

ABSTRAK

Materi pokok pembahasan akibat hukum pembatalan sertipikat hak atas tanah yang telah dibebani hak tanggungan dengan permasalahan apakah dibatalkannya sertipikat hak atas tanah mempunyai akibat hukum terhadap hak tanggungan atas tanah bagaimana perlindungan hukum terhadap kreditur dengan dibatalkannya sertipikat hak tanggungan. Penelitian menggunakan pendekatan perundang-undangan (*statue approach*) dan pendekatan konsep (*Conceptual approach*). Berdasarkan hasil penelitian diperoleh suatu kesimpulan bahwa dibatalkannya sertipikat hak atas tanah mempunyai akibat hukum terhadap pemegang hak tanggungan atas tanah, karena: Kreditur sebagai pemegang hak tidak lagi sebagai kreditur preferen melainkan kreditur konkuren. Bank sebagai kreditur konkuren dalam pemenuhan piutangnya berdasarkan keseimbangan jumlah piutang dengan kreditur konkuren lainnya, sehingga menderita kerugian. Perlindungan hukum terhadap kreditur dengan dibatalkannya sertipikat hak tanggungan: Meminta debitur menyerahkan benda lain/sertipikat lain miliknya sebagai obyek jaminan, atau apabila tidak ada obyek yang dijamin, bank menggugat debitur atas dasar ingkar janji atau wanprestasi berupa hutang pokok, penggantian biaya, kerugian dan bunga.

Kata Kunci: Pembatalan sertipikat, jaminan tanah, hak tanggungan.

ABSTRACT

The subject matter of law due to the cancellation of certificate of land rights that have been saddled with the problem of whether the encumbrance certificate cancellation of land rights have legal consequences for the right to land tanggungan how legal protection against creditors with the cancellation of mortgage certificates. Research using statutory approach (statue approach) and approaches the concept (Conceptual approach). Based on the results obtained a conclusion that the cancellation of the certificate of land rights have legal effect to the right holder tanggungan on the ground, because: Creditors as rights holder is no longer a preferred creditor but unsecured creditors. Bank as unsecured creditors in the fulfillment of its receivables based on the balance of the amount of receivables with other unsecured creditors, thus suffering a loss. Legal protection against creditors with the cancellation of certificates of mortgage: Request debtors submit another object / his other certificates as collateral object, or sovereign, when no object as collateral, the bank sued the debtor on the basis of broken promises in the form of debt or defaults of principal, replacement costs, damages and interest ,

Keywords: Cancellation of certificates, land security, security rights

