

THE AUTHORITY OF THE REGIONAL PPAT CONSTRUCTION ASSEMBLY AND SUPERVISORY IN GIVING SANCTIONS AGAINST LAND TITLES REGISTRAR (Case Study Decision Number: 20/G/2020/PTUN/PBR)

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Abstract: *In carrying out the duties and positions of the Land Deed Making Officer (PPAT), it will always be related to the scope of supervision of the Regional Supervisory and Supervisory Council (MPPD). Morally MPPD is often asked for assistance by legal practitioners in the development and supervision of PPAT. One of them is by imposing sanctions on PPAT. This research is related to the sanctions given by the MPPD to a PPAT in Rokan Hulu Regency with a dishonorable dismissal which was later sued at the State Administrative Court in the decision Number: 20/G/2020/PTUN/PBR. The PPAT concerned does not accept the decision from the MPPD, because it is considered that the MPPD cannot prove the violation he has committed and is not in accordance with applicable procedures.*

Key Words: *Authority, Supervisory and Supervisory Council, PPAT Sanction.*

1. INTRODUCTION:

The Minister of Agrarian and Spatial Planning/Head of the National Land Agency establishes the Regional Supervisory and Supervisory Council (MPPD) which has the authority to examine allegations of violations committed by the Deed Making Officer (PPAT) or there are complaints from the public as legal subjects who feel that they have been harmed because of the PPAT's actions. . The results of the MPPD examination are made in the form of a report on the results of the examination and submitted to the Head of the Land Office. PPAT may be subject to sanctions in the form of administrative sanctions, namely, written warning, temporary dismissal, honorable discharge, or dishonorable discharge. The MPPD is formed and determined by the Head of the BPN Regional Office on behalf of the Minister and is domiciled at the Land Office.

If the PPAT is proven to have violated the prohibitions specified in the laws and regulations and the PPAT code of ethics, it can be subject to sanctions as regulated in Government Regulation Number 24 of 2016 concerning PPAT Position Regulations Article 10 paragraphs (1), (2), (3), and (4). PPATs who are proven to have committed violations can be dismissed by the Minister of Agrarian Affairs/Head of the National Land Agency (ATR/BPN). In the event that the reasons for dishonorable dismissal are stated in Article 10 paragraph 3, it is explained that the PPAT was dishonorably dismissed from his position due to a serious violation of the prohibition/obligation as a PPAT, and was sentenced to confinement/imprisonment for committing a crime punishable by imprisonment or imprisonment. imprisonment for a maximum of 5 (five) years or more severe based on a court decision that has obtained permanent legal force. Article 13 of 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 states that the sanctions imposed on PPATs who violate will receive a written warning, temporary dismissal, respectful and dishonorable discharge. A written warning is given to PPAT who commits a violation whose fault can still be tolerated. Meanwhile, the temporary dismissal is the PPAT who is dealing with a case of violating the code of ethics, until the PPAT who is finally dismissed with disrespect. Dismissal with respect, namely the dismissal of PPAT who have entered retirement.

2. THEORITICAL FRAMEWORK:

a. Theory of Authority

Juridically, the notion of authority is the ability given by laws and regulations to cause legal consequences.[1]

b. Law Enforcement Theory

According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values that are spelled out in solid rules and attitudes of action as a series of final stage value elaborations. To create, maintain and maintain peaceful social life.[2]

3. LITERATURE REVIEW:

The PPAT Supervisory and Supervisory Council is an assembly authorized by the Minister to conduct guidance and supervision of PPAT.

According to Boedi Harsono, the concept of a public official is "a person appointed by the government with the task and authority to provide services to the public in certain fields." [3]

4. METHOD:

The method used in this study is an empirical juridical approach, namely an approach based on field research methods, namely examining applicable legal provisions and what is happening in people's lives.[4]

5. DISCUSSION:

The MPPD in this case issued a decision in the form of an official report, because the PPAT was deemed to have committed a serious violation of the PPAT position prohibition. The PPAT concerned did not accept the decision from the MPPD, because it was deemed that the MPPD could not prove the violation he had committed. In the event that the PPAT does not accept the decision, then the PPAT can file a lawsuit to the State Administrative Court (PTUN).

6. ANALYSIS:

A. Authority of the Regional Supervisory and Supervisory Council in Giving Sanctions to Land Deed Maker Officials

The MPPD's authority in imposing sanctions is related to the theory of authority presented by Bagir Manan. Bagir Manan stated that authority means rights and obligations. Rights contain the freedom to do or not to take certain actions or to demand other parties to take certain actions. The obligation to make the obligation to do or not do something in the state administrative law comes from the laws and regulations, obtained by means of articulation, delegation and mandate.[5]

B. Implementation of the Testing of the Decision of the Ppat Regional Supervisory and Supervisory Council at the State Administrative Court (Ptun) (Decision Case Number: 20/G/2020/Ptun/Pbr)

It can be concluded that the Administrative Court has the right to examine the Supreme Court's Decision Number 20/G/PTUN.PBR because it is still within the scope of the decision of the State Administrative Body. However, it is possible if the Plaintiff switches to the realm of the District Court, in this case regarding Defamation which has harmed him as a PPAT. The allegation regarding the alleged forgery of signatures made by the plaintiff itself cannot be proven and there has been no decision by *Inkrah* from any court. Thus, the decision of the MPPD is a wrong procedural error.

7. CONCLUSION

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) The District Building and Supervisory Council (MPPD) has the authority to grant sanctions to the Land Deed Making Office (PPAT), however, before the sanction is given, construction and supervision must first be carried out by the MPPD.

- 2) Decisions issued by the District Construction and Supervision Council (MPPD) in sanctioning PPAT can be tested in the National Administrative Court.

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