

Penegakan hukum terhadap penertiban rumah negara di lingkungan Kementerian Keuangan = Law enforcement of controlling state houses in the Ministry of Finance

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Abstrak

UU No. 1 Tahun 2011 tentang Perumahan Dan Permukiman menyatakan bahwa Rumah Negara adalah rumah yang dimiliki negara dan berfungsi sebagai tempat tinggal atau hunian dan sarana pembinaan keluarga serta penunjang pelaksanaan tugas pejabat dan/atau pegawai negeri. Terdapat 10.475 unit Rumah Negara dimiliki oleh Kementerian Keuangan dan dari total dimaksud, 4.118 unit Rumah Negara dihuni penghuni yang tidak berhak maupun keadaan kosong. Ketersediaan Rumah Negara tersebut tidak sebanding dengan jumlah pegawai di Kementerian Keuangan sebanyak 80.524 orang. Permasalahan penelitian dilakukan untuk mengkaji prosedural dan penerapan penegakan hukum yang dilakukan Kementerian Keuangan. Metode penelitian yang digunakan yuridis normatif serta pendekatan deskriptif. Ketentuan sektoral Rumah Negara di Kementerian Keuangan belum menindaklanjuti secara jelas dan rinci prinsip pengelolaan Barang Milik Negara. Secara normatif tahapan upaya hukum dan penerapan sanksi hukuman penertiban Barang Milik Negara bermula dari yang bersifat administratif, keperdataan sampai dengan pemidanaan. Selanjutnya faktor ketersediaan anggaran tidak maksimal dan tidak sesuai kapasitas pejabat yang diberikan kewenangan penertiban menjadikan penegakan hukum Rumah Negara di lingkungan Kementerian Keuangan menjadi tidak efektif dan berjalan lamban.

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Law of the Republic of Indonesia Number 1 of 2011 on Houses and Housing Area rules that A statehouse is a house owned by state and functioned as a living house or residence, and as a facility to raise a family and to support government officials duties. There are 10.475 statehouses which owned by the Ministry of Finance, including 4.118 statehouses which lived by person who has no right or unoccupied. The availability of statehouses owned by the Ministry of Finance is not equivalent to the number of 80.524 employees. This research was conducted to observe procedural and legal enforcement which conducted by the Ministry of Finance. Normative juridical method and descriptive approach have been applied to conduct this research. The sectoral provisions of statehouses in the Ministry of Finance have not yet followed up clearly and in detail the principles of managing states asset. Normatively, the stages to conduct legal efforts and to apply penalties on the use of statehouses is begin from administrative effort into using private or criminal law. Furthermore, the factor of budget availability is not maximal and the incompatibility of officials capacity who are given enforcement authority make law enforcement of statehouses within the Ministry of Finance became ineffective and sluggish.