The Role of The National Land Agency in Monitoring The Issuing Land Deed by The Temporary Land Deed Officer in Indramayu Regency

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Abstract
This study aims to analyze how the role of the National Land Agency in terms of supervision of the making of a land deed by the Acting Land Actor in the District of Indramayu. based on research that has been carried out the role of supervision carried out by the National Land Agency in Indramayu Regency contained in the regulation of the Minister of Agrarian Affairs and Spatial Planning No. 2 of 2018 concerning Supervision and Development of Land Deed Making Officials. Research shows that supervision of the Temporary Land Deed Making Officials in Indramayu Regency has not been carried out by the National Land Agency. Supervision based on Permen ATR Number 2 of 2018 namely preventive and repressive supervision. Preventive supervision is to supervise the implementation of the PPAT position while repressive supervision is carried out by enforcing the rule of law in accordance with statutory provisions in the PPAT field.

Keywords: National Land Agency, supervision, PPAT

Introduction
Indonesia is a country whose people's lives are still in the agrarian pattern. Earth, Water, and space as the gift of the one-of-a-kind God have a very important function to build a just and prosperous society as aspired. land becomes a basic human need, whether it comes from past civilizations or present civilizations. So that the soil has a diverse dimension compared to other basic human needs, be it economic, social, cultural to political dimensions.
Article 33 paragraph (3) of the Constitution of the Republic of Indonesia year 1945, which states clearly that the earth, water, and natural wealth contained in it are controlled by the state and used as much as possible for the prosperity of the people. The state in order to organize management in the field of land and create the welfare of the community, form an institution that specifically manages various aspects related to the land. It is known as the National Land Agency (BPN). The duties and functions of the National Land Agency, especially mentioned in Article 3 Letter c, namely the formulation and implementation of policies in the field of land rights determination, land registration, and community empowerment, in the implementation of BPN duties assisted by the party in charge of participating in the partial registration of land, namely the Land Deed Official.

Based on Government Regulation No. 24/1997 on Land Registration in Article 1 number 24 states that the Land Deed Making Officer is a public official authorized to make certain land deeds. The role of PPAT in registering land is in terms of making authentic deed related to certain legal actions. Government Regulation No. 37 of 1998 not only provides understanding relating to the Land Deed Making Office, but it also defines the Temporary Land Deed Making Officer hereafter referred to as PPATS.

The definition of PPATS listed in the provisions of the Government Regulation is: The provisional PPAT is the government official appointed because of his position to carry out the duties of PPAT by making a deed of PPAT in the area that there is not enough PPAT. The article relating to the Temporary Land Deed Making Office reflects that in its implementation there has not been a proportionate distribution of land deed officials to various regions in Indonesia.

Camat as the provisional PPAT, where the position of the Camat is the Civil Apparatus of the State who is technically aware of the science of government and has fulfilled the requirements by the provisions of the legislation, which was then appointed by the Regent / Mayor. Legal products in the form of the authentic deed made by PPAT are the basis of the transition of rights, so in the implementation of the creation of the authentic Deed requires thoroughness and prudence.

Mr. Wiyat Suyatno, S.H who is the Secretary of Widasari District of Indramayu Regency explained that there are several examples of violations of the rules of making authentic deed, such violations include data discrepancies in the certificate of property rights, violations in the absence of parties in switching land rights and not
read the deed to the parties. Violation of the creation of the deed as mentioned above can affect the authenticity of the deed itself so that the deed of transfer of rights on the land can become legally defective and cannot be used as the basis for the registration of land rights.

The National Land Agency as an institution responsible for all activities related to the land should have an important role to play in the land registration process, especially in terms of the transition of rights which in reality there are still many defects. Disregard for existing legal defects will become customary, if not accompanied by decisive action from authorized institutions. So there needs to be a proper supervision process by the National Land Agency to the Land Act, especially those made by the provisional PPAT.

Research Problem

Based on introduction, the problem of this research is what is the role of BPN in supervision of land deed creation by PPAT while in Indramayu Regency?

Research Method

Legal Research conducted by examining library materials or secondary data with primary data as supporting, can be called normative juridical research or literature law research related to the theme of research is to analyze and find the rule of law, legal principles, legal doctrines to answer the problem regarding the role of the National Land Agency in Supervision of Land Deed Creation by the Land Deed Official in Indramayu Regency. This research uses two methods of approach, namely the statue approach and analytical approach.

