

Tanggung Jawab Notaris yang Menjalankan Jabatan dan Operasionalnya di Luar Wilayah Jabatan (Studi Putusan Majelis Pengawas Wilayah Notaris Jawa Barat Nomor: 06/PTS-MPWN Provinsi Jawa Barat/IX/2020) = Notary's Responsibility Who Carries Out Their Duty and Operational Outside the Duty Area (Study on West Java Area Notarial Supervisory Board No: 06/PTS-MPWN Provinsi Jawa Barat/IX/2020)

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Abstrak

Tesis ini membahas mengenai tanggung jawab Notaris yang menjalankan jabatan dan operasionalnya di luar wilayah jabatan. Studi kasus yang diambil oleh penulis adalah Putusan Majelis Pengawas Wilayah Notaris Jawa Barat Nomor 06/PTS-MPWN Provinsi Jawa Barat/IX/2020 yang pada intinya memuat pelanggaran terhadap kewajiban dan larangan yang dilakukan oleh Notaris SA, Notaris di Kabupaten Karawang yang menjalankan jabatan dan operasionalnya di kantor Notaris lain yang berkedudukan di Jakarta Timur. Tujuan dari penelitian ini adalah untuk menganalisis bentuk pelanggaran dan tanggung jawab Notaris yang menjalankan jabatan dan operasionalnya di luar wilayah jabatan, serta menganalisis pertimbangan majelis pemeriksa dalam putusan tersebut. Penulisan tesis ini menggunakan metode penelitian yuridis normatif dengan tipe penelitian eksplanatoris. Hasil analisis terhadap Putusan Majelis Pengawas Wilayah Notaris Jawa Barat tersebut, Notaris SA melanggar beberapa ketentuan dalam Undang-Undang Jabatan Notaris dan Kode Etik Notaris, sehingga dapat dikenakan tanggung jawab berdasarkan Undang-Undang Jabatan Notaris dan Kode Etik Notaris. Notaris SA juga dapat dikenakan sanksi perdata karena akta yang dibuat di luar wilayah jabatannya menjadi terdegradasi seperti akta dibawah tangan. Pengenaan pasal pada pertimbangan majelis pemeriksa kurang memenuhi pelanggaran yang dilakukan oleh Notaris SA dan sanksi yang diberikan kurang memberikan efek jera.

.....This thesis discusses the responsibilities of a Notary who carries out his position and operation outside the area of duty. The author uses Decision of the Notary Supervisory Board of the West Java Region Number 06/PTS-MPWN West Java Province/IX/2020 as the case study of this thesis, which essentially raise violations of the obligations and prohibitions carried out by Notary SA, Notary in Karawang Regency who carries out the position and operational in another notary office domiciled in East Jakarta. The purpose of this study is to analyze the forms of violations and responsibilities of a Notary who carries out his position and operation outside the area of duty, as well as to analyze the Notary Supervisory Board's consideration in the said decision. The writing method of this thesis uses a normative juridical research method with an explanatory type of research. The results of the analysis of the Decision of the Notary Supervisory Board of the West Java Region is that Notary SA has violated several provisions of the Law on Notary Duty and the Notary Code of Ethics, so that he could be subject to liabilities under the Law on Notary Duty and the Notary Code of Ethics. Notary SA can also be subject to civil sanctions due to the deed made outside the area of his office were degraded as if it was a private-made deed. However, the imposition of articles on the Notary Supervisory Board's consideration does not meet the violations committed by the Notary and the sanction given does not provide a deterrent effect to the violator.