

Supervision by Supervisory Council and Supervisor of the Temporary Land Deed Official

Rizwandi Adealmuqni^{a,*}, Marwati Riza^b, Syamsuddin Muchtar^c

^a Universitas Hasanuddin, Makassar, Indonesia.

^b Universitas Hasanuddin, Makassar, Indonesia.

^c Universitas Hasanuddin, Makassar, Indonesia.

Abstract

This article aims to examine the responsibilities that can be applied by the Board of Trustees and Supervisors of Land Deed Making Officials in terms of fostering and supervising Temporary Land Deed Making Officials (PPATS). The method used is normative or doctrinal legal research, is descriptive-prescriptive, focuses on examining primary legal materials and secondary legal materials, using statutory and conceptual approaches. Based on the results of the analysis that the form of accountability applied by the supervisory board and supervisor of Land Deed Making Officials in terms of fostering and supervising PPATS, namely, only imposing administrative sanctions in the form of; written warning; Temporary suspension; Dismissal with honor; Dismissal with disrespect, against PPATS who commit violations as a form of part of the guidance and supervision. Thus, the PPAT supervisory board and supervisors in being responsible for the task of coaching to PPATS, need to seek formal and informal guidance, as well as imposing strict sanctions on PPATS who commit violations in carrying out their duties.

Keywords: Supervision; Supervisory Council; Supervisor.

1. Introduction

There are government agencies in the state that handle land registration across the archipelago. Because there are areas that are simple to access and others that are challenging to measure and map, it makes perfect sense that land registration be handled by just one agency, even if it means finding a department with the necessary resources, tools, and personnel to complete the job (Affan Mukti, 2006). In this case, the National Land Agency (hereinafter abbreviated as BPN) is a non-partisan government agency under and responsible to the President. coordinate tasks, train and provide administrative support to all organizational units at BPN, including in this case Land Rights Officials (hereinafter referred to as PPAT).

The National Land Agency (BPN), through the Head of the Land/City Agency, in the implementation of land registration is supported by PPAT and other officials to carry out a number of activities in accordance with government regulations and related laws and regulations. Other officials who assist in the implementation of certain land registration activities are auction hall officials, officials in charge of preparing waqf pledges, and adjudication committees. (Fitri Ubaidillah Umaaya, 2019).

Government Regulation Number 24 of 1997 concerning Land Registration which provides an explanation of land registration is a series of activities carried out continuously and regularly by the government, including collection, management, bookkeeping, presentation, and physical maintenance of land. and legal data. Data in the form of plans and lists of land and housing units, including proof of their rights to land parcels and housing units that have been claimed as well as several rights attached (Rahmat Ramadhani, 2021).

For land parcels that must be registered on the land as mentioned above, including the rights to the land parcels in Article 16 paragraph (1) of Law Number 5 of 1960 which stipulates the Basic Law on Agriculture. use rights, lease rights, land clearing rights, forest product utilization rights and other rights including rights regulated by law and

* Corresponding author.

E-mail address: rizwandi.adealmuqni@unhas.ac.id

temporary rights as referred to in Article 53 of Law Number 5 of 1960 concerning the basis. agricultural law (Haris Yonata Parmahan Sibuea, 2011).

The PPAT profession is an important part of the land registration system in Indonesia, is a profession whose authority is given based on the authority of the BPN agency, because the PPAT profession is part of the land registration system which is the authority of the BPN, the PPAT profession in carrying out its duties and functions is encouraged and supervised by the BPN. through the city land office or office, as well as the Makassar City Land Office which fosters and supervises PPAT in Makassar City. Efforts to foster and supervise are carried out by BPN with the aim of achieving maximum efficiency in the implementation of PPAT's professional duties, as well as monitoring that PPATs do not violate the law in carrying out their duties and avoid administrative sanctions. (Tampil Anshari Siregar, 2007).

The function of PPAT can be found in Government Regulation Number 37 of 1998 Article 2 which states that; Carry out several land registration activities by making a deed as evidence that a legal act has been carried out in connection with land rights or property or flats, legal actions; Buy and sell; Swap; Agree; Income in business (inbreng); Share Permissions Together; Granting the right to use the construction work/right to use the land owned by the owner; Mortgage or mortgage loans; The granting authority imposes a lien. (Bambang Sunggono, 1997). PPAT appointed and taken back by the Head of BPN, namely General PPAT, Special PPAT (hereinafter referred to as PPATK) or Temporary PPAT (hereinafter referred to as PPATS), has the function of continuing land registration activities (hereinafter referred to as PPATS). for as PPAT) continuous registration) for registered or certified land, commonly referred to as activities that maintain land registration data such as transfer of rights, transfer of rights and granting of other rights to certain land rights, such as ownership and management rights. (Tampil Anshari Siregar, 2007).

