

ABSTRACT

JURIDIC ANALYSIS OF AGAINST THE LAW IN LAND TENURE (Case Study of the Decision of the Surabaya District Court Number 217/Pdt.G/2017/PN.Sby.)

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Land is one of the very basic needs of human life, it can be said that almost human life activities, either directly or indirectly, are always related to land. As Indonesian citizens, the community has land rights which include: property rights, cultivation rights, building use rights, use rights, building lease rights, land clearing rights, and forest product collection rights. Land registration does not guarantee that a certified land can be disputed or free from control efforts from other parties. Problems in land tenure are usually included in the category of unlawful acts. As will be discussed in this study, where one of the disputes within the scope of land tenure is from a Surabaya District Court Decision number 217/Pdt.G/2017/PN.Sby. Self-appropriation/control can be defined as the act of taking other people's rights arbitrarily without heeding the rules, such as occupying land that is not their right. The act of illegally controlling land is an act that is against the law. This thesis research will explain the elements of the unlawful acts committed by the Defendant in the decision 217/Pdt.G/2017/PN.Sby for occupying the Plaintiff's land and also the legal considerations. This study uses a normative type of research, data collection is carried out by means of a literature study and a research approach to legislation as well as a case approach. In this study, the elements of the legal action carried out by the Defendant have been fulfilled and the defendant can be declared as an act of unlawful conduct in which the Defendant occupies the plaintiff's land. However, the judge's decision was not appropriate because in this decision the Judge did not grant the point of loss requested by the Plaintiff so that the Plaintiff's claim for compensation was not achieved.

Reference : 31 (1982 - 2019)

Keywords : Land, Act against the law, land grabbing