

Legal Protection for Land Buyers for Which Certificate Has Been Issued in His Name is Cancelled by The Supreme Court (Based on Case Decision Number 170 K/PDT/2017)

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ABSTRACT

Hamzah, is the legal owner of the land according to certificate number 326/Gembor Udik dated 08-05-2012. Hamzah made a sale and purchase transaction with the heirs which initially was in the form of a Kikitor/Kohir C letter with number 1282, Persil IA IB Blok 002. However, his certificate was later proposed to be blocked by Harjanto Jasin, Halim Hermawan, Hadi Jasin, Iceu Astuti, Dra. Anke Rubiane, Nussy Nusriany, Venny Risvariny, Yenny Kristiany, Andri Noviar, Ichsan Gautama and Raya Ilham, Hamzah made legal efforts to get his rights back but in the trial process they were defeated because the certificates he had were overlapping certificates, which belonged to the same date. younger than the other certificates. In this case, to maintain the rights held by Hamzah as the legal land owner, he must be able to prove his ownership. However, Hamzah did not get the results he wanted. Therefore, how is the legal protection for land buyers whose certificates have been issued in their names canceled by the Supreme Court (Based on Cassation Decision Number 170 K/Pdt/2017). The author uses normative legal methods and uses interview data as supporting data. The results of the study revealed that Hamzah had carried out the name transfer process in accordance with the applicable rules.

Keywords: overlap certificates, land registration, land protection

1. INTRODUCTION

Certificate of land rights is used as evidence of ownership for the holder of the land rights he owns, a certificate is issued for the benefit of the holder of the land rights. Certificates as evidence of ownership should be the only strong evidence and can provide legal certainty for certificate holders. This is due to the fact that the proof of a certificate remains perfect and does not need to be proven again, so it is hoped that it will avoid losses and disputes between the parties. The Republic of Indonesia as a gift that comes from God Almighty is a national wealth. [1] Land is used by humans for various things because land has a strategic value for human life. [2] Land can be used directly for gardening and farming or by constructing a building on it. A building that stands on land that can be a shelter or for various other activities, such as houses, office buildings, factories, shop houses and so on. There are elements that are very closely related to land and buildings. On the basis of the importance of land for people's lives, a statutory regulation was made that regulates it, namely Law

Number 5 of 1960, hereinafter abbreviated as UUPA. There are various types of land rights. According to Article 16 of the UUPA, there are property rights, cultivation rights, building rights, use rights, lease rights, land clearing rights, forest product collection rights, other rights that are not included in the rights mentioned above which will be stipulated in the law. laws and temporary rights. [3] These rights are then registered with the aim of providing legal certainty and legal protection to the holders of rights to a plot of land, an apartment and other registered rights so that they can easily prove themselves as holders of the rights concerned, in accordance with Article 19 of the UUPA. Part II concerning Land Registration and Article 3 letter a of Government Regulation Number 24 of 1997 concerning Land Registration hereinafter abbreviated as PP 24/1997 and based on Article 4 Paragraph (1) to provide legal certainty and protection to the holder of the right in question, a certificate of land rights is granted. These rights can also be transferred if there are legal actions such as buying and selling, grants, inheritance, exchange and other efforts. [4] The Land Deed Maker Official, hereinafter

abbreviated as “PPAT”, plays an important role in assisting the Head of the Land Office to carry out land registration activities in accordance with Article 6 of PP 24/1997 which states that:

1. In the framework of implementing land registration as referred to in Article 5, the task of implementing land registration is carried out by the Head of the Land Office, except for certain activities which are assigned by this Government Regulation or the relevant legislation to other Officials.
2. In carrying out land registration, the Head of the Land Office is assisted by PPAT and other officials assigned to carry out certain activities according to this Government Regulation and the relevant laws and regulations.” [5]

The definition of PPAT is a public official who is given the authority to make authentic deeds regarding certain legal actions regarding land rights or property rights over flat units. [6] PPAT has the main task of carrying out some land registration activities by making a deed as evidence that certain legal actions have been carried out regarding land rights or property rights to flat units, which will be used as the basis for registering changes in land registration data caused by legal actions such as selling buying, exchanging, grants, entry into the company (inbreng), sharing of joint rights, granting building use rights/use rights over land rights, granting mortgage rights, granting power of attorney to encumber mortgage rights. [7] Land registration efforts are carried out in the hope of protecting rights and guaranteeing legal certainty for rights holders as proof of ownership to be able to avoid various conflicts, not a few cases of land disputes that occur in Indonesia.

