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**Keabsahan Perjanjian dan Status Kepemilikan Kavling Tanah Pemakaman Modern Svargaloka Memorial
Garden di Kabupaten Gunungkidul**
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KEABSAHAN PERJANJIAN DAN STATUS KEPEMILIKAN KAVLING TANAH PEMAKAMAN MODERN SVARGALOKA MEMORIAL GARDEN DI KABUPATEN GUNUNGKIDUL

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INTISARI

Penelitian ini bertujuan untuk menganalisis keabsahan perjanjian kepemilikan kavling tanah di Svargaloka Memorial Garden, Kabupaten Gunungkidul, serta mengkaji status kepemilikan tanah yang dipegang oleh pengelola maupun konsumen.

Penelitian ini merupakan penelitian hukum normatif-empiris. Sumber data yang digunakan meliputi data primer dan data sekunder. Data primer diperoleh melalui wawancara dengan responden terkait, sedangkan data sekunder diperoleh melalui studi kepustakaan terhadap buku, jurnal ilmiah, dan peraturan perundang-undangan yang relevan kemudian didukung dengan wawancara narasumber. Data yang terkumpul dianalisis menggunakan metode kualitatif dan dipaparkan secara deskriptif.

Hasil penelitian menunjukkan bahwa "Surat Perjanjian Jual Beli Kavling Makam" antara pengelola Svargaloka Memorial Garden dan konsumen tidak memenuhi syarat sahnya perjanjian sebagaimana diatur dalam Pasal 1320 Kitab Undang-Undang Hukum Perdata (KUHPerdata). Secara spesifik, perjanjian tersebut tidak memenuhi syarat subjektif dan objektif, syarat subjektif terkait dengan kesepakatan yang disampaikan berdasarkan penipuan (*bedrog*), sedangkan syarat objektif terkait suatu hal tertentu karena status hak atas tanah yang menjadi dasar objek perjanjian belum jelas. Selain itu, perjanjian tersebut mengandung kausa yang bertentangan dengan undang-undang, sehingga berakibat batal demi hukum. Lebih lanjut, ditemukan bahwa meskipun konsumen diberikan hak pemanfaatan, pengelola Svargaloka Memorial Garden belum memiliki kewenangan yang sah untuk memperjanjikan tanah tersebut karena belum diterbitkannya sertifikat hak atas tanah.

Kata Kunci: Perjanjian, Keabsahan, Status Kepemilikan Tanah, Pemakaman Modern

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VALIDITY OF THE CONTRACT AND OWNERSHIP STATUS OF THE LAND PLOT FOR THE MODERN SVARGALOKA MEMORIAL GARDEN CEMETERY IN GUNUNGKIDUL REGENCY

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ABSTRACT

This study aims to analyze the validity of land plot ownership agreements in Svargaloka Memorial Garden, Gunungkidul Regency, and to examine the land ownership status held by managers and consumers.

This research is a normative-empirical legal study. The data sources used include primary and secondary data. Primary data were obtained through interviews with relevant respondents, while secondary data were obtained through literature review of books, scientific journals, and relevant laws and regulations, supported by interviews with informants. The collected data were analyzed using qualitative methods and presented descriptively.

The results of the study indicate that the "Grave Plot Sale and Purchase Agreement" between the Svargaloka Memorial Garden management and consumers does not meet the requirements for a valid agreement as stipulated in Article 1320 of the Civil Code (KUHPerdata). Specifically, the agreement does not meet the subjective and objective requirements, the subjective requirement is related to the agreement being conveyed based on fraud (bedrog), while the objective requirement is related to a certain matter because the status of land rights that form the basis of the object of the agreement is unclear. In addition, the agreement contains causes that are contrary to law, resulting in it being null and void. Furthermore, it was found that although consumers were granted right to use, the Svargaloka Memorial Garden management did not have the legal authority to agree to the land because the land title certificate had not been issued.

Keywords: Agreement, Validity, Land Ownership Status, Modern Cemetery.

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