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Annulment of Land Title Transfer Pursuant to Court Ruling

[1] Muzakkir, [2] Ilyas Ismail, [3] Yanis Rinaldi

[1] Postgraduate Student of Master of Notary, Faculty of Law, Universitas Syiah Kuala, Aceh, Indonesia

[2, 3] Faculty of Law, Universitas Syiah Kuala, Aceh, Indonesia

Corresponding Author: **Muzakkir**

Abstract

In many land-related cases, it is often found that court rulings do not annul land ownership certificates themselves, but only invalidate the record of ownership transfer associated with the certificate. Generally, the certificate is not handed over by the losing party to the Land Office, which makes it difficult for the Land Office to update the juridical data in the land book and certificate in accordance with prevailing regulations. This situation creates legal uncertainty for the winning party, who—based on a final and binding court decision—should be entitled to legal protection. Regulations do not clearly mandate that the losing party must submit the certificate to the panel of judges, to the winning party, or to the local Land Office. Furthermore, the court's ruling usually does not include any order to impose a seizure for security (sita jaminan) or other directive if the certificate is not submitted by the losing party. This clearly contributes to legal uncertainty for the winning party, who has invested significant time, effort, thought, and financial resources in seeking justice through the judicial system.The element of legal certainty for the winning party remains questionable, even though a final and binding court decision should serve as a strong legal basis for the Land Office to cancel the transfer of land rights. Therefore, it is important to examine the mechanism for cancelling the transfer of land ownersship based on a court decission when the certificate is not handed over by the losing party.

Keywords: Annulment, Transfer of Ownership Rights, Court Decision

1. Introduction

The regulation regarding land control by the State is regulated in Law No.5 of 1960 concerning Basic Agrarian Principles which is commonly referred to and abbreviated as UUPA, where in Article 2 (2) of UUPA it is stated that with the State's rights to control, the State is given the authority to regulate:

1. The implementation of the allocation, supply, and use, as well as supply, including maintenance of the earth, water and natural resources contained therein.
2. Regulating and determining the legal relationship between people and the earth, water and natural resorces contained therein.
3. Regulating and determining the legal relationship between people and regulating legal acts related to the earth, water and natural resorces contained therein.

Based on the state's right to control land, the types or kinds of land rights in Indonesia are regulated, including ownership rights, building use rights, business use rights, lease rights, use rights, lease rights, rights to collect forest products, rights to open forests, and so on [1]. In order to provide control status for a land right to a person or legal entity or other institution, land registration is carried out throughout Indonesia. This land registration is based on Article 19 of the UUPA, which is further regulated by Government Regulation (PP) No. 24 of 1997 concerning Land Registration.

The purpose of land registration according to Article 3 of PP No. 24 of 1997 is to ensure legal certainty and legal protection for land right holders, the availability of land information needed by interested parties and the implemmentation of orderly land administration. The product resulting from the implementation of land registration is a certificate. The certificate contains

[1] Boedi Harsono, *Hukum Agraria Indonesia Sejarah Pembentukan Undang-undang Pokok Agraria, Isi, dan Pelaksanaannya,* Djambatan, Jakarta, 2008, hlm. 264.

information on physical data and legal data of the land. Therefore, a certificate is proof of land rights which can be used as strong evidence for the certificate holder as determined based on Article 32 (1) PP No.24 of 1997.

However, in the event of a land dispute/case/issue, the holder of the land certificate does not necessarily always become the party entitled to the land. In other words, it can be said that the land title certificate is not the only absolute evidence that cannot be contested by other parties. With these provisions, it is known that in the land registration system contained in PP No. 24 of 1997, the land registration publication system is a negative system that tends to be positive [2]. The truth of the physical data and legal data contained in the land title certificate is considered true and accepted as long as there are no other parties who feel disadvantaged to file an objection, either to the Land Office (BPN) or to the court against the certificate issued.[3]

Negative Publication System with Positive Elements, Meaning:

a. Negative: Land title certificates do not absolutely guarantee the truth of the legal and physical data listed. This means that the certificate can be canceled if it is later proven that there is an error or legal defect, for example because there is a party who has more rights and has not been listed.
b. With Positive Elements: Certificates that have been registered and issued by the BPN are considered valid and have legal force, as long as it cannot be proven otherwise in court.

