

Analisis yuridis keabsahan perjanjian pengikatan jual beli tanah (PPJB) pada putusan nomor 412/PDT.G/2013/PN.JKT.PST = Juridical analysis of the legality of land preliminary sale and purchase agreement (keabsahan PPJB tanah perjanjian pengikatan jual beli tanah) on decision 412/Pdt.G/2013/PN.JKT.PST.

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Abstrak

[Penelitian ini bertujuan untuk melihat keabsahan Perjanjian Pengikatan Jual Beli di dalam kasus terkait dengan jual beli tanah. Perjanjian ini merupakan suatu perjanjian yang mendahului perjanjian jual beli tanahnya. Di dalam skripsi ini, dianalisis satu putusan pengadilan yang telah berkekuatan hukum tetap. Dari analisis terhadap putusan tersebut, diketahui bahwa Perjanjian Pengikatan Jual Beli terkait transaksi tanah telah berkembang untuk mengatasi kebuntuan dalam hal syarat-syarat dilakukannya jual beli belum terpenuhi. Pengikatan jual beli ini memuat janji-janji untuk melakukan jual beli tanah apabila persyaratan yang diperlukan untuk itu telah terpenuhi. Berdasarkan hal-hal tersebut maka permasalahan yang akan diteliti dalam skripsi ini adalah syarat-syarat sahnya Perjanjian Pengikatan Jual Beli tanah, hal-hal yang mengakibatkan suatu pihak dinyatakan melakukan wanprestasi atas Perjanjian Pengikatan Jual Beli tanah, dan perlindungan hukum bagi pihak yang dirugikan apabila Perjanjian Pengikatan Jual Beli dianggap tidak sah menurut hukum sehingga dinyatakan batal demi hukum, dikaitkan dengan putusan Nomor 412/ Pdt.G /2013/PN.JKT.PST

.....This study aims at looking into The Sale and Purchase Binding Agreement legality related to the land sale transaction. It is discovered that the Sale and Purchase Agreement on land transactions has been developing in the society to overcome the clogged in terms of the condition that the requirements of the sale transaction have not been fulfilled. This preliminary sale and purchase agreement is meant to be as a preceding agreement of the primary intention of all parties to conduct the process of land sale and purchase if the required requirements for that purpose have been fulfilled. Based on those matters, the problems that will be observed in this thesis are conditions of a legally binding land preliminary sale and purchase agreement, the factors that cause a breach of land preliminary sale and purchase agreement, and lawful protection for the party in loss if the land preliminary sale and purchase agreement is deemed to be not legally binding and therefore null and void, related to the Decision Number 412/Pdt.G/2013/PN.JKT.PST.

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