

Legal Certainty and Legal Protection in Registered Land Sale and Purchase Transactions: A Juridical Study in Bekasi Regency

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Abstract

This study examines the legal certainty and legal protection of registered land sale and purchase transactions in Bekasi Regency, Indonesia. The increasing number of land transactions in this rapidly developing industrial region has been accompanied by a growing number of legal disputes arising from procedural irregularities, defective agreements, and non-compliance with land registration requirements. This research aims to analyze the legal validity of registered land sale and purchase transactions under the Indonesian Civil Code, the Basic Agrarian Law, and land registration regulations, while also identifying the forms of legal protection available to good-faith purchasers. The study employs a normative legal research method using statutory, conceptual, and case approaches. Legal materials consist of primary, secondary, and tertiary legal sources collected through library research and analyzed qualitatively using deductive legal reasoning. The findings reveal that the validity of registered land transactions depends on the fulfillment of the essential requirements of a valid agreement under Article 1320 of the Indonesian Civil Code, as well as compliance with the principles of publicity and cash payment under the Basic Agrarian Law and Government Regulation No. 24 of 1997. Furthermore, legal protection for good-faith buyers is provided through preventive measures, including due diligence conducted by Land Deed Officials (PPAT) and land registration procedures, as well as repressive legal remedies through judicial protection based on the Supreme Court Circular Letters concerning good-faith purchasers. Strengthening compliance with legal procedures and enhancing the supervisory role of land authorities are essential to ensuring legal certainty and minimizing land disputes in Bekasi Regency.

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1. INTRODUCTION

Land is one of the most valuable legal assets in Indonesia because it possesses not only economic value but also social and legal significance. The rapid development of industrial areas, urban expansion, and increasing investment activities have significantly intensified registered land transactions, particularly in Bekasi Regency, one of Indonesia's largest industrial and residential growth centers. Although the Indonesian land registration system aims to provide legal certainty through land certificates, disputes concerning registered land transactions continue to increase due to procedural irregularities, defective legal documents, overlapping ownership claims, and transactions conducted without complying with statutory requirements. These conditions demonstrate that the existence of

a land certificate alone does not automatically guarantee legal certainty for the parties involved in a transaction (Efendi, 2020).

The Indonesian legal framework governing land transactions is primarily regulated by the Indonesian Civil Code, the Basic Agrarian Law (Law No. 5 of 1960), and Government Regulation No. 24 of 1997 concerning Land Registration. These regulations require every transfer of land rights to satisfy the legal requirements of a valid agreement and to be executed before a Land Deed Official (PPAT) before registration at the Land Office. However, in practice, numerous transactions continue to rely solely on private agreements or Sale and Purchase Binding Agreements (PPJB), resulting in legal uncertainty and increasing the possibility of future disputes (Masengie, 2017; Nusi, 2018).

Previous studies have extensively examined the legal aspects of land sale and purchase transactions from different perspectives. Efendi (2020) analyzed the legal status of unregistered land rights and emphasized the importance of land registration in ensuring legal certainty. Masengie (2017) discussed the legal function of the Sale and Purchase Deed (AJB) as a mandatory instrument for transferring land ownership rights. Similarly, Nusi (2018) examined the transfer of land rights under the Basic Agrarian Law and concluded that compliance with statutory procedures is essential to establish legal validity. Simanjuntak et al. (2022) focused on the juridical validity of land ownership certificates and their evidentiary function within Indonesia's land administration system. Meanwhile, Mubarak (2024) investigated the legal implications of private sale agreements based on a court decision in Bekasi and demonstrated that transactions conducted outside formal legal procedures often create legal uncertainty for buyers.

Other scholars have concentrated on legal protection for buyers and land registration issues. Setiyanto (2022) analyzed privately executed land sale agreements and their impact on land registration procedures. Salsabila and Keumala (2023) highlighted legal problems arising from lost land certificates during sale transactions, while Mujiburohman (2021) examined structural challenges within Indonesia's land registration system. Vinata (2022) emphasized the necessity of protecting good-faith purchasers through judicial mechanisms, whereas Asnawi (2021) discussed dispute resolution mechanisms in land litigation. Furthermore, Ishaya et al. (2021) explored the implementation of the Complete Systematic Land Registration (PTSL) program in Bekasi Regency, illustrating the government's effort to improve legal certainty in land administration.

