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REGISTRATION OF LAND OWNERSHIP TRANSFER BY PRIVATE SALE AND PURCHASE DEED

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Abstract: *Land represents one of the most valuable and strategic assets in Indonesian society, serving not only as residential space but also as a source of economic investment, particularly in Kumpeh Ulu District, Muaro Jambi Regency, Jambi Province, where land sale and purchase activities have become standard practice among communities. Despite legal requirements mandating that land rights transfers be conducted through authentic deeds made by authorized Land Deed Officials (PPAT) as regulated in Law No. 5 of 1960 concerning Basic Agrarian Principles and Government Regulation No. 24 of 1997 concerning Land Registration, field reality shows that most communities still conduct land transactions through private deeds due to geographical limitations, economic considerations, and traditional customs. This study is grounded in contract theory as regulated in Civil Code Article 1313, legal protection theory according to Satjipto Rahardjo, and legal certainty theory by Gustav Radbruch, with a conceptual framework encompassing land ownership rights transfer registration, land ownership rights, land sale and purchase, and private deeds. Employing juridical sociological (empirical) methodology, this research analyses how law operates within society and examines the effectiveness of prevailing legal provisions through field observations and interviews with relevant stakeholders. The study reveals that private deed usage is primarily caused by geographical, economic, and socio-cultural factors, with the registration process requiring stricter verification compared to authentic deeds, involving document examination, juridical and technical research, and new certificate issuance. While this system provides legal accessibility to communities, it potentially creates long-term legal uncertainty. It requires additional costs for formal conversion, leading to recommendations for improving PPAT service accessibility, intensifying community education, and developing better service systems and procedures.*

Keywords*: Land Registration, Land Sale and Purchase, Private Deed.*

A. Introduction

As the holder of rights to a plot of land, we have authority over the land we own, both for use as a source of livelihood and transfer to other parties following applicable laws and regulations. Land ownership rights can be transferred or assigned from one party to another through a process that complies with the provisions of laws and regulations, one of which is through sale and purchase.

Land is a significant and strategic commodity for the Indonesian people, not only as a place to live but also as a source of economic livelihood and long-term investment. In the Kumpeh Ulu subdistrict of Muaro Jambi Regency, Jambi, land transactions are an everyday activity among the community, meeting various needs, including agricultural growth, housing development, and property investment. The increase in the frequency of land transactions in this area is driven by the region's growing economic potential, particularly in the plantation and agricultural industries, which form the foundation of the local economy.[1]

The transfer of land rights through sale and purchase can also be done in two types: through an authentic deed and a private deed. An authentic deed is a deed whose form is determined by law and is made by or in the presence of a public official authorised to make it. This authentic deed has the special feature of being a perfect means of evidence. When someone submits an authentic deed as evidence to a judge in court, the judge must accept and consider what is written in the deed to be true without needing additional evidence. On the other hand, a private deed is drawn up by the parties concerned themselves and does not involve an authorised public official. A private deed can also be used as evidence in court proceedings, but has a weaker legal standing[2].

The article explains that deeds of sale and purchase that a PPAT does not draw up can be registered for rights transfer at the Land Office if, according to the Head of the Land Office, the degree of accuracy is sufficient to register the rights transfer. The article provides an opportunity for people who wish to register a transfer of rights with a private deed based on having strong and convincing grounds for the local Head of the Land Office. However, this article has not been implemented at the Land Office in Muaro Jambi District, so the public cannot register the transfer of rights with a private deed.

This was also confirmed by Mr. Didiet Marsudi, Head of the Rights Transfer and PPAT Coordination Division of the Muaro Jambi District Land Office, who said that land sales with private deeds cannot be transferred (registration of rights transfer) because one of the requirements is that the deed of purchase must be made by a Land Deed Official or the village head and sub-district head can also act as temporary PPATs. Many people are disappointed. They cannot process the rights transfer to their land because they conducted the sale and purchase under a private agreement. The only way to register the transfer of rights is to create a new Deed of Sale and Purchase in the presence of a Land Deed Officer.[3]

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[1] Eli Wuria Dewi, 2014, *Mudahnya Mungurus Sertifikat Tanah dan Segala Perizinannya,* Yogyakarta : Buku Pintar, P. 171.

[2] *Ibid.,* P. 8.

