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Yanuari Ulfah Kurniawati^a, Ana Silviana^b

^aUniversitas Diponegoro, Indonesia,
mhkamilasutopo@gmail.com

^bUniversitas Diponegoro, Indonesia,
silvianafhundip@gmail.com

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Yanuari Ulfah Kurniawati^{a*}, Ana Silviana^b

^aUniversitas Diponegoro, Indonesia, mhkamilasutopo@gmail.com

^bUniversitas Diponegoro, Indonesia, silvianafhundip@gmail.com

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*Corresponding author: mhkamilasutopo@gmail.com

Abstract

The registration of the transfer of land rights resulting from court decisions is an unusual transitional registration, so it is necessary to study what decisions can be used as the basis for registering rights and what the registration mechanism is. An example is the decision of the Tegal District Court No. 01/Pdt.G/2013/PN.Tgl. which has permanent legal force so that it can be used as the basis for registration of the transfer of rights. The registration mechanism is through a review and recommendation from the Tegal City Land Office, followed up by the ownership registration.

Keywords: Registration, Transitions, Decision, Court

1. Introduction

Land registration has several objectives, including ensuring legal certainty and certainty of land rights regarding physical data and juridical data (Tehupeiory, 2012). Through the Ministry of Agrarian Affairs and Spatial Planning or the National Land Agency, the government issues certificates so that the public can easily prove the legal relationship between landowners and the land they own. As time goes by, technological developments and changes in socio-economic patterns greatly influence the provisions in land registration (Waskito & Arnowo, 2019). The land registration process often experiences obstacles. Internal and external factors, such as blocking due to disputes with other parties.

In agrarian law, it regulates the juridical aspect, namely the relationship between humans or subjects of rights and the land they control or own, as stated in Article 4 paragraph (1) of the UUPA that "Based on the State's right to control as intended in Article 2, it is determined that there are various rights to the surface of the earth, called land, which can be given to and can be owned by people either alone or together with other people and legal entities" (Arba & Tarmizi, 2015, 12).

Land rights give authority to someone who can use or take advantage of the land. Land tenure rights are different from land rights. Transferring land rights from one owner to another is the transfer of land rights. Transfer and alienation are two ways of transferring land rights. Transfer refers to transferring land rights without the owner taking legal action, such as through inheritance. Meanwhile, transfer refers to the legal action of the owner, such as buying and selling, which results in the transfer of land rights. Another legal act, known as a juridical transfer (name transfer), is required to transfer land rights from the seller to the buyer.

One of the events or legal acts that result in the transfer of land rights from the owner to another party is the transfer of land rights. This transfer can be carried out intentionally due to legal actions such as leasing, buying and selling, etc. On, or can be unintentional due to legal events such as inheritance or rights transfer. One way to control or have freedom of property is through trading interactions. According to Article 1457 of the Civil Code (KUHPerdata), "sale and purchase" is an agreement where one party promises to hand over an item, and the other party promises to pay the agreed price. Also, customary law regulates the legal process of buying and selling. Property rights can be transferred according to customary law.

"The provisions of Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, states that every transfer of land rights through sale and purchase, grant, capital infusion in a company and other legal acts of transfer of rights, can only be registered if a deed can prove it. Made by the Land Deed Making Officer (PPAT) except auctions. "The UUPA also stipulates that every transfer, deletion, and encumbrance of other rights must be registered according to the provisions of Article 19 paragraph (1) of the UUPA, which is strong evidence regarding the deletion of property rights and the legality of the transfer and imposition of consumer rights from the community" (Harsono, 1997).

