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Legal Analysis of the Sale and Purchase of Customary Land Rights in the Sentani Tribe Customary Law Community in Jayapura Regency

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Abstract

This study aims to determine the sale and purchase of customary land rights in the Sentani Tribe customary law community in Jayapura Regency and to determine the legal protection for buyers in the sale and purchase of customary land rights in the Sentani Tribe customary law community in Jayapura Regency. The method used in this study is empirical juridical, empirical juridical is a field research by identifying and conceptualizing law as a real and functional social institution in the real life system. The results of this study reveal that the sale and purchase of customary land rights in the Sentani Tribe customary law community in Jayapura Regency must obtain approval from the Ondoafi/Customary Leader who has authority over the land, and attended by witnesses, namely the indigenous people, in addition to the sale and purchase agreement must be ratified by the Sentani Tribe Customary Council, which has the function of holding customary trials to make decisions based on deliberation by means of negotiation and mediation. The decisions taken by the Customary Council must be obeyed by the parties concerned and on the basis of customary governance in accordance with customary law. Meanwhile, legal protection for buyers in the sale and purchase of customary land rights in the Sentani Tribe customary law community in Jayapura Regency is that the parties concerned, both the seller and the buyer, come to the Village or Sub-district Office to make an agreement to measure the land to be sold and the Village Head or Sub-district Head and village officials as witnesses that the sale and purchase has taken place, in addition to that, the land is also immediately registered with the National Land Agency by bringing a customary release letter and other requirements needed for administrative purposes in order to obtain legal certainty and legal protection.

Keywords: Buying and Selling; Customary Land; Customary Law Community; Sentani Tribe.

Introduction

Land is very important in human life, because human life cannot be separated from land, they live on land and obtain food by utilizing the land. The history of development or destruction is also determined by land, land issues can cause terrible disputes and wars because humans or a nation want to control the land of other people/nations because of the natural resources contained



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therein (G.Kartasapoetra, 1991). Humans will live happily and in abundance if they can use the land they control or own in accordance with the applicable laws of nature, and humans will live peacefully and at peace if they can use their rights and obligations in accordance with certain limits in the applicable laws that regulate human life in society.

Article 33 paragraph (3) of the 1945 Constitution states that "The land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." Based on the state's right to control, Law Number 5 of 1960 concerning Basic Agrarian Regulations, or the Basic Agrarian Law (UUPA), was drafted. One of the objectives of the Basic Agrarian Law (UUPA), is to provide legal certainty regarding land rights held by the community. This is expressly regulated in Article 19 paragraph (1) of the UUPA, which states that "To guarantee legal certainty, the Government shall conduct land registration throughout the territory of the Republic of Indonesia in accordance with provisions stipulated by Government Regulation (Boedi Harsono, 2002)."

Land ownership rights, according to Article 20 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations, hereinafter referred to as the Basic Agrarian Law (UUPA), are hereditary, the strongest, and most complete rights that a person can have on land. Hereditary here is defined as a right that can be passed down to heirs, is the strongest in relation to other land rights, and is the most complete in terms of the authority of the rights holder. According to Article 16 paragraph (1) letter a of the UUPA, one of the recognized land rights is the right to ownership.

Customary law is law formed by the psychological patterns and thought structures of indigenous communities that are traditionally passed down from generation to generation. The thought structures underlying the formation of customary legal norms differ from one region to another. The thought structure in the formation of customary legal norms is called "local wisdom" (indigenous knowledge), which is a characteristic of a law applied to indigenous communities in a particular region. Customary law is the original law of the Indonesian people because its spirit and formation patterns are adapted to Indonesian culture. According to Soepomo, uniqueness is due to the diversity of the population and uniformity does not need to be based on the western legal system (Soepomo, 1993).

Land rights held by indigenous communities are known as "Ulayat Rights," rights held or inherent in indigenous communities by virtue of their laws and culture, which authorize them to control all land, or what is known as "Ulayat Land," within their jurisdiction, for use in accordance with its function for the survival of the indigenous community.

Customary land belonging to indigenous communities is regulated by their respective customary laws. For indigenous communities, land is something very valuable and must be maintained by their customary communities because it is the inheritance of their ancestors. Customary land is land owned by customary legal community units. The land ownership system according to customary law that can be owned by indigenous people can occur through clearing forests, inheriting land, receiving land through gifts, exchange or grants, expiration/verjaring (Sudiyat,1981). Customary communities have land rights, namely customary rights, which are a set of authorities and obligations of a customary community related to land located within its



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territory, which is the primary support for the livelihood and life of the community concerned throughout time. The land in Sentani Regency is largely customary land controlled by customary communities, and is also influenced by the increasing mobility of developments, demographic and economic factors.

Papua Province Special Regional Regulation No. 23 of 2008 concerning Customary Rights of Customary Communities states that it recognizes the existence of customary land or individual rights of customary communities to land and the management of customary land rights in accordance with applicable customary law.

The land in Sentani Regency is largely customary land controlled by indigenous communities. This is also influenced by the increasing mobility of the times, as well as demographic and economic factors, leading to numerous development projects undertaken by both the government and the private sector. Development in Papua has progressed rapidly following the government's implementation of the Trans-Papua highway infrastructure project, as well as the construction of a sea toll road in Jayapura province, requiring extensive land. This presents a significant opportunity for entrepreneurs and investors to expand their businesses in Papua. They are competing to acquire land within the planned infrastructure development areas, most of which currently comprises indigenous land rights.

Businesses are striving to acquire land for their own interests, leading to a significant increase in land ownership applications. Land ownership provides the basis for maximizing social and economic benefits, but the process of acquiring these rights is not always smooth. The implementation of sales and purchases in the Sentani customary law community differs from applicable national law, where sales are conducted before the customary chief and other members of the community as witnesses. The customary chief in the Sentani customary community is commonly referred to as Ondoafi, a community figure entrusted by the community with the authority to determine all matters related to legal relations and legal actions concerning the land in their territory.

