

The Urgency of Land Deed Officials (PPAT) Role in the Transfer of State-Owned Land Under A Legal Perspective

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Abstract. *The transfer of State-Owned Assets (BMN) in the form of land is a legal process that must comply with administrative and land law regulations. The issue of an authentic deed by a Land Deed Official (PPAT) is an essential instrument in the transfer of land rights. This study seeks to analyze the legal ramifications of conducting the process without a PPAT deed and to assess the importance of PPAT in validating property rights transfers, including BMN. The applied research methodology is normative juridical, utilizing a statutory and case study approach. The results demonstrate that the conveyance of land rights does not comply with the legal stipulations set forth by national land laws in the absence of a deed executed by a PPAT, which may lead to disputes and financial losses for the state. This report promotes the strengthening of regulations mandating PPAT involvement in all BMN land transfers to ensure legal certainty and protect state interest.*

Keywords: *Deed; Land; Official; State; Transfer.*

1. Introduction

In a contemporary legal state, state assets, including land, are heavily reliant on public service and national development. In addition to functioning as passive assets, state-owned goods (BMN), particularly land, play a significant and strategic role in the management of national wealth. Therefore, all legal actions concerning BMN, including transfer of ownership, must be carried out meticulously, honestly, and in accordance with the applicable principles or regulations. In this context, the participation of the Land Deed Official (PPAT) in the process of creating authentic deeds becomes crucial, as this formality provides the necessary legal certainty and protection (Basuki & Hadiati, 2025).

Government Regulation No. 18 of 2021 on the Management of State/Regional Goods, which serves as an update to Government Regulation No. 27 of 2014, emphasizes the importance of structured administrative procedures in the management and transfer of state-owned goods. However, the regulation does

not provide a clear explanation regarding the role of the Land Deed Official (PPAT) in the process of transferring state-owned land. This omission exists despite the fact that the applicable regulation, Government Regulation No. 24 of 1997 on Land Registration, stipulates that the presence of PPAT is a requirement for drafting official deeds for the transfer of land rights. If the role of PPAT is not explicitly outlined in the updated regulation, it could potentially lead to misunderstandings regarding the transfer process of state-owned land.

Every transfer of land rights, including donations, sales, or exchanges, must be documented in a deed prepared by the PPAT as a formal requirement. The PPAT deed not only serves as evidence of the transfer of rights but also enables the registration of the change of rights with the National Land Agency (BPN). Without the PPAT deed, the change in land rights is considered legally incomplete and could even be null and void. In the context of state-owned land, the absence of this deed could also result in state losses and legal uncertainty in the management of state assets (Putra et al., 2022).

The urgency of the role of Land Deed Officials (PPAT) in the transfer of state-owned land (BMN) becomes increasingly important, given that state land holds a special legal status, subject to the principles of prudence and the protection of public interest. Any procedural deviation in its transfer poses a risk of opening opportunities for legal disputes in the future, both between the state and the rights recipient, as well as among state institutions themselves. In some cases, the lack of clarity regarding the status of land that has been transferred without valid legal procedures has led to complex and prolonged agrarian conflicts (Susanto & Arifin, 2023).

From a public administration perspective, the principles of transparency, accountability, and legal certainty play a crucial role in the implementation of Land Deed Officials (PPAT) in the process of transferring state-owned land (BMN). The documents prepared by PPAT, as a public official appointed by law, ensure that the responsible parties can be held accountable and that the transfer of land rights has been carried out in accordance with the applicable legal provisions (Jufri & Hamzah, 2023).

The rights to land, whether owned by the state or by third parties, require adequate protection from the state, in accordance with the provisions of Land Deed Officials (PPAT). In the process of transferring rights, the PPAT deed plays a significant role in preventing certificate duplication, double claims, and land data misuse. Without the involvement of PPAT, the state loses one of its effective administrative control instruments in maintaining the validity and orderliness of land management.

