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SUMMARY OF DISERTATION

The state as an organization of power of all people is given the right to control the land in order to realize the prosperity of the people, which is known as the right to control the state. The controlling state means that the state as the ruling body has the authority to the highest level (1) regulating and organizing the use, use, supply and maintenance of the earth, water and space; (2) determine and regulate legal relations between people and earth, water and space and (3) determine and regulate legal relations between people and legal actions concerning the earth, water and space.

Land registration, as the implementation of Article 19 of the LoGA is one of the Government's efforts to guarantee legal certainty. The guarantee of legal certainty includes: guarantee of legal certainty regarding persons or legal entities that become holders of rights (subjects of land rights); guarantee of legal certainty regarding the location, boundary, and area of a land (object of land rights); and guarantee of legal certainty regarding rights to land.

Land registration, holders of land rights will receive proof of land rights, namely certificates. So that with the certificate, the holders of land rights will be guaranteed the existence of their rights. Even if the land is used in trade traffic. Even though the implementation of this land registration must continue to be carried out so that later the meaning of land for humans can truly provide as much prosperity as expected.

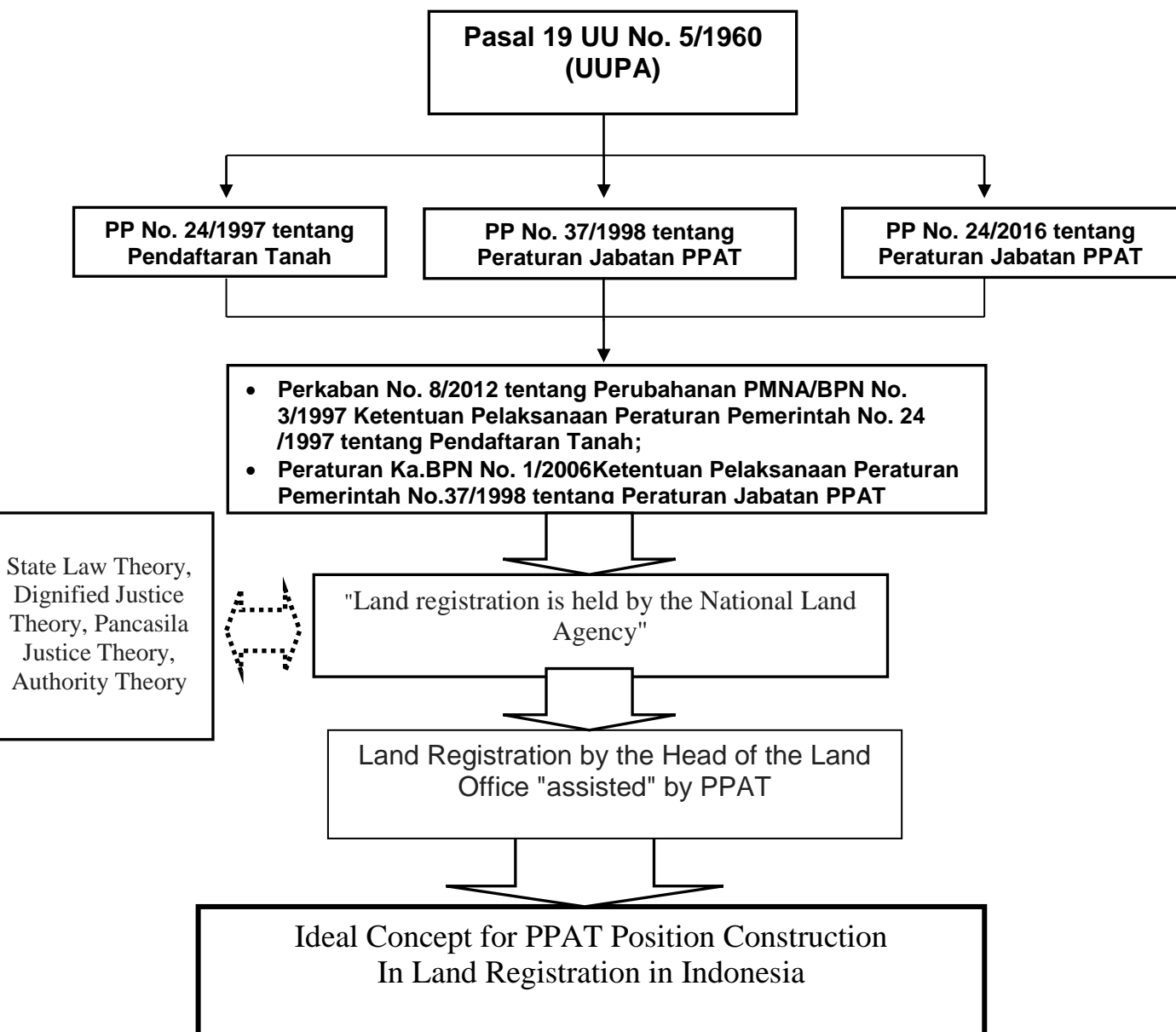
The existence of PPAT's position as a general official who is authorized to make authentic deeds specifically regarding the land deed can be criticized. the trigger of the criticism was the absence of a legal basis for the position of PPAT as a public official regulated in the form of law. this is based on the PPAT position regulation which has only been regulated in the form of government regulations.

