

## The Role of Land Deed Officials (PPAT) in Certifying Customary Land

Dwi Julianto Wijaya<sup>1)</sup> Bambang Tri Bawono<sup>2)</sup> & Jawade Hafidz<sup>3)</sup>

<sup>1)</sup>Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Cirebon Regency Land Office, Email: [dwijuliantowijaya@gmail.com](mailto:dwijuliantowijaya@gmail.com)

<sup>2)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Indonesia, E-mail: [bambang@unissula.ac.id](mailto:bambang@unissula.ac.id)

<sup>3)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Indonesia, Email: [jawade@unissula.ac.id](mailto:jawade@unissula.ac.id)

**Abstract.** *This research aims to: (1) To determine and analyze the implementation of registration/certification of customary land in Cirebon Regency. (2) To determine and analyze the role of PPAT in the implementation of registration/certification of customary land. The approach method in this research is sociological juridical. The research specification is analytical descriptive. Data collection tools consist of document or library material studies and interviews. Required data Primary Data and Secondary Data. Primary data was collected through interviews, and (2) secondary data was collected through literature study. Data analysis in this research was carried out qualitatively, that is, the data obtained was compiled systematically and then analyzed qualitatively to explain the problem being studied. 1998, as well as Head of BPN Regulation Number 1 of 2006.*

**Keywords:** Land; PPAT; Registration.

### 1. Introduction

According to Article 1 of the Government Regulation of the Republic of Indonesia Number 24 of 2016 concerning Amendments to Government Regulation number 37 of 1998 concerning Position Regulations for Land Deed Making Officials, what

is meant by Land Deed Making Official, hereinafter referred to as PPAT, is a public official who is given the authority to make deeds. authentic deed regarding certain legal acts regarding land rights.<sup>1</sup>

Making authentic deeds is required by statutory regulations in order to create certainty, order and legal protection. Apart from authentic deeds made by or before the PPAT, not only because it is required by statutory regulations, but also because it is desired by interested parties to ensure the rights and obligations of the parties for certainty, order and legal protection for interested parties as well as for society as a whole.

Land certification can be done individually, collectively, and en masse. Whatever the form of land certification, whether individual, collective or mass, it certainly cannot be separated from PPAT assistance, because the law has regulated it that way. For this reason, in carrying out its duties, PPAT cannot be separated from legal norms.<sup>2</sup>As we already know, UUPA is a legal instrument that regulates the land sector and creates a single national land law, based on customary law as original law that is adapted to the interests of society in a modern country.

Land registration for land owners aims to obtain a certificate of title to their land and obtain strong legal certainty. Because the land sector plays a role, this requires legal status, legal certainty of the land and legal ownership as stated in Article 19 UUPA paragraph 1, namely that: "To ensure legal certainty, the government will carry out land registration throughout the territory of the Republic of Indonesia according to the provisions of provisions regulated by Government Regulations". Due to the special nature of land and the close relationship between humans and land, having rights to land means having priceless wealth. To guarantee legal certainty regarding the rights to this priceless wealth, a person must be able to provide proof that he owns the wealth. Without strong evidence a person can lose their rights, especially if someone else claims that the land is theirs and succeeds in proving the truth of their claim. Apart from providing legal certainty for the status of the land, land registration is also to protect land rights holders, so that their ownership rights are not disturbed by parties with an interest in their land.

---

<sup>1</sup>Government Regulation number 24 of 2016 Article 1 paragraph 1

<sup>2</sup>Ratih Mega Puspa Sari. (2018). "The Role of PPAT in Land Certification as a Result of Sale and Purchase", Vol. 5, no. 1, p. 242, url:<https://media.neliti.com/media/publications/324960-peranan-ppat-dalam-pensertipikatan-tanah-e029b56a.pdf>. Accessed 04 February 2023, at 21.29 WIB

A certificate of land rights as stated in the Basic Agrarian Law No. 5 of 1960 is a strong piece of evidence, meaning that as long as there is no other evidence that states (proves) its untruth, then the information contained in the certificate must be considered true and does not need to be used. additional evidence. As strong evidence, certificates have a very important meaning in protecting the legal certainty of land rights holders. In reality, even though it is regulated in Government Regulation Number 24 of 1997, the practice of registering/certifying land rights in Cirebon Regency encounters several obstacles. Among them, it can be seen that the community still does not comply with the implementation of the registration of the transfer of land rights as determined by statutory regulations.

