

Implikasi Hukum Jual Beli Tanah Kredit Pemilikan Rumah dengan Perjanjian Dibawah Tangan dan Perlindungan Hukum Terhadap Pembeli Beritikad Baik (Putusan Pengadilan Negeri Cibinong Nomor 365/PDT.G/2020/PN.CBI.) = Legal Implication of Buying Land of Credit House Ownership With Underhanded Agreements and Legal Protection For Buyers in Good Faith (Cibinong State Court Ruling Number 3665/PDT.G/ 2020/PN.CBI)

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Abstrak

Perpindahan hak atas tanah (HAT) yang berstatus kredit pemilikan rumah (KPR) yang dibebani Hak Tanggungan melalui jual beli menggunakan perjanjian dibawah tangan yang masih sering dijumpai di kalangan masyarakat memiliki implikasi hukum terhadap para pihak terutama pihak pembeli pada saat penjual tidak dapat diketahui keberadaannya setelah pembeli melaksanakan kewajibannya, sehingga di pembeli kesulitan memperoleh haknya yaitu pengambilan sertifikat di bank. Hal tersebut terdapat dalam Putusan Pengadilan Negeri Cibinong Nomor 365/PDT.G/2020/PN.Cbi. Oleh karena itu, penelitian ini dilakukan untuk mengangkat permasalahan terkait perlindungan hukum terhadap pembeli beritikad baik atas perjanjian jual beli HAT berstatus KPR yang dilakukan dengan perjanjian dibawah tangan. Penelitian hukum ini merupakan penelitian doktrinal, dengan bahan hukum diperoleh melalui studi dokumen kepustakaan. Adapun objek penelitian hukum berupa putusan pengadilan yang dikaitkan dengan peraturan perundang-undangan. Dari hasil penelitian dapat dijelaskan bahwa dalam hal terjadi perpindahan HAT berstatus KPR melalui perjanjian dibawah tangan, pembeli dapat mengajukan gugatan perdata di pengadilan dan membuktikan keabsahan perjanjian dibawah tangan tersebut agar dapat mengambil sertifikat di bank dalam hal penjual tidak diketahui keberadaannya dan pembeli sudah melakukan kewajibannya.

.....The transfer of land rights (HAT) which has the status of a home ownership credit (KPR) which is burdened with mortgage rights through buying and selling using a private agreement which is still often found among the community has legal implications for the parties, especially the buyer, when the whereabouts of the seller cannot be known. after the buyer has carried out his obligations, the buyer has difficulty obtaining his rights, namely taking the certificate at the bank. This is contained in the Cibinong District Court Decision Number 365/PDT.G/2020/PN.Cbi. Therefore, this research was conducted to raise issues related to legal protection for buyers in good faith for HAT sale and purchase agreements with KPR status which were carried out by private agreement. This legal research is doctrinal research, with legal material obtained through the study of library documents. The object of legal research is court decisions that are linked to statutory regulations. From the research results, it can be explained that in the event of a transfer of HAT to KPR status through a private agreement, the buyer can file a civil suit in court and prove the validity of the private agreement so that he can take the certificate at the bank in the event that the seller's whereabouts are unknown and the buyer has already done his obligations.