

Reconstruction of Legal Protection for Notaries and Land Deed Officials for the Deeds They Make Based on the Values of Justice

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<http://dx.doi.org/10.47814/ijssrr.v8i8.2757>

Abstract

A Notary must act according to the Notary Law (UUJN) and Code of Ethics. When also serving as a PPAT, the Notary holds dual responsibility for creating authentic deeds, as mandated by Article 1868 of the Civil Code. This study aims to: 1) Analyze existing legal protection regulations for Notaries and PPATs that lack justice values; 2) Identify weaknesses in current regulations; and 3) Propose a reconstruction of legal protection for Notaries and PPATs based on principles of justice. The research's method uses the Constructivism Paradigm, with the Normative Juridical and Empirical Juridical approaches, and the descriptive research type. The types and sources of data use secondary materials in the form of primary legal materials, secondary legal materials, and tertiary legal materials. The data collection method uses literature and qualitative analysis methods. The research's results are: 1) Legal protection for Notaries and Land Deed Making Officials (PPAT) lacks a justice-based foundation, leading to unnecessary legal actions against them by law enforcers; 2) There are significant weaknesses in the legal substance, structure, and culture. Legal provisions for PPAT protection are absent in the PJPPAT and related regulations, despite PPAT's vital role in land administration. Structurally, the 30-day examination limit for Notaries is impractical due to the diverse backgrounds and schedules of honorary council members. Culturally, stronger supervision by the Notary Supervisory Board (MPN), notary organizations, and society is needed; 3) The study proposes a reconstruction of legal protection regulations for Notaries and PPATs through normative and value reforms, aiming to ensure protection is grounded in justice. The reconstruction of legal protection norms for Notaries and PPATs is based on justice values, referring to Article 66 Paragraph 3 of Law No. 2/2014 and Article 1868 of the Civil Code.

Keywords: *Reconstruction; Regulation; Land Deed; Notary*

Introduction

Notaries in carrying out their profession are not always smooth, but it is not uncommon for Notaries to be involved in legal problems for their actions in making deeds or other actions. If a Notary is subject to legal proceedings, the Notary must provide information and testimony regarding the contents of the deed he made.

The importance of legal protection for Notaries is to maintain the dignity and honor of their position, including when giving testimony and taking part in examinations and trials, keeping the information in the deed confidential in order to protect the interests of the parties involved in the deed, and maintaining the minutes or letters attached to the minutes of the deed, as well as the Notary's protocol in storing them.

Signature is a formal aspect that must be fulfilled in making minutes of a deed. In Law 30 of 2004 concerning the Position of Notary as amended by Law Number 2 of 2014 concerning the Position of Notary (hereinafter referred to as the Notary Position Law) Article 1 number (8) stipulates that the minutes of a deed are the original deed that includes the signatures of the parties, witnesses and Notary, which are stored as part of the Notary protocol.

Based on this understanding, the minutes must contain the signatures of the parties, the signatures of the witnesses and the signature of the Notary, as a form of agreement to the obligations stated in the deed. An authentic deed essentially contains formal truth in accordance with what the parties have informed the Notary. However, the Notary has an obligation to ensure that what is contained in the Notarial deed has been truly understood and is in accordance with the wishes of the parties, namely by reading it so that the contents of the Notarial deed are clear, and providing access to information regarding related laws and regulations for the parties who will sign the deed. Thus, the parties can freely determine whether or not to agree to the contents of the Notarial deed that they will sign.

Referring to the Notary Regulations *of the State Gazette of 1860* Number 3 (hereinafter referred to as the Notary Regulations). Article 28, second paragraph, stipulates that immediately after the deed is read, the deed must be signed by all parties appearing, unless it is stipulated that they cannot affix their signatures or are prevented from doing so, in which case their statements and the reasons for the obstruction must be stated explicitly in the deed. Similarly, in relation to the above, based on the Notary Law in Article 44 paragraph (1), it is stipulated that immediately after the deed is read, the deed is signed by each party appearing, witness, and Notary, unless there is a party appearing who cannot affix their signature by stating the reasons, then in paragraph (2) it is stipulated that the reasons as referred to in paragraph (1) are stated explicitly at the end of the deed. Discussion regarding parties appearing who cannot affix their signatures has been stipulated in the Notary Law. However, it does not mention parties appearing who cannot affix their fingerprints.