Disputes/Cases/Matters handled by the BPN are currently being resolved in various ways, starting from summoning the disputing parties, village officials, witnesses, the PPAT Party who made the Deed of Legal Deed, conducting mediation with the disputing parties, conducting exposure before the parties, conducting case titles at the Regional Office and at the Ministri of ATR/BPN, and canceling land certificates which are legal products because they contain or are found to contain administrative defects up to lawsuits in Court. Settlement of land disputes through the Court will result in a Court Decission. The panel of judges who try the case in question certainly make the decision aimed at resolving a problem or case between the disputing parties. In the event that a certificate is declared to have no legal force or is declareed null and void by law by the Panel of Judges or the coort and the decision already has permanen legal force, then the certificate certainly does not have binding legal force and so on, so that the certificate can be filed for cancellation.[4] This is one of the authorities of the BPN in order to provide justice and legal certainty regarding the control, use, ownership and utilization of land as well as orderly land administration [5].

It is also often found in various land cases, court decisions do not cancel land title certificates, but only cancel land title transfer records from the certificate, both cancellation of title transfer records due to legal events, namely inheritance and cancellation of title transfer records due to legal acts in the form of joint rights distribution, grants, sales and purchases, testamentary grants, and being made objects of mortgage rights known as mortgage rights.

Based on data obtained from the Aceh Provincial BPN and the Land Office in Aceh, there were 6 (six) cases of Cancellation Requests for land ownership rights that were transferred after a court decision. Some of these cases were rejected and some were processed for cancellation. Based on developments in cases that have been submitted for cancellation in terms of land title transfers in Aceh with various handling carried out by the Land Office. This is very dependent on whether or not there is a certificate submission that will be canceled and the policies taken at the Land Office.

With the existence of a court decision that only cancels the record of the transfer of land rights, it means that the certificate is not canceled, only that the decision orders the certificate to be returned to its original condition. The original condition referred to is a condition where the recoording of the transfers of land rights has never occurred. So in the certificate there has been no recording of the transfers of land rights. In general, the losing party in the case, the land rights certificate is not submited by the losing party in the case either to the panel of judges or to the winning party or to the Land Office. The submission is intended to make changes to the legal data in the land book at the Land Office and changes to the certificate. This is intended in order to return the land rights certipicate to its original condition as a form of implemmentation of a court decision that has obtained permanen legal force.

According to the rules, there is indeed no firmness and no rule that requires the losing party in a case to submit the certificate to the panel of judges, to the winning party or to the Land Office. Apart from that, there was no order from the panel of judges who tried or handled the case to place a security confiscation on the land title certificate or any other order if the certificate was not handed over by the losing party.

This is important considering that basically in the judge's decision the certificate was never canceled by the panel of judges, only the record of the transfer of rights was canceled, so that it became difficult for the Land Office to make adjustments/change to the legal data on Certificate or in the Land Book at the Land Office as ordered by the panel of judges to return the certificate to its original condition before the transfer of land rights.

This problem becomes complicated, when the results of the author's initial search in several applicable regulations concerning land registration issues and regulation relating to the settlement and handling of land cases, no legal regulations have been found that authorize the Land Office to issue a Replacement Certificate to the winning party or other alternatives if the certificate held by the losing party is not submitted to the panel of judges, the winning party or to the local Land Office. So it can be said that in this problem there has been a legal vacuum, especially regarding its implementation in the field.

This can certainly create legal uncertainty for the winner of the case because a lot of time, energy, thought and money

[2] Penjelasan umum Peraturan Pemerintah. No. 24 Tahun 1997 Tentang Pendaftaran Tanah.

