

PERAN MAJELIS PENGAWAS NOTARIS DAN MAJELIS KEHORMATAN NOTARIS DALAM RANGKA MELAKUKAN PEMBINAAN DAN PENGAWASAN TERHADAP NOTARIS YANG DIJATUHI PIDANA PENJARA DI DAERAH ISTIMEWA YOGYAKARTA

INTISARI

Oleh:

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Tujuan penelitian ini adalah untuk mengetahui dan menganalisis mengenai tindakan yang dilakukan dan kendala yang dihadapi oleh Majelis Pengawas Notaris (MPN) dan Majelis Kehormatan Notaris (MKN) terhadap Notaris yang dijatuhi pidana penjara karena melakukan tindak pidana yang diancam dengan pidana penjara 5 (lima) tahun atau lebih di Daerah Istimewa Yogyakarta.

Penelitian hukum ini menggunakan metode normatif empiris yang mengkaji norma-norma yang berlaku dalam peraturan perundang-undangan dengan didukung data yang diperoleh dari penelitian lapangan, baik dokumen maupun wawancara. Hasil penelitian dianalisa menggunakan analisis kualitatif.

Berdasarkan hasil penelitian tindakan yang dilakukan MPN adalah merekomendasikan pemberhentian Notaris dengan tidak hormat kepada Menteri Hukum dan HAM. Ketika pemberhentian Notaris sedang diproses, MPN meminta Notaris untuk menutup dan menghentikan segala kegiatan di kantor tersebut. Setelah SK Pemberhentian diterima, dilakukan serah terima protokol Notaris dihadapan MPD. MKN tidak melakukan tindakan apapun terhadap Notaris tersebut. Tindakan yang dilakukan MKN hanya sebatas mengizinkan atau menolak pemanggilan Notaris dan pengambilan fotokopi minuta akta pada saat penyidikan berlangsung. Kendala yang dihadapi oleh MPN yaitu sulit mencocokkan jadwal antara para anggota MPN, pemeriksaan protokol Notaris tidak dapat dilakukan, sulit menemui Notaris yang berada di Rumah Tahanan, sulit menemukan Notaris yang mau menerima protokol Notaris, sulit melakukan rekapitulasi protokol Notaris, SK Pemberhentian Notaris tidak kunjung diterbitkan mengakibatkan MPD tidak dapat bertindak apapun, proses pemindahan protokol Notaris memerlukan waktu yang lama. Kendala yang dihadapi MKN yaitu sulit mencocokkan jadwal antara para anggota MKN dan tidak ada ketentuan yang jelas mengenai bentuk pembinaan yang seharusnya dilakukan oleh MKN.

Kata kunci: Majelis Pengawas Notaris, Majelis Kehormatan Notaris, Notaris.

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THE ROLE OF THE NOTARY SUPERVISORY BOARD AND THE NOTARY HONORARY BOARD IN AN EFFORT TO SUPERVISE AND TO MONITOR A NOTARY WHO IS SENTENCED TO IMPRISONMENT IN THE SPECIAL REGION OF YOGYAKARTA

ABSTRACT

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The aim of this research is to find out and to analyze actions and obstacles faced by the Notary Supervisory Board (MPN) and the Notary Honorary Board (MKN) toward a Notary who is sentenced to a criminal prison for committing a crime that leads to imprisonment for 5 years or more in the Special Region of Yogyakarta.

This legal research uses empirical normative method that examines the norms applied in legislation supported by data obtained from field research, in the form of both document and interview. The results of the study are analyzed using qualitative analysis.

Based on the results of research on the actions taken by MPN, it is recommended that the Minister of Law and Human Rights discharge the notary dishonorably. During the dismissal of the notary, MPN asks the notary to close and to stop all his activities at the office. After receiving the Dismissal Decree, the handover of the Notary is done in front of the Regional Supervisory Board (MPD). After then, MKN does not do anything to the Notary. The role of MKN is limited to allowing or rejecting the summons of Notary and taking the photocopy of minuta deed during the investigation. The obstacles faced by MPN are being difficult to arrange the schedule among MPN members, being unable to do investigation of Notary protocol, being difficult to meet the Notary who is in Detention Center, and being difficult to meet the Notary who is willing to accept the Notary protocol. Other obstacles faced by MPN are being difficult to do recapitulation of Notary protocol, the condition that MPD is not able to proceed because the Notary Dismissal Decree has not been issued, and the transfer process of Notary protocol that takes time. Meanwhile, the obstacles faced by MKN are being difficult to arrange the schedule among MKN members and the absence of clear provision regarding the right form of supervision done by MKN.

Keywords: the Notary Supervisory Board, the Notary Honorary Board, Notary

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