



Received: 05 May 2023
Revised: 20 October 2023
Accepted: 28 December 2023

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LAW & SOCIAL POLICY | RESEARCH ARTICLES

Supervision of Subdistrict Heads as Temporary Deed Making Officials in the Indonesian Positive Law Perspective

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Abstract: This article discusses supervision of the sub-district head as an official who makes temporary land deeds who violates statutory provisions. The aim is only to provide an overview of the supervision of sub-district heads carried out by the Board of Trustees and Supervisors of officials who make land deeds. The research method used in this article is normative legal research. The results of the research illustrate that supervision by the PPAT supervisory board and supervisors in carrying out guidance and supervision of PPATS, the supervision is not yet comprehensive. This is in Ministerial Regulation Number 2 of 2018, PPAT Guidance and Supervision has not been able to answer substantively regarding the guidance and supervision by PPATS where the position of a PPATS is *ex officio* so that the guidance and supervision both internally and externally carried out by the National Land Agency is only functional.

Keywords: supervision; sub-district head; temporary deeds;

1. INTRODUCTION

Agrarian problems are directly related to social and political problems. Government involvement in controlling community land is seen as a form of national development for the prosperity of the community itself. In essence, guaranteeing legal certainty for land rights holders is one of the main components of state regulation of land (Govianda et al., 2019). The Basic Agrarian Law (UUPA), which functions as Indonesia's main policy for land control, directs the government to resolve land registration and land conflicts as a form of guaranteeing legal certainty of property rights by the community. (Kumara et al., 2021).

Agrarian issues, closely related to the control and use of land, are not only an economic aspect but also have a significant impact in social and political dimensions. In the Indonesian context, the government has a key role in regulating and resolving agrarian problems to achieve national development goals and societal prosperity. Guarantees of legal certainty for holders of land rights, especially those regulated by the Basic Agrarian Law in force in Indonesia (Duxbury, 2015; Sumargo, 2002), are crucial in ensuring justice and order in land tenure in Indonesia. Agrarian problems have direct implications for the social and political dynamics of a society. Land is not only a factor of economic production, but also concerns the sustainability of social life and political stability (Li & Zhu, 2023). Inequality in land ownership can create detrimental social disparities and become a source of conflict. Apart from that, unfair land control can also trigger political instability, considering that land is often the basis of people's lives in rural areas (Wideman & Lombardo, 2019).

Government involvement in agrarian regulation and development provides a kind of balance between economic, social and political interests. By regulating land tenure, the government seeks to create a land ownership structure that is fair and supports national development. These efforts include policy approaches such as land redistribution, implementing agrarian reform programs, and resolving land conflicts. The Basic Agrarian Law (now and after UUPA) in Indonesia has a central role in establishing the legal basis for land control. UUPA, which functions as the main policy, provides a



framework for the government to regulate and supervise land ownership and use. One of the main focuses of the UUPA is to provide legal certainty for land rights holders, which is an important step to create social and political stability.

Through UUPA, the government is directed to complete the land registration process and handle land conflicts effectively. Land registration aims to create an accurate and reliable database regarding land ownership, while resolving land conflicts is an important step to overcome inequality and prevent social tensions that can affect political stability. Guaranteeing legal certainty for land rights holders is a main component in state regulation of land. UUPA, as the main legal instrument, seeks to create a legal environment that supports sustainable land tenure. This guarantee not only covers aspects of legality of ownership but also involves economic sustainability, social justice and political stability. (Frederiksen & Himley, 2020)

In this context, the government is responsible for ensuring that the land registration process is carried out effectively and transparently. Accurate and up-to-date land registration provides a strong basis for guaranteeing legal certainty. The government needs to facilitate and speed up the land registration process, involving various parties including local communities, to create a system that is reliable and accountable. Apart from that, resolving land conflicts is a serious challenge that requires a holistic approach. The government must ensure that land dispute resolution institutions operate fairly and transparently. Steps such as mediation, arbitration or court must be available as mechanisms to resolve conflicts effectively and ensure continued legal certainty. Implementation of agrarian policy and achieving legal certainty in land ownership have significant social and political impacts. Guaranteed land rights provide certainty to the community regarding land ownership and use, which in turn can improve economic welfare and social stability. By preventing inequality in land ownership, the government can mitigate potential social conflicts that could harm political stability.

Successful agrarian policies can also create new economic opportunities for society. An effective land redistribution or agrarian reform program can reduce economic inequality, empower disadvantaged groups in society, and positively influence their political participation. However, it must be acknowledged that the implementation of agrarian policy does not always run smoothly. Challenges such as resistance from affected parties, slow bureaucracy, and sudden policy changes can hinder the achievement of the goal of legal certainty. Therefore, the government must have a mature strategy, supported by good governance and active community participation. The concept of social justice has great relevance in handling agrarian problems. In an agrarian context, social justice can be interpreted as the fair distribution and use of land, in accordance with community needs and the principles of justice. Social justice demands equal treatment of all levels of society, regardless of their economic or social background (Tamano, 2021).

The implementation of social justice in an agrarian context involves the redistribution of land to reduce ownership inequality. Governments need to identify and respond to existing land inequalities, and design policies that enable fair access to land for all levels of society. In addition, social justice also includes providing equal access to resources and economic opportunities related to land. Active community involvement in resolving agrarian problems is the key to the success of the policies and programs implemented. Community empowerment through participation in decision-making processes, land management and conflict resolution can create a greater sense of ownership and responsibility for the sustainability of agrarian programs.

