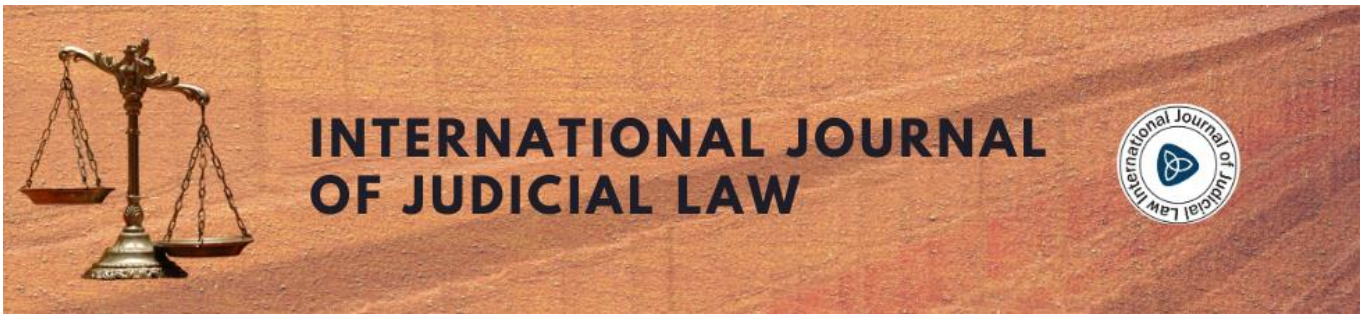




Transfer of Regional Property in the Form of Land Through Direct Appointment: Study in West Sumbawa Regency

Syafwan Hadi ^{1*}, Djumardin ², Diangsa Wagian ³

¹ Master of Laws, University of Mataram, Indonesia

²⁻³ University of Mataram, Indonesia

Corresponding Author: Syafwan Hadi

Article Info

ISSN (online): 2583-6536

Volume: 05

Issue: 02

March-April 2026

Received: 12-01-2026

Accepted: 10-02-2026

Published: 08-03-2026

Page No: 62-68

Abstract

The purpose of study This For analyze arrangements and mechanisms transfer (sale) of BMD with appointment direct as well as Analyze legality (legitimacy) of the sale of BMD (land) by the government West Sumbawa Regency to PT. Amman Mineral Nusa Tenggara. The research method used is normative legal research, utilizing statutory and conceptual approaches. The results show that the legal basis for the transfer of BMD is regulated in Law No. 1 of 2004 concerning State Treasury, while the implementing regulations are regulated in Government Regulation No. 28 of 2020 concerning amendment to PP No. 27 of 2014 concerning management of BMN/BMD, which will then be arranged in Minister of Home Affairs Regulation No. 7 of 2024 concerning amendments to the Minister of Home Affairs Regulation No. 19 of 2016 concerning Guidelines for BMD Management and West Sumbawa Regency Regional Regulation Number 7 of 2018 concerning Management of Regional Assets. Mechanism transfer (sale) of BMD with appointment straight to the point is at in stages BMD management that places auction as procedure general BMD sales. However, the regulations legislation gives exception sale without auction (appointment directly) in matter certain. The legality (validity) of the sale of BMD in the form of land The West Sumbawa Regional Government has given PT Amman Mineral Nusa Tenggara (PT AMNT) done in a way comprehensive with combine perspective law public and law private.

DOI: <https://doi.org/10.54660/IJL.2026.5.2.62-68>

Keywords: Goods Owned by Area, Land, Transfer, Appointment Direct

1. Introduction

Government Keep going make an effort push realization development facility domestic refining (smelter). Since January 12, 2014, the government has emitted policy prohibition export throughout company mine No Want to build the smelter Alone. Prohibition raw mineral exports is mandate Law Number 4 of 2009 about Mineral and Coal Mining. Holder Work Contracts are prohibited sell their minerals to abroad except If has fulfil a number of the requirements set in ESDM Ministerial Regulation Number 5 of 2017 about Increasing the Added Value of Minerals Through Activity Domestic Mineral Processing and Refining. ESDM Ministerial Regulation Number 5 of 2017 regulates that holder Work Contract can selling mineral products processing they in term maximum period of five years since its validity rule This with conditions. First, the holder The Work Contract changes form business mining from The Work Contract becomes an IUPK OP and pays customs out. Second, the minerals that are intended for export fulfil minimum processing limits as arranged in Attachment I of ESDM Ministerial Regulation Number 5 of 2017.

