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Legal Liability of The Land Office in The Process of Transferring Ownership of a Title Certificate Based on a Court Ruling Without a Notarized Deed Issued by a Certified Notary

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ABSTRACT
This study examines the legal certainty of transferring land ownership certificates based on final and binding court decisions without a Sale and Purchase Deed (*Akta Jual Beli*, AJB) issued by a Land Deed Official (*Pejabat Pembuat Akta Tanah*, PPAT), as well as the legal liability of the Land Office in subsequent disputes. Employing normative legal research with statutory, conceptual, and case approaches, the study analyzes Indonesian land registration regulations and Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy. The findings indicate that court-based ownership transfers without a PPAT deed may be legally justified under specific circumstances, provided that the judicial decision and supporting documents satisfy applicable registration requirements. However, a final court decision does not automatically eliminate administrative obligations or guarantee unconditional registration. Furthermore, the Land Office is not automatically liable for subsequent third-party claims when its actions comply with judicial decisions and statutory procedures. Nevertheless, administrative negligence, unlawful conduct, or abuse of authority may result in legal accountability. The study concludes that effective judicial–administrative coordination, procedural compliance, and stronger verification mechanisms are essential to ensuring legal certainty, institutional accountability, and protection of land ownership rights.

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INTRODUCTION

Land registration constitutes a fundamental mechanism for ensuring legal certainty, protecting ownership rights, and maintaining administrative order within Indonesia's agrarian legal system. Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Principles establishes the legal foundation for land registration, while Article 37(1) of Government Regulation Number 24 of 1997 generally requires transfers of land rights through sale and purchase to be supported by an authentic deed executed before a Land Deed Official (*Pejabat Pembuat Akta Tanah*, PPAT). Beyond its economic significance, land represents an essential social asset associated with livelihoods, community development, and individual property protection (Harsono, 2008; Zaini et al., 2025). Nevertheless, the implementation of formal registration requirements frequently encounters difficulties when land transactions are conducted through private agreements, payment receipts, or other documents that do not satisfy the ordinary administrative requirements for transferring ownership. Recent research emphasizes that these informal transactions create legal uncertainty, particularly regarding the distinction between the substantive validity of sale and purchase agreements and their formal recognition within the land registration system (Mandasari et al., 2026; Putri et al., 2025).

The complexity of land ownership transfers becomes more pronounced when a buyer has fulfilled the contractual obligations but cannot obtain a Sale and Purchase Deed (*Akta Jual Beli*, AJB) because the seller has died, disappeared, refused to cooperate, or otherwise failed to complete the required administrative procedures. Such circumstances may prevent buyers acting in good faith from registering their ownership, despite possessing evidence of payment and a legally recognizable contractual relationship (Ahmadi & Amelia, 2025; Tuapetel et al., 2024). Article 37(2) of Government Regulation Number 24 of 1997 provides a limited exception to the ordinary deed requirement, thereby raising important questions concerning the circumstances under which alternative evidence may support registration. Judicial proceedings may consequently become necessary to establish the legal status of disputed transactions and provide a basis for subsequent administrative action by the Land Office. Previous studies have examined the judicial recognition of privately executed land sale agreements and the potential role of court decisions in facilitating title registration, although the legal consequences depend on the judgment's operative provisions and the applicable registration requirements (Setyawan & Wati, 2022; Sidik & Apriana, 2026; Susanto & Arifin, 2023).

These legal difficulties are illustrated by Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy, which concerns a land sale transaction between Kadimun and Tita Lusiana conducted through a private agreement on approximately April 20, 2020. The transaction involved a 1,075-square-meter parcel of agricultural land covered by Ownership Certificate Number 00144, with an agreed purchase price of IDR 250,000,000, but the formal transfer process remained incomplete following the seller's death and the heir's refusal to cooperate. This situation demonstrates how the absence of a PPAT-issued deed can produce administrative obstacles even when the underlying transaction has been supported by documentary evidence and subsequently examined through judicial proceedings. Related research identifies similar difficulties in implementing court-based land transfers, including incomplete registration documents, conflicting ownership claims, and discrepancies between judicial determinations and administrative requirements (Rongalaha & Palenewen, 2025; Utami et al., 2025). Accordingly, the relationship between a final and binding judicial decision (*inkracht van gewijsde*) and the Land Office's statutory authority requires careful examination, particularly under Article 55 of Government Regulation Number 24 of 1997 and the implementing provisions governing the recording of court judgments.

