

## Transfer Period Of Land Rights Ownership By Foreign Citizens Due To Inheritance Analyzed From The Indonesian Civil Code And Basic Agrarian Law

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### ABSTRACT

*Land is an essential natural resource that is very important for the life and livelihood of all living things. Recognizing the importance of the primary need for the land, it is not uncommon for disputes or disputes to arise because of this. The Basic Agrarian Law stipulates that the highest and strongest ownership of land rights, namely property rights, can only be owned by Indonesian citizens. If there are foreign nationals who have ownership rights to land in Indonesia by accident due to inheritance, then within one year the person concerned is required to relinquish his rights. The mechanism of transfer of land rights ownership by foreigners is not really clear enough. Thus, this paper aims to justify and emphasize when the duration starts to be calculated because the laws and regulations do not provide any explanation regarding this. This study uses a normative juridical legal research method based on a literature study on various legal theories and laws and regulations. The problem approach used is the statutory and doctrinal approach. The results of this study are the period of transfer of ownership of land rights by foreign citizens due to inheritance, starting from one year since the acquisition of these rights or the loss of citizenship. Foreign heirs have a period of 1 (one) year since the process of changing the name on the land certificate is not counted since the inheritance is opened or since the inheritance certificate has been issued.*

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## PRELIMINARY

Land is the basic natural resource that is very important for life and livelihood for all living things. It is also a major focus of economic activities. As the land sector is one of the essential factors in the growth and development of the country's economic condition.<sup>1</sup> Recognizing the essential need for land, it is not uncommon for disputes or disputes to arise because of it. Based on that background, the government of Indonesia established a set of laws that regulates right and obligation concerning land. It aims to develop harmonization.

<sup>1</sup> Listiyowati Sumanto, "Controversy on Regulation of Foreigners Property Ownership in Indonesia," in *2nd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2021)* (Atlantis Press, 2021), 291–96.

The background of national agrarian law's creation is to bring utmost prosperity for the whole state and its people - in the context of a just, democratic, welfare, and prosperous society.<sup>2</sup> This has also been mandated in the Indonesian Constitution Year 1945, which is to provide prosperity and welfare among all Indonesians. Additionally, the other purpose of implementing the national agrarian law is to provide legal certainty and determine legal relationships on any land rights that may be controlled by the state, people, and local communities who uphold customary law in Indonesia.<sup>3</sup>

Through Article 2 juncto Article 4 paragraph (1) of Law No. 5 Year 1960 regarding Basic Agrarian Principles (hereinafter referred to as UUPA), Indonesia gives such authority to use and maintain the land and its natural sources therein (earth, water, and airspace) only necessary for interests that are related to the use of it within such limits according to this law and other higher legal regulations. The land rights can be granted to, and held by, persons, either individually, or jointly with others as well as bodies corporate.<sup>4</sup> As stated in Article 16 paragraph (1) of UUPA, there are types of land rights as follows: right of ownership, right of cultivation, right of use of structures, right of use, right of lease, right to clear land, right to collect forest produce, and other rights than those mentioned above which shall be stipulated by way of an act and rights of provisional nature which is mentioned in Article 53 of UUPA. The elucidation of UUPA also regulates land rights that could be used by Indonesian and foreign nationals.<sup>5</sup> Article 20 and Article 21 of UUPA mentioned that the right of ownership is the inheritable, strongest, and fullest right on land which one can hold. Furthermore, only Indonesian citizens (hereinafter referred to as WNI) can have this type of land right. It is reserved exclusively for WNI with single citizenship, whether for land being cultivated or for the purpose of building something on it as regulated in Article 21 paragraph (1) of UUPA.<sup>6</sup> Another characteristic of the right of ownership is it can be used as the main right of other rights, such as the right of use of structures and the right of use.<sup>7</sup>

The transfer of land rights can occur based on legal actions and legal events.<sup>8</sup> Transfer of land rights due to legal actions can occur if the holder of the land right intentionally transfers the right to another party. For example, buying-selling, exchanging, grants, and other legal actions must be made before the Official Certifier of Title Deeds (hereinafter referred to as PPAT). If it is associated with the concept of Customary Law, such legal actions must be carried out in a 'clear and cash' meaning.<sup>9</sup> The term 'clear' means that the legal action must be made in the presence of an authorized official who witnesses the execution or during the making of the legal act. Meanwhile, the term 'cash', means that the completion of the legal action before the PPAT implies the completion of the legal action carried out with all of the legal consequences. In other words, this also means that the legal action cannot be

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<sup>2</sup> A Joni Minulyo, "Asas Asas Hukum Pembaharuan Agraria," *Jurnal Hukum Pro Justitia* 25, no. 4 (2007): 305–27, <https://journal.unpar.ac.id/index.php/projustitia/article/download/1113/1080>.

