

## **Legal Protection Against Land Act Official Considered to Violate Rules of Land Act Official By Regional Advisory and Supervisory Council**

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### **Abstract**

*In the legal system in Indonesia, Land Act Official and National Land Agency have interrelated roles in the management of land administration. Land Act Official serves as a public official who is given the authority to make authentic Actes related to land in addition Land Act Official is also obliged to help create land administration rules Land Act Official must also ensure compliance with legal Ordinances, and protect the interests of both parties involved in the transaction, meanwhile, National Land Agency is a state institution in charge of managing land administration nationwide, including in terms of registration of land rights. In this study using normative research methods. Legal protection of Land Act Official in carrying out their duties and positions is a crucial aspect to ensure professionalism and integrity in public services in the land sector. Land Act Official as a public official who performs state functions must be given protection from all forms of pressure, intimidation, or unauthorized intervention, both from external and internal parties related agencies, including from officials of BPN or from the Regional Advisory and Supervisory Council itself. Imbalance of the relationship between National Land Agency and Land Act Official opens up opportunities for maladministration practices and deviations in authority. This is compounded by the existence of a bureaucratic culture that is still thick with informal transactional practices, which puts Land Act Official in a vulnerable position to unbiased sanctions when it does not follow these practices. Therefore, it is necessary to enforce a supervision and guidance system that is free from conflicts of interest and upholds the principles of transparency and accountability.*

**Keywords:** *Legal Protection, Land Act Official, Regional Advisory and Supervisory Council.*

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## **INTRODUCTION**

Land use in Indonesia cannot be carried out arbitrarily, but must follow and comply with the provisions set forth in applicable law. This is to ensure order, fairness, and legal certainty in the control and use of land by the community and legal entities. In this context, the role of the state through the government is very important, particularly in organizing a land administration system that is orderly and legally accountable. In an effort to achieve legal certainty in the field of land, the government is required to carry out land registration activities throughout the territory of the Republic of Indonesia. This obligation is stipulated in Act Number 5 Year 1960 about Basic Agrarian Principles (UUPA), which is the legal basis for land administration national level in the field of agrarian affairs. UUPA Section 19 Verse explicitly states that: “*The government conducts land registration, which is regulated by further provisions through government Ordinances to provide legal certainty.*”

Provision emphasizes that land registration is not merely administrative, but a strategic instrument of the state in recognizing, protecting, and enforcing land rights. Through a comprehensive and systematic land registration system, it is hoped that every legal entity that has rights to a particular plot of land will obtain valid legal evidence, such as a certificate of ownership, right to cultivate, right to build, or right of use. In addition to providing protection for landowners, land registration also has an important function in preventing land disputes, facilitating land transactions, supporting investment activities, and serving as a basis for spatial planning and national development.

The implementation land registration regulated through government Ordinances, including Government Ordinance Number 24 Year 1997 about Land Registration (hereinafter

referred as PP PT), which contains the mechanisms, procedures, and types of land rights that can be registered. Thus, through a land registration policy based on the principles of legal certainty and protection, the government seeks to create a national land system that is fair, transparent, and provides maximum benefits for the welfare of the people.

The implementation of this land registration is the authority and responsibility of the government whose implementation is carried out by the National Land Agency of the Republic of Indonesia (hereinafter referred as BPN). Meanwhile, in Section 6 Verse (1) it is emphasized that in the framework of the implementation of land registration, the task of its implementation is carried out by BPN. (Tampil Anshari Siregar, 2007) Land Acte officer (hereinafter referred as PPAT) is a public official appointed by the Competent Authority, with the task of serving the general public in certain fields of activity. (Boedi Harsono, 2003) In accordance with the PPAT position as a public official, the Acte he made was given the position of an authentic Acte. (Baharudin, 2014) In addition, based on applicable legal rules that PPAT is qualified as a public official and is given the authority to make certain Actes in the field of transition and imposition of land rights. (Habib Adjie, 2014)

BPN, leading sector in land administration in Indonesia. In its implementation, PPAT plays an important role as a public official authorized to prepare authentic Actes related to the transfer of rights to land and buildings. Along with the development of society and the increasing legal needs in the field of land, the role of PPAT has become increasingly strategic in ensuring legal certainty and protection of land rights. Therefore, various legal provisions governing land and the authority of officials involved in land administration, including PPAT, continue to be refined and adapted to the dynamics of the times.

