



The cancellation of the Establishment Deed due to the Existence of Dualism in the Leadership of P3SRS at Bogor Valley Apartment

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Abstrak

P3SRS merupakan badan hukum pengelola apartemen yang terdiri atas perserikatan penghuni, dapat dibubarkan jika terjadi dualisme kepengurusan yang mengganggu pelaksanaan tugasnya. Dualisme kepengurusan yang berlarut dapat menjadi alasan Pengadilan Negeri membatalkan akta pendirian P3SRS atas permintaan pihak berkepentingan. Tujuan penelitian ini adalah untuk menyelidiki apakah dualisme kepengurusan P3SRS Apartemen Bogor Valley dapat menjadi dasar pembatalan akta pendirian P3SRS dan mengevaluasi akibat hukumnya terhadap status badan hukum P3SRS serta pengelolaan apartemen ke depannya. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan dan konseptual dengan bahan hukum primer dan sekunder terkait P3SRS serta pembatalan badan hukum. Data dikumpulkan melalui studi pustaka dan dianalisis secara kualitatif untuk menjawab permasalahan dualisme kepengurusan P3SRS dan pembatalan akta pendiriannya. Hasil penelitian memberikan pemaparan bahwa dualisme kepengurusan P3SRS Apartemen Bogor Valley dapat menjadi alasan pembatalan akta pendirian P3SRS berdasarkan peraturan perundang-undangan yang berlaku. Hal ini didasarkan pada Undang-Undang Nomor 20 Tahun 2011 tentang Rumah Susun Pasal 70 ayat (2) yang menyatakan P3SRS yang tidak melaksanakan kewajibannya dapat dibubarkan dan Pasal 71 yang memperbolehkan pembatalan akta pendirian P3SRS melalui Pengadilan Negeri. Selain itu, Undang-Undang Nomor 40 Tahun 2007 tentang Perseroan Terbatas Pasal 68 juga memungkinkan pembatalan badan hukum jika tidak mungkin mencapai maksud dan tujuannya. Akibat hukum pembatalan akta pendirian P3SRS Apartemen Bogor Valley adalah pembubaran status badan hukum P3SRS beserta organ dan keanggotaannya. Pengelolaan apartemen akan beralih ke Pemerintah Kota Bogor yang dapat membentuk badan pengelola pengganti atau menunjuk pihak ketiga profesional. Badan pengelola pengganti bertugas melanjutkan pengelolaan apartemen dengan pembiayaan dari iuran bulanan pemilik dan penghuni.

Abstract

P3SRS is a legal entity that manages apartments and consists of an association of residents. It can be dissolved if there is dualism in its management that disrupts the performance of its duties. Prolonged dualism in management can be a reason for the District Court to revoke the deed of establishment of P3SRS upon request of interested parties. The purpose of this research is to investigate whether the dualism in the management of P3SRS Apartemen Bogor Valley can be the basis for revoking the deed of establishment of P3SRS and to evaluate the legal consequences on the legal entity status of P3SRS and the future management of the apartment. This normative legal research uses a statutory and conceptual approach with primary and secondary legal materials related to P3SRS and

revocation of legal entities. Data is collected through literature study and analyzed qualitatively to answer the issues of dualism in P3SRS management and revocation of its deed of establishment. The results show that the dualism in the management of P3SRS Apartemen Bogor Valley can be a reason for revoking the deed of establishment of P3SRS based on applicable laws and regulations. This is based on Law Number 20 Year 2011 on Apartments Article 70 paragraph (2) which states P3SRS that does not carry out its obligations can be dissolved and Article 71 which allows the revocation of the deed of establishment of P3SRS through the District Court. In addition, Law Number 40 Year 2007 on Limited Liability Companies Article 68 also allows the revocation of a legal entity if it is impossible to achieve its aims and objectives. The legal consequences of revoking the deed of establishment of P3SRS Apartemen Bogor Valley are the dissolution of the legal entity status of P3SRS along with its organs and membership. The management of the apartment will be transferred to the Bogor City Government which can establish a replacement management body or appoint a professional third party. The replacement management body is tasked with continuing the management of the apartment with funding from monthly fees from owners and residents.

