

ABSTRACT

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JURIDICAL REVIEW OF TORT LAW ON THE TRANSFER OF THE SALE AND PURCHASE BINDING AGREEMENTS ON LAND AND BUILDING

(xiv+114 pages)

The Indonesian government has an obligation to improve the welfare of all Indonesian citizens. This welfare can be achieved by fulfilling the basic needs of every citizen, such as getting food, clothing and housing or a decent house for a family. This study aims to analyze the procedure of buying and selling houses and/or shophouses through the mechanism of the Sale and Purchase Binding Agreement (PPJB) and to analyze the tort committed by Defendant I and Defendant II who transferred the Sale and Purchase Binding Agreement to two different parties based on Case Number 961/Pdt.G/2019/PN.Tng. This research is a normative-empirical research conducted by literature study and interviews. In this study, the author uses a law approach and a case approach. In the procedure of buying and selling houses and/or shophouses, it is not actually required to make a Sale and Purchase Binding Agreement (PPJB), the transfer of rights to the house and/or shophouses will only occur if a Sale and Purchase Deed (AJB) has been made between the seller and the buyer which must be carried out in front of PPAT. However, in certain circumstances PPJB can be made as a preliminary agreement. This PPJB functions as an initial bond between the seller and the buyer before the AJB is made and can protect the parties in fulfilling their respective achievements in accordance with mutually determined clauses. Based on the Case Number 961/Pdt.G/2019/PN.Tng, the actions of Defendant I and Defendant II which transferred PPJB to two different parties had fulfilled the elements of Tort.

References: 79 (1979 – 2021)

Keywords: Agreement, Building, Land, Sale and Purchase, Tort