



## The legal consequences of creating a deed of transfer of land rights without certificate verification by the Land Deed Official (Ppat)

Opra Wirdatul Tifla<sup>1</sup>, Yanis Rinaldi<sup>2</sup>, Novi Sri Wahyuni<sup>2</sup>

<sup>1</sup> Master's of Notary, Faculty of Law, Universitas Syiah Kuala, Banda Aceh, Indonesia

<sup>2</sup> Faculty of Law, Universitas Syiah Kuala, Banda Aceh, Indonesia

### Abstract

The creation of a land sale and purchase deed by a Land Deed Official (PPAT) must comply with formal and material legal requirements as stipulated in the prevailing laws and regulations. One of the formal requirements is certificate verification at the Land Office to ensure the validity and legal status of the land object. This study aims to examine the legal consequences of creating a deed of transfer of land rights without certificate verification by PPAT, and the legal protection available to affected parties. The research adopts a normative juridical approach with a case study conducted in Nagan Raya Regency. The findings indicate that a PPAT's failure to verify certificates can lead to legal losses, weaken the evidentiary power of the authentic deed, and result in administrative and ethical sanctions against the PPAT.

**Keywords:** PPAT, sale and purchase deed, certificate verification, legal consequences, legal protection

### Introduction

Legal certainty in land transactions is a fundamental pillar of the national legal system, especially in the context of land rights transfer. The transfer of land rights must follow legal mechanisms, including the creation of an authentic deed by a Land Deed Official (PPAT). The PPAT is authorized and responsible for drawing up deeds that serve as legal evidence of legal acts regarding land rights and ownership rights over condominium units. Authentic deeds serve not only as administrative instruments but also as legal guarantees of the validity and certainty of rights of the parties involved.

In practice, PPATs do not always fulfill the formal and material requirements properly. One crucial but often neglected obligation is certificate verification at the Land Office. This legal procedure ensures the authenticity, validity, and clarity of the legal status and physical condition of the land being transacted. This obligation is regulated under Ministerial Regulation of ATR/BPN No. 19 of 2020<sup>[10]</sup> concerning Electronic Land Information Services, which allows PPATs to conduct online checks to improve efficiency and accuracy in land information access. However, many PPATs continue to neglect or deliberately ignore this verification process. Such actions not only violate the principle of prudence but may also lead to prolonged legal disputes. Without proper verification, the transacted land may be subject to fake, duplicate, or disputed certificates. This can result in the nullification of the deed and significant losses to the buyer and other interested parties.

Legally, a PPAT's negligence in verifying certificates can be categorized as an unlawful act (*onrechtmatige daad*) because it violates the formal and material requirements stipulated by law. This highlights the urgent need to enforce the integrity and professionalism of PPATs as public officials. The issue is further exacerbated by the fact that most members of the public do not fully understand the legal process behind land rights transfer, and thus rely

entirely on the PPAT. Therefore, PPAT negligence places the public in a legally and financially vulnerable position.

This study specifically examines a case in Nagan Raya Regency, where two PPATs (permanent and temporary) were found to have drawn up land sale and purchase deeds without prior certificate verification. This case provides a concrete example of how procedural negligence can undermine the legal framework of land administration. The authors seek to explore the legal consequences of such actions by PPATs and the legal protection mechanisms available to the aggrieved parties.

### Metode Penelitian

This study employs a normative juridical approach by analyzing the statutory obligations of PPATs in creating land sale and purchase deeds. Legal documents such as the Indonesian Civil Code (KUH Perdata), Government Regulation No. 37 of 1998, and Ministerial Regulation of ATR/BPN No. 19 of 2020<sup>[10]</sup> are examined. A case study approach is also used, focusing on legal violations by PPATs in Nagan Raya and assessing the resulting legal consequences.

