Journal of Innovative and Creativity
Journal Homepage: https://joecy.org/index.php/joecy
e-mail: journaljoecy@gmail.com

Faculty of Education
University of Pahlawan Tuanku Tambusai
ISSN 2775-771X (Online)
ISSN 2962-570X **(Printed)**
5 (3) 2025, Page: 36422-36435

Responsibility Of Land Deed Officials In Preparing Sale Deeds Who Are Proven To Commit Crimes With Land Mafia

Tody Adi Pratama, Tody Adi Pratama[1], Anriz Nazaruddin Halim[2], Khoirul Anwar[3]
[123]Universitas Jayabaya

Corresponding Author: Tody Adi Pratama, e-mail: todypratama@gmail.com.

Published: December, 2025

ABSTRACT

The study purpose was to analyze the legal consequences arising from a deed of sale and purchase made by a Land Deed Making Officer (Pejabat Pembuat Akta Tanah/PPAT) who is proven to have committed a criminal act in collaboration with the land mafia, as well as to examine the scope of legal responsibility borne by the PPAT for such actions. This study highlights that errors committed by a PPAT, whether intentional or due to negligence, may contain criminal elements, particularly in cases involving falsified documents or the inclusion of false information in an authentic deed. The discussion is grounded in the theory of legal consequences proposed by Soeroso and the theory of legal responsibility developed by Hans Kelsen, which emphasize the linkage between unlawful acts and legal accountability.

Materials and methods. This research employs a normative legal research method with a library research approach, relying on secondary data sources. The legal materials consist of primary legal materials in the form of legislation and court decisions, secondary legal materials including legal doctrines, books, and scholarly journals, as well as tertiary legal materials. The approaches used in this study include the statutory approach, the case approach, and the analytical approach. Data collection was conducted through identification and inventory of relevant legal norms and authoritative legal literature.

Results. The findings indicate that a PPAT who is proven to have committed a criminal act in the performance of official duties may be subject to administrative sanctions imposed by the Minister, ranging from temporary suspension to honorable or dishonorable dismissal. In addition, the PPAT may incur criminal liability under Article 266 of the Indonesian Criminal Code due to the presence of malicious intent manifested in false statements within an authentic deed.

Conclusions. The involvement of a PPAT in land mafia practices results in serious administrative and criminal consequences and undermines legal certainty in land administration, thereby necessitating strict professional integrity and compliance with applicable laws.

Keywords: PPAT; land mafia; deed of sale and purchase.

© The Author(s). 2021 Open Access This article is licensed under a Creative Commons Atibution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0

INTRODUCTION

Law Number 5 of 1960 concerning Basic Agrarian Principles, commonly referred to as the Basic Agrarian Law (UUPA), establishes a unified legal framework for agrarian law in Indonesia.[1] As stipulated in Article 1 paragraph (1) of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 on the Regulation of the Office of Land Deed Officials, the Land Deed Official holds a crucial role and responsibility in the land

[1]Subekti dan R. Tjitrosudibjo, *Kitab Undang-Undang Hukum Perdata (Burgelijk Wetbook) Dengan Tambahan Undang-Undang Pokok Agraria dan Undang-Undang Perkawinan*, Cet. 41, Balai Pustaka, Jakarta, 2014, hal. 521.

registration process, which constitutes the initial stage for the acquisition of rights over land parcels and/or condominium units by individuals or legal entities.[2]

The oath of office of the Land Deed Official (PPAT), as stipulated in Article 34 paragraph (1) of the Regulation of the Head of the National Land Agency Number 1 of 2006, states: "That I shall perform my duties honestly, orderly, carefully, and conscientiously, responsibly, and impartially."[3] In this context, the PPAT has the authority to determine whether a legal action may be embodied in the form of a deed or not. Therefore, the principle of due care (prudence) must be strictly applied in the process of drafting deeds, one of which is conducted through the identification of the appearing parties based on the identity documents presented to the PPAT. Errors committed by a PPAT in the preparation of deeds may give rise to criminal liability, particularly when such errors involve intent or negligence that contains criminal elements, such as the creation or use of forged documents, falsification of authentic deeds, ordering the inclusion of false statements in authentic deeds, or participating in such acts. Consequently, the PPAT may be subject to criminal sanctions.[4] A criminal offense is an act prohibited by a legal rule, where such prohibition is accompanied by a threat of punishment in the form of specific criminal sanctions imposed on anyone who violates the prohibition.[5]

The imposition of criminal sanctions on Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) must be situated within the context of the performance of the PPAT's official duties. This means that every action undertaken by a PPAT in the drafting of authentic deeds must be based on and comply with the applicable legal provisions, particularly those stipulated in Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 on the Regulation of the Office of Land Deed Officials. These provisions emphasize that the authority of the PPAT is not absolute in nature, but rather is limited by legal norms governing the procedures, requirements, and responsibilities involved in the preparation of authentic deeds.

In practice, deviations from these provisions still frequently occur and contribute to the proliferation of land mafia practices that cause harm to the public. The involvement of unscrupulous PPATs in such practices demonstrates violations of the principles of prudence and due care that should be upheld in the exercise of their official duties. Such deviations not only affect the validity of the deeds produced, but also give rise to serious legal consequences, both in the criminal and civil spheres, and disrupt the overall order of land administration.

This is reflected in Decision Number 248/Pid.B/2022/PN.Jkt.Brt, in which a PPAT was proven to have committed the criminal offense of document forgery in the form of an authentic deed. In this case, the PPAT falsified a Deed of Sale and Purchase with the intention of using, or instructing others to use, the deed as if its contents were true and not falsified. Such conduct clearly violates criminal law provisions and undermines the function of authentic deeds as instruments of evidence possessing perfect evidentiary value.

