

Analisis pembatalan penguasaan tanah yang telah terdaftar dalam sertipikat hak guna bangunan (HGB) dan sertipikat hak pengelolaan (HPL) : studi kasus Putusan Peninjauan Kembali Mahkamah Agung Republik Indonesia No. 89/PK/TUN/2008 JO. Putusan Kasasi Mahkamah Agung Republik Indonesia No. 75K/TUN/2008 JO. Putusan Pengadilan Tinggi Tata Usaha Negara DKI Jakarta No. 178/B/2007/PT.TUN.JKT JO. Putusan Pengadilan Tata Usaha Negara Jakarta No. 14/G/2007/PTUN.JKT = Analysis of the cancellation of land tenure that has been registered in the right to build certificate (HGB) and right to manage certificate (HPL) : study case of the Decision of Judicial Review by the Supreme Court of the Republic of Indonesia Number 89/PK/TUN/2008 as amended to the Decision of Cassation by the Supreme Court of the Republic of Indonesia Number 75K/TUN/2008 as amended to the Decision of State Administrative High Court of the Special Capital City Region of Jakarta Number 178/B/2007/PT.TUN.JKT as amended to the Decision of Jakarta State Administrative Court Number 14/G/2007/PTUN.JKT / Evan Richardo Evan Richardo, author

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Abstrak

ABSTRAK

Sistem pendaftaran tanah yang dianut Indonesia adalah sistem pendaftaran hak dengan sistem publikasi negatif yang mengandung unsur positif, apabila ada pihak yang merasa dirugikan atas diterbitkannya sertipikat atas tanah, dapat mengajukan pembatalan. Permasalahannya adalah bagaimanakah tata cara atau mekanisme pembatalan penguasaan tanah yang telah terdaftar dalam sertipikat HGB dan HPL? Kemudian apakah Kepala Kantor Pertanahan Kotamadya Jakarta Selatan sudah membereskan hak atas tanah milik Susuna Dewi sebelum diterbitkannya sertipikat HPL No. 1/Kuningan Barat kepada PD. Pembangunan Sarana Jaya DKI Jakarta, sertipikat HGB No. B119/Kuningan Barat kepada PT. Bimantara Sarana Perkasa, dan sertipikat HGB No. 198/Kuningan Barat kepada PT. Fajar Surya Shakti (Studi Kasus Putusan Peninjauan Kembali Mahkamah Agung Republik Indonesia No. 89/PK/TUN/2008 jo. Putusan Kasasi Mahkamah Agung Republik Indonesia No. 75K/TUN/2008 jo. Putusan Pengadilan Tinggi Tata Usaha Negara DKI Jakarta No. 178/B/2007/PT.TUN.JKT jo. Putusan Pengadilan Tata Usaha Negara Jakarta No. 14/G/2007/PTUN.JKT)? Metode penelitian yang digunakan adalah tipe penelitian yuridis normatif dari data sekunder yang dianalisis secara kualitatif dalam bentuk preskriptif.

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ABSTRACT

Land registration system applied by Indonesia is land registration system with a negative publicity which is contain positive elements, if any parties feel harmed by the issuance of land certificate, can file cancellation. The problem is how the procedures or mechanism cancellation of land tenure that has been registered in HGB dan HPL? Then, if Head of the Municipal Land Office of South Jakarta has settled the right of land belongs to Susuna Dewi before the issuance of the Certificate of HPL Number 1/Kuningan Barat to PD. Pembangunan Sarana Jaya DKI Jakarta, Certificate of HGB Number B119/Kuningan Barat to PT. Bimantara Sarana Perkasa, and Certificate of HGB Number 198/Kuningan Barat to PT. Fajar Surya Shakti (Study Case of the Decision of Judicial Review by the Supreme Court of the Republic of Indonesia Number 89/PK/TUN/2008 as amended to the Decision of Cassation by the Supreme Court of the Republic of Indonesia Number 75K/TUN/2008 as amended to the Decision of State Administrative High Court of the Special Capital City Region of Jakarta Number 178/B/2007/PT.TUN.JKT as amended to the Decision of Jakarta State Administrative Court Number 14/G/2007/PTUN.JKT)? The Research method that is used is a judicial normative research type from secondary data that is analyzed qualitatively in the form of prescriptive. The case of such cancellation is submitted to PTUN and is proceed through regular procedure examination.