

## LEGAL PROTECTION NOTARY/PPAT REGARDING FALSE INFORMATION SUBMITTED BY CONSIDENT IN DEED OF SALE AND PURCHASE

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### Abstract

This study analyse Notary/PPAT responsibilities and protection effort law for Notary/PPAT against false information submitted by the consident in the deed of sale and purchase. Use study juridical normative, this research find that PPAT is responsible answer full to deed they made, description falsehoods conveyed by the facers fully become not quite enough answered the presenters, while PPAT was inside matter there is no responsible answer or not can requested not quite enough sue on losses incurred from exists information false facing. Notary/PPAT required get protection law and the Regional MKN must give agreement because, testimony from the relevant Notary/PPAT is required in make bright something cases carried out by a Notary in accordance with Article 66 paragraph (1) UUJN.

*Keywords: Deed of Sale and Purchase; False Information; Notary/PPAT; Protection.*

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### Abstrak

Penelitian ini menganalisis tanggung jawab Notaris/PPAT dan upaya perlindungan hukum bagi Notaris/PPAT apabila penghadap memberikan keterangan palsu dalam pembuatan akta jual beli. Menggunakan penelitian yuridis normatif, penelitian ini menemukan bahwa PPAT bertanggung jawab penuh terhadap akta yang dibuatnya, Keterangan palsu yang disampaikan oleh para penghadap sepenuhnya menjadi tanggung jawab para penghadap, sementara PPAT dalam hal ini tidak bertanggung jawab dan tidak dapat dimintakan tanggung gugat atas kerugian yang ditimbulkan dari adanya keterangan palsu penghadap. Notaris/PPAT perlu mendapatkan perlindungan hukum dan MKN Wilayah harus memberikan persetujuan karena, kesaksian dari Notaris/PPAT bersangkutan yang dibutuhkan dalam membuat terang suatu perkara yang dilakukan oleh Notaris sesuai dengan Pasal 66 ayat (1) UUJN

*Kata Kunci: Akta Jual Beli; Keterangan Palsu; Notaris/PPAT; Perlindungan.*

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## INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (for furthermore called the 1945 Constitution) which states “The Indonesian state is a state of law”. This thing based on the explanation of the 1945 Constitution that the Indonesian State is based on on law (*rechtstaat*) and not based on power simply (*machstaat*). So law have highest position in government and law is protection interest human.<sup>1</sup> The law regulates all connection law between individual with individual , individual with society and individuals with government.<sup>2</sup> Therefore it's a country no can carry out his activities on base power mere, but must based on law.<sup>3</sup>

Arrangement about position Notarization by the government refers to principles that of the Unitary State The Republic of Indonesia is a legal state based on Pancasila and the 1945 Constitution which aims For ensure certainty, order, and protection law, which has its essence to truth and justice. Notary Public as official general seen as official running public his profession in service law to society, for make deed authentic and deed other in accordance with Constitution Number 2 of 2014 concerning change on Constitution Number 30 of 2014 concerning Position Notary (for furthermore called UUJN).

Official Maker Land Deed (for furthermore called PPAT) as case Notary, qualified as official general and given authority For make deeds particular field switching and loading right on land.<sup>4</sup> The applicable PPAT legal basis moment is Regulation Government Number 24 of 2016 concerning Change on Regulation Government Number 37 of 1998 concerning Regulation Position Official Making Land Deed (for furthermore called PP Regulations PPAT Position).

From the provisions Article 1 paragraph (1) UUJN is very clear that Notary Public is one official general authority for make deed authentic. For a PPAT, in PP Regulations The position of PPAT Article 1 paragraph (1) is explained that “Official Maker Land Deed, next called PPAT, is General officials are given authority For make deeds authentic about deed law certain about right on land or Ownership Rights to Flat Units”.

Product the law issued by the Notary/PPAT is form deeds that have characteristic authentic and owning strength perfect proof. As definition deed authentic stated in article 1868 of the Civil Code (for furthermore called Civil Code) is “A deed authentic is something deed made in form determined by law or in front official general authority. For it's in place deed That made”. Deed authentic must fulfil what is required in Article 1868 of the Civil Code, its nature cumulative or must covers everything. The deeds made, though signed by the parties, however no fulfil condition Article 1868 Civil Code, no can treated as deed authentic, just have strength as written below hand.

