

Perlindungan hukum terhadap notaris selaku PPAT terkait dokumen palsu (Studi Kasus Putusan Mahkamah Agung Tanggal 22 November 2012 Nomor 1019/K/Pdt/2012) = Legal protection against a notary as a official land deed maker ppat over false document (Case Study of Supreme Court Dated November 22nd, 2012 with Rulling Number 1019/K/Pdt/2012).

Pratitha Listu Lokahita, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20414917&lokasi=lokal>

---

Abstrak

[Meningkatnya kebutuhan akan jasa Notaris maupun PPAT dalam pembuatan akta autentik, tidak menutup kemungkinan bahwa penghadap yang membutuhkan jasa Notaris selaku PPAT memiliki I'tikad tidak baik, salah satunya adalah dengan pemberian dokumen palsu kepada Notaris selaku PPAT guna pembuatan akta autentik. Hal ini tidak jarang menimbulkan permasalahan hukum yang menyebabkan Notaris selaku PPAT ikut didudukkan atas permasalahan tersebut. Penelitian ini menganalisa mengenai tindakan hukum yang dilakukan suami yang menjaminkan harta bersama perkawinan tanpa persetujuan dan sepengetahuan istrinya, dengan memberikan dokumen palsu berupa surat persetujuan istri guna pembuatan akta autentik dan juga untuk mengetahui bentuk perlindungan hukum terhadap Notaris selaku PPAT dalam hal pemberian dokumen palsu berupa surat persetujuan istri untuk melakukan tindakan hukum terkait harta bersama perkawinan tersebut. Penelitian ini berbentuk yuridis normatif dengan menggunakan data sekunder dan Metode analisa data yang digunakan adalah secara kualitatif. Dari hasil penelitian diperoleh kesimpulan bahwa tindakan hukum yang dilakukan suami terkait harta bersama perkawinannya tanpa persetujuan dan sepengetahuan istrinya adalah tidak sah/cacat hukum dan tidak sesuai dengan ketentuan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. Tindakan hukum yang dilakukan oleh suami dengan memberikan dokumen palsu kepada Notaris selaku PPAT berupa surat persetujuan istri memenuhi unsur-unsur dalam pasal 263 KUHP dan Pasal 264 KUHP dan selama Notaris selaku PPAT sudah melaksanakan tugas jabatannya sesuai dengan aturan yang berlaku, Notaris selaku PPAT tidak dapat disalahkan karena Notaris selaku PPAT tidak mungkin membuat suatu akta yang mengandung cacat hukum dengan disengaja. Maka, bentuk perlindungan hukum terhadap Notaris selaku PPAT terkait dokumen palsu antara lain melakukan penyuluhan hukum, pengenalan penghadap khususnya dalam hal dokumen yang diberikan penghadap serta perlunya sikap kehati-hatian dalam hal pemeriksaan dokumen yang diberikan penghadap.;The increasing needs of service of Notary and PPAT to create an authentic deed do not necessarily close the possibility for the parties (penghadap) who have bad intention, for example, providing a false document to the Notary as a PPAT in order to create an authentic deed. The implication of this problem in the future could cause the Notary who also act as a PPAT is accused. This research is to analyze about a husband who use their sharing property of marriage as a warranty without permission and approval from his wife, and the husband provide a false document which is the approval letter from wife to the Notary as a PPAT to create an authentic deed, and to understand the form of legal protection towards the Notary as a PPAT in terms of providing a false document which is the approval letter from wife to do legal

action related to the sharing property of marriage. This study is conducted in a juridical normative by using secondary data and inference concluded qualitatively. The research concluded that the legal action taken by husband related their sharing property of marriage without permission and approval from his wife by providing false document to the Notary as a PPAT is invalid or legally flawed, and not in accordance with the provisions of Article 36

paragraph 1 Law No. 1 of 1974 on Marriage. Due to the legal action taken by the husband by providing false documents which is the approval letter from wife to Notary as a PPAT met the elements in article 263 KUHP and article 264 KUHP, and as long as the Notary as a PPAT do their duties in accordance with applicable rules, they can not be blamed because it does not possible to make a legal disability certificate intentionally. The form of legal protection against the Notary

as a PPAT related to false documents are legal counseling, The introduction of the parties (penghadap) especially in terms of document given by the parties and also need attitude of prudence in terms of examination of documents provided by the parties (penghadap)., The increasing needs of service of Notary and PPAT to create an authentic

deed do not necessarily close the possibility for the parties (penghadap) who have bad intention, for example, providing a false document to the Notary as a PPAT in order to create an authentic deed. The implication of this problem in the future

could cause the Notary who also act as a PPAT is accused. This research is to analyze about a husband who use their sharing property of marriage as a warranty without permission and approval from his wife, and the husband provide a false document which is the approval letter from wife to the Notary as a PPAT to create an authentic deed, and to understand the form of legal protection towards the

Notary as a PPAT in terms of providing a false document which is the approval letter from wife to do legal action related to the sharing property of marriage. This study is conducted in a juridical normative by using secondary data and inference concluded qualitatively. The research concluded that the legal action taken by husband related their sharing property of marriage without permission and

approval from his wife by providing false document to the Notary as a PPAT is invalid or legally flawed, and not in accordance with the provisions of Article 36 paragraph 1 Law No. 1 of 1974 on Marriage. Due to the legal action taken by the husband by providing false documents which is the approval letter from wife to Notary as a PPAT met the elements in article 263 KUHP and article 264 KUHP,

and as long as the Notary as a PPAT do their duties in accordance with applicable rules, they can not be blamed because it does not possible to make a legal disability certificate intentionally. The form of legal protection against the Notary as a PPAT related to false documents are legal counseling, The introduction of the parties (penghadap) especially in terms of document given by the parties and also need attitude of prudence in terms of examination of documents provided by the parties (penghadap).]