

The Authority of PPAT in Making APHT at PT. Bank Negara Indonesia

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ABSTRACT

The Deed of Granting Dependent Rights (APHT) is a legal instrument that has a strategic role in ensuring certainty and legal protection for loans provided by banks. In practice, the making of APHT can only be done by the formally and territorially authorized Land Deed Making Officer (PPAT). This study aims to analyze the authority of PPAT in the manufacture of APHT at PT. Bank Negara Indonesia (Persero) Tbk, as well as identifying the implementation and legal obstacles that occur in practice. The research method used is an empirical juridical approach, with primary data collection through interviews with PPAT and credit officials at BNI Biak Branch Offices, as well as secondary data from laws and regulations and legal literature. The results of the study show that PPAT has exclusive authority in making APHT in accordance with Law Number 4 of 1996 concerning Dependent Rights. However, in the practice of cooperation with the bank, there are a number of challenges such as delays in submitting documents, lack of understanding of the debtor on legal procedures, and administrative obstacles in the process of registering dependent rights with the Land Office.

Keywords: APHT; Bank BNI; Guarantee,.

INTRODUCTION

In Indonesia, access to financing or credit is one of the important factors that drive economic growth. In the financing process, the existence of collateral plays a crucial role as risk mitigation for lenders. The Right of Dependency on land, regulated in Law Number 4 of 1996, is one of the popular guarantee instruments because it provides legal certainty and payment priority to creditors. The creation of a Deed of Grant of Dependent Rights (APHT) is a critical process in financing with guarantee of dependent rights, where the Land Deed Making Officer (PPAT) plays the role of a legal liaison between debtors and creditors.

In financing activities by banks, the provision of credit is always accompanied by a request for guarantees to provide legal certainty and protection against the risk of default from debtors.¹ One of the commonly used forms of guarantee is the Dependent Rights on

¹ Sitorus, R., & Wijaya, M. (2025). The Power of Attorney Imposes Dependent Rights in Banking Credit Agreements (Study on PT. Bank Syariah Indonesia Medan Ahmad Yani Branch). *International Journal of Law Analytics*, 3(2), 229-238.

land and/or buildings, as stipulated in Law Number 4 of 1996 concerning Dependent Rights on Land and Objects Related to Land (Law on Dependent Rights).

The problems in this study can be formulated as follows: What obstacles are faced by notaries/PPAT in carrying out their role in making the Deed of Grant of Dependent Rights (APHT) with the guarantee of dependent rights at PT. Bank Negara Indonesia (Persero) Tbk - Biak Branch. The purpose of this study is to uncover the factors that cause obstacles in the process of making APHT, including administrative, technical, and practical aspects in the field that may affect the efficiency and effectiveness of the work of notaries/PPATs.

The main authority of PPAT is to make authentic deeds. An authentic deed is a legal document made by or before an authorized official (in this case PPAT) and has a high probative power.² Authentic deeds made by PPAT include various types of legal acts on land, and others related to land rights.

One of the important legal documents, namely the Deed of Grant of Dependent Rights (APHT), is made by or in front of the Land Deed Making Officer (PPAT) who has authority under the law.³ This Deed of Grant of Dependent Rights (APHT) is the result of the use of land, buildings, and other objects that are considered as a unit with land as collateral to obtain credit from banks in Indonesia. This process results in a legal right known as the Dependent Right.⁴

Definition of Dependent Rights according to Article 1 (one) of Law of the Republic of Indonesia Number 4 of 1996, concerning Dependent Rights is the right of guarantee imposed on land as referred to in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, along with or not along with other objects that are one unit with the land, for the repayment of certain debts, which give a priority position to certain creditors over other creditors

The main purpose of the creation of the Right of Dependency is to provide security and legal certainty to the creditor that the debt given to the debtor will be paid.⁵ This gives the creditor the right to get debt repayment that is prioritized from the proceeds of the sale of the object of the Dependent Right, if the debtor fails to fulfill his obligations for the land.⁶

In the world of banking, especially in credit transactions involving guarantees, the process of legalization and document ratification by a notary/PPAT has a crucial role. Notaries of bank partners are in charge of ensuring that all transaction documents and guarantees comply with applicable legal provisions, thereby providing security and legal certainty for banks and their clients. This process includes the creation, verification, and signing of documents, all of which must be done with rigor and adherence to strict legal

² Martini, M., Takdir, T., & Arif, F. M. (2023). Legal Implications of APHT Registered by PPAT More Than 7 (Seven) Working Days. *UNES Law Review*, 6(2), 5902-5914.