One of them is the case of dual certificates which resulted in a dispute based on Decision Number 170 K/Pdt/2017. As for the chronology of Hamzah buying land which is still in the form of a letter Kikitir/Kohir C number 1282, Persil IA. IB Blok 002 whose ownership was owned by the late Iman Bin Kasbi who transferred due to inheritance to Misad bin Iman, who had died in 1987 (one thousand nine hundred and eighty seven) so that all assets were transferred to his children as heirs, namely Misah bint Misad, Iwan Mahruf bin Misad, and Madrabo bin Misad in accordance with the Serang Religious Court Decree No. 245/Pdt.P/2010/PA.Srg. also referred to as the “Seller”. Hamzah conducts buying and selling transactions in front of a notary and PPAT with the working area of Serang City, namely Mrs. Uges called “PPAT”. In the sale and purchase transaction, Hamzah asked the Seller to show all the necessary documentary evidence to prove that the land is indeed clearly and legally owned by the Seller.

After being shown to Hamzah by the seller of the proof of the documents in question, Hamzah made a sale and purchase transaction in front of the PPAT and asked to ensure that all ownership documents and the condition and history of the land have no problems with the Village and District Governments, namely the Head of the Serang Regency Land Office and the Serang Pratama Tax Service Office on the land object that Hamzah wants to buy in the hope that in the future there will be no disputes law. After

all the checking processes at the authorized agency have been completed, Hamzah conducts the sale and purchase transaction of the land by means of payment in stages, namely the first stage of payment as an advance or down payment is Rp. selling value of Rp. 1,757,808,000, - (one billion seven hundred fifty-seven million eight hundred eight thousand rupiah) the next stage of payment is given after the land object has been completed. After all the checking processes were carried out, Hamzah made a sale and purchase transaction with the seller before the PPAT as outlined in the Sale and Purchase Deed Number 80 (eighty) dated 18-10-2011 (eighteenth October two thousand and eleven).

After the payment process was completed, Hamzah asked PPAT to register the land with the Serang Regency Land Office for the issuance of a certificate in accordance with the provisions stipulated in Article 23 and Article 24 Paragraph (1) PP 24/1997 in conjunction with Article 60 Paragraph (2) Regulation of the State Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementation of PP 24/1997 concerning Land Registration, hereinafter referred to as PMNA No. 3/1997.

The Serang Regency Land Office then announced the Physical Data and Juridical Data Number 630.1/6174/KP/Peng/2010 dated December 5, 2011 along with an attachment in the form of a map image, to give interested parties 60 (sixty) days to submit objections to the announcement of the land object and if the above period of time passes, it cannot be served. Whereas it turned out that until the 60 (sixty) day time limit none of the interested parties filed an objection, so that the Serang Regency Land Office issued a certificate of land ownership rights Number 326/Gembor Udik, covering an area of 25,564 M2 (twenty five thousand five hundred sixty two square meters) dated 08-05-2012 (eighth of May two thousand and twelve) signed by the Head of the Land Office of Serang Regency, namely Drs. Dirwan Dachri, as described in the Situation Picture dated April 25, 2012 Number 02/Gembor Udik/2012 with an area of 25,564 M2 (twenty five thousand five hundred and sixty two square meters).

