

## The Role of the Supervisory in Manifestation of Good Public Service: Can Resolving Problematic Notary Cases?

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**Abstract.** *Public service is a way to realize a prosperous country. Notaries are officials who provide public services in the field of legal services for the community. The role of notaries is very important in providing legal certainty. The purpose of this study is to analyze notary services in the Riau Islands Province and the role of the supervisory board in supervising the performance of notaries. The method in this study is empirical juridical. In answering the problem in this study, the legal basis namely Law Number 2 of 2014 Concerning the Position of Notary and theoretical basis is used, namely the theory of legal certainty by Hans Kelsen and legal protection theory by Philipus M. Hadjon. The results of the study show that notary services still face various problems, especially in the Batam City area. However, there still needs to be synergy between regional and central supervisors in taking firm action against notaries who do not provide good public services. The role of regional supervisors in providing guidance to notaries is expected to provide preventive and repressive protection. The preventive role can be carried out through guidance and repressive can be carried out with the active role of supervisors at the central level in providing sanctions for permanent dismissal based on recommendations from the supervisory board at the regional level.*

**Keywords:** *Public Services; Notary; Supervisory Board; Riau Province.*

### 1. Introduction

The Republic of Indonesia is a country that has the goal of advancing public welfare, the inherent function of advancing public welfare in a welfare state has several consequences for the implementation of government, namely the government must play an active role in interfering in the socio-economic life of the community. For this reason, the government is delegated *bestuurszorg* or Public Service (Jaya, 2014). Public services are services provided by the government to meet the needs and interests of the community. Good, innovative and efficient public services can build public trust in the government and improve the quality of life of the community (Daraba et al., 2023). Public service is

the focus of public administration studies in Indonesia, it is still a problem that needs comprehensive attention and resolution. Public service in good governance at least meets the quality that must be met. The public always demands quality public service from bureaucrats, although these demands often do not match expectations because empirically the public service that has occurred so far is still characterized by being complicated, slow, expensive, and tiring. Such a tendency occurs because the public is still positioned as the party that "serves" not the one being served (Lestari & Santoso, 2022).

Service is the main and essential task of the apparatus, as a state servant and a public servant. This task has been clearly outlined in the opening of the 1945 Constitution, paragraph four, which includes 4 (four) aspects of the apparatus' main service to the community, namely protecting all Indonesian people and all of Indonesia's territory, advancing public welfare, educating the nation's life and implementing world order based on independence, eternal peace and social justice (Aslamiah et al., 2025).

Public service by the public bureaucracy is one of the manifestations of the function of the state apparatus as a public servant in addition to being a state servant. Public service by the public bureaucracy is intended to improve the welfare of the people (citizens) of a welfare state (Santosa, 2009). However, in reality, public services organized by the government so far are still not effective and efficient and the quality of human resources is inadequate. This is evidenced by the frequent occurrence of complaints, both direct and indirect complaints. Improving the quality of public services is a very important issue. This is because on the one hand the demands of the community that the types of public services are increasingly extensive but the practice of organizing these services has not experienced an increase in quality.

The public wants to get public services that have good quality, although it often deviates from expectations, because public services to date are in the category of complicated, slow, expensive, and tiring. In the provisions of the Regulation of the Minister of Law and Human Rights Number 2 of 2022 concerning Public Services Based on Human Rights, in order to fulfill the government's responsibility in implementing respect, protection, fulfillment, enforcement, and advancement of Human Rights, it is necessary to improve the quality of public services that are guided by the principles of Human Rights by orienting themselves towards the needs, certainty, and satisfaction of recipients of public services. The provision of public services in the field of law and Human Rights must be based on the principles of Human Rights. As a concrete step towards the protection, respect and fulfillment of Human Rights, the Ministry of Law and Human Rights is striving for public services based on Human Rights in order to improve the quality of services in the work units of the Ministry of Law and Human Rights that are oriented towards the needs and satisfaction of recipients of services (Siregar et al., 2023).

One of the officials appointed and inaugurated by the Ministry of Law and Human Rights, who has the authority to provide public services to the community is a notary. Notaries are appointed and dismissed by the Minister based on Law Number 2 of 2014 in conjunction with Law Number 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJN). And Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning the Requirements and Procedures for the Appointment, Leave, Transfer, Dismissal, and Extension of the Term of Office of Notaries (hereinafter referred to as Permenkumham 19/2019) which has regulated and binds regarding the

appointment of Notaries. A notary is a public official who has the power to make Authentic deeds and carry out government authority in the legal field but does not receive a salary from the government. In this case, a notary as a public official is very much needed by the community, both in terms of the law itself and legal certainty for the community through authentic deeds made by a notary who has perfect evidentiary power in the eyes of the law and the courts in accordance with Article 1870 of the Civil Code, where authentic deeds can only be made by the notary himself who is a public official (Satria, 2025).

