

Legal Analysis Of The Official Issuing Land Deeds And Notary In A Different Position Of Place

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ABSTRACT

This study aims to analyze how to regulate the placement of PPAT in Government Regulation No. 24 of 2016 on the Amendment of Government Regulation Number 37 of 1998 on the Regulation of Officials of the Land Deed Authority and the factors that affect the occurrence of different working areas of PPAT and Notary positions. This research is done by using normative-empirical research method with data collecting technique through interview that is direct dialog in the form of question and answer and document study that is by recording data directly from document which its contents related to research problem, that is rule of law, , papers, journals, seminar results, and internet sites. The results of this study indicate that: 1) The working area of PPAT in PP 24/2016 is expanded into provincial work areas. in relation to the working area of PPAT in PP 24/2016 provides confirmation that PPAT and Notary are required to be within a working area if it is understood that PPAT in this case concurrently serves as a Notary. In the provision of Article 9 Paragraph (1) of PP 24/2016, PPAT in having two options, such option is PPAT filed a request to move the seat of PPAT or other option of PPAT must stop as Notary in its place of domicile. 2) the age of 22 years can be appointed to PPAT will potentially make the existence of different office positions between PPAT and notary since PPAT first open the office from the notary. PPAT concurrently holds the position of notary but does not follow the notary's position on violating the provisions of Article 7 paragraph (2) letter h of PP 24/2016 and Article 17 letter g UUJN.

Keywords: *Notary, Legal Analysis Officers Land Deed, Differences Work Area.*

INTRODUCTION

In everyday, we can find many notary which also officiate as a land deed official (in short term known as PPAT). Basicly, a land deed official and notary are two different official or profession and has a different authority.

According to A.P Parlindungan,¹ a land deed official is a general officials which is appointed by government but does not paid by the government and have the general authority

¹ A.P Parlindungan. (1989). *Bunga Rampai Hukum Agraria Serta Landreform*. Bandung: part I. p.131

in means the deeds that is published recognized as the authentic deed, while Efendi Perangin,² says a land deed official is an official which have the authority to make a deed of agreements in means to convey the rights of a land, conveying a new rights of a land, mortgaging a land or lending a money with the rights of a land as the mortgage.

In order to increase the role of official who issuing land deed as well as to increase the services to the people on the land registration and in order to support the program of deregulation policy in field of agrarian/land affairs in order of acceleration on implementation of the government policy on economic packages it is need to establish an amendment on the government regulation number 37 of 1998 on the regulation of officials issuing the land deed authority. The scope on amendment of the government regulations are:

1. The requirement to be appointed as the land deed officials, among others are:
 - a. The land deed official candidate's age
2. The obligation through an apprenticeship before the candidate is appointed
3. The addition of time of the official land deed which was 65 years can be extended to the 67 years
4. The addition on dismissal type of the official land deed.
5. The expansion of working area which was formerly one district/city work area turn to one province working area.
6. The addition of multiple occupation.

According to the above consideration then it establish the government regulation of Indonesia republic number 24 of 2016 on the amendment of the government regulation number 37 of 1998 on the regulation of the land deed official authority (which in short terms known as PPAT). Section 1 number 1 of the government regulation specify that the official land deed is a general officials which is given an authority to make an authentic deeds concerning particular legal actions of the rights of a land or ownership rights of an apartment units.³

² Effendi Perangin. (1994). *Hukum Agraria di Indonesia*. Jakarta: Raja Grafindo Persada. p. 3

³ The Terms PPAT (official land deed) is exist since the enactment of government regulation number 10 of 1961 on land registration, as the regulation on implementation of law number 5 of 1960 on the basic regulation of agrarian affairs. By virtue of this regulation it is known for the first time the terms PPAT is mentioned as the official who acted in means of conveying a land, giving a new rights or impose a rights of a land. The meaning of PPAT is more determine under the act number 4 of 1996 on the mortgage rights of a land and the object that related with the land and the government regulation number 24 of 1997 on the land registration which is PPAT as the general officials who has the authority to make conveyance deeds of a land rights, the imposition of a land rights and other deeds which is regulated under the applicable regulation and helping the head of a land office in the implementation on land registration by making the deeds that will be made as the basic registration of a land registration data transformation.

