

RINGKASAN

WIDYA ANUGRAH SAPUTRI, Program Studi Magister Kenotariatan, Fakultas Hukum Universitas Jenderal Soedirman, Keabsahan Kepemilikan Tanah Absentee Berdasarkan Akta Jual Beli Nomor 01/Depok/1967 (Studi Kasus Putusan Mahkamah Agung Nomor 599/K/Pdt/2019), di bawah bimbingan **Prof. Dr. Kadar Pamuji, S.H., M.H.**, dan **Dr. Sri Wahyu Handayani, S.H., M.H., C.Md.**

Landreform adalah kegiatan penataan kembali secara berkelanjutan, berkesinambungan, dan teratur mengenai kepemilikan tanah pertanian. Salah satu program dari *landreform* adalah larangan kepemilikan tanah secara absentee, banyak terjadi penyimpangan dalam pelaksanaan *landreform* di Indonesia. Pada saat penggarap diberikan hak sebagai penerima redistribusi justru mengalihkan hak milik atas tanah tersebut kepada pihak lain dengan cara jual beli tanpa persetujuan dari Menteri Agraria, sehingga timbul pula kepemilikan tanah secara absentee. Selanjutnya dalam Putusan Nomor 599/K/PDT/2019 yang mana menyatakan menolak gugatan yang diajukan oleh 13 orang Karyawan Departemen Luar Negeri, kemudian dalam putusan ini majelis hakim menolak gugatan yang diajukan dikarenakan tidak menyertakan HMT Bakrie atau ahli waris (Muchdan Bakrie) yang dalam putusan peradilan Tata Usaha Negara Nomor Nomor 13/PK/TUN/2001 bertindak sebagai Penggugat dalam obyek sengketa yang sama.

Penelitian ini bertujuan untuk menganalisis keabsahan perolehan hak atas tanah absentee berdasarkan perkembangan peraturan yang berlaku serta dampak Putusan Mahkamah Agung Nomor 599/K/PDT/2019 terhadap keabsahan tanah absentee. Penelitian ini menggunakan metode yuridis normatif dengan metode pendekatan perundang-undangan, konseptual dan kasus. Penulisan ini menggunakan sumber data sekunder berupa bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Metode pengumpulan data menggunakan studi kepustakaan. Metode penyajian data berupa uraian secara bentuk teks naratif dan metode analisis data secara normatif kualitatif.

Hasil dari penelitian ini Perolehan tanah pertanian secara absentee dalam Putusan Mahkamah Agung Nomor 599/K/PDT/2019 yang dilakukan oleh Karyawan Departemen Luar Negeri adalah tidak sah karena melanggar ketentuan pemilikan tanah absentee sebagaimana diatur dalam Pasal 3 ayat (2) PP No. 224 Tahun 1961, Dalam peralihan hak terhadap Akta Jual Beli No. 01/Depok/1967 mengandung cacat hukum administratif karena dalam obyek jual belinya bertentangan dan petani penggarap belum melunasi harga tanah kepada negara, sehingga belum berhak mengalihkan tanah tanpa izin Menteri Agraria sesuai Pasal 14 ayat (4) PP No. 224/1961 Sehingga atas jual beli tanah pertanian tersebut dapat berakibat batal demi hukum karena tidak terpenuhinya syarat sah perjanjian sebagaimana yang tertuang dalam Pasal 1320 KUH Perdata dan terhadap penyerahan haknya (*lavering*) bertentangan dengan peraturan yang berlaku. Dampak putusan Mahkamah Agung Nomor 599 K/Pdt/2019 terhadap keabsahan tanah absentee adalah sah, karena Majelis Hakim peradilan Tata Usaha Negara Mahkamah Agung Nomor 13/PK/TUN/2001 menyatakan tanah obyek sengketa tersebut dikembalikan kepada pemilik awal ketika tanah belum dinyatakan absentee Akibatnya, berdasarkan pelaksanaan dari putusan Mahkamah Agung Nomor 13/PK/TUN/2001. Sehingga terhadap keabsahan tanah absentee dalam hal ini sah, karena tanah pertanian yang diperoleh dari pewarisan merupakan hak milik bagi ahli waris, hal tersebut sesuai pada Pasal 10 UUPA dalam hal ini sah, karena tanah pertanian yang diperoleh dari pewarisan merupakan hak milik bagi ahli waris, hal tersebut sesuai pada Pasal 10 UUPA.

SUMMARY

WIDYA ANUGRAH SAPUTRI, Master's Program in Notary Law, Faculty of Law, Jenderal Soedirman University, *Validity of Absentee Land Ownership Based on Sale and Purchase Deed Number 01/Depok/1967 (Case Study of Supreme Court Decision Number 599/K/Pdt/2019)*, under the supervision of **Prof. Dr. Kadar Pamuji, S.H., M.H.** and **Dr. Sri Wahyu Handayani, S.H., M.H., C.Md.**

Land reform is an activity to reorganize agricultural land ownership in a sustainable, continuous, and orderly manner. One of the land reform programs is the prohibition of absentee land ownership, there are many deviations in the implementation of land reform in Indonesia. When the cultivator is given the right as a recipient of redistribution, he actually transfers ownership of the land to another party by means of sale and purchase without the approval of the Minister of Agrarian Affairs, so that absentee land ownership also arises. Furthermore, in Decision Number 599/K/PDT/2019 which stated that it rejected the lawsuit filed by 13 employees of the Department of Foreign Affairs, then in this decision the panel of judges rejected the lawsuit filed because it did not include HMT Bakrie or the heirs (Muchdan Bakrie) who in the State Administrative Court Decision Number 13/PK/TUN/2001 acted as Plaintiffs in the same disputed object.

This study aims to analyze the validity of the acquisition of absentee land rights based on the development of applicable regulations and the impact of the Supreme Court Decision Number 599/K/PDT/2019 on the validity of absentee land. This study uses a normative legal method with a statutory, conceptual and case approach method. This writing uses secondary data sources in the form of primary legal materials, secondary legal materials, and tertiary legal materials. The data collection method uses literature studies. The data presentation method is in the form of a description in the form of narrative text and a normative qualitative data analysis method.

The results of this study The acquisition of agricultural land in absentee in the Supreme Court Decision Number 599/K/PDT/2019 carried out by the Ministry of Foreign Affairs Employees is invalid because it violates the provisions on absentee land ownership as regulated in Article 3 paragraph (2) of PP No. 224 of 1961, In the transfer of rights to the Sale and Purchase Deed No. 01/Depok/1967 contains administrative legal defects because the object of the sale and purchase is contradictory and the tenant farmer has not paid the land price to the state, so he has not been entitled to transfer the land without the permission of the Minister of Agrarian Affairs according to Article 14 paragraph (4) of PP No. 224/1961 So that the sale and purchase of agricultural land can result in being null and void because the valid conditions of the agreement as stated in Article 1320 of the Civil Code are not fulfilled and the transfer of rights (laving) is contrary to applicable regulations. The impact of the Supreme Court decision Number 599 K / Pdt / 2019 on the validity of absentee land is valid, because the Panel of Judges of the Supreme Court State Administrative Court Number 13 / PK / TUN / 2001 stated that the disputed land was returned to the original owner when the land had not been declared absentee. As a result, based on the implementation of the Supreme Court decision Number 13 / PK / TUN / 2001. So that the validity of absentee land in this case is valid, because agricultural land obtained from inheritance is the property right for the heirs, this is in accordance with Article 10 of the UUPA in this case is valid, because agricultural land obtained from inheritance is the property right for the heirs, this is in accordance with Article 10 of the UUPA.