ABSTRACT

Land is one of the many natural resources given by God Almighty to Indonesia, where land is the basic capital for the Indonesian nation, land has a very large role in the context of social interests, especially those related to public land and its functions related to society. It is undeniable that cases of overlapping on a land object still often occur in society, for example the case of an overlapping dispute on the same land object in Decision Number 71/G/2020/PTUN-SRG and how legal certainty for the disputing Parties. The purpose of this study is to analyze the strength of evidence of land title certificates and how the judge's decision in resolving the overlapping case between Nyoman Mahayadnya and the Head of the Tangerang Regency Land Office occurred in Decision Number 71/G/2020/PTUN-SRG. This study uses a normative legal research method by examining the substance of a phenomenon and reviewing related regulations. Then, this study also uses secondary data collection methods, including: primary legal materials, secondary legal materials, and tertiary legal materials carried out with a statutory, case law, and conceptual approach. The author uses qualitative data analysis by developing theories, doctrines, and related regulations. The results of the research from the author's analysis refer to Law Number 5 of 1960 concerning the Principles of Agrarian Law and implementing regulations such as Government Regulation Number 24 of 1997 and Government Regulation Number 18 of 2021, the certificate is the strongest evidence of land ownership that is valid in court and the decision of the panel of judges in this dispute is to grant all the Plaintiff's claims and declare the certificate of ownership void and require the Defendant to revoke and delete the certificate of ownership from the land book list of State Administrative Decisions, so that legal certainty is achieved for the actual Land Owner.

Keywords: Certificates, Land Disputes, Land Rights, and Overlapping

References: 42 (1985-2024)

