

## Legal Analysis of Reappointing Land Deed Officials (PPAT) After Imprisonment for Minor Crimes

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**Abstract:** Land Deed Officials (PPATs) play a crucial role in ensuring the legality of land transactions, requiring integrity and public trust. However, Article 10 paragraphs (3) and (4) of Government Regulation Number 24 Year 2016 only addresses sanctions for offenses with penalties of five years or more, leaving a gap for minor offenses under five years. This legal vacuum risks undermining public confidence in the PPAT profession and the land law system. Using a normative juridical approach, this study analyzes the feasibility of reinstating PPATs sentenced to minor offenses and recommends regulatory revisions. Results show that even minor criminal records harm public trust and professional integrity. Regulatory reforms must introduce stricter sanctions to uphold morality standards and ensure public confidence in the profession.

**Keywords:** PPAT; Criminal Sanctions; Professional Integrity; Public Trust.

### INTRODUCTION

Land Deed Officials (PPAT) have a strategic role in ensuring legal certainty through the making of authentic deeds that are legally binding. One of PPAT's main authorities is to prepare a land sale and purchase deed, which is an important document in maintaining the legality of land transactions.

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Article 1868 of the Civil Code (KUHPdata) explains that a deed is considered authentic if it is made in accordance with the format prescribed by applicable legal regulations, and made before an authorized official in accordance with its jurisdiction. Therefore, PPATs hold a great responsibility in ensuring that the deeds they make have strong legal value and are valid.<sup>1</sup> As a profession based on law, the legal basis of PPAT is different from that of notary, although both have the authority to make authentic deeds. Notaries are regulated by Law Number 2 of 2014 concerning the Notary Position, while PPAT refers to Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning the Position of PPAT.<sup>23</sup> PPAT not only functions to ensure legal certainty but also provides legal protection to the parties involved in land transactions, especially in the face of potential disputes.

However, in carrying out its duties, there is a legal gap related to sanctions for PPATs who have been sentenced to a criminal offense with a sentence of less than five years. Currently, the regulation of dishonorable dismissal only applies to PPATs who are sentenced to a criminal offense with a prison sentence of five years or more<sup>4</sup>, as stipulated in Article 10 paragraph (3) of Government Regulation Number 24 Year 2016. This provision does not cover situations where a PPAT commits a criminal offense with a sentence of less than five years. As a result, there is no firm legal basis to dismiss a PPAT who has violated the law and degraded the dignity of his profession. The

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<sup>1</sup> Vivien Pomantow, "Akibat Hukum Terhadap Akta Otentik Yang Cacat Formil Berdasarkan Pasal 1869 KUHPdata," *LEX PRIVATUM* 6, no. 7 (2018): 90, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/22401>.

<sup>2</sup> Habib Adjie, *Penafsiran tematik hukum notaris Indonesia berdasarkan Undang-Undang nomor 2 tahun 2014 Tentang Perubahan atas Undang-Undang nomor 30 tahun 2004 Tentang Jabatan Notaris* (Bandung: Refika Aditama, 2015), 10.

<sup>3</sup> Ismanto Dwi Yuwono, *Baca Buku Ini Sebelum Tanda Tangan Surat Perjanjian* (Yogyakarta: Media Pressindo, 2013), 195.

<sup>4</sup> Mohammad Barkah Arrohim and Sri Endah Wahyuningsih, "Analysis of Judicial Application of Criminal Penalty Against Notary / Land Deed Officials Conducting Making Crime of the Fake Authentic Deed in State Court of Semarang," *Jurnal Akta* 7, no. 2 (August 15, 2020): 187, <https://doi.org/10.30659/akta.v7i2.7891>.



provision provides room for PPATs who have served a criminal sentence of under five years to return to their duties. This raises concerns about the integrity of the PPAT profession, considering that this profession requires public trust as its foundation. Without a firm regulation, the existence of a PPAT who has been involved in a criminal offense can tarnish the image of this profession and reduce the level of public trust in the legal services they provide.

