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## Application of Registration of Transfer of Rights Due to Direct Inheritance with Deed of Distribution of Inheritance (Study at Land Offices Throughout Malang)

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### ARTICLE INFO

*Keywords:* Transfer of Rights Due to Direct Inheritance, Deed of Distribution of Inheritance

*Received* : 2 May  
*Revised* : 19 May  
*Accepted* : 20 June

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### ABSTRACT

The problem of transitional registration is one of the typologies of land cases that often occurs. Registration of transfer of rights due to inheritance is currently not understood equally by the government, especially in the implementation of registration of transfer of rights due to direct inheritance with the deed of distribution of inheritance. For this reason, this paper will try to conduct a legal study regarding the effectiveness of Article 111 paragraph (5) of the ATR/Ka.BPN Regulation Number 16 of 2021 as the legal basis for carrying out transitional registration at Land Offices throughout Malang Raya. This paper uses the socio-legal method with an empirical and normative approach. The results of the research show that the registration of the transfer of rights due to direct inheritance with the deed of distribution of inheritance based on Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 is not effective at the Land Office in Malang Raya. There are several reasons, first, administrative habits that have been carried out by transferring inheritance first to all heirs based on the Declaration of Heirs, then transferring to one of the heirs based on APHB. Second, the record problem. Third, the problem of local taxes that will be reduced. The ineffectiveness of this article can harm interested parties because it can be detrimental in terms of time and costs when registering the transfer of rights due to inheritance

## INTRODUCTION

Land has an important role because land is a source of well-being, prosperity and life. This gives an understanding that it is a national responsibility to realize the welfare and prosperity of the people as stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) which regulates the control of national natural resources for the prosperity of the people.

The founding fathers in drafting the constitution paid special attention to land. In the constitution, the regulation of land uses the term agrarian which has a wider scope, namely land, water and the natural resources contained therein. Not only that, the founding fathers also tried to design a national legal umbrella that specifically regulates land affairs. Finally, on September 24, 1960, Law Number 5 of 1960 concerning Basic Agrarian Agrarian Regulations was born (State Gazette of the Republic of Indonesia Number 104 of 1960, Supplement to the State Gazette of the Republic of Indonesia Number 2043), hereinafter referred to as UUPA.

One of the objectives of enacting the UUPA is to provide guarantees of legal certainty. This goal can be realized through two efforts. First, the availability of written, complete and clear legal instruments that are implemented consistently in accordance with the principles contained therein. Furthermore, the ease of proving the rights to the land under his control through the land registration procedure, and

for interested parties as well as for the Government to implement land policies. The purpose of providing guarantees for legal certainty is contained in Article 19 paragraph (1) of the UUPA which reads.

Land registration or what is known as *recht cadastre* is a land administration process that collects, processes, records and presents physical and juridical data maintenance regarding land parcels and apartment units, including regarding the issuance of certificates as proof of ownership.

For the sake of the implementation of effective land registration in Indonesia, implementing regulations from the UUPA are very much needed. The existence of these implementing regulations will be useful for evidence and information needed by landowners for holders of land rights. In addition, it is useful for the government for the implementation of national land policies.

For this reason, as a legal basis for implementing land registration throughout Indonesia, the government established Government Regulation Number 10 of 1961 and refined it with Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as PP 24 of 1997), and Regulation of the Minister of Agrarian Affairs/Head of the Land Agency National Land Agency Number 3 of 1997 concerning implementing regulations PP 24 of 1997 (hereinafter referred to as Permen-Agraria/Ka.BPN 3 of 1997) as amended several times, most recently by Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 16 of 2021 concerning Amendments Third, on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as Permen ATR/Ka.BPN 16 of 2021).

Based on PP 24 of 1997 and Permen-Agraria/Ka.BPN 3 of 1997, the government is required to carry out registration activities for all land parcels in the territory of Indonesia, both processed systematically through adjudication committees and sporadically through landowners' own initiatives at the Land office.

One of the data maintenance land registration activities. Based on Article 94 of Permen ATR/Ka.BPN 16 of 2021, one of the data maintenance is carried out by registering changes in physical data and/or juridical data on land registration objects that have been registered by recording them in the public register. Article 94 paragraph (3) stipulates that one form of transfer of rights can occur due to inheritance.

Transfer of ownership rights to land can occur due to legal actions and legal events. Transfer of ownership rights to land due to legal actions can occur if the holder of ownership rights to land deliberately transfers the rights they hold to another party. Whereas the transfer of ownership rights to land due to legal events, occurs when the holder of ownership rights to land dies, then automatically or without the existence of an intentional legal act on the part of the right holder, the right of ownership is transferred to the heirs of the right holder.

Inheritance Law is the law governing the transfer of assets left by someone who dies and the

consequences for their heirs. Heirs born for the benefit of the heirs. Article 830 of the Indonesian Civil Code states "Inheritance only takes place because of death." So with the legal event of someone's death, it has implications for the disclosure of the inheritance of the deceased (hereinafter referred to as the Heir), both material and intangible, both in the form of debts and receivables which are divided into the rights and obligations of each heir.

Objects left behind are usually interpreted as assets left by the heir in the form of money, movable or immovable objects, and so on. When a person dies, at that time all his rights and obligations are transferred to the heir, meaning that the heir replaces the position of the heir in matters relating to assets.

One of the legal actions that can be carried out by the heirs is the process of registering the transfer of rights due to inheritance at the Land Office. The transfer of rights due to inheritance is regulated in Article 42 PP 24 of 1997, the most recent is regulated in Article 111 of Permen ATR/Ka.BPN 16 of 2021. In Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 it states that:

"If the heirs are more than 1 (one) person and at the time of registration of the transfer of rights accompanied by a deed of inheritance which contains information that the right to land or the right to own a certain apartment unit goes to 1 (one) recipient of the inheritance, then the registration of the transfer of rights carried out to the recipient of the inheritance concerned based on the deed of inheritance.