On the other hand, from a juridical-normative perspective, the existence of the PPAT deed in the transfer of state-owned land (BMN) is a tangible manifestation of the principle of legality. In Indonesian law, the principle of legality applies not only in the criminal field but also serves as a fundamental principle in every state administrative legal action, including in the management of BMN. If the transfer is carried out without adhering to clear legal regulations, it could lead to arbitrary actions that contradict the principles of the rule of law (Bimo et al., 2024). This issue becomes increasingly significant due to the government's efforts to optimize the utilization of state assets, such as through the Public-Private Partnership (PPP) program and state capital participation through land contributions. In such situations, the Land Deed Official (PPAT) is crucial in ensuring that the transferred state assets are reported legally and can be accounted for in the national financial reports.

Two main issues will be analyzed in this study, as previously explained. First, the role of PPAT in the transfer of state-owned land (BMN) holds significant importance in accordance with the applicable positive law in Indonesia. Second, there are legal consequences associated with the transfer of BMN without an authentic deed drafted by PPAT. Both issues must be thoroughly examined due to the potential legal and administrative risks that may arise if the transfer of BMN is carried out without the legal involvement of PPAT.

This study is expected to contribute theoretically to the advancement of legal science, particularly in the fields of state administrative law and land law. It is anticipated that the study will provide concrete policy recommendations for lawmakers and legal practitioners. Its main focus is to strengthen the mechanisms for the management and transfer of BMN, especially regarding the formalization of the transfer of rights through PPAT official deeds.

This study employs a normative juridical approach, meaning it focuses on the relevant legal standards found in regulations, legal doctrines, and pertinent judicial decisions. The research will also use a case study approach to examine how the practice of transferring BMN occurs in the field and the consequences when PPAT is not involved.

Finally, this background emphasizes that the involvement of PPAT in the transfer of state-owned land (BMN) is not merely an administrative formality, but an integral part of efforts to uphold the rule of law, state accountability, and land rights protection within the framework of Indonesia's legal state. The urgency of PPAT's role in this context represents a manifestation of the effort to balance the need for flexibility in managing state assets with the obligation to uphold the applicable legal principles.

(Abdillah, 2023).

2. Research Methods

This study applies a normative juridical approach. Normative juridical legal research is an approach that utilizes bibliographical or secondary data as material for analysis. This study will analyze written legal norms such as doctrines, regulations, and principles governing the transfer of land as state-owned goods (BMN) and the role of Land Deed Officials (PPAT) in this process. The study adopts the statutory approach to analyze the alignment between regulations in Government Regulation No. 18 of 2021, Government Regulation No. 24 of 1997, and other related regulations. Additionally, a conceptual approach is applied to analyze legal doctrines related to the significance of authentic deeds in the transfer of land rights.

In the context of positive law in Indonesia, the role of PPAT is of great significance in the transfer of state-owned land (BMN). The library research method is employed to collect legal sources consisting of primary, secondary, and tertiary materials. To address the research problem, data is analyzed using a qualitative approach through processing, interpretation, and correlation of legal sources. This study aims to produce a solid legal argument supporting the necessity of PPAT as an instrument of formality. This is crucial to ensure the validity, legal certainty, and protection of state assets in the process of transferring state-owned land (BMN).

3. Results and Discussion

3.1 The Urgency of PPAT Involvement in the Transfer of BMN Land According to Indonesian Positive Law

In the context of positive law in Indonesia, the management of state-owned goods (BMN), particularly land, is an essential component of state asset administration that must be conducted based on the principles of legality, transparency, and accountability. The transfer of state-owned land (BMN) is not merely an administrative action; it is a legal act that affects the transfer of land rights between the state and other parties. The involvement of Land Deed Officials (PPAT) is crucial in ensuring the validity, stability, and protection of state interests during the rights transfer process.

Government Regulation No. 18 of 2021 on the Management of State/Regional Goods, which revises Government Regulation No. 27 of 2014, officially establishes provisions related to BMN. Government Regulation No. 24 of 1997 on Land Registration provides more in-depth regulations regarding the transfer of land rights. Article 37 paragraph (1) of PP 24/1997 stipulates that the transfer of land rights must be evidenced by a deed prepared by PPAT. This document then serves as the basis for registering the modification of rights with the National Land

Agency (BPN). Therefore, in the context of positive law, the participation of PPAT in the process of transferring state-owned land (BMN) is a formal prerequisite necessary to ensure the lawful transfer of rights. (Shella & Ramasari, 2022).

