

Notaris yang melakukan pengulangan tindak pidana studi kasus putusan Pengadilan Negeri Cibinong tanggal 24 Maret 2014 nomor 251 PID B 2013 PN CIB dan Pengadilan Negeri Cibinong tanggal 29 April 2015 nomor 766 PID B 2014 PN CIB = Repetition of criminally acts by notary case study Cibinong District court Decision dated March 24 2014 number 251 PID B 2013 PN CIB and Cibinong District Court dated 29 April 2015 number 766 PID B 2014 PN CIB

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Abstrak

Notaris sebagai lembaga kepercayaan, dalam menjalankan jabatan dan dalam kesehariannya wajib menjaga keluhuran moral dan etikanya. Tujuan penelitian dalam tesis ini ditujukan agar dapat mengetahui penerapan peraturan perundang-undangan serta kode etik notaris dalam prakteknya. Penyusunan tesis ini dilakukan dengan penulisan yuridis normatif karena dalam penulisan ini dilakukan studi dokumen serta tinjauan terhadap norma hukum tertulis yang mencakup penulisan terhadap asas-asas hukum.

Tesis ini membahas mengenai tindak pidana penggelapan yang dilakukan oleh seorang Notaris I.K,S.H,SP.1 secara berulang kali, sebagaimana ternyata dalam putusan pengadilan Negeri Cibinong tanggal 24 Maret 2014 nomor 251/Pid.B/2013/PN.Cib dan Putusan Pengadilan Negeri Cibinong tanggal 29 April 2015 Nomor : 766/Pid.B/2014/PN Cib. Notaris tersebut menyalahgunakan jabatannya serta kepercayaan kliennya.

Namun, dalam hal ini notaris I.K SH SP.1 tersebut tidak dijatuhkan sanksi sebagaimana seharusnya menurut peraturan perundangan dan kode etik notaris yang berlaku.

Menurut ketentuan peraturan Perundang-undangan dan Kode Etik Notaris, notaris Indra Kadarsah SH SP1 telah memenuhi kategori sebagai Residivis, sehingga seharusnya dijatuhi hukuman administrasi berupa pemberhentian secara tidak hormat, hal ini berdasarkan kualitas kejahatannya, yakni penggelapan, dan jika dilihat dari kuantitas kejahatannya, yakni dihukum pidana penjara dalam waktu berdekatan, sehingga perbuatannya merendahkan kehormatan dan martabat jabatan notaris dan Melakukan pelanggaran berat terhadap kewajiban dan larangan jabatan. Seharusnya Majelis Pengawas Notaris harus lebih aktif dalam menjalankan tugasnya. Majelis Pengawas Notaris dan Lembaga Pengadilan harus bersinergi satu sama lain agar dapat menjalankan fungsi pengawasan dan pembinaan secara optimal.

.....Notary as an institution of trust, in doing daily basis must maintain moral and ethical grandeur. The research objective of this thesis is intended to determine the application of legislation and codes of conduct notary in practice. However, the notary is not infallible, and in practice, many notaries who committed the crime, not just once, but repeatedly. This thesis uses normative-yuridis methods writing, because in this paper conducted a study and review of the documents written legal norms that include writing to the principles of law.

This thesis discusses the criminal acts of embezzlement committed by a Notary IK, SH, sp.1 by repeatedly, as evident in Cibinong District Court decision dated March 24, 2014 number 251 / Pid.B / 2013 / PN.Cib and the District Court's Decision Cibinong dated 29 April 2015 Number: 766 / Pid.B / 2014 / PN Cib. The notary abusing the trust of his clients in the care of his estate related interests. Notary as a respectable profession must have good moral character and must not misconduct, but, in this case the notary IK sp.1 SH

is not imposed sanctions as it should be according to the laws and codes of conduct applicable notary. According to the provisions of the Regulations and Code of Notaries, notary Indra Kadarsah SH SP1 has fulfilled categories as Residivis, so it should have been sentenced to administrative form of dismissal in disgrace, it is based on the quality of his crime, the embezzlement, and when seen from the quantity of crimes, namely sentenced to imprisonment in the adjacent, so that his actions degrading the honor and dignity of the office of notary and Conducting a grave violation of obligations and prohibitions position. Notary Supervisory Council ought to be more active in carrying out its duties. Notary and Institutions Supervisory Council of the Court should be in synergy with one another in order to carry out supervision and oversight function optimal.