

# PERBEDAAN AKTA OTENTIK DAN AKTA DIBAWAH TANGAN



Selengkapnya: http://lbhpengayoman.unpar.ac.id Penulis: Gloria Beatrix

Dalam bidang Hukum Perdata dikenal 2 (dua) jenis akta yaitu akta otentik dan akta dibawah tangan. Hal ini tercantum dalam Pasal 1867 Kitab Undang-Undang Hukum Perdata (selanjutnya disebut KUHPer) yang menyebutkan: "Pembuktian dengan tulisan dilakukan dengan tulisan-tulisan otentik maupun dengan tulisan-tulisan dibawah tangan."





Akta otentik berdasarkan Pasal 1868 KUHPer adalah akta yang bentuknya ditentukan oleh undang-undang atau dibentuk oleh atau dihadapan pejabat umum yang berkuasa untuk itu. Dikarenakan dibuat oleh pejabat tertentu yang memiliki wewenang, maka akta otentik memiliki kekuatan pembuktian yang kuat di pengadilan.

Sementara akta dibawah tangan berdasarkan Pasal 1874 KUHPer adalah akta yang ditandatangani dibawah tangan, surat, daftar, surat urusan rumah tangga dan tulisan-tulisan lain yang dibuat tanpa perantara seorang pejabat umum. Oleh karena itu, kekuatan pembuktian dari suatu akta dibawah tangan tidak sesempurna akta otentik.



# KESIMPULAN

Berdasarkan uraian sebelumnya, maka dapat disimpulkan bahwa baik akta otentik maupun akta dibawah tangan merupakan alat bukti berupa tulisan. Namun, terdapat perbedaan dalam hal keterlibatan pejabat umum dalam pembuatannya. Selain itu juga, terdapat perbedaan mengenai kekuatan pembuktian di pengadilan terhadap akta otentik dengan akta dibawah tangan.



# **Contoh Bentuk Akta Di Bawah Tangan**

**L** Cohen

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