Considering the importance of a land title certificate for its owner, the role of PPAT here is very important.

## **2. Research Methods**

This research uses a sociological juridical approach. The research specification is analytical descriptive. Data collection tools consist of document or library material studies and interviews. Required data Primary Data and Secondary Data. Primary data was collected through interviews, and secondary data was collected through literature study. Data analysis in this research was carried out qualitatively, that is, the data obtained was compiled systematically and then analyzed qualitatively to explain the problem being studied.

## **3. Results and Discussion**

### **3.1. Implementation of Customary Land Certification in Cirebon Regency**

Certification of customary land in Cirebon Regency is carried out at the request of interested parties, namely parties who have the right to the object of land registration in question or their proxies. In the land certification process, the applicant will be asked to fill out and sign a special form in the form of an attachment to the certificate application while submitting the required documents or completeness as needed and paying a fee as stated in the tariff

list. Everything took place in front of the registration counter at the Cirebon district land office.<sup>3</sup>

Requirements for certification of customary land at the Cirebon district Land Office: a). The application form which has been filled in and signed by the applicant or his/her proxy on sufficient stamp duty; b). Recommendation letter from the village head/district head regarding the land to be registered. c). Create a no-dispute letter from the RT/RW/Lurah; d). Power of attorney if authorized (if the management is authorized to another person, for example PPAT); e). Photocopy of the identity (KTP, KK) of the applicant and proxy if authorized, which has been checked with the original by the counter officer or which has been legalized by an authorized public official (usually a Notary); f). Proof of land ownership / customary ownership rights / customary property, for example girik/petok/rincik/ketitir or other evidence as proof of ownership; g). Statement of physical control of the land plot (Sporadic); h). Certificate of former customary land (Land history); i). Statement letter for installation of boundary signs and approval of the bordering owner; j). Geotagging Photos; k). Photocopy of Tax Return for Land and Building Tax (SPPT PBB) and Temporary Receipt Letter (STTS) for the current year which has been checked with the original by the counter officer and submission of proof of SBB (BPHTB); l). Attach proof of SSP / PPh in accordance with the provisions.<sup>4</sup>

Based on the results of interviews conducted by researchers with Mr. Dani Sukirman, SH as Head of the Rights Determination and Registration Section of the Cirebon Regency Land Office, there are several factors that hinder the implementation of land registration at the Cirebon Regency Land Office in the sporadic land registration process, namely as follows: a ). Government policy factors regarding tax obligations in land registration activities.<sup>5</sup>b). Factors: Lack of understanding of the function and use of certificates.<sup>6</sup>c). Community Perception Factor: Expensive Costs are Required to Carry Out Land Registration.<sup>7</sup>d). The

---

<sup>3</sup>Interview with Ms. Surtiah, Counter Officer on February 17 2023 at the Cirebon Regency Land Office

<sup>4</sup>Regulation of the Head of the National Land Agency of the Republic of Indonesia No.1 of 2010

<sup>5</sup>Interview with Mr. Dani Ramdani Sukirman, SH, as Head of the Rights Determination and Registration Section of the Cirebon Regency Land Office, 28 February 2023

<sup>6</sup>Results of an interview with Maman Sukarman as Head of Danawinangun Village on February 24 2023

<sup>7</sup>Ibid

assumption factor is that it takes a long time to process the certificate.<sup>8e)</sup> The presumption factor of the right to land owned is very strong.<sup>9f)</sup> A negative publication system that contains positive elements.<sup>10</sup>

Overcoming obstacles in the implementation of sporadic land registration for the community regarding the quite large land registration costs, the Government is trying to minimize the amount of obligations that must be paid by only charging the land price for determining the NJOP. Meanwhile, the efforts made by the Land Office are to carry out systematic land registration, which will reduce costs and speed up the process of issuing certificates within the stipulated time. In building high awareness within the community, the government and the land office in particular also carry out outreach to village communities.

