

ABSTRACT

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LEGALITY OF EIGENDOM AFTER THE ISSUANCE OF LAW NUMBER 5 OF 1960 ON BASIC AGRARIAN PRINCIPLES (UUPA)

(xi + 62 pages)

For decades if not centuries, land related matters have been crucial for the survival of humankind. The limited availability of land makes it valuable, especially one that is strategically located as well as fertile. Therefore, land law was created as an instrument that can regulate all aspects related to land. In its development, land law has been existing in Indonesia since the colonial period in which during that time the term of eigendom was created by the colonial government as one example of a western land right which were governed by Agrarische Wet 1870 and Burgerlijk Wetboek Voor Indonesia (Kitab Undang Undang Hukum Perdata). Upon independence, Indonesian government issued its national land law namely Law No. 5 of 1960 concerning Basic Law for Agrarian Principles (UUPA) which automatically revoked the colonial land law. Through UUPA, eigendom is no longer recognized as a valid land right and must be converted in accordance with the provisions in UUPA and its derivative regulations. This report highlights the legality of eigendom after the issuance of UUPA as a land right and its implications if not converted. A case study whereas a land dispute involving an unconverted eigendom which is used as a legal basis for land ownership will be analyzed. Through this case study, it is clear that unconverted eigendom is no longer recognized. However, the termination of land right can be excluded if the owner can prove that the land has been physically controlled for twenty consecutive years.

Keywords : eigendom, UUPA, western land rights

References : 21 (1960 - 2024)