

Comparison of the Effectiveness of the Roles of Land Deed Officials and Sub-District Heads in Land Registration in East Luwu Regency

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Abstract :

This study aims to examine two main aspects: first, to identify and analyze the differences in roles and responsibilities between the Land Deed Official and the Subdistrict Head in land registration and second, to determine and assess the effectiveness of the roles of both the PPAT and the Camat in land registration in East Luwu Regency. This research employs an empirical method. The study was conducted at the PPAT office and the Malili Subdistrict office in East Luwu Regency. The data used consists of primary and secondary data obtained through interview techniques. All collected data were analyzed quantitatively by combining primary and secondary data from interviews, allowing for accurate conclusions to be drawn regarding the findings of this research. The results indicate that the PPAT and the Camat have different but complementary roles in land registration. The PPAT holds full authority to draw up authentic deeds, while the Camat is given limited authority. The effectiveness of both institutions influences legal certainty; therefore, capacity-building and improved facilities are essential to support the smooth process and legality of land transactions. Research Recommendations To enhance the effectiveness of PPAT and Camat in ensuring legal certainty, routine training, the provision of technological facilities, and clearer delineation of authority are required.

Keywords: Effectiveness comparison, Role of PPAT, Land registration

Abstrak :

Penelitian ini bertujuan untuk mengkaji dua hal utama, pertama untuk mengetahui dan mempelajari perbedaan peran serta tanggung jawab antara PPAT dan Camat dalam hal pendaftaran tanah dan yang kedua untuk mengetahui dan menganalisis efektivitas peran dari Pejabat Pembuat Akta Tanah dan Camat dalam hal pendaftaran tanah di kabupaten Luwu Timur. Penelitian ini menggunakan metode penelitian empiris. Lokasi penelitian dilakukan di kantor PPAT dan kantor kecamatan Malili di Kabupaten Luwu Timur. Data yang digunakan terdiri dari data primer dan data sekunder yang diperoleh melalui teknik wawancara. Seluruh data yang terkumpul dianalisis secara kuantitatif dengan menggabungkan data primer dan data skunder dari wawancara sehingga dapat ditarik kesimpulan yang akurat mengenai hasil penelitian ini. Hasil penelitian menunjukkan bahwa PPAT dan Camat memiliki peran berbeda namun saling melengkapi dalam pendaftaran tanah. PPAT berwenang penuh membuat akta otentik, sementara Camat diberikan kewenangan terbatas. Efektivitas keduanya berpengaruh terhadap kepastian hukum, sehingga peningkatan kapasitas dan fasilitas sangat diperlukan untuk mendukung kelancaran dan legalitas transaksi tanah. Rekomendasi Penelitian Untuk meningkatkan efektivitas PPAT dan Camat dalam menjamin kepastian hukum, diperlukan pelatihan rutin, penyediaan fasilitas teknologi, serta penegakan batas kewenangan.

Kata Kunci : Perbandingan efektivitas, Peran PPAT, Pendaftaran tanah.

Pendahuluan

In order to provide legal certainty and protection for land rights, the Indonesian government administers a land registration system regulated by various laws and regulations. This system is intended to ensure that every land right is officially recorded and legally accountable.

Land registration does not only function as an administrative tool but also serves as a form of legal protection for the community. Registered land rights provide a sense of security for their owners because they have valid proof of ownership, and this reduces the potential for future disputes. To support this process, strong evidence in the form of an authentic deed is required, which states that a specific legal act involving the land—such as sale and purchase, grant, or inheritance—has taken place.

One of the key components in the land registration process is the authentic deed prepared by an authorized official. This deed serves as the basis for any change of status or transfer of land rights registered with the land office. In this context, the authority to draw up such deeds lies with the Land Deed Official (PPAT).

In the Indonesian land law system, the authority to prepare such authentic deeds lies with the Land Deed Official (PPAT). A PPAT is a public official granted special authority by the government through statutory regulations to draft and validate deeds related to specific legal actions concerning land rights and ownership of condominium units. The deeds prepared by a PPAT carry full legal force and serve as the basis for the registration of rights at the Land Office.

To carry out these duties, not everyone can serve as a PPAT. This profession may only be held by individuals who meet strict requirements, including having a legal educational background, completing an apprenticeship program, and passing a professional examination administered by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). This demonstrates that a PPAT is not an ordinary administrative profession but one that requires expertise, in-depth legal understanding, and technical competence in the field of land affairs.

