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Legal Reconstruction of Certainty of Ownership Rights for Apartment Units and Businesses in Superblock Management Through P3SRS

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Abstract: The development of vertical housing in the form of superblocks in urban areas has changed residential ownership patterns and given rise to increasingly complex legal issues. Superblocks not only combine residential and business functions but also place unit owners in a collective legal relationship that depends on land rights, the technical age of the building, and a joint management system. This study aims to analyze the level of protection and legal certainty surrounding superblock unit ownership based on applicable positive law, while also formulating a legal reconstruction model that can address the gap between norms and practices. The results show that the Apartment Law and related regulations do not fully guarantee the sustainability of ownership rights, especially after the building has passed its technical age. The dependence of apartment unit ownership rights on Building Use Rights (Hak Guna Bangunan) or Management Rights (Hak Pengelolaan) creates structural uncertainty that directly impacts unit owners. Furthermore, weak regulations regarding the transition and authority of the Apartment Unit Owners and Occupants Association (APOS) have led to developer dominance and prolonged management conflicts. This study proposes a legal reconstruction that positions PPPSRS (Regional Unit Owners Association) as the collective rights holder of unit owners, strengthens post-building age regulations through compensation schemes, redevelopment, and priority rights, and encourages harmonization between apartment, land, and consumer protection laws. The reconstruction is expected to create legal certainty, justice, and sustainable ownership of superblock units, while also restoring public trust in the vertical housing legal system in Indonesia.

Keyword: Superblock, Unit Ownership, Legal Certainty, PPPSRS, Flats, Legal Reconstruction.

INTRODUCTION

Classically, basic human needs are known to include clothing, food and shelter, all three of which occupy a fundamental position in ensuring human survival and dignity (Sutono, 2020). Housing is no longer understood as merely a physical place of shelter, but has developed into a space for social, economic and cultural actualization, especially in urban

areas (Arianto, 2024). Housing is a symbol of security, stability and certainty of the future for individuals and families (Siregar, 2019). Changes in the lifestyle of urban communities have made owning a residence a primary need that cannot be postponed, as well as a long-term investment instrument with strategic value (Surya, 2022).

Rapid urban population growth is driving massive urbanization, while the availability of land in urban areas is increasingly limited and of high value (Khoerunnisa, 2025). This situation has triggered a paradigm shift in housing development from horizontal to vertical. Apartments and flats have emerged as rational solutions to limited space, as well as a response to demands for efficient urban planning (Aripin, 2025). This development then gave birth to the concept of superblocks as a form of integrated and intensive use of urban space.

Superblocks are designed as multifunctional areas that integrate residential areas, shopping centers, offices, business areas, and public facilities into a single area (Rais, 2021). This development pattern offers easy access, time efficiency, and high economic value for both developers and users. Superblocks also create more complex legal relationships because they involve various interests, spatial functions, and legal entities within the same management area (MEDTRY, 2021). This complexity requires stronger legal certainty than conventional housing.

Ownership of apartment units and business units in a superblock cannot be separated from the concept of strata title which differentiates between rights to unit units and rights to common parts, common objects and common land (Pangerang, 2021). Unit owners in principle have exclusive rights to their units, but are simultaneously bound by inseparable collective ownership (Hermawan, 2023). The status of land rights underlying a superblock building, whether in the form of Building Use Rights over Ownership Rights, Management Rights, or Use Rights, has significant legal implications for long-term ownership guarantees (Athallah, 2024).

Legal issues are increasingly emerging due to the limited regulations regarding the fate of unit ownership rights after a building's technical life has expired. Positive law does not yet provide certainty regarding the rights and obligations of unit owners in the event that a building is no longer functional, requires demolition, or undergoes revitalization. This situation creates potential conflicts of interest between unit owners, developers, and area managers. Disputes over the extension of communal land rights and the management of shared assets often place unit owners in a vulnerable position (Sappe, 2021).

The management of flats and superblocks is normatively handed over to the Association of Flat Owners and Residents as a forum representing the interests of the owners (Zachman, 2021). Field practice shows that the establishment and operation of PPPSRS often do not align with their normative objectives. Developer dominance, weak participation by unit owners, and minimal transparency in financial management have created persistent tensions (Krisnanto, 2024). This condition shows that there is a real gap between legal norms and the reality of implementation.

