

4-30-2022

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### Recommended Citation

Salain, Made Suksma Prijandhini Devi; Palguna, I Dewa Gede; and Widiatedja, I Gusti Ngurah Parikesit (2022) "The Regulation of the Ownership of Flats by Foreigners after the Enactment of the Job Creation Law," *Indonesia Law Review*. Vol. 12: No. 1, Article 1.

DOI: 10.15742/ilrev.v12n1.1

Available at: <https://scholarhub.ui.ac.id/ilrev/vol12/iss1/1>

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# THE REGULATION OF THE OWNERSHIP OF FLATS BY FOREIGNERS AFTER THE ENACTMENT OF THE JOB CREATION LAW

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## Article Info

Received : 6 September 2021 | Received in revised form : 27 October 2021 | Accepted : 25 February 2022

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### Abstract

*The presence of foreigners in Indonesia for a long period certainly requires a place to live or a residential house. According to Article 144 (1) b of Job Creation Law, foreigners have the right to own flat units in Indonesia. Is this regulation intended to attract foreign investors? If it is yes, does not it contradictory to the "kenasionalan" principle stipulated in the Basic Agrarian Law (BAL) and other Indonesian regulations? This study is aimed to deal with those legal issues, by using the normative legal method. The result shows that the ownership right of flat units given to foreigners by the Job Creation Law is in contradiction with the "kenasionalan" principle, Article 33 paragraph (3) of the 1945 Constitution, and the BAL which only allows land/building use and lease right for foreigners. In addition, the regulation which allows the establishment of flats on land with building-use rights for a maximum of 80 (eighty) years raises a legal problem since such regulation had been revoked by the Constitutional Court of the Republic of Indonesia with its Decision Number 21-22/PUU-V/2007. Thus, the study recommends that the Government conduct a review of the regulation which allows foreigners to have ownership right to flat units under the Job Creation Law.*

**Keywords:** Regulation; Ownership right to flat units; Foreigner; Job Creation Law

### Abstrak

*Kehadiran WNA di Indonesia dalam jangka waktu yang lama tentunya membutuhkan tempat tinggal atau rumah hunian. Di dalam Hukum Perdata Internasional, peristiwa kepemilikan rumah atau tempat tinggal oleh WNA ditentukan dengan asas Lex Rei Sitae, yaitu: diberlakukannya sistem hukum dimana letak objek berada. Berdasarkan Pasal 144 ayat (1) huruf b Undang-Undang Cipta Kerja No. 11 Tahun 2020, WNA mempunyai hak milik atas satuan rumah susun di Indonesia. Apakah pengaturan ini bertujuan untuk menarik investor asing? Jika ya, tidakkah hal itu bertentangan dengan asas kenasionalan yang disebutkan dalam UUPA dan peraturan perundangan lainnya di Indonesia? Kajian ini dimaksudkan untuk menjawab isu-isu hukum tersebut dengan menggunakan metode penelitian hukum normatif. Hasil analisis menunjukkan bahwa kepemilikan WNA atas satuan rumah susun berdasarkan UU Cipta Kerja bertentangan dengan asas kenasionalan, Pasal 33 ayat (3) UUD 1945 dan UUPA yang hanya memberikan hak pakai dan hak sewa atas tanah/bangunan kepada WNA. Tambahan pula, pengaturan pendirian rumah susun di atas Hak Guna Bangunan (HGB) juga menimbulkan permasalahan terkait jangka waktu HGB sampai dengan 80 tahun yang sebelumnya sudah dibatalkan melalui Putusan MKRI Nomor 21-22/PUU-V/2007. Oleh karena itu disarankan kepada Pemerintah agar segera meninjau kembali pengaturan kepemilikan satuan rumah susun oleh WNA yang diatur dalam UU Cipta Kerja.*

**Kata Kunci:** Pengaturan; Kepemilikan atas Satuan Rumah Susun; WNA; UU Cipta Kerja

## I. INTRODUCTION

A house or shelter is one of the primary human needs along with the need for food and clothing. A house is a place for humans to rest and to protect them from bad weather, pandemics, wild animals, and even crime. Houses or residences in Indonesia are of various types, namely: Single Houses, Tread Houses, Coupling Houses, Flats, Shop Houses, Office Houses, Apartments, Boarding Houses, Rent, Clusters, and Residential Transit-Oriented Development.<sup>1</sup> According to Article 21 paragraph (1) of Law No. 1 of 2011 on Housing and Settlement Areas (hereinafter referred to as the Law on Housing and Settlement Areas), types of houses are: commercial, public, self-help, special, and statehouses while Article 22 paragraph (2) defines 3 (three) forms of houses, namely: single houses, rowhouses, and flats.

The advancement of various types and forms of houses is triggered by the increasing number of residents. However, reducing the number of vacant lands has been followed by the rising in housing prices. Apartments and flats are one of the solutions provided to the public by utilizing vacant land that is not so large but can still provide houses in large numbers. By citing Article 1 paragraph (1) of Law No. 20 of 2011 concerning Flats (hereinafter referred to as the 2011 Flats Law), Flats are high-rise buildings established in a way that is divided into several units, can be owned and used separately, especially for dwellings that have parts, objects, and land. The main objective of the issuance of flats based on Article 3 letter a of the 2011 Flats Law is to ensure the realization of affordable and livable flats in a healthy, safe, harmonious and sustainable environment and to create integrated settlements to build economic, social and cultural resilience. The word 'affordable' can be interpreted as such that the Government of Indonesia provides flats that are not too expensive so that they can be reached by the lower and middle class. This is in line with the founding objective of the Government of the State of Indonesia enshrined in the 4th paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945), in particular, to promote the general welfare. In this context, this goal implies the intention to prioritize the interests and needs of the Indonesian people. However, in the current trend, Foreign Citizens (or "*Warga Negara Asing*", WNA, in Bahasa Indonesia) who stay in Indonesia can also occupy flats.

Trade liberalization and globalization have caused countries to be unable to protect themselves from the inflow of foreigners, including products in the form of goods and services. The presence of foreigners in Indonesia for a long period certainly requires a place to live or a residential house. Meanwhile, residential houses will be related to location, land area, land status, and ownership.

