

URGENCY OF RECONSTRUCTION OF PPAT POSITION IN LAND REGISTRATION IN INDONESIA

Rahardian Ayu Saputri
I Gusti Ayu Ketut Rachmi Handayani
H. Amin Purnawan, S.H.,Sp.N.,M.Hum

A. Background

The provisions of Article 1 paragraph (2) of Law Number 5 of 1960 on Basic Agrarian Law (BAL) was stated that all the earth, water and space, including the natural wealth contained within the territory of the Republic of Indonesia, as a gift from God The Almighty is the earth, water and space of the Indonesian people and is a national wealth. The use of the earth, water, space and everything contained in it was aimed at achieving the greatest prosperity of all the people of Indonesia. This was affirmed in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia was stated that the earth and water and the natural resources contained therein were controlled by the State and used to the greatest extent possible for the prosperity of the people.

The National Agrarian Law should provide the possibility of the achievement function of earth, water and space sangkasa as contemplated above and shall be in compliance with the interests of the Indonesian people and the country as well as meeting its requirements according to demand agrarian ages in all matter. Another of the national agrarian law must embody the principles of spiritual incarnation than the State and the ideals of the Nation is on God, Humanity, Nationality, Democracy and Social Justice, and in particular must be an implementation rather than the provisions of Article 33 of the Constitution.¹

The existence of PPAT (Land Deed Official) position as a general official authorized to make a special authentic deed regarding the land deed can be criticized. The trigger of criticism is the absence of a legal basis for the position of PPAT as a general official regulated in the form of a law. This was based on the PPAT position regulation which has only been regulated in the form of government regulations.

The issue of land registration has been regulated by the Indonesian government, namely the issuance of Government Regulation Number 10 of 1961 on Land Registration, on March 23, 1961. However, after 36 years of Government Regulation No. 10 of 1961, was deemed unable to fully support the achievement of more tangible results in national development, so that it needs improvement²which was later replaced by Government Regulation Number 24 of 1997 on Land Registration which provides specific restrictions and provisions regarding the land registration.

In Article 6 paragraph (2) Government Regulation No. 24 of 1997, was stipulated that in carrying out land registration, the Head of the Land Office was assisted by PPAT (land deed official) and other officials assigned to carry out certain activities according to this Government Regulation and the relevant laws and regulations.

PPAT in helping the implementation of land registration has the main duties as stipulated in Article 2 paragraph (1) Government Regulation No. 37 of 1998 as amended by Government Regulation No. 24 of 2016: "Carry out part of the land registration with make a deed as proof of certain legal actions regarding land rights or ownership rights of the apartment unit which will be used as a basis for registration of data changes land registration caused by the legal act."

If we look at the history of the holding of the notary and PPAT itself will evident that the notary is not authorized to make the deed in the land sector. PPAT has been known before the arrival of the invaders in Indonesia, based on pure customary law that has not been intervened by foreign laws. At that time there were known (similar) officials who were tasked with transferring land rights which was the forerunner of the existence of PPAT in Indonesia.

Article 3 paragraph (1) Government Regulation No. 24 of 2016, if we see from the history of the holding of the notary and PPAT itself it will appear that the notary is not authorized to make a deed in the land sector. PPAT has been known before the arrival of the invaders in Indonesia, based on pure customary law that has not been intervened by foreign laws. At that time there were known (similar) officials who were tasked with transferring land rights which was the forerunner of the existence of PPAT in Indonesia. Thus, it can be seen that the PPAT institution which was later born was only a

¹ I Gusti Ayu Ketut Rachmi Handayani, *affirm role of existence rechtsverwerking to achieving legal certainty in land registration, (The 2nd Proceeding iii "Indonesia Clean of Corruption in 2020")* h.2

² A li Achmad Chomzah, *Hukum Agraria (Pertanahan Indonesia)*, Jilid 2, Prestasi Pustaka Publisher, Jakarta, 2002, p. 65

crystallization of officials who transferred land rights in customary law. As for the existence of notaries in Indonesia which began during the Dutch colonial era, it was evident from the outset that it had only limited authority and was not mentioned at all about the authority of the notary to make a deed in the land sector.