Enactment Constitution Number 23 of 2014 concerning Government regions and laws Number 1 of 2022 concerning Connection Finance the Central Government and Regional Governments provide chance for area for open build and develop area in accordance with their respective needs and priorities.

With issued Constitution This give consequences logical for all over area for responsible on allocation of the funds it has with efficient and effective way. One of the success from management economy something area is management assets.^[1]

Government West Sumbawa Regency has done BMD sales in general direct without through auction to PT. Amman Mineral Nusa Tenggara. The BMD in the form of 2 (two) fields land at the location Smelter construction in Maluk District, West Sumbawa Regency.

Based on Regulation of the Minister of Home Affairs Number 7 of 2024 concerning Change on Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines Management of Regional Assets which states that BMD sales are carried out in a way auction, except in matter certain and exceptions in matter certain namely BMD which is special and another BMD.

Temporary based on chapter 61 Rules Government Number 27 Years 2014 Jo. Article 98 of the Regional Regulation of West Sumbawa Regency Number 7 of 2014 2018 states that Regional Property which is of a nature special that is only related with Official Vehicles and Official Residences Class III. However, until moment This Not yet There is regulations that are explicit arrange about sale land in condition certain, so that cause the absence of norms in aspect law transfer of BMD in the form of land through appointment direct.

With existence the absence of norms regarding appointment direct BMD in the form of land, then Researchers consider important for analyze regarding "Transfer of Regional Property in the Form of Land Through Appointment Direct (Study in West Sumbawa Regency)".

2. Research Methods

For answer the problems described in the background behind above, research This apply type study normative or study law doctrinal.^[2] Purpose of use study law normative This is for find something rule laws, principles law, as well as doctrines law to answer issue the law being faced. Research law This done with use a number of approaches. The approaches used is approach statute approach and legal approach conceptual (conceptual approach)^[3].

3. Discussion

3.1. Authority Regional Government in transfer of regional assets

Authority Regional Government in transfer of Regional Property (BMD) in essence is derivative from principle general organization government area as set in the 1945 Constitution of the Republic of Indonesia and regulated more carry on through Constitution Number 23 of 2014 concerning Regional Government. Affirmed in Article 5 paragraph (1) of the Regulations Government Number 27 of 2014 which states that Governor / Regent / Mayor is holder power management goods owned by area, whereas The Regional Secretary acts as Asset Manager. Construction normative This show that

BMD management is authority attributions attached to positions head area as representation government area.

Within the framework law positive, authority BMD management is basically is part from power BMD management is attached to the Regional Head as holder power BMD management, with Regional Secretary as Asset Manager and SKPD as Property Users as implementing organs technical. Relationship pattern authority the No only looks in construction normative Regulation Government and the Minister of Home Affairs Regulation, but also reflected in practice government area as demonstrated by Alan Wonggow and friends in study BMD management in Manado City Government based on Minister of Home Affairs Regulation Number 17 of 2007, which confirms that "officials BMD managers consist of on Regional Head, Regional Secretary, Assistant Managers, as well as Head of SKPD as Goods Users".^[4]

According to Alan Wonggow and friends, which is relevant for context BMD transfer shows that "actions that have an impact strategic to existence asset public, especially those related to with deletion and action carry on auction executed through procedures that place Regional Head as actor key and involve agreement institution representative. In the practice described, the proposal deletion delivered up to the stage issuance of the Mayor's Decree (SK) regarding committee and/ or BMD removal, as well as there is stages proposal to the DPRD for get agreement, before auction done through KPKNL against BMD which has value economical."^[5]

In the perspective of the Theory of Authority developed by Philipus M. Hadjon that "authority (*authority, bevoegdheid*) in law public always covers three elements important, namely influence, basis law and conformity law."^[6] Element influence contain meaning that every action government, including transfer of BMD gives rise to consequence law for party other, good citizens and legal entities.

