



Juridical Analysis of Legal Protection for Land Deed Officials (PPAT) Undergoing Investigative Proceedings by the Supervisory and Advisory Council of PPAT

Analisis Yuridis Perlindungan Hukum Bagi PPAT yang Menjalani Proses Penyidikan oleh Majelis Pembina dan Pengawas PPAT

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Abstract: Land Deed Officials (*Pejabat Pembuat Akta Tanah* or PPAT) play a central role in the Indonesian land law system because they are authorized to issue authentic deeds concerning land rights transactions. In practice, deeds made by PPAT may become disputed or linked to alleged criminal offences, placing PPAT in the investigation process. This study examines the legal protection available to PPAT during investigations and analyses the position and limits of the Supervisory and Guidance Council for PPAT within that framework. Using a normative juridical method with statutory and case approaches, this study analyses primary and secondary legal materials through grammatical and systematic interpretation. The findings show that legal protection for PPAT has been recognized through supervision, guidance, and legal assistance. However, the current regulatory framework does not yet provide clear procedures on the summons of PPAT, the limits of professional confidentiality, the use of deeds and official documents in investigations, and the forms of institutional assistance available. The Supervisory and Guidance Council for PPAT therefore remains important in institutional supervision, but has not been clearly formulated as a procedural control mechanism in the investigation stage. Stronger regulation is needed to ensure greater legal certainty and a more balanced relationship between investigative authority, official duties, and legal protection for PPAT.

Keywords: investigation process; legal protection; PPAT; PPAT deed; Supervisory and Guidance Council for PPAT

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INTRODUCTION

The Land Deed Making Officer (PPAT) occupies an important position in the Indonesian land legal system because it is given the authority to make authentic deeds regarding certain legal acts on land rights and property rights to flats (Bazar & Silviana, 2021, p. 30). This authority places PPAT not only as the executor of administrative functions, but as a public official who plays a role in maintaining the orderly registration of land, the certainty of the legal status of land objects, and the protection of the interests of the parties in civil law traffic. In practice, the deed made by PPAT has a strong meaning, not only because it is used as a basis for proof, but also because it is an instrument that connects the will of the parties with the land administration system run by the state (Wiharjo et al., 2024, p. 209). This position shows that the PPAT position is in a space that brings together formal, professional, and legal responsibilities in one inseparable function.

In its implementation, this position also places PPAT in a space of vulnerability when the deed it makes is then questioned by the parties or linked to an alleged criminal act. In such circumstances, PPAT may be asked to provide information about the process of the birth of the deed, the formal basis used, and the documents underlying the legal actions of the parties. This situation presents a problem that is not simple, because at the same time PPAT carries out a position that is burdened with the obligation to act carefully, maintain the confidentiality of deeds, and work within the limits of authority that has been determined by the law of the position (Afifah & Wardhana, 2023, p. 143). A number of studies show that legal protection for PPAT when the deed it makes enters the criminal realm has not been formulated firmly, including related to the examination process and the taking of deeds by investigators. This situation shows that the problems faced by PPAT are not only related to professional responsibility, but also touch on legal certainty regarding their position when the needs of law enforcement meet the obligations of the position attached to them (Siregar, 2022, p. 539).

At the regulatory level, the need for guidance and protection for PPAT has gained a place in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 2 of 2018 concerning the Development and Supervision of PPAT (Minister of Agrarian Affairs/Head of BPN No. 2 of 2018). This regulation not only regulates the guidance and supervision of PPAT, but also includes the establishment of a PPAT Board of Trustees and Supervisors, procedures for examining alleged violations, and providing legal aid to PPAT. Within this framework, the PPAT Board of Trustees and Supervisors is formed in stages at the central, regional, and regional levels, so that the supervisory function of PPAT positions is not placed only as an internal administrative affair, but as part of an institutional

mechanism to maintain the quality of office implementation, compliance with position norms, and orderly implementation of land services. This arrangement shows that the Indonesian land law system has recognized the need to place PPATs in an organized coaching structure (Huda & Suhaini, 2024, p. 15). At the same time, the recognition of legal aid in the same regime shows that the position of the PPAT is understood not only from the point of view of obligation, but also from the point of view of the need for protection when the exercise of its position comes into contact with legal issues.

