

Responsibilities of Land Deed Making Officials (PPAT) in Guaranteing Legal Certainty for Making Grant Deeds in Rembang Regency

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Abstract. *Land Deed Officials (PPAT) play an important role in the transfer of land rights through grants by ensuring the fulfillment of legal requirements and applying the principle of prudence. This study aims to analyze the responsibilities of PPAT in ensuring legal certainty in the creation of Grant Deeds in Rembang Regency, identify obstacles faced by PPAT, and analyze efforts that can be made to improve legal certainty in the creation of Grant Deeds. This study uses an empirical juridical method with a normative juridical approach as a support. Primary data were obtained through interviews with PPAT and officials of the Rembang Regency Land Office, while secondary data were obtained through laws and regulations, books, and scientific journals. The results of the study indicate that the responsibilities of PPAT include checking the identity and authority of the parties, checking ownership documents, checking the legal status of land objects, ensuring the conformity of physical data and legal data, and recording the legal act of grant in a deed according to the provisions. Obstacles found include incomplete and inconsistencies in documents, the status of land objects, limited public understanding, potential objections from heirs, and the development of electronic land administration systems. The efforts required include strengthening the principle of prudence of PPAT, improving coordination with the Land Office, verifying the identity of the parties, and improving legal education for the community.*

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

1. Introduction

Land has an important position in people's lives because it has economic, social and legal functions. Legal relationships related to land can give rise to legal consequences for rights holders and other interested parties. Therefore, every legal action that causes a transfer of land rights must be carried out based on applicable legal provisions in order to provide legal certainty to the parties. One

form of transfer of land rights that is often carried out in family and community relations is a grant.

A grant is the free gift of an object from one person to another. In practice, land grants differ from those of movable property because land has its own administrative and registration system. The transfer of land rights through a grant must ultimately be proven through valid documents and serve as the basis for changes to land registration data. Research on the process of transferring land rights through a grant also shows that Land Deed Officials (PPAT) play a crucial role in ensuring the formal and material accuracy of the deed.¹

In the Indonesian land system, a Land Deed Official (PPAT) holds the position of public official authorized to issue authentic deeds concerning certain legal acts concerning land rights or ownership rights to condominium units. Deeds issued by PPATs serve as the basis for registering changes to land data. Thus, PPATs hold a strategic position in ensuring legal certainty regarding the transfer of land rights.²

The creation of a Deed of Gift by a Land Deed Official (PPAT) requires a careful examination of both the subject and object of the legal act. The examination of the subject includes the identity, capacity, and authority of the donor and recipient of the gift. Meanwhile, the examination of the object includes the certificate, land status, and the conformity between physical and legal data. The application of this principle of prudence is necessary to prevent legal issues arising after the deed is drawn up. Research on the principle of prudence by Land Deed Officials (PPAT) indicates that Land Deed Officials (PPAT) must examine documents and data related to the land object before drafting the deed.³

The issue of legal certainty becomes even more important when gifts are made within a family relationship. Gifts to children or family members may be related to the interests of other heirs. If the gift deed is not carefully prepared, objections or disputes may arise regarding the validity of the gift. Research into gift deeds drawn up by PPATs without the consent of the heirs indicates a risk to the validity of the deed if the deed is made in violation of applicable law.⁴

Apart from the issue of subject and object, legal certainty is also related to the process of registering the transfer of rights. Registration of transfers of land rights is part of maintaining land registration data and aims to ensure that changes to data regarding the subject and object of rights are recorded in accordance with the

¹Mira Sintya, 2024, "The Process of Transferring Land Rights Through Grants at Notary and PPAT Dr. Mahmud, SH, M.Kn.," *Jurnal Bevinding*, Vol. 1, No. 10, pp. 12–22.

²Suci Ananda Badu, 2017 "Duties and Authorities of Land Deed Officials (PPAT) in the Implementation of Land Registration in Indonesia," *Lex Administratum*, Vol. 5, No. 6

³Azwardi and Meysita Arum, 2022, "The Principle of Caution in the Preparation of Authentic Deeds by Land Deed Officials (PPAT)," *Citizenship Journal*, Vol. 6, No. 3

⁴I Putu Angga Suwidya Putra and I Wayan Novy Purwanto, 2024, "Legal Consequences of Deeds of Gifts Made by PPAT Without the Consent of Other Heirs," *Acta Comitas: Journal of Notary Law*, Vol. 9, No. 1, pp. 49–62.

actual legal situation.⁵ Thus, the creation of a Deed of Gift by a PPAT must be seen as part of a series of processes related to land registration.

