

Legal Responsibility of Land Deed Officials (PPAT) for the Making of Deeds with Legal Defects that are Detrimental to Land Owners Based on Court Decision Number 328/Pdt/2022/Pt Sby

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Abstract. *This study aims to analyze: 1) Legal responsibility of Land Deed Making Officials (PPAT) for making legally flawed deeds and harming landowners based on Court Decision Number 328/PDT/2022/PT SBY. 2) Legal implications of making legally flawed deeds by PPAT on the legal certainty of land ownership based on Court Decision Number 328/PDT/2022/PT SBY. This type of research is normative legal research. The approach method in this research is a case study approach and a statute approach. The type of data in this research is secondary data. The data collection method uses library techniques (study documents). The analysis in this research is qualitative. The results of the study concluded: 1) The legal responsibility of Land Deed Making Officials (PPAT) for making legally flawed deeds and harming landowners based on Court Decision Number 328/PDT/2022/PT SBY shows that PPAT has legal responsibility that stems from positive norms that regulate the authority of his position. Based on Hans Kelsen's theory of responsibility, a person can only be held legally responsible if proven to have violated a valid norm in a hierarchical legal system. In this case, the Surabaya High Court assessed that the Land Deed Official (PPAT) had carried out his duties according to the procedures stipulated in Government Regulation Number 24 of 1997, Government Regulation Number 37 of 1998 in conjunction with Government Regulation Number 24 of 2016, and Ministerial Regulation of ATR/BPN Number 2 of 2018, so that no violation of positive legal norms was found and there was no basis for imposing legal sanctions. Theoretically, the application of Kelsen's theory shows that the Indonesian legal system still emphasizes formal legality and has not fully accommodated substantive justice. 2) The legal implications of the creation of legally defective deeds by PPATs on the legal certainty of land ownership based on Court Decision Number 328/PDT/2022/PT SBY, namely showing that deeds that do not meet formal and material requirements have lost their evidentiary power as authentic deeds, create uncertainty about land ownership status, and undermine the function of*

land registration as an instrument of legal protection. A legally flawed deed can potentially revoke the certificate issued on its basis, giving rise to multiple disputes between the legitimate owner and a good-faith purchaser. This demonstrates that legal certainty in land matters depends not only on the administrative system but also on the professionalism and legal responsibility of the Land Deed Official (PPAT) as a public official.

Keywords: Effectiveness; Legitimate; Professionalism; Registration.

1. Introduction

Land plays a vital role in human life. From birth to death, humans constantly need land as a place to live, a source of life, and a means to achieve prosperity. Therefore, land ownership and control have not only economic value but also philosophical significance, as they are linked to the basic human right to sustain life.¹ Land rights as part of human rights must be guaranteed legal certainty by the state, so that there is no confiscation of rights or illegal control.²

Land registration is a prerequisite for organizing and regulating the allocation, control, ownership, and use of land, including addressing various land issues. Land registration aims to provide certainty of rights and legal protection for land rights holders, evidenced by land certificates. It serves as an instrument for organizing land control and ownership, as well as a control instrument for land use and utilization. Land rights registration serves as a guarantee from the state and is an important instrument for protecting landowners.³

A certificate is the final result of land registration and is an authentic piece of evidence. As stated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning land registration. The implementation of land registration in society is currently the duty of the State. Land registration is carried out by the government for the benefit of the people, as an effort to provide legal certainty in the land sector. The implementation of land registration is carried out by the Land Office, and in carrying out these tasks the Land Office is assisted by the Land Deed

¹Boedi Harsono, 2008, Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Contents and Implementation, Djambatan, Jakarta, p. 27.

²Maria SW, Sumardjono, 2001, Land Policy Between Regulation and Implementation, Kompas, Jakarta, p. 14.

