

Juridical Analysis Of The Main Duties, Functions And Authorities Of The Land Office And The Participation Of Notaries/PPAT To Prevent The Practice Of Procurement Or Relief Of Land Rights For Legal Certainty (Research Study On Land Offices In Bintan District)

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ABSTRACT

Legal arrangements for juridical analysis of the main duties and functions of the Land Office as well as the participation of a Notary/PPAT to prevent the practice of procurement or liberation of land rights in order to realize legal certainty in land registration activities carried out on land registration objects that have not been registered based on PP no. 10 of 1961 or PP No. 24 of 1997. The implementation of land registration for the first time, especially systematic land registration in the scope of collecting and processing physical data, carried out measurement and mapping activities. Measurement and mapping activities include: a. creation of a registration base map; b. determination of boundaries of land parcels; c. measuring and mapping land parcels and making registration maps; d. making land registers; e. measurement letter. This study aims to determine the legal arrangements for implementing the main tasks and functions of the Land Office as well as the role of a Notary/PPAT to prevent the practice of procurement or liberation of land rights in order to realize legal certainty, to know the main tasks of the functions and authorities of the Land Office and the role of a Notary/PPAT to prevent the practice of procurement or liberation of land rights in order to realize legal certainty, find out the factors of obstacles and solutions to the implementation of the main tasks of the functions and authorities of the Land Office as well as the role of a Notary/PPAT to prevent the practice of procurement or liberation of land rights in order to realize legal certainty. This study uses empirical normative legal research, namely legal research carried out by examining library materials or secondary data as the basis for research by conducting searches on regulations and literature related to the problems studied. The results of the study indicate the implementation of the implementation of the main tasks of the functions and authorities of the land office as well as the participation of a notary/ppat to prevent the practice of procurement or liberation of land rights in order to realize legal certainty. The main tasks of the functions and authorities of the Land Office as well as the participation of a Notary/PPAT to prevent the practice of procurement or acquisition of land rights in order to realize legal certainty Implementation of the information system of the National Land Office in the context of Increasing Efficiency of Land Services as referred to in the Instruction of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1998. Data from the Land Office that has used computerized programs until 2001 has implemented a computerized system in the Land Office (including the National Land Agency) throughout Indonesia.

Keyword : Notary, Liability, Land Office.

INTRODUCTION

Land is one type of fixed object that has a strategic position in the life of the community. Moreover, during the era of modernization, the role of land is increasingly a priority. In turn, the value of land becomes sharper, experienced by urban communities whose growth rate is increasingly rapid, so the need for land becomes more complicated and scarce.

Soil can also be said to be the topmost detached layer of the earth's surface that is used for growing plants called arable land, yard land, agricultural land, plantation land, while that used to build buildings is called building land. In the arable land, from top to bottom, the arable combs as deep as the plow slices, the humus-forming layer and the deep layers.

State protection against land consolidation in terms of procurement or acquisition of land rights in order to realize legal certainty in general grows and develops based on the applicable spatial planning. The concept of consolidation seen in real terms the principle of the rule of law contains very important elements, namely:

1. The government in carrying out its duties and obligations must be based on the law/statutory regulations (the principle of legality).
2. There is a guarantee of human rights.
3. There is a division of power within the state.
4. There is supervision from judicial bodies.

In these four elements it is clear that the rule of law in Indonesia adheres to the notion of a rule of law with the formulation of *rechtstaat* with the assumption that the pattern adopted does not deviate from the notion of a rule of law in general which is adapted to the conditions in Indonesia.

The State of Indonesia is a legal state that aims to create a prosperous, safe, peaceful, and orderly life order for the state and nation. In an effort to realize the above objectives, in accordance with the state government system adopted in the 1945 Constitution, through its apparatus, the government must play an active and positive role. The state is the highest organization among one or several groups of people who have the aspiration to unite to live in a certain area, and have a sovereign government.

The conception of the rule of law will not be separated from the actions or authorities of the state apparatus which in State Administrative Law is called the state administration which directly determines the policy. The attitude of state administration actions in State Administrative Law can take the form of three functions, namely:

1. Establishing laws and regulations in a material sense on the one hand and making provisions on the other (*Beschikking*).
2. Running the government in the life of the state in order to achieve the goal.
3. Carry out judicial functions.

The administrative authority of the National Land Agency in making decisions within the State Administrative Law in the procurement or acquisition of land rights in order to realize legal certainty can only be obtained in two ways, namely by attribution and by delegation.

The implementation of state administration using a work system by reforming the development of work systems and performance are efforts made for the progress and improvement of a company or government agency engaged in public services, with the development of various techniques and strategies, the functional aspects of effective and efficient government in carrying out its duties to achieve these goals. the concept of administrative law concerns the norms of government authority, the use of authority by the government and legal protection by the government both preventively and repressively against individuals and society.

