

THE ROLE AND FUNCTION OF NOTARIES/LAND DEED OFFICIALS IN AGRARIAN REFORM

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Abstract: : Agrarian reform is a strategic government policy aimed at restructuring land tenure and ownership to achieve social justice and public welfare. In its implementation, the role of Notaries and Land Deed Officials (Pejabat Pembuat Akta Tanah/PPAT) is crucial in ensuring legality and legal certainty over land redistribution. This study examines the role and function of Notaries/PPAT in the implementation of agrarian reform based on applicable laws and regulations in Indonesia. The research adopts a normative juridical method with a qualitative approach, analyzing primary legal materials such as statutes and regulations, as well as secondary materials including books and scholarly articles. The results show that Notaries/PPAT play key roles in drafting authentic deeds, facilitating the transfer of land rights, assisting land registration processes, and providing legal counseling to beneficiaries of land redistribution. Through these functions, Notaries/PPAT contribute significantly to orderly land administration, legal certainty, and the prevention of agrarian disputes. Therefore, their involvement is essential to the successful and sustainable implementation of agrarian reform in Indonesia.

Keywords: Agrarian Reform, Notary, PPAT, Legal Certainty, Land Redistribution

Introduction

Agrarian reform is one of the Indonesian government's strategic agendas, aiming to restructure the control, ownership, use, and utilization of land to create social justice and prosperity for all Indonesians (Fauzi, 2022). This policy was born in response to the inequality in land ownership that has persisted since the colonial era, where the majority of productive land was controlled by certain groups, while smallholders, particularly farmers, were merely cultivators without legal ownership rights. Therefore, agrarian reform is seen as a fundamental step towards realizing the ideals of social justice as enshrined in the Preamble to the 1945 Constitution of the Republic of Indonesia (Arisputra, 2021).

The implementation of agrarian reform in Indonesia is based on Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which affirms that land has a social function and its use must be aimed at the greatest possible prosperity of the people. In its implementation, agrarian reform encompasses not only the redistribution of land to eligible communities but also the improvement of access through the provision of economic, legal, and social facilities

so that land recipients can manage the land productively and sustainably. This program requires synergy between the central government, regional governments, the National Land Agency (BPN), and other stakeholders, including notaries and land deed officials (PPAT).

The role of notaries/PPATs in the implementation of agrarian reform is crucial because they directly relate to the legality and administration of land (Nadilatunnisa & Silviana, 2025). PPATs are public officials authorized by the government to issue authentic deeds concerning certain legal acts related to land rights or ownership rights to apartment units (Government Regulation Number 37 of 1998 concerning the Position of PPATs). Meanwhile, notaries have the authority to issue authentic deeds in general, including deeds that serve as the legal basis for the transfer of land rights. Thus, the role of Notaries and Land Deed Officials (PPAT) is crucial in ensuring legal certainty and protecting land ownership rights for beneficiaries of agrarian reform.

In practice, PPATs play a role in the process of drafting deeds of sale, gift, exchange, and redistribution of land, which then serve as the basis for the issuance of land ownership certificates by the National Land Agency (BPN) (Permatasari et al., 2024). Through this role, PPATs ensure that all transfers of land rights are carried out legally, transparently, and in accordance with statutory regulations. Furthermore, Notaries/PPATs also provide legal counseling to communities to help them understand their rights and obligations after receiving redistributed land, including the prohibition on selling land within a certain timeframe as stipulated by government policy.

The important role of Notaries/PPATs in agrarian reform extends beyond administrative aspects; they also have profound social and legal implications. Socially, their presence helps foster a sense of security and public trust in the legitimacy of land ownership. From a legal perspective, deeds drawn up by Land Deed Officials (PPAT) serve as authentic evidence with absolute probative force before the law (Baharini, 2025). Thus, Notaries/PPATs contribute to preventing agrarian disputes and supporting the creation of orderly national land administration.

Given this important position, a study of the role and function of Notaries/PPATs in agrarian reform is relevant. This article seeks to examine in depth the strategic role of Notaries/PPATs in supporting the successful implementation of agrarian reform, examine the legal basis underlying it, and identify their contribution to creating legal certainty and agrarian justice in Indonesia.

