ABSTRACT

Giovanni Risky.I (05120110023)

LEGAL ANALYSIS ON THE PROCESS OF TRANSFER OF TITLE LAND OWNERSHIP CERTIFICATE AGAINST THE LAW.

(x + 86 pages , 1 appendix)

Torts are wrongdoings that are done by one party against another. As a result of the wrongdoing, the injured person may take civil action against the other party. Tort law is the body of laws that enables people to seek compensation for wrongs committed against them. When someone's actions cause some type of harm to another, whether it be physical harm to another person, or harm to someone's property or reputation, the harmed or injured person or entity may seek damages through the court. Damages are a monetary award ordered by the court to be paid to an injured party, by the party at fault. Damages may be awarded in compensation for loss of, or damage to, personal or real property, for an injury, or for a financial loss. This research background is based on debt agreement that made by parties. The debt agreement is also included with mortgage. The parties in this debt agreement are I Nyoman Nuka (deceased) and Anak Agung Ngurah Oka Yudanegara (defendant). On May 26,1990, Anak Agung Ngurah Oka Yudanegara lend Rp.5.000.000 (Five Million Rupiah) to I Nyoman Nuka for a 10 month period of time in temporary debt agreement. Until 2011, I Nyoman Nuka (deceased) told his son to pay the debt. Unfortunately, Anak Agung Ngurah Oka Yudanegara already take over the land and show him the file of land ownership certificate and deed of sale and purchase from notary. Which mean that the defendant already take the land ownership without approval from I Nyoman Nuka. The land belong to I Wayan Gingsir (deceased) and bequeath to his kids. The heir of I Wayan Gingsir file a lawsuit to Denpasar District Court to sue the defendant on the basis of torts. Base on article 1365 of civil law which explain about tort, the defendant should return the land ownership certificate that already has been changed to the defendant name as punishment.

References : 23 (1979 – 2013)