As also explained by Jumanggraini in his book entitled State Administrative Law states that the Government is obliged to provide protection to the community both in the political field, as well as in the social, cultural, and economic fields. Therefore, to carry out its duties, the government carries out the *freies ermesen* principle or discretion in various community actions to achieve the state's goals, namely social welfare.

The work system that is structured in public policies on this axis is only owned by a few people, and the benefits of political products (on behalf of many people) do not affect the whole society. According to Parson, conceptually, the study of public policy that does not intersect with the concept of democracy is called the iron cage or some say the iron triangle.

Woll defines public policy as government activity to solve a problem in society, either directly or through various institutions that affect people's lives. To create good governance, a good government is needed in order to create a just and equitable community prosperity.

The service (process) of the procurement or acquisition of land rights in order to realize legal certainty includes inputs, processes, outputs and outcomes while the services (outputs) only cover outputs and outcomes. Based on this understanding, in this study, the focus of the study is only the output (service). Service to the

community is a form of interaction or relationship between service providers and service recipients. In other words, the relationship between government implies the existence of a governing organization and a governed society.

- a) If these things can be done, it is expected that the study of state administration:
- b) Able to create new concepts and theories that can break through cultural boundaries;
- c) Able to compare the existing formal provisions, laws and regulations as the basis for the formulation of decisions and policies (public services);
- d) Able to act in accordance with the study of facts and data in the field

The implementation of the authority of the National Land Agency in realizing land consolidation, procurement or acquisition of land rights in order to realize legal certainty is carried out comprehensively by involving other elements in the implementation of the authority. One of the parties who are part of the management of the procurement or acquisition of land rights is a Notary.

As stated in Article 1 paragraph (1) of Law Number 30 of 2004 concerning the Position of a Notary, a Notary is a public official, appointed and dismissed by the Minister of Law and Human Rights. Notaries as public officials are tasked with providing services to community members who need their services in making written evidence, especially in the form of authentic deeds in the field of civil law, and the existence of a notary is the implementation of the law of evidence. A notary is a public official who has the sole authority to make deeds, agreements and libraries which are required by general legislation, or the parties concerned must be stated in an authentic letter, set the date, keep the deed and provide a legal copy. copies and quotations thereof, all of that as long as the making of the deeds is not also obligated to the official or specifically his obligations. As stated in Article 1 paragraph (1) of Law Number 30 of 2004 concerning the Position of a Notary.

The notary's job is to provide assistance on making an authentic deed. And so, it is important for a notary to be able to understand the provisions regulated by law so that the general public who do not know or do not understand correctly and do not do things that are contrary to the law. Certainty, order, and legal protection demand, among other things, that legal traffic in people's lives requires evidence that clearly determines the rights and obligations of a person as a legal subject in society.

With regard to the authority of a notary, it is specifically regulated in Article 15 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary: Paragraph 1. legislation and/or what is desired by the interested party to be stated in an authentic deed, guaranteeing the certainty of the date of making the deed, providing grosse, copies and quotations of the deed, all of this as long as the making of the deed is not assigned or excluded to other officials or other persons determined by the Constitution".

Land registration in Government Regulation Number 24 of 1997 is a refinement of the scope of land registration activities based on Article 19 paragraph (2) of Government Regulation Number 10 of 1961 which only covers: measurement, mapping and bookkeeping of land, registration and transfer of land rights as well as granting proof of rights as a strong evidence.

The community needs legal certainty in the ownership of land rights, the community must register land to obtain a Certificate of Land Rights as stated in Article 19 paragraph (1) of the Basic Agrarian Law which states that to ensure legal certainty by the Government, land registration is carried out throughout the territory. The Republic of Indonesia according to the provisions is regulated by a Government Regulation. Because many land issues arise over land rights granted due to community misunderstandings or illegal acts where the issue is brought to the trial process.

Land registration is carried out so that the applicant for land registration gets a certificate. Certificate is a certificate of proof of rights as referred to in Article 19 paragraph (2) letter c of the Basic Agrarian Law for land rights, management rights, waqf land, property rights to flat units and mortgage rights, each of which has been recorded in a book. the land in question, cultivates and owns it with limitations on the provisions of the social function of the ownership of the land, the need for socio-economic traffic and the possibility of its implementation according to the consideration of the Minister of Agrarian Affairs

Based on this background, the writer wants to do further research and conduct an assessment in the form of research with the title "Juridical Analysis of the main tasks of the functions and authorities of the Land Office and the role of a Notary/PPAT to prevent the Practice of Procurement or Acquisition of Land Rights for the sake of Realizing Legal Certainty. (Research Study On Land Offices In Bintan District)".

