

Implementation of Supervision & Enforcement of Sanctions Against Notaries Who Do Not Carry Out Their Position

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Abstract. Notary as a position of trust means nothing if it turns out that those who carry out their duties as Notary Public are untrustworthy, so that between the position of the Notary and the official (who is carrying out the duties of the position of Notary) must be in line like the two sides of a coin that cannot be separated. Supervision and guidance is needed so that the Notary in carrying out his duties and responsibilities as given by the relevant basic regulations, is always carried out on a predetermined path, not only the legal route, but also on the basis of moral and professional ethics, with the aim of ensuring legal protection and certainty. law for the public who use Notary services, in this case the authorized party, is the Notary Supervisory Council (MPN). The purpose of this research is to analyze the implementation of supervision and enforcement of sanctions against notaries who do not carry out their positions properly in the city of Tegal. To analyze the obstacles and solutions to the implementation of supervision and enforcement of sanctions against notaries who do not carry out their positions properly in the city of Tegal. The method used in this research is the empirical juridical method, which is a legal research method that seeks to see the law in a real sense or can be said to see, examine how the law works in society. The results of this study ultimately provide an answer that the Notary Supervisory Council must be able to improve the quality and quality of notary services. Notaries who have committed violations must accept the consequences, namely getting sanctions because there are still many Notary candidates who are still waiting for the formation of positions in each region. If they are not competent in carrying out their duties, the Notary Supervisory Council, in this case the MPP, will impose sanctions on disrespectful dismissal, in accordance with Article 7 of the Law on Notary Position Number 2 of 2014 concerning Amendments to Act No. 30 of 2004 Notary Position. The guidance carried out must be based on a high awareness and understanding of moral and ethical values.

Keywords: Notary Supervision; Enforcement of Sanctions; Notary Position.

1. Introduction

As is well known, in the current era of globalization, the notary institution plays an important role in every development process, because a notary is a position¹ that

¹ Habib Adjie, *Sanksi Perdata dan Administratif Terhadap Notaris Sebagai Pejabat Publik*, Bandung : PT. Refika Aditama. p. 35.

carries out the profession and legal services and provides guarantees and certainty. Every society needs a (figure) whose information can be relied on, can be trusted, whose signature and seal (stamp) provide assurance and solid evidence, an impartial expert and an advisor who is not flawed (onkreukbaar or unimpeachable), who keeps his mouth shut, and make a covenant that can protect it in the days to come.² Based on Article 1 paragraph 1 of Act No. 2 of 2014 concerning the Position of Notary Public (UUJN): "Notary is a public official who is authorized to make authentic deeds and has other powers as referred to in this Law or based on other Laws." Notaries in carrying out their duties and authorities as well as their obligations must always uphold an integrity and morals that can be accounted for, because the results of their work in making a deed and maintaining a Notary's protocol are very important for the process of evidence in court and outside the trial, namely as perfect authentic evidence and binding, in the sense that the truth of the things written in the deed must be acknowledged by the judge, that is, the deed is deemed to be true as long as there is no other party who can prove otherwise. The Minister has the authority to appoint and dismiss a Notary, as referred to in Article 2 UUJN, by fulfilling the terms of appointment as stipulated in Article 3 UUJN and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 25 of 2014 concerning requirements for appointment, dismissal and transfer.

