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Assessing the Proportionality of Criminal Sanctions Imposed on Notaries and Land Deed Officials (PPAT) in Document Forgery Cases

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Original Article

Abstract

The growing complexity of document forgery and money laundering cases involving notaries and Land Deed Officials (PPAT) has raised serious concerns regarding the boundaries of criminal liability for public officials. This study aims to identify and assess the criminal liability of notaries and PPATs and to analyze the alignment of criminal sanctions with the principles of justice, legal certainty, and the objectives of criminal punishment, as reflected in the West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt. The research employs a normative juridical approach, utilizing case-based, conceptual, and statutory analyses. The findings reveal that the criminal liability of notaries and PPATs remains uncertain, particularly in establishing elements of culpability and ensuring the proportionality of sanctions. In conclusion, while law enforcement in this case has achieved legal certainty, it has not yet fully realized substantive justice or the restorative justice objectives of punishment.

Keywords: *Criminal Sanctions, Document Forgery, Notary, Legal Proportionality*

Abstrak

Meningkatnya kompleksitas kasus pemalsuan surat dan pencucian uang yang melibatkan notaris dan Pejabat Pembuat Akta Tanah (PPAT), yang menimbulkan persoalan serius terkait batas pertanggungjawaban pidana profesi pejabat umum. Tujuan penelitian ini adalah untuk mengidentifikasi dan mengevaluasi aspek pertanggungjawaban pidana notaris dan PPAT serta menganalisis kesesuaian penjatuhan sanksi pidana dengan prinsip keadilan, kepastian hukum, dan tujuan pemidanaan sebagaimana tercermin dalam Putusan Pengadilan Negeri Jakarta Barat No. 248/Pid.B/2022/PN.Jkt.Brt. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan kasus, konseptual, dan perundang-undangan. Hasil penelitian menunjukkan bahwa pertanggungjawaban pidana notaris dan PPAT masih menghadapi ketidakpastian dalam pembuktian unsur kesalahan dan proporsionalitas sanksi. Kesimpulannya, penegakan hukum dalam kasus tersebut telah memenuhi kepastian hukum, namun belum sepenuhnya mewujudkan keadilan substantif dan tujuan pemidanaan yang berorientasi pada keadilan restoratif.

Kata kunci: *Sanksi Pidana, Pemalsuan Surat, Notaris, Proporsionalitas Hukum*

1. INTRODUCTION

Land occupies a central position in the social, economic, and legal structure of Indonesian society. As a strategic resource, land ownership and the transfer of land rights require legal certainty to prevent future disputes. Such certainty is ensured through authentic deeds prepared by authorized public officials, namely Notaries and Land Deed Officials (PPAT). Authentic deeds possess full evidentiary power as stipulated in Article 1868 of the Indonesian Civil Code. Consequently, every deed drawn up must comply with prevailing laws and regulations, including Law No. 2 of 2014 concerning the Position of Notaries, Government Regulation No. 24 of 2016 concerning the Position of PPAT, and Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA).

The transfer and encumbrance of land rights involve not only administrative but also complex legal dimensions. Although various legal instruments have been established to ensure the validity and protection of land rights, irregularities involving deed-making officials continue to occur. For instance, the West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt revealed document forgery in the preparation of Powers of Attorney to Sell, Statement Deeds, and Sale and Purchase Deeds by Notaries and Land Deed Officials (PPAT). This finding raises serious concerns regarding the limits of responsibility and integrity of public officials in exercising their authority, as well as the effectiveness of the legal system in providing deterrence and public protection.

Forgery of authentic deeds in the process of land rights transfer not only violates positive legal norms but also undermines public trust in notarial institutions and the national land administration system. Notaries and Land Deed Officials (PPAT), who are entrusted as guardians of transaction legality, may instead become part of a chain of legal offenses when they fail to uphold prudence and professionalism. This phenomenon highlights weaknesses in professional supervision, the enforcement of ethical codes, and the imposition of legal sanctions against violations committed by public officials.

