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Reformulation of the Legal Liability of Land Deed Officials for Defects in Authentic Deeds

Dini Anggraini Sudarwati^{1*}, Astim Riyanto², Indah Harlina³

^{1,2,3}Program Studi Kenotariatan,
Program Magister Universitas
Pancasila, Jakarta Indonesia

Correspondence

Dini Anggraini Sudarwati,
Program Studi Kenotariatan,
Program Magister Universitas
Pancasila, Jakarta Indonesia, Jl.
Srengseng Sawah Jagakarsa, Kota
Jakarta Selatan, Prov. D.K.I.
Jakarta, e-mail:
dinianggrainis@gmail.com

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Original Article

Abstract

This study is motivated by the growing number of legal violations committed by Land Deed Officials (PPAT), encompassing administrative, ethical, and even criminal misconduct, as exemplified by the Magelang District Court Decision No. 56/Pid.B/2022/PN.MGG concerning the forgery of sale and mortgage deeds. The purpose of this research is to analyze the legal responsibility of PPATs in drafting authentic deeds that contain legal defects or elements of forgery and to examine the interrelation among administrative, ethical, and criminal violations within the framework of Indonesian positive law and the constitutional principle of social justice enshrined in the 1945 Constitution of the Republic of Indonesia. This research employs a normative juridical method using a statutory and case study approach. The findings reveal overlapping accountability mechanisms between ethical and criminal dimensions, as well as inadequate supervision of PPAT practices. It is therefore concluded that a reformulation of the sanction and supervision system for PPATs is necessary to ensure proportionality and alignment with the constitutional principle of social justice.

Keywords: *Legal Accountability, Authentic Deeds, Regulation, Land Law*

Abstrak

Penelitian ini dilatarbelakangi oleh meningkatnya kasus pelanggaran hukum oleh Pejabat Pembuat Akta Tanah (PPAT) yang mencakup kesalahan administratif, etik, hingga pidana, sebagaimana tergambar dalam Putusan Pengadilan Negeri Magelang Nomor 56/Pid.B/2022/PN.MGG mengenai pemalsuan akta jual beli dan akta pemberian hak tanggungan. Tujuan penelitian ini adalah menganalisis tanggung jawab PPAT dalam pembuatan akta otentik yang mengandung cacat hukum atau pemalsuan serta menelaah keterkaitan antara pelanggaran administratif, etik, dan pidana dalam perspektif hukum positif Indonesia dan prinsip keadilan sosial UUD NRI 1945. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan studi kasus. Hasil penelitian menunjukkan adanya tumpang tindih mekanisme pertanggungjawaban antara aspek etik dan pidana, serta lemahnya fungsi pengawasan terhadap PPAT. Dapat disimpulkan bahwa diperlukan reformulasi sistem sanksi dan pengawasan PPAT yang proporsional, dan sesuai dengan prinsip keadilan sosial yang dijamin konstitusi.

Kata kunci: *Pertanggungjawaban Hukum, Akta Otentik, Regulasi, Hukum Pertanahan*

1. INTRODUCTION

Legal certainty and the protection of land rights constitute fundamental pillars of Indonesia's national legal system. As a nation founded on the principle of social justice, as enshrined in the Preamble to the 1945 Constitution of the Republic of Indonesia, Indonesia perceives land not merely as an economic commodity but also as a strategic resource essential for promoting public welfare. Within this framework, Land Deed Officials (Pejabat Pembuat Akta Tanah, or PPAT) serve a pivotal function as public officials authorized by the state to issue authentic deeds concerning specific legal acts related to land rights or ownership of condominium units.

PPATs act as extensions of the state in delivering public services in the land sector, ensuring legal certainty, orderly administration, and the protection of citizens' rights.¹ However, in practice, their strategic role often encounters complex legal and social challenges. Numerous cases have revealed that deeds prepared by PPATs have become the subject of disputes in both civil and criminal proceedings, particularly when the deeds are alleged to contain formal defects, elements of forgery, or abuses of authority.

This phenomenon highlights a discrepancy between the administrative functions of PPATs and the potential criminal liability arising from the exercise of their official duties. Conceptually, PPATs operate on the basis of public trust and administrative law principles. Yet, in judicial practice, they are frequently held criminally responsible for alleged involvement in forgery or fraud, even when such acts originate from administrative negligence or inaccuracies committed by the parties involved.

A notable example is the case concerning the forgery of a sale and purchase deed and a mortgage deed, as reflected in the Magelang District Court Decision No. 56/Pid.B/2022/PN.MGG. In this case, the PPAT, who was performing administrative functions, was prosecuted for allegedly failing to verify the authenticity of the parties' documents. Similar incidents have occurred across various regions, where PPATs have been convicted due to the actions of others who falsified identities or powers of attorney. Such instances underscore the ambiguous boundaries between ethical, administrative, and criminal accountability within the PPAT profession, leading to legal uncertainty for both public officials and the public.

