

## Problematics of Legal Kincrease in The Sale Value of Taxable Objects - Land and Building Tax (NJOP-PBB) on The Process of Transfer of Land Rights at The Office of The Land Deed Official in Blora Regency

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**Abstract.** *The purpose of this study is to determine and analyze the impact of the increase in the Taxable Object Sales Value - Land and Building Tax (NJOP - PBB) on the process of transferring land rights at the Notary's Office - Land Deed Making Official (PPAT), to determine the obstacles and efforts made related to the increase in the Taxable Object Sales Value - Land and Building Tax (NJOP - PBB) on the process of transferring land rights at the Notary's Office - Land Deed Making Official (PPAT). The approach method in this study is the sociological juridical approach, namely an approach that emphasizes research that aims to obtain legal knowledge empirically by going directly to the object. The data used are primary and secondary data obtained through interviews and literature studies, while the data analysis method is carried out by qualitative analysis. The results of the study concluded that the Increase in the Taxable Object Sales Value - Land and Building Tax (NJOP - PBB) certainly affects the process of transferring land rights, because it is not uncommon for the transaction value submitted by taxpayers to be considered inappropriate by tax officers, so it is not uncommon for tax officers in the verification / validation process, to request that the transaction value be changed and adjusted according to the tax officer's assessment. The tax value that must be paid is very high, the taxable object sales value (NJOP) also always increases every year so that with the increasing taxable object sales value (NJOP), the tax that must be paid is the estimated value determined by the Regional Revenue, Financial Management and Asset Agency (BPPKAD) Office exceeds the original sale and purchase value so that the applicants feel very reluctant, so the local government must take concrete steps and appropriate solutions related to future policies.*

**Keywords:** Problems; Njop-PBB; PPAT.

## 1. Introduction

In the process, several stages are carried out before the transfer of rights files are registered at the local National Land Agency Office, one of the requirements needed is a Deed made by an Official. The Deed is made by the Land Deed Making Officer (PPAT) for the transfer of rights process, prospective rights holders are required to collect the requirements needed by the Land Deed Making Officer (PPAT) in making the Deed. Includes data on the parties concerned, including the Original Certificate or letter C (if you do not have a certificate), Photocopy of Identity Card (KTP), Photocopy of Family Card (KK) and Photocopy of Marriage Book of the parties (with the note that the original document has been shown in front of the Land Deed Making Officer or called PPAT), Death Certificate issued by the local Kelurahan or Death Certificate issued by the local Population and Civil Registry Office (if there is a party who has died), Photocopy of Tax Notification Letter for Land and Building Tax Payable (SPPT - PBB) last year.<sup>1</sup>

Land and Building Tax (PBB) is a type of tax levied by the government on land and building ownership in Indonesia. PBB is an important component in regional financial management because it provides a significant contribution to Regional Original Income (PAD). One important aspect in the imposition of PBB is the Taxable Object Sales Value (NJOP), which is the basis for imposing PBB. NJOP is determined by the government by considering various factors, such as location, area, and physical condition of the tax object.

However, in practice, the increase in NJOP carried out periodically by the government often causes legal and social problems in society. The increase in NJOP not only affects the amount of tax that must be paid by land and building owners, but also affects various legal aspects, especially in the process of transferring land rights at the Land Deed Official (PPAT) office. The process of transferring rights involves various stages, starting from collecting files, checking the legality of documents, to paying taxes which are a requirement for the legal transfer of rights.

The inconsistency due to the BPHTB regulation provides an option where acquisition through sale and purchase can use the transaction price or PBB NJOP and if other than sale and purchase can use the market value or PBB NJOP, if the transaction price or market value is unknown or lower than the PBB NJOP then the PBB NJOP is used which in reality the PBB NJOP in the district/city area, although on average has regulated the Land and Building Tax, in reality in the

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<sup>1</sup>Yani Pujiwati et al., 1999. "State Land Registration Based on PP24/1997 Concerning Land Registration", Jurnal Sosiohumaniora, Vol I, p. I.

field there are still many conditions found where the Regent/Mayor only determines the NJOP class while the area and the amount of the value are not determined or determined but not adjusted to developments in the field. From this situation the law becomes uncertain<sup>2</sup>.

