

Implikasi perbuatan notaris/pejabat pembuat akta tanah yang tidak memenuhi kewajiban pembuatan akta jual beli berdasarkan perjanjian pengikatan jual beli lunas (studi putusan majelis pengawas pusat notaris Republik Indonesia, nomor: 03/b/mppn/vii/2019) = implications of notary / official certifier of title deeds actions that do not fulfill the obligation to make sale and purchase deed based on the binding agreement of sales and purchase (study of the decision of the board of trustees of the notary center)

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Abstrak

Tesis ini membahas tentang Implikasi Perbuatan Notaris/PPAT Yang Tidak Memenuhi Kewajiban Pembuatan Akta Jual Beli Berdasarkan Perjanjian Pengikatan Jual Beli Lunas (Studi Putusan Majelis Pengawas Pusat Notaris Republik Indonesia Nomor:03/B/MPPN/VII/2019). Notaris adalah jabatan yang terhormat dan luhur yang harus melindungi kepentingan masyarakat dan menjaga kepastian hukum. Namun dalam praktik, sering terjadi kesalahan yang dilakukan oleh Notaris. Permasalahan dalam tesis ini yaitu mengenai akibat pelanggaran jabatan yang dilakukan Notaris, serta implikasi dari pelanggaran jabatan Notaris tersebut terhadap pelaksanaan profesi Notaris sebagai *Officium Nobile*. Metode Penelitian yang digunakan yaitu penelitian yuridis normative, dengan tipe deskriptif analitis.

Hasil penelitian terhadap putusan tersebut menyatakan tindakan Notaris yang tidak amanah, jujur, saksama, mandiri, dan tidak berpihak menyebabkan dikenakannya sanksi pemberhentian sementara selama 3 (tiga) bulan dan mengakibatkan penurunan persepsi terhadap martabat Notaris sebagai *Officium Nobile*.

Seharusnya Notaris dalam masa pemberhentian sementara diblokir aksesnya ke akun online Notaris, serta memberikan tanda non aktif di kantor Notaris sebagai sanksi moral atas tindakannya, juga Surat Keputusan mengenai pemberhentian sementara tersebut segera diturunkan agar Notaris tidak dapat membuat akta selama masa pemberhentian, sehingga menimbulkan efek jera. Pula, apabila Notaris tidak menyanggupi tugas tambahan dari klien, sebaiknya Notaris menolak tugas tambahan tersebut. Apabila Notaris menyanggupi tugas tambahan, sebaiknya dibuat kontrak kerja sehingga terdapat bahwa Notaris telah menyanggupi untuk menyelesaikan pekerjaan tambahan tersebut. Sebaiknya Majelis Pengawas Daerah melakukan sosialisasi berkala sebagai bentuk pembinaan dan memberikan buku saku, serta melakukan pembinaan bersama dengan Dewan Kehormatan Ikatan Notaris Indonesia. Pelapor sebaiknya mengajukan sanksi perdata maupun pidana ke pengadilan terhadap tindakan Notaris terlapor.

.....This thesis discusses the Implications of Notary / Official Certifier Of Title Deeds Actions that Do Not Fulfill the Obligation to Make Sale and Purchase Deed Based on the Binding Agreement of Sales and Purchase (Study of the Decision of the Board of Trustees of the Notary Center of the Republic of Indonesia Number: 03 / B / MPPN / VII / 2019). Notary Public is a respectable and noble position that must protect the interests of the community and maintain legal certainty. But in practice, often a mistake is made by a notary public. The problem in this case is the consequences of notary violations committed by the Notary, as well as the implications of the violation of the Notarys position on the implementation of the Notary profession as *Officium Nobile*. The research method used is normative juridical research. This type of research is based

on a descriptive analytical type. The data processing method used is a qualitative method.

The results of the study can be concluded that Based on the results of the study of the Notary Central Board of Trustees' Decree, the notary actions that are not trustful, honest, thorough, independent, and impartial cause sanctions of temporary dismissal for 3 (three) months and result in a decrease in perception of the dignity of the Notary Public as a *Officium Nobile*. Notary in the period of temporary dismissal should be blocked access to the online account of the Notary, as well as giving an inactive sign at the Notary Office as a moral sanction for his actions, also a Decree on the temporary dismissal was immediately reduced so that the Notary could not make a deed during the dismissal period, causing a deterrent effect. Also, if the Notary does not undertake additional duties from the client, the Notary should refuse the additional tasks. If the Notary undertakes additional duties, a work contract should be made so that there is a Notary who has agreed to complete the additional work. The Regional Supervisory Council should conduct periodic socialization as a form of coaching and provide a pocket book, and conduct coaching together with the Honorary Board of the Indonesian Notary Association. Reporting parties should submit civil and criminal sanctions to the court against the actions of the reported Notary Public.