Beyond the validity of court-based ownership transfers, an equally significant issue concerns the legal responsibility of the Land Office when subsequent disputes, third-party objections (*derden verzet*), or allegations of unlawful administrative conduct arise. Land registration officials must reconcile their obligation to respect binding judicial decisions with the principles of legality, legal certainty, due diligence, and good governance governing administrative decision-making (Cynthia et al., 2025; Fajrin & Kuswanto, 2026). Previous studies have addressed the formal responsibilities of land registration authorities, the consequences of ownership disputes, and the potential administrative or civil liability associated with defective certificates (Pakaya et al., 2024). However, the existing scholarship has not sufficiently integrated the conditions under which a binding court judgment may support registration without a PPAT deed with a systematic examination of the limits of the Land Office's liability if that registration is subsequently challenged. This unresolved relationship between judicial authority, administrative discretion, and institutional accountability constitutes the central research gap addressed in the present study.

Against this background, this study aims to analyze the legal certainty of transferring ownership of a land title certificate on the basis of a final and binding court decision without a PPAT-issued Sale and Purchase Deed and to determine the scope of the Land Office's legal liability when subsequent legal disputes arise. Employing normative legal research through statutory, conceptual, and case approaches, the analysis focuses on Government Regulation Number 24 of 1997, relevant implementing regulations, and Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy. The study examines the relationship between judicial decisions and land registration requirements while distinguishing potential civil liability, administrative responsibility, and corrective measures arising from procedural irregularities. Its principal contribution lies in developing an integrated legal analysis of the circumstances in which court-based land registration may be justified and the conditions under which the Land Office may remain accountable for its administrative actions. By clarifying these interconnected legal issues, the study seeks to contribute to a more consistent interpretation of

Indonesian land registration law and to strengthen legal protection for good-faith purchasers, third parties, and public officials responsible for implementing judicial decisions.

RESEARCH METHODS

This study employed a normative legal research method (doctrinal legal research) to examine the legal certainty and liability associated with transferring land ownership certificates based on final and binding court decisions without a Sale and Purchase Deed (*Akta Jual Beli*, AJB) executed by a Land Deed Official (*Pejabat Pembuat Akta Tanah*, PPAT). Three complementary approaches were applied: the statutory approach, conceptual approach, and case approach (Marzuki, 2021). The statutory approach examined relevant Indonesian legal provisions, particularly Law Number 5 of 1960 concerning Basic Agrarian Principles, Government Regulation Number 24 of 1997 concerning Land Registration, and its implementing regulations. The conceptual approach explored legal doctrines concerning legal certainty, administrative authority, official responsibility, due diligence, and the principles of good governance. Meanwhile, the case approach focused on Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy to examine the legal implications of court-authorized land ownership transfers without a PPAT-issued deed.

The research utilized primary and secondary legal materials collected through systematic library research and legal document analysis. Primary legal materials included statutory regulations, relevant provisions of the Indonesian Civil Code, and Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy, while secondary materials comprised legal textbooks, scholarly journal articles, and previous studies addressing land registration, judicial decisions, and administrative liability (Ibrahim, 2006; Soekanto & Mamudji, 2015). The collected materials were analyzed qualitatively using deductive legal reasoning, supported by systematic and grammatical interpretation to establish the relationship between statutory requirements, judicial authority, and administrative responsibilities. The analysis was conducted by identifying applicable legal provisions, interpreting their normative implications, and examining their application to the selected court decision. Through these analytical procedures, the study sought to determine the legal validity of ownership transfers without a PPAT-issued deed and clarify the scope and limitations of the Land Office's legal liability in the event of subsequent disputes.

RESULTS AND DISCUSSION

Legal Certainty of Land Ownership Transfers Based on Final and Binding Court Decisions Without a PPAT Deed

1. The Legal Framework Governing Land Ownership Transfers

The findings of this normative legal analysis indicate that the transfer of land ownership based on a final and binding court decision without a Sale and Purchase Deed (*Akta Jual Beli*, AJB) issued by a Land Deed Official (*Pejabat Pembuat Akta Tanah*, PPAT) must be examined through the relationship between substantive property rights, judicial authority, and administrative registration requirements. Indonesian land law establishes land registration as an essential mechanism for providing legal certainty and protecting individuals against competing claims over immovable property. Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Principles provides the general legal foundation for land registration, while Government Regulation Number 24 of 1997 regulates its implementation. Within this framework, land ownership certificates serve as strong evidence of registered rights, although their evidentiary significance remains subject to the possibility of legal challenges based on conflicting or defective ownership claims. Consequently, the legality of a land ownership transfer cannot be determined solely by examining the existence of a certificate but requires consideration of the underlying transaction and its compliance with applicable legal provisions (Syazwani et al., 2025; Zaini et al., 2025).

