

## Duties and Authorities of the Sub-district Head as Temporary PPAT in Making Deeds Concerning Land (Study in Batang Regency)

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**Abstract.** *Duties and authorities of the sub-district head as a temporary PPAT in making land deeds (study in Batang Regency) Land Deed Making Officers (PPAT) Notaries in Batang Regency have not yet reached sub-districts far from the city, this is a problem considering the vastness and spread of these areas. The following problems arise: 1) Why are there no Sub-district Heads in Batang Regency who are Temporary PPATs?, 2) What is the role of the Sub-district Head who is appointed as Temporary PPAT in the Land Registration process in Batang Regency, Central Java?, 3) What are the obstacles faced by the Sub-district Head as a Temporary Land Deed Making Officer in the Land Registration Process in Batang Regency, Central Java? The objectives to be achieved from this study are: 1) To find out the reasons or factors that cause all Sub-district Heads in the Batang Regency, Central Java, not to become Temporary PPATs. 2) To find out what the roles of the Sub-district Head as a Temporary PPAT official are in the Land Registration Process in Batang Regency, Central Java. 2) To find out and examine the obstacles faced by the Sub-district Head in his role as a Temporary PPAT official in the Land Registration process in Batang Regency, Central Java. The results of the research and discussion on the implementation can be concluded: 1) The implementation of the duties and authority of the sub-district head as a Temporary PPAT in making land deeds in Batang Regency is carried out in accordance with the provisions of applicable laws and regulations, 2) Several obstacles faced by the Sub-district Head as a Temporary PPAT related to the implementation of duties and authority in making land deeds, 3) Efforts made by the Sub-district Head as a Temporary PPAT in overcoming obstacles faced during the implementation of duties and authority in making land deeds.*

**Keywords:** *Deed; Land; PPAT; Temporary.*

## **1. Introduction**

The utilization of the earth, water, space and everything contained therein is aimed at achieving the greatest prosperity for all Indonesian people. This is emphasized in Article 33 paragraph (3) of the 1945 Constitution which states that the earth and water and the natural resources contained therein are controlled by the State and used to the greatest extent for the prosperity of the people. Based on the provisions of Article 33, it is known that the prosperity of the community is the main objective in the utilization of the functions of the earth, water and space and the natural resources contained therein. The state controls meaning that the state as the governing body has the authority at the highest level to (1) regulate and organize the allocation, use, supply and maintenance of the earth, water and space; (2) determine and regulate legal relations between people and the earth, water and space and (3) determine and regulate legal relations between people and legal acts concerning the earth, water and space.<sup>1</sup>

The State as the Governing Body can regulate various kinds of land rights as stated in Article 16 paragraph (1) of the UUPA. The granting of various kinds of land rights to both individuals and legal entities, in addition to providing authority to manage the land in accordance with the rights held and as long as it does not conflict with the applicable restrictions, also imposes an obligation on the holders of said rights to register their land rights in order to achieve legal certainty.<sup>2</sup>

The replacement of Government Regulation Number 10 of 1961 with Government Regulation Number 24 of 1997, is expected in the equitable distribution of national development in general and land registration issues in particular can be implemented and produce maximum results. Then after Government Regulation Number 10 of 1961, dated March 23, 1961, concerning Land Registration has been running for 36 years, Government Regulation Number 10 of 1961 is considered to no longer be able to fully support the achievement of more tangible results in national development, so it needs to be improved.<sup>3</sup>

The government has the authority to regulate land use and then appoint an agency or body that is authorized to do so. In terms of land registration, the government appoints the National Land Agency to carry it out, as referred to in Article 5 of Government Regulation Number 24 of 1997 which states that: "Land Registration is organized by the National Land Agency".

Furthermore, Article 6 paragraph (2) states:

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<sup>1</sup>Maria.SW Sumardjono, *Land Policy Between Regulation and Implementation*, (Jakarta: Kompas, 2005), p.3)

<sup>2</sup>Effendi Bahtiar, *Collection of Writings on Land Law*, (Bandung: Alumni, 1993), p. 5.