The issue is further complicated by the limited regulatory clarity concerning the scope of PPAT responsibility. Government Regulation No. 24 of 2016 on the Position of Land Deed Officials (PPAT) provides administrative guidelines but fails to delineate the types of errors that may entail criminal consequences. Consequently, criminal liability remains governed by the Indonesian Criminal Code (KUHP), particularly Articles 263–266 in conjunction with Article 55, which concern forgery of documents or deeds. This overlap of administrative and criminal norms creates interpretive

¹ Abdul Ghofur Anshori, *Lembaga Kenotariatan Indonesia: Perspektif Hukum Dan Etika* (Yogyakarta: UII Press, 2009).

ambiguities and opens the door to inconsistent legal applications in cases involving PPATs.

Beyond regulatory uncertainty, the issue implicates broader dimensions of substantive justice and constitutional protection for public officials. Under Indonesia's legal framework, every citizen—including public officials—is entitled to fair and proportional legal protection. Nonetheless, in law enforcement practice, PPATs are frequently placed in an inequitable position, where administrative errors are construed as criminal intent without sufficient evidence of *mens rea*. This contradicts the constitutional principle of justice and jeopardizes the professionalism and integrity of public officials in performing their duties.

Conversely, the public has an inherent right to legal certainty regarding deeds issued by PPATs. When such deeds contain legal defects, the resulting economic and legal losses borne by the public are substantial. Therefore, examining the legal responsibility of PPATs is not only vital for safeguarding the rights of public officials but also for upholding citizens' constitutional rights in land transactions. Achieving a balance among legal certainty, utility, and justice is fundamental to resolving this complex issue.

The debate surrounding PPAT accountability also reflects the dual nature of their professional role—as both public officials and legal professionals. On one hand, PPATs exercise delegated state authority in the land sector; on the other hand, they are bound by ethical codes and professional standards. When errors occur in the performance of their duties, a fundamental question arises: should such errors be subject to administrative, ethical, or criminal accountability? The absence of clear delineation between these domains has resulted in inconsistent judicial decisions and ongoing uncertainty for the PPAT profession.

From a public policy perspective, this issue also carries systemic implications. When Land Deed Officials (PPAT) are not afforded adequate legal protection, a chilling effect may arise—wherein public officials hesitate to exercise their lawful authority due to fear of criminal prosecution. Such conditions risk obstructing public service delivery in the land sector, ultimately harming the public interest and undermining governmental efforts to enhance the ease of doing business, particularly in the property sector. Given this complexity, the present study is both relevant and significant as it proposes a novel approach to understanding the multidimensional nature of legal accountability among Land Deed Officials (PPAT), encompassing normative, ethical, and constitutional dimensions.

A substantial body of scholarship has examined the roles and responsibilities of Land Deed Officials (PPAT) from diverse perspectives—administrative, civil, and criminal. Collectively, these studies underscore the importance of authentic deeds as legal instruments that safeguard legal certainty and protection in accordance with the

constitutional values articulated in the Preamble to the 1945 Constitution of the Republic of Indonesia, founded upon the principles of Belief in One Supreme God, Just and Civilized Humanity, the Unity of Indonesia, Democracy, and Social Justice.

Assikin et al. emphasize that sale and purchase deeds (Akta Jual Beli or AJB) prepared by Land Deed Officials must adhere strictly to the procedures prescribed by prevailing laws and regulations. Procedural violations render such deeds legally void and unenforceable. Their research highlights both the legal and moral responsibility of negligent Land Deed Officials; however, it does not further explore the correlation between administrative errors committed by PPATs and the potential for ensuing criminal consequences in cases involving forgery or abuse of authority.²

Sari investigates the legal accountability of Land Deed Officials for invalid sale and purchase deeds resulting from negligence. Employing a normative juridical approach, she concludes that any negligence leading to material loss constitutes an unlawful act. Nonetheless, the study does not clearly differentiate between professional negligence and intentional misconduct (*mens rea*) within the framework of criminal liability.³ Expanding on this discourse, Wiharjo et al. examine the use of forged powers of attorney in land sale and purchase transactions. Their findings indicate that deeds based on forged instruments are legally null and void, and that PPATs may bear administrative and civil liability. However, the study does not specifically address the criminal liability of PPATs who may, either inadvertently or otherwise, facilitate such forgery.⁴