Whereas when Hamzah's land was in the process of getting a certificate of legitimacy in the form of a Hak Milik certificate, Hamzah carried out a fence in the form of a wall on his land which took approximately one (1) month, not a single resident or community objected to the fencing of the property. the Hamza. After the process and issuance of SHM No. 326/Gembor Udik in the name of Hamzah with an area of 25,564 M2 (twenty-five thousand five hundred sixty-two square meters) dated 08-05-2012 (eight of May two thousand and twelve) the land was proposed for blocking by: Harjanto Jasin, Halim Hermawan, Hadi Jasin, Iceu Astuti, Dra. Anke Rubiane, Nussy Nusriany, Venny Risvariny, Yenny Kristiany, Andri Noviar, Ichsan Gautama and Raya Ilham. Hereinafter referred to as “Blocking Party”. As stated in Letter No. 325/P/RSP/ VII/2012, dated July 2, 2012, regarding Application for cancellation of Certificate of Ownership No. 326/ Desa Gembor Udik. 326/Gembor Udik. The parties then filed a lawsuit for the cancellation of the Certificate of Ownership on behalf of

Hamzah with Number 326/Gembor Udik, covering an area of 25,564 M2 (twenty-five thousand five hundred sixty-four) dated 08-05-2012 (eight of May two thousand and twelve) at the Serang State Administrative Court which was registered with case number 22/G/2012/PTUN-SRG.

The Blocking Party then by letter Number: 328/G/TUN/RSP.VIII/2012 dated 08-29-2012 (twenty-ninth of August two thousand and twelve) filed a request for revocation of the lawsuit, which was later granted the request for revocation as stipulated in the stipulation No: 22/G /2012/PTUN-SRG dated 05-09-2012 (the fifth of September two thousand and twelve) then filed a lawsuit again as in his lawsuit at the Serang Administrative Court with number 19/G/2013/PTUN-SRG claiming to be the same land owner (overlapping) with Plaintiff's land above Certificate of Ownership (SHM) No. 326/Gembor Udik, with an area of 25,564 M2.

Hamzah who wanted to defend his rights then filed a lawsuit to the Class 1A Serang District Court with decision number 32/Pdt.G/2014PN.SRG got the results he did not expect, then Hamzah made an appeal to defend his rights in court but the judge's decision at the High Court was based on legal considerations are of the opinion that the legal considerations of the First Level Judge in his decision are appropriate and correct so that they are taken over and used as legal considerations for the High Court itself, so that the Serang District Court Decision Number 32/Pdt.G/2014/PN.Srg dated 09 -06-2015 (the ninth of June two thousand and fifteen) can be defended in an appellate court and therefore must be strengthened.

Hamzah who lost in the Banten High Court also made an attempt to appeal to the Supreme Court but the effort was rejected by the Supreme Court on the basis that the Banten High Court's decision in this case did not conflict with the law and/or the constitution, then the appeal filed by the Petitioner Hamzah's appeal must be rejected. As a result, Hamzah as a buyer suffered a considerable loss.

As we know that Indonesia is a state of law in accordance with Article 1 Paragraph (3) of the Constitution of the Republic of Indonesia, abbreviated as UUD NRI 1945. [8] The purpose of the existence of law is to regulate order in society in a peaceful and just manner according to L.J. Apeldoorn. [9] The law provides services to the community so as to create order, security, justice and welfare as well as legal certainty which is a guarantee of law that contains justice. Norms that promote justice must really function as rules to be obeyed. According to Gustav Radbruch, justice and legal certainty are permanent parts of the law. Gustav Radbruch believes that justice and legal certainty must be considered, legal certainty must be maintained for the security and order of a country. [10] Legal protection according to Satjipto Rahardjo is to provide protection for human rights (HAM) that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law. [11] Therefore, this research proposal will discuss the legal consequences of land disputes because there are two certificates in one land object and legal protection for buyers of land on land in dispute. Thus, the title of this thesis research is "Legal Protection for Land Buyers Against Certificates That Have Been Issued in

Their Names Canceled by the Supreme Court (Based on Cassation Decision Number 170 K/Pdt/2017)".

1.1. Issues

According to the problems, we use (3) issues in this writing:

1. What is the responsibility of the Land Deed Author to the Sale and Purchase Deed that he made null and void?
2. What kind of justice will be received by the party whose certificate was canceled by the Cassation Decision Number 170 K/Pdt/2017?
3. How is the legal protection for land buyers on land in dispute based on the Cassation Decision Number 170 K/Pdt/2017?

