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Legal Certainty on PPAT Authority in Making Deed Outside of His Location

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Abstract

This study aims to examine the legal certainty of the PPAT's authority in making deeds outside the area of his domicile. PPAT in carrying out its functions and authorities is limited by the working area, as regulated in PP PPAT in Article 12 paragraph (1) that the PPAT working area is "one working area of the Regency/Municipal Land Office". But then it was changed to one province area." Based on the article, it is clear that the PPAT's work area has expanded, which was originally in the district/municipality area, now it is in the province. Legal issues studied 1). What is the basis for the amendment to Article 12 paragraph 1 of PP Number 24 of 2016 regarding the PPAT work area? 2). How is the legal certainty of the authority of the PPAT who makes the deed outside the domicile? The results of the study indicate that the expansion of the PPAT working area arrangement into one province as stipulated in Article 12 (1) PP No. 24 of 2016 caused problems due to the absence of implementing regulations. And when there is legal certainty about the authority of PPAT after the issuance of PP 24/2016, there is no implementing regulation in this case a Ministerial Regulation which is expected to be a guideline for PPAT in carrying out its authority. Suggestions in this study are for the government to review PP No. 24 of 2016 with the aim of maximizing the implementation of the rules by PPAT officials.

Keywords
change of work area; PPAT authority; legal uncertainty

I. Introduction

Land is an important factor in supporting human life which is one of the gifts of God Almighty. The existence of land also has an important position in the life of the nation and state, because humans carry out development activities using land. Efforts to provide legal certainty and protection of the control, management and ownership of community land, require the role of the State. As mandated by the 1945 Constitution (hereinafter abbreviated to the 1945 Constitution of the Republic of Indonesia) in Article 33 paragraph (3) and Law no. 5 of 1960 concerning Basic Agrarian Regulations (hereinafter abbreviated as UUPA). This land registration plays a role in realizing legal certainty in the ownership of land rights for the community. In this process, the government cannot implement it alone but requires cooperation or partnership with a public official appointed by law, namely the Land Deed Maker Official (hereinafter abbreviated as PPAT).

Considering the importance of the position of PPAT, the Government made a special regulation that regulates PPAT, namely Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Maker Officials which was later amended by Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Official Position Regulations Land Deed Maker (hereinafter referred to as PP PPAT). The definition of PPAT based on Article 1

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point 1 PP PPAT is a public official who has the authority to make an authentic deed regarding certain legal actions related to land rights or ownership of housing units (Urip Santoso, 2016). In addition, the definition of PPAT is also normalized in the PP on Land Registration in Article 1 number 24 that PPAT is a public official who is given the authority to make land deeds (Andri Pranata, 2021). Based on its position and authority, PPAT is authorized to make authentic deeds related to land, among others (Samsaimun, 2018).

Based on the new PP PPAT, changes in PPAT in carrying out its functions and authorities are limited by the working area, as stipulated in Article 12 paragraph (1) that the PPAT work area is "one working area of the Regency/Municipal Land Office". But then it was changed to one province area." Based on the article, it is clear that the PPAT's work area has expanded, which was originally in the district/municipality area, now it is in the province. The norm in the article also orders to regulate further with a Ministerial Regulation but so far there is no ministerial regulation that provides guidelines after the expansion of the area so that there is a legal vacuum for PPAT in carrying out its authority.

Changes in the working area still make PPAT unable to make a deed outside its domicile area against PPAT's authority in making a deed, but in reality there are obstacles for PPAT in carrying out its authority such as difficulties when dealing with the National Land Agency (BPN), for example, PPAT Jember Regency when will check the certificate online, just enter the account and password through the BPN database system in Jember Regency. On the other hand, PPAT from Bondowoso Regency experienced difficulties when they wanted to check the certificate online because the PPAT account and password in question had not been registered in the BPN database in Jember Regency.

As a result of the change in the working area, PPAT cannot make a deed outside of its working domicile because if it continues, it will collide with legal certainty for the deed it has made and the problem that is also an obstacle for PPAT in carrying out its authority is when dealing with the National Land Agency (BPN). . Another difficulty is difficulties related to taxation, such as Customs on Acquisition of Rights to Land and Buildings (BPHTB), because the amount of the Acquired Value of Non-Taxable Tax Objects (NPOPTKP) varies by region and must be paid through the account of the local Regional Revenue Agency (BAPENDA).), as well as problems related to ethics among PPATs because the expansion of PPAT's work area will open up very wide opportunities for PPATs to practice 'inter-city, within-province' but can trigger competition between PPATs. After the issuance of the PP, until now PPAT has not been able to carry out its authority, because there is no implementing regulation that can be used as a basis for PPAT to carry out its authority, because there is still uncertainty in the PPAT working area, this condition is due to a norm vacuum.