Deed authentic made Notary/PPAT is tool proof strongest that can be used by the parties involved in deed later day. In essence deed authentic load formal correctness corresponds with what the parties said to Notary/PPAT. Notary/PPAT is obliged for enter that what is contained in deed made has understandable, understandable and appropriate with desire of the parties, the done with method read so that fill deed Notary/PPAT clear as well as give access to information, include access to regulation related legislation for the parties before deed the signed by the parties, witnesses and Notary/ PPAT.

<sup>1</sup> Sudikno Mertokusumo, *Getting to Know the Law Introduction* (Yogyakarta: Liberty, 2003).

<sup>2</sup> Mochtar Kusumaatmadja, *Introduction Legal Science Introduction First Scope Applicability Legal Studies* (Bandung: Alumni, 2000).

<sup>3</sup> CST Kansil, *Constitutional Law of the Republic of Indonesia* (Jakarta: Bina Aksara, 1986).

<sup>4</sup> Habib Adjie, *Knitting Thoughts in the World of Notaries & PPAT* (Bandung: Citra Aditya Bakti, 2011).

For the parties can with free agree or not agree fill from the deed will signed that. Through the deed that made, one person Notary/PPAT must can give certainty law to public user service Notary/PPAT.

Deed Notary/PPAT must give certainty that something events and facts the in deed truly carried out by a Notary/PPAT or explained by the parties appearing at the time listed in deed in accordance with existing procedures determined in making deed. Formally for prove truth and certainty about day, date, month, year, time facing, and the parties facing, initials and signs hands of the parties or presenters, and witnesses, as well prove what is seen, witnessed, heard by the Notary/PPAT and recorded information or statements of the parties or facing<sup>5</sup>. What is stated in deed Notary/PPAT must can accepted except interested parties can prove the opposite is true in court.

Notary/PPAT in making deed authentic must hold firm principle caution ensure truth time, location, identity of the parties, and contents, so same like facts on the ground. Formal terms in deed authentic that is made in advance authorized officials, attended by the parties, second party known or introduced to officials, attended by two witnesses. If not fulfilled formal requirements are possible make deed Notary/PPAT who is deed authentic will down degree become deed below hand. Such deeds that not again nature authentic.

Notary/PPAT not own obligation for inspect truth material from documents shown by the presenter. This thing often utilized by parties certain for do contradictory actions with law. Goals are created deed in front Notary/PPAT is as tool strong evidence if happen lawsuit civil nor demands criminal from one party, so not close possibility Notary/PPAT will stuck in problems of the parties involved regarding with deed made by a Notary/PPAT.

Work Notary/PPAT instead without risk for do error. Doesn't close possibility error that also came from the parties in the manufacturing process deed. Involvement Notary/PPAT in case law caused exists mistakes in the deed they made, because error Notary/PPAT alone nor fault of the parties or one of them parties who do not give information or the actual document (existence faith bad from facing) which gives rise to loss to the party other.<sup>6</sup> Faith bad is something will and or deliberate for do deed bad, good that's what's detrimental or profitable party other. If one facing the give information that is not true and giving letters/documents fake (description fake) so deed the become containing deed information fake. Information false from the observers become problem for Notary/PPAT. Although Notary/PPAT have no responsible on information counterfeit created by the facers, will but this can harm Notary/PPAT. When it happens dispute Notary/PPAT will called and asked information as witness.<sup>7</sup>

In practice a lots found case related crimes with profession position Notary/PPAT, if deed Notary/PPAT disputed by the parties or party third others, then Notary/PPATs are often withdrawn as participating parties as well as do or help do something follow criminal that is make or give information false into the deed Notary/PPAT.<sup>8</sup> In reality moment this, though Notary/PPAT in operate his position

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<sup>5</sup> Ahmad Matori Azzam Lubis, "Implementation Principle Caution in Making Deed Giving Right Dependents" (Islamic University of Indonesia, 2019).

<sup>6</sup> Christin Sasauw, "Overview Juridical About Strength Tie Something Deed Notary," *Lex Privatum Journal* 3, no. 1 (2015): 100.