³ Sari, T. N., Ismansyah, I., & Fendri, A. (2023). TANGGUNG JAWAB PPAT DALAM PEMASANGAN HAK TANGGUNGAN (Studi Kasus Perkara Nomor 285 PK/Pdt/2013). *UNES Law Review*, 5(4), 1580-1593.

⁴ Anli, F., Fauzi, A., & Limbong, F. S. (2023). Tanggung Jawab Notaris Dan PPAT Dalam Pembuatan APHT Berdasarkan SKMHT Pada Bank Mandiri Di Kabupaten Labuhan Batu. *Legalitas: Jurnal Hukum*, 14(2), 285-290.

⁵ Adistie, N., & Anwar, J. (2021). Hubungan Keabsahan Pengalihan Piutang (Cessie) Yang Dilakukan Secara Berulang Kali Terhadap Perpindahan Hak Tanggungan Milik Debitur. *Yustisia Tirtayasa: Jurnal Tugas Akhir*, 1(1).

⁶ Arba, H. M., SH, M., Mulada, D. A., & SH, M. (2021). *Hukum Hak Tanggungan: Hak Tanggungan Atas Tanah dan Benda-Benda Diatasnya*. Sinar Grafika (Bumi Aksara).

standards.

However, in practice, problems often arise related to delays in document processing at the notary bank counter. This delay can be caused by various factors, ranging from internal problems of the notary, errors or deficiencies in documents, to challenges in the interpretation of applicable legal regulations. The effect of this delay is not only detrimental in terms of time and cost, but can also reduce customer trust in the bank and the notary

METHOD

This research uses the normative juridical method, which is an approach that examines law as a system of norms written in laws and regulations, court decisions, doctrines, and legal literature. This research departs from the view that legal issues that arise in the practice of making Deeds of Grant of Dependent Rights (APHT) by Land Deed Making Officials (PPAT) can be analyzed and explained through applicable positive legal norms. Therefore, the main focus of this method is on library research, which aims to examine the written legal rules that govern the authority of PPAT and the procedure for making APHT in order to ensure legal certainty for the parties in collateral-based financing transactions.

Normative research aims to examine and understand how the law should apply (*das sollen*), not how the law is practiced in empirical reality (*das sein*), so that the entire analysis process relies on primary and secondary legal materials that are textual and conceptual.⁷

As explained by Peter Mahmud Marzuki, normative legal research is a method that focuses on the study of legal materials as the main object of study, by interpreting and constructing applicable laws to answer certain legal issues.⁸ According to Marzuki, this approach is prescriptive because it aims not only to describe the law, but also to provide normative arguments for the validity of a legal action or act in the legal system adopted.⁹ Meanwhile, Soerjono Soekanto and Sri Mamudji stated that normative legal research includes research on legal principles, legal systematics, legal synchronization, legal history, and comparative law.¹⁰

The approaches used in this study include a statutory approach and a conceptual approach. The legislative approach is used to examine and interpret the provisions of Law Number 4 of 1996 concerning Dependent Rights over Land and Objects Related to Land, Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, and other technical regulations that regulate the authority of notaries and PPAT. A conceptual approach is needed to examine legal doctrine, the legal principles of guarantees, and the normative role of PPAT in providing evidentiary strength and legal certainty through the making of authentic deeds, especially APHT.

The type of data used in this study is in the form of primary legal materials, such as laws and regulations governing the rights of dependents and PPAT positions, as well as secondary legal materials, such as textbooks, scientific articles, opinions of legal experts,

⁷ Novea Elysa Wardhani, Sepriano, and Reni Sinta Yani, *Metodologi Penelitian Bidang Hukum* (Jambi: PT. Sonpedia Publishing Indonesia., 2025).

⁸ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

⁹ Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

¹⁰ Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859, <https://doi.org/10.29040/jiei.v8i3.6485>.

and other relevant legal sources. The data obtained is then analyzed in a normative qualitative manner, namely by interpreting the legal text and comparing it with practices that occur in the field, to find gaps or obstacles in the implementation of normative provisions in the context of making APHT.

Through this normative juridical method, the research is expected to be able to reveal the factors that are obstacles in the implementation of the duties of a notary/PPAT in the process of legalizing credit guarantees, including administrative, technical, and complex aspects of relationships between legal actors in the banking world. Thus, this research not only maps problems in the context of legal theories and norms, but also contributes to formulating normative solutions that can increase the effectiveness and legal certainty in the implementation of APHT in banking institutions.

