



## Legal Consequence on Land Transfer Due to Unregistered of Heretage

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<http://dx.doi.org/10.18415/ijmmu.v10i4.4506>

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### **Abstract**

The transfer of ownership rights to land due to inheritance must be carried out through procedures in accordance with applicable regulations, namely in accordance with the provisions of Article 42 paragraphs (1) and (2) of Government Regulation No. 24 of 1997 concerning Land Registration (PP No. 24/1997), that the heirs are obliged to immediately register the transfer of land rights due to inheritance regarding land parcels with rights that have been registered and those that have not been registered within 6 months after the death of their parents. In Leuhong Village/Gampong, Paya Bakong District, there was a case of inheritance of land ownership rights, namely after the death of their parents, the heirs did not immediately transfer land ownership rights within 6 months. This is due to various reasons, among others: 1). Lack of knowledge of agrarian law, 2). Lack of awareness of the importance of land ownership certificates, 3). The lack of awareness of the heirs to immediately register the land obtained due to inheritance, 4). Many people are afraid to register their land because of the high cost of obtaining a land certificate.

**Keywords:** *Land Registration; Transfer; Inherited Land*

### **Introduction**

The achievement of legal certainty, which can then provide legal protection for land rights that are controlled or held by the community, is one of the things that the Basic Agrarian Law (UUPA) wants. This has been explicitly stipulated in Article 19 paragraph (1) of the UUPA which states: To guarantee legal certainty in accordance with PP No. 24/1997, the Government carried out land registration throughout Indonesia. As an implementing regulation, the Minister of Agrarian Affairs/Head of the National Land Agency has issued regulation No. 3 of 1997 (Permen Agraria/Ka. BPN No. 3/1997).

If someone inherits land rights, it's necessary to guarantee legal certainty when transferring them to another party. This is necessary because the heir and heirs involved in the transfer of rights are subject to rights; for example, the right to the land. These rights need to be registered so that a legal precedent can be set that guarantees ownership of the land. When somebody inherits land, legally declared by the state,

they gain ownership rights to their property (land) and any other property their deceased relative owned. This is indicated by a certificate of inheritance from the heirs, which is recognized and approved by an authorized official.

Legal actions and legal events can result in the transfer of ownership rights to land. When someone passes ownership rights to land, it automatically transfers the rights to other parties. This occurs when a person dies with the right to own land. Passing ownership rights due to legal events is intentional when transferring property from one party to another. Passing ownership due to legal events does not require the passing of intentional legal action from the passing party. Instead, this results in automatic or unplanned passing of rights of ownership after death. The rights to land can be transferred through buying, selling, grants and inheritance.<sup>1</sup> Additionally, the rights can be transferred if they are forgotten or deleted.<sup>2</sup>

After someone passes away, their bequest to a third party or institution becomes law. This is referred to as a will in the KHI, or the Compilation of Islamic Law.<sup>3</sup> If there is more than one person receiving the inheritance (in this case there are several heirs), then the transfer of rights to the inheritance can be registered accompanied by a deed of inheritance distribution. The inheritance distribution deed, among other things, contains information that they are the recipients of the inheritance with their respective divisions of the land rights that become the inheritance. The registration of the transfer of ownership rights to the inherited land is carried out to the recipients of the inheritance contained in the inheritance distribution deed, where the inheritance distribution deed is a letter of proof as the heir of the deceased person (heir) along with the portion of the rights that will be received by them as heirs. heir. With the division of inheritance on the land rights, the heirs as the recipients of the inheritance have the right to legally use, control or utilize the inherited land.

