

ABSTRACT

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JUDICIAL REVIEW OF LAND AUTHORIZATION BASED ON HOUSING PERMIT (A CASE STUDY OF THE SUPREME COURT DECREE NO. 157 PK/PDT/2020)

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Indonesia is a country with an agrarian background, where it puts the land as a valuable object. Land can be authorized by various rights and authorization bases, such as Housing Permit. The Supreme Court Decree PK/Pdt/2020 concerning Residential Permit (SIP) has not provided protection and solution in its practice. This paper discusses the Housing Permit regulation based on Indonesian legislation and the solution of land authorization based on the Housing Permit on the PK 157 PK/Pdt/2020. The study aimed to discover and analyze the regulation of Housing Permit based on Indonesian legislation and land authorization solution based on Housing Permit (a case study of the Supreme Court Decree No. 157 PK/PDT/2020). The study method employed was a normative legal study with secondary data, and the approach methods used were the case and legislation approaches. The study results were classified into several phases, i.e., the regulation regarding SIP started from phase I (1958-1961 period), phase II from 1962-2010, and phase III from 2011-currently. The currently applicable regulations are the Law of the Republic of Indonesia No. 1 of 2011 concerning Housing and Residential Areas and the Government Regulation of the Republic of Indonesia No. 14 of 2016 concerning Housing and Residential Area Administration. Then, the case solution of the Supreme Court Decree 157 PK/Pdt/2020 was taken from the District Court of Central Jakarta to the Judicial Review phases. The Judicial Review results won over the plaintiff to re-register the land to BPN.

Keywords: Land Authorization, Housing Permit, Abandoned Land

References: 30 (1981 – 2014)