

The Role of Land Deed Officials in the Management of Name Change of Ownership Certificates Through Sale and Purchase Study of the Implementation of E-Certificates at The Bitung City Land Office

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Abstract. *The purpose of this study is to determine the reasons why PPAT plays a role in the administration of el-SHM name change, obstacles and solutions to the role of PPAT in the administration, to determine and analyze the orientation of the role of PPAT positively and negatively in the administration of name change and to analyze the relevance of the theory to the problems analyzed. The research method used is sociological or empirical juridical research with a qualitative approach. Based on the results of the study, 1) PPAT has attributive authority as a public official in making a sale and purchase deed. There is legal certainty for proof of authentic deeds, integrated with the electronic system of the Land Office. 2) Obstacles for PPAT in the administration of name change, including: problems of integration of electronic systems and validation between agencies; limited land technology infrastructure and cyber network disruptions; digital competency gaps and readiness of land human resources; and the legal culture of Bitung city society and anxiety about the security of digital documents. 3) Solutions to the role of PPAT, namely: the affirmation of regulations related to the extent of the role of PPAT in the administration of el-SHM name change. especially acting as a power of attorney. Optimizing the supervision of the PPAT Advisory and Supervisory Board and providing understanding to the wider community regarding the digitalization of services at PPAT. 4) The role of PPAT in managing the transfer of the name of el-SHM can be oriented negatively and positively. 5) The relevance of the theory to the problem analysis is, the theory of justice is the theoretical basis for carrying out the sale and purchase event, especially commutative justice. The theory of certainty can be seen from the aspect of SHM as a document that functions to provide protection for the document holder as well as from the aspect of consistent compliance by PPAT with the provisions for making AJB and managing the transfer of the name of SHM through sale and purchase.*

Keywords: Certificate; Electronic; Land; Office.

1. Introduction

The legal basis for Land Deed Officials (PPAT) is embodied in Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Officials. PPAT is authorized to issue authentic deeds in the form of a Deed of Sale and Purchase (AJB). A Deed of Sale and Purchase (AJB) is a legal document that plays a crucial role in the process of buying and selling property, particularly land or buildings. The AJB indicates that the rights to the land or building have been legally transferred from the seller to the buyer. The AJB serves as legal evidence that the sale and purchase transaction has been carried out in accordance with legal regulations. The AJB officially records the transfer of ownership of land or buildings from the seller to the buyer, including details regarding the property object, transaction value, and agreement between the parties.¹

A Deed of Sale and Purchase prepared by a Land Deed Official (PPAT) is also an absolute requirement for the process of registering a change of title on a land certificate at the local District/City Land Office. The change of title on a land certificate is carried out after going through the legal process of buying and selling or transferring land ownership. The process of changing the title on a land certificate is as important for buyers as it is for the certificate's position in land disputes. The certificate is proof of land rights that serves as a strong means of proof. The functions of a land certificate include: serving as a strong means of proof and providing legal protection to the owner of the Land Certificate.

The role of the PPAT in managing the transfer of title to the certificate of ownership is at least to make a deed and register the transfer of rights at the Land Office. In carrying out the registration, the PPAT is required to submit the PPAT deed and other documents required for the registration of the transfer of land rights or Ownership Rights for the Apartment Unit in question to the local Regency/City Land Office, no later than seven working days from the signing of the deed in question. After the documents are submitted to the local Regency/City Land Office, the Regency/City Land Office is required to provide a receipt for the submission of the application for registration of transfer of rights along with the PPAT deed and other attached documents which are received by the PPAT in question. The PPAT in question notifies the recipient of the rights (buyer) that the application for registration of transfer of rights has been submitted to the local Regency/City Land Office and gives the receipt to the recipient of the rights (buyer). The subsequent processing of the application for registration of transfer of rights is carried out by the recipient of the rights or

¹Friko Rumadanu and Gunawan Djajaputra, Legal Certainty of the Status of Deeds of Sale and Purchase (AJB) as the Basis for Lawsuits, *Jurnal Ranah Research*, Volume 7, Number 2, 2025, Page 723