The official land deed has a work position in the district/city in a province that is part of the working region. In terms of the land deed officials switching the office address which is still in a district/city where the official land deed position is, they are required to only have one office which is in their position of place. The official land deed who has concurrently as a notary is must have an office in the same place where the notary place is.⁴

The regulation become aligned with the notary authority⁵ which has the authority to carry out its duty (read, sign etc) the notary deeds as long as in its working region in one province. The alignment on its question is shown in the article 18 paragraph 2 of the notary official act which specified that the notary has an official area including the whole province area from its position.⁶ The authority that notary have as a general officials which is appointed by the government is a hand extension from the state particularly in the field of civil law. under its official, a notary should be carrying its duty by oriented to the God, apply an applicable provision, having a clear legal basis, and stand with people interest.⁷

In practice, it is not an impossible thing occurred that the area of land deed official working area is placed in a different place with its notary working area, considering that the age requirement to be appointed as the official land deed is 22 years old whilst the requirement to be appointed as a notary in minimum is 27 years old so that the official land deed is first appointed⁸ before a notary officials.

The problem is, if the placement of an official land deed candidate that has passed as the land deed official and also have carried out its official duty in some working region which has no formation⁹ on the placement of notary working area in that region, then pursuant to

⁴ See the provision on article 20 of government regulation of Republic of Indonesia number 24 of 2016 on the regulation of official issuing land deeds, (1) PPAT is required to have only one office which is in his place of position. (1a) PPAT who has a concurrence official as a notary, is required to have the same office as in the notary position

⁵ In carrying out activities, a notary also given a consequences in carrying out his duty in terms of violated the particular sections under the act of notary official and the supervision of a notary also perform by the supervision authority which consisting of notary constituent, government (from the ministry of law and human rights) and the academics (from the bachelor of law) official and the agency that is provided an authority to do the supervision to the notary in carrying out his official duty performed by the the ministry of law and human rights. on the implementation the minister forming the supervisory board (article 67 (2) of the official notary act). According to the article 68 of the act of notary officials, stated that "the supervisory board consists of regional supervisory board, province supervisory board, and central supervisory board". quoted from Sari, Deasy Ratna. " the authority implementation of regional supervisory board concerning the sanctions to the notary infringement." *Lambung Mangkurat Law Journal* 1.1 (2016).p. 68

⁶ Under the provision of article 17 letter g determined that a notary is prohibited from official concurrence as a PPAT outside his notary official

⁷ Hasbullah, Hasbullah. "Legalitas (Keabsahan) Akta Notaris Terhadap Rapat Umum Pemegang Saham Melalui Media Telekonferensi." *Lambung Mangkurat Law Journal* 1.1 (2016). p. 63

⁸ Lihat ketentuan Pasal 3 UUJN

⁹ Article 7 paragraph 2 on the regulation of ministry of law and human rights of republic Indonesia number 27 of 2016 on the formation of notary officials and the determination on the category of area, category A; DKI

article 9 paragraph 1 on the government regulation of the official land deed, an official which concurrently as a notary in the district/city beside the position of place as official land deed is required to propose a movement of the official land deed place position to the notary position of place or resign as a notary on those different position. This provision is align with the regulation under article 19 paragraph 2 of the notary officials act which is a notary position of place as the official land deed is required to follow the notary position of place.¹⁰

Problem questions are :

1. How the regulation on the placement of official land deed by virtue of government regulation number 24 of 2016 on the amendment of government regulation number 37 of 1998 on the official land deed regulation?
2. What are the factors that affect the differences on working area of land deed official and notary official duty?

RESEARCH METHOD

Research Location

An author did the research on area of Jakarta and Makassar

Study Approach

The type of the research is normative-empiric legal research (applied law research), using the case study on normative empiric legal research is a product of legal behavior which is done by reviewing the regulation of placement of PPAT under government regulation number 24 of 2016 on the amendment of government regulation number 37 of 1998 on the regulation of official issuing land deeds and the factors which influences the area differentiation of PPAT and notary working area. The main subject matter of normative-empiric legal research is the implementation of positive law and factual contract in every particular legal event which occurred in the people in order to reach the determination purpose. The normative-empiric legal research started from the written positive law which enacted in the legal event of *in concreto* in the people.¹¹