1.2. Our Contribution

The general purpose of this research is to obtain and obtain in-depth knowledge about disputes in the land sector and legal protection for buyers who have purchased land and have issued certificates in his name.

1.3. Paper Structure

The systematics of this writing is presented systematically starting with an introduction that describes the background, problems, and systematics of writing. In the background section, the author describes the background of writing this article related to legal protection for land buyers whose certificates have been issued in their names canceled by the Supreme Court (based on cassation decision number 170 k/pdt/2017).

This article discusses what justice is received by the party whose certificate was canceled by the Supreme Court and how legal protection is for land buyers on land in dispute based on Cassation Decision Number 170 K/Pdt/2017. The analysis is based on the theory of land rights, the principle at the highest level of earth, water, space and natural resources contained therein controlled by the state, the theory of legal certainty, the theory of legal protection and the principle of good faith. In the content or discussion section, the author also describes the Supreme Court's Decision. Regarding the chronology of the case briefly then discussed in detail in order to answer the problems in this study. At the end of the article, the author explains the conclusions that can be obtained by the author from the entire writing of this thesis which also answers the problems that have been mentioned previously. In addition, in the closing section there are suggestions related to the analysis discussed by the author in the previous chapter.

2. BACKGROUND

2.1. Main Duties and Authorities of Land Deed Maker

The definition of PPAT based on Article 1 point 1 of Government Regulation Number 37 of 1998 in conjunction with Government Regulation Number 24 of 2016 concerning the Position Regulation of Land Deed Maker Officials hereinafter abbreviated as "PP PPAT" is a public official who is authorized to make authentic deeds regarding certain legal actions regarding land rights or ownership rights to the apartment unit.

The main task of PPAT according to Article 2 Paragraph 1 of PP PPAT is to carry out some land registration activities by making a deed as proof that certain legal acts have been done on land rights or Ownership of Flat Housing Units, which will be the basis for registration of land registration data changes. by the act of the law. The legal acts as referred to are as follows:

- a. Purchase;
- b. Switch;
- c. Grants;
- d. Income into the company (inbrengr);
- e. Sharing of common rights;
- f. Grant of Building Use Rights/Use Rights on Land Title;
- g. Grant of Liability Rights; and
- h. Authorization Burdens Dependents' Rights.

PPAT is only authorized to make an authentic deed of legal action regarding land rights or Ownership Rights to Flats located within its working area. PPAT is also authorized to refuse to make a deed in certain cases as stipulated by Article 39 PP 24/1997, if:

- a. Regarding land parcels that have been registered or Ownership Rights to Flats, the original certificate of the right in question is not submitted to him or the certificate submitted is not in accordance with the registers at the Regency/City Land Office.
- b. Regarding land parcels that have not been registered, it is not submitted to him:
 - 1) Proof of rights as referred to in Article 2 Paragraph (1) or a certificate from the Village/Kelurahan Head stating that the person concerned controls the parcel of land as referred to in Article 24 Paragraph (2); and
 - 2) A certificate stating that the land parcel in question has not been certified from the Land Office, or for land located in an area far from the land office, from the right holder in question, supported by the head of the village/kelurahan.
- c. One or the parties who will carry out the legal action in question or one of the witnesses as referred to in Article 38 is not entitled or does not meet the requirements to act so.
- d. One or the parties act on the basis of an absolute power of attorney which essentially contains the legal act of transferring rights.
- e. For legal actions to be carried out, permission from the official or authorized agency has not been obtained, if

such permission is required according to the applicable laws and regulations.

- f. The object of the legal action concerned is in a dispute regarding the physical data and/or juridical data.
- g. Other conditions are not met or the prohibition specified in the relevant laws and regulations is violated.

2.2. Responsibilities and Prohibitions of the Land Deed Making Office

Responsibilities and Prohibitions of Land Deed Making Officials Article 7 Paragraph (2) of PP PPAT explains that PPAT is prohibited as a position or profession:

- a. Lawyer, consultant or legal counsel;
- b. State officials, officers of state -owned enterprises, officers of district enterprises, private officers;
- c. State officials or Government Officials with Employment Agreements (PPPK);
- d. Leadership in schools, state colleges or private colleges;
- e. Licensed surveyor;
- f. Land appraiser;
- g. Mediator; and/or
- h. Other positions prohibited by the provisions of legislation.