The transfer of juridical data aims to provide legal certainty to new rights holders so that problems do not occur in the future. The transfer of data rights is recorded in the land data maintenance history on a certificate by the National Land Agency (BPN). The new owner is the legal right holder when the rights transfer has been registered. Referring to previous research by Muhammad Aldi Al-Himni and Edith Ratna MS titled "Transfer of Land Rights for Underhand Sale and Purchase for Uncertified Land in Kubu Raya Regency." From the results of this research, it is concluded that private buying and selling can be used as a basis for making certificates or land registration for the first time with several requirements that must be met, namely if the buying and selling is carried out before the issuance of Government Regulation No. 24 of 1997. Another related research journal is from Muchamad Satria Endriana and Widhi Handoko, titled "Transfer of Names of Land Ownership Certificates in Land Buying and Selling at the Batang Regency Land Office." This research concluded that those registering for transfer of name certificates were required to attach complete documents such as the Deed of Sale and Purchase made by PPAT as the basis for the transfer of rights. Another related research journal is from Muchamad Satria Endriana and Widhi Handoko, titled "Transfer of Names of Land Ownership Certificates in Land Buying and Selling at the Batang Regency Land Office." This research concluded that those registering for transfer of name certificates were required to attach complete documents such as the Deed of Sale and Purchase made by PPAT as the basis for the transfer of rights. Another related research journal is from Muchamad Satria Endriana and Widhi Handoko, titled "Transfer of Names of Land Ownership Certificates in Land Buying and Selling at the Batang Regency Land Office." This research concluded that those registering for transfer of name certificates were required to attach complete documents such as the Deed of Sale and Purchase made by PPAT as the basis for the transfer of rights.

By looking at previous research, the author can conclude that a basis for registration is required to register a transfer of rights. In the case of land that has been certified, a PPAT Deed is required, either a Sale and Purchase Deed, a Grant Deed, an Exchange Deed, and so on. Meanwhile, for land that has not been registered for registration for the first time, you can use a private sale and purchase agreement with the condition that the sale and purchase is carried out before the issuance of Government Regulation No. 24 of 1997. This research reinforces that it is necessary to examine other mechanisms for registering transfers of rights, namely registration of transfers of rights on land with a court decision that has been confirmed.

An example is the decision in civil case number 01/Pdt.G/2013/PN.TGL, which has permanent legal force (*incraht*). The case was between Hj Siti Aisah as the plaintiff against Mr Akyas et al. In the primary decision, it was stated that Hj Siti Aisah was the one who had the right to the SHM. 360-yard land was split into two, namely SHM.1560 and SHM.1561, located in Sumurpanggang Village, Tegal Selatan District, Tegal City.

Regarding this decision, materially, Hj Siti Aisah is the legal owner of the land referred to in the case. However, Hj Siti Aisah cannot take legal action against the land because she has not yet registered the transfer of her rights. Indonesian law guarantees legal certainty regarding the rights of the subject's name on the certificate. In other words, Hj Siti Aisah must register

the transfer of her rights at the Land Office against the court decision. From this, the question will arise as to whether the Land Office can immediately process the registration of the transfer of rights or not, considering that the decision does not clearly state that it orders the Land Office (BPN) to process the transfer of rights as regulated in Article 55 PP 24 of 1997 concerning Land Registration.

If you look at Article 54 of PERKABAN No.3 of 2011, BPN must follow up on court decisions with permanent legal force (*incraht*) unless there are specific reasons for not implementing them. Because of these things, various questions arise regarding the registration of the transfer of rights due to a final court decision.

2. Methods

An effort to determine, describe, and evaluate the validity of a view carried out using scientific methods can be called a research method (Sutrisno, 1979). This research uses a statutory approach and a case approach. The data used are primary and secondary legal materials obtained from various sources. The data collected is analyzed normatively so that it can be analyzed and answers to problems can be obtained so that a conclusion can be obtained.

3. Results and Discussion

Legal Basis for Land Registration Based on Court Decisions

According to Article 1 paragraph (3) of the 1945 Constitution, which states that Indonesia upholds the supremacy of law as something that must be implemented, Indonesia is classified as a rule of law country that is agreed upon by all Indonesian people. The constitutional system in Indonesia was influenced by declaring itself as a rule of law because one of the characteristics of the rule of law, as outlined in the 1945 Constitution, is the limitation of power, which ensures that the state is not arbitrary. Judicial, legislative, and executive powers are three broad categories that limit the powers and powers of high state institutions in Indonesia. The Supreme Court (MA), the highest court in Indonesia, is a judicial authority because it cannot be influenced by legislative or executive power in carrying out its duties.