Article 10 paragraph (3) of Government Regulation No. 24/2016 explicitly states that the PPAT will be dishonorably dismissed if sentenced to a criminal offense with a penalty of five years or more. The article reads as follows: "*PPAT shall be dishonorably discharged as referred to in paragraph (1) letter b, because: (a) commits a serious violation of the prohibition or obligation as a PPAT; and/or (b) is sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a criminal offense punishable by imprisonment of five years or more.*"

This provision provides for the dismissal of PPATs who commit serious criminal offenses, but does not touch on cases of minor criminal offenses that carry a sentence of under five years. This creates a legal loophole that allows PPATs with minor criminal records to remain in office, even though their offenses clearly contradict the principles of integrity and professionalism that the profession is supposed to uphold. In some cases, PPATs who are sentenced to criminal penalties<sup>5</sup> with threats under five years can still continue their practice after completing their sentence. This condition not only reduces the deterrent effect, but also creates a bad precedent in law enforcement in this sector. In fact, the dignity of the PPAT profession is highly dependent on the credibility and integrity of its officials. This lack of firmness in legal arrangements may create the impression that violations of the law committed by PPATs do not have serious consequences.

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<sup>5</sup> Hasna Fitri Nabilah, Noor Saptanti, and Anti Mayastuti, "The Forms Of Notary Public Responsibilities Regarding False Statements In Land Deed Making," *International Journal of Educational Research & Social Sciences* 5, no. 2 (April 27, 2024): 241, <https://doi.org/10.51601/ijersc.v5i2.803>.



As the complexity of land transactions increases, the need for PPATs with morals and integrity becomes increasingly important. Therefore, an evaluation of the existing regulations is necessary. Stricter additional regulations should be implemented to ensure that PPATs who commit legal offenses, whether with a criminal penalty of five years or less, cannot return to office. This step is important to maintain public trust and ensure the sustainability of the integrity of the PPAT profession in the Indonesian legal system.

## THEORETICAL BASIS

Legal theory serves as a foundation for analyzing legal policies, including in the context of the urgency of reappointing Land Deed Officials (PPAT) who are sentenced to crimes under five years. In this case, the theories of responsive law and legal certainty provide important guidance for understanding the regulatory aspects of the post-criminal sanction PPAT profession.<sup>6</sup>

### Responsive Legal Theory

Responsive law theory, developed by Nonet and Selznick, views law as a dynamic tool designed to address human needs and adapt to social changes. This approach emphasizes that regulations should not function merely as rigid frameworks but as mechanisms to resolve societal issues, such as determining the eligibility of a PPAT to return to office after serving a sentence.<sup>7</sup> By adopting a more humanist perspective, responsive law prioritizes societal characteristics and the pursuit of substantive justice. Nonet and Selznick's seminal work, *Law and Society in Transition: Toward Responsive Law* (1978), underscores the necessity of adaptive legal frameworks to meet evolving social dynamics.<sup>8</sup>

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<sup>6</sup> Jazim Hamidi, Moch Adi Sugiharto, and Muhammad Ihsan, *Membedah Teori-teori Hukum Kontemporer* (Malang: Universitas Brawijaya Press, 2013), 16.

<sup>7</sup> Bernard L. Tanya, *Teori Hukum Strategi Tertib Manusia Lintas Ruang Dan Generasi* (Surabaya: CV Kita, 2012), 127.

<sup>8</sup> Philipe Nonet and Philipe Selznick, *Hukum Responsif* (Bandung: Nusa Media, 2019), 84.



### Legal Certainty Theory

The theory of legal certainty highlights the importance of clear and enforceable regulations that guarantee individual rights and obligations.<sup>9</sup> Soerjono Soekanto emphasizes that legal certainty is achieved through binding, consistently applied written rules, while Peter Mahmud Marzuki underscores that consistent enforcement of regulations prevents conflicts and strengthens trust in the legal system. In the context of Land Deed Officials (PPATs), combining legal certainty with responsive law ensures that regulations address societal needs while maintaining public trust and professional integrity.<sup>10</sup> In relation to PPAT, these two theories complement each other. Responsive legal theory provides guidance so that regulations related to the PPAT profession remain relevant to the needs of society, while legal certainty theory ensures that existing regulations are applied firmly and consistently. This approach is expected to overcome the legal vacuum related to the regulation of sanctions for PPATs who are sentenced to minor crimes, while maintaining the integrity of the PPAT profession in the eyes of the public.<sup>11</sup>

### RESEARCH METHODS

This research uses the normative juridical method, which is a scientific procedure to find the truth based on normative legal logic.<sup>12</sup> Robert Bogdan and Steven J. Taylor define research method as "*the process, principles, and procedures by which we approach problems and seek answers*" In social sciences the term applies to *how one conducts research*.<sup>13</sup> In the context of this research, the method is applied to examine the regulations governing the dismissal and reappointment of Land Deed Officials (PPAT) who are sentenced to imprisonment under five years. The

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<sup>9</sup> E. Fernando M. Manullang, *Menggapai hukum berkeadilan* (Jakarta: Penerbit Buku Kompas, 2007), 92.

