

## **Analysis of the Accountability of Land Deed Officials for the Transfer of State Land (Court Decision Number 33/Pdt.G/2019/Pn.Cbi)**

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***Abstract.*** Protection of land based on the 1945 Constitution of the Republic of Indonesia (UUD 1945) can be found in several articles that emphasize the principle of state control over natural resources including land, as well as the state's obligation to regulate, manage and protect it for the prosperity of the people. The aim of this research is to find out and analyze PPAT's responsibilities in making deeds of transfer of state land and completing the transfer of rights to state land. The type of research used by the researcher is legal sociology. Legal sociology is a type of legal research known as field research, which relates to legal provisions and the realities of society. Descriptive-qualitative research. Descriptive-qualitative research is research that explains, records, analyzes, and interprets the object being studied based on observations, interviews, and documentation. The analysis is qualitative method used is a way of interpreting and discussing research results based on interviews with informants, understanding of law, legal norms, legal theories and doctrines related to the main problem. The research results obtained were: The case of the transfer of Building Use Rights (HGB) involving PPAT in the case of PT Sentul City Tbk illustrates a form of negligence in the implementation of administrative authority and legal responsibility of PPAT as regulated in PP No. 24 of 1997 concerning Land Registration and Regulations on the Position of PPAT (Regulation of the Head of BPN No. 1 of 2006 in conjunction with No. 8 of 2012). The PPAT is considered to have violated the due care principle because it made a deed of transfer of land rights without ensuring the validity of the land status which is still legally problematic or overlaps with the rights of other parties. The case of the transfer of Building Use Rights (HGB) involving the PPAT in the case of PT Sentul City Tbk shows that the implementation of the PPAT's duties has a crucial role in realizing legal certainty in the land sector, resulting in the registration process and issuance of new certificates at the National Land Agency (BPN) being

*administratively flawed and creating legal uncertainty for the interested parties.*

**Keywords:** *Administratively; Certainty; Legal; Transfer.*

## 1. Introduction

Protection of land based on the 1945 Constitution of the Republic of Indonesia (UUD 1945) can be found in several articles that emphasize the principle of state control over natural resources including land, as well as the state's obligation to regulate, manage and protect it for the prosperity of the people.<sup>1</sup>

Article 33 Paragraph (3) of the 1945 Constitution explains "The land, water, and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." This article serves as the constitutional basis for land (as part of the earth) being controlled by the state, meaning the state has the authority to regulate the allocation, use, and management of land for the public interest. The state does not own land as an absolute owner, but as a manager representing the people.

Article 28H Paragraph (1) of the 1945 Constitution adds "Everyone has the right to live in physical and spiritual prosperity, to have a home, and to enjoy a good and healthy environment, as well as the right to receive health services." This article strengthens the protection of land as a decent and healthy living space. A good environment includes the availability of land for housing, economic activities, agriculture, and environmental sustainability.

Article 28I Paragraph (4) of the 1945 Constitution states that "The protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government." The state is obliged to protect the people's rights to land, such as ownership rights, land use rights, or customary rights of indigenous communities.

Characteristics of land controlled by the state according to the 1945 Constitution. Specifically based on Article 33 Paragraph (3), it has a number of important characteristics that reflect the state's function and responsibility in managing land for the prosperity of the people. The state is not a private landowner, but rather holds a constitutional mandate to control, regulate, and manage land on behalf of all the people. The state acts as a policy maker, not as a market player or absolute owner.<sup>2</sup>

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<sup>1</sup>The 1945 Constitution of the Republic of Indonesia.

<sup>2</sup>M. Luthfan HD Darus, 2024, *The Right to Control the State: A Review of Philosophy, Conception and Constitution*, UMU Press, Medan, p. 87.

This control allows the state to regulate land management for food sovereignty, ecosystem protection, and national development. State control of land must be in accordance with national law, particularly Article 33 Paragraph (3) of the 1945 Constitution and Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The state is obliged to establish a land law system that protects the rights of the people, indigenous communities, and the environment.