[3] Mahadewi, Anak Agung Istri Diah. *"Pengaturan Prosedur Pembatalan Sertipikat Hak Atas Tanah Yang Merupakan Barang Milik Negara".* Jurnal Magister Hukum Udayana (Udayana Master Law Journal), [S.l.], v. 2, n. 3, nov. 2013.

[4] Pasal 29 Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 21 Tahun 2020 tentang Penanganan dan Penyelesaian Kasus Pertanahan.

[5] Gayatri, Ni Made Silvia, I. Putu Gede Seputra, and Luh Putu Suryani. *"Pembatalan Sertifikat Hak Milik Atas Tanah Akibat Cacat Administrasi."* Jurnal Analogi Hukum 3, no. 1 (2021): hlm. 79- 83.

have been spent to get justice in the judicial institution. The element of legal certainty for the winner of this case becomes a question mark because what should be a strong basis for the implementation of the process of canceling the transfers of land rights by the Land Office is a court decision that has permanent legal force. In addition, the court decision should be used as a tool to provide legal prottection for the winner of the case to obtain legal proof of ownership in the form of a certificate. So it is interesting to study the mechanism for the transfers of land ownership rights that are canceled due to a court decision, but the lossing party in the case does not submit the certificate, either to the winer of the case, to the judge or to the Land Office.

2. Research Method

Normative legal research is a type of research conducted on this research, namely by examining library materials (secondary data) that are related to legal issues and applicable norms according to the research topic [6].

Thus, this study uses several approaches, including:

a) Legislation Approach, namely by examining all applicable regulations that are closely related to the legal issues being discussed in this journal. The law and regulation used are the 1945 Constitution, Law No.5 of 1960 (UUPA), PP No. 24 of 1997 concerning Land Registration, PMNA No. 3 of 1997 concerning Implementing Provisions of PP No. 24 of 1997 and Permen ATR / Ka.BPN No. 21 of 2020 concerning Handling and Setlement of Land Cases and other regulations related to the discussion.
b) Case approach, this approach is an approach that is often used in normative legal research. In this case, legal arguments are arranged in such a way that they are then linked to concrete cases as obtained in the field. These cases are certainly closely related to events or legal incidents that occur in the field.
c) Conceptual approach, is an approach that departs from legal doctrines that develop in the field of legal science. This is intended to obtain ideas that give birth to concept, principles and understandings of law in accordance with the legal issues that occur [7].

This study uses secondary data sources and primary data. The data sources used in this study are secondary data sources and primary data. Secondar data is data obtained from literature study materials. While primar data is data obtained directly from the field as a source of data, either by conducting direct observation or obtained through interviews. In addition, it is also obtained from reports in the form of documents that are not officially published which are then processed properly by researchers.[8] The primary data in this study is field data obtained through interviews with sources as supporting data. Furthermore, data obtained from literature reviews and data from interviews with sources are analyzed qualitatively [9].

3. Results and Discussion

Mechanism for Cancellation of Transfer of Land Ownership Rights Based on Court Decisions for Which Certificates Have Not Been Submitted

One of the primary rights to land is the right to own land, this is the most powerful of the other rights. This is illustrated in Article 20 paragraph (1) of the UUPA, which states, among other things, that the right to ownership is hereditary, the most extensive and most powerful rights possessed by a person over land. In regards to land ownership, the definition of hereditary is that the rights to the land are inherited from the parent and are owned by the individual, these rights can last as long as the individual is still alive. Conversely, the definition of the greatest degree of ownership rights is that ownership rights are greater than other land rights, because a person who possesses ownership rights lacks a time limit on when their rights will end, if other parties are involved, the ownership rights are more difficult to maintain, and most importantly, the rights are not easily removable. Furthermore, the most compleete means that ownerships right to land give broader authority to the owner, can be the parent for other land rights, and their use is broader comparred to others land rights [10]. The ownership rights to land referred to here are those that have been certified.

