


## Responsibilities and legal consequences of land deed drafting officials (PPAT) for deeds they make that give rise to double certificates

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Article Info	ABSTRACT
<p><b>Keywords:</b> Land Deed Official (PPAT), Responsibility and Legal Consequences, Deed</p>	<p>Multiple certificates in land transactions can have serious legal consequences, such as ownership disputes, legal uncertainty, and financial losses for the parties involved. This research aims to explore and analyze the responsibilities and legal consequences faced by Land Deed Making Officials (PPAT) in the context of making land deeds which result in the issuance of multiple certificates. This research uses a normative legal approach. The results of this research highlight the central role of Land Deed Officials (PPAT) in the context of land buying and selling transactions and their impact on the possibility of creating multiple certificates. Research shows that non-compliance with material requirements and falsification of data by one of the parties, such as a seller who does not have rights to the land he is selling, can result in the land sale and purchase deed being invalid. As a consequence, land certificates issued based on the invalid deed also become invalid and can be cancelled. Regarding legal responsibility, PPATs who are proven guilty may face criminal and administrative sanctions, including prison sentences, fines, as well as reprimands or dismissal from their positions. A better understanding of regulations and effective monitoring of PPAT performance is the key to maintaining the integrity and trust of the public in the land system. Thus, this research contributes to deepening understanding of the dynamics of the relationship between PPAT, land transactions and related legal aspects.</p>
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### INTRODUCTION

In the beginning, land had a major role as a residence and agricultural area that supported people's lives. These functional limitations are in line with basic human needs for shelter and food sources. However, over time, land has become increasingly valuable and multifunctional in response to population growth, technological advances and economic growth (Triyanto & Wardani, 2023).

The role of land is not only limited to residential and agricultural aspects, but has developed into an area for industrial activities, commercial businesses, and various infrastructure. This shift reflects the importance of land as a social asset and economic

capital. As a social asset, land is a means of binding social unity in Indonesian society. Meanwhile, as economic capital, land is a crucial component in various economic activities, not only as a trading material, but also as an investment object (Sumardjono, 2008).

With its dual function as a social and economic asset, land has a central role in the welfare and prosperity of the people. Although land must be utilized as much as possible to support human life, it is also necessary to maintain its sustainability. Soil maintenance is important to ensure that its ecological functions are maintained, so that the soil can contribute sustainably to ecosystem balance and environmental sustainability. Thus, improving community welfare needs to be balanced with sustainable policies in land use and conservation (Barakatullah et al, 2015).

Land, as an integral element of the State, plays a central role in contributing to the welfare and development of the nation. In this context, the State has the responsibility and authority to determine the values that underlie efforts to organize land structures, with a focus on justice and welfare insight. Incorporating these values in land policy is essential in supporting equitable land distribution, providing equal access to communities, and ensuring sustainable land use. The State's efforts to organize a land structure that is just and welfare-oriented will make a significant contribution to national development, create social stability and improve the quality of life of the community (Arba, 2022).

The increasingly limited supply of land and increasing demand for land is creating significant pressure on land values and prices. In keeping with the basic economic principles of supply and demand, these dynamics affect land markets substantially. In facing this challenge, an orderly and well-structured legal apparatus and land administration system is needed. The main aim is to eliminate or at least reduce the possibility of conflicts or disputes related to land. With a clear legal framework, communities, developers and land owners can rely on legal certainty in carrying out transactions and land use (Rosmidah et al, 2023).

An efficient land administration system can provide protection to land owners, reduce uncertainty, and minimize the risk of disputes. Sustainability and order in land management will create a conducive environment for investment, economic growth and strengthen land ownership rights. Therefore, implementing legal instruments and a good land administration system is a crucial step in facing complex challenges related to the imbalance between land supply and demand (Febrianti, 2021).

To ensure legal protection and certainty regarding land rights, Registration of Transfer of Land Rights is a process carried out by the Land Deed Making Officer (PPAT). The PPAT appointed by the Minister of Agrarian Affairs has the authority to make Authentic Deeds in accordance with the position regulations regulated in Government Regulation Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds. PPAT itself is a public official who has special authority to make Authentic Deeds, especially in the context of Registration of Transfer of Land Rights. This authority is given because the preparation of Authentic Deeds cannot be reserved for other public officials, as required by statutory regulations, for example in land sale and purchase transactions (Rondonuwu, 2017).

By involving PPAT in the process of registering the transfer of land rights, it is hoped that legal certainty, order and optimal legal protection can be created for the parties involved in land transactions. This step not only helps create legal certainty for individuals or interested parties, but also has an overall positive impact on society. As part of the land administration system, PPAT's role is key in creating a good legal order and providing trust to the public regarding land ownership and transactions (Sari et al, 2018).