It is important to create mechanisms that support community participation, including holding public meetings, outreach and providing transparent information. By involving the community, the government can understand local needs, prevent resistance, and build strong community support for agrarian policies. Sustainable development is an important basis for dealing with agrarian problems. Sustainable agrarian development does not only pay attention to economic aspects, but also environmental and social aspects. Agrarian policy must ensure that land management does not damage the local environment and ecosystem, and instead, supports the social welfare of society. In addition, sustainable agrarian development includes the use of environmentally friendly technology, approaches that strengthen the resilience of local communities, and protection of the rights of indigenous communities. The concept of sustainable development provides the basis for creating agrarian policies that not only provide short-term economic benefits but also contribute to long-term ecological and social sustainability (Pangaribuan et al., 2023). The agrarian problem in Indonesia is a complex challenge involving economic, social and political dynamics. Government involvement in overcoming agrarian problems is the key to achieving national development and societal prosperity. Through the Basic Agrarian Law (UUPA), the government is trying to create legal certainty for land rights holders, which is the main foundation in state regulation of land.

The concept of social justice is an important guide in dealing with agrarian problems, by prioritizing the fair distribution and use of land in accordance with community needs. Sustainable

development is also a critical basis for formulating agrarian policies that not only provide economic benefits but also protect the environment and strengthen the social resilience of society. The importance of active community involvement in the process of resolving agrarian problems cannot be ignored. Community participation is not only as policy recipients, but also as partners in planning, implementing and evaluating agrarian policies. By involving communities, governments can create policies that are more sustainable, fairer, and better suited to local needs. In order to achieve agrarian sustainability, it is necessary to continuously evaluate and adjust policies in accordance with changing social, economic and environmental dynamics. The government, together with all stakeholders, must work together to create an agrarian system that supports community prosperity, respects the rights of indigenous peoples, and preserves the environment for future generations (Habibah et al., 2019).

The Land Deed Drafting Official is an important part of the land registration system which is given authority by statutory regulations. The main task of a PPAT is to carry out some land registration activities by making deeds as certain legal acts regarding land rights which will be used as the basis for land registration and changes to land registration data. Thus, there is a need for a body that is given the authority to provide guidance and supervision for a PPAT, because PPAT in carrying out its duties and functions in making deeds is certainly not free from carelessness in making deeds related to land registration.

The National Land Agency (BPN), as a non-government department in carrying out land registration systematically and continuously, is also given the authority to provide guidance and supervision of PPAT. In implementing its authority, BPN formed a body, namely a board of supervisors and supervisors of land deed making officials. In order to carry out the duties and functions of the supervisory board and supervisor of land deed making officials, of course a regulation is needed which is the basis for carrying out their duties and functions, so the government issued Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 2 of 2018 concerning PPAT guidance and supervision, the legal substance of which contains provisions for the implementation of guidance and supervision.

The PPAT supervisory and supervisory council of course has the authority to provide guidance and supervision of all PPATs under its auspices, including Temporary Land Deed Drafting Officials (PPATS). The PPATS in question is the sub-district head who is appointed directly by the Regency/City Land Office provided that the area does not have enough PPATs or in areas where the level of buying and selling transactions or transfer of land rights is quite high. This can be seen in Article 5 of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Preparing Officials (PP No. 24 of 2016), which states; To serve the community in making PPAT deeds in areas where there are not enough PPATs or to serve certain community groups in making certain PPAT deeds, the Minister can appoint the following officials as PPATS.

The land registration system is the main foundation in ensuring legal certainty and management of land rights in Indonesia. In this system, the Land Deed Drafting Officer (PPAT) plays a central role. PPAT has the authority granted by statutory regulations to carry out some land registration activities by making deeds as certain legal acts regarding land rights. This deed is the basis for land registration and changes to data related to land rights. The main duties of a PPAT involve involvement in making deeds related to land registration. However, involving PPAT is not without risk. PPAT often has to deal with legal and technical complexities related to land ownership. Carelessness in making a deed can potentially cause legal problems and conflicts that are detrimental to the parties involved. Seeing the risks involved, a body is needed that has the authority to provide guidance and supervision of PPAT. The National Land Agency (BPN), as a non-governmental department responsible for land registration, has an important role in supervising and developing PPAT.

The Indonesian National Land Agency formed a body called the Council of Trustees and Supervisors of Land Deed Making Officials. This assembly has the responsibility to provide guidance and supervision of all PPATs, including Temporary Land Deed Making Officials (PPATS). In carrying out its duties, BPN needs clear guidelines. Therefore, the government issued Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 2 of 2018 concerning the guidance and supervision of PPAT. This regulation provides a legal basis for carrying out the duties and functions of guidance and supervision of PPAT. The legal substance in this regulation includes provisions for the implementation of guidance and supervision. This includes procedures, evaluation criteria, and sanctions that may be applied if PPAT does not comply with applicable regulations. The PPAT Advisory and Supervisory Council has broad authority in providing guidance and supervision. This authority includes evaluating PPAT performance, monitoring compliance with procedures and regulations, as well as providing

recommendations or sanctions according to the findings found. Of course, this authority is exercised with full responsibility and justice. Effective guidance and supervision will help improve the quality of PPAT services, reduce the risk of errors in deed preparation, and maintain the integrity of land registration as a whole.

Apart from PPAT, there are also Temporary Land Deed Making Officials (PPATS) who have a special role. PPATS is a sub-district head appointed directly by the Regency/City Land Office for areas where there are not enough PPATs or in areas with a fairly high level of sale and purchase transactions or transfer of land rights. Government Regulation Number 24 of 2016 provides the legal basis for the appointment of PPATS. Article 5 of the regulation states that the Minister can appoint certain officials as PPATS to serve the community in making PPAT deeds in areas where there are not enough PPATs or to serve certain groups of people in making certain PPAT deeds. PPATS has a strategic role in providing PPAT deed making services in areas that need them. They play a role in ensuring that people living in areas with limited access to PPAT can still obtain land registration services by utilizing the presence of the sub-district head.