<sup>3</sup> Indah Sari, "Hak-Hak Atas Tanah Dalam Sistem Hukum Pertanahan Di Indonesia Menurut Undang-Undang Pokok Agraria (UUPA)," *Jurnal Mitra Manajemen* 9, no. 1 (2020): 15–33, <https://journal.universitassuryadarma.ac.id/index.php/jmm/article/view/492/457>.

<sup>4</sup> Maria S. W. Sumardjono, *Tanah Dalam Perspektif Hak Ekonomi, Sosial, Dan Budaya* (Jakarta: Penerbit Buku Kompas, 2008), 7.

<sup>5</sup> Arie Afriansyah, "Foreigners Land Rights Regulations: Indonesia's Practice," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (2015): 98–116.

<sup>6</sup> Nila Sari, A A Sri Indrawati, and I Nyoman Darmadha, "Kepemilikan Hak Milik Atas Tanah Warga Negara Indonesia Dalam Perkawinan Campuran," *Kertha Semaya: Journal Ilmu Hukum* 5, no. 1 (2018): 1–13.

<sup>7</sup> Sufrianto Y Hanapi, "Control of Land Rights for Foreign Citizens In Indonesia," *Al-Mizan* 13, no. 1 (2017): 17–40.

<sup>8</sup> Muhammad Jeffry Maulidi, M Arba, and Kaharuddin Kaharuddin, "Analisis Hukum Tentang Peralihan Hak Milik Atas Tanah Dengan Bukti Akta Di Bawah Tangan Sebagai Dasar Pendaftaran Tanah Untuk Pertama Kali (Studi Di Kabupaten Lombok Tengah)," *Jurnal IUS Kajian Hukum Dan Keadilan* 5, no. 3 (2017): 414–27, <https://core.ac.uk/download/pdf/235205390.pdf>.

<sup>9</sup> Nur Hayati, "Peralihan Hak Dalam Jual Beli Hak Atas Tanah (Suatu Tinjauan Terhadap Perjanjian Jual Beli Dalam Konsep Hukum Barat Dan Hukum Adat Dalam Kerangka Hukum Tanah Nasional)," *Lex Jurnalica* 13, no. 3 (2016): 147934, <https://www.neliti.com/publications/147934/peralihan-hak-dalam-jual-beli-hak-atas-tanah-suatu-tinjauan-terhadap-perjanjian>.

reversed, unless there are defects in substance regarding the transferred land rights (property rights), or defects in the skills and authority to act on the parcels of land. On the other hand, the transfer of land rights carried out based on legal events can be caused by death. Death caused the transfer of assets from the deceased person, both material and immaterial assets to the heirs of the deceased person.

As mentioned before, the right of ownership can be owned only by an Indonesian citizen. However, in certain and special events, if there is a Foreign Citizen (hereinafter referred to as WNA) who has ownership rights to land in Indonesia accidentally, then within 1 (one) year - that person is required to relinquish his rights as mentioned in the provisions of Article 21 (3) of UUPA. In connection with the transfer of ownership of land rights, there is an inheritance case. In this case, there was a father who died and left his 3 (three) children, 1 (one) child with the status of WNI, and 2 (two) children who have changed citizenship to become WNA. As stipulated in the law of inheritance, the inheritance is open since the father's death. As the family came of ethnic Chinese descent, then Indonesian Civil Code that applies to them. The three children who are the heirs of the father then process to make a Certificate of Inheritance (hereinafter referred to as SKW). The SKW has been made, but the heirs have not changed the name of the certificate of ownership of the land.

