

Legality Camat And Lurah In Publishing Land Administration In Medan City

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Abstract

In carrying out land registration, Head of Land Office assisted by PPAT and other officials assigned to carry out certain activities according to Government regulations and legislation (Government Regulation No. 24 Year 1997 article 6 paragraph 2). What other officials mean in implementing land registration according to Government Regulation Number: 24 of 1997 article 6 paragraph 2 is the official Government that controls the state of the area concerned (village heads, Village Heads and Camat). One of the policies taken by the government to serve and meet community needs in making PPAT deed in areas where there is not enough PPAT or to serve certain groups of people in making certain PPAT deed then the minister appoints regional officials as temporary PPAT or special PPAT. Lurah dan Camat appointed to serve the creation of the deed in areas that have not enough PPAT as a temporary patch. In accordance with Government Regulation Number: 24 of 2016 on Regulation PPAT, Lurah and Camat as government officials at the level bottom has an important role in supporting the achievement of legal certainty land rights in land registration activities. The role of the headman and Sub-Head is considered very influential to increase ownership of land rights at the district level. The purpose of this study is to identify the legality of the role of Lurah and Camat as a temporary land deed officer at the district level. This research using empirical and normative methods. Data collection techniques that the authors use is the author's experience and literature research. Data analysis techniques used is data collection, data presentation and conclusion.

Keywords: Land, Legality, Medan City

1. INTRODUCTION

Land registration is a series conducted by the government directly continuous, continuous and regular, including the collection, processing, bookkeeping and presentation and maintenance of physical data and juridical data, in the form of maps and lists of parcels of land and units of flats including the provision of evidence rights for existing plots of land and property rights to the unit flats as well as certain rights that burden it (Article 1 Paragraph 1 of Government Regulation Number 24 year 1997 on Land Registration). Results or products in the form of proof of rights or certificate for existing land plots and property rights for apartment units and certain rights.

The purpose of land registration is : provide legal certainty and legal protection to land rights holders in order to easily prove himself as the

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holder of the rights concerned, providing information to the parties interested parties (the government itself, PPAT and citizens) regarding fields and units of flats that have been registered are required in order perform legal acts and the orderly implementation of land administration.

In accordance with the authority that has been given the Central Government to local governments in carrying out its administration assisted by the district in carrying out their duties and its function. As stated In Law No. 32 of 2004 on Local Government and Law No. 23 of 2014 article 225 mentioned Camat has the task of coordinating the implementation of government activities undertaken by regional devices in the District, carry out government affairs under the authority Districts / cities that are not implemented by the regional work units District / City in the district and carry out other tasks in accordance with the provisions legislation.

In Article 209 paragraph (2) of Law No. 23 of 2014 stated, “device District / City consists of the Regional Secretariat, the secretariat of Parliament, Inspectorate, Department Regions, regional and Sub-District organizations. In addition to the above responsibilities, Camat also carry out the general duties of government. That is, in addition to receiving government power certain delegated by the Regent/Mayor, Sub-District Heads also held a public task government under Part II of Government Regulation No. 38 of 2007 on the affairs Government which is the duty of the Regent / Mayor. Local government in matters that included in one of the obligations to comply with the central government in Article 7 Paragraph 2 in framework to improve national development as a form of allocation of work in the affairs government, in various development activities, including the expansion of land national.

Therefore, in Law No. 5 of 1960 on the principles of land, The government laid the foundation to provide legal certainty and clarify the position of the Sub-District Head as the Land Act producing Office (PPAT), as in the regulation Government Number 37 Of 1998. Mentioned, the regulation was later changed to Government Regulation No. 24 of 2016 and Government Regulation No. 24 of 1997 as the executor and legal basis of the land Constitution No. 5 of 1960 (UUPA) and added the regulation of the Director General of the National Land Agency (BPN) No. 1 Year 2010 on service standards and Land Management.

The position of head of Sub-District as temporary land deed Office (PPATS) is required to be play a maximum role in providing public services to the land sector community in the handling and settlement of land cases, while still guided by the guidelines of applicable laws and regulations. Based on the explanation above, the role of the Sub-District Head is as an official of the provisional land deed (PPATS) in the region which is still less PPAT. Thus it is clear that the main function of the land deed Office (PPAT) is to

make land acts, the transfer of land rights, the transfer of land rights and matters other provisions stipulated by the applicable law.

