


The power of the sale and purchase deed that must be extended is made by a PPAT whose age exceeds the term of service serving the term of office which is made exceeds the PPAT's term of office based on Law 37 of 1998

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Article Info	ABSTRACT
Keywords: Sale and Purchase Deed, Land Deed Making Official (PPAT), District Head, Notary	This research aims to analyze the legal force of the Deed of Sale and Purchase made by the temporary Land Deed Making Officer (PPAT), by referring to the provisions contained in Government Regulation Number 37 of 1998. This regulation provides the legal basis for carrying out the duties of the temporary PPAT in making deeds. land certificate. This research uses a normative legal approach. The research results show that the practice of making land deeds by the sub-district head as Temporary Land Deed Making Officer (PPATS) causes several inconsistencies with applicable legal provisions. Research reveals that the signing of deeds is not always carried out in the presence of the sub-district head, but rather in the presence of the village head or village head, and the reading of the deed before signing is never carried out. This discrepancy has the potential to create ambiguity and misunderstanding regarding the contents of the deed between the parties involved. The sub-district head's response to potential lawsuits related to errors in making deeds also reflects a lack of awareness of the legal risks that may arise. Therefore, it is necessary to improve procedures for making land deeds, including increasing understanding of legal risks, to ensure compliance with applicable legal provisions and provide better protection for all parties involved in land transactions.
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INTRODUCTION

Land has played a very significant role in human life since ancient times, being a basic element that supports the survival and development of society. Humans not only live on the land, but also carry out various daily activities that are closely related to the land (Seko et al, 2023). Human trust in land is not only limited to its physical aspects, but also as a source of livelihood and income. Therefore, land has invaluable value and benefits, playing a major role in human life (Rejekiingsih, 2016).

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Land has a dual function that places it as a social asset and a capital asset. As a social asset, land is a means of binding social unity in Indonesian society. Community connection with land is not only limited to physical needs, but also includes social and cultural aspects (Santoso, 2012). On the other hand, land also functions as a capital asset that has significant economic value. Land is not only an object of commerce, but also a subject of speculation, creating economic dynamics that are closely related to ownership and transfer of land rights (Sihombing, 2019).

The importance of land in human life is in line with the increasing need for land, especially with the limited supply of available land. The increase in land prices is a direct impact of increasing demand. However, behind this need, the potential for conflict and land disputes arises due to limited land supplies. Therefore, legal instruments and an effective land administration system are needed to manage ownership, transfer and allocation of land fairly, and minimize the possibility of land disputes arising. Guaranteeing and protecting the rights of land owners is crucial in the context of land management. Legal instruments and a good land administration system not only aim to facilitate land transactions, but also to regulate land use by considering the interests of society as a whole.

The Republic of Indonesia, as a legal state (*rechtsstaat*), has presented a number of sets of laws and regulations that comprehensively regulate land matters (Ade, 2021). Law no. 5 of 1960 concerning Agrarian Principles is the main basis, presenting the basic principles governing land rights and related legal acts. Government Regulation no. 24 of 1997 concerning Land Registration outlines land registration procedures, while Government Regulation no. 37 of 1998 regulates the role of Land Deed Drafting Officials (PPAT), who are key in making authentic deeds related to land rights (Hadiswati, 2014).

Land Deed Drafting Officials (PPAT) have an important role in carrying out their duties in accordance with applicable regulations. Article 1 point 1 of Government Regulation Number 37 of 1998 explains that PPAT is a public official who is given the authority to make authentic deeds related to certain legal acts regarding land rights or ownership rights to apartment units (Muchsin et al, 2020). Meanwhile, temporary PPAT, as explained in number 2, is a government official appointed specifically to carry out PPAT duties in areas that do not yet have a permanent PPAT (Ariyanto, 2006). Thus, through this regulation, the state is trying to regulate and optimize the role of PPAT to ensure the continuity of efficient and effective land administration throughout Indonesia.

Apart from the Notary, the position of Temporary Land Deed Drafting Officer (PPAT) can also be held by the Subdistrict Head. As a temporary PPAT, the sub-district head has responsibilities comparable to other PPATs. The data produced in the form of deeds made by PPAT, including the sub-district head, is the main document which is very important in providing services to the community regarding land transactions (Rumanti, 2010). In his role as Temporary PPAT, the sub-district head is appointed by the government to create and ratify legal acts such as buying and selling, transfer of rights, and registration of rights,

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which are recorded in an authentic deed known as the Deed of Sale and Purchase (AJB) (Ismudiyatun, 2009)

Even though he is a sub-district head, in carrying out his duties as a temporary PPAT, the official must still comply with the provisions stipulated in Government Regulation Number 37 of 1998. This regulation details the rules relating to the position of PPAT, including the responsibilities, authority and procedures that must be followed in making a deed (Iryadi, 2020). The position of PPAT, including when held by the sub-district head, is not given haphazardly, but is based on normative rules and applicable statutory regulations. Thus, strictly adhering to these regulations is important to ensure that land-related services are carried out with integrity and compliance with applicable legal provisions (Subawa, 2014).

