

**TINJAUAN YURIDIS PEMBATALAN AKTA NOTARIIL (AKTA
PERJANJIAN *NOMINEE*) DALAM PUTUSAN NOMOR
259/PDT.G/2020/PN.GIN**

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui pertanggungjawaban Notaris terhadap pembatalan akta perjanjian *nominee* atas Putusan Nomor 259/Pdt.G/2020/PN.Gin dan akibat hukum atas pelanggaran Kode Etik dan UUJN oleh Notaris dalam pembuatan akta perjanjian *nominee* atas kepemilikan tanah oleh WNA di Indonesia. Jenis penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan (*statue approach*), pendekatan kasus (*case approach*) dan pendekatan konseptual (*conseptual approach*). Penelitian ini didukung peraturan perundang-undangan seperti KUHPPerdata, KUHP, UU No. 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria, UU No. 2 Tahun 2014 tentang Perubahan Atas UU No. 30 Tahun 2004 tentang Jabatan Notaris, Kode Etik Notaris Kongres Luar Biasa Ikatan Notaris Indonesia serta Putusan Pengadilan Negeri Gianyar Nomor 259/Pdt.G/2020/PN.Gin serta didasarkan pada literatur ilmiah yang relevan dengan topik yang diteliti serta hasil wawancara dengan Notaris Anak Agung Bagus Putrajaya, S.H. Hasil penelitian ini menunjukkan bahwa, (1) Pertanggungjawaban notaris terhadap akta perjanjian *nominee* yang dibatalkan oleh putusan pengadilan berupa gugatan ganti rugi berdasarkan Pasal 84 UUJN dan Pasal 1365 KUHPPerdata serta pidana penjara selama 7 tahun berdasarkan Pasal 266 KUHP terkait tindak pidana pemalsuan surat. (2) Akibat hukum bagi Notaris yang membuat akta perjanjian *nominee* ditinjau dari perspektif Kode Etik Notaris berupa pemberian sanksi oleh Dewan Kehormatan Notaris berdasarkan Pasal 6 hingga Pasal 11 Kode Etik Notaris berupa pemberhentian dengan tidak hormat dari keanggotaan perkumpulan Ikatan Notaris Indonesia. Dalam perspektif UUJN, sanksi dijatuhkan berupa pemberhentian dengan tidak hormat, yang selanjutnya diusulkan oleh Majelis Pengawas Pusat kepada Kementerian Hukum Republik Indonesia untuk dilakukan pencabutan izin atau pemberhentian Notaris dari jabatannya.

Kata Kunci: Perjanjian *Nominee*, Notaris, Putusan Pengadilan, Pertanggungjawaban Hukum.

**JUDICIAL REVIEW OF THE CANCELLATION OF THE NOTARIAL DEED
(NOMINEE AGREEMENT DEED) IN DECISION NUMBER 259/PDT.
G/2020/PN. GIN**

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ABSTRACT

This study aims to determine the accountability of Notaries for the cancellation of the nominee's deed of agreement on Decision Number 259/Pdt.G/2020/PN. Gin and legal consequences for violations of the Code of Ethics and UUJN by Notaries in the making of nominee agreement deeds for land ownership by foreigners in Indonesia. This type of research uses normative legal research methods with a statutory approach, case approach and conceptual approach. This research is supported by laws and regulations such as the Civil Code, the Criminal Code, Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles, Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary, the Code of Ethics of Notaries of the Extraordinary Congress of the Indonesian Notary Association and the Decision of the Gianyar District Court Number 259/Pdt.G/2020/PN. The results of this study show that, (1) Notary liability of the notary for the nominee trustee agreement which was canceled by a court decision in the form of a lawsuit for damages based on Article 84 of the Civil Code and Article 1365 of the Civil Code as well as imprisonment for 7 years based on Article 266 of the Criminal Code related to the crime of forgery of letters. (2) The legal consequences for Notaries who make the nominee agreement deed are reviewed from the perspective of the Notary Code of Ethics in the form of sanctions by the Notary Honorary Council based on Articles 6 to 11 of the Notary Code of Ethics in the form of disrespectful dismissal from the membership of the Indonesian Notary Association association. In the perspective of the UUJN, sanctions are imposed in the form of dishonorable dismissal, which is then proposed by the Central Supervisory Council to the Ministry of Law of the Republic of Indonesia to revoke the license or dismiss the Notary from his position.

Keywords: *Nominee Trustee Agreement, Notary, Court Decision, Legal Liability.*