Element base law means that every action government must own legitimacy normative which is explicit can referred to the regulation's applicable laws and regulations. Elements conformity law requires that use authority must in accordance with objective giving authority said and not deviate from the legal norms that become the basis.^[7]

Implementation theory authority in transfer of BMD is necessary noticed How elements authority tested in a way empirical. First, the element influence whether fulfilled Because existence action transfer of BMD which can impact directly on the legal status of BMD, as well as impact fiscal to balance sheet asset area.^[8] Second, the elements base law originate from Regulation Government Number 27 of 2014, Regulation Government Number 28 of 2020, Regulation of the Minister of Home Affairs Number 19 of 2016, and the Minister of Home Affairs Regulation Number 7 of 2024 which regulates transfer of BMD. Third, the element conformity law, is it form form the transfer undertaken is auction or through appointment directly, where framework regulations put auction as mechanism main and appointment

¹ Aras Aira, *The Role of Asset Management in Regional Development*, Journal Social and Religious Research, Vol. 17, January-June 2014

² Amirudin and Zainal Asikin, *Introduction to Legal Research Methods*, 13th Edition, Rajawali Pers, Depok, 2023, p 118

³ Khairul Umam, *Methodology Integrative Legal Research*, CV. Mitra Santosa, Bekasi, 2025, p. 31

⁴ Alan Wonggow, Ventje Ilat, and Dhullo Affandi, "Study Concerning Management of Regional Assets in the Manado City Government According to Minister of Home Affairs Regulation No. 17 of 2007," *EMBA Journal* 2, no. 1 (March 2014), pp. 470-594

⁵ Ibid

⁶ Philipus M. Hadjon, *About Authority*, in *JURIDIKA*, No. 5&6 Year XII, September-December, 1997

⁷ Ibid.

⁸ M. Yusuf, *Steps to Manage Regional Assets Towards Management Best Regional Finance*, Salemba Four, Jakarta, 2009, p. 55

direct as exception in condition certain.

Here it is relevance of the Theory of Development Law according to Mochtar Kusumaatmadja who looked law as means engineering social.^[9] Use of BMD for acceleration development area own implications broad economic and social for area, so that head area can use his authority for support development. However, theory law development No justify contradictory actions in a way clear with provision law written. Development law still requires certainty law as condition main change orderly social.^[10]

3.2. Regulations and Mechanisms Transfer (Sale) of BMD

Article 48 paragraph (1) of the Law Number 1 of 2004 concerning National Treasury confirmed principle general that sale goods state/ regional property done with method auction, except in things certain. Principles This own meaning juridical and theoretical. Juridical, auction positioned as *default mechanism*, whereas sale without auction is exceptions that must be interpreted in a way restrictive (*lex stricta*). Theoretically, from perspective of Legal Certainty Theory, mechanism auction strengthen transparency and produce higher price can accountable, so reduce potential disputes and suspicions public to diversion state assets. However, the mechanism auction and the exception No will Work in a way accountable if prerequisite order administration asset No fulfilled. BMD administration which is normative covers bookkeeping, inventory, and reporting become foundation for ensure that the object to be transferred verified his identity, his ownership status, and support document ownership.^[11]

In context asset land, Ayomi and friends show that "administration done through recording in the Goods Inventory Card (KIB) and support system (SIMDA BMD), however problem crucial appear when the date and number data certificate filled based on the Certificate Land Ownership Certificate (SKPT) because certificate Not yet taken care of. Condition This assessed No in accordance provisions and even become findings of the Audit Board of Indonesia (BPK)".^[12]

More far away, absence certificate also opens risk security, including potential transfer of land boundaries by an unauthorized party responsible answer, so that implications for risk lost asset Because certificate is proof legal ownership.^[13] Regulation Government Number 27 of 2014 then detailing principle In the Sales Section (including Article 60), BMD sales are carried out if BMD is excessive or No used, in a way economical more profitable when for sale, or as implementation provision regulation legislation.