<sup>10</sup> Ronald Saija, *Konstruksi Teori Hukum* (Deepublish, 2015), 176.

<sup>11</sup> Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Jakarta: Kencana, 2008), 158.

<sup>12</sup> Johnny Ibrahim, *Teori Dan Metode Penelitian Hukum Normatif*, Edisi Revisi (Malang: Bayumedia Publishing, 2012), 57.

<sup>13</sup> Soerjono Soekanto, *Pengantar penelitian hukum*, Cet. ke-3; ed. ke-2 (Jakarta: Penerbit Universitas Indonesia (UI-Press), 2006), 43.



approaches used are Statute Approach and Conceptual Approach.<sup>14</sup> This approach aims to analyze Government Regulation Number 24 of 2016 and its relevance to the legal vacuum related to sanctions for PPAT. The legal materials used consist of primary legal materials, such as Government Regulation No. 24/2016, and secondary legal materials, including legal literature related to legal certainty and responsive law. The analysis focuses on identifying legal loopholes that allow PPATs to remain in office after serving a minor criminal sentence, as well as regulatory solutions to address these issues.

## RESULTS AND DISCUSSION

### Eligibility of a PPAT to Reappoint after a Criminal Sentence of Under 5 Years

Land Deed Officials (PPATs) have a critical role in ensuring the legality and legal certainty of land transactions, as stipulated in Article 1 paragraph (1) of Government Regulation No. 24/2016. This profession demands high standards of integrity, trust, and accountability to maintain its dignity and protect public interests. However, current regulations fail to address sanctions for PPATs convicted of minor criminal offenses with sentences under five years, creating a legal gap that risks undermining public trust and the credibility of legal documents they produce. This gap highlights the need for comprehensive legal reforms that incorporate restorative justice and strict professional standards to ensure the continued integrity of the profession and uphold public confidence in Indonesia's land law system.<sup>15</sup>

However, in practice, there are weaknesses in legal arrangements related to sanctions for PPATs who are sentenced to crimes under five years.<sup>16</sup>

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<sup>14</sup> Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Overview*, Ed.1 Cet.12 (Jakarta: Raja Grafindo Persada, 2010), 14.

<sup>15</sup> Fathia Laely Pramadanty, Suhariningsih, and Herlindah, "Form of Application of the Principle of Recognizing Service Users (Pmpj) by Land Deed Making Officials in Their Duties and Authorities," *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)* 6, no. 1 (May 24, 2024): 249, <https://doi.org/10.47006/ijierm.v6i1.328>.

<sup>16</sup> M. Reza Sudarji Famaldika, Rodliyah Rodliyah, and M. Natsir, "Judicial Review of PPAT Calls According to the Criminal Justice System," *International Journal of Multicultural* 1262



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Currently, Article 10 paragraph (3) of Government Regulation No. 24/2016 regulates the dishonorable dismissal of a PPAT who is sentenced to a prison term of five years or more. Meanwhile, Article 10 paragraph (4) regulates temporary dismissal if the PPAT is in court proceedings with a sentence of five years or more. Unfortunately, these two articles do not cover the dismissal mechanism for PPATs who are sentenced to minor crimes with a sentence of under five years. Legal Lacunae in Sanction Arrangements The absence of strict provisions regarding sanctions for PPATs who are convicted of crimes with a sentence of under five years creates a significant legal gap. This allows PPATs who have served minor criminal sentences to remain in office, even though their actions tarnish the integrity of the profession. This lacuna may lead to the perception that minor offenses do not have serious enough consequences to the PPAT position.