However, this role is also not without challenges. PPATS needs to overcome logistical obstacles, adequate legal knowledge, and ensure that the registration process they carry out remains in accordance with applicable standards and regulations. When looking at the entire land registration system, it can be seen that the interaction between PPAT, PPATS, and supervisory bodies such as the PPAT Advisory and Supervisory Council is key to maintaining the integrity and sustainability of the system. Providing authority, guidance and supervision are important steps in overcoming potential problems and increasing public trust in land registration. It is important to note that apart from guidance and supervision, socialization and legal education are also important elements in maintaining the quality of PPAT and PPATS services. The public needs to be given a better understanding of the importance of land registration and how they can make good use of PPAT services. Legal education for PPATs and PPATS must also be strengthened to ensure a deep understanding of recent legal changes, land registration procedures and professional ethics. In this way, errors and carelessness can be minimized, and public trust in the land registration process can be increased.

The land registration system, including the role of PPAT and PPATS, must be the focus of ongoing evaluation. Improving service quality, increasing process efficiency, and adapting to legal and technological developments must be part of ongoing efforts to improve this system. Evaluation can also help detect potential changes or improvements needed in regulations and policies (Habibah et al., 2019). In this way, the land registration system can continue to develop in accordance with community demands and current developments (Klaasen, 2020).

To maintain legal certainty and the integrity of the land registration system, the role of PPAT and PPATS is very vital. Effective guidance and supervision from authorized bodies such as the PPAT Advisory and Supervisory Council and BPN, together with clear guidance in regulations, provides a strong foundation for sustainable and reliable land registration. PPAT and PPATS need to get full support in developing skills, knowledge and infrastructure to carry out their duties well. Active community involvement, good socialization and legal education are additional components that are no less important in maintaining the success of the land registration system. By maintaining synergy between all elements in the system, Indonesia can continue to develop a land registration system that is reliable, fair and in line with current developments. Thus, control and use of land can become a solid foundation for national development and community prosperity.

This is the nature of the appointment of the sub-district head as PPATS only *ex officio* to serve the purpose of making deeds in areas where there are not enough PPATs, as PPATS. Then in Article 19 paragraph (5) of Regulation of the Head of the Land Agency Number 1 of 2006 concerning Provisions for Implementing Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Maker, it is stated that; The appointment of the PPATS sub-district head is carried out by the Head of the Agency after conducting research regarding the need for community services in the field of deed making in remote areas (Adjie, 2014). In practice, the authority held by C is very similar to that of PPAT in general. However, there are still deviant behaviors carried out by the sub-district head as PPATS, namely, carrying out legal actions that are outside his authority as PPATS. One of the very serious legal actions that is outside of its authority is increasing the fee for honorariums in making land deeds to the public.

In connection with the above, as contained in attachment II regarding Types of Violations and Sanctions in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 2 of 2018 in conjunction with Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 33 of 2021 Concerning Fees for Land Deed Officials,

in essence the regulation contains provisions stating that, PPATs who commit minor violations of the prohibitions or obligations as PPATs, namely by collecting PPAT fees (honorarium) including witness fees (honorarium) exceeding 1% (one percent) of the transaction price stated in the deed. This may result in sanctions in the form of temporary dismissal for six months. In fact, there has been a problem regarding the sub-district head as PPATS in the Makassar District Court Decision Number 14/Pid.Sus-Tpk/2020/Pn.Mks. Where the sub-district head increased the honorarium rate by more than the applicable provisions, the Public Prosecutor assessed that the 3% increase in the honorarium rate carried out by the sub-district head was part of a criminal act of corruption which caused state losses. However, in the Makassar District Court Decision Number 14/Pid.Sus-Tpk/2020/Pn.Mks ending in an acquittal, the Panel of Judges was of the opinion that before the trial process the prosecutor should report this matter to the PPATS supervisory panel to be given a warning on the code of ethics and sanctions. Thus, it is necessary to strengthen the organs of the PPATS supervisory and supervisory councils so that they can carry out preventive guidance and supervision. So the legal issue that arises in this article is PPATS which has committed violations as PPATS, as regulated in statutory provisions, namely the act of increasing the honorarium rate above 1%.

2. METHOD

Normative legal research, or often referred to as doctrinal legal research, is a type of research that focuses on the analysis and interpretation of applicable legal norms. In this context, normative legal research is used to understand the role of the sub-district head who is appointed as the Temporary Land Deed Making Official (PPATS), as well as the dynamics of guidance and supervision carried out by the Board of Trustees and Supervisors of Land Deed Making Officials (PPAT) towards PPATS. This research will use a statutory approach and an analytical approach to explore a deeper understanding. The legislative approach in this research involves an analysis of the legal norms that regulate the role of the sub-district head as PPATS, as well as the duties and authority of the PPAT Advisory and Supervisory Council. The initial step is to identify relevant laws and regulations, such as Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning PPAT coaching and supervision. By using this approach, the research will go in-depth into regulatory legal texts, evaluate the authority of the sub-district head as PPATS, as well as the duties and responsibilities of the PPAT Advisory and Supervisory Council in the context of guidance and supervision. Using a statutory approach will provide a strong foundation for understanding the legal aspects involved in the context of this research (Aswari et al., 2017).