Secondary data is obtained by the library method by collecting data and also searching for primary, secondary, and tertiary legal materials. Primary data will be conducted with live and structured interviews with relevant speakers from the Indramayu district land office. In this study, the method of analysis to be used is a method of deductive logic analysis equipped with qualitative normative analysis methods. The method of deductive logic analysis is to conclude a problem that is common to the concrete problems faced. While the method of qualitative normative analysis, namely discussion, and description that is logically arranged from the results of research on norms, rules, and legal theories relevant to the subject matter until conclusions are drawn.
Discussion

Authority is a very important part of administrative law because the new administration can perform its functions based on obtained authority. The validity of government actions is measured based on the authority stipulated in the law (*legaliteit beginselen*). Authority must be based on the provisions of the applicable law so that it is valid. (Murhaini, 2009) Authority is a person's power to take public legal action under the rule of law. The validity of such public legal action is based on legislation. Article 3 letters I and M are the basis of the authority granted by the Law to BPN to conduct supervision and construction in general. The implementation of construction and supervision by BPN in the area is carried out by the regional office and the local land office.

The basis of special authority relating to the supervision and construction of the National Land Agency against PPAT and PPATS is in Article 01 of 2006 concerning the provisions of the Implementation of Government Regulation No. 37 of 1998 concerning the regulation of land deed officials Article 66 paragraphs 1 to 3 which mentions related to the authority of coaching and supervision from the central level to the regional level. Bandage No. 01/2006 which regulates supervision and development was revoked after the Regulation of the Minister of Agriculture and Spatial Regulation No. 2 of 2018 concerning the Construction and Supervision of the Land Deed Making Office. So that the basis of authority related to Supervision is stated in Article 4, Pemen ATR No. 2 of 2018 which states:

1) The construction and supervision of PPAT is carried out by the Minister of
2) Coaching and Supervision as referred to in paragraph (1) in the region.

The role exists because of a certain position, in the sociology dictionary Soerjono Soekanto mentioned that the roles are:

a. Device Rights and Obligations
b. Actual Conduct of the Position holder
c. Part of an Activity Someone Plays

The role comes from the word role that weighs on a part of the primary leader. Based on the description related to the role and role, it can be concluded that the role of the National Land Agency is an inherent result of a certain position, in this case, the position of BPN as the institution that manages all matters related to the land. BPN's
role consists of attacking rights and obligations, behaviors, and activities carried out by BPN by the provisions of the laws and regulations.

According to Presidential Regulation No. 10 of 2006, it is explained that the National Land Agency (BPN) is a Non-Departmental Government Agency that is under and responsible to the President and led by the Head, the National Land Agency has the task of carrying out government duties in the field of land nationally, regionally and sectorally. One of the duties in the field of land carried out by BPN is to supervise and supervise all elements involved in managing land problems, in this case, PPAT and PPATS.

The duties of the National Land Agency are to assist the President in managing and developing the Land Administration either under Law No. 5 of 1960 or other laws and regulations that include the regulation, use, possession, and ownership of land, the establishment of land rights, measurement and registration of land and others related to land matters based on the discretion established by the President. (Chomza, 2004)

Regulation of the Minister of Agriculture and Spatiality/Head of National Land Agency No. 2 of 2018 was established to realize the effectiveness and efficiency of coaching and supervision. Where in terms of supervision and coaching there will always be 2 elements. The elements in the construction and supervision of the Land Deed Building Office consist of the elements that are built and supervised as well as the elements that build and supervise.

Every element in the Indramayu district land office in carrying out its duties must apply the principles of coordination, integration, and synchronization both within the Land Office and in the relationship between government agencies both central and regional. Indramayu District Land Office must compile workload analysis of all positions in the environment. The elements that conduct supervision and coaching are regulated in Article 4 Paragraphs (1) and (2) namely:

(1) The construction and supervision of PPAT is carried out by the Minister of
(2) The construction and supervision as referred to in paragraph (1) in the area shall be carried out by the head of the BPN regional office and the Head of the Land Office.
More specifically the authority to supervise PPATS in Indramayu Regency is carried out by the land legal relations section, it was put forward by Mr. Dady Triyadi as the head of the land legal relations section. Where the legal relations section of the land is divided into 3 subsections namely, Land Rights Determination Subsection and Community Land Rights Empowerment, Land Rights Registration Subsection, Land Rights Maintenance Subsection, and PPAT Development.

