

CANCELLATION OF ADOPTED CHILD GRANT DEED WHICH MADE AGAINST PPAT

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ABSTRACT

Adoption is a legal act that transfers a child from the sphere of authority of the parent, legal guardian, or other person, who is responsible for the care, education and raising of the child, into the family environment of the adoptive parent. Adopted children can also be given a grant from their adoptive parents. A grant is a gift from someone to another party in which there is no counter-achievement element, the donor of the grant gives up his/her rights to part or all of his assets to another party without compensation from the recipient of the grant. The problem to be examined is whether the cancellation of the adopted child grant deed by another person made before the PPAT complies with the applicable legal provisions? What is the legal consequence of the adopted child grant property whose grant certificate has been requested by someone else? This study uses a normative juridical approach (normative legal research). The research specification is descriptive analytical. The data source is in the form of secondary data, namely data obtained through library data. The data collection technique used in this research is through collection literature study. The data analysis used was a qualitative approach to primary data and secondary data. Based on the results of the research, it can be concluded that the process of canceling a grant deed made before the PPAT must use a court decision, the legal consequence that arises from the assets of the grant is that it is repossessed by the granter. However, if the donor of the grant has passed away, the assets of the grant will return to the replacement heir. If the object of the grant has been reversed or has been certified in the name of the grantee, the certificate is declared invalid.

Keywords: Cancellation, grant deed, adopted child, PPAT.

INTRODUCTION

Indonesia is a state of law and the law provides protection to human interests that regulate all relationships between individuals and groups and individuals with the government. Legal provisions are made to avoid disputes that arise in society, with the establishment of legal norms, it is clear what actions are allowed or not to be carried out in society, so that order is created in society.¹ Norms or rules are guidelines for life, namely instructions on how we should act, behave, not act, and behave in society.²

Various legal regulations were created to regulate human life, so that it becomes peaceful and peaceful. One of them is agrarian law. The definition of agrarian in Subekti's opinion is all land affairs and everything that is in it and on it, as regulated in the Basic Agrarian Law.³

A grant is a gift from someone to another person which is made while the donor and recipient of the grant are still alive.⁴

The provisions for grants in the Compilation of Islamic Law (KHI) are contained in Article 210 to Article 214. Article 210 KHI states the Grant Conditions:

- (1) A person who has been at least 21 years of age, has good sense and without coercion can donate as much as 1/3 of his property to another person or institution in front of two witnesses for possession.
- (2) The gifted property must be the right of the granter.

Grants in Islamic Law cannot be withdrawn as stated in article 212 KHI: "Grants cannot be withdrawn, except for grants from parents to children". The provisions of the Compilation of Islamic Law only apply to Indonesian residents who are Muslim. Meanwhile, for non-Muslim residents in Indonesia or population groups who submit to the Civil Code that a grant that has been given cannot be withdrawn, but there are some exceptions, the grant can be withdrawn and can be written off by the granter. The government has regulated provisions regarding grants in Article 1666 of the Civil Code (KUHPerdata) which reads:

"A grant is an agreement whereby the grantee, while living free of charge and irrevocably, gives up something for the benefit of the recipient of the gift who receives the gift."

Preparation of a grant deed must be made in the presence of the official authorized to make the deed, this is in accordance with the provisions contained in Article 1682 of the Civil Code:

"Not a gift, except included in Article 1687, can be made without a deed, the minute (original text) must be kept at a notary public and if it is not done so, then the gift is invalid"

¹ Sudikno Mertokusumo, 2005, Knowing Law as an Introduction, Liberty, Yogyakarta, p. 1.

² Yulies Tiena Masriani, 2019, Introduction to Indonesian Law, Sinar Grafika, Jakarta, p. 1.

³ Boedi Harsono, 2008, Indonesian Agrarian Law, Djambatan, Jakarta, p. 14.

