

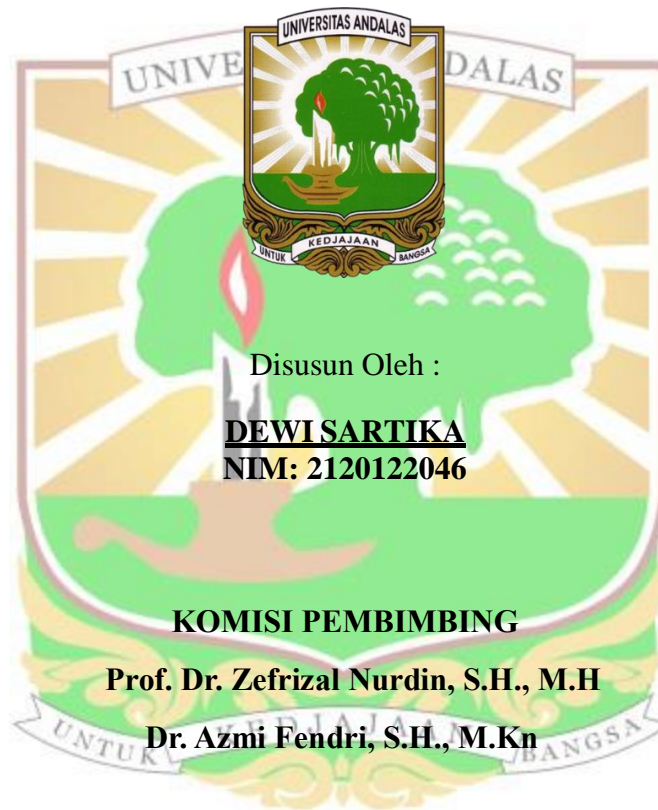
**PENYELESAIAN SENGKETA TUMPANG TINDIH KEPEMILIKAN**

**HAK ATAS TANAH YANG SUDAH BERSERTIPIKAT**

**DI KABUPATEN KAMPAR**

**TESIS**

*Diajukan Untuk Memenuhi Persyaratan Guna  
Memperoleh Gelar Magister Kenotariatan*



**PROGRAM STUDI MAGISTER KENOTARIATAN**

**PROGRAM PASCASARJANA FAKULTAS HUKUM**

**UNIVERSITAS ANDALAS**

**PADANG**

**2024**

# PENYELESAIAN SENGKETA TUMPANG TINDIH KEPEMILIKAN HAK ATAS TANAH YANG SUDAH BERSERTIPIKAT DI KABUPATEN KAMPAR

*Dewi Sartika, 2120122046, Magister Kenotariatan,  
Fakultas Hukum Universitas Andalas, Tahun 2024.*

## ABSTRAK

Tumpang tindih sertipikat tanah (*Overlapping*) merupakan suatu kejadian dimana terdapat dua atau lebih bukti kepemilikan tanah dimana obyek tanahnya sebagian sama, di Kabupaten Kampar terdapat kasus mengenai sertipikat tumpang tindih salah satu penyebabnya yaitu tidak dikuasainya obyek tanah oleh pemilik tanah dan adanya cacat hukum administrasi dalam pendaftaran tanah. Proses penyelesaian sengketa tumpang tindih di Kabupaten Kampar dapat diselesaikan melalui dua tahap baik di luar Pengadilan (*Non Litigasi*) maupun di Pengadilan (*Litigasi*). Rumusan masalah dalam penelitian ini yaitu: 1. Apa sajakah faktor-faktor yang menjadi penyebab terjadinya sengketa tumpang tindih kepemilikan hak atas tanah yang sudah bersertipikat di Kabupaten Kampar. 2. Bagaimana penyelesaian sengketa tumpang tindih kepemilikan hak atas tanah yang sudah bersertipikat di Kantor Pertanahan Kabupaten Kampar. 3. Bagaimana penyelesaian sengketa tumpang tindih kepemilikan hak atas tanah yang sudah bersertipikat di Pengadilan Tata Usaha Negara. Penelitian ini menggunakan metode yuridis empiris, dengan menggunakan data sekunder dan data primer adapun alat pengumpul data dalam penelitian ini menggunakan wawancara. Hasil penelitian yang diperoleh yaitu: 1. Faktor-faktor yang menyebabkan terjadinya sertipikat tumpang tindih (*overlapping*) di Kabupaten Kampar hal ini terjadi karena terdapatnya cacat hukum administrasi berupa tumpang tindih hak atas tanah dan kesalahan prosedur terjadi karena adanya *Human error*, adanya kesalahan dan ketidakhatian yang disebabkan oleh karena kecerobohan atau ketidak telitian dalam menerbitkan sertipikat tanah dari petugas pendaftaran tanah khususnya ketika dilakukannya proses pengukuran, serta masyarakat tidak menguasai objek tanah, 2. Penyelesaian permasalahan sertipikat tumpang tindih yang ditempuh oleh Kantor Pertanahan Kabupaten Kampar yaitu melalui mediasi dengan akhir dari mediasi yaitu adanya akta perdamaian, 3. Penyelesaian Permasalahan Sertipikat Tumpang Tindih melalui Pengadilan Tata Usaha Negara yaitu dengan adanya putusan oleh hakim, bahwa status hak tanah menjadi tidak jelas, timbul adanya kerugian dengan konsekuensi berupa sertipikat dibatalkan.

**Kata kunci:** Tumpang Tindih, Pendaftaran Tanah, Sertipikat.

# **DISPUTE RESOLUTION OVER OVERLAPPING OWNERSHIP OVERLAPPING OWNERSHIP OF LAND RIGHTS THAT ARE ALREADY CERTIFICATED IN KAMPAR REGENCY**

*Dewi Sartika, 2120122046, Master of Notary,  
Faculty of Law, University of Andalas, Year 2024.*

## **ABSTRACT**

Overlapping land certificates (Overlapping) is an event where there are two or more proof of ownership of land where the land object is partly the same, in Kampar District there are cases of overlapping certificates one of the causes is not controlled by the land owner and the existence of administrative legal defects in land registration. The process of resolving overlapping disputes in Kampar Regency can be resolved through two stages either outside the Court (Non Litigation) or in Court (Litigation). The formulation of the problem in this study are: 1. What are the factors that cause disputes overlapping ownership of land rights that have been certificated in Kampar Regency. 2. How is the settlement of disputes overlapping ownership of land rights that have been certificated in the Land Office of Kampar Regency. 3. How is the settlement of disputes overlapping ownership of land rights that have been certified in the State Administrative Court. This research uses empirical juridical methods, using secondary data and primary data as well as data collection tools in this study using interviews. The results of the research obtained are: 1. Factors leading to the occurrence of overlapping certificates (overlapping) in Kampar Regency this occurs because there are defects in administrative law in the form of overlapping land rights and errors of Procedural errors occur because of human error, the presence of errors and carelessness caused by carelessness or inaccuracy in issuing certificates. carelessness or inaccuracy in issuing land certificates from land registration officers, particularly when the land registration officers, especially when the measurement process, and the public does not control, 2. The resolution of the problem of overlapping certificates taken by the Land Office of Kampar Regency is through mediation with the end of the mediation is the existence of a peace deed, 3. The settlement of the problem of overlapping certificates through the State Administrative Court is the existence of a decision by the judge, that the status of land rights become not judge, that the status of land rights becomes unclear, There is a loss with consequences in the form of canceled certificates.

**Keywords:** Overlapping, Land Registration, Certificate.