

**ANALISIS IMPLIKASI PERBUATAN MELAWAN HUKUM OLEH BADAN
PERTANAHAN NASIONAL DALAM PENERBITAN SERTIPIKAT
DI KABUPATEN DAIRI
(STUDI PUTUSAN PENGADILAN NEGERI SIDIKALANG NOMOR
18/Pdt.G/2017/PN Sidikalang jo. PUTUSAN PENGADILAN TINGGI
MEDAN Nomor 51/PDT/2019/PT Medan)**

INTISARI

Oleh

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Penelitian ini bertujuan untuk mengetahui dan menganalisis tentang implikasi hukum terhadap penetapan perbuatan melawan hukum yang telah dilakukan oleh Kantor Pertanahan Kabupaten Dairi bagi para pihak yang terdampak dan bagaimana bentuk pertanggungjawaban Kantor Pertanahan Kabupaten Dairi kepada pemilik tanah yang sah secara hukum berdasarkan putusan hakim.

Penelitian ini menggunakan metode pendekatan yuridis normatif dan bersifat deskriptif. Dalam penelitian ini, fokus penulis dalam mengkaji dan menganalisis data primer berupa Putusan Pengadilan Negeri Sidikalang Nomor 18/Pdt.G/2017/PN Sidikalang jo. Putusan Pengadilan Tinggi Medan Nomor 51/PDT/2019/PT Medan. Cara pengumpulan data yang digunakan adalah studi dokumen dan wawancara secara langsung serta mendalam kepada narasumber berdasarkan pada pedoman wawancara sebagai alat pengumpulan data.

Kesimpulan penelitian ini, yaitu implikasi bagi penggugat yaitu penggugat mendapatkan kembali hak atas tanahnya yang merupakan obyek sengketa seluas 2.600 m² sedangkan bagi tergugat, ia kehilangan hak atas tanah obyek sengketa karena penyerahan sebagian tanah obyek sengketa dianggap tidak pernah ada. Implikasi bagi Notaris/PPAT yaitu PPAT karena ketidakcermatannya dalam membuat akta dapat digugat di PTUN dan dapat dilaporkan ke Majelis Pengawas dan Pembina PPAT di daerah kerjanya. Terakhir, implikasi bagi Badan Pertanahan Nasional Kabupaten Dairi adalah BPN dapat digugat di Pengadilan Tata Usaha Negara. Bentuk pertanggungjawaban Kantor Pertanahan Kabupaten Dairi yaitu mengadakan penelitian terkait dengan riwayat tanah yang terdapat dalam buku tanah. Putusan Pengadilan memerintahkan Kantor Pertanahan Kabupaten Dairi untuk menerbitkan sertipikat baru atas nama penggugat atas obyek sengketa seluas 2.600 m². Badan Pertanahan Nasional Kabupaten Dairi dapat digugat di PTUN dengan dasar perbuatan melawan hukum yang dilakukan oleh penguasa dan penggugat pun dapat meminta ganti rugi berupa pelaksanaan perintah putusan pengadilan dengan penerbitan sertipikat baru ke atas nama penggugat seluas 2.600 m², dan biaya yang timbul dibebankan kepada tergugat.

Kata Kunci : Badan Pertanahan Nasional, Perbuatan Melawan Hukum, Sertipikat Hak Milik

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***ANALYSIS OF IMPLICATIONS OF ACTION AGAINST THE LAW BY THE
NATIONAL LAND AGENCY IN PUBLISHING CERTIFICATES IN DAIRI
REGENCY (STUDY OF SIDIKALANG STATE COURT VERDICT
NUMBER 18/Pdt.G/2017/PN Sidikalang juncto VERDICT OF
MEDAN HIGH COURT NUMBER 51/PDT/2019/PT Medan)***

ABSTRACT

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This research aims to find out and analyze the legal implications of the determination of unlawful acts that have been carried out by the Dairi Regency National Land Agency for affected parties and how the form of accountability of the Dairi Regency National Land Agency to legal land owners is based on judge's decision.

This study uses a normative juridical approach and this research tend to descriptive. In this study, the author's focus is on studying and analyzing primary data in the form of the Sidikalang State Court Decision Number 18/Pdt.G/2017/PN Sidikalang jo. Medan High Court Decision Number 51/PDT/2019/PT Medan. The method of data collection used was document study and direct and in-depth interviews with informants based on interview guidelines as a data collection tool.

The conclusion of this study is that the implications for the plaintiff are that the plaintiff regains his rights to his land which is the object of the dispute covering an area of 2,600 m², while for the defendant he loses his rights to the object of the disputed land because the handover of part of the land as the object of the dispute is deemed to have never existed. The implication for the Notary/PPAT is that the PPAT because of their carelessness in making the deed can be sued at the State Administrative Court and can be reported to the Supervisory Board and PPAT Trustees in their working area. The implication for the Dairi Regency National Land Agency is that BPN can be sued at the State Administrative Court. The form of accountability of the Dairi Regency Land Office is to conduct research related to the history of the land contained in the land book. The Court's decision ordered the Dairi District Land Office to issue a new certificate in the name of the plaintiff for the disputed object covering an area of 2,600 m². The Dairi Regency National Land Agency can be sued at the Administrative Court on the basis of an unlawful act committed by the authorities and requested by the Administrative Court to provide compensation to the plaintiff which can be in the form of executing a court order by submitting a new certificate on behalf of the plaintiff covering an area of 2,600 m², and the costs incurred are borne by the defendant.

Keywords : National Land Agency, Unlawful Acts, Certificate of Ownershi

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