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The Status of Criminal Law in the Order of Implementation of Duties and Authorities of Authorized Land Maker

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Abstract

The problem discussed in this study is the authority of the land deed maker in making authentic deeds and potential criminal offenses in carrying out the position of the official land deed maker, because it is very important for the officials of the land deed maker in assuming his position to provide services and information about agreements to make land certificates and for the public interest. This study aims to examine the position of criminal law in the order of carrying out the duties and authorities of the official land deed. This study was designed in juridical-empirical research. The result of this research is that the official land deed maker is inseparable from the responsibility of the deed he made and the implementation of the position of Land deed official has the potential to cause a criminal offense. Potential criminal offenses referred to are potential criminal offenses in the implementation of Land Titles Registrar positions in falsifying authentic deeds regulated and threatened with criminal offenses in Article 264 paragraph (1) jo. Article 263 of the Criminal Code. The falsification of the letter is punishable by imprisonment for a maximum of eight years, if it is carried out on authentic deeds in Article 264 paragraph (1) number 1 of the Criminal Code.

Keywords: Authentic deed; Authority of land deed official; Criminal Acts; Land titles registrar

1. INTRODUCTION

In national development, the role of land in meeting needs will increase both for the purposes of settlement and business activities. In connection with that, there will also be an increase in the need for the support of legal certainty in the land sector. In addition, in this case, concrete land registration is also needed for holders of land rights to easily prove their rights to the land under their control, and for interested parties, such as potential buyers and prospective creditors, to get the questions needed. Regarding the land

to be carried out, as well as for the Government to conduct defense talks.

Land Deed Making Official is a public official authorized to make authentic actions regarding legal rights regarding land or ownership rights to the flat. Article 1 number 1 Government Regulation number 37 of 1998 Acting as an official of the land, has been amended by Government Regulation number 24 of 2016, hereinafter sufficiently referred to as "Land Deed Making Officials".

Approved authentic deeds are deeds made by the land deed makers as approved evidence related to the law

relating to land rights or ownership rights over apartment units Article 1 number 4 PP Land Deed Making Officials are granted PP Deed Making Officials Land is a permit to make authentic licensing tools.

In making approval, the land deed-making official shall carry out a part of the land registration, namely by making a deed as evidence that has been issued concerning the right to land to carry out the law, namely: Buy and sell, Exchange, Grant, Entering the company (inbrenge), Sharing of common rights Granting building use rights / use rights on private property rights, Granting mortgage rights, Granting authority imposes mortgage rights

Paragraph 4 (1) PP of Official Land Deed Makers, Homework Makers, Land Deed Makers in one province Article 12 Paragraph (1) PP of Land Deed Makers, which is further implemented with ministerial regulations governing government affairs in the field of agrarian/land affairs. However, until this regulation was issued, it had not yet been published.

Some experts say that the basic law for making land certificates is government regulation number 37 of 1998 and government regulation number 24 of 1997 as Basic Agrarian Law number 5 of 1960. However, there are also those who say that between the Notary and the Land Drafting Officer, it does not occur because of the authority in the land sector, the notary and the Land Deed Making Officer have their own competencies (Adjie, 2009). The notary does not take the authority that is in the Land Deed Making Officer and the Land Deed Making Official does not give his authority to the Notary. There has never been a so-called authority dispute.

Authentic deeds made before the land-drafting official who provide a perfect representation of what is contained therein, for those who deal with their heirs, for those who are entitled to under Article 1870 of the Civil Code. However, if an authentic deed in any form

asks false, then the implementation can be suspended, fully authentic deed requesting false can be prosecuted in a potential that can occur in the implementation whatever happens to the request for assistance of the land deed maker as an authentic deed maker.

Potential criminal acts are crimes that occur, but do not occur. Will happen after it is realized and the consequences are desired, so the potential follow-up in the implementation of decisions made by the land deed maker means that the follow-up is carried out in the implementation of leadership involving land deed makers.

2. METHOD

The study was designed in juridical-empirical research. Empirical juridical agreement is to compare existing rules with agreements or challenges in society (*das sollen dan dassein*) (Nasution, 2008). This study examines potential criminal offenses in the implementation of his position, the maker of land deeds, potential criminal acts, in the follow-up, to carry out follow-up actions involving criminal acts carried out in the performance of office, land deed makers.