If PPAT commits a violation, it can be dismissed by the Minister as referred to in Article 8 paragraph (1) letter c, that is, dismissed with respect, dismissed with disrespect and suspended temporarily. Article 10 Paragraph (2) letter c of PP PPAT explains that if a PPAT violates the provisions of Article 7 Paragraph (2), it will be dismissed with respect. Then Article 10 Paragraph (3) explains that PPAT was terminated with disrespect because:

- a. commit a serious violation of the prohibition or obligation as a PPAT; and/or
- b. sentenced to imprisonment based on a court decision that has acquired permanent legal force for committing a crime punishable by imprisonment of 5 (five) years or more.

PPAT was suspended as referred to in Paragraph (1) letter c, because:

- a. is under court examination as a defendant of a criminal act punishable by imprisonment or imprisonment for a maximum of 5 (five) years or more;
- b. does not perform the position of PPAT explicitly for a period of 60 (sixty) days from the date of taking the oath;
- c. commit a minor violation of the prohibition or obligation as a PPAT;
- d. be appointed and take the oath of office or perform duties as a Notary with a position in the Regency/City other than the position as PPAT;
- e. in the process of bankruptcy or deferment of debt repayment obligations;
- f. be under pardon; and/or
- g. committing a reprehensible act.

If he does not carry out his duties properly, then a PPAT can be held accountable either administratively, civilly or criminally:

a) **Administrative Responsibilities of PPAT**

Administrative sanctions that can be imposed on a PPAT are regulated in Article 6 paragraph (1) of the PPAT Code of Conduct:

1. Sanctions imposed on members of the IPPAT association who violate the Code of Ethics may be in the form of:
 - 1) Reprimands;
 - 2) warning;
 - 3) schorsing (temporary dismissal) from membership of the IPPAT association;
 - 4) onzetting (dismissal) from membership of the IPPAT association; and disrespectful termination from membership of the IPPAT association. onzetting (dismissal) from membership of IPPAT associations; and
 - 5) dishonorable discharge from membership of the IPPAT association.
2. The imposition of sanctions as referred to in paragraph (1) on members of the IPPAT association who violates the Code of Ethics is adjusted to the frequency and quality of violations committed by the members of the IPPAT association.
3. The imposition of sanctions as referred to in paragraph (1) and paragraph (2) will result in the imposition of sanctions that will be given later by the PPAT Administrator.

b) **PPAT Civil Responsibilities**

PPAT's civil liability is related to its intent, negligence and/or negligence in the making of the sale and purchase deed that deviates from formal and material requirements. PPAT can not only be subject to administrative sanctions but also be sued for civil damages by the aggrieved parties. PPAT can be sued in a civil manner if the parties deny what is written in the act.

Civil sanctions are imposed on the PPAT if the act caused losses, and normatively subject to the provisions of Article contain legal defects, which are then by a court decision declared inauthentic, because they do not meet formal and material requirements, so that the force of the deed is only under hand, and will resulting in difficulties for the parties or persons entitled to the deed to exercise their rights guaranteed by Law, namely the right to use the deed as a tool of legitimate evidence of rights; asserting his rights, denying the rights of others.[12]

2.3. Legal protection for buyers of land in dispute based on the Cassation Decision Number 170 K/Pdt/2017

Ownership of a plot of land basically has all legal powers in it, both legal certainty of ownership of rights, physical land,

as well as legal protection for the rightful owner of the land from disturbances or other land disputes. The sentence in Article 3 in PP 24/1997 explains that a Land Registration is very identical as a guarantee of obtaining legal certainty in the land sector. The meaning of land registration is stated in the sentence in Article 1 Number (1) PP 24/1997, namely that land registration activities have the aim of guaranteeing legal certainty and certainty of land rights, namely the holder of land rights in order to simply prove who is authorized to own the land, through a land certificate.[14]