PPAT as a public official who is given the authority to make authentic deeds for certain legal actions regarding the making of deeds related to land registration activities, which requires the existence of an agency to carry out guidance and supervision for a PPAT, because PPAT in carrying out its duties and its function in making deeds of course cannot be separated from carelessness in making deeds related to land registration. So in this case BPN as a non-government department in the implementation of land registration in a systematic and continuous manner, is also given the authority to conduct guidance and supervision of PPAT, in which BPN establishes an agency, namely the board of trustees and supervisors of land deed officials.

In the context of carrying out the duties and functions of the supervisory board and supervisory officers of the land deed maker, of course a regulation is needed that becomes the basis for carrying out its duties and functions, so in this case the government issues Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 2 In 2018 regarding the guidance and supervision of PPAT, this Ministerial Regulation basically contains provisions for the implementation of guidance and supervision. The PPAT supervisory and supervisory council of course has the authority to conduct guidance and supervision of all PPATs it covers, including the Temporary Land Deed Official (PPATS) (Michell Eko Hardian, 2020: 18). Temporary Land Deed Official (PPATS), the head of the section appointed by the city government/land manager to carry out his duties, issues land certificates in areas where there is not enough land Notary/land deed making officials (PPAT) Likewise in areas where the transaction level has not been completed the transfer of land use rights is quite high (Gusti Aspsari Hadi, 2021).

Regarding the position of the sub-district head as PPATS, it can be seen in Article 5 of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Regulation of the Position of Making Officials, which states; To serve the community in making PPAT deeds in areas where there is not enough PPAT or to serve certain groups of people in making certain PPAT deeds, the Minister may appoint the following officials as PPATS. The purpose of the appointment of PPATS is to serve the community in making PPAT deeds in areas where there are not enough PPATs or to serve certain groups of people in making certain PPAT deeds.

The Camat because of his position is appointed as PPATS (ex officio) to serve the making of deeds in areas where there is not enough PPAT, as PPATS. Then in Article 19 paragraph (5) of the Regulation of the Head of the Land Agency Number 1 of 2006 concerning Provisions for the Implementation of Government Regulation Number 37 of 1998 concerning the Regulation of the Position of the Maker of Land Deeds, it is stated that; The appointment of the PPATS (Herlina Ratna Sumbawa Ningrum, 2019). sub-district head is carried out by the Head of the Agency after conducting research on the needs of community services in the field of making deeds in remote areas.

In carrying out its duties and functions, PPATS can be sued by the aggrieved party for the legal product issued or can be asked as a witness in court in connection with the deed he made. Meanwhile, PPATS can also ask for legal protection or defense efforts from IPPAT as a professional organization where it belongs. (Triyono, Vol. 17, No. 2. 2019). However, if the PPATS is proven guilty, it can be subject to administrative or criminal sanctions, and does not rule out the possibility of civil claims by the aggrieved party (Gusti Bagus Yoga Prawira, 2016).

In the practice of implementing the sub-district head as PPATS, the authority possessed by the sub-district head is the same as PPAT in general as described above. However, there are still deviant behaviors that are carried out by the sub-district head as PPATS, namely, carrying out legal actions that are outside their authority as PPATS. One of the legal actions of the sub-district head which is outside his authority is to increase the honorarium rate in making land deeds to the community.

The problem that arises is where the role of the supervisory and supervisory councils in carrying out their duties and functions in the field of supervision is to supervise the implementation of PPATS positions, the supervision is carried out to ensure that PPATS carry out their obligations and positions as PPATS in accordance with the provisions of the legislation. Based on this, in line with what has been contained in Appendix II concerning Types of Violations and Sanctions in 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 in conjunction with the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 33 of 2021 concerning Fees for Land Deed Maker Officials, which in essence the regulation contains provisions stating that, PPATs who commit minor violations of the prohibition or obligations as PPAT are by collecting PPAT fees (honorarium) including service fees (honorarium). witness exceeds 1% (one percent) of the transaction price stated in the deed. This can be subject to sanctions in the form of temporary suspension for six months.

