

Pembatalan sertipikat hak milik terhadap tanah sengketa (studi kasus putusan Mahkamah Agung Republik Indonesia tanggal 19 Maret 2002 Nomor 318/K/TUN/2000 = Revocation of freehold title into the land dispute case study supreme court of the republic of indonesia decision dated March 19, 2002 No 318/K/TUN/2000)

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Abstrak

[Dalam melakukan pendaftaran tanah dan penegakan hukum di bidang pertanahan, terdapat lembaga pemerintah non departemen yaitu BPN. BPN memiliki tugas menyelenggarakan beberapa fungsi yaitu perumusan kebijakan nasional di bidang pertanahan, pembinaan dan pelayanan administrasi umum di bidang pertanahan, Dalam praktiknya, tidak jarang terjadi terdapat kasus terbitnya sertipikat oleh BPN atau kantor pertanahan setempat terhadap tanah yang masih berstatus

sengketa di pengadilan. Tesis ini membahas mengenai sengketa tanah antara Taily Aida dan Hendra Santoso dengan Kepala Kantor Pertanahan Kotamadya Surabaya yang berakibat pada pembatalan sertipikat hak milik nomor 669/ Dukuh Pakis atas nama pihak lain yaitu Suladi Abdus Shomad yang diterbitkan oleh Kantor Pertanahan Kotamadya Surabaya diatas tanah milik Taily Aida dan Hendra Santoso yang masih menjadi objek sengketa di pengadilan. Salah satu faktor penyebab timbulnya kasus ini adalah adanya kesalahan dari pihak administrasi kantor pertanahan kotamadya Surabaya. Penelitian menggunakan metode yuridis normatif dengan tipologi eksplanatoris dan preskriptif. Hasil penelitian menyimpulkan bahwa timbulnya sertipikat hak milik atas nama pihak lain diatas tanah yang masih menjadi objek sengketa di pengadilan telah melanggar pasal 45 ayat (1) huruf e Peraturan Pemerintah Nomor 24 Tahun 1997 serta langkah hukum yang dapat dilakukan oleh Taily Aida dan Hendra Santoso yaitu mengajukan permohonan kembali hak atas tanah dengan sertipikat hak milik

kepada Kantor Pertanahan Kotamadya Surabaya atas nama Taily Aida dan Hendra Santoso.; In conducting the registration of land and law enforcement in the land sector, there is a non-departmental government agency called BPN. BPN has the task of organizing several functions, namely the formulation of national policy in the field of land, development and general administrative services in the area of land, in practice, there are rare cases of issuance of certificates by BPN or local land office on the ground are still a dispute in the court. This thesis is illustrate about the land dispute between Taily Aida and Hendra Santoso against the Head of the Land Office of Surabaya City that resulted in the cancellation of property rights certificate number 669 / Dukuh Pakis on behalf of other parties, namely Suladi Abdus Shomad issued by the Land Office on land owned by the municipality of

Surabaya Taily Aida and Hendra Santoso, who is still the object of dispute in court. One of the factors causing this case is mistakenness on the part of municipal land office administration Surabaya. Research using normative juridical method with typology of explanatory and prescriptive. Results of the study concluded that the incidence of property rights certificate on behalf of another party on the ground that they become the object of dispute in court has violated article 45 paragraph (1) letter e of the Government Regulation No. 24 of 1997 as

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