



The impact on the authority of land deed officials if the Aceh land department is formed

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Abstract

Land Deed Officials, referred to as PPAT, are public officials authorized to create land transfer deeds, mortgage deeds, and powers of attorney for mortgage deeds according to applicable laws and regulations. The first approach, legal approach (statuta approach), is an approach that cannot escape the provisions of laws. The second approach, conceptual approach (concept approach) of law according to Peter Mahmud, is based on the views and doctrines that have developed in legal science. Still according to Peter, the conceptual approach is taken when the researcher does not start from the existing legal rules. This is done because there is no or no legal rule for the problem faced. The third is the historical approach (historical approach), according to Johnny Ibrahim, means that each legal regulation has a different historical background. Land Deed Officials (PPAT) are public officials who work with the National Land Agency (BPN) in managing land registration and helping to formalize any legal actions related to land carried out by parties listed in the authentic deed. This is regulated in Article 6 paragraph (2) of Government Regulation No. 24 of 1997 on Land Registration. The impact on the authority of Land Deed Officials if the Aceh Land Agency is formed as a Land Agency in Aceh replacing the authority of the Aceh National Land Agency Regional Office according to the information from the joint interview with the informant Ahmad Rifqi, is the possibility of a change in the regulation of Land Deed Officials in Aceh where before the issuance of regulations related to Land Deed Officials, the full authority of deed creation was fully carried out by Notaries and this allowed Notaries to regain their full authority without having to be a PPAT in carrying out their authority in terms of land registration.

Keywords: authority, officials, notary, land

Introduction

The Land Titles Registrar, also known as PPAT, has a very important position and role in the life of a country and nation because they are given authority by the government to create land transfer deeds and other documents within and outside of the country.

The Land Titles Registrar has been known since the implementation of Government Regulation Number 10 of 1961 on Land Registration, which is the regulation on land registration as the implementation of Basic Regulations on Agrarian Matters Law Number 5 of 1960 (UUPA). In this regulation, the Land Titles Registrar is mentioned as an officer who functions to create deeds with the intention of transferring rights to land, granting new rights or encumbering rights to land.

Subsequently, as a refinement, Government Regulation Number 24 of 1997 on Land Registration was issued and is still in effect today. The position of the Land Titles Registrar is specifically regulated in Government Regulation Number 37 of 1998 on the Regulations for Land Titles Registrar, which has undergone changes in Government Regulation Number 24 of 2016 on the Amendment of Government Regulation Number 37 of 1998 on the Regulations for Land Titles Registrar.

According to Government Regulation Number 24 of 2016, the Land Titles Registrar is a public officer who is given the authority to create authentic deeds regarding certain legal actions related to rights to land or ownership rights to apartment units.

According to several laws and regulations, the definition of the Land Titles Registrar is explained in Article 1, number 4 of Land Mortgage Rights Law Number 4 of 1996 and its

related objects (UUHT), which states that: "The Land Titles Registrar, hereinafter referred to as the LTO, is a public officer who is authorized to create land transfer deeds, mortgage encumbrance deeds, and power of attorney deeds for mortgage encumbrance according to applicable laws and regulations."

All of the above laws and regulations show that the position of the Land Titles Registrar is that of a public officer. However, the laws and regulations do not provide a definition of what is meant by "public officer." The meaning of "public officer" refers to a person appointed by a competent agency, with the task of serving the general public in a particular field or activity.

The functions of the Land Titles Registrar are further clarified in Land Mortgage Rights Law Number 4 of 1996 and Government Regulation Number 24 of 1997 on Land Registration, which replaces Government Regulation Number 10 of 1961, as a public officer who has the authority to prepare land transfer deeds, encumbrance deeds on land, and other deeds regulated by applicable laws and regulations, and to assist the Head of the Land Office in carrying out land registration by preparing deeds that will serve as the basis for the registration of changes in land registration data.

