



Legal options for notaries/ppat for forged letters in the land mafia case (nirina zubir case study)

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ABSTRACT

The current analysis focuses on the consequences of the law with regard to the notary's performance of an authentic act. An authentic deed is a very important piece of evidence in the context of civil law, but if a notary is unable to execute an act of oath, then administrative, criminal and civil sanctions may result. The Sanctions in question is governed by the Notary Office Regulations, the Civil Code, and other Statutory Regulations. The current study employs the normative method of legal analysis by conducting an analysis of each rule of procedure that has an impact on the legal consequences of the notary's possible falsification of the act. According to the study's findings, if a notary fails to complete an act of oath, they may be required to submit administrative sanctions such as a certificate of notarial competence, procedural sanctions such as a prison sentence or fines, and substantive sanctions such as a lawsuit cancellation of the civil act. In this essay, it is also discussed how to apply the law in the event of an opportunistic forgery act in a mafia-related case. Affected parties can request a lawsuit for canceling a civil deed to the court if an authentic counterfeiting act occurs in a land mafia case. However, if the notary is in trouble with the ostensible act in question, he or she may be recognized as an administrative sanction, a criminal, and a civil in accordance with the applicable statutory rules.

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1. INTRODUCTION

The problem of land disputes and the role of land officials in Indonesia As the population increases, the need for land increases, giving rise to a land mafia that uses various illegal methods to acquire land (Kartiwi, 2020). The author emphasizes the importance of proving land ownership through legal documentation, such as land certificates, and highlights the role of land deed officials (PPAT) and notaries in the process of transferring land ownership (Pratiwi, 2021). The PPAT plays an important role in writing documents related to land transfers, while the notary has the authority to make authentic written evidence in the form of a sale and purchase deed. The text describes the land sale process, which involves issuing a power of attorney to sell the property, and the importance of having a valid land title (Wirawan et al., 2022).

Some people suffered losses or were cheated at sea. The mafia has always existed in our country. The land mafia is known for escalating disputes (Ramadhani, 2019). The risky way is to falsify land deeds and take them to court to legalize other people's land deeds. (Umbas, 2019). They are military construction sites, company offices, industrial facilities, or buildings built by the state or the general public (Angelin et al., 2021). The reason why the mafia is so widespread is

because it includes people who are important as well as loyal, who are willing to pay money and protect those who are loyal. ready to do everything necessary to earn the trust of others (Rajab et al., 2020). As a final step, rights must be tested with evidence to ensure that truth and law are valid (Hulu, 2021). In actual practice, there are many ways to authenticate land rights, and the existence of land title titles may show that one particular piece of evidence is the strongest. Approval as "proof of title to land" can often be carried out by a legal authority or by persons asserting newly created rights, extending existing rights, or otherwise challenging rights. (2000) Wenur and Putra Land Deed demonstrate their responsibility and authority in the process of writing documents regarding transfer rights; an example is a book (Sakinah & Hoesin, 2022). The Land Deed Making plays a very important role in the process of transferring rights over (Harnita et al., 2019). The Sales Invoice Document (AJB), which is a formal statement that the buyer has given power of attorney to the seller, was submitted by the PPAT (Subagja & Priyana, 2022). The authority of the notary (PPAT) has the right to supervise in the field of land registration services as referred to in Article 2 (2) of PP Number 37 of 1998 concerning the legal condition of employees carrying out land work for the President of the Republic (hereinafter referred to as "PP PPAT"). In addition, the notary or PPAT must respect the notary's protocol when requesting a certificate of authenticity for a building. Notary services are also required in addition to the PPAT, not infrequently in the process or procedure of buying and selling land (Salma & Adjie, 2023). Notary is a special term used by members of the public (in open court) to refer to the act of laying down a weapon in a certain form with the understanding that a weapon is an optical device. Therefore, both the law and society need it. In connection with the process of selling land, a notary can act as a central government official to make initial agreements, such as contracts for the sale of land and real estate. There are two examples of deeds made by a notary in accordance with the conditions of each buyer and seller. For example, if the seller cannot sell the AJB at PPAT due to leaving for a while, the seller can use a power of attorney to sell the deed disclosed at the notary's office. The power of attorney for the sale and purchase of the seller's power to the trustee or the person appointed to sell the property to another person and the terms of sale and purchase are obtained by joining AJB beforehand. PPAT, up to the sale-buy-sell process. In this situation, the act of buying becomes the starting point for the obligation to guard as well as the obligation to read every document, including the AJB before the PPAT. Without the need for a formal invitation, the only person who expresses interest in visiting AJB is the land owner or other responsible person who is registered with an active certificate of the land.

