

ABSTRAK

Judul : Deskripsi Tentang Penyelesaian Sengketa Sertifikat Hak Guna Bangunan Antara Badan Pertanahan Nasional Dan Orang Di Peradilan Tata Usaha Negara. Rumusan masalah yang dikaji oleh Penulis adalah 1) Mengapa hakim Pengadilan Tata Usaha Negara dan Pengadilan Tinggi Tata Usaha Negara mengabulkan gugatan penggugat ? 2) Mengapa hakim Mahkamah Agung menyatakan gugatan penggugat tidak diterima ? Tujuan yang ingin Penulis kaji adalah : 1) Untuk mengetahui alasan hakim Pengadilan Tata Usaha Negara dan Pengadilan Tinggi Tata Usaha Negara mengabulkan gugatan penggugat. 2) Untuk mengetahui alasan hakim Mahkamah Agung menyatakan gugatan penggugat tidak diterima. Sifat penelitian ini bersifat deskriptif yaitu yaitu Penulis mendeskripsikan atau menggambarkan, menguraikan dan menjelaskan suatu keadaan peristiwa yang sejelas mungkin tanpa perlakuan terhadap objek yang diteliti terkait Putusan Hakim Pengadilan Tata Usaha Negara terhadap Sengketa Sertifikat Hak Guna Bangunan Antara Badan Pertanahan Nasional Dan Orang Di Peradilan Tata Usaha Negara. Jenis penelitian ini menggunakan jenis penelitian normatif. Variabel adalah faktor yang menjadi pokok permasalahan yang ingin diteliti. Variabel bebas dalam penelitian ini adalah : alasan hakim Pengadilan Tata Usaha Negara dan Pengadilan Tinggi Tata Usaha Negara mengabulkan gugatan penggugat ? dan alasan hakim Mahkamah Agung menyatakan gugatan penggugat tidak diterima ?. Variabel terikat adalah variabel yang tergantung dari putusan pengadilan. Variabel terikat dalam penelitian ini adalah Putusan Hakim Pengadilan Tata Usaha Negara dan Pengadilan Tinggi Tata Usaha Negara serta Putusan Hakim Mahkamah Agung terkait Penyelesaian Sengketa Sertifikat Hak Guna Bangunan Antara Badan Pertanahan Nasional Dan Orang. Jenis dan sumber data yang digunakan dalam penelitian ini adalah, Data sekunder dengan analisis data secara deskriptif kualitatif.

Berdasarkan hasil penelitian yaitu alasan hakim Pengadilan Tata Usaha Negara dan Pengadilan Tinggi Tata Usaha Negara mengabulkan gugatan penggugat karena a) Pengajuan gugatan penggugat merupakan kewenangan Pengadilan Tata Usaha negara b) penerbitan sertifikat atau objek sengketa bertentangan dengan aspek prosedur dan aspek subsidi c) Tidak terdapat hal-hal baru yang dapat melemahkan pertimbangan hukum Pengadilan Tata Usaha Negara Kupang, sehingga memori banding tersebut patut dikesampingkan. Dan alasan hakim Mahkamah Agung membatalkan Putusan Pengadilan tata usaha negara dan Pengadilan Tinggi Tata Usaha Negara karena sengketa yang dimaksud merupakan sengketa kepemilikan atas tanah yang harus diselesaikan lebih dahulu di Peradilan Umum. Saran dari penulis yaitu 1) kepada Badan Pertanahan Nasional dalam menerbitkan suatu keputusan tata usaha negara berupa sertipikat hak guna bangunan agar selalu memperhatikan peraturan perundangundangan dari aspek kewenangan, prosedur, substansi serta asas-asas umum pemerintahan yang baik 2) kepada para penegak hukum (khusus pengadilan tata usaha negara kupang) agar selalu menerapkan hukum yang berkeadilan dan bermanfaat bagi pencari keadilan demi terciptanya indonesia sebagai negara hukum.

Kata Kunci : Sertipikat Hak Guna Bangunan, Putusan Pengadilan.

ABSTRACT

Title: Description of the Settlement of Building Use Rights Certificate Disputes Between the National Land Agency and People in the State Administrative Court. The formulation of the problem research by the Author is 1) Why did the judges of the State Administrative Court and the High State Administrative Court grant the plaintiff's lawsuit? 2) Why did the judges of the Supreme Court declare the plaintiff's lawsuit inadmissible? The objectives that the Author wants to study are: 1) To find out the reasons the judges of the State Administrative Court and the High State Administrative Court granted the plaintiff's lawsuit. 2) To find out the reasons the judges of the Supreme Court declared the plaintiff's lawsuit inadmissible. The nature of this research is descriptive, namely the author describes or explains, outlines and explains a state of events as clearly as possible without treatment of the object being research related to the Decision of the State Administrative Court Judge on the Dispute of Building Use Rights Certificate Between the National Land Agency and People in the State Administrative Court. This type of research uses normative research. Variables are factors that are the main problem to be studied. The independent variables in this study are: the reasons why the judges of the State Administrative Court and the High State Administrative Court granted the plaintiff's lawsuit? and the reasons why the Supreme Court judges declared the plaintiff's lawsuit not accepted?. The dependent variable is a variable that depends on the court decisions. The dependent variable in this research is the Decision of the Judges of the State Administrative Court and the High State Administrative Court as well as the Decision of the Supreme Court Judge regarding the Settlement of the Dispute of Building Use Rights Certificate Between the National Land Agency and People. The types and sources of data used in this study are secondary data, with descriptive qualitative data analysis.

Based on the research results, the reason why the judges of the State Administrative Court and the High State Administrative Court granted the plaintiff's lawsuit was because a) The plaintiff's lawsuit was filed within the authority of the State Administrative Court b) the issuance of the certificate or object of the dispute was contrary to the procedural and substantive aspects c) There were no new things that could weaken the legal considerations of the Kupang State Administrative Court, so that the appeal memorandum should be set aside. And the reason why the Supreme Court judges annulled the Decision of the State Administrative Court and the High State Administrative Court was because the dispute in question was a dispute over land ownership that must be resolved first in the General Court. The author suggestions are 1) to the National Land Agency in issuing a state administrative decision in the form of a building use rights certificate to always pay attention to laws and regulations from the aspects of authority, procedure, substance and general principles of good governance 2) to law enforcers (especially the Kupang State Administrative Court) to always apply laws that are just and beneficial for justice seekers in order to create Indonesia as a state of law.

Keywords: Building Use Rights Certificate, Court Decisions.