Types and resource of legal materials

Jakarta; category B : Kota Bandung, Surabaya, Semarang, Medan, Makassar, Tangerang Selatan, Bekasi, Yogyakarta, Depok, Kabupaten Bogor, Tangerang dan Sleman; category C: regency of Bekasi, Sidoarjo, Bantul, Deli Serdang, Gowa, Badung, Gianyar, Kota Bogor, Tangerang, Surakarta, Batam, Pekanbaru, Denpasar; category D: City/regency outside those categories above

¹⁰The notary who violated the provision as mentioned on the article 19 paragraph 2 might be subject to sanctions such as a. warning letter, b. temporary dismissal, c. dismissal with honor, or d. disrespectful dismissal.

¹¹ Abdulkadir Muhammad, 2004. *Hukum dan Penelitian Hukum, Cet.1.* PT. Citra Aditya Bakti, Bandung. Page. 52

1. Primary data is an empiric data which gained directly from respondents that selected purposively in the research location by using the interview technique.
2. Secondary data is a data which gained from studying written document which is found in the research location and has the relevance with the research object.

Population and Sample

1. This research population is the whole parties that have the connection with this problem questions, which is the association of notary Indonesia, the association of official land deeds and the ministry of ATR/BPN.
2. The sample of this research is determined by purposive sampling technique which is taken a purposes sample which performed by taking a sample that is based on the particular purpose, the sample contain:
 - a. The ministry of ATR/BPN : 1
 - b. The association of notary Indonesia : 1
 - c. The association of official land deeds : 1

The amount of sample 3 which determined purposively with data that is collected from government agency nor developed parties.

The collection technique of legal materials which used in this research by library research of the legal materials, which is: primary legal resource and secondary legal resource. To complete the legal materials collection, it is done by interviewing the informant which is choosen by the authority of the informant concerning this research.

Data Collection

1. Interview: is a direct dialog such as answer question by using the interview guidelines which have been prepare before.
2. Documentation or also called library research by recording data directly from a document which contained is linked with research problem which is the law regulation, books, paper, journal, seminar result and internet sites.

Data Analysis

The data which obtained from primary data nor secondary data categorized based on its data types. Then those data is analyzed by using the qualitative method which analyzing data that has the connction with the problem research, then selected based on the logic thought to avoid from mistake in the analyzing data procedure. The result is describe descriptive which is describing, explaining and picturing as the problem question on this research.

ANALYSIS AND DISCUSSION

The placement regulation of an official land deed under government regulation number 24 of 2016 on the amendment of government regulation number 37 of 1998 on the official land deed regulation

Talking of an official land deed in this matter is recognized as the general officials which is provided by an authority to make authentic deeds concerning particular legal action on a rights of land or rights of apartment unit ownership which has a working region on its practice. The area or working region of the land deed official by virtue of article 1 paragraph 8 of the government regulation 37/1998 stated that an official land deed working region is an area which indicated an authority of the official land deed to make deed concerning the rights of a land and ownership rights of apartment unit which lies within it.

The establishment of official land deed working area that regulated under government regulation 37/1998 concerning a region or work area of the land deed official is stated under:

Article 12

- (1) Working area of officer issuing land deeds is a district/city land office working area.
- (2) Working area of temporary officer issuing land deeds and particular official issuing land deeds covers his work area as a government officer which regulated its basic appointment.

Article 13

- (1) If a regency/city region is divided into 2 (two) or over, then in a year since the enactment of law concerning new regency/city on second level (collectively known as tingkatan II) formation. An officer issuing land deeds which stay on his previous work area is required to choose one of the area region/city as his working region, in condition that if the option is not performed on its time, then starting from 1 year since the enactment of the act, the working region of land deed official is only covers a region of regency/city where the office place of the officer issuing land deed is.
- (2) The optional of the working area as stated under paragraph (1) is came into force by its own since the enactment of the law on the new formation of regency/city on second level.

Article 14

- (3) The formation of officer issuing land deeds is appointed by the minister

(4) If the formation of officer issuing land deeds in some working region is fulfilled, then the minister specify that the region is closed for the appointment of officer land deeds.