The formulation of UUJN states that a notary is a "public official (openbaar ambtenaar). A person who becomes a public official, if he is appointed and dismissed by the government and is given the authority and obligation to serve the public in certain matters. Therefore, a notary as a public official participates in carrying out the authority of the government" (gezag). In short, "a notary is not born for himself, but for the benefit of society (Lutviandany et al., 2021). The role of Notary Officials is very urgent in improving the quality of service to the community. The authority of Notary Officials must be realized in the form of legal services that are truly qualified so that the community feels satisfied. The quality of Notary Services must be truly realized because it is not only the obligation of Notaries, but also has a positive impact on progress in the field of notary, while on the other hand the community gets satisfaction. Notary duties must be carried out truly professionally and responsibly (Saragih & Silviana, 2024).

In terms of ensuring that notaries as officials appointed by the Ministry of Law and Human Rights carry out good public services to the community, a supervisory mechanism is needed. The purpose of "the supervision is so that notaries when carrying out their duties fulfill all requirements related to the implementation of notary duties, in order to safeguard the interests of the community, because notaries are appointed by the Government, not for the interests of the notaries themselves, but for the interests of the community they serve". Article 68 of the UUJN divides the Notary Supervisory Board into 3, namely: Central Supervisory Board (*Majelis Pengawas Pusat* or MPP), Regional Supervisory Board (*Majelis Pengawas Wilayah* or MPW), and Regional Supervisory Board (*Majelis Pengawas Daerah* or MPD) (Adjie, 2008).

However, in reality, public services carried out by notaries reap various dilemmas. Notaries in terms of wanting to earn more income, sometimes pay less attention to their responsibilities as notaries as regulated in Article 16 of the Notary Law, one of which is the binding of notary protocols. Notaries in this case receive as many deeds as possible but are not responsible for the deeds made, for example binding, storage, signatures of witnesses and parties which are sometimes found to be incomplete and so on. In addition, notaries also sometimes justify various means to earn more income, thus violating their dignity as notaries. This happens to notaries in the working area of the Riau Islands Province. The Riau Islands Province consists of Bintan Regency, Karimun Regency, Lingga Regency, Natuna Regency, Anambas Islands Regency, Batam City, Tanjungpinang City. On September 30, 2024, the Batam City Notary Regional Supervisory Board held a follow-up meeting on the results of the 2023-2024 Notary Protocol examination. In the examination of the protocols of all Notaries in Batam City, it was found that there were still many violations of the provisions of Law Number 30 of 2004 as amended by Law Number 2 of 2014 concerning the Position of Notary, both violations in the preparation of Minutes of Deeds and in terms of the administration of the Notary's office which is a single unit as the Notary Protocol.

These various forms of violations, in addition to potentially causing losses to the public as clients of the Notary concerned, can also make the Notary's position very vulnerable to lawsuits in the future. Therefore, the Notary Regional Supervisory Board of Batam City is committed to taking firm action against Notaries who violate their obligations and prohibitions as a form of law enforcement in the notary field, in order to provide legal certainty to the public. Based on the background, there are 2 (two) problem formulations discussed in this study, namely first, how is the public service in the field of legal services carried out by notaries in the Riau Islands Province in providing legal services? Second, what are the roles and challenges faced by the Regional Supervisory Council and the Regional Supervisory Council in supervising legal services carried out by notaries in the Riau Islands Province?

## **2. Research Methods**

The type of research used in this study is empirical juridical method. The type of empirical juridical method discusses developments and actions in the real world (social) related to legal regulations (Tan, 2021). This study discusses the phenomenon of legal service practices carried out by notaries in the Riau Islands Province, whether notaries in the Riau Islands Province have carried out their duties in providing legal services to the public as regulated in the Notary Law. Data collection methods are carried out through observation and interviews. The types of data used in this study consist of primary data, namely observations on the Regional Supervisory Council and the Regional Supervisory Council in Batam City. then in this study also uses secondary data consisting of primary legal materials, namely Law Number 25 of 2009 concerning Public Services, Law Number 30 of 2014 concerning Government Administration, Law Number 2 of 2014 concerning Notary Positions. The research method in this study is qualitative. A qualitative analysis information used descriptive

## **3. Results and Discussion**

### **3.1. Public Services in the Field of Legal Services Carried Out by Notaries in the Riau Islands Province in Providing Legal Services**

Indonesia is a democratic country of law, so the character of legal products in the form of various Legislation must be responsive, not elitist. Responsive means that legal products are very sensitive to the needs of the community to be accommodated in the Legislation. Fulfillment of community needs through quality services, then the community becomes prosperous and satisfied, this condition must also be met by state officials including Notary Officials in providing services to the community. The issue of service quality is an important factor in determining the success of an institution. According to Sabihaini, service quality is a form of assessment of the level of service received with the level of service expected. So the quality of service can be known by comparing the perception of the community that they should receive with the actual service (Triastity & Triyaningsih, 2013).

According to Julianto, there are three levels of public satisfaction. First, the public is very satisfied, namely if the service received is more than the expected service. Second, the public is satisfied, namely if the service received is the same as the expected service.

Third, the public is dissatisfied, namely if the service received does not match the expected service (Saragih & Silviana, 2024).

