

Legal protection for interested parties in land sale and purchase deeds made by land deed officials who have died

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Abstract. *Land plays a fundamental role in human life and is a vital resource. The transfer of land rights, as a legal act, must be legally executed through an authentic deed drawn up before a Land Deed Official (PPAT). This authentic deed serves as strong evidence that guarantees legal certainty and protection for the parties involved in the transaction. However, problems arise when the PPAT who has drawn up the land sale and purchase deed dies before the administrative process or deed settlement is fully completed. This phenomenon creates a legal vacuum and potential vulnerability for interested parties in obtaining adequate legal protection. This study aims to analyze the forms of legal protection for interested parties in land sale and purchase deeds drawn up by deceased PPATs and examine regulations related to the responsibilities of the deceased PPAT's heirs. This study employed a normative juridical legal research method with a statute approach and a conceptual approach. Primary data sources included laws and regulations related to the position of PPAT and the Civil Code, while secondary data were obtained from legal literature, journals, and scientific works. Data analysis was conducted qualitatively by examining applicable regulations, doctrines, and theories of legal protection and legal certainty. The research findings indicate that regulations regarding Land Deed Officials (PPAT) who die and leave unfinished work, particularly regarding authentic deeds, are still less comprehensive than those for Notaries. A deceased PPAT requires his or her heirs to report and submit the PPAT protocol to a successor PPAT appointed by the National Land Agency. However, the lack of norms regarding the completion of unfinished deeds and the authority of the heirs in this regard creates legal uncertainty. Preventive legal protection for PPAT service users is realized through the preparation of valid authentic deeds, the provision of information, maximum service, and comprehensive legal protection. However, when a PPAT dies, this preventative protection is hampered. Repressive or reparative legal protection becomes crucial, including the submission of the protocol and the completion of the deed by the successor PPAT. Heirs have a moral and*

legal responsibility to facilitate this process, but lack the authority to prepare authentic deeds. The absence of clear sanctions for heirs who fail to submit the protocol is also problematic. Regulatory harmonization is needed to provide legal certainty and optimal protection for all parties.

Keywords: Legal Protection; Land Deed Drafting Official (PPAT); Land Sale and Purchase Deed.

1. Introduction

Land plays a fundamental role in the continuity of human life, providing food resources and serving as the foundation of civilization. The history of a nation's development and even its downfall is often influenced by the control and management of land, and it can even trigger large-scale conflict due to its strategic value and the natural resources it contains.¹In the legal realm, the term "land" has a specific meaning and needs to be defined to avoid ambiguity. As stipulated in Article 4 of Law Number 5 of 1960 concerning Basic Agrarian Regulations, land, in the context of agrarian law, refers to the surface of the earth, the ownership rights of which can be granted to individuals or legal entities.²

The transfer of land rights can occur through two main channels: legal events and legal acts. Transfers of rights resulting from legal events generally occur through inheritance, while legal acts encompass various types of agreements such as sale and purchase, exchange, gifts, and so on. Specifically, in land sale and purchase transactions, which are reciprocal agreements in which one party transfers ownership of the property and the other party pays a sum of money in return,³strong legality is required to guarantee its validity.

To ensure the certainty and validity of the transfer of land rights, legal acts such as buying and selling must be conducted before a Land Deed Official (PPAT). The PPAT has the authority to authentically validate the transaction through a deed, which serves as authentic proof of the legal act.⁴Land sale and purchase agreements are tangible, meaning that the transfer of the object of the agreement is an absolute requirement. Furthermore, these agreements adhere to the principle of clear and cash, where the transfer of rights is permanent and payment is made simultaneously. The Deed of Sale and Purchase (AJB) drawn up by the Land Deed Official (PPAT) serves as proof of the fulfillment of these principles, legally binding on all parties involved.

¹G. Kartasapoetra, 1991 Land Law. UUPA Guarantees for Successful Land Utilization, PT Rineka Cipta, Jakarta, p. 1

²Boedi Harsono, 2008 Indonesian Agrarian Law: Collection of Land Law Regulations, Djambatan, Jakarta, p. 18

³R. Subekti, 1995, Various Agreements, 10th edition, PT Citra Aditya Bakti, Bandung, page 1.

⁴Boedi Harsono, 2008 Ibid page 70

Indonesia, as a nation governed by the rule of law, guarantees legal certainty, order, and protection for its citizens. To achieve this, authentic written evidence is required. Land Deed Officials (PPAT), as government-appointed public officials, play a crucial role in creating authentic deeds related to legal actions regarding land. The PPAT's authority is regulated by various regulations, including Government Regulation Number 37 of 1998 in conjunction with Government Regulation Number 24 of 2016, which emphasizes the role of PPAT in creating deeds concerning the transfer and encumbrance of land rights, which serve as the basis for land registration.⁵The authentic deed made by PPAT functions as strong evidence if a dispute occurs between parties.

