

Tumpang tindih hak milik warga masyarakat di Kecamatan Bojonegara Kabupaten Serang dengan hak pengelolaan PT Pelindo II = Overlapping certificate of right of ownership and right to manage of PT Pelindo II

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Abstrak

Tesis ini membahas mengenai tumpang tindih sertipikat di atas suatu lahan akibat kesalahan administratif. Sertipikat yang cacat hukum administratif adalah sertipikat yang mengandung kesalahan prosedur, kesalahan penerapan peraturan perundang-undangan, kesalahan subyek hak, kesalahan obyek hak, kesalahan jenis hak, kesalahan perhitungan luas, data yuridis atau data fisik tidak benar, atau kesalahan lain yang bersifat administratif. Sertipikat yang cacat hukum administrative dapat memberikan ketidakpastian hukum sebagaimana yang diharapkan oleh pendaftaran tanah di Indonesia. Penelitian ini merupakan suatu penelitian yang berbentuk penelitian normatif yang bersifat deskriptif. Hasil penelitian menunjukkan bahwa di Kecamatan Bojonegara pernah terjadi Penerbitan Sertipikat yang cacat hukum administratif yaitu penerbitan Sertipikat HPL atas Nama PT. Pelabuhan Indonesia II yang terletak di Kecamatan Bojonegara, Kabupaten Serang.

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The focus of this Thesis is Overlapping Certificate of Right on Land as a result of an Administrative Law Deformed. Administrative Law Deformed Certificate is the certificate with the inaccuracy of procedure, the regulation application, the right subject, the right type, the width calculation, the incorrect judicial or physical data or other administrative inaccuracy. The administrative Law deformed certificate may cause the uncertainty of law as it is expected by the Land Registry in Indonesia. Research methods in this thesis is a normative legal research methods refers to the legal norms which is contained in the legislation that is descriptive research. The research result shows that in Bojonegara, has ever issued the Administrative Law Deformed Certificate, which was the issuing of Certificate HPL upon the name of PT. Pelabuhan Indonesia II, located in Bojonegara District, Serang City.