Indonesia also has a legal device in regulating public services, namely in Law Number 25 of 2009 concerning Public Services, which defines those public services are activities or a series of activities in order to fulfill service needs in accordance with laws and regulations for every citizen and resident for goods, services, and/or administrative services organized by public service providers. Law No. 25 of 2009 concerning Public Services also regulates the principles of public services, all of which function so that the government in implementing public services behaves fairly, does not complicate or hinder the fulfillment of the rights of its citizens (Hayati, 2021). Meanwhile, according to Islam, there are service problems which are thought to be due to (Lestari & Santoso, 2022):

- a. The strong demands for the government to be able to foster good governance, namely a clean, responsible and professional system of implementation.
- b. Increasing public criticism of the increasingly low quality of public services
- c. All government officials are required to have a sense of crisis so that service officials are able to do more with less
- d. Government officials are required to be more professional by prioritizing the fulfillment of public accountability and responsibility.
- e. The community as a party whose interests must be met and protected, demands that the government pay serious attention to their aspirations.

The position of Notary is a position of trust therefore a Notary must have good behavior guaranteed by law and the Notary organization (Heriyanti et al., 2024). Notary is one of the professions that carries out the task of providing public services to the community. The role of a Notary in the service sector is as an official who is given some authority by the State to serve the community in the civil sector, especially the creation of authentic deeds. The Notary Institution arose from the need in human relations that requires the existence of a means of proof regarding the civil legal relationship that exists and/or occurs between them, an institution with its servants who are assigned by the general authority (*openbaar gezag*) to where and if the law requires it or is desired by the community, create written evidence that has authentic power.

The Notary profession in Indonesia is one of the oldest professions. This can be seen from the history of notary law in Indonesia which began in the 17th century with the existence of "Oost Ind. Compagnie". The existence of a Notary is greatly needed by the community, this is because the community needs someone whose information can be relied on, can be trusted, whose signature and seal can provide strong guarantees and evidence, an impartial expert and an advisor who is flawless, who keeps his mouth shut, and makes an agreement that can protect in the days to come (Sasauw, 2015). If an advocate defends a person's rights when a difficulty arises, then a Notary must try to prevent the difficulty from occurring. Notaries as public officials carry out state duties in making authentic deeds to serve (at the request of) the community and the authentic deeds they make are state documents. Therefore, Notaries are expected to be able to help the community in making authentic deeds, which in the end, Notaries have a role as representatives of the state to achieve community welfare (Anwar, 2023).

Notary authority is granted by law to serve the public interest, not for the personal interest of the notary. Therefore, the obligations carried out by a notary are official obligations (*ambtsplicht*). A notary is obliged to carry out the orders of his official duties in accordance with the oath at the time he was about to hold the office of notary. The service of the notary's office is to free members of society from fraud and to certain people to be given certainty regarding the loss of their rights so that for this purpose preventive measures are needed to maintain the position of authentic deeds, especially notarial deeds (Budiono, 2006).

The provisions in Article 16 paragraph (1) letter a UUJN, require every Notary to have a trustworthy, honest, thorough, independent, impartial nature and protect the interests of the parties involved in legal acts. In line with these obligations, in accordance with the provisions in Article 3 number 4 of the Notary Code of Ethics which determines the obligations for Notaries in carrying out their duties, namely Notaries must behave honestly, independently, impartially, trustworthy, thorough, full of responsibility, based on laws and regulations and the contents of the Notary's oath of office. If a Notary does not carry out the provisions referred to in the regulations in question, it is possible that losses will arise for the parties appearing or other parties who have an interest in it (Mulyana et al., 2022).

**Table 1.** Number of Notaries in the Riau Islands Province.

No.	Regency/City	Number of Notaries
1	Tanjungpinang	47
2	Batam	128
3	Bintan	33
4	Karimun	30
5	Lingga	6
6	Natuna	2
7	Anambas	1

Based on the Table 1, the total number of notaries in the Riau Islands Province is 247 notaries and Batam City is the city with the largest number of notaries. According to Article 15 of Law Number 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJN) it reads: "Notaries are authorized to make authentic deeds regarding all acts, agreements, and provisions required by laws and regulations and/or desired by the interested party to be stated in an authentic deed, guarantee the certainty of the date of making the deed, store the deed, provide grosse, copies and extracts of the deed, all of which are as long as the making of the deeds is not also assigned or excluded to other officials or other people determined by law." Authentic deeds are based on the provisions in Article 1868 of the Civil Code (KUHPerdara), namely "An authentic deed is a deed which, in a form determined by law, is drawn up by or in the presence of public officials who have authority to do so in the place where the deed is made." A deed has 2 (two) important functions, namely a deed as a formal function which means that a legal act will become more complete if a deed is made. The function of evidence is that a deed is a means of proof where the deed is made by the parties bound by an agreement for the purpose of future proof (Mertokusumo, 2002).

