

Pendaftaran sertifikat pertama kali dan pembatalan sertifikat pengganti atas nama tuan Tarmidi, desa Margamulya Kecamatan Teluk Jambe Barat, Kabupaten Karawang, (analisa kasus putusan pengadilan tata usaha negara Bandung nomor: 50/G/2013/PTUN-BDG) = Initial certificate registration and annulment of substitute certificate under the name of mr Tarmidi of Margamulya village West Teluk Jambe, District Karawang Regency (case analysis of court administration Bandung verdict number 50/G/2013/PTUN- BDG)

Selo Selvieana, author

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Abstrak

[ABSTRAK

Terjadinya kasus perkara dalam Pengadilan Tata Usaha Negara Bandung Nomor 50/G/2013/PTUN-BDG dimana terdapat gugatan pembatalan sertifikat pengganti membuka beberapa fakta bahwa telah terjadi beberapa permasalahan hukum yang menjadi pokok permasalahan, yaitu adalah untuk mengetahui faktor-faktor yang terjadi dalam proses pendaftaran tanah pertama kali yang menyebabkan sertifikat hak milik terbit tiga tahun setelah pemegang hak meninggal dunia, juga mengenai faktor-faktor mengapa sertifikat pengganti yang diterbitkan atas bidang tanah yang sama dibatalkan oleh Hakim Pengadilan Tata Usaha Negara, penulis mengambil dari sisi pernyataan para pihak dan bukti yang dihadirkan dalam persidangan juga pertimbangan hakim. Penulis juga membahas mengenai penyelesaian yang dapat ditempuh oleh pihak ketiga dalam hal sertifikat pengganti tersebut dibatalkan. Berdasarkan hasil analisa diperoleh kesimpulan bahwa cacat administrasi dalam proses pendaftaran tanah yang telah terjadi tidak menyebabkan sertifikat tanah menjadi batal, karena proses pembatalan harus melalui gugatan di Pengadilan Tata Usaha Negara, sedangkan proses penerbitan sertifikat pengganti harus melalui serangkaian pengecekan yang menyeluruh oleh pihak Kantor Pertanahan, tidak terpenuhinya prinsip kehati-hatian Badan Pertanahan Nasional dalam pengecekan, maka dapat terjadi akibat hukum yang dapat melibatkan pihak ketiga yang merasa dirugikan, dimana pihak ketiga dapat memilih alternatif penyelesaian dengan cara musyawarah, peradilan atau arbitrase.

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ABSTRACT

The occurrence of cases in Bandung State Administrative Court No. 50 / G / 2013 / PTUN-BDG where there is a replacement certificate lawsuit have unfold some facts that there have been some legal issues which the issues have been brought up as the main issues which are to determine the factors that occur in the process first land registration that causes property certificate issued three years after the rights holder dies, also of the factors why the replacement certificate issued on the same plot was canceled by the State Administrative Court judge, the author took from the statements of the parties and the evidence are presented in the trial judge also considered. The author also discusses the settlement can be reached by a third party in the event of a replacement certificate is canceled. Based on the analysis we concluded that the defect in the administration of land registration process that has occurred does not cause the land certificate is void, because the process of cancellation must go through a lawsuit in State Administrative Court, while the

issuance of a replacement certificate must go through a series of thorough checks by the Land Office, non-fulfillment of the precautionary principle in the National Land Agency while checking process which can lead to legal consequences may involve third parties who feel aggrieved, in which a third party may choose an alternative solution by means of deliberation, a court or arbitration.;The occurrence of cases in Bandung State Administrative Court No. 50 / G / 2013 / PTUN-BDG where there is a replacement certificate lawsuit have unfold some facts that there have been some legal issues which the issues have been brought up as the main issues which are to determine the factors that occur in the process first land registration that causes property certificate issued three years after the rights holder dies, also of the factors why the replacement certificate issued on the same plot was canceled by the State Administrative Court judge, the author took from the statements of the parties and the evidence are presented in the trial judge also considered. The author also discusses the settlement can be reached by a third party in the event of a replacement certificate is canceled. Based on the analysis we concluded that the defect in the administration of land registration process that has occurred does not cause the land certificate is void, because the process of cancellation must go through a lawsuit in State Administrative Court, while the issuance of a replacement certificate must go through a series of thorough checks by the Land Office, non-fulfillment of the precautionary principle in the National Land Agency while checking process which can lead to legal consequences may involve third parties who feel aggrieved, in which a third party may choose an alternative solution by means of deliberation, a court or arbitration.;The occurrence of cases in Bandung State Administrative Court No. 50 / G / 2013 / PTUN-BDG where there is a replacement certificate lawsuit have unfold some facts that there have been some legal issues which the issues have been brought up as the main issues which are to determine the factors that occur in the process first land registration that causes property certificate issued three years after the rights holder dies, also of the factors why the replacement certificate issued on the same plot was canceled by the State Administrative Court judge, the author took from the statements of the parties and the evidence are presented in the trial judge also considered. The author also discusses the settlement can be reached by a third party in the event of a replacement certificate is canceled. Based on the analysis we concluded that the defect in the administration of land registration process that has occurred does not cause the land certificate is void, because the process of cancellation must go through a lawsuit in State Administrative Court, while the issuance of a replacement certificate must go through a series of thorough checks by the Land Office, non-fulfillment of the precautionary principle in the National Land Agency while checking process which can lead to legal consequences may involve third parties who feel aggrieved, in which a third party may choose an alternative solution by means of deliberation, a court or arbitration.;The occurrence of cases in Bandung State Administrative Court No. 50 / G / 2013 / PTUN-BDG where there is a replacement certificate lawsuit have unfold some facts that there have been some legal issues which the issues have been brought up as the main issues which are to determine the factors that occur in the process first land registration that causes property certificate issued three years after the rights holder dies, also of the factors why the replacement certificate issued on the same plot was canceled by the State Administrative Court judge, the author took from the statements of the parties and the evidence are presented in the trial judge also considered. The author also discusses the settlement can be reached by a third party in the event of a replacement certificate is canceled. Based on the analysis we concluded that the defect in the administration of land registration process that has occurred does not cause the land certificate is void, because the process of cancellation must go through a lawsuit in State Administrative Court, while the issuance of a replacement certificate must go through a series of thorough checks by the Land Office,

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