



Comparative Analysis of Land Deed Officials' Roles in Achieving SDGs

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Abstract. The Land Deed Drafting Officer (PPAT) is a key figure in making land deeds in Indonesia and Malaysia. These two countries have different legal systems but have similarities in regulating the roles and responsibilities of PPAT. This study compares the roles, qualifications, and work procedures of PPATs in the two countries. In Indonesia, PPATs are regulated by Law Number 2 of 2014 concerning PPATs which require them to have an official license and operate under the supervision of the National Land Agency (BPN). PPAT is responsible for making legally valid land deeds, ensuring the validity of property transactions, and guaranteeing legal certainty for property owners. Meanwhile, in Malaysia, PPAT is known as Peguam Cara or Licensed Land Surveyor. They are regulated by the Malaysian Land Commission Deed (PTD) and function to create legal documents relating to land transactions. PPAT Malaysia must adhere to strict standards of ethics and professionalism and have strong technical expertise in property valuation.

Keywords: PPAT, regulations, authority, procedures

1 Introduction

There are quite significant differences in the officials who make land deeds in Indonesia and Malaysia. These two countries, which are side by side, can also be called cognates, they do look similar but are different when viewed from their government systems. Indonesia's government system is more directed towards civil law while Malaysia is directed towards a common law government system. This is what can be interesting where countries are the same but have different government systems based on the history of each country. These neighboring countries were colonized by different superpowers. This is what influences the government system and land system in the two countries. The land law systems in Indonesia and Malaysia have significant differences in terms of the arrangements for Land Deed Drafting Officials (PPAT). PPAT is a figure who has an important role in the land transaction process, such as purchasing, selling, and granting land rights. In Indonesia, PPAT is regulated based on PP Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning PPAT Position Regulations. Meanwhile, in Malaysia, PPAT is regulated in

Deed 698, Notaries Public Act 1959 (Revised 1973)[1], where in terms of officials who make land deeds there is no special term like in Indonesia it is more equated with what is called in Indonesia a notary or there known as a notary public.

In terms of comparison, this is not only due to the government system but also when someone wants to become a land deed official. This comparison highlights differences in education and training requirements, appointment procedures, and PPAT powers in the two countries. Despite differences in terminology and legal structure, both systems seek to ensure legal security in property transactions and protect the interests of land owners. However, in these two countries, it can be seen that land deed officials in Indonesia and notary public in Malaysia focus on property interests or matters relating to land ownership in each of these countries.

Indonesia and Malaysia have different legal systems, which affect the role and authority of notaries in both countries. Indonesia adopted a continental legal system originating from the Netherlands, while Malaysia was influenced by the English legal tradition which was based on Common Law. In this context, deed-making officials in Indonesia act as public officials who are authorized to make authentic deeds in land matters and carry out some of the public functions of the state, while in Malaysia, notary publics focus more on oaths or affirmations in written statements that will be used in court[2]. The duties and authority of a land deed official in Indonesia and Malaysia certainly have significant differences. In Indonesia, an official who makes land deeds is more concerned with making deed documents regarding the acquisition of land rights as regulated in Government Regulation No. 24 of 2016 concerning PPAT position regulations. In Malaysia, notary publics focus more on tasks related to oaths and confirmation of written statements, although they can also provide advice and draft documents for legal purposes[1].

2 Method

The literature review method in comparative research on Land Deed Making Officials (PPAT) in Indonesia and Malaysia aims to collect, evaluate, and synthesize information from various relevant literature sources.

3 DISCUSSION

3.1 Land Deed Making Officials (PPAT) in Indonesia covers several important periods that describe their role and authority in the land system.

Early Period (1960-an)

The PAAT or land deed making official began to exist when it was regulated in the provisions of Article 19 of Government Regulation Number 10 of 1961 concerning Land Registration and its rights and obligations which emphasized that every legal act

of transferring land rights must be carried out by the parties before an official appointed by the Minister. Further regulated in Minister of Agrarian Regulation[3]. In the early 1960s, PPAT in Indonesia was still under the auspices of the Minister of Agrarian Affairs. The main task of PPAT at this time is to assist the Minister of Agrarian Affairs in making deeds of transfer of rights, granting new rights, mortgaging land, and granting mortgage rights over land. This is regulated in Minister of Agrarian Regulation Number 10 of 1961, which has been revoked.

Period 1990s

. In the 1990s, Law Number 4 of 1996 concerning Mortgage Rights on Land and Objects Related to Land and Law Number 24 of 1997 concerning Land Registration strengthened the role of PPAT[3]. PPAT is now given the authority to make deeds of transfer of land rights, deeds of encumbrance of land rights, and deeds of authorization to impose mortgage rights according to the applicable laws and regulations.

Period 2000-and

. In the 2000s, Law Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Making Officials legalized PPAT as a public official who was given the authority to make authentic deeds regarding certain legal acts regarding land rights. And ownership rights to apartment units. PPAT is also appointed and dismissed by the Minister of Agrarian Affairs[4].

