

ABSTRACT

Edward Renaldo (00000024211)

"JURIDICAL REVIEW RIGHTS OF OWNERSHIP CANCELLATION BASED ON VERBAL GRANT (CASE STUDY NUMBER 28/PDT.G/2013/PN.BYL)"

(xii+95 pages)

Land registry system in Indonesia, ownership title is the strongest proof of one's land rights as long as the physical and juridical data listed in it not proven otherwise. Certificate can be sued in court for cancellation. Both civil and criminal verdict essentially does not involves administration in certificate issuance, but involves the authenticity in certificate issuance towards a piece of land proven with certificate, so that although registered as freehold title according to the decree that has acquired permanent legal force proven its issuance were using wrong rights and had been done by unrightful person, therefore the certificate was legally defective and could be cancelled. Freehold title land number 1449/Pengkol, Karanggede sub-district, Boyolali District 471 m² wide under the name of Mulyono have been an object of lawsuit in Boyolali District Court registered under number 28/Pdt.G/2013/PN.Byl. The Judge states that the certificate cancelled because of wrong rights that culminated in affirmation of Tangerang Court District verdict by Middle Java High Court and Supreme Court also judicial review that cause the applicant wins in court. This research purposes is to analyze rights of ownership cancellation from legally defective rights (verbal grant) according to UUPA and KUHPperdata. Results shown that Act Number 5 Year 1960 and the enforcement regulation has given a collateral and protection for land of rights holder that essentially from another person who shifted their rights with the real holder not knowing, therefore the certificate can be sued for cancellation in court. In this case, the legal remedy is application of lawsuit. The Judge will do a thorough consideration and give the fairest possible verdict in line with the cancellation of land certificate the applicable rules by agreeing with the plaintiff's request.

References: 27 (1980-2016)

Keywords: land certificate cancellation , ownership title, verbal grant