

Perbuatan melawan hukum notaris akibat kelalaiannya dalam membuat akta perubahan anggaran dasar CV: studi kasus putusan Pengadilan Negeri Pekanbaru nomor 116/PDT/G/2012 PN.PBR = Unlawful acts of notary due to negligence in making of amendment the articles of partnership CV: case study District Court of Pekanbaru number 116/PDT/G/2012 PN.PBR

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Abstrak

[Perbuatan Melawan Hukum diartikan sebagai suatu perbuatan yang melanggar hukum tertulis maupun hukum tidak tertulis. Dalam hal ini Notaris telah membuat akta Perubahan anggaran dasar CV yang melawan hukum dikarenakan adanya kelalaian Notaris dalam membuat minuta akta, yang mana notaris tidak memintakan bukti fisik dari surat kuasa pihak yang berkepentingan dalam akta sehingga terdapat keterangan palsu dalam akta tersebut. Dalam hal ini bagaimana prosedur pembuatan akta menurut Undang-Undang dan apa akibat hukum terhadap akta tersebut yang dibuat tidak sesuai undang-undang serta apa sanksi yang dikenakan terhadap notaris yang melakukan pelanggaran tersebut, Dalam penelitian ini menggunakan metode kepustakaan yaitu metode yang memiliki kegiatan mengumpulkan data sekunder yang dapat berupa bahan hukum primer maupun bahan hukum sekunder. Analisa kasus dilakukan terhadap putusan Pengadilan Negeri Pekanbaru Nomor 116/Pdt/G/2012/Pn.Pbr, dan adapun prosedur pembuatan akta notaris yang dibuat oleh (akta relaas) atau dihadapan (akta partij) Notaris dan akibat dari tidak dibuatnya akta menurut Undang-Undang adalah akta tersebut batal demi hukum. Sanksi yang dikenakan pada notaris tersebut bisa berupa sanksi perdata, sanksi pidana, dan sanksi administratif. Dalam hal ini Notaris hendaknya memiliki sifat kehati-hatian, ketelitian dan memiliki itikad baik dalam pembuatan akta otentik serta mematuhi ketentuan hukum yang berlaku dan berlandaskan pada moral dan etika.

.....Unlawful acts defined as an act in violation of written law and unwritten law. In this case notary had been made of amendment the articles of partnership CV that unlawful because of negligence in making notarial deed, notary did not ask physical evidence the power of attorney of interested parties in the act so there is false information in the act. In this case how the deed manufacturing procedures according to law and what sanctions are imposed on the notary who committed the offense, In this research literature using the methods that have a secondary data gathering activities that

can be either primary law materials or secondary legal materials. In this case analysis to the decisions of the District Court of Pekanbaru Number 116/Pdt/G/2012/Pn.Pbr. and as for making procedure that is created by (deed party) or presence (announcement notarial) deed, and the consequences of the deed not made under the act is the deed is null and void, and sanctions imposed on the notary which are able to form civil sanctions, criminal sanctions, and administrative sanctions. In this case notary should have a prudent nature, thoroughness, and good faith in making authentic deed and to comply with applicable law and based on moral and ethical. Unlawful acts defined as an act in violation of written law and unwritten law. In this case notary had been made of amendment the articles of partnership CV that unlawful because of negligence in making notarial deed, notary did not ask physical evidence the power of attorney of interested parties in the act so there is false information in the act. In this

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