

# **Pembatalan Perjanjian Pemanfaatan Tanah oleh Pemegang Hak Pengelolaan terhadap Keberlakuan Sertipikat Hak Guna Bangunan di Atas Tanah Hak Pengelolaan Di Batam = Termination of Land Use Agreements by Management Rights Holders Regarding the Validity of Building Use Rights Certificates on Management Rights Land in Batam**

Theresia Chandrakirana Pramadyastari Kusumomaharani, author

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## **Abstrak**

Penelitian ini menganalisis mengenai implikasi hukum Perjanjian Pemanfaatan Tanah Hak Pengelolaan di KPBPB Batam, serta keberlakuan Sertipikat Hak Guna Bangunan di atas tanah Hak Pengelolaan. Dikaitkan dengan kewenangan pemegang Hak Pengelolaan (BP Batam) dalam pembatalan perjanjian terkait. Metode penelitian yang digunakan berupa penelitian doktrinal dengan yang dianalisis secara kualitatif. Didukung dengan data primer yang dihasilkan dari wawancara serta data sekunder lainnya. Ditemukan permasalahan hukum dalam Putusan PTUN Tanjung Pinang Nomor: 9/G/2020/PTUN.TPI jo. Putusan PT TUN Medan Nomor: 52/B/2021/PT.TUN-MDN seperti status tanah yang diperjanjikan antara BP Batam (Pemegang Hak Pengelolaan) dan PT ECD (penerima alokasi lahan) belum bersertipikat Hak Pengelolaan. Dasar pertimbangan hukum Hakim tingkat I (PTUN Tanjung Pinang) dan Hakim tingkat banding (PT TUN Medan) juga berbeda terkait aspek prosedural penerbitan Surat Keputusan Pembatalan Perjanjian oleh BP Batam (objek sengketa). Perjanjian pemanfaatan tanah seharusnya wajib dibuat atas tanah yang sudah bersertipikat Hak Pengelolaan sehingga dasar pemberian hak atas tanah di atas Hak Pengelolaan menjadi jelas statusnya. Apabila dilakukan pemberian Hak Guna Bangunan di atas Hak Pengelolaan, harus didahului dengan perjanjian pemanfaatan tanah. Keberlakuan SHGB di atas Hak Pengelolaan sangat bergantung pada pelaksanaan hak dan kewajiban perjanjian pemanfaatan tanahnya, yang lahir dari ketentuan peraturan perundang-undangan.

.....This research analyzes the legal implications of the Management Rights Land Use Agreement at KPBPB Batam, includes the application of Building Use Rights Certificate on Management Rights land. Linked to the authority of the Management Rights holder (BP Batam) to terminate related agreements. The research method used is doctrinal research with qualitative analysis. Supported by primary data resulting from interviews and other secondary data. It was found that there were legal problems on Tanjung Pinang State Administration Verdict Number: 9/G/2020/PTUN.TPI jo. Medan State Administration High Court Verdict Number: 52/B/2021/PT.TUN-MDN such as the status of the land agreed between BP Batam (Holder of Management Rights) and PT ECD (recipient of land allocation) has not been certified with Management Rights. The legal considerations of the first level judge (PTUN Tanjung Pinang) and the appellate level judge (PT TUN Medan) are also different regarding the procedural aspects of the issuance of a Decree on Cancellation of the Land Use Agreement by BP Batam (the object of the dispute). Land use agreements should be made on land that has been certified as Management Rights. Therefore, the basis for granting land rights over Management Rights becomes clear. If a Building Use Rights is granted over a Management Rights, it must be preceded by a land use agreement. The validity of the Building Use Rights Certificate over the Management Rights is very dependent on the implementation of the rights and obligations of the land use agreement, which arise from the provisions of statutory regulations.