



Implementation of Guidance and Supervision of the Authority of Land Deed Making Officials Carried Out by the Head of the Land Office in Badung Regency

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ABSTRACT

The Land Deed Official (PPAT) who has been appointed in Badung Regency but continues to work as staff at a notary office in Kalimantan is the background of this research. This study aims to analyze the role and effectiveness of the Advisory and Supervisory Board of PPAT in Badung Regency in carrying out the duties, authorities, guidance, and supervision conducted by the Head of the Land Office of Badung Regency. Using an empirical legal research method, this study explains the gap between norms and practice (*das sollen* and *das sein*). The results of the study show that the implementation of the board's duties has been in accordance with the scope of its authority; however, the effectiveness of guidance and supervision still requires additional technical regulations so that the mechanism can function optimally as expected by the government.

INTRODUCTION

The legal regulations in force in Indonesia since the Dutch colonial era have been dualistic or even pluralistic. The dualistic nature also concerns the regulation in the field of agrarian law, which divides land rights into two groups, namely Western land rights which apply to the European group which are usually called eigendom rights, erfpacht rights and opstal rights, while customary rights are subject to the application of customary law or for Indonesians (Sumarja, 2015).

The Basic Agrarian Law Regulation states that the government has prepared regulations that serve as a legal basis for providing regulations related to land matters, such as regulations on land registration in Government Regulation Number 10 of 1961 concerning Land Registration, which was updated by Government Regulation Number 24 of 1997 concerning Land Registration.

In Agrarian Law it can be considered as the forerunner of land evolution, which begins with human knowledge and initiative to build a harmonious life through regulations related to land, agrarian law has a significant impact on the development of legal politics because agrarian issues in society need to be continuously updated to keep up with the country's economic growth in accordance with the needs of the times which are so rapid (Krismantoro, 2022).

Land is part of the earth or the surface of the earth is one of the objects that have been regulated in agrarian law. In agrarian law, land regulation is not one aspect but land is regulated from a legal aspect especially related to rights. Land rights are the authority that applies to rights holders in the use and acquisition of benefits from land that has been owned (Nugroho et al., 2022).

In its implementation, the land deed making official is part of the land registration with the authority to make land deeds and carry out administration related to land and/or land registration that has been recorded at the Land Office that has carried out legal acts that occurred on a plot of land. There are changes in terms of legal acts that are used as the basis for a change in legal data that has been recorded or land registration that has been changed due to legal acts determined by the government and a very important role is carried out by the land deed making official (Muchsin et al., 2020).

The tasks carried out in the land sector have been carried out by public officials called Land Deed Making Officials who have the authority to make deeds regarding the implementation of certain laws regarding land rights. Badung Regency as an area with the highest source of income in Bali Province, this is based on the fact that it is known that Badung Regency is one of the most popular tourist destinations in Bali Province for investors.

Meanwhile, as in the data from the Ministry of Agrarian Affairs and Spatial Planning of the Republic of Indonesia, the number of active Land Deed Making Officers in Bali Province is 851 (eight hundred and fifty one) people spread across 9 regencies/cities, with the number of active Land Deed Making Officers in Badung Regency being 167 (one hundred and sixty seven) people.

Efforts made to prevent or reduce the potential for land conflicts or disputes, considering the role of the Land Deed Making Officer who has the authority to participate in the process of transferring rights through buying and

selling, require a legal instrument and a regular and orderly land administration system.

Protection is one of the most widely used methods to protect, especially within the scope of legal subjects from arbitrary actions and/or attempts. Every type of business activity is one of the things that must receive legal protection. The context of protection is important to provide or ensure that the business activities carried out receive protection so that they can continue to run smoothly (Kesuma et al., 2021).

Granting some authority in terms of making land transfer deeds to Land Deed Making Officers to assist the Head of the Land Office, to carry out land registration duties and/or land rights transfer processes, it is necessary to carry out guidance and supervision of the implementation of duties, the implementation of guidance and supervision of Land Deed Making Officers carried out by the Head of the Land Office is regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning Guidance and Supervision of Land Deed Making Officers.

