

RINGKASAN

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**ANALISIS YURIDIS TERHADAP PUTUSAN
BANDING NOMOR 13/PDT/2021/PT BNA DALAM
SENGKETA TANAH DI DESA MON GEUDONG,
KOTA LHOKSEUMAWE
(Prof. Dr. Yulia, S.H., M.H., dan Dr. Herinawati
S.H., M.Hum)**

Penelitian ini mengkaji sengketa tanah di Desa Mon Geudong, Kota Lhokseumawe, yang berujung pada Putusan Banding Nomor 13/Pdt/2021/PT BNA sebagai kelanjutan dari Putusan Pengadilan Negeri Nomor 11/Pdt.G/2020/PN LSM. Permasalahan hukum dalam perkara ini meliputi pembangunan yang diduga menghalangi akses ke tanah milik Penggugat, serta kesalahan dalam penarikan pihak Tergugat yang menyebabkan gugatan dinilai cacat formil.

Tujuan dari penelitian ini adalah untuk mengetahui dan menganalisis pertimbangan hukum majelis hakim terhadap Putusan Banding Nomor 13/Pdt/2021/PT BNA dalam sengketa tanah di Desa Mon Geudong, Kota Lhokseumawe, serta untuk mengetahui akibat hukum dari putusan tersebut.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan deskriptif. Sumber data diperoleh melalui studi kepustakaan, yang meliputi bahan hukum primer berupa putusan pengadilan, serta bahan hukum sekunder dan tersier.

Hasil penelitian menunjukkan bahwa dalam Putusan Banding Nomor 13/Pdt/2021/PT BNA, Majelis Hakim menyatakan bahwa Sertifikat Hak Milik (SHM) milik Penggugat sah secara hukum. Namun, akses menuju tanah tersebut berada di atas tanah yang telah dijual oleh Turut Tergugat I, Mawardi Agani. Meskipun berperan sentral dalam perkara, Mawardi hanya dijadikan turut tergugat, sehingga gugatan dinilai cacat formil karena keliru dalam menentukan pihak tergugat utama. Akibat hukumnya, Putusan Pengadilan Negeri Lhokseumawe Nomor 11/Pdt.G/2020/PN LSM dibatalkan, dan gugatan serta rekonvensi dinyatakan tidak dapat diterima (*niet ontvankelijke verklaard*). Putusan ini menegaskan pentingnya prinsip *plurium litis consortium* serta ketelitian dalam menentukan pihak tergugat agar sengketa dapat diperiksa secara materiil oleh pengadilan.

Dalam penyelesaian sengketa tanah, para pihak perlu bersikap cermat dan teliti dalam menyusun gugatan agar memenuhi syarat formil dan materiil sesuai hukum acara perdata, termasuk mencantumkan seluruh pihak yang berkepentingan untuk menghindari cacat formil. Penyusunan peristiwa hukum dan alat bukti harus disajikan secara jelas dan terstruktur guna memperkuat posisi hukum dalam persidangan. Selain itu, komunikasi dan negosiasi sebelum mengajukan gugatan juga dianjurkan guna menghindari konflik berkepanjangan serta menciptakan penyelesaian yang lebih efisien dan berkeadilan.

Kata Kunci: Sengketa Tanah, Pertimbangan Hakim, Cacat Formil, Akibat Hukum, *Niet Ontvankelijke Verklaard*, Putusan Banding.

SUMMARY

M KHAIRUL IKHWAN H (190510079) **JURIDICAL ANALYSIS OF APPELLATE COURT DECISION NUMBER 13/PDT/2021/PT BNA IN A LAND DISPUTE IN MON GEUDONG VILLAGE, LHOKSEUMAWE CITY**
(Prof. Dr. Yulia, S.H., M.H., and Dr. Herinawati S.H., M.Hum)

This study examines a land dispute in Mon Geudong Village, Lhokseumawe City, which culminated in the Appellate Court Decision Number 13/Pdt/2021/PT BNA as a continuation of District Court Decision Number 11/Pdt.G/2020/PN LSM. The legal issues in this case include a building allegedly blocking access to the Plaintiff's land, as well as an error in determining the proper defendant, which led to the lawsuit being deemed formally defective.

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This research employs a normative juridical method with a descriptive approach. The data were obtained through library research consisting of primary legal materials such as court decisions, as well as secondary and tertiary legal sources.

The results of the study show that in Decision Number 13/Pdt/2021/PT BNA, the panel of judges declared that the Plaintiff's land title) is legally valid. However, access to the land lies on a plot that was previously sold by Co-Defendant I, Mawardi Agani. Despite his central role, Mawardi was only listed as a co-defendant, which made the lawsuit formally defective due to an error in identifying the main defendant. As a legal consequence, the District Court's Decision Number 11/Pdt.G/2020/PN LSM was annulled, and both the main claim and the counterclaim were declared inadmissible (niet ontvankelijke verklaard). This ruling underscores the importance of the principle of plurium litis consortium and the necessity for precision in identifying parties to ensure that the dispute can be examined materially by the court.

In resolving land disputes, parties are encouraged to be careful and thorough in drafting their claims to meet the formal and material requirements of civil procedural law, including listing all interested parties to avoid formal defects. The chronology of legal facts and supporting evidence must be clearly and systematically presented to strengthen the legal position during trial. Additionally, communication and negotiation prior to litigation are advisable to reduce prolonged conflict and to achieve a more efficient and fair resolution.

Keywords: Land Dispute, Judicial Consideration, Legal Consequence, Formal Defect, Niet Ontvankelijke Verklaard, Appellate Decision.