

ABSTRAK

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TANGGUNG JAWAB HUKUM KANTOR PERTANAHAN DALAM PENYELESAIAN SENGKETA PERTANAHAN AKIBAT ADANYA TUMPANG TINDIH (*OVERLAPPING*) SECARA FISIK ATAS TANAH

(v +118 halaman)

Kantor Pertanahan Kota dan/atau Kabupaten merupakan ujung tombak pelayanan pertanahan dari Kementerian Agraria dan Tata Ruang / Badan Pertanahan Nasional (ATR/BPN) kepada masyarakat pemilik dan pemohon hak atas tanah di Republik Indonesia, pelayanan utama Kantor Petanahan adalah melakukan proses penerbitan permohonan sertifikat hak atas tanah yang diberikan kepada pemohon hak melalui tahapan-tahapan kegiatan dengan salah satu kegiatan berupa pengukuran bidang tanah untuk mengetahui luas tanah, letak tanah dan bentuk tanah yang dimohonkan haknya tersebut dan dalam pelaksanaan kegiatan pengukuran berdasarkan Undang-undang, peraturan pemerintah dan peraturan Menteri ATR/BPN dengan azas "*Contradictoire Delimitatie*" yaitu penentuan batas dengan persetujuan pemilik tanah yang berbatasan langsung dan dengan dihadiri pihak-pihak yang mengetahui riwayat tanah di daerah tanah diukur, namun dalam pelaksanaannya dalam pengukuran bidang tanah terkadang azas "*Contradictoire Delimitatie*" tidak dilaksanakan sehingga dikemudian hari berpotensi menimbulkan sengketa tanah tumpang tindih (*overlapping*) secara fisik atas tanah sebagaimana terjadi antara Sertifikat Hak Guna Bangunan Nomor 12502/Jelupang seluas 7.827 m² (SHGB) dengan Sertifikat Hak Milik Nomor 9890/Jelupang seluas 397 m² (SHM) yang tumpang tindih seluruh bidang tanah dengan SHGB dan kemudian pemilik SHGB mengajukan keberatan karena telah memiliki sertifikat sebelum SHM. Terhadap permasalahan tersebut dilakukan upaya penyelesaian permasalahan yang diusulkan Kantor Pertanahan dengan melakukan mediasi dan dilakukan penataan batas ulang terhadap kedua bidang tanah yang tumpang tindih (*overlapping*) dengan kesepakatan dan penunjukan batas pihak-pihak pemilik bidang tanah sehingga kemudian menjadi tidak tumpang tindih (*overlapping*). Penelitian ini menggunakan metode penelitian Normatif Empiris yaitu bagaimana penerapan pasal-pasal dalam Peraturan Pemerintah Nomor 24 Tahun 1997 dan dampak tidak diterapkannya azas "*Contradictoire Delimitatie*",

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ABSTRACT

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LEGAL RESPONSIBILITY OF THE LAND OFFICE IN RESOLUTION OF LAND DISPUTES DUE TO PHYSICAL OVERLAPPING OF LAND

(v +118 pages)

The City and/or Regency Land Office is the spearhead of land services from the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency (ATR / BPN) to the community of land owners and applicants for land rights in the Republic of Indonesia, the main service of the Land Office is to carry out the process of issuing applications for land rights certificates which are given to applicants for rights through stages of activities with one of the activities being land measurement to determine the area of land, location of land and shape of land for which the rights are being applied for and in the implementation of measurement activities based on Laws, government regulations and regulations of the Minister of ATR / BPN with the principle of "Contradictoire Delimitatie" namely determining boundaries with the approval of the landowners who are directly adjacent and attended by parties who know the history of the land in the area of land being measured, but in its implementation in measuring land areas sometimes the principle of "Contradictoire Delimitatie" is not implemented so that in the future it has the potential to cause land disputes overlapping physically over land as occurred between the Building Use Rights Certificate Number 12502 / Jelupang covering an area of 7,827 m² (SHGB) with the Land Ownership Certificate Number 9890/Jelupang covering an area of 397 m² (SHM) which overlaps the entire land area with SHGB and then the SHGB owner filed an objection because he already had a certificate before the SHM. In response to this problem, efforts were made to resolve the problem proposed by the Land Office by conducting mediation and re-arranging the boundaries of the two overlapping land areas with the agreement and designation of the boundaries of the land owners so that they later become non-overlapping . This study uses the Empirical Normative research method, namely how the articles in Government Regulation Number 24 of 1997 are applied and the impact of not implementing the principle of " Contradictoire Delimitatie" ,

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Keywords: National Agrarian Law, Land Dispute Resolution