Another illustration that can clarify the obstacles is as follows: a sale and purchase transaction occurs where the seller and buyer are domiciled in Surabaya while the object of sale and purchase is in Jember, but the seller and the buyer agree to sign the deed of sale and purchase in Surabaya, this still makes PPAT doubt whether the deed of sale and purchase which is signed outside the area of its domicile will affect the validity of the deed made if it is signed in Surabaya.

Based on the description above, the authors are interested in conducting research related to the barriers and void of norms to the PPAT's authority in making deeds outside of their position. Then the formulation of the problem that the researcher determined based on the description of the background was as follows:

1. What is the basis for the amendment to Article 12 paragraph 1 of PP Number 24 of 2016 regarding the PPAT work area?

2. How is the legal certainty regarding the authority of the PPAT who makes the deed outside the domicile?

II. Review of Literature

2.1. Authority Theory

The theory of authority (authority of theory), in Dutch is called theory van hetgzag, while in German it is theorie der authoritat (H. Salim HS., 2016). In terminology, the theory of authority consists of two (2) phrases, namely theory and authority. The definition of authority is based on the thought of H.D., Stoud in his book Ridwan HR, that authority is defined as all rules relating to the acceptance and use of government authority by public legal subjects in legal and political relations (Ridwan HR, 2018).

Based on several opinions related to the concept of authority, it is concluded that the term authority or authority has the same meaning, the two terms are equated with the terms bevoegheid and authority. However, Phillipus M. Hadjon has the opinion that there is a difference between the term authority and the term bereogbeid. The difference lies in the legal character. The term bereogbeid is used in the concept of public law as well as in private law.

Application in our country the term authority or authority is used in the concept of public law. Sources of authority include attribution, delegation and mandate. Authority in the concept of public law consists of at least three components, namely:

1. The influence component is in the use of authority intended to control the behavior of legal subjects;
2. The basic component of law, is that authority must always be able to show its legal basis with the aim of state officials not using their authority outside the rule of law;
3. The legal conformity component is the existence of general standards (all types of authority) and special standards (for certain types of authority) as a benchmark for government actions or the legality of government actions (I Gusti Ngurah Wairocana, 2018).

Authority is a legal act that is completed and transferred to the institution according to the law in force at the institution concerned. Therefore, it applies to each authority whose limits have been determined by the laws and regulations.

2.2. Legal Certainty Theory

Certainty is first and foremost a radical human anthropological necessity, and knowing what to defend is a basic element of individual and social aspirations towards certainty, the common root of its different manifestations in life, and the basis of the raison d'être of legal values. The word "certainty" is often used to refer to an external, physical, or objective sense of security, i.e. a feeling of security and protection from external threats such as violence, crime, or pain. In this sense it means being protected from or against something that indicates an external threat. Without any doubt, certainty or security is the absence of fear (A'an Efendi, Dyah Ochtorina Susanti, 2021).

Meanwhile, based on Sudikno Mertokusumo's thought that legal certainty is a guarantee for the law to be implemented properly. Legal certainty requires the competent authority to make a statutory regulation to serve as a juridical aspect that functions in ensuring a certainty regarding the law as a regulation that must be implemented and obeyed by every level of society (Asikin Zainal, 2018).

In line with the formation of regulations in the field of law, a main principle is established for the creation of clarity on legal regulations. This principle is legal certainty.

The existence of legal certainty is interpreted as a condition where the law is certain because of the concrete strength of the law (Mario Julyano, Aditya Yuli Suistyawan, 2019).

2.3. Legal Responsibility Theory

Accountability is born from the word responsibility. Responsibility means that the obligation to everything or requires accepting the burden of being the result of one's own actions or those of other parties (W.J.S Poerwadarminta, 2002). Responsibility is an attitude of bearing all the consequences or risks resulting from the actions taken (Burhanuddin Salam, 2026).

