

# Perlindungan Hukum Bagi Pemegang Hak Tanggungan yang Objek Hak Tanggungannya di Blokir Oleh Kantor Pertanahan Atas Permohonan Pihak Lain (Studi Pada Kasus ITC Roxy Mas Jakarta Pusat) = Legal Protection for the Holder of Mortgage Right whose Object of the Mortgage Right is Blockade by Land Office upon the Request of Other Party (Case Study at ITC Roxy Mas Central Jakarta)

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## Abstrak

Dalam penulisan Tesis ini penulis membahas mengenai perlindungan hukum bagi Pemegang Hak Tanggungan Yang Objek Hak Tanggungannya Diblokir Oleh Kantor Pertanahan Atas Permohonan Pihak Lain, dengan contoh kasus ITC Roxy Mas Jakarta Pusat. Hal ini dilatarbelakangi dari kesalahan Kantor Pertanahan dalam memberikan perpanjangan sertifikat Hak Milik Atas Satuan Rumah Susun dan memblokir Objek Hak Tanggungan tersebut.

Dalam upaya untuk mengetahui aspek hukum pemblokiran terhadap objek Hak Tanggungan, mengetahui alasan Kantor Pertanahan melakukan pemblokiran terhadap Objek Hak Tanggungan pada kasus ITC Roxy Mas Jakarta Pusat, dan proses pemblokiran tersebut, serta mengetahui bagaimana perlindungan hukum terhadap Pemegang Hak Tanggungan apabila debitur wanprestasi, sedangkan sertifikat objek Hak Tanggungan sedang diblokir oleh Kantor Pertanahan, maka pendekatan yang digunakan adalah yuridis-normatif yang mengacu kepada peraturan-peraturan yang tertulis atau hukum positif serta bahan-bahan hukum lain, yang berkaitan dengan permasalahan.

Berdasarkan hasil penelitian dan wawancara, penulis memperoleh jawaban atas permasalahan yang ada, Aspek hukum pemblokiran pemblokiran terhadap Objek Hak Tanggungan pada contoh kasus ITC Roxy Mas Jakarta Pusat berdasarkan teori dan peraturan yang berlaku seharusnya tidak boleh. Sebab objek Hak Tanggungan yang sudah dibebani Hak Tanggungan tidak boleh diblokir oleh Kantor Pertanahan, sebab sebelum pembebanan Hak Tanggungan objek (sertifikat) sudah dicek kebersihannya dari sengketa apapun. Adapun alasan Kantor Pertanahan melakukan pemblokiran sertifikat karena adanya permohonan dari pihak lain, dan tahap-tahap pemblokiran yaitu pemohon melampirkan surat permohonan tertulis dengan disertai sertifikat yang akan dimohonkan pemblokiran dan identitas pemohon KTP dan KK. Serta melampirkan surat gugatan Pengadilan kalau ada. Sedangkan bagi pemegang hak tanggungan apabila objek hak tanggungannya diblokir oleh Kantor Pertanahan, tidak ada perlindungan hukum.

.....In the writing of this thesis, the writer discusses legal protection for the Holder of Mortgage Right whose Object of the Mortgage Right is BLockade by Land Office upon the Request of Other Party, with the sample case of ITC Roxy Mas, Central Jakarta. This issue has the background from the mistake of the Land Office in issuing the extension of certificate of Right of Ownership over Strata Title Unit and blockading the Object of such Mortgage Right.

In the effort to discover the legal aspect of such blockade towards the Object of the Mortgage Right, discover the reasons of the Land Office to blockade the Object of the Mortgage Right in the case of ITC Roxy Mas, Central Jakarta, and the blockading process, as well as discover legal protection towards the Holder of Mortgage Right if the debtor is in default, meanwhile the certificate of the object of the Mortgage

Right is blockaded by the Land Office, then, the approach being used is juridical - nonnative referring to the written regulations or positive law as well as other legal sources, related to the issue.

Based on the result of research and interview, the writer obtains answers towards the existing issue, the Legal aspect for the blockade over the Object of Mortgage Right in the sample case of ITC Roxy Mas, Central Jakarta, is based on the prevailing theory and regulations which should not be used. Because the object of Mortgage Right which has been encumbered by Mortgage Right cannot be blockaded by the Land Office, because before the encumbrance of Mortgage Right, the object (the certificate) has been checked for its clearance from any dispute whatsoever. Whereas the reason of the Land Office to carry out the blockade over the certificate is because there is a request from other party, and the blockading stages are: the applicant is attaching a written application supplemented by the certificate requested to be blockaded and the identity of the applicant in the form of Resident Identification Card and Family Card. As well as attaching statement of claim submitted to the Court, if any. Whereas for the holder of mortgage right, if the object of the mortgage right is blockaded by the Land Office, there is no legal protection for him.