In carrying out his duties and authority, a Land Deed Making Officer must make good deeds and comply with the provisions of laws and regulations in the field of land rights within his work area which need to be carried out specifically in Badung Regency.

There are 2 problems related to the scope of work of land rights officers at the Land Agency in Badung Regency with the existence of a centralized administrative trade center related to land rights who are authorized to carry out this work as government officials in Badung Regency.

As information found that there are Land Deed Making Officials who have been inaugurated based on the procedural law of the oath that has been carried out in accordance with the inauguration mechanism but in reality the person concerned intentionally did not open the Land Deed Making Official's office or it can be understood that in reality the person concerned did not carry out duties in accordance with the provisions of laws and regulations according to the profession of Land Deed Making Official, but carried out obligations as one staff at the Notary Office whose working area is in Makassar City, South Sulawesi Province.

The first study entitled Implementation of Supervision and Guidance of Land Deed Making Officials by the Board of Trustees and Supervisors of Land Deed Making Officials (Case Study of Land Deed Making Officials in Southeast Sulawesi Province) with the results of the study, namely supervision by the Board of Trustees and Supervisors of Land Deed Making Officials, namely by visiting several Land Deed Making Officials and providing guidance related to the regulations of the Land Deed Making Official's position, socialization of regulations concerning the code of ethics of Land Deed Making Officials and supervision, namely in the form of supervision of the implementation of the position of Land Deed Making Officials and enforcement of legal regulations in accordance with the regulations in the field of Land Deed Making Officials.

The second study entitled *Legal Analysis of Guidance and Supervision of Land Deed Making Officials by the Medan City Land Office* with the results of the study the scope of Guidance and Supervision in the city of Medan has not been optimally implemented properly, due to the factor of the area in the city of Medan which is very large and has 81 Land Deed Making Officials is not comparable to the guidance and supervision carried out by the personnel of the Medan City Land Office, other factors as obstacles are weak regulations, such as the existence of Land Deed Making Officials who do not submit reports on the making of their deeds routinely.

LITERATURE REVIEW

Literature Review

The legal system governing land in Indonesia has historically been characterized by a dualistic and even pluralistic structure originating from the Dutch colonial era. This dualism is particularly evident in agrarian law, where land rights were divided into Western land rights – such as *eigendom*, *erfpacht*, and *opstal* – applied mainly to Europeans, and customary land rights governed by *adat* law for indigenous Indonesians (Sumarja, 2015). This legal fragmentation prompted the Indonesian government to establish a unified legal framework through the enactment of the Basic Agrarian Law, which serves as the foundation for regulating land matters. Subsequent regulations, including Government Regulation Number 10 of 1961 and its revision through Government Regulation Number 24 of 1997 on Land Registration, were introduced to ensure legal certainty, order, and protection in land administration.

Agrarian law plays a crucial role in the evolution of land governance, as it reflects societal development and the state's legal politics in response to rapid economic growth and social change (Krisnantoro, 2022). Land, as part of the earth's surface, is not merely regulated as a physical object but primarily from a legal perspective, particularly concerning rights attached to it. Land rights grant authority to holders to utilize and derive benefits from the land they own or control (Nugroho et al., 2022). In this context, land registration and legal documentation are essential instruments to prevent disputes and ensure legal certainty. The Land Deed Making Official (*Pejabat Pembuat Akta Tanah/PPAT*) plays a strategic role in this system, as they are authorized to prepare land deeds and administer legal acts related to land rights transfers that are recorded at the Land Office (Muchsin et al., 2020).

METHODOLOGY

The type of research used is empirical legal research. Empirical legal research is a scientific research that explains the legal phenomenon of the gap between norms and community behaviour (UTAMA & WIRYANI, 2023). Object of empirical legal research is the views, attitudes, and behavior of the community in the application of laws related to guidance on the implementation of PPAT duties by the Head of the BPN Regional Office and/or the Head of the Badung Regency Land Office. The research data in question is data obtained from field research conducted by the Head of the BPN Regional Office and/or the Head of the Badung Regency Land Office.