State control of land must be directed towards the public interest, not the interests of specific groups. This principle encompasses equitable land distribution, sustainable agrarian management, and community empowerment through access to land.<sup>3</sup>

Land cases that cause losses to the state can be caused by various factors, including administrative, legal, and criminal ones. The following are some of the main factors contributing to state losses in land cases:<sup>4</sup>

- 1) Poor Asset Management;
- 2) Dual Certification or Ownership Disputes;
- 3) Land Mafia;
- 4) Licensing and Release of State Assets that Do Not Comply with Procedures;
- 5) Weak Law Enforcement;
- 6) Illegal Land Conversion;
- 7) Corruption and Abuse of Authority.

A land case that caused losses to the state occurred in Bogor. The land object of approximately 2,500 m<sup>2</sup> in the Sentul area, Bogor, is part of a residential area developed by PT Sentul City Tbk. The land status is a Building Use Rights (HGB) on state land, in the name of PT Sentul City Tbk. In an internal agreement, part of the land in the area will be sold to consumers through a "sale and purchase of houses and land" system, but the HGB status has not been split (it is still global in the name of the developer).

A buyer purchased a plot of land from a second party who claimed to have previously purchased it from PT Sentul City. The transaction was confirmed by Mr. A and Mr. B visiting a Land Office (PPAT) in Bogor, who then drew up a Deed

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<sup>3</sup>Maslon Hutabalian, Civil Law Review of Consignment Policy Based on Law of the Republic of Indonesia Number 2 of 2012 Concerning State Authority Over Land Acquisition for Public Interest, Journal of Legal Communication, Vol. 8 No. 2, 2022.

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of Sale and Purchase (AJB) for the land and building. The deed stated that the land had HGB status in Mr. B's name, even though the certificate was still registered in the name of PT Sentul City Tbk at the National Land Agency (BPN). The PPAT did not verify this with the land office (BPN Bogor), but instead relied solely on a photocopy of the old certificate provided by the seller.

After the AJB was signed and the buyer tried to change the name to the BPN, it turned out that the HGB certificate data was still in the name of PT Sentul City Tbk, not Mr. B. The BPN refused the change of name because there was no valid legal basis for the first transfer (from PT Sentul City to Mr. B). PT Sentul City reported to the BPN and filed a lawsuit with the South Jakarta District Court, requesting the cancellation of the AJB made by the PPAT.

PT Sentul City argued that the PPAT had made a deed without authority, the object of the sale and purchase was still in the name of the company and this action caused reputational and legal damage to the company. The verdict stated: "The Deed of Sale and Purchase made by the PPAT for the land object with Building Use Rights which is still in the name of PT Sentul City Tbk is invalid, because it is contrary to the provisions of Article 37 of PP No. 24 of 1997 concerning Land Registration.

Article 37 of Government Regulation Number 24 of 1997 concerning Land Registration,

Article (1):

"The transfer of land rights and ownership rights to apartment units through sale and purchase, exchange, donation, company investment, and other legal acts of transferring rights, except for the transfer of rights through auction, can only be registered if proven by a deed made by an authorized Land Deed Making Officer (PPAT) according to the provisions of applicable laws and regulations."

Article (2):

In the case of the transfer of land rights and ownership rights to apartment units due to inheritance, registration of the transfer is carried out based on a certificate of proof as an heir in accordance with the provisions of applicable laws and regulations.

Verse (3):

In the case of the transfer of land rights and ownership rights to apartment units occurring due to the implementation of a court decision that has obtained permanent legal force or through an auction, registration is carried out based on a copy of the court decision or minutes of the auction in question.

The PPAT was deemed to have violated Article 22 of Government Regulation No. 37 of 1998 concerning the Position of PPAT, which requires PPATs to examine the validity of legal data before issuing a deed. The deed was declared null and void and had no evidentiary force.