Given this situation, a problem arises regarding the procedure for relinquishing land rights, particularly customary land, which the author finds interesting to investigate. For the people of the Sentani region, land is sacred because it is inherited from their ancestors. Ownership of this land is hereditary, passed down through the clan line within the customary community.

The Basic Agrarian Law (UUPA) is a basic regulation governing the control, ownership, allocation, and control of land use, aimed at implementing land management and utilization for the greatest prosperity of the people. One aspect needed for this purpose is regarding the legal certainty of Land Rights, which is the main basis for the legal certainty of land ownership (Mughtar Wahid, 2008).

Article 28 D paragraph (1) of the 1945 Constitution states that: "Everyone has the right to recognition, guarantee, protection and fair legal certainty and equal treatment before the law." Furthermore, Article 33 paragraph (3) of the 1945 Constitution states that: "The land, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people." One of the objectives of the Basic Agrarian Law (UUPA) is to provide legal certainty regarding land rights held by communities. To achieve this goal, the government



organizes land registration, as explicitly stipulated in Article 19 paragraph (1) of the UUPA, which states:

- a. Land measurement, mapping, and bookkeeping
- b. Registration of land rights and the transfer of those rights
- c. Issuance of certificates of title, which serve as strong evidence.

According to Article 20 paragraph (1) of the UUPA, ownership rights are hereditary, the strongest, and most complete rights that a person can have over land. Meanwhile, paragraph (2) states that ownership rights can be transferred and assigned to other parties. Customary legal communities are inseparable from the Indonesian nation and are a vital part of Indonesia, reflecting its national identity. The existence of customary legal communities, from ancient times to the present, is undeniable. There are various terms used, even within legislation, to refer to the same or nearly the same thing. These include terms such as indigenous peoples, customary law communities, customary law community units, traditional communities, isolated indigenous communities, isolated indigenous communities, and even villages and other names.

According to Philipus, legal protection is the protection of dignity and recognition of human rights held by legal subjects based on legal provisions from arbitrariness or as a collection of regulations or rules that will protect one thing from another. This means that the law provides protection for a person's rights against anything that results in the non-fulfillment of those rights (Philipus M. Hadjon, 1987).

Meanwhile Setiono, states that legal protection can also be defined as actions or efforts to protect society from arbitrary actions by authorities that violate the rule of law, to create order and peace, thus enabling people to enjoy their dignity as human beings (Setiono, 2004).

Legal protection is closely related to a person's right to legal protection and the right to a sense of security. This is stated in Article 28, letter G of the 1945 Constitution of the Republic of Indonesia, which states:

- a) Everyone has the right to protection of themselves, their families, their honor, their communities, their dignity, and their property under their control, and has the right to a sense of security and protection from the threat of fear for doing or not doing something that constitutes a human right.
- b) Everyone has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country.

Buying and selling is an activity that occurs in the world of economics and trade in the fields of economics and business, buying and selling is considered the most important part of a business activity because it is directly related to consumers, while in terminology, buying and selling is interpreted as an exchange transaction in addition to facilities and enjoyment (Rinto Manulang, 2011). Buying and selling is a process of transferring ownership rights in the form of goods or assets to another party by using money as one of the means of exchange, actually buying and selling are two terms that have opposite meanings but are used simultaneously to emphasize their function, each party in this process is called the seller and the buyer, the seller is a person or group of people who issue goods to be traded, while the buyer is a person or group of people who try to make the goods or assets theirs by paying the seller.



Method

The research method used is normative and empirical juridical, namely studying applicable laws and regulations, examining rational structures, applicable legal systems and conducting field research by identifying and conceptualizing law as a real and functional social institution in the real life system (Peter Mahmud Marzuki, 2005).

Sale and Purchase of Customary Land Rights in the Sentani Tribe's Customary Law Community

Buying and selling according to national land law or positive law is the transfer of land rights in perpetuity, which in customary law is called "free sale" and is in cash. This means that after the sale and purchase occurs, a transfer of land rights occurs simultaneously, so that the relationship between the old owner and the land is severed forever.

In the UUPA itself, the meaning of buying and selling land is only mentioned in article 26, namely regarding the buying and selling of land rights. In other articles there is no mention of buying and selling, but it is referred to as transfer, which means indicating a deliberate legal action to transfer land rights to another party, either through sale and purchase, gift, exchange, and bequest. So, even though it is only mentioned as transfer, one of them is the legal act of transferring land rights as a result of buying and selling. Even though the meaning of buying and selling is not clearly explained, considering Article 5 of the UUPA, it is stated that our national land law originates from customary law, which means we use conceptions, principles, legal institutions and customary legal systems. So the meaning of buying and selling National land is the meaning of buying and selling land according to customary law.

In customary law communities, the sale and purchase of land rights is conducted openly and in cash. Clearly, meaning the sale takes place in the presence of the customary chief or village head. Cash, meaning the transaction is carried out simultaneously, meaning the seller delivers the goods when the buyer pays for them according to the agreement reached by both parties, and these transactions occur simultaneously.

Article 1 of the Minister of Agrarian Affairs Regulation Number 5 of 1999 explains the definition of customary rights: "Customary rights are the authority, according to certain customary laws, over a specific area that constitutes the living environment of its citizens to benefit from natural resources, including land, within that area, for their survival and livelihood, arising from the unbroken, hereditary, physical and spiritual relationship between the customary law community and the area in question." Customary land, meanwhile, is the land over which customary rights are vested by a particular customary law community.

The status of customary land rights cannot be considered new, as customary land rights belonging to indigenous communities have existed for a long time, even before Indonesia's independence. They are not state land or land controlled by the state that will then be transferred to indigenous communities. There is ample evidence of customary land rights previously controlled by the Dutch colonial government and foreign companies owned by the Dutch colonial government, which were then taken over by Indonesia after independence and became state land.



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From this information, it can be concluded that customary land cannot be included in the criteria for state land (Endi Purnomo, 2014).