The analytical approach in this research refers to the researcher's ability to analyze and interpret information obtained from the statutory approach. The analysis will involve an in-depth understanding of the context of the implementation of PPAT and PPATS guidance and supervision, as well as the implications for legal certainty and the performance of land registration administration. In an analytical approach, the research will explore how the role of the sub-district head as PPATS is recognized in legal norms, and how the PPAT Advisory Council and Supervisors carry out their duties to ensure compliance with legal rules. This analysis can also reveal potential conflicts or legal gaps that need to be corrected to increase the effectiveness of guidance and supervision. Statutory and analytical approaches can be integrated to provide a holistic understanding of the research topic. Identification and interpretation of legal norms through a statutory approach will be the basis for further analysis using an analytical approach. The integration of these two approaches will provide a comprehensive picture of how the implementation of PPAT and PPATS coaching and supervision takes place in practice. From a statutory approach, research can produce an in-depth understanding of the legal basis for the role of the sub-district head as PPATS and the role of the PPAT Advisory Council and Supervisors in providing guidance and supervision. This includes aspects of authority, responsibility and sanctions that may be imposed. By using an analytical approach, research can reveal the dynamics of the implementation of coaching and supervision, including potential challenges or problems faced in practice. This analysis can provide insight into the effectiveness of existing mechanisms and provide recommendations for improvements or enhancements.

This research has significance in the context of the development of the land registration system and the role of PPAT and PPATS in it. The results of the research can be a basis for the government and related bodies to improve regulations, improve guidance and supervision mechanisms, and ensure legal certainty in land registration. Apart from that, this research can also contribute to normative legal literature relating to land governance and land registration. Research findings and analysis can be a reference for researchers and legal practitioners who are interested in this field. By combining

statutory and analytical approaches, this normative legal research can provide a comprehensive understanding of the role of the sub-district head as PPATS and the guidance and supervision carried out by the PPAT Advisory and Supervisory Council. It is hoped that the results of this research will make a positive contribution to the development of the land registration system in Indonesia, in line with the principles of legal certainty and the effectiveness of land registration.

3. DISCUSSION

For areas where the formation for appointing land deed making officials is not yet fulfilled, the sub-district head can be appointed as the temporary land deed making official, in fact, if there is a village that is very far away and far from the land deed making officials in the district/municipality, the village head can be appointed as the official. temporary land deed maker (Maulana et al., 2022) . With this provision, the sub-district head is not automatically appointed as a temporary land deed making official (this can be proven from the letter of appointment and having been sworn in as a land deed making official) (Gunawan et al., 2023) . If the sub-district head changes, the replacement sub-district head will not automatically be the official who makes the temporary land deed (Faridah et al., 2023) . Provisions regarding the appointment of PPATS can be explained as follows:

1. Subdistrict heads whose work areas are in Regency/City areas whose PPAT formations have not been fulfilled can be appointed as PPATS.
2. The Decree on the Appointment of the Subdistrict Head as PPATS is signed by the Head of the Regional Office of the Provincial National Land Agency on behalf of the Head of the National Land Agency of the Republic of Indonesia.
3. For the purposes of appointment as PPATS, the subdistrict head concerned reports his appointment as PPATS to the Head of the Regional Office of the Provincial National Land Agency through the Head of the local Regency/City Land Office by attaching a copy or photocopy of the appointment decision.
4. The appointment of the Village Head as PPATS by the Head of the National Land Agency of the Republic of Indonesia after conducting research regarding his needs was based on the very remote location of the village and the large number of plots of land that had been registered in the village area (Santoso, 2010).

Regency/City Land Agency because of his position, of course cannot be separated from the duties and functions resulting from the delegation of some of the authority of the Regent/Mayor, to handle some regional autonomy matters in the implementation of the Indonesian government. The manifestation of the delegation of some of the authority of the Regent/Mayor, as regulated in Article 126 paragraph (3) of Law Number 32 of 2004 concerning Regional Government. This is in line with the duties of a sub-district head when he has been appointed as PPATS by the Head of the Regency/City Land Agency to serve the community in making deeds for land deeds in areas where there are not enough land deed making officials or to serve certain groups of people in making official deeds. maker of a particular land deed. Regarding the position of the sub-district head as PPATS, who is a general official, it certainly gives rise to different views when the meaning of 'General Official' is touched upon with Article 5 paragraph (2) letter J, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 Regarding the Notary's Position which states; Notaries also have the authority to make deeds relating to land. This can affect public confidence in their duties and authority and also in PPATS itself.

Several provisions relate to the appointment of Temporary Land Deed Making Officials (Sari & Sa'adah, 2022), especially in conditions where the Subdistrict Head or Village Head can be appointed as PPATS. Normative analysis of these provisions will explore further understanding of the role of sub-district heads and village heads as PPATS, as well as their legal and practical implications in land governance. The sub-district head can be appointed as PPATS if his work area is in a Regency/City area where the PPAT formation has not been fulfilled. This appointment process is carried out with a Decree (SK) signed by the Head of the Regional Office of the Provincial National Land Agency on behalf of the Head of the National Land Agency of the Republic of Indonesia. The appointment of the sub-district head as PPATS is carried out based on the need for land deed making services in areas that do not yet have a PPAT. The Head of the Regional Office of the Provincial National Land Agency acts as the party who provides authority and validates the appointment, and this system provides flexibility in appointment, recognizing local needs.

