

Responsibility of Notary/Land Deed Official on Joint Title Deed Based on Incompatible Inheritance Certificate

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Abstract

This article aims to know how the Land Deed Official's (In Indonesia: PPAT) responsibility for the incompatible inheritance statement was made. The Land Deed Official has the authority to make a deed based on the legal basis of Article 7 paragraph (1) Government No. 24/2016 amending Government No.37/1998 concerning the Regulation of the Position of Land Deed Officials. Some people are dishonest in telling the truth about the administrative requirements, causing losses to several parties. This study uses a normative juridical method by conducting a literature study. The data used in this article are primary legal materials, secondary legal materials, and tertiary legal materials. The results of the study carried out are that a notary/Land Deed Official must be willing to make improvements if it is known that the inheritance information that has been made is not following what it should be. If the Notary/ Land Deed Official is not willing to revoke it, then the revocation can be done by filing a lawsuit against the Notary/Land Deed Official. When it is known that the court's decision has permanent legal force, the Notary/ Land Deed Official can be held civilly responsible by making compensation, costs, or interest if the deed made causes losses to several parties. The involvement of cooperation indicators in falsifying the deed, even the sale and purchase of the deed with the realization that there is inappropriate information, the Notary/ Land Deed Official can be criminally responsible. It can be concluded that the Notary/ Land Deed Official is responsible for the originality of the deed he/she made, including in making the Certificate of Inheritance.

Keywords: Information doesn't match; inheritance; Notary; Land Deed Official.

Abstrak

Artikel ini dibuat dengan tujuan mengetahui bagaimana tanggungjawab PPAT atas keterangan waris yang tidak sesuai dibuatnya. Pejabat Pembuat Akta Tanah (PPAT) memiliki kewenangan dalam pembuatan akta berdasarkan landasan hukum Pasal 7 ayat (1) PP No. 24/2016 perubahan PP No. 37/1998 tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah. Dalam fakta lapangan, ada beberapa oknum yang tidak jujur dalam memberitahukan kebenaran syarat administrasi sehingga menimbulkan kerugian kepada beberapa pihak. Penelitian ini menggunakan metode yuridis normatif dengan melakukan studi Pustaka. Data yang digunakan dalam artikel ini menggunakan bahan hukum premier, bahan hukum sekunder, dan bahan hukum tersier. Hasil penelitian yang dilakukan yaitu notaris/PPAT harus bersedia melakukan perbaikan apabila telah diketahui terdapat keterangan waris yang telah dibuat ternyata tidak sesuai dengan sebagaimana mestinya. Apabila Notaris/PPAT tidak bersedia mencabutnya, maka pencabutan dapat dilakukan dengan mengajukan gugatan terhadap Notaris/PPAT. Ketika diketahui bahwa putusan pengadilan memiliki kekuatan hukum yang tetap, maka Notaris/PPAT dapat bertanggungjawab secara perdata dengan melakukan ganti rugi, biaya, maupun bunga apabila akta yang dibuat menimbulkan kerugian terhadap beberapa pihak. Terlibatnya indikator kerjasama dalam memalsukan akta, bahkan jual beli akta tersebut dengan sadar terdapat keterangan yang tidak sesuai maka Notaris/PPAT dapat dipertanggungjawabkan secara pidana. Dapat diperoleh kesimpulan bahwa Notaris/PPAT bertanggungjawab atas orisinalitas akta yang dibuatnya termasuk juga dalam membuat Surat Keterangan Waris.

Kata kunci: Keterangan tidak sesuai; Waris; Notaris; PPAT.

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Introduction

Indonesia is a state of the law as stipulated in the 1945 Constitution. With this, it is necessary to have authentic evidence to support the validity of evidence if at any