Within the framework of the Theory of Authority, the authority of the Minister of Home Affairs and Regional Government in the field of BMD management is attribution, authority that is direct granted by law namely Constitution Number 1 of 2004 and Law Number 23 of 2014 to President and Regional Heads, then elaborated in Regulation Government Number 27 of 2014. Delegation is authority transferred technical to the Minister of Home Affairs for

arrange more details through Minister of Home Affairs Regulation, as well as to Regional Government through Regional Regulation For arrange BMD treatment at the level local.^[14]

Legal basis authority Government West Sumbawa Regency for transfer BMD land must be can traced in a way layered, starting from 1945 Constitution, Law Number 1 of 2004, Law Number 23 of 2014, Regulation Government Number 27 of 2014 in conjunction with Regulation Government Number 28 of 2020, Regulation of the Minister of Home Affairs Number 19 of 2016 in conjunction with the Minister of Home Affairs Regulation Number 7 of 2024.

Minister of Home Affairs Regulation Number 19 of 2016 concerning Guidelines Management of Regional Assets which then changed with Minister of Home Affairs Regulation Number 7 of 2024 is basically affirm principle Constitution Number 1 of 2004 and Regulations Government Number 27 of 2014, namely BMD sales are carried out in a way auction, except in matter certain.

Minister of Home Affairs Regulation the Then identify two categories exception namely BMD which is special and other BMD which are specifically limited will set more continued by the Manager Goods in the form of Regional Regulation. Regional Regulation that adopts pattern Minister of Home Affairs Regulation in a way explicit detailing that BMD is of a nature special at least covering vehicle service individual / official, house service group III, and another specified BMD. KSB Regional Regulation Number 7 of 2018 concerning BMD management adopts framework general Regulation Government Number 27 of 2014 and the Minister of Home Affairs Regulation Number 19 of 2016. In section transfer, this Regional Regulation also recognizes mechanism sales, exchange exchange, grants, and regional capital participation, with principle that sale implemented through auction except in matter certain. However, as Regional Regulation the defines "BMD which is special", the settings only in a way explicit mention vehicle office and home service group III.

3.3. Legality (Legislation) of the Sale of BMD in the Form of Government Land West Sumbawa Regency to PT. Amman Mineral Nusa Tenggara

Sale of Regional Property (BMD) in the form of land by the government West Sumbawa Regency to PT Amman Mineral Nusa Tenggara (PT AMNT) does not only can understood as incident law administrative only, but also as actions the law that has dimensions law private. Therefore that, analysis legality (validity) of action the must done in a way comprehensive with combine perspective law public and law private. Approach double This important Because action government area in transfer asset public be at the point meeting between authority public and relations law civil.

3.3.1. Legality (Legislation) of Public Law Perspective

From the corner view law public, BMD sales in the form of land is form action law government carried out by the government area in frame operate function governance and

⁹ Mochtar Kusumaatmadja, *Legal Concepts in Development*, Second Edition, Alumni, Bandung, 2006, p. 5

¹⁰ Lilik Mulyadi, Prof. Dr. Mochtar's Development Law Theory Kusumaatmadja, SH, LL.M. A Descriptive Study Analytical

¹¹ Edison Aprilio Ayomi Et. All, *Evaluation Land Asset Administration in the General Section of the District Secretariat Bolaang North Mongondow, LPPM Journal Field EkoSosBudKum* 5, no. 2 (January–June 2022)

¹² Ibid

¹³ Ibid

¹⁴ Faculty of Law, Pattimura University, "Aspects Theoretical Authority Government", page official Faculty of Law, Patiimura University, can accessed at <https://fh.unpatti.ac.id>, accessed January 7, 2026

development. Therefore that, size main validity action the is principle legality, which requires every action government own base legitimate authority, carried out by authorized officials, through procedures specified, and directed For purposes justified by law.

Based on Regulation Government Number 27 of 2014 concerning Management of State/Regional Property that has been get improvement with Regulation Government Number 28 of 2020 and Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines Management of Regional Property as done change through Regulation of the Minister of Home Affairs Number Number 7 of 2024 that which is called as goods owned by area is purchased items or obtained on APBD burden and goods originating from from acquisition other legitimate ones.

