

Jual beli tanah budel pailit PT IKJ (pailit) yang telah diikat PPJB sebelum pailit : tinjauan yuridis terhadap penetapan Hakim Pengawas Pengadilan Niaga Jakarta Pusat No. 03/Pembatalan Perdamaian/2010/PN.Niaga/JKT.PST tanggal 6 September 2010 = Sale and purchase of land of bankruptcy assets of PT IKJ (bankrupt) which had been bounded by binding agreement for sale and purchase PPJB before the seller declared bankruptcy : judicial analysis of Supervisory Judge of Central Jakarta Commercial Court Order Number 03/Pembatalan Perdamaian/2010/PN.Niaga.Jkt.Pst. dated September 6, 2010

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Abstrak

**ABSTRAK**

Tesis ini membahas tentang prosedur jual beli tanah budel pailit, yang telah terikat PPJB (Perjanjian Pengikatan Jual Beli) sebelum penjual dinyatakan pailit. Kasus ini menarik untuk dibahas, karena jual beli tersebut dilarang Undang-undang Kepailitan, tetapi terdapat Penetapan ijin jual dari Hakim Pengawas. Pembahasan ditinjau dari sudut hukum agraria, hukum kepailitan, hukum perdata dan hukum acara perdata. Penelitian dilakukan menggunakan metode penelitian normatif dengan desain preskriptif. Hasil penelitian bertujuan memberikan saran hukum, khususnya kepada PPAT dalam menjalankan profesinya membuat akta pertanahan dan kepada Kantor Pertanahan yang bertanggung jawab dalam pendaftaran dan balik nama hak atas tanah.

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**ABSTRACT**

This thesis discusses the procedures of sale and purchase of land of bankruptcy assets, which had been bounded by Binding Agreement for Sale and Purchase (PPJB) before the seller declared bankruptcy. This case is interesting to discuss because the sale and purchase is banned by the Bankruptcy Act, but there is a permit to sell in form of Supervisory Judge Court Order. The discussion was reviewed from the perspective of the agrarian law, bankruptcy law, civil law and civil procedural law. The research is normative to prescriptive. The aim of this research is to provide legal advice, especially to PPAT in their profession making the land deed and to the National Land Agency who is responsible for the registration and change of name of land rights.