RESEARCH RESULT

2.1 The Role Of The Board Of Advisors And Supervisors Of Land Deed Officials In Badung Regency

In its development, the principle of the legislative function has developed which is not only held by the legislative power, but is also held by the executive power together, and it is not uncommon for the executive power to be more dominant in carrying out the legislative function (Maziyah & Nugraha, 2021).

The legislative function held by the President with the power to form laws based on the approval of the People's Representative Council has then undergone very significant constitutional changes due to the renewal of the concept concerning the relationship in its representation as a manifestation of the sovereignty of the people.

However, when the amendment to the 1945 Constitution of the Republic of Indonesia was agreed to be given to the People's Consultative Assembly, although briefly later a change was made again that sovereignty was directly in the hands of the people and was responsible to the 1945 Constitution of the Republic of Indonesia. So that Indonesia has opened a new page regarding the legislative function, and there has also been a change in the performance relationship between the President and the People's Representative Council in terms of carrying out the legislative function (Fikri & Ukhwaluddin, 2022).

This principle in Indonesia is known as the distribution of power, so that through this distribution of power model, the President is placed as the holder of executive power who still has the power in terms of forming laws and regulations. The President's power in the field of legislation is the President's authority in laws and regulations within the framework of government power, which means the power to implement laws which are certainly intended to facilitate the continuity of the country's government (Prayitno, 2020).

Based on these regulations, PPAT can carry out duties to serve the community as a public official who is authorized to make deeds regarding certain legal acts regarding land rights or Ownership Rights for Apartment Units. Furthermore, it must be agreed that every PPAT in carrying out his duties makes deeds according to the authority he has, of course has the aim that the deeds made can then be used as strong evidence, especially in the event of a dispute between the parties or if there is a civil lawsuit or criminal charges.

In land registration activities, which are carried out by making a deed as evidence that a certain legal act has been carried out which can then be used as a basis for registering changes to data within the scope of land registration at the Land Office by the party who has the legal basis for a plot of land (Laela Dwi Cahyanni & Supriyadi, 2022).

All Land Deed Making Officials certainly have a mutual consequence, namely that the Land Deed Making Official has a big responsibility as a public official so that it needs to be carried out wisely and judiciously. Furthermore, through the instrument of guidance and supervision of Land Deed Making Officials which is carried out continuously, it is hoped that each person will carry out their duties and The authority of the Land Deed Making Official is in accordance with its function (Huda & Suhaini, 2023).

Based on the results of the interview with Mr. Cosmas Dimas Darmoyo Danisworo as the Land Deed Making Officer in Badung Regency, he stated that according to the coaching and supervision format carried out by the Regional Advisory and Supervisory Council in the Badung Regency area, it has been implemented, but in the initial stage since the Regional Advisory and Supervisory Council of Badung Regency was formed, it was only implemented once a year, on the grounds that it uses a sampling mechanism, so it divides the quota according to the total number in Badung Regency.

Based on the results of an interview with Mr. I Ketut Sugiarta as PPAT in Badung Regency, especially for PPATs who have relatively new working hours, on several occasions there were still officials who did not understand the provisions of their duties and functions as general officials to facilitate various community interests as face-to-face.

The term supervision is generally interpreted as the same as control and controlling. In management science that originates from western literature, there is no known control function, controlling is interpreted as supervision in the management function, that the control function actually exists and occupies an important place, but in general it overlaps with the supervision function and is included in the definition of controlling (Engkus et al., 2022).

Regarding the scope of supervision, in accordance with the provisions of Article 7 paragraph (2) of the ATR Regulation, the Guidance of PPAT can be understood to include persuasive actions by providing direction to the PPAT concerned and reminding them that what they are doing is something that violates statutory regulations and the Code of Ethics (Isnaini & Wanda, 2017).

2.2. Effectiveness Of Implementation Of Guidance And Supervision Of Ppat Carried Out By The Head Of The Badung Regency Land Office

The changes to the rules that accommodate the expansion of the work area for Land Deed Making Officers, which was originally one district/city work area, now expanded to one provincial work area, also raises very crucial problems from a technical perspective that will be faced by each Land Deed Making Officer in implementing these provisions (Moestajab, 2022).

