

Peranan majelis kehormatan notaris dalam proses penegakan hukum pidana = The role of honorary board of notary in the criminal law enforcement process

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Abstrak

ABSTRAK

Dicabutnya Pasal 66 Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris dengan dikeluarkannya Putusan Mahkamah Konstitusi Nomor 49/PUU-X/2012, tanggal 28 Mei 2013 menimbulkan keresahan bagi kalangan Notaris karena Notaris dalam menjalankan Jabatannya terikat sumpah Jabatan untuk merahasiakan segala sesuatu mengenai Akta yang dibuatnya dan segala keterangan yang diperoleh guna pembuatan Akta sesuai dengan sumpah/janji jabatan. Notaris kehilangan perlindungan hukum untuk menjalankan kewajiban ingkarnya dalam menjalankan Jabatannya karena Penyidik, penuntut umum dan hakim bisa langsung mengambil fotokopi minuta akta dan/atau memanggil Notaris tanpa harus mendapat izin Majelis Pengawas Daerah terlebih dahulu. Notaris sebagai pejabat umum yang menjalankan Jabatannya dalam memberikan jasa hukum kepada masyarakat, perlu mendapatkan perlindungan dan jaminan demi tercapainya kepastian hukum. Dibentuknya Majelis Kehormatan Notaris bukan sebagai pembela bagi para Notaris, melainkan sebagai institusi yang memenuhi perintah undang-undang untuk melindungi akta Notaris sebagai arsip Negara karena di dalam akta terdapat kepentingan para pihak dalam akta yang wajib untuk disimpan oleh Notaris, serta melindungi jabatan Notaris dalam hal Notaris membuka rahasia jabatan dalam kepentingan proses peradilan pidana sehingga membuka rahasia jabatan yang dilakukan Notaris guna kepentingan proses peradilan pidana dikecualikan dari pelanggaran rahasia jabatan Notaris. Persetujuan Majelis Kehormatan Notaris merupakan "kunci pembuka" kewajiban ingkar Notaris. Untuk mencapai tujuan perlindungan terhadap akta Notaris Majelis Kehormatan Notaris mempunyai peranan sebagai "jembatan" antara notaris dengan penyidik, penuntut umum atau hakim untuk kepentingan proses peradilan. sebagai institusi/lembaga yang memenuhi perintah undang-undang untuk melindungi akta Notaris serta jabatan Notaris. sebagai alasan pembenar bagi Notaris dalam hal membuka rahasia Jabatan Notaris.

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ABSTRACT

The revocation of Article 66 of Law Number 30 Year 2004 regarding Notary Public Official, with the issuance of Decision of the Constitutional Court Number 49 PUU X 2012, dated May 28, 2013 caused unrest for Notary since the Notary in his her position is bound by the oath of office to keep confidential all matters concerning the Deed he made and all the information obtained for the making of the Deed in accordance with the oath promise of office. The Notary loses the legal protection to perform inherent obligations in performing his her position because the Investigator, the public prosecutor and the judge may immediately take a photocopy of the deed and or call the Notary without obtaining the permission of the Regional Supervisory Board first. Notary as a general official who carries out his her position in providing legal services to the public, need to get protection and guarantee for the sake of legal certainty. as well as to protect the position of Notary in the case of a Notary disclosing confidential positions in the interest of

criminal justice process. The establishment of the Honorary Board Notary is not as an advocate for Notaries but as an institution that fulfills the law order to protect Notary deed as State archives because in the deed there is the interest of the parties in the deed which must be kept by the Notary so that to disclose the official secret made by a Notary to the interests of the criminal justice process shall be exempted from a breach of the secret of the Notary 39 s office open secret Notary office conducted for the benefit of the criminal justice process are excluded from the Notary professional secrecy violation. The Approval of the honorary board of notary is the opening key of the Notary 39 s obligation. To achieve the purpose of protection against notarial deed the Honorary Board Notary become a bridge between the notary with the investigator, public prosecutor or judge for the benefit of the criminal justice process. as institutions agencies fulfill orders the law to protect the notarial deed and the Notary office. as justification for the Notary in the matter of disclosing Secretary of Notary. Keywords Notary, Notary Public, confidential Position, honorary board of notary, honorary board of notary approval, Legal protection.