³Anis Ayu Rahmawati and Achmad Sulchan, 2018, Policy to Streamline Filing for the Complete Systematic Land Registration Program (PTSL) at the Blora Regency Land Office, Jurnal Akta, Volume 5 Number 4, p. 885

Making Officer (PPAT), to carry out certain activities according to Government Regulation Number 24 of 1997 concerning Land Registration.⁴

Providing legal certainty regarding landowners' rights is crucial. Legal certainty of land ownership begins with a legal product, a land ownership certificate, issued by the National Land Agency. Land registration serves to protect the community's rights to land ownership.⁵ BPN as the party organizing land registration guarantees the accuracy of land data, both physical and legal, on the land title certificate, and provides legal certainty by applying the latest principles, so that the community will feel safe because the community places its trust in BPN as the government that provides guarantees of certainty of land rights.⁶

Law Number 5 of 1960 concerning Basic Agrarian Regulations stipulates that all landowners are required to have a land certificate. However, the implementation of this law has not been as smooth as expected. This is because many rural communities are not yet aware of the importance of land certificates.⁷

Land Deed Making Officials (PPAT) are authorized to issue Deeds of Sale and Purchase (AJB) as legal evidence of the transfer of land rights in accordance with Article 2 of Government Regulation Number 24 of 2016, with the responsibility to ensure the validity of the document both formally and materially. However, in practice, irregularities often occur that cause losses, such as in the case of Surabaya District Court Decision Number 1251/Pdt.G/2020/PN Sby and Surabaya High Court Decision Number 328/PDT/2022/PT SBY, where PPAT Wahyudi Suyanto, SH was allegedly negligent in making several deeds which were later declared legally invalid because they did not reflect the free will of the landowner. The first instance court considered the PPAT to have committed negligence and an unlawful act, while the appeal court stated that the deeds were valid and the buyers acted in good faith should be protected. These differences in decisions emphasize the importance of the principles of caution, professionalism, and legal responsibility of PPATs to ensure legal certainty and protection in every transfer of land rights, while also demonstrating the need to strengthen regulations so that the limits of PPAT responsibility are clearer and protection for land owners is stronger.

⁴Kusmaryanto and Gunarto, 2017, Registration of Sale and Purchase Deeds that Exceed the Land Registration Period at the Agrarian and Spatial Planning Office/National Land Agency of Semarang City, *Jurnal Akta*, Unissula, Volume 4 Number 3, p. 476

⁵Putri, CA, and Gunarto, 2018, Effectiveness of Certificate Checks in Preventing Land Disputes in the Land Rights Transfer Process, *Jurnal Akta*, Vol. 5, Number (1), p. 268.

⁶Ni Made Rian Ayu Sumardani¹ and I Nyoman Bagiastra, 2021, Legal Responsibility of the National Land Agency Regarding Discrepancies in the Results of Electronic Certificate Checks. *Acta Comitas: Journal of Notary Law*, Vol. 06 No. 02, p. 224

⁷Putri Bahagia Ningrum and Kami Hartono, 2020, Implementation of Complete Systematic Land Registration (PTSL) Based on Ministerial Regulation Number 6 of 2018 Study in Semarang Regency, *Proceedings, Unissula Student Scientific Conference (KIMU)* 4, p. 634

2. Research Methods

This research is a normative legal research. The research methods used are case study and statute approach. The data used is secondary data. The data collection method uses library research (document study). The analysis used is qualitative.

3. Results and Discussion

3.1. Legal Responsibility of Land Deed Officials (PPAT) for the Making of Deeds that are Legally Defective and Harmful to Land Owners Based on Court Decision Number 328/PDT/2022/PT SBY

Certainty law is a guarantee provided by the Government by conducting land registration based on the rules stipulated in the legislation. Rechts cadaster or legal cadaster is a term for land registration that has the purpose of guaranteeing that includes the boundaries, location, area, and status of the land and who owns the rights. The rechts cadaster also includes legal certainty of the status of the rights of registered persons, certainty of objects, and certainty of subjects. Meanwhile, fiscal cadaster is land registration that has the purpose of ensuring everyone has the right to carry out obligations regarding their land.⁸

