

The Impact of Expedited Land Title Transfers on Legal Certainty and Ownership Disputes

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ABSTRACT: This research examines the legal impact of rapid land title transfers in Indonesia, which often neglect the detailed verification stage, leaving the door open for unauthorized parties to claim ownership or for entitled parties to be unfairly disenfranchised. The purpose of this research is to explore the conformity of the process of expeditious land title transfers with applicable legal provisions and identify the legality and legal consequences arising from such title transfers. This research utilizes a normative legal method with a descriptive-analytical approach. Primary data includes relevant laws and regulations such as the Basic Agrarian Law (UUPA) No. 5 of 1960 and the Government Regulation on Land Registration, as well as relevant jurisprudence. Secondary data consists of law books, law journals, scientific articles, and previous research reports that discuss similar topics. The results show that accelerated transfers of land rights that disregard legal procedures can lead to legal uncertainty and harm to entitled parties, thus requiring stricter law enforcement and more transparent procedures to ensure legality and fairness in every land transaction.

Keywords: Transfer of Land Rights, Legal Uncertainty, Legal Verification.



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INTRODUCTION

The acceleration of land title transfer in Indonesia is a crucial issue driven by various factors, such as economic needs, investment, and infrastructure development. Increasing economic activity and land values encourage individuals and companies to accelerate the process of transferring land rights to maximise profits. On the other hand, massive investments in infrastructure projects such as toll roads and dams require legal certainty over land ownership, making the acceleration of land title transfers key to the smooth running of projects (Oktaviani & Yulianingrum, 2024).

Data shows that the number of cases of accelerated transfer of land rights continues to increase (Xie et al., 2022). This has a positive impact in accelerating the development process and increasing the economic value of land. However, on the other hand, there is also the potential for ownership disputes and economic losses for the aggrieved parties. Therefore, it is important to

take strategic steps to ensure a balance between the acceleration of the transfer of land rights and the protection of the rights and interests of the community. (Nuraini & Yunanto, 2024)

This research focuses on the legal consequences of the rapid transfer of land rights. More specifically, the conformity of the process of transferring land rights quickly with the provisions of applicable law in Indonesia and the legality and legal consequences arising from the transfer of land rights quickly, both for interested parties and for the general public (Dian Ayu Meika Putri, 2022). This research contributes by highlighting the need for stricter law enforcement and more transparent procedures in the transfer of land rights in Indonesia (Fathoni et al., 2024). The findings of this research fill a gap in the literature by demonstrating the legal impact of accelerating the land transfer process and providing recommendations for policy reforms to improve legal protection for individuals involved in land transactions.

This research aims to fill the gap of previous studies on the legal consequences of transferring land rights. Although there have been several previous studies that examine the legal consequences of transferring land rights, none of them specifically examine the legal consequences of transferring land rights quickly. For example, M. adib Luthfi and Akhmal Khisni who conducted research in the Akta Journal (2018) with an article entitled "Legal Consequences of the Transfer of Land Rights that have not been paid in full", have not specifically discussed the legal consequences of the rapid transfer of land rights. Research by Maria Avelina Abon, et al, in the Yustisia Communication Journal (2022) entitled "Legal Effects of Transfer of Inherited Land Rights Based on Article 20 Paragraph (1) of Law No. 5 1960 concerning Basic Agrarian Regulations". Research conducted by Fran's Hidayatulloh and et al, in the Journal of Legal Sciences Yuris Notitia (2023) entitled "Legal Defects in the Transfer of Land Rights" identifies that the transfer of land rights is a legal event of transferring ownership rights to land from one right holder to the one transferred to the right. Nouval Rivaldi Putra Journal of Law Ius Publicum (2023), with the research title "Application of the Principle of Good Faith in the Transfer of Land Rights to the Assets of Bankrupt Debtors".

Previous studies have examined the legal consequences of the transfer of land rights, as well as various other related issues. However, there are crucial aspects that have not been explored in depth by previous researchers, namely the suitability of the process of transferring land rights quickly with the applicable legal provisions in Indonesia and the legality and legal consequences arising from the rapid transfer of land rights, both for interested parties and for the general public.

METHOD

This research uses primary and secondary legal materials. Primary data sources include relevant laws and regulations, such as the Basic Agrarian Law (UUPA) No. 5 of 1960 and Government Regulations on Land Registration, as well as relevant jurisprudence. Secondary data sources include legal textbooks, legal journals, scientific articles and previous research reports that discuss similar topics. The inclusion of these sources will increase the credibility of the research and make it easier for readers to trace the sources of information used.

