



Juridical Study of Registration Period Transfer of Land Ownership Rights at the Land Office Jayapura City

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Abstract

In Jayapura City there are still many people who have not registered the transfer of rights as heirs, so land registration related to the time of land registration in Jayapura City is very important and needs attention. The purpose of this research is to find out the time of registration of the transfer of land rights and the factors that cause the heirs not to register the transfer of their land rights to the Jayapura City Land Office. The method used in this research is normative and empirical law. Research has shown that registration of transfer of title based on inheritance submitted within six months of the death of the testator is free of charge. If the real estate to be inherited is not registered, it is necessary to submit documents proving ownership or a certificate that the real estate has not been certified in the land registry. The reasons for the heirs not registering the transfer of their land rights at the Jayapura City Land Office include the lack of public understanding of the transfer of land rights through inheritance, and the amount of funds and fees that must be paid.

Keywords: *Term; Registration; Transfer of Property Rights*

Introduction

Today we see that land plays a very important role in human life as it is the source of happiness, wealth and life. Land also has economic value and is closely related to humans because it can produce natural resources for many people.

One of the reasons for the transfer of land rights is death. This legal event transfers property from the deceased to the heirs. Heirs are people who die and leave assets, and heirs are people who are entitled to receive property from the deceased. The transfer of ownership of fixed goods is regulated in Article 20 (2) of the UUPA and ownership can be transferred to other parties. What is meant by "change" is that the holder of the right dies and his rights automatically transfer to the heirs.

According to A.P. Palindungan,¹ said that the transfer of all assets can be done through surrender, inheritance, combination of assets, revocation of rights and auction. Delivery can be through buying and

¹ A.P. Palindungan, *Pedoman Pelaksanaan UUPA dan Tata Cara Pejabat Pembuat Akta Tanah, Cet.VI*, Alumni, Bandung, 1990, hlm.23-24

selling, gifts or barter, and endorsements. Inheritance of rights occurs when the right holder dies. Making a will according to law is a system that is applied in society which is regulated by civil law. Property consolidation can occur when a husband or wife dies. Therefore, if one of the heirs is the heir, he can attach a letter of inheritance and apply for registration of rights in his name. Rights may be revoked upon release. However, in reality, field researchers have found that heirs leave behind a lot of land after their death. Inheritance such as land and houses are not registered in the Jayapura City Land Register by the heirs. This shows that there is still room for improvement in the application of inheritance law in Indonesia.

Inheritance law is a regulation that regulates the inheritance of the assets of a deceased person, which is passed on to those who are entitled, such as family or community members who demand higher rights. There are three types of inheritance law in Indonesia: ordinary inheritance law, Islamic inheritance law and civil inheritance law. Each region has different regulations depending on the self-proclaimed kinship system.

The transfer of land rights occurs through the exchange or transfer of land from one party to another. Judicial control is based on legally protected rights and gives rights holders physical control over land. However, this legal control can be followed by physical control by another party, not the Rights Holder. Another definition of the transfer of land rights mentioned by Irene Eka Sihombing,² is the transfer of land rights from the original owner to the new owner through a certain legal process. The purpose of this lawsuit is the permanent transfer of land rights to another party who fulfills the requirements as the owner of land rights. Legal actions can be understood as all actions carried out by legal entities that have legal consequences. According to CST Kansil,³ all human actions that are carried out intentionally to give rise to rights and obligations, such as making wills and agreements, are called legal acts.

Method

This study uses normative and empirical legal methods, where the normative can be seen directly from the applicable written regulations, while the empirical is by looking at the facts that occur directly in the field.

Result and Discussions

The strongest and most valid property rights are called ownership rights, and the inheritance of property rights over land must be in accordance with the provisions of the Basic Agricultural Law and its implementing regulations. The recipient or owner of the new land rights must be an Indonesian citizen as stipulated in Article 9 of the UUPA and Article 21 Paragraph 1 of the UUPA. Indonesian citizens can have land rights regardless of gender, giving men and women equal opportunities to acquire land rights and achieve benefits and outcomes for themselves and their families.

Based on Article 61(3) Legislative Decree No. 24/1997, registration of the transfer of rights through inheritance is free of charge if it is done within six months of the heir's death. Beneficiaries must register their property on the land register, but care must be taken when determining whether the property is registered. For listed properties, you must submit an inheritance certificate, mayor's or Lula death certificate, inheritance certificate, and a recent Land and Building Tax (PBB) certificate to the Land Office.