Based on the description above, the problems in this dissertation include: (1) How is the construction of the position of PPAT in Land Registration in Indonesia ?, (2) Why is the construction of the PPAT position in Land Registration currently not meeting the Value of Justice? the ideal construction of the PPAT position in Land Registration in Indonesia based on Justice Value?

This dissertation is included in the tradition of non-doctrinal legal research with the socio legal research approach. In the socio-legal research approach means that there are two aspects of research. First, the legal research aspect, namely the object of research still exists in the form of law in the sense of statutory "norm" and second, social research, namely the use of methods and theories of social sciences about law to assist researchers in carrying out analysis. This approach remains in the realm of law, only the perspective is different. This approach is carried out to understand the law in the context, namely the context of the community. In connection with the above problems, the authors use several Legal Theories to analyze them, namely (1) Law State Theory which suggests that a doctrine in law began to emerge in the 19th century in Europe, together with the birth of a constitutional state and democracy. The rule of law is a translation of the Rule of Law or Rechtsstaat. In simple terms, the notion of the rule of law is a country whose administration of power is based on law. (2) The Dignified Justice Theory states that it examines the philosophical thinking about the Pancasila by tracing the birth of Pancasila. The first agreement was formulated in an

important legal event, namely in a speech delivered by Sukarno in the session of the Zyunbi Tyoosakai Dokuritsu or Business Preparation Agency for Indonesian Independence (BPUPKI) when discussing the basic state, especially in Soekarno's speech on 1 June 1945, (3) Theory of Pancasila Justice is a moral obligation that binds members of society in relation to other members of society. Social justice in Pancasila is a source of value that must be translated into legal justice, (4) Authority theory is related to the source of authority from the government in carrying out legal actions in relation to public law and in relation to private law.

Based on the description above, the framework is as follows:



At the beginning of its birth PPAT is not categorized as a General Officer, but as a Officer. PPAT is categorized or mentioned as a General Officer initially based on Article 1 number (4) of Act Number 4 of 1996 concerning Mortgage Rights on Land and Objects Relating to Land, that: Officer of Land Deed Maker, hereinafter referred to as PPAT is General Officer who are authorized to make the deed of transfer of land rights, deed of land rights, and authorization deed imposes Underwriting Rights according to the applicable laws and regulations.

The Head of the Land Office, in carrying out his duties registers mortgages and maintains juridical data that has been collected and is presented at his office due to the loading and transfer of rights - outside the auction - except in the case referred to in Article 37 paragraph (2), the data must be presented in the form of a deed which may only be made by a Land Deed Making Officer. The construction of the PPAT position in Land Registration in Indonesia is very important because the presence of officials in a constitutional order is needed, because officials are manifestations of the State personification. The state in a

constitutional concept in carrying out its functions is represented by the Government. The government in carrying out its functions and duties in realizing the objectives of the State is represented by officials. Therefore, the success of a state institution is determined by the ability of its officials to run the Government.