So it can be concluded that accountability is an attitude to accept all the consequences of all actions that arise for the actions that have been done. The responsibility possessed by each individual is an attitude of accepting all the consequences of every action taken, including the PPAT profession which requires him to be responsible for the authority he has. The theory of legal responsibility is very much needed in this thesis research to explain further related to the form of PPAT responsibility in making a deed related to the domicile area after the change in the PPAT working area as regulated in PP PPAT which is one province but there is no implementing regulation that can be used as a basis PPAT to carry out its authority.

Law aims to provide benefits to as many people as possible. Benefit here is defined as happiness, so that the assessment of whether a law is good - bad or fair - depends on whether the law provides happiness to humans or not (Lili Rasjidi and I.B Wyasa Putra, 2013). As stated by Bentham, whether or not the law is good or not must also be considered from the positive and negative impacts caused by the enactment of the law. A new legal regulation can be said to be good, if the impact is good, maximum happiness and minimum suffering.

The purpose of the law is for the welfare of the community at large or the whole of society, and legal judgments are reviewed on the basis of the consequences of law enforcement. Based on this assessment, the contents of the law contain provisions relating to the creation of state welfare.

2.4. Concept of Land Deed Official (PPAT)

PPAT is an official who represents the state in order to make a deed or document related to land based on a Government Decree issued by the head of the National Land Agency (BPN). PPAT plays an important role in the transition and proof of title rights as the basis for registering land rights to BPN. PPAT independently has the task of assisting and partnering with the Head of BPN in carrying out land registration activities. The independence of the PPAT in question is not as subordinate to the Land Office.

As normalized in Article 1 point 8 of PP PPAT concerning PPAT, the PPAT work area is an area under the authority of PPAT to carry out its duties and authorities. Based on Article 12 Paragraph (1) PP PPAT states that the working area of PPAT is one province. After the PP PPAT has been established, it can be understood that the PPAT work area which was originally in the district/city area is now a provincial area.

A PPAT working area has a formation determined by the Minister. There are several factors considered by the Minister in the context of preparing the PPAT formation. The determination of the PPAT formation is carried out periodically and can be reviewed. The Minister may determine certain areas as closed areas for the appointment of PPAT if the formation in the PPAT working area is full.

2.5. Definition of Deed

Deed is a document made and signed by the parties that serves as evidence of certain legal events (Daeng Naja, 2020). Subekti is of the opinion that a deed is different from a letter. Deeds are writings that are intentionally made to be used as evidence of legal events (R. Subekti, 2015). A writing is said to be a deed because the strength of proof of the deed is regulated in the legislation. In general, a deed has a meaning as writing that is used to prove legal acts (Salim HS., 2017).

Suharjono quotes from A. Pitlo, explaining that the deed is a letter made and signed by the parties, which is then used as evidence to be used by other parties for the purpose of making the letter (Suharjono, 2018). Sudikno Mertukusumo argues that a deed is a letter that contains an event that forms the basis of a right or an agreement and is deliberately made from the beginning for proof and then the letter is signed by the parties (Sudikno Mertokusumo, 2016). Deeds can be said as writing, which has a meaning, namely as writing that is intentionally made with the aim of being evidence of events and signed. Based on several expert opinions, it can be concluded that a deed is a letter/writing that was deliberately made by the parties who entered into an agreement, the contents of which are about a legal event that was agreed upon by the parties and then after they mutually agreed the deed was signed by the parties.

A deed is a letter made and signed by the parties as evidence of a certain legal event and used by the party who made it as a necessity for whom the letter was made (Daeng Naja, 2017). However, Subekti is of the opinion that there is a difference between a deed and a letter. Deeds are writings that are intentionally made to be used as evidence of legal events (R. Subekti, 2015). A writing is said to be a deed because the strength of proof of the deed is regulated in the legislation.

III. Research Method

The methodology used in this research is normative juridical which is carried out by analyzing various formal legal regulations that contain theoretical concepts and are associated with the issues discussed. The problem approach used in a legal study has the function of looking for various aspects that are being studied to solve problems in the legal issues discussed. A statute-approach approach, a conceptual approach, and a historical approach are used to assist the study of this research.