Article 4 indicates that rights holders will receive a certificate of land rights as proof of ownership to provide legal clarity and protection for rights holders so that they can immediately prove that they are the owners of the rights in question. Based on several articles in the UUPA and PP no. 24 of 1997, this regulation clearly explains legal certainty for land rights holders. Therefore, it is known that one of the objectives of establishing the UUPA is to build a foundation for legal certainty over all land rights of the Indonesian people.

As regulated in Article 32 of Government Regulation Number 24 of 1997 concerning "The Power of Land Ownership Certificates, the existence of land certificates will provide legal certainty and legal protection for holders of land rights in question. Legal certainty means "it is possible to determine and know clearly who the holder of land rights is and what objects of land rights are involved. When another party files a lawsuit or requires another party to file a claim regarding ownership of someone's land rights, a guarantee of legal protection will be given to the holder of the certified land rights.

The guarantee of legal certainty intended to be realized in land registration includes certainty about the status of the rights being registered, certainty about the subject of the right, and certainty about the object of the right. This land registration produces a certificate as proof of rights. (Mujiburohman, 2018) One of the aims and benefits of holding land registration, with the legal result being a land certificate, is to protect and guarantee legal certainty for holders of land rights, apartment units, and other registered rights so that they can be easily proven. He as the holder of the relevant rights. Transfer of rights is the transfer of ownership rights to land from one subject to another due to an event or legal action. The state organizational framework

in Indonesia provides authenticity for the legal executive to choose cases (debates) freely without mediation from any party and the results of the legal cycle as a choice of court which has extreme legitimacy power, must be considered and implemented by every Indonesian. individuals including public authorities as coordinators of executive power because judicial power is constitutionally binding on all citizens and applies universally. For the realization of the supremacy of law which leads to sovereign government, these decisions must be implemented and respected by all parties. to the dispute.

Legal actions such as transferring rights or changing the name of a land certificate must be carried out with a deed made by the Land Deed Making Officer (PPAT) based on the provisions of Article 19 paragraph (2) UUPA jo. Article 37 paragraph (1) PP 24/1997. The Sale and Purchase Deed (AJB) is legal proof that land rights have been transferred to another party (Sari & Keumala, 2022).

As a country that upholds the supremacy of law, BPN must respect and comply with decisions in land cases if the court decision has permanent legal force. This is because BPN is tasked with carrying out executive functions in the land sector, which is referred to as land by Article 33 paragraph 3 of the 1945 Constitution and translated into Article 2 of the UUPA as the term State Controlling Rights over Land or the implementation of court decisions that have permanent legal consequences, hence ownership. Land ownership certificates can be canceled. However, based on the facts that occur in social life, a "Land Rights Certificate" cannot fully guarantee legal certainty and legal protection for land rights holders.

Suppose a certificate has been legally issued to a plot of land in the name of a person or legal entity who acquired the land in good faith and controlled it. In that case, other parties who feel they have rights to the land can no longer demand the implementation of that right if, within 5 (five) years after the issuance of the certificate, they do not submit a written objection to the certificate holder and the Head of the Land Office concerned or file a lawsuit to the Court regarding control of the land or the issuance of the certificate (Fitria et al., 2021).

Article 20, paragraph (2) UUPA stipulates that property rights can be transferred and transferred to other parties. Two forms of transfer of ownership rights to land, namely:

a. Switch

Transfer means transferring ownership rights to land from the owner to another party due to a legal event. The legal event is the death of the landowner. Upon the death of the land owner, the legal ownership rights to the land are transferred to his heirs, fulfilling the requirements as subject to ownership rights. The transfer of ownership rights to land is through an inheritance process from the land owner as heir to another party as heir.

b. Redirected

Transferred means transferring ownership rights to land from the owner to another party due to legal action. Legal actions are actions that give rise to legal consequences. Legal acts include buying and selling, exchange, grants, income into company capital, and auctions.