Article 37(1) of Government Regulation Number 24 of 1997 generally requires transfers of land rights through sale and purchase, exchange, gifts, and other specified legal transactions to be evidenced by a deed executed before an authorized PPAT. This requirement serves several important purposes, including verifying the identities of contracting parties, establishing the legitimacy of the legal transaction, and ensuring that the ownership transfer is supported by reliable documentary evidence. The PPAT therefore functions as an important institutional safeguard against fraudulent transactions, unauthorized transfers, and inconsistencies between contractual agreements and registered ownership

records. However, the requirement for an authentic deed may create practical difficulties when contractual obligations have already been fulfilled but the parties cannot complete the formal documentation process. Mandasari et al. (2026) similarly emphasize that the distinction between the substantive validity of land transactions and their administrative registration represents a significant source of legal uncertainty within Indonesia's land ownership system.

The analysis further reveals that Article 37(2) of Government Regulation Number 24 of 1997 provides a limited exception to the general deed requirement by allowing the Head of the Land Office, under certain circumstances, to register a transfer of rights based on evidence other than a PPAT deed. Importantly, this provision is not an unrestricted authorization to disregard the administrative formalities governing land ownership transfers. Its statutory wording specifically concerns the registration of transfers of ownership rights between individual Indonesian citizens where the Head of the Land Office considers the available evidence sufficiently reliable. The provision therefore requires an assessment of the nature of the transaction, the parties involved, the evidentiary materials presented, and the applicable implementing regulations. Dewi & Kumala (2026) identify ambiguity in the interpretation of the expressions concerning exceptional circumstances and sufficient evidentiary truth, suggesting that clearer administrative standards are necessary to prevent inconsistent registration practices.

Article 55 of Government Regulation Number 24 of 1997 additionally establishes a legal framework for recording changes in registered land information arising from court decisions that have obtained final and binding legal force (*inkracht van gewijsde*). This provision should be read together with the relevant implementing rules governing the recording of judicial decisions and the registration of changes in land rights. The relationship between Articles 37 and 55 demonstrates that the Indonesian land registration system recognizes both contractual instruments and judicial determinations within its broader administrative framework. Nevertheless, the legal effect of a particular judgment depends on the rights determined by the court, the operative provisions of the decision, and whether the administrative conditions for registration have been satisfied. Accordingly, the principal finding is that a binding judgment may provide an alternative legal basis for registration in appropriate circumstances, but its existence does not automatically eliminate every statutory requirement ordinarily associated with a transfer of ownership.

Table 1 Legal Framework for Land Ownership Transfers Based on Court Decisions Without a PPAT Deed

Legal instrument	Relevant provision	Legal significance
Law No. 5 of 1960	Article 19	Legal certainty and land registration
Government Regulation No. 24 of 1997	Article 37(1)	General requirement for a PPAT deed
Government Regulation No. 24 of 1997	Article 37(2)	Limited exception allowing other evidence under specified conditions
Government Regulation No. 24 of 1997	Article 55	Recording changes based on final court decisions
Ministerial Regulation No. 3 of 1997	Article 125 and relevant implementing provisions	Administrative procedures for recording judicial decisions
Law No. 30 of 2014	Article 10	Principles of good governance
Civil Code	Articles 1320 and 1338	Validity and binding effect of contractual agreements
Civil Code	Article 1365	Potential liability for unlawful acts
ATR/BPN Ministerial Regulation No. 21 of 2020	Relevant provisions on land cases	Handling disputes, administrative defects, and implementation of judgments

Table 1 illustrates that the registration of land ownership transfers based on judicial decisions involves interconnected provisions of agrarian law, civil law, and administrative law. The table also demonstrates that legal certainty depends not only on the recognition of a transaction but on the consistency between judicial determinations and administrative procedures. The application of these provisions requires a distinction between the court's authority to determine civil rights and the Land Office's authority to examine and record those rights in the land registry. This distinction is particularly important when a judicial decision is presented in place of a PPAT-issued deed because the

administrative authority must establish whether the decision supplies a legally sufficient basis for the requested registration.

2. Judicial Recognition of Private Land Sale Transactions: Analysis of Madiun District Court Decision

The case examined in this study concerns Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy, which originated from a private land sale transaction involving Kadimun as the seller and Tita Lusiana as the buyer. According to the factual account presented in the original research manuscript, the transaction was conducted around April 20, 2020, through a privately executed agreement supported by a payment receipt. The object of the transaction was a parcel of agricultural land measuring 1,075 square meters, registered under Ownership Certificate Number 00144 in Sidomulyo Village, Sawahan Subdistrict, Madiun Regency. The agreed transaction value was IDR 250,000,000, indicating that the transaction involved a substantial financial commitment by the purchaser. However, the formal administrative transfer of ownership was not completed through the ordinary PPAT procedure, creating legal difficulties when the purchaser subsequently sought recognition of ownership.