The evidentiary power of an authentic deed for this matter there are 3 (three) aspects that must be considered when the deed is prepared, these aspects are related to its evidentiary value, namely: First, External Strength (*uitwendige bewijskracht*). The

external ability of a Notary deed is the ability of the deed itself to provide evidence of its validity as an authentic deed. When viewed from the outside (outward) as an authentic deed and based on the legal rules that have been established regarding the requirements of an authentic deed, therefore the deed is an authentic deed, until proven otherwise, meaning until there is someone who provides evidence that the deed is not an authentic deed externally/inwardly. Second, Formal (*formele bewijskracht*). Formally in order to provide proof of truth and certainty regarding the day, date, month, year, time (time) of appearing, and the parties appearing, the initials and signatures of the parties/appearers, witnesses and Notary, and provide evidence of what was seen, witnessed, and heard by the Notary (in the official deed/minutes), and record the statements or statements of the parties/appearers (in the party's deed). Third, Material Strength (*materiele bewijskracht*). Certainty regarding the material of a deed is very vital, that what is stated in the deed is valid proof of the parties who made the deed or those who obtain rights and applies to the public, unless there is evidence to the contrary (*tegenbewijs*). . Information or statements included in the official deed (or minutes), or statements of the parties stated before the Notary and the parties must be considered true (Illiyyin & Octarina, 2023).

Furthermore, the Notary is authorized to make authentic deeds and other authorities contained in Article 15 UUJN, as well as the obligations of the Notary in Article 16, one of the paragraphs in paragraph (2) explains that making a Deed in the form of Minutes of Deed and storing it as part of the Notary Protocol, then it is clear that the notary protocol is not only the supporting document but also an authentic deed made by or in front of him. In Article 1 number 13 of the Notary Law defines the notary protocol as a collection of documents which are state archives which must be stored and maintained by the Notary. It is clear that the Notary protocol cannot be freely stored (Putra & Suwigjo, 2023). The Notary Protocol itself is a state document that must be maintained and stored by a Notary, in Article 1 number 13 of the UUJN, the Notary Protocol is a state document that can function as written evidence for proof in court, that the Notary Protocol is a collection of documents that are state archives that must be stored and maintained by a notary in accordance with the provisions of laws and regulations and not only supporting documents are notary protocols but original deeds or minutes of deeds are included in it, in accordance with Article 16 of the UUJN, namely making deeds in the form of minutes of deeds and storing them as part of the notary protocol (Nugraha, 2020).

Based on the provisions in the notary law, it is very clear that notaries have a very large responsibility in providing certainty for the community through legal services to the public, namely through authentic deeds made by notaries. In addition, all authentic deeds produced by notaries must be stored properly as part of the notary protocol. However, in reality, there are many problems and challenges faced by notaries in carrying out their duties in providing legal certainty for the public. In general, there are various problems faced by notaries in storing notary protocols carefully and neatly, one of the problems is that when a notary opens an office, in addition to preparing notary protocols, he must also prepare a decent and adequate office space, prepare employee salary costs, office equipment, office stationery, electricity costs, telephone, water, and other operational costs. Notaries are currently only preparing protocols for their own needs, they have not prepared other notary protocol locations that stop, at any time appointed by the MPD. Thus, in the case of a notary having to maintain the protocol delegated to him by a notary who has resigned, this is still a problem because the notary

certainly does not have an adequate place to store the protocol of the notary who has resigned (Agustianto, 2023).

In addition, specifically, the problems faced by notaries in the Riau Islands Province as reported by the community and the Regional Supervisory Council to the Regional Supervisory Council of the Riau Islands Province.

**Table 2.** MPD Report to MPW Regarding Problematic Notaries (throughout 2024).

<b>Notary Initials Name</b>	<b>Problems Reported by the Regional Supervisory Board (MPD)</b>
RSP	Failure to comply with notary protocol (first report)
JM	<p>A public complaint arose, with the following circumstances:</p> <p>A problem within a large regional association with the initials IKS has been reported to the Batam City Regional Supervisory Council (MPD). The explanation, presented by a representative from IKS, who had served for five years, stated that the previous management had carried out its duties and ended in 2020. However, upon its termination, the management was hit by the coronavirus outbreak. However, IKS colleagues attempted to hold a general meeting, but were rejected by the police. Furthermore, the Notary Decree issued by Notary JM was still implemented and a decision was made, thus There is a public complaint, with the following case: The incident of problems in a large association of a region with the initials IKS has been submitted to the Regional Supervisory Council (MPD) of Batam City. The description conveyed by one of the representatives of IKS who has served for 5 years, the old management has carried out its duties and ended in 2020, but when the management ended it was hit by the corona virus outbreak, but IKS colleagues have tried to hold a large deliberation but were rejected by the Police. Furthermore, in the Notary Decree issued by notary JM, it was still implemented and made a Decision so that an administration was created and the Decision was legalized by Notary JM. Furthermore, in August 2022, a large deliberation was held again with permission from the Bareleng Police and in the AD/ART the person entitled to hold a large deliberation was the chairman who was still carrying out his duties and was carried out by one of the hotels, carried out in accordance with the procedure and Mr. Udin was elected as the general chairman of IKS. Furthermore, the Decree of Change was stipulated by the Notary with the initials YL, and during the period that had been running, a new IKS deed was issued by notary JM without the knowledge of the chairman who had been decided by notary YL. The document changes issued by notary JM only used a photocopy of the deed, so it did not meet the requirements, and until now the IKS association has not been active in carrying out activities due to ongoing problems.</p>
SN	<p>There are public complaints, consisting of:</p> <ol style="list-style-type: none"> <li>The reported party as a notary who did not ensure the completeness of the documents before signing the deed of heirs' statement No. 12 dated August 18, 2020</li> <li>Not keeping the minutes of the deed as part of the notary protocol</li> <li>Providing information and submitting the minutes of the deed to the Criminal Investigation Unit of the Indonesian National Police without the approval of the Notary Honorary Council of the Riau Islands Province.</li> </ol>
RSP	<p>Not complying with notary protocol (second report), consisting of:</p> <ol style="list-style-type: none"> <li>The notary has not yet finished following up on several findings during the notary protocol examination;</li> </ol>



