

## KAJIAN TERHADAP PENDAMPINGAN HUKUM DALAM PERATURAN MENTERI HUKUM DAN HAK ASASI MANUSIA NOMOR 15 TAHUN 2020 TENTANG TATA CARA PEMERIKSAAN MAJELIS PENGAWAS TERHADAP NOTARIS

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### INTISARI

Tesis ini bertujuan untuk mengetahui (1) kriteria dan alasan dasar Majelis Pengawas Daerah untuk menolak pendampingan penasehat hukum dalam hal pemeriksaan terhadap Notaris berdasarkan Pasal 38 Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 15 Tahun 2020, (2) kriteria dan alasan dasar Majelis Pengawas Daerah untuk menolak pendampingan penasehat hukum dalam hal pemeriksaan terhadap Masyarakat berdasarkan Pasal 38 Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 15 Tahun 2020, (3) implementasi Pasal 39 Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 15 Tahun 2020 mengenai kedudukan penasehat hukum bersifat non litigasi.

Penelitian yang dilakukan bersifat eksploratif dengan jenis penelitian normatif. Jenis data berupa data sekunder yang diperoleh dari studi kepustakaan. Teknik pengumpulan data melalui studi kepustakaan menggunakan metode dokumentasi dengan alat studi dokumen dan untuk melengkapi data maka melakukan wawancara dengan Narasumber. Analisis data dilakukan secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa Pendampingan Hukum dalam Pasal 38 dan Pasal 39 Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 15 Tahun 2020 merupakan sidang pemeriksaan yang dilakukan oleh Ketua Majelis Pemeriksa. Sidang Pemeriksaan ini merupakan sidang etik dimana adanya laporan dugaan pelanggaran pelaksanaan jabatan dan perilaku Notaris yang diaduan oleh Masyarakat dengan delik aduan. Penyelesaian sengketa dalam sidang etik dilakukan secara non litigasi dengan kata lain penyelesaian sengketa di luar Pengadilan berdasarkan kehendak dan itikad baik dari para pihak untuk menyelesaikan sengketa. Akhirnya ditarik kesimpulan. *Pertama*, kriteria dan alasan Majelis Pengawas Daerah untuk menolak pendampingan penasehat hukum terhadap Notaris adalah Notaris memiliki wawasan yang baik, Interen pribadi (Notaris), Pejabat publik. *Kedua*, kriteria dan alasan Majelis Pengawas Daerah untuk menolak pendampingan penasehat hukum terhadap Masyarakat adalah Penasehat Hukum datang sendiri selaku kuasa dari Pelapor, Ada perdebatan saat sidang pemeriksaan. *Ketiga*, sidang pemeriksaan ini sebagai sidang profesi dalam rangka pemeriksaan dugaan pelanggaran jabatan dan perilaku Notaris yang dilaksanakan oleh Majelis Pemeriksa.

**Kata Kunci:** Majelis Pengawas Daerah, pendampingan penasehat hukum, pemeriksaan.

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***STUDY OF LEGAL ASSISTANCE IN REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS NUMBER 15 OF 2020 CONCERNING PROCEDURES FOR EXAMINING THE SUPERVISORY ASSEMBLY TO NOTARY***

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**ABSTRACT**

*This thesis aims to identify (1) basic criteria and reasons of the Regional Supervisory Assembly to refuse legal advisory assistance in terms of examining to Notary based on Article 38 of the Regulation of the Minister of Law and Human Rights Number 15 of 2020, (2) basic criteria and reasons of the Regional Supervisory Assembly to reject legal advisory assistance in terms of examining to the Community based on Article 38 of the Regulation of the Minister of Law and Human Rights Number 15 of 2020, (3) implementation of Article 39 of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning the position of non-litigation legal advisors.*

*The research was exploratory with the type of normative research. The type of data was in the form of secondary data obtained from library research. Data collection techniques through library research used the documentation method with document study tools and to complete the data, it was conducted interview with Informants. The data analysis was conducted qualitatively.*

*The results of the research and discussion show that the Legal Assistance in Article 38 and Article 39 of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 is an examination session conducted by the Chairman of the Examining Council. This Examination Session is an ethics session where there are reports of alleged violations of the implementation of positions and the behavior of a Notary who are complained by the public with a complaint offense. Settlement of disputes in ethical courts is carried out non-litigation, in other words, dispute resolution outside the court is based on the will and good faith of the parties to resolve the dispute. Finally there are three conclusions can be drawn. First, the criteria and reasons of the Regional Supervisory Assembly to refuse legal advisory assistance to Notary were that notary has good insight, Intern personal (Notary), Public officials. Second, the criteria and reasons of the Regional Supervisory Assembly to refuse legal advisory assistance to the Community were that the Legal Advisor came himself as the attorney of the Reporting Party. There was debate during the examination hearing. Third, this examination hearing was a professional session in the context of examining alleged violations of the position and behavior of a Notary which was carried out by the Examination Assembly.*

**Keywords:** *Regional Supervisory Council, legal advisory assistance, examination.*

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