


## PPAT responsibilities in signing a deed of sale and purchase based on a blank form

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Article Info	ABSTRACT
<p><b>Keywords:</b> Land Deed Making Official (PPAT), Sale and Purchase Deed, Blank Form</p>	<p>PPAT is a public official who is trusted by the State to make land sale and purchase deeds with the main tasks and obligations delegated through Government Regulation (PP) No. 24 of 2016 concerning Amendments to PP No. 37 of 1998 regarding the Position Regulations for Officials Making Land Deeds. In practice, some PPATs sometimes use blank forms as the basis for making land sale and purchase deeds. This research aims to investigate the responsibilities of Land Deed Drafting Officials (PPAT) in signing sale and purchase deeds based on the use of blank forms. The research method used is normative legal research with a statutory and conceptual approach. The research results show that the responsibility of a Land Deed Drafting Officer (PPAT) in signing a Sale and Purchase Deed based on blank forms has a major impact on legal certainty and protection for the community. PPAT must carry out its duties with full ethics, independence and professionalism, paying attention to the formal and material requirements for making deeds. Violation of these requirements can result in administrative sanctions, dismissal, or even criminal prosecution. The quality of ethics and compliance with statutory regulations are key factors in maintaining the integrity and trust of the public in the role of PPAT in the process of transferring land rights.</p>
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### INTRODUCTION

The transfer of land rights can occur through two main routes, namely legal events and legal acts. In the context of legal events, land rights can change hands as a consequence of certain events, such as the death of the land owner. In this situation, the inherited assets are automatically transferred to the heirs in accordance with the provisions of applicable inheritance law. The process of transferring land rights in legal events like this occurs without direct intervention from the relevant parties, but rather as a result of established legal mechanisms (Muslim & Arsin, 2023).

On the other hand, the transfer of land rights can also occur through legal actions carried out by the holder of the land rights. Examples are through sale and purchase transactions, grants, exchanges, or other legal acts that have the effect of transferring land rights. The main requirement for a legal act is the existence of a will aimed at a legal

consequence. This means that the parties involved in the legal action must consciously and with free will produce a change in the status of land rights (Ningtyas et al, 2023).

The transfer of land rights and ownership rights to apartment units, whether through sale and purchase, exchange, grant, entry into a company, or other legal acts of transfer of rights, is a legal process that requires certain steps to ensure the validity and clarity of the transfer. In accordance with applicable laws and regulations, the transfer of rights can only be registered if proven by a deed drawn up by a Land Deed Drafting Officer (PPAT) who has authority in accordance with legal provisions. PPAT, as an official appointed to carry out land registration duties, plays a central role in recording the transfer of land rights or ownership rights to apartment units (Badu, 2017).

PPAT is not only tasked with making deeds as formal evidence of legal actions that have occurred, but also has the responsibility to ensure that these legal actions comply with applicable legal provisions. The deed produced by PPAT is the basis for registering changes to land registration data, which includes information about the transfer of rights. Thus, PPAT's role is not only limited to administration, but also involves aspects of legality and compliance with agrarian law norms. Through PPAT involvement, the government can control and supervise the transfer of land rights, provide legal certainty to the parties involved, and encourage transparency in property transactions (Febriantina, 2010).

PPAT, or Land Deed Making Officer, is a public official, and as a consequence of his role, the deeds he produces are considered authentic deeds. From a sociological perspective, the existence of PPAT has received positive recognition from the community because of its much needed and useful role in the process of transferring land rights. The presence of PPAT helps the community in carrying out transactions and transferring land rights by providing guarantees of legality and legal certainty (Parlindungan, 1999).

Regulations related to PPAT positions are regulated in Government Regulation (PP) no. 24 of 2016 which is an amendment to PP No. 37 of 1998 concerning PPAT Position Regulations. According to these provisions, PPAT is described as 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. This confirms the important role of PPAT in creating trust and order in the process of transferring land rights, as well as confirming its authority as a legitimate official in drafting deeds that have authentic force (Salim, 2016).

PPAT, as a public official, is obliged to maintain its independence both from a managerial and institutional perspective, and must not depend on superiors or other parties. This principle of independence must be in line with the concept of accountability which includes spiritual, legal, moral, administrative and financial accountability. PPAT is also expected to be able to accept external criticism and supervision as a form of control, while remaining responsible for the results of carrying out its official duties in accordance with the provisions of applicable laws and regulations. This is considered an effective control tool in carrying out their duties as PPAT and provides assurance that the official carries out his functions in accordance with applicable legal standards (Giri, 2013).

