



TANGGUNG JAWAB NOTARIS DALAM PEMBUATAN AKTA WASIAT YANG TIDAK MENCANTUMKAN ALAS HAK KEPEMILIKAN (Studi Putusan No.1395/Pdt.G/2013/PA.Smn)

INTISARI

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Penelitian ini bertujuan untuk mengetahui dan menganalisis tanggung jawab notaris terhadap pembuatan akta wasiat yang dibuat di hadapan notaris yang tidak mencantumkan alas hak kepemilikan objek wasiat dan untuk mengetahui akibat hukum atas pembatalan akta wasiat yang dibuat di hadapan notaris yang tidak mencantumkan alas hak kepemilikan objek wasiat.

Penelitian ini menggunakan jenis penelitian yuridis normatif dengan bahan penelitian yakni data primer dan data sekunder. Sifat penelitian yaitu bersifat deskriptif. Data primer diperoleh langsung dari responden dan narasumber melalui wawancara. Data sekunder diperoleh dari penelitian kepustakaan. Analisis data dilakukan dengan metode analisis kualitatif.

Hasil penelitian menunjukkan bahwa Notaris tidak bertanggung jawab terhadap pembuktian materiil akta *partij*. Akibat hukum terhadap pembatalan akta wasiat yang tidak mencantumkan alas hak kepemilikan yang dibuat di hadapan notaris Muhammad Kamaluddin Purnomo adalah bahwa akta wasiat tersebut dibatalkan oleh Pengadilan Agama Sleman. Akibat dari pembatalan akta wasiat oleh Pengadilan Agama Sleman, Notaris Muhammad Kamaluddin Purnomo bertanggung jawab untuk melaporkan pembatalan akta tersebut ke Daftar Pusat Wasiat pada Departemen Hukum dan HAM. Setelah akta diwasiat dibatalkan, objek wasiat dikembalikan sebagai harta waris dan dibagi menurut putusan Pengadilan Agama Sleman.

Kata Kunci : Tanggung Jawab, Notaris, Akta Wasiat

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**NOTARY RESPONSIBILITY IN MAKING THE DEED OF WILL THAT
DID NOT STATE
THE OWNERSHIP FREEHOLD RIGHTS
(A Study of Decision No.1395/Pdt.G/2013/PA.Smn)**

ABSTRACT

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This study aimed to find out and analyze the notary responsibility for making of the deed of will which was made before the notary that did not state the ownership freehold rights of the will object and find out the legal consequences of cancellation of the deed of will which was made before the notary that did not state the ownership.

This study used normative legal research with research materials of primary and secondary data. The research was descriptive. Primary data were obtained directly from respondents and informants through interviews. Meanwhile, the secondary data was obtained from library research. Data analysis was conducted using qualitative analysis methods.

The results of the study show that the notary was not responsible for the material evidence of the deed (*partij*). The legal consequence of the cancellation of the deed of will made before the notary Muhammad Kamaluddin Purnomo is that the will was canceled by the Sleman Religious Court. As a result of the cancellation of the will by the Sleman Religious Court, Notary Muhammad Kamaluddin Purnomo is responsible for reporting the cancellation of the deed to the Central Register of Wills at the Ministry of Law and Human Rights. After the deed of the will is canceled, the object of the will is returned as an inheritance and divided according to the decision of the Sleman Religious Court.

Keywords: Responsibilities, Notary, Deed of Will

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