

The Urgency of the Appraisal Law In Providing Protection and Legal Certainty for Appraisers

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Abstract

The preamble of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) mandates the objectives of forming the Government of the Indonesian State. These objectives include the protection of the nation and all the blood of Indonesia, as well as the progress of public welfare, national education, and contribution to world order based on independence, eternal peace, and social justice. One of the efforts to achieve these objectives is by building the national economy as a collective endeavor based on the principle of togetherness. Article 33 of the 1945 Constitution regulates the national economy with economic democracy, the principles of togetherness, just and efficient justice, sustainability, and environmental awareness. The implementation of the fifth principle of Pancasila in economic development is specified in Article 33 paragraphs (1)-(5) of the 1945 Constitution. The Valuer profession plays a crucial role in supporting the national economy, providing economic value, and being an important institution in economic administration. However, the existence and role of Valuers also bring risks, such as legal claims against the opinions they produce. Clear norms and complaint mechanisms are needed to maintain the independence of Valuers. The current economic development process focuses on increasing productivity through diversification and technological innovation. The Valuer profession is rapidly growing in both the government and private sectors, including banking, capital markets, financial reporting, insurance, and land procurement. However, regulations related to the Valuer profession are scattered across several laws, which require clearer arrangements to ensure legal certainty and order. Therefore, legal protection in the form of regulations within the law is necessary to guarantee the important role and independence of the Valuer profession in supporting national economic development.

Keywords: Laws, Legal Protection, Appraisers

A. INTRODUCTION

Opening The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) mandates objective formation Indonesian Government . Objective the is For protect all Indonesian nation and all spilled Indonesian blood as well For

advance well-being general , enlightening life nation , and follow carry out world order based on independence , peace eternal , and justice social . One of effort reach objective patriotic is with build economy held nationally _ as business together based principle kinship . Economy national This involve state control over branches important production _ for the state and those who control it desire the lives of many people , as well state control over earth , water, and wealth nature contained therein . _ _ All step This aim For reach as big as possible prosperity the people , which is form implementation Pancasila values , in particular please fifth , viz Justice social for all over people of Indonesia.

Implementation Please fifth related to economic development national arranged in Article 33 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) of the 1945 Constitution of the Republic of Indonesia . Article 33 paragraph (4) confirms that economy national held based on economic democracy with principle togetherness , efficiency fair , sustainable , insightful environment , independence , as well with guard balance progress and unity economy national . Next , provisions more carry on about implementation development economy national arranged in Article 33 paragraph (5). In implementation , Article 33 paragraph (5) must based on the Precepts both Pancasila, namely just and civilized humanity , guna _ realize civilized society _ through regulation good legislation _ For ensure order and certainty law in frame development economy . Economic development moment This directed For reach level productivity more economic _ high , with strategy diversification , improvement , and innovation technology , incl focus on sectors that deliver mark plus tall and dense work .

Formation law , incl legislation , involves a general drafting process based on considerations or reason philosophical , juridical , and sociological . However , in fact overall , the preparation process Constitution can shared become two stage main , i.e stage sociological and stage juridical . At stage sociologically , a maturation process occurs problem to get it entered to in the juridical agenda . At stage These are the parties who have an interest will try

For influence the formation process Constitution . Meanwhile , at stage juridical , a formulation process is carried out substance Constitution That Alone . At stage this , various consideration philosophical , juridical , and sociological integrated to in script final law _ will become law¹

In framework implementation principle development economy in Article 33 paragraph (4) , profession Assessors have a role as one of the institution supporter maintenance economy national in context implementation service public by private . In theory state institutions , professions Evaluator including in supporting organ category or supporting (auxiliary state organs) whose existence No order in a way directly by the constitution , but needed in practice maintenance economy . Profession Evaluator works give opinion mark economy on something object in form unit eye money and be important institution _ in maintenance economy .

Existence Evaluator moment This very important in various issue strategic , but also followed by potential big risk . _ Even No seldom evaluator reported on opinions are generated and must be face to face with apparatus enforcer law . This matter need set clear norms _ so that No give rise to understanding that evaluator feel criminalized on A opinion the . Necessity mechanism appropriate complaint _ will provide a sense of security for evaluator . Evaluator role in produce value used _ as base taking decisions by stakeholders.