As a public official who has the authority to make land deeds, PPAT needs to have special competence in the land sector so that the deeds they make do not cause problems in the future. Especially because the deed produced by PPAT has authentic status and is

evidence that has high evidentiary power. The role of PPAT is crucial in ensuring legal certainty and protection in the process of transferring land rights, as well as providing legal advice relating to tax obligations, such as Income Tax (PPH), and Land and Building Rights Transfer Fee (BPHTB). Therefore, PPAT's in-depth understanding of various types of legal acts, adapted to current developments, is very important to ensure the smoothness and sustainability of land property transactions (Larasati, 2022).

Article 1868 of the Civil Code states that an authentic deed must be made in a form determined by law by or in the presence of a public official who has the authority to do so in the place where the deed is made. The procedure for making, the form and formalities in making an authentic deed must be followed exactly without being deviated in the slightest and this is a compelling legal provision. Deviations from the rules and procedures in making an authentic deed can have legal consequences that impact the evidentiary strength of the deed (Tjukup et al, 2016).

Based on the provisions of Article 53 paragraph (2) of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2006 concerning Provisions for the Implementation of PP Number 37 of 1998 (hereinafter referred to as Perka BPN Number 1 of 2006) which states that filling in the deed form in order to make a PPAT deed must be done in accordance with the events, status and correct data and supported by documents in accordance with statutory regulations, which then starting from 2013, the preparation and making of PPAT deed blanks is carried out by each PPAT, Substitute PPAT, Temporary PPAT, or Special PPAT, this is based on Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 8 of 2012 (Andriyani, 2022).

This research aims to understand the PPAT's responsibilities in signing sale and purchase deeds using blank forms. The aim is to identify the limitations and obligations of PPAT, as well as explore the legal implications of this practice. The benefits involve clearer guidance for PPATs, improved land transaction processes, better legal protection, and increased public confidence in the integrity of land title transfer practices.

## METHOD

This research uses a normative juridical approach, namely a type of approach that emphasizes the use of written legal norms in the form of books, theses, laws, court decisions and literature from libraries, or a doctrinal legal approach method, namely legal theories and opinions of experts. legal scientists, especially those related to the issues discussed (Soemitro, 1998). The technique for collecting legal materials is carried out using library research by studying literature that is related to this research material. Meanwhile, for legal material analysis techniques, researchers use descriptive techniques as legal material analysis techniques, using primary legal material, secondary legal material and legal material according to the problem being studied. The conclusion from the results of this research uses a qualitative normative analysis method. Normative, because this research starts from statutory regulations as positive law, while qualitative analysis is an analytical method that uses juridical data by examining concepts, principles, doctrines, presented in the form of sentences.

## RESULT AND DISCUSSION

A person who carries out duties in a profession must have professional responsibility for that profession. The PPAT profession includes interactions between the public and PPAT in the modern era, where the role of PPAT as a public official in every transaction is very important. PPAT not only serves its own interests, but is also responsible for serving the interests of society at large, especially in civil matters. As a public official who has the authority to make deeds as proof of legal actions related to land rights, PPAT has the task of registering data changes at the Land Office in accordance with Article 2 paragraph (1) PP Number 37 of 1998 concerning PPAT Position Regulations. PPAT also has professional responsibility for the deeds it makes, especially if the deeds face problems in the future by related parties. The importance of the deed produced by the PPAT as strong evidence for registering the transfer of rights and assignment of rights emphasizes the professional responsibility of the PPAT in carrying out its duties (Din et al, 2017).

Thus, in carrying out its duties, PPAT must demonstrate high moral integrity, which means that every action must be based on moral principles and avoid all forms of conflict, even when facing the temptation of large service rewards. PPAT's responsibility arises because there is a cause and effect relationship from actions in carrying out their profession which is the obligation and authority given to them. In addition to legal responsibility, which includes fulfilling obligations in accordance with statutory regulations, such as Article 45 of Perka BPN No. 1 of 2006, PPAT also has a moral responsibility. This is related to the ethical aspects or behavior of PPAT, both inside and outside of office, in everyday life. These ethical guidelines are regulated in the IPPAT Code of Ethics which must be internalized and implemented by every IPPAT member in carrying out their duties or in their daily attitudes and behavior (Sholikhah, 2022).

