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Juridical Study of Falsification of Power of Sale Deed Made by A Notary Public Official in The Sale and Purchase Without the Consent of The Certificate Owner

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Abstract: Forging a power of attorney deed has serious consequences, including: Legitimate property owners can lose their valuable assets without receiving compensation. It can also cause major financial losses to well-intentioned buyers. A power of attorney deed is a legal document that authorizes someone to sell property on behalf of the legal owner, and is usually made by a notary. Forgery of these documents can occur in various ways, such as forging signatures, using fake identities, collaborating with other parties to manipulate data, or involving corrupt notaries. Forgery of power of attorney deeds has serious impacts, both in the legal and economic realms. In the legal realm, legal owners can lose rights to their property without their knowledge, and the legal process for restoring rights is lengthy and complicated. To prevent forgery of power of attorney deeds to sell, several steps can be taken, including: Notaries must carry out strict verification of the identities and supporting documents of the parties involved in the transaction, including the use of biometric technology and digital verification systems. Increase training and awareness for notaries and their staff regarding document forgery techniques and how to detect them. Development of an integrated information system that allows notaries to check the validity of land certificates and related documents in real-time.

Keyword: Act, Power, Forgery

INTRODUCTION

Document forgery is a form of crime that has a significant impact on various aspects of life, including the legal and economic sectors. One form of forgery that often occurs is the forgery of power of sale deeds made by notary public officials in the process of buying and selling land or property without the consent of the legitimate certificate owner. This article will discuss the mechanism, impact, and preventive measures against such power of sale deed forgery. Forgery of a power of sale deed usually involves the following steps: The perpetrator falsifies the identity of the original property owner by forging a signature or using a fake identity document. The perpetrator works with a notary public who is willing to certify the fake deed without proper verification. Land certificates, identity cards and other documents required in the transaction are also forged to support the validity of the power of

sale deed. The notary authorizes the forged power of sale deed, which is then used to sell or transfer ownership of the property without the consent of the original owner¹.

Forgery of a power of sale deed has serious repercussions, among others: Legitimate property owners may lose their valuable assets without receiving compensation. It can also cause huge financial losses for well-meaning buyers. Document forgery carries severe legal consequences. Legitimate owners must fight to get their property back through legal channels, which can be time-consuming and costly. Incidents of forgery of power of sale deeds can undermine public confidence in the legal system and public officials, especially notaries who are supposed to maintain the integrity of legal documents. Forgery of power of attorney deeds is a serious crime that requires special attention from various parties, including the government, law enforcement, notaries, and the public. With effective prevention mechanisms and strict law enforcement, it is expected to reduce the incidence of document forgery and protect the rights of legitimate property owners. Integrity and trust in the legal system must always be maintained to create a safe and transparent transaction environment²

METHOD

In this paper the author uses normative juridical research methods. Normative legal research is one of the methods often used in the discipline of law. In contrast to empirical research that focuses on real data and observable phenomena, normative legal research concentrates on existing legal norms, principles, and concepts. This article will discuss the approach and implementation in normative legal research. Normative legal research is a type of research that examines the law as norms or rules that apply. Its main focus is the analysis of legal texts, such as laws, regulations, court decisions, doctrines, and legal literature. The purpose of this research is to understand, explain, criticize, and formulate the ideal law in accordance with the principles of justice and legal certainty. Normative legal research is a very important method in the development of legal science. By focusing on legal norms and principles, this research helps in understanding and criticizing existing laws as well as formulating more just and effective laws. Through a systematic and critical approach, normative legal research can make a significant contribution to the development of legal theory and legal practice in society.

