

IMPLEMENTASI PERJANJIAN LISAN JUAL BELI CENGKEH BERDASARKAN PRINSIP *MENYAMA BRAYA* DI DESA TIGAWASA

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ABSTRAK

Penyelesaian sengketa dalam perjanjian lisan jual beli cengkeh di Desa Tigawasa dilakukan berdasarkan prinsip *menyama braya*. Terdapat 2 (dua) tujuan dari dilakukannya penelitian ini, tujuan yang pertama yaitu untuk mengetahui keabsahan perjanjian lisan jual beli cengkeh berdasarkan prinsip *menyama braya* di Desa Tigawasa. Sedangkan tujuan yang kedua untuk mengetahui bentuk pertanggungjawaban para pihak dalam perjanjian lisan jual beli cengkeh berdasarkan prinsip *menyama braya* di Desa Tigawasa. Jenis penelitian yang digunakan dalam penelitian ini adalah jenis penelitian hukum empiris yang bersifat deskriptif. Teknik penentuan sampel penelitian yang digunakan adalah Teknik *Non Probability Sampling* dengan bentuk *Purposive Sampling*. Data yang diperoleh kemudian dianalisis secara deskriptif kualitatif, yaitu menggambarkan secara nyata mengenai permasalahan penelitian. Berdasarkan hasil penelitian, maka dapat diketahui bahwa perjanjian lisan jual beli cengkeh berdasarkan prinsip *menyama braya* di Desa Tigawasa adalah sah karena telah memenuhi unsur-unsur Pasal 1320 Kitab Undang-Undang Hukum Perdata (KUHPerduta) yang mengatur mengenai syarat sahnya perjanjian. Adapun bentuk pertanggungjawaban para pihak didasarkan pada kebiasaan yang ada di masyarakat dan dipengaruhi oleh hasil negosiasi antara pihak penjual dengan pihak pembeli.

Kata Kunci : perjanjian lisan, jual beli, prinsip *menyama braya*

***THE IMPLEMENTATION OF THE ORAL AGREEMENT OF CLOVES
BUYING AND SELLING BASED ON THE PRINCIPLE OF MENYAMA
BRAYA IN TIGAWASA VILLAGE***

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ABSTRACT

The principle of Menyama Braya was used to resolve disputes in the oral agreement of buying and selling cloves in Tigawasa Village. The first aim of this study is to determine the validity of the clove sale and buy agreement in Tigawasa Village based on Menyama Braya principle. The second aim is to find the parties' degree of accountability in an oral agreement to buy and sell cloves based on Menyama Braya principle in Tigawasa Village. The research method employed in this study was descriptive empirical legal research. The Non-Probability Sampling technique in the form of Purposive Sampling was employed to determine the study sample size. The data was then descriptively and qualitatively analyzed, which was a true representation of the research problem. According to the findings of the study, the oral agreement for the sale and purchase of cloves in Tigawasa Village based on the principle of Menyama Braya was valid because it satisfied the elements of Article 1320 of the Civil Code (KUHPerdata), which regulates the conditions for the agreement's validity. The form of accountability of the parties was based on the habits that existed in the community and was influenced by the results of negotiations between the seller and the buyer.

Keywords: *oral agreement, buy and sell, menyama braya principle*