When a person who is the holder of a land right dies, the right passes to the heirs. Subsequent distribution of rights can be carried out in accordance with the provisions of Article 51 PP No. 24/1997, namely by making the Shared Rights Deed (APHB). APHB is an authentic deed that contains the transfer of land rights belonging to the heir (a person who has died), because the APHB is made by the PPAT as the authorized official in making the deed of transfer of land rights. Thus, if one day there are parties who dispute or file a lawsuit against the deed made (APHB), then the parties submitting the objection or lawsuit must be able to prove themselves against the contents of the lawsuit. That is, APHB has the benefit that if there are heirs who deny the deed that has been made, they can prove the untruth of the deed themselves. In the event that the inheritance distribution deed has been drawn up in accordance with the applicable mechanisms and provisions, whereupon the inheritance of the deceased person has been transferred to the legal recipient of the inheritance (his heirs), then the registration of the transfer of rights to the inherited land can be carried out directly by the recipient. inheritance (heirs) without the need for other proof of transfer of rights, such as a PPAT deed.<sup>4</sup> After these rights are registered as joint assets, according to the provisions of Article 51 of the UUPA, it is possible to register the distribution of rights over the land, whereby the distribution of joint rights occurs, the rights over the land have become the rights of each heir as the holder of the joint rights that have been registered under APHB. APHB that has been made by PPAT, is a piece of evidence that proves an agreement between the holders of joint rights regarding the distribution of these joint rights. So that it can be said that the individual rights of the new inheritance are obtained by the heirs, if the inheritance which is a joint right has been divided among all the heirs in accordance with the portion of their respective rights.

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<sup>1</sup> Abdulkadir Muhammad, *Hukum Waris*, (Bandung: PT.Citra Aditya Bakti,2009), hlm 51.

<sup>2</sup> Suhaimi, Herawati, Mujibussalim, Penertiban Terhadap Hak Milik Atas Tanah Yang Terindikasi Terlantar Di Kota Banda Aceh, *Syiah Kuala Law Journal*, Vol.1(1) April 2017, pp. 287-300.

<sup>3</sup> *Undang-undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan dan Kompilasi Hukum Islam*, (Bandung: Citra Umbaran, 2018), hlm. 375.

<sup>4</sup> Penjelasan Pasal 42 ayat (4) Peraturan Pemerintah Nomor 24 Tahun 1997.

Land rights acquired by inheritance must be registered at the land office. The obligation to register land rights acquired as a result of inheritance is intended to provide legal certainty and provide legal protection to the holders of land rights (namely the legal heirs). In addition, it is also intended to provide administrative order (orderly administration) of land registration, so that data regarding a plot of land stored at the Land Office is new data in accordance with the current situation. This is also one of the objectives of the land registration referred to in PP No. 24/1997. If it is related to government efforts in the context of realignment, control, use and ownership of land rights, then land registration is in accordance with the mandate of the UUPA and PP No. 24/1997 is a very important tool to create legal certainty over land rights throughout Indonesia and at the same time can provide legal protection for the owner of the land rights in question.<sup>5</sup>

One of the cases where the case was that the result of the marriage between the late father Abdullah Bin Mahmud and his three wives was blessed with 5 (five) children. As explained in Table 1 below:

Table 1. Family tree of Abdullah bin Mahmud by marrying 3 (three) wives

<b>Father</b> Abdullah Bin Mahmud		
<b>Married</b>		
<b>First Mother</b>	<b>Second Mother</b>	<b>Third Mother</b>
<b>Born Child</b>	<b>Born Child</b>	<b>Born Child</b>
1. Muhammad Yusuf	2. Rohani	3. Mansur 4. Asnawi 5. Maryamah

That after the death of the late Abdullah Bin Mahmud in Gampong Leuhong in 1999. Then he inherited the assets of his five biological children who were left behind by the late Mr. Abdullah Bin Mahmud (can be seen in Table 1 above) in Paya Bakong District, Aceh Regency North, Aceh Province.

After the death of the late Mr. Abdullah Bin Mahmud in 1999, it was only in 2005 that a Faraidh Certificate was made and by Gampong Leuhong, Paya Bakong District, the place where the assets were. Since 2005, all of the assets in the Faraidh Certificate in the name of Muhammad Yusuf as a whole have been sold to Rohani (his biological sister). However, in 2020 his brother Muhammad Yusuf resold the garden land (can be seen in Faridh's certificate, number 7. Garden Land) to his brother Asnawi and asked for an initial money of IDR 2,000,000.00,-.

Also in 2012 there was a conflict over reclaiming the allotment of paddy fields (can be seen in Faridh's statement, number 5.2 Paddy fields) which had been passed down to sister Rohani by her brothers Asnawi and Mansur, but this was not carried out because Faraidh's certificate had been issued and also several of the Gampong Leuhong elders who were judges in the distribution of inheritance have passed away.

<sup>5</sup> Della Rafiq Utari, Suhaimi, Pendaftaran Tanah Yang Dikuasai Oleh Tempat-Tempat Ibadah Umat Islam Di Kecamatan Kuta Alam Banda Aceh, *Syah Kuala Law Journal*, Vol.4(3) Desember 2020, pp. 310-322.