In situation Here , Appraiser often is in the middle two split interested parties _ different , so can influence its independence . However , principle implementation very impartial task _ _ it is hoped that the Assessor can fulfil demands for justice in various transaction

Development existence Evaluator moment This occurs in various environment , both in the sector government nor private . Roles and needs

¹ Satjipto Rahardjo, *Other Sides of Law in Indonesia* , Jakarta: Kompas Book Publishers, 2003, p. 129-131

Evaluator experience rapid growth . _ Initially , profession Evaluator only is in the environment government For needs taxation , however along time , field his task develop For covers other aspects such as auction and management national wealth . In the environment government , Assessor previously Lots is in the Ministry of Finance , however now has spread to various agency government , both at the level center nor area . In sector private , professional The appraiser also experienced it developments in various field like banking , capital markets, reporting finance , auctions , insurance , and procurement land For interest general .

Profession Evaluator moment This arranged in a number of Different laws . _ A number of Constitution the such as _ Constitution Number 7 of 1992 concerning Banking that has changed with Constitution Number 10 of 1998, Law Number 8 of 1995 concerning Capital Markets, Law Number 2 of 2012 concerning Land Acquisition for Development _ Interest General (PTBPUK Law) which has changed with Constitution Number 11 of 2020 concerning Create Work , Law Number 40 of 2014 concerning Insurance , Law Number 1 of 2016 concerning Guarantee , and Law Number 7 of 2021 concerning Harmonization Regulation Taxation . However , in various Constitution that , profession Evaluator only mentioned in a number of chapter as supportive profession _ maintenance fields regulated by law _ the .

Therefore _ that 's necessary exists guarantee and protection law in form inside settings _ Constitution For realize certainty and order law for profession Evaluator in operate its function .

2. Formulation Problem

Based on background behind on so writer interesting formulation problem : whether urgency Constitution _ _ Evaluator in give protection and certainty law for Evaluator ?

3. Method Study

Method used _ in study This is Juridical Normative . Study Juridical Normative is Method study the law is carried out with method research library materials or material secondary mere Method approach used _ in study This is approach legislation (statute *approach*) and approach conceptual (*conceptual approach*).²

B. DISCUSSION

Urgency Constitution _ _ Evaluator In Give Legal Protection for Appraisers in Indonesia

1. Foundation Philosophical

Effort fulfillment arrangement profession Assessors in Indonesia are based on the country's objectives achieved by the Indonesian people , accordingly stated mandate _ in Preamble to the 1945 NRI Constitution . Mandate the state that For protect all Indonesian nation and all spilled Indonesian blood , advancing well-being general , enlightening life nation , as well follow carry out basic world order independence , peace eternal , and justice social . All This aim give guarantee certainty law , order law , and protection law for profession evaluator .

One of step going to objective patriotic the is with build economy national through business together , based on principle kinship , with state control over branches production important for the state, which also controls desire many people's lives .

Beside _ that is , state control over earth , water, and wealth nature contained in it , must _ used For prosperity people as big as possible . This is form implementation Pancasila values , in particular please fifth , viz Justice social for all over people of Indonesia. Application Please fifth This can create justice social for all over Indonesian people without except . One of form not

² ² Muhaimin, Legal Research Methods, Mataram : Publisher Mataram University Press, 2020, p. 129

quite enough the state's responsibility is through arrangement profession appraiser , who will contribute to optimization his contribution on the state, welfare and growth economy . Objective glorious the stated in fundamental rules that consist from paragraph (1), paragraph (2), paragraph (3), and paragraph (4) of Article 33 of the 1945 Constitution of the Republic of Indonesia . Article 33 paragraph (4) hereinafter confirm that economy national must executed with the basis of economic democracy that includes principle justice , togetherness , efficiency , sustainability , insight environment , independence , as well guard balance progress and unity economy national . More further , for arrange implementation Article 33 , paragraph (5) mandates that it be regulated in Constitution . Implementation Article 33 paragraph (5) . must based on the Precepts both Pancasila, namely just and civilized humanity , with _ objective create civilized society _ through regulation good legislation , that will ensure order and certainty law in effort development economy . The ultimate guide For realize objective glorious This is Pancasila, especially Please second and Sila fifth , as well Spirit Preamble to the 1945 NRI Constitution . Law about The appraiser also became tool For reach objective the , form base for protective government _ all over citizen , advance well-being general , as well straighten up justice social .