The Sentani indigenous community is a community that still uses its customary legal system to this day. This is evident in the process of buying and selling land rights within the Sentani indigenous community, which is almost identical to private land sales, where proof is provided only by a receipt, a sporadic letter, and a customary release letter as proof of the sale and purchase agreement.

Based on Special Regional Regulation of Papua Province Number 23 of 2008 concerning the Customary Rights of Customary Law Communities and the Individual Rights of Customary Law Communities to Land, which states that the government recognizes the existence of customary rights of customary law communities and individual rights of customary law communities to land, based on the decisions of the Regent and Governor, which stipulate that customary rights of customary law communities and individual rights of customary law communities to land still exist, therefore, the management of customary rights of customary law communities or individual rights of customary law communities to land remains in accordance with the customary law applicable in the respective customary law communities. However, the Regional Regulation does not explain the transfer of customary land rights through sale and purchase.

In Sentani, there are known as Ondoafi. Ondoafi are customary leaders and landowners who wield significant influence over their customary land and are fully responsible for the survival of their customary community. Furthermore, these special rights are evident in the customary land ownership rights granted and passed down directly to them from their ancestors. Traditional chiefs and elders, who are respected and recognized by their members, carry out daily activities as bearers of customary community authority and are obliged to uphold customary law, as well as manage, regulate ownership, control, and use of the communal land.

Furthermore, the Ondoafi are also responsible to their clan in relation to customs, marriage, education, and other vital areas. The Sentani indigenous community adheres to a patrilineal kinship system, which gives men special rights, one of which is becoming Ondoafi, or customary leader.

Nowadays, along with the development of the times, many development projects in the city of Sentani have increased the tendency for land ownership, such as the construction of an airport runway. There are many other land needs, both for individual businesses and government development. However, some Ondoafi refuse to sell their customary land to outsiders, citing the preservation of their ancestral heritage. However, many also sell their customary land to individuals and the government for various reasons.

In land rights transfers, transfers are often carried out through a sale or purchase. A sale or purchase is the process of transferring ownership of goods or assets to another party using money as a medium of exchange. The buying and selling activities in the economic and business fields are considered the most important part because they are directly related to consumers, in terminology the buying and selling activities are defined as exchange transactions in addition to facilities and enjoyment (Yudha Tri Dharma Iswara, et. al., 2016).



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In the practice of buying and selling land in the Sentani indigenous community, there are several ways of buying and selling land rights, namely by buying and selling land based on the customary law system, namely by private deeds carried out before the Head of the customary law association, before (Notary/PPAT), orally known by the families and traditional elders. There are several factors that cause the Sentani indigenous people to still use oral methods or private deeds in their land sale and purchase agreements, namely the first is due to socio-cultural factors where the majority of the Sentani indigenous people still adhere to their customary laws, the second is the process is fast, easy and inexpensive, and they consider it valid if it has been known by the traditional elders.

The sale and purchase of customary land rights by the Sentani indigenous people takes place through private deeds, written on paper or in the form of receipts. This is because the Sentani indigenous people are among those who still adhere to customary law. According to customary law, there are three elements of a sale and purchase: clear, cash, and real. This is evident in the Sentani indigenous people's practice of private land transactions. In this case, "underhand" refers to a land sale and purchase agreement under customary law, where the legal act involves the transfer of land rights through cash payments or through an agreement between the parties (seller and buyer) in the presence of customary elders and the Ondoafi customary chief.

Customary law does not recognize the concept of obligatory, as in Western law. In customary law, a sale and purchase is essentially not just an agreement between the two parties but a transfer from the seller to the buyer, with the aim of transferring ownership of the land from the seller to the buyer. This is because, according to customary law, a sale and purchase is valid if it is made in real, clear, and cash. However, according to Western law, such a sale and purchase must be more detailed.

The Sentani indigenous people recognize the transfer of land rights through a sale and purchase agreement. In executing these agreements, the Sentani indigenous people still adhere to their customary law, where the agreement is made verbally, signed by both parties and witnessed by the community members in the presence of the customary leader.

The customary leader in the Sentani indigenous community is commonly referred to as Ondoafi, a community leader entrusted by the community with the authority to determine all matters related to legal relations and legal actions concerning the land in their territory. This is stipulated in Article 15 of Jayapura Regional Regulation No. 8 of 2016 concerning customary villages, which are assigned functionaries as customary government officials. Therefore, the role of the Ondoafi/Customary Leader is crucial in land sale and purchase agreements under customary law. He has the authority to decide whether the land can be sold, considering its intended use as long as it does not conflict with existing community norms. He also has the authority to issue customary release letters, which serve as strong evidence and play a crucial role in land sales under customary law.

The legal provisions governing the authority of indigenous communities, specifically the release of customary rights for development purposes, are stipulated in Article 43 of Law Number 21 of 2001 concerning Special Autonomy for Papua Province, which affirms that indigenous



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peoples' ownership rights must be protected and respected. To further clarify the process of buying and selling customary land rights within the Sentani customary law community, the author conducted an interview with Mr. Petrus Deda, a member of the Sentani customary law community in Jayapura Regency, on Thursday, October 17, 2025, at 10:30 a.m. WIT. The details are as follows:

- a) The buyer searches for the land to be purchased and seeks out the customary law community association that has the rights to the land. After finding a party willing to sell their land, the buyer approaches them and expresses their intention to purchase the land. After the negotiation process between the seller and the buyer is successful, the seller, as the customary community, will summon the customary community associations and the customary leader/ondoafi (head of the customary community) to hold a deliberation. This deliberation must be attended by the customary elders and the customary community itself. If any ondoafi is absent, the deliberation is canceled. During this deliberation, the customary leader will usually confirm that the land truly belongs to the seller and that it has been approved by the customary community members who have collective and individual rights to the land. The customary leader/Ondoafi has the authority to decide whether the land can be sold. After the deliberation is complete, the Ondoafi will issue a statement of customary release.
- b) After the sale and purchase transaction, the buyer will receive a letter of release of customary land rights, which is made directly by the ondoafi and witnessed directly by the indigenous people and other indigenous community associations. This customary release confirms the transfer of land ownership rights from the seller to the buyer. This customary release letter is used as evidence of the transfer of land rights to avoid conflict with its dependents. The letter of release of customary land rights signed by the ondoafi/customary leader is considered valid because the ondoafi plays a role as the traditional village government which has been regulated in Article 15 of Jayapura Regional Regulation Number 8 of 2016 concerning Traditional Villages which states that the ondoafi is the traditional village government which is inherited from generation to generation as a functionary of the traditional government, one of whose functional areas is regarding the traditional community over land and natural resources. The process of transferring land rights legally according to Sentani customary law requires the attendance of five tribal chiefs and the indigenous community. The deliberations discuss the origin of land ownership and ensure the legitimate landowner to prevent future overlapping claims by other tribes, which could lead to conflict.
- c) After the sale and purchase transaction and customary release have been completed, it is advisable to immediately register the land with the National Land Agency, bringing the customary release letter and other administrative requirements to ensure legal certainty and legal protection.

Based on the description above, it can be concluded that the validity of the sale and purchase agreement based on the customary law of the Sentani community must obtain approval from the Ondoafi/customary leader who has authority over the land, and be attended by witnesses, namely the indigenous people, in addition the sale and purchase agreement must be ratified by the Sentani Tribe Customary Council, which has the function of holding a customary trial to make



decisions based on deliberation by means of negotiation and mediation. The decisions taken by the Customary Council must be obeyed by the parties concerned and on the basis of customary governance in accordance with customary law.

Legal Protection for Buyers in the Sale and Purchase of Customary Land Rights in the Sentani Customary Law Community

Legal protection for the fulfillment of the rights of the parties in the event of a breach of contract or breach of promise under a sale and purchase agreement depends heavily on the validity of the agreement itself. If it is made by a private deed, the protection is the same as that for a private deed. However, if it is made by or before a notary, the deed automatically becomes a notarial deed, and its protection is the same as that for an authentic deed

The protection measures that each party can take include:

- a. Protection for the seller. In this case, the seller must request the buyer to pay the price for the object of the agreement within a specified time period, accompanied by a cancellation condition. If the buyer fails to make the payment as requested and agreed, the land rights sale and purchase agreement is void, and the seller is not obligated to return the payment unless the buyer requests an exception.
- b. Protection for the buyer. In this case, the buyer must first verify the existence of proof of ownership of the land/building that is the object of the agreement. The buyer can also request that the seller guarantee that the object of the agreement is free from claims, lawsuits, or encumbrances, which will place the seller's responsibility. Furthermore, the buyer may request that the seller grant an irrevocable power of attorney. If all requirements for the sale and purchase are met, the buyer can transfer the rights even if the seller is not present at the signing of the deed of sale.

Furthermore, buyers can take steps to ensure that a private land sale (without a deed from a Land Deed Official) has legal force, including:

- a) The parties, both the seller and the buyer, come to the Village or Sub-district Office to reach an agreement to measure the land to be sold. The Village Head or Sub-district Head and village officials will also serve as witnesses.
- b) After the land is measured, the data is recorded in a special village book.
- c) Upon completion, the buyer must pay the mandatory and voluntary fees.
- d) After payment, the witnesses present at the land sale and purchase must sign the land sale statement.

Because the customary land of the Sentani community is mostly not certified because it has not been registered, therefore to avoid future conflicts due to the transfer of land rights as a force of evidence, it is better for buyers to ensure that the customary land has a sporadic certificate, which is a certificate that confirms the ownership rights to the land that indeed the rights belong to the indigenous people, this sporadic certificate is issued by the Sentani community customary council and authorized by the village head. If in the future a conflict occurs due to this sale and purchase agreement, it will be resolved amicably through deliberation. If it still does not reach a



bright spot, before being brought to the district court, a customary trial will be held first by the Sentani Tribal Customary Council (DASS), if there is still no agreement, it will be continued with a police report which will then be continued to the Jayapura district court.

Conclusion

The sale and purchase of customary land rights in the Sentani Tribe customary law community in Jayapura Regency must obtain approval from the Ondoafi/Customary Leader who has authority over the land, and be attended by witnesses, namely the customary community, in addition the sale and purchase agreement must be ratified by the Sentani Tribe Customary Council, which has the function of holding customary trials to make decisions based on deliberation by means of negotiation and mediation. The decision taken by the Customary Council must be obeyed by the parties concerned and on the basis of customary governance in accordance with customary law. Meanwhile, legal protection for buyers in the sale and purchase of customary land rights in the Sentani Tribe customary law community in Jayapura Regency is that the parties concerned, both the seller and the buyer, come to the Village or Sub-district Office to make an agreement to measure the land to be sold and the Village Head or sub-district head and village officials as witnesses that the sale and purchase has taken place, in addition the land is also immediately registered with the National Land Agency by bringing a letter of customary release and other requirements needed for administrative purposes in order to obtain legal certainty and legal protection.

The author's suggestion is that the local government is expected to conduct socialization to the people in Jayapura Regency about the importance of land sales through Notaries/PPAT in order to ensure legal certainty and avoid disputes in the future. Meanwhile, for the Sentani Tribe customary law community who wants to buy and sell land must have good intentions, even if not through PPAT at least the customary land sale and purchase agreement knows the Ondoafi, is given the release of customary land and is made before the local Village Head/Sub-district Office in the presence of witnesses by both parties so as to guarantee legal certainty and avoid disputes in the future.