Furthermore, in Decision Number 63/Pid/2022/PN.Jkt.Sel, the PPAT was declared to have participated in a criminal offense by preparing a Deed of Sale and Purchase without the presence of the parties before the PPAT. In addition, the deed was drawn up using forged or falsified documents as if they were valid and authentic, thereby potentially causing losses to other parties. This decision demonstrates that both negligence and intent on the part of a PPAT in fulfilling the formal requirements for deed execution may result in criminal liability.

Meanwhile, Decision Number 443/Pdt/2021/PT.Bdg demonstrates the juridical implications in the civil law sphere resulting from violations of deed-making procedures by a Land Deed Official (PPAT). In this case, the PPAT failed to read out the deed and did not present the parties during

---

[2] Peraturan Pemerintah Nomor 24 Tahun 2016 tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah, Pasal 1 ayat (1).

[3] Peraturan Kepala Badan Pertanahan Nasional Nomor 1 Tahun 2006 Tentang *Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 37 Tahun 1998* Tentang *Peraturan Jabatan Pejabat Pembuat Akta* Tanah, Pasal 55.

[4] Indroharto, *Asas-Asas Umum Pemerintahan yang Baik*, Citra Adhitya Bakti, Bandung, 2004, hal.65.

[5] Nandang Alamsah Deliarnoor (*et.al*), *Teori dan Praktek Kewenangan Pemerintahan*, Unpad Press, Bandung, 2017, hlm. 9-10.

the execution of the Deed of Sale and Purchase. As a consequence, the deed lost its authenticity and merely possessed evidentiary value as a private deed, and was even declared null and void by law. This decision affirms that violations of formal procedures in the preparation of deeds not only affect the PPAT personally, but also directly impact the rights and legal interests of the related parties.

Based on the foregoing background, the study purpose was to comprehensively examine the role and responsibility of Land Deed Officials (PPAT) in the practice of drafting Deeds of Sale and Purchase that are proven to involve land mafia-related criminal activities. The focus of this study includes an analysis of the legal consequences arising from deeds drawn up by PPATs involved in criminal conduct, as well as the forms of legal liability that may be imposed on PPATs in exercising their authority. Through this study, it is expected to obtain a comprehensive understanding of the juridical implications of deviations in PPAT authority, while also providing theoretical contributions to the development of land law and practical contributions in the form of increased awareness and prudence among PPATs, so that they consistently perform their duties in accordance with legal provisions and avoid involvement in land mafia practices.

METHOD

Study participants

This research did not involve human participants, as it employed a normative juridical research design. The object of the study consisted of legal norms, legal principles, doctrines, and court-related regulations relevant to land registration and the authority of Land Deed Officials (PPAT). Therefore, the primary materials analyzed in this study were statutory regulations and legal documents serving as authoritative sources of law, rather than empirical respondents.

Study organization

This study was conducted using normative juridical legal research, also known as doctrinal or library-based legal research, which focuses on the examination of secondary data in the form of legal materials. The research was organized through several stages.

First, the research problem was identified by examining legal inconsistencies and normative issues related to land registration and the authority of PPAT. Second, the research applied several legal approaches, including:

a) the statute approach, by reviewing and analyzing relevant laws and regulations related to the legal issues under study;
b) the case approach, by constructing legal arguments based on concrete cases relevant to the issue, particularly to understand the application of norms in practice; and
c) the analytical approach, by examining legal concepts, legal principles, legal norms, and the structure of the legal system to achieve conceptual clarity.

Third, legal materials were collected and classified into primary, secondary, and tertiary legal materials. Primary legal materials included the 1945 Constitution of the Republic of Indonesia, statutory regulations related to agrarian law, judicial authority, land registration, and the position of Land Deed Officials. Secondary legal materials consisted of legal literature, scholarly articles, research reports, and academic opinions relevant to the research topic. Tertiary legal materials included legal dictionaries, encyclopedias, and indexes that supported the understanding of primary and secondary legal materials.

Statistical analysis

This study did not employ statistical analysis, as it was normative juridical in nature. Data analysis was carried out qualitatively through legal interpretation and legal construction methods. Legal interpretation was conducted using systematic interpretation, by analyzing legal provisions as an integrated system and examining the relationship between articles, paragraphs, and chapters within statutory regulations. In addition, legal construction was applied using the argumentum a contrario

method, which interprets legal norms based on opposing meanings to determine legal consequences for situations not explicitly regulated by law. The results of this analysis were then systematically arranged to formulate legal arguments and draw normative conclusions.

FINDING AND DISCUSSION

A. Analysis of the Legal Consequences of Deeds of Sale and Purchase Drawn up by Land Deed Officials Proven to Have Committed Criminal Offenses in Collaboration with the Land Mafia

Legal consequences arise from a preceding legal event. A legal consequence constitutes an outcome generated by a cause, namely an act committed by a legal subject, whether such act is in accordance with the law or contrary to it. According to Soeroso, a legal consequence is defined as the result of an action undertaken to achieve an outcome desired by the actor and regulated by law. Such an action is referred to as a legal act. Therefore, a legal consequence is the result of a legal act. The theory of legal consequences is required as an analytical framework to examine the legal implications faced by Land Deed Officials (PPAT), particularly in relation to the sanctions imposed as a result of their failure to perform their official duties in accordance with prevailing laws and regulations. Consequently, it is possible for such violations to lead not only to legal sanctions but also to dismissal from office as a Land Deed Official.[6] Legal consequences arise from legal acts committed by legal subjects, whether lawful or unlawful. According to Soeroso, legal consequences are the results of legal acts regulated by law and intended to achieve certain outcomes. The theory of legal consequences serves as an analytical tool to assess the sanctions imposed on Land Deed Officials (PPAT) for failing to perform their duties in accordance with statutory regulations, including the possibility of dismissal from office

