

Legal Analysis of Inheritance Dispute Settlement in The Making of Deed of Division of Common Rights by the Acting Land Deed Maker

Moh Ramdhan Imran¹, Nur Insani², Sumiyati B³

Ichsan Gorontalo University

Article Info

Article history:

Accepted: 13 June 2026

Published: 1 September 2026

Keywords:

Inheritance Disputes;

The Deed of Distribution Of Shared Rights;

Land Deed Making Office

Abstract

This study aims to analyze the legal arrangements regarding the settlement of inheritance disputes in the making of the Deed of Distribution of Shared Rights (APHB) by the Land Deed Making Officer (PPAT) and analyze the consequences of inheritance dispute law on the validity of the APHB made by PPAT. Inheritance disputes related to land often cause legal problems due to differences of opinion regarding the status of the heirs, the amount of inheritance, and ownership of inheritance objects, thus potentially hindering the process of distributing land rights and making APHB. This research uses normative legal research methods with a statutory approach and a conceptual approach. The legal materials used consist of primary legal materials in the form of laws and regulations related to inheritance law, land law, and PPAT positions, as well as secondary legal materials in the form of books, scientific journals, and the opinions of legal experts. The analysis was carried out qualitatively using a descriptive-analytical method. The results of the study show that the settlement of inheritance disputes in the making of APHB must be carried out first through deliberation, mediation, or court decisions in order to obtain legal certainty regarding the status of heirs and the distribution of inherited land rights. PPAT does not have the authority to decide inheritance disputes, but only has the authority to make APHB after there is clarity about the rights of the parties. In addition, unresolved inheritance disputes can affect the validity of the APHB because it has the potential to cause the deed to be canceled, declared null and void, or lose its probative power as an authentic deed. Therefore, the settlement of inheritance disputes before the making of the APHB is an important condition in realizing legal certainty, legal protection, and justice for the heirs in the distribution of inherited land rights.

This is an open access article under the [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/)



Corresponding Author:

Moh. Ramdhan Imran

Ichsan Gorontalo University

E-mail: Mohamadramdhanimran@gmail.com

1. INTRODUCTION

Land is one of the objects of wealth that has economic, social, and juridical value that is very important in the life of the Indonesian people. In addition to functioning as a means of fulfilling the needs of life, land also has a close relationship with the sustainability of family life and intergenerational inheritance. Therefore, any transfer of land rights must be carried out based on the provisions of the applicable law to ensure legal certainty and protection for interested parties. One form of transfer of land rights that often occurs in society is the transfer of rights due to inheritance.

Inheritance is a legal event that occurs due to the death of a person which results in the transfer of the rights and obligations of the heirs to his heirs. In the Indonesian legal system, the regulation of inheritance is still pluralistic because it is influenced by various applicable legal systems, namely customary inheritance law, Islamic inheritance law, and inheritance law sourced from the *Burgerlijk Wetboek* (BW) or the Civil Code. The diversity of the legal system often causes differences in understanding the status of heirs, the amount of inheritance, and the procedures for the distribution of inheritance, especially in the form of land and buildings.

Land that is the object of inheritance is generally jointly owned by the heirs after the heir dies. Such joint ownership often raises various legal issues, especially when the heirs have different interests regarding the management, utilization, or distribution of inherited land. In practice, not all heirs can reach an agreement through deliberation, so disputes often arise that have the potential to hinder the process of transferring land rights. The inheritance dispute can be in the form of disputes regarding the status of the heirs, the validity of the inheritance documents, the area of the inheritance object, and the division of each heir's share.

In order to provide legal certainty for the distribution of land rights that are the object of inheritance, a legal mechanism is needed that can accommodate the interests of all heirs. One of the legal instruments used in the division of inherited land is the Deed of Distribution of Shared Rights (APHB). The Deed of Distribution of Shared Rights is an authentic deed made by the Land Deed Making Officer (PPAT) as a legal basis for separating and distributing land rights that were previously jointly owned into individual rights according to the agreement of the joint rights holders. With the APhB, the status of ownership of land becomes clearer so that it can provide legal certainty for the parties.

