

UNKNOWN TO THE EXISTENCE OF SELLERS AS A BASIS FOR FULFILLMENT OF CERTAIN CIRCUMSTANCES IN THE REGISTRATION OF THE PROCESS OF RETURNING THE NAME OF THE TRANSFER OF PROPERTY RIGHTS TO LAND FROM BUILDING USE RIGHTS

(CASE STUDY BANYUMAS DISTRICT COURT DECISION NUMBER 20/PDT.G/2020/PN.BMS)

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Abstract

This study aims to examine the existence of the seller as well as the right holder in the SHGB in the process of registering the name of the SHGB from the name of the seller/defendant to the name of the plaintiff. The judge's consideration in this decision considered that due to the sale and purchase of SHGB Number 00245, the name could not be changed to the name of the Plaintiff solely because Defendant's place of residence was unknown. This consideration became the basis for the judge in based on the principle of justice and the principle of legal certainty to grant the petite of the four Plaintiffs' claims in the form of a decision stating that the Plaintiff had the right to reverse the name of SHGB No. 00245 which is located in Kelurahan Kelurahan/Wiradadi Village, Sokaraja Subdistrict, Banyumas Regency at the Office of the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) Banyumas Regency (Co-Defendant) from on behalf of PT Tito Rumpun Sehati (Defendant I) to Titi Kuntarsih (Plaintiff). Based on the explanation of the background above, this research intends to formulate a problem formulation to examine the following two *research questions* : (1) How is the implementation of the fulfillment of certain conditions in the process of transferring the name of the transfer title to a parcel of land with a right of ownership of a building without a PPAT deed? and (2) What are the implications of the judge's consideration regarding not knowing the whereabouts of the seller as the basis for fulfilling certain conditions in the process of transferring the title to a parcel of land with property rights from the right to use a building without a PPAT deed in the Banyumas District Court Decision Number 20/Pdt.G/2020 /PN.Bms.

Keywords: *sale and purchase, land, deed of Land Deed Official (PPAT), transfer of name, whereabouts of the seller*

INTRODUCTION

Humans need other human beings to meet each other's needs. dependence between people raises interests among each party that can be different from each other. To avoid disputes, the law is present as a referee in protecting the interests of parties who are by existing positive laws. In the context of people's economic life, buying and selling play an important role in encouraging the growth of a household's income. This includes matters related to land stipulated in Law No. 5 of 1960 concerning the Basic Rules of Agrarian Principles ("UUPA") where the economy of the Indonesian people is still agrarian.¹

In the framework of the implementation of this economy, the process of buying and selling land becomes one way to meet the interests of a party in economic traffic.² Within the sale of the land purchase, there is a process of transferring property rights to the land. Each of these acts of buying and selling is a transfer of land rights and therefore can only be registered if proven through a deed made by the authorized land deed-making official ("PPAT"). This is conducted according to the provisions of applicable laws and regulations.³

In addition to the process of the land rights displacement, between the seller and the buyer of the land purchase transaction, it is also necessary to carry out the process of re-registering the name of the transfer of the right. title transfer is the process of renaming the land rights certificate from the name of the seller to the buyer.⁴ the case, Plaintiff wishes to title transfer the right of building certificate ("SHGB") No. 00245 on behalf of PT. Tito Clump Sehati (Defendant I) became Titi Kuntarsih (Plaintiff) through the Office of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency (ATR / BPN) Banyumas Regency (Also Defendant), but the intention and desire of the Plaintiff to process the name of the SHGB was constrained due to the incompleteness of supporting data owned by the Plaintiff. The incompleteness comes from the absence of signatures from Defendant I, namely as the seller and at the same time the rights holder of those recorded in "SHGB" because defendant I isn't known to exist.⁵

This research wants to examine the existence of sellers as well as rights holders in SHGB in the process of registering the SHGB name from the name of the seller/defendant to the name of the plaintiff. As for the judge's consideration in this ruling, it is judged that cause the sale and purchase of SHGB Number 00245 cannot be reversed into the name of the Plaintiff solely because Defendant is not known where he lives at. This consideration becomes of the judge based on the principle of justice and the principle of legal certainty to grant the fourth petite of the Plaintiff's lawsuit in the form of the content of the ruling to declare the Plaintiff entitled title transfer SHGB No. 0024 located in Kelurahan Village / Wiradadi Village, Sokaraja District, Banyumas Regency at the Office of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency (ATR / BPN) Banyumas Regency (Also Defendant) from on behalf of PT Tito Rumpun Sehati (Defendant I) to Titi Kuntarsih (Plaintiff).⁶