time there is an illegal act. The existence of a Notary/ Land Deed official in Indonesia has not been fully utilized by the surrounding community. Notary/ Land Deed Officials as an institution listed in the Civil Code (*KUHP*) have an honorable role, duties, and position. With its relationship with the community, the Notary/ Land Deed Officials are required to be professional in carrying out their duties as Public Official who is given the authority to make certain land deeds that have been regulated in the relevant laws and regulations. According to Sudikno Mertokusumo, a deed is a letter as evidence that is given a signature with the contents of an event that forms the basis of a right or obligation for evidentiary purposes. (Arjiati, 2017). The provisions that become a reference for Notaries / PPATs in their duties are Government Regulation of the Republic of Indonesia²⁴ of 2016 concerning Amendments to Government Regulation of the Republic of Indonesia Number 37 of 1998 concerning Regulations for the Position of Land Deeds Officials. Notary/Land Deeds Official as a Public Official has the authority to make authentic deeds that must be based on trustworthiness, honesty, and prioritizing truth. This is to ensure legal protection for the people of Indonesia which can be proven by the existence of an authentic deed within the scope of civil law. An authentic deed has absolute and binding evidentiary power that can be used by interested parties when there is a legal action related to a written deed. An authentic deed is also a designation given to certain officials who are qualified as public officials, such as authentic deeds can not only be made by notaries but also by Land Deeds Officials, then auction officials, and civil registry office employees (Adjie, 2011).

As a citizen, we have great hope that everything that is his right can be protected. In the Civil Code (*Burgerlijk Wetboek*), some rules explain public officials authorized to make authentic deeds contained in Article 1868 namely: "Authentic deed is a deed in the form determined by law made by a person before public employees who have the power to do so at the place where the deed was made" (Purnayasa, 2018). Departing from the need for a perfect means of proof (*volledig bewijs*) following the or the Civil Code (*KUHPer*) and the Herzien Inlandsh Regulation (HIR) or Indonesian Civil Procedure Code in addition to material truth, Notary/Land Deeds Official also have important roles and duties as well as honorable positions (Cahayadi, 2011). The division of inheritance should be divided as fairly as possible following the facts. Therefore, the facts regarding the information and identity of the heirs are needed. Any mistake in the alignment of the authentic deed of heirs can harm the party concerned, in this case, the heirs who receive it.

The more society develops, the more kinds of problems occur. Authentic evidence is very helpful as legal evidence that can be accounted for when needed. Initially, witnesses alone were sufficient as evidence, but following the times, other evidence was needed, such as black-and-white writing that could support the validity of legal action. Every living human being will experience death, this is what makes the absolute requirement for inheritance. The role of the Joint Property Division Deed (APHB) is very helpful to divide the rights that will be received by the heirs, therefore high credibility is needed regarding the validity and truthfulness of the information provided by the heirs.

Research Problems

In connection with the great responsibility of the Notary/Land Deeds Official in making authentic deeds, the author is interested in discussing the following problem formulation:

1. What is the responsibility of the Notary/Land Deed Official for the deed on the Deed of Division of Joint Property (*APHB*) based on the Certificate of Inheritance which is not appropriate
2. What are the legal consequences of the deed on the Deed of Division of Joint Property (*APHB*) based on the Certificate of Inheritance which is not appropriate

Research Method

This article uses normative juridical research methods, namely library law research which is carried out by examining literature materials or secondary data such as books, legal theories, legal journals, expert opinions, and also the results of legal research (Mahmudji, 2003). This normative juridical research method also uses an approach of studying theories and concepts that are relevant to the problem being studied. Sampling is the process of selecting a representative portion of the entire population (Hariyanto, 2019). The data source used by the author is a secondary data source that emphasizes the study of positive legal principles with research on normative juridical law.

This research approach uses a statutory approach, by examining laws and regulations related to problems (legal issues) following this article. The statutory approach is not only useful for law enforcement, but for scientists and legal education (Sunggono, 1997). This article uses descriptive research, which seeks to describe a symptom, event, and event that is the center of attention to then be described as it is (Nana, 1989).

The data collection method uses literature study which is directed at searching for data and information through written documents, photographs, images, and electronic documents to support the writing process (Sugiyono, 2005).

Discussion

Notary's / Land Deed Official's Responsibility for the Deed on the Deed of Division of Joint Property (*APHB*) Based on the Incompatible Certificate of Inheritance

Juridically-empirically, the registration service for the transfer of land rights caused by inheritance, and the heirs consist of several people, in its implementation may only appoint one of the heirs or several heirs as the recipient (Sudjito, 2020). The Notary/Land Deed Official profession is no longer familiar in the community. Notaries as public officials are authorized to carry out part of the state's power in this case, especially making authentic written evidence in the field of civil law. All matters relating to land, letters, deeds, agreements, and so on are closely related to the notary/Land Deed Official. A profession is a designation or position given to someone who has specialized and in-depth knowledge in a field, whether obtained through special training or other experiences. In The Great Dictionary of Indonesian Language (*KBBI*), a notary means a person who is authorized by the government based on an appointment (in this case, the Ministry of Law and Human Rights) to certify and witness various agreements, deeds, wills, and so on.