[3] Interview with Mr. Didiet Marsudi, Head of the Rights Transfer and PPAT Coordination Division of the Muaro Jambi District Land Office, Wednesday, April 24, 2024.

Proof that land rights have been transferred must be in the form of a deed drawn up by a Land Deed Official, whereby the deed of sale from the Land Deed Official becomes the basis or legal basis for registering the transfer of rights with the National Land Agency. This deed also provides legal certainty to the new land owner, subject to the sale and purchase.[4]

Until now, the public has not realised the importance of registering land title transfers. Many people are still unaware that land title transfers cannot be registered with the National Land Agency unless they are evidenced by a Deed of Sale and Purchase drawn up by a Land Deed Official. This is one of the reasons why people still conduct land title transfers using private deeds.[5]

Many still lack understanding and awareness of the importance of buying and selling land rights with authentic deeds. One village in Kumpeh Ulu Subdistrict, Muaro Jambi Regency, Jambi Province, is Tarikan Village. The people of Tarikan Village, Kumpeh Ulu Subdistrict, Muaro Jambi Regency, still buy and sell their land rights with private deeds. The community in Tarikan Village, Kumpeh Ulu District, Muaro Jambi Regency, still frequently conducts land transactions using informal deeds. This raises concerns about potential disputes in the future, particularly among their descendants. For example, their children and grandchildren may sue each other over a piece of land that has been sold. Still, the sale was not officially recorded, and the rights transfer was not registered with the Land Agency because the sale was conducted with a private deed. One of the factors causing the community in Tarikan Village to conduct land sales with private deeds is the absence of a Land Deed Officer's Office in the village. Therefore, the community believes that creating a Sales Deed in the presence of a Land Deed Officer would take a lot of time, causing other matters to be delayed.

Article 1, Paragraph (2) of Government Regulation No. 37 of 1998 concerning Regulations on the Position of Land Deed Officials explains that there is such a thing as a Temporary Land Deed Official (PPAT). A Temporary Land Deed Official is a government official appointed to carry out the duties of a Land Deed Official by making land deeds in areas where there are not enough Land Deed Officials. Furthermore, Article 5, Paragraph (3) of Government Regulation No. 37 of 1998 on the Regulations Governing the Position of Land Title Deed Officers states that the District Head or Village Head may serve as a Temporary Land Title Deed Officer in areas where there are insufficient Land Title Deed Officers to handle the issuance of Land Title Deeds. Unfortunately, the District Heads or village heads in those areas have not yet assumed the additional temporary land title deed officer role. They are therefore unable to issue land title deeds for land sales.

The large number of Tarikan villagers who buy and sell land rights using private deeds impacts the transfer of rights through sale and purchase, as the land being sold cannot be registered for the transfer of rights or change of ownership. This is evident in the data on the registration of transfer of rights through sale and purchase at the Muaro Jambi District Land Office, which shows that the number of registrations of transfer of land

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[4] Rifan Agrisal Ruslan, Umar Ma'ruf, 2017, "Kesadaran Hukum Masyarakat Dalam Jual Beli Tanah Dengan Akta PPAT Di Kecamatan Tinanggea Kabupaten Konawe Selatan Sulawesi Tenggara", *Jurnal Akta,* Vol. 4, No. 3, Sept (2017), P. 427.

[5] Dwi Aprilia Arum Damayanti, Josina Emelie Londa, Alsam Polontalo, 2020, "Perjanjian Jual Beli Tanah Yang Tidak Dilakukan Di Hadapan Pejabat Pembuat Akta Tanah (PPAT)", *Lex Privatum,* Vol. VIII, No. 2, April-Juny (2020), P. 18.

rights by the people of Tarikan Village, Kumpeh Ulu Subdistrict, Muaro Jambi District, is still tiny.