The Minister will issue a letter of appointment according to the application submitted in writing. Notary who has been appointed based on a Ministerial Decree is obliged to take an oath of office before the competent official, in this case the Head of the Regional Office of Law and Human Rights of the Republic of Indonesia, where the Notary is domiciled and within 60 (sixty) days from the date of the decision letter. ministerial appointments are issued. The authority of a notary in carrying out his position is after the pronouncement of an oath or promise of office, since then the making of a deed made by a notary is authentic which has perfect evidentiary power, as regulated in Article 1870 of the Indonesian Civil Code. Notaries who do not actually carry out their positions are regulated in Article 7 of the Law on Notary Position Number 2 of 2014 concerning Amendments to Act No. 30 of 2004 concerning Notary Positions. Supervision and guidance are needed so that the Notary in carrying out his duties and responsibilities as given by the relevant basic regulations, is always carried out on a predetermined path, not only the legal route, but also on the basis of moral and professional ethics, with the aim of ensuring legal protection and certainty. law for the public who use Notary services. The Minister has the authority to supervise and foster Notaries, and to exercise this authority to form a Supervisory Council, in this case is the Notary Supervisory Council, hereinafter referred to as MPN. Since the presence of the Notary Institution in Indonesia, supervision of Notaries has always been carried out by the judiciary and the government,³ In carrying out his position, Notary Public must comply with all moral principles that have lived and developed in society. Apart from the existence of responsibility and professional ethics, integrity and good morals are important requirements that must be possessed by a notary public, it

² Tan Thong Kie, *Studi Notariat dan Serba-Serbi Praktek Notaris*, Jakarta : PT. Ichtiar Baru Van Hoeve. (2007). p. 449

³ Hartati Sulihandari, *Prinsip-prinsip Dasar Profesi Notaris*, Jakarta : Dunia Cerdas. (2013). p.4.

is said that because responsibility and professional ethics have a close relationship with integrity and morals.⁴ Every report from the public regarding violations committed by a Notary, for example not carrying out their actual duties, not submitting monthly reports, not having an office, for those who know about this, they must first be reported in writing to the Regional Supervisory Council domiciled in the City/Regency.

MPD has the scope of authority to hold hearings to examine any violations of the Notary Code of Ethics, violations of the implementation of the Notary's position and the behavior of a Notary who is outside of carrying out his/her duties as a Notary which can interfere with and influence the implementation of the Notary's duties. The Regional Supervisory Council domiciled in the Provincial Capital has the authority to impose sanctions in the form of an oral warning and a final written warning. Based on the description above, it is necessary to dig deeper regarding everything related to notaries who do not carry out their positions properly, including the implementation of supervision and enforcement of sanctions.

2. Research purposes

1. To analyze the implementation of supervision and enforcement of sanctions against notaries who do not carry out their positions properly in the city of Tegal.
2. To analyze the obstacles in the implementation of supervision and enforcement of sanctions against notaries who do not carry out their positions properly in the city of Tegal.
3. To analyze solutions for the implementation of supervision and enforcement of sanctions against notaries who do not carry out their positions properly in the city of Tegal.

3. Research Methods

The approach method used in discussing this research problem is the empirical juridical approach method. Juridical empirical is a legal research method that seeks to see the law in a real sense or can be said to see, examining how the law works in society.⁵ In this case the juridical approach is used to analyze various regulations regarding the position of notary public, while the empirical approach is used to analyze the law as seen from the behavior of the community in social life, always interacting and relating to social aspects.⁶ Data collection techniques using literature study and interviews. The author interviewed Notary X and an example of the problem given was that one of the Notaries was appointed and sworn to carry out his/her real duties. The notary public always submits regular monthly reports on the results of his deeds, complies with all the rules stated in the Law on Notary office, upholds the dignity and dignity of the notary's profession. However, after several years, the notary concerned

⁴ <http://lib.ui.ac.id/file?file=digital/130992-T%2027422-Pengawasan%20majelis-Pendahuluan.pdf> accessed on March 13, 2020, at 02.31.

⁵ Narbuko ,Cholid and H. Abu Achmadi, *Metode Penelitian*, Jakarta: PT. Bumi Aksara. (2002). p.14.

⁶ Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta : PT. Raja Grafindo Persada. (2003). p.3.

had not carried out his duties and obligations. The MPD came to the notary office concerned and it turned out that there was no sign of the notary's name board and the person concerned was not there, finally contacted by telephone to come immediately to meet MPD.

