LEGAL PROTECTION OF OFFICIAL LAND DEED REGISTRAR (PPAT) OFFICERS IN RUNNING THEIR OFFICES

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Abstract: The purpose of this research is to know and analyze about the limitation of responsibility of PPAT as general official related to material truth to the deed which made then disputed and to know and analyze the protection of PPAT law in carrying out its position as PPAT when dispute. This legal research is Normative Law research. The theory used in this research is Theory of Responsibility, the theory of Legal certainty, and the theory of Legal protection. Approach methods used are Legislation Approach, Conceptual Approach, and Case Approach. Based on the results of the research (1) The limitations of the responsibility of PPAT as the general official related to the material truth to the deed made then disputed in divided into 3 (three) forms of accountability, namely: Civil Accountability, Criminal Accountability, and Administrative Accountability. Each of these liabilities is sanctions that expressly regulate if PPAT does not carry out its responsibilities. (2) Protection of law of PPAT in carrying out its position as PPAT when dispute namely Preventive Legal Protection and Repressive Legal Protection.

Keywords: protection, law, PPAT

I. INTRODUCTION

Indonesia as a developing country that always do development in all fields as a form of fulfillment of obligation to the people of Indonesia. In carrying out its development services, there are many elements of government in the form of offices or other specific positions such as Land Deed Officials.

The Official Land Deed Registrar (hereinafter abbreviated as PPAT) has an important role in land registration, namely assisting the Head of the Regency / City Land Office to carry out certain activities in land registration, the word “assisted” in Article 6 paragraph (2) of PP. 24 of 1997 here does not mean that PPAT is a subordinate of the District Land Office / City which can be governed by him, but PPAT has independence in carrying out duties and authority.\(^1\)

Land is a very complex thing because it involves many aspects of community life, so as to ensure legal certainty and order in the field of land, can be done through land registration as a step for the issuance process of the certificate as proof of ownership of rights. This is as described in Article 19 of the UUPA which states that land registration is organized by the Government, in this case the National Land Agency.

\(^1\) Urip Santoso. 2010. Registration and Transfer of Land Rights, Kencana Prenada Media Grup. Jakarta. p. 316
The procedure for the sale and purchase of land rights has been stipulated in accordance with the provisions in force of UUPA and Government Regulation Number 24 of 1997 concerning land registration. But in practice, there is often a mistake that led to the dispute and PPAT become part of the dispute as well.

The service of the public interest is the essence of the task of the Government which is based on the principle of providing and ensuring a sense of legal certainty for the community. In certain areas, the duty by the law is granted and entrusted to the PPAT, namely its duty is to assist the Head of the Regency / Municipal Land Office in carrying out part of the land registration activity, and its authority is to make a deed of a certain legal act concerning the right to land or property over the apartment units, so that the public must also believe that the PPAT deed made provide legal certainty.

Thus the logical consequence of the existence of such beliefs must be guaranteed the supervision for the task of PPAT always in accordance with the rules of law underlying authority and to avoid the abuse of authority or trust given.

As a result of the legal consequences of the action or act of PPAT in carrying out its position, then there must be a real legal protection provided for PPAT in carrying out its position so as to provide a comfort and security for an PPAT in carrying out its duties and functions in accordance with the provisions of the Law apply and of course also if PPAT in this case made a mistake in carrying out his position, then the extent to which limits of responsibility limitation that must be faced or borne by a PPAT (Land Deed Official). In this case the author also reviewed the Decision Number: 162 / Pdt.G / 2012 / PN. Kpj. Formulation of Problems I use; 1) How are the limits of the responsibility of PPAT as the general official relating to material truth to the deed he made later in dispute? 2) How is the protection of PPAT law in carrying out its position as PPAT when disputing?

Starting from the formulation of the problem that I lift the purpose of this research is; 1) To find out and analyze the limits of the responsibility of PPAT as the general official related to material truth to the deed he made then disputed. 2) To know and analyze the protection of PPAT law in carrying out its position as PPAT when disputed.

This thesis research uses Normative Law Research namely.

Legal research that lays law as a norm system building. The norm system is about principles, norms, and rules of legislation, court decisions, agreements and doctrines (teachings).2

II. DISCUSSION

2.1 The limits of the responsibility of PPAT as the general official relating to the material truth of the deed he made later in the dispute

Hans Kelsen in his book divides accountability into four kinds:3

a. Individual responsibility is an individual responsible against his own offense;

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b. Collective accountability means that an individual is responsible for an offense committed by another;

c. Accountability is based on an error which means that an individual is liable for a breach by intentional and foreseeable intent to cause harm;

d. Absolute accountability which means that an individual is responsible for the violation he committed by unintentional and unexpected.

