

Implikasi Hukum Putusan Majelis Pengawas Notaris Yang Tidak Sesuai Dengan Hukum Acara Peradilan Profesi Jabatan Notaris (Studi Kasus Putusan Majelis Pengawas Pusat Notaris Nomor: 27/B/MPPN/VII/2020) = Law Implication on Notary Supervisory Board Who Is Not In Accordance With Notary Profession Procedural Law (Central Notary Supervisory Board Decision Number: 27/B/MPPN/VII/2020 Case Study)

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Abstrak

Putusan Majelis Pemeriksa Wilayah Notaris Jawa Barat dalam amar putusannya menyatakan mengusulkan pemberian sanksi terhadap Notaris kepada Majelis Pengawas Pusat Notaris berupa pemberhentian sementara selama 3 (tiga) bulan. Notaris (Terlapor) dan Pelapor tidak melakukan upaya hukum banding dan Majelis Pemeriksa Pusat memeriksa dan menyatakan Notaris tidak melakukan pelanggaran Undang- Undang Jabatan Notaris. Kewenangan menjatuhkan sanksi pemberhentian sementara diberikan kepada Majelis Pengawas Pusat dan hukum acara tidak mengatur kewenangan Majelis Pengawas Pusat untuk melakukan pemeriksaan atas Putusan Majelis Pemeriksa Wilayah berupa usul pemberhentian sementara, tanpa adanya upaya hukum banding, bahkan terjadi penyimpangan hukum acara dalam pemeriksaan oleh Majelis Pemeriksa Daerah, Wilayah dan Pusat. Masalah yang menjadi pokok penelitian ini, bagaimana implikasi hukum terhadap Putusan Majelis Pemeriksa Notaris yang diterbitkan, dengan menyimpang dari hukum acara. Dalam menjawab masalah tersebut, digunakan penelitian yuridis normatif dengan tipologi penelitian yang bersifat deskriptif analisis, dengan hasil penelitian ditemukan adanya pengaturan hukum acara peradilan profesi jabatan Notaris yang tersebar dalam berbagai aturan hukum, yang memuat pertentangan antara Undang-Undang Jabatan Notaris dan Peraturan Menteri serta adanya kekosongan hukum dalam pengaturan pemeriksaan di tingkat banding. Dalam mewujudkan kepastian hukum, perlu dilakukan penataan kembali hukum acara peradilan profesi jabatan Notaris, dalam penyelenggaraan sidang pemeriksaan dan penjatuhan sanksi terhadap Notaris, yang bersifat unifikatif dalam bentuk Peraturan Menteri.

In the verdict of Notary Regional Examiner Board for West Java's Decision stated to suggest Central Notary Supervisory Board to give a sanction to a Notary, namely temporary termination for 3 (three) months. The notary (Reported) and Plaintiff did not do any legal effort in the form of appeal and Central Examiner Board examined and stated that the Notary did not do any violation against Indonesian Notary Office Law. The authority to impose temporary termination sanctions is given to Central Examiner Board and procedural law does not regulate the authority of Central Examiner Board in examining the Decision of Regional Examiner Board, which was a temporary termination without any effort to appeal done, there was even a violation against procedural law in the examination conducted by Area, Regional, and Central Examiner Board. The problem which becomes this research subject is, what are the legal implications of Notary Examiner Board's Decision which is issued by violating procedural laws. In answering the problem, normative juridical research with descriptive analysis typology research was used, the result is the founding of already existing notary profession procedural laws which are spread in other regulations, which consist contradictions between Notary Office Law and Ministerial Regulation and there is also a legal vacuum in

the regulation of appeal level examination. In creating legal certainty, restructuring notary profession procedural law in the holding of trial and imposing sanctions unto notaries, which is unificative in the form of Ministerial Regulation is needed.