Similarly, Prawira and Rasda et al. highlight the critical importance of professional expertise and diligence among Land Deed Officials in drafting authentic deeds to prevent future legal disputes. While both emphasize the administrative, civil, and moral dimensions of PPAT responsibility, they do not delve into the constitutional foundation or the principles of substantive justice that underpin the authority and accountability of public officials in the land administration system.⁵ In contrast, Gaurifa contends that the criminal liability of Land Deed Officials for preparing forged deeds is not explicitly

² Yovita Christian Assikin, Lastuti Abubakar, and Nanda Anisa Lubis, "Tanggung Jawab Pejabat Pembuat Akta Tanah Berkaitan Dengan Dibatalakan Akta Jual Beli Ditinjau Dari Peraturan Perundang-Undangan Yang Berlaku," *Acta Diurnal: Jurnal Ilmu Hukum Kenotariatan* 3, no. 1 (2019): 80–97, <https://jurnal.fh.unpad.ac.id/index.php/acta/article/view/211>.

³ Hayyu Qomaryah Fitria Sari, "Pertanggungjawaban Pejabat Pembuat Akta Tanah Dalam Perbuatan Melawan Hukum Terhadap Akta Jual Beli Tanah Yang Cacat Hukum," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 4, no. 5 (2024): 1140–1147, <https://doi.org/10.38035/jihhp.v4i5.2164>.

⁴ Vincentius Jonathan Wiharjo, Elis Nurhayati, and Efa Laela Fakhriah, "Pertanggungjawaban Hukum Pejabat Pembuat Akta Tanah Yang Membuat Akta Jual Beli Berdasarkan Akta Kuasa Palsu Secara Administratif Dan Perdata," *Acta Diurnal: Jurnal Ilmu Hukum Kenotariatan* 7, no. 2 (2024): 207–21, <https://doi.org/10.23920/acta.v7i2.1712>.

⁵ I Gusti Bagus Yoga Prawira, "Responsibility of the Conveyancer Against Selling Land Deed," *Jurnal IUS Kajian Hukum Dan Keadilan* 4, no. 1 (2016): 64–78, <https://doi.org/10.12345/ius.v4i1.290>; Dewi Rasda, Muhammad Sabir Rahman, and Bakhtiar Tijjang, "Tanggung Jawab Pejabat Pembuat Akta Tanah (PPAT) Dalam Pendaftaran Peralihan Hak Milik Atas Tanah," *Jurnal Litigasi Amsir* 9, no. 1 (2021): 34–40, <https://journalstih.amsir.ac.id/index.php/julia/article/view/55>.

stipulated in Government Regulation No. 24 of 2016 on the Position of Land Deed Officials (PPAT). When criminal acts occur, liability is determined under the provisions of the Indonesian Criminal Code (Articles 263–266 in conjunction with Article 55), which regulate the offense of forgery. Although insightful, this research remains largely normative and does not address the imbalance in legal protection between public officials (PPATs) and affected members of the public—an issue that is integral to the realization of social justice as mandated by the Constitution.⁶

From a notarial perspective, Agisari examines legal protection mechanisms available to parties aggrieved by the judicial annulment of authentic deeds. The study underscores the preventive role of professional organizations and supervisory boards in upholding ethical compliance. However, it stops short of analyzing the extent to which the PPAT code of ethics can serve as a preventive instrument against ethical violations or criminal misconduct leading to prosecution.⁷

Furthermore, Bashori explores the criminal liability of notaries as public officials who falsify authentic deeds, concluding that notaries may be punished if proven to have fulfilled the requisite elements of wrongdoing under the Criminal Code. Although relevant, his research centers on notaries rather than PPATs, who, in the agrarian context, possess distinct characteristics and heavier responsibilities. PPATs not only serve as deed drafters but also as implementers of delegated state authority in public land services, thereby bearing broader public accountability.⁸

Adjie introduces an important dimension to the discussion of the ethical and administrative responsibilities of Land Deed Officials (PPAT). He argues that the annulment of a PPAT deed must be conducted through a judicial decision and that the PPAT's responsibility is confined to formal errors, not to the material content of the deed, which is determined by the parties involved. However, this position remains controversial, as judicial practice demonstrates a divergence from this theoretical limitation.⁹ Several court decisions have positioned PPATs as defendants or even as criminally accused, as exemplified by the Magelang District Court Decision No. 56/Pid.B/2022/PN.MGG, which involved the forgery of a Sale and Purchase Deed and a Mortgage Deed. This case illustrates a notable shift in the interpretation of PPAT accountability—from an administrative domain to a criminal one—a development that

⁶ Bisman Gaurifa, “Pertanggungjawaban Pidana Pejabat Pembuat Akta Tanah Dalam Pembuatan Akta Jual Beli Tanah,” *Jurnal Panah Hukum* 1, no. 1 (2022): 12–25, <https://doi.org/10.57094/jph.v1i1.791>.

