

The Effectiveness of Demak Regency Spatial Planning Policy through the Role of a Notary as An Official who Makes Land Deeds

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Abstract. Demak Regency as one of the autonomous regions has authority derived from Law No. 26 of 2007 concerning Spatial Planning, the authority for spatial planning is regulated in Article 11 that: the authority of the district/city regional government in implementing spatial planning includes: a. regulation, guidance and supervision of the implementation of the planning district/city regional space and district/city strategic areas. This writing aims to find out what the Spatial and Regional Planning Policy is related to Space Utilization in Demak Regency and how effective the Spatial Utilization policy is through the role of Notaries as Officials Making Land Deeds. The method used is a sociological juridical approach, the data used is primary data and secondary data, the theory used to analyze the problem is the theory of authority and the theory of effectiveness. The research results show 1. Space utilization in Demak district, namely: 1) Land use in Demak district is rice fields (58.79%). Non-paddy agricultural land consisting of fields/gardens, ponds and community forests occupies 23.13% of the total area, while the remainder (18.08%) is used for housing, industry, trade and offices as well as other public infrastructure. 2) Regional development, one example of developing industrial designated areas as referred to in article 64 of the 2011 Demak Regency RTRW Regional Regulation. Industrial designated areas are mostly in Demak Regency with an area of approximately 7,646 ha. The largest industrial area allocation is in Sayung and Karangtengah sub-districts because it is a top priority in the National Industrial Development Master Plan. 2. The effectiveness of Spatial Planning policies

in Demak Regency through the role of the notary as PPAT, carried out in procedures for making authentic deeds related to land, must go through technical considerations for the activity of issuing suitability of space utilization activities issued by the Demak Regency Land Office and Approval of Space Utilization Activities. issued by the Peran Demak district government through the One Stop Investment and Integrated Services.

Keywords: Effectiveness; Land; Notary; Planning; Policy; Space.

1. Introduction

Spatial planning Basically, to plan and control spatial layout, two principles can be used, namely:¹

- a. identify and formulate various functions that must be implemented at regional and local levels
- b. determine a national policy framework within which various development problems will be resolved at appropriate levels or hierarchies at the national, regional and local levels.

In this way, spatial planning will produce a spatial plan to provide an overview of where the space is, for what activities and when.²

In relation to spatial planning, the state has issued Law No. 26 of 2007 concerning Spatial Planning, one of the considerations in issuing this Law is that the territorial space of the Unitary State of the Republic of Indonesia which is an archipelagic country has the characteristics of the archipelago, both as a unified container which includes land space, sea space, and air space, including space inside the earth, as well as as a resource, needs to be increased in its management efforts in a wise, efficient and effective manner guided by the principles of spatial planning so that the quality of national territorial space can be maintained sustainably for the sake of realizing general welfare and social justice in accordance with the constitutional basis of the 1945 Constitution of the Republic of Indonesia.

The general provisions of Article 1 paragraph (1) state that space is a container that includes land space, sea space and air space, including space within the earth as a unified territory, where humans and other creatures live, carry out activities and maintain their survival. Article 3 states that the implementation of

¹Seotomo, (2006), *Strategi Pembangunan Masyarakat*, Pustaka Pelajar, Yogyakarta, p. 262

²M Daud Silalahi, (2001), *Hukum Lingkungan Dalam Sistem Penegakan Hukum Lingkungan Indonesia*, Alumni, Bandung, p. 80

spatial planning aims to create national regional space that is safe, comfortable, productive and sustainable based on Archipelago Insight and National Resilience.

Article 11 regulates the Authority of Regency/City Regional Governments, paragraph (1) explains that the authority of regency/city regional governments in implementing spatial planning includes:

- a. regulation, guidance and supervision of the implementation of spatial planning in regency/city areas and regency/city strategic areas;
- b. implementation of district/city spatial planning;
- c. implementation of spatial planning of district/city strategic areas; And
- d. cooperation in spatial planning between districts/cities.

Demak Regency as one of the autonomous regions has authority derived from Law No. 26 of 2007 concerning Spatial Planning, the authority for spatial planning is regulated in Article 11 that: the authority of the district/city regional government in implementing spatial planning includes: a. regulation, guidance and supervision of the implementation of the planning district/city area and district/city strategic areas; b. implementation of district/city spatial planning; c. implementation of spatial planning of district/city strategic areas; d. cooperation in spatial planning between districts/cities.

Implementation of the above provisions, Demak Regency has established Demak Regency Regional Regulation (Perda) Number 6 of 2011 concerning Demak Regency Spatial Planning for 2011-2031, in one of its considerations it is stated that "to direct development in Demak Regency by utilizing regional space optimally. efficient, effective, harmonious, harmonious, balanced and sustainable in order to improve community welfare and defense and security, spatial planning is needed," Regional Regulation number 6 of 2011 was amended by Regional Regulation number 1 of 2020 concerning Amendments to Regional Regulation number 6 of 2011 concerning Demak Regency Regional Spatial Planning Plan for 2011-2031, one of its considerations is that changes in national development policies and dynamics, Central Java Province, Demak Regency and surrounding areas have influenced the spatial planning of the Demak Regency area, thus requiring a review of the Regency Regional Spatial Plan demak. The district spatial planning plan (RTRW) is the basis for issuing permits for development locations and land administration as regulated in article 1 A of Regional Regulation Number 1 of 2020.