Regional officials who have authority For manage existing items with task supervise and manage goods the as well as use in accordance with its purpose and function. One of them between that's all activities Official area in Management of Regional Assets is Transfer (especially related with sales) of Regional Property.

Based on provision Article 60 of the Regulations Government Number 27 of 2014 that Sale of State/Regional Property is carried out with consideration :

1. For optimization of excess State/Regional Property or No used / utilized;
2. in a way economical more profitable for countries/ regions if sold; and/ or
3. as implementation provision regulation legislation.

Based on provision Article 61 of the Regulations Government Number 27 of 2014 that Sale State/Regional Property is carried out in a way auction, except in matter certain. in matter certain things in question includes BMD which is of a nature special and other BMDs as determined more continued by the Governor / Regent / Mayor.

Related with sale asset area Government West Sumbawa Regency consists of 2 (two) areas land to PT. AMMAN Minerals carried out in a way direct No through auction or not legitimate based on regulation applicable laws and regulations.

In a way juridical normative can explained as following :

1. Basis for consideration done sale:

Referring to the provisions Article 60 of the Regulations Government Number 27 of 2014 in conjunction with Article 338 of the Minister of Home Affairs Regulation Number 19 of 2016 in conjunction with Article 98 of Regional Regulation Number 7 of 2018, one of the base consideration For BMD is carried out in the form of land is as implementation provision regulation legislation that is between other :

1. Constitution Number 4 of 2009 concerning Mineral and Coal Mining which requires every company mine for manage material domestic mines, namely with build factory industry mining (*smelter*);
2. Decision of the Head of the Investment and Services Office Integrated One-Stop Service of West Nusa Tenggara Province Number 503/05-VIII/03/ IPR / DPMPSTSP/2018 dated August 1, 2018 concerning Permission Utilization of Space in the name of PT Amman Mineral Nusa Tenggara;
3. Regulation Government Number 24 of 2019 concerning Giving Incentives and Conveniences Investment in the

Region

4. Regulation President Number 18 of 2020 concerning National Medium - Term Development Plan 2020-2024, which contains project priority strategic (major project) one of them is development of 9 (nine) areas industry outside Java and 31 (three tens one) smelter, one of which is in West Sumbawa Regency;
5. Decree of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 37/HGB/KEM-ATR/BPN/ VII /2021 dated July 7, 2021 concerning Granting of Building Use Rights on behalf of PT Amman Mineral Nusa Tenggara land in West Sumbawa Regency, West Nusa Tenggara Province;

2. Implementation Sale

If referring to the article 61 Rules Government Number 27 Years 2014 Jo. Article 339 of the Minister of Home Affairs Regulation Number 19 of 2016 in conjunction with Article 98 of Regional Regulation Number 7 of 2016 2014 which determine that Sale of State/Regional Property is carried out in a way auction, except in matter certain. Exceptions in matter certain as referred to in paragraph (1) includes State/Regional Property of a nature special that is only related with Class III Official Vehicles and Official Residences. How case in point with assets in the form of land

One of base consideration in formation Regional Government Regulations West Sumbawa Regency Number 7 of 2018 Concerning Management of Regional Assets is mentioned in Points number 12 is Regulation President Number 54 of 2010 Concerning Government Procurement of Goods/Services. Currently Regulation President Number 54 of 2010 Concerning Government Procurement of Goods/Services has replaced with Regulation President Number 16 of 2018 Concerning Procurement of Government Goods/Services. For now, classification more carry on related with matter certain or circumstances certain things that become exception For Auction is carried out referring to the Regulations President procurement Goods and Services.

Based on provisions of Article 38 paragraphs (4) and (5) of the Regulations President Number 46 of 2025 concerning Change second Regulation President Number 16 of 2018 concerning Procurement of goods and services determine that Appointment Direct is method election for get Provider Goods/ Work Construction / Consulting Services / Other Services in condition certain.

Worthy note, one of the criteria “ in condition certain ” namely goods / work construction / services other specific and only can implemented by the holder patent rights, or the party that has get permission from holder patent rights, or the party that becomes tender winner for get permission from government.

