

Tinjauan yuridis terhadap perjanjian pihak swasta dalam bahasa Inggris yang dinyatakan batal demi hukum: studi kasus putusan Mahkamah Agung nomor 601 K/PDT/2015 = Juridical review of foreign language contract were invalidated due to laws and regulations: a case study of decision number 601 K/PDT/2015

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Abstrak

ABSTRAK

Penelitian ini bertujuan untuk mengetahui apakah bagaimana pengaturan kontrak berbahasa asing dengan salah satu pihak Indonesia, putusan Hakim Mahkamah Agung yang memutus Loan Agreement antara Nine AM Ltd. dengan PT Bangun Karya Pratama Lestari batal demi hukum sudah sesuai dengan peraturan perundang-undangan atau tidak dan untuk mengetahui implikasi yuridis terhadap putusan Mahkamah Agung dalam perkara Nomor 601 K/PDT/2015 tentang pembatalan perjanjian Loan Agreement. Penelitian ini menggunakan tipe penelitian normatif normative legal research dengan menggunakan pendekatan penelitian undang-undang statute approach, pendekatan kasus case approach dan penelitian ini menggunakan metode penelitian kepustakaan library research. Adapun hasil penelitian ini yaitu 1 Pengaturan kontrak berbahasa asing dengan salah satu pihak Indonesia tersebut dari sejarah, pembentukan serta penerapan dan akibat hukum nya 2 Putusan Mahkamah Agung telah sesuai dengan peraturan perundang-undangan bahwa perjanjian tersebut batal demi hukum. Hal ini disebabkan karena Loan Agreement telah melanggar ketentuan ketentuan Pasal 1320 KUH Perdata, yaitu tidak terpenuhinya unsur suatu sebab yang halal dan bertentangan dengan Pasal 31 Undang-Undang Bahasa. 3 Implikasi Yuridis dari putusan tersebut adalah setiap perjanjian yang tidak dibuat sesuai dengan ketentuan Pasal 31 Undang-Undang Bahasa akan dinyatakan batal demi hukum/perjanjian dianggap tidak pernah ada dan para pihak dikembalikan dalam keadaan semula. Begitupun dengan setiap ikutan accesoir akan dinyatakan pula batal demi hukum, meskipun perjanjian tersebut dibuat di hadapan pejabat yang berwenang.

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ABSTRACT

This research is conducted to understand on the foreign language contract regulation between on the Indonesian parties, the supreme court verdict on who stipulated the loan agreement between Nine AM Ltd. And PT Bangun karya Pratama Lestari were invalidated due to laws and regulations corresponding to juridical implications for the supreme court verdict on the case number 601 K PDT 2015 about the cancellation of the Loan Agreement. The judge rsquo s valuation on the annulment were based on the remain facts on the Loan Agreement. The normative legal research using statue approach, case approach, and library research. As for the results of this study, researchers have found that 1 Foreign language contract regulation based on the history, formation, application and the consequence of the law. 2 Supreme court decision is in accordance with the laws that the agreements is invalidated for the law. As the result of the loan agreement that has violating the provisions of the civil code article number 1320, the non fulfillment of the legitimate element contradict with article 31 related to language regulation and civil code number 1339 related to lawfulness, habits, and regulations. 3 The juridical implication from that verdict is that agreement

not made by the provision article number 31 related to language regulation will be void declared by the law agreement will be considered never exist and returned to the originally. As well every accesoir will be void declared by the law, despite that agreement made in front of officials. Key Words The Legal Termes of Agreement, Loan Agreement, Civil Code, The National Language, Flag, Coat of Arms, and Anthem Act 2009.