

## **Validity of Absentee Land Ownership Based on Sale and Purchase Deed Number 01/DEPOK/1967 (Case Study of Supreme Court Decision Number 599/K/PDT/2019)**

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### **Abstract**

*In the implementation of the land reform program, deviations occurred by tenant farmers as recipients of land redistribution by transferring ownership rights of absentee land to others through a deed of sale and purchase, without the approval of the Minister of Agrarian Affairs. This happened because the tenant farmers did not fulfill their obligation to pay the required fees after being granted the agricultural land, leading to land disputes, as seen in the District Court Decision No. 165/Pdt.G/2014/PN in conjunction with the Bandung High Court Decision No. 346/PDT/2016/PT.BDG in conjunction with the Supreme Court Decision No. 599 K/Pdt/2019. The issue at hand is the validity of the transfer of ownership rights of absentee land based on the deed of sale and purchase No. 01/Depok/1967 in this case and the impact of the Supreme Court Decision No. 599/K/PDT/2019 on the validity of absentee land. This thesis employs normative juridical research methods. The validity of the deed contradicts Article 14 paragraph (4) of Government Regulation No. 224 of 1961 concerning the Implementation of Land Distribution and Compensation, and its impact is that the land returns to the original owner before the land was declared absentee, with the land being returned to the respective heirs. However, the heirs do not reside where the land is located, thus they must immediately transfer the agricultural land to another party who resides in the same area as the land, in accordance with Article 3c of Government Regulation No. 41 of 1964 concerning the Implementation of Land Distribution and Compensation.*

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## **1. INTRODUCTION**

As regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "earth and water and the natural resources contained therein are controlled by the State and used for the greatest prosperity of the people." Indonesia is an agricultural country so the majority of Indonesian people focus on the agricultural sector. Legal certainty regarding land in Indonesia has been expressly regulated in Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations, hereinafter referred to as UUPA. Land rights are rights that give authority to the right holder to use and take advantage of the land they own. The word "use" implies that the right to the land is used for the purpose of constructing buildings, while the word "benefit" implies that it is used to process and extract the results from agricultural, fishery, livestock, plantation and other

activities (Arba, 2015). Land is important for human life so it is necessary to pay attention to its use for people's prosperity.

Article 10 of the UUPA states that, "every person and legal entity that has rights to agricultural land is basically obliged to actively work or cultivate it themselves." In this regard, agricultural land owners are required to cultivate and work actively in managing and caring for the land themselves. In this case, the government has a program, namely the Agrarian Reform Program (*land reform*) is a sustainable and orderly restructuring activity regarding agricultural land ownership (Mulyani, 2016). Land which is the object of land reform includes Article 1 of Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Providing Compensation: "Land that exceeds the maximum limit and land that falls to the state." Program *land reform* has the following policies (Harsono, 2008):

1. Prohibition to dominate agricultural land that exceeds the limit;
2. Prohibition of absentee ownership of agricultural land;
3. Redistribution of land in excess of the maximum limit as well as land subject to absentee prohibition, former self-government land, and other state land;
4. Arrangements regarding the return and redemption of mortgaged agricultural land;
5. Rearrangement of agricultural land production sharing agreements;
6. Determination of the minimum limit for agricultural land ownership, accompanied by a prohibition on carrying out actions that result in splitting the ownership of agricultural land into parts that are too small.

One of the programs from *land reform* above is the prohibition on absentee land ownership (Arba, 2015). Absentee land is land that is located outside the residential area that owns the land (Harsono, 2008). In terms of absentee land ownership, it refers to a situation where the land owner does not live at the location of the land. That absentee land is land that is located far from the owner's domicile.

In Article 3 of Government Regulation Number 224 of 1961, absentee/guntai land is land located outside the sub-district where the land owner lives. In essence, this means that every land owner is prohibited from owning agricultural land that is different from the sub-district where the owner lives because such ownership will lead to inefficient land cultivation, for example regarding its management, supervision, transportation of the results, so that it can also lead to a system of exploitation. The exception only applies to land owners who live adjacent to the sub-district location of the land, if the distance between the owner's residence and the land, according to the consideration of the district land reform committee, still makes it possible to work on the land efficiently (Aminuddin, 2010). *land reform* and Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation 1961 in conjunction with Article 1 PP Number 41 of 1964 additionally Articles 3a to 3e. Based on this, most of the results obtained from land exploitation can be enjoyed by the village community where the land is located (Chandra, 2019).

