

Analisa terhadap keabsahan status Memorandum of Understanding dengan Analisa Yuridis Putusan No. 126/PDT/2013/PT.DPS jo. No. 419/Pdt.G/2012/PN.Dps = Analysis on the validity status of Memorandum of Understanding with case study Verdict No. 126/PDT/2013/PT.DPS jo. No. 419/Pdt.G/2012/PN.Dps

Nasution, Mohammad Galih Aditya, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20425433&lokasi=lokal>

---

Abstrak

Karena kedudukan Memorandum of Understanding di Indonesia masih terbilang awam dan dikarenakan KUH Perdata tidak mengatur secara spesifik mengenai Memorandum of Understanding, maka dengan ini penulis ingin menganalisa lebih dalam mengenai pengaturan dan penerapan Memorandum of Understanding yang benar dan diakui oleh KUH Perdata. Pembahasan mengenai Memorandum of Understanding ini dirasa penting karena seiring dengan berkembangnya sektor bisnis di Indonesia, penerapan Memorandum of Understanding sering dijumpai oleh para pelaku bisnis di Indonesia. Memorandum of Understanding sering ditemui di sektor bisnis sebagai perjanjian awal sebelum para pihak perjanjian membuat kontrak yang lebih spesifik dan mengikat, dikarenakan pada dasarnya Memorandum of Understanding tidak mengikat secara hukum para pihak Memorandum of Understanding. Skripsi ini akan menganalisa kasus perdata dimana penerapan Memorandum of Understanding beserta dengan keabsahan ditinjau menurut hukum Indonesia. Skripsi ini juga meninjau secara yuridis Putusan No. 126/PDT/2013/PT.DPS jo. No. 419.PDT.2013.PN.Dps, dimana para pihak yang melakukan perjanjian adalah PT. Makmur Jaya Bersama sebagai penggugat melawan PT. Pengembangan Pariwisata Bali (Persero) sebagai tergugat dan Pemerintah Republik Indonesia Cq. Kementrian Badan Usaha Milik Negara Republik Indonesia Cq. Menteri Negara Badan Usaha Milik Negara sebagai turut tergugat. Skripsi ini akan menganalisa Memorandum of Understanding, keabsahan dan kedudukan hukum Memorandum of Understanding menurut hukum Indonesia, perbedaannya dengan perjanjian menurut KUH Perdata, dan juga mengenai tindakan wanprestasi dalam Memorandum of Understanding beserta analisa yuridis putusan di atas.

<i>Because the legal status of Memorandum of Understanding in Indonesia is considered new and because the Indonesian Civil Code does not govern specifically regarding Memorandum of Understanding, the writer would like to analyze further regarding the provisions and application of Memorandum of Understanding that is exact and recognized by the Indonesian Civil Code. The discussion on Memorandum of Understanding is considered important because along with the development of the business sector in Indonesia, the application of Memorandum of Understanding is met often by business enactors in Indonesia. Memorandum of Understanding is often found in the business sector as a pre-contractual agreement before the parties create a contract that is more specific and that is binding, because basically a Memorandum of Understanding does not bind legally to the parties. This thesis will analyze a civil case where the application of Memorandum of Understanding as well as the validity according to Indonesian law. This thesis will also have juridical analysis Verdict No. 126/PDT/2013/PT.DPS jo. No. 419.PDT.2013.PN.Dps, where the parties in the agreement are PT. Makmur Jaya Bersama as the plaintiff against PT. Pengembangan Pariwisata Bali (Persero) as the defendant and the Government of the Republic of Indonesia Cq. Ministry of State Owned

Enterprises of Republic of Indonesia Cq. State Minister of State Owned Enterprises as the co-defendant. This thesis will analyze Memorandum of Understanding, the validity and legal standing of Memorandum of Understanding according to Indonesian law, the differences with agreement according to the Indonesian Civil Code, and also regarding acts of default in Memorandum of Understanding along with a juridical analysis of the verdict stated above.</i>