In carrying out important functions for the community in the field of land registration, then the function must be carried out in the entire territory of the Republic of Indonesia. Therefore, in an area where there is not enough PPAT, based on Article 1 Number 2 Government Regulation No. 24 of 2016 the subdistrict head can be appointed as a Temporary PPAT in carrying out this function. Based on the consideration to fulfill the service to the people in remote areas, where the community will find it difficult to go to the Sub-District Office to carry out transactions regarding their land, the Minister can also appoint the Village Head to carry out PPAT duties. The Village Head is also referred to as a temporary PPAT.

B. Problem Statements

1. How the construction of the PPAT position in Land Registration in Indonesia?
2. Why construction of the PPAT position in Land Registration does not meet the Justice Value?
3. How is the ideal concept of the construction of the PPAT position in Land Registration in Indonesia based on the Justice value?

C. Research Purposes

1. To analyze and find the construction of the PPAT position in Land Registration in Indonesia;
2. To analyze and find the causes of construction of the PPAT position in Indonesia currently does not fulfill the justice value;
3. To analyze and find the ideal concept of construction of the PPAT position in Land Registration in Indonesia based on the justice value.

D. Theoretical framework

Conceptually, there are several legal theories that can be used to answer the problems faced in relation to the ideal concept of the PPAT position in Land Registration in Indonesia based on the justice value, including the state of law theory and the dignified justice theory.

1. State of Law Theory

The state law is a doctrine in legal science that began to emerge in the 19th century in Europe, together with the birth of a constitutional and democracystates. The state law is a translation of the Rule of Law or Rechtsstaat. In simple terms, the definition of a state of law is a country whose administration of government was based on law. In a country based on law, the state, including the government and other institutions in carrying out any action, must be based on law and legally accountable.

The state of law according to Friedman, was distinguished between formal sense, and ideological sense. In the formal sense the state of law is "organized public power". Therefore, every legal organization (including an organization whose name is the state) has the concept of a state of law, including even authoritarian countries. The state of law in its essential (material) sense was closely related to upholding the concept of the rule of law essentially, because in intrinsic understanding it has recognized measures of good and bad law.

The way to determine measuring of good and bad law in a state of law concept is very difficult, because every society that produces these concepts is different from each other and therefore "a sense of justice" in each society is different. Thus, the idea of a state of law is closely related to the concepts of "rechtsstaat" and "the rule of law", even though the translation into Indonesian is the same as a state of law, but actually there is a difference between rechtsstaat and rule of law.

The term of state of law in a variety of literatures is not single meaning, but was interpreted differently in different tempus and locus, dependent on the ideology and political system of a country. Therefore Tahir Azhary, in his research came to the conclusion that the term of state of law is a genus that consists of the five concepts, including of the concept of the state of law according to the Qur'an and Sunnah which is termed the Islamic nocracy, the state of law according to the continental European concept called rechtstaat, one of which is developing in the United Kingdom, while the concept of rule of law is more developed in the United States and the concept of socialist legality developed in eastern European countries such as Russia and the concept of the state of law Pancasila.³

Starting from one of the core teachings of the Qur'an which outlines the existence of human relations in a vertical and horizontal manner, it can be seen that Islam is a totality that is comprehensive and flexible. Islam as *al-din* covers all aspects of human life, including aspects of state and law.

Sharia and Islamic law have their own characteristics which are not found in other legal systems, such as the western legal system. Sharia is transcendental, whereas western law in general has neutralized the influence of transcendental values and is secular. Islamic law is comprehensive and flexible. It has covers all lines of human life.

2. Dignified Justice Theory

³ Tahir Azhary, *Negara Madinah dan Masa Kini*, Edisi Kedua, Kencana, Jakarta, 2003, p. 83

The dignified justice theory, which was used as a knife for analysis in this study in addition to the state of law theory.