According to Tri Andaru Wibowo, the application of the principle of compliance in carrying out his work, the Land Deed Making Officer can be avoided or anticipatory efforts can be made or minimized, with the hope that there will be no violations due to the lack of application of the principle of caution by the Land Deed Making Officer. In carrying out his profession, the PPAT must actually uphold the principle of caution.

The government then realized that the implementation of duties and authorities needed to be made a concrete effort to minimize if problems arise, the National Land Agency office always evaluates, fosters and supervises the Land Deed Making Officer in carrying out his duties as a public official. This is done to every Land Deed Making Officer, it is hoped that in carrying out their duties they will not commit violations and prevent fatal errors that can harm the community (Wibowo, 2022).

In order to achieve the final goal that is good for the Land Deed Official and for the community as the opposing party to present elements of legal certainty

and protection. Things that are considered necessary to avoid are ensuring that the certificate document is stored in the Land Deed Official's Office safely, avoiding signing the Land Deed Official's deed in a blank form, always checking the certificate that will be used as the object of legal action in the deed (Maharani et al., 2021).

The report on the making of deeds that should be reported by the Land Deed Making Officer to the Head of the Land Office every month in reality is not done. However, this is not followed up with any sanctions. In fact, this violates the provisions of Article 26 paragraph (2) of Law Number 20 of 2000 concerning Amendments to Law Number 21 of 1997 concerning Land and Building Acquisition Fees, for this reason it is hoped that PPAT can comply more with the regulations that have been determined in the legislation, so that harmonious cooperation can be established (Fadil Fakhri, 2023).

This is based on complaints or findings of violations committed by Land Deed Officials but no firm follow-up process was carried out by the Regional Advisory and Supervisory Council. The Regional Advisory and Supervisory Council did not provide any recommendations to the Land Office and the Land Office did not provide any administrative sanctions for violations committed by Land Deed Officials. The implementation of the guidance and supervision function by the Regional Advisory and Supervisory Council also has the potential to be ineffective if in the implementation of guidance and supervision of Land Deed Officials (Tobing, 2023).

Based on the results of an interview with Mr. I Ketut Sugiarta as the Land Deed Making Officer in Badung Regency, that supervision by the Regional Advisory and Supervisory Council is an important part of the implementation of the duties of each Land Deed Making Officer. In addition to being able to prevent and provide moral boundaries for Land Deed Making Officers who want to take actions outside their duties and authority, with the supervision mechanism from the Regional Advisory and Supervisory Council, Land Deed Making Officers can certainly minimize actions to avoid technical guidance.

The rapid development of activities and the many land registration issues that have emerged and have not been resolved in society through Government Regulation Number 10 of 1961 concerning Land Registration so that it can be seen that the regulations that apply until now are still used as the legal basis in the context of land registration, namely Government Regulation No. 24 of 1997. Changes were made in addition to the many land registration issues that have emerged and have not been resolved in the format regulated in previous regulations (Kartiwi, 2020).

DISCUSSION

This section allows you to describe your research findings academically. You may not enter figures related to your statistical tests here; instead, you should explain those numbers here. You should structure your discussion with academic support for your studies and a good explanation according to the specific area you are investigating.

CONCLUSIONS AND RECOMMENDATIONS

The role of the Advisory and Supervisory Board of the Regional Land Deed Making Officers of Badung Regency in carrying out its duties and authorities has been carried out in accordance with the scope of authority to provide guidance and supervision to the Land Deed Making Officers in Badung Regency. The forms of implementation of duties have also been adjusted to the capabilities and support possessed by each member who is part of the Regional Supervisory and Advisory Board in Badung Regency. The effectiveness of the implementation of coaching and supervision of Land Deed Making Officers carried out by the Regional Advisory and Supervisory Council in Badung Regency provides an illustration that the implementation of coaching and supervision of Land Deed Making Officers is carried out based on applicable laws and regulations, and several implementations of coaching and supervision based on interview results and data that cannot be disclosed to the public have been carried out effectively.

ADVANCED RESEARCH

In compiling this study, we acknowledge that there are still many shortcomings in this study, which are caused by the limitations of researchers. Therefore, we welcome criticism and recommendations that can help us in future efforts related to this research, both similar and different.

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