

ABSTRAK

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Tanggung Jawab Sosial Profesi Notaris Dalam Perlakuan Seimbang Dan Perlindungan Bagi Penyandang Disabilitas

(xvi + 125 halaman; 10 gambar; 3 lampiran)

Konstitusi Negara Indonesia (UUD RI 1945), dengan jelas menyatakan memberikan jaminan perlakuan seimbang dan perlindungan hukum bagi penyandang disabilitas dalam setiap perbuatan hukum, khususnya perbuatan hukum perdata yang berkaitan dengan harta kekayaan yang dilakukan oleh penyandang disabilitas. Oleh karenanya, aksesabilitas penyandang disabilitas untuk mendapatkan kebutuhan layanan jasa hukum, dari profesi Notaris, juga dilindungi oleh Negara, meskipun UU Jabatan Notaris tidak mengatur dengan tegas. Berdasarkan Pasal 433, 434, 435, 441, 447, 454 KUHPperdata menganggap penyandang disabilitas haruslah dibawah pengampuan, dianggap tidak cakap hukum, perlu disembuhkan sehingga tidak dapat melakukan perbuatan hukum. UU Jabatan Notaris dan Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor M-01.PR.08.10 Tahun 2007 tentang Perubahan Atas Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor M-01.PR.08.10 Tahun 2006 tentang Pola Penyuluhan Hukum tersebut, tidak secara implisit memberikan kewenangan kepada profesi Notaris dalam menyediakan penterjemah atau pendamping bagi penyandang disabilitas. Namun melalui penelitian ini, kami dapat memberikan skema pendampingan bagi penyandang disabilitas yang memerlukan akta notaris dalam kegiatan hukum terhadap harta bendanya. Dengan konsekuensi, apabila penghadap atau saksi penyandang disabilitas tidak diberikan sarana translater atau pendampingan, maka akta tersebut dapat dinyatakan tidak mempunyai kekuatan mengikat dan terdegradasi kekuatan pembuktiannya menjadi akta dibawah tangan.

Referensi : 121 (1997-2020)

Kata Kunci: Tanggung Jawab Sosial, Perlindungan Hukum, Penyandang Disabilitas, Profesi Notaris

ABSTRACT

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Social Responsibility of the Notary Profession in Balanced Treatment and Protection for Persons with Disabilities

(xvi + 125 pages; 10 pictures; 3 attachment)

The Constitution of the State of Indonesia (UUD RI 1945), clearly states that it guarantees equal treatment and legal protection for persons with disabilities in every legal action, especially civil law actions related to assets carried out by persons with disabilities. Therefore, the accessibility of persons with disabilities to obtain the need for legal services, from the Notary profession, is also protected by the State, although the Law on the Position of Notary does not explicitly regulate it. Based on Articles 433, 434, 435, 441, 447, 454 of the Civil Code, it is considered that persons with disabilities must be under guardianship, are considered legally incompetent, need to be cured so that they cannot take legal actions. The Law on Notary Positions and the Regulation of the Minister of Law and Human Rights Number M-01.PR.08.10 of 2007 concerning Amendments to the Regulation of the Minister of Law and Human Rights Number M-01.PR.08.10 of 2006 concerning the Pattern of Legal Counseling, are not implicitly give authority to the Notary profession in providing translators or assistants for persons with disabilities. However, through this research, we are able to provide assistance schemes for persons with disabilities who require a notarial deed in legal activities against their property. As a consequence, if the appearers or witnesses of persons with disabilities are not provided with a translator or assistance, then the deed can be declared to have no binding power and the strength of its proof has been degraded into a private deed.

Reference : 121 (1997-2020)

Keywords: Social Responsibility, Legal Protection, Persons with Disabilities, Notary Profession