<sup>7</sup> Lubis, "Implementation Principle Caution in Making Deed Giving Right Dependents."

<sup>8</sup> Habib Adjie, *Notarial Law in Indonesia Interpretation Thematic Against Law No. 30 of 2004 Concerning Position Notary* (Bandung: Refika Utama, 2008).

there is regulation legislation as well as code applicable ethics, however still often found a number of Notary/PPAT who is entangled case criminal nor civil Because do deed oppose law especially in matter follow criminal forgery letters, which sometimes done with deliberate or because negligence by the Notary/PPAT.<sup>9</sup>

Forgery letters (*valshheid in geschriften*) arranged in Chapter XII book II of the Criminal Code (for furthermore called Criminal Code). Formulation elements deed criminal to forgery deed authentic in Article 263 of the Criminal Code concerning forgery letter in form standard or form basically, forgery letter which is aggravated by Article 264 of the Criminal Code and ordered enter information false to in deed authentic in Article 266 of the Criminal Code.<sup>10</sup> Forms from forgery letter the is as following:<sup>11</sup>

1. Article 263, forgery letter in form standard or form the principal is also mentioned as forgery letters in general with threat criminal imprisonment for a maximum of 6 (six) years;
2. Article 264, forgery weighted letter, weighted the crime placed in types letter, which complied its nature contain reason ballast. Sanctions imposed more heavy that is threat criminal imprisonment for a maximum of 8 (eight) years;
3. Article 266, orders enter information false to in deed authentic is actual actions give something information (regarding something thing) to someone official maker deed authentic, the information that for loaded to in deed authentically made by officials maker deed authentic that. Possible sanctions worn that is criminal imprisonment for a maximum of 7 (seven) years. In connection with Notary/PPAT has obligation serve society, then follow crime committed not alone, however there is involvement some party.

In law criminal, the named with regulated inclusion (*deelneming*) in Article 55 of the Criminal Code as perpetrator and Article 56 of the Criminal Code as helper. Inclusion are two people or more do something follow criminal or in other words there are two people or more take part for make it happen something follow criminal.<sup>12</sup>

The problems that bring Notary/PPAT to realm lawsuit happen in Making Sale and Purchase Deed can be seen in case at the Bandung High Court with Decision Number 424/PID/2021/PT.BDG, where Defendant ENJUM Bin AWI, on Wednesday 17 June 2015 took place in front of the Land Deed Making Officer (PPAT) CUT RIANY, SH whose address is Jalan Bima Utama Raya No. 1 Lambang Sari Permai, Tambun Selatan District, Bekasi Regency, has committed an order to enter false information into an authentic deed regarding something whose truth must be stated by the deed, with the intention of using or ordering other people to use the deed as if it were the statement according to the truth.

It started with the defendant ENJUM BIN AWI admitting that he owned land located in Cikedokan Village, RT.002 RW.003, Cikedokan Village, West Cikarang District, Bekasi Regency, covering an area of approximately 2,064 M2 which was inherited from the defendant's parents, AWI

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<sup>9</sup> Priska Talitha Fatimah, "Responsibility Notary and PPAT Who Carry It out Forgery Deed Authentic," *Indonesian Notary 2*, no. 4 (2020): 54.

<sup>10</sup> Adami Chazawi and Ardi Ferdiam, *Act Criminal Forgery: Action Offensive Criminals Legal Interest in Community Beliefs Concerning Truth Content of the Writing* (Jakarta: Raja Grafindo Persada, 2015).

<sup>11</sup> Fatimah, "Responsibility Notary and PPAT Who Carry It out Forgery Deed Authentic."

<sup>12</sup> SR Sianturi and EY Kanter, *Principles of Criminal Law* (Jakarta: Storia Graphic, 2002).

BIN JAMAIN. Furthermore, regarding the land ownership owned by the defendant, in accordance with the Statement of Relinquishment of Land Rights for Private Use Number. 5914/151/IV/95 dated 17 April 1995 by the defendant ENJUM BIN AWI released its ownership rights to PT. Bekasi Matra Industrial Estate. Currently, the release of land rights from the defendant to PT. Bekasi Matra Industrial Estate has been issued and converted into a Building Use Rights Certificate Number: 17/Cikedokan in the name of the rights holder PT. Bekasi Matra Industrial Estate with a land area of approximately 107,513 M2 which was published on October 1, 2001.