If the land ownership is transferred by a legal act to another party, then the transfer must be registered with the Land Office. The registration must be accompanied by or include written evidence of the legal act of transferring the rights in question. The written evidence referred to here is a deed regarding a legal act of transferring rights, such as a grant or sale and purchase, for example. The deed is of course a deed made by an official authorized to make a deed of transfer of rights, which in this case is the Land Deed Making Oficer (PPAT). With the PPAT Deed, the Land Office will record it in the Land Book and change the name on the certificate from the old land owner to the new land owner. If the PPAT deed is not available or is not attached, the Land Office will not register it and will even refuse to register it. The benefits of land registration include:

1. Legal Certainty: Land registration provides legal certainty regarding ownership and rights to land, thereby reducing the potential for disputes and conflicts.[11] This is also clearly seen in the many land problems or disputes caused by the land not being registered and not having a certificate.
2. Recognition of Rights: Land registration officially recognizes land rights, so that land owners can enjoy their rights in full [12].
3. Legal Protection: Land registration provides legal protection against other parties who may try to seize or claim land rights [13].
4. Ease of Transaction: Land registration facilitates transactions for buying and selling, granting, or inheriting land, because the land ownership status is

[6] Ediwarman, *Monograf Metodologi Penelitian Hukum,* Medan: Sofmedia, 2015 hlm. 25.
[7] *Ibid*, hlm. 135.
[8] Zainuddin Ali, *Op.cit*., Hlm. 106.
[9] Bambang Sunggono, *Op.cit*, hlm. 144.
[10] Urip Santoso, *Hukum Agraria & Hak-hak Atas Tanah*, Jakarta: Kencana Prenada Media Group, 2008, hlm. 90.
[11] Urip Santoso, *Pendaftaran dan Peralihan Hak atas Tanah*, Kencana, Cetakan 2, 2010, hlm. 2–3.
[12] *Ibid.*
[13] Yulies Tiena Masriani, Pentingnya Kepemilikan Sertifikat Tanah Melalui Pendaftaran Tanah Sebagai Bukti Hak, Jurnal USM Law Review, Vol. 5 No. 2 Tahun 2022, pp. 539-552.

clear. So that by registering the land, it can allow its owner to make transactions safely, quickly and cheaply [14]. Thus, transactions (legal acts of transferring land rights) will be easier to do if the land has been registered and has a certificate.

5. Economic Development: Land registration can increase land value and facilitate economic development, because clear land ownership can increase investor confidence.[15] This is clear because if the land status is unclear, investors are not sure about investing their capital in Indonesia, especially in large amounts. This once happened in Gampong Laweung, Pidie Regency, where the initial planning stage for the construction of a cement factory had been carried out, but suddenly another party said that the land was their land, so there was a commotion and burning in the field.

The description above shows that by registering land rights, the lands will obtain legal certainty, certainty of rights, legal protection, ease of transactions, can develop the economy and can reduce disputes. Although in practice there are also lands that have been certified or land certificates are disputed in court and there are also those whose certificates are canceled by the judge in court.

It is also often found in various land cases, court decisions do not cancel land title certificates, but only cancel land title transfer records from the certificate, both cancellation of title transfer records due to legal events, namely inheritance and cancellation of title transfer records due to legal acts of transfer of right in the form of sale and purchase, grants, wills, joint rights distribution and the imposition of mortgage rights. This can be seen in the data on the developmen of the number of applications for cancellation of land ownership transfers caused by court decisions in Aceh as in the folowing table:

Table 1: List of Applications for Cancellation of Transfer of Land Ownership Rights Based on Court Decisions at the Regional Office of the National Land Agency, Aceh Province

