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Role of Land Deed Officials (PPAT) in Protecting the Rights of Parties in the Creation of Deeds of Sale and Purchase of Land Rights

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The aim of this study is to examine the role of land deed officials in sales and purchase transactions and the process of transferring ownership certificates, as well as to identify the obstacles encountered in practice.

This study uses a socio-legal approach with a qualitative descriptive method, combining positive law analysis and interviews with land deed officials. The study also highlights the authority and responsibilities of land deed officials, including their obligations before and after the deed is drawn up, as well as the professional ethics regulated by the professional organization Association of Land Deed Officials (PPAT).

The novelty of this research lies in its emphasis on the practical challenges faced by land deed officials in ensuring legal certainty in the sale and purchase of land and/or building rights, which has not been widely discussed in previous literature, especially regarding the mismatch between existing legal procedures and technical and administrative obstacles encountered in the field.

The results of the study indicate that land deed officials play a very important role in ensuring the smooth sale and transfer of certificates through several stages, such as providing information, checking the completeness of documents, verifying the validity of certificates, and registering with the National Land Agency (BPN). However, the obstacles often encountered are the many requirements that must be met, high costs, lengthy processes, and inadequate facilities and technology. Solutions to overcome these problems include providing guidance to the public, collaborating with professional organizations to review tax costs, and improving facilities and technology that support the process of deed and certificate transfer.

In concluded despite various challenges, the role of land deed officials remains crucial in maintaining legal certainty in the sale and purchase of land and/or building rights, with relevant solutions to simplify the process for the public.

Keywords: PPAT ; Land and Building Transactions; Certificate Transfer; Authentic Deed; Legal Authority

Abstrak

Tujuan penelitian ini adalah untuk mengkaji peran pejabat pembuat akta tanah dalam transaksi jual beli dan proses balik nama sertifikat, serta mengidentifikasi kendala yang dihadapi dalam praktiknya.

Metode penelitian ini menggunakan pendekatan yuridis-sosiologis dengan metode

deskriptif kualitatif, menggabungkan kajian hukum positif dan wawancara dengan pejabat pembuat akta tanah. Penelitian ini juga menyoroti aspek kewenangan dan tanggung jawab pejabat pembuat akta tanah, termasuk kewajiban mereka sebelum dan sesudah pembuatan akta, serta etika profesi yang diatur oleh organisasi profesi Ikatan Pejabat Pembuat Akta Tanah (PPAT).

Kebaruan dari penelitian ini adalah penekanan pada tantangan praktis yang dihadapi oleh pejabat pembuat akta tanah dalam memastikan kepastian hukum dalam transaksi jual beli hak atas tanah dan/bangunan, yang belum banyak dibahas dalam literatur sebelumnya, terutama terkait dengan ketidakcocokan antara prosedur hukum yang ada dan kendala teknis serta administrasi yang dihadapi di lapangan.

Hasil penelitian menunjukkan bahwa pejabat pembuat akta tanah memiliki peran yang sangat penting dalam memastikan kelancaran transaksi jual beli dan balik nama sertifikat melalui beberapa tahap, seperti pemberian informasi, pemeriksaan kelengkapan dokumen, pengecekan keabsahan sertifikat, dan pendaftaran ke BPN. Namun, kendala yang sering ditemui adalah banyaknya persyaratan yang harus dipenuhi, tingginya biaya, waktu yang lama dalam proses, serta fasilitas dan teknologi yang kurang memadai. Solusi yang dapat dilakukan untuk mengatasi masalah ini adalah dengan memberikan bimbingan kepada masyarakat, kolaborasi dengan organisasi profesi untuk meninjau kembali biaya pajak, serta peningkatan fasilitas dan teknologi yang mendukung proses pembuatan akta dan balik nama sertifikat.

Kesimpulannya, meskipun terdapat berbagai tantangan, peran pejabat pembuat akta tanah tetap krusial dalam menjaga kepastian hukum dalam transaksi jual beli hak atas tanah dan/bangunan, dengan solusi yang relevan untuk mempermudah proses bagi masyarakat.

