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ANALYSIS OF NOTARY AUTHORITY AND LEGAL CERTAINTY ON THE TRANSFER OF TITLE TO LAND GRANTS

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ABSTRACT

Abstract: In the process of transferring rights, both inheritance and grants, in field conditions there are always problems or obstacles that result in the process of suspending the transition. Based on this phenomenon, the research aims to find out the authority of a notary regarding the ownership of grant land parcels and to find out the legal certainty of an authentic notary deed in the transfer of property rights. Over Land grants. This research is normative juridical research that is qualitative. The type of data used is secondary data, in this study, the data analysis used is qualitative. The results of the research show that the transfer of grant rights must be stated in a deed made by a notary / PPAT who is given authority as a public official by law as an authentic deed maker. grant deed made by a notary/PPAT has legal certainty because it has concrete legal force, with the existence of the deed, both the grantor and the recipient of the grant are protected by applicable law. UUJN makes an authentic deed, related to the transfer of grant rights where evidence of an object that has been donated must be proven by an authentic deed made, witnessed, and signed by a notary/PPAT is a legal certainty for the parties giving and receiving grants.

Keywords: Grant; Authority; Notary Public

Introduction

Land in human life has a dual function, namely as a Social Asset and as a Capital Asset. As a Social Asset, land has a social function, this is by the principles contained in Article 6 of the UUPA, while as a Capital Asset land has an economic function, where land becomes an object of capital in economic transactions (Munir et al., 2023). Along with the increasingly limited supply of land and the increasing need for land, this causes land prices to have a high value, because currently land on the one hand is growing as a very important and valuable economic object and has grown, on the other hand land is used and utilized as much as possible for the welfare of the people.

The land is also a social symbol in society, where the control of a piece of land also symbolizes the value of honor, pride, and personal success so that economically, socially, and culturally, the land it owns becomes a source of life, a symbol of identity, honorary rights and dignity of its supporters (Hapsari & Hafidz, 2017).

A person's ownership of land entitles him to transfer his rights to others through grants. In Islamic law, a grant is a gift by a person to another person in the form of property voluntarily without expecting anything in return (Anshori, 2018). In this case, the grantor is willing to waive his rights to the objects he has, the grant is a form of transfer of property rights if it is associated with legal actions.

In fiqh literature, there is no information about the provision that in the grant contract, there is a condition that in the implementation of the grant must be prepared evidence, witnesses, or authentic letters must be conditions for the validity of the agreement. However, even so, on the contrary, in the implementation of civil agreements that include grants, there should be evidence, because the existence of evidence will cause stability for grants, especially for those who receive grants, because they have valid evidence of ownership of land rights through grants (Suwahyuwono, 2018).

Most problems arise not from the holder of land ownership rights accompanied by land certificates to the first owner, but unilateral recognition by other parties on the pretext that the land owner has given him either in the name of buying and selling, grants, wills, gifts and even inheritance and others. For some people understand the words "grant", "will", "gift", "inheritance" and "buying and selling" means that ownership rights have automatically passed to those who receive them. Of course, this will be a problem if there are parties who dispute it, and will lead to land disputes in court. Another case that often arises in this land field is the existence of double certificates on a land object. This is certainly inseparable from the game of unscrupulous BPN employees manipulating data in the land book. So it takes precision at this time for all parties who want to own a piece of land (Syarief, 2014).

Therefore, based on the above problems, the State facilitates an orderly and well-organized legal instrument and land administration system to provide legal protection and legal certainty guarantees to landowners fairly as stated in the National Agrarian Law, namely Law Number 5 of 1960 concerning Basic Regulations of Agrarian Principles Jo Government Regulation Number 24 of 1997 concerning Land Registration. Therefore, land registration will be an obligation for the government and land rights holders by Article 19 of the UUPA. The transfer/transfer of land rights in essence can occur due to 2 (two) things, namely due to legal events and legal acts. In the implementation of land administration and land registration recorded at the Land Office, it must always be by the actual state or status of the land parcel concerned, both regarding physical data regarding the land parcel, as well as regarding legal relations regarding the land parcel, or this juridical data, especially the recording of changes in juridical data that have been previously recorded.

