

Jurnal Notariil

Jurnal Notariil, Vol. 8, No. 2, 2023; 82-91

Available Online at <https://ejournal.warmadewa.ac.id/index.php/notariil>

P ISSN 2540 - 797X

E ISSN 2615 - 1545

AUTHENTIC DEED OF AUTHORITY TO SELL INDEPENDENTLY IN MAKING A DEED OF SALE AND PURCHASE

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How To Cite:

Girinatha, D. G. W., & Renaya, N. (2023). Authentic Deed of Authority to Sell Independently in Making a Deed of Sale and Purchase. *Jurnal Notariil*, 8 (2), 82-91, Doi: <https://doi.org/10.22225/jn.8.2.2023.82-91>

Abstract

The Deed of Authority to Sell Independently is akin to a power of attorney, which grants someone the authority to act on another's behalf. In land transfers, this authorization must be made before a Notary, a public official responsible for authentic deeds and their validity, including providing copies and excerpts as per Article 15 paragraph (1) of UUJN. The purpose of this study was to study the process of making a Deed of Sale and Purchase deed using an Authentic Deed of Authority to Sell Independently and registration of the transfer of land rights based on an Authentic Deed of Authority to Sell Independently at the Land Office. The research method used is the normative research method. The results of this study showed that the Authentic Deed of Authority to Sell Independently can be used in making a sale and purchase deed if it meets the specified conditions. In addition, the Authentic Deed of Authority to Sell Independently can also be used in registering the transfer of land rights at the Land Office.

Keywords: Deed of authority to sell independently; deed of sale and purchase; land deed official; notary

1. INTRODUCTION

In the legal dictionary, a notary is someone who has authority from the government to validate and oversee various legal documents, including agreements, wills, deeds, and the like (Simorangkir, 2013). In Gandasubrata's opinion, a Notary is an official appointed by the government and is a member of the law enforcers who provide services to the public (Gandasubrata, 1998). Notaries have the authority to support the government in providing services to the public to guarantee certainty, order and legal protection. This task is carried out by making an authentic deed by the Notary himself or before him. Authentic deed is considered complete evidence and has a very important legal value in all legal relationships. In situations of dispute that may occur in people's lives, this authentic deed becomes the fundamental basis.

An authentic deed made by a notary serves as a means of proof to confirm the

existence of legal actions committed by related parties. As a means of evidence, an authentic deed is considered to have perfect evidentiary power because it has three types of evidentiary powers, namely outward evidentiary strength, formal evidentiary strength, and material evidentiary power. Authentic deed as perfect evidence plays an important role in various aspects of people's lives, such as in business, banking, land, social activities, and others. In facing the increasing demand for legal certainty in various relationships, both locally, regionally and globally, an authentic deed is a clear means of establishing a person's rights and obligations, providing guarantees of legal certainty, and at the same time is expected to prevent the occurrence of dispute.

In the context of the strength of proof of an authentic deed, the most important thing is the strength of comprehensive proof. Comprehensive evidence is evidence that has the ability to provide sufficient

certainty to support lawsuits filed by the plaintiff, without ruling out the possibility of conflicting evidence. This principle is in line with the provisions of Article 1870 of the Civil Code (KUHPerdata), stating that:

"An authentic deed provides between the parties and their heirs or people who have rights from them, a perfect proof of what is contained in it".

Authentic deed is considered perfect evidence, which means it does not require additional evidence. Problems that often arise in the context of the transfer of land rights are the main and common problems in society. The process of transferring these rights can cause problems both legally and illegally in its implementation. One of the methods used is through the power of attorney to sell land rights, where one party makes the power of attorney to sell land rights and the other party acts as the recipient of the power of attorney to sell the land rights.

One of the methods used to obtain land rights is through a buying and selling process. The practice of buying and selling is not new in society and has been carried out since ancient times. The process of buying and selling generally involves an agreement or agreement between the parties involved. However, with the busyness experienced by society today, sometimes legal subjects cannot take legal action directly. In situations like this, a way to overcome the problem appears through the use of power.

