



Legal Interpretation of Honorariums and Free Services by PPAT in Land Registration

Penafsiran Hukum terhadap Honorarium dan Layanan Gratis oleh PPAT dalam Pendaftaran Tanah

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Abstract: This study examines the normative interpretation of the terms "honorarium" and "services without charging fees" under Article 32 of PP No. 24/2016 and Permen ATR/BPN No. 33/2021. Using a normative juridical method with statutory and conceptual approaches, the research explores legal ambiguities in PPAT obligations, especially in digital land services outside the deed-making process. Findings reveal a regulatory vacuum that creates unequal treatment for PPATs and the poor, with unclear implementation boundaries and unjust workloads. The study proposes a normative interpretation model that aligns doctrine with practical conditions, emphasizing distributive and procedural justice. It recommends regulatory reform to classify service types, define reasonable honorariums, and ensure legal protection for all parties in digital land administration.

Keywords: Access to Justice; Honorarium; Land Digitalization; Legal Interpretation; PPAT;

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INTRODUCTION

The Land Deed Official (PPAT) has a central role in the land administration system in Indonesia because it is authorized by the state to make authentic deeds for certain legal acts regarding land rights and apartment units (Rahmah et al., 2024, p. 558). One of the important provisions attached to the function of PPAT is the regulation regarding honorarium as a reward for the legal services provided (Borman, 2019, p. 81). In practice, there is also an obligation to provide services free of charge to the poor, as stipulated in Article 32 paragraph (2) of Government Regulation Number 37 of 1998 jo. Government Regulation No. 24/2016 (Rahayu et al., 2023b, p. 984). However, the absence of normative clarity regarding the meaning of "honorarium" and "services without charging fees" raises issues of interpretation

in legal practice. This uncertainty has a direct impact on the implementation of PPAT service obligations and creates inequality in the practice of charging fees to the public.

Several previous studies have highlighted aspects of honorarium and social responsibility of PPAT. Husna Handayani (2023) in her thesis analyzed the implementation of PPAT's obligation to provide services free of charge to the poor, and highlighted the importance of justice and legal certainty approaches in its implementation (Handayani, 2023, p. 75). Meanwhile, Purwaning Rahayu et al (2022) in their journal article focuses more on the effectiveness of PPAT services and public perceptions of land service fees paid to PPATs, with the finding that the perception of "fee impropriety" often causes public distrust (Sisworini et al., 2020, p. 526). These two studies make an important contribution in describing the implementation and public expectations of the role of PPAT. However, no study has specifically unraveled the ambiguity of norms or the legal meaning of the term "honorarium" in the applicable regulations, nor has it discussed in detail the limitations of no-cost services in the context of non-deed administrative activities such as electronic Mortgage applications, Land Value Zone (ZNT) registration, or the activities of BPN's partners. This is the academic gap that this research seeks to fill.

The urgency of this research lies in the need to affirm the meaning of norms in regulations governing the financing of PPAT services, especially in the context of vulnerable community services and the mechanism for digitizing land services. The uncertainty of the definition of "services" has an impact on inequality of treatment, community resistance to the cost burden, and the potential for legal conflict between the service user community and the PPAT. In addition, the involvement of PPATs in the electronic system of BPN partners adds new complexities that have not been fully accommodated in the formulation of the current norms. If this vagueness continues, there will be normative dysfunction that leads to violations of the principles of legal certainty and access to justice.

The legal problems that are the focus of this research are: What is the legal meaning of honorarium as stipulated in Article 32 paragraph (1) of Government Regulation Number 24 of 2016 jo. Permen ATR / BPN Number 33 of 2021? And what are the definitions, criteria, and limitations of services without charging fees as stipulated in Article 32 paragraph (2) of the same regulation? This question stems from the reality that many PPAT activities require third-party administrative costs, but are not explicitly categorized within the framework of "honorarium" or "services."

To address these questions, this study adopts a normative juridical method, employing both statutory and conceptual approaches. The statutory approach is used to interpret

relevant laws and regulations governing PPAT services and financial obligations, while the conceptual approach allows for a critical analysis of underlying legal doctrines, particularly concerning fairness, justice, and administrative burden-sharing. This dual approach enables the construction of a normative interpretation model that reflects both doctrinal consistency and practical relevance in the evolving landscape of digital-based land services.

This research aims to provide a comprehensive legal understanding of the meaning and scope of honorarium and free services performed by PPAT in the context of national legislation. This research also aims to build a normative interpretative model of the articles in question so that it can be used as a reference in the practice of land law that is just and guarantees legal certainty.