However, conditions in the field show that the distribution of PPATs in Indonesia is still uneven. In various regions—especially those that are geographically remote, sparsely populated, or not yet economically developed—the presence of PPATs remains very limited. Many areas experience a lack of PPATs, resulting in difficulties for the community in accessing official and legally valid land deed services.

In response to this condition, the government, through Government Regulation Number 37 of 1998, provides a solution by stipulating that Sub-District Heads (Camat) may be appointed as Temporary Land Deed Officials (PPATS). This provision is stated in Article 5 paragraph (3), which allows a Camat to exercise authority similar to that of a PPAT in areas where no definitive PPAT is available.

As a PPATS, the Sub-District Head (Camat) is expected to bridge the community's need for land deed preparation, ensuring that the land registration process is not hindered even in the absence of a permanent PPAT. In practice, the Camat is given territorial limitations and may only carry out these duties within the administrative boundaries of their sub-district.

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However, in terms of expertise and background, there are fundamental differences between PPATs and Sub-District Heads. PPATs are required to have a legal educational background, hold a master's degree in notarial studies, and undergo specialized professional training. In contrast, Sub-District Heads come from the governmental career track and generally have a background in public administration. This raises questions regarding the effectiveness, quality of services, and legal certainty provided by PPATs when carrying out the duties of a PPAT.

Person who wishes to be appointed as a Land Deed Official (PPAT) must meet the requirements as stipulated in Article 6 paragraph (1) of Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 on the Regulation of the Position of Land Deed Officials, namely:

1. Indonesian citizen;
2. At least 22 (twenty-two) years of age;
3. Of good conduct, as evidenced by a certificate issued by the local Police Authority;
4. Has never been sentenced to imprisonment by a court decision with permanent legal force for committing a criminal offense punishable by imprisonment of 5 (five) years or more.
5. Physically and mentally healthy;
6. Holds a bachelor's degree in law and a master's degree in notarial studies, or is a graduate of the special PPAT education program organized by the ministry responsible for governmental affairs in the agrarian/land sector;
7. Has passed the examination administered by the ministry responsible for governmental affairs in the agrarian/land sector.
8. Has completed an internship or has demonstrably worked as an employee at a PPAT office for at least 1 (one) year after graduating from notarial studies.

For a subdistrict head (camat) to be appointed as a Temporary PPAT, they must first attend PPAT education and training. This requirement is affirmed in the provisions of Article 18 of the Regulation of the Head of the National Land Agency Number 1 of 2006:

1. In certain circumstances, the Head of the Agency may appoint a Subdistrict Head (Camat) and/or Village Head (Kepala Desa) as a Temporary PPAT by virtue of their position.
2. Before a Subdistrict Head and/or Village Head is appointed as a Temporary PPAT, they are required to undergo education and training organized by the National Land Agency of the Republic of Indonesia, which may be conducted in cooperation with the PPAT professional organization.
3. The obligation to attend the education and training as referred to in paragraph (2) is exempted for Subdistrict Heads (Camat) and/or Village Heads (Kepala Desa) who will be appointed as Temporary PPATs if there is no PPAT in the relevant regency/municipality.
4. The education and training as referred to in paragraph (2) are intended to enhance the capabilities of Temporary PPATs in performing their official duties.

A Subdistrict Head (Camat) may be appointed as a Temporary Land Deed Official (PPATS) to provide services to the public in the preparation of PPAT deeds, as regulated in Article 5 paragraph (3) of Government Regulation No. 37 of 1998 concerning the Position Regulations of Land Deed Officials, which states that: “To serve the public in the preparation of PPAT deeds in areas where there are not yet sufficient PPATs, or to serve certain groups of society in the preparation of specific PPAT deeds, the Minister may appoint the following officials as Temporary PPATs or Special PPATs:”

1. Subdistrict Heads (Camat) or Village Heads (Kepala Desa) to serve the preparation of deeds in areas where there are not yet sufficient PPATs, as Temporary PPATs;
2. Heads of Land Offices to serve the preparation of PPAT deeds required for the implementation of public service programs, or to serve the preparation of specific PPAT deeds for friendly nations based on the principle of reciprocity in accordance with considerations from the Ministry of Foreign Affairs, as Special PPATs.