Kata Kunci: PPAT; Transaksi Jual Beli; Balik Nama Sertifikat; Akta Autentik; Kewenangan Hukum

1. INTRODUCTION

The Land Deed Officer, hereinafter referred to as PPAT, as regulated in Government Regulation No. 37 of 1998 concerning the Regulations on the Position of Land Deed Officers, is a public official authorized to issue authentic deeds regarding certain legal acts concerning rights over land or ownership rights over units of a residential building. The primary duties and authority of the Land Title Deed Officer are to carry out part of the land registration process by issuing deeds as evidence of the completion of certain legal acts concerning land rights or ownership rights over units in a residential building, which will serve as the basis for registering changes to land registration data resulting from such legal acts. The legal acts within the authority of the Land Deed Officer include the issuance of deeds of sale and purchase, exchange, gift, contribution to a company (inbreng), division of joint rights, grant of building rights/right of use over land owned by the owner, grant of mortgage rights, and grant of authority to encumber mortgage rights.

In practice, Land Deed Officials not only play a role in the preparation of deeds of transfer of land rights, but also in providing legal advice and certifying signatures.¹ As

¹ Kholidah, *Notaris Dan PEJABAT PEMBUAT AKTA TANAH Di Indonesia Aplikasi Teori Dan Praktik Dalam*

officials appointed by the government, Land Deed Officials play an important role in maintaining legal certainty, especially regarding land rights that are to be transacted. Land Deed Officials also have an obligation to comply with the laws and regulations governing their profession and the applicable code of ethics. Philosophically, in accordance with Article 27(1) of the 1945 Constitution of the Republic of Indonesia, every individual has the right to recognition, protection, and legal certainty that is fair and equal before the law.² In addition, Article 28H paragraph (1) affirms the right of every person to live in physical and spiritual prosperity, to have a decent place to live, and to enjoy a healthy environment, while paragraph (2) grants the right to special treatment to achieve equality and justice. Paragraph (4) also states that every person has the right to own private property that cannot be arbitrarily taken away. From a legal perspective, the position of the Land Title Officer in the transfer of land rights is also clarified in Article 37 of Government Regulation No. 24 of 1997 on Land Registration, which stipulates that the transfer of land rights and ownership of residential units through sale, exchange, gift, contribution to a company, and other legal acts of transfer of rights, except for the transfer of rights through auction, may only be registered if proven by a deed drawn up by the authorized Land Title Officer in accordance with the provisions of applicable laws and regulations.

The deed drawn up by the Land Deed Official is also categorized as an authentic deed as stipulated in Article 1868 of the Civil Code, which explains that an authentic deed is a deed drawn up in accordance with the provisions of law before a public official who is authorized in the place where the deed is drawn up. Although Article 1868 provides a definition of authentic deeds, it does not specify in detail who is meant by "public official," where such officials are authorized, or the scope of their authority.³ Therefore, additional regulations are needed to further regulate this matter. To strengthen the provisions contained in Article 1868 of the Civil Code, as also regulated in Government Regulation No. 37 of 1998 concerning Regulations on the Position of Land Deed Officials as one of the legal instruments governing the role and authority of Land Deed Officials.

Several recent studies have examined the role of land deed officials in the sale and purchase of land and/or building rights. For example, research by Baharudin highlights the responsibilities of land deed officials in the registration of land ownership transfers, emphasizing the importance of deeds made by land deed officials as evidence and the basis for registering changes in land data. Additionally, research by Rafiq Utama discusses the authority of land title officials in the issuance of land title deeds through sale and purchase

Pembuatan Akta, Semesta Aksara, vol. 11 (Yogyakarta: Semesta Aksara, 2019), http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI.

² Nuriyanto, "Urgensi Reforma Agraria; Menuju Penataan Penggunaan Tanah Yang Berkeadilan Sosial," *Jurnal Rontal Keilmuan Pancasila* 6, no. 1 (2020): 29–45, <https://doi.org/https://doi.org/10.29100/jr.v6i1.1551>.

³ Kadek Setiadewi and I Made Hendra Wijaya, "Legalitas Akta Notaris Berbasis Cyber Notary Sebagai Akta Otentik," *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (2020): 126, <https://doi.org/10.23887/jkh.v6i1.23446>.

transactions, as well as the function of such deeds as evidence and the basis for registration at the National Land Agency Office.⁴ Another study by Nugraha analyzed the authority of land deed officials in making authentic deeds related to the transfer of land rights, as well as the administrative and legal responsibilities attached to land deed officials.⁵

These studies highlight the important role of land deed officials in ensuring the legality and legal certainty of transactions involving the sale and purchase of land and/or buildings.⁶ However, there are still gaps in understanding the limits of the authority of land deed officials, as well as challenges faced in practice. Therefore, this study aims to fill this gap by providing a deeper understanding of the role and responsibilities of land deed officials in the sale and purchase of land and/or building rights, as well as their contribution to legal certainty and the protection of the rights of the parties involved.⁷

Given the important role played by land deed officials in maintaining legal certainty and justice, this study aims to explore in greater depth the authority of land deed officials in the preparation of authentic deeds, as well as how the role of land deed officials in the process of buying and selling land and/or building rights can provide fair legal protection for all parties involved. The focus of this study will include a discussion of the role of land deed officials in the transfer of land rights, including the legal aspects related to the issuance of authentic deeds in such transactions.

