

**IMPLEMENTASI KEADILAN SECARA SEIMBANG: TINJAUAN
ASPEK SUBSTANTIF DAN PROSEDURAL PADA KASUS
PEMBERHENTIAN TIDAK HORMAT NOTARIS
DALAM PUTUSAN NOMOR 200 PK/TUN/2022**

Oleh :

Maura Pemelie Walidain* dan Hendry Julian Noor**

INTISARI

Penelitian ini bertujuan menganalisis implementasi keseimbangan keadilan substantif dan prosedural dalam kasus pemberhentian tidak hormat notaris serta mengevaluasi penerapan prinsip keadilan dalam pertimbangan hakim pada Putusan Mahkamah Agung Nomor 200 PK/TUN/2022.

Penelitian menggunakan metodologi hukum normatif dengan pendekatan eksplanatori, menganalisis bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, serta bahan hukum sekunder berupa literatur dan jurnal ilmiah terkait.

Kesimpulan dari hasil penelitian mengungkap pergeseran paradigma peradilan dari keadilan prosedural ketat menuju prioritas keadilan substantif. Meskipun pengadilan tingkat bawah membatalkan keputusan pemberhentian berdasarkan cacat prosedural (keterlambatan 7 bulan), Mahkamah Agung dalam peninjauan kembali memulihkan pemberhentian dengan menerapkan prinsip keadilan substantif, menyatakan bahwa pelanggaran prosedural tidak dapat menghapus kesalahan substantif notaris yang tidak memberikan salinan akta kepada klien. Implementasi keadilan seimbang memerlukan harmonisasi antara kepatuhan prosedural dan perlindungan substantif kepentingan publik, dimana pertimbangan keadilan substantif tidak dapat sepenuhnya disubordinasikan pada formalitas prosedural ketika melindungi kepentingan masyarakat yang lebih luas.

Kata Kunci: hukum administrasi; keadilan seimbang; pemberhentian notaris; keadilan prosedural; keadilan substantif

* Tamantirto, Kasihan, Bantul, Daerah Istimewa Yogyakarta

** Fakultas Hukum Universitas Gadjah Mada, Jalan Sosio Yustitia Nomor 1 Bulaksumur, Depok, Sleman, Daerah Istimewa Yogyakarta

IMPLEMENTATION OF BALANCED JUSTICE: A REVIEW OF SUBSTANTIVE AND PROCEDURAL ASPECTS IN THE CASE OF DISHONORABLE DISMISSAL OF NOTARY IN DECISION NUMBER 200 PK/TUN/2022

By:

Maura Pemelie Walidain* and Hendry Julian Noor**

ABSTRACT

This research thesis aims to analyze the implementation of balanced justice between substantive and procedural aspects in notary dishonourable dismissal cases and evaluate the application of justice principles in judicial considerations in Supreme Court Decision Number 200 PK/TUN/2022.

This research employs normative legal research methodology with an explanatory approach, analyzing primary legal materials including legislation and court decisions, as well as secondary legal materials comprising relevant literature and academic journals.

Based on the results of the research it is reveals a paradigm shift in judicial approach from strict procedural justice toward substantive justice prioritization. While lower courts consistently annulled the dismissal decision based on procedural defects (7-month delay), the Supreme Court in judicial review restored the dismissal by applying substantive justice principles, stating that procedural violations cannot eliminate the notary's substantive wrongdoing of failing to provide deed copies to clients. The implementation of balanced justice requires harmonization between procedural compliance and substantive protection of public interests, where substantive justice considerations cannot be entirely subordinated to procedural formalities when protecting broader public interests.

Keywords: *administrative law; balanced justice; notary dismissal; procedural justice; substantive justice*

* Tamantirto, Kasihan, Bantul, Daerah Istimewa Yogyakarta

** Fakultas Hukum Universitas Gadjah Mada, Jalan Sosio Yustitia Nomor 1 Bulaksumur, Depok, Sleman, Daerah Istimewa Yogyakarta