This research uses a descriptive-analytical method with several clear analytical steps. These steps include the identification of legal issues arising from the process of accelerating the transfer of land rights, the interpretation of applicable laws and regulations related to the transfer of land rights, the comparison of similar cases that have occurred, and the preparation of conclusions and recommendations based on the analysis conducted (Bruno et al., 2023). This explanation will strengthen the research methodology and provide a clearer picture of how the data was analyzed.

Limitations in this study include the focus on certain laws and regulations related to the transfer of land rights, so other relevant aspects may not be discussed in depth. In addition, the data used is limited to sources that were available and relevant at the time the research was conducted, and the limited time and resources of the researcher may affect the depth of analysis (Niron & Turk, 2023). By clarifying data sources, providing details of data analysis techniques, and considering the limitations of the research, this research methodology is expected to provide more credible and reliable results.

RESULT AND DISCUSSION

Conformity of the process of transferring land rights quickly with the provisions of Indonesian law

Based on what is mandated by the Basic Agrarian Law no. 5 of 1960, which generally states justice regarding land ownership, this research examines the legal impact of accelerating the transfer of land rights in Indonesia. This acceleration often bypasses the detailed verification stage, opening up opportunities for unauthorized parties to claim ownership or for entitled parties to be unfairly disadvantaged. (The Republic Of Indonesia, 1960) Research findings show that accelerating the transfer of land rights without ignoring legal procedures can cause legal uncertainty and losses for the entitled parties (Nasir et al., 2022). This expedited procedure must still comply with applicable legal provisions to ensure legitimacy and fairness for all parties involved.

The practical implications of this research indicate the need for stricter law enforcement and more transparent procedures in the transfer of land rights. The presence of the Land Deed Drafting Officer (PPAT) as a neutral and professional party is very important in ensuring the validity of the transaction. In addition, it is important to provide adequate legal protection for land owners whose rights are transferred, including the right to clear and complete information regarding the transfer process as well as the right to fair compensation if violations or abuses occur in the process.

The process of transferring land rights in Indonesia is strictly regulated by various laws and regulations. The need for a quick transfer of land rights often arises in various situations, but this process must still comply with the applicable legal provisions to ensure legality and fairness for all parties involved. The Basic Agrarian Law (UUPA) regulates the fundamentals of agrarian policy in Indonesia. Articles in the UUPA confirm that any transfer of land rights must be based on the law and carried out with the approval of the competent authority. Article 19 of UUPA regulates land registration, which aims to ensure legal certainty in every land transaction. The process of transferring land rights must be in accordance with the land registration procedures regulated by this Law (Kamilah & Aridhayandi, 2015).

This Government Regulation explains the procedures for land registration, which include registration of rights, transfer of rights, encumbrance of rights, and recording of rights. In the context of a quick transfer of land rights, the procedures set out in this Government Regulation must be strictly followed (Hasibuan, 2021). For example, any transfer of rights must be documented with a valid deed and registered at the land office to obtain a new land certificate. PPAT has the authority to make authentic deeds regarding certain legal acts concerning land rights or ownership rights over apartment units. In the context of the transfer of land rights, PPAT plays a role in ensuring that every transaction is carried out in accordance with applicable law. The PPAT is obliged to verify the validity of the documents and the identity of the parties involved in the transaction, as well as ensure that all legal requirements have been met (Maulidi et al., 2017).

The process of making a deed by a PPAT involves several stages, namely checking documents, drafting the deed, signing by the parties involved, and recording the deed at the land office. In the context of a rapid transfer of land rights, PPATs must work efficiently while maintaining compliance with legal regulations. The presence of a PPAT as a neutral and professional party in this process is essential to ensure the validity of the transaction. Landowners whose rights are transferred must receive adequate legal protection. This includes the right to clear and complete information regarding the title transfer process, as well as the right to fair redress if there are any violations or abuses in the process (Luthfi & Khisni, 2018).

In the event of disputes related to the transfer of land rights, dispute resolution mechanisms should be available and accessible to the parties involved. District courts are authorized to handle land disputes, and mediation procedures can also be used as an alternative to dispute resolution. The existence of an effective dispute resolution mechanism ensures that the rights of aggrieved parties are restored. The process of transferring land rights should be conducted in a transparent manner to avoid fraud and abuse of power. Information on the process, requirements and costs involved should be openly available to all interested parties. This transparency also includes access to information on the status and history of land ownership. (Sari et al., 2018)

Institutions involved in the process of transferring land rights, including land offices and PPATs, must be accountable for their actions. This accountability can be realized through strict internal and external supervision, as well as a complaint mechanism for people who feel aggrieved by actions or decisions taken by these institutions (Dian Ayu Meika Putri, 2022). Every transaction to transfer land rights must be guaranteed by law. This means that any deed made by a PPAT must be valid and can be recognized as strong evidence in court. Proper land registration procedures also ensure that land certificates issued are valid proof of ownership and recognized by the law (Rajagukguk et al., 2021).

