

Tinjauan yuridis terhadap pelanggaran kode etik akte yang dibacakan tidak patut dan notaris yang tidak seksama dalam membuat akta (studi kasus putusan majelis pemeriksa wilayah notaris Jawa Barat No.129/MPW-JABAR/2007 tertanggal 26 Februari 2007 = Judicial review of the deed code violation improper narrated and notary deed not thoroughly in making a case study examining council decision notary region East Java No.129/MPW-JABAR/2007 dated February 26 2007

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Abstrak

[ABSTRAK

Notaris dalam prakteknya melakukan pekerjaan berdasarkan kewenangannya atau dalam ruang lingkup tugas jabatan sebagai notaris berdasarkan Undang-undang Nomor 2 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris dan Kode Etik Notaris. Notaris dalam membuat akta harus sesuai dengan syarat formil dan materil, diantaranya adalah dengan dibuat secara seksama dan dibacakan dihadapan para pihak yang berkepentingan dalam akta yang dibuat. Apabila hal tersebut tidak dilakukan maka notaris sudah melanggar ketentuan yang terdapat di Pasal 4, Pasal 16 ayat (1) huruf a dan l, Pasal 44 ayat (1) dan (2), Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris, Pasal 9, Pasal 16 ayat (1) huruf a dan m, Pasal 44 ayat (1) dan (2) Undang-undang Nomor 2 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris, Pasal 3 dan 4, Pasal 6 Kode Etik Notaris, seperti pada studi kasus Putusan Majelis Pemeriksa Wilayah Notaris Jawa Barat No. 129/MPW-Jabar/2007 Tertanggal 26 Februari 2007. Metode yang digunakan adalah yuridis empiris, yaitu suatu penelitian disamping melihat aspek hukum positif juga melihat pada penerapannya atau praktek di lapangan. Teknik analisis data yang digunakan adalah deskriptif kualitatif, yaitu setelah data terkumpul kemudian dituangkan dalam bentuk uraian logis dan sistematis, selanjutnya dianalisis untuk memperoleh kejelasan penyelesaian masalah, kemudian ditarik kesimpulan secara deduktif, yaitu dari hal yang bersifat umum menuju hal yang bersifat khusus. Berdasarkan penelitian, maka diperoleh hasil: 1) pembacaan akta harus selalu dibacakan dengan patut agar para pihak tidak dirugikan serta tidak melanggar praturan yang berlaku. 2) Akibat hukum kepada notaris yang tidak seksama dalam membuat akte notaris, melanggar ketentuan Pasal 4 UUJN mengenai sumpah/janji, Pasal 16 huruf a dan l Undang-undang Nomor 2 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris, Pasal 44 ayat (1) Undang-undang Nomor 2 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris, Pasal 3 dan Pasal 4 angka 14, pasal 4 angka 15 Kode Etik Notaris dan terhadap akte yang dibuatnya bisa menjadi batal demi hukum atau hanya menjadi akte di bawah tangan dalam kekuatan sebagai pembuktiannya.

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ABSTRACT

In practice, Notary do the work based on the scope of their authority or office duties as a notary public by Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary and Notary Code. Notary in making the deed must be in accordance with the formal requirements and materially are to be

made carefully and read out in front of the interested parties in a deed made. If this is not done then the notary had violated the provisions contained in Article 4, Article 16 paragraph (1) letter a and l, Article 44 paragraph (1) and (2), Act No. 30 of 2004 concerning Notary, Article 9, Article 16 paragraph (1) letter a and m, Article 44 paragraph (1) and (2) of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary, Articles 3 and 4, Article 6 Notary Code of Ethics, as in the case study region Investigator Award of the Tribunal Notary West Java. 129/MPW-Jabar/2007 dated February 26, 2007.

Juridical method used is empirical, ie a study in addition to seeing the positive aspects of the law also look at the application or practice in the field. The data analysis technique used is descriptive qualitative, ie after the data is collected and then poured in a logical and systematic description of the form, then analyzed to obtain clarity problem solving, and then drawn conclusions deductively, from the general to the specific nature of things. According to the study, the obtained results: 1) readings should always be read out with the deed that the parties should not be harmed and does not violate applicable praturan. 2) Due to the notary law is not careful in making a notarial deed, violated the provisions of Article 4 UUJN on oath / pledge, Article 16 letters a and l of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary , Article 44 paragraph (1) of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary, Article 3 and Article 4, item 14, item 15 of Article 4 of the Code and the Notary deed that could be made null and void or just become certificate under the hand of the strength as proof.;In practice, Notary do the work based on the scope of their authority or office duties as a notary public by Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary and Notary Code. Notary in making the deed must be in accordance with the formal requirements and materially are to be made carefully and read out in front of the interested parties in a deed made. If this is not done then the notary had violated the provisions contained in Article 4, Article 16 paragraph (1) letter a and l, Article 44 paragraph (1) and (2), Act No. 30 of 2004 concerning Notary, Article 9, Article 16 paragraph (1) letter a and m, Article 44 paragraph (1) and (2) of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary, Articles 3 and 4, Article 6 Notary Code of Ethics, as in the case study region Investigator Award of the Tribunal Notary West Java. 129/MPW-Jabar/2007 dated February 26, 2007. Juridical method used is empirical, ie a study in addition to seeing the positive aspects of the law also look at the application or practice in the field. The data analysis technique used is descriptive qualitative, ie after the data is collected and then poured in a logical and systematic description of the form, then analyzed to obtain clarity problem solving, and then drawn conclusions deductively, from the general to the specific nature of things. According to the study, the obtained results: 1) readings should always be read out with the deed that the parties should not be harmed and does not violate applicable praturan. 2) Due to the notary law is not careful in making a notarial deed, violated the provisions of Article 4 UUJN on oath / pledge, Article 16 letters a and l of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary , Article 44 paragraph (1) of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary, Article 3 and Article 4, item 14, item 15 of Article 4 of the Code and the Notary deed that could be made null and void or just become certificate under the hand of the strength as proof., In practice, Notary do the work based on the scope of their authority or office duties as a notary public by Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary and Notary Code. Notary in making the deed must be in accordance with the formal requirements and materially are to be made carefully and read out in front of the interested parties in a deed made. If this is not done then the notary had violated the provisions contained in Article 4, Article 16 paragraph (1) letter a and l, Article 44 paragraph (1) and (2), Act No. 30 of 2004 concerning Notary,

Article 9, Article 16 paragraph (1) letter a and m, Article 44 paragraph (1) and (2) of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary, Articles 3 and 4, Article 6 Notary Code of Ethics, as in the case study region Investigator Award of the Tribunal Notary West Java. 129/MPW-Jabar/2007 dated February 26, 2007. Juridical method used is empirical, ie a study in addition to seeing the positive aspects of the law also look at the application or practice in the field. The data analysis technique used is descriptive qualitative, ie after the data is collected and then poured in a logical and systematic description of the form, then analyzed to obtain clarity problem solving, and then drawn conclusions deductively, from the general to the specific nature of things. According to the study, the obtained results: 1) readings should always be read out with the deed that the parties should not be harmed and does not violate applicable praturan. 2) Due to the notary law is not careful in making a notarial deed, violated the provisions of Article 4 UUJN on oath / pledge, Article 16 letters a and l of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary , Article 44 paragraph (1) of Act No. 2 of 2014 on the Amendment to Law Number 30 Year 2004 concerning Notary, Article 3 and Article 4, item 14, item 15 of Article 4 of the Code and the Notary deed that could be made null and void or just become certificate under the hand of the strength as proof.]