² Irene Eka Sihombing, *Segi-segi Hukum Tanah Nasional dalam Pengadaan Tanah untuk Pembangunan*, cet I, Universitas Trisakti, Jakarta, 2005, hlm 56.

³ CST. Kansil, *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Balai Pustaka, Jakarta, 1986, hlm 119

If immovable property is not registered in accordance with the requirements specified in Article 42(2) of Decree No. 24/1997 above, the following matters apply: a) The heirs must provide proof of legal rights in the form of: Written letters and witness statements or data subject statements entrusted by the Assembly or the Head of the Land Office to register rights, the owner of the rights and the rights of other parties to the crime. b) The immovable property in question has not been legalized by the Land Management Agency, or for immovable property that is located far from the Land Management Agency, it has not been legalized by the rights holder concerned and has been legalized by the Kelurahan Head. statement that there is none. c) Based on the data in points 1 and 2 above, the Registrar of Land can issue a Certificate of Inheritance. When the heirs register the transfer of ownership rights over their land to the land registration office, a notification letter is drawn up at the land registration office and the Kelurahan office where the land is located. This notice will be given for 60 days to give interested parties an opportunity to appeal. Certificates are issued based on physical and legal information recorded in the Land Registry.

When the heir dies, property rights pass to the heir. This regulation is in accordance with Article 42 of Law Number 24 of 1997 concerning Land Registration which states:

- 1.If rights to land or goods are registered and transferred as part of an inheritance, the heirs must register the transfer of said rights in the Land Registry. Notification will be issued within 60 days after registration at the land registry office where the property is located and at the village/Kerlahan office. This is done so that interested parties can submit objections. The certificate is issued according to the physical and legal data included in the land register.
- 2.If the immovable property which is an inheritance is not registered, the heirs must attach the documents referred to in Article 39(1)(b).
- 3.If there is only one heir, the registration of the transfer of rights can be done with that person as the heir based on documentary evidence.
- 4.If there are several heirs and there is a testamentary certificate stating that the right or ownership of land for a certain residential unit is transferred to certain heirs, the right or ownership of land for a certain residential unit. are as follows. One housing unit can be registered on the basis of an inheritance certificate and a distribution deed to the heirs concerned.
- 5.If the inheritance includes property rights that must be divided among multiple heirs or ownership rights to a residential unit, or if there is no agreement regarding the distribution of inheritance, the heirs must register the transfer of these rights.

Currently there are still people who have not registered their inherited land. After the death of the parents, the heirs do not immediately register the transfer of land rights within six months after the death of the parents. In fact, this land was left behind for those who died years ago, even for generations of their descendants. In fact, registration of transfer of land rights by inheritance is very important. This is because the registration state will receive proof of land ownership called a certificate.

This certificate is proof of land rights that have legal force and lasting guarantees. Issued land certificates play an important and important role for the right holders concerned and function as evidence of land, especially in terms of land disputes. The reasons for the heirs not registering the transfer of ownership rights to the land are as follows: lack of public understanding of the transfer of land rights through inheritance, and not being registered in the land register. This is because the transfer of land rights to the local community through inheritance is not socialized and there are limited funds or community contributions to finance all the registration of the transfer of land rights by inheritance. This is because the costs required to register the transfer of ownership rights on the basis of inheritance at the land office are quite high.

In relation to the transfer of immovable property, the legal consequence is that the inherited property is not registered in the land register and the rights and obligations arising from the inheritance

are transferred directly to the heirs who cannot sue. Therefore, if the inherited property is not registered in the Land Registry, the heirs will not have legal certainty regarding the transfer of ownership rights to the object.

Conclusion

No registration fee is required for registration of transfer of ownership under inheritance filed within six months of the death of the deceased. For registered real property, you will need to provide the land registry office with a certificate of inheritance, the mayor's or Lula's death certificate, a certificate of inheritance, and a recent United Nations declaration. If the inherited property is not registered, it is necessary to submit documents such as documents certifying ownership or a statement that there is no certificate in the land registry. There are several factors that prevent the heirs from registering the transfer of their land rights to the Jayapura City Land Office. These include a lack of public understanding of the transfer of land ownership through inheritance and a lack of funds and fees required by communities. Funding the entire process of registering the transfer of land rights on the basis of inheritance.

From the results of the research, it can be suggested as follows, namely that the government must ensure that BPN conducts outreach activities to the public regarding the transfer of land rights by inheritance in Jayapura City in the future so that the general public can know how to register the transfer of land rights by inheritance and citizens who wish to register the transfer of land rights through inheritance, in good faith, fill out the required documents in land registration to facilitate the transfer of land rights through inheritance.

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