

ABSTRAK

PERJANJIAN KERJASAMA PENGELOLAAN PASAR PEKON ANTARA PEMILIK DAN PENGELOLA (Studi di Pekon Ampai Kecamatan Limau KabupatenTanggamus)

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Penelitian ini membahas perjanjian kerja sama pengelolaan Pasar Pekon antara pemilik bangunan dan pengelola di Pekon Ampai, Kecamatan Limau, KabupatenTanggamus. Perjanjian tersebut diduga tidak sepenuhnya sesuai dengan ketentuan hukum positif mengenai pengelolaan aset desa, mengingat Pasar Pekon secara yuridis merupakan aset desa yang tidak dapat dialihkan atau dikelola oleh pihak perorangan tanpa dasar hukum yang sah. Kondisi ini menimbulkan permasalahan hukum, baik dari aspek keabsahan administratif maupun dari pelaksanaan perjanjian. Penelitian ini bertujuan untuk mengkaji kesesuaian perjanjian pengelolaan Pasar Pekon Ampai dengan peraturan perundang-undangan serta menganalisis upaya hukum yang dapat ditempuh apabila terjadi pelanggaran perjanjian.

Penelitian ini menggunakan metode hukum normatif empiris dengan pendekatan yuridis deskriptif. Data diperoleh melalui studi kepustakaan, studi dokumen perjanjian, serta wawancara dengan pihak terkait, kemudian dianalisis secara kuantitatif untuk memperoleh gambaran menyeluruh mengenai permasalahan yang diteliti.

Hasil penelitian menunjukkan bahwa secara normatif dan temuan empiris perjanjian kerja sama pengelolaan Pasar Pekon Ampai telah memenuhi syarat sah perjanjian sebagaimana diatur dalam Pasal 1320 Kitab Undang-Undang Hukum Perdata, namun secara administratif tidak sesuai dengan Peraturan Daerah KabupatenTanggamus Nomor 5 Tahun 2019 tentang Pengelolaan Pasar Pekon yang menegaskan kewenangan pengelolaan berada pada pemerintah Pekon atau BUMDes. Dalam pelaksanaannya ditemukan wanprestasi berupa tidak dipenuhinya kewajiban pembagian hasil keuntungan oleh pengelola sehingga menimbulkan sengketa yang diselesaikan terlebih dahulu melalui musyawarah dan apabila tidak tercapai kesepakatan dapat ditempuh melalui jalur hukum.

Kata Kunci: Pekon Ampai, Pengelolaan Pasar, Perjanjian Kerjasama, Wanprestasi

ABSTRACT

MARKET MANAGEMENT AGREEMENT OF PEKON BETWEEN THE OWNER AND THE MANAGER (A Study in Pekon Ampai, Limau District, Tanggamus Regency)

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This study examines the cooperation agreement for the management of the Pekon Market between the building owner and the market manager in Pekon Ampai, Limau District, Tanggamus Regency. The agreement is suspected to be not fully in accordance with positive law governing the management of village assets, considering that the Pekon Market is juridically classified as a village asset that may not be transferred or managed by individual parties without a valid legal basis. This condition gives rise to legal issues, both in terms of administrative validity and the implementation of the agreement. Accordingly, this study aims to assess the conformity of the Pekon Market management agreement with the applicable laws and regulations and to analyze the legal remedies that may be pursued in the event of a breach of the agreement.

This research employs a normative-empirical legal method with a descriptive juridical approach. Data were collected through literature review, examination of the cooperation agreement documents, and interviews with relevant parties, and were subsequently analyzed qualitatively to obtain a comprehensive understanding of the issues examined.

The results indicate that, normatively and based on empirical findings, the cooperation agreement for the management of the Pekon Ampai Market satisfies the legal requirements for a valid contract as stipulated in Article 1320 of the Indonesian Civil Code. However, from an administrative perspective, the agreement is inconsistent with Tanggamus Regency Regional Regulation Number 5 of 2019 on Pekon Market Management, which stipulates that the authority to manage the Pekon Market lies with the Pekon government or the Pekon-Owned Enterprise (BUMDes). In its implementation, a breach of contract was identified in the form of the manager's failure to fulfill profit-sharing obligations, resulting in a dispute that was initially resolved through deliberation, and if no agreement was reached, could be pursued through legal proceedings.

Keywords: Breach of Contract, Cooperation Agreement, Market Management, Pekon Ampai