

Tinjauan kritis terhadap pasal 43 Undang-Undang Nomor 20 tahun 2011 tentang rumah susun = The critical analysis against the Article 43 Number Regulations 20 in 2011 about the high rise buildings / Ragees Matonak Mirakelia

Ragees Matonak Mirakelia, author

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Abstrak

ABSTRAK

Tesis ini membahas mengenai tinjauan dari aspek hukum atas penerapan Pasal 43 Undang-Undang Nomor 20 Tahun 2011 tentang Rumah Susun dan identifikasi kendala-kendala terhadap pengaturan mengenai rumah susun. Diharapkan dapat memberikan masukan kepada pihak-pihak yang menyediakan dan menyelenggarakan pembangunan perumahan dan kawasan permukiman terutama mengenai peningkatan pemasaran pengembangan perumahan dan permukiman dengan diberlakukannya syarat keterbangunan paling sedikit 20%, agar dapat lebih memahami dan dapat menempatkan hak-hak dan kewajiban-kewajiban masing-masing pihak baik itu pemerintah, swasta dan masyarakat pada tempatnya sesuai dengan peraturan yang berlaku di negara kita. Metode penelitian dalam tesis ini adalah metode kepustakaan yang bersifat yuridis normatif, yaitu dengan menggambarkan proses pelaksanaan pembangunan rumah susun, kemudian melakukan analisis terhadap aspek-aspek pemasaran pengembangan perumahan dan kawasan permukiman. Pengambilan data sekunder dilakukan untuk memperoleh data tentang peraturan perundangan, literatur dan pendapat para ahli, makalah-makalah dan hasil penelitian yang telah dilakukan terdahulu yang berkaitan dengan pembangunan rumah susun. Hasil penelitian ini menyimpulkan bahwa terdapat kendala dalam penerapan Pasal 43 Undang-Undang Nomor 20 Tahun 2011 tentang Rumah Susun. Penerapan peraturan ini dianggap memberatkan pelaku pembangunan rumah susun disebabkan tidak semua pelaku pembangunan rumah susun dapat memenuhi syarat Keterbangunan perumahan paling sedikit 20% (dua puluh persen) yaitu hal telah terbangunnya rumah paling sedikit 20% (dua puluh persen) dari seluruh jumlah unit rumah serta ketersediaan prasarana, sarana, dan utilitas umum dalam suatu perumahan yang direncanakan. Terkait dengan hal ini, diidentifikasinya kendala dalam Pasal 43 Undang-Undang Nomor 20 Tahun 2011 tentang Rumah Susun terhadap rencana pembangunan rumah susun oleh pelaku pembangunan rumah susun.

ABSTRACT

This thesis discussed concerning the analysis from the aspect of the law on the application of the Article 43 number regulations 20 in 2011 about the High-rise Building and the identification of hindrances towards the regulation about the highrise Building. Expected to be able to give input to sides that provided and held the

development of housing and the settlement region especially concerning the increase in the marketing of the development of housing and the settlement with the implementation of the condition keterbangunan at least 20%, so that more could understand and place the rights and obligations respectively the good side the government, private enterprise and the community to his place in accordance with the regulation that was valid in our country. The research method in this thesis was the bibliography method that was juridical normative, that is by depicting the process of the implementation of the development of the high-rise Building, afterwards carried out the analysis towards aspects of the marketing of the development of housing and the settlement region. The taking of the secondary data was carried out to receive the data about the legislation regulation, literature and the opinion of the experts, papers and results of the research that was carried out previous that was linked with the development of the high-rise Building. Results of this research concluded that is gotten by the hindrance in the application of the Article 43 Nomor regulations 20 in 2011 about the High-rise Building. The application of this regulation it was considered caused problems for the perpetrators of the development of the high-rise Building was caused not all the perpetrators of the development of the high-rise Building could fill the Keterbangunan condition housing at least 20% (twenty percent) that is the matter has the development of the house at least 20% (twenty percent) from all over the number of house units as well as the availability of the infrastructure, means, and the utility of the public in a housing that were planned. In relation to this, he identified the hindrance in the Article 43 Nomor regulations 20 in 2011 about the High-rise Building towards the development plan of the high-rise Building by the perpetrators of the development of the high-rise Building.