Land and flats are qualified as immovable properties and according to the principle of *Lex Rei Sitae* and Article 17 *Algemene Bepalingen Van Wetgeving voor Nederlands Indie* (AB), the applicable law will follow the location of the property. Thus, when foreigners intend to occupy and own an apartment in Indonesia, they must refer to the Indonesian Land Law. The main source of land law in Indonesia is Law No. 5 of 1960 on Basic Agrarian Laws (hereinafter referred to as BAL). Article 16 paragraph (1) of BAL divides land rights into several types, namely: ownership rights, business use rights, building use rights, right to use, lease rights, land clearing rights, forest product collection rights, and other rights regulated by law. Every Indonesian and Indonesian legal entity is entitled to all types of rights. However, what about foreigners? What

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<sup>1</sup> Dinas Pekerjaan Umum Perumahan dan Kawasan Permukiman Kabupaten Kuloprogo, "Jenis Rumah Tinggal atau Hunian di Indonesia", accessed July 1, 2021, <https://dpu.kulonprogokab.go.id/detil/238/jenis-rumah-tinggal-atau-hunian-di-indonesia>.

rights can be granted to foreigners concerning land? Based on Article 42 letter b and Article 45 letter b of BAL, foreigners are only entitled to have the right to use and the right to lease the land and building.

However, since the enactment of the Job Creation Law, those are no longer the case. The Law's Article 144 and Article 145 stipulate that foreigners are entitled to hold building-use rights. Furthermore, the right to use and ownership rights of flats by a foreigner are regulated under Government Regulation No. 18 of 2021 on Management Rights, Land Rights, Flat Units, and Land Registration. Article 49 paragraph (1) Government Regulation on Management Rights, Land Rights, Flat Units and Land Registration 2021 stipulated: "The rights to use consist of (a) the right to use with limited time; and (b) the right to use during used." Article 49 paragraph (2) e of the same Government Regulation: "The right to use under paragraph (1) is given to a foreigner."

The ownership right of a flat unit by a foreigner is legally recognized under Article 67 paragraph (1) c as long as the foreigner has a permit according to the related regulations. This change of foreigner rights raises a legal issue of whether the granting of building-use rights to foreigners complies with the spirit of the 1945 Constitution and Indonesian land law which promote the principle of "*kenasionalan*"? Even if, from a pragmatic perspective, the change is sensible and justifiable because it aims to attract foreign investors, is this not in conflict with the principle of "*kenasionalan*"?

To begin, this article provides a detailed account of the administration of flats before Job Creation Law. It then explains all kinds of regulations according to flats, such as the 1945 Constitution, BAL, and others. The next section provides an overview of the Job Creation Law which allows foreigners to have ownership right to flat units in Indonesia. And it continues to the next section which analyses the disharmonization of foreigner ownership right to flat units after the enactment of the Job Creation Law. Finally, this article concluded by showing there is a contradiction between the Job Creation Law with the "*kenasionalan*" principle, the Constitution 1945, and BAL according to foreigner ownership right to flat units which only allows land/building use and lease right for foreigners in Indonesia.

## II. THE ADMINISTRATION OF FLATS BEFORE JOB CREATION LAW

The administration of flats cannot be separated from land issues as flats require land as the place for their establishment. Meanwhile, any discussion pertaining to acquisition –and in line with – BAL as the "mother" of positive law which regulates land issues in Indonesia. BAL is a sign of the change in Indonesia's land politics after independence. Previously, based on the principle of concordance, Indonesia employed several legal instruments inherited from the Netherlands, such as *Agrarische Wet*, *Agrarische Besluit*, *Burgerlijk Wetboek*, *Koninklijk Besluit*, *Regeling Reglement*, *Indische Staatsregeling*. In many ways, the legal instruments left by the Dutch related to land are detrimental to the indigenous people of Indonesia. For example, *Agrarische Wet* was the Indonesian Agrarian Law coming into force in 1870. It set some rights to land for Indonesian, including the following: (1) Indonesian had the absolute right of land (*eigendom*) based on the terms under the related regulations; (2) Right to use of land for 75 (seventy-five) years; (3) *Erpacht* right for the thicket forest; (4) Governor-General was not allowed to sell the land or take the land which was already opened by Indonesian for his own interest; (5) tenancy right of land for foreigner. Understanding those substances, *Agrarische Wet* gave protection to the land and the Indonesian

people. In reality, *Agrarische Wet* was opened for foreign investment and the profit only for foreign investors.<sup>2</sup> Another example was *Indische Staatsregeling* (IS). Article 163 IS divided citizens into 3 (three) groups: European, Indonesian and foreign easterners. Each group had its own law and it led to legal pluralism in Indonesia. This article was already revoked through *Instruksi Presidium Kabinet Ampera* No. 31/U/IN/12/1966 to build the unity of Indonesia.<sup>3</sup>

Article 33 paragraph (3) of the 1945 Constitution which stipulates that “Land and water and the natural resources therein are controlled by the state and utilized for the greatest prosperity of the people” is the fundamental constitutional basis for the foundation of BAL. The state as an organization of power, based on Article 2 of BAL, has the authority to regulate (in the sense of making rules on land), to implement the rules referred to in its use, designation, and maintenance.

The meaning of the regulation, administration, maintenance, use, and allotment of land is not interpreted for other purposes except for the greatest prosperity of the people.<sup>4</sup> The General Elucidation of BAL states that the purpose of the establishment of BAL is to lay the foundations for the preparation of the National Agrarian Law which is a means of bringing prosperity, happiness, and justice to the state and the people, especially the peasants in the framework of a just and prosperous society, establishing unity and simplicity in land law through legal unification by laying down customary law as the basis of Indonesian agrarian law and providing legal certainty regarding land rights for the whole people.

In addition, as an important stressing, regarding the definition of “controlled by the State,” the Constitutional Court (MK) has given its constitutional interpretation. According to the Constitutional Court, “controlled by the state” must be interpreted to include the meaning of control by the state in a broad sense originating from the conception of people’s sovereignty over all sources of wealth “land and water and the natural resources contained therein,” including public ownership by the people’s collectivity on the respective natural resources. The people collectively are constructed to give a mandate to the State to carry out policies (*beleid*) and management actions (*bestuurdaad*), regulation (*regelendaad*), management (*beheersdaad*), and supervision (*toezichthoudensdaad*).<sup>5</sup> This means that, concerning land, which is explicitly included in Article 33 paragraph (3) of the 1945 Constitution, even though the 1945 Constitution gives the state the authority to carry out policies and actions for management, regulation, and supervision, it may not be separated from its ultimate goal, namely: “for the greatest prosperity of the people.”

