

Wanprestasi dalam perjanjian pengikatan jual beli secara angsuran dan tanggung jawab notaris berdasarkan analisis Putusan Mahkamah Agung Nomor 884 PK/PDT/2018 = Event in default in sale and purchase agreement for land and building by instalment and notary responsibility based on analysis of the decision of the Supreme Court number 884 PK/PDT/2018

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Abstrak

Penelitian ini dilatarbelakangi oleh adanya kasus terkait penetapan wanprestasi pada Perjanjian Pengikatan Jual Beli secara angsuran atau bertahap. Penelitian ini membahas mengenai penetapan wanprestasi bagi debitur yang terlambat melaksanakan prestasinya dalam Perjanjian Pengikatan Jual Beli secara angsuran serta tanggung jawab notaris terkait adanya perbedaan isi pada minuta dan salinan akta dan analisis pertimbangan hakim pada Putusan Mahkamah Agung Nomor 884 PK/PDT/2018. Metode penelitian yang digunakan dalam penelitian ini berbentuk penelitian yuridis normatif dengan tipe penelitian deskriptif dan analitis. Hasil penelitian dalam tesis ini ialah bahwa debitur yang telah lalai dalam membayar angsuran pada Perjanjian Pengikatan Jual Beli yang belum jatuh tempo sudah dapat dikatakan sebagai debitur yang wanprestasi. Selain itu, hasil dari tesis ini juga menjabarkan bahwa notaris bertanggung jawab apabila terdapat minuta akta yang isinya berbeda dengan salinan akta dengan memberikan pernyataan terdapat perbedaan substansi diantara minuta dan salinan akta.

.....This research is based by a case related to the determination of event of default in the Purchase Agreement for Land and Building in instalments or in stages. This study discusses the determination of defaults for debtors who are late in carrying out their responsibility in the Purchase Agreement for Land and Building in instalments and notary responsibility related to differences in content in the minutes and copies of the deed and analysis of judges' considerations in the Decision of Supreme Court Number 884 PK/PDT/2018. The research method used in this research is normative juridical research with descriptive and analytical research types. The results of the research in this thesis are that debtors who have been negligent in paying instalments in the Purchase Agreement for Land and Building that have not matured can already be said to be debtors who default. In addition, the results of this thesis also describe that the notary is responsible if there are minutes deeds which contents are different from the copy of the deed by stating that there is difference between the deed and the copy of the deed.