

PENGAWASAN MAJELIS PENGAWAS DAERAH (MPD) TERHADAP PROTOKOL NOTARIS MENURUT UNDANG-UNDANG JABATAN NOTARIS DI KOTA YOGYAKARTA

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INTISARI

Penelitian ini bertujuan untuk mengetahui, mengkaji dan menganalisis pelaksanaan pengawasan Majelis Pengawas Daerah (MPD) terhadap protokol Notaris dan terhadap protokol Notaris yang dibuat dan disusun tidak sesuai dengan Undang–Undang Jabatan Notaris, serta mengetahui dan menganalisis hambatan MPD dalam melakukan pengawas terhadap protokol Notaris di Kota Yogyakarta.

Jenis penelitian ini adalah yuridis empiris dan bersifat deskriptif yang didukung dengan wawancara kepada responden dan narasumber, guna mendapatkan data primer yang kemudian didukung data sekunder. Seluruh data yang didapat dilakukan analisis dengan menggunakan metode kualitatif.

Hasil penelitian ini menunjukkan bahwa pelaksanaan pengawasanMPD Kota Yogyakarta terhadap protokol Notaris dilakukan secara rutin dan tidak rutin dalam bentuk laporan masyarakat. Pengawasan rutin dilakukan oleh 3 (tiga) tim yang masing – masing tim terdiri dari unsur pemerintah, akademisi, dan organisasi Notaris. Hasil pemeriksaan rutin ditemukan pada Buku Daftar akta yang terdapat kekeliruan dalam penulisannya, penyusunannya menggunakan pensil dan belum mendapat pengesahan dari ketua MPD. Pada minuta akta ditemukan ketidaklengkapan berkas dan belum dijilid rapi. Pada buku daftar penghadap ditemukan ketidak sesuaian antara nama penghadap dengan aktanya. Pada buku daftar akta dibawah tangan tidak terdapat salinan dari akta aslinya. Pengawasan tidak rutin dalam bentuk laporan masyarakat ditemukan adanya laporan terkait minuta akta yang tidak mencantumkan nama salah satu ahli waris. Hasil pemeriksaan terhadap penyimpanan protokol Notaris ditemukan tidak tersusun rapi, tidak diletakkan di tempat yang aman atau tidak adanya lemari yang kokoh. Selain itu hasil penelitian ini menunjukkan bahwa tindaklanjut dari MPD terkait temuan hasil pemeriksaan rutin berupa pemberian nilai “baik”, “cukup”, dan “kurang”. Notaris yang mendapat nilai “kurang” dipanggil secara khusus untuk diberikan arahan. Pengawasan secara tidak rutin dengan bentuk laporan masyarakat ditindaklanjuti dengan pemeriksaan di persidangan untuk dibuatnya Berita Acara Pemeriksaan dan rekomendasi kepada Majelis Pengawas Wilayah (MPW), kemudian MPW menindaklanjuti pemeriksaan lebih lanjut dengan melakukan sidang serta memberikan sanksi. Hasil penelitian ini juga menunjukan adanya hambatan dari MPD, hambatan internal yaitu terkadang susah untuk kumpul lengkapnya 9 (sembilan) anggota MPD, mengingat kesibukkan tiap unsur anggota yang berbeda. Hambatan eksternal yaitu pada saat persidangan Notaris terperiksa tidak membawa lengkap dokumen yang diminta tim pemeriksa.

Kata Kunci : Majelis Pengawas Daerah, Pengawasan, Notaris.

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THE REGIONAL SUPERVISORY COUNCIL'S SUPERVISION TOWARDS NOTARY PROTOCOL BASED ON THE LAW OF NOTARY PROFESSION IN YOGYAKARTA

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ABSTRACT

This research aimed to find out, to study, and to analyze the supervision implemented by Regional Supervisory Council (RSC) towards Notary protocol and towards the Notary protocol that was not made and arranged in accordance with the Law of Notary Profession, and also to know and analyze the obstacles faced by RSC in doing supervision towards Notary protocol in Yogyakarta City.

The type of this research was juridical empiric and descriptive which was supported by interviews with respondents and sources in order to gain primary data that later was supported by secondary data. All the collected data were analyzed by using qualitative method.

The result of this research showed that the implementation of RSC's supervision towards Notary Protocol is done regularly and irregularly in the form of public reports. The regular supervision is conducted by 3 (three) teams, in which each of them consists of government elements, academics, and Notary organizations. The regular examination's result was found in the Register Book of Deeds that had errors in its writing, the drafting used pencil and had not been legalized by the RSC's chairman. There were incomplete files found in the minute deeds and some of them had not been bound neatly yet. There were also inconsistency found between the appearers' names and their deeds in the register book of appearer. On the register book of the private deeds, there were no copies of their original deeds. There were reports related to the minute deeds which did not declare one of the heirs' name, and those were discovered in the public report of the irregular supervision. Based on the results of the examination towards the keeping of Notary protocol, it was discovered that they were not arranged neatly, not put in a safe place or there was no sturdy cupboard. Furthermore, this research's results showed that the follow-ups from RSC were related to the findings of the regular examination's results in the form of grading them "good", "fair", and "poorly". The Notary who got "poorly" grade was called specifically to be briefed. Irregularly supervision, that was in the form of public report, was followed up by examination in the trial then the Investigation Report and the recommendation were given to the Territory Supervisory Council (TSC), who is authorized to do further examination such as giving sanctions. This research's results also showed that there were obstacles from the Regional Supervisory Council, the internal obstacle is difficult to gathering completely 9 of Regional Supervisory Council's members, due to their different personal busyness. The external obstacle was the trial for the investigated Notary do not bring the complete documents required by the examiners team.

Keywords: Regional Supervisory Council, Supervision, Notary

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