

THE MINISTER OF AGRARIAN AFFAIRS
HEAD OF THE NATIONAL LAND AFFAIRS AGENCY

LETTER OF THE STATE MINISTER FOR AGRARIAN AFFAIRS/
HEAD OF THE NATIONAL LAND AFFAIRS AGENCY
NUMBER : 640-1198 ; DATED : APRIL 1, 1999

R E

THE DISPATCH OF REGULATION OF THE STATE MINISTER FOR
AGRARIAN AFFAIRS/HEAD OF THE NATIONAL LAND AFFAIRS AGENCY
NUMBER 4 OF 1999 ON THE IMPLEMENTATION OF
GOVERNMENT REGULATION 37 OF 1998 ON THE REGULATION OF THE
POSITION OF THE LAND CONVEYANCER

To.

1. All Heads of Regional Offices of the National Land Affairs Agency in Provinces;
2. All Heads of Land Affairs Offices of in Regency/Municipalities;
3. All Land Conveyances (PPAT) throughout Indonesia

Please find Regulation of the State Minister for Agrarian Affairs/Head of the National Land Affairs Agency No. 4/1999 on the implementation of Government Regulation No. 37/1998 on the Regulation of the Position of the Land Conveyancer (PPAT) for proper implementation with directives and explanation on several matters in that regulation as follows:

1. *On the scope the regulation :*

In this regulation are stipulated the provisions on the implementation of Government Regulation No. 37/1998 which has an operational characteristic. From these provisions are expected the clearness on the rights and obligations of the PPAT including prohibitions which are aimed at enabling the PPAT to implement their service function to the public properly. The obligations and prohibitions also constitute criteria in the context of implementing the fostering and supervision of the PPAT.

CAFI 60/JULY 27, 1999

2. *On the appointment of the PPAT :*

In the framework of appointment of the PPAT there shall be an examination held as already implemented all this time. Nevertheless, the examination for being appointed as a PPAT according to this regulation shall be held only to fill a vacancy in the formation of a certain PPAT operation area (Article 4 paragraph 2). With this provision there shall no longer be a PPAT who has passed the exam but still has no operation area yet, because the passing of the exam is particularly aimed at filling the available position.

3. *On the PPAT Office and place for the drawing up of deeds :*

As the operator of part of the service function in the area of land registration, the PPAT shall have the obligations to run an office in his operation area (Article 12 paragraph 1) and provide service to the public on every working day (Article 13). Though the PPAT concerned is on leave, the PPAT office shall remain opened to provide service not requiring the presence of a PPAT, i.e. that involving the furnishing of information or documents, e.g. the copy of a deed (Article 13 paragraph 3). The drawing up of a PPAT deed shall be carried out in the PPAT office, unless one of the parties or its proxy who must be present in the PPAT office fails to come for legal reason, e.g. because of sickness or other reasons beyond the power of the party concerned, so that the PPAT needs to visit that person. In such a case, the PPAT shall be allowed to draw up a deed in that person's place on condition that the parties concerned must be present together in the presence of the PPAT (Article 17).

4. *On the clearness of the legal action aspects in the PPAT deed*

As arranged in Article 24 of Government Regulation No. 37/1998, the procedure for the drawing up of a PPAT deed is stipulated in the rules and legislation on land registration. This is because the PPAT deed will be used as an authentic proof on the legal action causing the amendment of juridical data on land registration. In this regulation is emphasized several aspects of the legal actions, the clearness of which shall become the accountability of the PPAT, i.e. :

- a. on the truthfulness of the event contained in the deed, e.g. on the type of the legal action meant by the parties on the payment already made in the transaction etc.
- b. on the object of the legal action, either its physical or juridical data;
- c. on the identities of the presenters constituting the parties taking the legal actions;
In case the PPAT does not know personally on the things mentioned above, he can seek evidence and witnesses required in the drawing up of a deed.

5. *On the fostering and supervision of the PPAT*

In this regulation are stipulated the provisions on the fostering and supervision of the PPAT as meant in Article 37 of Government Regulation No. 37/1998, which covers:

- a. The kinds of fostering and supervision and the working unit which has the duties and be competent to implement it in the name of the Minister (Article 35).
The fostering of the PPAT shall be specially carried out by the stipulation of regulations and the granting of technical directives as well as the explanations. The explanation can be forwarded in writing or in the meeting forum organized by the respective working units or the PPAT organization (IPPAT or ASPPAT).
- b. The implementation of examination of the PPAT operational obligations (Article 36). The duties of examination by the PPAT shall only be carried out by the Head of the Land Affairs Office by assigning his staff with assignment letter. The matters that can be examined in this examination shall be the obligations of the PPAT in preparing the record book of the deeds, binding the deeds, and sending the original deeds to the Land Affairs Office. In relation thereto, the PPAT shall have the obligations to give opportunity to the operator concerned to see and examine the deeds record book, the results of the binding of the deeds, and the evidences of the dispatch of the deeds. While regarding the other obligations of the PPAT, for example the installation of the name board and the opening of the office, they can be seen from the field observation.
- The examination of the deed itself shall be carried out by the Head of the Land Affairs Office at the time of registering the amendment of the juridical data brought about by the legal action in the deed concerned (Article 35 paragraph 4 letter c), which in case of error, it shall be notified in writing to the PPAT concerned.
- c. The administrative measures against the PPAT shall be applied phase by phase as stipulated in Article 37 by remaining to enable the measures to be directly stipulated either by the Head of the Land Affairs Office or by the Minister.

Please implement it properly, and thank you for your attention.

THE MINISTER FOR AGRARIAN AFFAIRS/
HEAD OF THE NATIONAL LAND AFFAIRS AGENCY,

signed.

HASAN BASRI DURIN