The appointment of a Subdistrict Head (Camat) as a Temporary PPAT is intended to meet the needs of communities in remote areas of Indonesia where there are not yet sufficient PPATs.

In East Luwu Regency, particularly in Malili District, the appointment of a Camat as a Temporary PPAT, however, occurs in an area that already has a sufficient number of PPATs. This creates a mismatch with the original purpose of appointing a Temporary PPAT, which is to fill the vacancy of the PPAT profession.

What is currently happening in practice is that the Camat, acting as a Temporary PPAT, is carrying out duties in an area that does not experience such a vacancy. This condition has the potential to create overlapping authorities and confusion among the public.

In addition, the Subdistrict Head (Camat) serving as a Temporary PPAT is also faced with a highly complex dual responsibility. On the one hand, the Camat has primary duties as the head of the subdistrict's administrative region, responsible for managing governmental, developmental, and community affairs at the local level. On the other hand, the Camat is also assigned to perform functions as a land deed official, which require accuracy, precision, and a deep understanding of land law. This dual burden may create issues related to time allocation, concentration, and work effectiveness, which ultimately affect the quality of public services provided, both in governmental and land administration matters.

The difference in competencies between a PPAT and a Subdistrict Head (Camat) acting as a Temporary PPAT carries serious consequences for the quality of land services received by the community. One of the most apparent impacts is the potential for errors, both administrative and substantive, in the drafting of deeds.

Administrative errors may include mistakes in data, format, or procedural aspects of filling out the deed, while substantive errors may involve incorrect legal interpretation or improper designation of the object of rights. Both types of errors can ultimately affect the legal validity of the deed produced and hinder

the land registration process at the Land Office. When an invalid deed is used as the basis for the registration of land rights, it may give rise to legal disputes that disadvantage the parties involved.

Furthermore, the differences in formal requirements and professional experience between PPATs and Temporary PPATs (PPATS) highlight a clear disparity in their capacity to perform their duties. To be appointed as a PPAT, an individual is required to have a higher education background in law, undergo an internship for a certain period, and pass a professional examination administered by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. This process is designed to ensure that every appointed PPAT possesses a deep understanding of both substantive legal aspects and the technicalities of land administration. In contrast, a Subdistrict Head (Camat) appointed as a PPATS generally comes from a governmental administrative background and does not undergo the same selection process or professional training as a PPAT.

This significant difference has drawn attention and criticism from various parties, including the public, legal practitioners, and academics, who argue that there is a noticeable quality gap between deeds prepared by PPATs and those prepared by PPATS. Many have expressed concerns that deeds made by Subdistrict Heads (Camat) acting as PPATS tend to lack depth in legal aspects and are not as comprehensive as those prepared by professional PPATs. This, of course, affects the effectiveness of land registration in Indonesia, where deeds serve as the primary foundation in the legal administrative process of land affairs.

This criticism is reinforced by findings in various regions, including East Luwu Regency, where the effectiveness of PPATS in carrying out their role is considered suboptimal, especially when compared to that of PPATs. In several cases, deeds prepared by PPATS have had to be corrected by the Land Office because they did not meet the formal or substantive requirements established by regulations. This situation has resulted not only in delays in the registration process but also in legal uncertainty for parties conducting land transactions. Therefore, a comprehensive evaluation is needed regarding the continuation of assigning Subdistrict Heads (Camat) as PPATS, particularly in areas where definitive PPATs are already available, in order to maintain the quality and integrity of the national land administration system.

Based on the background described above, the author is interested in conducting a study entitled “*A Comparative Analysis of the Effectiveness of the Roles of Land Deed Officials (PPAT) and Subdistrict Heads (Camat) in Land Registration in East Luwu Regency.*”

RESEARCH METHOD

The type of research used in this study is empirical legal research. Empirical research is based on facts obtained from the field. The facts referred to are supporting evidence and structured references derived from multiple sources. This study employs an empirical approach because the topic requires examining the roles of PPAT and Subdistrict Heads (Camat) in land registration. Consequently, various issues are expected to arise related to the implementation of these roles, particularly since Malili Subdistrict has encountered several problems concerning the sale and purchase of land rights.