Subsections that perform the task of carrying out Supervision and Development are subsections of land rights data maintenance and PPAT construction, where the task of this subsection is to conduct the preparation of technical guidance materials, coordination, monitoring, maintenance of land and space registration data, property rights of units of flats, management rights, waqf land, and granting of rights transfer permits, waiver of rights, changes in use and changes in utilization/commodities, stock transfer, development and construction of PPAT, as well as information management and Computerization of land activities based on juridical data, as well as evaluation and reporting. At the Indramayu district land office, the supervision was carried out by Mr. Suhudi as Chairman of Subsection of Land Rights Data Maintenance and PPAT Development with 2 staff.

The supervision is to check and visit the PPATS office in Indramayu Regency, to ascertain whether PPATS has carried out its duties, functions, and positions in accordance with the provisions of the Legislation. Indramayu District Land Office also monitors the creation of deed by PPATS by examining reports conducted by PPATS every month. This report is in the form of the number of deeds that have been made by PPATS every month. Reporting is done before the 10th of each month.

The Land is the glue of the Unitary State of the Republic of Indonesia, hence matters related to land need to be regulated and managed nationally. The arrangement and management of the land are not only shown to create a law order, but also to resolve problems, disputes, and conflicts arising in the field of land. National policy in the field of land needs to be structured with regard to the aspirations and role of society to create general welfare.

The government established the National Land Agency as a non-departmental institution that is under and accountable to the President. The Land Agency has the task of carrying out the duties of government in the field of land nationally, regionally,
and sectorally. As the only institution that manages various matters related to land, the National Land Agency has an important role.

Roles and Roles are two words that have different definitions if interpreted. A role is a set of expected behaviors in a person in accordance with the social position given both formally and informally. Roles are based on prescriptions (conditions) and expectations. A role that explains what an individual must do in a particular situation in order to meet their own expectations or the expectations of others concerned with the role. The role of the National Land Agency in the Supervisory Function carried out by the National Land Agency is regulated in the more specific regulations namely in the Regulation of the Minister of Agriculture and Spatiality / Head of the National Land Agency of the Republic of Indonesia No. 2 of 2018. This rule is shown for the evocativeness and efficiency of coaching and supervision carried out by BPN.

The supervision carried out by BPN refers to existing and determined legal rules. Quoting the opinion of Paulus Effendi Lotulung in his book entitled Several Systems on Legal Control Against the Government considers that surveillance has a more specific or specific understanding. Some distinguish the notion of surveillance based on various characteristics of surveillance.

Viewed from the way of surveillance, surveillance can be distinguished from "repressive negative" surveillance and "negative preventive" surveillance. Negative repressive surveillance is surveillance carried out after an action. As for negative preventive oversight, higher government agencies prevent the negligence of lower government agencies. (Manan, 1994). Based on the opinion stipulated by Prof Bagir Manan, the way of supervision is carried out through the supervision of Negative Preventative and Repressive Negative.

The supervision aims to prevent an offense from occurring by PPAT and follow up if there has been a violation. In line with the opinion stipulated by Professor Bagir Manan, Regulation of the Minister of Agriculture and Spatial Regulation No. 2 of 2018 has given the understanding related to Supervision namely: Supervision is an administrative activity that is preventive and repressive by the minister which aims to keep the PPAT in carrying out its position in accordance with the provisions of the legislation.

Regulation of the Minister of Agriculture and Spatial Regulation no. 2 of 2018 has been regulated in relation to preventive and repressive supervision shows to
PPAT, PPATS, Replacement PPAT, and Special PPAT. The Form of Supervision carried out by the National Land Agency in Article 8 States that supervision of PPAT as referred to in Article 4 can be:

a. Supervision of the implementation of PPAT positions; and
b. Enforcement of the rule of law in accordance with the provisions of the laws and regulations in the field of PPAT.