Method

This research uses a normative juridical method with a qualitative approach because it focuses on the study of positive legal norms (Rizkia & Fardiansyah, 2023) that regulate the implementation of agrarian reform and the authority of Notaries/PPAT. This method positions law as a system of norms written in statutory regulations, rather than as social behavior. Data were obtained through a search of primary legal materials such as relevant laws, government regulations, and ministerial regulations; secondary legal materials in the form of books, scientific journals, and the opinions of legal experts; and tertiary legal materials such as legal dictionaries and encyclopedias. A qualitative approach was used because the data studied were descriptive in nature, consisting of legal texts and official documents, rather than statistical data. Through qualitative analysis, researchers can interpret the meaning of each

legal provision in depth, explain the relationships between regulations (Sumarna, 2023), and outline the role and function of Notaries/PPAT from a normative perspective. Thus, the normative juridical method with qualitative analysis is considered the most appropriate to provide a comprehensive understanding of the legal basis, responsibilities, and position of Notaries/PPAT in realizing legal certainty and justice in the implementation of agrarian reform in Indonesia.

Result and Discussion

1. The Concept of Agrarian Reform in Indonesia

Agrarian reform is a national strategic program that is a vital part of Indonesia's legal and economic development. Conceptually, agrarian reform is a series of government policies and actions aimed at restructuring the structure of land control, ownership, use, and utilization to create social justice and public welfare. The term "agrarian reform" is derived from two words: reform, meaning change, and agraria, relating to land or agricultural resources. Thus, agrarian reform can be interpreted as an effort to fundamentally change the unequal agrarian structure towards a more just, balanced, and productive system.

In Indonesia, the primary legal basis for agrarian reform is stipulated in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The UUPA stipulates that all land within the territory of the Republic of Indonesia is controlled by the state and used for the greatest possible prosperity of the people. This principle serves as a philosophical foundation that land ownership should not be held by a handful of individuals, but should benefit society at large. Article 2 paragraph (3) of the Basic Agrarian Law (UUPA) states that the state has the authority to regulate the allocation, use, and maintenance of land, including reorganizing land ownership through agrarian reform policies.

The implementation of agrarian reform in Indonesia encompasses two main components: land redistribution and access management. Land redistribution is carried out by distributing land to communities with no or limited land ownership, particularly small farmers and indigenous communities. The land distributed typically comes from state land, abandoned land, land released from forest areas, or land resulting from resolved disputes. Access management aims to provide continued support to land recipients so they can utilize the land productively, such as capital assistance, training, business mentoring, and access to markets and technology.

The first scheme (access follows assets) is the Agrarian Reform Access Handling activity, which is carried out after asset structuring activities are carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency; the second scheme (access followed by assets) is the Agrarian Reform Access Handling activity, which is carried out prior to asset structuring activities, which are then followed by asset structuring activities by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency; and the third scheme (access and assets implemented in the same year) is the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. (Onny et al., 2023).

The implementation of agrarian reform in Indonesia still faces various challenges, ranging from suboptimal regulations, weak inter-agency coordination, and low public participation (Wijaya & Sutrisno, 2025). To address these challenges, the government needs to develop a more comprehensive approach that involves all stakeholders, including notaries/land

office holders (PPAT), who play a strategic role in ensuring legal certainty.

Managing Access to Agrarian Reform (PARA) initiatives are carried out by the Directorate of Community Land Empowerment, Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. The goals and objectives of the Sustainable Development Goals (SDGs), which take the form of a global agenda with 17 goals and 169 targets covering three dimensions—beginning with environmental, social, and economic are realized in PARA activities in 2023. This complies with Presidential Regulation Number 111 of 2022 for the execution of the attainment of sustainable development objectives (Onny et al.,2023)

Beyond economic aspects, agrarian reform also has social and political dimensions. Socially, agrarian reform is expected to reduce inequality between large landowners and small communities, create social stability in rural areas, and strengthen the position of farmers as key actors in agricultural development. From a political perspective, agrarian reform is a crucial instrument for strengthening the state's legitimacy in protecting people's rights and addressing agrarian conflicts that frequently arise from unequal land ownership.

Therefore, agrarian reform is not simply a land distribution program, but rather a social movement and legal policy aimed at creating a just, sustainable, and welfare-oriented agrarian order. Implementation of this program requires support from various parties, including notaries and land certificates (PPAT), to ensure that the land redistribution and legalization process is orderly, legal, and secure.

2. Legal Basis for the Role of Notaries/PPAT

The position and authority of Notaries/PPAT in implementing agrarian reform are based on various interrelated laws and regulations that form a unified national agrarian legal system. The primary legal basis governing the agrarian sector is Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The UUPA affirms that all land in Indonesia is under the control of the state and is to be used for the greatest prosperity of the people. Within this framework, the state plays a role with full authority to regulate, manage, and supervise the allocation and use of land, including the implementation of land redistribution to landless or non-landowners. The basic principles of the UUPA also emphasize the importance of social justice and equitable land ownership as part of the ideals of agrarian reform, which aims to eliminate inequality in the agrarian structure and improve public welfare.

