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Maximizing BPHTB Rules or Procedures Through NJOP in the Land Rights Transfer Process

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Abstract. *This research is motivated by the discrepancy between the Tax Object Sale Value (NJOP) and the actual transaction value in the Land and Building Acquisition Duty (BPHTB), which results in disproportionate tax burdens and legal uncertainty in the process of transferring land rights in Grobogan. In addition, the BPHTB administrative process tends to be slow, less transparent, and not yet optimally integrated, creating administrative obstacles and potentially leading to irregular practices. This study aims to analyze the implementation of NJOP in BPHTB in the process of transferring land rights, identify the obstacles and optimization solutions, and examine the legal position of the Sale and Purchase Deed (AJB) that has not fulfilled BPHTB obligations along with its implications for legal certainty for the parties involved. The research method used is empirical legal research with a socio-legal approach. Data were obtained through interviews with officials of the Regional Revenue Agency, Land Office, PPAT/notaries, and the public as taxpayers, supported by literature studies on laws, regulations, and related legal materials. The data were analyzed descriptively and qualitatively to describe factual conditions and the gap between legal norms and practices in the field. The results of the study indicate that the implementation of NJOP in BPHTB has normatively complied with legal provisions; however, in practice, it has not fully reflected justice, legal certainty, and legal benefits. The obstacles identified include discrepancies between NJOP and market prices, lack of system integration, and low transparency in the BPHTB administrative process. The proposed solutions include updating NJOP based on market values, digitalizing the administrative system, and improving inter-agency coordination. Furthermore, an AJB that has not fulfilled BPHTB obligations remains legally valid under civil law, but it does not yet possess complete administrative legal force, thereby creating legal uncertainty for the parties involved.*

Keywords: *BPHTB; Legal Certainty; Land Rights Transfer; NJOP; Sale and Purchase Deed (AJB).*

1. Introduction

Land and Building Acquisition Tax (BPHTB) is a source of regional revenue that plays a crucial role in supporting regional development and ensuring orderly land administration. In practice, BPHTB is imposed on every acquisition of land and/or building rights through sale and purchase, gift, inheritance, or other forms of transfer of rights. The basis for BPHTB is generally determined by the Taxable Object Sales Value (NJOP) and the transaction value stated in the Deed of Sale and Purchase (AJB). However, the implementation of NJOP in the land transfer process often raises legal and administrative issues, particularly when the NJOP does not reflect the actual market price. Previous research has shown that discrepancies between the NJOP and the actual transaction value can lead to legal uncertainty and potential tax disputes in the land transfer process (Murjiyanto & Ismaya, 2015). In practice, the BPHTB payment process often encounters obstacles due to differing interpretations of the tax base between taxpayers and local governments. This situation hinders the transfer of land rights because the Deed of Sale and Purchase (AJB) cannot be processed further until the BPHTB obligation is fulfilled. Research by Darmaini (2023) explains that uncertainty in the implementation of BPHTB impacts the legal certainty of land registration and legal protection for parties in land transactions. Furthermore, research by Nugroho (2023) shows that land sale and purchase transactions below the NJOP often create problems in BPHTB verification because they are considered not to reflect the true market value.

Another frequently occurring issue is the suboptimal data synchronization between the Regional Revenue Agency, the Land Office, and the Land Deed Official (PPAT) in the Land Acquisition and Land Deed Official (BPHTB) administration process. This lack of integration in the administration system results in a longer BPHTB validation process and potentially leads to discrepancies in data related to taxable objects and transaction values. Research by Fauzan (2024) explains that the BPHTB verification process carried out by local governments often results in differences in the determination of the Taxable Object Acquisition Value (NPOP), thus affecting legal certainty in the land sale and purchase process. This condition indicates that the BPHTB administration system still requires optimization to provide effective and efficient services to the public.

In addition to administrative aspects, the use of NJOP as the basis for imposing BPHTB (land acquisition and sale of land) also relates to aspects of tax fairness. In some cases, an NJOP that is too low compared to market prices leads to potential loss of regional revenue, while an NJOP that is too high can burden the community in fulfilling its tax obligations. Research by Utami (2024) confirms that the implementation of BPHTB requires clear and transparent guidelines to create legal certainty and justice for the community in implementing land transfers. Therefore, regular updating of NJOP data based on market value is crucial to support the optimization of regional revenue and legal protection for the community.

