

AKIBAT HUKUM AKTA PERJANJIAN PENGALIHAN HAK TERHADAP SAHNYA PERALIHAN HAK ATAS TANAH (Studi Putusan Mahkamah Agung Nomor 1595 K/PDT/2024)

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis kesesuaian pertimbangan hakim dalam menilai sahnyanya peralihan hak atas tanah yang diputus pada Pengadilan Negeri Surabaya Nomor 19/Pdt.BTH/2023/PN Sby, Pengadilan Tinggi Surabaya Nomor 606/PDT/2023/PT SBY, Mahkamah Agung Nomor 1595 K/PDT/2024 menurut PP 24/1997, serta untuk mengetahui dan menganalisis akibat hukum dari pengesahan akta perjanjian pengalihan hak menurut Putusan Mahkamah Agung Nomor 1595 K/PDT/2024 (*derden verzet*) terhadap pembeli, penjual, dan pihak ketiga.

Jenis penelitian ini adalah penelitian hukum normatif yang bersifat deskriptif, dan didukung data primer. Data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier serta data primer berupa wawancara. Data selanjutnya dianalisis dengan menggunakan metode kualitatif.

Hasil penelitian ini menyatakan bahwa terdapat perbedaan pertimbangan hakim dalam menilai sahnyanya peralihan hak atas tanah dalam perkara Pengadilan Negeri Surabaya Nomor 19/Pdt.BTH/2023/PN Sby, Pengadilan Tinggi Surabaya Nomor 606/PDT/2023/PT SBY, Mahkamah Agung Nomor 1595 K/PDT/2024 menurut PP 24/1997. Pertimbangan hakim pengadilan Tinggi Surabaya menekankan pada pentingnya kepastian hukum melalui pemenuhan ketentuan PP 24/1997, pertimbangan hakim Pengadilan Negeri Surabaya dan Mahkamah Agung mengutamakan perlindungan bagi pembeli beritikad baik yang telah melaksanakan kewajibannya secara penuh. Selanjutnya terdapat akibat hukum yang berbeda bagi para pihak, dalam hal ini pihak pembeli berhak atas obyek tanah sengketa, dan dapat melakukan proses peralihan hak atas tanah di kantor pertanahan berdasarkan Putusan Mahkamah Agung Nomor 1595 K/PDT/2024. Sementara itu pihak penjual kehilangan seluruh hak kepemilikan dan penguasaan atas objek tanah yang menjadi sengketa. Adapun bagi pihak ketiga tidak lagi dapat mengeksekusi objek sengketa.

Kata kunci: Akta Otentik, Peralihan Hak Atas Tanah, Perjanjian

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**LEGAL CONSEQUENCES OF THE DEED OF TRANSFER OF RIGHTS
AGREEMENT ON THE VALIDITY OF LAND RIGHTS TRANSFER
(A Study of the Supreme Court Decision Number 1595 K/PDT/2024)**

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ABSTRACT

This research aims to identify and analyze the consistency of judicial considerations in assessing the validity of the transfer of land rights as decided in the Surabaya District Court Decision Number 19/Pdt.BTH/2023/PN Sby in conjunction with the Surabaya High Court Decision Number 606/PDT/2023/PT SBY and the Supreme Court Decision Number 1595 K/PDT/2024, and to determine whether such considerations are in accordance with Government Regulation No. 24 of 1997. This study also seeks to examine the legal consequences arising from the validation of a deed of transfer of rights agreement according to the Supreme Court Decision Number 1595 K/PDT/2024 (derden verzet) for the buyer, the seller, and third parties.

This research employs a normative legal research method of a descriptive nature, supported by primary data. The data consist of secondary data comprising primary, secondary, and tertiary legal materials, as well as primary data obtained through interviews. The data were analyzed using a qualitative method.

The results of this research show that there are differences in judicial considerations regarding the validity of the land rights transfer in the Surabaya District Court Decision Number 19/Pdt.BTH/2023/PN Sby, the Surabaya High Court Decision Number 606/PDT/2023/PT SBY, and the Supreme Court Decision Number 1595 K/PDT/2024 in relation to Government Regulation No. 24 of 1997. The Surabaya High Court emphasized the importance of legal certainty through compliance with the provisions of Government Regulation No. 24 of 1997, while the Surabaya District Court and the Supreme Court prioritized the protection of good-faith buyers who had fully fulfilled their obligations. Furthermore, there are distinct legal consequences for the parties: the buyer is entitled to the disputed land object and may proceed with the land rights transfer process at the land office based on Supreme Court Decision Number 1595 K/PDT/2024; the seller loses all ownership and control over the disputed land; and third parties are no longer able to execute the disputed object.

Keywords: Authentic Deed, Transfer of Land Rights, Agreement.

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