Departing from the above-mentioned view, concerning land, the constitutional interpretation of the Constitutional Court regarding the notion of “controlled by the state” can be seen in its conformity with several basic principles of Indonesian agrarian law, namely: the principle of “*kenasionalan*”; the principle of that the highest level, the land, water, space and natural resources contained therein are controlled by the State;

<sup>2</sup> Masyrullahshomad Sudrajat, “Penerapan Agrarische Wet (Undang-Undang Agraria) 1870: Periode Awal Swastanisasi Perkebunan di Jawa”, *Historia Jurnal Program Studi Pendidikan Sejarah* 7, no. 2 (2019): 159-163, <http://dx.doi.org/10.24127/hj.v7i2.2045>.

<sup>3</sup> I Gusti Kade Prabawa Maha Yoga, Afifah Kusumadara, Endang Sri Kawuryan, “Kewenangan Notaris Dalam Pembuatan Surat Keterangan Waris Untuk Warga Negara Indonesia,” *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 3, no. 2 (2018): 132-133, <http://dx.doi.org/10.17977/um019v3i2p132-143>.

<sup>4</sup> Boedi Harsono, *Hukum Agraria Indonesia Sejarah Pembentukan, Isi dan Pelaksanaannya*, Edisi Revisi Cetakan Keduabelas (Jakarta: Djambatan, 2008), 270-278.

<sup>5</sup> For further detail, see Putusan Mahkamah Konstitusi Nomor 001-021-022/PUU-I/2003.

The principle of prioritizing national and state interests based on national unity from individual and group interests; The principle that all land rights has a social function; The principle that only Indonesian can have ownership rights to land; The principle of equality for every Indonesian; The principle of agricultural land must be worked out or cultivated wisely by the owner himself and prevent extortion; The principle of land use/planned land use.<sup>6</sup> These principles are used to implement the objectives of BAL and the basis for the formation of laws and regulations related to land.

As mentioned in the previous section, there are various land rights enshrined in Article 16 paragraph (1) of BAL and only Indonesian can have property rights. According to Article 20 paragraph (1) and Article 21 paragraph (1) of BAL, only Indonesian can have property rights on land because property rights are hereditary, the strongest and most complete rights owned by a person on land. For foreigners, it is limited to the right to use and the right to lease. Likewise with Article 39 letter (e) Government Regulation No. 40 of 1996 on Cultivation Rights, Building Use Rights and Land Rights (hereinafter referred to as Government Regulation on Cultivation Rights, Building Use Rights and Land Rights)<sup>7</sup> which gives the right to use to foreigners. Restrictions on foreign ownership rights to land refer to basic agrarian principles, especially the principle of prioritizing national and state interests based on national unity from individual and group interests and the principle that only Indonesian can have property rights to land.

Basic agrarian principles are also used as the basis for the enactment of legislation on flats. Prior to the enactment of the Job Creation Law, the administration of flats was regulated in the 2011 Flats Law. The ownership of flats based on Article 45 of the 2011 Flats Law was divided according to the type of flats:

- 1) The ownership of flats in public flats can be undertaken through ownership and lease;
- 2) The ownership of flats in special flats can be undertaken through borrowing or renting;
- 3) The ownership of flats in state flats can be undertaken through borrowing, renting, or leasing;
- 4) The ownership of flats in commercial flats can be undertaken through owning or renting.

Of the four types of flats mentioned above, only commercial flats provide opportunities for foreigners to occupy flats. The ownership of commercial flats can be obtained through ownership rights or lease rights. Can foreigners have ownership rights to commercial flat units according to the 2011 Flats Law? Article 46 of the 2011 Flats Law states that the ownership of a flat unit is a separate individual property with joint rights to shared parts, objects, and land. Proof of ownership of the flat unit is given in the form of a Certificate of Ownership of the Flat Unit (SHM Sarusun). The issuance of this kind of right based on Article 47 paragraph (2) of the 2011 Flats Law is only granted to people who meet the requirements as holders of land rights. The statement of SHM Sarusun can only be issued to people who meet the requirements as holders of land rights, and foreigners are not qualified. In other words, foreigners can only rent flats according to the 2011 Flats Law.

Article 2 Government Regulation No. 103 of 2015 concerning Ownership of Residential Houses or Occupancy by Foreigners Domiciled in Indonesia stipulates

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<sup>6</sup> Sigit Sapto Nugroho, et.al., *Hukum Agraria Indonesia*, Cetakan I, (Solo: Kafilah, 2017), 41-43.

<sup>7</sup> "The legal entity who has the right to use is a foreigner who is domiciled in Indonesia"

that “Foreigners can own a house for residence or residence with right to use.” This foreigner is an individual who has a residence permit for providing benefits, doing business, working, or investing in Indonesia in compliance with the applicable laws and regulations. According to the elucidation of Article 2 paragraph (2) of the Government Regulation of Ownership of Residential House or Occupancy by Foreigners Domiciled in Indonesia 2015 stipulated: “What is meant by “residence permit” consist of diplomatic residence, agency residence, visiting residence, limited residence, and permanent residence permits.” Article 5 of this regulation reaffirms the rights of foreigners to single houses and flats, namely: “Foreigners are given the right to use for a new purchase single house and Ownership Rights to Flat Units over the Right to Use for the newly purchased flat unit.” Whereas Article 144 paragraph (1) letter c of the Law on Job Creation state: “The ownership right of flat unit is given to foreigner who has permit based on the related regulations.” In its elucidation, there is no further explanation on the definition or type of the permit. It only explains areas where the foreigner could have a flat unit, such as special economic, free trade and harbor, industrial, and other economics areas.

From those regulations, there are different types of foreigners’ rights according to the types of flat units in Indonesia. Under the Government Regulation of Ownership of Residential House or Occupancy by Foreigners Domiciled in Indonesia 2015, a foreigner is only permitted to have the right to use a flat unit and it is limited to a foreigner who has a residence permit that is already regulated in the elucidation part. But since the enactment of the Job Creation Law the right to use a flat unit by a foreigner is modified into the ownership right. And this Law does not explain the criteria of the foreigner who could hold the ownership right of a flat unit. The elucidation states that foreigners could own a flat unit in some areas. Thus, it could be interpreted that every foreigner who has a permit (even if they only have tourist visas) could have the ownership right of a flat unit in some areas in Indonesia.

