

## PERAN NOTARIS DALAM PENGADAAN TANAH UNTUK KEPENTINGAN UMUM

(Studi Kasus Pengadaan Tanah Komplek Kantor Pemerintah Kabupaten Sekadau)

Oleh

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Intisari

Penelitian ini bertujuan untuk mengetahui proses pengadaan tanah untuk pembangunan kompleks kantor Pemkab Sekadau, dimana terdapat peran notaris dalam pembuatan akta otentiknya. Panitia Pengadaan Tanah (P2T), mengacu pada peraturan pengadaan tanah pada waktu itu.

Jenis penelitian ini adalah yuridis empiris. Sedangkan cara penelitiannya yaitu dengan studi kepustakaan dan studi lapangan melalui wawancara dan konfirmasi kepada responden maupun narasumber.

Panitia Pengadaan Tanah (P2T) tidak menghiraukan bahwa pemberian uang santunan tidak diatur lagi dan memanfaatkan kekosongan hukum yakni rentan waktu antara Perpres No.36/2005 jo Perpres N0.65/2006 dengan peraturan pelaksanaannya yaitu PMNA No.3/2007. Selain Panitia Pengadaan tanah merubah peruntukan Rencana Tata Ruang Wilayah (RTRW), juga memberikan ganti rugi berupa uang dalam pelepasan tanah yang tidak memiliki hak kepemilikan berdasarkan Undang-Undang Pokok Agraria (UUPA) maupun Peraturan Pemerintah Nomor 24 Tahun 1997. Notaris membuat Akta Pelepasan Hak Atas Tanah dan Akta Pengakuan Hutang dalam pengadaan tanah tersebut sedangkan pengadaan tanah tersebut adalah di atas tanah negara, sehingga tidak ada pelepasan hak atas tanah pada perbuatan hukum tersebut.

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## THE ROLE OF NOTARY IN LAND ACQUISITION FOR PUBLIC INTEREST

(Case Study on Land Acquisition of Government Office District in Sekadau Regency)

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### Abstract

The purpose of this research is to get an insight on the procedure of land acquisition to establish a government office district in Sekadau Regency, as notary is required to make an authentic certificate. Land Acquisition Committee is referring to the regulations which are taking place at that point of time.

The methodology used in this research is empirical juridical. The research is conducted through literature study and field study by interviewing the respondents.

Land Acquisition Committee ignored the fact that compensation is not regulated at the time when Presidential Decree no.36/2005 in conjunction with Presidential Decree no.65/2006 were not taking place until the Ministry of Agrarian Act no.3/2007 was issued. Besides changing the designation of Spatial Plans, the committee is giving a compensation in terms of money. In accordance with Agrarian Law and Government Regulations no. 24/1997, compensation is given in the event of acquiring land which has no right of ownership. In such case, notary have to issue a Relinquishment of Right Certificate and Debt Recognition Certificate in the acquisition of that particular land. However, in this case the land is already owned by government and therefore the regulations could not be applied.

Key words : land acquisition, notary, public land

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