

ANALISIS YURIDIS PUTUSAN MAJELIS PENGAWAS WILAYAH TERHADAP NOTARIS YANG MENJALANKAN JABATAN DI LUAR WILAYAH KERJANYA (Studi Kasus Pemeriksaan Notaris BU Yang Telah Meninggal Dunia Oleh Majelis Pengawas Wilayah Daerah Istimewa Yogyakarta)

Oleh:

Lisa Andriani Setyaningsih¹ dan Sigid Riyanto²

INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis pertimbangan putusan Majelis Pengawas Wilayah Daerah Istimewa Yogyakarta terhadap Notaris yang telah meninggal dunia yang sebelumnya menjalankan jabatan di luar wilayah kerjanya serta akibat hukum bagi akta autentik yang dibuat oleh dan di hadapan Notaris yang menjalankan jabatan di luar wilayah kerjanya.

Jenis penelitian ini adalah penelitian normatif-empiris. Data primer didapatkan dari hasil menganalisis bahan hukum yang mengacu pada permasalahan pada penelitian. Data sekunder didapatkan dari hasil wawancara dengan narasumber dan responden untuk menguatkan hasil penelitian. Penelitian ini bersifat deskriptif dan dianalisis menggunakan metode kualitatif. Metode pengambilan sampel menggunakan jenis *purposive sampling* dengan Teknik *non-probability sampling*. Analisis dalam penelitian ini dilakukan dengan metode kualitatif.

Berdasarkan hasil penelitian, diperoleh kesimpulan bahwa Putusan yang dijatuhkan oleh Majelis Pengawas Wilayah Daerah Istimewa Yogyakarta terhadap Notaris BU dianggap kurang tepat secara keseluruhan. Analisa terhadap pertimbangan-pertimbangan yang berkaitan dengan ketidaksesuaian wilayah jabatan Notaris, ketidakhadiran Notaris BU pada saat pembacaan dan penandatanganan Akta, ketidaktepatan dalam pembuatan Akta Kuasa Jual, penandatanganan blangko kosong kepada pelapor dianggap sudah tepat. Ketidaktepatan terdapat pada tenggang waktu Majelis Pemeriksa menjatuhkan putusan kepada Notaris BU dan pada bagian amar putusan yang tidak sesuai. Selain itu, Akta yang dibuat oleh Notaris BU yang melanggar ketentuan dalam pasal 16 ayat (1) huruf a dan Pasal 17 ayat (1) huruf a UUJNP mengenai kewajiban dan larangan Notaris tetap mempunyai kekuatan pembuktian sebagai akta autentik selama tidak ada gugatan dari para pihak untuk membuktikan sebaliknya.

Kata Kunci: Notaris, Peraturan Jabatan Notaris, Pelanggaran.

¹ Mahasiswa, Magister Kenotariatan, Fakultas Hukum, Universitas Gadjah Mada, Yogyakarta.

² Dosen, Fakultas Hukum, Universitas Gadjah Mada, Yogyakarta.

**JURIDICAL ANALYSIS OF THE DECISION MADE BY THE REGIONAL
SUPERVISORY COUNCIL OF NOTARIES ON A NOTARY WHO
WORKED OUTSIDE THEIR WORKING AREA
(A Case Study of BU Notary who has died and still Examination by the
Yogyakarta Special Region Regional Supervisory Council)**

By:

Lisa Andriani Setyaningsih³ and Sigid Riyanto⁴

ABSTRACT

This research aims to find and analyze the suitability of the special regions of Yogyakarta's Regional Supervisory Council of Notaries' decision regarding BU, a notary who violates his notarial obligation and prohibition as well as the legal consequences for authentic deeds that was made by and was written in the presence of BU Notary if he is to be declared to have violated his notarial obligations and prohibitions.

This is a normative empirical research. The primary data(s) was obtained from the results of analyzing legal materials that refer to the problems in the research. The Secondary data was obtained from interviews with sources and respondents to strengthen the research results. This research is descriptive in nature and is analyzed using qualitative method. The sampling method uses purposive sampling with non-probability sampling technique. The analysis in this research was carried out using qualitative methods.

According to the research, a conclusion was that the decision handed down by the Regional Supervisory Council of the Special Region of Yogyakarta regarding violations committed by the BU Notary Public was incorrect as a whole. The Analysis of considerations relating to the inappropriateness of the Notary's position area, the absence of the BU Notary at the time of reading and signing the Deed, inaccuracy in making the Deed of Power of Sale, signing the blank form to the reporter is considered appropriate. The inaccuracy is found in the time limit for the Examining Panel to hand down its decision to the BU Notary Public and in the part of the decision that is not appropriate. Apart from that, a Deed made by a BU Notary that violates the provisions in Article 16 paragraph (1) letter a and Article 17 paragraph (1) letter a of the UUJNP regarding the obligations and prohibitions of Notaries still has the power of proof as an authentic deed as long as there is no lawsuit from the parties. to prove otherwise.

Keywords: Notary, Notary Regulations, Violations.

³ Student Master of Notary Postgraduate Program Faculty of Law Universitas Gadjah Mada Yogyakarta.

⁴ Lecturer at Faculty of Law Universitas Gadjah Mada Yogyakarta.