

Perlindungan hukum pembeli objek hibah (studi kasus putusan Mahkamah Agung Republik Indonesia Nomor 420 K/PDT/2011) =
Legal protection for buyer of grants object (study case of supreme court / decision Number 420 K/PDT/2011)

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Abstrak

Hibah adalah pemberian seseorang semasa hidupnya kepada orang lain secara sukarela tanpa mengharapkan imbalan apapun. Pemberian hibah berupa tanah dan/atau bangunan harus melalui Pejabat Pembuat Akta Tanah (PPAT). Hibah pada umumnya tidak dapat dibatalkan, namun terdapat suatu situasi di mana hibah dapat dibatalkan yaitu berkaitan dengan Pasal 1688 Kitab Undang-Undang Hukum Perdata. Metode penelitian yang digunakan adalah yuridis normatif. Dalam tesis ini Penulis membahas mengenai perlindungan hukum pembeli objek hibah yang objek hibahnya dibatalkan oleh Mahkamah Agung. Dalam kasus ini sengketa hibah terjadi karena adanya gugatan dari kedua orang tuanya yang tidak diberi nafkah oleh anak yang menerima hibah. Oleh karena objek hibah telah dijual kepada pihak ketiga dan Mahkamah Agung telah menangkan pihak penggugat sehingga dianggap tidak pernah ada hibah, maka objek hibah kembali menjadi milik pemberi hibah. Simpulan dari tesis ini adalah pihak ketiga terlindungi secara hukum dengan melakukan tindakan hukum berupa gugatan ke pengadilan, dan Notaris/PPAT tidak dapat dimintai pertanggungjawaban karena telah melaksanakan tugasnya sesuai prosedur.

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Grant is gift from someone in his lifetime to others voluntarily without expect anything in returns. In the form of the provision of land grant and/or buildings must be through official land deeds officer (PPAT). Grants are generally unable to be revoked, but there is a situation which grants can be revoked based on Article 1688 of Indonesia Civil Code. The research's method of this thesis is normative juridical. In this thesis, writers discussed on protection law grants buyers object to which the objects of grants be revoked by the supreme court. In this case dispute grant occur because of a lawsuit from both parents who was not provided with a living by children who received grant. Because of the grant object had been sold to third party and the supreme court had won the plaintiff that there was never any grants, then grant object turn back became the property of grant providers. Conclusions from this thesis is the third parties are protected by the law with conduct of legal proceedings in the form of claim to the court, and Notary/ official land deeds officer (PPAT) cannot accused for accountability for performing his task because he did his task in accordance with procedures.