When NJOP increases significantly, it can affect the financial ability of the community to fulfill tax obligations that are prerequisites in the process of transferring land rights. This condition often triggers various legal problems, such as delays or even cancellations of the transfer of rights process, tax disputes, and the emergence of manipulative practices to avoid paying higher taxes. On the other hand, for PPAT, the high increase in NJOP also adds complexity to the implementation of their duties and functions. PPAT must ensure that the entire transfer of rights process runs in accordance with applicable legal provisions, including ensuring that related taxes have been paid in accordance with the applicable NJOP. This is often a challenge in itself, especially if there is a difference between the NJOP set and the market value of the land in question.<sup>3</sup>

With this background, this study will examine the legal problems arising from the increase in NJOP on the process of transferring land rights at the PPAT office. The main focus of this study is to understand how the increase in NJOP affects the process of transferring land rights and to explore legal solutions that can be applied to overcome the problems that arise.

From this, the author was encouraged to conduct research on the increase in the taxable object sales value (NJOP) in the process of transferring land rights and the obstacles faced in practice. Therefore, based on these considerations, the author is interested in conducting research with the title

“Legal Problems of The Increase in The Sale Value of Taxable Objects – Land and Building Tax (Njop – Pbb) on The Process of Transfer of Land Rights at The Office of The Land Deed Official in Blora Regency”.

## **2. Research Methods**

The data obtained from field research is then analyzed logically arranged using qualitative methods. In this study, the researcher used a sociological legal approach. The method of collecting data with primary data is obtained from interviews and documentation and secondary data is book materials and laws. The data analysis method used in this study is the qualitative analysis method.

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<sup>2</sup>Achmad Faishal, 2021, “Fundamental problems in the application of land and/or building acquisition fees”, Journal of Law and Notary, Vol. 5, No. 1,  
2.<https://riset.unisma.ac.id/index.php/hukeno/article/view/9266>.

<sup>3</sup>Erly Suandy, 2008, Tax Planning, Salemba Empat, Jakarta p. 48.

### 3. Results and Discussion

#### 3.1. What is the Impact of Legal Problems Due to the Increase in the Taxable Object Sales Value – Land and Building Tax (NJOP – PBB) on the process of transferring land rights at the Notary Office – Land Deed Making Officer (PPAT) in Blora Regency.

The basis for imposing Land and Building Acquisition Tax (BPHTB) is regulated by Law No. 21 of 1997 concerning Land and Building Acquisition Tax, which has been amended by Law No. 20 of 2000 concerning Amendments to Law No. 21 of 1997 concerning Land and Building Acquisition Tax, which was later referred to as the BPHTB Law, which was originally a central government tax. Then, along with developments, Law No. 28 of 2009 concerning Regional Taxes and Regional Retributions was issued, which was changed again to Law Number 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) which among other things regulates the Land and Building Acquisition Fee (BPHTB). With the enactment of the PDRD Law, BPHTB is a regional tax<sup>4</sup>. management and collection are handed over to the regions in accordance with the granting of autonomy to the regions<sup>5</sup>.

In Article 1 of Law No. 28 of 2009 concerning Regional Taxes and Regional Levies and Article 1 of Law No. 21 of 1997 concerning Land and Building Acquisition Fees as amended by Law No. 20 of 2000 concerning Land and Building Acquisition Fees, it is explained that "Acquisition of Land and/or Building Rights is an act or legal event that results in the acquisition of land and/or building rights by an individual or entity". According to both laws, what is meant by Land and Building Acquisition Fees or BPHTB is a tax on the acquisition of land and/or building rights. Acquisition of rights due to legal acts is the acquisition of rights caused by legal acts of transfer of rights, such as sale and purchase, exchange, grants, income in companies and other legal acts of transfer of rights. Meanwhile, acquisition of rights due to legal events is the acquisition of rights that occurs due to law, which is caused by a certain legal event, such as the death of the rights holder, then the heirs who are entitled to obtain rights by law, without any certain legal acts<sup>6</sup>.

The increase in the Taxable Object Sales Value (NJOP) and its impact on the process of transferring land rights in Blora Regency involves several important aspects that affect the imposition of Land and Building Tax (PBB) and Land and Building Acquisition Fee (BPHTB). The following is an in-depth analysis of these impacts. The increase in NJOP has direct implications for the amount of tax that must be paid by the applicant when transferring land rights. Every year, the NJOP

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<sup>4</sup>Adrian Sutedi, 2008, Regional Tax and Retribution Law, Ghalia Indonesia, Bogor, p. 57

<sup>5</sup>Murtir Jeddawi, 2008, Implementation of Regional Autonomy Policy (Analysis of Authority, Institutions, Personnel Management, and Regional Regulations), Total Media, Yogyakarta.

<sup>6</sup>Boedi Harsono, 1999, Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Djambatan Boedi, Jakarta, p. 519.

value increases, which means that the tax that must be paid also increases. This often causes dissatisfaction among applicants because the tax imposed can be very high and exceed the actual transaction value.

