



INCREASING PUBLIC UNDERSTANDING THROUGH LEGAL SOCIALIZATION ABOUT AUTHENTIC DEEDS

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ABSTRACT

Deed is something matter which is common found in life public everyday. However unfortunately, society Still Not yet Lots know about deed, esp to deed authentic. Temporary there is a number of deed obeying the law regulation mandatory legislation made in form deed authentic. Based on to background behind the, Proposer in devotion to public This focused to enhancement understanding public through socialization law about deed authentic carried out at the Suara Bone Beradat Legal Dialogue. However because situation Covid- 19 pandemic, so in carry out activity devotion public This done with teleconference method. From activities socialization law This expected public will obtain understanding about deed authentic, as well capable know difference between deed authentic with deed below hand along with with consequence their respective laws.

Keywords : Legal Socialization; Deed; Authentic Deed

INTRODUCTION

Civil procedural law in Indonesia recognizes five pieces of evidence, namely letters or evidence by writing, witnesses, allegations, confessions and oaths (Nora, 2023) . Each one The evidence has systematic evidentiary power based on the strength of the evidence. An authentic deed is a piece of evidence that has perfect evidentiary power. In particular related civil procedural law with proof, there are various kinds of evidence, one of which is proof with writing or letter. Written evidence or letters are everything contained therein in the form of reading signs which aim to express one's heart or convey one's thoughts. and used as proof (Rahmadhani, 2020) . Letters or evidence with this writing can be categorized into deed and not deed. Then deeds can be divided into two types, namely deeds authentic and private deed.

METHOD

Method used in devotion public This with method carry out counseling law as form education public about procedures distribution treasure inheritance in accordance rules. Activity This carried out in Kading Village, District Awangpone Bone Regency and implemented on support college high, government and society. Implementation activity This through a number of stages that is, do observation early on location devotion to public with dig problems that occur in society. After get input from the community and government of Kading Village, next planned For do counseling law about procedures distribution treasure legacy. The material presented related rules in law inheritance and procedures

distribution treasure legacy. After session giving material, continued with ask answer For deepen knowledge community and giving solution on inherited problems that occur in society.

RESULTS AND DISCUSSION

Overview About Deed Authentic

In the process socialization this, especially formerly displayed about review general to deed authentic, good That from side definition, authorized official, power proof, up to the difference with deed below hand. Deed authentic in a way normative own existing definitions in Article 1868 Civil Code that is something the deed inside form determined by law, made by or in the presence of employees general in power For it's in place Where deed made it. So that based on from definition that, you can seen condition cumulative from something deed authentic is first, that deed authentic must made in form determined by law. Second, made by or in the presence of employees general. So that if it's frequent happens in society that is A letter agreement signed by the parties Then spiked stamp duty, then No is deed authentic, but rather as deed i the deed is below hand. Deed authentic is letter with strength perfect proof compared to with tool proof l kti others. Deed authentic is product official the public owns it method very legalistic arrangement To use realize certainty law and justice (Iryadi, 2018) (Princess, 2021) . Something deed authentic can return classified based on the official who made it deed the following :

a. Deed made by a notary (deed notarial)

Actions law Notary Public in make deed is action authentication something letter in matter validation or make proof written For interests of the parties in a way personal and everything decree and all That has set in law positive (Anggraeny & Al-Fatih, 2020) (Anggraeny & Tongat, 2020) . Deed This only containing notes submitted by the parties appearing, so that official Notary Public No required For investigate truth material related what the parties put forward (Mono, 2007). Deed authentic in discussion This as Already listed in discussion previously that deed authentic here will discussed in a way limitative to deeds made by Notary and PPAT, because deed this is the most found in life public everyday. At a glance about Notary and PPAT, both is official generally given authority by law For make deeds authentic. However the difference is PPAT related with making deed about deed law regarding rights on land or House arrange. Whereas Notary Public about making deed authentic to all over actions required by regulations legislation in form authentic, or on the wishes of the parties. To authority Notary Public stated in Article 15 of the Law Number 2 of 2014 concerning Changes to the Law Number 30 of 2004 concerning Position Notary (next called UUJN). Apart from that, there are differences both of them seen clear from the responsible legal institution answer on appointment and dismissal as well as the monitoring system implemented to Notary and PPAT (Iftitah, 2014) . Reviewed from strength the proof, deed authentic own strength evidentiary nature perfect and binding (acte ambtelijk). This is also the background with exists system proof that Indonesia uses it written evidence as tool priority evidence compared to tool proof other (Septianingsih et al., 2020) . as outlined in Article 1866 Civil Code. The “ perfect ” characteristic on the deed authentic It means deed authentic the Enough prove about incident or right, while “ binding ” is meant that deed the must trusted Judge who must considered Correct during untruth the No proven on the contrary (Mulyadi, 2009). Different with deed below hand, strength the proof only nature limited to the parties just, meaning No tie to party third. Deed below hand own strength formal proof if sign hand contained in the

deed that acknowledged by the parties, in other words, the statements of the parties are mutual also recognized and justified (Putri, 2021) (Meitinah, 2017).

Based on to regulation legislation, there is a number of regulation which requires deed the For poured to form deed authentic like for example :

- a. Mortgage object fixed a fixed besides land (Article 1172 of the Civil Code)
- b. Mortgage Rights (Article 10 paragraph (2) of the Law Number 4 of 1996 concerning ak 's Rights dependents)
- c. Fiduciary (ia (Article 515 Law N g Number 42 T 42 of 1999 concerning Guarantee Fiduciary)
- d. And deeds law others required by regulations legislation - invitation For made in form deed authentic.