Notary as a public official who has the authority to make authentic deeds and other authorities as regulated in this Law or other Laws, this is stated in Article 1 paragraph (1) of Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2014 2004 Concerning Notary Positions. in the general explanation it is stated that a noatrist is a public official who is authorized to make authentic deeds as

long as the making of certain authentic deeds is not reserved for other public officials. Making authentic deeds is required by statutory regulations in order to create certainty, order and legal protection. In addition to authentic deeds made by or before a notary not only as required by statutory regulations, but also because it is desired by interested parties to ensure the rights and obligations of the parties for certainty, order and legal protection for interested parties as well as for the community as a whole. whole.

Noratis as a general deed making official also doubles as a Land Deed Making Official (PPAT) has the authority as regulated in Article 1 paragraph (1) of Government Regulation (PP) number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Position of Deed Making Officials Land is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights or ownership rights to apartments.

AP Parlindungan said that PPAT's task is to carry out recording of deeds of conveyance, namely a recording of the making of a land deed which includes transfer of rights, increase in collateral with land rights as mortgage rights (building use rights above property rights) plus installing a power of attorney to place mortgage rights. ³

PP Number 37 of 1998 Article 2 states that PPAT carries out some land registration activities by making authentic deeds as proof that certain legal actions have been carried out regarding land rights or ownership rights to apartment units which will be used as the basis for registering data changes, resulting land registration. by these legal actions, namely: buying and selling, exchange, entry into the company, distribution of joint rights, granting building use rights, granting mortgage rights, granting power to impose mortgage rights.

2. Research Methods

The approach used in this writing is the sociological juridical method, namely research that discusses how law applies in society.⁴, the types of data in this writing are primary data and secondary data, theories used to analyze authority theory and effectiveness theory. Authority Theory is a theory that examines the source of authority from the government in carrying out legal acts in relation to public law and in relation to private law. Indoharto stated that there are three types of authority that originate from statutory regulations, namely: attribution

³Dyara Raddhite Oryza Fea, (2018), *Panduan Mangurus Tanah, Rumah dan Perizinannya*, Legality, Yogyakarta, p. 83.

⁴Zainudin Ali, (2011), *Metode Penelitian Hukum*, Sinar Grafika, Jakarta, p. 31

authority, delegation authority and mandate authority.⁵Theory of Legal Effectiveness, the word effective comes from the English language effective, which means something that is implemented successfully and well. According to the Big Indonesian Dictionary, the word effective is defined as something that has an effect (influence, impact) since a law or regulation comes into force.⁶Soerjono Soekanto said that a legal action is considered effective if the action or other behavior leads to the desired goal, meaning if the other party complies with the law.⁷

3. Result and Discussion

3.1. Spatial and Regional Planning Policies related to Space Utilization in Demak Regency

Law No. 26 of 2007 concerning Spatial Planning which has been amended by Law No. 11 of 2020 concerning Job Creation, in Article 1, among other things, regulates: says Space is a container that includes land space, sea space and air space, including space inside the earth as a unified territory, where humans and other creatures live, carry out activities, and maintain their survival.

The aim of spatial planning is to create a national regional space that is safe, comfortable, productive and sustainable based on Archipelago Insights and National Resilience by:⁸

- a. the realization of harmony between the natural environment and the artificial environment;
- b. the realization of integration in the use of natural resources and artificial resources by paying attention to human resources; And
- c. realizing the protection of space functions and preventing negative impacts on and peaceful. What is meant by "productive" is that the production and distribution processes run smoothly in environment due to space utilization.

The regulation of authority in the implementation of spatial planning is regulated in Law No. 11 of 2020 as follows:⁹

- 1) The authority of the Central Government in implementing spatial planning

⁵Ridwan HR, (2008), *Hukum Administrasi Negara*, Raja Grafindo Persada, Jakarta, p 104

⁶Kamus Besar Bahasa Indonesia, (2002), Balai Pustaka, Jakarta, p. 284

⁷Soerjono Soekanto, (1982), *Kesadaran Hukum Dan Kepatuahan Hukum*, Rajawali Press, Jakarta, p 116

⁸Law No. 11 of 2020 concerning Job Creation

⁹Articles 6 -11, Law No. 11 of 2020 concerning Job Creation

- a) regulation, guidance and supervision of the implementation of national, provincial and city spatial planning, as well as the implementation of spatial planning of national strategic areas;
- b) providing technical assistance for the preparation of provincial, district/city spatial planning plans, and detailed spatial planning plans;
- c) technical guidance in the activities of preparing provincial spatial plans, district/city spatial plans, and detailed spatial plans;
- d) implementation of national regional spatial planning;
- e) implementation of spatial planning of national strategic areas;
- f) inter-country spatial planning cooperation and facilitating inter-provincial spatial planning cooperation.