Article 1 number 22 Law on Notary Office of 2014 states that a notary is a public official with the authority to make authentic deeds as well as other powers as stipulated in the Law on Notary Office or in other laws. According to J. Satrio, a statement of inheritance is proof of inheritance, namely a letter proving that all those mentioned in the proof are heirs and certain heirs (Satrio, 1986). In surrendering it can also be replaced by a substitute heir in the nuances of Islamic inheritance for those who are Muslim (Nurjannah, 2021). The main problem with

inheritance law lies not only in the event of death but in the assets left by the heir (Sjafi'i, 2022). Notaries are included in state officials who are not paid by the state but by clients. Provisions regarding notaries are contained in the Civil Code, whose main duties and functions are closely related to making authentic deeds. Law Number 30 of 2004 concerning the Office of a Notary completes all regulations concerning the Notary himself. In 1997 Indonesia established a regulation to regulate the making of a Certificate of Inheritance which was regulated through the Regulation of the Implementation of Land Registration (Dahana, 2021).

The notary began to enter Indonesia for the first time at the beginning of the 17th century. The first notary appointed in Indonesia was Melchior Kerchem from College van Schepenen. After he was appointed a notary in 1620, the number of notaries in Indonesia increased. The authority of a notary at that time was not as strong as it is today, especially in the case of making a deed which was included in a plaque in 1632 that notaries, secretaries, and other officials were prohibited from making deeds of transport, buying and selling, wills and other deeds without the approval of the Governor General and Raden Van Indie. However, the officials concerned did not comply with the provisions that had been stipulated, so in the end, the provisions were not used (Tobing, 1982).

The word inheritance has the meaning of a word adopted from Arabic, namely *mirats*, which means the transfer of something from one person to another (Ali, 2010). It can be concluded that the term inheritance is the transfer of ownership rights from the deceased to the heirs who are still alive. Inheritance law itself regulates how to transfer assets from someone who has died and give them to legal heirs. In inheritance, there are 3 (three) elements, namely the presence of a person who dies, the existence of a person who is still alive as an heir who will receive an inheritance when the heir dies, and the existence of assets left by the heir, both in the form of rights and obligations that are still borne by the heir when he dies (Ali, 2008). The inheritance certificate is a document proving the rights of the heirs regarding the legal truth that those listed in the Inheritance Certificate are people who are entitled to receive an inheritance from the heir. A will is a statement about what someone wants after death, which statement will come from only one party and can be withdrawn at any time by the person who made it. Withdrawal may be done expressly or secretly (Suparman, 2015).

Concerning notaries, the Indonesian government has provided several regulations that can be used as the basis for matters relating to notaries, some of which are: Government Regulation Number 11 of 1949 concerning the oath/pledge of office of a notary, Law Number 33 of 1954 concerning representatives of a Notary and temporary deputy notary, Circular Letter of the Supreme Court of the Republic of Indonesia Number 2 of 1984 regarding procedures for supervising notaries, Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number M.01.HT.03.01 dated January 17th, 2003, concerning notarization, and so on.

Basically when talking about responsibility, then all actions committed by each individual whether intentional or not, planned or not, will be held accountable for all their actions. Moreover, if the act was committed by someone with a position or profession that overshadows many people, or involves certain parties and results in losses. Someone who studies or works as a Notary/Land Deed Official must know and be responsible for professional ethics, as well as in-depth knowledge of positive law, and updates on social problems and issues. Responsibility is a certain action related to obligations that must be fulfilled with the threat of sanctions if there is an action that is contrary to obligations (Soemardi, 1995). A person must be prepared

to be legally responsible if he commits a legal action that may cause harm. The thing that must be faced by someone who violates legal actions must be accepted if they get sanctions as a form of accountability for their actions. A sense of responsibility makes a person not behave rashly or recklessly in determining and deciding all actions to be carried out. Article 15 Paragraph (1) describes the authority of a notary, namely:

Notaries cannot be held criminally responsible because notaries are only responsible for making civil deeds. The absence of criminal sanctions regulations in the Notary Office Act does not result in notaries being free from criminal responsibility while in office. "The notary has the authority to make authentic deeds regarding all actions, agreements, and stipulations that are required by laws and regulations and/or that are desired by interested parties to be stated in authentic deeds, guarantee the certainty of the date of making authentic deeds, save the deed, provide grosse, copies, and excerpts of the deed, all of that as long as the making of the deeds is not also assigned or excluded to other officials or other people determined by law.

Article 1 paragraph (1) PP No. 24 of 2016, the Land Deed Official has the authority to make deeds related to land. In connection with this article, the Land Deed Official must be careful in processing the making of the deed. Matters regarding the client's dishonesty regarding the information provided can also provide false information on identities, letters, and documents, which are used by the notary/ Land Deed Official as the basis for making the deed must be scrutinized so that the deed that has been made can be accounted for its validity and can be used at any time when an unlawful act occurs. Article 65 of the Notary Office Law stipulates that notaries, substitute notaries, special replacement notaries, and temporary notary officials have responsibility for every deed he makes.

Article 1874 in conjunction with Article 1880 B.W. requires a private deed, namely a deed that must be signed and has a date. The existence of writing under the hand is accompanied by an acknowledgment by someone to whom the writing is intended to be used. The responsibility of a notary exists when he makes a mistake in carrying out his duties which causes harm to the person who uses the notary's services. The responsibility that must be owned by a notary must be based on the principle of responsibility which must fulfill 4 (four) main elements, namely: the existence of an act; there is an element of error; any losses suffered; there is a causal relationship between mistakes and losses (Prodjodikiro, 2000). The notary who will be asked for criminal responsibility must make a mistake, either in making a fake deed on purpose or in other unlawful acts related to a crime.

In carrying out his profession, a Notary/ Land Deed Official must understand signs or bad intentions with indicators of forgery of letters or deeds. This has been explained in Article 266 of the Criminal Code which explains that: whoever orders or forces someone to enter false information into an authentic deed regarding matters that should be listed as true, intending to use or instruct other parties to use the deed as if the information contained in the deed is in accordance with the truth, it can be imprisoned for a maximum of 7 (seven) years. Likewise, if you deliberately use the deed and use it to cause harm, you will be subject to the same punishment. The whoever element in Article 266 paragraph (1) of the Criminal Code can be interpreted as the perpetrator or the one who commits or the subject of the crime, in this case namely a notary who has the authority to make authentic deeds cannot be made the perpetrators who commit it, but those who order to make inappropriate statements and/or false statements, if it is true that the parties made the orders.

In all matters relating to civil sanctions and criminal sanctions, notaries can also be subject to administrative sanctions which have also been regulated in the Law on Notary Offices this relates to verbal reprimands; written warnings; temporary stops; honorable discharge; also dishonorable dismissal. This sanction is strict, if it is stated that the notary is carrying out a temporary dismissal, then it is intended that the notary cannot carry out his duties and authority as a notary for a while before sanctions in the form of respectful or dishonorable discharge are imposed on the notary.

Legal Consequences of Notary/Land Deed Official on Deed of Division of Joint Assets Based on Incorrect Certificate of Inheritance

If an incorrect statement is found in the Inheritance Certificate, the judge must assess and examine the evidence used by the parties during the trial, the judge must assess the validity of the evidence. This is in accordance with what is explained in Article 1865 KUPerdata that: (Faisal, 2020).

"Whoever claims to have rights over an item, or appoints an event to confirm his rights, or denies the rights of others, then that person must prove it."

