EFFECTIVENESS OF PPATS COMPARED TO PPAT AMOUNT IN BOGOR REGENCY

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Abstract
The increasing number of Land Deed Officials in Indonesia has caused an increasingly tight competitiveness problem, considering the unregulated distance between PPAT offices in a region coupled with the fact that PPATS is still in office in the midst of an increasing number of PPATs. The similarity of duties and obligations between the two allows the public to choose both in making deeds related to the transfer of rights. The purpose of this study is to analyze the problem of the effectiveness of Temporary Land Deed Officials. The research method uses non-doctrinal or empirical legal research, namely looking at the law in the form of a social context, this research is carried out directly to the respondents in the form of filling out questionnaires and interviews with resource persons, this writing is descriptive analytical, namely describing a condition or circumstance that is occurring with the aim of being able to provide as accurate data as possible about the object of the research, namely those stated by the respondents and resource persons in a written or oral as well as real behavior is then analyzed based on legal theories or applicable laws. The results of the study show that the presence of PPATS in the community is still needed, because by using PPATS services, people feel more confident in submitting data and there is a price difference felt by the people of Bogor Regency. Although the number of PPAT in Bogor Regency reaches 430 (four hundred and thirty) people, in fact it does not cover all areas in Bogor Regency so that there are several areas that still often use PPATS services.

I. Introduction

When a person wishes to transfer the ownership of an immovable object, namely the land in both physical and juridical handover, it will go through several certain stages with different times. In the transfer of immovable objects in the form of land rights, it must go through two separate stages of legal acts, namely an obligatory agreement and a legal act as a follow-up, the first for the change of name which must be proven by a deed made before a public official. As in the previous land sale, the BW law stipulates that the transfer of land rights with the judicial handover and the physical handover shows that the transition does not occur instantaneously. As for customary law, the sale and purchase of land is carried out in light and cash, which means that the transition occurs instantly at the same time (Isnaeni, 2016).

With the enactment of the Basic Agrarian Law, dualism in the existing land law is eliminated and changed to all land rights, both western rights and customary rights are treated equally and must be registered, after the issuance of the Basic Agrarian Law, Government Regulation Number 10 of 1961 concerning Land Registration was born, in this regulation the function of officials who make obligator agreements is carried out by the Land Deed Official, The birth of the regulation was followed by the promulgation of the Regulation of the Minister of Agrarian Affairs Number 10 of 1961 concerning the Appointment of Officials, in the consideration section it was stated:
"Stipulating the number of deeds that must be made by land deed official, as intended in Article 19 of Government Regulation Number 10 of 1961 concerning Land Registration."

Regarding the transfer and encumbrance of land rights that must be carried out in the presence of a Land Deed Official is regulated in Article 2 of Law Number 37 of 1998, as the main duties of a PPAT include:

1. Selling;
2. exchange;
3. grant;
4. incorporation into the company (inbreng);
5. the division of common rights;
6. granting Building Rights Title/Right to Using on Rights Title;
7. granting of Dependent Rights;
8. the granting of power of attorney to burden the Dependent Rights.

During the validity period of Government Regulation No. 10 of 1961 and Regulation of the Minister of Agrarian Affairs No. 11 of 1961, the working area of the Land Deed Official is only as wide as the sub-district, but in certain cases with the proposal of the head of the land registration authority, the Minister of Agrarian Affairs can appoint several sub-districts as the work area of an official and can also appoint more than one official for one sub-district, This is emphasized in Article 2 of the Regulation of the Minister of Agrarian Affairs Number 11 of 1961 that the authority of the Land Deed Official is only for the lands located in his work area and it is also regulated that the Land Deed Official must have an office in his work area. Furthermore, Article 5 paragraph (1) stipulates that as long as there is no appointment of an official in a sub-district, then the assistant head of the sub-district or equivalent because his position is a temporary official with a work area that covers more than one sub-district. If later a Land Deed Official is appointed, the assistant sub-district head will still remain an official until he is dismissed as the sub-district head, this provision will be the beginning of the birth of the position of Temporary Land Deed Official. In addition, the Decree of the Minister of Agrarian Affairs Number Sk. 13/Depag/66

was also stipulated. In the consideration section, it is stated that:
"For the preparation of deeds regarding land transactions that have special aspects, several Agrarian Department Officials because their positions need to be specifically appointed as Land Deed Official, with work areas covering all regions of Indonesia."
This is hereinafter called the Special Land Deed Official.