To ensure legal certainty in land control and ownership, clarity on the location and boundaries of each plot of land is a crucial factor that must not be ignored. Past experience shows that many land disputes occur due to incorrectness in determining the location and boundaries of land parcels. Therefore, measuring, mapping and providing large-scale maps are very important aspects in carrying out land registration (.).

In the Basic Agrarian Law Number 5 of 1960, although it does not specifically mention land certificates, Article 19 paragraph (2) letter c, mentions certificates of title. Although in everyday terms, proof of rights is often interpreted as a land certificate. Therefore, serious attention needs to be given not only to collecting land tenure data, but also to analyzing measurement and mapping data and storing this data (Rismayanthi, 2016).

If there is a dispute over the plot of land, then the land owner will use the certificate in his hand to prove that the land is his. The proof of title or land certificate can function to create order in land law and help activate people's economic activities (for example if the certificate is used as collateral). Because a certificate of title is proof of land that has been registered by an official body that is legally carried out by the State on the basis of law (Murni, 2018).

From past experience, quite a lot of land disputes arise as a result of the incorrect location and boundaries of land parcels. Therefore, the issue of measuring and mapping as well as providing large-scale maps for the purposes of carrying out land registration is something that should not be ignored and is an important part that needs serious and careful attention, not only in the context of collecting land tenure data but also in presenting exploitation data. /ownership of land and storage of such data. But unfortunately, problems regarding land certificates still exist and reappear with different problems. A plot of land that has a double certificate emerged and became a bitter root for existing land law in Indonesia (Eman, 2013).

This research aims to analyze the responsibilities of Land Deed Making Officials (PPAT) in preventing the issuance of duplicate certificates and identify the legal consequences that may be faced. The main objective involves an investigation into the role of PPAT in preventing conflicts and disputes related to the creation of land deeds. The benefits of this research include recommendations for improving systems and regulations, providing practical guidance for PPATs, as well as increasing public legal awareness regarding the selection of competent PPATs. It is hoped that the research results can contribute to the understanding and development of policies that support legal certainty in land transactions.

## METHOD

The method used in this approach is normative juridical which focuses on research on library data or what is called secondary data, and tries to interpret and examine the legal principles and norms contained in the Law Book, and various statutory regulations, then research how to implement or apply these provisions in the field and their impact on society. (Purwati, 2020). The specifications of this research are analytical descriptive, because it aims to provide an overview of the facts accompanied by an accurate analysis of the applicable laws and regulations and practices regarding the causes of multiple land title certificates, in addition to that, a case study was carried out to support the results of the analysis. , which can provide solutions to problems. The data analysis method used in this research is a qualitative method, namely to provide an understanding and understanding of the causes of responsibility and the consequences of PPAT law for deeds made that give rise to double certificates.

## RESULT AND DISCUSSION

A situation where a land certificate is proven to be duplicate can arise when someone sells their land through a Land Deed Official (PPAT) and when PPAT checks the land status at the Land Office, it turns out there is a double certificate. This incident can occur on land that was originally liberated state land or empty land whose status is unclear, then inhabited by residents. These lands are then occupied by residents, who may illegally claim ownership of the land. Difficulty determining the initial status of the land and the presence of people living on the land without adequate legal clarification can be a source of duplicate certificates being issued. This highlights the importance of clear handling and regulations regarding state land or vacant land to prevent situations that could lead to double certificates in the future (Nur'ainiyah, 2022).

In carrying out their duties, the Land Deed Drafting Officer (PPAT) carries out the process of making land sale and purchase deeds in his office, in the presence of the parties involved in the legal action or representatives authorized by them through a written power of attorney. The implementation of this process refers to the principle of transparency and the direct presence of the parties to ensure the validity and accuracy of the legal documents created (Yoan & Rifai, 2016).

However, if one of the parties or their proxies cannot be present at the PPAT office for valid reasons, the PPAT can make a deed outside its office which is still within its working area. However, this must be done with the condition that during the preparation of the deed, the parties must be present in front of the PPAT at a previously agreed location. This practice provides the necessary flexibility to meet the needs of the parties, but still ensures direct presence in the deed making process for the legal validity and security of land transactions (Tampubolon & Djajaputra, 2018).

In carrying out land sale and purchase transactions, the Land Deed Drafting Officer (PPAT) has the responsibility to ensure that land sale and purchase requirements are fulfilled. These requirements are divided into two types, namely material requirements and

formal requirements. Material requirements determine whether a land sale and purchase transaction is valid or not, and several important aspects must be considered.

