

ABSTRAK

Pejabat Pembuat Akta Tanah (PPAT) memiliki peran krusial dalam pembuatan Akta Jual Beli hak atas tanah. Namun, apabila terbukti turut serta menempatkan keterangan palsu dalam akta otentik seperti halnya pada studi kasus Putusan Pengadilan Negeri Sleman Nomor 336/Pid.B/2017/PN.Smn., PPAT dapat diancam dengan sanksi pidana. Dalam penelitian ini, penulis merumuskan bagaimana PPAT dalam kasus tersebut dapat dikenakan sanksi pidana dan pertanggungjawabannya apabila terbukti melawan hukum, serta bagaimana langkah-langkah mitigasi agar PPAT tidak terjerat sanksi pidana.

Penelitian ini bertujuan untuk mengetahui dan menganalisa sanksi pidana terhadap PPAT adanya keterangan palsu dalam akta jual beli hak atas tanah. Selain itu juga menganalisa pertanggungjawaban pidana apabila terbukti menyuruh melakukan menempatkan keterangan palsu ke dalam akta otentik dan upaya mitigasi agar PPAT tidak terjerat sanksi pidana.

Dengan menggunakan metode penelitian hukum yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan kasus, penelitian ini menemukan bahwa pertanggungjawaban pidana PPAT hanya dapat dibenarkan dan dikenakan sanksi pidana apabila terbukti adanya kesengajaan dan kerja sama batiniah dengan pihak penghadap dalam memasukkan keterangan palsu.

Hasil penelitian ini menunjukkan bahwasanya PPAT dapat dikenakan sanksi pidana akibat adanya keterangan palsu dalam pembuatan akta jual beli hak atas tanah. Meski demikian, pentingnya ketelitian oleh PPAT dan penerapan asas *ultimum remedium* untuk mencegah kriminalisasi jabatan PPAT diperlukan tanpa mengesampingkan akuntabilitas melalui pertanggungjawaban perdata dan administratif. Mitigasi yang dapat dilakukan oleh PPAT sebelum pembuatan akta jual beli yaitu dapat melakukan verifikasi objek, subyek, dan transaksi dalam jual beli hak atas tanah.

Penelitian ini menunjukkan pentingnya prinsip kehati-hatian dan kecermatan dalam melakukan proses jual beli tanah agar tidak menjadi ancaman pidana bagi PPAT. Kemudian, penelitian ini diharapkan memberikan kontribusi konseptual dalam penegakan hukum yang proporsional dan memberikan langkah agar PPAT tidak terjerat sanksi pidana.

Kata kunci: sanksi pidana; PPAT; keterangan palsu; akta jual beli; hak atas tanah.

ABSTRACT

Land Deed Officials (PPAT) have a crucial role in the preparation of Deeds of Sale and Purchase of land rights. However, where a PPAT is proven to have participated in inserting false information into an authentic deed, as illustrated in the case decided by the Sleman District Court Decision Number 336/Pid.B/2017/PN.Smn., the PPAT may be subject to criminal sanctions. In this study, the author formulates how PPAT in the case can be subject to criminal sanctions and its liability if it is proven to be against the law, as well as how to take mitigation measures so that PPAT is not entangled in criminal sanctions.

This thesis aims to find out and analyze criminal sanctions against PPAT for false information in the deed of buying and selling land rights. In addition, it also analyzes criminal accountability if it is proven to be ordered to place false information into authentic deeds and mitigation efforts so that PPAT does not fall into criminal sanctions.

By using normative legal law research methods with a legislative, conceptual, and case approach, this study found that the criminal liability of PPAT can only be justified and subject to criminal sanctions if it is proven that there is an ambition and inner cooperation with the other party in including false information.

The results of this thesis, show that PPAT can be subject to criminal sanctions due to false negligence in making a deed of buying and selling land rights. However, the importance of thoroughness by PPAT and the implementation of the principle of ultimum remedium to prevent the criminalization of PPAT positions is necessary without disregarding accountability through civil and administrative responsibility. The mitigation that can be done by PPAT before making a deed of sale and purchase is to be able to verify objects, subjects, and transactions in buying and selling land rights.

This thesis, shows the importance of the principle of caution and meticulousness in carrying out the process of buying and selling land so that it does not become a criminal threat to PPAT. Then, this research is expected to provide a conceptual contribution in the enforcement of the law in a proportional way and provide steps so that PPAT is not entangled in criminal sanctions

Keywords: *criminal sanctions; PPAT; false information; deed of sale; land rights.*