Furthermore, it is explained in Article 111 paragraph (3) Permen ATR/Ka.BPN 16 of 2021 that the deed regarding inheritance distribution as referred to above can be made in the form of a private deed by all heirs witnessed by 2 (two) witnesses or with a deed Notary Public. So with the provisions of this article it is very effective in helping applicants because it can save time in completing transitions at the Land Office and can also reduce costs that must be incurred.

In current practice, it turns out that there are still many Land Offices that refuse the registration of applications for the transfer of inheritance as stated in Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021, as an example of a case that occurred at the Land Office for the Greater Malang area. Problems with the implementation of Article 111 paragraph (5) Permen ATR/Ka.BPN 16

of 2021 due to the rejection by the local Land Office. The reason for the refusal made by the Land Office in the Malang Raya area was because the use of an inheritance certificate or Deed of Inheritance Distribution (APHW) could not or was not normally done at the regional Land Office. In addition, Land Office officials feel that they will be confused if they register the transfer of rights to the model Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 because it will potentially reduce state revenue in administrative payments such as PNBPN payments, BPHTB taxes, and also PPh (Income tax).

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## **METHODS**

The type of research used is socio-legal research. This research was used because it started with a legal problem in the field (law in action) and the focus of the study was to measure and analyze the effectiveness of the implementation of Article 111 Paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 concerning registration of transfer of land rights due to inheritance .

The implementation of Article 111 Paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 will later be observed using several methods and approaches typical of empirical research. It's just that the empirical research referred to in this case is not empirical as is the case in other social sciences, it will remain limited and limited to the framework of legal science. In addition, studies regarding the application of this article are limited to the implementation of registration of transfer of land rights in the area of land offices throughout Malang Raya.

## **RESULTS AND DISCUSSION**

1. Several models of registration of transfer of rights due to inheritance in Indonesia

In the Indonesian context, land registration is a mandate from Article 19 of the UUPA, which in that article clearly states that land registration aims to guarantee legal certainty by the government throughout the territory of the Republic of Indonesia. For this reason, a normative definition can be found in Article 1 PP 24 of 1997. The implementation of land registration is divided into 2 (two), namely registration for the first time and maintenance of land registration data. Land registration for the first time can be carried out systematically and sporadically which is a land registration activity carried out on land objects that have not been registered.

The transfer of rights according to Irene Eka Sihobing is the transfer or transfer of ownership rights to a plot of land from the original owner to the new owner due to certain legal actions. The purpose of the legal act of transferring rights is to legally transfer land rights to someone else.

The legal aspect is the point of emphasis because the intention must be intentional and agreed on the legal act of transferring a piece of land so that it can be called a transfer of land rights. Regarding the transfer of rights, Article 37 PP 24 of 1997 has stated as well as provided the types of actions that

can be categorized as transfers of legal land rights, it states that:

"Transfer of land rights and ownership rights to apartment units through buying and selling, exchange, grants, inclusion in the company and other legal actions for transferring rights, except for transferring rights through an auction is only can be registered if it is proven by a deed drawn up by the authorized PPAT according to the provisions of the applicable laws and regulations."

From this article it can be seen that the transfer of land rights can occur in several ways, namely (i) buying and selling; (ii) Exchange; (iii) Grants; (iv) income within the company; and (v) other legal acts of transfer of rights. Transfer with rights in other ways includes inheritance and so on.

There are 2 terms known in the transfer of rights, namely 'switch' and 'transferred'. If the phrase "transfer" is used, it refers to the meaning that the transfer of land rights is without any legal action taken by the owner, for example inheritance. Then transferred means that the transfer of land rights occurs through legal actions carried out by the owner, for example buying and selling.

The transfer of rights due to inheritance is a legal event that is recognized by law. The transfer of ownership rights to land due to legal events occurs if the holder of the property rights dies, then automatically or without any legal action, the property rights are transferred to the legal heirs. Meanwhile, the transfer of rights due to legal actions occurs when the holder of a property right deliberately transfers his rights to another person.

Registration of transfer of rights due to inheritance is an effort to provide legal protection to heirs and to order the administration of land registration. So that land data is always in an up-to-date condition. The limitation or scope for knowing when there is a transfer of rights due to inheritance is when it occurs due to law when the owner of the property right dies. This means that since then the heirs have become the new rights holders. Regarding who has the right to be the heir, this goes back to the rules in Civil Law, such as in the Civil Code or *burgerlijk wetboek*.

The transfer of rights due to inheritance can occur if there is a letter of evidence, such as a Deed of Inheritance Rights, Letter of Determination of Heirs, or Certificate of Heirs. In addition, a document proving the existence of land rights to the

bequeathing party is necessary because the registration of the transfer of rights can only be carried out after the registration for the first time of the rights in question on behalf of the bequeathing party.

In PP 24 of 1997, if one looks closely, it can be seen that the transfer of rights is due to inheritance of various types, which can be seen specifically in Article 42 PP 24 of 1997 or Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021, briefly described as follows:

Table 3. Types of Registration of Transfer of Rights Due to Inheritance

No	Type	Registration
1	Common inheritance for one person	If the recipient of the inheritance is from one person, the registration of the transfer of rights is carried out to that person based on a letter of evidence as an heir as referred to in paragraph (1).
2	Designation of inheritance for one particular person	If the recipient of the inheritance is more than one person and at the time the transfer of rights is registered accompanied by a deed of inheritance which contains information that the right to land or the right to ownership of a certain apartment unit goes to a certain recipient of the inheritance, the registration of the transfer of land rights or ownership rights to the unit the apartment is carried out to the recipient of the inheritance concerned based on the certificate of heirs and the deed of distribution of inheritance.
3	Inheritance for shared sharing	Inheritance in the form of land rights or ownership rights to apartment units which according to the deed of inheritance distribution must be shared between several heirs or at the time of registration there is no deed of distribution of inheritance, the transfer of rights is registered to the heirs who are entitled as their mutual rights based on a letter of evidence as heirs and/or deed of division of inheritance.