The circumstances became increasingly complicated following the death of the seller on July 15, 2020, and the subsequent death of his wife, Sumirah, on May 31, 2023. As described in the manuscript, Kadimun's sibling, Pairun, became the relevant heir and defendant in the subsequent dispute. When the purchaser attempted to complete the ownership transfer in 2023, the absence of the original seller and the heir's unwillingness to cooperate prevented the execution of the required Sale and Purchase Deed. This situation illustrates a fundamental limitation of conventional registration procedures: where a legally significant transaction has taken place but one party is no longer available to execute the formal deed, the purchaser may encounter difficulties obtaining administrative recognition. Judicial proceedings therefore become an important mechanism through which the validity of the underlying transaction and the parties' respective legal positions may be determined.

Table 2 Factual Characteristics of the Land Ownership Dispute in Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy

Case element	Information
Court decision	No. 38/Pdt.G/2023/PN.Mjy
Court	Madiun District Court
Seller	Kadimun
Purchaser / plaintiff	Tita Lusiana
Defendant	Pairun
Transaction date	Approximately April 20, 2020
Transaction value	IDR 250,000,000
Land certificate	Ownership Certificate No. 00144
Land area	1,075 m²
Land designation	Agricultural / rice-field land
Location	Sidomulyo Village, Sawahan Subdistrict, Madiun Regency
Seller's death	July 15, 2020
Seller's wife's death	May 31, 2023
Primary administrative obstacle	Absence of an AJB and lack of heir cooperation

Table 2 demonstrates the legal and administrative circumstances underlying the dispute examined in this research. The case is particularly relevant because the purchaser possessed evidence of the transaction while being unable to satisfy the conventional requirement for the seller's participation in the execution of an authentic deed. The subsequent deaths within the seller's family further complicated the ability to complete the registration process through ordinary contractual procedures. These circumstances provide an appropriate basis for examining whether judicial recognition of a prior transaction can support an administrative transfer of ownership and under what legal conditions the Land Office may proceed with registration.

The normative significance of the Madiun case lies in the distinction between the validity of the original sale agreement and the subsequent administrative registration of ownership. Under Indonesian contract law, an agreement may establish enforceable rights and obligations when the requirements of

Article 1320 of the Civil Code are fulfilled, while Article 1338 recognizes the binding effect of legally concluded agreements. However, contractual validity does not necessarily mean that changes in registered land ownership have been completed. A judicial decision may resolve disputes concerning the validity of the contract, the fulfillment of contractual obligations, and the legal consequences arising from the transaction. Nevertheless, whether the judgment itself authorizes an administrative transfer without a PPAT deed must be assessed in light of its operative provisions and the applicable registration framework (Manalu et al., 2026; Pandamdari, 2023).

Related research supports the relevance of judicial intervention in resolving disputes arising from privately executed land transactions. Riyanti et al. (2024) examine the recognition of private land sale transactions by courts and identify the relationship between judicial decisions and administrative registration requirements. Their research suggests that certain ownership transfers may be registered on the basis of judicial determinations when the relevant statutory and administrative conditions are satisfied. Similarly, Hasim & Sudiro (2025) identify a tension between formal administrative requirements and judicial recognition of substantive ownership rights in privately executed transactions. These findings indicate that courts and land registration authorities operate within complementary but distinct legal functions, making institutional coordination essential to preventing unnecessary administrative obstacles.

3. Legal Implications of Court-Based Registration for Ownership Certainty

The legal certainty associated with ownership transfers based on court decisions can be understood through three interrelated dimensions: substantive certainty, procedural certainty, and administrative certainty. Substantive certainty concerns the legitimacy of the underlying transaction and the existence of a legally recognized entitlement to the land. Procedural certainty refers to whether the dispute has been resolved through lawful judicial proceedings and whether the resulting decision possesses the necessary legal force. Administrative certainty concerns whether the Land Office can lawfully record the change in ownership within the official land registration system. These dimensions must operate together because a legally valid contractual relationship may remain administratively incomplete, while registration based on insufficient evidence may expose the parties to future litigation.

The doctrine of *res judicata pro veritate habetur* supports the recognition of final judicial decisions as authoritative determinations within the legal system. However, the doctrine should not be interpreted as granting an unlimited right to demand any administrative action merely because a court decision exists. The operative provisions of a judgment must be assessed to determine the legal relationship established by the court and the administrative consequences required for implementation. Where a decision establishes ownership rights or provides an enforceable direction concerning the registration of land, the Land Office must consider its legal effect within the applicable registration framework. Conversely, where the judgment does not clearly determine the relevant rights or where conflicting legal restrictions remain in force, further legal examination may be necessary before registration can lawfully proceed.