Based on Article 23 paragraph 1 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles which explains that property rights, as well as their transfer, abolition, and encumbrance with other rights, must be registered according to the

provisions referred to in Article 19. Meanwhile, Article 19 paragraph 1 is to ensure legal certainty by the government for land registration throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations. Paragraph 2 reads that the land registration includes a. mapping measurements and land bookkeeping, b. Registration of land rights and transfer of such rights, c. Provision of letters of proof of rights, which act as a strong evidentiary tool. Paragraph 3 reads that land registration shall be carried out taking into account the state and community conditions, socio-economic traffic needs, and the possibility of its implementation according to the consideration of the Minister of Agrarian Affairs. Verse 3 explains that the people who cannot afford it are exempt from paying land registration fees.

One year after the birth of Law Number 5 of 1960 concerning Basic Regulations of Agrarian Principles, Government Regulation Number 10 of 1961 concerning Land Registration was passed, but after 36 years of the enactment of this PP, there have only been improvements to PP Number 24 of 1997 concerning Land Registration in line with the progress of national development. Based on Article 2 of PP Number 24 of 1997, land registration is based on the principle of being simple, safe, affordable, up-to-date, and open. The organizer of land registration is the National Land Agency as a non-departmental government institution by Article 5 of PP Number 24 of 1997.

With the existence of Government Regulation Number 24 of 1997, land registration based on simple, safe, affordable, up-to-date, and open principles has become a form of legal certainty for one's right to own land, of course, with legal evidence of ownership in the eyes of the law. Government Regulation Number 24 of 1997 also regulates the transfer of land rights in article 37 which reads paragraph (1) Transfer of land rights and property rights to apartment units through buying and selling, exchange, grants, income in companies and other legal acts of transfer of rights, except that the transfer of rights through auction can only be registered if proven by a deed made by the authorized PPAT according to the provisions of the applicable laws and regulations. Furthermore, paragraph (2) In certain circumstances as determined by the Minister, the Head of the Land Office may register the transfer of title to a parcel of freehold land, which is carried out among individual Indonesian citizens as evidenced by a deed not made by the PPAT but which according to the Head of the Land Office is considered sufficient to register the transfer of rights concerned.

In the process of transferring rights, both inheritance and grants, in field conditions, there are always problems or obstacles that result in the process of suspension of the transition. The suspension of name reversal by the national land agency over the transfer of rights both inheritance and grants that have been made by the deed by PPAT is an interesting phenomenon to analyze. Based on this background description, the author tries to raise the issue regarding: "Analysis of Notary Authority and Legal Certainty on Transfer of Property Rights to Land Grants"

Based on the background description above, and so that the discussion of this research is more well-directed, the main problems that the author poses in this study are as follows

1. What is the notary's authority over the transfer of rights to grant land?
2. What is the legal certainty of an authentic notary deed in the Transfer of Ownership Rights to Land grants?

From the problems raised in this study, the research objectives are as follows:

1. To find out the notary's authority over the ownership of land grant rights
2. To find out the legal certainty of the authentic deed of a notary in the Transfer of Title to Land grant

In this study, researchers hope to contribute ideas to the development of legal science, especially in the field of land and notarial law, and add information and insight into the settlement of the process of turning over the name of individual grant rights transfer certificates where land parcels have changed use.

The theoretical basis used in this study is the theories of experts related to the discussion in this study

Notary theory of authority

Notary Public is a general officer who is solely authorized to make authentic deeds concerning all deeds, agreements, and determinations required by a general ordinance or by the interested person desired to be stated in an authentic deed, guarantee the certainty of the date, keep the deed and give grosse, copies and quotations, all so long as the making of the deed by a general ordinance is not also assigned or exempted to any other officer or person (Kriyantono, 2017).