The Authority Theory, as proposed by H.D. Stout and further developed in administrative law doctrine, emphasizes that every state administrative official can only act based on the authority granted by statutory regulations. Attribution, delegation, and mandate are the three components of such authority. In the context of the transfer of state-owned land (BMN), the Land Deed Official (PPAT) holds authority explicitly regulated by law to draft deeds that are legally recognized as a valid prerequisite for the transfer of land rights. Therefore, the non-involvement of PPAT in the transfer of state-owned land (BMN) indicates a disregard for the formal legal aspects of the legal actions being carried out. (Markos et al., 2025).

The involvement of Land Deed Officials (PPAT) in the transfer of state-owned land (BMN) holds significant importance for several reasons. First, it relates to the issue of the validity of legal actions. Article 1868 of the Civil Code stipulates that deeds prepared by PPAT serve as authentic deeds, which function as comprehensive evidence of the legal actions undertaken. The transfer process lacks a solid legal foundation without an authentic deed. More specifically, the inability of a process to meet formal requirements can result in the transfer of rights being considered invalid. (Tsaurah et al., 2023).

Second, from the perspective of legal certainty, PPAT prepares the deed of transfer of rights to provide legal certainty for all parties, including third parties. In the case of state-owned land (BMN), this legal certainty is crucial for both the rights recipient and the state as the original owner, as the legal status of the land becomes unclear, leading to the risk of future agrarian disputes, both between the state and the rights recipient and with third parties. (Aulia, 2022).

Third, from the dimension of protection of state finances, the transfer of state-owned land (BMN) directly impacts the state's financial position. Procedural errors in the transfer of land, including the lack of legal clarity due to the absence of a PPAT deed, could potentially result in state losses. To ensure that every transfer of BMN is carried out accurately and in accordance with applicable legal procedures, PPAT plays a crucial role as an essential element in the administrative control system regarding this matter.

Fourth, from the dimension of good governance, one of the main pillars of good governance is accountability. In the context of transferring state-owned land (BMN), the PPAT deed serves as a tool for administrative accountability. Without this deed, there is no legal documentation that can be held accountable for the

transfer, which could ultimately open the door for maladministration, abuse of power, or even criminal acts of corruption (Lazuardi et al., 2024).

Although Government Regulation No. 18 of 2021 does not explicitly state that Land Deed Officials (PPAT) must be involved in the process of transferring state-owned land (BMN), the provisions in Government Regulation No. 24 of 1997 that require PPAT to draft deeds for the transfer of land rights remain valid and must be followed. Therefore, in its implementation, the BMN managing officials must ensure that every transfer of BMN land involves PPAT to maintain procedural compliance with applicable land law.

In practice, the non-involvement of PPAT in the transfer of BMN land is often caused by two main factors: a lack of awareness of land law procedures and the desire to expedite administrative processes without considering formal legal aspects. These factors must be addressed through more intensive regulation socialization and strengthening the internal oversight system in BMN management. Furthermore, there needs to be regulatory harmonization between BMN management provisions and land law to prevent overlaps or legal interpretative gaps that could be exploited to bypass formal procedures.

Upon further analysis, it is important to understand that the involvement of PPAT is not merely to fulfill administrative requirements but also an effort to build a solid and trustworthy legal system. In line with **Satjipto Rahardjo's** perspective, which emphasizes that law must serve the needs of justice for society, the involvement of PPAT in the transfer of BMN land functions as part of a legal protection mechanism for the rights of the state and society. In this context, the law should not be seen merely as a procedural formality but as a tool to achieve substantive justice.

The urgency of PPAT's role becomes even more pronounced when linked to the complex dynamics of land law in Indonesia, such as the widespread land disputes, overlapping certificates, and land administration issues still prevalent in various regions. The existence of authentic deeds from PPAT helps reduce the risks involved, as these deeds serve as official documents with significant legal force and can be used as strong evidence in legal proceedings (Anastasia et al., 2024).

As a forward-looking effort, policymakers should consider revising or refining Government Regulation No. 18 of 2021 to include an explicit clause regarding the mandatory involvement of Land Deed Officials (PPAT) in every transfer of state-owned land (BMN). This is essential to eliminate legal ambiguities and ensure a standardized procedure in the management of BMN, particularly in the aspect of land rights transfer.