⁷ Rachmi Agisari, “Perlindungan Hukum Terhadap Para Pihak Akibat Adanya Pemalsuan Akta Autentik Yang Dibatalkan Oleh Pengadilan” (Universitas Islam Indonesia, 2023), <https://dspace.uui.ac.id/handle/123456789/48476>.

⁸ Mochamad Syafrizal Bashori, “Pertanggungjawaban Pidana Bagi Notaris Sebagai Pejabat Umum Yang Melakukan Tindak Pidana Pemalsuan Surat Dalam Pembuatan Akta Otentik” (Universitas Brawijaya, 2010), <https://repository.ub.ac.id/id/eprint/156646/>.

⁹ Habib Adjie, *Merajut Pemikiran Dalam Dunia Notaris & PPAT*, 2nd ed. (Bandung: Citra Aditya Bakti, 2014), https://citraaditya.com/product/merajut-pemikiran-dalam-dunia-notaris-ppat_habib-adjie/.

has not been adequately explained either theoretically or normatively in existing literature.

Based on the reviewed literature, prior studies have not sufficiently examined the constitutional, ethical, and criminal dimensions of PPAT responsibility when errors or negligence in the preparation of authentic deeds result in criminal consequences. There remains a discernible gap between the normative approach, which emphasizes administrative legality, and judicial reality, which increasingly positions PPATs as criminal subjects. This research is original in that it seeks to formulate a new conceptual framework for the criminal liability of Land Deed Officials (PPAT) grounded in the principles of social justice and constitutional legal protection. The study aspires to reconcile the tension between legal certainty and substantive justice, ensuring a more balanced and equitable application of the law. Accordingly, the objectives of this research are to:

- 1) Analyze the legal and constitutional responsibilities of Land Deed Officials (PPAT) in the preparation of authentic deeds that contain legal defects or elements of forgery; and
- 2) Examine the interrelationship between administrative, ethical, and criminal errors committed by Land Deed Officials (PPAT) from the perspective of Indonesian positive law and the principle of social justice as enshrined in the Preamble to the 1945 Constitution of the Republic of Indonesia.

2. RESEARCH METHODOLOGY

This study employs a normative legal research method supported by conceptual and case-based approaches. The normative legal approach was selected because the research primarily focuses on analyzing the positive legal norms governing the legal responsibility of Land Deed Officials (PPAT) in the preparation of authentic deeds that may carry criminal implications. Through this approach, the study examines primary, secondary, and tertiary legal materials to interpret and evaluate the conformity of existing laws and legal principles with the overarching principle of substantive justice. The conceptual approach is utilized to construct a theoretical model of PPAT legal responsibility based on justice theory, accountability theory, and the principles of state administrative law. Meanwhile, the case-based approach is applied through the analysis of judicial decisions—particularly the Magelang District Court Decision No. 56/Pid.B/2022/PN.MGG—to explore how legal norms are interpreted and implemented in practice.

The research data are qualitative in nature and derived exclusively from legal materials, rather than empirical or field data. Primary legal materials comprise the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), the Basic

Agrarian Law (UUPA), Government Regulation No. 24 of 2016, Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 2 of 2018, the Code of Ethics for Land Deed Officials (PPAT), and relevant court decisions. Secondary legal materials include scholarly literature, journal articles, and academic writings, while tertiary materials consist of legal dictionaries and encyclopedias.

Data collection was conducted through library research using documentary analysis, norm inventory, literature review, and legal case retrieval via the Supreme Court database. The collected legal materials were analyzed qualitatively through both descriptive and prescriptive methods, employing legal hermeneutics and systematic interpretation. The descriptive analysis aims to outline existing positive legal provisions and factual legal developments reflected in judicial decisions. In contrast, the prescriptive analysis seeks to formulate normative recommendations addressing inconsistencies, weaknesses, or gaps identified within the prevailing legal framework. The validity of data was ensured through source triangulation, integrating doctrinal perspectives, positive law, and court rulings. Anchored in the principle of justice, the theory of legal responsibility, and the principles of legal certainty and substantive justice, this research aspires to construct a proportional and constitutionally grounded model of legal accountability for Land Deed Officials (PPAT) within Indonesia's legal system.