However, in practice, problems often arise regarding the issuance of deeds by PPATs. One issue that arises concerns the continuity of legal services when the PPAT who issued the deed dies. The absence of minutes of a deed that have not been signed by the deceased PPAT can delay work and deprive the parties of their rights. This situation is exacerbated by the lack of comprehensive regulations governing the handling of deeds still in the process of being finalized due to the death of a PPAT, in contrast to the regulations for Notaries, who have temporary replacement officials with clearer roles.⁶

Previous research, such as the case study of Banyuwangi District Court Decision Number 41/Pdt.G/2018/Pn Byw, highlighted legal flaws in land sale and purchase deeds made by deceased Notaries & PPATs, where there was transaction engineering without the knowledge and consent of the legal owner.⁷Another study by Marwan (2019)⁸In Sulawesi, the practice of withholding PPAT protocols by heirs has been revealed, preventing the replacement PPAT from carrying out his duties, indicating weak oversight and guidance regarding PPAT legal compliance and the absence of clear sanctions for heirs who violate them. This phenomenon indicates a gap between the ideal function of PPAT in providing legal certainty and protection and the reality of its implementation, especially in extraordinary situations such as the death of a PPAT.

Clearly identifying potential obstacles to legal services due to the death of a PPAT is crucial to ensuring that the rights of the community, legitimized through authentic deeds, remain protected. This aligns with the legal principle that

⁵ALndi Praljitno, 2013, Practical Knowledge of ALpal in Sialpal PPALT, Selalrals, Mallalng, hall. 33

⁶Nur Fitriayu Surachman, (2022) 'Study of the Making of Sale and Purchase Deeds from PPATS Before and After Perkaban No. 8 of 2012' 4 Jurnal Hukum Kenotariatan Otentik's. pp. 55-69 <https://journal.univpancasila.ac.id/index.php/otentik/article/view/3345>. accessed on June 27, 2025 at 13.39 WIB

⁷Ulya Faridah, Widodo Suryandono, 2018 Legal Protection for Sellers in Land Sales with Legal Defects and Notaries/Ppat Who Have Deceased, University of Indonesia Law Journal, Depok, Jakarta

⁸Marwan, 2019, Responsibility of the Head of the Regional Office of the National Land Agency for Ppat Protocols Controlled by Heirs, Thesis of the Master of Notary Program, Faculty of Law, Hasanuddin University, Makassar

should provide a sense of security and certainty for the community in carrying out their activities, while also guaranteeing that recognized rights can be upheld.⁹The law must be able to serve the needs of society and adapt to the realities of life, ensuring the continued legality of every legal act. This study aims to analyze the legal protection for interested parties in land sale and purchase deeds drawn up by deceased Land Deed Officials.

Based on the background above, the author is interested in raising a discussion on this problem in the form of a thesis research with the title "**Legal protection for parties interested in land sale and purchase deeds made by land deed officials who have passed away**". So the problems can be described as follows:

1. What is the form of legal protection for parties interested in a land sale and purchase deed made by a land deed official who has passed away?
2. What are the regulations regarding the responsibilities of the heirs of a deceased land deed official?

2. Research Methods

The approach method used in this research is a normative juridical approach, namely research conducted by examining library materials or secondary materials as basic materials for research by conducting searches on regulations and literature related to the problem being researched. This research method uses 2 (two) methods, namely the Statute approach and the conceptual approach. The Statute approach is a study that prioritizes legal materials in the form of statutory regulations as basic reference material in conducting research, while the conceptual approach is a study of legal concepts, such as legal sources, legal functions, legal institutions and so on. There are 3 types of data sources for this research, namely Primary legal materials (statutory regulations), secondary (literature books, articles, journals, etc.) and tertiary (internet, dictionaries, etc.) Data analysis in this study uses descriptive analysis, namely conducting an analysis regarding legal protection for interested parties regarding land sale and purchase deeds made by land deed making officials who have died.

