

Analisis kasus peralihan hak atas aset kekayaan yayasan terhadap putusan Pengadilan Negeri Jakarta Selatan Nomor 317/PID.B/2013/PN.JKT.SE tanggal 25 Februari 2013 = Analysis transition rights of assets foundation against the court south jakarta decision No 317/PID.B/2013/PN,JKT.SEL date February 25, 2013

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Abstrak

[Peralihan kekayaan yayasan berupa tanah, dengan melakukan jual beli aset yayasan yang memiliki sertipikat hak Pakai dengan nomor 82/ Cilandak Barat atas nama Departemen Kesehatan menimbulkan beberapa permasalahan hukum. Dalam hal ini Yayasan dapat melakukan peralihan hak atas tanah yang merupakan asset/ kekayaan yayasan dengan berdasarkan Undang-undang Nomor: 16 Tahun 2001 juncto Undang-undang Nomor 28 Tahun 2004 dan memenuhi syarat jual beli yaitu syarat materiil dan formil, apabila tidak memenuhi syarat tersebut, maka Perjanjian Pengikatan Jual Beli yang telah dibuat menjadi batal demi hukum Dan PT. Graha Nusa Utama dapat melakukan banding terhadap putusan Pengadilan Negeri Jakarta Selatan Nomor: 317/Pid.B/2013/PN.Jkt.Sel ke pengadilan yang lebih tinggi. Sehingga kesimpulan dan saran yang dapat diambil dari analisis adalah bahwa peralihan hak atas tanah dengan cara jual beli harus memenuhi syarat materiil dan formil.;

The transition of foundation's wealth in the form of land, by doing the purchase and selling of foundation's assets which have the right of use certificate with the number of 82/Cilandak Barat on behalf of the Department of Health raises several legal issues. In this case the foundation can make the transition of land right which is an asset/wealth of the foundation on the basis of Act No. 16 year 2001 in conjunction with Act No. 28 year 2004 and have eligible purchase and sell requisite in terms of material and formal, if it fails to qualify, the Sale and Purchase Agreement which has been made will be void and PT. Graha Nusa Utama can make an appeal against the decision of the South Jakarta District Court No. 317/Pid.B /2013/PN.JKT.SEL to a higher court. So that the conclusions and recommendations can be drawn from this analysis is that the transfer of rights over land by way of purchase and sell shall have the eligible material and formal requisite., The transition of foundation's wealth in the form of land, by doing the purchase and selling of foundation's assets which have the right of use certificate with the number of 82/Cilandak Barat on behalf of the Department of Health raises several legal issues. In this case the foundation can make the transition of land right which is an asset/wealth of the foundation on the basis of Act No. 16 year 2001 in conjunction with Act No. 28 year 2004 and have eligible purchase and sell requisite in terms of material and formal, if it fails to qualify, the Sale and Purchase Agreement which has been made will be void and PT. Graha Nusa Utama can make an appeal against the decision of the South Jakarta District Court No. 317/Pid.B /2013/PN.JKT.SEL to a higher court. So that the conclusions and recommendations can be drawn from this analysis is that the transfer of rights

over land by way of purchase and sell shall have the eligible material and formal requisite.]