

## Perbandingan penggunaan sistem torrens dalam pendaftaran tanah untuk pertama kali di Indonesia dengan di Tasmania = Comparison of the torrens system usage in the land registration for first time in Indonesia by in Tasmania

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### Abstrak

[<b>ABSTRAK</b><br>

Indonesia dan Tasmania sama-sama menggunakan sistem Torrens dalam sistem pendaftaran tanahnya. Dalam pendaftaran tanah untuk pertama kali sertipikat merupakan tanda bukti kepemilikan hak atas tanahnya. Dengan adanya sertipikat dan buku tanah membuktikan bahwa sistem pendaftaran tanah di Indonesia dan Tasmania sama-sama menggunakan sistem Torrens. Walaupun Sistem Torrens diterapkan dalam sistem pendaftaran tanah untuk pertama kali di Indonesia dan Tasmania, namun dalam pelaksanaannya sistem Torrens yang berlaku di Indonesia berbeda dengan sistem Torrens yang berlaku di Tasmania. Hal tersebut menimbulkan permasalahan yaitu bagaimana pengaturan sistem Torrens di Indonesia dan Tasmania dan apakah dengan diterbitkan sertipikat dalam pendaftaran tanah pertama kali memberi jaminan kepastian hukum bagi pemegang haknya. Penulisan ini menggunakan metode penelitian Normatif dengan data sekunder sebagai data hukum. Data yang diperoleh dianalisa dengan menggunakan pendekatan kualitatif. Hasil penelitian menunjukkan bahwa pengaturan sistem Torrens yang berlaku di Indonesia dan Tasmania mempunyai beberapa persamaan salah satunya adanya sertipikat dan buku tanah sebagai tanda bukti kepemilikan tanah. Tetapi walaupun sertipikat merupakan tanda bukti kepemilikan tanah hal ini belum tentu memberikan jaminan kepastian hukum bagi pemegang hak tersebut. Sistem publikasi yang digunakan masing-masing negara sangat mempengaruhi hal ini, dimana Indonesia menggunakan sistem publikasi negatif bertendensi positif sedangkan Tasmania menggunakan sistem publikasi positif. Di Indonesia sertipikat merupakan tanda bukti hak atas tanah yang bersifat kuat sedangkan di Tasmania sertipikat merupakan tanda bukti yang bersifat mutlak hal ini dapat dilihat dalam pengaturan hukum tanah di Indonesia yaitu UUPA, PP 24 Tahun 1997, PMNA/Kepala BPN Nomor 3 Tahun 1997 dan dalam pengaturan hukum tanah Tasmania yaitu Land Title Act 1980.

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<b>ABSTRACT</b><br>

Indonesia and Tasmania alike use the Torrens system of land registration system. In initial land registration certificate is proof of ownership of their land rights. With the certificate and land book proves that the land registration system in Indonesia and Tasmania alike use the Torrens system. Although the Torrens system of land registration system applied for the first time in Indonesia and Tasmania, but the implementation is applicable Torrens system in Indonesia is different from the Torrens system prevailing in Tasmania. This raises the problem is how to setup the Torrens system in Indonesia and Tasmania and whether the certificate is published in the land registry first give legal certainty for rights holders. This writing method Normative study with secondary data as legal data. The data obtained were analyzed using a qualitative approach. The results showed that the Torrens system settings that apply in Indonesia and Tasmania has some similarities among them their certificates and land book as proof of land ownership. But even if the certificate is proof

of land ownership does not necessarily provide legal certainty for the rights holder. Publishing system used each country greatly affect this case, where the Indonesian system uses positive tendency negative publicity while Tasmania using the system of positive publicity. In Indonesia, the certificate is proof of land rights is strong, while in Tasmania certificate is proof of the absolute nature of this case can be seen in the legal regulation of land in Indonesia, UUPA, PP 24.1997, PMNA / Head of BPN No. 3 of 1997 and in Tasmania is the land law regulation the Land Title Act 1980.;Indonesia and Tasmania alike use the Torrens system of land registration system. In initial land registration certificate is proof of ownership of their land rights. With the certificate and land book proves that the land registration system in Indonesia and Tasmania alike use the Torrens system. Although the Torrens system of land registration system applied for the first time in Indonesia and Tasmania, but the implementation is applicable Torrens system in Indonesia is different from the Torrens system prevailing in Tasmania. This raises the problem is how to setup the Torrens system in Indonesia and Tasmania and whether the certificate is published in the land registry first give legal certainty for rights holders. This writing method Normative study with secondary data as legal data. The data obtained were analyzed using a qualitative approach. The results showed that the Torrens system settings that apply in Indonesia and Tasmania has some similarities among them their certificates and land book as proof of land ownership. But even if the certificate is proof of land ownership does not necessarily provide legal certainty for the rights holder. Publishing system used each country greatly affect this case, where the Indonesian system uses positive tendency negative publicity while Tasmania using the system of positive publicity. In Indonesia, the certificate is proof of land rights is strong, while in Tasmania certificate is proof of the absolute nature of this case can be seen in the legal regulation of land in Indonesia, UUPA, PP 24.1997, PMNA / Head of BPN No. 3 of 1997 and in Tasmania is the land law regulation the Land Title Act 1980.;Indonesia and Tasmania alike use the Torrens system of land registration system. In initial land registration certificate is proof of ownership of their land rights. With the certificate and land book proves that the land registration system in Indonesia and Tasmania alike use the Torrens system. Although the Torrens system of land registration system applied for the first time in Indonesia and Tasmania, but the implementation is applicable Torrens system in Indonesia is different from the Torrens system prevailing in Tasmania. This raises the problem is how to setup the Torrens system in Indonesia and Tasmania and whether the certificate is published in the land registry first give legal certainty for rights holders. This writing method Normative study with secondary data as legal data. The data obtained were analyzed using a qualitative approach. The results showed that the Torrens system settings that apply in Indonesia and Tasmania has some similarities among them their certificates and land book as proof of land ownership. But even if the certificate is proof of land ownership does not necessarily provide legal certainty for the rights holder. Publishing system used each country greatly affect this case, where the Indonesian system uses positive tendency negative publicity while Tasmania using the system of positive publicity. In Indonesia, the certificate is proof of land rights is strong, while in Tasmania certificate is proof of the absolute nature of this case can be seen in the legal regulation of land in Indonesia, UUPA, PP 24.1997, PMNA / Head of BPN No. 3 of 1997 and in Tasmania is the land law regulation the Land Title Act 1980.;Indonesia and Tasmania alike use the Torrens system of land registration system. In initial land registration certificate is proof of ownership of their land rights. With the certificate and land book proves that the land registration system in Indonesia and Tasmania alike use the Torrens system. Although the Torrens system of land registration system applied for the first time in Indonesia and Tasmania, but the implementation is applicable Torrens system in Indonesia is different from the Torrens system prevailing in Tasmania. This raises the problem is

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