According to Budiono (2006), power of attorney is the right given to a person to act on behalf of and for the benefit of the authorizer in carrying out legal actions unilaterally. This means that there is only one party, namely the assignee, who has the responsibility to carry out the obligations in this context (Budiono, 2006). Making a deed of power of attorney to sell can be done either directly by the parties personally or through the assistance of a notary. However, if it involves a notary, the notary has a moral responsibility to provide education to the people who come to him regarding the process of making the deed of power of attorney to sell. Notaries are also tasked with explaining their role as public officials in making authentic deeds and other authorities.

Authorization or *lastgeving* is an agreement in which one party authorizes another party, known as *lasthebber*, to act or take legal action on behalf of the authorizing agent, known as *lastgever*. The concept of power of attorney is

regulated in Article 1792 of the Civil Code which explains the nature of the power of attorney, namely:

"Authorization is an agreement whereby a person gives power to another person, who receives it, to carry out an affair on his behalf".

In the context of land ownership transfer, the authorization is recorded in an authentic deed drawn up before an authorized Public Official, namely a Notary. In the transfer of land rights, all rights related to land must be registered at the land registration office by the owner to ensure certainty of rights and as strong evidence for third parties. Owners of land rights will receive proof of land ownership known as a Land Certificate. The procedure for registering the transfer of land rights is further regulated in Article 37 paragraph (1) of Government Regulation No. 24 of 1997 concerning Land Registration which stipulates that:

"transfer of land rights and ownership rights to apartment units through buying and selling, exchange, grants, income in the company and other legal actions of transferring rights, except for the transfer of rights through an auction, it can only be registered if it is proven by a deed drawn up by an authorized Land Deed Official (PPAT) according to the provisions of the applicable laws and regulations".

These provisions indicate that one of the legal actions that cause the transfer of land rights to be re-registered in its name is the legal action of buying and selling, the documents of which are made in the form of a Deed of Sale and Purchase Deed (AJB). This AJB is made by and/or before the Land Deed Official (PPAT) and then used as a tool to register the transfer of land rights.

The Deed of Sale and Purchase Agreement (PJB) and the Power of Attorney have a role and function as an initial agreement that assists in the preparation and implementation of the Deed of Sale and Purchase (AJB). They also function as an agreement that strengthens the main or main agreement to be made, namely the Deed of Sale and Purchase (AJB). According to Herlien Budiono's view, this assistance agreement has the purpose of preparing, confirming, strengthening, regulating, changing and completing a legal relationship (Budiono, 2004).

There are no normative provisions governing the use of selling power in the

registration of transfer of land rights based on Government Regulation Number 24 of 1997 concerning Land Registration. This vacuum in the regulations has led to variations in the completion of the registration of the transfer of land rights carried out by Land Deed Officials (PPAT) based on their knowledge and courage in making legal discoveries. Nonetheless, empirically, the power of sale can be used in the process of transferring land rights without the need for a Deed of Sale and Purchase Agreement (PJB). This is important to examine, especially in the context of Article 39 paragraph (1) letter d of Government Regulation Number 24 of 1997, because legally, if a Deed of Sale and Purchase (AJB) is drawn up based on the grant of power of attorney in the deed of selling power. Therefore, research on the Authentic Deed of Authority to Sell by a Notary and the legal impacts and obstacles in applying for the transfer of title to the transfer of land rights is important to do.

The results of a similar study conducted by Syarif et al. (2019) showed that the Sale Authority Deed is the basis for drafting the Purchase Deed and registering land rights. If the authority holder dies, transfer to the National Land Agency is void under Civil Code articles 1813, 1814, and 1816. To proceed, inheritance to heirs is necessary. In addition, the results study conducted by Lubis & Ramadhani (2021) revealed that transferring land rights through a Selling Power of Attorney is legally sound if no rules are violated in the process, supporting its role in land rights transfer.

Based on the background and the previous studies above, the purpose of this study is to understand the process of making a Deed of Sale and Purchase deed using an Authentic Deed of Authority to Sell Independently, as well as to get an understanding of how the registration of the transfer of land rights is carried out based on a Deed of Authority to Sell Independently at the Land Office.

