ABSTRACT

LAND PROPERTY RIGHT FOR FOREIGN CITIZENS AND LEGAL INSTITUTIONS THAT HAVE REPRESENTATIONS IN INDONESIA.

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The relationship between Indonesians and the land in Indonesia follows the nationality principle, while there is no clear regulation for the relationship between foreigners and the land. The legal issue for this research is philosophical basis, legal principle as well as status for foreign legal entities which have representatives in Indonesia. The objective of this research is to analyze and find the philosophical and legal principles and to formulate the status of foreign legal entities that have representatives in Indonesia in land property regulation. Research methodology used is legal research using statute approach, conceptual approach and comparative approach.

The result of this study is the philosophical basis found in combination of theory of collectivism and individualism, inborn right theory, positivism theory. State sovereignty theory and Pancasila bases which come from the basic rights of human universal rights. For the legal principle formulated, identified and abstracted, in the point of view of adat recht and national land are principles of appropriateness, togetherness, domicile, usefulness, ownership limitation, and publicity or right termination. While, for determining the status of legal entity is used by theory of central office, while according to capital market investment law, the status of legal entity is determined from the source of the capital from which it comes.

Keywords: land property right, foreign citizen, foreign legal entity which has representative in Indonesia