

ABSTRACT

Legal Protection Against Land Deed Officials Due to Withdrawal of Grants by Grant Provider (Study Case of Supreme Court Verdict Number 175/K/Pdt//2021)

Fabiola Kaunang (01656200024)

(iv+121 pages)

As a public official that was appointed by the Minister of Agrarian Affairs and Spatial Planning / National Land Agency according to the Government Regulations Number 24 of 1997 on Land Registration, land deed officials (PPAT) are set to make legal documents to complete the registration of one legal action in the National Land Agency about land register. Based on this writing, legal action as mentioned above is about a granting of land that is already given and got withdrawn by the grant giver in the National Land Agency before the returning of name. Grant that is regulated in the Burgelijk Wetboek (BW) article 1666 is a form of agreement in which one person offers an object or a land to one another without reciprocity and cannot be withdrawn again. PPAT that has done its task to make the deed of the grant and submitted the certificate to the National Land Agency for further checking in this case was dragged as the defendant which was sued because the grant receiver felt the process took so long, but in reality the grant was withdrawn by the grant giver. This case was first brought to the district court, from there they could as for a request to appeal in the high court, and then when one party requested an appeal and did not get a staisfaction out of the result from the verdict that was issued by both district court and high court, they can go for supreme court in which was the highest one can request for an appeal.

Keywords: *Grant, Land Deed Officials, District Court, Supreme Court*

References: *64 (1979-2022)*

ABSTRAK

Perlindungan Hukum Terhadap Pejabat Pembuat Akta Tanah (PPAT) Akibat Penarikan Kembali Hibah Oleh Pemberi Hibah (Studi Kasus Putusan Nomor 175/K/Pdt/2021)

(121 halaman)

Fabiola Kaunang (01656200024)

Sebagai pejabat umum yang diangkat oleh Menteri Agraria Tata Ruang/ Badan Pertanahan Nasional, diatur dalam Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah, Pejabat Pembuat Akta Tanah (PPAT) ditetapkan untuk membuat akta untuk melengkapi pendaftaran suatu perbuatan hukum di Badan Pertanahan Nasional. Berdasarkan penulisan ini, perbuatan hukum tersebut adalah suatu hibah atas tanah yang sudah diberikan kepada penerima hibah lalu ditarik kembali oleh pemberi hibah di Kantor Badan Pertanahan Nasional sebelum peralihan hak. Hibah diatur dalam Ketentuan Pasal 1666 Kitab Undang-Undang Hukum Perdata (KUHP) yaitu adalah bentuk perjanjian dimana satu pihak memberikan benda atau tanah kepada pihak lainnya tanpa meminta timbal balik dan hibah tidak dapat ditarik kembali. PPAT yang telah melaksanakan kewajibannya untuk membuat akta dan telah melakukan pengecekan sertifikat di Kantor Badan Pertanahan Nasional ditarik sebagai Tergugat oleh penerima hibah dengan alasan proses peralihan hak atas tanah tersebut sangat lama, padahal pada kenyataannya hibah tersebut telah ditarik kembali oleh pemberi hibah. Kasus tersebut pertama kali dibawa ke pengadilan negeri, lalu mereka dapat mengajukan banding ke pengadilan tinggi. Kemudian ketika salah satu pihak mengajukan banding dan tidak mendapatkan kepuasan dari hasil putusan yang dikeluarkan baik oleh pengadilan negeri maupun pengadilan tinggi, mereka dapat pergi ke pengadilan tertinggi di mana pengadilan tertinggi dapat mengajukan banding.

Kata Kunci: Hibah, Pejabat Pembuat Akta Tanah (PPAT), Pengadilan Negeri, Pengadilan Tinggi

Referensi: 64 (1979-2022)