In 2021 the paddy fields in the names of the heirs of Mansur, Asnawi and Maryamah have been sold to Rohani for IDR 15,000,000.00,- to pay off Asnawi's debts and now the paddy field has been fully owned by Rohani. In this case, every purchase and transfer of land rights is carried out with private notes or letters without changing the Faraidh Certificate nor registering any changes that occur with the National Land Agency.<sup>6</sup>

The problem that has been identified in this study is the legal consequences of inherited land rights that have not been registered with the Land Office.

### **Research Methods**

This research is included in empirical legal research, which examines how the law applies in society. In this case it seeks to find facts and data that occur in society, which are then identified and ended with problem solving.<sup>7</sup>

The approach used in this study is descriptive analysis, which means describing or giving an overview of a research object through data or samples<sup>8</sup> in carrying out the process of transferring private land rights to wasan land which causes gaps in the registration process in the North Aceh District.

Data collection was obtained from the original sources, both obtained directly and indirectly, which were carried out through interviews (structured interviews) and distribution of questionnaires, in which researchers already knew exactly what information they wanted to extract directly from informants such as the Head of the National Land Agency for the Aceh Region Utara, the Land Deed Making Officer (PPAT), the District Head of the Paya Bakong District and the Heirs where the researcher had prepared a list of questions compiled beforehand. While the interview is unstructured, that is, the researcher does not use an interview guide that contains specific questions. In the interview technique, the author uses a structured interview technique where the author has prepared a list of questions that will be asked in interviews with sources such as village parents who know the story of the journey when the faraid certificate is issued.

### **Result and Discussion**

One of the reasons for the expiration of land rights owned by a legal subject is due to the death of the legal subject, where the existence of the legal event results in the transfer of assets from the person who died, both material assets (including land) and immaterial assets to the heirs of the person who died. the deceased. With someone who dies and the deceased has assets in the form of land rights, then there will be successors to their descendants who become heirs to the land rights they own. Heirs are people who die and leave assets, while heirs are people who are entitled to the assets of the deceased. And the assets left behind can be immaterial or material, material assets include land, houses or other objects.

Indonesia has three separate laws pertaining to inheritance: Islamic Law, Civil Law and Customary Law. These laws differ according to the region due to their belief systems. For example, families and communities with a higher rank are more entitled to receive the inheritance of someone who passes away. The UUPA specifies that transferring property rights to land is legal in Article 20 paragraph (2) UUPA. This is because deceased owners automatically transfer their rights to their heirs upon passing away. Additionally, transferring rights to land is possible if a different organization purchases the land from the previous owner.

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<sup>6</sup> Surat Keterangan Faraidh, 18 Agustus 2005, Di Gampong Leuhong, Kecamatan Paya Bakong, Kabupaten Aceh Utara.

<sup>7</sup> Soejono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 1982, hlm 10.

<sup>8</sup> Sugiyono, *Metode penelitian bisnis (pendekatan kuantitatif, kualitatif dan R&D)*, Bandung : Alfabeta, 2013 , hlm 76.

There are two forms of transfer of land rights or property rights which can be explained as follows:<sup>9</sup>

1. When a land rights subject dies, their property or land rights automatically pass to their heirs. This is because of law and is known as the "transfer of land rights or property rights." When a subject owns property or land rights, they are referred to as the "right holder." Most people refer to property or land rights as "rights." Therefore, when someone dies, their rights transfer to their heirs.
2. A transfer of rights is the act of transferring land or property rights from the holder (the subject) to another party. This can be a legal process that intentionally results in the second party obtaining the rights. Both parties must be legally authorized to transfer rights, and both must meet minimum requirements as the property rights holder. Forms of legal actions that give birth to land rights, namely by way of transfer and transfer as described above, can include buying and selling, grants, exchanges, inclusion in companies and auctions.

