

ABSTRACT

Bryan Rafael Wandira (01051200004)

LAND RIGHT TRANSITION OF AN UNCERTIFIED LAND THROUGH A SALE AND PURCHASE TRANSACTION (VERDICT STUDY OF KUPANG HIGH COURT NUMBER 80/PDT/2020/PT KPG)

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This research discusses the strength status of a land right transition through the sale and purchase of an uncertified land, and what impacts does it have for those who acquired the ownership through this process. The data that is used in this research includes a case study, which is deemed to have acquired a permanent legal standing, interviews with certain people who has a deep understanding about the process of land rights acquirement or transition, and also regulations that in specific regulates the process of land rights acquirement or transition. The results shows that the status of an uncertified land does not hinder its legal standing as an object of sale and purchase. However, those who acquired an uncertified land, must acknowledge that the absence of a legal land certificate, means that they do not have evidentiary power if or when a third party disputes their land right. The results also shows that there are certain negative impacts for those who acquired an uncertified land. The first one is the huge challenge when it comes to proving that the land is legally within their rights and ownership. The second impact is a prolonged and complicated law process when there is a legal dispute over the land right, this law process would take a lot of time, energy, and money. The third impact, is for those who are looking to buy uncertified land, they are prone to misuse and fraudulent behaviors from certain party that has bad intentions, this is due to the non-existence of the land certificate, which usually serves as a document which provides information and data concerning the lands legal status, such as the ownership, land area, and its borders.

References: 29 (1982-2022)

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