

Juridical Review of Notary Positions Based on the Law on Notary Positions in Welfare Aspects

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Abstract. *Notary as a public official who is not paid, either by the state, ministry, or any other party according to UUJN. Sociologically, notaries are stigmatized as one of the respectable professions in society. On the other hand, the presence of a notary in the community has also increased in quantity, so that it is correlated with competition in the task of a notary. This study aims to determine and analyze the responsibilities of a notary in carrying out the position of a notary, to find out and analyze the role of the Indonesian Notary Association in implementing the welfare of a notary in the city of Semarang, and to find out an example of a Sale and Purchase Binding Agreement. The research approach method used in this thesis is an empirical juridical legal research method with descriptive analysis research specifications. Data sources and data collection methods used primary and secondary data which were analyzed qualitatively. The results showed that: First, The position of a notary in Article 1 point 1 UUJN, namely a public official authorized to make authentic deeds and other authorities as referred to in the law. While the term public official is translated from openbare ambtenaren as in Article 1868 of the Civil Code that, "An authentic deed is a deed made in the form determined by law by or before public officials who have power for that, at the place where the deed is made." On the other hand, Act No. 25 of 2009 concerning Public Services also applies to notaries, because according to Article 15 of the UUJN, the authority of a notary in addition to the UUJN applies, other laws also apply. This means that the Civil Code and the Public Service Law or other laws also apply. Second, Regarding the uncertainty of the minimum honorarium limit from the notary service fee, the Semarang City regional association organization once agreed on a reference regarding the minimum limit for the notary service fee, however, this reference could not last long or was not*

effectively enforced because after all the economic demands that made notaries compete in getting clients for the sake of to support himself, his family and of course for the operational costs of the office. Meanwhile, as a form of attention from the government, for example, the provision of incentives for the position of a notary has never been proposed to the government.

Keywords: Juridical; Notary; Positions; Welfare.

1. Introduction

One of the professions in society that is sociologically known and stigmatized as a respectable profession is a notary. The public knows the notary profession because it has become part of the necessities of life, especially in terms of making deeds and issuing certificates.

Notary is an honorable profession that is always attached to ethics and it is with ethics that notaries relate to work. Without ethics, Notaries are just mechanical robots that move in without a soul. Because of the attachment of ethics to the notary profession, it is called a noble profession (*officium nobile*).¹ In addition to this, a Notary is an intellectual character, who in carrying out his position serves the interests of others, not solely for his interests, therefore many people call the position of a Notary as a profession, not a job. Notary is also not just an ordinary profession, but an *officium nobile* profession that demands high morality, because he cannot side with anyone, the Notary must be neutral. Notaries are not only trusted by the community (the parties), but also by the government and the state.²

Within the scope of law, namely Article 1 of the Law on Notary Positions, a Notary is a public official authorized to make an authentic deed and other authorities as referred to in this Law. Nauthoritarianis a position that is included in the scope of Administrative Law because a Notary is appointed and dismissed by the Government. Its authority is to make an authentic deed for proof which is a state secret. In his work, the Notary is supervised by the Notary Supervisory Board. As a public official, the Notary is subject to the laws and regulations governing all his activities as a Notary. In other words, the work of a Notary is not controlled by his own personal will.

Although sociologically it is stigmatized as one of the respectable professions

¹I Ketut Adi Gunawan, I Nyoman Sumardika, Ida Ayu Putu Widiati, Oktober 2020, "Penetapan Honorarium Notaris Dalam Praktik Pelaksanaan Jabatan Notaris", *Jurnal Konstruksi Hukum*, Vol. 1 No. 2, <https://www.ejournal.warmadewa.ac.id/index.php/jukonhum/article/view/2547>, accessed on 01 October 2021 at 13.00 WIB;

²Ghofur, Abdul, et al., (2018), *Eksistensi Notaris Dalam Dinamika Hukum Dan Kebijakan*, GENTA Publishing, Yogyakarta, p. xi.

in society, in reality, many notaries who carry out their positions also have side jobs. The reason is to increase the income used for office operations and personal welfare. On the other hand, the existence of a notary in the community has also experienced an increase in quantity, so that it is correlated with competition in the task of a notary.

