

## **ABSTRACT**

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### **JURIDICAL ANALYSIS ON TORTS CONCERNING ISSUANCE OF BUILDING RIGHTS TITLE CERTIFICATE ALONG WITH ITS TRANSFER COMPRISING LEGAL DISABILITY IN INDONESIA**

(XIII + 113 pages: 2 attachments)

The existence of land registration activity allows society to know the legal status or position of such land, including its location, area, along with its borders, the owner of such land and the type of encumbrance above it. This research investigates verdict No.26/Pdt.G/2019/PN.LBB, whereas, the land office of Lubuk Basung splits and issues a Building Rights Title (“HGB”) as a product of the split, above a land with cultivation rights (tanah Hak Pengelolaan – “HPL”). However, due to a misinterpretation of the existing regulation, such object contains legal disability. As a result, the time period of the HGB as a product of splitting is longer than the time period of the main HGB. The holder of HPL, in this case the Regional Government of Agam Regency feels prejudiced since they fail to obtain their subjective right over such object, therefore, they submitted a Tort claim to Lubuk Basung District Court. The purpose of this research is to understand and analyse the procedure of formulation and transfer of HGB certificate which does not contain legal disability in Indonesia and analyse the implementation of elements of torts within verdict No.26/Pdt.G/2019/PN.LBB. This research uses the normative type of research. The data used within this research analysis are literature materials. The conclusion obtained is that within the registration of land as a result of physical change, especially which has been split, each field of HGB as a result of splitting will have the same legal status as that of the main HGB. The HGB as a result of splitting shall obtain NIB, Measurement Letter, Land Book & new certificate since the main HGB will no longer be valid. In this case, the Land Office of Agam Regency as Defendant C within this suit issues a certificate under the name of PT Sitingkai Sakti Group. Due to misunderstanding in interpreting the article, a mistake has been made. Therefore, such HGB contains legal disability, infringes the subjective right of the Regional Government of Agam Regency as Plaintiff.

**Keywords:** Land Registration, Building Rights Title above Cultivation Rights, Field of Land Split, Torts, Infringement of Other’s Subjective Right.

**Reference:** 43 references (1979-2020)