

Independensi majelis pengawas notaris dikaji berdasarkan asas keseimbangan kajian terhadap putusan majelis pemeriksa pusat notaris nomor 02 b mj ppn v 2013 = Independence of notary supervision board by review based on the principle of balance review on the decision from the center of notary supervision board mppn no 02 b mj ppn v 2013 / Ika Rizky Chandrasari

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Abstrak

ABSTRAK

Majelis Pengawas Notaris adalah Lembaga baru yang diatur dalam Undang – Undang Jabatan Notaris yang berwenang untuk menyelenggarakan sidang pemeriksaan dan penjatuhan sanksi terhadap notaris yang diduga melakukan pelanggaran pelaksanaan jabatan notaris dan atau kode etik notaris. Struktur dan Komposisi anggota Majelis Pengawas Notaris, cara pengangkatan, sistem sanksi pemberhentian dari jabatan yang bersifat pengusulan kepada Menteri dan benturan kepentingan (conflict of interest) merupakan faktor yang mempengaruhi asas keseimbangan dan independensi Majelis Pengawas Notaris. Metode hukum pengaturan Majelis Pengawas Notaris di Belanda dengan asas keseimbangan (check and balances), benturan kepentingan (conflict of interest), dan pemberian otonomi kepada Majelis Pengawas Notaris di Belanda dalam penjatuhan sanksi dibandingkan dengan pengaturan Majelis Pengawas Notaris di Indonesia. Hasil penelitian struktur dan keseimbangan sistem sanksi menunjukkan adanya keikutsertaan secara langsung Pemerintah (eksekutif) yang mempengaruhi independensi dan tidak adanya pengaturan benturan kepentingan secara sah mempengaruhi independensi dan imparialitas Majelis Pengawas Notaris sebagai organ penegak hukum disiplin.

ABSTRACT

Notary Supervision Board is a new institution that regulated by the application of act no 30 of 2004 concerning to notary position which is authorized to organizing a session of examination and giving a sanction for notary who expected make an offence of the notary rsquo s implementation and or about the notary rsquo ethics code Structure and compotition of notary supervision board the appointment discharge of sanction from the notary rsquo s position that are proposing to the minister and conflict of interest are the factors that affecting the principle of balance and the independence of the notary supervision board The law method of the notary supervision board in Belanda with the principle of balance check and balances conflict of interest and giving an autonomy to the notary supervision board in Belanda about discharge of sanction compared with the control of notary supervision board in Indonesia Research the resultof structure and compotition the member of Notary Supervision Board in Indonesia are not showing the principle of balance the sanction showed there is availability of government participation directly which is giving the

affecting of the independence and because there is no control of the conflict of interest intactly giving an affect of independence and the impartiality of notary supervision board as an organ of law enforcement discipline