PPAT or other parties. Based on data from the Land and Spatial Planning Data and Information Center (Kepusdatin) ATR/BPN, as of early August 2025, 161 land offices throughout Indonesia had implemented this electronic service.² Among these land offices, the Head of the Rights Transfer Section of the Bitung City Land Office revealed that the Bitung City Land Office is one of the land offices that has implemented this electronic system, including for the transfer of land rights through sales and purchases. In the last five years, there have been requests for transfers of rights, one of which is the change of name on the ownership certificate with the following application data:³

- 1) In 2021, there were 3,583 applications without power of attorney, while there were 1,022 requests with power of attorney;
- 2) In 2022, there will be 3,831 applications without power of attorney, while there will be 1,636 requests with power of attorney;
- 3) In 2023, there will be 3,851 applications without power of attorney, while there will be 1,631 requests with power of attorney;
- 4) In 2024, there will be 4,624 applications without power of attorney, while there will be 1,280 requests with power of attorney;
- 5) In 2025, there will be 5,110 applications without power of attorney, while there will be 1,447 requests with power of attorney. another k in the name of the recipient of the rights (buyer).⁴

The Head of the Land Rights Determination and Registration Section of the Bitung City Land Office further stated that the Land Deed Making Officer is included in the application using a power of attorney. And in the process of transferring the title transfer rights through a sale and purchase, it is not uncommon to encounter delays in the processing of the transfer of the title of the SHM by the PPAT as the applicant for the power of attorney. And based on existing data, the Bitung City Land Office always advises the public to process the transfer of the title of the SHM by themselves without having to provide a power of attorney, because currently the Bitung City Land Office has provided an easy system for the public. Because if the processing is done through a power of attorney, including through the PPAT, there is the potential for legal irregularities such as gratification and so on.⁵

From here, the author's interest in raising this problem to be studied as a final assignment/thesis with the title: "THE ROLE OF LAND DEED OFFICIALS IN THE MANAGEMENT OF CHANGE OF NAME ON OWNERSHIP CERTIFICATES THROUGH

²Ibid

³Interview Results on May 13, 2026

⁴Urip Santoso, 2014, Registration and Transfer of Land Rights, Jakarta: Prenamedia Group, p. 376

⁵Interview Results on May 13, 2026

SALE AND PURCHASE: A STUDY OF THE IMPLEMENTATION OF E-CERTIFICATES AT THE BITUNG CITY LAND OFFICE".

2. Research Methods

The research methodology used in this study is empirical legal or sociological legal research. Empirical legal research is a legal research method that aims to examine law in its concrete form and examine how it operates in society.⁶This research uses descriptive analytical research, which describes various issues that are the object of the study and provides non-general conclusions. The data used in this study is primary data. Irwansyah believes that empirical legal research prioritizes primary data as the foundation.⁷The sources and types of data used in writing this thesis proposal are primary data and secondary data using primary, secondary and tertiary legal materials.

3. Results and Discussion

3.1. The Requirement of Land Deed Officials to Play a Role in Managing the Change of Name on Ownership Certificates Through Electronic Sale and Purchase of Certificates

Land Deed Officials (PPAT) play a crucial role in the national agrarian legal structure as public officials authorized to draft authentic deeds. This authority includes legalizing the transfer of land rights, such as sales, gifts, exchanges, relinquishments, mortgages, and the granting of mortgages.⁸ In the process of transferring land rights, the Indonesian state has utilized the benefits of technological advances in the form of the use of electronic documents based on the aim of eliminating the use of analog data which requires unlimited space and is vulnerable to loss and falsification.

The implementation of electronic certificates in the land administration system represents a concrete step in modernizing public services and a manifestation of bureaucratic reform in the agrarian sector. The transition from analog certificates to fully electronic certificates is optional and based on the rights holder's request. While there is no obligation for the owner to transfer data, electronic certificates

⁶Irwansyah, 2022, Research on the Law of Choice of Methods and the Practice of Writing Articles, Yogyakarta: Mega Cakrawala Printing, p. 174

⁷Ibid

⁸Sidik Tri Nugroho, et al., Legal Review of the Role of PPAT in the Transfer of Land Rights Based on Sale and Purchase Deeds in Indonesia, IJIJEL: Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory, Volume 3, Number 3, July 2025, Page 2431

offer several competitive advantages over conventional physical formats, including:⁹

a. Digitalizing document management can systematically optimize operational efficiency. Through the integration of processes spanning input, processing, and output electronically, service duration can be significantly reduced. Furthermore, this mechanism facilitates transparency in tracking chronological records and accurately transitioning ownership.