With thus condition certain things in question in Regulation Government Number 27 of 2014 and Regional Regulation Number 7 of 2018 concerning Management of Regional Assets of West Sumbawa Regency in general systematic juridical can interpreted is including in understanding of Article 38 of the Regulation President Procurement of Goods and Services, namely point (h) namely goods / work construction / services other specific and only can implemented by the holder patent rights, or the party receiving permission from holder patent rights, or the party that becomes tender winner for get permission from government that is :

1. Decision of the Head of the Investment and Services

Office One Stop Integrated Service of West Nusa Tenggara Province Number 503/05-VIII/03/ IPR / DPMPTSP/2018 dated August 1, 2018 concerning Permission Utilization of Space in the name of PT Amman Mineral Nusa Tenggara;

2. Decree of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency Number 37/HGB/KEM-ATR/BPN/ VII /2021 dated July 7, 2021 concerning Granting of Building Use Rights on behalf of PT Amman Mineral Nusa Tenggara land in West Sumbawa Regency, West Nusa Tenggara Province.

With thus that base consideration done BMD sales in the form of land by the government West Sumbawa Regency to PT. AMNT is has in accordance with regulation legislation that is in frame operate regulation legislation. Implementation BMD sales in the form of land acquisition carried out by the government West Sumbawa Regency to PT. AMNT through appointment direct is fulfil criteria condition certain as determined in Regulation President Procurement of Goods and Services, namely goods / work construction / services other specific and only can implemented by the holder patent rights, or the party receiving permission from holder patent rights, or the party that becomes tender winner for get permission from government.

3.3.2. Legality (Legislation) of Private Law Perspective

Apart from being action law public, BMD sales in the form of the land also gives birth connection law private in form agreement sell buy between Government West Sumbawa Regency and PT AMNT. Therefore that, validity action it must also be tested based on provisions of the Civil Code (KUHPerdata), especially Articles 1320, 1335, 1337, 1339, and 1346.

Agreement is foundation main in law Indonesian civil law, where the principle freedom contract become principle main in determine connection law between subject law. In the system Indonesian law which adheres to civil law principles, agreements No only become base birth obligation, but also as tool main in ensure certainty law in transaction civil law. One of the forms the most common and vital agreement in public is agreement sell buy. Article 1320 of the Civil Code (KUHPerdata) becomes references main in determine legitimate or whether or not something agreement, including agreement sell buy. In the terms said, it is determined four condition legitimate agreement, namely agreed those who bind himself, said for make something engagement, a matter certain, and a for halal ^[15] reasons.

In the case of this, element agreement fulfilled through the agreement of the parties as stated in agreement sell buy. Elements skills are also met Because government area represented by an authorized official in accordance regulation legislation, while PT AMNT is a legal entity that is legitimate and competent act in sell buy those elements object certain fulfilled Because object agreement in the form of two fields land with clear identity, area and location. A because the halal ones are also fulfilled Because objective agreement sell buy the No contradictory with law, morality and order general.

With Thus, the conditions formal legitimacy agreement has fulfilled.

Furthermore, Article 1335 of the Civil Code States that agreement without because or made based on because false or forbidden No have strength law ". Fransiska and Gunawan stated that " Understanding because the No explained more detailed in the Civil Code, will but Article 1335 of the Civil Code state that because it is halal is " ^[16]:

1. No without because
2. No false cause
3. No forbidden cause

Because from agreement sell buy BMD in the form of land in case This is provision land for smelter construction as part from obligation processing and refining of minerals domestically. Because the nature real, rational, and have base policy as well as base clear laws, so that No can qualified as because false.

Article 1337 of the Civil Code confirm that " A because is forbidden, if because That prohibited by law or when because That contradictory with decency or with order general ". Definition No may contradictory with the law is here is Laws that are of a nature protect interest general, so that If violated can endanger interest general. ^[17]

BMD sales in the form of land to PT AMNT no contradictory with regulation legislation throughout done in framework exceptions are permitted and with objective interest general. In fact, the agreement the precisely support policy public national in the field mining and development industry, so that because agreement can consider halal and valid.