The gap between *das sollen* and *das sein* is becoming increasingly apparent in the practices of superblock ownership and management. Legal norms promise protection, certainty, and justice for unit owners, but the reality demonstrates rampant disputes, unclear legal status, and weak bargaining power for owners. Regulatory gaps in crucial aspects create a gray area that is vulnerable to abuse. This situation underscores the need for reform and restructuring of the legal framework to be more responsive to the development of vertical housing.

A state based on law or *rechtstaat* places law as the primary means of regulating and limiting power, while guaranteeing the protection of citizens' rights (Rais M. T., 2022). Legal certainty is one of the main pillars of a state based on the rule of law, because without certainty, the law loses its binding power and social legitimacy (Halilah, 2021). The right to

own a residence is part of the constitutional rights that must be protected by the state, as well as being a civil right that gives rise to legal consequences between equal legal subjects (Nasrudin, 2025).

Property rights from a national legal perspective do not only function as individual rights, but also contain a social dimension that requires a balance of interests (Naufal, 2022). Unit ownership in apartments and superblocks reflects the intersection of private rights and collective interests. The state is obligated to ensure that these ownership arrangements provide a sense of security, clarity, and sustainability for unit owners without neglecting the public interest and urban spatial planning (Yasir, 2024).

Gustav Radbruch's theory of legal certainty, justice, and utility provides a relevant philosophical basis for assessing vertical property ownership regulations. Legal certainty demands clarity of norms and consistency of application, justice requires equal treatment for all parties, while utility emphasizes the social function of law for society (Firdaus, 2025). These three values must be harmoniously present in the regulation of superblock unit ownership so that the law is not merely formalistic.

The concept of strata title emphasizes the inseparable division of rights between individual ownership and joint ownership. Units, common areas, common property, and common land form an interdependent legal entity. The PPPSRS is positioned as a legal entity representing the collective interests of unit owners in managing and protecting shared assets (Sondakh, 2022). This strategic role requires strengthening the legal standing of PPPSRS so that it can carry out the functions of managing, protecting and sustaining rights effectively.

The normative framework governing apartments and superblocks is scattered across various laws and regulations, ranging from the Basic Agrarian Law, the Apartment Law, the Spatial Planning Law, to the Consumer Protection Law and its implementing regulations. This fragmentation of regulations often leads to disharmony and unclear norms. This situation underscores the urgency of legal reconstruction that can comprehensively unify the principles of land and housing law to ensure certainty of unit ownership rights within superblocks.

METHOD

This study uses normative legal research methods with legislative, conceptual, and analytical-critical approaches to examine the legal certainty of superblock unit ownership. The normative study is conducted through a systematic review of the Basic Agrarian Law, the Apartment Law, implementing regulations in the land and housing sector, and consumer protection provisions related to vertical housing transactions and management. A conceptual approach is used to analyze the concepts of property rights, strata title, joint ownership, and the position of PPPSRS as a collective legal subject, by referring to relevant legal doctrines and theories. Critical analysis is directed at comparing norms that should guarantee certainty, justice, and benefit with the reality of superblock ownership and management practices that show various structural weaknesses. Primary, secondary, and tertiary legal materials are analyzed qualitatively through systematic interpretation and legal argumentation to formulate a legal reconstruction that is responsive and applicable to the needs of superblock unit owners.

RESULT AND DISCUSSION

Protection and Legal Certainty of Superblock Unit Ownership

The legal ownership status of residential and business units within superblocks demonstrates diverse regulations that do not always align with the principle of legal certainty. Residential units in flats are generally accompanied by a Certificate of Ownership of a Flat Unit (SHMRS) or a Certificate of Ownership of a Flat (SHKRS), which normatively

recognize both individual and collective rights. This contrasts with business units, such as retail or office units, which in practice are often supported only by binding sales and purchase agreements, limited strata title, or even long-term leases. This difference in legal basis creates unequal treatment among unit owners within a single superblock.

