

Akibat Hukum dan Tanggung Jawab Pejabat Pembuat Akta Tanah Sementara Terhadap Pembatalan Akta Hibah (Studi Putusan Mahkamah Agung No 970 K/Pdt/2019) = LEGAL CONSEQUENCES AND RESPONSIBILITY OF THE TEMPORARY LAND DEED-MAKING OFFICER FOR THE CANCELLATION OF GRANT DEED (STUDY OF SUPREME COURT DECISION NO. 970 K/PDT/2019)

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Abstrak

Penelitian ini menganalisis tentang akibat hukum dan tanggung jawab PPATS yang melanggar ketentuan peraturan perundang-undangan yang dapat menyebabkan kerugian kepada pihak. Permasalahan yang diangkat pada penelitian ini berdasarkan Putusan Nomor 970 K/Pdt/2019 mengenai akibat hukum dan tanggung jawab PPATS terhadap pembatalan akta hibah. Salah satu cara seseorang mengalihkan haknya secara hukum yaitu dengan hibah dengan dibuatkan akta hibah di hadapan PPAT dalam hal ini PPATS. Pemberian hibah dapat diberikan apabila tidak melanggar bagian ahli waris yang telah ditentukan dalam undang-undang, yang dimana bagian ahli waris menurut undang-undang memiliki bagian mutlak (*legitime portie*) dan jika dilanggar maka ahli waris dapat menuntut haknya. Dalam hal ini, PPATS tidak membacakan akta, hanya dihadiri oleh satu orang saksi, tidak ditandatangani oleh PPATS pada saat itu juga dan tidak ada persetujuan dari para ahli waris yang menyebabkan melanggar peraturan perundang-undangan jabatan PPAT. Penelitian ini menggunakan metode penelitian yuridis normatif bersifat deskriptif analitis dengan data sekunder. Akta hibah yang dibuat PPATS yang mengalami cacat secara hukum yang menyebabkan aktanya batal demi hukum. Perbuatan PPATS ini dapat dimintakan pertanggungjawaban secara administratif dan secara perdata dengan sanksi berupa teguran tertulis dan ganti kerugian

.....This study analyzes the legal consequences and responsibilities of temporary land deeds that violate the provisions of laws and regulations and can cause parties losses. The issues raised in this study are based on Decision Number 970 K /Pdt/ 2019 regarding the legal consequences and responsibility of temporary PPAT for the cancellation of grant deeds. One of the ways a person transfers his rights legally is by a grant by making a grant deed before the PPAT in this case a temporary PPAT. Grants may be granted if they do not violate the share of heirs specified in the statute, whereby the statutory share of the heirs has an absolute share (*legitime portie*) and if violated then the heirs can claim their rights. In this case, the PPAT temporarily did not read out the deed, was only attended by one witness, was not signed by the temporary PPAT at that time and there was no approval from the heirs which led to the violation of the laws and regulations of the PPAT position. This research uses normative juridical research methods that are descriptive and analytical with secondary data. The legal materials used in this study are divided into three: primary legal sources consisting of civil law books, secondary legal sources consisting of legal journals, and tertiary legal sources consisting of legal dictionaries. The data analysis method used in this study is qualitative, namely data compiled in the form of narratives. A grant made by a temporary PPAT that is legally flawed causes the deed to be null and void. The actions of this temporary PPAT can be held administratively and civilly liable with sanctions in the form of written reprimands and compensation.