Notarial Deed as an authentic deed has an important function in community life. The need for written evidence in the form of an authentic deed is increasing in line with the growing demand for legal certainty which is one of the principles of a state of law. Notarial Deed is one of the means of proof that has the principle of presumption of legality which means it must be considered valid before there is a cancellation by the court, so that in addition to being able to guarantee legal certainty, Notarial Deed can also avoid disputes in the future. In the General Explanation it is stated that the Notarial Deed essentially contains formal truth in accordance with what is notified by the parties to the Notary.

The existence of a Notary is very close to the element of trust from the community, considering the principle of trust, a Notary is obliged to keep confidential everything related to the contents of the deed he makes or information obtained in connection with the making of the deed.¹

A notarial deed is an authentic deed because the law stipulates that a notary is a public official who is given the authority to make civil deeds. Another authority of a Notary is as a Land Deed Making Officer (PPAT) who makes deeds regarding land, sometimes in practice PPAT makes deeds of sale and purchase that deviate from the mechanism based on the provisions of statutory regulations, so that it can cause losses to interested parties.² In addition to the PPAT factor, other errors can be caused by the client's dishonesty in conveying or providing the required administrative requirements so that the deed can be canceled by law, because the objective requirements are not met.³ Therefore, if the PPAT makes a mistake regarding the making of a deed of sale and purchase or in other words the deed of sale and purchase made by the PPAT is legally flawed, then the deed is null and void, and the PPAT can be subject to civil sanctions based on the Civil Code and administrative sanctions.⁴

Article 1868 of the Civil Code states that an authentic deed is a deed made in a form determined by law or by or made before an authorized public official, at the place where the deed is made. In carrying out his duties and authorities, a notary must receive legal protection.⁵

Based on this article, it is stated that an authentic deed is perfect evidence, which means that the contents of the deed are considered true by the judge unless evidence of binding evidentiary value is submitted.⁶

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 10 of 2017 concerning Procedures for Examinations, Internships, Appointments and Extensions of the Term of Office of Land Deed Making Officials was made to implement the provisions of Article 6 paragraph (2) and Article 8 paragraph (4) of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Making Officials, it is necessary to stipulate a Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency concerning Procedures for Examinations, Internships, Appointments and Extensions of the Term of Office of Land Deed Making Officials.

The occurrence of criminalization of the Notary profession means that there is a shift in authentic evidence as perfect evidence, towards evidence of the testimony of Notaries who are forced to admit to including false information in their deeds, forcing the article on fraud, embezzlement, even extortion in carrying out the duties of the Notary profession. This is a fact that injures public trust in *the image* (presumption or negative view) as if Notaries are perpetrators of crimes. It is clear according to the *promovendus*, this has become a criminalization of Notaries as if Notaries in carrying out their duties have changed into individuals or perpetrators of crimes and can be punished with criminal penalties. This is an unreasonable development of law and understanding and seems forced. There are even parties who

¹Law no. 30 of 2004 article 16, concerning the Position of Notary

²Ridodi, M. A, 2017, Limitations of the Authority of Notaries and PPAT in Making Deeds Relating to Land, *Lambung Mangkurat Law Journal*, 2(1), 144735,

³Wibawa, KC S, 2019, Measuring the Authority and Responsibility of Land Deed Making Officials (PPAT) from the Perspective of Bestuurs Bevoegdheid, *CREPIDO*, 1(1), 40-51

⁴Febriana, DT, & Sulaiman, A, 2019, Responsibilities of Land Deed Making Officials (PPAT) in Making Land Sale and Purchase Deeds Based on Government Regulation of the Republic of Indonesia Number 2016 Concerning PPAT, *Jurnal Petita*, 1(1)

⁵Alyatama Budify., Jelitamon Ayu Lestari Manurung., & Satria Braja Harianja, 2020, Cancellation of Deed of Gift at Pematangsiantar District Court: Study of Decision Number 33/Pdt.G/2019/PN Pms. *SIGn Journal of Law*, CV. Social Politic Genius (SIGn), 2(1), p. 74.

⁶Yurizal, 2011, *Criminal Aspects in Law Number 42 of 1999 Concerning Fiduciary Guarantees*, Media Nusa Creative, Malang, p. 31.

do not agree with the term criminalization. Then with the fact of shifting the duties of the profession in making evidence towards the crime of including false information, fraud and embezzlement is form criminalization. There are many facts of criminalization of duties and authority. Notary who was shifted into the realm of criminal acts.

