

TESIS

**REHABILITASI TERHADAP NOTARIS YANG DIJATUHI SANKSI
ADMINISTRATIF OLEH MAJELIS PENGAWAS WILAYAH NOTARIS
DI PROVINSI DAERAH KHUSUS JAKARTA**



**PROGRAM STUDI MAGISTER KENOTARIATAN
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*Vella Aqilla Velia, 2220122038, Magister Kenotariatan Fakultas Hukum
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ABSTRAK

Majelis Pengawas Notaris berwenang melakukan pembinaan dan pengawasan terhadap Notaris serta melakukan pemeriksaan terhadap dugaan pelanggaran perilaku dan pelaksanaan jabatan Notaris. Selain itu, majelis pengawas juga berwenang memberikan sanksi peringatan lisan maupun peringatan tertulis. Keputusannya itu bersifat final. Dalam hal ini dapat dilakukan oleh Majelis Pengawas Wilayah, seperti Putusan Majelis Pengawas Wilayah Notaris Provinsi DKI Jakarta Nomor: 05/PTS/Mj.PWN.Prov.DKI Jakarta/IX/2020, tertanggal 14 September 2020 perihal Memberikan Sanksi Teguran Tertulis Kepada Drs. Gunawan Tedjo, SH.M.H., yang dibatalkan oleh Pengadilan Tata Usaha Negara Jakarta melalui Putusan Nomor: 190/G/2020/PTUN.JKT, tertanggal 23 Februari 2021. Putusan ini telah berkekuatan hukum tetap dengan terbitnya Putusan Kasasi Nomor: 13 K/TUN/2022, tertanggal 21 Februari 2022. Berdasarkan ketentuan tersebut, dapat diketahui bahwa Notaris Gunawan tidak melakukan kesalahan dalam menjalankan jabatannya, sehingga diperlukan adanya rehabilitasi atau pemulihan nama baik sebagai seorang Notaris. Rumusan masalah dalam penelitian ini yaitu bagaimana upaya hukum terhadap sanksi administratif terhadap Notaris yang dijatuhkan oleh Majelis Pengawas Wilayah Notaris, pengaturan, dan pelaksanaan mengenai rehabilitasi terhadap Notaris yang dinyatakan tidak bersalah di Daerah Khusus Jakarta. Penelitian ini merupakan jenis penelitian yuridis empiris yaitu penelitian yang data primernya diperoleh dengan penelitian langsung di lapangan melalui wawancara dengan responden yaitu Majelis Pengawas Daerah Jakarta Pusat dan Majelis Pengawas Wilayah Provinsi DKI Jakarta. Kemudian dilakukan penelaahan terhadap bahan-bahan hukum untuk mendapatkan data sekunder. Berdasarkan hasil penelitian, dapat disimpulkan bahwa upaya hukum terhadap sanksi administratif terhadap Notaris yang dijatuhkan oleh Majelis Pengawas Wilayah Notaris di Daerah Khusus Jakarta yaitu dengan mengajukan gugatan ke PTUN. Belum ada peraturan yang mengatur mengenai rehabilitasi terhadap Notaris dalam hal sanksi administratif terhadap Notaris yang dibatalkan oleh PTUN. Pelaksanaan rehabilitasi terhadap Notaris yang dinyatakan tidak bersalah di Daerah Khusus Jakarta belum terlaksana. Hal ini dikarenakan Notaris Gunawan telah pensiun sebelum putusan berkekuatan hukum tetap, Majelis Pengawas Wilayah Provinsi DKI Jakarta belum melakukan pembatalan dan pencabutan sanksi teguran tertulis terhadap Notaris Gunawan sebagaimana yang tercantum dalam Putusan PTUN Nomor: 190/G/2020/PTUN.JKT, dan adanya kabar bahwa Notaris Gunawan telah meninggal dunia.

Kata kunci: Rehabilitasi, Sanksi Administratif, dan Majelis Pengawas Wilayah Notaris.

**REHABILITATION OF NOTARIES SENTENCED TO
ADMINISTRATIVE SANCTIONS BY THE REGIONAL SUPERVISORY
BOARD OF NOTARIES IN THE PROVINCE OF JAKARTA SPECIAL
REGION**

Vella Aqilla Velia, 2220122038, Master of Notary, Faculty of Law, Andalas
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ABSTRACT

The Notary Supervisory Council has the authority to provide guidance and supervision of Notaries and to conduct examinations of alleged violations of the behavior and implementation of the Notary office. In addition, the supervisory board is also authorized to sanction oral warnings and written warnings. The decision is final. In this case, it can be carried out by the Regional Supervisory Assembly, such as the Decision of the Regional Supervisory Assembly of Notaries of DKI Jakarta Province Number: 05/PTS/Mj.PWN.Prov.DKI Jakarta/IX/2020, dated September 14, 2020 regarding Sanctioning a Written Warning to Drs. Gunawan Tedjo, SH.M.H., which was canceled by the Jakarta State Administrative Court through Decision Number: 190/G/2020/PTUN.JKT, dated February 23, 2021. This decision has been legally binding with the issuance of Cassation Decision Number: 13 K/TUN/2022, dated February 21, 2022. Based on these provisions, it can be seen that Notary Gunawan did not make a mistake in carrying out his position, so it is necessary to rehabilitate or restore his good name as a Notary. The formulation of the problem in this study is how legal remedies against administrative sanctions against Notaries imposed by the Regional Supervisory Assembly of Notaries, arrangements, and implementation regarding rehabilitation of Notaries who are declared innocent in the Special Region of Jakarta. This research is a type of empirical juridical research, namely research whose primary data is obtained by direct research in the field through interviews with respondents, namely the Central Jakarta Regional Supervisory Council and the DKI Jakarta Provincial Regional Supervisory Council. Then a review of legal materials is carried out to obtain secondary data. Based on the results of the research, it can be concluded that legal remedies against administrative sanctions against Notaries imposed by the Regional Supervisory Assembly of Notaries in the Special Region of Jakarta is by filing a lawsuit to the State Administrative Court. There are no regulations governing the rehabilitation of Notaries in the event that administrative sanctions against Notaries are canceled by the PTUN. The implementation of rehabilitation of Notaries who are found not guilty in the Special Region of Jakarta has not been implemented. This is because Notary Gunawan had retired before the decision was legally binding, the Regional Supervisory Council of DKI Jakarta Province had not canceled and revoked the sanction of a written warning against Notary Gunawan as stated in the PTUN Decision Number: 190/G/2020/PTUN.JKT, and the news that Notary Gunawan had passed away.

Keywords: Rehabilitation, Administrative Sanctions, and Notary Regional Supervisory Council.