Furthermore, the role of Notaries is regulated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries. Under this regulation, notaries are authorized to draft authentic deeds concerning all acts, agreements, and determinations required by law or desired by interested parties. Authentic deeds prepared by notaries have the force of perfect proof in the eyes of the law and serve as a crucial basis for all land administration processes, including agrarian reform activities. Thus, the presence of notaries ensures legal certainty and the validity of legal documents relating to the transfer or recognition of land rights.

Meanwhile, Land Deed Officials (PPAT) have a more technical role in land matters. Their position is specifically regulated in Government Regulation Number 37 of 1998 concerning the Regulations on the Position of PPAT. PPATs are authorized to draft authentic deeds concerning certain legal acts related to land rights and ownership rights to condominium units, such as sales, exchanges, gifts, investment into companies, distribution of joint rights,

granting mortgages, and granting power of attorney to encumber mortgages. In the context of agrarian reform, Land Deed Officials (PPAT) play a crucial role in ensuring that every transfer of land rights resulting from redistribution is carried out in accordance with applicable law.

In addition to the role of Notaries/PPATs, the National Land Agency (BPN) also plays a crucial role in supporting the agrarian reform program. The BPN is responsible for managing land data, registering land, and issuing land title certificates (Siregar, 2024). Synergy between the BPN and Notaries/PPATs is key to the success of the agrarian reform program, particularly in ensuring orderly national land administration.

Furthermore, Government Regulation Number 24 of 1997 concerning Land Registration serves as the basis for land rights registration and transfer. This regulation stipulates that every transfer of land rights must be evidenced by a deed drawn up by a PPAT. Without this deed, the registration process and issuance of land certificates cannot take place. Therefore, PPATs play a central role in ensuring orderly land administration.

The legal basis for the implementation of agrarian reform is also more operationally regulated in various Regulations of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (BPN), such as Regulation of the Minister of Agrarian Affairs and Spatial Planning/BPN Number 18 of 2016 concerning Land Ownership Control and Agrarian Reform and Regulation of the Minister of Agrarian Affairs and Spatial Planning/BPN Number 13 of 2021 concerning the Implementation of Land Redistribution. These two regulations govern the implementation mechanism for land redistribution, the criteria for beneficiaries, and coordination between local governments, the BPN, and PPATs in the land asset legalization process.

With these various legal foundations, the role of Notaries/PPATs in implementing agrarian reform has a strong and legally valid basis. This demonstrates that their involvement is not merely administrative, but also a legal mandate to ensure that every transfer of land rights is carried out according to procedure, is legally valid, and provides certainty for the beneficiary community.

3. The Role and Function of Notaries/PPATs in Agrarian Reform

Notaries and Land Deed Officials (PPATs) hold a crucial and strategic position in the implementation of agrarian reform in Indonesia. Both act as extensions of the state, ensuring that all legal processes related to land redistribution, transfer of rights, and ownership registration are carried out in accordance with statutory provisions. As public officials appointed by the state, Notaries and PPATs are responsible for maintaining orderly land administration, creating legal certainty for land recipients, and preventing agrarian disputes arising from irregularities in the legal processes accompanying the implementation of agrarian reform. This role is not merely administrative, but also encompasses social, economic, and legal aspects, which are closely interrelated in the effort to achieve equitable land ownership as part of the ideal of social justice for all Indonesians.

The authority of a notary in drafting land sale and purchase deeds resulting from agrarian reform is unique compared to general land sale and purchase deeds. Notaries must adhere to specific provisions applicable to redistributed land, such as the prohibition on transferring rights within a specified timeframe and the obligation to use the land according to its intended

purpose (Putri & Hidayat, 2023). This is crucial to ensuring the goals of agrarian reform are achieved as intended.

In the context of agrarian reform, the role of Notaries/PPATs can be broken down into several important dimensions. The first is the creation of an authentic deed, namely a deed drawn up by or before a Land Deed Official (PPAT) that serves as the legal basis for all legal actions concerning land rights, such as sales, gifts, exchanges, joint rights, and land redistribution (Imelda et al., 2025). This authentic deed has perfect evidentiary force in the eyes of the law, as stipulated in Article 1868 of the Civil Code (KUHPerdata). In the implementation of agrarian reform, the land redistribution deed drawn up by a PPAT becomes a legal document that validates the transfer of rights from the state to the land recipients. Thus, each recipient of the redistribution has valid legal evidence and can be accounted for before legal institutions in the event of a dispute.