⁴ Eman Suparman, 1995, Digest of Inheritance Law, Mandar Maju, Bandung, p. 72

In a land grant, the deed is drawn up before or by the Land Deed Making Official (PPAT). The task of a PPAT is to carry out some land registration activities by making land deeds as evidence of certain legal actions regarding land rights. The PPAT position is intended in law which has the aim of helping and serving people who need authentic written evidence related to land regarding circumstances, events or legal actions.⁵

Problems regarding cancellation of grant deeds have occurred in Regency K. The case started:

Mr. PK and Mrs. NK have passed away leaving an inheritance in the form of 2 (two) parcels of land. During their lifetime, Mr. PK and Mrs. NK had 2 (two) children, namely: MT and KD. In his marriage, MT has a child named SY and KD has a child named NNW. During their lifetime, MT and KD had donated the land inherited from their parents (Mr. PK and Mrs. NK) to Mrs. SY binti MT with deed of grant No 74/1977 and deed of grant No 75/1977. In her marriage, Mrs. SY did not have children and adopted a child named AS with deed No. 34 dated December 19, 1990 before a Notary AH. That the object of the dispute was granted by Mrs. S to her adopted son AS. The US Defendant has received a grant from all of Mrs. SY's assets. The plaintiff considers that the US does not deserve to receive the entire grant of Mrs. SY's assets, because she is an adopted child, which in terms of the inheritance of the adopted child is different from the biological child. The NNW plaintiff felt that he had the rights to the land because he was the original grandson of Mr. PK and Mrs. NK.

Judging from the provisions of Article 212 Compilation of Islamic Law which states that "grants cannot be withdrawn, except for grants from parents to children", there is a conflict between the provisions of Article 212 Compilation of Islamic Law and Decision Number: 1976/Pdt.G/2014/PA. Klt.

Starting from the description above, several problems in the research can be formulated as follows:

1. Is the cancellation of the adopted child grant deed by another person made before the PPAT in accordance with the applicable legal provisions?
2. What is the legal effect on the assets of the adopted child grant for which someone else has requested to cancel the grant?

From the problems described above, the objectives to be achieved in this study are:

1. Review and analyze the cancellation of adopted child grant deeds by others made before the PPAT in accordance with applicable legal provisions?
2. Review and analyze the legal consequences of the grant of the adopted child whose grant certificate has been requested by someone else?

RESEARCH METHODS

According to Sutrisno Hadi, research or research is an effort to find, develop and test the truth of knowledge, which efforts are made by using scientific methods.⁶ Meanwhile, according to Maria SW Sumardjono research is a process of finding the truth which is described in the form of systematic and planning activities based on the scientific method.⁷

This research is a legal research that uses a normative juridical approach (normative legal research).⁸ legal research based on library research or secondary data research to understand legal principles, legal principles of legislation,⁹ associated with cancellation of the adopted child grant deed by another person made before the PPAT and the legal consequences.

The research uses research specifications that are descriptive analytical in nature, namely research intended for humans, other conditions / symptoms.¹⁰ *Descriptive* means describing legal phenomena, describing systematically factual and accurate about the validity of granting grants to adoptive child grant recipients and its legal consequences, while analytical, because there will be analysis of various legal aspects governing cancellation of the adopted child grant deed by another person made before the PPAT and the legal consequences.

Sources of data used in this study are secondary data, namely data obtained through library data¹¹ includes primary legal materials, secondary legal materials and tertiary legal materials and primary data, namely data obtained directly through interviews and/or field surveys related to community behavior.¹²

⁵ Habib Adjie, 2009, Indonesian Notary Law, Refika Aditama, Bandung, p. 73

⁶ Sutrisno Hadi, 2000, Research Methodology Volume I, ANDI Publisher: Yogyakarta, p. 13

⁷ *Ibid*

⁸ Soerjono Soekanto, 2000, *Introduction to Legal Research*, UI Press, Jakarta, p. 12