2. RESEARCH METHOD

In this study, the research used is juridical normative. A study that using how to search for study materials with library studies. Juridical normative conducted by means of data collection through materials or data in the library.

3. RESULT AND ANALYSIS

Article 1 number 24 of Government Regulation Number 24 of 1997, mentioned the definition of official Land deed maker, which is a public official who is authorized to make certain land deeds. According to Boedi Harsono, PPAT is a position in the legal system Our National Agrarian, in particular the law governing land registration. It can also mean “people.” who held the post. Based on the understanding in Government Regulation Number 24 1997 and Government Regulation No. 37 of 1998, it can be concluded that, officials Land deed maker (PPAT) is a “ public office “. According to Effendi Perangin, public officials are persons appointed by the competent authorities with the task of serving the public\general in the field specific activities. Certain activities in question are among them to make the deed. According to Effendi Perangin. land deed officer (PPAT) is an official authorized in the making of acts from treaties that mean the transfer of rights over land, give something new rights to the land, mortgaging the land or borrow money with the right to land as a liability. Opinion Effendi Perangin above , at this time is no longer appropriate with existing regulations now, because the function of the land deed officer (PPAT) is now not again as officials who mortgaged the land or officials who lend money again, so it is necessary created a new understanding of this understanding. If the work is done by Public officials, then the form in accordance with prescribed by law and made in the area of authority, then the deed is authentic deed. Effendi Perangin, Land deed officer (PPAT) as a public institution appointed by the government but do not get paid by the government and have public power, meaning that the deeds it is an authentic published work.

Explanation according to Law No. 4 of 1996 on mortgages on mortgages on land and land-related objects mentioned that: “ PPAT, hereinafter referred to as PPAT, is a public official who is authorized to make the deed of transfer of land rights, deed of encumbrance of land rights, and deed of authorization burden liability according to applicable laws and regulations”.

Government Regulation No. 24 of 1997 on Land Registration, in Article 37 paragraph (1) states that : “the transfer of land rights and property rights to apartment units through sale and purchase, exchange, grant, income in

the company and other legal acts of transfer of rights, except the transfer of rights through auction can only be registered, if proven by deed made by PPAT authorized under.

Based on information Government Regulation Number 37 of 1998 is divided into 3 namely Land deed Office, temporary land deed office and deed Office Special. Temporary PPAT is a government official appointed to carry out the duties of PPAT by making PPAT act in areas that are still minimal with PPAT. PPAT specifically is the Office of the body National Land (BPN) who was sworn in because of his position to carry out the duties of PPAT with make a specific deed specifically in the framework of the implementation of certain government tasks. Maker Office Land deed (general) is a public official who is given the authority to make deeds authentic regarding certain legal acts regarding the right to land or property on the unit Flats.

Tasks PPAT, among others, to organize a list of Deeds he made among others reportorium (list of Deeds dbuatnya), which contains the name of face, the nature of the act, sale and purchase, grant, date of deed made and number, identity of land / letter of measurement and land area along with buildings including permanent, semi-permanent, emergency and existing plants and others remarks.

PPAT has an obligation to send a list of reports PPAT deeds at the beginning of each month from the month that has been running to the National Land Agency of the Province/Region, Head Taxation, and head of land and Building Tax Office. In addition, PPAT also has an obligation create nameplates , deed list books, and deed binding and deed supporting letters. Main tasks PPAT according to Article 2 Paragraph (1) of Government Regulation No. 37 of 1998 is : “carry out some of the activities of land registration by making a deed as evidence has been the conduct of certain legal acts regarding the right to land or property rights to housing units Arrange, which will serve as the basis for registration of Land Registry data changes caused by certain legal acts”.

