

Tinjauan hukum terhadap putusan mahkamah agung nomor 68/HUM/2015 tentang pungutan otoritas jasa keuangan terhadap Profesi Pungutan Pasar Modal (Notaris) = Legal overview on the judicial review number 68P/HUM/2015 about levies by the financial services authority on the notary as a capital market supporting profession : study case of supreme courtrolling number 68P/HUM/2015

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Abstrak

Tesis ini membahas tentang Profesi Penunjang Pasar Modal terutama notaris yang dikenakan pungutan oleh otoritas jasa keuangan. Profesi penunjang pasar modal, terutama notaris penting perannya dalam transaksi pasar modal yang telah mengalami perkembangan yang pesat dan berdampak signifikan pada kemajuan ekonomi negara. Para pemohon yang keberatan dengan dikeluarkannya PP No. 11 Tahun 2014 tentang pungutan oleh otoritas jasa keuangan, mengajukan judicial review ke Mahkamah Agung dan selanjutnya Mahkamah Agung menolak permohonan para pemohon dan tetap memberlakukan pungutan terhadap profesi penunjang pasar modal, Dengan keluarnya putusan MA No. 68/HUM/2015, putusan tersebut sangat dirasaa merugikan PPPM. Penelitian ini menggunakan metode penelitian yuridis normatif, dimana alat pengumpulan datanya adalah studi dokumen. Hasil penelitian menunjukkan bahwa putusan MA tersebut sangat merugikan dan tidak adil jika ditinjau dari teori etis-nya Aristoteles dan AAUPB.

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This Thesis describes that Capital market as one of the financial services sector these days has been grows rapidly which gave impact to the economic nation. Notary as one of the capital market supporting profession has its role and function whic is vital enough in related to making authentic deeds. To do that function notary has to obey OJK legislation number 11 year 2014, the eesence of that legislation is notary has to pay fees for registration and annually fees and notary in capital market object about that and supporting profession in capital market did the judicial review about that legislation to the supreme court and the result the indonesian supreme court denied the legislation judicial review. This research is the juridical-normative research, when data used for this research are being collected through documents. The result shows that supreme court ruling number 68/HUM/2015 is very unfair and the writer use Aristotles theory of ethical justice and good government principles (AAUPB).