The tasks of the Land Titles Registrar are as follows:

1. Assist parties who are conducting legal actions to apply for permission for the transfer of rights and the confirmation of conversion, and for the registration of rights to land;
 2. Create deeds regarding legal actions related to rights to land and mortgage rights (deeds of sale, exchange, etc.).
- The powers of the Land Titles Registrar are as follows:

1. Create authentic deeds regarding all legal actions, including:
 - a. Sale and purchase;
 - b. Exchange;
 - c. Donation;
 - d. Inclusion in a company (Inbreng);
 - e. Sharing of rights;
 - f. Granting of HGB/Right to Use Land Ownership;
 - g. Granting of mortgage rights;
 - h. Granting of power to encumber mortgage rights.
2. The Land Titles Registrar can create deeds regarding legal actions related to rights to land (including, among others, Business Use Rights and former Adat Land Ownership) or rights to land that can be transferred or encumbered with mortgage rights according to their nature, or create a Power of Attorney for Mortgage Encumbrance;
3. The Land Titles Registrar is only authorized to create deeds regarding legal actions specifically mentioned in their appointment.

According to Article 45 of the Head of the National Land Agency Regulation Number 1/2006 on the Implementation of Regulation Number 37/1998 on the Regulations for Land Titles Registrar, the obligations of the Land Titles Registrar are as follows:

1. Uphold the Pancasila, the 1945 Constitution, and the Unitary State of the Republic of Indonesia;
2. Participate in the inauguration and oath-taking of the position as Land Titles Registrar;
3. Submit a monthly report on the deeds prepared to the Head of the Land Office, the Head of the Regional Land Office, and the Head of the Local Land and Building Tax Service no later than the 10th day of the following month.
4. Hand over the Land Titles Registrar's protocol in the following cases:
 - a. A Land Titles Registrar who ceases to hold office shall hand it over to the Land Titles Registrar in their area of work or to the Head of the Land Office.
 - b. A temporary Land Titles Registrar who ceases to be a temporary Land Titles Registrar shall hand it over to the temporary Land Titles Registrar who replaces them or to the Head of the Land Office.
 - c. A special Land Titles Registrar who ceases to be a special Land Titles Registrar shall hand it over to the special Land Titles Registrar who replaces them or to the Head of the Land Office.
 - d. Exempt those who cannot afford it from fees, as proven by a valid document.
5. Keep their office open on working days, except when on leave or on a public holiday, with a minimum working hours equal to the working hours of the local land office;
6. Have their office only in one location within their area of work as specified in the Appointment Decision of the Land Titles Registrar;
7. Provide their office address, sample signature, sample stamp, and insignia/stamp of their position to the Head of the Regional Land Office, the Regent/Mayor, the head of the District Court, and the Head of the Land Office whose jurisdiction covers the relevant area of the Land Titles Registrar within one month of taking the oath of office;

8. Actually hold the position after taking the oath of office;
9. Display their name board and use a stamp with a shape and size determined by the Head of the Land Agency.

If the Land Titles Registrar's deed can answer questions about the fulfillment of competency and authority, while the Land Office still requires requirements related to the fulfillment of competency and authority, then the Land Office will also be responsible or at least have taken care of something that should have been the responsibility of the Land Titles Registrar (such as power of sale or spousal approval).

As the functions and responsibilities of the Land Titles Registrar and the responsibilities of the Land Office shift from a negative publication system and the obligation to assess documents, it is advisable for there to be a division of functions and responsibilities between the Land Titles Registrar and the Land Titles Registrar registration staff to function and be responsible for:

1. Making deeds that can be used as strong foundations for the implementation of land transfer registration or encumbrance registration;
2. The Land Titles Registrar is responsible for the fulfillment of the competency and authority of the parties in the deed and the validity of their legal acts based on the data and information provided to known or introduced parties;
3. The Land Titles Registrar is responsible for the documents used as the basis for legal action having the strength and proof of certainty guarantees to be followed up in an authentic deed and in accordance with applicable regulations;
4. The Land Titles Registrar is responsible for the validity of legal acts based on the data and information of the parties and guarantees the authenticity of the deed and is responsible for their actions being in accordance with procedures.

Material and Methods

The Land Tittle Registrar (PPAT) is a public official who works with the National Land Department (BPN) in managing land registration and helping to formalize any legal actions related to land carried out by the parties listed in the authentic deed.

This is regulated in Article 6 paragraph (2) of Government Regulation No. 24 of 1997 on Land Registration, which states that "The Head of the Land Office is assisted by PPAT and other officials assigned to carry out specific activities in accordance with this Government Regulation and relevant legislation.

