

Kewenangan notaris menolak memberikan salinan akta sesuai undang-undang jabatan notaris dan etika profesi notaris: analisa putusan majelis pengawas pusat No. 01/B/MJ.PPN/2006 = Notary authority to refuse to provide a copy of the deed according to the notary profession law and notary professional ethics analysis of the central supervisory council decision No. 01/B/MJ/PPN/2006 / Ratyan Noer Hartiko

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Abstrak

Notaris memiliki kewajiban yang tercantum dalam UUNJ yaitu mengenai kewajiban menjaga kerahasiaan isi akta. Hal tersebut juga tercantum dalam sumpah jabatan Notaris. Oleh karenanya undang-undang memberikan kewajiban Notaris untuk menolak memperlihatkan isi akta, termasuk memberikan salinan akta kepada pihak yang tidak berkepentingan. Namun ketidakjelasan mengenai konsep pihak yang berkepentingan dengan akta, membuat Notaris dapat mengalami gugatan pelanggaran kode etik, karena dianggap tidak memberikan salinan akta. Padahal pihak yang meminta bukanlah pihak yang di dalam akta, namun pihak terafiliasi dari pihak yang di dalam akta. Hal ini karena konsep pihak yang berkepentingan dalam hukum dapat diartikan berbeda-beda. Hal ini lah yang wajib dipahami oleh Notaris agar mereka dapat meberikan salinan akta sesuai pasal 54 UUNJ dan tetap menjaga kode etik Notaris terutama mengenai kewajiban merahasiakan isi akta.

<hr>Notaries have an obligation as stated in Notary Law namely an obligation of confidentiality regarding the contents of the deed. It is also stated in the Notary Oath. Therefore, the law provides Notary an obligation to refuse to show the contents of the deed, including giving a copy of the deed to unauthorized parties. But the vagueness of the concept of concerning parties with the deed, making a Notary experience lawsuit of Notary code violations, because they did not provide a copy of the deed. Whereas the requesting party is not a party in the deed, but the affiliated parties of party in the deed. This is because the concept of concerning parties in the law can be interpreted differently. This is the one that must be understood by the Notary so that they can give a copy of the deed in accordance with Article 54 of Notary Law and maintain a code of ethics, especially regarding an obligation of confidentiality regarding the contents of the deed.