2. METHOD

This study uses a legal-sociological approach, which combines an examination of positive law applicable in Indonesia and the opinions of legal experts. This approach is expected to produce more concrete and accountable results. The research specification is qualitative descriptive, in which the researcher attempts to describe in depth the social conditions observed in the field, both natural and man-made. The researcher uses primary data obtained through direct interviews with Land Deed Officials and field surveys. Additionally, secondary data is obtained from various legal sources, such as the Civil Code and regulations related to the position of Land Deed Officials. Data collection methods include interviews and literature review, with the aim of exploring information relevant to this study.⁸

3. DISCUSSION

⁴ Muhammad Rafiq Utama, "Kewenangan Pejabat Pembuat Akta Tanah Dalam Pembuatan Akta Peralihan Hak Atas Tanah Melalui Jual Beli," *Grondwet* 3, no. 2 (2024): 72–83, <https://doi.org/10.61863/gr.v3i2.43>.

⁵ Aditya Nugraha, "TANGGUNGJAWAB DAN WEWENANG PEJABAT AKTA JUAL BELI TANAH DI KOTA SEMARANG," *Prosiding Konstelasi Ilmiah Mahasiswa Unissula (KIMU) Klaster Hukum*, 2019, 721–38.

⁶ Anggita Yuniarsih Setiarto and Aisyah Ayu Musyafah, "Tinjauan Yuridis Pembuatan Perjanjian Akta Jual Beli Tanah Waris Yang Tidak Dibagi (Studi Kasus Di Kantor PPAT Brebes)," *JIIIP - Jurnal Ilmiah Ilmu Pendidikan* 6, no. 8 (2023): 6234–43, <https://doi.org/10.54371/jiip.v6i8.2289>.

⁷ "Peran Penting Notaris Dalam Transaksi Properti," n.d., <https://notarismuda.com/category/property/>.

⁸ Muhaimin, *Metode Penelitian Hukum*. (Mataram: Mataram University Press, 2020).

3.1. The role of land deed officials in sales and purchase transactions and the process of transferring certificate ownership

Land deed officials, as public officials authorized by law to issue deeds, have very important roles and responsibilities. Land deed officials are required to carry out their duties professionally, which means being responsible to themselves and to the community.⁹ Responsibility for oneself includes moral, intellectual, and professional integrity in work, as well as serving with a focus on the noble values of the profession and moral obligations.¹⁰ Meanwhile, responsibility to the community means providing the best service without distinguishing between paid and unpaid services, as well as producing services that have a positive impact on the community. The services provided by land deed officials should be more oriented towards serving others, not just seeking personal gain. In addition, land deed officials are also responsible for all risks arising from the services provided. The duties of a land deed official are not only based on ethics but also on the moral principles underlying every action taken in the performance of their profession. Therefore, a land deed official with specialized expertise in the preparation of deeds is entrusted by the government to serve the interests of the community, prioritizing public service over personal interests.

In general, land deed officials play an important role in sales and transfer of ownership transactions, which includes providing information, checking the completeness of documents, verifying the validity of certificates, preparing sales deeds, and registering them with the National Land Agency.¹¹ The challenges faced in this process are certainly not few, one of which is the numerous requirements that must be met, the high cost of sales tax, and the time required to complete the certificate transfer process. Moreover, with the rapid advancement of technology, the agencies involved in the land rights transfer process have also become integrated and transitioned from manual/analog systems to electronic systems, with the aim of ensuring the validity of documents submitted by the parties involved. Additionally, the regulation issued by the Head of the National Land Agency (BPN) No. 1 of 2021 on Electronic Certificates further strengthens the government's commitment to transition from manual systems to electronic systems.