This dual ownership between residential and non-residential units has significant legal implications, particularly regarding long-term tenure security. Residential unit owners are normatively positioned as subjects of relatively better-protected rights, while business unit owners are often in a weaker legal position. This situation creates uncertainty regarding the status of rights, transferability, and the future economic value of the units. This practice demonstrates a lack of synchronization between the goal of developing superblocks as integrated areas and the legal protection of all unit owners.

The certainty of communal land rights is a crucial issue in superblock unit ownership because almost all buildings are constructed under Building Use Rights (Hak Guna Bangunan), Usage Rights (Hak Pakai), or Management Rights (Hak Pengelolaan Hak). Unit owners have no direct legal relationship with the land, but rather depend on the term and extension of the rights held by a specific legal entity. This dependency places unit owners in a passive position regarding the fate of the land rights that underpin their ownership. This situation creates a sense of insecurity because the continuity of unit rights is largely determined by the policies of the management or land rights holder.

The legal risks for unit owners become more apparent when land title extensions face administrative obstacles, conflicts of interest, or changes in land policies. Unit owners are often inadequately involved in decision-making processes that directly impact their rights. The legal consequences of the termination of land titles have the potential to erode the value of unit ownership and even lead to protracted disputes. This situation reflects the weak bargaining position of unit owners within the legal structure of superblock ownership.

Ownership issues become increasingly complex once a building reaches or exceeds its technical lifespan. Positive law does not yet provide clear regulations regarding the status of unit owners' rights if a building is declared unfit for use. This lack of regulation creates uncertainty regarding whether ownership rights remain, change form, or terminate, along with the physical condition of the building. Unit owners find themselves in a highly uncertain situation without any legal guidelines to refer to.

Unit owners' rights regarding building demolition or reconstruction are also lacking sufficient clarity. Decision-making mechanisms, cost allocation, and post-redevelopment benefit sharing are often left to internal agreements that are prone to conflict. This lack of clarity opens the door to domination by certain parties with greater economic power and information. This reality demonstrates that legal protection for unit owners remains partial and fails to address the fundamental issue of sustainable rights.

Management disputes through the Association of Apartment Owners and Tenants are a clear illustration of the weak implementation of norms. Developers' dominance in the formation and control of the PPPSRS (Commercial Property Owners Association) remains commonplace, even though this role should normally be transferred to unit owners. Owners often face difficulties accessing information, participating in decision-making, and overseeing area management. This situation demonstrates an imbalance of power that disadvantages unit owners.

Conflicts over environmental management fees, transparency of fund use, and management of shared facilities are recurring sources of dispute. Unit owners often feel burdened with disproportionate costs without adequate explanation. The opacity of financial management exacerbates distrust and fuels social resistance within the superblock environment. This issue demonstrates that the PPPSRS's function as a collective protection instrument is not yet functioning optimally.

The legal uncertainty surrounding superblock unit ownership directly impacts the owners' economic losses. The sale and investment value of units becomes unstable due to inherent legal risks. Unit owners also face limitations in maximizing their rights due to unclear status and management. These losses are not only material but also affect their sense of security and future certainty.

The social impact of legal uncertainty is evident in increasing conflicts between owners, between owners and managers, and between owners and developers. Social relations within the superblock environment become fragile and disharmonious. A decline in public trust in the property sector is also difficult to avoid because the law fails to provide reliable guarantees. This reality confirms that the issue of superblock unit ownership is not merely a technical issue, but rather a structural issue that touches the core of protecting citizens' rights.

Normative Analysis and Weaknesses of Superblock Ownership Regulations

The Apartment Law was designed as the primary instrument to provide legal certainty over the ownership of apartment units, including those located within superblocks. Articles 46 and 47 regulate the recognition of ownership rights over apartment units, including common components, common facilities, and common land, as an inseparable whole. These norms provide formal legitimacy for the concept of strata title, but they do not fully address the issue of sustainable ownership rights. These regulations focus more on the emergence of rights, while the dynamics of ownership throughout the life of the building are not a primary concern.

The limitations of Articles 46 and 47 are evident in the lack of clarification regarding the legal status of owner rights after the building no longer meets technical standards or is functionally fit. The existing norms seem to stop at the initial recognition of ownership without providing further guidance regarding the fate of those rights. This gap creates a wide room for interpretation and has the potential to give rise to inconsistent practices. Unit owners are ultimately vulnerable because they lack a clear normative framework for defending their rights.