The authority of the district/city Regional Government is carried out in accordance with the norms, standards, procedures and criteria established by the Central Government in the implementation of spatial planning including: a. regulation, guidance and supervision of the implementation of spatial planning in the Kola Regency area; b. implementation of district/city spatial planning; c. cooperation in spatial planning between districts/cities.

Authority in the Big Indonesian Dictionary comes from the word "authority" which is an object that has the prefix and suffix of the word authority, namely authority and authority, in this case both have the same meaning, namely: 1) the right and power to act (authority), 2) the power to make decisions, command, and delegate responsibility to others, 3) rights, functions that may not be implemented.¹⁰ Prajudi Atmosudirdjo defines that authority (authority, gezag) is formal power that comes from legislative power/given by law, or from executive/administrative power, while authority (competence, bevoegdheid) is the power to carry out an action.¹¹

Provincial, district/city regional governments have the authority to regulate regional planning as a consequence of the provisions of the 1945 Republic of Indonesia Constitution, Article 18 which, among other things, regulates:

Article 18 of the Constitution of the Republic of Indonesia states, among other things, that:

- a. The unitary state of the Republic of Indonesia is divided into provinces, and the provinces are divided into districts and cities, each of which has a regional government, which is regulated by law.

¹⁰Asmaeny Azis, Izlindawati, (2018), *Constitutional complaint&Constitutional question Dalam Negara Hukum*, Kencana, Jakarta, p. 46

¹¹Ibid, p. 47.

- b. Provincial, district and city governments regulate and manage government affairs themselves according to the principles of autonomy and assistance duties.

Based on this article, regional governments, including provinces, districts and cities, have the authority to manage government affairs based on autonomy. Regional autonomy is the essence of regional government with a decentralized system. Autonomy comes from ancient Greek, namely autos which means alone and nomos which means law.¹²The right to exercise self-government as a cornerstone of society in a unitary state means nothing other than autonomy, namely the right to manage one's own household.¹³

Spatial Planning Policy related to space utilization can be seen in Demak Regent Regulation Number 24 of 2023 concerning Regional Government Work Plans for 2023. Article 2 states that the Regional Government Work Plan, hereinafter abbreviated to (RKPD), is a regional development document for a period of one year, starting January 1 2023 to December 31 2023. In Book II concerning General Description of Regional Conditions related to land use, it is stated, among other things:

1. Land Use

The Demak Regency Government made changes to the Regional Regulation regarding RTRW in 2020. Based on a study of satellite imagery, it is known that the area of Demak Regency is 99,532 ha. This area is slightly different from the previous calculation, namely 89,743 ha. The 2021 land use report still uses the old area as presented in the table. Most of the land in Demak Regency is rice fields (58.79%). Non-paddy agricultural land consisting of fields/gardens, ponds and community forests occupies 23.13% of the total area, while the remainder (18.08%) is used for housing, industry, trade and offices as well as other public infrastructure.

Table of Land Use Area

Based on land use in Demak district in 2017-2021, as follows:

Year	Land Use			Total Land Area
	Ricefield	Agriculture is not rice fields	Not Agriculture	
2017	52,178	21,646	15,919	89,743

¹²Sri Kusriyah, (2019), *Politik Hukum Desentralisasi & Otonomi daerah Dalam Perspektif Negara Kesatuan Republik Indonesia*, Unissula Press, Semarang, p.28.

¹³Ni'matul Huda, (2018), *Hukum Tata Negara, Edisi Revisi*, Radja Grafindo Persada, Jakarta, p. 307.

2018	52,178	21,646	15,919	89,743
2019	52,347	21,120	16,276	89,743
2020	53,597	18,938	17,208	89,743
2021	52,761	20,759	16,223	89,743

Based on this data, rice fields and non-agricultural land experience expansion every year. These two types of land use reduce the portion of non-rice field agricultural land. In 2021, paddy fields will decrease as a result of the change in use of paddy fields to fish ponds.

2. Land Development Potential

Regional development in Demak Regency is guided by Demak Regency Regional Regulation Number 1 of 2020 concerning Amendments to Demak Regency Regional Regulation Number 6 of 2011 concerning Demak Regency Regional Spatial Planning (RTRW) for 2011-2031. Regional Regulation Number 1 of 2020 is the result of the RTRW review which has been carried out since 2016 and was stipulated on February 28 2020 and promulgated on March 2 2020. From the results of the RTRW review, the regional spatial basis in Demak Regency has experienced a shift from being based on the agricultural sector and superior fisheries supported by the trade and services sector, industry, micro, small and medium enterprises and tourism, to be based on superior agricultural and industrial sectors supported by the trade, services and tourism sectors with a sustainable environment. The big difference lies in the industrial sector, which was originally a supporting sector, becoming the main sector, as well as the addition of a sustainable environmental perspective clause as a commitment by the Demak Regency Government to support the achievement of the 2030 Sustainable Development Goals (SDGs).