Notary Initials Name	Problems Reported by the Regional Supervisory Board (MPD)
	<ul style="list-style-type: none"> <li>b. The Silaris Report for October, November, and December 2022 still has the status of "draft" and has not been published</li> <li>c. The monthly will report has not been written in the Deed Register Book</li> <li>d. The deed minutes have not been bundled since the last examination was carried out in 2021</li> <li>e. There is still the use of a pen eraser when writing in the notary protocol book</li> <li>f. The notary has expelled the Protocol Examination Team</li> </ul>
HR	<p>Not complying with notary protocol (this is the third report. The first and second reports have been decided in 2023), the violations committed consist of:</p> <ul style="list-style-type: none"> <li>a. A large number of Minutes of Deeds were found that had not been sewn and bound by the Notary, both from the previous year to the current year.</li> <li>b. There are still many Minutes of Deeds that have not been signed and/or initialed in full by the Parties, Notary, and Witnesses</li> <li>c. There are still Minutes of Deeds that have not been completed in the renvoi, written in pencil and the renvoi does not contain the initials of the Parties, Notary, and Witnesses</li> <li>d. The Fingerprint sheet does not contain information on the Deed Number, Date of Deed and Nature of Deed</li> <li>e. The Notary does not have a proper and adequate place to store archives, so the condition of the Minutes of Deeds is very susceptible to damage and even a tear was found on the Minutes of Deed sheet</li> <li>f. In the Deed Register book, there are overwritings/scribbles that are not initialed by the Notary</li> <li>g. The Minutes of the Deed were not read directly by the Notary to the Parties, but were read by the Notary's employees</li> <li>h. The Examination Team witnessed directly that the Notary was unable to independently affix either his initials or his signature on the Minutes of the Deed. In affixing his initials or signature, the Notary was directed by his employees.</li> </ul>
RV	<p>Not complying with notary protocols, consisting of:</p> <ul style="list-style-type: none"> <li>a. The reported party as a Notary leaves his/her area of office for a long period of time without a valid reason;</li> <li>b. The reported party as a Notary does not undergo a notary protocol examination in 2024 for the reasons above;</li> <li>c. The reported party as a Notary has been properly summoned by the Notary Supervisory Board of Batam City twice but is absent without a valid reason;</li> </ul>
RP	<p>There are public complaints, the following incidents occurred: Starting in 2015, the Reporter bought a house, the Reporter went to the Bank to take care of the sale and purchase requirements and the necessary bank documents in front of a notary RP. Because the Reporter's UWTO will end in 2019, the Bank directed the Reporter to meet/meet the Notary RP in terms of helping to manage the UWTO and the Reporter had submitted the management money, it turned out that in November 2024, when the Reporter checked with the Bank, the UWTO document had not been completed and had not been worked on at all.</p>
WR	<p>There are public complaints, the following incidents occurred:</p> <ul style="list-style-type: none"> <li>a. The reported party in his position as a notary did not provide clear information regarding the progress of document management and did not provide legal certainty regarding the Deed that had been signed by the parties; and</li> <li>b. The reported party in his position as a notary received payment for services in managing land documents that were the object of the sale and purchase, but did not provide clear information regarding the progress of the management of the said documents.</li> </ul>

Based on the phenomenon of service provided by notaries to the public as written in the table above, it can be seen that the service for the public carried out by notaries in the Riau Islands Province has not been running as it should, where notaries should be able to provide legal certainty and legal protection for the public. Legal certainty is one of the principles in public services and is also one of the general principles of good governance as regulated in Article 10 paragraph (1) letter a of Law Number 30 of 2014 concerning Government Administration as amended by the issuance of the Government Regulation in Lieu of Law of the Republic of Indonesia. Explanation of Article 10 paragraph (1) letter a of the Law on Government Administration, explains, "What is meant by 'principle of legal certainty' is the principle in a state of law that prioritizes the basis of laws and regulations, propriety, consistency, and justice in every policy of government administration." Furthermore, the Explanation of Article 3 paragraph (1) of the Law on State Administration, explains, "What is meant by 'Principle of Legal Certainty' is a principle in a state of law which prioritizes the basis of statutory regulations, propriety and justice in every State Administration policy" (Aulia et al., 2024).

