

ABSTRACT

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“JURIDICAL REVIEW OF FORMS OF LAWSUIT IN THE VERBAL DEBT AND RECEIVABLES AGREEMENT (Case Study Number 224/Pdt. G/2019/PN. Kpg)”

(xi + 109 pages)

Debt agreements are often done in everyday life without us realizing it. Agreement according to Article 1313 of the Civil Code is an act where one or more people bind themselves to one or more other people. However, this oral agreement can sometimes cause problems because in terms of proof in court because of an oral agreement there is no agreement text, only trust. As happened in decision number 224/Pdt.G/2019/PN. Kpg. This case started with the Defendant borrowing money from the Plaintiff, considering that they were both good friends, the Plaintiff provided a loan to the Defendant. However, at maturity the defendant did not pay and asked for a loan back to the plaintiff, and the plaintiff lent it again. After maturity, the defendant did not pay his debt and could not be contacted. So the plaintiff sued the defendant to tort. In filing the lawsuit, the Plaintiff submitted evidence in the form of receipts and witnesses, because based on Article 1905 of the Civil Code, the testimony of a witness alone, without any other evidence, cannot be trusted before the Court. The receipt itself is a deed under the hand. This study aims to determine the validity of an oral agreement based on case number 224/Pdt.G/2019/PN. Kpg and determine how a default dispute can be categorized as an unlawful act based on case number 224/Pdt.G/2019/PN. Kpg. According to Article 1338 of the Civil Code, an agreement can be said to be valid as law for the parties so that an agreement made orally can be said to be valid in the eyes of the law, but still an agreement must comply with Article 1320 of the Civil Code concerning conditions for the validity of the agreement. In this case, what the Defendant did was a tort because his actions violated the subjective rights of the plaintiff. This study uses empirical normative legal research methods used in normative research is secondary data. This data was obtained through library research which will be examined through qualitative methods. The method of qualitative analysis techniques in this study was carried out with an inductive analysis process.

Keywords: Verbal Agreement, Default, Tort Law