Foreigners’ ownership of flats in Indonesia with right-to-use status is reaffirmed in several articles in the Regulation of the Minister of Agrarian and Spatial Planning/ Head of the National Land Agency No. 29 of 2016 on Procedures for Granting, Releasing or Transfer of Rights ownership of Residential Houses/Occupations by Foreigners Domiciled in Indonesia namely:

- 1) Article 1 point 5: “Ownership rights to Flat Units are ownership by Indonesian of a flat unit on land with Ownership Rights, Building Use Rights or Right to use on State Land, as well as Building Use Rights or Right to use on Land Rights management;”
- 2) Article 1 point 6: “Right to use to Flat Unit is Ownership Right to Flat Unit which is owned by Foreigners” and;
- 3) Article 3: “Foreigners who hold residence permits in Indonesia in accordance with the provisions of laws and regulations, may own a house for residence or dwelling with the Right to Use.”

### III. THE OWNERSHIP OF THE FLAT UNIT IN JOB CREATION LAW

Job Creation Law is an unprecedented legal product in Indonesia. This Law was drafted with the Omnibus Law concept that originated from the common law system,<sup>8</sup> but it has also been adopted by several countries that adhere to the civil

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<sup>8</sup> Ahmad Ulil, Sakti Lazuardi, Ditta Chandra Putri, “Architecture of the Application of Omnibus Law

law system. Countries that employ this concept are, among others, the United States, Canada, Austria, Serbia, England, Australia, Argentina, New Zealand, Denmark, the Netherlands, Italy, and Japan.<sup>9</sup>

Omnibus means the presence of many loads in a bus.<sup>10</sup> According to the Black's Law Dictionary Ninth Edition: "Omnibus relating to or dealing with numerous objects or items at once; including many things or having various purposes."<sup>11</sup> If it is added to the law behind the word omnibus, it can be interpreted as a law whose substance regulates various things because it revises and/or revokes many laws. The concept of omnibus law offers to fix problems caused by excessive and overlapping regulations.<sup>12</sup> The use of the omnibus law concept to draft the Job Creation Law is expected to reduce the number of laws and regulations and the overlap between one regulation and another.

The statement of the President of the Republic of Indonesia, Joko Widodo at the National Coordination meeting of Regional Heads and the Regional Leadership Forum held by the Ministry of Foreign Affairs on November 13, 2019, says, "Our country has too many regulations and this country is not a regulation state."<sup>13</sup> Based on data as of July 2, 2021, from the official website of regulations owned by the Government, the number of regulations in Indonesia reached 39.813 regulations with the following details: There are 3.674 Central Governments' regulations, 15.947 Ministerial Regulations, 4.237 Regulations of Non-Ministerial Government Institutions (*Lembaga Pemerintahan Non-Kementerian* or LPNK), and 15.982 Regional Regulations (*Peraturan Daerah* or PERDA).<sup>14</sup>

By looking at a large number of regulations in Indonesia, the government is somewhat optimistic to formulate and enact the Job Creation Law with the concept of an omnibus law. The purpose of this Law based on Article 3 letter d, is

*"to make adjustments to various aspects of the arrangement related to improving the investment climate, facilitating and accelerating national strategic projects oriented to national interests in line with national science and technology guided by the ideology of Pancasila."*

The substance of the Job Creation Law consists of various fields related to investment because its main objective is to improve the investment climate in Indonesia. Implementing these objectives, Article 4 of Job Creation Law regulates the scope of several policies related to improving the investment ecosystem and business activities; employment; convenience, protection, and empowerment of cooperatives and Micro, Small, and Medium Enterprises; ease of doing business; research and

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Through National Legal Transplantatin Formation of Law," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 1 (Maret 2020): 7-8, <http://dx.doi.org/10.30641/kebijakan.2020.V14.1-18>.

<sup>9</sup> Firman Freaddy Busroh, "Konseptualisasi Omnibus Law Dalam Menyelesaikan Permasalahan Regulasi Pertanahan," *Arena Hukum* 10, no. 2 (Agustus 2017): 242, <https://doi.org/10.21776/ub.arenahukum.2017.01002.4>.

<sup>10</sup> Pietro Calage in Rio Christiawan, *Omnibus Law Teori dan Penerapannya*, Cetakan Pertama, (Jakarta: Sinar Grafika, 2021), 1.

<sup>11</sup> Bryan A. Garner, *Black's Law Dictionary*, Seventh Edition (St. Paul, Minn: West Group, 1999), 1116.

<sup>12</sup> Antoni Putra, "Penerapan Omnibus Law Dalam Upaya Reformasi Regulasi," *Jurnal Legislasi Indonesia*, 17, no. 1 (Maret 2020): 2, <https://e-jurnal.peraturan.go.id/index.php/jli/article/view/602>.

<sup>13</sup> Wicipto Setiadi, "Simplification of Regulation Using the Omnibus Law Approach Method," *Jurnal Rechtsvinding Media Pembinaan Hukum Nasional* 9, no. 1 (April 2020): 39, <http://dx.doi.org/10.33331/rechtsvinding.v9i1.408>.

<sup>14</sup> Kementerian Hukum dan HAM RI, "Jumlah Peraturan Perundangan di Indonesia," accessed July 2, 2021, <https://peraturan.go.id/>.



innovation support; land acquisition; economic area; Central Government investment and acceleration of national strategic projects; implementation of government administration and imposition of sanctions. Each of these policies will be governed by several relevant laws that already exist but some of the articles are changed, deleted or new arrangements are set.

When it comes to increasing investment, the entry of foreigners, foreign goods, and services produced is undeniable. To support the process of increasing foreign investment, foreign investors will prefer to choose to stay temporarily or settle in Indonesia. Their decision to stay temporarily/permanently in Indonesia requires a house/occupancy. With Job Creation Law, foreigners can have ownership rights to flats in Indonesia. This can be found in Article 144 paragraph (1) of Job Creation Law which states that several legal entities are granted ownership rights to flat units, namely: Indonesian (WNI), Indonesian legal entities, foreigners who have permits under the existing legislation, foreign legal entities that have representatives in Indonesia or representatives of foreign countries and international organizations that are or have representatives in Indonesia. This is also stated in Article 67 of Government Regulation No. 18 of 2021 on Management Rights, Land Rights, Flat Units, and Land Registration (hereinafter referred to as Government Regulation No. 18 of 2021). The granting of property rights to foreigners on flats in Indonesia is a new concept introduced in Job Creation Law.

