

Analisis hukum terhadap akta pencabutan keterangan saksi di persidangan yang dibuat dihadapan notaris (studi kasus putusan Mahkamah Konstitusi Nomor 45/PHPU.D-VIII/2010 juncto putusan Mahkamah Agung Nomor 452 K/TUN/2012) = Legal analysis of the deed of revocation of witness testimony at the court by notaries deed (case studies of the constitutional court decision no 45/PHPU.D-VIII/2010 juncto the decision of the supreme court No 452 K/TUN/2012)

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Abstrak

[Notaris merupakan pejabat umum yang berwenang membuat akta otentik. Akta otentik yang dibuat oleh Notaris wajib memenuhi syarat formil dan syarat materiil untuk memenuhi sifat otentiknya, agar dapat mempunyai kekuatan pembuktian yang kuat dan sempurna. Pokok permasalahan dari tesis ini adalah bagaimana implikasi akta pencabutan keterangan saksi yang dibuat oleh Notaris terhadap keterangan saksi yang sebelumnya telah diberikan di dalam persidangan, dan bagaimanakah tanggung jawab seorang Notaris bilamana akta yang dibuatnya tidak mempunyai nilai kekuatan pembuktian. Untuk menjawab permasalahan tersebut, penelitian dilakukan secara Yuridis Normatif dan menyatukan dengan pola pikir deduktif analisis yang bersumber pada kebenaran koheren. Data yang digunakan adalah Data Sekunder yang terdiri dari Bahan Hukum Primer dan Bahan Hukum Sekunder. Hasil Penelitian ini adalah akta pencabutan keterangan saksi tidak dapat digunakan untuk mencabut keterangan yang telah diberikan sebelumnya di dalam persidangan di bawah sumpah dan atas akta yang tidak mempunyai nilai pembuktian karena kehilangan otentisitasnya, Notaris dapat dimintakan ganti kerugian, peringatan tertulis, sampai dengan pemberhentian secara tidak hormat.;Notary is a public official who authorized to make an authentic deed. An authentic deed of Notary must fulfill both formal and material requirements to meet its authentic nature, in order to have the strength of evidence which is strong and perfect. The subject matter of this thesis are about how the implication of the deed of revocation of witness testimony by Notaries deed affect the witness testimony that had previously been given in court and how is the notary responsibilities for the deed that does not have the evidentiary value. To answer these problems, research conducted in Normative method and unite it with deductive analysis which is based on coherent truth. The writer using Secondary Data consist of Primary Legal Materials and Secondary Legal Materials. For the result, this research shows that The Deed of Revocation of Witness Testimony can not be used to revoke the previous given testimony which is given under the vow and for the deed that has no evidentiary value because it loses its authenticity, a Notary may be charged to compensate , be given of a written warning, up to dismissal in disgrace;Notary is a public official who authorized to make an authentic deed. An authentic deed of Notary must fulfill both formal and material requirements to meet its authentic nature, in order to have the strength of evidence which is strong and perfect. The subject matter of this thesis are about how the implication of the deed of revocation of witness testimony by Notaries deed affect the witness testimony

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