According to the inheritance law, as furtherly regulated in the Indonesian Civil Code or *Burgelijk Wetboek* (hereinafter referred to as BW), inheritance can only occur based on a death event under Article 830 BW. In terms of inheritance, the position of the heir is very important and must be proven by using SKW. J. Satrio stated that SKW is a proof of inheritance, namely a letter that proves that all those mentioned in the letter are heirs of a certain heir.<sup>10</sup> SKW is made by a Notary and is intended for European, Chinese, and Foreign Eastern heirs.<sup>11</sup> With SKW, the heirs can together take legal actions against the inheritance, regarding management and ownership of the inheritance.<sup>12</sup> Considering that SKW is one of the requirements that must be attached when transferring the name of a certificate of land ownership. There might be a vacant period from the time when the SKW is issued until the process of changing the name of the certificate is carried out because there is no need to change the name of the certificate immediately after the SKW is made. The heirs can choose when to transfer the name of the certificate. Land ownership certificate as proof of land rights control. It is stated in the provisions of Article 19 paragraph (2) letter c of UUPA which states that the certificate as a piece of strong evidence, namely physical data and juridical data contained in the certificate is considered correct as long as it cannot be proven otherwise by other evidence which can be in the form of a certificate. In other words, whether the acquisition is valid or not is determined from the time the name of the owner in question is on the certificate of land ownership.

Thus, based on the background above, the purpose of this study is to discuss the period for the transfer of ownership of land rights by WNA due to inheritance. The duration of 1 (one) year referred to in the context of the transfer of ownership of land rights is calculated from when. As various assumptions arise, starting from the time the inheritance is opened, the SKW has been issued, or the process of changing the name on the land certificate. This paper aims to justify and emphasize when the duration starts to be calculated because the laws and regulations do not provide any explanation regarding this.

## METHOD

Legal research is the process of finding legal rules, principles, and doctrines to answer the problems faced.<sup>13</sup> This paper uses a normative juridical legal research method based on

<sup>10</sup> J. Satrio, *Hukum Waris Tentang Pemisahan Boedel* (Bandung: Citra Aditya, 1986), 227.

<sup>11</sup> Gede Afriliana Saputra, "Dasar Hukum Notaris Dalam Pembuatan Surat Keterangan Waris" (Disertasi Program Doktor, Universitas Udayana, 2016).

<sup>12</sup> I Gusti Kade Prabawa Maha Yoga, Afifah Kusumadara, and Endang Sri Kawuryan, "Kewenangan Notaris Dalam Pembuatan Surat Keterangan Waris Untuk Warga Negara Indonesia," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 3, no. 2 (2018): 132–43, <http://journal2.um.ac.id/index.php/jppk/article/view/7817>.

<sup>13</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2005), 211–13.

various approaches, such as the statutory approach and doctrinal approach. A statutory approach is an approach taken by examining all laws and regulations related to legal issues.<sup>14</sup> A doctrinal approach is an approach that is based on the views and doctrines of legal scholars.<sup>15</sup> Primary legal materials, secondary legal materials, and tertiary legal materials are used to analyze legal issues in this paper. Primary legal materials are most basic and binding, like statutory regulations. Secondary legal materials provide interpretations of primary legal materials, including journals and books. Tertiary legal materials include dictionaries, encyclopedias, and articles on the internet. The entire legal material is then assembled and used as a support to find answers to the legal questions analyzed.

## RESULT AND DISCUSSION

### Transfer Period of Land Rights Ownership by Foreign Citizen Due to Inheritance

There are various ways someone can own land, one of which is by inheritance. In the process of inheritance, the land previously owned by the testator becomes fully the property of the heir if the process of changing the name of the certificate of title to the land is carried out so that the land as an inheritance from the heir becomes fully the property of the heir and is recognized by the applicable law. Transfer of title to the certificate is a procedure in the transfer of ownership of land rights, where the transfer of title to the certificate changes the identity of ownership of land rights which is carried out at the local land office (hereinafter referred to as BPN).<sup>16</sup> Related to this, BPN is the one who create and issue land certificates as a proof of legal ownership of land in Indonesia.<sup>17</sup>

In this case, the heir as the applicant must include evidence as an heir who is legally entitled to replace the legal position of the person who died in legal status regarding his assets.<sup>18</sup> The implementation of this name transfer is a very important procedure, considering that the name listed on the land certificate is the only legal proof of land ownership in the context of the law.