DISCUSSION

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A. The Roles and Responsibilities of Land Deed Officials (PPAT) and Subdistrict Heads (Camat) in Land Registration.

1. The legal basis for the authority to draft land deeds is found in Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Officials, Article 3 paragraph (1), which states:

"To carry out the principal duties as referred to in Article 2, a PPAT has the authority to prepare authentic deeds concerning all legal actions as referred to in Article 2 paragraph (2) regarding land rights and Ownership Rights over Condominium Units located within their working area."

The legal basis for the authority to draft land deeds is also regulated in the Regulation of the Head of the National Land Agency Number 1 of 2006 concerning the Implementation Provisions of Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Officials, Article 3 paragraph (1), which states:

"A PPAT has the authority to prepare land deeds which constitute authentic deeds concerning all legal actions as referred to in Article 2 paragraph (2) regarding land rights and Ownership Rights over Condominium Units located within their working area."

2. A PPAT is a Public Official authorized to draw up authentic deeds concerning certain legal actions related to land rights or Ownership Rights over Condominium Units. The legal actions under the authority of a PPAT include:(SALINAN PRES IDEN REPU BLIK TNDONESIA, n.d.)
 - a. Sale and purchase;(SALINAN PRES IDEN REPU BLIK TNDONESIA, n.d.)
 - b. Exchange;
 - c. Grant;
 - d. Contribution of land as capital to a company (inbreng);
 - e. Distribution of joint rights;
 - f. Granting of Building Use Rights (HGB) / Use Rights (HP) over Ownership Rights;
 - g. Granting of mortgage rights (Hak Tanggungan);
 - h. Granting of Power of Attorney to Encumber Mortgage Rights.

Of these eight types of deeds, some constitute transfers of rights while others serve as deeds granting security interests. All of these legal actions are classified as civil acts or fall within the scope of civil law.

Based on an interview with Mrs. Dra. Hj. Fatmawaty Mile, S.H., as the Land Deed Official (PPAT) of East Luwu Regency, she stated that administrative obstacles frequently encountered in land registration in East Luwu generally relate to issues of documentation, coordination among parties, and bureaucratic procedures. She revealed several common administrative obstacles as follows:

- a. Tax-related issues borne by both the seller and the buyer.

- b. Problems with land certificates that have not yet been recorded at the National Land Agency, requiring plot checks and, in some cases, remeasurement.
- c. Obstacles in the electronic land registration system, which frequently experiences disruptions.
- d. Difficulties faced by PPATs in explaining cost details to the public due to uncertainties in processing time and procedures.
- e. All employees at the Notary/PPAT Office of Dra. Hj. Fatmawaty Mile, S.H. are well prepared, and the facilities and infrastructure are sufficient to support the duties of Dra. Hj. Fatmawaty Mile, S.H. as a PPAT in the land registration process.

The services provided by the Land Deed Official (PPAT) and all staff are considered to be quite good, resulting in many applicants (those seeking to register land) returning to process their land registration at the Office of the Land Deed Official, Dra. Hj. Fatmawaty Mile, S.H.

The stages of land registration at the PPAT office are as follows:

a. Initial Consultation

- 1. The applicant (the party seeking to register land) comes to the Office of the Land Deed Official (PPAT) to consult regarding the planned transaction or land registration.
- 2. The PPAT explains the procedures, requirements, fees, and documents that need to be prepared.

b. Collection and Examination of Documents The Land Deed Official (PPAT) requests and examines the completeness and validity of the documents, such as:

- c. The original land certificate;
- d. Identity Cards (KTP) and Family Cards (KK) of the parties;
- e. Tax Identification Number (NPWP), if available;
- f. Spousal consent letter (if required);
- g. Proof of payment of the latest Land and Building Tax (PBB);
- h. Proof of payment of Income Tax (PPh) by the seller;
- i. Proof of payment of the Land and Building Rights Acquisition Fee (BPHTB) by the buyer;
- j. Certificate of inheritance (in the case of inherited land);
- k. Permission for transfer of rights (if required).

c. Certificate Verification Using the Land Office (BPN) Application The Land Deed Official conducts certificate verification using the Land Office application to ensure that the land is not in dispute, not blocked, not mortgaged, and not overlapping with other plots.

