

Pemindahan hak atas tanah yang dilakukan berdasarkan pengikatan jual beli (Kasus di Lippo Karawaci) = The transfer of rights over land which is conducted through agreement to bind sale and purchase (Case in Lippo Karawaci)

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Abstrak

Tanah dan bangunan merupakan salah kebutuhan mendasar manusia. Pemerintah memberikan kesempatan kepada pihak swasta untuk turut serta menyediakan perumahan, namun, masih ada jual beli tanah berikut bangunan yang pengalihan haknya tidak dilakukan menurut Hukum Tanah Nasional, melainkan para pihak membuat suatu perjanjian yang dikenal dengan istilah Pengikatan Jual Beli. Penelitian ini adalah penelitian yuridis normatif. Hasil penelitian menyimpulkan bahwa jual beli yang dilakukan dengan Pengikatan Jual Beli segera dibuatkan Akta Jual Beli, jika syarat-syarat yang ditangguhkan telah dipenuhi. Pengikatan Jual Beli menurut Hukum Tanah Nasional, tidak menyebabkan beralihnya hak atas tanah dan bangunan kepada pembeli.

.....Lands and buildings are one of human's primary needs. The government give opportunities to private enterprises to join in the effort of providing housing for the people. However, transfer of property rights and sale of land were sometimes not carried out according to the National Land Law, instead both parties made an agreement that was known as the Agreement to Bind Sale and Purchase. This research was the juridical research normative. From the results of the research, it is concluded that trades carried out with Agreement to Bind Sale and Purchase should immediately be followed by the Sale and Purchase Certificate once all the conditions have been fulfilled. It is important to do so because such trades are not according to the National Land Law, and therefore do not cause a transfer in the land and the building rights.