The writing approach method used in this study is a juridical-normative approach, which is a writing method carried out on the entire legal secondary data. To obtain additional data related to the implications of the judge's consideration regarding the unknown existence of the seller as the basis for fulfilling certain circumstances in the process of returning the name of the transfer of property rights from the right to build without the PPAT deed in the case of banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms, the type of research conducted on the latest issues regarding agrarian regulations related to the process of returning names and related to the case of Banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms.

¹ Indonesia, *Undang-Undang tentang Peraturan Dasar Pokok-Pokok Agraria*, UU Nomor 5 Tahun 1960, LN Tahun 1960 Nomor 104, TLN Nomor 2043, Konsiderans huruf a.

² *Ibid.*, Ps. 26 ayat (1).

³ Indonesia, *Peraturan Pemerintah tentang Pendaftaran Tanah*, PP Nomor 24 Tahun 1997, LN Tahun 1997 Nomor 59, Ps. 37 ayat (1).

⁴ Rizki A. Haluti, "Balik Nama Sertifikat Hak Milik dalam Jual Beli Tanah menurut Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria," *Lex Privatum* 6, no. 6 (2018): hlm. 141.

⁵ Pengadilan Negeri Banyumas, Putusan Nomor 20/Pdt.G/2020/PN.Bms, hlm. 3.

⁶ *Ibid.*, hlm. 4.

The research is also carried out by examining existing problems based on the relationship of existing concepts and policies.⁷ Judging from the form of research, this paper is prescriptive writing, namely writing that aims to provide an overview of the unknown existence of sellers as a basis for fulfilling certain circumstances in the process of returning the name of the transfer of property rights to land rights from the right to build without APAT deed in the case of Banyumas District Court Decision Number 20/Pdt.G/2020/PN.Bms. Research in this paper is essentially written in the field of law. Departing from the goals outlined earlier, it is necessary to analyze secondary data on legal documents, government administrative decisions, court decisions, journal articles, and other references. The analysis in question is presented in this study to get an overview of the unknown existence of sellers as a basis for fulfilling certain circumstances in the process of returning the name of the transfer of property rights to land rights from the right to build without a PPAT deed in the case of Banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms. In the study, the data collection tool used was document studies.

RESEARCH METHOD

The writing approach method used in this study is a juridical-normative approach, which is a writing method carried out on the entire legal secondary data. To obtain additional data related to the implications of the judge's consideration regarding the unknown existence of the seller as the basis for fulfilling certain circumstances in the process of returning the name of the transfer of property rights from the right to build without the PPAT deed in the case of banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms, the type of research conducted on the latest issues regarding agrarian regulations related to the process of returning names and related to the case of Banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms

The research is also carried out by examining existing problems based on the relationship of existing concepts and policies.⁸ Judging from the form of research, this paper is prescriptive writing, namely writing that aims to provide an overview of the unknown existence of sellers as a basis for fulfilling certain circumstances in the process of returning the name of the transfer of property rights to land rights from the right to build without APAT deed in the case of Banyumas District Court Decision Number 20/Pdt.G/2020/PN.Bms. Research in this paper is essentially written in the field of law. Departing from the goals outlined earlier, it is necessary to analyze secondary data on legal documents, government administrative decisions, court decisions, journal articles, and other references. The analysis in question is presented in this study to get an overview of the unknown existence of sellers as a basis for fulfilling certain circumstances in the process of returning the name of the transfer of property rights to land rights from the right to build without a PPAT deed in the case of Banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms. In the study, the data collection tool used was document studies.

RESULTS AND DISCUSSION

Registration of The Process of Returning the Name of Land Rights Transfer

The name reversal process is part of land registration in Indonesia's national agrarian law. Land registration itself is carried out to realize the certainty of real land rights. Certainty

⁷ Sri Mamudji, *et al.*, *Metode Penelitian dan Penulisan Hukum* (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2005), hlm. 5.

