

ABSTRACT

Widodo Budidarmo **"REKONSTRUCTION OF THE POSITION OF PPAT IN THE TRANSFER OF RIGHTS TO LAND BASED ON THE VALUE OF JUSTICE"**. This dissertation is under the guidance of Prof. Dr. Faisal Santiago, SH, MM, as Promoter and Dr. St. Laksanto Utomo, SH, M.Hum as Ko. Promoter.

PPAT is authorized to make authentic deeds regarding a legal action in the transfer of land rights. Therefore, the accuracy of certainty and the truth of the information contained in the deed made by PPAT is very decisive for the registration process to obtain protection of land rights for citizens. In fact, some PPAT legal practices become the main target when the authentic deed made is not carried out based on the principles of good faith and prudence, and added to the new rules for making deeds of transfer of land rights using electronic systems, while there is still a lack of equal distribution of guidance and supervision of both PPATs from Notaries, Temporary PPATs and Special PPATs. The formulation of the problems in this study are 1) How is the regulation of the position of PPAT in the process of transferring land rights in Indonesia? 2) Why is it necessary to reconstruct the position of PPAT in the transfer of land rights based on the value of justice? 3) How is the ideal concept of reconstruction of the position of PPAT in the transfer of land rights based on the value of justice?

This research is Normative juridical and empirical legal research with data collection through questionnaires and interview results, as an analytical material in addition to primary, secondary, and tertiary legal materials. This research uses descriptive data analysis. The theory used in this research uses the theory of the rule of law pioneered by Hans Kelsen and Gustav Radbuch. The theory teaches written legal norms in the form of laws and regulations so as to achieve legal objectives, namely Legal Certainty, Legal Justice, and Legal Benefit, in addition to the theory used by John Rawls' theory of justice which prioritizes the principles of good faith and prudence of PPAT.

The results of this study indicate that PPAT as an official authorized to make authentic deeds in his position is not only passive to the formal data he makes but also ensures the material truth at the time of the implementation of making an authentic deed in the transfer of land registration, thus PPAT must prioritize the principle of prudence and good faith. There is a need for guidance and supervision of balanced PPAT work practices so that there is no overlap between Temporary PPATs, Special PPATs, and PPATs originating from Notaries, besides that legal developments in making PPAT deeds using electronics, the Government immediately issues a PPAT Position Law so that there is no legal disharmony. The suggestion in this research is that it is necessary to immediately make a Law on the Position of PPAT and efforts to foster PPAT in the legal development of the land registration system using an electronic system.

Keywords: Position of PPAT, Transfer of Land Rights, Justice.