

Analisis kasus Putusan MA No.270 K/PDT/2008 jo Putusan PT No.262/PDT/2007/PT.DKI jo Putusan PN No.952/Pdt.G/2006/PN. Jak-Sel berkaitan dengan perpanjangan sertifikat hak guna bangunan No.26/Gelora dan 27/Gelora atas nama PT. Indobuildco

Surayya, author

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Abstrak

Tesis ini membahas mengenai pemberian perpanjangan sertipikat Hak Guna Bangunan Nomor 26/Gelora dan 27/Gelora yang terdaftar atas nama PT Indobuildco oleh Kepala Kantor Wilayah Badan Pertanahan Nasional Daerah Khusus Ibukota Jakarta yang akan berakhir pada tanggal 4 Maret 2003. Selanjutnya pemberian perpanjangan jangka waktu berlakunya kedua HGB tersebut yaitu hingga tanggal 4 Maret 2023 telah dicatat pada buku tanah serta Sertipikat haknya masing-masing. Timbulnya permasalahan yaitu ketika Badan Pertanahan Nasional (BPN) dalam Surat Keputusannya Nomor 169/HPL/BPN/89 tanggal 15 Agustus 1989 tentang Pemberian Hak Pemberian Hak Pengelolaan kepada Sekretariat Negara Cq Badan Pengelola Gelanggang Olah Raga Bung Karno, memasukkan tanah Hak Guna Bangunan Nomor 26/Gelora dan 27/Gelora ke dalam Hak Pengelolaan tersebut sedangkan di atas tanah tersebut masih ada hak atas nama PT Indobuildco yang baru akan berakhir pada tahun 2003. Pemberian HGB Nomor 26/Gelora dan 27/Gelora serta pemberian perpanjangan jangka waktunya telah sesuai dengan ketentuan Hukum Tanah Nasional yang berlaku adalah sah menurut hukum dan Surat Keputusan Pemberian Hak Pengelolaan atas nama Sekretariat Negara Republik Indonesia Cq Badan Pengelola Gelanggang Olah Raga Senayan sepanjang menyangkut Hak Guna Bangunan Nomor 26/Gelora dan Hak Guna Bangunan Nomor 27/Gelora adalah cacat hukum. Hak Pengelolaan baru dapat diterapkan jika Hak Guna Bangunan tersebut telah berakhir dan tanah menjadi tanah Negara yang clean and clear. Hal tersebut diperkuat dengan adanya Putusan MA Nomor 270 K/PDT/2008 Jo Putusan PT Nomor 262/PDT/2007/PT.DKI Jo Putusan PN Nomor 952/Pdt.G/2006/PN. Jak-Sel.

<hr>This thesis discusses the granting of extension of Right to Build Certificate Number 26/Gelora and Number 27/Gelora, registered under the name of PT. Indobuildco, by the Head of the Regional Office of the National Land Agency of the Special Region of the Capital City of Jakarta, which will end on March 4, 2003. Furthermore, the granting of extension over the duration of those two Right to Build Certificates which is up to March 4, 2023, has been registered in the land book and the respective Certificate of right. An issue arises when the National Land Agency in its Decree Number 169/HPL/BPN/89 dated August 15, 1989, regarding the Delegation of Right to Grant the Right of Management to the State Secretariat, in this case, the Management Board of the Bung Karno Sports Arena, included the lands with Right to Build Number 26/Gelora and Number 27/Gelora into such Right of Management, whereas over such lands there are still rights under the name of PT. Indobuildco, which will end in 2003. The granting of Right to Build Number 26/Gelora and Number 27/Gelora, as well as the granting of extension of its duration, have been in accordance with the provisions of the prevailing National Land Law and valid according to the law, and the Decree for the Granting of the Right of Management under the name of the State Secretariat of the Republic of Indonesia, in this case, the Management Board of Senayan Sports Arena, to the extent concerning Right to Build Number 26/Gelora and Right to Build Number 27/Gelora constitutes a legal defect. The new Right

of Management may be applied if the relevant Right to Build has expired and the lands become clean and clear State land. This is affirmed by the presence of the Decision of the Supreme Court Number 270 K/PDT/2008 in conjunction with the Decision of the High Court Number 262/PDT/2007/PT.DKI in conjunction with the Decision of the District Court Number 952/Pdt.G/2006/PN. Jak-Sel.