Notaries as public officials (*openbaar ambtenaar*) who are not paid, either by the state, ministry, or any other party in accordance with Act No. 30 of 2004 concerning Notary Positions which was revised into Act No. 2 of 2014.³The notary's income is in the form of fees from service users (clients). Notaries are entitled to receive an honorarium for legal services rendered in accordance with their authority. The determination of notary rates regulated in the Law on Notary Positions is only about making the deed and setting the maximum honorarium limit only, then the agreement to determine the minimum amount of honorarium and for complementary services for a notary deed based on the Notary Code of Ethics, then the administrators of each region of the Indonesian Notary Association will enter into an agreement between all members in order to obtain results that are in accordance with the mutual agreement.

Minister of Law and Human Rights (Menkumham), Yasonna H. Laoly said that, in 2022, the Indonesian economy is predicted to grow by 5.2 percent. Changes in the licensing process and the expansion of business fields for investment are driving factors in accelerating investment and opening new jobs in the regions. According to him, one of the professions that plays a very strategic role, especially to create certainty and ease of doing business in terms of starting a business, and other roles related to community economic activities is the Notary profession.⁴

There is great hope from the government for notaries to be able to play a greater role and contribute to economic recovery this year. This means that notaries have a significant role in Indonesia's economic recovery, which means that when they are able to improve public services in order to encourage the acceleration and growth of the national economy, they will also directly contribute to the acceleration of global economic recovery.

On the other hand, many notaries have felt pressure from state or government policies, in the form of policies that increasingly make notaries a

³Syafran Sofyan, *Notaris "Openbare Ambttenaren"*, <https://www.jimlyschool.com/baca/9/notaris-openbare-ambttenaren-syafran-sofyan> accessed on 07 October 2021 at 6:34 WIB;

⁴Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, Peran Penting Notaris dalam Pemulihan Ekonomi Nasional, 16 Maret 2022, <https://www.kemenkumham.go.id/berita/peran-penting-notaris-dalam-pemulihan-ekonomi-nasional>, accessed on 28 June 2022 at 20:12 WIB.

slave to the state. The meaning of a notary as a slave to the state because a notary is given the task and authority over the obligations that a notary must carry out in accordance with the laws and regulations. However, in carrying out the duties of the authority, only the obligations of the notary and the rights of the notary do not appear. He has lost his rights even as a notary actually carries out his duties and obligations as a public official with nuances and flavor as a state official or government official. All duties of the authority and responsibility of the state in the realm of civil law and state administration (private and administration law).⁵

All notary archives are state documents (full rights of the state) even the state has the right to impose criminal sanctions on notaries who are unable to fulfill the obligation to archive the minutes of deed as state archives and maintain the confidentiality of the archives even if they have retired or stopped as notaries.⁶ Furthermore, in Article 65 of the Law on Notary Positions, a notary who retires or quits or dies, is obliged to transfer all minutes of notary deeds as state archives to a notary appointed by the state through the Ministry of Law and Human Rights in accordance with applicable regulations, with all burdens and expenses the responsibility lies with the notary who retires or stops being a notary, or heirs to a notary who dies. All of this must be carried out in the name and force of the laws and regulations.

Will the problems (problems) of the rights and obligations of notaries lead to a big movement like a flood? It is not impossible that this will happen, it seems that if the state and government do not immediately realize it, it is only a matter of time. This turmoil will arise and will become a problem in the realm of civil law and state administration, especially those related to the duties and authorities of a notary.