b. The design aims to mitigate intervention from parties without legal standing through strict security measures across all information channels. This mechanism provides rights holders with access to real-time independent monitoring, enabling any disruption or anomaly to land rights to be detected as early as possible.

c. The comprehensive integration of an electronic-based land registration bookkeeping system is projected to strengthen the accountability of land certificate legal products. Furthermore, this digital transformation will significantly increase information accessibility for the public and stakeholders, which in turn supports the creation of more reliable land data transparency.

According to data from the Land and Spatial Planning Data and Information Center (Kepusdatin) of the National Land Agency (ATR/BPN), as of early August 2025, 161 land offices across Indonesia had implemented this electronic service. An interview with the Head of the Rights Transfer Section of the Bitung City Land Office revealed that the Bitung City Land Office is one of the land offices that has implemented this electronic system, including for the transfer of title for Electronic Property Rights Certificates.¹⁰

The procedure for changing the name of an Electronic Certificate is based on the provisions of the Minister of ATR/BPN Regulation Number 19 of 2020 concerning Electronic Information Services and the Minister of ATR/BPN Regulation Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities. This was also confirmed in an interview with the Head of the Section for Determination of Land Rights and Registration of the Bitung City Land Office, who stated that the procedure for changing the name of an Electronic Certificate at the Bitung City Land Office is as follows:¹¹

a. The PPAT makes a Deed of Sale and Purchase in the Deed Reporting Application and signs the SPA;

⁹Karmila Sari Sukarno, Legitimacy and Legal Certainty of Electronic Certificates: Transformation of Indonesian Land Affairs, *IJLJ: Indonesian Journal of Law and Justice*, Volume 2, Number 2, November 2025, Page 70.

¹⁰*Ibid*

¹¹Interview Results on May 13, 2026

- b. The Land Office Officer verifies the contents of the Deed and its completeness;
- c. After verification, the PPAT can immediately create files and pay the SPS (billing code), if not, it will be completed by creating the deed and SPA;
- d. After payment, the PPAT will take the files to the Land Office and a STTD will be made;
- e. The implementer will check the physical documents. If they are correct, the transfer process can proceed immediately.
- f. Signing and printing of Electronic Certificates;
- g. Submission of Electronic Certificate.

The Head of the Land Rights Determination and Registration Section of the Bitung City Land Office further stated that among the applications with the power of attorney in the transfer of rights process is the Land Deed Making Officer.¹²Based on available data, the majority of land transfer applications at the Bitung City Land Office are submitted without a power of attorney or by direct buyers who handle the transfer of title. However, many buyers still use the services of a PPAT (Private Land Deed Official) to process the transfer of title for their Land Title Certificates, including electronic Land Title Certificates, at the Bitung City Land Office.

The implementation of this administration is in accordance with Urip Santoso's opinion which states that the administration of the completion of the application for registration of the transfer of rights is then carried out by the recipient of the rights or PPAT or another party on behalf of the recipient of the rights (buyer).¹³This is in line with the provisions regarding the requirements for the transfer of sale and purchase rights based on the Regulation of the Head of the National Land Agency (PERKABAN) Number 1 of 2010 concerning Land Service Standards and Regulations, which requires a Power of Attorney in processing the transfer of the name on the Ownership Certificate.

The role of PPAT as a locomotive in receiving power of attorney for electronically registering the transfer of land rights to ATR/BPN can be seen from several factors as follows:

- a. Attributive Authority of PPAT as a Public Official

The affirmation in Article 37 paragraph (1) of PP Number 24 of 1997 concerning land registration, states that in general, starting from the establishment of land rights and ownership rights to apartment units through sale and purchase,