FORMULATION OF THE PROBLEM

1. What are the legal arrangements for the juridical analysis of the main tasks of the functions and authorities of the Land Office as well as the participation of a Notary/PPAT to prevent the practice of land acquisition or acquisition of land rights in order to realize legal certainty?

2. How is the implementation of the main tasks of the functions and authorities of the Land Office as well as the participation of a Notary/PPAT to prevent the practice of land acquisition or acquisition of land rights in order to realize legal certainty?
3. What are the factors of obstacles and solutions in the main tasks of the functions and authorities of the Land Office as well as the participation of Notaries/PPATs to prevent the practice of land acquisition or acquisition of land rights in order to realize legal certainty?

RESEARCH PURPOSES

1. To find out the legal arrangements for the implementation of the main tasks of the functions and authorities of the Land Office as well as the participation of Notaries/PPATs to prevent the practice of procurement or liberation of land rights in order to realize legal certainty.
2. To find out the main tasks of the functions and authorities of the Land Office as well as the role of Notaries/PPAT to prevent the practice of procurement or liberation of land rights in order to realize legal certainty.
3. To find out the factors of obstacles and solutions to the implementation of the main tasks of the functions and authorities of the Land Office as well as the participation of Notaries/PPATs to prevent the practice of procurement or liberation of land rights in order to realize legal certainty.

DISCUSSION

LEGAL REGULATION OF JURISDICTIONAL ANALYSIS OF THE MAIN DUTIES AND AUTHORITIES OF THE LAND OFFICE AND THE PARTICIPATION OF THE NOTARY/PPAT TO PREVENT THE PRACTICE OF PROCUREMENT OR WAIVER OF RIGHTS TO LAND FOR THE ESTABLISHMENT OF LEGAL CERTAINTY THE LEGAL REGULATION OF THE ROLE AND FUNCTION OF THE NOTARY

A. Overview of the Functions and Authorities of Notaries

A notary is a public official who has the sole authority to make deeds, agreements and libraries which are required by general legislation, or the parties concerned must be stated in an authentic letter, set the date, keep the deed and provide a legal copy. copies and quotations thereof, all of which as long as the making of the deeds is not also obligated to the official or specifically his obligations. Article 1 of Law Number 30 of 2004 concerning the Position of a Notary defines a notary, namely: Notary is a public official who is authorized to make authentic deeds and other authorities as referred to in this law.

The above provisions explain that the main task of a notary is to make authentic deeds. In relation to proving legal certainty, including the rights and obligations of a person, the role of a notary is required. The role of a notary related to assistance in providing legal certainty and legal protection for the community is very important. The role of the Notary is more of a preventive or preventive nature for future legal problems by making an authentic deed related to the legal status, rights and obligations of a person in law, etc. obligation. The notary's job is to provide assistance on making an authentic deed. And so, it is important for a notary to be able to understand the provisions regulated by law so that the general public who do not know or do not understand correctly and do not do things that are contrary to the law. Certainty, order, and legal protection demand, among other things, that legal traffic in people's lives requires evidence that clearly determines the rights and obligations of a person as a legal subject in society. With regard to the authority of a notary, it is specifically regulated in Article 15 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary: Paragraph 1.

"The notary has the authority to make an authentic deed regarding all changes, agreements, and stipulations required by laws and regulations and/or which is desired by the interested parties to be stated in an authentic deed, guarantees the certainty of the date of making the deed, provides grosse, copies and quotations of the deed, all of that as long as the making of the deed is not assigned or excluded to other officials or other people stipulated by law".

This is where the very importance of the notary profession lies, namely that notaries are given the authority to create absolute evidence by law, in the sense that what is stated in the authentic deed is considered true. This is very important for parties who need a deed as a means of proof, both for personal interest and for the benefit of a business whose activities are in the business sector.

B. Main Duties and Authorities of the Land Office

This theoretical framework to analyze the improvement of services by the Batam City Land Agency Office with a bureaucratic reform strategy is to use the grand theory of utilitarianism from Bentham which says that the essence of happiness is the enjoyment of a life free from misery. The basic understanding of the rule of law according to Muhammad Yamin is contained in the Preamble of the 1945 Constitution, the fourth paragraph which reads, "So the independence of the Indonesian nationality was drawn up in a law of the Indonesian state." If we examine from the historical background, both the theory of "The Rule of Law" and the theory of "Rechtsstaat" were born from an effort or struggle against the arbitrariness of the authorities, while the Republic of Indonesia, from the planning of its establishment, clearly opposed all forms of arbitrariness or absolutism.