The Land Deed Making Officer (PPAT) is a public official appointed by the government to carry out part of the state's authority in terms of making authentic deeds related to the transfer of land rights.⁹ According to Article 1 paragraph (1) of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations on Land Deed Making Officials, PPAT is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights or ownership rights to apartment units. In carrying out his duties, the PPAT also carries out some land registration activities, where the deed he makes is proof that... a legal act is carried out which serves as the basis for registering changes to land registration data resulting from that legal act.¹⁰

The deed made by the Land Deed Making Officer is one of the main sources in terms of regulating land registration in Indonesia. PPAT has been known since the enactment of Government Regulation Number 10 of 1961 concerning Land Registration, which is a land regulation as the implementing UUPA. To guarantee legal certainty that a legal act has been carried out regarding the transfer or encumbrance by the parties, the transfer of rights must be made with an authentic

⁸Ida Ayu, Legal Protection for Buyers in the Event of Cancellation of a Sale and Purchase Deed Drawn by a Notary, *Acta Comitatus: Journal of Notary Law*, Volume 5 Number 3, p. 628

⁹Solahudin Pugung, 2021, Concerning Land and the Law of Its Sale and Purchase and the Responsibility of PPATs for Deeds Containing Defects from the Perspective of the Rule of Law, Budi Utama, Yogyakarta, p. 30.

¹⁰Rudi Indrajaya et al., 2020, *Notaries and PPAT: An Introduction*, Refika Aditama, Bandung, p. 62

deed where the deed must be made before the appointed/authorized official so that it can be used as perfect evidence. This is intended to guarantee legal certainty regarding the rights and obligations and even legal consequences for the parties.¹¹

One type of important deed that falls under the authority of the PPAT is the Sale and Purchase Deed (AJB), which is the basis for the process of changing the name of land ownership rights at the land office. The definition of buying and selling indicates that one party is selling. The term, which encompasses two reciprocal actions, corresponds to the Dutch term "koop an verkoop," which also implies that one party sells while the other co-opts to buy. In English, buying and selling is simply called "sale," meaning sale (seen only from the seller's perspective). Similarly, in French, it is simply called "vente," also meaning sale. In German, the word "Kauf" is used, meaning purchase.¹²Linguistically, buying and selling means taking and giving something. Terminologically, it's a barter transaction that results in the transfer of ownership, and this can be accomplished through a verbal or deed. In other words, buying and selling is a transaction between one person and another, involving the exchange of one item for another, using a specific method and under a specific contract.¹³

The Deed of Sale and Purchase (AJB) is an important document in proving land ownership. Land Deed Officials (PPAT) are legally responsible for every deed they make, especially if the deed causes harm to another party. This is evident in the case of Tonny Hendrawan Tanjung against Wahyudi Suyanto, SH (Notary/PPAT) and other parties listed in the Surabaya District Court Decision No. 1251/Pdt.G/2020/PN Sby and the Surabaya High Court Decision No. 328/PDT/2022/PT SBY. The dispute stemmed from the creation of several peace deeds, PPJB, and power of attorney deeds related to four plots of land belonging to the plaintiff, which he claimed were made under duress and without free will. The Surabaya District Court deemed the deeds legally flawed, null and void, and declared the PPAT negligent in carrying out his duties, while the Surabaya High Court overturned the decision on the grounds that there was no evidence of coercion and considered that buyers in good faith should be protected. This difference in assessment highlights the boundary between the PPAT's responsibility between formal and material truth in the creation of land deeds. This case reflects the weakness of administrative supervision and the importance of applying the theory of responsibility so that PPATs do not only act according to formal procedures, but are also responsible for losses arising from negligence in their positions through administrative, civil and criminal legal mechanisms.

¹¹Istanti, Akhmad Khisni, Legal Consequences of Land Sale and Purchase Deeds Before a Ppat Which Are Not Made in Accordance with PPAT Deed Making Procedures, Jurnal Akta, Volume 4 Number 2 June 2017, Unissula, p. 274

¹²R. Subekti, 1995, Various Agreements, Citra Aditya Bakti, Bandung, p. 1.

