

**KEWAJIBAN PENCANTUMAN NAMA CALON NOTARIS DALAM
AKTA SAAT MAGANG BERDASARKAN PERATURAN
MENTERI HUKUM DAN HAK ASASI MANUSIA
NOMOR 25 TAHUN 2017**

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis dasar pemikiran (*ratio legis*) dikeluarkannya aturan mengenai kewajiban pencantuman nama calon Notaris dalam akta saat magang berdasarkan Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 25 Tahun 2017 beserta dengan penerapannya.

Penelitian ini merupakan penelitian hukum normatif-empiris, penelitian dilakukan dengan menggunakan sumber data yang diperoleh dari data primer dan data sekunder. Cara pengumpulan data yaitu penelitian kepustakaan untuk data sekunder (bahan hukum primer, sekunder, dan tersier) serta penelitian lapangan dengan metode wawancara untuk data primer. Data yang diperoleh kemudian dianalisis secara kualitatif dan disusun dalam laporan yang bersifat deskriptif.

Berdasarkan hasil penelitian dan pembahasan dapat disimpulkan:(1) Dasar pemikiran (*ratio legis*) dikeluarkannya aturan mengenai kewajiban pencantuman nama tersebut adalah Notaris harus memahami tugas dan kewajiban sesuai dengan ketentuan peraturan perundang-undangan, mengingat dampak dari kekeliruan pembuatan suatu akta (landasan filosofis), kekhawatiran pemerintah terhadap penurunan kualitas calon Notaris (landasan sosiologis), dan upaya memenuhi ketentuan Pasal 3 huruf f Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris (landasan yuridis).(2) Penerapan kewajiban pencantuman nama calon Notaris dalam akta saat magang sebelum dikeluarkannya Putusan Mahkamah Agung Nomor 50P/HUM/2018 yaitu adanya kewajiban pencantuman nama calon Notaris pada saat magang dalam 20 (dua puluh) akta yang dibuktikan dengan surat keterangan partisipasi sebagai syarat untuk mengikuti ujian pengangkatan Notaris dan setelah dikeluarkannya putusan tersebut, Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 25 Tahun 2017 tentang Ujian Pengangkatan Notaris dibatalkan, namun beberapa Notaris tetap melaksanakan ketentuan tersebut sebagai bentuk upaya peningkatan kualitas calon Notaris.

Kata Kunci : Kewajiban Pencantuman Nama, Calon Notaris, Magang

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**OBLIGATION TO INCLUDE THE NAME OF A CANDIDATE NOTARY
IN A DEED MADE BY A NOTARY'S OFFICE WHEN THE
PROSPECTIVE NOTARY IS IN THE INTERNSHIP
BASED ON THE MINISTER'S REGULATION ON
LAW AND HUMAN RIGHTS NUMBER 25 OF 2017**

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ABSTRACT

This study aims to find out and analyze the rationale (*ratio legis*) of the issuance of rules regarding the obligation to include the name of the prospective Notary in the deed made during his time of internship based on the Regulation of the Minister of Law and Human Rights Number 25 of 2017 along with its application.

This research is a normative-empirical legal research. The research was conducted using data sources obtained from primary and secondary data. The method of collecting data is library research for secondary data (primary, secondary and tertiary legal materials) and field research with interview for primary data. The data obtained are then analyzed qualitatively and arranged in descriptive reports.

Based on the results of the research and discussion it can be concluded: (1) Rationale (*ratio legis*) of the issuance of a regulation regarding the obligation to include the name of a notary candidate in the deed is related to the Notary must understand the duties and obligations in accordance with the provisions of the legislation. This is due to the impact of the lack of making a deed (philosophical foundation), government concerns about the decline in the quality of candidates for Notary (sociological foundation), and efforts to fulfill the provisions of Article 3 letter f of Law Number 2 Year 2014 concerning Amendment to Law Number 30 Year 2004 concerning Notary Position (juridical foundation). (2) Application of the obligation to include the name of the Notary candidate in the deed at the time of apprenticeship before the issuance of the Supreme Court Decision Number 50P / HUM / 2018 related to the obligation to include the name of the prospective Notary at the time of internship in 20 (twenty) deeds as evidenced by a statement of participation to take the Notary appointment test. After the ruling was issued and even though the Minister of Law and Human Rights Regulation Number 25 of 2017 concerning the Notary Appointment Examination was canceled, in practice some Notaries continued to implement these provisions as an effort to improve the quality of prospective Notaries.

Keywords: Name Inclusion Obligation, Notary Candidate, Internship

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