As stated in Article 23 paragraph (1) of UUPA, the right of ownership must be registered by the law. Likewise, in the implementation of the transfer of title to the certificate of title to land, there are guidelines contained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 15 of 2018 concerning Land Technical Considerations. On that basis, the application for transfer of name requires several requirements that must be met by the applicant. Among other things, are Identity Cards (*Kartu Tanda Penduduk*), Family Cards (*Kartu Keluarga*), Original Certificates, Proof of Settlement of Customs on Acquisition of Land and Building Rights (*Bukti Lunas Bea Perolehan Hak atas Tanah dan Bangunan*), and Evidence of Income Tax Areas (PPh). In particular, BPN has issued the latest provisions for foreign heirs, in which case foreign heirs are allowed to attach an old KTP or passport as long as there is a Certificate of Inheritance. In essence, the procedure for transferring the inheritance of land rights must be fulfilled by attaching the required documents.<sup>19</sup>

If all the requirements have been met and the land registration process has been completed, the heirs as the applicant will receive a certificate. The certificate is a copy of the land book and the measuring document which is sewn together along with the cover paper whose shape has been determined by the Minister of Agrarian Affairs.<sup>20</sup> It contains the

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Diyah Retno Habiba, "Perolehan Hak Milik Yang Berasal Dari Perjanjian Pengikatan Jual Beli (PPJB) Terhadap Bangunan Yang Berdiri Di Atas Tanah Negara Bekas Hak Eigendom," *Notaire* 3, no. 3 (2020): 327–48.

<sup>17</sup> Paul Hype Page Singapore, "Kepemilikan Tanah Di Indonesia," 2022, <https://www.paulhypepage.co.id/id/ownership-of-land-in-indonesia/>.

<sup>18</sup> Hartono Soerjopratiknjo, *Hukum Waris Tanpa Wasiat* (Yogyakarta: Andi Offset, 1982), 1.

<sup>19</sup> Putri Intan Ayuningutami and Fatma Ulfatun Najicha, "Kajian Hukum Terhadap Ketentuan Dan Prosedur Peralihan Waris Hak Atas Tanah," *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* 10, no. 2 (2021): 208–17, <http://journal.fh.unsri.ac.id/index.php/repertorium/article/view/1534>.

<sup>20</sup> Ali Achmad Chomzah, *Hukum Pertanahan* (Jakarta: Prestasi Pusaka, 2002), 123.

complete identity of the tax subject concerned and a detailed description of the object of his rights. Thus, it can be said that the person whose name is listed on the certificate is the owner of the right to the land in question. In the certificate, the name of a person or many people may be written together, if the certificate of land rights is registered in the name of several people, it is very likely that this can happen because there are 2 (two) or more people who always have the position of heirs of a person or heir whose name was first recorded in the certificate.

The agrarian law system regulates primary land rights, one of which is the right of ownership. Right of ownership is the strongest right compared to any other right as Article 20 paragraph (1) of UUPA stated, "Right of ownership is the inheritable right, the strongest and fullest right on land which one can hold, subject to the provision contained in Article 6. Based on the provisions of the article there are several important points, namely:<sup>21</sup>

- 1) 'Hereditary' means that ownership rights to land can continue as long as the owner is still alive and if the owner dies, the ownership rights can be continued by the heirs as long as they meet the requirements as the subject of property rights.
- 2) 'Strongest' means that property rights to land are stronger than other land rights, do not have a certain time limit, are easy to defend against interference from other parties, and are not easily erased.
- 3) The 'fullest' means that the right of ownership to land gives the owner more authority when compared to other land rights, can be the parent of other land rights, and the use of the land is wider when compared to other land rights.

Furthermore, Article 20 paragraph (2) of UUPA stated that land ownership rights can be transferred and can be transferred. The transfer of ownership rights to land can occur due to legal actions and legal events. The transfer of ownership rights to land due to legal actions can occur if the holder of property rights on land intentionally transfers the rights he holds to another party. Meanwhile, the transfer of ownership rights to land due to legal events occurs when the holder of the property rights to the land dies, then automatically or without any intentional legal action from the holder of the right, the right of ownership is transferred to the heirs of the holder of the right. The difference between the two is if the inheritance is in the form of land ownership rights.<sup>22</sup>