The obligations of Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) in carrying out their duties as public officials include the obligation to first take an oath of office in accordance with statutory regulations, to have and perform their duties at a single official office, and to submit official identification details such as office address, signature, initials, seals, and stamps to the relevant authorities, namely the National Land Agency, the local Land Office, and the District Court. In addition, PPATs are required to uphold the values of Pancasila, the 1945 Constitution of the Republic of Indonesia, and the unity of the Unitary State of the Republic of Indonesia, to perform their duties genuinely and responsibly, and to submit monthly reports regarding the deeds they have executed. In the process of drafting deeds, PPATs are also obliged to conduct prior verification and examination of data, particularly with regard to the conformity of land certificates and records maintained at the land office, as well as to submit the PPAT Protocol in accordance with applicable regulations, in order to ensure orderly land administration and legal certainty in the field of land affairs.[7]

Government Regulation Number 24 of 2016, as an amendment to Government Regulation Number 37 of 1998, explicitly regulates a number of prohibitions that must be observed by Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) in the performance of their duties. One of the principal prohibitions is the prohibition on holding multiple positions, as stipulated in Article 7 of Government Regulation Number 24 of 2016 and Article 30 of Regulation of the Head of the National Land Agency Number 1 of 2006, which aims to safeguard the independence and professionalism of PPATs. In addition, PPATs are prohibited from drawing up deeds involving themselves, their spouse, or relatives by blood or marriage in a direct line without limitation and in a collateral line up to the second degree, whether acting directly or through a proxy, as regulated in Article 23 paragraph (1) of Government Regulation Number 37 of 1998. Another prohibition concerns leaving the office for more than six consecutive working days without lawful leave, as PPATs are required to remain available to provide services to the public.

[6] Soeroso, *Pengantar Ilmu Hukum*, Sinar Grafika, Jakarta, 2011, hlm. 205.
[7] R.Soeroso, *Pengantar Ilmu Hukum,* Sinar Grafika, Jakarta, 2011, hlm.295.

Beyond statutory prohibitions, PPATs are also bound by the PPAT Code of Ethics as established in IPPAT Decision Number 112/KEP-4.1/IV/2017. This code of ethics prohibits PPATs from opening branch offices, using intermediaries, engaging in promotion or advertising through mass media, displaying excessive signage, or engaging in conduct that may result in unfair competition among PPATs, including the imposition of unreasonable deed preparation fees. PPATs are further prohibited from harming or discrediting fellow professionals, persuading clients to transfer from another PPAT, withholding client documents to force the execution of deeds, or accepting requests to prepare deeds where the draft has been prepared by another PPAT without proper authorization.

Furthermore, the Code of Ethics prohibits PPATs from placing employees or assistants outside their official office, sending deed originals to clients for signature, or acting merely as a formal signatory by signing deeds prepared by other parties. PPATs are also prohibited from forming exclusive groups within the IPPAT organization to serve the specific interests of certain institutions, as well as from engaging in any conduct that contradicts the regulations governing the PPAT office, the oath of office, or the Articles of Association and Bylaws of IPPAT.

For PPATs who violate these prohibitions, statutory regulations provide administrative sanctions in the form of dismissal by the Minister, which may take the form of honorable dismissal, temporary suspension, or dishonorable dismissal. Honorable dismissal, as stipulated in Article 10 paragraph (2) of Government Regulation Number 24 of 2016, may occur at the request of the PPAT, due to the inability to perform official duties as a result of physical or mental health conditions based on the assessment of an authorized medical team, due to holding multiple positions, due to being declared bankrupt by a court decision with permanent legal force, or due to being placed under continuous guardianship for more than three years. These sanction mechanisms are intended to preserve the integrity, professionalism, and public trust in the office of the PPAT.

In performing their duties as public officials authorized to produce authentic deeds as written evidence, Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) play a significant role in society. A PPAT is required to possess adequate legal knowledge and to uphold high ethical responsibility, including accountability for the deeds executed, the management of the office and its staff, and the maintenance of moral integrity in accordance with the professional code of ethics. The professional code of ethics, which is upheld by the Association of Land Deed Officials (IPPAT), is binding based on the moral awareness of its members, and violations may result in organizational sanctions ranging from written warnings to expulsion from the association. This differs from statutory regulations, where violations result in sanctions imposed by the state.[8]

Responsibility refers to an individual's awareness of his or her actions or conduct, whether intentional or unintentional. Responsibility originates from within the individual and constitutes an inherent part of human life. Every person bears responsibility for the actions undertaken throughout their lifetime. Notaries and Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) play a crucial role in providing legal certainty for the public through the preparation of authentic deeds as instruments of evidence, which contain legal status, legal acts, as well as the rights and obligations of legal subjects. Accordingly, as public officials, Notaries and PPATs are entrusted with the duty to ensure legal certainty within specific legal fields, particularly civil law. For this reason, the public must have confidence that deeds drawn up by or before Notaries and PPATs provide legal certainty.[9]

Government Regulation Number 24 of 1997, particularly Article 39 paragraph (1), stipulates that a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) has the authority to refuse to draw up a deed if the original land certificate for registered land is not submitted, or if the submitted certificate does not correspond with the records at the Land Office. For unregistered

[8] Rahmat Setiawan*, Pokok -pokok Hukum Perikatan*, cet. 6, Putra A Bardin, Bandung, 1999, hlm.25.
[9] Abdulkadir Muhammad, *Etika Profesi Hukum*, Citra Aditya Bakti, Bandung, 2001, hlm.60.

land, the PPAT may refuse if there is no statement from the village or sub-district head confirming control over the land, as well as a certificate from the Land Office stating that the land has not yet been registered, or if the land is located far from the Land Office.

The principle of prudence in the performance of PPAT duties is further emphasized in Article 22 of Government Regulation Number 37 of 1998, which requires that a PPAT deed be read out and explained to the parties in the presence of at least two witnesses before being signed by the parties, the witnesses, and the PPAT. This obligation directly gives rise to personal responsibility on the part of the PPAT.