The provisions of Article 10 paragraphs (3) and (4) only regulate administrative sanctions for serious criminal offenses, so minor criminal offenses are not accommodated in the existing regulations. For example, criminal acts such as abuse of office with a sentence of under five years do not necessarily result in the dismissal of the PPAT. These shortcomings indicate the need for revision to fill the existing legal vacuum. The social and legal impact of this lack of clarity is enormous, especially in terms of public trust in the PPAT profession. As a profession closely related to the legality of land ownership, a PPAT with a criminal record, even for a minor offense, can undermine public trust in the documents they produce.<sup>17</sup> In addition, it can also create legal uncertainty for the public who rely on PPAT services to ensure their property transactions are legally valid.

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*and Multireligious Understanding* 6, no. 3 (July 24, 2019): 887, <https://doi.org/10.18415/ijmmu.v6i3.896>.

<sup>17</sup> Dimas Ghifari Ajie, Yenni Yunitawati R, and Efa Laela F, "Liability of Temporary Land Deed Officials for Negligence in Reading Deeds During Sale and Purchase Transactions," *Indonesia Private Law Review* 5, no. 1 (June 28, 2024): 65, <https://doi.org/10.25041/iplr.v5i1.3409>.



From a legal perspective, this regulatory gap weakens law enforcement efforts and supervision of the PPAT profession. The lack of firmness of the rules provides room for perpetrators of minor crimes to remain in office, thus creating a bad precedent in the Indonesian legal system. This is also contrary to the principle of integrity that should be upheld in the PPAT profession. Evaluation and Regulatory Solutions To maintain the integrity and professionalism of PPATs, it is necessary to revise Government Regulation No. 24/2016, particularly Article 10 paragraphs (3) and (4). The revision of the regulation should include sanctions of dishonorable dismissal for PPATs who are proven to have committed a criminal offense with a sentence of less than five years. Thus, stricter rules can provide a deterrent effect while increasing public confidence in this profession.

The application of responsive legal theory and legal certainty can be the basis for revising this regulation. Responsive legal theory, as explained by Nonet and Selznick in *Law and Society in Transition: Toward Responsive Law* (1978)<sup>18</sup> states that the law must be able to adapt to the needs of society. In this context, adaptive law can answer the challenges in regulating the eligibility of PPATs who have been sentenced to minor criminal offenses. On the other hand, Soerjono Soekanto's theory of legal certainty emphasizes the importance of clarity and consistency in regulations to ensure justice. This approach ensures that new rules can be applied strictly and provide certainty for all parties involved.

### **Sanctions Imposed by PPAT When Committing Violations**

Land Deed Officials (PPAT) have great authority that is regulated by legislation. This authority includes making authentic deeds relating to the transfer of land rights and other obligations as stipulated in Government Regulation No. 24/2016. In its implementation, the PPAT must maintain the integrity of the position and comply with the code of ethics and applicable regulations. Violations of these rules will be subject to sanctions according to

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<sup>18</sup> Fatkhurrohman Fatkhurrohman and Miftachus Sjuhad, "Pengaruh Pelaksanaan Jaring Aspirasi Masyarakat Dalam Pembentukan Peraturan Daerah Partisipatif," *Jurnal Media Hukum* 25, no. 2 (2018): 194, <https://doi.org/10.18196/jmh.2018.0114.190-201>.



the level of guilt. According to Philipus M. Hadjon, sanctions are a tool of power to create law enforcement and encourage compliance with norms.<sup>19</sup> The nature of sanctions is legal coercion, aimed at providing a deterrent effect to violators and restoring the balance of the rule of law. Thus, sanctions against PPAT are not only to punish but also to ensure that they carry out their duties in accordance with the provisions.<sup>20</sup>

Government Regulation No. 24/2016 regulates three types of administrative sanctions for PPAT, namely: (1) Honorable dismissal, (2) Dishonorable dismissal, and (3) Temporary dismissal. Article 10 paragraph (3) states that a PPAT who is proven to have committed a criminal offense with a penalty of five years or more may be dishonorably dismissed. Meanwhile, Article 10 paragraph (4) regulates temporary dismissal for PPATs who are in the process of court examination for criminal cases with a threat of five years or more. However, there is a legal vacuum regarding sanctions for PPATs who commit criminal offenses under five years. This loophole allows PPATs who have been sentenced to minor crimes to continue their positions. In some cases, this has tarnished the image of the PPAT profession and created legal uncertainty in the community. From a criminal perspective, violations by PPATs can be sanctioned under articles in the Criminal Code, such as Article 263 on forgery of letters or Article 264 on forgery of authentic deeds. However, special regulations for PPATs need to be completed to strictly regulate offenses with minor criminal penalties, in order to maintain integrity and trust in this profession.