The management of flats according to Job Creation Law is also regulated in Government Regulation No. 13 of 2021 on the Management of Flats (hereinafter referred to as Government Regulation on the Management of Flats). This regulation divides flats into 4 (four) types, namely: general, special, state, and commercial flats. Public flats are established to meet the needs of Low-Income Communities. Special flats are established to meet special needs. The ownership of this kind of flat is determined based on the priority of special needs. What is meant by priority of special needs or what parameter to be used to measure priority of special needs is not explained yet in detail. The Elucidation of Article 37 paragraph (2) only mentions that the priority of special needs is determined based on the Minister's Policy and until this research is made, the Ministerial Policy has not yet been found. State flats based on Article 1 point 5 are residential houses that are used for family development facilities and to support the implementation of the tasks of the State apparatus, while commercial flats are flats that are established for profit. Of the four types of flats, foreigners can only have ownership rights to commercial flats.

Changes in the status of rights owned by foreigners to flat units from what was previously in the form of right to use or lease rights have occurred since the enactment of the Job Creation Law. This has created a problem. Are not the property rights owned by foreigners in flats in conflict with the State's aim to protect and promote the welfare of its people and the principles of land law in Indonesia? The next section will answer all those questions in more detail.

## IV. THE DISHARMONY OF FOREIGNERS' OWNERSHIP ON FLATS AFTER THE ENACTMENT OF JOB CREATION LAW

### A. Indonesia as a State Based on Rule of Law/*Rechtstaat*

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia expressly states that Indonesia is a State based on the *Rule of Law*. The definition of the rule of law in this paper refers to the terminology of the Rule of Law/*Rechtstaat*, namely: the law binds the supremacy or sovereignty over the government and people.<sup>15</sup> Everyone without exception in the rule of law must be subject to the law. For citizens in a rule of law state, the government plays a role in determining the actions required by law (prescriptive) as well as the actions under the law (protective).<sup>16</sup> A state that upholds this kind of principle must be based on a steady law, able to provide order, justice, and legal certainty for its people. The law is not merely a tool of social engineering but can protect human dignity.

According to Hans Kelsen, there are 4 (four) requirements that are met by a rule of law state which is also a democratic state: (1) the administration of the state must be in line with the constitution and laws; (2) The state establishes an accountability mechanism for the policies or actions of the authorities; (3) the independence of judicial power is guaranteed by the State and the existence of a state administrative court; (4) The state is obliged to protect human rights.<sup>17</sup> The administration of the state must be in line with the constitution and laws, including when the government creates a law referring to Pancasila as the grundnorm, constitution, and other related laws (which are at a higher level) and protects the human rights. Likewise, when the government drafted Job Creation Law with the concept of an omnibus law.

The existence of Job Creation Law aims to (1) resolve quickly, effectively, and efficiently conflicts over laws and regulations; (2) to support the investment climate where policies of the Central and Regional Governments are uniform; (3) an integrated, effective and efficient licensing system; (4) reducing convoluted bureaucratic procedures; (5) respective agencies coordinate with each other because it has been regulated in an integrated way and; (6) the guarantee of legal certainty and legal protection for policymakers.<sup>18</sup> The first objective of the enactment of the Job Creation Law is to resolve conflicts between laws and regulations due to a large number of overlapping regulations in Indonesia from the central to regional levels. This is related to the Norm Leveling Theory by Hans Kelsen or the hierarchical order of laws and regulations, lower regulations refer to higher regulations and so on until the grundnorm or basic norm.<sup>19</sup>

<sup>15</sup> I.D.G. Palguna, *Mahkamah Konstitusi Dasar Pemikiran, Kewenangan, dan Perbandingan dengan Negara Lain*, (Jakarta: Konstitusi Press, 2018), 24.

<sup>16</sup> Hilaire Barnett, *Constitutional & Administrative Law*, Fourth Edition, (London-Sydney: Cavendish Publishing Ltd, 2002), 73.

<sup>17</sup> J. Simamora, "Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang dasar Negara Republik Indonesia 1945" in Bobi Aswandi, Kholis Roisah, "Negara Hukum dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (HAM)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (January 2019): 132-133, <https://doi.org/10.14710/jphi.v1i1.128-145>.

<sup>18</sup> Firman Freaddy Busroh, *Ibid.* in Agnes Fitryantica, "Harmonisasi Peraturan Perundang-undangan Indonesia melalui Konsep Omnibus Law," *Jurnal Gema Keadilan* III, no. III (October-November 2019): 305, <https://doi.org/10.14710/gk.6.3.300-316>.

<sup>19</sup> Hans Kelsen in FX Adji Samekto, "Menelusuri Akar Pemikiran Hans Kelsen Tentang Stufenbau-theorie Dalam Pendekatan Normatifilosofis," *Jurnal Hukum Progresif* 7, no. 1 (April 2019): 1, <https://doi.org/10.14710/hp.7.1.1-19>.

Hence, when there is a conflict between one legislation to another, further investigation must be carried out on the related legislation of a higher position. The Norm Leveling Theory can be used in conjunction with the Conflict of Rules (or The Rules of Collision) Principle, namely: prioritizing the rule of law when a conflict occurs is determined by hierarchy, chronology, and specificity. The three principles are *lex superiore derogat legi inferiori* (higher regulations apply than lower regulations); *lex posteriore derogat legi priori* (latest regulations enacted must be preferred to the older ones); *lex specialis derogat legi generali* (special rules are enforced rather than general ones).<sup>20</sup>

## B. Crucial Issues on Ownership Rights to Flats Under Job Creation Law

In Job Creation Law, there are eleven clusters by amending, revoking, or omitting several articles from around 46 laws in Indonesia. The regulation of the ownership of flats by foreigners is a new article regulated in the land cluster. Article 143 Job Creation Law states that "Ownership rights of flat are ownership rights of individuals that are separated from shared rights to shared parts, shared objects and shared land." Article 1 points 8, 9 and 10 of Government Regulation on the Management of Flats sequentially regulate the notion of Joint Land, Joint Parts, and Joint Objects. Joint land is a plot of land with rights or self-contained land for buildings that are used based on inseparable joint rights on which a flat is built and the limits are set in the building approval requirements. A Joint Part is part of the Flat which is not separately owned for joint use in a unitary function with the units of the Flat. While Joint Objects are objects that are not part of the Flats but are parts that are not separately owned for shared use.

