

Aspek aksiologis dari perjanjian yang dibuat di hadapan notaris dalam perspektif filsafat hukum yang berideologi Pancasila

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Abstrak

The legal performance of a notary is authorized based on legislative rules. One of a notary's authorities is to certify proper execution or signing of any sort of authentic documents. What can be found in the authentic documents, not merely an agreement among parties, but also territorial meanings of philosophical values, that are binding in Indonesian law. The discussion of the paperwork is to be started through analyzing the philosophy of regulations in Indonesia general. The substance of law philosophy in Indonesia will be practiced as a framework of axiological aspect, such as how to act upon legal performance of a profession as a notary. The next discussion on the writer's paperwork is to identify what service a notary should present along with their functions and authorities. Lastly, the paperwork contains axiological aspects in the relation of identifying necessary values and characteristics of Indonesian law philosophy in authorizing documents that are to be made by a legal notary.

Through this paperwork, the writer is dealing with a certain methodological research, an analytical descriptive method, in which systematically and factually, the writer is depicting and analyzing the substance of law philosophy based on the ideology of Pancasila-based philosophy of law in accordance to notaries and deeds matters. The writer is employing normative-judicial research method, that is an approach towards a method using secondary data or literature research as a core of the writer's paperwork. The result of the writer's discussion reveals that the legal performance of a notary in certifying proper execution or signing of any sort of authentic documents involves, not merely end-up achievements and agreements among parties executed, but also notifying and paying attention towards axiological aspects in Indonesian philosophy of law, that is Pancasila-based philosophy of law. The legal ideas of Pancasila-based philosophy of law should be characterized as guidance principles and touchstones in the authorities of a notary profession and signing legal documents as a notary's product. The ignorance towards axiological aspects in Pancasila-based philosophy of law may be considered a disavowal of a notary's office oath and a violation of an ought-to-be-like notarial services one should carry out. On the contrary, the respect towards axiological aspects in Pancasila-based philosophy of law is expected to be cultivated as a custom of law which should always be performed in notaries authorization.