

**PERLINDUNGAN HUKUM KEPEMILIKAN
TANAH BEKAS HAK MILIK ADAT
YANG BELUM DIDAFTARKAN
(Kasus di Kecamatan Gombong Kabupaten Kebumen)**

Oleh
Nurina Faizah*, Sulastriyono**

INTISARI

Penelitian ini bertujuan untuk mengetahui alasan masyarakat Kecamatan Gombong belum mendaftarkan tanah bekas hak milik adat yang dimiliki sesuai dengan perintah UUPA serta perlindungan hukum kepemilikan tanah bekas hak milik adat yang belum didaftarkan di Kecamatan Gombong.

Penelitian ini menggunakan jenis penelitian Yuridis Empiris yaitu suatu penelitian yang meneliti peraturan perundang-undangan dan kemudian digabungkan dengan data dan perilaku yang terdapat ditengah-tengah masyarakat. Lokasi penelitian dipilih dari hasil Pra Penelitian yang dilakukan peneliti yaitu di Kecamatan Gombong Kabupaten Kebumen. Penelitian lapangan dilakukan dengan menentukan sampel di Wilayah Kecamatan Gombong. Pengambilan data dalam penelitian ini diambil dari Responden yaitu masyarakat Kecamatan Gombong yang belum mendaftarkan tanah bekas hak milik adat yang dimiliki kemudian dilanjutkan dengan wawancara terhadap beberapa Narasumber.

Hasil penelitian alasan masyarakat Kecamatan Gombong belum mendaftarkan tanah bekas hak milik adat yang dimiliki diantaranya Tingkat pendidikan dimana mayoritas responden berpendidikan Sekolah Dasar, Jenis pekerjaan responden dimana mayoritas responden bermata pencaharian sebagai petani/buruh tani hal ini mempengaruhi belum adanya biaya untuk melakukan pendaftaran tanah, Menunggu Program Pendaftaran Tanah Sistematis Lengkap atau sering disebut PTSL, Kurangnya pemahaman masyarakat Kecamatan Gombong terkait pentingnya sertifikat sebagai tanda bukti kepemilikan hak atas tanah, Tanah yang belum dibagi dan masih atas nama orang tua yang sudah meninggal. Perlindungan Hukum kepemilikan tanah bekas hak milik adat yang belum didaftarkan di Kecamatan Gombong Kabupaten Kebumen selama alas hak berupa Letter C dan tanda bukti lain sesuai dengan PP No. 24 Tahun 1997 tentang Pendaftaran Tanah, penguasaan fisik dikuasai dan diperoleh dengan itikad baik maka kepemilikan tanah bekas hak milik adat masyarakat Kecamatan Gombong tetap terlindungi. Untuk mendapatkan perlindungan hukum yang lebih kuat sesuai dengan UUPA maka masyarakat Kecamatan Gombong melakukan tindak lanjut pendaftaran tanah yang dilakukan oleh masyarakat Kecamatan Gombong sebagai pemegang hak atas tanah sebagaimana disebutkan dalam PP No. 24 Tahun 1997 tentang Pendaftaran Tanah.

Kata Kunci: Tanah Bekas Hak Milik Adat, Pendaftaran Tanah Pertama Kali, Register Desa.

* Mahasiswi Magister Kenotariatan Fakultas Hukum Universitas Gadjah Mada Yogyakarta

** Dosen Pembimbing Tesis Fakultas Hukum Universitas Gadjah Mada Yogyakarta

**LEGAL PROTECTION OF OWNERSHIP LAND RIGHTS
FOR EX-ADAT RIGHTS THAT HAVE
NOT BEEN REGISTERED**

(Study in Gombong District, Kebumen Regency)

By

Nurina Faizah*, Sulastriyono**

Abstract

His study aims to find out the reasons why the people of the Gombong District have not registered their former adat land by the BAL and the legal protection of former adat land ownership that has not been registered in the Gombong District.

This research uses the type of juridical empirical research, which is research that examines laws and regulations and then combines them with data and behavior amid society. The research location was chosen from the results of the Pre-Research conducted by researchers, namely in Gombong District, Kebumen Regency. Field research was carried out by determining the sample in the Gombong District area. Data collection in this study was taken from respondents, namely the people of Gombong District who had not registered their former adat land rights, followed by interviews with several informants.

The results of the research on the reasons why the people of Gombong Subdistrict have not registered their former adat land rights include the level of education where the majority of respondents have an elementary school education, the type of work of respondents where the majority of respondents work as farmers/farm laborers, this affects the absence of costs to register land, waiting for Complete Systematic Land Registration Program or often called PTSL, Lack of understanding of the people of Gombong District regarding the importance of certificates as proof of ownership of land rights, Land that has not been divided and is still in the name of deceased parents. Legal protection for land ownership of former adat land rights that have not been registered in Gombong District, Kebumen Regency as long as the basis for the rights is in the form of Letter C and other evidence by PP No. 24 of 1997 concerning Land Registration, physical possession is controlled and obtained in good faith, the ownership of the former adat land rights of the Gombong District community remains protected. To obtain stronger legal protection by the UUPA, the people of Gombong District have followed up on land registration carried out by the people of Gombong District as the holder of land rights as stated in PP No. 24 of 1997 concerning Land Registration.

Keywords: *Land of Former Adat Rights, First Land Registration, Village Register.*

* Master of Notary Student at the Faculty of Law, Gadjah Mada University, Yogyakarta

** Advisory Lecturer of the Faculty of Law, Gadjah Mada University, Yogyakarta.