3. Results and Discussion

3.1. A form of legal protection for interested parties in land sale and purchase deeds made by land deed officials who have died

In carrying out their profession, Land Deed Officials (PPAT) have a fundamental obligation to act professionally, as expressly stipulated in Government Regulation (PP) Number 37 of 1998 which has been amended through PP Number 24 of 2016. This obligation includes providing optimal service to the public in the process of making authentic deeds. Authentic deeds produced by PPAT are not merely legal documents, but are essential instruments that function as an effort to provide legal certainty and legal protection for parties

⁹Soekalnto, S., & Malmudji, S., 2001. Method of Research of Normative Law: Sualtu Tinjalu aln Singkalt, PT RajalGrafindo Persaldal Jalkalrtal hall 15

who have carried out legal acts. This aims to ensure that the rights and obligations arising from these legal acts are not violated. Furthermore, this legal protection is not only aimed at the parties, but also includes protection for the PPAT itself, with the main emphasis on the rights of the parties to receive compensation or damages in the event of a violation of the agreement stated in the contents of the deed (PP No. 37 of 1998 in conjunction with PP No. 24 of 2016).

Under the prevailing legal framework, Land Deed Officials (PPAT) are granted special authority in the land sector to draw up deeds. These deeds serve as *prima facie* evidence, meaning that the statements or agreements contained therein are considered binding facts. Therefore, a PPAT deed can serve as a strong basis for drawing conclusions or establishing facts in court. A PPAT deed, qualified as an authentic deed, provides much-needed legal certainty for those seeking such a deed. The crucial role of an authentic deed is to provide legal certainty regarding the rights and obligations of each party, thus preventing future disputes or problems. If disputes do arise, the authentic deed can serve as evidence that plays a significant role in resolving them.¹⁰

The legal force of an authentic deed as the most perfect written evidence is vital in creating legal certainty for interested parties. An authentic deed serves as the primary guideline for addressing any legal issues that may arise and does not require proof or additional evidence. If any party claims that the deed is untrue or invalid, the party making the claim bears the burden of proof to substantiate their claim in accordance with applicable law.¹¹

However, crucial and complex issues arise when a PPAT dies while the deed preparation process is underway. This situation can occur at any time and potentially poses significant obstacles. Neither Government Regulation No. 37 of 1998 in conjunction with Government Regulation No. 24 of 2016 nor its implementing regulations provide specific and detailed provisions regarding how to handle this situation. The absence of adequate regulations can have a broad impact on the interests of parties using PPAT services, as well as on the continued existence of the PPAT's position. Although Article 28 of Government Regulation No. 37 of 1998 regulates the procedure for reporting the death of a PPAT by the heirs to the head of the land office and the appointment of a PPAT to receive the protocol, and Article 27 paragraph (3) of the Head of the National Land Agency Regulation No. 1 of 2006 requires the heirs to submit the PPAT protocol to the appointed PPAT within a certain time, there is still no clarity regarding the settlement of unsigned deeds, which are part of the PPAT protocol and have not yet been formed into an authentic deed. As a result, the rights of the parties to obtain a valid deed are not fulfilled.

¹⁰Heru Guntoro, 2012 'Lease Agreements Made Before a Notary in Relation to the Decisions of Supreme Court Judges' IUS QUIA IUSTUM Law Journal. Pages 471-474 <https://journal.uui.ac.id/IUSTUM/article/view/4367>. Accessed on June 28, 2025 at 10:00 WIB

¹¹Ibid

If we compare the regulations on the Notary Position in the Notary Position Law (UUJN), there is a very striking difference in handling similar situations. Article 1 paragraph (3) of the UUJN clearly explains the Acting Notary, namely a person appointed to carry out the Notary position temporarily if the Notary concerned dies. Although the procedure for appointing an Acting Notary has been regulated in detail, in practice, there are often still obstacles in completing the delayed Notary work. These obstacles arise due to the Notary's heirs' lack of understanding of Notary protocols and correct reporting procedures, even though the Regional Supervisory Council has attempted to remind the heirs to immediately hand over the Notary protocol to the Notary holding the protocol.¹²

UUJN explicitly stipulates that after a Notary dies, it is the responsibility of his/her heirs to report the death of the Notary to the Regional Supervisory Council (MPD). The MPD will then immediately appoint another Notary as the holder of the protocol of the deceased Notary. The Notary's heirs are given a period of 30 days from the date of the Notary's death to submit the Notary's protocol to the Acting Notary appointed by the MPD, in order to complete the Notary's pending work. The existence of this Acting Notary is vital in assisting in the completion of work halted due to the death of a Notary, both deeds that have not been completed at all, as well as deeds that are still in progress (*Ibid.*, p. 74).¹³

Furthermore, the UUJN provides flexibility to parties in the process of resolving pending deeds. The issue of the Notary's death must be immediately communicated to the parties, along with information regarding pending tasks that will be delegated to the Acting Notary. The parties are given the freedom to choose whether to continue the process with the appointed Acting Notary or withdraw their files for resolution by another Notary of their choice. This is important because the Acting Notary does not have the right to unilaterally withhold these files.¹⁴