Satjipto Rahardjo said that, "The deed made and ratified by a notary applies as a rule or law for the parties. So the equality of the rights of a notary is the same as the formation of law either by the legislators or by the Constitutional Court (MK).⁷

The government must regulate the distribution of state wealth so that no people go hungry. This includes the provision or convenience in obtaining the right to food needs, clothing rights and housing rights (rights that should be obtained in the freedom to obtain public welfare guaranteed by the

⁵Handoko, Widhi, (2019), *Dominasi Negara Terhadap Profesi Notaris (Antara Ide dan Realitas)*, Roda Publik, Bogor, p. XVIII.

⁶*loc.cit.*

⁷*Ibid*, p. 97.

constitution of the 1945 Constitution of the Republic of Indonesia).⁸

This research aims to know and analyze the responsibilities of a notary in carrying out the position of a notary.

2. Research Methods

The research approach method used in this thesis is an empirical juridical legal research method. This research specification uses descriptive analysis. The type of data used in this research is primary data which includes the 1945 Constitution of the Republic of Indonesia; Act No. 2 of 2014 on amendments to Act No. 30 of 2004 concerning the Position of a Notary; Act No. 11 of 2009 concerning Social Welfare; Act No. 25 of 2009 concerning Public Services; Act No. 24 of 2004 concerning the State Flag, Language and Emblem; Minister of Law and Human Rights Number 17 of 2021 concerning Duties and Functions, Terms and Procedures for Appointment and Dismissal, Organizational Structure, Work Procedures, and Budget of the Notary Honorary Council; the Criminal Code; Code of Civil law, and secondary data containing books and other supporting documents. Collecting research data with interview techniques and study of documents or library materials. The data analysis method used in analyzing the data is a qualitative analysis of the interactive model as proposed to a Notary in Semarang City.

3. Results and Discussion

3.1. Responsibilities of a Notary in Carrying Out the Position of a Notary

The position of a notary is defined in Article 1 point 1 UUJN, namely a public official who is authorized to make authentic deeds and other authorities as referred to in this Law or based on other laws. The duties and authorities of a notary are closely related to agreements, actions and also provisions that give rise to rights and obligations between the parties, namely providing guarantees or evidence against the actions, agreements and also the provisions so that the parties involved in it have legal certainty. The position of a notary is required by the rule of law with a view to assisting and serving the public who need authentic written evidence regarding legal circumstances, events or actions.⁹

Talking about evidence, Article 164 HIR in conjunction with Article 1866 of the Civil Code (KUH Perdata) states that what is called evidence are:

- Letter Proof
- Witness Evidence
- Proof of Allegation
- Confession

⁸Ibid, p. 96.

⁹Borman M. Syahrul, 2019, "Kedudukan Notaris Sebagai Pejabat Umum Dalam Perspektif Undang-Undang Jabatan Notaris", *Jurnal Hukum dan Kenotariatan*, Vol. 3 No. 1, <http://repository.unitomo.ac.id/1606/1/JURNAL.pdf>, accessed on 5 July 2022 at 07:48 WIB;

- Oath

All of these evidences in court proceedings are important, but in HIR which adheres to the principle of formal proof, here it appears that documentary evidence which is written evidence is very important in proving, the strength of proof regarding this documentary evidence is submitted at the discretion of the judge. In terms of proof of documentary evidence can be in the form of ordinary letters, can also be in the form of a deed, this deed can be divided into two, namely an authentic deed and a private deed which is affirmed in Article 1867 of the Civil Code that "written proof is carried out with authentic writings and in writing under the hand."¹⁰

Talking about the authority of a notary, this has been regulated in Article 15 UJUN. The authority to make an authentic deed has been stated in Article 15 paragraph (1) of the UJUN, that a notary has the authority to make an authentic deed regarding all acts, agreements, and stipulations required by laws and regulations and/or desired by the interested parties to be stated in the deed. authentic, guaranteeing the certainty of the date of making the deed, keeping the deed, providing grosse, copies and quotations of the deed, all of which as long as the making of the deed is not assigned or excluded to other officials or other people stipulated by law.¹¹