### 1. Problems with Land Registration and Development of Regulations on the Registration of Transfer of Rights Due to Inheritance

Land registration activities are basically activities that have existed for a long time in Indonesia, it was recorded that they had existed since 1620 which Rudolf Harmanses called the pre-cadastral era. The implementation of land registration activities in Indonesia can be said to be effective and established after the issuance of Government Regulation Number 10 of 1961 concerning Land Registration (PP 10 of 1961) which has been fundamentally changed through PP 24 of 1997. This is because the law on land registration is based on PP 10 of 1997. 1961 was the beginning of

registration activities based on national legal provisions.

Even though the implementation of land registration took quite a long time, this activity is still marked by many problems ranging from regulatory, institutional issues to the implementation of land registration. As one of the typologies of conflicts in land disputes, it was mentioned at the 2020 ATR/BPN Ministry National Working Meeting, quantitatively land conflicts from 2015 to 2019 were still relatively high, namely 9,124 cases, completed cases: 3,179 cases, process: 3,100 cases, blank : 1,958 cases, whereas in 2019 there were 3,100 remaining cases, and 2,347 new cases emerged. While judging from the treatment target based on the type of case, it can be grouped into 1,500 cases

Completed: 1,291 cases (86%) with the following criteria: K1: 461 cases (35%), K2: 479 cases (31%), K3: 351 cases (234%) ). Based on the typology of handling and resolving land cases submitted to the

Directorate General VII of the Ministry of ATR/BPN in 2020, the authors can describe it in the table below:

Table 2. Land Case Typology Data

No	Typology	Dispute	%	Case	%
1	<b>Registration of Transfer of Rights</b>	<b>214</b>	<b>2,40</b>	<b>913</b>	<b>6,90</b>
2	Determination of Rights and Registration of Land	1.499	16,40	1.743	13,10
3	Implementation of Court Decisions	342	3,80	554	4,20
4	Determination of Boundary/Field Location	1.194	13,00	388	2,90
5	Land Procurement	29	0,30	233	1,80
6	Land Reform Object	20	0,20	23	0,20
7	Land Compensation ex Particleir	13	0,10	66	0,50
8	Land Compensation ex Particleir	277	3,00	174	1,30
9	Ownership/ownership of land has not been registered (proof of old rights/TN/SHAT)	5.187	56,73	7.786	61,92
11	BLANK	349	3,90	970	7,20
	<b>Total</b>	<b>9.124</b>	<b>100</b>	<b>13.300</b>	<b>100</b>

If you look at the table above, cases or problems with the registration of the transfer of rights rank first as the most typological types of cases. Total disputes amounted to 214 (2.40%) and cases amounted to 913 (6.90%). This fact shows that the problem of registering the transfer of rights as a data maintenance activity in land registration is a problem that continues to grow and is increasingly complex. Registration of the transfer of rights is one of the most frequent typologies of conflicts in land disputes, it seems that it cannot be separated from its multidimensional nature. It is said to be multidimensional because the registration of the transfer of rights can be carried out in various ways, such as buying and selling, exchange, grants, inheritance, income within the company and other legal acts of transferring rights.

One type of registration of transfer of rights that has received a lot of attention is the registration of transfer of rights over land due to inheritance. This is because until now there are still problems with its implementation. The problem, for example, lies in the ineffectiveness and non-uniformity of the implementation of the transfer of land rights due to inheritance in land offices throughout Indonesia. This means that in certain aspects, one land office and another land office have different views or perceptions regarding the enforcement of a rule.

The above phenomenon occurs in the implementation of land administration, namely in the case of registration of transfer of rights due to inheritance which is based on the Deed of Assignment of Inheritance (APHW) based on the provisions of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. There is a disparity in application and perception regarding this norm, for example, what is currently happening is that the Surabaya City Land Office applies this rule, while the Malang Regency Land Office refuses to implement it because the transfer of inheritance rights must first continue to use a mechanism based on the Deed of Sharing of Shared Rights (APHB).

Registration of the transfer of rights due to inheritance against the background of the Deed of Assignment of Inheritance (APHW) is regulated in Article 111 paragraph (5) of the ATR/Ka.BPN Regulation 16 of 2021, which is not the first norm that has appeared in the ATR/Ka.BPN Regulation. This norm first appeared in Article 42 paragraph (2) PP 24 of 1997, then was further regulated in implementing provisions in Article 111 paragraph (5) Permen-Agrarian/Ka.BPN 3 of 1997. Then it was updated in Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. Even though these norms are regulated in 3 (three) regulations, there is no difference in substance. The difference lies only in

updating vocabulary and punctuation in writing. For more details, see the following table:

Table 3. Development of Norms for Registration of Transfer of Rights Due to Inheritance Based on Deed of Sharing of Inheritance (APHW)

Chapter	Norm
Article 42 paragraph (4) PP 24 of 1997	If the recipient of the inheritance is more than one person and at the time the transfer of rights is registered accompanied by a deed of inheritance which contains information that the right to land or the right to ownership of a certain apartment unit goes to a certain recipient of the inheritance, the registration of the transfer of land rights or ownership rights to the unit the apartment is carried out to the recipient of the inheritance in question based on a letter of proof of heirs and the deed of distribution of inheritance
Article 111 paragraph (5) Permen-Agraria/Ka.BPN 3 of 1997	If the heirs are more than 1 (one) person and at the time of registration of the transfer of rights accompanied by a deed of inheritance which contains information that the right to land or the right to ownership of a certain apartment unit falls to 1 (one) recipient of the inheritance, then the registration of the transfer of rights carried out to the recipient of the inheritance concerned based on the deed of distribution of the inheritance
Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021	If the heirs are more than 1 (one) person and at the time of registration of the transfer of rights accompanied by a deed of inheritance which contains information that the right to land or ownership rights to a certain apartment unit falls to 1 (one) recipient of the inheritance, then the transfer of rights is recorded to the recipient of the inheritance concerned based on the deed of inheritance.