From this principle, another element of the Pancasila rule of law theory will develop, namely the establishment of a proportional functional relationship. Presidential Regulation of the Republic of Indonesia Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025 and Regulation of the Minister of Empowerment Number 20 of 2010 concerning the Road Map. Bureaucratic Reform 2010-2014 and 9 (Nine) Ministerial Regulations for Empowerment of State Apparatus and Bureaucratic Reform Numbers 7 to 15 of 2011, BPN RI has prepared itself to implement Bureaucratic Reform.

Based on the letter of the Head of BPN RI Number 4688/3.43/XII/2012 dated December 27, 2012 regarding the Implementation of Bureaucratic Reform of the National Land Agency of the Republic of Indonesia, BPN RI has submitted a Proposal for the Implementation of Bureaucratic Reform to the Ministry of Administrative Reform and Bureaucratic Reform and received it on January 15, 2013

C. Improvement of public services in order to prevent the practice of land acquisition and acquisition for the sake of realizing certainty

In real terms the principle of the rule of law contains very important elements, namely:

1. The government in carrying out its duties and obligations must be based on the law/statutory regulations (the principle of legality).
2. There is a guarantee of human rights.
3. There is a division of power within the state.
4. There is supervision from judicial bodies.

In these four elements, it is clear that the rule of law in Indonesia adheres to the rule of law with the formulation of *rechtsstaat* with the assumption that the pattern adopted does not deviate from the definition of the rule of law in general which is adapted to the conditions in Indonesia.

The conception of the rule of law will not be separated from the actions or authority of the state apparatus which in State Administrative Law is called the state administration which directly determines the policy. The attitude of state administration actions in State Administrative Law can take the form of three functions, namely:

- a. Forming laws and regulations in a material sense on the one hand and making provisions on the other (*Beschikking*).
- b. Running the government in the life of the state in order to achieve goals.
- c. Carry out judicial functions.

The authority of the state administration in making a decision within the State Administrative Law can only be obtained in two ways, namely by attribution and by delegation. Attribution is an authority attached to a position, according to Article 1 point 6 of Law Number 5 of 1986 as amended by Law Number 9 of 2004 concerning the State Administrative Court which states that the authority that exists in state administrative bodies/officials or delegated to him, while delegation is a transfer or transfer of an existing authority.

The basic understanding of attribution is the authority found in a law, in this case the President in the power of government includes the function of regulating and deciding, where this function can be carried out by forming a statutory regulation in this case is the formation of a Presidential Decree. .

The conception of the Indonesian legal state has also been formulated by the people through their representatives in the People's Consultative Assembly (MPR) which in its stipulations concerning the Outlines of State Policy (GBHN), especially regarding the Archipelago Insight which among other things is formulated, "That the entire archipelago of the Archipelago is a single entity. law in the sense that there is only one national law that serves the national interest."

The concept of the Indonesian legal state reflects the concept of society (social) as intended in history which is closely related to the society in which the concept grows and is enacted.

By understanding this concept or theory, law must reach all levels of society, including state administration, and law that is in accordance with the law that lives in society, meaning that it must pay attention to the values that characterize the structure of society, so it is not only limited to protecting the interests of a few people because of several interests, be it political, economic, social, and cultural interests. Because it is no longer a secret that the attitudes and actions of state administration sometimes cause harm to the community. So the function of the law itself as a mechanism of social control (Social Control). The social control mechanism is in the form of a planned process that aims to encourage, invite, order, and even force community members to comply with legal norms or the current legal order.

IMPLEMENTATION OF THE IMPLEMENTATION OF MAIN DUTIES AND AUTHORITIES OF THE LAND OFFICE AND THE PARTICIPATION OF THE NOTARY/PPAT TO PREVENT THE PRACTICE OF PROCUREMENT OR AWARENESS OF LAND RIGHTS FOR LEGAL CERTAINTY

A. The Role and Function of the Authority of the Land Office of Bintan Regency to Realize Legal Certainty

The National Land Agency as a non-departmental government agency responsible for managing land, one of which is the organizer of land registration, must actually organize and account for the results so that it can provide legal certainty to holders of land rights. In terms of carrying out its functions, BPN, especially the Bintan Land Office, has attempted to provide legal certainty by making the following efforts :