<sup>3</sup>Ali Achmad Chomzah, *Agrarian Law (Indonesian Land) Volume 2*, (Jakarta: Prestasi Pustaka Publisher, 2002), p. 65

"In carrying out Land Registration, the Head of the Land Office is assisted by PPAT and other officials assigned to carry out certain activities according to this Government Regulation and the relevant Legislation."

Likewise, Article 7 of this regulation states:

1. The PPAT as referred to in Article 6 paragraph (2) is appointed and dismissed by the minister;
2. For villages in remote areas, the Minister appoints Temporary PPAT
3. The PPAT regulations as referred to in paragraph (1) are regulated by a separate government regulation.

On March 5, 1998, Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Making Officials was issued. This Government Regulation is essentially a Government Regulation as required by Article 7 paragraph (3) of Government Regulation Number 24 of 1997, dated July 8, 1998.<sup>4</sup>

Furthermore, Article 5 paragraph (3) letter a states:

"To serve the community in making PPAT deeds in areas where there are not enough PPATs or to serve certain community groups, the Minister can appoint the following officials as Temporary Officials or Special PPATs:

- a. Village Head to serve the making of deeds in areas where there are not enough PPATs, as Temporary PPAT.
- b. Head of the Land Office to serve the making of deeds required in the framework of implementing community service programs or to serve the making of certain PPAT deeds for friendly countries based on the principle of reciprocity according to considerations from the Department of Foreign Affairs, as a special PPAT

There are various types of PPAT, there are 3 (three) types of Land Deed Making Officials, namely:<sup>5</sup>

- a. Land Titles Registrar;
- b. Sub-district Head as PPAT;
- c. Land Deed making official with special authority;

Central Java Province, especially Batang Regency, should still need the role of the Sub-district Head as a Temporary Land Deed Official (PPAT), this is because Batang Regency still has many remote villages, the area is very large and there is still a

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<sup>4</sup>Ibid, p. 66

<sup>5</sup>Ibid p.75

lack of Land Deed Officials (PPAT). A Sub-district Head to be able to serve as a Temporary Land Deed Official (PPAT), when Government Regulation No. 37 of 1998 came into effect, did not necessarily become a Temporary PPAT because of his position, but the Sub-district Head had to submit an application for it to the authorities. And in Batang Regency, it is very unfortunate that this application has not been widely made by the Sub-district Heads for various reasons.

The distance between one village to another or between one sub-district and another is very far and difficult to travel by land transportation. Even if land transportation already exists, the condition of the road is very damaged and many have not been paved because of its geographical location in the mountains. With the presence of the Sub-district Head as a Temporary Deed Making Officer (PPAT) in the sub-district area, this makes it very easy and reduces the large costs that will be incurred by the community when transferring rights or registering their land.

Land Deed Making Officers (PPAT) Notaries in Batang Regency have not yet reached sub-districts far from the city, this is a problem considering the vastness and spread of these areas. Therefore, in order to achieve equal legal certainty in the agrarian sector, especially land registration, once again the role of sub-district heads is still very much needed.

## **2. Research Methods**

The approach method used in this legal research is the empirical legal approach method or in other words called empirical normative. The specifications in this legal writing are descriptive analytical in nature which aims to provide a picture of society and certain groups of people or a picture of a symptom or relationship between two or more symptoms. Usually descriptive research such as using survey methods. The next stage is data management, namely analysis is carried out using qualitative methods, namely from the data obtained then arranged systematically and then analyzed qualitatively to achieve clarity of the problems discussed. The definition of analysis here is intended as an explanation and interpretation in a systematic logical manner. Systematic logic shows a deductive-inductive way of thinking and following the rules in writing scientific reports.