Studies on the legal responsibility of Notaries and Land Deed Officials (PPAT) in drafting authentic deeds for the transfer and encumbrance of land rights have been extensively discussed by numerous scholars employing diverse focuses and methodological approaches. Generally, these studies emphasize three key aspects: first, the scope of legal responsibility—civil, criminal, and administrative—arising from violations committed by Notaries and PPATs; second, the validity and evidentiary value of unlawfully executed authentic deeds; and third, normative analyses of the application of legal sanctions within judicial practice.

Tuelah et al. highlight the ambiguity between elements of intent and negligence in legal violations committed by Notaries and PPATs. Their study demonstrates that many

cases categorized as negligence in fact contain elements of intent; however, the Indonesian Civil Code (KUHPerdata) fails to draw a clear distinction between the two. This ambiguity results in unequal sanction enforcement, as both intent and negligence are treated similarly under the law. The study underscores the need for legal reform to clearly differentiate between negligence and intent in cases of professional misconduct.[1]

Similarly, Sipayung examined the liability of notaries in forgery cases involving sale and purchase agreements (PPJB) and powers of attorney, as reflected in Denpasar District Court Decision No. 89/Pid.B/2020/PN.Dps. The findings reveal that although notaries were proven to have violated provisions of the Notary Law (UUJN), the administrative sanctions imposed were disproportionate to the severity of the violations. Notaries who should have been dishonorably discharged were nonetheless permitted to continue practicing. This study underscores the weaknesses of the oversight mechanisms governing public officials implicated in criminal acts.[2]

Furthermore, Fatimah analyzed the elements of criminal liability in deed forgery cases involving Notaries and PPATs, as exemplified by Supreme Court Decision No. 451K/Pid/2018. The findings indicate that the panel of judges misapplied the relevant provisions, invoking Article 266 of the Criminal Code instead of Article 264, which specifically addresses the forgery of authentic documents. This inconsistency demonstrates disparities in law enforcement and divergent interpretations of criminal norms related to the exercise of public office.[3]

Ramadhani et al. highlight the essential role of professional ethics and morality in shaping notarial responsibilities. Their study emphasizes that authentic deeds containing false information must be declared null and void, regardless of whether the misrepresentation occurred intentionally or negligently. This perspective expands the understanding of notarial accountability beyond mere legal consequences, underscoring the ethical obligation to uphold public trust in the profession.[4]

Kurniawan examined the phenomenon of a single notary issuing two different deeds—a Deed of Sale and Purchase Agreement (PPJB) and a Deed of Sale and Purchase (AJB)—for the same parcel of land. He argued that such actions constitute a serious violation of Article 38 of the Notary Law (UUJN) and Article 1365 of the

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1 Graceilla Ribka Berliana Tuelah, Yuli Indrawati, and Sri Widyawati, "Makna Hukum Atas 'Kelalaian' Notaris/PPAT Dalam Pembuatan Akta PPJB Dan AJB: Studi Putusan Pengadilan Negeri Bantul Nomor 5/Pdt.G/2023/PN Btl," *Indonesia Notary* 5, no. 1 (2023): 1–18, https://doi.org/10.21143/notary.vol5.no2.1.

2 Putri Ayu Salamah Sipayung, "Tanggung Jawab Notaris Yang Memalsukan Akta Perjanjian Pengikatan Jual Beli Dan Kuasa Menjual: Studi Atas Putusan Pengadilan Negeri Denpasar Nomor 89/Pid.B/2020/PN.Dps," *Officium Notarium* 1, no. 3 (2021): 457–65, https://doi.org/10.20885/JON.vol1.iss3.art5.

3 Priska Talitha Fatimah, "Tanggung Jawab Notaris Dan PPAT Yang Melakukan Pemalsuan Akta Autentik: Studi Kasus Putusan Mahkamah Agung Republik Indonesia Nomor 451/K.Pid/," *Indonesia Notary* 2, no. 23 (2020): 540–58, https://scholarhub.ui.ac.id/notary/vol2/iss4/23 .

