

ABSTRAK

Tesis ini berjudul Karakteristik Perjanjian Pendahuluan Jual Beli Dengan Obyek Rumah Menggunakan Sistem *Pre Project* (Analisis Peraturan Menteri Pekerjaan Umum dan Perumahan Rakyat Republik Indonesia Nomor 11/PRT/M/2019 tentang Sistem Perjanjian Pendahuluan Jual Beli Rumah). Latar belakang dari penulisan tesis ini adalah adanya perbedaan teori antara Perjanjian Pendahuluan dan Perjanjian Pengikatan Jual Beli Rumah yang oleh Peraturan Menteri Pekerjaan Umum dan Perumahan Rakyat Republik Indonesia Nomor 11/PRT/M/2019 tentang Sistem Perjanjian Pendahuluan Jual Beli Rumah dicampuradukkan sehingga akan membingungkan antara definisi, substansi maupun akibat hukum yang sebenarnya dari PPJB Rumah. Berdasarkan latar belakang tersebut, terdapat dua pokok permasalahan yaitu (a) Karakteristik Perjanjian Pendahuluan Jual Beli Rumah Berdasarkan Peraturan Menteri Pekerjaan Umum dan Perumahan Rakyat Republik Indonesia Nomor 11/PRT/M/2019 tentang Sistem Perjanjian Pendahuluan Jual Beli Rumah dan (b) Tanggung Gugat atas Perjanjian Pengikatan Jual Beli Rumah. Tipe penelitian yang digunakan yaitu penelitian hukum normatif, dimana tipe ini digunakan untuk mendapatkan suatu konsep yang jelas dan lengkap dengan mengkaji peraturan Perundang-Undangan dan juga buku-buku mengenai teori-teori terkait permasalahan yang diangkat oleh penulis. Pendekatan masalah yang digunakan dalam penulisan ini adalah Pendekatan Perundang-Undangan (*Statute Approach*) yang digunakan untuk mengkaji segala peraturan Perundang-Undangan yang mengatur perumahan, permukiman maupun PPJB. Selanjutnya Pendekatan Konseptual (*Conceptual Approach*) yang beranjak dari pandangan-pandangan dan doktrin-doktrin yang berkembang dalam ilmu hukum yang diperoleh dari buku literatur, artikel dan karya ilmiah yang terkait dengan pokok permasalahan dalam tesis ini. Dan Pendekatan Kasus (*Case Approach*) yang dilakukan dengan cara melakukan telaah terhadap kasus-kasus yang berkaitan dengan isu yang dihadapi dan telah menjadi putusan yang mempunyai kekuatan hukum tetap.

Kata Kunci : Perjanjian Pendahuluan, Perjanjian Pengikatan Jual Beli, Tanggung Gugat.

ABSTRACT

This thesis is titled Characteristics of Preliminary Agreements of Buy and Sell Houses using the Pre-Project Selling System (Analysis of the Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 11/PRT/M/2019 concerning The Preliminary Agreement of Buy and Sell Houses). The background of this thesis is the theoretical difference between the Preliminary Agreement and the Agreement Binding of Buying and Selling Houses. Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 11/PRT/M/2019 concerning The Preliminary Agreement of Buy and Sell Houses states that the preliminary agreement and the agreement binding of buying and selling houses are the same. Whereas the definition, substance and legal consequences of the preliminary agreement and the agreement binding of buying and selling houses are different. This makes the definition, substance and legal consequences of the agreement binding of buying and selling houses in fact are ambiguous. Based on this background, there are two main issues, the first is (a) Characteristics of the Preliminary Agreement of Buy and Sell Houses Based on The Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 11/PRT/M/2019 concerning The Preliminary Agreement of Buy and Sell Houses and the next is (b) Liability of the Agreement Binding of Buying and Selling Houses. The type of research used is normative legal research, where this type is used to get a clear and complete concept by studying the legislation and also books about theories related to the issues by the author. The first problem approach used in this thesis is the Statute Approach which is used to review all regulations governing housing, settlements and the agreement binding of buying and selling houses. And the second is the Conceptual Approach which starts from the views and doctrines that have developed in the science of law obtained from literature books, articles and scientific works related to the main problems in this thesis. And the last approach is the Case Approach which is carried out by examining cases related to the existing issues and has become a decision that has permanent legal force.

Keywords : Preliminary Agreements, Agreement Binding of Buying and Selling Houses, Liability.