A.P. Parlindungan said that the transfer of land rights in its entirety can occur due to handover, inheritance, legal inheritance, merger of budels, revocation of rights, auctions. This delivery can be in the form of buying and selling, grants or exchange and endowments. Inheritance of a right occurs when the owner of the right dies. The transition is due to a legal will, an institution that applies among people who are subject to Civil Law. A Budel merger can occur if the right to a husband and wife and one of them dies, so if one of them is the heir, he can apply for the registration of rights in his name by attaching a Certificate of Inheritance. Revocation of rights can occur because of release.<sup>10</sup>

The symbol for modern law is legal certainty, where everyone will see the function of modern law as something that can create legal certainty and at the same time can provide legal protection for its legal subjects. In ordinary society and modern society, there is a great need for certainty in various interactions between its members. Legal certainty or *Rechtssicherheit* Security, *Rechtssicherheit* is something new, namely since the law was written down, positive and public. There are four things related to the meaning of legal certainty:

- a. The existence of a statutory regulation called positive law.
- b. The existence of a fact (*Tatsachen*), not a form of thought that is formulated about an assessment which will later be used by the judge in imposing a decision, such as "willingness to do good", "polite while attending court", where it is just a camouflage that is made-up. make and not a real fact.
- c. Facts must really be formulated clearly, not vaguely, and concretely, not made up fantasies, this is to avoid mistakes or mistakes in translating the facts in question.
- d. As a positive law, it can change according to the needs and developments of the times.

No matter how much evidence you gather, no one can conclusively determine whether or not a law is legitimate. All they can do is decide whether it is logically and reliably consistent with other laws. No matter how many people ponder the rationale behind a law, they won't be able to answer this question. This is because all they can rely on are the basics of the law itself; they can't derive conclusions from its enforcement.

Many disagreements and conflicts still exist regarding land issues in our current society. This is because legal accountability hasn't been provided for any particular piece of land to eliminate conflicts and disputes. There are still disputes and cases regarding land rights registered or unregistered. Another cause of dispute related to land rights is that they haven't been registered yet.

<sup>9</sup> Urip Santoso, 2010, *Pendaftaran Dan Peralihan Hak Atas Tanah*, Kencana Prenada Media Group, Jakarta, Hal.301.

<sup>10</sup> A.P. Parlindungan, 1990, *Pedoman Pelaksanaan UUPA Dan Tata Cara Pejabat Pembuat Akta Tanah*, Cet.VI, Alumni, Bandung, Hal.23-24.

The issue of legal certainty is still an obstacle in state administration and development activities. This is due to overlapping, inconsistent, unclear regulations resulting in multiple interpretations.

Regarding the non-registration of the transfer of land rights acquired due to inheritance, the legal consequences that arise are materially the heirs cannot take any legal action against the land rights, because the rights and obligations of the heir have directly been transferred to the experts. The heirs, however, because they are not registered, the heirs do not have strong evidence to prove that the land has been transferred to them. It can be said that the heirs do not get legal certainty if the transfer of land rights is because the inheritance is not registered at the land office. In other words, by registering ownership rights over the land of a community member or legal entity by the state and by issuing proof of ownership in the form of a certificate of land rights, the state will provide security guarantees for land ownership and so that it can be used optimally. On the other hand, for land that is not registered, the state does not guarantee legal certainty and rights for the owner or those who control it.

Provisions regarding the transfer of ownership rights to land due to inheritance have been strictly regulated in Article 61 paragraph (1) PP No. 24/1997 it is mandatory for heirs to register at the land office. If within a period of 6 months from the death of the heir, the registration of the transfer of ownership rights to land due to inheritance is not subject to a registration fee. Issuance of the Minister of Agrarian Affairs/Head of BPN No.7 of 1997 concerning the termination of certain levies in the land sector, thus revoking and declaring that Regulation of the Head of BPN No. 2 of 1992 concerning land registration fees. The issuance of this regulation is intended so that the heirs can immediately register the rights to the inherited land without being charged a fee, because who knows there are heirs who cannot afford to pay the fee.

Furthermore, to ensure smooth land registration, an Instruction from the Minister of Agrarian Affairs/Head of the Office of the National Land Agency No. 2 of 1999 concerning the acceleration of registration services for the transfer of ownership rights to land due to inheritance, while Article 111 of BPN Regulation No. 3 of 1999 and based on the statement of land rights and land registration of the land office that in practice the implementation of the registration of land rights due to inheritance has been going well, although there are still some people who have not registered their ownership rights over their land.

The main requirement for registering the transfer of ownership rights to land due to inheritance is to attach a certificate of inheritance that is confirmed by the local village head. In this case the Lurah has an important role related to the process of transferring land rights, besides that he is the head of the area and is considered as someone who knows the condition and status of the land.

