

ABSTRAK

PENYELESAIAN SENGKETA SERTIPIKAT GANDA MELALUI PENGADILAN TATA USAHA NEGARA BANDAR LAMPUNG (Studi Kasus Putusan Nomor : 22/G/2021/PTUN-BL)

Oleh

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Sengketa tanah sertipikat ganda di Indonesia sering terjadi akibat kesalahan administratif. Salah satu yang akan dikaji yaitu Putusan Nomor : 22/G/2021/PTUN-BL antara Lie Mariani sebagai Penggugat dengan Kepala Kantor Pertanahan Kabupaten Lampung Selatan sebagai Tergugat dan Hendra sebagai Tergugat II Intervensi. Sengketa bermula saat penggugat mengetahui bahwa tanah miliknya telah digali tanpa izin dan mendapati bahwa atas tanah tersebut juga terbit SHM 1770 atas nama tergugat. Perkara diselesaikan di PTUN Bandar Lampung, yang memutuskan bahwa SHM tergugat batal. Berdasarkan putusan tersebut, pihak penggugat selaku pemenang diwajibkan mengajukan pembatalan produk hukum milik tergugat. Penelitian ini bertujuan untuk menganalisis mekanisme penyelesaian sengketa tanah dalam putusan Pengadilan Tata Usaha Negara, mengkaji kewenangan dan batasan Kantor Pertanahan dalam pembatalan produk hukum, serta mengidentifikasi persyaratan administratif dan yuridis bagi pemohon pembatalan. Metode yang digunakan yaitu normatif empiris yang menggabungkan penelitian normatif perkara *in-Concrita* dengan pendekatan kasus dan penelitian empiris pengumpulan data primer melalui wawancara.

Hasil penelitian menunjukkan penyelesaian putusan dimana penggugat mengajukan keberatan kepada Kantor Pertanahan, namun tidak mendapat tanggapan, sehingga menggugat ke PTUN Bandar Lampung yang berujung pada pengabulan gugatan penggugat di mana pembatalan SHM Nomor 1770. Eksekusi putusan yaitu pencabutan SHM Nomor 1770, adanya sanksi uang paksa dan publikasi di media massa. Kewenangan Kantor Pertanahan untuk menindaklanjuti pembatalan produk hukum berdasarkan rekomendasi dari Menteri/Kantor Wilayah. Batasan Kantor Pertanahan yaitu melarang pembatalan jika objek sengketa sedang dalam proses gugatan atau penyitaan oleh lembaga penegak hukum. Permohonan pembatalan harus memenuhi persyaratan administratif seperti surat permohonan, bukti kepemilikan, dan putusan pengadilan legalisir. Persyaratan yuridis seperti adanya cacat administrasi, diajukan pemohon yang berhak, dan dasar gugatan yang kuat.

Kata Kunci : Sengketa, Sertipikat, Pengadilan Tata Usaha Negara.

ABSTRACT

RESOLUTION OF DOUBLE CERTIFICATE DISPUTES THROUGH THE ADMINISTRATIVE COURT OF BANDAR LAMPUNG (Case Study of Decision Number: 22/G/2021/PTUN-BL)

By

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This research examines the issue of overlapping land certificates in Indonesia, specifically analyzing Case Number 22/G/2021/PTUN-BL between Lie Mariani (Plaintiff) and the Head of the Land Office of South Lampung Regency (Defendant) with Hendra (Second Intervention Defendant). The dispute arose when the plaintiff discovered unauthorized excavation on her land and found that Certificate of Ownership No. 1770 had been issued to the defendant for the same property. The case was resolved at the Bandar Lampung Administrative Court, which ruled that the defendant's Certificate of Ownership was invalid. Following this ruling, the plaintiff, as the prevailing party, was required to apply for the cancellation of the defendant's legal document.

This study aims to analyze the land dispute resolution mechanism in Administrative Court decisions, examine the authority and limitations of the Land Office in canceling legal products, and identify the administrative and juridical requirements for applicants seeking cancellation. The research employs a normative-empirical methodology, combining normative research of the case in-Concrito with a case approach and empirical research through primary data collection via interviews.

The research findings the resolution process where the plaintiff initially filed an objection with the Land Office but received no response, leading to a lawsuit in the Bandar Lampung Administrative Court that resulted in the court granting the plaintiff's claim and canceling Certificate of Ownership No. 1770. The execution of the decision included the revocation of Certificate of Ownership No. 1770, monetary penalties, and publication in media. The Land Office's authority to follow up on the cancellation of legal products is based on recommendations from the Minister or Regional Office. Limitations on the Land Office include prohibitions against cancellation if the disputed object is currently under litigation or seizure by law enforcement agencies. Cancellation applications must meet administrative requirements such as an application letter, proof of ownership, and legalized court decisions, as well as juridical requirements including administrative defects, submission by an entitled applicant, and strong grounds for the lawsuit.

Keywords: Dispute, Certificate, Administrative Court.