This principle of legal certainty is in line with the Pure Legal Theory by Hans Kelsen. Hans Kelsen in the Pure Legal Theory, argues that the law is obeyed not because it is considered good or fair, but because the law has been written and ratified by the ruler. In terms of service by notaries to the public, notaries play a very important role in providing legal certainty through legal services for the public. Notaries in this case can be connoted as rulers who represent the government in providing legal services to provide legal certainty to the public through legal products they make through authentic deeds.

When associated with the phenomenon of legal services carried out by notaries in the Riau Islands Province throughout 2024, the majority of notary cases reported to the Riau Islands Province Regional Supervisory Board were related to notaries' disobedience to notary protocols or can be called violations of Article 16 of the Notary Law. There are even notaries who have received honorariums for administrative services but their legal services have not been completed. This of course poses a threat in providing legal certainty to the public because the public needs authentic deeds and/or notarial deeds to obtain legal certainty but are not managed by the notary concerned and the authentic deeds made are not stored properly as part of the notary protocol. Therefore, notary services in the Riau Islands Province are still not optimal because there are still some notaries who commit violations based on the notary law, there are even notaries who have committed violations repeatedly (repeating the same mistakes). Although the number of notaries who commit violations seems to be only a few compared to the total number of notaries on duty in the Riau Islands Province, what is highlighted is the number of notarial deeds that have been produced by notaries who violate the notary law can cause significant legal problems, especially in terms of providing legal certainty for the public.

### **3.2. The Role and Challenges Faced by the Regional Supervisory Board and the Regional Supervisory Board in Supervising Legal Services Provided by Notaries**

The purpose of supervision of Notaries is so that notaries truly fulfill the requirements and carry out their duties in accordance with the provisions of applicable laws and regulations and the Notary Code of Ethics for the sake of protecting the interests of the

general public. In order to maintain the dignity of the Notary profession as mentioned above, an Honorary Council is formed internally under the auspices of the Notary association/organization. The supervision carried out by a neutral and independent institution, according to the provisions of Article 1 number 6, in conjunction with Article 67 of the UUJN, a Notary Supervisory Board is formed, which is a body that has the authority and obligation to carry out supervision and guidance of Notaries. Law Number 30 of 2004 concerning the Notary Position explains that in the case of a judicial process, investigations carried out by investigators, public prosecutors, or judges in order to take photocopies of the minutes of the deed and/or letters attached to the minutes of the deed are entitled to obtain approval from the Regional Notary Supervisory Board. In Article 66 of Law Number 30 of 2004, absolute legal protection lies only with the Regional Supervisory Council of Notaries. Where the Regional Supervisory Council has the authority to accept or reject a request for a summons by an investigator in the context of the examination process related to the deed that has been made. However, after the Constitutional Court decision No. 49/PUU-X/2012, the article of Law Number 30 of 2004 was removed.

- a. Explaining the sentence "with the approval of the Regional Supervisory Council" in Article 66 paragraph (1) of Law 30 of 2004 is contrary to the 1945 Constitution of the Republic of Indonesia.
- b. Explaining the sentence "with the approval of the Regional Supervisory Council" in Article 66 paragraph (1) does not have permanent legal force.

Considerations of the Constitutional Court regarding the amendment of Article 66 paragraph (1) of Law Number 30 of 2004, namely contrary to Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Since the issuance of the Constitutional Court Decision No. 49/PUU-X/2012, the authority of the Regional Notary Supervisory Council is limited to supervision only, so that in the judicial process, especially in terms of investigation, it does not require approval from the Regional Notary Supervisory Council. When there is a condition of summons or investigation by the prosecutor, police or judge. In its decision, it also explains that the existence of "approval" from the Regional Notary Supervisory Council is contrary to the principle of independence in court procedures (Rizaldy & Santoso, 2023).

The authority of the Regional Supervisory Board in Article 15 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02. PR .08.10 of 2004 regulates the examination conducted on Notaries, namely the type of periodic examination or at any time deemed necessary, by first notifying the Notary in question in writing no later than 7 (seven) working days before the examination is carried out. The next procedure is that the notification letter includes the time, day, date and name of the member of the Regional Supervisory Board who will conduct the examination. At the time specified for the examination, the Notary in question must be in his office and prepare all Notary Protocols.

The authority of the Regional Notary Supervisory Board in Article 16 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02. PR. 08.10 of 2004, regulates the examination of Notaries carried out by the Examination Team, namely periodic examinations carried out by the Examination Team consisting of 3 (three) members from each element formed by the Regional Supervisory Board assisted by 1 (one) secretary. The Examination Team is required to refuse to examine

Notaries who have a marital relationship or blood relationship in a straight line upwards or downwards without degree restrictions, and a straight line sideways up to the third degree with the Notary. In the event that the Examination Team has a relationship as mentioned above, the Head of the Regional Supervisory Board shall appoint a replacement. The results of the Examination Team's examination as mentioned above must be made into a report and reported to the Regional Supervisory Board, the management of the Notary's job organization and the Regional Supervisory Board, this is based on Article 17 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004, namely the results of the examination are stated in the examination report signed by the Head of the Examination Team and the Notary being examined. The examination report is submitted to the local Regional Supervisory Board with a copy to the Notary concerned, the Regional Management of the Indonesian Notary Association, and the Central Supervisory Board. In this case, after receiving the report and holding a hearing to examine the alleged violation of the implementation of the Notary's position, the Regional Supervisory Board is not given the authority to impose any sanctions. The Regional Supervisory Board is only authorized to report the results of its hearing and examination to the Regional Supervisory Board with a copy to the reporting party, the notary concerned, the Central Supervisory Board, and the notary organization (Yusuf et al., 2024).