Legal liability is a legal consequence that must be accepted by a legal subject (individual, legal entity, or state) for committing an act that violates legal provisions. Sudikno Mertokusumo explains that legal liability is the obligation to bear the legal consequences of a legal act or legal event.<sup>5</sup>

Subekti adding that legal responsibility is the obligation to bear the legal consequences of an event due to having committed a wrong or unlawful act.<sup>6</sup> The elements of legal responsibility include legal acts or legal events, unlawful acts, losses, causal relationships and errors or negligence.<sup>7</sup>

The relationship between the theory of criminal responsibility and the actions of PPAT (Land Deed Making Officials) that cause losses to state land relating to how PPAT as a legal subject can be held criminally responsible for his unlawful actions in the process of making deeds which result in the loss of state rights to land.

The theory of criminal responsibility stipulates that anyone who, through mistake (intentionally or negligently), commits a crime and fulfills the elements of a crime can be held criminally responsible. The criminal context explains that if a PPAT, in his/her position, commits an unlawful act that causes damage to state land, then he/she is criminally responsible under this theory.

Research conducted by Viny Dwivi<sup>8</sup>explains that state losses caused by PPAT are due to errors in implementing administrative obligations, this results in PPAT being subject to criminal, civil, administrative and ethical punishment.

Different research was conducted by Dizan, Permadi and Susilo<sup>9</sup>explains that the PPAT (and the substitute PPAT) are personally responsible for the implementation of their duties and positions as explained in Article 41 Paragraph (7) of District Regulation Number 1 of 2006 where if the PPAT opens a SKMHT containing legal defects caused by negligence or intentional actions which then

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<sup>5</sup>Hermin, 2025, Notary's Liability for Deeds That Result in Criminal Acts. Uwais Inspirasi Indonesia. Ponorogo. P. 36.

<sup>6</sup>Maryati & Sutarno, 2022, Doctors' Accountability in Abortion Procedures. NEM. Pekalongan. P. 19.

<sup>7</sup>Mardani, 2024, Legal Theory: From Classical Legal Theory to Contemporary Legal Theory. Kencana. Jakarta. P. 180.

<sup>8</sup>Viny Dwivi. Responsibility of Land Deed Officials (PPAT) for Land and Building Acquisition Tax (BPHTB) Evasion Based on Supreme Court Decision No. 738/Pid.B/2018/PN.SMG. Indonesian Notary. Vol. 3 No. 3, 2021.

<sup>9</sup>Dinne Diaren Diza, Iwan Permadi & Hariyanto Susilo, Responsibility of Substitute PPAT for Power of Attorney to Encumber Mortgage Rights Subject to Permit to Open State Land. Jurnal Cakrawala Hukum, Vol. 12 No. 3, December 2021.

result in a legal dispute, the PPAT must be responsible. The responsibility imposed by the PPAT in relation to state-owned land can be carried out administratively, civilly or criminally according to the losses caused by carrying out their authority.

Law enforcement is the effort to ensure compliance with or actual implementation of the law in society. For law enforcement to be effective and fair, several important conditions or elements must be met.

Based on the background explanation, the researcher will analyze the legal regulations and practices of PPAT and land disputes that are detrimental to the state. The thesis research related to PPAT and this problem is entitled: ""Legal Responsibility of PPAT for the Transfer of State Land".

## **2. Research Methods**

The type of research used by the researcher is legal sociology. Legal sociology is a type of legal research known as field research, which deals with legal provisions and the realities of society. Legal sociology research also examines conditions that occur in society and aims to discover facts and data for the research. The facts and data found will be identified to find solutions.<sup>10</sup> Descriptive-qualitative research. Descriptive-qualitative research is research that explains, records, analyzes, and interprets the object being studied based on observations, interviews, and documentation.<sup>11</sup> In general, a research method is defined as a scientific way to obtain data that is purposeful and useful in a specific way. The scientific method is a research activity based on rational, empirical, and systematic scientific characteristics.<sup>12</sup> The type of research used is descriptive, which is research that provides a real picture of PPAT's responsibility for making deeds of transfer over state land and completing the transfer of rights over state land.