Legal responsibility is required to elaborate between the responsibilities of PPAT (Land Deed Authority) relating to the authority of PPAT in accordance with the provisions of Government Regulation No. 37 of 1998 Jo. Government Regulation Number 24 of 2016 Concerning Officials of the Deed of Land and its implementing regulations in the field of civil law. This authority is one of them is to make evidence in the form of an authentic deed of legal acts related to land rights that can provide legal certainty for the parties, then become a delict or deeds that must be accountable.

PPAT (Land Deed Officer) as Public Officer appointed and dismissed by the government and given the authority and obligation to serve the public in certain matters because he participated in carrying out a power which originated from the authority of the government. In his position a distinctive trait and characteristic distinguishes him from other positions in society.  

PPAT in performing its duties and positions must be in accordance with the rules of law applicable, but if the PPAT in carrying out its duties and positions there is a mistake or mistake, then of course the PPAT must be responsible in accordance with the restrictions on the deed made specifically about the truth material deed.

In this case, the limits of PPAT in its Responsibility to the material truth of a deed that has been made in divided in 3 (three) forms of responsibility that is:

2.1.1 PPAT Responsibilities are Civilized

According to Roscoe Pound, responsibility is related to an obligation to seek redress from a person against whom an act of harm or injury has been made, either by the first person himself or by something under his control.  

In the realm of civil law, Roscoe Pound states the law sees three responsibilities for the offense:

a. Accountability for deliberate loss;  
b. Responsibility for losses due to negligence and unintentional;  
c. Accountability in certain cases of loss caused by negligence and unintentional.

The accountability of PPAT related to deliberate, negligent and / or negligence in making the deed of sale and purchase which deviate specially concerning the material truth of a deed made, hence not possible to be claimed compensation by the party who feel harmed.

In relation to the (beroepsfout) of the PPAT, it should be examined on the form of the error, i.e. whether the error is a breach or an unlawful act (onrechtmatigedaad). It is commonly

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6 Ibid. p. 92
held that *wanpresstasi* occurs when it is preceded by an agreement, whereas if there is no relation to the agreement the offense is called unlawful acts or *onrechtmatige daad*.

Whereas the act of PPAT which has caused a deed to be flawed by law can be regarded as unlawful act, considering that PPAT with client or related party in deed has never been found any agreement.

In determining an act can be qualified as unlawful, four conditions are required:⁷

a. Contrary to the legal obligations of the perpetrator;
b. Contrary to the subjective rights of others;
c. Contrary to decency;
d. Contrary to propriety, precision and caution.

For the existence of an unlawful act is not required the four criteria are cumulative, but the fulfillment of one of the criteria alternatively, is sufficiently fulfilled also the requirement for an unlawful act. Civil penalties are imposed on the PPAT for unlawful acts (*onrechtmatige daad*), the act of causing harm, and normatively the act is subject to the provisions of Article 1365 of the Civil Code, which reads “Any unlawful act, which carries harm to another person, because it was his fault to issue the loss, to compensate for the loss”.

However, in the execution of the duties and positions of PPAT in relation to the obligation of an PPAT to make an authentic deed with the strength of perfect proof, if in the future it contains legal defect, which by a court decision is declared not authentic because the formal conditions and material truths of the PPAT deed procedure are not fulfilled, so that the power of the deed of proof becomes a deed under the hand or even declared void, or becomes null and void, resulting in a loss, then the event becomes contrary to the legal obligation of the PPAT, and the PPAT is responsible for the loss.

Compensation for unlawful acts is a form of indemnity imposed on the person who has caused the wrongdoing to the injured party. The compensation arises because of an error, not because of the agreement. While the form of compensation known in civil law there are 2 (two) kinds, namely:⁸

a. General compensation, ie indemnification applicable to all cases due to unlawful acts of expense, loss and interest. Compensation is generally provided for in Articles 1243 to Article 1252 of the Civil Code.
b. A special compensation that can arise only from certain engagements.