Proof of ownership of the flat unit is in the form of the ownership right of flats. According to Boedi Harsono, this kind of right is a new creation in land law. The certificate consists of a copy of the book of land ownership rights to the flat unit. Everything was bound together in a document that clearly shows the level of the flat, the location of the flat, and the location at which level the owner of the flat lives.<sup>21</sup>

The definition of ownership right to a flat unit based on Article 143 of Job Creation Law implies that there is a separation between ownership of a flat unit and joint rights to shared parts, shared objects, and shared land. This statement has caused multiple interpretations, leading to the ambiguity of norms. The separation of ownership rights over the flat unit with joint rights (parts, objects, and land) can be interpreted as protecting or not protecting the common land where the flats are built. The first interpretation is to protect the joint land by carrying out the national principle which only gives the right to use or the right to lease the flat unit to foreigners, so as foreigners are only given a certificate of ownership of the flat unit with the status of the right to use. As a consequence, foreigners do not have rights to joint land. However, the articles in Job Creation Law and Government Regulation on the Management of Flats do not provide a solid explanation regarding this issue. The only hint was an explanation of the Proportional Comparison Value in the Elucidation of Article 67 of Government Regulation on Management Rights, Land Rights, Flat Units, and Land Registration:

*"On joint rights to joint shares, joint objects, and joint land, it is calculated based on the proportional comparison value. However, for the ownership of the Flats by Foreigners, the rights to the Land with them are not counted."*

<sup>20</sup> Jerzy Stelmach and Bartosz Brozek, *Methods of Legal Reasoning*, (Dordrecht: Springer, 2006), 162.

<sup>21</sup> Urip Santoso, *Pendaftaran Tanah dan Peralihan Hak Atas Tanah*, (Jakarta: Kencana, 2011), 96.

The second interpretation uses the concept of ownership right in BAL as the strongest, most complete, and hereditary right so that it does not protect the joint land. When a foreigner has ownership rights to a flat unit, he also has ownership rights to shared land. This is certainly contrary to the 'kenasionalan' principle which states that foreigners only have the right to use and the right to lease.

In addition, the ownership of the flat unit which previously could only be owned by an Indonesian now has been extended. According to Article 144 of the Job Creation Law, foreigners are now given ownership rights to the flat unit. The right to occupy the flat unit with the ownership right to the flat unit has different meanings. The right to occupy a flat unit does not mean having ownership rights to the flat unit. Quoting the Bahasa Indonesia Dictionary Online, Property rights are the right to use or take advantage of an object that is in control without harming other parties and is defended against any party. The rights to objects that are in control can be interpreted that legal subjects who have ownership rights to an object having full and complete rights/authority over the object so that the legal subject can defend it from any party without injuring others. Granting ownership rights to flats to foreigners gives full rights to foreigners on those units.

The expansion of ownership of flats by foreigners causes disharmony with the prevailing laws and regulations, including the following:

- 1) Basic Agrarian Law;
- 2) The 2011 Flats Law;
- 3) Government Regulation on Ownership of Residential or Residential Houses by Foreigners;
- 4) The 2016 Agrarian Ministry Regulation.

The 2011 Flats Law, Government Regulation on Ownership of Residential or Residential Houses by Foreigners, and the 2016 Agrarian Ministry Regulation were drawn up on the Juridical Basis of BAL. Specifically, Article 21 paragraph (1) stipulates that only Indonesian can have land rights. The concept of property rights in BAL is a derivative of the "kenasionalan" principle. The principle of "kenasionalan" is based on the Elucidation of Article 2 letter c of Law No. 1 of 2011 on Housing and Settlement Areas: The "kenasionalan" principle is to provide a basis so that land ownership rights only apply to Indonesian, while the right to inhabit and occupy by foreigners is only possible by means of lease rights or rights to use. Therefore, the above-referred relevant laws and regulations unequivocally state that foreigners only have the right to use and the right to lease the flat unit.

Job Creation Law refers to Article 33 paragraph (3) of the 1945 Constitution as the juridical basis for its formation. Article 33 paragraph (3) of the 1945 Constitution uses the 5th Precept of Pancasila "Social Justice for All Indonesian People" as the grundnorm. To this article, every applicable law must be based on the kinship principle, for the greatest prosperity of the people and to maintain the balance of progress and national economic unity to improve the social welfare of the community.<sup>22</sup> Social welfare according to Edi Suharto is a condition of fulfilling all forms of life's needs, especially the basic ones such as food, clothing, housing, education, and health

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<sup>22</sup> Pusat Perencanaan Pembangunan Hukum nasional Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia, "Analisis dan Evaluasi Peraturan Perundang-undangan Tentang Perumahan Rakyat 2013," accessed July 4, 2021, [https://bphn.go.id/data/documents/analisis\\_dan\\_evaluasi\\_peraturan\\_perundang-undangan\\_tentang\\_perumahan\\_rakyat.pdf](https://bphn.go.id/data/documents/analisis_dan_evaluasi_peraturan_perundang-undangan_tentang_perumahan_rakyat.pdf).

care. The development of social welfare is a manifestation of the State's obligation to guarantee the basic rights of citizens<sup>23</sup> as enshrined in the 4th Paragraph of the Preamble of the 1945 Constitution. Therefore, the articles related to the ownership of flats in Job Creation Law should prioritize the national interest by providing property right of the flat unit only to Indonesian so that it is not in conflict with Article 33 paragraph (3) of the 1945 Constitution that is employed as a juridical-constitutional basis.

Applying the Norm Leveling Theory from Hans Kelsen and *Lex superiore derogat legi inferiori* principle, the lower regulations must not conflict with the higher regulations. Moreover, the right to housing is one of the Human Rights regulated under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR): "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing..... The States Parties will take appropriate steps to ensure the realization of this right....." Thus, member states recognize the right of every individual to obtain a decent standard of living with his family, adequate food, clothing, and housing. For this reason, member states should take important steps to realize these rights.