Preparation and Signing of the Deed

- 1. After all documents are complete and declared valid, the Land Deed Official (PPAT) prepares an authentic deed (for example, a Sale and Purchase Deed).
- 2. The parties come to the office of the Land Deed Official to sign the deed in the presence of the Land Deed Official.

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- a. Registration through the Land Office (BPN) application. After the deed is signed, the Land Deed Official (PPAT) registers the transfer of rights through the Land Office (BPN) application, and the name of the previous owner on the certificate will be changed to the name of the new owner.
- b. Submission of the old certificate and other documents to the Land Office (BPN) that were previously uploaded in the Land Office (BPN) application.
- c. Issuance of the new certificate After the process at the Land Office (BPN) is completed, the certificate in the name of the new owner is handed back to the applicant.

In the context of land registration, the Land Deed Official (PPAT) always conducts regular coordination with the Land Office (BPN) because both are interconnected in the process of registering and administering land rights.

In the land registration process, the Land Deed Official (PPAT) is more efficient and faster because they work professionally and competitively, and they have an interest in maintaining the quality of their services. These differences arise from several administrative factors, authority, and experience in handling land matters. The service schedule of the Land Deed Official is generally aligned with the needs of the community. In addition, PPATs also provide flexibility in service hours, such as being willing to schedule appointments outside regular working hours, and implementing technology-based services, for example, consultations through the WhatsApp messaging application.

1. Subdistrict Head (Camat)

The Subdistrict Head (Camat), as a Temporary Land Deed Official (PPATS), is regulated under Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 on Regulations for Land Deed Officials. It is also regulated in the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 23 of 2009 concerning Amendments to the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2006 on the Implementation Provisions of Government Regulation Number 37 of 1998 on Regulations for Land Deed Officials, promulgated on October 26, 2009, in response to previous regulatory obstacles in fulfilling the need for Land Deed Officials.

The legal basis for appointing a Subdistrict Head (Camat) as a Temporary Land Deed Official (PPATS) can be found in Article 5 paragraph (3) of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 on Regulations for Land Deed Officials, in conjunction with Article 18 paragraph (1) of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 23 of 2009 concerning Amendments to the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2006 on the Implementation Provisions of Government Regulation Number 37 of 1998 on Regulations for Land Deed Officials, in conjunction with Article 2 paragraph (1) of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 1 of 1998 on the Delegation of Authority for the Appointment and Dismissal of Subdistrict Heads as Land Deed Officials, which states that the

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Minister may appoint a Subdistrict Head (Camat) or Village Head as a Temporary Land Deed Official (PPAT Sementara) to provide deed-making services in areas where there are not yet sufficient Land Deed Officials (PPAT). (Iryadi, n.d.)

The Subdistrict Head (Camat), as a Temporary Land Deed Official (PPAT Sementara) in the sale and purchase of land rights, is based on Article 5 paragraph (3) of Government Regulation No. 37 of 1998 concerning the Position Regulations of Land Deed Officials, which states:

“To serve the public in the preparation of PPAT deeds in areas where there are no PPATs or to serve certain groups of society in the preparation of specific PPAT deeds, the Minister may appoint the following officials as Temporary PPATs or Special PPATs:

- a. The Subdistrict Head (Camat), to serve the preparation of deeds in areas where there are not yet sufficient PPATs, as a Temporary PPAT;
- b. The Head of the Land Office, to serve the preparation of PPAT deeds required for the implementation of public service programs or to serve the preparation of specific PPAT deeds for friendly nations based on the principle of reciprocity in accordance with the considerations of the Ministry of Foreign Affairs, as a Special PPAT.”

The position of a Land Deed Official (PPAT) in issuing a sale and purchase deed carries legal responsibility for the deed they prepare. Therefore, a PPAT must follow the procedures stipulated in laws and various government regulations related to the transfer of land ownership rights and land registration. All these procedures must be followed to ensure that the deed of transfer of land rights prepared by the PPAT is valid. Preparing a deed that does not comply with the prescribed procedures for PPAT deeds may create risks to the legal certainty of land rights arising from or recorded based on the deed.

