

# Perlindungan Hukum Bagi Pengguna Jasa Notaris (Studi Kasus: Ketiadaan Notaris Penerima Protokol Dari Notaris Yang Meninggal Dunia) = Legal Protection for Notary Service Users (Case Study: The Absence of Notary Recipient Protocol From Deceased Notary)

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## Abstrak

Protokol notaris adalah sekumpulan dokumen yang merupakan arsip negara. Ketika seorang Notaris meninggal, protokol dari Notaris yang meninggal dunia tersebut harus segera diserahkan kepada Notaris penerima protokol agar pengguna jasa Notaris terdahulu tetap mendapatkan perlindungan dan kepastian hukum. Namun dalam kenyataannya ada protokol Notaris yang disimpan sendiri oleh ahli waris dari Notaris yang meninggal dunia sehingga dapat terjadi hilangnya minuta akta yang merupakan arsip negara. Dalam penelitian ini, menggunakan metode penelitian yuridis normatif di mana penulis membandingkan antara fakta di lapangan dengan peraturan perundang-undangan berlaku. Dari hasil penelitian, penulis menyimpulkan perlindungan hukum bagi pengguna jasa Notaris dalam kasus hilangnya minuta akta yang berada dalam penyimpanan ahli waris tidak terwujud. Bahwa berdasarkan teori pertanggungjawaban hukum, yang menjelaskan bahwa kerugian kepada pihak ketiga dibebankan kepada instansi atau badan dari tempat pejabat tersebut berasal. Majelis Pengawas Daerah (MPD) sebagai badan pengawas pejabat notaris sudah seharusnya memberikan perlindungan hukum, kepastian hukum dan ketertiban hukum. Protokol Notaris merupakan arsip Negara dan sudah sepatutnya disimpan, dipelihara dan dijaga keutuhannya. Perlu diadakan pembinaan, pengawasan dan evaluasi terhadap kinerja Majelis Pengawas Notaris serta diatur pula sanksi apabila terjadi hal-hal yang merugikan akibat kelalaian pelaksanaan tugas dan wewenang Majelis Pengawas Notaris serta peraturan perundang-undangan yang khusus mengatur tentang Protokol Notaris.

Kata kunci : Protokol Notaris, Arsip Negara, Majelis Pengawas Daerah (MPD), Majelis Pengawas Notaris (MPN).

Notary Protocol is a collection of documents which are state archives. When a Notary passed away, the protocol of the Notary must be immediately handed over to the Notary recipient of the protocol to ensure that the previous users of the Notary services would still receive legal protection and legal certainty. In practice, however, there are a few cases in which the Notary Protocol is kept by the heirs of the deceased Notary, which resulted in the loss of minutes of deed which are national archive. This thesis research methodology is legal normative, in which the writer compared the facts that happened with the prevailing laws and regulations. From the result of this research, the writer concluded that the legal protection for the users of a Notary service, in which the minutes of deed are considered lost, does not transpire. That according to the theory of legal responsibility, this explains that the damages suffered by a third party are imposed to the agency or entity of the region in which the official came from. The Regional Supervisory Council (Majelis Pengawas Daerah) as the supervisory agency of a Notary official is obliged to provide legal protection, legal certainty and legal order. Notary Protocol as a national archive should be duly kept, maintained and protected. Guidance, supervision and evaluation towards the performance of the Regional Supervisory Council is long overdue, as well as regulations regarding sanctions should there be adverse effects incurring from the negligence of performance of duties and authority of the Regional Supervisory Council as well as the laws and regulations

which specifically regulate the Notary Protocol.

**Keywords** : Notary Protocol, State Archives, Majelis Pengawas Daerah (MPD), Majelis Pengawas Notaris (MPN).