Legally, the responsibility of officials who issue land deeds is not limited to the issuance of deeds, but also includes obligations stipulated in the applicable laws and regulations.¹² This responsibility involves the performance of duties before and after the creation of deeds, as stipulated in Government Regulation No. 37 of 1998 concerning the Position of Land Deed Officials and PMNA/Ka-BPN No. 4 of 1999 concerning the

⁹ Tamrin Muchsin et al., "Pejabat Pembuat Akta Tanah Dalam Hal Pendaftaran Tanah: Sebuah Tinjauan Kewenangan Dan Akibat Hukum," *Madani Legal Review* 4, no. 1 (2020): 63–80.

¹⁰ Hidaya, Wahab Aznul, et al. *Pengantar Hukum Indonesia*. CV Rey Media Grafika, 2025.

¹¹ Rika Maryani and Rezi Rezi, "Konflik Pewarisan: Perspektif Hukum Waris Adat Dan Kedudukan Anak," *Justisia: Jurnal Ilmu Hukum* 1, no. 1 (2023): 12–16, <https://doi.org/10.56457/jjih.v1i1.39>.

¹² Resa Eka Nur Fitriasari, "Peran Jabatan Notaris Dalam Penyimpanan Protokol Notaris Yang Disimpan Dalam Bentuk Elektronik Arsip," *Jurnal Hukum Dan Kenotariatan* 6, no. 2 (2022): 1052–71, <https://doi.org/10.33474/hukeno.v6i2.17797>.

Implementation of Government Regulations. These regulations provide guidelines for land deed officers in performing their duties, ensuring they act lawfully and in accordance with applicable legal provisions.

In addition, a professional code of ethics is also an important part of the responsibilities of Land Deed Officials. This code of ethics is regulated by the Association of Land Deed Officials (PPAT), which is tasked with regulating and supervising the duties of land deed officials both inside and outside their positions. This code of ethics aims to ensure that land deed officials perform their duties with high integrity, maintain the credibility of the profession, and protect the interests of the community. This code of ethics serves as an additional guideline that provides more in-depth direction, particularly in matters not covered by laws and regulations.¹³

The role of land deed officials in sales and purchase transactions and the process of transferring certificate ownership is crucial and involves several important stages. One of the main duties of land deed officials is to provide information and education to the public regarding the sale and purchase of land and/or building rights and the procedures for transferring certificate ownership. Based on research findings, many members of the public still lack an understanding of the proper procedures for drafting sales deeds and the process of transferring property ownership certificates. This lack of knowledge often leads to difficulties for the public, who perceive the procedures as overly complex, ultimately discouraging them from continuing with the process.

The responsibility of land deed officials to educate the public is very important, because mistakes or ignorance in conducting sales or transfer of ownership transactions can result in serious legal problems in the future.¹⁴ Therefore, in addition to checking the completeness of documents, verifying the validity of certificates at the local Land Office, and registering deeds, land deed officials are also tasked with reducing uncertainty and confusion among the public. Through this process, land deed officers not only fulfill their legal obligations but also play a role in enhancing the public's understanding of land law and transactions related to rights over land and/or buildings. Thus, the education and information provided by land deed officers are an integral part of their duties, which must be carried out with full responsibility and dedication.

The reluctance of the public to immediately register a change of name when conducting transactions involving the sale and purchase of land and/or building rights can

¹³ Anita Afriana, "Kedudukan Dan Tanggung Jawab Notaris Sebagai Pihak Dalam Penyelesaian Sengketa Perdata Di Indonesia Terkait Akta Yang Dibuatnya Position and Responsibility of Notary As a Party To the Resolution of Civil Disputes in Indonesia Relating To the Deed," *Poros Hukum Padjadjaran* 1, no. 2 (2020): 246–61, <https://doi.org/10.23920/jphp>.

¹⁴ Ida Ayu Dinda Maharani, I Nyoman Alit Puspadma, and Ni Gusti Ketut Sri Astiti, "Keabsahan Jual Beli Hak Atas Tanah Yang Dilakukan Tanpa Akta PPAT Ditinjau Dari Perspektif Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah," *Jurnal Konstruksi Hukum* 4, no. 3 (2023): 261–67, <https://doi.org/10.22225/jkh.4.3.8036.261-267>.

