

Degradasi Kekuatan Pembuktian dan Pembatalan Akta Autentik (Studi Putusan Mahkamah Agung Republik Indonesia No. 2377k/Pdt/2016) = Degradation of the Power of Evidence and Cancellation of Authentic Deeds (Study of the Supreme Court of the Republic of Indonesia No. 2377k/Pdt/2016)

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Abstrak

Notaris membuat akta autentik yang mengandung kesalahan materiil dapat terdegradasi dan dibatalkan, jika notaris menuangkan kesepakatan para pihak kedalam akta namun nyatanya berbeda dengan fakta yang ada. Kasus putusan MA RI No. 2377K/PDT/2016 sebagai bahan utama penelitian, hal ini terkait degradasi kekuatan pembuktian dan pembatalan akta autentik, yang dapat disebabkan dari berbagai faktor.

Permasalahan yang diangkat a. penyebab suatu akta autentik dapat terdegradasi b. akibat hukum terhadap pembatalan akta yang mengandung kesalahan materiil. c. tanggung jawab notaris atas terdegradasinya dan pembatalan akta tersebut. Metode penelitian berupa yuridis normatif, dengan bahan utama data sekunder, dengan alat pengumpulan data studi dokumen penelusuran berbagai literatur. Adapun analisis menggunakan pendekatan kualitatif. Hasil penelitian a. bahwa akta autentik terdegradasi bilamana Notaris tidak memenuhi kewajiban dalam proses pembuatan akta serta tidak memenuhi prosedur-prosedur pada ketentuan UUDN b. Akibat hukum terhadap pembatalan akta, akta akan kehilangan autentisitasnya dan perbuatan hukumnya batal. c. tanggung jawab notaris lahir dari ketentuan peraturan perundang-undangan. Dalam hal ini notaris harus bertanggungjawab secara hukum atas kebenaran secara perdata, UUDN dan Kode Etik.

.....The notary makes an authentic deed containing material errors that can be degraded and canceled, if the notary puts the agreement of the parties into the deed but in fact it is different from the existing facts. The case of the Supreme Court decision No. 2377K/PDT/2016 as the main research material, this is related to the degradation of the strength of proof and the cancellation of authentic deeds, which can be caused by various factors. The issues raised are how the authentic deed can be degraded, the legal consequences of the cancellation of the deed, and the responsibility of the notary for the degradation and cancellation of the deed. The research method is in the form of normative juridical, with secondary data as the main material, with data collection tools, studies of various literature searches. The analysis uses a qualitative approach. Research results a. that the authentic deed is degraded, if the Notary does not fulfill the obligations in making the deed, does not comply with the procedures for the provisions of the UUDN and there is a misunderstanding between the parties causing the dispute. b. The legal consequences of the cancellation of the deed, the deed will lose its authenticity c. The notary's responsibility is born from the provisions of the legislation. In this case, the notary can be held legally responsible for the material truth in a civil manner, UUDN and the Code of Ethics.