MAWADDAH: Jurnal Hukum Keluarga Islam **p-ISSN 3031-5247**
DOI: https://doi.org/10.52496/mjhki.v4i2.184 **e-ISSN 3026-6076**

Notarial and PPAT Due Diligence In Land Transactions: Protecting Marital Property And Inheritance Rights In South Sulawesi, Indonesia

***Asyril Rizky Akbar Syamsul[a], Hasbuddin Khalid[a], Zainuddin[a], Sri Lestari Poernomo[a], Irfan Sofian[b]**
[a] Universitas Muslim Indonesia, Makassar, Indonesia
[b] Nusa Putra University, Indonesia
[*]Corresponding author: asyril@gmail.com

Received:	Revised:	Accepted:	Available Online:	Published:
19/04/2026	19/10/2026	25/10/2026	26/10/2026	26/10/2026

Abstract

Legal certainty in Indonesian land transactions remains vulnerable when deed validity, family-property entitlements, and land registration are examined as separate legal and administrative concerns. Existing studies have largely addressed professional liability, documentary compliance, and registration procedures independently, leaving insufficient explanation of how these elements interact in preventing disputes involving marital property and inheritance rights. This study examines notarial and Land Deed Official (PPAT) responsibilities, evaluates the effectiveness of professional due diligence, and identifies factors influencing legal certainty in land transactions involving family-property interests. Employing empirical legal research with a socio-legal law-in-action approach, the study draws on interviews and field observations involving five notaries concurrently serving as PPATs and three ATR/BPN officials in South Sulawesi, supported by normative analysis of relevant legal instruments and documents. The findings indicate that the legal status of marital property, inheritance entitlements, identification of heirs, and authority to dispose of land constitute substantive prerequisites for determining transactional legitimacy. Professional effectiveness is therefore assessed through legal validity, factual reliability, administrative registrability, procedural timeliness, and preventive capacity rather than deed execution alone. Reasoned postponement or refusal may constitute effective preventive legal protection when material legal deficiencies remain unresolved. The study develops a chain-of-certainty framework comprising four interconnected analytical dimensions: juridical, administrative-functional, preventive, and coordinative-digital. Unlike conventional approaches that examine due diligence and professional accountability primarily within individual procedural stages, this framework conceptualizes legal certainty as a sequential process linking family-property verification, legally authorized transactions, institutional coordination, and registration. The study contributes to Indonesian legal and Islamic family-law scholarship by demonstrating the analytical significance of marital and inheritance rights in establishing authority to transfer land and informing preventive safeguards. Its findings support clearer professional verification standards and stronger institutional coordination, while the proposed framework requires further examination beyond the study's limited regional and professional sample.

Keywords: *Notarial Responsibility; PPAT; Marital Property; Inheritance Rights; Land Registration; Legal Certainty; Islamic Family Law.*

Abstrak

Kepastian hukum dalam transaksi pertanahan di Indonesia masih menghadapi berbagai persoalan ketika keabsahan akta, hak atas harta keluarga, dan pendaftaran tanah diperlakukan sebagai aspek hukum dan administratif yang terpisah. Penelitian terdahulu cenderung membahas tanggung jawab profesional, kepatuhan dokumen, dan prosedur pendaftaran secara parsial sehingga belum sepenuhnya menjelaskan keterkaitan ketiganya dalam mencegah sengketa harta perkawinan dan kewarisan. Penelitian ini bertujuan menganalisis tanggung jawab Notaris dan Pejabat Pembuat Akta Tanah (PPAT), mengevaluasi efektivitas prinsip kehati-hatian dalam transaksi pertanahan, serta mengidentifikasi faktor-faktor yang memengaruhi terwujudnya kepastian hukum atas hak keluarga. Penelitian menggunakan metode hukum empiris dengan pendekatan sosiolegal (*law in action*). Data primer diperoleh melalui wawancara dan observasi terhadap lima Notaris yang sekaligus menjabat sebagai PPAT dan tiga pejabat ATR/BPN di Sulawesi Selatan, didukung analisis normatif terhadap peraturan perundang-undangan dan dokumen hukum terkait. Hasil penelitian menunjukkan bahwa status harta perkawinan, hak kewarisan, identifikasi ahli waris, dan kewenangan pengalihan tanah merupakan aspek substantif yang menentukan legitimasi transaksi. Efektivitas tanggung jawab profesional dinilai berdasarkan keabsahan hukum, keandalan fakta, kelayakan administratif untuk pendaftaran, ketepatan prosedural, dan kemampuan mencegah sengketa. Penundaan atau penolakan transaksi yang didasarkan pada alasan hukum yang sah dapat menjadi bentuk perlindungan hukum preventif ketika terdapat ketidakjelasan hak atau kewenangan. Penelitian ini mengembangkan kerangka analitis chain-of-certainty yang mencakup empat dimensi saling berkaitan, yaitu yuridis, administratif-fungsional, preventif, dan koordinatif-digital. Berbeda dari pendekatan yang menempatkan tanggung jawab profesional pada tahapan administratif secara terpisah, kerangka ini memandang kepastian hukum sebagai proses berkesinambungan yang menghubungkan verifikasi hak keluarga, legitimasi transaksi, koordinasi kelembagaan, dan pendaftaran tanah. Kontribusi penelitian terletak pada penguatan hubungan antara hukum keluarga Islam dan hukum pertanahan, khususnya dalam menempatkan hak perkawinan dan kewarisan sebagai landasan substantif kewenangan pengalihan tanah. Temuan ini mendukung penguatan standar verifikasi profesional dan koordinasi kelembagaan, meskipun penerapan kerangka tersebut masih memerlukan pengujian lebih lanjut di luar konteks penelitian yang terbatas.

Kata Kunci: Tanggung Jawab Notaris; Ppat; Harta Perkawinan; Hak Kewarisan; Pendaftaran Tanah; Kepastian Hukum; Hukum Keluarga Islam.

INTRODUCTION

Land rights occupy a significant position in Indonesia's legal system because land serves not only as an economic asset and means of livelihood but also as a component of marital property, intergenerational wealth, and family inheritance. Legal certainty in land ownership is therefore inseparable from the protection of individuals and families

whose rights arise from marriage, inheritance, and other legally recognized relationships. Indonesian land law places registration at the center of legal certainty and the protection of ownership rights, as reflected in Law No. 5 of 1960 concerning Basic Agrarian Principles and Government Regulation No. 24 of 1997 concerning Land Registration. Nevertheless, the existence of an authentic deed or land certificate does not necessarily eliminate disputes concerning ownership, family relationships, inheritance entitlements, authority to transfer property, or competing claims. The legal significance of registration must therefore be understood in relation to both documentary evidence and the substantive rights underlying land transactions.[1] Accordingly, legal certainty cannot be assessed solely through the formal validity of legal documents but also requires consistency between the parties' legal status, property entitlements, transactional authority, and official registration records.

The intersection between land transactions and family law is particularly important when land constitutes marital property or an inherited asset. Under Articles 35 and 36 of Law No. 1 of 1974 concerning Marriage, as amended by Law No. 16 of 2019, property acquired during marriage generally constitutes joint marital property, whereas property individually owned before marriage or acquired through inheritance or gifts remains under the respective spouse's control unless otherwise determined. These provisions distinguish jointly acquired marital property from separate property and establish the legal relevance of spousal consent in transactions involving joint property. For Muslim families, the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI), disseminated through Presidential Instruction No. 1 of 1991, provides additional normative guidance concerning marital property and inheritance. In a broader Southeast Asian context, the institutionalization of Islamic authority has increasingly situated normative validation within formal organizational structures alongside traditional forms of personal scholarly authority, illustrating the wider significance of institutional mediation in contemporary Muslim

[1] B Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi Dan Pelaksanaannya* (Djambatan, 2007); U Santoso, *Pendaftaran Dan Peralihan Hak Atas Tanah* (Kencana, 2011); R A Rajab, B E Turisno, and A D Lumbanraja, "Sertipikat Hak Atas Tanah Dalam Kepastian Hukum Pendaftaran Tanah," *Notarius* 13, no. 2 (2020): 642–54, https://doi.org/10.14710/nts.v13i2.31085; J Zevenbergen, *Systems of Land Registration: Aspects and Effects* (Netherlands Geodetic Commission, 2002).

societies.[2] The contemporary digitalization of religious authority further demonstrates that Islamic normative authority may be mediated through changing institutional and technological environments, thereby expanding the channels through which religious interpretations are produced, circulated, and socially recognized..[3] In particular, Articles 85–97 of the KHI regulate marital-property relationships, while Book II establishes provisions concerning inheritance, heirs, and estate distribution. These legal arrangements demonstrate that the legitimacy of a land transaction may depend on the prior determination of family-property rights rather than merely on the formal requirements of deed preparation and registration (Law No. 1 of 1974, Arts. 35–36; Presidential Instruction No. 1 of 1991; Santoso, 2011).

From the perspective of Islamic family law, land ownership and transfer are closely associated with the protection of marital-property rights and inheritance entitlements. Islamic inheritance principles, as incorporated into the Indonesian framework through the KHI, provide normative guidance concerning the identification of eligible heirs, the determination of inheritance shares, and the administration and distribution of estates. Article 171 of the KHI establishes relevant definitions concerning inheritance and inherited property, while Articles 174 and 176–193 address categories of heirs and inheritance entitlements. These provisions become particularly significant when inherited land remains undivided or where one heir attempts to transfer an entire parcel without sufficient legal authority. Similarly, the death of a spouse may require determination of the surviving spouse's entitlement to joint marital property before identifying the assets belonging to the deceased's estate. Accordingly, unresolved marital-property classifications, incomplete identification of heirs, and disputed authority to act may affect the substantive legitimacy of land transactions even where documentary requirements appear formally satisfied (Presidential Instruction No. 1 of 1991, KHI, Arts. 96, 171, 174, and 176–193; Harsono, 2007; Santoso, 2011).