References

- Adrian Sutedi, *Peralihan Hak Atas Tanah dan Pendaftarannya*, Sinar Grafika, Jakarta, 2009.
- A.P. Parlindungan, *Pedoman Pelaksanaan UUPA dan Tata Cara Pejabat Pembuat Akta Tanah*, Cet.VI, Alumni, Bandung, 1990.
- Aspan, H. (2025). From Fiqh to Code: Reconstructing Islamic Legal Governance through Maqasid al-Shariah in the Era of Algorithmic Regulation. *Journal of Contemporary Islamic Law and Studies*, 1(1), 15–27. <https://doi.org/10.47353/jcils.v1i1.368>
- Boedi Harsono, *Hukum Agraria Indonesia, Himpunan Peraturan-Peraturan Hukum Tanah*, Djambatan, Jakarta, 2002.
- _____, *Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya*, Djambatan, Jakarta, 2002.



- Boedi Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria Isi dan Pelaksanaannya*, Djambatan, Jakarta, 2003.
- Bauw, L., Pondayar, Y., Tanati, D., & Palenewen, J. Y. (2025). Penyuluhan Hukum Peraturan Daerah Provinsi Papua Nomor 5 Tahun 2022 Tentang Pengakuan Dan Perlindungan Masyarakat Hukum Adat Di Provinsi Papua Pada Masyarakat Di Kampung Nendali Distrik Sentani Timur Kabupaten Jayapura. *CENDIKIA: Jurnal Pengabdian Masyarakat Indonesia*, 1(1), 57-72.
- Effendi Perangin, *Hukum Agraria Indonesia, Suatu Telaah dari Sudut Pandang Praktisi Hukum*, Rajawali Pers, Jakarta, 1994.
- G.Kartasapoetra, *Hukum Tanah*, PT. Bhineka Cipta, Jakarta, 1991.
- Hadi, S., Tanati, D., Palenewen, J. Y., Solossa, M., & Sahuleka, O. (2023). Penyuluhan Hukum Berdasarkan Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah Di Kampung Nendali Distrik Sentani Timur Kabupaten Jayapura. *Nanggroe: Jurnal Pengabdian Cendikia*, 2(8).
- Hadi, S., Tanati, D., Palenewen, J. Y., Bauw, L., Solossa, M., & Rongalaha, J. (2024). Sosialisasi Hukum Terhadap Peraturan Menteri Agraria/KBPN Nomor 5 Tahun 1999 Tentang Pedoman Penyelesaian Masalah Hak Ulayat Masyarakat Hukum Adat Di Kelurahan Koya Barat Distrik Muara Tami Kota Jayapura. *Nanggroe: Jurnal Pengabdian Cendikia*, 3(3).
- Hadi, S., Solossa, M., Rongalaha, J., & Palenewen, J. Y. (2024). Penyelesaian Sengketa Tanah Ulayat Masyarakat Hukum Adat Suku Ngalum dengan Pemerintah Daerah Kabupaten Pegunungan Bintang. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(11).
- Katjong, K., Palenewen, J. Y., & Loogman, S. M. (2021). Penerapan Ipteks Keabsahan Pendaftaran Tanah Di Kampung Asei Kecil. *Jurnal Pengabdian Papua*, 5(3).
- Manengkey, V. T., Tanati, D., Palenewen, J. Y., Pondayar, Y., Solossa, M., & Rongalaha, J. (2023). Penyuluhan Hukum Terhadap Peraturan Menteri Agraria Nomor 5 Tahun 1999 Tentang Pedoman Penyelesaian Masalah Hak Ulayat Masyarakat Hukum Adat Di Kampung Nendali Distrik Sentani Timur Kabupaten Jayapura. *Jurnal Pengabdian Masyarakat Bangsa*, 1(8), 1342-1348.
- Manengkey, V. T., Tanati, D., Pelupessy, E., Bauw, L., Pondayar, Y., Palenewen, J. Y., ... & Rongalaha, J. (2025). Sosialisasi Hukum Tentang Peran Kepala Kampung Dalam Penyelesaian Sengketa Tanah Adat Di Kampung Asei Besar Distrik Sentani Timur Kabupaten Jayapura. *Jurnal Pengabdian Masyarakat Bangsa*, 2(11), 5140-5152.
- Palenewen, J. Y. (2025). Issuance of Legally Defective Land Rights Certificates at the Jayapura City Land Office. *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, 2(1), 12-23.
- Palenewen, J. Y. (2022). *Hukum Agraria Dan Pendaftaran Tanah Di Indonesia*.
- Palenewen, J. Y. (2023). *Hukum Perdata*.
- Palenewen, J. Y. (2024). *Hak-Hak Atas Tanah Dan Kekayaan Alam*.
- Palenewen, J. Y. (2023). *Hak Dan Kepemilikan Rumah Susun Perspektif Undang-Undang Nomor 20 Tahun 2011*. Penerbit Widina.



