

Perbuatan melawan hukum pembaliknamaan sertifikat hak milik tanah warisan tanpa persetujuan ahli waris lainnya dan implikasinya kepada pembeli beritikad baik analisis putusan no 2925 k pdt 2012 = Tort of registering the transition property rights of heritance land without another heir s consent and it s implication for good faith purchaser based on verdict 2925 k pdt 2012

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Abstrak

[ABSTRAK]

Penelitian ini membahas mengenai Perbuatan Melawan Hukum (PMH) dalam hal pembaliknamaan Sertifikat Hak Milik (SHM) Tanah Warisan tanpa persetujuan ahli waris lainnya yang pada akhirnya berimplikasi kepada hak pembeli yang telah membeli tanah tersebut dengan itikad baik. Metode penelitian yang digunakan adalah yuridis normatif. Fokus penelitian adalah mengetahui apakah perbuatan Tergugat II yang membaliknamaan sertifikat hak milik tanpa persetujuan ahli waris lain adalah perbuatan melawan hukum, serta melihat bagaimana sebenarnya praktik maupun teori terkait perlindungan pembeli beritikad baik, dan terakhir mengelaborasi dua fokus di atas untuk melihat apakah putusan hakim telah tepat atau tidak. Hasil penelitian menunjukkan bahwa putusan hakim kurang tepat dilihat dari peraturan perundang-undangan dan teori-teori hukum yang berkembang terkait. Sementara itu meskipun pembeli beritikad baik pada prinsipnya harus dilindungi, namun ketika dimasukkan dalam keadaan tertentu, ternyata memang hak pembeli beritikad baik tersebut dapat dikesampingkan.

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<i>ABSTRACT</i>

;This thesis discusses about Tort in case of Registering The Transition Property Rights of Heritance Land without another heir?s consent which is implicated for good faith purcahser of that land. The research method is Juridical ? Normative. The focus of the research are to see if second defendant action registering the Transition Property Rights of Heritance Land without another Heir?s Consent is a tort, and to see the practice and theory of the protection of Good Faith Purchaser, and to elaborate the previous main focus to see if the whole judge decision is right or not. The research result shows that Judge decision in the case is not right if seen by regulations or theories related. In the other hands, good faith purchaser in the principle should be protected by law, but when it is inputted to the case, the good faith purchaser right can be ruled out.

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