

ABSTRAK

Judul penelitian ini adalah **“Deskripsi Putusan Hakim Tentang Perbuatan Melawan Hukum Dalam Klaim Kepemilikan Tanah Dari Pihak Pemerintah (Studi Putusan Nomor 11/Pdt.G/2023/PN Labuan Bajo)”**. Rumusan masalah dalam penelitian ini yaitu: (1) Apa dasar pertimbangan hakim PN dan PT mengabulkan gugatan penggugat? (2) Apa dasar pertimbangan hakim kasasi menerima permohonan kasasi dan membatalkan putusan PT dan PN? (3) Apa dasar pertimbangan hakim PK menerima permohonan PK dan membatalkan putusan kasasi? (1) Tujuan penelitian ini adalah Untuk mengetahui dasar pertimbangan hakim PN dan PT mengabulkan gugatan penggugat. (2) Untuk mengetahui dasar pertimbangan hakim kasasi menerima permohonan kasasi dan membatalkan putusan PT dan PN. (3) Untuk mengetahui pertimbangan hakim PK menerima permohonan PK dan membatalkan putusan kasasi. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan kasus. Sumber bahan hukum terdiri dari bahan hukum primer, sekunder, dan tersier yang diperoleh melalui studi kepustakaan. Analisis bahan hukum dilakukan secara kualitatif dengan menguraikan fakta hukum dan pertimbangan hakim dalam putusan pengadilan yang diteliti.

Hasil penelitian menunjukkan bahwa Pengadilan Negeri dan Pengadilan Tinggi menyatakan tindakan pemerintah yang menguasai tanah milik Penggugat tanpa dasar hukum yang jelas merupakan perbuatan melawan hukum karena bertentangan dengan hak kepemilikan yang sah. Mahkamah Agung pada tingkat kasasi membatalkan putusan tersebut dengan pertimbangan kewenangan absolut pengadilan, sedangkan pada tingkat Peninjauan Kembali Mahkamah Agung kembali menegaskan bahwa perkara tersebut merupakan sengketa keperdataan mengenai hak milik atas tanah sehingga menjadi kewenangan Pengadilan Negeri untuk memeriksa dan mengadilinya. Kesimpulan penelitian ini adalah bahwa tindakan pemerintah yang menguasai tanah masyarakat tanpa prosedur hukum yang sah dapat dikategorikan sebagai perbuatan melawan hukum. Selain itu, putusan Peninjauan Kembali memberikan kepastian dan perlindungan hukum bagi pemilik tanah yang sah serta menegaskan pentingnya penghormatan terhadap hak-hak keperdataan masyarakat dalam setiap tindakan pemerintah terkait penguasaan tanah.

Kata Kunci: Perbuatan Melawan Hukum, Sengketa Tanah, Klaim Kepemilikan Tanah, Hak Milik Atas Tanah.

ABSTRACT

The title of this research is “**A Description of Judges’ Decisions on Unlawful Acts in Land Ownership Claims Against the Government (A Case Study of Decision Number 11/Pdt.G/2023/PN Labuan Bajo)**”. The research addresses the following research problems: (1) What were the legal considerations of the District Court and the High Court in granting the plaintiff’s claim? (2) What were the legal considerations of the Supreme Court at the cassation level in accepting the cassation petition and overturning the decisions of the District Court and the High Court? (3) What were the legal considerations of the Supreme Court at the Judicial Review (Peninjauan Kembali) stage in accepting the petition for judicial review and overturning the cassation decision? The objectives of this research are: (1) to identify the legal considerations of the District Court and the High Court in granting the plaintiff’s claim; (2) to examine the legal considerations of the Supreme Court at the cassation level in accepting the cassation petition and overturning the decisions of the District Court and the High Court; and (3) to analyze the legal considerations of the Supreme Court at the Judicial Review stage in accepting the petition for judicial review and overturning the cassation decision. This study employs a normative legal research method using the statutory approach, conceptual approach, and case approach. The legal materials consist of primary, secondary, and tertiary legal sources obtained through library research. The legal materials are analyzed qualitatively by examining the legal facts and the judges’ legal reasoning contained in the court decisions under study.

The results of the study indicate that the District Court and the High Court held that the government's act of taking control of the plaintiff’s land without a clear legal basis constituted an unlawful act because it violated the plaintiff’s lawful ownership rights. At the cassation level, the Supreme Court overturned these decisions on the grounds of the court’s absolute jurisdiction. However, at the Judicial Review stage, the Supreme Court reaffirmed that the dispute was a civil case concerning land ownership rights and therefore fell within the jurisdiction of the District Court to hear and decide. The study concludes that the government’s act of taking control of privately owned land without following lawful procedures may be classified as an unlawful act. Furthermore, the Judicial Review decision provides legal certainty and legal protection for lawful landowners while emphasizing the importance of respecting citizens’ civil property rights in every governmental action relating to land control.

Keywords: Unlawful Acts, Land Disputes, Land Ownership Claims, Land Ownership Rights.