The Land Deed Official has the function of being a public official who is authorized to make deeds of transfer of land rights, encumbrance of land rights, and other deeds that are regulated by the applicable laws and regulations and assist the Head of the Land Office in carrying out land registration by making deeds that will be used as the basis for registering changes in land registration data, considering the function of the Land Deed Official which is quite large in the field of transfer services land rights encourage the government to make regulations specifically related to the Position of Land Deed Official, namely Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Official which has been amended into Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998. Based on Article 1 of Government Regulation Number 24 of 2016, Land Deed Official are divided into 3 (three), namely:

1. Land Deed Official (PPAT) is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights or Property Rights to Flats.
   This article provides a very clear understanding of who is associated with the Land Deed Making Officer along with the scope of his authority.
2. Temporary Land Deed Officials (PPATS) are Government Officials appointed because of their position to carry out PPAT duties by making PPAT deeds in areas where there are not enough PPAT".
3. Special Temporary Land Deed Officials (PPAT Special) is an official of the National Land Agency who is appointed because of his position to carry out PPAT duties by making certain PPAT deeds specifically in the context of the implementation of certain programs or government duties.

The existence of the Temporary Land Deed Official is based on the fact that the area in the Republic of Indonesia is very large, consisting of 38 (thirty-eight) provinces, 514 (five hundred and fourteen) cities/districts, 7,277 (seven thousand two hundred and seventy-seven), 83,763 (eighty-three thousand seven hundred and sixty-three) villages/sub-districts (Kode pos seluruh Indonesia, 2024), therefore Government Regulation Number 24 of 1997 Article 7 paragraph (2) which reads:
"For villages in remote areas, the Minister can appoint a Temporary PPAT."

And there is also an Explanation of Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Officials Article 5 paragraph (3) letter a which explains that:
"Because the function in the field of land registration is important for people in need, the function must be carried out in all areas of the country. Therefore, in areas where there are not enough PPATs, the sub-district head needs to be appointed as an official who carries out this function. What is meant by areas where there are not enough PPAT is an area whose number of PPAT has not met the number of formations set by the Minister according to the provisions as referred to in Article 14. In areas where there are enough PPAT and are closed areas for the appointment of new PPAT, the new sub-district is no longer appointed as a temporary PPAT. Based on considerations to fulfill services to the community in remote areas, where the community will find it difficult if they have to go to the District Office to carry out transactions regarding their land, the Minister can also appoint the Village Head

to carry out PPAT duties."

This is aimed at making it easier for the community to carry out legal acts related to land, who is appointed as a Temporary Land Deed Official is a Government Official who controls the area he leads, as explained in Perkaban Number 1 of 2006 Article 18 paragraph (1) which reads:

"In certain cases, the Head of the Agency may appoint the Sub-district Head and/or the Village Head because of his position as a Temporary PPAT." (Utomo, 2020).

In the current regulations, the Sub-district Head cannot immediately become a Temporary Land Deed Official but needs to take part in education and training that will be organized by the National Land Agency of the Republic of Indonesia which can be organized in collaboration with Professional PPAT organizations, this training is intended to increase the ability of Temporary Land Deed Officials in carrying out their duties.

2. Research Method

In answering these problems, non-doctrinal research methods or empirical legal research are carried out, namely looking at the law in the form of a social context (Wibisana, 2023), this research is carried out directly to respondents in the form of filling out questionnaires and interviews with resource persons as primary data and equipped with secondary data in the form of laws and regulations, literature, and doctrines or teachings. Furthermore, this writing is descriptive and analytical, namely describing a condition or circumstance that is happening with the aim of being able to provide as accurate data as possible about the object of research, namely those stated by respondents and resource persons in writing or orally as well as real behavior then analyzed based on legal theories or applicable laws (Ali, 2009). The methods of data collection used in this study are:

1. The primary data collection method is carried out by:
   a. Questionnaire or ask questions directly to respondents and resource persons. The subjects in this study as resource persons and informants are:
      a) Resource person: Land Agency Office Region I of Bogor Regency
      b) People in 40 sub-districts in Bogor Regency
   b. The interview was conducted with a general guidance approach that remained on the predetermined questions as the basis of the discussion but did not limit the level of freedom and adaptability in obtaining information from the interviewee.
2. Secondary data collection methods are carried out by:
   Literature studies are carried out by reading, studying and analyzing laws and regulations, books and literature related to the object of research. The Data Analysis Method is carried out qualitatively, namely analysis that is carried out by understanding and compiling data that has been collected systematically so that an overview of the problem being researched or the situation being studied is obtained. Based on this analysis, conclusions were drawn using the inductive thinking method, which is a way of thinking that departs from real knowledge, which is researched and studied as something whole.