Adherents of legal positivism emphasize that justice is when implementing the law. The essence of justice is when applying the law. Hans Kelsen, as a believer in positivism, rejects the issue of justice as part of a discussion in legal science. According to him, justice is an ideal-rational ideological problem. The law must be accepted as is, in the form of regulations made and recognized by the state⁴. According to Friedman, the essence of Kelsen's teachings are as follows:⁵

1. The purposes of legal theory as well as every science is to reduce confusion and increase unity.
2. Legal theory is a science, and not a will. Legal theory is knowledge of existing law, and not about the law that should exist.
3. Legal science is normative, and not natural science.
4. Legal theory as a theory of norms is not dealing with the issue of the effectiveness of legal norms.
5. A theory of law is purely about the way the arrangement and content change according to specific paths or patterns.

Justice is one of the most talked about legal objectives throughout the history of legal philosophy. Aristotle has written extensively about justice. He was stated that justice is a policy relating to human relations. Furthermore, Aristotle in his writings *Reticaw* was distinguished justice in two kinds, distributive justice (*justitiadistributiva*) as justice that gives to everyone based on their services or distribution according to their respective rights, and cumulative justice (*justitia cummulativa*) as justice received by each member regardless of their respective services. This cumulative justice was based on transactions (*sunallagamata*) whether voluntary or not.⁶

E. Research Methods

For the success of a good research in providing an overview and answers to the problems raised, the objectives and benefits of the research are largely determined by the research methods.

This research was included in the tradition of non-doctrinal legal research⁷ with the socio legal research approach. In the socio-legal research approach, there are two aspects of research. First, the legal research aspect, the research object is still exists in the form of law in the sense of "norms" of legislation. Second, socio research, the use of methods and theories of social sciences about law to assist researchers in conducting analysis⁸. This approach remains in the realm of law, only a different perspective. This approach was carried out to understand the law in the context of community.⁹

F. Research Results

1. The construction of PPAT position in Land Registration in Indonesia

At the beginning of its emerging, PPAT was not categorized as a general officer, but only as an official. PPAT was categorized or referred to General Officer initially based on Article 1 number (4) of Law Number 4 of 1996 on Underwriting Rights to Land and Objects Related to Land, that a Land Deed Official (PPAT) is a general officer who was authorized to make a deed of transfer of land rights, deed of land rights, and deed of authorization imposes Underwriting Rights according to the applicable laws and regulations.¹⁰

Furthermore, the existence of the PPAT was affirmed in Article 1 number 24 of Government Regulation number 24 of 1997 on Land Registration, that Land Deed Official (PPAT) is general officer who was authorized to make certain land deeds.

In particular the existence of PPAT was regulated by Government Regulation Number 24 of 2016 on Amendments to Government Regulation Number 37 of 1998 on the Regulation of the PPAT Position, in Article 1 paragraph (1) stated that PPAT is a general officer was authorized to make deeds authentic regarding certain legal actions regarding land rights or ownership rights to the apartment unit. Based on the contents of the legal rules governing the existence of PPAT as described above, that the authority of PPAT was given the authority to make PPAT's authentic certificates.

The name of land registration was created the impression that the main object of registration or the only object of land registration is land. Indeed, regarding the collection up to the presentation of physical data, the land which is the object of registration is to ascertain location, boundaries, the extent of the map and presented in the "land book". But in reality from the collection to the presentation of juridical data, not the land that was registered but the rights to the land that determine its legal status and other rights that burden the rights in question.

⁴ Teguh Prasetyo dan Abdul Hakim Barkatullah, *Filsafat, Teori, dan Ilmu Hukum, Pemikiran Menuju Masyarakat yang Berkeadilan dan Bermartabat*, Rajawali Pers, Jakarta, 2012, p. 113

⁵ *Ibid*, p. 112-113

⁶ *Ibid*, p. 367-368

⁷ Non-doctrinal legal research is empirical research method. Soetandyo, *Ibid*, p. 148.