Although previous studies have contributed significantly to the development of Indonesian land law, most of them analyze only specific legal issues, such as the validity of deeds, land registration procedures, or legal protection for good-faith purchasers separately. Very few studies comprehensively integrate these three legal dimensions within the context of registered land transactions in Bekasi Regency, an area characterized by rapid industrial expansion and high transaction intensity. Moreover, previous research generally focuses on normative legal provisions without comprehensively examining the relationship between contractual validity, administrative land registration, and judicial protection as an integrated legal framework.

Therefore, the scientific novelty of this article lies in developing a comprehensive juridical framework that simultaneously examines the legal validity of registered land sale and purchase transactions, the implementation of land registration procedures, and legal protection for good-faith purchasers within the specific context of Bekasi Regency. This integrated approach provides a broader understanding of how contractual law, agrarian law, and judicial protection interact in ensuring legal certainty within registered land transactions.

2. METHOD

This study employed a normative legal research design to examine the legal validity of registered land sale and purchase transactions and the legal protection afforded to good-faith purchasers in Bekasi Regency. Normative legal research focuses on analyzing legal norms, statutory regulations, legal principles, judicial decisions, and legal doctrines to provide solutions to legal issues through systematic legal reasoning (Marzuki, 2021). This approach was considered appropriate because the research primarily examines legal rules governing land transactions rather than collecting empirical data from respondents.

The research adopted three complementary legal approaches. The statutory approach was used to analyze relevant legislation governing land transactions, including the Indonesian Civil Code, the Basic Agrarian Law (Law No. 5 of 1960), Government Regulation No. 24 of 1997 concerning Land Registration, Government Regulation No. 24 of 2016 concerning Land Deed Officials (PPAT), and Supreme Court Circular Letters concerning the protection of good-faith purchasers. The conceptual approach examined legal doctrines related to contract validity, legal certainty, legal protection, and the principles of publicity and cash payment in Indonesian agrarian law. Furthermore, the case approach was applied by reviewing court decisions involving disputes over registered land transactions, particularly those related to Bekasi Regency (Ibrahim, 2008).

The legal materials consisted of primary, secondary, and tertiary legal materials. Primary legal materials included legislation and judicial decisions regulating land ownership transfer. Secondary legal materials comprised peer-reviewed journal articles, legal textbooks, and previous research discussing land registration, sale and purchase agreements, and legal protection in Indonesian land law. Tertiary legal materials consisted of legal dictionaries, encyclopedias, and other supporting references used to clarify legal terminology (Soekanto & Mamudji, 2015).

Data collection was conducted through an extensive library research process. Relevant legal documents, statutory regulations, court decisions, and scholarly publications were identified, classified, and systematically reviewed according to the research objectives. The collected legal materials were subsequently organized into thematic categories corresponding to legal validity, land registration procedures, and legal protection for good-faith purchasers.

The legal materials were analyzed using a qualitative descriptive approach supported by deductive legal reasoning. The analysis began with identifying general legal principles governing land transactions, followed by examining their application to registered land sale and purchase practices in Bekasi Regency. Legal interpretation techniques, including grammatical interpretation and systematic interpretation, were employed to ensure consistency among statutory provisions and judicial doctrines. Finally, conclusions were formulated by comparing applicable legal norms with the identified legal issues to produce prescriptive recommendations for strengthening legal certainty and legal protection in registered land transactions (Fajar & Achmad, 2010)..

3. RESULTS AND DISCUSSION

a. Legal Validity of Registered Land Sale and Purchase Transactions in Bekasi Regency

The findings indicate that the legal validity of registered land sale and purchase transactions in Bekasi Regency is determined not only by the fulfillment of contractual requirements under Indonesian civil law but also by compliance with the administrative procedures prescribed by national agrarian legislation. Although registered land certificates serve as strong evidence of ownership, the research demonstrates that legal certainty cannot be achieved solely through certificate ownership. Instead, legal certainty depends on the integration of substantive contractual

validity, procedural compliance, and administrative registration within the Indonesian land law system.

The Indonesian Civil Code establishes four essential elements for a valid contract: mutual consent, legal capacity of the parties, a clearly identifiable object, and a lawful cause. These requirements remain fundamental regardless of the object being transferred, including registered land. The research found that disputes concerning registered land transactions frequently originate from defects in one or more of these contractual requirements rather than deficiencies in the certificate itself. Consequently, the certificate cannot independently cure contractual defects occurring during the formation of the agreement.