Normatively, PPAT is a recognized public official whose authority is to make official documents about certain legal actions related to land rights or ownership of apartment units, or to make written evidence of certain legal actions related to land rights that will be the basis for registration (Article 1 paragraph (1) of Government Regulation No. 37 of 1998 in conjunction with Article 1 paragraph (24) of Government Regulation No. 24 of 1997). The regulation states that PPAT is a public official with the authority to make official documents about certain legal actions related to land rights.

PPAT is a single agency that has the authority to record the legal acts of conveyance of land rights (recording of deeds

of conveyance), and has the absolute authority to carry out activities determined in Article 37 paragraph (1) of Government Regulation No. 24 of 1997, namely to carry out legal acts of transfer of land rights and ownership of apartment units through sale, exchange, donation, incorporation into companies, and other legal acts of transfer of rights, except for transfer of rights through auction. All legal acts must be carried out by and in the presence of PPAT and PPAT will make its deed as evidence of the legal act that has been carried out in its presence.

This makes the PPAT deed important/absolute must because it is the deed that connects BPN & the Land Office. The importance of the PPAT deed is further emphasized in Article 25 paragraph (1) of Government Regulation No. 24 of 1997 which states that:

The Head of the Land Office shall refuse to register the transfer or encumbrance of rights if one of the following requirements is not met", namely:

- a. The certificate or statement on the status of land rights is no longer consistent with the lists at the Land Office.
- b. The legal act referred to in Article 37 paragraph (1) is not proven by a PPAT deed or auction minutes as referred to in Article 41, except in certain circumstances as referred to in Article 37 paragraph (2).
- c. The documents required for registration of the transfer or encumbrance of the relevant rights are incomplete;
- d. Other requirements determined by relevant legislation are not met;
- e. The land in question is an object of dispute in court;
- f. The legal act proven by the PPAT deed is null or void by a court ruling that has obtained legal force; or
- g. The legal act referred to in Article 37 paragraph (1) is revoked by the parties before being registered by the Land Office.

From the contents of Article 37 paragraph (1) of Government Regulation No. 24 of 1997, it is clear that the PPAT deed is very important or must exist because it is the deed that connects the transfer of land rights to the land office, because without a deed from PPAT, the head of the land office cannot carry out the registration of the transfer of land rights.

The impact on the authority of the Land Deed Officer if the establishment of the Aceh Land Agency as a Land Agency in Aceh replaces the authority of the Aceh National Land Agency Regional Office, according to information from an interview with the informant Ahmad Rifqi, is the possibility of a change in the regulation of the Land Deed Officer in Aceh, where before the issuance of regulations related to the Land Deed Officer, all the authority to make full deeds was carried out by Notaries and this allows Notaries to regain their full authority without having to be a PPAT in carrying out their authority in terms of land registration.

However, another possibility that can also occur is the establishment of new mechanisms or systems for the Land Deed Officer in Aceh. For now, there has been no impact related to the establishment of the Aceh Land Agency, because the transfer of authority contained in Presidential Regulation No. 23 of 2015 has not yet been implemented.

The methods used are First, the statutory approach (statuta approach) is an approach that cannot be separated from legislative provisions. Second, the conceptual approach (concept approach) of law according to Peter Mahmud, is based on views and doctrines developed within the study of

law. Still according to Peter, the conceptual approach is carried out when the researcher does not depart from existing legal rules. This is done because there is no or no legal rule for the problem at hand. The third is the historical approach (historical approach), according to Johnny Ibrahim, is intended because each legislative rule has a different historical background.

Conclusion

The Land Deed Officer (PPAT) is a public official who works with the National Land Agency (BPN) in managing land registration and helping to formalize any legal actions related to land carried out by the parties listed in the authentic deed. This is regulated in Article 6 paragraph (2) of Government Regulation No. 24 of 1997 on Land Registration, which states that "The Head of the Land Office is assisted by PPAT and other officials assigned to carry out specific activities in accordance with this Government Regulation and relevant legislation". The impact on the authority of the Land Deed Officer if the establishment of the Aceh Land Agency as a Land Agency in Aceh replaces the authority of the Aceh National Land Agency Regional Office, according to information from an interview with the informant Ahmad Rifqi, is the possibility of a change in the regulation of the Land Deed Officer in Aceh, where before the issuance of regulations related to the Land Deed Officer, all the authority to make full deeds was carried out by Notaries and this allows Notaries to regain their full authority without having to be a PPAT in carrying out their authority in terms of land registration.

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