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The Ratio Legis Liabilities and Repudiation Rights of Land Deed Officers based on Criminal Code Perspectives

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ABSTRACT

Land deed officers have existed as public servants for less time than the notary institution, which extends back more than three centuries. If we take a look at the Basic Agrarian Law included in Law No. 5/1960, we can see that it does not specify the specific responsibilities of Land Deed Officers while creating land deeds. The objective of this research is to analyze a comprehensive overview of the professional practice of land deed officials, who assume that the obligation to register land is upheld in addition to elevating the status of land from conventional rights, in which evidence of ownership is indicated by Petok D, Girik, or Letter C, as well as legal actions related to the acquisition, transfer, and deletion. The method employed in this research is a normative juridical method, and it includes the using legislation, conceptual, historical, and systems approaches as well as literature or law found in books. When land deed officers are requested to testify in civil proceedings, particularly in criminal cases, the repudiation rights of land deed officers that have been established in this legislation and regulation have various problems in their implementation. However, it should be remembered that repudiation rights are "rights" not obligations. Deed of land deed officers who contain legal defects either due to land deed officers' mistakes, negligence, or due to the intention of the land deed officers themselves, the land deed officers must be able to provide accountability both morally and legally.

Keywords: Criminal, Land Deed, Land Deed Officers, Supervisory Council

INTRODUCTION

Along time ago, when people made transactions with land ownership, it was enough to make a private deed witnessed by the village headman. Several other communities also made deed witnessed or asked for approval from the village headman and/or subdistrict head. Based on the Legal Perspective of Land, the subdistrict head is also the head of the sub-district area ex officio who also serves as temporary Land Deed Officers (PPAT).

If the people engaged in the transaction are still living, there is really no difficulty with regard to the matter of land transactions that are not known to and/or witnessed by officials (village headman and/or subdistrict head). The issue will be different, though, if any of the participants to the land transaction pass away. In that case, there would be legal problems, one of which comes from the heirs' refusal to acknowledge the deal. In rural areas, issues like this frequently lead to land disputes.

Land deed officers have existed as public servants for less time than the notary institution, which extends back more than three centuries. If we take a look at the Basic Agrarian Law included in Law No. 5/1960, we can see that it does not specify the specific responsibilities of Land Deed Officers while creating land deeds. First listed in Article 19 of Government Law No. 10/1961, Land Deed Officers were only referred to as "Officers" and not "Land Deed Makers" in that regulation. In fact, Article 10 of the 1961 Government Regulation mandates that any legal actions that seek to transfer land rights or use those rights as collateral for debt must be supported by a deed prepared by or witnessed by a "Officer" appointed by the Minister, who was then the Minister of Agrarian Affairs.

Government Regulation No. 37/1998, which states that Land Deed Officers are public officials who are authorized to make authentic deeds regarding certain legal actions concerning land rights or ownership rights to flats, sets forth Land Deed Officers Position Regulations in order to strengthen the status and position of Land Deed Officers as general officials (Article 1 point 1). In order to serve the community, Land Deed Officers are hired and fired by the Minister (now the Head of the National Land Agency). In regions where Land Deed Officers are not yet available, the Minister may designate a village headman and/or subdistrict head as special Land Deed Officers. Land Deed Officers are not permitted to file a suit, be government workers (including judges and prosecutors), or work for state or regional owned enterprises or other employers at the same time.

Government Regulation No. 24/2016 subsequently modified Government Regulation No. 37/1998. The legal standing of Land Deed Officers as public officials is not very strong just because their presence is established in a government regulation. A public official's existence must be governed by legislation, according to Article 1868 of the Civil Code. Because Land Deed Officers are declared by the law to be public officials, some experts consider that in order for them to fulfill the

requirements for general officials, their existence should be governed by a separate statute, such as a notary.