4 Devira Ramadhani, Hasim Purba, and Sutiarnoto Sutiarnoto, "Tanggung Jawab Notaris Terhadap Akta Perjanjian Jual Beli Rumah Yang Dikeluarkan Berdasarkan Keterangan Palsu Oleh Para Pihak: Studi Putusan Pengadilan Nomor 433/Pdt.G/2021/PN.Mdn," *Jurnal Hukum Lex Generalis* 6, no. 9 (2025): 1–29, https://doi.org/10.56370/jhlg.v6i4.1369.

Indonesian Civil Code, as they cause material loss and legal uncertainty for the parties involved. His research demonstrates a close correlation between procedural violations by notaries and the growing number of land disputes in Indonesia.[5]

Hartanto and Silviana focused on the forgery of a Deed of Sale and Purchase Agreement (PPJB) by a notary in Case No. 73/Pid/2023/PT BDG. They concluded that notaries bear a legal duty to ensure the authenticity and legality of the documents they produce. Noncompliance with this obligation not only constitutes a breach of professional ethics but also fulfills the elements of criminal forgery as defined in the Indonesian Criminal Code.[6] Meanwhile, Hage and Hastuti analyzed the liability of notaries who alter a Deed of Sale and Purchase without the consent of the lawful owner. Their findings indicate that a deed modified without the approval of all relevant parties loses its validity as an authentic instrument and may be subject to legal revocation. This research underscores the fundamental importance of the principle of consensus in the formation of authentic deeds.[7]

Pati and Puspadewi further explored the liability of Land Deed Officials (PPAT) in sale and purchase transactions involving forged documents. Their study found that PPATs have a legal duty to verify the authenticity of supporting documents prior to drafting a deed. Breach of this obligation entails not only criminal liability but may also result in the annulment of the Deed of Sale and Purchase (AJB). The study reinforces the urgency of enhancing the professional competence and ethical integrity of PPATs.[8]

Earlier research by Assikin et al. emphasized the strategic function of Land Deed Officials (PPAT) as guardians of orderly land administration. However, weak internal supervisory mechanisms and ineffective sanctions for professional misconduct remain key factors contributing to irregularities in the preparation of sale and purchase deeds. They proposed institutional reform and continuous professional development as crucial measures to prevent manipulation of land documents.[9]

Although several studies have examined the responsibilities of notaries and PPATs in the preparation of authentic deeds, no prior research has specifically analyzed

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5 Rizqi Akbar Kurniawan, "Tanggung Jawab Notaris Terhadap Terbitnya Akta Jual Beli Tanah Dan PPJB Terhadap Dua Klien Dengan Objek Yang Sama: Analisis Putusan Nomor 3/Pdt.G/2024/PN SPG," *Media Hukum Indonesia* 3, no. 1 (2025): 15–24, https://ojs.daarulhuda.or.id/index.php/MHI/article/view/1100.

6 Amanda Wira Hartanto and Ana Silviana, "Kajian Yuridis Terdahap Tindakan Pemalsuan PPJB Oleh Notaris: Studi Kasus Nomor 73/PID/2023/PT BDG," *Jurnal Ilmu Multidisiplin* 4, no. 3 (2025): 1552–1559, https://doi.org/10.38035/jim.v4i3.1149.

7 Andro A.do Hage and Nanik Tri Hastuti, "Tanggung Jawab Notaris Yang Mengubah Isi Akta Pengikatan Jual Beli," *Notarius* 16, no. 2 (2023): 613–30, https://doi.org/10.14710/nts.v16i2.40989.

8 Emri Yulita Umbu Pati and Anak Agung Ayu Intan Puspadewi, "Analisis Yuridis Terhadap Tanggungjawab Pejabat Pembuat Akta Tanah Dalam Akta Jual Beli Tanah Yang Menggunakan Dokumen Palsu," *Vidhisastya: Journal for Legalscholars* 1, no. 3 (2024): 196–216, https://journal.undiknas.ac.id/index.php/vidhisastrya/article/view/5870.