This finding supports the argument proposed by Hernoko (2021), who explains that legal certainty in land transactions originates from the lawful execution of contractual obligations rather than from documentary evidence alone. Likewise, Masriani (2022) argues that compliance with statutory procedures is indispensable because contractual validity and land registration constitute complementary legal mechanisms rather than independent legal processes.

The analysis further reveals that many disputes arise from transactions initiated through privately executed agreements or Sale and Purchase Binding Agreements (*Perjanjian Pengikatan Jual Beli/PPJB*). Although PPJB plays an important practical role in facilitating future transactions, it merely creates contractual obligations between the parties and does not legally transfer ownership rights. Ownership is transferred only after the execution of the Sale and Purchase Deed (*Akta Jual Beli/AJB*) before the Land Deed Official (PPAT), followed by registration at the Land Office. Consequently, parties relying exclusively on PPJB without completing the statutory transfer procedure remain legally vulnerable.

The distinction between PPJB and AJB becomes particularly significant in rapidly developing regions such as Bekasi Regency, where land values continue to increase because of industrial expansion and urban development. The research demonstrates that sellers occasionally exploit PPJB arrangements by transferring the same land to another purchaser before the AJB is executed. Such practices generate overlapping ownership claims and substantially increase litigation before district courts.

These findings correspond with the observations of Thamrin (2020), who concludes that land transactions conducted without an authentic deed prepared by PPAT frequently encounter legal obstacles during ownership registration. Similarly, Lestari (2021) emphasizes that legal certainty for purchasers can only be achieved when contractual obligations are followed by formal administrative registration in accordance with land registration regulations.

Another important finding concerns the implementation of the publicity and cash principles (*asas terang dan tunai*) embedded within Indonesian agrarian law. The research confirms that these principles continue to function as the cornerstone of lawful land transactions despite modernization of Indonesia's land administration system. The publicity principle requires that every transfer of ownership be conducted before an authorized public official, whereas the cash principle requires simultaneous payment and transfer of ownership rights. Failure to satisfy either principle may invalidate the legal consequences of the transaction despite the existence of a written agreement.

The persistence of these customary principles demonstrates the hybrid nature of Indonesian land law, which combines civil law doctrine with customary agrarian principles. Rather than replacing contractual freedom, agrarian regulations

supplement civil law by introducing procedural safeguards designed to protect legal certainty and public order.

The study also identifies procedural deficiencies occurring during document verification before the execution of AJB. Several legal disputes originated from inaccurate verification of ownership certificates, incomplete inheritance documentation, unresolved marital property issues, and insufficient examination of encumbrances registered over the land. These deficiencies indicate that procedural compliance requires more than merely signing an authentic deed; it requires comprehensive legal due diligence before the transaction is finalized.

This observation is consistent with Sartika (2023), who argues that preventive legal protection begins with comprehensive verification of both physical and juridical data before ownership transfer is approved. Likewise, Hajati (2020) emphasizes that land registration should not be interpreted merely as an administrative recording process but rather as an institutional mechanism designed to minimize future legal disputes.

The findings further reveal that the role of the Land Deed Official (PPAT) extends beyond preparing authentic legal documents. PPAT functions as an essential legal gatekeeper responsible for examining the legality of the transaction before ownership transfer is registered. This responsibility includes verifying certificate authenticity, confirming the legal identity and authority of both parties, ensuring the absence of conflicting ownership claims, examining marital consent where applicable, and confirming that the transferred land complies with statutory requirements.

Failure to perform these responsibilities adequately may contribute to subsequent legal disputes even when the transaction formally satisfies documentary requirements. Consequently, the effectiveness of Indonesia's land registration system depends not only upon statutory regulation but also upon the professional diligence exercised by PPAT during each transaction.

Another important finding concerns Indonesia's negative publication system with positive elements. Although registered certificates constitute strong evidence of ownership, they do not provide absolute legal immunity against judicial review. Where the underlying legal transaction contains fraud, forgery, coercion, or lack of authority, courts retain jurisdiction to invalidate the transfer despite the existence of a registered certificate.

This legal structure reflects an effort to balance legal certainty with substantive justice. Absolute protection of certificates would undermine justice in cases involving fraudulent transfers, whereas unrestricted judicial intervention would weaken public confidence in land registration. Therefore, Indonesian land law seeks equilibrium between administrative certainty and judicial correction of unlawful transactions.

