# **ABSTRAK**

Tanah merupakan tempat bermukim manusia sekaligus menjadi sumber penghidupan bagi mereka yang mencari nafkah melalui pertanian dan pada akhirnya tanah juga digunakan sebagai tempat pemakaman bagi orang yang meninggal. Hukum pertanahan di Indonesia di pengaruhi oleh system hukum colonial. Hal ini dikarenakan selama ratusan tahun Indonesia dijajah oleh belanda, sehingga terdapatdua jenis kepemilikan tanah, yaitu tanah hak barat dan tanah hak ulayat. Tentu saja peralihannya pun berbeda, baik dari segi jual beli, maupun cara perlindungan hokum bagi para pemilik tanah merupakan perbuatan hukum yang bertujuan umtuk mengalihkan haknya kepada orang lain secara “sah”, maka orang tersebut tidak lagi memilki hak atas tanah yang dialihkantersebut sejak pengalihan hak tersebut dilakukan. Namun, masih banyak oknum yang memanfaatkan kelemahan penegakan hukum, sehingga menyebabkan meningkatkanya sengketa tanah. Sengketa tanah tidak dapat dihindari dari di dunia saat ini, tidak hanya karena lemahnya penegakan hokum tetapi juga karena tingginya permintaan tanah, sementara ketersediaan tanah terbatas. Sengketa tanah dapat diselesaikan melalui beberapa proses, termasuk pengadilan dan mediasi. Tujuan penelitian ini adalah untuk mengetahui pertimbangan hakim dalam memutuskan perkara pengalihan hak atas tanah. Jenis penelitian ini adalah yuridis normatif. Karakteristiknya adalah deskritif analitis.

**Kata kunci** : pengalihan, hak atas tanah, objek sengketa.

# Abstract

Land is a place for human settlement as well as being a source of livelihood for those who earn a living through agriculture and ultimately land is also used as a burial place for people who die. The law regarding land in Indonesia is influenced by the colonial legal system. This is because for hundreds of years Indonesia was colonized by the Dutch, so there are two types of land ownership, namely land with western rights and land with customary rights. Of course, the transition is also different, in terms of buying and selling, as well as methods of legal protection and legal certainty for the land owners concerned. Transfer of land rights is a legal act which aims to transfer rights from one party to another party. When someone has transferred their rights (rights to land) to another person "legally" then that person no longer has rights to the land that was transferred since the transfer of rights was carried out. In this context, it can be seen that the relationship between humans and land is very close, as land is their lifeblood. However, many individuals still exploit the weakness of law enforcement, leading to an increase in land disputes. Land disputes are unavoidable in today's world, not only due to weak law enforcement but also due to the high demand for land, while the availability of land is limited. Land disputes can be resolved through several processes, including the courts and mediation. The purpose of this research is to find out the judge's considerations in deciding cases regarding the transfer of land rights. The type of research is normative juridical. This characteristic is analytical descriptive.

**Keywords**: Transfer, Land Rights, Object of Dispute.