The occurrence criminalization to profession Notary Public that is started From the stages starting from the investigation stage by the police, the prosecution stage by the prosecutor's office and the examination stage by the judge, there are deviations and a lack of transparency, where the current conditions are still full of pressure , intimidation, criminalization (coercion or accusation crime Notary Public enter information fake , fraud and embezzlement, even extortion) this is clearly a form of criminalization that has the potential to set aside truth, justice, happiness and the welfare of society, especially for Notaries and the parties who are victims, under the pretext of witnesses, then directed towards the realm of criminal law violations (imposing the will in an authoritarian manner, Notaries are often accused of the following articles: related with enter information fake , falsifying or cheating and even embezzling and blackmailing) and this has actually degraded (distorted) the Notarial deed as an authentic deed as if it were not a perfect evidence.

The legal acts contained in a Notarial deed are not legal acts carried out by a Notary, but rather legal acts of the parties who make an agreement and request or want their legal acts to be stated in an authentic deed. ⁷There are various types of negligence made by notaries, one of which is a typo or typo in making an authentic deed which can result in the deed's evidentiary value being imperfect.⁸ Form not quite enough answer Notary Public in matter Civil law is based on the description of the deed made by a notary relating to civil matters, namely regarding agreements made by two parties. or more and also made in a way unilateral .⁹

Based on description background behind on interesting for researcher for take title:

“Reconstruction Legal Protection for Notaries and Officials Maker Land Deed To The Deed He Made Based on the Value of Justice”.

Research Methods

The author in this research uses the constructivism paradigm, a paradigm which views that legal science only deals with... with regulation legislation solely. Law as something that must be applied and more tend not to question the value of justice and its usefulness for society. Legal studies and their enforcement only revolve around what is right and what is not right, what is wrong and what is not wrong and other forms that are more prescriptive.

Approach study Which d i used in study This is study law sociological or normal called *legal research sociological*. In this research, law conceptualized as s u one symptoms of piris that he can die inside real life.

⁷Ni Kadek Ayu Ena Widiashih & I Made Sarjana, 2017, Auction Minutes as an Authentic Deed Substituting for a Sale and Purchase Deed in an Auction. Kertha Semaya: *Journal of Legal Studies*, Udayana University, 5(2), p. 4.

⁸Ryno Bagas Prahardika & Endang Sri Kawuryan, 2018, Notary's Liability for Negligence in Making Bank Credit Agreement Deeds, *Journal of Legal Transparency*, Kadiri University, 1(1), p. 44.

⁹Kunni Afifah, 2017, Civil Liability and Legal Protection for Notaries for the Deeds They Make, *Lex Renaissance*, Islamic University of Indonesia, 2(1), p. 154.

The type of research used in finish journal This is method descriptive analysis, namely research Which done with method research material pu s taka (da t a s secondary) or study law library , then described in the analysis ¹⁰and discussion.

The types of data used are primary and secondary data. To obtain primary data, researchers refer to data or facts and legal cases obtained directly through field research including statements from respondents related to the research object and practices that can be seen and related to the research object. While secondary data is done by means of literature study. This secondary data is useful as a theoretical basis for the analysis of the main problems in this study.

Data collection is focused on what exists, so that this study does not deviate and is unclear in its discussion. This study uses primary data collection in the form of observation and interviews, while secondary data collection uses *Library Research* (library study), namely data collection obtained from literature sources, scientific works, laws and regulations, other written sources related to the problem being studied as a theoretical basis.

The data analysis method used is descriptive analysis, namely by paying attention to the facts in field practice which are then compared with the descriptions obtained from literature studies. From this analysis, the effectiveness of the legal system that is educational can be known.

Discussion

1.Regulation Legal Protection for Notaries and PPATs Regarding Deeds They Make Is Not Yet Based on Justice Values

A Notary performed examination or being brought into the legal realm as a result of carrying out their duties is often found everywhere, often found cases at the Notary that should be it is not necessary to bring it to the legal realm but it is still processed legally using various arguments from law enforcers.

This is certainly concerning and dangerous for profession a Notary Public Because This to signify that profession Notary is very big the gap for swayed by certain individuals or certain parties who are looking for opportunities for error from a Notary for motivation or specific purposes. The UUJN contains regulations related to obligations from a Notary, authority Notary and also the prohibitions and sanctions if violated by the Notary in carrying out his/her position as a public official authorized to make authentic deeds and other authorities granted by laws and regulations. Notaries must adhere to the UUJN and code of ethics so as to minimize the criminalization of notaries.