### **Eligibility of PPAT in Running the Position after Undergoing Criminal Punishment**

The Land Deed Official (PPAT) has a very important role in ensuring the legality of land transactions. This task requires high standards of integrity, trust and morality. As a public official, a PPAT is expected to maintain public

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<sup>19</sup> Habib Adjie, *Hukum Notaris Indonesia: Tafsir Tematik Terhadap UU No. 30 Tahun 2004 Tentang Jabatan Notaris*, Cet. 1 (Bandung: Refika Aditama, 2008), 77.

<sup>20</sup> Adjie, *Indonesian Notary Law: Thematic Interpretation of Law No. 30/2004 on the Position of Notary*, 78.



trust by complying with applicable legal and ethical norms. When a PPAT is proven to have committed a criminal offense, especially one related to his or her position, the integrity of the profession will be questioned. This applies even to minor criminal offenses with a sentence of under five years, as such actions reflect dishonesty that is contrary to professional standards.<sup>21</sup>

Article 10 paragraph (3) of Government Regulation No. 24/2016 stipulates that a PPAT can be dishonorably dismissed if sentenced to imprisonment of five years or more. Meanwhile, Article 10 paragraph (4) regulates temporary dismissal for PPATs who are in the process of court examination for criminal offenses with a sentence of five years or more. However, this regulation does not cover the dismissal mechanism for PPATs who are sentenced to a criminal offense under five years. This legal vacuum creates the potential for PPATs with minor criminal records to return to office, potentially undermining public confidence in the legal profession.<sup>22</sup>

Public trust in PPATs is the main foundation of the legitimacy of the office. The public expects PPATs to be legal officials with integrity and free from criminal records. Based on Agrarian Ministerial Regulation No. 4 of 1999, PPATs are required to have irreproachable morals.<sup>23</sup> Criminal offenses committed intentionally reflect serious moral violations and tarnish the image of the PPAT profession. Therefore, a PPAT who is proven to have committed a criminal offense is not eligible to return to office, even though the sentence imposed is relatively light.<sup>24</sup> From a social perspective, a PPAT with a criminal record may cause public distrust of the documents produced. This distrust creates a risk of social instability, where people become reluctant to entrust deeds to PPATs with criminal records. The legal profession, which holds

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<sup>21</sup> B. Kartono, *Etika Profesi Dan Integritas Publik Dalam Profesi Hukum* (Yogyakarta: Graha Ilmu, 2019), 20.

<sup>22</sup> Z. Marzuki, *Integritas Profesi Hukum Di Indonesia* (Surabaya: Pena Pustaka, 2018), 25.

<sup>23</sup> E. Santoso, *Hukum Jabatan PPAT Dan Permasalahannya* (Jakarta: Kencana, 2020), 63.

<sup>24</sup> A. Hermawan, *Hukum Pertanahan Di Indonesia* (Jakarta: Penerbit Andalas, 2021), 45.



public trust, requires high moral standards to ensure that legal documents remain respected by society. The absence of strict standards for PPATs who commit minor criminal offenses could undermine the credibility of the land law system in Indonesia.<sup>25</sup>

In addition, international comparative studies show that some countries, such as the United States and the United Kingdom, have strict rules prohibiting officials with criminal records from returning to office. This approach reflects the importance of maintaining public trust in a profession that involves the validity of legal documents. For example, in the UK, notaries involved in criminal cases are not allowed to return to office as they are considered to have lost public trust. This standard is in line with the needs in Indonesia, where PPATs must hold high principles of integrity and professionalism to support the legality of the land law system.<sup>26</sup> Another impact is on the moral and psychological aspects. A PPAT with a criminal record demonstrates moral lapses that contradict the social responsibility of the profession. Criminal acts, even if minor, can affect the public's perception of a PPAT's ability to maintain the integrity of the office.<sup>27</sup> The public expects that public officials who hold legal roles not only have technical ability, but also high morality. As such, allowing a PPAT with a criminal record to return to office could create a bad precedent that undermines the deterrent effect.<sup>28</sup>

In conclusion, a PPAT who has been convicted of a crime, even with a sentence of less than five years, remains unfit to return to office. The relevant regulations need to be improved to fill the legal void and ensure that moral and professional standards are maintained. Public trust in the PPAT profession must be maintained, because without this trust, legal documents

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<sup>25</sup> T. Setiawan, *Kedudukan Hukum Dan Tanggung Jawab Profesi Notaris Dalam Perspektif Etika Profesi* (Malang: Aditya Media, 2022), 28.

