

ABSTRACT

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LEGAL CERTAINTY FOR INDONESIAN CITIZENS AS NOMINEES OF RIGHT OF OWNERSHIP CERTIFICATE OF LAND WHICH PAYMENTS FOR THE PURCHASE WAS MADE FOR FOREIGNERS

(XI + 95 pages)

According to Article 21 of the Basic Agrarian Law, only Indonesian citizens can own land. However, there are cases where foreigners commit legal smuggling in order to gain control of land ownership rights in Indonesia through nominee arrangements. This study aims to analyze and find solutions to legal issues regarding the legality of nominee arrangement in terms of the Civil Code and Basic Agrarian Law, as well as analyze legal certainty regarding land ownership rights for Indonesian citizens as nominees in terms of Government Regulation No. 24 of 1997 and Supreme Court Circular No. 10 of 2020. This research is a normative-juridical research with a data collection method in the form of library research and using secondary data. The data analysis technique used is qualitative analysis. The types of approaches used are conceptual approach, statutory approach, and case approach. The results of this study are that nominee arrangement can actually be legally made to enter into an agreement as long as they do not conflict with the provisions in Article 1320 of the Civil Code regarding the legal terms of the agreement. Furthermore, legal certainty regarding land ownership rights for Indonesian citizens as nominees is actually guaranteed by Article 32 Government Regulation No. 24 of 1997 and Supreme Court Circular No. 10 of 2020 which states that the owner of a land is the one whose name is listed on the certificate, regardless of who makes the payment.

References: 72 (1960-2021)

Keywords: Nominee Arrangement, Right of Ownership, Legal Certainty