RESULT AND DISCUSSION

Terminological Ambiguity in the Regulation of PPAT Services: Between Honorarium and Social Obligation

Regulations regarding honorarium and the obligation to provide services at no cost by PPAT have actually been regulated in provisions such as Government Regulation No. 37 of 1998, which was updated by Government Regulation No. 24 of 2016, as well as Permen ATR/BPN No. 33 of 2021 (Handayani et al., 2023, p. 83). For example, Article 32 paragraph (1) states that the honorarium is a maximum of 1% of the transaction price, while paragraph (2) regulates mandatory services without charge to disadvantaged groups (Faridah et al., 2023, p. 70). However, the term "services without charging fees" is not operationally explained. There is no definition of what is included in these services, so the practice in the field becomes multi-interpretation (Suhediningsih, 2020, p. 451).

Based on research by Purwaning R. S et al (2020), the maximum PPAT honorarium is 1%, based on the economic value of the deed, but implementation in the field is also influenced by the culture and PPAT's understanding of the regulation (Sisworini et al., 2020, p. 526). Meanwhile, a report by Eva Rahayu et al. (2023) shows that inconsistencies in the definition of "poor people" result in variations in the application of no-cost services, despite the existing regulations (Rahayu et al., 2023b, p. 999). This shows that vagueness in regulations creates uncertainty and potential injustice.

In addition, the context of digitization of PPAT services such as ZNT creation or electronic HT registration has not been fully covered by the definition of "services" in the regulation (Rahman et al., 2021, p. 59). There is no clear reference whether these digital administrative activities are included in the honorarium calculation or must be free of charge.

This reflects a regulatory gap between the statutory system and current administrative practice, which raises legal questions about the scope of PPAT responsibilities in the digital era.

Thus, the tiered structure between the old and new regulations further creates ambiguity in both text content and application. This ambiguity has the potential to lead to a variety of interpretations and practices, from collecting extra fees to providing free services out of proportion to the bureaucracy's capabilities. This condition is a strong basis for this research to analyze normatively: how should the terminology in the regulation be interpreted to comply with the principles of legal certainty and social justice.

No-Fee Service Obligations: Dimensions of Fairness and Implementation Challenges in the Field

Article 32 paragraph (2) of GR No. 24/2016 emphasizes the obligation of PPATs to provide services free of charge to people who cannot afford them. However, this regulation does not include operational criteria regarding who qualifies (Rahayu et al., 2023a, p. 898). The absence of validation standards makes PPATs rely on subjective interpretations, so implementation varies. As a result, vulnerable communities' access to land services is uneven.

From the perspective of Radbruch's theory of justice, ambiguous norms such as "no-cost services" must be interpreted proportionally so as not to burden the profession without adequate compensation or clear verification mechanisms. This issue is evident in Eva Rahayu et al's (2023) research, which highlights the need for additional regulation so that this small free obligation does not turn into an unequal social burden (Rahayu et al., 2023b, p. 998). Without standards, the principle of distributive justice becomes stuck in practice.

In addition, administrative challenges: the submission of SKTM (Surat Keterangan Tidak Mampu) as a requirement is still constrained by complicated paperwork or lengthy administrative procedures (Krisdiana, 2022, p. 72) This adds to the burden and indirect costs on the community. So even though services are supposed to be free, the reality still leaves inequalities that hamper access to legal justice.

Thus, the implementation of the no-cost obligation requires refinement of the community's economic verification mechanism accompanied by implementation guidelines and professional supervision. This is in line with the main objective of this research: formulating normative interpretations that can serve as a bridge between formal regulations and justice in the field, so that the principle of equality before the law is truly realized in the land administration system.

Normative Interpretation of Honorarium and No-Fee Services in the Era of Land Digitalization

The role of PPATs is now expanding from only making physical deeds to managing digital processes, including ZNT (Land Value Zone) and e-Hak Tanggungan (e-HT) registration (Nugroho, 2025, p. 128). PPATs play a role in checking certificates electronically, verifying data, and uploading documents through the BPN system activities that are not parallel to the conventional deed making process and are often not regulated by honorarium (Satria et al., 2023, p. 971). Although regulations mention honorariums and free obligations, it is unclear whether these activities are considered paid or free services for PPATs.

