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**The Role of Notaries in the Transfer of Rights to Land Designated as
Abandoned Land**

I Made Dermawan, Hambali

^a *Fakultas Hukum, Universitas Pamulang, Tangsel. E-mail: dosen01774@unpam.ac.id*

^b *Fakultas Hukum, Universitas Pamulang, Tangsel. E-mail: dosen01970@unpam.ac.id*

Article	Abstract
<p><i>Received: Des 02, 2025; Reviewed: Jan 07, 2026; Accepted: Feb 09, 2026; Published: Feb 26, 2026</i></p>	<p><i>This study examines the role of notaries in the transfer of rights over land designated as abandoned land within the Indonesian agrarian legal system. The issue of abandoned land remains a significant challenge in land governance, as land that is not productively utilized contradicts the social function of land as mandated by the Basic Agrarian Law. This research aims to analyze the authority, legal responsibilities, and practical challenges faced by notaries in facilitating the lawful transfer of rights over abandoned land. The study employs a normative juridical approach, supported by statutory analysis of agrarian and notarial regulations, as well as a review of relevant legal literature and court decisions. To complement the normative analysis, empirical data were obtained through interviews with notaries, officials of the National Land Agency, and affected community members. The findings indicate that notaries play a crucial role in ensuring legal certainty through document verification, preparation of authentic deeds, and provision of legal advice to the parties involved. However, practical obstacles remain, including incomplete land documentation, ambiguity in land status, and limited public understanding of legal procedures. The study concludes that strengthening the professionalism and due diligence of notaries is essential to prevent legal disputes and to ensure that the transfer of abandoned land rights is conducted transparently, fairly, and in accordance with applicable laws, thereby supporting effective land management and social welfare.</i></p> <p>Keywords: <i>Implementation, Sale and Purchase, Land Rights</i></p>

A. INTRODUCTION

Land constitutes a fundamental resource for economic development, social welfare, and legal order in Indonesia. Beyond its economic value, land carries social and cultural

significance that necessitates careful regulation to ensure equitable access and sustainable use. The Basic Agrarian Law (Undang-Undang Nomor 5 Tahun 1960) establishes the principle that land must fulfill a social function and be utilized productively for the benefit of society. However, the persistence of abandoned land—land that is not used or managed in accordance with its designated purpose—has emerged as a critical challenge in Indonesian land governance. Abandoned land not only undermines economic potential and spatial planning but also generates legal uncertainty and social conflict, particularly in areas with high development demand (Santoso 2015; Lubis 2020).

Previous studies have highlighted that abandoned land often arises from unclear ownership status, speculative landholding practices, and weak enforcement of agrarian regulations (Ismail 2012; Nugroho 2021). From a legal perspective, abandoned land may be subject to administrative measures, including the revocation or transfer of rights to parties capable of productive utilization. In this context, notaries occupy a strategic position as public officials authorized to create authentic deeds that form the legal basis for land rights transfers. Notarial deeds are central to ensuring legal certainty, preventing disputes, and safeguarding the rights and obligations of all parties involved (Sihombing 2021; Sitorus 2020). Nevertheless, scholarly debates persist regarding the extent of notarial responsibility in verifying land status, particularly when administrative determinations of abandoned land remain contested or procedurally flawed. Some scholars argue that notaries should bear a heightened duty of due diligence to prevent unlawful transfers (Subekti 2019), while others emphasize the limitations of notarial authority in assessing substantive land disputes that fall within administrative or judicial domains (Achmad 2019).

Despite the growing body of literature on agrarian reform and land disputes, research specifically addressing the role of notaries in the transfer of abandoned land rights remains limited. Existing studies tend to focus either on the normative framework of land law or on general aspects of notarial practice, without sufficiently integrating both perspectives (Wibowo 2022; Ramadhani 2024). This gap is significant, as improper notarial practices—such as inadequate verification of land status or non-compliance with procedural requirements—may lead to prolonged disputes and undermine public trust in the legal system (Akmal 2024). Accordingly, a comprehensive analysis that examines notarial authority, legal responsibility, and practical challenges in abandoned land transfers is necessary to strengthen legal certainty and good governance.

This study aims to analyze the role of notaries in the transfer of rights over land designated as abandoned land within the Indonesian legal framework. By examining relevant legislation, legal doctrines, and practical implementation, this research seeks to clarify the scope of notarial authority and responsibility in such transfers. The principal conclusion of this study is that notaries play a crucial role in ensuring lawful and transparent land transfers; however, enhanced due diligence, clearer regulatory guidance, and stronger coordination with land administration authorities are essential to minimize disputes and to optimize the social and economic function of land.

B. MATERIALS AND METHODS

This study employs a qualitative legal research design combining normative juridical analysis with limited empirical support to provide a comprehensive understanding of the role of notaries in the transfer of rights over land designated as abandoned land. The normative component constitutes the primary method and focuses on the analysis of written legal norms

(law in books), while the empirical component is used to complement and contextualize normative findings through practical insights.