---

[2] Muhammad Reza Pahlevi and George Reffendi, "From Isnad to Institution: The Transformation of Hadith Knowledge Transmission in Shoutheast Asian Islamic Education," *TSIQAH: Journal of Hadith and Prophetic Tradition* 1, no. 1 (2026): 28–42

[3] Marhamah Annazah Tambunan and Maulida Fitria, "Digital Fatwas and the Transformation of Religious Authority in Contemporary Muslim Societies," *Islamicate Futures: Knowledge, Ethics, and Muslim Societies* 1, no. 1 (2026): 96–123, https://doi.org/10.68051/ifkems.v1i1.41

These legal relationships establish an important conceptual sequence connecting family law and land administration: family status informs property relationships; property status determines relevant entitlements; those entitlements influence the authority to dispose of property; and legally authorized transactions must subsequently meet the requirements of land registration. Where one stage remains unresolved, the resulting transaction may expose spouses, heirs, purchasers, or other interested parties to competing legal claims. The distinction between substantive entitlement and formal registration is therefore central to understanding how legal certainty operates within property transactions. Legal certainty depends not only on the formal recognition of land rights but also on the reliability of the underlying information and the institutional processes through which such rights are documented and protected.[4] From this perspective, professional verification becomes relevant to preventing the transmission of unresolved family-property disputes into land-registration records.

Within Indonesia's legal framework, notaries and Land Deed Officials (*Pejabat Pembuat Akta Tanah*, PPAT) perform legally differentiated yet potentially complementary functions. Law No. 30 of 2004 concerning the Notarial Office, as amended by Law No. 2 of 2014, authorizes notaries to prepare authentic deeds and undertake other legally prescribed functions. Meanwhile, Government Regulation No. 37 of 1998, as amended by Government Regulation No. 24 of 2016, establishes the authority of PPATs to prepare deeds relating to specified legal acts concerning land rights or ownership of apartment units. Although a single professional may hold both appointments, the legal basis and responsibility attached to each office remain distinct. Indonesian notarial scholarship has emphasized the importance of statutory competence, compliance with deed-making requirements, professional accountability, and the legal consequences of defective authentic instruments.[5] In land transactions involving marital property or

[4] Zevenbergen, *Systems of Land Registration: Aspects and Effects*; Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi Dan Pelaksanaannya*; M Fenwick and S Wrbka, "The Shifting Meaning of Legal Certainty," in *Legal Certainty in a Contemporary Context: Private and Criminal Law Perspectives*, ed. M Fenwick and S Wrbka (Springer, 2016), 1–6, https://doi.org/10.1007/978-981-10-0114-7_1.

[5] H Adjie, *Sanksi Perdata Dan Administratif Terhadap Notaris Sebagai Pejabat Publik* (Refika Aditama, 2015); E A Arsy, H N Widhiyanti, and P A Ruslijanto, "Tanggung Jawab Notaris Terhadap Akta Yang Cacat Hukum Dan Tidak Sesuai Dengan Ketentuan Pembuatan Akta Dalam Undang-Undang Jabatan Notaris," *Jurnal*

inherited assets, these responsibilities intersect with the need to examine legal capacity, family status, ownership documentation, and the authority of parties to undertake the relevant legal act.

The significance of these responsibilities has increased alongside the digital transformation of Indonesian land administration. Government Regulation No. 24 of 1997, as amended by Government Regulation No. 18 of 2021, provides an important regulatory foundation for land registration, while Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 3 of 2023 governs the issuance of electronic documents in land-registration activities. Research on digital land administration has highlighted the relevance of institutional readiness, technological infrastructure, information management, and reliable documentation for the implementation of electronic land services.[6] More broadly, effective land administration requires reliable institutional arrangements and information systems capable of supporting the recognition and protection of land rights.[7] Nevertheless, technological validation alone cannot establish substantive inheritance entitlements, determine whether marital-property consent is legally sufficient, or resolve competing claims concerning the authority to transfer land. Digitalization must therefore be complemented by legally appropriate verification procedures and institutional safeguards.

Bina Mulia Hukum 6, no. 1 (2021): 130–40, https://doi.org/10.23920/jbmh.v6i1.324; M Puspitasari and S M Badriyah, "Pertanggungjawaban Notaris Dalam Akta Perjanjian Agar Mempunyai Kepastian Hukum," *Notarius* 17, no. 3 (2024): 2143–58, https://doi.org/10.14710/nts.v17i3.57707.

[6] K Kusmiarto et al., "Digital Transformation of Land Services in Indonesia: A Readiness Assessment," *Land* 10, no. 2 (2021): 120, https://doi.org/10.3390/land10020120; N Yusuf, N Harun, and S Mursyid, "EXAMINING THE BASIS OF MAQASHID SHARIA IN RENEWAL OF ISLAMIC LAW IN INDONESIA," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024): 357–75, https://doi.org/10.22373/petita.v9i1.258; I R Auliani and K Roisah, "Peranan Pejabat Pembuat Akta Tanah Dalam Pelaksanaan Transformasi Digital Layanan Pertanahan Melalui Sertipikat Tanah Elektronik," *Legal Standing: Jurnal Ilmu Hukum* 9, no. 2 (2025): 394–407, https://doi.org/10.24269/ls.v9i2.11571.

[7] United Nations Committee of Experts on Global Geospatial Information Management, "Framework for Effective Land Administration" (United Nations, 2020), https://ggim.un.org/meetings/GGIM-committee/10th-Session/documents/E-C.20-2020-29-Add_2-Framework-for-Effective-Land-Administration.pdf; S Enemark, R McLaren, and C Lemmen, "Fit-for-Purpose Land Administration—Providing Secure Land Rights at Scale," *Land* 10, no. 9 (2021): 972, https://doi.org/10.3390/land10090972.

A comprehensive examination of professional responsibility requires a clear theoretical distinction between legal certainty and legal protection. Kelsen's normative approach emphasizes the importance of legally established norms and the validity of legal acts within a structured legal system.[8] This perspective provides a foundation for assessing the formal legality of professional conduct, including statutory competence and compliance with prescribed procedures. However, legal certainty also possesses practical and institutional dimensions. Otto emphasizes the significance of the clarity, accessibility, consistency, and practical implementation of legal rules, particularly in contexts where formal legal provisions may not correspond fully with institutional practice.[9] Fenwick and Wrbka likewise demonstrate the conceptual complexity of legal certainty within contemporary legal systems.[10] Complementing these perspectives, Hadjon distinguishes preventive and repressive dimensions of legal protection, highlighting the importance of protecting legal interests before or after disputes arise.[11] Taken together, these theoretical approaches support an understanding of legal certainty that encompasses normative validity, institutional reliability, substantive entitlement, and preventive legal protection.

For this study, these theoretical perspectives are translated into four analytical dimensions that guide the interpretation of professional practices. Formal legal certainty is examined through compliance with statutory authority, deed requirements, documentary procedures, and the legal capacity of transacting parties, drawing on the normative considerations associated with Kelsen.[12] Substantive legal certainty concerns the verification of ownership rights, marital-property classification, inheritance entitlements, and the legitimacy of consent or representation. Institutional legal certainty is assessed through documentary consistency, registrability, traceability, and the coordination of professional activities with land-administration systems, reflecting the socio-legal concerns emphasized by Otto and the institutional perspective on land registration discussed by

[8] H Kelsen, *Teori Hukum Murni* (Nuansa & Nusa Media, 2006).

[9] J M Otto, "Real Legal Certainty in Developing Countries," in *Kajian Socio-Legal*, ed. A W Bedner, S Irianto, and T D Wirastri (Pustaka Larasan; Universitas Indonesia; Leiden University; University of Groningen, 2012).

[10] Fenwick and Wrbka, "The Shifting Meaning of Legal Certainty."

[11] P M Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia* (Bina Ilmu, 1987).

[12] Kelsen, *Teori Hukum Murni*.

Zevenbergen.[13] Preventive legal protection is examined through risk identification, clarification of conflicting information, communication of legal consequences, and legally justified decisions to postpone or decline transactions where material deficiencies remain unresolved.[14] These dimensions constitute the study's analytical operationalization of existing legal theories rather than independent statutory categories or a framework directly formulated by the cited theorists.

Previous scholarship has examined several components of professional responsibility and legal certainty in land transactions. Studies concerning notarial responsibility have focused on the validity of authentic deeds, compliance with professional obligations, and the civil or administrative consequences of defective legal instruments.[15] Research on electronic land registration has addressed technological readiness, the quality of digital documentation, administrative infrastructure, and the changing role of PPATs in electronic land services.[16] Other studies have examined the evidentiary significance of land certificates and their relationship to legal certainty,[17] while broader scholarship has emphasized the institutional and informational dimensions of effective land administration.[18] These studies provide an important foundation for understanding deed validity, professional accountability, and administrative registration. However, the literature reviewed offers a more limited integrated explanation of how marital-

[13] Otto, "Real Legal Certainty in Developing Countries"; Jan Michiel Otto, "Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present" (Leiden: Leiden University Press, 2010).

[14] Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*; Adjie, *Sanksi Perdata Dan Administratif Terhadap Notaris Sebagai Pejabat Publik*.

[15] Puspitasari and Badriyah, "Pertanggungjawaban Notaris Dalam Akta Perjanjian Agar Mempunyai Kepastian Hukum"; Arsy, Widhiyanti, and Ruslijanto, "Tanggung Jawab Notaris Terhadap Akta Yang Cacat Hukum Dan Tidak Sesuai Dengan Ketentuan Pembuatan Akta Dalam Undang-Undang Jabatan Notaris."

[16] Kusmiarto et al., "Digital Transformation of Land Services in Indonesia: A Readiness Assessment"; Auliani and Roisah, "Peranan Pejabat Pembuat Akta Tanah Dalam Pelaksanaan Transformasi Digital Layanan Pertanahan Melalui Sertipikat Tanah Elektronik."

[17] Rajab, Turisno, and Lumbanraja, "Sertipikat Hak Atas Tanah Dalam Kepastian Hukum Pendaftaran Tanah"; W A P G Frederik, D R Ringkuangan, and H F D Tuwaidan, "Pendaftaran Hak Atas Tanah Dalam Perspektif Kepastian Hukum," *Amanna Gappa* 32, no. 1 (2024): 19–27.

[18] Zevenbergen, *Systems of Land Registration: Aspects and Effects*; Enemark, McLaren, and Lemmen, "Fit-for-Purpose Land Administration—Providing Secure Land Rights at Scale."

property entitlements, inheritance rights, professional verification, and land-registration procedures interact across successive stages of a transaction.

