. So there needs to be guidance and supervision of PPAT in carrying out his/her position in accordance with laws and regulations and the Code of Ethics.

The regulations regarding PPAT supervision are standardized in Article 40 of PP Number 10 of 1961 concerning Land Registration, namely:

The authority to execute documents may be revoked from employee

- a. Employees are obliged to follow the instructions of the Minister of Agrarian Affairs;
- b. The Minister of Agrarian Affairs appoints officers to supervise PPAT in carrying out their duties;
- c. The Minister of Agrarian Affairs may revoke the authority of an official to make a deed, if he does not fulfill his obligations as stated in Article 38 properly or often harms people who request the deed to be made as referred to in Articles 19 and 23.

In 1998, the government issued a PPAT regulation, namely PP PPAT (Saifuddin, 2021). The regulation only regulates PPAT supervision in article 33 which states "The Minister carries out guidance and supervision of the implementation of PPAT duties" without explaining in detail the form of supervision, object of supervision or supervision mechanism. This article became the basis for BPN to carry out supervision of PPAT. A more detailed explanation of PPAT supervision only emerged 7 (seven) years later, namely through the issuance of Regulation of the Head of BPN Number 1 of 2006 concerning the Regulation of the Position of Land Deed Making Officials. Article 65 paragraph (1) of Regulation of the Head of BPN Number 1 of 2006 states that guidance and supervision of the implementation of

PPAT duties is carried out by the Head of the National Land Agency (Saifuddin, 2021).

The issuance of the PP IPPAT on the PPAT job regulations has an impact on changes regarding supervision of PPAT. This is marked by the addition of a paragraph to Article 33 of the PP IPPAT, namely paragraph (2) which reads "The procedures for guidance and supervision as referred to in paragraph (1) are further regulated by the Ministerial Regulation", which indicates that there will be special regulations governing guidance and supervision of PPAT. The mandate of the Article regulates the procedures for guidance and supervision of PPAT, on March 20, 2018 a new regulation was enacted regarding supervision of PPAT, namely Permen ATR/BPN Number 2 of 2018.

This Ministerial Decree is intended as a guideline for the implementation of the Ministry's guidance and supervision, as well as enforcement of legal regulations through the imposition of sanctions on PPAT. Furthermore, it aims to create professional PPATs who carry out their duties with integrity and in accordance with laws and regulations, and ethical standards. PPATs are PPATs, Temporary PPATs, Alternative PPATs, and Special PPATs. so that the five PPATs are also given guidance and supervision. Article 4 paragraph (2) of the Ministerial Regulation explains that guidance and supervision in the regions are carried out by the Head of the Regional Office BPN and the Head of the Land Office (Saifuddin, 2021). The implementation is based on Article 15 paragraph (1) and (2) of the ATR/BPN Regulation Number 2 of 2018 which can be carried out by forming a PPAT Supervisory and Mentoring Board (Masriyani, 2023).

Guidance and supervision of PPAT according to ATR/BPN Regulation Number 2 of 2018 Guidance and supervision are carried out by the Minister. The establishment of the PPAT Advisory and Supervisory Board by the Minister to assist him in the examination and supervision consisting of elements of the Minister and IPPAT. Guidance and supervision function so that PPAT in carrying out his position in accordance with the laws and regulations, while IPPAT provides guidance and supervision of PPAT so that it is in accordance with the PPAT Code of Ethics. The PPAT advisory and supervisory board is functionally and hierarchically divided into 3 (three), namely:

- a. Central Supervisory and Advisory Board (hereinafter referred to as MP2P). MP2P is established and appointed by the Minister and is based in the Ministry. MP2P consists of one ministerial element chair, one deputy IPPAT element chair, and nine

members consisting of five ministerial element members and four IPPAT element members, led by the Director General or an appointed official.

- b. Regional Supervisory and Advisory Board (hereinafter referred to as MP2W). MP2W is formed and determined by the Director General on behalf of the Minister who is domiciled in the Regional Office of the National Land Agency. MP2W consists of 1 chairman from the Ministry element held by the Head of the Regional Office (hereinafter referred to as Kakanwil) or an appointed Official, 1 deputy chairman from the IPPAT element and 7 members with the composition of 4 people from the Ministry element and 3 people from the IPPAT element;
- c. Regional Supervisory and Advisory Council (hereinafter referred to as MP2D). MP2D is formed and determined by the regional office head on behalf of the Minister and is domiciled in the Land Office. MP2D consists of five members: one element of the ministry head, one element of the IPPAT deputy head, and two elements of the ministry led by the Director of Land Affairs (Kakanta) or an appointed official. The formation of MP2D can be carried out in areas where the number of PPAT is at least 10 (ten) people. The formation of MP2D does not meet the requirements, then the implementation of the task of fostering and supervision of PPAT is assisted by MP2W or a combined MP2D is formed from other regions.