Although the applicable regulations have recognized legal aid for PPAT, the form of protection at the investigation stage has not yet been formulated firmly. This ambiguity can be seen in the lack of details of the assistance mechanism, the limits of the obligation to maintain the confidentiality of the deed, and the pattern of the relationship between the investigator and the Board of Trustees and Supervisors of PPAT when the deed made by PPAT enters the criminal process. A number of studies show that the main problem in this context is not only the existence of legal aid, but the lack of clarity in the normative design that regulates the form, limits, and implementation of legal protection for PPAT when dealing with the investigation process (Agustina et al., 2026, p. 244).

Comparison with the position of notary shows that there is a difference in the level of clarity of the legal protection design when judicial interests are in contact with deeds and secrets of office (Abubakar, 2024, p. 99). In the notary regime, the summoning of a notary or the taking of documents related to the deed is placed through the approval mechanism of the Notary Honorary Council, so that there is an institutional control point before the notary provides information to law enforcement officials (Daud, 2024, p. 135). A number of studies have shown that the protection is not yet fully comprehensive because it is still limited to approval or rejection, but the construction still shows a more stringent mechanism compared to PPAT, whose protection at the investigation stage has not been formulated in an equivalent pattern.

Previous studies have generally discussed the legal protection of PPAT from the perspective of position responsibility, professional prudence, and protection in carrying out duties, as well as examining the authority of the PPAT Board of Trustees and Supervisors in the context of ethical violations (Siregar, 2022, p. 539). A number of other studies have also shown that the protection mechanism for the position of notary has been discussed more specifically, especially when notaries are asked to provide information in the judicial process (Rizal & Ratna, 2025, p. 384). Although it provides an important foothold, the entire study has

not specifically focused on the construction of legal protection for PPAT at the investigation stage, especially in relation to the limits of the role of the Board of Trustees and Supervisors of PPAT when the deed made by PPAT becomes part of a criminal case. Therefore, this article will examine the legal protection of PPAT not only as a matter of professional responsibility or ethical supervision, but as a matter of legal certainty when the PPAT position is in direct contact with the investigation process.

This study uses a normative juridical method with a legislative approach and a case approach to examine the construction of legal protection for Land Deed Making Officials (PPAT) in the investigation process. The legal materials used consist of primary legal materials and secondary legal materials, which are analyzed qualitatively through grammatical interpretation and systematic interpretation. The analysis in this study also uses the theory of legal certainty and the theory of legal protection as a basis to assess the clarity of norms, the position of PPAT, and the form of legal protection that should be given in the implementation of the position.

In this context, legal protection for PPAT in the investigation process shows the need for a clearer normative formulation, especially regarding the forms of protection available, the limits of its implementation, and the position of institutions authorized to provide assistance in cases related to deeds made by PPAT. This problem is important because the existing arrangements have recognized the idea of legal aid, but have not fully presented a firm construction of the relationship between the obligations of the PPAT position, the interests of investigation, and the role of the Board of Trustees and Supervisors of PPAT. This study is therefore directed to examine the legal protection arrangements for PPAT in the investigation process as well as to place in a more measurable role of the PPAT Board of Trustees and Supervisors in the framework of the protection.

RESULT AND DISCUSSION

Construction of Legal Protection for PPAT in the Investigation Process

When the deed made by PPAT begins to be questioned in disputes or associated with alleged criminal acts, the position of PPAT is no longer only understood in the framework of public officials who carry out land service functions, but also as a party whose information may be needed to explain the formal process of forming the deed and the basics of the documents behind it (Agripinia & Aminah, 2025, p. 834). This situation is related to the nature of the PPAT deed which, on the one hand, functions as a juridical instrument in the traffic of land law, but on the other hand can enter the evidentiary process as evidence of letters whose

assessment does not stand alone in criminal cases. In practice, PPAT's involvement in legal cases does not always depart from the personal actions of the officials concerned, but can arise from problems that originate from the parties, data submitted, or documents used in making deeds (Baharini, 2025, p. 82). Therefore, the discussion of legal protection for PPAT in the investigation process needs to first place PPAT in the dual position, namely as a public official who exercises the authority of the position and as a subject who can be dragged into the investigation when the deed he makes becomes part of the construction of the case.