The development of electronic land administration also presents new challenges for Land Deed Officials (PPAT). The digitalization of land registration requires PPATs to adapt administrative processes, including uploading deeds and required documents electronically. While these changes can increase efficiency and transparency, they also require the readiness of human resources, documents, and systems.⁶

Based on these conditions, this research is important to conduct to determine the responsibility of PPAT in ensuring legal certainty in the creation of Deeds of Gift in Rembang Regency, what obstacles are faced in its implementation, and how efforts can be made to improve legal certainty in the creation of Deeds of Gift. This problem formulation is a direct development of the problem formulation in the author's thesis.

2. Research Methods

This research uses an empirical juridical method, namely research that examines legal provisions while observing their application in practice. The empirical approach is used to determine the implementation of the PPAT's responsibilities in the preparation of Deeds of Grant in Rembang Regency. The normative juridical approach is used as a support to analyze laws and regulations related to PPAT, land registration, transfer of land rights, and grants. Empirical research on the transfer of land rights also uses an approach that connects legal provisions with implementation in the field.⁷ Primary data in this study were obtained through interviews with Land Deed Officials (PPAT) and officials from the Rembang Regency Land Office. Secondary data were obtained from laws and regulations, books, scientific journals, and other legal materials related to the research problem. The data obtained were analyzed descriptively and qualitatively. The interview data were compared with applicable legal provisions and then analyzed to obtain an overview of the responsibilities of Land Deed Officials (PPAT), obstacles, and efforts to improve legal certainty in the preparation of Deeds of Grant.

3. Results And Discussion

3.1. Responsibility of PPAT in Guaranteeing Legal Certainty in Making Deeds of Gift in Rembang Regency

⁵Jolanda Marhel, 2017, "The Land Rights Transfer Registration Process from a Legal Certainty Perspective," *Legal Issues*, Vol. 46, No. 3, pp. 249–256.

⁶Andi M. Reyza Yusuf, Nia Kurniati, and Yenni Yunithawati Rukmana, 2024, "Implementation of Electronic Land Registration at the National Land Agency and Land Deed Officials," *Acta Diurnal: Journal of Notary Law*, Vol. 7, No. 2, pp. 271–289.

⁷Suci Ananda Badu, 2017, "Duties and Authorities of Land Deed Officials (PPAT) in the Implementation of Land Registration in Indonesia," *Lex Administratum*, Vol. 5, No. 6,

A Land Deed Official (PPAT) is a public official authorized to issue deeds concerning certain legal acts concerning land rights. This position makes a PPAT a crucial party in the land transfer process. A PPAT not only performs administrative functions but is also responsible for ensuring that the deeds drawn up meet legal requirements. The PPAT's duties and authorities are closely related to land registration activities. The deeds drawn up by a PPAT serve as the basis for registering changes to land registration data. Therefore, the deeds drawn up must provide certainty regarding the legal acts undertaken by the parties.⁸

When drafting a Deed of Gift, the Land Deed Official's (PPAT) primary responsibility is to verify the identities of the parties. The PPAT must ensure that the parties present are the rightful owners and have the authority to perform legal acts. The identities used in the deed must match valid population documents. Identity verification is crucial because incorrect identification can lead to legal issues regarding the deed. Therefore, the principle of prudence requires the PPAT not to simply accept the parties' statements at face value but to examine the documents that form the basis for the deed.

The principle of prudence in the performance of the PPAT's duties also includes examining land certificates and data. The PPAT must ensure that the certificate presented matches the data held at the Land Office. Furthermore, the PPAT must consider whether the land is the subject of a dispute, blockage, mortgage, or other issues that could hinder the transfer of rights.⁹ Research on the precautionary principle of PPAT shows that examining formal data is crucial in preventing disputes. PPATs can refuse to issue a deed if the necessary requirements are not met. In the context of a Deed of Grant, examining the legal status of the land object is crucial. The land subject to the grant must have clear rights, rights holders, area and location, and must not be in a legal situation that prevents transfer.

The next responsibility is to ensure the consistency of physical and legal data. Physical data relates to the physical condition of the land, while legal data relates to the legal status and rights holders of the land. A mismatch between the two can cause problems during the registration of the transfer of rights.