Historically, specific Ordinances governing the position of PPAT are contained in Government Ordinance Number 24 Year 2016 concerning amendments to Government Ordinance Number 37 Year 1998 about Ordinances on the Position of PPAT (hereinafter referred to as PPN). The basis for its formation in PPN Section 7 Verse (3), which is based on the UUPA, which states: "The PPAT Position Ordinances as referred to in Verse (1) are regulated by Government Ordinance". PPN Section 7 Verse (1) states that "PPAT as referred to in Section 6 Verse (2) shall be appointed and dismissed by the Minister. Previously, matters relating to PPAT were regulated in Minister of Agrarian Affairs Ordinance Number 10 Year 1961 about Appointment of Officials (hereinafter referred as PMA) referred to in Section 19 Government Ordinance Number 10 Year 1961 concerning Land Registration and their rights and obligations.

The position of PPAT, supported by sound legal certainty, makes PPAT a crucial part of BPN in relation to the implementation of land registration, including in terms of maintaining registration data. PPAT has the authority to compile an Acte that provides strong evidence of a specific legal action related to land, which will later be used as the basis for registering and changing land data. PPAT exercises its authority under supervision. If supervision is not carried out, it can trigger imbalances and violations of PPAT prohibitions, rights, and obligations. One example is a case of misunderstanding in interpreting PPAT regarding its implementation and responsibilities.

The Acte made before PPAT has a very strong evidentiary power in the eyes of the law. (P. Domitila dan Siti Racmawati, 2023) To carry out their duties and authorities a PPAT is authorized to make Actes whose form has been determined by the P BPN Number 8 Year 2012. The Acte made by PPAT is prepared in 4 (four) copies, consisting of: 1 (one) original sheet, 1 (one) sheet to be submitted to BPN, and 2 (two) copies to be submitted to each interested party. As an authentic Acte, PPAT Acte has the power of proof that is perfect and binding, and plays an important role in every legal relationship, especially with regard to the transition of rights to land and buildings. The existence of this Acte is a guarantee of legal certainty and protection of the civil rights of the parties in society. Historically specific rules governing the position of PPAT with Government Ordinance Number 24 Year 2016 on amendments to government Ordinance Number 37 Year 1998 about

PPAT position Ordinance (hereinafter abbreviated as PP PPAT) if seen the basis for its formation comes from PP PPAT Section 7 Verse (3), which is based on the UUPA, that: "PPAT position Ordinance as referred to in Verse (1) is regulated by government Ordinance". In PP PT Section 7 Verse (1) it is stated that "PPAT as referred to in Section 6 Verse (2) is appointed and dismissed by the Minister. Previously, PPAT issues were regulated in the PMA intended in PP PT Section 19 and its rights and authority. (Mustofa, 2014) Since 1961, based on PP PT, the Notary is no longer entitled to make agreements on the transfer of land rights. The authority was then given to PPAT. (R. Soegondo Notodisoerjo, 1993)

In the legal system in Indonesia, PPAT and BPN have interrelated roles in the management of land administration. PPAT serves as a public official who is given the authority to make authentic Actes related to land in addition PPAT is also obliged to help create land administration rules PPAT must also ensure compliance with legal Ordinances, and protect the interests of both parties involved in the transaction. (Nursania Dasopang, 2023) meanwhile, BPN is a state institution in charge of managing land administration nationwide, including in terms of registration of land rights. The relationship between PPAT and BPN is important because the Acte made by PPAT is a document that is the basis for land registration in BPN. The validity and accuracy of the documents produced by PPAT greatly affect the smooth administrative process at BPN. Untuk memastikan proses tanah didaftarkan Based on the Acte in accordance with laws and regulations, the BPN must always carry out its obligations. Registration is a procedure carried out by the state through an authorized agency to continuously organize data collection, storage, and presentation for the benefit of the community, with the aim of providing legal certainty in the field of land. (Nandang Alamsyah, 2015) Because land registration activities are continuous and regular, the role of PPAT is very important and absolutely must always exist.