No.	Applicant	Decision Number	The Parties	Case Object	Which was cancelled	Information	Location
1.	Fuadi Ahmad	29/Pdt.G/2016/PN Bna	Fuadi Ahmad Versus Mawardi Usman	M.374/ Seutui	Transfer of Right due to Sale and Purchasee	Rejected because certificate not submitted	Banda Aceh Land Office
2.	Suryati	41/Pdt.G/2011/PN Bna	Samsul KaharVersus Suryati	M.2050/ Merduati	Transfer of Rights due to Exchange	Rejected because certificate not submitted	Banda Aceh Land Office
3.	Arhama Dawan	14/Pdt.G/2023/PTUN Bna	Arhama Dawan Versus Kantah kota Banda Aceh dan M.Setia	M.2087/ Lampeuot	Replacement Certificate and Transfer of Inheritance Rights	In process due to criminal verdict Document forgery	Banda Aceh Land Office
4.	Hj. Ainsyah, CS	13/Pdt.G/2018/PN jth	Hj. Ainsyah, CS Versus Saiful Mahdi CS	M.278/ Lampeuneurut	Certificate and deed of sale and purchase	Processed submitted certificate	Aceh Besar Land Office
5.	M.Yunus	395/Pdt.G/2023/PTUN.Mbo	M.Yunus Versus Afnizar	M.43/ Lamsidaya	Transfer of rights due to grant	Rejected because certificate not submitted	Aceh Besar Land Office
6.	Cut Melyia Karnita	4/G/2023/PTUN.Mbo	Cut Melya Karnita Versus KantahAceh Barat	M.52 dan M.451/ Ujong Kalak	Transfer of Rights Due to Inheritance	Rejected because certificate not submitted	Aceh Barat Land Office

Sumber: Kanwil BPN Provinsi Aceh dan Kantor Pertanahan setempat

From the data presented above, it can be seen that the development of cases where the transfer of land ownership rights was canceled by judges in Aceh with various handling carried out by the Land Office. This is very dependent on whether or not the certifficate that is the object of cancellation is submitted and the policy at the Land Office.

In terms of the rules, there is indeed no firmness and no regulation that the losing party must submit the certificate to the panel of judges, the winning party or the local land office, besides that there is also no order from the panel of judges handling the case in their decision to be placed as collateral or other orders if the certificate is not submitted by the losing party. This is important considering that basically the certificate was never canceled by the panel of judges, only the record of the transfer of rights was canceled, so it is difficult for the Land Office to make adjustments/changes to the legal data on the Certificaete or in the Land Book at the Land Office as ordered by the panel of judges to return the certificate to its original condition before the transfer of land rights.

In the provisions of Article 38 (1) of the Regulation of the Minister of ATR/BPN No. 20 of 2021, it is stated that upon the request of the interrested party, and on the basis of a judge's decision that has permanent legal force, its implementation can be followed up with land administration actions in the form of issuing a decision to Cancel the Legal Product, of course in accordance with applicable legal regulations. Furthermore, Article 38 (2) letter C states that "Cancellation of a Legal Product as the implementation of a court decision that has permanent legal force can be implemented or followed up if the decision states that it is null and void/invalid/has no legal force/has no binding force/has no evidentiary force including the maintenance of land registration data [16].

Physical data includes data on the location, area and boundaries of land plots and registered apartments units, including information about everything on it such as buildings or parts of buildings. Changes in physical data on a land plot can occur if the land is separated, merged, or divided into registered land plots. Meanwhile, legal data is informatiion about the legal status of the land and registered apartment unit. Furthermore, it also includes the rights holders of a land plot and the rights of other parties that burden it. Changes in legal data include, among others, due to the transfer of rights in the form of [17]:

a) Sale and purchasee, grant, exchange, entry into a company, and other legal acts that cause the transfers of other rights;

[14] Dyah Ayu Widowati,Ahmad Nashih Luthfi, I Gusti Nyoman Guntur, Pengakuan Dan Perlindungan Hak Atas Tanah Masyarakat Hukum Adat Di Kawasan Hutan, STPN Press, Pusat Penelitian dan Pengabdian kepada Masyarakat, Sekolah Tinggi Pertanahan Nasional, Yokyakarta, 2014, hlm.6.

[15] Shoren Militia Kristie Rambi, Kajian Hukum Hak Pakai Atas Tanah Bagi Warga Negara Asing Di Indonesia Dalam Meningkatkan Investasi, *Lex Administratum,* Vol 12, No. 2, 2024, hlm.1.