In the context of inheritance, foreign heirs still have the position of heirs and have the right to inherit property as Indonesian heirs. If there is a difference in citizenship between the testator and the heir, this does not result in the death or loss of or prevent a person from obtaining the right to inherit someone as the heir of the testator.<sup>23</sup> UUPA contains the principle of nationality which means only WNI can own land in Indonesia, while WNA is not allowed to own land.<sup>24</sup> Foreign heirs faced constraints where they may not have any land ownership rights in Indonesia although they are the legitimate heirs based on that provision.<sup>25</sup>

According to this matter, there is an inheritance case. In this case, there was a father who died and left his 3 (three) children, 1 (one) child with the status of WNI, and 2 (two) children who have changed citizenship to become WNA. As stipulated in the law of inheritance, the inheritance is open since the father's death. The principle of '*lex specialist derogat lex generalis*' applies in this matter. Referred as to BW as the general legal provisions and UUPA as the special legal provisions. According to Article 838 BW, there are some conditions that the individuals shall be regarded as unqualified to be an heir, and such shall

<sup>21</sup> Santoso Urip, *Hukum Agraria Dan Hak – Hak Atas Tanah*, 2nd ed. (Jakarta: Kencana, 2007), 90–91.

<sup>22</sup> Astrid Athina Indradewi, "Akibat Hukum Terhadap Ahli Waris Berkewarganegaraan Asing Atas Pembuatan Wasiat Oleh Pewaris Warga Negara Indonesia Di Luar Negeri," *Jurnal Privat Law* 10, no. 1 (2022): 23–34, <https://jurnal.uns.ac.id/privatlaw/article/view/60634>.

<sup>23</sup> Amadeo Tito Sebastian and Habib Adjie, "Hak Ahli Waris Warga Negara Asing Atas Obyek Waris Berupa Saham Perseroan Terbatas Penanaman Modal Dalam Negeri," *Al-Adl: Jurnal Hukum* 10, no. 2 (2018): 143–56, <https://ojs.uniska-bjm.ac.id/index.php/aldli/article/view/1360>.

<sup>24</sup> Sahnan, *Hukum Agraria Indonesia* (Malang: Setara Press, 2016), 47.

<sup>25</sup> A. Khisni, *Hukum Waris* (Semarang: Unissula Press, 2014).

be excluded from an inheritance. Such as individuals who have been convicted of killing or attempting to kill the deceased; individuals who by legal judgment have been found guilty of slandering the testator by accusing him of committing a crime punishable by a prison term of five years or more; individuals who under duress or physically have prevented the deceased from drafting or revoking his last will; individuals who have obscured, destroyed or forged the last will of the deceased. Thus, all the heirs apart from what is prohibited in Article 838 BW, can absolutely get their rights starting from the time the testator dies, meaning that inheritance only takes place due to death. In this case, the three children who are the heirs of the father then process make a Certificate of Inheritance. All three heirs are entitled to inheritance. The SKW has been made, but the heirs have not changed the name of the certificate of ownership of the land. This issue can cause legal inconsistency to the related parties, especially material losses to foreigners who have the status of legitimate heirs. The Indonesian law itself does not explain in detail in regards to the period of transfer of land ownership rights. Whether the 1 (one) year duration counted from the time the inheritance is opened, the SKW has been issued, or the process of changing the name on the land certificate.<sup>26</sup>

In Indonesia, WNA can actually acquire property rights by accident based on inheritance.<sup>27</sup> This is explained in Article 21 paragraph (3) of UUPA. Through this provision, there are rules regarding the period of transfer of ownership of land ownership rights due to the change of citizenship from WNI to WNA and foreigners who acquire it through ab intestate inheritance.<sup>28</sup> In special cases, foreign heirs are allowed to receive the object of inheritance for a duration of 1 (one) year. Within the 1 (one) year period, the foreign heirs are required to transfer the rights to the land or building to another person. If the foreign heirs still want to own it, then the person concerned can apply for the reduction of land rights which were originally from ownership rights to the right to use. Thus, WNA is given a period of 1 (one) year since the acquisition of these rights or the loss of citizenship. If after this period the ownership rights are not relinquished, then the rights are nullified by law and the land falls to the State, provided that the rights of other parties that burden it continues to exist.<sup>29</sup> It is mentioned in Article 21 paragraph (3), Article 30 paragraph (2), and Article 36 paragraph (2) of UUPA.<sup>30</sup>