The habit of giving rewards in the process of filing an application by PPAT to BPN is actually not a legal obligation. Therefore, such practices should be stopped for the sake of creating clean governance and free from gratification. However, the termination of the habit can not be denied has the potential to have an impact on the smooth administrative process of the application submitted by PPAT to BPN, and can affect the working relationship between the two parties. In the event that PPAT experiences obstacles in processing its application which is suspected to be caused by the absence of remuneration to officials within the BPN, PPAT has the right to report the relevant officials to the Inspectorate General of the Ministry of Agraria (hereinafter referred as Ministry) in order to obtain handling in accordance with applicable Ordinances. Quoted in laman [kompas.com](http://kompas.com) the BPN noted that 69 problematic state civil servants (ASN) had been disciplined until they were fired in the period 2018 to 2020.

In this context, there is a potential for abuse of authority if the coaching and supervision mechanism is used as a means of pressure on PPAT who are not willing to follow unethical practices. PPAT can be given administrative sanctions for reasons that seem legitimate formally, but actually motivated by revenge or pressure due to rejection of the practice of gratification. As an illustration, the decision of the State Administrative Court Number 20/G/2020/PTUN can be put forward.PBR, where the notary / PPAT Rachmi Nurdjajanti, S.H., M.Kn. sued the regional PPAT Board of Trustees and supervisors (MPPD) of Rokan Hulu Regency. This case stems from the complaint of a developer (developer) to the Local Land Office through letter number 003/RAS-PP/IV/2020 dated April 14, 2020. Based on the complaint, MPPD issued a summons to Rachmi Nurdjajanti for clarification.

Moreover, a thorough and consistent bureaucratic reform in the BPN environment is needed to build public trust and institutional professionalism. Transactional practices that have been an "open secret" must be eradicated through increased internal supervision, strict sanctions against those who abuse their authority, and the involvement of civil society in the monitoring process. Thus, PPAT as a general official who performs state functions in the land sector should be able to carry out their duties and authorities independently, professionally, and free from all

forms of pressure and unauthorized intervention. Legal certainty and integrity in public services in the land sector will only be realized if all stakeholders, both PPAT, BPN, and supervisory institutions such as the Board of Trustees and PPAT supervisors carry out their roles honestly, transparently, and accountably, as mandated by the principles of the rule of law in the state law.

As a continuation of the previous illustration, in case number 20/G/2020/PTUN.PBR, between notary / PPAT Rachmi Nurdjajanti, S.H., M.Kn. and the regional PPAT Board of Trustees and supervisors (MPPD) of Rokan Hulu regency, it is known that after the summons, the Developer as the rapporteur and Notary/PPAT has reached a peace agreement (dading) on May 27, 2020. Furthermore, on May 28, 2020, the reporting party officially revoked its report to the notary/PPAT and expressed regret for the report it had submitted.

The revocation letter of the report and peaceful statement has been submitted and accepted by the regional PPAT Board of Trustees and supervisors (MPPD) of Rokan Hulu Regency on the same day, namely May 28, 2020. This fact shows that the process of clarification and examination by the MPPD continues despite an amicable settlement, even after the complainant expressed regret and withdrew his complaint. This condition is an important note that the mechanism of internal supervision of PPAT must be run proportionally, based on the principle of prudence and the principle of Justice. Do not let the authority of coaching and supervision be used as a covert pressure tool against PPAT who carry out their duties in a straight and professional manner. Such practices can undermine ethical order, undermine institutional integrity, and harm state officials who seek to comply with the law.

