

JUAL BELI TANAH BELUM BERSERTIPIKAT DAN PENDAFTARANNYA

(STUDI KASUS DI KABUPATEN KULON PROGO)

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INTISARI

Penelitian ini bertujuan untuk mengkaji serta menganalisis: (1) Bagaimana Pelaksanaan Jual Beli Tanah Belum Bersertipikat di Kabupaten Kulon Progo? (2) Bagaimana Praktik Pendaftaran Peralihan Hak Atas Tanah Karena Jual Beli Tanah Belum Bersertipikat di Kabupaten Kulon Progo.

Penelitian ini merupakan penelitian hukum empiris, yaitu penelitian hukum yang memperoleh data dari sumber data primer, data primer tersebut diperoleh melalui studi lapangan, atau secara langsung terhadap masyarakat.

Penelitian ini memiliki hasil, ketentuan-ketentuan pelaksanaan jual beli tanah belum bersertipikat di Kabupaten Kulon Progo dapat berbeda-beda ada yang menggunakan perjanjian dibawah tangan dan bahkan ada yang cukup dengan perjanjian lisan dibuktikan dengan bukti pembayaran (kwitansi), bahwa jual beli tanah belum bersertipikat di Kabupaten Kulon Progo dilakukan dengan menggunakan perjanjian dibawah tangan dikarenakan kurang pemahannya masyarakat mengenai peran PPAT dan dikarenakan pendaftaran peralihan hak atas tanah di Kantor Pertanahan Kabupaten Kulon Progo dilakukan dengan dua tahapan. Jual beli tanah yang dilakukan masyarakat di Kabupaten Kulon Progo, sah selama tidak ada unsur-unsur yang menyebabkan batalnya suatu perjanjian, akan tetapi perjanjian yang dibuat dibawah tangan sangat rawan sengketa karena kekuatan pembuktiannya sangat lemah.

Pendaftaran peralihan hak atas tanah karena jual beli tanah yang belum bersertipikat di Kabupaten Kulon Progo sebelum adanya Aplikasi Komputerisasi Kantor Pertanahan (KKP) dapat dilakukan dengan sekali proses yaitu Pendaftaran tanah pertama kali dengan melampirkan bukti peralihan hak atas tanah berupa Akta PPAT, akan tetapi hal ini menimbulkan banyak kendala yaitu tentang kevalidan data fisik maupun data yuridis dan menimbulkan tunggakan pekerjaan di Kantor Pertanahan Kabupaten Kulon Progo. pendaftaran peralihan hak atas tanah karena jual beli tanah belum bersertipikat di Kantor Pertanahan Kabupaten Kulon Progo saat ini dilakukan dengan dua tahapan, yaitu Pendaftaran pertama kali (konversi) setelah terbit sertipikat kemudian di buat Akta jual beli di hadapan PPAT dan dilanjutkan dengan pendaftaran peralihan hak ke Kantor Pertanahan.

Kata Kunci : Peralihan Hak Atas Tanah, Pendaftaran Hak Atas Tanah, PPAT

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SALE AND PURCHASE OF LAND NOT YET CERTIFIED AND ITS REGISTRATION

(CASE STUDY IN KULON PROGO REGENCY)

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ABSTRACT

This study aims to examine and analyze: (1) How is the implementation of the sale and purchase of uncertified land in Kulon Progo Regency? (2) What is the practice of registering the transfer of land rights because the sale and purchase of land is not yet certified in Kulon Progo Regency.

This research is an empirical legal research, namely legal research that obtains data from primary data sources, primary data is obtained through field studies, or directly to the community.

This research has the results, the provisions for the implementation of uncertified land sale and purchase in Kulon Progo Regency can vary, some use an underhand agreement and some even use an oral agreement proven by proof of payment (receipt), that the sale and purchase of land is not yet certified. in Kulon Progo Regency it was carried out using an underhand agreement due to the community's lack of understanding of the role of PPAT and because the registration of the transfer of land rights at the Kulon Progo Regency Land Office was carried out in two stages. The sale and purchase of land by the community in Kulon Progo Regency, it is valid as long as there are no elements that cause the cancellation of an agreement, but agreements made under the hands are very prone to disputes because the power of proof is very weak.

Registration of the transfer of land rights due to the sale and purchase of land that has not been certified in Kulon Progo Regency before the existence of the Computerized Land Office Application (KKP) can be done in a single process, namely the first land registration by attaching proof of transfer of rights to land in the form of a PPAT Deed, however this is raises many obstacles, namely regarding the validity of physical data and juridical data and causes arrears of work at the Kulon Progo Regency Land Office. registration of the transfer of land rights because the sale and purchase of land has not been certified at the Kulon Progo Regency Land Office at this time is carried out in two stages, namely the first registration (conversion) after the issuance of the certificate then the sale and purchase deed is made before PPAT and continued with the registration of the transfer of rights to Land Office..

Keywords: Transfer of Land Rights, Registration of Land Rights, PPAT.

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