Article 53 paragraph (2) BPN Perka Number 1 of 2006 firmly stipulates that the process of filling in the deed form by a PPAT in making a Sale and Purchase Deed must be carried out carefully and pay attention to events, status and accurate data. Furthermore, filling in this form of deed must be supported by documents that comply with the provisions of the applicable laws and regulations. Thus, making a Sale and Purchase Deed by a PPAT is not only an administrative task, but also a process that must be carried out openly and accountably. As evidence that has perfect evidentiary power, the Deed of Sale and Purchase requires high caution from a PPAT in the process of making it. A PPAT cannot be held responsible for deeds made in his presence as long as the process complies with the provisions of applicable laws and regulations and fulfills the material and formal requirements in the buying and selling process. By prioritizing data as the required formal evidence, PPAT is expected to be able to maintain the accuracy and validity of every Sale and Purchase Deed it produces, so that it can provide legal certainty and security in property transactions (Wardhana, 2017).

If a PPAT deed is issued that is legally flawed because it was intentional by the PPAT itself, then the PPAT is obliged to provide accountability, both from a moral and legal perspective. The existence of a blank deed caused by PPAT's deliberate actions creates a serious impact on the validity of the Sale and Purchase Deed issued. In this context, PPAT must face moral responsibility related to violations of professional ethics and public trust.

Apart from that, legally, if the Deed of Sale and Purchase made by the PPAT has been canceled or declared null and void by a Court Decision as a result of legal defects being discovered, the PPAT can be held accountable administratively, civilly or criminally (Azizah, 2023).

The administrative process may involve sanctions or disciplinary action against the PPAT concerned in accordance with applicable laws and regulations. In civil terms, PPAT can be faced with a civil lawsuit to obtain compensation or restoration of rights for parties who have suffered losses due to legal defects. On the other hand, in a criminal context, PPATs who are proven guilty in the procedure for making a Deed of Sale and Purchase involving intent can be subject to criminal sanctions in accordance with applicable legal provisions. Therefore, deliberate errors in the deed-making process by PPAT give rise to serious implications and demand comprehensive accountability (Utama, 2021).

According to statutory regulations, the responsibility of a PPAT is not only limited to a narrow meaning, namely its connection with the making of deeds, but also involves responsibility in a broader sense. In this case, PPAT is expected to be responsible for every stage of making the deed, starting from the preparation process until after signing the deed. PPAT responsibilities as a profession can be grouped into two main categories, namely ethical responsibilities related to professional ethics, and legal responsibilities.

PPAT's ethical responsibilities include moral and professionalism aspects in carrying out its duties. This includes integrity, honesty and PPAT's moral obligations in providing services to the community. On the other hand, PPAT's legal responsibilities cover various legal fields, including criminal law, civil law and administrative law. In the context of criminal law, PPAT can be responsible if it is involved in actions that violate criminal law. Civil legal responsibility relates to PPAT's obligations towards parties involved in land property transactions, while administrative legal responsibility involves PPAT's compliance with administrative regulations governing the profession.

Based on the authority possessed by a PPAT in making authentic deeds, the obligation to always act carefully and cautiously becomes imperative. PPAT, with its professional expertise that has been tested both theoretically and practically, is expected to be able to overcome any problems that arise. Therefore, if a PPAT is involved in negligence that causes legal defects in a deed, it can be considered an abuse of authority.

A PPAT's knowledge as a public official who is given authority by law requires him to be able to handle problems related to his authority. In this context, if a deed is made that is legally flawed, it can be interpreted that the PPAT has abused its authority. This situation of abuse of authority becomes clearer if there is a detrimental impact experienced by one or all of the parties involved, especially when the deed must be canceled as a final result of existing legal defects. Thus, the assessment of a PPAT's abuse of authority can be strengthened by the negative consequences arising from the cancellation of the deed in question.

The liability of a PPAT related to his intentional, negligent and/or negligence in making a sale and purchase deed which violates the formal and material requirements of the procedures for making a PPAT deed can give rise to administrative sanctions, according to Triyono's explanation in 2019. According to the Regulation of the Head of the Indonesian

National Land Agency Number 1 of 2006, violation of formal requirements and material requirements is considered a serious violation which can result in dishonorable dismissal of the PPAT from his position by the Head of the Indonesian National Land Agency.