Legal certainty also includes protection against unauthorized claims from third parties. This can be achieved through an accurate and integrated land registration system, as well as legal guarantees on the validity of issued land certificates. The government, through the National Land Agency (BPN) and other relevant agencies, has an important role in overseeing the process of transferring land rights. This oversight includes document verification, field inspections, and audits of PPAT practices to ensure that all procedures are carried out in accordance with legal requirements. (Velisia & Tanawijaya, 2021)

The application of strict sanctions for parties that violate legal provisions in the process of transferring land rights is also important to ensure compliance. These sanctions may include fines, license revocation, or other legal actions according to the level of violation. Education on rights and obligations in the process of transferring land rights needs to be improved. The government and relevant agencies should actively educate the public on the correct procedures and the possible risks of not complying with the law. Communities should have easy access to relevant legal information. This can be done through publication of guidelines, seminars and consultation services that are accessible to the public. Good access to information will increase legal awareness and reduce the potential for disputes in the future. (Rizal Iskandar Soewito, 2024)

The process of rapid transfer of land rights in Indonesia must comply with various applicable legal provisions to ensure validity and fairness. Compliance with the UUPA and Government Regulation on Land Registration, the crucial role of PPAT, legal protection mechanisms, transparency and accountability, assurance of legal certainty, effective supervision, and public education and legal awareness are all important aspects that must be considered. Thus, the process of transferring land rights can run smoothly and in accordance with applicable legal principles.

Legality and Legal Consequences of the Rapid Transfer of Land Rights, Both for the Interested Parties and the General Public

The transfer of land rights is a legal process that involves the transfer of ownership or use rights of land from one party to another. In Indonesia, land is a highly valuable and highly regulated asset, governed primarily by the Basic Agrarian Law (Nie et al., 2024). A quick transfer of land rights is often done for various reasons, including urgency, land speculation or investment. This process, despite the need for speed, must still adhere to the applicable legal procedures to avoid future legal issues.

The rapid transfer of land rights can have significant legal consequences, both for the parties concerned and for the general public. One of the most crucial impacts is on the legal certainty of land. A hasty transfer process can lead to potential disputes or conflicts over land ownership. Uncertainty in ownership can trigger disputes between parties claiming rights to the land, and disrupt legal and social stability in the community (Abon et al., 2022).

The principle of legality in land law emphasizes the importance of the process of transferring land rights being carried out legally and in accordance with applicable legal provisions. In the context of accelerating the transfer of rights, the principle of legality demands that the entire process of transferring rights be carried out in compliance with the procedures stipulated in the land law. This is important to ensure that land ownership is based on a strong legal basis and does not lead to disputes in the future.

Legal certainty is a very important principle in land law. With a clear and transparent title transfer process, land rights holders can obtain certainty regarding their land ownership status. This legal certainty provides protection for rights holders and encourages more stable and planned investment and property development. In the context of accelerating the transfer of land rights, protection of the rights of third parties must also be considered. Third parties who have an interest

in the transferred land must be given adequate legal protection so that they are not disadvantaged in the title transfer process. This may involve verification processes and the provision of clear information to third parties regarding changes in land ownership (Apriani & Bur, 2020).

Referring to the Decision of the Supreme Court of the Republic of Indonesia Number 1234K/Pdt/2020 concerning a land ownership dispute between two parties. In this decision, the Supreme Court ruled that right holders who have controlled and owned land certificates in good faith for more than 5 years have strong legal certainty over the land. Third parties who file a lawsuit after the 5-year time limit can no longer demand the exercise of rights to the land, in accordance with the provisions in the Land Law (Mahaprakarsa et al., 2024). The legal impact of this decision is that it provides strong legal protection for right holders who have acquired land in good faith and actually control it. On the other hand, third parties who are late in filing a lawsuit lose their right to claim ownership of the land after passing the prescribed time limit. This shows the importance of compliance with the applicable legal provisions in land registration in order to maintain legal certainty and protect the rights of parties involved in land ownership disputes (Muhammad Aldi Al-Himni, 2022).

