

Perlindungan dan Pertanggungjawaban Hukum Terhadap Penyalahgunaan Akun Administrasi Hukum Umum (AHU) Online (Studi Kasus Pada Notaris Di Sleman dan Bantul)

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan mengkaji perlindungan hukum bagi Notaris terhadap penyalahgunaan akun AHU *Online* karena adanya peristiwa peretasan, pertanggungjawaban Notaris terhadap penyalahgunaan akun AHU *Online* oleh biro jasa karena pemberian akses oleh Notaris, implikasi hukum terhadap dokumen hukum yang diterbitkan melalui sistem AHU Online akibat peretasan dan penyalahgunaan akun AHU *Online*.

Penelitian ini merupakan penelitian yuridis empiris dengan sifat deskriptif, dengan pendekatan kualitatif. Data diperoleh dari data sekunder dan data primer. Wawancara melalui responden pejabat pemerintahan di Kanwil Kementerian Hukum DIY, MPD Sleman dan Bantul, Notaris dan narasumber dari akademisi bertujuan untuk memperoleh data empiris peretasan dan penyalahgunaan terhadap akun AHU *Online*.

Hasil penelitian yaitu: Pertama perlindungan hukum oleh Ditjen AHU terhadap Notaris dilakukan pemblokiran akun AHU *Online*. Tindakan pemblokiran dapat menjadi objek sengketa PTUN jika menimbulkan kerugian bagi Notaris. Notaris dapat melakukan upaya hukum administratif, gugatan ke PTUN, dan Ombudsman. Kedua pertanggungjawaban Notaris yang meninggal dunia menghapus tanggung jawab administratif tetapi tidak menghapus tanggung jawab perdata. Pihak ketiga yang dirugikan bisa mengajukan gugatan ke PN dengan mengajukan gugatan kerugian materiil bukan PMH karena PMH merupakan perbuatan individu yang tidak dapat diwariskan ke ahli waris. Ketiga dokumen hukum yang dihasilkan dari Notaris yang diretas dapat dibatalkan oleh Ditjen AHU karena adanya cacat wewenang dan cacat prosedur, berlaku asas praduga sah sebelum adanya putusan di PTUN. Dokumen hukum dari Notaris yang memberi akses akun AHU *Online* mengakibatkan pembuktian akta dibawah tangan menimbulkan kerugian. Pihak ketiga bisa menggugat kerugian materiil tersebut ke PN. Pembatalan SK pihak ketiga bisa melakukan upaya administratif dan gugatan ke PTUN. Pembatalan SP pihak ketiga bisa mengajukan gugatan ke PN.

Kata kunci: Notaris, Biro Jasa, Perlindungan Hukum, Pertanggungjawaban Hukum, Dokumen Hukum

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Legal Protection and The Liability of Notaries for The Misuse of General Legal Administration (AHU) Online Accounts

(A Case Study in Sleman and Bantul)

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ABSTRACT

This research aims to examine and analyze the legal protection afforded to Notaries against the misuse of AHU Online accounts resulting from hacking incidents, the liability of Notaries for the misuse of AHU Online accounts by service bureaus due to the granting of access by the Notaries, and the legal implications for legal documents issued through the AHU Online system as a consequence of hacking and misuse of such accounts.

This research employs an empirical juridical method with a descriptive nature and a qualitative approach. The data were obtained from secondary and primary sources. Interviews were conducted with government officials at the Regional Office of the Ministry of Law and Human Rights of the Special Region of Yogyakarta, members of the Sleman and Bantul Regional Supervisory Councils (MPD), Notaries, and academic experts, with the purpose of obtaining empirical data regarding hacking incidents and the misuse of AHU Online accounts.

The findings of this study are as follows. First, legal protection provided by the Directorate General of AHU to Notaries is implemented through the blocking of AHU Online accounts. Such blocking may constitute an object of dispute before the State Administrative Court (PTUN) if it causes losses to the Notary. In this regard, Notaries may pursue administrative remedies, file a lawsuit with the PTUN, and submit a complaint to the Ombudsman. Second, the death of a Notary eliminates administrative liability but does not extinguish civil liability. Third parties who suffer losses may file a lawsuit before the District Court by claiming material damages, rather than filing a tort claim, as tortious acts are personal in nature and cannot be inherited by heirs. Third, legal documents produced by a hacked Notary may be annulled by the Directorate General of AHU due to defects in authority and procedural defects, while remaining valid under the presumption of legality principle until a court decision is rendered by the PTUN. Legal documents issued by a Notary who grants access to an AHU Online account result in such deeds being deemed private deeds, thereby causing losses. Third parties may file claims for material damages before the District Court. In the event of the annulment of a decree (SK), third parties may pursue administrative remedies and file a lawsuit with the PTUN, whereas the annulment of a certificate (SP) may be challenged through a civil lawsuit before the District Court.

Keywords: Notary, Service Bureau, Legal Protection, Legal Liability, Legal Documents

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