First, the land seller must be the party who has the legal right to sell the land. The owner or legal holder of the land rights must be clearly identified, and in the case of joint ownership, the mutual consent of the owners is a must. Furthermore, the buyer must also have adequate rights to purchase the land in question, depending on the type of rights held on the land, such as ownership rights, building use rights, or use rights.

Second, the land to be sold must be land that can be bought and sold and is not under dispute. The Basic Agrarian Law (UUPA) determines the types of land rights that can be traded, such as Ownership Rights, Business Use Rights, Building Use Rights, and Use Rights. PPAT must also ensure that the land in question is not involved in a dispute that could affect the validity of the transaction.

After all material requirements in a land sale and purchase transaction are fulfilled, the role of the Land Deed Drafting Officer (PPAT) becomes very crucial in realizing legal certainty. PPAT is responsible for making a sale and purchase deed relating to the land plot which is the object of the agreement between the seller and the buyer. The existence of this deed becomes a valid and binding legal instrument, providing written evidence stating that land rights have been officially transferred from the seller to the buyer.

To achieve the desired legal certainty in every transfer of land rights, Government Regulation Number 24 of 1997 concerning Land Registration provides strict provisions. According to these regulations, every agreement aimed at transferring land rights must be supported by a deed drawn up by and before the PPAT. This ensures that the land transaction process is carried out with clear legal provisions and involves the authorized party to prepare the deed. As a result, legal certainty is created that protects both parties and ensures the accuracy and validity of the transfer of land rights in the context of agrarian law.

In practice, situations often occur where before the land sale and purchase deed is drawn up, at the land status inspection stage, it is revealed that there is falsified data. This condition arises when the data submitted by the party proposing the transaction does not match the information recorded in the land book. The existence of false data can be a source of serious problems that can affect the validity of land buying and selling transactions.

After the land sale and purchase transaction has been deeded by the Land Deed Making Officer (PPAT), there is still the potential for problems to arise. For example, there could be involvement of other parties who feel disadvantaged and have an interest in requesting cancellation of the transfer of land rights. This may be caused by bad faith on the part of one of the parties involved in the land sale and purchase transaction. Thus, even though PPAT and the deed-making process are involved, the involvement of parties with bad intentions can give rise to complexity and potential legal problems that require special handling to ensure legal certainty and justice in land transactions.

In land buying and selling transactions, the role of witnesses is very crucial to ensure accountability for the agreement. The presence of witnesses is a preventive step in anticipating potential disputes, especially if one of the parties is involved in an act of denial. In the context of double certificates, witnesses have a significant role as parties who can provide information to the judge if a dispute occurs, helping to explain that the possibility of a double certificate needs to be considered.

However, in practice, there are problems when cases involve false data in making land sale and purchase deeds which results in duplicate certificates. Witnesses are often reluctant to get involved further and only provide testimony based on what they saw and heard when the deed was drawn up. Even though this can hinder the truth in cases of false data, witnesses should feel safe giving true information without fear of threats from certain parties, because there is legal protection for witnesses.

As a first step, the Land Deed Drafting Officer has the obligation to read the sale and purchase deed to the parties concerned, provide an explanation of the content and purpose of making the deed, as well as subsequent registration procedures. Thus, it is hoped that the presence of witnesses, PPAT firmness, and legal protection can maintain the integrity of land buying and selling transactions, prevent the potential for duplicate certificates, and create legal certainty in the process of transferring land rights.

In carrying out its duties, PPAT has several forms of accountability which are very crucial in preventing the possibility of duplicate certificates. First, PPAT is obliged to carry out careful document checks, especially at the initial stages of transactions such as checking land status. This process involves comparing the data submitted by the transaction party with the information recorded in the land book, where careful inspection is a critical step in detecting any discrepancies or false data that could potentially lead to duplicate certificates.

Furthermore, PPAT must also ensure verification of the ownership and authority of the seller regarding the land to be sold. This verification process includes checking ownership status and ensuring that the seller has valid legal authority to carry out transactions. By ensuring the validity of ownership and authority, PPAT can minimize the risk of duplicate certificates and ensure legal certainty in land transactions.

The involvement of responsible witnesses is also an important aspect of PPAT's responsibilities. PPAT must ensure that the witnesses involved provide accurate and honest testimony, especially if there is a dispute or the potential for duplicate certificates to be issued. The involvement of trustworthy witnesses can be an effective preventive measure to overcome uncertainty and improve the integrity of land transactions.