This prohibition on absenteeism is also aimed at preventing abandoned land, namely land that is intentionally not used by the right holder in accordance with the circumstances, nature and purpose or is not maintained properly (Sianturi, 2019). In principle, the prohibition on absentee ownership of agricultural land is regulated in Article 3 PP No. 224/1961 in conjunction with Article 1 PP No. 41/1964 additional Articles 3a to 3e. In this provision, the land owner is obliged to move or leave his place of residence and leave the sub-district where the land is located for 2 consecutive years, he is obliged to transfer ownership rights to his land to another person who resides in the land sub-district. If this obligation is not carried out, the land in question will be taken by the Government and then distributed to cultivators who do not yet own agricultural land in accordance with the

provisions of the applicable regulations. Based on the Decree of the Head of Agrarian Inspection, cultivators who receive the land must carry out the requirements contained in the Decree of the Head of Agrarian Inspection.

However, in this case, there were many irregularities in implementation of land *reform* in Indonesia. When the cultivator was given the right to be the recipient of redistribution, he instead transferred ownership of the land to a third party by means of sale and purchase without permission from the Minister of Agrarian Affairs. As happened in the case below:

The case relates to absentee land with Decision Number 599/K/PDT/2019. This incident began in 1955 when HMT Bakrie bought a plot of land from Raden Hanafi with Deed of Sale and Purchase Number 147 before Notary and Land Deed Official Noezar. In 1962, HMT Bakrie's Girik land Number 1730, Parsil 17, with an area of 12.9 hectares located in Rangkapan Jaya Village, Pancoran Mas District, Bogor Regency but now Depok City, was declared subject to absentee land provisions, because the land owner resided in Jakarta, but in this case HMT Bakrie denied that the land was absentee, until the Government took over the land.

In 1965, after being controlled by the State, the land was distributed to 78 sharecroppers who lived on the land. The cultivators are given ownership rights to the land and permission to work on the land, and must carry out the requirements contained in accordance with the Decree of the Head of West Java Agrarian Inspection Number V/B-54/Insp/1965.

In 1967, it was discovered that the cultivators had violated the obligations contained in the Decree of the Head of Agrarian Inspection, namely because they had not paid income to the state, so that the ownership rights to the land were transferred through the sale and purchase process, namely to employees of the Ministry of Foreign Affairs, which was contained in the Deed of Sale and Purchase Number 01/Depok/1967 made before the Land Deed Making Officer (PPAT), John Leonard Woworuntu, who was based in Jakarta, in this case without the approval of the Minister. Agrarian. In 1978 the Directorate General of Agrarian Affairs issued Decree Number SK.81/DJA/1978, which contained:

1. Revoke the Decree of the Head of West Java Agrarian Inspection Number V/B-54/Insp/1965.
2. It turns out that the PPAT which made the sale and purchase deed is domiciled in Jakarta and the land is located in Bogor Regency (now Depok City).
3. Order the Head of the Agrarian Directorate to give the land with first priority given to the Department of Foreign Affairs employees who have purchased the land.

The Head of the Bogor Agrarian Office (now Depok City) issued 111 property rights certificates for employees of the Department of Foreign Affairs based on the Decree of the Head of the Agrarian Directorate Number 727/Dit/PHT/HM/1979 dated 1979.

In 1997, the heir of HMT Bakrie, namely Muchdan Bakrie, filed a lawsuit with the PTUN, which was sued in the State Administrative Decree, namely Decree Number SK.81.DJA.1978. The verdict in the PTUN was in the form of returning the girik land to Muchdan Bakrie as the sole heir of HMT Bakrie, and canceling the 111 certificates held by employees of the Department of Foreign Affairs. So that the PTUN decision has been *inkracht*, the Head of the Regional Office of the West Java Province National Land Agency issued a decision letter 15/Pbt/BPN/.32./2012 which canceled the 111 certificates. So the Department of Foreign Affairs employees feel disadvantaged because the Department of Foreign Affairs employees are not included as parties in the PTUN case, so that the Department of Foreign Affairs employees cannot maintain ownership of their land rights.

