

ABSTRACT

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“JURIDICIAL ANALYSIS OF CUSTOMARY LAND OWNERSHIP RIGHTS BASED ON LETTER C (STUDY OF SUPREME COURT VERDICT NUMBER 649 K/PDT/2020)”

(xi+121 pages)

Land as a gift from Almighty God contains very important values for every human being in society. Land as the surface of the earth also contains the protection of rights regulated in Law Number 5 of 1960 concerning Basic Provisions of Agrarian Affairs (UUPA). This UUPA mentions various types of land rights and to have proof of rights to a plot of land, it is necessary to have a land registration. Article 19 paragraph (1) of the UUPA has mandated land registration which is further regulated in Government Regulation Number 24 of 1997 concerning Land Registration. One of the purposes of land registration is to provide legal certainty, including certainty regarding the location, boundaries and area of land, land status and people who are entitled to the land as well as providing a letter in the form of a certificate. Issues that arise regarding the land are not only about land boundaries or building boundaries on that land, but also issues regarding land tenure without rights which can cause disputes and obstruct the land registration process as in the case raised in this study. The case in this research discusses the defendant who has controlled the plaintiff's land without clear evidence of ownership, while the plaintiff can prove the disputed land with proof of ownership of Letter C. The method used in this research is normative legal research with a statutory approach and a case approach. The type of data used is secondary data in the form of primary, secondary, tertiary legal materials. The results of this research indicate that Letter C is proof of payment of taxes for lands with the status of customary property rights and the taxpayer is the holder of the rights/owners of the land in concerned. Therefore, to ensure legal certainty, lands including land with the status of customary property rights need to be registered.

References: 27 (1945-2021)

Keywords: land, customary property rights, Letter C, legal certainty, land registration.