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Implementation of Guidance and Supervision Functions for Land Deed Officials at the Tangerang District Land Office

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Abstract. *In the Tangerang Regency area, the task of fostering and supervising the Land Deed Official is carried out by the Tangerang Regency Land Office with the hope that the implementation of the Land Deed Official's professional duties can be achieved optimally and minimize violations of the law in carrying out their duties. For this reason, it is necessary to know the extent to which the implementation of the guidance and supervision function of the Land Deed Officials in Tangerang Regency is carried out. This research was using normative juridical research, library law research supported by interviews, with the nature of analytical descriptive research which is expected to obtain a systematic and detailed description of the problems to be studied, then it can be concluded in this study that the guidance and supervision of Land Deed Officials in Tangerang Regency has not been implemented properly and optimally. This is due to the factor that the area in Tangerang Regency is very large and has more than 400 Land Deed Officials which is not comparable to the guidance and supervision resources owned by the Tangerang Regency Land Office personnel. Another factor that becomes an obstacle is the rules that tend to be weak, do not provide strict sanctions, such as the existence of a Land Deed Official who does not submit reports on the making of his deed on a regular basis. Suggestions and recommendations for this research are in the form of perfecting rules and provisions for stricter sanctions as well as scheduling systematic guidance and supervision by the Tangerang District Land Office.*

Keywords **:** *Development; Land Deed Official; Supervision; Tangerang Regency.*

INTRODUCTION

In the provisions of Article 54 of the Regulation of the Head of the National Land Agency Number 1 of 2006 concerning Provisions for the Implementation of Government Regulation Number 37 of 1998 concerning the Position of Official for Making Land Deeds, it has determined the obligations that must be carried out by the PPAT at the time of making the obligatory deed that must be fulfilled by the PPAT in order to carry out the task of making authentic deeds for eight types of legal actions which are part of the Land Registration activities. The PPAT is required to check/examine the validity of the certificates and other records at the local land office and explain the aims and objectives before the PPAT makes eight types of legal actions into the land deed. In making the deed, it is not permissible to contain the words "according to or according to the statement of the parties" unless supported by formal data.

PPAT also has the right to refuse the making of a deed that is not accompanied by formal data. The PPAT is not allowed to make a deed for 8 (eight) types of legal acts with the intention of part of the land plots that have been registered or customary land, before being measured by the land office and given a Land Plot Identification Number (NIB), in making a deed, the PPAT must include the NIB or Number of Land Rights, Number of Letter of Notification of Tax Payable (SPPT), and Land and Building Tax (PBB), the use and utilization of land in accordance with field conditions. Such is the magnitude of the role of the National Land Agency in correcting, supervising and guiding the performance of PPATs so as not to cause compensation, functions and the National Land Agency, clearly regulated in Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation No. 37 of 1998 concerning Regulations for the Position of Officials for Making Land Deeds, as well as its implementing regulations, namely 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 Guidance and Supervision of Officials for Making Land Deeds.

In carrying out its duties, the PPAT is obliged to follow the rules or provisions referred to in Articles 38, 39 and 40 of Government Regulation Number 24 of 1997 concerning Land Registration, as well as provisions and instructions given by the minister or appointed

official subject to administrative action in the form of a written warning until dismissal from his position as PPAT, without reducing the possibility of being sued for compensation by parties who suffer losses as a result of the neglect of these provisions mentioned in Article 26 of Government Regulation Number 24 of 1997 concerning Land Registration.

The function of guidance and supervision carried out by the Regency/City Land Office for the PPAT profession is carried out with a scope that is not only regulated by regulations as mentioned above. In practice, the scope of supervision and guidance can be wider depending on the policies of the Land Office and the existing situation in each region. Guidance and supervision carried out by the Land Office for PPATs is also carried out by the Tangerang District Land Office. In principle, the guidance and supervision of the Tangerang Regency Land Office for PPATs refers to the regulations governing PPATs, in addition to the regulations regarding PPATs, the instructions of the Head of the National Land Agency of the Republic of Indonesia are also the main reference for the Land Office in conducting guidance and supervision of PPATs in the District. Tangerang, carried out with sustainable and consistent principles, with the main objective of supervising PPATs in carrying out their duties so that they always adhere to existing regulations.

Guidance and supervision of PPATs in all Regencies/Cities may technically have some minor differences. This difference is a natural thing, due to the technical guidance and supervision of PPATs, taking into account the wisdom of the Head of the Land Office of each Regency/City. Therefore, it becomes an interesting concern regarding the scope and coverage of the guidance and supervision carried out by the Tangerang Regency Land Office for PPATs in Tangerang Regency. Besides that, there have been many phenomena of losses experienced by the people of Tangerang Regency related to violations committed by PPAT persons who then received sanctions. According to various news sources related to PPATs in Tangerang, these violations varied, ranging from violations of office to carry out work outside their territory (Adriaty, 2013); (Ali & Heryani, 2012) to conspiracy related to fraud and the making of deeds (the land mafia case) (Farisi, 2022).