However, around 1998 the defendant claimed the company's land as large as 2,064 M2 which has been released with evidence SHM No. 00591/Cikedokan, the name of the rights holder ENJUM Bin AWI, where the SHM was issued on March 28 1998 through the adjudication process at BPN Bekasi Regency. After that the defendant ENJUM BIN AWI sold the land to the witness H.ASEP SAEPULLAH by making a Deed of Sale and Purchase between the defendant and H.ASEP SAEPULLAH. That deed no. 274/2015 dated 17 June 2015 was made before the Land Deed Official, CUT RIANY, SH, whose address is Jalan Bima Utama Raya No. 1, Lambang Sari Permai, South Tambun District, Bekasi Regency. That the defendant, in accordance with the sale and purchase deed, provided false or incorrect information because the defendant ENJUM BIN AWI stated that he claimed he still owned the land location, even though the land belonged to PT. Bekasi Matra Industrial Estate in Kampung Bungur RT.002 RW.008 Cikedokan Village, West Cikarang District, Bekasi Regency and was claimed by the defendant ENJUM BIN AWI and sold to Br. H.ASEP SAEPULLAH at a price of Rp. 170,000,000 (one hundred and seventy million rupiah) .

Is it correct violation law the carried out by a Notary/PPAT or the signing parties deed that's what did it violation law with give information that is not honest and hiding proper documents shown to Notary/PPAT. In case This needed knowledge profound laws and paradigms think broadly. For take correct and appropriate decisions with applicable law in set guilty or not a Notary/PPAT in something inspection law civil nor criminal.<sup>13</sup>

Based on matter the so obtained identification problem, first How Notary/PPAT responsibilities against false information submitted by the consistend in the deed of sale and purchase? Second, how protection effort law for Notary/PPAT against false information submitted by the consistend in the deed of sale and purchase?

## **METHOD**

Research methods in study this is what is used writer is study juridical normative. Study juridical normative that is something method the law is carried out through tracing material References or secondary data.<sup>14</sup> Research conducted is study Analysis Descriptive. This study is comprehensive view and systematic about circumstances or the phenomenon under study in connection with all related problems with Notary/PPAT responsibilities and protection effort law against false information submitted by the consistend in the deed of sale and purchase reviewed with regulation applicable legislation so that give directed and detailed explanation.

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<sup>13</sup> Teresia Din and Dkk, "Legal Protection Against Official Maker Land Deed in the Making Deed Authentic," *Journal Legal Writing* 10, no. 2 (2017): 120.

<sup>14</sup> Soerjono Soekanto and Sri Mamuji, *Normative Legal Research (An Overview Brief)* (Jakarta: Rajawali Press, 2001).

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## RESULT AND DISCUSSION

### 1. *Notary/PPAT Responsibilities Against False Information Submitted By The Consident In The Deed Of Sale And Purchase*

Notary/PPAT is official generally given authority for make deeds authentic about deed law certain about right on land or right owned by on unit house arrange, and deed giving power for charge right dependents. Deed Notary/PPAT is deed made by a Notary/PPAT as proof has implemented it deed law certain about right on land or right owned by on unit House arrange.

Notary/PPAT as official general sued for carefully in operate task position, so they should carefully in research formal truth of documents brought to them. Notary/PPAT is also required for behave honest, that is honest with himself, society, and God within carry out task his position. Notary/PPAT is also required for carry out his obligations with faith good and appropriate with code applicable ethics require it a Notary/PPAT must responsible answer, honestly or not take sides as well as forbidden for do violating acts provisions in Regulation Position Notary/PPAT and provisions regulation legislation others related with task principal Notary/PPAT. A Notary/PPAT plays a role important in field land, one of them relate with juridical data in the recording process land, include change on existing juridical data recorded previously, one Notary/PPAT said own sufficient authority complex in field land, fine from side land nor holder rights. Abilities and skills Notary/PPAT will needed in matter making deed certain in operate authority Notary/PPAT.<sup>15</sup>