On the other hand, various issues relating to Land Deed Officers are regulated in the Land Deed Officers Position Regulations, beginning with the definition of Land Deed Officers, main tasks, terms of appointment, oath of office, obligations and restrictions for Land Deed Officers, coaching and supervision of Land Deed Officers, and dismissal of the Land Deed Officers. The administration, protocols, and deed types used by land deed officers are all governed by the regulations for the position of land deed officers. According to the mentioned laws, land deed officers are considered general officials (*openbare ambtenaaren*), just like notaries.¹

In fact, laws and rules relating to the authority and duties of the status of land deed officers have not been able to ensure legal protection for land deed officers. This is shown by the frequency with which Land Deed Officers handle legal matters pertaining to the land deeds they executed. The existence of inaccurate, fictitious, or fabricated document data coming from parties who engaged the land deed officers to make land deeds was what leads to the legal issue. The lack of order in land management at the village or sub-district sector also contributes to these issues, as do legal data and physical data from the sub-district or village that cannot be properly accounted.

These accusations of criminal behavior against the land deed officers are obviously very damaging since they may prevent the land deed officers from behaving in accordance with their authority to create deeds. As a result, Land Deed Officers are not adequately protected by the law. Furthermore, these issues might affect the Land Deed Officers' reputation in the community. The Land Deed Officers only evaluate the intentions of the parties based on the document data and/or information supplied by the appearers, even though that conceptually they are not required to be accountable for the deed's contents or its substance.

Therefore, Land Deed Officers demand equal treatment related to legal protection in carrying out their duties and authorities, as well as the legal basis used in carrying out their duties and functions. This problem is the basis for ideas in this research and writing, especially as an effort for Land Deed Officers to obtain legal protection. The objective of this research is to analyze a comprehensive overview of professional practice of land deed officials, who assume that the obligation to register land is upheld in addition to elevating the status of land from conventional rights, in which evidence of ownership is indicated by Petok D, Girik, or Letter C, as well as legal actions related to the acquisition, transfer, and deletion.

¹ M. Khoidin and H. Husni Thamrin, *Hukum Kenotariatan Dan Pertanahan: Kewenangan Notaris Dan PPAT Membuat Akta Pertanahan*, Cet 1. (Yogyakarta: Laksbang Justitia, 2021).

RESEARCH METHODOLOGY

This research is a juridical normative research, a research that focuses on document studies. Document studies use legal sources in the form of laws and regulations, legal principles and principles, legal theory, and expert doctrines/opinions or other sources that are still relevant to the subject matter currently being studied. Normative legal study examines laws and rules that are directly relevant to the research's topic.² Normative legal research is conducted to develop theoretical justifications or new concepts as prescriptive in solving the problems encountered. Meanwhile, normative legal theory aims to explain future administrative situations prospectively. The object of this research is conducted through the laws, regulation, and court decision regarding the examined case.

RESULT AND DISCUSSION

Authentic Deed as Trustworthy and the Reliable Proof

Authentic deeds as the strongest and fullest evidence have an important role in every legal relationship in people's lives. In various business relationships, banking activities, land certification, social activities, and the need for written evidence in the form of authentic deeds is increasing in line with the growing demand for legal certainty in various economic and social relationships, both at the national and international levels. Because the existence of an authentic deed that clearly determines rights and obligations, guarantees legal certainty and is also expected to avoid disputes.

If a deed is an authentic deed, then the deed will have 3 (three) functions for the parties who make it, such as the evidence that the parties concerned into a certain agreement, as evidence of the parties written in the agreement based on their purpose and desire, and evidence to third parties that on a certain date unless otherwise specified the parties in an agreement.³ Meanwhile, the requirements for the authenticity of a deed are deed in the form prescribed by law, deed is made by or before a Public Official and authorized official in the area in which the deed is made.

Meanwhile, the conditions for the criminalization of the PPAT are at least 2 things that must be fulfilled, such as (1) there is a legal action from the PPAT towards the formal aspects of the deed which is deliberately full of awareness and planned that the deed made before the PPAT or by the PPAT together to be used as the basis for committing a criminal offense; (2) the PPAT's actions are not in

² Rissa Dwi Novita and Muhammad Abdul Razak, "Personal Data Protection in Falsification of Covid-19 Vaccination: A Juridical Review," *YURIS (Journal of Court and Justice)* 1, no. 3 (2022): 25–37.

