

Penerbitan Sertipikat Hak Milik atas Pembelian Tanah yang Berstatus Letter C Berdasarkan Akta Autentik Perjanjian Pengikatan Jual Beli yang Dibuat Oleh Notaris (Studi Kasus Putusan Mahkamah Agung Nomor 538 K/Pdt/2022) = Issuance of Certificate of Ownership Rights to The Purchase of Land with Letter C Status Based on Authentic Deed of Binding Sale and Purchase Agreement Made by Notary (Case Study of Supreme Court Decision Number 538 K/Pdt/2022)

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Abstrak

Peraturan yang berlaku dalam jual beli tanah yang objeknya berstatus Letter C adalah berdasarkan Hukum Tanah Nasional, yang dimana dianggap telah terjadi peralihan hak atas tanah dengan dilakukannya syarat terang dan tunai. Sehingga apabila proses jual beli baru didasarkan pada Perjanjian Pengikatan Jual Beli, belum terjadi peralihan hak atas tanah dari pihak penjual kepada pihak pembeli. Permasalahan yang diangkat dalam penelitian ini adalah pertimbangan hukum dan putusan hakim terkait peralihan tanah berdasarkan Perjanjian Pengikatan Jual Beli Lunas dan perlindungan hukum yang seharusnya didapatkan pembeli tanah yang berstatus Letter C berdasarkan Akta Autentik Perjanjian Pengikatan Jual Beli Notaris yang telah dibayar lunas dalam perkara Putusan Mahkamah Agung Nomor 538 K/Pdt/2022. Metode yang digunakan dalam penelitian ini adalah doktrinal dengan melakukan studi kepustakaan untuk mengolah data sekunder secara kualitatif. Dari penelitian ini didapatkan hasil bahwa dalam melakukan pencatatan peralihan hak atas jual beli tanah yang belum bersertipikat harus dilakukan proses pendaftaran tanah terlebih dahulu melalui Kantor Kelurahan dan Kantor Pertanahan setempat berdasarkan kewenangannya masing-masing. Pembeli yang beritikad baik dalam melakukan Perjanjian Pengikatan Jual Beli berhak untuk mendapatkan perlindungan hukum atas pernyataan yang diberikan oleh penjual terkait kebenaran data objek jual beli dan segala pengurusan lainnya hingga dapat dilakukannya penandatanganan Akta Jual Beli.

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The regulations that apply in the sale and purchase of land whose object has Letter C status are based on the National Land Law, which is considered to have occurred a transfer of land rights by carrying out clear and cash conditions. Therefore, if the buying and selling process is based on a sale and purchase binding agreement, there has not been a transfer of land rights from the seller to the buyer. The problem raised in this research are legal considerations and judge's decisions regarding land transfers based on the Sale and Purchase Binding Agreement and the legal protection that should be obtained by the land buyer with Letter C status based on the Authentic Deed of the Notary Sale and Purchase Binding Agreement which has been fully paid in the case of Supreme Court Decision Number 538 K/Pdt/2022. The method used in this research is doctrinal by conducting literature studies to process secondary data qualitatively. From this research, it was found that in recording the transfer of rights to the sale and purchase of land that has not been certified, the land registration process must be carried out first through the District Office and Local Land Office based on their respective authorities. A buyer who has good faith in entering into the Sale and Purchase Binding Agreement has the right to obtain legal protection for statements given by the seller regarding the validity of the data on the object of sale and purchase and all other arrangements until the signing of the

Deed of Sale and Purchase can be carried out.