IV. Result and Discussion

4.1 Basis for Amendment to Article 12 Paragraph 1 of PP Number 24 of 2016 Regarding PPAT Working Areas

For the people of Indonesia, land is one of the most important needs for the survival of everyone, especially as the main source of livelihood and livelihood. So that it must be considered, allocated and used for the greatest prosperity of the people, both individually and in mutual cooperation as stated in Article 33 paragraph (3) of the 1945 Constitution.

Referring to the principle of Indonesia as a legal state which is normalized in Article 1 paragraph (3) of the 1945 Constitution, it can be interpreted that the highest power in the Indonesian state is the law made by the people through their representatives (Khathryna Ihcent Pelealu, 2015), the government in carrying out power is not allowed to act arbitrarily. The application of the rule of law principle adopted is based on the element of efforts to protect basic human rights (Haposan Siallagan, 2018).

One of these basic rights is land, which is philosophically a place for humans to get a life and a place where humans return to the friendship of Allah SWT. From the two articles that the author conveys, it shows that there is a change from just mentioning officials to being officials who make land deeds. The change is a progress and clarifies the existence of the official who in this case is the PPAT (Andri Pranata, 2021).

Several provisions in PP 37/1998 which were later amended by PP 24/2016, these changes were made to support the deregulation policy program in the agrarian/land sector and accelerate the implementation of the government's economic policy package. One of the changes from PP 37/1998 was later amended by PP 24/2016, namely the expansion of the PPAT working area. Based on this article, the regionality of the PPAT position has changed from being a work area to a work area, with the juridical consequence that the regionality within the district/city has changed to a province, this shows that the expansion of the PPAT work area follows the work area of a Notary.

What is meant by the PPAT working area is an area that shows the authority of a PPAT to make a deed regarding land rights and property rights over the apartment unit located therein. However, the expansion of the PPAT work area cannot be implemented yet, if it refers to several regulations, it must be further regulated in the form of a Ministerial Regulation, but until now there is no implementing regulation.

Because the norm in Article 12 PP 24/2016 clearly and unequivocally states that the PPAT work area becomes one province. Based on these norms, a PPAT can make a deed outside his work domicile, but technically it is not yet supported by a clear system. PP 24/2016 concerning Amendments to PP 37/1998 which was ratified on 22 June 2016. The provisions of the work area are defined as the identity of the authority of a PPAT in carrying out the profession. Because every PPAT deed is always related to the legal provisions relating to registration, transfer of rights and encumbrances. Therefore, every authority is always related to the responsibilities carried out by a PPAT.

The government's basis for changing the "work area" to "working area" of PPAT cannot be separated from the idea that the expansion of the scope of the area for the PPAT profession which is made into a province follows the work area of a Notary and is expected to overcome the problem of a district/city area that does not have PPAT. However, in the field implementation it is necessary to have detailed regulations so that these regulations can be in accordance with other systems such as tax checks, certificates, registration, all of which are online and monthly reports regularly and routinely by PPAT.

However, until now PP 24/2016 has not been carried out optimally and PPAT still uses the norms contained in PP 37/1998, even though the regulation has been revoked by the President of the Republic of Indonesia. Judging from the Lex Posterior Derogat Legi Priori principle which states that the new law drafted replaces the old law so that PP 24/2016 should be implemented within a period of five years and has been relatively long in its application (Mahmudin, D.D., 2018). According to this principle, if there are two kinds of statutory provisions of the same level or position and apply at the same time and contradict each other, the judge must apply or use the specific as the legal basis, and override the general (Sugiarto, Umar Said, 2018). Meanwhile, another opinion was conveyed by Peter Mahmud Marzuki, namely:

"The principle of lex posterior derogat legi priori requires that the later statutory regulations set aside the previous statutory regulations. The use of this principle requires that two laws and regulations are faced in the same hierarchy. The existence of this principle can be understood considering the existing statutory regulations The new one is more reflective of ongoing needs and situations".

This principle, among others, intends to prevent dualism which can lead to legal uncertainty. Given that PP 24/2016 and PP 37/1998 are in the laws and regulations in the same hierarchy. In principle, the same old provisions will no longer apply when the new legal rules come into effect, so that the laws that apply later cancel the previous laws as long as they regulate the same thing.

