

**PERBEDAAN PERTIMBANGAN HAKIM DALAM MENENTUKAN KEABSAHAN AKTA JUAL BELI HAK MILIK ATAS TANAH PEMILIK ASAL (Studi Putusan Pengadilan Tinggi Surabaya Nomor 271/PDT/2023/PT SBY dan Putusan Mahkamah Agung Nomor 1367 PK/PDT/2024)**

Oleh

**Areta Daraninggar\* Agus Sudaryanto\*\***

**INTISARI**

Penelitian ini bertujuan untuk mengetahui dan menganalisis pertimbangan Hakim dalam menentukan keabsahan akta jual beli dalam Putusan Pengadilan Tinggi Surabaya Nomor 271/PDT/2023/PT SBY dan Putusan Mahkamah Agung Nomor 1367 PK/Pdt/2024 ditinjau dari perspektif hukum pertanahan dan perlindungan hukum terhadap kepemilikan hak milik atas tanah bagi pemilik asal.

Penelitian hukum ini menggunakan jenis penelitian hukum normatif yang didukung wawancara dengan narasumber dan dikaitkan dengan putusan Pengadilan Tinggi Surabaya Nomor 271/PDT/2023/PT SBY dan putusan Mahkamah Agung Nomor 1367 PK/Pdt/2024. Penelitian bersifat deskriptif dengan teknik studi kepustakaan data sekunder berupa bahan hukum primer dan bahan hukum sekunder dilengkapi dengan wawancara menggunakan pendekatan perundang-undangan (*statute approach*). Analisis data dilakukan secara kualitatif dan penarikan kesimpulan dengan menggunakan logika deduktif.

Berdasarkan hasil penelitian menunjukkan bahwa pertimbangan Hakim Pengadilan Tinggi menyatakan bahwa peralihan hak atas tanah telah sah karena dilakukan di hadapan PPAT dan sesuai ketentuan administratif pertanahan. Sebaliknya, Mahkamah Agung menilai bahwa transaksi tersebut tidak sah karena tidak adanya bukti jual beli yang diakui oleh pemilik asal, serta adanya indikasi itikad tidak baik dari pihak pembeli. Bentuk perlindungan hukum yang diberikan kepada ahli waris Almarhumah Ni Putu Kertiari, yakni pemulihan hak kepemilikan atas tanah sengketa dan pembatalan akta jual beli yang dinilai tidak sah.

Kata Kunci : PPAT, Keabsahan, Akta Jual Beli

---

\* Jalan Nogosari, Kota Yogyakarta

\*\* Jalan Sosio Yustisia Bulaksumur, Sleman, Yogyakarta

**THE DIFFERENCE IN JUDICIAL CONSIDERATIONS IN  
DETERMINING THE VALIDITY OF THE SALE AND PURCHASE  
DEED OF LAND OWNERSHIP BY THE ORIGINAL OWNER  
(A Case Study of the Surabaya High Court Decision No. 271/PDT/2023/PT SBY  
and the Supreme Court Decision No. 1367 PK/PDT/2024)**

By

**Areta Daraninggar\* Agus Sudaryanto\*\***

***ABSTRACT***

*This study aims to identify and analyze the judges' considerations in determining the validity of the sale and purchase deed in the Surabaya High Court Decision Number 271/PDT/2023/PT SBY and the Supreme Court Decision Number 1367 PK/Pdt/2024, from the perspective of land law and the legal protection of ownership rights over land for the original landowner.*

*This legal research employs a normative legal research method, supported by interviews with resource person, and is closely linked to the Surabaya High Court Decision Number 271/PDT/2023/PT SBY and the Supreme Court Decision Number 1367 PK/Pdt/2024. This research is descriptive in nature, utilizing a literature review of secondary data consisting of primary and secondary legal materials, complemented by interview, and employing a statute approach. Qualitative methods were employed for data analysis, and conclusions were derived through deductive logic.*

*The findings of the research indicate that the Surabaya High Court considered the transfer of land rights to be valid, as it was carried out before a PPAT and complied with administrative land regulations. In contrast, the Supreme Court found the transaction to be invalid due to the absence of proof of sale recognized by the original owner, as well as indications of bad faith on the part of the buyer. The legal protection provided to the heirs of the late Ni Putu Kertiari included the restoration of ownership rights over the disputed land and the annulment of the sale and purchase deed, which was deemed invalid.*

*Keywords: PPAT, Validity, Deed of Sale and Purchase*

---

\* Nogosari Street, Yogyakarta City

\*\* Sosio Yustisia Street, Bulaksumur, Sleman, Yogyakarta City