

Legal Implications of Inaccurate Petitem in Land Registration (Study of Donggala District Court Decision Number: 7/PDT.G/2020/PN.DGL)

Eka Septiana Dewi¹⁾, Bambang Santoso²⁾ & Mulyanto³⁾

¹⁾Faculty of Law, Universitas Sebelas Maret, Indonesia, E-mail:
ekaseptianadewi20@gmail.com

²⁾Faculty of Law, Universitas Sebelas Maret, Indonesia, E-mail:
bambangsantoso@staff.uns.ac.id

³⁾Faculty of Law, Universitas Sebelas Maret, Indonesia, E-mail:
mulyanto@staff.uns.ac.id

Abstract. Land registration is mandated by law to provide legal certainty. Likewise, Registration is mandatory for the transfer of land ownership rights resulting from a sale and purchase agreement since the enactment of the UUPA; Customary law historically governed land sales and purchases, and it serves as the foundation for the national agrarian law system, namely the existence of precise, cash, and actual conditions. The consequence of not fulfilling the precise conditions in the Donggala District Court Decision No: 7 / Pdt.G / 2020 / PN.Dgl is that buyers have difficulty registering their land rights to obtain proof of rights through a certificate of ownership. However, the state has provided legal protection for land registration based on court decisions. Buyers who obtain land rights in good faith obtain repressive legal protection by filing a lawsuit with the court. However, not all court decisions can be executed. The decision in Donggala District Court Case No: 7/Pdt.G/2020/PN.Dgl resulted from the plaintiff's petitem omitting both a request for a ownership certificate to be issued in the plaintiff's name and the inclusion of the Head of the local Land Office as a party to the case. This is a normative legal study that analyzes legal materials using the syllogistic deduction method. This study aims to determine whether the Donggala District Court Decision Number: 7/Pdt.G/2020/PN.Dgl can be used legally for the plaintiff's land registration. The study results indicate that because the judge's ruling is confined to the relief sought in the plaintiff's petitem, no order was issued to the Head of the local Land Office to issue a certificate of ownership in favor of the plaintiff. Thus, the Donggala District Court Decision No: 7/Pdt.G/2020/PN.Dgl is difficult to implement as a basis for plaintiff's land registration.

Keywords: Certainty; Judge; Land; Registration.

1. Introduction

To guarantee legal certainty, "Article 19 of the UUPA (Law No. 5 of 1960) requires the Indonesian Government to conduct land registration nationwide".(Fauzi & Neng Fitria Haidina Maulidini Habib, 2024). The state and the rights holders are given the mandate by law to register their rights to the land they control to obtain legal certainty (Article 23 of the UUPA).(Retno Kadarukmi, 2025). Further implementing Article 19 UUPA, the state issued PP Number 24 of 1997 (PP 24/97). As a form of legal certainty, the rights holder will receive proof of ownership upon land registration, namely a land rights certificate.(Rasyid & Winanti, 2023). Ownership of a land title certificate has an important meaning in protecting the rights of Indonesian citizens to their land. This is consistent with the principal aim of the Basic Agrarian Law, which is to establish a legal foundation for certainty. (Chornous, 2021).

In practice, many land sales are found that have not been registered or certified, and these sales are carried out underhand with evidence in the form of a receipt.(Malintang, 2024). A situation like this can potentially become a source of land dispute conflict.(Sakti & Budhisulistiyawati, 2020). due to the lack of legal certainty regarding acquired land, despite sale and purchase being a recognized method of transferring land rights.(Damayanti, 2024). Since the enactment of the UUPA, Land sale and purchase transactions cannot be considered equivalent to the general sale and purchase provisions defined in Article 1457 of the Civil Code.(Susanto & Arifin, 2023). The applicable Agrarian Law is based on Customary Law as stated in Article 5 of the UUPA.(Rana, n.d.). In customary law, the land sale and purchase must fulfill the characteristics of clear, cash, and real.(Maliha & Keumala, 2024). The principles of "clear" and "cash" in land sale and purchase transactions denote specific requirements. "Clear" signifies that the transaction must be witnessed or conducted before an authorized official. "Cash" mandates that the transaction be completed through a simultaneous exchange of payment and rights, rather than through future obligations or credit, and the transfer of ownership rights is transferred forever along with the payment made by the buyer.(Rana, n.d.). The real nature is that the buyer must hand over the object/land. This is because the handover of the object/land is an absolute requirement in the land sale and purchase based on customary law. If the handover of the object has not been done, then it is considered that there has never been a legal act of land sale and purchase.(Legawantara et al., 2020). This is different from the definition of sale and purchase regulated in Article 1458 of the Civil Code, which, in essence, states that a sale and purchase has occurred concerning the subject matter and the price, a binding contract exists, even if physical delivery of the goods has not yet occurred and full payment remains

outstanding. In addition, with the provisions regarding land, With the enactment of the UUPA, Book II of the Civil Code concerning water and space were revoked and are no longer in effect. Consequently, land sales and purchases are now exclusively governed by the UUPA and its implementing regulations.(Nulhakim et al., 2024).