More specifically, four interrelated research gaps can be identified from the reviewed literature and the normative issues addressed in this study. First, the practical gap concerns the potential discrepancy between documentary compliance and substantive transactional legitimacy, particularly where marital-property status, heirship, or authority to transfer inherited land remains uncertain. Second, the doctrinal gap concerns the relationship between legally differentiated notarial and PPAT responsibilities and the substantive family-property rights underlying land transactions. Third, the empirical gap concerns the need for closer examination of how practitioners verify family-property documentation, address inconsistent information, exercise professional caution, and coordinate with land-administration authorities. Fourth, the theoretical gap concerns the limited integration of formal legal validity, socio-legal certainty, preventive legal protection, and professional responsibility within a unified transactional framework. These gaps emerge from the intersection of existing discussions of notarial accountability, land-registration reliability, and legal certainty.[19] Addressing them requires analysis extending beyond the formal validity of individual deeds toward the continuity of legally relevant information throughout the transaction process.

South Sulawesi provides the empirical setting for examining these issues through the experiences of notaries concurrently serving as PPATs and officials of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). The study investigates how legal requirements are interpreted and implemented in professional practices involving property verification, family-status documentation, inheritance claims, deed preparation, and land registration. Rather than assuming that professional compliance necessarily produces secure

[19] H Adjie, *Hukum Notaris Indonesia: Tafsir Tematik Terhadap Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris* (Refika Aditama, 2009); Adjie, *Sanksi Perdata Dan Administratif Terhadap Notaris Sebagai Pejabat Publik*; Otto, "Real Legal Certainty in Developing Countries"; Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*; Fenwick and Wrbka, "The Shifting Meaning of Legal Certainty"; Rajab, Turisno, and Lumbanraja, "Sertipikat Hak Atas Tanah Dalam Kepastian Hukum Pendaftaran Tanah"; Auliani and Roisah, "Peranan Pejabat Pembuat Akta Tanah Dalam Pelaksanaan Transformasi Digital Layanan Pertanahan Melalui Sertipikat Tanah Elektronik."

property rights, the research examines the conditions under which documentary verification, precautionary decisions, and institutional coordination may contribute to legal certainty and preventive protection. This empirical orientation is consistent with the broader socio-legal concern that the practical operation of legal institutions must be examined alongside the formal rules governing their authority.[20] The regional setting is used to develop context-sensitive analytical insights rather than to claim statistical representativeness across Indonesia.

Against this background, the study addresses three research questions: (1) How are the legally differentiated responsibilities of notaries and PPATs exercised in verifying land transactions involving marital-property and inheritance rights? (2) Under what legal, procedural, and institutional conditions does professional due diligence contribute to legal certainty and preventive legal protection throughout the land-registration process? and (3) What legal, professional, technological, institutional, and socio-cultural factors influence the effectiveness of these responsibilities in South Sulawesi? These questions are examined through empirical legal research involving notary/PPAT practitioners and ATR/BPN officials, with particular attention to the relationship between normative requirements and their implementation in professional practice.

The principal contribution of this article is the development of a *chain-of-certainty framework* that analytically connects family-property entitlements, legally differentiated professional responsibilities, deed preparation, administrative registration, and preventive legal protection. Building on normative approaches to legal validity, socio-legal understandings of legal certainty, and the theory of preventive legal protection, the framework conceptualizes legal certainty as a sequential and institutionally mediated process rather than an outcome automatically guaranteed by the existence of an authentic deed or registered certificate.[21] It distinguishes four interrelated analytical dimensions juridical, administrative-functional, preventive, and coordinative-digital while recognizing the limits of each professional office's statutory authority. By positioning marital-property and inheritance rights at the beginning of the verification sequence, the article seeks to demonstrate how Islamic family-law entitlements inform

[20] S Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (RajaGrafindo Persada, 2007).

[21] Kelsen, *Teori Hukum Murni*; Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*.

the legitimacy of land transactions and the prevention of subsequent legal disputes. The proposed framework constitutes an analytical contribution developed through the integration of legal theory, normative analysis, and the study's empirical material; it is not presented as an established legal doctrine or as a universally validated model.

RESEARCH METHOD

This study employed an empirical legal research design using a socio-legal and *law-in-action* approach to examine how notaries and Land Deed Officials (*Pejabat Pembuat Akta Tanah*, PPAT) exercise professional due diligence in land transactions involving marital property, inheritance rights, and land registration. The socio-legal approach was adopted to investigate the relationship between formally prescribed legal obligations and their implementation within professional and administrative practices. At the level of Islamic legal interpretation, this orientation is also compatible with contemporary dialogical approaches that resist a rigid separation between normative texts and social context, while maintaining textual accountability and historically informed interpretation.[22] Research on the contemporary contextualization of classical Islamic thought likewise demonstrates both the interpretive possibilities and methodological limits involved in translating premodern concepts into present-day regulatory and policy contexts.[23] This orientation is consistent with Otto's emphasis on the practical operation of legal rules[24] and institutions and Soekanto's analysis of factors influencing the implementation and enforcement of law.[25] The research integrated normative legal analysis with qualitative field investigation to examine the relationship between statutory responsibilities, professional verification practices, legal certainty, and preventive legal protection. The study was conducted in South Sulawesi, Indonesia, involving five notaries concurrently serving as PPATs (N1–N5) and three officials from the Ministry of Agrarian Affairs and Spatial

[22] Riski Suriani Lubis, Jesimawati, and Ummatul Hasanah, "Reframing Qur'anic Hermeneutics Beyond the Text–Context Binary: A Dialogical Model for Contemporary Interpretation," *Dialogues in Qur'anic and Hadith Studies* 1, no. 1 (2026): 27–49.

[23] Al Fiqri Ardiansyah, Yusuf Rahman, Zubair, Marhamah Annazah Tambunan, and Nur Cholis, "Reconstructing Ecological Ethics from Fakhr al-Dīn al-Rāzī: The Possibilities and Limits of Its Contextualization in Indonesian Ecotheological Policy," *AL QUDS: Jurnal Studi Alquran dan Hadis* 10, no. 2 (2026): 385–414, https://doi.org/10.29240/alquds.v10i2.15999.

[24] Otto, "Real Legal Certainty in Developing Countries."

[25] Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

Planning/National Land Agency (ATR/BPN; B1–B3). Informants were selected through purposive sampling based on their professional responsibilities, experience in preparing or processing land-transfer documentation, and involvement in verifying ownership, marital-property interests, inheritance claims, and land-registration requirements. The practitioners represented Makassar City and selected surrounding regencies, including Gowa, Maros, Pangkep, and Takalar. The eight informants were intended to provide complementary professional and institutional perspectives rather than statistical representativeness. Their analytical relevance derives from their specialized professional roles and direct engagement with the legal-administrative processes under investigation. However, sample adequacy cannot be established through professional relevance alone, and claims of thematic saturation must be supported by documented evidence from the interview and coding process.

The study utilized primary empirical data, secondary legal materials, and tertiary legal reference sources. Primary data consisted of semi-structured interviews with notary/PPAT practitioners and ATR/BPN officials, supplemented by field observations of professional verification and land-administration practices. Interviews addressed identity verification, marital-property classification, identification of heirs, authority to transfer land, powers of attorney, certificate examination, physical and juridical data, encumbrances, disputed claims, electronic registration, and institutional coordination. Field observations were intended to provide an additional evidentiary basis for examining the relationship between reported professional practices and observable administrative procedures, consistent with the socio-legal distinction between formal legal arrangements and their practical implementation. Secondary materials included Indonesian legislation governing marriage, inheritance, notarial authority, PPAT functions, and land registration, particularly Law No. 1 of 1974 concerning Marriage, Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law, Law No. 30 of 2004 as amended by Law No. 2 of 2014, Government Regulation No. 37 of 1998 as amended by Government Regulation No. 24 of 2016, and Government Regulation No. 24 of 1997 as amended by Government Regulation No. 18 of 2021. Relevant judicial and administrative documents and scholarly publications were also examined to contextualize professional obligations and legal-

administrative practices.[26] Where Islamic textual authority is invoked within the supporting legal literature, its use is treated with attention to source fidelity, contextual coherence, and interpretive transparency rather than as self-sufficient normative legitimation.[27] Tertiary legal sources, where consulted, included legal dictionaries, encyclopedias, and reference indexes used to clarify legal terminology and identify authoritative legal materials. Documentary analysis was used to examine the consistency between applicable legal norms, professional accounts, and available administrative information.

The empirical material was analyzed through an iterative deductive inductive thematic approach informed by Braun and Clarke's discussion of quality and methodological coherence in thematic analysis.[28] The analytical process comprised familiarization with interview and observational materials, initial coding, identification of candidate themes, thematic review, conceptual refinement, and interpretation in relation to the research questions. Deductive categories were informed by statutory requirements and the theoretical perspectives of legal certainty and preventive legal protection, including professional competence, documentary compliance, marital-property verification, inheritance entitlements, authority to act, administrative registrability, preventive safeguards, and digital coordination. Inductive analysis was intended to identify relevant patterns and inconsistencies not adequately captured by the initial theoretical categories. Contradictory accounts were treated as analytically relevant differences in professional interpretation or institutional practice rather than automatically excluded. Interview accounts, observational records, and legal documents were compared to distinguish reported practices from independently observable administrative conditions and normative legal requirements. The analysis informed the proposed four-dimensional *chain-of-certainty framework*, comprising juridical, administrative-

[26] Adjie, *Hukum Notaris Indonesia: Tafsir Tematik Terhadap Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris*; Adjie, *Sanksi Perdata Dan Administratif Terhadap Notaris Sebagai Pejabat Publik*; Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi Dan Pelaksanaannya*; Santoso, *Pendaftaran Dan Peralihan Hak Atas Tanah*; Zevenbergen, *Systems of Land Registration: Aspects and Effects*.

[27] Ridho Wahyudi and Muhammad Khairul Fikri, "Iqtibās in Islamic Rhetorical Tradition: Aesthetic Function, Argumentative Force, and Ethical Quotation of Sacred Texts," *An-Najah: Jurnal Ushuluddin dan Studi Islam* 1, no. 1 (2026): 124–140.

[28] Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (SAGE, 2021).

functional, preventive, and coordinative-digital dimensions. This framework was developed as an interpretive synthesis rather than a statistically generalizable or independently validated causal model. Participants were identified using the codes N1–N5 and B1–B3 to reduce unnecessary disclosure of personal information. The study's interpretive scope is limited to the professional and institutional contexts examined in South Sulawesi. Details concerning the actual fieldwork period, interview duration and frequency, recording and transcription procedures, assessment of sample adequacy, informed consent, data protection, and ethical authorization must be established from the original research records before the methodology can be considered fully documented.