cause many losses for the parties concerned in the future, especially for buyers.¹⁵ It is common practice, especially in rural areas, to conduct land sales transactions informally by issuing a receipt for the money received and handing over the original certificate to the buyer.¹⁶ This situation, which is often overlooked by the parties involved, will significantly hinder the buyer's ability to fully exercise their rights as the owner of the land and/or building. Despite the buyer having physical control over the certificate and the land and/or building, the name listed on the certificate remains registered in the seller's name. Although the buyer can enjoy control over the land/building, they will face obstacles when attempting to resell the land and/or building to another party or when using the land and/or building as collateral/security at a bank. Formally, the State still recognizes the owner of the land and/or building as the person whose name is listed in the land title deed, even though a material transfer has occurred between the parties. If the buyer wishes to transfer the land title deed in the future, the local land registration officer will require the buyer to bring the seller back to sign the Sales and Purchase Agreement as the basis for registering the transfer of land rights (name change), even if the buyer already possesses the seller's documents.

A common issue that arises in practice is that the buyer often no longer knows the whereabouts of the seller, or the seller may have passed away. This, of course, makes it difficult for the buyer to register the transfer of ownership, as if the buyer does not know the whereabouts of the seller, the transfer of ownership (name change) through the land deed official is no longer possible. The only option available is to pursue litigation or file a lawsuit in court. If the seller is known to have passed away, the buyer may seek assistance from the seller's heirs to complete the necessary inheritance documents (heirship), which will then be followed by the signing of the Sales and Purchase Agreement for the name change process in the buyer's name. Such a process inevitably involves significant costs and a considerable amount of time. This is especially true when considering the requirements for the court proceedings and inheritance process, as well as the costs incurred throughout these processes.¹⁷ In addition, buyers often do not take into account the amount of costs required for the transfer of ownership when conducting transactions with sellers, so it is not uncommon for sellers to refuse to bear the costs that are the responsibility of each party in the sale and purchase transaction after the transaction has been completed.

The documents that must be completed by the seller are the original certificate, photocopies of the husband and wife's ID cards (if married), a letter of consent from the

¹⁵ Aulia Gumilang Rosadi, "Tanggung Jawab Notaris Dalam Sengketa Para Pihak Terkait Akta Perjanjian Pengikatan Jual Beli (Pjbj) Yang Dibuatnya," *JCH (Jurnal Cendekia Hukum)* 5, no. 2 (2020): 243, <https://doi.org/10.33760/jch.v5i2.228>.

¹⁶ K Hendra Mahesa, Muhamad Jodi Setianto, and Komang Febrinayanti Dantes, "Perlindungan Hukum Dalam Jual Beli Tanah Di Bawah Tangan Berdasarkan Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria," *Jurnal Ilmu Hukum* 3 (2023): 115–24.

¹⁷ Dwina Natania, Lastuti Abubakar, and Nanda A. Lubis, "Penyampaian Akta Pemberian Hak Tanggungan Oleh Pejabat Pembuat Akta Tanah Setelah Diberlakukannya Peraturan Menteri Atr/Kbpu Nomor 5 Tahun 2020 Tentang Pelayanan Hak Tanggungan Terintegrasi Secara Elektronik," *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan* 3, no. 2 (2020): 273–91, <http://jurnal.fh.unpad.ac.id/index.php/acta/article/view/227>.

husband/wife (if unable to attend the signing of the deed of sale), photocopies of the marriage certificate, family card (KK), a receipt for the payment of Land and Building Tax (STTS-PBB) for the current year and proof of payment, a copy of the Taxpayer Identification Number (NPWP), and proof of payment or a Tax Payment Slip (SSP-PPh) for the transfer of rights to the land. Original certificates and STTS-PBB are required to verify the technical and legal consistency between the certificate and the physical condition of the land and buildings. The requirements that must be fulfilled by the Buyer are a copy of the Resident Identity Card (KTP), Family Card (KK), and a copy of the Taxpayer Identification Number (NPWP).¹⁸

Based on Article 39 of Government Regulation No. 24 of 1997, it is stipulated that the official who draws up the land deed may also refuse to draw up the deed in the event of several causes, including:¹⁹ (1) regarding registered land or ownership rights to a unit in a multi-unit residential building, the original certificate has not been submitted or the certificate submitted does not match the records at the Land Office; (2) one or more of the parties to the legal transaction or one of the witnesses is not entitled or does not meet the requirements to act in this manner; (3) one or more parties are acting based on a power of attorney that essentially contains a legal act of transfer of rights; (4) for legal acts to be performed, permission has not been obtained from the competent official or agency, if such permission is required under applicable laws and regulations; (5) the subject matter of the legal act is currently the subject of a dispute regarding physical and/or legal data; or (6) other requirements are not met or prohibitions specified in the applicable laws and regulations are violated.