Strength proof deed made by a Notary/PPAT regarding certainty rights and obligations law somebody in life society, then Notary/PPAT has important role in help create certainty and protection law for society, with method publishing deed authentic made in front of him related with legal status, rights and obligations somebody in law, which works as tool the most perfect evidence in court, in matter happen dispute related rights and obligations.<sup>16</sup>

Accountability is attitude or action for bear consequence from all deed or attitude taken for bear all risk or the resulting consequences from something deed. Notary/PPAT often in practically involved with case law caused by the deed he made, because error Notary/PPAT alone nor fault of the parties or one of them parties who do not give actual information. Sometimes the parties or facing give information that is not true (false) to Notary/PPAT. Notary/PPAT not know that information the is false information. Notary/PPAT pours information the in form deed Notary/PPAT. Furthermore the party who feels disadvantaged problematic deed Notary/PPAT, even report Notary/PPAT to apparatus enforcer law on base do deed oppose law.

Demanded accountability to Notary/PPAT not only in understanding narrow that is just make deed, but also accountability in a deeper sense broad, that is not quite enough answer in phase making deed and liability answer post signing deed. Not quite enough answer profession Notary/PPAT alone can categorized as into 2 (two) things, namely not quite enough answer ethics and responsibility answer law. Not quite enough answer law This can it is also divided into 3 (three) types, namely not quite enough answer based on administration law, civil law, and criminal law.

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<sup>15</sup> Sianturi and Kanter, *Principles of Criminal Law*.

<sup>16</sup> Akbar Taufik Amrullah, "Legal Protection Against Official Maker Land Deed Under Examination and Collection Minuta Deed by Investigator" (Indonesian Islamic University, 2017).

a. Administrative Responsibilities

Mistake or error in problem administration or normal called with maladministration carried out by the Notary/PPAT in do part activity registration land naturally will give rise to consequence the law is not profitable party certain, so then Notary/PPAT can asked accountability.

Notary/PPAT must responsible answer on making deed sell buy containing soil disabled law because matter the categorized as abusive actions authority, that is assigned authority to him based on Article 2 PP Regulations Position Notary/PPAT, so use authority that at the end, not in accordance with objective giving authority. For violations committed by Notary/PPAT can worn action administrative form reprimand written until with dismissal from his position as PPAT (Article 10 PP Regulations PPAT Position). This is also stipulated in Article 6 paragraph (1) PPAT Code of Ethics, namely for members who do violation of the Code of Ethics can charged penalty in the form of :

- 1) Reprimand;
- 2) Warning;
- 3) Schorsing (dismissal temporary) of membership;
- 4) Onzetting (dismissal) of membership;
- 5) Dismissal with no respect from membership.”

b. Civil Responsibilities

Not quite enough answer Notary/PPAT civil law among others covers various negligence in making deed sell buy what happens deviation from condition material and formal, existence negligence, or gap in management the file. Apart from being given penalty administrative, Notary / PPAT can also worn penalty form change make a loss on losses suffered by the parties certain. If happen denial to what is written inside deed, then Notary/PPAT can sued in a way civil.

According to Aditama in his research, explain that if there is action Notary/PPAT who violates so can said deed the disabled in a way law if the actions taken by the Notary/PPAT are proven contradictory with decency, thoroughness, prudence and propriety<sup>17</sup>. If there is one criteria the above violations occurs and is carried out by a Notary/PPAT, then can said Notary/PPAT violates law. Violation alone not must nature accumulative. If there is cancellation deed sell buy that basically because exists activity violate law carried out by a Notary/PPAT, then Notary / PPAT can requested for responsible answer. Doesn't close possibility Notary/PPAT can sued for responsible answer, though has poured various agreement together in existing deed. Someone who has given penalty on the violation he committed can said that he has responsible answer on the loss it creates towards other people or party certain.<sup>18</sup>

c. PPAT Criminal Responsibilities

Dropping penalty criminal can done throughout Notary/PPAT has make letter false or fake deed with qualification as something follow criminal. Condition materials and conditions formal from procedure making deed Notary/PPAT is formal aspects are mandatory passed in making deed sell buy land related with task position Notary/PPAT. Dropping penalty criminal can done throughout specified

<sup>17</sup> PN Aditama, “Responsibilities of Officials Maker Land Deed in Giving Legal Protection for Parties in the Transfer of Land Rights through Sale and Purchase,” *Lex Renaissance* 3, no. 1 (2018).

