

## ABSTRACT

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### **LEGAL CONSEQUENCES FOR FOREIGN AND NATIONAL CITIZEN AS PARTIES AND THE RESPONSIBILITIES OF THE NOTARY IN NOMINEE AGREEMENTS FOR LAND OBJECTS IN INDONESIA**

(xii + 109 pages; 1 table)

Ownership of land rights, particularly ownership rights in Indonesia, is strictly regulated by law and can only be held by Indonesian citizens (WNI). However, foreign nationals (WNA) residing and investing in Indonesia often seek to acquire land ownership rights, which constitutes a violation of the law. As a result, legal circumvention practices by WNA through name-lending agreements have become prevalent. In this practice, the name of a WNI is used as the formal owner to bypass legal restrictions, often facilitated by notaries drafting the agreements underlying such transactions. This practice not only contravenes the principles of agrarian law but also poses potential harm to the parties involved, as such agreements are considered null and void under the law. This study aims to delve deeper into the legal implications of name-lending agreements, the accountability of notaries as public officials involved in drafting these agreements, and the legal consequences for both WNI and WNA parties. The study employs a normative-empirical approach with case studies based on court decisions as its method of analysis. The findings reveal that name-lending agreements declared null and void by law have significant legal implications for the parties involved, particularly for WNA and WNI who entered into such agreements without good faith. Additionally, notaries, in executing their duties, may be held administratively and civilly liable if their actions do not adhere to the provisions of the Notary Office Act (UUJN), its amendments (UUJN-P), the Notary Code of Ethics, and other relevant regulations. Notaries, as public officials, must exercise caution and uphold the principle of prudence when drafting agreements or deeds. This study underscores the importance of raising public awareness to enhance legal understanding, thereby promoting transparency in property transactions and safeguarding national interests. Furthermore, the government must play an active role in ensuring the effective implementation of these regulations.

Reference : 82 (1945 - 2024)

Keywords : Nominee arrangement, Citizen, Notary