Professional and moral responsibilities of notaries overseeing agricultural land conversions

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Abstract. An increasing number of residents has indirectly affected demands for housing. However, not all agricultural land is eligible for conversion. Law Number 41 of 2009 concerning the Protection of Sustainable Food Agriculture Land (SFAL Law) allows for converting land functions only if two conditions are fulfilled, namely natural disaster and public infrastructure construction. This research utilizes a standard method through a normative juridical approach. The results show that based on Article 7 Paragraph (1) of Government Regulation Number 37 of 1998 concerning Land Deed Officer Regulations, Land Deed Officer can concurrently act as Notary, Consultant, or Legal Advisor. The function as an In-House Lawyer requires them to provide public assistance in land conversion. They must also possess a moral responsibility to provide guidance or counseling on the negative impacts of reduced agricultural land, specifically food sustainability. In conclusion, the Notary/Land Deed Official's professional and moral responsibilities apply when they oversee the land conversion process. This study recommends that counseling conducted by Notaries/Land Deed Officials relating to food security and sovereignty should be carried out continuously and periodically to the public.

1. Introduction

The Indonesia mandatory states in article 33 paragraph (3) of the Constitution 1945 that the earth, water, and wealth contained therein are controlled by the State and are intended for the maximum benefit of the people's prosperity. The existence of Article 2 paragraph 2 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) authorizes the head of Government to regulate and plan the use, designation, and maintenance of land affairs. This authority is meant by the right to control the State. Based on this authority, the Government is obliged to make a general plan regarding the designation and use of the earth, water, air space, and natural resources. It is stated in Article 14, paragraph 1 UUPA. In the sense of planning, it is possible to change the function of land use, including changes in agricultural land use for non-agricultural purposes [1].

An important issue in development today is sustainable agriculture. Sustainable agriculture is a process that utilizes agricultural resources optimally to meet the needs and welfare of today's society without having to sacrifice the needs and interests of future generations. Along with the conversion
rate of agricultural land to non-agricultural land, agricultural resources that need to prioritize are agricultural land, especially food agriculture land.

One thing that might not be considered in undertaking land-use change is the impact of land-use change. For the agricultural sector, the land is a significant and irreplaceable production factor. The reduced land area used for agricultural activities, can significantly disrupt the stability of independence, food security, and sovereignty, both locally and nationally.

The high urban population is a significant factor in converting agricultural land to other uses, both in developing and developed countries. Although developed countries experience urbanization problems, they can better control agrarian land conversion because the intensity of developing countries' issues is much more severe because of the high population growth and poverty issues. For countries that are still in the developing stage, such as Indonesia, demands for infrastructure development in roads, settlements, and industrial estates also contribute to the need for land. As a result, many paddy fields, significantly those close to urban areas, are changing the use functions.

The conversion of the function of agricultural land to non-agriculture is ultimately unavoidable. Therefore, it takes a government effort to control the rate of land-use change by making aspects of environmental carrying capacity and land availability one of the considerations. One of the steps to maintain the conversion of agricultural land functions and protect productive farmland is currently supported by Law number 41 of 2009 concerning Protection of Sustainable Agricultural Land (UU PLP2B). This law allows the transfer of land functions if there are two things: natural disaster and infrastructure development for the public interest. It is intended for spatial planning and the protection of agricultural land that sustainably provides food. In this land conversion process, the roles and functions of a Notary/PPAT are involved starting from making the deed of land transfer, splitting of land, transferring names, and buying and selling land. However, the roles and responsibilities of the Notary/PPAT are not limited to the process of fulfilling administrative requirements. There is a moral responsibility, namely, to understand the community related to the conversion of agricultural land to non-agricultural land, associated with the impact on food availability in a sustainable manner. This research discusses how the professional Notary controls the moral responsibility on the conversion of agricultural land functions.

2. Methods
The research uses the normative juridical approach, which focuses on library data collection. That is secondary data. All data obtained from library research were then analyzed qualitatively and systematically to answer the study's problems. This study investigates the professional and moral responsibility of the Notary in controlling the conversion of agricultural land functions.

3. Results and discussion

3.1. The regulation of Government to prevent the land conversion
The achievement of sustainable agricultural development is still far from ideal. From the planning to the implementation, rural development is even faced with severe problems. Some of the issues in question are aspects of funding, compliance with the law and spatial planning (land use), consistency of political care, regional leadership commitment, institutional support, human resource development, and research and development.