Every right to land, including changes, transfers, and encumbrances, must be registered. Registration is carried out on land that has never been registered (no certificate yet) and on land that has already been registered (certificated). There have been changes to both the land and the owner. There are various changes to this land. It could be due to a transfer of rights, or because it is burdened with a right, and even if the land is lost or destroyed, it must also be registered. One of the legal bases for registering transfers of land rights is Article 23 Paragraph (1) UUPA, which states that "property rights, as well as any transfer, deletion, and encumbrance 156 with other rights, must be registered according to the provisions referred to in Article 19 UUPA. "Therefore, every holder of land rights must register his land as regulated in the UUPA. Under Article 19 Paragraph 1 of UUPA No. 5 of 1960, "to ensure legal certainty by the Government,

land registration is carried out throughout the territory of the Republic of Indonesia according to the provisions regulated by Government Regulations."

Constitutionally, authorized BPN officials do not need to hesitate to implement the contents of court decisions that have permanent legal force. This is because juridically, registration of land rights based on court decisions is part of the implementation of executive functions based on and in collaboration with the products of judicial power (court decisions) so that these actions can be accounted for, are a form of implementation of legal rules, and can be classified as constitutional actions. On the other hand, if the law enforcer (judge) finds out that the object being sued is the result of the registration of rights based on a court decision in the form of a note in the land book and certificate, the case against the object must be dismissed for the sake of legal certainty and upholding the supremacy of the law.

- a) The Court Registrar must notify the Head of the Land Office about all Court decisions that have obtained permanent legal force and about the decision of the Head of Court to make changes to data regarding registered land plots or apartment units, which must be recorded in the relevant land book as much as possible .certificates and additional lists
- b) Based on an official copy of the court decision which has permanent legal force or a copy of the decision of the Head of the Court concerned, which he submits to the Head of the Land Office, interested parties can also request that the registration as intended in paragraph (1) be carried out.
- c) After receiving a decision letter regarding the abolition of the rights in question from the Minister or the official appointed by him as intended in Article 52 paragraph (1), the recording of the dissolution of land rights, management rights, and ownership rights to apartment units is based on the executed court decision.

Article 55 PP 24 of 1997 generally establishes the legal basis for registration based on court decisions. Simorangkir expressed the idea that the state includes the government and other state institutions, which shows that one of the elements of BPN's authority has been fulfilled within the corridors of the rule of law. All actions must comply with the law or be legally accountable. The rule of law is not a concept of the rule of law in the formal sense; instead, it is the rule of law in the material mind. This includes the idea that the state is obliged to make the life of the Indonesian nation intelligent, promote general welfare, and protect the entire country.

Every change in land registration data that occurs as a result of a court decision that has permanent legal force (*Inkracht van gewijsde*), the Head of the Land Office records it in the land book and measuring certificate and destroys the relevant certificate after obtaining a decision letter regarding the deletion of the applicable right from the Head of the BPN RI or the Head of the Provincial BPN Regional Office following their authority. The registration is carried out after the Head of the Land Office receives notification from the Court Registrar and interested parties.

The problem that sometimes arises related to implementing court decisions with permanent legal force is that the defeated party wants to avoid carrying out the decision voluntarily, so the decision must be forced on him. A court decision is only useful if it can be implemented. Therefore, the *irah-irah* at the head of each court decision, which reads: "For the sake of justice based on Belief in the Almighty God" has executorial power which can force the losing party to carry out the court decision, which has permanent legal force.