Article 1339 of the Civil Code state that " Consent No only tie what with firm determined therein, but also all something according to its nature agreement sued based on justice, custom, or law ". This article expand binding force of the agreement No only on things that are firm promised, but also on things that according to propriety, custom, and law must attached to the agreement In the context of this, the agreement sell buy BMD in the form of land contain obligation implicit for government area For ensure that transaction the No harm finance area, as well as obligation for PT AMNT to use land in accordance with the allocation that has been agreed. Principle propriety This become important for evaluate validity agreement in a way substantive, not purely formal. Furthermore, Article 1346 of the Civil Code affirms that an agreement that has two meanings must be explained according to customs in the country or in a place agreement made". If there is doubt in interpretation agreement, then interpretation must directed at the intentions of the parties. The intent of the parties in agreement This clear directed at providing land for smelter construction, not for speculation or profit deviant private from objective development. With Thus, the interpretation agreement must placed in framework interest the public behind it.

4. Closing

4.1. Conclusion

1. Arrangement transfer (sale) of BMD with appointment direct regulated in Law No. 1 of 2004 concerning State Treasury, specifically in Article 48, namely about Sale

¹⁵ Subekti, *Contract Law*, Intermasa, Jakarta 2020

¹⁶ Frances Litanía Ea Tawa Ajo and Gunawan Djajaputra, *Analysis of the Validity of Private Deeds for the Sale and Purchase of Land Containing Defective Wills and Their Implementation Criteria Buyer Good Faith (Decision Study) Number 18/ Rev.G /2021/ Pn Wtp)*, Journal Unes Law Review, 2024

¹⁷ Hardijan Rusli, *Indonesian Contract Law and Common Law*, 2nd edition, Pustaka Sinar Harapan, Jakarta, 1996, p. 99

goods state/ regional property done with method auction, except in things certain rules implementation regulated in PP No. 28 of 2020 concerning amendment to PP No. 27 of 2014 concerning management of BMN/BMD, specifically in Articles 60 to with Article 61, namely about Sales, which is next arranged in Minister of Home Affairs Regulation No. 7 of 2024 concerning change on Minister of Home Affairs Regulation No. 19 of 2016 concerning Guidelines BMD management is specifically in Articles 338 to with Article 339, namely about Sales, as well as Regional Regulation of West Sumbawa Regency Number 7 of 2018 concerning Management of Regional Property, specifically in Article 98, namely about Sales. Mechanism transfer (sales) BMD with appointment direct in principle is at in stages BMD management that places auction as procedure general BMD sales. However, the regulations legislation give exception sale without auction (appointment directly) in matter certain

2. The legality (legitimacy) of the sale of BMD in the form of land The West Sumbawa Regional Government to PT Amman Mineral Nusa Tenggara (PT AMNT) must done in a way comprehensive with combine perspective law public and law private. From the perspective law public, basic consideration BMD sales in the form of land by the government West Sumbawa Regency to PT. AMNT is has in accordance with regulation legislation that is in frame operate regulation legislation. Implementation BMD sales in the form of the land that done by Government West Sumbawa Regency to PT. AMNT through appointment direct is including in condition certain as determined in Regulation President Procurement of Goods and Services. From the perspective law private, Legality (legitimacy) of BMD sales in the form of land West Sumbawa Regional Government to PT Amman Mineral Nusa Tenggara (PT AMNT) in accordance with with provisions of the Civil Code (KUHPerdata), especially Articles 1320, 1335, 1337, 1339, and 1346.

4.2. Suggestion

1. Push government For add provision rearding state parameters certain For BMD sales in the form of land without auction in PP Number 27 of 2014 as changed final with PP Number 28 of 2020 and the Minister of Home Affairs Regulation Number 19 of 2016 as changed final with Minister of Home Affairs Regulation Number 7 of 2024 and KSB Regional Regulation Number 7 of 2018.
2. Regional Government is compiling guidelines technical / SOP for the transfer of BMD in the form of land through appointment directly loading condition condition certain, flow approval, need documents, stages assessment, as well as standard transparency and announcement proportional public.