3.2 Role and Function of PPAT

PPAT has an important role in the land system in Indonesia. They are tasked with carrying out some land registration activities by making deeds as proof that certain legal acts have been carried out. The main function of PPAT is to make a deed of transfer of land rights, which is a requirement for registering the transfer of rights. The deed made by the PPAT also functions as proof that the legal action was carried out and proves the transfer of land rights to the recipient of the rights, contained in PP No. 24 of 2016.

Meanwhile, the history of the Land Deeds Office (PPAT) in Malaysia can be understood through several important points that illustrate the development of this department.

Early History of PPAT in Malaysia

. Before Malaysia's independence, the PPAT position in Malaysia did not exist. During the colonial period, a similar position was known as a Notary, who was an official who was given general authority to make deeds of engagement. The notaries in

Malaysia at that time were England nationals, who practiced Western law which was different from the conditions of local society which still adhered to customary law and the feudal system. It can be seen from the way of work and the duties and authority of notary publics in Western countries, for example, the United States[5].

Developments After Independence

. After Malaysia's independence, the position of Notary was changed to PPAT. This development was driven by the need to regulate the creation of land deeds that were more appropriate to the conditions of Malaysian society. PPAT in Malaysia has the authority to make authentic deeds regarding certain legal acts, such as legal acts related to land rights and land ownership rights. However, the notary public still has the authority to carry out this task. Sriwijaya

PPAT Regulations and Authorities

. Malaysian law regulates the special authority of Notaries by the Notaries Public Act 1959 explains in Article 4 (1)[6] that every notary has and can carry out his practice in the place of powers and functions that are usually carried out by notaries in England (with conditions). Provided, for the purpose and to the extent necessary.

PPAT Regulations and Authorities

. The Land Deed Making Official (PPAT) profession has an important role in the process of making land deeds in both Indonesia and Malaysia and the PPAT regulations and authority in these two countries regulate the basic principles of legal protection for property transactions.

In Malaysia, PPAT regulations are regulated by the Notaries Public Act 1959 (Revised 1973), which has undergone several amendments to increase efficiency and transparency in the process of making land deeds. The number of notaries in each region is influenced to some extent by the level of local legal and economic activity. 15 Briefly about notary services according to the Notaries Public Act 1959[6]:

1. witness/attest the official document intended for use
 2. abroad;
 3. administration of oaths intended for use abroad;
 4. confirmation of the statement letter and statutory statement aimed at overseas use:
- in connection with any court matter;
 - to prove the execution of any document;
 - for matters relating to ships.

In Indonesia, PPAT regulations are regulated based on PP 37 of 1998 Article 2, PPAT [7] has the main task of carrying out some of the land registration activities by making deeds as proof that certain legal acts have been carried out regarding land rights or ownership rights over condominium units, which will be used as the basis for registering changes to land registration data resulting from that legal act. (2) The legal acts as intended in paragraph (1) are as follows:

- buying and selling;
- change change;
- grants;
- entry into the company (inbred);
- sharing of joint rights;
- Grant of Building Use Rights/Rights of Use on Land Ownership;
- granting Mortgage Rights;
- authorization to burden Dependent Rights.

3.3 The process of making a land deed

The process is an important stage in property transactions carried out in many countries, including Indonesia. This procedure follows an orderly series of steps to ensure the validity and legal force of the documents related to property ownership.

Initial Requirements.

The process begins by collecting the necessary initial requirements, such as land owner identity documents, land certificates, approval documents from related parties, and proof of tax payments related to the property.

Consultation with PPAT

Landowners or interested parties must consult plans for making a land deed with the Land Deed Making Officer (PPAT). PPAT will provide legal advice, review required documents, and ensure transaction compliance with applicable laws.

Document Research and Verification

PPAT researches to verify the validity of the documents submitted. This includes checking land ownership status, legal restrictions, and other requirements that may be required by local regulations.

Preparation of Draft Deed

After document verification, PPAT will prepare a draft land deed that reflects the agreement between the parties involved in the transaction. This draft includes all important details such as the sale price, the rights and obligations of the new owner, and other terms of the transaction.

Signing of the Land Deed

. After the draft deed has been approved by all parties involved, PPAT will arrange a time for signing the land deed. Before the PPAT, all parties involved will sign this deed as official proof of the property transaction carried out.

Land Deed Registration

. The final step is registering the land deed at the local Land Office. This procedure aims to secure ownership rights to property that has been legally transacted. Once registered, the land deed becomes valid and legally recognized evidence of ownership of the property.

4 CONCLUSION

1. PPAT regulations and authority in Malaysia and Indonesia are an integral part of the land law system in each country. Although there are differences in regulatory approaches, the ultimate goal of both is to provide optimal legal protection for property transactions and ensure legal certainty for all parties involved.
2. The process and procedures for making a land deed involve structured steps to ensure legal security and clarity in property transactions. By following this procedure carefully and consulting with PPAT, the parties can ensure that all legal aspects related to property ownership, in this case, land ownership, are regulated correctly and by the laws applicable in each country.

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