The urgency of MP2D is to ensure that PPAT has carried out its duties and authorities in accordance with the PP PPAT. The duties of PPAT are regulated in Article 2 of the PP PPAT which states that PPAT has the duty to carry out land registration activities by making deeds that prove that certain legal acts have been carried out relating to land rights or Ownership Rights of Apartment Units. This is the basis for recording changes in land registration data caused by legal acts. These legal acts can be in the form of:

- a. sell buy;
- b. exchange exchange;
- c. grant;
- d. input into the Company's (inbreng);
- e. division of joint rights;
- f. Building Use Rights or Use Rights over Freehold Land;
- g. Liability Rights ;
- h. granting power of attorney imposes dependent rights .

MP2D directs and monitors PPAT and has the authority to impose sanctions on violators. Advice can be given by the Minister, Regional Office or Head of Land Office. Guidance carried out by the Minister includes determining guidelines for the implementation of PPAT operations, providing direction to all stakeholders, and ensuring that PPAT services continue to run in accordance with the provisions of laws and regulations, including implementing actions deemed necessary. PPAT services will continue to run in accordance with legal provisions and PPAT will carry out its duties and functions in accordance with the Code of Ethics.

The Regional Office Head establishes MP2D under the leadership of the Head of the Office. In the implementation of guidance, it can be in the form of delivering and explaining the guidelines set by the Minister in relation to the implementation of PPAT duties. Guidelines for socialization, socialization of land policies and regulations, periodic inspections at the PPAT office, and implementation of PPAT duties and functions in accordance with the Code of Ethics based on Article 5 paragraph (2) of Ministerial Regulation Number 2 of 2018.

The PPAT monitoring mechanism is in the form of monitoring the implementation of duties through inspections at the PPAT office at least once a year. Monitoring of the implementation of a position can be in the form of:

- a. location of the PPAT office;
- b. PPAT position stamp;
- c. name board , and letterhead of PPAT;
- d. Use of the deed formular, making the deed and submitting the deed;
- e. Submission of monthly deed reports ;
- f. Making a list of PPAT deeds;
- g. Binding of deeds, documents supporting deeds, protocols or storage of original bundles of deeds;
- h. Implementation of other positions as determined by the Minister.

In addition to inspections to the PPAT office, MP2D in supervision enforces legal regulations in accordance with laws and regulations. This is done if there are complaints from the public, either individuals or legal bodies and/or IPPAT against PPATs who commit violations. Violations committed can be in the form of:

- a. Violation of regarding the implementation of the position of PPAT;
- b. Not carrying out obligations as stipulated in laws and regulations;
- c. Violating the prohibition provisions that are regulated in statutory regulations ;
- d. Violates code of ethics.

There are two types of violations that can be committed by PPAT, namely minor violations and major violations. If the PPAT is proven to have committed a violation, the Head of the Land Office can impose direct sanctions in the form of a written warning, without conducting an MP2D examination. PPATs suspected of committing violations will be examined first before being subject to sanctions. The results of the test will be reported to the Minister periodically. The report is carried out step by step at with the following provisions (Prilia, 2022) :

- 1) The Head of the Land Office notifies the Head of the BPN Regional Office;
- 2) The head of the BPN regional office submits his/her regional report and the Land Office report to the Director General no later than the second week of the beginning of the month;
- 3) The Director General forwards the reports of the land office and the head of the BPN regional office to the Minister.

Investigation of alleged violations of PPAT begins at the MP2D level as regulated in Articles 30 to 37 of the Ministerial Regulation on PPAT Instructions and Supervision. When a PPAT is investigated for alleged violations, an MP2D inspection team is formed and summoned to seek information. A maximum of three summonses can be issued, with a notification period of seven calendar days before the examination, seven calendar days from the second summons, and seven calendar days from the third summons. Information from the reported PPAT is entered in the information log. Decisions are taken through discussion meetings. The results of the MP2D examination are produced in the form of an examination report. This report contains the reasons and considerations underlying the issuance of the decision and recommendations regarding the type of sanctions for the reported PPAT. The provision of recommendations for sanctions from the results of the MP2D examination can be in the form of:

- a. Issuance of written warning sanctions ;
- b. Imposition of sanctions in the form of temporary dismissal, honorable dismissal or dishonorable dismissal;
- c. There is no indication of violation.