¹³Riris Ari, 2023, Legal Consequences of Land Purchases Without Approval in Achieving Legal Certainty, Journal of Legal Studies, Volume 01 Number 2, p. 104

Land Deed Making Officials (PPAT) as public officials have legal responsibility for every authentic deed they make, whether administrative, civil, or criminal. Administrative responsibility arises if the PPAT violates the provisions of their position as stipulated in Government Regulation No. 37 of 1998 in conjunction with Government Regulation No. 24 of 2016, which can be subject to sanctions in the form of a written warning, temporary dismissal, or permanent dismissal by the Minister of ATR/BPN. This sanction aims to enforce job discipline and maintain public trust in the PPAT profession. In addition, Ministerial Regulation No. 33 of 2016 emphasizes that PPATs are required to carry out their duties with the principles of honesty, impartiality, and professionalism. In the context of civil liability, PPATs can be sued under Article 1365 of the Civil Code if their actions cause losses due to their errors or negligence, either in the form of material or immaterial compensation. This applies if the deed they make contains legal defects or causes losses to other parties due to negligence in checking the validity of the data and the wishes of the parties.

Meanwhile, criminal liability arises if a Land Deed Official (PPAT) intentionally or negligently commits an act that fulfills the elements of a criminal act, such as falsifying documents (Articles 263–264 of the Criminal Code), including false information in an authentic deed (Article 266 of the Criminal Code), or abuse of authority (Articles 418–419 of the Criminal Code). A Land Deed Official (PPAT) can be punished if proven to have assisted or participated in making a deed that does not comply with legal reality, for example, signing a deed without the presence of the relevant party or knowing that the document used is forged. This criminal liability indicates that the PPAT deed has high legal value as evidence that should not be misused. Based on Hans Kelsen's theory of legal liability, a Land Deed Official (PPAT) can be held responsible because violations of valid legal norms are the basis for imposing sanctions. Thus, the responsibility of a Land Deed Official (PPAT) is not only a form of implementing positive law, but also a mechanism for maintaining justice and legal certainty in the national land system. Therefore, violations of lower-level norms, such as the PPAT job regulations, can give rise to sanctions as a form of legal liability for violating the legal norm. According to Hans Kelsen, responsibility consists of:

- 1) Individual responsibility means that an individual is responsible for the violations he/she commits.
- 2) Collective liability means that an individual is responsible for an offense committed by another person.
- 3) Liability based on fault means that an individual is responsible for violations that he/she committed intentionally and with the intention of causing harm.
- 4) Strict liability means that an individual is responsible for violations he commits because they are unintentional and unforeseen.

According to Hans Kelsen in the theory of responsibility which states that a person is legally responsible for a certain act or that a person bears legal responsibility, subject means that he is responsible for a sanction in the event of a contrary act.¹⁴

These four types of responsibilities can be used to analyze the position and responsibilities of PPAT in making deeds which are then deemed legally flawed as occurred in the Surabaya High Court Decision Number 328/PDT/2022/PT SBY, namely:

The issuance of legally flawed deeds by Land Deed Officials (PPAT) has serious implications for the legal certainty of land ownership, both legally, administratively, and socially. Legally, deeds that do not meet formal and material requirements lose their evidentiary force and can be revoked; administratively, certificates issued based on legally flawed deeds are invalid and undermine orderly land administration; and socially, this reduces public trust in public officials. Based on Gustav Radbruch's theory of legal certainty, the law must balance justice, utility, and certainty. However, Surabaya High Court Decision Number 328/PDT/2022/PT SBY demonstrates that legal practice in Indonesia still emphasizes formal legal certainty by protecting buyers in good faith, while substantive justice for legitimate land owners has not been achieved. The differences in decisions between the District Court and the High Court demonstrate a weak consistency in the application of the law, where procedural legality is prioritized over the protection of true ownership rights.

