

Pelanggaran terhadap kewajiban dan larangan jabatan yang dilakukan oleh notaris dalam pembuatan akta pernyataan keputusan pemegang saham perseroan terbatas yang tidak memenuhi persyaratan Pasal 91 Undang-Undang Perseroan Terbatas Nomor 40 Tahun 2007 (Studi kasus Putusan Majelis Pengawas Wilayah Notaris Nomor 12/PTS/Mj.PWN Prov Banten/X/2016) = Breach against Public Notary Function mandatory and prohibitory code of conduct committed by Public Notary in drafting a Declaration Act by Ineligible share holders of a Limited Liability Company based on Bill of Limited Liability Company No. 40/2007 article 91 (Case study: Regional Inspectorate Council Case No. 12/PTS/MJ PWM, Province of Banten/X/2016)

Putri Paramitha, author

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Abstrak

ABSTRAK

Undang-Undang Jabatan Notaris, Kode Etik mengatur mengenai kewajiban, larangan terhadap Notaris dalam menjalankan jabatannya. Namun dalam realita yang berkembang, masih terdapat pelanggaran yang dilakukan oleh Notaris. Salinan Putusan Nomor 12/PTS/Mj.PWN Prov Banten/X/2016, merupakan contoh pelanggaran yang dilakukan oleh Notaris X. Permasalahan yang penulis analisa yaitu, bagaimanakah kewajiban dan larangan Notaris dalam pembuatan Akta Pernyataan Keputusan Pemegang Saham Perseroan Terbatas (Studi Kasus Salinan Putusan Majelis Pengawas Wilayah Notaris Nomor 12/PTS/MJ PWM Prov Banten/X/2016) berdasarkan ketentuan Pasal 91 Undang Undang Perseroan Terbatas Nomor 40 Tahun 2007, dan bagaimana sanksi hukum bagi Notaris yang terbukti melakukan pelanggaran terhadap kewajiban dan larangan jabatan sebagaimana diatur dalam Undang-Undang Jabatan Notaris. Penelitian ini menggunakan metode penelitian hukum yuridis-normatif. Jenis data yang digunakan, yaitu jenis data sekunder. Penelitian ini menyimpulkan bahwa Notaris X telah melakukan pelanggaran terhadap kewajiban dan larangan berupa membuat Akta Pernyataan Keputusan Pemegang Saham Perseroan Terbatas, yang isinya tidak memenuhi persyaratan Pasal 91 Undang Undang Perseroan Terbatas Tahun 2007. Sanksi yang diputuskan oleh Majelis Pengawas Wilayah Notaris kepada Notaris X yaitu usulan pemberhentian sementara dalam jabatannya selama 6 bulan.

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ABSTRACT

Code of Conduct as stipulated in the Bill of Public Notary, regulates the obligation and prohibition carried out by Public Notary in conducting their position. In reality, we still figure out such breach committed by Public Notary. A Copy of Verdict number 12/PTS/Mj.PWN Province of Banten/X/2016, as an example of such violation by Public Notary "Mrs. X". As an analitical problem, there are two big questions: (a) What is the obligation and prohibition for Public Notary in drafting an Act by Ineligible share holders of a Limited Liability Company for the case of Regional Inspectorate Council's Case number 12/PTS/Mj PWM, Province of Banten/X/2016 connected the a provision as stipulated at Article 91, Bill of Limited Liability Company Number 40/2007 and (b) What is the legal sanction against the Public Notary committed such violation

towards obligation and prohibition of their function as stipulated by the Bill of Public Notary. The method used for this research is a normative legal research with secondary data as a reference. This research come to conclusion that Public Notary "Mrs. X" has been proven to violate the obligation and prohibition as a Public Notary by drafting an Act by Ineligible share holders of a Limited Liability Company in which that was not complied to the requirement as stipulated by Article 91, Bill of Limited Liability Company Number 40/2007. The sanction imposed by the Regional Inspectorate Council was a temporary suspension in the position for 6 months.