## **3. Results and Discussion**

### **3.1. Factors That Cause All Sub-district Heads to Become Temporary Land Deed Making Officials**

According to Mr. Ristanto M.Pd, there are several factors that cause all Sub-district Heads to become Land Deed Making Officials.

These factors are:<sup>6</sup>

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<sup>6</sup>Ristanto M,Pd.,interview, Head of Tersono District, November 30, 2023

a. Lack of Socialization

The National Land Agency Office is still lacking in socializing to the Sub-district Heads in the regions to provide direction and information that the Sub-district Head can become a Temporary Land Deed Making Officer if there is no PPAT or a shortage of PPAT in an area. However, it is also necessary to consider the social conditions of the Sub-district Head (Camat) himself. The social conditions of the sub-district head greatly affect the ability of the Sub-district Head in his position and function as a Temporary PPAT in carrying out his obligations as a Temporary PPAT. These social conditions are such as educational background, whether the Sub-district Head's education is related to skills and knowledge about PPAT. With education that provides special skills and broad knowledge about PPAT, the implementation of PPAT obligations can be fulfilled. The Sub-district Head can become a Temporary PPAT, the requirement is to submit an application to the Head of the National Land Agency, because the lack of information on how the Sub-district Head can become a Temporary PPAT is a factor that causes not all Sub-district Heads to become Temporary PPATs

b. Term of Office

According to the sub-district head Ristanto M, Pd, the sub-district head position is determined by the Regent and the length of his term of office is unknown. This factor means that if he is transferred to become a sub-district head in another sub-district, he must repeat the process from the beginning again.

c. Illegal Levies

Extortion or illegal levies are the imposition of fees in places where fees should not be imposed or collected. Most extortion is collected by officials or officers, although extortion is illegal and classified as KKN, but in reality this is common in Indonesia.

In this era of reform, it turns out that at the National Land Agency Office there are still unofficial levies requested by irresponsible individuals. From the research in the field, the author obtained information from several Sub-district Heads who will apply as Temporary PPAT are charged a fee ranging from Rp. 2,500,000; - (two million five hundred thousand rupiah) to Rp. 10,000,000; - (ten million rupiah) and can even be more than the above figure. These illegal levies burden the Sub-district Heads, causing reluctance because they have to pay a large fee so that the Sub-district Heads are not interested in becoming Temporary PPAT.

According to the author, it is very much agreed if the District/City Land Office is more active in providing information related to land registration and officials related to land registration so that the District/City Land Office and PPAT or Temporary PPAT can coordinate with each other in providing public services in the land registration process. With the socialization of information regarding

Temporary Land Deed Officials, it will increase the insight of the Sub-district Heads so that they can further improve public services in their work areas. Sub-district Heads can become Temporary Land Deed Officials by submitting an application, but if in the application process they are subject to illegal levies by individuals who ask for a certain amount of money so that the Sub-district Head can become a Temporary Land Deed Official, while the income of a Sub-district Head is not that big while the illegal levies that will be collected are quite large, it will make them reluctant and the Sub-district Head will cancel his intention to become a Temporary Land Deed Official. This clearly hinders public services that require services in terms of land registration. For that, the author strongly urges the BPN to be more firm in taking action against individuals who clearly commit violations.

### **3.2. The Role of the Sub-district Head as a Temporary Land Deed Making Official (PPAT) in the Land Registration Process in Batang Regency**

From the results of research in the field according to Drs. Supriyono M,siwho has served as a Temporary PPAT, namely the role or obligation of a sub-district head as a Temporary Land Deed Making Officer (PPAT) is the same and parallel to the role or obligation of a Notary Land Deed Making Officer (PPAT). This means that in carrying out his position, the Sub-district Head as a Temporary PPAT must both be guided by and adhere to Government Regulation Number 37 of 1998 concerning the Regulation of the Position of Land Deed Making Officers.<sup>7</sup>

Because their roles and functions are the same, in the case of appointing a sub-district head as a Temporary Land Deed Making Officer (PPAT), the applicable statutory requirements must also be taken into account and must also be in accordance with the provisions referred to in the Government Regulation, for example, the requirements for appointing a sub-district head as a Temporary Land Deed Making Officer (PPAT) can be carried out if the Formation of Notary Land Deed Making Officers (PPAT) is not sufficient in the area as referred to in Article 7 of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 4 of 1999 concerning Provisions for the Implementation of Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Making Officers (PPAT).

