



Responsibilities of the guidance and supervisor assembly regions in the implementation of development and supervision of officials making land deeds (Research study in Banda Aceh city)

Ridho Brilian Laksamana, Ilyas Ismail, Syarifuddin

Faculty of Law, Universitas Syiah Kuala, Banda Aceh, Aceh, Indonesia

Abstract

Article 1 number 11 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 2 of 2018 concerning the Guidance and Supervision of Land Deed Drafting Officials states that the PPAT Advisory and Supervisory Council is the assembly authorized by the Minister to provide guidance and supervision of PPAT. The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency formed the Regional Supervisory and Supervisory Council (MPPD) at the Regency/City level, the Regional Supervisory and Supervisory Assembly (MPPW) at the provincial level, and the Central Supervisory and Supervisory Assembly at the National Level with the aim of making officials Land Deed Makers are more professional and have integrity. However, in reality, in the field PPATs are still found committing official violations. MPPD should also be responsible for making Land Deed Making Officials more professional and with integrity. This indicates that the existence of the MPPD in the City of Banda Aceh has not yet run optimally in accordance with the objectives of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 2 of 2018 concerning the Development and Supervision of Officials Making Land Deeds. This research aims to determine the implementation of the guidance and supervision of regional supervisory and supervisory councils regarding land deed making officials who commit violations of office in the City of Banda Aceh, the implementation of the rights and obligations of the regional supervisory and supervisory councils in coaching and supervising land deed making officials in Banda Aceh City, as well as the legal consequences of not fulfilling the rights and obligations of the regional supervisory and supervisory councils in the City of Banda Aceh. This research is a type of empirical juridical research. The data in this research, apart from secondary data, is obtained directly from respondents and informants through field research. The results of the research show that the form of implementation of guidance and supervision of the Banda Aceh City Regional Supervisory and Supervisory Council regarding PPAT guidance and supervision is visiting several PPATs in Banda Aceh City and providing guidance related to PPAT position regulations. These regulations are socialized to PPAT, including regarding the PPAT code of ethics. The aim of this guidance is for PPAT to carry out its duties in accordance with applicable laws and regulations. Meanwhile, this includes supervision carried out by the Board of Trustees and Regional Supervisors, namely in the form of supervision of the implementation of PPAT positions and enforcement of legal rules in accordance with regulations in the PPAT sector. However, in practice the guidance and supervision carried out by MPPD for PPAT in Banda Aceh City is only carried out once a year. The authority of the Board of Trustees and Regional Supervisors in the Guidance and Supervision of Land Deed Drafting Officials in Banda Aceh City is to supervise and inspect PPATs in Banda Aceh City, provide guidance and direction, assess PPAT performance, and have the right to take administrative action. Apart from that, MPPD is also obliged to carry out routine and periodic supervision, provide guidance and education to PPAT, maintain PPAT's integrity and professionalism, report the results of supervision, handle public complaints regarding PPAT's performance, and implement applicable regulations. The legal consequences of not fulfilling the Rights and Obligations of the Regional Supervisory and Supervisory Council in the City of Banda Aceh have not been clearly regulated in statutory regulations. This can be an obstacle in efforts to ensure PPAT performance runs well. Therefore, efforts are needed to strengthen regulations and increase supervision of MPPD performance, especially in Banda Aceh City. It is recommended that MPPD provide guidance and supervision to PPAT in Banda Aceh City at least 3 times a year. This is necessary to increase the effectiveness of guidance and supervision of PPAT so that it can carry out its duties well. The government and related institutions are expected to provide a budget for the MPPD to be used for operational needs, office facilities and infrastructure, so that the performance of the MPPD can be more optimal. There is also a need to make efforts to formulate stricter legal rules to regulate administrative and legal sanctions for negligence or violations of MPPD PPAT, such as revocation of status or restrictions on authority, as well as integrating a digital reporting system that makes it easier to track MPPD PPAT activities, so that negligence can be detected early and prevented before it has a big impact.