³ Teresia Din, Lilik Mulyadi, and Udin Narsudin, "Perlindungan Hukum Terhadap Pejabat Pembuat Akta Tanah Dalam Pembuatan Akta Otentik," *Jurnal Penelitian Hukum Legalitas* 10, no. 2 (2016).

accordance with the agency authorized to assess the actions of a PPAT in this case the PPAT Supervisory Council.

Determining the existence of a civil or criminal liability committed by a PPAT must fulfill three conditions, such as (1) there must be a punishable PPAT action whose elements are expressly formulated by law; (2) the PPAT action is against the law, and (3) there must be fault from the PPAT. Error or negligence in the criminal sense includes elements contrary to the law and there must be an unlawful act so that basically every form of offense or negligence committed by PPAT always contains unlawful characteristics in the act.

Deeds created by PPATs that contain legal defects due to errors, omissions or due to the PPAT's own intentions, the PPAT must provide accountability both morally and legally. The cause of the problem can occur directly due to the PPAT's negligence, but it can also appear indirectly in the case of something done by someone else.

If the cause of the problem occurs due to the intentional or unintentional negligence of the PPAT, then the deed only has evidentiary power as a deed under the hand or becomes null and void, which can be a reason for the party who suffers a loss to claim compensation from the PPAT. In the case of problems that do not come from the fault of the PPAT, but come from the dishonesty of the client regarding the truth of the administrative requirements as the basis for making the deed, the deed is null and void. Based on Law No. 30/2004 on the Notary Position Article 38 paragraph (4), the closing of the deed has the following subsections:

1. Description of the reading of the deed as referred to in Article 16 Paragraph (1) letter m Article 16 Paragraph (7);
2. Description of the signing and the place of signing or translating the deed if applicable;
3. Name and identity of each witness of the deed; and
4. A description of the absence of changes occurring in the making of the deed or a description of any changes which may be in the form of additions, deletions, or substitutions and the number of changes.

In addition to the description described in the previous description, the closing of the deed is a statement about the time of completion of the deed since the deed is read out and a statement about the reading of the deed that has been understood, understood and knows the legal consequences by the parties, then affixing the surrogate and stamp if the person represents the organization on the stamp stamp or sticky stamp/chazet which can be done by one of the faces or by the notary himself.⁴

Witnesses are people who witness the reading of the deed, generally employees of the Notary's office itself and can also use an identifying witness (Attesterende Getuigen). Thus, the identifying witness can also be mentioned at the

⁴ A.A. Andi Prajitno, *Pengetahuan Praktis Tentang Apa Dan Siapa Notaris Di Indonesia : Setelah Diundangkan UUJN Nomor 2 Tahun 2014* (Surabaya: CV. Perwira Media Nusantara (PMN), 2015).

end of the deed. There are 2 (two) kinds of witnesses, as recognized witnesses (Attesterende Getuigen) and witnesses. In addition, there are several types of deeds from PPAT, such as buying and selling, exchange, grant, incorporation into a corporate entity (inbreng), sharing of joint rights, granting of building use rights/rights of use on freehold land, granting of mortgage rights and granting authorization to impose a mortgage.

The Deed of PPAT has a very important meaning in the transaction of land rights and/or property rights over apartment units because it has the use and benefits as evidence. A PPAT deed has two functions, as evidence that has perfect evidentiary power because it is made before a PPAT and can be used as a strong guideline. In the process of making a deed, a PPAT must pay attention to the steps to make a PPAT deed in accordance with the provisions of the Law and implementing regulations in force in Indonesia. If in the process of making, the PPAT deed does not comply with the applicable provisions, the deed created by the PPAT can be null and void and the deed will lose its perfect evidentiary power and can result in losses for the parties concerned.