Article 8 of the Ministerial Regulation describes the form of supervision carried out by BPN, namely preventive supervision, and repressive supervision. Article 8 letter a is a form of preventive supervision, in which this form of preventive supervision is carried out by supervising the implementation of PPAT positions, which is meant by the implementation of PPAT position is to ensure that PPAT carries out its obligations and PPAT positions in accordance with the provisions of the prevailing laws and regulations.

The provisions of the implementation of the position can be, the place of office of PPAT, the stamp of the PPAT title, the name board and letterhead, the use of deed form, the creation and delivery of a deed, the submission of monthly reports of the deed, the creation of deed lists, the sealing of deed, the supporting warrant of the deed and the storage of the original bundle of the deed, ascertained whether everything is in accordance with the provisions of the Law. The implementation of supervision carried out by the land office of Indramayu Regency, carried out by conducting checks to the PPAT office periodically, is carried out at least 1 time a year.

In the implementation of such supervision, the Head of the Indramayu District Land Office can assign appointed officials to carry out supervision. As previously explained, the element that is supervised is Mr. Suhudi as Chairman of The Subsection of Land Rights Data Maintenance and PPAT Development, assisted by 2 appointed staff.

Supervision can also be assisted by the Board of Trustees and Supervisors of PPAT in accordance with its duties and authority. The composition of the membership of the regional supervisory assembly consists of 7 people where 1 chairman comes from the ministry element, the vice-chairman comes from the PPAT organization element (IPPAT) then 5 members consisting of 3 elements from the land office/ministry, and 2 people from the organizational element. The establishment of a supervisory panel is carried out in an area where at least 10 PPAT are located. If the
The result of the supervision carried out is made in the form of a treatise that has been determined the format. In the event of a violation, it will be followed up with an examination conducted by the Pembina Mejelis and PPAT Supervisor. The following is a preventive surveillance scheme for the implementation of PPAT positions carried out by the National Land Agency:
Supervising PPAT periodically, the land office conducts supervision at least 1 time a year.

Checks carried out by officials appointed by the Head of BPN regional office/Head of Land Office can be assisted by the supervisory board. The results of the examination are made in the form of treatises by the regulation of the Minister.

The Head of The Land Office submits the report of the inspection results to the BPN Regional Office no later than the first week of the beginning of the month.

The Head of BPN Regional Office submitted a report in his area to the director-general no later than the second week.

Forwarding the report of the Head of BPN regional office and head of the land office to the Minister of

A follow-up report on preventive inspection or supervision conducted by BPN is used as a reference or basis for making policy in the field of PPAT.
Preventive supervision in accordance with the provisions of Article 8 letter a is carried out by examination to the PPAT office to ascertain whether the PPAT has carried out its duties in accordance with the provisions of the legislation. Then the results of the next examination are used as a reference or basis for making various policies related to PPAT. The policy is essentially an effort to prevent ppat deviations or errors when carrying out duties and positions.

The implementation of supervision in the form of inspection to the office of PPAT and PPATS has been carried out by the Office of Land of Indramayu Regency, the implementation of such supervision still refers to the supervision provisions in article 66 of Bandage No. 1 of 2006 relating to coaching and supervision. This is evidenced by the data in the form of examination blanko and duty letter in 2017 that the author attached in this thesis. The provisions of the implementation of construction and supervision based on the Bandage have been revoked by the Regulation of the Minister of Agrarian and Spatial Regulation No. 2 of 2018. The data in the form of duty letter and examination blanko in 2017 blinded that the implementation of coaching and supervision based on the regulation of the Minister of Agrarian and Spatial Regulation No. 2 of 2018, has not been implemented in the Office of Land of Indramayu Regency.

Furthermore, Article 8 letter b is a repressive form of supervision, where the sound of Article 8 letter b is: enforcement of the rule of law by the provisions of the laws and regulations in the field of PPAT. The implementation of supervision in the form of enforcement of the rule of law by the provisions of the legislation is implemented on the findings of the Ministry against violations of the implementation of PPAT positions or there are complaints of alleged violations committed by PPAT. The violations referred to in the Regulation of the Minister of Agrarian and Spatial /Head of national land agency No. 2 of 2018 are:

Article 12 paragraph (2):
- a. Violation of the implementation of PPAT office duties;
- b. Not carrying out the obligations outlined in the Laws and Regulations;
- c. Violate stipulated prohibition stipulated in the laws and regulations; and/or
- d. Violate the Code of Conduct.