The revocation of the report by the reporting party should be a sufficient legal basis to stop the examination process or the imposition of sanctions against the land Acte making officer (PPAT), especially if the settlement has been made peacefully through mediation by the parties. But in practice, it is not necessarily followed by the Board of Trustees and supervisors of regional PPAT (MPPD). In a case involving notary / PPAT Rachmi Nurdjajanti, S.H., M.Kn., although there has been peace between the complainant and the reported Party on May 27, 2020, and the official report has been revoked by the complainant on May 28, 2020, MPPD continues the examination process and even recommends the imposition of administrative sanctions on the person concerned.

In the Posita submitted by the plaintiff in case number 20/G/2020/PTUN.PBR, notary Rachmi Nurdjajanti filed an objection to the sanctions, by postulating that the actions of MPPD allegedly motivated retaliation for a previous report filed by him against the head of the Land Office of Rokan Hulu Regency. The report was addressed to the Ministry illegal collection Task Force (Saber extortion), related to alleged violations of procedures and deviations from Standard Operating Procedures (SOP) carried out by the Local Land Office. The implementation of MPPD which aims to improve the governance process and enforce the principles of the reporting procedure by the rapporteur, establish the juridical authority to set limits on the authority of MPPD in carrying out supervision of PPAT, as well as whether sanctions are considered to violate the principles of legal procedure and the principle of proportionality.

## RESEARCH METHODS

This study will use normative legal research methods to help researchers answer the problems to be studied. Normative legal research is a method that explores the principles and norms of law used to answer legal problems. This study is expected to find legal principles and doctrines that can later be used as guidelines for answering similar problems. (Peter M. Marzuki, 2023)

The research approach used in this study is Statute Approach, which is the approach taken to examine the rules of legislation, and various legal rules that are the focus of the study. The

Data used in this study is secondary data that is by literature study, is data obtained based on literature, legislation, documents or other literature. In this study, data were collected from various books related to the problem or issues under study. (Sutrino Hadi, 1991)

In this legal research, data presentation techniques are carried out systematically and structured to provide a clear and in-depth description of the problem under study. Data that have been collected from various legal sources, such as legislation, legal doctrine, jurisprudence, and other documents, are presented descriptively in advance to describe the legal phenomenon under study. Furthermore, an analysis of the data presented with a normative approach is carried out to explore the meaning and legal implications of the phenomenon.

## RESULT AND DISCUSSION

PPAT, is a public official appointed by the Competent Authority, with the task of serving the general public in certain fields of activity. PPAT is qualified as a public official and is given the authority to make certain acts in the field of transition and imposition of land rights. The Acte made before PPAT has a very strong evidentiary power in the eyes of the law. To carry out their duties and authorities a PPAT is authorized to make Actes whose form has been determined by the PMA, the Actes include the Acte of sale and purchase, Acte of grant, Acte of exchange, Acte of entry into the company, Acte of division of joint rights, Acte of granting mortgage, Acte granting right of building/ right of use on Land Title, power of attorney imposes liability.

PPAT is an official who is authorized to perform legal actions as stipulated in the law. PPATs are appointed and dismissed by the National Land Agency (BPN). PPATs have the authority to perform legal actions related to land. In the implementation of land administration and registration at the BPN, there must always be consistency with the actual condition and status of the registered land, both legally and physically. Therefore, PPATs play a crucial role. Since the enactment of PP PT, PPATs have played a crucial role in transferring rights, granting new rights, and imposing rights attached to land.

PPAT have function is more further emphasized in Act Number 4 Year 1996 on mortgage rights on land and objects related to land and PP PT, namely as a public official authorized to make a Acte of transfer of land rights, encumbrance of land rights, and other acts that are regulated by applicable laws and Ordinances and assist the head of the Land Office in carrying out land registration by making Actes that will be the basis for registration of changes in land registration data.