4. Result and Discussion

4.1 Implementation of Supervision and Enforcement of Sanctions on Notaries Who Do Not Carry Out Their Position in Tegal City

Notary is a job with special expertise that contains broad knowledge and heavy responsibility to serve the public interest. The essence of the notary's task is to arrange in writing and authentically the legal relationship between the parties who have agreed to request a notary's services. The importance of a notary in public life, especially in making authentic deeds that are used as evidence, so the notary has a position as a public official who has the authority to make authentic deeds as well as an extension of the government. Since the presence of the notary institution in Indonesia, the supervision of notaries has always been carried out by the judiciary and the government, that the purpose of monitoring is so that notaries when carrying out their duties and positions are notaries, in order to safeguard the interests of the community.⁷

It is known that there are notaries who are under the supervision of the MPD of Tegal City in carrying out their duties and functions who violate the provisions stipulated in Article 7 UUJN concerning notary authority, Article 16 UUJN regarding obligations and Article 17 UUJN concerning prohibitions for notaries who harm the public. The task of supervising is the authority of the Notary Supervisory Council. An example of the problem is that there is one notary who has been appointed and sworn in to carry out his/her actual duties. The notary public always submits regular monthly reports on the results of his deeds, complies with all the rules stated in the Law on Notary office, upholds the dignity and dignity of the notary's profession. However, after several years, the notary concerned had not carried out his duties and obligations. The MPD came to the office of the notary concerned and it turned out that there was no sign of the notary's name board and the person concerned was not there, finally he was contacted by telephone to immediately come to see MPD. The summoning process for the notary concerned is based on Article 69 paragraph (1) UUJN: There is a written report from the aggrieved party regarding the file hanging at the Notary concerned. With the report from the aggrieved party, the MPD will summon the relevant Notary for questioning. finally contacted by telephone to immediately come to see MPD.

The summoning process for the notary concerned is based on Article 69 paragraph (1) UUJN: There is a written report from the aggrieved party regarding the file hanging at the Notary concerned. With the report from the injured party, the MPD will summon the relevant Notary for questioning. finally contacted by telephone to immediately come to see MPD. The summoning process for the notary concerned is based on Article 69 paragraph (1) UUJN: There is a written report from the aggrieved party

⁷ G.H.S Lumban Tobing, *Peraturan Jabatan Notaris*, Cet. 5, Jakarta : Airlangga. (1999).p. 301.

regarding the file hanging at the Notary concerned. With the report from the aggrieved party, the MPD will summon the relevant Notary for questioning.⁸

Based on Article 70 of Act No. 2 of 2014 concerning the Position of Notary Public, it regulates the authority of the Regional Supervisory Council, one of which is: Organizing hearings to examine suspected violations of the notary code of ethics or violations of the implementation of the notary office. The notary concerned will be summoned for questioning. From the results of the notary's summons, the notary admitted that it was true that he had violated his notary position, but the problem with his client had been resolved amicably. Since the Notary is not carrying out his/her actual duties, he will get legal consequences in the form of sanctions to be imposed by the Minister. The Regional Supervisory Council (MPD) shall first carry out the implementation of supervision and examination of the Notary concerned by holding a session with the aim of ensuring that any violations have been committed.

The Examination Procedure of the Notary Supervisory Board consists of :

1. Examination Procedures

In conducting the examination of Notaries, the Chairperson of the Notary Supervisory Council shall form the Regional Examining Council, the Regional Inspection Council, and the Central Examining Council from each element consisting of 1 (one) chairman and 2 (two) members of the Examining Council and assisted by 1 (one) secretary as stipulated in Article 20 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.Pr.08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures and Procedures for Examination of the Supervisory Council Notary Public.