### 2.1.2 Criminal Responsibility

The person making the deed of destination is to be used as a proof that has perfect evidentiary power. if in this case there is a certificate or authentic evidence made by a PPAT concerning the truth Material substance deed is false or falsified, then legally the PPAT must be able to be responsible in terms of criminal aspects.

The imposition of criminal sanctions against PPAT can be done as long as a PPAT has made a fake letter or falsified deed with qualification as a crime. Material requirements and formal requirements of the procedure of making PPAT deed is the formal aspects that must be passed in the making of the deed of sale and purchase of land related to the job title of PPAT.

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According to Habib Adjie with the analogy reasoning method, argued that the formal aspects of an PPAT deed can be used as a basis or limitation to criminalize PPAT if: 9

a. These formal aspects are deliberately proven (with full awareness and conscientiousness and planned by the respective PPAT) that the deeds they make are used as instruments for committing a crime;
b. PPAT consciously and deliberately too jointly with the parties concerned to take a legal action that is known as an unlawful act.

The imposition of criminal sanction against PPAT can be done along the limits as it is violated, that is, besides fulfilling the formulation of the violation in the PPAT-related legislation, the IPPAT Code of Ethics must also fulfill the formulation mentioned in the Criminal Code.

According to Habib Adjie, as for criminal cases related to the formal aspects of notarial deed / PPAT in making authentic deeds are as follows: 10

1) Making false / falsified letters and using forged / falsified letters (Article 263 paragraph (1) and (2) of the Criminal Code);
2) Falsifying the authentic deed (Article 264 of the Criminal Code);
3) To order to include false information in authentic deed (Article 266 of the Criminal Code);
4) Conducting, ordering, participating (Article 55 Jo Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 or Article 266 of the Criminal Code);
5) Helps to make false/or counterfeit letters and use false/falsified letters (Article 56 paragraph (1) and (2) Jo Article 263 paragraph (1) and (2) of the Criminal Code or Article 264 or Article 266 of the Criminal Code).

As for some examples of cases of acts that include the qualification of a criminal offense of a PPAT, among others: 11

a) The act of a person makes a Notary / PPAT, stating a description in the deed of agreement made before him about the occurrence of a land purchase agreement and the house standing on it with the right to buy back, whereas what happens between the parties is a debt agreement.
b) The act of a person makes a Notary / PPAT include in the deed of sale and purchase made before him a sale and purchase agreement on a plot of land following the house standing on it at a price of Rp. 300.000.000, - (three hundred million rupiah), whereas what really happened is not a land purchase agreement and the house, but only the intention of one party to make the land following the house as if it had been bought by another party in order to save the land following the house from the possibility of confiscation of confiscation to the District Court by a third party who has receivable to the owner of the land and the house.
c) The act of a person makes a PPAT include a description of having done a sale and purchase of land area of 3 hectares between the people with another person with the price of Rp.

10 Ibid, p. 76
25,000,000, - (twenty five million rupiah), whereas the land has been sold for Rp. 200,000,000, - (two hundred million rupiah).

A deed of sale and sale made before a Notary / PPAT shall not only have the utility to prove that certain parties have given certain particulars before Notary / PPAT, but also that they have entered into an engagement as stipulated in Article 1458 of the Civil Code formulated: “the sale is considered to have occurred between the two parties, immediately afterwards these people reached agreement on the material and the price even though the material has not been submitted, nor the price has been paid”. However, the deed of sale and sale also proves about the amount of buying and selling price or transaction, so the notarial deed / PPAT also has the utility to prove the truth of the buying and selling value that has been raised by the parties, so in case of the third example above the perpetrator is subject to the threat stated on Article 266 paragraph (1) of the Criminal Code. Violations of Article 266 paragraph (1) of the Criminal Code can only be denounced to Notary / PPAT when Notary / PPAT acknowledges that the information requested by the parties to be incorporated in the deed is not true or as if the information is in accordance with the truth, and if it can cause harm, Notary / PPAT is still willing to make the deed, the Notary / PPAT in this case may be charged with committing the crime of Article 266 paragraph (1) of KUHP Jo. Article 56 paragraph (1) of the Criminal Code. Violations of Article 266 paragraph (1) of the Criminal Code is reduced by one third of Article 57 paragraph (1) of the Criminal Code.