Even though Government Regulation Number 37 of 1998 has been in effect since March 5 1998, and is now enriched with various implementing regulations which stipulate that making a deed must involve the parties involved in fulfilling the requirements and filling in the deed form, the reality on the ground shows that there are still various violations (Muljanto , 2008). The essential requirements that require the deed to be executed in the presence of the sub-district head as the Temporary Land Deed Drafting Officer (PPATS) and ensuring that the parties involved meet and sign the deed are often not fulfilled (Hamzah, 2019).

In practice, there are various violations, including non-compliance with the rule that deeds must be signed in the presence of the sub-district head as PPATS. Furthermore, several cases emerged where the parties involved never met the subdistrict head as PPATS, so the subdistrict head never read the deed (Dewi & Muda, 2013). As a result, the fundamental principle "made by and in the presence of" mandated by Article 1868 Burgerlijk Wetboek (BW) cannot be fulfilled. The existence of violations of this kind has a serious impact on the validity of legal acts recorded in deeds, underscoring the importance of enforcing rules and discipline in the process of making land deeds (Risnawati & Marilang, 2020).

This research aims to investigate and analyze the enforceability of Deeds of Sale and Purchase made by Temporary Land Deed Making Officials (PPAT) based on Government Regulation Number 37 of 1998. By understanding and detailing the implementation of the regulations, this research is expected to contribute to a deeper understanding of the legal force of the Deed of Sale and Purchase, as well as providing a basis for recommendations for improvements to relevant policies or actions to increase legal certainty and protection of parties involved in land transactions. The benefits involve improving the quality of land-related legal services and contributing to efforts to create a more efficient and effective land administration system

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METHOD

The approach method used in this research is the normative juridical approach, namely research that deductively identifies and conceptualizes law as a real and functional social institution in a real life system. This means that this normative juridical approach has the aim and purpose of finding facts, which then leads to identification and ultimately to solving the problem (Ariawan, 2013). The research specification used in this research is descriptive analysis, namely research which aims to provide a detailed, systematic and comprehensive description of the Strength of the Sale and Purchase Deed made by the Temporary PPAT Official Based on Government Regulation Number 37 of 1998. The legal material data obtained will be analyzed qualitatively, namely analysis or discussion carried out by describing and providing interpretation of the data obtained based on applicable norms and connecting potential problems that exist in its application and providing solutions.

RESULTS AND DISCUSSION

In carrying out their duties, the Notary Public for Land Deed Making Officials (PPAT) and the PPAT District Head actually have the same responsibilities, referring to the same provisions in Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Making Officials (PPATS). These two professions have a crucial role in ensuring the validity of legal actions related to land. However, the trend of using sub-district heads' services as PPATS recently appears to be higher. The sub-district head as PPATS is still active in carrying out the transfer of land rights, even though the land has not yet been certified, while PPAT notaries tend to be reluctant to make deeds if the land has not been registered. Communities, as a result, tend to turn to the Camat to handle the transfer of land rights, viewing the Camat as a more accessible alternative.

The main factor behind the high utilization of the sub-district head's services as PPATS is the sub-district head's policy of continuing to transfer land rights, even though the land has not been certified. On the other hand, some PPAT Notaries choose not to make a deed if the land has not been registered. This causes people to be more likely to transfer their land to the sub-district head, even though it has not been certified. Apart from that, the public feels that the process of using the sub-district head's services as a PPATS is easier and faster than using the services of a PPAT Notary. The continued preference of the community for the sub-district head's services shows that despite differences in approach, the community still really needs the role of the sub-district head as PPATS in the process of transferring land rights.

This trend highlights the significant role of sub-district heads as providers of public services at the local level. Factors such as the policy of accepting the transfer of land rights without certification and the public's perception of the speed and ease of the process with the sub-district head as PPATS provide indications that the role of the sub-district head is still very relevant in the context of land legal services. For this reason, it is important for the authorities to consider the needs and preferences of the community in developing further

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policies related to the role of the sub-district head and PPAT notary in facilitating the transfer of land rights.

From the research conducted, it was revealed that there is still quite a lot of use of sub-district heads' services as PPATS to transfer land rights. There is even an increasing trend. The deeds of transfer of land rights that are most often carried out by the community using the services of the sub-district head as PPATS are sales and purchases, grants, there are some who carry out exchanges. However, the most common deed of transfer of rights made by sub-district heads from year to year is the deed of sale and purchase. According to the District Head and Village Head, the increasing trend of buying and selling land rights is due to the large number of housing developments by Real Estate, so that buying and selling is increasing from year to year.