13 employees of the Department of Foreign Affairs filed a lawsuit with the Depok District Court, in order to determine the owner who is entitled to ownership of the rights to their land. In the ruling of the First Instance Court Number 165/PdtG/2014/PN.Depok, the

judge stated that 13 employees of the Department of Foreign Affairs were the legal owners of Certificates of Ownership Rights based on the Decree of the Head of the Agrarian Directorate Number 727/Dit/PHT/HM/1979. Meanwhile, the verdict. Bandung High Court Number 346/PDT/2016/PT.BDG, annulled the decision of the Depok District Court Decision Number 165/PdtG/2014/PN. Depok, stated that the lawsuit could not be accepted because the District Court had no authority to examine, try and decide this case. Furthermore, in the Supreme Court Decision Number 599 K/Pdt/2019, it was stated that the lawsuit could not be accepted, because in this case there were not enough parties which did not include HMT Bakrie or his heirs who were in court. In the case mentioned above, the agricultural land which was the object of the dispute according to the decision of the State Administrative Court was returned to the heir, namely HMT Bakrie, but in this case the party was domiciled outside the area of the land, thus contradicting the regulations regarding ownership of absentee land. So since the enactment of PP no. 224 of 1961 jo. PP No. 41 of 1964, which to date has not been amended by the Government, is the application of regulations regarding the prohibition of absentee land ownership still in use, considering the fact that currently more and more people own land everywhere, not only in different sub-districts, but also outside the city for investment, therefore it is appropriate and appropriate regarding the application of absentee land ownership that the latest amendments must be made that are adapted to current conditions.

Based on the background of the problem above, the author is interested in conducting research with the title "The Validity of Absentee Land Ownership Based on Sale and Purchase Deed Number 01/Depok/1967 (Case Study of Supreme Court Decision Number 599/K/Pdt/2019)". So this will be studied in the problem formulation, the first is how the validity of the absentee's ownership of land rights is based on the sale and purchase deed number 01/Depok/1967 and what is the impact of the Supreme Court Decision Number 599/K/PDT/2019 on the validity of the absentee's land as the second problem formulation.

## **2. RESEARCH METHODS**

This research uses normative juridical research methods. Meanwhile, the approach in this research is a statutory approach and a conceptual approach. Sources of legal materials used are primary legal materials, secondary legal materials, tertiary legal materials. The analysis technique used uses qualitative methods.

## **3. RESEARCH RESULTS AND DISCUSSION**

### **3.1 Validity of Absentee Ownership of Land Rights Based on Sale and Purchase Deed Number 01/Depok/1967 in Supreme Court Decision Number 599/K/PDT/2019**

Regarding the process of determining absentee land, basically the regulations regarding absentee land are still regulated by old regulations, namely those that were born in the 1960s and have not undergone any legal reform, these regulations are based on the Basic Agrarian Law No. 5 of 1960 (UUPA). The term absentee land will not be found in statutory regulations, but it can be understood that absentee land is land ownership that is located outside the area where the owner lives (Boedi Harsono, 2008).

Rules regarding procedures for determining absentee land are regulated in government regulation no. 224 of 1961 concerning Implementation of Land Distribution and Provision of Compensation. Then it was changed by Government Regulation no. 41 of 1964 concerning Amendments and Supplements to Government Regulation no. 224 of 1961 concerning Implementation of Land Distribution and Provision of Compensation. If the specified obligations are not carried out by the owner

of the agricultural land in absentee, then the agricultural land in question will be taken by the Government and then redistributed (shared) in the context of *land reform* to farmers who meet the requirements according to applicable laws and regulations. According to article 1 of Government Regulation no. 224 of 1961 stipulates that land will be redistributed in the context of implementation *land reform* is:

1. Land in excess of the maximum limit as intended in Law No. 56 Prp 1960 and land that falls to the state, because the owner violates the provisions of that law;
2. Land taken by the government, because the owner resides outside the area or is subject to a prohibition on absentee ownership of agricultural land;
3. Self-employed and former self-employed lands that have been transferred to the State;

Land that is controlled directly by the state will be further confirmed by the Head of the Land Agency of the Republic of Indonesia (Anis Sulistyo Rini, 2015).