2.1.3 Administrative Responsibility

Administrative errors or commonly referred to as administrative mall undertaken by the PPAT in performing part of land registration activities will certainly result in legal consequences, namely PPAT can be held accountable. Accountability of PPAT is related to intentional, negligence and/or negligence in the making of sale deed which deviates from formal requirement and material requirement of PPAT deed procedure, PPAT may be subject to administrative sanction. Based on the Regulation of BPN 1/2006, such deviations from such formal and material requirements are subject to serious violations by PPAT which may be subject to disgraceful sanctions from their positions by the Head of the Indonesian National Agency for Agricultural Affairs.

Administrative accountability is also determined in Article 62 of Government Regulation no. 24 Year 1997 on Land Registration, namely:

“PPAT who in performing its duties ignores the provisions referred to in Article 38, Article 39 and Article 40 and the provisions and instructions given by the Minister or appointed Official shall be subject to administrative measures in the form of written warning until termination from his position as PPAT, shall be liable for damages by parties suffering losses resulting from the abandonment of such provisions “.

2.2 Protection of PPAT Office in Running its Position as PPAT When Disputing

Conception ally the legal protection of individual and community rights is one of the rights of the individual and society; it can be a preventive law protection and repressive legal protection.

Legal protection aspect for PPAT in the field of legislation related to PPAT is more internal or administrative. The institution violated by a PPAT is a standard measure of
Professionalism that should be obeyed by all PPAT as the bearer of state authority in making authentic deed in the field of land. In this area the protection of PPAT from administrative decisions, aims to provide assurance for a PPAT to be able to defend them and defend their right to work as a PPAT.

While the legal protection aspect for PPAT which is related to criminal and civil law institution is more external, it means that PPAT as Public Official to him attaches the privilege as a consequence of the predicate of his / her position. The term of Privilege in the field of law is a special or special right granted to a government or a ruler of a state and granted to a person or group of persons, separate from the rights of the people under applicable law. Privileges owned by PPAT, became a differentiator (treatment) against ordinary people. These forms of treatment relate to a special procedure in law enforcement of PPAT, which is related to treatment in the case of summons and examination of the investigation and trial process, which must be ignored.

2.2.1 Preventive Legal Protection for PPAT (Land Deed Officer) in performing his / her position

Preventive legal protection provided to PPAT (Land Deed Officer) in carrying out its duties and position by supervising PPAT's duties and offices. The importance of oversight is done to the PPAT because PPAT in carrying out its duties has a trust in providing services for the public interest in the field of law, trust given to PPAT because PPAT has the duty of assisting Head of Regency / Municipal Land Office in executing part of land registration activity and its authority is to make a deed for certain legal acts concerning the right to land or the Property Right of the Housing Unit, so that the public must also believe that the PPAT deed made provide legal certainty for its citizens. Thus the logical consequence of the existence of such beliefs must be guaranteed the supervision for the task of PPAT always in accordance with the rule of law underlying authority and to avoid the abuse of authority or trust given.

The legal instrument of regulatory oversight mechanism for PPAT is run on the basis of PPAT Regulation, namely Article 33 PP. 37 of 1998, whose ordinance or its implementation is regulated in Article 65-68 of the Regulation of BPN 1/2006 concerning Provisions on the Implementation of PP. 37 of 1998 on PJPPAT. In addition, monitoring of PPAT is also applied through PPAT's own professional organization, which refers to the IPPAT Code of Conduct. In the provisions of PJPPAT is not mentioned at all about professional ethics or professional code of ethics of the PPAT. However, in further regulations, Article 28 Paragraph (2) Sub-Paragraph c of BPN 1/2006 concerning Provisions on the Implementation of PP. 37 of 1998 on PJPPAT, stated that the PPAT dismissed with disrespect from his position by the Head of Agency (BPN) for violating the professional code of ethics. In Article 69 of BPN Regulation 1/2006, “the code of ethics of the PPAT profession is prepared by the PPAT and / or PPAT Transient Organization and determined by the Head of BPN applicable nationally”.