Rongalaha & Palenewen (2025) demonstrate that implementing court-based ownership transfers can involve practical obstacles, including incomplete administrative documentation, financial obligations, and limited public understanding of registration procedures. Their findings reinforce the distinction between obtaining a favorable judgment and completing the administrative recognition of ownership rights. The legal system must therefore provide clear mechanisms for translating judicial determinations into reliable land registration records while maintaining safeguards against competing claims. This interpretation is also supported by Zikrullah et al. (2026), who examine difficulties in implementing ownership transfers when relevant land certificates are not surrendered following judicial execution. Accordingly, the effectiveness of court-based registration depends upon the combined operation of judicial authority, documentary verification, and lawful administrative implementation.

The present analysis indicates that court-based registration without a PPAT deed may be legally justified when the judgment and accompanying evidence satisfy the relevant substantive and procedural requirements. However, it would be inappropriate to treat every judicial decision as an automatic or unconditional replacement for an authentic deed. Article 37(2) establishes a limited evidentiary exception, while Article 55 addresses the recording of changes arising from final judicial decisions; their legal functions are related but not identical. The central requirement is that the Land Office must identify the precise statutory basis supporting the proposed administrative action and ensure that the judicial determination is compatible with the registered legal status of the land. This interpretation

promotes a balance between legal certainty, protection of good-faith purchasers, and the integrity of Indonesia's land registration system.

Legal Liability of the Land Office in Subsequent Disputes Arising from Court-Based Ownership Transfers

1. Administrative Authority and the Principle of Due Diligence

The second major finding concerns the legal responsibility of the Land Office when registering ownership transfers based on final and binding court decisions without a PPAT-issued deed. Although the administrative implementation of a valid judicial decision represents an important obligation of public authorities, compliance with judicial authority does not eliminate the requirement to observe applicable administrative procedures. The Land Office remains responsible for ensuring that the registration process conforms to the principles of legality, legal certainty, diligence, and good governance. These responsibilities include examining the authenticity and relevance of the court decision, confirming the identity of the land parcel, and verifying consistency between the judgment and the information contained in the official land registry. Accordingly, the Land Office performs an administrative verification function rather than merely recording information without examining its legal basis (Cynthia et al., 2025; Utami et al., 2025).

Article 10 of Law Number 30 of 2014 concerning Government Administration provides an important normative foundation for evaluating administrative decisions and actions through the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*, AUPB). In land registration matters, these principles require administrative authorities to exercise their powers within legally established limits and to avoid decisions based on incomplete or unreliable information. The principle of due diligence is especially relevant when the registration request arises from a judicial decision because the judgment must be related to the correct parcel of land and the appropriate parties. The Land Office should therefore verify whether the requested administrative action corresponds to the rights established by the court and whether unresolved legal restrictions could affect implementation. This examination does not authorize administrative officials to disregard a binding judicial determination; rather, it ensures that implementation occurs through a legally justified procedure.

The legal analysis identifies several verification requirements that are particularly relevant to transfers without an AJB. These include examining the official copy of the court judgment, identifying its final and binding status, reviewing the existing ownership certificate, verifying the physical and juridical characteristics of the land, and determining whether the land is subject to registered encumbrances or relevant restrictions. Where an original certificate is unavailable or cannot be surrendered, the appropriate administrative response must be determined through the specific procedures applicable to the circumstances rather than through an automatic assumption that a replacement certificate may be issued. Similarly, any discrepancy between the land described in the judgment and the registered parcel should be resolved before a change is entered into the land register. Such requirements are consistent with the broader preventive function of land administration in reducing ownership disputes and protecting parties whose rights may be affected (Fajrin & Kuswanto, 2026; Malik et al., 2026; Tarigan & Ramadhana, 2026; Zikrullah et al., 2026).

The results therefore suggest that administrative responsibility should be assessed by reference to the legality and diligence of the registration process rather than solely by the subsequent existence of a dispute. The emergence of a third-party claim does not, by itself, establish that the Land Office committed an unlawful act. Conversely, the existence of a final court decision does not automatically excuse officials who disregard mandatory administrative requirements or act beyond their statutory authority. The decisive considerations include whether the administrative authority possessed a lawful basis for its action, whether relevant procedural obligations were fulfilled, and whether any established violation contributed to the alleged loss or infringement. This distinction provides the foundation for evaluating civil and administrative liability separately.

2. Civil Liability and Third-Party Objections

Court-based ownership transfers may generate subsequent disputes when third parties allege that the registration has infringed their property interests or that the underlying judicial proceedings did not adequately determine their rights. Such disputes may arise through third-party objections (*derden verzet*), ordinary civil proceedings, or challenges concerning the validity of administrative decisions. The possibility of these legal actions reflects the fact that a land ownership certificate, although a significant evidentiary document, does not necessarily eliminate competing legal claims. In these

circumstances, the involvement of the Land Office may result from its role in processing the registration or issuing the administrative instrument that records the ownership change. However, the legal consequences of such involvement depend on the particular allegations, the applicable jurisdiction, and the existence of legally recognized grounds for liability.

