

**KEDUDUKAN AKTA PENGUASAAN FISIK SEBAGAI BUKTI
PENDUKUNG PROSES PENDAFTARAN PERALIHAN HAK ATAS
TANAH BERDASARKAN PUTUSAN PENGADILAN DI KANTOR
PERTANAHAN BANTUL
(Studi Kasus Putusan Pengadilan Nomor : 119/Pdt.G/2021/PNBtl)**

Puri Astari*
Agus Sudaryanto**

INTISARI

Tujuan penelitian ini adalah untuk mengetahui dan menganalisis kedudukan akta penguasaan fisik sebagai bukti pendukung proses pendaftaran peralihan hak berdasarkan putusan pengadilan nomor: 119/Pdt.G/2021/PNBtl di Kantor Pertanahan Bantul dan dasar pertimbangan akta penguasaan fisik dijadikan bukti pendukung proses pendaftaran peralihan hak berdasarkan putusan pengadilan nomor: 119/Pdt.G/2021/PNBtl di Kantor Pertanahan Bantul.

Penelitian ini merupakan penelitian hukum normatif. Data yang digunakan berasal dari data sekunder dan dilengkapi dengan data primer. Pengumpulan data sekunder melalui studi pustaka sedangkan data primer dilakukan dengan wawancara kepada 3 (tiga) narasumber. Subjek penelitian yang dipilih adalah Pejabat Kantor Pertanahan Bantul bagian Pengendalian dan Penanganan Sengketa, satu dosen Hukum Agraria Fakultas Hukum Universitas Gadjah Mada, dan satu dosen Hukum Agraria Fakultas Hukum Universitas Islam Indonesia. Semua data yang terkumpul diolah dan dianalisis dengan cara kualitatif. Penarikan kesimpulan dilakukan dengan menggunakan logika deduktif.

Berdasarkan hasil penelitian, dapat disimpulkan sebagai berikut: Pertama, Kedudukan Akta Penguasaan Fisik sebagai bukti pendukung proses pendaftaran peralihan hak di Kantor Pertanahan Bantul berdasarkan Putusan Pengadilan Nomor 119/Pdt.G/2021/PN Btl penting karena dalam hal putusan pengadilan yang tidak disertai dengan berita acara eksekusi maka harus dilampiri dengan pernyataan penguasaan fisik untuk membuktikan objek jual beli telah dikuasai oleh pembeli dengan penuh itikad baik dan tidak ada gangguan dari pihak lain. Kedua, Dasar Pertimbangan Akta Penguasaan Fisik Sebagai Bukti Pendukung Proses Pendaftaran Peralihan Hak merupakan pelaksanaan dari Pasal Pasal 40 ayat (2) Peraturan Menteri Agraria Dan Tata Ruang/ Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 21 Tahun 2020 Tentang Penanganan Dan Penyelesaian Kasus Pertanahan karena pihak pembeli (Tuan BT) telah menguasai tanah yang menjadi objek jual beli tersebut dengan itikad baik.

Kata kunci : Akta, Penguasaan Fisik, Putusan Pengadilan

* Gelaran 2, Desa Bejiharjo, Kecamatan Karangmojo, Kabupaten Gunungkidul, Provinsi Daerah Istimewa Yogyakarta.

** Jalan Sosio Yustisia Bulaksumur Nomor 1, Desa Karangmalang, Kecamatan Caturtunggal, Kabupaten Sleman, Provinsi Daerah Istimewa Yogyakarta.

***THE POSITION OF THE DEED OF PHYSICAL CONTROL AS
SUPPORTING EVIDENCE FOR THE REGISTRATION PROCESS OF THE
TRANSFER OF LAND RIGHTS BASED ON THE COURT RULING AT THE
BANTUL LAND OFFICE
(Case Study Of Court Decision Number: 119/Pdt.G/2021/Pnbtl)***

Puri Astari*
Agus Sudaryanto**

ABSTRACT

The purpose of this research is to determine and analyze the position of physical possession deeds as supporting evidence for the registration process of transfer of rights based on court decision number: 119/Pdt.G/2021/PNBtl at the Bantul Land Office and the basis for consideration of physical possession deeds as supporting evidence for the registration process of transfer of rights based on court decision number: 119/Pdt.G/2021/PNBtl at the Bantul Land Office.

This research is normative legal research. The data used comes from secondary data and is complemented by primary data. Secondary data was collected through literature study while primary data was carried out by interviews with 3 (three) sources. The selected research subjects were Bantul Land Office officials in the Control and Handling of Disputes section, one lecturer in Agrarian Law, Faculty of Law, Gadjah Mada University, and one lecturer in Agrarian Law, Faculty of Law, Islamic University of Indonesia. All collected data is processed and analyzed qualitatively. Conclusions are drawn using deductive logic.

Based on the research results, it can be concluded as follows: First, the position of the Physical Tenure Deed as supporting evidence for the registration process for the transfer of rights at the Bantul Land Office based on Court Decision Number 119/Pdt.G/2021/PN Btl is very important because in the case of a court decision that is not accompanied by with the execution report, it must be accompanied by a statement of physical control to prove that the object of sale and purchase has been controlled by the buyer in full good faith and without interference from other parties. Second, the basis for consideration of the physical possession deed as supporting evidence for the transfer of rights registration process is the implementation of Article 40 paragraph (2) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 concerning Handling and Settlement of Land Cases due to the buyer. (Mr BT) has controlled the land which is the object of the sale and purchase in good faith.

Keywords: *Deed, Physical Control, Court Decision*

* Gelaran 2, Bejiharjo Village, Karangmojo District, Gunungkidul Regency, Yogyakarta Special Region Province.

** Sosio Yustisia Road, Bulaksumur Number 1, Karangmalang Village, Caturtunggal District, Sleman Regency, Yogyakarta Special Region Province.