Based on the foregoing, the researcher has conducted a pre-research on the Makassar District Court Decision Number 14/Pid.Sus-Tpk/2020/Pn.Mks, where the Prosecutor found that a sub-district head as PPATS was also an ASN committing acts that were outside the authority of the sub-district head as PPATS. PPATS by increasing the honorarium rate which should have been 1% to 3%, the Public Prosecutor assessed that the increase in the honorarium rate carried out by the sub-district head was 3% as part of a corruption crime that caused state losses. However, the Makassar District Court Decision Number 14/Pid.Sus-Tpk/2020/Pn.Mks ended with an acquittal, the Panel of Judges was of the opinion that before the judicial process the prosecutor should report the matter to the PPATS supervisory panel to be given a code of ethics warning and sanctions. . Based on this, it is necessary to strengthen the organs of the PPATS supervisory and supervisory council so that they can carry out preventive guidance and supervision.

Based on the foregoing, seeing the importance of the role of the supervisory board and supervisor of PPAT in conducting guidance and supervision of PPATS in their jurisdiction, the legal issue that arises in this research is PPATS who have committed violations as PPATS, as has been regulated in statutory provisions, namely the act of increasing the honorarium rate above 1%.

2. Method

This research is a normative research, the nature of this research is descriptive and prescriptive. focuses on examining secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The approach used is a statutory approach and a conceptual approach. The data that has been collected is then analyzed qualitatively descriptively (Irwansyah, 2020)

3. Result and Discussion

The land registration process certainly cannot be separated from the role of the Land Deed Making Officer (hereinafter written PPAT), where PPAT is a public official who is given the authority to assist the government in the context of sustainable land registration, for that the role of PPAT is very necessary in land registration. Land registration is a very important issue in the basic agrarian law, because land registration is the beginning of the process of producing proof of ownership of land rights. So important is the issue of land registration that the basic agrarian law orders the government to register land in all parts of Indonesia (Tiara Poniskori, 2017). Land registration aims to provide legal certainty, known as *rechtskadaster* / legal cadaster. The guarantee of legal certainty to be realized in this land registration includes the certainty of the status of the rights registered, the certainty of the subject of the right and the certainty of

the object of the right. This land registration produces a certificate as proof of its rights (Indra Yudha Koswara, Vol. 1, No.1. 2016).

The Land Deed Making Officer (PPAT) in carrying out one of his duties, namely to make deeds related to registration carried out in his office, in the presence of the parties who carried out the legal action concerned or the person authorized by him with a written power of attorney. In the case of Temporary Land Deed Officials (hereinafter written PPATS), in the process of making deeds related to land registration, it is carried out at the Village Office where the sale and purchase of land is taking place. If one of the parties in the legal action or their proxies cannot come to the Kelurahan Office for valid reasons, the PPATS can make a deed at the place of residence of that party which is still in its working area, provided that at the time of making the deed the parties must be present before the PPATS at the place where the deed was made.

The deed made by PPAT and PPATS is one of the sources of data for the maintenance of land registration data. Then it must be made in such a way that it can be used as a solid basis for registration of the transfer and assignment of the rights concerned. Therefore, PPAT and PPATS are obliged to examine all the requirements for the deeds to be made, for the validity of the legal action concerned. After PPAT and PPATS have examined these requirements, then PPATS makes a deed in words as stipulated in the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 8 of 2012 concerning Amendments to the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration. In line with this, the Land Deed Making Officer or Temporary Land Deed Making Officer must carefully, carefully and carefully in accordance with the facts and status desired by the parties both regarding the subject and object, supported by correct and complete data and PPAT or Temporary PPAT must pay attention to what legal actions occur by digging up cases and finding legal cases, so that there are no mistakes that result in legal consequences and to avoid things that can harm the interested parties (Brilian Pratama, Happy Warsito, and Herman Adriansyah, 2022).