RESULTS AND DISCUSSION

From Formal Deed Validity to Chain-of-Certainty Responsibility

The first analytical finding concerns the distinction between formal deed validity and the substantive legitimacy of land transactions. The interview findings identify identity verification, marital status, inheritance documentation, authority to act, ownership history, and the accuracy of land records as interconnected aspects of professional due diligence. These requirements are particularly significant when land constitutes jointly acquired marital property or an undivided inheritance. Indonesian legal scholarship has established that authentic deeds must comply with applicable formal requirements, while the evidentiary and administrative functions of land documents remain connected to the substantive legal status of the underlying rights. Under Articles 35 and 36 of Law No. 1 of 1974 concerning Marriage and the relevant provisions of the Compilation of Islamic Law (KHI), determining whether land constitutes joint marital property or individually owned property is essential to assessing the authority of the parties undertaking a transaction. Similarly, Islamic inheritance provisions incorporated into the KHI establish the legal relevance of heirship and inheritance entitlements when land forms part of an undivided estate. Compliance with formal deed-making requirements does not independently establish that the appearing parties possess the substantive authority to dispose of the property. Legal certainty must therefore be evaluated through the correspondence between family-property entitlements, transactional

authority, documentary validity, and subsequent registration rather than through the authenticity of the deed alone.[29]

This finding also clarifies the legally differentiated responsibilities of notaries and Land Deed Officials (PPATs). Under Law No. 30 of 2004 concerning the Notarial Office, as amended by Law No. 2 of 2014, notaries possess authority to prepare authentic instruments within their statutory competence, whereas Government Regulation No. 37 of 1998, as amended by Government Regulation No. 24 of 2016, specifically governs PPAT authority in preparing deeds concerning designated land-related legal acts. Although one practitioner may hold both professional appointments, the respective legal authorities and responsibilities cannot be treated as interchangeable. Indonesian notarial scholarship emphasizes that professional accountability depends on compliance with legally prescribed competence, deed-making procedures, and the applicable standards governing authentic instruments.[30] For transactions involving marital property or inherited land, these formal responsibilities intersect with the need to examine whether the person appearing before the relevant official possesses the legal capacity and authority required for the proposed transaction. The relationship between notarial instruments and PPAT deeds must therefore be understood as a legally coordinated process in which each professional function contributes to the reliability of the relevant transaction without exceeding its statutory authority.

The professional verification process cannot be reduced to the passive receipt of documents submitted by the parties. The empirical material discussed in this study identifies potentially inconsistent names, outdated civil-status information, incomplete inheritance documentation, informal evidence of possession, and discrepancies between land certificates and physical or juridical data as relevant sources of transactional uncertainty. Such inconsistencies illustrate the difference between documentary appearance and the substantive reliability of legal information. From the perspective of legal certainty, the accuracy and consistency of documentary evidence are essential because land registration depends on legally relevant information

[29] Frederik, Ringkuangan, and Tuwaidan, "Pendaftaran Hak Atas Tanah Dalam Perspektif Kepastian Hukum"; Rajab, Turisno, and Lumbanraja, "Sertipikat Hak Atas Tanah Dalam Kepastian Hukum Pendaftaran Tanah."

[30] Puspitasari and Badriyah, "Pertanggungjawaban Notaris Dalam Akta Perjanjian Agar Mempunyai Kepastian Hukum."

capable of supporting the recognition and administration of land rights.[31] These concerns are particularly significant in family-property transactions because an apparently complete document may fail to establish the consent of a spouse, the participation or authorization of entitled heirs, or the legal authority of a person claiming to represent an undivided estate. Consequently, professional due diligence has an important preventive function: it enables legally relevant discrepancies to be identified, clarified, and appropriately addressed before the transaction proceeds to deed execution or registration. This interpretation is consistent with Hadjon's understanding of preventive legal protection and with Indonesian scholarship emphasizing the importance of professional accountability in the preparation of authentic deeds.

The theoretical significance of these findings lies in the relationship between formal legal certainty, socio-legal certainty, and preventive legal protection. Kelsen's normative approach provides a basis for examining whether legal acts comply with established rules and institutional competence,[32] whereas Otto's socio-legal perspective draws attention to the practical reliability and implementation of legal norms.[33] Hadjon's theory of legal protection further supports examination of measures intended to prevent foreseeable infringements of rights before disputes arise. Integrating these perspectives, the present study proposes a *chain-of-certainty responsibility framework* that conceptualizes professional responsibility as a sequence of legally differentiated but interconnected functions.[34] Four analytical dimensions are distinguished: juridical responsibility, concerning statutory competence, deed validity, and the parties' authority; administrative-functional responsibility, concerning documentary completeness and compliance with registration requirements; preventive responsibility, concerning the identification and appropriate management of legal risks; and coordinative-digital responsibility, concerning institutional communication, information reliability, and traceability within land-administration systems. These dimensions are proposed as an analytical synthesis rather than a new statutory classification of professional liability. Their contribution to

[31] Zevenbergen, *Systems of Land Registration: Aspects and Effects*; Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi Dan Pelaksanaannya*; Rajab, Turisno, and Lumbanraja, "Sertipikat Hak Atas Tanah Dalam Kepastian Hukum Pendaftaran Tanah."

[32] Kelsen, *Teori Hukum Murni*.

[33] Otto, "Real Legal Certainty in Developing Countries."

[34] Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*.

Islamic family-law scholarship lies in positioning marital-property entitlements, inheritance rights, and authority to dispose of land as substantive foundations of transactional legitimacy. Accordingly, the proposed framework extends the analysis of legal certainty beyond the formal execution of deeds toward the continuity of reliable legal information throughout the land-transaction process.

Conditional Effectiveness in Land Registration

The second finding concerns the conditional nature of professional effectiveness in securing legal certainty through land registration. The execution of an authentic deed does not automatically demonstrate that the professional responsibilities of a notary or Land Deed Official (PPAT) have achieved their intended legal and administrative purposes. Indonesian land-registration scholarship emphasizes that the legal significance of land documents is closely associated with the reliability of supporting evidence, compliance with registration requirements, and the consistency of physical and juridical information. Similarly, Zevenbergen conceptualizes land registration as an institutional system whose reliability depends on interconnected legal, administrative, and informational processes. Within this perspective, the empirical issues identified in South Sulawesi suggest that professional effectiveness cannot be determined solely by the successful preparation of an authentic deed. Rather, it must be examined through the relationship between documentary legality, the legitimacy of the underlying property rights, administrative registrability, and the prevention of foreseeable legal disputes. This relationship becomes particularly significant when land transactions involve marital-property interests, inheritance entitlements, or uncertainty concerning the authority of individuals acting on behalf of other rights holders.

An important analytical distinction must therefore be maintained between professional responsibility and professional effectiveness. Responsibility refers to the legally prescribed obligations and professional standards governing the exercise of notarial and PPAT authority, whereas effectiveness concerns the extent to which the performance of those obligations contributes to legally sustainable and administratively reliable transactional outcomes. The distinction is consistent with Kelsen's normative approach to legal validity and Otto's socio-legal emphasis on the practical implementation of legal norms. In Indonesian notarial scholarship, professional responsibility is closely associated with statutory competence, compliance with authentic-deed requirements, and the legal consequences arising from defective

instruments. Nevertheless, compliance with applicable formal requirements does not independently guarantee that the underlying transaction is free from substantive defects or subsequent administrative obstacles. Conversely, successful registration does not necessarily establish that all relevant marital-property or inheritance entitlements were appropriately examined. Professional responsibility and transactional effectiveness must therefore be evaluated as related but analytically distinct concepts, with particular attention to the limits of each official's statutory authority.

Building on this distinction, the study proposes five analytical criteria for evaluating transactional effectiveness: legal validity, factual reliability, administrative registrability, procedural timeliness, and preventive capacity. Legal validity concerns compliance with statutory competence, legally prescribed procedures, and the substantive authority of the transacting parties. Factual reliability concerns the accuracy and sufficiency of documentary evidence, including ownership history, marital-property classification, inheritance documentation, and legally recognized representation. Administrative registrability concerns whether transaction documents satisfy the applicable requirements for processing and recording changes in land-registration data, while procedural timeliness addresses compliance with relevant submission periods and the avoidance of preventable administrative delays. Preventive capacity concerns the identification and appropriate management of foreseeable risks before the execution or registration of a legally deficient transaction. These criteria represent the study's analytical synthesis of professional accountability, land-registration reliability, and preventive legal protection rather than five independent statutory obligations.[35] Their conceptual contribution lies in connecting compliance with the quality and continuity of legally relevant information across successive stages of land transactions. Importantly, the criteria should not be interpreted as requiring every transaction to culminate in registration, because appropriate preventive intervention may itself constitute an effective professional outcome.

Effectiveness is consequently not synonymous with procedural speed or the number of completed deeds. The manuscript's empirical discussion identifies documentary inconsistencies, incomplete

[35] Hadjon; Santoso, *Pendaftaran Dan Peralihan Hak Atas Tanah*; Zevenbergen, *Systems of Land Registration: Aspects and Effects*; Otto, "Real Legal Certainty in Developing Countries."

inheritance records, discrepancies in civil-status information, unresolved encumbrances, and deficiencies in land data as circumstances that may require clarification before a transaction proceeds. These conditions are particularly consequential in transactions involving jointly acquired marital property or undivided inheritance because the legal authority to transfer land may depend on spousal consent, the identification of entitled heirs, or legally sufficient authorization from other rights holders. Under Articles 35 and 36 of Law No. 1 of 1974 concerning Marriage, the legal classification of marital property influences the authority of spouses to undertake transactions involving jointly acquired assets. Similarly, the Compilation of Islamic Law (KHI), particularly Articles 85–97 and the provisions governing inheritance in Book II, provides a normative basis for distinguishing marital-property interests from inheritance entitlements. Where these substantive rights remain uncertain, immediate deed execution may increase rather than reduce the risk of future disputes. In this context, requests for additional documentation, clarification of family-property entitlements, or justified postponement may constitute appropriate measures for preserving legal certainty, provided that such actions remain within the professional's applicable legal authority (Hadjon, 1987; Harsono, 2007; Santoso, 2011).