The adjustment of the amount of PBB NJOP carried out by the ZNT Appraisal Officer aims to adjust the value of the BPHTB object stated on the land location map contained in the Measurement Letter/Situation Drawing of the land rights certificate or the Decree on Granting Rights with the economic value and regional development of the BPHTB object. This is based on the provisions of Article 79 paragraph (2) of Law Number 28 of 2009 concerning Regional Taxes and Regional Retributions which stipulates that the amount of PBB NJOP is determined every 3 (three) years, except for certain tax objects which can be determined annually in accordance with regional development.

In practice, tax officers often verify the transaction value submitted by the applicant. If the transaction value is considered inconsistent with the NJOP, the officer can request an adjustment to the transaction value, which can increase the administrative burden for the applicant. This creates uncertainty in the transfer of rights process, where the applicant feels that the true sale value is not recognized. NJOP is the basis for calculating BPHTB, where if the Taxable Object Acquisition Value (NPOP) is lower than NJOP, then NJOP is used as the basis for taxation. This can lead to a situation where the tax paid is much higher than the market value of the land.

Many applicants feel burdened with the amount of tax that must be paid due to the increase in NJOP. This can hinder the transfer of rights because applicants may delay or even cancel their intention to make a transaction. There is legal uncertainty related to the determination of NJOP and BPHTB. Several regional heads set an increase in NJOP without clear limits, thus creating confusion for the community and legal lawyers in conducting land transactions. Applicants often do not have access to adequate information regarding how NJOP is determined and how this affects their tax obligations, so they cannot make informed decisions.

The inclusion of the price in the Deed of Sale and Purchase or other transfer of land rights must be in accordance with the price determined by the Regional Revenue, Financial Management and Asset Agency (BPPKAD) because the Regional Government has the authority to conduct calculations and field research related to the object of the sale and purchase. Field research related to the object of the sale and purchase or the transfer of land rights can affect the transaction price because it is considered that the agreed transaction price is still too low from the market price. However, the government in this case does not pay attention to the actual transaction price, because this can affect the amount of tax that will later be paid to the regional government. The inclusion of the price in the land sale and purchase deed is very influential in binding both parties and providing clarity regarding the certainty of the amount of value that must be

paid by the taxpayer and the PPAT as the maker of the deed of sale and purchase.

### **3.2. What efforts are made due to the impact of legal problems related to the increase in the Taxable Object Sales Value - Land and Building Tax (NJOP-PBB) on the process of transferring land rights at the Notary Office - Land Deed Making Officer (PPAT) in Blora Regency.**

The increase in the Taxable Object Sales Value – Land and Building Tax (NJOP-PBB) certainly affects the process of transferring land rights, such as at the Notary Office – Land Deed Making Officer (PPAT) Elizabeth Estiningsih, SH in Blora Regency. The use of transaction values as the basis for calculating BPHTB is what often causes problems in the field, because it is not uncommon for the transaction value submitted by taxpayers to be considered inappropriate by tax officers, so it is not uncommon for tax officers in the verification/validation process to request that the transaction value be changed and adjusted according to the tax officer's assessment.<sup>7</sup>

Uncertainty about the process gives rise to various legal consequences, including, it can result in the transaction being invalid and cancelled, and can even be detrimental to society, because they have to pay higher taxes than they should.<sup>8</sup> Based on the theory of certainty, the purpose of law is nothing more than to guarantee the realization of legal certainty. Legal certainty is realized by law with its nature which only creates a general legal rule. The general nature of legal rules proves that law does not aim to realize justice or benefit, but solely for certainty, while according to the theory of legal protection is a protection given to legal subjects in the form of devices that are both preventive and repressive, both verbal and written. In other words, it can be said that legal protection is a separate description of the function of law itself, which has the concept that law provides justice, order, certainty, benefit and peace.<sup>9</sup>

The theory of justice emphasizes how the law should be applied fairly to all citizens. If the increase in NJOP is too high, people with weak economies will have difficulty paying the increased PBB, especially in the process of transferring land rights which requires additional costs. Taxes should be applied proportionally based on the economic conditions of the community. An increase in NJOP that is not balanced with a tax incentive policy for certain groups can create inequality. If there is an objection to the increase in NJOP, there must be

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<sup>7</sup>Ovelia Veradina Imbing, 2013. "Analysis of NJOP Determination and Its Implications for PBB Receipts in Manado City". Journal of Economic, Management, Business and Accounting Research (EMBA) Vol. 1 No. 3 p. 488.