B. Literature Review

The following is a review of the literature based on previous research :

1. Research by Jodie Angelia Rully, Master of Notary Student, Faculty of Law, Andalas University, 2023. The title of this research is "Kepastian Hukum Akta Jual Beli Di Bawah Tangan Yang Disahkan Oleh Notaris Di Kabupaten Sidenreng Rappang, Sulawesi Selatan". The research conducted by Jodie Angelia Rully discusses the reasons why people conduct land rights transactions using private deeds, as well as the legal implications of such deeds when a notary legalises them. The difference between this research and Jodie Angelia Rully's research lies in the location and object of the research. While Jodie Angelia Rully researched uncertified land, this research focuses on land with a certificate.
2. Research by Aulia Aldier, Master of Notary Student, Faculty of Law, Andalas University, 2022. The title of this research is "Pendaftaran Tanah Hak Milik Pertana Kali Berdasarkan Alas Hak Jual Beli Dibawah Tangan Di Kabupaten Merangin Provinsi Jambi". Aulia Aldier's research discusses why people buy and sell land ownership rights privately, the process of registering land ownership for the first time based on private rights, and the implications of such registration on people's obligations in implementing land ownership registration. The difference between this research and Aulia Aldier's research lies in the focus of the discussion. This study emphasises registering the transfer of land rights resulting from transactions conducted through informal agreements. At the same time, Aulia Aldier's research highlights the initial registration of land rights based on informal agreements.
3. Research by Ari Satrya, Master of Notary Student, Faculty of Law, Jambi University, 2022. The title of this research is "Kedudukan Akta Jual Beli Tanah Dibawah Tangan Dalam Perspektif Perundang-undangan Di Indonesia". The study by Ari Satrya discusses the legal position of private land sale and purchase deeds in the context of Indonesian legislation and their role in the registration process, particularly regarding the transfer of land rights. Meanwhile, this study focuses more on analyzing the factors that drive the sale and purchase of land ownership rights using private deeds, the stages of registering the transfer of land rights through such deeds, and how the registration of the transfer of land ownership rights based on sales and purchases using private deeds is carried out at the Muaro Jambi Land Office.

C. Research Methods

This research is sociological-juridical (empirical), a legal research that analyses and examines how a law works in society. Empirical legal research is a type of legal research that examines laws by studying how they work in society and how effective they are.[6]

In addition, the nature of the research used in this article is descriptive analysis, which describes the applicable laws and regulations and then relates them to legal theory and the practice of implementing those laws.[7] This study's primary and secondary data sources are primary and secondary. Primary data is data in the form of information or

[6] Peter Mahmud Marzuki, 2011, *Penelitian Hukum*. Jakarta: Kencana Persada Media Group, P. 35.
[7] Ishaq, 2017, *Metode Penelitian Hukum.* Bandung: Alfabeta, P.70.

data obtained directly from the research object. This study conducted in-depth interviews with the Muaro Jambi District Land Office, the Kumpeh Ulu Subdistrict Head, and the Tarikan Village Head. Meanwhile, the secondary data for this study were obtained from relevant documents, books, and other literature, such as legislation related to the issues being studied.

D. Discussion

1. Factors Leading to the Sale-Purchase of Land Ownership Rights through Private Deeds in Tarikan Village, Kumpeh Ulu Subdistrict, Muaro Jambi Regency

The practice of buying and selling property using informal deeds among the community in Tarikan Village is influenced by several factors. In addition to the absence of a PPAT office there, one of the fundamental factors has always been the lack of legal title to the land they own or the absence of certificates of ownership for the land they control. However, the government's program for the systematic registration of land for the first time has positively impacted the local community, so that almost all members of the local community now have ownership certificates for the land they own.

The community chooses to buy and sell land ownership rights with private deeds because they consider it easier and more practical based on customary law. However, consider Government Regulation No. 24 of 1997 concerning Land Registration. It explains that land registration guarantees legal certainty and protection for rights holders, both for initial registration and transfer of rights. The research findings discovered that 10 sample respondents conducted land ownership transactions using informal agreements. Some even conducted land ownership transactions using informal contracts with just a single receipt.

From interviews with the Tarikan Village community in Kumpeh Ulu Subdistrict, it was found that five factors influence the community to buy and sell land ownership rights through private deeds, namely:

(1.) customary factors,

(2.) feeling secure with private deeds,

(3.) lack of knowledge,

(4.) cost factors, and

(5.) The factor of a more practical process.

Habit was the reason all samples bought and sold land ownership rights with private deeds, feeling secure was the reason for four samples, lack of knowledge was the reason for five samples, cost was the reason for five samples, and practicality was the reason for seven samples.

The community must eliminate bad habits such as buying and selling land ownership rights with private deeds because this will have fatal consequences in the future, such as the inability to register the transfer of rights at the Land Office and the possibility of land disputes. The importance of buying and selling land ownership

rights in front of a PPAT is to guarantee the certainty of rights and legal protection for the parties concerned.

