

Perlindungan Hukum Terhadap Para Pihak Atas Pembatalan Perjanjian Pengikatan Jual Beli Secara Sepihak (Studi Kasus Dalam Putusan Nomor: 7/Pdt.G/2020//Pn Jkt.Ut) = LEGAL PROTECTION FOR BOTH PARTIES PUBLIC FOR CANCELLATION OF SALE AND PURCHASE AGREEMENT BY ONE OF THE PARTIES (STUDY CASE:PUTUSAN:7/PDT/G/2020/PN/JKT.UT)

Samuel Partogi Apriliano, author

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Abstrak

Pembatalan secara sepihak oleh penjual dalam perjanjian pengikatan jual beli apartemen xy berdampak bagi para pihak yaitu notaris dan pembeli tidak mendapatkan hak yang seharusnya didapatkan yaitu berupa unit apartemen xy, akibat tindakan tersebut perlu adanya penyelesaian. Permasalahan yang diangkat dalam penelitian ini adalah pengertian mengenai perlindungan hukum untuk para pihak atas pembatalan perjanjian pengikatan jual beli secara sepihak, selain itu dampak bagi para pihak dalam putusan Pengadilan Negeri Jakarta Utara. Penelitian hukum menggunakan metode yuridis normatif menggunakan data sekunder yang dianalisis secara kualitatif. Hasil penelitian ditemukan perlindungan hukum dibagi 2 (dua) yaitu perlindungan hukum preventif dan represif, kedua pengertian bertujuan untuk melindungi para pihak guna mencegah pelanggaran dan mengembalikan keadaan semula. Prateknya penjual melakukan pembatalan secara sepihak dan merugikan pembeli. Tindakan tersebut tidak membatalkan perjanjian karena upaya penjual bertentangan dengan kesepakatan dan peraturan perundang-undangan. Putusan Pengadilan Negeri Jakarta Utara terkait perjanjian pengikatan jual beli apartemen xy hanya terkait wanprestasi hanya melibatkan pembeli dan penjual, namun dalam kasus ini posisi notaris dalam perkara tersebut yang menjadi tergugat terlihat kurang tepat. Secara keseluruhan untuk para pihak perlindungan hukum baik dari dalam perjanjian dan dan putusan pengadilan negeri jakarta utara masih kurang maksimal untuk pelaksanaannya.The unilateral cancellation of the XY Apartment Sale and Purchase Agreement has an impact on the parties, one of which is the Notary and the buyer. As a result of the problems that occur, the buyer does not get the rights that should be obtained, namely in the form of the XY Apartment unit. The problem that arises is that the impact of default is that appropriate settlement efforts are needed for the parties. This legal research was conducted to find out and analyze the legal protection of the parties for the unilateral cancellation of the binding sale and purchase agreement. This research was conducted using descriptive analysis research methods. The method used is normative juridical aiming to examine the principles, rules of legislation, court decisions, agreements and further doctrine regarding legal protection for the parties as a result of one party defaulting. The type of research used is a perspective carried out to find out and explain more deeply and analyze whether the court's decision has provided legal protection and the right settlement of default. The results of the study indicate that legal protection is divided into 2 parts, namely preventive legal protection and repressive legal protection, which both preventive and repressive legal protections aim to protect the rights and obligations of the parties in the agreement. Regarding the court decision that was decided by the judge, it was explained that the default only involved the parties and the notary only made the deed in accordance with the interests of the two parties.