Other authorities referred to in Article 15 paragraph (2) of the UJUN are as follows: "In addition to the authority as referred to in paragraph (1), a notary is also authorized:

- ratify the signature and determine the certainty of the date of the letter under the hand by registering it in a special book;
- record the letters under the hand by registering in a special book;
- make a copy of the original handwritten letter in the form of a copy containing the description as written and described in the letter concerned;
- validate the compatibility of the photocopy with the original letter;
- provide legal counseling in connection with the making of the Deed;
- make a deed related to land; or
- make a deed of auction minutes

¹⁰Widhi Handoko, 2019, State Domination of the Notary Profession (Between Ideas and Reality), Roda Publica, Bogor, p. 90.

¹¹Law Number 02 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions

While the term public official is translated from *openbare ambtenaren* as stipulated in Article 1868 of the Civil Code that, "An authentic deed is a deed made in the form determined by law by or before public officials who have power for that, at the place where the deed is it was made." So based on the provisions of the article, to be able to make an authentic deed a person must have a position as a public official. However, Article 1868 does not explain further about who is meant as a public official.¹²

On the other hand, the Law on Public Services also applies to notaries, because according to Article 15 of the UUJN, in addition to the UUJN, other laws also apply. This means that the Civil Code and the Law on Public Services or other laws also apply. The consequences of such enforcement and the consequences for notaries as public officials should give rise to rights for notaries and create obligations for the government. The question that arises: is it true that notaries have rights as government employees (*public employees* or *ambtenaar*) as referred to in the Civil Code and in the Public Service Law? If that is not the intention of public officials, the editorial of public officials in the UUJN needs to be emphasized and interpreted separately so that it does not cause consequences related to the rights and obligations of public officials (*ambtenaar*).¹³

In fact, notaries never get the rights as public officials. However, it becomes unrealistic, when a notary has duties and responsibilities as a public official who must comply with the Law on Public Services and other laws related to public officials. This becomes ambiguous if it is related to the rights and obligations of the notary's responsibility to the government, such as the obligation to submit monthly reports on the deed made, the obligation to pay taxes and other obligations that become awkward and biased.¹⁴

If it is reviewed more in relation to Act No. 24 of 2004 concerning the State Flag, Language and Emblem, it is not wrong if a notary is referred to as a state official. However, notaries are authorized to use state symbols as a form of representing state positions, because it is impossible for people to use state symbols for and on behalf of outside the country. The symbol of the state is a sacred image because it provides a legality for and on behalf of the state. So it is natural that all the duties, obligations and authorities of the notary are the rights of the state, so that the notary has the obligation to keep it secret, maintain and report its performance to the state, through the Ministry of Law and Human Rights.

Regarding the responsibility of a notary in carrying out the position of a notary, according to Hans Kelsen, that: "a person is legally responsible for a certain act or that he bears legal responsibility, the subject means that he is responsible for a sanction in the case of a contrary act." Hans Kelsen further stated that: "Failure to exercise due care required by law is called negligence; and error is usually

¹²M. Syahrul Borman, Op.cit, p. 80.

¹³loc.cit.

¹⁴Widhi Handoko, Op.cit, p. 75.

