

Protection for Heirs Who Don't Give Agreement To Transfer of Land Rights

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Abstract

Study This use method study normative juridical is carried out with method examine and analyze something regulation legislation and approach conceptual. The purpose of study This is for know How protection law for expert heirs who are not give agreement to transition right on land. For do transition right on land, the party who wants it do it must own agreement from expert other heirs. If there are lack agreement, transition right on land No allowed. Transition right on land without agreement expert the other heirs are activities that are not permitted in Indonesia. Regulation Indonesian law stipulates that transition right on land No allowed without agreement from expert other heirs. Result of study This is transition right on land inheritance without agreement expert inheritance is deed oppose legal and can cause loss for experts heirs who are not give agreement to transition right on land inheritance. This matter caused Because transition right on land legacy carried out without agreement all over expert inheritance No in accordance with regulation legal and can result conflict and dispute among experts heir.

Keywords

expert inheritance,
rights on land,
protection law

1 Introduction

The legacy that arises because exists death often become disputes in the family, which then treasure inheritance will move right to expert his heir. In practice matter This Lots give rise to disputes can be harm connection kinship. Transition right on land is something deed purposeful law move right from something party to party other. When someone has divert his rights (rights on land), to others "in a manner legitimate" then the person Already have no rights Again on transferred land, since did it transition right (Feby Adelia Parhusip, Wida Bonor Gultom, Muhammad Yoga Pratama, & Sri Hadiningrum, 2023). By juridical transition right owned by on land Because inheritance connected with Law No. 5

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of 1960 concerning "Basic Basic Regulations Agrarian Juncto PP No. 24 of 1997 concerning " Land Registration ". In doing transition right on land which land the is land inheritance That must proven with letter death heir issued by the head village / sub-district Because if there is something certificate If do transition right on its ownership own something protection in a way law.

In doing transition right on land Because sell buy, grant nor inheritance, before carry out the transition process That must check existence land and origin suggested land so that you can give something certainty law as well as can give something protection law good giver right on land or those who receive it. As for the conditions transition right on land inheritance is registration transition rights resulting from inheritance, applicant only Enough deliver proof as expert the original legal heir stated in the inheritance fatw . In registration transition right the applicant deliver proof as expert legal heir, p the aiming to be an expert legal heir can replace position law of the person who died about treasure his wealth(Rizqi, Rafi'ie, & Winarsih, 2022).

With exists something proof to ownership land form certificate right owned by on land so transition right can done with complete requirements - requirements that have been determined with attach certificate and with exists deed made by PPAT and conditions other . But in do transition right on land which land the is land inheritance That must proven with letter death heir issued by the head village / sub-district Because if there is something certificate If do transition right on its ownership own something protection in a way law. In many system law, including system law in Indonesia, transition right on land and property other after death somebody governed by established principles set. However, often arise a situation in which transition right the become complex and controversial, esp when part expert inheritance No give agreement to transition right land to expert other heirs(Ramadhan & Franciska, 2021).

In practice, often found something violation to transition right on real land has protected by provisions in regulation law positive Indonesia so harm party certain one of them expert rightful heir. Article 834 Civil Code give right to expert inheritance For submit lawsuit For obtain his legacy to everyone who holds irony on all over or part treasure inheritance That with rights or without any rights(Assagaff & Magister, 2021). He can submit lawsuit That For all over inheritance when He is the only one expert heir, or only for part when There is expert another heir.

⁸ Based on Article 832 in conjunction with Article 833 of the Civil Code, it is the person who has the ownership rights to the land are experts inheritance article 832 paragraph (1). According to Entitled law become an heir is family consanguineous, both legitimate according to Constitution or outside marriage, and husband or living wife longest, According to Regulation following This. Article 833 of the Civil Code for experts inheritance with itself because of the Law of Obtaining Ownership Rights all goods(Nuha, 2021).

A expert inheritance must request agreement from expert inheritance other if want to Do Transfer of Rights to right his legacy, cause expert There are also other heirs right on

Treasure inheritance the(Wowor, 2019). If someone is entitled on land inheritance awaken conjecture that he is owner the only one from land that, then Transition the No can considered held based on requirements - requirements in a way quietly.

For do transition right on land, the party who wants it do it must own agreement from expert other heirs. If there are lack agreement, transition right on land No allowed. Transition right on land without agreement expert the other heirs are activities that are not permitted in Indonesia. Regulation Indonesian law stipulates that transition right on land No allowed without agreement from expert other heirs. Paragraph 1 Regulations Government Number 1 of 1997 concerning Regulation Legislation about Protection of Land Rights and Protection of Building Rights states "Protection right on land and rights on building can carried out by the owner right on land and rights on building, or by experts heirs, or by authorized parties do it ."

2 Materials and Methods

In research This writer use method study normative juridical is carried out with method examine and analyze something regulation law with issue law in its consistency to the principles that have been There is with approach conceptual and approach regulations legislation(Marzuki, 2022).