Authentic deeds made by Notaries are often questioned by one party or another party because they are considered detrimental to their interests, either by the inappropriate form of the deed, denial of the contents of the deed, signature or presence of the party before the Notary, even the suspicion that false information is found in the authentic deed. In relation to the legal protection of Notaries for the deeds they make related to the Notary's civil liability, with the carelessness and seriousness carried out by the Notary, the Notary has actually brought himself to an act that must be accounted for by law. If a mistake made by the Notary can be proven, the Notary can be subject to sanctions in the form of threats as determined by law.

Legal protection provided to (the Position of) Notary is regulated in Article 66 of the UUJNP. Article 66 of the UUJN arrange regarding the establishment of the Notary Honorary Council (hereinafter referred to as the MKN) consisting of representatives of Notaries, government and academics, which

¹⁰Ed iwarm an, 2010, *M o n o g r a f, M e t o d o l o g i Legal Research*, M e d a n: P r o g r a m Postgraduate U n i v . Muhammad mad iy ah Su m a t e r a North Medan, hlm. 2 4.

functions as a legal protection institution for the Notary Office related to deeds made by or before them. The existence of this MKN is expected to provide optimal legal contributions to the Notary institution in carrying out its duties as a legal protection institution. Regarding the regulation of the position and form of legal protection from this MKN, it has not actually been expressly regulated in the UUJN or in other forms of laws and regulations.¹¹ The position of the MKN in providing legal protection for Notaries is an independent institution, because in this case the existence of the MKN is not a sub-section of the government that appoints it. The MKN in exercising its authority to issue a decision is not influenced by other parties or institutions, so that in this case the decision produced by this MKN cannot be contested.¹²

Based on the above matters, the parties must prove it. UUJNP states that if a Notary is suspected of being involved in a legal problem related to a deed made by or before him, then the investigator, public prosecutor, or judge when summoning the Notary must first obtain approval from the MKN.

The summons of a Notary by an investigator, public prosecutor, or judge to attend the examination of a civil case must require the approval of the MKN, because currently the MKN is a legal protection institution for Notaries, if later there is a Notary who is suspected of making a mistake or violation in making a deed. Thus it will be more guaranteed if all actions of summons, examination and detention are carried out after there is permission from the professional organization that examines it first, so that in the end there will be legal certainty for the community according to the principle of trust that underlies authority Notary. The position of the MKN in providing legal protection for Notaries against deeds made related to the Notary's civil liability is an independent institution, because in this case the existence of the MKN is not a sub-section of the government that appoints it. The MKN in exercising its authority to issue a decision is not influenced by other parties or institutions, so that in this case the decision produced by the MKN cannot be challenged.

Based on the above matters, it can be seen that legal protection for Notaries for deeds they have made related to the Notary's civil liability is that the summons of Notaries by investigators, public prosecutors and judges must be carried out with the approval of the MKN.

The legal protection provided to (the Position of) Notaries, both as regulated in the Notary Position Law (UUJN) and in other regulatory provisions, is sufficient to provide legal protection for Notaries in carrying out their position in order to maintain the confidentiality of their position.

Based on further developments, the existence of the Notary Law (UUJN) is considered to no longer have the power to provide legal protection for Notaries in carrying out their duties as public officials. This then became one of the references for revising or changing Law Number 30 of 2004 concerning the Notary Law. On January 15, 2014, Law Number 2 of 2014 was enacted regarding change Constitution Number 30 of 2004 concerning the Position of Notary which was promulgated in the State Gazette of the Republic of Indonesia in 2014 Number 3 (hereinafter referred to as the Notary Position Law). This Notary Position Law regulates the establishment of the Notary Honorary Council (hereinafter referred to as MKN) whose members are representatives of Notaries, the government and academics, which functions as a legal protection institution for the Notary Position related to deeds made by or in front of him, as loaded in Article 66 paragraph (1) of the Notary Position Law.