Cruciality in Utilizing Obligations and Repudiation Rights

Basically, the right of repudiation is the right to refuse to testify before the court in both civil and criminal cases. In civil cases, PPATs are more free to exercise the right of repudiation granted to them by law. The term right of repudiation is a translation of the Dutch *verschoningsrecht* which means the right to be exempted from testifying as a witness in a civil or criminal case. This right is an exception to the general principle that everyone called as a witness is obliged to testify.⁵

A land deed officer who one day encounters a legal problem related to the deed he made containing legal defects is not infrequently summoned by law enforcement officials in the context of the law enforcement process, whether it is in the position of witness, suspect or defendant. In the process of law enforcement by law enforcement officials, there are specific procedures that are not normatively regulated in the PPAT position regulations. It is different from the treatment given to the position of Notary, in which the provisions regarding the summoning and taking of the original deed (*minuta*) have special procedures in the law enforcement process.

The summoning of a PPAT by a police investigator in connection with a violation of the law on the deed he made requires a more in-depth and thorough investigation and investigation on the part of the police investigator. To prove whether it is true that the violation of the law is committed by the PPAT or the parties who sign the deed are the ones who violate the law by providing dishonest information and hiding documents that should be shown to the PPAT. In this case, in-depth legal knowledge and a broad paradigm of thinking are needed to make

⁵ Dahlil Marjon, "Aplikasi Kode Etik Hak Ingkar Notaris Sebagai Saksi Dalam Perkara Perdata Dan Pidana," *Jurnal Notariil* 1, no. 1 (2016): 88–108.

decisions that are correct and in accordance with applicable law in determining the guilt or innocence of a PPAT in a criminal law investigation.

W.P.J. Pompe states regarding criminal law, criminal law is all legal rules that determine the appropriate punishment for these acts and the type of punishment. If there is a PPAT who is sentenced to criminal sanctions, but it turns out that a PPAT who already understands the law and has been sworn in by the government can make a mistake of intent (*culpa*) and negligence (*alpa*) either alone or together with the confronters or other parties to commit a criminal offense. Then it becomes a big question.

However, it must be underlined that the right of repudiation is a "right" not an obligation. In other words, the PPAT is still faced with certain legal consequences if it does or does not exercise the right granted by the law. For this reason, the notary is given the opportunity to decide whether or not to exercise the right of repudiation in testifying. It is clear that the law has placed a general obligation on every person who is capable of being a witness to give testimony before the court, both in civil and criminal proceedings.

A PPAT has an obligation to keep the contents of the deed confidential in accordance with Article 11 paragraph (1) of the Regulation of the Minister of State Agrarian Head of BPN No. 4/1999 on the Regulation of PPAT Position, on the other hand a PPAT also has an obligation to attend if the PPAT is called as a witness before the court. A PPAT who is summoned as a witness may exercise the right of repudiation or the right to resign as a witness. The right of refusal for PPAT that has been regulated in this legislation encounters many obstacles in its implementation when a PPAT is asked to be a witness in a civil case, especially in a criminal case.

Causation in Criminal Acts

Causation is one of the most confusing legal concepts in most legal systems. The science of causation is called *Causaliteitsleer*. Many experts have tried to structure the problem, but the results have never been satisfactory. Meanwhile, in judicial practice, causal relations move very quickly in a very broad direction, almost without a guideline. Due to the complexity of juridical theory and the application of this causal relationship, the doctrine of causal relations is very interesting to study academically, therefore this doctrine is called the darling of academic mind. This causal relationship problem becomes a central issue in the law regarding unlawful acts because its function is to determine whether a defendant should be legally responsible for his actions that cause harm to other people.

A causal relationship is a factor that links a person's loss to the actions of another person. The main problem in this causal relationship is how far we still consider a causal relationship as something that is still acceptable by law. In other words, when can it be said that a loss is the fact or proximate and when is it considered too remote.