The recommendation for imposing sanctions in the form of a written warning will be followed up by the Head of the Land Office to issue a written warning letter to the PPAT who committed the violation, which is valid for a period of 1 (one) month. If within 14 (fourteen) days the PPAT does not comply and/or does not follow up on the first written warning, a second written warning can be given. After receiving the second warning, but the PPAT still commits a violation, the MP2D will report to the MP2W to be given sanctions in the form of temporary termination. If the proposed sanction is in the form of temporary dismissal, honorable dismissal, or dishonorable dismissal, the proposal is forwarded/requested to the Head of the BPN Regional Office who is the Head of MP2W. If no evidence of violation is found, the Head of the land office will notify the Head of the BPN Regional Office with a copy to the relevant PPAT.

MP2W is required to submit MP2D recommendations regarding the results of the examination in the form of recommendations for temporary, honorable, or dishonorable dismissal, and for PPATs who have received written warnings twice but are still on duty, they are required to follow up on MP2D recommendations. In addition, MP2W is also authorized to investigate objections reported by PPATs during the investigation, which are sanctioned by MP2D in the form of written warnings. This follow-up is carried out by forming an MP2W auditor team and assigning them to conduct examinations and studies of suggestions and objections.

The process of organizing PPAT reports during the examination, information gathering, and decision-making of MP2W is the same as the MP2D examination process. The results of the MP2W examination and/or review will be presented in the form of a report of the results and/or review which will be the basis for providing recommendations regarding the types of decisions and sanctions against the reporter. The provision of recommendations for the results of the examination by MP2W based on Article 40 Paragraph 3 of the Ministerial Regulation on PPAT Guidance and Supervision can be in the form of:

- a. Imposition of sanctions temporary suspension;
- b. Approve or reject the objection of the reported ; or
- c. recommendation to impose sanctions in the form of dismissal with honor or dishonorable discharge.

The results of the temporary suspension examination become final after the temporary suspension letter is issued. Sanctions such as layoffs can be imposed up to two times. If the PPAT continues to commit violations, the Head of the BPN Regional Office will report it to the Minister and impose sanctions in the form of honorable or dishonorable dismissal. PPATs who are suspended can file a written appeal to the Minister within a maximum of 14 days from the receipt of the decision.

PPAT who receives a written warning from MP2D can file an appeal to MP2W. If based on the MP2W review, the appeal against the reported PPAT is approved, the Director of the Regional Office will issue a decision to cancel the warning letter issued by the Director of Land Registration. However, if MP2W rejects the objection, the Head of the Regional Office will notify the PPAT concerned and forward a copy to the Head of the Land Registration Office. Meanwhile, the results of the review will be submitted to the Secretary General who is the Head of MP2P in the form of a recommendation for honorable or dishonorable dismissal.

The inspection authority of the MP2P is to follow up on the MP2W's proposal regarding the results of the inspection in the form of a recommendation to dismiss the with honor or dismiss the with dishonor and the MP2W's proposal regarding the objection request of the reported PPAT who was subject to a temporary suspension sanction. The provisions for summoning the reported PPAT in the examination, taking statements, and making decisions by MP2P are the same as the provisions for examination by MP2W. The results of the examination and/or assessment of MP2P are made in the form of a report on the results of the examination and/or assessment which is used as the basis for providing recommendations in the issuance of decisions and types of sanctions against the reported PPAT.

The provision of recommendations for the results of the examination by MP2P based on Article 44 paragraph (1) of the Regulation of the Minister of ATR/BPN Number 2 of 2018, can be in the form of sanctions honorable dismissal or dismissal without honor, and approving or rejecting the objection of the reported. The results of the review in the form of honorable or dishonorable dismissal sanctions, followed up by issuing a written decision of honorable or dishonorable dismissal.