## **3. Results and Discussion**

### **3.1. PPAT Responsibility for Making Deeds of Transfer of State Land**

Based on the research results obtained related to cases involving PPAT abusing their authority by changing state land into property rights or selling it, there are so many cases that occur in Indonesia.

Cases of state land transfers that have occurred in recent years are problematic HGB transfer case by PPAT in the case of PT Sentul City Tbk against PPAT and the buyer, as stated in the Supreme Court Decision Number 1818 K/Pdt/2021 and its

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<sup>10</sup>Bambang Waluyo, 2002, Legal Research in Practice, Sinar Grafika, Jakarta, p. 15.

<sup>11</sup>Mardalis, 2004, Research Methods: A Proposal Approach, 7th Edition, Bumi Aksara, Jakarta, p. 26.

<sup>12</sup>Ibid.

derivative documents (the decisions of the South Jakarta District Court and the DKI Jakarta High Court).

The judge ruled that the PPAT deed was null and void, based on the normative, juridical, and logical legal basis used by the panel of judges at each level of court. The dispute arose because the PPAT issued a Deed of Sale and Purchase (AJB) for land with HGB status still registered in the name of PT Sentul City Tbk, even though the transfer was not made by the legitimate rights holder.

The buyer used the deed to apply for a change of title at the National Land Agency (BPN), but it was rejected because the land registration was still in the name of PT Sentul City. PT Sentul City then sued the PPAT and related parties for unlawful acts (PMH).

The South Jakarta District Court judge assessed that the PPAT has a legal duty to check the validity of the land certificate and the legal status of the land (whether the HGB is still valid or not). The validity of the parties to the transaction (whether they are the legitimate rights holders). Based on Article 22 paragraph (1) of PP No. 37 of 1998, the PPAT is obliged to examine the accuracy of the legal data before making a deed.

The facts at trial showed that the HGB Certificate which was used as the basis for the AJB was still in the name of PT Sentul City Tbk. There was no deed of release or transfer of rights from PT Sentul City to the seller (Defendant III), the PPAT never verified with the BPN and therefore, the judge considered the PPAT negligent and violated legal procedures.

That the actions of Defendant I (PPAT) who made a deed for land whose rights had not been transferred from the plaintiff were contrary to the provisions of Article 37 paragraph (1) of PP Number 24 of 1997 and therefore constituted an unlawful act." The DKI Jakarta High Court upheld the District Court's decision and added the argument that the HGB which was still in the name of PT Sentul City could not be transferred without a legal act from the legitimate rights holder. The PPAT deed could not "transfer" rights automatically if the original rights holder had not legally released or transferred his rights.

The court held that, even if the PPAT acted without malice (mens rea), professional negligence (culpa) was sufficient grounds for legal liability. In land law, the principle of publicity applies: the certificate data in the land register at the National Land Agency (BPN) is the only valid proof of ownership (Article 32 of Government Regulation No. 24/1997).

"That in the absence of evidence of the transfer of rights from PT Sentul City Tbk to Defendant III, Defendant I (PPAT) should have refused to execute the deed of sale and purchase. This negligence resulted in the legal consequence of the deed being invalid and causing losses to the plaintiff."

The Supreme Court in Decision No. 1818 K/Pdt/2021 rejected the defendants' appeal with the main consideration that the Court agreed with the consideration of the *judex facti* (PN and PT) that the PPAT's action in making a sale and purchase deed for land that was still registered in the name of the plaintiff (PT Sentul City) was an unlawful act.

The Court reaffirmed Article 37 paragraph (1) of PP No. 24 of 1997 that the transfer of land rights can only be registered if the deed is made by a PPAT and the rights holder is the legitimate party because if this requirement is not met (the selling party is not the rights holder), then the deed is invalid and null and void. The PPAT is considered not to have implemented the principles of caution and professionalism as regulated in Article 22 of PP No. 37 of 1998. The PPAT's actions have caused legal and economic losses for PT Sentul City Tbk, both due to the emergence of disputes and the company's bad image in the eyes of the public and land agencies.