2. The Process of Registering the Transfer of Land Ownership Rights through a Private Deed of Sale-Purchase

The purpose of land registration is to guarantee legal certainty and legal protection for land rights holders. Legal certainty and legal protection are not only intended for initial registration but also for the registration of the transfer of rights. Registering the transfer of land rights provides legal certainty and protection for the new rights holders.

To register a transfer of land rights, supporting requirements are necessary, namely, an authentic deed prepared by a PPAT. The rights transfer cannot be registered without an authentic deed prepared by a PPAT. This is explained in Article 37, Paragraph (1) of Government Regulation No. 24 of 1997 concerning Land Registration. However, Article 37 Paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration further explains that "in certain circumstances as determined by the Minister, the Head of the Land Office may register the transfer of rights to privately owned land between Indonesian citizens with a deed that is not drawn up by a PPAT but which, according to the Head of the Land Office, is considered sufficiently accurate to register the transfer of rights in question".

Article 37, Paragraph (2) of Government Regulation Number 24 of 1997 concerning Land Registration provides an opportunity for the public who buy and sell land ownership rights through private deeds to register the rights transfer at the Land Office. Regarding this matter, Notary/PPAT Helsi Yasin, S.H., M.Kn., explains how to register the transfer of land rights through sale and purchase with a private deed as follows :

> "Of course, with a private deed of sale and purchase, the transaction cannot be registered with the Land Office. Even if such a private sale has already occurred and the parties wish to transfer ownership or register the rights transfer with the Land Office, the parties must re-draft the Sales Deed at the PPAT Office. All parties involved (seller and buyer) must be present. Only after the Sales Deed is issued can the ownership transfer be processed at the Land Office."[8]

From the interview with Notary/PPAT Helsi Yasin above, it was explained that if the community has already bought and sold land ownership rights with a private deed, they must repeat the sale and purchase of land ownership rights at the PPAT Office to obtain an authentic deed. Then, with the PPAT deed, they can register the transfer of land ownership rights at the local Land Office.

However, if the new rights holder wishes to register the transfer of ownership rights to land conducted using a private deed, the whereabouts of the previous rights holder are unknown, making it impossible to reissue the deed of sale before a PPAT. Another way to register the rights transfer at the Land Office is to authenticate the private deed by the District Court to change the name on the land ownership certificate. This is explained in Article 55 of Government Regulation No. 24 of 1997 on

[8] Interview with Mrs. Helsi Yasin, Notary/PPAT in Padang on Thursday, August 8, 2024.

Land Registration and Article 94 Paragraph (2) Letter h and Article 125 of Minister of Agrarian Affairs/Head of the National Land Agency Regulation No. 3 of 1997 on the Implementation Provisions of Government Regulation No. 24 of 1997 on Land Registration. Thus, with the District Court's decision, the new rights holder can register the transfer of rights at the Land Office. Such a case has occurred at the District Court of Sleman.

In Decision Number 291/Pdt.G/2021/PN.Smn, it was stated that the land sale and purchase agreement and sale and purchase transaction carried out by the Plaintiff as the buyer and the Defendant as the seller on 28 October 1986, were declared valid, and the Plaintiff had the right to transfer the certificate from the Defendant's name to the Plaintiff's name. The basis for the judge's decision to grant the Plaintiff claims is that the land sale and purchase agreement meets the requirements for a valid agreement as stipulated in Article 1320 of the Civil Code.[9]

The basis for the judge's decision to approve the sale and purchase agreement in this case was as follows :

1. Based on Article 1320 of the Civil Code, both parties have fulfilled the requirements contained in that Article, both subjective and objective requirements. Although the agreement was made informally, based on Article 1320 of the Civil Code, the agreement is still valid.
2. The fulfilment of obligations and rights between the seller and the buyer.
3. There is evidence of sale and purchase, as well as witnesses to support the argument.
4. The existence of factors that caused the sale and purchase of land between the Plaintiff as the buyer and the Defendant as the seller to be conducted informally, because both parties agreed to the informal sale and purchase.
5. It is not possible to re-execute the agreement before the Land Deed Officer (PPAT), as the Defendant's whereabouts are unknown, as evidenced in the Judgment that the Plaintiff has sought the Defendant's residence but has never been able to locate the Defendant's whereabouts to this day.

