

Aspek hukum perjanjian pada pelaksanaan sewa guna usaha dan pemberian konsumen (perjanjian PT. HD finance)

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Abstrak

Pemberian konsumen merupakan salah satu dari jenis-jenis pemberian yang diatur didalam Permenkeu No.84/PMK.012/2006 tentang pemberian, dimana kegiatan pemberian dilakukan dalam bentuk penyediaan dana untuk pembelian barang kebutuhan konsumen dengan pembayaran secara angsuran. Tujuan dari penulisan ini untuk mengetahui pengaturan perjanjian pemberian konsumen didalam KUHPerdata dan Permenkeu No.84/PMK.012/2006 dengan memakai contoh perjanjian pemberian konsumen pada PT HD Finance dan untuk mengetahui perbedaannya dengan pemberian lainnya yaitu kegiatan sewa guna usaha (leasing).

Penulisan ini menggunakan metode penelitian kepustakaan, dan dilihat dari sifatnya, maka penulisan ini bersifat deskriptif. Dari penulisan ini dapat diambil kesimpulan bahwa KUHPerdata tidak mengatur mengenai pemberian konsumen, akan tetapi berdasarkan pasal 1319 KUHPerdata maka peraturan-peraturan umum didalam Bab I sampai dengan Bab IV KUHPerdata berlaku terhadap perjanjian pemberian konsumen, seperti pasal 1320 dan pasal 1338 KUHPerdata, dan Permenkeu No.84/PMK.012/2006 hanya mengatur ketentuan-ketentuan yang bersifat umum saja. Perbedaan paling mendasar antara pemberian konsumen dan leasing terletak pada hak milik atas objek barang, hak opsi yang dimiliki oleh financial lease, dan penentuan nilai sisa atau residu objek barang yang ditentukan oleh para pihak dalam financial lease.

<hr><i>Funding of the consumer was one of the funding kinds that were arranged in Permenkeu No.84/PMK.012/2006 about funding, where the funding activity was carried out in the form of the provisions of the fund for the purchase of the requirement thing for the consumer by payment in a manner the installment. The aim of this writing to know the regulation of the consumer of the funding agreement inside KUHPerdata and Permenkeu No.84/PMK.012/2006 by using the example of the funding agreement of the consumer to PT HD Finance and to know his difference by other funding that is the leasing activity of efforts (leasing).

This writing used the method of the bibliography research, and was seen from his characteristics, then this writing was descriptive. From this writing could be taken by the conclusion that KUHPerdata did not arrange about funding of the consumer, but was based on the article 1319 KUHPerdata then the public's regulations in the I Chapter to the Chapter of IV KUHPerdata were valid towards the funding agreement of the consumer, like the article 1320 and the article 1338 KUHPerdata, and Permenkeu No.84/PMK.012/2006 only arranged the provisions that were general then. The difference was most basic between funding of the consumer and leasing was located in proprietary rights on the object of the thing, the option right that was owned by financial lease, and the determination of the residual value or the object residue of the thing that was determined by the sides in financial lease.</i>