Transaction economy role as tool For fulfil need society , purpose reach welfare and protection rights public . Therefore , every _ transaction the economy that occurs in the territory of the Republic of Indonesia must reflect principles justice. Profession Assessors have a role important in give touch justice to all parties involved _ in transaction . With operate his task in a way No impartial , appraiser as provider service professional expected can fulfil need will justice in transaction property and business , which is an integral part of activity economy . Musschenga in his work , Ethical Theory and Moral Practice, is revealing that the impartial principle has meaning that all individual must

treated in a way fair and without exists discrimination . Attitude fair or not take sides very important in practice evaluation .³

The role of the Assessor has importance crucial in support objective glorious Indonesian nation and state for reach justice social for all over people . Interest important from role Evaluator explain necessity maintain the profession This still follow principles independent , objective , and not taking sides . Regulations profession Evaluator in Constitution become crucial For ensure that practice evaluation always look after fairness and efficiency economy . Evaluator as the providing entity view rational to various transactions , must have specific expertise , integrity , honesty , objectivity and firm independence _ _ in operate it's his job to get it trust community and support sustainable and efficient economy . _ As A profession , Appraiser unite and come together in organization purposeful profession _ For guard independence and objectivity . Organization profession This is a platform for Evaluator For involved in supporting activities _ development profession Assessor , so capable give contribution significant in develop an effective , efficient and sustainable economy . Therefore _ the , settings organization profession Evaluator need arranged in legislation for its structure and practice can accountable to society , as well For reach objective organization profession Evaluator as the right container in develop profession Evaluator .

This matter in line with Article 28C paragraph (2) of the 1945 Constitution of the Republic of Indonesia which recognizes right every individual For in a way collective contribute in development nation and state. More continued , Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia confirms right every individual For recognition , guarantee , protection and certainty law . Profession Appraisers also have rights This . Therefore _ that's the law about Evaluator important as guarantee rights for profession This For accept recognition , protection , and certainty law .

³ Albert W. Musschenga, " *Ethical Theory and Moral Practice* ", JSTOR Journal, Volume 8, April 2005, p. 1.

With exists guarantee this is a profession Evaluator expected can more contribute in development . This matter give more foundation _ clear for Evaluator in carry out his duties and care independence as well as its objectivity through enhancement professionalism Assessor , rights public fulfilled and responsible answer public in transactions involved _ Evaluator guaranteed .

2. Foundation Sociological

Initially , Profession Evaluator is one of part profession in scope function government . In Indonesia, Profession Evaluator has There is since pre- era independence . When _ that , Appraiser called as orderly clairvoyant whose job it is is determine big dues tax land , plants , and buildings are mandatory deposited to ruler of the Netherlands. After independence , the role This switch to officer taxation that determines IPEDA (Contribution Regional Income) and Taxes Earth and Buildings (UN). At the beginning of the Order New , with opened it tap foreign investment and opening of the capital market (Jakarta Stock Exchange), seeds beginning development profession The appraiser was planted . Profession Appraisers also have a role in policy management urban (urban management), especially in imposition tax on property (land and/ or building) and determination mark replacement to land taken by society For interest general . Evaluation in context tax property role in guard justice in ownership land , temporary evaluation For procurement land role in protect right community and giving certainty to government in development .

Along development city , investment in fields property become alternative investment important for capital owners . In transaction property , value property become basic , and deep determine mark property these , capital owners often need Evaluator professional For determine the market value of the property will be transacted . Profession Evaluator become crucial in taking decision corporation , where opinion about mark reasonable property needed . In field accounting , entity business now sued For report riches company with mark reasonable based on opinion _ evaluation . Fairness report finance very depending on the results Work Evaluator . Fair presentation _ in report finance protect interest society , like creditors and investors. In sector financing

property by banking , role Profession Evaluator important For determine level available financing _ given . Profession The appraiser has a relationship with various interest society , incl holder shares , society related mark replacement land and buildings For interest general , value tax property , as well mark asset as guarantee for additional capital and investment based sharia . Economic society demand certainty mark For prevent practice harm , and services evaluation expected No only prioritize interest profession , but also interests society and business in a way general . With regulation level Governing law _ profession Assessor , certainty law given to Assessors and stakeholders. Although sector service assessment has tools adequate policy , understanding _ Indonesian society regarding activity Assessors and practice Evaluation Still less , so roles and responsibilities answer Profession Evaluator in development national Still Not yet clear .