Incomplete signatures of the parties, witnesses, and/or the signature of the Notary-PPAT concerned can cause the minutes of the deed to be unable to continue and complete the process, especially for the issuance of a copy of the deed. This usually occurs when the parties appear before the PPAT while the person concerned is still alive, but the deed has not been signed by all parties, witnesses, and the Notary/PPAT himself. Based on the provisions of Article 16 paragraph (1) letter m and Article 44 paragraph (1) UUJN, this condition can give rise to legal defects. This problem can ideally be resolved by having all parties resign before the Acting Notary appointed by the MPD or another Acting Notary chosen by the parties. For minutes of the deed that have been signed by the

¹²Nada Syifa Rangkuti, 2023 "Completion of Notarial Work Delayed Due to the Death of a Notary in Medan City" *Rechtsnormen Journal of Legal Communication and Information*. Pages 67-71 <<https://jurnal.ilmubersama.com/index.php/Rechtsnormen/article/view/123>>. Accessed on June 28, 2025 at 12:00 WIB

¹³*Ibid*

¹⁴*ibid*

parties and witnesses, but for which a copy has not yet been issued, the Acting Notary appointed by the MPD based on the appointment Decree can issue a copy of the deed. The process of completing the notary's unfinished work is intended to create an authentic deed as evidence desired by the parties, as well as guarantee their rights and obligations, while maintaining certainty, order and legal protection for all parties involved.

Based on this comparison, it can be concluded that the regulations of the PPAT profession in Government Regulation No. 37 of 1998 and Government Regulation No. 24 of 2016, as the legal umbrella for PPAT, do not comprehensively regulate PPATs who have died with deeds still in the process of being finalized. This is different from Notaries, who in their work of making authentic deeds, are given legal certainty if a Notary dies while carrying out their duties, then their position will be replaced by an Acting Notary, and the needs of the parties in the form of authentic deeds are met. The absence of legal norms that specifically regulate this matter can cause legal uncertainty and weaken legal protection for parties related to deeds that have been made by PPAT, considering that authentic deeds are PPAT protocols that must be maintained. Therefore, clear regulations are needed regarding this issue, so that the rights of the parties can still be fulfilled and not harm them as users of PPAT services, while also being useful in protecting the dignity of the PPAT position as a position trusted by the public.

Within the framework of Gustav Radbruch's theory of legal certainty, law is viewed as positive legislation, based on facts, clearly formulated, and not easily changed. Land Deed Officials (PPAT), as the makers of authentic deeds, play a crucial role in realizing legal certainty for the community through the legal products they produce. Authentic deeds created by PPATs serve as binding *prima facie* evidence, providing certainty regarding the rights and obligations of the parties, and preventing potential disputes. Clarity in the formulation of the deed is essential, in line with Radbruch's view on the importance of certainty in the interpretation and implementation of the law. However, when a PPAT dies during the deed-making process, there is a discrepancy between the legal facts that should have been created (a complete authentic deed) and the existing reality (an unfinished deed). This creates a gap in positive law, particularly in Government Regulation No. 37 of 1998 in conjunction with Government Regulation No. 24 of 2016, which do not specifically regulate how to handle this situation. This lack of norms contradicts Radbruch's principle that the law must reflect reality and be clearly formulated, because without adequate regulations, the rights of the parties to obtain authentic deeds become uncertain.

The lack of clarity in these regulations, particularly when compared to the Temporary Notary Official mechanism in the UUJN (National Land Deed Law), creates significant legal uncertainty. This weakens legal protection for PPAT service users, as there are no clear guidelines regarding who is authorized to complete pending deeds and how the process should proceed. Consequently, the parties' right to strong transaction evidence is threatened, fundamentally

violating Radbruch's principle that the law should not be easily changed and must provide certainty. Therefore, to achieve complete legal certainty, a reformulation of PPAT regulations is necessary. Filling the gaps in norms, such as by granting clear authority to PPATs holding protocols or substitute PPATs to complete pending deeds, is a crucial step. This will ensure that positive law effectively reflects reality, is clearly formulated, and is enforceable, thereby fully protecting the rights of PPAT service users, creating legal certainty, and maintaining trust in the PPAT profession.