⁹ Soerjono Soekanto and Sri Mamudji, 2011, *Normative Legal Research a Brief Overview*, Radja Grafindo Persada: Jakarta, p. 11

¹⁰ Bambang Sunggono, 2007, *Legal Research Methodology*, Rajawali Press: Jakarta, p. 25

¹¹ *Ibid*, p. 23

¹² Zainuddin Ali, 2010, *Legal Research Methods*, Sunar Graph: Jakarta, p. 23

The data collection technique used in this research is through the collection of literature study is how to obtain data by studying data and analyzing the entire contents of the library by linking to existing problems.¹³ According to Zainuddin Ali, literature study can be classified as 3 (three) binding characteristics, namely:¹⁴

- 1) Primary Legal Materials, are binding laws consisting of:
 - a) Code of Civil law
 - b) Law of the Republic of Indonesia Number 30 of 2004 concerning Notary Position as amended by Law Number 2 of 2014 concerning Amendment to Law Number 30 of 2004 concerning Notary Position
 - c) Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Agrarian Regulations
 - d) Republic of Indonesia Government Regulation Number 24 of 1997 concerning Land Registration
 - e) Government Regulation Number 37 of 1998 concerning the Position of Land Deed Making Official
 - f) InPresident of the Republic of Indonesia Struction Number 1 Year1991 on Compilation of Islamic Law
- 2) Secondary Legal Materials, namely legal materials that provide explanations for primary legal materials, are obtained through books, scientific articles, papers, theses related to the topic of writing,
- 3) Tertiary legal materials are materials that provide instructions and explanations for primary legal materials and secondary legal materials are legal dictionaries in Indonesian and English.

The interview is a face-to-face interpersonal role situation, when someone, namely the interviewer, asks questions designed to obtain answers that are relevant to the research problem to a respondent.¹⁵

The type of interview used in this study is a guided free interview, by first preparing questions as a guide, but it does not rule out other questions according to the situation and needs. Interviews were conducted independently with informants, namely: Religious Court Judges and District Court Judges.

The data analysis used was qualitative on primary data and secondary data.

This data analysis activity is expected to be able to provide conclusions from problems and research objectives that are correct and accurate and can be presented in a deductive form.¹⁶

RESEARCH RESULTS AND DISCUSSION

1. Cancellation of Adoptive Child Grant Deeds Made Before PPAT by Others.

The position of the case is that NNW, a trader, filed a lawsuit against the US, with the following arguments:

1. That in the past there lived a husband and wife named PK and NK who lived in Dukuh Kp, Md Village, Kec Tl, Kab K.
2. Whereas PK and NK were blessed with 2 (two) children named MT and Mrs. KD
3. That PK passed away on 02-01-1972 and NK died on 21-05-1974.
4. Whereas the late PK and the late NK left 2 (two) children, namely MT and Mrs. KD. Also left an inheritance in the form of 2 yards located in Desa Md, Kec Tl, Kab K, (written in book C No.80 Desa Md) which then for pekaranganpersil 99 ptk 66 Kls IV an area of 5675 m has been converted to SHM No. 38 and parcels: 93a ptk.66 kls.IV area 5675 m to SHM no: 39 in the name of NY SY wife JM (deeds of grant No 74 and 75 of 1977) then in 2007 SHM No.38 and No. AS (Defendant) with deed grant No.1128/Hib/X/2007 and deed of grant No.1129/Hib/X/2007 made by Notary AKO, SH (Notary in Kab K), is called the object of the dispute.