Second, the Notary/PPAT plays a crucial role in ensuring legal certainty and protecting community rights (Narestya & Saleh Moh, 2025). Legal certainty is one of the main principles in the implementation of agrarian reform, as land redistribution without legal certainty will only give rise to the potential for new conflicts. The deed drawn up by a Land Deed Official (PPAT) serves as concrete, legally binding evidence between the government, as the land grantor, and the community, as the recipient. Furthermore, the PPAT ensures that the distributed land is free from disputes or other legal encumbrances before the redistribution process begins. Collaboration between the PPAT and the National Land Agency (BPN) is key to ensuring that each stage of agrarian reform implementation follows applicable legal procedures.

Third, in the transfer of land rights, the PPAT plays a very active and strategic role in ensuring that each land redistribution process complies with applicable legal provisions. The PPAT is tasked with drafting deeds of gift, deeds of sale, or other forms of transfer of rights to redistributed land granted by the state to the community. In carrying out these duties, the PPAT is required to ensure that all legal requirements have been met, including the validity of the recipient, the legal status of the land object, and the clarity of the legal basis for the redistribution. This review is crucial to ensure that the transferred land is free from disputes, is not being used as collateral, and is free from other legal encumbrances. Once the deed of transfer of rights is signed by the parties, the document serves as the legal basis for the National Land Agency (BPN) to issue a new land title certificate in the name of the land recipient. This certificate serves as state recognition of the community's ownership rights and provides strong legal protection from potential claims from third parties. Therefore, the role of the Land Deed Official (PPAT) is not merely administrative, but also substantial in ensuring legal validity and certainty of rights for land recipients resulting from agrarian reform.

Fourth, Notaries/PPATs also play a crucial role in supporting the land administration and registration process at the land agency. After the deed is drawn up and signed, the PPAT is obligated to assist the community in following up on the land registration process at the BPN (Rabbani et al., 2025). This task includes collecting and verifying supporting documents, such as the recipient's identity, a certificate of no dispute, proof of tax payment, and land measurement results. The PPAT also ensures that there are no overlapping land parcels, both in terms of boundaries and ownership status. Through this role, PPATs help create an orderly, transparent, and accountable land administration system, while strengthening the national agrarian database used by the government in development planning, spatial planning, and future land redistribution policies. With the support of Notaries/PPATs, the land administration

process resulting from agrarian reform can be faster, more efficient, and have strong legal legitimacy in Indonesia. In the eyes of the state and the public.

Fifth, another equally important role is providing legal counseling to land recipients. Notaries and Land Deed Officials (PPAT) have a moral and professional responsibility to provide the public with legal understanding regarding the rights and obligations inherent in land ownership resulting from agrarian reform (Syarifudin, 2024). This legal education includes a prohibition on selling redistributed land for a certain period (usually 10 years), the obligation to pay land and building taxes, and the obligation to maintain the sustainability of the land's social function. Through this counseling, it is hoped that the public will not only become legal landowners but also understand the values and social responsibilities inherent in such ownership.

Sixth, the role of Notaries/PPATs is also crucial in providing legal protection for land recipients of agrarian reform. This legal protection encompasses aspects of certainty of ownership rights, document validity, and resolution of potential future disputes (Harahap, 2024). Notaries/PPATs must ensure that all documents they create are legally binding and accountable.

Thus, notaries and PPATs act not only as administrative implementers in the preparation of deeds but also as guardians of the integrity of agrarian law in Indonesia. They serve as a bridge between the government and the public in the implementation of agrarian reform, ensuring that the entire process is transparent, orderly, and in accordance with the law. The existence of Notaries/PPAT strengthens the legitimacy of the implementation of land redistribution policies, prevents abuse of authority, and supports the realization of the main goal of agrarian reform, namely creating social justice and people's welfare through equal distribution of land ownership in Indonesia.

4. Obstacles for Notaries/PPATs in Facing Agrarian Reform

In implementing agrarian reform, Notaries and Land Deed Officials (PPATs) face various complex and multidimensional obstacles. These obstacles stem not only from legal aspects but also encompass technical, administrative, institutional, and social and economic issues affecting the land recipient communities. These obstacles have a significant impact on the overall effectiveness of agrarian reform, particularly in terms of ensuring legal certainty, facilitating the land redistribution process, and ensuring that agrarian reform is truly implemented in accordance with the principles of social justice as mandated by the 1960 Basic Agrarian Law (UUPA). The role of Notaries/PPATs, which should be at the forefront in ensuring the legality and orderliness of land administration, is often hampered by limited regulations, resources, and suboptimal inter-agency coordination.