Dishonorable dismissal of a PPAT is regulated in Article 10 paragraph (3) of Government Regulation Number 24 of 2016, which applies in cases of serious violations of PPAT prohibitions or obligations, or where a PPAT has been sentenced to imprisonment of five years or more by a final court decision. Serious violations include, among others, participating in criminal conspiracies that result in land disputes, drawing up deeds outside the PPAT's territorial authority, providing false information in deeds, opening branch offices, violating the oath of office, preparing deeds without the presence of authorized parties, drafting deeds concerning disputed land rights, failing to read deeds before the parties, or performing duties while under sanction.

Temporary suspension may be imposed when a PPAT is under criminal investigation, fails to perform duties for 60 days after taking the oath of office, commits minor violations, holds concurrent positions, is undergoing bankruptcy or debt restructuring proceedings, is under guardianship, or commits unethical conduct. Minor violations include charging excessive fees, failing to resume duties after leave, failing to submit monthly reports, or holding multiple positions.

Legal consequences for PPATs who violate statutory regulations include administrative sanctions and the possibility of criminal liability. However, before law enforcement authorities summon a PPAT, an internal supervisory mechanism applies pursuant to Article 30 of Ministerial Regulation of ATR/BPN Number 2 of 2018. Supervision and examination are conducted in stages through the Regional PPAT Supervisory Council (MPPD), followed by the Regional (MPPW) and Central (MPPP) Councils. Sanctions range from written warnings to temporary suspension, honorable dismissal, or dishonorable dismissal, with final decisions rendered by the Minister and deemed final and binding.

As public officials authorized to draw up authentic deeds, PPATs must perform their duties professionally, carefully, and responsibly in order to ensure legal certainty, legal order, and legal protection for interested parties and for society at large. This role reflects the public need for authentic written evidence concerning civil legal relationships. An authentic deed must accurately reflect the facts and legal acts carried out before or declared to the PPAT, in accordance with statutory procedures.

In practice, parties may submit false statements or forged documents during the deed-making process. Such falsity may involve false verbal statements, forged documents, or invalid signatures. If a PPAT is proven to have intentionally participated in the falsification of an authentic deed, criminal liability may arise under Article 266 of the Indonesian Criminal Code. However, when false information originates solely from the parties and the deed fulfills all formal requirements of an authentic deed, civil and criminal liability rests with the parties, not the PPAT, unless fault on the part of the PPAT can be established.

Judicial practice confirms these principles. In Decision Number 248/Pid.B/2022/PN Jakarta Barat, the court held that PPAT duties are personal and non-delegable, and that drafting and signing deeds outside the presence of the authorized PPAT constitutes joint falsification of an authentic deed. In Decision Number 63/Pid.B/2022/PN Jakarta Selatan, the court emphasized that deeds not made before an authorized PPAT fail to meet formal requirements and may be declared null and void, with criminal liability imposed on the PPAT involved. Similarly, Decision Number 443/Pid/2021/PT Bandung affirmed that a deed signed without the presence

and reading by the PPAT loses its status as an authentic deed and is reduced to a private deed, resulting in legal uncertainty for the parties.

B. Analysis of the Legal Responsibility of Land Deed Officials in the Preparation of Deeds of Sale and Purchase Proven to Involve Criminal Acts with the Land Mafia

According to Hans Kelsen's theory of legal responsibility, a person is legally responsible for a specific act, meaning that the individual bears legal liability. A legal subject is considered responsible when he or she is subject to a legal sanction as a consequence of an act that is contrary to the law.[10] The theory of legal responsibility emphasizes responsibility arising from statutory provisions. In this sense, responsibility is understood as liability, namely a concept related to a person's legal obligation to be held legally accountable for a particular act, such that sanctions may be imposed when the act is contrary to the law.

Legal consequences arise from a preceding legal event. They result from acts committed by legal subjects, whether lawful or unlawful. According to Soeroso, legal consequences are defined as the outcomes of actions carried out to achieve a desired result and regulated by law, which are referred to as legal acts. Therefore, legal consequences are the results of legal acts. The theory of legal consequences serves as an analytical framework to examine the legal implications faced by Land Deed Officials (PPAT), particularly in relation to sanctions imposed for failing to perform their duties in accordance with statutory regulations, including the possibility of dismissal from office.[11]

In principle, the authority to draw up deeds of sale and purchase of land and/or buildings constitutes the main duty and function of the office of the Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT), rather than that of a Notary. This authority is based on, among others, Article 1 point 4 of the Mortgage Law, Article 1 point 5 of the Government Regulation on Rights of Cultivation, Building Use Rights, and Rights of Use over Land, Article 1 point 24 of the Government Regulation on Land Registration, and Article 1 point 3 of the IPPAT Code of Ethics.

However, where a PPAT concurrently holds the position of Notary, the office of Notary may also be implicated or linked in terms of accountability for conduct performed in the context of the PPAT office, based on the regulatory framework governing the notarial profession. From the perspective of the Notary's office, Article 67 paragraph (5) of the Law on Notary Office provides that supervision of a Notary also encompasses the Notary's conduct and performance of duties. This supervision extends to conduct both within and outside the notarial office, including conduct carried out in another official capacity, such as that of a PPAT. On this basis, misconduct committed in the exercise of the PPAT office may be attributed to the Notary, thereby allowing the notarial supervisory body to examine and adjudicate such conduct, even though it occurred in the performance of PPAT duties. This is further reinforced by the fact that both offices may be held by the same legal subject, such that a single act of misconduct governed by the ethical norms of both professions may give rise to the application of both regulatory regimes.