3 Results and Discussions

Protection for Heirs Who Don't Give Agreement to Transfer of Land Rights⁶

Protection law is something universal concept of the rule of law. In the 1945 Constitution, Article 28 D Paragraph (1) states that "Everyone has the right on recognition , guarantee , protection and certainty fair law as well as the same treatment in front law ". Provision This also applies inside field land(Patma, Suwarti, & Rumkel, 2021).

Basically, everything right on land can switch and redirect. Transition right on land is something right moving right on land from person to legal entity. In transition law usually happen Because exists deed laws and events law. Switch means he moved right on land Because law and with itself, no There is deed deliberate law for divert right That to party others, for example Because inheritance. Death owner land, with itself according to law land the will move to expert his heir(Wowor, 2019). By general happen transition right on land That can caused by various deed law including buying and selling, exchanging exchange, grant, income in Company, Division Common rights, Grant right to use building / rights use on land right possession, gift right dependents, gift power loading right dependents.

Legal basis inheritance is as formulated in² article 830 of the Civil Code, namely " Inheritance only taking place Because death", the meaning that can be understood from sentence short the is that If somebody died, then all over rights and obligations switch or move to expert his heir .

Ownership property, incl land, is important rights in system law. Important For guard

balance between right owner land and rights expert the heir who owns it interest legitimate in treasure inheritance. Protection law for expert heirs who are not give agreement to transition right on land ensure that influencing decisions treasure inheritance made with notice interest they(Oemar Moechthar, 2019).

If there is expert heirs who are not give agreement to transition right on land can get protection law. Based on Article 1365 of the Civil Code, experts inheritance can maintain right his heir and asked replacement losses incurred consequence deed oppose law but in practice Still can received by the Land Office as document application registration land. This matter caused Because right heirs who have not yet shared by experts his heir Still applies, and experts inheritance can do transition right on land through sell buy what you need condition formal for seller right on land and also related with procedure transition right on land the (Angraini & Silviana, 2023).

A expert inheritance must request agreement from expert inheritance other if want to Do Transfer of Rights to right his legacy, cause expert There are also other heirs right on Treasure inheritance the(Jati, 2022). If someone is entitled on land inheritance awaken conjecture that he is owner the only one from land that, then Transition the No can considered held based on requirements - requirements in a way quietly. However If There is expert inheritance others are also entitled on Treasure inheritance the No involved, meaning not There his consent, then will happen dispute regarding the transition process that occurs(Maria Avelina Abon, Komang Febrinayanti Dantes, & Ni Ketut Sari Adnyani, 2022).

Transition right on land inheritance must approved by all Heirs, and if one No can present, consent can made in form letter agreement below hand legalized by a notary local or in form deed Notary Public. About deed transfer right on land, Regulations Government No. 24 of 1997 regulates grace time For do registration transition right. If there are sell buy land within the grace period time that(Ekawati, Wardhani, Prastiwi, Prayitno, & Purwanto, 2021). This can give rise to problem law. In legacy, presence all over expert inheritance in deed separation and division are very important. Didn't participate sign hand or no represented with legitimate can make deed null and void or at least right heir can cancelled. Power of representation expert heirs who are not present must supported with deed authentic or deed under legalized hand. In context sell buy land inheritance, every expert inheritance must agree transaction. If expert inheritance No can present, letter agreement under legalized hand Notary Public required. Condition This underline importance agreement all expert heir(Israfil & Salat, 2020).

If expert inheritance No can present letter agreement under legalized hand Notary Public required. Condition This underline importance agreement all expert heir. Article 47 paragraph (1) of the Law Number 30 of 2014 stipulates that grace time registration transition right (back name) is 6 months since death heir, can be extended. In context need will land and fulfillment need owner land, yes happen transaction sell buy within the grace period time the(Amelia & Wahyudi, 2022).

Consequence law transition right on land inheritance without agreement expert inheritance is deed oppose legal and can cause loss for experts heirs who are not give

agreement to transition right on land inheritance (Abdul, 2021). This matter caused Because transition right on land legacy carried out without agreement all over expert inheritance No in accordance with regulation legal and can result conflict and dispute among experts heir. The experts heirs who are not give agreement to transition right on land inheritance can maintain right his heir and asked replacement losses incurred consequence deed oppose law. This matter caused Because right owned by on land inheritance can switch and can redirected, which can be happen Because deed laws and events law. The experts heirs who are not give agreement to transition right on land inheritance can do lawsuit civil If feel his rights violated. However, in in practice, transition right on land legacy carried out without agreement all over expert inheritance Still can received by the Land Office as document application registration land.

4 Conclusion

Transition right on land inheritance without agreement expert inheritance is deed oppose legal and can cause loss for experts heirs who are not give agreement to transition right on land inheritance. This matter caused Because transition right on land legacy carried out without agreement all over expert inheritance No in accordance with regulation legal and can result conflict and dispute among experts heir. Protection law for expert heirs who are not give agreement to transition the ideally use form protection preventive. This matter caused Because transition right on land legacy carried out without agreement all over expert inheritance can cause conflict and dispute among experts heir.

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