The position of PPAT in the preparation of the Deed of Distribution of Shared Rights has a very important role because PPAT is a public official who is authorized by the state to make authentic deeds regarding certain legal acts related to land rights. The authority is regulated in Government Regulation Number 24 of 1997 concerning Land Registration and Government Regulation Number 37 of 1998 concerning the Regulation of the Position of Land Deed Making Officials as amended by Government Regulation Number 24 of 2016. As a public official, PPAT is obliged to ensure that all formal and material requirements in making deeds have been met so that the deed made has perfect evidentiary power.

However, in practice, the preparation of the Deed of Distribution of Shared Rights related to inheritance does not always go smoothly. It is not uncommon to find disputes between heirs that arise before, during, or after the deed is made. The dispute can occur due to the existence of heirs who feel that they are not involved in the inheritance distribution process, differences of opinion regarding the share of each heir, the use of documents that are considered invalid, or the existence of alleged actions that are detrimental to one of the parties. This condition causes the Deed of Distribution of Shared Rights that has been made to potentially become the object of legal disputes in the future.

The problem of inheritance disputes related to the making of APhB has become increasingly complex because it involves various legal aspects, both inheritance law, land law, and evidentiary law. In some cases, the disputes that arise not only end in the cancellation of the deed, but can also proceed to a judicial process that takes a lot of time and cost. This situation shows that the existence of APhB as a legal instrument has not been fully able to prevent conflicts between heirs if the process of making it is not carried out carefully and in accordance with the provisions of laws and regulations.

Normatively, Article 19 of Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles emphasizes the importance of land registration in order to ensure legal certainty. One form of land registration is the recording of the transfer of rights due

to inheritance and division of joint rights. Therefore, APHB has a very important function as a basis for registering changes in juridical data on land parcels previously owned jointly by the heirs. Without a clear legal basis, the land registration process can experience obstacles that ultimately harm the parties.

On the other hand, PPAT as an authorized official makes APHB often faced various challenges in carrying out its duties. PPAT must ensure that all entitled heirs have been correctly identified, that there are no ongoing disputes regarding the object of inheritance, and that the agreement on the division of rights is truly born from the free will of the parties. Failure to verify these aspects can have serious legal consequences, both for the heirs and for the PPAT itself.

In the development of land practices in Indonesia, inheritance disputes are one of the most common types of disputes. Many land disputes originate from the unclear status of ownership due to inheritance that is not resolved properly. When inherited land will be divided through the APHB, there are often parties who claim to be heirs or parties who feel that their rights have been ignored. This condition shows that the process of distributing inherited land rights not only requires administrative completeness, but also requires prudence in assessing substantial aspects related to the legal relationship of the heirs.

The existence of the APHB basically aims to create legal certainty and prevent disputes in the future. However, in reality, the APHB can actually become a source of dispute if its creation does not meet the principles of prudence and the principle of legal protection. Therefore, a more in-depth study is needed on how to resolve inheritance disputes in the making of the Deed of Distribution of Shared Rights by PPAT, as well as how PPAT's role is in preventing and resolving disputes that arise during the process of making the deed.

Research on the settlement of inheritance disputes in the preparation of the Deed of Distribution of Joint Rights is important to be carried out because it concerns the protection of heirs' rights, legal certainty over land, and professional responsibility of PPAT. In addition, this research is also relevant to contribute to the development of legal science, especially in the fields of agrarian law, inheritance law, and notary law. The results of the research are expected to provide a clear picture of the effective inheritance dispute resolution mechanism and the steps that need to be taken by PPAT in exercising its authority.

Based on this description, it can be understood that inheritance disputes in the making of the Deed of Distribution of Shared Rights are complex legal problems and require serious attention. This complexity is not only related to the aspects of inheritance and land law, but also concerns legal certainty, protection of the rights of heirs, and the responsibility of PPAT as a public official. Therefore, a research entitled "Settlement of Inheritance Disputes in the Making of Deeds of Distribution of Shared Rights by Land Deed Making Officials" is important to be carried out in order to gain a comprehensive understanding of these problems and find the right solutions in order to realize legal certainty and justice.