⁸ Sri Mamudji, *et al.*, *Metode Penelitian dan Penulisan Hukum* (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2005), hlm. 5.

of this land right to land is held through cadastral rechts or land registration to ensure legal certainty.⁹

The theory of legal certainty seeks to analyze the overall values of truth and fairness of existing and applicable laws (written law and unwritten law) to create the implementation of arrangements that ensure fair legal certainty.¹⁰ Regarding this, Nonet and Selznick suggest that:

“Responsive law, not sociology, was the true program of sociological and realist jurisprudence. The problems they addressed – the limits of formalism, the enlargement of legal knowledge, the role of policy in legal judgment – presumed a legal order that would undertake an affirmative responsibility for the problems of society”.

Thus, according to the opinions of De Beus and van Doorn, it can be understood that legal certainty is closely related to "the presence of the law as a scheme goes hand in hand with the increasingly strong image of society as a structured and constructed life, called *de geconstrueerde samenleving*."¹¹ Therefore, what is meant by "legal certainty" is a principle in the state of law that prioritizes the basis of the provisions of laws and regulations and justice in every policy of the state organizer.

Again associated with the land registration process, Government Regulation (PP) Number 18 of 2021 concerning Management Rights, Land Rights, Flats, and Land Registration Units ("PP 18/2021") defines land registration as "a series of activities carried out by the Government continuously, continuously and regularly including the collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical data, in the form of maps and lists, regarding plots of Land, Land Upper Space, Basements and units of flats, including the provision of proof of their rights for plots of Land, Land Upper Space, Basements that already have rights and property rights to flats units and certain rights that burden them".¹² In this case, the registration of land for the context of the name reversal process is carried out while still paying attention to the provision of a letter of proof of rights, in case of sertipikat, for land plots that already have rights.

Registration Requirements for The Process of Returning the Name of Land Rights Transfer Without PPAT Deed

The process of returning the name is carried out while also paying attention to the conditions of the transfer of land rights, wherein the context of buying and selling, there needs to be clarity of data on the object of buying and selling. This includes efforts in the maintenance of land registration data. In accordance with the Regulation of the Minister of Agrarian State / Head of the National Land Agency Number 3 of 1997 concerning provisions for the implementation of Government Regulation No. 24 of 1997 concerning Land Registration as amended several times last by the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 16 of 2021 concerning the Third Amendment to the Regulation of the Minister of Agrarian State / Head of the National Land Agency Number 3 of 1997 concerning provisions for the implementation of the Regulation of the Regulation of the Minister of Agrarian State / Head of the National Land Agency Number 3 of 1997 concerning the Provisions for the Implementation of the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 16

⁹ Indonesia, *Undang-Undang tentang Peraturan Dasar Pokok-Pokok Agraria*, UU Nomor 5 Tahun 1960, LN Tahun 1960 Nomor 104, TLN Nomor 2043, Penjelasan Umum, Bagian IV.

¹⁰ Phillippe Nonet dan Philip Selznick. 1978. *Law and Society in Transition Toward Responsive Law*. New York, Harper & Row Publisher, hlm. 115.

¹¹ Satjipto Raharjo, *Penegakan Hukum Progresif*. Jakarta. PT. Kompas Media Nusantara (2010), hlm. 12-13.

¹² Indonesia, *Peraturan Pemerintah tentang Hak Pengelolaan, Hak atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah*, PP Nomor 18 Tahun 2021, LN Tahun 2021 Nomor 28, TLN Nomor 6630, Ps. 1 angka 9.

of 2021 concerning the Third Amendment to the Regulation of the Minister of Agrarian State / Head of the National Land Agency Number 3 of 1997 concerning the Provisions for the Implementation of Government Regulation No. 24 of 1997 concerning Land Registration as amended several times last by the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency Number 16 of 2021 concerning the Third Amendment to the Regulation of the Minister of Agrarian State / Head of the National Land Agency Number 3 of 1997 Government Number 24 of 1997 concerning Land Registration ("PMNA 3/1997").

