

## RINGKASAN

ISMA JATI PUSPO, Program Studi Magister Kenotariatan, Program Pascasarjana, Universitas Jenderal Soedirman, "Rahasia Jabatan Notaris Ditinjau Dari Undang-Undang Jabatan Notaris Dan Hukum Pidana", Komisi Pembimbing, Prof. Dr. Kadar Pamuji, S.H., M. Hum, Anggota, Dr. Budiyo, S.H., M.Hum.

Rahasia jabatan Notaris adalah kewajiban Notaris untuk menjaga kerahasiaan informasi atau dokumen yang Notaris terima atau buat dalam menjalankan tugas Notaris. Penelitian ini bertujuan untuk menganalisis ketentuan rahasia jabatan Notaris dan menganalisis akibat hukum terhadap Notaris yang melanggar rahasia jabatan ditinjau dari Undang-Undang Jabatan Notaris dan hukum pidana. Pendekatan penelitian yuridis normatif, spesifikasi penelitian bersifat preskriptif. Pengumpulan data dengan studi kepustakaan, disajikan dalam bentuk teks naratif yang disusun secara sistematis, dan dianalisis secara normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan, maka dapat disimpulkan bahwa: Notaris wajib menjaga kerahasiaan jabatan sesuai Undang-Undang, kewajiban ini bersifat tidak mutlak dapat dibuka berdasarkan UUN atau hukum lain (KUHP) yang bersifat mutlak. Notaris dilindungi hak ingkar (Pasal 4 Ayat 2, Pasal 16 Ayat 1 huruf f, Pasal 54 UUN), meskipun hak ingkar ini dapat dikecualikan (Pasal 66 Ayat 1 UUN). Notaris wajib merahasiakan isi akta, kecuali ada ketentuan hukum yang mengharuskan pengungkapan. Sebagai saksi perdata, Notaris dapat meminta dibebaskan dari kewajiban kesaksian untuk menjaga kerahasiaan akta. Pelanggaran terhadap kewajiban ini dapat dikenakan sanksi berupa teguran atau pemberhentian. Notaris bertanggung jawab atas tindakannya dan dapat dikenakan sanksi pidana sesuai KUHP, termasuk pidana jika membuka rahasia jabatan (Pasal 322 KUHP). Pembukaan rahasia harus dengan sengaja, diketahui pihak yang berwenang, dan terkait dengan jabatan. Sanksi pidana tunduk pada ketentuan KUHP meskipun UUN tidak mengaturnya. Notaris dilarang memberi kesaksian tentang isi akta atau informasi yang hanya boleh diketahui oleh pihak berkepentingan. Pelanggaran dapat dikenakan sanksi administratif, seperti teguran, pemberhentian sementara, atau pemberhentian dengan atau tanpa hormat. Sanksi dapat langsung dijatuhkan tanpa tahapan berjenjang dan bersifat punitif serta preventif. Pelanggaran kode etik Notaris dapat menimbulkan akibat hukum berupa teguran, peringatan, pemecatan sementara (schorsing), atau pemecatan dari keanggotaan perkumpulan. Kewajiban menjaga kerahasiaan adalah keistimewaan jabatan Notaris. Jika Notaris diduga melakukan tindak pidana, proses hukum harus mengikuti prosedur yang berlaku, dan pemanggilan sebagai saksi atau tersangka memerlukan persetujuan dari Majelis Pengawas Notaris (MKN). Laporan terhadap pelanggaran kode etik Notaris dapat diajukan ke MKN, sementara kasus pidana yang di luar tugas Notaris dapat dilaporkan ke Kepolisian.

Kata kunci: Rahasia Jabatan, Undang-Undang Jabatan Notaris, Hukum Pidana

## SUMMARY

*ISMA JATI PUSPO, Master of Notary Study Program, Postgraduate Program, Jenderal Soedirman University, "Secrets of Notary Positions in View from the Law on Notary Positions and Criminal Law", Supervisory Commission, Prof. Dr. Kadar Pamuji, S.H., M. Hum, Member, Dr. Budiyo, S.H., M.Hum.*

*Confidentiality of a Notary's office is the Notary's obligation to maintain the confidentiality of information or documents that the Notary receives or creates in carrying out his Notarial duties. This research aims to analyze the provisions on the confidentiality of Notary positions and analyze the legal consequences for Notaries who violate official confidentiality in terms of the Notary Position Law and criminal law. Normative juridical research approach, research specifications are prescriptive. Data collection using literature study, presented in the form of narrative text arranged systematically, and analyzed normatively qualitatively.*

*Based on the research and analysis, it can be concluded that: A Notary is legally required to maintain the confidentiality of their professional duties in accordance with the Notary Position Act (UUJN). This obligation is not absolute and may be waived under certain conditions specified by the UUJN or other applicable laws, such as the Criminal Code (KUHP). A Notary is entitled to the right to refuse testimony (Article 4(2), Article 16(1)(f), Article 54 UUJN), although this right can be overridden in specific circumstances (Article 66(1) UUJN). The contents of deeds must be kept confidential by the Notary, unless a legal provision mandates disclosure. As a civil witness, a Notary may request exemption from the duty to testify in order to protect the confidentiality of the deed. Violations of this confidentiality obligation may result in sanctions, ranging from reprimands to dismissal. A Notary is held accountable for their actions and may face criminal penalties under the Criminal Code (KUHP), including imprisonment for disclosing professional secrets (Article 322 KUHP). Any breach of confidentiality must be intentional, known to the relevant authorities, and directly related to the Notary's duties. Criminal sanctions are governed by the KUHP, even if not specifically addressed in the UUJN. A Notary is prohibited from testifying about the contents of a deed or any information that is intended solely for the parties involved. Violations of this duty may result in administrative sanctions such as warnings, temporary suspension, or dismissal with or without honor. These sanctions can be imposed immediately, without a staged process, and serve both punitive and preventive purposes. Breaches of the Notary Code of Ethics may lead to legal consequences, including reprimands, warnings, temporary suspension (schorsing), or expulsion from the professional association. The obligation to maintain confidentiality is a distinctive feature of the Notary's role. If a Notary is suspected of committing a criminal act, the legal process must follow established procedures, and any summons for testimony or questioning requires approval from the Notary Supervisory Council (MKN). Complaints about violations of the Notary Code of Ethics may be submitted to the MKN, while criminal cases unrelated to the Notary's duties should be reported to the police.*

*Keywords: Official Secrets, Notary Position Law, Criminal Law*