In the statement submitted by the heir, it makes the basis or basis for the proof of inheritance included in that all those mentioned in the proof are legal heirs and will receive the fairest distribution of assets following the agreement and applicable regulations. Based on the provisions in Article 131 IS, the inheritance law regulated in the Civil Code applies to Europeans as well as those who are likened to these Europeans. With Staatsblad 1971 No. 129 Jo Staatsblad 1924 No. 557 inheritance laws in the Indonesian Civil Code can apply to people from the Chinese Foreign East. Based on Staatsblad 1971 No. 12 regarding submission to European Law and similar or equivalent to Europeans, Chinese Foreign East, other Foreign East, and also natives who resigned (Surini, 1983). For example, in Decision Number 305/Pid.B/2021/PN.Jkt.Tim. the judge gave a criminal verdict to Achmad Safiudin with a sentence of 1 year and 2 months imprisonment, because he was convincingly proven to have committed the crime of forgery of letters committed jointly (Karma, 2022).

Inheriting assets can only occur due to death as stated in article 830 B.W. this is what underlies the existence of inheritance must be based on the heir who has died, so it is necessary to specify the time when someone died so that he can legally carry out all procedures for the inheritance of assets. Article 833 jo Article 955 B.W. states that with the death of the heir, all the assets owned by the heir, or what is commonly known as inheritance can legally be transferred or transferred to the heirs who are entitled. What is produced in separating the inheritance or inheritance is the Deed of Distribution and Separation of Inheritance made by a notary including the contents of who the heirs are, how much will be received by each heir, and which assets must be separated and then become their rights. the transfer of land rights is not subject to Income Tax (*PPh*), because inheritance is not an object of Income Tax. Heirs prove this by having a Free Certificate (Rahman, 2019).

Regulations regarding inheritance law can be seen in Article 830 to Article 1130 of the Civil Code. Inheritance law regulations in Indonesia consist of 3 (three) types, namely customary law, Islamic religious law, and Burgerlijk Wetboek law. For those who are Muslim following the provisions of the general explanation of Law Number 3 of 2006 concerning the Religious Courts and the Second Amendment to Law Number 50 of 2009 that the authority of the Religious Courts is specifically limited to people of the Islamic faith so that inheritance matters are the authority of the

Religious Courts based on law Islamic inheritance (Rialzi, 2018). The provisions governing notaries are contained in Law Number 30 of 2004 concerning the Position of Notary, which is also known as the Notary Office Act, Article 1 Paragraph (1) explains that the definition of a notary is a public official who has the authority to make authentic deeds and other authorities as referred to in this law. Indonesian citizens with indigenous groups can obtain a certificate of inheritance at the Kelurahan/Village Head office or the local District Office.

In the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 60 of 2016 concerning Procedures for Reporting Wills and Applications for the Issuance of Wills Certificates can be done electronically, Notaries are required to make a list of deeds which include wills, lists of deeds are then obliged to report them to the central register will. Registration of deeds is carried out electronically through the official website issued by the Directorate General of General Legal Administration, Ministry of Law and Human Rights. Being able to do it online certainly greatly facilitates the performance of notaries who no longer need to send data manually as proof of reports. Supporting documents that need to be prepared in making and compiling a Certificate of Inheritance namely (Narsudin, 2016):

- a. Heir's Death Certificate
- b. Proof of Marriage, namely a marriage certificate that has been recorded in the Civil Registry
- c. The existence or absence of a marriage agreement.
- d. Birth certificate to prove descent.
- e. Evidence of child validation if an out-of-wedlock child has been legalized.
- f. Proof of adoption, if a child has been adopted.
- g. Whether or not there is a will, to check whether or not there is a will, the Notary can check with the Central Register of Wills of the Ministry of Law and Human Rights of the Republic of Indonesia.

The difference between a Certificate of Inheritance and a Declaration deed is in its contents, if the Certificate of Inheritance contains the division of inheritance for each heir based on the Civil Code, while the statement deed only contains anyone who has the right to be the heir to the abandoned inheritance.

Establishment of legal rules that apply based on making evidence as heirs are contained in the Letter of the Ministry of Home Affairs of the Directorate General of Agrarian Directorate of Land Registration (Kadaster), dated 20 December 1969, Number Dpt/12/63/12/69 concerning Certificate of Inheritance and Proof of Citizenship and Article III paragraph (1) letter c Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration (Wiratama, 2020).