Keywords: Regional Advisory and Supervisory Council, guidance and supervision, land deed making official

Introduction

Responsibilities of The Guidance and Supervisor Assembly Regions in The Implementation of Development and Supervision of Officials Making Land Deeds (Research Study In Banda Aceh City)

Article 1, Number 11, Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation No. 2 of 2018 on the

Supervision and Guidance of Land Deed Officials mentions that "The Supervisory and Guidance Council for Land Deed Officials (Majelis Pembina dan Pengawas PPAT) is a council authorized by the Minister to carry out guidance and supervision over PPATs." The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency has formed Regional Supervisory and Guidance Councils (MPPD) at the district/city level, Provincial Supervisory and

Guidance Councils (MPPW) at the provincial level, and the National Supervisory and Guidance Council (MPPC) at the national level. The purpose, as stipulated in Article 2, paragraph (2) of this regulation, is to make Land Deed Officials more professional and have integrity, which means that the deeds they create will have legal certainty and provide good service based on the code of ethics of the Indonesian Association of Land Deed Officials (IPPAT). It is expected to minimize the actions of individuals within the Land Deed Official profession who commit violations of their duties.

MPPD has the authority to examine allegations of violations committed by PPATs, as regulated in Articles 30 to 37 of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation No. 2 of 2018 on the Supervision and Guidance of Land Deed Officials, to investigate allegations of violations committed by PPATs or complaints from the public as legal subjects who feel they have been harmed by the actions of the PPAT. The results of the investigation by MPPD are made in the form of a report and submitted to the Head of the Land Office. PPATs may be subject to sanctions in the form of administrative sanctions, which include written warnings, temporary dismissal, honorable dismissal, or dishonorable dismissal.

Article 13 of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation No. 2 of 2018 on the Supervision and Guidance of Land Deed Officials mentions that sanctions imposed on PPATs who commit violations will include written warnings, temporary dismissal, honorable dismissal, and dishonorable dismissal. Written warnings are given to PPATs who commit violations that can still be tolerated. Temporary dismissal is imposed on PPATs facing cases of code of ethics violations, while the dishonorable dismissal is for PPATs who are found guilty of serious offenses. Honorable dismissal applies to PPATs who have reached retirement age. In every legal act, the PPAT remains responsible, both as a person and in their professional capacity. Those who carry out their duties as PPATs in violation of the law will face the risk of legal uncertainty that affects the parties involved, potentially leading to disputes that disadvantage the PPAT itself.

Although the position of PPAT is as a public official, it cannot be denied that PPATs are public officers with all their shortcomings. Therefore, mistakes are possible in practice, which could result in losses for the parties involved. Consequently, violations in the preparation of deeds may be intentional acts, either by the PPAT's own will or by a joint will with the parties requiring their services. For example, in a case that occurred in 2020, Ratna Sary (the buyer/plaintiff) sued Maidin Rahmad (the seller/defendant I) and a PPAT (hereafter referred to as PPAT A) (defendant II) over a plot of land located in Peunyerat Village, Banda Raya District, Banda Aceh City, Aceh Province, measuring approximately 189 m².

The facts revealed that the PPAT violated his duties as follows: Assisting in a conspiracy with defendant I (violating Article 10 paragraph 3 letter a number 1 of Government Regulation of the Republic of Indonesia No. 24 of 2016 on the Amendment of Government Regulation No. 37 of 1998 concerning the Regulations for the Position of Land Deed Officials); The PPAT did not read the deed in front of the parties involved (violating Article 22 of

Government Regulation No. 37 of 1998, which requires reading the deed in the presence of the parties and two witnesses); The PPAT did not have the parties sign the deed together. Instead, the plaintiff was asked to sign the deed directly without an explanation of the content of the deed (violating Article 22 of Government Regulation No. 37 of 1998, which requires reading the deed in the presence of the parties and two witnesses); Because the plaintiff felt harmed due to the lack of clarity in the land sale and purchase, as well as the inability to contact defendants I and II, and the plaintiff had not received the deed as an authentic proof of ownership despite having paid the full amount, the plaintiff felt aggrieved and filed a lawsuit against both defendants.