3. RESEARCH RESULT AND DISCUSSION

3.1. Responsibility of Land Deed Officials (PPAT) in the Preparation of Authentic Deeds Containing Legal Defects or Forgery

This section analyzes the legal and constitutional responsibilities of Land Deed Officials (Pejabat Pembuat Akta Tanah, PPAT) in the preparation of authentic deeds that contain legal defects or elements of forgery, using Magelang District Court Decision No. 56/Pid.B/2022/PN.MGG as a case study. The primary objective is to evaluate the criminal, civil, and ethical liabilities of PPATs who abuse their official authority and to assess the implications of such misconduct for the legitimacy and evidentiary value of authentic deeds under Indonesian civil law and civil procedural law.

Based on the data derived from court documents and testimonies, the following legal findings were established:

- 1) The defendant, Andjar Sandra Hardjanti, S.H., M.Kn., a Notary and PPAT in Magelang City, was charged with document forgery as stipulated in Article 263(1) of the Indonesian Criminal Code (KUHP). Between 2019 and 2021, the defendant prepared several Deeds of Sale and Purchase (Akta Jual Beli/AJB) and Deeds of Granting Mortgage Rights (Akta Pemberian Hak Tanggungan/APHT) using

- falsified identities and forged signatures in the name of Intarti Lindaningsih, S.H., M.Hum., M.Kn., another PPAT in Magelang Regency.
- 2) The defendant used Intarti's official seal without authorization and uploaded the falsified documents to the National Land Agency (BPN) electronic system to create the appearance of administrative validity. A forensic examination conducted by the National Police Laboratory confirmed that the signatures on the deeds did not match Intarti's original signature.
 - 3) As a result of these acts, Intarti suffered a financial loss of Rp118,940,000.00, while the defendant obtained an equivalent illicit gain from her clients. The forgery was discovered after Intarti was informed by the BPN that several deeds had been issued under her name without her knowledge. During an ethics hearing held by the Indonesian Notaries Association (Ikatan Notaris Indonesia/INI), the defendant admitted her wrongdoing.

Based on these facts, the Panel of Judges concluded that the defendant had been legally and convincingly proven guilty of falsifying authentic deeds in violation of Article 263(1) of the Criminal Code, and imposed a custodial sentence along with an administrative sanction in the form of revocation of her PPAT license. The legal standing of PPATs as public officials is stipulated in Article 1(1) of Government Regulation No. 24 of 2016, which amends Government Regulation No. 37 of 1998 on the Position of PPAT. PPATs are authorized to prepare authentic deeds concerning legal transactions related to land rights and ownership of condominium units. The establishment of the PPAT institution stems from the public's need for authentic written evidence in land-related transactions.

According to Article 1868 of the Indonesian Civil Code, an authentic deed is one prepared in a legally prescribed form by, or before, a duly authorized public official. Conversely, under Article 1869 of the Civil Code, if a deed is not executed by an authorized official, it only possesses the evidentiary force of a private deed, provided that it is signed by the parties involved. In light of the case above, the deeds prepared by the defendant lose their authenticity, as they were executed by an unauthorized official using a forged signature. Consequently, these deeds not only lack full evidentiary power but also function as misleading legal instruments within land administration and banking systems. From a criminal law perspective, the defendant's conduct satisfies all the constitutive elements of Article 263(1) of the Criminal Code, namely:

- 1) "Any person who makes a false document or falsifies a document";
- 2) "With the intent that the forged document be used as though it were genuine";
- 3) "Such use may give rise to a right or obligation"; and
- 4) "The use of which may cause harm to another person."

This case thus exemplifies the intersection between administrative misconduct and criminal liability within the realm of land registration and authentic deed preparation. It underscores the necessity of reinforcing ethical oversight and legal accountability mechanisms to safeguard the integrity of PPAT practices and maintain public trust in the authenticity of land registration instruments in Indonesia.

Furthermore, pursuant to Article 264 of the Indonesian Criminal Code, forgery of an authentic deed constitutes a serious criminal offense punishable by imprisonment for up to eight years. The legal responsibility of Land Deed Officials (PPATs) is intrinsically grounded in the principle of the rule of law as enshrined in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which affirms that Indonesia is a state based on law. Within this framework, every public official, including PPATs, is legally and ethically bound to uphold the principles of accountability, integrity, and honesty in the execution of their official duties. Forgery of an authentic deed, therefore, represents not only a breach of professional ethics but also an abuse of authority (*détournement de pouvoir*) that undermines the principle of due process of law. The scope of PPAT liability can be categorized into three interrelated dimensions:

- 1) Criminal liability, arising from the commission of an unlawful act that fulfills the elements of document forgery as defined in the Criminal Code;
- 2) Civil liability, as stipulated under Article 1365 of the Civil Code concerning unlawful acts (*onrechtmatige daad*), which obliges the wrongdoer to compensate for losses suffered by another party; and
- 3) Ethical and administrative liability, as regulated in the IPPAT Code of Ethics and Law No. 2 of 2014 concerning Notaries, which prescribes disciplinary sanctions such as warnings, temporary suspensions, or revocation of official licenses.