The expansion of the working area certainly brings even greater challenges for PPAT itself. In addition, regarding the performance system, the system made must be measurable so that it is easily accessible, it is not easy but it must be communicated, coordinated properly, from the BPN side must prioritize data transparency including the layout of the measurement results so that it is easy for a PPAT to see and get accurate and precise information. . Some of the online systems that are already accessible are maintained and even further refined, and some land points that have not been entered in digital form also need to be improved.

Expansion of the original working area of 1 (one) district/city working area into 1 (one) provincial work area, demanding the implementation of online land registration, Changes are made to increase the role of PPAT in serving the community for land registration thereby accelerating PPAT's performance in checking the validity of certificates to find out the subject, object and status of land rights. The expansion of the work area will expand the authority of the PPAT, especially for senior PPATs who already have many clients, while for juniors it is the opposite. The expansion of a wide working area requires PPATs who can synergize with fellow PPATs, so that they help each other and seek information on the development of land registration administration in each region.

The expansion of the working area has a negative impact, especially among PPATs, because it creates a wider level of competition, in the sense that with expanded regionality, the level of competition between PPATs is increasing, also because the community wants:

1. To get a cheaper price for PPAT services compared to others;
2. The placement of the PPAT is not a problem because the PPAT can look for a party outside the domicile of its work;
3. Potential for violations of the code of ethics.
4. Potential for PPAT to use other parties to seek or obtain parties to use their services.

In the name of community service, it could be the reading of the deed as a condition the absolute necessity of making the deed, has the potential to be abandoned by PPAT, for example by assigning his assistant to read the deed, so that PPAT only has to sign the deed. So it is not the parties who come to the PPAT office, but only the files, for the speed and efficiency of PPAT deed services. Hopefully this does not happen in the field, because it can result in the cancellation of the deed he made.

4.2. Legal Certainty Against the Authority of PPAT Which Makes the Deed Out of Position

PPAT's task is to provide assistance regarding making authentic deeds in the land sector, as well as being an important matter for PPAT to be able to understand the provisions regulated by laws and regulations so that people who do not know or do not understand the rule of law, can understand correctly and do not do things. - things that are against the law. In line with the principle of the rule of law which in every interaction in society and the state is always based on law, one of which is the creation of legal certainty is one of the goals of the rule of law. Certainty, order, and legal protection demand, among other things, that legal traffic in people's lives requires evidence that clearly determines the rights and obligations of a person as a legal subject in society.

Being a PPAT must be able to provide legal certainty to people who do use the services of a PPAT. The deed made by a notary has perfect evidentiary power, unlike the deed under the hand. Underhanded deeds are deed made by interested parties without the help of public officials (Annisa Fitria, 2021). While authentic deeds are PPAT products that are needed by the community for the creation of legal certainty (Andi A.A. Prajitno. 2015).

Furthermore, PPAT is only domiciled in one place in the city or district, and has the authority of the entire provincial territory from its domicile. For example, a PPAT who has a working area in East Java and is domiciled in Jember, cannot open practice or make an authentic deed in Bali (juridical boundaries are provinces). According to G.H.S Lumban Tobing, a deed made outside the area of his office is only domiciled like an underhand deed (G.H.S Lumban Tobing, 2015).

According to Siregar Soritu Halomoan, who stated that a notary must carry out a position in the office or at the position designated for him. In practice, there are many violations committed by a notary including the making of a deed by a notary that is carried out outside the domicile and area that has been determined. All can not be separated from the name of a notary requirement itself. This is because competition is very tight and there is also a client's desire to have the deed made at their domicile (Siregar Soritua Halomoan, 2017).

The PPAT must be authorized as long as it concerns the place where the deed is made, meaning that each PPAT has its area of office determined according to its domicile. For this reason, PPAT is only authorized to make deeds within the area of his office. The problem with the issuance of PP 24/2016 even though there has been an expansion of the work area, but the juridical consequences of the deed made by PPAT. If it is related to the consequences in making the deed, the deed made by PPAT can be categorized as having fulfilled, but the continuation of the deed cannot be executed or processed administratively.