In the context of criminal proof, the PPAT deed does not occupy the same position as in civil law relations. As an authentic deed, the PPAT deed still has a formal evidentiary value for the legal acts outlined in it, but in criminal cases its position is treated as letter evidence that must be assessed along with other evidence and the judge's conviction. Consequently, the existence of the deed does not necessarily preclude the possibility of further examination of the process of its formation, the documents used, and the information of the parties behind the birth of the deed. At this point, the need for legal protection for PPATs becomes increasingly real, as PPAT's involvement in the investigation process often arises not solely due to the loss of the authentic status of the deed, but because the criminal evidentiary system demands a broader examination of the facts behind the deed itself.

This problem becomes more complex when the investigation process comes into contact with the obligation of the PPAT position to maintain the confidentiality of the contents of the deed and information obtained in the process of making it. This obligation is not properly understood as an absolute prohibition to provide information, but it also cannot be placed as if all information that is in the control of PPAT can be opened indefinitely. Research by Wiharjo shows that the obligation to maintain the confidentiality of deeds still has a justification basis in the legal system, although its application requires clear limits on the type of information that can be requested, the space for taking deeds, and the legal basis for its examination (Wiharjo et al., 2024). At the same time, PPAT's responsibilities in cases related to deeds are generally closer to the formal aspects of deed formation, the prudence of the documents submitted, and the level of involvement of PPAT in the birth of legal defects or unlawful acts. In that framework, the presence of PPAT in the investigation process should be understood primarily to explain the formalities of the position and procedures for making deeds carried out, not to directly transfer the entire burden of substantive disputes of the parties to PPAT (Afifah & Wardhana, 2023, p. 145).

Normatively, the position of PPAT in this context needs to be read through several layers of arrangement. Government Regulation No. 37 of 1998 as amended by Government Regulation No. 24 of 2016 places PPAT as a public official authorized to make authentic deeds regarding certain legal acts on land rights, while Government Regulation No. 24 of 1997 connects PPAT deeds with the land registration system run by the state. At the same time, when a deed made by PPAT is entered into a criminal case, the summons mechanism remains subject to the Criminal Procedure Code, including provisions regarding the summoning of witnesses or suspects and the recognition of positions that require the keeping of secrets. In the PPAT position regime itself, the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 2 of 2018 has recognized the guidance, supervision, examination, and legal assistance for PPAT, although it has not established a protection procedure that is as strict as the mechanism for summoning in the position of notary.

At the regulatory level, legal protection for PPAT in the investigation process has actually begun to be recognized through the provisions regarding legal aid in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 2 of 2018. The regulation opens the possibility for the Ministry, the PPAT Board of Trustees and Supervisors, and/or IPPAT to provide legal assistance to PPAT who are called as witnesses or suspects by investigators, including in the form of advice, assistance in investigations, and expert testimony in court. However, the construction still shows limitations because the available protections have not been formulated as a strict procedural mechanism regarding the procedure for summons, the limit on the disclosure of secrets of office, and the form of involvement of the assembly before the examination is carried out. In such circumstances, legal protection for PPAT is still more seen as assistance support after the process is running, not as a normative design that clearly arranges the relationship between the authority of the investigator, the obligations of the PPAT position, and the institutional function of the PPAT Board of Trustees and Supervisors.

Position and Limits of the Role of the PPAT Board of Trustees and Supervisors

In the construction of the PPAT position arrangement, the PPAT Board of Trustees and Supervisors is placed as an institutional device that assists the Minister in carrying out guidance and supervision of the implementation of PPAT positions. This position shows that the assembly does not stand as an institution separate from the land administration regime,

but rather as part of an internal mechanism to maintain PPAT's compliance with the obligations of its position, code of ethics, and provisions of laws and regulations (Cahyanni & Supriyadi, 2022, p. 362). The coaching and supervision are carried out in stages through the central, regional, and regional assemblies, with an orientation that includes preventive and repressive aspects. At the normative level, this design shows that the role of the assembly is mainly directed to form the professional quality of PPAT, assess the implementation of positions, and follow up on alleged administrative and ethical violations, not to take over the function of criminal law enforcement (Fakhri, 2023, p. 24).