References

1. Amirudin, Zainal Asikin. Introduction to legal research methods. 13th ed. Depok: Rajawali Pers; 2023.
2. Hardijan Rusli. Indonesian contract law and common law. 2nd ed. Jakarta: Pustaka Sinar Harapan; 1996. p. 99.
3. Khairul Umam. Methodology integrative legal research. Bekasi: CV. Mitra Santosa; 2025.
4. Mochtar Kusumaatmadja. Legal concepts in development. 2nd ed. Bandung: Alumni; 2006.
5. Subekti. Contract law. Jakarta: Intermasa; 2020.
6. M. Yusuf. Steps to manage regional assets towards management best regional finance. Jakarta: Salemba Four; 2009.
7. Aras Aira. The role of asset management in regional development. J Soc Relig Res. 2014;17(Jan-Jun).
8. Alan Wonggow, Ventje Ilat, Dhullo Affandi. Study concerning management of regional assets in the Manado City Government according to Minister of Home Affairs Regulation No. 17 of 2007. EMBA J. 2014;2(1).
9. Edison Aprilio Ayomi, *et al.* Evaluation land asset administration in the General Section of the District Secretariat Bolaang North Mongondow. LPPM J Field EkoSosBudKum. 2022;5(2):Jan-Jun.
10. Frances Litanía Ea Tawa Ajo, Gunawan Djajaputra. Analysis of the validity of private deeds for the sale and purchase of land containing defective wills and their implementation criteria buyer good faith (Decision Study Number 18/Rev.G/2021/Pn Wtp). J Unes Law Rev. 2024.
11. Lilik Mulyadi. Prof. Dr. Mochtar's development law theory Kusumaatmadja, SH, LL.M. A descriptive study analytical.
12. Philipus M. Hadjon. About authority. Juridika. 1997;(5&6):Sep-Dec.
13. Indonesia. The 1945 Constitution of the Republic of Indonesia.
14. Indonesia. Law Number 4 of 2009 about Mineral and Coal Mining.
15. Indonesia. Law Number 23 of 2014 concerning Government area.
16. Indonesia. Law Number 9 of 2015 Concerning Change Second on Constitution Number 23 2014 About Local government.
17. Indonesia. Law Number 1 of 2022 concerning Connection Finance Central Government and Regional Government.
18. Indonesia. Law Number 1 of 2004 Concerning State Treasury.
19. Indonesia. Regulations Government Number 27 of 2014 Concerning Management of State/Regional Property.
20. Indonesia. Regulations Government Number 28 of 2020 concerning Change Regulation Government Number 27 of 2014 concerning Management of State/Regional Property.
21. Indonesia. ESDM Ministerial Regulation Number 5 of 2017 about Increasing the Added Value of Minerals Through Activity Domestic Mineral Processing and Refining.
22. Indonesia. Minister of Home Affairs Regulation Number 19 of 2016 concerning Guidelines Management of Regional Assets.
23. Indonesia. Regulation of the Minister of Home Affairs Number 7 of 2024 concerning Change on Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines Management of Regional Assets.
24. Indonesia. Minister of Home Affairs Regulation Number 108 of 2016 concerning Classification and Codification of Regional Property.
25. Indonesia. Regional Regulation of West Sumbawa Regency Number 7 of 2018 concerning Management of Regional Assets.

26. Faculty of Law, Pattimura University. Aspects theoretical authority government. Ambon: PattimuraUniversity;. Available from: <https://fh.unpatti.ac.id>
27. Student. The concept authority attribution, mandate, and delegation in Indonesian state administrative law: a legal expert's perspective:. Available from: <https://mahasiswahukum2025.blogspot.com>

How to Cite This Article

Hadi S, Djumardin, Wagian D. Transfer of regional property in the form of land through direct appointment: study in West Sumbawa Regency. International Journal of Judicial Law. 2026;5(2):62–68. doi:10.54660/IJL.2026.5.2.62-68.

Creative Commons (CC) License

This is an open access journal, and articles are distributed under the terms of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0) License, which allows others to remix, tweak, and build upon the work non-commercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.