

ABSTRAK

ANALISIS PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU TINDAK PIDANA PEMALSUAN AKTA OTENTIK (Studi Putusan Nomor: 249/Pid.B/2022/PN.Jkt.Brt)

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Kasus pemalsuan akta otentik kerap menjadi ancaman bagi kepastian hukum khususnya di bidang pertanahan yang sangat bergantung pada keabsahan akta sebagai alat bukti. Akta otentik sering dipalsukan dengan merekayasa isi dan melibatkan Notaris dan Pejabat Pembuat Akta Tanah (PPAT) untuk menandatangani tanpa sesuai fakta hukum. Penelitian ini bertujuan untuk menganalisis pertanggungjawaban pidana pelaku pemalsuan akta otentik berdasarkan Putusan Nomor: 249/Pid.B/2022/PN.Jkt.Brt serta mengkaji implikasi hukum terkait akta otentik yang dipalsukan dalam penegakan hukum di Indonesia.

Penelitian ini menggunakan metode penelitian kepustakaan dan jenis penelitian hukum normatif. Sumber data yang digunakan adalah data-data primer dan sekunder yang dilengkapi data tersier. Jenis teknik penelitiannya yaitu studi dokumen atau bahan pustaka, pengamatan atau observasi dan wawancara. Data dianalisa dengan metode pendekatan kualitatif.

Hasil penelitian menunjukkan dalam studi Putusan Nomor: 249/Pid.B/2022/PN.Jkt.Brt Pertanggungjawaban objektif fokus pada unsur pidana tanpa memperhatikan batin pelaku sedangkan subjektif mensyaratkan kesalahan, kemampuan bertanggung jawab dan ketiadaan alasan pemaaf. Riri Khasmita dan Edrianto terbukti melanggar Pasal 264 ayat (2) KUHP jo. Pasal 55 KUHP bersama tiga Notaris dan PPAT. Akta tetap berlaku meski pembuatnya dipidana. Pembatalan akta otentik seperti AJB dan sertipikat dapat dilakukan melalui gugatan perdata ke Pengadilan Negeri atau Pengadilan Tata Usaha Negara untuk menjaga kepastian hukum dan hak atas tanah.

Sebagai saran, majelis hakim harus memastikan unsur kesalahan dan melawan hukum terbukti secara objektif dan subjektif sebelum menjatuhkan pidana serta mempertimbangkan keadilan dan proporsionalitas sanksi sesuai peran terdakwa. Masyarakat yang menghadapi masalah serupa disarankan mengajukan gugatan pembatalan AJB dan sertifikat tanah ke pengadilan atau permohonan ke Kementerian ATR/BPN untuk kepastian hukum. Notaris dan PPAT yang terbukti memalsukan akta wajib dilaporkan ke Majelis Kehormatan untuk penegakan disiplin dan menjaga integritas profesi.

Kata Kunci: Pertanggungjawaban Pidana, Pelaku, Pemalsuan

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Forgery of authentic deeds often became a threat to legal certainty, particularly in the field of land affairs, which heavily relies on the validity of deeds as legal evidence. Authentic deeds are frequently falsified by manipulating their contents and involving Notaries and Land Deed Officials (PPAT) to sign them without a legal factual basis. This study aims to analyze the criminal liability of perpetrators of authentic deed forgery based on Court Decision Number: 249/Pid.B/2022/PN.Jkt.Brt and to examine the legal implications related to falsified authentic deeds in the context of law enforcement in Indonesia.

This study uses a literature research method and adopts a normative legal research approach. The data sources consist of primary and secondary data, complemented by tertiary data. The research techniques include document or literature study, observation, and interviews. The data are analyzed using a qualitative approach.

The research results show that in the case study of Court Decision Number: 249/Pid.B/2022/PN.Jkt.Brt, objective liability focuses on the criminal elements without considering the perpetrator's mental state, while subjective liability requires the presence of fault, capacity to be held accountable, and the absence of justification. Riri Khasmita and Edrianto were proven to have violated Article 264 paragraph (2) of the Indonesian Criminal Code in conjunction with Article 55, together with three Notaries and Land Deed Officials (PPAT). The deed remains legally valid even though its drafter has been convicted. The annulment of authentic deeds such as the Sale and Purchase Deed (AJB) and land certificates can be carried out through a civil lawsuit at the District Court or the Administrative Court to maintain legal certainty and land rights.

As a recommendation, the panel of judges should ensure that the elements of fault and unlawfulness are proven both objectively and subjectively before imposing criminal sanctions, and should also consider fairness and proportionality of the sentence based on the defendant's role. Members of the public facing similar issues are advised to file a lawsuit for the annulment of the Sale and Purchase Deed (AJB) and land certificates in court or submit a request to the Indonesian Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) to obtain legal certainty. Notaries and Land Deed Officials (PPAT) proven to have falsified deeds must be reported to the Honorary Council for disciplinary enforcement and to uphold the integrity of the profession.

Keywords: Criminal Liability, Perpetrator, Forgery