Another crucial issue related to flats in Job Creation Law can be found in Article 145 which stipulates that flat units can be established on (a) land with building rights or use rights on State land, or (b) land with building rights or right to use land with management rights. The term of ownership of the apartment unit is directly proportional to the term of the land with the right to use the building. According to Article 37 paragraph (1) of Government Regulation No. 18 of 2021: "Building Rights on State Land and Land Management Rights are granted for a maximum period of 30 (thirty) years, extended for a maximum period of 20 (twenty) years, and is renewed for a maximum period of 30 (thirty) years. The total period given to the rights holder is 80 (eighty) years. Whereas Article 37 paragraph (2) of the Government Regulation No. 18 of 2021 is giving 30 (thirty) years for that and with building rights on property land, and can be renewed with a deed of gift. There is no time limit for the extension that right so is in the elucidation. Thus, it could be interpreted that the land with building rights on property land has unlimited time (more than 80 years).

Furthermore, Article 52 of The Government Regulation No.18 of 2021 also gives an equal time limit (80 years) for the right to use state land and land management right. And there is no time limit for the right to use as long as it is used and utilized. This statement is giving chance to a foreign investor or transnational corporation to have the right to use land in Indonesia as long as they want. It then could reduce the opportunity for Indonesian citizens to utilize the land to increase prosperity. And this scheme is certainly longer than the period provided by BAL through Article 35, where the maximum total period is 50 years.

Previously Article 22 paragraph (1) letter b of Law No. 25 of 2007 on Investment also stipulates that land with building rights can be granted for a total of 80 (eighty) years in a way that can be granted and extended in advance for 50 (fifty) years and can be renewed for another 30 (thirty) years. The total term of land use with building rights is 80 (eighty) years. The granting of a period of 80 (eighty) years is equal to the total time of land use with building rights based on the Job Creation Law. This looks very odd as this Article is declared to have no binding effect or it is canceled through

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<sup>23</sup> Badan Pembinaan Hukum Nasional, *Laporan Perencanaan Pembangunan Hukum Nasional*, (Jakarta:BPHN, 2011), 82-84.

the Decision of the Constitutional Court of the Republic of Indonesia Number 21-22/PUU-V/2007. In the decision, it was stated that the period of 80 (eighty) years on land with building rights is contrary to Article 33 paragraph (3) of the 1945 Constitution.

According to Article 33 paragraph (3) of the 1945 Constitution, “production branches which are important and control the livelihood of the people must be controlled by the State” and land is one of the important branches of production so that only the State has the right to manage and control it for the national interest, to prevent the people from being oppressed and to increase the prosperity and welfare of the people. The provision of a period of 80 (eighty) years is also disharmonious with Article 28C paragraph (1) of the 1945 Constitution which stipulates “Everyone has the right to develop themselves through fulfilling their basic needs; has the right to receive education and benefit from science and technology, art and culture; to improve the quality of life and for the welfare of mankind.” A period of time that is too long will lead to the loss of self-development through the fulfillment of basic needs in the form of the right to food to improve the quality of life and for the prosperity of the people.

## V. CONCLUSION

The presence of the Job Creation Law is an unprecedented legal product in Indonesia which was enacted by considering a large number of regulations from the central to regional levels that tend to cause overlaps and conflicts between them. Among the eleven substantive clusters of Job Creation Law, there are several crucial issues related to the ownership of flats by foreigners. This Omnibus Law grants ownership rights to flat units to foreigners, whereas previous laws and regulations only allowed use rights or lease rights for foreigners. This change in ownership status creates a conflict with the “*kenasionalan*” principle, Article 33 paragraph (3) of the 1945 Constitution, and the BAL. Ownership of the flat unit consists of individual ownership of the flat unit and ownership of shared parts, objects, and land. Giving ownership rights to flat units to foreigners also indirectly enables foreigners’ rights to shared land. Shared land is land that exists in Indonesia and based on the concept of property rights in BAL, only Indonesian can have ownership rights to land. The next crucial issue is related to the establishment of flats on land with building-use rights. The period for land with building-use rights is a maximum of 80 (eighty) years according to the Job Creation Law. This scheme was regulated in the Investment Law that had been revoked through the Decision of the Supreme Court of the Republic of Indonesia Number 21-22/PUU-V/2007.

Based on this analysis, the Government should review the articles related to flats in Job Creation Law and other derivative laws, conducting necessary amendments on the status and nature of property rights over flat units granted to foreigners. The amendment aims to prevent multiple interpretations and legal offenses (*fraus legis*). As a result, the management of flats would be in line with “*kenasionalan*” principles, the concept of property rights, and national interests so as to be able to realize the prosperity and welfare of the Indonesian people.

## **BIBLIOGRAPHY**

### **Legal Documents**

#### a) Indonesian Laws and Regulations

Indonesia, *Algemene Bepalingen Van Wetgeving voor Nederlands Indie*.

Indonesia, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (*The Constitution 1945*).

Indonesia, Undang-Undang No. 5 Tahun 1960 tentang *Peraturan Dasar Pokok-Pokok Agraria (Basic Agrarian Laws)*.

Indonesia, Undang-Undang No. 25 Tahun 2007 tentang *Penanaman Modal (Investment)*.

Indonesia, Undang-Undang No. 1 Tahun 2011 tentang *Perumahan dan Kawasan Permukiman (Housing and Settlement Areas)*.

Indonesia, Undang-Undang No. 20 Tahun 2011 tentang *Rumah Susun (Flats)*.

Indonesia, Undang-Undang No. 11 Tahun 2020 tentang *Cipta Kerja (Job Creation Law)*.

Indonesia, Peraturan Pemerintah No. 40 Tahun 1996 tentang *Hak Guna Usaha, Hak Guna Bagunan dan Hak Atas Tanah (Cultivation Rights, Building Use Rights and Land Rights)*.

Indonesia, Peraturan Pemerintah No. 103 Tahun 2015 tentang *Pemilikan Rumah Tempat Tinggal Atau Hunian Oleh Orang Asing Yang Berkedudukan di Indonesia (Ownership of Residential Houses or Occupancy by Foreigners Domiciled in Indonesia)*.