Based on the provisions of the article, provisions similar to Article 66 paragraph (1) of the Notary Law (UUJN) can be seen again, which reads "...with the approval of the Regional Supervisory Council (MPD)" which was declared no longer valid by the Constitutional Court some time ago. In Law Number 2 of 2014, the authority of the Regional Supervisory Council (MPD) has now changed to the authority of the Notary Honorary Council (MKN) as a legal protection institution for Notaries. If later there is a

¹¹Irene Dwi Enggarwati, 2015, Criminal Liability and Legal Protection for Notaries Examined by Investigators in Criminal Acts of False Information in Authentic Deeds, Thesis, Master of Notary, Faculty of Law, Brawijaya University, Malang, p. 17.

¹²Ibid

Notary who is suspected of making an error or violation in making a deed, then the law enforcer law, police, prosecutor general and judges, must return to obtain approval from the Notary Honorary Council (MKN) to examine or summon a Notary for questioning. In providing legal protection to a Notary, the Notary Honorary Council must carefully examine whether the reported Notary is proven to have intentionally or unintentionally committed a violation in the process of making an authentic deed.

If the Notary is proven to have committed a form of criminal act, such as falsifying documents or ordering and/or participating in committing a crime in the process of making an authentic deed, then in this case the Notary Honorary Council (MKN) as a legal protection institution does not need to provide any form of legal protection to such Notaries, because apart from tarnishing the good name of the Notary institution, it will also have a sociological impact on society, that Notaries as a trusted institution will lose public trust. In this case, as an implementation of Article 66 paragraph (1) of the Law Position Notary -P, then Assembly the Notary's Honor has the right to provide agreement to investigator, prosecutor law and judges, who want to summon a Notary to be examined in court. This is done to maintain the nobility and dignity of the Notary's position itself, so that legal protection for the Notary's position is not misused by irresponsible parties involving Notaries.

Protection regulations law for Notaries and PPATs regarding the deeds they have made have not yet based on mark justice, that often found cases at the Notary that should be not required to be brought to the legal realm but still processed legally using various arguments from law enforcers. With the " approval " of the Notary examined by investigators, public prosecutors and/or judges, then there is an element of conditioning for the PPAT to be placed in a position not in the " *nobile person* " or " *nobile officium* " category, but rather as someone who is subject to the principle of *equality before the law* as is the case with people in general, so that here the need Notaries and PPATs get protection just law.

2.Weaknesses of Legal Protection Regulations for Notaries and PPATs Regarding The Act He Made At This Time

a.Weaknesses in Legal Substantive Aspects

The weakness of the legal substance aspect is the provisions regarding protection law against PPAT not set up in a way normative Regulation Position Official Maker Land Deed (PJPPAT), in regulation related other PPATs are not regulated, so there needs to be a legal basis regarding matter that , however supervision and coaching against PPAT who during This carried out by the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency , will but must also regulated in Constitution For get certainty law in operate His position , because PPAT has a significant role in assisting government tasks, especially in the field of land. A PPAT in carrying out his/her job functions should not be subject to the principle of *equality before the law*, as long as in carrying out his/her job he/she has followed the procedures determined by laws and regulations.

b.Weaknesses of Aspects Legal Structure

Weakness aspect structure law related with dualism and overlapping overlap authority supervision by the Assembly Supervisor Notary (MPN) and Honorary Council Notary (DKN) who hinders the supervision process and creates uncertainty. Limitations authority Assembly Honor Notary (MKN) who can cause missed procedure mandatory and has implications to validity results inspection as well as sanctions that will be dropped within 30 days, if the time limit is has exceeded so Application summon Notaries are considered by investigators, public prosecutors and judges has approved. Position and form protection law by MKN to Notary Public No set up in a way firm in law, so that No cause its implementation.

c. Weaknesses of Aspects Legal Culture

The weakness of the legal culture aspect is that it needs to be built through strict supervision from MPN, MKN, Organization Notaries and the public. Especially the public as users of Notary legal services who sometimes disadvantaged on deviations committed by individuals Notary. As for the factors other that is shift from idealism pure Notary Public as official general oriented to material so that cause loss towards the community and factor others that weaken Notary Public.