As explained above, land sale and purchase arrangements in customary law must fulfill the characteristics of clear, cash, and real. If these conditions are not met, then the formal requirements are also not met, so the transfer of land rights cannot be registered (Saputro, 2022). As regulated in Article 37 of PP 24/97, A deed made by PPAT is a mandatory prerequisite for registering the transfer of land rights stemming from sale and purchase, exchange, grant, contribution to a company, or any other legal act intended to transfer such rights. However, in the case where the buyer obtains the land in good faith, but because it does not meet the requirements of clear, cash, and real so that the formal requirements are also not met, the buyer still gets repressive legal protection, namely the buyer retains access to repressive legal protection; specifically, they can initiate legal proceedings to secure a court order enabling the registration of the land rights transfer as regulated in Article 55 of PP 24/97.

In practice, not all court decisions can be implemented. Various factors can cause this. One is connected to the nature of the judge's decision, which includes declaratory, constitutive, and condemnation decisions. The judge's decision is the answer to the petition filed by the plaintiff because the judge is prohibited from giving more than what the plaintiff requested or requested in his petition, known as the *ultra petite* principle.(Afriana et al., 2022). So, the *petitum* submitted by the plaintiff also greatly influences the judge's answer and decision. As in the judge's decision in the Donggala District Court Decision Number: 7 / Pdt.G / 2020 / PN.Dgl, which granted the lawsuit for the ratification of the sale and purchase of land that had not been certified, which was carried out underhand by the plaintiff and the seller. Based on this judge's decision, the plaintiff can register his land rights, but the local land office cannot process the land registration based on the court decision. In contrast, this decision does not mention ordering the head of the local land office to issue a certificate of ownership in the plaintiff's name.

This article is the only article that discusses the Decision of the Donggala District Court Number: 7/Pdt.G/2020/PN.Dgl, which reviews the legal certainty of land registration for the ratification of the land sale and purchase that has not been certified, is carried out underhand from the perspective of civil procedural law. The article that has the same review regarding the ratification of the unregistered land sale and purchase, which is performed underhand, is a study conducted by(Raden Devina Maulina & Irene Eka Sihombing, 2022), which states that Even if conducted privately ("underhand"), land sales and purchases are valid if the

requirements of "clear" and "cash" are satisfied. The judge's decision stated that the land sale and purchase were valid even though they were not carried out before a PPAT. The judge ordered the Depok City National Land Agency to process the rights transfer (change of name) from the seller to the buyer.

Furthermore, research conducted by (Karuni, 2022) explains that the legal consequences of transferring land rights to uncertified land are legally valid if the transfer has met the clear and cash requirements, but the process of buying and selling uncertified land cannot immediately issue proof of rights, namely a Certificate of Ownership, but must go through a conversion first. Similar research was also conducted by (Pertiwi and Cahyarini, 2023), explaining that the sale and purchase of land that does not yet have a certificate must be carried out before a PPAT to fulfill formal requirements and thus obtain legal certainty. This research is important to determine whether, through the judicial process, it allows the plaintiff, a good-faith buyer, to secure legal certainty by providing the means to obtain proof of their land rights through a certificate of ownership in the land registration process.

This study aims to determine whether the Donggala District Court No: 7/Pdt.G/2020/PN.Dgl.), which granted the application for ratification of the land sale, purchase, and transfer establishes legal certainty and enables the plaintiff to register their land rights.

2. Research Methods

This research used normative legal research that focuses analyzing laws, regulations, legal documents, and literature. The legal problems to be studied in this study are appropriate to be studied using this method due to relate to the interpretation and application of legal norms. This legal research uses a case and a conceptual approach. Legal materials were collected through a literature study, and analyzed using the syllogistic deduction method.

3. Results and Discussion

3.1. Judge's Decision

It has been regulated in Law No. 48 of 2009 concerning judicial power, which states that judges who decide a case must be independent and without any influence from any party. Likewise, the results of the judge's decision, which now has the force of *res judicata*. (*Eintracht van gewijsde*) are to be respected and implemented. For people seeking justice, the courts are a place that is expected to provide legal certainty (Lubis et al., 2022). Through the trial, it is also expected to achieve justice for the litigants through legal action. For this lawsuit, the plaintiff hopes that the decision can provide legal certainty and dispute resolution.