In Grobogan Regency, problems related to the application of NJOP in BPHTB (Land Purchase and Sale Property) are still frequently encountered, particularly in land sale and purchase transactions where there is a significant difference between the market value and the NJOP listed in the regional tax data. This situation leads to adjustments to the BPHTB value by the local government, which often raises objections from the public. Furthermore, AJBs are still found that cannot be processed administratively because BPHTB obligations have not been fully fulfilled. These problems indicate a gap between normative provisions regarding BPHTB and implementation in the field, so that a more in-depth study is needed to optimize the use of NJOP in the process of transferring land rights.

2. Research Methods

The approach method used in this study is a socio-legal approach by examining the application of the law regarding Land and Building Acquisition Tax (BPHTB) through the Taxable Object Sales Value (NJOP) in the process of transferring land rights in Grobogan Regency. This approach is used to examine the conformity between applicable legal provisions and their implementation practices in the field, particularly regarding BPHTB verification, administrative obstacles, and their implications for legal certainty in the community (Mukti & Achmad, 2010).

The research specification used is empirical legal research, focusing on the factual conditions in the application of BPHTB through NJOP in the process of transferring land rights. This research was conducted to analyze the implementation of the BPHTB verification system, the obstacles encountered in practice, and the effectiveness of the application of regional tax regulations on legal certainty for the community. Empirical legal research was chosen because the research not only examines legal norms but also observes legal behavior that occurs in the community and related agencies (Sonata, 2014).

The data collection method used primary and secondary data. Primary data were obtained through interviews with officials from the Regional Revenue Agency (Bapenda), Land Office officials, PPAT/notaries, and the community as taxpayers involved in the land transfer process. In addition, the study also utilized empirical data in the form of documents and data on BPHTB receipts from Grobogan Regency. Secondary data were obtained through a literature review of primary, secondary, and tertiary legal materials related to BPHTB, NJOP, and land transfer.

The data analysis method used was qualitative descriptive analysis, grouping and reviewing data based on their quality and relevance to the research. The analysis was conducted through the stages of data collection, data reduction, data presentation, and conclusion drawing to obtain an overview of the implementation of BPHTB through NJOP in the land rights transfer process in Grobogan Regency (Sugiyono, 2014).

3. Results and Discussion

3.1. Application of Taxable Object Sales Value in Land and Building Acquisition Tax in the Land Rights Transfer Process

The results of the study indicate that the application of the Taxable Object Sales Value (NJOP) in the Land and Building Acquisition Fee (BPHTB) in the process of transferring land rights in Grobogan Regency has normatively referred to the provisions of Law Number 28 of 2009 concerning Regional Taxes and Regional Levies and the Grobogan Regency Regional Regulation concerning BPHTB. In practice, the basis for imposing BPHTB uses the transaction value or NJOP, whichever is higher. This provision aims to prevent manipulation of transaction values and optimize regional revenue.

Based on interviews with the Regional Revenue Agency (Bapenda) of Grobogan Regency, the Land Acquisition and Purchase (BPHTB) verification process is carried out by adjusting the transaction value stated in the Deed of Sale and Purchase (AJB) with the NJOP data held by the local government. If the transaction value is deemed too low and does not align with market prices, the local government uses the NJOP or field verification results as the basis for BPHTB imposition. This situation often occurs in land sales transactions in areas experiencing significant increases in economic value.

The research also shows that the public often objects to the amount of Land and Building Tax (BPHTB) they must pay because the NJOP used is higher than the actual transaction price. In some cases, the public believes that the NJOP determination does not fully reflect actual market conditions, particularly in certain areas with uneven land value development. Furthermore, delays in the BPHTB verification process continue to occur, resulting in delays in the transfer of title to the certificate at the Land Office.

The implementation of the NJOP in the Land and Building Tax (BPHTB) is essentially a form of implementation of regional government authority to ensure the optimization of regional tax revenues. However, research results indicate a gap between normative provisions (das sollen) and actual practice (das sein). Normatively, the NJOP should reflect fair market value to ensure fairness in taxation. However, in practice, the NJOP is often higher than the actual transaction value occurring in the community.

This situation can be analyzed using Lawrence M. Friedman's legal systems theory, which emphasizes that legal effectiveness is influenced by legal structure, legal substance, and legal culture. From a legal structure perspective, the BPHTB verification process involves several agencies, such as the Regional Revenue Agency (Bapenda), Land Deed Officials (PPAT)/notaries, and the Land Office. The lack of system integration between agencies slows down the administrative process and opens up room for differing interpretations of land transaction values.

From a legal substantive perspective, the regulation regarding the use of NJOP as the basis for imposing BPHTB (Vehicle Property Tax) has essentially provided legal certainty. However, this legal substance has not fully addressed the actual conditions in society, particularly when the NJOP does not align with market prices. Meanwhile, from a legal cultural perspective, people are still found to underreport transaction values to reduce their tax burden. This situation indicates that the level of public legal compliance is still influenced by perceptions of the fairness of the tax system.