Government administration must be based on statutory regulations as a legal basis because it has declared itself a legal state. Because there is no legal basis, public services (government) can stop. This is done to prevent arbitrariness, uncertainty, and legal vacuum. Not only is the Head of the Land Office "reluctant" and "hesitant" to carry out land registration based on court decisions, but an inventory of the laws and regulations relating to land

registration based on court decisions reveals that these laws and rules are inconsistent. The following table provides additional information regarding these differences.

Table 1

Comparison of PP No. 24 of 1997 and Head of BPN Regulation no. 3 of 2011 regarding Registration of Rights Based on Court Decisions

No	Distinguishing Elements	PP No.24 of 1997	Head of BPN Regulation No.3 of 2011
1	Authority to process registration of land rights resulting from court decisions.	The Head of the Land Office records physical and juridical data changes due to court decisions/determinations (Article 55 paragraph (1)).	Head of BPN and can delegate to Deputy or Head of Provincial BPN Regional Office (Article 58).
2	Land status that can be registered based on a court decision	It is land that has been previously registered or has been certified because it is recorded in the land book (Article 55 paragraph (1)).	It can be land that has yet to be reported (approved) because the issuance of a certificate is accommodated based on a court decision (Article 56 paragraph (1)).
3	Classification of Rights Registration based on court decisions	It is part of maintaining land registration data (Article 55)	This can take the form of issuance, transfer of rights, and/or cancellation of land rights (Article 56 paragraph (1)).
4	Types and orders of court decisions that can be processed for land registration	It is emphasized that only court decisions with permanent legal force without restrictions on the content/editorial of the decision can have their rights registered (Article 55 paragraph (1)).	It is emphasized that only court decisions that have permanent legal force and there are restrictions on the editorial side of the decision can have their rights registered (Article 55 paragraphs (1) and (2)).
5	Rights registration mechanism (procedure)	It is simpler because it takes the form of recording changes to physical data and juridical data in land books and certificates, except for recording the deletion of rights, there must be a decree from the Minister (Article 55 paragraphs (1), (2), and (3))	More specifically, it regulates registration based on court decisions in the form of issuance, transfer and cancellation of rights, with quality control carried out in stages by the Head of BPN/Minister and finally by the Head of the Land Office (Articles 59 and 60).
6	Regulatory Nomenclature	The naming/nomenclature is clear in the form of regulations regarding Land Registration so that registration of land rights based on court decisions is part of Land Registration	Nomenclature in the form of Management, Study and Handling of Land Cases so that it seems as if Registration of Land Rights Based on Court Decisions is part of handling land Cases

Land Rights Registration Mechanism Based on District Court Decision (Tegal District Court Decision No. 01/Pdt.G/2013/PN.Tgl.)

Article 54 Head of BPN Regulation No. 3 of 2011 which regulates that:

- a. *BPN RI is obliged to implement court decisions that have obtained permanent legal force unless there is a valid reason for not implementing them.*
- b. *The valid reasons as intended in paragraph (1) include:*
 - 1) *Regarding the object of the decision, there are other conflicting decisions;*
 - 2) *Against the object of the decision, a collateral confiscation is being placed;*
 - 3) *The object of the decision is currently the object of a lawsuit in another case;*
 - 4) *Other reasons regulated in statutory regulations.*

Land registration activities are a right that must be carried out by the government in Indonesia (Adityo et al., 2022). The frequent occurrence of land-related problems is caused by the increasing value of the land over time (Al-Himni & Ratna MS, 2022). It is hoped that the court decision, which has permanent legal force (Inkracht Van Gewijsde), can be implemented voluntarily by the parties sentenced to make the decision. This is to maintain the judiciary's authority. However, it is not uncommon to find that the parties who have to carry out the judge's decision do not want to voluntarily comply with the contents of the decision so that, in the end, they have to be executed. In principle, the judge's decision is only "condemnatoir" with only a sentence containing a sentence that can be implemented, such as a sentence containing the handing over of an item, vacating a plot of land, paying a certain amount of money, or carrying out a particular act and so on.