1. Measurement and Mapping of All Land Areas. Whereas in the context of carrying out land registration activities, of course, infrastructure is needed in the form of registration base maps and registration maps containing information on the boundaries of land parcels which are the results of mapping and measurement. Whereas in the context of accelerating the measurement and mapping, the Government has taken a policy to hand over this work to the private sector with the supervision of the National Land Agency, namely by having a licensed surveyor as regulated in the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 2 of 1998, this is intended to can take advantage of all the potential that exists in the community in the implementation of land registration throughout Indonesia. In the implementation of land registration, especially measurement and mapping in entering a technological revolution. The National Land Agency has utilized technology in the field of measurement and mapping such as satellite imagery technology, Ikonos, aerial photography and the Global Positioning System (GPS).
2. The maintenance and registration of land must be carefully considered, so that any changes can be served quickly, so that interested rights holders who will make changes to both physical data and juridical data will feel the importance of legal certainty.
3. Whereas land registration which is properly organized becomes the basis and embodiment of orderly administration in the land sector, land administration which is managed in an orderly manner is the hope of holding land registration according to Government Regulation Number 24 of 1997. With the existence of orderly and up-to-date land administration, then both community members and the government can easily obtain the data needed to carry out legal actions or planning land parcels quickly and accurately.
4. Whereas one of the sources for updating land registration data is the deed made by the Land Deed Making Official, because for the sake of updating the land registration data available at the Land Office. Article 36 of Government Regulation Number 24 of 1997 obliges every holder of a registered right to register any changes to the physical data of their land parcels (for example due to splitting, separation, or merger) as well as changes to the juridical data of their land rights (for example due to transfer or encumbrance). right). Thus the role of the Land Deed Official is required to have high technical ability to be able to carry out his profession as well as possible because the stipulation, certainty and truth of the information contained in the deed made is very decisive, because the PPAT deed is an intermediary for the registration process for the transfer of rights and granting certainty and protection of land rights controlled by the community.

B. The Role and Function of the Authority of the Land Office of Bintan Regency Procurement and Acquisition of Land Rights

As explained earlier, that land registration for the first time is a land registration activity carried out on land registration objects that have not been registered under PP. 10 of 1961 or PP No. 24 of 1997.

Implementation of land registration for the first time, especially systematic land registration in the scope of physical data collection and processing, measurement and mapping activities are carried out. Measurement and mapping activities include: a. creation of a registration base map; b. determination of boundaries of land parcels; c. measuring and mapping land parcels and making registration maps; d. making land registers; e. measurement letter making.

a. Base Map Creation

Systematic land registration activities begin with the creation of a registration base map. Within the area designated for systematic land registration, there may be land parcels that have already been registered. The provision of a registration base map for the implementation of systematic land registration, apart from being used for making registration maps in the implementation of systematic land registration, is also used to map land parcels that have been registered above. In areas that have not been designated as systematic land registration areas by the National Land Agency, efforts are made to provide a registration base map for the purposes of sporadic land registration.

b. Boundary Determination of Land Plots

In order to obtain the physical data required for land registration, the plots of land to be mapped are measured, after determining their location, boundaries and according to the need, boundary markings are placed in each corner of the land parcel concerned. In determining the boundaries of land parcels for systematic land registration and sporadic land registration, efforts are made to arrange boundaries based on the agreement of the interested parties. In fact, many plots of land are not well shaped, with the demarcation of boundaries it is intended that the shape of the land parcels is well organized. Placement of boundary signs including their maintenance must be carried out by the holder of the land rights concerned. The shape, size and technique of placing boundary marks shall be determined by the Minister. Article 18 paragraph (1) PP No. 24 of 1997 confirms that "The determination of the boundaries of land parcels that are already owned with a right that has not been registered or which have been registered but there is no measurement letter/drawing of the situation or a letter of measurement/drawing of the existing situation are no longer in accordance with the actual situation, carried out by the Committee. Adjudication in systematic land registration or by the Head of the Land Office in sporadic land registration, based on the designation of boundaries by the holders of land rights in question and as much as possible approved by the holders of land rights bordering."

c. Measurement and Mapping of Land Plots and Making Registration Maps

Land parcels whose boundaries have been determined are measured and then mapped in the registration base map. Mapping of land parcels can be done directly on the registration base map, but for large land parcels the mapping is done by making separate maps using data taken from the registration base map and the results of the size of the boundaries of the land parcels to be mapped. If in the area of sporadic land registration there is no registration base map, another map can be used, as long as the map meets the requirements for making a registration map. Another map is for example a map from a Public Works agency or a Tax agency, as long as the map meets the technical requirements for making a registration map.

d. Land Register manufacture

Land parcels or parcels that have been mapped or have their registration number affixed to the registration map are recorded in the land register. The land register is intended to serve as a complete source of information regarding the number of parcels, their location and the designation to the number of measuring documents for land parcels in the registration area, either as a result of registration for the first time or as a result of their subsequent maintenance. The form, content, method of filling out, storing and maintaining the land register shall be regulated by the Minister.

e. Measurement Letters Manufacture

Land parcels in the form of parcels of land that are owned with ownership rights, cultivation rights, non-use buildings and use rights, management rights land and waqf land that have been regulated and mapped in the registration map, a measuring document is made for the purposes of registering their rights. Article 22 paragraph (2) PP No. 24 of 1997 confirms that "For sporadic land registration areas for which no registration maps are available, a letter of measurement is made from the results of the measurements as referred to in Article 20." The land register is intended as a complete source of information regarding the number of plots, locations and appointments to the number of measuring documents of land parcels in the registration area, both as a result of registration for the first time and their maintenance later.