Gustav Radbruch,¹⁵ He put forward three elements of the objectives of law: legal certainty (*rechtssicherheit*), utility (*zweckmäßigkeit*), and justice (*gerechtigkeit*), which influence each other and cannot be ignored. A state based on the rule of law has the principle of guaranteeing legal certainty, order, and protection. To create certainty in legal relations between citizens, evidence is needed that regulates rights and obligations. Regarding the transfer of land rights, which is very important for human life, proper utilization and use will create prosperity. Sudikno Mertokusumo¹⁶ states that legal protection is a means to create order and peace in society, protecting the interests of members of society.¹⁷ Philipus M. Hadjon divides legal protection into two: repressive (solving problems) and preventive (providing the opportunity to file objections before a definitive decision).¹⁸ Legal protection against state action is born from the concept of recognition and protection of human rights. In the context of the death of a PPAT while the deed is in the process of being finalized, which relates to the responsibility and legal protection for service users, Hadjon's theory of preventive legal protection can be the basis for lawmakers to add norms or explanations to the PPAT job regulations, particularly in Article 28 of Government Regulation No. 37 of 1998, to fill the gap in existing norms.

PPAT can be qualified as a general PPAT (Notary/PPAT), Temporary PPAT, and Special PPAT. Each has the same duties and authorities, but differs in the process of becoming a PPAT. Notaries/PPATs undergo notarial education, Temporary PPATs are appointed *ex officio* based on their position (for example, sub-district heads in areas with minimal PPATs), and Special PPATs are appointed to carry out government programs or tasks. The existence of the PPAT position is standardized in Article 26 paragraph (1) of the UUPA, which states that the transfer of land ownership rights is regulated by Government Regulations.

¹⁵Mario Julyano and Aditya Yuli Sulistyawan, 2019 "Understanding the Principle of Legal Certainty Through the Construction of Legal Positivism Reasoning" pp. 13-39 <<https://ejournal2.undip.ac.id/index.php/crepido/article/view/6325>>. Accessed on June 28, 2025 at 1:00 PM WIB

¹⁶Sudikno Mertokusumo, 2003 *Understanding the Law of an Introduction*, Liberty, Yogyakarta p. 39.

¹⁷Sri Utami and others, 2015, "Legal Protection for Notaries in Criminal Justice Processes According to Law Number 2 of 2014 Concerning Amendments to Law Number 30 of 2004 Concerning the Position of Notaries" *Repertorium* 213042. Page 89 <<https://www.neliti.com/id/publications/213042/>>. Accessed on June 28, 2025 at 17.00 WIB

¹⁸Philipus M Hadjon, 2017, *Legal Protection for the Indonesian People* Bina Ilmu. Surabaya Page 3.

Although the UUPA does not explicitly mention PPATs, Article 19 of Government Regulation Number 10 of 1961 concerning Land Registration, as the implementing regulation of the UUPA, states that there are officials who make deeds related to land. PPATs are obliged to do this with a legal product in the form of a deed, and to strengthen their status, PP No. 37 of 1998 was issued.¹⁹

The deed as a legal product of the Land Deed Official (PPAT) is mandated by Article 1 number 1 of Government Regulation No. 24 of 2016, which states that the PPAT is a public official authorized to make authentic deeds regarding land rights or Ownership Rights for Apartment Units. Article 1 number 4 of Government Regulation No. 37 of 1998 defines the PPAT Deed as evidence of certain legal acts related to land rights or Ownership Rights for Apartment Units. Article 1 number 4 of the Head of BPN Regulation No. 1 of 2006 explains the PPAT Deed as a land deed made by the PPAT to prove the implementation of legal acts related to land rights or Ownership Rights for Apartment Units. Thus, the PPAT deed is an authentic deed regarding certain legal acts on land or Ownership Rights for Apartment Units made before the PPAT. The user of PPAT services is any person who utilizes PPAT services, as regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2022 concerning the Implementation of the Principle of Recognizing Service Users for Land Deed Making Officials.

The use of PPAT services creates the right for the PPAT to receive service fees, and as a consequence, users of PPAT services also have rights that must be fulfilled by the PPAT.²⁰Based on Philipus M. Hadjon's theory of preventive legal protection, users of PPAT services have the right to receive legal protection through the addition of clear norms by lawmakers in PP No. 24 of 2016. The rights of PPAT service users include: (a) the right to obtain a Deed, as authentic evidence of legal actions related to land as regulated in Article 1 number 4 of PP No. 24 of 2016 and Article 21 paragraph (3) of PP No. 37 of 1998; (b) the right to obtain information or knowledge regarding legal processes, taxation, the role and responsibilities of PPAT, so as not to be harmed or experience legal errors; (c) the right to receive maximum service, in accordance with Article 3 letter g of the PPAT Code of Ethics, which demands professionalism, clarity, and accuracy of information in order to build trust; and (d) the right to receive legal protection, which includes the fulfillment of rights and obligations from the signing of the