Based on Decision Number 599/K/Pdt/2019, the land originally belonged to HMT Bakrie, located in Rangkapan Jaya Village, Pancoran Mas District, Depok, Bogor Regency (now Depok City). Furthermore, problems arise when the Cultivator Farmer as the Recipient of Land Redistribution sells the land object which is the object *land reform* to the Department of Foreign Affairs Employees Union before PPAT, John Leonard Woworuntu domiciled in Jakarta, as stated in the Deed of Sale and Purchase Number 1/Depok/1967. In the process, the Cultivator Farmers have not paid off the money they received from the State for the land, so the transfer to the Ministry of Foreign Affairs Employees Union was carried out without permission from the Minister of Agrarian Affairs, so the land is still controlled by the Government.

In this case, the transfer through buying and selling carried out by Farmer Farmers to the Ministry of Foreign Affairs Employees Union is an act that is contrary to the provisions of Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation Article 14 paragraph (4) which states: "As long as the price of the land referred to in letter a above has not been paid in full, the ownership rights are prohibited from being transferred to other people, except with the permission of the Minister of Agrarian Affairs or an official appointed by him." Based on these provisions, in this case the Ministry of Agrarian Affairs issued Decree Number SK.81/DJA/1978 which revoked the West Java Agrarian Inspection Decree Number V/B-54/Insp/1965. The issuance of a letter of revocation is in accordance with article 14 paragraph (5) of Government Regulation Number 224 of 1961 concerning Implementation of Land Distribution and Provision of Compensation.

In this case it is also true that the buying and selling carried out by Cultivator Farmers with Employees of the Department of Foreign Affairs did not fulfill the subjective or objective requirements as regulated in Article 1320 of the Civil Code which states the conditions for the validity of an agreement, namely:

1. There is an agreement for those who bind themselves. In relation to this case, the seller, namely the Cultivator Farmers, in selling the land object, did not inform the buyer, namely the Ministry of Foreign Affairs Employees, that the seller was a cultivating farmer and the land being sold was land given by the State which was the object. *land reform*.
2. The competence of the parties to enter into an agreement. In this case, the parties, both Farmers and Employees of the Department of Foreign Affairs, have fulfilled the elements of competence.

3. One particular thing, as in this case, is that the land being traded is clear, namely an area of 69,627 m<sup>2</sup>, which includes the property of 13 employees of the Department of Foreign Affairs or in this case the Plaintiff.
4. A lawful cause, related to this case, is that the ownership of the land purchased by the Department of Foreign Affairs employees became absentees for the sale and purchase because they lived outside the area of the object land. *land reform*. In this case, it is in conflict with the provisions of Article 3d of Government Regulation Number 41 of 1964.

That PPAT John Leonard Woworuntu in the transition process did not carry out the appropriate procedures in making the Deed of Sale and Purchase Number 1/Depok/1967, that the material and formal requirements had not been fulfilled, namely as follows:

1. Material requirements:

- 1.1 For sellers, the Farmers as sellers in this case are not authorized to transfer the land through the sale and purchase process to the Department of Foreign Affairs employees without permission from the Minister of Agrarian Affairs, because the Farmers have not yet paid off the income from the State for their land. As in accordance with Article 14 paragraph (4) Government Regulation Number 224 of 1961.
- 1.2 In disputes whether the land can be bought and sold or not, in this case the land being bought and sold was originally land taken by the State because the owner was outside the area so the land was controlled by the State which was then redistributed to the Cultivating Farmers. The sellers, namely Cultivator Farmers, because at that time they had not yet paid the price of their land, so they had not registered their ownership rights to their land at the local Land Office, then they should not be allowed to use the land.

2. Formal Requirements:

- 2.1 The seller as the Cultivator Farmer may not submit the certificate of ownership to PPAT, John Leonard Woworuntu, because the seller has not paid the price of the land, so the status of the land is still land controlled by the Government, this is contrary to Article 39 Paragraph (1) letter b of Government Regulation Number 27 of 1997 concerning Land Registration
- 2.2 In this case, PPAT, John Leonard Woworuntu, made a deed outside his work area, his work area was in Jakarta, while the land was located in Rangkapan Jaya Village, Pancoran Mas District, Bogor Regency (now Depok City). Therefore, PPAT John Leonard Woworuntu has violated Article 12 paragraph (1) of Government Regulation (PP) Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Land Deed Officials regarding the work area of a PPAT.