C. The Participation of Notaries/PPAT to Prevent the Practice of Procurement or Acquisition of Land Rights for the sake of Realizing Legal Certainty

The Notary's interest in carrying out its roles and functions in terms of realizing legal certainty is adjusted in the application in the field carried out in terms of:

1. Mortgage rights (hereinafter also referred to as UUHT) have been expressly designated rights to land that can be used as collateral for debt, namely: Ownership Rights, Cultivation Rights, Building Use Rights, Use Rights, both property rights and state land rights, Land rights the following buildings, plants, and works that already exist or will exist are an integral part of the land and are the property of the right holder whose burden is expressly stated in the deed of granting the relevant land rights. The existence of legal rules regarding the implementation of the imposition of Mortgage Rights in a credit agreement aims to provide legal certainty and protection for all parties who use land along with objects related to land as credit guarantees. Therefore, the procedure for binding credit with mortgage guarantees in banking activities should be carried out in accordance with the law that regulates this matter. The procedure for binding credit with mortgage guarantees begins with making APHT made by PPAT.
2. Checking the certificate is the main requirement in the mortgage assignment procedure carried out by PPAT. PPAT has the obligation to first check or check at the local Land Office regarding the suitability of the certificate of land rights that will be used as collateral with the lists in the office. This is stipulated in the provisions of Article 97 of the Regulation of the Minister of Agrarian Affairs (hereinafter also referred to as Permenag) Number 3 of 1997 concerning Provisions for the Implementation of Government Regulations (hereinafter also referred to as PP) Number 24 of 1997 concerning Land Registration, which states that: Paragraph (1), "Before carrying out the making of a deed regarding the transfer or assignment of land rights or property rights to the apartment unit, PPAT must first conduct an inspection at the Land Office regarding the suitability of land rights or property rights to the apartment unit concerned with the lists available at the Office of the Republic of Indonesia. local land by showing the original certificate." Before the deed is made by PPAT, first check the certificate that will be used as collateral.
3. The implementation of buying and selling land and buildings, in this case, before buying a house or land, is something that must be done. The aim is to determine the authenticity of the certificate and ensure that the certificate is not duplicated or not being pledged or pledged to any party. In addition, there are also those who, after checking, have confiscated records from the National Land Agency. So that the National Land Agency is able to act in accordance with the study of facts and data in the field. Don't let the time we buy a house or land turn out to be a fake house certificate. Though, we have already deposited some money for the purchase.

CONSTRAINTS AND SOLUTIONS FOR THE IMPLEMENTATION OF THE MAIN DUTIES AND AUTHORITIES OF THE LAND OFFICE AND THE PARTICIPATION OF NOTARIES/PPATS TO PREVENT THE PRACTICE OF PROCUREMENT OR RELIEF OF LAND RIGHTS FOR LEGAL ASSURANCE

A. Not Optimizing the Program for Procurement or Acquisition of Land Rights

The constraint factor faced by Notaries and PPAT is that the programs run by the Land Office of Bintan Regency are not yet fully optimal and need to be improved according to those set by the National Land Agency, such as:

a. Computerized Land Services

As a public service institution, the National Land Agency of the Republic of Indonesia always strives to improve the quality of its services. One of its efforts is to change the pattern of service to the community, from manual services to computer-based services which began in 1997.

b. Ball Pick Up Service

One form of service innovation as a further development of computerized land services is the Pickup Ball Service or "LARASITA". LARASITA is a mobile land service that is pro-active with the "presence" of BPN RI officers in the community. The birth of LARASITA as a ball pick-up service is based on the desire to fulfill the sense of justice that is needed, expected and thought of by the community, as well as the awareness that heavy tasks cannot be completed only from behind an office desk without being open to community interaction whose welfare is the main goal of management. land. Through the LARASITA Ball pick-up service, BPN RI can directly touch the

community not only with regulations, but actually physically touch so that they can psychologically understand what the people need, think and feel.

c. One Day Service.