The provisions also state that the Village Head can be appointed as PPATS, especially if the village is located far from the PPAT in the Regency/City. This appointment was made after research regarding its needs based on the remote location of the village and the number of plots of land that had been registered in the village area. The appointment of the Village Head as PPATS is contextual,

depending on the conditions of the location and needs at the village level. Research was carried out to ensure that the appointment was truly necessary, indicated a fact-based approach, and the appointment by the Head of the National Land Agency of the Republic of Indonesia indicated the level of central authority in management (Darusman, 2016). land at the village level. The sub-district head appointed as PPATS must report his appointment to the Head of the Regional Office of the Provincial National Land Agency through the Head of the Regency/City Land Office by attaching a copy of the appointment decision. The reporting process shows the involvement of higher agencies to monitor and document the appointment of the sub-district head as PPATS, a copy of the appointment decision becomes official evidence that can be verified by the relevant agencies. The provisions state that the appointment of the sub-district head as PPATS does not automatically occur with the change of sub-district head. The PPATS appointment process still requires a decision and reporting to the competent authority (Puspa Sari & Gunarto, 2018).

Emphasizing that the appointment of a PPATS is not an automatic attribute of the position of sub-district head, but rather requires a formal process and approval, this arrangement can prevent changes to the post of sub-district head from having a direct impact on the status of the PPATS. Therefore, there are two views regarding the status of the sub-district head as a public official. The first view comes from the provisions which state that sub-district heads can be appointed as PPATS, while the second view comes from Article 5 paragraph (2) letter J, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries which states that the Notary has the authority to make deeds relating to land. There is a duality in the perception of the sub-district head's status as a public official, where on the one hand he is recognized as a PPATS, and on the other hand, this status can give rise to different views along with other statutory provisions. The importance of clarifying the status and authority of the sub-district head in the land context is to maintain public trust and avoid potential legal conflicts. Analysis of the provisions for appointing PPATS provides an overview of the procedures, authority and legal implications of the role of sub-district heads and village heads as PPATS. This system shows adaptability to local conditions, but also requires clarification regarding the duality in the perception of the status of public officials, especially sub-district heads, in the context of land law. Good coordination is needed between various related agencies to maintain the integrity and clarity of the PPATS role at the regional level.

Therefore, to ensure legal certainty and to fulfill a sense of justice, as well as to achieve legal order in accordance with the legal system adopted and in force in Indonesia, using an objective, scientific and argumentative approach; If the existence of PPATS is to be maintained, it is necessary to immediately establish or create an organic law that regulates the position of officials who make land deeds. This group absolutely gives authority to Notaries to make authentic deeds regarding every legal action on land without having to become a PPATS. Meanwhile, land practitioners are of the opinion that Notaries may make deeds relating to land, but for land that has been registered or already has rights, the deed of legal action must be proven to have been made by and before PPATS (Butarbutar et al., 2022; Idrison, 2022).

The Importance of Authority and Development of Temporary Land Deed Making Officials (PPATS) in the Context of Sustaining Legal Certainty and Land Law Order in Indonesia. In an effort to maintain legal certainty, a sense of justice and legal order in the Indonesian land sector, basic considerations and concrete actions must be taken. One thing that needs to be considered is the role of the Temporary Land Deed Making Officer (PPATS) in the process of making the land deed. In addressing this issue, a number of arguments and considerations emerged, which encouraged giving authority to Notaries as makers of land deeds without having to become PPATS.

Notaries are considered legal professionals who have qualifications and expertise in making authentic deeds. Allowing a Notary to make land deeds can increase legal certainty because the Notary has strong knowledge regarding applicable legal rules and procedures. The existence of a Notary as a land deed maker can ensure that the process of making the deed is carried out transparently, objectively and in accordance with the ethical standards of the notary profession (Lubis, 2020). In addition, the process of making land deeds by a Notary can bring significant benefits related to procedural justice and efficiency. By involving a Notary, it is hoped that legal processes related to land can run more smoothly and transparently (Iryadi, 2019). In this context, it should be noted that PPATS has a strategic role in carrying out some land registration activities by making deeds as proof that certain legal acts have been carried out. However, although PPATS plays an important role in this process, more attention needs to be paid to the qualifications and authority given to them. Issues related to the provisions on the regulations for the position of temporary land deed officials are considered inadequate. Therefore, the step that needs to be taken is to form an organic law that specifically regulates the position of officials who make land deeds.

The formation of this organic law can be considered a progressive step and is in line with the spirit of achieving legal certainty and legal order in the Indonesian land system. Through an objective, scientific and argumentative approach, this organic law can provide a solid legal basis for the regulation of the position of land deed officials. Apart from that, it needs to be emphasized that the formation of this organic law must take into account the role of the sub-district head who is appointed as PPATS. The sub-district head as a public official in charge of carrying out some of the land registration activities has a big responsibility regarding the validity of the deeds he makes. Therefore, honesty, integrity, independence and thoroughness are very necessary in carrying out the duties and functions as PPATS. Furthermore, in the context of guidance and supervision, the regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 carries concepts that need to be taken into account. The National Land Agency as a non-departmental government institution has a strategic role in ensuring that PPATS carries out its duties in accordance with the provisions of laws and regulations and the code of ethics. In an effort to maintain the professionalism and integrity of PPATS, effective guidance and supervision is needed. In this context, the authority of the National Land Agency and BPN Regional Offices in the regions to supervise PPATS becomes important. It is hoped that this guidance and supervision can ensure that PPATS carries out its duties well and in accordance with applicable regulations.