Therefore, the involvement of PPAT in the transfer of BMN land should not be viewed as an option, but as a legal requirement based on the principles of legality, good state administration, and justice. The transfer of BMN land without the involvement of PPAT will result in formal defects that lead to legal uncertainty regarding the status of rights, the risk of legal disputes, state losses, and undermine the accountability system in the management of state assets.

In conclusion, this analysis shows that the involvement of PPAT in the transfer of BMN land under Indonesian positive law holds significant urgency, derived from the principles of legal validity, legal certainty, protection of state finances, and the application of good governance. Every transfer of BMN land must involve PPAT, which plays a crucial role in the national land law system to produce an authentic deed. (Limbong et al., 2022)

3.2 Legal Consequences of Transferring BMN Land Without an Authentic PPAT Deed

The process of transferring land rights in Indonesia requires an authentic deed to be prepared by the Land Deed Official (PPAT), in accordance with the provisions outlined in Article 37 paragraph (1) of Government Regulation No. 24 of 1997 on Land Registration. In the context of state-owned goods (BMN), particularly land, this requirement becomes even more significant considering that state-owned land plays a strategic role in supporting government functions and national development. Therefore, the transfer of state-owned land (BMN) without an authentic PPAT deed carries significant legal consequences that can threaten legal validity, protection of rights, and potentially lead to losses for the state.

First, in terms of legality, the transfer of state-owned land (BMN) without a PPAT deed may be considered a legal defect. Without a valid deed, the transfer process fails to meet the formal requirements necessary for the transfer of land rights. (Saputra et al., 2024). As a result, the transfer of rights may be considered illegal or legally invalid. In fact, both the state and third parties with an interest in the matter may challenge the unlawful transfer, potentially leading to prolonged legal disputes.

Second, from the perspective of land registration, the transfer without a PPAT deed presents a major issue as it cannot be processed into the National Land Agency's (BPN) land registration system. According to Government Regulation No. 24 of 1997, the registration process for the transfer of land rights must be based on an authentic deed issued by PPAT. Without this deed, the recording of new rights in the land certificate cannot be carried out, resulting in the land remaining registered under the state's name according to the law. As a result, for the rights recipient, the ownership status becomes legally unrecognized, and the party

cannot legally use the land for other purposes, such as collateral for credit, further transfer of rights, or property development (Avivah et al., 2022).

Third, from the aspect of protection of the state, the absence of a PPAT deed in the transfer of state-owned land (BMN) opens the door for abuse of power and manipulation of state assets. In the context of accountability in the management of BMN, the lack of formal evidence in the form of an authentic deed complicates the process of auditing, examination, and administrative accountability. This could lead to potential legal violations, including administrative breaches, unlawful acts, and even criminal acts of corruption. Ultimately, the state will suffer losses as land, which should be protected in terms of ownership, is transferred without valid legal guarantees.

Fourth, from the perspective of administrative order, the authentic PPAT deed functions as a source of land administration data in addition to serving as a tool for demonstrating the transfer of rights. Without this deed, the administrative data related to the transfer of land becomes undocumented officially, thus undermining the integrity of the national land database (Handayani et al., n.d.). This has broader implications for the management of state assets, which heavily relies on the accuracy of administrative data. As a result, the state faces difficulties in conducting asset inventories, preparing the national wealth balance sheet, and planning asset-based development.

Fifth, from the dimension of legal certainty and protection of third parties, the transfer of state-owned land (BMN) without a PPAT deed can cause harm to third parties acting in good faith. For example, a third party who acquires land from the rights recipient of BMN land, whose transfer is invalid, may lose their rights to the land if the original transfer is later annulled. Therefore, the absence of a PPAT deed law can result in significant injustice for both the state and the general public.

From a legal theory perspective, referring to Authority Theory as proposed by H.D. Stout, every legal action by a state official must be based on legitimate authority, granted by law, and carried out according to legal procedures. The transfer of state-owned land (BMN) without a PPAT deed constitutes a legal action without a proper procedural foundation, thereby violating the fundamental principles of state administrative law. In this context, the involvement of PPAT is not merely a formality but an essential part of ensuring the validity of state legal actions.