2. RESEARCH METHODS

This research uses the normative legal research method, which is research that examines law as a norm or rule that applies in society. Normative legal research is carried out by examining legal materials related to the settlement of inheritance disputes in the making of the Deed of Distribution of Shared Rights (APHB) by the Land Deed Making Officer (PPAT), as well as the legal consequences of inheritance disputes on the validity of APHB. The approaches used in this study include a statutory approach and a conceptual approach.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Legal Arrangements Regarding the Settlement of Inheritance Disputes in the Making of Deeds of Distribution of Shared Rights by Land Deed Making Officials

The settlement of inheritance disputes in the making of the Deed of Distribution of Shared Rights (APHB) is one of the important aspects in the Indonesian land legal system because it is related to legal certainty regarding the transfer and distribution of land rights derived from inheritance. Juridically, inheritance is one of the ways of transferring land rights recognized in the national legal system. When a person dies, the rights and obligations he has, including the right to land, pass to the heirs who are entitled by law. However, the transfer of rights does not always take place simply because there are often differences of opinion among the heirs regarding the status of the heirs, the amount of the inheritance, and control over the object of inheritance. These differences can ultimately cause disputes that hinder the process of distributing land rights and making a Deed of Distribution of Shared Rights.

The land that is the object of inheritance is basically in the status of joint ownership of the heirs until an official division is made in accordance with the applicable legal provisions. The joint ownership results in each heir having a legal interest in the inherited land object so that any legal action taken against the land must pay attention to the rights of all heirs. Therefore, if there is a dispute about who is entitled to be the heir or about the amount of share that will be received by each heir, then the division of land rights cannot be done unilaterally because it has the potential to harm other parties who also have rights to the object of inheritance.

Arrangements regarding the settlement of inheritance disputes in the making of APHB are not specifically regulated in one stand-alone legislation and regulations, but are spread across various legal provisions that regulate inheritance law, land law, civil law, and the position of Land Deed Making Official. In the field of land, the main legal basis that is the basis is Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles which emphasizes the importance of legal certainty in the legal relationship between legal subjects and land. This legal certainty is realized through the land registration system which aims to provide certainty and legal protection to land rights holders.

As a follow-up to the Basic Agrarian Law, the government stipulated Government Regulation Number 24 of 1997 concerning Land Registration which regulates the procedures for registration of the transfer of land rights, including the transfer of rights due to inheritance. In this provision, it is emphasized that the transfer of rights due to inheritance must be registered with the Land Office to ensure legal certainty regarding the new rights holders. However, before registration can be carried out, it must first be ascertained who is entitled to receive the inheritance and how the distribution of land rights will be carried out. Therefore, if there is a dispute between the heirs, then dispute resolution is a stage that must be carried out before the land administration process can be continued.

In land practice, the distribution of land rights jointly owned by the heirs is carried out through the Deed of Joint Rights Distribution made by PPAT. The APHB has a function as authentic evidence that explains that the joint rights holders have agreed to divide the land rights according to their respective shares. With the existence of the APHB, land that was previously jointly owned can be changed to individual rights so as to provide legal certainty regarding the limits of the rights of each heir. However, the creation of APHB requires the agreement of all parties who have rights to the land.

If there is a party that refuses or objects to the division to be made, then the APHB cannot be made until the dispute is resolved.

The settlement of inheritance disputes basically prioritizes peaceful settlement through deliberation. Deliberation is a form of dispute resolution that is most in accordance with the family values that live in Indonesian society. Through deliberation, the heirs can discuss various issues that are the source of disputes and try to find an agreement that is acceptable to all parties. Settlement through deliberation has advantages because it is able to maintain family relationships, save costs, and avoid the parties from a lengthy judicial process. In the context of the division of inherited land rights, an agreement reached through deliberation can be a strong legal basis for PPAT to draft and create APHB.

If the settlement through deliberation is not successful, the heirs can pursue a settlement through mediation. Mediation is the process of resolving disputes with the help of a neutral third party and does not have the authority to decide disputes. The purpose of mediation is to help the parties reach an agreement voluntarily without coercion. In inheritance cases, mediation is often considered an effective mechanism because the parties still essentially still have a family relationship that needs to be maintained. The success of mediation provides certainty about the rights and obligations of each heir so that the process of distributing land rights can be continued without legal obstacles.