Article 1365 of the Indonesian Civil Code provides the general legal framework for civil liability arising from unlawful acts (*perbuatan melawan hukum*). In evaluating a claim under this provision, the relevant legal analysis generally concerns the existence of an unlawful act, fault attributable to the defendant, damage, and a causal relationship between the conduct and the alleged loss. Applied to land administration, these considerations require a distinction between losses arising from the original sale and purchase transaction and losses caused by an independently unlawful administrative action. If the dispute originates from the seller's contractual default or from competing claims between private parties, the resulting loss cannot automatically be attributed to the Land Office merely because it subsequently processed a registration. Nevertheless, where administrative officials act unlawfully or negligently and the applicable legal requirements for liability are satisfied, potential accountability cannot be excluded simply because the registration involved a judicial decision.

The original manuscript refers to the doctrine of *ambtelijk bevel*, or compliance with an official order, as a basis for protecting Land Office officials from legal claims. This argument requires careful doctrinal qualification because the traditional statutory provision concerning an authorized official order is associated with criminal responsibility rather than establishing an automatic exemption from civil liability. The principle is relevant to assessing whether an official acted pursuant to lawful authority, but it does not independently determine every question of compensation arising from administrative conduct. Consequently, a more defensible interpretation is that lawful implementation of a binding court judgment may support the legality of the Land Office's conduct, provided that the relevant administrative obligations have also been fulfilled. The precise allocation of responsibility remains dependent on the applicable substantive and procedural law and the facts established in the subsequent proceedings.

Recent scholarship demonstrates the importance of distinguishing institutional and individual accountability in land ownership disputes. Pakaya et al. (2024) examine the consequences of disputed ownership certificates and identify circumstances in which administrative sanctions and other forms of responsibility may arise in connection with irregular registration practices. Their findings indicate that land administration authorities and deed-making officials do not possess unconditional immunity from legal consequences associated with defective administrative actions. Similarly, Nuraini & Yunanto (2023) discuss the formal responsibilities of Land Offices when ownership transfers become subject to third-party litigation, emphasizing the significance of administrative compliance. These studies support the present interpretation that the Land Office's liability must be determined through the specific legal basis of the challenged conduct rather than through a general presumption of either automatic responsibility or complete immunity.

3. Administrative Liability and Cancellation of Land Ownership Certificates

Administrative liability constitutes a particularly important aspect of court-based land ownership transfers because the Land Office is responsible for maintaining the legal accuracy and integrity of registered land information. Where an ownership transfer is subsequently found to contain administrative or juridical defects, the relevant authority may be required to correct, amend, or cancel an administrative instrument in accordance with the applicable legal procedures. Ministerial Regulation of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21 of 2020 concerning the Handling and Resolution of Land Cases provides a regulatory framework for addressing certain land disputes, administrative defects, and the implementation of court decisions. Within this framework, the relevant question is whether the registration was legally defective or whether a binding judicial determination requires an administrative adjustment. The possibility of administrative correction therefore represents a mechanism for protecting the consistency of land records rather than an automatic finding that every official involved in the original registration committed a personal unlawful act.

Administrative defects may arise from errors in identifying the rightful owner, inconsistencies in parcel data, the application of inappropriate legal provisions, or failure to observe mandatory procedures during the registration process. Additional difficulties may arise when an ownership transfer is registered despite relevant restrictions, unresolved conflicting rights, or an insufficiently established

legal basis. In such circumstances, the subsequent legal response must account for the type of defect, the competent authority, the rights of affected parties, and the procedural safeguards required for cancellation. The legal consequences may include the amendment of registration records, cancellation of an invalid administrative decision, or implementation of a court judgment requiring changes to the registered ownership status. However, administrative cancellation and civil compensation should remain analytically distinct because the restoration of registration records does not necessarily resolve every private claim arising from the disputed transaction.

The principle of *contrarius actus* provides a relevant conceptual basis for understanding the authority of administrative bodies to revoke or amend certain decisions they have issued, subject to the applicable statutory limitations. Nevertheless, the exercise of corrective authority cannot be reduced to an unrestricted power to cancel certificates whenever an ownership dispute emerges. Administrative intervention must correspond to an established defect or another lawful ground for correction, and it must respect the procedures governing the affected legal instrument. Where a final judicial decision determines that a particular registration is invalid, the competent authority must consider the specific legal consequences of that decision and implement the appropriate administrative measures. This approach reflects the objective of restoring the legal consistency of land registration records without assuming that the Land Office necessarily bears responsibility for every financial consequence of the underlying dispute.

