

PELANGGARAN KODE ETIK NOTARIS SERTA PENEGAKANNYA DI DAERAH KABUPATEN KARO

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan mengkaji mengenai bentuk-bentuk pelanggaran kode etik yang dilakukan oleh notaris, apa yang menyebabkan terjadinya pelanggaran tersebut serta penegakkan yang dilakukan oleh lembaga pembina dan pengawas di Kabupaten Karo.

Penelitian ini merupakan penelitian yang bersifat penelitian empiris atau penelitian lapangan yang dilakukan untuk mendapatkan data primer yang kemudian didukung data sekunder dari penelitian kepustakaan. Seluruh data yang terkumpul dianalisa dengan metode kualitatif.

Hasil penelitian menunjukkan bahwa di Kabupaten Karo pelanggaran Kode Etik yang dilakukan oleh notaris adalah pelanggaran terhadap plang nama; penetapan honorarium lebih rendah daripada yang telah ditetapkan; melakukan promosi melalui papan ucapan maupun stiker; mengirimkan akta untuk ditandatangani. Faktor penyebab dari pelanggaran ini karena terjadinya penumpukan notaris yang menyebabkan persaingan, adanya rasa sungkan dari notaris lain untuk melaporkan dan tidak diresapinya kode etik. Pengawasan kode etik dilakukan oleh Dewan Kehormatan namun berdasarkan Pasal 70 Peraturan Jabatan Notaris, Majelis Pengawas juga diberikan wewenang untuk melakukan pembinaan dan pengawasan atas pelanggaran kode etik. Dewan Kehormatan di Kabupaten Karo belum terbentuk, sehingga atas pengawasan pelanggaran dilakukan oleh Majelis Pengawas daerah, yang sejauh ini atas pelanggaran-pelanggaran yang dilakukan hanya diberikan teguran pada saat melakukan pemeriksaan rutin.

Kata Kunci: Kode Etik, Notaris, Pelanggaran

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VIOLATION AND ENFORCEMENT OF NOTARY'S CODE OF ETHICS IN KARO DISTRICT

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ABSTRACT

This study was conducted to explore and review types of violations toward notary's codes of ethics and to determine the factors triggering the violation. This study also analyzed the enforcement of the notary's codes of Ethics by the advisory and supervisory institutions in Karo District.

This study was an empirical study. Primary data were collected from the field, while the secondary data were obtained from literature review to support the primary data. The data obtained in this study were qualitatively analyzed.

The results of this study showed that there have been a number of violations of notary's codes of ethics done by some notaries. The violations included; putting names on other notary's signpost name; determining the amount of honorarium lower than the one agreed by regional administrators; doing promotions using greeting board or stickers; sending blank certificates to be signed. Those violations of code of Ethics occurred in Karo District due to high number of notaries which trigger tight competition, lack of understanding of the notary's codes of Ethics especially among new notaries, the reluctance of other notaries to report the violations, and less assertive sanctions given to those who made violations. The enactment of the code of Ethics was under the responsibility of the Honorary Council. However, the Article 70 of the Notary Regulation stated that the Supervisory Board also held the authority to conduct advisory and supervisory on notary's code of Ethics violations. The supervision in Karo District was carried out by the Supervisory Board because the Honorary Council had not yet been formed. The enforcement carried out by the Regional Supervisory Board was only limited to verbal confirmation during routine inspections.

Key words: Codes of Ethics, Notary, Violation

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