These findings correspond with Arisaputra (2020), who argues that certificate validity must always be interpreted together with the legality of the underlying legal relationship. Similarly, Mujiburohman (2021) emphasizes that improving the quality of land administration requires strengthening verification mechanisms rather than merely increasing the number of registered certificates.

b. Legal Protection for Good-Faith Purchasers in Registered Land Sale and Purchase Transactions

The second objective of this research was to examine the legal protection available to good-faith purchasers involved in registered land sale and purchase transactions in Bekasi Regency. The research findings demonstrate that Indonesian land law recognizes legal protection as an essential component of legal certainty.

Nevertheless, such protection is not granted automatically merely because a purchaser has acquired a registered land certificate. Instead, legal protection depends upon whether the purchaser can demonstrate good faith throughout the transaction and whether all statutory procedures governing land transfer have been fulfilled. The research confirms that the legal status of a good-faith purchaser is evaluated through both substantive contractual requirements and procedural compliance during the transfer of ownership.

The analysis indicates that preventive legal protection constitutes the first layer of legal safeguards in registered land transactions. Preventive protection aims to prevent legal disputes before ownership is transferred by ensuring that every stage of the transaction complies with applicable legislation. This preventive mechanism begins with comprehensive verification conducted by the Land Deed Official (PPAT), who is legally responsible for examining both the physical and juridical status of the land before preparing the Sale and Purchase Deed (AJB). Such verification includes confirming the authenticity of the land certificate, examining ownership history, verifying the identities and legal capacities of the parties, ensuring the absence of competing ownership claims, checking encumbrances or mortgages registered over the property, and confirming the consent of spouses or heirs where required by law. These preventive measures substantially reduce the possibility of future disputes arising from procedural defects.

The findings are consistent with Vinata (2022), who argues that preventive legal protection is the most effective mechanism for safeguarding purchasers because it minimizes legal risks before ownership transfer occurs. Likewise, Ishaya et al. (2021) emphasize that improving administrative verification within land registration programs contributes significantly to strengthening legal certainty and reducing overlapping ownership claims.

The research also found that due diligence performed by PPAT should not be interpreted merely as an administrative obligation. Rather, it represents an integral component of legal protection because inadequate verification frequently becomes the primary source of litigation involving registered land. In several disputes analyzed in this study, transactions formally complied with documentary requirements; however, subsequent investigations revealed forged identity documents, concealed inheritance disputes, multiple sales involving the same parcel of land, or unauthorized transfers conducted without the consent of lawful owners. These circumstances demonstrate that documentary completeness alone cannot guarantee legal certainty if substantive legal verification is neglected.

Another important finding concerns the responsibility of purchasers themselves. Indonesian courts increasingly evaluate whether purchasers have exercised reasonable caution before completing a transaction. Purchasers who fail to inspect ownership certificates, disregard unusually low purchase prices, ignore inconsistencies in ownership history, or proceed despite obvious legal irregularities may not qualify as good-faith purchasers. Consequently, good faith under Indonesian land law incorporates both subjective honesty and objective prudence.

This interpretation corresponds with Asnawi (2021), who explains that judicial protection depends not only upon the purchaser's honest intention but also upon observable conduct demonstrating reasonable legal diligence. Similarly, Lestari (2021) concludes that purchasers must actively participate in verifying the legality of transactions instead of relying exclusively upon representations made by sellers.

Besides preventive protection, the findings demonstrate that Indonesian law provides repressive legal protection through judicial mechanisms whenever disputes

arise after ownership transfer has occurred. Judicial protection becomes particularly important when land certificates are challenged because of fraud, forgery, coercion, or lack of authority during the original transaction. In such circumstances, courts must balance two competing legal interests: protecting the legitimate rights of the original owner while simultaneously preserving legal certainty for purchasers acting in good faith.

The research indicates that Indonesian courts increasingly rely upon the principles embodied in the Supreme Court Circular Letters concerning good-faith purchasers. These judicial guidelines provide important criteria for determining whether purchasers deserve legal protection despite defects existing within previous ownership transfers. The findings reveal that courts generally consider several cumulative factors, including compliance with statutory procedures, payment of a reasonable purchase price, execution of the transaction before PPAT, registration of ownership at the Land Office, and the absence of evidence indicating purchaser involvement in fraudulent conduct. Where these conditions are fulfilled, judicial decisions tend to preserve the purchaser's ownership rights while directing compensation claims toward the fraudulent seller rather than invalidating the purchaser's certificate.

