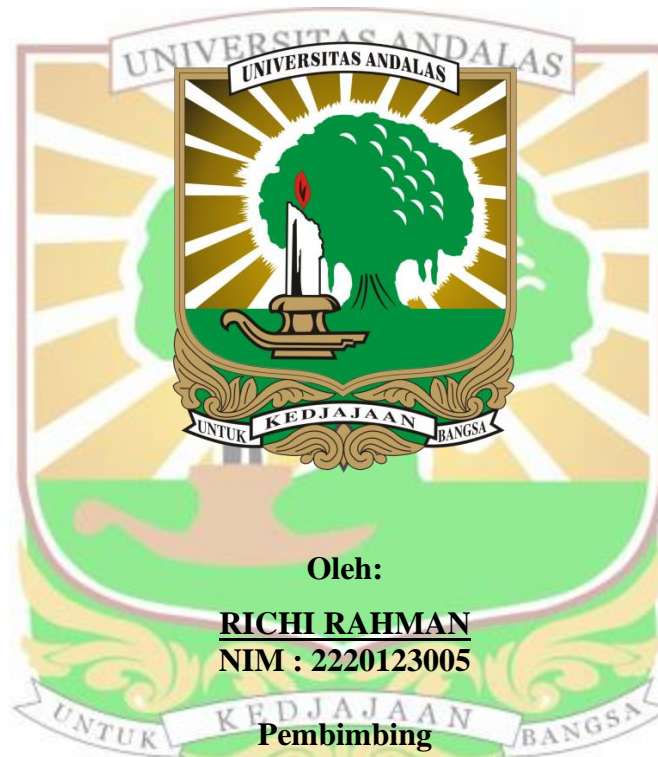


**JUAL BELI TANAH PUSAKO TINGGI KAUM YANG SUDAH TERDAFTAR
BERDASARKAN PERJANJIAN PENGIKATAN
JUAL BELI MELALUI NOTARIS DI KOTA PADANG**

TESIS

*Diajukan Untuk Memenuhi Persyaratan Guna
Memperoleh Gelar Magister Kenotariatan*



Oleh:

RICHI RAHMAN
NIM : 2220123005

Pembimbing

PROF. DR. KURNIA WARMAN, SH., M.HUM
DR. ANTON ROSARI, SH, MH

**PROGRAM MAGISTER KENOTARIATAN
FAKULTAS HUKUM
UNIVERSITAS ANDALAS
PADANG
2024**

**JUAL BELI TANAH PUSAKO TINGGI KAUM YANG SUDAH TERDAFTAR
BERDASARKAN PERJANJIAN PENGIKATAN
JUAL BELI MELALUI NOTARIS DI KOTA PADANG**

Richi Rahman, 2220123005, Magister Kenotariatan,
Fakultas Hukum Universitas Andalas Padang, 2024.

ABSTRAK

Tanah Pusako (pusako tinggi) tidak dapat diperjual belikan dan hanya dapat wariskan sesuai dengan sistem kekerabatan matrilineal dalam adat Minangkabau, akan tetapi, faktannya tanah pusako (pusako tinggi) sudah diperjual belikan, sehingga dalam penelitian ini penulis melakukan penelitian mengenai proses pendaftaran tanah pusako tinggi kaum (tanah milik kaum) di Kota Padang, proses jual beli tanah pusako tinggi kaum berdasarkan Perjanjian Pengikatan Jual Beli (PPJB) melalui notaris di Kota Padang dan proses balik nama Sertipikat Hak Milik (SHM) tanah milik kaum kepada pembeli berdasarkan Perjanjian Pengikatan Jual Beli (PPJB) di Kota Padang. Dan dalam penelitian ini menggunakan metode pendekatan yuridis sosiologis artinya penelitian dilakukan terhadap keadaan nyata penerapan hukum terhadap masyarakat dengan maksud dan tujuan untuk menemukan fakta dilapangan dan akan dipergunakan untuk menyelesaikan permasalahan. penerbitan sertifikat Hak Milik atas tanah kaum tersebut tidak memiliki perbedaan prosedur permohonan Penerbitan sertifikat Hak Milik individu/Pribadi, akan tetapi dalam sertifikat hak milik tersebut selalu dilampirkan Ranji kaum dan nama dalam sertifikat Hak Milik Tanah Kaum tersebut merupakan perwakilan dari kaum berdasarkan kesepakatan bersama dari kaum tersebut, dan Jual beli tanah pusako tinggi pada dasarnya tidak dapat diperjual belikan, sebagaimana Pepatah Minangkabau yang menyatakan “ayia nyo buliah diminum, buahnyo buliah dimakan, dijual indak dimakan bali, digadai indak dimakan sando” dan Peralihan Hak atas tanah yang didasarkan dengan Perjanjian Pengikatan Jual Beli tidak dapat dilakukan, hal ini disebabkan Perjanjian Pengikatan Jual Beli merupakan proses awal terjadinya Jual beli dan belum terjadinya peralihan hak secara penuh.

Kata Kunci : Tanah Pusako, Jual Beli, Pengikatan Jual Beli.

SALE AND PURCHASE OF HIGH HERITAGE LAND OF RELATIVES WHICH HAS BEEN REGISTERED BASED ON A BINDING SALE AND PURCHASE AGREEMENT VIA NOTARY IN PADANG CITY

**Richi Rahman, 2220123005, Master of Notary,
Faculty of Law, Andalas University, Padang, 2024.**

ABSTRACT

The high heritage land (high pusako) cannot be bought and sold and can only be in herit accordance with the matrilineal kinship system in Minangkabau custom, however, where in fact pusako land (high pusako) has been bought and sold, so in this study the author conducted research on the process of registration of high heritage land (land belonging to the people) in the City of Padang, the process of buying and selling Pusako high-people land based on the Sale and Purchase Agreement (PPJB) through a notary in the City of Padang and the process of transferring the name of the Certificate of Ownership Rights (SHM) of the land owned by the people to the buyer based on Sale and Purchase Binding Agreement (PPJB) in Padang City. And in this research, a sociological juridical approach is used, meaning that research is carried out on the real situation of the application of law to society with the aim and objectives to find the fact in the field and will be used to resolve problems. The issuance of a certificate of ownership of the land of these people does not have a different application procedure. Issuance of an individual/private certificate of property rights, however, the property rights certificate always has the Ranji of the people attached and the name on the land ownership certificate of the group is a representative of the group based on a mutual agreement between the people. and the sale and purchase of high heritage land basically cannot be bought and sold, as per the Minangkabau Proverb which states "ayia nyo buliah diminum, buahnyo buliah dimakan, dijual indak dimakan bali, digadai indak dimakan sando. " and the transfer of land rights is based on a binding agreement. The sale and purchase cannot be carried out, this is because the Sale and Purchase Agreement is the initial process of the sale and purchase and the full transfer of rights has not yet occurred.

Keywords: Pusako Tinggi, Sale and Purchase, Sale and Purchase Agreement.