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INTRODUCTION

An apartment is a multi-story building structure divided into functional units, both horizontally and vertically. Each unit can be owned and used separately, especially as a residential space with shared facilities, common properties, and shared land.(Putu Dewi Kasih and Purwanti 2017) In the legal context in Indonesia, Law No. 20 of 2011 regarding Apartment Buildings regulates that the management of apartments is carried out by the Association of Apartment Owners and Occupants (P3SRS), which is a legal entity responsible for administrative and operational aspects of the apartment.

The civil association is a form of legal entity regulated by the Civil Code (Kitab Undang-Undang Hukum Perdata or KUHPerdata). The definition of a civil association can be found in Article 1653 of the KUHPerdata, which states that a civil association is a gathering of two or more individuals who come together to achieve a specific goal without any division of profits among the members.(Mangara and Al-Djufri 2022) Thus, the civil association becomes a legal entity that represents the cooperation between individuals in order to achieve common goals, but without the distribution of profits among its members.

The Apartment Residents Association (P3SRS) is one form of a civil association established by residents of apartment buildings. The formation process of P3SRS involves the drafting of a notarial deed and official registration at the local District Court with the aim of obtaining legal entity status.(Napitupulu 2022a) In the legal context, this step is in accordance

with the provisions of Article 43 of Law Number 20 of 2011 concerning Apartment Buildings, which requires P3SRS (Apartment Owners and Occupants Association) to be registered with the District Court. This registration is a formal step that provides legal validity for P3SRS as a legitimate and registered legal entity.

The management of P3SRS (Association of Owners and Occupants of Apartment Units) is carried out based on the Deed of Establishment prepared by a notary and becomes valid after being approved by the Minister. P3SRS has internal regulatory documents in the form of articles of association and house rules, detailing aspects such as administration, finance, maintenance, order, and so on. The administrators of P3SRS have the primary responsibility for managing the apartment in accordance with the provisions set by the regulations. Thus, the organizational structure and internal regulations serve as the foundation for carrying out the functions of P3SRS in ensuring the sustainability and well-being of the shared living environment.

In its journey, internal disputes within the management of P3SRS sometimes arise, which can lead to a dualism in leadership. Dualism in the management of P3SRS can occur when two groups of executives both claim to be the legitimate leaders. (Nugraha, Sadino, and Lutfi 2023) This can certainly lead to legal issues and disrupt the orderly administration of P3SRS. If prolonged dualism in leadership occurs, the establishment deed of P3SRS may be revoked by the District Court on the grounds of non-compliance with the requirements as a legal entity.

According to Law Number 17 of 2006 concerning Amendments to Law Number 1 of 1995 concerning Limited Liability Companies, the District Court may dissolve and order the dissolution of a legal entity if: (Suparji 2015)

1. Committing an unlawful act by failing to fulfill obligations imposed by the law.
2. Engaging in actions outside the purposes and business activities specified in its articles of association.
3. No longer possible to achieve its intentions and objectives.

The cancellation of the establishment deed of P3SRS can be caused by the ongoing dualism in management. The management dualism occurring in P3SRS can be considered as an indication of the organization's incapacity to achieve its purposes and goals. (Setiawati 2020) As a result, the District Court has the authority to dissolve P3SRS by ordering the annulment of its founding deed. This situation has the potential to create chaos in apartment management, as each administrator tends to act independently according to their own interests.

The emergence of the dualism in the management of P3SRS Bogor Valley Apartments can be caused by various factors, such as the conduct of meetings that do not follow procedures, manipulation in the selection of officials, or actions deemed detrimental to P3SRS, leading to the perception that the old officials no longer represent the interests of the members. If efforts at negotiation fail to produce a satisfactory resolution, the court has the authority to decide on the legal status of the officials and may even revoke the establishment deed of P3SRS, depending on the relevant legal needs and considerations.(Napitupulu 2022a)

