

**ANALISIS PROSEDUR PENERBITAN SERTIPIKAT TANAH PENGGANTI
DISEBABKAN HILANGNYA SERTIPIKAT HAK MILIK ATAS
TANAH ASLI SERTA AKIBAT HUKUMNYA
(Studi Penelitian Di Kantor Pertanahan Kota Medan)**

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ABSTRAK

Kedudukan hukum dari penerbitan sertipikat tanah pengganti disebabkan hilangnya sertipikat hak milik atas tanah asli adalah sama halnya dengan perlindungan hukum terhadap pemegang sertipikat hak atas tanah yang pertama kali. Kekuatan hukum atas sertipikat pengganti mempunyai kekuatan hukum yang sama dengan sertipikat yang dinyatakan hilang. Prosedur penerbitan sertipikat tanah pengganti disebabkan hilangnya sertipikat hak milik atas tanah asli pada Kantor Pertanahan Kota Medan adalah berdasarkan Pasal 57 PP No. 24/1997

Adapun permasalahan dalam penelitian ini adalah bagaimana kedudukan hukum dari penerbitan sertipikat tanah pengganti disebabkan hilangnya sertipikat hak milik atas tanah asli, bagaimana prosedur penerbitan sertipikat tanah pengganti disebabkan hilangnya sertipikat hak milik atas tanah asli pada Kantor Pertanahan Kota Medan, bagaimana hambatan dalam pelaksanaan penerbitan sertipikat tanah pengganti disebabkan hilangnya sertipikat hak milik atas tanah dan upaya mengatasinya pada Kantor Pertanahan Kota Medan

Metode penelitian tesis ini bersifat deskriptif dan pendekatan yang dipergunakan adalah yang penelitian yuridis empiris bertujuan menganalisis permasalahan dilakukan dengan cara memadukan bahan-bahan hukum (yang merupakan data sekunder) dengan data primer yang diperoleh di lapangan. Alat pengumpul datanya adalah studi dokumen dan wawancara serta dianalisis secara kualitatif.

Kesimpulan dari tesis ini adalah Kehilangan atas sertipikat tanah, dapat diberikan sertipikat pengganti. Masyarakat yang kehilangan sertipikat tanahnya, dapat melapor permohonan penerbitan sertipikat pengganti kepada Badan Pertanahan Nasional/Kantor Pertanahan setempat, dengan memenuhi persyaratan yang ditentukan. Hambatan dalam pelaksanaan penerbitan sertipikat tanah pengganti disebabkan hilangnya sertipikat hak milik atas tanah adalah masih kurangnya pemahaman masyarakat terhadap prosedur pelaksanaan permohonan pengajuan penggantian sertipikat pengganti.

Kata Kunci: Sertipikat Pengganti, Sertipikat Hak Milik, Akibat Hukum.

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**ANALYSIS OF PROCEDURE FOR ISSUING REPLACEMENT LAND
CERTIFICATES CAUSED BY LOSS OF PROPERTY RIGHTS
CERTIFICATES ORIGINAL LAND AND ITS LEGAL EFFECTS
(Research Study at the Medan City Land Office)**

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ABSTRACT

The legal status of the issuance of a replacement land certificate due to the loss of the original land title certificate is the same as the legal protection for the holder of the original land title certificate. The legal force of a replacement certificate has the same legal force as the certificate declared lost. The procedure for issuing a replacement land certificate due to the loss of the original land title certificate at the Medan City Land Office is based on Article 57 PP No. 24/1997

The problems in this research are what is the legal position of the issuance of a replacement land certificate due to the loss of the certificate of ownership of the original land, what is the procedure for issuing a replacement land certificate due to the loss of the certificate of ownership of the original land at the Medan City Land Office, what are the obstacles in the implementation of the issuance of the land certificate? replacement due to the loss of the land ownership certificate and efforts to resolve this at the Medan City Land Office

The research method for this thesis is descriptive and the approach used is empirical juridical research aimed at analyzing problems by combining legal materials (which are secondary data) with primary data obtained in the field. The data collection tools were document studies and interviews and analyzed qualitatively.

. The conclusion of this thesis is that if a land certificate is lost, a replacement certificate can be given. People who have lost their land certificates can report requests for the issuance of replacement certificates to the National Land Agency/local Land Office, by fulfilling the specified requirements. The obstacle in implementing the issuance of replacement land certificates due to the loss of land ownership certificates is the lack of public understanding of the procedures for implementing applications for replacement certificates..

Keywords: Replacement Certificate, Certificate of Ownership, Legal Consequences.

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