⁸ Zamroni, *Pengembangan Pengantar Teori Sosial*, Tiara Yoga, Yogyakarta, 1992, p. 80-81

⁹ Soerjono Soekanto (II), *Pendekatan Sosiologi Terhadap Hukum*, Bina Aksara, Jakarta, 1988, p.9

¹⁰ Habib Adjie, *Telaah Ulang : Kewenangan PPAT Untuk Membuat Akta, Bukan Mengisi Blanko/Formulir Akta*, Renvoi, Jakarta, 2007, p. 71

Law is the regulator of people's lives. Community life cannot be organized if there is not law. Community is a place for the enactment of a law. It is impossible to have or apply a law if the existence of the community does not exist. Both of these statements provide an illustration, that between law and community is a unity that cannot be separated. The law exists because of the existence of the community and vice versa, the existence of community will surely be followed by the existence of norms or legal values that live in the community. That norm/value is called law.¹¹

Widhi handoko was stated that the law is one of the primary means for people throughout the community in which they became citizen or members, to meet all the basic necessities of life in a good and natural condition, given the law was in effect: 1) Provide protection for the rights of each person in a fair manner, besides also stipulating the obligations that must be fulfilled in relation to their rights. 2) Give restrictions on the rights of a person at the maximum limit so as not to interfere or harm the rights of others, in addition to setting minimum limits on obligations that must be fulfilled for the sake of the rights of others. The law not only guarantees security and freedom, but also order and justice for everyone in trying to fulfill all their needs in a proper way, however the law is always determined and colored by the structure of society and the political process in the constitutional system.¹²

The law exists because of the existence of the community and vice versa. The law is always in the process of continuously to achieve justice. The legal process as described above implies that the process of drafting democratic legislation was determined and colored by the structure of society and the political system of a state. In relation to law and society, Nonet Selznick was classified legal typologies in society into: (1) Law as the servant of repressive power;(2) Law as a differentiated institution capable of monitoring repression and protecting its own integrity and (3) Law as a facilitation of response to social need and aspirations.¹³

According to Bredemeier,¹⁴law basically functions to integrate and coordinate various interests that run individually, and may even be contradicted into an orderly relationship so that it is productive for the community. Providing an illustration that the legal system that functions to integrate get input from the economic subsystem with the output in the form of restructuring the production process in the community. While input from the political subsystem will produce output in the form of legitimacy and concretization of objectives, and input from culture will contribute to output in the form of justice.

The advantage of this thinking lies in its conceptual ability to show that how legal work and its results are not only legal matters, but are part of a larger social process and function to realize the adaptive process, the process of achieving goals, the process of maintaining patterns, streamline the organization, fight for justice, and provide legitimacy.¹⁵

The Bredemeier's idea in today's life does not seem to appear in reality as a means of integration. The opposite reality can be observed from the thoughts raised by Satjipto Rahardjo¹⁶, that in practical life the role of law in the larger community process can be reduced to a tool to serves the interests of narrow individuals and groups. As a result, the law is not longer carried out with full dedication to elevate the glory of the nation's life, such as the welfare and justice of all nations.

Satjipto Rahardjo's view was reinforced by the opinion of Wignjosoebroto who gave an assessment,¹⁷ that the law in Indonesia in its development today really perfectly becomes "government social control" and as a "tool of social engineering". As a result, the law throughout the history of the development of the New Order has become a force of control in the hands of a legitimately formal juridicalby government, and does not always reflect the concept of justice, moral principles, and true insight of wisdom as it actually lives in the legal consciousness of ordinary people. Such a

¹¹ Widhi Handoko, *Rekonstruksi Kebijakan Hukum Pertanahan Berbasis Nilai Keadilan Sosial'' (Studi Tentang Stelsel Publisitas Negatif Berunsur Positif Pada Sistem Birokrasi dan Pelayanan Publik Badan Pertanahan Nasional)*, Desertasi Program Doktorat Ilmu Hukum, Undip, 2010, p. 47

¹² *Loc Cit.*

¹³ Nonet& Selznick, *Lawand Society in Transition: Toward Responsive Law*. New York: New York and Row, 1978. dalam Esmi Warassih, Pranata Hukum Sebuah Telaah Sosiologis, *Op Cit.* p. 50.

