

Analisa mengenai rangkap jabatan yang dimiliki oleh notaris pengganti (studi kasus: berita acara pemeriksaan majelis pengawas daerah notaris Jakarta Selatan nomor: 01 tahun 2014) = Analysis on substitute notary with double profession (case study: investigation report on South Jakarta notary supervisory board number 01 year 2014)

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Abstrak

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Tesis ini membahas mengenai Notaris Pengganti yang memiliki rangkap jabatan sebagai direktur suatu perseroan terbatas. Pasal 17 jo Pasal 33 ayat 2 Undang-undang Jabatan Notaris telah melarang mengenai rangkap jabatan ini baik bagi Notaris, Notaris Pengganti dan Pejabat Sementara Notaris. Jabatan rangkap ini dilarang oleh undang-undang untuk menghindari benturan kepentingan antara diri Notaris dengan kliennya terkait akta yang dibuatnya. Metode Penelitian yang digunakan adalah yuridis normatif. Metode penelitian yuridis normatif adalah metode penelitian yang mengacu kepada peraturan-peraturan tertulis atau hukum positif serta bahan hukum lainnya yang berkaitan dengan permasalahan. Akta yang dibuat atas suatu pelanggaran Undang-Undang Jabatan Notaris ini menjadi tergradasi sebagai akta yang memiliki kekuatan di bawah tangan karena Notaris Pengganti yang bersangkutan telah membuat akta tanpa kewenangan dengan melakukan suatu perbuatan melawan hukum. Majelis Pengawas Notaris sebagai garda terdepan dalam menegakkan Undang-Undang Jabatan Notaris memiliki peranan besar dalam menangani kasus rangkap jabatan ini terutama dalam pemberian sanksi tegas terhadap Notaris Pengganti yang bersangkutan serta memperbaiki sistem dalam mengambil keputusan mengenai pengangkatan seorang Notaris Pengganti. Hasil penelitian menyarankan bahwa perlu diberikan sanksi tegas kepada Notaris dan Notaris Pengganti yang bersangkutan dan diperketat mengenai aturan mengenai pengangkatan Notaris Pengganti.

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ABSTRACT

This thesis will discuss about substitute notary with double professions as a director of a limited company. Paragraph 17 in conjunction with paragraph 33 clause 2 of the law of the role of the notary forbids double professions for a notary, for a substitute notary and for an ad-interim notary. Double professions is prohibited by law to avoid conflict of interest between a notary and her or his client in regard to notarial deed or act is about to be made. Normative juridical approach is a research method that refers to written laws or positive laws, and other legal materials relating to case in concern. A notarial deed or act made in violation of the law of the role of the notary is degraded into private agreement

deed because the substitute notary produces this deed beyond his authority and acts against the interest of law. Notary supervisory board as the guard of laws of the role of notary, has important roles to handle cases of double profession, especially in relation to sanction imposed on a substitute notary involved, and to improve the system of appointment of a substitute notary .This thesis recommends the necessity of strong sanction to a notary or a substitute notary involved in double professions, and the tightening of laws related to appointment of substitute notary.;This thesis will discuss about substitute notary with double professions as a director of a limited company. Paragraph 17 in conjunction with paragraph 33 clause 2 of the law of the role of the notary forbide double professions for a notary, for a substitute notary and for an ad-interim notary. Double professions is prohibited by law to avoid conflict of interest between a notary and her or his client in regard to notarial deed or act is about to be made. Normative juridical approach is a research metode that refers to written laws or positive laws, and other legal materials relating to case in concern. A notarial deed or act made in violation of the law of the role of the notary is degraded into private agreement deed because the substitute notary produces this deed beyond his authority and acts against the interest of law. Notary supervisory board as the guard of laws of the role of notary, has important roles to handle cases of double profession, especially in relation to sanction imposed on a substitute notary involved, and to improve the system of appointment of a substitute notary .This thesis recommends the necessity of strong sanction to a notary or a substitute notary involved in double professions, and the tightening of laws related to appointment of substitute notary., This thesis will discuss about substitute notary with double professions as a director of a limited company. Paragraph 17 in conjunction with paragraph 33 clause 2 of the law of the role of the notary forbide double professions for a notary, for a substitute notary and for an ad-interim notary. Double professions is prohibited by law to avoid conflict of interest between a notary and her or his client in regard to notarial deed or act is about to be made. Normative juridical approach is a research metode that refers to written laws or positive laws, and other legal materials relating to case in concern. A notarial deed or act made in violation of the law of the role of the notary is degraded into private agreement deed because the substitute notary produces this deed beyond his authority and acts against the interest of law. Notary supervisory board as the guard of laws of the role of notary, has important roles to handle cases of double profession, especially in relation to sanction imposed on a substitute notary involved, and to improve the system of appointment of a substitute notary .This thesis recommends the necessity of strong sanction to a notary or a substitute notary involved in double professions, and the tightening of laws related to appointment of substitute notary.]