The findings of this research reaffirm the fault-based theory of liability, which posits that legal responsibility arises from acts of error or negligence by public officials resulting in harm to others.¹⁰ This is consistent with the argument advanced by Mustofa, who emphasized that PPATs are required to ensure the physical presence of all parties during the deed-making process to guarantee the validity and formal accuracy of legal documents.¹¹ Similarly, Rasda et al. found that PPATs may be held legally accountable where there is evidence of deliberate falsification of data or signatures. However, this study contributes a novel perspective by highlighting the constitutional dimension of PPAT responsibility, an aspect largely overlooked in prior scholarship.¹²

¹⁰ Jules L. Coleman, "Fault and Strict Liability," in *Risks and Wrongs* (Oxford: Oxford Academic, 2002), 212–233, <https://doi.org/10.1093/acprof:oso/9780199253616.003.0012%0A>.

¹¹ Mustofa, *Tuntunan Pembuatan Akta-Akta PPAT* (Yogyakarta: Karya Media, 2017).

¹² Rasda, Rahman, and Tijjang, "Tanggung Jawab Pejabat Pembuat Akta Tanah (PPAT) Dalam Pendaftaran Peralihan Hak Milik Atas Tanah."

Forgery of authentic deeds by public officials not only violates criminal statutes but also contravenes constitutional mandates concerning the integrity of public office and the right of citizens to legal certainty, as stipulated in Article 28D paragraph (1) of the 1945 Constitution. These findings carry significant implications for policy development in the supervision and regulation of Land Deed Officials. The case analyzed reveals systemic weaknesses in internal verification and control mechanisms within both the National Land Agency (BPN) and professional PPAT organizations, particularly concerning the use of electronic identities and digital signatures in the land registration system. Such deficiencies demonstrate violations of the principles of substantive justice and legal certainty—core constitutional rights guaranteed to every citizen.

Accordingly, reform of the PPAT supervisory framework should be directed toward three key objectives:

- 1) Strengthening electronic authentication systems for the preparation and registration of authentic deeds;
- 2) Enhancing professional ethics training and legal awareness among public officials; and
- 3) Implementing progressive and proportional sanctions for ethical violations that result in public harm.

This study acknowledges several limitations. First, the empirical foundation is based primarily on a single court decision, limiting the generalizability of findings across all PPAT practices in Indonesia. Second, the analysis has not comprehensively addressed the legal technology dimensions of the ongoing land digitalization initiatives under the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). Third, restricted access to internal BPN administrative documents necessitated reliance on secondary sources for certain analytical aspects.

3.2. The Relationship Between Administrative, Ethical, and Criminal Violations Committed by Land Deed Officials (PPAT) from the Perspective of Indonesian Positive Law

This study examines the interrelationship between administrative, ethical, and criminal violations committed by Land Deed Officials (PPAT) within the framework of Indonesian positive law. The principal objective is to determine the boundaries of PPAT's legal liability in instances where irregularities occur in the preparation of authentic deeds, and to evaluate how the principle of social justice, as enshrined in the Preamble to the 1945 Constitution of the Republic of Indonesia, can function as a moral and constitutional foundation for assessing the proportionality of sanctions and punishments imposed on public officials who breach professional ethics.

The primary data for this study is derived from the official document of the Magelang District Court Decision No. 56/Pid.B/2022/PN.MGG, which adjudicated a case involving the forgery of a Sale and Purchase Deed (AJB) and a Deed of Granting Mortgage (APHT) by a PPAT named Andjar Sandra Hardjanti, S.H., M.Kn. The case materials—comprising verdict files, minutes of examination, and forensic laboratory reports—were analyzed using a normative legal research approach to evaluate the evidentiary basis and legal reasoning of the court. The court findings established that the defendant had forged the signature and official seal of Notary Intarti Lindaningsih on seven deeds, consisting of two Sale and Purchase Deeds and five Deeds of Granting Mortgage Rights. The Forensic Laboratory Report No. 1094/DTF/2022 confirmed that the signatures contained in the forged documents were not identical to the authentic signature of Notary Intarti Lindaningsih.

Further investigation revealed that the defendant and the victim had previously maintained an informal professional relationship, in which the defendant occasionally assisted other notary offices, including those of Notary Liana Suyana and Notary Ngadino in Semarang. During a period when Notary Intarti Lindaningsih was ill, the defendant unlawfully assumed authority over several deeds that fell within the victim's official jurisdiction, without her consent or knowledge.