### **3.2. The Role of PPAT in Implementing Customary Land Certification in Cirebon Regency**

In carrying out his duties as a Land Deed Official, a PPAT certainly has a big responsibility for implementing land registration at the Land Office. Apart from that, PPAT also has an important role, namely assisting the Head of the Land Office in carrying out activities in land registration as an extended partner of the Land Office. The objectives of holding land registration are:

1. To provide information;
2. To maintain orderly administration;
3. To provide legal certainty and legal protection to rights holders.

Based on the purpose of land registration, it can be seen that in carrying out land registration, PPAT is responsible for the land whose rights have been registered, guaranteed that they are not in a state of dispute, so that the deed made can

---

<sup>8</sup>Interview with Mr. Iwan Darmawan, SH, as Coordinator of the Land and Space Registration Substance Group, Communal Land and Institutional Relations of the Cirebon Regency Land Office, 28 February 2023

<sup>9</sup>Interview with Mr. Sukmadi, at home in Cengkuang Village, Palimanan District, Cirebon Regency, March 1 2023

<sup>10</sup>Samun Ismail, 2013, Land Administration Law, Graha Ilmu, Yogyakarta, Page 122

provide legal certainty and legal protection to the holder of the rights to the land.<sup>11</sup>

This was confirmed by the Head of the Rights Determination and Registration Section of the Cirebon Regency Land Office, Mr. Dani Ramdani Sukirman, SH in an interview on Monday, February 28 2023, who said that: "In implementing land registration, PPAT is responsible for fulfilling the applicant's authority in the deed and there is the validity of the PPAT actions as well as the data and information submitted to the applicants. PPAT also has responsibility for the documents it creates that have proof and fulfill guarantees of certainty." It can be said that PPAT is also responsible for the completeness and validity of information regarding land parcels whose rights have been registered, for example land whose physical data is incomplete or is still in dispute status."<sup>12</sup>

As explained by PPAT, Mr. Tavip Sujanjar, SH, Sp.N, that: "Land registration activities are only additional duties of a PPAT, to register the deed may be carried out by the parties concerned after obtaining the deed, but in our office we do not carry out this "This is to protect the parties, so that the certificate should not be transacted twice without being registered by the Land Office."<sup>13</sup>

PPAT is also responsible for protecting rights holders regarding the deeds they have made. In the land registration process carried out by PPAT as an official who has the authority to issue deeds which are the legal basis for carrying out land registration as confirmed in the Regulation of the Head of the National Land Agency Number 1 of 2006, in Article 2.

With regard to the role of PPAT in implementing customary land certification, according to Dr. Solichin, SH, M.Kn, that: "PPAT plays a very important role in providing legal certainty regarding the land certification process. For example, if there is a transfer of rights to customary land (letter C/D), whether a sale and purchase or a gift, then a deed of sale and purchase/grant must be made on the land. This is in accordance with Government Regulation number 24 of 1997."<sup>14</sup>

---

<sup>11</sup>Dewi Rasda. (2021). Responsibilities of Land Deed Officials (PPAT) in registering the transfer of ownership rights to land at the ATRR/BPN office in Pare Pare City. Thesis Not Published. Pare Pare: Faculty of Law, Andi Sapada Institute of Social Sciences and Business.

<sup>12</sup>Interview with Mr. Dani Ramdani Sukirman, SH, as Head of the Rights Determination and Registration Section of the Cirebon Regency Land Office, 28 February 2023

<sup>13</sup>Interview on February 24 2023 at Taman Tukmudal Indah Housing Complex, Sumber

<sup>14</sup>Interview on February 20 2023 on Jl. Raya Oto Iskandardinata, Tengah Tani

Based on the research results, the author obtained data that from the authority of the PPAT as an official who has the authority to carry out legal actions, it is known that the PPAT in carrying out land registration at the Cirebon Regency Land Office is responsible for the legality of the deeds it makes, in the sense that the PPAT is morally responsible and juridical if the parties' documents are correct but if the procedures for issuing the deed are wrong, then PPAT is legally responsible.