PPAT who is given a temporary ban by MP2W can appeal to MP2P. If the results of the MP2P review are in accordance with the PPAT's appeal report, the Minister will issue a decision to cancel the dismissal sanctions. Conversely, if MP2P rejects the

objection, the Minister will notify the PPAT concerned by sending a copy to the Head of the BPN Regional Office and the Director of Land Registration. The Minister's decision on the reported PPAT is final. From the explanation above, it can be concluded that the sanctions given are in the form:

- a. Written warning, carried out by Kakantah or MP2D;
- b. Temporary suspension, carried out by the Regional Office Head or MP2W;
- c. Dismissal with respect, carried out by the Minister or MP2P; And
- d. Dishonorable dismissal, which is also carried out by the Minister or MP2P.

A PPAT may be honorably dismissed from his position for committing a minor violation of the prohibitions or duties as a PPAT. Article 28 paragraph (2) states that a PPAT may be dishonorably dismissed from his position if: (a) he commits a serious violation of the prohibitions or duties as a PPAT; (b) be punished with imprisonment based on a court decision that has permanent legal force for a crime that is punishable by imprisonment for a maximum of 5 (five) years or more; (c) violate the code of professional ethics (Masriyani, 2023).

MP2D's suggestions and support take into account the number of PPATs in the region so that it is effective and efficient. Article 19 paragraph (3) of the Regulation of the Minister of ATR/BPN Number 2 of 2018 states that MP2D can be formed in a region if the number of PPATs is at least 10 PPATs. Article 19 paragraph (5) regulates that for provincial/urban areas that have more than 100 PPATs, the Head of the BPN Regional Office can increase the number of MP2D members if necessary (Cahyannia, 2022).

One of the objectives of the establishment of MP2D is to realize PPAT who are professional, have integrity and maintain the dignity of PPAT as a public official as well as a legal profession. If a legal profession has bad morals, behavior that violates moral norms or propriety, then the public will doubt the integrity, intellectuality and morals of the legal profession holder. This doubt will later harm the legal profession holder himself, because he will lose the trust of his clients. In addition, the purpose of MP2D is to provide supervision so that PPAT in carrying out his position is in accordance with the provisions of laws and regulations and the Code of Ethics.

The code of ethics in the material sense is a code of ethics or ethical rules that are practical, both written and unwritten, relating to attitudes and decisions regarding fundamental issues of community values and standards of behavior, the implementation of which is carried out professionally. It can be considered good or bad. It is developed,

defined, and enforced independently by professional bodies (Supriyatna, 2013). Based on Article 1 Paragraph 2 of the Code of Ethics of the Land Deed Producers Association Number 112/KEP-4.1/IV/2017, the Code of Ethics includes everything that is determined and regulated by the Association through DPR decisions and by Parliamentary resolutions, containing moral rules/or legal regulations, to regulate something. This applies and must be adhered to by all those who carry out their duties as PPAT, including members of the IPPAT Association and PPAT officials.

Prohibition as an attitude, behavior and actions or actions that should not be done by PPAT so as not to reduce the image, authority or nobility dignity and dignity of the PPAT position. In article 4 of the Attachment to the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 112/Kep-4.1/VI/2017 concerning Ratification of the Code of Ethics of the Association of Land Deed Officials, mentions 18 (eighteen) types of PPAT prohibitions, which include:

- a. PPAT is prohibited from opening/having a branch office or representative office
- b. It is prohibited to involve or use intermediaries directly based on certain conditions;
- c. It is prohibited to use mass media that is promotional in nature;
- d. It is prohibited to engage in any activity that is essentially self-promotion, including:
 - Publish advertisements in the first issue of newspapers, magazines, offices, companies, service agencies, advertising agencies in the form of names, addresses, telephone numbers or in the form of congratulations, support or donations.
 - Publication in books offered for promotional, financial or other, social, humanitarian purposes, and sponsorship of any form of activity, advertising and/or marketing.
 - Sending flower arrangements in a limited or unlimited manner to an event and to anyone whose PPAT name is announced.
 - Dispatch as a "sales person" to various locations to pick up customers for the purpose of preparing documents.
 - Acts in the form of advertising for marketing or other propaganda purposes;
- e. It is prohibited to install nameplates in a manner and/or form that exceeds reasonable limits and/or install nameplates in several locations outside the PPAT office environment.

