

RESPONSIBILITY OF LAND DEED MAKER (PPAT) DUE TO FORGERY OF SIGNATURE ONE OF THE PARTIES IN MAKING A SALE AND PURCHASE DEED

(Study of Pelalawan District Court Decision Number: 228/Pid.B/2018/PN Plw)

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Abstract: *The Land Deed Official is an official who is authorized to make an autetic deed. This is regulated in the Notary Position Law Number 2 of 2014, Government Regulation Number 24 of 2016 concerning the Regulation of Land Deed Officials In making a deed PPAT can be held accountable if there are elements of unlawful acts, as happened in the Pelalawan District Court Decision Number: 228/Pid.B/2018/PN Plw, where the PPAT forged the signature of one of the parties.*

Key Words: *Responsibility of Land Deed Official (PPAT), Forgery of Signature, Sale and Purchase Deed.*

1. INTRODUCTION:

With a signature denial, the party who feels aggrieved must prove the untruth of something he denies. Proof can be done through the trial process. The crime of counterfeiting is a crime which contains a system of untruth or falsehood of something (object), something that looks from the outside as if it were true, even though in fact it is contrary to the truth. The crime of forging letters is regulated in Article 263 of the Civil Code (KUHP) and is emphasized in Article 264 of the Criminal Code against authentic deed.

2. THEORITICAL FRAMEWORK:

- Legal Certainty Theory
According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is implemented, that those entitled according to law can obtain their rights and that decisions can be implemented.[1]
- Theory of Legal Responsibility
According to Hans Kelsen, the concept of legal responsibility is that a person is legally responsible for a certain action or that he bears legal responsibility, the subject means that he is responsible for a sanction in the event of a conflicting act.[2]

3. LITERATURE REVIEW:

The arrangement of the PPAT Position Regulations and the arrangements regarding the PPAT deed as authentic deeds have their main source in Law Number 5 of 1960 concerning the land registration system. PPAT Position Regulations are regulated in PP Number 24 of 2016 concerning Amendments to PP Number 37 of 1998 concerning PJPPAT.

Criminal sanctions are considered as the strongest sanction for unlawful acts committed by a Notary/PPAT, if civil, administrative or notary sanctions are not effective in punishing the Notary/PPAT so that the Notary/PPAT becomes deterrent from committing acts against the law again. The procedure for applying criminal sanctions is based on a court decision that has legal force whose decision convicts the Notary/PPAT to serve a certain sentence.

Forgery of signatures is a form of crime forgery of letters which is regulated in Chapter XII Book II of the Criminal Code, in the book it is stated that what is included as forgery of letters is only in the form of writings, and includes forgery of signatures which are regulated in Articles 263 of the Criminal Code to Article 276 Criminal acts that often occur are related to Article 263 of the Criminal Code (making fake letters or falsifying letters) and Article 264 (forging authentic deeds) and Article 266 of the Criminal Code (ordering to enter false information into an authentic deed).

The Land Sale and Purchase Act is an authentic act made by PPAT in relation to an agreement that means transferring rights to land[3].

4. METHOD:

The method used in this study is a normative juridical approach, namely an approach based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research[4].

5. DISCUSSION:

The act of forgery by the Land Deed Making Officer (PPAT) can be carried out on various types of deeds, one of which is the Sale and Purchase Deed (AJB). AJB is a deed or written evidence containing clauses relating to buying and selling[5]. The official authorized to make it is PPAT. The PPAT in carrying out its position is based on the provisions of Article 1 point 1 PP Number 24 of 2016 concerning Amendments to PP Number 37 of 1998 PJPPAT which outlines the definition of a PPAT. The regulation describes that the deed made by a PPAT is an authentic deed, therefore the process of making the deed must be in accordance with the provisions of the applicable laws and regulations. In carrying out its position, the PPAT is obliged to work with full responsibility, independence, honesty and impartiality. Despite the fact that it is not uncommon for a PPAT to violate the applicable laws and regulations. This problem occurred with the AJB of certified land due to an error in the procedure for signing the AJB. It was alleged that the signing of the AJB was not carried out by the appearer and even the appearer never felt that he had put a signature on the AJB which was made by the PPAT in the sense that it was not signed by people who had *legal standing* so denial occurs

6. ANALYSIS:

- **Legal Arrangements regarding the Responsibilities of Land Deed Officials (PPAT) for the Deeds they make**

PPAT as a public official has the authority to make deeds as evidence that certain legal actions have been carried out regarding land rights which will be used as the basis for registering data changes as a result of said legal action at the Land Office in accordance with the provisions in Article 2 paragraph (1) Perka BPN Number 1 Year 2006 concerning Provisions for Implementation of PP No. 37 of 2009 concerning PJPPAT. In this case the PPAT is professionally responsible for the deed made by or before him if the deed is later disputed by the parties concerned, considering that the deed made by or before the PPAT can be used as evidence and a strong basis for registering the transfer of rights and imposition of the rights concerned.

- **Responsibilities of the Land Deed Maker's Office (PPAT) Due to the Forgery of the Signature of One of the Parties in the Making of the Land Sale and Purchase Deed**

Criminal liability for a Notary/PPAT who commits an unlawful act is by imposing criminal sanctions in the form of imprisonment or imprisonment or other crimes regulated in the Criminal Code. The crime in the research that the author examined was the crime of forging signatures in making AJB.

- **Consideration of the Panel of Judges in the Decision of the Pelalawan District Court Number: 228/Pid.B/2018/PN Plw**

Consideration of the Panel of Judges in the Decision of the Pelalawan District Court Number: 228/Pid.B/2018/PN Plw. Based on Article 1 paragraph (9) of the Criminal Procedure Code, judges may not refuse to examine cases (to judge), adjudicating is a series of actions by judges to accept, examine and decide criminal cases based on the principle of being free, honest and impartial in court proceedings in terms and according to the method regulated in law.

7. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- The responsibility of the PPAT who is proven to have made a mistake in making the AJB is legally and morally responsible.
- Criminal liability for a Notary/PPAT who commits an unlawful act is by imposing criminal sanctions in the form of imprisonment or imprisonment or other crimes regulated in the Criminal Code.
- the consideration of the Panel of Judges focused on criminal acts by falsifying signatures on authentic certificates made by Irvan Hoodrat Pane, SH, as Notary/PPAT. So in that case the judge ruled that the Notary/PPAT had been proven to have legally violated Article 264 Paragraph (1) of the Criminal Code concerning forgery of deed. The actions taken by the defendant had no justification or excuse that could result

in the abolition of the crime against the defendant with the profession of a Notary/PPAT because the defendant's actions were carried out consciously, without coercion, and not in self-defence.

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