According to the research results, regarding the placement formation of a Land Deed Making Officer (PPAT), considering the very large area of Batang Regency and its 15 (fifteen) sub-districts, it certainly cannot be implemented by a Temporary Land Deed Making Officer (PPAT) where until now there is no Temporary Land Deed Making Officer (PPAT).

Based on the number of Notary Land Deed Making Officers (PPAT) in Batang Regency, which are spread only in Batang District, the ideal number of Notary Land

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<sup>7</sup>Drs. Supriyono M,si., interview, head of DP3AP2KB, November 6, 2023)

Deed Making Officers (PPAT) ratio according to the regulations is still very much felt to be lacking in Notary Land Deed Making Officers (PPAT).

In the author's opinion, Batang Regency is very lacking in this regard, because the population of Batang Regency is still not dense, so there is still a need for Temporary Land Deed Making Officials (PPAT), especially for sub-districts where the number of Notary Land Deed Making Officials (PPAT) has not been fulfilled.

It was further stated that the geographical location of Batang Regency is quite large and there are many mountainous areas that are difficult to reach by land transportation, so that services to the community who need the services of Land Deed Officials (PPAT) will be more optimal with the presence of Sub-district Heads as Temporary Land Deed Officials (PPAT) in each sub-district. Public access is relatively faster to reach the sub-district capital, compared to the district capital where the Notary Land Deed Official (PPAT) has an office. In addition, there are no Sub-district Heads who are Temporary Land Deed Officials (PPAT).

From the results of field research, the role of sub-district heads is still needed by the community in the land registration process in Batang Regency for several reasons:

- a. The location of the sub-district office is close to local residential areas so that transportation costs can be reduced;
- b. The people who will be dealing will not be hesitant or shy, because the sub-district head and the residents already know each other;
- c. The community believes that if at some point there is a problem with their land, it can be resolved amicably because the Sub-district Head as the Temporary Land Deed Making Officer (PPAT) is also a respected and highly respected person;

### **3.3. Obstacles Faced by Sub-district Heads as Temporary PPATs Relating to the Implementation of Duties and Authorities in Making Land Deeds in Batang Regency**

As explained above about the role of a Sub-district Head as a Temporary Land Deed Making Officer (PPAT) is quite heavy responsibility and has a very important role in the land sector, especially in the land registration process. Therefore, in the implementation of these functions and roles must be implemented and carried out properly and correctly, especially in handling and fostering problems that will arise to the surface regarding land registration in his work area.

In line with that, in his position and position as a guardian and community educator, the sub-district head is obliged to understand and implement the provisions of the applicable laws and regulations. It is realized that the temptation and incentive to obtain material benefits in handling land issues is quite heavy for



a sub-district head to face, both in his role as the head of the region in the sub-district, and as the Temporary Land Deed Making Officer (PPAT).

In terms of authority or legal products, the sub-district head in his position as a TUN Official is in the form of a State Administrative Decision, so that if it is detrimental to certain parties, it can be used as an object of lawsuit to the State Administrative Court (hereinafter referred to as PERATUN). In contrast to his position as a Temporary PPAT, it is not a TUN Decision because he carries out government affairs in the form of a series that is a single unit of the land registration process by making a PPAT deed, so it is not included as an object of lawsuit in PERATUN.<sup>8</sup>

Due to the importance and strategic nature of land issues, it is only right that the sub-district head as the regional head and as the Temporary Land Deed Making Officer (PPAT) is obliged to strive to create orderly land administration, including the use, utilization and validity of land rights in his/her area.

