

## **Analysis of Land Dispute Decision Letter Inyogyakarta Ptun: Number 19/G/2023/Ptun.YK**

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### **Abstract**

*This Administrative Court decision focuses on analysing a land dispute case in accordance with Decision Number 19/G/2023/PTUN. The case involves Mrs. SURANI/SURYANI as the plaintiff, who feels aggrieved by the issuance of the KTUN related to the transfer of Ownership Certificate (SHM) Number 11908, which was then transferred to a person named TUTWURI HANDAYANI in 2022, and the Yogyakarta Administrative Court as the defendant that issued the KTUN. The plaintiff filed an administrative appeal because she considered the KTUN to be legally flawed as it did not go through the inheritance procedure, and she wanted the KTUN to be revoked. The purpose of this study is to analyse the elements of Administrative Court Procedure Law contained in Decision Letter Number 19/G/2023/PTUN.YK, as well as to analyse whether the KTUN is proven to comply with applicable legal provisions, such as administrative procedures. The research method used is a qualitative research method that focuses on data through the contents of the above lawsuit.*

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## **1. BACKGROUND**

The transfer of land rights is a crucial aspect of the land sector, regulated by Indonesian law. The registration process for transfers must be carried out in accordance with applicable laws, such as Law No. 5 of 1960 concerning Basic Agrarian Regulations and its implementing regulations, including Government Regulation Number 24 of 1997. In addition, land registration must follow valid administrative procedures and obtain legal registration from the National Land Agency (BPN).

In practice, the transfer of rights can take place in various ways, such as sale and purchase, inheritance, grant, or bequest. A transfer of rights carried out legally and in accordance with regulations will have strong legal force, including the issuance of a land title certificate. However, in practice, problems often arise, including mismatched administrative data, disputes between parties, and alleged procedural violations that can invalidate or legally invalidate the transfer process.

The case raised in this document relates to a dispute over the registration of the transfer of land rights located in Sardonoharjo, Sleman Regency, which occurred after the landowner, Mrs. Surani/Suryani, was declared deceased. The dispute arose from alleged administrative flaws and irregularities in the registration process for the transfer of rights from the deceased to another party, which subsequently became the subject of a lawsuit before the State Administrative Court (PTUN).

This phenomenon raises important questions regarding the legitimacy of the land transfer registration process, its adherence to applicable legal provisions, and the need for

fair treatment and review mechanisms for state administrative decisions related to land registration. Therefore, an analysis of these documents and court decisions is crucial for assessing the legality, procedural aspects, and fairness of the land transfer process.

In this case, the plaintiff filed a lawsuit against the State Administrative Decision (KTUN) regarding the recording of the transfer of rights to

Land Title Certificate Number 11908 in Sardonoharjo Village, Ngaglik District, Sleman Regency, registered in the name of Mrs. SURANI/SURYANI with an area of 229 m<sup>2</sup>. Based on administrative data, the rights were first issued in the name of SURANI/SURYANI on December 5, 2019 based on Measurement Letter No. 02481/Sardonoharjo/2019 dated November 13, 2019, and then the process of transferring rights from the name of SURANI/SURYANI to the name of TUTWURI HANDAYANI was carried out through Sale and Purchase Deed No. 52/2022 on July 28, 2022, before PPAT Sri Peny Nugrohowati.

However, the transfer of rights process gave rise to a dispute because the plaintiff considered that the previous owner, SURANI/SURYANI, had died before the sale and purchase process was carried out officially and legally. In this case, the plaintiff argued that the transfer of rights was administratively flawed because it was carried out without going through the legal inheritance procedure and without confirmation as an official heir in accordance with the provisions of Government Regulation Number 24 of 1997 and other related regulations. Therefore, the plaintiff considered that the process did not meet the legal requirements, so that the transfer of rights was flawed and invalid.

In addition, in the registration process, a name change was made from SURANI/SURYANI to TUTWURI HANDAYANI through administrative registration by the Land Office, which the plaintiff considers to conflict with the applicable regulations because the transfer process should be carried out after there is a valid certificate of inheritance and correct administrative procedures, including fulfilling the provisions in laws and regulations regarding land and government administration.

The plaintiff then filed an objection and administrative appeal against the decision with the relevant agency, but the defendant rejected the objection and appeal. According to the defendant, the registration process for the transfer of rights complied with applicable administrative and procedural requirements and followed the mechanisms established by law.

On this basis, the plaintiffs feel that the administrative decision validating the transfer of rights is legally and administratively flawed and detrimental to their rights as legitimate landowners. Therefore, the plaintiffs filed a lawsuit with the State Administrative Court.

Cancel the KTUN and restore the land rights status to the name of the owner in accordance with the valid administrative data before the transfer of rights was recorded.

### **PROBLEM SUMMARY**

1. Does the State Administrative Decree (KTUN) regarding the recording of the transfer of land rights and land ownership certificate number 11908/Sardonoharjo issued and validated by the Land Office have a valid legal basis and is in accordance with applicable laws and regulations, and does the decision fulfill the general principles of good governance?
2. Was the process of transferring land rights from the late Surani/Suryani to Tutwuri Handayani in accordance with legal provisions, especially regarding authorized authority, document administration, and land registration procedures, and were there any allegations of administrative defects and violations of applicable regulations that could invalidate or affect the validity of these rights?