The regulation of sanctions contained 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 can only be imposed by the MPP, and sanctions in the form of dishonorable dismissal from the position of notary and honorable dismissal from the position of notary can only be carried out by the Minister upon the proposal of the MPP. Basically, the appointment and dismissal of a notary from his position are in accordance with the legal rules that the one who appoints and the one who dismisses must be the same agency, namely the Minister (Sakudu & Safitri, 2017).

Based on this, the role of notary supervisors has a role in providing legal protection for the public. This is also in accordance with the Theory of Legal Protection by Philipus M. Hadjon. Philipus M. Hadjon that legal protection for the people as a preventive and repressive government action (Bawono, 2020). Preventive legal protection aims to prevent disputes from occurring, which directs government actions to be careful in making decisions based on discretion, and repressive protection aims to resolve disputes, including handling them in judicial institutions (Tiawati & Pura, 2021).

The role of the notary supervisor can play a role in providing preventive protection, namely by playing a role in providing guidance. This guidance can prevent notaries from making mistakes. Then the role of the regional supervisory board and the central supervisory board which are authorized to provide verbal warning sanctions, written warning sanctions to temporary and permanent dismissals is also a form of repressive legal protection. Therefore, the role of this supervisory board can play its role in providing legal protection for the public through supervision carried out on notaries.

#### **4. Conclusion**

Notaries are subjects who are responsible for providing legal services to the public as regulated in the notary law. The legal services provided are through authentic deeds

made by notaries which are part of the notary protocol. Notaries are also obliged to maintain the notary protocol properly because through the notary protocol they can provide legal certainty for the community. However, the phenomenon that occurs with notaries in the Riau Islands Province, the majority of problematic notary cases are related to violations of the notary protocol. This is certainly contrary to the principle of legal certainty as one of the principles in good governance, and is also not in accordance with the pure legal theory by Hans Kelsen which emphasizes that the ruler must be able to provide legal certainty through the legal products made. Notaries represent the ruler in the sense of the government to provide legal certainty through legal products made by notaries through notary protocols.

Therefore, in carrying out their duties, notaries are supervised by a notary supervisory board at the regional, regional and central levels. The supervisory board can play its role in providing preventive protection through its duties, namely providing guidance and also providing repressive protection through its authority to provide sanctions in the form of verbal and written warnings, temporary suspensions, and permanent suspensions for notaries who have violated the notary law. Therefore, in order to maximize public services in the field of legal services by notaries to the community, it is necessary to maximize the role of the supervisory board at the regional, regional and central levels.

## 5. References

### Journals:

- Agustianto, A. (2023). Pertanggungjawaban Notaris dalam Penyimpanan Protokol Notaris di Provinsi Kepulauan Riau. *JUSTISI*, 9(1), 30–43.
- Anwar, D. (2023). Tanggung Jawab Notaris Terkait Dengan Pelayanan Jasa Kenotariatan Yang Belum Selesai (Studi Kasus Putusan Pengadilan Negeri Nomor 143/Pdt.G/2021/PN Mdn). *Journal Law of Deli Sumatera*, 2(2), 1–18.
- Aslamiah, S., Fahmi, Y., & Arlan, A. S. (2025). Pengaruh Kualitas Pelayanan Publik Terhadap Kepuasan Masyarakat di Kantor Badan Petanahan Kabupaten Huku Sungai Utara. *Jurnal Pelayanan Publik*, 2(2), 688–699.
- Aulia, K. N., Lestari, A., Latief, L. M., & Fajarwati, N. K. (2024). Kepastian Hukum dan Keadilan Hukum dalam Pandangan Ilmu Komunikasi. *Journal Sains Student Research*, 2(1), 713–724.
- Bawono, B. T. (2020). Legal Protection of Doctors In Providing Health Services. *International Journal of Law Reconstruction*, 4(1), 24–33.
- Daraba, D., Salam, R., Wijaya, I. D., Baharuddin, A., Sunarsi, D., & Bustamin, B. (2023). Building Innovative Efficient Public Services in The Digital Age in Indonesia. *Jurnal Pallangga Praja*, 5(1).
- Hayati, M. (2021). Maladministrasi Dalam Tindakan Pemerintah. *WASAKA HUKUM*, 9(1), 113–150.
- Heriyanti, H., Pakpahan, E. S. F., & Jeriko Tumanggor, T. (2024). The Legal Responsibilities of A Notary as A General Official for Authentic Deeds related to the Criminal Action of Forgery. *JURNAL AKTA*, 11(3), 892–905.
- Illiyyin, D. Z., & Octarina, N. F. (2023). Peran Notaris dalam Menciptakan Kepastian Hukum bagi Investor. *Jurnal Civic Hukum*, 8(1), 14–27.