3. Results and Discussion

3.1. The Role of Temporary Land Deed Officials in Making Land Deeds in Bogor Regency

The Bogor Regency area is one of the regencies included in West Java Province, which is also known as the Bumi Tegar Beriman. With a population of more than 5 million people and diverse demographics, an area of 2,966.8 square km, Bogor Regency has 40 sub-districts, consisting of 416 villages and 19 sub-districts. Based on Regional Regulation No. 3 of 2003 concerning the Establishment and Regional Regulation No. 40 of 2004 concerning OTK Bogor Regency has 40 sub-districts, the following is a list of 40 sub-districts that are included in Bogor Regency:

1	Kecamatan Jonggol	21	Kecamatan Cigudeg
2	Kecamatan Cariu	22	Kecamatan Sukajaya
3	Kecamatan Tanjungsari	23	Kecamatan Leuwiliang
4	Kecamatan Cileungsi	24	Kecamatan Leuwisadeng
5	Kecamatan Sukamakmur	25	Kecamatan Ciampea
6	Kecamatan Cibinong	26	Kecamatan Tenjolaya
7	Kecamatan Citeureup	27	Kecamatan Cibungbulang
8	Kecamatan Sukaraja	28	Kecamatan Pamijahan
9	Kecamatan Gunung Putri	29	Kecamatan Rumpin
10	Kecamatan Babakan Madang	30	Kecamatan Cisarua
11	Kecamatan Ciseeng	31	Kecamatan Ciomas
12	Kecamatan Kemang	32	Kecamatan Tamansari
13	Kecamatan Rancabungur	33	Kecamatan Cijeruk
14	Kecamatan Gunung Sindur	34	Kecamatan Cigombong
15	Kecamatan Bojonggede	35	Kecamatan Caringin
16	Kecamatan Tajur Halang	36	Kecamatan Dramaga
17	Kecamatan Jasinga	37	Kecamatan Megamendung
18	Kecamatan Nanggung	38	Kecamatan Kelapanunggal
19	Kecamatan Ciawi	39	Kecamatan Parung
20	Kecamatan Tenjo	40	Kecamatan Parung

To cover the area with the number of sub-districts mentioned above, Bogor Regency has a number of Temporary Land Deed Officials with many existing sub-districts, namely 40 (forty) Temporary Land Deed Officials, but due to the existence of several sub-districts that have entered retirement, until April 2024 there are only 38 (thirty-eight) people who are actively serving as Temporary Land Deed Officials.

Basically, the duties as Land Deed Officials and Temporary Land Deed Officials are no different, namely carrying out land registration activities by making deeds as proof that certain laws regarding land rights or property rights over housing units have been carried out which will be used as the basis for registering changes in land registration data resulting from the act of the law. The Land Deed Official has the authority to make a land deed which is an authentic deed for all legal acts regarding land rights and property rights to flats located in its work area.

The obligations that must be fulfilled by PPAT by carrying out their main duties are:

1. Upholding Pancasila, the 1945 Constitution, and the Republic of Indonesia;
2. Participating in the inauguration and appointment of the oath of office as PPAT;
3. Submit monthly reports;

4. Submit the PPAT protocol in the event of :
   - PPAT who ceases to hold office shall submit it to another PPAT in their work area or to the Head of the Land Office;
   - The temporary PPAT who ceases to hold office shall be handed over to the interim PPAT who replaces him or to the Head of the Land Office;
5. Open the office every day except holidays and official holidays with working hours in accordance with the work schedule of the local Land Office;
6. Submit sample signatures, sample drafts, and office stamps to the authorities;
7. Installing signage with certain criteria (Maskito dan Amowo, 2019).

The difference between PPAT and PPATS can be seen in Article 12 of Government Regulation Number 24 of 2016, where it is regulated that the PPAT work area is a provincial area either in the district or city and for Temporary PPAT and Special PPAT covering their work area as a Government Official which is the basis for their appointment, besides that the difference in regulations related to PPAT and PPATS is regarding leave permits. The rules for PPAT leave are regulated in Article 30 of Government Regulation Number 37 of 1998 that if PPAT will carry out leave, it must first submit an application addressed to the Head of the Regency/City or Regional Land Office or also the Minister in accordance with the period of leave requested, while for PPATS in his position as a Civil Servant, the rules related to leave provisions are regulated in the State Civil Service Agency Regulation Number 7 of 2021. It can be concluded that when PPAT will carry out leave, it is necessary to propose a replacement PPAT while this does not apply to PPATS and Special PPAT.