¹²Ibid

¹³Urip Santoso, 2014, Registration and Transfer of Land Rights, Jakarta: Prenamedia Group, p. 378

exchange, grants, income in companies up to other legal acts of transferring rights can only be registered if the certificate is issued by a PPAT. PPAT has a strategic role in the implementation of land registration, namely as a party that assists the Head of the Regency/City Land Office in carrying out various specific activities related to the land registration process.¹⁴In line with Article 1 number 1 of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Making Officials, it states that PPAT is a public official who is given the authority to make authentic deeds regarding certain legal acts related to land rights, or ownership rights to apartment units. So that legally, the authority position is given to PPAT as a public official from the state who is the guardian of legal certainty (hoader van de rechtszekerheid). moreover in the application of the electronic system regarding the transfer of land rights for electronic documents issued through electronic systems or those resulting from scanning printed documents must contain valid and authentic data of the rights holder, physical data, and legal data of the land plot.¹⁵Therefore, the attributive authority is held directly by the PPAT and the completeness of the conformity between physical documents and electronic documents requires direct assistance from the PPAT in using the electronic system.

b. Legal Certainty Regarding Proof of Authentic Deeds

The enactment of Government Regulation Number 24 of 2016 is a form of amendment to Government Regulation Number 37 of 1998 concerning the Regulation on the Position of Land Deed Making Officials (PPAT). The formation of this regulation synchronizes the provisions regarding the position of PPAT with legal developments and community needs, especially in realizing a more efficient and modern land administration. In addition, this regulation aims to support the acceleration of land administration reform, encourage digitalization in land registration, and provide legal certainty so that PPAT can carry out their duties more professionally, and integrated with the National Land Agency (BPN) system, and in line with national policies, including the Complete Systematic Land Registration (PTSL) program. Referring to Article 1868 of the Civil Code as the official interpretation of authentic deeds, there are 3 (three) main elements for the realization of authenticity, namely:

- 1) The form of an authentic deed must be determined by law.
- 2) Made by or before a "General Official"

¹⁴Urip Santoso in Teddy Aryanwara et al., Responsibilities of Land Deed Officials (Ppat) in Assisting in the Administration of Land and Building Acquisition Fees (BPHTB) and Income Tax (PPH) for the Transfer of Land and Building Rights in Kampar Regency, *Rawang Rencang: Jurnal Hukum Lex Generalis*, Volume 6, Number 9, October 2025, Page 3

¹⁵Article 4 and Article 5, Regulation of the Minister of ATR/KBPN National Land Affairs Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities

3) The deed is made by or in the presence of a public official within the area of his/her authority.

In this context, between PP Number 24 of 2016 concerning Amendments to PP Number 37 of 1998 concerning the Regulations on the Position of Land Deed Making Officials, which defines PPAT as a whole as "a public official who is given the authority to make authentic deeds regarding certain legal acts related to land rights, or ownership rights to apartment units" has conformity with the elements of the interpretation of authentic deeds issued by public officials in Article 1868 of the Civil Code.

c. Integration with BPN Electronic System

The obligation of the PPAT to first examine the existence of documents is a very fundamental aspect, as regulated in Article 103 paragraph (2) of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997, which is the implementing regulation of Government Regulation Number 24 of 1997 concerning Land Registration, which includes, among other things, the following: 1) Proof of identity of the party transferring rights; 2) Proof of identity of the recipient of rights; 3) Proof of payment of Land and Building Acquisition Tax, in the event that such tax is owed; 4) Proof of payment of Income Tax in the event that such tax is owed; 5) Certificate of land rights or Ownership Rights for the transferred Apartment Unit. This is not only required for registration purposes, but is also required for security for the PPAT. This provision is not only required in order to fulfill registration requirements, but also functions as a form of legal protection for the PPAT.¹⁶This is because every legal act outlined in a deed made before a Land Office Official (PPAT) must contain an element of truth. Therefore, before the deed is drafted, it is necessary to review the completeness of the documents to be submitted to the ATR/BPN. The PPAT is a working partner of the Land Office who has a role in the creation of deeds and their registration, in order to ensure legal certainty regarding a person's position as a subject of land rights. This is further explained in full in Article 4 of the Ministerial Regulation of ATR/BPN Number 19 of 2020 concerning applicants for electronic land information services in the form of a land information service application to register themselves to obtain an identification identity. The application can be submitted electronically through the PPAT. After the identification identity is implemented in the application, the certificate verification process through the electronic system is carried out by attaching the identity of the certificate owner, a power of attorney stating the granting of authority from the land owner to the PPAT to conduct the inspection, and the

¹⁶Swandewi in Alya Shafira, The Role of PPAT as a User of Electronic Certificate Checking Services as a Protection Effort for Parties Transferring Ownership Rights, Indonesian Notary, Volume 3, Number 2, June 2021, Page 422

original certificate, all of which must be presented in electronic document form. Therefore, the PPAT is obliged to transfer the media for these documents into electronic format.