As written in Article 19 Paragraph (1) of the LoGA which explains that the main purpose of land registration is to obtain legal certainty over the subject of the rights and objects of the land. The term certificate in the UUPA is never called a land certificate, but in the sentence of article 19 paragraph (2) letter c it is explained that it is a letter of proof of rights. The proof of title or land certificate has the function of giving birth to a legal order and land legal certainty which will have a positive impact on all activities, especially on humans, especially the owners or holders of land rights. Land registration in Indonesia is contained in the sentence stated in Article 2 of PP 24/1997 using 5 principles, namely:

1. Simple principle, providing understanding that the land registration process is carried out with procedures that are easily understood by the parties concerned;
2. The principle of security, provides an understanding that security guarantees are provided because the land registration procedure is carried out carefully and thoroughly so as to minimize errors;
3. Affordable principle, providing an understanding of land registration not making it difficult for parties who need it, both from an economic point of view and other aspects;
4. Up-to-date principles, providing an understanding that land registration provides a very adequate service, and keeps abreast of changes experienced by data in land based on the rapid progress of the times; and
5. The Open Principle, provides an understanding that the available data can be accounted for because it is open and anyone with an interest can access it, including the public.

The system currently used in Indonesia for land registration still uses the old system according to Government Regulation Number 10 of 1961, namely a negative publication system that contains positive elements. The positive element means that the registration system carried out will result in proof of rights that can be used as a strong evidence, as stated in the sentence Article 19 Paragraph (2) letter c, Article 23 Paragraph (2), Article 32 Paragraph (2), Article 38 Paragraph (2) UUPA.

The Indonesian state does not entirely use a negative publication system, because it still uses a rights registration system which states that the certificate is a strong means of proof. Strong does not mean absolutely, meaning that if registering land rights is the same as strengthening proof of ownership, it does not rule out the possibility of a lawsuit against the land because it does not receive the protection

described in the sentence in Government Regulation Number 10 of 1961. [15]

With a negative land registration system, which allows the holder of a registered right to file a lawsuit, the main evidence and have power in a trial are government deeds and certificates.

Article 32 of PP 24/1997 explains in Paragraph (1) that a certificate is a letter of proof of rights that is valid as a strong means of proof regarding the physical data and juridical data contained therein, as long as the physical data and juridical data are still in accordance with the data contained in the letter. measuring and related land rights book. That the land registration whose implementation is ordered by the LoGA does not use a positive publication system, but uses a negative publication system, because the truth of the data presented is not fully guaranteed by the government but the State of Indonesia does not use a negative system that still contains elements of a positive publication system in terms of publishing evidence in the form of a certificate. This certificate is a strong evidence in proving before the court if there is a dispute as long as no one proves otherwise. This becomes a problem when there are more than 1 (one) certificate issued by the National Land Agency for the same plot of land. This causes confusion or unclear rights to land ownership even though land registration has been carried out. We as owners feel that we own the land in the right and safe way. This causes material losses and is very draining of human energy to attend a complicated and lengthy trial process.

Multiple certificates are included in the category of defective certificates due to several factors, both from the registering party or the government administering the juridical data of the land. Multiple certificates can occur when certificates that have not been mapped in the Land Registry Map in certain areas. Dual certificates can be known if there is one party who feels that his land rights have been harmed. [16] There are several factors that allow the occurrence of double certificates, namely:

- a. At the time of carrying out measurements or research in the field, the applicant either intentionally or unintentionally indicates the wrong location of the land and boundaries;
- b. There is a letter of evidence or acknowledgment of rights that has been proven to contain untruth, falsehood or is no longer valid; and
- c. In the relevant area, the land registration map is not yet available.

Phillipus M. Hadjon explained that the understanding of the principle of legal protection for the people in the State of Indonesia is the principle of recognizing and protecting human dignity based on Pancasila and the principles of a Pancasila state law. A country that adheres to a rule of law principle, one of which is that there is a constitutional guarantee related to human rights in which legal protection for citizens is included. [17]

He certainly did not get the legal protection expected by Hamzah because during the trial there were juridical facts that could not be disputed due to the discovery of the crime of falsifying documents or data in the form of:

- a. Deed of Sale and Purchase Number 80/2011 dated October 17, 2011 on behalf of the Seller Mr. Iwan Mahruf, Mrs. Misah, Mr. Madrobo and the buyer Mr. Hamzah issued by PPAT Dra. Sugestiana Arsyad, B.Sc., SH., M.Kn.;
- b. Certificate of Land History Number 023/DS-KET/X/2011 dated 27 October 2011; and
- c. Minutes of Testimony of Land Ownership dated 27 October 2011.