Research by Muawanah & Suryono (2026) identifies administrative correction and review of certificate issuance as important forms of institutional accountability when ownership certificates are affected by legal irregularities. Similarly, Syahputra et al. (2026) discuss legal issues associated with changing registered ownership on the basis of judicial decisions, while Utami et al. (2025) examine the implementation of judge-based land ownership transfers within the Land Office. These studies reinforce the importance of maintaining procedural accuracy during both the original transfer and any subsequent corrective action. The present research extends this discussion by distinguishing the obligation to correct defective registration records from the separate legal determination of whether administrative officials committed an unlawful act. Such a distinction is essential for ensuring that administrative accountability remains proportionate to the nature and consequences of the established legal violation.

Table 3 Forms of Potential Legal Responsibility in Court-Based Land Ownership Transfers

Dimension	Legal considerations	Potential consequences
Administrative responsibility	Compliance with registration procedures and AUPB	Correction, amendment, or lawful cancellation of records
Civil liability	Unlawful conduct, fault, damage, and causation	Possible compensation where legal requirements are established
Individual official accountability	Conduct exceeding authority or violating official duties	Applicable disciplinary or other legal consequences
Implementation of judicial decisions	Legal effect and operative provisions of a binding judgment	Recording or adjusting registered rights as lawfully required
Third-party protection	Competing ownership claims and procedural rights	Judicial objections or other appropriate legal remedies
Institutional responsibility	Accuracy and consistency of land registry information	Verification, correction, and lawful administrative follow-up

Table 3 summarizes the principal forms of responsibility that may arise when the Land Office processes ownership transfers based on court decisions without an AJB. It demonstrates that administrative responsibility concerns the legality and accuracy of official registration actions, while civil liability requires a separate assessment of the conditions governing unlawful acts. The distinction is important because subsequent litigation does not necessarily establish personal fault on the part of public officials, just as compliance with a judicial decision does not necessarily eliminate responsibility for independent procedural violations. Accordingly, legal accountability must be determined through a case-specific examination of authority, conduct, legal obligations, and the consequences of any established irregularities.

4. The Relationship Between Judicial Authority, Administrative Accountability, and Legal Protection

The relationship between judicial authority and administrative responsibility represents a central issue in determining the legality of land ownership transfers without a PPAT-issued deed. Courts are

responsible for adjudicating disputes and determining the legal rights and obligations of the parties, whereas the Land Office exercises statutory authority in maintaining and updating land registration records. Although these institutional responsibilities are distinct, they must operate consistently to prevent contradictions between judicial decisions and administrative registration practices. A favorable court judgment that cannot be implemented through an appropriate administrative procedure may leave the successful litigant without effective recognition of the rights established by the court. Conversely, administrative action taken without adequate legal examination may undermine the rights of third parties and create additional disputes.

The research identifies a need to balance three objectives: the protection of lawful purchasers, the preservation of accurate land registration records, and the accountability of administrative officials. Protection of purchasers requires effective legal mechanisms for recognizing valid transactions when conventional deed execution becomes impossible because of death, disappearance, or noncooperation. The integrity of land registration requires that changes in recorded ownership be supported by legally sufficient evidence and implemented through appropriate procedures. Administrative accountability requires officials to exercise their authority carefully and to take corrective measures when their administrative actions are legally defective. These objectives are complementary rather than mutually exclusive, and their integration is necessary for developing a coherent system of judicially supported land ownership transfers.

The findings of Hasim & Sudiro (2025) are particularly relevant because they demonstrate the possibility of conflicting interpretations between land registration authorities and courts concerning privately executed land transactions. Their study indicates that administrative institutions may emphasize documentary formalities while judicial bodies focus on the substantive circumstances surrounding a disputed transaction. This divergence can undermine legal certainty if the successful party cannot translate a judicial determination into appropriate administrative recognition. Dewi and Kumala (2026) further identify the need for clearer normative criteria governing the exceptions contained in Article 37(2) of Government Regulation Number 24 of 1997. Together, these studies support the argument that regulatory clarity and institutional coordination are essential for reconciling formal registration requirements with the substantive protection of property rights.

The present study contributes to this discussion by proposing that responsibility for court-based registration should be assessed through an integrated legal framework. First, the underlying judicial decision must establish a legally relevant basis for the proposed ownership change. Second, the Land Office must determine whether the applicable land registration provisions permit implementation without the ordinary PPAT deed. Third, the administrative process must comply with the principles of legality, due diligence, and good governance, including the verification of relevant physical and juridical data. Fourth, where subsequent disputes establish administrative defects, corrective action must be undertaken through the appropriate legal procedures, while any claim for damages requires an independent assessment of the applicable elements of liability.

