

Akta jual beli versus surat di bawah tangan tentang peralihan hak sertipikat hak milik nomor 66/Pakutandang/Ciparay/Bandung Jawa Barat (studi kasus: putusan pengadilan negeri Bandung no:404/PDT/G/2010/PN.BDG) = Deed of sale and purchase versus letter for the transfer right of the ownership certificate number 66/Pakutandang/Ciparay/Bandung/Jawa Barat (case study: resolution of district court of bandung number 404/PDT/G/2010/PN/BDG)

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Abstrak

[ABSTRAK

Penelitian ini menganalisis keabsahan akta jual beli dan surat di Bawah tangan berupa pinjam pakai sertipikat tentang peralihan hak sertipikat hak milik nomor 66/ Pakutandang/ Ciparay/ Bandung/ Jawa Barat, dengan Studi Kasus: Putusan Pengadilan Negeri Bandung No:404/ PDT/ G/ 2010/ PN.BDG). Penelitian ini dilakukan dengan merumuskan 2 (dua) permasalahan utama, yaitu mengenai bagaimana keabsahan akta jual beli dan surat di bawah tangan yaitu berupa pinjam pakai sertipikat dan apa dampak dari tidak pahamnya akibat hukum dari penandatanganan akta jual beli tersebut. Tujuan dari penelitian ini adalah diharapkan agar supaya kita jangan terlalu gampang meminjamkan sertipikat kepada orang lain sebagai alas untuk meminta kredit dan agar Pejabat Pembuat Akta Tanah (PPAT) lebih cermat dan teliti dalam memastikan apakah obyek jual beli tersebut telah sesuai dengan Asas Terang, Tunai dan Riil atau Nyata. Penelitian ini adalah penelitian hukum dengan pendekatan secara yuridis normatif, mempergunakan data sekunder yang diperoleh dari studi kepustakaan, dan hasil penelitian bersifat analitis kualitatif, karena ditujukan untuk memberikan data yang seteliti mungkin tentang sifat-sifat hubungan hukum, keadaan atau gejala- gejala tertentu dalam suatu tindakan hukum. Penelitian ini menghasilkan kesimpulan bahwa kesalahan yang berupa persetujuan dalam akta jual beli terhadap tanah dan bangunan dapat mengakibatkan hak milik atas tanah dan bangunan jadi berpindah ke orang lain.

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ABSTRACT

This study analyzes the validity of the deed of sale and purchase, also the letter of lease certificate in transfer of property rights certificate number: 66/ Pakutandang/ Ciparay/ Bandung/ Jawa Barat, with case studies: Resolution of Distric Court of Bandung Numb:404/ PDT/ G/ 2010/ PN.BDG. This research is done by formulating 2 (two) main issues. First, in relation to the validity of the deed of sale and purchase, also the letter of lease certificate, and second, is the impact of the ignorance in signing such deed. The purpose of this research is we shall not easily in lending certificate to anyone else as the legal base in accepting credit?s request, in the other hand, the Pejabat Pembuat Akta Tanah shall be more careful in ensuring whether the object of such sale and purchase has appropriate enough with Indonesia?s legal foundation in sale and purchase transaction, namely clear, cash and real. This reasearch is legal reasearch with juridicial normative approach, which uses secondary data which is got from library study, and the result of reasearch are qualitative analyzed, because it has purpose in providing the clearest legal data, in regarding to any legal relationship, legal matters or legal phenomenon in certain legal action. This reasearch generates conclusion

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