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- Palenewen, J. Y., Thesia, E. H., Bano, Y., & Tanati, D. (2023). Penerapan Ipteks Prosedur Pengurusan Sertifikat Berdasarkan Peraturan Pemerintah Nomor 24 Tahun 1997 Tentang Pendaftaran Tanah Di Kampung Asei Besar. *AMMA: Jurnal Pengabdian Masyarakat*, 1(12), 1649-1657.
- Palenewen, J. Y., & Manengkey, V. T. (2022). Analisis Yuridis Pendaftaran Tanah Secara Sporadik Pada Kantor Pertanahan Kabupaten Jayapura. *BULLET: Jurnal Multidisiplin Ilmu*, 1(05), 812-823.
- Palenewen, J. Y., & Rongalaha, J. (2021). Implementasi Asas Kontradiktur Delimitasi Pada Kantor Pertanahan Kota Jayapura Berkaitan Dengan Pengukuran Dan Penetapan Batas Tanah. *Jurnal Hukum Ius Publicum*, 2(1), 45-59.
- Palenewen, J. Y., Tanati, D., & Solossa, M. (2022). Penerapan IPTEKS Sistem Pendaftaran Tanah Berdasarkan Undang-Undang Pokok Agraria Dan Peraturan Pemerintah Nomor 24 Tahun 1997 Pada Kampung Asei Besar. *AMMA: Jurnal Pengabdian Masyarakat*, 1(11), 1607-1615.
- Palenewen, J. Y. (2023). Role of the National Land Agency in Settlement of Land Boundary Disputes in Jayapura City. *International Journal of Multidisciplinary Approach Research and Science*, 1(03), 381-387.
- Palenewen, J. Y., Tanati, D., & Solossa, M. (2022). Penerapan Ipteks Kepemilikan Sertifikat Untuk Menjamin Kepastian Hukum Pada Masyarakat Kampung Asei Kecil. *AMMA: Jurnal Pengabdian Masyarakat*, 1(10), 1312-1319.
- Palenewen, J. Y. (2023). Juridical Study of Registration Period Transfer of Land Ownership Rights at the Land Office Jayapura City. *International Journal of Multicultural and Multireligious Understanding*, 10(5), 495-498.
- Palenewen, J. Y. The Role Of Land Deed Officials In The Registration Of Land Proprietary Rights To Guarantee Legal Certainty For Communities In Jayapura City.
- Palenewen, J. Y. (2024). Tugas Dan Tanggung Jawab Notaris Dalam Pembuatan Akta Autentik.
- Palenewen, J. Y. (2023). Faktor-Faktor Penyebab dalam Penerbitan Sertifikat Asli Tapi Palsu pada Kantor Pertanahan Kota Jayapura. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(5).
- Palenewen, J. Y. (2024). Legal Consequences for Land Rights Holders Who Do Not Register Their Rights with the National Land Agency Papua Province. *Contemp. Readings L. & Soc. Just.*, 16, 28.
- Palenewen, J. Y., Tanati, D., & Solossa, M. (2022). Peranan Kepala Kampung Dalam Penyelesaian Sengketa Tanah Adat Di Kampung Lugom Distrik Yugungwi Kabupaten Lanny Jaya. *BULLET: Jurnal Multidisiplin Ilmu*, 1(06), 1351-1357.
- Palenewen, J. Y., Tanati, D., Hadi, S., Sahuleka, O., & Solossa, M. (2023). Sosialisasi Hukum Berdasarkan Undang-Undang Nomor 30 Tahun 1999 di Kampung Asei Besar Distrik Sentani Timur Kabupaten Jayapura. *Nanggroe: Jurnal Pengabdian Cendikia*, 2(8).
- Palenewen, J. Y., & Solossa, M. (2023). Indigenous Land Boundary Dispute between Awi Clan and Afar Clan in the Abepura District, Jayapura City. *Journal of Progressive Law and Legal Studies*, 1(02), 144-150.



James Yoseph Palenewen – Legal Analysis of the Sale and Purchase of Customary Land Rights in the Sentani Tribe Customary Law Community in Jayapura Regency

- Palenewen, J. Y. (2023). Role of the National Land Agency in Settlement of Land Boundary Disputes in Jayapura City. *International Journal of Multidisciplinary Approach Research and Science*, 1(03), 381-387.
- Palenewen, J. Y. (2024). Resolution Of Ulayat Land Disputes Between The Traditional Legal Communities Of The Upper Tor District And The Regional Government Sarmi District, Papua Province. *Russian Law Journal*, 12(1).
- Palenewen, J. Y., & Reumi, T. A. S. (2024). Settlement of Customary Law Community Land Disputes Regarding the Construction of the Lukas Enembe Stadium in Kampung Harapan Jayapura Regency. *Journal of Law, Politic and Humanities*, 4(5), 1295-1304.
- Palenewen, J. Y., Tanati, D., Hadi, S., Sahuleka, O., & Solossa, M. (2023). Sosialisasi Hukum Berdasarkan Undang-Undang Nomor 30 Tahun 1999 di Kampung Asei Besar Distrik Sentani Timur Kabupaten Jayapura. *Nanggroe: Jurnal Pengabdian Cendikia*, 2(8).
- Palenewen, J. Y., & Solossa, M. (2023). Settlement of Land Disputes Through Traditional Law in the Sentani Traditional Community of Jayapura Regency. *International Journal of Multicultural and Multireligious Understanding*, 9(11), 458-463.
- Palenewen, J. Y. (2023). Penyelesaian Sengketa Tanah Ulayat antara Masyarakat Kampung Kaptiau dan Kampung Mawesday di Kabupaten Sarmi. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(3).
- Palenewen, J. Y. (2023). Tenure and Ownership of Lani Tribe Traditional Land in the Bokondini District, Tolikara Regency. *International Journal of Multicultural and Multireligious Understanding*, 10(1), 625-628.
- Palenewen, J. Y. (2024). Settlement of Customary Law Community Land Disputes in Byosi Village Keerom Regency Perspective of Regulation of the Minister of State for Agrarian Affairs/KBPN Number 5 of 1999. *Journal of Law, Politic and Humanities*, 4(3), 344-354.
- Palenewen, J. Y., Reumy, L. J. I., Hamonangan, S., Samosir, H., Bauw, L., Polontoh, H. M., ... & Samosir, R. C. (2025). Penyuluhan Hukum Pentingnya Kepemilikan Sertifikat Hak Milik Untuk Menjamin Kepastian Hukum Di Kelurahan Hedam Distrik Heram Kota Jayapura. *Jurnal Pengabdian Sosial*, 2(6), 3634-3643.
- Palenewen, J. Y., Pelupessy, S. P., Asmarani, N., Bauw, L., Rongalaha, J., Tanggahma, B., ... & Pelupessy, B. E. (2025). Penerapan IPTEKS Penyelesaian Sengketa Tanah Adat Melalui Non Litigasi Di Kampung Yoka Distrik Heram Kota Jayapura. *Jurnal Pengabdian Sosial*, 2(6), 3625-3633.
- Palenewen, J. Y., & Pelupessy, E. (2025). Sosialisasi Hukum Peraturan Pemerintah Nomor 18 Tahun 2021 Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun Dan Pendaftaran Tanah Pada Kampung Nendali Distrik Sentani Timur Kabupaten Jayapura. *CENDIKIA: Jurnal Pengabdian Masyarakat Indonesia*, 1(1), 1-11.
- Pelupessy, E., Irianti, Y. S., Ketaren, D., Tanati, D., & Palenewen, J. Y. (2024). Penyuluhan Hukum Tentang Peran Pejabat Pembuat Akta Tanah (PPAT) Dalam Pendaftaran Hak Milik Atas Tanah Untuk Menjamin Kepastian Hukum di Kampung Nendali Distrik Sentani Timur Kabupaten Jayapura. *Nanggroe: Jurnal Pengabdian Cendikia*, 2, 12.



