

**ANALISIS YURIDIS PENGALIHAN HARTA KEKAYAAN YAYASAN  
KEPADА PENGURUS ATAU PEMBINA BERDASARKAN UNDANG-  
UNDANG NOMOR 28 TAHUN 2004 TENTANG YAYASAN (STUDI  
KASUS YAYASAN PENDIDIKAN BIMA NUSANTARA)**

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**INTISARI**

Yayasan merupakan salah satu bentuk organisasi non-profit yang memiliki peran penting dalam berbagai bidang, termasuk pendidikan, kesehatan, dan sosial. Dalam menjalankan tugas dan fungsinya, yayasan harus mematuhi ketentuan hukum yang berlaku, termasuk Undang-Undang Yayasan di Indonesia. Salah satu aspek krusial dalam pengelolaan yayasan adalah pengalihan harta kekayaan yayasan, terutama jika pengalihan tersebut melibatkan pembina atau pengurus yayasan. Peristiwa tersebut terjadi di Yayasan Pendidikan Bima Nusantara di Karawang Jawa Barat. Organ Yayasan Pendidikan Bima Nusantara melakukan penjualan asset kepada pihak ketiga untuk keperluan membiayai kebutuhanj operasional harian yayasan. Peneliti tertarik untuk menganalisis aspek yuridis pemindahan asset Yayasan Pendidikan Bima Nusantara berupa mobil SUV Daihatsu Xenia kepada pihak ketiga. Metode penelitian ini menggunakan metode penelitian normative empiris dan pendekatan studi kasus. Pendekatan normative empiris dilakukan dengan melihat kenyataan yang ada dalam praktek di lapangan dengan penjelasan secara umum atau normative. Pendekatan ini dikenal pula dengan pendekatan secara sosiologis yang dilakukan dengan terjun langsung ke lapangan. Pendeatan normative empiris dimaksudkan untuk mengetahui permasalahan yang sebenarnya terjadi dan kemudian dihubungkan dengan peraturan perundungan yang berlaku serta teori-teori hukum yang adaPerpindahan asset tersebut telah melalui prosedur hukum yang berlaku yang mana proses perpindahan asset mobil SUV Daihatsu Xenia tersebut telah mendapatkan persetujuan dari Pembina yayasan. Dalam perpindahan asset yaysaan tersebut, Yayasan Pendidikan Bima Nusantara telah melewati prosedur hukum yang ditetapkan dan sesuai dengan Undang-Undang no 28 Tahun 2004 tentang Yayasan. Pihak Yayasan melalui ketua yayasan melakukan penjualan asset Mobil SUV Daihatsui Xenia kepada pihak ketiga melalui sebuah kesepakatan yang sah dan diatur dalam Kitab Undang-Undang Hukum perdata lewat sebuah perjanjian yang mengikat kedua belah.

**Kata Kunci : Yayasan, Pemindahan Harta Kekayaan Yayasan, Perjanjian.**

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# **LEGAL ANALYSIS OF THE TRANSFER OF FOUNDATION ASSETS TO MANAGEMENT OR ADVISORS BASED ON LAW NUMBER 28 OF 2004 CONCERNING FOUNDATIONS (CASE STUDY OF BIMA NUSANTARA EDUCATION FOUNDATION)**

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## **ABSTRACT**

*Foundation is a form of non-profit organization that has an important role in various fields, including education, health, and social. In carrying out its duties and functions, the foundation must comply with applicable legal provisions, including the Indonesian Foundation Law. One of the crucial aspects in the management of the foundation is the transfer of the foundation's assets, especially if the transfer involves the foundation's trustees or management. The incident occurred at the Bima Nusantara Education Foundation in Karawang, West Java. The Bima Nusantara Education Foundation organ sold assets to a third party for the purpose of financing the foundation's daily operational needs. The researcher is interested in analyzing the juridical aspects of the transfer of Bima Nusantara Education Foundation assets in the form of a Daihatsu Xenia SUV to a third party. This research method uses normative empirical research method and case study approach. The normative empirical approach is carried out by looking at the reality that exists in practice in the field with a general or normative explanation. This approach is also known as a sociological approach which is carried out by going directly to the field. Normative empirical approach is intended to find out the problems that actually occur and then connected with the applicable laws and regulations and existing legal theories. The transfer of assets has gone through the applicable legal procedures where the process of transferring the assets of the Daihatsu Xenia SUV car has received approval from the Trustees of the foundation. In the transfer of the foundation's assets, the Bima Nusantara Education Foundation has passed the legal procedures established and in accordance with Law No. 28 of 2004 concerning Foundations. The Foundation through the chairman of the foundation sold the assets of the Daihatsu Xenia SUV to a third party through a legal agreement and regulated in the Civil Code through an agreement that binds both parties.*

**Keywords : Foundation, Transfer of Foundation Assets, Agreement.**

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