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**THE MANAGEMENT OF COMMERCIAL APARTMENT IN
THE PERSPECTIVE OF UNIT OWNERS' PROSPERITY IN
INDONESIA
(Case Study in Apartemen Pondok Indah Villa III Jakarta and
Apartemen Sejahtera Yogyakarta, Indonesia)**

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ABSTRACT

The purpose of the research is to find out the management of commercial apartment relating to the prosperity of the unit owners. It uses empirical legal research by examining the operation of management of the apartment by case study at Apartemen Pondok Klub Villa III Jakarta and Apartemen Sejahtera Yogyakarta, in the perspective of the prosperity of the unit owners. The result shows that both apartment management embody the prosperity of the unit owners eventhough with different management and result. In the cases, the

Apartemen Pondok Klub Villa III Jakarta is managed by association body of owners, while Apartemen Sejahtera Yogyakarta is managed by a company established by the committee of association body of owners. These different management results different benefit to the unit owners of the apartement.

Keywords:

Commercial Apartment, Management, Unit Owners, Prosperity, Association, Administrator

1. Background

Article 33 paragraph (3) the 1945 Indonesia Constitution regulates that every people has rights to live properly and healthy and also has rights to gain health service. Proper and health life and also the available of good health service is one of ways to actualize prosperity.

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One of ways to actualize prosperity is proper settlement or residence. Settlement or house is a building construction has function as settlement of which is proper to stay, media to foster household, reflection of honor and dignity of the resident, and asset for the owners. ²

The necessities of house or settlement in Jakarta and Yogyakarta is very high. Jakarta is the Capital City of Republic of Indonesia State. There are plenty of people come and stay in Jakarta. Jakarta is a city of which promises better livelihood. Yogyakarta is not as big as Jakarta, however there are plenty of people come to Yogyakarta to study or work and also have vacation. Either the people who come to Jakarta or Yogyakarta, they need comfort settlement. Comfort settlement certainly needs land for the site to construct settlement.

The necessity for settlement increases however the availability of land is more limited. The condition of land of which is more limited because of activity in particularly development is more increased. Thus the development of settlement is not constructed horizontally instead vertically. The development of settlement vertically is frequently mentioned as apartment. One of types of apartment based on the Law Number 20 of 2011 is Commercial Apartment or Apartment.

¹ Article 33 paragraph (3) the 1945 Indonesia Constitution

² R. Serfianto Dibyo Purnomo, et al., 2011, Kitab Bisnis Properti, Yogyakarta, Penerbit Pustaka Yogyakarta, p. 19-20

Stay in landed house (residence of which is constructed above the land and able to stand individually without calculation of level*) is different with stay in commercial apartment. There are shared part and shared land of which needs the attention of unit owner. Thus apartment needs to be managed appropriately in order the unit owner live properly.

2. Legal Problem

How are the commercial apartments i.e. the Apartemen Pondok Klub Villa III Jakarta and Apartemen Sejahtera Yogyakarta managed to create the prosperity of the unit owners in the apartments?

3. Research Method

This research is an empirical legal research. This research studied on how is the management of Apartemen Pondok Klub Villa III Jakarta and Apartemen Sejahtera Yogyakarta conducted to actualize unit owners' prosperity.

Population in this research consists of 63 unit owners of apartment, an Officer of Owners and Resident Association of Apartemen Pondok Klub Villa III Jakarta, Head of Committee of Owners and Occupant of Apartemen Sejahtera Yogyakarta and Director of Administrator of Apartemen Sejahtera Yogyakarta.

Apartemen Pondok Klub Villa III Jakarta has 124 units. There are 51 unit owners living in that apartment. From 51 owners is chosen 10 unit owners. The supervisor of the Association of the Unit Owners and Residents is also asked. Apartemen Sejahtera Yogyakarta has 130 units. There are 12 unit owners living in the apartment. From 12 owners, eight owners are chosen. From Sejahtera Apartemen, the Head of the Association of the Unit Owners and Residents, and the Administrator managing the apartment are asked. So the respondents in this research are 18 unit owners, the Supervisor of the Association of Apartemen Pondok Klub Villa III Jakarta, eight unit owners, the Head of the Committee of the Association, and the Director of PT Fortuna Sejahtera Yogyakarta representing the Administrator.

4. Result and Discussion

In Article 1 point 1 of Law Number 20 of 2011 concerning Apartment it is given definition on Apartment is a leveled building construction developed in an environment of

which is classified into parts functionally constructed, either horizontally or vertically and manifests units of which respectively can be owned and used separately, in particularly for residence completed by shared part, shared object and shared land.

Shared part is a part of apartment owned separately for shared use in a unity of function with the units of apartment, for example foundation, column, log, wall, floor, roof, water tunnel, stair, lift, corridor, pipeline, electrical network, gaseous and telecommunication.