The absence of norms regarding post-building age demonstrates the weak orientation of long-term protection in the Apartment Law. Positive law has not yet addressed the reality that buildings have a limited life cycle and require special arrangements for their final phase. The absence of legal mechanisms for demolition, reconstruction, or transfer of rights after the technical age has resulted in a lack of certainty regarding ownership of apartment units. This situation demonstrates an imbalance between the objectives of vertical housing development and the legal guarantees for owners.

The disharmony between land law and apartment law further deepens the issue of superblock ownership. Ownership rights to apartment units are normatively based on time-limited land rights, such as Building Use Rights (Hak Guna Bangunan) or Management Rights (Hak Pengelolaan). This legal relationship creates a paradox because ownership rights, which should be strong and sustainable, depend on land rights that can expire. This inconsistency undermines the essence of legal certainty in unit ownership.

Issues regarding the extension and renewal of land rights are a critical issue that is often inadequately addressed in regulations. Unit owners lack a strong legal standing to secure the extension of communal land rights. Extension procedures rely heavily on the managing legal entity or developer, while unit owners' interests tend to be subordinated. This situation reflects an imbalance in the legal structure that has not been systematically addressed.

Regulations regarding the Association of Apartment Owners and Tenants also demonstrate significant normative weaknesses. The Apartment Law does not detail the mechanism for the transition of management from developers to PPPSRS. This lack of regulation opens up opportunities for developers to retain management control longer than

necessary. Unit owners often struggle to enforce their collective rights due to the lack of clear and operational norms.

The absence of clear and firm sanctions for developers who neglect the obligation to establish and hand over management to the PPPSRS exacerbates the weakness of legal protection. Existing norms are primarily declaratory without effective legal consequences. This situation creates an unequal relationship between developers and unit owners. The law loses its coercive power to protect the parties it should prioritize.

Consumer protection in superblock unit ownership transactions has also not shown sufficient effectiveness. Sales and Purchase Agreements and Deeds of Sale and Purchase are often drafted unilaterally by developers. Unit owners, as consumers, are placed at a disadvantage due to limited choices and information. This inequality contradicts the principles of justice and consumer protection that should be upheld.

Standard clauses that disadvantage unit owners are still frequently found in agreements. Provisions regarding management, fees, limitations on rights, and dispute resolution often do not provide a level playing field. Although consumer protection laws prohibit detrimental clauses, their implementation has not provided real protection. Existing norms have not been able to effectively address the complexities of vertical property transactions.

The gap between *das sein* (the right to own property) and *das sollen* (the right to own property) in superblock ownership reflects the inability of positive law to achieve certainty, justice, and benefit in a balanced manner. Legal norms have not fully addressed the social and economic realities faced by unit owners. Criticism of these regulations demonstrates the need for a more responsive legal reform oriented toward rights protection. Regulatory reform is a prerequisite for restoring public trust in the legal system for vertical residential ownership.

Legal Reconstruction of Superblock Unit Ownership Through PPPSRS

The legal reconstruction of superblock unit ownership stems from the recognition that vertical housing is a long-term necessity inherent in the security and sustainability of its owners. Legal certainty is not simply understood as formal recognition of rights; it must also guarantee the continuity of these rights throughout the life cycle of the building and the underlying land. Superblock unit ownership requires a legal framework capable of protecting owners from structural risks arising from the limited lifespan of buildings and the temporary nature of land rights. The principle of justice demands that unit owners not be positioned as those who always bear the consequences without meaningful participation.

Justice for unit owners concerns not only the distribution of rights and obligations, but also recognition of the economic and social contributions they have made. Purchasing a superblock unit often involves significant and long-term financial sacrifices. The law should be present to ensure that these sacrifices are proportionally protected and not diminished by regulatory weaknesses. Sustainable management is an integral principle because without stable governance, certainty and justice will remain merely symbolic.

The reconstruction of post-building ownership rights regulations needs to be directed toward explicit recognition of the continuity of unit owners' rights. Ownership rights should not automatically cease simply because the physical condition of a building declines. Rights recognition schemes can be formulated through the transfer of rights, the affirmation of collective rights, or the recognition of priority rights over redevelopment. This approach provides a sense of security and certainty for owners without hindering the dynamics of urban development.

