

**ABSTRAK****PENERAPAN DALUWARSA DALAM SENKETA PERTANAHAN DI  
PERADILAN TATA USAHA NEGARA****Oleh:****YULIUS PARLINDUNGAN SITUMORANG****NPM 2012011013**

Sengketa pertanahan di Indonesia sering timbul akibat diterbitkannya Keputusan TUN yang merugikan masyarakat, seperti sertifikat ganda, tumpang tindih hak atas tanah, dan kesalahan administrasi pertanahan. Permasalahan utama dalam penyelesaiannya melalui PTUN. Penelitian ini menggunakan metode yuridis normatif dan empiris dengan pendekatan deskriptif kualitatif.

Hasil penelitian menunjukkan bahwa daluwarsa dalam sengketa pertanahan tidak hanya dipahami sebagai batas waktu formal, tetapi juga sebagai sarana mewujudkan kepastian hukum, keadilan, dan kemanfaatan. Hasil penelitian menunjukkan bahwa penghitungan daluwarsa dalam sengketa pertanahan tidak semata-mata didasarkan pada tanggal diterbitkannya KTUN atau sertipikat tanah, melainkan sejak pihak yang dirugikan mengetahui atau patut mengetahui adanya keputusan tersebut. Selain itu, berdasarkan Pasal 77 ayat (1) Undang-Undang Administrasi Pemerintahan dan Pasal 1 angka 10 PERMA Nomor 2 Tahun 2019, tenggang waktu pengajuan gugatan lebih tepat dimaknai sebagai 90 hari kerja. Penerapan Pasal 32 ayat (2) PP Nomor 24 Tahun 1997 juga tidak bersifat mutlak apabila terbukti terdapat cacat hukum dalam penerbitan sertipikat atau adanya pelanggaran terhadap hak pihak yang dirugikan. Hakim mempertimbangkan kapan pihak yang dirugikan mengetahui atau patut mengetahui adanya KTUN yang merugikan. Penerapan daluwarsa juga memperhatikan keabsahan penerbitan sertipikat, alat bukti, AUPB, serta perlindungan hukum bagi masyarakat. Oleh karena itu, tenggang waktu pengajuan gugatan dalam sengketa pertanahan lebih tepat dimaknai sebagai 90 hari kerja guna menjamin akses keadilan dan perlindungan hukum yang efektif.

Kata Kunci : *Daluwarsa, Sengketa Pertanahan, Peradilan Tata Usaha Negara*

**ABSTRACT****APPLICATION OF THE STATUS BY THE STATE ADMINISTRATIVE COURT IN LAND DISPUTES IN THE STATE ADMINISTRATIVE COURT****By:****YULIUS PARLINDUNGAN SITUMORANG****NPM 2012011013**

*Land disputes in Indonesia frequently arise due to the issuance of State Administrative Decisions that adversely affect the public, such as overlapping land certificates, dual certificates, and administrative errors in land administration. This study employs normative and empirical legal research methods using a descriptive qualitative approach.*

*The results indicate that the statute of limitations in land dispute cases is not merely understood as a formal time limit for filing a lawsuit, but also as an instrument to achieve legal certainty, justice, and legal utility. The findings show that the calculation of the limitation period is not solely based on the date of issuance of the KTUN or land certificate, but rather on the date when the aggrieved party became aware of, or reasonably should have become aware of, the decision. Furthermore, based on Article 77 paragraph (1) of the Government Administration Law and Article 1 point 10 of Supreme Court Regulation (PERMA) Number 2 of 2019, the filing period should be interpreted as 90 working days rather than calendar days. In addition, the application of Article 32 paragraph (2) of Government Regulation Number 24 of 1997 is not absolute where legal defects in the issuance of a land certificate or violations of the rights of affected parties can be proven. Judges consider the time when the injured party became aware of the disputed administrative decision, the validity of the land certificate issuance, available evidence, the General Principles of Good Governance (AUPB), and the need to ensure legal protection for the public. Therefore, the filing period for land dispute lawsuits should be construed as 90 working days to ensure effective access to justice and legal protection.*

**Keywords:** *Expiration Date, Land Disputes, State Administrative Court*