In empirical legal research, the approach used is the fact approach and the statue approach. The fact approach is the status of criminal law in the order of implementation of duties and authorities of authorized land makers. The legalization (the statue approach) is carried out by a study of the laws which adjudicate with the debate in the field.

Legislative decisions (statue approach) are made by examining laws and regulations relating to research conducted as a reference the fact approach the status of criminal law in the order of implementation of duties and authorities of authorized land makers. In addition, related to further research are examined regarding the provisions of the Act relating to the problems of this study.

Primary data used in this study sourced from field research, both from respondents and from informants. For primary data obtained through interviews,

Secondary data is data sourced from library research that is data obtained indirectly from sources, data sourced from documented data in the form of legal materials. The legal materials used in this study are primary legal materials, namely legal materials that have authority (authoritative) consisting of a) Legislation, b) Official records or minutes of making legislation, and c) Judges' decisions.

Secondary legal material is legal material that provides an explanation of primary legal material, which includes books, literature, papers, theses, and legal materials related to research. Besides that, legal materials which are obtained through electronic research are also used, namely through the internet by copying (downloading) the required legal materials.

3. RESULTS AND DISCUSSION

Authority of Land Deed Official in Making Authentic Deed

The definition of Land Deed Making Officials in Article 1 of Government Regulation No. 37 of 1998 states:

Land deed making official is a public official who is authorized to make authentic deeds concerning certain laws regarding land or ownership rights of flats.

Provisional Land Deed Makers Officer is a government official who is appointed because of his position to carry out the duties of the Land Deed Makers Officer by making a Land Deed Making Official Deed in an area that does not yet have a Land Deed Making Officer.

Special Land Deed Making Officials are national land agency officials who are appointed because of their position to carry out the duties of the Land Deed Making Official by making a special Land Deed Making Official Deed in order to regulate certain government programs or tasks.

Deed of Making Land Deed Actor is a deed made by the Land Deed Making Official as proof and has been carried out in relation to land rights or ownership rights to apartment units. Protocol for

Land Deed Making Officials is a collection of documents that must be kept and maintained by Land Deed Making Officials consisting of a list of deeds, original deeds, supporting documents of the deed, report archives, agendas and other letters. Warkah is a document made on the basis of the deed of the Actor of making the Land Deed

Land Deed Making Official is the maximum number of Land Deed Making Officials allowed in the work unit of Land Deed Making Officials. The working area of the Land Deed Makers Officer is an area that shows the authority of the Land Deed Makers Officer to make a deed regarding land rights in it. Minister is the minister who is responsible for agrarian / land affairs.

Main Duties and Authorities of Land Deed Official

The main tasks and authorities of the Land Drafting Officials are regulated in Article 2 of Government Regulation No.37 of 1998, as follows:

The Land Drafting Officer who handles most of the land registration activities by making the deed as evidence has conducted research related to land rights or ownership rights of the apartment units, which will be used for data exchange purposes. .

Legal actions approved in paragraph (1) are:

Buy and sell, Exchange, Grant, Income in the company (inbeng), Sharing of shared assets, Granting building use rights / use rights on private property rights, Granting mortgage rights, Granting authority imposes mortgage rights

In Article 3 of Government Regulation No.37 of 1998, it was agreed that:

Article 2 paragraph (1) Officials of Land Deed Makers have permission to make authentic deeds for all laws referred to in Article 2 paragraph (2) concerning land rights and ownership rights over flats.

Special Land Deed Making Officials only make a deed about the law that is specifically mentioned in the designation.

For the sake of Land Deed Making Officials only support to make the Deed Land Deed Making Officials use their designator as Land Deed Making Officials, in the territory and performing which legal actions which are in accordance with Article 2 paragraph (2) of this Special Land Deed Making Officials making the deed of the designated Land Deed Making Officer specifically.