Then, before explaining the findings in the field, it is necessary to understand in advance the conception of why Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 is considered an instrument for registering the transfer of rights due to inheritance based on APHW not APHB. This is important to understand because it is the root cause of the chaotic implementation in the field because of different perceptions at each land office.

If you look at Article 111 of Permen ATR/Ka.BPN 16 of 2021 as a whole, the placement of the use of APHB and APHW can be seen in the formulation of the norms of Article 111 paragraph (4) and paragraph (5) of Permen ATR/Ka.BPN 16 of 2021. In the context Article 111 paragraph (4) registration of the transfer of land rights due to inheritance is carried out with the APHB document, this is clearly seen in the phrase "...and the distribution of rights can then be carried out through the distribution of joint rights...". Whereas in the context of Article 111 paragraph (5) the registration of the transfer of rights to land due to inheritance is

carried out with the APHW document, the reason can be seen in the phrase which states that "...the registration of the transfer of rights is accompanied by a deed inheritance containing information that land rights or ownership rights over certain flats fall to 1 (one) person receiving the inheritance...".

1. To more easily understand the limitations of the differences between these 2 (two) matters, the easiest indicator or logic to use is first, if the certificate of land rights is still written in the name of the heir, but the heirs agree to hand over their share rights to an heir, then it must be made APHW (context of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021). Meanwhile, if the certificate of land rights has been written in the names of the heirs, but among them subsequently agrees to hand it over to one or more persons, then an APHB must be made (context of Article 111 paragraph (4) Permen ATR/Ka.BPN 16 Year 2021).

2. Even though it looks easy to interpret the provisions for registering the transfer of rights because inheritance in these provisions does not

make the implementation work as it should. The problem with the effectiveness of Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 is apparently not only related to problematic interpretations or perceptions of the a quo article but is also covered by actual problems in the field such as reluctance to abandon practice (application as usual), worry about losing tax revenue (PNBP, BPHTB, PPh), and so on. To find out more about the factual problems in the field, the author will present research findings regarding the effectiveness of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 at Land Offices throughout Malang Raya.

3. The study, which was conducted at Land Offices throughout Malang, covered 3 (three) regions, namely Malang City, Malang Regency, and Batu City. This study, which is located at Land Offices throughout Malang, is not interpreted narrowly which is limited and limited to the land office, but is interpreted broadly, meaning that it also includes notary/PPAT offices located within the jurisdiction of the Land Office of Malang Raya. In short, the results of field observations consist of the results found at the Malang Raya Land Office, and the Notary/PPAT Office.

### **1. Testing the Effectiveness of Article 111 paragraph (5) Permen ATR/Ka.BPN Number 16 of 2021: Between Theory and Practice**

Basically the answer to the effectiveness of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 can already be known after seeing research findings from the Land Office and strengthened by the experience of Notaries/PPATs in the Greater Malang area, that it can be concluded that the a quo article does not work effective for several reasons. However, these answers still have low validity because these findings have not been tested/verified with theories or legal norms.

For the study of law in society, what is important is the application of the law sociologically, the essence of which is the effectiveness of the law. The study of legal effectiveness is an activity that demonstrates a general problem formulation strategy, namely a comparison between legal reality and legal ideals. In particular, it can be seen the level between law in action and law in theory, or in other

words this activity will show the relationship between law in book and law in action. In this study what is meant by law in book is Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 while law in action is the implementation of these norms at the Land Office in Malang Raya.

The legal effectiveness test is a scientific assessment regarding the application of a legal activity. The testing tools used in the context of this legal research are legal theories that are considered relevant to answering problems. The relevant legal theory as a test tool in this case is of course the "legal effectiveness theory". As previously mentioned, given the large number of legal experts discussing the theory of legal effectiveness, in this study the theory of legal effectiveness/legal system theory from Lawrence M. Freadman was chosen.

To assess the effectiveness of a legal activity, Lawrence M. Freadman has provided a theoretical construction in the form of a legal system. That to assess the effectiveness of legal activities can be seen from the sub-systems consisting of legal substance, legal structure and legal culture. According to Freadman, the operation of the law is said to be effective if these elements run coherently and optimally.

Even though it has been explained in theory about the concept of each sub-system, the author's view is that it is still not applicable as a test or analysis tool. For this reason, the author in this case tries to make indicators by elaborating the concepts of the sub-systems that have been described by Freadman. The author has conveyed the indicator of the effectiveness of this law in the explanation of the operational definition of the research method. This indicator will be used to test or assess the effectiveness of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 in the areas of Land Offices throughout Malang Raya.