[16] Pasal 1 Peraturan Pemerintah No.24 Tahun 1997 Tentang Pendaftaran Tanah.

[17] Akur Nurasa dan Dian Aries Mujiburohman, *Buku Ajar Pemeliharaan Data Pendaftaran Tanah,* STPN Press Bekerjasama dengan Program Studi D IV, Yogyakarta,2020, hlm.2.

b) Inheritance from the testatoor (who has died) to the heirs;
c) Merger or amalgamation of companies or cooperatives;
d) Distribution of joint rights;
e) Changes in data caused by a Court Decision that has permanen legal force. court;

In the Provisions of Article 40 of the Regulation of the Minister of ATR/BPN No.21 of 2020, it is stated that: The requirements that must be met in submitting an Aplication for Cancelation of Legal Products (land title certificates) in the context of implementing a court decission that has permanent legal force are:
a) Written application.
b) A legalized copy of the applicant's identity and his/her attorney if authorized.
c) if authorized, then the power of attorney must be original.
d) A legalized copy of the applicant's land ownership documents.
e) Physiccal data and legal data of the document proposed for Cancellation.
f) A legalized copy of the judge's decision.
g) A legalized copy of the minutes of the execution.

According to Ruslan as Head of the West Aceh Land Office, according to the rules there is indeed no firmness for the lossing party to submit the certificate to the panel of judge, the winning party or the local land office, besides that there is also no order from the panel of judges handling the case in its decision to be pawned or other orders if the certificate is not submitted by the losing party. This is important considering that basically the certificate was never cancelled by the panel of judges, what was cancelled was only the recording of the transfer of rights, so that it became difficult for the Land Office to make adjustments/changes to the legal data on the Certificatee or in the Land Book at the Land Office as ordered by the panel of judge to return the certifficate to its original condition before the transfer of land rights occurred [18]. This opinion is also supported by Rini Safitri as Head of the Control and Dispute Handling Section of the Aceh Besar District Land Office, Regarding the application for cancellation of the transfer of land rights based on a court decision that is not accompanied by a certificate, it must be rejected on the grounds that changes to the legal data must be made to the land book and certificate and until now there have been no regulations for issuing replacement certificates because the implenentation of the court decision as a follow-up to the cancelation of the transfer of ownerships righ to land whose certificate was not submitted to the Land Office [19].

In contrast to the Banda Aceh Municipallity Land Office, there are several cases handled, in the process of canceling the transfers of land ownership rights based on a court decision whose certificate was not submitted, various handling efforts are carried out, depending on the case. In principle, the Banda Aceh Municipality Land Office tries as much as possible for certificates that have been canceled, the transfers of rights records can be submitted to the Land Office by writing to the losing party (certificate holder) to submit the certificate, if these efforts are unsuccessful, the Land Office will make an announcement in the newspaper for 30 days, which in essence announces to rights holders wherever they are to submit the certificate to the land office and if within that time the certificate is not submitted, then the certificate is canceled and is no longer valid. This is done to fullfill the Principle of Publicity in Land Registration. Recording the cancellation is carried out after the issuance of the Decree on Cancelation of Transfers of Land Ownership Right by the Regional_Office and recording it in the Land_Book at the Land Office [20].

In acordance with the Provissions of Article 32 (1) of the Regulation of the Minister of ATR/BPN No.21 of 2020, The Regional Office, in accordance with its authority, cannot cancel a Legal Product either due to legal defects and/or administrative defects or as an implementation of a judge's decission that has permanen legal force, in the case of [21]:
a. There has been a transfers of land rights which are the object of the case/Dispute to a third party, for example the land has been sold, donated and so on.
b. A third party who obtains land due to the transfer of rights or the last rights holders is not included as a party in the Case, for example not being sued or not being a defendant
c. A third party in good faith obtains rights to the land in accordance with the provisions of applicable regulations.