PPAT as a public official who has the authority to make an authentic deed in carrying out the duties of his position also attaches obligations that must be complied with because these obligations are something that must be carried out, in accordance with what is stipulated in Article 45 of the Regulation of the Head of the National Land Agency Number 1 of 2006 concerning Provisions Implementation of Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Maker Officials which states that PPAT has an obligation :

1. Uphold Pancasila, the 1945 Constitution, and the Unitary State of the Republic of Indonesia;
2. Following the inauguration and appointment of the oath of office as PPAT;
3. Submit a monthly report regarding the deed made to the Head of the Land Office, Head of Regional Office, and Head of the local Land and Building Tax Service Office no later than the 10th of the following month;
4. Submit the PPAT protocol;
5. Freeing service fees to people who can't afford it, which is legally proven;
6. Opens his office every working day unless he is on leave or official holiday with working hours at least equal to the working hours of the local Land Office;
7. Having an office only in 1 (one) office in the work area as stipulated in the decision to appoint PPAT;
8. Submit his office address, sample signature, initial sample and stamp/position stamp to the Head of Regional Office, Regent/Mayor, Head of District Court and Head of Land Office whose territory covers the work area of the relevant PPAT within 1 (one) month after taking oath of office;
9. Carry out the position in real time after taking the oath of office;
10. Installing a nameplate using a stamp whose shape and size are determined by the Head of the Agency;
11. Others according to the laws and regulations.

In addition to having obligations, PPATS also has the right to carry out their duties which are regulated in Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Regulation of the Position of Deed Making Officials, as it states that PPATS has the right to apply for leave, receive service fees (honorarium), including service fee (honorarium) for witnesses from the making of the deed, the amount of which may not exceed 1% (one percent) of the transaction price stated in the deed. Furthermore, PPATS is also entitled to obtain information regarding the development of laws and regulations on land, and to have the opportunity to file a self-defense before the decision to terminate as PPATS is made. It is necessary to supervise PPATS as a consequence of a position so that in carrying out the duties and authorities of the position it runs in accordance with applicable law and avoids abuse of trust that has been given by the community to him, where supervision is also carried

out so that the rights, authorities and obligations of PPATS are carried out based on the law, applicable law, and based on ethics and morals so that legal protection and certainty for the community in the land sector can be realized. Supervision of PPATS is carried out by the Head of the National Land Agency, the Head of the Regional Office and the Head of the Land Office. The Camat as PPATS has the obligation to send a list of PPATS deed reports at the beginning of each month from the current month to the Provincial/Regional National Land Agency, Head of Taxation, and Head of the Land and Building Tax Office. In addition, PPATS is also required to prepare a nameplate, deed ledger and bind the deed and supporting documents for the deed.

The existence of guidance and supervision of the National Land Agency (hereinafter written as BPN) of PPATS is the implementation of the principle of law and order in land administration which aims to maintain the guarantee of continuity of balance in legal relations caused by the interests of the user community, in order to comply with the rules and regulations stipulated in the law. it contains the value of justice and provides strict sanctions against those who do not obey it or violate it.

Furthermore, order is created, of course, in a legal relationship that gives rise to a right, so the public should be aware of the obligations that must be carried out. Therefore, in order for the regulation and management of the land law field to create legal order, the National Land Agency, which is a non-departmental government agency under the auspices of and responsible to the President in carrying out its duties, carries out its functions according to Article 3 of Presidential Regulation Number 15 of 2015 concerning the Land Agency. National, as has been amended several times, most recently by Presidential Regulation Number 48 of 2020, namely;

- a. Formulation and stipulation of policies in the land sector;
- b. Formulation and implementation of policies in the field of land survey and mapping;
- c. Formulation and implementation of policies in the field of determining land rights and registration;
- d. Formulation and implementation of policies in the field of land redistribution, community land empowerment, land use management, land management according to spatial plans, and structuring coastal areas, small islands, borders and certain areas;
- e. Formulation and implementation of policies in the field of land acquisition and land development;
- f. Formulation and implementation of policies in the field of controlling and controlling land tenure and ownership, as well as land use and utilization in accordance with spatial planning plans;
- g. Formulation and implementation of policies in the field of handling and preventing disputes and conflicts as well as handling land cases;
- h. Supervision of the implementation of tasks within the BPN environment;
- i. Implementing task coordination, coaching, and providing administrative support to all organizational units within BPN;
- j. Implementation of data and information management on land and agricultural land for sustainable food;
- k. Implementation of research and development in the land sector, and;
- l. Implementation of human resource development in the land sector (Djoko Susanto, Vol. 6, No.1. 2014).

Based on the foregoing, the researcher gives the view that; The National Land Agency (BPN) as a non-departmental government institution that has a role in the formulation and determination of policies in the land sector which is responsible for its duties directly to the President and therefore BPN has a great responsibility in providing guidance, and providing administrative support to all organizational unit within the BPN, including in this case the official making the temporary land deed. This is of course the BPN as part of the board of directors and supervisors of the official making the land deed and the official making the temporary land deed, has responsibility for this authority. The responsibilities referred to here are responsibilities in the legal sense, namely those that are really related to the rights and obligations given by BPN as part of the supervisory and supervisory board.