The Subdistrict Head (Camat), acting as a PPAT in preparing a land sale and purchase deed, carries out the process at the local Subdistrict Office where the land transaction takes place. If one of the parties to the legal act, or their authorized representative, cannot come to the Subdistrict Office for a valid reason, the Camat or the Deputy Camat may prepare the deed at the residence of that party, provided it is still within their administrative jurisdiction. However, at the time the deed is executed, all parties must be present before the Camat or Deputy Camat at the agreed location for the deed signing. A deed prepared by the Camat serves as one of the data sources for land registration and maintenance. Therefore, it must be prepared in such a way that it can serve as a strong basis for the registration of the corresponding transfer of rights. (PROBLEMATIKA PRODUK HUKUM CAMAT SEBAGAI PEJABAT PEMBUAT AKTA TANAH SEMENTARA (PPAT/S) DALAM MELAKSANAKAN PERALIHAN HAK ATAS TANAH TANPA SERTIFIKAT KHAIRUNISYAH HARAHAP, n.d.)

In Government Regulation No. 19 of 2008, Article 126 paragraph (3) concerning Subdistricts, it is stated that the Subdistrict Head (Camat) carries out general governmental duties, which include:

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1. Coordinating community empowerment activities;
2. Coordinating efforts to maintain public order and security;
3. Coordinating the implementation and enforcement of laws and regulations;
4. Coordinating the maintenance of public infrastructure and service facilities;
5. Coordinating the administration of governmental activities at the subdistrict level;
6. Supervising the administration of village and/or urban village (kelurahan) governance;
7. Providing public services within the scope of their duties and/or services that cannot yet be carried out by the village or urban village government. (*TUGAS_POKOK Camat*, n.d.)

This means that the Subdistrict Head (Camat), as the head of the subdistrict area, also has an additional role as a Temporary Land Deed Official (PPATS) in East Luwu Regency, particularly in the Malili Subdistrict. It can be seen that the role of the Camat as a PPATS in land sale and purchase transactions in East Luwu Regency is to act as a temporary official in the preparation of land deeds within the administrative boundaries of their respective subdistricts.

The Subdistrict Head (Camat), as a PPATS, must be guided by the applicable laws and regulations in the process of preparing land deeds. The role of the Camat is very important in supporting their duties in land registration in general and in matters concerning the sale and purchase of land rights.

Mr. H. Hasimning, S.T., M.M., serves as the Head of the Sub-District and Temporary Land Deed Official (Temporary PPAT) of Malili Sub-District, East Luwu Regency. He stated that he fully understands his duties as a Temporary PPAT in carrying out the functions of a PPAT within the sub-district under his leadership, namely conducting land registration processes with the relevant land office and preparing authentic deeds concerning certain legal acts related to land rights and/or Ownership Rights over Condominium Units, limited to his territorial jurisdiction. Examples of deeds that may be prepared include:

- a. Deed of Sale and Purchase;
- b. Deed of Grant;
- c. Deed of Exchange;
- d. Deed of Contribution to a Company;
- e. Deed of Partition of Joint Rights.

The Subdistrict Head (Camat) has attended special training and briefing related to the duties and functions of a PPAT, including land registration, and understands the regulations and procedures for land registration in accordance with the applicable laws. In addition, the Camat also appoints a designated staff member to assist in carrying out his duties as a Temporary PPAT. In terms of facilities and infrastructure, the Temporary PPAT relies solely on the facilities available at the subdistrict office provided by the government.

The services provided by the Camat as a Temporary PPAT are considered quite good, enabling many community members to feel assisted in carrying out land registration at the Subdistrict Office.

The following are the stages of land registration at the PPAT office:

1. Initial Consultation
 - a. Community members come to the Subdistrict Office to consult regarding planned transactions or land registration.
 - b. Subdistrict staff explain the procedures, requirements, fees, and documents that must be prepared.
2. Collection and Verification of Documents

The subdistrict staff request and verify the completeness and validity of documents, such as:

 - a. Original land certificate;
 - b. ID cards (KTP) and Family Cards (KK) of the parties;
 - c. Tax Identification Number (NPWP), if any;
 - d. Spousal consent letter;
 - e. Proof of payment of the latest Land and Building Tax (PBB);
 - f. Proof of payment of Income Tax (PPh) by the seller;
 - g. Proof of payment of Duty on the Acquisition of Land and Building Rights (BPHTB) by the buyer;
 - h. Certificate Check Result conducted at the Notary/PPAT Office;
 - i. Certificate of inheritance (for inherited land);
 - j. Permit for transfer of rights (if required).
3. Certificate Verification at the Land Deed Official Office. The Camat directs the public to conduct a certificate check at the Notary/PPAT office to ensure that the land is not in dispute, not blocked, not mortgaged, and does not overlap with other land claims.
4. Preparation and Signing of the Deed
 - a. After all documents are complete and declared valid, the Subdistrict Head (Camat) prepares an authentic deed (for example, a Sale and Purchase Deed).
 - b. The parties come to the Subdistrict Office to sign the deed in the presence of the Camat.