Furthermore, the transfer of BMN land without a PPAT deed can be classified as a form of maladministration, which is a deviation from the administrative procedures that should be followed. The principles of accountability and transparency, which are standards for public service, are not in line with this action. The state, through its BMN managing officials, has a legal responsibility to

perform all asset management actions, including transfers, in accordance with applicable regulations and laws (Maharani et al., 2023).

Several land dispute cases in judicial practice have shown that the transfer of land rights without a PPAT deed often becomes the basis for the annulment of land rights. According to decisions by the Supreme Court, the PPAT deed is a fundamental requirement for the transfer of land rights. If state-owned land (BMN) is transferred without a PPAT deed, the newly created rights will be considered invalid and may be annulled.

In the context of accountability for officials, the transfer of BMN land without a PPAT deed also opens the possibility of legal liability for the involved officials. The BMN managing officials may be held administratively, or even criminally, accountable if the action results in financial losses to the state. This is in accordance with the provisions outlined in Law No. 31 of 1999 on the Eradication of Corruption, which identifies one category of corruption as state losses arising from procedural deviations (Medaline & Syafriana, 2024).

Therefore, to avoid all of these legal consequences, every transfer of state-owned land (BMN) must follow the correct legal mechanisms, including the preparation of an authentic deed by Land Deed Officials (PPAT). The creation of this deed must be viewed as an integral part of the legal procedure that guarantees the validity of the transfer of rights, not merely an administrative burden.

As a preventive measure, further harmonization between BMN management regulations and land law regulations is needed to ensure that the involvement of PPAT is explicitly regulated in every procedure for transferring state-owned land (BMN). Additionally, internal and external oversight should be strengthened in every BMN transfer process to ensure compliance with legal procedures.

In the context of bureaucratic reform, it is crucial to build a legal culture among BMN managing officials so they understand the importance of legitimate legal procedures in every administrative action. This can be achieved through education, training, and the enforcement of strict sanctions for any procedural violations.

Thus, it can be concluded that the transfer of BMN land without an authentic PPAT deed leads to serious legal consequences, affecting the validity of the transfer of rights, land registration, state protection, administrative order, third-party protection, and official accountability. Therefore, the involvement of PPAT in every process of transferring BMN land is an essential condition to uphold the rule of law, justice, and protection of state assets. (Maharani et al., 2023).

4. Conclusion

In the context of positive law in Indonesia, the presence of Land Deed Officials (PPAT) holds significant importance in the process of transferring state-owned goods (BMN) in the form of land. The official document prepared by PPAT serves as valid evidence of the transfer of rights, a source of information in land administration, and provides legal certainty for both the state and third parties. The legal principles and provisions of Government Regulation No. 24 of 1997 emphasize that the transfer of land rights without a PPAT deed may constitute a legal violation. Although Government Regulation No. 18 of 2021 does not explicitly state that one must involve PPAT, the implications of these provisions must still be considered. Therefore, the involvement of PPAT in the transfer of state-owned land (BMN) demonstrates the principles of prudence, good governance, and protection of state assets. The transfer of state-owned land (BMN) without an authentic PPAT deed results in the transfer being invalid or at least legally defective, making it impossible to register with the National Land Agency (BPN). Legal uncertainty regarding land ownership, the risk of legal disputes, and the potential for state losses are legal consequences for officials who deviate from established procedures. Therefore, to ensure that state-owned land rights remain legal and to protect the interests of the state and the public as a whole, the preparation of a PPAT deed is a primary prerequisite.

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Regulation:

Law No. 31 of 1999 on the Eradication of Criminal Acts of Corruption
This law provides the legal framework for preventing, prosecuting, and penalizing corruption in Indonesia, including offenses that lead to state losses due to procedural violations, such as in the management of state assets.

Government Regulation No. 18 of 2021 on the Management of State/Regional Goods

This regulation governs the administration and management of state and regional assets, including state-owned land, with an emphasis on ensuring transparency, accountability, and proper utilization of public resources.

Government Regulation No. 24 of 1997 on Land Registration

This regulation sets the standards and procedures for land registration in Indonesia, emphasizing the importance of authentic deeds (PPAT) in the transfer of land rights, ensuring legal certainty, and preventing disputes.