Based on the research findings previously described which consisted of findings from the Greater Malang Land Office to the experiences of Notaries/PPATs in the Greater Malang area. If these findings are related to indicators of legal effectiveness, it can be described as follows:

Table 4. Legal Effectiveness of Article 111 Paragraph (5) Permen ATR/Ka.BPN 16 Of 2021 in Land Offices Throughout Malang Raya

No	Component	Parameter	Effective	
			Yes	No
1	Legal Substance	1. Is there adequate legal regulation?	√	
		2. Is the content or meaning of the rules easy to understand?	√	
		3. Is the rule of law systematically and synchronously arranged?	√	
		4. Does the rule of law form an administrative mechanism?	√	
		5. Does the general public know the contents of the regulations in question?		√
		6. Is there an administrative mechanism that is accessible and can be carried out by every member of the community?		√
2	Legal Structure	1. Does law enforcement know the contents of the relevant regulation?	√	
		2. Are the regulations in question enforced by law enforcement?		√
		3. Is the application of the law in accordance with the rules in question?		√
		4. Are there any obstacles to the application of the law related to the regulations in question?	√	
3	Legal Culture	Is there an acknowledgment and a general acknowledgment among the public that the rule of law and legal institutions are indeed effective?		√

First, in terms of legal substance or legal regulations, adequate legal regulations are available, namely in this case Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. This means that the implementation of the transfer of rights due to inheritance has been fulfilled because the legality of the norms has been available. Then in terms of the content of the norms or their meaning, the phrase Article 111 paragraph (5) of the ATR/Ka.BPN Regulation 16 of 2021 is formulated specifically and clearly. In addition, the a quo article is also classified as a concrete and technical norm because it is located in the content of the material in the Ministerial Regulation where the candy is classified as "executing regulation" (verordnung/ delegated legislation).

Furthermore, in terms of systematization and synchronization of norms, Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021, in the author's opinion, is quite structured and placed systematically and precisely. It is said that because the previous lawmakers had made a separate section on Permen ATR/Ka.BPN 16 of 2021 with a cluster or chapter on "transfer of land rights or ownership rights to apartment units due to inheritance" precisely in Article 111 of Permen ATR/Ka. BPN 16 of 2021. As

previously explained, that in Article 111 of Permen ATR/Ka.BPN 16 of 2021, there are types of models for registration of transfer of rights due to inheritance, starting from; (i) registration of transfer of rights due to ordinary inheritance (APHB); (ii) registration of transfer of rights due to inheritance based on a court decision; (iii) registration of transfer of rights due to inheritance is based on the appointment of one of the heirs (APHW). So from this the author should say that the norms have been arranged in a systematic and synchronous manner because they do not conflict with one another.

Then with regard to indicators or questions whether the rule of law in this case Article 111 paragraph (5) of the ATR/Ka.BPN Regulation 16 of 2021 establishes an administrative mechanism? Normatively, of course, the answer is "yes". The norm should be formed on the basis of a legal activity, in this case the mechanism for registering the transfer of rights due to inheritance. However, if the question is tested outside the framework of the sub-system of legal substance, then in the context of this legal issue the answer is "no". This is because operationally in the Land Office of Malang City, the administrative mechanism for registering the transfer of rights due to inheritance does not work effectively.

Thus, the author's reasoning in this case states that a legal mechanism has been formed in terms of norms or legal substance.

The next indicator is whether the general public knows the contents of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021? The general public referred to in this case is the subject of the norms of the organizer so that it is possible for 2 (two) parties, namely the Notary/PPAT or the public who registers the transfer of rights independently. The author in this case decides to choose a Notary/PPAT because they are the ones who have the most potential to know the norms of the a quo article because of their experience and duties.

In relation to knowing whether or not the rules of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021, Notaries/PPATs in the Greater Malang area turn out to be many who don't know about it. The first reason is because "never received socialization" regarding the a quo rule. This fact can be seen from the answers submitted by several Notaries/PPATs, such as Nicolas Budhi who explained: "There is no socialization yet. Because it is still ambiguous whether the information given to only one of the heirs is contained in the deed of Inheritance Rights... or in a notarial deed."

This was even conveyed by several other Notaries/PPATs such as Henky Wibawa, Khoirun Nisa, S.H., M.Kn, Notary EN (initials), Notary E (initials). Actually ignorance of the Notary/PPAT is not only caused by the lack of socialization carried out by the Land Office, but also related to the second reason, namely following the rules and habits of the Land Office in implementing procedures and conditions for registering the transfer of rights due to inheritance. This has been proven from the many answers from the Notary/PPAT confirming his experience that the Land Office in Malang Raya does not apply registration based on the model of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. This means that effectiveness is not fulfilled because the rules are unknown even in the Notary / PPAT class though. Knowledge of the Notary/PPAT will certainly affect the implementation of the article, based on the results of interviews conducted, the following description is found:

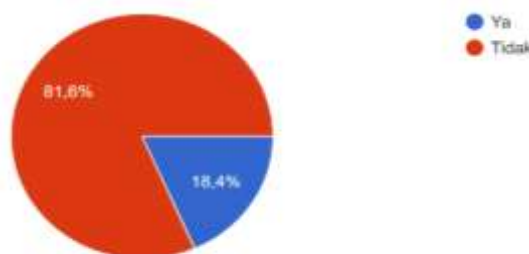


Diagram 1. Notary/PPAT Experience in the Greater Malang Area in Registering the Transfer of Rights to the Model Article 111 Paragraph (5) Permen ATR/Ka.BPN 16 of 2021

From the data above shows a significant gap. A total of 81.6% of Notaries/PPATs have never submitted an application for registration of a transfer of rights in the manner or model of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. This number shows that even though in terms of perception 43.5% of Notaries/PPATs who know this instrument, but in terms of experience or application, only around 18.4% admit that they have used it. The few notaries who have used this instrument show that Article 111 paragraph (5) of Permen ATR/Ka.BPN

16 of 2021 is proven to be not widely known and implemented effectively in the registration of transfer of rights due to inheritance by Notaries/PPATs in the Greater Malang area.