3.2. Obstacles for Land Deed Officials in arranging Transfer of Ownership Rights through Electronic Certificate Buying and Selling.

Based on field studies, data observations, and in-depth interviews conducted by researchers at the Bitung City Land Office, various real-world operational obstacles were identified, directly faced by Land Deed Officials (PPAT) and agrarian officials in implementing electronic document-based transfers of ownership rights (SHM). These practical obstacles can be classified into four main pillars: data integration, cyber infrastructure, human resource (HR) readiness, and resistance within the legal culture of the Bitung City community.

a. Problem Integration of Electronic Systems and Data Validation Between Agencies

Procedurally and normatively, Articles 4 and 5 of Regulation of the Minister of ATR/BPN Number 3 of 2023 require valid, authentic, and synchronous scanning of all physical and legal data before issuing electronic land documents. However, in practice at the Bitung City Land Office, the biggest obstacle stems from the lack of integration of the Ministry of ATR/BPN database with the databases of other vertical agencies and the Bitung City Government.¹⁷

This integration barrier is exacerbated by the status of old land ownership in Bitung City that has not gone through the digital mapping (plotting) process in the Geographical Information System (GIS) or the BPN's Touch My Land application. Many conventional land title certificates issued before 2000 in Bitung City have not had their spatial coordinates digitally registered. When PPATs submit applications for transfer of title to these land objects, the BPN's MITRA application system automatically blocks or rejects the files before the "Survey and Mapping" process is re-conducted in the field by surveyors at the Bitung City Land Office. As a result, the standard operating procedure (SOP) for registering transfer of rights, which is normatively promised to be completed within 5 (five) to 7 (seven) working days, in reality swells to months due to unforeseen prerequisite processes.

b. Limitations Land Technology Infrastructure and Cyber Network Disruptions.

The reliability of telecommunications infrastructure and the stability of the internet network in Bitung City are not yet fully distributed and optimal to support the workload of national land digitization. The MITRA BPN application,

¹⁷Results of Interview with the Head of the Land Rights Determination and Registration Section, Bitung City Land Office, May 13, 2026.

which is mandatory for Land Deed Officials (PPAT) throughout Bitung City, is directly connected to a central server managed by the Land and Spatial Planning Data and Information Center (Kepusdatin) of the Ministry of ATR/BPN in Jakarta. Cross-island connections that rely on public internet networks often experience drastic speed drops (bandwidth choking) or complete server downtime during peak land business hours between 10:00 and 14:00 WITA. Failure to upload digital copies of large AJB documents often triggers login session timeouts.

This system downtime is detrimental to Land Deed Officials (PPAT) from both a legal and administrative perspective. Based on Article 40 of Government Regulation Number 24 of 1997 concerning Land Registration, Land Deed Officials (PPAT) are required to submit deeds and supporting documents to the Land Office no later than 7 (seven) working days after the deed is signed. If the Kepusdatin server experiences disruptions for several days, electronic PPAT reporting will be delayed, and the PPAT can automatically be subject to written warnings or administrative fines due to cyber system negligence, which is actually outside the technical control of the PPAT office.

c. The gapDigital Competence and Human Resources (HR) Readiness in Land Affairs.