Based on the spatial pattern plan, Demak Regency is divided into two, namely protected areas and cultivation areas. In the RTRW review, the water catchment area in Demak Regency is in Karangawen and Mranggen Districts with an area of approximately 322 ha. The local protected area consists of coastal borders, river borders, irrigation canal borders, reservoir borders and green open spaces spread across the Demak Regency area with an area of approximately 1,776ha.

Mangrove ecosystem areas and geological protected areas are mentioned more specifically. Demak Regency currently has 701 ha of mangrove ecosystem area stretching along the coast of Bonang District, Karangtengah District, Sayung District and Wedung District. The mangrove ecosystem needs to be maintained and even developed because it plays a major role in preventing coastal erosion and abrasion, one of the environmental threats that Demak Regency has faced for many years. Apart from that, the ecosystem

Mangroves function as filters for pollutants, provide habitat for other species and have the potential to become regional tourist areas.

Cultivation designated areas are divided into production forest areas, agricultural areas, fisheries areas, mining and energy areas, industrial designated areas, tourism areas, residential areas and defense and security areas. The production forest area in Demak Regency is in the Karangawen and Mranggen sub-districts with an area of approximately 3,278 ha., which consists of a limited production forest area of 568 hectares in Karangawen District and a permanent production forest area of 2,710 hectares in Karangawen and Mranggen Districts. The agricultural area consists of a food crop area and a horticultural area.

The Demak Regency food crop area has an area of approximately 56,763 ha spread across all sub-districts and a sustainable food area of approximately 56,530 ha which is included in the food crop area and horticultural area with an area of approximately 1,556 ha. The fisheries area in Demak Regency consists of capture fisheries and aquaculture where pond cultivation has a total area of approximately 6,062 ha spread across Sayung, Karangtengah, Bonang, Mijen and Wedung subdistricts. Meanwhile, capture fisheries include capture fisheries facilities and development of fisheries processing. The mining and energy area in Demak Regency is an oil and gas mining area which is included in the Blora Block Working Area.

The industrial designated area as intended in article 64 of the Demak Regency RTRW Regional Regulation for 2011-2031 is spread across most of the Demak Regency area with an area of approximately 7,646 ha. The largest industrial area allocation is in Sayung and Karangtengah sub-districts because it is a top priority in the National Industrial Development Master Plan.

The tourism area in Demak Regency still relies on religious tourism from the Great Mosque of Demak and the Tomb of Sunan Kalijaga as well as the Tomb of Sheikh Mudzakir which is on Morosari Beach which is a strategic area of the province supported by natural tourism such as Morosari Beach and Tambakbulusan Beach. Several other tourism areas also contribute to development, such as Morodemak Beach, Surodadi Beach, Wonosekar Tourism Forest, Bengkah Reservoir, and Onggojoyo Beach which are natural tourism. In terms of cultural tourism, there is also the Great Mosque Museum, the Great Grebeg Tradition of Demak and the Sea Alms Tradition. Meanwhile, in artificial tourism, there are the Kali Jajar Motion Weir, the Kali Jajar Rubber Weir, the Kali Kumpulan Rubber Weir, Taman Ria Demak City, Kebonbatur Agrotourism and guava lele tourism. The residential area consists of urban residential areas and rural residential areas with an area of approximately 19,055 ha.

From an economic point of view, as an area that is included in the Kedungsepur national strategic area, Demak Regency must pay attention to development in areas located along the primary arterial road corridor that passes through the Districts of Sayung – Karangtengah – Demak – Wonosalam – Gajah – Karanganyar, the Sayung integrated industrial area, the Surodadi beach tourist area in Sayung District and the Morodemak Beach Fishing Harbor area in Bonang District. From the point of view of the function and carrying capacity of the environment, it includes areas prone to abrasion and coastal erosion in Sayung District, Karangtengah District and Bonang District with activities in the form of handling the problems of erosion and abrasion, as well as areas prone to sedimentation and emerging soil in Wedung District with activities in the form of identifying State land and management directions.

Environmental damage with all aspects related to it, such as weather changes, global warming, landslides, earthquakes and so on, is increasingly encouraging scientists to look for appropriate solutions to reduce the impact of environmental damage. Anthropocentric behavior, world damage and hedonism have a negative impact on nature, this paradigm must be immediately shifted to the anthropocosmic paradigm, that humans are part of nature.¹⁴

The natural arrangement of this space is in order to protect the environment so that the environment can be preserved for the benefit of future generations, we can see this in QS Arum verse 30 which means: "There has been visible damage on land and sea caused by the actions of human hands, Allah wants them to feel part of (the consequences of) their actions so that they return (to the right path).

