

ABSTRACT

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“THE STRENGTH OF EVIDENCE PROVING LEGAL SMUGGLING FROM NOMINEE AGREEMENTS WITH THE LAND OBJECT”

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(2 Attachments)

Humans essentially need land as a place to live or conduct business. Indonesia clearly limits land ownership through regulation of Law Article Number 5 of 1960 concerning the Principles of Agrarian Regulations, which states that land ownership in Indonesia is only intended for Indonesian citizens. However, this does not close the opportunity for foreign citizens to invest because foreigners hold land control rights in the form of usage rights, building lease rights, and ownership rights to housing or flats built on land with usage rights. However, the development of the era and the mixing of cultures has led to nominee agreements which are a form of legal smuggling that is detrimental to both parties involved in the agreement. Therefore, this research was conducted with the aim of conducting a study related to nominee agreements that are difficult to eradicate in Indonesia along with solutions to resolve them. The formulation of the problem is how is the legal force and power of nominee agreements made by a notary? And what is the ideal solution and regulations made to overcome the legal smuggling of nominee agreements? The research method used in this research is the normative research method. The conclusion of this study shows that the role of notaries holds an important key in eradicating nominee agreements. This must be supported by stricter regulations made by the regulator regarding sanctions that must be imposed on irresponsible notaries who is using their authority to validate nominee agreements. Many foreigners come to Indonesia with intention to invest continue to use nominee agreements because they feel safe having an agreement that validated by a notary as a public official. Law Article Number 30 of 2004 concerning the Position of Notary which has been amended by Law Article Number 2 of 2014 concerning Amendments to Law Article Number 30 of 2004 concerning the Position of Notary does not explicitly explain the prohibition of notaries in making nominee agreements. However, nominee agreements are clearly an act prohibited by law so should be eradicated by notaries as public officials and law enforcement officers, not to validate and ratify it as an agreement. Furthermore, the role of associations as an extension of the government hands and supervisors can also be tightened. This study will explain further regarding the resolution and regulation of solutions to eradicate nominee agreements that continue to develop in the society.

Keywords: Land Ownership, Nominee Agreement, Public Notary

References: 52 (1975-2024)