

Tinjauan hukum terhadap sertipikat ganda (analisis putusan Mahkamah Agung Nomor 2651 K/Pdt/2014) = Legal review of dual certificate (analysis against the decision of the supreme court number 2651 k/Pdt/2014

Diah Ayu Sartika, author

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Abstrak

Sertipikat merupakan surat tanda bukti hak yang berlaku sebagai alat pembuktian yang kuat. Namun dalam kenyataannya sekarang tidak jarang terjadi terbitnya dua atau lebih sertipikat diatas sebidang tanah yang sama, lazim dikenal dengan overlapping, seperti kasus dalam Putusan MA No 2651 K/Pdt/2014. Penelitian ini adalah penelitian yuridis normatif dengan sifat eksplanatoris dan menggunakan data sekunder.

Kesimpulan penelitian ini yaitu Kantor Pertanahan Kota Surabaya yang tidak teliti dan tidak cermat pada waktu dilakukan pengukuran, penelitian di lapangan atau pemeriksaan terhadap dokumen-dokumen yang terkait dengan objek sengketa sehingga menimbulkan ketidakpastian hukum dan juga kerugian kepada pemegang hak. Upaya penyelesaian dalam Putusan MA No 2651 K/Pdt/2014 dilakukan melalui pengadilan.

Certificate is a letter of proof of rightsserves as a strong evidence of the physical data and juridical data in accordance with the measurement letter and land certificate of the concerned. The certificate also proves that land registration has been done. But in reality, it is not uncommon to have 2 (two) or more land certificates issued for the same part of land, commonly known as land overlapping, such as the solved case registered in Supreme Court Decision No. 2651 K / Pdt / 2014. The purpose of this study was to determine the legal certainty of the issuance of dual certificates by the Land Office of Surabaya and to determine whether the basic consideration of the judge in deciding the dispute in the Supreme Court No. 2651 K / Pdt / 2014 was consistent with the regulations. This study is a normative juridical research with explanatory and analytical prescriptive typology nature features, and is using secondary data. The author concluded that Surabaya Land Office was careless and inaccurate in doing the measurement, field research or related documents examination that it caused legal uncertainty and also loss to the rights holder. Also, consideration of the judge in deciding the dispute in Supreme Court Decision No. 2651 K/Pdt / 2014 was not in accordance with the applied regulations.