

## ABSTRACT

Numbers of institutions, such as Department of Commerce, Tourism Bureau, and P.T. (Persero) Pelabuhan Indonesia IV Pantoloan, denied giving any legalization for restaurant businessmen to control shore area, because those institutions felt that they don't have any authority to give such right. This led to the occurrence of the control over shore area.

Those controls over shore area has led to the emergency of some legal issues, which is focused on the base of right used as the legal basis of such control over shore area. Therefore, there are two sub legal issues emerge. The first sub issue is whether such base of right to control shore area is based on the right over land; the second sub issue is whether such base of right to control shore area is based on the regulation of Article 47 UUPA (Primary Agrarian Law).

From the description and discussion found in this thesis, it is possible to generate a conclusion which stated that the restaurant businessmen's right to control shore area didn't accommodated or covered by any regulation on right over land, as those regulated by Section 16 Article (1) UUPA (Primary Agrarian Law), and therefore, it can be said that those control over shore area is in contrary with the regulation of section 47 UUPA (Primary Agrarian Law) concerning about the right to utilize water. Because the administration of water utility rights through the State Regulation as entrusted by Section 47 Article (2) UUPA (Agrarian Primary Law) has not been conducted yet, therefore, it can be said that a single clear regulation on the control over shore area has not been provided, yet. Therefore, it can be said that the objective of the establishment of UUPA (Primary Agrarian Law), that is to provide agrarian law order, has not been achieved, yet.