

ABSTRAK

ANALISIS YURIDIS KEKUATAN PEMBUKTIAN AKTA HIBAH DALAM SENGGKETA KEPEMILIKAN TANAH DI DESA KAMPUNG JAWA KECAMATAN PESISIR TENGAH KABUPATEN PESISIR BARAT (Studi Putusan Nomor 1/Pdt.G/2020/PN Liw Jo. 8/Pdt/2021/Pt Tjk Jo. 2401 K/Pdt/2020)

Oleh

M GALI RIZKY SYAHPUTRA

Sengketa kepemilikan tanah di Indonesia merupakan isu kompleks yang berdampak signifikan pada masyarakat, sering disebabkan oleh perubahan hukum, kurangnya dokumentasi, dan konflik antara hukum adat dan positif. UUPA mengatur hak atas tanah, mewajibkan pendaftaran sertifikat di BPN dengan bantuan PPAT. Sertifikat dan akta hibah memberikan kepastian hukum. Studi kasus di Desa Kampung Jawa menunjukkan kompleksitas sengketa terkait pembuktian akta hibah. Rumusan Masalah Penelitian ini berfokus pada pertimbangan majelis hakim dalam Putusan Nomor 1/Pdt.G/2020/PN Liw dan upaya hukum pihak yang bersengketa.

Metode yang digunakan adalah penelitian normatif, yang meneliti bahan pustaka atau data sekunder terkait kekuatan pembuktian akta hibah dalam sengketa tanah. disebut juga penelitian doktrinal, dimana hukum seringkali dikonsepsikan sebagai apa yang tertulis dalam peraturan perundang-undangan, dalam hal ini mengenai bahan pustaka dan pertaturan kekuatan pembuktian akta hibah dalam sengketa tanah.

Dalam perkara ini, Penggugat menggunakan akta hibah sebagai alat bukti, sementara Tergugat mengandalkan sertifikat hak milik. Meski sertifikat tersebut diakui sebagai bukti kepemilikan tertinggi, majelis hakim menilai alat bukti dari Tergugat tidak memiliki kekuatan hukum yang mengikat, karena Tergugat tidak dapat membuktikan asal-usul kepemilikan tanahnya. Akibatnya, Tergugat dianggap melakukan perbuatan melawan hukum dengan menguasai objek sengketa tanpa bukti yang memadai. Meskipun Tergugat melakukan upaya hukum hingga tingkat Banding dan Kasasi, putusan tetap menguntungkan Penggugat berdasarkan akta hibah.

Pada penelitian ini, penulis menyarankan agar pendaftaran hak atas tanah dilakukan sesuai prosedur hukum yang berlaku untuk menghindari potensi sengketa. Selain itu, dalam pembuatan dan penggunaan akta hibah, penting untuk mematuhi ketentuan hukum guna meningkatkan keabsahan dokumen dan mencegah tantangan hukum terhadap keabsahannya.

Kata Kunci: Sengketa Kepemilikan Tanah, Akta Hibah, Pertimbangan Hakim

ABSTRACT

JURIDICAL ANALYSIS OF THE STRENGTH OF PROOF OF THE GRANT DEED IN A LAND OWNERSHIP DISPUTE IN THE VILLAGE OF KAMPUNG JAVA, CENTRAL COASTAL DISTRICT, WEST COASTAL DISTRICT

***(Study Decision Number 1/Pdt.G/2020/PN Liw Jo. 8/Pdt/2021/Pt Tjk
Yes. 2401 K/Pdt/2020)***

By

M GALI RIZKY SYAHPUTRA

Land ownership disputes in Indonesia are complex issues that have a significant impact on society, often caused by legal changes, lack of documentation, and conflicts between customary and positive law. UUPA regulates land rights, requiring registration of certificates at BPN with the assistance of PPAT. Certificates and grant deeds provide legal certainty. A case study in Kampung Jawa Village shows the complexity of disputes related to proving grant deeds. Problem Formulation This research focuses on the considerations of the panel of judges in Decision Number 1/Pdt.G/2020/PN Liw and the legal efforts of the parties to the dispute.

The method used is normative research, which examines library materials or secondary data related to the evidentiary strength of grant deeds in land disputes. also called doctrinal research, where law is often conceptualized as what is written in statutory regulations, in this case regarding library materials and regulations on the evidentiary strength of grant deeds in land disputes.

In this case, the Plaintiff used a gift deed as evidence, while the Defendant relied on a certificate of ownership. Even though the certificate was recognized as the highest proof of ownership, the panel of judges considered that the Defendant's evidence did not have binding legal force, because the Defendant could not prove the origin of his land ownership. As a result, the Defendant was deemed to have committed an unlawful act by controlling the object of the dispute without sufficient evidence. Even though the Defendant took legal action at the Appeal and Cassation levels, the decision was still in favor of the Plaintiff based on the grant deed.

In this research, the author suggests that registration of land rights be carried out in accordance with applicable legal procedures to avoid potential disputes. In addition, in the creation and use of gift deeds, it is important to comply with legal provisions to increase the validity of the document and prevent legal challenges to its validity.

Keywords: Land Ownership Dispute, Grant Deed, Judge's Consideration