The role of PPAT or PPATS is basically to assist the community in making deeds related to the transfer of land rights and ownership rights to apartment units through buying and selling, exchange, grants, income in the company, and other legal acts of transfer of rights, except for the transfer of rights through auction which can only be registered if proven by a deed made by the authorized PPAT in accordance with the applicable laws and regulations. Based on data obtained from the PPAT Monthly Report submitted to the Land Office of Region 1 Bogor Regency, the type of transfer of rights that is often requested by the community to make is buying and selling, as evidenced by the number of Recapitulation of the Bogor Regency PPAT and PPATS Monthly Report in April 2024:

1. The number of Deeds made by PPAT based on their type :
   a. Deed of Sale and Purchase : 1.876
   b. Exchange Deed : Nihil
   c. Grant Deed : 51
   d. Deed of Entry into the Company/SPH : Nihil
   e. Deed of Distribution of Joint Rights/Inheritance : 18
   f. Power of Attorney Burdens Dependents : 546
   g. Deed of Grant of Dependent Rights : 987
2. Number of Deeds made by Temporary PPAT based on type :
   a. Deed of Sale and Purchase : 261
   b. Exchange Deed : Nihil
   c. Grant Deed : 10
   d. Deed of Entry into the Company/SPH : Nihil
   e. Deed of Distribution of Joint Rights/Inheritance : 9
   f. Deed of Grant of Dependent Rights : Nihil

Buying and Selling is a transfer of rights as a result of an agreement with which one party binds himself to hand over a property, one of which is land and the other party to pay the promised price. According to customary law on land buying and selling, the legal conditions for buying and selling must be carried out in the following ways:

1. Clears which means that the sale and purchase must be carried out in front of the head of the indigenous community concerned or in front of witnesses.
2. Cash or Cash means that the buyer must pay the full agreed price.

while based on Article 1458 of the Civil Code states that the sale and purchase is considered to have occurred between the two parties, as soon as the persons reach an agreement on the goods and their price, even though the goods have not been handed over the price and the price has not been paid, this is based on the conditions for the validity of an agreement in Article 1320 of the Civil Code, namely:

1. agree with those who bind themselves
2. the ability to make a treaty
3. a certain thing
4. a halal cause. (Waskito dan Arnowo, 2017)

3.2. The Effectiveness of Temporary Land Deed Officials Amid the Many Land Deed Officials in Bogor Regency

In the data of the Recapitulation of the Monthly Report of PPAT and PPATS of the Bogor Regency Work Area, it was found that as of April 2024 the number of PPATs in Bogor Regency is 430 people, of course this number is very proportional to the number of PPATS which only amounts to 38 people. However, in reality, even though the number of PPAT in Bogor Regency reaches 430 people, this number is still considered to not meet the service needs for the people of Bogor Regency due to the absence of rules related to limiting the number and distance between PPAT offices in an area. This causes the accumulation of PPAT in an area that is felt to have higher business opportunities than other regions and makes some regions do not have PPAT.

This unevenness makes the role of PPATS considered still necessary and from the results of the questionnaire that has been distributed to several communities from 40 (forty) existing sub-districts, the community revealed that they still need PPATS for the reason that it is closer to where they live and the factor of trust in the regional agencies held by PPATS in their position as the Head of the District, in addition to that it was also conveyed that one of the reasons why the community chose PPATS in The making of the deed of transfer of rights is due to the price difference between PPAT and PPATS in each transaction, this of course should not happen considering the provisions in Article 32 of Government Regulation Number 24 of 2016 stipulate that the service fee (honorarium) of PPAT and Temporary PPAT, including the service fee (honorarium) of the witness must not exceed 1% (one percent) of the transaction price stated in the deed in accordance with the type of transfer carried out.

According to the observation results of the Bogor Regency Land Office, the community tends to choose PPATS in making sale and purchase deeds because most of the rights owned by the people of Bogor Regency are still in the form of Grin, Petok D, and Village Letter C. Therefore, PPAT in practice often delegates the task of making a sale and purchase deed to PPATS if the basis of rights owned by the person is not yet in the form of a certificate, this is because PPAT considers that PPATS knows more definitely about the background of the land ownership, this is also done for PPAT's self-protection, in case of disputes in the future (Yahdi, 2024).

4. Conclusion

This research shows that the governance of Maliosewu Culinary Tourism is characterized by an imbalance between the level of interest and stakeholders' capacity to influence. The actors most dependent on the area's sustainability—managers, MSMEs, and the surrounding community—have strong interest but are in positions with limited influence. Conversely, strategic authority is more concentrated in local government and legislative institutions, whose involvement is not yet fully operationally sustainable. The Power–Interest Grid mapping results place the Department of Youth and Sports (DISPORAP) as a key player with relatively high structural power and interests, but its role remains mainly administrative. The Regional People's Representative Council (DPRD) functions as a context-setter with substantial latent power but selective, undivided interests.

Meanwhile, the subject group is the most impacted but weakest actor in the decision-making structure, while visitors are positioned in the crowd with low interests and influence. These findings confirm that the primary challenge in Maliosewu management lies in the imbalance between interests, authority, and participation mechanisms. Therefore, area management requires a differentiated approach that adapts to each stakeholder's position to ensure the social, economic, and institutional sustainability of Maliosewu Culinary Tourism.

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