Furthermore, the fake or falsified documents are used as juridical data for the application for the issuance of the Certificate of Ownership Number 326/Gembor Udik on behalf of Hamzah, where the forgery of the letter has been proven legally and convincingly as the Serang District Court Decision Number 352/PID.B/ 2014/PN.Srg in a criminal case on behalf of the Defendant Juki bin Sahari who has permanent legal force.

This causes huge material losses for buyers who initially had good intentions, because they had carried out the buying and selling process with good procedures, but because of this negligence and the National Land Agency should be able to find out before issuing a new certificate on land that already has a certificate. previous. Legal protection itself according to Satjipto Rahardjo is "providing protection for human rights that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law."

"Legal protection is something that protects legal subjects through applicable laws and regulations and enforced its implementation with a sanction." Legal protection can be divided into two, namely:

1. Preventive Legal Protection

Protection provided by the government with the aim of preventing violations before they occur, this is contained in laws and regulations with the intention of preventing a violation and providing signs or limitations in carrying out an obligation.

In this case, preventive legal protection needs to be carried out by the PPAT in making the deed, because it is not uncommon for a PPAT to be faced with legal problems by parties, both appearers and employees who have bad intentions, such as falsifying deeds and providing false information. A PPAT must adhere to the precautionary principle so that in carrying out his position, he can avoid the emergence of legal problems regarding the deeds he makes in the future.

2. Repressive Legal Protection

Repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties given if a dispute has occurred or a violation has been committed. Legal protection aims to prevent disputes, which directs the government's actions to be careful in making decisions based on discretion and including handling them in the judiciary."

In this case, the repressive legal protection is to reject the appeal from Hamzah and punish Hamzah to pay court fees at this level of cassation in the amount of Rp. 500,000.00 (five hundred thousand rupiah).

3. CONCLUSION

The Land Deed Making Official in this case was not found guilty because he had carried out his duties and authorities properly and correctly. A Land Deed Making Officer is not responsible for the correctness of documents as a condition of land registration. Based on Supreme Court Decision Number 702K/Sip/1973, the Land Deed Making Officer only records/writes what is desired and submitted by the parties, and there is no obligation to materially investigate what is submitted by the parties, the Land Deed Making Officer does not guarantee the parties told the truth and what is guaranteed is that the parties tell the truth as contained in the act. The Land Deed Making Officer is not obliged to materially check what is submitted or said by the stakeholders who have an interest in the land deed. The Land Deed Making Office cannot be involved in the case of the disputing parties, because the Land Deed Making Office is not an interested party.

The process of buying and selling land done by Hamzah with the heirs of Misah binti Misad, Iwan Mahruf bin Misad, and Madrabo bin Misad cannot be said to be valid and its truth is recognized in law because there is falsification of data. Although Hamzah as a buyer has good faith, but it is not enough to protect what Hamzah Hamzah owns. Hamzah should be more careful before buying land and conducting a survey and approach to the seller, to find out more about the land he wants to buy. Although the sale and purchase process is done in front of PPAT and through the correct procedure, but the ownership status must be correct as well.

In accordance with the Judge's consideration in Cassation Decision Number 170 K/Pdt/2017, Hartono Jasin et al. entitled to a legal certainty because in Article 32 PP 24/1997 it is explained that the certificate is a letter of proof of rights that applies as a strong means of proof of physical data and legal data contained therein, as long as the data is in accordance with the data in the letter survey and land book of related rights. So, it is clear that Hartono Jasin et al. obtain legal certainty on the land with the cancellation of Hamzah's Certificate.

ACKNOWLEDGMENT

This work is supported by the Faculty of Law, Universitas Tarumanagara, Notary Master Program, Indonesia.

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