RESULTS AND DISCUSSION

Juridical Practice of Forgery of Deed of Sale in Indonesia

A power of sale deed is a document that authorizes a person to sell a property on behalf of the legal owner. This deed is usually made by a notary, who functions as a public official authorized to make authentic deeds related to property sale and purchase transactions. Forgery of a power of sale deed can occur in several ways, including: The perpetrator forges the signature of the certificate owner on the power of sale deed. The perpetrator uses a fake identity to trick the notary. The perpetrator cooperates with certain parties to manipulate the data in the deed. There is cooperation between the perpetrator and a corrupt notary, where the notary deliberately makes a fake deed for a certain reward. A power of sale deed is an official document that authorizes a person to sell property on behalf of the rightful owner. This deed is usually drafted by a notary, who acts as a public official with the authority to make authentic deeds in property sale and purchase transactions. Nonetheless, forgery of a

¹ Putri, N. M., & Marlyna, H. (2021). Pelanggaran Jabatan dan Perbuatan Melawan Hukum yang Dilakukan oleh Notaris dalam Menjalankan Kewenangannya. *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan*, 5(1), 63-77.

² Kusumawati, Y. (2019). Keabsahan Perjanjian Pengikatan Jual Beli Berdasarkan Akta Kuasa Menjual Serta Peran Dan Tanggung Jawab Notaris Dalam Pembuatannya (Studi Putusan Mahkamah Agung Republik Indonesia NOMOR 46 K/PID/2017). *Indonesian Notary*, 4(1), 10.

power of attorney deed is a real risk and can result in huge losses for the property owner. This article will discuss the definition of a power of sale deed, the various ways in which it can be forged, and the applicable legal basis in Indonesia. A power of sale deed is a legal document that transfers the right to sell a property from the owner to a third party. The process involves a notary to ensure that all parties involved understand and agree to the contents of the document³.

Forgery of the power of sale deed can occur in various ways, including: The perpetrator forges the signature of the certificate owner on the power of sale deed to give the impression that the legal owner has authorized it. The perpetrator uses false identity or unauthorized identity documents to deceive the notary and related parties. The perpetrator cooperates with certain parties to manipulate the data in the deed, such as changing the owner's information or property details. The perpetrator cooperates with a corrupt notary, where the notary deliberately makes a fake deed for a certain reward. Forgery of power of sale deeds is a criminal offense regulated in several articles of Indonesian law, including: Kitab Undang-Undang Hukum Pidana (KUHP), Article 263: Regulates the forgery of letters. Any person who intentionally makes a false letter or falsifies a letter that can cause loss, can be punished with imprisonment. Law Number 30 of 2004 concerning the Office of Notary (as amended by Law Number 2 of 2014): Article 16 paragraph (1) letter a: Stipulates that notaries must act honestly, carefully, independently, impartially, and safeguard the interests of the parties involved in legal actions. Article 84: Notaries who are proven to have committed violations in making deeds may be subject to administrative and criminal sanctions.

To prevent forgery of power of sale deeds, several steps can be taken, among others: Notaries should conduct strict verification of the identity and supporting documents of the parties involved in the transaction, including the use of biometric technology and digital verification systems. Increasing training and awareness for notaries and their staff on document forgery techniques and how to detect them. Development of an integrated information system that allows notaries to check the validity of land certificates and related documents in real-time. Implementation of strict sanctions against unscrupulous notaries and forgery perpetrators to provide a deterrent effect and ensure the integrity of the legal process. Educate the public on the importance of maintaining and verifying property ownership documents and how to report suspected forgeries. A power of sale deed is an important document in a property sale and purchase transaction, but forgery of this document can result in significant losses. By understanding the mechanism of forgery and the steps to prevent it, as well as referring to the applicable laws and regulations, it is hoped that forgery of power of sale deeds can be minimized. Integrity and trust in the legal system must always be maintained to create a safe and transparent transaction environment.

Legal Implications of Falsification of the Deed of Power of Attorney to Sell Made by a Notary Public Official in the Sale and Purchase without the Consent of the Certificate Owner

Forgery of a power of sale deed has serious legal implications. The rightful owner of the certificate may lose the rights to his property without his knowledge and consent. Moreover, if the property has already changed hands, the rightful owner will have to go through a lengthy and complicated legal process to regain his rights. Economically, these forgeries can cause huge financial losses to both the individual and the financial institutions involved in financing the property. Illegally sold properties can become distressed assets,