According to the provisions above, the working region of the officer land deed is listed under article 12 and 13 of the government regulation 37/1998, which is one working region of regency/city land office. If some region is divided into two or over then in a year since the enactment of the law of new regency/city formation, an officer who working in the previous regency/city must be choosing one of the regency/city as his working region, in condition that if the option is not perform on time, then a year since the enactment of the act , the officer issuing land deeds working area is only covers a region of regency/city where the officer of land deed is working. The officer issuing land deeds that choose a working region that is outside his office area is need to displace his office in a new region working area. this is provide a convenience for the officer land deeds to choose one of the working region and if they did not choose then a place where he is working previously is as a place where he stay at.

Other than that, a year of transition, a concern official land deed has an authority to make a deed of rights to a land or ownership rights of an apartment units where the new even previous regency/city region is placed. If the officer did not choose one of those working region in a year then it is considered that the officer land deed have already choosen his previous working area and has no authority for another working region for after one year.

Work region for a temporary officer land deeds covers his working area as an officer which the government as the appointer. The region for an official land deeds and a temporary officer land deeds by virtue of article 12 of government regulation 37/1998 its regulation has exactly the same with determination of officer land deed working area and so do for a temporary officer land deed which listed under article 5 on head of national land authority regulation Republic Indonesia Number 1 of 2006 on the implementation of the regulation of officer issuing land deeds number 37 of 1998.

An officer land deed is required to choose his working area, there is an addition on the head national authority regulation Republic of Indonesia Number 1 of 2006, under article 6 specify that if the land office for a division area is still a representative office, for the officer land deed which choose his previous working area or a division region is still able to make a deed which covers central land office area for the longest as one year since the enactment of law on formation of the region/city for those who concerned. The official

land deed who is appointed in an unformed region/city, then the concern officer is only has an authority to make a deed in the region where he is appointed.

Article 14 of the government regulation 37/1998 stated that the official land deed formation is appointed by the minister if the formation for the officer in some region is fulfilled then it will declares closed by the minister by based on the article 7 of the head national land regulation number 1 of 2006, which specify that :

- (1) formation or necessity and official land deed procurement is appointed by the head of national land for every working area of the official land deed with the consideration of factors below:
 - a. number of sub-districts in the regency/city region of the one who concerned
 - b. the level of particular legal action regarding the rights of a land or ownership rights of apartment units as mentioned under article 2;
 - c. concerning the region level on economic development:
 - d. the number of requests to be appointed as an officer legal deeds in the concerning regency/city region;
 - e. the number of official land deed that has been exist in every concerning regency/city;
 - f. other factors that are considers important by the head of national land of Indonesia Republic

since the amendment of government regulation 37/1998 occurred which turning to the government regulation number 24 of 2016 on the amendment of government regulation number 37 of 2008 on the regulation of officer issuing land deeds (in short terms PP 24/2016) where the amendment of this government regulation is also have implications on the amendment of placement area or working area of officer land deeds. The provision of government regulation 24/2016 is concerning an area or working region of officer land deeds is regulated under :

article 12

- (1) The working area of officer land deeds is one province area.
- (2) The working area of temporary officer land deeds and an officer land deeds particularly covers its working area as a government officer as its based appointment.

- (3) Further provisions according an officer land deeds concerning its working area is regulated by the ministerial regulation.

An officer land deeds has a position of place in regency/city of province which is part of the working region. An officer land deeds may move his place of position and his working area, in terms of the official land deeds will move his office address which is still in the area of regency/city land office of officer land deeds position of place, is required to reporting to the head of regency/city land office. In terms if the official land deeds will move to the same regency/city working area or devolve a working area, is required to propose movement application of place or working area to the minister.

article 13

- (1) In terms if subdivision of regency/city occurred which effect the alteration of officer land deeds place, then the place of officer land deeds is consistenly as a place which listed under the decree of officer land deeds appointment or a concern officer apply a movement of a suitable position.
- (2) In terms of province division which effect the region alteration of officer land deeds working area, then the working area of officer land deeds Is consistently with the working region which listed under the appointment decree of official land deeds or a concern officer applied a movement of working area.
- (3) A concern officer land deeds is required to apply the written application to the minister concerning the alteration of position on place of officer land deeds or working area of officer land deeds because of the reason as mentioned under paragraph 1 and 2 within 90 days starting from the enactment date of regulation on the region subdivision.
- (4) In period of transition time within 90 days as mentioned under paragraph 3 the officer land deeds has an authority to make a deed concerning the rights of a land or ownership rights of apartment units which located in the previous/new position of place.
- (5) Further provision according to the requirement and procedures on movement of place position or working area is regulated under ministerial regulation.

