

ABSTRACT

Ruth Emmanuella (01051180223)

JURIDICAL ANALYSIS OF LEGAL ASSURANCE OBJECT OF DOUBLE CERTIFIED OVERLAPPING ACCORDING TO INDONESIAN POSITIVE LAW

(ix+ 83 pages)

The Basic Agrarian Law requires land registration throughout the territory of the Republic of Indonesia to ensure legal certainty and protection. For this purpose, The certificate of land rights provides strong evidence of ownership of land rights granted by the government. However, there is often inaccuracy in the land registration process where multiple certificates of land rights may also occur. This results in the challenge of land ownership certificates causing legal disputes. The dual land rights certificates even create a problem when the land has been placed under mortgage (security) rights. The creditor is in a weak position where there is no legal certainty over dual land certificate as the object of the mortgage. This study determines and analyzes the legal certainty of the dual land certificate as an object of the mortgage. The research method used is normative-empirical legal research in the form of non-judicial case studies with a legal principle approach and using secondary data in the form of primary, secondary, tertiary legal materials complemented by primary data in the form of short interviews. The study found that the multiple certificates cause legal uncertainty to land rights as an object of the mortgage. As a result, the cancellation of land rights certificates by the Administrative Court (PTUN) consequently void the mortgage rights and the debtor have to replace the object of the mortgage. It is recommended that to prevent further problems, two types of legal protections are proposed, the preventive and the prescriptive resolution. In addition to providing legal protection to a good faith debtor, they need a legal remedy that is reasonable.

References : 27 (1996-2021)

Keywords : Land Registration, Multiple Certificates, Mortgage Rights, Mortgage Holders, Legal Certain