³ Widiani, R., & Widodo, S. (2019). Pemalsuan Surat Kuasa Menjual Yang Dilakukan Notaris Dalam Jual Beli Tanah (Studi Putusan Pengadilan Negeri Tangerang Nomor 1443/Pid. B/2018. Tng). *Indonesian Notary*, 1(003).

resulting in a decline in property values and confidence in the property market. Forgery of power of sale deeds is a crime that has serious repercussions in various aspects, especially in the legal and economic realms. A power of sale deed is a document that authorizes a person to sell a property on behalf of the rightful owner. When this document is forged, the consequences can be devastating for property owners, financial institutions, and the property market as a whole. This article will discuss the impact of forging a power of sale deed and its implications in the legal and economic sectors. Forgery of power of sale deeds has very significant impacts in the legal realm, including: The rightful owner of the certificate may lose his property rights without his knowledge and consent. A sale process conducted on the basis of a forged deed results in the original owner no longer having control over their assets. In order to regain title to the property, the legitimate owner must go through a lengthy and complicated legal process. This involves proving that the deed is forged, which often requires considerable time, cost and effort. Forgery of documents is a criminal offense regulated under the Criminal Code (KUHP) Article 263. In addition, it can also have civil law implications, where the injured party can sue for damages⁴.

The economic impact of forging a power of sale deed is no less significant: These forgeries can cause huge financial losses to legitimate property owners. Not only do they lose valuable assets, but they also incur costs for legal proceedings and restoration of rights. Financial institutions involved in property financing can face huge risks if the property used as collateral is sold illegally. This could lead to an increase in non-performing loans (NPLs) and damage the financial stability of the institution. Properties involved in fraud cases often become non-performing assets. Legal uncertainty regarding the ownership of such properties can cause a decline in property values and reduce investor interest. Forgery of power of sale deeds can lead to an erosion of confidence in the property market. Potential buyers become more wary and less trusting of property transactions, which can slow down market activity and economic growth. To prevent the serious impact of power of sale deed forgery, several preventive measures can be taken: Notaries should conduct very strict verification of identity and supporting documents, using biometric technology and digital verification systems. The government needs to supervise and regulate the activities of notaries more strictly, including the application of strict sanctions for notaries involved in forgery. Increase public awareness and knowledge on the importance of safeguarding ownership documents and how to report suspicions of forgery. Encourage collaboration between financial institutions, notaries, and government agencies to create a more transparent and accountable system in property transactions. Forgery of power of sale deeds has very serious legal and economic implications. Loss of property rights, lengthy legal proceedings, financial losses, and erosion of property market confidence are some of the many consequences that must be faced. With proper preventive measures and strict law enforcement, it is hoped that the risk of power of sale deed forgery can be minimized, thus maintaining the integrity and stability of the property market in Indonesia⁵.

The notary must conduct strict identity verification of the parties involved in making the power of sale deed. Careful scrutiny of ID cards, passports and other relevant documents should be conducted. The application of technologies such as biometrics and digital signatures can help prevent document forgery. These technologies ensure that the signatures and identities used are legitimate and verified. Educating the public on the importance of safeguarding property documents and being vigilant against fraud schemes is necessary. Property owners must know their rights and obligations as well as the correct procedures in

⁴ Nurlate, M. (2020). Tanggung Jawab Notaris Terhadap Akta Palsu Berdasarkan Pelanggaran Jenis Norma dan Sanksinya. (Studi Kasus Putusan Pengadilan Negeri Tanjung Karang Nomor 244/Pid. B/PN. Tjk). *Indonesian Notary*, 2(3), 18.

⁵ Zougira, E. M. (2017). Tindak Pidana Pemalsuan Akta Autentik Berdasarkan KUHP. *Lex Crimen*, 6(7).

conducting property transactions. Strict law enforcement against forgery perpetrators and notaries involved is essential. Severe sanctions and transparent legal processes will provide a deterrent effect and strengthen public confidence in the legal system. Forgery of power of sale deeds by notary public officials without the consent of the certificate owner is a serious crime that requires special attention from various parties. Effective preventive measures, proper education, and strict law enforcement are key to preventing and tackling this crime. Thus, the integrity of the property buying and selling process can be maintained, and the rights of legitimate property owners can be protected.