9 Yovita Christian Assikin, Lastuti Abubakar, and Nanda Anisa Lubis, "Tanggung Jawab Pejabat Pembuat Akta Tanah Berkaitan Dengan Dibatalkan 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.

the disparity in criminal sanctions imposed on notaries and PPATs as intellectual perpetrators in cases of document forgery and money laundering, as exemplified in West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt. Previous scholarship has largely focused on normative aspects without assessing the alignment between law enforcement practices and the fundamental objectives of criminal punishment. This study seeks to fill this research gap by analyzing criminal liability, the principle of justice in judicial decisions, and their implications for legal certainty and the protection of land rights. Accordingly, this study aims to:

1) identify and evaluate the aspects of criminal liability of notaries and PPATs in cases of document forgery and money laundering as set forth in West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt; and
2) analyze the conformity between the imposition of criminal sanctions on notaries and PPATs with the principles of justice, legal certainty, and the fundamental objectives of criminal punishment.

2. RESEARCH METHODOLOGY

This study employs a normative juridical approach, focusing on the examination of legal principles, norms, and their practical application in the context of notaries' and Land Deed Officials' (PPAT) responsibilities in drafting authentic deeds for the transfer and encumbrance of land rights. This approach was selected because the issues under investigation are closely related to the exercise of public authority within the framework of positive law and the principles of legal certainty, justice, and expediency. The research adopts a normative qualitative design with a descriptive-analytical orientation, aimed at describing and analyzing legal practices, forms of deviation, and the application of criminal sanctions against notaries and Land Deed Officials (PPAT), as reflected in Decision No. 248/Pid.B/2022/PN.Jkt.Brt.

To support the normative juridical approach, this study integrates statutory, conceptual, and case approaches. The statutory approach is employed to examine the legal provisions governing the professional roles of notaries and Land Deed Officials (PPAT), including Law No. 2 of 2014, Law No. 5 of 1960, and the Indonesian Criminal Code. The conceptual approach is used to elaborate on key legal concepts such as authentic deeds, legal responsibility, intent (schuld), negligence (culpa), and the principle of professional misconduct. Meanwhile, the case approach is applied to analyze judicial reasoning, the application of criminal norms, and the forms of liability imposed on public officials in cases involving deed forgery and money laundering.

The legal materials used in this study consist of primary, secondary, and tertiary sources. Data were collected through comprehensive library research and analyzed qualitatively and normatively, involving the processes of legal inventory, interpretation,

and prescriptive analysis of statutory provisions and court decisions. The validity of the findings is ensured through the triangulation of legal sources and doctrines to maintain the objectivity and accuracy of the analysis. This methodological framework is expected to yield a comprehensive conceptual construction of the legal responsibilities of notaries and Land Deed Officials (PPAT) and to contribute to the ongoing reform of Indonesia's land and notarial legal systems.

3. RESEARCH RESULT AND DISCUSSION

3.1. Aspects of Criminal Liability of Notaries and Land Deed Officials (PPAT) in Cases of Document Forgery and Money Laundering

This study seeks to identify and evaluate the criminal liability of Notaries and Land Deed Officials (PPAT) in cases involving document forgery and money laundering, as reflected in the West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt. The focus lies on the legal consequences arising from the falsification of authentic deeds by public officials, as well as the delineation of criminal, civil, and administrative liabilities of Notaries and PPATs within the framework of Indonesian positive law. The overarching aim is to reaffirm the legal position of public officials in preserving the integrity of authentic deeds as valid legal evidence and to reveal the implications of such violations for the validity of land transfer deeds.

Data for this research were obtained through normative legal analysis, encompassing court decisions, legal doctrines, and relevant statutory instruments, including the Civil Code, the Criminal Code, Law No. 30 of 2004 concerning the Office of Notaries (UUJN), the Basic Agrarian Law (UUPA), and Government Regulation No. 37 of 1998. The findings indicate that Faridah's conduct as a Notary and Land Deed Official (PPAT) fulfilled the elements of the criminal offense of falsifying authentic documents under Article 264 paragraph (1) point 1 of the Criminal Code. She was proven to have created and used falsified authentic deeds in the transfer of land rights without the presence or consent of the lawful owner.