The form of PPAT responsibility adheres to the principle based on fault of liability. So, in making an authentic deed, PPAT must be responsible if there is an error in the deed he has made. However, if there is an element of error on the part of the parties, then the PPAT cannot be held responsible because the PPAT only records what the parties convey to be included in the deed. If there is false information submitted by the parties, this is the responsibility of the parties.

Here the PPAT only consolidates what happened, and what was seen, as well as what was conveyed by the parties, which is then included in the deed. So if a mistake occurs by PPAT, whether intentional or not, in abusing the authority of Government Regulation Number 37 of 1998, it will result in losses. If the error can be proven by the parties who feel disadvantaged, then PPAT can then be subject to sanctions as regulated by law. Therefore, the PPAT must be careful in carrying out the process which must be carried out properly according to the formal and material provisions in making the deed.

From the *bestuurs bevoegdheid* perspective, it is clear that there is a source of authority that is obtained by delegation, meaning that responsibility and accountability also lie with the recipient of the delegation. As per the results of the PPAT interview, Rizal Yanuar, SH, M.Kn, stated that: "PPAT is the element that has administrative responsibility if there is a maladministration in making an authentic deed, for example. "There are administrative sanctions which are the consequences that PPAT must accept if administrative malfeasance occurs, this has an impact on the deed being legally flawed."<sup>15</sup>

According to the Head of the Rights Determination and Registration Section of the Cirebon Regency Land Office, Dani Ramdani Sukirman, SH, that: "The PPAT's form of responsibility when related to his profession adheres to the principle of

---

<sup>15</sup>Interview on February 22 2023 at Jalan Fatahillah Griya Damai Kusuma I Housing Block B Number 10-11, Weru

responsibility for mistakes, so that in making an authentic deed, for example, he is responsible if there is an error whether it is which is a violation of the deed he made. However, if errors or violations are committed by the parties, then PPAT cannot be held responsible."<sup>16</sup>

There should be a division of functions and responsibilities between PPATs and the PPAT registration officer is responsible and functions:

1. PPAT makes deeds that can be used as a strong basis for implementing rights registration and is responsible for documents used as a basis for carrying out actions
2. PPAT is responsible for ensuring that the elements of skill and authority of the applicant are fulfilled in the deed and the validity of the deed of rights according to the data and information submitted by the applicant
3. PPAT is also always responsible for the validity of a legal action that is in accordance with the applicant's data and information as well as guaranteeing the authenticity of deed data and is responsible that its actions are in accordance with procedures.

In land registration, PPAT is responsible for fulfilling the requirements regarding completeness for land registration that has been carried out. Serious violations may be subject to dishonorable dismissal from office by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency.

Further regarding the responsibilities of PPAT in carrying out its duties, as stated in Government Regulation Number 24 of 1997, in Article 62. In the event of this violation, PPAT is responsible for the mistake of ignoring the provisions as described above.<sup>17</sup>Administrative responsibility can take the form of a written warning or even dismissal as PPAT, as confirmed in Government Regulation Number 24 of 1997 Article 62 which is in line with the provisions in Government Regulation Number 24 of 2016 Article 10, Concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations Position of Land Deed Official and Article 6 paragraph (1) of the Code of Ethics for the Association of Land Deed Officials (IPPAT).

---

<sup>16</sup>Interview with Mr. Dani Ramdani Sukirman, SH, as Head of the Rights Determination and Registration Section of the Cirebon Regency Land Office, 28 February 2023

<sup>17</sup>Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 10 of 1961 concerning Land Registration Activities



Administrative responsibility in the form of fines, which is related to tax authority, which is none other than additional authority of PPAT mandated by tax law. From the several responsibilities of PPAT that have been described above, according to the author's analysis, PPAT's responsibility lies only in the authentic deed that is made. PPAT has responsibility for land registration which is carried out on the basis of the deed it makes.

In general, PPAT's responsibilities can be said to be aimed at providing legal protection for parties who carry out legal actions before PPAT. If the PPAT commits an unlawful act in carrying out his official duties, causing losses to parties who request his services.

