

**PEMBATALAN SERTIFIKAT HAK MILIK ATAS TANAH KARENA
CACAT HUKUM ADMINISTRASI DALAM HAL ADANYA TUMPANG
TINDIH HAK ATAS TANAH DI KABUPATEN BULELENG**

Oleh:

Komang Dea Febriantini, NIM 2114101188

Program Studi Ilmu Hukum

ABSTRAK

Penelitian ini bertujuan (1) Untuk menganalisis proses pembatalan sertifikat hak milik atas tanah karena cacat hukum administrasi dalam hal adanya tumpang tindih hak atas tanah di Kabupaten Buleleng. Serta (2) Untuk menganalisis akibat hukum terhadap adanya pembatalan sertifikat hak milik atas tanah karena cacat hukum administrasi dalam hal adanya tumpang tindih hak atas tanah di Kabupaten Buleleng. Penelitian ini merupakan jenis penelitian hukum empiris dengan pendekatan deskriptif. Metode pengumpulan data meliputi studi dokumen, wawancara, dan observasi. Penentuan sampel menggunakan Teknik *Non Probabilily Sampling* dengan penentuan subjek melalui Teknik *Purposive Sampling*. Data yang terkumpul dianalisis secara kualitatif. Adapun hasil penelitian menunjukkan bahwa (1) Proses pembatalan sertifikat hak milik atas tanah karena cacat hukum administrasi dalam hal adanya tumpang tindih hak atas tanah di Kabupaten Buleleng sudah cukup terimplementasikan dengan baik sesuai dengan prosedur, namun mmasih terdapat kendala dalam hal validitas dokumen yang tersimpan di Kantor Pertanahan Kabupaten Buleleng dengan kondisi di lapangan akibat musnahnya arsip pertanahan akibat kebakaran Kantor Pertanahan Buleleng pada tahun 1999. (2) Adapun akibat hukum terhadap adanya pembatalan sertifikat hak milik atas tanah karena cacat hukum administrasi dalam hal adanya tumpang tindih hak atas tanah di Kabupaten Buleleng yaitu pemegang sertifikat kehilangan hak kepemilikan atas tanah, Sertifikat yang dibatalkan tidak lagi menjadi bukti sah atas kepemilikan tanah, serta pemegang sertifikat dapat menuntut ganti rugi terhadap pihak yang menyebabkan penerbitan cacat hukum tersebut (baik individu maupun instansi).

Kata Kunci : Pembatalan, sertifikat, cacat hukum administrasi, tumpang tindih, Kantor Pertanahan Kabupaten Buleleng.

**CANCELLATION OF LAND OWNERSHIP CERTIFICATE DUE TO
ADMINISTRATIVE LEGAL DEFECTS IN THE CASE OF OVERLAPPING
LAND RIGHTS IN BULELENG REGENCY**

By:

Komang Dea Febriantini, NIM 211410188

Study Program Law Science

ABSTRACT

This study aims (1) to analyze the process of canceling the certificate of ownership of land due to administrative legal defects in terms of overlapping rights over land in Buleleng Regency. And (2) To analyze the legal consequences of the cancellation of certificates of ownership of land due to legal defects administration in the event of overlapping land rights in Buleleng Regency. This research is a type of empirical legal research with a descriptive approach. Data collection methods include document study, interview, and observation. Determination of samples using Non Probabilty Sampling Technique with determination of subjects through Purposive Sampling Technique. The data collected is analyzed qualitatively. The results of the study show that (1) The process of cancelling certificates of ownership of land due to administrative legal defects in terms of overlapping land rights in Buleleng Regency has been quite well implemented in accordance with procedures, but there are still obstacles in terms of the validity of documents stored in the Land Office of Buleleng Regency with conditions in the field due to the destruction of land archives due to the fire of the Buleleng Land Office in 1999. (2) As for the consequences of the cancellation of land ownership certificates due to administrative legal defects in the case of overlapping land rights in Buleleng Regency are that the certificate holder loses ownership rights to the land, the canceled certificate no longer serves as valid proof of land ownership, and the certificate holder may claim compensation from the party responsible for the issuance of the legal defect (both individuals and institutions).

Keywords : *Cancellation, certificate, administrative legal defect, overlapping, Buleleng Regency Land Office.*