This judicial approach reflects an important evolution in Indonesian land law. Historically, ownership disputes frequently resulted in cancellation of certificates regardless of purchaser conduct. Contemporary judicial practice, however, increasingly recognizes that innocent purchasers should not automatically bear the legal consequences of fraudulent actions committed by previous owners. Instead, courts attempt to reconcile legal certainty with substantive justice by distinguishing between fraudulent actors and purchasers who have complied with legal requirements in good faith.

These findings support the analysis presented by Sartika (2023), who concludes that judicial protection should prioritize maintaining public confidence in land registration while simultaneously ensuring accountability for fraudulent transactions. Likewise, Arisaputra (2020) argues that protecting innocent purchasers contributes directly to strengthening Indonesia's land administration system because public trust depends upon the reliability of officially registered ownership rights.

The research further demonstrates that disputes involving registered land in Bekasi Regency often arise because of rapid urbanization and increasing economic value of land. As industrial development accelerates, competition for land ownership intensifies, creating greater incentives for fraudulent transactions, duplicate sales, forged certificates, and inheritance disputes. Consequently, legal protection cannot rely exclusively upon judicial remedies after disputes emerge. Effective protection requires institutional cooperation among PPAT, the National Land Agency (BPN), local government authorities, and judicial institutions to ensure that ownership transfers comply fully with statutory requirements before registration is completed.

Another significant finding concerns the relationship between legal certainty and economic development. Secure property rights encourage investment because individuals and businesses are more willing to acquire land when ownership rights are legally protected. Conversely, persistent uncertainty regarding certificate validity discourages investment, increases transaction costs, and weakens public confidence in the land registration system. Therefore, strengthening legal protection for good-faith purchasers serves not only private interests but also broader economic and social objectives within Bekasi Regency.

From a theoretical perspective, the findings indicate that legal certainty, contractual validity, and legal protection should not be viewed as separate legal concepts. Instead, they operate as mutually reinforcing components within Indonesia's agrarian legal system. Contractual validity ensures that legal relationships are created lawfully; administrative registration provides formal recognition of ownership; and judicial protection safeguards lawful rights whenever disputes arise. Weakness in any one of these components inevitably reduces the effectiveness of the entire legal framework governing land transactions.

Compared with previous studies, this research provides a more integrated analysis by examining simultaneously the interaction between civil contract law, agrarian regulations, administrative registration, and judicial protection. Earlier studies generally focused on isolated aspects such as certificate validity, PPAT responsibilities, or dispute resolution independently. The present study demonstrates that legal certainty in registered land transactions cannot be fully understood without considering the interdependence of these legal mechanisms within a single analytical framework. This integrated perspective therefore represents the principal scientific contribution of the research.

4. CONCLUSION

This study concludes that the legal validity of registered land sale and purchase transactions in Bekasi Regency is achieved through the cumulative fulfillment of substantive contractual requirements under Article 1320 of the Indonesian Civil Code and procedural requirements established by the Basic Agrarian Law and Government Regulation No. 24 of 1997 on Land Registration. A registered land certificate alone does not provide absolute legal certainty, as the legality of ownership transfer also depends on the validity of the underlying legal transaction, the execution of the Sale and Purchase Deed (AJB) before the Land Deed Official (PPAT), and the completion of land registration procedures. Consequently, contractual validity and administrative compliance function as complementary legal instruments that collectively ensure lawful ownership transfer.

Furthermore, the study finds that legal protection for good-faith purchasers is realized through an integrated system of preventive and repressive legal safeguards. Preventive protection is implemented through comprehensive legal due diligence conducted by PPAT, accurate verification of physical and juridical land data, and compliance with statutory registration procedures before ownership transfer is completed. Repressive protection is provided through judicial mechanisms that recognize and protect purchasers acting in good faith while imposing legal responsibility upon parties responsible for fraudulent or unlawful transactions. This integrated framework strengthens legal certainty, promotes fairness in resolving land disputes, and reinforces public confidence in Indonesia's land administration system.

The scientific contribution of this study lies in proposing an integrated juridical perspective that simultaneously examines contractual validity, agrarian regulations, administrative land registration, and judicial protection as interconnected components of legal certainty in registered land transactions. This comprehensive approach provides a broader understanding of the legal framework governing land transfers in Bekasi Regency and offers practical recommendations for improving land governance, enhancing professional diligence among Land Deed Officials, and reducing the incidence of land disputes in rapidly developing regions..

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