Thus, according to the researcher, if we look at the description above, the absentee transfer of land rights based on the Sale and Purchase Deed Number 01/Depok/1967 in the Supreme Court decision case Number 599/K/PDT/2019 carried out by sharecroppers to employees of the Department of Foreign Affairs is invalid because there is an administrative legal defect in the issuance of the decision to grant and/or certificate of land rights.

### **3.2 What is the Impact of Supreme Court Decision Number 599/K/PDT/2019 on the Validity of Absentee Land**

Many Indonesians still have absentee land ownership even though basically this is prohibited and there are regulations. However, in its implementation, this prohibition

is still violated by the community. This certainly cannot be separated from the factors that cause absentee land ownership in Indonesia. These factors include the following:

1. The knowledge factor of the community itself, which means the knowledge of the absentee landowner community in understanding the laws and regulations that have been regulated by the government regarding absentee land, there are still many absentee landowners who do not know that there are provisions regarding absentee land that have been written in the absentee land regulations, so it can be said that the level of knowledge of the Indonesian people regarding absentee land laws and regulations is still relatively low;
2. The public or individual awareness factor is also still low so that many people do not understand about absentee land. And if the community already knows and understands these provisions when officers inform them about these laws and regulations, of course the community will consciously not do things that have been prohibited by the government;
3. Cultural factors, where in a society's culture there is something called inheritance and people get absentee land based on inheritance, the heir should first pay attention to where the heir lives, if the heir is still in the same area as the heir and the agricultural land will be inherited then this may be done, however, if the heir is domiciled outside the heir's area, then it would be a good idea for the heir to suggest that the heir move to the area where the land is located, so that the heir can own the agricultural land without being absentee, or if the heir objections to moving to the place where the agricultural land is located can be made by transferring it to local residents so that the land can be used properly and the agricultural land is not abandoned;
4. Legal factors where the prohibition on absentee land ownership is a rule that must not be violated and ignored because the laws and regulations were created to regulate people's lives and people must obey these regulations;
5. Facilities and infrastructure factors, where many land offices do not have accurate data and there is a lack of coordination so that absentee land ownership often occurs;
6. The factor that often occurs between law enforcement officials and law enforcement is the lack of coordination between village officials and the land office so that this can provide a way for people to own land in absentee;
7. And economic factors, where people hope that agricultural products can guarantee their economy so that they are able to own absentee land because in the future the land will be high enough to buy and sell (Veronika Roselino, 2024).

In 2012 in this case, the Head of the Regional Office of the National Land Agency for West Java Province issued Decree Number 15/Pbt/BPN.32/2012, the contents of which were to revoke 111 (one hundred and eleven) Certificates of Ownership Rights in the names of 111 (one hundred and eleven) employees of the Department of Foreign Affairs, which also included the property rights owned by the 13 (thirteen) plaintiffs. The issuance of Decree Number 15/Pbt/BPN.32/2012 is based on the implementation of the Decision of the Jakarta State Administrative Court Number 049/G.TUN.JKT dated 18 May 1998 in conjunction with the Decision of the Jakarta State Administrative High Court Number 118/B/1998/PT.TUN.JKT dated 16 November 1998 in conjunction with the Decision of the Supreme Court of the Republic of Indonesia Number 158 K.TUN/1999 dated 17 February 2000 in conjunction with the Decision of the Supreme Court of the Republic of Indonesia Number 13/PK/TUN/2001 dated 7 March 2002. The litigants in this case at the Jakarta PTUN are Muchdan Bakrie (Heir of HMT Bakrie) as the Plaintiff and the Minister of State for Agrarian Affairs and the Head of the Bogor Regency Land Office (now part of the Depok area) as Defendants I & II. The basis for the lawsuit in this case at the PTUN is:

1. Defendant I's actions, in this case the Minister of State for Agrarian Affairs, were silent or did not respond to the Plaintiff's Letter Number 19/HMTB/XII/1996 regarding the request for legal certainty over land owned by the Plaintiff, in this case HMT. Bakrie, therefore, is deemed to have issued a decision to reject the letter of application;
2. Decree of the Bogor Regency Land Office which issued Decree No. 81/DJA/1979, which revoked the West Java Agrarian Inspection Decree Number V/B/54/Insp/1965 from the Cultivators, then their land was given priority to Employees of the Department of Foreign Affairs. According to the Plaintiff (HMT.Bakrie), with the cancellation of the West Java Agrarian Inspection Decree Number V/B/54/Insp/1965, the land should be returned to the customary land belonging to the Plaintiff, in this case the HMT. Bakrie.

