

Pertanggungjawaban notaris/ppat yang turut serta memasukkan keterangan palsu ke dalam akta autentik (Studi kasus putusan Mahkamah Agung Republik Indonesia nomor 451/K.PID/2018) = Responsibility of notary/land deed officer who participate in incorporating false information into authentic deeds (Case study of the decision of The Supreme Court of the Republic of Indonesia number 451/K.PID/2018).

Priska Talitha Fatimah, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20514774&lokasi=lokal>

Abstrak

Notaris/PPAT dalam melaksanakan jabatannya harus berpedoman dan taat pada aturan-aturan serta kode etik profesi yang berlaku, tetapi realitanya masih sering dijumpai Notaris/PPAT yang melakukan penyimpangan-penyimpangan. Tesis ini membahas tentang adanya penyimpangan dari aturan-aturan serta kode etik Notaris/PPAT pada Putusan Mahkamah Agung Nomor 451K/Pid/2018 dimana Notaris/PPAT HAK didakwa telah melakukan tindak pidana pemalsuan akta autentik. Adapun permasalahan yang diangkat dalam penelitian ini adalah mengenai terpenuhinya unsur-unsur tindak pidana pemalsuan akta autentik oleh Notaris/PPAT HAK dalam melaksanakan jabatannya dan tanggung jawab Notaris/PPAT HAK dalam kasus pemalsuan akta autentik berdasarkan Putusan Mahkamah Agung Republik Indonesia Nomor 451/K.Pid/2018. Untuk menjawab permasalahan tersebut digunakan metode penelitian yuridis normatif dengan tipologi penelitian adalah problem solution. Hasil penelitian menyimpulkan bahwa dalam kasus ini Notaris/PPAT HAK dikenakan Pasal 266 ayat (1) juncto Pasal 55 ayat (1) ke-1 KUHP, namun penggunaan pasal tersebut tidak tepat karena lebih tepat dikenakan Pasal 264 ayat (1) angka (1) juncto Pasal 55 ayat (1) ke-) KUHP. Notaris/PPAT dalam kasus ini dijatuhi pidana penjara 8 (delapan) bulan. Selain dimintakan pertanggungjawaban pidana, Notaris/PPAT HAK juga dapat dimintakan pertanggungjawaban baik secara perdata maupun administratif.

.....Notary/Land Deed Officer in carrying out his position must be guided and obey the rules and professional code of ethics, but in reality, Notary/Land Deed Officer often encounter irregularities. This thesis discusses the existence of deviations from the applicable rules and code of ethics that occurred in the Supreme Court Decision Number 451K/Pid/2018 where the Notary/Land Deed Officer HAK was accused of having committed a criminal act of authentic deed forgery. The issues raised in this study are the fulfillment of the elements of the criminal act of deed forgery by the Notary/Land Deed Officer HAK in carrying out his position and the responsibility of the Notary/Land Deed Officer HAK in the case of authentic deed forgery based on the Decision of the Supreme Court of the Republic of Indonesia Number 451/K.Pid/2018. To answer this problem, a normative juridical research method is used with a research typology that is a problem solution. The results of the research conclude that in this case the Notary Public/Land Deed Officer HAK is subject to Article 266 paragraph (1) in conjunction with Article 55 paragraph (1) 1st of the Criminal Code, but the use of this article is inappropriate because it is more appropriate to be subject to Article 264 paragraph (1) number (1) juncto Article 55 paragraph (1) to (1) KUHP. Notary/Land Deed Officer HAK in this case was sentenced to 8 (eight) months imprisonment. In addition to being asked for criminal responsibility, Notary/Land Deed Officer HAK can also be held accountable both civil and administratively.