The authority according to H.D. Stoud is: "The whole of the rules relating to the acquisition and exercise of governmental authority by subjects of public law in public law" (Hsb, 2019). There are two elements contained in the understanding of the concept of authority presented by H.D. Stoud, namely: the existence of the rule of law; and the nature of legal relations.

Regarding authority, Ateng Syafrudin, expressed the notion of authority, that "there is a difference between the understanding of authority and authority. We must distinguish between authority (authority, gezag) and authority (competence, bevoegheid). Authority is what is called formal power, power derived from what is granted by law, while authority is only about a certain "onderdeel" (part) of authority. Within the authority are the authorities (recths bevoegd-heidheden) (Rasyidin, 2023). Authority is the scope of public law acts, the scope of government authority, not only includes the

authority to make government decisions (bestuur), but includes authority in the context of carrying out duties, and provides authority and the distribution of authority is mainly stipulated in laws and regulations".

The authority of Notaries in UUJN is mentioned in Article 15. This authority includes the authority to make authentic deeds regarding all deeds, agreements, and determinations required by laws and regulations and/or desired by those interested to be stated in authentic deeds (Article 15 paragraph (1)). Other authorities are further regulated in Article 15 paragraph (2) and paragraph (3) of the UUJN. An authentic deed according to the legal dictionary is a deed that from the beginning was made deliberately and officially for proof in the event of a dispute in the future (Lediana et al., 2023). An authentic deed according to Article 1868 of the Civil Code (KUH Percivil) is a deed made in the form prescribed by law by or before a public official authorized for it at the place where the deed was made. Based on the definition of an authentic deed according to Article 1868 of the Civil Code, it can be seen that there are 2 (two) forms of authentic deeds, namely deeds made by authorized general officials (referred to as official deeds/ ambtelijke act) and deeds made before authorized general officials (referred to as partij act/deeds of the parties).

Theory of legal certainty

In a legal regulation, there are legal principles on which it is formed. Satjipto Rahardjo said that legal principles can be interpreted as the "heart" of legal regulations, (Julyano & Sulistyawan, 2019) so that to understand a legal regulation, there is a need for legal principles. In other words, Karl Larenz in his book Methodenlehre der Rechtswissens chaft argues that legal principles are measures of ethical law that give direction to the formation of law (Atmadja, 2018). Because legal principles contain ethical demands, legal principles can be said to be a bridge between legal regulations social ideals, and ethical views of society. In the formation of the rule of law, the main principle is built to create clarity on the rule of law, the principle is legal certainty. This idea of legal certainty was originally introduced by Gustav Radbruch in his book entitled "einführung in die rechtswissenschaften". (Rahim et al., 2023) Radbruch wrote that in law there are 3 (three) basic values, namely: (1) Justice (Gerechtigkeit); (2) Expediency (Zweckmassigkeit); and (3) Legal Certainty (Rechtssicherheit). Returning to the discussion of the principle of legal certainty, the existence of this principle is interpreted as a condition where it is certainly legal because of the concrete force of the law concerned (Julyano & Sulistyawan, 2019).

The existence of the principle of legal certainty is a form of protection for the judiciary (justice seeker) against arbitrary actions, which means that a person will and can obtain something expected in certain circumstances (Arifinal, 2017). This statement is in line

with what Van Apeldoorn said that legal certainty has two aspects, namely the establishment of law in concrete terms and legal security. This means that the party seeking justice wants to know what is the law in a particular matter before he initiates a case and protection for justice seekers. Further to legal certainty, Lord Lloyd said (Tektona, 2022): "... law seems to require a certain minimum degree of regularity and certainty, for without that it would be impossible to assert that what was operating in a given territory amounted to a legal system" From this view, it can be understood that without legal certainty people do not know what to do and eventually uncertainty arises which will eventually lead to violence (chaos)) due to the indecision of the legal system. Thus, legal certainty refers to the clear, fixed, and consistent application of the law where its implementation cannot be influenced by subjective circumstances (Prayogo, 2018).