<sup>18</sup> Jimly Asshiddiqie and M. Ali Safaat, *Hans Kelsen's Theory of Law Translated* (Jakarta: Constitution Press, 2012).

limitations legislation related Notary/PPAT, PP Regulations PPAT Position; PPAT code of ethics; Code of ethics Notary and the formulation in the Criminal Code is violated.

In connection with matter the author opinion a Notary/PPAT Cant requested accountability criminal on the deed they made if Notary/PPAT concerned has do his task in accordance with procedure as regulated in regulation relevant legislation. This thing legitimized in Article 266 of the Criminal Code, where a Notary/PPAT cant worn criminal on base Article 266 of the Criminal Code if they has operate his task with right.<sup>19</sup>

As explained in Article 266 of the Criminal Code which states that a Notary/PPAT who has carry out duties and authority in accordance with applicable procedures, so cant worn punishment criminal if happen outside error than his responsibility.<sup>20</sup> Forgery in document possible just can happen and when happen matter the so perpetrator threatened with maximum prison for 6 years, meanwhile Article 264 makes things even worse threat criminal to be 8 years old prison if proven do forgery to deed authentic, debt securities and others. Inside Article 266 paragraph 1 of the Criminal Code special arrange about forgery deed authentic (description false in deed authentic).

Information false in deed authentic in question is forgery letter in understanding make information in a way false (by the parties) who are confronted to Notary/PPAT, however characteristic a deed made by a Notary/PPAT is deed *partij* (deed made is deed based on the wishes of the parties). Therefore that, Article 266 paragraph 1 of the Criminal Code does not can applied to position Notary/PPAT because information originate from facing deed. Notary/PPAT in position as one who requested help in making something deed sell buy as a medium for give to something authentic deed, which is then initiative in management, this come from the requesting party help or facing to Notary/PPAT. Penalty criminal as explained in the relevant Article 263 Paragraph (1) of the Criminal Code with Article 55 paragraph (1) can worn to Proven notary/PPAT cooperate to party facing.

In case the on where Defendant ENJUM Bin AWI sold the land to witness H.ASEP SAEPULLAH by making a Deed of Sale and Purchase No. 274/2015 dated 17 June 2015 made before the Land Deed Official, CUT RIANY, SH, whose address is Jalan Bima Utama Raya No. 1, Lambang Sari Permai, South Tambun District, Bekasi Regency. That the defendant, in accordance with the sale and purchase deed, provided false or untrue information because the defendant ENJUM BIN AWI stated that he admitted that he still owned the location of the land to Notary/PPAT even though the land belongs to PT. Proven Bekasi Matra Industrial Estate with a Statement of Relinquishment of Land Rights for Private Use Number. 5914/151/IV/95 dated 17 April 1995 by the defendant ENJUM BIN AWI released ownership of its rights with issued and converted into a Building Use Rights Certificate Number: 17/Cikedokan in the name of the rights holder PT. Bekasi Matra Industrial Estate.

In the process of the sale and purchase agreement, a criminal act occurred, namely that the Defendant, whose status was not the land owner, stated a statement before a Notary/PPAT. False that he is the owner of the land so he has the right to sell the land and this statement is recorded or included in the deed sale and purchase of land by a Notary/PPAT is a criminal event case. So that here declare that the Defendant, ENJUM Bin AWI, as mentioned above, has been legally and convincingly proven

<sup>19</sup> Tan Thong Kie, *Notarial Studies* (Jakarta: Ichtar Baru Van Hoeve, 2000).

<sup>20</sup> Aditama, "Responsibilities of Officials Maker Land Deed in Giving Legal Protection for Parties in the Transfer of Land Rights through Sale and Purchase."



guilty of committing the crime of “ordering to place false information in an authentic letter” for which the Defendant was sentenced to imprisonment for 2 (two) years.