To achieve just legal certainty, the responsibilities of Land Deed Officials (PPAT) must be expanded beyond the formal validity of the deed to include the material validity of the legal acts outlined. Regulations such as Government Regulation No. 37 of 1998 in conjunction with Government Regulation No. 24 of 2016 need to be strengthened with derivative regulations that emphasize prudential standards, accountability mechanisms, and substantive sanctions for violations of office. Furthermore, oversight of Land Deed Officials (PPAT) needs to be carried out in layers through synergy between the PPAT Supervisory Board and the Land Office, and supported by data digitization to prevent irregularities. Improving professionalism, ethics training, and recertification for Land Deed Officials (PPAT) are strategic steps to strengthen the integrity of the profession. Thus, the position of Land Deed Official (PPAT) serves not only an administrative function but also an instrument of legal protection in line with the ideals of social justice as expressed by Satjipto Rahardjo, that the law must exist to serve humanity, not the other way around.

Based on these four classifications of responsibility, it can be concluded that, according to Hans Kelsen's theory, the responsibility of the Land Deed Official (PPAT) in the Surabaya High Court Decision Number 328/PDT/2022/PT SBY is more appropriately understood as a normative individual responsibility, because the act

¹⁴Hans Kelsen, 2006, *Pure Legal Theory*, Nuansa and Nusamedia, Bandung, p. 140

of making the deed was carried out personally by the PPAT as a public official. However, from a legal perspective, legal responsibility was not proven because the legal norms governing the deed-making procedure had been complied with. Therefore, the PPAT's responsibility in this case is only ethical and moral, not legal responsibility in the positive juridical sense.

The legal responsibility of Land Deed Officials (PPAT), as decided in case No. 328/PDT/2022/PT SBY, reflects the fundamental principle that every public official is obliged to comply with the system of norms governing their authority. Based on Hans Kelsen's theory, legal responsibility is a normative consequence of violating a legal norm applicable within a hierarchically structured legal system (*Stufenbau des Recht*).¹⁵

A PPAT has the substantive responsibility to ensure that every deed drawn up truly reflects the wishes of the parties and does not cause harm to other parties. Habib Adjie emphasized that the PPAT's responsibilities include ensuring the formal and material validity of the deed, as both serve as the decisive basis for proving the land rights registration process.¹⁶ Therefore, if the PPAT does not ensure the substantial truth of the contents of the deed, then moral and ethical responsibility remains attached, even though legally he cannot be held accountable.

Hans Kelsen's theory explains that the legal responsibility of Land Deed Officials (PPAT) is hierarchical according to the hierarchy of norms in the national legal system, where the constitution and the UUPA are the highest basis, followed by government regulations and ministerial regulations governing the position of PPAT. Violations of official norms give rise to administrative responsibility, violations of civil norms give rise to compensation obligations under Article 1365 of the Civil Code, and violations of criminal norms give rise to criminal responsibility. In the Surabaya High Court Decision, the PPAT was declared not to have violated legal norms and therefore could not be held accountable, reflecting Kelsen's principle of strict legal liability—that responsibility only exists if a violation of norms is proven. However, as Gustav Radbruch stated, legal certainty must be balanced with justice and expediency; the PPAT's formal compliance with procedures must not override the protection of the community's rights. Therefore, even though the PPAT may be legally innocent, morally he still has a responsibility to uphold truth and justice, so Kelsen's theory needs to be balanced with a substantive justice approach to ensure legal certainty that is just for the community.

¹⁵Hans Kelsen, *Op.cit.*, p. 193.

¹⁶Habib Adjie, *Civil and Administrative Sanctions against Notaries as Public Officials*, Refika Aditama, Bandung, 2017, p. 182.

3.2. Legal Implications of the Making of a Defective Deed by a Land Deed Official (PPAT) on the Legal Certainty of Land Ownership Based on Court Decision Number 328/PDT/2022/PT SBY

The deed drawn up by a Land Deed Official (PPAT) plays a fundamental role in ensuring legal certainty of land ownership. The deed serves as authentic proof of the legal act of transferring, encumbering, or granting land rights, which serves as the basis for registering changes to legal data at the Land Office.¹⁷ Therefore, any error or negligence in the preparation of a deed by a PPAT can have serious legal consequences for the status of land ownership and the integrity of the national land administration system. The legal implications of the preparation of a legal deed by a PPAT for the Legal Certainty of Land Ownership Based on Court Decision Number 328/PDT/2022/PT SBY are:

1) Loss of evidentiary power as an authentic deed.