2. Report submission

Reports can be submitted by the party who feels they have been aggrieved and must be submitted in writing in Indonesian with justifiable evidence. Reports regarding suspected violations of the Notary Code of Ethics or violations of the implementation of the notary office are submitted to the Regional Supervisory Council and if the report is submitted to the Regional Supervisory Council, the Regional Supervisory Council will forward it to the competent Regional Supervisory Council as regulated in Article 21 of the Regulation of the Minister of Law and Human Rights Human Republic of Indonesia Number: M.02.Pr.08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Council.

3. Summons

In Article 22 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.Pr.08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work

⁸ Interview with Notary X, Notary City of Tegal, on September 24, 2020

Procedures, and Procedures for Examination of the Notary Supervisory Council, it is stipulated that in the process summoning, the Chairperson of the Examining Council who summons the reporter and the reported. Summons are made by letter by the secretary no later than 5 (five) working days before the trial, and in urgent circumstances the summons can be made by facsimile which will be immediately followed by a summons.

Enforcement of sanctions against Notaries who do not carry out their real positions in the jurisdiction by:

- 1) The MPD will hold a hearing to examine any violations of the performance of the notary office, but it will not be authorized to impose any sanctions. In this case the MPD is only authorized to report the results of the trial and examination to the MPW with a copy to the reporting party, the notary concerned, the central supervisory board and the notary organization.
- 2) MPW can only impose sanctions in the form of verbal or written reprimands, and these sanctions are final. Apart from that, it is proposing to impose sanctions on the Notary Public to the Central Supervisory Council in the form of temporary dismissal from the position of notary public for 6 (six) months, or dishonorable discharge from the position of notary public. Sanctions from the MPW in the form of verbal warnings and written warnings that are final in nature cannot be categorized as sanctions, but are an initial stage of the real compulsion procedure to be subjected to other sanctions, such as temporary dismissal from office.
- 3) The provisions of Article 77 letter c of the UUJN determine that the MPP has the authority to impose a temporary dismissal sanction. Sanctions like this are a waiting period for a certain period of time before other sanctions are imposed, such as the sanction of dishonorable dismissal from the position of notary public or dismissal with respect from the position of notary. Other sanctions The MPP is only authorized to propose:
 - a) Imposing sanctions in the form of dishonorable discharge from office to the minister (Article 77 letter d UUJN)
 - b) Imposing sanctions in the form of disrespectful dismissal from office for certain reasons (Article 12 UUJN)This the sanctions stipulated in Article 85 of the UUJN, sanctions in the form of verbal warnings and written warnings can only be imposed by the MPW. Sanctions in the form of temporary dismissal from the position of notary public can only be imposed by the MPP, and sanctions in the form of dishonorable dismissal from the position of notary public and honorific dismissal from the post of notary can only be carried out by the Minister on the recommendation of the MPP. Basically, the appointment and dismissal of a notary from his position is in accordance with the rule of law that the one who appointed and dismissed him must be the same institution, namely the Minister of Law and Human Rights.
4. Examination by the Regional Examination Council
Based on Article 23 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.Pr.08.10 of 2004 concerning Procedures

for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Council, examination by the Examining Council Areas closed to the public. The examination starts within 7 (seven) calendar days from the time the report is received and the Regional Inspection Council must have completed the inspection and submitted the examination results within 30 (thirty) calendar days from the time the report is received. The results of the examination are contained in an examination report signed by the Chairperson and the Secretary and a letter of introduction to the delivery of the inspection report sent to the Regional Supervisory Council which is copied to the reporter, the reported, the Central Supervisory Council and the Regional Administrators of the Indonesian Notary Association. At the first determined session, the reporter and the reported party are present, then the Regional Investigative Council shall conduct an examination by reading the report and hearing the reporter's statement. And the reported party is given sufficient opportunity to submit a response. The Reporting Party and the Reported Party can also submit evidence to support the arguments submitted.

