

ABSTRAK

Cheryl Deslyn (01656220058)

KEABSAHAN AKTA AUTENTIK YANG DITANDATANGANI TANPA DIBACAKAN OLEH NOTARIS DI HADAPAN PENGHADAP YANG BUTA HURUF (STUDI KASUS)

(xiii + 120 halaman; 1 lampiran)

Notaris sebagai pejabat umum yang diangkat oleh negara, berwenang membuat akta autentik sebagai alat bukti paling kuat dan sempurna. Menurut pasal 16 ayat (1) huruf m UUJN, notaris wajib membacakan akta di hadapan penghadap. Namun, pada praktiknya, ditemukan notaris yang tidak membacakan akta pada penghadap buta huruf sehingga membawa permasalahan hukum. Penelitian ini bertujuan mengetahui akibat hukum dan kedudukan akta autentik yang ditandatangani tanpa dibacakan oleh notaris di hadapan penghadap yang buta huruf berdasarkan Putusan Nomor 31/PDT.G/2021/PNBLI. Jenis penelitian menggunakan penelitian hukum normatif dengan jenis data sekunder dari studi kepustakaan, dianalisis secara kualitatif. Hasil penelitian bahwa notaris berkewajiban membacakan akta di hadapan penghadap hingga dimengerti jelas agar menghindari multitafsir/kesalahpahaman/ketidaksesuaian dengan kesepakatan. Jika penghadap telah mengerti dan menyetujui isi akta, segera akta ditandatangani sebagai tanda persetujuan. Notaris yang tidak membacakan akta pada penghadap berakibat hukum akta mengalami penurunan kekuatan pembuktian dan batal demi hukum/dapat dibatalkan, kecuali menurut pasal 16 ayat (7) UUJN, penghadap menghendaki membaca sendiri dan telah mengerti isi akta serta pada penutup akta dicantumkan alasannya. Kedudukan akta autentik pada putusan yang dibahas, akta menjadi batal demi hukum karena notaris tidak membacakan akta bagi penghadap buta huruf dan melanggar pasal 16 ayat (1) huruf m UUJN dan Pasal 1320 KUHP.

Kata Kunci : Notaris, Akta Autentik, Buta Huruf, Pembacaan Akta, Keabsahan Akta

Referensi : 81 (1988-2022)

ABSTRACT

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VALIDITY OF AN AUTHENTIC DEED SIGNED WITHOUT READING BY A NOTARY IN THE PRESENCE OF AN ILLETEATE APPEAL (CASE STUDY)

(xiii + 120 pages; 1 attachments)

Notaries as public officials appointed by the state, have the authority to make authentic deeds as the strongest and most perfect evidence. According to article 16 paragraph (1) letter m UUJN, the notary is obliged to read the deed in front of the audience. However, in practice, it is found that notaries do not read deeds to illiterate people, which can lead to legal problems. This research aims to determine the legal consequences and position of an authentic deed signed without being read by a notary in the presence of an illiterate audience based on Decision Number 31/PDT.G/2021/PNBLI. This type of research uses normative legal research with secondary data from literature studies, analyzed qualitatively. The research results show that the notary is obliged to read the deed in front of the audience until it is clearly understood in order to avoid multiple interpretations/misunderstandings/discrepancies with the agreement. If the person present understands and agrees to the contents of the deed, the deed is immediately signed as a sign of approval. A notary who does not read the deed to the person present will legally result in the deed having reduced evidentiary power and being null and void/can be cancelled, unless according to article 16 paragraph (7) UUJN, the person wishing to read it himself and has understood the contents of the deed and the reasons for this are stated on the cover of the deed. The position of the authentic deed in the decision being discussed is that the deed becomes null and void because the notary did not read the deed to the illiterate person and violated Article 16 paragraph (1) letter m UUJN and Article 1320 of the Civil Code.

Keywords : Notary, Authentic Deed, Illiteracy, Deed Reading, Deed Validity

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