2. METHOD

This study is a type of normative juridical research that uses a statute approach and conceptual approach. In this study, the sources of legal materials used include primary legal materials and secondary legal materials. The collection of legal materials is carried out through library research techniques or literature studies, by searching for legal materials

and relevant topics from primary, secondary and tertiary sources. The analytical technique used in this study is interpretative analysis, by applying futuristic comparative interpretation methods. In this analysis, a comparison is made between existing laws. The interpretation method used is systematic interpretation, in which there is a relationship between the articles in the relevant legislation, as well as paying attention to the explanation contained in a law and understanding its meaning. The legal material analysis technique used is content analysis, namely analyzing the contents of the legal material that has been collected.

3. DISCUSSION

Making of a Deed of Sale and Purchase Using a Deed of Authority to Sell Independently

Authorities of Land Deed Official (PPAT) in Making Authentic Deeds

The authority to make deeds is a right attached to the position of Land Deed Official (PPAT) and is not an authority granted by the Land Office. This fact is stated in Presidential Decree Number 26 of 1988 and Presidential Regulation Number 10 of 2006 concerning the Land Office, where there is no provision stating that the authority of the Land Deed Official (PPAT) is given by the Land Office in an attributive or delegative manner. In contrast, the Land Deed Official (PPAT) is appointed directly by the government based on established policies. Therefore, it can be concluded that the Land Deed Official (PPAT) is not in the hierarchy or subordination of the Land Office (Adjie, 2007). Article 19 of the Basic Agrarian Law (UUPA) only confirms the government's obligation to issue Government Regulations related to Land Registration but does not give a mandate to the Land Office to regulate the authority of the Land Deed Official (PPAT).

Responsibilities of Land Deed Official (PPAT) in Making Deed of Sale and Purchase Using Deed of Authority to Sell Independently

The duties of the Land Deed Official (PPAT) include responsibility for making sale and purchase deeds using a standalone selling power deed, which includes verifying the authenticity of the certificate at the related Land Office. The reasons and legal basis for verifying the

authenticity of certificates can be found in Article 97 of Regulation of the Minister of Religion (Permenag) Number 3 of 1997 which regulates the implementation of Government Regulation Number 24 of 1997 concerning Land Registration Paragraph (1). The article explains that before the PPAT makes a deed relating to the transfer or encumbrance of land rights or ownership rights to apartment units, the PPAT must conduct an inspection at the Land Office to ensure the suitability of land rights or ownership rights to apartment units with the records at the local Land Office, by showing the original certificate.

The Legality of the Deed made by The Land Deed Official (PPAT)

According to Government Regulation Number 37 of 1998 governing the Position of Land Deed Official (PPAT), PPAT has the authority as a General Official to make authentic deeds related to certain legal actions related to land rights or ownership rights to apartment units. This provision is stated in Article 1 point 1 and Article 2 of the regulation. Several types of legal actions that are included in the authority of the PPAT include buying and selling, exchange, grants, income in the company (*inbrenng*), distribution of joint rights, granting building use rights or usufructuary rights over private land, and granting mortgage rights.

Based on the provisions contained in Article 45 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, it is clearly explained that changes to data in land registration can only be made through a Court Decision or by using a PPAT Deed. Thus, it can be concluded that the Deed made by the Land Deed Official (PPAT) is the main requirement that must be fulfilled to carry out the registration of the transfer of rights and/or the encumbrance of land rights.

Power of Attorney

The granting of power of attorney is a legal action arising from an agreement that often occurs in everyday life. This happens for various reasons, including the complex activities of daily life, so it is often done through the use of a power of attorney (Meliala, 2008). In general, the definition of a power of attorney can be found in Article 1792 of the Civil Code which explains the granting of power of attorney as "an agreement in which a person gives power to another person who

receives it, to act on his behalf in settling a matter" (Meliala, 1982). From some of the meanings mentioned above, it can be understood that the power of attorney agreement is an agreement carried out by one party.

Power of attorney is an action in which a person gives authority to another person to represent him in binding himself with another party. In this context, the legal actions taken by the attorney have the same validity as the actions taken by the attorney himself. In Article 1792 of the Civil Code (KUHPerdata), a definition is given which directs "*lastgeving*" as an agreement in which a person gives power to another person to run affairs on his behalf. The term "affairs" generally refers to legal actions, while "on behalf of" indicates that the principal acts as a representative of the principal (Andasasmita, 1990).

From the previous explanation, it can be concluded that in the implementation of affairs, the person who is bound is the person giving the power of attorney and not the person receiving the power of attorney. In other words, the legal consequences of the granting of power apply to the person giving the power of attorney.