Regarding the problem of ignorance of this rule, some parties may relate it to the argument of the theory of legal fiction that when Permen ATR/Ka.BPN 16 of 2021 has been promulgated, everyone is deemed to know (presumption iures de iure) and is binding and does not release him from lawsuits (ignorantia jurist non excusat). In the

context of the problem in this study, the problem is not only related to public knowledge of Permen ATR/Ka.BPN 16 of 2021, but more importantly, it is related to the problem of procedural habits created by the Land Office in implementing and understanding Article 111 paragraph (5) of the Ministerial Regulation. ATR/Ka.BPN 16 of 2021. As stated in the previous facts on the ground, not a few Land Office employees are aware of the a quo article, but based on customary reasons and the loss of administrative financial burden, it is not implemented. In addition, basically talking about legal fiction theory is irrelevant when it comes to legal effectiveness, because legal fiction does not reach elements of community participation.

Thus, because Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 is not understood and implemented, *mutatis mutandis* does not have an administrative mechanism that can be reached and can be carried out by every citizen. Normatively, the administrative mechanism in terms of registering the transfer of rights due to inheritance based on Article 111 paragraph (5) of the ATR/Ka.BPN Regulation 16 of 2021 basically exists and is mandated. It's just that because it is hindered by existing perceptions and habits, the mechanism does not work as it should and is mandated in regulations.

Based on the assessment test in terms of legal substance, the legal substance in this case refers to Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 it can be concluded that it is not running effectively. This is because there are indicators that are not fulfilled, especially regarding "public knowledge" and "administrative mechanisms that cannot be reached and implemented" in the registration of transfer of land rights due to inheritance based on the a quo article.

Second, in terms of legal structure. In this aspect, elaboration will be carried out by examining the applications and perceptions of legal structures or law enforcers, who in this context are officials at the Land Offices throughout Malang Raya. An analysis of this legal structure is carried out in relation to the performance of the institution and its components in carrying out the task of enforcing the rules of Article 111 paragraph (5) of the ATR/Ka.BPN Regulation 16 of 2021, which also includes legal patterns implemented and enforced in accordance with legal rules (substance law).

The first indicator relates to the knowledge of Land Office officials throughout Malang regarding the existence of a registration mechanism for the transfer of rights due to inheritance based on the mechanism of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. If you look at the results of the interviews, almost all Land Offices -Malang Raya knows about these rules, only the Malang City Land Office answered doubtfully whether they knew for sure. The rest, such as the Land Office of Malang Regency and Batu Batu City, expressly state that they know the rules.

After it is concluded that the Land Offices throughout Malang are aware of the rules of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021, then the next question or indicator is whether after knowing that officials at Land Offices throughout Malang Raya apply these rules? Based on the results of the interviews, it is known that all Land Offices throughout Malang admit that they have never implemented this regulation. One of the Malang Regency Land Office agencies in the interview said that he had received an application with the model or mechanism of this article, but was rejected because he had never implemented it so far. Because the a quo article was never implemented, *Belom pernah ada sosialisasi atau surat edaran dari Kementerian ATR/BPN mengenai pelaksanaan mekanisme pendaftaran model Pasal 111 ayat (5) Permen ATR/Ka.BPN 16 Tahun 2021.*

a) There has never been any socialization or circular letter from the Ministry of ATR/BPN regarding the implementation of the registration mechanism for the model of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021.

b) Administration of registration of transfer of rights due to inheritance is carried out by first transferring inheritance to all heirs based on a statement of heirs, then transferring to one of the heirs based on APHB. Not familiar with the transfer registration mechanism based on Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 which is only based on an

inheritance certificate or Deed of Inheritance Distribution (APHW).

c) If using the registration mechanism model Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 the registration will be incomplete. So that if a dispute occurs, it will be troublesome for the Land Office employees to look up the history of the records.

d) One of the local tax burdens will be deducted/disappeared if applying transitional registration with the mechanism of Article 111 paragraph (5) of the Ministerial Regulation ATR/Ka.BPN 16 of 2021.

Third, is the aspect of Legal Culture. When testing the legal effectiveness of implementing Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021, especially in the aspect of legal culture, according to Freadman, there are 2 (two) components that can be tested. The first is the internal legal culture which is the legal culture of law enforcement officials within the legal structure. Second, the external legal culture, which is the legal culture of the wider community. Related to the internal legal culture, in this case, is the collective knowledge of Land Office officials regarding Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021. So that regarding this internal legal culture has been answered in the description and analysis of the previous legal structure aspects. Thus, the description of this legal aspect will focus more on the external legal culture which is the legal culture of the wider community.

To find out from the point of view of the legal culture of the community, indicators are used regarding the recognition and assumption that is evenly distributed among the public that the rules of Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 are indeed effective. This community's legal culture does not target the wider community or the general public because in this study the general public is not a respondent. In addition, in administrative procedures for registering the transfer of rights due to inheritance by the general public, a Notary/PPAT is always accompanied by a Notary/PPAT as the official authorized to issue deeds. Thus, the legal culture of the community in

this case is more appropriate for Notaries/PPATs because based on their duties and positions they have the most potential to find out.

Based on the data that has been collected, it can be seen that many Notaries/PPATs in the Greater Malang area are not aware of the existence of a transitional registration mechanism with the model Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 on the grounds that there has never been socialization and the habit of following administration in the Land Offices throughout Malang Raya. Thus can it can be concluded that there is no acknowledgment and an even opinion among Notaries/PPATs that the rules of Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 are indeed effective. From the point of view of legal culture, this effectiveness is not fulfilled because these rules are not known even to the Notary/PPAT class, let alone the general public, who are mostly lay people about law and legal administration procedures.

The basic assumption of the theory of legal effectiveness is that the law is said to be effective if the sub-systems consisting of legal substance, legal structure and legal culture are all implemented and running well. In practice, Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 does not work well in each sub-system, the indicators for each of these sub-systems are not met and work as they should. Thus, it can be concluded that based on the legal effectiveness theory of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 it is proven not to work effectively.

