

Pendaftaran tanah berdasarkan bukti jual beli berupa kwitansi pada masyarakat adat di Kantor Badan Pertanahan Kabupaten Gowa Propinsi Sulawesi Selatan = Land registry with receipts as evidence on indigenous people in Land Agency Office Gowa District South Sulawesi Province / Eko Saputra

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Abstrak

ABSTRAK

Tesis ini membahas mengenai Jual beli hak atas tanah berdasarkan hukum adat yang dijadikan dasar untuk pendaftaran tanah di Kabupaten Gowa Propinsi Sulawesi Selatan. Penelitian ini menggunakan metode penelitian normatif, sehingga penelitian ini dapat memberikan gambaran tentang kedudukan jual beli tanah yang dilakukan berdasarkan hukum adat dalam pandangan hukum positif di Indonesia dan bagaimana perlindungan hukum serta solusi hukum terhadap pemegang hak terakhir yang mengalami kesukaran dalam melakukan pendaftaran tanah akibat jual beli berdasarkan hukum adat, dari hasil penelitian disarankan bahwa jual beli hak atas tanah hendaknya dilakukan dihadapan PPAT. Untuk Kantor Pertanahan berkewajiban untuk memberikan informasi serta penyuluhan tentang hukum tanah nasional kepada masyarakat setempat agar terciptanya kepastian hukum dan agar masyarakat mengerti bagaimana system atau tata cara pendaftaran tanah yang diatur dalam peraturan perundang-undangan.

ABSTRACT

This thesis discusses about sales and purchase of the rights of land according to customary law which those kind of law was the basis for the registration of land in South Sulawesi Province in Gowa District. This research are using research methods of normative research with qualitative approach, so therefore this research can provide an overview about the status of the sale and purchase of land made under the customary laws in Indonesia from a positive law perspective and how it gives legal protection also dispute settlement concerning to the previous of land right holders which experienced difficulties in land registration as a result of sales and purchase of land with customary law as its foundation, from this research were suggests that the sale and purchase of land rights should be done in the presence of PPAT. For the Land Agency Office is obliged to provide information and guidance about the national law of the land to the local community so that legal certainty can be assured and also in order for the community to understand how the system or the procedures for land registration as governed/regulated in Indonesia land law.