Under Article 1868 of the Civil Code (KUHPdata), an authentic deed must be drawn up by or before an authorized public official in a form prescribed by law. If the deed is drawn up without fulfilling the formal and material requirements, it loses its full evidentiary force and is considered merely a private deed.¹⁸ In the Surabaya High Court Decision Number 328/PDT/2022/PT SBY, if the deeds drawn up by a Land Deed Official (PPAT) are proven to be flawed, the legal consequences are null and void and no longer binding on the parties. This demonstrates that administrative errors or negligence by a Land Deed Official (PPAT) can invalidate the legal function of the deed itself.

2) The second implication relates to the ownership status and legal protection of land rights holders.

The creation of an invalid deed results in uncertainty regarding land ownership, as the certificate issued based on it is potentially revoked. Achmad Rubaie explained that legal certainty regarding land includes certainty about the subject, object, and rights, which can only be achieved through land registration based on valid evidence.¹⁹ If the Land Deed (PPAT) is legally flawed, the registration based on it also loses its validity. According to Decision Number 328/PDT/2022/PT SBY, this situation creates a tension between the rights of the legal landowner and the protection of good-faith buyers who acquire land through administrative procedures that appear formally legitimate.

3) The emergence of overlapping rights or land disputes

A legally flawed Land Deed (PPAT) often results in the creation of duplicate certificates, one belonging to the legal owner and one in the name of a good-faith

¹⁷Boedi Harsono, 2013, Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Contents and Implementation, Djambatan, Jakarta, p. 472.

¹⁸Subekti, 1982, Law of Evidence, Pradnya Paramita, Jakarta, p. 51

¹⁹Achmad Rubaie, 2007, Law on Land Acquisition for Public Interest, Bayumedia, Malang, p. 1.

purchaser. Such disputes create legal uncertainty because both have a strong administrative basis. The Surabaya High Court's decision, which rejected the Plaintiff's lawsuit in this case, demonstrates that protection for good-faith purchasers is prioritized, even though the validity of the underlying deed used for the transfer of rights is questionable. This situation demonstrates the weak legal position of the original owner when administrative mechanisms are used by another party acquiring rights based on a legally flawed PPAT deed.

4) Disruption of the principle of legal certainty in the national land registration system.

Land registration, as regulated in Article 19 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), aims to provide legal certainty and legal protection for land rights holders.⁵ When the PPAT deed that serves as the basis for registration is found to be flawed, the function of land registration as an instrument of legal certainty becomes ineffective. Maria SW Sumardjono emphasized that land certificates are merely administrative evidence, not absolute proof of ownership. Therefore, certificates issued based on invalid deeds can be revoked if they are proven to contain legal defects or were obtained through unlawful acts.²⁰

5) Legal and economic losses for land owners.

When a PPAT deed is declared null and void, the transfer of land rights becomes invalid, and the rightful owner must undergo a lengthy legal process to regain their rights. Furthermore, buyers who have paid the price for the land also suffer financial losses because their acquired rights are not legally recognized.²¹ As a result, the creation of an invalid deed by a PPAT not only violates administrative norms, but also has an impact on the social and economic stability of the community.

6) The sixth implication concerns the administrative accountability of PPAT.

Based on Article 28 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Position of Land Deed Officials (PPAT), Land Deed Officials who violate their official obligations may be subject to sanctions in the form of a written warning, temporary dismissal, or permanent dismissal. This shows that any action by a Land Deed Official that causes legal harm to the public, whether due to negligence or intent, can have implications for their official status as a public official. In the case under review, although the judge did not impose civil or criminal liability on the

²⁰Maria SW Sumardjono, 2008, *Land in the Perspective of Economic, Social, and Cultural Rights*, Kompas, Jakarta, p. 128.

²¹D. Rasda, MS Rahman & B. Tijjang, 2021, *Responsibilities of Land Deed Officials (PPAT) in Registering Transfer of Land Ownership Rights*, Amsir Litigation Journal, Vol. 9 No. 1, p. 37.