5. Inspection by the Regional Examining Council

Based on Article 25 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.Pr.08.10 of 2004 concerning the Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Council, examination by the Examining Council Areas closed to the public. The verdict is pronounced in a session which is open to the public. In the event that there is a difference of opinion among fellow Regional Examining Councils, the difference of opinion shall be contained in the decision. The Regional Examining Council checks and decides on the results of the Regional Inspection Council Examination. The Regional Inspection Council shall start to conduct an examination of the results of the examination by the Regional Supervisory Council within a period of no later than 7 (seven) calendar days since the documents are received. The Regional Inspection Council has the authority to summon the reporter and the reported to have their testimony heard. The decision is pronounced within 30 (thirty) calendar days from when the files are received. A decision must contain sufficient reasons and considerations that are used as a basis for making a decision. And the decision is signed by the Chairman, Members and Secretary of the Regional Inspection Council. In the event that the report cannot be proven, the Regional Examining Council will pronounce a decision stating that the report is rejected and the reported person is rehabilitated. And if the report can be proven, then the reported party will be subject to sanctions in accordance with the level of violation committed. A copy of the decision of the Regional Examining Council is submitted to the Minister, Reporting Party, Regional Supervisory Council and the Central Executive of the Indonesian Notary Association, within 30 (thirty) calendar days from the time the decision is pronounced.

6. Examination by the Central Examining Council

Based on Article 28 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.Pr.08.10 of 2004 concerning Procedures

for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Council, examination and reading of decisions conducted in a trial open to the public. In the event that there is a difference of opinion among the Central Examining Council, the difference of opinion shall be contained in the decision. The Central Examining Council shall examine the appeal application against the decision of the Regional Examining Council and the Central Examining Council shall begin examining the application for appeal files within a period of no later than 7 (seven) calendar days from the date the files are received. The process of examining cases at the appeal level by the Central Examining Council after the documents are received by the MPPN Secretary and recorded in the appeal register. Files of appeal cases are submitted in hardcopy and softcopy, starting from reports of public complaints, minutes of examination and recommendations of the MPD, minutes of examinations and MPW decisions, statements of appeal, and memories and counter memories of appeals. The Central Examining Council has the authority to summon the reporter and the reported to be examined in order to hear the statement. A decision must contain sufficient reasons and considerations on which to make the decision. The decision is signed by the Chairperson, Members and Secretary of the Central Examining Council. The decision of the Central Examining Council is submitted to the Minister and a copy is submitted to the reporter, the reported, the Regional Supervisory Council, the Regional Supervisory Council, the Central Executive of the Indonesian Notary Association, within a period of no later than 30 (thirty) calendar days from the time the decision is pronounced. In the event that the Central Examining Council considers the arguments submitted to the appeal memory sufficiently reasonable, the Regional Supervisory Council decision shall be canceled. In the case of the argument submitted to the appeal memory being deemed groundless by the Central Examining Council, the Regional Supervisory Council's decision is strengthened. The Central Examining Council can make its own decisions based on discretion and fairness.

7. Giving Sanctions

Based on Article 31 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.02.Pr.08.10 of 2004 concerning the Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Council, in the case of the Examining Council The area and the Central Examining Council decide that the reported party is proven to have violated the Law on the Position of Notary Public, so the reported party is subject to sanctions in the form of :

- a. Verbal warning;
- b. Written advice;
- c. Temporary termination;
- d. Honorific dismissal;
- e. Disrespectful dismissal.

Basically, not all Supervisory Boards have the authority to impose sanctions. The Regional Supervisory Council does not have the authority to impose any sanctions.

The Regional Supervisory Council may impose a final verbal warning or written warning and the Central Supervisory Council can impose a temporary dismissal sanction.⁹ In the event that the Notary Examining Panel finds an allegation of a criminal element committed by the reported party, the Examining Panel is obliged to notify the Notary Supervisory Panel and the alleged criminal element which is notified to the Notary Supervisory Council must be reported to the competent agency. Based on an interview with Notary X, a notary who has committed an offense based on this problem must be given enforcement of sanctions in the form of dishonorable dismissal/dismissal. Because there are still many prospective notaries who hope and are waiting for the formation in the area. Because it is the legal consequence that must be accepted for the mistakes he has done.