That the deed of sale and purchase made by the PPAT for the land object with Building Use Rights which is still registered in the name of the plaintiff is invalid, because it is in conflict with the provisions of Article 37 paragraph (1) of PP Number 24 of 1997 concerning Land Registration.

According to Law No. 30 of 2014 concerning Government Administration, abuse of authority is regulated in Article 17

(1) Government agencies and/or officials are prohibited from abusing their authority.

(2) The prohibitions referred to in paragraph (1) include:

- a. prohibition on exceeding authority;
- b. prohibition on mixing authority; and
- c. prohibition on acting arbitrarily.

Article 18 of Law No. 30 of 2014 concerning Government Administration explains that abuse of authority as referred to in Article 17 paragraph (2):

a. Beyond authority

Carrying out actions beyond the limits of his/her authority;

b. Mixing up authority

Using authority for purposes other than those intended;

c. Act arbitrarily

Actions taken without authority and/or in conflict with statutory regulations.

The conclusion drawn is that state land is land that has not been assigned specific land rights (e.g., ownership rights, HGU, HGB, or use rights). State land is also controlled and used for public purposes, development, or transferred to certain parties with rights in accordance with legal provisions. The state acts as the authority, not the private owner, to regulate, manage, administer, and oversee land use for the welfare of the people.<sup>13</sup>

Actions that can harm state finances or legitimize state land transactions. Based on Government Regulation No. 24 of 2016 concerning Amendments to Government Regulation No. 37 of 1998 concerning the Position of Land Deed Officials (PPAT) and the Regulation of the Minister of ATR/BPN:

- a. Written warning from the Minister of ATR/BPN.
- b. Temporary suspension from the position of PPAT.
- c. Permanent termination as PPAT if proven to have committed a serious violation (for example, making a deed for state land).
- d. Revocation of practice permit and can no longer carry out the position of PPAT.
- e. Ethical/Professional Responsibilities based on the PPAT Code of Ethics (IPPAT):
- f. Ethical sanctions: reprimand, warning, suspension, dismissal from IPPAT membership.
- g. Loss of professional trust, because PPAT is obliged to uphold the interests of the state and society (Article 4 letter b of the PPAT Code of Ethics).

If the deed made by the PPAT causes losses to another party or the state, then the PPAT can be sued in civil court (Article 1365 of the Civil Code concerning unlawful acts). If the PPAT's actions fulfill the elements of a criminal act, then the following charges can be imposed:

- a. Article 55 of the Criminal Code
- 1) Those who commit, order, and participate in committing the act are punished as perpetrators of the crime;
- 2) Those who, by giving or promising something, by abusing power or dignity, by violence, threats or deception, or by providing opportunities, means or information, intentionally encourage others to commit acts.

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<sup>13</sup>Ummu Ghoribah. 2023. Regulation of Land Use Rights Before and After the Job Creation Law. Salim Media Indonesia. Pg. 27.

3) With respect to the proponent, only actions that are deliberately recommended are taken into account, along with their consequences.

b. Article 263 of the Criminal Code

(1) Anyone who makes a false letter or falsifies a letter that can give rise to a right, obligation or release from debt, or which is intended as evidence of something with the intention of using or ordering another person to use the letter as if its contents were true and not false, is threatened with a maximum prison sentence of six years.

(2) Anyone who intentionally uses a fake or falsified letter as if its contents were true and not fake, if the use of the letter can cause harm, shall be punished with the same penalty.

Basis for Dismissal of PPAT m According to Government Regulation No. 37 of 1998 in conjunction with Government Regulation No. 24 of 2016 concerning the Position of PPAT, the dismissal of a PPAT is the authority of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, not the court. Article 27 paragraph (1) explains that a PPAT can be temporarily dismissed. Article 27 paragraph (2) states that a PPAT can be permanently dismissed, for example due to their own request, advanced age, no longer meeting the requirements, committing a violation of office/code of ethics and being punished based on a court decision that has permanent legal force.