One example of the dual leadership issue in the management of P3SRS (Association of Owners and Occupants of Apartment Units) that led to the cancellation of the establishment deed occurred at Bogor Valley Apartment. Bogor Valley Apartment is a condominium located in the city of Bogor with a total of 690 units. The apartment is managed by the Association of Owners and Occupants of Apartment Units (P3SRS), established based on the Deed of Statement of P3SRS on November 9, 2015. P3SRS is a legal entity in the form of a civil association aimed at managing Bogor Valley Apartment. However, in 2018, a dual leadership issue emerged within the P3SRS of Bogor Valley Apartment due to the formation of a new management under the leadership of Ria Andriani. This resulted in the existence of two management entities of P3SRS, both actively claiming legitimacy in managing the apartment.(Awaludin 2019)

The management of Ria Andriani held the Annual Members Meeting on May 31, 2018, attended by 171 unit owners/occupants out of a total of 694 units. In contrast, the administration of Budi Riyanto, elected in the meeting on December 31, 2015, was only attended by a small portion of owners/occupants. The existence of this dualism in management clearly contradicts the goals and activities of P3SRS as the legal entity managing the apartment. This dualism can lead to administrative chaos and losses for the occupants/owners. Article 43 of the Apartment Law also requires P3SRS to have a clear and single management.

The prolonged condition of dualism in management can lead to disruptions in apartment management. According to Article 70 of Law Number 20 of 2011 concerning Apartment Ownership, if the Apartment Owners and Tenants Association (P3SRS) cannot fulfill its obligations, the local government has the authority to dissolve the P3SRS. Furthermore, based on Article 71, the District Court can revoke the establishment deed of P3SRS upon the request of an interested party.(Wongso, Yuhelson, and Bernard 2023) The dualism in management occurring in P3SRS Bogor Valley Apartments has resulted in material losses and prolonged conflicts for its members.

Based on the background explanation above, the author is interested in conducting a study titled "Revocation of Establishment Deed Due to the Existence of Management Dualism in P3SRS at Bogor Valley Apartment." The formulation of the problem in this research is as follows:

1. Can the dualism in the management of P3SRS (Residents Association) in Bogor Valley Apartment be a reason for the cancellation of the establishment deed of P3SRS based on the prevailing laws and regulations?
2. What are the legal consequences of the cancellation of the establishment deed of P3SRS in Bogor Valley Apartment on the legal status of P3SRS and the future management of the apartment?

RESEARCH METHODS

The research method used in this study is the normative legal research method. Normative legal research is conducted by examining literature materials, which serve as secondary data, as the basis for investigation, referring to legal norms found in legislation and regulations. (Marzuki 2014) The approach used in this research consists of the legislative approach (statute approach) and the conceptual approach. The legislative approach involves examining all legal regulations related to the issue of the dualism of P3SRS management and the annulment of the establishment deed. The conceptual approach is carried out by studying views and legal doctrines in the field of law.

The legal sources used in this research consist of primary legal materials and secondary legal materials. Primary legal materials include regulations related to P3SRS (Social Welfare Service Providers) and the dissolution of legal entities. Secondary legal materials include books, legal journals, and opinions of legal scholars related to the research topic. The data collection technique employed is literature review, which involves studying both primary and secondary legal materials relevant to the research topic. (Marzuki 2017) The gathered data is then processed and analyzed using qualitative analysis techniques. The analysis is conducted deductively from existing norms and legal methods to address the research problems posed.

DISCUSSION

The Dualism in the Management of P3SRS (Residential Facility Management) in Bogor Valley Apartments Can Be Grounds for the Cancellation of the P3SRS Establishment Deed Based on Applicable Laws and Regulations

The apartment, as a multi-story residential form consisting of separate dwelling units, has become a popular choice in urban environments. The main advantages of apartments include strategic locations, comprehensive facilities, and ease of access. With shared amenities such as swimming pools, fitness centers, and recreational areas, apartments provide a comfortable lifestyle for their residents. Additionally, apartment management involves the presence of a legal entity, such as the Association of Owners and Occupants of Apartment Units (P3SRS), responsible for ensuring smooth management and collective well-being. (Nydia et al. 2016)

The role of P3SRS in apartment management is crucial because they serve as a platform for coordination between owners and occupants of the units. Through this legal entity, decisions related to maintenance, security, and communal regulations can be democratically made. Consequently, apartments not only provide modern and comfortable living spaces but also ensure the existence of organized mechanisms to address various aspects of management and communal living within the apartment community. (Sihotang, Roestamy, and Sulistiyono 2021)

