

Analisis hukum terhadap pengembalian uang muka dalam surat pemesanan rumah (Studi kasus: Perjanjian baku Pepi Puspita dan PT Paramount Serpong) = Legal analysis of down payment refund in letter of home reservation (Case study: Standard contract PT Paramount Serpong and Pepi Puspita) / Kustiana Firdanti

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Abstrak

[Kedudukan konsumen seringkali memiliki posisi tawar yang rendah, terutama dalam hal perjanjian jual beli rumah, sering kali terdapat klausula-klausula yang merugikan konsumen. Skripsi ini membahas mengenai ketentuan Uang Muka yang ditinjau dari Hukum Adat, KUHPerdara, dan UUPK, penelitian ini juga membahas mengenai akibat hukum yang ditimbulkan dari pencantuman klausula pada surat pemesanan rumah yang berisi apabila terdapat pembatalan pembelian maka uang muka akan hangus, dan menganalisis putusan hakim apakah sudah tepat dan sesuai dengan ketentuan perundang-undangan. Skripsi ini menggunakan metode yuridis normatif, yaitu penelitian yang mengacu kepada hukum positif atau norma hukum tertulis. Hasil penelitian menunjukkan bahwa Uang Muka di Indonesia sudah diatur dalam ketentuan peraturan perundang-undangan, serta berdasarkan Pasal 18 ayat (1) huruf c dan 18 ayat (3) UUPK maka akibat hukum dari adanya klausula baku tersebut adalah batal demi hukum karena bertentangan dengan undang-undang, dan dinyatakan telah melakukan perbuatan melawan hukum. Hasil penelitian ini juga menjelaskan mengenai putusan hakim terkait pengembalian uang muka sudah tepat, namun pada tingkat Mahkamah Agung, hakim tidak mempertimbangkan mengenai kerugian immateril yang didalilkan oleh Pepi Puspita.

;Some of consumers have low bargaining positions, especially in terms of house sale and purchase agreement. Even more there are clauses which can be harmful to consumer itself. This study discussed about the certitude of the down payment which is reviewed by Adat Law, KUHPerdara, and Law No. 8 of 1999 on Consumer Protection (UUPK). This study also discussed the legal consequences of the inclusion in those clauses in sale and purchase agreement that is through analyzing verdict whether it stands appropriate and in accordance with statutory provisions. These analyses brought normative juridical methods, that is analyses to the positive law or written law. In these analyses, showed that the down payment in Indonesia is set into the statutory provisions, as well as pursuant to act 18 (1) letter C and act 18 (3) Law Consumer Protection (UUPK) about the legal consequences of their standard clauses is null and void because contrary to the law, declare to have committed an awful act. This result also explained the judge's decision related the down payment was appropriate. However, at the level Supreme Court , the judge did not take into their consideration regarding the alleged immaterial by Pepi Puspita.

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