

SKRIPSI

JUAL BELI TANAH WARISAN YANG BELUM TURUN WARIS

DI KOTA PADANG DITINJAU BERDASARKAN PERATURAN PEMERINTAH

NOMOR 24 TAHUN 1997 TENTANG PENDAFTARAN TANAH

Diajukan untuk Memenuhi Persyaratan dalam Rangka Memperoleh

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JUAL BELI TANAH WARISAN YANG BELUM TURUN WARIS DI KOTA PADANG DITINJAU BERDASARKAN PERATURAN PEMERINTAH NOMOR 24 TAHUN 1997 TENTANG PENDAFTARAN TANAH

(Fajar Mutiara Okzila, 2210113250, Fak. Hukum Universitas Andalas, 89 Hlm, 2026)

ABSTRAK

Jual beli tanah warisan bersertipikat sebelum selesainya pendaftaran peralihan hak karena pewarisan masih terjadi di Kota Padang meskipun secara normatif peralihan hak karena pewarisan seharusnya diselesaikan terlebih dahulu sebelum dilakukan peralihan hak melalui jual beli. Dalam praktiknya, masyarakat tetap melakukan transaksi melalui (PPJB) maupun perjanjian di bawah tangan sehingga berpotensi menimbulkan ketidakpastian hukum. Permasalahan dalam penelitian ini yaitu: (1) Bagaimana jual beli tanah warisan yang belum turun waris di Kota Padang ditinjau berdasarkan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah? (2) Apa faktor-faktor yang menyebabkan jual beli tanah warisan yang belum turun waris masih terjadi di Kota Padang? Penelitian ini menggunakan metode yuridis empiris dengan sifat penelitian deskriptif analitis melalui studi kepustakaan dan wawancara. Hasil penelitian menunjukkan bahwa praktik jual beli tanah warisan bersertipikat sebelum selesainya pendaftaran peralihan hak karena pewarisan belum sepenuhnya sesuai dengan ketentuan Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah. Praktik tersebut masih terjadi karena proses administrasi yang memerlukan waktu, kurangnya pemahaman hukum masyarakat, faktor ekonomi, hubungan kekeluargaan, serta kebiasaan masyarakat. Akibat hukumnya, pembeli belum memperoleh kepastian hukum karena sertipikat masih terdaftar atas nama pewaris sehingga berpotensi menimbulkan sengketa dan menghambat pendaftaran peralihan hak melalui jual beli.

Kata Kunci : Jual Beli Tanah Warisan, Pendaftaran Peralihan Hak Karena Pewarisan, Tanah Bersertipikat.

Skripsi ini telah dipertahankan di depan Tim Penguji dan dinyatakan lulus pada 8 Juli 2026.
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SALE AND PURCHASE OF INHERITED LAND FOR WHICH THE TRANSFER OF RIGHTS DUE TO INHERITANCE HAS NOT YET BEEN REGISTERED IN PADANG CITY: A REVIEW BASED ON GOVERNMENT REGULATION NUMBER 24 OF 1997 CONCERNING LAND REGISTRATION

(Fajar Mutiara Okzila, 2210113250, Faculty of Law, Andalas University, 89 Pages, 2026)

ABSTRACT

The sale and purchase of inherited registered land before the completion of the registration of the transfer of rights due to inheritance continues to occur in Padang City, even though, normatively, the transfer of rights due to inheritance should first be completed before any transfer of rights through sale and purchase is carried out. In practice, people continue to conduct transactions through a Sale and Purchase Binding Agreement (Perjanjian Pengikatan Jual Beli/PPJB) or private agreements, which may result in legal uncertainty. The issues examined in this research are: (1) How is the sale and purchase of inherited land for which the transfer of rights due to inheritance has not yet been registered in Padang City reviewed under Government Regulation Number 24 of 1997 concerning Land Registration? (2) What factors cause the sale and purchase of inherited land before the completion of the registration of the transfer of rights due to inheritance to continue in Padang City? This research employs an empirical juridical method with a descriptive-analytical approach. Data were collected through library research and interviews. The results indicate that the practice of selling and purchasing inherited registered land before the completion of the registration of the transfer of rights due to inheritance has not fully complied with the provisions of Government Regulation Number 24 of 1997 concerning Land Registration. This practice continues due to the lengthy administrative process, the public's lack of legal understanding, economic factors, family relationships, and customary community practices. As a legal consequence, buyers have not yet obtained legal certainty because the land certificate remains registered in the name of the deceased, thereby creating the potential for legal disputes and hindering the registration of the transfer of rights through sale and purchase.

Keywords: Sale and Purchase of Inherited Land, Registration of Transfer of Rights Due to Inheritance, Registered Land.

This minor thesis has defended in front of the examiner team and approved at July 8th, 2026.

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