Research Method

This research is qualitative normative juridical research that refers to legal norms contained in laws and court decisions as well as norms that live and develop in society (Geovani et al., 2021). This research is descriptive analysis, meaning that the research aims to be able to explain or describe clearly and carefully the things in question, which are then analyzed based on legal theories or applicable laws and regulations by the object of research, and from the results of the analysis, conclusions are drawn. Aims to be able to provide data as thoroughly as possible and in detail about the object of research, so that answers can be obtained that can be accounted for. The type of data used is secondary data. Secondary data is data obtained from library sources that include documents, books, research reports, and others (Danianto, 2022). The technique of collecting normative juridical legal materials in this study is by literature study. Literature collection carried out by researchers is carried out in university libraries, accessing the internet and analyzing primary and secondary legal materials related to the object of research. In this study, the data analysis used was qualitative. Qualitative analysis is a data analysis that does not use numbers, but provides descriptions (descriptions) in words on the findings, and therefore prioritizes the quality of the data, and not of the quantity (Pajrin, 2023).

Result And Discussion

Analysis of Notary Authority on Transfer of Land Rights Grant

Indonesian law, which was born from the influence of law that had grown before, both in the form of Western law, Islamic law, and customary law, is an acculturation that combines existing legal systems. In the agrarian sector, after the enactment of Law Number 5 of 1960 concerning the Basic Agrarian Law, there has been legal unification in the land sector (Hayati, 2016). Land ownership is one of the material rights that is sufficient in human life. Along with the increasing human population that requires land

as space, ownership of land continues to develop, both in terms of ownership concepts and the laws that govern it (Mujahidi, 2022).

"To ensure Legal Certainty by the Government, land registration is held throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations". Land registration activities produce authentic proof marks, namely proof of land rights called certificates. On proof of Land Rights, transfer or transfer of title to land can be carried out by way of sale and purchase or exchange or by other means permitted by law.

The land rights mentioned in Article 4 paragraph (1) of the UUPA are described in Article 16 paragraph (1) of the UUPA, namely (Sari, 2020):

a. Proprietary;
b. Right to Use;
c. Building Use Rights
d. Right of Use
e. Leasehold Rights for Buildings
f. Right, to open Land
g. The right to collect forest products
h. Other rights not included in the aforementioned rights on land to be established by law, as well as rights of a temporary nature as mentioned in article 53.

Temporary land rights are mentioned in article 53 of the UUPA, namely (Dilapanga, 2017):

a. Lien
b. Profit Sharing Business Rights
c. Boarding Rights
d. Agricultural Land Leasehold Rights

The Unitary State of the Republic of Indonesia based on the 1945 Constitution is a unitary State that guarantees and guarantees and protects the rights of citizens, including the right of citizens to obtain, own, and enjoy property rights. Land ownership rights as one type of property rights are very important for the Nation, State, and people of Indonesia as an agrarian society (Arinda, 2016). Registration of land rights is an obligation for people who have land rights to land, with the intention that they get legal certainty about their rights and indeed that obligation needs to be affirmed, otherwise it is possible that those who have these rights do not know their obligations or neglect their obligations.

Registration of land rights is very important because, in the transfer of land rights, authentic evidence in the form of land certificates is needed where land certificates are obtained on land rights registration, therefore it is very important in registration to

transfer land rights. Transfer of land rights is a legal act that aims to transfer rights from one party to another.