### Hasil Penelitian

This study finds that PPAT negligence in verifying land certificates before creating a deed results in several legal implications, affecting the deed's validity, the PPAT's liability, and legal protection for the injured parties

### 1. Negligence of Formal Procedures Results in Legal Defects

According to Article 1869 of the Civil Code, a deed that is not drawn up by an authorized public official, or that lacks the legally required form, cannot be regarded as an authentic deed and only holds the value of a private deed. In this context, if a PPAT fails to verify the certificate, the deed does not meet the legal requirements and loses its full evidentiary strength.

Certificate verification is not merely an administrative step, but an essential legal procedure that ensures the validity of land transactions. This includes verifying the consistency of juridical and physical data on the certificate with electronic records at the Land Office. Without verification, there is no guarantee that the land being sold belongs to the seller.

## 2. Violation of Material Requirements

Under Article 1320 of the Civil Code, a valid agreement must fulfill four elements: consent, legal capacity, a specific object, and a lawful cause. If any of these elements are lacking, the agreement can be annulled or declared void by law. In the case studied, if the land does not legally belong to the seller or is under dispute, the object and cause become invalid, leading to the annulment of the sale agreement and the accompanying deed.

## 3. Legal Liability and Consequences for the PPAT

Creating a deed without certificate verification constitutes an unlawful act by the PPAT. The PPAT cannot simply rely on information provided by the parties, as their responsibility includes verifying the legal basis of the transaction. Based on the fault-based liability principle, the PPAT is accountable for any resulting damages. The PPAT may also face administrative sanctions from the Minister of ATR/BPN under Government Regulation No. 37 of 1998 and ethical sanctions from the PPAT Association (IPPAT).

## 4. Case Study: Nagan Raya Regency

The study identified two specific cases in Nagan Raya involving PPAT T.M., S.H., M.Kn. and Acting PPAT Tawaruddin, S. Sos., who failed to conduct certificate verification as required by Ministerial Regulation No. 19 of 2020<sup>[10]</sup> and Ministerial Regulation No. 3 of 1997<sup>[8]</sup>. As a result, the deeds they produced were used in transactions that later led to land disputes and caused losses to buyers. These deeds lost their authenticity and could not be used as full legal evidence in court.

These PPATs also violated principles of prudence and neutrality, and failed to uphold their professional public service functions. Their actions triggered not only administrative liability but also civil liability if the aggrieved parties pursue compensation for their material losses.

## Kesimpulan

Creating a land sale and purchase deed without certificate verification constitutes a serious legal violation. Such deeds may lose their evidentiary value, become legally void, and cause significant losses to the parties involved. As public officials, PPATs are legally obliged to conduct certificate verification as part of formal legal procedures and as a form of legal protection for the public. In the case of Nagan Raya, the PPATs' failure to fulfill this formal requirement can be classified as an unlawful act, subject to both administrative and ethical sanctions. Therefore, stricter supervision, education, and enforcement of sanctions are necessary to ensure consistent legal compliance in land rights transfers.

## References

1. Akur Nurasa, *Tuntunan Pembuatan Akta Tanah*, Yogyakarta: STPN Press, 2020.
2. Husni Thamrin, *Pembuatan Akta Pertanahan oleh Notaris*, Yogyakarta: LaksBang PressIndo, 2011.

3. Indroharto, *Asas-Asas Umum Pemerintahan yang Baik*, in Paulus Efendie Lotulung, *Himpunan Makalah Asas-Asas Umum Pemerintahan yang Baik*, Bandung: Citra Aditya Bakti, 2016.
4. *Indonesian Civil Code*, translated by R. Subekti and R. Tjitrosudibio, Jakarta: Pradnya Paramita, Article, 2008, 1868.
5. *The Constitution of the Republic of Indonesia*, 1945.
6. *Law of on Basic Agrarian Principles (UUPA)*, 1960, 5.
7. *Government Regulation of on Land Registration*, 1997, 24.
8. *Ministerial Regulation of ATR/BPN of on Implementation Guidelines for Government Regulation of*, 1997, 3(24).
9. *Ministerial Regulation of ATR/BPN of amending Regulation of*, 2012, 8, 1997, 3.
10. *Ministerial Regulation of ATR/BPN of on Electronic Land Information Services*, 2020, 19.