Complaints of violations committed by PPAT can come from the community as well as from IPPAT organizations. The complaint is submitted in writing or through the
website. Complaints are shown to the elements that oversee PPAT such as the Ministry, BPN Regional Office, Land Office, Board of Trustees, and Supervisors of PPAT or IPPAT then the complaint is forwarded to the MPPD. Article 12 paragraph (6) states that complaints made in writing by whistleblowers must be qualified as follows:

a. Must clearly state the identity of the whistleblower and report; Dan
b. Attach evidence relating to the complaint.

After the report of alleged violations by the PPAT, MPPD followed up by examining the reported PPAT. If after the examination is proven the PPAT committed a violation then it can be penalized. The form of sanction by the provisions of Article 13 of the Minister of Agrarian and Spatial Regulation/Head of National Land Agency No. 2 of 2018 is:

a. Written reprimand
b. Temporary dismissal
c. Respectful dismissal; Or
d. Disrespectful dismissal

The sanction stipulated by BPN carried out in a storied way by the sanctions imposed on the PPAT that are proven to violate this is stated in Article 14 of the Regulation of the Minister of ATR /Head of BPN number 2 of 2018:

Article 14:

a. Sanctioning violations committed by PPAT in the form of written reprimand as referred to in Article 13 paragraph (1) letter a, shall be carried out by the Head of Land Office.
b. Sanctioning violations committed by PPAT in the form of temporary dismissal as referred to in Article 13 paragraph (1) b, shall be carried out by the Head of BPN Regional Office
c. Sanctioning violations committed by PPAT in the form of dismissal with respect or disrespect as referred to in Article 13 paragraphs (1) letters c and d, carried out by the Minister.

In line with the provision of sanctions carried out gradually or storied examination of alleged violations committed by PPAT is also so. The supervisory role carried out by the National Land Agency at the regional level is carried out by the Land Office, in this case, is Indramayu district land office to PPAT, PPATS, and Special
PPAT. The implementation of supervision is repressive depending on whether or not the findings of the land office and reports are conducted by the community or PPAT organization. wherein this case preventive and repressive surveillance is essentially interconnected. The findings referred to in the article can be from the examination conducted by the land office. Where the examination conducted by the land office of the Indramayu Regency itself was last carried out in 2017.

Based on the results of the author's interview with Mr. Edi Suherman as a land rights registration subsection staff he explained that in the period of 2 years from 2017 to 2019 there has been no reporting related to violations committed by PPATS in Indramayu Regency. if there is reporting done by the community or PPAT organization, the land office of Indramayu must follow up in the form of examination of the reported PPAT.

Indramayu District Land Office in conducting inspections must be by existing procedures. The examination mechanism must be detailed and negotiated by the applicable regulations. Here is a mechanism of inspection from the regional to the central level.
Inspection Mechanism by Regional PPAT Supervisory Assembly (MPPD)

Alleged violations (findings by BPN, Kantah, or community reporting) → MPPD checker team → Call the reported PPAT.

The guessing is done with a letter of duty

The results of the report, poured in the news of the giving event in accordance with the format and signed report → Report Giving Information → Calling the reported PPAT (summons by mail, made at most 3 times the calling)

The implementation of the discussion meeting is presented in the form of News Of Decision Making Events

The report of the results of the examination by the MPPD submitted to the Land Office, whose contents contain the reasons and considerations that are the basis for providing recommendations in the awarding of the verdict and the type of sanctions against the report

Sanctions in the form of written reprimands → Sanctions in the form of temporary dismissal, respectful dismissal or disrespectful dismissal → No indication of violation

The Head of the Land Office issued a Written Letter of Reprimand to PPAT

Sanctions in the form of temporary dismissal, respectful dismissal or disrespectful dismissal

The Head of The Land Office submitted the proposal to the Head of BPN Regional Office as chairman of MPPW

The head of the land office informs the relevant PPAT, penetrated to the BPN

Written letter of reprimand contains follow-up that must be fulfilled PPAT, valid within one month, if within 14 days of not complying then issued a second letter of reprimand, sanction in the form of written reprimand is given at most 2 times.

PPAT who get a written reprimand can propose objection.

The deadline to file a lawsuit is at least 14 days from the time the letter is received.