Regulations regarding compensation and redevelopment must be placed within a fair and transparent framework of protection. Unit owners deserve rational choices, including adequate compensation, participation in redevelopment schemes, and priority rights to

acquire new units. These choices need to be regulated normatively so as not to rely on unilateral negotiations that tend to disadvantage owners. This reconstruction positions owners as active legal subjects, not merely objects of development policy.

Strengthening the position of the PPPSRS is a central element in the legal reconstruction of superblock ownership. The PPPSRS is positioned not simply as an administrative management body, but rather as a collective rights holder representing the legal interests of all unit owners. This position allows the PPPSRS to have strong legitimacy in strategic decision-making, including regarding the management of shared land and the future of buildings. This role also strengthens the bargaining position of owners in relations with developers and third parties.

Management of shared land and buildings after redevelopment requires a clear and operational legal basis. The PPPSRS must be given clear authority to act on behalf of unit owners in extending land rights, redevelopment planning, and managing shared assets. This authority must be accompanied by accountability and transparency mechanisms to avoid creating new problems. This reconstruction aims to create a balance between collective power and legal responsibility.

Harmonization of regulations between condominium law, land law, and consumer protection is an absolute prerequisite for successful reconstruction. Integration of the Condominium Law and the Basic Agrarian Law is necessary to eliminate the paradox between condominium unit ownership rights and time-limited land rights. Synchronizing norms will clarify the legal relationship between unit owners, communal land, and the state. Consumer protection also needs to be an integral part of vertical residential ownership regulations.

The role of the state needs to be emphasized not only as a regulator, but also as a guarantor of certainty and justice. The state has a constitutional responsibility to ensure that vertical housing development does not create structural uncertainty for its citizens. State intervention can be realized through the establishment of clear norms, effective oversight, and consistent law enforcement. A strong state presence will reduce the dominance of parties with greater economic power.

The ideal model for secure superblock unit ownership rights requires a realistic and gradual roadmap. The short-term phase can focus on affirming the position of PPPSRS (Regional Property Ownership Authority) and protecting owners from non-transparent management practices. The medium-term phase is directed at updating norms related to the extension of land rights and the management of buildings after their technical age. The long-term phase includes a comprehensive integration of the vertical housing legal system that is adaptive to social and economic changes.

The normative and policy recommendations resulting from this reconstruction are expected to bridge the gap between norms and reality. Superblock unit ownership needs to be recognized as a right that is protected sustainably, fairly, and with dignity. Legal reconstruction is not simply a regulatory update, but an effort to rebuild public trust in the legal system. This contribution confirms that the law can and must evolve to meet the needs of modern urban society.

CONCLUSION

Ownership of superblock units in Indonesia remains in a state that does not fully provide legal certainty for owners. The current legal framework tends to stop at formal recognition of initial ownership rights, without guaranteeing the continuity of these rights over time and over the deterioration of the physical condition of buildings. The dependence of apartment ownership rights on limited land rights, the weak regulation of buildings beyond their technical lifespan, and the problematic management through the PPPSRS (Regional

Property Ownership Restructuring Agency) demonstrate a serious gap between the normative objectives of the law and current practice. Positive law has not been able to fully address the needs of protection, justice, and benefits for unit owners, resulting in economic risks, social conflict, and a decline in trust in the vertical property sector. Legal reconstruction that positions PPPSRS as the holder of collective rights and strengthens regulations after the lifespan of buildings is an urgent need to address these structural issues.

Recommendations emphasize the need for comprehensive and long-term regulatory reform. The Apartment Law needs to be supplemented with explicit norms regarding the sustainability of ownership rights after the lifespan of buildings, including compensation schemes, redevelopment, and priority rights for unit owners. Harmonization between land law, apartment housing, and consumer protection must be systematically implemented to prevent the recurrence of normative paradoxes that undermine legal certainty. Strengthening the position of the PPPSRS needs to be accompanied by clear oversight and accountability mechanisms so that it truly represents the interests of unit owners. The state is expected to take a more active role through consistent regulation, oversight, and law enforcement, so that superbloc unit ownership can develop as a form of modern, safe, equitable, and sustainable housing for urban communities.

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