Verification of the authority to act in land sales by land deed officials is also inseparable from knowledge of marital property.²⁰ Land title officials are required to verify the history of land ownership rights that are to be transacted, as this is closely related to the parties who are entitled and authorized to act on the transfer of the land in question. Therefore, if the land in question was acquired by the seller while married, the land constitutes joint marital property, even if the certificate only lists the name of one of the spouses (husband or wife). If the subject of the land to be transacted is the joint property of the seller, the consent of the spouse (husband/wife) is a mandatory requirement. However, even if the seller is married, but the history of the certificate acquisition shows that the land was acquired before the marriage, the land can be categorized as the seller's personal

¹⁸ Reza Sri Maulani, Ismansyah, and Syofiarti, "Perlindungan Hukum Pejabat Pembuat Akta Tanah (PPAT) Terhadap Tindakan Pemalsuan Data Pada Akta Jual Beli Oleh Penghadap," *Unes Law Review* 6, no. 1 (2023): 306–15.

¹⁹ Pemerintah Pusat Indonesia, "Peraturan Pemerintah (PP) Nomor 24 Tahun 2016 Tentang Perubahan Atas Peraturan Pemerintah Nomor 37 Tahun 1998 Tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah," *Pemerintah Pusat Indonesia*, 2016.

²⁰ Setiarto and Musyafah, "Tinjauan Yuridis Pembuatan Perjanjian Akta Jual Beli Tanah Waris Yang Tidak Dibagi (Studi Kasus Di Kantor PPAT Brebes)."

property, and therefore, the consent of the spouse (husband/wife) is not required.²¹ If the spouse of the owner/seller whose name is listed on the certificate has passed away, then the consent of the spouse is no longer required and is replaced by the consent of their children (if the seller has children with their spouse). All of these documents are required to ensure that the sale and purchase of land and/or building rights is carried out in accordance with the appropriate procedures and is legally valid.

After all the required documents have been fulfilled, the next task of the land deed official is to verify the validity of the certificate at the Land Office. Before conducting a land sale and purchase transaction, the land deed official is required to provide Land Information Services in the form of a Land Rights Certificate verification before drawing up a deed of legal action regarding Land Rights/Ownership Rights to a Unit of a Multi-Unit Residential Building, as stipulated in Article 4 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2017 concerning Electronic Land Information Services.²² Electronic verification is carried out at the respective offices of the land deed officials and there is no need to visit the Land Office. Land deed officials only need to input the document requirements for the verification process.²³

The land information service in the form of verification is intended to check the validity or conformity of physical and/or legal data on certificates submitted by the parties to the land deed official with the data in the Land Registry Book kept at the Land Office. The results of the electronic verification will show information regarding: (1) physical data such as location, area, condition of the land and land map, as well as legal data concerning the type of land rights, land rights holders, and the term of land rights; (2) references to the land registry book at the Land Office; (3) registration notes concerning the history of legal actions on the land; (4) list of encumbrances related to the history of encumbrances on the land; (5) Information regarding Certificate Blocking; (6) Court Seizure Information; (7) Case Information, i.e., information regarding disputes/conflicts/litigation or overlapping claims over the land; and (8) information regarding the identity of the applicant requesting the verification. In addition to verifying the consistency of the certificate data with the land register, the land deed officer must also ensure that the seller has paid the Land and Building Tax (SPPT-PBB) for the land to be transacted up to the current year. This is important to obtain the latest data on the Land Value Assessment (NJOP) of the land and the latest PBB payment obligations for the land.

²¹ Arsyilla Destriana and Tiurma Mangihut Pitta Allagan, "Peran Pejabat Pembuat Akta Tanah Dalam Administrasi Pertanahan Melalui Sertipikat Tanah Elektronik," *Palar / Pakuan Law Review* 8, no. 1 (2022): 91–106, <https://doi.org/10.33751/palar.v8i1.4590>.

²² Analisa Hukum Terhadap et al., "Keabsahan Dokumen Fisik Sertipikat Hak Atas Tanah Terhadap Peran Pejabat Pembuat Akta Tanah (PPAT) Dalam Pengecekan Sertipikat Hak Atas Tanah Pada Layanan Berbasis Online.," *UNES Law Review* 6, no. 2 (2023): 6739–52, <https://review-unes.com/index.php/law/article/view/1532>.

