

ABSTRAK

Gagad Enjang Pamungkas (016565220066)

EFEKTIVITAS PERAN NOTARIS PASCA KONVENSI *APOSTILLE* TERHADAP PENERAPAN SURAT KUASA DARI LUAR NEGERI DI INDONESIA

(xi + 102 halaman+2 Diagram+1 Gambar)

Penelitian ini bertujuan untuk melihat penerapan konvensi *apostille* apakah bertentangan atau tidak dengan ketentuan peraturan perundang-undangan di Indonesia dan seberapa efektif peran notaris pasca konvensi *apostille* terhadap penerapan Surat Kuasa dari luar negeri. Melalui Peraturan Presiden Nomor 2 Tahun 2021 tentang Pengesahan *Convention Abolishing the Requirement of Legalisation for Foreign Public Documents* Indonesia telah resmi bergabung dalam Konvensi *Apostille* melalui tahapan aksesi. Dalam rangka kemudahan prosedur legalisasi ini, notaris mempunyai peran tanggung jawab terhadap dokumen *Apostille*. Kewenangan notaris tersebut terdapat pada pasal 15 (1) dan (2) Undang-Undang 2 Tahun 2014 Perubahan atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris. Bahwa legalisasi merupakan bagian dari (fungsi) kenotariatan yang diberikan oleh undang-undang kepada notaris atau pejabat umum yang ditunjuk oleh undang-undang. Dari hasil penelitian tersebut, sebagaimana Keputusan Mahkamah Agung RI No. 3038K/Pdt/1981 yang mewajibkan semua dokumen publik dari luar negeri harus mendapatkan legalisasi dari Perwakilan RI (KBRI/KJRI) di luar negeri seyogyanya tidak diperlukan lagi. Dengan berlakunya Konvensi *Apostille*, Notaris diberikan kewenangan untuk legalisasi *apostille*, sehingga dokumen yang dikeluarkan oleh notaris memiliki keabsahan. Metode penelitian yang digunakan adalah Metode Penelitian Yuridis Normatif Empiris.

Referensi (1979-2024)

Kata Kunci: Notaris, Konvensi *Apostille*, Surat Kuasa

ABSTRACT

Gagad Enjang Pamungkas (016565220066)

THE EFFECTIVENESS OF THE ROLE OF NOTARIES AFTER THE APOSTILLE CONVENTION ON THE APPLICATION OF POWER OF ATTORNEY FROM ABROAD IN INDONESIA

(xi + 102 pages; 2 Diagrams+ 1 Images)

this study aims to see whether the application of the apostille convention is contrary to the provisions of laws and regulations in Indonesia and how effective the role of notaries after the apostille convention is on the application of letters from abroad. Through Presidential Regulation Number 2 of 2021 concerning the Ratification of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, Indonesia has officially joined the Apostille Convention through the accession stage. In order to facilitate this legalization procedure, the notary has a responsible role for the Apostille document. The authority of the notary is contained in article 15 (1) and (2) of Law 2 of 2014 Amendments to Law Number 30 of 2004 concerning the Notary Position. That legalization is part of the notary (function) given by law to notaries or public officials appointed by law. From the results of the study, as the Decree of the Supreme Court of the Republic of Indonesia No. 3038K/Pdt/1981 which requires all public documents from abroad to obtain legalization from the Embassy of The Republic of Indonesia (KBRI/KJRI), it should no longer be needed. So it can be concluded that it needs to be reaffirmed with the enactment of Presidential Regulation Number 2 of 2021. With the enactment of the Apostille Convention, Notaries are given the authority to legalize apostilles, so that documents issued by notaries have validity. The research method used is the Empirical Normative Juridical Research Method.

Reference (1979-2024)

Keywords: Notary, Apostille Convention, Power of Attorney