

ABSTRAK

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TANGGUNG JAWAB NOTARIS DAN PERLINDUNGAN NOTARIS DALAM PEMBUATAN AKTA OTENTIK PENDIRIAN BADAN HUKUM YAYASAN

(CXXIX+ 129 halaman)

Penelitian ini bertujuan untuk menganalisis hukum yayasan di Indonesia, khususnya terkait tanggung jawab dan perlindungan hukum notaris dalam pembuatan akta otentik pendirian badan hukum yayasan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Hasil penelitian menunjukkan bahwa hukum yayasan di Indonesia telah mengalami perkembangan yang signifikan sejak diberlakukannya Undang-Undang Nomor 16 Tahun 2001 tentang Yayasan (UU 16/2001). Perubahan-perubahan terhadap UU 16/2001 melalui UU No. 28 Tahun 2004 dan UU No. 63 Tahun 2008 semakin memperkuat perlindungan hukum bagi yayasan dan notaris, serta meningkatkan transparansi dan akuntabilitas yayasan. Peran notaris dalam pembuatan akta pendirian yayasan juga mengalami perkembangan. Sebelum UU 16/2001, peran notaris masih terbatas dan tidak memiliki dasar hukum yang kuat. Namun, setelah UU 16/2001 dan perubahannya, peran notaris semakin jelas dan terjamin. Notaris tidak hanya bertanggung jawab dalam pembuatan akta, tetapi juga memastikan keabsahan dan legalitas yayasan yang didirikan. Penelitian ini menyimpulkan bahwa perkembangan hukum yayasan di Indonesia telah memberikan perlindungan hukum yang lebih baik bagi yayasan dan notaris. Namun, masih terdapat beberapa tantangan yang perlu diatasi, seperti peningkatan pemahaman hukum yayasan, penguatan pengawasan yayasan, peningkatan profesionalisme notaris, dan perlindungan hukum bagi notaris.

Kata Kunci: Notaris, Perlindungan Hukum, Akta Otentik, Yayasan

Referensi: 43 (Tahun 1981-2024)

ABSTRACT

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NOTARY RESPONSIBILITIES AND NOTARY PROTECTION IN MAKING AN AUTHENTIC DEED OF ESTABLISHMENT OF A FOUNDATION LEGAL ENTITY

(CXXIX+ 129 pages)

The development of foundation law in Indonesia has undergone significant changes, particularly marked by the enactment of Law Number 16 of 2001 concerning Foundations (UU 16/2001) and its subsequent amendments through Law Number 28 of 2004 and Law Number 63 of 2008. This thesis aims to analyze the legal protection of foundations and the role of notaries in the establishment of foundations in Indonesia. Before the enactment of UU 16/2001, the legal basis for foundations in Indonesia was unclear and lacked specific legal protection. Foundations were established based on customary practices and regulations scattered across various laws, leading to legal uncertainty for founders, administrators, and third parties involved with foundations. UU 16/2001 marked a turning point by providing a clear definition of foundations, regulating their structure and governance, and establishing mechanisms for their establishment. This law strengthened legal protection for foundations and relevant parties. Subsequent amendments through UU 28/2004 and UU 63/2008 further enhanced legal protection by mandating financial statement audits by public accountants, clarifying transitional provisions, emphasizing supervision of foundations receiving funds from the government or foreign parties, and strengthening the role of foundation administrators. The evolution of foundation law also impacted the role of notaries. Before UU 16/2001, the role of notaries in establishing foundations was limited and lacked a strong legal basis. However, after the enactment of UU 16/2001 and its amendments, the role of notaries became clearer and more secure. Notaries are not only responsible for preparing the deed of establishment but also for ensuring the legality and compliance of the foundation with applicable laws. This thesis concludes that the development of foundation law in Indonesia has significantly improved the legal protection of foundations and clarified the role of notaries in their establishment. The enactment of UU 16/2001 and its subsequent amendments has provided a solid legal framework for foundations, promoting transparency, accountability, and good governance. However, ongoing efforts are needed to further enhance the implementation and enforcement of foundation law in Indonesia.

References: 43 (Year 1981-2024)

Keywords: Notary, Legal protection, Authentic Deed, Foundationn