- f. It is prohibited to conduct business that directly or indirectly causes unhealthy competition with other PPAT partners. This includes determining the level of deed making costs.
- g. It is prohibited to carry out actions or compete that are morally and materially detrimental to colleagues at PPAT, or to make efforts that are solely for one's own interests.
- h. It is prohibited to submit an application orally or in writing to an agency, company, institution, or individual for the appointment of the agency, business entity, or institution as a PPAT, with or without the provision of certain incentives, is prohibited. Reduction of fees that are higher or lower than those paid to PPAT by government agencies, businesses, institutions, or individuals.
- i. It is prohibited to accept or respond to anyone's request to make a deed of completion of a plan by another PPAT unless you have permission from the PPAT who prepared the plan.
- j. It is prohibited to attempt or persuade a transfer from one PPAT to another, whether directed at the customer concerned or through another intermediary.
- k. PPAT employees or assistants may not be placed outside their respective PPAT offices, either in branches that are specifically opened for that purpose or in the respective offices of PPAT institutions or institutions/clients. Employees/assistants will be assigned to receive clients who carry out certificates, whether the clients come from within or outside the institution/institution, employees/assistants will prepare certificates and carry them out. do not read them in front of the PPAT. Explain to customers and instruct customers. Visit the location where the employee/assistant has an office in the government agency or institution environment and receive a certificate to be signed by the relevant PPAT at the office or home.
- l. It is prohibited to send minutes to clients for to be signed by those clients ;
- m. It is prohibited to badmouth and/or question fellow PPATs and/or the deeds made by by him;
- n. It is prohibited to withhold a person's files with the aim of "forcing" the person to make a deed to the PPAT where the files are stored.
- o. It is prohibited to provide an opportunity to another person or party to sign a document made by another person solely as a document signed by the relevant PPAT or as a document signed in the presence of the relevant PPAT.

- p. It is prohibited to persuade or force customers to make certificates or switch from other PPATs in any form or manner.
- q. Forming a group within the IPPAT organization (not part of the IPPAT Association) with the aim of serving the interests of an agency or government institution specifically/exclusively, let alone opening up the possibility for other PPATs, is prohibited;
- r. It is prohibited to carry out other acts which are generally considered to violate the PPAT Code of Ethics, including violations of:
 - Provisions of the PPAT Job Regulations and other legal provisions relating to the main functions of PPAT.
 - The contents of the oath of office.
 - Things that IPPAT Association members may not do in accordance with the provisions of the IPPAT Association Articles of Association, By laws and/or other decisions taken by the IPPAT Association (Salim HS, 2019).

PPAT and PPATS in carrying out their duties are also not permitted to:

- a) Making a deed for himself, his husband or wife and blood relatives in a straight vertical line without degree restrictions and in a line to the second degree ;
- b) Being of the parties;
- c) Becoming power;
- d) Become the proxy of another person;
- e) Leaving the office for more than 6 (six) working days in a row, except in the context of taking leave; and/or
- f) Making PPAT deed for land in dispute.

Coaching and supervision are carried out because of the need to maintain public trust in the PPAT profession as a service user. To achieve optimal coaching and supervision practices, coaching and supervision basically depend on how the coaching and supervision are carried out. The implementation of coaching and supervision must be adjusted to the needs and objectives to be achieved through the supervision. Therefore, the steps taken must be considered 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 coaching by MP2D for PPAT can create quality PPAT. Coaching can be in the form of delivering and explaining policies that have been set by the Minister regarding the implementation of PPAT duties in accordance with the provisions of laws and regulations. If there are new regulations issued through the Regency Regulation or government regulations related to policies in the field of PPAT and land, MP2D will disseminate and socialize them to PPAT.

Coaching for PPAT can also be carried out through the ATR/BPN partner website which is accessed on the mitra.atrbpn.go.id page. The existence of this website is to provide information related to policies in the field of PPAT and land, so that PPAT does not miss the latest information. Coaching is carried out in order to create PPAT who are professional, have integrity and continue to carry out their positions in accordance with laws and regulations so that they can provide the best service to the community (Prilia, 2023). So far, PPAT has been guided by providing technical guidance and instructions for making deeds, making lists of deeds and preparing monthly reports, in accordance with the provisions of PERKABAN Number 1 of 2006 and the provisions of PP IPPAT. Until now, formal requirements and suggestions from PPAT regarding registration and transfer of ownership rights to the BPN office are still lacking (Prilia, 2023).