## *2. Protection Effort Law For Notary/PPAT Against False Information Submitted By The Consident In The Deed Of Sale And Purchase*

An indication that an individual has committed a criminal offense is that the behavior he or she commits is classified as an offense and is contrary to the law. The definition of "criminal act" is based on the Dutch language, namely "strafbaarfeit", where the vocabulary that forms it, namely "strafbaar" means "can be punished" and "feit" means "part of a reality". Meanwhile, according to legal experts, the definition of strafbaarfeit is:

Existence law in public is something means for create peace and order society, so in connection between member one society with the others can guarded interests, law none other than protection interest humans in the form of norms or rule. Certainty law is legitimate protection according to law to action arbitrary. Which means somebody will can obtain something to hope for in circumstances certain.

Protection law that is as something protection provided to subject law that is as something protection provided to subject law in accordance with rule law, fine that's nature preventive as well as in characteristic form repressive, both physically written nor not written in frame straighten up regulation law. Subject law is part from protection the law has understanding that all something that can obtain rights and obligations from composed law from human.<sup>21</sup>

Protection provided by law that is protection on right Notary/PPAT who is results transformation interests carried out through the legislative process in institution shaper law or parliament, so right Notary/PPAT can respected, protected and obeyed. In running its function as institution protection law, Assembly Honor Notary (for furthermore called MKN) has authority as listed in Article 66 paragraph (1) UUJN determines that for interests of the judicial process, investigation, prosecutor general or judge with MKN approval authority:<sup>22</sup>

- a. Take photocopy Minuta Deed and/ or letters attached to Minuta Deed or Protocol Notary Public in storage Notary; And
- b. Call Notary Public for present in related inspections with Deed or Protocol Notary in place in storage Notary.

Article 66 paragraph (1) of this UUJN give gap for involve a Notary Public in an investigation process. During investigator, prosecutor general, or judge obtains agreement from MKN. Understanding from MKN is tool equipment associations are formed and function straighten up code ethics, honor and dignity Notary in nature independent and free from partiality, deep operate duties and authority in association. As described in Article 1 number 8 Code of Ethics Notary. In its development, Article 66 paragraph (1) UUJN also gave rise to debate because considered give Notary Public something special position when compared to with subject law others. Not like subject law others must obey the call in the investigation process without exception. A investigator, prosecutor general, or compulsory judge obtain agreement from MKN especially formerly for do calling a Notary. MKN then

<sup>21</sup> Ridwan HR, *State Administrative Law* (Jakarta: Raja Grafindo Persada, 2006).

<sup>22</sup> Sjaifurrachman and Habib Adjie, *Aspects Accountability Notary Public in Making Deed* (Bandung: Mandar Maju, 2011).

decide need or or not presence Notary Public in the investigation process, remember exists obligation guard confidential for a Notary protected by rights deny.<sup>23</sup>

The existence of the MKN's authority to give agreement on application calling Notary Public through inspection especially internally formerly to Notary, here is form from right deny. This internal inspection carried out by MKN with help Assembly Examiner done to use see how important it is involvement Notary Public nor the deed he made needed in make bright something matter.<sup>24</sup>

There are several necessary steps obeyed for investigator or MKN, use ensure certainty and protection law for related parties, namely:<sup>25</sup>

- 1) investigator, prosecutor general, as well as judges for interests of the judicial process can take photocopy Minuta Deed and/ or letters attached to Minuta Deed or protocol Notary in storage Notary Public with submit application written to MKN, and application this was also conveyed to the notary concerned;
- 2) MKN is authorized do inspection to Reported notary has do follow criminal in the manufacturing process deed. MKN got it give agreement to investigator, prosecutor general nor the judge if notary concerned proven has do violation follow criminal in the manufacturing process deed.
- 3) If MKN doesn't find exists proof violation related with exists conjecture follow criminal offenses committed by a Notary that, then in matter this isn't MKN can give agreement for investigator who wants to call Notary Public that.
- 4) Period time for internal MKN give agreement or not give agreement in a way written to investigator is 30 days since accepted letter application from investigator (Article 66 paragraph (3) 149 UUJN). If in period time MKN does not give answer, then MKN is considered has give approval (Article 66 paragraph (4) UUJN).

