

Legal Protection for Recipients of Regional Land Grant Deeds Based on PPAT Grant Deeds

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Abstract. *This study aims to analyze and understand the application of the principles of legal protection for recipients of regional land grants based on the deed of grant from the Land Deed Maker (PPAT) in the context of the management of regional property by the Financial Management Agency.Area(BPKD) Pekalongan Regency. The method used in this study is an empirical juridical legal research method with a statutory approach and a case approach. Research data were obtained through literature studies and interviews with the Regional Financial and Asset Management Agency (BPKD) and grant recipients. The data obtained were then analyzed qualitatively to determine the conformity between the practice of implementing regional land grants with applicable legal provisions. The results of this study are: the implementation of regional land grants has basically been carried out in accordance with the provisions for managing regional assets, but there is still a need to strengthen the aspect of legal certainty in the process of transferring land rights through the involvement of Land Deed Officials in making grant deeds. Thus, synchronization is needed between the provisions for managing regional assets and the provisions of land law in order to provide optimal legal protection for recipients of regional land grants.*

Keywords: Legal; Officials; Property; Protection Regional.

1. Introduction

Land has an important meaning in human life, both as a place to live, a means of business, or a high-value economic resource, so it often becomes the object of disputes due to ownership status, transfer of rights, or disorderly land administration. One form of transfer of land rights is a grant, namely the provision of a portion of assets free of charge and irrevocable as regulated in Article 1666 of the Civil Code. Every transfer of land rights through a grant must be carried out authentically through a deed made by a Land Deed Making Officer (PPAT) in accordance with Article 37 paragraph (1) of PP Number 24 of 1997 concerning Land Registration, in order to provide legal certainty for the parties. In

Indonesian land law practice, every transfer of land rights, including grants, must be carried out authentically through a deed made by a public official, namely a Land Deed Making Official (PPAT) as regulated in Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration.¹The land grant deed made by the Land Deed Drafting Officer (PPAT) is strong legal evidence and provides legal certainty for the parties involved in the transfer of rights.²

In addition to administrative aspects, the validity of a land grant also depends heavily on the fulfillment of subjective and objective requirements as stipulated in civil law, namely the ability to act by the grantor, clarity of the object being granted, and the absence of defects in will such as coercion, error, or fraud in the granting process. In practice, the PPAT has an obligation to check the certificate at the Land Office before the deed of grant is made, to ensure that the land that is the object of the grant is truly in accordance with the recorded legal and physical data, and is not in dispute, confiscated, or burdened with mortgage rights.³Negligence by the PPAT in carrying out these checks can give rise to legal liability, both administratively through professional organizations and civilly if it is proven to cause losses to the parties.⁴Thus, the PPAT's caution in carrying out his duties and position is one of the main keys to creating legal certainty in every transfer of land rights through grants.⁵

To ensure legal certainty in the land sector, the state stipulates that every transfer of land rights must be carried out in an orderly, transparent manner, and in accordance with applicable legal provisions. The principle of prudence in the transfer of land rights is necessary to protect the legal interests of the parties and prevent future disputes. Therefore, the transfer of land rights is not only viewed as a civil act, but also as a legal act with administrative and public implications. One form of land transfer recognized in civil law is a gift.⁶A grant is a legal act in the form of giving an object by one person to another party free of charge and irrevocable, as long as it meets the conditions stipulated by law. The definition of a grant is expressly regulated in Article 1666 of the Civil Code as the primary legal basis for grants in the national legal system.

¹Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration

²Sudikno Mertokusumo, *Understanding the Law: An Introduction*, Liberty, Yogyakarta, pp. 145-147; see also Government Regulation Number 37 of 1998 concerning the Regulations on the Position of Land Deed Officials.

³Article 97 paragraph (1) of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration.

⁴Article 6 paragraph (1) of Government Regulation Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Regulations on the Position of Land Deed Making Officials.

⁵Adrian Sutedi, *Transfer of Land Rights and Their Registration*, (Jakarta: Sinar Grafika, 2018), pp. 89-92.

⁶R. Subekti, *Various Agreements*, Alumni, Bandung, p. 95.

Apart from being regulated in the Civil Code, land grants are also subject to the provisions of national land law, in particular Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA).⁷ which places grants as a legal act that can result in the transfer of land ownership rights from one party to another. This provision shows that although grants originate from general civil law, their implementation on land objects must still be subject to the specific principles and procedures applicable in land law, considering that land has a social function as stated in Article 6 of the UUPA. Thus, land grants cannot be carried out freely without paying attention to the orderly land administration that has been established by the state.