Based on this background, the author feels the need to carry out a study that specifically discusses, examines and analyzes the guidance and supervision of the Tangerang Regency Land Office for PPATs in Tangerang Regency, so from the considerations and background as mentioned above, a research title was prepared in the form : Implementation of Guidance and Supervision Functions for Officials Making Land Deeds at the Tangerang District Land Office.

METHODS

Method The approach used by the author is the method. Normative Approach (Normative Juridical) is a process to find a rule of law, legal principles, and legal doctrines to answer the legal problems faced (Marzuki, 2017). In this writing, the author uses the data collection method by conducting document studies or library research (Library Research) on legal materials, where the author collects legal materials which are divided into 3 types, namely as follows: (Bungin, 2004)

1. Primary Legal Materials. The source of primary legal material from this study is Law Number 5 of 1960 concerning Basic Agrarian Regulations, Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 37 of 1998 concerning Positions of Officials Making Land Deeds, Government Regulation Number 10 of 2006 concerning the National Land Agency of the Republic of Indonesia, Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2006 concerning Provisions for the Implementation of Government Regulation Number. 37 of 1998 concerning the Position of Officials for Making Land Deeds, 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 Guidance and Supervision of Officials for Making Land Deeds.
2. Secondary Legal Materials. Secondary legal materials are legal materials in the form of all legal publications that are not official documents. Publications about law include text books, legal dictionaries, related legal journals (Mukti & Yulianto, 2010).
3. Tertiary Legal Materials. Tertiary Legal Materials in this writing are materials that provide instructions and explanations of

primary and secondary legal materials such as articles found on the internet and so on.

RESULTS

Description of Tangerang Regency as a Research Area

The Land Deed Making Officer (PPAT) in Tangerang Regency is the party authorized and responsible for making land deeds in the regency area. The main task of a PPAT is to make land deeds, such as sale and purchase deeds, deed of mortgage rights, grant deeds, and other deeds related to ownership or transfer of rights to land and buildings in Tangerang Regency. PPAT also has a responsibility to secure and protect the interests of the parties involved in land transactions. In Tangerang Regency, according to data from the Ministry of Law and Human Rights, Banten Provincial Office, there are at least 420 PPATs operating in the area (Kemenkumham Banten, 2011). The PPAT in Tangerang Regency has an important role in carrying out its duties to ensure the legality and legitimacy of land transactions. They function as a neutral party facilitating the process of making land deeds, checking the authenticity of related documents, and ensuring that all legal requirements are met before the deed is drawn up and registered at the Land Office.

In carrying out their duties, the PPAT in Tangerang Regency must also comply with ethical and professionalism standards set by a notary institution. They must act fairly, honestly and responsibly in carrying out their duties and maintain the confidentiality of the information obtained in the process of making the deed. The local government, including the National Land Agency (BPN) and other related agencies, has a role in overseeing and regulating PPAT activities in Tangerang Regency so that they run according to applicable regulations. This aims to maintain public confidence in land transactions and provide adequate legal protection for all parties involved.

Implementation of PPAT Guidance and Supervision Functions at the Tangerang District Land Office and the Inhibiting Factors

In the context of PPAT development, based on Articles 5 and 6 of ATR/BPN Ministerial Regulation No. 2 of 2018 there are several coaching functions that have been fully implemented, namely:

1. Submission and explanation of policies, outreach and dissemination of information related to the duties and functions of the PPAT.
2. Giving direct directions by KanTah regarding the implementation of the PPAT position.

Apart from the coaching function that has been fully implemented, there are also a number of coaching functions that have not been fully implemented or need to be optimized, including:

1. Guiding the implementation of PPAT duties in accordance with the Code of Ethics which is currently not running optimally.
2. Examination to the office is periodic, namely 2 (two) times a year, but it is considered by some parties that it is not continuous even though it has been scheduled to be held 2 times a year.

On the other hand, in the context of PPAT supervision in Tangerang Regency, according to Article 9 to Article 14, ATR/BPN Ministerial Regulation No. 2 of 2018, the supervisory function can be divided into two, namely the Implementation of Positions and Enforcement of Legal Rules related to PPAT. Based on these two functions, there are several activities that have been fully implemented and some that have not run optimally. Regarding the implementation of positions, monitoring activities for the implementation of positions such as nameplates, office domiciles, and others have been implemented in line with the inspection of the PPAT's physical office, but the physical inspection activities are still not sustainable. Regarding PPAT law enforcement, it was found that there had been implementation in the form of follow-up on findings of violations committed by PPATs, both those found by the Ministry/Office of Land Affairs and those reported by the public. However, the imposition of sanctions for violations is still in the form of a written warning, which is often ignored by the PPAT.