The theoretical significance of postponement or refusal lies in its relationship to preventive legal protection. Hadjon's framework provides a basis for understanding preventive measures as mechanisms intended to protect legal interests before disputes or infringements occur. Applied to notarial and PPAT practice, this perspective suggests that professional effectiveness should not be equated exclusively with the completion of transactions. Where material deficiencies concerning marital-property consent, heirship documentation, ownership status, or transfer authority remain unresolved, a legally justified decision to postpone or decline the relevant act may prevent the creation of documentation that appears formally authoritative but rests on an unstable substantive foundation. Nevertheless, refusal cannot be treated as an unrestricted professional discretion. Its legitimacy must be assessed against the applicable statutory provisions, professional obligations, and the circumstances of the proposed transaction. Indonesian scholarship on notarial accountability emphasizes the importance of compliance with legal authority and deed-making requirements, which remain relevant when evaluating decisions not to proceed. Accordingly, documented postponement or refusal may be understood as an appropriate preventive

outcome when supported by legally sufficient grounds. This interpretation extends the understanding of transactional effectiveness beyond deed completion toward the protection of substantive rights, particularly those arising from marriage and inheritance.

Determinants of Effectiveness

The third finding concerns the factors that make chain-of-certainty responsibility effective or ineffective. The factors are interdependent: professional competence cannot compensate fully for unreliable official data, and advanced digital systems cannot ensure certainty when the parties conceal material facts. Table 1 summarizes the operational dimensions identified from the legal and empirical analysis.

The four dimensions of chain-of-certainty responsibility represent an analytical synthesis of the legal framework and the professional practices examined in this study. The juridical dimension concerns the legal competence of the acting official, the validity of the instrument, and the parties' substantive entitlement and authority. The administrative-functional dimension addresses documentary completeness, procedural compatibility, and the capacity of transaction documents to support accurate land registration. The preventive dimension concerns the identification and management of foreseeable risks, including unresolved marital-property interests, incomplete heirship information, and competing claims. The coordinative-digital dimension concerns the transmission, verification, traceability, and correction of information across professional offices and land-administration systems. These dimensions should not be interpreted as four newly created statutory obligations. Rather, they constitute theoretically informed categories for explaining how legally differentiated professional responsibilities interact throughout the transaction process. Their empirical grounding requires the presentation of coded interview evidence, observed practices, and relevant documentary comparisons.

Table 1. Analytical Development of the Chain-of-Certainty Framework

Evidence to be verified in field records	Proposed analytical code	Conceptual category	Theoretical proposition
Verification of marital status, spouse's	Family-property entitlement;	Juridical	Transactional legitimacy depends on the

consent, heirship, and authority to transfer	authority verification		legal entitlement and authority of the parties
Inconsistencies between supporting documents, deeds, and registration records	Documentary consistency; registrability	Administrative-functional	Formal validity does not independently ensure administrative registrability
Postponement or refusal where material ownership or inheritance issues remain unresolved	Risk screening; preventive intervention	Preventive	Reasoned non-execution may protect rights more effectively than premature execution
Verification, correction, and communication between practitioners and ATR/BPN	Data traceability; institutional coordination	Coordinative-digital	Legal certainty depends partly on the reliability of information transmitted between institutions

The analytical relationships presented in Table 1 distinguish the empirical material from the conceptual interpretations developed in this study. The coding categories concern legally relevant verification, documentary consistency, preventive decision-making, and institutional coordination. These categories are examined in relation to the applicable legal framework and the theoretical perspectives of legal certainty and preventive legal protection. The resulting propositions provide a basis for interpreting professional responsibility as a sequence of interdependent but legally differentiated functions. Accordingly, the chain-of-certainty framework should be understood as a proposed explanatory model whose empirical support depends on the correspondence between participant accounts, observational records, documentary evidence, and normative legal analysis.

The relationships between empirical evidence, analytical coding, conceptual categories, and theoretical propositions are summarized in Table 1. Building on this analytical structure, Table 2 differentiates the operational responsibilities associated with each dimension of the proposed framework from the criteria used to assess their effectiveness.

Table 2. Differentiating Professional Responsibilities and Effectiveness Indicators in the Chain-of-Certainty Framework

Dimension	Professional responsibility	Indicators for evaluating effectiveness
Juridical	Act within statutory competence; verify relevant identity, capacity, family-property entitlement, authority, and deed requirements	Applicable legal requirements are satisfied; material deficiencies in entitlement or authority are identified and addressed
Administrative-functional	Prepare and submit required documents according to applicable land-registration procedures	Documentation is registrable or its deficiencies are appropriately identified; preventable administrative errors and delays are reduced
Preventive	Examine foreseeable ownership, marital-property, inheritance, encumbrance, and dispute risks; respond within the applicable legal and professional framework	Risks are identified before execution; necessary clarification, justified postponement, or lawful refusal occurs
Coordinative-digital	Use authorized verification and submission procedures; safeguard records; communicate with competent land-	Information remains accurate and traceable; discrepancies are corrected through appropriate channels; records support

	administration institutions	administrative accountability

Source: Authors' proposed analytical framework based on applicable legal provisions and qualitative analysis; empirical categories require verification against the original field records.

Regulatory coherence. The legal basis for notarial office, PPAT office, land registration, and electronic documents is extensive, but practitioners must translate overlapping rules into an operational workflow. Differences in documentary interpretation, transitional digital procedures, or delegated authority can generate inconsistent services. A unified, risk-based due-diligence protocol would reduce local variation without erasing the professional judgment needed for complex cases.

Professional competence, integrity, and due diligence. The interviews identify professional caution as the central factor. Competence includes knowledge of land law, family and inheritance law, company authority, civil-status documentation, and electronic registration. Integrity includes impartiality, resistance to client pressure, and willingness to refuse a transaction. Due diligence links these qualities to observable conduct: checking, asking, comparing, recording, and following up.

Quality of physical and juridical data. Many obstacles originate in inconsistent names, old certificates, unclear boundaries, unplotted parcels, incomplete title histories, or differences between physical possession and the register. These problems demonstrate that certificate checking must be accompanied by attention to mapping, parcel identifiers, supporting records, and the current legal status of the land. The lower the quality of official and private data, the greater the professional burden of verification.

Marital Property, Inheritance Rights, and Authority to Transfer Land

The legal classification of land as marital property, separate property, or inherited property constitutes a fundamental consideration in determining the authority of parties to undertake land transactions. Under Article 35 of Law No. 1 of 1974 concerning Marriage, property acquired during marriage generally constitutes joint marital property (*harta bersama*), whereas property owned before marriage or acquired individually through inheritance or gifts remains under the respective spouse's control unless otherwise determined. Article 36 further establishes the legal relevance of spousal consent in transactions

involving joint marital property. Within Indonesian Islamic family law, Articles 85–97 of the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI), disseminated through Presidential Instruction No. 1 of 1991, provide additional provisions concerning ownership, management, and the division of marital property. These legal distinctions are significant because the individual whose name appears on a land certificate does not necessarily possess unrestricted authority to dispose of all interests associated with that property. Contemporary Qur'anic legal scholarship further demonstrates that questions of inheritance and family authority cannot be reduced to the formal allocation of legal status, but must also consider how substantive rights, consent, and agency are recognized within family relationships.[36] Socio-legal analysis of *qiwāmah* further demonstrates that gendered structures of family authority may affect the recognition of women's voice, knowledge, consent, and legal agency, making the substantive examination of authority particularly important where family-property rights are implicated.[37] Land-registration scholarship emphasizes that the legal reliability of property transactions depends on the correspondence between documentary information and the substantive legal status of the rights being transferred.[38] Accordingly, notarial and PPAT due diligence must distinguish between ownership documentation, marital-property classification, legally required consent, and the authority of the parties to undertake a particular legal act.

The legal status of property inherited by one spouse requires particular attention because inheritance does not automatically become joint marital property merely because it is received during marriage. Under Article 35(2) of the Marriage Law and the relevant provisions of the KHI, inherited property generally remains under the control of the

[36] Rahmayati Koto, M. Farhan Hidayat, and Maisarah Siregar, "Gender, Authority, and Qur'anic Legal Interpretation: Reframing Contemporary Debates on Women's Interpretive Agency," *Journal of Qur'anic Legal Studies and Exegesis* 1, no. 1 (2026): 1–20, https://doi.org/10.68051/jqlse.v1i1.8.

[37] Al Fiqri Ardiansyah, Marhamah Annazah Tambunan, Randy Putra Alamsyah, Idrus Afandi Akbar, and Nuruddin, "Qiwāmah and Epistemic Violence: A Critical Socio-Legal Analysis of Gendered Authority in Islamic Family Law," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 605–626, https://doi.org/10.52496/mjhki.v3i2.100.

[38] Harsono, *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi Dan Pelaksanaannya*; Santoso, *Pendaftaran Dan Peralihan Hak Atas Tanah*; Rajab, Turisno, and Lumbanraja, "Sertipikat Hak Atas Tanah Dalam Kepastian Hukum Pendaftaran Tanah."

spouse who receives it, subject to applicable legal arrangements. Conversely, land acquired during marriage may constitute joint marital property even where the registered certificate identifies only one spouse. These distinctions become especially consequential when a spouse attempts to transfer or encumber land without properly establishing whether the asset constitutes separate property or joint marital property. The resulting uncertainty is not limited to documentary completeness but concerns the substantive authority underlying the transaction. From the perspective of normative legal certainty, valid professional conduct requires compliance with the applicable legal provisions governing property ownership and the authority of transacting parties (Kelsen, 2006). From a preventive perspective, identifying the correct legal classification before deed execution may reduce foreseeable disputes involving spouses and other interested parties.[39] Therefore, verification of marital-property status functions as an important connection between Islamic family-law entitlements and the legal reliability of land transactions.

Inheritance introduces additional complexities because the death of a landowner may create legally recognized entitlements among multiple heirs before the deceased's estate has been divided. Indonesian Islamic inheritance law, as reflected in Book II of the KHI, establishes provisions concerning the identification of heirs, the composition of inherited property, and the distribution of inheritance rights. Article 171 provides relevant definitions concerning inheritance, heirs, and inherited property, while Article 174 identifies categories of heirs and Articles 176–193 regulate various inheritance entitlements. These provisions are significant when inherited land remains registered in the deceased's name or when a single heir attempts to undertake a transaction involving property that has not yet been divided. In such circumstances, the existence of documentary evidence identifying the deceased or one family member does not independently establish the authority of that individual to transfer the entire property. The legal assessment must distinguish heirship, the respective rights of entitled heirs, the status of estate administration and distribution, and the authority supporting the proposed transaction. This interpretation is consistent with the broader requirement that land-transfer documentation must correspond to legally recognized property rights and registration requirements.