In order for a land grant to have full legal force, the legal act must be set out in the form of an authentic deed made before a Land Deed Making Officer (PPAT), as stated in Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration.⁸ This authentic deed serves as perfect evidence that the transfer of rights has occurred, and also serves as the basis for the Land Office to register the transfer of rights and issue a certificate in the name of the grantee.⁹ Without a PPAT deed, the transfer of rights through a gift cannot be registered, so that administratively land ownership remains recorded in the name of the gift giver even though materially control has been transferred to the gift recipient.

These provisions aim to ensure legal certainty, legal protection, and orderly land administration. Therefore, the main issue that arises is how to provide legal protection to recipients of regional land grants in the event of procedural flaws or disputes related to the grant.¹⁰ This legal protection includes preventive protection, namely guaranteeing legal certainty in the grant process before the deed is made, and repressive protection, namely legal measures that can be taken if the grant recipient's rights are disturbed or cancelled.¹¹ This phenomenon is interesting to research further, especially in Pekalongan Regency which, through the Regional Financial Management Agency (BPKD), has implemented various regional land grants for the benefit of the community.¹²

The sunIn the implementation of regional land grants, it is required that every process of transferring Regional Property be carried out in accordance with the

⁷ Article 20 paragraph (1) jo. Article 26 paragraph (1) Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles.

⁸ Article 37 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration.

⁹ Boedi Harsono, *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Contents and Implementation*, (Jakarta: Djambatan, 2008), pp. 474-476.

¹⁰ Philipus M. Hadjon, *Legal Protection for the People in Indonesia*, Bina Ilmu, Surabaya, pp. 25-27.

¹¹ Philipus M. Hadjon, *Legal Protection for the People in Indonesia*, Bina Ilmu, Surabaya, pp. 38-40; Sudikno Mertokusumo, *Understanding the Law: An Introduction*, Liberty, Yogyakarta, pp. 134-136.

¹² Soerjono Soekanto, *Introduction to Legal Research*, UI Press, Jakarta, pp. 51-53; see also Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines for the Management of Regional Assets.

provisions of laws and regulations, both through fulfilling administrative procedures, obtaining approval from authorized officials, and making a deed of gift by a Land Deed Making Official (PPAT). If all these procedures have been fulfilled, then the deed of gift as an authentic deed should provide legal certainty and optimal legal protection to the grantee. Thus, the grantee obtains a guarantee of the rights received and is protected from the possibility of disputes arising in the future.¹³

However, these normative expectations (*das sollen*) are not always directly proportional to their implementation in the field (*das sein*), because in practice, it is often found that regional land grants are made without going through all the procedural stages completely, either due to limited understanding of officials, weak supervision, or the existence of certain interests that encourage the acceleration of the grant process without paying attention to the aspect of prudence.¹⁴ This gap between *das sollen* and *das sein* is what often becomes the source of legal problems in the future, for example when a regional land grant is then sued by a third party or questioned by law enforcement officials because it is deemed not to have fulfilled the proper procedures, so that the deed of grant which was initially considered to provide legal certainty actually has the potential to be cancelled or give rise to legal responsibility for the parties involved.¹⁵

The legal protection provided by the deed of gift is also reflected in the active role of the PPAT in checking the data and completeness of the documents before the deed is made, starting from the presence of the parties, the clarity of the object being donated, to the involvement of witnesses related to the gift process. This verification process is important to ensure that the gift made is truly legally valid, considering that the recipient of the gift in practice needs to screen the validity of the documents for the object of the gift and ensure that the object is free from any encumbrances so that the implementation of the gift can be said to be valid and does not cause disputes in the future.¹⁶ Thus, the deed of gift does not only function as an administrative formality, but also as a preventive mechanism that protects the interests of the grantee from potential legal defects in the object they receive.

This research will examine the extent to which PPAT deed of gift can provide legal protection for recipients of regional land grants and what the legal responsibility of the officials involved is if there are legal defects in the grant

¹³ Habib Adjie, *Cancellation and Revocation of Notarial Deeds*, (Bandung: PT Refika Aditama, 2017), pp. 8–12.