The judge's decision is something that justice seekers are waiting for. According to Sudikno Mertokusumo, A decision is a formal declaration made by a judge, a state official vested with judicial authority, pronounced in a court proceeding with the intent to terminate or settle a legal dispute (Mertokusumo, Sudikno.1989. Civil Procedure Law. Bandung: Alumni). In deciding a dispute, the judge's decision should not cause new conflicts for the disputing parties. A characteristic of a judge's decision is that it is condemnatory, which, if the decision has permanent legal force (*Eintracht van gewijsde*), its execution can be carried out immediately.(Yasa & Iriyanto, 2023).

Concerning the execution of the judge's decision, based on the type of decision itself, which includes:

- a. A condemnatory decision is a punitive, an obligation the judge imposes on the convict to fulfill certain achievements. This condemnatory decision can be executed. (Muhammad, Abdulkadir. 1978. Indonesian Civil Procedure Law, Bandung: Alumni).
- b. A declaratory decision is like stating the law or confirming a certain legal situation (Muhammad, Abdulkadir. 1978. Indonesian Civil Procedure Law, Bandung: Alumni).
- c. A constitutive decision is a decision that creates a new legal situation or stops it (Muhammad, Abdulkadir. 1978. Indonesian Civil Procedure Law, Bandung: Alumni).

The judge's decision is connected to whether or not the decision can be executed. As explained above, declaratory and constitutive decisions are non-executable decisions that cannot be executed. The decision that is punitive or can be executed is the judge's condemnation decision. However, in deciding a dispute, the judge's decision also depends on the petition submitted by the disputing parties, due to their answer to the petition (Rasyid Rizani et al., 2023).

Article 178 paragraph 2 HIR/Article 189 paragraph 2 RBg regulates a principle: all parts of the claim or petition must be examined and tried by a judge. In addition, there is also a principle known as the ultra petita principle that a judge is prohibited from granting a lawsuit that is not requested in the petition mentioned in Article 178 paragraph 3 HIR/Article 189 paragraph 3 RBg(Zainal, nd). Since the judge's decision depends on the petition submitted, a petition must be formulated and written clearly and carefully in judicial practice. So that what is desired by the litigants can be considered by the judge. Because of the ultra petita principle, the judge cannot give more than what is requested in the petition. So that legal certainty and protection that the litigants aspire to can be obtained through the judicial process.

3.2. Land Registration

Both the government and land rights holders share the responsibility for land registration, a process designed to guarantee legal certainty and safeguard land rights holders. (Wulansari et al., 2021), Pursuant to Articles 19 and 23 of the UUPA, “the Basic Agrarian Law establishes principal land rights: Ownership, Cultivation, Building, and Usage Rights (HP)” (Ramadan, 2021). For the land rights to be guaranteed and have strong legal certainty, they must be proven by an authentic deed, namely a land rights certificate issued by the National Land Agency Office.

Based on Article 3 of PP 24/97, there are three main objectives of land registration: to afford legal security and safeguards to holders of land rights, and while also ensuring transparency by making pertinent information readily available to anyone with a legitimate interest, and organize orderly land administration. Land registration is implemented in 2 ways to realize its objectives: initial and ongoing maintenance of land registration data. (Rahmawati, 2022). Systematic land registration, a key component of initial land registration, is a centrally planned program carried out across the entire country by the Ministry of Agrarian Affairs and Spatial Planning. (Kencana & Priandhini, 2022) And in contrast to systematic registration, sporadic is initiated by the parties request. Furthermore, any alterations to the physical or legal data associated with a registered land parcel necessitate, then the land rights holder must register the change. The registration activity for this change is known as land registration maintenance. For this land registration, the rights holder will be given a proof of land ownership. (Kumara et al., 2021).

Certificate as proof of strong and absolute ownership rights (Pure & Sumirahayu Sulaiman, 2022). What is meant by a certificate as strong evidence is that what is stated in the certificate, namely physical and legal data, carries a legal presumption of accuracy. Judges are bound to accept this information as valid unless compelling evidence to the contrary is presented. Meanwhile, the certificate has an absolute nature: if no one sues after five years, then the certificate has absolute evidentiary power. (Suharyono et al., 2024).