The Maintenance of land registration data is carried out by registration of changes in physical data and/or juridical data of land registration objects that have been registered by recording it in the general list by the provisions in PMNA 3/1997.¹³

Further, this maintenance is carried out through changes in physical data and juridical data. The change in juridical data can be in the form of a transfer of rights due to buying and selling. By the case of Banyumas District Court Decision No. 20/Pdt.G/2020/PN.Bms, there was a transfer of rights due to buying and selling where Plaintiff and Defendant I in 2012 had agreed to buy and sell a piece of land for housing, where Plaintiff as Buyer and Defendant I as Seller, as for the land referred to in the sale and purchase between Plaintiff and Defendant I island as the area: 91 M2 (ninety-one square meters) is recorded in SHGB No. 00245 on behalf of PT. Tito Clump Sehati located in Kelurahan / Wiradadi Village, Sokaraja District, Banyumas Regency.¹⁴

As for the process of buying and selling this disputed land, the Panel of Judges judged that the buying and selling process between the Plaintiff and the Defendant was only evidenced by the existence of a Buy and Purchase Receipt and could not be made a Deed of Sale and Purchase by PPAT because the buyer, namely the Plaintiff and the seller, in this case, the Defendant no longer resided at the original address and its whereabouts were unknown, therefore pay attention to Article 37 paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration ("PP 24/1997") which states that: "Under certain circumstances as determined by the Minister, the Head of the Land Office may register the transfer of property rights land rights, which is carried out among individual Indonesian citizens as evidenced by a deed not made by PPAT but which according to the Head of the Land Office is the true content is considered to be enough to register the transfer in question."¹⁵

therefore PP 24/1997 provides an opportunity to submit a name with a deed that is not made by PPAT if there are certain circumstances or conditions. That the deed that is not made by PPAT can be interpreted as a Court Decision, although in the Government Regulation there is not explicitly stated that the Court Decision can be used as a basis for submitting the name of the certificate, but the Court's Decision also includes an authentic deed, but the Banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms must be

¹³ Indonesia, *Peraturan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional tentang Perubahan Ketiga atas Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 1997 tentang Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah*, Permen Agraria Nomor 16 Tahun 2021, BN Tahun 2021 Nomor 953. Ps. 1 angka 27 yang mengubah Ps. 94 Peraturan Menteri Negara Agraria/ Kepala Badan Pertanahan Nasional Nomor 3 Tahun 1997 tentang Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.

¹⁴ Pengadilan Negeri Banyumas, Putusan Nomor 20/Pdt.G/2020/PN.Bms, hlm. 24.

¹⁵ Indonesia, *Peraturan Pemerintah tentang Pendaftaran Tanah*, PP Nomor 24 Tahun 1997, LN Tahun 1997 Nomor 59, Ps. 37 ayat (2).

preceded by disputes from related parties. This relates to Beale's opinion that land registration needs to show at least three things:¹⁶

1. Owner;
2. Accurate description of the soil/property object; and
3. Rights and impositions that affect the interests of the land.

The Unknown Existence Of Sellers As A Basis For Fulfilling Certain Circumstances In The Registration Of The Name Reversal Process In The Banyumas District Court Decision Number 20/Pdt.G/2020/PN.Bms

Following the provisions of Article 37 PP 24/1997, buying and selling (transfer of rights) related to land must be carried out in the presence of PPAT. Although this term can be interpreted clearly, there are still some who do not understand exactly the process of turning names related to the transfer of rights. For land that has been certified, if there is a buying and selling transaction between the seller and the buyer carried out in front of PPAT, then the next process is the transfer of the name or reverse name. What is meant here is a change in ownership status from the seller as the previous landowner to the buyer as the new landowner.¹⁷

Property Rights are the most powerful land rights, which give authority to the owner to restore other rights to the land he owns (it can be a form of building rights or right of use, except for the right to business, which is almost equal to the authority of the state (as the ruler) to grant land rights to its citizens. This right, although not absolutely the same, can be said to be similar to the eigendom of land according to the Civil Code (KUH Sipil), which gives the broadest authority to the owner, provided that it must pay attention to the provisions of Article 6 of the 1945 Constitution.