However, the fact shows that the concept of proximate cause is a very crucial part and the problem of this causal relationship, perhaps even the most crucial among all parts of the law regarding torts, gets a lot of rejection from a logical approach. Because of those reasons, this part of the unlawful act is often called the darling of the academic mind. According to H.L.A Hart, the first stage in a dispute regarding cases of unlawful acts is to interpret the law regarding facts that must be put forward to show that these facts have something to do with losses. The suggested method to solve the problem are when the unlawful act has a causal relationship with the loss incurred, when the unlawful act does not need to have a causal relationship with the loss incurred, and when the defendant's conduct does not constitute fault, it must have a causal relationship with the damages incurred.

Based on Supreme Court Decision No. 472/PK/PDT/2019, the signing of a blank deed of sale and purchase is not in accordance with the prevailing laws and regulations in Indonesia.⁶ In this case, the PPAT asked both parties to sign a blank deed form on the grounds that one of the parties would not change their mind. However, the blank form was used to make a sale and purchase deed between the defendant "T" as the party authorizing the purchase to "U.M." as the plaintiff. This caused a loss to the plaintiffs because the plaintiffs claimed to have never received a power of purchase from the defendant "T". The plaintiffs only realized the existence of the Deed of Sale and Purchase (AJB) in 2014. In fact, the plaintiffs had signed the blank deed in 2001. Decision No. 472/PK/PDT/2019 ruled that the Sale and Purchase Deed in question was null and void with all its legal consequences. The decision was correct because the making of the sale and purchase deed was not based on valid title guidelines.

In this case, the PPAT was found proven to have stated in the deed of sale and purchase that "T" (defendant 1) gave the power of purchase to "U.M." (plaintiff). In fact, "U.M" never signed the power of purchase deed and "T" as the plaintiff had no legal relationship with "T" as the defendant. The deed of sale and purchase made by the PPAT on behalf of "M.H." was not based on the facts that occurred. This might be because the signing of the deed was done when the deed was still in the form of a blank form.

Causation in Fact Relations

Causation in fact is only a matter of "facts" or what has actually happened. Every cause that causes a loss can be a factual cause, provided that the result of the loss never occurs without a cause. In the law on unlawful acts, this type of cause and effect is often referred to as the law of "but for" or *sine qua non*. Von Buri is one of the Continental European legal experts who strongly supports the teaching of causation in fact. In order to be more practical and to achieve elements of legal

⁶ Jessica Priscilla Simanungkali and Rouli Anita Velentina, "Perbuatan Melawan Hukum PPAT Dalam Pembuatan AJB Dengan Blangko Kosong," *Jurnal Kertha Semaya* 9, no. 11 (2021): 2144–2159.

certainty and more equitable law, the concept of "proximate cause" was created. Proximate cause of conflict of opinion in law regarding illegal acts. Sometimes this type of cause is often called a legal cause, and there are various meanings which are direct cause, natural and probable consequence cause, natural, direct and immediate cause, natural and unbroken cause, natural and continuous cause, unbroken chain of circumstance and responsible cause.

In the Netherlands, proximate cause is called adequate veroorzaking. Proximate cause is something that in its natural sequence is not interfered with by independent causes that produce these adverse effects. Sometimes the proximate cause is also interpreted as a consequence that follows an unbroken sequence without any other cause intervening in the original act of imprudence. In contemporary jurisprudence in many countries, proximate cause is defined as any cause that has a continuous and natural sequence without being interrupted by other interventions that cause harm. The loss in question would not happen without this cause. As a PPAT, in conducting his authority, he is expected to be meticulous and careful so that the PPAT deed he makes provides legal certainty for all parties. However, the PPAT does not always implement its authority in accordance with applicable regulations. This resulted in the PPAT deed that was made causing problems, not only administrative issues but also civil and criminal matters.