The court does not provide administrative approval for the dismissal of a PPAT, but the court decision serves as a legal basis for the Minister of ATR/BPN to permanently dismiss a PPAT if the person concerned is proven to have committed a crime, meaning that court approval is not required, but a final court decision is indeed a valid requirement for permanent dismissal.

Enforcement of civil law against A PPAT can be sued in civil court by the injured party. Deeds executed in violation of the law can be annulled or declared invalid by a judge. A PPAT can be sued for damages if their actions cause material losses to the community or the state.

Civil Code (KUHPer) Article 1320 states the conditions for a valid agreement (agreement, capacity, specific object, and lawful cause). If the land object still has state land status, then the "cause" of the agreement becomes unlawful, so the PPAT deed is null and void by law. Article 1365 states Every act that violates the law and causes loss to another person requires the person whose fault it is that caused the loss to compensate for that loss. The PPAT can be sued in civil court by a party who is harmed by a legally flawed deed.

PPAT (Association of Indonesian Land Deed Officials - IPPAT) Code of Ethics Articles 3 and 4: PPAT is obliged to work based on the principles of caution,

honesty and professional responsibility. Article 9 states Violations of the principle of prudence can be subject to ethical sanctions, ranging from warnings to termination of membership. Violations of PPAT ethics in cases such as Sentul City show a failure to maintain professional integrity and violate the principle of legal certainty.

Based on all the regulations above, the legal responsibility of PPAT in the case of problematic HGB transfer by PT Sentul City Tbk can be categorized as an administrative violation, violating official obligations (PP 37/1998 jo. Perka BPN 1/2006). Civil, violates Article 1365 of the Civil Code because it causes losses to parties acting in good faith. Criminal, violates Articles 264 and 385 of the Criminal Code if there is an element of intention in making an invalid deed.

Legal liability is the consequence a person or public official must accept for actions that violate legal norms, whether in the public or private sphere. Law has a coercive function, regulating human behavior and upholding social order. Therefore, when an action violates legal norms, the state has the right to impose sanctions as a form of legal accountability.

### **3.2. Completion of the Transfer of State Land Rights**

PPAT in the case of PI Sentul City Tbk violates several regulations, including Article 37 paragraph (1) of PP Number 24 of 1997 concerning Land Registration, which states that "The transfer of land rights and ownership rights to apartment units through sale and purchase, exchange, gifts, company contributions and other legal acts of transfer of rights can only be registered if proven by a deed made by an authorized Land Deed Making Officer (PPAT) according to applicable laws and regulations."

A Land Deed Official (PPAT) issued a deed of sale and purchase (AJB) for land still registered in the name of PT Sentul City Tbk, even though the seller was not the legal title holder. The deed failed to meet formal and material requirements because the transfer of rights did not originate from the legal title holder. Therefore, the deed could not be used as a basis for registering the transfer with the National Land Agency (BPN), and was legally void.

Article 22 paragraph (1) of PP Number 37 of 1998 concerning the Position of Land Deed Making Officials explains: "Before making a deed, the PPAT is obliged to examine the accuracy of the legal data and physical data of the land plot in question based on existing evidence, including the land title certificate."

The Land Deed Official (PPAT) failed to properly examine the legal data, as the HGB certificate was still in the name of PT Sentul City. The PPAT failed to request legal proof of the transfer or relinquishment of rights from PT Sentul City to the seller. This demonstrates professional negligence (culpa) and a violation of the principle of due care by the PPAT profession.

Article 3 letters a and b of the PPAT Code of Ethics (IPPAT Regulation No. 2 of 2018 concerning the PPAT Code of Ethics) explains that Land Deed Officials (PPAT) are required to uphold the law, truth, and justice in carrying out their duties, and they are required to act honestly, thoroughly, independently, and impartially when drafting deeds. The PPAT failed to act thoroughly and carefully by failing to verify the land ownership status with the National Land Agency (BPN). The PPAT failed to guarantee the accuracy of the legal subjects and objects in the deed. These actions violate the professional ethics of PPATs and are subject to sanctions ranging from a warning to temporary dismissal.