¹⁴ Harry C. Bredemeier, "Law as an Integrative Mechanism", dalam Vilhelm Aubert (ed), *Sociology of Law*, Middlesex: Penguin Books, 1973. Dalam Esmi Warassih, *Pranata Hukum Sebuah Telaah Sosiologis, Op Cit*, p.50

¹⁵ Widhi Handoko, *Op. Cit.*, hlm. 47

¹⁶ Satjipto Rahardjo, *Hukum dan Perubahan Sosial, Op Cit*, hlm. 22-31, Read also; Satjipto Rahardjo, *Manfaat Telaah Sosial Terhadap Hukum*, Inauguration Speech of Professor of Law Faculty UNDIP Semarang, Badan Penerbit Universitas Diponegoro Semarang, 1995, p. 37-57.

¹⁷ Soetandyo Wignjosoebroto, *Perkembangan Hukum dan Antisipasinya Menghadapi Perkembangan Bisnis pada Era Nasional dan Global, dalam Problema Globalisasi, Perspektif Sosiologi Hukum, Ekonomi dan Agama*, UMS Surakarta, 2001, p. 21-22, see also Soetandyo Wignjosoebroto, *Hukum, Paradigma, Metode dan Dinamika Masalahnya*, Penerbit ELSAM dan HUMA, 1st ed, November, Jakarta, 2002, p. 357-361, in the Shidarta, *Karakteristik Penalaran Hukum Dalam Konteks Ke Indonesiaan*, CV. Utomo, Bandung, 2006, p. 417-418

Wignjosoebroto's assessment does not mean that the law is not longer relevant to appear as a means to engineer social life (social engineering by law). Even in the development of legal changes in social engineering that occur not only changes in local life that is agrarian to life that is national industry but already at the global level.¹⁸

2. The reasons of construction of PPAT position of in Land Registration has not fulfilled the Justice Value

Registration of land rights is an obligation of the government to provide legal certainty, especially for holders of land rights in all parts of Indonesia. This is in accordance with the mandate contained in the Basic Agrarian Law (BAL), especially Article 19 of the BAL. This was followed up in the implementing regulations, namely the Government Regulation of the Republic of Indonesia Number 24 of 1997 on Land Registration. In the registration of land rights there are principles that are registration of land rights must be based on principles of safe, affordable, simple, and up-to-date.

Government Regulation Number 10 of 1961 on Land Registration was emphasized the rejection of registration of transfer of rights. The Head of the Registration Office refuses to register the transfer of a land right if one of the requirements was not fulfilled. One of these conditions such as in terms of buying and selling, exchanging, granting, giving with will, giving according to custom and other acts intended to transfer property rights were not obtained permission from the Minister of Agrarian Affairs or his appointed official.

Government Regulation of the Republic of Indonesia Number 24 of 1997 regulates Land Registration, but it is strange that this regulation seems to interfere in the permit to transfer rights. The most controversial in this regulation are the existence of a systematic interpretation. The systematic interpretation is an interpretation that specifically takes into account the relationship between the provisions of the law to be interpreted with other provisions of the law and also considers the relationship between laws that is with other similar laws. Teleological is interpretations that specifically pay attention to the sociological objectives rather than the laws that are to be interpreted, both the former and nowdaysdestination.

In practice, it is no secret that many people have difficulty registering their land. The process is long and expensive cost. Land office services viewed from the administrative aspect have not been able to provide the expected performance such as simple, safe, affordable and transparent services. The reality is that services are still slow, difficult, expensive and convoluted and allow malpractice. Some of the land administration services from land office staff are not in according to the public expectation.