Another case in 2018 involved Tarmizi Yunus and Maya Gustina (the sellers/plaintiffs) suing Abid Arief (the buyer/defendant I) over a shophouse. The facts revealed that the PPAT violated his duties as follows: Assisting in a conspiracy with defendant I (violating Article 10 paragraph 3 letter a number 1 of Government Regulation of the Republic of Indonesia No. 24 of 2016 on the Amendment of Government Regulation No. 37 of 1998 concerning the Regulations for the Position of Land Deed Officials); Creating a deed as part of a conspiracy that led to land disputes or conflicts; Providing false information in the deed, resulting in land disputes or conflicts; Violating the oath of office as a PPAT.

Based on initial interviews with one of the PPATs in Banda Aceh City, it was found that the MPPD in Banda Aceh City had been established in accordance with the Decree of the Head of the National Land Agency of Aceh Province on the Amendment of the Membership Structure of the Supervisory and Guidance Council for Land Deed Officials in Banda Aceh City No. 168/SK-11. HP.03/XI/2023, and has been able to carry out the authority granted to it under Articles 30 to 37 of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation No. 2 of 2018. However, in practice, violations by PPATs have still been observed since the regulation was enacted. The MPPD should be held accountable for the failure to achieve the objectives set out in Article 2, paragraph (2) of the Ministerial Regulation No. 2 of 2018, which aims to make Land Deed Officials more professional and have integrity. This indicates that the MPPD in Banda Aceh City is not operating optimally, as supervision of PPATs is only conducted once a year. Other contributing factors include a lack of public awareness regarding the existence of the MPPD, which leads to the public reporting legal disputes with PPATs directly to the police instead of the MPPD. This is clearly not in line with the goals of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation No. 2 of 2018 on the Supervision and Guidance of Land Deed Officials.

Based on the background above and legally binding data sources, this research aims to investigate the "Responsibility of the Regional Supervisory and Guidance Council in the Implementation of the Supervision and Guidance of Land Deed Officials (A Case Study in Banda Aceh City)."

Method

The research method used in this study is empirical legal research. This approach is also commonly known to the public as empirical legal research or approach. The empirical legal approach is used by analyzing and studying

the phenomena found in society in-depth, so that the event can be resolved.

Discussion

Implementation of the Guidance and Supervision by the Regional Supervisory and Guidance Council on Land Deed Officials Who Commit Violations of Their Duties

The Regional Supervisory and Guidance Council (MPPD) plays an important role in maintaining the professionalism of Land Deed Officials (PPAT) in each region, including Banda Aceh. The primary function of MPPD is to provide guidance and supervision to ensure that the duties and responsibilities of PPAT are carried out in accordance with the prevailing regulations. However, the implementation of this supervision and guidance often faces various challenges, especially in handling PPATs who violate the code of ethics or position regulations.

The Banda Aceh Regional Supervisory and Guidance Council for PPAT was established in 2018, with a structure consisting of a chairman, representing the ministry (held by the Head of the Land Office or an appointed official), a vice-chairman from the IPPAT (Indonesian Land Deed Officials Association), and five members, with three from the ministry and two from IPPAT, as outlined in the Decree of the Head of the Aceh Provincial National Land Agency on the Changes to the Membership Composition of the Banda Aceh Regional Supervisory and Guidance Council for Land Deed Officials (Decree Number 168/SK-11.HP.03/XI/2023).

The guidance and supervision carried out by the MPPD for PPATs in Banda Aceh are done by visiting PPAT offices and providing guidance related to regulations governing the PPAT position. New regulations are published through Ministerial Regulations or government regulations concerning the PPAT position itself. These regulations are disseminated to PPATs, including those relating to the PPAT code of ethics.

To guide PPATs in carrying out their duties in accordance with applicable laws, the guidance provided by the Head of the Banda Aceh Land Office, as Chairman of the MPPD, may include:

1. Delivering and explaining policies set by the Minister related to PPAT duties in accordance with legal provisions;
2. Socializing and disseminating policies and land regulations;
3. Conducting periodic inspections of PPAT offices for supervisory purposes; and/or
4. Guidance on the execution of PPAT duties in accordance with the Code of Ethics. Guidance is the effort, action, and activity carried out by the Minister to effectively and efficiently improve the quality of PPATs. Supervision, on the other hand, is a preventive and repressive activity by the Minister aimed at ensuring that PPATs carry out their duties according to the legal framework.

