

Pembatalan sertipikat hak pakai terkait eksistensi hak ulayat masyarakat adat Desa Laha, Maluku : analisa kasus Putusan Nomor 18/G/2012/PTUN.ABN = Revocation of the right to use certificate in relation to the existence of indigenous villagers land right in Laha, Maluku : analysis of the Case Verdict Number 18/G/2012/PTUN.ABN

Nency Patricia, author

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Abstrak

Tesis ini membahas keberadaan hak ulayat adat terkait pembatalan sertipikat hak pakai di wilayah negeri Adat Laha, Maluku dimana kaitan eksistensi masyarakat hukum adat di Negeri Laha, Maluku terhadap penerbitan sertipikat hak pakai diatas tanah adat mereka. Penelitian ini adalah penelitian yuridis-normatif. Hasil penelitian menyarankan bahwa Badan Pertanahan Nasional bersikap lebih hati-hati terhadap setiap warga negara yang hendak memohonkan untuk penerbitan sertipikat hak atas tanah di atas tanah adat, harus dilepaskan terlebih dahulu hak atas tanah adat tersebut dan setiap pertimbangan hakim sebaiknya menerapkan juga aturan dalam pasal 3 Undang-Undang Pokok Agraria nomor 5 tahun 1950.

.....This thesis discusses the existence of indigenous customary rights to revoke the rights to use certificate of land in the area of Indigenous Laha, Maluku, where the relation of existence of indigenous people in the State Laha, Maluku against publishing certificate use rights over their customary lands. This research is a juridical-normative research. The conclusion of the research suggest that the National Land Department to be more cautious against any citizen who wanted to ask for the issuance of certificate of land rights in customary land, should be released first indigenous land rights and every judge judgment rule should apply also in chapter 3 Basic Agrarian Law No. 5 of 1950.