4.2 Obstacles in the Implementation of Supervision and Enforcement of Sanctions on Notaries Who Do Not Carry Out Their Position Correctly in Tegal City

Basically, all forms of supervision and supervisory institutions for the Notary Profession arise because of the need for upholding professional ethics itself, where professional ethics contains good and bad values, what is permissible and prohibited, and regarding appropriateness relating to the implementation of the profession. Notary Public. The implementation of the Notary profession is seen as an attitude of life, which is a willingness to provide professional services in the legal field to the public with full involvement and expertise in order to carry out duties in the form of obligations to people who need legal services accompanied by careful reflection, and therefore in carrying out his profession there are basic rules in the form of a professional code of ethics. In addition, supervision is carried out because of the need to maintain public trust in the notary profession as service users. In order to achieve an ideal training and supervision practice, in principle coaching and supervision are very dependent on how the coaching and supervision is carried out. In other words, the implementation of supervision must be adjusted to the needs and objectives to be achieved through these activities. Therefore, the steps taken by the Notary Supervisory Council in carrying out guidance and supervision must be thought out carefully and thoroughly so that they are right on target.

There are any obstacles faced by notary MPD in carrying out supervision of notaries who do not carry out their positions properly, namely:

- 1) Limited time in conducting supervision
This time limitation is due to the busyness of each member of the Tegal City MPD, both those who work as lecturers, as well as those who work as notaries and who work as civil servants in each related agency.
- 2) Notary MPD does not have the authority to impose strict sanctions on notaries who do not carry out their actual duties but notary MPD can only impose sanctions in writing and recommend the imposition of sanctions to the Regional Supervisory Council and the Central Supervisory Council.
- 3) MPD notary does not yet have its own office.

⁹ Habib Adjie, *Majelis Pengawas Notaris Sebagai Pejabat Tata Usaha Negara*, Bandung : PT. Refika Aditama. (2011). p. 23-24.

- 4) Internal factor among notaries, where members of the Notary Supervisory Council from notary elements feel uncomfortable examining fellow notaries. So that it makes the performance of supervision of notaries to be unprofessional.

4.3 Solution for the Implementation of Supervision and Enforcement of Sanctions on Notaries Who Do Not Carry Out Their Position Properly in Tegal City

The solution to the problems that occur in the field is firstly to implement preventive and curative supervision, namely to prevent violations of the notary's position in providing guidance to the notary itself. Second, the regional supervisory council will conduct outreach to parties related to the notary profession, including elements of society, academic elements, the Indonesian police, and especially notaries who are under their authority. In addition, this socialization aims to make the public as notary service users more aware of their rights and obligations so that if a violation is committed by the notary in the future, the public can report the violation to the Regional Supervisory Council. As for the steps for prevention and guidance that can be taken by the Notary Supervisory Council, they must be able to improve the quality and quality of notary services. Prevention and guidance that is carried out must be based on a high awareness and understanding of moral and ethical values, for that it needs to be preceded by equating the views between the parties concerned so that they can achieve a vision and mission that is the same both in mindset and in the level of implementation, thus it is hoped that the preventive action and guidance that will then be carried out can achieve its objectives.

5. Closing

5.1 Conclusion

1. Supervision and enforcement of sanctions against Notaries who do not carry out their positions properly in Tegal City

In the framework of supervising and fostering Notaries, the Notary Supervisory Council is the party that carries out supervision not only aimed at structuring the Code of Ethics but also for broader purposes, namely so that notaries in carrying out their duties meet the requirements stipulated by laws and regulations protection of the interests of the people it serves. The notary supervisory board has the authority to supervise, examine and impose sanctions on notaries. The notary supervisory board has the authority to carry out administrative supervision, namely to supervise notaries to make deeds in accordance with the provisions of UUJN, not to supervise the making of amteri and the contents of deeds.

