

**“URGENSI PENDAFTARAN PERALIHAN HAK ATAS TANAH  
DIKARENAKAN PEWARISAN “.**

**SKRIPSI**



**Oleh :**

**RUSYDI ANSYARI  
NPM. 18810428**

**PROGRAM STUDI ILMU HUKUM  
FAKULTAS HUKUM  
UNIVERSITAS ISLAM KALIMANTAN MAB  
BANJARMASIN  
2022**

## **ABSTRACT**

Rusydi Ansyari NPM. 18.81.0428, The Urgency of Registration of Transfer of Land Rights Due to Inheritance of Thesis Faculty of Law, Islamic University of Kalimantan MAB. Advisor I, Muthia Septarina, SH MH, Advisor II, Ningrum Ambarsari SH., MH

Keywords: urgency, inheritance, transfer registration

Land issues are a problem that cannot be separated from development and development in both rural and urban areas. Even the government, specifically regarding land issues, indicated that it should be handled carefully. In this research, we want to find out whether the urgency of the heirs who acquire land ownership rights due to inheritance must register the transfer of their rights according to the provisions of land registration and how to settle them and when to resolve them when there is a dispute over land obtained from inheritance.

The purpose of this study is to analyze the national land law regulations, according to the provisions of the law mentioned above. The results of the research show that the heir who gets the inherited land is obliged to register the land. submitted by those who receive land rights as inheritance to the land office, the certificate concerned, the death certificate of the person whose name is recorded as the holder of the right with a letter of evidence as the heir. The transfer of rights due to inheritance occurs by law when the person concerned dies. In the settlement of land disputes is an effort to resolve disputes between parties who feel their land rights have been harmed. One way to resolve disputes outside the court is by means of "mediation". Mediation itself is part of the Alternative Dispute Resolution (ADR), which in Indonesian is called Alternative Dispute Resolution (APS).

## DAFTAR PUSTAKA

### Buku-Buku

Adrian Sutedi (2007) , *Peralihan Hak Atas Tanah Dan Pendaftarannya*, Sinar Grafika, Jakarta

Abdulkadir Muhammad, (2004), *Hukum dan Penelitian Hukum*, Bandung: Citra Aditya Bakti.

Bahder Johan Nasution, (2008), *Metode Penelitian Ilmu Hukum*, Bandung: CV, Mandar Maju.

Bambang Sunggono, (2011), *Metodologi Penelitian Hukum*, Jakarta: PT Raja Grafindo Persada.

E. Saefullah Wiradipradja, (2014), *Penuntun Praktis Metode Penelitian dan Penlisan Karya Ilmiah Hukum*, Bandung: Keni Media.

Frans Hendra Winarta. 2012. *Hukum Penyelesaian Sengketa Arbitrase Nasional Indonesiadan Internasional*. Jakarta. Penerbit : Sinar Grafika.

Hartono Soerjopratiknjo (1982), *Hukum Waris tanpa Wasiat*, Andi Offset, Yogyakarta,  
Nurnaningsih Amriani. 2012. *Mediasi Alternatif Penyelesaian Sengketa Perdata di Pengadilan*. Jakarta. Penerbit : PT. Raja Grafindo Persada.

Mukti Fajar dan Yulianto Acmad, (2010), *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta: Pustaka Pelajar.

Peter Mahmud Marzuki, (2007), *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group.

P. Joko Subagyo, (2006), *Metode Penelitian Dalam Teori dan Praktek*, Jakarta: PT Rineka Cipta.

Rachmadi Usman. 2012. *Mediasi di Pengadilan : Dalam Teori dan Praktik*. Jakarta. Penerbit : Sinar Grafika.

Salim HS dan Erlies Septiana Nurbani, (2013), *Penerapan Teeori Hukum Pada Penelitian Tesis dan Disertasi*, Jakarta: PT Raja Grafindo Persada.

Sugiyono, (2012), *Metode Penelitian Kuantitatif Kualitatif dan R&D*, Bandung: Alfabeta.

*Sudikno Mertokusumo dan A. Pitlo, (1993) Bab-Bab Tentang Penemuan Hukum*, Citra Aditya Bakti, Jakarta

Takdir Rahmadi. (2017) . *Mediasi Penyelesaian Sengketa Melalui Pendekatan Mufakat*. Jakarta. Penerbit : PT. Raja Grafindo Persada.

*Urip Santoso (2005), Hukum Agraria Dan Hak-Hak Atas Tanah, Prenada Media, Jakarta,*

Urip Santoso, (2009), *Hukum Agraria & Hak-hak Atas Tanah*, Jakarta: PT Fajar Interpretama Offset.

Kamus Besar Bahasa Indonesia (KBBI).

## **Undang-Undang**

Kitab Undang-Undang Hukum Perdata (KUHPer)

Undang-Undang Nomor 5 tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.

Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah

Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa.

## **Jurnal**

Soeprapto, (2015) “*Undang-undang pokok Agraria dalam peraktek*”, *Jurnal Ilmu Hukum*, Jakarta: Universitas Indonesia, Perss.

Yessi Nadia, Penyelesaian Sengketa Litigasi dan Non-Litigasi (Tinjauan Terhadap Mediasi dalam Pengadilan sebagai Alternatif Penyelesaian Sengketa di Luar Pengadilan, [https://www.academia.edu/29831296/Penyelesaian\\_Sengketa\\_Litigasi\\_dan\\_Non-Litigasi\\_Tinjauan\\_terhadap\\_Mediasi\\_dalam\\_Pengadilan\\_sebagai\\_Alternatif](https://www.academia.edu/29831296/Penyelesaian_Sengketa_Litigasi_dan_Non-Litigasi_Tinjauan_terhadap_Mediasi_dalam_Pengadilan_sebagai_Alternatif), diakses tanggal 26 Juli 2022.

Rika Lestari. *Perbandingan Hukum Penyelesaian Sengketa Secara Mediasi di Pengadilan dan di Luar Pengadilan di Indonesia*. Jurnal Ilmu Hukum. Vol. 3 No. 2.

Widhi Handoko, (2014), *Kebijakan Hukum Pertanahan Sebuah Refleksi Keadilan Hukum Progresif*, Yogyakarta: Thafa Media.

Wisnu Nur Baskoro, (2012), “*Asas Fungsi Sosial Hak Atas Tanah*”, <http://civicsedu.blogspot.com/2012/06/asasfungsisosial-hak-atas-tanah-hukum.html>, (diakses 16 Maret 2021 pukul 21.34 Wita).

## **Internet**