The SIP (Land Information System) concept has existed at three levels of government in Australia, namely the Commonwealth Government, Local Government, Local Government. All countries have developed SIP strategies and administrative arrangements to manage the entire state of SIP. In general, the state recognizes textual equality and spatial components in the system. It is the role of the state to coordinate SIP since the state has a constitution, the legislature and consequently administrative control over all land related matters. As a consequence, the SIP Initiative is most clearly local government, as the main user and contributor to land related data, which is an area of SIP development Australia's land information system which is dominated by parcel.

The task of managing land rights which according to their nature includes the field of public law, is not possible to be carried out by all Indonesian people themselves. Its implementation by the Indonesian people, as the right holder and mandate, at the highest level is authorized to the Republic of Indonesia, as an organization of power for all people (Pasal 2 ayat (1) UUPA).

The implementation of land registration is not optimal because of several problems, namely as follows:

- 1) Lack of complete Standard Operating Procedure (SOP) and product standards (SP). SOPs that have been published to date are manual measurements, while SPs already exist, namely Product Standards Registration Base Maps and Product Standards Measuring Images and Measuring Letters.
- 2) Frequently the emergence of multiple double-case cases resulting from the uncharted plots of land registered in the registration map. In addition, many land offices do not actually use registration maps.
- 3) Lack of availability of large-scale maps which are one of the important means of carrying out land registration which causes the registered plots of land to not be mapped. Currently the non-forest land area that has been made large-scale maps by the BPN has only reached less than 10%, while the interests of land and building tax have been mapped around 30% of the total non-forest area.
- 4) Government Regulation Number 24 of 1997 mandates that the implementation of land registration must be simple, safe and affordable. But until now the implementing regulation of Government Regulation No. 24 of 1997 is the Regulation of the State Minister for Agrarian Affairs / Head of the National Land Agency (PMNA / Ka. BPN) No. 3 of 1997 does not reflect the simple nature, because the procedures adopted in the land registration process are very long and more expensive with the issuance of PP 46/2002 concerning tariffs and types of services in the land sector.
- 5) The small number of land parcels listed. Until now, the registered land has only reached around 30 percent of all land parcels.
- 6) The number of other land regulations that are component (work units) which then lead to the implementation of complicated land registration. Each component composes

regulations, but the compilation is not integrated, causing services to be slow, expensive and not transparent.

7) Until now there has been no unity of interpretation regarding the definition of customary land and state land. This difference in interpretation results in problems in the field.

On the other hand, several obstacles, in land registration are the division of Provinces, Regencies, Municipalities, Subdistricts and Villages or village mergers.

This situation is not favorable in the implementation of land registration. In general, the reasons for community members who own land with certificates do not register their land that has changed their physical data and juridical data at the Land Office, are:

1. People are reluctant to register because the costs are expensive, which is required to pay PPh and BPHTB and assume the transfer of rights deed made by PPAT already has strong evidence in the future. Besides that other procedures must be fulfilled;
2. The community is reluctant to register land because even though it is registered there is a portion of its land, it cannot be certified because it has been hit by road Rolien or is in the green lane;
3. People are reluctant to register land because they consider the government in applying registration fees not to globalize registration fees, in other words they say the government should not consider the average management fees on the roadside to be expensive while those that are not roadside are cheaper. This is related to different land NJOPs;
4. The waqf recipient (Nadzir) feels that there is no need to register the waqf land at the Semarang City Land Office, because if indeed there are other parties trying to control the waqf land, then the residents will maintain it.
5. Related to the imposition of Underwriting Rights in the Credit Agreement between creditors and debtors made notariel, so they consider the notariel deed can be a strong evidence if debtors default on loans, because in their credit agreement there is a Power of Attorney to Sell . In addition, loan debtors to small creditors. The debtor wants funds to come out quickly so that if the time is long the prospective debtor chooses another financial institution, therefore to increase the collateral guarantee with a Power of Attorney to Charge Mortgage Rights (SKMHT) which does not need to be registered at the Land Office except for the registration of the Deed of Assets.
6. Heirs do not have funds to register land acquired from the testator. Heirs did not register the land acquired because the inheritance was caused by their plan to sell the land obtained from the inheritance.

