

# Analisa kasus pembayaran fasilitas antara perhimpunan penghuni rumah susun terkait dengan pengikatan jual beli antara developer dengan pihak ketiga = Judicial review on claim of facility between the relevant residents association and the preeliminary sale and purchase agreement entered into by and between the developer and any third party

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## Abstrak

Peraturan mengenai rumah susun saat ini diatur didalam Undang-Undang No.16 tahun 1985 tentang Rumah Susun. Penghuni Rumah Susun wajib membentuk Perhimpunan Penghuni yang bertugas mengatur kehidupan bersama sesama penghuni didalam rumah susun. Berdasarkan Pasal 10 Undang-Undang No.16 tahun 1985 tentang Rumah Susun, pemindahan hak milik atas satuan rumah susun dari penyelenggara pembangunan kepada pembeli pemindahan haknya harus dilakukan dengan Akta Pejabat Pembuat Tanah (PPAT) akan tetapi, dewasa ini dalam kegiatan pemasaran properti khususnya rumah susun di Indonesia seringkali satuan rumah susun dijual dengan jalan Perjanjian Pengikatan Jual beli yang tidak dilanjutkan ketahap pembuatan Akta Jual Beli. Yang menjadi pertanyaan dan akan dibahas dalam penulisan ini adalah bagaimana penyelesaian perkara yang terjadi antara Perhimpunan Penghuni Rumas Susun terkait dengan persoalan kehidupan bersama didalam rumah susun bila dikaitkan dengan unit-unit rumah susun yang dijual hanya berdasarkan Perjanjian Pengikatan Jual Beli. Apakah dengan Perjanjian Pengikatan Jual Beli telah terjadi peralihan hak antara Developer dengan pihak ketiga? Apa saja tugas, kewajiban dan kewenangan Perhimpunan Penghuni Rumah Susun dalam mengatur kehidupan di rumah susun?

.....Development of housing flats is one of the alternative problem-solving of the housing and settlement needs, especially in urban areas, the number continues to increase because the construction of housing flats could reduce the use of land. Regulations regarding the housing flat this time are set in the Law Number 16 year 1985 regarding the Housing Flat. In the regulation jo. The Government regulations are governed that the residents of Housing Flat must establish an Association of Resident which has a duty to set up the life of a fellow in the housing flat. Basically, based on Article 10 of Law number 16 of 1985 regarding the Housing Flat, the transfer of title on housing flat unit from the development management to the purchaser, the transfer of rights must be made with a deed of the Land Deed Official (PPAT), however, currently in the property marketing activities especially the housing flat in Indonesia are often a unit of housing flat that has not been completed which has a lot of devotees is sold with the Sale and Purchase Binding Agreement which is not continued until the making level of the Sale and Purchase Deed. The question and the one will be discussed by the author in this writing is how the settlement of cases occurred between Association of Housing Flat Resident related to problem of living together in the housing flat when it is associated with the unit housing flats sold only based on the Sale and Purchase Binding Agreement. Has the right's transition occurred through the Sale and Purchase Binding Agreement between the Developer with third parties? What's duties, responsibilities and authority of the Association of Housing Flat Resident in managing life at housing flat?