With the establishment of the MPPD, it is hoped that guidance and supervision of PPATs can be more effectively implemented to produce professional and integrity-driven PPATs. Moreover, any reports of violations by PPATs can be promptly responded to and followed up with sanctions in accordance with the law to create harmony and synergy between the Ministry of Agrarian Affairs and Spatial

Planning/National Land Agency (ATR/BPN) and IPPAT in the execution of PPAT duties. The mandate in Article 32 paragraph (2) of Government Regulation No. 24 of 2016, which regulates the procedures for the guidance and supervision of PPATs in Ministerial Regulations, was followed up by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (BPN) through Regulation No. 2 of 2018 concerning the Guidance and Supervision of Land Deed Officials (Permen ATR/Ka. BPN No. 2 of 2018), enacted on March 20, 2018. The issuance of Permen ATR/Ka.BPN No. 2 of 2018 serves as a guideline for the implementation of guidance and supervision, as well as legal enforcement through sanctions against PPATs by the Ministry. Overall, the guidance and supervision by the MPPD for PPATs are conducted by the Minister, but in regional implementation, it is carried out by the Head of the BPN Regional Office and the Head of the Land Office. Guidance provided by the Minister includes determining policies regarding the execution of PPAT duties, providing directions to all relevant parties regarding PPAT policies, taking necessary actions to ensure that PPAT services are in line with legal provisions, and/or ensuring PPATs fulfill their duties according to the Code of Ethics. In addition to the guidance as mentioned, the BPN or the designated members of the Supervisory and Guidance Council carry out inspections of the deeds created by PPATs during the registration of land rights transfer and encumbrance. The procedure for creating deeds and any shortcomings is monitored when PPAT sends reports to the Land Office and Regional Offices.

Supervision of PPATs is conducted internally by the Regional Supervisory and Guidance Council, such as inspecting the minutes/deeds and monitoring PPAT performance. Guidance by the Regional Supervisory and Guidance Council for PPAT in Banda Aceh includes the delivery and explanation of policies determined by the Minister regarding PPAT duties in accordance with legal provisions, socialization and dissemination of land regulations, and the performance of PPAT duties according to the Code of Ethics. This guidance is carried out periodically. In carrying out this guidance, the Head of the BPN Regional Office and/or the Head of the Land Office may be assisted by the MPPD as per its duties and authority. Provisions regarding guidance for PPAT are also outlined in Permen ATR/Ka. BPN No. 2 of 2018, which includes the supervision of PPATs. The scope of supervision includes monitoring the implementation of PPAT duties and enforcing legal regulations in accordance with applicable laws. The Banda Aceh Regional Supervisory and Guidance Council conducts supervision of PPATs, covering two aspects: supervision of the performance of PPAT duties and supervision of the enforcement of legal regulations. Violations of duties committed by PPATs in Banda Aceh may include the creation of legally flawed deeds, abuse of authority, or negligence in carrying out administrative tasks. These cases often result in legal and economic harm to the public or parties involved in land transactions. Therefore, the MPPD has the responsibility to address these violations through preventive guidance and repressive supervision. In Banda Aceh, there has only been one reported case of PPAT violations handled by the MPPD so far.

The MPPD provides guidance through regulations socialization, training, and technical assistance to PPATs. In Banda Aceh, this guidance aims to improve the

understanding of PPATs regarding land law and evolving regulations. Proper guidance helps prevent violations, especially those caused by ignorance or administrative mistakes. Supervision conducted by the MPPD is both preventive and repressive. Preventive supervision involves routine monitoring of PPAT activities, such as inspecting documents or reporting activities. Repressive supervision is carried out by addressing complaints from the public and processing reported violations. In Banda Aceh, this supervision mechanism is key to detecting and addressing non-compliant PPATs. However, MPPD in Banda Aceh faces challenges in fulfilling its tasks. These challenges include a lack of competent human resources, limited operational budgets, and low legal awareness among some PPATs. Additionally, slow bureaucracy may hinder the resolution of cases involving PPAT violations. In handling violations of duties, the MPPD in Banda Aceh generally follows a set procedure, including examining reported PPATs, issuing written warnings, and imposing administrative sanctions such as revoking licenses. This process aims to create a deterrent effect and prevent future violations. In addition to administrative supervision, the MPPD is also responsible for enforcing the PPAT code of ethics. Violations of the code of ethics, such as conflicts of interest or unprofessional conduct, must be addressed seriously. In Banda Aceh, enforcement of the code of ethics is carried out by forming special teams that monitor PPAT work ethics.