Shared object is an object of which is not the part of apartment instead of shared part separately owned for shared use, for example meeting room, plants, part building, social infrastructure building, praying place, playing ground, parking lot of which is separated or united with the structure of building of apartment.³ The availability of shared part, shared object and shared land thus discipline of empathy and respect for not disturbing needs to be considered.*⁴ Thus, it needs to be conducted management of apartment. In Article 56 paragraph (1) of Law Number 20 of 2011 concerning Apartment it is stipulated that the management of apartment includes operational activity, maintenance, and service of shared, shared object, and shared land.⁴

In Article 59 paragraph (1) is stipulated that the developer who develop public apartment and commercial apartment in transition period before the assignment of PPPSRS has obligation to administrate apartment.⁵ In the matter of PPPSRS has been assigned, the developer as soon as possible convey the management of shared object, shared part and shared land to PPPSRS.⁶

PPPSRS has obligation to administrate the necessity of owners and resident relating to the management of ownership of shared object, shared part, shared land and residence.⁷ PPPSRS can create or assign the administrator.⁸

The availability of shared part, shared object and shared land, thus discipline of empathy and respect for not disturbing needs to be considered.⁹ Thus it needs to be conducted management of apartment. In Article 56 paragraph (1) of Law Number 20 of 2011 concerning

³ Herlianto, 1985, *Urbanisasi dan Pembangunan Kota*, Bandung, Penerbit Alumni, page 91.

⁴ Article 56 paragraph (1) of Law Number 20 of 2011 concerning Apartment.

⁵ Article 59 paragraph (1) of Law Number 20 of 2011 concerning Apartment.

⁶ Article 75 paragraph (2) of Law Number 20 of 2011 concerning Apartment.

⁷ Article 75 paragraph (2) of Law Number 20 of 2011 concerning Apartment.

⁸ Article 75 paragraph (2) of Law Number 20 of 2011 concerning Apartment.

⁹ Herlianto, 1985, *Urbanisasi dan Pembangunan Kota*, Bandung, Penerbit Alumni, page 91.

Apartment it is stipulated that the Management of apartment includes operational activity, maintenance, and service of shared part, shared object, and shared land.¹⁰

The definition of Association of Unit Owners and Residents of Apartment of which is furthermore shortened with PPPSRS is a legal body that has members of the unit owners and resident of apartment.¹¹

The obligation of Association of Unit Owners and Residents of Apartment is management of Apartment includes operational activity, maintenance and conservation of Shared Part, Shared Object, and Shared Land.¹²

The Association of Unit Owners and Resident of Apartment has obligation to manage the interest of Owners and Residents relating to the management of Shared Object, Shared Part, Shared Land and residence.¹³

The Association of Unit Owners and Resident of Apartment can assign or create the Committee of Resident and Owners Unit of Apartment.¹⁴

The assignment of Committee of Resident and Owner Unit of Apartment lies on the developer who develop apartment, in particularly on the form of building of public apartment and commercial apartment.¹⁵

Apartemen Pondok Klub Villa III Jakarta initially operated in 1992 has 124 units. The Committee of Association of Owner and Residence of Apartment did not create administrator. There are 51 unit owners stay in the apartment. They consider that apartment is from them, for them and by them.

Apartemen Sejahtera Yogyakarta has 130 units and initiated to operate in 1996. From 92 unit owners there are only 12 owners who stay in this apartment thus the Committee created Administrator, i.e. PT. Fortuna Sejahtera Yogyakarta.

¹⁰ Article 56 paragraph (1) of Law Number 20 of 2011 concerning Apartment.

¹¹ Article 1 point (2) of Regulation of the Minister of Public Work and Public Housing Number 14 of 2021 concerning the Association of Unit Owners and Residents.

¹² Article 74 paragraph (1) of Government Regulation Number 13 of 2021 concerning the Apartment Maintenance.

¹³ Article 75 paragraph (1) of Government Regulation Number 13 of 2021 concerning the Apartment Maintenance.

¹⁴ Article 75 paragraph (2) of Government Regulation Number 13 of 2021 concerning the Apartment Maintenance.

¹⁵ Suriansyah Murhaini, 2021, *Hukum Apartemen (Rumah Susun)*, Yogyakarta, Laksbang Justitia, page 119.

The management of Apartemen Pondok Klub Villa III Jakarta by the Committee of Association of Owner and Resident of Apartment and Management of Apartemen Sejahtera Yogyakarta by PT. Fortuna Sejahtera Yogyakarta as the administrator has actualized the prosperity for the unit owner in those both apartments.

5. Conclusion

The Apartemen Pondok Klub Villa III Jakarta is managed by the Committee of the Association of Unit Owners and Residents. Their method is from us by us and for us. Apartemen Sejahtera Yogyakarta is managed by Fortuna Sejahtera Yogyakarta as the Administrator. Both Managements have managed the Apartments and create prosperity of the unit owners.

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- Government Regulation Number 13 of 2021 concerning the Apartment Maintenance
- Regulation of the Minister of Public Works and Public Housing Number 14 of 2021 concerning the Association of Unit Owners and Residents