

RINGKASAN

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**PENYELESAIAN HUKUM SERTIFIKAT GANDA
DALAM PENCATATAN HAK MILIK TANAH
(Studi Putusan Nomor 48/G/2021/PTUN-Mdn)**

**(Dr. Marlia Sastro, S.H., M.Hum. dan Arif Rahman,
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Penyelesaian permasalahan sertifikat ganda tanah dapat ditempuh melalui jalur non-litigasi di BPN serta jalur litigasi di PTUN. Aturan pertanahan sebenarnya telah memberikan perlindungan melalui Pasal 19 ayat (1) UUPA Undang-Undang Nomor 5 Tahun 1960 dan Pasal 3 PP Nomor 24 Tahun 1997 yang mewajibkan ketelitian dalam pemeriksaan data fisik dan yuridis sebelum sertifikat diterbitkan. Namun, masih terjadi kelalaian administrasi yang menyebabkan terbitnya dua sertifikat pada satu bidang tanah (sertifikat ganda) seperti yang terlihat dalam Putusan Nomor 48/G/2021/PTUN-MDN. Keadaan ini menimbulkan ketidakpastian kepemilikan dan mengurangi fungsi sertifikat sebagai bukti hak yang seharusnya kuat. Karena itu terdapat jarak antara aturan yang menghendaki kepastian hukum dan kenyataan yang masih dipenuhi kesalahan administrasi. Penelitian ini membahas cara penyelesaian yang dilakukan BPN Deli Serdang terhadap sertifikat ganda dan menelaah pertimbangan hakim dalam putusan tersebut, dengan tujuan untuk memahami proses penyelesaian hukumnya serta alasan hukum yang menjadi dasar putusan hakim di PTUN Medan.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, dan pendekatan kasus. Penelitian ini bersifat deskriptif-analitis untuk menelaah Putusan Nomor 48/G/2021/PTUN-MDN. Data diperoleh melalui studi kepustakaan dan dianalisis secara kualitatif.

Hasil penelitian ini menunjukkan bahwa penyelesaian hukum terhadap terbitnya sertifikat ganda hak milik tanah oleh Kantor Pertanahan Kabupaten Deli Serdang berdasarkan Putusan Nomor 48/G/2021/PTUN-MDN dilakukan melalui gugatan ke PTUN, yang kemudian membatalkan sertifikat tersebut karena terbukti melanggar prosedur, mengandung cacat administrasi, serta bertentangan dengan AUPB. Pertimbangan hakim dalam Putusan Nomor 48/G/2021/PTUN-MDN terkait penerbitan sertifikat ganda ini menegaskan adanya cacat prosedural dan substansial berupa penggunaan surat kehilangan palsu, ketidakcermatan dalam pemeriksaan data fisik dan yuridis, serta peralihan hak melalui akta jual beli yang tidak sah, sehingga sertifikat dinyatakan tidak mempunyai kekuatan hukum dan Kantor Pertanahan diperintahkan untuk mencabutnya guna menjamin kepastian hukum dan perlindungan hak warga negara.

Disarankan agar Kantor Pertanahan Kabupaten Deli Serdang perlu menerapkan verifikasi berlapis sebelum menerbitkan sertifikat pengganti melalui sistem digital terintegrasi dan kehadiran notaris serta saksi dari pemilik sah, agar profesionalisme terjaga dan kepastian hukum benar-benar terjamin.

Kata Kunci : Penyelesaian, Sertifikat Ganda, Pencatatan, Hak Milik Tanah.

SUMMARY

AYU ANDIRA **LEGAL RESOLUTION OF DUPLICATE**
NIM 210510049 **CERTIFICATES IN LAND OWNERSHIP**
REGISTRATION (Study of Decision Number
48/G/2021/PTUN-Mdn)

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The resolution of double land certificate issues can be pursued through non-litigation mechanisms at the National Land Agency (BPN) and through litigation at the Administrative Court (PTUN). Land regulations already provide protection through Article 19 paragraph (1) of the Basic Agrarian Law (Law No. 5 of 1960) and Article 3 of Government Regulation No. 24 of 1997, which mandate accuracy in examining physical and juridical data before a certificate is issued. However, administrative negligence still occurs, resulting in the issuance of two certificates for the same parcel of land (double certificates), as seen in Decision No. 48/G/2021/PTUN-MDN. This situation creates uncertainty over ownership and undermines the function of certificates as strong evidence of title. Consequently, a gap persists between the legal framework, which requires legal certainty, and the reality, which is still marked by administrative errors. This research examines the resolution efforts carried out by the Deli Serdang Land Office regarding double certificates and analyzes the judge's considerations in the decision, with the aim of understanding the legal settlement process and the legal reasoning underlying the PTUN Medan ruling.

This study employs a normative juridical method with statutory and case approaches. It is descriptive-analytical in nature to examine Decision No. 48/G/2021/PTUN-MDN. Data were obtained through literature study and analyzed qualitatively.

The results show that the legal resolution of the issuance of double land ownership certificates by the Deli Serdang Land Office, based on Decision No. 48/G/2021/PTUN-MDN, was pursued through a lawsuit at PTUN, which subsequently annulled the certificate because it was proven to violate procedures, contain administrative defects, and contravene the General Principles of Good Governance (AUPB). The judge's considerations emphasized procedural and substantive defects, including the use of a false loss report, inaccuracy in verifying physical and juridical data, and an unlawful transfer of rights based on a flawed sale-and-purchase deed. Therefore, the certificate was declared legally invalid, and the Land Office was ordered to revoke it to ensure legal certainty and protect citizens' rights.

It is recommended that the Deli Serdang Land Office apply multi-layered verification before issuing replacement certificates through an integrated digital system, with the involvement of a notary and witnesses from the rightful owner, to uphold professionalism and ensure genuine legal certainty.

Keywords: Settlement, Double Certificate, Recording, Land Ownership Rights.