## 2. LIBRARY REVIEW

The literature review, according to the elements of the State Administrative Court (PTUN,) should focus on aspects that constitute the legal basis, procedures, and principles applicable in state administrative law disputes, including:

### 1. Legal Basis and General Principles

#### a. Related Legislation

Provisions regarding legal acts, including the transfer of land rights, are regulated in various government regulations, such as PP No. 24 of 1997 and PP No. 24 of 2016, and are also regulated in the Law

Number 5 of 1986 concerning State Administrative Courts and Law Number 30 of 2014 concerning Government Administration

#### b. Principles of Good Governance (PGB)

The principles of justice, legal certainty, and other principles that underlie state administration are the basis for assessing the validity or otherwise of government decisions, including land office decisions relating to the transfer of land rights.

### 2. Procedures and Authorities

#### a. Land Rights Registration Procedure

In the rights registration process, the PPAT and the Land Office are authorized and obliged to carry out the procedures stipulated in statutory regulations, including proof of original documents, PPAT deeds, and the legitimacy of heirs if the owner dies.

#### b. Administrative and Procedural Flaws in the Issuance of Rights

Proven administrative defects, especially in the case of transfer of rights through inheritance without proof of legitimate heirs, or processes that do not comply with procedures, are the main basis for lawsuits to annul state administrative decisions.

### 3. State Administrative Decisions (KTUN) and Their Validity

#### a. Testing the Validity of KTUN

According to the provisions, every state administrative decision must comply with procedural requirements and the principles of justice; otherwise, the decision may be deemed legally flawed and may be challenged in the State Administrative Court.

#### b. Object of Dispute and Legal Implications

Decisions that contain administrative defects, such as the invalid ratification of the transfer of rights, have implications for the validity of the title document and can be declared null and void by the PTUN if they conflict with applicable regulations and the principles of justice.

### 4. Rights and Powers of the Court

#### a. Basis for Filing a Lawsuit

Parties who feel they have been harmed by a state administrative decision have a legal basis to file a lawsuit, based on Article 53 paragraph (1) of Law Number 9 of 2004., which stipulates that plaintiffs can demand that decisions that are not in accordance with the rules or are legally flawed be annulled.

#### b. Testing of Evidence and the Basis of Legal Certainty

In court proceedings, objections to the validity of rights or decisions must be supported by valid evidence and comply with legal provisions, as well as taking into account the principles of legal certainty and protection of the rights of the parties.

## 3. WRITING METHOD

The method of writing a draft article regarding a case of dispute over the transfer of land rights in the State Administrative Court must be carried out systematically and in

accordance with the rules of the State Administrative Court Procedure Law, which uses a qualitative method, focusing on the contents of the decision letter, namely starting from the lawsuit to adjudicating the lawsuit and an in-depth analysis of the existing data that has been included.

Initially, the transfer of land rights to land number 11908/Sardonoharjo from the late Surani/Suryani to Tutwuri Handayani was carried out based on Deed of Sale and Purchase Number 52/2022 by Land Deed Official (PPAT) Sri Peny Nugrohowati, S.H., in accordance with applicable administrative procedures. Existing administrative data indicate that this process was submitted after fulfilling formal requirements, including a complete application letter and other supporting documents. However, problems arose regarding the status of the previous owner of the rights, namely SURANI/SURYANI, who was known to have died before the transfer process was carried out.

After this process, the Land Office issued a certificate of ownership number 11908, and then executed the registration of the transfer to the name of Tutwuri Handayani. However, based on the applicable data and legal provisions, especially Article 42 paragraph (1) of Government Regulation Number 24 of 1997 concerning Transfer of Rights due to Inheritance, the process of transferring rights must go through the stages of legal transfer of rights from the designated heirs and fulfill certain procedures. Unfortunately, based on the documents, there is no official process of transferring inheritance rights from SURANI/SURYANI to Tutwuri Handayani, but rather the registration was carried out directly in the new name without going through the correct inheritance procedures.

Furthermore, regarding the State Administrative Decree (KTUN) regarding the registration, there are doubts as to whether the decision has a valid legal basis and complies with applicable regulations. Analysis shows that the KTUN does not meet substantive and procedural requirements, because the transfer of rights was carried out without fulfilling the formal and material requirements as stipulated in statutory regulations. In fact, if the process was carried out after the rights owner, namely SURANI/SURYANI, had died, inheritance procedures must first be carried out so that the transfer meets legal and administrative aspects.

Furthermore, from a good governance perspective, the decision likely violates the principles of transparency and fairness, as it was made without regard to the legal status of the previous owner and did not follow strictly established procedures. This constitutes a procedural flaw that could be the basis for deeming the KTUN invalid and containing significant legal flaws.

Regarding the legal aspects of the transfer of rights process, the analysis indicates that there are a number of administrative and procedural flaws that have implications for the validity of these rights. The process of transferring land rights from the late SURANI/SURYANI to Tutwuri Handayani must go through a process specifically regulated in the regulations, including the ratification of the legal heirs and certain administrative procedures in accordance with the provisions of Article 36 and Article 42 of PP 24/1997. If not, then the process can be considered not to meet legal requirements, and land rights issued based on the flawed process can be certain to be invalid or can be challenged in court to be null and void. In summary, the analysis shows that:

1. The KTUN related to the registration of land rights number 11908/Sardonoharjo and the ratification of the certificate did not meet the basic legal and procedural requirements, and did not follow the principles of good governance, because it had the potential to be carried out without following the provisions of applicable regulations and without paying attention to the legal status of the previous owner.
2. The transfer of rights from the late SURANI/SURYANI to Tutwuri Handayani, which was carried out without proper inheritance and strict administrative procedures, raises

doubts about the validity of those rights. If the process is flawed, the rights acquired by the new party may be revoked or require reprocessing according to correct and legally valid provisions.

This assessment emphasizes the importance of following formal procedures and legal substance in the registration and recording of land rights so that the status of these rights is truly legally valid and can be accounted for administratively and fulfills the principles of justice and transparency of government.

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