¹⁴ Adrian Sutedi, *Transfer of Land Rights and Their Registration*, (Jakarta: Sinar Grafika, 2018), pp. 95–98

¹⁵ Urip Santoso, *Registration and Transfer of Land Rights*, (Jakarta: Kencana Prenada Media Group, 2010), pp. 120–123.

¹⁶ *Transfer of Land Ownership Rights through Grants in Islamic Law*, Serina Abdimas Journal, Vol. 1, No. 3, 2023.

process.¹⁷Based on these conditions, the author considers it important to examine the legal protection for recipients of regional land grants based on PPAT deed of grant, in order to determine the extent to which the deed of grant provides legal certainty and protection, and what is the role of PPAT and the local government in guaranteeing the validity of the grant. The selection of the Regional Financial Management Agency (BPKD) of Pekalongan Regency as the location for the case study is based on the strategic role of the Regional Financial Management Agency (BPKD) as an authorized agency in the management and administration of regional assets, including the implementation of regional land grants.

2. Research Methods

This research is descriptive analytical by analyzing the applicable laws and regulations with the facts in the field related to the deed of grant on land owned by the regional government. It systematically and accurately describes the legal facts related to the implementation of the grant of regional land. Meanwhile, the analytical nature is used to analyze these facts based on relevant legal provisions and theories. The method of data collection in this study is by using the method of drawing conclusions used in this study is the deductive method. The deductive method is carried out by drawing conclusions from general legal provisions to their application in concrete cases. This method is used to assess the extent to which the deed of grant of the Land Deed Making Officer (PPAT) can provide legal protection for recipients of regional land grants. The data analysis technique in this study is analyzed qualitatively.

3. Results and Discussion

3.1. Procedures for Granting Regionally Owned Land managed by the Regional Financial Management Agency (BPKD) until the Land Grant Deed is issued by the PPAT

The mechanism for transferring regional land rights is a form of transfer of regional assets carried out free of charge to another party without receiving compensation.¹⁸Grants of regional assets can be given to the central government, other regional governments, state-owned or regional-owned enterprises, social institutions, religious institutions, or the community. The grant must meet certain requirements, including that the regional assets are no longer used to support the implementation of regional government duties and functions and must not disrupt public services. Furthermore, the grant must be

¹⁷Habib Adjie, Indonesian Notary Law: Thematic Interpretation of the Notary Law, Refika Aditama, Bandung, pp. 62-65; Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Law.

¹⁸Regulation of the Minister of Home Affairs Number 7 of 2024 concerning Amendments to Regulation of the Minister of Home Affairs Number 19 of 2016, Article 331.

made through a legitimate administrative mechanism and must obtain agreement authorized officials in accordance with statutory provisions. In practice, if the object of the grant is land owned by the regional government, the transfer process is not only related to the administrative aspects of managing regional assets, but also relates to land law provisions.

Therefore, the implementation of regional land grants must generally be outlined in a deed of grant prepared by a Land Deed Official as the legal basis for registering the transfer of land rights at the land office. With this deed of grant, the grantee obtains a strong legal basis for ownership of the land they acquire, thus providing legal certainty and protection for all parties involved.¹⁹

Based on the results of interviews with sources from regional asset management agencies, it is known that the implementation of regional land grants to regional governments is guided by the provisions stipulated in the Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines for the Management of Regional Assets which have been amended through the Regulation of the Minister of Home Affairs Number 7 of 2024 concerning Amendments to the Regulation of the Minister of Home Affairs Number 19 of 2016. Based on these provisions, the Regional Financial Management Agency (BPKD) has a role as an agency responsible for managing regional assets, including in the process of reviewing and researching regional assets that will be transferred through a grant mechanism. In the organizational structure of regional asset management, the Regional Financial Management Agency (BPKD) collaborates with the regional asset planning division to ensure that asset management is carried out in accordance with applicable provisions.

Furthermore, the resource person explained that the authority of the Regional Financial Management Agency (BPKD) in the process of granting regionally owned land is limited to the regional government administration stage before the transfer of land rights through a deed of grant. In this case, the process carried out by the regional government begins with the submission of a grant application to the Regent by an interested party. After the application is submitted, the Regent then holds discussions with relevant regional officials through a forum involving technical services. The application is then forwarded to the Regional Financial Management Agency (BPKD) for research and review of the feasibility of the proposed grant.