The National Land Agency (BPN) in carrying out its responsibilities as part of the deliberative and controlling council in the current reform era inevitably faces many basic problems faced by the government in this case is the BPN, related to state government, more specifically related to efforts to improve quality. the state's perception of the administration of government is still far from what the community expects. It is undeniable that there are still many ways of administering government that deviate from the rules, both written and unwritten, even though the Indonesian state has accepted the concept of good governance. The concept of good governance will become something that is maximal and real for the administration of our country if it is accompanied by increasing the capacity and capacity of the state apparatus. Because in the concept of government, the government should not only act on the basis of rules (laws), but

the government (government) should be more active in making policies to fulfill the government's wishes, hopes, interests, and needs of the people.

Regarding government policies in the context of a rule of law, the principle of legitimacy cannot be separated from the principle of legitimacy which is a universal element of the concept of a rule of law regardless of the type of rule of law adopted by a country. In criminal law, the principle of legality in the form of "nullum delictum sine lege" is still debated about the principle of its validity. In administrative law, the principle of legality in the form of "wetmatigheid van bestuur" has long been considered inappropriate, although it is recognized that the wetmatighid principle guarantees the realization of the principle of equality before the law and the principle of law (Achmad Ali, 2010; Julista Mustamu, 2014).

Furthermore, Tatiek Sri Djatmiati in her dissertation describes the relationship between administrative law and authority. Administrative law or governance law (administratiefrecht or bestuursrecht) contains the legal norms of government. These government legal norms become the parameters used in the use of authority by government agencies. The parameters used in the use of authority are legal compliance or improper legal or improper illegal, so that if the use of authority is carried out improperly, the authorized government agency must be held accountable. (Tatiek Sri Djatmiati, 2004: 62-63). Furthermore, if it is associated with this view with what was stated by Hans Kelsen in his theory, the General Theory of Law and State states that; A person is legally responsible for a certain act or that he bears legal responsibility, subject means he is responsible for a sanction in the case of an act that is contrary (*Hans Kelsen* 2007).

In this context and in relation to the forms of accountability that the PPATS Monitoring and Monitoring Agency can take to promote and monitor PPATS, the researcher describes as follows; The National Land Agency (BPN) in carrying out its authorities and functions so that it can operate in accordance with applicable laws and regulations, in order to optimize its performance in dealing with the land sector, especially in cadastral activities supported by PPAT and PPATS are state administrators whose function is to assist BPN agencies to carry out stabilization and/or confirmation of a legal action on a piece of land made by the right holder mentioned in a deed.

Therefore, in carrying out its duties and functions as PPATS in court proceedings, BPN certainly provides guidance and supervision to officials who prepare temporary land deeds. The National Land Agency (BPN) is responsible for communicating and explaining policies and regulations related to land, as well as providing technical guidance on the implementation of PPATS tasks. In addition, in the context of facilitation and supervision of this matter, supervision of the PPATS office is carried out to ensure the fulfillment of duties and obligations in accordance with the provisions of administrative order, laws and regulations. In addition, BPN will examine the certificate issued by the relevant PPATS if it is proven that the certificate does not meet the requirements to be used as a basis for registration of rights.

The position of the National Land Agency (BPN) as part of the supervisory and supervisory board of PPATS is only functional in the sense that the purpose of the guidance and supervision carried out by the BPN is only to optimize the role of the sub-district head as PPATS which is a public official appointed by the government to fulfill the need for the lack of PPAT in its jurisdiction, as well as supervising legal products in order to avoid legal defects and elements of violation of the process of making deeds related to land registration. In the event that the responsibility of BPN as part of the supervisory and supervisory board of PPATS only takes action to impose sanctions on PPATS who commit violations as a form of part of the guidance and supervision, BPN is also part of the legal subject that must be responsible for the results of legal products (deeds). deed relating to land registration) a person PPATS.

According to researchers PPATS is personally responsible for the implementation of his duties and positions in each deed. This is in accordance with Article of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulation of the Position of Deed Maker Officials, but in this provision it is not explained in detail what is meant by personal PPATS responsibility for the implementation of his position in each deed making. Therefore, to know about what is meant by personal PPATS responsibility for the implementation of his position in each of the deeds of the deed, it must be known that the legal aspects in making the deed are the responsibility of a PPAT.