DISCUSSION

Cases of delays in document processing at notary bank partners, especially those related to credit and guarantee transactions, are a serious concern for banking industry players. In this context, it is important to identify the main causes of the delay and find solutions that can address the problem, so as to increase the efficiency and effectiveness of the document legalization process. Especially at PT. Bank Negara Indonesia (Persero) Tbk – Biak Branch in 2023, there will be 91 (ninety-one) delays in the process of documents for the creation of the Deed of Grant of Dependent Rights (APHT) at the partner notary so that it can result in risks that will harm the bank if the guarantee binding process cannot be carried out perfectly.¹¹

Based on the above context, this study will examine in depth the legal position of notaries/PPAT in making the Making of Deeds of Grant of Dependent Rights (APHT) at PT. Bank Negara Indonesia (Persero) Tbk – Biak Branch, with a focus on dependents as collateral. This study aims to identify and analyze in detail how notaries contribute to facilitating the process of making efficient and effective Deeds of Grant of Dependents (APHT), as well as identify obstacles faced in practice.

Collateral can only be in the form of goods, projects, or billing rights financed by credit. Land whose ownership is based on the law, and others of the same can be used as collateral. Banks are not obliged to ask for collateral in the form of goods that are not directly related to the object being financed, or usually called additional collateral. Guarantee in a debt agreement is something that the debtor gives to the creditor as an effort to provide confidence in the obligation to pay the debt and arise because there is an agreement.¹² Guarantee institutions are increasing over time. This is considering that the need for national development in the economic sector requires the provision of large enough funds so that a strong guarantee right institution is needed and able to provide legal certainty for interested parties, especially business actors.¹³ The obstacles faced by notaries/PPAT in carrying out their role in making the Deed of Grant of Dependent Rights (APHT) with the guarantee of dependent rights at PT. Bank Negara

¹¹ Amin Yulinda, 2024, yang berjudul “Tanggung Jawab Notaris dalam Mengeluarkan Covernote dalam Dunia Perbankan”, Vol. 3 No 1 Januari 2024, Jogjakarta : Universitas Islam Indonesia, Jogjakarta

¹² Gusti, N. P. S., Alhamdha, A., & Alfieyan, M. (2023). Peran Covernote Notaris Sebagai Dasar Pencairan Kredit Oleh Bank. *Jurnal Education And Development*, 11(1), 87-93.

¹³ Saraswati, L. P. P. S. P. (2021). Peranan perusahaan penjaminan dalam mengatasi permasalahan umkm mengakses kredit di sektor perbankan (setelah berlakunya undang-undang nomor 1 tahun 2016 tentang penjaminan). *Jurnal Hukum dan Pembangunan*, 51(2), 512-522.

Indonesia (Persero) Tbk-Biak Branch. The process of making a Deed of Grant of Dependent Rights (APHT) is one of the crucial steps in credit transactions with guaranteed rights of dependents. At PT. Bank Negara Indonesia (Persero) Tbk-Biak Branch, the role of notary/PPAT is very important in ensuring the legality and validity of documents used as credit guarantees. However, in practice, there are various obstacles faced by notaries/PPAT in making the Deed of Grant of Dependent Rights (APHT) causing delays.¹⁴

Cases of delays in document processing at notary bank partners, especially those related to credit and guarantee transactions, are a serious concern for banking industry players.¹⁵ In this context, it is important to identify the main causes of the delay and find solutions to overcome them, so as to improve the efficiency and effectiveness of the document legalization process.

There is an obstacle, namely certificates that have not been plotted by the National Land Agency (BPN). This often causes delays because National Land Agency (BPN) officers are slow to go to the location.

Based on the results of interviews with various parties involved in the process of making the Deed of Grant of Dependent Rights (APHT) at PT. Bank Negara Indonesia (Persero) Tbk-Biak Branch, some of the main obstacles faced by notaries/PPAT and other parties in carrying out their roles in making a Deed of Grant of Dependent Rights (APHT) with the guarantee of Dependent Rights can be explained as follows:

1. Obstacles to Village and Sub-district Expansion

The expansion of villages and sub-districts in Biak Numfor Regency poses serious obstacles in the process of making the Deed of Grant of Dependent Rights (APHT). This expansion led to changes to the administrative area that had to be accommodated in the land certificate. Before the Deed of Granting Dependent Rights (APHT) can be made. The original land certificate must be adjusted to the new village and sub-district data. This adjustment process often causes delays, as it requires re-verification and updating of administrative data on the certificate, which of course takes time.

