

ABSTRACT

Laura Putu Vivi Herlina (01051170063)

“EIGENDOM RIGHTS LAND OWNERSHIP DISPUTE AFTER THE BASIC AGRARIAN LAW (A CASE STUDY OF THE SUPREME COURT DECISION NUMBER 592 PK/PDT/2018)”

(xiv+ 130 pages; 5 attachments)

Western Land Law has existed since the Dutch colonialism, and one of the rights based on Western Lands Law is the eigendom rights. The existence of Agrarian Law number 5 of 1960 caused the rights based on Western Land Law to be altered according to provisions in the Agrarian Law. Land ownership disputes emerge regarding the eigendom rights conversion. This article aimed to discover and analyze the eigendom land ownership position based on Indonesian land laws, and to discover and analyze Panel of Judges' legal considerations on eigendom land disputes in the Judgment of Review Number 592 PK/PDT/2018. The method employed in the study was a qualitative method. The result from the author's analysis is that by the Agrarian Law establishment, all lands based on the eigendom rights should be converted to the proprietary rights. The given conversion period is 20 years since 24 September 1960. In the case of exceeding the given period, the land will be acknowledged as the state land. The eigendom land conversion can be carried out directly if the proposing party still has the rights over the said land and has measuring letter of the land to be converted; therefore, the conversion only requires stamps on evidence and the owner should write the type of rights and converted right number. After analyzing the judgment number 592 PK/PDT/2018, the author argued that the Panel of Judges on cassation and review levels did not provide enough justice for the involved parties because the proposing party should be prioritized and did not convert the land to be state land beforehand.

Keywords: conversion, eigendom, state land

References: 48 (1981-2020)