#### **3.4. Efforts That Can Be Made by the Sub-district Head as a Temporary PPAT in Overcoming Obstacles Faced During the Implementation of Duties and Authorities in Making Land Deeds in Batang Regency**

Efforts made by the Sub-district Head as PPAT Meanwhile, in overcoming obstacles during the implementation of tasks and authority in making land deeds in Batang Regency based on research results, it can be described as follows:

1. Regarding the desire of the heirs who want to sell the land of the heirs immediately. The Sub-district Head as Temporary PPAT will consider to the heirs (transfer of rights) to immediately submit an application for registration of the transfer of land rights to Office Land with enclosing:
  - a. Certificate land rights in the name of the heir, or in the case of land that has not been registered, proof of ownership as referred to in Article 24 paragraph 1 of Government Regulation Number 24 of 1997
  - b. Death Certificate in the name of the rights holder listed in the relevant certificate from the Village Head/Lurah where the testator lived at the time of death, hospital, health worker, or other authorized agency.
  - c. The proof of being an heir is: A will from the testator, which is a gift of property from the testator to another person that will be valid after the testator dies, Court Decision, which is a decision given by the court to the heir to obtain legal force, so that they can receive what is their right, Judge's/ chief court's decision, which is a decision of the judge/ chief court issued to provide validity to a right, to the legitimate recipients of the right and cannot be sued by other parties who are not

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<sup>8</sup>Deny Suwondo and Ikhsan Saputro. "The Role and Responsibilities of Land Deed Officials in the Implementation of Land Registration Activities" Journal of Law Vol 35 No. 2 Year 2019.



the recipients of the right, For Indonesian citizens who are native residents, a certificate of heir made by the heirs witnessed by two witnesses who are confirmed by the village/sub-district head and the sub-district head where the testator lived at the time of death, For Indonesian citizens of Eastern descent and other foreigners, a certificate of inheritance from the Estate Administration Office

d. Written power of attorney from the heir if the person submitting the application for registration of transfer of rights is not the heir concerned

e. Proof of identity of heirs

2. Regarding problems that arise before the sale and purchase deed is signed.

The PPAT provides suggestions to the buyer with the aim of not harming the buyer himself and in order to be able to make the land deed there are 2 (two) things as follows:

a. The sub-district head as a temporary PPAT advises buyers to still meet the seller the person concerned and asks the seller to make a power of attorney to sell to the buyer (including selling to the buyer himself), which must be made before a local notary.

b. The Sub-district Head as Temporary PPAT suggeststo the buyer to appear before the head of the District Court in the jurisdiction of the land in question, so that a hearing can be opened to determine that the buyer is a person of good faith and a party whose legal interests need to be protected and at the same time it is determined that the authorized PPAT is permitted to transfer his rights.

#### **4. Conclusion**

Based on the results of research and discussion regarding the implementation of the duties and authorities of the Sub-district Head as a Temporary PPAT in making land deeds in Batang Regency, it can be concluded: 1) The implementation of the duties and authorities of the sub-district head as a Temporary PPAT in making deeds regarding land in Batang Regency is carried out in accordance with the provisions of applicable laws and regulations, namely Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Making Officials and Regulation of the Head of the National Land Agency Number 1 of 2006 concerning the Implementation Provisions of Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Making Officials. 2) The obstacles faced by the Sub-district Head as Temporary PPAT are related to the implementation of duties and authority in making land deeds in Batang Regency. Efforts made by the Sub-district Head as Temporary PPAT in overcoming obstacles faced during the implementation of duties and authority in making land deeds in Batang Regency, namely: The Sub-district Head as Temporary PPAT will consider the heirs (transfer of rights) to immediately

submit an application for registration of the transfer of land rights to the Land Office, the PPAT provides suggestions to the buyer with the aim of not harming the buyer himself

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