The investigation and prosecution also presented electronic communications as evidence, showing that the victim had repeatedly attempted to contact the defendant through phone calls and text messages to clarify the matter but received no response. Witness testimonies further disclosed that the defendant had ordered counterfeit seals, including a PPAT stamp, a notarial name stamp, and a legalization stamp, for use in preparing the forged deeds.

The investigation demonstrated that the defendant obtained material benefits from the unlawful acts, receiving payments ranging from IDR 750,000 to IDR 2,500,000 per deed, portions of which were used for personal and operational expenses. As a result, the victim sustained financial losses amounting to approximately IDR 118,000,000, as well as non-material losses in the form of reputational harm and diminished professional integrity. Based on the legal facts established during trial, the Panel of Judges concluded that the defendant's conduct satisfied all the elements of Article 263 paragraph (1) of the Indonesian Criminal Code (KUHP), namely:

- 1) The element of “whoever”, proven to refer to the defendant, Andjar Sandra Hardjanti;
- 2) The element of “making a false document or falsifying a document”, fulfilled by the deliberate creation of deeds bearing forged signatures and seals;
- 3) The element of “intent to use the document as if it were genuine”, demonstrated by the use of forged documents in legally binding land transactions; and

- 4) The element of “causing potential harm to another person”, substantiated by the victim’s financial and reputational losses.

Based on these considerations, the Panel of Judges concluded that the defendant was legally and convincingly proven guilty of document forgery. Accordingly, the defendant was sentenced to six months’ imprisonment, with the time already spent in detention deducted from the total sentence. The evidence—comprising two deeds of sale and purchase and five mortgage deeds—was ordered to be returned to the victim. In its deliberation, the Panel took into account both aggravating and mitigating circumstances. The aggravating factors included the defendant’s actions, which caused harm to professional colleagues and eroded public trust in the institution of the Land Deed Official (PPAT). The mitigating factors included the defendant’s admission of guilt, expression of remorse, and commitment not to repeat the offense. The findings of this study reveal that the violations committed encompass three dimensions: administrative (exceeding official authority), ethical (breaching the notarial and PPAT professional code of ethics), and criminal (violating Article 263 of the Criminal Code concerning document forgery).

These findings underscore the complexity of the violations committed by the PPAT. The defendant’s conduct not only resulted in criminal consequences but also disrupted the ethical foundations and administrative integrity of Indonesia’s agrarian governance system. Within Indonesia’s positive legal framework, Land Deed Officials (PPATs) are designated as public officials appointed by the government with administrative authority as stipulated in Government Regulation No. 24 of 2016, which amends Government Regulation No. 37 of 1998 on the Position of Land Deed Officials. However, this authority is constrained by the principle of public accountability as articulated in Articles 3 and 6 of the regulation, which mandate that PPATs act honestly, independently, and professionally.

Ethical and administrative violations constitute the initial stage that may lead to criminal liability when such conduct causes harm to another party or involves an element of intent. This causal linkage demonstrates the continuum between ethical breaches (moral and professional misconduct), administrative infractions (abuse of authority), and criminal offenses (falsification of authentic deeds). As Brown et al. argue, every public official bears personal liability for acts performed beyond the scope of their lawful authority (*ultra vires* acts).¹³ The defendant’s conduct clearly falls within the *ultra vires* category, as he drafted and signed deeds on behalf of another official without possessing the requisite legal authority.

¹³ L Neville Brown, John S Bell, and Jean-Michel Galabert, “The Substantive Law: The Principle of Administrative Liability,” in *French Administrative Law*, 5th ed. (Oxford: Oxford Academic, 1998), 175–212, <https://doi.org/10.1093/oso/9780198765134.003.0008%0A>.

The findings of this study are consistent with the research of Hotimah and Tarmidi and Napouling, who observed that violations of professional ethics by notaries may give rise to criminal liability when such actions undermine the authenticity and validity of public documents.¹⁴ However, this study advances the discourse by identifying an additional dimension—namely, the disparity between administrative and criminal sanctions. Despite the systemic implications of the defendant's actions for public trust and legal certainty, the imposed sanction—a six-month imprisonment—appears disproportionately lenient. This raises critical questions concerning the proportionality of punishment and the realization of social justice in holding public officials accountable.

Justice, in this context, should not be narrowly understood as mere retribution for wrongdoing, but rather as a process of restoring moral and social equilibrium.¹⁵ The fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia explicitly mandates the state “to protect the entire Indonesian nation and the entire homeland of Indonesia, and to realize social justice for all the people of Indonesia.” Consequently, law enforcement against PPATs must not be confined solely to criminal sanctions but should also encompass the enhancement of professional oversight mechanisms and the reinforcement of integrity within public office.