seen as another kind of error (*culpa*), although not as severe as the fault which is fulfilled by anticipating and wishing, with or without malicious intent, a harmful result.¹⁵ Notaries have actually felt a lot of pressure from state or government policies, in the form of policies that increasingly make notaries a slave to the state. The meaning of a notary as a slave to the state because a notary is given the task and authority over the obligations that a notary must carry out in accordance with statutory regulations. However, in carrying out the duties of the authority, only the obligations of the notary and the rights of the notary do not appear. He has lost his rights even as a notary actually carries out his duties and obligations as a public official with nuances and flavor as a state official or government official. All duties of the authority and responsibility of the state in the realm of civil law and state administration (private and administration law).¹⁶ All Notary archives are state documents (full rights of the state) even the state has the right to impose criminal sanctions on a notary who is unable to fulfill the obligation to archive the minutes of deed as a state archive and maintain the confidentiality of the archive even if he has retired or stopped as a notary.¹⁷ Furthermore, a notary who retires or retires or dies, is obliged to transfer all minutes of notary deeds as state archives to a notary appointed by the state through the Ministry of Law and Human Rights in accordance with applicable regulations, with all burdens and responsibilities on the notary who retires or ceases to be a notary. notary, or the heirs of a notary who died. All of this must be carried out in the name and force of the laws and regulations (Article 65 UUJN).¹⁸

According to Widhi Handoko in his book *Domination of the State Against the Notary Profession (Between Ideas and Reality)*, he invites to redefine and also invites to conduct a Focus Group Discussion (FGD) which is indeed focused on discussing the future. in front of a notary. Of course, the discussion must also produce the best solution, namely the existence of a balance of rights and obligations in carrying out the duties and authority of a notary, so that a notary is not in the position of a subject that is regulated by the government and the state with unilateral authoritarianism.

Talking about the determination of notary fees, the state through the Ministry of Law and Human Rights, including the Ministry of Cooperatives, has been unfair. Namely interfering in professional affairs to the determination of honorariums while at the same time providing unreasonable limits. If we compare with other professions, notaries are like frogs in a shell. Because other professions such as lawyers and doctors are given independence in determining the honorarium.

¹⁵Hans Kelsen (Alih Bahasa oleh Somardi), (2007), *General Theory Of law and State, Teori Umum Hukum dan Negara, Dasar-dasar Ilmu Hukum Normatif Sebagai Ilmu Hukum Deskriptif-Empirik*, BEE Media Indonesia, Jakarta, p. 81.

¹⁶Ibid, p. XVIII.

¹⁷loc.cit.

¹⁸Ibid, p. 86.

Meanwhile, notaries are restrained and threatened by sanctions that are not light only for the issue of honorariums.

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There is great hope from the government for notaries to be able to play a greater role and contribute to economic recovery this year. This means that notaries have a significant role in Indonesia's economic recovery, which means that when they are able to improve public services in order to encourage the acceleration and growth of the national economy, they will also directly contribute to the acceleration of global economic recovery.

The results of the study in the form of interviews with 5 (five) notaries showed that the notary in carrying out his duties was in accordance with the responsibilities of his position. If you examine from the theory of responsibility, there is an attitude of legal authority and responsibility by the position of a notary on the demands of professionalism to the state which are quite large in the realm of civil law and state administration (private and administration law), while the rights of a notary do not appear.

In this regard, the State, Government and THIS Organization, the notaries themselves, and the community actually have a moral responsibility and should not allow bad conditions to happen to notaries. Notary is a profession that should always uphold the values of the philosophy of dignity, dignity and honor. To color the development and progress of world civilization.

3.2. The Role of the Indonesian Notary Association in Implementing the Welfare of Notaries in the City of Semarang

The form of responsibility, initiative and cooperation in the concept of the welfare state as adopted by the 1945 Constitution of the Republic of Indonesia, in particular Article 33 paragraph 33. Denial of the welfare state (welfare state), is very striking and can be seen clearly in the practice of notaries in Indonesia. In reality, the notary is only given a letter of appointment and an oath of office, then the notary is given the task and obligation to make an authentic deed and legal administration for and on behalf of the state and rights. The life and death of a notary is finally pawned for the state. Even the only official who devotes his life to the state with all

¹⁹Kementerian Hukum dan Hak Asasi Manusia, Op.cit.

office fees and related fees paid by the official concerned (notary).²⁰

The presence of a notary is increasingly important for the Indonesian people today whose economy continues to grow. The public uses the services of a notary to provide legal certainty in the field of engagements and agreements. It concerns all aspects of life (political, economic, social, cultural, land and security), especially the largest portion in the economic field.