Deeds drawn up by a PPAT must not be prepared arbitrarily, either in terms of form, content, or procedure. A PPAT deed constitutes an agreement between the parties that binds them, and therefore must satisfy the requirements for a valid agreement as stipulated in Article 1320 of the Indonesian Civil Code, as further reflected in the Regulation of the Head of the National Land Agency Number 8 of 2012 amending Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997. Accordingly, prior to drawing up a deed of transfer or encumbrance of land rights or ownership rights over condominium units (Hak Milik atas Satuan Rumah Susun/HPASRS), a PPAT is obliged to conduct an examination at the local

[10] Busyra Azheri, 2011, Corporate Social Responsibility dari Voluntary menjadi Mandotary, Raja Grafindo Perss, Jakarta, hlm. 54.
[11] Soeroso, *Pengantar Ilmu Hukum*, Sinar Grafika, Jakarta, 2011, hlm. 205.

Land Office to verify the conformity of the land certificate or HPASRS with the records maintained at the Land Office, by presenting the original certificate.

Notaries and PPATs play a vital role in providing legal certainty for the public through the preparation of authentic deeds as instruments of evidence that record legal status, legal acts, and the rights and obligations of legal subjects. As public officials, they are entrusted with ensuring legal certainty in specific legal fields, particularly civil law. Accordingly, public trust must be placed in the fact that deeds drawn up by or before Notaries and PPATs provide legal certainty. This principle is also reflected in Article 39 paragraph (1) of Government Regulation Number 24 of 1997, which grants a PPAT the authority to refuse to draw up a deed if, in the case of registered land, the original certificate is not submitted or does not correspond with the Land Office records, or, in the case of unregistered land, if there is no statement from the village or sub-district head confirming control over the land, no certificate from the Land Office stating that the land has not yet been registered, or where the land is located far from the Land Office.

In carrying out their duties and authority as makers of written evidence in the form of authentic deeds, Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) play an important role in society. In performing these duties, a PPAT is required not only to possess theoretical knowledge of statutory regulations and legal doctrines related to the deeds to be prepared, but also to uphold a high level of legal and ethical responsibility. This includes adherence to professional values, an appreciation of the dignity and function of the office, accountability for the deeds executed, responsibility toward the institutional aspects of the office including the management of the office and its staff in accordance with statutory provisions, as well as the maintenance of moral integrity in line with the professional code of ethics.

A professional code of ethics constitutes a system of ethical norms agreed upon by a particular professional community. The binding force of the professional code of ethics is based solely on the moral awareness of the members of the profession, in this case Land Deed Officials organized under the Association of Land Deed Officials (Ikatan Pejabat Pembuat Akta Tanah/IPPAT). Violations of the code of ethics may result in organizational sanctions, ranging from written warnings to the most severe sanction of expulsion from the professional association. This differs from statutory regulations, under which non-compliance with the law results in sanctions imposed by the state.[12]

Responsibility refers to an individual's awareness of his or her conduct or actions, whether intentional or unintentional. It originates from within the individual and constitutes an inherent part of human life. Every person bears responsibility for the actions undertaken throughout their lifetime. Notaries and Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) play a crucial role in providing legal certainty to the public through the preparation of authentic deeds as instruments of evidence that record legal status, legal acts, and the rights and obligations of legal subjects. Accordingly, as public officials, Notaries and PPATs are entrusted with the duty to ensure legal certainty in specific legal fields, particularly civil law. For this reason, the public must have confidence that deeds drawn up by or before Notaries and PPATs provide legal certainty.[13]

This is also stipulated in Government Regulation Number 24 of 1997, particularly Article 39 paragraph (1), which provides that a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) is entitled to refuse to draw up a deed if, in the case of registered land, the original certificate is not submitted or the submitted certificate does not correspond with the records at the Land Office. In the case of unregistered land, a PPAT may refuse to prepare a deed if there is no statement from the village or sub-district head confirming that the relevant party controls the land, as well as a statement from the Land Office indicating that the land has not yet been certified, or if the land is located far from the Land Office.

[12] Rahmat Setiawan*, Pokok -pokok Hukum Perikatan*, cet. 6, Putra A Bardin, Bandung, 1999, hlm.25.
[13] Abdulkadir Muhammad, *Etika Profesi Hukum*, Citra Aditya Bakti, Bandung, 2001, hlm.60.

Before preparing a deed, a PPAT is required to examine the submitted documents, including verifying in whose name the land certificate is registered and whether the holder of the land right is still alive or has passed away. This examination is intended to prevent identity fraud, such as the falsification of land certificates or personal identification documents, including identity cards. In this regard, Article 77 of Law Number 24 of 2013 on Population Administration prohibits any person from ordering, facilitating, or engaging in the manipulation of population data. Furthermore, Article 93 of the same law stipulates that any resident who intentionally forges documents or submits false information to the implementing authority regarding population events shall be subject to criminal sanctions of up to six years' imprisonment and/or a fine of up to fifty million rupiah.

The principle of prudence in the performance of PPAT duties is further emphasized in Article 22 of Government Regulation Number 37 of 1998, which requires that a PPAT deed be read out and explained to the parties in the presence of at least two witnesses before being signed by the parties, the witnesses, and the PPAT. This requirement gives rise to personal responsibility on the part of the PPAT. In practice, land-related disputes often involve elements of false statements or forged documents used as the basis for the issuance of land certificates. Legal issues arising from alleged criminal acts related to the handling of deed minutes, supporting documents, and other records may include: (a) fraud (Article 378 of the Criminal Code); (b) embezzlement (Article 372 of the Criminal Code); and (c) the unlawful transfer, encumbrance, pledging, or leasing of uncertified land (Article 385 of the Criminal Code).14

These provisions relate to offenses of document forgery (Articles 263 and 264 of the Criminal Code) when a PPAT's actions concern the processing of registration documents rather than the drafting of authentic deeds. When the conduct involves authentic deeds such as Deeds of Sale and Purchase (AJB) or Deeds of Granting of Mortgage Rights (APHT) it may constitute the offense of providing false information in an authentic deed under Article 266 of the Criminal Code. Thus, the PPAT's conduct may be viewed as contributing to the fulfillment of the elements of the alleged criminal offense.15 Accordingly, the status of a Land Deed Official (PPAT) as a witness in a summons or in the retrieval of documents must be clearly distinguished. The concept of participation (penyertaan) that is often used to impose criminal liability on a PPAT refers to Article 55 of the Criminal Code, which provides that persons may be punished as perpetrators of a criminal offense if they commit the act, order another to commit it, or participate in its commission, including by giving or promising something, abusing authority or position, using violence or threats, misleading others, providing means or information, or intentionally inciting another person to commit an act.16

