

ABSTRACT

Juliet Maria Tendean (01051180247)

“A JURIDICAL ANALYSIS OF LEGAL PROTECTION TO THE HOLDERS OF LEGAL LAND RIGHTS WITH THE DOUBLE CERTIFICATES”

Overlapping land certificates create an uncertainty over entitlement of land rights where two or more land certificates become evidence of the same parcel of land. These double land certificates may occur during the initial land registration or during the maintenance of land certificate. The double land certificate is one of the critical issues where it should serve the legal certainty and protection for the land holder. This research aims to analyse how does double land certificate occur during the land registration process, and how does the land holder may obtain protection. The research used normative legal research where it focused on the legal documents including primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique used library research. The type of approaches used in this research are statute approach and analytical approach. The research results showed that the cause of double land certificate commonly occur during first land registration process. The occurrences of double land certificate are caused by two factors namely internal factors and external factors. The internal factors are due to human errors. Many people act for personal gain for example, supervisory apparatus is less thorough/functioning in carrying out their duties as well as land officials did not examine carefully in assessing the evidences and issuing land certificates. The external factors are due to lack of knowledge of the general people regarding laws and regulations about land registration process and its procedures. In view of the double land certificate, the protection for holders can be divided into two namely preventive legal protection aims to prevent disputes (regulated in article 32 paragraph (2) Government Regulations No. 24/1997 regarding Land Registration) and repressive legal protection to resolve the double land certificate disputes through judicial/non-litigation and judicial/litigation pathways. It is recommended that the land registration need to reform the procedures and mechanism including the publication system.

Keywords: Overlapping Land Rights, Legal Protection, Double Land Certificate,