The ineffective application of Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 also causes norms to be said to have no sociological validity. Even though juridically these rules are considered to be enforceable because they were invited through the process of forming legal legislation, they do not meet the main requirements for eligibility, namely effective enforcement from a sociological point of view in the field. As a rule of law, juridical validity is indeed the starting point for the effectiveness of a rule, but the end point is determined through sociological validity, meaning that the rule is said to be "effectively enforced" if it is implemented and can provide benefits to the wider community.

## CONCLUSION

From the data above shows a significant gap. A total of 81.6% of Notaries/PPATs have never submitted an application for registration of a transfer of rights in the manner or model of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. This number shows that even though in terms of perception 43.5% of Notaries/PPATs who know this instrument, but in terms of experience or application, only around 18.4% admit that they have used it. The few notaries who have used this instrument show that Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 is proven to be not widely known and implemented effectively in the registration of transfer of rights due to inheritance by Notaries/PPATs in the Greater Malang area.

Regarding the problem of ignorance of this rule, some parties may relate it to the argument of the theory of legal fiction that when Permen ATR/Ka.BPN 16 of 2021 has been promulgated, everyone is deemed to know (presumption iures de iure) and is binding and does not release him from lawsuits (ignorantia jurist non excusat). In the context of the problem in this study, the problem is not only related to public knowledge of Permen ATR/Ka.BPN 16 of 2021, but more importantly, it is related to the problem of procedural habits created by the Land Office in implementing and understanding Article 111 paragraph (5) of the Ministerial Regulation. ATR/Ka.BPN 16 of 2021. As stated in the previous facts on the ground, not a few Land Office employees are aware of the a quo article, but based on customary reasons and the loss of administrative financial burden, it is not implemented. In addition, basically talking about legal fiction theory is irrelevant when it comes to legal effectiveness, because legal fiction does not reach elements of community participation.

Thus, because Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 is not understood and implemented, mutatis mutandis does not have an administrative mechanism that can be reached and can be carried out by every citizen. Normatively, the administrative mechanism in terms of registering the transfer of rights due to inheritance based on Article 111 paragraph (5) of the ATR/Ka.BPN Regulation 16 of 2021 basically exists and is mandated. It's just that because it is hindered by existing perceptions and habits, the mechanism does not work as it should and is mandated in regulations.

Based on the assessment test in terms of legal substance, the legal substance in this case refers to Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 it can be concluded that it is not running effectively. This is because there are indicators that are not fulfilled, especially regarding "public knowledge" and "administrative mechanisms that cannot be reached and implemented" in the registration of transfer of land rights due to inheritance based on the a quo article.

Second, in terms of legal structure. In this aspect, elaboration will be carried out by examining the applications and perceptions of legal structures or law enforcers, who in this context are officials at the Land Offices throughout Malang Raya. An analysis of this legal structure is carried out in relation to the performance of the institution and its components in carrying out the task of enforcing the rules of Article 111 paragraph (5) of the ATR/Ka.BPN Regulation 16 of 2021, which also includes legal patterns implemented and enforced in accordance with legal rules (substance law).

The first indicator relates to the knowledge of Land Office officials throughout Malang regarding the existence of a registration mechanism for the transfer of rights due to inheritance based on the mechanism of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021. If you look at the results of the interviews, almost all Land Offices -Malang Raya knows about these rules, only the Malang City Land Office answered doubtfully whether they knew for sure. The rest, such as the Land Office of Malang Regency and Batu Batu City, expressly state that they know the rules.

After it is concluded that the Land Offices throughout Malang are aware of the rules of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021, then the next question or indicator is whether after knowing that officials at Land Offices throughout Malang Raya apply these rules? Based on the results of the interviews, it is known that all Land Offices throughout Malang admit that they have never implemented this regulation. One of the Malang Regency Land Office agencies in the interview said that he had received an application with the model or mechanism of this article, but was rejected because he had never implemented it so far. Because the a quo article was never implemented, Belum pernah ada sosialisasi atau surat edaran dari Kementerian ATR/BPN mengenai pelaksanaan mekanisme

pendaftaran model Pasal 111 ayat (5) Permen ATR/Ka.BPN 16 Tahun 2021.

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Third, is the aspect of Legal Culture. When testing the legal effectiveness of implementing Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021, especially in the aspect of legal culture, according to Freadman, there are 2 (two) components that can be tested. The first is the internal legal culture which is the legal culture of law enforcement officials within the legal structure. Second, the external legal culture, which is the legal culture of the wider community. Related to the internal legal culture, in this case, is the collective knowledge of Land Office officials regarding Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021. So that regarding this internal legal culture has been answered in the description and analysis of the previous legal structure aspects. Thus, the description of this legal aspect will focus more on the external legal culture which is the legal culture of the wider community.

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Based on the data that has been collected, it can be seen that many Notaries/PPATs in the Greater Malang area are not aware of the existence of a transitional registration mechanism with the model Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 on the grounds that there has never been socialization and the habit of following administration in the Land Offices throughout Malang Raya. Thus can it can be concluded that there is no acknowledgment and an even opinion among Notaries/PPATs that the rules of Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 are indeed effective. From the point of view of legal culture, this effectiveness is not fulfilled because these rules are not known even to the Notary/PPAT class, let alone the general public, who are mostly lay people about law and legal administration procedures.

The basic assumption of the theory of legal effectiveness is that the law is said to be effective if the sub-systems consisting of legal substance, legal structure and legal culture are all implemented and running well. In practice, Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 does not work well in each sub-system, the indicators for each of these sub-systems are not met and work as they should. Thus, it can be concluded that based on the legal effectiveness theory of Article 111 paragraph (5) Permen ATR/Ka.BPN 16 of 2021 it is proven not to work effectively.