Regarding the form of deed of the Actor of Making Land Deed, the Minister stipulates in Article 21 of Government Regulation No. 37 of 1998 as follows:

The Act of the Land Deed Making Officials are made in a form determined by the minister

All types of deeds of Land Designing Acting Officials are assigned one serial number repeated in calendar year, Act Deed of Making Land Deed Actor in the original form in 2 (two) sheets, namely: The first sheet of 1 (one) copy is kept by the official Land Deed Making Authorities. The second sheet is 1 (one) or more copies in accordance with the number of land rights or ownership rights for flats which legal objects in the deed are sent to the land office for registration purposes, or in the deed the cause of the cause for the making of the basic mortgage and to interested parties can be given their freedom.

The process of potential criminal acts in carrying out the official position of the land deed

Potential criminal acts in the performance of the position of Land Deed Making Official in falsifying an authentic deed are regulated and threatened with crime in Article 264 paragraph (1) jo. Article 263 of the Criminal Code. The falsification of the letter is punishable by imprisonment for a maximum of five years, if it is carried out on authentic deeds in Article 264 paragraph (1) item 1 of the Criminal Code. Article 26 paragraph (1) of the Criminal Code, which is quoted reads as follows:

"Anyone who makes a false letter or falsifies a letter that can withdraw

rights, commitments or debt relief, or is intended as evidence of something with the intention to use or order others to use the letter according to the request, if the contents are correct and not falsified, threatened if using this can cause harm, due to a forgery, with a maximum prison sentence of six years".

From the formulation of Article 2 above two can be seen (two) elements of crime, namely:

1. Whoever
2. Making fake letters or falsifying letters that can give rise to rights, commitments or debt relief, or which are intended as evidence of something with the intention to use or order others to use letters that are requested as if the contents are true and not fake.

Which discusses with the first namely: "whosoever" is referring to the subject who filed this crime. In other words, this crime is a *delicta communia*, which means a crime that can be carried out by anyone, anyone, including those involved in making land certificates. While the Second Element (Two) is a letter making fake letters or falsifying letters. What is meant by "letters" in this article are all letters, whether written by hand, written or written using a typewriter (Soesilo, 2013). Related to letters made using a computer that are then printed (printed) using a printer are included.

Then the notion of "making a fake letter" is to make a letter whose contents are not what they are supposed to be (incorrect), or make an approved letter so that making a correct letter is not true. The meaning of falsifying a letter is a change made to a letter so that it must be the contents of the original or a letter that was made or modified or changed something from the letter, including also faking a signature. The act of making a false letter or falsifying a letter in the sense of this Article is with the intention to use or order others to use the letter as if it were genuine and not to be forged. The goal is to be able to withdraw a right,

a bond or a debt free, or that is intended as evidence of something.

Article 263 paragraph (1) of the Criminal Law Act is a formal offense, which does not need to discuss how to make a letter that falsifies or falsifies this letter, which is quite easy to fulfill the formulation of offense that can cause harm, danger can be prepared and convicted based on provisions of this article.

A Land Deed Making Officer makes and manages a deed whose contents are not appropriate or incorrect, so what is contained in the deed is not in accordance with what the Land Deed Makers do, so there is no need to be suitable for the Land Deed Making Officer in Question, Land Deed Making Officials that have been prepared and convicted based on Article 264 paragraph (1) number 1 jo. Article 263 paragraph (1) of the Criminal Code, a criminal threat of 8 (freedom) years in prison.

In a deed of the Land Deed Making Official listed on this deed has been read or approved by the Land Deed Making Official to the parties, when in fact the deed was not read by the Land Deed Making Official for the parties related to information Article 22 PP of the Land Deed Making Official, will but was read out by the official Land Deed Making Official who was submitted.

4. CONCLUSION

Grounded by the research result above, it can be concluded that the Land Drafting Officer has the principal duties and obligations in carrying out most of the land registration activities by making the deed as evidence that has been carried out in connection with land rights or ownership rights of the apartment units. Also, the selection of the Acting Officer for Land Deed can be taken following punishment. Then, ff the Land Deed Making Official makes an improper (incorrect) deed between those included in the deed done by the Land Deed Making Officer, then the Land Deed Making Official who makes an authentic

artificial deed that is threatened (1) number 1 jo. Article 263 paragraph (1) of the Criminal Law Code.

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