Implementation of development that requires infrastructure, increasing population and demands of the agricultural sector are a dilemma for the Government in providing land for agriculture. Because the available land is increasingly limited, the Government needs to provide productive land for farming in urban areas. The existing fertile land has been converted into land for the benefit of settlement development. Not a few are used as infrastructure to support the public interest. It causes the agricultural sector's available land to be increasingly limited while the need for food will continue to increase each year. The driving factors for conversion of agricultural land into non-agricultural, such as:
a. Population Factor, the rapid increase in population has increased demand for land. Also, improving the standard of living of the people plays a role in creating additional land demand.

b. Economic factors are called by the high land rent obtained by the non-agricultural sector activities compared to the agricultural sector. Increased production costs cause a low incentive for farming. At the same time, farm product prices are relatively low and fluctuating because of the needs of farm families who are pressured by business capital needs or other family needs.

c. Socio-cultural factors, among others, inheritance law that causes fragmentation of agricultural land, so it does not meet the minimum limit of the economically profitable business scale.

d. Myopic behavior means looking for short-term benefits but ignores long-term and national interests as a whole. It is reflected in part from the Regional Spatial Plan, which encourages agricultural land conversion to non-agricultural land use.

e. Weak regulation is consists of the legal system and law enforcement of existing rules [3].

   Based on Article 44 of Law Number 41, the Year 2009 concerning Protection of Sustainable Food Agricultural Land (UU PLP2B), paragraph (1) states that Sustainable Food Agricultural Land has protection and prohibitions from conversion. However, further provisions in paragraph (2) state that in matters of public interest, Sustainable Food Agricultural Land as intended in paragraph (1) can be converted and implemented under laws and regulations. The transfer of functions can only be done with the conditions: a) a strategic feasibility study is conducted; b) land-use change plan; c) ownership rights are exempted from the owner and d) a replacement land is provided for the converted agricultural land.

   Further arrangements are contained in Article 35 of Government Regulation Number 1 of 2011 concerning the Determination and conversion of Functions of Sustainable Agricultural Land. From this article, additional regulation is made which states that the Government or regional Government can only carry out the transfer of functions in the context of land acquisition for public purposes or in the event of a disaster.

   According to Presidential Regulation Number 65 of 2006 concerning Land Procurement for Implementation of Development in the Public Interest in an amendment to Presidential Regulation Number 36 of 2005, it is stated that industrial development carried out by a company is usually a Limited Liability Company in collaboration with investors excluding public interests. So Sustainable food agricultural land is converted to the industry is not permitted.

   The Government is always trying to prevent land conversion from happening. Cooperation between the Government or regional Government with the developer is needed. It is necessary because the problem of land-use change is not solely the responsibility of the developer. Because the developer cannot build a housing project without permission from the Government or local Government, this land-use change always follows the region's development. So, the transfer of land functions is done by the Government to get Regional Original Revenue (PAD) to support the region's growth. The Government issues housing construction permits because it requires PAD for regional development.

   High government commitment should be realized in the implementation of Spatial and Regional Plans that are made evenly. By only focusing on development in certain areas, there is a gap due to uneven regional development. As a result, sites with rapid growth will be faster over land use and low agricultural regions. On the other hand, in certain areas, it will not develop [4]. Transfer of agricultural land to non-agricultural functions requires procedures under the provisions of the applicable laws and regulations. Not all people know about the system for the conversion of agricultural land to non-agricultural land. In carrying out the land conversion, the landowner had to obtain a Land Use Change Permit (IPPT), intending to change the land use from agricultural to non-agricultural land. The Republic of Indonesia's National Land Agency (BPNRI) has the authority to issue technical considerations on the ground in the context of the issuance of the IPPT. However, the conditions that apply in each region differ. There are IPPT issued by the Regent or Mayor, which is usually regulated in a Regional Regulation. There is also an IPPT issued by the Head of the Land Office in the form of Land Technical Considerations Guidance.
The Role of the Land Deed Making Official (PPAT) in arranging agricultural land conversion to non-agricultural land is implementing Government Regulation provisions in 2016 with number 24 by an amendment to Government Regulation in 1998 with number 38 concerning Land Deed Officer Regulations. In the requirements of the Article, it is stated that the Land Deed Officer (PPAT) can hold a concurrent position as a Notary. In arranging the transfer of function of agricultural land to non-agricultural Land Drafting Officer (PPAT) based on the Head of National Land Agency Regulation No. 2 of 2011 concerning Guidelines for Technical Considerations of Land in Issuance of Location Permits, Location Determination, and Land Use Change Permits and legislation other related.

3.2. The responsibilities of notaries overseeing the agricultural land conversion

Notaries are public officials who are authorized to do authentic deeds as long as the making of individual original acts is not specific to other public officials. There is an authentic deed required by legislation to create certainty, order, and legal protection. According to Article 1 number 24 of Government Regulation Number 24 of 1997, PPAT is a public official who is given the authority to make sure land deeds as regulated in the relevant laws and regulations, namely the deed of transfer and assignment of land rights and Ownership Rights of House Units Arrange, and doing of granting power of attorney to impose Mortgage Rights. An authorized agency appoints a public official to serve the general public in particular fields or activities [5]. The authentic deed essentially contains formal truth under what the parties told the Notary.