Even though these steps have been taken, there are still several problems that need to be looked into further. Guidance and supervision of PPATS needs to continue to be improved to ensure that the tasks carried out by them meet standards of professionalism and legal compliance. Apart from that, there needs to be a deeper understanding regarding the provisions for fees (honorarium) given to PPATS, which are regulated by various regulations, including Government Regulation Number 24 of 2016 and Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 33 of 2021. In line with that, the existence of sub-district heads as PPATS also needs special attention. The position of the sub-district head appointed as PPATS needs to be recognized as a public official who has great responsibility in carrying out his duties. Related to this, Government Regulation Concerning Land Registration states that the transfer and assignment of land rights can only be registered if proven by a deed made by the PPAT. Therefore, the existence of the sub-district head as PPATS is a key element in ensuring the continuity of land registration and the success of the land administration system.

Even though the relevant regulations already exist, there is still further expansion and understanding regarding the role of the sub-district head as PPATS. The legal consequences of land deeds made by PPATS need to be carefully considered, especially in relation to proving the correctness of the contents of the deed and the validity of the signatures of the parties involved. In order to achieve legal certainty and maintain justice, it is important to emphasize the need for an organic law that specifically regulates the position of officials who make land deeds. In this way, various issues related to the qualifications, responsibilities and authority of PPATS can be addressed holistically.

In closing, the strategic role of Notaries, the important role of sub-district heads as PPATS, and the need for organic laws are the main focus in maintaining the sustainability of legal certainty and the land administration system in Indonesia. Progressive and structured actions need to be taken to balance the role of PPATS, optimize the authority of Notaries, and ensure that every action related to land reflects the principles of justice, legal certainty and legal order. Based on the description above, it can be concluded that; The sub-district head who is appointed as the official who makes temporary land deeds also has an important role which can be seen from everything that falls under the authority, duties and responsibilities of a PPAT. Therefore, the sub-district head, in carrying out his duties and functions as PPATS, must have honesty, integrity, independence, thoroughness and impartiality in carrying out his duties. PPATS are also required to maintain and uphold the honor, honor and dignity of their position and profession as PPAT. According to Government Regulation Number 24 of 1997 concerning Land Registration, that; The transfer and assignment of land rights can only be registered if proven by a deed made by the PPAT. These provisions show how important and strategic the position and authority of PPATS is to assist the Head of the Land Office in carrying out land registration by making deeds which will be used as data as the legal basis for registering changes to land registration data, in order to ensure the establishment of orderly administration and legal order. land which is part of the land orderly chess.

The existing provisions regarding PPATS officials are considered inadequate, even though the position, name and status of the land deed making official have been stated explicitly in various statutory regulations, but in reality the provisions regarding the position regulations for temporary land deed making officials only regulated by Government Regulations, which are considered inadequate for the duties and roles of officials who make temporary land deeds. Therefore, the

government issued Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Development and Supervision of Officials Making Land Deeds.

In order for supervisors and supervisors to supervise officials making temporary land deeds to be carried out in accordance with existing regulations, it is very necessary to have an authorized body to supervise PPATS supervisors. In Article 4 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Development and Supervision of Officials Making Land Deeds (Permen ATR/Ka. BPN No. 2 of 2018) states; There is supervision carried out on officials making temporary land deeds in the context of carrying out their official duties which reads as follows:

1. Guidance and supervision of PPAT is carried out by the Minister.
2. Guidance and supervision as intended in paragraph (1) in the regions is carried out by the Head of the BPN Regional Office and the Head of the Land Office.

In Presidential Regulation Number 15 of 2015 concerning the National Land Agency, as amended several times, most recently by Presidential Regulation Number 48 of 2020, explains that; The National Land Agency is a non-departmental government agency that is under and responsible to the President. With the duties and responsibilities of the government as an institution that oversees or has a broad scope of work in terms of national land regulation, it also has functions and responsibilities, one of which is the function of coaching institutions related to land. So in this case, the guidance and supervision of the National Land Agency through the National Land Agency Office has the authority to do this. This is because the official who makes temporary land deeds is one of the institutions whose duties and functions are related to land, as contained in several statutory provisions which basically state that the official who makes temporary land deeds is tasked with carrying out some of the land registration activities by making deeds as proof that carrying out certain legal acts, regarding land rights or ownership rights over apartment units, which will be used as the basis for registration, changes to land registration data resulting from that legal act (Ardhanary, 2021).

Ministerial Regulation ATR/Ka.BPN No. 2 of 2018 is intended as a guideline for the implementation of guidance and supervision as well as enforcement of legal rules through the imposition of sanctions as intended in Article 13 to PPAT carried out by the Ministry. Apart from that, the promulgation of the ATR/Ka Ministerial Regulation. BPN Number 2 of 2018 also aims to create PPATS that are professional, have integrity and carry out PPAT positions in accordance with the provisions of laws and regulations and the code of ethics. In this case, what is meant by PPAT includes PPAT, PPATS, Substitute PPAT, and PPATK (Oktavia et al., 2023; Utomo, 2022). In carrying out the functions and responsibilities of the sub-district head as PPATS, which is a public official, it is not uncommon for PPATS to deal with legal processes. In this legal process, PPATS must provide information and testimony regarding the process of making the deeds and the contents of the deeds they made. With the declaration of the sub-district head as PPATS which is a General Official, contains the consequence that the deeds made are authentic deeds, namely if there is a problem with the PPAT deed. The court does not need to examine the correctness of the contents of the land deed, or the date it was signed and likewise the validity of the signatures of the parties as long as it cannot be proven that there is forgery, fraud, or other possibilities that the land deed can be declared void or must be declared void. (Faridah et al., 2023).