Apart from that, PPAT is also responsible for guaranteeing legal certainty for the legal actions it carries out, namely the transfer of rights to customary land (letter C/D), both sales and purchases and grants at the Cirebon Regency Land Office.

PPAT continues to adhere to its main duties and authority as regulated in Article 2 of the Regulation of the Head of the National Land Agency Number 1 of 2006, that: PPAT has the main task of carrying out some of the land registration activities by making deeds as proof that certain legal acts regarding land rights or rights have been implemented. Ownership of the Flat Unit which will be used as the basis for registration of changes to land registration data resulting from the legal action. As stated in Article 1 of the Regulation of the Head of the National Land Agency Number 1 of 2006, that PPAT is a public official who is given the authority to make authentic deeds regarding certain legal acts regarding land rights.<sup>18</sup> Meanwhile, Effendi Wargan-angin stated that PPAT is an official who has the authority to make deeds rather than agreements that intend to transfer land rights, grant new rights to land, mortgage land or lend money with land rights as collateral.<sup>19</sup>

Judging from the basic meaning and duties, as well as the authority of the PPAT, in the Certification of Traditionally Owned Land, the Cirebon Regency PPAT has carried out its obligations in accordance with its role. PPAT plays a very important role in providing certainty and providing legal protection for interested parties. Because, law in social life requires evidence that clearly

---

<sup>18</sup>Provisions for Implementing Government Regulations concerning Position Regulations for Land Deed Officials: Regulation of the Head of BPN No. 1 of 2006. Opcit, p. 9

<sup>19</sup>Effendi Wargan-angin, Agrarian Law in Indonesia, Opcit, p. 3

determines a person's rights and obligations as a legal subject in society. In this case, the evidence in question is a certificate. Certificates as the strongest evidence have an important role in every legal relationship in people's lives, which in this case is land ownership rights.

As is known, the main duties and authority of PPAT as regulated in Article 2 of the Regulation of the Head of the National Land Agency Number 1 of 2006, states that:

1. PPAT's main task is to carry out some of the land registration activities by making deeds as proof that certain legal acts have been carried out regarding land rights or ownership rights to apartment units which will be used as the basis for registering changes to land registration data resulting from these legal acts.
2. The legal acts as intended in paragraph (1) are as follows: buying and selling; exchange; grant; income into certain companies; sharing of joint rights; granting Building Use Rights/Use Rights over Freehold Land; granting Mortgage Rights; granting power of attorney to provide mortgage rights.<sup>20</sup>

According to the statement mentioned in the article above, the main task of PPAT is to carry out some of the land registration activities by making deeds as proof that certain legal acts have been carried out regarding Land Rights or Ownership Rights over Flat Units which will be used as the basis for registration regarding changes to registration data. land which includes: buying and selling, exchange, grants, entry into certain companies, distribution of joint rights, granting Building Use Rights/Use Rights over Freehold Land, granting Mortgage Rights, and granting Power of Attorney to grant Mortgage Rights.

An authentic deed essentially contains formal truth in accordance with what the parties have notified to the PPAT. However, PPAT has an obligation to ensure that what is contained in the PPAT deed is truly understood and in accordance with the wishes of the parties, namely by reading it so that the contents of the PPAT deed become clear, as well as providing access to information, including access to applicable laws and regulations. related to the parties signing the deed. Thus, the parties can decide freely to agree or disagree with the contents of the PPAT deed they will sign.

---

<sup>20</sup>Provisions for Implementing Government Regulations concerning Position Regulations for Land Deed Officials: Regulation of the Head of BPN No. 1 of 2006. Opcit, pp. 4-5

PPAT is a public official, so the deed he makes is given the status of an authentic deed. PPAT can carry out the task of making land deeds both inside and outside its office. This is regulated in Article 52 of the Regulation of the Head of the National Land Agency Number 1 of 2006, that:

1. PPAT carries out the task of making PPAT deeds in its office in the presence of the parties to the legal action concerned or their proxies in accordance with statutory regulations.
2. PPAT can make a deed outside its office only if one of the parties to the legal action or their attorney cannot come to the PPAT office for valid reasons, provided that when making the deed the parties must be present before PPAT at the place of making.
3. agreed deed.<sup>21</sup>