In the field, it was discovered that several senior Land Deed Officials (PPAT) in Bitung City exhibited technological resistance (technophobia). The operating procedures for multiple security devices, such as the Electronic Signature (TTE) based on the BsRE digital certificate, the biometric scanning system via KTP Reader, and the integration of the BPN MITRA account, were deemed too complicated and difficult. Deviant practices then emerged when PPATs delegated full authority over their digital confidential accounts to trusted staff or assistants. 132 This delegation pattern carries a very high cyber risk in the form of data breaches or misuse of electronic signatures without the direct consent of the PPAT concerned, which violates the essence of the general official personality of PPATs as outlined in the PP on PPAT Position Regulations.¹⁸

On the other hand, the internal readiness of the Bitung City Land Office is also not yet optimal. Some cyber verification officers at the electronic land counter still maintain a conventional bureaucratic mindset. They tend to review digital documents page by page at a slow pace and frequently request physical reconfirmation of files that have been clearly uploaded. This situation has led to a digital bottleneck within the system, which has ultimately delayed the issuance of e-certificates to the public.

¹⁸Anak Agung Ngurah Ari Dwiarmika, Prohibition on Duplicating Land Deed Official (PPAT) Position Documents for Prospective PPAT Undergoing Internships, *Udayana University Notary Masters Journal*, Volume 4, Number 1, 2019, Page 88

d. Legal Culture of Bitung City Society and Anxiety about Digital Document Security.

When the e-certificate system was introduced through ATR/BPN Ministerial Regulation No. 3 of 2023, which eliminated physical certificate books and replaced them with electronic printed documents based on quick response codes (QR codes) and digital signatures, psychological resistance and collective anxiety emerged among the people of Bitung City. Ordinary citizens worried that their property rights were vulnerable to being lost due to hacker attacks, cyber system manipulation, or being permanently erased due to the failure of state server technology. This sociological fear resulted in land consumers' reluctance to allow the transfer of their property rights to electronic certificates. Consumers often urged Land Deed Officials (PPAT) to ignore the electronic process or postpone the transfer of title until the ministry was willing to issue conventional physical certificates. The weak digital cyber literacy in Bitung City hampers the penetration of national agrarian modernization.

1) Solution on the Role of Land Deed Officials in Handling Transfer of Ownership Rights through Sale and Purchase at the Bitung City Land Office.

Based on the various explanations above, there are several solutions to the role of the Land Deed Making Officer in the Electronic Transfer of Ownership Rights, as follows:

- a. There is an affirmation of the rules regarding the extent of the role of PPAT in managing the change of name of Electronic SHM, especially as an attorney in managing the change of name.
- b. Optimizing or strengthening oversight of the PPAT Advisory and Supervisory Boards at the central, regional, and local levels, in accordance with their respective authorities. This oversight will primarily focus on preventative oversight.
- c. It is necessary to provide an understanding to the wider community (beneficiaries) regarding the digitalization of services at PPAT, especially in the management of changing the name of Electronic SHM.

2) Orientation The positive and negative role of the Land Deed Making Officer in managing the change of name of the Land Ownership Certificate through Electronic Sale and Purchase of Bitung City Certificates

There are various reasons why the recipient of the rights (buyer) entrusts the transfer of ownership of a land title (SHM) to a PPAT (Private Owner). However, these reasons can be both negative and positive. These considerations are outlined below:

a. Negative Orientation

1) In fact, the role of the PPAT is only to make an Authentic Deed and Submit Documents to the Land Office.

Land Deed Officials (PPAT) play a strategic role in the transfer of ownership rights to land titles. This role is closely related to their authority as land deed officials. In terms of their authority, PPATs' role in transferring ownership rights to land titles is limited to drafting the deed and submitting documents to the Land Office. As Safira Ainur Rahma noted in her research, she states:¹⁹The PPAT's authority in processing the transfer of title to a certificate is limited to the preparation of an authentic deed and the submission of documents to the land office. Based on Article 2 paragraph (2) of PP 37 of 1998, the PPAT's authority only covers the preparation of a deed as a requirement for changing land registration data. In other words, the PPAT does not have the authority to decide whether to accept or reject a transfer of title application, as this is entirely within the administrative authority of the BPN. The PPAT acts as the initial gateway to the administrative process, but does not have absolute authority until the final stage. The PPAT's position as a public official provides legal legitimacy to every deed he makes, while his authority is limited to the preparation of the deed and the submission of documents to the BPN. The final administrative decision rests with the BPN, so the PPAT cannot be held accountable if obstacles arise at that stage.

2) In practice, there is a gap where in fact the PPAT actually becomes a mediator between the Buyer and the ATR/BPN (bureaucratic servant) in the case of deviations from gratuities (acceleration money).