²³ Ida Ayu Dinda Maharani, I Nyoman Alit Puspadma, and Ni Gusti Ketut Sri Astiti, "Keabsahan Jual Beli Hak Atas Tanah Yang Dilakukan Tanpa Akta PPAT Ditinjau Dari Perspektif Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah."

If the results of the electronic verification issued by the Land Office match the physical land certificate to be transacted, and there are no records that could serve as grounds for the rejection of the deed by the land deed official as stipulated in Article 39 of Government Regulation No. 24 of 1997, the next step to be taken by the land deed official is to verify the consistency of the ownership data as stated in the certificate with the identity data of the owner submitted by the parties. The land deed official is required to ensure that the parties signing the sale and purchase deed are the rightful and authorized parties to the land and/or building in question. If the signing is represented by another party, the land deed official is also required to ensure the validity of the power of attorney.²⁴

When the land deed official is conducting the certificate verification process, at the same time, the land deed official can also verify the sales tax arising from the sale and purchase transaction of land and/or buildings by validating the final tax payment slip (sspph) paid by the seller at the local tax office, and the tax payment receipt for the acquisition of rights to land and buildings (SSBPHTB) at the local revenue office, which has been paid by the buyer at the local regional bank.²⁵

After the proof of payment of the sales tax has been fully validated, the next step taken by the land deed official is to prepare the deed of sale and sign it in the presence of two witnesses who are qualified to act as witnesses in legal proceedings. This is in accordance with Article 38 of Government Regulation No. 24 of 1997 concerning land registration. Generally, the witnesses present at the signing of the sales deed are staff members or employees of the land title officer in question. Therefore, the parties do not need to arrange for additional witnesses for this purpose.

Before the parties sign the deed of sale, the land deed official must read and explain the contents of the deed to the parties, as stipulated in Article 22 of Government Regulation No. 37 of 1998 concerning the duties of land deed officials. After the deed is read, it will be signed by the parties (seller and buyer), witnesses, and the land deed official. The deed of sale and purchase shall be made in two (2) copies, the first copy shall be kept by the land deed official as a record, and the second copy shall be submitted to the head of the land office along with other supporting documents for the registration of the transfer of rights at the land office (Article 21 of Government Regulation No. 37 of 1998 on the Regulations on the Duties of Land Deed Officials). The obligation to submit the deed prepared by the land deed official along with the relevant documents to the local land office must be fulfilled no later than 7 (seven) days after the deed of transfer of rights is signed by the parties, witnesses, and the land deed official. This is in accordance with Article 40 of Government Regulation No. 24 of 1997 on Land Registration.

²⁴ Nurul Farahzita and Fransiscus Xaverius Arsin, "Peran Pejabat Pembuat Akta Tanah Dalam Mendukung Implementasi Transformasi Digital Layanan Pertanahan Terkait Sertipikat Elektronik," *The Juris* 6, no. 1 (2022): 113–26, <https://doi.org/10.56301/juris.v6i1.428>.

²⁵ Fitriasari, "Peran Jabatan Notaris Dalam Penyimpanan Protokol Notaris Yang Disimpan Dalam Bentuk Elektronik Arsip."

3.2. Challenges Faced in Land Deed Transactions and Certificate Transfer Processes

The process of making a deed of sale and transfer of title certificate goes through several stages, but there are often obstacles that hinder the smooth running of transactions. Some of the challenges currently faced are related to the implementation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation No. 3 of 2023 on the issuance of electronic documents in land registration activities, which regulates the issuance of electronic certificates as the result of electronic land registration services. Therefore, land certificates currently in analog/manual form must be converted into electronic certificates. In this conversion process, especially for certificates that do not yet have a land identification number (NIB), the process may take a significant amount of time.²⁶ This is especially true if the field map on the analog certificate cannot be found in the land office system. This requires physical data collection through re-measurement of the land by the land office. The results of the measurement are then published as a nib to be plotted onto the registration map. The process of re-measuring the land parcel and processing the measurement data for the purpose of transferring the certificate to a new medium naturally requires a significant amount of time. This can certainly hinder transactions that are to be carried out by the parties involved.²⁷