Sale and Purchase of Land Rights

One of the methods for transferring ownership rights to land is through a buying and selling process. According to Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, the transfer of land rights must use an authentic deed made by the Land Deed Official (PPAT). PPAT is a public official appointed by the government. Nevertheless, this provision does not exclude the possibility of provisions in applicable customary law. Therefore, to carry out the transfer of land rights, it must meet the requirements stipulated by the applicable laws and regulations (Sunanda, 2013).

The transfer of land rights through buying and selling is carried out through the making of a sale and purchase deed attended by the Land Deed Official (PPAT). However, in a legal context, if the land sale and purchase deed does not meet the requirements stipulated in Article 1320 of the Civil Code (KUHPerdata), then the deed can be declared null and void. In civil law, there are two known types of invalidity, namely absolute nullity (*absolute nietigheid*) and relative nullity (*relatief*

nietigheid). The difference between these two types of cancellation is related to the legal consequences arising from the legal relationship that is formed.

Sale and Purchase of Land Rights According to Agrarian Law

In reality, only making transactions orally cannot be considered a legal act of buying and selling. To make it legal, a sale and purchase requires writing a sale and purchase contract in the presence of the village head and acceptance of the price by the seller, even though the land being traded is still under the ownership of the seller. On the other hand, the nature of light indicates that buying and selling are carried out in accordance with applicable written regulations. Since the enactment of Government Regulation Number 10 of 1961 concerning Land Registration, buying and selling is carried out by the parties before the Land Deed Official (PPAT), who has authority in the agrarian sector and is tasked with making sale and purchase deeds. By carrying out a sale and purchase before the Land Deed Official (PPAT), the requirements for the nature of the details have been fulfilled (Sunanda, 2013).

In the provisions of Article 20 of the Basic Agrarian Law (UUPA), it is explained about the characteristics of property rights that distinguish them from other rights. The use of this term is not intended to imply that property rights are absolute, unrestricted and cannot be contested. The use of the words "strongest" and "full" is intended to distinguish property rights from other rights that can be held in land, and to indicate that property rights have greater strength and integrity (Sunanda, 2013).

To maintain legal certainty, land rights have a very important role in human life. Article 19 paragraph (1) of the Basic Agrarian Law (UUPA) mandates the government to carry out land registration throughout the territory of the Republic of Indonesia in accordance with the provisions stipulated in Government Regulations. The Government Regulation in question is the Government Regulation governing the process of land registration, which is currently being replaced by Government Regulation Number 24 of 1997 concerning land registration, and Implementation of Government Regulation Number 24 of 1997 concerning Land Registration regulated by the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997.

The transfer of land rights can be carried out through various legal actions, such as buying and selling, exchange, grants, income in the company, and other legal actions. This provision is regulated in Article 37 of Government Regulation Number 24 of 1997 concerning Land Registration. To ensure the legitimacy of the legal action, it is necessary to make a deed carried out by a Land Deed Official (PPAT) who has the authority. The types of deeds that can be made by a PPAT are determined by Article 2 of Government Regulation Number 37 of 1998 concerning Land Deed Official, as well as the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration which is regulated by the Regulation of the State Minister for Agrarian Affairs/Head of Office of the National Land Agency Number 3 of 1997 (Sunanda, 2013).

Provisions regarding the form, content, and method of drawing up a deed by the Land Deed Official (PPAT) in legal actions for the transfer of rights are regulated in several regulations, including:

Government Regulation Number 24 of 1997 concerning Land Registration: Establishes general requirements regarding the transfer of land rights and stipulates that the deed is made by PPAT.

Government Regulation Number 37 of 1998 concerning Officials for Making Land Deeds: Describes the powers and duties of a PPAT and regulates the types of deeds that can be made by a PPAT.

Regulation of the State Minister for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Implementation of Government Regulation Number 24 of 1997 concerning Land Registration: Detailing procedures and technical provisions regarding the making of deeds by PPAT.

With the existence of these regulations, it is hoped that the making of a deed by the PPAT can fulfill the stipulated requirements and provide legal validity for the transfer of land rights.