The law of the subsequent provisions regarding property rights is regulated in the UUPA. To be precise, in Article 21 of the UUPA, it is stipulated that it can be seen that property rights to land can only be owned by an Indonesian citizen, and cannot be owned by foreign citizens and legal entities, both established in Indonesia and those established in Indonesia. established abroad. Except for certain legal entities as stipulated in PP No. 38 of 1963. That is, in addition to single Indonesian citizens, and the bodies as intended in PP No. 38 of 1963, no other party can become a holder of property rights to the land. in Indonesia.¹⁸

Departing from this, focus of the problem can be centered on the provisions in PP 24/1997 where, in certain circumstances as determined by the Minister, the Head of the Land Office can register the transfer of land rights, which is carried out among individual Indonesian citizens as evidenced by a deed not made by PPAT, but which according to the Head of the Land Office, the level of truth is considered sufficient to register the transfer of rights that are not made by PPAT, but which according to the Head of the Land Office the truth is considered sufficient to register the transfer of rights that are not made by PPAT, but which according to the Head of the Land Office, the level of truth is considered sufficient to register the transfer of rights that are not made by PPAT, but which according to the Head of the Land Office the level of truth is considered sufficient to register the transfer of rights that are not made by PPAT, but which according to the Head of the Land Office the level of truth

¹⁶ Joseph H. Beale, "Registration of Title to Land." *Harvard Law Review* 6 (1892): hlm. 329.

¹⁷ Amanda Morlian, Neneng Fauziah, dan Ainun Islamiyati. "Quality of Service in Implementing Procedure for Transfer of Name of Certificate of Proprietary Rights to Land at the Office of Land in Kabupaten Bekasi," *International Conference on Government Education Management and Tourism*, vol. 1, no. 1. 2022: hlm. 4.

¹⁸ *Ibid.*

is considered sufficient to register the transfer of rights that are not made by PPAT. Concerned.¹⁹

The key to this problem is as mentioned in the Regulation of the Head of the National Land Agency Number 8 of 2012 concerning Amendments to the Regulation of the Minister of Agrarian State / Head of the National Land Agency Number 3 of 1997 concerning the Provisions for the Implementation of Government Regulation No. 24 of 1997 concerning Land Registration with the Regulation of the Head of the National Land Agency ("**PerkaBPN 8/2012**"). His attachment related to the Form of Sale and Purchase Deed in PerkaBPN 8/2012 states that the Seller guarantees that the object of buying and selling is not caught in dispute, free from confiscation, not bound by guarantees, and free from other expenses.²⁰ Then, buyers and sellers also need to be present and face the PPAT when the deed of sale and purchase is made so that it must be known where the seller lives.

In this case, the Panel of Judges has been appropriate in formulating the fact that the sale and purchase of a piece of land between the Plaintiff and the Defendant have been declared valid and the Building Use Rights Certificate Number 00245 which is the basis of the right of the object of sale and purchase cannot be reversed to the name of the Plaintiff solely because the Defendant is not known where he lives anymore. Hereby, based on the principle of justice and the principle of legal certainty, it can be granted the fourth petite of the Plaintiff's lawsuit in the form of a ruling to declare that Plaintiff has the right to reverse the name of SHGB No. 00245 located in Kelurahan Village / Wiradadi Village, Sokaraja District, Banyumas Regency at the Office of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency (ATR / BPN) Banyumas Regency (Also Defendant) from on behalf of PT Tito Rumpun Sehati (Defendant I) to Titi Kuntarsih (Plaintiff).²¹

Furthermore, the Panel of Judges is also in line in carrying out the order of UUPA and PP 24/1997 where the buying and selling process between the Plaintiff and the Defendant is only evidenced by the existence of a Sale and Purchase Receipt and cannot be made a Deed of Sale and Purchase by PPAT because the buyer, namely the Complainant and the seller, in this case, the Defendant no longer resides at the original address and is not known its existence, therefore pay attention to Article 37 paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration which states that "In certain circumstances as determined by the Minister, the Head of the Land Office may register for the transfer of property rights land rights, which is carried out among individual Indonesian citizens as evidenced by a deed not made by PPAT but which according to the Head of the Land Office the degree of truth is considered sufficient for register the transfer in question."

Besides that, good faith principles become an important part of the existing buying and selling process. Khairandy elaborated that measuring buyers in good faith is to find out how active buyers are in researching material and juridical facts of the transaction object.²² In addition to Khairandy, Hernoko also argued as quoted from Widodo that the understanding of good-faith buyers can be seen from the following description:²³

¹⁹ Indonesia, *Peraturan Pemerintah tentang Pendaftaran Tanah*, PP Nomor 24 Tahun 1997, LN Tahun 1997 Nomor 59, Ps. 37 ayat (1).

