

Tanggung jawab PPAT terhadap akta jual beli tanah : Studi kasus akta jual beli tanah N0.170/Cempaka Putih putusan mahkamah agung RI N0 1923K/PDT /2008) = Responsibility PPAT On deed of sale and purchase of land : Case Study Land Purchase Deed Number 170/Cempaka White, supreme court of the Republic of Indonesia Number 1923 K/PDT/2008

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Abstrak

Sebagai benda yang penting bagi manusia, tanah dan bangunan menjadi lebih bernilai karena ia dapat beralih dari pemiliknya kepada pihak lain yang menginginkannya. Peralihan hak atas tanah melalui jual beli harus didaftarkan sesuai dengan PP Nomor 24 Tahun 1997 menyatakan. Permasalahan yang diberikan oleh penulis yaitu mengenaui tanggungjawab seorang PPAT dalam menerbitkan Akta Jual Beli atas tanah dengan Nomor 170 Tahun 2004 dan seorang PPAT dapat melindungi dirinya dari para pihak yang memalsukan data walaupun telah membuat klausula yang menyatakan tidak di gugat. Metode penelitian yang digunakan oleh penulis yaitu berdasarkan penelitian kepustakaan dimana pendekatan penelitian yang dilakukan yaitu yuridis normatif. Hasil analisis penulis yaitu Fungsi PPAT adalah menjamin kebenaran materiil dan kebenaran formil dalam setiap akta peralihan hak atas tanah dan bangunan serta berperan juga untuk memeriksa kewajiban-kewajiban para pihak yang harus dipenuhi berkaitan dengan peralihan hak tersebut. Tanggung jawab PPAT terhadap akta otentik yang mengandung keterangan palsu adalah bahwa PPAT tidak dapat dipertanggungjawabkan secara hukum sebab PPAT hanya mencatat atau menuangkan suatu perbuatan hukum yang dilakukan oleh para pihak/penghadap ke dalam akta. Seorang PPAT yang akan membuat peralihan hak atas tanah harus memastikan kebenaran mengenai hak atas tanah (hak milik) tersebut, dan mengenai kecakapan dan kewenangan bertindak dari mereka yang akan mengalihkan dan menerima pengalihan hak atas tanah tersebut.

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Land as a body that can meet human needs has long been perceived people. In various aspects of life people need land. PP No. 24 of 1997 states the land rights to be registered is the fact about the state lands in Indonesia, the landland that has registered a relatively small amount compared with lands that have not registered for the land that has been registered will find many obstacles in terms of the transfer rights to the land. The problem given by the author that is how the responsibility of a PPAT in issuing the Deed of Sale and Purchase of land with Number 170 of 2004 which legally flawed and void by the law and how a PPAT can protect themselves from the party that falsified data even though have made the clause that states are not in accountable if there is untruth data provided by face. The research method used by the authors is based on the research literature where the authors in this normative approach, research that focuses on secondary data research on legal and non legal data is based on the dictionary as well as statistics on land registration. Results of analysis of the function author PPAT is to ensure the truth of the material and formal truth in every deed of transfer rights on land and buildings, and contribute also to examine the obligations of the parties that must be met relating to the transfer of such rights. PPAT responsibility of authentic documents containing false information is that the notary can not legally defensible because PPAT only record or pour a

legal act performed by the parties / face into the deed. PPAT is not obliged to investigate the truth of the material from these authentic documents. And authentic documents that will be proof that there is a legal act performed by the parties /face. The transition of land rights and especially rights to land can held correctly, then a PPAT who will make the transfer of land rights must ensure truth about land rights (property rights), and about the skills and authority to act from those who would divert and accept the assignment of the land. Authentik of buying and selling process can be seen from over who was first to buy and hold land titles. In this case, the dispute must be viewed in advance who has a certificate in advance for 5 (five) years and controlled by parties who have certificates and proof of rights acquired in good faith for 5 years then the party who feel entitled not to sue the right to land and if there are errors in registration can be compensated by the Government.