The welfare state is a form of democracy which emphasizes that the state is responsible for the minimum welfare of the people, in this context the notary actually finds discrimination and tends to be only enslaved by the state so that this minimal right in welfare is really not obtained from the state, even the state tends to regulate and suppress the notary fee .²¹

Notary honor is not a right, because it is permissible or only at the level of permissibility. This means that it is permissible to collect and may also exempt from levies, and even then with various rules that are not in favor of the notary and there is omission (the state is not present and tends to turn a blind eye or is ignorant) in reality in the competition for notary fees, which then creates an imbalance between their duties and obligations. , so that in the end there is unfair competition and many deviations occur.

Teguh Prasetyo in his theory argues that, dignified justice as a legal grand theory views Pancasila as the highest basic postulate, namely as the source of all sources of juridical inspiration to make political ethics (democracy) the most concrete manifestation of democracy that can create a dignified society. That way the law is able to humanize humans; that the law as a whole as a system treats and upholds human values according to the nature and purpose of life. It was stated that: This is because humans are noble creatures as creations of God Almighty as stated in the 2nd principle of Pancasila, namely just and civilized humanity.²² Seeing the dignified justice theory, the role of the organization as a single forum ", INI (Indonesian Notary Association) plays a major role in the fate of its members (the notaries themselves), so there should be good synergy between the community, notaries, the Indonesian Notary Association organization so that constructive aspirations can be conveyed to the state or government in fighting for the dignity of a notary with all his rights and obligations and getting fair treatment among other human beings as this value is contained in Pancasila.

²⁰Widhi Handoko, Op.cit, p. 93.

²¹Ibid.

²²Prasetyo , Teguh, (2015), *Keadilan Bermartabat Perspektif Teori Hukum Cetakan Kedua*, Nusa Media, Bandung, p. 93.

Looking at Article 82 of the UJUN, notaries gather in one forum for the Notary Organization, namely the Indonesian Notary Association or INI for short. The Indonesian Notary Association is the only free and independent forum for the notary profession which was formed with the intent and purpose to improve the quality of the notary profession and improve the quality of the notary profession.

Human life or professional circles such as notaries are bound by norms, including their existence in a professional organization. Without ties or umbrella norms, humans will meet and be faced with various forms of problems or various difficulties that are not easily overcome. In fact, it is not impossible that the difficulties that come repeatedly attacking his life can lead to destruction, including destruction in carrying out his profession. It is not difficult, for example, to find various practices of violating juridical and ethical norms carried out by a notary which resulted in his destruction.²³

At the present time, the tendency in society to demand professionalism in work. It is not uncommon for someone to easily say that what is important is professional. But when asked about what is meant by professional, he could not give a clear answer. Notaries are the same way, because this profession is also under the umbrella of the organization, the dignity of the profession is also influenced by the role shown by the organization.

The function is specifically readable in INI mission as follows:

- Doing activities to foster awareness of a sense of belonging to a responsible Association, in order to create a sense of togetherness among fellow members in order to increase the role, benefits, functions and quality of the Association.
- Carry out activities to improve the quality and ability of members in carrying out their positions and professions professionally, in order to maintain and maintain the nobility of the position of a notary.
- Uphold and maintain the honor of the profession of a notary, improve its function and role and improve the quality of notary science by holding scientific meetings, lectures, seminars and the like as well as publishing scientific papers.
- To fight for and maintain the interests, existence, role, function and position of a notary institution in Indonesia in accordance with the dignity of the profession of a notary public.