If the assessment results indicate that the land to be donated meets the administrative requirements and has no legal issues, the Regional Financial Management Agency (BPKD) will submit a proposal for approval to the Regent. This approval will then be formalized in the form of a regional head decree, a

¹⁹Regulation of the Minister of Home Affairs Number 7 of 2024 concerning Amendments to Regulation of the Minister of Home Affairs Number 19 of 2016.

Regent's Decree concerning the approval of the grant of regionally owned land. Following this approval, the grant process is then formalized in administrative documents, including a Regional Grant Agreement (NPHD) and a Minutes of Handover (BAST) between the regional government, as the grantor, and the grantee.

In state administrative law, every action by a government official can only be carried out if it is based on the authority granted by statutory regulations. Philipus M. Hadjon explains that authority (*bevoegdheid*) is the legal power granted to a government organ to carry out its duties. certain legal actions that give rise to legal consequences. Therefore, the validity of an administrative action is not only determined by the objective to be achieved, but must also be based on a legitimate source of authority in accordance with the principle of legality.

In line with this opinion, Indro Harto stated that government authority can be obtained through attribution, delegation, or mandate. Attribution is the granting of authority directly from statutory regulations to a government organ. Delegation is the transfer of authority from one official to another accompanied by a transfer of responsibility, while a mandate is the transfer of authority without transferring responsibility to the mandate recipient.²⁰ In the context of regional land grants, the authority of the Regional Financial Management Agency (BPKD) and the Land Deed Making Officer (PPAT) is attribution authority because each obtains its authority directly from different laws and regulations.

The Regional Asset Management Agency (BPKD) is authorized based on provisions regarding the management of Regional Assets, specifically Government Regulation Number 27 of 2014 as amended by Government Regulation Number 28 of 2020 and Regulation of the Minister of Home Affairs Number 19 of 2016. Within this framework, the BPKD acts as a regional apparatus that assists the regional head in carrying out regional asset management functions. This authority includes asset inventory, verification of the legal status of Regional Assets, assessment of grant eligibility, preparation of grant administration, submission of approval to the regional head, and implementation of the handover of Regional Assets to grant recipients. Thus, the BPKD's authority is limited to aspects of government administration and regional asset management, so the BPKD does not have the authority to transfer land rights directly.

In contrast, PPATs are authorized by law in the land sector, specifically Government Regulation Number 37 of 1998 concerning the Position of Land Deed Officials as amended by Government Regulation Number 24 of 2016, and

²⁰Indroharto, *Efforts to Understand the Law on State Administrative Courts*, Book I (Jakarta: Pustaka Sinar Harapan, 2004), pp. 90–94.

Government Regulation Number 24 of 1997 concerning Land Registration. Based on these provisions, PPATs have the authority to create authentic deeds regarding certain legal acts related to land rights, including grants. The deeds created by PPATs serve as the legal basis for the Land Office to register the transfer of land rights, thereby providing legal certainty for new rights holders. In addition to having authority, PPATs are also burdened with legal obligations in carrying out their duties. PPATs are required to verify the identities of the parties, verify the authenticity of the land title certificates, ensure the parties' authority to carry out legal acts, check the completeness of the grant administration documents, read the contents of the deed before the parties, ensure that the parties understand the contents of the signed deed, and submit the deed and supporting documents to the Land Office as the basis for registering the transfer of rights. This obligation aims to ensure that the deed made meets formal and material requirements so that it has perfect evidentiary power as an authentic deed.

When analyzed using the theory of authority, there is a clear division of authority between the BPKD and the Land Deed Official (PPAT). The BPKD exercises government administrative authority (*bestuursbevoegdheid*) in the management of Regional Property, while the PPAT exercises public authority in the land sector (*publiekrechtelijke bevoegdheid*) in the preparation of authentic deeds as the basis for the transfer of land rights. Both authorities are complementary and not mutually exclusive. This means that a grant decision that has been approved by the BPKD and the regional head does not automatically transfer land rights without a PPAT Grant Deed, conversely, the PPAT cannot issue a grant deed if there is no valid administrative basis from the regional government. Thus, the procedure for granting regional land is a series of legal actions that require the fulfillment of the authority of each official in accordance with the principles of legality and division of authority in state administrative law.