Evaluations of the implementation of guidance and supervision by the MPPD in Banda Aceh indicate that there are still weaknesses in its execution. Some cases of PPAT violations are not handled quickly, resulting in further harm. This highlights the need to improve the capacity of the MPPD, both in terms of resources and the supervision system. To improve its performance, the MPPD in Banda Aceh can take several steps, such as strengthening coordination with the National Land Agency (BPN), improving public complaint systems, and increasing technical training for PPATs. Additionally, using information technology for supervision can provide a more effective way to monitor PPAT performance. In conclusion, the implementation of guidance and supervision by the MPPD for PPATs in Banda Aceh is a complex task but crucial to ensure the accountability of PPATs in carrying out their duties. Despite the challenges, with system improvements and capacity building, MPPD can carry out its guidance and supervision functions more effectively. This will ultimately create legal certainty in PPAT services and protect public rights related to land.

The Authority of the Regional Council of Supervisors and Mentors in the Guidance and Supervision of Land Deed Officials

1. The Rights of the Regional Council of Supervisors and Mentors in the Guidance and Supervision of Land Deed Officials

The Regional Supervisory and Guidance Council (MPPD) plays a very important role in Indonesia's land law system. As a supervisory body, MPPD is responsible for ensuring that the Land Deed Officials (PPAT) carry out their duties and authority in accordance with the applicable laws and regulations. MPPD not only functions as a supervisor but also as a mentor to the PPAT, who have a crucial role in the creation of legally valid land deeds. Thus, the obligations

and rights of MPPD in the guidance and supervision of PPAT are decisive in the success of the land administration system and legal certainty in land transactions.

Based on the research conducted, it is known that the rights and obligations of MPPD in relation to PPAT can be explained as follows:

- Right to Supervise and Inspect, MPPD has the right to supervise and inspect the activities of PPAT in carrying out their duties. This includes examining the deeds created by the PPAT, the procedures applied, and compliance with applicable legal provisions. If violations are found, MPPD has the right to issue written warnings or recommendations for action. In practice, based on the research, it is known that MPPD has inspected one PPAT in Banda Aceh suspected of committing a job violation and has followed up to the stage of submitting the inspection results and recommendations for sanctions to the land office head.
- Right to Provide Guidance and Direction, MPPD has the right to provide guidance to PPAT to ensure they follow the applicable rules. This guidance can include training, counseling, and directions regarding the correct procedure for creating deeds according to the law and the latest developments in regulations related to PPAT. In practice, based on the research, it is known that in terms of guidance and direction, MPPD has carried out its duties by conducting socialization to PPATs in Banda Aceh, both online and offline, to prevent PPAT from committing job violations in performing their duties as PPATs in Banda Aceh.
- Right to Assess the Performance of PPAT, MPPD has the right to assess and evaluate the performance of PPAT in their region. This evaluation can include how well the PPAT performs their duties, identifying problems or obstacles faced, and providing recommendations for improvements. In practice, based on the research, it is known that since the establishment of MPPD in Banda Aceh, MPPD has evaluated one PPAT in Banda Aceh who committed a job violation and has provided recommendations to the head of the land office in Banda Aceh.
- Obligations of MPPD Towards PPAT, The obligations of MPPD towards PPAT are an integral part of the supervision and law enforcement system concerning Land Deed Officials (PPAT). MPPD plays a very important role in ensuring that every action and decision taken by PPAT in carrying out their duties is in accordance with the provisions of the applicable laws and regulations. The existence of MPPD aims to ensure that PPAT do not abuse their authority and continue to adhere to the principles of transparency, justice, and integrity in every land deed creation process.