Based on the case filed by HMT.Bakrie, in this case the heir, Muchdan Bakrie, based on the Decision of the Jakarta State Administrative Court No.049/G.TUN/1997/PTUN-JKT dated 18 May 1998 jo. Jakarta High Administrative Court Decision No. 118/B/1998/PT. TUN.JK.T dated 18 November 1998 jo. Decision of the Supreme Court of the Republic of Indonesia No. 158 K.TUN/1999 dated 17 February 2000 jo. No. 13/PK/TUN/2001 dated March 7 2002. The PTUN decided as follows:

1. Grant the Plaintiff's lawsuit in its entirety;
2. Require Defendant I to issue a Decree containing the return of customary ownership rights under the name of HMT Bakrie, Girik Number 1730, Number 123, Plot 17, covering an area of 129,500 M2 (approximately 12.95 hectares) located in Rangkapan Jaya Village, Pancoran Mas District, Depok, Bogor Regency (now Depok City) to the plaintiff as the heir and proxy of the legal owner, namely HMT Bakrie;
3. Declare the certificates of ownership issued by Defendant II as invalid.

In connection with the above decision, the 13 employees of the Department of Foreign Affairs, namely 13 people, filed a lawsuit against the revocation of the title certificates of the Plaintiffs (Employees of the Department of Foreign Affairs) at the General Court of First Instance with Number 165/PdtG/2014/PN.Depok jo. Bandung High Court Decision Number 346/PDT/2016/PT.BDG jo. Supreme Court Decision Number 599 K/Pdt/2019.

That after the revocation of the Decree of the Head of the West Java Agrarian Inspection Number V/B-54/Insp/1965 with the issuance of the latest Decree, namely Decree Number SK.81/DJA/1978, the status of the land which was previously absentee and distributed to Cultivating Farmers was cancelled, then the Minister of Agrarian Affairs prioritized the land for the Department of Foreign Affairs Employees, but in this case after the Employees of the Department of Foreign Affairs obtained the title certificate for the land, namely from the year 1978 then in 2012 it turned out that the Agrarian Party revoked ownership of the certificate. So the PTUN decision stated that the land object must be returned to the original owner, namely the HMT. In this case, Bakrie's heir is Muchdan Bakrie, so the object of land ownership is absentee because the owner is domiciled and resides outside the land area.

In the Civil Code, inheritance law is regulated in Book II. This placement is based on the fact that in inheritance law there is an element of property, although it must not be forgotten that the element of inheritance law is not only objects but there must also be heirs and heirs whose regulations are contained in the law of persons. In Article 830 of the Civil Code, it is determined that inheritance only takes place due to death, furthermore, Article 833 of the Civil Code determines that heirs automatically by law acquire ownership rights to all goods, all rights and all receivables of the deceased. From these two provisions it is clear that upon the death of a person, all the property



that constitutes the assets by law transfers ownership to his heirs. Based on Article 833 of the Civil Code, the transfer of assets occurs directly without any other legal action, however for registered immovable objects registration and announcement are required as the basis for the existence of the ownership rights (Yayu Palayukan, 2021).

In the event that Muchdan Bakrie receives back ownership of his land, this is also regulated in Article 3c of Government Regulation of the Republic of Indonesia Number 41 of 1964 concerning Amendments and Supplements to Government Regulation No. 224 of 1961 concerning the Implementation of Land Distribution and Providing Compensation which reads: "If a person has rights to agricultural land outside the District where he lives, which he obtained from inheritance, then within 1 (one) year from the time the testator dies he is obliged to transfer it to another person who lives in the District where the land is located or move to the District where the land is located."

Based on this, for the recipient of an inheritance of agricultural land located in another sub-district, in this case absentee land, within 1 (one) year of the death of the testator, the land in question must be transferred to someone who resides in that sub-district or he himself moves to that sub-district. In accordance with the general principles mentioned above, even if there is no confirmation, it is likely that if the beneficiary resides in a bordering sub-district, he is not subject to this obligation. The 1 (one) year period can be extended by the Minister, if for example the inheritance distribution has not been completed. It has been stated above that all forms of transfer of ownership rights to agricultural land, namely buying and selling, grants and exchanges which result in new ownership in absentee are prohibited (in the Elucidation to Article 1 of Government Regulation No. 41 of 1964 concerning Amendments and Supplements to Government Regulation No. 224 of 1961 concerning Implementation of Land Distribution and Providing Compensation).