Under the Civil Code, the parties are presumed to have confidence in the claims they pursue, as what is brought before the judge must be something whose truth can be proven. Such proof is supported by the availability of evidence in the form of documents, witness testimony, and other supporting means which, according to the parties' perception, substantiate their asserted rights. With the enactment of Ministerial Regulation of the Ministry of Agrarian Affairs/National Land Agency (ATR/BPN) Number 2 of 2018, a system of supervision and guidance has been established, under which a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) may be summoned if there is an allegation of a criminal offense committed in the performance of official duties. In this context, the summoning of a PPAT and the retrieval of documents for investigative purposes must be conducted through the Ministry of ATR/BPN as a form of legal assistance and protection.

---

[14] Adami Chazawi dan Ardi Ferdian, *Tindak Pidana Pemalsuan*, PT Rajagrafindo Persada, Jakarta,2016, hlm. 136.

[15] Heriyanti, *Pertanggungjawaban Pidana Notaris Dalam Kedudukannya Sebagai Pejabat Umum Terhadap Akta Autentik Yang Terindikasi Tindak Pidana*, Yuma Pustaka, 2011, hlm. 222.

[16] Chairul Huda, *Dari Tiada Pidana Tanpa Kesalahan Menuju Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*, Kencana Prenada Media, Jakarta, 2006, hlm. 20.

Accordingly, in rAccordingly, in responding to a summons and the taking of documents for investigation, a PPAT is required to adhere to Article 34 paragraph (1) of the Regulation of the Head of the National Land Agency Number 1 of 2006, which contains the oath of office stating: 'that I shall keep confidential the contents of deeds drawn up before me and the protocols under my responsibility, insofar as their nature or statutory provisions require them to be kept confidential.' This obligation is further reinforced by Article 322 paragraph (1) of the Criminal Code, which prohibits the intentional disclosure of professional secrets that must be kept confidential by virtue of one's office or occupation, subject to a maximum imprisonment of nine months or a fine.esponding to a summons and the taking of documents for investigation, a PPAT is required to adhere to Article 34 paragraph (1) of the Regulation of the Head of the National Land Agency Number 1 of 2006, which contains the oath of office stating: 'that I shall keep confidential the contents of deeds drawn up before me and the protocols under my responsibility, insofar as their nature or statutory provisions require them to be kept confidential.' This obligation is further reinforced by Article 322 paragraph (1) of the Criminal Code, which prohibits the intentional disclosure of professional secrets that must be kept confidential by virtue of one's office or occupation, subject to a maximum imprisonment of nine months or a fine.

This obligation also applies to PPATs who concurrently hold the office of Notary, as stipulated in Article 16 paragraph (1) letter (f) of the Law on the Notary Office, which requires Notaries to maintain confidentiality regarding deeds they prepare and all information obtained for the purpose of drafting such deeds, in accordance with their oath or promise of office. Thus, in performing their duties as public officials authorized to draw up authentic deeds, PPATs bear legal responsibility for their actions.

According to Hans Kelsen's theory of responsibility, a delict or act prohibited by law and punishable by criminal sanctions consists of the following elements:

(a) objective elements, namely elements external to the individual, which may include prohibited acts or conduct subject to criminal sanctions, such as document forgery, perjury, or theft; prohibited consequences subject to criminal sanctions, such as homicide or assault; and specific circumstances or conditions prohibited and punishable by law, such as incitement or violations of public morality; and
(b) subjective elements, namely elements inherent within the individual, which include imputability (toerekeningsvatbaarheid) and fault (culpa).

A Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) is a public official authorized to draw up authentic deeds concerning legal acts relating to land rights and ownership rights over condominium units. The PPAT's authority covers eight types of deeds, including deeds of sale and purchase, exchange, grant, capital contribution (inbreng), division of jointly owned rights, the granting of building use rights or rights of use over ownership land, the granting of mortgage rights, and the granting of a power of attorney to impose mortgage rights. As the authority is inherent in the office, the exercise of PPAT duties is accompanied by legal responsibility based on the principle of fault-based liability. Accordingly, a PPAT is liable for errors or violations in the preparation of authentic deeds. However, where violations arise from the actions of the parties, the PPAT cannot be held liable, as the PPAT merely records the parties' intentions in accordance with formal legal requirements and is not obliged to examine the material truth of the parties' identities.[17]

In the context of land maintenance and registration, rights and obligations arise for individuals or legal entities with respect to land ownership. Consequently, there is the possibility that certain parties may attempt to legitimize unlawful practices, such as forging identity cards, using falsified documents, or falsifying signatures. An authentic deed minute cannot be prepared in the absence of supporting documents (warkah), which constitute the basic documents for drafting

[17]Ismu Gunadi, *Cepat Mudah Memahami Hukum Pidana*, Prestasi Pustaka, Jakarta, 2011, hlm.89.

the minute. Therefore, when a report alleges that an authentic deed drawn up by a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) is forged, the report or complaint generally concerns an alleged criminal act related to the supporting documents used by the PPAT. In principle, a PPAT is responsible only for formal validity and not for material truth, meaning that a PPAT is not obliged to further investigate the authenticity of the identity presented. Nevertheless, a PPAT bears formal responsibilities, which include:[18]

a. verifying the land certificate at the local Land Office;
b. examining identity documents, legal capacity, and authority of the parties (based on identity cards, marriage certificates, powers of attorney, spousal consent letters, prenuptial agreements, and articles of association and amendments thereof);
c. verifying the taxpayer identification number (NPWP);
d. requesting a written statement that the object of the legal act is not under dispute, either physically or legally;
e. requesting proof of full payment of Value Added Tax (VAT) and the Land and Building Acquisition Duty (BPHTB);
f. for deeds involving part of a registered land parcel or former customary ownership land, requesting prior measurement by the local Land Office and the issuance of a Land Parcel Identification Number (Nomor Identifikasi Bidang Tanah/NIB);
g. including the NIB, certificate number, and Land and Building Tax Due Notification (SPPT PBB) in every PPAT deed.