As a public official, PPAT has a dual position: on the one hand as an independent professional (because it does not have the status of an ASN), and on the other hand as a state official, because it is given public authority to make Actes that have binding legal force and are authentic. In the perspective of State Administrative Law, PPAT is the executor of most government functions in the land sector, so it is subject to administrative supervision, although it is not part of the direct bureaucratic structure of government. PPAT obtains authority directly from BPN, not based on a contract or private employment relationship. That is, the authority of PPAT comes from public law, not from the giver. PPAT has the authority to make authentic Actes regarding certain legal acts. According to Section 1868 of the Civil Code, an authentic Acte is a Acte made in the form prescribed by law by or in the presence of a public official authorized for that Acte made PPAT has legal force as a means of authentic written evidence in the legal process and/or as a juridical basis in the process of transitional registration or imposition of land rights at the Land Office. As a public official, PPAT must uphold the code of Professional Ethics, be independent, honest, impartial, and obey the law. This indicates that PPAT is not just a technical implementer, but also an enforcer of legal certainty and justice in the land sector.

In Indonesia's land system, PPAT plays a central role as a bridge between the community and the government. PPAT is a party that guarantees that legal acts on land are carried out legally, clearly, and documented, so that they can be used as a basis for registration at the Land Office. This is directly related to the principle of legality and legal certainty in the registration of land rights that are part of the public service. The position of PPAT as a strategic partner of the National Land Agency (BPN) makes this position very crucial in realizing orderly land administration and legal protection for the community. In practice, BPN will not process the registration of transition or encumbrance of land rights without the PPAT act as a juridical basis. Therefore, PPAT's responsibility is not only limited to making Actes, but also ensuring that all legal processes ranging from identity verification, document validity, to the will of the parties run in accordance with applicable legal provisions.

In carrying out its duties, PPAT must meet the provisions of formal and material legal requirements. Formal legal requirements include procedures for making Actes in accordance with statutory procedures, such as the presence of the parties, the use of the Indonesian language, as well as signatures and seals of office. Meanwhile, the requirements of material law demand that the substance of a legal act (for example, buying and selling or grants) actually occurs, is not legally flawed, does not contain fraud, and is not contrary to law. PPAT also plays a role in protecting the legal rights of the parties in land transactions. With the PPAT Acte, the rights and obligations of the parties become clear and well documented, thus preventing disputes in the future. In this case, PPAT helps maintain legal certainty in the land sector, which is part of the constitutional rights of citizens as stipulated in Section 28D Verse (1) of the 1945 Constitution, namely the right to guarantee, protection, and fair legal certainty.

Furthermore, the existence of PPAT also supports the implementation of the principle of publicity in land law. The Acte made by PPAT becomes a tool for registering land at the Land Office, so that the status of ownership or transfer of land rights can be announced to the public through land books and certificates. This is part of the country's efforts to realize a land system that is transparent, orderly, and free from disputes. Thus, the PPAT position is not just an administrative complement in the land process, but an integral component in the national legal system that bridges the legal interests of citizens and the state's obligation to ensure legal certainty and protection of land. This position requires high integrity, professional competence, and accountable legal supervision so that the implementation of PPAT tasks remains within the legal and ethical corridors.

As a public official who exercises most of the authority of the state in the field of land, land Acte officer (PPAT) has a great responsibility to carry out their duties and authorities in a professional, honest, and in accordance with the laws and Ordinances. Therefore, in the exercise of his position, PPAT does not work freely without control, but is in the supervision and guidance system regulated institutionally by the regional PPAT Board of Trustees and supervisors (MPPD).

PPAT Board of Trustees and supervisors is defined as an Assembly authorized by the Ministry to guide and supervise PPAT. Coaching activities include efforts, actions and activities carried out by the Minister to PPAT effectively and efficiently in order to achieve better PPAT quality. While the supervision of administrative activities that are preventive and repressive by the Minister which aims to keep the PPAT in carrying out their positions in accordance with the provisions of legislation.

