

ABSTRAK
PUTUSAN PENGADILAN SEBAGAI DASAR PENGESAHAN
PERALIHAN HAK ATAS TANAH DENGAN
AKTA DI BAWAH TANGAN
(Studi Putusan Nomor 260/Pdt.G/2023/PN Tjk)

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Praktik jual beli tanah dengan akta di bawah tangan masih menimbulkan permasalahan mengenai kekuatan pembuktian akta di bawah tangan dipengadilan yang dapat dilihat di Putusan Pengadilan Negeri Tanjungkarang Nomor 260/Pdt.G/2023/PN.Tjk. Adapun rumusan masalah penulis angkat ialah bagaimana kekuatan akta di bawah tangan dalam perkara jual beli tanah yang menjadi objek Putusan Pengadilan Negeri Tanjung Karang Nomor 260/Pdt.G/2023/PN Tjk? Bagaimana pertimbangan hukum majelis hakim dalam memutus perkara jual beli tanah dengan akta di bawah tangan pada Putusan Pengadilan Negeri Tanjung Karang Nomor 260/Pdt.G/2023/PN Tjk? Bagaimana akibat hukum pengesahan jual beli tanah dengan akta di bawah tangan melalui Putusan Pengadilan Negeri Tanjung Karang Nomor 260/Pdt.G/2023/PN Tjk? Metode penelitian ini ialah penelitian hukum normatif empiris dengan tipe deskriptif. Hasil penelitian dan pembahasan pertama menunjukkan bahwa akta di bawah tangan dalam perkara jual beli tanah dibawah tangan memiliki kekuatan pembuktian yang terbatas dan hanya mengikat para pihak yang membuatnya. Kedua, Pertimbangan hukum majelis hakim dalam Putusan Pengadilan Negeri Tanjungkarang Nomor 260/Pdt.G/2023/PN.Tjk, hakim menilai bahwa jual beli yang dilakukan telah memenuhi syarat sah perjanjian sebagaimana diatur dalam Pasal 1320 KUH Perdata karena terdapat kesepakatan para pihak, kecakapan hukum, objek yang jelas, dan sebab yang halal. Majelis hakim juga mempertimbangkan adanya pembayaran lunas, penguasaan nyata atas objek tanah oleh Penggugat, serta itikad baik pembeli, berdasarkan keseluruhan pertimbangan tersebut, majelis hakim menyimpulkan bahwa meskipun transaksi dilakukan dengan akta di bawah tangan, hubungan hukum jual beli antara Penggugat dan Tergugat terbukti sah secara perdata dan layak memperoleh perlindungan hukum, sehingga pengadilan mengesahkan jual beli tersebut. Ketiga, pengesahan jual beli tanah dengan akta di bawah tangan melalui Putusan Pengadilan Negeri Tanjung Karang Nomor 260/Pdt.G/2023/PN.Tjk menimbulkan akibat hukum bagi Badan Pertanahan Nasional untuk melakukan pemeliharaan data pertanahan berupa pemisahan atau pemecahan sertifikat induk serta pendaftaran peralihan hak atas tanah.

Kata Kunci: Akta di Bawah Tangan, Peralihan Hak Tanah, Putusan Pengadilan Nomor 260/Pdt.G/2023/PN.Tjk.

ABSTRACT
COURT DECISION AS THE BASIS FOR RATIFYING
THE TRANSFER OF LAND RIGHTS WITH
A PRIVATE DEED
(Study of Decision Number 260/Pdt.G/2023/PN Tjk)

By
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The practice of buying and selling land with private deeds still raises problems regarding the evidentiary power of private deeds in court which can be seen in the Decision of the Tanjungkarang District Court Number 260/Pdt.G/2023/PN.Tjk. The formulation of the problem the author raises is how strong the private deeds are in the case of buying and selling land which is the object of the Decision of the Tanjung Karang District Court Number 260/Pdt.G/2023/PN Tjk? What are the legal considerations of the panel of judges in deciding the case of buying and selling land with private deeds in the Decision of the Tanjung Karang District Court Number 260/Pdt.G/2023/PN Tjk? What are the legal consequences of the ratification of the sale and purchase of land with private deeds through the Decision of the Tanjung Karang District Court Number 260/Pdt.G/2023/PN Tjk? This research method is empirical normative legal research with a descriptive type. The results of the first research and discussion indicate that a private deed in a private land sale and purchase case has limited evidentiary force and is only binding on the parties who made it. Second, the legal considerations of the panel of judges in the Tanjungkarang District Court Decision Number 260 / Pdt.G / 2023 / PN.Tjk, the judge considered that the sale and purchase carried out had fulfilled the requirements for a valid agreement as regulated in Article 1320 of the Civil Code because there was an agreement between the parties, legal capacity, and the good faith of the buyer as the principle contained in Article 1338 of the Civil Code, based on all these considerations, the panel of judges concluded that even though the transaction was carried out with a private deed, the legal relationship of the sale and purchase between the Plaintiff and the Defendant was proven to be valid in civil law and worthy of legal protection, so the court ratified the sale and purchase. Third, the ratification of the sale and purchase of land with a private deed through the Tanjung Karang District Court Decision Number 260/Pdt.G/2023/PN.Tjk has legal consequences for the National Land Agency to maintain land data in the form of separation or splitting of the master certificate.

Keywords: *Private Deed, Transfer of Land Rights, Court Decision Number 260/Pdt.G/2023/PN.Tjk.*