Based on Law Number 20 of 2011 regarding Apartment Buildings, the management of apartments is regulated by the Association of Owners and Occupants of Apartment Units (P3SRS), which has legal entity status. P3SRS has a crucial responsibility in maintaining and caring for the apartments and their facilities, as well as managing the units in accordance with applicable laws and regulations. With its legal entity status, P3SRS is expected to provide legal certainty and ensure the smooth management of apartments for the common interest. (Gunawan and Hasni 2020)

However, challenges arise in practice, as seen in the case of the dualism of the management of P3SRS Bogor Valley Apartments. This case has garnered attention because the issue of dualism in management has been ongoing since 2018 and continues to persist to the present day. (Chan 2019) The duality of management can create uncertainty and disruptions in apartment management, potentially leading to disagreements among involved parties. Therefore, efforts are needed to resolve management conflicts to maintain stability and effectiveness in apartment management in accordance with the objectives of the Apartment Law.

The issue at P3SRS Bogor Valley Apartments involves a dual leadership structure that has emerged due to internal conflicts, posing a serious challenge. This conflict not only impacts the efficiency of apartment management but can also lead to serious legal consequences. The

existence of dual leadership may violate legal provisions governing the procedures for managing legal entities, especially in the case of P3SRS Bogor Valley Apartments. This situation can be detrimental to unit owners and apartment residents, and has the potential to harm the reputation of P3SRS in the eyes of the public.

Furthermore, the legal consequences that may arise from this dual management can include the annulment of the establishment deed of P3SRS by the District Court. This annulment can be carried out based on the authority granted by relevant regulations regarding the dissolution of legal entities that fail to fulfill their obligations. Therefore, concrete steps are needed to resolve internal disputes and restore the managerial stability of P3SRS Bogor Valley Apartment. Mediation efforts or the use of appropriate legal mechanisms can be a solution to resolve internal conflicts and prevent further legal consequences for the management of the apartment.

P3SRS (Association of Owners and Occupants of Apartment Units) is a legal entity formed by the occupants of apartment units with the aim of managing shared needs in accordance with the regulations stipulated in Article 43 of Law No. 20 of 2011 concerning Apartment Buildings. The presence of P3SRS is crucial, as reflected in Article 43 paragraph (4) of the Apartment Law, which emphasizes that the establishment deed of P3SRS must be registered with the District Court to obtain legal entity status.(Rahmawati 2018) Therefore, this registration process becomes a crucial step to legitimize the existence of P3SRS as a legitimate legal entity, providing the necessary legal basis for the management of the collective needs of apartment residents.

In this context, the establishment of the P3SRS act is not just an administrative formality but a strategic step that provides legal certainty and validity to P3SRS. With a valid legal entity status, P3SRS can be more effective in carrying out its tasks and responsibilities related to managing the shared needs of apartment residents.(Vatiza, Dewi, and Lukman 2021) Therefore, the registration process of the establishment deed becomes a strong foundation for P3SRS to grow and make a significant contribution to advancing collective living in the apartment environment.

The dualism in the management of P3SRS Bogor Valley Apartments creates a complex situation and has the potential to harm the residents. The two competing parties claim to be the legitimate management in overseeing the apartment, which contradicts the legal regulations regarding the dissolution and cancellation of legal entities. In the context of Law Number 17 of 2006 concerning Amendments to Law Number 1 of 1995 concerning Limited Liability

Companies, the District Court has the authority to dissolve a legal entity if proven to have engaged in unlawful activities or is no longer possible to achieve its purposes and objectives. The prolonged existence of two managements in P3SRS Bogor Valley Apartments can be considered as unlawful conduct that may harm the residents and hinder the organization's goals and objectives. (Chandranegara and Bakhri 2021)

The sustainability of the dual leadership in the management of P3SRS Bogor Valley Apartments not only threatens the stability of the apartment management but also generates negative impacts on the continuity of the functions and objectives of P3SRS. This situation is inconsistent with the legal principles governing legal entities and may create uncertainty in the decisions made by the involved parties. Therefore, legal actions need to be taken to end the dual leadership and ensure that the legitimate management can oversee the apartment in accordance with applicable legal provisions.