Legal acts referred to in Article 2 Paragraph (1) of Government Regulation Number 37 year 1998 was:

1. Buy and sell;
2. Switch Switch;
3. Grants;
4. entry into the company (inbreng);
5. Division of joint rights;
6. Granting of building rights/right to use land ownership;
7. Granting Of Rights;
8. Authorisation Imposes Liability;

PPAT has the authority to make a deed of land which is an authentic deed of all legal acts as meant in Article 2 Paragraph (2) of Government

Regulation No. 37 of 1998 regarding the right to land and property rights AtasSatuan flats located within the district it works. In every authentic deed made by PPAT known 3 (three) kinds of strength of proof that is, the power of birth proof, the power of formal proof and the power of material. The power of birth proof regarding the formal conditions of an authentic deed fulfilled or not. When the formal conditions fulfilled, then the form that looks outwardly outwardly as an authentic deed is considered actaotentik, as long as it can not be proved otherwise. The strength of formal evidence with respect to about the truth of the events mentioned in the authentic deed. That is, officials and parties interested in explaining and doing as mentioned in the authentic and true deed so it is. The strength of material evidence with regard to the correctness of the contents of the authentic deed. Meaning true that which is stated in the deed is authentic as according to reality. Obligations and responsibilities Respond To The Land Commissioner's Office.

PPAT obligations PMA / Ka.BPN Number 1 of 2006 Article 45 states that PPAT has obligations:

1. Upholding Pancasila, the 1945 Constitution, and the unitary republic Indonesia
2. following the appointment and appointment of the oath of office as PPAT
3. Submit a monthly report on the deed made to the head office Land, head of Regional Office and head of land and Building Tax Office local palin later than the 10th of the next month.

Responsibility of the land deed officer (PPAT), namely in making and issuing deed The transfer of land rights, must be in accordance with the provisions of applicable regulations. Before making and issued the Land Transfer Act, which should be noted in advance about certificate of title to the land in question. If the land has been registered but not yet have a Certificate of land rights, then as a replacement of the Certificate of Land Rights is a Certificate of Land Registration (SKPT) on land made and issued by the Office District/City land, the contents of which explain that the right to the land does not have Certificate Of Land Rights.

For land / land rights that have not been registered, then the owner of the land rights can submit a request to the headman / head of the local village to be made and issued a letter Property rights or certificate of land (SKT) known by the local Sub-District.

The responsibility of the land deed officer is:

1. PPAT must swear
2. PPAT shall immediately convey the deed that has been made and published as well as warkah other necessary for the manufacture and issuance of a deed other to the agency National Land District / local

city to be registered in the " Land book" and listed on the" Certificate of land rights " in question

3. PPAT shall make a " list of deeds" that have been made and published, according to the form has been defined in the rules
4. PPAT shall carry out the instructions that have been given by the Land Agency National and officials who oversee it;
5. PPAT in each month shall submit a " monthly report" made for one month to the head office of the National Land Agency District / City will report the results of his observations to the head of the Regional Office of the National Land Agency Local province;

According to Article 39 of Government Regulation Number 24 of 1997, the official land deed maker also has prohibitions to contain and issue deed of transfer of Rights, namely for land unclear status of his rights. In other words, PPAT should reject the creation and publication of the Act Transfer of rights when :

Regarding land plots that have been registered or property rights to apartment units,

1. to him not delivered the original certificate of rights in question or certificate submitted not in accordance with daftardaftar existing land office;
2. Regarding land plots that have not been registered to him not submitted 1) proof of rights as meant in Article 24 paragraph (1) or certificate of head village / village headman who stated that concerned in terms of mastering the land not as intended in Article 24 paragraph (2); 2) certificate stating that the land in question has not certified or information that the land is located far from the position of the Land Office of the concerned, with strengthened by the head of the village/Lurah; 3) One of the parties who will perform the legal act in question or one witness as referred to in Article 38 of government regulation number 24 of 1997 is not entitled or not qualified to do so, or; 4) one of the parties or the parties acting on the basis of an absolute power of attorney (ie power of attorney irrevocable and if the appointed party dies can not be transferred to the other party) which in fact contains the legal act of transfer of rights. 5) for legal acts to be carried out have not obtained the permission of officials or agencies authority, if such permission is required under applicable law 6) the object of the legal act in question is in dispute regarding the physical and juridical 7) non-fulfillment of other conditions or violation of the prohibitions specified in the rules legislation in question.

In Article 12 of Government Regulation No. 37 of 1998 on regulation of official positions The Department of Land Management (DPA) said :

1. PPAT work area is a working area of the Regency/Municipality Land Office;

2. PPAT temporary work area and PPAT specifically covers the area of his work as an official the government on which it is based.