The urgency of environmental preservation through good spatial planning includes:¹⁵

1. Human dependence on nature

Caring for the environment is not actually for the benefit of humans themselves, but also for caring for all creatures of Allah SWT, this is because there is no life in this world without dependence.

2. Everything is created in balance

The universe was created with balance as stated in QS Al-Infitar verse 7 which means "The One who created you then perfected your existence and made your (body structure) balanced". Furthermore, in QS Al-Hijr verse 19

¹⁴Research and Development and Training Agency, 2014, Ministry of Religion of the Republic of Indonesia, Thematic Tafsir of the Qur'an, Volume 4, Kamil Pustaka, Jakarta, p 7

¹⁵Ibid, pp. 8, 9,10

which means "And We spread out the earth and planted on it the mountains and We grew there everything according to size".

3. Everything in nature is for the benefit of humans

QS Al-Baqoroh verse 29 which means "It is He (Allah) who created everything on earth for you, then He went to the heavens, then He perfected them into seven heavens. And He knows all things."

4. Nature as a source of sustenance

Humans in this world use Allah SWT's creation as a source of sustenance and provisions for life. How low would a person's morals be if he was given sustenance and only enjoyed it, but then did not look after it.

Environmental damage is now so serious. In an effort to overcome environmental damage, the Indonesian state has issued various regulations relating to the environment, including Law No. 26 of 2007 concerning Spatial Planning. However, in reality, forest looting and/or timber harvesting, whether from community or state forests, is still rampant.¹⁶

The laws and various regulations made by the government have apparently not been able to prevent environmental destruction such as illegal felling of trees, destruction of water catchment areas, forest logging, mining excavations, therefore it is necessary to implement religious values as per the messages of the Koran. in relation to environmental maintenance.

3.2. EffectivenessSpace Utilization policy through the role of the Notary as an Official for Making Land Deeds

The meaning of Notary is regulated in Article 1 paragraph (1) of Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary, which is called UUJN, a Notary is a public official who has the authority to make authentic deeds and other authorities as in this law or under any other law. In the explanation, it is stated that a Notary is a public official who has the authority to make authentic deeds as long as the making of certain authentic deeds is not reserved for other public officials. Making authentic deeds is required by legislation in order to create certainty, order and legal protection. In addition to authentic deeds made by or before a notary not only because it is required by statutory regulations, but also the wishes of the interested parties to ensure the rights and obligations of the parties for the sake of legal certainty,

¹⁶M. Abdurrahman, 2007, *Eco-Terrorism, Building an Environmental Jurisprudence Paradigm*, Alumni, Bandung, p 12

order and legal protection for interested parties as well as for the community as a whole. whole.

Noratis as a general deed making official also doubles as a Land Deed Making Official (PPAT) has the authority as regulated in Article 1 paragraph (1) of Government Regulation (PP) number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Position of Deed Making Officials Land is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights or ownership rights to apartments.

Government Regulation (PP) number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Making Officials (PPAT), in Article 1 paragraph (1) states that PPAT is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights or ownership rights to apartment units. Article 6 paragraph (1) PP number 24 of 2016 regulates the conditions for appointing a PPAT, namely as follows:

- 1) Indonesian citizen
- 2) Minimum age 22 years
- 3) Be of good behavior and stated with a certificate made by the local Police Agency
- 4) Never been sentenced to prison based on a court decision that has permanent legal force for committing a criminal offense that is punishable by imprisonment for 5 years or more
- 5) Healthy spiritually and physically
- 6) Holds a bachelor's degree in law and is a graduate of second degree notarial studies or a graduate of the PPAT special education program organized by the ministry that handles government affairs in the agrarian/land sector
- 7) Pass the exam held by the ministry that administers government affairs in the agrarian/land sector
- 8) Have undergone an internship or actually worked as an employee at the PPAT office for at least one year after graduating from notarial education.

The duties and authority of PPAT based on Article 2 PP number 37 of 1998 are to carry out land registration activities by making deeds as proof that certain legal acts have been carried out regarding land rights or ownership rights to apartment units which will be used as the basis for registering changes to land registration data resulting from the legal act. Meanwhile, the legal act stated in PP Number 24 of 1997 concerning Land Registration, Article 37 paragraph (1) states that land registration includes:

- 1) Buy and sell
- 2) Tujar swapped
- 3) Grant
- 4) Entry into the company
- 5) Joint sharing
- 6) Granting building use rights/use rights or land ownership
- 7) Granting mortgage rights
- 8) The granting of power of attorney imposes mortgage rights

Article 6 paragraph (2) PP number 24 of 1997 states that in carrying out land registration, the head of the land office is assisted by PPAT and other officials who are assigned to carry out certain activities according to this government regulation and the relevant laws and regulations, whereas based on Article 3 PP number 37 of 1998 to carry out the main tasks as stated above, PPAT is given the authority to make authentic deeds.