In carrying out his position PPAT has institutions that provide guidance and supervision, both at the district, regional and Central levels. For this reason, the implementation has been regulated in ATR/BPN Ministerial Ordinance Number 2 of 2018 concerning PPAT guidance and supervision. The purpose of these provisions is to achieve effectiveness and efficiency and realize PPAT quality and better. In the Ordinance No. 2 of 2018, there is a classification point in the form of supervision and guidance for PPAT. The authority for the implementation of

supervision and guidance in the Ordinance has been determined by the establishment of the PPAT Supervisory Council. Based on Section 3 Verse (1) Permen ATR/BPN No.2 in 2018 the scope of these sweets includes: a) construction and supervision of PPAT; B) establishment of the Board of Trustees and supervision of PPAT; c) the working procedure for the examination of suspected PPAT violations; and d) legal aid to PPAT.

The Board of Trustees and supervisors above has several specifications, namely the Board of Trustees and supervisors of Central PPAT, hereinafter abbreviated as MPPP, is the Board of Trustees and supervisors of PPAT based in the Ministry, the Board of Trustees and supervisors of regional PPAT, hereinafter abbreviated as MPPW, is the Board of Trustees and supervisors of PPAT based in the Regional Office of BPN, the Board of Trustees and supervisors of regional PPAT, hereinafter abbreviated as MPPD, is the Board of Trustees and supervisors of PPAT based in the Land Office.

Formally and structurally, the relationship between PPAT and the Land Office (BPN) is a complementary functional partnership relationship. PPAT is in charge of making an authentic Acte as the basis for the transition or encumbrance of land rights, while BPN through the Land Office is in charge of recording and registering these rights in the land book and issuing certificates. However, this relationship is asymmetric, PPAT is very dependent on the response and service of the Land Office. Although PPAT is referred to as a strategic partner, in practice the PPAT position is often in a structurally weaker position, because the process of finalizing rights remains with the BPN authority. This imbalance opens up the potential for abuse of power or administrative mall practices.

The Council of Trustees and supervisors of regional land Acte officials or called MPPD is an assembly given authority by the Minister to guide and supervise PPAT at the district/city level. Coaching activities include efforts, actions and activities carried out by the Minister to PPAT effectively and efficiently in order to achieve better PPAT quality. Supervision of PPAT as referred to can be in the form of supervision of the implementation of PPAT positions, enforcement of the rule of law in accordance with the provisions of the legislation in the field of PPAT, supervision of the implementation of PPAT positions is carried out to ensure that PPAT carries out obligations and PPAT positions in accordance with the provisions of the legislation. Elements of the regional PPAT Board of Trustees and supervisors consist of 1 (One) chairman, namely the head of the Local Land Office 1 (one) deputy chairman of the organizational element of the Association of land Acte officials (IPPAT) which is a professional organization for land Acte officials (PPAT) in the form of a legal entity association 5 (five) members consisting of 3 (three) elements of the ministry and 2 (two) elements of the ippat organization.

Supervision of the implementation of the duties and authority of the land Acte officer (PPAT) is an important part of the internal control system in the land sector, which aims to ensure that all PPAT activities are carried out in accordance with applicable laws and Ordinances. This form of supervision is carried out through inspection activities directly to the PPAT office in question, and can also be done through other forms of supervision according to the policies and authorities. Responsibility for the implementation of this supervision is in the hands of the head of the Regional Office of the National Land Agency (BPN) and the head of the Land Office. Inspection by the head of the BPN Regional Office is carried out periodically, while inspection by the head of the Land Office must be carried out at least once in a calendar year. To support the implementation of this supervision, both the head of the BPN Regional Office and the head of the Land Office are authorized to assign officials who have been officially appointed to conduct an examination of the PPAT office.