Apart from that, firmness in providing explanations to the parties involved in the transaction is also an integral part of PPAT's responsibilities. The PPAT must explain in detail the contents of the deed, the purpose for which it was made, and the land registration procedures that must be followed. By providing firm and comprehensive explanations, PPAT can minimize the potential for misunderstandings and misunderstandings that could trigger disputes in the future.

Finally, PPAT is obliged to ensure full compliance with all applicable legal provisions. This includes understanding and following all the regulations set out in the Basic Agrarian Law and other related regulations relating to land registration. This compliance is the basis for creating legal certainty and maintaining the integrity of land transactions, so that the risk of duplicate certificates can be minimized.

In the context of land disputes related to sale and purchase transactions, Land Deed Drafting Officials (PPAT) are often summoned to provide information in court. However, the PPAT's role in the trial is limited to providing information regarding the deed it has made. PPAT acts as a witness who provides clarification regarding the process of making a land deed and explains the information contained in the document. Even though PPAT acts as a witness, it is important to note that PPAT is not responsible for material untruths stated by parties involved in land sale and purchase transactions. This applies especially if the parties or one of the parties to the transaction submits false data which is recognized as genuine data. PPAT does not have the authority or responsibility to verify the validity of the data submitted by the parties. Therefore, if there is false data presented as if it were genuine, PPAT cannot be held responsible for this untruth, and the responsibility for investigating and determining the validity of the data is outside the scope of its authority as a land deed maker.

Land Deed Making Officials (PPAT) who are found guilty may face criminal and administrative sanctions, which depend on the judge's decision based on the evidence provided in the trial. These criminal sanctions may include imprisonment and/or fines, according to the level of the violation and the losses caused. The judge's decision will consider the extent of the violations committed by PPAT and the impact on the integrity and trust in the land system.

Apart from criminal sanctions, PPATs who are proven guilty can also be subject to administrative sanctions. There are four forms of administrative sanctions that can be imposed, namely verbal warning, written warning, temporary dismissal from position as PPAT (with a duration ranging from one month to six months), and dishonorable dismissal from position as PPAT. This administrative sanction aims to enforce discipline and ethics in carrying out PPAT's duties, as well as providing a deterrent effect against violations committed.

It is hoped that the combination of criminal and administrative sanctions will create a strong deterrent effect, so that PPAT has an incentive to carry out its duties in good faith and in accordance with applicable legal norms. These steps are an integral part of the regulatory system that regulates PPAT's functions, with the hope of maintaining the integrity and trust of the public in this institution as a guarantor of legal certainty in land transactions.

When the material conditions in a land sale and purchase transaction are not fulfilled or the data is falsified, such as when the seller does not have rights to the land to be sold, the consequence is that the land sale and purchase deed becomes invalid. In this context, not only the sale and purchase deed is affected, but also the land certificate issued based

on the invalid deed becomes invalid as well. This condition opens up the opportunity to cancel land certificates that have been issued.

According to the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1999, the person who has the authority to cancel the land certificate is the Head of the Regional Office of the National Land Agency. This authority is then delegated to the Head of the Regency/City Land Office. The process of canceling land certificates is an important step to restore the legal status of land to its original state and avoid losses or disputes that could arise as a result of unauthorized land transactions. Thus, the authority of the Head of the Regency/City Land Office in the case of cancellation of land certificates becomes a law enforcement instrument that has a major impact in maintaining the integrity of the land system and protecting the rights of legal land owners.

## CONCLUSION

Land, as an important asset in people's lives, requires legal protection and certainty to prevent conflicts or disputes that have the potential to harm land owners. In the land buying and selling transaction process, PPAT has the responsibility to ensure completeness of documents, verification of ownership, and compliance with legal provisions. Even though PPAT acts as a deed maker, it cannot ensure the validity of the data submitted by the parties. The existence of multiple certificates can occur if the material requirements are not fulfilled or the data is falsified by one of the parties, so that the land sale and purchase deed and the resulting land certificate become invalid. In the legal context, PPATs who are proven guilty can face criminal and administrative sanctions, including prison sentences, fines, as well as reprimands or dismissal from their positions. Cancellation of an invalid land certificate can be carried out by the Head of the Regency/City Land Office as an effort to return the legal status of the land to its original state. Overall, this research emphasizes the importance of the role and responsibility of PPAT in maintaining the validity of land sale and purchase transactions and preventing the occurrence of duplicate certificates. Increasing understanding and compliance with regulations as well as effective monitoring of PPAT performance is the key to maintaining the integrity and trust of the public in the land system. Thus, the results of this research contribute to further understanding of the dynamics of the relationship between PPAT, land transactions, and related legal aspects.

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