Along with the development of technology, especially entering the Industrial Revolution 4.0 era, this is an era marked by the use of digital technology, which is expected to improve the quality of life of the general public. (Tartila, 2022). To meet the challenges of technological progress, to modernize land registration, the government introduced PMNA/KaBPN 3/2023. This regulation mandates the electronic documents in land registration, transitioning the entire process and certificate issuance to an electronic system, where land certificates were originally printed in blank form and will be converted into electronic documents that are

stored digitally.(Masri & Hirwansyah, 2023). The following are the stages of first-time and maintenance land registration electronically based on PMNA/KaBPN 3/2023 (Prasetya & Mahfud, 2023):

Table 1. First-time land registration

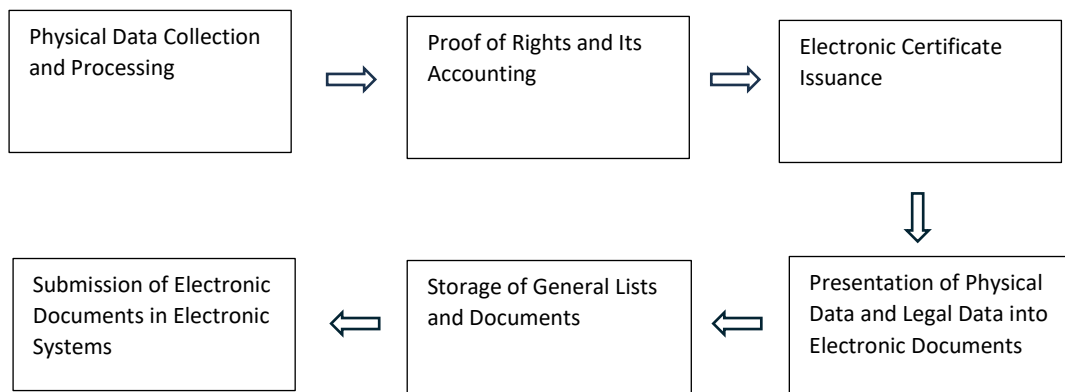
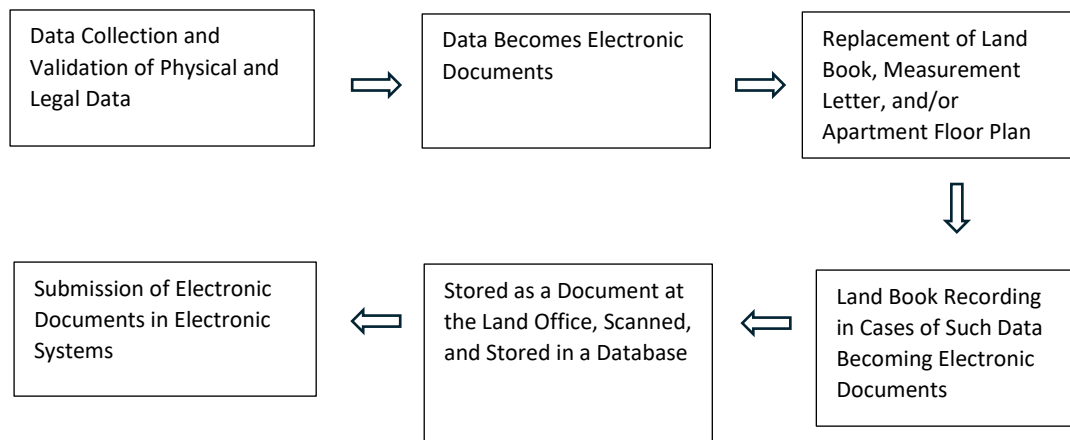


Table 2. Maintenance of land registration data(Prasetya & Mahfud, 2023)



3.3. Study of Donggala District Court Decision Number: 7/Pdt.G/2020/PN.Dgl.

3.3.1. Case Position of Donggala District Court Decision Number: 7/Pdt.G/2020/PN.Dgl.

The legal action originated from the plaintiff's challenges in obtaining a certificate of ownership for a land parcel they acquired from the seller. The land, previously uncertified, was purchased from MASRUDIN (the seller) by INDO RIDA (the plaintiff) through a private, unnotarized agreement ("underhand" transaction). The necessary steps for land registration, specifically those required to obtain a Ownership Certificate (SHM) for the land had not been carried out by the plaintiff

until the legal event of the seller's death. Therefore, the land was sold and purchased underhand or without the involvement of a designated authority, specifically the Head of Tinggede Village. Although the sale and purchase of this land had been paid in full and the plaintiff had controlled the ownership rights and objects, the plaintiff had difficulty registering this land for the issuance of SHM. The BPN/Kantah stated that they could not process the registration of the land because there was no Letter of Delivery as valid evidence of the sale and purchase and transfer of rights between the seller and the buyer, the authority to issue which was the Village and Sub-district Governments where the land object was located. The plaintiff also experienced difficulties at the Tinggede Village Office because the Village stated they could not issue the letter because the seller had died without leaving any heirs, namely his wife and children. Based on these difficulties, the plaintiff sued the Donggala District Court. In essence, the plaintiff's petitum and the verdict in the Donggala District Court Decision No: 7/Pdt.G/2020/PN.Dgl are presented in Table 3 below:

Table 3. Contents of the Petitum and Verdict in the Donggala District Court Decision Number: 7/Pdt.G/2020/PN.Dgl 7/Pdt.G/2020/PN.Dgl.