[39] Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*.

The transfer of undivided inherited land by one heir without the lawful participation, authorization, or legally sufficient representation of other entitled heirs may create substantive defects concerning the transferor's authority. An individual heir's entitlement to an inheritance share cannot automatically be equated with unrestricted authority to dispose of the entire inherited parcel. Where the rights of other heirs remain unresolved, the validity and legal consequences of a proposed transfer depend on the nature of the transaction, the applicable inheritance rules, the legal status of estate distribution, and the authority established by the supporting documentation. In this context, professional due diligence should distinguish between the existence of an inheritance entitlement and the legal authority required to transfer a particular land right. The distinction is consistent with the legal-certainty principle that legally significant actions must derive from recognized authority and comply with the applicable normative framework.[40] It also reflects the preventive function of legal protection, through which foreseeable infringements of property rights may be addressed before the execution of potentially defective transactions.[41] Consequently, requests for additional heirship documentation, clarification of estate distribution, or legally justified postponement may constitute appropriate preventive measures where material uncertainty remains unresolved.

The relationship between Islamic inheritance law and Indonesian land-registration law also raises questions concerning institutional competence and dispute resolution. For Muslim parties, disputes concerning inheritance and marital property may fall within the jurisdiction of the Religious Courts under Law No. 7 of 1989 concerning Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009, subject to the nature of the dispute and the applicable jurisdictional requirements. Nevertheless, disputes concerning administrative land-registration decisions or claims involving parties outside the relevant family-law relationship may raise different jurisdictional considerations. Accordingly, the determination of inheritance entitlements, the legal validity of a land transaction, and the administrative registration of land rights should not be treated as identical legal processes. Notaries and PPATs perform their respective professional functions within the limits of statutory authority, while ATR/BPN exercises land-administration responsibilities and competent courts resolve disputes within their

[40] Kelsen, *Teori Hukum Murni*.
[41] Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*.

jurisdiction. This differentiation supports the socio-legal understanding that legal certainty depends not only on formal norms but also on the appropriate and consistent exercise of institutional authority.

Marriage registration and the reliability of civil-status documentation further influence the relationship between family-property entitlements and land-registration certainty. In transactions involving joint marital property or inherited land, discrepancies concerning marriage records, divorce documentation, death certificates, heirship evidence, or the identification of family members may complicate the assessment of ownership interests and authority to act. However, an incomplete or inconsistent administrative record should not automatically be equated with the absence of a substantive legal entitlement. The legal consequences must be evaluated according to the applicable rules governing marriage, inheritance, evidence, and property rights. From the perspective of land-registration reliability, documentary information must be sufficiently consistent to support legally appropriate administrative action. Nevertheless, technical documentary verification cannot independently resolve contested family-law rights. Where legally material uncertainty remains, appropriate clarification or determination by the competent institution may be necessary before the transaction proceeds.

These findings provide the basis for a family-law-oriented interpretation of the proposed *chain-of-certainty framework*. The legal sequence begins with the identification of family status, continues through the classification of property entitlements and the determination of authority to dispose of land, and subsequently extends to deed preparation, documentary verification, administrative registration, and preventive protection. The significance of this sequence lies in its recognition that defects originating in family-property relationships may affect the legitimacy and reliability of subsequent land-registration procedures. Whereas conventional approaches to legal certainty frequently emphasize documentary validity and administrative registration, the proposed framework highlights the substantive relationship between marital-property rights, inheritance entitlements, and transactional authority. Integrating the normative validity of legal acts, socio-legal certainty, and preventive legal protection provides a conceptual basis for understanding these relationships (Kelsen, 2006; Otto, 2012; Hadjon, 1987). Accordingly, Islamic family law becomes a foundational component of land-transaction certainty because the identification and protection of family-based property rights inform the

legitimacy of the parties' authority. This interpretation represents an analytical contribution of the present study rather than a newly established statutory doctrine or a universally validated model.

Digital Transformation and Expanded Professional Responsibility

Digitalization expands rather than diminishes professional responsibility. Regulation of electronic documents in land registration allows information to move more quickly between PPAT and ATR/BPN, improves traceability, and creates opportunities for automated checking. However, the electronic environment also converts clerical mistakes into system-level risks. An incorrect party name, parcel identifier, attachment, or status selection may be propagated across databases and may appear authoritative because it is digitally recorded.

Recent Indonesian studies reach a similar conclusion. Electronic registration improves efficiency and access, but successful implementation depends on document quality, competent operators, infrastructure, and institutional readiness.[42] The relevant professional standard should therefore include readable and authentic uploads, accurate metadata, secure credentials, controlled access, reliable backups, and a documented record of corrections. More broadly, contemporary Islamic digital-governance scholarship emphasizes that technologically mediated decision systems require institutional accountability, auditability, risk governance, human oversight, and accessible mechanisms of correction or remedy where digital processes affect legally protected interests.[43] The confidentiality traditionally associated with the notarial office must also extend to digital copies containing identity, family, financial, and property information.

Digital systems should be designed to support professional caution. Useful features include early warnings for blocks, seizures, active disputes, mortgages, duplicate or overlapping parcel geometry, inconsistent parcel identifiers, and discrepancies between names in civil and land records. A warning should not automatically determine legal validity, but it should trigger a documented review. This risk-based design would align digital efficiency with preventive legal protection.

---

[42] Kusmiarto et al., "Digital Transformation of Land Services in Indonesia: A Readiness Assessment."

[43] Muhamad Syahrus Sobirin, Muhammad Rizqi Fauzi, and Hakimul Nizar, "Artificial Intelligence, Islamic Ethics, and Algorithmic Accountability: A Maqāṣid al-Sharī'ah Framework for Responsible AI Governance in Digital Muslim Societies," *Islamicate Futures: Knowledge, Ethics, and Muslim Societies* 1, no. 1 (2026): 32–63, https://doi.org/10.68051/ifkems.v1i1.37.

The current institutional framework also requires attention to regulatory currency. Delegated land-registration authority under Ministerial Regulation No. 5 of 2025 was amended by Ministerial Regulation No. 9 of 2025. For professionals, regulatory updates are not merely administrative information; they affect where decisions are made, which office is competent, and how files should be processed. Continuous training and updated workflow guidance are therefore essential components of digital responsibility.

From a family-law perspective, digital land administration must distinguish the technical verification of documentary information from the legal determination of family-property entitlements. Electronic records may facilitate the identification of inconsistencies involving personal identity, marital status, death records, or supporting heirship documentation, subject to applicable rules on access, confidentiality, and personal-data protection. However, matching documentary information cannot independently establish whether land constitutes joint marital property, whether an estate has been lawfully distributed, or whether a particular heir possesses authority to transfer the entire parcel. These questions require legally informed examination of substantive rights and, where necessary, determination by the competent institution or court. Digitalization should therefore support, rather than replace, legally appropriate professional judgment and preventive verification.

The Chain-of-Certainty Responsibility Model

The proposed chain-of-certainty framework integrates the doctrinal and empirical dimensions of the study into a sequential explanation of how family-property entitlements, professional due diligence, and land-registration requirements interact. As illustrated in Figure 1, the framework begins with verification of family status and the relevant property rights because the legitimacy of a land transaction depends partly on whether the parties possess the legal entitlement and authority necessary to undertake it. Subsequent stages concern the identification and legal status of the land object, compliance with the requirements governing deed execution, submission and validation of supporting documentation, and the accuracy and continuing reliability of official registration records. The framework does not transfer judicial or administrative powers to notaries or PPATs. Instead, it identifies the points at which distinct legal responsibilities become interdependent and where appropriate preventive measures may interrupt the progression of legally deficient transactions.

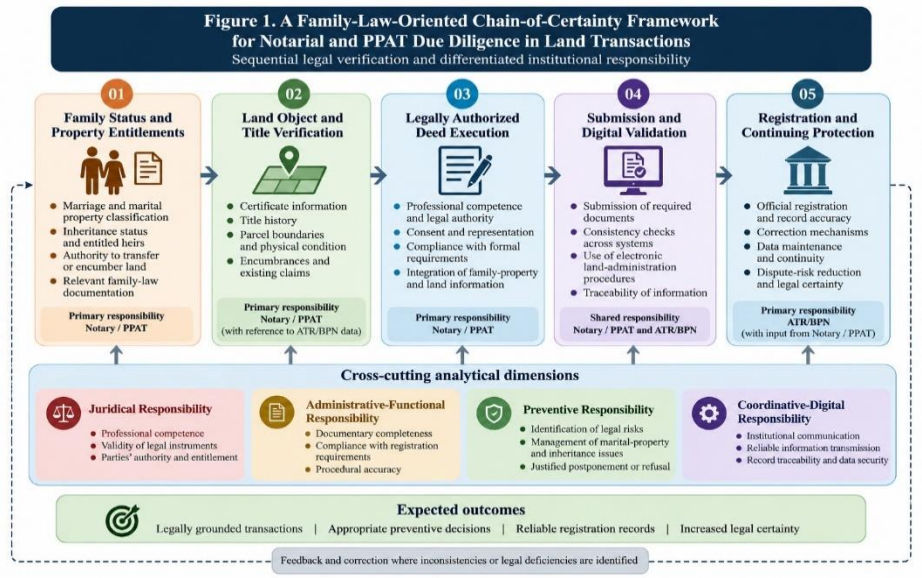


Figure 1. A Family-Law-Oriented Chain-of-Certainty Framework for Notarial and PPAT Due Diligence in Land Transactions.

The chain-of-certainty framework advances a sequential interpretation of legal certainty in which family-law entitlements constitute an essential starting condition for legitimate land transactions. Its conceptual contribution is not the creation of a new category of statutory liability but the identification of dependencies among substantive property rights, legally differentiated professional duties, administrative registrability, and preventive protection. The framework proposes that a defect in an earlier stage may compromise the reliability of subsequent stages even when later documentary requirements appear formally satisfied. Conversely, effective verification may interrupt the progression of a legally deficient transaction before inaccurate information enters the land register. The model consequently connects normative legal certainty with its institutional and socio-legal realization, while recognizing that its explanatory applicability requires further examination across different transactional and administrative contexts.