First, from a legal perspective, one of the main obstacles faced is the lack of synchronization and overlap between laws and regulations governing land, the position of Notary Public, and Land Deed Officials (PPAT). These regulations are often not systematically and comprehensively integrated. For example, the provisions of Law Number 5 of 1960 concerning the Basic Agrarian Law (UUPA), Government Regulation Number 24 of 1997 concerning Land Registration, and Government Regulation Number 37 of 1998 concerning the Position of PPAT sometimes give rise to differing interpretations in practice. These differences can create uncertainty in the application of the law, particularly when PPATs must determine the legal basis for drafting transfer deeds of land rights resulting from redistribution. Furthermore, to date, there is no

specific regulation that specifically governs the roles and responsibilities of PPATs in the implementation of agrarian reform. As a result, implementation in the field relies heavily on local policies or the interpretations of individual land officials, potentially leading to inconsistencies in land administration and law.

Second, from a technical and administrative perspective, a frequently encountered problem is the lack of valid and nationally integrated land data. Many plots of land in rural or remote areas lack certificates or clear plot maps. This makes it difficult for Land Deed Officials (PPAT) to determine the legal status of land to be distributed. Furthermore, limited supporting facilities and infrastructure, such as a digital land information system that is not yet evenly distributed across all regions, also slows down the deed creation and land registration process. PPATs also often face challenges in coordinating with relevant agencies, such as the National Land Agency (BPN), local governments, and tax offices, each of which has different and often unsynchronized administrative procedures. As a result, the land redistribution process is protracted and inefficient.

Third, from a social and human resources perspective, Notaries/PPATs face a significant challenge in the form of low legal awareness among land recipients. Many rural communities do not understand the importance of land ownership legality. They often assume that after receiving land, there is no need to register or maintain the validity of ownership documents. However, without proper registration, the legal status of the land remains weak and can lead to future disputes. Furthermore, some recipients of redistributed land do not understand the prohibition on selling or transferring land within a certain timeframe as stipulated in the agrarian reform provisions. This leads to a deviation from the program's objectives, where land that should be a source of public welfare is instead transferred to other parties due to weak oversight and law enforcement. Another obstacle is the unequal distribution of Land Deed Officials (PPAT) across various regions. Most PPATs are still concentrated in large cities, while the implementation of agrarian reform is largely carried out in rural, remote, or border areas. This situation makes it difficult for the public to access PPAT services, whether for deed preparation, legal consultation, or land registration administration. In many cases, the limited number of PPATs causes delays in completing the legal documents required for the land redistribution process.

Furthermore, internal challenges remain regarding the capacity and integrity of PPATs themselves. In some cases, non-transparent administrative practices have been identified, such as illegal levies, data input errors, or delays in reporting deeds to the National Land Agency (BPN). This not only harms the community but also undermines public trust in the PPAT profession and undermines the credibility of the agrarian reform implementation as a whole.

Thus, it can be concluded that the obstacles faced by Notaries/PPAT in implementing agrarian reform include legal issues that are not yet harmonized, limited data and administrative facilities, lack of coordination between agencies, low public legal awareness, unequal distribution of PPAT in the regions, and ethical and professional challenges in carrying out their duties. To overcome these, concrete steps are needed such as simplifying regulations, digitizing the national land system, increasing training for PPAT, equalizing the placement of PPAT in all regions, and strengthening the function of supervision and legal counseling to the community. With these efforts, it is hoped that the role of Notaries/PPAT can run optimally in supporting the achievement of the goals of agrarian reform that is just, transparent, and sustainable.

Conclusion

In conclusion, Notaries and Land Deed Officials (PPAT) play a crucial role in the implementation of agrarian reform as officials who guarantee the legality and legal certainty of land redistribution. They serve to draft authentic deeds, assist with the land registration process at the National Land Agency (BPN), and provide legal counseling to land recipients to ensure they understand their rights and obligations. Through these roles, Notaries/PPATs help ensure that the implementation of agrarian reform is orderly, transparent, and in accordance with the law, ensuring that the primary goals of social justice and equitable land ownership can be achieved sustainably. To improve the effectiveness of agrarian reform implementation, stronger synergy is needed between local governments and Land Deed Officials (PPAT) at the implementation level. Local governments play a crucial role in identifying potential beneficiaries, while PPATs are responsible for legal aspects and legal certainty (Kurniawan, 2024). Effective collaboration between these two parties will expedite the land redistribution process and minimize the potential for future disputes.

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