The research results reveal that the use of the Camat's services as a Temporary Land Deed Making Official (PPATS) to carry out the transfer of land rights is still quite high, and is even experiencing an increasing trend. The most common deeds of transfer of land rights carried out by the community involving the services of the sub-district head as PPATS include sale and purchase transactions, grants, and several land exchanges. Interestingly, of the several types of deeds of transfer of rights, sale and purchase deeds are the most dominant, and there is a tendency to increase from year to year. The subdistrict head and village head stated that the significant increase in the number of deeds of sale and purchase of land rights could be attributed to the development of housing development by real estate companies. This shows that land rights buying and selling transactions are increasingly developing in line with the growth of the property sector and housing construction continues to increase.

This condition reflects economic dynamics and community needs for the acquisition and use of land for housing development purposes. With housing development continuing to grow, more people are involved in land buying and selling transactions as part of their housing needs. The increasing trend in the number of sale and purchase deeds made by the sub-district head also shows that the community feels comfortable and efficient in using the sub-district head's services as PPATS in the process of transferring land rights. In this context, it is important for the government and related parties to continue to monitor this trend and ensure that the land transaction process continues in accordance with applicable regulations, while continuing to improve the quality and accessibility of land legal services.

In the process of drafting a land deed, when both interested parties are called and scheduled for a meeting, the general practice involves signing a blank deed. When both are present together, the signing process is carried out together as the first step in making the deed. However, the situation changes when one of the parties cannot attend at the scheduled time. Nevertheless, the signing of the deed was not stopped; instead, parties who have attended are asked to sign the deed form earlier. The absent party still has the opportunity to sign the deed at another time, not always at the Lurah or Subdistrict Office. Several cases show that parties who are unable to attend can sign the deed at their home

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or other place, and officers from the Village/Lurah or District will visit the location to obtain the signature of the party who is not present.

This approach provides flexibility and convenience for parties who cannot be present to still participate in the process of making a land deed. The existence of the option to sign elsewhere, apart from the official office, shows that there are efforts to make things easier for parties involved in land transactions. In this case, the role of Village/Lurah or District officials is important, because they can visit other places as needed to facilitate the signing of parties who are not yet present. This approach reflects adaptation to the needs and convenience of parties involved in land transactions, and in turn, can increase efficiency and accessibility in the process of making land deeds.

From the information above, it can be concluded that the deed signing process is not always carried out in the presence of the sub-district head as the Land Deed Drafting Official (PPAT). However, there is a claim from one of the PPATS which states that although deed signing more often occurs in the presence of the Village Head or Village Head, there are situations where the Subdistrict Head is also present to witness the process of signing the deed, especially if there are problems that require special attention. Although the signing of deeds is not consistently carried out in the presence of the sub-district head, the presence of the sub-district head in this process is an indication that local government officials still play an important role in ensuring the validity and sustainability of land transactions, even when the deed signing does not take place in the sub-district office on a regular basis.

This situation reflects the dynamics in carrying out the duties of Temporary Land Deed Drafting Officials (PPATS), where the signing of a deed can involve various levels of government, including the Village Head or Village Head and even the Subdistrict Head. However, the emphasis on the role of the Lurah or Village Head as a witness in signing the deed shows that in general this process occurs more often at the village or sub-district level. The presence of the sub-district head, especially in handling situations that require problem solving, gives the impression that the deed-making process still receives attention and supervision from higher levels of government. This highlights the importance of cooperation between various levels of government in ensuring integrity and compliance with legal procedures in land transactions.

From the results of the research carried out by the author, it was revealed that all land rights transactions were never carried out in the presence of the District Head as the Land Deed Making Official (PPAT), but were all carried out in the presence of the Village Head or Village Head. In practice, not a single deed is read or signed in front of the sub-district head as a PPAT. This condition creates serious problems, considering that the basic principle in making a deed mandates that this process must be carried out by and before the PPAT. The absence of the sub-district head's involvement in signing the deed indicates non-compliance with the law governing the making of land deeds, and this has the potential to give rise to legal illiteracy regarding the land transactions carried out.

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Even though the resulting deed may in form fulfill the formal requirements, an evaluation of the process of making it shows that there is a significant inconsistency with applicable legal principles. Steps to ensure the presence of the sub-district head as a witness in the deed signing process and full involvement as a PPAT need to be clarified and emphasized. Thus, efforts are needed to improve and optimize procedures for making land deeds so that they comply with applicable legal provisions, provide legal certainty for all parties involved, and maintain the integrity of every land transaction recorded in the deed.