For example, regarding the transfer of rights regarding the sale and purchase of land, the deed made is the Deed of Sale and Purchase (hereinafter referred to as AJB), which is carried out by the Land Deed Loading Officer (hereinafter referred to as PPAT)(Shibghatillah et al., 2022). Buying and selling is a reciprocal agreement standard in society because each person has the right and obligation to fulfill achievements (Shibghatillah et al., 2022). Meanwhile, the transfer of rights due to a court decision is an unusual procedure, so before registering land rights based on a district court decision, it is necessary to first pay attention to the characteristics (type and nature) of the court decision, which is used as the basis for registering land rights. This is so that it does not arise. Problems in the future due to legal actions in the form of registration of land rights based on a court decision by the BPN. An example is what the Head of the Tegal City Land Office did to SHM.1560 and SHM.1561 of Sumurpanggang Village at the request of Hajah Siti Aisah based on the Tegal State Pengailan Decision No.01/Pdt.G/2013/PN.Tgl.

Letter of application for registration of rights transfer from Hajah Siti Aisah to the Head of the Tegal City Land Office on June 16, 2015, for two plots of land SHM.1560 and SHM.1561, Sumurpanggang Village. Attached to the application is a copy of the Tegal District Court decision No.01/Pdt.G/2013/PN.Tgl. as well as the Minutes of Dispute Settlement (Peace), where the contents are regarding voluntary handover related to and as a realization and follow-up, a voluntary execution of the decision of the Tegal District Court No.01/Pdt.G/2013/PN.Tgl. Between Hajah Siti Aisah (Plaintiff) against Akyas et al.

Based on Hajah Siti Aisah's application letter regarding the registration of the transfer of rights based on a court decision, the Tegal City Land Office, through the Dispute Handling Section, made an assessment, analysis, and handling of civil cases. The results of the study show that the origin of the problem occurred when the Ownership Certificate No.1560 in the name of Rihad Sarini was sold in 1996 to Suswono Khomisah and the Ownership Certificate No.1561 was sold to Akyas Mutmainah and then sold again to Sunarti. The transfer of rights to the two plots of land has been processed in the buyer's name. Hajah Siti Aisah, the only heir of

Rihad Sarini, felt that she had never sold the ground, so with the available evidence, the Tegal District Court won her and two plots of land SHM.1560 and SHM.

There are three components in research and assessment, namely:

a) Juridical

Whereas the petition from Hajah Siti Aisah dated 16 June 2015 regarding the transfer of rights to SHM.1560 and SHM.1561, Sumurpanggang Village, Margadana District, Tegal City, was based on the decision of the Tegal District Court No.01/Pdt.G/2013/PN.Tgl. Dated August 15, 2013, between Hajah Siti Aisah as the plaintiff and Akyas et al. as the defendants, has obtained permanent legal force.

b) Administration

1) That is the ruling of civil case No.01/Pdt.G/2013/PN.Tgl. dated 15 August 2013 in the dictum: 3,4,5,6,7,8 as the basis for the transfer/change of name to the name of Hajah Siti Nur Aisah because the case was won and has permanent legal force so the case cannot be contested again.

2) Whereas based on the Minutes of Mediation, dated 24 October 2013 No01/X/2013/PPSKP, an amicable settlement was reached, there was an agreement and agreement between the first party as defendant, namely Sunarti, to voluntarily hand over both the physical land object and the ownership documents in the form of an SHM certificate. 1561 to Hajah Siti Aisah, then the civil case issue No.01/Pdt.G/2013/PN.Tgl. the execution was carried out voluntarily.

3) Whereas based on the Letter of Voluntary Transfer of Land and SHM Document No. 1560, there has been an agreement and agreement between Suswono Khomisah and Hajah Siti Aisah. Both carried out a voluntary handover of the land object and the ownership documents in the form of SHM certificate no. 1560 relating to and as a realization and follow-up, a voluntary execution of the Tegal District Court No. 01/Pdt.G/2013/PN decision.Tgl . which has permanent legal force.

c) That physically, the land objects of Certificate of Ownership Rights No. 1560 and 1561, Sumurpangan Village, have been controlled by Hajah Siti Aisah based on a statement of physical control of the land plot.