However, in certain circumstances deliberation and mediation do not always result in an agreement. When the heirs still insist on defending their respective opinions, then the dispute resolution must be carried out through litigation or court. The settlement through the court aims to obtain a judgment that has binding legal force regarding who is entitled to be the heir, how much share is received by each heir, and how the distribution of the inheritance should be carried out. The court decision then became a legal basis that could be used to continue the process of distributing land rights and making APHB by PPAT.

In relation to the authority of PPAT, it should be understood that PPAT is not an institution authorized to resolve inheritance disputes. PPAT only has the authority to make authentic deeds regarding certain legal acts related to land rights. Therefore, if there is a dispute regarding the status of the heirs or regarding the rights to the land to be divided, PPAT cannot make a decision about who is right or who is entitled. In such conditions, PPAT must be neutral and postpone the creation of the APHB until the dispute is resolved clearly. This attitude is a form of applying the principle of prudence which is part of PPAT's professional responsibility.

The application of the principle of prudence by PPAT is very important because APHB is an authentic deed that has perfect evidentiary power. Before making the APHB, PPAT is required to conduct an examination of the identity of the heirs, inheritance certificates, land rights certificates, and other supporting documents to ensure that all interested parties have been involved in the process of distributing rights. If there is an indication of a dispute or objection from one of the parties, PPAT must postpone the process of making the deed until there is legal certainty regarding the status of the parties and the object of dispute. This action aims to prevent legal problems from arising in the future that can result in the cancellation of the APHB.

Judging from the theory of legal certainty, the settlement of inheritance disputes before the making of the APHB is a very important requirement to ensure the validity and effectiveness of the deed made. Legal certainty can only be realized if the rights and obligations of the parties have been clearly determined and there are no unresolved disputes. If the APHB is made in a state of ongoing dispute, then the legal purpose of

creating certainty and order will not be achieved because the status of land ownership is still in question by the parties.

In addition, from the perspective of legal protection theory, inheritance dispute resolution also serves to protect the rights of the heirs so that actions that are detrimental to one party do not occur. This legal protection is realized through the obligation to involve all heirs in the process of distributing rights, providing equal opportunities for each party to raise objections, and providing a dispute resolution mechanism that can be used in the event of a dispute. Thus, legal arrangements regarding the settlement of inheritance disputes are not only aimed at resolving conflicts that have occurred, but also preventing the emergence of new conflicts that can disrupt legal certainty in the field of land.

Based on this description, it can be understood that legal arrangements regarding the settlement of inheritance disputes in the making of the Deed of Distribution of Shared Rights are an inseparable part of efforts to realize legal certainty, justice, and legal protection in the national land system. Dispute resolution through deliberation, mediation, and court is a stage that must be taken if there is a dispute between the heirs before the distribution of land rights. After the dispute has a clear resolution, PPAT can exercise its authority to make the APHB as the basis for the legal division of land rights and provide legal certainty to all interested parties.

b. Legal Consequences of Inheritance Disputes on the Validity of the Deed of Distribution of Common Rights made by the Land Deed Making Officer

The Deed of Distribution of Shared Rights (APHB) is one of the authentic deeds that has an important role in the Indonesian land law system, especially in the process of dividing land rights jointly owned by several parties, including heirs. The APHB was created by the Land Deed Making Officer (PPAT) as a legal basis to separate the common rights of a plot of land into individual rights in accordance with the agreement of the rights holders. In the context of inheritance, APHB functions as a legal instrument that provides certainty regarding the part of land that is the right of each heir after the distribution of inheritance. Therefore, the validity of APHB is very important because it is directly related to legal certainty regarding the status of land ownership that is the object of distribution.

Juridically, APHB is included in the category of authentic deeds made by authorized public officials based on the provisions of laws and regulations. As an authentic deed, APHB has perfect evidentiary power regarding what is contained in it as long as it cannot be proven otherwise through a valid legal mechanism. The power of proof provides legal protection for the parties because what is stated in the deed is considered true and binding until there is a court decision stating otherwise. However, the legal force of the APHB is not absolute because its validity still depends on the fulfillment of the legal requirements specified in the laws and regulations.