As regulated in Article 24 of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Regulation of the Position of Land Deed Officials that; Regarding the procedure for making the PPAT deed, it is regulated in the laws and regulations regarding land registration. This is

because the PPAT deed will be used as authentic evidence regarding legal actions that result in changes to juridical data from the land registration process. The regulation has emphasized several aspects of legal actions that are clear about PPAT's responsibilities, namely:

1. Regarding the truth of the events contained in the deed, for example regarding the type of legal action referred to by the parties regarding the payment made in the sale and purchase and so on.
2. Regarding the object of legal action, both physical data and juridical data.
3. Regarding the identity of the appearers who are the parties carrying out legal actions

In the event that the PPAT does not personally know about these matters, he or she can seek testimony from witnesses who are required in making the deed (Ulfa Amalyah Usman, 2020).

Based on the description above, the responsibility of a PPATS in carrying out its functions in the procurement process is unavoidable in relation to the obligations that must be carried out by a PPATS as an authorized public official, working area, in accordance with the applicable provisions, procedures and regulations. The regent does not fulfill his obligations as PPATS in carrying out his functions, is in the process of carrying out an act in accordance with what has been determined by the applicable laws and regulations, the regent is guilty of carrying out his duties. because PPATS at the time of committing the act violated the applicable procedures and regulations. If the error of the Regent such as PPATS can cause land disputes or disputes, and the deed taken before the PPATS becomes null and has no legal consequences, resulting in losses for the party who issued the certificate before implementing the PPATS, then for the losing party, it is possible to submit it to the regional head. to make PPATS, this is one form; File a PPATS complaint.

Therefore, the sub-district head as PPATS who does not carry out his obligations as PPATS in carrying out his position in making the deed according to applicable procedures and regulations, and as a result of his mistake has resulted in land disputes or conflicts resulting in losses, the sub-district in addition to violating regulations The applicable law also violates the PPAT professional code of ethics, those who have made the mistake may be subject to sanctions as regulated in the applicable regulations and the professional code of ethics.

In general, the notion of sanctions is a way of forcing someone to conform to applicable standards. Punishment for breaking the law is a form of punishment that can be directly felt by the perpetrator. Thus, the task of sanctions is an action to force, encourage or guarantee that all legal norms are fulfilled and are legal consequences for law violators. Legal norms are divided into public law and civil law (broadly defined), each of which can be further subdivided. Based on the division of law, the law includes: (Aminuddin, 2020; P.N.H. Simanjuntak, 2015).

- a. Administrative law norms, relating to administrative sanctions, such as postponement of promotion, transfer of place or position, dismissal, dismissal, and so on;
- b. Civil law norms, relating to compensation sanctions, cancellation of an agreement and so on;
- c. Criminal law norms, relating to criminal sanctions, including capital punishment, imprisonment, confinement, fines plus certain additional penalties and criminal closures

Based on the foregoing, BPN as part of the supervisory and supervisory board of PPATS has the authority to impose sanctions on PPATS which in carrying out its duties, namely making a deed which in its manufacture has violated applicable procedures and regulations. The imposition of sanctions on PPATS by BPN is a form of effort made by BPN to account for its authority as a board of supervisors and supervisors of PPATS. The Camat as PPATS who in carrying out his duties is obliged to follow the rules, provisions as referred to in article 38, article 39 and article 40 of Government Regulation Number 24 of 1997 concerning Land Registration, as well as the provisions and instructions given by the minister or appointed official shall be subject to administrative action. in the form of a written warning to dismissal from his position as PPATS, without reducing the possibility of being sued for compensation by parties who suffer losses caused by the neglect of these provisions (Djan Syaferli, 2020).

Dismissing his PPATS position in this case, dismissing his position dishonorably, because; Serious violation of prohibitions or obligations as PPAT; Sentenced to at least/imprisoned for committing a crime punishable by imprisonment or imprisonment for a maximum of 5 years or more by a court order that has permanent legal force (*Ricki Yoan Amzulian Rifai*, 2017). Violations committed by PPATS may be subject to sanctions in the form of administrative sanctions or criminal sanctions. The imposition of sanctions on the PPATS, looks at the provisions of the existing laws and regulations as well as the violations committed by the PPAT. In Article 12 paragraph (2) Permen ATR/Ka. BPN No. 2 of 2018 concerning the Guidance and Supervision of Land Deed Maker Officials has contained provisions regarding violations. The violations committed by PPATS as referred to in paragraph (1) are: Violations of the

implementation of PPAT's positions; Not carrying out the obligations stipulated in the legislation; Violating the provisions of the prohibition regulated in the legislation; and/or Violating the Code of Ethics. According to the researcher, the violations committed by a PPATS are in the form of; minor offenses and serious offenses.