In early 2021, starting from the household member's residence, Nirina Zubir's family encouraged her mother to complete the certification requirements of six (six) land rights for notarized acquaintances/PPAT (CNN Indonesia, 2021). As time goes by, Nirina Zubir travels the world, and her colleagues continue to do so even though they still do not have proper military certification. Law enforcement found out that the person already had a land use rights certificate after being tipped off. However, he informed his mother, Nirina Zubir, that the certification had expired, and she was very concerned. A few years ago, ART told Nirina Zubir's family about their similar biases and the way their hearts beat, which had prevented them from understanding it until then. Together with the notary or PPAT, ART works to authenticate the name of the organization and its brand (Margareta Sevilla Rosa Angelin et al., 2021). There are three (three) notaries/PPATs involved in the current company naming process; their initials are ER, F, and IR. Following the change in the name of the right holder in the certificate to become a householder and his spouse, both parties transfer the rights over the subject land to the other party through negotiation. (Kompas.com, 2021). According to the DKI Jakarta National Land Agency (BPN), four family certificates of Nirina Zubir were sold to RK, ART Nirina Zubir. Aspects of the notary or PPAT take part in the buying and selling processes mentioned above. The trade was carried out, unbeknownst to the right holder, by the deceased. Nirina Zubir's mother says they have applied tattoos and ketchup to their personal identity, such as the No. 1 National Identity Card (NIK). Both ART and Notaire/PPAT use a fake power of attorney to facilitate the process of changing someone's name. Nirina Zubir informs the bank about land titles that have been accessed by household members. What needs to be clarified is the amount stated on the certificate used by household members to repay their frozen food business's operational budget. However, the results of using the bank

guarantee are still being evaluated by related parties. After the submission and determination of the six territorial rights in the name of RK and/or EN, two (2) of them were sold to third-party organizations, and four (4) of them were determined as joint ventures with banks in the context of granting credit. Based on these circumstances, RK, EN, F, IR, and ER were listed as "suspects" and "snared" in accordance with articles 263, 264, 266, and 372 of Law No. 8 of 2010 concerning the "Prevention and Eradication of Money Laundering Crimes." Based on the description of the problems mentioned above, the author raises the issue of how the notary or PPAT will interpret the law in the event of an authentic act or letter related to the mafia case in Tanah, as well as how the law is later applied in that scenario (Wenur et al., 2022).

2. RESEARCH METHOD

Research is a scientific process, so the research process is important in using the scientific method to identify and solve problems or find the truth of existing facts. In this study, the author uses normative juridical research methods. This research will focus on research using library materials or secondary data (Soekanto, 2019). The object or purpose of the research carried out by the author is to lead to a review of the law and further compliance with the legal standards that are in question or existing problems. By using this research method, the research can be more objective.

3. RESULTS AND DISCUSSIONS

Land Mafia Cases and the Notary/PPAT's Legal Responsibility for the Authenticity of Real Deeds

The notary/PPAT has a big legal duty to make sure that the deeds for the sale and purchase of land or other property are legitimate. As an official who has the authority to make authentic deeds, the notary or PPAT must ensure that the transaction meets the legal and regulatory requirements in force.

In the Land Mafia case related to the Nirina Zubir case, the notary/PPAT must ensure that the land sale and purchase transactions that occur do not violate the law and do not involve illegal practices such as fraud, falsification of documents, or the use of force. The notary or PPAT must also ensure that the parties involved in the transaction have the right to carry out the sale and purchase transaction and that no other party has a claim on the land. In fact, Nirina Zubir admitted that the authentic evidence in the form of a certificate of ownership of her land was in the name of her own biological mother.