In the Basic Agrarian Law Number 5 of 1960 there is no mention of land certificates, but as found in Article 19 paragraph (2) point c there is a mention of "proof of rights". In a colloquial sense, this proof letter is often interpreted as a land certificate (Arinda, 2016). If there is a dispute over the land parcel, then by the owner of the land the certificate in his hand is used to prove that the land belongs to him. Certificates are very important in terms of transfer of rights and legal acts of transfer of rights aim to transfer land rights to other parties (who qualify as rights holders). However, in reality in the community there are often various problems regarding certificates, one example of problems related to these certificates is the frequent occurrence of double certificates and/or overlapping areas in two property rights certificates. Property rights can be transferred to other parties (transferred) by way of sale, grant, exchange, gift by will, and other deeds intended to transfer property rights, as stipulated in Article 26 paragraph (1) of Law No.5 of 1960 concerning Basic Agrarian Law that "Sale, exchange, grant, gift by will, gift according to custom and other deeds intended to transfer property rights and its supervision is regulated by Government Regulations" (Chayadi, 2020). The function of land registration according to the National Land Law is to strengthen and expand the evidence that the transfer of land rights has occurred.

In positive law, grants are regulated in the Civil Code Article 1666-Article 1693. The definition of grant is contained in Article 1666 of the Civil Code, which is an agreement by which a grantor gives up an item free of charge, without being able to withdraw it, for the benefit of someone who accepts the delivery of the item. The law only recognizes grants between living persons.

The following are the terms and procedures for grants based on the Civil Code:

1. The grantor must be an adult, that is, legally capable, except in the rights stipulated in the seventh chapter of the first book of the Civil Code (Article 1677 of the Civil Code).
2. A grant must be made by a notarial deed originally kept by a notary (Article 1682 of the Civil Code).
3. A grant binds the grantor or publishes an effect starting from the grant in express words received by the grantee (Article 1683 of the Civil Code),
4. Grants to minors under parental power must be accepted by the person exercising parental power (Article 1685 of the Civil Code).

Before the birth of Government Regulation Number 24 of 1997 concerning Land Registration, for those who are subject to the Civil Code, the deed of grant must be made in written form from a Notary. However, after the birth of Government Regulation

Number 24 of 1997, every grant of land and buildings must be done by deed of the Land Deed Making Officer PPAT.

Based on the provisions of Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, the transfer of land rights and property rights to apartment units through buying and selling, exchanging, grants, income in companies, and other legal acts of transfer of rights, except the transfer of rights through auction can only be registered if proven by a deed made by the authorized PPAT according to the provisions of the applicable laws and regulations.

Based on Article 38 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, the making of a deed is attended by the parties who perform the legal act concerned and witnessed by at least 2 (two) witnesses who are qualified to act as witnesses in the legal action.

From the provisions above, it can be seen that the grant must be stated in a deed made by PPAT, which is in the form of a grant deed. So, if a person wants to give his land and building to someone else, the grant must be made a deed of grant by PPAT. In addition, the act of donation was attended by at least two witnesses. Furthermore, based on Article 40 of Government Regulation Number 24 of 1997 concerning Land Registration, no later than 7 (seven) working days from the date of signing the deed concerned, the PPAT must submit the deed it made along with the relevant documents to the Land Office for registration and the PPAT must submit a written notification regarding the deed having been submitted to the Land Office to the parties concerned. Land grants after the birth of Government Regulation Number 24 of 1997 concerning Land Registration, must be carried out with a PPAT Deed (Land Deed Making Officer), in addition, in making a grant deed it is necessary to pay attention to the object to be granted because, in Government Regulation Number 10 of 1961, it is determined that for the object of land grant, a grant deed must be made by the Land Deed Making Officer (PPAT), but if the object is other than land (object of the grant of movable objects), then the provisions in the Civil Code it is used as the basis for making a grant deed, which is made and signed by a Notary. The acquisition of land by grant should be registered at the local Land Office as a form of securing land grants. The legal force of the deed of grant lies in the function of the authentic deed itself, namely as valid evidence according to the Law (Articles 1682, 1867, and Article 1868 of the Civil Code). So this is a direct result which is a necessity of statutory provisions, that there must be authentic deeds as a means of proof.

