

**ANALISIS ASAS-ASAS UMUM PEMERINTAHAN YANG BAIK DALAM
TAHAPAN PEMERIKSAAN DAN PENEGAKAN HUKUM ATAS
PELAKSANAAN JABATAN PPAT
(STUDI PUTUSAN PTUN NOMOR 20/G/2020/PTUN.PBR, PTTUN NOMOR
10/B/2021/PTTUN-MDN, MAHKAMAH AGUNG NOMOR 337/K/TUN/2021)**

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INTISARI

Penelitian ini bertujuan untuk menganalisis pertimbangan hakim dalam putusan yang menyatakan Majelis Pembina dan Pengawas PPAT Daerah melanggar Asas-asas umum Pemerintahan yang Baik, serta menganalisis Asas-asas umum Pemerintahan yang Baik dalam tahapan pemeriksaan dan penegakan hukum atas pelaksanaan Jabatan PPAT, serta menganalisis apakah perdamaian para pihak terkait pelapor dan terlapor (PPAT) dapat menghentikan pemeriksaan atas pengaduan pelanggaran kepada Majelis Pembina dan Pengawas PPAT Daerah.

Jenis penelitian adalah penelitian yuridis normatif, penelitian ini dilakukan dengan menganalisis data sekunder berupa teori, konsep, asas hukum serta peraturan hukum yang berhubungan dengan pokok bahasan serta dilengkapi dengan wawancara kepada Narasumber. Hasil penelitian selanjutnya dianalisis secara kualitatif.

Hasil penelitian yaitu pertama, PTUN Pekanbaru menyatakan rekomendasi pemberhentian PPAT terkait oleh MPPD Rokan Hulu tidak sah, namun putusan ini dibatalkan oleh PTTUN Medan. Mahkamah Agung kemudian membatalkan putusan PTTUN, mengembalikan putusan PTUN Pekanbaru, dan memerintahkan pemulihan posisi PPAT terkait, sehingga akhirnya gugatan PPAT terkait dikabulkan. Kedua, Asas-asas umum pemerintahan yang baik (AUPB) harus konsisten diterapkan dalam pengawasan dan penegakan hukum terhadap PPAT. MPPD Rokan Hulu melanggar prinsip AUPB seperti kepatuhan hukum dan kecermatan, termasuk tidak sesuai prosedur dan mengabaikan fakta. Pembatalan tindakan MPPD oleh hakim menunjukkan perlunya perbaikan prosedur dan kepatuhan hukum. Ketiga, Perdamaian antara pelapor dan terlapor diharapkan menghindari konflik berkepanjangan, namun tidak menghapus tanggung jawab hukum PPAT. MPPD harus menegakkan hukum dan mempertimbangkan perdamaian dalam menentukan sanksi, sesuai Peraturan Menteri Agraria Nomor 2 Tahun 2018. Jika MPPD merekomendasikan pemberhentian tanpa mengikuti prosedur dan mempertimbangkan perdamaian, hal ini dapat melanggar peraturan. Evaluasi tindakan MPPD diperlukan untuk memastikan keadilan dan akuntabilitas.

Kata Kunci: Asas-asas umum Pemerintahan yang Baik, Majelis Pembina dan Pengawas PPAT Daerah (MPPD).

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**ANALYSIS OF THE GENERAL PRINCIPLES OF GOOD GOVERNANCE
IN THE STAGES OF EXAMINATION AND LAW ENFORCEMENT
REGARDING THE IMPLEMENTATION OF PPAT PRACTICE
(CASE STUDY OF PTUN DECISION NUMBER 20/G/2020/PTUN.PBR, PTTUN NUMBER
10/B/2021/PTTUN-MDN, SUPREME COURT DECISION NUMBER 337/K/TUN/2021)**

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ABSTRACT

This research aimed to analyze the judges' considerations in decisions that declare the Regional PPAT Supervisory and Advisory Board (MPPD) to have violated the General Principles of Good Governance, as well as to examine the application of these principles during the stages of examination and law enforcement regarding the execution of PPAT practice. Additionally, the research sought to analyze whether a settlement between the parties involved, namely the complainant and the reported (PPAT), can halt the investigation of a complaint filed toward Regional PPAT Supervisory and Advisory Board.

This study is a normative juridical research, conducted by analyzing secondary data in the form of theories, concepts, legal principles, and legal regulations related to the subject matter, and is supplemented with interviews with source person. The research findings were subsequently analyzed qualitatively.

The research findings are as follows: First, the Pekanbaru Administrative Court (PTUN Pekanbaru) ruled that the recommendation for the dismissal of the concerned PPAT by the MPPD Rokan Hulu was invalid; however, this decision was canceled by the Medan Administrative High Court (PTTUN Medan). The Supreme Court then annulled the PTTUN's decision, reinstated the PTUN Pekanbaru's ruling, and ordered the reinstatement of the concerned PPAT's position, with the result that PPAT's lawsuit is granted. Second, the General Principles of Good Governance (AUPB) must be consistently applied in the supervision and law enforcement of PPATs. The MPPD Rokan Hulu violated AUPB principles, such as legal compliance and diligence, by failing to follow procedures and disregarding facts. The annulment of the MPPD's actions by the judge indicates the need for procedural improvements and adherence to legal standards. Third, while a settlement between the complainant and the reported party is intended to avoid prolonged conflict, it does not absolve the PPAT's legal responsibility. The MPPD must enforce the law and consider the settlement when determining sanctions, in accordance with the Minister of Agrarian Regulation Number 2 of 2018. If the MPPD recommends dismissal without following proper procedures and considering the settlement, it may constitute a violate the regulation. An evaluation of the MPPD's actions is necessary to ensure justice and accountability.

Keywords: *General Principles of Good Governance, Regional PPAT Supervisory and Advisory Board (MPPD).*

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