James Yoseph Palenewen – Legal Analysis of the Sale and Purchase of Customary Land Rights in the Sentani Tribe Customary Law Community in Jayapura Regency

- Pelupessy, S. P., Pelupessy, B. E., Palenewen, J. Y., Pelupessy, E., Angwarmasse, L. C., Mofu, M. I., ... & Hetharia, M. (2026). Penerapan IPTEKS Peraturan Pemerintah Nomor 18 Tahun 2021 Gunanya Memperoleh Kepastian Hukum Pada Masyarakat Di Kampung Asei Besar Distrik Sentani Timur Kabupaten Jayapura. *Dedikasi Mandiri Nusantara*, 2(1).
- Palenewen, J. Y., Reumy, L. J. I., Hamonangan, S., Samosir, H., Bauw, L., Polontoh, H. M., ... & Samosir, R. C. (2025). Penyuluhan Hukum Pentingnya Kepemilikan Sertifikat Hak Milik Untuk Menjamin Kepastian Hukum Di Kelurahan Hedam Distrik Heram Kota Jayapura. *Jurnal Pengabdian Sosial*, 2(6), 3634-3643.
- Palenewen, J. Y., Pelupessy, S. P., Asmarani, N., Bauw, L., Rongalaha, J., Tanggahma, B., ... & Pelupessy, B. E. (2025). Penerapan IPTEKS Penyelesaian Sengketa Tanah Adat Melalui Non Litigasi Di Kampung Yoka Distrik Heram Kota Jayapura. *Jurnal Pengabdian Sosial*, 2(6), 3625-3633.
- Pelupessy, E., & Palenewen, J. Y. (2024). Juridical Study Regarding the Function of Land for Investment Interests in the Region. *Journal of Law, Politic and Humanities*, 4(5), 1123-1129.
- Palenewen, J. Y., Tanati, D., & Solossa, M. (2024). Keabsahan Jual Beli Tanah Tanpa Melalui Pejabat Pembuat Akta Tanah di Kota Jayapura. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 2(4), 175-183.
- Palenewen, J. Y. (2025). Issuance of Legally Defective Land Rights Certificates at the Jayapura City Land Office. *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, 2(1), 12-23.
- Palenewen, J. Y. (2025). Issuance of Legally Defective Land Rights Certificates at the Jayapura City Land Office. *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, 2(1), 12-23.
- Palenewen, J. Y., & Solossa, M. (2025). The Use Of Electronic Land Certificate Ownership In Land Registration In Indonesia. *SIGARUDA JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi dan Pendidikan*, 1(1), 1-9.
- Rongalaha, J., & Palenewen, J. Y. (2022). Implikasi Pada Kantor Pertanahan Kota Jayapura Atas Balik Nama Sertifikat Hak Milik Atas Tanah Untuk Menjamin Kepastian Hukum. *Jurnal Hukum Ius Publicum*, 3(1), 50-70.
- Rongalaha, J., Palenewen, J. Y., Tanati, D., Pondayar, Y., Solossa, M., Reumi, F., ... & Hadi, S. (2023). Penerapan IPTEKS Tentang Gunanya Sertifikat Hak Atas Tanah Untuk Menjamin Kepastian Hukum Bagi Masyarakat Di Kelurahan Koya Barat Distrik Muara Tami Kota Jayapura. *Jurnal Pengabdian Masyarakat Bangsa*, 1(7), 1313-1320.
- Ridwan, M., Jayadi, U., Hamonangan, S., Tanati, D., & Palenewen, J. Y. (2025). Reconciliation of Human Rights, Positive Law, and Siyasah Syar'iyah: An Innovative Approach to Addressing Human Rights Issues in the Contemporary Era. *MILRev: Metro Islamic Law Review*, 4(1), 463-487.
- Sahuleka, O., Manengkey, V. T., Katjong, K., Tanati, D., & Palenewen, J. Y. (2023). Penerapan Asas Kontradiktur Delimitasi di Kantor Pertanahan Kota Jayapura. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(4).