Sector service evaluation moment This classified as one of the sector that has the device adequate policy , One _ aspect from device policy the is qualification Assessors who have arranged with Good . Although Thus , maintenance practice assessment in Indonesia yet in line with level protection law to profession Assessors and activities evaluation That Alone . In fact , deep Indonesian society as a whole general , still not enough understanding to role Assessors and practice Evaluation . Condition This result role as well as not quite enough answer profession Evaluator in complexity maintenance development national Still Not yet clear .

The Role of the Assessor , together with skill related others , have proven give contribution in advance urban and regional areas isolated through results development achieved . _ Therefore _ that's in line with matter that , is important for profession Evaluator For more evenly throughout _ area and get equal recognition _ with profession others , like accountants , architects , advocates , notaries , lecturers , teachers, doctors and nurses . This step aiming for a profession Evaluator can produce more impact _ positive for user services and environment surroundings .

So from that , some must be a problem overcome in practice maintenance profession Evaluator includes :

- 1) Disharmony in arrangement about profession Evaluator in various regulation legislation .
- 2) Happen assessment by individuals who do not have the competence and qualifications as Evaluator .
- 3) No exists uniformity in standard competencies and qualifications Regulated appraiser _ in regulation legislation .
- 4) His absence guidelines and standards competence individual Evaluator in operate function assessment , which resulted perception difference standard competence among _ Appraiser and potential comparison results evaluation .
- 5) Lack of independence Evaluator Because pressure from parties related to what you want influence opinion mark in accordance with interest they Alone .
- 6) More governance is needed _ structured and organized in practice Evaluator .
- 7) Non-existence transaction data center property that becomes reference in obtain consistent data .

Implementation policy evaluation No only open road for change in sector assessment , but also in direct nor No direct push growth in a number of sector economics , which is ultimately will support development national . Effort optimization management state assets , whether managed by the government center nor area , for well-being people need it role Evaluator in ensure mark appropriate state assets with objective evaluation . With exists Competent , professional and independent appraisers are expected _ can give contribution in realizing governance _ good governance , which in turn can reduce potency leakage of APBN funds and optimizing state revenue .

3. Foundation Juridical

Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia confirms that " Economy arranged as business together based on

principle kinship ." Very meaningful in contained in paragraph the is that system the economy should be developed No based on competition , but on values more family _ collective . The same thing applies For Article 33 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia , which with clear show that government has a very important role big in activity economy . This means that economy No only task society , sector private , or individuals , esp when involve sectors important production _ for life many people, sources Power natural like land , water and wealth nature must become not quite enough the state is responsible for reach prosperity people as big as possible . During this , development often nature exclusive , and principle participation as well as emancipation in development No always enforced . It should be deep every progress development people , principles This must always noticed . Progress economy people must be in line with progress development national in a way whole . In context development and activities economy , the country must also ensure that rights and justice every individual guarded . Article 28G paragraph (1) of the 1945 NRI Constitution with firm confess right everyone up _ treasure the thing . Therefore _ that is necessary product balanced law _ between the state's obligation to push activity economics and rights every individual on ownership treasure object they . Profession Characteristic assessor _ independence has a role important in guard justice This . Therefore _ that is necessary regulations the law provides Evaluator adequate space _ For become professional and supportive effort collective in fight for rights economy society , nation , and state.

Profession Evaluator very crucial in support effort government and society in reach well-being general in accordance with the 1945 Constitution of the Republic of Indonesia . In context economics , profession it has a lot related roles _ with various interest public . Moment this , role Evaluator in a way clear arranged in various laws and regulations , as described _ in Chapter III. A number of role Evaluator in various aspect economy involve interest holder share in evaluate mark riches something company , interests public in evaluate mark compensation For land and buildings used _ For interest general , interests public in evaluate mark property they For taxes , interests public in evaluate

mark assets used _ as capital guarantee or financing , as well interests of investors in evaluate mark properties used _ as asset base For bond based sharia . With exists regulations equal law _ with governing law _ profession Assessor , Assessor and all party related can obtain certainty fair laws and protection _ for public . Importance role Evaluator in various sector economy reflected in many regulation related legislation _ with profession this is in various field . However , settings about profession Evaluator Still scattered in various regulation legislation , so matter This can cause confusion among _ government and society about role as well as function Evaluator . Moment These are the existing regulations only arrange role Evaluator in various field without exists regulation legislation that is special (lex specialist) regulate profession Evaluator with objective For guarantee and maintain competence , professionalism , as well independence Evaluator the . Profession Competent , professional and independent appraisers have a very important role important in support continuity sectors economy . Beside _ that 's potential follow possible punishment _ carried out by the individual who runs it profession Appraiser , fine as Evaluator Public nor Evaluator Government , shows that arrangement profession Evaluator No Can only depend on regulation legislation parallel with Ministerial regulation .

