

Upaya hukum notaris yang dijatuhi sanksi pelanggaran kode etik oleh dewan kehormatan notaris = Notary legal actions against ethic of conduct sanction by the notary council

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Abstrak

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Notaris dalam menjalankan jabatannya harus mematuhi seluruh kaedah moral yang telah hidup dan berkembang di masyarakat. Selain dari adanya tanggung jawab dan etika profesi, adanya integritas dan moral yang baik merupakan persyaratan penting yang harus dimiliki oleh seorang Notaris. Untuk melindungi kepentingan masyarakat umum dan menjamin pelaksanaan jabatan Notaris yang dipercayakan oleh undang-undang dan masyarakat pada umumnya, maka adanya pengaturan secara hukum mengenai pengawasan terhadap pelaksanaan jabatan Notaris sangat tepat, Dengan adanya kode etik kepentingan masyarakat yang akan terjamin sehingga memperkuat kepercayaan masyarakat. Dalam praktek pelaksanaan profesi Notaris sering terjadi pelanggaran-pelanggaran atas etika notaris, ketika notaris melakukan pelanggaran maka terdapat mekanisme penjatuhan sanksi oleh Dewan Kehormatan Notaris. Atas dasar tersebut tesis ini membahas permasalahan antara lain, Bagaimana upaya-upaya hukum Notaris yang dijatuhi sanksi pelanggaran kode etik oleh Dewan kehormatan Notaris? dan Bagaimana daya mengikat sanksi keputusan Dewan Kehormatan terhadap Notaris?. Untuk menjawab pertanyaan tersebut penulis menggunakan metode penelitian hukum normatif, yang bersifat deskriptif analitis maka didapat hasil penelitian bahwa Dewan Kehormatan dapat menjatuhkan sanksi terhadap Notaris yang melakukan pelanggaran kode etik, sanksi yang dikenakan terhadap anggota Ikatan Notaris Indonesia yang melakukan pelanggaran kode etik tersebut dapat berupa : Teguran, Peringatan, Schorzing (pemecatan) dari keanggotaan Perkumpulan, Onzetting (pemecatan) dari keanggotaan Perkumpulan dan Pemberhentian dengan tidak hormat dari keanggotaan Perkumpulan dan Anggota Notaris yang diberikan sanksi atas pelanggaran kode etik dapat melakukan upaya pembelaan diri dan dapat mengajukan banding secara bertingkat terhadap putusan Dewan Kehormatan Daerah kepada dewan Kehormatan Wilayah dan Dewan Kehormatan Pusat sebagai pemeriksaan tingkat akhir. Hal ini berdasarkan Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris, Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Jabatan Notaris dan Kode Etik Ikatan Notaris Indonesia.

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ABSTRACT

In the position as the notary, they should respect to the moral hazard and the norms of the publics. The integrities and moral as Notary is the important requirements beside responsibilities and professional?s notarial occupation. In the purpose to protecting the public interest and to ensure the implementation of the Notary position which is entrusted by the law and in generally society, that?s why the rule of the law regarding implementation of the occupational notary its very precise, whereas with ethic of conduct the public of interest will be insurable and at the end it could be reinforce public confidence. In practice implementation of notary profession frequently violation behalf on the notary ethics, that?s why when notary doing the violation, there are the mechanism sanction given by the Honorary Notary Council.

Referring to conditions above this thesis discussing among others issue, How the legal actions of the Notary which the ethic of conduct violation sanctioned by the Honorary Notary Council? And how to binding the sanction by the Honorary Notary Council to the notary? To answer that questions the writer using research normative methodology with analytic descriptive, and the result of the research is the Honorary Notary Council can be sanction to the notary who violate the ethic of conduct, forms of the sanction to the member of the Indonesia Notary Association can be : warning, caution, schorzing, dismissal of membership, dishonorable dismissal of membership and to the notary sanctioned behalf on the violation ethic of conduct can be doing the defense efforts and also propose appeal considerations level by level against the decisions of the Honorary Notary Council Regional and to the Honorary Notary Council Centralas the final level of the inspection. It is based on Laws Number 30 year of 2004 according Notary Laws, and Laws Number 2 year of 2014 according alteration of Occupation Notary Laws and ethic of conduct Indonesia Notary Association.;In the position as the notary, they should respect to the moral hazard and the norms of the publics. The integrities and moral as Notary is the important requirements beside responsibilities and professional's notarial occupation.In the purpose to protecting the public interest and to ensure the implementation of the Notary positionwhich is entrusted by the law and in generally society, that's why the rule of the law regarding implementation of the occupational notary its very precise, whereas with ethic of conduct the public of interest will be insurable and at the end it could be reinforce public confidence. In practice implementation of notary profession frequently violation behalf on the notary ethics, that's why when notary doing the violation, there are the mechanism sanction given by the Honorary Notary Council. Referring to conditions above this thesis discussing among others issue, How the legal actions of the Notary which the ethic of conduct violation sanctioned by the Honorary Notary Council? And how to binding the sanction by the Honorary Notary Council to the notary? To answer that questions the writer using research normative methodology with analytic descriptive, and the result of the research is the Honorary Notary Council can be sanction to the notary who violate the ethic of conduct, forms of the sanction to the member of the Indonesia Notary Association can be : warning, caution, schorzing, dismissal of membership, dishonorable dismissal of membership and to the notary sanctioned behalf on the violation ethic of conduct can be doing the defense efforts and also propose appeal considerations level by level against the decisions of the Honorary Notary Council Regional and to the Honorary Notary Council Centralas the final level of the inspection. It is based on Laws Number 30 year of 2004 according Notary Laws, and Laws Number 2 year of 2014 according alteration of Occupation Notary Laws and ethic of conduct Indonesia Notary Association., In the position as the notary, they should respect to the moral hazard and the norms of the publics. The integrities and moral as Notary is the important requirements beside responsibilities and professional's notarial occupation.In the purpose to protecting the public interest and to ensure the implementation of the Notary positionwhich is entrusted by the law and in generally society, that's why the rule of the law regarding implementation of the occupational notary its very precise, whereas with ethic of conduct the public of interest will be insurable and at the end it could be reinforce public confidence. In practice implementation of notary profession frequently violation behalf on the notary ethics, that's why when notary doing the violation, there are the mechanism sanction given by the Honorary Notary Council. Referring to conditions above this thesis discussing among others issue, How the legal actions of the Notary which the ethic of conduct violation sanctioned by the Honorary Notary Council? And how to binding the sanction by the Honorary Notary Council to the notary? To answer that questions the writer using research normative methodology with analytic descriptive, and the result of the research is the Honorary Notary

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