2. The Duties of the Regional Supervisory and Advisory Board in the Supervision and Guidance of Land Deed Official

As a supervisory body, the MPPD PPAT is responsible for overseeing all activities related to the creation of deeds concerning the transfer of land and property rights. The MPPD also has the authority to impose sanctions or administrative actions on PPATs who are proven to have violated their duties in carrying out their profession. The aim of this is to ensure that the legal processes related to land matters run smoothly and according to established

procedures, as well as to protect the interests of the public and the state.

In carrying out its duties, the MPPD PPAT also functions as a mediator or liaison between PPATs and other government agencies involved in land matters. With the presence of the MPPD, it is expected that every decision made by PPATs in the creation of land deeds will be free from potential legal violations and abuse of authority. Therefore, the role of the MPPD is crucial in maintaining the credibility and professionalism of PPATs and providing a sense of security and trust to the public in every land transaction involving PPATs. In addition to its rights, the MPPD also has inherent obligations, which include:

- **Obligation to Conduct Routine and Periodic Supervision** The MPPD is obligated to conduct routine and periodic supervision of all PPAT activities within its jurisdiction. This supervision includes checking whether PPATs are performing their duties in accordance with the prevailing laws and whether the deeds created are legally valid. In practice, based on research results, it is known that the MPPD of Banda Aceh conducts supervision of selected PPAT offices once a year. However, during implementation, there were challenges when the MPPD conducted supervision of PPAT offices in Banda Aceh due to limited budget availability, which resulted in less effective supervision.
- **Obligation to Provide Guidance and Training to PPATs** The MPPD is responsible for providing continuous guidance to PPATs, including training on regulatory changes, deed-making procedures, and PPAT professional ethics. This guidance aims to improve the quality and professionalism of PPATs in carrying out their duties. In practice, based on research findings, this guidance has been implemented by the MPPD four times in 2024, using various methods such as online and face-to-face training at the Banda Aceh Land Office.
- **Obligation to Maintain Integrity and Professionalism of PPATs** The MPPD must ensure that PPATs operate with high integrity and professionalism, ensuring that all land deed creation processes comply with the law and that there is no abuse of authority. The MPPD also needs to ensure that PPATs are not involved in practices such as corruption, collusion, or nepotism. In practice, based on research findings, it is known that some PPATs in Banda Aceh have difficulty maintaining professionalism, as some do not fully adhere to regulations from the land office in carrying out their duties. Technological developments require PPATs to register land online, but many PPATs have not implemented this regulation, hindering the synchronization between PPATs and the land office in Banda Aceh.
- **Obligation to Report Supervision Results** The MPPD is required to report the results of its supervision and guidance to the relevant authorities, such as the Land Office or the Ministry of Agrarian Affairs and Spatial Planning (ATR). This report aims to ensure transparency and accountability in the execution of PPAT duties at the regional level. In practice, based on research findings, one of the PPATs in Banda Aceh who violated their duties was examined through a review meeting, and a recommendation was made during the meeting, which was then recorded in the

meeting minutes and submitted to the head of the Land Office. The individual in question was given a written warning.

- **Obligation to Handle Public Complaints** The MPPD has the obligation to handle complaints or grievances from the public related to PPAT activities. If there are allegations of violations or discrepancies in the process of creating land deeds, the MPPD must investigate and take the necessary actions in accordance with the law. In practice, based on research findings, the MPPD encountered obstacles in educating the public about its existence, resulting in people not filing complaints with the MPPD when disputes occurred between PPATs and the public. Instead, complaints were directed to the police. This was evidenced by only one case being handled by the Banda Aceh MPPD. Since the enactment of the ATR/BPN Ministerial Regulation No. 2 of 2018 on the Supervision and Guidance of Land Deed Officials, the MPPD's role should be more widely disseminated to the public, so they are aware of its function in supervising and guiding PPATs in Banda Aceh.
- **Obligation to Implement Applicable Regulations** The MPPD must ensure that every policy, decision, or action taken by PPATs in its region complies with the prevailing laws and regulations. If there are changes in relevant regulations, the MPPD is obligated to inform and ensure that PPATs follow the new rules. In practice, based on research findings, it is known that legal regulations for the MPPD have not been explicitly defined, so the MPPD only refers to the ATR/BPN Ministerial Regulation No. 2 of 2018 on the Supervision and Guidance of Land Deed Officials in carrying out its duties.