Moment this , setting about Evaluator only tucked away in Ministerial Regulation , as example , Appraiser Public arranged in PMK 101/PMK.01/2014 jo. PMK 228/PMK.01/2019, Position functional Evaluator Government arranged in PermenPAN -RB 18/2016 jo. PermenPAN -RB 38/2021, and Position functional Evaluator Tax arranged in PermenPAN -RB 11/2018 (JF Assessor Tax) and PermenPAN -RB 12/2018 (JF Assistant Evaluator Tax). Although regulations This reflect similarity competence and quality Evaluator Good Evaluator Public nor Evaluator Government , as well arrange in a way strict competencies and tasks them , however profession Evaluator Not yet get recognition , protection , guarantee and certainty enough law _ Because Not yet arranged in Constitution . Therefore _ that's the law about Evaluator become something important necessity . _

4. Regulatory Analysis Legislation __ Related

Arrangement about Evaluator related with regulation legislation law national , namely :

1) Constitution Number 8 of 1995 concerning Capital Markets (Capital Market Law)

Constitution Number 8 of 1995 concerning Capital Markets provides principle Openness as guide for Public Companies For give relevant information _ in a way appropriate time to public about circumstances business , incl aspect finance , management , production , and other related aspects with business they . Information This important For help public in make decision wise investment , and because that is , the information provided to they must accurate . In implementation activities in the Capital Market, several profession support role important . Profession Support This required give opinion or independent judgment (professional and free _ from influence the party providing task as well as use service them) and them must obey code ethics and standards profession that has determined by the association profession each . Article 64 paragraph (1) of the Capital Markets Law states a number of Profession Capital Market Support , incl Evaluator . Explanation Article 64 explains that Evaluator is individual or the providing entity evaluation on asset company and must registered with Bapepam . Moment These are functions , duties and authority Evaluator has redirected to Financial Services Authority (OJK) accordingly with Article 51 paragraph (1) of the Law Number 21 of 2011 concerning Financial Services Authority . Article 64 paragraph (2) of the Capital Markets Law mandates that Profession Capital Market Support mentioned in paragraph (1) must registered with Bapepam before can do activities in the Capital Market sector . This matter strengthened with explanation that Because opinions and assessments provided by the Profession Very supportive of the Capital Market influential to decision investment financier , then supervision to activity profession This is important in the Capital Market through obligation registration at Bapepam .

Participation Evaluator in the Capital Market is expected will give guarantee and protection to all parties involved _ in activities in the Capital Market, incl companies , governments , and communities who invest , from detrimental practice . _ Arrangement about qualifications , standards assessment , code ethics , obligations , and prohibitions Evaluator in the Appraisal Bill will support more carry on activities in the Capital Market, so can give guarantee and protection to all parties involved _ in activity the . With Thus , the norms are regulated in the Appraisal Bill in accordance with provision in the Capital Markets Law, so happen harmony between second regulation the .

2) Constitution Number 10 of 1998 concerning Change on Constitution Number 7 of 1992 concerning Banking (Banking Law)

Constitution Banking set that The appraiser provides the service to the Bank is one of them affiliated parties _ with Banks. Article 1 number 22 explains that considered party _ affiliated includes :

- a) Members of the Board of Commissioners , supervisors , Directors or power of attorney , official , or Bank employees .
- b) Member administrator , supervisor , administrator or power of attorney , official , or bank employees , in particular for established banks cooperative in accordance with regulation current regulation . _
- c) The party providing the service to the bank, like accountant public , appraiser , consultant law , and consultant other .
- d) The party who, according to agreement , Bank Indonesia, played a role in bank management , incl holder shares and family them , family commissioner , family supervisor , family Directors , and family administrator .