Digitization such as the issuance of e-Certificate creates a new workload for PPATs: checking data validity, educating clients, and ensuring the security of electronic documents (Adiyanti & Pidada, 2024, p. 385). However, the lack of definition of "additional services" means that PPATs often work without compensation, even though these activities require extra skills and time—a problem that has not been addressed in PP No. 24/2016 (Indonesia, Central Government, 2016) or Permen ATR/BPN No. 33/2021 (Indonesia, Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, 2021).

Technical and administrative barriers also arise in e-HT practices. A study in Banjarmasin shows that connection and system constraints often delay the file repair process by days with an additional workload that is not compensated by law (Azizah et al., 2022, p. 98). Meanwhile, there are hidden administrative costs, such as digital repair costs or third-party fees, which are passed on to PPATs and clients even though their legal status is ambiguous because they do not fall under the definition of official honorarium or free of charge activities.

Normatively, a reinterpretation of PPAT "services" is needed to include digital administration services, so that the additional workload can be categorized as part of the honorarium or clearly positioned as a social obligation. This is in line with the objective of this research: to build an interpretative model that harmonizes formal regulations with today's digital reality, so that PPATs are not disadvantaged and the public continues to receive fair and transparent services.

Reconstruction of Legal Interpretation: Toward Certainty and Justice in PPAT Responsibility

The study by Mashdurohatun et al. (2025) highlights that current PPAT regulations, such as PP No. 24 of 2016 and Permen ATR/BPN No. 33 of 2021, do not contain explicit definitions of the types of services included in the honorarium, nominal limits, or exceptions for free services (Mashdurohatun et al., 2025, p. 251). This condition creates a spectrum of interpretations of whether digital registration, BPN partner administration, or verification in the field are included in the paid category or otherwise? Therefore, a norm reconstruction strategy needs to be carried out so that these service components can be regulated clearly and systematically.

Mashdurohatun and her colleagues also recommend that regulations be equipped with compensation and protection mechanisms for PPATs, such as professional insurance, legal immunization, and strengthening the authority of supervisory institutions (MPPD) (Mashdurohatun et al., 2025, p. 253). This is important to maintain a balance between public access to free services, especially for weak groups, and fairness for PPATs who have financed high-cost and time-consuming digital administrative activities.

This reconstructive approach not only incorporates the definition of digital services into formal regulations, but also builds detailed guidelines regarding verification of clients' economic capacity, measurement of digital workload, and respect for PPAT's professional expertise. This model is in line with the principles of distributive and procedural justice, and upholds legal certainty as formulated by Radbruch and Kelsen's theories of justice, which have been used as the theoretical framework in this research.

Implementatively, this legal recommendation can be realized in the draft of derivative regulations such as Permen ATR/BPN or Circular Letter of the Ministry of ATR/BPN that specifically states the types of paid services, the range of honorarium, exceptions, and administrative procedures to verify the client's economic status. With clear guidelines, the no-fee obligation does not become an unregulated burden, and the proportional honorarium for PPAT is maintained. This step is expected to balance social and professional objectives while strengthening a fair and transparent land administration system.

CONCLUSION

This research confirms that the normative uncertainty in the laws and regulations governing honorarium and the obligation to provide services at no cost by PPAT has caused serious problems in land law practice, especially in the era of service digitalization. Legal

interpretation of Article 32 paragraphs (1) and (2) of Government Regulation Number 24 Year 2016 jo. Permen ATR/BPN No. 33 of 2021 has not provided clarity on the classification of services that are entitled to be charged and those that must be provided free of charge. Key findings show that many PPAT professional activities, such as administrative digital services, do not fall under the category of deed making but still require the involvement of legal resources and competencies, giving rise to additional workloads that are not explicitly regulated in the regulations. This has the potential to harm both the public who need certainty of service costs and PPATs who carry out their professional responsibilities without adequate normative protection. The novelty of this research lies in the normative interpretative approach to the phrases "honorarium" and "services without charging fees," which have not been comprehensively studied in previous studies. This research also highlights the distributive and procedural justice dimensions that have been neglected in the practice of free services, and proposes the need for norm reconstruction and the addition of derivative regulations that contain explicit technical guidelines. The urgency of this reform is heightened by the increasing complexity of PPAT duties in the electronic service ecosystem and the integration of a digital-based national land system. Therefore, this research recommends the establishment of implementing regulations that affirm the limitations of types of services, proportional honorariums, and service user classification mechanisms based on socio-economic verification, in order to realize a land administration system that is fair, transparent, and guarantees legal certainty for all parties.

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