The panel of judges concluded that the deeds in question—comprising the Deed of Power of Attorney to Sell, the Deed of Statement, and the Deed of Sale and Purchase (AJB)—were null and void (absolute nietig) for failing to meet the objective elements of a lawful agreement as required under Article 1320 of the Civil Code, particularly the element of "lawful cause." The deeds were declared invalid because they were based on falsified data and contravened the principles of honesty, legal certainty, and good faith, which are foundational to the creation of authentic deeds. The results of this research yield three major findings:

1) Criminal Liability of Notaries and Land Deed Officials

In this case, the Notary and Land Deed Official were legally proven to have falsified authentic documents, fully satisfying the elements of Article 264 paragraph (1) of the Criminal Code. The falsification of the late Cut Indra Martini's signature and the creation of a fictitious power of attorney constituted an abuse of public authority. Consequently, the panel of judges sentenced the defendant, Faridah, to two years and eight months of imprisonment and imposed a fine of IDR 1 billion, having been found legally and convincingly guilty of falsifying authentic documents.

2) Legal Implications for PPJB and AJB Deeds

Deeds of Sale and Purchase Agreements (PPJB) and Deeds of Sale and Purchase (AJB) created on the basis of false data and failing to fulfill the subjective and objective requirements of a valid agreement are declared null and void. As a result, the transfer of land rights is rendered invalid, and all ensuing legal consequences must be restored to their original state (restitutio in integrum). This decision underscores that the validity of a notarial deed is determined not only by its formal compliance but also by the material truth of the statements contained therein.

3) Civil and Administrative Liability

Beyond criminal liability, Faridah also bears civil liability for committing an unlawful act (onrechtmatige daad) under Article 1365 of the Civil Code, as her actions caused losses to the heirs of the rightful landowner. Administratively, she violated her official obligations as stipulated in Article 16 paragraph (1) of the UUJN, by failing to act honestly, diligently, and impartially. Such violations of professional ethics may result in administrative sanctions, including temporary suspension or permanent dismissal from her notarial position.

This study aligns with the findings of Kurniawan and Ramadhani et al., who assert that notaries bear criminal liability when proven to have intentionally falsified data or information in authentic deeds.[10] However, the present study extends the discourse by demonstrating the convergence of criminal, civil, and administrative liabilities that may be concurrently imposed upon public officials. In contrast to the works of Mahaputera and Talango et al., which focused on legal protection for notaries in cases of administrative error absent intent, this research confirms that in Faridah's case, the element of intent (dolus) was clearly established, thereby precluding justification based on administrative oversight.[11]

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[10] Kurniawan, "Tanggung Jawab Notaris Terhadap Terbitnya Akta Jual Beli Tanah Dan PPJB Terhadap Dua Klien Dengan Objek Yang Sama: Analisis Putusan Nomor 3/Pdt.G/2024/PN SPG"; Ramadhani, Purba, and Sutiarnoto, "Tanggung Jawab Notaris Terhadap Akta Perjanjian Jual Beli Rumah Yang Dikeluarkan Berdasarkan Keterangan Palsu Oleh Para Pihak: Studi Putusan Pengadilan Nomor 433/Pdt.G/2021/PN.Mdn."

[11] Wahid Ashari Mahaputera, "Perlindungan Hukum Dan Pertanggungjawaban Bagi Notaris Yang Menjadi Tergugat Terhadap Akta Yang Telah Dibuatnya," *Indonesia Notary* 3 (2021): 657–76,

Furthermore, this study supports the arguments of Hage and Hastuti and Ibrahim et al., who contend that in the context of land law, deeds prepared without the presence of authorized parties and without being read before them lack authentic evidentiary force.[12] Consequently, the findings of this study reinforce the principle that both the formal and material truth of an authentic deed must be simultaneously maintained to ensure legal validity and public trust. This case exemplifies an abuse of authority by public officials entrusted with ensuring the authenticity of legal instruments. As public officials, notaries and Land Deed Officials (PPAT) perform a dual role: beyond producing authentic legal evidence, they act as custodians of legal morality. When this responsibility is breached, public confidence in the legal system is severely eroded.

