

## ABSTRACT

This research emphasize on the Apartment as the object of guarantee, with several legal problem, such as : firstly, what are the basic considerations that the only Property Rights of the Apartement which build above the ground with Property Right or with the Right to Bulid only be able to become the object of guarantee; secondly, what kind of instituional guarantee could be exactly put on the Apartment standing on the right of utilize of a State-Soil due to the un equal arrangement among the Law of Condominium, the Law of Morgage and the Law of Fiduciary.

The object of this research was intended to give somes in-put concernning the posibility that any Apartment could be the object of guarantee in Indonesia and the instutution of guarantee on the frame work of the Law of Morgage as well as to fulfil one of the requirements in ending the Magister Programe on Airlangga University.

The method applied in this research was the juridical approach.

The basic consideration that only Property Rights could be the object of guarantee of the Apartment buildd on the soil of Property Right or of the Right to Build until the implementation of the Law of Morgage, because substandtially the Property Right of those Apartement was the right of goods which it character and it element agree with the Right of the Soil such as : registered, transferable, preserveable, bringing the direct power to the owner, relatively high finansially avalluable. And formally, charging the property right to Apartement depend on the Right of the Soil itself, which only over Property Right or over the Right to Build could be put on guarantee of Guarantee Right as the logical effect of article 51 jo article 57 of the Law of Land.

The institutional guarantee which absolutely exact put on the Apartement which stand on the Right to use over the State-Soil in conjunction of the Law of Condiminium, the Law of Morgage and the Law of Fiduciary was the institutional guarantee of Morgage, because since the implementation of the Law of Guarantee Rights jo Governmental Regulation No. 40/1996 jo Governmental Regulation No. 24/1997, the Property Right of Apartement had already fulfil the absolute requirement, regard as the registered right and it character was transferable and install by the law of Morgage as the object of Morgage, and did not to be the object of Fiduciary Guarantee any longer according to the Law of Fiduciary.

Key words : Apartement, object of guarantee, Morgage.