From this description, if it is related to the theory of authority, the transfer of grant rights cannot be separated from the authority of a notary / PPAT. The authority of Notaries in

UUJN is mentioned in Article 15. This authority includes the authority to make authentic deeds regarding all deeds, agreements, and determinations required by laws and regulations and/or desired by those interested to be stated in authentic deeds (Article 15 paragraph (1)). Notary / PPAT which is a general official is authorized by the state under the legal umbrella of UUJN to make an authentic deed, related to the transfer of grant rights where proof that an object has been granted must be proven by an authentic deed made, witnessed and signed by a notary / PPAT. Authority according to H.D. There are two elements contained in the understanding of the concept of authority presented, namely: the existence of the rule of law; and the nature of legal relations. The authority of notaries / PPAT in transferring grant rights is regulated in legal rules according to UUJN, namely making authentic deeds as proof of grant ownership, while the nature of the legal relationship of notary authority / PPAT in this context is that authentic deeds of grant have a legal relationship with the transfer of rights regulated in regulations regarding the transfer of rights, namely Law No. 5 of 1960, Government Regulation Number 24 of 1997, and the Civil Code governing land grants and movable objects.

When related to Ateng Syafrudin's theory of authority, authority is what is called formal power power derived from what is given by law, while authority is only about a certain "onderdeel" (part) of authority. Within the authority are the authorities (recths bevoegd-heidheden) (Oktavia et al., 2021). Making a grant deed is the authority of a notary/pat which is one part of the formal power granted by law, in other words, the notary authority is the power to make an authentic deed regarding the transfer of rights where one of the powers has the authority to make an authentic deed of grant as proof of grant ownership.

Analysis of Legal Certainty of Notary Authentic Deed in Transfer of Title to Land Grant

A grant is an agreement in which the grantor in his lifetime gives free of charge and the grant is irrevocable, the process of delivering an object for the grantee who receives the grant (Rusydi, 2017). Grants can be given in the form of moving objects or immovable objects. For immovable objects such as land, the grantor must do with the creation of an authentic deed with the threat of cancellation. Explained in Government Regulation Number 24 of 1997, it is explains that transferring land rights through grants can only be registered if proven by a deed made by a Land Deed Making Officer who does have the authority to do so according to the provisions of the applicable laws and regulations (Saena, 2018). So the legal event of the grant must be done through an authentic deed made by a PPAT / Notary commonly referred to as the Deed of Grant.

In the process of making a deed of grant by a Notary, the evidentiary responsibility that must be fulfilled by the Notary Public is only the responsibility for the outward truth and the formal truth. This is because these two things are all that can be done by a

Notary. External truth is when the Notary Public pours the statements of the parties into the form of predetermined deed blanks, while the formal truth is when the Notary reads and explains the contents of the deed in front of the parties and immediately after that it is immediately signed by the parties, the Notary and two witnesses. Meanwhile, Material Truth is not the responsibility of the Notary because proving a false identity is not his power as a general official, although in carrying out his office must be with care and accuracy. This is because the deed made by the Notary Public is a party deed or said by the parties. In making a deed, the Notary Public only records what the parties state and guarantees the certainty of the time and place of the signatory, that it is true that the parties were present and signed the deed before him at the time and place stated in the deed.

Article 1666 of the Civil Code defines a grant as an agreement by which the grantor, in his lifetime, freely and irrevocably, delivers something for the grantee who accepts the surrender (Mahasin, 2022).

In this case, the transfer of land rights through grants is used with authentic deeds. An authentic deed is a deed made by an authorized general official that contains or describes authentically an act performed or a circumstance seen or witnessed by the general official making the deed. The general officials in question are notaries, judges, bailiffs in a court, civil registration employees, and so on. An authentic deed has perfect evidentiary power for the parties and all their heirs or other parties entitled to the parties. So, if a party submits an authentic deed, the judge must accept it and consider what is written in the deed to happen, so that the judge may not order additional evidence.

An authentic deed must meet the following requirements.
1. The deed must be made by or in the presence of a public official.
2. The deed must be made in the form prescribed by law.
3. The general officer by or before whom the deed is made, shall have the authority to make the deed.