The legal consequences if there is a legal action or legal event that results in a change in the physical data and land juridical data but is not registered with the Land Office, the holder of land rights is not protected because the physical data and juridical data are still registered on behalf of the previous owner . This can lead to conflicts or disputes with other parties, which in the end will harm actual land rights holders.

Efforts made by the Land Office in order to achieve orderly land administration by providing legal counseling to the community regarding the importance of implementing land registration or registration of land rights carried out either through newspapers, brochures,

mass media, lectures lectures and others, so that people finally really understand and are aware of the importance of land registration or registration of land rights in the current traffic law.

In UUPA the obligations of recipients of land rights are general in nature, meaning that they apply to every land right. This can be observed in Article 6 which states that all land rights have a social function, meaning that what, according to the General Explanation, states that any land rights in a person cannot be justified, that the land will be used or not used solely for his personal interests, especially if it causes harm to the community. In Article 15 which is related to Article 52 paragraph 1 concerning the obligation to maintain the land being hijacked, so also Article 10 is an obligation for those who own agricultural land to actively work on or cultivate it themselves.

In contrast to the authority of the State in granting rights to land against foreigners domiciled in Indonesia or foreign legal entities that have representation in Indonesia. Granting rights called usufructuary rights according to Article 41 and Article 42 of the LoGA and their explanations are limited in nature, meaning for a certain period of time or as long as the land is used for certain purposes, such as land for embassies of foreign countries. The subject of use rights in the LoGA are Indonesian citizens, legal entities established under Indonesian law and domiciled in Indonesia, departments, non-departmental government agencies and regional governments, religious and social bodies, foreigners domiciled in Indonesia, legal entities foreigners who have representatives in Indonesia and representatives of foreign countries and representatives of international agencies.

The function of the PPAT in placing it as a General Officer is his obligation as a PPAT. One of the obligations of the PPAT specified in Article 19 PP No. 37 of 1998 in conjunction with Article 45 of the Regulation of the North Sumatra Government Regulation No. 1 of 2006 is to carry out his position in real terms after taking the Oath of Office. The actual implementation in this case is the main task as PPAT, which is to carry out part of the Land Registration activities by making a "deed" as certain legal actions regarding land rights and Property Rights on the Flat Unit are used as the basis for changes to land registration data as ak bat of certain legal actions.

Reconstruction Article 5 Government Regulation Number 24 of 1997 concerning Land Registration

Article 5 PP No. 24/1997 before reconstruction	Reconstruction Article 5 PP No. 24/1997
"Land registration is held by the National Land Agency"	"Land registration is carried out by the National Land Agency and PPAT"

Reconstruction of Article 6 paragraph (2) Government Regulation Number 24 of 1997 concerning Land Registration

Article 6 paragraph (2) PP No. 24/1997 before reconstruction	Reconstruction of Article 6 paragraph (2) PP No. 24/1997
(1)	(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 laws and regulations.	(2) In carrying out land registration, the Head of the Land Office together with PPAT and other Officials assigned to carry out certain activities according to this Government Regulation and the relevant laws and regulations.
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Reconstruction of Article 5 and Article 6 paragraph (2) Government Regulation Number 24 of 1997 concerning Land Registration

No.	Regarding	Description
1.	Basic Reconstruction	- Integrating local wisdom in the form of the 5th principle of Pancasila with international wisdom about the position of officials of land deeds in various countries.
2.	Paradigm	- The constructivism paradigm with the construction of the ideal position of PPAT in Land Registration in Indonesia based on the Value of Justice.
3.	Value of reconstruction	- Strengthening the position of PPAT in Land Registration.
4.	Reconstruction of PP 24/1997	- Article 5 which changes: Land registration is carried out by the National Land Agency and PPAT - Article 6 Paragraph (2) which changes: "In carrying out land registration, the Head of the Land Office together with PPAT and other Officials assigned to carry out certain activities according to this Government Regulation and the relevant laws and regulations".
5.	Reconstruction Objectives	- The realization of the ideal construction of the PPAT position in Land Registration.