One thing that must be considered in relation to the transfer of ownership rights to land caused by inheritance is the preparation of a certificate of inheritance (a certificate indicating who is included in the heirs of the heir). This is important, because in inheritance after the heir dies, the heir is given the obligation to immediately register the transfer of land rights. Where the land is registered due to certain legal events, namely due to inheritance, both regarding land parcels with rights that have been registered and those that have not been registered within 6 months after the heir dies, and the main requirement for registering the transfer of ownership rights to land at the land office is attaching heir certificate.

The duties and functions of the lurah are to provide services to the community, while the lurah's role in this case is to:<sup>11</sup> :

- a) Providing services in the land sector, namely making a Land History/Certificate that contains the origins of the owner's acquisition from the year recorded on the Village Letter C Quotations until

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<sup>11</sup> <https://fh.unair.ac.id/diklat-pertanahan-bekal-bagi-lurah-untuk-menyelesaikan-permasalahan-tanah-di-kota-surabaya/>.

- the acquisition is owned by the land owner, before making a land history the Lurah/Village Head matches the Quotation Book Letter C with origin of acquisition (vide attachment);
- b) Provide information regarding the status of the land, which is stated in the Statement of Not In Dispute on the land;
  - c) Make a Certificate/Land History in deeds that have not been registered with the Land Office where there has been a transfer of land rights, detailing the origin of the previous acquisition to the acquisition currently owned by the land owner by attaching documents such as copies girik and deed of origin of said acquisition;
  - d) Provide a copy of the Village Letter C excerpt to be legalized by the Lurah/Kelapa Desa to the party who will apply for the certificate;
  - e) Submitting requests to government agencies outside their territory, on the basis of public services, regarding requests for Village Letter C quotations;
  - f) Provide information that the girik is registered or in accordance with the Quote Letter C of the Village;
  - g) Examining and examining, if there is a transfer of rights such as buying and selling, grants and inheritance, especially customary land parcels;

Every time there is a transfer of land rights based on girik, before carrying out or carrying out a sale and purchase, grant or inheritance must first be made:

- a) Make a Land History issued by the Lurah/Village Head;<sup>12</sup>
- b) Not in Dispute Statement;
- c) Excerpt of Village Letter C which has been legalized by the Lurah/Village Head.

For the people in Turus Gede Village and Kumendung Village, the land owned by the majority is not yet certified, still in the form of girik, letter C, letter D, and so on. in the event that the service for making deed for obtaining land rights is in accordance with PP No. 24/1997, before submitting the registration of rights at the Land Office, a deed must be drawn up in advance before the PPAT.

The main requirement for registering the transfer of ownership rights to land due to inheritance is the existence of a deed drawn up by the PPAT, namely APHB. Making APHB by PPAT is done if the heir dies, and leaves more than 1 (one) person or several heirs, if the name is reversed, the certificate is in the name of all heirs, but all heirs have agreed to certify their land in the name of one heirs only, therefore APHB must be prepared by the PPAT. It can be seen how the role of the PPAT in the legal action of transferring ownership rights to land because inheritance is related to the making of APHB, where without an APHB the land cannot be registered at the Land Office.

## **Conclusion**

Whereas the process of registering the transfer of ownership rights to land due to inheritance for now has been quite good in its implementation, but there are still some who have not implemented it. Because the registration of the transfer of ownership rights to land due to inheritance is mostly done more than 6 (six) months after the heir dies. This is done because there are still many who do not understand legal certainty for holders of new land ownership rights and the public's ignorance regarding the time of registration of the transfer of ownership rights to land due to inheritance. Legal Consequences of the transfer of land rights due to inheritance that is not registered at the land office according to Article 42 PP No. 24/1997 which is related to the theory of legal certainty, namely: 1) heirs as holders of land rights are

<sup>12</sup> Tri Handayani, Legalitas Surat Keterangan Tanah Yang Dikeluarkan Oleh Kepala Desa Sebagai Dasar Transaksi Jual Beli Tanah (Studi Kasus Putusan Mahkamah Agung No. 31.Pk/Tun/2005), *Jurnal*, Fakultas Hukum, Universitas Sumatera Utara, Medan, 2016.

not guaranteed legal certainty<sup>13</sup> because the heirs do not have a certificate as proof of rights written on behalf of the heirs; 2) heirs cannot carry out legal actions, for example such as: Buying and selling, grants, exchanges, distribution of joint rights and income in the company.