Supervision of is the process of monitoring the performance of all activities of the organization to ensure that all work has been carried out in accordance with the plan that has been previously determined (Sujanto, 2015). The scope of supervision of PPAT consists of 2 types, including supervision of the implementation of the PPAT position and enforcement of legal rules in accordance with the provisions of laws and regulations in the PPAT field. Supervision of the implementation of the PPAT office one of which is in the form of an inspection of the PPAT office, which is carried out routinely at least once a year. The inspection is carried out in the form of checking the location of the PPAT office, the PPAT office stamp, nameplate, letterhead, use of PPAT deed forms or PPAT deed forms, making a deed register book, binding deeds and documents, protocols or storing original deed bundles, submitting monthly deed reports to the Land Office, and others as regulated in the laws and regulations.

MP2D also conducts inspections of PPAT deeds related to the method of making deeds, the method of delivery and deficiencies which are carried out internally. After the inspection is carried out, the results of the inspection will be made in the form of a report in accordance with the format regulated in the laws and regulations. Not only that, MP2D

can carry out monitoring of PPAT through the mitra.atrbpn.go.id site, the matters regarding electronic services in relation to uysdbchbds work. For example, PPAT who has not carried out file verification can be carried out on the site. In order to facilitate the implementation of guidance for PPAT, the district/city land office appeals to PPAT to immediately register and create an account, and meet the account verification requirements.

Supervision in the form of enforcing legal regulations is carried out if there are findings of PPATs suspected of committing violations. These findings can come from the Ministry or complaints from IPPAT and/or from the community or parties who feel they have been harmed. Complaints can be submitted in writing to the Ministry by stating the identities of the reporter and the reported party clearly and attaching evidence related to the complaint. In addition, complaints can also be made through the website provided by the Ministry.

Not only providing guidance and supervision of PPAT, MP2D based on Article 3 of ATR/BPN Regulation Number 2 of 2018 also has the responsibility to provide guidance and supervision of PPATS. However, MP2D is often less effective in providing supervision of PPATS. Some of them make mistakes in the practice of making deeds, both during the preparation, the implementation of making dhhbchud deeds and registration or submission deeds at the Land Office subdistrict head so that they do not control the dhhbchud performance of staff in making dhhbchud deeds entrusted to the dhhbchud (Oloan, 2016). This is important in the guidance and supervision of PPATS. However, there are acts of neglect by MP2D towards PPATS who are less orderly, one of which is in submitting dhhbchud monthly reports regarding dhhbchud deeds that they have made to the Land Office .

It can be seen that the sub-district head is a government administrator who has the authority to implement government objectives, legal acts, and legal acts. Based on its nature, the legal act in question can be interpreted as an act that has the potential to cause certain legal consequences, or an act that aims to determine rights and obligations (Oloan, 2016). Based on Article 1 paragraph 2 of the PP PPAT, it can be seen that the Sub-district Head as the PPATS has the authority to carry out legal acts such as PPAT due to the position attached to him.

The PPATS deed is also an authentic evidence and can be accounted for morally and legally if problems arise in the future. However, fraud and errors still often occur in its implementation, such as (Surachman, 2022):

- a) At the time of signing the deed of sale and purchase carried out by the PPATS, the conformity of the deed of sale and purchase was not first checked or verified at the land office;
- b) There were no witnesses present at the time of signing the deed of sale;
- c) There is a difference between the transaction value stated in the deed of sale and purchase and the actual transaction value, but this is very difficult to prove because there are no clear regulations in the local government and the legal certainty cannot be guaranteed fdgvdbvvv for the parties;
- d) PPATS is less professional in implementing authentic documents, because it does not clearly understand the rights and obligations of the parties who have the rights and obligations in implementing authentic documents.

In principle, the validity of a PPATS deed includes the contents and authority of the official who made it, as well as the procedure for making it. The procedure for making it must also meet the requirements stipulated by applicable laws and regulations. Officially, this document remains an original document and can be processed for Land Registration at the Land Registration Office. Regarding PPATS documents, these provisions are regulated in Articles 95 to 102 of the Regulation of the Minister of ATR/Head of BPN No. 3 of 1997 *in conjunction with* Articles 1868 and 1869 of the Civil Code, the evidentiary value of an authentic deed can be reduced from a perfect evidentiary value to only an evidentiary value like a private deed. The evidentiary force will be reduced if the law is defective, because at the time the law was drafted there were one or more deviations from the formal requirements caused by the negligence and/or carelessness of the PPATS concerned.