Regarding authentic evidence, this is the most important evidence. Authentic evidence is important in the realm of civil law. Authentic evidence is evidence made, acknowledged, or controlled by the party concerned and is regulated in Article 186 of the Civil Procedure Code (HAP). Examples of authentic evidence are notarial deeds, agreements, receipts, and other official documents.

In civil law, it's important to have strong and valid evidence. This is why authentic evidence is so important. Based on Article 186, paragraph (1), HAP, authentic evidence has full evidentiary power against the things stated in the evidence, unless there is stronger evidence that disproves the truth of that matter. Therefore, authentic evidence can be used as strong evidence in court proceedings.

However, authentic evidence must also meet the formal requirements regulated by law. If it does not meet the formal requirements, authentic evidence can be canceled and cannot be used as evidence. In addition, authentic evidence can also be rejected if there are reasons to doubt its authenticity or legitimacy. Therefore, it is important for the party using authentic evidence to ensure that the evidence meets the formal requirements and that its authenticity or validity cannot be questioned.

If the notary/PPAT cannot properly fulfill their legal responsibilities, they may be subject to legal sanctions such as revocation of their license to practice or criminal charges. In addition, notaries and PPATs can also be the target of lawsuits from parties who feel aggrieved due to unauthorized or illegal transactions. Notaries and PPATs involved in the Land Mafia case related to the Nirina Zubir case can be held accountable if it is proven that they did not fulfill their legal responsibilities properly and were involved in illegal or unauthorized sale and purchase

transactions. This can happen if the notary or PPAT does not carry out adequate verification of the documents submitted, does not check the legitimacy and legality of these documents, or does not verify the validity and legality of the transactions being carried out (Bhawika Wimala Pastika et al., 2022).

The notary or PPAT should verify the documents submitted by the parties making the transaction and ensure that all the required documents are complete and valid. In addition, the notary/PPAT must ensure that the parties involved in the transaction have legal rights to carry out the transaction and that there are no claims or disputes that can affect the validity of the transaction.

If it is proven that the notary/PPAT is involved in illegal practices or does not fulfill their legal responsibilities, they may be subject to legal sanctions such as revocation of their license to practice, criminal prosecution, or demands for compensation by the party who is harmed as a result of an illegal or illegal transaction. Therefore, the notary and PPAT must carry out their duties carefully to ensure the legitimacy and legality of the land sale and purchase transaction (Trisetyadi & Pulungan, 2022).

In the case of Indonesian celebrity Nirina Zubir, there was an issue of transferring land ownership using a forged power of attorney. The power of attorney used by ART and Notary/PPAT is a general power of attorney that cannot be transferred because it cannot be revoked. Also, it is against the law to use a fake power of attorney and does not meet the legal requirements. Furthermore, the transfer of land ownership must be carried out through a Sale and Purchase Deed (AJB) before a Notary or PPAT. This kind of agreement needs four things to be true: agreement, ability, a specific object, and legal reasons.

In the case of Nirina Zubir, the use of a forged power of attorney was deemed not to be in accordance with the requirements of a lawful cause. Article 1321 KUH Perdata says that an agreement is not valid if it was made by mistake, force, or trickery. Therefore, if it can be proven that the power of attorney was obtained through error, coercion, or fraud, the sale and purchase agreement can be canceled through a lawsuit filed in the competent district court.

In general, using a power of attorney to transfer property rights must follow the rules set by the law. Any violation or misuse of the power of attorney can lead to legal problems and the sale and purchase agreement being canceled.

Legal Remedies If There is Forgery of Authentic Deeds or Letters in Land Mafia Cases

There has been resistance to the law relating to the implementation of a notary's oath, especially based on evidence. Certain events have occurred where the general public has demanded compensation and requested the legal protection provided by the regulations of the Notary Office Act, and other clients or parties concerned feel compelled to refuse a deed that has been made that contains a fake summons from a notary. In this regard, the key element of the annulment deed is to make civil judges feel afraid of going through a civil lawsuit in court.