No.	Plaintiff's Petitum	Verdict
1.	Accepting all of the plaintiff's lawsuit requests	The judge stated that the defendant did not attend the trial even though he had been appropriately summoned.
2.	Validating the legal standing of the defendant, Mahmud, as the representative of his biological brother, the late Masrudin, as the defendant.	With Verstek, the judge accepted the lawsuit filed by the plaintiff in part.
3.	Validating the Sale, and Purchase, and Transfer of Land Rights Between the Late Masrudin and the Plaintiff	The judge approved the Sale, purchase, and Transfer of Land Rights between the late Masrudin and the plaintiff based on the law.
4.	The defendant and/or all heirs of the late Masrudin, as well as any other party, are declared to be sentenced to obey and carry out the contents of the decision.	The judge declares the defendant and/or all heirs of the late Masrudin, as well as any other party, to be sentenced to obey and implement the contents of this decision, which has permanent legal force.
5.	Determination of court costs	The defendant pays the costs incurred in this case

Based on the petition in this decision, it is known that the plaintiff did not submit an application for the issuance of land Ownership Certificate (SHM) that had become the plaintiff's property.

3.3.2 Analysis of Donggala District Court Decision Number: 7/Pdt.G/2020/PN.Dgl

As previously explained, a primary goal of land registration is to offer legal protection and security to those who hold rights to land, whether obtained through sale or purchase or other legal acts and events. Since the UUPA came into effect, customary law serves as the foundation for national agrarian law, specifically influencing the legal framework governing land sales and purchases. To be valid and meet formal requirements, it must be clear, cash, and real.

It has been mentioned in the case of the position above that the sale and purchase of land is on land that has not been certified and is not carried out in the presence of an authorized official. The understanding related to the sale and purchase of land in society is still widely interpreted as the sale and purchase is sufficient to be carried out underhand with evidence of a receipt even though the land has not been registered. (Taolin et al., 2024). This can potentially harm the buyer because the unregistered land makes it difficult for the buyer to legally prove himself as the legal right holder. So, the sale and purchase of land in the case above does not meet the clear requirements because it was not carried out before an authorized official, so formal requirements cannot be met. As a result, the buyer, in this case, the plaintiff, has difficulty registering the land to obtain SHM.

Based on the judge's considerations, one of which states that because Obtaining land rights through a sale and purchase is a method of transferring land rights that does not conflict with the law, then in his decision, the judge stated that the sale and purchase between the deceased seller and the buyer are valid and binding. This decision is stated in number 3 in the Donggala District Court Decision Number 7/Pdt.G/2020/PN.Dgl. which is declaratory. So even though the land sale and purchase did not fulfill all formal requirements, the judge ruled it a valid and binding legal act, deeming it not in conflict with the law.

The state has provided legal protection related to land registration through court decisions. This is regulated in Article 55 of PP 24/97 in conjunction with Article 125 of PMNA 3/97 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration, hereinafter referred to as PMNA 3/97, which in general reads that recording changes to land registration data based on Court decisions by the Head of the Land Office in the relevant land book list and other general lists is carried out after they receive a Court decision that has legal force. Notification of the contents of this court decision to the Head of the Land Office is carried out by the Court Clerk, but interested parties can also make this notification.

It is stated in the judge's decision in number 4 in the Donggala District Court Decision Number: 7/Pdt.G/2020/PN.Dgl. that the judge declares the defendant and/or all heirs of the late Masrudin, as well as any party, to be sentenced to obey

and implement the contents of this decision, which has permanent legal force. The nature of the judge's decision in number 4 is condemnatoir which should be able to be executed (Abdi et al., 2024). However, the judge did not clearly state the punishment for what and who it was aimed at in his verdict. The judge stated this in his verdict because the judge applied the ultra petita principle; namely, the judge is prohibited from granting more than what the plaintiff requested in the petite. Because the plaintiff did not mention the request for the issuance of SHM and made the Head of the local Land Office a party or co-defendant in his petitum, in his verdict, the judge did not order the Head of the local Land Office to issue SHM in the name of the plaintiff. So, this verdict is difficult to implement as a basis for land registration even though it has been regulated in Article 55 PP 24/97 in conjunction with Article 125 PMNA 3/97 that land registration can be carried out based on a judge's decision.

4. Conclusion

The accuracy of the plaintiff's petitum is important to do. This is related to the certainty that the judge can decide according to the petitum submitted. Inaccuracy in preparing the petitum submitted by the plaintiff can have implications, namely the failure to obtain legal certainty. As the analysis explained above, the result of the inaccuracy in the preparation of the petitum by the plaintiff, which did not mention the application to issue SHM for the land purchased from the late Masrudin and did not make the party or co-defendant, the Head of the local Land Office, had implications for the judge's decision which did not order the Head of the local Land Office to issue SHM in the name of the plaintiff. So that the Decision of the Donggala District Court Number: 7 / Pdt.G / 2020 / PN.Dgl is difficult to implement as a basis for land registration. However, it has been regulated in Article 55 PP 24/97 in conjunction with Article 125 PMNA 3/97 that court decisions can be implemented based on court decisions.