5. CONCLUSION AND SUGGESTION

PPATS in carrying out its authority to make a deed that is used as the basis for the transfer of land rights, PPATS is also obliged to maintain, care for and store the protocol properly and safely, this is because the PPATS protocol is a category as a state archive, where the PPATS deed is the basis of a legal act of transferring land rights. Therefore, PPATS is fully responsible for storing the PPATS protocol. MP2D plays a role in supervising PPAT, especially PPATS in carrying out their duties to ensure that PPATS has carried out their duties and functions as mandated by the Head of the Land Office, to maintain and ensure that services continue to run in accordance with the provisions of laws and regulations, ensure that professional ethics are well maintained, minimize violations,

provide understanding, improve discipline and services to PPATS, especially related to maintaining the PPATS protocol which is a state archive that must be maintained, cared for and stored properly and safely.

REFERENCES

- Cahyannia, L. D., & Supriyadi. (2022). Peran majelis pembina dan pengawas pejabat pembuat akta tanah daerah Kabupaten Klaten terhadap peningkatan kepatuhan pejabat pembuat akta tanah dalam menjalankan tugas jabatan. *Jurnal Notariat*, 8(3).
- Harsono, B. (2005). *Hukum agraria Indonesia: Sejarah terbentuknya UUPA, isi dan pelaksanaannya*. Jakarta: Djambatan.
- Kelsen, H. (2007). *General theory of law and state: Teori umum hukum dan negara, dasar-dasar ilmu hukum normatif sebagai ilmu hukum deskriptif empirik*. Jakarta: BEE Media Indonesia.
- Mahardika, R. V., & Suyanto, G. (2022). Kedudukan hukum badan pertanahan dalam pengadaan tanah untuk kepentingan umum. *Journal of Notary Science*, 3(2).
- Mahardika, R. V., et al. (2022). *Posisi subyek hukum ditinjau dari hak sipil (refleksi: Terjadinya hak guna usaha yang tumpang tindih)*. Jember: UM Jember Press.
- Masriyani. (2018). Fungsi Badan Pertanahan Nasional dalam pengawasan pejabat pembuat akta tanah di Kabupaten Tanjong Jabung Barat. *Wajah Hukum*, 2(1).
- Mertokusumo, S. (2009). *Hukum acara perdata Indonesia*. Yogyakarta: Liberty.
- Oloan, N. (2016). Praktek pembuatan akta tanah oleh camat dalam kedudukan dan fungsinya selaku PPAT sementara di Kota Padangsidimpuan. *Jurnal Kertha Semaya*, 8(2).
- Prilia, D. (2022). 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*, Program Magister Kenotariatan Fakultas Hukum Universitas Islam Sultan Agung Semarang.
- Rahmi, R., & Sudjito. (2020). Aspek hukum pendaftaran pengalihan hak atas tanah karena pewarisan. *Journal of Law, Faculty of Law, University of Riau*, 9(1).
- Saifuddin, S. F. (2021). Perbandingan pelaksanaan pengawasan terhadap notaris dan pejabat pembuat akta tanah. *Tesis*, Program Magister Kenotariatan Fakultas Hukum Universitas Islam Sultan Agung Semarang.
- Salim, H. S. (2016). *Teknik pembuatan akta tanah pejabat pembuat akta tanah*. Jakarta: Raja Grafindo.
- Salim, H. S. (2019). *Peraturan jabatan & kode etik pejabat pembuat akta tanah (PPAT)*. Jakarta: Raja Grafindo.
- Santoso, U. (2014). *Hukum agraria: Kajian komprehensif*. Jakarta: Kencana.

Shidarta. (2000). *Hukum perlindungan konsumen*. Jakarta: Grasindo.

Supriyanta. (2013). Kajian filosofis terhadap standar perilaku etis notaris. *Yustisia*, 2(3).

Surachman, N. F. (2022). Kajian pembuatan akta jual beli dari PPATS sebelum dan sesudah Perkaban No 8 Tahun 2012. *Jurnal Hukum Kenotariatan*, 4(1).

Triwulan, T., & Febrian, S. (2010). *Perlindungan hukum*. Jakarta: Prestasi Pustaka.

Wibowo, M. (n.d.). Pembinaan dan pengawasan kepala kantor pertanahan Kabupaten Malang terhadap PPAT dan PPATS. *Justitia Jurnal Hukum*, 3(1).