

Tinjauan yuridis terhadap fungsi dan kewenangan Majelis Pengawas Notaris dan Dewan Kehormatan Ikatan Notaris Indonesia terhadap pelanggaran perilaku notaris = A juridicial review on the function and authority of the board of notarial supervision and the honorary council of Indonesia Notary Association on violation of notary code of conduct

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Abstrak

Jabatan Notaris merupakan jabatan kepercayaan yang secara atributif diberikan oleh Negara yang tercantum dalam Undang-Undang. Dalam menjalankan jabatannya Notaris harus mematuhi seluruh kaedah moral yang telah hidup dan berkembang di masyarakat dan memenuhi standar profesional. Pengawasan terhadap Notaris bukan hanya pelaksanaan jabatannya tapi perilakunya, yang selama ini belum jelas kriteria perilaku yang diawasi. Penelitian ini penelitian yuridis empiris, hasil wawancara dipergunakan untuk mendukung argument hasil penelitian.

Hasil penelitiannya, Pertama, fungsi Majelis Pengawas sudah cukup baik sedangkan fungsi Dewan Kehormatan belum optimal melaksanakan tugasnya karena sosialisasi terhadap perilaku Notaris yang baik tidak dilaksanakan secara berkala, sehingga pelanggaran Perilaku Notaris tidak hanya ada pada Notaris yang diawasi saja, tetapi dilakukan juga oleh Anggota Majelis Pengawas serta Anggota Ikatan Notaris Indonesia itu sendiri, Kedua, Dewan Kehormatan Ikatan Notaris Indonesia agar semakin aktif melaksanakan tugasnya mengawasi serta melakukan pembinaan atas Pelanggaran Perilaku Notaris dan yang ketiga Notaris sebagai pejabat umum yang sudah menerima kepercayaan masyarakat selayaknya berperilaku dan berahlak baik.

.....Notary is a position of trust given attributively by the State as listed in the Law. In carrying out this post, a Notary must comply with all the moral rules held in the community and meet professional standards. Monitoring of the Notary means not only supervising the implementation of the position, but also their conduct which so far it is not clear as of the criteria of the conduct to be supervised. This study is an empirical research, interview result is used to support the research argument.

The result is: First, the Supervision Board has been quite good while Honorary Council are not yet optimal in carrying out their functions as the socialization on Notary Conduct is not performed periodically, thus the violation of Notary Conduct is present not only among the supervised Notaries, but also among members of the Supervision Board and members of the Indonesia Notary Association. Second, it is hoped that the Honorary Council of the Indonesia Notary Association will be more active in carrying out their duties of supervising and coaching against violation of notary conduct, and the third, a Notary public official who has received public trust should possess a good moral and conduct.