In these regulations, there are detailed provisions regarding the procedure for making a deed by a PPAT, including the format, the contents that must be in the deed, and the steps that must be followed. These provisions aim to ensure that the deed made by the PPAT meets the formal standards set by the applicable laws and regulations.

In making a sale and purchase deed

using a deed of power to sell independently, the authority theory approach proposed by H.D Van Wijk and Willem Konijnenbelt was used. According to them, authority can include attribution, delegation, and mandate (Ridwan, 2011). Attribution is an act of granting authority by legislators to a government agency. Delegation is the process of delegating governmental authority from one government agency to another. A mandate occurs when a government agency grants permission for another agency to exercise authority on its behalf.

The authority given by the Land Deed Making Officer (PPAT) to the parties in making a sale and purchase deed using a deed of power to sell independently has a very important role. The PPAT has a significant role and authority to ensure that the deed it makes complies with applicable laws and regulations and does not harm the parties involved in the transaction.

Deed of Sale and Purchase (AJB) using a deed of power of attorney to sell independently, drawn up by the Land Deed Official (PPAT) in accordance with the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration, explained that the deed of power of attorney to sell independently is an authentic deed made before a notary. In the context of the transfer of land rights through buying and selling which is regulated in Government Regulation Number 24 of 1997 concerning Land Registration, buying and selling land can use a deed of power of attorney to sell independently (pure) which includes a Power of Attorney attached to the deed of sale and purchase, and is accompanied by a certificate. The original right to the land in question. This is regulated in Article 39 paragraph (1) of Government Regulation Number 24 of 1997, including in letter a and letter d.

Based on the explanation above, making a deed of sale and purchase using an independent selling power deed is a pure form of power of attorney, in which the independent power of attorney can be withdrawn or terminated by the principal to the attorney. The process of making this power of attorney is based on good faith in accordance with the agreement between the giver and the recipient of the power of attorney, in accordance with the

provisions contained in Article 1320 of the Civil Code which regulates four conditions for the validity of an agreement. These four conditions include the existence of a binding agreement between the parties, the ability to enter into an agreement, the existence of a specific object, and the existence of a valid or lawful cause to enter into the agreement.

Registration of Transfer of Land Rights Based on Deed of Authority to Sell Independently at the Land Office

Transfer of Land Rights

The transfer of land rights is an event or legal action that results in land rights being transferred from one legal subject to another so that the rights are no longer owned by the previous owner. One of the methods used to acquire or own land rights is through a buying and selling process. The concept of buying and selling has the meaning regulated in Article 1457 of the Indonesian Civil Code (KUHPerdata), where one party commits to surrender an object and the other party commits to pay the agreed price. In addition, buying and selling also have provisions in customary law. In the context of customary law, land ownership rights can be transferred or transferred. The sale and purchase of land resulting in the transfer of land ownership rights from the seller is referred to as a "sell-off".

In the system of buying and selling land in customary law, there are principles that form the basis, namely a system of cash, concrete, clear, and real. This means that every transaction must have real evidence. These principles emerge because indigenous peoples live a simple life. In a land sale and purchase transaction, a new agreement is considered valid if the transaction is visible in a concrete and real way, where there is an exchange between the handing over of land as an object and payment of money in cash.

According to Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, any transfer of land rights through buying and selling, grants, capital entry in companies, and other transfers of rights will only be considered valid and registered if there is evidence in the form of a deed made by the Land Deed Official (PPAT). In addition, in the Basic Agrarian Law (UUPA), Article 19 paragraph (1) also stipulates that every transfer, abolition and encumbrance of land rights must be registered in

accordance with applicable regulations. This registration is strong evidence regarding the elimination of property rights, as well as the validity of the transfer and assignment of land rights (Harsono, 1984).

According to these provisions, it is emphasized that whenever there is a transfer of land rights, it is necessary to make a deed by the Land Deed Official (PPAT) and must be done in his presence. This aims to provide legal protection and certainty to all parties involved in the transaction. Even if a sale and purchase of land is carried out without involving the PPAT, the transaction is still valid between the parties involved. However, keep in mind that without a sale and purchase deed, it is not possible to register or transfer ownership of the land to the new owner's name at the Land office.

