

ABSTRAK

Berdasarkan Pasal 37 Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah ditegaskan bahwa peralihan hak atas tanah dan Hak Milik Atas Satuan Rumah Susun Melalui Jual Beli, tukar-menukar, hibah, pemasukan dalam perusahaan dan perbuatan hukum pemindahan hak lainnya kecuali pemindahan hak melalui lelang hanya dapat didaftarkan jika dibuktikan dengan akta yang dibuat oleh Pejabat Pembuat Akta Tanah (PPAT) yang berwenang menurut ketentuan peraturan perundang-undangan yang berlaku.

Penelitian ini bertujuan untuk mengkaji dan menganalisis: (1) Peran PPAT dalam menyikapi permasalahan pembuatan akta jual beli tanah, (2) Faktor-faktor yang menghambat Pelaksanaan Pendaftaran Peralihan Hak atas Tanah akibat jual beli, (3) Upaya PPAT untuk mengatasi faktor penghambat Pelaksanaan Pendaftaran Peralihan Hak atas Tanah akibat jual beli. Adapun sumber data dalam penelitian ini adalah data primer dan data sekunder, dianalisis dengan metode Yuridis Empiris. Teknik pengumpulan data dilakukan dengan studi kepustakaan dan studi lapangan yang terdiri dari wawancara dan observasi.

Berdasarkan hasil penelitian dapat disimpulkan bahwa peran PPAT di Kabupaten Kolaka memiliki andil dalam memberikan jaminan kepastian hukum pada prosedur pendaftaran peralihan hak milik melalui jual beli. selain PPAT bertugas membuat akta jual beli, PPAT juga bertugas mendaftarkan peralihan hak atas tanah pemohon pada kantor pertanahan setempat. Faktor-faktor penghambat bagi PPAT dalam melaksanakan Pendaftaran Peralihan Hak Atas Tanah Akibat Jual Beli di Kabupaten Kolaka, yakni: (1) Sistem administrasi yang kurang teratur di kantor pertanahan; (2) Ketidakhahaman masyarakat atau pemohon tentang prosedur pengurusan sertifikat hak atas tanah; (3) Persyaratan Perpajakan yang kadang terlambat; (4) Ukuran luas tanah yang tertera di sertifikat berbeda dengan hasil pengukuran oleh pihak BPN/ Surveyor; (5) Permasalahan ahli waris (peralihan hak dalam transaksi Jual Beli). Upaya PPAT dalam mengatasi faktor-faktor penghambat antara lain: (1) Pendaftaran peralihan dan pembebanan hak atas tanah harus dilakukan melalui loket resmi sesuai prosedur; (2) pemohon melengkapi berkas dengan surat keterangan tanah yang akan dibuatkan sertifikatnya; (3) Diharapkan kepada instansi lain yang terkait untuk dapat berkerja sama dengan berkerja sama secara baik dan profesional; (4) pembeli, penjual, dan saksi harus mengadakan pengecekan ulang tentang batas-batas tanah sebelum dibuatkan akta jual beli dari PPAT; (5) disarankan agar ahli waris untuk secepatnya mengajukan permohonan pendaftaran peralihan hak atas tanah kepada Kantor Pertanahan

Kata kunci : Pejabat Pembuat Akta Tanah (PPAT), Pendaftaran Hak Milik Atas Tanah, Jual Beli Tanah.

ABSTRACT

Based on Article 37 of Government Regulation Number 24 of 1997 concerning Land Registration it is stated that the transfer of land rights and ownership rights to Flats through the Sale and Purchase, exchanges, grants, income in companies and other legal acts of transfer of rights except transfer of rights through auction can be registered if proven by a deed made by the Authorized Land Deed Making Officer (PPAT) according to the provisions of the legislation in force.

This study aims to examine and analyze: (1) The role of PPAT in addressing the problem of making land sale and purchase deeds, (2) Factors that hamper the Implementation of the Transfer of Land Rights Registration due to sale and purchase, (3) PPAT's efforts to overcome the inhibiting factors of Implementation Registration of Transfer of Land Rights due to sale and purchase. The data sources in this study are primary data and secondary data, analyzed by the Empirical Juridical Method. Data collection techniques carried out with literature study and field studies consisting of interviews and observations.

Based on the results of the study it can be concluded that the role of PPAT in Kolaka District has a role in providing legal certainty guarantees in the registration procedure for the transfer of ownership through buying and selling. in addition to PPAT's duty to make a sale and purchase deed, PPAT is also tasked with registering the transfer of applicant's land rights at the local land office. Inhibiting factors for the PPAT in carrying out the Registration of Transfer of Land Rights Due to Sale and Purchase in Kolaka Regency, namely: (1) An irregular administration system in the land office; (2) Community or applicant's lack of understanding of the procedure for obtaining land rights certificates; (3) Tax requirements which are sometimes late; (4) The size of the land area listed on the certificate is different from the measurement results by the BPN / Surveyor; (5) Problems of heirs (transfer of rights in the sale and purchase transaction). The efforts of PPAT in overcoming the inhibiting factors include: (1) Registration of the transfer and imposition of land rights must be made through official counters according to procedures; (2) the applicant completes the file with the certificate of land for which the certificate will be made; (3) It is expected that other relevant agencies will be able to cooperate with cooperating well and professionally; (4) buyers, sellers, and witnesses must re-check the boundaries of the land before the sale and purchase deed is made from the PPAT; (5) it is recommended that the heirs immediately submit applications for the transfer of land rights to the Land Office.

Keywords: *Land Deed Makers Official (the PPAT), Registration of Land Rights, Land Sale and Purchase.*