The legal certainty of the grant deed lies in the function of the authentic deed itself, namely as valid evidence according to the law (Articles 1682, 1867, and Article 1868 of the Civil Code) so that this is a direct result which is a necessity of statutory provisions, that there must be authentic deeds as a means of proof. To be valid evidence, the deed of grant must be made and signed by an official authorized by law, namely a notary / PPAT. Legal certainty is a basic value in law in the sense of a situation where it is certain to be legal because of the concrete force for the law concerned (Rossalina, 2016). The deed of a grant made by a notary / PPAT is a concrete legal force that there has been a transfer of property rights, with the deed both the grantor and the grantee are protected

by applicable law by the principle of legal certainty which is a form of protection for the judiciary (justice seeker). This statement is in line with what Van Apeldoorn said that legal certainty has two aspects, namely the establishment of law in concrete terms and legal security. This means that the party seeking justice wants to know what is the law in a particular matter before he initiates a case and protection for justice seekers.

From this description, it is clear that the grant deed is the authority of a notary / PPAT which has legal certainty for grantors and grantees so that the transfer of grant rights can only be carried out by a notary / PPAT because of its authority given by law. In the process of making a deed of grant by a Notary, the evidentiary responsibility that must be fulfilled by the Notary Public is only the responsibility for the outward truth and the formal truth. This is because these two things are all that can be done by a Notary. External truth is when the Notary Public pours the statements of the parties into the form of predetermined deed blanks, while the formal truth is when the Notary reads and explains the contents of the deed in front of the parties and immediately after that it is immediately signed by the parties, the Notary and two witnesses. Meanwhile, Material Truth is not the responsibility of the Notary because proving a false identity is not his power as a general official, although in carrying out his office must be with care and accuracy. This is because the deed made by the Notary Public is the deed of the parties. In making a deed, the Notary Public only records what the parties state and guarantees the certainty of the time and place of the signatory, that it is true that the parties were present and signed the deed before him at the time and place stated in the deed.

The legal certainty of the deed of grant made by a notary / PPAT will be in doubt if the Deed of Grant made by the Notary becomes a deed under hand because of the non-fulfillment of formal and material truth. So it can be said that the deed of grant is an authentic deed that has binding legal force, but if it is proven in the process of making this deed that the requirements to become an authentic deed are not fulfilled resulting in the authentic deed becoming a deed under hand. The condition is not fulfilled due to negligence and inaccuracy of the Notary as a general official authorized to make authentic deeds. Once it is proven that in the event of falsification of the identity data of the grantor, it can be said that the deed has legal defects and is null and void.

Conclusion

Based on the discussion, the conclusions of this study include:

From this description, if it is related to the theory of authority, the transfer of grant rights cannot be separated from the authority of a notary / PPAT. The authority of Notaries in UUJN is mentioned in Article 15. This authority includes the authority to make authentic deeds regarding all deeds, agreements, and determinations required by laws and regulations and/or desired by those interested to be stated in authentic deeds (Article 15

paragraph (1)).)). Notary / PPAT which is a general official is authorized by the state under the legal umbrella of UUJN to make an authentic deed, related to the transfer of grant rights where proof that an object has been granted must be proven by an authentic deed made, witnessed and signed by a notary / PPAT.

The legal certainty of the grant deed lies in the function of the authentic deed itself, namely as valid evidence according to the law (Articles 1682, 1867, and Article 1868 of the Civil Code) so that this is a direct result which is a necessity of statutory provisions, that there must be authentic deeds as a means of proof where the grant deed must be made and signed by an official authorized by law, namely a notary / PPAT. The deed of grant made by a notary / PPAT is a concrete legal force that there has been a transfer of property rights, with the deed, both the grantor and the grantee are protected by applicable law by the principle of legal certainty which is a form of protection for the judiciary (justice seeker) in this case the parties involved in the transfer of grant rights.

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