The suggestions that the author can provide to overcome the above problems include:

1. PPAT should carry out their duties and positions in accordance with the applicable laws. Be careful and vigilant in researching and checking letters / documents and documents provided by the viewers. Besides that, you must also pay attention to the attitudes and words of the viewer by asking as many questions as possible and asking him to talk about the letter / deed that will be made by PPAT. In addition, it is necessary to use the feeling / notary's own feeling to sharpen confidence.

2. It is necessary to establish a communication forum between officials of the Ministry of Public Works (Highways Agency of Central Java Province) and the Public Works Agency in the District / City Government and with the Ministry of Transportation which can be carried out in coordination and exchange of information for the smooth implementation of cooperation.
3. The Government and the House of Representatives must immediately revise Article 15 paragraph (2) of Law Number 38 of 2004 concerning Roads, so that Regency / City Governments are given the authority to improve provincial roads and their budgets.

Preparation The dissertation that the authors do is expected to have the effects / implications both theoretically and practically, among others:

1. Paradigmatic implications

The change in the constructivism paradigm with the construction of the ideal position of PPAT in Land Registration in Indonesia is based on the Value of Justice.

2. Implications of ideal position

PPAT in Land Registration in Indonesia is the realization of the ideal construction of the PPAT position in Land Registration.

GLOSARIUM

Adil	:	Dimana semua orang mendapat hak menurut kewajibannya. Sebagian besar orang mendefenisikan kata ADIL adalah suatu sikap yang tidak memihak atau sama rata, tidak ada yang lebih dan tidak ada yang kurang, tidak ada pilih kasih dan masih banyak lagi persepsi yang lainnya
Asas	:	prinsip dasar yang menjadi acuan berpikir seseorang dalam mengambil keputusan-keputusan yang penting di dalam hidupnya
Hukum	:	peraturan yang berupa norma dan sanksi yang dibuat dengan tujuan untuk mengatur tingkah laku manusia, menjaga ketertiban, keadilan, mencegah terjadinya kekacauan.
Hukum Perdata	:	ketentuan yang mengatur hak-hak dan kepentingan antara individu-individu dalam masyarakat. Dalam tradisi hukum di daratan Eropa (<i>civil law</i>) dikenal pembagian hukum menjadi dua yakni hukum publik dan hukum privat atau hukum perdata
Hukum Progresif	:	menjalankan hukum tidak hanya sekedar kata-kata hitam-putih dari peraturan (<i>according to the letter</i>), melainkan menurut semangat dan makna lebih dalam (<i>to very meaning</i>) dari undang-undang atau hukum.
Keadilan	:	suatu hal yang harus kita tetapkan dan tidak boleh dilanggar, berperilaku adil memang tidak mudah, namun kita harus tetap menjalankan hakikat keadilan yang sebenarnya.
Masyarakat	:	sekelompok orang yang membentuk sebuah sistem semi tertutup (atau semi terbuka), di mana sebagian besar interaksi adalah antara individu-individu yang berada dalam kelompok tersebut.
Perjanjian	:	sumber perikatan, disampingnya sumber-sumber lain. Suatu perjanjian juga dinamakan persetujuan, karena

dua pihak itu setuju untuk melakukan sesuatu. Dapat dikatakan bahwa dua perkataan (**perjanjian** dan persetujuan) itu adalah sama artinya.

- Implementasi : penerapan atau pelaksanaan
- Peraturan/aturan : patokan yang dibuat untuk membatasi tingkah laku seseorang dalam suatu lingkup/ Organisasi tertentu yang jika melanggar akan dikenakan hukuman/sangsi. Dari pernyataan ini bisa kita temukan beberapa poin utama. Yaitu patokan, membatasi, organisasi, dan sangsi jika melanggar
- Perjanjian : suatu perbuatan dengan mana satu orang atau lebih mengikatkan dirinya dengan satu orang atau lebih