In accordance with the amendment of this provisions is done by the consideration on improving the officer of land deeds role also to improve the services to the people regarding the land registration, the government considers it necessary to do the amendment of several provision on the government regulation number 37 of 2008.

A basic amendment which concerning the regulation of the placement of officer land deeds working area under government regulation 24/2006 that stated under article 12 paragraph 1 which in previous provisions stated that the placement of working area of officer land deed is one working area of regency/city land office that expanded to the officer land deeds working area which is one province region. The officer which previously only has the regency/city working area is altered and expanded to the province level working area. the expanded of working area is surely bring a new bugger challenge for the officr land deeds, the substances of those expansion can be categorized that the provision is in line with the provision that regulated notary official, because the scope of officer land deeds area in those regulation is wider than previous provision and has the same notary working area in one province. According to the article 18 of the republic of Indonesian act number 2 of 2014 on the amendment of law number 30 of 2004 on the notary official (in short terms known as UUJN), specify that:

- (1) The Notary has a position of place in the region of regency/city.
- (2) The Notary has an official area which covers the whole province area from his position of place.

This Provision means that a notary position is placed in the region of regency/city and has an official area in the whole province region on his position of place. As mentioned previously that this matter is asserted the working area of land deed officials in terms of his working area expansion is match with the notary working area which is in one province.

According to this matter which concerning the position of official land deed which linked with the working area of official land deed under government regulation 24/2016 giving an affirmation on the understanding of the official land deed and a notary are required to be in one working area if this matter is understanding as a matter of the land deed official has concurrent position as a notary. This matter is stated in the article 7 paragraph 1 of 24/2016 government regulation which specify that an official land deed may concurrent his position as a notary in the notary position of place, also added in the government regulation 24/1016 under article 9 specify that:

- (1) An official issuing land deed who has a concurrence position as notary in regency/city which other than a position of place of official land deed is required to propose a movement application on the notary position of place or resign as a notary on those different position of place.

- (2) Further provision concerning the requirement and the movement procedures is regulated by the ministerial regulation.

Other than that, also added in the provision of article 20 on government regulation 24/2016 specify that:

- (1) An official land deed is required to have only one office which is his position of place.
 - (1a) an official land deed who has concurrence position as notary is must have the same office as a notary has.

While the requirement of the same working area of official land deed and notary if connected with the existence of position concurrency of notary and official land deed by virtue of article 17 letter g of law on notary officials stated that a notary is prohibited to concurrence his position as an official land deed outside the official area of notary. Under article 9 paragraph 1 on government regulation 24/2016 stated that an official land deed who has a concurrence position as a notary in a regency/city other than a position of place of official land deed is required to propose a movement application on position of place in the place of position of notary or resign as a notary on this different position of place.

In terms if the official land deed has two option to perform official land deed acitivity if there is a different area or working region with the concurrence position status as a notary, those options are a position of official land deeds in this matter is propose a movement application of position of place which accordance with a notary position of place to the minister or another choice is that an official land deed is required to resign as a notary in his different position of place of official land deed.

If an official land deed is choosing on a choice to perform his activity with a status of concurrence position as a notary then it is perform by propose a movement application of official land deed position of place and need to be suitable with the notary position of place to the minister, so in this regard an official land deed is required to be dismissed by the minister which is as a temporary dismissal. This matter is regulated under provision of article 10 paragraph 4 letter d on government regulation 24/2016 which specify that an official land deed will have a temporary dismissal as mentioned under paragraph 1 letter c, because to be appointed and lifting an official oath or run out a duty as a notary in a different regency/city of official land deed position of place.

Other than this matter, a provision of article 9 on government regulation 24/2016 specify that an official land deed who has a concurrence position as a notary in the regency/city other than his position of place as an official land deed, by accordance of this

government regulation, is required to move his position of place to the notary position or resign as a notary in this different position of place.