Basically the purpose of land registration services is to improve people's welfare. In achieving these goals the government targets hold in managing land is an four orderly land, including of land laworderly, land administrationorderly, land useorderly, and maintenance of land and environmentorderly. This orderly is a task that cannot be carried out by the National Land Agency itself, but is a cross-departmental task and function. From the fourth land orderly above, one of the targets that is quite urgent is concerning the land administration. The National Land Agency is the main actor for achieving orderly land administration.

3. The ideal concept of the construction of the PPAT position in Land Registration in Indonesia based on the Justice Value

The PPAT deed is one of the main sources for maintaining land registration data. The task of PPAT is to assist the Head of the National Land Office (BPN) in carrying out tasks in the field of land registration, especially in the context of maintaining land registration data.¹⁹ As a General Officer, PPAT or other officials assigned to assist BPN, in the framework of implementing the land law policy. In carrying out their duties and authority, PPAT was required to follow the procedures established by the Act or the underlying rules. The PPAT position is an independent and neutral position, meaning that in carrying out their duties PPAT should not be in favor of anyone or even not be intervened by any party.²⁰

The main task of the PPAT in assisting the implementation of land registration by the Head of the Regency/City Land Office was determined in Article 2 Government Regulation No. 37 of 1998:

- a. PPAT is in charge of carrying out some of the land registration activities by making a deed as evidence that has been done certain legal actions regarding land rights or ownership rights to the apartment unit will be used as a basis for registration of changes in land registration data resulting from the legal act.

¹⁸ Soetandyo Wignjosoebroto, *Perkembangan Hukum dan Antisipasinya Menghadapi Perkembangan Bisnis pada Era Nasional dan Global, dalam Problema Globalisasi, Perspektif Sosiologi Hukum, Ekonomi dan Agama*, UMS Surakarta, 2001, p. 21-22.

¹⁹ Article 2 Paragraph (1) Government Regulation No. 37 1998 was stated that the principal task of PPAT is implement part of registration activities. To answer what activities in land registration which include the PPAT tasks can be seen from a wide of land registration activities were stipulated in Government Regulation No. 24 of 1997

²⁰ Widhi Handoko, *Op. Cit.*, p. 143

- b. The legal act as intended in paragraph (1) are as follows: a) Sale and Purchase, b) Exchange, c) Grant, d) Entry into the company, e) Distribution of joint rights, f) Giving HM, HGB, HGU or HP, g) Giving the mortgage right (SKMHT).

The purpose of legal actions in the article is an act committed by the parties concerning land right or ownership rights of the apartment unit, which results in legal consequences for the parties. The legal consequences of these acts can be in the form of transfer of rights, imposition of rights and granting of rights.

The description above provides an explanation that the PPAT task is not only demanded for professionals, but more than that it was required to be careful in carrying out their duties, carefully, honestly, transparently and impartially. This means that if the PPAT does not implement the signs assigned to it, it can result in disputes and land conflicts that occur in the community. The ultimate goal of the BPN and PPAT duties in the land right registration system is the achievement of social justice for the people of Indonesia. As with the Constitution and article 2 paragraph (3) of BAL, it is firmly stated that the justice to be achieved as the ultimate goal is social justice. Social justice is essentially related to the distribution system of all production produced by society, and this cannot be separated from the problem of power, especially the power to determine division. Including the land right division in the land right distribution concept.²¹

The implementation was carried out by BPN and assisted by PPAT, in accordance with Article 6 paragraph (2) Government Regulation No. 24 of 1997. This is less appropriate, because in principle the main task of PPAT is to implement "some of the land registration activities" by making a deed as evidence that has been done certain legal actions regarding land rights or ownership rights to the apartment unit will be used as a basis for registration of changes in land registration data resulting from the legal act.