From a criminal law standpoint, forgery committed by a notary or Land Deed Official (PPAT) constitutes not merely a formal offense but also a material one, as it results in tangible legal consequences, including the deprivation of an individual's lawful ownership rights over land. Such an act fulfills the element of dolus eventualis—intent accompanied by awareness of the potential consequences of one's actions. From a civil law perspective, the offense generates an obligation to compensate the victim, given the direct causal relationship between the perpetrator's conduct and the harm suffered by the injured party. This is consistent with the neminem laedere principle—that no one may unlawfully cause harm to another.

Administratively and ethically, this case underscores the imperative of moral integrity and professional conduct among notaries in the performance of their duties. Violations of the principles of good faith and propriety in deed preparation provide sufficient grounds for the Notary Honorary Council to impose moral and administrative sanctions. Based on the overall analysis, this study establishes several key conclusions:

1) The criminal liability of notaries and Land Deed Officials is personal and direct; their official positions cannot serve as a shield against criminal responsibility.
2) Deeds of sale and purchase (PPJB) and sale and purchase agreements (AJB) prepared on the basis of falsified data are null and void ipso jure and lack authentic evidentiary value.
3) Multiple layers of liability apply to public officials—criminal (for falsification of authentic documents), civil (for unlawful acts), and administrative (for breaches of professional ethics).

https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1080&context=notary; Asfariyani A. Talango, Nurwita Ismail, and Ramdhan Kasim, "Perlindungan Hukum Pidana Terhadap Notaris Sebagai Pejabat Umum Dalam Menjalankan Kewenangan Membuat Akta Otentik," *Terang: Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 2, no. 2 (2025): 90–106, https://doi.org/10.62383/terang.v2i2.942.

[12] Hage and Hastuti, "Tanggung Jawab Notaris Yang Mengubah Isi Akta Pengikatan Jual Beli"; Nurijah Ibrahim, Triono Eddy, and Mahmud Mulyadi, "Kajian Hukum Pidana Terhadap Notaris Yang Membuat Perjanjian Pengikatan Tanpa Disertai Surat-Surat Bukti Kepemilikan: Studi Kasus Putusan Nomor 1362/Pid.B/2019/PN Jkt.Utr," *Jurnal Ilmiah Advokasi* 9, no. 1 (2021): 31–41, https://doi.org/10.36987/jiad.v9i1.2012.

4) The case highlights the necessity of strengthening internal supervisory mechanisms for notaries and Land Deed Officials through coordinated efforts among the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), Regional Notary Supervisory Boards, and law enforcement authorities to prevent abuse of office.
5) The findings reaffirm that the validity of an authentic deed depends not only on its formal compliance but also on the honesty and integrity of the official who drafts it.

The West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt establishes an important precedent in Indonesian notarial practice, delineating the boundaries of criminal liability for public officials and reinforcing the principles of legal certainty, justice, and expediency in land law and public administration. This research contributes significantly to the enhancement of ethical and legal norms governing the professions of notaries and Land Deed Officials (PPAT), while advocating for more stringent regulatory reforms to uphold the integrity of authentic deeds as a cornerstone of the national civil law evidentiary system.

3.2. The Appropriateness of Criminal Sanctions Imposed on Notaries and Land Deed Officials (PPAT) in Relation to the Principles of Justice, Legal Certainty, and the Objectives of Criminal Punishment

This study found that the West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt constitutes an important precedent in Indonesian notarial practice. The decision demonstrates that public officials, such as notaries and Land Deed Officials (PPAT), can be held personally and directly criminally liable if proven to have falsified authentic deeds. In this case, the defendant, Faridah—acting in her capacity as Notary and PPAT—was found guilty of intentionally creating and using forged documents, including a Deed of Power of Attorney to Sell, a Deed of Statement, and a Deed of Sale and Purchase (AJB), concerning land owned by the late Cut Indra Martini, without the presence or consent of the lawful heirs.

