

**ANALISIS TENTANG FAKTOR PENYEBAB DAN PENYELESAIAN
MASALAH TUMPANG TINDIH SERTIPIKAT HAK MILIK ATAS TANAH
DI KOTA BANJARBARU
(PUTUSAN NOMOR: 25/G/2014/PTUN.BJM)**

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INTISARI

Tujuan penelitian ini adalah untuk mengetahui lebih dalam mengenai faktor penyebab tumpang tindih sertipikat hak milik atas tanah di Kantor Pertanahan Kota Banjarbaru, penyelesaian dan solusi yang dilakukan Kantor Pertanahan agar tidak terjadi kasus tumpang tindih sertipikat tanah di Kantor Pertanahan Kota Banjarbaru.

Penelitian ini merupakan penelitian yang bersifat empiris. Penelitian ini dilakukan dengan meneliti bahan pustaka dan melakukan penelitian lapangan dengan proses wawancara secara langsung dengan responden dan narasumber. Penelitian ini berlokasi di Kantor Pertanahan Kota Banjarbaru. Data yang terkumpul dianalisis dengan metode kualitatif.

Hasil Penelitian menunjukkan bahwa: (1) Faktor penyebab terjadinya tumpang tindih sertipikat hak milik atas tanah pada Kantor Pertanahan Kota Banjarbaru yaitu: Kantor Pertanahan tidak menjalankan tugas sesuai dengan prosedur dan ketentuan peraturan perundang-undangan yang berlaku, Kantor Pertanahan belum memiliki peta pendaftaran yang lengkap, pemohon berdomisili di luar kota dari tanah yang disengketakan, pemohon kurang memahami letak batas tanah miliknya.(2) Penyelesaian masalah dilakukan dengan cara: pengaduan, penelitian, pencegahan mutasi (*status quo*), pencabutan Surat Keputusan di Bidang Pertanahan oleh Kantor Pertanahan Kota Banjarbaru dan gugatan ke Pengadilan Tata Usaha Negara Banjarmasin oleh Abdul Hadi. (3) Solusi Kantor Pertanahan: program komputerisasi peta pendaftaran tanah, tertib administrasi pendaftaran tanah, tertib administrasi desa berkaitan dengan informasi tanah.

Kata Kunci: Tumpang tindih, Sertipikat, Hak Milik.

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**ANALYSIS OF THE CAUSAL FACTORS AND THE RESOLUTION OF THE
OVERLAPPING ISSUE OF LAND OWNERSHIP CERTIFICATES IN
BANJARBARU
(Decree: 25/G/2014/PTUN.BJM)**

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ABSTRACT

This research aims to identify the factors causing overlapping of land certificates in the Land Office of Banjarbaru and solutions made by the Land Office so that there will be no overlapping of certificates at the Land Office Of Banjarbaru.

The method used in this research is the empirical method, where the researcher examined written materials and conducted field research by interviewing respondents and research person. The research took place in Office Land of Banjarbaru. The researcher then analyzed the data using qualitative method.

Based on research it is known that: (1) The factor causing the overlap of certificates in the Land Office Of Banjarbaru is: The Land Office of Banjarbaru does not carry out duties according to the applicable laws dan regulatios, The Land Office Of Banjarbaru does not have a complete registration map, The certificate applicant is outside his land area, The certificate applicant does not boundaries of their land. (2) Problem solving is done two ways, namely: complaints, research, prevention of status quo, revocation of decrees in the land sector by Land Office of Banjarbaru, and a lawsuit to the State Administrative Court of Banjarmasin by Abdul Hadi. (3) The solution made by the Land Office of Banjarbaru is Computerized land registration map program, process of land registration in accordance with applicable legislation, Land Office be careful in receiving information about land from the Village Administration.

Keyword: Overlapping, Certificate, Freehold Title.

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