The ineffective application of Article 111 paragraph (5) of Permen ATR/Ka.BPN 16 of 2021 also causes norms to be said to have no sociological validity. Even though juridically these rules are considered to be enforceable because they were invited through the process of forming legal legislation, they do not meet the main requirements

for eligibility, namely effective enforcement from a sociological point of view in the field. As a rule of law, juridical validity is indeed the starting point for the effectiveness of a rule, but the end point is determined through sociological validity, meaning that the rule is said to be "effectively enforced" if it is implemented and can provide benefits to the wider community.

## REFERENCES

- Ali Marwan HSB, Mengkritisi Pemberlakuan Teori Fiksi Hukum, *Jurnal Penelitian De Jure*, Vol. 16 No. 3, September 2016.
- Andi Yuliani, Daya Ikat Pengundangan Peraturan Perundang-Undangan, *Jurnal Legislasi Indonesia*, Vol. 14 No. 04, Desember 2017.
- Boedi Harsono, *Hukum Agraria Indonesia Sejarah Pembentukan Undang-Undang Pokok Agraria*, Djambatan, Jakarta, 2003.
- Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, Mandar Maju, Bandung, 2008.
- Cristian Sri Murni, Pendaftaran Peralihan Hak Milik atas Tanah Karena Pewarisan, *Lex Librum: Jurnal Ilmu Hukum*, Vol. 6 No. 2, 2020.
- Effendi Perangin, *Hukum Waris, Rajagrafindo Persada*, Depok, 2018.
- FX. Sumarja, *Hukum Pendaftaran Tanah*, Penerbit Universitas Lampung, Bandar Lampung, 2010, hlm. 29
- Haryo Budhiawan, Sarjita, Yohanes Supama, *Laporan Hasil Penelitian Pemetaan Karakter dan Tipologi Konflik Pertanahan serta Solusinya di Indonesia (Studi di Jakarta dan Jawa Timur)*, Yogyakarta, STPN Press, 2020.
- Ilham Dwi Rafiqi, "Pembaruan Politik Hukum Pembentukan Perundang-Undangan Di Bidang Pengelolaan Sumber Daya Alam Perspektif Hukum Progresif," *Bina Hukum Lingkungan* 5, no. 2 (2021): 320–21, <https://doi.org/https://doi.org/10.24970/bhl.v5i2.163>
- Irene Eka Sihombing, Segi-Segi Hukum Tanah Nasional dalam Pengadaan Tanah untuk Pembangunan, Penerbit Universitas Trisakti, Jakarta, 2005.
- Izzy AI Kautsar dan Danang Wahyu Muhammad, *Sistem Hukum Modern Lawrence M. Friedman: Budaya Hukum dan Perubahan Sosial Masyarakat dari Industri ke Digital*, *Sepientia Et Virtus Stats*, Vol. 7 No. 2, September 2022.
- Juwita, Putri Pratama, et.al., Eksistensi Kedudukan Peraturan Menteri terhadap Peraturan Daerah dalam Hierarki Peraturan Perundang-Undangan, *Jurnal Konstitusi*, Vol. 19 No. 4, Desember 2022.
- Lawrence M. Freadman, *Sistem Hukum: Perspektif Ilmu Sosial*, diterjemahkan oleh M. Khozim, Penerbit Nusa Media, Bandung, 2013.
- Mukmin Zakie, "Konflik Agraria Yang Tak Pernah Reda," *Legality: Jurnal Ilmiah Hukum* 24, no. 1 (2016): 45, <https://doi.org/https://ejournal.umm.ac.id/index.php/legality/article/view/4256>.
- Mhd. Yamin Lubis dan Abd. Rahim Lubis, *Hukum Pendaftaran Tanah*, Mandar Maju, Bandung, 2008
- Oktavia Milayani, Kedudukan Hukum Ahli Waris Yang Mewaris Dengan Cara Mengganti Atau Ahli Waris "Bij Plaatsvervulling Menurut Burgerlijk Wetboek," *Jurnal Al'Adl*, Volume IX Nomor 3, Desember 2017.
- Putri Lestari, "Pengadaan Tanah Untuk Pembangunan Demi Kepentingan Umum Di Indonesia Berdasarkan Pancasila," *SIGN Jurnal Hukum* 1, no. 2 (2020): 71–86, <https://doi.org/https://doi.org/10.37276/sjh.v1i2.54>.
- Priyo Katon Prasetyo, et.al., *Praktik Kebijakan Program Strategis Nasional, Kendala dan Peluang (Hasil Penelitian Sistematis dan Strategis STPN Tahun 2020)*, Yogyakarta, STPN Press, 2020.
- Riko Ardianto, Efektifitas Pasal 111 Ayat (4) dan Ayat (5) Peraturan Menteri Negara Agraria/Kepala Badan Pertahanan Nasional Nomor 3 Tahun 1997 yang Mengatur Atas Pendaftaran Peralihan Hak Karena Pewarisan (Studi Di Kantor Pertanahan Kabupaten Malang), Tesis, Universitas Islam Malang, 2020.
- Syahril Gunawan Bitu Amaliyah, Muhammad Amar Ma'ruf, Novytha Sary, "Reforma Agraria Dan Penanganan Sengketa Tanah," *Hermeneutika* 5, no. 1 (2021): 33–34, <https://doi.org/http://dx.doi.org/10.33603/hermeneutika.v5i1.4892>.
- Wahyu Bening & Ilham Dwi Rafiqi, "Permasalahan Hukum Pengaturan Bank Tanah Pasca Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja," *Jurnal Suara Hukum* 4, no. 2 (2022): 265–98, <https://doi.org/https://doi.org/10.26740/jsh.v4n2.p265-298>.