5. References

Journal:

Abdi, I., Mirwati, Y., & Fendri, A. (2024). Kepastian Hukum Pendaftaran Peralihan Hak Atas Tanah Saat Menjadi Objek Sengketa di Pengadilan (Studi Kasus Pelaksanaan Eksekusi terhadap Objek Perkara Perdata No. 18/Pdt.G/2018/PN Kbr). *UNES Law Review*, 6(3), 8262–8274. <https://doi.org/10.31933/unesrev.v6i3.1727> <https://review-unes.com/index.php/law/article/view/1727/1401>

Afriana, A., Rahmawati, E., Mantili, R., & Putri, S. A. (2022). Batasan Asas Hakim Pasif Dan Aktif Pada Peradilan Perdata. *Jurnal Bina Mulia Hukum*, 7(1), 142–

154. <https://doi.org/10.23920/jbmh.v7i1.1078>
<https://jurnal.fh.unpad.ac.id/index.php/jbmh/article/view/1078/532>
- Chornous, Y. (2021). *Legal Protection And Legal Certainty In Indonesia's Land Title Registration System*. 1.
<https://jurnal.unissula.ac.id/index.php/akta/article/view/35387>
- Damayanti, S. P. (2024). The Falsification of Land Sale and Purchase Deed Date by Land Deed Making Officer in Yogyakarta. *JURNAL AKTA*, 11(2), 439.
<https://doi.org/10.30659/akta.v11i2.36640>
<https://jurnal.unissula.ac.id/index.php/akta/article/view/36640>
- Fauzi, G. A. & Neng Fitria Haidina Maulidini Habib. (2024). Perlindungan Hukum bagi Pemilik Tanah Adat Perseorangan yang Objek Tanahnya telah Terdaftar atas Nama Orang Lain. *Jurnal Riset Ilmu Hukum*, 4(1), 45–52.
<https://doi.org/10.29313/jrih.v4i1.4527>
<https://journals.unisba.ac.id/index.php/JRIH/article/view/4527>
- Karuni, K. D. (2022). *Kajian Keabsahan Jual Beli Tanah Yang Belum Bersertifikat Dan Akibat Hukumnya Menurut Peraturan Pemerintah Nomor 24 Tahun 1997*. 10(3).
<https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/60833>
- Kencana, N., & Priandhini, L. (2022). The Implementation of a Complete Systematic Land Registration Program to Realize Legal Protection and Public Welfare. *Jurnal Akta*, 9(4), 402. <https://doi.org/10.30659/akta.v9i4.26757>
<https://core.ac.uk/download/pdf/551487936.pdf>
- Kumara, I. M. C. G., Wijaya, I. K. K. A., & Suryani, L. P. (2021). Kepastian Hukum Pemegang Hak atas Tanah dalam Sistem Hukum Pertanahan di Indonesia. *Jurnal Preferensi Hukum*, 2(3), 560–563.
<https://doi.org/10.22225/jph.2.3.4013.560-563>
<https://ejournal.warmadewa.ac.id/index.php/juprehum/article/view/4013>
- Legawantara, M. E. K., Arini, D. G. D., & Suryani, L. P. (2020). Akibat Hukum Perjanjian Jual Beli Hak Atas Tanah. *Jurnal Interpretasi Hukum*, 1(1), 112–117. <https://doi.org/10.22225/juinhum.1.1.2196.112-117>
<https://ejournalwarmadewa.id/index.php/juinhum/article/view/2196>
- Lubis, A. H., Lubis, J., & Rizal, S. (2022). Optimalisasi Pengawasan Dan Pembinaan Hakim Menuju Kekuasaan Kehakiman Yang Berintegritas Dan Bermartabat. *Ilmu Hukum Prima (IHP)*, 5(1), 12–24.
<https://doi.org/10.34012/jihp.v5i1.2456>
<https://jurnal.unprimdn.ac.id/index.php/IHP/article/view/2456>