¹⁹Tocko Haryanto, 2021 "Differences in the Authority of Notaries and PPAT in Making Land Deeds Based on Law Number 2 of 2014 Concerning the Position of Notaries and Government Regulation Number 24 of 2016 Concerning the Regulations on the Position of PPAT" Thesis of the Master of Notary Program, Faculty of Law, Sultan Agung Islamic University). Page 81

²⁰Muhammad Farhan Ahsani, 2024 *The Role and Responsibilities of Land Deed Officials (PPAT) in Implementing the Principle of Recognizing Service Users in the Regulation of the Minister of ATR/KBPN No. 21 of 2022* Thesis of the Master of Notary Study Program, Faculty of Law, Sultan Agung Islamic University, Semarang, page 57.

deed to receipt of the certificate, as well as the confidentiality of the deed and the minutes of the deed.²¹

The above explanation shows that parties interested in PPAT services have the right to obtain deeds, information and knowledge, maximum service, and legal protection. Fulfillment of these rights demonstrates that PPATs have carried out their duties in a trustworthy, honest, thorough, independent, and impartial manner. PPATs must maintain their good name and dignity, and adhere to the PPAT code of ethics issued by the Association of Land Deed Officials (IPPAT). The principle of prudence in preparing land deeds is crucial to guarantee their position and prevent disputes that could lead to civil, criminal, or administrative sanctions. If a trial requires PPAT testimony as a witness, PPATs receive legal assistance based on Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 2 of 2018 concerning the Development and Supervision of PPATs, Article 50, which provides legal assistance from the IPPAT ministry, assembly, or organization.²²

Legal protection for parties interested in PPAT services is also reflected in the existence of authentic deeds as evidence that can be used in the event of a dispute in the future. The authority of PPAT in making authentic deeds regarding certain legal acts such as buying and selling, exchanges, and gifts, provides protection. The responsibility of PPAT in making deeds of transfer of land rights, as regulated in Article 2 of PP No. 37 of 1998 and Article 53 of Perkaban No. 1 of 2006, requires PPAT to carry out data collection as carefully as possible to avoid legal defects in the juridical data used as supporting deeds. Legal protection in fulfilling the rights of all parties in a sale and purchase agreement is not only in accordance with the strength of the authentic deed, but also based on Article 1338 of the Civil Code and the good intentions of the parties to fulfill the agreement that has been made.²³

PPATs who violate the law are subject to sanctions based on PP No. 24 of 1997 Article 62, which include administrative actions such as written warnings to dismissal from their positions, without reducing the possibility of claims for compensation by the party suffering losses. Thus, parties interested in services

²¹ Khuzaimatul Faridah, Khalimi Khalimi and Mohamad Ismed, (2023) "Legal Certainty and Supervision" PPAT Honorarium as an Effort to Equalize Services and Achieve Justice for the Community" *Perfecto: Journal of Legal Studies*. Pages 65-60 <https://jurnal.ideaspublishing.co.id/index.php/jih/article/view/1438> Accessed on July 25, 2025 at 21.00 WIB

²² Chrisya Nadine Immanuella and Siti Hajati Hoesin, 2022 "Legal Consequences for Notaries/PPATs Related to Unlawful Acts by Notary/PPAT Employees (Case Study of Blitar District Court Decision Number 10/Pdt.G/2020/PN Blt)" (*Pakuan Law review*). pp. 1-7 <<https://journal.unpak.ac.id/index.php/palar/article/view/4584>>. Accessed on August 3, 2025 at 19.00 WIB

²³ Purna Noor Aditama, 2018 "The Responsibilities of Land Deed Officials in Providing Legal Protection for Parties in the Transfer of Land Rights Through Sale and Purchase" *Lex Renaissance Journal*. Page 201 <<https://journal.uui.ac.id/Lex-Renaissance/article/view/12739/pdf>>. Accessed on August 3, 2025 at 8:00 PM WIB

receive legal protection in the form of a PPAT legal product, namely an authentic deed as perfect evidence in accordance with the principle of legal certainty, which can be used as evidence if problems arise in the future, and receive legal protection in the form of compensation if the PPAT commits a violation in making the deed.

