

## ABSTRAK

Pembatalan Sertipikat Hak Milik yang dijadikan jaminan hak tanggungan akibat ketidaksesuaian luas tanah merupakan permasalahan hukum yang berdampak langsung terhadap keabsahan jaminan dan kedudukan hukum kreditur. Ketidaksesuaian data fisik tanah dalam sertipikat menunjukkan adanya cacat administratif dalam sistem pendaftaran tanah yang berimplikasi pada gugurnya hak tanggungan sebagai hak jaminan kebendaan. Permasalahan dalam penelitian ini adalah apakah pembatalan Sertipikat Hak Milik yang dijadikan jaminan hak tanggungan melanggar asas keadilan serta bagaimana perlindungan hukum terhadap kreditur atas pembatalan sertipikat yang luas objek jaminannya tidak sesuai. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual, dan pendekatan kasus, serta dengan bahan hukum primer dan sekunder. Hasil penelitian menunjukkan bahwa pembatalan sertipikat hak atas tanah yang dibebani hak tanggungan karena cacat administratif tidaklah melanggar asas keadilan karena pada saat penerbitan sertifikat hak atas tanah tersebut terdapat perbuatan yang melanggar hukum, namun meskipun pembatalan sertifikat hak atas tanah yang dibebani hak tanggungan tersebut sah menurut hukum, nilai keadilan masih bisa dirasakan oleh kreditur di mana nilai hutang yang sudah diberikan masih tetap bisa ditagih dengan cara melakukan upaya hukum. Selain itu perlindungan hukum bagi kreditur dalam hal pembatalan Sertipikat Hak Milik yang dijadikan objek Hak Tanggungan diberikan melalui dua bentuk, yaitu perlindungan preventif dan kuratif.

Kata kunci: Pembatalan, sertipikat, hak tanggungan, kreditur.

## **ABSTRACT**

*The cancellation of a Certificate of Ownership used as collateral for mortgage rights due to a discrepancy in the land area is a legal problem that directly impacts the validity of the collateral and the legal standing of the creditor. The discrepancy in the physical data of the land in the certificate indicates an administrative flaw in the land registration system that has implications for the termination of the mortgage right as a material security right. The problem in this study is whether the cancellation of a Certificate of Ownership used as collateral for mortgage rights violates the principle of justice and how legal protection for creditors is provided for the cancellation of a certificate whose collateral area is inconsistent. This study uses a normative legal research method with a statutory approach and a conceptual approach, and a case approach, as well as with primary and secondary legal materials. The results of the study indicate that the cancellation of a certificate of land rights burdened with mortgage rights due to administrative flaws does not violate the principle of justice because at the time of issuance of the land rights certificate there was an unlawful act, however, even though the cancellation of the certificate of land rights burdened with mortgage rights is legal according to law, the value of justice can still be felt by the creditor where the value of the debt that has been given can still be collected by means of legal action. In addition, legal protection for creditors in the event of cancellation of a Certificate of Ownership subject to a Mortgage Right is provided in two forms: preventive and curative protection.*

*Keywords: Cancellation, certificate, mortgage, creditor.*