The legal basis for state land is Article 33 paragraph (3) of the 1945 Constitution. "The land, water, and natural resources contained therein are controlled by the state and used to the greatest extent possible for the prosperity of the people." Article 2 of the 1960 UUPA The state has the authority to regulate and organize the allocation, use, supply, and maintenance of land. The state determines and regulates the legal relationship between people and land. The state determines and regulates the legal relationship between people and legal acts concerning land.<sup>14</sup>

The PPAT ethical resolution emphasizes upholding professional integrity, not just criminal/administrative legal aspects. This mechanism allows PPATs found to have violated the code of ethics to have their membership in the IPPAT revoked, thereby losing their professional legitimacy even if their criminal status is still being processed in court.

Law enforcement against Land Deed Officials (PPAT) who commit violations must not be viewed from a single perspective, but must encompass ethical, administrative, civil, and criminal law. Ethical law enforcement is carried out through the Honorary Council of the Land Deed Officials Association (IPPAT). The process begins with a public report, an ethical audit, and a sanction decision. Ethical sanctions include warnings, suspensions, and even dismissal from the professional organization. The goal is to maintain the dignity, honor, and public trust in the PPAT profession.

Administrative Law Enforcement carried out by the PPAT Supervisory Board (MPD, MPW, MPP) in accordance with Government Regulation No. 24 of 2016. Law enforcement is carried out through guidance, inspections, and the imposition of administrative sanctions. Administrative sanctions include written warnings, temporary dismissal, and permanent dismissal by the Minister of ATR/BPN. The aim is to regulate the implementation of the PPAT's position as a public official.

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<sup>14</sup>Ibid.

The theory of legal certainty demands that every action of a Land Deed Official (PPAT) in the process of transferring land rights be based on clear and accountable legal regulations. The case of PT Sentul City Tbk illustrates that the PPAT's negligence in checking the land status before issuing the HGB transfer deed has resulted in legal uncertainty, ownership conflicts, and a loss of public trust in the national land system. Strengthening the supervisory function, enforcing the code of ethics, and affirming the legal responsibilities of PPATs are essential steps to uphold the principle of legal certainty in Indonesia.

#### **4. Conclusion**

The case of the transfer of Building Use Rights (HGB) involving PPAT in the case of PT Sentul City Tbk illustrates a form of negligence in the implementation of administrative authority and legal responsibility of PPAT as regulated in PP No. 24 of 1997 concerning Land Registration and Regulations on the Position of PPAT (Regulation of the Head of BPN No. 1 of 2006 in conjunction with No. 8 of 2012). The PPAT was deemed to have violated the due care principle by drafting a land transfer deed without verifying the legal status of the land, which was still legally problematic or overlapped with the rights of another party. This action resulted in a legal flaw in the PPAT deed, which served as the basis for issuing a new certificate at the National Land Agency (BPN). The case of the transfer of Building Use Rights (HGB) involving the Land Deed Official (PPAT) in the case of PT Sentul City Tbk demonstrates the crucial role of a PPAT in ensuring legal certainty in the land sector. In this case, the PPAT allegedly drafted a deed of transfer of land rights without thoroughly verifying the validity of the land's status, which was still in dispute and lacked a clear legal basis. As a result, the registration and issuance of new certificates at the National Land Agency (BPN) was administratively flawed and created legal uncertainty for the parties involved. PPAT, as a public official who is authorized by the state to make authentic deeds of transfer of rights, has a moral and legal responsibility to ensure that every deed issued reflects the actual legal situation and does not raise doubts about the status of land rights.

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Government Regulation Number 24 of 2016 concerning the Regulations on the Position of Land Deed Making Officials