The framework consists of five sequential stages supported by four cross-cutting analytical dimensions. The first stage examines family status, marital-property entitlements, inheritance rights, and authority to dispose of property. The second concerns verification of land ownership, title history, physical characteristics, and existing legal burdens or

claims. The third concerns deed preparation and execution within the legally prescribed authority of the relevant official. The fourth involves documentary submission, validation, and the appropriate use of electronic land-administration procedures. The fifth concerns registration, record accuracy, traceability, and the availability of lawful correction or dispute-resolution mechanisms. Juridical, administrative-functional, preventive, and coordinative-digital considerations operate across these stages, although their legal implications differ according to the responsible actor. The principal theoretical proposition is that legal certainty depends not only on the formal validity of individual documents but also on the continuity and reliability of legally relevant information from substantive entitlement to administrative registration. The framework remains an analytical proposition rather than a universally validated causal model.

The institutional implications of the proposed framework are summarized in Table 3. The analysis distinguishes risks arising from family-property entitlements, professional decision-making, documentary reliability, and administrative coordination. In particular, marital-property classification and inheritance status require substantive legal examination because they influence the authority of the persons undertaking a land transaction. These questions cannot be resolved exclusively through technical verification of land-registration records. The proposed safeguards consequently assign importance to verification, institutional clarification, legally justified postponement, and appropriate referral to competent authorities. Their implementation must remain consistent with the legally differentiated responsibilities of notaries, PPATs, ATR/BPN officials, and judicial institutions.

Table 3. Family-Law and Land-Registration Risks and Proposed Institutional Safeguards

Risk area	Legal and administrative implications	Proposed safeguards
Marital-property classification	Transfer of joint marital property without legally required consent	Verify marital status, property classification, and the applicable consent requirements

Individually inherited property	Incorrect treatment of one spouse's inherited property as joint marital property	Examine inheritance records and the legal basis of separate ownership
Undivided inheritance	Attempted transfer of an inherited parcel without sufficient authority	Verify heirship, estate distribution, and lawful participation or representation of entitled persons
Excluded or unidentified heirs	Competing inheritance claims and uncertainty concerning transfer authority	Examine relevant heirship evidence; defer unresolved transactions where legally necessary
Family-status documentation	Inconsistent marriage, divorce, death, or heirship documentation	Clarify discrepancies through legally recognized evidence or competent institutions
Land-object and title inconsistencies	Defective or unregistrable documentation, boundary disputes, or conflicting claims	Verify certificate information, title history, parcel identification, and encumbrances
Professional or client pressure	Execution despite unresolved material legal deficiencies	Apply legally justified preventive measures and document professional decisions
Digital data deficiencies	Inaccurate uploads, inconsistencies, or loss of traceability	Strengthen verification, access controls, data correction, and audit records
Institutional coordination	Delayed registration and unresolved discrepancies between supporting documents and official data	Establish clear communication and correction procedures within each institution's legal authority

Source: Authors' proposed synthesis of legal requirements and institutional safeguards, informed by the analytical framework.

Policy and Professional Implications

The analysis suggests that improvements in notarial and PPAT due diligence should integrate substantive family-property verification with the procedural requirements of land registration. Professional guidance should explicitly address the identification of jointly acquired marital property, separate property, inherited assets, legally entitled heirs, and the authority necessary to transfer or encumber land. These requirements should be incorporated into appropriate documentary verification procedures while preserving the distinction between notarial authority, PPAT functions, ATR/BPN administrative competence, and judicial determination of disputed rights. Professional supervision should evaluate the adequacy of legally required verification, the documentation of material risks, and the justification for postponement or refusal where applicable. Such an approach would place greater emphasis on preventing defective transactions rather than evaluating professional performance primarily through completed deeds or registration speed.

At the institutional level, the proposed framework supports clearer verification procedures, improved communication between professional offices and land-administration authorities, reliable digital records, and mechanisms for addressing documentary inconsistencies. For transactions involving Muslim marital-property and inheritance rights, administrative processes should recognize that proof of family status and entitlement may require examination under the applicable provisions of the Marriage Law, the Compilation of Islamic Law, and other relevant legal instruments. Where substantive disputes remain unresolved, the parties should be directed toward the appropriate legal procedures rather than relying on administrative registration to determine contested entitlements. These recommendations position preventive legal protection as an integral consideration in professional due diligence and clarify the relationship between Islamic family law and Indonesian land administration. Their practical effectiveness, however, requires further empirical evaluation across different institutional and regional settings.

CONCLUSION

This study finds that the essential responsibility of notaries and Land Deed Officials (PPAT) in land transactions is best understood as a chain-of-certainty responsibility rather than as a single act of deed preparation. In response to the first research question, the study shows that professional responsibility extends from verification of the parties, their family-property status, and their authority to act, through examination of the land object and title history, deed preparation and

execution, submission and digital validation, and ultimately registration and maintenance of land data by ATR/BPN. In response to the second research question, the study finds that effectiveness is conditional rather than automatic: a deed is effective not merely because it is authentic, but because it is legally valid, factually supported, administratively registrable, timely, traceable, and capable of reducing foreseeable dispute risk. In response to the third research question, the study identifies regulatory coherence, professional competence and integrity, documented due diligence, reliable physical and juridical data, digital infrastructure and security, institutional coordination, and public legal culture as the principal factors shaping effectiveness. The theoretical contribution of the article lies in reconceptualizing professional responsibility as a sequential and interdependent process, thereby extending Indonesian legal scholarship beyond approaches that focus only on deed validity, professional liability, or registration formalities as separate domains.

Empirically, the study contributes by showing how professional due diligence actually operates in South Sulawesi through the practical experiences of notary/PPAT practitioners and ATR/BPN officials. The findings demonstrate that professional caution, requests for clarification, and even reasoned postponement or refusal may constitute effective preventive legal protection rather than service failure when material deficiencies remain unresolved. For Indonesian legal scholarship, this finding helps distinguish professional responsibility from transactional effectiveness and clarifies how formal legal compliance interacts with administrative registrability and dispute prevention. For Islamic family-law scholarship, the study further demonstrates that marital-property status, inheritance entitlements, family documentation, and authority to transfer land are not peripheral matters, but foundational determinants of transactional legitimacy. Whether land forms part of jointly acquired marital property, separately inherited property, or an undivided estate directly affects who may lawfully consent to, represent, or transfer the relevant rights. Accordingly, the article's family-law contribution is to show that legal certainty in land registration depends in part on prior verification of marital and inheritance relationships, making Islamic family law a substantive foundation of land-transaction certainty rather than an incidental documentary consideration.

At the same time, the study has important limitations. Its conclusions are based on qualitative empirical research involving only eight professional informants in a single province, South Sulawesi, and

therefore should not be treated as universally applicable across all Indonesian regions or institutional settings. The proposed chain-of-certainty framework is offered as an analytical model grounded in this study rather than as a universally validated doctrine. Future research should test and refine the framework through broader comparative studies across provinces, land-office conditions, and different categories of transactions, including cases involving disputed inheritance, marital-property conflicts, or digital-registration failures. Practically, the findings support several recommendations: the development of clearer layered due-diligence standards for notaries and PPATs; stronger integration of family-property verification into land-transaction procedures; improved coordination and feedback mechanisms between professional offices and ATR/BPN; enhancement of secure and traceable digital systems; and wider public legal education concerning marital-property, inheritance, and registration requirements. Legal certainty will be strengthened when each stage of the transaction process produces verified, interoperable, and auditable information while remaining sensitive to the substantive rights protected under Indonesian family law and Islamic inheritance law.

BIBLIOGRAPHY

Abdullah, Raihanah, Patricia Martinez, and Wirdati Mohd. Radzi. 2010. "Islam and Adat: Considering the Wife's Moral Contribution in the Division of Harta Sepencharian in Malaysia." *Indonesia and the Malay World* 38 (111): 161–180. https://doi.org/10.1080/13639811.2010.489349.

Abubakari, Zaid, Christine Richter, and Jaap Zevenbergen. 2020. "Making Space Legible across Three Normative Frames: The (Non-)Registration of Inherited Land in Ghana." *Geoforum* 108: 217–226. https://doi.org/10.1016/j.geoforum.2019.11.002.

Adjie, Habib. 2009. *Hukum Notaris Indonesia: Tafsir Tematik terhadap Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris*. Refika Aditama.

Adjie, Habib. 2015. *Sanksi Perdata dan Administratif terhadap Notaris sebagai Pejabat Publik*. Refika Aditama.

Agarwal, Bina. 2003. "Gender and Land Rights Revisited: Exploring New Prospects via the State, Family and Market." *Journal of Agrarian Change* 3 (1–2): 184–224. https://doi.org/10.1111/1471-0366.00054.

Ameyaw, Prince Donkor, and Walter Timo de Vries. 2020.

"Transparency of Land Administration and the Role of Blockchain Technology, a Four-Dimensional Framework Analysis from the Ghanaian Land Perspective." *Land* 9 (12): 491. https://doi.org/10.3390/land9120491.

Andersson Djurfeldt, Agnes. 2020. "Gendered Land Rights, Legal Reform and Social Norms in the Context of Land Fragmentation: A Review of the Literature for Kenya, Rwanda and Uganda." *Land Use Policy* 90: 104305. https://doi.org/10.1016/j.landusepol.2019.104305.

Ardiansyah, Al Fiqri, Marhamah Annazah Tambunan, Randy Putra Alamsyah, Idrus Afandi Akbar, and Nuruddin. 2025. "Qiwāmah and Epistemic Violence: A Critical Socio-Legal Analysis of Gendered Authority in Islamic Family Law." *Mawaddah: Jurnal Hukum Keluarga Islam* 3 (2): 605–626. https://doi.org/10.52496/mjhki.v3i2.100.

Ardiansyah, Al Fiqri, Yusuf Rahman, Zubair, Marhamah Annazah Tambunan, and Nur Cholis. 2026. "Reconstructing Ecological Ethics from Fakhr al-Dīn al-Rāzī: The Possibilities and Limits of Its Contextualization in Indonesian Ecotheological Policy." *AL QUDS: Jurnal Studi Alquran dan Hadis* 10 (2): 385–414. https://doi.org/10.29240/alquds.v10i2.15999.