Based on the foregoing, the District Religious Court of Klt. passed a Decision Number: 1976 /Pdt.G/2014/PA.Klt dated July 7, 2015 which stated:

1. Partially granted the Plaintiff's claim;
2. Declare according to the law that Mrs. SY's almahrumah is the heir of aquo;
3. To declare according to the law that the US Defendant is the adopted son of Mrs. SY;
4. To declare according to the law that the Plaintiff NNW is Dzawil Arham from the Almahrum Mrs. SY;
5. Declare according to law that the object of the dispute is aquo;
 - a. Tanah Pekarangan is located in M Village, Tl District, K SHM Regency No.38, with an area of 2335 m2
 - b. Tegalan land is located in M Village, Tl District, K SHM Regency No.39 with an area of 5675 m2
6. Canceling the Grants for the SHM No.38 moorland and SHM No. 39 based on the deed of grant Number: 1129/Hib/X/2007 dated 26 October 2007 made by PPAT ARO, SH;
7. Establishes that:
 - a. The US Defendant received 1/3 of the inheritance of the Almahrumah Ny SY as number 5 in the verdict;
 - b. The NNW Plaintiff received 2/3 of the inheritance of Mrs. SY's almahrumah as referred to in number 5 of the ruling above;

¹³Ronny HanitijoSoemitro, Loc.cit

¹⁴*Ibid*, pp. 23-24

¹⁵ Amiruddin, 2006, Introduction to Legal Research Methods, PT. Raja GrafindoPersada: Jakarta, p. 82

¹⁶ Lexy Moleong, 2004, Qualitative Research Methods, Youth Rosdakarya: Bandung, p. 7

8. Sentenced the US Defendant to surrender 2/3 of the 38 freehold land area of 2335 m² and legal land of SHM No 39 with an area of 5675 m² to the Plaintiff NNW;
9. Do not accept the rest of the Plaintiff's claim;
10. Sentenced the Defendant to pay the cost of the case which has been calculated up to now amounting to Rp 2,301,000 (two million and three hundred rupiah);

In connection with the Decision of the District Council of Religious Court Judges. K. The Defendant objected and then submitted an appeal. The US has the position of Defendant / Appeler, against NNW who was originally the Plaintiff/Appeal. In this appeal, the panel of judges at the Semarang Religious High Court upheld the decision of the Klt Religious Court dated 07 July 2015 Number: 1976/Pdt.G/2015/PA.Klt that the appeal was petitioned for. Then the NNW Appellant-Appellant filed a Cassation.

Considering the articles of Law No. 4 of 2004 and Law No. 14 of 1985 as amended by Law No. 5 of 2004 and other relevant laws and regulations, the Panel of Cassation Judges rejected the appeal of the Cassation Appellant. : NNW and sentenced the Cassation Petitioner / Plaintiff to pay court fees in the Cassation rate of Rp. 500,000; (five hundred thousand rupiah).

This rejection certainly strengthens the verdict of the Semarang Religious High Court Judges in deciding the a quo case which in the rulings include:

1. Rejecting the Cassation Request from the Cassation Applicant: NNW bin MTD;
2. To punish the Cassation Applicant/Plaintiff to pay court fees at the cassation rate of IDR 500,000; (five hundred thousand rupiahs)

Based on the description above, it can be seen that in deciding a dispute over cancellation of a grant, the panel of judges at any level takes into account the rights of the parties over the object of the grant in dispute. In the case mentioned above, the grant is canceled because it does not match the portion that should be received. Therefore, the heirs can apply for the cancellation of the assets received by the grantee through the judiciary.

2. Cancellation of the Adoption Child Grant Deed Made Before PPAT by Others.

a. Based on the Compilation of Islamic Law

According to the Islamic Law Compilation, the grant process is contained in Articles 210 to 214. The first is to explain that those who can make a grant are people who are at least 21 years old and have a sound mind without coercion from other people to donate as much as possible 1 / 3 assets to another person or institution and must be witnessed by two witnesses, and not forgetting that the property given must be the property of the donor (*wahab*).