In matters of land registration, the Subdistrict Head (Camat) considers that coordination with the Land Office (BPN) is rarely carried out because he never meets directly with Land Office employees. The Camat only prepares the deed, and the community members themselves bring the documents to the Land Office (BPN) to handle the name transfer process.

In the land registration process, the Subdistrict Head (Camat) tends to be slower because the role is divided with other governmental duties, as the Camat's primary responsibility is serving as the head of the subdistrict government.

Administrative obstacles frequently encountered by the Subdistrict Head (Camat) in the land registration process in East Luwu Regency are generally related to document issues. The following are some common administrative obstacles:

1. Tax issues that are considered too burdensome for both the seller and the buyer.
2. Certificate verification must be carried out at the PPAT office in East Luwu.
3. Land certificates that are not yet recorded at the National Land Agency (BPN), requiring plot checks and sometimes re-measurement.
4. Obstacles in the electronic land registration system, which often experiences disruptions.
5. Difficulties in carrying out duties as a Temporary Land Deed Official (PPATS) because the schedule sometimes conflicts with the Camat's primary responsibilities as the head of subdistrict government.

The service schedule at the subdistrict office for land registration is essentially in accordance with the needs of the community, operating from Monday to Friday, from 08:00 to 16:00. However, there are still obstacles for community members who only have time to handle land registration matters outside of regular working hours.

Basically, the duties of a Temporary Land Deed Official (PPATS) do not hinder the position of the Subdistrict Head, because they are part of the Camat's responsibilities in supporting land administration services within their administrative area.

The Subdistrict Head (Camat) is provided with an account to carry out land registration through the application owned by the Land Office (BPN), but the access granted is limited.

Currently, the Malili Subdistrict Head (Camat) only provides services for preparing Sale and Purchase Deeds, while the processes of registration and transfer of name on the certificate are carried out directly by the community at the Land Office (BPN). The lack of training and supporting facilities, such as internet connectivity and dedicated computer equipment, prevents the subdistrict office from being able to carry out data input processes.

A Subdistrict Head (Camat) who serves as a Temporary Land Deed Official (PPATS) cannot register a Mortgage Right (Hak Tanggungan). Their duties and authority are limited only to certain types of deeds.

Public Response Based on an interview with a community member, it was found that he was aware that the Subdistrict Head (Camat) also serves as a Temporary PPAT. He had previously used the Camat's services as a Temporary PPAT in preparing a Sale and Purchase Deed for the land he purchased.

However, he now prefers to use the services of a PPAT (Notary) for preparing a Sale and Purchase Deed because the previously issued deed was rejected by the Land Office (BPN). The rejection occurred due to the absence of proof of payment for Income Tax (PPh) and Duty on the Acquisition of Land and Building Rights (BPHTB), and because the deed was not registered by the subdistrict office through the Land Office (BPN) application.

According to his statement, the land registration process through a PPAT is considered more efficient and faster in terms of time because PPATs work professionally and competitively, and they have an interest in maintaining the quality of their services. He admitted that he initially chose to go to the district office because he was attracted by the lower costs and the fact that he was not required to pay Income Tax (PPH) and Duty on the Acquisition of Land and Building Rights (BPHTB) in the process of making the Deed of Sale and Purchase at the District Office.

After consulting at the Notary/PPAT office, he felt that he had received a clearer explanation regarding the land registration procedures.

In terms of service hours, both the district office and the Notary/PPAT office are considered to meet the needs of the community. However, the Notary/PPAT office is considered more flexible because the public can schedule appointments outside of regular working hours.

In terms of fees, both the District Head as Acting PPAT and the PPAT set relatively competitive rates.