In the above case, the Plaintiff, as the buyer, wanted to register the sale and purchase agreement he had made with the Defendant, as the seller, at the Land Office. Since the Plaintiff could not locate the Defendant to re-execute the sale and purchase deed before a Public Notary, the Plaintiff had the private deed authenticated by the District Court to transfer the land ownership certificate from the Defendant's name to the Plaintiff's name. The judge granted the Plaintiff's claim as the buyer based on the considerations mentioned above, and the legal consequence of the judge's decision is that the Plaintiff, as the buyer, can register the transfer of rights with the Land Office based on the judge's decision in case 291/Pdt.G/2021/PN.Smn.

However, in this case, the District Court's decision is not the only requirement for registering the transfer of rights with the Land Office. In addition to a copy of the District Court's decision, the applicant must also meet the requirements for registering the transfer of ownership rights based on sale and purchase as stipulated in Article 6 of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 1 of 2010 concerning Land Service Standards and Regulations. If the applicant fails to meet these requirements, the Head of the Land Office may reject the application

[9] Fathia Firli Rahma dan Prihati Yuniarlin, 2023, "Pengesahan Perjanjian Jual Beli Tanah di Bawah Tangan Melalui Pengadilan Untuk Balik Nama Sertipikat Hak Milik", *UNES Law Review,* Vol. 6, No. 1, Sept. (2023), P. 642.

for registration of the transfer of rights submitted by the applicant. Such a rejection has previously occurred at the Land Office in Sidoarjo.

On 16 December 1989, a sale and purchase transaction took place between Firman (buyer) and Ayu (seller), with the object of sale being land with title rights in the form of a photocopy of the East Java Provincial Governor's Decree dated 2 September 1981, Number DA/C. 1/SK/39/GG/1981 Serial Number 50 states, "Granting ownership rights over land previously subject to temporary use rights, totalling 106.8170 hectares, to 198 individuals whose names are listed in the annexed list of this decision letter." Among the 198 names listed is Ayu's name. The sale and purchase were conducted through a private deed, which was authenticated at the Surabaya District Court as the basis for registering rights transfer at the Land Office. In the Surabaya District Court's decision, the defendant was not present (as their whereabouts were unknown) in case number 828/Pdt.G/2010/PN—Sby, which declared the sale and purchase valid under the law. However, the decision did not state that the plaintiff had the right to register the transfer of rights with the Land Office.[10]

Although the District Court had approved it, the Head of the Sidoarjo Land Office rejected Firman's application for transfer of rights because it was deemed not to meet the administrative requirements, namely a certificate of ownership or the original East Java Provincial Governor's Decree dated 2 September 1981, Number DA/C.1/SK/39/GG/1981, Serial Number 50. The rejection by the Head of the Sidoarjo Land Office was based on Regulation of the Head of the National Land Agency of the Republic of Indonesia No. 1 of 2010 and Article 50 Paragraph (4) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 11 of 2016, due to the absence of an original ownership certificate or an original title deed as administrative requirements.

For members of the public who have bought or sold land ownership rights with a private deed and wish to register the transfer of rights at the Land Office in Muaro Jambi Regency, they must re-draw up the deed of sale of land ownership rights before a PPAT. The community may also opt for the second method, which involves having their private deed authenticated by the District Court if one of the parties—the former rights holder—cannot be located, making it impossible to appear before the PPAT. However, in practice, no residents of Tarikan Village in Kumpeh Ulu Sub-district, Muaro Jambi District, have adopted these methods. They continue to rely on the private sale and purchase agreements they have created and have not registered the transfer of land ownership rights with the Muaro Jambi District Land Office.

3. Registration of Transfer of Land Ownership Rights Based on Sale-Purchase through a Private Deed at the Muaro Jambi Land Office

Article 37, Paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration further explains that :

> "Under certain circumstances, as determined by the Minister, the Head of the Land Office may register the transfer of rights to privately owned land between Indonesian citizens using a deed that was not drawn up by a PPAT but which

[10] Henry Kurnia Setiawan, 2013, "Putusan Pengadilan Negeri Surabaya Nomor 828/Pdt.G/2010/PN.Sby. Sebagai Dasar Untuk Mengajukan Permohonan Hak Milik", *Calyptra : Jurnal Ilmiah Mahasiswa Universitas Surabaya,* Vol. 2, No. 1, (2013), P. 3.