<sup>8</sup>Mujianto, 2015, "Certainty of Basic Value of Calculation of Land and Building Acquisition Fee (BPHTB)", IUS QUIA IUSTUM Law Journal, VOL. XXII, NO. 3 JULY 2015: 489 – 509, Yogyakarta, p. 492

<sup>9</sup>John Salindeho, 1993, Land Problems in Development, Sinar Grafika, Jakarta, p. 23.

an objection or appeal mechanism that can be accessed by the community with reasonable costs and procedures.<sup>10</sup>

The following are efforts that may be able to minimize the impacts above, namely:

1. The applicant can be represented by a Land Deed Official (PPAT) in registering the transfer of rights, which helps to ease the administrative burden for the applicant. If the NJOP increase is too high, people with weak economies will have difficulty paying the increased PBB, especially in the process of transferring land rights which requires additional costs.

2. The Blora Regency Government is expected to issue regulations which is clearer and more consistent regarding the calculation of BPHTB so that there are no differences in tax assessment and calculation. If there is an objection to the increase in NJOP, there must be an objection or appeal mechanism that can be accessed by the public at a reasonable cost and with reasonable procedures.

3. Synergy is needed between related agencies, such as BPPKAD and BPN, to ensure that the validation process runs smoothly and there are no delays in issuing important documents. Taxes should be applied proportionally based on the economic conditions of the community. The increase in NJOP that is not balanced with tax incentive policies for certain groups can create inequality.<sup>11</sup>

With these steps, it is hoped that obstacles related to the increase in NJOP can be minimized, so that the process of transferring land rights in Blora Regency can run more efficiently and transparently.

There are several alternative values that can be used as a basis for calculating BPHTB, including:

1. Market value is the general value assumed by the community at the location of the land in question;

2. Transaction value, namely the value used as an agreement between the parties in a transaction, for example in buying and selling, and usually in buying and selling this value will be stated in the deed of sale and purchase;

3. Taxable Object Sales Value (NJOP) stated in the Land and Building Tax Payable Notification Letter (SPPT PBB). The PBB NJOP is always reviewed periodically regarding its amount based on the development of the value which is influenced by the development conditions of the region;

4. Land Value Zone (ZNT), this value is determined by the local Land Office and is used as a basis for calculating how much Non-Tax State Revenue (PNBP) is for registering the transfer of land rights. This ZNT is also always reviewed periodically by paying attention to and adjusting the development of land values in the relevant land area.

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<sup>10</sup>Hyronimus Rhiti, 2015, Complete Edition of Legal Philosophy (From Classical to Postmodernism), Fifth Edition. Atma Jaya University, Yogyakarta, p. 241.

<sup>11</sup>Interview with Notary Elizabeth Estiningsih, SH, 20 November 2024.

From these considerations, there should be certainty of the value used for calculating BPHTB, namely by using the PBB NJOP basis. With the certainty of the value used as the basis for calculating BPHTB, it will facilitate and accelerate taxpayers in paying BPHTB and carrying out the land transfer registration process.

#### 4. Conclusion

The regulation of the notary code of ethics in Indonesia plays a very important role in maintaining the integrity and credibility of the notary profession as a public official who functions to prepare authentic deeds. The code of ethics aims to ensure that every action taken by a notary is based on the principles of professionalism, objectivity, and the interests of the community and the state. Although there are clear regulations regarding the notary code of ethics, both in the Notary Law and Government Regulations, there are still challenges in its implementation, especially related to ethical violations that arise in the field. The importance of supervision and enforcement of this code of ethics does not only rely on internal mechanisms carried out by notary professional organizations, but also requires external supervision from authorized institutions, such as the Notary Supervisory Board. Thus, strengthening and affirming the regulation of the notary code of ethics in Indonesia is very necessary, in order to reduce the potential for ethical violations and increase the level of public trust in the notary profession as an integral part of the legal system in Indonesia. Referring to the existing provisions, especially regarding the minimum honorarium for Notaries that has been set by the Southeast Sulawesi Regional Management of the Indonesian Notary Association, the regional management has the authority to file a lawsuit for breach of contract against Notaries who charge an honorarium below the agreed standard. Legally, Notaries who are involved in unfair business competition and charge an honorarium below the standard set by the association have violated the agreement made in the congress forum as an agreement of the association's members. Therefore, a lawsuit for breach of contract can be filed by the Indonesian Notary Association, by first giving a warning or summons to the Notary concerned for violating the honorarium that has been charged under the applicable provisions.

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