

Pertanggungjawaban kepala desa mengenai data tanah dalam buku register tanah tingkat desa dan peranannya dalam proses pendaftaran tanah secara sporadik (Tinjauan kasus Overlapping Penerbitan Sertifikat Hak Milik No.500/Cogreg, Kecamatan Ciseeng, Kabupaten Bogor) / Siti Hariyani

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Abstrak

ABSTRAK

Pendaftaran Tanah untuk pertama kali (Initial Registration) yang dilakukan terhadap tanah-tanah girik atau milik adat memerlukan data pendukung berupa Salinan Letter C, Surat Keterangan Riwayat Tanah dan Surat Keterangan Tidak Sengketa yang dikeluarkan oleh Kepala Desa yang diambil dari buku-buku register tanah tingkat desa yang memerlukan kecermatan pada saat pengisiannya, pemeliharaan dan penyimpanannya sehingga menjadi data yang dijamin kebenarannya. Hal ini menjadi tanggung jawab dari Kepala Desa karena apabila terdapat kekeliruan berdampak pada kesalahan data yang menjadi dasar pembuatan Surat Keterangan Riwayat Tanah dan Surat Keterangan Tidak sengketa, yang pada akhirnya juga berdampak pada kekeliruan data fisik dan data yuridis dalam penerbitan sertipikatnya. Hal ini dapat menimbulkan permasalahan tanah seperti overlapping / sertipikat ganda / tumpang tindih. ^ ,

Kesalahan dalam mengeluarkan data tanah tersebut, seorang Kepala Desa dapat dimintai pertanggungjawaban baik secara pidana, perdata atau sanksi administratif berupa teguran, pemberhentian sementara atau tetap dari jabatan kepala desa berdasarkan Peraturan Pemerintah Nomor 2 tahun 2005.

Untuk mengurangi terjadinya kesalahan data register tanah tingkat desa, perlu pembinaan, bimbingan dan penyuluhan sehingga meningkatkan pengetahuan aparat desa khususnya mengenai peraturan di bidang pertanahan dan administrasi pemerintahan, sedangkan untuk mengurangi terjadinya overlapping tersebut perlu kecermatan dan ketelitian dalam proses pendaftaran tanah khususnya pada pengukuran dan pemetaan di kantor pertanahan.

Untuk penyelesaian masalah overlapping tersebut,

berdasarkan Peraturan Menteri Negara Agraria / Kepala Badan Pertanahan Nasional Nomor 9 tahun 1999 Kantor Pertanahan dapat membatalkan sertifikat tersebut baik atas permohonan pihak yang berkepentingan ataupun berdasarkan kewenangan Pejabat Kantor Pertanahan.

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ABSTRACT

Initial Registration that conducted to land/grounds girik or tradition property needs supporting data in the shape of Copy of Letter C, Bank statement of Land History and Bank statement "Free of Law Suit" that released by Kepala Desa (Head of Countryside) that taken from the books of land/ground register countryside level. Existing Data at register book referred, needed careful attention when its admission filling, its maintenance and repository until become veritable data. This condition becomes the responsibility of Kepala Desa because if mistaken in its admission fill up the affect to data mistake be at the bottom of Bank statement making Land History and Bank statement free of lawsuit, which is also affected to physical data and judicial formality data in publication certificate. The result in mistake in releasing such the Kepala Desa can be asked responsibility either through crime, civil or sanction administrative have the shape of exhortation, layoff or remain to be from head [position / occupation] countryside.

Mistakes of physical data and judicial formality, also resulted in the incidence [of] overlapping problem / overlap certificate or double certificate. Despite of other reasons the problem, a complete inexistence of land registry map specially when the government applied the Government ordinance Number 10 in 1961 and with Government ordinance Number 24 in 1997 possibilities overlapping can be minimized for by PP 24 / 1997 have been enabled usage modern technology in measurement and mapping.

For problem solution overlapping certificate, the Office of Land Affairs has the authority to cancel certificates, based on State's Minister rule of Agrarian Affairs / Head of National of land affairs Number 9 in 1999. The right of office of land affairs for cancellation this certificate is an applied system as used in land registry which is publication system negative, since the government does not gives guaranty for the data truth or explanation existing in certificate referred [as], then there is no rule of law for right owner and related to third party land/ground is referred [as]. Nevertheless, the system can be fix

with existing principle in customary law. The institute
rechtsverwerking that is do to its time can cause lose land right
if pertinent during old ones did not labour it and its land/ground
is referred [as] controlled other party pass by rights acquirement
in good faith. With principle utility referred [as] then negative
publication system that wearied also, contain positive elementary
body.