

## **PEMBERIAN JASA HUKUM CUMA-CUMA OLEH NOTARIS BAGI MASYARAKAT TIDAK MAMPU DI KABUPATEN MAGELANG**

### **INTISARI**

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Penelitian ini bertujuan untuk: 1) Mengetahui dan menganalisis implementasi pemberian jasa hukum secara cuma-cuma kepada masyarakat tidak mampu berdasarkan Pasal 37 ayat (1) UUUJNP yang dilaksanakan oleh Notaris di Kabupaten Magelang. 2) Mengetahui dan menganalisis kendala dalam implementasi Pasal 37 ayat (1) UUUJNP oleh Notaris di Kabupaten Magelang.

Jenis penelitian ini adalah penelitian yuridis empiris dan bersifat deskriptif, yang mendasarkan pada penelitian lapangan yang diperoleh dari responden dan narasumber. Penelitian ini dilaksanakan di Kabupaten Magelang. Subyek penelitian terdiri responden, yaitu lima orang Notaris. Sedangkan narasumber dalam penelitian ini adalah Ketua Majelis Pengawas Daerah Notaris Kabupaten Magelang dan satu Anggota Majelis Pengawas Daerah Notaris Kabupaten Magelang. Cara penelitian dengan metode wawancara dan studi pustaka (*library research*). Penentuan sampel berdasarkan *purposive sampling* dengan teknik pengambilan sampel yang digunakan adalah *non random sampling*. Data yang diperoleh dianalisis secara kualitatif kemudian disajikan secara deskriptif.

Berdasarkan hasil penelitian dan pembahasan diperoleh 2 kesimpulan. Pertama, Praktek Notaris di Kabupaten Magelang dalam mengimplementasikan Pasal 37 ayat (1) UUUJNP masih ditemukan adanya perbedaan dalam menginterpretasikan Pasal 37 ayat (1) mengenai kewajiban pemberian jasa hukum cuma-cuma di bidang kenotariatan oleh Notaris. Kedua, pelaksanaan implementasi Pasal 37 ayat (1) UUUJNP oleh Notaris di Kabupaten Magelang masih ditemukan Notaris yang terkendala dalam pelaksanaannya, faktor yang melatarbelakangi yaitu, aturan yang tidak jelas mengenai kriteria orang yang tidak mampu tidak ada kualifikasinya serta tidak diatur lebih lanjut sehingga menimbulkan penafsiran yang multi persepsi oleh Notaris, selain itu permasalahan honorarium merupakan masalah yang pelik, Notaris membutuhkan material dalam menjalankan kegiatannya sehingga sulit untuk Notaris memberikan jasa hukum secara cuma-cuma. Terlebih lagi menurut Notaris produk-produk hukum yang dihasilkan Notaris berkaitan dengan orang yang mampu dalam kategori finansial. Serta Notaris memiliki pertanggungjawaban yuridis mengenai kebenaran materiil terhadap akta yang dibuatnya.

**Kata kunci : notaris, kendala, jasa hukum cuma-cuma**

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## **PROVISION OF FREE LEGAL SERVICES BY A NOTARY FOR UNABLE COMMUNITIES IN MAGELANG DISTRICT**

### **ABSTRACT**

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This study aims to: 1) Know and analyze the implementation of providing free legal services to the poor based on Article 37 paragraph (1) of the UUJNP which is carried out by a Notary in Magelang Regency. 2) Knowing and analyzing the obstacles in the implementation of Article 37 paragraph (1) UUJNP by a Notary in Magelang Regency.

This type of research is empirical juridical research and is descriptive in nature, which is based on field research obtained from respondents and sources. This research was conducted in Magelang Regency. The research subjects consisted of respondents, namely five Notaries. While the resource persons in this study were the Chairperson of the Notary Regional Supervisory Council of Magelang Regency and one Member of the Notary Regional Supervisory Council of Magelang Regency. The research method is the interview method and literature study (library research). Determination of the sample based on purposive sampling with the sampling technique used is non-random sampling. The data obtained were analyzed qualitatively and then presented descriptively.

Based on the results of research and discussion obtained 2 conclusions. First, the Notary Practice in Magelang Regency in implementing Article 37 paragraph (1) UUJNP still found differences in the interpretation of Article 37 paragraph (1) regarding the obligation to provide free legal services in the notary field by a Notary. Second, the implementation of the implementation of Article 37 paragraph (1) UUJNP by a Notary in Magelang Regency is still found to be a Notary who is constrained in its implementation, the background factors are unclear rules regarding the criteria for people who are unable to have no qualifications and are not regulated further, giving rise to interpretations. which is multi-perceived by Notaries, besides the issue of honorarium is a complicated problem, Notaries need materials in carrying out their activities so it is difficult for Notaries to provide legal services for free. Moreover, according to the Notary, the legal products produced by the Notary are related to people who are in the financial category. And the Notary has a juridical responsibility regarding the material truth of the deed he made.

**Keywords: notary, obstacles, free legal services**

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