Land Deed Official, the first-instance decision stating negligence serves as an important reminder of the ethical and administrative responsibilities of Land Deed Officials.

7) Declining public trust in the land law system.

Cases involving legally flawed deeds, such as those in this ruling, raise the perception that formal legal procedures do not fully guarantee justice and protect land rights. Weak verification and oversight of PPATs has the potential to create room for abuse of authority, ultimately undermining the integrity of land law in Indonesia.²² Therefore, the government needs to strengthen the monitoring and sanction system for PPAT so that the function of public officials as guarantors of legal certainty is maintained.

The issuance of legally flawed deeds by Land Deed Officials (PPAT) has serious implications for the legal certainty of land ownership, both legally, administratively, and socially. Legally, deeds that do not meet formal and material requirements lose their evidentiary force and can be revoked; administratively, certificates issued based on legally flawed deeds are invalid and undermine orderly land administration; and socially, this reduces public trust in public officials. Based on Gustav Radbruch's theory of legal certainty, the law must balance justice, utility, and certainty. However, Surabaya High Court Decision Number 328/PDT/2022/PT SBY demonstrates that legal practice in Indonesia still emphasizes formal legal certainty by protecting buyers in good faith, while substantive justice for legitimate land owners has not been achieved. The differences in decisions between the District Court and the High Court demonstrate a weak consistency in the application of the law, where procedural legality is prioritized over the protection of true ownership rights.

To achieve just legal certainty, the responsibilities of Land Deed Officials (PPAT) must be expanded beyond the formal validity of the deed to include the material validity of the legal acts outlined. Regulations such as Government Regulation No. 37 of 1998 in conjunction with Government Regulation No. 24 of 2016 need to be strengthened with derivative regulations that emphasize prudential standards, accountability mechanisms, and substantive sanctions for violations of office. Furthermore, oversight of Land Deed Officials (PPAT) needs to be carried out in layers through synergy between the PPAT Supervisory Board and the Land Office, and supported by data digitization to prevent irregularities. Improving professionalism, ethics training, and recertification for Land Deed Officials (PPAT) are strategic steps to strengthen the integrity of the profession. Thus, the position of Land Deed Official (PPAT) serves not only an administrative function but also an instrument of legal protection in line with the ideals of social justice as expressed

²²D. Rasda, MS Rahman & B. Tijjang, 2021, Responsibilities of Land Deed Officials (PPAT) in Registering Transfer of Land Ownership Rights, *Amsir Litigation Journal*, Vol. 9 No. 1, p. 37.

by Satjipto Rahardjo, that the law must exist to serve humanity, not the other way around.

4. Conclusion

The legal responsibility of Land Deed Officials (PPAT) for legally defective deeds based on Court Decision Number 328/PDT/2022/PT SBY indicates that PPATs can only be held legally responsible if proven to have violated positive norms according to Hans Kelsen's theory. In this case, the Surabaya High Court assessed that the PPAT had acted in accordance with the provisions of Government Regulation Number 24 of 1997, Government Regulation Number 37 of 1998 in conjunction with Government Regulation Number 24 of 2016, and Ministerial Regulation of ATR/BPN Number 2 of 2018, so that no legal violations were found. This confirms that the Indonesian legal system still emphasizes formal legal certainty, not substantive justice, so that regulations are needed to strengthen so that the PPAT's responsibilities also include protection for injured parties. The legal implications of legally defective deeds for land ownership certainty indicate that deeds that do not meet formal and material requirements lose authentic force, create ownership uncertainty, and open up the potential for disputes. Such deeds can lead to the cancellation of certificates and undermine the function of land registration as a guarantee of legal protection. Based on Gustav Radbruch's theory of legal certainty, this decision reflects that Indonesian law still emphasizes formal certainty without guaranteeing justice for the legal owners of land, so that it is necessary to increase supervision and professionalism of PPAT so that their responsibilities include material truth and comprehensive protection of ownership rights.

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