When analyzed based on the Theory of Authority proposed by Philipus M. Hadjon, the implementation of regional land grants at the Pekalongan Regency Regional Financial Management Agency has demonstrated the implementation of authority in accordance with the principle of legality. Hadjon explains that every government action must be based on the authority granted by laws and regulations through attribution, delegation, or mandate.²¹ In this case, the authority of the Regional Financial Management Agency does not lie in the authority to transfer land rights directly or make a deed of gift, but rather in the administrative authority as a Regional Property Manager who is responsible for conducting asset inventories, researching the legal status of land, assessing assets, preparing grant administration, and proposing grants to regional heads according to the mechanisms determined in Government Regulation Number 27

²¹Philipus M. Hadjon, Introduction to Indonesian Administrative Law (Gadjah Mada University Press 2011) 130-133.

of 2014 as amended by Government Regulation Number 28 of 2020 and Regulation of the Minister of Home Affairs Number 19 of 2016.²²

Furthermore, when examined using the Legal Protection Theory proposed by Philipus M. Hadjon, the research results show that preventive legal protection has been implemented through various administrative actions before the grant is implemented. This protection is realized through checking the legal status of the land, examining the Right of Use certificate, verifying administrative completeness, assessing regional assets, obtaining approval from the regional head, and involving the Land Deed Official (PPAT) in preparing the deed of grant as authentic evidence. All these stages aim to prevent disputes or legal defects before the administrative decision is issued, thus aligning with the concept of preventive legal protection proposed by Hadjon.²³ However, this study also found that this legal protection was not yet fully optimal because the local government had not provided systematic legal assistance to grant recipients during the administrative process.

As a result, applicants experience delays in fulfilling various administrative requirements due to a lack of understanding of grant procedures. This situation demonstrates that legal protection cannot be interpreted solely as the availability of valid legal instruments, but must also be realized through legal services that can ensure the public understands their rights and obligations when dealing with government administration. Therefore, preventive legal protection should not stop at verifying the legality of documents, but should also be realized through the provision of legal consultations, administrative assistance, and the provision of information on grant procedures as part of public services.

If these findings are linked to Gustav Radbruch's Theory of Legal Certainty, it can be understood that the aim of law is not only to pursue certainty through the application of formal procedures, but must also provide justice and benefit.²⁴ In this study, the aspect of legal certainty has been fulfilled because the entire grant process is carried out based on the provisions of applicable laws and regulations, starting from the examination of the status of regional assets, the issuance of grant decisions, the making of grant deeds by PPAT, to the registration of the transfer of land rights at the Land Office as regulated in Government Regulation Number 24 of 1997 concerning Land Registration.²⁵ No administrative flaws or disputes were found that could invalidate the grant. However, from a legal perspective, the lengthy administrative process due to the

²²Indonesia, Government Regulation Number 27 of 2014 concerning Management of State/Regional Property as amended by Government Regulation Number 28 of 2020; Indonesia, Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines for Management of Regional Property.

²³Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (PT Bina Ilmu 1987) 2–5.

²⁴Gustav Radbruch, *Legal Philosophy* (translated edition, Oxford University Press 1950) 107–109.

²⁵Indonesia, Government Regulation Number 24 of 1997 concerning Land Registration.

lack of legal assistance indicates that formal legal certainty has not yet fully resulted in effective legal services. Thus, while the law has provided normative certainty, practical benefits for the community can still be enhanced through improvements to administrative service mechanisms.

Based on the overall analysis, it can be concluded that the regional land grant mechanism in Pekalongan Regency has fulfilled the aspects of authority, legality, and legal certainty, resulting in a legitimate transfer of rights and no legal disputes. However, this study found that legal protection for grant recipients still needs to be strengthened in the aspect of administrative legal services. According to the author, the regional government needs to develop Standard Operating Procedures (SOPs) for legal assistance, provide legal consultation services for grant applicants, and strengthen coordination between the Regional Development Planning Agency (BPKD), Land Deed Officials (PPAT), and the Land Office. These steps will strengthen preventive legal protection, increase substantive legal certainty, and realize appropriate governance. with the principles of good governance.