The results of this study align with those of Chrissanni and Purnawan (2017), who stated that the implementation of BPHTB through the NJOP verification system often raises public objections due to discrepancies between the NJOP and the actual transaction value. Furthermore, Hernanda's (2014) research also explains that the BPHTB validation process often results in differences in assessments between local governments and taxpayers, resulting in legal uncertainty in the land transfer process.

Based on this explanation, the implementation of NJOP in BPHTB in Grobogan Regency needs to be carried out more proportionally through updating NJOP data based on market value and improving the integration of tax and land administration systems to create justice, legal certainty, and effective public services.

3.2. Obstacles and Efforts to Optimize the Application of Taxable Object Sales Value in Land and Building Acquisition Tax in the Land Rights Transfer Process

The research results indicate several obstacles in implementing the NJOP (Value-Based Land Acquisition) for Land Purchase and Land Acquisition (BPHTB) in Grobogan Regency. The first obstacle is the discrepancy between the NJOP and the actual market price of the land. In some areas, the NJOP is set higher than the actual transaction value, resulting in residents feeling burdened by the BPHTB payment.

The second obstacle is the suboptimal integration of administrative systems between the Regional Revenue Agency, the Land Office, and PPAT/notaries. The BPHTB verification process is still carried out in stages and takes considerable time, resulting in delays in the transfer of land rights.

The third obstacle is the low level of transparency and oversight in the BPHTB verification process. Interviews revealed the practice of informal negotiations and attempts to expedite the administrative process through certain parties. This situation has the potential to lead to irregularities and undermine public trust in the regional tax system.

Furthermore, the public's lack of understanding of the BPHTB mechanism is also a hindering factor. Many people don't understand the basis for determining the NJOP or the BPHTB verification procedures, often leading to differing perceptions between taxpayers and local governments.

Optimization efforts that can be undertaken include periodic updates of NJOP based on market prices, digitalization of the BPHTB administration system, increased coordination between agencies, and strengthening transparency and supervision in the BPHTB verification process.

Obstacles to the implementation of NJOP (Value-Scale Value Added Tax) in the Land and Building Tax (BPHTB) demonstrate that the regional tax system still faces structural and administrative challenges. The mismatch between NJOP and market prices results in a disproportionate tax burden on the public. This situation contradicts the principle of fairness in tax collection.

From the perspective of Gustav Radbruch's theory of legal certainty, the law must be able to realize three basic values: justice, utility, and legal certainty. The application of a NJOP that is too high compared to the actual transaction price indicates that the value of justice has not been fully met. The public, as taxpayers, feels disadvantaged because they are forced to pay taxes based on a value that does not reflect actual economic conditions.

From a legal perspective, the slow and bureaucratic BPHTB verification system renders the land transfer process ineffective. The lengthy administrative process not only harms the public but also hinders public services. Therefore, digitizing the BPHTB verification system is a crucial step to improve service efficiency and transparency.

Meanwhile, from a legal certainty perspective, a non-transparent verification process has the potential to lead to differing interpretations and open up opportunities for irregularities. Legal certainty should provide clarity regarding procedures, tax amounts, and taxpayer rights and obligations. However, in practice, there is still uncertainty in determining the value of taxable objects, leading the public to feel they are not receiving optimal legal protection.

The results of this study align with those of Setyawati (2017), who stated that the BPHTB verification and validation process often creates administrative obstacles and uncertainty for taxpayers. Research by Suryanto, Hermanto, and Rasmini (2018) also explains that optimizing BPHTB revenue requires support from an objective, market-based tax assessment system.

Based on the research results, optimization of the implementation of NJOP in BPHTB needs to be carried out through reform of the regional tax administration system, periodic updating of NJOP data, increasing transparency of public services, and strengthening coordination between agencies so that the BPHTB system can run effectively, fairly, and provide legal certainty.

3.3. Legal Status of the Deed of Sale and Purchase (AJB) in the Process of Transferring Land Rights that Have Not Completed BPHTB Obligations and Its Implications for Legal Certainty

The research results show that the Deed of Sale and Purchase (AJB) drawn up by the Land Deed Official (PPAT) remains legally binding even though the BPHTB obligations have not been fully fulfilled by the parties. This is because the AJB is essentially an authentic deed drawn up based on the agreement of the parties and meets the requirements for a valid agreement as stipulated in Article 1320 of the Civil Code.

However, in land administration practice, an AJB that is not accompanied by proof of payment of the Land Transfer Fee (BPHTB) cannot be fully used for the registration process for the transfer of land rights at the Land Office. Based on interviews with Land Deed Officials (PPAT) and officials from the Grobogan Regency Land Office, the certificate transfer process cannot proceed if the BPHTB obligation has not been verified and declared paid in full by the Regional Revenue Agency.