- Maliha, E. Q., & Keumala, D. (2024). Keabsahan Kuitansi Sebagai Bukti Jual Beli Tanah Menurut Hukum Tanah Nasional: Validity of Receipt As Proof of Land Sale According To the National Land Law. *AMICUS CURIAE*, 1(1), 384–392. <https://doi.org/10.25105/amicus.v1i1.19600>
<https://pdfs.semanticscholar.org/9310/f47a9831b061b61c07da17b635f126d05e93.pdf>
- Malintang, L. P. (2024). Legal Protection for Land Owners Whose Land is Illegally Certified Through Land Registration. *JURNAL AKTA*, 11(4), 1381. <https://doi.org/10.30659/akta.v11i4.41665>
<https://jurnal.unissula.ac.id/index.php/akta/article/view/41665/0>
- Masri, E. & Hirwansyah. (2023). Kebijakan Penerbitan Sertipikat Elektronik Pada Sistem Pendaftaran Tanah di Indonesia Untuk Mewujudkan Kepastian Hukum. *KRTHA BHAYANGKARA*, 17(1), 157–174. <https://doi.org/10.31599/krtha.v17i1.2109>
<https://ejurnal.ubharajaya.ac.id/index.php/KRTHA/article/view/827>
- Murni, C. S. & Sumirahayu Sulaiman. (2022). *Sertifikat Hak Milik Atas Tanah Merupakan Tanda Bukti Hak Kepemilikan Tanah*. <https://doi.org/10.5281/ZENODO.6610224>
<https://www.neliti.com/publications/557768/sertifikat-hak-milik-atas-tanah-merupakan-tanda-bukti-hak-kepemilikan-tanah>
- Nulhakim, A. D., Pujiwati, Y., & Wahjuni, S. (2024). Penerapan Asas Terang Dan Tunai Dalam Proses Peralihan Hak Atas Tanah Melalui Pembuatan Akta Jual Beli Tanah Waris Yang Belum Dibagi Dihadapan Pejabat Pembuat Akta Tanah. 10. <https://journal.unpak.ac.id/index.php/palar/article/view/10846>
- Pertiwi, S. R. A., & Cahyarini, L. L. (2023). Analisis Hukum Jual Beli Tanah Belum Bersertifikat (Studi Kasus Putusan Nomor 75/Pdt/2016/Pt.Dps). *Notarius*, 16(1), 36–47. <https://doi.org/10.14710/nts.v16i1.37307>
<https://ejournal.undip.ac.id/index.php/notarius/article/view/37307>
- Prasetya, F., & Mahfud, Muh. A. (2023). Pendaftaran Tanah Untuk Pertama Kali Secara Elektronik Dalam Hukum Pertanahan Nasional. *Jurnal Hukum*, 39(1), 78. <https://doi.org/10.26532/jh.v39i1.30581>
<https://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/30581>
- Raden Devina Maulina & Irene Eka Sihombing. (2022). ANALISIS KEABSAHAN JUAL BELI TANAH BERDASARKAN KWITANSI DI KOTA DEPOK. *Reformasi Hukum Trisakti*, 4(4), 989–1000. <https://doi.org/10.25105/refor.v4i4.14119>
<https://pdfs.semanticscholar.org/2d21/445ff8e0ed2f580a62128323320843d7fc48.pdf>

- Rahmawati, N. (2022). Pendaftaran Tanah Berbasis Desa Lengkap. *Tunas Agraria*, 5(2), 127–141. <https://doi.org/10.31292/jta.v5i2.177>
<https://jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/view/177>
- Ramadhani, R. (2021). *Pendaftaran Tanah Sebagai Langkah Untuk Mendapatkan Kepastian Hukum Terhadap Hak Atas Tanah*. 2(1). <https://jurnal.bundamediagrup.co.id/index.php/sosek/article/view/119>
- Rana, G. V. (n.d.). KEABSAHAN JUAL BELI TANAH TANPA PEMBARUAN DATA SERTIPIKAT DITINJAU BERDASARKAN SIFAT TERANG DAN TUNAI (STUDI KASUS PUTUSAN NOMOR 292/PID.B/2020/PN JKT.BRT). 36(3). <https://jatiswara.unram.ac.id/index.php/js/article/view/339>
- Rasyid, M. R., & Winanti, A. (2023). Perlindungan Hukum Terkait Pemegang Hak Milik Atas Tanah dalam Kepemilikan Sertifikat Ganda (Studi Kasus Putusan Mahkamah Agung Nomor 3061 K/Pdt/2022). *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, 17(4), 2271. <https://doi.org/10.35931/aq.v17i4.2366> <https://jurnal.stiq-amuntai.ac.id/index.php/al-qalam/article/view/2366>
- Rasyid Rizani, Ahmadi Hasan, & Masyithah Umar. (2023). Integrasi Keadilan Moral, Keadilan Hukum, dan Keadilan Sosial dalam Putusan Pengadilan. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 1(4), 567–583. <https://doi.org/10.62976/ijjel.v1i4.179>
<https://shariajournal.com/index.php/IJJEL/article/view/179>
- Retno Kadarukmi, M. E. (2025). A Review of the Complete Systematic Land Registration (PTSL) Program and Its Accompanying Taxes. *JURNAL AKTA*, 12(1), 159. <https://doi.org/10.30659/akta.v12i1.43620>
<https://jurnal.unissula.ac.id/index.php/akta/article/view/43620>
- Sakti, S. T. I., & Budhisulistiyawati, A. (2020). *Perlindungan Hukum Bagi Para Pihak Dalam Perjanjian Jual Beli Tanah Letter C Di Bawah Tangan*. 1. <https://jurnal.uns.ac.id/privatlaw/article/view/40388>
- Saputro, I. P. (2022). KEABSAHAN JUAL BELI HAK ATAS TANAH WARISAN SEHINGGA MEMPEROLEH KEPASTIAN HUKUM. https://ejurnal.unisri.ac.id/index.php/Dinamika_Hukum/article/view/8394
- Suharyono, S., Is, M. S., & Sobandi, S. (2024). The Limited Positive Publication System in the Land Sector, Solution Towards Legal Certainty and Fair Legal Protection. *JURNAL AKTA*, 11(2), 547. <https://doi.org/10.30659/akta.v11i2.37618>
<https://jurnal.unissula.ac.id/index.php/akta/article/view/37618>

