ABSTRACT

Land rights certificate is proof of ownership of land rights so that whoever's name listed in the certificate is considered as the rightful owner of the land. Prior to land right certificate is issued by the Head Office of the local Land Agency, then for a certificate to go through the registration process or procedures in advance.

Land registration system used by the UUPA was negative publication system with positive and to overcome the weaknesses of the publication system of land registration, land registration which produce proof of rights in the form of a valid certificate as a strong evidence as contained in Article 19 Paragraph (2) point c UUPA, chapter 23, article 32 and article 38 of the UUPA. Where the instrument is strong evidence that the physical data and juridical data are listed in the certificate are true to the extent not otherwise be proven by other evidence, so in this case a certificate is not the only proof of the right but is just one piece of evidence. Besides the absence of time limits for the true owners of the land to claim his rights or that has been certified sued by another party, for it has been decided that Article 32 Paragraph (2) Regulation No. 24 of 1997 on the Land Registry. Where a person who was to have land and want to cancel the rights to the land must meet the elements of an already issued certificate of land lawfully, in good faith and in the real hang of it, within 5 (five) years from the issuance of the certificate the right to sue will be lost (rechverwerking), because of people shall be deemed to have been abandoned.

Article 32 paragraph (2) Regulation No. 24 of 1997 does not specify the nature of the elements giving rise to a variety of interpretations in the community. In addition to the good faith element of the legal consequences of unwanted regulators to be an absolute title deedis becoming increasingly difficult because it is basically in good faith held by each person, while in bad faith must be proven. So there are conditioned party the burden of proof that they had a right to the land and relative. To avoid chaos in society and can happen a rule of law then there should be a concrete explanation at implementing regulations of the elements contained in Article 32 Paragraph (2) PP No 24 of 1997.

Keywords: filing requirements, the cancellation of the certificate of land rights, the filing requirement of cancellation, the cancellation of the certificate, the certificate of land rights.