According to Article 70 paragraph (2) of Law Number 20 of 2011 concerning Apartment Buildings, P3SRS (Association of Apartment Owners and Occupants) that fail to fulfill their obligations may face dissolution by the local government. This legal norm is further explained in Article 71, which grants authority to the District Court to annul the establishment deed of P3SRS upon the request of interested parties. Interested parties, including occupants, unit owners, and the local government, are given the right to file a petition for the annulment of the establishment deed of P3SRS in accordance with the stipulated provisions.(Napitupulu 2022b) Therefore, in situations where P3SRS (such as the Apartment Owners and Occupants Association Bogor Valley) fails to fulfill its obligations due to the existence of management dualism, residents or unit owners may take legal action by filing a petition for the annulment of the establishment deed of P3SRS to the Bogor District Court.

In this context, the main reason for filing a request for the revocation of the establishment deed of P3SRS is the non-compliance of obligations caused by the existence of dualism in management. Dualism in management can create instability within the P3SRS organization and potentially harm parties involved, including residents and owners of Bogor Valley Apartments units. Therefore, as the affected party, residents or unit owners have a legal basis to take legal action to protect their rights and interests, with the hope of achieving the revocation of the establishment deed of P3SRS that does not comply with its obligations according to the Apartment Law.

The provisions regarding the cancellation of the establishment deed of a legal entity are regulated in Article 68 of Law Number 40 of 2007 concerning Limited Liability Companies.

According to this article, the District Court has the authority to dissolve and order the dissolution of a legal entity if the legal entity is unable to carry out its purposes and objectives as stated in its articles of association. For example, in the context of the dualism of the management of P3SRS, this condition becomes an obstacle for P3SRS to achieve its purposes and objectives. Therefore, Article 68 can be used as the basis for filing a request for the cancellation of the establishment deed of P3SRS Bogor Valley Apartment to the District Court.(Konstitusi 2010)

The dualism in the management of the P3SRS Bogor Valley Apartment can be the basis for arguments in the request for the annulment of the establishment deed. Article 70 and Article 71 of the Apartment Law, along with Article 68 of the Limited Liability Company Law, provide a legal foundation for filing such a request. The internal conflicts arising from the dualism in management serve as a strong reason because they lead to the non-fulfillment or impossibility of achieving the purposes and goals of P3SRS. Therefore, by referring to the existing legal provisions, the applicant may consider filing a request for the annulment of the establishment deed of the P3SRS Bogor Valley Apartment with the District Court.

The cancellation of the establishment deed of P3SRS, resulting in the dissolution of the legal entity of P3SRS Bogor Valley apartments, has serious implications for its legal continuity and operational functionality. The existence of dual leadership in P3SRS is the main trigger for ambiguity in management and gives rise to internal conflicts, thereby hindering P3SRS's compliance with legal provisions. This situation creates conditions that may qualify for dissolution under Article 70 paragraph (2) of the Apartment Law, due to the disturbance in the stability of its management and organizational performance.(Setiawati 2020)

As a consequence of the dissolution of P3SRS, the responsibility for managing the apartment is automatically transferred to the local government or another designated third party in accordance with Government Regulation Number 4 of 1988 concerning Apartment Buildings. This not only provides a solution to the management vacuum of P3SRS but also serves as a corrective step to ensure the continued operation and fulfillment of unit owners' rights in Bogor Valley. Moreover, this transfer of responsibility is expected to restore order and legal certainty in apartment management, thereby supporting the well-being and environmental security for its residents.(Mahmoud, Suharingsih, and Koeswahyono 2019)

If the District Court grants the petition to annul the establishment deed of the P3SRS Bogor Valley Apartment, the legal status of P3SRS will be dissolved. The management of the apartment will then be transferred to the local government or can be entrusted to a new

management entity as regulated in Government Regulation Number 4 of 1988 concerning Apartment Buildings. In conclusion, the dualism in the management of P3SRS Bogor Valley Apartment can be used as the basis for filing a petition to annul the establishment deed to the Bogor District Court in accordance with applicable regulations to ensure legal certainty in the future management of the apartment.

