

Tanggung Jawab Pejabat Pembuat Akta Tanah Sebagai Pejabat Umum Terhadap Pembatalan Akta Jual Beli Akibat Perbuatan Melawan Hukum (Studi Kasus Putusan Peninjauan Kembali Mahkamah Agung RI Nomor 645 PK/Pdt/2020) = The responsibility of the land deed official as a public official for the cancellation of the sale and purchase deed due to an unlawful act (Case Study of the Supreme Court Review Decision of the Republic of Indonesia Number 645 PK/Pdt/2020)

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Abstrak

Pejabat Pembuat Akta Tanah (PPAT) merupakan pejabat umum yang berwenang membuat akta-akta autentik mengenai perbuatan hukum tertentu dalam hal peralihan hak atas tanah, salah satunya yaitu akta jual beli. Dalam peraturannya telah diatur bahwa tidak diperbolehkan membuat akta jual beli dengan blanko kosong. Dalam hal ini ditemukan pelanggaran yang dilakukan oleh PPAT dalam pembuatan akta jual beli dengan blanko kosong sehingga berimplikasi pada perbuatan melawan hukum (*onrechtmatige daad*). Tesis ini membahas tanggung jawab PPAT sebagai pejabat umum terhadap pembatalan akta jual beli akibat perbuatan melawan hukum serta akibat hukumnya. Metode penelitian yang digunakan yaitu penelitian hukum normatif. Hasil pembahasan ini adalah PPAT bertanggung jawab terhadap perbuatan melawan hukum membuat akta jual beli dengan blanko kosong: (1) Tanggung jawab PPAT bersangkutan terdiri dari tanggung jawab administrasi berupa pengenaan sanksi administrasi pemberhentian sementara dari jabatannya dan tanggung jawab pidana berupa pengenaan sanksi pidana. (2) Akibat hukum terhadap akta jual beli yang dinyatakan batal demi hukum oleh suatu putusan pengadilan yaitu akta tersebut dianggap tidak pernah ada. Artinya sejak semula hukum menganggap tidak pernah terjadi jual beli. Pengurusan dilakukan dengan membuat akta pembatalan jual beli tanah, yang akan ditindak lanjuti oleh Kantor Pertanahan untuk dilakukan pencabutan dan pembatalan sertipikat yang telah terbit sebelumnya. Pembatalan sertipikat akan mengembalikan status tanahnya ke keadaan semula sebelum dilakukan peralihan hak. Sehingga nama pemegang hak akan kembali ke nama pemegang hak semula.

.....The Land Deed Maker Official (PPAT) is a public official who is authorized to make authentic deeds regarding certain legal actions in terms of the transfer of land rights, one of which is the deed of sale and purchase. In the regulations it has been regulated that it is not allowed to make a deed of sale with a blank form. In the case, a violation was found by PPAT in making a deed of sale and purchase with a blank form so that it had implications for unlawful acts (*onrechtmatige daad*). This thesis discusses PPAT's responsibility as a public official for the cancellation of the sale and purchase deed due to unlawful acts and the legal consequences. The research method used in normative legal research. The results of this discussion are that the PPAT is responsible for unlawful acts of making a blank sale and purchase deed: (1) The related PPAT's responsibilities consist of administrative responsibility in the form of imposition of administrative sanctions for dismissal from his position and criminal responsibility in the form of imposition of criminal sanctions. (2) The legal consequence of the deed of sale which is declared null and void by a court decision is that the deed is deemed to have never existed. That is, from the beginning the law considered that there had never existed. That is, from the beginning the law considered that there had never been a sale and

purchase. Management is carried out by making a deed of sale and purchase of land, which will be followed up by the Land Officer for revocation and previously a certificate that has been issued previously. Cancellation of the certificate will return the land status to its original state before the title song was carried out. So that the name of the right holder will return to the name of the original right holder.