The task or role of a Notary/PPAT in the policy on converting agricultural land is to provide legal counseling related to the procedure for land conversion. The notary public is also involved in doing the deed of acquiring land rights after transforming the land due to specific legal actions such as the division of land, transfer of name, or sale and purchase of land. The procedure for submitting the transfer of agricultural land transfer to non-agriculture is carried out through several stages, namely forming an assessment team, assessing the object of land-use change, a determination session, giving recommendations, and issuing a decree on permission to change land use. The legal consequence of the conversion of agricultural land is the change in land use status. The professionalism of a Notary's work requires that there are three characteristics of work, such as:

a) That the work reflects the existence of the intention to realize the virtues that are held in high esteem in the community, which is why the result will not prioritize or expect material rewards for the perpetrators, but rather the establishment of self-respect;

b) That the work is carried out based on high-quality technical skills, which is why it requires a very long time of exclusive and strenuous education and training;

c) That the technical and moral qualities which are highly required in the work of providing professional services in their implementation must submit to the control of fellow organized citizens, based on a code of ethics developed and mutually agreed upon in the organization whose violations of the consequences will lead to violators in the presence of the honorary council [6].

When related to the legal profession's activities, human needs to obtain legal services are also included in the cultural dimension of human behavior based on moral values and truth values. On this basis, it is reasonable for the legal profession to provide the best legal aid services to clients who need them. The human cultural dimension justifies the right to obtain services and the obligation to provide services. But in reality, humans deviate from the cultural size so that the behavior they display violates moral values and valid values that should be upheld [7].

Responsibility is the obligation for someone to carry out appropriately what is required of him. Responsibility is assumed by personalities who can act morally. The object of duty is an act that is genuinely human based on the part of humans who work through free will [8]. The responsibility of the Notary is not only for himself and his professional colleagues but also for clients and the public who need his services. In providing professional services, the Notary is responsible for himself and the community. It means notary works because of moral, intellectual, and professional integrity as part of his life. In providing services, a professional always maintain the profession's noble ideals, following the demands of his conscience obligations.
A notary relationship with a client must be based on a) The Notary provides services to the people who need their services as well as possible; b) The Notary offers legal counseling to achieve high legal awareness, so that community members are aware of their rights and obligations, and c) The Notary must provide services to members of the community who are less able [9]. We must understand that a notary in carrying out his position must be based on responsibility and morals, so it is hoped that the Notary will carry out his job duties as governed by the law and demanded from a notary by the law and the interests of the community.

Notary/Land Deed Making Officer (PPAT) should provide the answer as it should, informing how the sequence and procedures should be carried out in converting agricultural land to non-agricultural land—informing about the existence of laws and regulations that are applied in specific areas related to the process of conversion of agricultural land to non-agricultural land. Providing legal counseling and the rule of law is intended to get legal clarity and clarity of procedures for how they will transfer the function of agricultural land. The most important thing, which is the moral responsibility of the Notary/PPAT related to the conversion of agricultural land functions, is to provide awareness of the public, the importance of sustainable food land. So that as far as possible, the public is aware not to sell or even convert agricultural land into non-agricultural land. Because agrarian land will decrease will affect food security in Indonesia.

In carrying out their duties and obligations, notaries must also provide guarantees of legal certainty and professional services. To realize the two sides of the work that contains many risks requires sufficient traditional knowledge and high accuracy and responsibility. Therefore, the Notary is always obliged to uphold the country's laws and principles and act according to the meaning of the oath of office and prioritize his service to the interests of society and the State.

4. Conclusions
Change of function of agricultural land impacts decreasing agricultural land, reducing national food production, threatening the balance of ecosystems, agricultural infrastructure facilities becoming unused, many farm laborers lose their jobs, food prices are getting more expensive, so the high rate of urbanization. Transfer of functions can be done by the Government or regional Government in land acquisition for public interest or on the disaster. If the transfer of land is used, the implementation procedure must follow the applicable laws and regulations. To provide legal certainty for the act in question, it is necessary to put it in the form of a deed, which has been made before a Notary/PPAT. Notary/PPAT acts are not only limited to being involved in the process of fulfilling administrative requirements. There is a moral responsibility, namely, to understand the community related to the conversion of agricultural land to non-agricultural land, associated with its impact on food availability in a sustainable manner. The Notary/Land Deed Making Officer (PPAT) should provide counseling about the land conversion function's effects. Also, because land-use change is closely related to food security, it needs extreme attention from the Government in preventing the conversion of agricultural land to non-agricultural land. One of them is providing subsidies to improve farmers' welfare to maintain their rural land as their primary work. The most crucial information counseling that must be conveyed by the Notary/PPAT is the need to change the perspective of the young generation towards the profession of farmers as a prestigious profession and to promise better welfare so that the younger generation will devote knowledge and energy to the advancement of the agricultural sector.

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