Indonesia, Pemerintah No. 13 Tahun 2021 tentang *Penyelenggaraan Rumah Susun (The Management of Flats)*.

Indonesia, Peraturan Pemerintah No. 18 Tahun 2021 tentang *Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun dan Pendaftaran Tanah (Management Rights, Land Rights, Flat Units and Land Registration)*.

Indonesia, Peraturan Menteri Agraria Dan Tata Ruang / Kepala Badan Pertanahan Nasional No. 29 Tahun 2016 tentang *Tata Cara Pemberian, Pelepasan Atau Pengalihan Hak Atas Pemilikan Rumah Tempat Tinggal/Hunia Oleh Orang Asing Yang Berkedudukan di Indonesia (Procedures for Granting, Releasing or Transfer of Rights to Ownership of Residential Houses/Occupations by Foreigners Domiciled in Indonesia)*.

#### b) Indonesia Constitutional Court Decision

Constitutional Court of Indonesia Decision No. 001-021-022/PUU-I/2003.

Constitutional Court of Indonesia Decision No. 21-22/PUU-V/2007.

#### c) International Legal Instrument

International Covenant on Economic, Social and Cultural Rights 1966

### **Books**

A. Garner, Bryan, *Black's Law Dictionary*, Seventh Edition, St. Paul, Minn: West Group, 1999.

Badan Pembinaan Hukum Nasional, *Laporan Perencanaan Pembangunan Hukum Nasional*, Jakarta:BPHN, 2011.

Christiawan, Rio, *Omnibus Law Teori dan Penerapannya*, Cetakan Pertama, Jakarta: Sinar Grafika, 2021.

- Harsono, Boedi, *Hukum Agraria Indonesia Sejarah Pembentukan, Isi dan Pelaksanaannya*, Edisi Revisi Cetakan Keduabelas. Jakarta: Djembatan, 2008.
- Nugroho, Sigit, et.al., *Hukum Agraria Indonesia*, Cetakan I. Solo: Kafilah, 2017.
- Palguna, I.D.G., *Mahkamah Konstitusi Dasar Pemikiran, Kewenangan, dan Perbandingan dengan Negara Lain*, Jakarta: Konstitusi Press, 2018.
- Santoso, Urip, *Pendaftaran Tanah dan Peralihan Hak Atas Tanah*, Jakarta: Kencana, 2011.
- Stelmach, Jerzy and Bartosz Brozek, *Methods of Legal Reasoning*, Dordrecht: Springer, 2006.

### Journal Articles

- Fitryantica, Agnes, "Harmonisasi Peraturan Perundang-undangan Indonesia melalui Konsep Omnibus Law," *Jurnal Gema Keadilan* III, no. III (October-November 2019): 305. <https://doi.org/10.14710/gk.6.3.300-316>.
- Freddy Busroh, Firman, "Konseptualisasi Omnibus Law Dalam Menyelesaikan Permasalahan Regulasi Pertanahan," *Arena Hukum* 10, no. 2 (Agustus 2017): 242. <https://doi.org/10.21776/ub.arenahukum.2017.01002.4>.
- FX Adji Samekto, Menelusuri Akar Pemikiran Hans Kelsen Tentang Stufenbautheorie Dalam Pendekatan Normatifilosofis," *Jurnal Hukum Progresif* 7, no. 1 (April 2019): 1. <https://doi.org/10.14710/hp.7.1.1-19>.
- Kade Prabawa Maha Yoga, I Gusti, Afifah Kusumadara, and Endang Sri Kawuryan, "Kewenangan Notaris Dalam Pembuatan Surat Keterangan Waris Untuk Warga Negara Indonesia," *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 3, no. 2 (2018): 132-133, <http://dx.doi.org/10.17977/um019v3i2p132-143>.
- Putra, Antoni, "Penerapan Omnibus Law Dalam Upaya Reformasi Regulasi," *Jurnal Legislasi Indonesia*, 17, no. 1 (Maret 2020): 2. <https://e-jurnal.peraturan.go.id/index.php/jli/article/view/602>.
- Setiadi, Wicipto, "Simplification of Regulation Using the Omnibus Law Approach Method," *Jurnal Rechtsvinding Media Pembinaan Hukum Nasional* 9, no. 1 (April 2020): 39. <http://dx.doi.org/10.33331/rechtsvinding.v9i1.408>.
- Simamora, J., "Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang dasar Negara Republik Indonesia 1945" dalam Bobi Aswandi, Kholis Roisah, "Negara Hukum dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (HAM)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (January 2019): 132-133. <https://doi.org/10.14710/jphi.v1i1.128-145>.
- Sudrajat, Masyrullah, "Penerapan Agrarische wet (Undang-Undang Agraria) 1870: Periode Awal Swastanisasi Perkebunan di Jawa", *Historia Jurnal Program Studi Pendidikan Sejarah* 7, no. 2 (2019): 159-163, <http://dx.doi.org/10.24127/hj.v7i2.2045>.
- Ulil, Ahmad, Sakti Lazuardi and Dita Chandra Putri, "Architecture of the Application of Omnibus Law Through National Legal Transplantatin Formation of Law," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 1 (Maret 2020): 7-8. <http://dx.doi.org/10.30641/kebijakan.2020.V14.1-18>.

### Websites

- Dinas Pekerjaan Umum Perumahan dan Kawasan Permukiman Kabupaten Kuloprogo, "Jenis Rumah Tinggal atau Hunian di Indonesia." Accessed July 1, 2021. <https://dpu.kulonprogo.go.id/detil/238/jenis-rumah-tinggal-atau-hunian-di-indonesia>.
- Kementerian Hukum dan HAM RI, "Jumlah Peraturan Perundangan di Indonesia."



Accessed July 2, 2021. <https://peraturan.go.id/>.

Pusat Perencanaan Pembangunan Hukum nasional Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia, "Analisis dan Evaluasi Peraturan Perundang-undangan Tentang Perumahan Rakyat 2013." Accessed July 4, 2021.

[https://bphn.go.id/data/documents/analisis\\_dan\\_evaluasi\\_peraturan\\_perundang-undangan\\_tentang\\_perumahan\\_rakyat.pdf](https://bphn.go.id/data/documents/analisis_dan_evaluasi_peraturan_perundang-undangan_tentang_perumahan_rakyat.pdf).