Thus, it is suggested to the public, especially holders of property rights over land, in applying for the implementation of the registration of the transfer of ownership rights over land for inheritance, they should be more thorough and careful in completing the requirements set by the government so that the performance of the authorized officials will be more efficient. And all forms of transition should be registered in order to guarantee legal certainty for the new property right holder. It is also hoped that the Land Office will conduct legal counseling more frequently in the villages as a whole, so that the community understands more about the importance of land registration in order to guarantee legal certainty for the holders of their rights.

## References

- Abdulkadir Muhammad, *Hukum Waris*, Bandung: PT.Citra Aditya Bakti. 2009.
- Della Rafiqah Utari, Suhaimi, Pendaftaran Tanah Yang dikuasai Oleh Tempat-Tempat Ibadah Umat Islam Di Kecamatan Kuta Alam Banda Aceh, *Syiah Kuala Law Journal*, Vol.4(3) Desember 2020, pp. 310-322.
- Holifia Sajad, Pelaksanaan Pendaftaran Peralihan Hak Milik Atas Tanah Karena Pewarisan Di Kecamatan Rembang Kabupaten Rembang, *Tesis*, Program Pasca Sarjana Program Studi Magister Kenotariatan Universitas Diponegoro Semarang, 2008.
- Nova Susanti, Pendaftaran Tanah Pertama Kali Berdasarkan Jual Beli Dibawah Tangan Di Kabupaten Padang Pariaman. *Tesis*, Program Pasca Sarjana Program Studi Magister Kenotariatan Universitas Andalas, Padang, 2017.
- Parlindungan, A.P., *Pedoman Pelaksanaan UUPA Dan Tata Cara Pejabat Pembuat Akta Tanah*, Cet.VI, Bandung: Alumni, 1990.
- Santoso, *Pendaftaran Dan Peralihan Hak Atas Tanah*, Jakarta: Kencana Prenada Media Group, 2010.
- Soejono Soekanto, *Pengantar Penelitian Hukum*, Jakarta: Universitas Indonesia Press, 1984.
- Sugiyono, *Metode penelitian bisnis (pendekatan kuantitatif, kualitatif dan R&D)*, Bandung: Alfabeta, 2013.
- Suhaimi, Herawati, Mujibussalim, Penertiban Terhadap Hak Milik Atas Tanah Yang Terindikasi Terlantar Di Kota Banda Aceh, *Syiah Kuala Law Journal*, Vol.1(1) April 2017, pp. 287-300.
- Suharni, Legal Certainty of Land Registration Obtained Based On Division Of Coproperty Rights Over Inheritance As A Basic Of Trading Rights Without Other Heirs Approval, *International Journal of Business, Economics and Law*, Vol. 14, Issue 4 (December 2017).
- Surat Keterangan Faraidh, 18 Agustus 2005, Di Gampong Leuhong, Kecamatan Paya Bakong, Kabupaten Aceh Utara.

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<sup>13</sup> Suharni, Legal Certainty of Land Registration Obtained Based on Division of Coproperty Rights Over Inheritance As A Basic of Trading Rights Without Other Heirs Approval, *International Journal of Business, Economics and Law*, Vol. 14, Issue 4 (December 2017), pp. 111-117.



Tri Handayani, Legalitas Surat Keterangan Tanah Yang Dikeluarkan Oleh Kepala Desa Sebagai Dasar Transaksi Jual Beli Tanah (Studi Kasus Putusan Mahkamah Agung No. 31.Pk/Tun/2005), *Jurnal, Fakultas Hukum, Universitas Sumatera Utara, Medan, 2016.*

Urip Santoso, *Pendaftaran Dan Peralihan Hak Atas Tanah*, Jakarta: Kencana Prenada Media Group, 2010.

Undang-Undang Republik Indonesia No. 1 Tahun 1974 Tentang Perkawinan dan Kompilasi Hukum Islam, Bandung: Citra Umbaran, 2018.

Yohana, Tinjauan Yuridis Terhadap Kepemilikan Tanah Waris, *Tesis*, Program Pasca Sarjana Program Studi Magister Kenotariatan Universitas Indonesia, Depok, 2012.

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