

Jual beli hak atas tanah bersama yang dilakukan setelah perceraian (tinjauan yuridis terhadap putusan Mahkamah Agung Republik Indonesia nomor : 2301/K/PDT/2007) = Buying and selling rights over the land together that is done after divorce (judicial review towards the supreme court of the Republic of Indonesia number : 2301/K/PDT/2007

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Abstrak

[ABSTRAK

Tesis ini membahas tentang jual beli hak atas tanah bersama yang dilakukan setelah perceraian oleh salah satu pihak didasarkan pada hukum pertanahan. Oleh karena merupakan harta bersama, analisa dalam tesis ini juga menggunakan berbagai sumber hukum lain seperti hokum perkawinan dan hokum perdata untuk menganalisa keabsahan transaksi jual beli tanah hak atastanahbersamatersebut. Jual beli hak atas tanah bersama oleh salah satu pihak setelahperceraian dalam prakteknya merupakan hal yang umum dilakukan oleh masyarakat dan sangat mudah dijumpa dalam kehidupan sehari-hari. Akan tetapi masyarakat tidak mengetahui aturan-aturanhukum yang mengaturhal tersebut, sehingga banyak terjadi penyimpangan hukum yang tidak disengaja akibat kurangnya pengetahuan masyarakat awamanhukum. Oleh karena itu kasus ini dapat memberikan penyuluhan hokum secara sederhana kepada masyarakat yang tidak mengerti atau tidak mengetahui adanya aturanhukum yang mengatur mengenai jual beli hak atas tanah bersama setelah perceraian tersebut. Tesis ini menggunakan penelitian yuridis normative karena menitikberatkan pada penelitian kepustakaan yang meneliti asas-asas hukum, sistematika hokum dan sinkronisasi hukum dengan cara menganalisanya. Tipe penelitian dalam tesis ini adalah tipe penelitian preskriptif yang memberikan saran atau opini hukumdalammenyelesaikans uatupermasalahan hukum. Permasalahan yang dibahas dalam Tesis ini adalah mengenai akibat hokum terhadap hak atas tanah bersamasetelah perceraian menurut hukum yang berlaku dan keabsahan transaksi jualbeli tanah sebagai hartabersama yang dilakukan oleh salah satu pihak setelah perceraian diputuskan.

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ABSTRACT

This thesis is discussing about the rights of selling and buying land which came after a divorce by one side and it is based on the law of the land. Because of a joint, this thesis is also using the analysis of many other laws like the marriage of civil law and legitimacy to analyze the purchase of land and rights of the land. The rights of selling and buying the land by purchase rights of either party after a divorce is common in practice, carried out by community and is easily be found in daily life. But society might not know the rules of law to regulate this case, so that unintentional violation of a law community easily happened due to a lack of common law education. Thus, this case can provide simple explanation to the society who doesn't understand the rule of law that regulates about the rights of selling and buying land after a divorce. This thesis is using the juridical normative because it emphasize research literature that focusing on research that examines theories of the law, systematic law and law synchronization with analyze it .Type of research in this thesis is prescriptive research that gives legal advice or opinion to resolve a legal issue .The problems

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