The Islamic Law Compilation adheres to the principle that a grant may only be made 1/3 of the assets he owns, if the grant given by a granter exceeds 1/3 of his wealth, it can be canceled because it does not meet the requirements in the grant and violates the provisions as regulated in Article 210 Compilation of Islamic Law.¹⁷

Based on the above decision, we can see that the Judge in his legal consideration referred to the provisions of Article 210 paragraph (1) Compilation of Islamic Law which reads:

"That a person who has been at least 21 years of age, has a sound mind without coercion can donate as much as 1/3 of his property to another person or institution in front of the two witnesses for possession"

Based on these provisions, the maximum limit of grants that can be received by the defendant is 1/3 of the total assets of the grantee, which in this case is Mrs. SY's almahrum.

In the plaintiff's lawsuit, it is explained that the defendant has received a total grant from Mrs. S's almahrum property in the form of freehold land. 38 and SHM.39 dry land where it is contrary to the provisions of Article 210 paragraph (1) Compilation of Islamic Law so that the action has legal consequences according to law or can be canceled.

This can be seen in the legal considerations stated by the Panel of Judges which reads:

"Considering that because of that, the act of almahrum, Mrs. S., in granting all of SHM No 38 and SHM 39 moorland land to the US defendant was contrary to Article 210 paragraph (1) of the Compilation of Islamic Law, that thus the land grant for SHM No. 39 of Mrs. SY's almahrum against the US Defendant is null and void".

Based on the foregoing, it can be seen in the Decision Number 1979/Pdt.G/2014/PA. The Panel of Judges in providing decisions and legal considerations in accordance with the provisions of the grant set out in the Islamic Law Compilation. In other words, the Plaintiff's demands in his lawsuit are in accordance with the provisions of Article 210 paragraph (1) Compilation of Islamic Law.

¹⁷.wwwc-journal.com/2016/03/analysis-about-grants-and-correlation.html downloaded Saturday, September 25 2020 at 04.00 WIB.

According to Article 211 Compilation of Islamic Laws, it is stated that a gift from a parent to a child can be considered as an inheritance. In connection with the function of a grant as a social function that can be given to anyone regardless of race, religion and class, the grant can be used as a solution to solve current inheritance law problems.

A gift cannot be revoked and therefore cannot be canceled, except in the following cases: (1) If the conditions for the gift are not fulfilled by the grantee; (2) if the person who has been given a gift is guilty of committing or participating in an attempted murder or other criminal attempt on the self of the grantee; (3) if the donor is poor and the one who is given a grant refuses to provide for him.¹⁸

Meanwhile, in the case of the first condition, the goods donated remain with the grantee or he may ask for the return of the goods, free from all liability burdens that may be attached to said goods by the grantee as well as the products and fruits that have been enjoyed by the grantee, he was negligent in fulfilling the conditions for the gift. Whereas in the case of the second and third conditions, the goods which have been granted may not be contested if the goods are intended or have been transferred, or are burdened with material rights by the recipient of the grant, unless the claim to cancel the gift has been filed with and registered with the Court. All transfers, and charges made by the grantee after the registration are void, if the claim is later won.

Based on the results of an interview with Bpk Drs H Tubagus Masrur, SH, Clerk of the Klaten Religious Court, an adopted child grant can be canceled as follows:

"(1) If the portion of the grant exceeds one third (Mandatory Will) exceeds the maximum limit for giving the grant, which is 1/3 of the assets of the donor of the grant. (2) Because it is not in accordance with the intent and purpose of the grant; (3) The grant recipient becomes legally incapable; and it can be proven that it will be granted, if there is peace then a decision is requested, it will be decided by a vanding deed (peace decision) which has the same power as a court decision which has executive legal force "¹⁹

b. Based on the Civil Code

Based on the prevailing legal rules, the Land Deed Making Official (PPAT) is qualified as a General Officer and is given the authority to make certain deeds in the field of transfer and assignment of land rights as regulated in:

1. Article 1 paragraph (4) of Law Number 4 of 1996 (UUHT)
2. Article 1 number 24 Government Regulation Number 24 Year 1997 concerning Land Registration
3. Article 1 paragraph (1) Government Regulation Number 37 Year 1998 (PP PPAT)
4. Article 1 paragraph (1) and (4) as well as Article 2 paragraph (1) Perkaban Number 1 of 2006 concerning Provisions for the Implementation of Government Regulation Number 37 of 1998 concerning Regulation of the Position of Land Deed Making Official.

