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JURIDICAL REVIEW OF THE TORT LAW FOR THE MAKING OF A NOTARY DICTION CONTAINING NOMINEE ELEMENTS (CASE STUDY)

(xii + 79 pages + 3 attachment)

In a marriage there is a legal consequence, including rights and status and assets or property. In a marriage a husband and wife have the same rights and status in carrying out legal actions including legal actions in shared property. However, there are restrictions on legal actions that can be carried out by husband and wife if they are bound in a marriage. In this study using a case study Number. 787 / Pdt.G / 2014 / PN.DPS jo. 193 / PDT / 2015 / PT.DPS jo. 3403K / Pdt / 2016. In this case a legal action took place in the form of an agreement as outlined in a notarial deed. The agreement concerns shared property and contains nominee elements in it. In this study the problems to be discussed includes : What are the legal consequences of the agreement made by the plaintiff / Indonesian citizen (wife of the defendant) with the defendant / Foreign citizen (husband of the plaintiff) indicated as the nominee agreement in case and Does the process of making Notarial Deed and PPAT in case contains elements of Unlawful Acts and how the legal consequences of the validity of the notarial deed. The purpose of this analysis is to find out and analyze the legal consequences of the nominee agreement made between Indonesian Citizens and Foreign Citizens who are bound by in a marriage and to know and analyze the process of making a Notarial Deed and PPAT in case contains elements of Unlawful Acts and legal consequences for the validity of the notary deed. This study used an emperical normative legal research method. In empirical normative research priotizing secondary data, both in the form of Primary Legal Materials, Secondary Legal Materials and Tertiary Legal Materials. Secondary data is then corroborated or supported by Primary Data, in the form of interviews with relevant informants-in accordance with the research topic. This research used an approach to legal synchronization and the analysis used in this study is qualitative analysis. The results of this research are that the legal consequences of the ahreement made in case is null and void by law because the agreement violates the law and public. The agreement violates one of the legal conditions of the agreement and causes the agreement to be null and void, in addition to the process of making a notarial deed and the PPAT has been meet the elements of acts against the law, and for the validity of the notarial deed is deemed null and void by law.

Reference : 34 (1979-2019)

Key Words : Tort, Agreement, Nominee, notarial deed.