Within the framework of Philipus M. Hadjon's legal protection theory, legal protection is essential to safeguard human dignity, honor, and rights from arbitrariness and to create social order. Land Deed Officials (PPAT), as vital public officials in land transactions, are required to provide legal protection to their service users, both preventively and repressively/reparatively. PPAT's preventive legal protection is realized through the creation of a valid authentic deed, which serves as strong evidence. The service user's right to an authentic deed, adequate information regarding the legal process, maximum service, and comprehensive legal protection are the main pillars of this preventive protection. PPATs are required to act professionally, carefully, honestly, and comply with a code of ethics, to prevent problems and ensure that every transaction is carried out in accordance with applicable laws and regulations. An authentic deed made by a PPAT inherently protects the rights of the parties by providing legal certainty and preventing disputes.

However, the situation where a PPAT dies during the deed-making process poses significant challenges to preventive legal protection. The lack of norms in the regulations governing the handling of unfinished deeds upon the PPAT's death, unlike the mechanism for Acting Notaries, creates uncertainty. This can hinder the fulfillment of service users' rights to authentic deeds and potentially threaten their rights, as there is uncertainty regarding who is authorized to complete the deed preventively, which can lead to delays or a loss of legal certainty. To address these obstacles to preventive protection, repressive or reparative legal protection mechanisms are crucial. Procedures for transferring the protocol to a replacement PPAT, issuing a copy of the deed by the designated agency, and confirming the evidentiary power of the completed deed are all part of reparative protection. However, ideally, the legal system should strive to strengthen preventive mechanisms through clear regulatory reforms, so that the rights of PPAT service users remain optimally protected before problems arise.

3.2. Responsibilities of the Heirs of Land Deed Officials Who Have Died

In carrying out their profession, many notaries also hold the position of Land Deed Official (PPAT). This provision is stipulated in Article 7 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 Official (PJPPAT), which allows PPATs to hold the position of Notary at their respective locations. However, there are fundamental differences in the authority, obligations, and main duties of the two.

In contrast to a deceased Notary, the regulations regarding deceased PPAT are contained in Government Regulation Number 37 of 1998 which has been

amended by Government Regulation Number 24 of 2016. If a Notary who also acts as PPAT dies, there are two different protocols that must be submitted to two authorized bodies: the Notary protocol to the Regional Supervisory Council (MPD), and the PPAT protocol to the local land office.

If a PPAT dies and leaves behind unfinished work, his heirs, family, or employees are required to report it to the Head of the District or Municipal Land Office within 30 days of the PPAT's death (Article 28 paragraph (1) of PP No. 37 of 1998). Furthermore, the heirs, closest family, or party who controls the protocol of the deceased PPAT is required to hand over the protocol to the PPAT appointed by the Head of the Regional Office of the National Land Agency of the Province (Article 28 paragraph (3) of PP No. 37 of 1998). Thus, the unfinished work of the PPAT can be continued by a replacement PPAT who is officially appointed.

In the case of a Notary who dies, an acting Notary can be appointed. However, in the PJ PPAT, there is no detailed definition of a "replacement PPAT" who can complete the work of the deceased PPAT. Although it is stated that while the PPAT is temporarily suspended or on leave, his duties can be carried out by a substitute PPAT upon his request (Article 31 paragraph (1) PJPPAT), there is no detailed explanation regarding the mechanism for completing the work of the deceased PPAT. This creates legal uncertainty for the heirs and family of the deceased PPAT regarding the process of completing the delayed work.

The main task of the PPAT, as regulated in Article 2 paragraph (1) of PP Number 37 of 1998, is to carry out some land registration activities by making deeds as evidence of certain legal acts regarding land rights or Ownership Rights for Apartment Units. These certain legal acts include buying and selling, exchanges, gifts, contributions to companies (inbreng), distribution of joint rights, granting Building Use Rights/Use Rights over Land Ownership Rights, granting Mortgage Rights, and granting Power of Attorney to Encumber Mortgage Rights (Article 2 paragraph (2) of PP Number 37 of 1998).

Based on these provisions, PPAT has the authority to make 8 types of deeds that explain or prove that 8 types of legal acts have been carried out. Although the main task of PPAT is to make authentic deeds regarding certain legal acts, in practice, PPAT is often asked by the public to take care of things that are not included in his authority, such as making the first certificate, splitting or merging land rights, roya certificates, and the process of inheriting certificates, as a form of the best service to the public.²⁴

In the case of a PPAT who dies and leaves behind unfinished work, the completion of the work can be carried out by a replacement PPAT appointed by the Head of the Local Land Office. However, the unclear definition of a replacement PPAT in the PJ PPAT creates legal uncertainty for the heirs regarding

²⁴Mustofa, 2014 "Guidelines for Making PPAT Deeds" Revised Edition, KaryaMedia, Yogyakarta, page 3.

the completion process. This results in the delegation of duties and responsibilities in the completion of the work between the heirs of the deceased PPAT and the replacement PPAT being based on no clear statutory regulations.

