

**TINJAUAN YURIDIS SITA JAMINAN HAK MILIK PIHAK KETIGA (STUDI KASUS
NO.28/PDT/2018/PT BGL)**
**(Gitra Permata, 21150021, Fakultas Hukum Sosial, dan Humaniora, Program Studi Ilmu
Hukum, Universitas Dharma Andalas, Tahun 2025)**

ABSTRAK

Sita jaminan (*conservatoir beslag*) bertujuan mencegah pengalihan aset selama proses peradilan. Permasalahan muncul ketika aset yang disita diklaim pihak ketiga yang tidak terlibat langsung dalam sengketa. Penelitian ini menganalisis pertimbangan hakim dan akibat hukum dari putusan Perkara No. 28/PDT/2018/PT BGL terhadap hak pihak ketiga. Pengadilan Tinggi Bengkulu membatalkan putusan Pengadilan Negeri Bengkulu dan menegaskan bahwa sita jaminan tetap sah, menyebabkan pihak ketiga (Siti Zahara) kehilangan hak atas tanah sengketa. Akta perjanjian dan kuasa menjual yang dimilikinya tidak diakui karena tidak tercatat di BPN. Akibat hukum lainnya, pihak ketiga tidak dapat mengajukan gugatan ulang (*ne bis in idem*), tidak bisa melakukan balik nama sertifikat, serta menanggung biaya perkara. Upaya hukum yang masih dapat dilakukan termasuk Peninjauan Kembali (PK) ke Mahkamah Agung jika ada bukti baru, gugatan PMH, negosiasi, atau pengaduan ke Komisi Yudisial dan Ombudsman. Kesimpulannya, status sita jaminan lebih kuat dibandingkan klaim kepemilikan berdasarkan akta perjanjian. Oleh karena itu, pihak ketiga harus memastikan legalitas kepemilikan melalui pendaftaran resmi di BPN guna menghindari permasalahan hukum.

Kata Kunci : Sita Jaminan, Hak Milik Pihak Ketiga, Perlawanan Pihak Ketiga, Kepastian Hukum, Perkara No. 28/PDT/2018/PT BGL.

JURIDICAL REVIEW OF THIRD PARTY PROPERTY RIGHTS GUARANTEE

(CASE STUDY NO.28/PDT/PT BGL)

***(Gitra Permata, 21150021, Faculty Of Social Law, and Humanities, Law Study Program,
Dharma Andalas University, year 2025)***

ABSTRACT

Seizure of collateral (conservatoir beslag) aims to prevent the transfer of assets during the judicial process. Problems arise when the seized assets are claimed by a third party who is not directly involved in the dispute. This study analyzes the judge's considerations and the legal consequences of the decision of Case No. 28/PDT/2018/PT BGL on the rights of third parties. The Bengkulu High Court overturned the decision of the Bengkulu District Court and confirmed that the seizure of collateral remains valid, causing the third party (Siti Zahara) to lose her rights to the disputed land. The deed of agreement and power of attorney to sell that she owned were not recognized because they were not registered with the BPN. Other legal consequences are that the third party cannot file a re-claim (ne bis in idem), cannot change the name of the certificate, and bears the costs of the case. Legal efforts that can still be taken include a Judicial Review (PK) to the Supreme Court if there is new evidence, a PMH lawsuit, negotiation, or a complaint to the Judicial Commission and Ombudsman. In conclusion, the status of seizure of collateral is stronger than a claim of ownership based on a deed of agreement. Therefore, the third party must ensure the legality of ownership through official registration at the BPN in order to avoid legal problems.

Keywords: *Collateral Seizure, Third Party Ownership Rights, Third Party Resistance, Legal Certainty, Case No. 28/PDT/2018/PT BGL.*