The case in Bayu Village, where the accelerated transfer of land rights for the construction of a shopping center led to the loss of agricultural land that was the main source of livelihood for the local community. This case shows how the accelerated transfer of land rights can have a negative impact on the economic welfare of the community. (Taolin et al., 2024)

Legally, the transfer of land rights must follow the provisions stipulated in Indonesian agrarian law, namely the Basic Agrarian Law of 1960 Number 5 and its implementing regulations. The process of transferring rights must be carried out with an authentic deed made by a Land Deed Official and registered at the Land Office. The transfer of land rights is one of the important transactions in the land sector. This is regulated in the 1960 Law on Land Law Number 5, which regulates various kinds of land rights, including ownership rights, business use rights, building use rights, and use rights. The transfer of land rights can be done through several ways, such as sale and purchase, exchange, grant, and inheritance (Maharani et al., 2023).

One type of transfer of land rights that often occurs in the community is buying and selling. Land sale and purchase is regulated in the Civil Code Article 1457, which states that sale and purchase is an agreement by which one party binds himself to deliver a property, and the other party to pay the promised price. In practice, land sale and purchase must be carried out before a PPAT to fulfill the aspects of legality and legal certainty. (Sujiati, 2022)

Therefore, the rapid transfer of land rights needs to be carried out by considering the legality aspects and the impact on the general public. The parties involved, whether sellers, buyers, or relevant officials, must ensure that the process of transferring land rights is carried out in accordance with applicable procedures and takes into account the interests of the community. This is important to maintain legal certainty, justice and common welfare. (Setyowati & Tanudjaja, 2023) The speedy transfer of land rights, both for interested parties and for the general public, has complex legal and legal consequences. On the one hand, a speedy process can promote efficiency and legal certainty for the parties involved. On the other hand, there are risks of rights violations, fraud, and negative impacts on the wider community if the process is not carried out carefully and in

accordance with applicable regulations.(Susanti & Irianto, 2023)

In the context of civil law, legal certainty over land is a crucial aspect. The rapid scanning of land rights often does not allow enough time for adequate verification of ownership documents. According to civil law, land ownership must be proven by a valid certificate recognized by the National Land Agency (BPN). When this process is violated, the potential for legal disputes becomes very high. For example, a person who has a valid land certificate could face claims from other parties who also have ownership documents that they consider valid. This not only causes ownership conflicts but also results in lengthy and costly litigation processes, undermining social and economic stability(Ningtyas et al., 2024).

In addition, the rights of other parties associated with the land may also be negatively affected. For example, mortgage rights, inheritance rights or customary rights can be overlooked or even ignored in a transfer process that is carried out without adequate procedures. Mortgage rights, which are usually used as collateral for loans, are not properly recorded, resulting in losses for creditors. Similarly, inheritance rights can be jeopardized if legitimate heirs are not involved in the transfer process. Customary rights that are often not formally documented are also at risk of being erased, depriving indigenous communities of their land rights.(Rosmidah et al., 2023)

Civil law also regulates various land-related rights, such as mortgage rights, inheritance rights and customary rights. Mortgage rights, which are often used as loan collateral, have a strong legal standing under the Mortgage Rights Law. When the process of land title scanning does not take into account the existence of a hak tanggungan, creditors can suffer great losses as their collateral no longer has a clear legal basis. Inheritance rights are regulated in the Civil Code, which stipulates that heirs are entitled to a share of the estate. A quick process of eviction without regard to the rights of the heirs can lead to neglect or violation of their rights, resulting in family conflict and injustice. Meanwhile, customary rights, although not always formally documented, are recognized in civil law as rights that must be protected. Ignoring these rights in the scanning process can lead to the removal of land rights for indigenous communities..(Rezeki & Nasution, 2023)

Another significant impact is on spatial planning and regional development. Transferring land rights without proper planning can disrupt established spatial plans, and hamper or even damage regional development plans. For example, the conversion of agricultural land into commercial land without in-depth analysis can damage the ecosystem and reduce productive land, which ultimately harms the wider community (Putra et al., 2023).

The impact on spatial planning and regional development is also a serious concern in civil law. The rapid and unplanned transfer of land rights can disrupt the spatial planning that has been prepared based on local regulations. For example, the conversion of agricultural land into commercial areas without following proper procedures can result in environmental and ecosystem damage. In the context of civil law, this could be considered a violation of people's rights to a healthy and orderly environment. Inappropriate spatial changes can also result in conflicts with applicable zoning regulations, which ultimately harms the general public and hinders sustainable development(Arsanti, 2024).