Legal Consequences of the Failure to Fulfill the Rights and Obligations of the Regional Supervisory and Advisory Board

The Majelis Pembina dan Pengawas Daerah (MPPD) in Banda Aceh plays a crucial role in maintaining compliance and transparency across various government sectors, including overseeing Pejabat Pembuat Akta Tanah (PPAT). The PPAT holds a strategic task of creating authentic deeds related to land transactions, such as buying, selling, gifts, inheritance, etc. These deeds carry significant legal weight and are essential in ensuring legal certainty in the land sector. Therefore, the existence of MPPD, tasked with overseeing PPAT's duties, is critical to ensure that the process of creating land deeds is conducted in accordance with the applicable regulations.

MPPD has a vital role in ensuring that the performance of PPAT functions properly. Some of MPPD's obligations include guidance, which involves providing advice and direction to PPAT to help them understand the legal regulations and professional ethics code; supervision, which ensures that PPAT's activities do not deviate from the law; and enforcement, which includes imposing sanctions on PPAT who violate their duties. Failure by MPPD to execute its authority in supervising PPAT will lead to legal consequences that negatively impact the validity of land transactions and the compliance with laws in Banda Aceh. One significant legal consequence of MPPD failing to fulfill its rights and obligations in overseeing PPAT is the potential for abuse of authority or negligence in creating deeds that

do not comply with the law. PPAT has the duty to ensure that every transaction recorded in a land deed complies with legitimate procedures and applicable regulations. If MPPD fails to conduct effective oversight due to not having its rights fulfilled, errors or abuse in the deed creation process may occur. For example, PPAT may create an invalid deed or act based on inaccurate information, which can lead to land disputes that harm the parties involved. In such cases, MPPD, as the oversight body, must identify and prevent these deviations early. However, if MPPD's access to information or ability to supervise is restricted, the oversight function becomes ineffective. Additionally, MPPD's inability to carry out its oversight responsibilities could damage the land legal system in Banda Aceh. Land transactions handled by PPAT must ensure legal certainty for all parties involved. If PPAT fails to follow proper procedures—such as verifying the identities of parties involved or checking the legal status of land—the deed produced could be deemed legally void. This legal uncertainty can cause material losses to the parties involved and add burden to the judicial system as it deals with disputes arising from invalid transactions.

MPPD, as the agency responsible for overseeing this process, has the obligation to report and recommend actions regarding PPAT practices that do not comply with the regulations. If this oversight is not conducted, the local government may be seen as failing to maintain legal certainty and stability in the land sector. Moreover, non-compliance with oversight obligations could lead to corrupt practices or illegal charges (e.g., bribery) among PPAT. In some cases, PPAT may be involved in illegal activities such as accepting bribes or manipulating data on land transactions, such as recording transactions that should not occur or creating fictitious deeds. If MPPD fails to perform its duties properly due to unfulfilled rights, the likelihood of such practices increases. Corruption in the land sector can erode public trust in the land administration system. When people perceive land transactions as non-transparent or prone to abuse, their trust in the local government declines, disrupting the relationship between the government and the public. Furthermore, the consequences of failing to fulfill MPPD's rights and obligations also have broader social impacts, especially in terms of public trust in PPAT. Land is a valuable asset for people, and land transactions often involve significant interests. When transactions recorded in PPAT's deeds turn out to be invalid or conducted improperly, the parties affected may suffer substantial financial and social losses. A person who purchases land with an unclear status or a legal dispute may lose their rights to the land. This not only harms the individual but also worsens social tensions, leading to disputes among individuals or groups with conflicting interests.