Furthermore, in Article 14 mentioned that the formation of land deed officer (PPAT) determined by the Minister. When the formation of the land deed office (PPAT) so that when it happens change of sub-district then the new sub-district can not be designated as PPAT. Regulation of the Minister referred to is the decree of the Minister of Agrarian Affairs / Head of the National Land Agency Number 4 of 1999 on the determination of the formation of the land deed officer (PPAT) in the District/City. PPAT formation specified in Article 2 PMA / Ka.BPN No. 4 of 1999 on the factors that become considerations on the formation of the sub-district as a temporary PPAT based on Article 2 of Government Regulation Number 37 year 1998 was : PPAT formation set by the Minister for each working area PPAT taking into account the following factors :

1. Number of districts in the area concerned
2. The level of economic development of the region concerned
3. Number of land plots that have been certified in the area concerned;
4. Frequency of transfer of rights in the area concerned and prignosa about growth;
5. The average number of PPAT deed made in the work area concerned

Furthermore, in Article 7 stated that the sub-district head whose work area is in District / City whose formation has not been met can be designated as temporary PPAT and for the appointment of the village head as PPAT while conducted by the minister after held research on the needs based on the location of the village is very remote and many fields land already registered on the territory of the village.

The vast territory of the Republic of Indonesia with a very large population and because the demands of the implementation of community development in various sectors, the Minister of Home Affairs on behalf of the central government delegated authority to officials in the region to do construction. The officials in question is the head of the region which is sole ruler of its territory. They are an extension of the Central Government and not people's choice through elections. One of the heads of the region in question here and of course the subject of this thesis is the Sub-District Head. Understanding this sub-district can be seen in the dictionary General Indonesian, namely Civil Service Employees who head the District.

Appointment camat as PPAT while essentially to meet the needs of PPAT in area concerned Sub-District Head. This means that if in the region has been fulfilled quota PPAT then camat can no longer be a temporary PPAT. The legal basis is in Article 5 paragraph (3) Government Regulation Number: 37 of 1998, namely: “ To serve the community in making PPAT deed in areas where there is not enough PPAT, or to serve certain groups of people in making certain PPAT deed. Minister may appoint the following

officials as temporary PPAT or special PPAT: Sub-District or Village head to serve the making of the deed in areas that have not enough PPAT, as PPAT While The Regulation Of The Minister Of Agrarian Affairs / Head Of The National Land Agency No. 1 Of 2006 Article 18 paragraph (1) states that in certain cases the head of the agency may appoint the sub-district head and / or head Village because of his position as a temporary PPAT.

In the case of the PPA, it has the same function as the PPA among others: to organize a list of deeds made, among others reportorium (list of deeds that have been made), which contains the name of the face, the nature of the act, sale and purchase, grant, date of deed made and number, identity of the land / measurement letter and area land and buildings including permanent, semi-permanent, emergency) and existing plants and other evidence.

Camat as PPAT while having the obligation to submit a list of reports deed temporary PPAT act at the beginning of each month of the month that has been running to the Land Agency National provinces / regions, head of Taxation, and head of land and Building Tax Office. In addition PPAT while also having the obligation to make nameplates, deed register books, and deed binding and supporting acts.

4. CONCLUSION

PPAT duties include: keep a list of deeds made including space Report (list deed made) which contains the names of the parties, the nature of the deed, sale and purchase, grant, date of deed implemented. as well as the number, identity of the land / letter of opinion and land area and buildings include permanent, semi-permanent, emergency and existing plants as well as other data. PPAT is obliged to distribute the list of minutes of PPAT deed to the National Land Office Province / Region, Director of revenue, and director of the land and Building Tax Office at the beginning of each month during that month. In addition, PPAT is also required to make nameplates, deed lists, deed binding, and supporting documents. According to Regulation 2 Paragraph (1) of Government Regulation Number 37 year In 1998, the main task of PPAT is Legal acts referred to in Article 2 Paragraph (1) of Government Regulation No. 37 of 1998 is: 1) Buy and sell; 2) Switch; 3) Grants; 4) entry into the company (inbren); 5) Division of joint rights; 6) granting of building rights/right to use land ownership; 7) Granting Of Rights; 8) Authorisation Imposes Liability.

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