1. Minor violations, among others:
 - a. Collect fees in excess of the provisions of laws and regulations;
 - b. Within two months after the end of the leave does not carry out his duties Return;
 - c. Does not submit a monthly report regarding the deed he made;
 - d. Concurrent position
2. Serious violations, among others:
 - a. Helping to carry out evil agreements that result in land disputes or conflicts;
 - b. Making a deed as an evil conspiracy which results in a dispute or land conflict;
 - c. Performing the making of the deed outside the working area except as referred to in Articles 4 and 6 paragraph (3) of the Government Regulation concerning the Regulation of the Official Making the Land Deed;
 - d. Provide incorrect information in the deed that results in land disputes or conflicts;
 - e. Open a branch or representative office or other forms located outside and or within its working area as referred to in article 46;
 - f. Violating the oath of office as PPAT;
 - g. The PPAT deed is made, while it is known by the PPAT concerned that the parties authorized to carry out legal actions or their proxies in accordance with the laws and regulations are not present before him;
 - h. Making a deed regarding land rights or property rights to the apartment unit which the PPAT concerned is known to be still in dispute which results in the person concerned not having the right to take legal action as evidenced by the deed;
 - i. PPAT does not read his deed before the parties or parties who have not or are not authorized to take legal actions according to the deed he made;
 - j. PPAT makes a deed before parties who are not authorized to take legal actions according to the deed he made;
 - k. PPAT makes the deed during the period of being subject to a temporary suspension or in a state of leave;
 - l. Others as determined by the Head of the Agency.

Meanwhile, the disqualification mechanism due to PPATS violations while carrying out duties is regulated in the professional code of ethics. It should be noted that the code of ethics is truly in the hands of professional organizations to be implemented and enforced, the code of ethics is not the same as the law, professional professionals who violate the code of ethics will be subject to sanctions and/or fines from the parent professional organization. Meanwhile, violations of laws and regulations are prosecuted by competent judicial authorities such as BPN (Jovita Elizabeth, Teddy Anggoro, 2020).

On the basis of the foregoing, the researcher draws conclusions regarding the form of BPN's responsibility as the guidance and supervision of PPATS, namely; In the event that BPN's responsibilities are under the Supervision and Supervisory Board of PPATS, it will only be subject to administrative sanctions in the form of; written warning; Temporary suspension; Dismissed with honor; Unfair dismissal of PPATS violations in the context of guidance and supervision, where BPN as an organization within the scope of national land regulations also has functions and responsibilities, one of which is the function of fostering land-related agencies, which is called the PPATS regional head.

3. Conclusion

The form of responsibility applied by the Supervisory Board and PPAT Supervisory Board to foster and supervise PPATS, specifically only administrative sanctions in the form of; written warning; Temporary suspension; Dismissed with honor; Disrespectful dismissal of PPATS personnel for violations in the context of guidance and supervision. In order for PPATS supervisory boards and supervisors to be responsible for carrying out their PPATS monitoring tasks, it is necessary to seek formal and informal advice and for monitoring, severe sanctions should be imposed for violations of PPATS in carrying out their functions.

References

Achmad Ali. (2010). *Menguak Teori Hukum (Legal Theory). Teori Peradilan (Jurisprudence)*. Kencana. Jakarta.