²⁰ Indonesia, *Peraturan Kepala Badan Pertanahan Nasional tentang Perubahan atas Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional Nomor 3 Tahun 1997 tentang Ketentuan Pelaksanaan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah*. PerkaBPN Nomor 8 Tahun 2012, Lampiran Ia.

²¹ *Ibid.*, hlm. 4.

²² Ridwan Khairandy, *Hukum Kontrak Indonesia Dalam Perspektif Perbandingan* (Yogyakarta, UII Press, 2013) hlm. 150.

²³ Widodo Dwi Putro, *et al.*, *Penjelasan Hukum: Pembeli Beritikad Baik dalam Sengketa Perdata Berobyek Tanah* (Jakarta: LeIP, 2016), hlm. 42.

"Good faith with a psychological element consists of a belief that a person acts by the law (good faith belief), while good faith with ethical elements consists of one's behavior by moral standards (good faith-probity or good faith honesty). Good faith with this ethical element is closely related to the idea of honesty and respect for the word of promises or pledges contained in the agreement."

Departing from the description above, thus PP 24/1997 provides an opportunity to submit a name with a deed that is not made by PPAT if there are certain circumstances or conditions. That the deed that is not made by PPAT can be interpreted as a Court Decision, although in the Government Regulation there is not explicitly stated that the Court Decision can be used as a basis for submitting the name of the certificate, but the Court Decision also includes an authentic deed, but the Banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms must be preceded by disputes from related parties, in this case, the Seller and Buyer as Plaintiff and Defendant.

CONCLUSION

The land purchase agreement between Plaintiff and Defendant in the Banyumas District Court Decision case Number 20 /Pdt.G/2020/PN.Bms raises rights and obligations between them, even though the transfer of land rights has been completed. However, follow-up is required as an obligation between the Seller (Defendant) and the Buyer (Plaintiff) for the land through the process of returning the name of the land rights certificate at the Office of the National Land Agency by the provisions of national agrarian law.

Judging from the eyes of agrarian law, the process of buying and selling between Plaintiff and Defendant is only evidenced by the receipt of Sale and Purchase Receipt and cannot be made a Deed of Sale and Purchase by PPAT because the buyer, namely the Plaintiff and the seller in this case the Defendant no longer resides at the original address and is not known to exist, therefore it is not known its existence, therefore it pays attention to Article 37 paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration which states that "In certain circumstances the Defendant does not live anymore at the original address and is not known to exist, therefore it pays attention to Article 37 paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration which states that "In certain circumstances the Defendant does not live anymore at the original address and is not known to exist, therefore it pays attention to Article 37 paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration which states that "In certain circumstances the Defendant does not live anymore at the original address and is not known to exist, therefore it pays attention to Article 37 paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration which states that " as determined by the Minister, the Head of the Land Office may register the transfer of property rights, which is carried out among individual Indonesian citizens as evidenced by a deed not made by PPAT but which according to the Head of the Land Office is considered sufficient to register the transfer in question."

Therefore, PP 24/1997 provides an opportunity to submit a name back with a deed that is not made by PPAT if there are certain circumstances or conditions, where the deed not made by PPAT can be interpreted as a Court Decision, although in the Government Regulation there is not explicitly stated that the Court Decision can be used as a basis for submitting the name of the certificate.

Plaintiff's claim in Petition number 2(two) for the sale and purchase of land covering an area of 91 m² (ninety-one square meters) with the Building Rights Certificate No.00245 located in Wiradadi Village/ Village, Sokaraja District, Banyumas Regency between Plaintiff and Defendant is valid with the granted this by the opinion of the Panel of Judges in the Banyumas District Court Decision Number 20 / Pdt.G / 2020 / PN.Bms. Thus, *mutatis*

mutandis against plaintiff's claim on petite number 3 (three) Plaintiff is the impact of the legality of buying and selling between Plaintiff and Defendant thus Plaintiff has been able to prove as the legal owner of the object of sale and purchase, then against petite number 3 (three) The Panel of Judges argues it should be granted by the Panel of Judges. In addition, the sale and purchase of a piece of land between the Plaintiff and Defendant have been declared valid and the Building Use Rights Certificate Number 00245 which is the basis of the right of the object of sale and purchase cannot be reversed into the name of the Plaintiff solely because the Defendant is not known where he lives anymore, then by based on the principle of justice and the principle of legal certainty, the fourth petite of the Plaintiff's lawsuit can be granted.

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