While in the previous government regulation which is regulated under article 9 of 37/1998 stated that an official land deed who is resigned from his official because appointed and lifting an oath as a notary in the level II regency/city in a different position of his working area, is may be re-designated as an official land deed with the area of level II regency/city of his position as a notary. If the official land deed formation of those working area is not fulfilled yet, in the previous regulation that the placement of official land deed working area which is if linked with an official land deed position concurrence a position as notary, where its placement is not only adjusted with his working area where the notary position of place is.

The 37/1998 of government regulation connected the placement of official land deed working area is accordance with the official land deed formation which is set by the minister who have the responsibility in the field of agrarian or land.

In accordance with the placement formation of official land deed under provision of article 14 on government regulation 37/1998 specify that:

- (1) The formation of official land deed is set by the minister.
- (2) If the formation of official land deed for some region is already fulfilled then the minister will declared that the appointment of official land deed in the region is closed.

The affirmation of this regulation is restated in the transitional provision of article 34 on government regulation 37/1998 stating that:

- (1) An official land deed in times of the enactment of this government regulation also may has an official as a notary with the position outside of his working area as an official land deed for six month 6 since the enactment of this government regulation

An official land deed as mentioned under paragraph 1 may appointed as an official land deed where his position of place as a notary, in terms of the official land deed formation for this region is still available.

The Factors that affect the differences on official land deed and notary working area

By virtue of article 6 on government regulation of 37/1998 specify that one of the requirement to be appointed as an official land deed is at least 30 years old, while under government regulation of 24/2016 as the amendment of government regulation of 37/1998,

according to article 6 24/2016 that the requirement to be appointed as an official land deed in the lowest age of 22 years old.

If we noticed the previous provision and after the amendment of government regulation on official land deed regulation there is a change of age limit which previously is 30 years turn to 22 years old. In accordance with the official land deed who concurrence his position as a notary by based on the limited age at least 30 years old as regulated under government regulation of 37/1998 then this matter turn the notary official is firstly appointed as a notary because the act of notary official under article 2 specify that the requirement to be appointed as a notary is in the lowest age of 27 years old. Of course, it will be easier for the official land deed to follow the notary position by after the official land deed wants to opened working office then the rest of it will be adapted with the notary office position.

The recognition of 22 years old as regulated under government regulation of 24/2016 and then may be appointed as an official land deed, then this matter is potentially to make the existence of different office position between the official land deed and notary since the official land deed is firstly opened his office than his notary official. According to Nazirawan, the head of subsection on the agrarian affairs regulation:¹²

Under the government regulation of 24/2016 determined the appointment age of official land deed is 22 years old, in fact for him to be capable to do the legal action is in minimum age as a notary which is 27 years old then he is may be appointed as a notary although the previous regulation on government regulation 37/1998 required 30 years old. Because for the examination is basicly in age of 29 or 30 is judged as an appropriate with the knowledge as an official land deed comprehensively.

It cannot be denied that every establishment of the regulation is always has its own study and background concerning the field of its regulation matter, so that the approach concept and perspective to formulated a regulation in the law is not always has same technique. According to Hustam Husain, the administrator of INI of South Sulawesi province:¹³

The official land deed in his 22 years old is immature, the 22 years old from my experiences view is have not capable yet even from the legal side is capable, by this new regulation for me it has a politic interest, even the notary need to apprentice for 2 years.

However, the legislators should be considering every aspect on stipulating the age limit for the official land deed appointment which is regulated under government regulation of 24/2016 so that it won't arise a contradiction between one to another regulation or arise a

¹² The interview result with Nazirwan, head of subsection on the national land authority at 16 October 2017

¹³ The interview result with Hustam Husain, an administrator of INI of south Sulawesi province at 30 October 2017

violation in result. According to Nazirwan, head of subsection on national land authority saying that¹⁴

The official land deed is a different official then a notary, also in action to make the conveyance of rights is performed very thoroughly because this matter is concerning the people's rights. As an official land deed is like a coin, it is one but two, for example he have to know when to acted as an official land deed and when to performed as a notary although this matter is regulated under different regulations

Furthermore, he says

This 22 years old is when the examination occur, automaticly it has a long procedure by the previous regulation if someone has passed the examination automaticly will be appointed as an official land deed but today it is not, through the ministerial regulation there is something to do to slow down the procedure to make someone as an official land deed where after the examination it's not directly appointed but have to waiting until he has the capability.

