

ABSTRACT

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“LEGAL CONSEQUENCES OF LEASE AGREEMENTS THAT USE A LIFETIME AND INDICATION OF TRANSFER OWNERSHIP TO LAND WITH NOMINEE AGREEMENT (RESEARCH CASE NO. 1616 K/PDT/2018)”

(xi+125 Pages)

Based on 2019 data, Bali has a total of 6,275,210 million tourists from all over the world. This makes foreign citizens interested in owning land, especially in Bali to be used as a residence or business. But for foreigners who are domiciled in Indonesia, there is a prohibition on ownership of land rights because the Basic Agrarian Law (UUPA) adheres to the principle of nationality. Foreigners are not allowed to own land in Indonesian territory, making foreigners look for ways to transfer their ownership rights to land by legal smuggling in the form of forming a nominee with an Indonesian citizen. This nominee occurred in the case between Plaintiff Ida Ayu Putu Eka Kartika and Defendant Ir. Dede Prabowo as the nominee of Gary Wayne Labar with a verbal power of attorney to sign a land lease agreement dated December 28, 2004 in which there is a lifetime period. In the event that Gary Wayne Labar ordered the Defendant to be his representative to sign the lease agreement indirectly with the existence of the deed transferring Property Rights to Gary Wayne Labar as a foreigner. Therefore, the purpose of this research is to find out, research, and analyze the legal strength of a lease agreement that uses a lifetime period and indicates the transfer of title to land with a Nominee in terms of the Civil Code using normative juridical methods and legal approaches, cases and Conceptual. The result of this research is that positive law in Indonesia has provided legal protection for lease agreements that use a lifetime period and indicates the transfer of property rights to land with a Nominee Agreement, which can be seen in Article 1320 of the Civil Code and UUPA in Article 21 paragraph (1) and Article 26 paragraph (2).

References: 46 (1945 – 2020)

Keywords: Legal consequences, Ownership of land rights, Nominee Agreement, Legal protection for Indonesia citizen