2. Constraints of Unplotted Certificates

Plotting is the process of measuring and determining land boundaries that must be carried out by the National Land Agency (BPN) to ensure the accuracy and legality of the land that is collateral. Because the certificate has not been plotted, the National Land Agency (BPN) needs to go directly to the location of the land object to carry out measurements and mapping. This process not only takes a considerable amount of time but also requires additional costs. Delays in plotting often cause delays in the preparation of the Deed of Grant of Dependent Rights (APHT).

3. Completeness of Files and Differences in Debtor Data

Marina, another associate notary, revealed that another obstacle that is often faced is the completeness of files and data differences in important documents. For example, unpaid Land and Building Tax (PBB) or differences in the debtor's name on their ID cards, Family Cards, and land certificates. This problem takes time to resolve because it has to go through an administrative process that involves updating or completing documents. As a result, the process of signing the Deed of Grant of Dependent Rights

¹⁴ Rokhmah, S., Khisni, A., & Purnawan, A. The Role of Notary in Making the Deed of Power of Attorney Imposing Mortgage on Land Collateral. *Sultan Agung Notary Law Review*, 3(3), 860-870.

¹⁵ Kosasih, J. I., & Haykal, H. (2021). *Kasus hukum notaris di bidang kredit perbankan*. Bumi Aksara.

(APHT) was delayed until all files were appropriate and complete.

4. Technical Constraints in the Online HT System

The implementation of the online HT system used by the National Land Agency (BPN). This system, although intended to speed up the process of registering Dependent Rights, often faces problems such as internet network disruptions and difficulties in determining the coordinate points of land guarantees. This disruption caused delays in the electronic process, which should have been faster, but instead increased the time needed to complete the creation of the Deed of Grant of Dependent Rights (APHT).

5. Weather and Infrastructure Constraints in the Field

Erratic weather conditions are an obstacle that is often faced by National Land Agency (BPN) officers in the field. Bad weather can hinder officers in measuring and plotting the soil. In addition, inadequate infrastructure, such as a poor internet network or even not being present at the location of a land object, complicates the plotting process. Limited operational vehicles and lack of operational costs, such as fuel, also slow down the work of officers in the field

6. Lack of Understanding of Technology by National Land Agency (BPN) Employees The increasingly complex use of technology and systems in the operations of the National Land Agency (BPN) requires adequate understanding and skills. The inability of employees to operate the system used at the Biak National Land Agency (BPN) office slowed down the administrative and operational process, which ultimately extended the time needed to complete the creation of the Deed of Grant of Dependent Rights (APHT).

7. Direct Impact on Debtors

Delays in the process of plotting certificates and completeness of files caused delays in the signing of the Deed of Granting Rights of Dependents (APHT). This not only lengthens the credit application process, but it also creates uncertainty for debtors in completing their collateral-related administration.

One of the direct impacts of delays in the issuance of the Deed of Grant of Dependent Rights (APHT) is the delay in distributing credit to customers.¹⁶ The process of making a Deed of Grant of Dependent Rights (APHT) which takes longer than expected, either due to village expansion, completeness of files, or constraints in plotting certificates, causes banks to be unable to immediately disburse funds to debtors. This not only slows down the realization of approved loans but can also hinder the customer's business plan and investment.

CONCLUSION

The legal position of the Land Deed Making Officer (PPAT) in the process of imposing dependent rights on creditors and debtors is to bridge the interests of the debtor with the interests of creditors so that both parties get a sense of justice, usefulness, and legal certainty in binding the guarantee of Dependent Rights. Various obstacles faced by notaries/PPAT in making the Deed of Grant of Dependent Rights (APHT), include technical, administrative, operational, and human resource aspects. There is an obstacle, namely certificates that have not been plotted by the National Land Agency (BPN). This often causes delays because National Land Agency (BPN) officers are slow to go down to the location.

¹⁶ Subhan, M. (2020). Kepastian Hukum Surat Kuasa Membebaskan Hak Tanggungan Akibat Keterlambatan Menerbitkan Akta Pemberian Hak Tanggungan. *Journal de Facto*, 7(1), 23-37.

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