



KEKUATAN HUKUM SURAT KUASA MEMBEBAKANKAN HAK TANGGUNGAN (SKMHT) TERHADAP DITERBITKANNYA PERATURAN KEPALA BADAN PERTANAHAN NASIONAL NOMOR 8 TAHUN 2012

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ABSTRACT

Power of Attorney Imposing Mortgage (SKMHT) was the power of a specific nature, do not contain the power to take legal actions other than Encumbrance charge as stipulated in Article 15 of Law No. 4 Year 1996 on Mortgage of Land and Their Bodies Relating to Land (UUHT). Notary public who stands as public official which has a right to make authentic official document has a right to make SKMHT which is based on the law ruled in Law Number 2 of Year 2014 about Occupation of Notary (UUJN). However in the advantages, the process of making SKMHT by the Notary public gets an obstruction which becomes problems in writing this thesis which is related to The Regulation of the Head of the National Land Body Number 8 of Year 2012 about Amendments to the Regulation of the State Minister of Agrarian Affairs/the Head of the National Land Body Number 3 of Year 1997 about the Rule of Implementation of Government Regulations Number 24 of Year 1997 about Land Registration.

This research is a normative that by seeking legal materials based on research literature. Data obtained from the research literature will be analyzed with descriptive qualitative method. The results showed that the strength of the Power of Attorney Imposing Mortgage (SKMHT) Notary after the publication of the National Land Agency Regulation No. 8 of 2012 have binding legal force. Notary has its own legal framework within its competence to make the Power of Attorney Imposing Mortgage (SKMHT) as set forth in UUJN. Therefore, the provision contained in the Regulation of the National Land Agency No. 8 of 2012 can not be applied to the Notary.

Key Words: The Power of Law, Power of Attorney Imposing Mortgage, Regulation of the National Land Agency.