3.Reconstruction of Legal Protection for Notaries and PPATs Against The Deed He Made Based on Justice Values

a.Comparison with Foreign Countries of Legal Protection for Notaries and PPATs Regarding The Deed He Made

1) Dutch

In the Netherlands, supervision of Notaries is the authority of the Independent Administrative Body, namely the Bureau Financieel Toezicht (Financial Supervisory Office) (BFT) which is an integral regulator and not only supervises finances, but also the quality and integrity of Notaries. Second, the imposition of sanctions on Notaries who commit violations is the authority of the Notary Supervisory Board and the Minister of Law and Human Rights. However, in the Netherlands, the imposition of sanctions on Notaries who commit violations other than disciplinary violations is the authority of the BFT, but if a disciplinary violation (Ethics) is found, the imposition of sanctions is the authority of De Kamer voor Het Notariaat (Disciplinary Council for Notaries), De Kamer voor Het Notariaat acts if there is a complaint from the BFT. Similarities were also found in terms of the form of the Notary association organization, in Indonesia and in the Netherlands there is only one association organization recognized by law, in Indonesia, namely the Indonesian Notary Association (INI) which has the authority to supervise the code of ethics, while in the Netherlands De Koninklijke Notariele Beroepsorganisatie (KNB). Apart from the similarities, differences were also found, including regarding the form of the supervisory institution. In the Netherlands there is no honorary council, in the Netherlands supervision also applies to Junior Notaries, whereas in Indonesia this does not apply. there is Junior Notary.

2) United States of America

Notary practices in Indonesia are different from those in Anglo-Saxon countries, for example the United States, in that country Notary Public is craftsman making a deed, while in Indonesia as adherent *Civil Law*, Ntheotary have function as a public official whose duty is to serve the general public in making deed.

Georgia is one of the states of the United States. This country has set code ethics Notary Public in meeting extraordinary member, November 6, 2011. Code name ethics Notary of Georgia, namely the Deontology Code (Code of Ethics) of Georgian Notaries, which in Indonesian is called the Code of Ethics of Georgian Notaries. Basis philosophical set code ethics Georgia Notary is as guidelines (1) Notary in apply principles of firm compliance with the legal interests of the parties and legal entities, (2) in carrying out professional activities based on high moral and ethical principles, and (3) supporting full implementation principles base Notary Public Latin. Meanwhile, the purpose of the code ethics That is :

1. Guidelines for Notary in operate his profession,
2. Increasing state and public trust to Georgia Notary, and
3. To give protection to dignity and honor Notary in carry out his profession.

Authority Notary, who in Language English, called *notary authority* conceptualized as powers granted by law or act to carry out related positions with Notary Public.

Obligation Notary, who in English, called *notary obligations* or *notary liabilities* conceptualized as things to do carried out by a Notary in carrying out his work or profession or in a relationship with party others. Obligations Notary Public set up in Articles 2.1 to 1.15 of the Code of Ethics of Notaries of Georgia.

Duties and obligations Notary Public to client is a job that is assigned and that must be done carried out by a notary to his customers or the person who obtains service from Notary. Other duties and obligations of Notary Public with client related with integrity. Integrity is conceptualized as morality and ethics Notary Public in serve his client. This integrity is regulated in Articles 13 to 22 of the Code of Ethics of Notaries of Québec.

Every Notary Public must guard property entrusted to him. Liability is conceptualized as not quite enough answer Notary in provide services to its clients. Responsibility answer Notary Public set up in Article 28 of the Code of Ethics Quebec Notary.

3) German

Land certificates as absolute evidence in Australia are called land registration with the Torrens system, in Germany called Grundbuch.¹³ Land registration with the Torrens system has revolutionized land law in Australia, the Torrens system was pioneered by Sir Robert Torrens in South Australia in 1858, the Torrens system aims to solve land problems and high costs in land registration. In land registration with the Torrens system must check the history of the registered land rights which aims to provide validity of the registered land rights.¹⁴

In Germany there is property insurance, property insurance is a contract where the insurance company promises to compensate the property rights holder if he suffers a loss because the insured property rights are damaged and insurance to maintain the rights legally so that the rights will not be lost due to lawsuits from other parties. In Germany Notaries provide insurance against errors in land registration. Germany has a register of rights that checks every transaction and provides a legal and unambiguous definition of most rights to real property.¹⁵

The German government will not cancel a registered land title certificate even if there is fraud during the land title registration process. In Germany, Notaries ensure with absolute truth of the deed of transfer of rights made. Germany was also made a country place comparative study of members of the Indonesian House of Representatives in preparing for the implementation of a positive land registration system in Indonesia, so that this research will complement the results of the comparative study that has been carried out by the Indonesian House of Representatives.

b.Reconstruction of Justice Values Based on Legal Protection for Notaries and PPATs for the Deeds They Make Based on Justice Values

The reconstruction of values that we want to achieve in this research is that protection law for Notaries and PPATs regarding deeds they have made which were previously not based on justice are now based on mark justice.

