

Pelaksanaan jual beli satuan rumah susun pada apartemen maple jakarta utara

Rieke Budiman, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=136079&lokasi=lokal>

Abstrak

Keterbatasan lahan dan kebutuhan vital rakyat akan perumahan mendorong pembangunan rumah susun saat ini berkembang dengan pesat di kota-kota besar khususnya di DKI Jakarta. Rumah susun dengan fasilitas dan spesifikasi unit yang dibangun dengan standar menengah keatas lebih populer dengan sebutan apartemen oleh masyarakat luas. Apartemen dibangun oleh developer dan berpindah haknya kepada pembeli melalui serangkaian proses jual beli. Pada kebanyakan apartemen yang dibangun di Jakarta rangkaian proses jual beli tersebut telah dimulai bahkan sebelum apartemen itu mulai dibangun sehingga diperlukan pengikatan jual beli sebelum dilaksanakan jual beli. Demikian pula pada Apartemen Maple Park Jakarta Utara. Proses jual beli pada Apartemen Maple Park Jakarta Utara didahului oleh penandatanganan perjanjian pengikatan jual beli apabila calon pembeli telah membayar harga pengikatan minimal dua puluh persen dari seluruh harga pengikatan. Kemudian apabila calon pembeli ingin menempati unit yang dipesannya namun ia belum melunasi harga pengikatan maka harus menandatangani perjanjian pinjam pakai.

Untuk menganalisa permasalahan tersebut dilakukan penelitian dengan metode deskriptif analitis dan data yang di peroleh dianalisis dengan pendekatan kualitatif. Penjualan satuan rumah susun sebelum diperoleh ijin layak huni adalah melanggar pasal 18 undang-undang rumah susun nomor 16 tahun 1985 namun dalam kepmen negara perumahan rakyat nomor 11/KPTS/1994 mengatur bahwa jual beli tetap dapat dilaksanakan namun dengan didahului pengikatan jual beli. Penggunaan perjanjian pinjam pakai dalam proses jual beli pada Apartemen Maple Park tersebut tidak tepat karena tidak sesuai dengan pasal 1740 Kitab Undang-Undang Perdata yang mendefinisikan bahwa pinjam pakai adalah perjanjian sepihak dimana pihak yang satu menyerahkan penguasaan atas suatu barang secara cumacuma sedangkan pada perjanjian pinjam pakai Apartemen Maple Park mensyaratkan bahwa selama pinjam pakai berlangsung calon pembeli harus melunasi angsuran kepada developer.

<hr>Limited land and vital needs of the people for residential units will encourage the development of residential flats is currently growing rapidly in big cities especially in DKI Jakarta. Flats with facilities and specification units are built with high standards and above is more popular as the apartment by the public. Apartments built by developers and move its right to the buyer through a series of buying and selling process. In most apartments are built in Jakarta a series of buying and selling process has been started even before the apartment was built so it is necessary in the binding sales and purchase prior to the sale and purchase. Likewise, at Maple Park Apartments in North Jakarta. The process of buying and selling at Maple Park Apartments in North Jakarta is preceded by the signing of the sales and purchase agreement if the prospective buyer has paid the price of the binding of at least twenty percent of the total price of the binding. Then, when prospective buyers want to occupy the unit had ordered but not yet paid the redemption price he had to sign a lend use agreement.

To analyze these problems is descriptive analytical research method and data obtained were analyzed using a qualitative approach. Sales of apartment units before a suitable for habitation permit is obtained is

violating article 18 of law number 16 in 1985 flats but the secretary of public housing decree number 11/KPTS/1994 states that the sale and purchase can still be yet to be preceded in the purchase by binding sale and purchase agreement. Use of lend use agreements in the process of buying and selling at Maple Park Apartments are not appropriate because it is not in accordance with article 1740 Book of Civil Law which defines that lend use is a unilateral agreement whereby one party that gave possession of the goods free of charge while in agreement Maple Park Apartments lend use requires that lend use during ongoing prospective buyer must repay the installments to the developer.