Assessors have a role important in activity banking . Assessment results compiled by the Assessor be one _ base considerations used by the Bank in give credit . However , there is potency Evaluator For No Act in a way independent and not in accordance with standard assessment and code ethics profession Because

they considered as affiliated parties _ with banks. This matter Can cause results evaluation customized with bank interests .

Article 40 Banking Law explain that the Bank is obliged guard confidentiality information about Customer Savings and savings . Provision this also applies For Party Affiliated , appropriate with paragraph (2) Article 40. Therefore Therefore , the appraiser must also guard confidentiality information about Customer Savings and savings . Article 47 paragraph (2) of the Banking Law threaten penalty criminal for Party Offending affiliate _ confidentiality about Customer Savings and savings .

3) Constitution Number 2 of 2012 concerning Procurement of Land for Development for Interest General (Land Acquisition Law)

In provision general , Law Land Acquisition with clear define Appraisers , esp Evaluator Land , as the individual who does it evaluation in a way independent and professional . They must obtain permission practice evaluation from the Minister of Finance and licensing from the Land Institute For evaluate mark or price object procurement land . Besides That , Article 31 paragraphs (1) and (2) of the Land Acquisition Law mandates that the National Land Agency determines Assess and announce Assessors who have set For carry out evaluation object procurement land . Objective evaluation This is For determine mark change loss on object procurement land .

Article 32 paragraph (1) of the Land Acquisition Law confirms that Assessors who have determined by the Land Agency must responsible answer to results their assessment _ do . More further , Article 32 paragraph (2) indicates that violation to obligation Evaluator will worn penalty administrative and/ or criminal in accordance with regulation current regulation . _

In Article 33 of the Land Acquisition Law is explained scope from evaluation change loss object procurement land , which includes various aspect like land , space up and down land , buildings , plants , related objects _ with land , as well other possible losses assessed .

Article 34 confirms that mark change loss determined by the Appraiser must reflect mark moment announcements , and p This become not quite enough answer Evaluator as well as become base in the deliberation process For determination change loss .

this law confirm that Evaluator land must operate task they in a way independent and professional , esp in context evaluation the land will used For interest general . The goal is for results evaluation can accountable , so rights owner land can protected and procured land can done with principles humanity , justice , benefit , certainty , openness , agreement , participation , prosperity , sustainability and harmony .

Assessor Bill will strengthen practice evaluation in Procurement of Land for Development for Interest General Because the settings in line with the Law on Land Acquisition for Development for Interest General , esp in matter definition and responsibility answer Evaluator .

4) Constitution Number 5 of 2014 concerning Apparatus State Civil Service (ASN Law)

Apparatus State Civil Service (ASN) is professions that include civil servants and employees _ government with agreement workers who work in various agency government . Article 3 explains that ASN positions are divided become Position Administration , Position Functional , and Position High Leadership . Furthermore , Article 18 explains that Position Functional in ASN consists of from two type , ie position functional skills and positions functional Skills . Position functional skill covers level expert main , expert intermediate , expert young and expert first , temporary position functional Skills involve level supervisor , advanced , skilled , and novice .

In ASN management , required competencies owned includes :

- a) Competence technical , which is assessed based on level education , training technical functional , and experience technical Work ;

- b) Competence managerial , which is assessed from level education , training structural or management , and experience leadership ; And
- c) Competence social cultural , which is assessed from experience related work _ with public compound in religious, ethnic and cultural aspects so you have understanding national .

Leader Institution Government , as The Personnel Management Officer has authority For set appointment , transfer and dismissal ASN employees as well manage coaching ASN management in agencies government in accordance with regulation current regulation . _

In fulfil need power assessors in the sector government , ASN is appointed as evaluator government . Related settings _ with Evaluator Government , incl standard competence , necessary arranged more carry on in regulation derivative of the Assessor's Bill , with consider regulation governing legislation _ ASN management as well regulation its implementation . By Overall , related provisions _ with Appraisers in the sector government in this bill has in accordance with the applicable ASN Law .

