

Kajian yuridis mengenai pengubahan benda bersama dari rumah susun menjadi satuan rumah susun oleh PT "X" di "Apartemen Y" = Juridical studies regarding the changing of common facilities to certificate of right of ownership of a unit of apartmen by PT. X in "Apartemen Y" / Iga Shanti Santosa

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Abstrak

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merupakan perusahaan yang bergerak dalam bidang properti yang melakukan pembangunan Apartment "Y", dimana PT "X" melakukan pengubahan peruntukkan dari pusat kebugaran fitness center yang merupakan bagian dari Benda Bersama di Apartemen "Y" dan menjadi satu kesatuan dalam Sertipikat Hak Guna Bangunan SHGB Induk serta Pertelaan Apartment "Y". Pengubahan peruntukkan dan fungsinya dilakukan dengan mengajukan pemecahan menjadi Sertipikat Hak Milik Satuan Rumah Susun SHMSRS ke Kantor Pertanahan tanpa melakukan pengubahan revisi sebagaimana Pertelaan Apartemen "Y" yang pernah diajukan ke Walikota setempat sehingga berakibat pada adanya pengubahan fungsi dari Benda Bersama di Apartemen "Y" yang menjadi hak milik perorangan sekaligus merubah komposisi Nilai Perbandingan Proporsional NPP di Apartemen "Y". Pokok permasalahan dalam tesis ini adalah bagaimana aspek hukum bagi developer yang mengubah peruntukkan dari benda bersama yaitu fitness centre menjadi hunian dengan memohon sertipikat satuan rumah susun? Apakah sanksi hukum yang diberikan kepada developer PT "X" yang telah mengubah fitness centre menjadi hunian dengan memohon sertipikat satuan rumah susun? Metode penelitian yang digunakan dalam hal ini adalah penelitian Yuridis Normatif secara deskriptif. Jenis data yang digunakan adalah data sekunder terdiri dari bahan hukum primer, sekunder dan tersier, alat pengumpulan datanya adalah studi dokumen dan metode analisis data adalah kualitatif dengan bentuk laporannya deskriptif analitis. Pengubahan benda bersama fitness center dalam apartment "Y" menjadi Hak Milik Satuan Rumah Susun akan berakibat pada pengubahan NPP keseluruhan Apartment. Pelanggaran tersebut dapat dimintakan pertanggungjawaban secara korporasi berupa Sanksi Pidana Penjara, Kurungan, Denda dan Pidana Tambahan. Kata Kunci: Benda Bersama; Fitness Center; Sanksi Pidana.

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ABSTRACT

Juridical Studies Regarding the Changing of Common Facilities to Certificate of Right of Ownership of a Unit of Apartmen By PT "X" in Apartemen "Y". PT "X" is a property developer engaged in the development of Apartemen "Y", where PT "X" has altered the designation of the Fitness Center, which is part of the common facilities in Apartment "Y" and is integrated in the Right of Building HGB and the description of Apartment "Y". The change in designation purpose and functions performed by proposing the splitting into Certificate of Right Ownership of a Unit of Apartment SHMSRS to the National Land Affairs Agency without making any changes revisions as the description of Apartment "Y" which has been submitted to the local mayor resulting in a change of function from Common Facilities in Apartment "Y" to a private

property right as well as changing the composition of Proportional Value Comparison NPP in the Apartment "Y". The focus of the problem are the legal aspects for developer PT "X" that changed the designation of common facilities, which is the fitness center into certificate of individual ownership of unit apartment. What legal sanctions are given to developers PT "X" which has changed the designation of object together, which is the fitness center as one of the common facilities as one of the certificate of individual ownership of unit apartment. The method used in this case is a normative juridical research descriptively. The data to be used are the secondary data which consists of primary legal materials, secondary and tertiary data, the collecting tool is the study of documents and methods of data analysis is qualitative with descriptive analytical report form. The alteration of fitness center as the common facilities in Apartment "Y" to become individual property Unit Housing Projects will result in the conversation of the entire NPP apartment. As a corporate the Alleged violations should be held accountable in the form of the Criminal Sanctions Prison, confinement, fines and additional criminal punishment.

Keywords Common Facilities Fitness Center Criminal Sanction.