5. Legal Implications and Normative Contributions of the Study

The broader implication of the research is that legal certainty in land ownership transfers cannot be achieved solely through either contractual recognition or strict compliance with documentary formalities. Instead, legal certainty requires a coherent relationship between the substantive rights established by legal transactions, the authority of courts to resolve disputes, and the statutory responsibilities of land registration institutions. The Madiun case illustrates how purchasers may face significant difficulties when a validly claimed transaction cannot be completed administratively because one of the contracting parties has died and the relevant heirs are unwilling to cooperate. In such circumstances, judicial intervention may provide an important legal mechanism for resolving disputes and clarifying the parties' respective rights. However, effective legal protection ultimately depends on whether the resulting judicial determination can be implemented through procedures recognized by the land registration system.

From an administrative perspective, the findings suggest the importance of developing clearer procedures for examining registration applications supported by final and binding judicial decisions. Such procedures should specify the documentary requirements, the verification of judgment authenticity, the assessment of the operative provisions, and the examination of existing registration records. Clear procedures would assist administrative officials in distinguishing between judgments that establish a sufficient basis for registration and judgments that require further legal clarification. They

would also provide greater predictability for purchasers seeking to register ownership where the conventional PPAT procedure cannot be completed. This recommendation is consistent with the concerns identified by Fathoni & Fernandez (2023) regarding administrative obstacles and the need for greater procedural clarity in implementing court-based land ownership transfers.

From the perspective of institutional liability, the research highlights the importance of distinguishing the obligation to implement judicial decisions from the responsibility to prevent unlawful administrative conduct. Land Office officials should not be presumed personally liable merely because a third party subsequently challenges a registration that was lawfully completed. At the same time, the execution of a judicial decision cannot automatically justify actions that exceed statutory authority or disregard mandatory verification procedures. The determination of liability must therefore consider the specific legal obligations involved, the conduct of the officials, and the consequences established through the relevant legal proceedings. This approach provides a more proportionate understanding of institutional accountability by recognizing both the need to protect lawful administrative action and the importance of providing remedies for administrative violations.

The principal normative contribution of this study is its integrated interpretation of land registration legality and the potential liability of the Land Office in the context of court-based transfers without a PPAT deed. Previous research has examined the validity of informal land transactions, the implementation of judicial decisions, and the legal consequences of defective certificates as related but frequently separate issues. The present analysis brings these dimensions together by examining how judicial recognition, registration requirements, administrative verification, and subsequent legal accountability interact within the same legal process. It establishes that a final and binding judgment may provide a lawful basis for administrative registration when the relevant legal conditions are satisfied, while the Land Office remains subject to applicable requirements of good governance and administrative legality. Accordingly, effective land ownership protection requires both judicial recognition of legally established rights and accountable administrative implementation that safeguards the interests of all affected parties.

CONCLUSION

This study concludes that the transfer of land ownership certificates based on final and binding court decisions (*inkracht van gewijsde*) without a Sale and Purchase Deed (*Akta Jual Beli*, AJB) issued by a Land Deed Official (*Pejabat Pembuat Akta Tanah*, PPAT) may be legally justified under Indonesia's land registration framework, provided that the applicable substantive and administrative requirements are satisfied. Although Article 37(1) of Government Regulation Number 24 of 1997 generally requires a PPAT-issued deed for registering land ownership transfers, Article 37(2), in conjunction with Article 55 and relevant implementing regulations, provides a legal framework for recognizing alternative evidence and recording changes arising from judicial decisions. The analysis of Madiun District Court Decision Number 38/Pdt.G/2023/PN.Mjy demonstrates the importance of judicial intervention in resolving ownership disputes when conventional registration procedures cannot be completed because of the seller's death or the heirs' unwillingness to cooperate. Nevertheless, a final court decision does not automatically replace every administrative requirement, as its legal effect depends on the operative provisions of the judgment and compliance with applicable registration procedures. Therefore, legal certainty requires a balanced application of judicial authority, substantive property rights, and administrative legality to protect good-faith purchasers while maintaining the integrity of land registration records.

Furthermore, the study establishes that the legal liability of the Land Office in subsequent disputes arising from court-based ownership transfers must be determined according to the legality of its administrative actions, compliance with statutory procedures, and observance of the principles of due diligence and good governance. The existence of third-party objections (*derden verzet*) or civil lawsuits alleging unlawful acts does not automatically establish the Land Office's liability when registration has been conducted lawfully and in accordance with a valid judicial decision. However, administrative officials may remain accountable where procedural negligence, abuse of authority, or other unlawful conduct is established, while civil compensation requires an independent assessment of the applicable legal elements. When a registration is subsequently invalidated through a legally binding decision or found to contain administrative defects, the competent land authority must undertake appropriate corrective measures, including the amendment or cancellation of registration records in

accordance with applicable regulations. Accordingly, this study emphasizes the need for clearer administrative guidelines, consistent judicial–administrative coordination, and stronger verification mechanisms to ensure that court-based land ownership transfers promote legal certainty, institutional accountability, and effective protection of property rights.

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