The Magelang District Court's decision reflects the judiciary's attempt to balance retributive justice—through punishment of the offender—and corrective justice—through the restoration of the victim's rights. Nevertheless, within the broader framework of social justice, it is essential to consider preventive and educational dimensions of punishment. A lenient sentence, as in this case, may be viewed as inconsistent with the gravity of the offense, particularly given its potential to undermine public trust in state institutions and the legal certainty of land transactions.

From a professional ethics standpoint, the violation also signifies a failure in the PPAT professional development and supervision system. The Notary and PPAT Code of Ethics, administered by professional associations, should ideally function as an effective preventive mechanism to ensure that ethical breaches do not escalate into criminal conduct. Therefore, this study highlights the importance of establishing a proportionate and integrated system of enforcement that combines administrative discipline, ethical guidance, and criminal accountability to safeguard both the integrity of the profession and public confidence in legal institutions.

These findings hold both practical and theoretical significance. From a practical standpoint, the case exposes a lack of effective coordination among the regulatory

¹⁴ Chusnul Hotimah and Ahmad Tarmidi, “Tinjauan Hukum Tentang Notaris Yang Melanggar Kode Etik Profesi Dalam Penyusunan Akta Jual Beli Saham,” *Rewang Rencang: Jurnal Hukum Lex Generalis* 6, no. 4 (2025): 1–11, <https://doi.org/10.56370/jhlg.v6i4.881>; Desi Napouling, “Pemberhentian Dengan Tidak Hormat Bagi Notaris Yang Melakukan Tindak Pidana (Studi Putusan Majelis Pengawas Pusat Nomor: 18/B/MPPN/XII/2017),” *Indonesian Notary* 4, no. 18 (2022): 1300–1323, <https://scholarhub.ui.ac.id/notary/vol4/iss2/18/>.

¹⁵ John Rawls, *A Theory of Justice* (Massachusetts: The Balknap Press of Harvard University Press, 1977).

authority (the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency), the Notary and PPAT Honorary Council, and law enforcement bodies in addressing multi-dimensional violations. Theoretically, this study reinforces the proposition that ethical breaches do not occur in isolation but are intrinsically linked to administrative misconduct and criminal liability within the broader legal system. Nevertheless, this research has certain limitations. It is based on a single case study of judicial decisions, which restricts its ability to capture the diversity of rulings across different jurisdictions in Indonesia. In addition, the internal ethical review processes of PPATs are not fully accessible to the public, resulting in the analysis of the ethical dimension being primarily derived from statutory provisions and judicial records.

4. CONCLUSION

This study aims to analyze the legal responsibility of Land Deed Officials (PPATs) in the preparation of authentic deeds containing legal defects or elements of forgery, and to examine the interrelationship between administrative, ethical, and criminal violations committed by PPATs within the framework of Indonesian positive law and the principle of social justice as enshrined in the Preamble to the 1945 Constitution of the Republic of Indonesia. Based on an analysis of the Magelang District Court Decision No. 56/Pid.B/2022/PN.MGG, it was found that the violations committed by the PPAT extended beyond administrative and ethical dimensions to the criminal sphere, as the defendant was proven to have falsified authentic deeds. The legal facts demonstrated the forgery of signatures and official seals of fellow notaries for personal financial gain, thereby fulfilling the elements of Article 263 paragraph (1) of the Indonesian Criminal Code concerning document forgery.

The findings of this study confirm that the current PPAT accountability framework in Indonesia remains imbalanced in its imposition of ethical, administrative, and criminal sanctions. In practice, the supervisory and disciplinary mechanisms administered by the PPAT Supervisory Board have not operated effectively, leading to instances where ethical violations are criminalized without proportional differentiation. This condition poses a challenge to the realization of social justice, particularly in maintaining the equilibrium among the principles of legal certainty, expediency, and substantive justice, as well as the constitutional principle of equality before the law.

The results of this research offer valuable insights for policymakers and legal practitioners in enhancing regulatory frameworks and improving inter-institutional coordination between notarial and land supervisory bodies. Strengthening these mechanisms would promote a more measurable, proportional, and equitable system of PPAT accountability. Nonetheless, this study is limited by its reliance on a single judicial decision, thereby constraining the generalizability of its findings. Future research should expand the scope of analysis to include multiple court decisions and incorporate

empirical assessments of the effectiveness of administrative and ethical sanctions in preventing criminal misconduct among PPATs. Such efforts would contribute to reinforcing the PPAT legal accountability system in alignment with the constitutional mandate of social justice in Indonesia.

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