#### **4. Conclusion**

The implementation of Land Registration in Cirebon Regency is carried out in accordance with Government Regulation Number 24 of 1997 concerning Land Registration which basically includes land registration organizers, land registration objects, land registration administrative area units, implementation of land registration for the first time, collection and processing of physical data , proving rights and recording them, issuing certificates, presenting physical and juridical data, and maintaining general lists and documents. The obstacles that occur in the implementation of land registration at the Cirebon Regency Land Office are limited staff to process and execute land registration files, There is a lack of socialization or counseling given to the community regarding the registration of land certificates so that many people or applicants still do not understand the registration system implemented by the Cirebon Regency Land Office, there are disputes about land boundaries with the land of people who border it and the economic condition of the community is still low so that the community feel reluctant to certify their land because of the registration fees which they think are relatively expensive and take a long time. The role of PPAT in the implementation of the Certification of Customary Land. With regard to the role that is part of the PPAT's duties in the implementation of the Certification of Customary Land, PPAT Cirebon Regency plays a very important role in providing

---

<sup>21</sup>Provisions for Implementing Government Regulations concerning Position Regulations for Land Deed Officials: Regulation of the Head of BPN No. 1 of 2006. Opcit, p. 33

juridical data regarding changes in land registration implementation data. In carrying out its duties, PPAT Cirebon Regency continues to adhere strictly to Government Regulation Number 24 of 1997, especially Articles 6 and 42, Government Regulation No. 37 of 1998, as well as Regulation of the Head of the National Land Agency Number 1 of 2006, especially Article 2.

## 5. Conclusion

Dewi Rasda.(2021). *Tanggung Jawab Pejabat Pembuat Akta Tanah (PPAT) Dalam Pendaftaran Peralihan Hak Milik Atas Tanah Di Kantor ATRR/BPN Kota Pare Pare*. Skripsi Tidak Diterbitkan. Pare Pare:Fakultas Hukum Institut Ilmu Sosial dan Bisnis Andi Sapada.

Effendi Perangin-angin, 1994, *Hukum Agraria di Indonesia*, Raja Grafindo Persada, Jakarta

Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 10 of 1961 concerning Land Registration Activities

Government Regulation number 24 of 2016 Article 1 paragraph 1

Interview with Dani Ramdani Sukirman, SH, as Head of the Rights Determination and Registration Section of the Cirebon Regency Land Office, 28 February 2023

Interview with Dr. Solichin, SH, M.Kn on February 20 2023 on Jl. Raya Oto Iskandardinata, Tengah Tani

Interview with Iwan Darmawan, SH, as Coordinator of the Land and Space Registration Substance Group, Communal Land and Institutional Relations of the Cirebon Regency Land Office, 28 February 2023

Interview with Maman Sukarman as Head of Danawinangun Village on February 24 2023

Interview with Rizal Yanuar, SH, M.Kn on February 22 2023 at Jalan Fatahillah, Griya Damai Kusuma I Housing Block B Number 10-11, Weru

Interview with Sukmadi, at home in Cengkuang Village, Palimanan District, Cirebon Regency, March 1 2023

Interview with Surtiah Counter Officer on February 17 2023 at the Cirebon Regency Land Office

Interview with Tavip Suganjar, SH, Sp.N on February 24 2023 at Taman Tukmudal Indah Housing, Sumber

Provisions for Implementing Government Regulations concerning Position Regulations for Land Deed Officials: Regulation of the Head of BPN No. 1 of 2006.

Ratih Mega Puspa Sari. (2018). "Peranan PPAT Dalam Pensertipikatan Tanah Akibat Jual Beli", Vol. 5, No. 1, p. 242, url: <https://media.neliti.com/media/publications/324960-peranan-ppat-dalam-pensertipikatan-tanah-e029b56a.pdf>. accessed on 04 February 2023, at 21.29 WIB

Regulation of the Head of the National Land Agency of the Republic of Indonesia No.1 of 2010

Samun Ismail, 2013, *Hukum Administrasi Pertanahan*, Graha Ilmu, Yogyakarta,