ABSTRACT

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TORT IN MAKING THE LEGAAT DEED UNILATERALLY ON JOINT PROPERTY (CASE STUDY ON CASE NUMBER 396/PDT.G/2013/PN.TNG)

(xi + *105 pages; 3 attachments*)

Marriage will give rise to an engagement, the engagement is an engagement that originates from the law. The bond resulting from the marriage will produce a legal relationship between the husband, wife, and children, one of which is in terms of inheritance law. In inheritance law, it is known that there are grants, testament, and legaat (last will to grant). Making a testament can be made with a notary deed and becomes an authentic deed. Like a grant, the grantor of the grant can only grant everything that is owned and fully entitled to the donor of the grant. If the donor of a testament or legaat is already married, the thing that needs to be considered is the position of the assets in the marriage. Everything that is included in the joint property to be gifted must have the approval of the husband and wife. When a testament deed for the joint property is made unilaterally or without the consent of one of the parties, the validity of the deed can be questioned. The testament deed made in a notary on a joint property and unilaterally, the deed will lose its authenticity as perfect evidence. The testament deed that is drawn up unilaterally on joint assets is certainly against the law in its making, both by the parties and by the notary. The making of a will deed that has been declared as an unlawful act or as a tort will be declared legally flawed and has no legal force, then the will be null and void, the parties and the notary who made it will be subject to punishment or penalty.

Reference: 27 (1984-2018)
Keywords: Marriage, Testament, Legaat, Joint Property, Tort.