Based on research data and results, there are many factors inhibiting the implementation of the PPAT guidance and supervision function in Tangerang Regency where there are factors which are divided into three groups, namely:

1. First, regarding the limited number of resources that are not proportional to the number of PPATs which exceed 400 people.
2. Second, namely the Guidance and Supervision System which is considered weak, such as reporting that is not routine

based on report documents and no strict sanctions have been issued for PPATs who violate it.

3. The third is inter-agency/stakeholder relations, in this case between the PPAT and the Land Office which are considered not good, and the tendency for PPAT non-compliance is given written sanctions.

The results of the interview with Rudy Rubia show that the BPN through the Head of the Land Office has the task of supervising the PPAT in accordance with Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation No. 37 of 1998 concerning Position Regulations for Officials Making Land Deeds so that in carrying out their positions in accordance with applicable laws and regulations.

One of the tasks in carrying out guidance and supervision is to assist in conveying and explaining land policies and regulations as well as technical instructions for carrying out PPAT tasks that have been determined by the National Land Agency and laws and regulations that have been established as guidelines for PPAT carrying out their duties so that unwanted things do not occur. desired, because of the many disputes or problems that occur due to non-compliance with existing regulations. Because the supervision is not running as it should, it gives the impression that the Head of the Land Office in supervising the PPAT in assisting the BPN's tasks in carrying out monthly reports is not optimal, because based on the data that the author can, in fact in the field, what should be reported is not running smoothly.

The report in question is a report on making a deed that should be reported by the PPAT to the Head of the Land Office every month, but by not reporting it, the PPATs also based on the data do not get any sanctions even though they have violated Article 26 paragraph (2) of Law Number 20 Year 2000 concerning Amendments to Law Number 21 of 1997 concerning Fees for Acquisition of Land and Building Rights, therefore PPATs are expected to be able to comply more with the regulations that have been determined in legislation, in order to create harmonious cooperation between related institutions. That this is because the duties and functions of the Head of the Land Office are only functional so that there is no strict supervision from the Head of the Land Office regarding reports made by the PPAT. The problem that arises in connection with the most common deeds made by PPATs in Tangerang Regency is that there are many duplicate certificates found.

This double certificate stems from carelessness in registering land. In general, the cause of the emergence of this dual certificate is because the PPAT does not report to the Head of the Land Office so that the deed that has been registered at the Land Office is not issued by the PPAT concerned. The BPN should impose sanctions on the PPAT who do not report the certificate of land rights to the BPN through the Head of the Land Office according to the type of violation he committed in this matter.

CONCLUSION

Based on the discussion that has been described above, the conclusion is that the implementation of the function of guidance and supervision of Land Deed Officials by Officials at the Tangerang Regency Land Office has not run optimally in accordance with applicable laws and regulations because the guidance and supervision is carried out in an unscheduled manner systematically and periodically, besides that the guidance and supervision of PPAT in Tangerang Regency is still carried out separately by several other institutions outside the Office of the Ministry of Agrarian Affairs and Spatial Planning (Tangerang District Land Office), such as guidance and supervision from the IPPAT organization, and the District Government Tangerang, coaching that is carried out individually without any coordination from these institutions is an obstacle that is not carried out systematically and properly. In addition, there was no follow-up on the results of the supervision as evidenced by the absence of sanctions against Land Deed Officials who committed violations in their position.

Factors that become obstacles in the implementation of the function of guidance and supervision of Land Deed Officials by Officials at the Land Office of Tangerang Regency, is the ratio between the number of Land Office Employees and the number of PPAT which causes the ability of the Land Office to be able to carry out maximum guidance and supervision of PPAT in Tangerang Regency is limited. The implementation of supervision of PPAT tasks by the Land Office is still not optimal because it is carried out in an unsustainable, systematic and scheduled manner based on supporting facilities. In addition, the position of the Head of the

Office of the Ministry of Agrarian Affairs and Spatial Planning (Office of Land Affairs) of the Tangerang Regency is only functional so that it cannot carry out strict supervision and guidance, also due to the Regulation of the Head of the National Land Agency Number 2 of 2018 as the basis for Supervision and Development of PPATs as well as legal regulations that other matters relating to PPAT have not clearly regulated the authority of the Land Office in conducting supervision and guidance and supervision, also regarding the delegation of authority to the Land Office in carrying out supervision and guidance of PPAT in Tangerang Regency.

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