So when the Jakarta State Administrative Court Decision No.049/G.TUN/1997/PTUN-JKT dated 18 May 1998 *because*. Jakarta High Administrative Court Decision No. 118/B/1998/PT. TUN.JK.T dated 18 November 1998 *because*. Decision of the Supreme Court of the Republic of Indonesia No. 158 K.TUN/1999 dated 17 February 2000 *because*. No. 13/PK/TUN/2001 dated 7 March 2002 which has been declared to have permanent legal force, so in this case the decision based on the PTUN is implemented.

So, based on the above, it can be explained that the impact of Supreme Court Decision Number 599/K/PDT/2019 on the validity of absentee land is valid, because when agricultural land is obtained through inheritance, it is the property right of the heirs as long as the owner can cultivate or utilize the absentee land as required by statutory regulations, this is in accordance with Article 10 of the UUPA which states, every person and legal entity has a right to agricultural land in The principle is that you are obliged to do it or work on it yourself actively, by preventing extortion methods. However, when the heir lives outside the agricultural land area, the heir must immediately transfer ownership of the land. This is in accordance with Article 3c of Government Regulation of the Republic of Indonesia Number 41 of 1964 concerning Amendments and Supplements to Government Regulation No. 224 of 1961 concerning the Implementation of Land Distribution and Providing Compensation which states, If a person has rights to agricultural land outside the District where he lives, which he obtained from inheritance, then within 1 (one) year from the time the testator dies he is obliged to transfer it to another person who lives in the District where the land is located or move to the District where the land is located.

#### 4. CONCLUSION

**468 | Validity of Absentee Land Ownership Based on Sale and Purchase Deed Number 01/DEPOK/1967 (Case Study of Supreme Court Decision Number 599/K/PDT/2019)** (Widya Anugrah Saputri)

Based on the discussion in the previous chapters, in this research it can be concluded that:

1. Validity based on the Transfer of Absentee Land Rights Based on the Sale and Purchase Deed Number 01/Depok/1967 is invalid, due to the following:

Failure to fulfill subjective or subjective requirements in Article 1320 of the Civil Code. The sale and purchase was carried out contrary to Article 14 paragraph (4) of Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation and Article 3d of Government Regulation Number 41 of 1964 concerning Amendments and Supplements to Government Regulation Number 224 of 1961 concerning Implementation of Land Distribution and Provision of Compensation. The PPAT which made the sale and purchase deed in this case violated Article 12 paragraph (1) of Government Regulation (PP) Number 24 of 2016 concerning Amendments to Government Regulation Number 37 of 1998 concerning Position Regulations for Officials Making Land Deeds regarding the work area of a PPAT. 2

2. The impact of the Supreme Court's decision Number 599 K/Pdt/2019 on the validity of absentee land is valid, because the Panel of Judges at the State Administrative Court of the Supreme Court Number 13/PK/TUN/2001 stated that the disputed land object was returned to the original owner when the land had not been declared absentee. In this regard, in the Supreme Court decision Number 599 K/Pdt/2019, the Panel of Judges stated that it rejected the lawsuit filed by the cassation applicants because it did not include the heirs who in the State Administrative Court acted as Plaintiffs, so the Panel of Judges stated that the lawsuit lacked parties. As a result, the issued certificate was declared revoked by the Land Agency in accordance with Article 29 of the National Land Agency Regulation Number 21 of 2020 concerning Settlement of Land Cases, which explains that the cancellation of the Land Agency's legal product is carried out due to administrative defects and/or implementation of court decisions which have permanent legal force. This is based on the implementation of the Supreme Court decision Number 13/PK/TUN/2001. So that the validity of absentee land in this case is valid, because agricultural land obtained from inheritance is the property of the heirs as long as the owner can cultivate or utilize the absentee land as intended by statutory regulations, this is in accordance with Article 10 of the UUPA which states, every person and legal entity who has a right to agricultural land is in principle obliged to work or cultivate it actively themselves, by preventing extortion methods.

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