

“Pertanggungjawaban Notaris Terhadap Akta Jual Beli Saham Pada Perseroan Terbatas Yang Dibatalkan Oleh Pengadilan Akibat Tidak Memenuhi Ketentuan Dalam Anggaran Dasar (Studi Putusan Pengadilan Negeri Bekasi Nomor 334/Pdt.G/2014/PN.BKS juncto Putusan Mahkamah Agung Nomor 1681/K/Pdt/2017 dan Putusan Peninjauan Kembali Nomor 188 PK/Pdt/2020).” = Notary's Responsibility For The Deed Of Sale And Purchase Of Limited Company Shares Canceled By Court Because isn't Accordance Provisions Articles Association (Study of the Decision of the Bekasi District Court Number 334/Pdt.G/2014/PN.BKS in conjunction with the Supreme Court's Decision Number 1681/K/Pdt/ 2017 and the Judicial Review Decision Number 188 PK/Pdt/2020).

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Abstrak

Berlakunya Peraturan Menteri Agraria dan Tata Ruang/Kepala BPN RI Nomor 5 Tahun 2017 untuk pelayanan pengecekan sertipikat tanah pada Kantor Badan Pertanahan Nasional dilakukan dengan sistem elektronik yang terintegrasi secara online. Hasil pengecekan sertipikat tanah secara online berupa dokumen yang ditandatangani digital menggunakan sertipikat elektronik BsrE dan kode QR. Berbeda dengan hasil pengecekan sebelum online yang fisik sertipikatnya mendapatkan cap serta diberi tanggal oleh Kantor Badan Pertanahan, dengan demikian rumusan masalah yang dibahas yakni bagaimanakah keabsahan dokumen fisik sertipikat tanah yang diterima PPAT dan peran PPAT melakukan pengecekan sertipikat tanah secara online. Penelitian ini memakai metode kepustakaan bersifat yuridis normatif dan menganalisa isu hukum mengenai segala sesuatu yang berhubungan dengan objek penelitian dari bahan pustaka serta hukum positif. Hasil penelitian menunjukkan alasan yuridis bahwa PPAT tidak berwenang menguji dan tidak bertanggung jawab terhadap syarat materil keabsahan dokumen fisik sertipikat tanah sepanjang PPAT melakukan tugas jabatannya sesuai kode etik dan peraturan Perundang-undangan yang berlaku.

.....The enactment of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN RI Number 5 of 2017 for land certificate checking services at the National Land Agency Office is carried out with an electronic system that is integrated online. The results of checking the land certificate online are in the form of a digitally signed document using the BsrE electronic certificate and QR code. In contrast to the results of checking before going online, where the physical certificate is stamped and dated by the Land Agency Office, thus the formulation of the problem discussed is how the legality of the physical documents for land certificates received by PPAT and the role of PPAT in checking land certificates online. This study uses normative juridical literature and analyzes legal issues regarding everything related to the object of research from library materials and positive law. The results of the study show the juridical reason that PPAT is not authorized to examine and is not responsible for the material requirements for the validity of the physical documents for land certificates as long as the PPAT performs its duties in accordance with the code of ethics and applicable laws and regulations.