PPAT's authority is regulated in Article 3 PP Number 24 of 2016, namely:

- 1) To carry out his main duties, a PPAT has the authority to make authentic deeds regarding all legal acts regarding land rights and ownership rights to apartments located in his work area.
- 2) The special PPAT only has the authority to make deeds regarding legal acts specifically mentioned in its appointment.

Article 40 paragraph (1,2) PP Number 24 of 1997 has the obligation to:

- 1) The PPAT's obligation to register documents is no later than 7 working days from the date the relevant deed is signed. The PPAT is obliged to submit the deed it makes along with the relevant documents to the Land Office for registration.
- 2) The PPAT is obliged to provide written notification regarding the delivery of the deed to the parties concerned.

Related to Demak Regency Spatial Planning has made Regional Regulation No. 6 of 2011 as amended by Regional Regulation No. 1 of 2020, Concerning Demak Regency Regional Spatial Planning for 2011-2031, Article 1B of Regional Regulation number 1 of 2020 states that the regional spatial planning plan is the basis for preparation of the Long Term Development Plan and Medium Term Development Plan for the Demak Regency Region. The process of granting permits for development related to spatial and regional planning in Demak district is carried out by the Department of Public Works and Regional Spatial Planning of Demak Regency, abbreviated as Dinparu, which has the task of assisting the Regent in carrying out government affairs in the field of public works and government affairs in the field of spatial planning which are the

authority of the region. and assistance tasks given to regions, which have the following tasks:¹⁷

- 1) Implementation of government affairs in the field of public works
- 2) Infrastructure and housing development
- 3) Dinparu has the authority to grant permits that must be processed, namely:
- 4) Spatial utilization permit (IPR)
- 5) Building construction permit (IMB)
- 6) Permit for land acquisition for infrastructure projects.

The Dinparu for Spatial Planning, Buildings and Land has the task of formulating technical policies, planning, implementing, developing, developing and controlling Spatial, Building and Land Planning, while its functions are:¹⁸

- 1) Preparation of materials for formulating technical policies for the development and implementation of activities in the fields of spatial planning, buildings and land
- 2) Management and implementation of activities in the fields of spatial planning, buildings and land
- 3) Coordinating and controlling the implementation of activities in the fields of spatial planning, buildings and land
- 4) Implementation of other functions assigned by the head of service in accordance with his duties and functions.

Notaries as PPATs, in carrying out their obligations to make authentic deeds, must follow the regulations in force in Demak district in the form of spatial planning utilization permits, namely, with the existence of technical land considerations for publishing activities, suitability of activities with spatial planning utilization, and approval of spatial planning utilization.

Based on an interview with Notary / PPAT Mrs. Sri Rejeki, SH.Mkn, it was said:¹⁹ that the role of the Notary as a PPAT has authority in land matters related to buying and selling, grants, namely in the process of transferring the name, permission must be obtained from the local Regency/City Land Office. In essence, PPAT's work is interrelated with the processes at the Land Agency, for Demak district at the Demak District Land Agency Office. One of the conditions that must be fulfilled by the applicant for an authentic deed is to have a spatial planning certificate. The spatial planning in Demak Regency is divided into several zoning areas, namely:

¹⁷ <https://sikeran.demakkab.go.id>, downloaded July 10, 2023

¹⁸ <https://dinputaru.demakkab.go.id>, accessed, date, July 10, 2023

¹⁹ Interview with Noatris/PPAT Sri Rejeki SH.MKN, November 8 2023

- 1) Industrial zones are called pink zones, designated for industry, and may be used for housing, as long as the housing is for employees
- 2) Agricultural zones or green zones may be bought and sold as long as the buyer is located in the same sub-district as the rice field land, the rice field land may not be divided except by inheritance, and the heirs may come from another sub-district.
- 3) The horticultural plant zone is called the brown zone, it cannot be bought and sold to anyone other than those who live in the same sub-district where the land is located.
- 4) Residential zones, called yellow zones, can be bought and sold to anyone, without restrictions on domicile, used for residential homes or are now mostly used for housing.

Regarding the use of spatial planning, the process of issuing authentic deeds in Demak Regency, that land use must not conflict with Spatial Planning policies in Demak Regency as regulated in Regional Regulation No. 6 of 2011 as amended by Regional Regulation No. 1 of 2020, Concerning Spatial Planning. Demak Regency Region 2011-2031. The space utilization permit is issued by DINPARU after there are Land Technical Considerations for the issuance of suitability activities for space utilization activities. Results of interviews with Notary Nur Chasanah, SH Mkn²⁰ by giving an example of one of the land utilization applications in the name of Muhammad Asrori, that consideration of the location requested for space utilization issuance activities is reviewed from the aspect of control, ownership, use and utilization of the land as well as land capacity, as follows:

1. The terms and conditions for control and ownership of land are as follows:
 - a. Control and/or ownership of land must be based on proof of land rights in the form of written evidence and/or proof of land control in the form of a title deed and/or a statement of land ownership and proof of transfer of land rights.
 - b. Control and/or ownership of land may not exceed the maximum limit in accordance with statutory provisions
 - c. Control and/or ownership of land that has been obtained to immediately register the land rights;
2. The terms and conditions for the use and utilization of land are as follows:
 - a. Maintain and maintain drainage channels, infiltration and irrigation functions based on Presidential Regulation Number 59

²⁰Interview with Notary/PPAT Nur Chasanah, December 10 2023

- of 2019 concerning Controlling the Conversion of Rice Fields. Use and utilization of land must not sacrifice other public interests
- b. Do not close road access and drainage/irrigation channels and maintain and improve existing road access at the location and around the location in accordance with Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration
 - c. In carrying out development, pay attention to the requirements for development that is environmentally sustainable and the development of Demak's specialties such as guava and star fruit
 - d. To maintain cleanliness, order and security (K3) of the surrounding environment
 - e. So as not to change the use of the land without permission from the authorized agency/department so that it is not in accordance with what is permitted
 - f. So that land uses are used according to their function and used in a beautiful, orderly, sustainable and balanced manner
 - g. Do not abandon the land so that it is damaged and not maintained
 - h. So that when constructing buildings, consider and comply with Demak Regency Regional Regulations Number 1 of 2015 concerning Buildings
 - i. Based on Demak Regency Regional Regulation Number 6 of 2011 concerning the Demak Regency Spatial Planning Plan for 2011-2031, as amended by Demak Regency Regional Regulation Number 1 of 2020.
3. Provisions for land acquisition and transfer of land rights (for business applicants who do not yet own/control land:
- a. Can acquire land after obtaining approval for Conformity of Space Utilization Activities (KKPR) or KKPR recommendation within a period of time according to the validity period of the KKPR
 - b. Must register the land that has been acquired at the local Land Office no later than 1 (one) year from the end of the KKPR validity period
 - c. Must use and utilize the land that has been acquired in accordance with the business activity plan
 - d. As long as it has not been released, all rights or interests of other parties that already exist in the land at the requested location are not reduced and their rights continue to be recognized, including the legal authority possessed by the holder of land rights to obtain proof of rights (ceripikat) and the authority to use and exploit land for personal or business needs in accordance with the applicable

- spatial plan, as well as the authority to transfer it to other parties/individuals
4. Technical land considerations are not a basis for land rights or permission to open land
 5. The land technical consideration map as attached is an inseparable part of this land technical consideration.

Based on the KKPR mentioned above, the Demak district government through the One Stop Investment and Integrated Services Service approved the use of space for non-business activities, with considerations including:

1. After physical changes are made to the land, immediately register it in a certificate for the land at the Demak Regency Land Office
2. Approval of the suitability of space utilization activities as a document stating the conformity between the space utilization activity plan and the spatial planning plan, and as a basis for processing non-business permits in accordance with applicable statutory provisions
3. The approval for suitability of space utilization activities is valid for 3 (three) years from issuance and can be extended in accordance with applicable laws and regulations.
4. In the event that an update is carried out, the validity period of the approval for the suitability of space utilization activities follows the period of exploitation of the land acquired
5. In the event that the application for approval for suitability of space utilization activities for non-business activities has already obtained land for non-business activities, then the approval for suitability of space utilization activities follows the period of land control obtained by the applicant and in accordance with the area of land acquired and approved in the approval for suitability of utilization activities. room
6. Holders of approval for suitability of space utilization activities can only carry out non-business licensing activities in accordance with the approved location
7. Approval of the suitability of cash utilization activities is the basis for acquiring land required for non-business activities, and also applies as permission to transfer land rights and to process further permits with the competent authority.

From the data above, it is analyzed using the theory of authority that the Notary as a PPAT has attribution authority regulated in statutory regulations, that the duties and authority of the PPAT are based on Article 2 PP number 37 of 1998, namely carrying out land registration activities by making deeds as proof that certain legal acts have been carried out. regarding land rights or ownership rights to apartment units which will be used as the basis for registering changes to land

registration data resulting from the legal action. Meanwhile, the legal act stated in PP Number 24 of 1997 concerning Land Registration, Article 37 paragraph (1) states that land registration includes:

1. Buy and sell
2. Exchange
3. Grant
4. Entry into the company
5. Joint sharing
6. Granting building use rights/use rights or land ownership
7. Granting mortgage rights
8. The granting of power of attorney imposes mortgage rights

The role of the Notary as a PPAT in carrying out his role in implementing Spatial Planning in Demak Regency is that in the process of making an authentic deed he must follow the regulations that have been made in Demak Regency, namely the existence of Land Technical Considerations for publishing activities regarding the suitability of space utilization activities, as a basis for publication. Approval of suitability for space utilization issued by the Demak Regency Government through the One Stop Integrated Services and Investment Service.