- Susanto, A., & Arifin, Z. (2023). Tinjauan Yuridis Jual Beli Tanah tanpa melalui Pejabat Pembuat Akta Tanah/PPAT: Studi Kasus Putusan Nomor 101/PDT.G/2020/PN TIM. *Hukum dan Demokrasi (HD)*, 23(3), 124–134. <https://doi.org/10.61234/hd.v23i3.23> <https://journal.stih-pgl.ac.id/ojs-stih/index.php/jhd/article/view/23>
- Taolin, F. T., Mujiburohman, D. A., & Widarbo, K. (2024). Kesadaran Hukum Masyarakat dalam Pendaftaran Peralihan Hak Atas Tanah. *Tunas Agraria*, 7(1), 68–85. <https://doi.org/10.31292/jta.v7i1.277> <http://www.jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/view/277>
- Tartila, M. (2022). Strategi Industri Perbankan Syariah dalam Menghadapi Era Digital. *Jurnal Ilmiah Ekonomi Islam*, 8(3), 3310. <https://doi.org/10.29040/jiei.v8i3.6408> <https://www.jurnal.stie-aas.ac.id/index.php/jiei/article/view/6408>
- Wulansari, H., Junarto, R., & Mujiburohman, D. A. (2021). Mewujudkan Sistem Pendaftaran Tanah Publikasi Positif. *Riau Law Journal*, 5(1), 61. <https://doi.org/10.30652/rlj.v5i1.7875>
- Yasa, I. W., & Iriyanto, E. (2023). Kepastian Hukum Putusan Hakim Dalam Penyelesaian Sengketa Perkara Perdata. *JURNAL RECHTENS*, 12(1), 33–48. <https://doi.org/10.56013/rechtens.v12i1.1957> <https://ejurnal.uij.ac.id/index.php/REC/article/view/1957>
- Zainal, F. (n.d.). *Legal Reasoning Terhadap Batasan Asas Ultra Petitum Partium dalam Putusan Perkara Perdata*. <http://pasca-umi.ac.id/index.php/jlt/article/view/968>

Books:

- Marzuki, Peter Mahmud. (2005). *Penelitian Hukum (Edisi Revisi)*. Jakarta: Kencana.
- Mertokusumo, Sudikno. (1989). *Hukum Acara Perdata*. Bandung: Alumni.
- Hartanto, Andy. (2009). *Problematika Jual Beli Tanah Belum Bersetipikat*. Yogyakarta: Laksbang Mediatama
- Ngadino. (2020). *Ketentuan Umum Tata Cara Pembuatan dan Pengisian Akta PPAT*. Semarang: UPT Penerbitan Universitas PGRI Semarang Press

Harsono, Boedi. (2013). *Hukum Agraria Indonesia Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya Jilid 1 Hukum Tanah Nasional*. Jakarta: Penerbit Universitas Trisakti

Muhammad, Abdulkadir. 1978. *Hukum Acara Perdata Indonesia*, Bandung: Alumni

Regulations:

The 1945 Constitution of the Republic of Indonesia

Civil Code

Law No. 5 of 1960 Concerning Basic Agrarian Principles

Law No. 48 of 2009 concerning Judicial Power

Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation into Law

Government Regulation Number 24 of 1997 Concerning Land Registration

Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration

Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration

Regulation of the Minister of Agrarian Affairs and Spatial Planning of the Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Land Cases

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 3 of 2023 concerning the Issuance of Electronic Documents in Land Registration Activities

Donggala District Court Decision Number: 7/Pdt.G/2020/PN.Dgl