Related witness Notary/PPAT arranged separately in Article 66 UUJN in conjunction with Article 20 Regulation of the Minister of Law and Human Rights Man Number 7 of 2016 concerning Assembly Honor Notary (for furthermore called the MKN Ministerial Regulation), for interests of the judicial process, investigators, prosecutors general or the judge if want to take photocopy minute deed or letters attached to the minuta deed or protocol Notary/PPAT in storage Notary/PPAT or call Notary/PPAT for present in related inspections with deed or protocol Notary/PPAT located in storage Notary/PPAT must with Regional MKN approval. Upon request from investigator or prosecutor general, MKN Inner region time 30 (thirty) days work counted since accepted letter application agreement must give answer is accept. Inspection Notary/PPAT in the investigation process accompanied by the Regional MKN is not need get permission written, so MKN can direct accompany Notary/PPAT for protect honor and dignity position Notary/PPAT. If later in the investigation process

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<sup>23</sup> Anandiaz Raditya Priandhana, Surastini Fitriasih, and Winanto Wiryomartani, "Legal Protection Against Notary Public in the Investigation Process (Decision Study Court Constitution Number 16/PUU-XVIII/2020)," *Indonesian Notary* 3, no. 1 (2021): 734.

<sup>24</sup> Ibid.

<sup>25</sup> Entin Sholikhah, "Legal Protection Against Position Alleged Notary Do Malpractice in the Manufacturing Process Deed Authentic," *Journal Acts* 4, no. 1 (2017): 48.

found element criminal in operate his position, then accompaniment not again become the authority of the Regional MKN except become realm lawyer.<sup>26</sup>

Substance Article 66 paragraph (1) of this UUJN applies to Notary, with limitation throughout related with duties and authority position Notary Public as loaded in Article 15 UUJN, the presence of this MKN is efforts made government to give something protection law for Notary Public in operate task his position as official general. MKN got it do inspection to Alleged notary do violation related with exists conjecture criminal in the manufacturing process deed authentic. MKN Region has discretion for reject or agree application submitted by the investigator, prosecutor general or judge based results examination carried out by the Tribunal Examiner. Giving parameters agreement or rejection by the Regional MKN must be notice that if something incident criminal already bright and clear without need inspection to Notary/PPAT as witness, then in matter there is a must for Regional MKN reject it, on the contrary, if something report incident criminal or something incident criminal happen cant processed more carry on so that testimony Notary/PPAT is needed for events criminal become bright and clear, then in matter there is a must for Regional MKN give his approval.<sup>27</sup>

## CONCLUSION

Notary/PPAT responsibilities against false information submitted by the consident in the deed of sale and purchase namely PPAT is responsible answer full to the deed they made. However in a way special related exists indication threatening use of false data strength proof perfect from something deed authentic, appropriate with provision Article 1865 must done proof separately, where the parties feel harmed and those who want to demanding PPAT first formerly must can prove. Information falsehoods conveyed by the facers fully become not quite enough answered the presenters, while PPAT was inside matter there is no responsible answer or not can requested not quite enough sue on losses incurred from exists information false facing.

Protection effort law for Notary/PPAT against false information submitted by the consident in the deed of sale and purchase in nature preventive or of a nature repressive, whether written or not written. In relation when Notary/PPAT available something caused and related disputes with deed the made later, the Notary/PPAT will involved or followed include in the judicial process good as witness or even can also be involved as a defendant because considered join in as well as in making deed until harm the other party is then given something protection law to use guard nobility honor and dignity to use operate obligations and duties. Related matter for this reason, a Notary/PPAT is necessary get protection law and the Regional MKN must give agreement because, testimony from the relevant Notary/PPAT is required in make bright something cases carried out by a Notary in accordance with Article 66 paragraph (1) UUJN.

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<sup>26</sup> Ernita Febri Arfianti, "Legal Protection against Designated Notary As a Witness in the Investigation Process with Formed Assembly Honor Regional Notary" (University of Indonesia, 2017).

<sup>27</sup> Moh. Sodik, "Roles and Authority Assembly Honor Notary Public as State Administrative Officials," *Supremacy of Law Journal of Legal Studies* 7, no. 1 (2018): 94.

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