Arsy, E. A., H. N. Widhiyanti, and P. A. Ruslijanto. 2021. "Tanggung Jawab Notaris terhadap Akta yang Cacat Hukum dan Tidak Sesuai dengan Ketentuan Pembuatan Akta dalam Undang-Undang Jabatan Notaris." *Jurnal Bina Mulia Hukum* 6 (1): 130–140. https://doi.org/10.23920/jbmh.v6i1.324.

Auliani, I. R., and K. Roisah. 2025. "Peranan Pejabat Pembuat Akta Tanah dalam Pelaksanaan Transformasi Digital Layanan Pertanahan melalui Sertipikat Tanah Elektronik." *Legal Standing: Jurnal Ilmu Hukum* 9 (2): 394–407. https://doi.org/10.24269/ls.v9i2.11571.

Barry, Michael. 2020. "Hybrid Land Tenure Administration in Dunoon, South Africa." *Land Use Policy* 90: 104301. https://doi.org/10.1016/j.landusepol.2019.104301.

Bennett, Rohan Mark, Mark Pickering, and Jason Sargent. 2019. "Transformations, Transitions, or Tall Tales? A Global Review of the Uptake and Impact of NoSQL, Blockchain, and Big Data Analytics on the Land Administration Sector." *Land Use Policy* 83: 435–448. https://doi.org/10.1016/j.landusepol.2019.02.016.

Braun, Virginia, and Victoria Clarke. 2021. *Thematic Analysis: A*

Practical Guide. SAGE.

Chimhowu, Admos. 2019. "The 'New' African Customary Land Tenure: Characteristic, Features and Policy Implications of a New Paradigm." *Land Use Policy* 81: 897–903. https://doi.org/10.1016/j.landusepol.2018.04.014.

Dadashpoor, Hashem, and Somayeh Ahani. 2019. "Land Tenure-Related Conflicts in Peri-Urban Areas: A Review." *Land Use Policy* 85: 218–229. https://doi.org/10.1016/j.landusepol.2019.03.051.

Dushimyimana Simbizi, Marie Christine, Rohan Mark Bennett, and Jaap Zevenbergen. 2014. "Land Tenure Security: Revisiting and Refining the Concept for Sub-Saharan Africa's Rural Poor." *Land Use Policy* 36: 231–238. https://doi.org/10.1016/j.landusepol.2013.08.006.

Enemark, Stig, Robin McLaren, and Christiaan Lemmen. 2021. "Fit-for-Purpose Land Administration—Providing Secure Land Rights at Scale." *Land* 10 (9): 972. https://doi.org/10.3390/land10090972.

Fenwick, Mark, and Stefan Wrbka. 2016. "The Shifting Meaning of Legal Certainty." In *Legal Certainty in a Contemporary Context: Private and Criminal Law Perspectives*, edited by Mark Fenwick and Stefan Wrbka, 1–6. Springer. https://doi.org/10.1007/978-981-10-0114-7_1.

Frederik, W. A. P. G., D. R. Ringkuangan, and H. F. D. Tuwaidan. 2024. "Pendaftaran Hak atas Tanah dalam Perspektif Kepastian Hukum." *Amanna Gappa* 32 (1): 19–27.

Getie, Adane Mehari, Tadesse Amsalu Birhanu, and Teshome Taffa Dadi. 2023. "Rural Cadastral Implementation and Its Effect on Women's Landholding Use Rights in Amhara Region, Ethiopia." *Land Use Policy* 127: 106556. https://doi.org/10.1016/j.landusepol.2023.106556.

Hadjon, Philipus M. 1987. *Perlindungan Hukum bagi Rakyat Indonesia*. Bina Ilmu.

Han, Wenjing, Xiaoling Zhang, and Zhengfeng Zhang. 2019. "The Role of Land Tenure Security in Promoting Rural Women's Empowerment: Empirical Evidence from Rural China." *Land Use Policy* 86: 280–289. https://doi.org/10.1016/j.landusepol.2019.05.001.

Harsono, Boedi. 2007. *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*. Djambatan.

Higgins, Daniel, Tim Balint, Harold Liversage, and Paul Winters. 2018.

"Investigating the Impacts of Increased Rural Land Tenure Security: A Systematic Review of the Evidence." *Journal of Rural Studies* 61: 34–62. https://doi.org/10.1016/j.jrurstud.2018.05.001.

Irianto, Sulistyowati. 2024. "Inheritance Legal Pluralism and Gender Justice: A Court Room Study in Indonesia." *Legal Pluralism and Critical Social Analysis* 56 (3): 459–478. https://doi.org/10.1080/27706869.2024.2379738.

Kelsen, Hans. 2006. *Teori Hukum Murni*. Nuansa & Nusa Media.

Koto, Rahmayati, M. Farhan Hidayat, and Maisarah Siregar. 2026. "Gender, Authority, and Qur'anic Legal Interpretation: Reframing Contemporary Debates on Women's Interpretive Agency." *Journal of Qur'anic Legal Studies and Exegesis* 1 (1): 1–20. https://doi.org/10.68051/jqlse.v1i1.8.

Kusmiarto, K., T. Aditya, D. Djurdjani, and S. Subaryono. 2021. "Digital Transformation of Land Services in Indonesia: A Readiness Assessment." *Land* 10 (2): 120. https://doi.org/10.3390/land10020120.

Lubis, Riski Suriani, Jesimawati, and Ummatul Hasanah. 2026. "Reframing Qur'anic Hermeneutics Beyond the Text–Context Binary: A Dialogical Model for Contemporary Interpretation." *Dialogues in Qur'anic and Hadith Studies* 1 (1): 27–49.

Miichi, Ken. 2025. "Feminist Strategies in a Muslim Democracy: Case Study of the 2019 Marriage Law Revision in Indonesia." *Contemporary Islam* 19 (3): 559–575. https://doi.org/10.1007/s11562-025-00599-8.

Muchomba, Felix M. 2017. "Women's Land Tenure Security and Household Human Capital: Evidence from Ethiopia's Land Certification." *World Development* 98: 310–324. https://doi.org/10.1016/j.worlddev.2017.04.034.

Otto, Jan Michiel. 2010. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. Leiden University Press.

Otto, Jan Michiel. 2012. "Real Legal Certainty in Developing Countries." In *Kajian Socio-Legal,* edited by A. W. Bedner, S. Irianto, and T. D. Wirastri. Pustaka Larasan, Universitas Indonesia, Leiden University, and University of Groningen.

Pahlevi, Muhammad Reza, and George Reffendi. 2026. "From Isnad to Institution: The Transformation of Hadith Knowledge Transmission in Shoutheast Asian Islamic Education." *TSIQAH: Journal of Hadith and Prophetic Tradition* 1 (1): 28–42.

Puspitasari, M., and S. M. Badriyah. 2024. "Pertanggungjawaban Notaris dalam Akta Perjanjian agar Mempunyai Kepastian Hukum." *Notarius* 17 (3): 2143–2158. https://doi.org/10.14710/nts.v17i3.57707.

Rajab, R. A., B. E. Turisno, and A. D. Lumbanraja. 2020. "Sertipikat Hak atas Tanah dalam Kepastian Hukum Pendaftaran Tanah." *Notarius* 13 (2): 642–654. https://doi.org/10.14710/nts.v13i2.31085.

Ramraj, Victor V., Nima Dorji, Pooja Parmar, and Benjamin Schonthal. 2022. "Legal Pluralism and Globalization from the Himalayas to Southeast Asia." *Legal Pluralism and Critical Social Analysis* 54 (1): 7–12. https://doi.org/10.1080/27706869.2022.2089804.

Santoso, Urip. 2011. *Pendaftaran dan Peralihan Hak atas Tanah*. Kencana.

Sobirin, Muhamad Syahrus, Muhammad Rizqi Fauzi, and Hakimul Nizar. 2026. "Artificial Intelligence, Islamic Ethics, and Algorithmic Accountability: A Maqāṣid al-Sharī'ah Framework for Responsible AI Governance in Digital Muslim Societies." *Islamicate Futures: Knowledge, Ethics, and Muslim Societies* 1 (1): 32–63. https://doi.org/10.68051/ifkems.v1i1.37.

Soekanto, Soerjono. 2007. *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. RajaGrafindo Persada.

Tambunan, Marhamah Annazah, and Maulida Fitria. 2026. "Digital Fatwas and the Transformation of Religious Authority in Contemporary Muslim Societies." *Islamicate Futures: Knowledge, Ethics, and Muslim Societies* 1 (1): 96–123. https://doi.org/10.68051/ifkems.v1i1.41.

United Nations Committee of Experts on Global Geospatial Information Management. 2020. *Framework for Effective Land Administration*. United Nations.

Valkonen, Anni. 2021. "Examining Sources of Land Tenure (In)Security: A Focus on Authority Relations, State Politics, Social Dynamics and Belonging." *Land Use Policy* 101: 105191. https://doi.org/10.1016/j.landusepol.2020.105191.

von Benda-Beckmann, Franz, and Keebet von Benda-Beckmann. 2014. "Temporalities in Property Relations under a Plural Legal Order: Minangkabau Revisited." *The Journal of Legal Pluralism and Unofficial Law* 46 (1): 18–36. https://doi.org/10.1080/07329113.2014.886869.

von Benda-Beckmann, Keebet. 2022. "Trajectories of Legal

Entanglement: Examples from Indonesia, Nepal, and Thailand." *Legal Pluralism and Critical Social Analysis* 54 (1): 13–30. https://doi.org/10.1080/27706869.2022.2056372.

Wahyudi, Ridho, and Muhammad Khairul Fikri. 2026. "Iqtibās in Islamic Rhetorical Tradition: Aesthetic Function, Argumentative Force, and Ethical Quotation of Sacred Texts." *An-Najah: Jurnal Ushuluddin dan Studi Islam* 1 (1): 124–140.

Yusuf, N., N. Harun, and S. Mursyid. 2024. "Examining the Basis of Maqashid Sharia in Renewal of Islamic Law in Indonesia." *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9 (1): 357–375. https://doi.org/10.22373/petita.v9i1.258.

Zevenbergen, Jaap. 2002. *Systems of Land Registration: Aspects and Effects*. Netherlands Geodetic Commission.

.

.



This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.