

ABSTRACT

Norman Christian Nusantara (01051170015)

JURIDICAL ANALYSIS OF ACTS AGAINST THE LAW IN THE FORM UNILATERAL CONTROL OF LAND BY THE STATE AFTER THE G30S PKI POLITICAL EVENTS

(x + 63 pages)

During the Indonesian revolutionary period, forced land acquisitions are quite frequent including the unilateral land grabbing on the ex-Dutch plantation, Nationalization of Dutch properties, and acquisition of vacant land. The Skipsi discussed one of the forced land acquisitions by Presidential Decree which contained the confiscation of the assets of a person accused as a member of the Indonesian Communist Party (PKI) during the G30S PKI political unrest. This state land confiscation caused a number of legal problems including the interpretation of the law. The case appeared when a part of the confiscated lands should not be a subject to the Presidential Decree but in fact it was forcefully confiscated. The confiscated land was a land that had not been legally transferred to the person who was mentioned by the policy. The ownership of confiscated land was still under the possession of the original owner who was not a member of PKI stated by the Presidential Decree. The confiscated land was still under an initial transaction of down payment and it had not been legally transferred. In this case, the Presidential Decree on the confiscation of land had been violated the principle of good government and the confiscation of the land was illegal. Based on this argument, the original owner shall have a legal right to take the confiscated land back to his ownership. This skipsi discussed and found that the Court has ruled out that the land confiscation was illegal. Therefore the confiscated land should be returned to the original owner. The Court has ordered to release a part of the confiscated land that is under the PT Pertamina ownership to the original owner.

References: 46 (1945-2020)

Keywords: Act against the law, Government, State Administration Decree, Land Grabbing, Compensation