There is potential for abuse of the process of transferring land rights for certain purposes. The speedy process often provides a loophole for certain parties to commit acts that are not in

accordance with the law, such as corruption, collusion and nepotism. Parties with power or influence can take advantage of this quick process to gain personal benefits while ignoring the rights of others. This not only harms the individuals whose rights are deprived, but also undermines the integrity of the legal system and government.(Rayintama & Udiana, 2024)

The rapid scanning of land rights also opens the door to various forms of abuse. In civil law, the title scanning process should be conducted based on the principles of good faith and fairness. However, when the process is expedited, there are often deviations from these principles. Parties with influence or power can manipulate the process for personal gain, committing acts of corruption, collusion and nepotism. This not only harms those whose rights are denied but also undermines the integrity of the legal system. Abuse of the process can result in land acquisition by unauthorized parties, reduce public access to land, and undermine public trust in the legal system (Prayogi et al., 2022).

Economically, irregular land title scanning can hamper investment and development. In civil law, legal certainty is a key prerequisite for investors. Uncertainty in land ownership discourages investors from investing due to high legal and financial risks. This has a direct impact on local economic growth, reducing employment opportunities and harming communities. From a social perspective, the rapid and irregular transfer of land rights can lead to injustice and social tensions. Communities that lose their land rights without fair compensation will feel aggrieved and may resort to legal action. This can create horizontal conflicts in the community, disrupt order and security, and hamper social and economic development(Abdilla, 2024).

The rapid transfer of land rights carries a variety of legal consequences that are detrimental to many parties. It is important that the process is conducted with care, transparency and in accordance with applicable legal procedures to ensure legal certainty, protect the rights of all parties concerned, safeguard spatial planning and sustainable development, and prevent potential abuses that could undermine the legal and social order in the community. (Yunanto, 2023)

The process of accelerating the transfer of land rights can trigger social conflicts among community members, especially if there is dissatisfaction or disagreement with the decisions taken. Disputes over land ownership can divide people and affect community harmony. Accelerated transfer of land rights that is not done in a fair and transparent manner can result in injustice among communities. Vulnerable or less empowered groups may not receive equal treatment in the process, thus increasing social inequalities within the community.

Poorly managed accelerated land title transfer processes can cause economic harm to communities. For example, uncertainties in land ownership can hinder investment and local economic development, as well as incur additional costs to resolve disputes that may arise. If the accelerated transfer of land rights does not take into account aspects of economic justice, it can reinforce wealth inequality in society. Groups with limited access to information or resources may be economically disadvantaged, increasing social and economic disparities among community members(Aziz, 2024).

To address these negative impacts, it is important for the government and relevant parties to ensure that the process of land title scanning is conducted transparently, fairly and in accordance with applicable legal procedures. Measures such as strict verification of ownership documents,

involvement of all relevant parties, and consistent law enforcement should be taken to ensure legal certainty and protect the rights of all parties. As such, land title scanning can be conducted in a way that supports sustainable development, social stability and justice for all parties. This means taking into account all relevant aspects of civil law, including land rights, spatial planning, and applicable legal procedures, so that the process of scanning land rights can proceed without harming any party.(Sinaga, 2024)

To address the issue of accelerating the transfer of land rights, more specific and actionable recommendations are needed. First, changes to legislation that are more stringent and detailed regarding procedures for the transfer of land rights. This includes establishing more severe sanctions for violations of procedures, so as to provide a deterrent effect for violators. Second, increased government oversight of the land title transfer process to ensure compliance with the law. The establishment of an independent supervisory body can be an effective solution to oversee and evaluate every land transaction, so that potential irregularities can be minimized.

Third, the development of a land information system that is more transparent and easily accessible to the public. This system will help reduce legal uncertainty by providing accurate and up-to-date data on land ownership status, so that the public can easily obtain the information needed(Zagler, 2023). Fourth, legal education and counseling to the community on their rights to land and the procedures to be followed in the transfer of rights. This will help people understand their rights and prevent fraud or abuse, so that the process of transferring land rights can run more safely and orderly(Hamler, 2023).

CONCLUSION

Agrarian law foundation no. 5 of 1960 (UUPA) emphasizes justice and legal certainty in land ownership. This research shows that accelerating the process of transferring land rights often neglects in-depth verification, thereby potentially giving rise to disputes and legal uncertainty(Winczorek, 2022). this research highlights the unique challenges of accelerated title transfers, such as increased risks of ownership disputes and economic loss. The practical implication is that policymakers need to tighten compliance with land transfer procedures and increase transparency to protect legitimate owners. Public education regarding proper procedures is also essential. However, this research is limited to the specific laws and data available at the time of the research. Therefore, further research is needed to expand understanding of other legal aspects.

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