

Tumpang tindih hak guna bangunan dan hak pengelolaan di Kawasan Gedung Matahari Lama Cilegon = Overlapping rights of building and management rights at the building of Matahari Lama Cilegon's area

Belinda Tanto, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20403659&lokasi=lokal>

Abstrak

[Pemerintah Kabupaten Serang memberikan Hak Guna Bangunan diatas tanah Negara kepada PT. Genta Kumala selaku developer untuk membangun pusat pembelanjaan modern yang terdiri dari sebuah mall dan beberapa ruko di Kota Cilegon. PT. Genta Kumala menjual ruko kepada masyarakat dengan status Hak Guna Bangunan untuk tiap unit ruko. Jangka waktu Hak Guna Bangunan diberikan selama 20 tahun, dan hak tersebut berakhir pada tahun 2012. Permasalah timbul ketika masyarakat melakukan permohonan perpanjangan jangka waktu Hak Guna Bangunan kepada BPN Cilegon. Permohonan tersebut ditolak oleh BPN Cilegon dengan alasan ruko tersebut berada diatas tanah Hak Pengelolaan atas nama Pemerintah Kabupaten Serang. Pokok permasalahan yang hendak diangkat, yaitu bagaimanakah status Hak Pengelolaan yang diberikan diatas tanah Hak Guna Bangunan yang berada di kawasan Gedung Matahari Lama dan bagaimanakah kepastian hukum bagi pemegang Hak Guna Bangunan akibat diterbitkannya Hak Pengelolaan diatas tanah Hak Guna Bangunan tersebut. Menurut peraturan yang berlaku, Hak Pengelolaan yang diberikan diatas tanah

Hak Guna Bangunan adalah tidak sah, sehingga ketentuan-ketentuan mengenai Hak Pengelolaan tidak dapat diaplikasikan dalam kasus ini. Hak Guna Bangunan ruko berada diatas tanah Negara, karenanya persetujuan pemegang Hak Pengelolaan bukan merupakan syarat permohonan perpanjangan jangka waktu hak.

.....Serang District's Government give Rights of Building over state land to PT. Genta Kumala as the developer to build a modern shopping center consisting of a mall and shophouse in the city of Cilegon. PT. Genta Kumala sell shophouse to the public with Rights of Building for each unit. Duration of Rights of Building granted for 20 years, and the rights expire in 2012. Problems comes when people make application for extension of their Rights of Building. The petition was rejected by the National Land Agency because the shophouse is located on Management Rights of Serang District's Government. The issue of this thesis are

status of Management Rights which granted on the Rights of Building in Building of Matahari Lama Cilegon and legal certainty for Rights of Building holders due to the issuance of Management Rights over Rights of Building. According to legal regulations, Management Rights given over Rights of Building is invalid, so that the provisions regarding the Management Rights can not be applied in this case. Rights of Building's shophouse given over state land, hence the approval of the holders of Management Rights is not a requirement for extension of the term of right. Serang District's Government give Rights of Building over state land to PT. Genta Kumala as the developer to build a modern shopping center consisting of a mall and shophouse in the city of Cilegon. PT. Genta Kumala sell shophouse to the public with Rights of Building for each unit. Duration of Rights of Building granted for 20 years, and the rights expire in 2012. Problems comes when people make application for extension of their Rights of Building. The petition was rejected by the National Land Agency because the shophouse is located on Management Rights of Serang District's Government. The issue of this thesis are status of Management Rights which granted on the Rights

of Building in Building of Matahari Lama Cilegon and legal certainty for Rights of Building' holders due to the issuance of Management Rights over Rights of Building. According to legal regulations, Management Rights given over Rights of Building is invalid, so that the provisions regarding the Management Rights can not be applied in this case. Rights of Building's shophouse given over state land, hence the approval of the holders of Management Rights is not a requirement for extension of the term of right., Serang District's Government give Rights of Building over state land to PT.

Genta Kumala as the developer to build a modern shopping center consisting of a mall and shophouse in the city of Cilegon. PT. Genta Kumala sell shophouse to the public with Rights of Building for each unit. Duration of Rights of Building granted for 20 years, and the rights expire in 2012. Problems comes when people make application for extension of their Rights of Building. The petition was rejected by the National Land Agency because the shophouse is located on Management Rights of Serang District's Government. The issue of this thesis are status of Management Rights which granted on the Rights of Building in Building of Matahari Lama Cilegon and legal certainty for Rights of Building' holders due to the issuance of Management Rights over Rights of Building. According to legal regulations, Management Rights given over Rights of Building is invalid, so that the provisions regarding the Management Rights can not be applied in this case. Rights of Building's shophouse given over state land, hence the approval of the holders of Management Rights is not a requirement for extension of the term of right.]