The work and responsibilities that need to be completed by the heirs of a deceased PPAT include the obligation to report the death of the PPAT to the Head of the Land Office within 30 days, as well as submitting the PPAT protocol to the replacement PPAT appointed by the Head of the Provincial Office of the National Land Agency. The heirs are also responsible for preparing the PPAT protocol consisting of a list of deeds, original deeds, supporting documents for deeds, report archives, agendas, and other letters. In addition, the heirs need to sign the minutes of the protocol handover, complete the necessary files and requirements (including the identity of the related parties and supporting data from government agencies), and prepare a budget for the completion of the work of the deceased PPAT, especially for work that does not require an authentic deed such as making a new certificate, roya, or inheritance.²⁵

However, it is important to emphasize that heirs do not have the authority to create authentic deeds. Work requiring an authentic deed, such as sales, gifts, or mortgages, must be completed by an officially appointed substitute PPAT. The heirs are solely responsible for facilitating this process, including ensuring the availability of the necessary data, supporting documents, and budget for the completion of work that can be performed by the substitute PPAT or by the heirs themselves for matters not involving authentic deeds.

Abdul Kadir Muhammad's analysis of the Theory of Liability, which divides liability for unlawful acts into intentional tort liability, negligence tort liability, and strict liability, provides a strong framework for understanding the obligations that arise when a Land Deed Official (PPAT) dies and leaves behind unfinished work. If the PPAT in question is still alive and is proven to have committed a violation, then he can be held accountable. When a PPAT dies, the focus of responsibility shifts, but the essence of these theories remains relevant. The heirs have the primary responsibility to ensure the smooth handover of the protocol to the appointed successor PPAT, including reporting the death, preparing documents, and signing the minutes of handover, as well as facilitating the completion of work that can be done by the heirs or the successor PPAT.

4. Conclusion

Based on the description of the research results and discussion, here are some conclusions regarding this topic. 1. Legal protection for interested parties in land sale and purchase deeds drawn up by deceased Land Deed Officials (PPATs) includes the right to an authentic deed, adequate information, maximum service, and the obligation for the replacement PPAT to promptly complete any pending work. The primary objective of this protection is to create certainty, order, and

²⁵Interview with the staff of the late Jalal Suyuti, SH. M.kn, at the office of the late Notary Jalal Suyuti, SH. M.kn on Monday, August 11, 2025.

fairness in land transactions. However, current PPAT regulations do not specifically address the handling of deeds still in process upon the death of a PPAT, unlike Notaries, who have a mechanism for Acting Notaries. This lack of clarity has the potential to create legal uncertainty and weaken the protection for PPAT service users, even though an authentic deed is strong evidence that guarantees the rights and obligations of the parties. Therefore, clearer regulations are needed to ensure the rights of service users are fulfilled and to protect the dignity of the PPAT profession. If a PPAT dies while the deed is still being processed, the designated PPAT holding the protocol is expected to continue the deed-making process until the authentic deed is formed to ensure that service users are not disadvantaged and their rights are still fulfilled. The heirs are also required to immediately report the death of the PPAT to the authorized agency so that the appointment of the PPAT holding the protocol can be carried out immediately, so that the pending work can be completed and the rights of the parties are protected, in line with the principles of the rule of law. 2. The primary responsibility of the heirs of a deceased PPAT is to ensure the smooth handover of the PPAT protocol to the successor PPAT appointed by the Head of the Land Office. This responsibility includes reporting the PPAT's death within the specified time limit, preparing and submitting all protocol documents such as the deed list, original deeds, supporting documents, report archives, and agendas, and signing the handover minutes. Furthermore, the heirs play a crucial role in completing the files and requirements needed to complete any pending PPAT work, including processing validation at the National Land Agency (BPN) and ensuring the accuracy of the parties' identity data. They are also responsible for providing the necessary budget for work that does not require an authentic deed, such as processing certificates, roya, or inheritance, which constitutes a moral and legal responsibility to the relevant parties. However, there are strict limitations on the work that can be completed by the heirs of a deceased PPAT. Heirs, family members, or former PPAT staff do not have the authority to create authentic deeds, which are the core of the PPAT's duties. Work requiring authentic deeds concerning certain legal acts such as sales, exchanges, gifts, company investments, division of joint rights, granting building use rights/use rights, granting mortgages, and granting power of attorney to encumber mortgages, can only be completed by an officially appointed replacement PPAT. This is because creating authentic deeds requires special authority as a public official, which only an authorized PPAT possesses. Therefore, the heirs cannot take over this responsibility and must hand it over to an appointed official.

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