This has illustrated the importance of providing guidance and supervision to PPATS regarding the implementation of its duties in making deeds related to land changes and registration, which we know in the process of making these deeds of course PPATS has the right to ask for a fee (honorarium). The amount of service money (honorarium) has been regulated in various regulations, namely; Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Deed Making Officials, which basically states that; PPAT and PPATS fees, including witness fees, may not exceed 1% (one percent) of the transaction price stated in the deed. Furthermore, in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 33 of 2021 concerning Fees for Services of Land Deed Officials Article 1, states that; Fees for PPAT and PPATS officials for deed preparation fees may not exceed 1% (one percent) of the transaction price stated in the deed.

Based on the results of the investigation of the decision that the author carried out, it was found that one of the PPATS was involved in a criminal case related to fees that exceeded 1% of the statutory provisions. This can be seen in the decision of the Makassar District Court Number 14/Pid.Sus-Tpk /2020/Pn.Mks. The issues that are being discussed are; That starting in July 2019 SAB and SAK (initials) of the husband and wife who in this case were witnesses came to the Simbang District Subdistrict Office to meet with the Defendant to process the sale and purchase deed for the

purchase of two land objects in Sampakang Hamlet, Simbang Village, Subdistrict. Simbang District. Maros at the Simbang District Office. Then the administrative costs at the Simbang District Office, Maros Regency, were set by the defendant at 3% which was calculated from the Tax Object Acquisition Value (NPOP). Subsequently, the Maros District Prosecutor's Office carried out a sting operation (OTT) for alleged criminal acts of corruption in the form of illegal levies at the Simbang District Head's Office. Subsequently, regarding this incident, the Maros District Prosecutor's OTT Team brought the Defendant as the Subdistrict Head who also served as PPATS and the witness SF as Secretary to the Temporary Land Deed Drafting Officer for further information. Based on the description of the decision of the Makassar District Court Number 14/Pid.Sus-Tpk/2020/Pn.Mks, the author is of the opinion that the PPAT supervisory and supervisory board in providing guidance and supervision of a land deed-making official while its regulation and supervision is not yet comprehensive. Furthermore, the provisions regarding the guidance and supervision functions carried out by the PPAT supervisory and supervisory council (BPN) are not comprehensive or do not work optimally to the sub-district head as PPATS, when they are involved in criminal law issues which, due to the sub-district head's actions, terminate their position as sub-district head. So BPN cannot apply administrative sanctions to the person concerned and BPN cannot make assistance efforts to problematic PPATS, because the position of sub-district head as PPATS is only to fulfill the shortcomings of PPAT in that area.

In relation to the function of the PPAT advisory and supervisory council in carrying out guidance and supervision of PPATS which is based on the provisions of Ministerial Regulation Number 2 of 2018 concerning PPAT Guidance and Supervision, which is basically the content of these provisions, in this case the implementation of supervision and guidance is applied the same between PPAT and PPATS. However, because the PPATS position is filled by the sub-district head appointed by the National Land Agency, this position is explicitly *ex officio*, namely; A person's position in a particular institution is due to their duties and authority in other institutions. So PPATS is involved in legal problems and is being processed, because of the actions of the sub-district head as PPATS, he resigns his position as sub-district head, so there is no obligation for the PPAT supervisory and supervisory council to provide guidance and supervision to PPATS. Therefore, according to the author, the sub-district head is appointed as PPATS, where it is known that the sub-district position is obtained as a result of delegating some of the regional head's authority to handle some of the regional autonomy affairs in this case; Coordinate the implementation and enforcement of laws and regulations in the agrarian sector as well as the implementation of government activities at the sub-district level, including land registration activities. However, there are not many sub-district heads who do not have knowledge of the implementation of statutory regulations, especially in the agrarian sector.

Related to the function of the PPAT advisory and supervisory council in providing guidance and supervision of PPATS is based on the provisions of Ministerial Regulation Number 2 of 2018 concerning PPAT Development and Supervision, which is basically the content of these provisions, in this case the implementation of supervision and guidance is applied equally between PPAT and PPATS. However, because the PPATS position is filled by the sub-district head appointed by the National Land Agency, this position is explicitly *ex officio*, namely; A person's position in a particular institution is due to their duties and authority in other institutions. So PPATS is involved in legal problems and is being processed, because of the actions of the sub-district head as PPATS, he resigns his position as sub-district head, so there is no obligation for the PPAT supervisory and supervisory board. to provide guidance and supervision to PPATS. Therefore, according to the author, the sub-district head is appointed as PPATS, where it is known that the sub-district position is obtained as a result of delegating some of the regional head's authority to handle some of the regional autonomy affairs in this case; Coordinate the implementation and enforcement of laws and regulations in the agrarian sector as well as the implementation of government activities at the sub-district level, including land registration activities. However, there are not many sub-district heads who do not have knowledge of the implementation of statutory regulations, especially in the agrarian sector.

As intended in Article 7 of Ministerial Regulation Number 2 of 2018 concerning PPAT Development and Supervision which states; Guidance in the form of conveying and explaining policies that have been determined by the Minister regarding the implementation of PPAT's duties in accordance with the provisions of laws and regulations and socialization, dissemination of land policies and laws and regulations, and implementation of PPAT's duties and functions in accordance with the Code of Ethics, is carried out periodically. Meanwhile, Article 12 paragraph (1) of Ministerial Regulation Number 2 of 2018 concerning PPAT Development and Supervision states; Supervision in the form of enforcing legal rules in accordance with the provisions of laws and regulations in the field of PPAT as intended in Article 8 letter (b) is carried out based on findings from the Ministry regarding violations in the implementation of PPAT's office or there are complaints regarding alleged

violations committed by PPAT. These provisions cannot accommodate the supervision and guidance of sub-district heads as PPATS, because the PPATS position is *ex officio* so that guidance and supervision by the National Land Agency is only functional, in the sense that it only provides guidance and supervision regarding Land policies and regulations; as well as technical instructions for implementing PPAT duties, in order to implement the PPAT professional code of ethics (Effendi et al., 2020). This could lead to deviations from the PPAT protocol which could result in the authority to act unilaterally without considering and paying attention to the provisions of Ministerial Regulation Number 2 of 2018 for the Development and Supervision of PPAT.