The panel of judges determined that the defendant's actions fulfilled the elements stipulated in Article 264 paragraph (1) point 1 of the Indonesian Criminal Code concerning the falsification of authentic documents. Consequently, the court sentenced her to two years and eight months of imprisonment and imposed a fine of IDR 1 billion. The forged deeds were declared null and void, as they were based on false data and failed to satisfy the subjective and objective conditions of an agreement under Article 1320 of the Civil Code.

The findings of this study indicate that the imposition of criminal sanctions on public officials, such as notaries and Land Deed Officials, entails multifaceted

considerations. While such sanctions serve as a deterrent, they must also align with the fundamental principles of justice, legal certainty, and the objectives of criminal punishment as recognized in Indonesia's criminal law framework.

The principle of justice requires a fair balance between the rights of victims and those of perpetrators. The panel of judges, through the imposed sanctions, upheld the principle of retributive justice by ensuring that the punishment corresponded to the degree of culpability. The falsification of deeds by public officials represents a grave offense, as it undermines public confidence in both legal institutions and the land administration system. Accordingly, the term of imprisonment and the substantial fine imposed were considered proportionate to the gravity of the offense and its social repercussions.

However, from the perspective of restorative justice, the decision falls short of fulfilling the expectations of the victims—specifically, the heirs of the late Cut Indra Martini. Although the offender was convicted, the material and immaterial damages suffered by the victims have not been adequately remedied. Genuine justice should encompass not only retribution but also the restoration of the victim's rights. Pursuant to Article 98 of the Criminal Procedure Code, victims should be entitled to seek compensation within the same criminal proceeding, thereby ensuring comprehensive justice. Thus, while the decision is fair in terms of retributive justice, it lacks a restorative dimension, particularly in reinstating the heirs' ownership rights over the unlawfully transferred land.

Legal certainty constitutes a cornerstone of a state governed by law (rechtstaat).[13] The findings of this research suggest that the imposition of sanctions on notaries and PPATs in this case affirms the boundaries of criminal liability for public officials. Notaries and Land Deed Officials are not merely administrative executors; they are state-appointed legal authorities responsible for guaranteeing the authenticity of legal documents.

The panel of judges emphasized that the validity of an authentic deed depends not only on its formal structure but also on the material truth of its contents. This interpretation is consistent with Subekti, who argues that an authentic deed must accurately reflect a legal act genuinely performed before a public official.[14] vvvsubIn this case, because the deeds were prepared in the absence of the parties and contained forged signatures, they lost their authentic character and held only the evidentiary value of private deeds. This study concludes that the court's ruling reinforces legal certainty in three significant ways:

1) Affirming the personal criminal liability of public officials for their unlawful acts;

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[13] Jan Michiel Otto, *Kepastian Hukum Di Negara Berkembang*, trans. Tristan Moeliono, 1st ed. (Jakarta: Komisi Hukum Nasional Republik Indonesia, 2003).

[14] Subekti Subekti, *Pokok-Pokok Hukum Perdata*, 21st ed. (Jakarta: Intermasa, 2005).

2) Establishing that public office cannot be invoked as a shield to evade legal accountability; and
3) Clarifying that forged authentic deeds are null and void ipso jure, without requiring a prior annulment.

The principle of legal certainty is manifested through firm and transparent law enforcement against violations committed within the notarial and Land Deed Official (PPAT) professions. The goal of modern criminal justice extends beyond retribution to encompass deterrence, rehabilitation, and the protection of the public interest. Based on an analysis of the court's verdict, the panel of judges recognized that the defendant, as a public official, bore high moral and social responsibility. Consequently, the imposition of imprisonment and a substantial fine was intended to create a deterrent effect—serving as a warning to other notaries and PPATs to refrain from similar violations.

Nevertheless, consistent with the principle of *ultimum remedium*, criminal sanctions should be applied as a last resort when administrative measures prove ineffective. In this case, criminal penalties were deemed appropriate because the defendant's conduct was not a mere administrative error but a deliberate act (dolus) that caused tangible harm to society. Thus, the imposed sanctions fulfill the principle of proportionality between culpability and punishment, while also reflecting the objectives of criminal justice, which seek to balance retribution and deterrence.