In addition to obstacles related to the government's new policy on the transition from analog to electronic certificates, another challenge faced by land deed officials in carrying out their duties of overseeing transactions between parties is the frequent disruption of electronic systems related to the implementation of land deed officials' duties, including the electronic system for inputting and validating BPHTB at the local revenue office, the taxation system in terms of the creation and validation of income tax billing at the primary tax office, the electronic land service system at the land office for the registration of deeds of sale and purchase, and electronic services at the civil registry office for checking the validity of identity cards (KTP). These electronic services often experience disruptions in the network or the systems themselves, thereby hindering the performance of land deed officials' duties. The integration of several electronic systems means that if one system experiences a disruption, it often affects other systems as well. As a result, the stages of the sale and purchase process are often delayed while waiting for the system to recover. This is because none of these services provide a manual registration alternative. Although the online procedures are intended to simplify and expedite the process, in practice they often add difficulties and hinder the process due to their heavy reliance on stable internet connectivity. It is also common to encounter website errors, which further slow down the document processing.

²⁶ Maulani, Ismansyah, and Syofiarti, "Perlindungan Hukum Pejabat Pembuat Akta Tanah (PPAT) Terhadap Tindakan Pemalsuan Data Pada Akta Jual Beli Oleh Penghadap."

²⁷ Dewi Widiyastuti, "Implementation of the Delimitation Contradiction Principle in Land Registration Activities at the South Sorong District Land Office," *Journal of Law Justice (JLJ)* 2, no. 2 (2024): 91–106, <https://doi.org/https://doi.org/10.33506/jlj.v2i2.3304>.

The lack of information regarding the procedures for creating a sales deed often becomes an issue in the community, and the desire of sellers and buyers to quickly complete the transaction process without paying attention to the completeness of documents also poses a challenge. For example, invalid population data or discrepancies between identity information in population records and certificates are issues that cannot be overlooked. In order to verify the identity of individuals with different names, the land office often requests a ruling from the local court, which essentially confirms that the person on the identity document is indeed the owner of the land as stated in the certificate. This is to prevent error in persona, or mistakes in identifying the rightful owner of the land.

Another obstacle faced is the high cost of the deed of sale and deed transfer process, which is often unknown to the parties involved. The costs incurred in the deed transfer process are not limited to the honorarium of the land deed official in the preparation of the deed of sale, but also include sales taxes imposed on the seller and buyer in the form of a tax payment slip (SPT) for the seller, acquisition tax on land and buildings (SSBPHTB) for the buyer, as well as other costs such as non-tax state revenue (PNBP) due to the transfer of rights to land and/or buildings, and land measurement costs (if required).

The many obstacles that land deed officials may face in assisting the public in overseeing land rights transactions between parties require land deed officials to educate the public about this sale and purchase process. Land deed officials can provide guidance and a deeper understanding to sellers and buyers about the procedures that must be followed, as well as the transition of services being carried out by the land office, so that the parties better understand that the process of transferring the certificate does take time because legal certainty is an absolute requirement for the parties involved in the transaction. This outreach is important so that the public does not rush and can better understand that each stage of the process, such as the issuance of a NIB, change of sub-district, plotting, and certificate verification, must be carefully followed to ensure the validity of the transaction. With these solutions, land deed officials can help facilitate the process of buying, selling, and transferring land certificates, reduce complaints from the public, and ensure that all legal procedures are carried out correctly and in accordance with applicable regulations. Additionally, strengthening human resources, both in terms of numbers, knowledge, and skills, is also crucial. Thus, if any issues arise with facilities or technology, trained teams can promptly address the problems effectively and efficiently.

4. CONCLUSION

The role of land deed officials in sales and purchase transactions and the process of transferring certificate ownership is very important, including providing information and education to the public, checking the completeness of documents, verifying the validity of certificates, preparing sales and purchase deeds, and registering with the land office to transfer certificate ownership. Despite the critical nature of this role, land deed officials may encounter numerous obstacles in processing certificate transfers, resulting in lengthy

processing times. These obstacles can be caused by several factors, such as disruptions in integrated electronic service systems, discrepancies between identity cards and certificates, the expansion of urban villages or subdistricts that require a manual village change process, and discrepancies between the data on the certificate and the map in the land registry, which requires location verification by local land office survey officers. Solutions to overcome these obstacles include providing education, guidance, and counseling to the public regarding the necessary requirements, as well as improving the facilities and technology that support this process. Additionally, educating the public about the importance of following the necessary procedures in the certificate name change process is crucial to ensure transactions proceed smoothly and in accordance with applicable regulations.

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