The National Land Agency (BPN) has given authority to PPATs to make their own land deeds for the transfer of rights. This means that the blank PPAT deed must be processed for the contents of the deed first before the parties carry out the process of signing the deed. However, in practice, there are PPATs who use blank forms not in accordance with what has been regulated in the applicable regulations. For example, there are PPAT persons who ask the parties to sign a blank form, even though based on established regulations, a blank deed can only be signed by the parties if the PPAT has carried out the process of making the contents of the deed in advance according to the wishes of the parties concerned, PPAT have explained the material of the deed, and the parties have said that they have understood and agreed to the material of the deed. Utilization of PPAT deed forms that are not in accordance with applicable regulations can cause disputes for the parties including the PPAT in the future.

The "but for" test is usually used for factual causes. Such a test would limit the liability of the defendant only if the event would never have occurred if the cause had not been made. In the Dutch legal system. Hoge Raad is of the opinion that in cases of unlawful acts, if there is more than 1 (one) cause that both contribute to causing a loss, then the solution are each perpetrator must be held responsible as a whole, and the responsibilities between perpetrators apply the provision that each must bear the burden according to the amount of their respective contributions to the loss.

Proximate Cause

In addition to the factual cause doctrine, the proximate cause doctrine is utilized to determine how much illegal behavior must be accountable for its deeds. The idea of proximate cause prioritizes factors of foreseeability because it would not be fair to assign responsibility only for a foreseeably negative. For example, A is responsible for his actions towards B, so he should be able to suspect that because of his actions B will suffer a loss. The concept of foreseeability is very interesting in terms of proximate cause related to public policy factors, that is how far the public policy wants the responsibility to be placed on the perpetrator of the unlawful act.

Therefore, the idea of proximate cause reduces the liability of the offender by not taking into account all repercussions that are seen to be too remote, while on the other hand, it enhances the obligation of the defendant from simple factual responsibility.

Although there are instances in which a criminal offender cannot be held accountable for factual causes because he does not satisfy the condition of foreseeability, this is not constantly the case. Thus, the proximate cause has a close relationship with the problem of one's duty because both of them try to find answers to the question whether the defendant's actions fall within the scope of his duties to protect the victim from the losses he has suffered. However, in law the two issues are treated separately where the issue of obligation seeks to explain the relationship between the victim and the perpetrator, while the proximate cause seeks to explain the relationship.

According to the theory of the Nearest Cause, because in the word proximate cause there is the meaning of "closeness", the element of proximate cause is only addressed to events that have consequences that are considered close to the actions of the perpetrator in the dimensions of time and space. Unfortunately, this theory is often ambiguity in its implementation.

The "last human wrongdoer" theory has been applied by numerous courts. Legal accountability in this situation must be assigned to the most recent offender and supersede all earlier deeds. This theory has been confronted with a variety of objections, including the following:⁷

1. If there is the last act of the perpetrator that contributed to the incident that caused the loss, then it is not significant or at least it does not pose a big risk or there may be other elemental intervention factors that cannot be controlled.
2. Another weakness of the last human wrongdoer theory is that a factor that occurred earlier may also be responsible if he has an obligation to protect the victim against the actions of the later perpetrator.

Identifying the Factors that Caused the Loss

⁷ Munir Fuady, *Perbuatan Melawan Hukum : Pendekatan Kontemporer* (Bandung: Citra Aditya Bakti, 2002).

The objective of this particular theory (individualiserende theory) is to identify the source of an act that causes damage by taking a detailed look at the actual (concrete) circumstance. The following three sub-theories compose up this particular theory:

1. Most Influential Sub-Theory

The meaning of most influential sub-theory (theorie van de meest werkzame factor) is the factor that has the greatest influence on the loss is the cause. This sub theory is adopted by Birmeyer.

2. Qualitatively Strongest Sub-Theory

The implication of this theory is that in order harm to occur, a factor that is fundamentally crucial must be at fault. Kohler adheres to this sub-theory.

3. Value Balance Sub-Theory

According to this idea of value balance, it is important to give positive conditions (conditions that result in effects) priority over negative conditions when identifying the factors that led to a loss (conditions that prevent effects from occurring).