The Legal Consequences of the Cancellation of the Deed of Establishment of the P3SRS Bogor Valley Apartment towards the Legal Entity Status of P3SRS and the Future Management of the Apartment

The development of multi-story housing or apartments in urban areas has become a common phenomenon in addressing the increasing demand for housing. With the high demand for vertical living spaces, many developers are investing in apartment projects to provide housing options for urban communities. The management of these apartments involves the Association of Owners and Residents of Apartment Units (P3SRS) as a legal entity responsible for regulating and ensuring the well-being and security of the housing. However, some cases indicate challenges in the management of P3SRS, such as the dual management dilemma faced by Bogor Valley Apartment since 2018. The existence of this dual management has the potential to disrupt the smooth operation of apartment management and have negative effects on the residents' comfort. (Chandranegara and Bakhri 2021)

The existence of dualism in the management of P3SRS in Bogor Valley Apartments is a serious concern as it can lead to instability in decision-making and implementation of policies related to apartment management. This can affect the quality of service to residents and create uncertainty in terms of regulations and applicable rules. Therefore, serious efforts are needed in resolving conflicts and restoring management stability to ensure the optimal functioning of P3SRS in ensuring efficient and quality apartment management. Incidents like this also highlight the need for extra attention in selecting management and developing decision-making mechanisms in P3SRS to prevent the recurrence of similar cases in future apartment projects.

The issue of dualism in the management that has occurred in the P3SRS Bogor Valley Apartment has been a prolonged issue since 2018. The impact of this condition is strongly felt in the management of the apartment, disrupting the smooth execution of tasks and responsibilities that should be carried out by P3SRS as the legal management body. In this context, P3SRS has the responsibility to ensure that the apartment is managed effectively. Failure to fulfill this obligation has the potential to have serious consequences, including the possibility of revoking the establishment deed of P3SRS. The revocation of this establishment

deed not only affects the legal status of P3SRS but also may have complex legal implications for the management of the apartment in the future.

In facing the potential cancellation of the establishment deed, it is necessary to consider its impact on both the existence of P3SRS (an entity or organization) and the management of the apartment. Studies conducted by Gunawan and Hasni (2020) highlighting the importance of understanding the legal consequences that may arise from the cancellation of the establishment deed of the Bogor Valley Apartment Resident Association (P3SRS). This analysis is essential to identify potential risks and determine necessary steps to maintain the legality of apartment management. Therefore, this subsection discusses in detail the legal consequences that may occur as a result of the cancellation of the P3SRS establishment deed, with the aim of providing a comprehensive understanding of the challenges faced by P3SRS and its implications for the future management of Bogor Valley apartments.

If the District Court approves the request for the annulment of the establishment deed of P3SRS Bogor Valley Apartment, the consequence will be the dissolution of P3SRS as a legal entity in accordance with Article 71 paragraph (2) of Law Number 20 of 2011 concerning Apartment Buildings. This article grants authority to the District Court to annul the establishment deed of P3SRS upon the request of interested parties (Ashfiya 2019) Therefore, the revocation of the establishment deed not only affects the legal status of P3SRS but also follows the provisions of the applicable laws in the context of apartment buildings. Thus, the decision of the District Court in this matter is not only administrative but also has substantial implications for the existence and authority of P3SRS within the legal framework of apartment buildings.

It is important to understand that the impact of the cancellation of the establishment deed of P3SRS not only involves internal aspects of the legal entity itself but also reflects its connection to the rules and legal norms that govern condominiums in general. The enforcement of Article 71 paragraph (2) of Law Number 20 of 2011 provides legal protection for parties with an interest to ensure the compliance of P3SRS with applicable legal provisions. Therefore, the dissolution of P3SRS as a consequence of the annulment of the establishment deed by the District Court has broader implications, encompassing the entire regulatory and normative context in the housing sector, especially in the context of condominiums.

The cancellation of the establishment deed of P3SRS means the dissolution of the legal entity of P3SRS as a legal subject. With the dissolution of P3SRS Apartemen Bogor Valley as a legal entity, automatically the management and organs of P3SRS no longer hold any validity.