The materials analyzed in this research consist of primary, secondary, and tertiary legal sources. Primary legal materials include statutory regulations relevant to agrarian and notarial law, notably the Basic Agrarian Law (Law No. 5 of 1960), Law No. 2 of 2014 on Notarial Office, Government Regulation No. 24 of 1997 on Land Registration, and related implementing regulations issued by the Ministry of Agrarian Affairs and the National Land Agency. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, legal commentaries, and previous studies addressing abandoned land, land governance, and notarial practice. Tertiary materials include legal dictionaries, encyclopedias, and indexing sources used to clarify legal terminology and concepts.

Data collection for the normative analysis was conducted through systematic literature review and statutory interpretation using grammatical and systematic interpretation methods. For the empirical component, semi-structured interviews were conducted with selected notaries, officials of the National Land Agency, and community members involved in land rights transfers. Interview guidelines focused on verification procedures, practical challenges, and perceptions of notarial responsibility. All interview data were anonymized to protect participants' identities.

The analytical procedure involved qualitative content analysis, whereby legal norms and empirical findings were compared and interpreted to identify patterns, inconsistencies, and areas of legal uncertainty. This study does not involve large datasets, experimental materials, computer code, or proprietary protocols. All legal materials and interview instruments used in this research are available from the author upon reasonable request, and no restrictions apply to their availability.

This research does not involve experimental interventions on humans or animals. Ethical considerations were addressed by obtaining informed consent from all interview participants and ensuring confidentiality throughout the research process. As the study relies on non-invasive interviews and documentary analysis, formal ethical approval was not required under applicable institutional research guidelines.

C. RESULT AND DISCUSSION

Role of Notaries in the Transfer of Abandoned Land Rights

The results of this study indicate that notaries play a central role in the legal transfer of rights over land designated as abandoned land. In practice, notaries function not only as drafters of authentic deeds but also as gatekeepers of legal certainty through document verification and procedural compliance. The findings show that effective notarial involvement begins at the preliminary stage, particularly in examining land certificates, administrative decisions declaring land as abandoned, and records held by the National Land Agency. This result supports previous studies emphasizing the importance of notarial diligence in preventing unlawful land transfers and future disputes (Sihombing 2021; Wibowo 2022).

Legal Responsibility and Practical Challenges

The study further reveals that legal responsibility constitutes a critical issue in notarial practice. Several informants highlighted recurring challenges, including incomplete land documentation, overlapping claims, and delays in administrative confirmation of abandoned land status. These findings are consistent with earlier research identifying regulatory

fragmentation and weak coordination among land administration institutions as major obstacles in abandoned land management (Lubis 2020; Nugroho 2021). From a doctrinal perspective, divergent views exist regarding the extent of notarial liability. While some scholars argue that notaries should exercise enhanced due diligence due to the high risk of disputes (Subekti 2019), others contend that notarial authority remains limited to formal verification and cannot extend to resolving substantive land conflicts (Achmad 2019). The present study suggests that this tension continues to shape notarial practice and legal accountability.

Implications for Legal Certainty and Land Governance

The findings demonstrate that proper notarial procedures significantly contribute to legal certainty, dispute prevention, and the effective utilization of abandoned land. When notarial verification is conducted rigorously, the transfer of land rights aligns more closely with the social function of land as mandated by agrarian law. Conversely, inadequate notarial practices may undermine public trust and exacerbate land conflicts, reinforcing concerns raised in previous empirical and normative studies (Akmal 2024; Ismail 2012). In a broader context, these results highlight the role of notaries as key actors in promoting good governance, transparency, and equitable land distribution.

Future Research Directions

This study is limited to a qualitative legal analysis supported by selected empirical insights. Future research could expand this scope by incorporating comparative studies across regions, quantitative analysis of land dispute cases involving abandoned land, or cross-national comparisons of notarial roles in land governance. Further examination of regulatory reforms and digital land registration systems may also provide valuable insights into strengthening notarial practice and improving abandoned land management.

D. CONCLUSION

This study concludes that notaries play a pivotal role in ensuring legal certainty in the transfer of rights over land designated as abandoned land within the Indonesian agrarian legal framework. Through document verification, preparation of authentic deeds, and provision of legal advice, notaries function as key actors in preventing disputes and safeguarding the rights of all parties involved. The findings demonstrate that effective notarial due diligence contributes significantly to the lawful and productive utilization of abandoned land, thereby supporting the social function of land and broader land governance objectives. However, the study also identifies persistent challenges, including unclear land status, incomplete documentation, and limited coordination between notaries and land administration authorities. These challenges highlight the need for clearer regulatory guidance, strengthened professional standards, and improved institutional collaboration. Overall, the study underscores that enhancing the role and responsibility of notaries is essential to achieving transparent, fair, and sustainable management of abandoned land, while reinforcing public trust in the legal system.

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