In land registration, the PPAT deed is directly related to changes in land registration data. Therefore, the deed must be prepared with attention to the accuracy of the data that forms the basis of the deed.¹⁰

⁸Suci Ananda Badu, 2017, "Duties and Authorities of Land Deed Officials (PPAT) in the Implementation of Land Registration in Indonesia," *Lex Administratum*, Vol. 5, No. 6,

⁹Azwardi and Meysita Arum, 2022, "The Principle of Caution in the Preparation of Authentic Deeds by Land Deed Officials (PPAT)," *Citizenship Journal*, Vol. 6, No. 3

¹⁰Hatta Isnaini and Hendry Dwicahyo Wanda, "The Principle of Caution of Land Deed Officials in the Transfer of Uncertified Land," *IUS QUIA IUSTUM Law Journal*, Vol. 24, No. 3, 2018, pp. 467–487.

The Land Deed Official (PPAT) also has the responsibility to explain the contents of the deed to the parties. The parties must understand the legal actions they are undertaking, including the legal consequences of granting and receiving gifts. As a precautionary principle, the presence of the parties and witnesses, as well as the reading and explanation of the deed, are essential parts of the deed-making process.¹¹ This responsibility becomes even more important in gifts made between family members. Gifts given to one family member have the potential to cause problems if the other family members feel disadvantaged. Research on gifts to adopted children shows that non-compliance with legal provisions can affect the status of the gift deed.¹²

Thus, the PPAT's responsibility in drafting a Deed of Gift in Rembang Regency can be understood as a series of preventive measures to ensure that the legal actions taken by the parties comply with legal provisions. These responsibilities include verifying the identity, competence, and authority of the parties, examining ownership documents, verifying the land object, examining physical and legal data, reading and explaining the deed, and implementing the transfer of rights registration process.

3.2. Obstacles faced by PPAT in making gift deeds

Based on the research findings in this thesis, the implementation of the Deed of Grant in Rembang Regency has essentially followed formal and material procedures, but various administrative, legal, technical, and social obstacles remain. The obstacles encountered are primarily related to document inconsistencies, public understanding, and the development of digitalization of land services. One obstacle encountered is data inconsistencies between population documents and land documents. Differences in names, places or dates of birth, and other identity data can cause the deed creation process to be postponed until the data can be verified. This situation demonstrates the importance of document verification before the deed is created. Research on grant practices also shows that inaccurate information from the donor or recipient of the grant can give rise to legal liability, so the Land Deed Official (PPAT) needs to re-check the formal and material completeness.¹³

Another obstacle relates to the status of the land. If there are disputes, blockages, mortgages, or land data issues, the PPAT must conduct an inspection before proceeding with the deed.

¹¹Jolanda Marhel, 2017, "The Land Rights Transfer Registration Process from the Perspective of Legal Certainty," *Legal Issues*, Vol. 46, No. 3, pp. 249–256.

¹²Hendry Dwicahyo Wanda, 2017, "Principles of Caution for Land Deed Officials in Managing the Transfer of Land 'Letter C'," *Legal Issues*, Vol. 46, no. 2, p. 112–124.

¹³Merly Markhamatul Izzah, Johan Erwin Isharyanto, and Junaidi, "The Role and Responsibilities of PPAT in Making Deeds of Gift (Study of Decision Number 1316/Pdt.G/2023/PA.Jepr)," *Notary Law Research*, Vol. 7, No. 1, 2025. DOI: 10.56444/nlr.v7i1.3373.

The principle of caution is even more important for land that lacks complete land records. Research on the transfer of uncertified land shows that this situation has the potential to lead to disputes if the Land Deed Official (PPAT) does not conduct thorough inspections.¹⁴

Social constraints are also related to public understanding. Some communities still view donations as a normal family act, assuming that land can be given simply by family agreement. However, when the object of a donation is land, this legal act is related to the land registration system. Communities need to understand that land donations have legal consequences for the status of land rights. Understanding the importance of land registration is also related to legal certainty. Research on land registration shows that low public understanding of land registration is one factor affecting ownership and certainty of land rights.¹⁵

Gifts within a family relationship can create problems if another party feels they have an interest in the donated property. This can be especially true when the donor gives land to a child or family member. Therefore, the Land Deed Official (PPAT) must ensure that the donor truly has authority over the land and understands the legal consequences of the gift. If any circumstances arise that could give rise to a dispute, the PPAT must provide legal explanations to the parties and take precautions before the deed is drawn up.