> the Head of the Land Office considers to be sufficiently accurate to register the transfer of rights in question."

This Article provides an opportunity to register the transfer of land rights without an authentic deed made by a PPAT. However, the Article does not explain the meaning of the phrase "under certain circumstances," which makes it unclear what circumstances would allow for the registration of a transfer of rights without proof in the form of an authentic deed made by a PPAT. Due to the lack of clarification regarding the meaning of Article 37 Paragraph (2), it is unclear what circumstances are referred to by the phrase "under certain circumstances" in Article 37 Paragraph (2). Although this article opens up the possibility for the Head of the Land Office to register the transfer of land rights carried out by the community without a PPAT deed, in practice, the Muaro Jambi Regency Land Office has not yet registered any transfers of land rights that are not proven by a PPAT deed. This article also uses the word "may," which means that the authority of the Head of the Land Office is discretionary, meaning that this authority may or may not be exercised.

The Head of the Muaro Jambi Land Office refused to register the transfer of land ownership rights without a deed of sale made by a PPAT due to fears of fraud or land mafia activities by unscrupulous individuals, unless the land had not been registered at all. This refusal by the Head of the Land Office is evidenced by several residents of Tarikan Village, Kumpeh Ulu Subdistrict, Muaro Jambi Regency, who submitted applications for the registration of land ownership transfers using handwritten deeds of sale, which the Head of the Muaro Jambi Regency Land Office rejected.[11]

Thus, it is clear what the legal consequences are of buying and selling land ownership rights with a private deed, namely that the transfer of rights cannot be registered with the Land Office. However, if there is another legal basis equivalent to an authentic deed issued by a Public Notary, the Head of the Land Office may register the transfer of rights conducted by the community, such as a court decision that has attained final and binding legal force, as the legal basis for the community to register the transfer of their rights.

A court decision that has obtained permanent legal force can be used as grounds for the Head of the Muaro Jambi District Land Office to register the transfer of rights based on the sale and purchase of land ownership rights through a private deed. This was conveyed by Mr. Ary Prima Wijaya, Head of the Survey and Mapping Section of the Muaro Jambi Land Office, as follows :

> "A district court decision can be used as a requirement for registering the transfer of land ownership rights based on the sale and purchase of land ownership rights through a private deed. The legal basis for this can be found in Article 55 of Government Regulation No. 24 of 1997 and Article 58 of Regulation of the Head of the National Land Agency of the Republic of Indonesia No. 11 of 2016. The service in question is called a transfer of ownership rights based on a court decision. However, at the Land Office of Muaro Jambi Regency, we have never conducted registration of the transfer of

[11] Interview with Mr. Didiet Marsudi, Head of the Rights Transfer and PPAT Coordination Division of the Muaro Jambi District Land Office, Wednesday, April 24, 2024.

ownership rights over land based on a court decision resulting from a sale and purchase agreement executed by private deed."[12]

The obligation of the Head of the Land Office to implement court decisions is stipulated in Article 54 of Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 3 of 2011 concerning the Management of Land Case Assessment and Handling, which states as follows :

1. Court decisions with permanent legal force must be enforced unless there are valid reasons for not doing so.
2. Valid reasons as referred to in paragraph (1) include:
   a) There is another conflicting decision regarding the subject matter of the decision.
   b) The subject matter is currently blocked or seized by the police, the public prosecutor's office, the court, and/or other law enforcement agencies;
   c) Other reasons are stipulated in laws and regulations.

However, not all court decisions can be used as requirements for registering the transfer of land ownership rights based on the sale and purchase of land ownership rights through a private deed. The Head of the Office will certainly review the contents of the decision before registering the transfer of land ownership rights. Suppose the court decision states that the applicant is entitled to register the transfer of land ownership rights. In that case, the Head of the Office may proceed with the registration of the transfer requested by the applicant, provided that other requirements are met, as stipulated in Article 6 of the Regulation of the Head of the National Land Agency of the Republic of Indonesia No. 1 of 2010 on Standards for Land Services and Regulations, and also regulated in Article 125 Paragraph (2) of the Minister of Agrarian Affairs/Head of the National Land Agency Regulation No. 3 of 1997 on the Implementation Provisions of Government Regulation No. 24 of 1997 on Land Registration.

