

**ANALISIS PRAKTIK PENANDATANGANAN AKTA SURAT KUASA MEMBEBAK HAK TANGGUNGAN (SKMHT) DAN PEMBAHARUANNYA YANG DILAKUKAN SECARA BERSAMAAN OLEH NOTARIS DI DAERAH ISTIMEWA YOGYAKARTA**

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**INTISARI**

Penelitian ini bertujuan mengetahui dan menganalisis alasan Notaris melakukan praktik penandatanganan akta SKMHT dan pembaharuannya yang dilakukan secara bersamaan serta implikasi hukum terhadap Notaris dan para pihak terkait. Penelitian dalam tesis ini merupakan penelitian hukum empiris dengan pendekatan hukum sosiologi yang bersifat deskriptif. Jenis data yang digunakan adalah data primer yang diperoleh dari wawancara terhadap responden antara lain terdiri dari 10 Notaris yang berpraktik di Daerah Istimewa Yogyakarta (DIY). Penentuan data yang diperoleh menggunakan teknik *non probability sampling* dan dianalisis secara kualitatif dengan penarikan kesimpulan secara deduktif.

Hasil penelitian menunjukkan, bahwa praktik penandatanganan akta SKMHT dan pembaharuannya dilakukan secara bersamaan oleh Notaris di DIY merupakan respon Notaris terhadap keterbatasan jangka waktu dalam Pasal 15 UUHT ayat (3) dan (4). Dua alasan utama dilakukan praktik ini: kebutuhan mendesak debitor dan target pemenuhan kredit perbankan, upaya efisiensi waktu serta kehadiran para pihak. Inisiatif Notaris dan persetujuan kreditor juga turut mendukung praktik ini. Selain itu, sebagian kecil Notaris melakukan praktik karena pertimbangan Notaris terhadap pemahaman karakter para pihak. Tindakan tersebut melanggar ketentuan formil akta autentik dalam Pasal 16 ayat (1) huruf m UUN-P. Risiko hukumnya, akta pembaharuan SKMHT kehilangan keotentisitasannya dan turun derajat menjadi akta dibawah tangan, sehingga APHT yang didasarkan padanya batal demi hukum setelah adanya putusan pengadilan. Lebih lanjut, Notaris berpotensi untuk dimintai pertanggungjawaban secara perdata maupun pidana serta sanksi administrasi, kreditor kehilangan kedudukan preferennya serta hak eksekusinya, sementara debitor kehilangan perlindungan hukum atas objek jaminan dan berisiko menanggung beban utang dengan seluruh kekayaan pribadi.

**Kata Kunci:** Pembaharuan SKMHT, Penandatanganan Bersamaan, Praktik Kenotariatan.

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**ANALYSIS OF THE PRACTICE OF SIMULTANEOUS SIGNING OF  
THE POWER OF ATTORNEY TO ENCUMBER MORTGAGE  
(SKMHT)DEED AND ITS RENEWAL BY NOTARIES  
IN THE SPECIAL REGION OF YOGYAKARTA**

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**ABSTRACT**

*This research aims to examine and analyze the reasons notaries engage in the simultaneous signing of the Power of Attorney to Encumber Mortgage (SKMHT) deed and its renewal, as well as to assess the legal implications of this practice for notaries and the parties involved.*

*The study employs an empirical legal research method with a sociological approach and is descriptive in nature. Primary data were collected through interviews with 10 notaries practicing in the Special Region of Yogyakarta (DIY), selected using a non-probability sampling technique, and analyzed qualitatively with deductive reasoning.*

*The findings reveal that the practice of simultaneous signing and renewal of SKMHT by Notaries in Yogyakarta is a response to the time limitations stipulated in Article 15 paragraphs (3) and (4) of the Mortgage Law (UUHT). This practice is mainly driven by two factors: the urgent financial needs of debtors and the credit fulfillment targets of banks, The need for efficiency in time and attendance of the parties. The Notary's initiative and the creditor's consent also contribute to this practice. Additionally, a small number of Notaries perform this practice based on their understanding of the parties' characteristics. Nevertheless, such conduct violates the formal requirements of authentic deeds as regulated under Article 16 paragraph (1) letter m of the Notary Office Law (UUJN-P). The legal risk of the renewal SKMHT deed thereby loses its authenticity and is downgraded to a private deed., rendering any Deed of Mortgage (APHT) based on it null and void deed resulting in the APHT based on it being null and void by operation of law after a final and binding court decision. Furthermore, notaries face potential civil and criminal liability as well as administrative sanctions, creditors lose their preferential and executory rights, while debtors are deprived of legal protection over the collateral and risk bearing liability for debts with their entire personal assets.*

*Keywords: Renewal Of SKMHT, Simultaneous Execution, Notarial Practice*

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