3. The Impact of the Effectiveness of Land Deed Officials and Sub-District Heads on Legal Certainty in Land Transactions

The effectiveness of Land Deed Officials (PPAT) and Sub-District Heads acting as Temporary PPAT has a significant influence on legal certainty in land transactions. Their role is not merely limited to administrative formalities but also serves as a guarantee of the legal validity of the process of transferring land rights. Accuracy in deed preparation, compliance with legal procedures, and the ability to access and input data into the land administration system are crucial elements in determining the validity and legality of a transaction.

As an official appointed by the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), the Land Deed Official (PPAT) holds primary authority to prepare authentic deeds that serve as the basis for the registration of land rights. Their professionalism, integrity, and competence are key indicators of success in maintaining orderly land administration. With the support of facilities such as technological equipment, access to the electronic land administration system, and a sound understanding of applicable regulations, PPATs are able to perform their duties optimally with minimal errors.

Meanwhile, the Sub-District Head (Camat), acting as a Temporary Land Deed Official (Temporary PPAT), has limited authority and performs duties only in areas where a definitive PPAT has not yet been appointed. Nevertheless, the responsibility to ensure that land deeds comply with proper procedures remains substantial. Challenges frequently faced by Camat include a lack of specialized training, limited supporting facilities such as access to BPN application systems, and constraints in technical human resources, all of which may affect the quality and legal validity of the documents produced.

If PPATs or Sub-District Heads fail to perform their duties effectively—for example, due to administrative negligence, errors in data entry, or suboptimal use of the system—legal risks are highly likely to arise. Such shortcomings may lead to legal uncertainty in land transactions and even

have the potential to become a source of disputes between the transacting parties. Errors in deed preparation or data input can have long-term consequences for land ownership rights.

Legal certainty in land transactions can only be achieved if all parties involved perform their roles professionally and responsibly. Therefore, it is essential for the government and relevant institutions to provide continuous training for both PPATs and Sub-District Heads. Such training should cover technical aspects of using electronic land administration systems, a thorough understanding of land law, and the preparation of documents in accordance with established standards.

In addition to training, the provision of adequate infrastructure is also crucial. Access to a stable internet connection, sufficient computer equipment, and integrated systems among PPATs, Sub-District Heads, and Land Offices will accelerate and simplify the land registration process. The government's ongoing land digitalization efforts must be accompanied by equitable access to technology, including in regions where resources remain limited.

Through improved effectiveness achieved by training, the provision of facilities, and inter-agency coordination, PPATs and Sub-District Heads will be able to perform their duties more accurately and responsibly. This will result in land transaction processes that are more transparent and efficient, while also providing legal certainty for the public. Ultimately, the active and professional roles of PPATs and Sub-District Heads will contribute to the creation of a national land administration system that is orderly, fair, and sustainable.

CONCLUSION AND RECCOMENDATION

Land Deed Officials (PPAT) have primary authority in the preparation of authentic deeds as the basis for the registration of transfers of land rights. Meanwhile, Sub-District Heads (Camat) act only as Temporary PPATs in areas where no definitive PPAT has been appointed, with limited authority. PPATs bear full responsibility for the accuracy of deeds and their submission to the land office, whereas Camat often face limitations in terms of facilities and training. Accordingly, PPATs have a more professional and broader role compared to Camat.

The effectiveness of PPATs and Camat acting as Temporary PPATs is crucial in ensuring legal certainty in land transactions. Professional PPATs supported by adequate facilities are able to produce valid deeds that facilitate the land registration process. Conversely, limitations faced by Camat in training and system access may hinder the process and pose risks to legal certainty. Therefore, Camat who perform the function of Temporary PPATs should be provided with specialized training and adequate supporting facilities so that they can carry out their duties effectively, particularly in areas where no definitive PPAT is available.

In addition, the author recommends that there be a clear delineation of authority between PPATs and Camat to prevent overlapping functions and to ensure the smooth administration of land registration. Periodic training should be conducted for both PPATs and Camat to enhance their competence and understanding of applicable regulations and procedures, so that effectiveness in ensuring legal certainty in land transactions can be achieved. Furthermore, adequate access to technology should be provided, including applications of the National Land Agency (BPN) and stable internet connectivity, to facilitate land registration administration processes. Performance supervision and evaluation should also be conducted regularly to ensure service quality and compliance with legal provisions. Lastly, improved coordination among PPATs, Camat, and land offices is necessary so that technical and administrative constraints can be effectively addressed.

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