- Samosir, H., Pelupessy, E., Bauw, L., Pondayar, Y., Tanati, D., Palenewen, J. Y., ... & Samosir, R. C. (2025). Penyuluhan Hukum Tentang Alternatif Penyelesaian Sengketa Perspektif Undang-Undang Nomor 30 Tahun 1999 Di Kelurahan Koya Barat Distrik Muara Tami Kota Jayapura. *Jurnal Pengabdian Masyarakat Bangsa*, 2(11), 5153-5162.
- Solossa, M., & Palenewen, J. Y. (2025). The Role of Village Heads in Resolving Customary Land Disputes in Nendali Village East Sentani District Jayapura Regency. *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, 2(1), 53-67.
- Solossa, M., Rongalaha, J., & Palenewen, J. Y. (2024). Penerbitan Sertifikat Hak Milik Atas Tanah Asli Tapi Palsu Pada Kantor Pertanahan Kota Jayapura. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 2(4), 100-109.
- Solossa, M. (2025). Penerapan IPTEKS Tentang Penyelesaian Sengketa Tanah Ulayat Pada Masyarakat Hukum Adat Melalui Jalur Non Litigasi Di Kampung Asei Kecil Distrik Sentani Timur Kabupaten Jayapura. *CENDIKIA: Jurnal Pengabdian Masyarakat Indonesia*, 1(1), 12-23.
- Solossa, M. (2025). Implikasi Hukum Keterlambatan Pendaftaran Akta Peralihan Hak Atas Tanah Pada Kantor Pertanahan Kabupaten Keerom. *SIGARUDA JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi dan Pendidikan*, 1(1), 46-57.
- Solossa, M., Palenewen, J. Y., & Tanati, D. (2025). Legal Protection For Heirs Regarding Inheritance Of Land Ownership Rights That Have Not Been Registered At The Jayapura Regency Land Office. *Sibatik Journal: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 4(10), 3435-3444.
- Thesia, E. H., Thesia, I. M., & Palenewen, J. Y. (2022). Penerapan IPTEKS Tentang Sistem Pendaftaran Tanah Hingga Terbitnya Sertifikat Hak Milik Atas Tanah Untuk Menjamin Kepastian Hukum Di Kampung Nendali Distrik Sentani Timur Kabupaten Jayapura. *Jompa Abdi: Jurnal Pengabdian Masyarakat*, 1(4), 57-67.
- Thesia, E. H., Samosir, H., Pondayar, Y., Tanati, D., Palenewen, J. Y., Solossa, M., ... & Manengkey, V. T. (2023). Sosialisasi Hukum Tentang Peranan Pejabat Pembuat Akta Tanah (PPAT) Dalam Pendaftaran Hak Milik Atas Tanah Di Kampung Asei Besar Distrik Sentani Timur Kabupaten Jayapura. *Jurnal Pengabdian Masyarakat Bangsa*, 1(7), 1306-1312.
- Tanati, D. (2025). Kinship System and Customary Government of the Waropen Indigenous Community. *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, 2(1), 24-31.
- Tanati, D., & Palenewen, J. Y. (2023). Penerapan Ipteks Tentang Meningkatkan Kesadaran Masyarakat Terhadap Pendaftaran Hak-Hak Atas Tanah Adat Pada Kampung Nendali. *Amma: Jurnal Pengabdian Masyarakat*, 2(1), 134-140.
- Tanati, D., & Palenewen, J. Y. (2024). Penyelesaian Konflik Agraria Pada Masyarakat Adat Papua.
- Tanati, D., Rongalaha, J., & Palenewen, J. Y. (2022). Penerapan IPTEKS Tentang Penyelesaian Sengketa Tanah Ulayat Pada Masyarakat Hukum Adat Melalui Jalur Non Litigasi Di Kampung Asei Besar Distrik Sentani Timur Kabupaten Jayapura. *Jompa Abdi: Jurnal Pengabdian Masyarakat*, 1(4), 42-51.



James Yoseph Palenewen – Legal Analysis of the Sale and Purchase of Customary Land Rights in the Sentani Tribe Customary Law Community in Jayapura Regency

- Tanati, D., & Palenewen, J. Y. (2022). Penerapan IPTEKS Tentang Penyelesaian Sengketa Batas Tanah Ulayat Melalui Jalur Litigasi Dan Non Litigasi Pada Masyarakat Hukum Adat Di Kampung Nendali. *AMMA: Jurnal Pengabdian Masyarakat*, 1(09), 1133-1138.
- Tanati, D. (2023). Land Ownership Rights According to Indigenous Peoples in Kwadeware Village, Waibu District Jayapura Regency. *International Journal of Multicultural and Multireligious Understanding*, 10(1), 629-634.
- Tanati, D., Palenewen, J. Y., Pondayar, Y., Thesia, E. H., Solossa, M., & Rongalaha, J. (2023). Legal Counseling Law Number 30 of 1999 About Arbitration And Alternative Dispute Resolution In Nendali Village, East Sentani District Jayapura Regency. *Jurnal Pengabdian Masyarakat Bangsa*, 1(8), 1331-1337.
- Tanati, D. (2023). Membuka Jendela Nilai Dan Norma Masyarakat Adat Kabupaten Waropen.
- Tanati, D. (2024). Patterns Of Resolution Of Customary Rights Disputes For Traditional Law Communities In Waropen District Papua Province. *Russian Law Journal*, 12(1).
- Tanati, D. (2023). The Role of Customary Institutions in Settlement of Customary Land Disputes between Wonatorey and Watopa Clans in Waropen Regency. *International Journal of Multicultural and Multireligious Understanding*, 10(3), 278-283.
- Tanati, D. (2024). Several Customary Violations in the Waropen Customary Law Community of Papua Province. *Contemp. Readings L. & Soc. Just.*, 16, 19.
- Tanati, D. (2019). The Pattern Settlement of Adat Delict of Waropen Tribe. *JL Pol'y & Globalization*, 89, 14.
- Tanati, D. (2024). Ownership Patterns of Land Rights from the Perspective of Customary Law Communities in Waropen Regency Papua Province. *Journal of Law, Politic and Humanities*, 4(3), 355-363.
- Tanati, D. (2019). The Forms of Custom Offense (Sanctions) of Waropen Tribe of Papua. *JL Pol'y & Globalization*, 83, 84.
- Tanati, D., & Palenewen, J. Y. (2025). The Role Of Waropen Tribal Chief Risei Sayati In The Process Of Resolving Customary Land Disputes In Waropen Regency. *Sibatik Journal: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 4(10), 3393-3402.
- Tanati, D., Palenewen, J. Y., Reumi, F., Reba, Y. E., Polontoh, H. M., Pelupessy, E., ... & Wulandari, L. Penyuluhan Hukum Tentang Cara Penyelesaian Sengketa Tanah Adat Melalui Jalur Non Litigasi di Kelurahan Koya Barat Distrik Muara Tami Kota Jayapura.
- Yoseph Palenewen, J. (2023). Legal Protection for Holders of Land Ownership Certificates in Jayapura Regency. *International Journal of Multicultural and Multireligious Understanding*, 10(3), 273-277.