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Inspection Mechanism by The Regional PPAT Supervisory Assembly (MPPW)

Regional PPAT Supervisory Board
Follows Up

Proposed head of land office:
- Article 35 paragraph (2): temporary dismissal, respectful/disrespectful dismissal
- Article 36 paragraph (6): PPAT who gets 2x reprimand, and still commits violation may be subject to temporary dismissal

Follow up on reported objections if reported to be sanctioned in the form of a reprimand in writing

The implementation of examination and review is carried out by calling the reported PPAT (provisions of the reported summons, information retrieval and decision making by the MPPW review team are the same as the provisions of the summons, information retrieval, and decision making by the MPPD inspection team

The results of the examination and assessment as intended are made in the form of the results of the examination and assessment, (the provisions of the results report are the same as the provisions of the report of the results of the examination and assessment conducted by the MPPD examination team)

Provisional dismissal sanctions

Approve or reject reported objections

Recommendation of sanctions in the form of respectful dismissal or disrespectful dismissal

Issue a temporary dismissal decree in accordance with the specified format

Letter of cancellation of written reprimand

Refusing to objections notifying the relevant PPAT

Submit a proposal to the director general

The period of sanctions must be expressly stated in the provisional dismissal decree

After the expiration of the sanctions PPAT must report to the Land Office before running for office

Sanctions in the form of temporary dismissal stipulated at most 2x, if the PPAT has been sanctioned dismissal smeentara as much as 2x but still violated then the head of the kanwil report to the minister to be given a sanction of dismissal respect or disrespect

PPAT who are subject to sanctions in the form of temporary dismissal can object. The objection application is filed in writing a grace period of no later than 14 days after the decision is received
Examination Mechanism by the Central PPAT Supervisory Assembly (MPPP)

The Chairman of the Central PPAT Supervisory Board followed up

The proposal from the head of bpn regional office in the form of sanctions recommendation in the form of respectful dismissal or dismissal with disrespect

PPAT objection request reported for sanctions in the form of temporary dismissal

Form a team with a letter of duty, carry out inspections and/or assessments by calling on the reported PPAT. (provisions of PPAT calling, information collection and decision making are the same as the provisions of information collection and decision-making by the MPPD Review Team, Article 31 to Article 33)

The results of the examination and/or assessment as referred to in Articles 44 and 45 are made in the form of a report on the results of the examination and/or assessment

Sanctions in the form of respectful dismissal or disrespectful dismissal

Approve or reject reported PPAT objections

The Minister follows up by establishing a letter of dismissal with respect or disrespectful dismissal (the format of the decision in accordance with the provisions)

Dalam hal keberatan terlapor disetujui, maka menteri menerbitkan surat keputusan untuk membatalkan keputusan pemberhentian sementara

In the case of objections rejected, the minister notified the PPAT in question by being penetrated to the head of bpn regional office

The decision stipulated by the minister to the PPAT is reportedly final
Conclusion

The role of the National Land Agency in terms of supervision is stipulated in the Regulation of the Head of national land agency No. 2 of 2018 on the construction and supervision of PPAT, in the regulation stipulates that the National Land Agency carries out the supervisory functions. Supervision conducted by the National Land Agency starts from the regional to the central level. The implementation of supervision in the Indramayu Regency is carried out by the Land Office as the acting officer of the Land Agency in the District / City. The form of supervision based on Candy ATR Number 2 the year 2018 consists of Preventive and Repressive supervision. The implementation of supervision based on Atr Government No. 2 of 2018 has not been implemented by the Indramayu district land office. This is evidenced by Blanko’s last inspection in 2017, which still refers to the previous provisions of coaching and supervision namely the Regulation of the Head of national land agency No. 1 of 2006 on the Implementation Provisions of Government Regulation No. 37 of 1998 on the Regulation of the Office of a land deed.

Suggestion

The implementation of supervision is repressively carried out based on the findings of the ministry against violations committed by PPAT as well as complaints of alleged violations originating from individuals / legal entities and also from the PPAT organization itself namely IPPAT. Based on this, there needs to be socialization related to the duties and functions and obligations of PPAT, PPATS, and Special PPAT to the community so that later, the public can understand and actively participate by making complaints if there are PPAT or PPATS that violate the provisions of the legislation.

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