Furthermore, in the implementation of the examination, the head of the BPN Regional Office and/or the head of the Land Office can involve the PPAT Board of Trustees and supervisors, as long as the performance of their duties is in accordance with the established authority. The involvement of this Assembly can only be done if it has obtained an official

assignment from the chairman of the Board of Trustees and PPAT Supervisors. In any inspection activity involving the Board of Trustees and supervisors, the number of personnel assigned must be at least two people, in order to ensure the objectivity and effectiveness of the inspection process. With this structured monitoring mechanism, it is expected that all PPAT activities in the field can run in a professional, transparent, and accountable manner, and provide legal guarantees for the community in terms of making land Actes.

As the panel of judges in its consideration said that the examination to Rachmi Nurdjanti SH, M.Kn (PPAT) is due to a complaint from the rapporteur A Rashid but nevertheless it should be noted that there has been peace between the plaintiff and the rapporteur, which should be done MPPD is to stop the examination process because the rapporteur himself has admitted there is misunderstanding and miscommunication between the rapporteur and PPAT and then the problem will be resolved by way of, so according to the panel of judges, there is not enough legal reason for MPPD to continue the examination which ultimately recommends the dismissal of PPAT Rachmi Nurdjanti SH, M.Kn actions must be based on complete information and documents to support the legality of the determination and/or implementation of the decision/action so that the decision/ Action is carefully prepared before it is established or carried out.

The panel of judges also argued that the MMPD's actions did not consider the letter of revocation of the report from Rapporteur A. Rashid in checking PPAT Rachmi Nurdjanti SH, M.Kn, has violated the principle of accuracy which should be before the dismissal recommendation is issued, MPPD should consider the information and documents in full and complete on the issues to be examined so that the decision of MPPD obtain a strong legal basis. In addition, the panel of judges in its consideration conveyed in administrative law the principle of meeting the raised expectation is known which philosophically requires that State Administration bodies/officials can meet the expectations and promises that have been given to citizens so as to maintain public confidence in the credibility and professionalism and accountability of State Administration bodies/ officials.

In addition, in its consideration, the panel of judges also re-emphasized that the purpose of making a peace agreement between PPAT and rapporteur A. Rasyid one of them is that the examination of PPAT is not continued So that there are reasonable expectations from PPAT so that MPPD meets these expectations, but MPPD ignores the fact of peace that is recognized by the rapporteur himself that there has been a misunderstanding and miscommunication between the two, the panel of judges considers it appropriate for MPPD as a government official to accommodate the plaintiff's expectations as a citizen of the community.

So that if the authority of the Regional Board of Trustees and supervisors (MPPD) in imposing sanctions on land Acte officials (PPAT) is studied based on the provisions of the applicable laws and Ordinances, and is associated with legal facts revealed in the decision of the State Administrative Court Number 20/G/2020/PTUN.PBR, it can be concluded that in the case there has been a fatal procedural violation (formal disability). MPPD, as a supervisory institution, has the authority to examine and recommend sanctions against PPAT, but this authority must be carried out carefully, objectively, and based on the principles of good governance, such as the principles of legality, legal certainty, and proportionality. In this case, the sanction was imposed on the plaintiff by the MPPD even though the basis of the examination had failed, that is, after the complainant withdrew the complaint and stated that the dispute had been resolved through peace.

The decision of the MPPD to continue the examination and recommend the dismissal of the plaintiff, although it no longer has a sound legal basis, indicates a deviation from the proper procedure, and contradicts the purpose of the supervisory mechanism, namely fostering rather than arbitrarily punishing. Therefore, the actions of the MPPD are legally considered procedural defects, and as a result the resulting sanction recommendations become invalid or null and void.

The decision of the Administrative Court set an important precedent that in carrying out supervisory functions, the MPPD cannot act outside the legal framework and must uphold the principles of protecting administrative rights for supervised officials.

The form of legal assistance referred to in these provisions includes the provision of legal advice, input related to the problems faced, to direct assistance in the investigation process or giving testimony as a witness/expert before the court. To implement this protection, a joint team was formed consisting of elements of the Ministry of ATR/BPN, the regional supervisory and Supervisory Council (MPPD), and the PPAT Association (Ippat). This team is tasked with ensuring that PPAT is not left to face the legal process alone, especially when PPAT is considered to carry out its duties based on legitimate authority according to legislation.

