

PERTANGGUNGJAWABAN NOTARIS TERHADAP AKTA HIBAH SAHAM YANG DIBUAT TANPA PERMINTAAN PARA PIHAK

(Studi Putusan Mahkamah Agung Nomor 690 PK/Pdt/2021)

Oleh:

Utami Destianing Wulandari ¹, Destri Budi Nugraheni ²

INTISARI

Penelitian ini bertujuan untuk mengetahui, menganalisis, serta mengkaji akibat hukum akta hibah saham yang dinyatakan batal demi hukum terhadap para pihak berdasarkan Putusan Mahkamah Agung Nomor 690 PK/Pdt/2021 dan pertanggungjawaban Notaris yang dinyatakan melakukan perbuatan melawan hukum berdasarkan Putusan Mahkamah Agung Nomor 690 PK/Pdt/2021.

Penelitian ini merupakan penelitian hukum dengan jenis penelitian normatif. Cara penelitian dilakukan dengan metode dokumentasi sedangkan alat pengumpulan data penelitian ini menggunakan penelitian dengan studi kepustakaan dan wawancara. Wawancara dilakukan terhadap dosen dan beberapa orang notaris di Kota Bengkulu. Metode analisis data yang digunakan dalam penelitian ini adalah kualitatif.

Berdasarkan hasil penelitian dan pembahasan maka diperoleh kesimpulan, 1) akibat hukum akta hibah saham yang dinyatakan batal demi hukum yaitu perjanjian hibah saham dianggap tidak pernah terjadi sehingga tidak terjadi peralihan hak milik atas saham-saham tersebut, oleh sebab itu saham-saham dikembalikan kepada PT. Asa Investment 2) pertanggungjawaban Notaris yang dinyatakan melakukan perbuatan melawan hukum berdasarkan Putusan Mahkamah Agung Nomor 690 PK/Pdt/2021 yaitu dituntut mengembalikan akta yang berkaitan dengan saham pada keadaan semula sesuai dengan akta pendirian PT. Asa Investment nomor 2 tanggal 5 Maret tahun 2007.

Kata Kunci: Tanggung Jawab Notaris, Akta Hibah Saham, Pembatalan Akta Hibah Saham.

¹ Jalan Komplek Pepabri Blok D1 No. 19 RT 018 RW 004, Kelurahan Lingkar Barat, Kecamatan Gading Cempaka, Kota Bengkulu.

² Magister Kenotariatan, Fakultas Hukum, Universitas Gadjah Mada, Jalan Sosio Yustisia Bulaksumur Nomor 1, Kecamatan Depok, Kabupaten Sleman, Daerah Istimewa Yogyakarta.

NOTARY LIABILITY FOR SHARE GRANT DEEDS MADE WITHOUT REQUEST OF THE PARTIES

(Study of Supreme Court Decision Number 690 PK/Pdt/2021)

By:

Utami Destianing Wulandari ³, Destri Budi Nugraheni ⁴

ABSTRACT

This research aims to find out, analyze, and examine the legal consequences of the share grant deed which was declared null and void against the parties based on the Supreme Court Decision Number 690 PK/Pdt/2021 and the accountability of the Notary who was declared to have committed an unlawful act based on the Supreme Court Decision Number 690 PK /Pdt/2021. This research is a legal research with a normative research type.

The method of research was carried out using the documentation method while the data collection tool for this research used research with literature studies and interviews. Interviews were conducted with lecturers and several notaries in Bengkulu City. The data analysis method used in this research is qualitative.

Based on the results of the research and discussion, the conclusions are obtained, 1) the legal consequences of the share grant deed which are declared null and void, namely the share grant agreement is deemed to have never happened so that there is no transfer of ownership rights to the shares therefore the shares are returned to PT . Asa Investment 2) the responsibility of the Notary who was declared to have committed an unlawful act based on the Supreme Court Decision Number 690 PK/Pdt/2021, namely being required to return the deed related to shares to their original condition in accordance with the deed of establishment of PT. Asa Investment number 2 dated March 5 2007.

Keywords: Notary Responsibilities, Share Grant Deed, Cancellation of Share Grant Deed.

³ Jalan Komplek Pepabri Blok D1 No. 19 RT 018 RW 004, Kelurahan Lingkar Barat, Kecamatan Gading Cempaka, Kota Bengkulu.

⁴ Magister Kenotariatan, Fakultas Hukum, Universitas Gadjah Mada, Jalan Sosio Yustisia Bulaksumur Nomor 1, Kecamatan Depok, Kabupaten Sleman, Daerah Istimewa Yogyakarta.