

INTISARI

DASAR PENUNJUKAN DAN PERLINDUNGAN HUKUM NOTARIS PENERIMA PROTOKOL NOTARIS LAIN DI KOTA SURAKARTA

Oleh :

Destamia Mutiara Arruum¹, Djoko Sukisno²

Penelitian ini bertujuan untuk mengetahui dan mengkaji alasan apa yang dipakai oleh Majelis Pengawas Daerah untuk menentukan notaris yang menerima protokol notaris dari notaris lain di Kota Surakarta, mengetahui dan mengkaji perlindungan hukum bagi notaris sebagai penerima protokol notaris lain di Kota Surakarta.

Jenis penelitian menggunakan normatif empiris yang bersifat deskriptif dengan data sekunder bersumber dari bahan hukum primer, sekunder, dan tersier. Data sekunder diperoleh dari penelitian kepustakaan dengan metode dokumentasi dan alat pengumpulan data berupa studi dokumen. Data primer diperoleh langsung dari responden dan narasumber melalui wawancara dengan alat pengumpulan data berupa pedoman wawancara. Penelitian ini dilaksanakan di Kota Surakarta. Teknik pengambilan sampel *non probability sampling dengan purposive sampling*. Data yang diperoleh selanjutnya dianalisis dengan menggunakan metode kualitatif.

Hasil penelitian menunjukkan bahwa alasan yang dipakai oleh Majelis Pengawas Daerah untuk menentukan notaris yang menerima protokol notaris di Kota Surakarta yaitu : kesediaan notaris untuk menerima protokol notaris; memiliki tempat untuk menyimpan protokol notaris; terdapat relasi; melakukan koordinasi dengan organisasi profesi (INI). Perlindungan hukum bagi notaris penerima protokol notaris lain di Kota Surakarta dalam hal akta dari protokol notaris yang diterimanya terdapat permasalahan hukum yaitu dengan perlindungan hukum preventif melalui : menyimpan dan merawat protokol dengan baik; mengeluarkan salinan dengan memperhatikan Pasal 54 UJNP; notaris pembuat akta membuat akta otentik yang sempurna; MPD memberikan pembinaan dengan titip pesan untuk merawat protokol notaris. Perlindungan hukum represif melalui : pendampingan INI; mendudukkan masalah yang sebenarnya bahwa notaris penerima protokol bukan pembuat akta, tanggung jawab sebatas administratif; menggunakan hak dan kewajiban ingkar.

Kata kunci : dasar penunjukan, perlindungan hukum, notaris penerima protokol, protokol notaris.

¹ Mahasiswa Program Pascasarjana Magister Kenotariatan Fakultas Hukum Universitas Gadjah Mada

² Dosen Program Pascasarjana Magister Kenotariatan Fakultas Hukum Universitas Gadjah Mada

ABSTRACT

THE BASIS OF APPOINTMENT AND LEGAL PROTECTION FOR A NOTARY IN RECEIVING THE OTHER NOTARY'S PROTOCOL IN SURAKARTA

By:

Destamia Mutiara Arruum³, Djoko Sukisno⁴

This research aims to understand and discuss on what the reasons applied by the Regional Supervisory Assembly (*Majelis Pengawas Daerah*) in determining which notary who receives the notary's protocol from another notary in Surakarta, understanding and reviewing the legal protection for a notary as the addressee of another notary's protocol in Surakarta.

The research applies normative-empiric that has a nature of descriptive together with the secondary data from the primary legal materials, secondary and tertiary. The secondary data is coming from the literatures research with the documentation method and the document study as a tool of data gathering. The primary data is coming directly from the respondent and experts by way of interviewing with the method data gathering of interviewing guidance. This research is conducted in Surakarta. The method of non-probability sample with purposive sampling. The collected data, then, is analyzed by using the qualitative method.

The result of this research shows that the reasons applied by the Regional Supervisory Assembly for determining the notary who will receive the notary's protocol in Surakarta are: the willingness of notary to receive the notary's protocol; having a place to keep the notary's protocol; has a relation; conducting coordination with the organization of profession (INI). The legal protection for notary in receiving the other notary's protocol in Surakarta in the sense of deed from the notary's protocol that she or he has been received, there is a legal problem with the preventive legal protection by way of: keeping and taking care the protocol; issuing the copy by applying the article 54 of *UUJNP*; the notary makes the complete authentic deed; MPD gives the guidance by way of giving message for taking care the notary's deed. The repressive legal protection by: the assistance of INI; placing the problem that the notary who is receiving the protocol is not the notary who makes the notarial deed, the responsibility is limited to the administrative matters; applying the rights and obligations of the entitlement of compensation (*hak dan kewajiban ingkar*).

Keywords: the basis of appointment, legal protection, notary who receives the protocol, notary's protocol

³ A student of Postgraduate Program in Master of Notary at Faculty of Law Gadjah Mada University.

⁴ A lecturer of Postgraduate Program in Master of Notary at Faculty of Law Gadjah Mada University.