Based on these provisions as described above, it can be concluded that the parties authorized to supervise the PPAT in carrying out its position is the National Land Agency (BPN) and the Association of Land Deed Officials (IPPAT). The role of BPN in this case is to provide guidance and supervision of PPAT in order to carry out their positions in accordance with applicable laws and regulations. While the role of IPPAT in this case is to provide guidance and supervision of PPAT in order to carry out their positions in accordance with the Code of Ethics IPPAT.
2.2.2 Repressive Legal Protection for PPAT in running its position

The repressive legal protection aims to resolve the dispute, including in the case of handling in the judiciary. Representative legal protection provided to PPAT in carrying out its position in the provisions of the applicable Laws and Regulations on the PPAT is not yet regulated explicitly and detailed in the Regulation Government Number 37 Year 1998 Juncto Government Regulation Number 24 Year 2016 on Officials of Land Deed Authority. But in this case the authors argue that the Protection provided repressively for PPAT in carrying out its position and then disputed that is with the privilege of PPAT in the form of obligation right of refusals and denial obligation PPAT. Right is a right granted by the government to a person or group of persons, separate from the rights of the people according to applicable law. Privileges owned by PPAT, becomes a differentiator of treatment (Treatment) to society in general. These forms of treatment relate to specific procedures in the case of law enforcement of the PPAT, which is related to the treatment in the case of summons and examination of the investigation and trial process, which must be obeyed. In the case of summons and examination on the process of investigation and trial of PPAT called as witness or the suspect is imposed by the provision of Article 112 of the Criminal Procedure Code, that if the PPAT is summoned by the Court as a witness in a case where the acts are used as evidence, it is not necessary to say that there is no obligation to attend, given the secret oath of office (obligation of disobedience).

According to Liliana Tedjosaputro, one of the obligations that must be implemented and firmly held by professionals is to keep and / or hold the secret of office. This is the implementation of the confidential profession that has been given by the community, especially the client. This secret is maintained, even if the professional relationship with his client has ended.

According to Oemar Seno Adji, as quoted by Liliani Tedjosaputro, stated that the secret of the position (beroepgeheim) of an Advocate is not merely a provision of ethics, but the issue of beroepgeheim is also a legal provision that can be upheld to the Court. This relates to the Right of Refusals (Verschoningsrecht) of an Advocate sourced from Article 170 of the Criminal Procedure Code which gives freedom to testify for those whose position, dignity, dignity and occupation should keep a secret.

The provision of Article 170 of the Criminal Procedure Code provides an exception, for a person who is required to give testimony as a witness may use the Denial Obligation (Verschoningsplicht) and the Right of Refusals (Verschoningsrecht). The same is also stipulated in the Het herziene Indonesisch Reglement (HIR) in Article 146 paragraph (1) number 3 and Article 277 paragraph (1) HIR Under this provision one may use the Denial Obligation (Verschoningsplicht) and the Right of Refusals (Verschoningsrecht) when confronted as a witness both to the court and to the investigator.

Thus it can be concluded that the secret category of positions that must be kept by Notary, PPAT, Advocate, Prosecutor, Police and Judge is a legal provision based on professional ethics. If it is associated with the law, the act of divulging the secrets, materially based on Article 322 paragraph (1) of the Criminal Code and Article 1909 paragraph (3) of the Civil Code and even if there are elements of defamation can be seen in the articles of unlawful acts in Civil Code.

Article 322 Paragraph (1) of the Criminal Code determines “Anyone who deliberately discloses a secret which he shall keep for his current or former occupation or office shall be punishable by a maximum of nine months imprisonment or a maximum fine of nine thousand
rupiah.” Article 1909 paragraph 3) The Civil Code determines “Anyone who, by virtue of his position, occupation or office by law, is required to keep a secret, but only on matters whose knowledge is entrusted to him as such.”

Subsequently in formal or procedural law, based on Article 170 of the Criminal Procedure Code for criminal proceedings, and in Article 277 paragraph (1) HIR Jo. 146 paragraph (1) number 3 HIR for civil proceeding process. Article 170 of the Criminal Procedure Code provides the following:

(1) Those whose work, dignity or position are required to keep secrets, may require the release of the obligation to give testimony as witnesses, that is, of things entrusted to them;
(2) The judge shall determine the validity of any reason for such request.

As for the civil proceeding process prescribed in Article 277 paragraph (1) of the HIR, “a person who, due to his or her dignity, his rightful occupation or office, is required to keep a secret, may request freedom rather than bear witness; but only about it, which is notified to him because of his dignity, occupation or position “, Junction Article 146 paragraph (1) number 3 HIR” All persons whose dignity, occupation or legal office are required to keep a secret but merely purely concerning the knowledge given to him because of his dignity, occupation or position.”

In the opinion of Van Bemmelen quoted by G.H.S. Lumban Tobing said that there are 3 basic requirements to be able to demand the use of Denial Obligation (Verschoningsplicht) and Right of Refusals (Verschoningsrecht) namely: 12
a. Very close family relationships;
b. The danger of a criminal penalty (gevaar voor strafrechtelijke veroordeling);
c. Position of employment and job secrets.

