

ABSTRAK

Judul : Deskripsi Tentang Pembatalan Putusan Pengadilan Negeri Oleh Pengadilan Tinggi Dalam Sengketa Tanah Warisan. Rumusan masalah yang penulis teliti adalah: (1) Mengapa Hakim Pengadilan Negeri Menyatakan Gugatan Penggugat Tidak Dapat Diterima? (2) Mengapa Hakim Pengadilan Tinggi Mengabulkan Gugatan Penggugat? (3) Mengapa Hakim Mahkamah Agung Menolak Permohonan Kasasi?. Tujuan penelitian adalah (1) Untuk Mengetahui Alasan Hakim Pengadilan Negeri Menyatakan Gugatan Penggugat Tidak Dapat Diterima, (2) Untuk Mengetahui Alasan Hakim Pengadilan Tinggi Dan Mahkamah Agung Mengabulkan Gugatan Penggugat, (3) Untuk Mengetahui Alasan Hakim Mahkamah Agung Menolak Permohonan Kasasi. 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. Variable penelitian yang digunakan adalah variable bebas dan variable terikat. Variable bebas dalam penelitian ini adalah alasan Pengadilan Negeri menyatakan gugatan tidak dapat diterima, Pengadilan Tinggi Mengabulkan gugatan dan Mahkamah Agung Menolak permohonan kasasi dari Para Pemohon. Variabel terikat dalam penelitian ini adalah putusan hakim tentang sengketa tanah warisan. Hasil dalam penelitian ini adalah alasan Hakim Pengadilan Negeri Menyatakan Gugatan Penggugat Tidak Dapat Diterima karena Pengadilan Negeri menilai gugatan Para Penggugat mengandung cacat formil, dan tidak sempurna pada subyeknya, disebabkan oleh beberapa hal, yaitu : Gugatan Penggugat Kabur, Kurangnya Para Pihak. Hakim Pengadilan Tinggi Mengabulkan Gugatan Penggugat. Karena Para Penggugat terbukti sebagai ahli waris sah, Objek sengketa terbukti merupakan harta warisan, Penguasaan objek sengketa oleh Para Tergugat dinyatakan sebagai perbuatan melawan hukum, Pengadilan Tinggi mempertimbangkan keberadaan hubungan hukum berupa gadai adat (pa'pentoian). Dan Mahkamah Agung Menolak Permohonan Kasasi dari Para Pemohon. Karena berdasarkan pertimbangan Mahkamah Agung, permohonan kasasi ditolak karena Pengadilan Tinggi telah menerapkan hukum secara tepat, objek sengketa masih berstatus gadai adat sehingga hak penebusan tetap melekat pada Para Penggugat, dan alasan kasasi hanya berkaitan dengan penilaian fakta yang merupakan kewenangan Judex Facti. Oleh karena itu, Putusan Pengadilan Tinggi dinilai tidak bertentangan dengan hukum dan tetap dipertahankan. Saran dalam penelitian ini adalah Bagi para pihak yang berperkara, hendaknya lebih memperhatikan syarat-syarat formil dan materiil dalam penyusunan gugatan, seperti kedudukan hukum (legal standing), identitas para pihak, dasar hukum, serta petitum yang jelas dan lengkap agar gugatan tidak dinyatakan tidak dapat diterima (Niet Ontvankelijke Verklaring). Selain itu, apabila mengajukan upaya hukum kasasi, para pihak perlu memahami bahwa Mahkamah Agung sebagai judex juris hanya memeriksa penerapan hukum, sehingga alasan kasasi harus difokuskan pada adanya kesalahan penerapan hukum atau pelanggaran hukum acara, bukan semata-mata pada penilaian fakta dan pembuktian. Bagi hakim, diharapkan tetap mengedepankan asas keadilan, kepastian hukum, dan kemanfaatan hukum dengan memeriksa seluruh fakta persidangan serta alat bukti secara menyeluruh. Pertimbangan hukum juga perlu disusun secara sistematis, logis, dan mudah dipahami agar putusan memberikan kepastian hukum bagi para pihak serta meminimalkan perbedaan penilaian pada setiap jenjang peradilan.

Kata Kunci: Putusan Hakim, Sengketa Tanah Warisan

ABSTRACT

Title: Description of the Cancellation of the District Court Decision by the High Court in an Inheritance Land Dispute. The problem formulation that the author is researching is: (1) Why did the District Court Judge Declare the Plaintiff's Lawsuit Inadmissible? (2) Why did the High Court Judge Grant the Plaintiff's Lawsuit? (3) Why did the Supreme Court Judge Reject the Cassation Application?. The objectives of the research are (1) To find out the reasons why the District Court Judge Declare the Plaintiff's Lawsuit Inadmissible, (2) To find out the reasons why the High Court and Supreme Court Judges Grant the Plaintiff's Lawsuit, (3) To find out the reasons why the Supreme Court Judge Reject the Cassation Application. The research method used is normative legal research with a qualitative descriptive approach, using primary legal materials in the form of laws and court decisions and secondary legal materials in the form of legal literature. Data collection techniques are carried out through literature studies and analyzed qualitatively. The research variables used are independent variables and dependent variables. The independent variable in this study is the reason why the District Court declared the lawsuit inadmissible, the High Court granted the lawsuit and the Supreme Court rejected the cassation request from the Applicants. The dependent variable in this study is the judge's decision regarding the inheritance land dispute. The results of this study are the reasons why the District Court Judge declared the Plaintiff's lawsuit inadmissible because the District Court considered the Plaintiff's lawsuit to contain formal defects, and was imperfect in its subject, caused by several things, namely: the Plaintiff's lawsuit was vague, lack of parties. The High Court Judge granted the Plaintiff's lawsuit. Because the Plaintiffs were proven to be legal heirs, the object of the dispute was proven to be inherited property, the control of the disputed object by the Defendants was declared an unlawful act, the High Court considered the existence of a legal relationship in the form of a customary pledge (pa'pentoian). And the Supreme Court rejected the Cassation Request from the Applicants. Because based on the consideration of the Supreme Court, the cassation application was rejected because the High Court had applied the law correctly, the object of the dispute still had the status of customary mortgage so that the right of redemption remained attached to the Plaintiffs, and the reason for the cassation was only related to the assessment of facts which was the authority of the *Judex Facti*. Therefore, the High Court's decision was deemed not contrary to the law and was maintained. The suggestion in this study is that for the parties in the case, they should pay more attention to the formal and material requirements in preparing the lawsuit, such as legal standing, the identity of the parties, the legal basis, and a clear and complete petitum so that the lawsuit is not declared inadmissible (*Niet Ontvankelijke Verklaard*). In addition, when filing a cassation legal remedy, the parties need to understand that the Supreme Court as a *judex juris* only examines the application of the law, so the reason for the cassation must be focused on errors in the application of the law or violations of procedural law, not solely on the assessment of facts and evidence. For judges, they are expected to continue to prioritize the principles of justice, legal certainty, and legal benefits by examining all trial facts and evidence thoroughly. Legal considerations also need to be structured systematically, logically, and easily understood so that decisions provide legal certainty for the parties and minimize differences in judgments at each level of the court.

Keywords: Judge's Decision, Inheritance Land Dispute