4. Conclusion

Space Utilization Policy in Demak Regency: a) Land use in Demak Regency is rice fields (58.79%). Non-paddy agricultural land consisting of fields/gardens, ponds and community forests occupies 23.13% of the total area, while the remainder (18.08%) is used for housing, industry, trade and offices as well as other public infrastructure. b) Regional development, one example of developing industrial designated areas as intended in article 64 of the 2011-2031 Demak Regency RT/RW Regional Regulation, is spread across most of the Demak Regency area with an area of approximately 7,646 ha. The largest industrial area allocation is in Sayung and Karangtengah sub-districts because it is a top priority in the National Industrial Development Master Plan. The effectiveness of Spatial Planning policies in Demak Regency through the role of the notary as PPAT, carried out in procedures for making authentic deeds related to land, must go through technical considerations for publishing activities regarding suitability of space utilization activities issued by the Demak Regency Land Office and Approval of Space Utilization Activities issued by Demak district government's role through the One Stop Investment and Integrated Services Service.

5. References

Books:

- Asmaeny Azis, Izlindawati, (2018), *Constitutional complaint&Constitutional question Dalam Negara Hukum*, Kencana, Jakarta
- Bambang Waluyo, (2002), *Metode Penelitaian Hukum*, Sinar Grafika, Jakarta.
- Dadang Kahmad, (2000), *Metode Penelitian Agama*, Pustaka Setia, Bandung
- Dyara Raddhite Oryza Fea, (2018), *Panduan Mangurus Tanah, Rumah dan Perizinannya*, Legality, Yogyakarta
- Indoharto, (1993), *Usaha Memahami Undang-undang Tentang Peradilan Tata Usaha Negara*, Pustaka Harapan, Jakarta
- Irawan Suhartono, (1999), *Metode Penelitian sosial Suatu Tehnik Penelitian Bidang Kesejahteraan osial Lainnya*, Remaja Rosda Karya, Bandung.
- M Daud Silalahi, (2001), *Hukum Lingkungan Dalam Sistem Penegakan Hukum Lingkungan Indonesia*, Alumni, Bandung
- M. Abdurrahman, (2007), *Eko-Terrorisme, Membangun Paradigma Fikih Lingkungan*, Alumni, Bandung.
- Ni'matul Huda, (2018), *Hukum Tata Negara, Edisi Revisi*, Radja Grafindo Persada, Jakarta.
- Notonagoro, (1975), *Pancasila Secara Ilmiah Populer*, Cetakan ke-tiga Pancuran Tujuh, Jakarta,
- Ridwan HR, (2008), *Hukum Administrasi Negara*, Raja Grafindo Persada, Jakarta
- Seotomo, (2006), *Strategi Pembangunan Masyarakat*, Pustaka Pelajar, Yogyakarta
- SF. Marbun, (1997), *Peradilan Admisitrasi Negara Dan Upaya Administrasi Di Indonesia*, Liberty. Yogyakarta
- Soerjono Soekanto, (1982), *Kesadaran Hukum Dan Kepatuahan Hukum*, Rajawali Press, Jakarta
- Sri Kusriyah, (2019), *Politik Hukum Desentralisasi & Otonomi daerah Dalam Perspektif Negara Kesatauan Republik Indonesia*, Unissula Press, Semarang.
- Sri Soemantri Martosoewignjo, (1992), *Bunga Rampai Hukum Tata Negara Indonesia*, Bandung, Alumni, Bandung
- Wirjono Projodikoro, (1981), *Asas-asas Ilmu Negara dan Politik*, , PT Eresco, Bandung
- Yudi Latif, (2011), *Negara Paripurna, Hostorisitas, Rasionalitas, dan Akuntabilitas*, Gramedia, Jakarta
- Zainudin Ali, (2011), *Metode Penelitian Hukum*, Sinar Grafika, Jakarta

Regulation:

- 1945 Constitution of the Republic of Indonesia
- Government Regulation Number 24 of 2016 concerning the Position of Officials Making Land Deeds
- Law No. 11 of 2022 concerning Job Creation
- Law No. 17 of 2007 concerning National Long-term Development 2005-2025

Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning
Notary Positions

Law No. 26 of 2007 concerning Spatial Planning

Regional Regulation number 1 of 2020 concerning Amendments to Regional
Regulation number 6 of 2011 concerning Spatial Planning

Others:

Badan Litbang Dan Diklat, Kementrian Agama RI, (2014), *Tafsir Alqur'an Tematik*,
Jilid 4, Kamil Pustaka, Jakarta,

Kamus Besar Bahasa Indonesia, (2002), Balai Pustaka, Jakarta.

Internet:

<https://dinputaru,demakkab.go.id>, accessed, date, July 10, 2023

<https://sikeran.demakkab.go.id>, downloaded July 10, 2023

Interview:

Interview with Notary/PPAT Nur Chasanah, December 10 2023

Interview with Noatris/PPAT Sri Rejeki SH.MKN, November 8 2023