

ABSTRAK**DESKRIPSI TENTANG PUTUSAN HAKIM PTUN TERHADAP
PENYELESAIAN SENGKETA PENERBITAN PERALIHAN HAK MILIK
ATAS TANAH BERDASARKAN LELANG****By****Martinus Tagu Solo****22310107**

Judul penelitian ini adalah “Deskripsi Tentang Putusan Hakim PTUN Terhadap Penyelesaian Sengketa Penerbitan Peralihan Hak Milik Atas Tanah Berdasarkan Lelang.” Rumusan masalah dalam penelitian ini adalah (1) mengapa hakim Pengadilan Tata Usaha Negara dan Mahkamah Agung mengabulkan gugatan penggugat untuk seluruhnya, dan (2) mengapa hakim PT.TUN menyatakan gugatan penggugat tidak dapat diterima. Penelitian ini bertujuan untuk mengetahui alasan hakim PTUN dan Mahkamah Agung dalam mengabulkan gugatan penggugat serta alasan hakim PTTUN menyatakan gugatan tidak dapat diterima. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan deskriptif kualitatif, menggunakan bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan serta bahan hukum sekunder berupa literatur hukum. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa hakim PTUN dan Mahkamah Agung mengabulkan gugatan penggugat karena Gugatan penggugat memenuhi tenggang waktu 90 hari dan tidak kabur, Penerbitan objek sengketa oleh tergugat di dasari tindakan sewenang-wenang, Objek sengketa merugikan pihak penggugat dan Putusan PTUN suda benar dan tepat menurut MA dalam pemeriksaan kasasi. Sementara itu, hakim PT.TUN menyatakan gugatan tidak dapat diterima karena adanya cacat formil dalam gugatan mengenai kewenangan mengadili dalam perkara TUN (kewenangan absolut). Kesimpulan penelitian ini adalah bahwa perbedaan putusan antar tingkat peradilan disebabkan oleh perbedaan penilaian terhadap aspek formil dan materil dalam perkara, sehingga diperlukan ketelitian dalam penyusunan gugatan dan kepatuhan terhadap prosedur hukum guna mencapai kepastian hukum dalam penyelesaian sengketa pertanahan.

Kata kunci: PTUN, sengketa tanah, lelang, sertifikat hak milik, putusan hakim.

ABSTRACT

Description Of The Administrative Court (PTUN) Judges Decision Regarding The Settlement Of Disputes Over The Issuance Of Land Ownership Transfer Based On Auction

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The title of this research is *Description of Administrative Court Judges' Decisions on the Settlement of Disputes Regarding the Transfer of Land Ownership Certificates Based on Auction*. The problems examined in this study are: (1) why the judges of the State Administrative Court and the Supreme Court granted the plaintiff's claim in its entirety, and (2) why the plaintiff's claim was declared inadmissible by the judges of the High State Administrative Court. This study aims to identify the reasons why the judges of the State Administrative Court and the Supreme Court granted the plaintiff's claim, as well as the reasons why the High State Administrative Court declared the claim inadmissible. The research method used is normative legal research with a qualitative descriptive approach, employing primary legal materials in the form of statutory regulations and court decisions, as well as secondary legal materials in the form of legal literature. Data were collected through library research and analyzed qualitatively. The results of the study indicate that the judges of the State Administrative Court and the Supreme Court granted the plaintiff's claim because the claim was filed within the 90-day time limit and was not vague, the issuance of the disputed object by the defendant was based on arbitrary action, the disputed object harmed the plaintiff, and the decision of the State Administrative Court was considered correct by the Supreme Court in the cassation examination. Meanwhile, the judges of the High State Administrative Court declared the plaintiff's claim inadmissible due to formal defects in the claim, such as the failure to fulfill administrative and procedural requirements. The conclusion of this study is that the differences in decisions at different levels of the judiciary were caused by differences in the assessment of the formal and substantive aspects of the case. Therefore, careful drafting of claims and compliance with legal procedures are necessary in order to achieve legal certainty in the settlement of land disputes.

Keywords: Administrative Court, land dispute, auction, land ownership certificate, judicial decision.