This is a one-day service completed in the land sector which is carried out at the Land Office Service Counter and the Larasita car. This service is carried out for the type of service that can be completed within 1 day (1-8 hours) which is carried out on weekdays. The purpose of implementing One Day Service is to facilitate services in the land sector, shorten the bureaucratic flow of services in the land sector, realize the expectations of the public using services in the land sector and realize the commitment of BPN RI to provide fast and accurate services. This effort is expected to reduce the role of brokers who cause "high costs" in managing land services. In practice, the Land Office provides a special counter for One Day Service and each application file is given a special mark (One Day Service stamp). One Day Service LARASITA is carried out by the LARASITA Team at certain locations according to the team assignment schedule that has been set and informed to the public.

d. Quick Service

One form of land service innovation carried out by the Land Office is "Quick Service". This is a service in the land sector carried out by the Batam City Land Office. With Quick Service, land services can be completed faster than the predetermined time standard, 1-5 working days services can be completed within 2-8 hours so that service applicants can wait. The purpose of implementing the Quick Service is to accelerate certain land services and to help people who have limited time to come to the Land Office themselves, so it is expected to be able to reduce the role of brokers who cause "high costs" in managing land services..

e. "Weekend Service"

is one of the innovations in the field of land services, where the land office opens services outside of working days, namely on weekends or Saturdays. Weekend Service is intended to accelerate certain land services and to help people who have limited time on weekdays. This effort is expected to reduce the role of brokers or intermediaries who often cause "high costs" in the administration of land services. Land services provided in the Weekend Service are limited to certain types of services whose authority lies with the relevant Land Office.

f. Lantum or Seventeen Minutes Service

is a form of land service innovation carried out by the Batam City Land Office. With Lantum, land services can be completed faster than the predetermined time standard, services are completed within 17 minutes so that service applicants can wait. The purpose of implementing Lantum is to accelerate certain land services and to help people who have limited time (high busyness) to come to the Land Office themselves, so that it is expected to be able to reduce the role of middlemen who cause "high costs" in managing land services. The Seventeen Minutes or Lantum Service is carried out by the Surabaya II City Land Office for certain kelurahan areas, where the land database or electronic data has been validated. This service is carried out at 09.00 – 15.00 WIB on weekdays (Monday to Friday) for certain types of services which include the abolition of Mortgage Rights (Roya) and checking of land rights certificates. Lantum special counters are provided that make it easier for the public/service requesters, there is no additional fee for obtaining seventeen minutes or Lantum services.

g. Online Information Service

In order to build a public service system based on the principle of openness and provide convenience to the public in accessing information, the National Land Agency of the Republic of Indonesia provides online access to land information services. This information service is provided in various forms of information media, namely Kiosk or independent information platforms, the BPN RI website, Land Information SMS and the BPN Go Mobile application on Android-based devices..

h. Mas Service or Community Member Service

is a self-service application for GeoSpatial-based communities using touchscreen computer technology, as a form of further utilization of computer-based land service applications (Land Office Computerization/KKP). Layangmas was realized thanks to the collaboration between the Land Office and the Batam City Government, aiming to monitor the potential in Karanganyar Regency, such as agriculture, housing, industry, and tourism. Layangmas are installed in a number of important places, such as the Batam City Land Office. In addition, information related to spatial and regional planning, such as basic data on land parcels, land use, land zones, as well as areas prone to natural disasters. Image sourced from Google Earth is used as the background in this Layangmas application.

I. Use of Cors for Measurement

One of the aims of land registration activities in Indonesia is to guarantee legal certainty and protection to holders of rights to a plot of land which is stated in the form of a certificate. In land registration activities, the boundaries of land parcels are measured by referring to technical basic points stated in the form of pillars of order 2, 3, and 4 organized by BPN-RI (National Land Agency of the Republic of Indonesia). The number of base points that

should be built in Indonesia reaches millions, while in reality the number and distribution of existing base points is not evenly distributed and reaches all regions.

B. Land Legality Constraints

Obstacles in proving land ownership are problems and obstacles in the implementation of land registration in Bintan Regency. The size of the land stated in the title does not match the field measurements so that it overlaps with the other party.

The latest case is the Land Mafia Task Force of the Riau Islands (Kepri) Regional Police (Polda) uncovering a case of forgery of land certificates located on Jalan Lintas Barat KM 32, Bintan Buyu Village, Teluk Bintan District, Bintan Regency, Riau Islands (Kepri). Police have named 19 suspects in this case.

This evidence is to ensure that the person concerned actually physically controls the land and avoids the occurrence of two different types of rights, namely the right over (physical) and the right under (letter). This is important in the land acquisition process, especially in the release of rights or compensation, and to ensure that the holder of the certificate (certificate) does not abandon the land because of the social function of the land. But the most important thing is the legal aspect. In addition to preventing losses in the future, there are also several things about payment and signing of the Sale and Purchase Deed (AJB) that must be considered.