The provisions above confirm the PPAT's authority to make the PPAT Deed. All the actions of the parties stated in the PPAT deed are acts or civil legal actions. Meanwhile, the provisions regarding the cancellation of the PPAT deed are contained in Article 46 paragraph (1) letter g PP Number 24 of 1997 concerning Land Registration:

"The Head of the Land Office refuses to register the transfer of rights or assignment of rights if the legal action as referred to in Article 37 paragraph (1) of Government Regulation Number 24 of 1997 is canceled by the parties before it is registered by the Land Office"

Article 37 paragraph (1) Government Regulation Number 24 Year 1997 states that the transfer of land rights and ownership rights to apartment units through sale and purchase, exchange, grants, income in companies, and other legal actions of transfer of rights, except for transfer by auction, is only can be registered if it is proven by a deed made by the competent PPAT according to the provisions of the prevailing laws and regulations.

Then, in the elucidation of Article 45 of Government Regulation Number 24 of 1997 it is also emphasized:

"The PPAT deed is a tool to prove that a legal act has been committed. Therefore, if the legal act is canceled or canceled, the PPAT deed concerned will no longer function as evidence of said legal action. Meanwhile, if a legal act is canceled by the parties concerned, while the legal act has been registered at the land office, the registration cannot be canceled. Changes in land registration data according to legal actions must be based on other evidence, for example a court decision or a PPAT deed regarding a new legal act"

Based on these provisions, there are two provisions regarding the cancellation of the PPAT deed, namely²⁰ :

1. Cancellations are made before registration to the land office.
2. Cancellation after it is done or in the registration process at the land office.

¹⁸Soedaryo Soimni, 2015, Association of Legal Basis for Adoption of Children, Sinar Grafika, Jakarta, p. 427.

¹⁹Tubagus Masrur, Clerk of the Klaten Religious Court, Personal Interview, Klaten, Friday, August 14 2020, at 10.00 WIB.

²⁰ Habib Adjie, 2014, Knitting Thoughts in the World of Notary & PPAT, Citra Aditya Bakti, Bandung, p. 95.

If a cancellation is made prior to registration at the land office, it can be done with a notary deed (party deed) because the deed of action stated in the PPAT deed is a civil act of the parties. Meanwhile, if a cancellation is made during the registration process at the land office, based on the provisions of Article 45 PP Number 24 Year 1997 the cancellation must be based on a court decision.²¹In accordance with the principles in civil law, when a cancellation is made, all of these conditions must be returned to their original state when the legal action mentioned in the deed has not occurred.

Regarding the cancellation of the PPAT deed, the cancellation is in the registration process at the land office, which according to Article 45 PP Number 24 Year 1997 requires that it must be made by a court decision because the cancellation requires a careful assessment. The legal action deed which later in the PPAT deed is the act of the parties. If the parties agree or do not object, the parties come to the notary to make a deed of cancellation. However, if the parties have a dispute, one of the parties can submit a cancellation to the general court or the District Court. This method can actually be done for the cancellation of a PPAT deed which is in process at the land office. Although the PPAT deed is in the registration process at the land office and there is no dispute whatsoever, if the parties want to cancel it, then can make the cancellation with a Notary deed and then submit an application for cancellation by attaching the deed of cancellation. The land office or BPN are officials or State Enterprises that are not related and do not need to interfere in individual civil matters. When a cancellation request is obtained, the land office is only authorized to issue a cancellation decree.