The Land Office (PPAT) acts as a liaison officer between the purchaser and the Land Office in processing the transfer of title to a certificate. This can potentially lead to legal loopholes and irregularities, such as corruption in the form of gratuities, such as payments to expedite the transfer. As an official, the PPAT is strictly prohibited from engaging in such gratuities.

Gratuities are a form of corruption frequently uncovered in various cases. In general, gratuities refer to the provision of gifts, rewards, or other forms of benefits to someone who has received services or has a relationship with a public or government institution, for example in the context of contract procurement. In the explanation of Article 12B paragraph 1 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Corruption Law), it is explained that gratuities are broadly defined to include various forms of gifts, such as money, goods, discounts, commissions, interest-free loans, travel tickets, accommodation, tours, free

¹⁹Safira Ainur Rahma, Accountability of Land Deed Officials in Alleged Unlawful Acts Related to the Transfer of Title to Certificates (Study of Supreme Court Decision Number 175K/Pdt/2021), *Jurnal Serambi Hukum*, Volume 19 Number 1, 2026, P. 281

health services, and other facilities. These gratuities can occur both domestically and internationally, and are carried out through various means, including electronic means.

b. Positive Orientation

1) By having the PPAT take care of the administrative registration, it is considered safer for the buyer than if they take care of it themselves.

The deed drawn up by a PPAT guarantees the legal transfer of land rights, protects the buyer from the risk of fraud or disputes, and ensures the validity of the documents. Buyers deliberately use the services of a PPAT to process the return of the SHM at the Land Office to obtain certainty and legal protection in the event of a future dispute. This occurs because a PPAT is ingrained in the principles of professionalism and caution in carrying out their profession.

2) PPAT is considered to have a better understanding of the electronic land system than managing it yourself.

As also stated by the Head of the Rights Transfer Section of the Bitung City Land Office, the Bitung City Land Office has conducted joint outreach with PPATs throughout Bitung City regarding the electronic transfer of land rights.²⁰With the training, socialization and obligation of PPAT to carry out digital transformation in carrying out their duties, PPAT is deemed to have known, understood and mastered the electronic land system which has an impact on the effectiveness and efficiency of processing electronic certificate name changes at the local Land Office.

3) Relevance Theory with Problem Analysis Based on the Author's Perspective

Changing the name of a land title certificate can be done for several reasons, one of which is because a sale or purchase has occurred. As mentioned in the previous chapter, the object of this research is the change of name of a land title certificate by a Land Deed Official (PPAT) which is carried out because a land sale or purchase has occurred. One of the requirements in the process of changing the name of a land title certificate is a deed of sale and purchase made before a Land Deed Official (PPAT) as stipulated in Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration. It is in this context that the theory of justice works.

The theory of justice according to Aristotle is that justice can give everyone what is their right (*fiat justitia pereat mundus*).²¹Aristotle taught two types of justice: commutative justice and distributive justice. Based on Aristotle's theory of

²⁰Interview Results on May 13, 2026

²¹ <https://repository.uph.edu/id/eprint/48944/5/Chapter%202.pdf>, accessed on April 22, 2026, at 19.45 WITA

justice, a sale and purchase falls under the doctrine of commutative justice, where the seller receives their rights in the form of an agreed-upon sum of money, while the buyer receives the property in the form of a plot of land.²²

The following section examines the relationship between the theory of legal certainty and the issues studied in this thesis. In the author's opinion, this aspect of relevance can be viewed from two perspectives:

a. A Certificate of Ownership provides legal certainty to the rights holder.

Article 19 of the Basic Agrarian Law (UUPA) mandates that land administration in Indonesia is to ensure legal certainty. A Certificate of Ownership is part of the land administration process. A SHM is proof of legal rights to physical and legal data. Furthermore, when linked to the opinion expressed by Sudikno Mertokusumo, legal certainty is justifiable protection against arbitrary actions so that someone gets what is expected. SHM protects the owner from claims by other parties. Thus, the process of changing the SHM name through the sale and purchase of land, which is the object of this research, is a process to protect the buyer from claims of land ownership rights from other parties. This means that the SHM name transfer process functions to minimize land conflicts and provide a sense of security in the community.

b. Certainty of law enforcement in the processing of SHM name changes by PPAT.

