

## KEDUDUKAN NOTARIS DALAM TINDAK PIDANA KORUPSI ATAS PEMANFAATAN TANAH DESA DI KABUPATEN SLEMAN

Intisari

Oleh:

Gadis Ayu Fadhila<sup>1</sup> dan Sigid Riyanto<sup>2</sup>

Tanah desa di Daerah Istimewa Yogyakarta, khususnya Kabupaten Sleman, mengalami perubahan status hukum sejak masa kolonial hingga masa otonomi daerah, termasuk melalui pengaturan dalam Peraturan Daerah dan Peraturan Gubernur. Namun, dalam praktiknya, pengelolaan dan pemanfaatan tanah desa kerap disalahgunakan, bahkan memicu tindak pidana korupsi yang melibatkan kepala desa dan pihak swasta yang berawal dari perjanjian yang tidak memenuhi ketentuan perundang-undangan yang dilakukan *waarmeerking* oleh notaris. Penelitian ini berfokus pada kedudukan notaris dalam pengalihan pemanfaatan tanah desa di Kabupaten Sleman serta bentuk pertanggung jawaban hukum oleh Notaris dalam pengalihan pemanfaatan tanah desa yang disalahgunakan menjadi tindak pidana korupsi di Kabupaten Sleman.

Penelitian ini merupakan penelitian hukum normatif-empiris bersifat deskriptif yang menggabungkan studi kepustakaan dan studi lapangan dengan wawancara untuk mengkaji kedudukan dan tanggung jawab hukum notaris dalam penyalahgunaan pemanfaatan tanah desa di Sleman. Data diperoleh dari data primer dan data sekunder, yang dianalisis secara kualitatif melalui tahapan persiapan, pelaksanaan, dan penyelesaian.

Hasil penelitian menunjukkan notaris memiliki kewenangan administratif terbatas sebagaimana diatur dalam Pasal 15 ayat (2) huruf b Undang-Undang Jabatan Notaris, yakni mencatat surat di bawah tangan ke dalam buku khusus tanpa mengesahkan substansi isi dokumen. Meskipun demikian, notaris tetap terikat pada prinsip kehati-hatian, integritas, dan kepatuhan terhadap hukum. Dalam kasus-kasus korupsi di Sleman, dokumen hasil *waarmerking* kerap dijadikan legitimasi formal dalam transaksi ilegal atas tanah desa. Kelalaian atau kesengajaan notaris dalam proses *waarmerking* dapat berakibat pada pertanggungjawaban hukum, termasuk pidana, namun jika bertindak sesuai prosedur, notaris mendapat perlindungan hukum dan tidak bertanggung jawab atas isi dokumen.

**Kata kunci : Notaris, Korupsi, dan Tanah Desa**

---

<sup>1</sup> Mahasiswa Program S-2 Magister Kenotariatan, Fakultas Hukum, Universitas Gadjah Mada Yogyakarta ([gadisayufadhila@mail.ugm.ac.id](mailto:gadisayufadhila@mail.ugm.ac.id))

<sup>2</sup> Dosen Fakultas Hukum Universitas Gadjah Mada Yogyakarta ([sigid.riyanto@mail.ugm.ac.id](mailto:sigid.riyanto@mail.ugm.ac.id))

## **THE POSITION OF THE NOTARY IN THE CRIME OF CORRUPTION OF VILLAGE LAND UTILIZATION IN SLEMAN DISTRICT**

Abstract

By

Gadis Ayu Fadhila<sup>1</sup> dan Sigid Riyanto<sup>2</sup>

Village land in the Special Region of Yogyakarta, particularly in Sleman Regency, has undergone legal status changes from the colonial era to the era of regional autonomy, including regulations established through Regional Regulations and Governor's Regulations. However, in practice, the management and utilization of village land are often subject to misuse, even leading to corruption involving village heads and private parties, originating from agreements that do not comply with statutory provisions and are notarized through *waarmerking* by notaries. This study focuses on the role of notaries in the transfer of utilization rights of village land in Sleman Regency, as well as the legal accountability of notaries in cases where such transfers are misused as corruption.

The research employs a normative-empirical legal approach with a descriptive nature, combining library research and field interviews to examine the position and legal responsibility of notaries in the misuse of village land utilization in Sleman. Data were collected from primary, secondary, and tertiary legal materials, as well as interviews, and were qualitatively analyzed through preparation, implementation, and completion stages.

Notaries possess limited administrative authority as stipulated in Article 15 paragraph (2) letter b of the Notary Position Law, which authorizes them to record underhand letters in a special ledger without validating the substantive content of the documents. Nevertheless, notaries remain bound by principles of prudence, integrity, and legal compliance. In corruption cases in Sleman, documents resulting from *waarmerking* are often used as formal legitimization for illegal transactions involving village land. Negligence or intentional misconduct by notaries in the *waarmerking* process may result in legal liability, including criminal responsibility; however, if notaries act in accordance with established procedures, they are granted legal protection and are not held accountable for the content of the documents.

**Key words: Notaries, Corruption, and Village land**

---

<sup>1</sup> Student of Master Program in Notary Law, Faculty of Law, Gadjah Mada University, Yogyakarta ([gadisayufadhila@mail.ugm.ac.id](mailto:gadisayufadhila@mail.ugm.ac.id))

<sup>2</sup> Lecturer Faculty of Law Gadjah Mada University, Yogyakarta ([sigid.riyanto@mail.ugm.ac.id](mailto:sigid.riyanto@mail.ugm.ac.id))