3. Legal Consequences of the Assets Petitioned for Cancellation of the Grant.

In essence, law is nothing but the protection of human interests, in the form of rules and norms.²² The legal relationship that arises between the grantor of the grant and the grantee is a legal relationship due to an agreement between the grantor as the debtor and the grantee as the creditor.²³even though the relationship is a one-sided relationship (the grantor gives the gift goods to the grantee for free and without asking for anything in return). This means that the grantor of the grant only has obligations without having rights. In granting a grant, the appropriateness and appropriateness of the grantee to receive the grant should be examined in advance, so that later problems do not arise such as the cancellation of the grant which causes the legal relationship between the two parties to become problematic.

In the Civil Code, it has been explained that grants that have been given cannot be withdrawn. However, the grantor of the grant can file a claim for cancellation of the grant if the grantee has done things as stated in Article 1688 of the Civil Code.²⁴ The grantor of the grant can apply for cancellation of the grant and it can be proven in court.

The law does not systematically regulate the consequences of cancellations.

In general, the result of a cancellation is retroactive and returns to its original state or *ex tunc*.²⁵ Returning to a state before a legal action occurs sometimes cannot be done, such as an achievement in the form of doing a job, rent that has been enjoyed, the object has been sold to someone else, or is canceled because of an action that is contrary to good conditions.

Based on the description above, the legal consequence of the grant arising from the property of the grant that is requested for cancellation at the Religious Court with a decision to cancel the grant which has permanent legal force, the ownership of the grant property will return to the donor of the grant and if the donor of the grant has died (this case) then will belong to the successor heir. If the name of the grant object has been reversed or has been certified in the name of the grantee, the certificate is declared invalid. The heirs can submit an application to the National Land Agency (BPN) so that the certificate of the object of the dispute is no longer valid with the decision to cancel the grant.

Then the certificate of the object of dispute can be returned in the name of the grantee or heir.

CONCLUSION AND SUGGESTION

A. Conclusion

1. Cancellation of the adopted child Grant Deed made before the PPAT is possible because the recipient of the grant receives a grant in excess of the amount specified in Article 209 point 2 of the Islamic Law Compilation which states:

"Adopted children who do not receive a compulsory testament will be given a legacy of up to 1/3 of the inheritance of their adoptive parents"

And as a grant recipient concerns a person's worthiness, so that if someone has committed an act against the law and does not deserve to receive a grant, the grant that has been given can be canceled.

2. As a result of the law on the assets of the grant which is being requested for cancellation in the decision Number 1976 / Pdt.G / 2014 / PA.Klt which has permanent legal force, the object of dispute in the form of land will return to the donor of the grant. If the donor of the grant has passed away, the property of the grant will return to the successor of

²¹ Habib Adjie, Ibid.

²² Sudikno Mertokusumo, 2010, Interest of Law Science, Liberty, Yogyakarta, page 1.

²³ Widya Anggraeni, 2006, Responsibility for the Grant of the Grant for the Cancellation of the Grant, Universitas Airlangga, Surabaya, p. 47

²⁴ Soedharyo Soimin, 2013, Op Cit, p. 427.

²⁵ Soedharyo Soimin, Op Cit, p. 355

the grant and its rights. If the object of the dispute has been certified in the name of the grantee, then with this decision the certificate becomes invalid and is no longer valid.

B. Suggestions

- a. With the spontaneity of a grant made by the granter, it can sometimes cause feelings of regret in the end because things are not in accordance with what was desired when giving the grant. Therefore, before giving a grant it is necessary to carefully consider what will happen in the future. This includes the behavior of grantees after the grant has been given.
- b. Grant givers should see, consider and understand in advance how the rule of law and the behavior of the intended grantee. In addition, in its implementation, the provision of a grant must comply with the prevailing norms, namely legal norms, norms of propriety, religious norms and norms of morality. Thus narrowing the possibility of a grant cancellation because it is not in accordance with legal norms, norms of decency, religious norms and norms of decency.

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