- Jaya, I. (2014). Implementasi Kebijakan Diskresi Pada Sistem Pelayanan Publik di Kota Tegal. *Jurnal Pembaharuan Hukum*, 1(2), 200–208. <https://doi.org/10.26532/jph.v1i2.1477>
- Lestari, R. A., & Santoso, A. (2022). Pelayanan Publik dalam Good Governance. *Jurnal Ilmu Sosial Dan Politik (Juispol)*, 2(1), 43–55.
- Lutviandany, A., Wisnaeni, F., & Cahyaningtyas, I. (2021). Pelaksanaan Pengawasan Majelis Pengawas Daerah Terhadap Kode Etik Notaris Di Kabupaten Grobogan. *Notarius*, 14(2), 723–737.
- Mulyana, D., Abdulghani, R. K., & Febrianti, A. (2022). Implementasi Kewenangan Majelis Pengawas Notaris terhadap Pelaksanaan Putusan Pengadilan yang Membatalkan Akta Otentik. *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan*, 6(1), 99–111.
- Nugraha, L. (2020). Pembuatan Salinan Akta Berdasarkan Protokol Notaris Werda Yang Telah Diserahkan Pada Notaris Pemegang Protokol. *Lex Renaissance*, 5(2), 420–437.
- Putra, T. K. P., & Suwigjo, N. P. (2023). The Notary Protocol File Managerial. *Law Development Journal*, 5(1), 1–13.
- Rizaldy, A. F., & Santoso, B. (2023). Pembinaan dan Pengawasan Majelis Pengawas Daerah Notaris Sebelum dan Setelah Berlakunya UUJN. *Notarius*, 16(3), 1422–1439.
- Sakudu, E. K., & Safitri, W. (2017). Peranan Majelis Pengawas Wilayah Notaris Dalam Melakukan Pengawasan Terhadap Pelaksanaan Jabatan Notaris Terkait Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris. *Yuriska: Jurnal Ilmiah Hukum*, 9(2), 65–78.
- Saragih, D. M., & Silviana, A. (2024). Peran Notaris Dalam Meningkatkan Kualitas Pelayanan Pada Masyarakat. *Notarius*, 17(1), 110–126.
- Sasauw, C. (2015). Tinjauan Yuridis Tentang Kekuatan Mengikat Suatu Akta Notaris. *Lex Privatum*, 3(1), 98–109.
- Satria, D. T. (2025). Kedudukan Notaris yang diangkat Berdasarkan Surat Edaran Kementerian Hukum dan HAM Nomor AHU-AH.02-37 Tahun 2024. *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, 7(1), 205–214.
- Siregar, I. R., Aermadepa, A., & Mulyeni, Y. (2023). Implementasi Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 2 Tahun 2022 Tentang Pelayanan Publik Berbasis Hak Asasi Manusia di Lembaga Pemasyarakatan Kelas IIB Solok. *YUSTISI*, 10(2), 182–192.
- Tan, D. (2021). Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 8(2).
- Tiawati, S., & Pura, M. H. (2021). Analisa Hukum Perlindungan Hak Cipta Terhadap Pembelian Buku Elektronik Secara Ilegal. *Ajudikasi: Jurnal Ilmu Hukum*, 4(2), 169–180.
- Triastity, R., & Triyaningsih, S. (2013). Pengaruh Tangible, Reliability, Responsiveness, Assurance dan Emphaty terhadap Kepuasan Konsumen (Survei Konsumen Rumah

di CV Satria Graha Gedongan, Colomadu, Karanganyar). *Jurnal Ekonomi Dan Kewirausahaan*, 13(2), 151–157.

Yusuf, S. Y. M., Hermanto, B. S., Kurniati, N., Syaumudinsyah, S., & Kartini, F. (2024). Efektivitas Peran Majelis Pengawas Daerah Notaris Dalam Penyelesaian Pelanggaran Kode Etik Jabatan Notaris Pada Wilayah Kementerian Hukum dan HAM NTB. *Jurnal Tadbir Peradaban*, 4(1), 36–42.

**Books:**

Adjie, H. (2008). *Hukum Notaris Indonesia Tafsir Tematik UU No.30 Tahun 2004 Tentang Jabatan Notaris*. Bandung: Refika Aditama.

Budiono, H. (2006). *Asas Keseimbangan bagi Hukum Perjanjian Indonesia: Hukum Perjanjian Berlandaskan Asas-asas Wigati Indonesia* (1st ed.). Bandung: PT Citra Aditya Bakti.

Mertokusumo, S. (2002). *Mengenal Hukum (Suatu Pengantar)* (4th ed.). Yogyakarta: Liberty Yogyakarta.

Santosa, P. (2009). *Administrasi Publik: Teori dan Aplikasi Good Governance*. In *Bandung: PT Refika Aditama* (2nd ed.). Bandung: Refika Anditama.