The above provisions are guidelines for land transactions due to frequent occurrence of land transactions that are not preceded by checking the certificate so that when the deed of sale and purchase is made, the certificate is in the following conditions:

Registration of blocking of rights Article 3 (1) Recording of blocking of Assets in the form of land rights that have been certified or Ownership Rights of Flat Units is carried out at the request of IBRA based on a Decree concerning Asset control by IBRA as referred to in Article 47 paragraph (3) Government Regulation Number 17 of 1999. (2) For the purposes of registration as referred to in paragraph (1) IBRA submits a copy/excerpt of the decision as referred to in paragraph (1) which is made per Regency/Municipality according to the working area of the relevant Land Office. (3) Submission of the excerpt of the decision as referred to in paragraph (2) is carried out with a letter of application for registration of the blocking to the Head of the relevant Land Office, stating the following: a. the type and number of rights as well as the name of the Village/Kelurahan listed in the certificate. b. name of the right holder; c. the area of land, and, if possible, accompanied by the original certificate of the right in question. (4) After receiving the letter as referred to in paragraph (3), the Head of the Land Office or the appointed officer shall provide a receipt and conduct an examination of the conformity between the data as referred to in paragraph (3) and the data recorded in his land book. (5) In the event that there is a match between the data submitted and the data in the land book and there is no change in the data up to the date of the inspection, a recording of the blocking of the right in question is made. (6) In the event that there is no match between the data submitted and the data in the land book or there has been a change in the data at the time of inspection, the Head of the Land Office does not record the blocking of rights and notifies IBRA in writing. (7) The registration of the blocking of rights is carried out by affixing a note in the land book and, if possible, in the certificate, on the amendment page accompanied by the signature of the Head of the Land Office or the appointed official along with the official stamp of the relevant Land Office with the same date as the date referred to in paragraph (4) with the following sentence : "Blocked based on BPPN letter tanggal Nomor jo. Surat Keputusan Nomor tanggal " Article 4 (1) Blocking of rights at the request of BPPN is valid until: a. confiscation is carried out as referred to in Article 58 of Government Regulation Number 17 of 1999, or b. the right in question is transferred or sold by IBRA to a third party as referred to in Part Six Chapter III of Government Regulation Number 17 of 1999, - 4 - CENTER OF LAW AND PR OF BPN RI SJDI LAW c. take over or temporary purchase by IBRA as referred to in Part Seven Chapter III of Government Regulation Number 17 of 1999, or d. the blocking is revoked by BPPN. (2) In the event of a legal action as referred to in paragraph (1) letter a, b, or c, the recording of the removal of the blocking is carried out by the Head of the Land Office because of the position that coincides with the recording of changes in land registration data as a result of the legal action and for this purpose a letter of application is not required. unblocking. (3) The registration of the cancellation of the blocking because it is revoked by IBRA as referred to in paragraph (1) letter d is carried out by the Head of the Land Office based on a written request from BPPN. (4) The removal of the blocking of rights shall be recorded in the land book and the certificate containing the existence of the blocking, on the page of amendments with the signature of the Head of the Land Office or the appointed official along with the official stamp of the relevant Land Office with the following sentence.

CONCLUSIONS

CONCLUSIONS

1. Legal arrangements for juridical analysis of the main duties and functions of the Land Office as well as the participation of a Notary/PPAT to prevent the practice of procurement or liberation of land rights in order to realize legal certainty in land registration activities carried out on land registration objects that have not been registered based on PP no. 10 of 1961 or PP No. 24 of 1997. The implementation of land registration for the first time, especially systematic land registration in the scope of collecting and processing physical data, carried out measurement and mapping activities. Measurement and mapping activities include: a. creation of a registration base map; b. determination of boundaries of land parcels; c. measuring and mapping land parcels and making registration maps; d. making land registers; e. measurement letter making
2. The main tasks of the functions and authorities of the Land Office as well as the participation of a Notary/PPAT to prevent the practice of procurement or acquisition of land rights in order to realize legal certainty Implementation of the information system of the National Land Office in the context of Increasing Efficiency of Land Services as referred to in the Instruction of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1998. Data from the Land Office that has used computerized programs until 2001 has implemented a computerized system in the Land Office (including the National Land Agency) throughout Indonesia.
3. Constraint factors and solutions in the main tasks of the functions and authorities of the Land Office as well as the participation of Notaries/PPATs to prevent the practice of procurement or liberation of land rights in order to realize legal certainty. Some of the obstacles in the procurement and acquisition of land rights are: a) The constraint factors faced by Notaries and PPAT are the programs run by the Land Office of Bintan Regency are not yet fully optimal and need to be improved according to those set by the National Land Agency b) Obstacles in proving land ownership are problems and obstacles in the implementation of land registration in Bintan Regency. The size of the land stated in the title is not in accordance with the field measurements so that it overlaps with the other party.

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