

Analisis Perjanjian Simulasi Sebagai Dasar Pembuatan Akta Jual Beli Atas Tanah (Studi Putusan Mahkamah Agung Nomor 1898 K/PDT/2022) = Analysis of the Simulation Agreement as a Basis for Making Deed of Sale and Purchase of Land (Study of Supreme Court Decision Number 1898 K/PDT/2022)

Anastasya Triastutie Putri Suandi, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=9999920529106&lokasi=lokal>

Abstrak

Dalam Putusan Mahkamah Agung Nomor 1898 K/Pdt/2022 diajukannya pembatalan terhadap Akta Jual Beli Nomor 02/2014 yang didasari atas Perjanjian tanggal 23 Desember 2013. Perjanjian tersebut memuat kesepakatan untuk melakukan jual beli tanah secara pura-pura berdasarkan Sertifikat Hak Milik Nomor 3611/Nagari Lima Kaum. Penelitian ini menganalisis kekuatan hukum Perjanjian tanggal 23 Desember 2013 sebagai perjanjian simulasi dan menjadi dasar pembuatan Akta Jual Beli Nomor 02/2014 dan penelitian ini menganalisis pertimbangan Majelis Hakim dalam menilai keabsahan Akta Jual Beli Nomor 02/2014 apabila dikaitkan dengan sistem pembuktian hukum perdata serta prosedur peralihan hak atas tanah. Penelitian menggunakan jenis penelitian doktrinal mengacu kepada peraturan perundang-undangan. Untuk menjawab kedua rumusan masalah menggunakan data sekunder yang diperoleh dari studi kepustakaan kemudian dianalisis secara kualitatif dan ditarik kesimpulan berupa data deskriptif analitis. Simpulan pada penelitian ini Perjanjian tanggal 23 Desember 2013 merupakan perjanjian simulasi yang termasuk ke dalam jenis simulasi absolut dimana yang mengakibatkan perjanjian tersebut batal demi hukum. Mengenai keabsahan Akta Jual Beli Nomor 02/2014 yang didasari atas Perjanjian tanggal 23 Desember 2013 melalui pertimbangannya Majelis Hakim berpendapat Akta Jual Beli tetap berlaku sah dikarenakan telah dibuatnya akta otentik dihadapan Pejabat Pembuat Akta Tanah sehingga para pihak tidak dapat mendalilkan perbuatan jual beli dilakukan secara pura-pura.

.....Supreme Court Decision Number 1898 K/Pdt/2022 cancellation the Deed of Sale and Purchase Number 02/2014 was proposed based on Agreement dated December 23, 2013. The agreement contained to buy and sell land on a mock basis based on the Certificate of Property Rights Number 3611/ Nagari Lima Kaum. This study analyzes legal force of the Agreement dated December 23, 2013 as a simulation agreement and became the basis for making the Sale and Purchase Deed Number 02/2014 and this study analyzes the considerations of the Panel of Judges in assessing the validity of the Sale and Purchase Deed Number 02/2014 when it is linked to the civil law evidentiary system and procedures transfer of land rights. Using doctrinal research that refers to laws and regulations. To answer the two problems using secondary data obtained from literature studies then analyzed qualitatively and conclusions were drawn in the form of analytical descriptive data. The conclusions is Agreement dated December 23, 2013 is a simulation type of absolute which results in the agreement being null and void. Regarding the validity of the Sale and Purchase Deed Number 02/2014 based on the Agreement dated December 23, 2013 through its considerations the Judges of the opinion that the Sale and Purchase Deed remained valid because an authentic deed had been made before the Land Deed Making Official so that the parties could not argue that the sale and purchase was carried out in a pretense temple.