

# Upaya Perlindungan Hukum Terhadap Notaris Atas Putusan Lepas Dari Tuntutan Hukum (Ontslag Van Alle Rechtsvervolging) Dalam Sistem Peradilan Pidana = Legal Protection Efforts Against Notary On Decisions Free From Lawsuits (Ontslag Van Alle Rechtsvervolging) In The Criminal Justice System

Ripandi, author

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## Abstrak

Dalam menjalankan jabatannya, Notaris harus bersikap profesional dan menjunjung tinggi kode etik sesuai dengan peraturan perundang-undangan. Akan tetapi, terdapat beberapa perkara pidana Notaris sampai pada tahap pemeriksaan di persidangan, yang berakhir dengan putusan lepas dari tuntutan hukum dengan alasan perbuatan Notaris bukan merupakan perbuatan pidana, berdasarkan beberapa putusan pengadilan yang berkekuatan hukum tetap. Akibatnya, Notaris mengalami kerugian secara materil dan immateril dalam menjalankan tugas dan kewenangannya membuat akta autentik. Rumusan masalah dalam penelitian ini mengenai tindakan pemeriksaan penyidikan, penuntutan dan persidangan terhadap Notaris melakukan tindakan pidana dalam sistem peradilan pidana dan upaya perlindungan hukum yang ideal terhadap Notaris dalam sistem peradilan pidana yang kerap mendapatkan vonis putusan lepas dari tuntutan hukum. Tesis ini, menggunakan metode penelitian hukum normatif dengan tipe preskriptif dan dianalisis secara kualitatif. Hasil penelitian ini terkait tindakan pemeriksaan penyidikan, penuntutan dan persidangan terhadap Notaris dalam sistem peradilan pidana, belum menjamin terciptanya penegakan hukum oleh aparat penegak hukum, berakibat Notaris mengalami kerugian (waktu, pikiran dan materil). Hasil penelitian berikutnya yaitu upaya perlindungan hukum yang ideal, melalui lebih meningkatkan peran MKN agar membekali dengan pengetahuan dan sikap tegas dalam memeriksa dan memutuskan menolak permohonan pemanggilan dan pengambilan akta dengan alasan dasar hukum yang kuat, serta pembinaan hukum pidana dan advokasi hukum terhadap Majelis Kehormatan Notaris agar dapat mendampingi Notaris serta membentuk Kantor Bantuan Hukum bagi Notaris menjadi tersangka dan terdakwa tindak pidana. Selain itu, adanya upaya hukum ganti rugi akibat putusan lepas dari tuntutan hukum dan rekonstruksi kebijakan hukum terhadap Notaris dalam sistem peradilan pidana.

.....In carrying out his position, a Notary must be professional and uphold the code of ethics in accordance with the laws and regulations. However, there are several notary criminal cases that have reached the stage of examination in court, which ended with a decision to be released from lawsuits on the grounds that the notary's actions were not criminal acts, based on several court decisions that have permanent legal force. As a result, the Notary suffers material and immaterial losses in carrying out his duties and authority to make an authentic deed. The formulation of the problem in this study is regarding the investigation, prosecution and trial of Notaries committing criminal acts in the criminal justice system and ideal legal protection efforts against Notaries in the criminal justice system who often get verdicts free from lawsuits. This thesis uses a normative legal research method with a prescriptive type and is analyzed qualitatively. The results of this study related to the investigation, prosecution and trial of Notaries in the criminal justice system, have not guaranteed the creation of law enforcement by law enforcement officers, resulting in Notaries experiencing losses (time, thought and material). The results of the next research are ideal legal protection efforts, through

further increasing the role of MKN in order to equip it with knowledge and a firm attitude in examining and deciding to reject requests for summons and deed taking with strong legal grounds, as well as fostering criminal law and legal advocacy against the Notary Honorary Council. in order to assist Notaries and establish a Legal Aid Office for Notaries to become suspects and defendants of criminal acts. In addition, there are legal remedies for compensation due to the decision to escape from lawsuits and the reconstruction of legal policies against Notaries in the criminal justice system.