

CHAPTER V

CLOSING

A. Conclusion

Based on the results of research and discussions that have been carried out regarding decision Number 7/Pdt.G/2022/PN.Bjn. regarding default in the sale and purchase agreement, the following conclusions can be drawn:

1. The validity of the Sale and Purchase Agreement is valid because it meets the material requirements according to Article 1320 of the Civil Code, but the validity of the Sale and Purchase Agreement of Land Rights is invalid according to Law Number 5 of 1960 concerning Basic Agrarian Principles (*UUPA*). This has undergone a positive legal change where according to the Implementing Regulations for the *UUPA*, namely Government Regulation Number 24 of 1997 concerning Land Registration, it states that the sale and purchase of land rights must be carried out before the *PPAT* (*Pejabat Pembuat Akta Tanah*). The Judge's Decision is appropriate, because it is based on Article 1320 of the Civil Code and *UUPA*.
2. The judge's legal considerations in decision Number 7/Pdt.G/2022/PN.Bjn. It is appropriate and appropriate that the Defendant's actions did not hand over the Certificate of Ownership Rights in accordance with the Sale and Purchase Agreement between the parties dated March 15 2016. The Defendant's actions were declared a breach of contract because they fulfilled the elements of error and the form of default fell into the category of not

performing at all, namely not handing over the Certificate. Ownership Rights and Objects of Agreement to the Plaintiff.

B. Suggestion

The public in buying and selling land rights should obey the applicable regulations, namely Article 5 of Law Number 5 of 1960 concerning Basic Agrarian Principles *juncto* Article 37 paragraph (1) Government Regulation Number 24 of 1997 concerning Land Registration, states that the sale and purchase of land rights must be carried out before the PPAT and proven by a deed made by the PPAT in order to transfer ownership rights in the registration process and transfer of land rights, thereby avoiding problems unwanted things.