Furthermore, such a situation reflects the conflict of interest inherent in the PPAT supervisory structure, where the supervising party (MPPD) is also part of the institution that has the potential to be a reported Party. This condition is very vulnerable to abuse of authority, as well as creating inequality in legal position between PPAT as an independent functional official and BPN as an administrative institution with more dominant structural powers. If there is no fundamental reform to the institutional structure and supervision system that regulates the profession of land Acte officials (PPAT), then the existence of legal protection for PPAT will only be formalistic and ceremonial.

Such protection may seem strong and convincing in written legal and regulatory documents, but in practice it is not able to provide a true sense of security and legal certainty for PPATS in carrying out their professional duties. The inequality of power relations between PPAT and the National Land Agency (BPN), if it continues to be left without structural correction, has the potential to enlarge the space for abuse of authority, administrative intimidation, and weakening the integrity of the PPAT profession. Therefore, a thorough evaluation of the applicable Ordinances is very urgent to do, both regulating the position of PPAT, supervision mechanisms, and ethical and administrative sanctions. It is not enough just to improve the legal substance, but it is also necessary to overhaul the composition and working mechanism of supervisory institutions such as the Council of Trustees and regional supervisors (MPPD). The independence and impartiality of the supervisory institution is absolutely needed so that the supervisory process does not become a repressive tool that can be abused by those who have higher authority structurally, in this case Land Office officials.

This reform is not only intended to provide responsive legal protection (repressive) when there is a dispute or accusation against PPAT, but also to establish a preventive legal protection system that ensures that in carrying out their professional duties, PPAT does not have to worry about pressure or retaliation from the authorities. Thus, legal protection for PPAT can be realized substantively, not just a discourse or legal formality, but actually serves as an instrument of justice that protects the integrity of the profession and ensures a clean, accountable, and professional land system.

## CONCLUSION

The action of Regional Advisory and Supervisory Council in imposing sanctions against PPAT must be carried out proportionately, objectively, and within the limits of authority determined by legislation. Regional Advisory and Supervisory Council as an instrument of administrative supervision of PPAT positions does not have absolute authority to impose sanctions without a fair verification and clarification process and heed the principles of state administrative law, such as due process of law, the principle of proportionality, and the principle of legal certainty. In the case between the notary / PPAT Rachmi Nurdjajanti, S.H., M.Kn., with the Regional Advisory and Supervisory Council of Rokan Hulu Regency, there were indications

of abuse of authority by the Regional Advisory and Supervisory Council, where sanctions were still imposed even though the complaint from the complainant had been lifted and an amicable agreement between the parties had been reached. This reflects that Regional Advisory and Supervisory Council 's actions go beyond its authority and are not in line with the principles of administrative justice, and potentially violate the principles of neutrality and independence of supervisory institutions. In addition, in carrying out the supervisory function, Regional Advisory and Supervisory Council must always act based on the principles of prudence, justice, and accountability, and avoid arbitrary actions that can injure the rights of the profession and weaken public confidence in the supervisory mechanism itself. Enforcement of discipline against PPAT must be placed in a fair and transparent legal framework, not used as a tool potentially abused by supervisory authorities.

Legal protection of PPAT in carrying out their duties and positions is a crucial aspect to ensure professionalism and integrity in public services in the land sector. PPAT as a public official who performs state functions must be given protection from all forms of pressure, intimidation, or unauthorized intervention, both from external and internal parties related agencies, including from officials of the National Land Agency (BPN) or from the Regional Advisory and Supervisory Council itself. The imbalance of the relationship between BPN and PPAT opens up opportunities for maladministration practices and deviations in authority. This is compounded by the existence of a bureaucratic culture that is still thick with informal transactional practices, which puts PPAT in a vulnerable position to unbiased sanctions when it does not follow these practices. Therefore, it is necessary to enforce a supervision and guidance system that is free from conflicts of interest and upholds the principles of transparency and accountability.

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