- a. General Theory

Meanwhile, the general theory (generalist rende theorie) or commonly known as "adaequate theorie" or "adaequate veroorzaking" is a factor that must be considered to construct a loss that must be balanced (adaequate) with the consequences that occur Von Kris Rumelin and Von Buri are examples of adherents this general theory.

The Type of Criminal Offense

In this case, it is distinguished between what is *mala quia prohibita* and *mala per se* in that the first law created has no relation to the moral code of society. The effectiveness of sanctions solely depends on the severity of the sanctions themselves. Furthermore, in this case it supports the social morality. Whether there are sanctions or not has little effect on the effectiveness of the law because there is still a feeling of decency and fear of public opinion which is a force to prevent crime.⁸

Criminal Acts' Differential Applicability

In this context refers to children, the insane, and people with mental illnesses cannot be made deterrent targets for the general public. The complementary method of decision, role, or requirement to use the decision of the notary honorary council as a justification for strengthening or weakening the unlawful character of the act, on the other hand, is not taken into account by criminal law enforcement in relation

⁸ Taifah Ipung and Yasarman, "Aspek Pidana Terhadap Pejabat Pembuat Akta Tanah (PPAT) Sebagai Pejabat Umum," *Jurnal Ilmu Sosial dan Pendidikan (JISIP)* 6, no. 3 (2022).

to the title crime of Land Deed Officers. Positive conclusions can be reached from examining these two problems, such as the actual state of the PPAT profession in the criminal justice system. If both courts are conscious of their need on one another, it is preferable to use them in a complimentary manner.

Criminal Law and Potential Malpractice Charges Against Land Deed Officers

Standardization has an imperative connotation because it must be obeyed. However, standardization must be seen as a relative matter with respect to the principle of independence of judiciary which is recognized by national law. This is regulated in within national law by Articles 24 and 25 of the 1945 Constitution along with its justifications which specifically focus on the following:

Article 24

1. Supreme Court and other judicial bodies use their judicial authority in accordance with the law;
2. These judicial bodies' composition and authority are regulated by law.

Article 25

Law establishes the requirements for becoming a judge and for being dismissed from office.

Articles 24 and 25 of the 1945 Constitution are explained as follows:

The impact of political power cannot be recognized by the judiciary because it is an independent authority. As a result, legal protections must be provided for judges' positions. Furthermore, Law No. 48/2009 concerning Judicial Power states in Article 1 that Judicial Power is the authority of an independent state to administer justice and enforce law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia for the implementation of the Republic of Indonesia. However, it is doctrinally required to acknowledge that in addition to laws, doctrines, treaties, and conventions, jurisprudence also serves as a source of law. Basically, customary laws and treaties are the source of formal law.

Standardization is a core principle for obtaining substantive justice. In this case, the term "approach" is used by the researcher to further clarify the term "standardization." Particularly with regard to criminal justice for professionals and more particularly the position of Land Deed Officers, the standard for criminal law enforcement employs a systematic approach to the final outcome of punishment.

CONCLUSION

Repudiation rights basically provide an individual the option to back out of testifying in court in both civil and criminal cases. In accordance with Article 11 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and the Head of BPN No. 4/1999 concerning PPAT Position Regulations, PPAT is required to

maintain the contents of the deed a private; however, PPAT is also required to be present in person if called as a witness before the court. When Land Deed Officers were requested to testify in civil trials, particularly in criminal instances, the repudiation rights for these individuals that have been regulated in these laws and regulations found several challenges in their implementation. However, it must be emphasized that repudiation rights rather than responsibilities. The National Criminal Code's drafting team seems to be taking into consideration this issue. A general criminal charge against someone who violates the Criminal Code by utilizing his position and competence has been established by the Criminal Code's drafting team. The PPAT must take into consideration four important factors when doing their responsibilities: (1) having a strong moral foundation; (2) being truthful with clients and with themselves; (3) being aware of one's authority's boundaries; and (4) not generating arbitrary financial decisions.

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