A criminal act is an act prohibited by law and subject to sanctions. Accordingly, a Notary or Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) who commits a criminal offense may be subject to criminal liability. However, a PPAT who performs official duties in accordance with statutory regulations cannot be punished, in line with the principle actus non facit reum nisi mens sit rea, which requires fault for criminal liability. Therefore, a PPAT may only be held criminally responsible if the elements of a criminal act, criminal responsibility, intent or negligence, and the absence of any grounds for excuse are fulfilled.[19]

Accordingly, criminal sanctions may be imposed on a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) who violates the limits set by statutory regulations and fulfills the elements of a criminal offense as provided in the Criminal Code. Such sanctions constitute the most severe form of liability that may be imposed on a PPAT, and criminal punishment functions as ultimum remedium, or a last resort, applied when civil, administrative, or ethical sanctions are insufficient to deter misconduct. Forgery is a criminal offense that involves the creation of a false or incorrect system or condition in respect of a particular object, which outwardly appears to be genuine but, in reality, contradicts the true facts.[20] Acts of forgery may be classified as forms of fraud; however, not all fraudulent acts constitute forgery. Forgery of a document or written instrument occurs when false information contained in a document is presented as if it were true.

Criminal law, as a branch of public law, primarily emphasizes the protection of public interests. In general, criminal law functions to regulate and organize social life in order to create and maintain public order. Criminal law is often referred to as a system of 'special sanctions' because legal subjects who violate criminal law are subject to criminal punishment in the form of suffering.[21] Criminal law is a part of the overall legal system applicable in a state, which establishes the fundamental principles and rules to: (a) determine which acts are prohibited and may not be committed, accompanied by threats or sanctions in the form of specific criminal

[18] Satochid Kartanegara, *Hukum Pidana I Kumpulan Kuliah*, Balai Lektur Mahasiswa, 2019, hlm 497.
[19] Adami Chazawi, *Pelajaran Hukum Pidana Bagian 3 Percobaan Dan Penyertaan*, PT.Raja Grafindo Persada, Jakarta, 2002, hlm. 71.
[20] Ismu Gunadi, *Cepat Mudah Memahami Hukum Pidana*, Prestasi Pustaka, Jakarta, 2011, hlm.89.
[21] Nandang Sambas dan Dr. Ade Mahmud, *Perkembangan Hukum Pidana dan Asas-Asas Dalam RKUHP*, PT Refika Aditama, Bandung, 2019, hlm. 25.

penalties for anyone who violates such prohibitions; (b) determine when and under what circumstances criminal penalties may be imposed on those who have violated such prohibitions; and (c) determine the procedures by which such criminal penalties are to be enforced when a person is suspected of having committed a prohibited act.

According to Prof. Dr. Wirjono Prodjodikoro, the term 'tindak pidana,' or in Dutch strafbaar feit, is the official term used in the Strafwetboek or Criminal Code currently in force in Indonesia, and in foreign legal terminology is referred to as a delict. A criminal act (tindak pidana) refers to an act for which the perpetrator may be subjected to criminal law, and the perpetrator may therefore be regarded as the subject of a criminal offense.[22]

A criminal offense may give rise to criminal liability, which can only arise when a person has committed a criminal act. Such criminal acts are governed by certain principles, including the unwritten principle nullum delictum, nulla poena sine praevia lege poenali, which means that no act may be punished unless it has been previously defined as an offense by law.[23] Forgery or identity manipulation consists of two concepts, namely forgery and identity manipulation. Forgery is a criminal act that involves a system of falsity or untruth concerning a particular object, which outwardly appears to be genuine but in fact contradicts the actual circumstances.[24] The criminal offense of document forgery is established to provide legal protection for the public trust (publica fides) placed in documents. In this context, the criminal sanction imposed relates to acts committed by a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) in his or her capacity as a public official authorized to draw up deeds, and not in the individual capacity of an ordinary citizen

Document forgery in Indonesian criminal law is regulated under Chapter XII of Book II of the Criminal Code (KUHP) and encompasses various forms of conduct that undermine public trust in written evidence. In general, document forgery includes ordinary forgery as regulated in Article 263 of the Criminal Code, which carries a maximum penalty of six years' imprisonment; aggravated forgery due to the nature of the document having high evidentiary value, punishable by up to eight years' imprisonment under Article 264; and the act of ordering the insertion of false information into an authentic deed, which is punishable by up to seven years' imprisonment pursuant to Article 266. In addition, the Criminal Code also regulates the forgery of medical certificates, the forgery of certain official documents, the forgery of certificates issued by public officials concerning ownership rights, as well as the possession of tools or materials intended for committing document forgery. These provisions demonstrate that criminal law provides serious protection for the authenticity and validity of documents as instruments of evidence that play a vital role in legal relations and state administration.[25]

Under the Indonesian Criminal Code (KUHP), document forgery is classified into ordinary forgery (Article 263), aggravated forgery due to the nature of the document or the manner of commission (Articles 264 and 266), and mitigated forgery (Articles 267(1) and 268). A key form of forgery is ordering the insertion of false information into an authentic deed, which occurs when false information is intentionally included in a deed with full evidentiary value to be used as if true, despite causing potential loss, and is punishable by up to seven years' imprisonment.