Of the three components of the study's results in civil case No.01/Pdt.G/2013/PN.Tgl. The land office, through the Dispute Handling Section, made a recommendation that it was necessary to transfer or change the name of SHM.1560 and SHM.1561 of Sumurpanggang Subdistrict in the name of Hajah Siti Aisah to implement the court decision which had obtained permanent legal force (Inckraht) for the sake of legal certainty for Hajah Siti Aisah is the winner of the civil case.

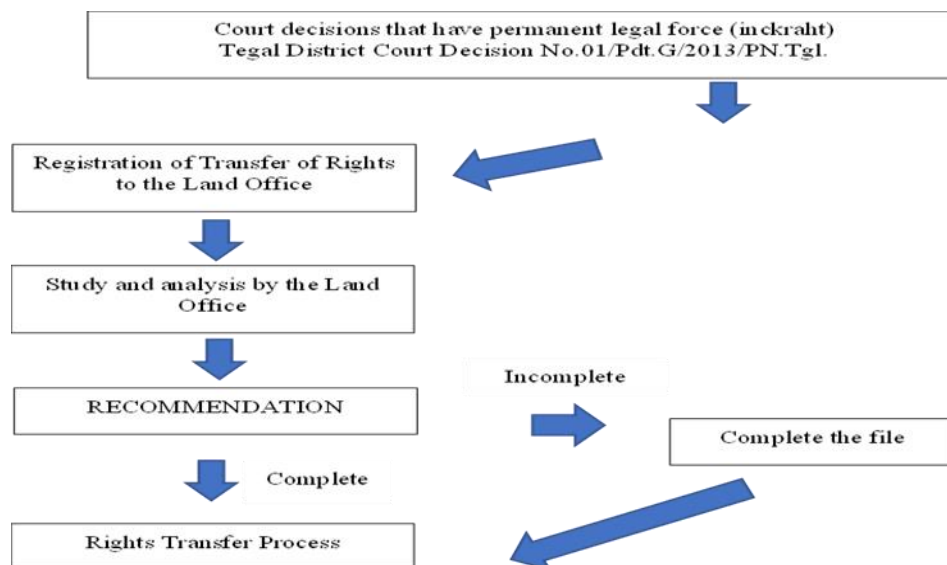
Based on the recommendation above, the Head of the Tegal City Land Office transferred the rights to SHM.1560 and SHM.1561 to Hajah Siti Aisah as a concrete step in registering the transfer of land rights due to a court decision. The land registration process ends with producing evidence in the form of a land book and land certificate consisting of a copy of the land book and a measuring certificate of land rights certificate (Handayani et al., 2019). Overall, the mechanism for registering the transfer of rights is due to court decisions, in this case, District Court decisions, which are more casuistic depending on the court decision itself. It requires interpretation by authorized officials to make decisions and determine the procedures and legal basis used in the registration process.

In registration transfer of rights based on a court decision, there is also an obligation from the recipient of the rights in the form of payment of BPHTB. This is regulated in Article 90 paragraph (1) letter h of Law no. 28 of 2009, which regulates "When the tax payable for the Acquisition of Land and/or Building Rights is determined by: h) the judge's decision is from the date of the court decision which has permanent legal force." The BPHTB value is 5% of the

land acquisition value (NJOP) after deducting IDR 60,000,000 (Acquisition Value of Tax Objects is Not Taxable). The stages of registering land rights are based on Tegal District Court Decision No.01/Pdt.G/2013/PN.Tgl. If it has legal force, it can still be described using the following scheme:

Figure 1

Land Rights Transfer Registration Scheme Court Decision Results



4. Conclusion

District Court decisions in civil cases related to land matters can be used as a basis for registering land rights, provided that they are final decisions (not interlocutory decisions) and have permanent legal force (inkracht van gewijsde). There are no conflicting court decisions regarding the same object. Especially for District Court decisions, only those whose rulings are condemnatoir (punitive) and will be easy to implement if the District Court decision is clear, focused, and does not have multiple interpretations. Briefly, we can describe the mechanism for registering land rights based on a court decision. In this case, the district court decision is more casuistic and depends on the court's decision itself. It requires interpretation by authorized officials in making decisions regarding the determination of procedures (Issuance, Transfer, and/or cancellation of rights) and the legal basis used (PP No. 24 of 1997 or Regulation of the Head of BPN No. 3 of 2011). Cancellation of land rights is regulated in Minister of State Agararia Regulation No. 9 of 1999. The issuance of certificates as a series of first-time land registrations is regulated in PP No. 24 of 1997. The mechanism for registering the transfer of land rights based on a court decision is preceded by a study that produces recommendations that are followed up with the registration of the rights.

5. References

- Adityo, S., Busro, A., Studi, P., & Kenotariatan, M. (2022). Tinjauan Yuridis Pelaksanaan Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Di Kota Pasuruan. *NOTARIUS*, 15(1).
<https://ejournal.undip.ac.id/index.php/notarius/article/view/46028/21396>

- Al-Himni, M. A., & Ratna M.S., E. (2022). Peralihan Hak Atas Tanah Jual Beli Dibawah Tangan Untuk Tanah Yang Belum Bersertifikat di Kabupaten Kubu Raya. *Notarius*, 15(1), 475–484. <https://doi.org/10.14710/nts.v15i1.46055>
- Arba, A., & Tarmizi. (2015). *Hukum agraria Indonesia* (T. Tarmizi, Ed.). Sinar Grafika.
- Ariska Handayani, N., Adhim, N., & Silviana, A. (2019). Akibat Hukum Pendaftaran Tanah Pertama Kali Tanpa Alas Hak Yang Sah. *Diponegoro Law Journal*, 8, 2272–2286. <https://ejournal3.undip.ac.id/index.php/dlr/article/view/26001>
- Fitria, N., Arfah Pattereng, M., Makkawaru, Z., Nasional, B. P., & Gowa, K. (2021). Analisis Hukum Pembatalan Sertifikat Hak Milik Atas Tanah Karena Menjalankan Putusan Pengadilan. *Jurnal Paradigma Administrasi Negara*, 3(2). <https://journal.unibos.ac.id/paradigma/article/view/667/660>
- Harsono, B. (1997). *Hukum agraria Indonesia: sejarah pembentukan undang-undang pokok agraria, isi dan pelaksanaannya*. Djambatan.
- Mujiburohman, D. A. (2018). Potensi Permasalahan Pendaftaran Tanah Sistematis Lengkap (PTSL). *BHUMI: Jurnal Agraria Dan Pertanahan*, 4(1). <https://doi.org/10.31292/jb.v4i1.217>
- Putri Mutiara Sari, R., & Keumala, D. (2022). Pendaftaran Peralihan Hak Atas Tanah Karena Jual Beli Yang Dibuat Dibawah Tangan (Studi Kasus Putusan No. 116/PDT.G/2019/BKN). *Reformasi Hukum Trisakti*, 4(1), 91–100. <https://doi.org/10.25105/refor.v4i1.13410>
- Shibghatillah, S. A., Santoso, B., Studi, P., & Kenotariatan, M. (2022). Analisis Yuridis Akibat Hukum Pembatalan Akta Jual Beli Tanah Oleh Hakim Dalam Putusan No. 73/Pdt.G/2013/PN.Btl. *NOTARIUS*, 15(1). <https://ejournal.undip.ac.id/index.php/notarius/article/view/46024/21388>
- Tehupeiory, A. (2012). *Pentingnya Pendaftaran Tanah di Indonesia*.
- Waskito, W., & Arnowo, H. (2019). *Penyelenggaraan pendaftaran tanah di Indonesia* (Pertama). Prenadamedia Group.