Apart from the absence of the sub-district head as PPAT in the process of signing the deed, another very crucial weakness is the absence of reading the deed of transfer of land rights. A deed of transfer of land rights should be read officially and comprehensively before being signed by the parties involved. However, as previously explained, the common practice is that the parties only sign the form of the deed which is still blank, so that the process of reading the contents of the deed is never carried out. This situation creates a serious gap in the process of making a deed, considering that the reading of a deed has a central role in providing a clear and comprehensive understanding to the parties regarding their rights and obligations related to the land transaction being carried out.

In this context, it is important to gain an in-depth understanding of the impact of the absence of deed reading on the process of transferring land rights. This lack of reading has the potential to create misunderstanding and ambiguity regarding the contents of the deed between the parties involved. Therefore, improvements to the procedures for reading land title transfer deeds need to be implemented immediately, by ensuring that each party involved has a thorough understanding of the provisions contained in the deed. This not only supports transparency and legal validity in every land transaction, but also protects the interests and rights of the parties involved in the process.

If we look at the criteria for an authentic deed, it can be concluded that the transition deed made so far by the sub-district head as PPAT does not meet the requirements as an authentic deed, because it has never been made by and in the presence of an official who has the authority to make deeds, but has only been made in the presence of a public official but not authorized to make it, namely the Village Head/Lurah or his apparatus. Therefore, the sale and purchase deed owned by the community obtained from PPATS does not meet the requirements as an authentic deed, so it cannot be called/categorized as an authentic deed.

In fact, one of the important functions of a deed is as a means of proof. An authentic deed is a perfect means of proof for both parties and their heirs and people who receive rights from them regarding what is contained in the deed. An authentic deed is binding evidence, which means that the truth of the things written in the deed must be recognized by the judge, that is, the deed is considered to be true as long as no other party can prove it to be true.

It is important to realize that the quality of a deed cannot only be assessed from its formal signing by an authorized official, but must also be taken into account in terms of the

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procedure for making it in accordance with the provisions stipulated by law. A deed, even though it appears valid and authentic at first glance, can lose its legal force if it is made by an official who is not authorized or does not fulfill the requirements set out in law. A deed made by an unauthorized official can result in legal weaknesses, so that even if it is initially considered authentic, the deed only has the power of a private deed if it is questioned.

Regarding the sub-district head's responsibility in this matter, to date no legal charges have been filed against them. As previously explained, the sub-district head's responsibility in making deeds is more preventative, namely by calling the parties to negotiate and correct any discrepancies that may be contained in the deed. However, when asked about their response if there was a demand for compensation for their negligence, they admitted that they had given up and called it a risk from the position they held. This highlights the importance of strengthening rules and controls in the process of making land deeds to prevent potential legal risks that could harm the parties involved.

In looking at the responsibilities of the sub-district head regarding making land deeds, until now there has been no adequate clarification. This lack of clarity is due to the lack of legal claims filed against the sub-district head in this context. As an official who has a role in encouraging the conformity of land deeds with legal provisions, the sub-district head's responsibility so far is more preventative, where they call the parties for deliberation and correct any deficiencies that may be contained in the deed. However, the sub-district head's response to the possibility of demands for compensation for their negligence indicates that they feel resigned and consider it a risk of the position they hold. In closing, this shows the importance of further reflection regarding the role and responsibilities of the sub-district head in the process of making land deeds, as well as the urgency of developing a more effective control and supervision system to minimize legal risks and protect community interests in land transactions.

CONCLUSION

The practice of making land deeds by the subdistrict head as a Temporary Land Deed Making Officer (PPATS) based on Government Regulation Number 37 of 1998 shows several discrepancies with the applicable legal provisions. Although the Camat has a preventative role by summoning the parties to correct deficiencies in the deed, there are inconsistencies in the process of signing the deed before the Camat, which should be a requirement to ensure the validity and authenticity of the deed. It is important to note that there was no reading of the deed before signing by the parties, resulting in a lack of thorough understanding regarding the contents of the deed of transfer of land rights. This condition can create a risk of ambiguity and misunderstanding between the parties involved in land transactions. In addition, the sub-district head's response to potential lawsuits related to negligence in making deeds shows a lack of awareness of the legal risks that may arise from their actions. Therefore, there is a need to improve the procedures for making land deeds by the sub-district head as PPATS, including an emphasis on signing in

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the presence of the sub-district head, officially reading deeds, and increasing understanding of the legal risks that may arise. Efforts are needed to optimize the role of sub-district heads as law enforcers at the local level, by ensuring full compliance with legal provisions governing the making of land deeds. This will provide a stronger basis for legal protection, clarity and fairness for all parties involved in land transactions.

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