5) Constitution Number 40 of 2014 concerning Insurance (Insurance Law)

Insurance Law oblige administering the Insurance Program Mandatory , like insurance not quite enough answer law to party third For driver vehicle motorized , must be taking place in a way fair and possible giving incentive fiscal to individual , home stairs , as well business micro , small and medium . This matter aim For push enhancement utilization Insurance or Sharia Insurance in manage risk . This action reflect great attention and support _ to protection consumer service insurance , as well adapt self with trend trading more services _ open regionally and practically best in level international in regulation and supervision industry insurance . Industry healthy , reliable and competitive insurance _ will increase protection for policy holder , insured , as well contribute in development national . Profession Evaluator support objective industry

insurance This with give service evaluation asset guarantee in a way professional and independent .

In the Insurance Law , there are: related provisions _ with Assessor , as described _ in Article 1 number 13, which regulates regarding Appraisal Business Loss Involving insurance _ evaluation claim and/ or consultation on object insurance . However , regulations only allow the Appraisal Company Loss Insurance For carrying out Appraisal Business Activity Insurance , as is arranged in Article 4 paragraph (3) of the Insurance Law . Article 55 paragraph (1) of the Insurance Law arrange about profession provider service for Insurance Companies , incl Evaluator as Evaluator assets . Temporary That , Article 55 paragraph (2) confirms that profession provider service the must registered with OJK for can provide service to the Insurance Company . OJK's authority in function supervision arranged in Article 57 paragraph (2) letters c and d, which includes approval , rejection , or retraction registration for consultant actuary , accountant public , Appraiser , or the other party provides it service to the Insurance Company . Besides That , Article 71 paragraph (2) states penalty administrative can _ given to Appraiser , incl cancellation statement registration for consultant actuary , accountant public , Appraiser , or the other party provides it service to the Insurance Company . Provision Criminal law is also regulated in Article 74 paragraph (3), which threatens punishment for those who run the Appraisal Business Loss Insurance without permission business .

Even though the Insurance Law Already arrange about Assessor , regulations This No set out in detail about qualifications , authority , rights and obligations , as well as prohibition Evaluator . Guidance and supervision to Neither did the appraiser Enough explained . Therefore _ that is , the Assessor's Bill need fill in emptiness law This with arrange qualifications , standards assessment , code ethics , obligations , prohibitions , as well as guidance and supervision to Evaluator in context industry insurance .

6) Constitution Number Number 1 of 2016 concerning Guarantee (Guarantee Law)

For reach independence supportive economy _ economy national , the state must give attention special to the business world , especially business micro , small , medium and cooperative . Often , they are face difficulty in obtain access capital in form credit or financing based on principle Sharia , fine through institution finance or outside _ institution financial , due to limitations guarantee . Therefore _ that's the law about Guarantee aim For push development industry possible guarantee _ make the business world easier in access capital .

Article 53 paragraph (1) of the Guarantee Law identify profession that provides service for Guarantee Institutions , incl actuary , accountant public , Appraiser Public , and other professions determined by OJK. Evaluator is one of the provider services used by the Guarantee Institution . Explanation Article 53 paragraph (1) of the Guarantee Law explain that Evaluator Public is individuals who have competence in do assessment and at least has finish education early in the field evaluation as well as has get permission from the Minister of Finance .

Profession Evaluator give service evaluation to institution guarantor , and results evaluation This only given to institution guarantor . Therefore _ that is necessary mechanism guidance and supervision to Evaluator Public order for assessment can done in a way professional and independent in accordance with standard assessment that does not only protect interest institution guarantor as applicant assessment , but also the business world in a way whole . With the Assessor Bill , activities Evaluator as one of the profession that provides service evaluation to institution guarantor will the more strengthened . Arrangement about definition Evaluator in the Appraisal Bill is also in line with the Guarantee Law . Besides that is , the Assessor's Bill can fill in emptiness in arrangement about mechanism guidance and supervision Evaluator Public .

C. CLOSING

1. Conclusion

Assessors have a role important in support economy national , giving mark economics , and become crucial institution _ in maintenance economy . Profession

Evaluator currently develop rapidly in the sector government and private sector , including _ banking , capital markets, reporting finance , insurance , and procurement land . Although so , existence and role The appraiser also brings risk like demands law related their opinion _ produce . Regulations related profession Evaluator spread inside _ a number of Law , so required more settings _ clear To use create certainty and order law . With Thus , protection law in form inside settings _ Constitution very important For ensure role importance and independence profession Evaluator in support development economy national .

2. Suggestions

Remember importance role Assessors in various sector specifically in development national , then writer encourage it immediately formed Constitution _ _ Evaluator .

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