Local governments are responsible for ensuring that oversight agencies like MPPD can carry out their tasks effectively. If there are legal violations related to PPAT practices that go unmonitored, the local government that fails to support MPPD may be held accountable. In such cases, the local government could face sanctions, including written warnings, revocation of permits, or criminal penalties if there is intentional negligence in allowing misuse of authority. Additionally, individuals involved in unlawful practices, such as PPAT who violate procedures or engage in fraud, could face heavier legal charges, including criminal prosecution for corruption or document

falsification. The resolution of disputes arising from negligence in overseeing PPAT could also strain the legal system in Banda Aceh. When land disputes occur involving invalid transactions due to negligence or intentional actions by PPAT, the parties involved must go through a lengthy and complex legal process to achieve justice. This can overwhelm the judicial system, worsening public confidence in the effectiveness of the legal system. Therefore, it is important for MPPD to identify potential problems early and provide recommendations for improvement to prevent larger and more damaging disputes.

Sanctions against MPPD members for failing to exercise their authority in the supervision of PPAT are not clearly regulated in the existing laws. This is due to several factors, including MPPD being a collective body, meaning it consists of multiple members, making it difficult to assign individual responsibility when violations occur. Additionally, existing regulations are more focused on PPAT, with most regulations concerning PPAT focusing on their obligations and sanctions, while those for MPPD are less detailed. The lack of clear sanctions for MPPD can lead to several issues, including weak supervision. Without clear sanctions, monitoring MPPD's performance will be weakened. Repeated violations, meaning PPAT's violations may continue if MPPD does not perform its tasks well, can also cause harm to the public due to errors or negligence by PPAT that is poorly monitored. The absence of specific sanctions for MPPD's failure to oversee PPAT's performance remains a significant barrier to ensuring PPAT's functions are carried out properly. Therefore, efforts to strengthen regulations and improve oversight of MPPD's performance are necessary. As a preventive step, it is important for the local government in Banda Aceh to ensure that the PPAT oversight mechanism functions well and transparently. One way to improve this oversight system is to ensure that MPPD has full access to the information needed for supervision and is granted adequate authority to take action if deviations are found. Additionally, providing training to PPAT on compliance with applicable regulations is crucial to preventing unintentional violations. Overall, failure to fulfill MPPD's rights and obligations in overseeing PPAT in Banda Aceh can lead to significant legal consequences in terms of legal certainty, transparency, and the integrity of the land administration system. This can result in losses for both the public and the local government, including misuse of authority, transaction deviations, corruption practices, and social and economic instability. Therefore, it is essential to ensure that MPPD is granted the appropriate rights and responsibilities to effectively oversee PPAT, safeguarding the integrity and accountability of the land sector in Banda Aceh.

Conclusion

1. The coaching conducted by the Regional Supervisory and Coaching Council (MPPD) for Land Deed Officials (PPAT) in Banda Aceh has been carried out well. However, in terms of supervision, MPPD has not been proactive in resolving legal disputes between the community and PPAT. This is evidenced by the fact that only one report has been received by MPPD since its establishment. Meanwhile, many people have reported legal disputes involving PPAT to the police. One factor hindering this supervision is the lack of clarity regarding sanctions for MPPD membership,

which means the existing regulations do not encourage MPPD members to work optimally in carrying out their supervisory duties.

2. The MPPD's authority in coaching and supervising PPAT in Banda Aceh covers several important aspects. MPPD has the authority to supervise and inspect PPAT, provide guidance and direction, and assess the performance of PPAT. In addition, MPPD has the right to take administrative action, such as summoning and inspecting the reported PPAT, as well as providing sanction recommendations to be submitted to the head of the land office or regional land office, depending on the level of the violation. MPPD is also required to conduct routine and periodic supervision, provide coaching and education to PPAT, maintain the integrity and professionalism of PPAT, report the results of supervision, handle public complaints regarding PPAT's performance, and implement applicable regulations to ensure the land administration system operates properly.
3. Legal Consequences for Non-Fulfillment of MPPD's Rights and Duties
The legal consequences of the non-fulfillment of MPPD's rights and duties in Banda Aceh are not clearly regulated in the existing laws and regulations. This can become an obstacle in ensuring that PPAT's performance is running well. The lack of clarity regarding legal consequences adds challenges to strengthening supervision over PPAT. Therefore, it is crucial to strengthen regulations and improve supervision of MPPD's performance, particularly in Banda Aceh. With clearer and stronger regulations, MPPD can more effectively carry out its supervision and coaching duties towards PPAT, ensuring integrity and professionalism in the land sector.

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