The offense of inserting false information into an authentic deed is deemed to be fully completed only when the false information has actually been incorporated into a valid authentic deed and the deed has been drawn up by an authorized official. The act of providing false information itself is still regarded as an initial stage of execution; therefore, if the act is discontinued due to circumstances beyond the perpetrator's control, it is legally classified as an attempted crime. The legal subjects of this offense include the person who orders or participates

[22] Wirjono Prodjodikoro, *Asas – Asas Hukum Pidana di Indonesia*, Refika Aditama, Bandung,2008, hlm. 58

[23] Chairul Huda, *Dari Tiada Pidana Tanpa Kesalahan Menuju Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*, Kencana Prenada Media, Jakarta, 2006, hlm. 95.

[24]Ismu Gunadi dkk, *Cepat Mudah Memahami Hukum Pidana*, Prestasi Pustaka, Jakarta,2011,hlm. 97.

[25] Heriyanti, *Pertanggungjawaban Pidana Notaris Dalam Kedudukannya Sebagai Pejabat Umum Terhadap Akta Autentik Yang Terindikasi Tindak Pidama*, Yuma Pustaka, 2012, hlm.212.

in the insertion of false information, as well as the official who prepares the authentic deed. Such officials may include public officials such as Notaries and Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT), as well as other officials authorized by law to draw up authentic deeds, including marriage registrars, court clerks, bailiffs, and investigators who prepare official records of examination.[26]

CONCLUSIONS

Based on the discussion, it can be concluded that a Deed of Sale and Purchase drawn up by a Land Deed Official (Pejabat Pembuat Akta Tanah/PPAT) who is proven to be involved in land mafia crimes gives rise to serious legal consequences. Such a deed is null and void by operation of law, and the PPAT concerned may be subject to the sanction of dishonorable dismissal. In addition, a PPAT may be held criminally liable if it is proven that there was malicious intent, particularly through the inclusion of false information in an authentic deed, which not only harms the parties involved but also undermines public trust in the function and authority of the PPAT.

In this regard, it is recommended that the government, through regulations issued by the Head of the Land Agency, strengthen strict sanctioning provisions against PPATs involved in land mafia practices, including prohibitions on continuing to hold office. Furthermore, the Indonesian Association of Land Deed Officials (IPPAT), in coordination with the Supervisory and Advisory Councils of PPATs, should enhance continuous coordination and supervision over deed-making practices to ensure that every PPAT performs their duties in accordance with formal juridical requirements and upholds the integrity of the profession.

Acknowledgement

The author would like to express sincere gratitude to all parties who have contributed to the completion of this thesis. First and foremost, the author extends deepest appreciation to the supervisors for their valuable guidance, constructive criticism, and continuous support throughout the research and writing process. Their academic insight and dedication have been instrumental in refining this thesis. The author also gratefully acknowledges the Head of the Master of Notarial Law Program, the lecturers, and the academic community of the Graduate School of Universitas Jayabaya for the knowledge, encouragement, and facilities provided during the course of study. Appreciation is also extended to colleagues and friends for their support, discussions, and motivation. Finally, the author expresses heartfelt thanks to family members for their patience, prayers, and unwavering support, which have been a constant source of strength in completing this thesis. It is hoped that this thesis may provide academic benefits and contribute to the development of legal studies, particularly in the field of notarial and land law.

REFERENCES

Abdulkadir, M. (2001). *Etika profesi hukum*. Citra Aditya Bakti.

Alamsah Deliarnoor, N., et al. (2017). *Teori dan praktik kewenangan pemerintahan*. Unpad Press.

Azheri, B. (2011). *Corporate social responsibility: Dari voluntary menjadi mandatory*. RajaGrafindo Persada.

Chazawi, A. (2002). *Pelajaran hukum pidana bagian 3: Percobaan dan penyertaan*. RajaGrafindo Persada.

Chazawi, A., & Ferdian, A. (2016). *Tindak pidana pemalsuan*. RajaGrafindo Persada.

Huda, C. (2006). *Dari tiada pidana tanpa kesalahan menuju tiada pertanggungjawaban pidana tanpa kesalahan*. Kencana Prenada Media.

Heriyanti. (2011). *Pertanggungjawaban pidana notaris dalam kedudukannya sebagai pejabat umum terhadap akta autentik yang terindikasi tindak pidana*. Yuma Pustaka.

Heriyanti. (2012). *Pertanggungjawaban pidana notaris dalam kedudukannya sebagai pejabat umum terhadap akta autentik yang terindikasi tindak pidana*. Yuma Pustaka.

Indroharto. (2004). *Asas-asas umum pemerintahan yang baik*. Citra Aditya Bakti.

Kartanegara, S. (2019). *Hukum pidana I: Kumpulan kuliah*. Balai Lektur Mahasiswa.

[26] R. Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia*, Liberty, Yogyakarta, 2011,hlm. 146.

Mertokusumo, R. S. (2011). *Hukum acara perdata Indonesia*. Liberty.
Mustofa. (2010). *Tuntutan pembuatan akta-akta Pejabat Pembuat Akta Tanah*. Karya Media.
Prodjodikoro, W. (2008). *Asas-asas hukum pidana di Indonesia*. Refika Aditama.
Sambas, N., & Mahmud, A. (2019). *Perkembangan hukum pidana dan asas-asas dalam RKUHP*. Refika Aditama.
Setiawan, R. (1999). *Pokok-pokok hukum perikatan* (6th ed.). Putra A. Bardin.
Soeroso. (2011). *Pengantar ilmu hukum*. Sinar Grafika.
Subekti, & Tjitrosudibjo, R. (2014). *Kitab Undang-Undang Hukum Perdata (Burgerlijk Wetboek) dengan tambahan Undang-Undang Pokok Agraria dan Undang-Undang Perkawinan* (41st ed.). Balai Pustaka.
Gunadi, I. (2011). *Cepat mudah memahami hukum pidana*. Prestasi Pustaka.
Gunadi, I., et al. (2011). *Cepat mudah memahami hukum pidana*. Prestasi Pustaka.