

## **ABSTRAK**

### **ANALISIS YURIDIS KEWENANGAN ABSOLUT PENGADILAN TATA USAHA NEGARA TERHADAP SENSKETA PERTANAHAN (Studi Kasus Putusan PTUN Bandar Lampung Perkara Nomor : 6/G/2021/PTUN-BL)**

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Sengketa tanah terjadi antara dua orang atau badan hukum yang mengalami tumpang tindih (*Overlapping*) atas hak tanah, baik terhadap status tanah maupun kepemilikannya. Adanya sertipikat ganda akan menjadikan salah satu dari Sertipikat Hak Milik (SHM) yang dimiliki oleh dua pihak tersebut dibatalkan melalui putusan pengadilan. Pengadilan Tata Usaha Negara (PTUN) memiliki kewenangan absolut dalam menangani sengketa pertanahan. Permasalahan dalam penelitian ini adalah analisis yuridis kewenangan absolut PTUN terhadap sengketa sertipikat ganda dan pertimbangan hakim atas putusan PTUN Bandar Lampung Perkara Nomor : 6/G/2021/PTUN-BL

Lingkup kewenangan PTUN berdasarkan Pasal 47 Undang-Undang Nomor 5 Tahun 1986 adalah bertugas dan berwenang memeriksa, memutus, dan menyelesaikan sengketa TUN yang menyangkut KTUN sebagai objek sengketa. Selain itu, pengajuan upaya administratif diberikan tenggat waktu 21 hari masa kerja sejak diumumkannya atau diketahui adanya Keputusan tersebut oleh Badan dan/atau Pejabat Pemerintahan.

Penelitian ini menggunakan metode penelitian hukum normatif melalui pendekatan peraturan perundang-undangan yang berlaku dan studi kepustakaan dari bahan sekunder berupa buku, jurnal, dan bahan hukum lainnya. Kemudian terdapat metode deskriptif analitis untuk merefleksikan kewenangan absolut PTUN dan membantu menganalisa penyelesaian sengketa sertipikat ganda.

Hasil penelitian menunjukkan bahwa sengketa sertipikat ganda menjadi kewenangan PTUN dengan menguji aspek kewenangan dan prosedural penerbitan formal Sertipikat Hak Milik (SHM) yang dikeluarkan BPN. SHM menjadi objek sengketa TUN dengan karakteristik bersifat konkrit, individual, dan final. Dalam fakta hukum bahwa lewatnya waktu pengajuan upaya administratif oleh para penggugat tidak menjadikan pokok gugatan ditolak/ tidak diterima karena hakim semata-mata berpijak dari asas pemeriksaan cepat, sederhana, biaya ringan.

**Kata Kunci: Kewenangan, Pertanahan, PTUN**

## **ABSTRACT**

### **ANALYSIS OF THE ABSOLUTE AUTHORITIES OF THE STATE ADMINISTRATIVE COURT ON LAND DISPUTES (Case Study Of The Decision Of The Bandar Lampung Administrative Court Case Number : 6/G/2021/PTUN-BL)**

**By  
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*Land disputes occur between two people or legal entities that experience overlapping land rights, both in terms of land status and ownership. The existence double certificate will make one of Certificates Ownership (SHM) owned by two parties canceled through a court decision. The State Administrative Court (PTUN) has absolute authority in dealing with land disputes. The problem in this study is the juridical analysis of absolute authority of PTUN regarding multiple certificate disputes and judge's consideration of the Bandar Lampung PTUN decision Case Number: 6/G/2021/PTUN-BL*

*The scope of PTUN's authority based on Article 47 of Law Number 5 of 1986 is to have the duty and authority to examine, decide, and resolve state administrative disputes involving state administrative decisions as object dispute. In addition, the submission of administrative efforts is given deadline of 21 working days from announcement or knowledge Decree by Government Agencies and/or Officials.*

*This study uses normative legal research methods through approach of applicable laws and regulations and literature studies from secondary materials in form books, journals and other legal materials. Then there is analytical descriptive method to reflect absolute authority of Administrative Court and to help analyze tresolution of multiple certificate disputes.*

*The results of the study show that disputes over multiple certificates fall under the authority of the Administrative Court by examining the authority and procedural aspects of the formal issuance of certificates of ownership (SHM) issued by BPN. SHM is the object of TUN disputes with concrete, individual and final characteristics. In the legal fact that lapse of time for filing administrative efforts by plaintiffs does not result in objection of lawsuit being rejected/not accepted because judge is solely based on principle of Quick, Simple, Low Cost Examination.*

**Keywords: Authority, Administrative Court, Land**