About Article 37, Paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration, this District Court decision can be used as a basis for the Head of the Office to apply the Article to register the transfer of land ownership rights using a private deed. This is because a District Court decision that has obtained permanent legal force can be used as a basis of truth that the Head of the Land Office can trust.

E. Conclusion and Suggestions

Conclusion

1. Five factors causehe people of Tarikan Village, Kumpeh Ulu District, Muaro Jambi Regency to buy and sell land ownership rights through private deeds, namely: (a) feeling secure with private deeds, (b) lack of legal awareness and knowledge regarding the registration of land rights transfers and the sale and purchase of land ownership rights by the laws and regulations, (c) the long-standing custom that has been passed down from generation to generation, (d) the additional costs incurred

[12] Interview with Mr. Ary Prima Wijaya, Head of the Survey and Mapping Section of the Muaro Jambi District Land Office, on Tuesday, September 17, 2024.

when buying and selling land ownership rights before a PPAT, and (e) the perception that it is more practical to buy and sell land ownership rights through private deeds than before a PPAT.

2. Registering the transfer of land ownership rights with a private deed involves (a) re-creating the sales deed by having both parties appear before the PPAT and conducting the transaction again in the presence of the PPAT by the procedures stipulated in the applicable regulations. After obtaining the authentic deed from the PPAT, the new rights holder can register the transfer of land ownership rights at the Land Office, or (b) in cases where the previous rights holder or seller cannot be located, making it impossible to reissue the deed of sale before the PPAT, the new rights holder or buyer may seek validation from the District Court to transfer the land ownership certificate from the seller's name to the buyer's name. However, the Tarikan Village Community did not use either of these methods in Kumpeh Ulu District, Muaro Jambi Regency, so they could not register the transfer of land ownership rights.
3. The head of the Muaro Jambi District Land Office refuses to register transfers of land ownership rights using private deeds due to the risk of fraud or land mafia involvement. Exceptions are made only if a legal basis is equivalent to an authentic deed, such as a court ruling with permanent legal force. He advises the public to conduct land ownership transactions using authentic deeds or to consult a Public Notary (PPAT). If there is no PPAT in the area, they may consult the District Head or Village Chief as a temporary PPAT.

Suggestions

After conducting research and reaching the conclusions outlined above, the author's recommendation is as follows :

1. It is hoped that in the future, the Tarikan community in Kumpeh Ulu Sub-district will conduct land ownership transactions using authentic deeds issued by the Land Deed Officer, so that the transfer of land ownership rights or name changes can be registered at the Land Office in Muaro Jambi District. This will ensure they have legal certainty and strong legal protection over the land they own or control.
2. For communities that have already bought and sold land ownership rights with private deeds, they are expected to revise their deeds of sale into authentic deeds by rewriting their deeds of sale in front of a Land Deed Official, after which the transfer of rights can be registered at the Land Office with the deed of sale made by the Land Deed Official. If one of the parties, namely the former rights holder, cannot be located and therefore cannot appear before the Land Deed Officer, the new rights holder may have their private deed validated at the District Court to transfer the land ownership certificate from the seller's name to the buyer's name. With the District Court's decision, the new rights holder may register the land at the Land Office in Muaro Jambi District.
3. It is hoped that the Head of the Muaro Jambi District Land Office, with the Village Head's assistance, will guide the community on the importance of registering transfers of rights and the legal consequences of buying and selling land ownership rights with private deeds. Additionally, it is hoped that the Village Head or District Head will enhance their role as temporary PPATs to facilitate the community in obtaining authentic deeds for the sale and purchase of land ownership rights, given the scarcity

of PPAT offices in Kumpeh Ulu District, and also urge the government to expand PPAT services to remote areas that currently lack PPAT offices.

F. Reference

Dwi Aprilia Arum Damayanti, Josina Emelie Londa, Alsam Polontalo, 2020, "*Perjanjian Jual Beli Tanah Yang Tidak Dilakukan Di Hadapan Pejabat Pembuat Akta Tanah (PPAT)",* Lex Privatum, Vol. VIII, No. 2, April-Juny 2020.

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