The task of land registration is partly carried out by the BPN as part/representative of the government, therefore it is necessary to reconstruct these provisions to be "joint" which aims to achieve equality and justice in their respective positions, so that the provisions of Article 6 paragraph (2) Government Regulation No. 24 of 1997 changed from before:

- (1)
(2) 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.

to be

- (2) In carrying out land registration, the Head of the Land Office together with the PPAT and other officials assigned to carry out certain activities according to this Government Regulation and the relevant legislation.

Reconstruction of Article 6 paragraph (1) Government Regulation Number 24 of 1997 concerning Land Registration

Article 6 paragraph (2) PP No.24/1997 before reconstruction	Reconstruction Article 6 paragraph (2) PP No.24/1997
(2) 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.	(2) In carrying out land registration, the Head of the Land Office together with the PPAT and other officials assigned to carry out certain activities according to this Government Regulation and the relevant legislation.

G. Closing

1. Conclusion

Based on the research results and discussion of the previous chapter, it can be concluded that:

- a. Construction of PPAT status in the Land Registry in Indonesia very important because the presence of officials in a constitutional order is very necessary, because officials are embodiments of the personification of the State. The state in a constitutional concept in carrying out their functions were represented by the Government. The Government in carrying out their functions and duties in realizing the goals of the State was represented by officials. Therefore, the success or failure of a state institution was determined by the ability of their officials to run the government.
- b. The cause of the construction of the PPAT position in Indonesia does not fulfill the justice value related to the maintenance of land registration data, which is to make evidence about the occurrence of legal actions concerning a particular piece of land which is then used as a basis for registering changes in juridical data caused by the legal

²¹ In addition to the national land right distribution concept, there is also a religious land right distribution concept, such as: *God commands you to convey the message to those who are entitled to receive it. If you judge among humans, act fairly. Indeed God teaches you as well as possible, because God is Hearing, Seeing. (Qs An-Nisaa [4: .58])*. Land right is the right to life and the natural right of God for all humanity, so that every human being has natural rights to the land including board, clothing and food. So the state controls the land right but must convey to their people if the people need it because land is a people's necessity, meaning that the State has the right to control and regulate its distribution, not to curb or possess. So that the state has an obligation or mandate to convey to people who need those rights with the terms of distribution regulated by the state.

act. With the enactment of Government Regulation Number 24 of 1997, the correlation of the institution of PPAT with the implementation of land administration is increasingly clear.

However, even though Government Regulation No. 24 of 2016 has been enacted, but the provisions governing the duties, functions, roles and obligations of the PPAT are inadequate, because the provisions regarding the position of the PPAT, regulate the appointment and dismissal of the PPAT, obligations and rights of the PPAT, PPAT protocol, as well as sanctions which include administrative sanctions, civil sanctions and criminal sanctions, but provisions concerning the secret position of the PPAT especially in accommodating interests and gifts legal protection for service users of PPAT until now has not been regulated by a law.

- c. The ideal concept of construction of PPAT position in the land registry in Indonesia based justice values refer to principle of state of law to ensure certainty, order, and legal protection that core truth and justice. Certainty, order, and legal protection require that legal traffic in people's lives requires evidence that clearly determines a person's rights and obligations as a legal subject in the society.

Legal actions carried out in front of PPAT will result in an authentic deed which will be used as evidence for the parties to have committed certain legal actions regarding land rights or ownership rights to the apartment unit, which will be used as a basis for registration of changes in land registration data resulting by legal act.

2. Suggestion

- a. PPAT should in carrying out their duties and positions always adhere to it in accordance with the provisions of the applicable law. Be careful and alert in researching and checking letters/documents and documents provided by the complainants. Besides that, it also must really pay attention to the attitudes and words of the audience by asking as many possible as questions and asking to talk about the letter/deed that will be made by the PPAT. In addition, it is necessary to use the feeling of the notary itself to sharpen confidence.
- b. PPAT is highly demanded to be professional to maintain the secret of the PPAT, because matters relating to the secret of PPAT position are great significance and especially in relation to trust between the community users of the PPAT service with the PPAT so that a regulation is required to regulate the secret position of the PPAT.