In the provisions of Article 39 paragraph (1) Government Regulation Number 24 of 1997 concerning Land Registration stipulates that a PPAT has the authority to refuse the making of a deed if:

"1. The PPAT may refuse to draw up a deed if it relates to land that has been registered or ownership rights to flats, but the original certificate of the right in question has not been submitted to him or the certificate submitted does not match the registers at the Land Office.

2. The PPAT has the right to refuse the making of a deed if the land in question has not been registered and no documents have been submitted to the PPAT related to the land as follows:

Proof of Rights as referred to in Article 24 paragraph (1) of Government Regulation Number 24 of 1997 concerning land registration or a statement letter from the Head of the Village/ward stating that the land concerned controls the land parcel as referred to in Article 24 paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration.

A certificate stating that the land parcel in question has not been certified by the Land Office or for land located in an area far from the Land Office, a certificate from the right holder concerned, which is confirmed by the Head of the Village/ward".

Land objects can be in the form of land that already has a certificate and land that does not yet have a certificate, for example, land that was previously

customary land that has not been proposed for conversion by the right holder to become a property right in accordance with the provisions of Article 20 paragraph (1) of the Basic Agrarian Law (UUPA).

Land that does not yet have a certificate is land that has not been officially registered at the Land Office. Generally, the land does not have written documents except for the fact that the land is actually in the ownership of the owner, for example with a building on it or crops planted on it (field land). To carry out a sale and purchase transaction for land that has not been certified, it can be done before the Land Deed Official (PPAT) to obtain a sale and purchase deed as proof of the transfer of land rights. The deed of sale and purchase can then be used as a basis for registering land at the Land Office and processing the issuance of land certificates.

Registration of Transfer of Land Rights

Land registration is regulated by Government Regulation Number 24 of 1997 concerning Land Registration, which is further explained in detail by Regulation of the State Minister for Agrarian Affairs/ Head of the National Land Agency Number 3 of 1997 as the Implementation Provisions for Government Regulation Number 24 of 1997. The definition of land registration can be found in Article 1 number 1 of Government Regulation Number 24 of 1997, which explains that land registration is a series of activities carried out continuously, organized and regularly by the government. This activity includes the collection, processing, bookkeeping, presentation, and maintenance of physical data and legal data related to land parcels and apartment units. Land registration also includes the issuance of certificates of title and ownership certificates for apartment units, and includes special rights that burden the land.

In order to ensure clarity of rights and legal certainty related to land, the Basic Agrarian Law (UUPA) has regulated the obligation to register land throughout Indonesia. According to Boedi Harsono's view, land registration is a series of activities carried out continuously and regularly by the state or government. These activities involve collecting relevant data, processing, storing, and presenting information needed to provide legal certainty in the land sector to the public.

The purpose of land registration is to provide evidence and maintain land-related data, so as to provide better legal certainty (Harsono, 1984).

Legal certainty covers various aspects involving clarity regarding the right holder (subject of rights), which includes clear identification of the individual or legal entity that has the right. In addition, legal certainty also involves aspects of clarity regarding the location, boundaries and size of land parcels (objects of rights). This is important so that there is clarity regarding the geographical location and physical dimensions of the land that is the object of rights, so as to provide certainty to all parties involved in transactions or issues related to the land.

One type of land rights that must be registered when a transfer occurs is property rights. In the provisions of Article 20 Paragraphs (1) and (2) in the Basic Agrarian Law (UUPA) provide clear provisions regarding property rights, which include:

"1. Property rights are hereditary, strongest and fullest rights that people can have over land, taking into account the provisions in Article 6.

2. Property rights can be transferred and transferred to other parties".

Registration of Transfer of Land Rights Based on Deed of Authority to Sell Independently at the Land Office

Before carrying out the registration of the transfer of land rights using a Deed of Authority to Sell Independently, the procedure begins with the making of the deed by the principal to the attorney. Making a Deed of Authority to Sell Independently must be done officially in the presence of a notary. The role of the Notary is to ask questions to all parties involved to understand the intent and purpose of making the Deed of Authority to Sell Independently and to verify the identity of the authorizer and the authorized person. After the parties involved explain the intent and purpose of the power of attorney to sell independently, the principal and the attorney reach an agreement and agree on the purpose of making the deed. The next stage is the signing of the Deed of Authority to Sell Independently, which will be used as the next step in the process of making a sale and purchase deed by the Land Deed Official (PPAT).