In the context of the division of inherited land, one of the factors that can affect the validity of the APHB is the existence of inheritance disputes. An inheritance dispute is a dispute that arises between heirs or between heirs and other parties regarding the right to the inheritance's inheritance. The dispute can be related to the status of the heirs, the amount of inheritance, the validity of the inheritance documents, and the control of the inheritance object. The existence of the dispute can cause legal uncertainty about who is entitled to the land to be divided, potentially affecting the validity of the APHB made by PPAT.

In principle, the APHB can only be made if there is an agreement from all parties who have rights to the land to be divided. The agreement is a very important condition because the APHB is essentially a manifestation of the will of the joint rights holders to divide land rights according to their respective shares. If there is a dispute that shows that

not all parties agree to the division or there are parties whose rights have not been obtained legal certainty, then the basis for the formation of the APHB becomes imperfect. In such circumstances, the APHB has the potential to face legal problems that can affect its strength and validity.

One of the most common legal consequences that arises due to inheritance disputes is the filing of a lawsuit for the cancellation of the APHB by parties who feel aggrieved. The lawsuit is usually filed by heirs who are not involved in the inheritance distribution process, heirs who feel that their share is not in accordance with the provisions of the law, or parties who consider that the APHB was made based on incorrect data. In such circumstances, the court will assess whether the process of making the APHB has complied with the applicable legal provisions and whether the rights of all interested parties have been properly respected. If there is a fundamental violation of the law, the APHB can be canceled through a court decision.

The cancellation of the APHB has very broad legal consequences because it not only affects the validity of the deed itself, but also has an impact on all legal actions taken under the deed. If the APHB has been used as a basis for making changes to land registration data at the Land Office, then the cancellation of the APHB may result in the need to cancel or improve the published land data. Thus, inheritance disputes that lead to the cancellation of the APHB not only cause legal uncertainty for the heirs, but also have the potential to affect the overall order of land administration.

In addition to being cancelable, inheritance disputes can also cause APHB to be declared null and void if it is proven that there is a very fundamental legal defect in the process of its formation from the beginning. The concept of nullity for the sake of law shows that a legal act is considered to have no legal force from the beginning because it is contrary to the mandatory legal provisions. For example, if the APHB is made based on false inheritance documents, involves a party that does not have legal authority, or is made by ignoring the rights of the legitimate heirs, then this situation can be the basis for declaring that the APHB is null and void.

In contrast to null and void, there are also circumstances in which the APHB can be canceled. In the concept of revocable, a deed is basically considered valid and valid, but it can lose its legal force if there is a party who raises an objection and the objection is granted by the court. This condition usually occurs when there is a defect in will, such as coercion, fraud, or negligence that affects the agreement of the parties in the process of sharing common rights. In inheritance cases, it is not uncommon to find heirs who agree to the division of rights due to pressure from other parties or because they do not know the actual legal situation. If these conditions can be proven, then the APHB has the potential to be canceled by the court.

Inheritance disputes can also affect the evidentiary value of APHB as an authentic deed. In principle, an authentic deed has perfect evidentiary power against what is explained by the official who made it and against the statements submitted by the parties. However, if it is proven that the data used in making the deed is not in accordance with the actual circumstances, then the power of proof can be broken through the evidentiary process in court. In this context, inheritance disputes are often the gateway to test the material truth on which the APHB is based.

Inheritance disputes that affect the validity of APHB can also have consequences for PPAT. As a public official, PPAT has an obligation to act honestly, independently, impartially, and apply the principle of prudence in carrying out its duties. Before making the APHB, PPAT is required to check the identity of the parties, the status of land rights, inheritance certificates, and other documents that are the basis for the division of rights.

The obligation aims to ensure that the deed made is truly based on a valid legal situation and does not contain legal defects.