Regarding the enforcement of sanctions given by the Notary Supervisory Council, it is regulated in Articles 84 and 85 of the UUJN. Sanctions aimed at Notaries are also an awareness that the Notary in carrying out his/her duties has violated the provisions regarding the implementation of the notary's duties as stated in the UUJN, and to restore the notary's actions in carrying out his/her duties to be orderly in accordance with the UUJN, in addition to imposing sanctions. against notaries to protect the community and actions of notaries that can harm the community.

2. Obstacles in the implementation of supervision and enforcement of sanctions against notaries who do not carry out their positions properly in Tegal City

There are any obstacles faced by notary MPD in carrying out supervision of notaries who do not carry out their real positions, namely:

a) Limited time in conducting supervision

This time limitation is due to the busyness of each member of the Tegal City MPD, both those who work as lecturers, as well as those who work as notaries and who work as civil servants in each related institution.

b) Notary MPD does not have the authority to impose strict sanctions on notaries who do not carry out their actual duties but notary MPD can only impose sanctions in writing and recommend the imposition of sanctions to the Regional Supervisory Council and the Central Supervisory Council.

c) MPD notary does not yet have its own office.

d) Internal factor among notaries, where members of the Notary Supervisory Council from notary elements feel uncomfortable examining fellow notaries. So that it makes the performance of supervision of notaries to be unprofessional.

3. Solution The implementation of supervision and enforcement of sanctions against Notaries who do not carry out their positions properly in Tegal City

The solution to the problems that occur in the field is firstly to implement preventive and curative supervision, namely to prevent violations of the notary's position in providing guidance to the notary itself. Second, the regional supervisory council will conduct outreach to parties related to the notary profession, including elements of society, academic elements, the Indonesian police, and especially notaries who are under their authority. In addition, this socialization aims to make the public as notary service users more aware of their rights and obligations so that if a violation is committed by the notary in the future, the public can report the violation to the Regional Supervisory Council.

5.2 Suggestion

1. The Regional Supervisory Council is expected to pay more attention to the guidance of Notaries, because even though they have tried to be careful it does not mean that there are no violations. The goal is that Notaries uphold dignity and dignity and are always given socialization so that there are no misunderstandings regarding the deeds made.
2. For Notaries, it is expected that in carrying out their duties as a notary profession, they will act honestly and trustfully as stated in the Law on Notary Position.

6. References

Books:

- [1] Habib Adjie, *Sanksi Perdata dan Administratif Terhadap Notaris Sebagai Pejabat Publik*, Bandung : PT. Refika Aditama.

- [2] Tan Thong Kie, *Studi Notariat dan Serba-Serbi Praktek Notaris*, Jakarta : PT. Ihtiar Baru Van Hoeve. (2007).
- [3] Hartati Sulihandari, *Prinsip-prinsip Dasar Profesi Notaris*, Jakarta : Dunia Cerdas. (2013).
- [4] Narbuko ,Cholid and H. Abu Achmadi, *Metode Penelitian*, Jakarta: PT. Bumi Aksara. (2002).
- [5] Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta : PT. Raja Grafindo Persada. (2003).
- [6] G.H.S Lumban Tobing, *Peraturan Jabatan Notaris*, Cet. 5, Jakarta : Airlangga. (1999).
- [7] Habib Adjie, *Majelis Pengawas Notaris Sebagai Pejabat Tata Usaha Negara*, Bandung : PT. Refika Aditama. (2011).

Internet:

<http://lib.ui.ac.id/file?file=digital/130992-T%2027422-Pengawasan%20majelis-Pendahuluan.pdf> accessed on March 13, 2020, at 02.31.

Interview:

Interview with Notary X, Notary City of Tegal, on September 24, 2020