The legal status of all executives, both from the Budi Riyanto and Ria Andriani factions, becomes null and void, and they have no authority whatsoever regarding the management of the apartment. The position of the members of P3SRS who are owners and occupants of units in Apartemen Bogor Valley also ceases after the dissolution of the legal entity of P3SRS. Subsequently, they only have the status of owners or occupants of apartment units without any organizational connection to the dissolved former P3SRS.

Article 11 paragraph (1) of Government Regulation Number 4 of 1988 concerning Apartment Buildings states that in the event there is no management body or the management body is dissolved, the management of the apartment building shall be carried out by the Regional Government or may appoint a third party.(Syafriana 2018) Therefore, after the revocation of the establishment deed of the P3SRS Bogor Valley Apartment, its management will be transferred to the Bogor City Government as the stakeholder. Subsequently, the Bogor City Government can establish a replacement management body to handle the apartment in accordance with the provisions of Article 17 paragraph (1) of Government Regulation No. 4 of 1988. The tasks of this replacement management body include:(Milaniawati and Sari 2022)

1. Conduct maintenance and repairs of common parts, shared objects, and communal land.
2. Organize administration and manage management funds.
3. Fulfill the obligations of P3SRS to third parties.

The Bogor City Government, as the local government, can directly appoint an agency, institution, or office responsible for housing and settlement affairs to manage the Bogor Valley Apartments after the dissolution of P3SRS. Alternatively, the Bogor City Government can establish a special management body responsible for overseeing the Bogor Valley Apartments, involving representatives from unit owners and residents. This management body must first obtain legal approval from the local government before carrying out its management duties. The legal status of this body is different from the previous P3SRS because it is not based on the Apartment Law but rather on a Decision from the Bogor City Government.

The funding source for the substitute management body comes from monthly contributions from the owners and occupants of the apartment units. The amount of the contribution is determined through consultations among the owners and occupants, under the supervision of the local government. With the establishment of the substitute management body, it is expected that the management of Bogor Valley Apartments can run smoothly. The substitute management body has the responsibility to ensure the fulfillment of the rights and interests of the owners and occupants of the managed apartment units. Additionally, the local

government may appoint a third party with professional expertise to manage the apartment. The appointed third party is accountable to the local government for the management of the apartment units. Owners and occupants of the apartment units also have the right to oversee and demand accountability from the third party for the conducted management.(Purnamasari, Soemitro, and Suprayitno 2020)

With the presence of a substitute management body for P3SRS or the appointment of a third-party professional by the Bogor City Government, it is hoped that the management of Bogor Valley Apartment can still proceed smoothly even though the establishment deed of P3SRS has been revoked due to the dualism of management that occurred. Legal certainty and services to owners and occupants of the apartment units are still guaranteed with the transfer of management responsibilities to the party appointed by the local government. Thus, the cancellation of the establishment deed of P3SRS will result in the removal of the legal status of P3SRS along with its organs and membership. The management of Bogor Valley Apartment will subsequently be transferred to the local government or a management body appointed and approved by the Bogor City Government, subject to applicable laws and regulations.

CONCLUSION

The dualism in the management of P3SRS (Residential Community Unit) in Bogor Valley Apartment can be a reason for the cancellation of the establishment deed of P3SRS based on the prevailing regulations. This is based on Law Number 20 of 2011 concerning Apartment Ownership Article 70 paragraph (2), which states that P3SRS that does not fulfill its obligations can be dissolved, and Article 71 which allows the cancellation of the establishment deed of P3SRS through the District Court. Additionally, Law Number 40 of 2007 concerning Limited Liability Companies Article 68 also allows the cancellation of legal entities if it is impossible to achieve their purposes and objectives. The condition of dualism in the management of P3SRS results in the non-fulfillment of management obligations, thus meeting the requirements for dissolution and cancellation as stipulated.

Due to the legal consequences of the revocation of the establishment deed of P3SRS Bogor Valley Apartments, it will result in the dissolution of the legal entity status of P3SRS along with its organs and members. The management of the apartment will be transferred to the Bogor City Government, which has the authority to establish a replacement management body or appoint a professional third party. The replacement management body is responsible for continuing the apartment management, funded by monthly contributions from owners and

occupants. Therefore, the revocation of the establishment deed does not automatically cease the management of the apartment. The local government ensures the continuity of management through the designated body or third party.

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