

CHAPTER IV

CLOSING

4.1 Conclusion

Based on the research and discussion that has been carried out by researchers, several things can be concluded, namely as follows:

1. The use of a verdict that has permanent legal force as the basis for the transfer of land ownership rights only serves to complete the evidence owned by the plaintiff. This is so that the plaintiff has a legal basis to act on his behalf, as well as representing the defendants in carrying out the administrative process in the form of signing the sale and purchase deed before a PPAT. In this case, the litigants also legally had legal standing as plaintiffs and defendants as a result of the agreement that arose in the form of the underhand sale and purchase.
2. The panel of judges in providing legal considerations in Decision Number 3/Pdt.G/2024/PN Gsk, has based its considerations on the norms and legal basis in accordance with the sitting of the case and the basis of the lawsuit. So that between the legal considerations and the verdict given also have a strong connection, where the verdict was decided based on the lawsuit filed by the plaintiff with a decision that has permanent legal force, which was partially granted by verdict. However, the panel of judges still assessed the arguments of the lawsuit filed by the plaintiff, as well as all supporting evidence, both letters and witnesses, which could be proven. In addition, in its consideration, the panel of judges was also guided by the jurisprudence

of previous decisions, this was done to create the same legal standards so that the three objectives of law in the form of legal justice, legal certainty and legal benefits could be realized properly.

4.2 Suggestions

1. Article 37 paragraph (1) of the Government Regulation on Land Registration emphasizes that the transfer of land rights can only be done using a deed issued by a PPAT. Then Article 37 paragraph (2) of the regulation explains that the transfer of ownership rights can be carried out using other deeds, the truth of which can be proven. Of course, this can lead to multiple interpretations because the article does not directly explain about court decisions that can also be used as a basis in the process of transferring ownership rights, both to PPAT and to the Land Office. So the government needs to reaffirm the court decisions that can be used as the basis in the transfer of land ownership rights directly and clearly in the regulation.
2. It is expected that people who want to buy and sell land, first understand the procedures that are legally regulated in regulations and laws. This is to minimize similar cases as occurred in Decision Number 3/Pdt.G/2024/PN Gsk.