Administrative responsibility is also regulated in Article 62 of Government Regulation Number 24 of 1997. If a PPAT neglects the provisions described in Article 38, Article 39 and Article 40, and ignores the provisions and instructions given by the Minister or appointed official, he may be subject to administrative actions ranging from written warnings to dismissal from his position as PPAT. Apart from that, PPATs who violate these provisions can also be sued for compensation by parties who suffer losses due to negligence.

PPAT's accountability is not only limited to administrative sanctions, but also opens up the possibility of being sued for compensation by parties who feel disadvantaged. Therefore, it is important for a PPAT to carry out his duties with full vigilance, prudence and compliance with all applicable statutory provisions in order to maintain professionalism and public trust in carrying out his role as a public official who has the authority to make sale and purchase deeds. .

The imposition of criminal sanctions on a PPAT can occur if the individual is involved in making fake documents or manipulating deeds that qualify as a criminal act. The material and formal requirements in the procedures for making a PPAT deed include various formal aspects that must be complied with in carrying out PPAT duties. Deviations from the material and formal requirements that guide the making of deeds, PPAT must be evaluated based on these formal limitations, in accordance with the provisions of the laws and regulations governing PPAT.

In this context, if a PPAT violates formal aspects, the sanctions that can be imposed include civil and administrative sanctions, depending on the category of violation committed, or sanctions in accordance with the IPPAT Code of Ethics. Therefore, the qualification of a violation of this formal aspect to become a criminal offense depends on the nature of the violation committed. It is important to note that actions without legal basis for which a PPAT cannot be held accountable can result in criminal sanctions, reinforcing the urgency to maintain integrity and compliance with rules in carrying out their duties as a public official.

The formal aspects in a deed made by a PPAT can be the basis or limitation for criminal prosecution if it is proven that the violation of these formal aspects was carried out intentionally, namely with full awareness, conscientiousness and measurable planning by the PPAT concerned. In this context, if the deed made by PPAT is used as a tool to commit a criminal act, then criminal liability can be applied. Apart from that, if PPAT intentionally and knowingly and related parties are involved in legal acts that they know are violations of the law, this can also be the basis for criminal liability, as stated by Adjie in 2009.

The imposition of criminal sanctions on a PPAT can be carried out to the extent that the limits of violations of these formal aspects are violated. This means that, apart from complying with the formulation of violations contained in the statutory regulations regarding PPAT, the IPPAT Code of Ethics must also be adequate to the formulation contained in the Criminal Code (KUHP). In the criminal context, there are several articles in

the Criminal Code relating to violations of the formal aspects of Notarial deeds or PPAT when making authentic deeds, such as making fake or forged documents, forgery of authentic deeds, instructing to enter false descriptions in authentic deeds, executing or ordering implementation, as well as assistance in the creation of fake or falsified letters and their use.

Thus, law enforcement against violations of the formal aspects of the PPAT deed does not only refer to the statutory provisions governing PPAT, but also involves criminal aspects regulated in the Criminal Code, which provides the legal basis for criminal prosecution for actions that violate the integrity and formal rules in making deed by a PPAT.

## CONCLUSION

The responsibility of a Land Deed Drafting Officer (PPAT) in signing a Sale and Purchase Deed based on a blank form is very large. PPAT, as a public official who is authorized to make authentic deeds regarding certain legal actions related to land rights or ownership rights to apartment units, has a crucial role in creating legal certainty and protection for the community regarding the transfer of land rights. PPAT's obligations are not only formal, involving formal and material aspects in making deeds, but also have high ethical and moral dimensions. PPAT must carry out its duties independently, accountably and professionally, and comply with the IPPAT Code of Ethics. Mistakes or violations in the process of making a deed, especially those related to formal and material requirements, can give rise to legal, administrative and even criminal consequences. Violation of formal and material requirements in making a PPAT deed can result in administrative sanctions, dismissal from office, and demands for compensation by parties who feel disadvantaged. If it is proven that the PPAT was intentional, negligent or negligent which caused legal defects in the deed, criminal sanctions can be applied in accordance with the provisions of the Criminal Code. In the context of this research, it needs to be emphasized that professionalism, moral integrity, and compliance with statutory provisions and professional ethics are very important for a PPAT. Awareness of broad responsibilities, both legally and ethically, is the main foundation in maintaining public trust in the role of PPAT in the process of transferring land rights.

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