

Tanggung jawab notaris terhadap akta yang dibuatnya sebagai dasar pengalihan harta warisan berupa tanah di luar negeri (studi kasus putusan Pengadilan Negeri Jakarta Pusat Nomor 440/PDT.G/2013/PN.JKT.PST) = Notary responsibility for his deed as a foundation to transfer an inheritance which is an overseas estate a case study on the verdict of central Jakarta District court Nomor 440/PDT.G/2013/PN.JKT.PST)

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Abstrak

[Tesis ini membahas mengenai tanggung jawab notaris terhadap akta yang dibuatnya untuk mengalihkan tanah warisan yang terletak di luar negeri. Akta tersebut dibuat berdasarkan permintaan salah satu ahli waris untuk mengalihkan tanah warisan tersebut kepada dirinya tanpa persetujuan ahli waris yang lain dan tanpa sepengetahuan mereka. Terkait dengan topik ini, penulis mengambil putusan Pengadilan Negeri Jakarta Pusat Nomor 440/PDT.G/2013/PN.JKT.PST untuk dianalisis. Dalam hal terjadinya perbuatan melawan hukum yang dilakukan oleh salah seorang ahli waris tersebut, serta kesalahan yang telah dibuat oleh notaris, maka akibat hukum apa yang dapat terjadi terhadap perbuatan hukum yang telah dilangsungkan tersebut. Apakah putusan Pengadilan Negeri Jakarta Pusat Nomor 440/PDT.G/2013/PN.JKT.PST telah sesuai dengan hukum yang berlaku di Indonesia dan sanksi apa yang dapat dijatuhkan kepada notaris akibat kesalahannya, bila berdasarkan Undang-Undang Jabatan Notaris Nomor 2 Tahun 2014, sumpah jabatan notaris, dan Kode Etik Notaris. Dengan menggunakan metode penelitian hukum normatif yang melakukan penelitian terhadap bahan primer, sekunder, dan tersier, maka didapatkanlah kesimpulan bahwa Putusan Pengadilan Negeri Jakarta Pusat Nomor 440/PDT.G/2013/PN.JKT.PST telah sesuai dengan hukum yang berlaku di Indonesia. Notaris yang melanggar Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris, sumpah jabatan notaris, dan Kode Etik Notaris, harus dikenakan sanksi yang sesuai. Selain itu, notaris harus selalu mengikuti penyuluhan hukum untuk mengikuti perkembangan hukum yang berlaku di Indonesia.; This thesis deals with the notary responsibility for his deed that he made for transfer the overseas inheritable estate. The deed was made based on one of the heirs demand, to transfer the estate to her without other heirs approval and without their knowledge. Related to this topic, the author takes on the ruling of the Central Jakarta District Court to be analyzed. In terms of the tort which was did by one of the heirs, and the fault that has been done by notary, so what is the legal consequences for the legal actions that had been held. Is the ruling of the Central Jakarta District Court has complied with Indonesian law, and what sanctions can be imposed on notary due to his fault, if it is based on Notary Act No. 2 of 2014, notary vow, and Code of Notary Conduct. Using the methodology of the normative legal research conducted a study of the primary material, secondary, tertiary, obtained the conclusion that the verdict of Central Jakarta District Court Number 440/PDT.G/2013/PN.JKT.PST were in accordance with the Indonesian law. Notary who breaking the Notary Act No. 2 of 2014 concerning the

amendment to Notary Act No. 30 Year 2004, notary vow, and Code of Notary Conduct, must be subjected to appropriate sanctions. In addition, the notary must always follow the legal counseling to update the Indonesian law progress, This thesis deals with the notary responsibility for his deed that he made for transfer the overseas inheritable estate. The deed was made based on one of the heirs demand, to transfer the estate to her without other heirs approval and without their knowledge. Related to this topic, the author takes on the ruling of the Central Jakarta District Court to be analyzed. In terms of the tort which was did by one of the heirs, and the fault that has been done by notary, so what is the legal consequences for the legal actions that had been held. Is the ruling of the Central Jakarta District Court has complied with Indonesian law, and what sanctions can be imposed on notary due to his fault, if it is based on Notary Act No. 2 of 2014, notary vow, and Code of Notary Conduct. Using the methodology of the normative legal research conducted a study of the primary material, secondary, tertiary, obtained the conclusion that the verdict of Central Jakarta District Court Number 440/PDT.G/2013/PN.JKT.PST were in accordance with the Indonesian law. Notary who breaking the Notary Act No. 2 of 2014 concerning the amendment to Notary Act No. 30 Year 2004, notary vow, and Code of Notary Conduct, must be subjected to appropriate sanctions. In addition, the notary must always follow the legal counseling to update the Indonesian law progress]