¹³Rusmadi Murad, Land Administration, Implementation of Land Law in Practice, Bandung: Mandar Maju, 2013, p. 351

¹⁴Kelvin FK Low, "The Nature of Torrens Indefeasibility: Understanding the Limits of Personal Equities," Melbourne University Law Review, 2009, 33 Melb. UL Rev. 205, p. 206.

¹⁵Benito Arrunada, "A Transaction Cost View of Title Insurance and its Role in Different Legal Systems", The Geneva Papers on Risk and Insurance, Vol. 27 No. 4 (October 2002), p.582.

c. Reconstruction of Legal Protection Norms for Notaries and PPATs for Deeds They Make Based on Justice Values

An authority that is carried out examination or being brought into the legal realm as a result of carrying out their duties is often found everywhere, often found cases at the Notary that should be it is not necessary to be brought to the legal realm but is still processed legally using various arguments from law enforcers. law.

This is certainly concerning and dangerous for profession a Notary Public Because This to signify that profession Notary is very big the gap for exploited by certain individuals or certain parties who are looking for opportunities for error from a Notary for motivation or specific purposes. The UUJN contains regulations related to obligations from a Notary, authority Notary and also the prohibitions and sanctions if violated by the Notary in carrying out his position as a public official who is authorized to make authentic deeds and other authorities granted by laws and regulations. Notaries must adhere to the UUJN and the code of ethics so as to minimize the implementation criminalization to Notary Public.

Based on the information above, then served table reconstruction as following:

Table. 5.1. Summary of Legal Protection Reconstruction Norms for Notaries and PPATs for Deeds They Make Based on Justice Values

No.	Construction	Its weaknesses	Reconstruction
1.	Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary Article 66 Verse 3 The Notary's Honorary Council must provide an answer accepting or rejecting the request for approval within a maximum of 30 (thirty) working days from the date of receipt of the letter requesting approval as referred to in paragraph (1).	Not based on justice values	Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, Article 66 Paragraph 3 by adding the sentence and based on the value of justice, so that it reads: Article 66 Verse 3 The Notary's Honorary Council within a maximum of 30 (thirty) working days from the date of receipt of the letter requesting approval as referred to in paragraph (1) is obliged to provide an answer accepting or rejecting the request for approval and based on the value of justice.
2	Civil Code Article 1868 An authentic deed is a deed made in the form determined by law by or before a public official authorized to do so at the place where the deed is made.	Not yet strengthened by legal protection	Reconstruction of the Civil Code, in Article 1868 by adding the words and protected by law, so that it reads: Article 1868 An authentic deed is a deed made in the form determined by law by or before a public official authorized to do so at the place where the deed is made, and is protected by law.

Closing

Conclusion

Protection regulations law for Notaries and PPATs regarding the deeds they make are not based on the values of justice, which is often found cases at the Notary that should be it is not necessary to be brought to the legal realm but is still processed legally using various arguments from law enforcers. law.

Weakness aspect substance law namely, the provisions regarding legal protection of PPAT are not regulated normatively by PJPPAT, in other regulations related to PPAT it is also not regulated, so there needs to be a legal basis regarding this, because PPAT has a fairly large role in assisting the government's tasks, especially in the field of land and being under Supervision and Guidance by the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency.

Weakness aspect structure law that is there is dualism and overlapping tumpang to authority supervision by MPN and DKN, related inspection Notary by MKN, especially in the approval process on limitations facilities and infrastructure in routine checks and limitations time of MKN members.

Weakness aspect culture law is necessary to build through strict supervision from MPN, MKN, Organization Notaries and Society.

Reconstruction regulation protection law for Notaries and Officials The Land Deed Maker regarding the deed he made based on the value of justice consists of norm reconstruction and value reconstruction. Reconstruction desired value achieved in this study is that the protection law for Notaries and PPATs regarding the deeds they made which were previously not based on justice are now based on the values of justice. Reconstruction of regulatory norms for the protection of law for Notaries and Officials The Land Deed Maker for the deeds he makes is based on the value of justice in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, Article 66 Paragraph 3 and the Civil Code, in Article 1868 and the Regulations Government Number 24 of 2016 Amendment on Regulation Government Number 37 of 1998 Concerning Regulation Position Official Maker Land Deed.

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