

ABSTRACT

JURIDICAL DUTIES OF NOTARIAL NOTES AS WITNESSES RELATING TO FRAUD AND / OR EMBEZZLEMENT CASES IN THE GENERAL CRIMINAL POLICE DIRECTORATE

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Notary is a profession with a duties entrusted on position that currently is a public focused due to there are many Notaries engaged in a process of investigation by Police referring with a violation presume over the deed they provide and produce, before Police, mostly Notary got differently status either as witness or as the suspect. Notary as a public official at once as a profession, his position play a very important role in assisting people having a law enforcement. In essentially, Notary hold the work in preventive domain where the law problem may emerge by an authentic deed he provides as the most perfect evidence on court. It shall be unimaginable for a Notary even engaged into the source of problems for the law due to the authentic deed he provided and the public judged their credibility. It is acknowledged that the position is with prestigious, honorable glorious and with high esteem, however, Notary has obliged to hold it in highly valuable in behave and conduct it with well mannered.

This study adopted a normative juridical research with analytical descriptive. The data has been analyzed according to the law theory in general view. It has been applied for the way to explain about the data obtained from other source. This Study completed in a descriptively approach and ever to analyze the problem emerged and later to take conclusion. The data analysis was conducted after collecting primary and secondary data(s) and further to make evaluation and analyze it qualitatively, upon the laws regulations discussed deductively. The result of analysis was described qualitatively by adopting own interpretation and legal logic and got newly description or support the set has been available in response to the problem and take conclusion.

In asking the Notary as reported for he has done a criminal act should got a written permits previously from the Regional Supervisor Board for Notaries, it is according to the rule as contained in Article 66 verse (1) The Laws No. 2 of 2014 regarding the Notary Official, it says a Notary in status as the witness or the suspect is persistently to have a right in providing a deed, adversely, a Notary is restricted having no a right to provide a deed when he is in status without any swore yet, got leave, is temporary dismissed, discharged and retired. A notary as stated being the suspect for a criminal case shall be temporary dismissed. A privilege to dismiss temporary for a notary is held by the Central Supervision Board. The temporary dismiss for a Notary as in the suspect aimed to have easiness and smoothly for investigation process on Court. For a notary is affected a temporary arrested that a Notary is immediately discharged by law and have no right to function even to provide a deed.

Keywords : Asking Notary Investigation Viol ating the deed

ABSTRAK

KAJIAN YURIDIS PEMANGGILAN NOTARIS SEBAGAI SAKSI TERKAIT PERKARA PENIPUAN DAN ATAU PENGGELAPAN DI DIREKTORAT RESERSE KRIMINAL UMUM POLDA SUMUT (Studi di Direktorat Reserse Kriminal Umum Polda Sumut)

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Profesi Notaris sebagai suatu jabatan kepercayaan akhir-akhir ini menjadi perhatian masyarakat karena banyaknya Notaris yang mengalami proses pemanggilan oleh penyidik Polri berkaitan dengan dugaan pelanggaran atas akta yang dibuatnya. Pemanggilan Notaris oleh penyidik Polri mempunyai status yang berbeda-beda baik sebagai saksi maupun sebagai tersangka. Notaris sebagai pejabat umum sekaligus pula sebagai sebuah profesi, posisinya sangat penting dalam membantu menciptakan kepastian hukum bagi masyarakat.

Jenis penelitian tesis ini adalah penelitian yuridis normatif yang bersifat deskriptif analitis, adapun permasalahan dalam penelitian ini adalah : 1. Dasar hukum penyidik POLRI terlebih dahulu harus meminta keterangan terhadap saksi dalam penyidikan, 2. Prosedur hukum dalam pemanggilan Notaris sebagai saksi oleh Penyidik POLRI berkaitan dengan dugaan perkara penipuan dan atau penggelapan atas Akta yang dibuat Notaris, 3. Hambatan dan solusi penyidik Kepolisian dalam melakukan pemanggilan terhadap Notaris sebagai saksi berkaitan dengan dugaan perkaratan penipuan dan atau penggelapan.

Kesimpulan dalam penelitian ini adalah Dasar hukum penyidik POLRI adalah KUHAP Pasal 7 ayat (1) huruf g dan Undang Undang No. 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia dan Undang-Undang No. 2 Tahun 2014 tentang Jabatan Notaris dalam Pasal 66 ayat (1) huruf b. Pemanggilan Notaris oleh Penyidik Polri wajib memperoleh ijin tertulis terlebih dahulu dari Majelis Kehormatan Notaris (MKN) sesuai Pasal 66 ayat (3) huruf b Undang-Undang No. 2 Tahun 2014. Hambatan pemanggilan Notaris sebagai saksi adalah Penyidik POLRI terlebih dahulu meminta ijin tertulis kepada Majelis Kehormatan Notaris dan penyidik Polri harus menunggu 30 (tiga puluh) hari balasan surat dari Majelis Kehormatan Notaris.

Saran dalam penelitian ini adalah Sebaiknya dibuat revisi terhadap Pasal 66 ayat (3) Undang-Undang Jabatan Notaris No. 2 Tahun 2014, guna mempercepat proses penanganan perkara guna Kepastian Hukum.

Kata kunci : Pemanggilan Notaris Penyidik Polri Pelanggaran Akta