<sup>26</sup> Setiawan, *Legal Position and Professional Responsibility of Notary in the Perspective of Professional Ethics*, 52.

<sup>27</sup> Marzuki, *Integritas Profesi Hukum Di Indonesia*, 26.

<sup>28</sup> R. Pratama, *Standar Profesionalitas Dalam Jabatan Notaris Dan PPAT* (Bandung: Mandar Pustaka, 2023), 45.



produced by PPATs will lose the legitimacy and legal value that should be the foundation of the land law system in Indonesia.

### **Eligibility of a PPAT to Return to Office After Undergoing a Criminal Sentence of Under Five Years Due to Unintentional Negligence**

The eligibility of a Land Deed Official (PPAT) to return to office after serving a sentence of less than five years is a complex legal issue with significant ethical implications. PPATs, as key figures in ensuring the legality of land transactions, must uphold public trust and professional integrity. Even minor offenses, whether intentional or due to negligence, can undermine their credibility and raise doubts about their reinstatement. The absence of clear regulations addressing sanctions for PPATs convicted of minor crimes creates a legal gap that risks diminishing public confidence in the profession and the land law system. To address this, comprehensive reforms are needed to establish clear mechanisms for dismissal or reinstatement, incorporating principles of proportionality and restorative justice to balance societal needs and professional accountability.<sup>29</sup> From a juridical perspective, in Indonesian criminal law, lenient sentences of less than five years are often considered based on the principle of proportionality or the balance between the criminal offense and the severity of the punishment.<sup>30</sup> According to Satjipto Rahardjo, in Law and Society, the purpose of punishment is not only to punish but also to provide a deterrent effect and rehabilitation of the perpetrator. A light sentence is considered sufficient if the criminal offense committed does not significantly harm the public or state interests.<sup>31</sup>

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<sup>29</sup> Rama Dwijaya, Khoidin Khoidin, and Moh Ali, "The Principle Of Caution For Temporary Official Land Deed Makers (Ppats) In The Creation Of Buying And Selling Deeds," *Jurnal Scientia* 12, no. 04 (November 30, 2023): 2235, <https://seaninstitute.org/infor/index.php/pendidikan/article/view/2151>.

<sup>30</sup> Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja grafindo Persada, 2004), 14.

<sup>31</sup> Sudarto Sudarto, *Hukum Pidana Dan Perkembangan Masyarakat* (Bandung: Sinar Baru, 1983), 26.



Article 10 paragraph (3) of Government Regulation No. 24/2016 stipulates that a PPAT can be dishonorably dismissed if sentenced to a criminal sentence of five years or more. However, this regulation does not cover PPATs who are sentenced to minor penalties. This legal vacuum provides an opportunity for PPATs who have served a criminal sentence of under five years to return to office. In this context, there is a need to review the eligibility of PPATs based on the principles of progressive law, rehabilitation, and legal certainty.<sup>32</sup> The principle of rehabilitation and morality of lenient criminal punishment is often justified by the principle of rehabilitation, where offenders are given the opportunity to improve themselves without having to face prolonged isolation from society. According to Roeslan Saleh in Indonesian Criminal Justice, lenient sentences can accelerate the process of resocializing offenders into society.<sup>33</sup> However, in the PPAT case, the morality aspect remains the main consideration. Criminal acts, although committed due to negligence, reflect moral violations that can tarnish the integrity of the profession.<sup>34</sup>

Agrarian Ministerial Regulation No. 4 of 1999 explicitly states that PPATs must have irreproachable morals. In a legal profession such as PPAT, morality is the main foundation of public trust. Therefore, involvement in a criminal offense, even if the punishment is light, indicates a failure of the PPAT to maintain the moral standards of the profession.<sup>35</sup> Social Impact related to public trust in the PPAT profession is an important element that determines the legitimacy of this position. When a PPAT has a criminal record, the public

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<sup>32</sup> Satjipto Rahardjo, *Hukum progresif: sebuah sintesa hukum Indonesia* (Yogyakarta: Genta publishing, 2009), 22.