Article 7 and Article 12 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 provides the legal basis regarding the guidance and supervision of Land Deed Drafting Officials (PPAT). Article 7 Regulation no. 2 of 2018 regulates that guidance is carried out periodically through the delivery and explanation of the Minister's policies regarding the implementation of PPAT duties in accordance with statutory regulations. Guidance also includes the socialization and dissemination of land policies and regulations, as well as the implementation of PPAT duties and functions in accordance with the Code of Ethics.

On the other hand, Article 12 paragraph (1) Ministerial Regulation no. 2 of 2018 regulates supervision carried out on findings from the Ministry regarding violations in the implementation of PPAT's duties or on complaints of alleged violations by PPAT. Even though this article emphasizes supervision of PPAT, it does not explicitly accommodate the guidance and supervision of the sub-district head who occupies the position of Temporary PPAT (PPATS). This is due to the *ex officio* nature of the PPATS position held by the sub-district head. In terms of the substance of guidance, although the Ministerial Regulation provides a framework for general PPAT guidance and supervision, it does not accommodate the unique role of the sub-district head as PPATS. The authority of PPATS is incorporated into the regional government structure, resulting in the implementation of guidance and supervision being only functional and not covering more specific aspects related to the dual position of sub-district head.

In this context, there is the potential for deviations from the PPATS protocol that could arise because the authority acts unilaterally without considering the provisions of Ministerial Regulation No. 2 of 2018. Supervision that does not accommodate the presence of the sub-district head as PPATS can have an impact on community welfare related to registration and changes to land data in the area concerned. Therefore, further adjustments need to be made in the laws and regulations regarding the guidance and supervision of PPATS, especially those held by the sub-district head. This aims to ensure that guidance and supervision is not only functional, but also includes unique aspects related to the sub-district head's dual position as PPATS. It is hoped that the changes in these regulations will be more effective in preventing potential irregularities and maintaining the integrity and quality of implementation of PPATS duties at the sub-district level.

4. Results and Discussion

The supervision carried out by the PPAT supervisory and supervisory board of Temporary Land Deed Making Officials (PPATS) has not yet reached a comprehensive level. This incomprehensiveness is related to the *ex officio* nature of PPATS positions, namely positions given to someone because of their duties and authority at another institution. As a sub-district head appointed by the National Land Agency, PPATS can exercise authority as PPAT without going through a special selection or election process. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Development and Supervision of Land Deed Drafting Officials (Permen No. 2 of 2018) has not provided a substantial answer regarding the supervision of PPATS. In particular, the aspect of supervision of PPATS which has a dual position as sub-district head. The *ex officio* nature of the PPATS position means that the guidance and supervision carried out by the National Land Agency is only functional, not touching on specific aspects related to the sub-district head's dual position as PPATS. Thus, the supervision process tends to be formal and lacking in depth, which can lead to potential deviations from the PPAT protocol by PPATS. The incomprehensiveness of this supervision becomes more clearly visible in field practice, as happened in the Makassar District Court decision Number 14/Pid.Sus-Tpk/2020/Pn.Mks. Problems arise regarding the increase in fees (honorarium) by PPATS which exceeds the provisions of the applicable legislation. This shows the potential for violations of PPATS ethics and professional norms which should be detected and prevented through more comprehensive supervision. In line with the dynamics of the development of this case, improvements are needed in regulations related to PPATS guidance and supervision. Existing

regulations need to be enriched with more detailed and comprehensive provisions, especially related to the dual position of sub-district head as PPATS. More careful and comprehensive internal and external supervision needs to be implemented to minimize potential violations that could harm the interests of society. The importance of increasing supervision of PPATS becomes increasingly fundamental considering the strategic role of PPATS in land affairs at the sub-district level. With the authority to make land deeds, PPATS has a significant impact on legal certainty and justice in various land transactions in its area. Therefore, improving the quality of supervision of the duties and responsibilities of PPATS, especially those held by the sub-district head, is a must. Apart from increasing regulations, it is also necessary to increase the capacity and awareness of the PPATS profession, especially regarding ethics and norms that must be upheld. Regular training, workshops and certification can be effective instruments to ensure that PPATS, including those held by the sub-district head, always carry out their duties and responsibilities with integrity and in accordance with applicable legal provisions. This more comprehensive supervision is also in line with the spirit of strengthening good land governance. The involvement of all stakeholders, including local governments, in the monitoring process will help create a land environment that is transparent, accountable and fair for all parties. Thus, efforts to improve the quality of supervision of PPATS, especially those who have dual positions as sub-district heads, are an important step in realizing a land system that is efficient, fair, and in accordance with legal principles and good governance.

5. Conclusion

The government should eliminate the position of PPATS because the position of PPATS is *ex officio* because the position of a sub-district head is obtained as a result of the regional head delegating authority to handle some regional autonomy matters, including PPAT duties in areas where there are not enough PPATs, whereas in big cities there are already many PPATs. . And many sub-district heads do not have knowledge of the implementation of legislative regulations in the agrarian sector. This is what makes the PPATS position capable of causing deviations from statutory regulations and the authority that a PPATS can exercise.

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