The development of electronic systems is also a significant obstacle that requires attention. Electronic systems have changed some of the administrative processes for land registration, including the submission of documents by Land Deed Officials (PPAT) to the Land Office. Research on electronic land registration indicates that PPATs must transfer documents and upload deeds and required documents through a designated system. This requires PPATs and the government to be prepared, both in terms of human resources and technological systems.¹⁶

3.3. Efforts to Increase Legal Certainty in the Preparation of Gift Deeds

The first step that needs to be taken is to strengthen the principle of prudence in Land Deed Officials (PPAT). This principle must be applied from the initial stage before the deed is drawn up, not just at the time of signing. The PPAT must verify the identity of the parties, the authority of the grantor, ownership documents, the status of the land, and the conformity of physical and legal data. Early inspection can prevent problems after the deed is drawn up.

¹⁴Hatta Isnaini and Hendry Dwicahyo Wanda, 2018, "The Principle of Caution of Land Deed Officials in the Transfer of Uncertified Land," *IUS QUIA IUSTUM Law Journal*, Vol. 24, No. 3, pp. 467–487.

¹⁵Sulasiyah Amini and Suratman, 2022, "The Importance of Land Registration: A Legal Certainty Theory Perspective," *Journal of Law and Notary Affairs*, Vol. 6, No. 3

¹⁶Andi M. Reyza Yusuf, Nia Kurniati, and Yenni Yunithawati Rukmana, 2024, "Implementation of Electronic Land Registration at the National Land Agency and Land Deed Officials," *Acta Diurnal: Journal of Notary Law*, Vol. 7, No. 2, pp. 271–289.

Second, coordination with the Land Office needs to be improved. If there are discrepancies in data or issues regarding land status, Land Deed Officials (PPAT) can coordinate to obtain certainty regarding the condition of the land before the deed is issued. Third, identity verification of the parties needs to be strengthened. In the context of this research, a mechanism for verifying population data between PPAT and authorized agencies, including the Civil Registration Agency (Dukcapil), through official means and in accordance with regulations regarding data access and protection, can be considered. This mechanism can be used to minimize identity errors in deeds.

Fourth, Land Deed Officials (PPAT) need to improve legal education for the public. They need to be educated about the requirements for grants, the legal consequences of grants, the importance of Deeds of Grant, and the process for registering land transfers. Fifth, Land Deed Officials (PPAT) need to improve their capabilities in addressing the digitalization of land administration. Electronic systems must be utilized to increase efficiency while maintaining document accuracy and security. Research on the digital transformation of Land Deed Officials (PPAT) shows that digitalization offers the potential to increase accountability and transparency, but still faces challenges in infrastructure and human resource readiness.¹⁷

Thus, increasing legal certainty does not depend solely on individual Land Deed Officials (PPATs), but requires coordination between PPATs, the Land Office, civil registration agencies, and the community. This relationship is crucial to ensure that the subject and object data in the Deed of Gift truly align with the actual legal situation.

4. Conclusion

Based on the research results, it can be concluded that the responsibility of PPAT in ensuring legal certainty in making a Deed of Grant in Rembang Regency includes checking the identity and authority of the parties, checking ownership documents, checking the legal status of land objects, checking the conformity of physical data and legal data, applying the principle of prudence, as well as making deeds and the process of registering the transfer of rights in accordance with legal provisions. In practice, there are still obstacles in the form of document discrepancies, land status issues, limited public understanding, potential objections from heirs, and the development of electronic land administration. Land Deed Officials (PPATs) are advised to continue to enhance their prudential principles by verifying the identity, authority of the parties, ownership documents, and the status and data of the land object before issuing a Deed of Grant. Consideration should be given to

¹⁷Ikhsan Lubis, Duma Indah Sari Lubis, and Andi Hakim Lubis, 2025, "Digital Transformation and the Role of Land Deed Officials in Ensuring Legal Certainty and Transparency of Land Registration," *Acta Comitas: Journal of Notary Law*, Vol. 10, No. 1.

strengthening identity verification mechanisms through coordination between PPATs and authorized population agencies, including the Civil Registration Agency (Dukcapil), through official mechanisms and in accordance with data protection regulations. Furthermore, coordination with the Land Office and legal outreach to the public need to be improved to ensure legal certainty and protection in land grant implementation.

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