The ministerial regulation which mentioned above is the ministerial regulation on agrarian affairs and spatial planning/the head of national land agency of republic of Indonesia number 10 of 2017 on the examination procedures, apprenticeship, appointment and extension of the term of office of the official issuing land deeds (hereafter abbreviated Permen ATR/BPN 10/2017) which contains that the quality development is an effort to developed the capability for Indonesian citizen before appointed as an official land deed; the effort to developed the knowledge in field of land/agrarian for someone that has been officiate as an official land deed in particular terms.

After the appointment, an official land deed will through the placement of working area, according to the previous provisions by virtue of government regulation of number 37 of 1998, in terms of the official land deed is appointed or perform his duty as a notary in different position of place with the notary position, the official of this land deed official is dismissed by its own (article 8 paragraph (1) letter c). an official land deed is dismissed because he is appointed and lifting an official oath or perform a duty as a notary in the level II regency/city position of place which other than his working area as an official land deed.

Moreover, under article 9 on government regulation of 37/1998 describe that an official land deed who is dismissed from officiate as an official land deed because he is appointed and lifting an official oath as a notary in the level II regency/city region which other than his working area as mentioned under article 8 paragraph 1 letter c may be re-appointed as an official land deed with a working area of level II regency/city region where

¹⁴ The interview result with Nazirwan, head of subsection on the national land authority at 16 October 2017

the position of his place as a notary, if the formation for official land deed in those working area is not fulfilled yet.

According to Hustam Husain, an administrator of INI of south Sulawesi province¹⁵ the thing that has been a custom in the reality is it is very rare someone taking care in the official land deed in the first place, usually they prioritize it in the notary office, this is still happening until today but only been limited by the new regulation.

Moreover, what if there is a finding that the official land deed is not moving followed his notary position, this matter is a prohibition under government regulation of 24/2016 which is listed under article 7 paragraph 2 that an official land deed is prohibited to have a concurrence position or profession.

- a. Lawyer, consultant or legal adviser;
- b. Government employees, employees of state owned enterprises, employees of regional owned enterprises, private employees;
- c. State official or government employees with working agreement;
- d. Leader of school, public universities or private universities;
- e. License surveyor
- f. Land appraiser
- g. As mediator; and other officials which is prohibited under the regulation.

CONCLUSION

1. The working area of official land deed by virtue of government regulation number 24 of 2016 which previously only covers regency/city is expanded into the working area of province level. According to this, concerning the position of official land deed which connected with its working area under this regulation determines that an official land deed and notary is required to be placed in one working region if this means that an official land deed is concurrence his official as a notary. Under article 9 paragraph 1 on government regulation of 24/2016 it provide two options for the official in issuing land deed if there is a differences on the region or working area with his concurrence status of notary which are an official land deed is propose for a movement application of his position in accordance with his notary position to the minister or resign from his notary official in case of different position of place from his official land deed position.

¹⁵ The interview result with Hustam Husain, an administrator of INI of south Sulawesi province at 30 October 2017

2. Since the amendment of the government regulation concerning official issuing land deed, by recognizing 22 years old as regulated under the government regulation of 24/2016 is may appointed as an official land deed it is potentially cause a different office position between the official land deed and notary since an official land deed firstly opens his notary office. The things that are prohibited for the official land deed is regulated under article paragraph 2 letter h which is an official land deed is prohibited from having a concurrence official, as a consequences for the official land deed who has a concurrence official as a notary but is not moving or following his notary position is basicly violated this regulation, as well as for a notary they are prohibited from having a concurrence official as an official land deed outside his notary official area. currently, the minister of agrarian affairs and spatial planning/ the head of land authority is have not yet produces the ministerial regulation concerning the procedure of guidance and supervision but only issued the ministerial decree of agrarian affairs and spatial planning. The head of land authority of Indonesia republic number 112/KEP-4.1/IV/2017 concerning the ratification on code of ethics of unity of official land deed after the ratification of government regulation 24/2016.

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