In the practice of land registration, the

PPAT has the authority to request the required documents from the principal and the attorney in order to carry out the registration of the transfer of land rights based on the Deed of Authority to Sell Independently at the Land Office. The purpose of requesting the document is to verify that the principal and assignee are the same person and meet the specified requirements.

Registration of the transfer of land rights based on the Deed of Authority to Sell Independently is carried out at the Land Office. The Land Office verifies the legality of the Deed of Authority to Sell Independently by requesting a statement from the Notary. The statement from the Notary contains the following information: "In accordance with the existing records used for this purpose, the Deed of Authority to Sell has a certain date and number, made before me without any other agreement involved. The Deed of Authority to Sell is still valid because no revocation has been made by the parties to date". It should be noted that the Deed of Authority to Sell is not an absolute power of attorney which in substance includes the legal act of transferring rights, in accordance with the provisions of Article 39 paragraph 1 letter (d) of Government Regulation Number 24 of 1997 concerning Land Registration. Responsibility for legal consequences that may arise in the future is the responsibility of the Notary and does not involve the local Land Office where the deed of attorney was drawn up.

Requirements for Land Registration at the Land Office

Land registration, as stipulated in the Basic Agrarian Law (UUPA), requires that every right to land is registered. In accordance with Government Regulation Number 24 of 1997 concerning Land Registration in Indonesia, land registration is defined in Article 1 paragraph (1) as a series of activities carried out continually, continuously and regularly by the Government. This activity includes the collection, management, bookkeeping, and presentation of physical and juridical data regarding land parcels and apartment units. In addition, registration also includes the issuance of proof of title for land parcels that already have rights, ownership rights to apartment units, as well as certain rights that burden the land (Parlindungan, 1999).

The implementation of land registration in Indonesia is submitted to the Land

Office which is led by the Head of the Land Office. In carrying out its duties, the Land Office is supported by a Land Deed Making Officer (PPAT) who is appointed and dismissed by the State Minister for Agrarian Affairs or the Head of Land Affairs. The legal basis governing land registration in Indonesia includes several regulations, including Law Number 5 of 1960 concerning Basic Agrarian Regulations, Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Official, and Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency (BPN) Number 3 of 1997 concerning provisions for the implementation of Government Regulation Number 24 of 1997 concerning Land Registration.

The requirements for land registration are as follows:

Fill out the registration form provided by the Land Office.

Attach proof of land ownership, such as a certificate of land rights or other proof of title.

Attach land owners identity documents, such as a KTP or other official identification.

Attach proof of payment of taxes related to the land to be registered.

If there is a transfer of land rights, attach a valid deed or power of attorney governing the transfer.

If the land is customary land, attach a statement from the customary party recognizing the rights to the land.

If there is development or physical changes to the land, attach a development or change permit issued by the authorities.

Make payment of administrative fees for land registration in accordance with applicable regulations.

Land registration requirements may be varied depending on local regulations and the type of land to be registered. Therefore, it is better to contact the local Land Office to obtain more accurate information regarding the requirements for land registration in certain areas.

4. CONCLUSION

An Authentic Deed of Authority to Sell Independently is an official document drawn up by a notary in the presence of the parties involved. This deed has an

important role in the process of making a land sale and purchase deed. In making the Deed of Authority to Sell Independently, the Notary has the duty to ascertain the identity of the authorizer and the authorized person and ask them questions regarding the intent and purpose of making the deed. The power giver and attorney must reach an agreement and agree on the intent and purpose of the deed of power of attorney to sell independently. The power of attorney to sell stands alone is used as a first step before making a sale and purchase deed by the Land Deed Official (PPAT). The Land Office checks the validity of the Deed of Authority to Sell by requesting a statement from the Notary stating that the power of attorney deed is still valid and has not been revoked by the parties. Although the Deed of Authority to Sell Independently is not an absolute power of attorney which includes legal acts of transferring rights, this deed has an important role in proving the transfer of land rights. With the existence of a Deed of Authority to Sell Independently, the PPAT can continue the process of making a sale and purchase deed which then becomes the basis for registering the transfer of land rights. Thus, an Authentic Deed of Authority to Sell Independently has an important role in the process of making a sale and purchase deed and provides legal certainty in the transfer of land rights.

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