

## Kekuatan Pembuktian Akta Notaris Yang Disangkal Bukti-Bukti Lawan Dalam Putusan Mahkamah Agung Nomor 748 K/Pdt/2021 = The Probative Value of Notarial Deeds Which Were Refuted By Opposing Evidence In Supreme Court Decision No.748 K/Pdt/2021

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### Abstrak

Tesis ini menganalisa kekuatan pembuktian akta autentik notaris yang disangkal dengan bukti-bukti lawan, berikut implikasi hukumnya, berdasarkan Putusan Mahkamah Agung Nomor 748 K/Pdt/2021, dimana Majelis Hakim menguatkan putusan Pengadilan Tinggi Denpasar Nomor 175/Pdt/2019/PT.Dps dan putusan Putusan Pengadilan Negeri Denpasar Nomor 10/Pdt.G/2019/PN.Dps dengan menolak permohonan kasasi Ni Made Krisnawati, selaku penggugat pada tingkat perkara di Pengadilan Negeri, dan menghukum Ni Made Krisnawati untuk membayar biaya perkara dalam tingkat kasasi. Putusan Pengadilan Tinggi menguatkan putusan Pengadilan Negeri yang menolak gugatan Ni Made Krisnawati dan menyatakan bahwa serangkaian akta autentik notaris yang berkaitan dengan jual beli atas sebidang tanah di Desa Pecatu, Bali atas nama Ni Made Krisnawati beserta bangunannya, adalah sah dan mengikat Para Pihak dengan segala akibat hukumnya. Ni Made Krisnawati, selaku penggugat dalam tingkat Pengadilan Negeri, hendak membatalkan akta-akta tersebut dengan dalih bahwa apa yang sebenarnya terjadi antara dirinya dengan Ir. Johadi Akman, selaku tergugat I, adalah pinjam meminjam uang, yang dibuat seolah-olah terjadi jual beli tanah. Ni Made Krisnawati mencoba membuktikan dalilnya tersebut, antara lain, dengan menghadirkan beberapa barang bukti lawan berupa: kuitansi, fotokopi rekening, dan ââsalinan percakapan Whatsapp, untuk menunjukkan bahwa pembayaran yang dilaksanakan tidak sesuai dengan yang tercantum di dalam akta. Namun, Majelis Hakim Pengadilan Negeri tetap berpegang pada serangkaian akta-akta autentik notaris terkait dan menyatakannya sah dan mengikat demi hukum.

.....This thesis analyzes the probative value of an authentic notarial deeds that were refuted by certain opposing evidence, along with the legal implications, based on the Supreme Court Decision Number 748 K/Pdt/2021, where the Panel of Judges upheld the decision of the Denpasar High Court Number 175/Pdt/2019/PT.Dps and the decision of the Denpasar State Court Decision Number 10/Pdt.G/2019/PN.Dps by rejecting the appeal of Ni Made Krisnawati, who was the plaintiff at State Court, and sentenced Ni Made Krisnawati to pay the costs of the cassation. The High Court's decision upheld the State Court's decision which rejected Ni Made Krisnawati's claim and held that the series of notarial authentic deeds related to to the sale and purchase of a piece of land in Pecatu Village, Bali in her name, as well as the buildings erected there, were valid and binding on the Parties with all the legal consequences. Ni Made Krisnawati, as the plaintiff at the State Court level, wanted to cancel the notarial deeds by contending that what happened between her and Ir. Johadi Akman, as defendant I, was actually that she borrowed money from him, the sale and purchase of land was just to cover that up. Ni Made Krisnawati tried to prove that, among other things, by presenting several pieces of evidence: receipts, a copy of bank statements, and screenshots of a Whatsapp conversation to show that the payments made were not in accordance with those stated in the deed. However, the State Court Judges' Panel of Judges held that the authentic notarial deeds remained valid and binding under the law.