

**PELAKSANAAN EKSEKUSI PUTUSAN PENGADILAN TATA USAHA
NEGARA TENTANG PEMBATALAN SERTIPIKAT HAK ATAS
TANAH AKIBAT DARI SERTIPIKAT GANDA
(Studi Kasus Putusan Kasasi PTUN Nomor : 559/K/TUN/2018)**

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INTISARI

Penelitian tentang penyebab terjadinya sertipikat ganda atas sebidang tanah yang sama (SHM nomor 98 dan SHM nomor 2567) dan pelaksanaan eksekusi pembatalan SHM-SHM objek sengketa hasil pemecahan SHM nomor 2567 yang dinyatakan batal oleh putusan PTUN yang telah berkekuatan hukum tetap (Putusan Kasasi PTUN Nomor : 559/K/TUN/2018), merupakan penelitian normatif-empiris, dengan melakukan wawancara langsung untuk memperoleh data primer, dan dilengkapi dengan data sekunder, dan analisis datanya dilakukan secara kualitatif, dan disajikan secara dekriptif.

Hasil menunjukkan bahwa penyebab terbitnya sertipikat ganda karena sistem kearsipan di Kantor Pertanahan Kota Kotamobagu tidak baik, susunan penataan arsip, dan kualitas SDM nya, mengakibatkan tidak ditemukannya arsip SHM nomor 98, sehingga dapat diterbitkan SHM nomor 2567. Kedua, pejabat Kantor Kota Kotamobagu tidak teliti dalam melaksanakan prosedur kegiatan pendaftaran tanah, khususnya dalam penyiapan dan penyajian peta dasar pendaftaran tanah pertama kali, sehingga tanah yang sudah terdaftar tidak terpetakan, dan pengukuran tanah tidak disaksikan oleh pemegang hak atas tanah yang berbatasan (bertentangan dengan Asas Kontradiktur Delimitasi). Ketiga, ketidaktelitian penelitian terhadap surat penguasaan fisik dan surat keterangan tanah sebagai dasar penerbitan SHM nomor 2567 yang belum memenuhi ketentuan PP Nomor 24 Tahun 1997 oleh pejabat kantor pertanahan, sehingga menyebabkan tumpang tindih dengan SHM nomor 98. Pelaksanaan pembatalan sertipikat tidak dapat langsung dilakukan atau belum dapat diterbitkan surat keputusan pembatalan karena masih mengkaji 9 SHM yang dibatalkan dan 3 SHM yang tidak digugat, yang semuanya itu berinduk dari SHM nomor 2567 (sesuai dengan prosedur pembatalan dalam PMNA/KBPN Nomor 11 Tahun 2016 antara lain, penelitian permohonan pembatalan dan putusan pengadilan, pemeriksaan lapangan, paparan kasus, penyusunan risalah pengolahan data, pembuatan keputusan penyelesaian kasus).

Kata Kunci: Pembatalan Sertipikat, Hak Atas Tanah, Putusan Pengadilan

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**EXECUTION OF STATE ADMINISTRATION COURT DECISION ON
CANCELLATION OF THE CERTIFICATE OF LAND RIGHTS
RESULTING FROM DOUBLE CERTIFICATE
(A Case Study of the Administrative Court of Cassation Decision
No.559/K/TUN/2018)**

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ABSTRACT

Research on the causes of the certificate double on a plot of the same land (Certificate of Property Rights number 98 and Certificate of Property Rights number 2567) and the execution of cancellation of Certificate of Property Rights object of dispute results solving Certificate of Property Rights number 2567 were declared void by the Court's decision State Administration which has legally binding (Cassation Decision State Administrative Court No. 559/K/TUN/2018), is a research normative-empirical, with direct interviews to obtain primary data, and are equipped with secondary data, and the data analysis done qualitatively, and presented in a descriptive.

Results showed that the cause of the issuance of multiple certificates for archival system at the Kotamobagu Land Office not good, the structure of the arrangement of the archive, and the quality of Human Resources, resulted in the discovery of not filing Certificate of Property Rights number 98, so it can be issued Certificate of Property Rights number 2567. Second, Kotamobagu land office officials not rigorous in carrying out the procedure land registration activities, especially in the preparation and presentation of base map of land registration first, so that the land has been registered unmapped, and ground measurements are not witnessed by the holders of rights over land borders (contrary to the principle of *Contradictoire Delimitatie*). Third, the inaccuracy study of physical mastery letter and certificate of land as the basis for the issuance of Certificate of Property Rights number 2567 are not yet comply with the provisions of Government Regulation No. 24 of 1997 by the land office officials, causing overlap with the Certificate of Property Rights number 98. The certificate cancellation is not can be directly carried out or can not be issued a decision letter of cancellation because it is still reviewing 9 Certificate of Property Rights canceled and 3 Certificate of Property Rights were not sued, all of whom were orphaned of Certificate of Property Rights number 2567 (in accordance with the cancellation procedures in the Regulation of the Minister of State for Agrarian Affairs / Head National Land Agency No. 11 of 2016, among others, research cancellation request and the court decision, a field inspection, exposure cases, preparation of minutes of data processing, decision making resolution of cases).

Keywords: Cancellation of Certificate, Land Rights, Judgment of the Court

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