Furthermore, there are several things regulated in Article 37 of the Regulatin of the Minister of ATR/BPN No. 21 of 2020 as a follow up to the implementtation of a court decission, including [22]:

1. Every Court Decision, especially one that has permanent legal force, must be implemented.
2. The implementation of the decision can be exempted if:
a. There are conflicting decisions, even though they are still in the same room.
b. The decision is a decision whose verdict states that "the lawsuit cannot be accepted".
c. The object of the decision is being seized.
d. The land area of the object of the case has no execution and is unclear.
e. There is a difference in the location, boundaries and area of the land area of the object of the case with the one that was executed.
f. There is a change in the land of the object of the case, it can be changed to state land or its rights have been revoked.
g. There is no relationship at all between the land object of the case and the land for which the cancellation is being submitted;
h. There are other legitimate reasons.

In the provisions above, it can be seen that there is no exception to the cancellation of legal products for maintaining land registration data in the form of transfer of

[18] Hasil Wawancara dengan Bapak Ruslan, SE,SH,MH, Kepala Kantor Pertanahan Kabupaten Aceh Barat, meulaboh, 10 Maret 2025.
[19] Hasil Wawancara dengan Ibu Rini Safitri, Kepala Seksi Pengendalian dan Penanganan Sengketa Kantor Pertanahan Kabupaten Aceh Besar, Jantho, 17 Maret 2025.
[20] Hasil Wawancara dengan Bapak Awaluddin Marza, S.H., M.Kn. Kepala Seksi Pengendalian dan Penanganan Sengketa Kantor Pertanahan Kota Banda Aceh, Banda Aceh, 28 Februari 2025.
[21] Peraturan Menteri ATR/BPN No.21 Tahun 2021 *Tentang Penanganan dan Penyelesaian Kasus Pertanahan.*
[22] *Ibid.*

land ownership rights due to the certificate not being submitted by the losing party to the Land Office, to the judge and to the winning party. The author is of the opinion that the cancelation of the transfer of land ownership rights based on a court decision where the certificate is not submitted by the losing party to the Land Office can still be implemented as stipulated in the Regulatoin of the Minister of ATR/BPN No..21 of 2020. The failure to submit the certificate to the winning party by the losing party is because there is no obligation for the losing party to submit their certificate to the winning party, to the judge who tried and decided the case or to the Land Office. In addition, the whereabouts of the losing party in the case are no longer known. In fact, the problem of the losing party not submitting the certificate to the winning party can be avoided if, before the judge issues a decision, a security encumbrance is placed on the certificate. So when the judge's decision states that the transfer of land right is null and void or canceled by the judge, it will be very easy to execute because the certificate has been placed under collateral. Thus there is no reason for the Land Office to cancel it, so that legal certainty can be realized especially for the party who wins the case.

4. Conclusion

The mechanism for canceling the transfer of land ownership rights based on a court decision whose certificate was not submitted by the losing party to the Land Office is the authority of the Land Office to process the application and can still be implemented as stipulated in the Regulatiion of the Minister of ATR/BPN No. 21 of 2020, there is no exception to the cancellation of legal products for maintaining land registration data in the form of transfer of land ownership rights due to the certificate not being submitted by the losing party to the Land Office.

5. Suggestion

It is recomended that the Ministry of ATR/BPN regulate firmly and in detail the mechanism for canceling the transfer of land rights whose certificates are not submitted in the Regulation of the Minister of ATR/BPN No. 21 of 2020, to facilitate the Land Office in implementing Court Decisions in order to avoid misinterpretations that exceed the limits of its authority. In addition, the Ministry of ATR/BPN can also regulate firmly and the status of certificates that have been declared void, the transfer of rights records by a court decision with permanent legal force that are not submitted to the Land Office in the Regulation of the Minister of ATR/BPN No. 21 of 2020, in order to avoid the certificate being misused by the losing party. It is also hoped that the community can immediately register the land rights areas that they control and own, so that the land is registered and has a certificate. This is to avoid conflicts in the future, considering that the area of land never increases, but the price continues to increase, because people who need land are increasing all the time.

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