Based on the Basic Agrarian Law, Government Regulation Number 24 of 1997 concerning Land Registration and the Law concerning the Position of PPAT, PPAT has the task of making a Deed of Sale and Purchase, where this AJB is one of the requirements for changing the name of SHM through a sale and purchase.

Jan M. Otto stated that legal certainty is achieved if regulations are consistently implemented by authorized institutions. Therefore, Land Deed Officials (PPAT) must adhere to applicable laws and regulations when processing SHM transfers. Violations of these provisions will result in administrative, criminal, and ethical liability.

In addition to the two theories above, this paper also refers to the theory of utility. This theory was developed by Jeremy Bentham, who taught utilitarianism. In this theory, law is intended to provide maximum benefit and happiness to society, based on the social philosophy that every citizen desires happiness, and law is one of the tools to achieve this.

The evolution of the change in the Land Title Certificate (CERT) from conventional to electronic has had a beneficial impact on society. The provisions regarding the

²²L.J. Van Apeldoorn, 1996, Introduction to Legal Science, 26th Edition, Jakarta: Pradnya Paramita, pp. 11-12

implementation of this E-Certificate provide at least the following benefits to the public:

- a. Improving security, in the sense of narrowing the space for land mafia to move and preventing document forgery because it is equipped with QR codes, hash codes, and electronic signatures;
- b. Preventing Damage and Loss means reducing the risk of damage or physical loss of documents due to natural disasters such as floods, fires, or earthquakes.
- c. Administrative Efficiency, means to speed up land services and facilitate archive management.
- d. Enables the public to check the validity and ownership data online at any time through the *Sentuh Tanahku* application.
- e. Supporting the acceleration of electronic transactions in the property sector to encourage investment and national economic growth.

4. Conclusion

The role of the Land Deed Official (PPAT) as the driving force in granting power of attorney for electronic registration of land transfers to the ATR/BPN can be seen from several factors. These include the PPAT's attributive authority as a public official in drafting authentic deeds, such as sales and purchase deeds. This ensures legal certainty regarding authentic deed verification, integrated with the BPN's electronic system. Furthermore, the PPAT's role in managing land title transfers is crucial. Electronic Property Rights Certificates are related to a positive orientation whereby administrative registration is handled by a PPAT, which is considered safer for the Buyer than if handled independently.

Obstacles for Land Deed Officials in arranging Electronic Transfer of Ownership Titles The issues related to certificates are: First, the problem of integrating electronic systems and validation between agencies; Second, the limitations of land technology infrastructure and cyber network disruptions; Third, the gap in digital competency and the readiness of land human resources (HR); and Fourth, the legal culture of Bitung City residents and concerns about the security of digital documents.

There are several solutions to the role of Land Deed Officials in the Transfer of Ownership Rights at the Bitung City Land Office, namely: the establishment of regulations regarding the extent of the role of PPAT in the transfer of ownership rights electronically, especially as an attorney in the transfer of ownership rights. Optimizing or strengthening the supervision of the PPAT Advisory and Supervisory Board and providing understanding to the wider community regarding the digitalization of services at PPAT, especially in the transfer of ownership rights electronically.

The role of the Land Deed Official (PPAT) in managing the transfer of ownership of a SHM can be both negative and positive. Negative aspects of this role include: limitations on the PPAT's authority in creating authentic deeds and submitting documents to the land office, as well as the potential for legal irregularities in the form of gratuities or expedited payments. Furthermore, there are positive aspects, such as: having the PPAT handle the administrative registration process is considered safer for the buyer than if they handled it themselves, and the PPAT is considered to have a better understanding of the electronic land system than if they were to handle it themselves.

The relevance of the theory to the problem analyzed by the author is that the theory of justice is the theoretical basis for conducting a sale and purchase event, specifically commutative justice. The theory of certainty can be seen from the aspect of the SHM as a document that functions to provide protection for the document holder and from the aspect of consistent compliance by the PPAT with the provisions for making AJB and processing the transfer of SHM title through the sale and purchase. And the final theory is the theory of utility, which is related to the presence of Electronic Certificates which provide beneficial impacts for society.

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