3.2. Forms of Legal Protection that can be provided to Land Grant Recipients in the Event of a Dispute related to Regionally Owned Land Grants

A grant is an agreement by which the grantor, during his lifetime, freely and irrevocably, hands over an item for the benefit of the recipient of the grant who receives the grant.” Article 1667 of the Civil Code explains: “A grant may only be made for items that already exist at the time the grant is made. If the grant includes items that do not yet exist, then the grant is void only as far as the items that do not yet exist.” Based on the provisions of Article 1666 and Article 1667 of the Civil Code, a grant is a free agreement, made while the grantor is still alive, and cannot be withdrawn after fulfilling the conditions stipulated by law. These provisions indicate that a grant is a form of transfer of rights that requires certainty regarding the legal subject, the object of the grant, and the will of the parties. In the context of this research, the object of the grant in the form of land owned by the Pekalongan Regency Government has fulfilled the elements as referred to in Article 1667 of the Civil Code because the land already existed at the time the grant was made and has a clear legal status in the form of a Certificate of Use Rights Number 1 of 1987. Thus, from a civil law perspective, the object of the grant has fulfilled the objective requirements to be used as an object of a legal act of grant.²⁶

When analyzed based on the provisions regarding the management of Regional Property, regional government land grants are a form of transfer of public assets that can only be carried out after going through the stages of verification,

²⁶ Article 1666 and Article 1667 of the Civil Code; Subekti, Various Agreements (Bandung: PT Citra Aditya Bakti, 2014), pp. 95–99.

research, approval from authorized officials, and signing of grant documents in accordance with Government Regulation Number 27 of 2014 as amended by Government Regulation Number 28 of 2020 and Regulation of the Minister of Home Affairs Number 19 of 2016. Therefore, the grantee's need for land for educational, religious, and social purposes does not in itself become the basis for the birth of land rights, but must obtain legitimacy through a predetermined legal mechanism. In this case, the administrative process carried out by the Regional Financial Management Agency before the issuance of the Minutes of Grant Handover is an implementation of the principle of legality which requires that every government action has a legitimate basis of authority and procedures.²⁷

Furthermore, when linked to the Legal Certainty Theory proposed by Gustav Radbruch, the law must be able to provide assurance that every right obtained through legal procedures will receive recognition and protection from the state. Legal certainty is not only realized through the existence of written norms, but also through the consistent implementation of legal procedures so that every legal subject can clearly understand their rights and obligations. In the context of this research, legal certainty for grant recipients does not arise solely because of an agreement between the local government and the recipient, but because all procedures for the transfer of Regional Property have been carried out and then followed up with the creation of a Grant Deed by the Land Deed Making Officer (PPAT) and registration of the transfer of rights at the Land Office. This series of procedures is a concrete form of preventive legal protection aimed at preventing the emergence of disputes regarding land ownership status in the future.²⁸ Thus, based on the provisions of the Civil Code, state administrative law, and land law, the land grant process belonging to the Pekalongan Regency Government has demonstrated that legal certainty depends not only on the existence of a grant decision, but also on the continuity between the administrative process of managing regional assets and the process of transferring land rights. As long as all stages are carried out in accordance with the provisions of laws and regulations, the grantee obtains a strong legal basis to defend their rights if a dispute arises in the future. Conversely, if one of the administrative or legal stages is ignored, the legal certainty of the grantee's rights has the potential to be disturbed because it can raise doubts about the validity of the land transfer process. Therefore, the theory of legal certainty places compliance with procedures as a primary requirement for the emergence of effective legal protection for recipients of regional land grants.²⁹

²⁷ Ridwan HR, *State Administrative Law*, Revised Edition (Jakarta: Rajawali Pers, 2020), pp. 92–101; Law Number 30 of 2014, Article 10 concerning General Principles of Good Governance.

²⁸ Gustav Radbruch, *Legal Philosophy*, translated by Kurt Wilk (Cambridge: Harvard University Press, 1950), pp. 107–109; Government Regulation Number 24 of 1997, Article 37.

²⁹ Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (Surabaya: PT Bina Ilmu, 1987), pp. 2–5; Boedi Harsono, *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Content*

Furthermore, the grant recipient explained that the grant application process involves submitting an official application to the Regent, as the regional head. The organization submits the application, attaching several administrative documents required by the local government through the Financial and Asset Management Agency. Regional Government (BPKD). The documents in question include a power of attorney from the parent organization, organizational legal documents, a Decree on the organization's management, and the identity of the administrator authorized to represent the organization in the grant application process. These document requirements aim to ensure that the party submitting the grant application has the legal standing to receive it. grants from local governments. During the grant application review process, the Regional Development Planning Agency (BPKD) conducted a study on the legal status of the land to be donated. According to the source, the study was conducted to determine whether the requested land had a certificate and to verify its ownership status. The study showed that the land requested for the grant had a certificate and was registered as belonging to the district government. Therefore, the land is part of regional property, legally under the authority of the local government to manage or transfer in accordance with applicable laws and regulations.

