

Tanggung jawab notaris selaku pejabat pembuat akta tanah atas jual beli tanah warisan terhadap kemungkinan terjadinya perbuatan melanggar hukum (Study Putusan Nomor : 97/PDT/2011/PT.BJM)= Responsibility of the notary office as soil makes act on the sale and purchase of land inheritance act against the possibility of unlawful acts the (Study Putusan Nomor : 97/PDT/2011/PT.BJM)

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Abstrak

[ABSTRAK

Notaris adalah pejabat umum yang oleh Undang-Undang diberikan kewenangan dan kepercayaan dari masyarakat untuk menjalankan sebagian kekuasaan Negara untuk membuat alat bukti tertulis yang otentik dalam bidang

hukum perdata. Akta otentik yang dibuat oleh Notaris mempunyai kekuatan pembuktian yang sempurna serta memberikan kepastian hukum. Untuk itu Notaris

dituntut agar selalu berusaha dalam koridor asas kehati-hatian dalam pembuatan suatu akta. Ketidaksihatihan Notaris dalam membuat akta Notaris dapat mengakibatkan suatu akta dapat batal demi hukum atau dapat dibatalkan. Oleh karena itu, Notaris dalam menjalankan tugas jabatannya harus dapat mengetahui tanggungjawabnya sebagai Notaris, sehingga Notaris dapat terhindar dari

tuntutan-tuntutan atas pembatalan dan ganti rugi terhadap akta yang dibuat dihadapannya. Metode penelitian dalam penelitian ini bersifat deskriptif analisis dengan menggunakan pendekatan yuridis normatif. Sumber data diperoleh dengan mengumpulkan data sekunder. data sekunder diperoleh melalui bahan hukum primer, bahan hukum sekunder dan bahan hukum tertier. Alat pengumpulan data yang digunakan di dalam penelitian ini adalah studi dokumen, yang selanjutnya data dianalisis secara kualitatif. Berdasarkan data hasil penelitian yang diperoleh, didapati mengenai tanggung jawab Notaris atas akta jual beli tanah warisan terhadap kemungkinan terjadinya perbuatan melanggar hukum, unsur-unsur suatu

tindakan melanggar hukum serta akibat hukum terhadap akta Jual Beli Tanah Warisan dikarenakan terjadinya perbuatan melanggar hukum. Sedangkan akibat

hukum dari perbuatan melanggar hukum, maka Notaris dapat dikenakan baik sanksi administratif, sanksi perdata maupun sanksi pidana apabila ternyata terbukti adanya unsur pidana dalam proses pembuatan akta, selain itu Notaris harus bertanggung jawab atas kerugian yang diderita oleh para pihak.

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ABSTRACT

Notary is a public office by law is given the authority and trust of the community to exercise some authority of State for tool making authentic written evidence in the field of civil law . Authentic Act made by a Notary has the perfect strength and provide proof of legal certainty . For the Notary claimed to always seek the corridor basis of prudence in making an act . carefulnotto caution in making a Notary Notary act could result in an act to be null and void or may be canceled . Therefore, Notary in carrying out the department should be able to know their responsibility as a Notary , the Notary to be protected from claims for

rescission and damages for acts done before him . Research methods in this study are descriptive analysis using normative juridical approach . Source data obtained by secondary data . Secondary data obtained through primary legal materials , legal materials and secondary legal materials tertiary. Data collection tools used in this research is the study of documents, further data were analyzed qualitatively.

Based on the data obtained from the analysis , it was found on the Notaries responsibility for the act of sale and purchase heritage to the possibility of unlawful acts , the elements of an action in violation of the law and the legal consequences of the Sale and Purchase of Land Heritage act due to the occurrence of the act of violating the law. While the legal consequences of acts in violation of the law , so a Notary can be in the form of administrative sanctions , civil penalties or criminal sanctions when it appears evident the criminal element in the manufacturing process of the act, in addition to the notary should be held liable for losses suffered by the parties.; Notary is a public office by law is given the authority and trust of the community to exercise some authority of State for tool making authentic written evidence in the field of civil law . Authentic Act made by a Notary has the perfect strength and provide proof of legal certainty . For the Notary claimed to always seek the corridor basis of prudence in making an act . carefulnotto caution in making a Notary Notary act could result in an act to be null and void or may be canceled . Therefore, Notary in carrying out the department should be able to know their responsibility as a Notary , the Notary to be protected from claims for rescission and damages for acts done before him . Research methods in this study are descriptive analysis using normative juridical approach . Source data obtained by secondary data . Secondary data obtained through primary legal materials , legal materials and secondary legal materials tertiary. Data collection tools used in this research is the study of documents, further data were analyzed qualitatively.

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