The notary/Land Deed Official is responsible in the form of a notarial deed regarding a will (deed of will) as well as regarding the separation of Joint Property (deed of repayment and separation of Joint Property). A certificate of Inheritance is used as a basis and legal basis for heirs to carry out legal actions against inheritance given by the heir. If the Notary/ Land Deed Official makes a mistake that causes harm to the heirs, such as wrongly mentioning the names of the heirs, or wrongly including the portion that can be obtained by each heir, the Notary is responsible for the losses incurred due to negligence, carelessness, and inattention. be careful during the process of making the deed. The burden borne by a Notary/ Land Deed Official lasts for the rest of his life, even if he is retired. The Deed of Division of Joint

Property is a deed drawn up by the Land Deed Official as evidence of an agreement between the holders of joint rights in the form of land or ownership rights to flats which can be used as the basis for land registration.

All forms of will deed made by a notary must be notified to the Central Register Section of Wills, in open, written, closed, or secret form, if there is a will deed that has been made which has not been notified to the Central Register Section of Wills, then the will is considered not binding. The matter of the physical form of the Certificate of Inheritance made by a Notary is not explicitly determined regarding its manufacture, whether it is required to be in an authentic form or can it be through an Underhanded Letter. With this, the Notary is free to issue a Certificate of Inheritance in authentic or private form. The notary/ Land Deed Official is indeed responsible for making an authentic deed, but it is also necessary to pay attention to the advice given by a notary, because the notary should not be responsible for the contents of the deed, if the notary's advice and information are wrong then the contents of the deed are also wrong, then the notary must be responsible for changes/errors.

In practice, notaries are often involved in legal cases, both as witnesses and as suspects due to the mistakes of the parties concerned. In Articles 1870, 1871, and Article 1875 of the Civil Code, it is stated that the strength of proof of a notary deed is perfect proof of the truth contained in the deed if the notary has been proven to cause harm to other parties, then he can be prosecuted under Article 1365 of the Indonesian Civil Code. Civil Law Act. Notaries can be asked for compensation, if it is proven that they have again made fake letters or forged letters are also regulated in the Criminal Code: (Lamatenggo, 2021)

Article 263 paragraph (1)

"Anyone who makes a fake letter or falsifies a letter that can give rise to a right, agreement or debt relief, or which is intended as evidence of something to use or order others to use the letter as if the contents and not forged, is threatened if such use can cause loss, due to forgery of letters, with a maximum imprisonment of six years"

Article 264 paragraph (1)

"Forgery of documents shall be punished by a maximum imprisonment of eight years if committed against:

1. *Authentic deeds;*
2. *Debentures or certificates of indebtedness of a state or part thereof or of a public institution;*
3. *Bonds or debentures or certificates of bonds or debentures of an association, foundation, company, or airline;*
4. *Talons, dividend, or interest receipts of any of the instruments described in 2 and 3 or receipts issued in lieu thereof;*
5. *Letters of credit or commercial papers intended for circulation."*

Notaries as public officials who are given the authority to make deeds have a very small possibility of falsifying data of their own free will. With a variety of clients, it is possible to request bad faith based on the personal wishes of the person who appears. Sanctions based on the provisions of Article 85 of the Law on Notary Office that can be given to a notary are in the form of a verbal warning, a written warning, temporary dismissal, honorable discharge up to dishonorable discharge, if proven negligent and negligent, then specifically honorably dismissing and dishonorably dismissing carried out by the Minister of Law and Human Rights with a mandate and request from the Central Supervisory Board of the Indonesian Notary

Association. Especially those that include dishonorable dismissal are waiting for a court decision stating that the notary has committed an offense.

It is proven that the making of a deed by a notary/ Land Deed Official and stating that it was made based on false information by the parties, then is a serious violation of the prohibition or obligation contained in Permen ATR/BPN No. 2 of 2018. A person who serves as a Land Deed Official and is proven to have deliberately or consciously collaborated with a client to buy and sell land based on false information can be held personally responsible for carrying out his duties and position in each deed.