Although PPAT has the right to resign as a witness, because his position is mandatory, the PPAT should consider it well before it decides to use Denial Obligation (Verschoningsplicht) and Right of Refusals (Verschoningsrecht) or not, as a PPAT witness is expected to help investigate cases that are being examined, in addition there are exceptions whereas the law is ordered to abort the Obligation of the Denial Obligation (Verschoningsplicht) and the Right of Refusals (Verschoningsrecht).

2.3 Case Study of Decision of Kepanjen District Court Number: 162 / Pdt.G / 2012 / PN. Deeds
2.3.1 The litigants

The parties litigating in civil cases in Kepanjen District Court Number: 162 / Pdt.G / 2012 / PN. Kepanjen is as follows:

Litigants:
Mrs. NI'MAYANI KARTIKASARI, Age 34 Years, Private Work, Islam, Address First Jl. School of Ambassadors VI / 19 Rt. 04, Rw. 14, Pondok Pinang Village, Kebayoran Lama Sub-District, South Jakarta;
Hereinafter referred to as PLAINTIFF

Against

1. SJA'BANY BACHRY, S.H, Notary-PPAT, Residing on Jalan Bunga Edelweis No. 19 Rt.08 Rw. 09 Kelurahan Jatimulyo, Lowokwaru District, Malang City, hereinafter referred to as DEFENDANT I;
2. GUNAWAN TRI PURWANTO, S.H, Private, Living on Jalan Sunan Drajad 11/3 Rt. 10 Rw. 01 Kelurahan Sumber Sari, Kecamatan Lowokwaru, Malang City, hereinafter referred to as DEFENDANT II;
3. DIAH AYU WISNU WARDHANI, S.H.M.H, Notary-PPAT, having office at Jalan R.T. Suryo No. 23, Sanan Urban Village, Blimbing District, Malang City, hereinafter referred to as DEFENDANT III;
4. S.M. WIDANTI, S.H, Notary-PPAT, having office at Jalan Raya Singosari (Ruko Mondaroko Selatan) Number. 17E, Singosari District, Malang Regency, hereinafter referred to as DEFENDANT IV.

The chronological case that occurred at the District Court of Kepanjen with Decision Number: 162 / Pdt.G / 2012 / PN.KPJ is a lawsuit filed by the plaintiff namely Ny. NI'MAYANI KARTIKASARI concerning ownership of a yard area of 496 square meters with Certificate of Property Number: 3109 on behalf of Defendant I namely Mr. SJA'BANY BACHRY, S.H. the plaintiff received the lawn from the Defendant I based on the Deed of Grant made on December 28, 2011 with Number: 370 / PKS / RP / 2011 made before Rachmat Praptono, SH, Notary and PPAT. However, without the confession of the Plaintiff, on April 26, 2012, a silent binding of sale and purchase of Number 39 between Defendant I and Defendant II, namely Mr. GUNAWAN TRI PURWANTO, SH and the power of attorney selling with Number 40 made before Defendant III namely DIAH AYU WISNU WARDHANI, SHMH as Notary and PPAT. Based on the Defendant I's acknowledgment to the Plaintiff that the deed of binding of the Sale and Purchase Agreement and the Power of Attorney of the Sale made is fictitious or false, in which case the Defendant II shall pay the Defendant I a sum of money amounting to Rp. 276.000.000 (Two hundred Seventy Six Million Rupiah) on the guarantee of 2 (two) certificates of vacant land or object of the dispute because there is someone named alwi, Nurul and Putu who want to borrow money through the Bank Mandiri Madiun but has no guarantee, therefore the two land certificates are pledged to Defendant II and when a person named alwi and nurul has obtained the withdrawal from Bank Syariah Mandiri madiun, the money and certificate will be returned and given to Defendant I, but after alwi and nurul get the disbursement funds from the independent Islamic bank madiun, the funds are not given to Defendant I, so that the cause of Certificate of Ownership over two plots of land which is guaranteed is not given to Defendant I by Defendant II.