However, this position also shows a fairly clear boundary in the context of the investigation process. The regulation regarding the PPAT Board of Trustees and Supervisors has not placed the panel as an institution that has the authority to approve, postpone, or pre-screen the summons of PPAT by investigators. The functions of the assembly remain in the realm of coaching, administrative supervision, examination of alleged violations of office, and institutional support for PPAT (Pramudita, 2022, p. 114). Findings in several studies also show that the implementation of coaching and supervision of PPAT in the field has not always been optimal and sustainable, which ultimately strengthens the impression that the role of the assembly works more in the framework of professional supervision than as a procedural protection mechanism when PPAT is directly confronted with criminal proceedings (Wira, 2020). In that context, the limits of the role of the assembly are not only normative, but also appear in the lack of a work pattern that specifically links the supervision of PPAT positions with the need for assistance at the investigation stage.

This difference becomes more visible when compared to the mechanism in the notary position. In the notary regime, the relationship between the interests of investigation and the protection of positions is framed through a more assertive institutional mechanism, especially since there are special arrangements regarding the involvement of honorary institutions or supervisors in access to deeds and summons of notaries. In PPAT, similar designs have not been formulated with the same level of certainty. As a result, the PPAT Board of Trustees and Supervisors is more appropriately understood as a position coaching and supervision institution that can provide institutional support, but has not yet developed into a procedural control point before a criminal investigation is carried out. From this point of view, the main problem does not lie in the absence of a panel, but in the lack of firmness in the formulation of the authority of the panel when the protection of the PPAT position is in contact with the authority of the investigator.

Directions for Strengthening Legal Protection Arrangements for PPAT in the Investigation Process

The need for strengthening legal protection arrangements for PPAT arises from the fact that the applicable arrangements have recognized guidance, supervision, and legal assistance, but have not fully established a strict procedure when dealing with the investigation process. In such circumstances, the legal protection space is still more seen as a general support than as a normative mechanism that regulates in detail the procedures for summons, the limits of requests for information, the use of position documents, and the form of assistance that can be provided to PPAT. In fact, clarity on these points is needed so that the relationship between the authority of the investigator and the implementation of the PPAT position does not run only based on different interpretations.

In this case, the strengthening of the regulation does not need to be directed to equate the entire protection mechanism of PPAT with the position of notary, because both stand on the basis of different arrangements and scopes of authority. What is more important is to establish special procedures that are in accordance with the character of the PPAT position, especially regarding the summoning of PPAT in the capacity of the position, requests for access to deeds and supporting documents, limits on the disclosure of information that are within the scope of the secrets of the position, as well as forms of institutional assistance that can be provided from the investigation stage. A formulation like this will be more balanced because it still provides room for law enforcement, but at the same time presents certainty regarding the limits of the responsibility of the PPAT position and protection for the implementation of its public functions.

At the institutional level, the direction of strengthening can be placed on affirming the function of the PPAT Board of Trustees and Supervisors as a coaching and supervision tool that also acts as a professional control point when PPAT positions come into contact with criminal proceedings. This role does not need to be formulated as an authority to obstruct investigations, but rather as a mechanism that ensures that the summoning of PPAT, the use of position documents, and the provision of assistance take place within a framework that is in line with the PPAT position regulations. The relevance of this strengthening can also be seen from the latest developments in the land sector, because JDIH ATR/BPN currently contains a draft RPP of PPAT Position Regulations which is open for public consultation since March 13, 2026, while the Ministry of ATR/BPN has also taken the oath of MPPP and MPPW in 2025–2026. These developments show that the reform of the PPAT position arrangement is on the

real agenda, so that strengthening legal protection in the investigation process is worthy of being placed as part of the reform of the normative design of PPAT positions in the future.

CONCLUSION

Legal protection for PPAT in the investigation process has been recognized in the arrangement of PPAT's position, especially through coaching, supervision, and legal assistance, but it has not been formulated in strict procedures regarding summons, the use of deeds and office documents, limits on the disclosure of position secrets, and forms of assistance in criminal proceedings. In these conditions, the PPAT Board of Trustees and Supervisors has an important position in the guidance and supervision of the position, but has not been clearly placed as a procedural control point when PPAT is dealing with investigations. This situation shows the need to strengthen more measurable arrangements so that the relationship between the authority of investigators, the obligations of PPAT positions, and the institutional role of the assembly can run more definitely, balanced, and consistently.

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