As long as the official or relevant party knows that there are irregularities or violations that have been stated in the deed, the notary can also merge the deed. The actions mentioned above can be sued by a notary if they cause disagreement over the actions or inaction of other organizations or people. In the event that a notary is involved in an event that involves an intellectual actor or a notary participating and then commits forgery of documents, which can be classified as a criminal act, he cannot be acquitted only on the basis of the crime itself but also under the provisions of the law KUH Perdata BW and Undang-Undang Notaris Jabatan (UUJN).

If it is proven that a notary forged a real document, he could be punished in different ways, depending on the circumstances and the severity of the crime. Some of the sanctions that can be imposed include: Criminal- A notary who falsifies authentic deeds may be subject to criminal sanctions in accordance with the provisions stipulated in Article 263 of the Criminal Code (KUHP) related to the forgery of letters or identities. Criminal sanctions can take the form of imprisonment and/or fines, administrative sanctions: notaries who falsify authentic deeds may be subject to administrative sanctions by the Notary Supervisory Board and PPAT. Administrative sanctions can be in the form of reprimands, warnings, revocations of permits, or suspensions of permits, compensation - Notaries who falsify authentic deeds can be held liable in civil terms and are required to pay compensation to the aggrieved party and moral Sanctions - Notaries who falsify

authentic deeds can also experience moral sanctions and a bad reputation. This can have an impact on the notary's reputation and credibility in the eyes of the public and clients.

If the notary is found to have broken the law, the notary's supervisory body and the PPAT will start looking into and questioning the notary. If proven to have committed a violation, sanctions will be given according to the level of the violation.

According to BW in the Civil Code In article 1365 of the Indonesian Civil Code, it is categorized as an unlawful act, namely: There must be action. This active deed is equated with *onwetmatig*. Where a new act is considered unlawful (*onrechtmatig*) if it is contrary to the law in force in that place (*onwetmatig*). Passive action here is when someone ignores something that must be determined by law and actions must violate the law. Violating written rules Where a person commits an act that is contrary to necessity or prohibition. This also includes violations of criminal law provisions, for example, committing theft, embezzlement, and so on. The right to have integrity to life and soul, the right to personal property, the right to honor and privileges, as well as a good name (M.A. Moegni Djojodirjo, 1982). And there must be a loss for both parties.

According to Criminal Code. If sanctions or efforts at other levels of the law don't work or don't work at all, criminal sanctions, also called tertiary treatment, are the last option (Adjie & Gunarsa, 2019). For a notary who commits a crime, dismissal can be carried out by the Minister in accordance with a statement that the notary is declared to have violated the provisions of paragraph (2), part b, of article 21 of the notary, which states that the notary has a direct relationship with the position or other criminal acts that violate paragraph 5 (five) of article 21 of the notary.

4. CONCLUSION

In conclusion, the power of attorney is a vital component in the process of transferring ownership rights to property and it must be in accordance with the applicable legal requirements. In addition, the power of attorney must be signed by the owner of the property. Using the wrong power of attorney or misusing the power of attorney can cause legal complications and cancel the sale and purchase agreement.

Authentic evidence is also important in civil law and has a lot of weight as proof. However, if an authentic deed is forged, then the deed can be canceled by a notary or a civil lawsuit in court. If the notary is proven to have forged an authentic deed, then administrative, criminal, and civil sanctions can be imposed. These sanctions are regulated in the Notary Law (Pemerintah RI, 2014), KUH Perdata, and other laws and regulations. Administrative sanctions can be in the form of revocation of licenses to practice, while criminal sanctions can be in the form of imprisonment and fines. Meanwhile, civil sanctions can be in the form of cancellation of the deed or demands for compensation from the injured party. All of these sanctions aim to provide a deterrent effect and prevent similar actions from occurring in the future.

This research contributes to helping understand the importance of authentic power of attorney and evidence in the realm of civil law.

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