

**TANGGUNG GUGAT PEJABAT PEMBUAT AKTA TANAH TERHADAP
PENGINGKARAN AKTA JUAL BELI TANAH BERSERTIPIKAT OLEH
PIHAK YANG DIRUGIKAN**

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ABSTRAK

Ratio Decidendi yang termuat dalam pertimbangan hukum hakim dalam suatu putusan merupakan salah satu aspek terpenting dalam menentukan terwujudnya nilai dari suatu putusan hakim yang mengandung keadilan dan mengandung kepastian hukum dari suatu putusan pengadilan. Putusan yang tidak mencantumkan pertimbangan hukum oleh hakim akan menyebabkan putusan tersebut batal demi hukum. Pertimbangan hakim atau *Ratio Decidendi* tersebut terdapat dalam konsideran “Menimbang” pada pokok perkara, yang bertitik tolak kepada pendapat para ahli, alat bukti, dan yurisprudensi yang harus disusun secara sistimatis, logis, saling berhubungan serta saling mengisi. Begitu pula mengenai putusan hakim perdata dalam menghukum Pejabat Pembuat Akta Tanah terkait dibatalkannya akta yang dibuat dan disahkan dihadapannya yang dapat dipergunakan untuk melakukan perbuatan hukum, akibat adanya pengingkaran akta. Namun dikarenakan dalam aturannya hanya menyangkut sanksi administrasi berdasarkan Permen ATR/BPN 2/2018 dan Kode Etik PPAT, maka tidak dapat bertanggung gugat secara perdata, sehingga menimbulkan kekosongan hukum.

Kata Kunci: Ratio Decidendi, Pejabat Pembuat Akta Tanah, Akta Jual Beli

**LIABILITY OF A LAND DEED OFFICIAL FOR REFUSE OF A CERTIFIED
LAND SALE AND PURCHASE DEED BY THE AFFECTED PARTY**

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ABSTRACT

Ratio Decidendi contained in the judge's legal considerations in a decision is one of the most important aspects in determining the realization of the value of a judge's decision that contains justice and contains legal certainty from a court decision. Decisions that do not include legal considerations by the judge will cause the decision to be null and void. Decisions that do not include the judge's legal considerations will cause the decision to be null and void. The judge's consideration or Ratio Decidendi is contained in the "Considering" preamble to the main case, which has its starting point on the opinions of experts, evidence, and jurisprudence which must be arranged systematically, logically, interconnected and complementary. Likewise regarding the civil judge's decision in punishing the Land Deed Making Official regarding the cancellation of the deed made and ratified before him which can be used to carry out legal actions, due to the denial of the deed. However, because the regulations only concern administrative sanctions based on Permen ATR/BPN 2/2018 and the PPAT Code of Ethics, they cannot be held liable in a civil manner, giving rise to a legal vacuum.

Keywords: Ratio Decidendi, Land Deed Official, The Notarial Sale And Purchase Agreement