When linked to the legal protection theory put forward by Philipus M. Hadjon, the division of authority between the Regional Development Planning Agency (BPKD) and the Land Deed Official (PPAT) actually provides more optimal legal protection for grant recipients. The BPKD provides preventative legal protection through administrative audits, asset legality verification, research into the status of Regional Property, and ensuring that grants have obtained approval from authorized officials. Furthermore, the PPAT provides preventative legal protection through examination of civil and land aspects before the deed of grant is drawn up. If these two stages are implemented continuously, the chance of disputes arising from administrative or legal defects is much smaller. Conversely, if one of the stages is omitted, the potential for disputes regarding the validity of the grant or land ownership status will increase. Therefore, legal protection for grant recipients depends not only on the issuance of a grant decision by the local government, but also on the fulfillment of all legal procedures from the administrative stage to the registration of the transfer of land rights.³⁰ Furthermore, when analyzed based on Gustav Radbruch's theory of legal certainty, legal certainty can only be realized if every legal action is carried out based on clear norms, definite procedures, and legitimate authority. In the case of regional land grants, legal certainty does not arise solely because of the approval of the regional government or the approval of the DPRD, but is only

and Implementation, 12th Edition (Jakarta: Djambatan, 2008), pp. 479-485.

³⁰ Philipus M. Hadjon, *Legal Protection for the People in Indonesia* (Surabaya: PT Bina Ilmu, 1987), pp. 2-5. Gustav Radbruch, *Legal Philosophy*, translated by Kurt Wilk (Cambridge: Harvard University Press, 1950), pp. 107-109; Government Regulation Number 24 of 1997, Article 32 and Article 37.

fully achieved after the fulfillment of the entire series of procedures, starting from administrative verification by the BPKD, the issuance of the grant decision, the creation of the grant deed by the PPAT, to the registration of the transfer of rights and the issuance of a certificate in the name of the grantee by the Land Office. The certificate of land rights that have been transferred to the name is a form of state recognition of the rights of the grantee and also serves as strong evidence of ownership of land rights as regulated in Government Regulation Number 24 of 1997. Thus, the synergy of authority between the BPKD as the manager of Regional Property and the PPAT as a public official in the land sector is a unified system that aims to realize legal certainty and maximum legal protection for recipients of regional land grants.

4. Conclusion

The procedure for granting regionally owned land managed by the Regional Financial Management Agency (BPKD) is carried out in two stages, namely regional government administration and land administration. The administrative stage begins with submitting a grant application, verifying the legality of the subject and object of the grant, conducting a feasibility study, and obtaining approval from authorized officials until the issuance of a regional head decision and a Minutes of Handover in accordance with Government Regulation Number 27 of 2014 as amended by Government Regulation Number 28 of 2020 and Regulation of the Minister of Home Affairs Number 19 of 2016. Furthermore, the land administration stage is carried out through the creation of a Deed of Grant by the PPAT as the basis for registering the transfer of rights in accordance with Government Regulation Number 24 of 1997 and Government Regulation Number 37 of 1998 as amended by Government Regulation Number 24 of 2016, until a certificate is issued in the name of the grant recipient. Thus, the grant procedure has complied with applicable legal provisions and shows a clear division of authority between the BPKD and the PPAT, although coordination and involvement of the PPAT from the initial stage still needs to be optimized in order to increase the effectiveness of services and strengthen legal protection and legal certainty for grant recipients. Legal protection for recipients of regional land grants is realized through preventive and repressive legal protection. Preventive protection is provided through the fulfillment of all administrative and land procedures, namely verification of the legality of the subject and object of the grant by the BPKD, approval of authorized officials, the creation of a Deed of Grant by the PPAT, and registration of the transfer of rights at the Land Office until the certificate is issued in the name of the grant recipient. If a dispute arises in the future, the grant recipient obtains repressive legal protection through a dispute resolution mechanism using the Decree of the Regional Head, Minutes of Handover, the Deed of Grant of the PPAT, and the land title certificate as valid evidence. Thus, based on the legal protection theory of Philipus M. Hadjon and the legal certainty theory of Gustav Radbruch, the synergy of authority between

the BPKD and PPAT in carrying out their duties in accordance with statutory regulations provides guaranteed legal protection and legal certainty for grant recipients, although more optimal coordination from the initial stage is still needed to minimize the potential for disputes in the future.

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