

ABSTRAK

Secara normatif dalam hal terjadi kepailitan maka perjanjian pengikatan jual beli menjadi hapus dan tidak dapat dilanjutkan prestasinya, sehingga kreditor yang bersangkutan hanya dapat menuntut ganti rugi sebagai kreditor konkuren. Namun dalam kasus kepailitan PT Dwimas Andalan Bali Majelis Hakim memutuskan bahwa perjanjian pengikatan jual beli atas satuan rumah susun antara pengembang yang pailit dan konsumen dilanjutkan prestasinya ke tahap Akta Jual Beli.

Sasaran penyusunan dalam tesis ini adalah menjabarkan karakteristik perjanjian pengikatan jual beli atas satuan rumah susun yang tidak serta merta menjadi hapus walaupun pihak pengembang dinyatakan pailit dan prestasinya masih dapat dilanjutkan, serta pihak yang berwenang untuk melanjutkan prestasi tersebut.

Kata Kunci : *Kepailitan, Perjanjian Pengikatan Jual Beli, Hak Milik Atas Satuan, Rumah Susun*

ABSTRACT

Normatively when bankruptcy occurs, a Sales And Purchase Binding Agreement in Apartment Units Ownership Rights is automatically becomes null by law and the performance of its can not be continued, so that the creditor can only claim compensation as a concurrent creditor. However, in the bankruptcy case of PT Dwimas Andalan Bali, the Judges Council decided to continue The Sales and Purchase Binding Agreement in Apartment Units Ownership Rights between bankrupt developer and consumers so that the consumers can obtain their rights as agreed in the agreement.

The target in compiling this thesis is to describe the characteristics of the Sales And Purchase Binding Agreement in Apartment Units Ownership Rights which is not immediately becomes null by law even though the developer is declared bankrupt so that the consumers can obtain their rights. Other than that this thesis is to describe the one who has the authorities to continue the performance.

Kata Kunci : *Bankruptcy, Sales And Purchase Binding Agreement, Apartment Units Ownership Rights / Right of Strata Title Ownership on Multi-storey Building Units*