<sup>33</sup> Roeslan Saleh, *Peradilan Pidana Indonesia* (Jakarta: Aksara, 1987), 56.

<sup>34</sup> Andrew von Hirsch, *Censure and Sanctions*, Oxford Monographs on Criminal Law and Justice (Oxford, New York: Oxford University Press, 1996), 30.

<sup>35</sup> Jeverson, "The Relationship between Ethics and the Legal Profession Code of Ethics in Law Enforcement Efforts in Indonesia," *Indonesian Journal of Contemporary Multidisciplinary Research* 3, no. 1 (February 3, 2024): 144, <https://doi.org/10.55927/modern.v3i1.7581>.



tends to doubt the legality of the documents they produce.<sup>36</sup> Research by Edwin M. Schur in *Labeling Deviant Behavior* shows that perpetrators with criminal records often face social stigma that is difficult to remove, thus affecting public trust in the individual.<sup>37</sup>

In Indonesia, the public expects that legal officials such as PPATs are free from criminal records to ensure that the documents produced have full legitimacy. The absence of strict standards for PPATs who are convicted of minor crimes could undermine public confidence in the land law system. International Perspectives In international legal systems, strict professional standards are applied to legal professions such as PPAT. In the United Kingdom and the United States, notaries involved in criminal offenses, even if the sentence is minor, are generally not allowed to return to office. This approach reflects the importance of maintaining public confidence in the legal profession.<sup>38</sup> This concept is relevant in Indonesia, where the PPAT profession requires high integrity to support the legality of the land law system.

In criminal law, the effectiveness of punishment depends not only on the severity of the punishment but also on legal certainty and consistency of law enforcement.<sup>39</sup> Satjipto Rahardjo emphasized that lenient sentences can be effective if accompanied by a clear and consistent rehabilitation program. However, in the case of PPAT, a light sentence without strict rules on eligibility to return to office could create a bad precedent, where ethical violations do not have serious career consequences. Restorative Justice in Criminalization The restorative justice approach has begun to develop in Indonesia as an alternative in the criminalization system. In the context of PPAT, light sentences can be followed by rehabilitation and mediation programs to restore

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<sup>36</sup> Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale: Herald Press, 1990), 20.

<sup>37</sup> Edwin M. Schur, *Labeling Deviant Behavior: Its Sociological Implications* (New York: Harper & Row, 1971), 35.

<sup>38</sup> Sunaryo Sunaryo, *Hukum Pidana Indonesia* (Jakarta: Raja Grafindo Persada, 2007), 29.

<sup>39</sup> Andi Hamzah, *Hukum Pidana Indonesia* (Jakarta: Sinar Grafika, 2017), 30.



public trust.<sup>40</sup> However, in the case of professions that involve public trust, such as PPAT, this approach must be accompanied by strict legal arrangements to ensure that criminal offenders do not return to office before they have fully restored public trust.

From a legal, moral, and social perspective, a PPAT sentenced to a criminal offense of less than five years, even if committed due to negligence, remains unfit to return to office. The legal vacuum in Government Regulation No. 24/2016 regarding sanctions for PPATs sentenced to minor penalties needs to be addressed to maintain the integrity of the profession. Adopting approaches from international legal systems and progressive legal theory, a revision of the regulation can ensure that standards of morality and professionalism are maintained in the PPAT profession. This is not only important to protect public trust but also to support a credible and equitable land law system

## CONCLUSION

Land Deed Officials (PPAT) play a crucial role in ensuring the legality of land transactions, requiring high standards of integrity, morality, and public trust. However, Article 10 paragraphs (3) and (4) of Government Regulation No. 24/2016 only address sanctions for PPATs sentenced to five years or more, leaving a regulatory gap for minor offenses. This gap undermines public trust in legal documents and tarnishes the profession's credibility, as involvement in any criminal act violates the moral standards expected of PPATs. To safeguard the profession's integrity and the stability of the land law system, regulatory reforms are needed. These reforms should adopt a progressive approach that incorporates restorative justice, allowing PPATs to return to office only after meeting strict moral and professional standards. Such measures are vital to maintaining public trust, the legitimacy of legal documents, and the PPAT profession within Indonesia's legal system..

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<sup>40</sup> Andrew Ashworth, *Sentencing and Criminal Justice* (Inggris: Cambridge University Press, 2005), 56.



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