As stipulated in the UUPA, the period of 1 (one) year owned by foreign heirs is calculated from when the land rights are obtained or the citizenship is lost. However, in this case, obtaining land rights can be interpreted that the calculation of the duration of 1 (one) year that has passed since the application for transfer of name has been confirmed with the issuance of a certificate. Article 23 of the UUPA explains that the transfer of ownership rights to land must be registered because it is a strong means of proof regarding the abolition of property rights and the validity of the transfer and assignment of these rights.<sup>31</sup> This aims to protect the rights of new land rights holders for the sake of orderly land registration administration. Certificates as strong evidence can provide legal certainty and protection to

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<sup>26</sup> Lynda Chayadi, "Implikasi Hukum Atas Kedudukan Warga Negara Asing Sebagai Ahli Waris Untuk Hak Milik Atas Tanah," *Jurnal Ilmiah Penegakan Hukum* 7, no. 2 (2020): 159–68.

<sup>27</sup> Agnes Geraldine Olga Supriyana, I Nyoman Putu Budiarta, and I Ketut Sukadana, "Status Hukum Tanah Hak Milik Bagi Ahli Waris Yang Pindah Kewarganegaraan Menjadi Warga Negara Asing," *Jurnal Interpretasi Hukum* 1, no. 2 (2020): 7–11, <https://www.ejournal.warmadewa.ac.id/index.php/juinhum/article/view/2419>.

<sup>28</sup> Putu Sekarwangi Saraswati, Ida Bagus Gede Subawa, and I Wayan Wiasta, "Legal Review Of Property Land Ownership by Foreign Citizens In Indonesia," in *Proceeding International Conference Faculty of Law*, vol. 1, 2021, 136–45.

<sup>29</sup> Clarinta Trovani, "Hak Ahli Waris Berkewarganegaraan Asing Terhadap Harta Warisan Berupa Tanah Hak Milik Dari Pewaris Berkewarganegaraan Indonesia," *Indonesian Notary* 3, no. 1 (2021), <http://notary.ui.ac.id/index.php/home/article/view/1450>.

<sup>30</sup> I Gede Artha Negara and Ida Bagus Gede Subaw, "Legal Review Of Property Land Ownership by Foreign Citizens In Indonesia," *Jurnal Mahasiswa Hukum Saraswati (JUMAHA)* 1, no. 2 (2021): 361–73.

<sup>31</sup> Chindy F Lamia, "Peralihan Hak Atas Tanah Warisan," *Lex Privatum* 2, no. 3 (2014): 92–101, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/6162>.

land rights holders.<sup>32</sup> In Article 19 paragraph (1) and paragraph (2) of the UUPA, it has provided a legal construction that the state will provide legal guarantees and certainty of rights to registered land rights.<sup>33</sup> Therefore, foreign heirs have a period of 1 (one) year since the transfer of the name to the land certificate is carried out, not from the time the inheritance is open or since the SKW has been issued. Following the principle that applies to the UUPA that land ownership is proven with a certificate, so even though the heirs already hold a SKW stating that they are heirs, as long as they have not correctly stated the rights to the certificate, their land rights have not been registered. on their behalf. If the heirs have claimed their names are listed in the new certificate, that's when they according to the law apply and act as owners of the object of the land rights. Therefore, referring to the UUPA regulations, the period of 1 (one) year must be calculated from the date their names are listed on the land certificate.

## CLOSING

Based on this research, it can be concluded that the Basic Agrarian Law has explained the period of transfer of ownership of land rights by foreigners or WNA due to inheritance, which is calculated within one year since the acquisition of land rights or the loss of citizenship. However, in this special case regarding inheritance, obtaining land rights can be interpreted that the calculation of the duration of 1 (one) year that has passed since the application for transfer of name has been confirmed with the issuance of a land certificate. Not from the time the inheritance is open or since the SKW has been issued.

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<sup>32</sup> Adrian Sutedi, *Sertifikat Hak Atas Tanah* (Jakarta: Sinar Grafika, 2012), 86.

<sup>33</sup> Ni Wayan Pipit Paidawati and I Nengah Suharta, "Sifat Pembuktian Sertifikat Sebagai Tanda Bukti Hak Berdasarkan Ketentuan Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah," *Kertha Semaya* 4, no. 1 (2016): 1–5, <https://ojs.unud.ac.id/index.php/kerthasemaya/article/download/18938/12408>.

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