

Kekuatan Pembuktian Akta Jual Beli PPAT terhadap Kepemilikan Hak Atas Tanah (Tinjauan Yuridis terhadap Putusan Pengadilan Negeri Jakarta Barat Tanggal 5 September 2002, Nomor : 146/PDT.G/2002/PN.JKT.BAR.) = Probative Force of The Deed Of Sale And Purchase by PPAT toward The Ownership of Land Right. (Juridical Review of West Jakarta District Court's Verdict, Dated September 5th 2002, Number : 146/PDT.G/2002/PN.JKT.BAR.)

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Abstrak

[ABSTRAK

Tesis ini membahas tentang kekuatan pembuktian akta jual beli PPAT, terhadap kepemilikan hak atas tanah. Jual beli tanah merupakan perbuatan hukum untuk mengalihkan hak atas tanah dari penjual kepada pembeli. Akta jual beli PPAT mempunyai fungsi sebagai alat pembuktian mengenai benar telah dilakukannya perbuatan hukum jual beli tanah. Setelah Akta Jual Beli PPAT dibuat, kemudian Pembeli mendaftarkan peralihan hak atas tanah tersebut ke Kantor Pertanahan setempat. Namun dalam prakteknya masih terdapat hambatan-hambatan untuk melaksanakan pendaftaran tanah tersebut. Pada tahun 1988, Tuan Wagianto membeli sebidang tanah Sertipikat Hak Milik, dari Tuan Anwar Manaf dan Nyonya Moechisina berdasarkan Akta Jual Beli PPAT. Tuan Wagianto tidak dapat mendaftarkan peralihan hak atas tanah tersebut di BPN, karena Yayasan UMS menguasai fisik dari tanah tersebut dan mengklaim tanah tersebut adalah miliknya. Tahun 1998 Tuan Wagianto meninggal dunia, dan Akta Jual Beli tersebut masih belum didaftarkan ke BPN. Dengan meninggalnya Tuan Wagianto, demi hukum hak atas tanah tersebut jatuh kepada ahli waris. Kemudian pada tahun 2002, para ahli waris menggugat yayasan UMS melalui Pengadilan Negeri Jakarta Barat. Tujuan penulisan tesis ini adalah untuk mengetahui bagaimana suatu akta jual beli PPAT mempunyai kekuatan pembuktian terhadap kepemilikan hak atas tanah. Penulisan tesis ini menggunakan metode penelitian kepustakaan, dengan data sekunder sebagai datanya. Berdasarkan data yang diperoleh dari hasil penelitian ini, maka penulis mendapati bahwa akta jual beli PPAT tersebut telah memenuhi syarat formil dan syarat materiil dari jual beli tanah. Dengan demikian penulis dapat menyimpulkan bahwa Akta Jual Beli PPAT tersebut memiliki kekuatan pembuktian yang sempurna.

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ABSTRACT

This thesis focuses on the probative force of the deed of sale and purchase by PPAT towards the ownership of land right. Sale and Purchase of land is a legal

act to transfer land rights from the seller to the buyer. The Deed of Sale and Purchase by PPAT has a function as a tool to prove the truth of the legal act of sale and purchase of land. After making Deed of Sale and Purchase by PPAT, then registered to the local Land Office. However, in practice there are still obstacles to implementing land registration. In 1988, Mr. Wagianto buy a plot of land with Freehold Title, from Mr. Anwar Manaf and Mrs. Moechisina by Deed Of Sale And Purchase by PPAT. But Mr. Wagianto can't register his rights at BPN, because UMS Foundation physical controls of the land and claimed the land was his. In 1998 Mr Wagianto died, and The Deed of Sale and Purchase are still not registered to BPN. With the death of Mr. Wagianto, by law the land rights fall to the heirs. Then in 2002, the heirs sued UMS Foundation through the West Jakarta District Court. The purpose of this Thesis is to find out how The Deed of Sale and Purchase by PPAT has probative force toward the ownership of land rights. Writing of this thesis uses library research methods, the data required is secondary data. Based on data obtained from this research, the Authors found that The Deed of Sale and Purchase by PPAT has met the terms of the formal and material of sale and purchase land. The Authors conclude that Deed of Sale and Purchase by PPAT has perfect probative force., This thesis focuses on the probative force of the deed of sale and purchase by

PPAT towards the ownership of land right. Sale and Purchase of land is a legal act to transfer land rights from the seller to the buyer. The Deed of Sale and Purchase by PPAT has a function as a tool to prove the truth of the legal act of sale and purchase of land. After making Deed of Sale and Purchase by PPAT, then registered to the local Land Office. However, in practice there are still obstacles to implementing land registration. In 1988, Mr. Wagianto buy a plot of land with Freehold Title, from Mr. Anwar Manaf and Mrs. Moechisina by Deed Of Sale And Purchase by PPAT. But Mr. Wagianto can't register his rights at BPN, because UMS Foundation physical controls of the land and claimed the land was his. In 1998 Mr Wagianto died, and The Deed of Sale and Purchase are still not registered to BPN. With the death of Mr. Wagianto, by law the land rights fall to the heirs. Then in 2002, the heirs sued UMS Foundation through the West Jakarta District Court. The purpose of this Thesis is to find out how The Deed of Sale and Purchase by PPAT has probative force toward the ownership of land rights. Writing of this thesis uses library research methods, the data required is secondary data. Based on data obtained from this research, the Authors found that The Deed of Sale and Purchase by PPAT has met the terms of the formal and material of sale and purchase land. The Authors conclude that Deed of Sale and Purchase by PPAT has perfect probative force.]