The notary/ Land Deed Official may be subject to criminal and even civil penalties if proven guilty. Errors that can be sued are also objective errors aimed at professionalism in carrying out their work. The responsibility that is borne by the Notary/ Land Deed Official starts from the time he makes the Inheritance Certificate until there are parties who feel aggrieved as a result of the Inheritance Certificate. However, if there is no evidence, the judge is not allowed to impose a sentence, following what has been explained in Article 183 of the Criminal Procedure Code which states that "A judge may not impose a sentence on someone unless, with at least two pieces of evidence legally, he obtains the belief that the crime occurred and that the defendant is the one who is guilty of committing it". In the reality of the trial, the Criminal Code regulates 3 (three) things that can be used as aggravating criminal reasons, this is regulated in Article 52 of the Criminal Code concerning holding a position, Retail 6 Book 1 of the Criminal Code regarding repetition, Articles 65 and 66 of the Criminal Code regarding mergers.

The existence of information that is inappropriate and carried out intentionally by a notary then affects the falsification of the authentic deed, based on seeking profit for himself or the benefit of other parties, is considered to have abused the authority stipulated in the Notary's Position Law and the client has feels indications or directly feels the loss he has experienced, then he can propose the cancellation of the deed which is the authority of the civil judge. By filing a civil suit to the court. However, the cancellation of the deed can also be carried out by a notary, if the parties have realized that there was a mistake or error in including information, submitting documents, etc. which raises doubts about the validity of the deed from the parties, then the notary can cancel the deed. Legal protection rights can be given to notaries specifically in Article 66 of the Law on Notary Office which states that for the judicial process, investigators, public prosecutors as well as judges who need photocopies of minuta deed and/or notary protocols are in the notary's safekeeping, is required to obtain approval from the Honorary Council of certain Notaries in advance. This provision will of course end if the notary is no longer in office, or retired, even though all his life he still holds responsibility for the deed that was made.

Conclusion

Through the discussion that the author has done, the following conclusions can be drawn:

1. Notaries/ Land Deed Officials must know and be responsible for professional ethics, as well as in-depth knowledge of positive law, and updates on societal problems and issues. The absence of criminal sanctions regulations in the Notary Office Act does not result in notaries being free from criminal responsibility while in office. The responsibility that must be owned by a notary must be based on the principle of responsibility which must fulfill 4 (four) main elements, namely: the

existence of an act; there is an element of error; any losses suffered; There is a causal relationship between errors and losses. The notary who will be asked for criminal responsibility must make a mistake, either in making a fake deed on purpose or in other unlawful acts related to a crime.

2. The notary/ Land Deed Official is responsible in the form of a notarial deed regarding a will (deed of will) as well as regarding the separation of Joint Property (deed of division and separation of Joint Property). The burden borne by a Notary/Land Deed Official lasts for the rest of his life, even if he is retired. Notary/Land Deed Official is indeed responsible for making authentic deeds, but it is also necessary to pay attention to the advice given by a notary because the notary should not be responsible for the contents of the deed, if the notary's advice and information are wrong then the contents of the deed are also wrong, then the notary must be responsible for the changes/errors caused, if the notary has been proven to have caused harm to the other party, then he can be prosecuted under Article 1365 of the Civil Code. Notaries can be asked for compensation if they are proven to have made fake documents or falsified letters are also regulated in Article 263 paragraphs (1) and 264 of the Criminal Code. Sanctions based on the provisions of Article 85 of the Law on Notary Office that can be given to a notary are in the form of a verbal warning, written warning, temporary dismissal, and honorable discharge up to dishonorable discharge.

Suggestion

Based on the explanations that the authors have described in this article, the authors provide the following suggestions:

1. In making the Deed of the Deed of Division of Joint Property (*APHB*) based on a Certificate of Inheritance, the party concerned in the deed should have understood the sanctions imposed following Article 263, Article 264, and Article 266 of the Criminal Code for forgery of letters. According to Article 264 paragraph (1) number 1 of the Criminal Code, committing the crime of forging letters as referred to in Article 263 of the Criminal Code carries a heavier penalty if the forged letter is included in authentic documents. Thus, when there is a desire to falsify a letter, the intention can be reversed based on the sanctions imposed if it violates it.
2. As an official making a deed, a Notary/ Land Deed Official must prioritize the prudential principle, by identifying the identity of the appeared, verifying the data submitted, and acting carefully and thoroughly during the process of working on the deed. Thus, the possibility of forgery of a deed can be minimized. Because in accordance with Article 1320 paragraph (4) and Article 1335 of the Civil Code regarding fake letters and fake statements, an agreement made based on fake reasons can be declared null and void.

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