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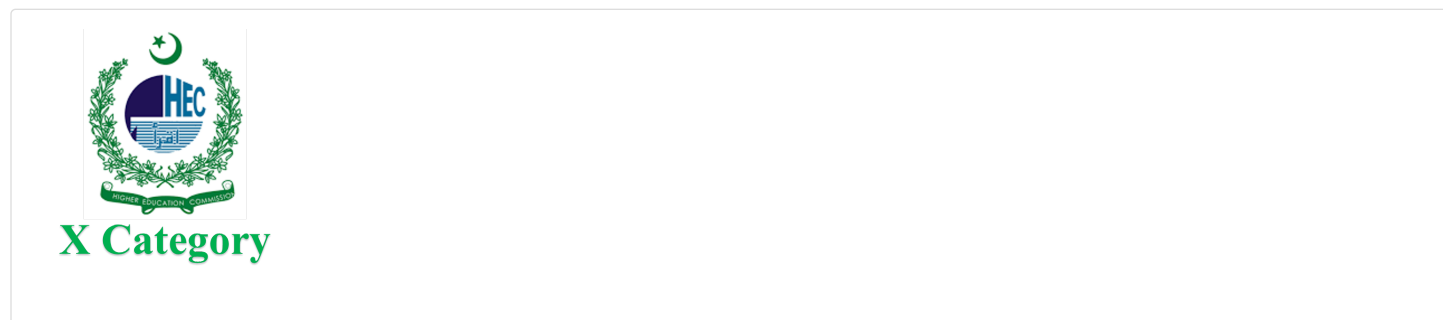
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FINANCIAL AND LEGAL BARRIERS IN IMPLEMENTING SECONDARY MORTGAGE FACILITIES IN INDONESIA

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Abstract - The research is motivated to analyze mortgage-backed securities to solve the housing supply backlog problem in Indonesia. The first problem is regarding the legality of mortgage backed securities in Indonesia, the second problem is about the disinterest of the housing industry in Indonesia to take advantage of mortgage backed securities, and the second problem is optimizing existing resources to make mortgage backed securities more attractive. Since its establishment in 1998 until 2015 the mortgage backed securities or secondary housing financing facility has not been maximally utilized by the financial industry in Indonesia as an alternative source of funds to finance the provision of housing. The financial industry is still making maximum use of primary housing financing by providing loans whose funds come from third party funds. Mortgage backed securities are not attractive to the financial industry because the subject of implementation, namely PT SMF Persero, is less well known and because there are doubts about the financial benefits of mortgage backed securities for the financial industry and investors. This research is based on empirical studies conducted directly on the housing finance provider industry sector in Indonesia. A major breakthrough was made by creating new securities in the Indonesian capital market that can make mortgage backed securities more attractive, namely asset backed securities- securities participation (EBA SP), in this way mortgage backed securities are expected to be traded on the secondary market. The legal aspects to support the birth and operation of mortgage backed securities in Indonesia are complete, but the operational use of mortgage backed securities is experiencing problems due to the lack of interest in the financial industry in the issuance process and the character factor of the securities issued. The financial industry providing housing finance in Indonesia demands that the pricing of the issuance of mortgage backed securities and the trading process be made more attractive to investors.

Keywords: mortgage-backed securities, funding, financial barriers, legal impediment, Indonesia

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Housing and settlements are one of the basic human needs, having a strategic function as a center for family education, cultural nurseries, and improving the quality of future generations. The government's ability to meet the needs of housing and settlements is relatively very limited. Community resources and potentials need to be developed to be able to meet their housing and settlement needs independently, supported by government efforts through the creation of a conducive housing provision climate.

The Government of Indonesia has a National Medium-Term Development Plan 2015-2019, which includes a plan to provide housing in Indonesia. Fulfillment of decent housing supported by adequate

PETITIO HEREDITATIS THEORITICAL AND JURISPRUDENCIAL REFLECTIONS ON ALBANIA IN COMPARISON WITH SOME EUROPEAN JURISDICTIONS

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Abstract - This article provides a comparative analysis of the *petitio hereditatis* in the Albanian Civil Code with the legal systems of Italy, France, and Germany. The article explores the similarities and differences in the legal frameworks, judicial practices, and case laws across these jurisdictions. The analysis highlights the potential benefits and drawbacks of adopting different *petitio hereditatis* models in Albania, including the impact on the burden of proof, the right to inheritance, the revocation of inheritance, and the accretion of assets. The study draws on various sources, including primary legal texts, court decisions, and scholarly literature, to provide a comprehensive overview of the *petitio hereditatis* in each legal system. The findings of this research have important implications for the development of *petitio hereditatis* in Albania and suggest potential areas for future research and policy recommendations.

Keywords: *Petitio hereditatis*; Albanian Civil Code; Theoretical reflections; Jurisprudence; Inheritance law

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CONCLUSION

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INTRODUCTION

Petitio hereditatis, a concept derived from Roman law, refers to the legal action through which an individual asserts their right to inherit property from a deceased person. (Riggsby A, 2010) Under the Albanian Civil Code, *petitio hereditatis* is an important mechanism for the transfer of property rights from the deceased to the living. (Lushaku N, 2015) The Albanian legal system has seen significant changes in recent years, and *petitio hereditatis* has been the subject of theoretical debates and practical challenges in the courts.

This article aims to provide a comprehensive analysis of *petitio hereditatis* under the Albanian Civil Code, with a focus on theoretical reflections and jurisprudence of Albanian courts. The significance of the topic lies in its relevance to the protection of property rights, the promotion of fairness in inheritance, and the proper functioning of the legal system. The purpose of this article is to explore the key theoretical issues and debates surrounding *petitio hereditatis*, provide an overview of the legal framework and principles governing *petitio hereditatis* in Albania, analyse relevant case law on *petitio hereditatis* in Albania, and compare *petitio hereditatis* in Albania with other legal systems. By doing so, this article contributes to a better understanding of *petitio hereditatis* in Albania and offers insights for future research and policy recommendations.