If an inheritance dispute arises due to PPAT's negligence in checking documents or because PPAT continues to make APHB even though it knows that there is an unresolved dispute, then PPAT can be held accountable according to the level of error. The liability can be in the form of administrative sanctions, sanctions based on the professional code of ethics, or civil liability if the negligence causes losses to certain parties. This shows that PPAT is not only responsible for the formal aspects of deed-making, but must also ensure that the deed making process is carried out in accordance with applicable legal principles.

However, not every inheritance dispute that arises after the APHB is created automatically results in PPAT being legally liable. If PPAT has carried out all procedures in accordance with applicable provisions and disputes arise due to false information or information hidden by the parties, then legal responsibility is generally imposed on the party who provides the information. In such circumstances, the APHB is still considered to be made according to procedures until there is a court decision stating otherwise.

Judging from the theory of legal certainty, the existence of inheritance disputes that affect the validity of APHB shows the importance of resolving disputes before the division of land rights. Legal certainty can only be achieved if the status of the heirs, the object of inheritance, and the share of each party have been clearly determined. If the APHB is made in the state of still a dispute that has not been resolved, then the legal goal of creating certainty and order will not be achieved because the status of land ownership can still be questioned by other parties.

Meanwhile, from the perspective of legal protection theory, the cancellation of the legally flawed APHB is a form of protection for the rights of aggrieved heirs. The legal protection provides an opportunity for each party to defend its rights through available legal mechanisms if it feels that the inheritance distribution process is carried out unfairly or contrary to the provisions of the law. Thus, the cancellation of the APHB is not only a sanction for the problematic act, but also an instrument to restore the rights of the aggrieved party.

Based on this description, it can be understood that inheritance disputes have a very significant influence on the validity of the Deed of Distribution of Shared Rights made by PPAT. Disputes can result in the APHB being canceled, declared null and void, losing its evidentiary force, and causing legal consequences for the parties and even for PPAT if it is proven that there is negligence in the performance of its duties. Therefore, the settlement of inheritance disputes before the making of the APHB is a very important condition to ensure the validity of the deed, realize legal certainty, and provide optimal legal protection to all interested parties.

4. CONCLUSION

Based on the results of the discussion, it can be concluded that the settlement of inheritance disputes in the preparation of the Deed of Distribution of Joint Rights (APHB) by the Land Deed Making Officer (PPAT) must be carried out first through deliberation, mediation, or court decisions in order to obtain legal certainty regarding the status of the heirs, the object of inheritance, and the share of each heir, because PPAT is only authorized to make a deed after there is clarity about the rights of the parties and does not have the authority to Settling Inheritance Disputes. The existence of an unresolved inheritance dispute can result in the non-fulfillment of the legal requirements for making APHB so that it has the potential to cause legal defects that cause the deed to be canceled, declared null and void, or lose its evidentiary power as an authentic deed. Therefore, resolving inheritance disputes before making the APHB is a very important step to ensure the validity

of the deed, realize legal certainty, and provide fair legal protection for all heirs and interested parties in the distribution of inherited land rights.

5. BIBLIOGRAPHY

- Adrian Sutedi, *Peralihan Hak Atas Tanah dan Pendaftarannya*, (Jakarta: Sinar Grafika, 2020)
- Boedi Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*, (Jakarta: Djambatan, 2016)
- Effendi Perangin, *Hukum Waris*, (Jakarta: RajaGrafindo Persada, 2019)
- Habib Adjie, *Hukum Notaris Indonesia: Tafsir Tematik terhadap UU Jabatan Notaris*, Refika Aditama, Bandung, 2015.
- R. Soeroso, *Perjanjian di Bawah Tangan: Pedoman Praktis Pembuatan dan Aplikasi Hukum*, Sinar Grafika, Jakarta, 2011
- Subekti, *Pokok-Pokok Hukum Perdata*, (Jakarta: Intermasa, 2017)
- Satjipto Rahardjo, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, 2014.
- Urip Santoso, *Pendaftaran dan Peralihan Hak Atas Tanah*, (Jakarta: Kencana, 2021)
- Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria
- Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah
- Peraturan Pemerintah Nomor 37 Tahun 1998 tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah sebagaimana telah diubah dengan Peraturan Pemerintah Nomor 24 Tahun 2016.