In connection with the above, with the standardization of the PPAT deed by the State Official/State Administration (Minister of Agrarian and Spatial Planning/Head of the National Land Agency) Regulation of the Head of the National Land Agency Number 8 of 2012 concerning Amendments to the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration, meaning that State Officials (State Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency) participate or interfere in determining certain legal actions in the land sector which are legal acts, whereas the official The State/State Administration does not have the authority to participate in determining land legal actions which are the authority of PPAT in making the deed (Mulyoto, 2018). Theoretically, if the government acts in its quality as a government, then only public law applies, if the government acts not in government quality, then private law applies (Ridwan HR, 2015). PPAT in carrying out its duties and positions must be responsible, meaning:

1. PPAT is required to make the deed properly and correctly. This means that the deed made fulfills the legal will and the request of the interested party because of his position.
2. PPAT is required to produce a quality deed, the deed made is in accordance with the rule of law and the will of the interested parties in the true sense, not making it up. The notary explains to interested parties the truth of the contents and procedures of the deed he made.

3. Positive impact, meaning that anyone will admit that the notarial deed has perfect evidence. PPAT as a public official has responsibility for his actions related to his work in making deeds.

The expansion of the PPAT work area goes hand in hand with the responsibilities that must be carried out, responsibility is a basic willingness to carry out what is its obligation (Frans Magnis Suseno, 2017). “Respondeo ergo sum” (“I am responsible, so I exist”), said Emmanuel Levinas. Freedom provides choices for humans to behave and behave. Therefore, humans must be responsible for the choices they have made.

Moral considerations will only have meaning if the human being is able and willing to take responsibility for the choices he has made. In simpler language it can be said that moral considerations are only possible for people who can and are willing to take responsibility. That is why he has never been held accountable for the attitudes and behavior of crazy people and minors, even though it is known according to reasonable morality, the attitudes and behavior of these people are unacceptable (Muhammad Erwin, 2016).

A PPAT in carrying out the duties and authorities of his position, especially with regard to the procedure for making a PPAT deed, sometimes makes mistakes, and these errors may involve formal or material requirements, for example: an error regarding the PPAT's inability to make an authentic deed, which results in the loss of the authenticity of the deed he made. , or the strength of the proof of the deed is no longer as complete or perfect evidence, between and for interested parties, but becomes a deed or letter under the hand, where the error can be done intentionally or unintentionally (Dhea Tri Febriana and Ahars Sulaiman, 2019).

The laws and regulations emphasize that PPAT's responsibility is not only responsibility in the narrow sense, namely responsibility related to making the deed, but also accountability in a broad sense, namely responsibility at the time the deed is made and responsibility at the time after signing the deed. PPAT responsibilities as a profession can be grouped into two, namely: ethical responsibilities (related to professional ethics) and legal responsibilities.

Regarding its implementation in the field, the expansion of the PPAT work area is a dilemma for PPATs. This is because the products produced by PPAT should actually provide legal certainty and are the beginning of all series of legal actions regarding land. The Land Deed Maker Official is said to be a profession which has the right or authority to carry out and make the original deed in land rights as well as regarding legal actions.

The legal actions are such as the transfer of rights and deeds in the form of selling, buying, exchanging, sharing of joint rights to grants. The related PPAT authority is applied within the PPAT work scope. According to PP No. 37 of 1998 that the implementation of land registration, sale and purchase, and grants can be carried out through PPAT located in the district/city area concerned. However, in PP No. 24 of 2016 states that in its implementation PPAT such as land registration, sale and purchase, until grants and mortgages in a regency/city area can be carried out by PPATs registered outside the relevant regency/city area on condition that they are still in one province.

V. Conclusion

Based on the discussion of this research, conclusions can be drawn from the main problems, namely:

Whereas the expansion of the PPAT working area arrangement into one province as stipulated in Article 12 (1) PP No. 24 of 2016 caused problems due to the absence of implementing regulations. The establishment of PP at the base is to increase the role of Land Deed Maker Officials, to improve services to the community. In addition, in order to support the deregulation policy program in the land sector and in the implementation of the Government's Economic Policy Package.

Whereas the provisions of Article 12 (1) of PP 24/2016 state that a PPAT can carry out management in various regions as long as it is still in one province, as an expansion of the work area as stipulated in PP 37/. However, the changes made by the government left legal uncertainty over the authority of the PPAT. Because the changes made are not in accordance with the Lex Posterior Derogat Legi Priori principle which means that if there is an update or replacement of the old law with a new one, the old law regulations are no longer used. And when there is legal certainty regarding the authority of PPAT after the issuance of PP 24/2016, there is no implementing regulation in this case a Ministerial Regulation which is expected to be a guide for PPAT in carrying out its authority.

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