²³Hairus, "Peran Organisasi Profesi Notaris Dalam Menjaga Martabat Profesi Notaris", *Jurnal Hukum dan Kenotariatan*, Vol. 2 No. 1 February 2018, accessed from <http://riset.unisma.ac.id/index.php/hukeno/article/view/1074/1115> on 29 June 2022 at 17:22 WIB

- Organize, foster and foster and enhance cooperation with other agencies, institutions and organizations, both at home and from abroad that have the same or almost the same objectives as the association, including with educational institutions or related agencies and which have relations with notarial institutions. .
- Organize and organize notary education, as well as play an active role in preparing the birth of notary candidates who are professional, highly dedicated, virtuous, insightful and knowledgeable and have moral integrity and have good character.
- Carry out other business as long as it does not conflict with the principles, guidelines and objectives of the Association.

In addition, in Article 83 paragraph (1) of Act No. 30 of 2004, concerning the Notary Position, it is stated that, "Notary organizations establish and enforce a notary code of ethics." Then in the provisions of Article 13 paragraph (1) of the Articles of Association of the Indonesian Notary Association, which was determined based on the Extraordinary Congress of the Indonesian Notary Association in Bandung on January 28, 2005, it states: "To maintain the honor and dignity of the position of a notary, the association has a notary code of ethics. determined by the congress and is a moral code that must be obeyed by every member of the association.

In this historical fact, the involvement of notary organizations in making policies that regulate notaries has in fact only been a figment so far. Because the understanding of this system from the beginning was wrong. Supposedly the solution to overcome this problem is not only to uphold professionalism and integrity, but at the same time there is a solution to give the rights of a notary as his position was under the governor general who received rights and facilities from the state.²⁴

If that is not possible, the realistic solution is that the notary is given the right to determine his independence in carrying out his duties and authorities, as was the history of the Governor-General when the Dutch East Indies prohibited anyone from interfering with the work of a notary, including in this case interfering in determining service fees.

Regarding notaries who are examined by law enforcement officials, it has been stated in Article 51 of the Criminal Code (KUHP), that:²⁵

- A person who commits an act to carry out an office order given by the competent authority, may not be punished
- An order of office without authority does not result in the abolition of

²⁴Widhi Handoko, Op.cit, p. 27.

²⁵Criminal Code (KUHP).

the crime, unless the one who is ordered thinks in good faith that the order is given with authority and its implementation is included in the work environment. (KUHP 114, 190, 198, 462.)

From the sound of Article 51 of the Criminal Code, it means that as long as the person is carrying out his/her duties due to his/her authority or the law, then he/she will be protected by law, so he/she cannot be convicted or suspected.

Reviewing the theory of the welfare state which has also been stated in the constitution of the 1945 Constitution of the Republic of Indonesia, that the state must be active in seeking the welfare of its people and act fairly, which can be felt by the whole community in an equal and balanced manner. In this case, it is emphasized by the theory of dignified justice, that the role of the organization as a single forum, INI (Indonesian Notary Association) plays a major role in the fate of the lives of its members (the notary itself), so there should be good synergy between the community, notaries,

4. Conclusion

The position of a notary in Article 1 point 1 UUJN, namely a public official authorized to make authentic deeds and other authorities as referred to in the law. While the term public official is translated from *openbare ambtenaren* as in Article 1868 of the Civil Code that, "An authentic deed is a deed made in the form determined by law by or before public officials who have power for that, at the place where the deed is made." On the other hand, Act No. 25 of 2009 concerning Public Services also applies to notaries, because according to Article 15 of the UUJN, the authority of a notary in addition to the UUJN applies, other laws also apply. This means that the Civil Code and the Law on Public Services or other laws also apply. The consequences of such enforcement and the consequences for notaries as public officials should give rise to rights for notaries and create obligations for the government. Regarding the uncertainty of the minimum fee for notary services, the Semarang City regional association organization once agreed on a reference regarding the minimum limit for notary services, however, the reference could not last long or was not effectively enforced. The benchmark is finally no longer valid because after all, economic demands make notaries compete in getting clients to support themselves, their families and of course for office costs. Meanwhile, as a form of attention from the government, for example, the provision of incentives for the position of a notary has never been proposed to the government.

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