The research also shows that the lengthy BPHTB verification process leads to delays in land rights registration. This situation creates legal uncertainty for buyers because land ownership status has not been officially registered with the Land Office. Furthermore, there are concerns that disputes, data changes, or the transfer of land to another party may arise during the administrative process.

In some cases, communities also experience difficulties due to differences in land transaction values used as the basis for imposing BPHTB (land acquisition tax). When local governments set BPHTB values higher than the actual transaction value, the administrative process is delayed because the buyer is unable to fulfill their tax obligations. As a result, the AJB (land Deed of Sale) does not provide optimal legal protection in land administration.

The legal status of a Deed of Sale and Purchase (AJB) that has not yet fulfilled the obligation of Land and Building Acquisition Tax (BPHTB) shows a difference between the civil law aspect and the land administration legal aspect. Under civil law, the AJB remains valid as long as it meets the requirements for a valid agreement as stipulated in Article 1320 of the Civil Code, namely the existence of an agreement, capacity, a specific object, and a lawful cause. However, administratively, the AJB cannot be used perfectly for the registration process of transfer of rights at the Land Office because proof of payment of BPHTB is one of the mandatory requirements in the certificate name change process. This condition causes the buyer to not have full legal certainty regarding the status of ownership of their land rights even though the sale and purchase transaction has been carried out.

When linked to Utrecht's theory of legal certainty, the law must be able to provide clarity regarding the rights and obligations of the community and guarantee certain legal protection. In the context of BPHTB, the community should have certainty regarding tax payment procedures, verification periods, and completion of land administration. However, research results show that the slow BPHTB verification process and differences in assessments of the value of taxable objects have resulted in legal certainty not being fully achieved. Furthermore, when analyzed using Gustav Radbruch's theory, the legal system must be able to realize the values of justice, benefit, and legal certainty in a balanced manner. Determining BPHTB based on a higher NJOP (Value-Based Land Value) than the actual transaction value often results in a disproportionate tax burden, causing the community to feel that they have not received justice in fulfilling their tax obligations.

This situation also impacts legal benefits, as the lengthy and bureaucratic Land and Building Permit (BPHTB) verification process renders land administration services ineffective. Communities are unable to immediately utilize their land rights optimally due to delays in the certificate transfer process. In some cases, these delays result in delayed credit applications, the use of certificates as collateral, and potential disputes if the status of the land object changes before the administrative process is complete. Therefore, the BPHTB system should not only be oriented towards optimizing regional revenues, but also provide benefits in the form of fast, efficient, and transparent public services and legal protection for the community.

The results of this study align with those of Sukmawati, Budiono, and Nurdin (2016), who stated that payment of the Land and Building Tax (BPHTB) is an important administrative requirement in the process of transferring land and building rights. Ravianto's (2017) research also explains that delays in BPHTB verification can hamper the effectiveness of the land rights registration process and legal certainty for the parties. Furthermore, research by Setyawati (2017), Hernanda (2014), and Chrissanni and Purnawan (2017) shows that the discrepancy between the NJOP and the actual transaction value and complicated verification procedures remain major obstacles in the BPHTB administration process. Therefore, it is necessary to optimize the BPHTB verification system through simplifying administrative procedures, updating the NJOP based on market value, improving inter-agency coordination, and digitizing tax and land services to create justice, benefit, and legal certainty in the process of transferring land rights.

4. Conclusion

Based on the research results, it can be concluded that the application of the Taxable Object Sales Value (NJOP) in the Land and Building Acquisition Fee (BPHTB) in the process of transferring land rights in Grobogan Regency has been normatively in accordance with the provisions of laws and regulations, however, in practice, various obstacles are still found, such as the incompatibility of NJOP with the real transaction value, the slow verification process, and the less than optimal coordination between agencies. These conditions have an impact on the emergence of legal uncertainty and the tax burden is felt to be less proportional by the community. In addition, the Sale and Purchase Deed (AJB) that has not fulfilled the BPHTB obligation remains valid in civil law, but does not have perfect administrative power in the process of registering the transfer of land rights, thus having implications for the legal certainty of the parties. Based on these conclusions, it is recommended that local governments periodically update the NJOP based on actual market value and increase transparency and digitization of the BPHTB verification system to expedite land administration services. Furthermore, coordination between the Regional Revenue Agency, Land Deed Officials (PPAT)/notaries, and the Land Office is needed to ensure effective and efficient land transfer processes, while providing justice and legal certainty for the community.

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