- Affan Mukti. (2006). Pokok-Pokok Bahasan Hukum Agraria Affan Mukti. Usu Press. Medan.
- Aminuddin. (2020). Hukum Administrasi Pemerintahan. Phinatama Media. Makassar.
- Brilian Pratama, Happy Warsito, Herman Adriansyah. (2022). Prinsip Kehati-Hatian Dalam Membuat Akta Oleh Notaris. Vol. 11, No. 1.
- Dian Syaferli. (2022). Notaris / Pejabat Pembuat Akta Tanah (Ppat) Sebagai Pihak Yang Melakukan Wanprestasi Dalam Perjanjian Kerjasama Terhadap Tanggung Jawab Dalam Jabatannya, Yogyakarta. Vol. 2, No. 1.
- Djoko Susanto. (2014). Prinsip-Prinsip Hukum Dalam Pengawasan Dan Pembinaan Bpn Terhadap Ppat. Vol. 6, No. 1.
- Fitri Ubaidillah Umaaya. (2019). Kewenangan Pejabat Pembuat Akta Tanah Pada Perjanjian Jual Beli Tanah. Vol. 7, No. 6.
- Gusti Apsari Hadi. (2021). Kekuatan Hukum Akta Jual Beli Yang Dibuat Oleh Camat Dalam Kedudukannya Sebagai Pejabat Pembuat Akta Tanah Sementara (Ppats) Ditinjau Dari Peraturan Pemerintah Nomor 24 Tahun 2016 Tentang Peraturan Jabatan Ppat. Vol. 9, No. 3.
- Gusti Bagus Yoga Prawira. (2016). Tanggung Jawab Conveyancer Terhadap Penjualan Akta Tanah. Vol. 4, No. 1.
- Hans Kelsen (A), (2007). Sebagaimana Diterjemahkan Oleh Somardi, General Theory Of Law And State, Teori Umum Hukum Dan Negara, Dasar-Dasar Ilmu Hukum Normatif Sebagai Ilmu Hukum Deskriptif Empirik, Bee Media Indonesia, Jakarta.
- Harris Yonatan Parmahan Sibuea. (2011), Arti Penting Pendaftaran Tanah Untuk Pertama Kali. Vol. 2, No.2.
- Herlina Ratna Sumbawa Ningrum. (2019). Implementasi Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 13 Tahun 2017 Tentang Tata Cara Blokir Dan Sita. Vol. 14, No. 2.
- Indra Yudha Koswara. (2016). Pendaftaran Tanah Sebagai Wujud Kepastian Hukum Dalam Rangka Menghadapi Masyarakat Ekonomi Asean (Mea). Vol. 1, No. 1.
- Irwansyah. (2020). Pemilihan Metode dan Praktik Penulisan Artikel. Mirra Buana Media. Yogyakarta.
- Jovita Elizabeth, Teddy Anggoro. (2022). Pembatalan Akta Jual Beli Ppat Yang Cacat Hukum Berdasarkan Putusan Pengadilan. Vol. 8, No. 1.
- Julista Mustamu, (2014). Pertanggungjawaban Hukum Pemerintah (Kajian Tentang Ruang Lingkup Dan Hubungan Dengan Diskresi). Vol. 20, No. 2.
- Michell Eko Hardian. (2020). Pelaksanaan Pasal 22 Peraturan Pemerintah Nomor 37 Tahun 1998 Pada Pembuatan Akta Tanah di Kantor Pejabat Pembuat Akta Tanah (Ppat).
- Rahmat Ramadhani. (2021). Pendaftaran Tanah Sebagai Langkah Untuk Mendapatkan Kepastian Hukum Terhadap Hak Atas Tanah. Vol. 2, No. 1.
- Ramadhan, M. R., Kamal, M., & Mamonto, M. A. W. W. (2021). Omnibus Law in Indonesia: Legal Protection of Workers in Employment Contracts. *Golden Ratio of Law and Social Policy Review*, 1(1), 7-16.
- Ricki Yoan, Amzulian Rifai. (2017). Tanggung Jawab Camat Selaku Pejabat Pembuat Akta Tanah Sementara Setelah Tidak Menjabat Lagi Terhadap Akta Yang Dibuatnya. Vol. 6 No. 2.
- Sinring, B., & Buana, A. P. (2022). Legal Politics Of Sustainable Agricultural Empowerment In South Sulawesi For Community Welfare And Sustainable Development. *Golden Ratio of Law and Social Policy Review (GRLSPR)*, 1(2), 38-48.
- Tamrin Muchsin, Sri Sudono Saliro, Sardjana Orba Manullang, Marjan Miharja. (2020). Pejabat Pembuat Akta Tanah Dalam Hal Pendaftaran Tanah: Sebuah Tinjauan Kewenangan Dan Akibat Hukum. Vol. 4, No. 1.
- Tiarawati Poniskori. (2017). Pendaftaran Tanah Secara Sporadik Menurut Pp Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah. Vol 5, No 2.
- Triyono. (2019). Tanggung Jawab Pejabat Pembuat Akta Tanah (Ppat) Dalam Pembuatan Akta Jual Beli Tanah Dan Implikasi Hukumnya Bagi Masyarakat Umum. Vol. 17, No. 2.
- Ulfa Amalyah Usman. (2020). Keabsahan Sertipikat Pengganti Sebagai Dasar Pembuatan Akta Hibah. Vol. 2, No. 4.