Session and Discussion

After done exposure about review general related deed authentic, as in has displayed in discussion before, then furthermore enter session next that is session ask answers and discussions submitted by the audience through Whatsapp Suara Bone Beradat. In session this, the presenter said question the For Then answered by the Applicant. Enthusiasm The audience is also visible in socialization this. In this dialogue there is a number of questions asked by the audience of Suara Bone Beradat. Question the diverse category, Starting from problem about certificates, agreements and agreements, land, to proof in procedural law. Questions the submitted through message Whatsapp sent to the Voice of Indigenous Bone

1. How If deed the law should be done through deed authentic but No done, for example only with letter agreement only ? is the agreement legitimate or no ?
Need explained that to validity or condition legitimate something agreement, then refer to Article 1320 of the Civil Code, mentioned that condition legitimate agreement including :
 - a. Agreed those who tie it himself
 - b. Proficiency For make something engagement
 - c. Something matter certain ; and a lawful reasons
2. Condition legitimate the agreement at points a and b, is element subjective meaning if No fulfilled so agreement the can cancelled. Whereas For points c and d, are element objective, so if element the No fulfilled so agreement the null and void by the law of the owner meaning that No Once There is agreement between the parties.

In case something deed law, for example in sell buy which land is the object is object fixed. For its validity still refers to Article 1320 of the Civil Code, however in matter submission or levering objects still, no as in objects move that can done hand to hand, however must through submission juridical or juridische levering, known in term general “ back name ” via deed authentic or Sale and Purchase Deed made by PPAT (cause in making related deed with land, then matter This is authority from PPAT). So that if has done deed sell buy that, then submitted without through PPAT, of course will experience difficulty in matter come back Name that. Because For carry out this process required the existence of A a The Deed of Sale and Purchase made by an authorized official is good namely PPAT or Temporary PPAT. Therefore that, here seen about the importance of having an agreement sell buy land the For made in form deed authentic, as regulated by regulations legislation.

I have deed still land in the form of Letter C, whether including certificate or deed authentic?

Letter C is something determination written issue issued by the Village Head or head of the Village Head Des (Sadjarwo, 2020) . Move on from definition that, then be clear that (Harsono, 2013). So that

be clear that in perspective strength proof, certificate own strength different evidence with Letter C, namely as tool strong evidence. Based on explanation following, then be clear that Letter C is not including certificate but can done registration naturally with notice provision regulation legislation, esp in the Land Registration PP.

3. For example I make agreement but No in form deed authentic, but only in a way written signed However given sign hand and seal, whether Already enough ?

For answer question that, basically need done comparison between deed authentic with deed below hand. As has displayed in discussion previously that duty stamp No including in condition legitimate agreement as stated in Article 1320 of the Civil Code, then there is or No exists duty stamp No including to in condition it's legal something agreement. Then in matter here, the parties make something agreement written signature signed by the affixed parties stamp duty, which is such an agreement That including as deed below hand. On rights There is in essence difference main between deed and not deed is in the intent while letter the made. According to Retnowulan Sutantio, one piece letter normal made No with Meaning For made proof, if Then letter That made evidence, p That is something as it happens just, deep group This including letters love, related letters with correspondence trade, and so on (Sutantio, e tio, et. al, t. al, 2009). According to Vollmar, a deed can said as proof perfect for the parties in condition certain. (Volmar, 1984). Meaning as proof perfect to deed authentic has displayed in discussion before. But there is a number of condition for something deed below hands to have strength almost proof The same with deed authentic. Deed below hand the must recognized about truth contents and marks hands signed by the parties. When the parties No deny truth fill deed and sign hand that, then strength proof deed below hand the become almost The same with deed authentic. So then arise problem, how? if one party deny sign hand that. So if refer to Pas there Article 1877 of the Civil Code, that the Judge will instruct inspection to truth signature and signature that. Why explained about strength proof, cause strength proof something tool proof works in frame evidence at trial. For example there is dispute between the parties, if taken track litigation or through the judge as solution dispute, then here it is strength proof will seen the difference between deed authentic with deed below hand. In the UUJN it is also confirmed that deed authentic too made to deeds the law under which the parties want For made in form deed authentic. So that related with adequacy deed under hand or deed authentic, as long as deed law the No required in form deed authentic, then can consider from the wishes of the parties is want to poured in form deed authentic or deed below hand, with consider excess of each deed that. Then after all over session, fine That session exposure nor session ask answer and discuss has taking place during not enough over 60 (six twenty) minutes, then furthermore done closing activities. Closing activity This done with reading conclusion by the presenter as well followed with join in deliver the closing statement from Resource person. After done socialization law related deed authentic, expected public can understand about deed authentic, good That from facet meaning, function, and the difference with deed below hand Good in perspective strength proof. Activities held January 20, 2023.

CONCLUSION

Society in general, not yet know about what is meant with deed authentic even often there is understanding that during agreement the spiked stamp duty, then considered has fulfil element validity agreement. Therefore should public understand related what is meant with deed authentic, deed law What only those who need it deed authentic, as well What the difference with deed below hand. Through socialization law This is expected public can obtain understanding and also knowing ins and

outs outs and outs about deed authentic. As recommendations, for devotion Next, you can do devotion with method explain deed authentic besides from deed made by a notary or PPAT, for example Deed Birth and so on.

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