2.3.2 Author Analysis in Decision Civil Case Number: 162 / Pdt.G / 2012 / PN.KPJ

In this case the author wishes to express about the Decision of the District Court of Kepanjen stating that in this case the Plaintiff has been won in the Amar of the Decision. If looking at the chronology that has been described by the plaintiff, in this case according to the author of the Judge who handles the case has been very precise and fundamental in taking a decision. Which in the consideration of the panel of judges examining and adjudicating the case stated that the Grant Deed No. 370 // PKS / RP / 2011 is valid and binding. It means that the panel of judges in this regard has upheld the value of the authenticity of a Deed of the Grant Deed. The grant deed made by a PPAT must have a very perfect proof of power that is the power of proof by birth, the power of proof formally, and the power of material proof. The Judge at the
District Court especially in the Case has been in accordance with the law in consideration of its legal considerations, because the deed of the grant has been made legally and binding before the Notary-PPAT prior to the deed of binding of sale and purchase of mocks made by Defendant I and Defendant II and Defendant III occurred. Therefore, if the Deed of Grant is made before the Deed of Sale and purchase binding, it is appropriate that the judge's decision in the Kepanjen State Court with Case Number: 162 / Pdt.G / 2012 / PN.KPJ won the Plaintiff Party.

In this case also the authors see the need for the responsibility of the Notary-PPAT in accounting for the deed made, if it refers to the Chronology of the Case above, then the Notary PPAT which makes a Certificate of Sale and Purchase Bond and the Power of Attorney sell it, then legally Notary -PPAT can be held accountable Criminal even Criminal. Certainly also If the Civil Responsibility then the Notary-PPAT must be proven to have actually done an act against the law that can harm either party. Likewise also in terms of responsibility from the criminal aspects, of course, must be an element of criminal elements that violated by Notary-PPAT in carrying out its Duties and Position and processing in criminal responsibility must be through certain mechanisms in its application.

III. Conclusion and Recommendations

3.1 Conclusion

Based on the descriptions described in the preceding chapter, it can be concluded as follows:

a. Whereas the limitations of the responsibility of PPAT on the deed made specifically on material truth may be subject to the following sanctions:

1) Civil Sanctions imposed on PPAT for unlawful acts (onrechtmatige daad). The authentic deed made by the PPAT is perfectly valid, but if in the future it contains a legal defect, which by a court decision is declared to be inauthentic because the formal conditions and material truths of the PPAT deed procedure are not fulfilled, so the power of the deed of proof becomes the deed under the hand or even declared void, or become null and void, and result in a loss, the PPAT shall be liable in the form of reimbursement of costs, compensation and interest.

2) Criminal sanctions are imposed on PPAT if a PPAT has made a false letter or falsified a deed with qualification as a criminal offense, and PPAT violates the relevant PPAT Regulations, IPPAT Code and in the Criminal Code (KUHP) then the relevant PPAT can be subject to criminal sanctions in accordance with the applicable regulations.

3) Administrative Sanction is masked to PPAT in relation to intent, negligence or negligence in the making of sale deed which deviates from formal requirement and material requirement of PPAT deed procedure, Based on the Regulation of BPN 1/2006, the deviation on such formal and material requirements is including serious violation by PPAT which may be subject to disgraceful sanctions from his position by the Head of the Indonesian National Agency for Agricultural Affairs. The accountability of PPAT administratively is also determined in Article 62 PP. 24 of 1997 on Land Registry.

b. Whereas the legal protection provided to the Land Deed Official in carrying out his position as PPAT namely Preventive Legal Protection and Repressive legal Protection.

1) Legal protection is prevented by law protection in the form of oversight of the tasks and positions of PPAT in which case the parties authorized to supervise the PPAT in carrying out its position is the National Land Agency (BPN) and the Association of
Land Deed Officials (IPPAT). The role of BPN in this case is to provide guidance and supervision of PPAT in order to carry out their positions in accordance with applicable laws and regulations. While the role of IPPAT in this case is to provide guidance and supervision of PPAT in order to carry out their positions in accordance with the Code of Ethics IPPAT.

2) Represif legal protection aims to resolve the dispute, including in the case of handling it in the judiciary. The Repressive Legal Protection provided for PPAT in carrying out its position is not explicitly regulated in Government Regulation Number 37 Year 1998 Juncto Government Regulation Number 24 Year 2016 regarding Land Titles Registrar.

3.2 Recommendations

From the above conclusions can be submitted recommendations that are:

There should be a more specific and concrete rules governing the protection of the Law for PPAT in carrying out its position, it is to provide legal certainty and security for PPAT in carrying out its position in a professional and full of responsibility.

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