3. Implications of Dissertation Studies

- a. Paradigmatic Implications
The changes in the constructivism paradigm with the ideal construction of the PPAT position in land registration in Indonesia based on the value justice.
- b. The implication of ideal concept of PPAT's position in land registration in Indonesia is the realization of the ideal construction of PPAT's position in land registration.

BIBLIOGRAPHY

- A li Achmad Chomzah, *Hukum Agraria (Pertanahan Indonesia)*, Jilid 2, Prestasi Pustaka Publisher, Jakarta, 2002
- Habib Adjie, *Telaah Ulang : Kewenangan PPAT Untuk Membuat Akta, Bukan Mengisi Blanko/Formulir Akta*, Renvoi, Jakarta, 2007
- Harry C. Bredemeier, "Law as an Integrative Mechanism", dalam Vilhelm Aubert (ed), *Sociology of Law*, Middlesex: Penguin Books, 1973
- I Gusti Ayu Ketut Rachmi Handayani, *affirm role of existence rechtsverwerking to achieving legal certainty in land registration, (The 2nd Proceeding iii "Indonesia Clean of Corruption in 2020")*
- Nonet & Selznick, *Law and Society in Transition: Toward Responsive Law*. New York: New York and Row, 1978
- Satjipto Rahardjo, *Manfaat Telaah Sosial Terhadap Hukum*, Inauguration Speech of Professor of Law Faculty UNDIP Semarang, Badan Penerbit Universitas Diponegoro Semarang, 1995
- Shidarta, *Karakteristik Penalaran Hukum Dalam Konteks Ke Indonesiaan*, CV. Utomo, Bandung, 2006
- Soerjono Soekanto (II), *Pendekatan Sosiologi Terhadap Hukum*, Bina Aksara, Jakarta, 1988
- Soetandyo Wignjosoebroto, *Hukum, Paradigma, Metode dan Dinamika Masalahnya*, Penerbit ELSAM dan HUMA, 1st ed, November, Jakarta, 2002
- Soetandyo Wignjosoebroto, *Perkembangan Hukum dan Antisipasinya Menghadapi Perkembangan Bisnis pada Era Nasional dan Global, dalam Problema Globalisasi, Perspektif Sosiologi Hukum, Ekonomi dan Agama*, UMS Surakarta, 2001

Soetandyo Wignjosoebroto, *Perkembangan Hukum dan Antisipasinya Menghadapi Perkembangan Bisnis pada Era Nasional dan Global, dalam Problema Globalisasi, Perspektif Sosiologi Hukum, Ekonomi dan Agama*, UMS Surakarta, 2001

Tahir Azhary, *Negara Madinah dan Masa Kini*, Edisi Kedua, Kencana, Jakarta, 2003

Teguh Prasetyo dan Abdul Hakim Barkatullah, *Filsafat, Teori, dan Ilmu Hukum, Pemikiran Menuju Masyarakat yang Berkeadilan dan Bermartabat*, Rajawali Pers, Jakarta, 2012

Widhi Handoko, *Rekonstruksi Kebijakan Hukum Pertanahan Berbasis Nilai Keadilan Sosial” (Studi Tentang Stelsel Publisitas Negatif Berunsur Positif Pada Sistem Birokrasi dan Pelayanan Publik Badan Pertanahan Nasional)*, Desertasi Program Doktorat Ilmu Hukum, Undip, 2010

Zamroni, *Pengembangan Pengantar Teori Sosial*, Tiara Yoga, Yogyakarta, 1992

Rahardian Ayu Saputri
rahardianayu10@gmail.com

I Gusti Ayu Ketut Rachmi Handayani
Email: ayu_igk@staff.uns.ac.id

H. Amin Purnawan, S.H.,Sp.N.,M.Hum
Amin.p@unissula.ac.id