

Pemanfaatan tanah wakaf untuk pembangunan rumah susun umum ditinjau dari hukum tanah nasional dan hukum Islam = Utilization of waqf land for public condominium development in term of agrarian law and Islamic law

Puti Shelia, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20389189&lokasi=lokal>

Abstrak

[ABSTRAK

Tesis ini membahas upaya Pemerintah dalam menyediakan perumahan dan pemukiman pada warganya adalah dengan memaksimalkan lahan terbatas dengan mengembangkan konsep pembangunan perumahan dalam suatu gedung bertingkat baik horizontal maupun vertikal atau kita kenal dengan sebutan rumah susun. Dalam mewujudkan penyediaan perumahan tersebut Pemerintah memanfaatkan potensi dan manfaat ekonomis harta benda wakaf dengan membuat suatu ketentuan rumah susun selain dapat dibangun di atas tanah hak milik, hak guna bangunan dan hak pakai tertentu, rumah susun juga dapat dibangun dengan mendayagunakan tanah wakaf Ketentuan tersebut diatur dalam Undang-Undang 20 Tahun 2011 tentang rumah susun (UU 20 Tahun 2011). Dari segi pengaturannya suatu peraturan perundang-undangan haruslah harmonis baik secara horizontal dan vertikal, dengan demikian perlu diadakan suatu penelitian mengenai pemanfaatan tanah wakaf untuk pembangunan rumah susun umum berdasarkan UU 20 Tahun 2011 dengan ketentuan Undang-Undang 41 Tahun 2004 tentang Wakaf (UU 41 Tahun 2004). Berdasarkan hukum Islam maupun ketentuan UU 41 Tahun 2004 tidak ada larangan untuk pemanfaatan tanah wakaf dengan cara sewa, namun demikian masih perlu pengaturan lebih lanjut mengenai Sertifikat Kepemilikan Bangunan Gedung Satuan Rumah Susun (SKBG Sarusun). Pengaturan lebih lanjut mengenai SKBG Sarusun diutamakan mengatur mengenai kewajiban pemegang SKBG Sarusun dan Nadzhir pada saat masa sewa tanah berakhir.

ABSTRACT

This thesis covers the government's attempt in providing housing and settlement to its citizens in current space shortage through the development of horizontal and/or vertical residential flats. In doing so, government extends the potential benefit of waqf property through passes an Act No. 20, 2011 residential condominium can only be built on a land with freehold, building rights title, rights to use title, and waqf property. To support its implementations, an act need to be aligned both horizontally and vertically to the existing legal systems. Thus, it is pivotal to research the implementation of residential public condominium in waqf property based on Act no. 20, 2011 against the Act No. 41, 2004 about waqf. Both the Islamic laws compilation and Act No. 41, 2004 support the use of waqf for rental property. Yet further investigation is still needed to analyze the specific case for the Joint Certificate for Residential Condominium (SKBG Sarusun). Further regulation SKBG Sarusun is prioritized in this research to analyse the obligation of both SKBG Sarusun holder and Nadzhir at the end of rental period; This thesis covers the government's attempt in providing housing and settlement to its citizens in current space shortage through the development of horizontal and/or vertical residential flats. In doing so, government extends the potential benefit of waqf property through passes an Act No. 20, 2011 residential condominium can only be built on a land with freehold, building rights title, rights to use title, and waqf property. To support its implementations, an act

need to be aligned both horizontally and vertically to the existing legal systems. Thus, it is pivotal to research the implementation of residential public condominium in waqf property based on Act no. 20, 2011 against the Act No. 41, 2004 about waqf. Both the Islamic laws compilation and Act No. 41, 2004 support the use of waqf for rental property. Yet further investigation is still needed to analyze the specific case for the Joint Certificate for Residential Condominium (SKBG Sarusun). Further regulation SKBG Sarusun is prioritized in this research to analyse the obligation of both SKBG Sarusun holder and Nadzhir at the end of rental period, This thesis covers the government's attempt in providing housing and settlement to its citizens in current space shortage through the development of horizontal and/or vertical residential flats. In doing so, government extends the potential benefit of waqf property through passes an Act No. 20, 2011 residential condominium can only be built on a land with freehold, building rights title, rights to use title, and waqf property. To support its implementations, an act need to be aligned both horizontally and vertically to the existing legal systems. Thus, it is pivotal to research the implementation of residential public condominium in waqf property based on Act no. 20, 2011 against the Act No. 41, 2004 about waqf. Both the Islamic laws compilation and Act No. 41, 2004 support the use of waqf for rental property. Yet further investigation is still needed to analyze the specific case for the Joint Certificate for Residential Condominium (SKBG Sarusun). Further regulation SKBG Sarusun is prioritized in this research to analyse the obligation of both SKBG Sarusun holder and Nadzhir at the end of rental period]