

THEMATIC TITLE	LEGAL PROBLEMS REGARDING MINOR'S CAPACITY: CASE STUDY OF REAL ESTATE BROKER
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ABSTRACT

This thematic paper objective is to study the legal problems regarding minor's capacity as real estate broker. Presently, real estate broker is the profession that open to people who is interested, still minor is restrict to do. The Civil and Commercial Code has legal restrictions to minor in being real estate brokers independently. I would like to define a minor who has the capacity to be able to work as real estate broker independently.

Study shows many problems regarding minors' capacities. Firstly, The Civil and Commercial Code has restricted minor capacity for the doing of a juristic act. Minor who wants to do a juristic act must obtain the consent from his legal representative. If consent was not given, such juristic acts would be voidable. Exception for acts which are strictly personal, minor can do all without his legal representative consent. Nevertheless, such legal restriction and allowance does not consistent and sufficient with the current social context.

Secondly, the problem with minors right of being real estate broker. Although, The Civil and Commercial Code provide the right for minor to carry on a business by obtained permission from his legal representative. But there is no specific brokerage law for minor. Thus, brokerage general law would be applied, which a legitimate real estate brokers must be appointed by contract. Thereby, enter into a contract is the doing of a juristic act that cause a minor to obtain the consent from his representative again.

Lastly, the problem regarding the legal representative consent to minor of being real estate broker. Although, minor obtained permission from his legal representative to do such profession.

Yet, there are limitation for minor to work as real estate broker freely. The Civil and Commercial Code allow the legal representative to terminate the permission granted to the minor. If the carrying on the permitted business causes a serious damage or injury to the minor. Even though the person who know the limit of his knowledge and abilities would be the minor himself. Minor is also well aware of the nature of such profession.

Therefore, I would like to propose solutions to the legal problems stated above. By amending The Civil and Commercial Code as follows: 1) defined minor capacity to be able to work as real estate broker 2) defined right for minor in occupation of real estate broker as such profession do not require a lot of funding 3) defined real estate broker for minor should not be limited by his legal representative permission.