This study also finds that the decision contributes significantly to the development of the doctrine concerning the purposes of criminal punishment in professional law. Notaries and Land Deed Officials (PPAT) who breach their oaths of office not only erode public trust but also degrade the moral standing of the profession. Hence, the criminal penalties imposed in this case serve as an instrument of moral correction, reinforcing the importance of integrity, accountability, and honesty in legal practice.

Furthermore, this study highlights the need for effective legal protection for the heirs of victims who lost their land ownership rights due to the criminal acts of notaries and Land Deed Officials. As Hadjon asserts, legal protection must be extended to citizens who suffer losses as a result of unlawful actions by public officials. In this case, such protection remains inadequate: although the forged deed was declared null and void, the restoration of land ownership rights still requires further administrative processes at the National Land Agency (BPN).[15]

To ensure substantive justice, the court's ruling should be followed by the restoration of the legal status of the disputed land and the provision of compensation to the heirs. This approach aligns with the principle of restitutio in integrum, which aims to restore the victim's rights to their original condition prior to the violation. These

[15] Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia* (Surabaya: Bina Ilmu, 1987).

findings underscore the necessity of strengthening the integration between criminal law and land administration law, ensuring that criminal judgments involving notaries or PPATs are automatically followed by administrative measures to restore victims' rights.

Based on the overall analysis, this study concludes that the criminal sanctions imposed on the notary and PPAT in this case align with the principles of justice and legal certainty, and are consistent with the objectives of criminal punishment within the Indonesian legal system. The decision contributes in three key dimensions:

1) Legal contribution: Affirming the boundaries of public officials' responsibilities in the preparation of authentic deeds and applying the principle of proportionality in sentencing.
2) Normative contribution: Reinforcing the principles of justice, legal certainty, and legal benefit as enshrined in Pancasila and Article 2 of Law No. 48 of 2009 concerning Judicial Power.
3) Practical contribution: Encouraging the enhancement of oversight mechanisms and professional codes of ethics for notaries and PPATs to make them more stringent and preventive against violations.

This study affirms that criminal sanctions against notaries and Land Deed Officials serve not only as a form of legal retribution but also as an instrument for fostering moral and professional integrity. Moreover, such sanctions provide a foundation for developing an integrated supervisory system that ensures justice for victims and upholds legal certainty for the wider community.

4. CONCLUSION

This study aims to identify and evaluate the criminal liability of notaries and Land Deed Officials (PPAT) in a case of document forgery and money laundering, as adjudicated in the West Jakarta District Court Decision No. 248/Pid.B/2022/PN.Jkt.Brt. It further analyzes the appropriateness of the criminal sanctions imposed with respect to the principles of justice, legal certainty, and the objectives of criminal punishment. The research findings indicate that the criminal liability of notaries and PPATs in this case reveals a significant gap in legal interpretation concerning the assessment of culpability and the causal relationship between professional conduct and its criminal consequences. While the court recognized the element of substantive negligence, it did not fully reflect the principle of culpa *lata dolo aequiparatur*—that gross negligence is equivalent to intent—in contemporary criminal law practice.

An analysis of the court's decision demonstrates that the sanctions imposed satisfy the requirement of legal certainty but remain debatable from the standpoint of substantive justice and the proportionality of punishment. In terms of the objectives of sentencing, the ruling is primarily retributive rather than restorative, meaning that the

protection of victims—particularly the heirs—has not been adequately achieved. This study underscores the need for law enforcement that harmonizes legal certainty with moral justice, especially in the context of the notary and PPAT professions, which play an essential role in safeguarding the authenticity and integrity of public documents.

The contribution of this research lies in enriching the discourse on criminal law, particularly regarding the professional liability of public officials, and in providing a conceptual foundation for reforming policies governing notarial and land administration law. Nevertheless, this study is limited to a normative juridical analysis and a single case study. Accordingly, future research should adopt empirical and comparative approaches across jurisdictions to broaden the understanding of criminal liability standards applicable to notaries and Land Deed Officials (PPAT) in Indonesia.

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