Forgery of power of sale deeds is a serious crime that can cause huge losses to property owners and undermine confidence in the legal system and the property market. One important step to prevent this crime is to ensure that notaries conduct strict identity verification of the parties involved in the power of sale deed. This article will discuss the importance of identity verification, technology implementation, public education, and law enforcement in preventing such document forgery. The notary must conduct a careful check on the identity of all parties involved in making the power of sale deed. Here are the steps that must be taken: The notary should carefully check identity documents such as ID cards, passports, and other relevant documents to ensure their authenticity. Verification should include checking the security elements contained in the documents. Biometric technologies such as fingerprints, facial recognition, and iris scans can be used to ensure that the identity used is valid and verified. These technologies provide an additional layer of security by comparing biometric data with data registered in government systems. The implementation of digital signatures can help prevent document forgery. Digital signatures are unique in that they are difficult to forge and can be verified through a secure digital system. The importance of educating the public on property document forgery should not be overlooked. This education should include:⁶ The public needs to be informed about the various modes of fraud that often occur, including the forgery of power of sale deeds. Property owners should be made aware of the importance of maintaining and protecting their property ownership documents. This includes keeping the documents in a safe place and not easily accessible to unauthorized parties. Property owners should know their rights and obligations and the correct procedures in conducting property transactions. This includes understanding the process of document verification and authentication by a notary⁷.

Strict law enforcement against counterfeiters and notaries involved is essential to provide a deterrent effect and strengthen public trust. Some steps that must be taken include: Perpetrators of document forgery and notaries involved should be subject to severe sanctions in accordance with applicable laws and regulations. This will provide a deterrent effect to the perpetrators and prevent similar crimes from occurring in the future. The legal process must be conducted in a transparent and fair manner, ensuring that all parties involved receive justice. Transparency in the handling of document forgery cases will increase public confidence in the legal system. The government should improve supervision of notary activities, including the implementation of periodic audits and sanctions for notaries who violate the code of ethics or engage in illegal acts. Forgery of power of sale deeds by notary public officials without the consent of the certificate owner is a serious crime that requires special attention from various parties. With strict identity verification, the application of advanced technology such as biometrics and digital signatures, proper education to the public, and strict law enforcement, this crime can be prevented and tackled. Such measures will help maintain the integrity of the property buying and selling process and protect the

⁶ Putra, A. J. (2016). Analisis Yuridis Akta Keterangan Lunas yang Dibuat Dihadapan Notaris sebagai Dasar Dibuatnya Kuasa Menjual. *Premise Law Journal*, 19, 164944.

⁷ Afsila, Z. K. R. (2024). Kajian Pertanggung jawaban Pidana Seorang Notaris Dalam Pembuatan Akta Otentik Yang Didasarkan Pada Keterangan Palsu: Studi Putusan Nomor: 773/Pid. B/2021/Pn Smg. *Sosial Simbiosis: Jurnal Integrasi Ilmu Sosial dan Politik*, 1(2), 12-21.

rights of legitimate property owners, thus maintaining confidence in the legal system and the property market⁸

CONCLUSION

A power of sale deed is a legal document that authorizes a person to sell property on behalf of the rightful owner, and is usually drawn up by a notary public. Forgery of this document can occur through various means, such as forging signatures, using fake identities, working with other parties to manipulate data, or involving corrupt notaries. Forgery of a power of sale deed has serious repercussions, both in the legal and economic realms. In the legal realm, legitimate owners can lose their property rights without their knowledge, and the legal process for restoration of rights is lengthy and complicated. On the economic side, these forgeries can cause huge financial losses to individuals and financial institutions and reduce confidence in the property market. To prevent forgery, measures such as strict identity verification, the use of biometric and digital technologies, as well as public education and strict law enforcement should be implemented.

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⁸ Saputra, A. (2022). Penerapan Prinsip Kehati-Hatian Pembuatan Akta Kuasa Menjual Dalam Perjanjian Pengikatan Jual Beli Tanah.