



WORLD CLASS ISLAMIC CYBER UNIVERSITY
UNISSULA
SULTAN AGUNG ISLAMIC UNIVERSITY

Sept 5th 2019

THE 5 th INTERNATIONAL AND CALL PAPER

Legal Reconstruction in Indonesia Based on Human Rights

Imam As Syafei Building

Faculty of Law, Sultan Agung Islamic University

Jalan Raya Kaligawe, KM.4 Semarang, Indonesia

UNISSULA PRESS

The 5th PROCEEDING

“Legal Reconstruction in Indonesia Based on Human Right”

IMAM AS SYAFEI BUILDING

Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

Diterbitkan oleh :
UNISSULA PRESS

ISBN. 978-623-7097-23-5

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Hal I-X, 1-358

Cetakan Pertama Tahun 2019

Penerbit PDIH UNISSULA

Jl. Raya Kaligawe Km. 4 Semarang 50112

PO BOX 1054/SM,

Telp. (024) 6583584, Fax. (024) 6594366

ISBN. 978-623-7097-23-5

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PREFACE

First of all, let's say Thanks to Allah, who has been giving us guidance, happiness, healthy, and mercy, so we can finish this conference proceeding without any obstacles. Praise and salutation upon our prophet Muhammad saw the last messenger, the best figure of this universe; the person who was able to save us from Jahiliyah era.

We would like to extend our thanks to the invited speakers: Prof. Henning Glaser from Thammasat University, Prof. Shimada Yuzuru from Nagoya University, Hilaire Tegnau, Ph.D from Sorbone University, Prof. Topo Santoso From Indonesian University, and Dr. Sri Endah Wahyuningsih, S.H., M.H from Sultan Agung Islamic University.

This was our fourth International conference and call for paper held by Faculty of Law, Sultan Agung Islamic University. This annual conference tries to gain any information and studies done by academician and practitioner in the concerned field to be discussed as guidelines to exchange and talk about views on the most important recent on Legal Construction and Development focusing on The Role of Indigenous and Global Community in Constructing National Law happens in both developed and developing countries and its role in shaping a good future, and to discuss the challenges and practical aspects in integrating competition law enforcement and guidelines to develop legal state in accordance with the diversity of all countries around the world. We hope this conference brings benefit for both participants and our faculty.

We are pleased to have your critique, suggestion and correction in order to make us better. Finally, we do thanks to all who helped this conference. May Allah guide us to always develop useful knowledge for human being.

PROCEEDINGS

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Authority of The Notary Regional Supervisory Assembly to Issue a Client's Document Return Order

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Abstract

The problem in this article is How the Authority of the Regional Supervisory Council Issuing a Notary for Returning Client Documents and the factors that affect the implementation of the Regional Supervisory Council's authority in issuing a Notary for Returning Client Documents.

The method used is a juridical approach method. The result of this research is that the Regional Notary Supervisory Council exceeds its authority in issuing a Notary Letter for Returning Client Documents because it is not in accordance with the authority of the Notary Regional Supervisory Council as stated in UUJN and Regulation of the Minister of Law and Human Rights No. 40 of 2015, where it is stated that those who have the authority to make decisions and impose sanctions are the Regional Supervisory Council, the Central Supervisory Council and the Minister of Law and Human Rights. The result of further research is that the Order to Notary for the Return of Client Documents was issued by the Regional Notary Supervisory Council of South Jakarta after considering the reporter's statement regarding the chronology of the case of the detention of valuable documents belonging to the FXCB reporter, Request for Return of Documents from Reporting Party through his Proxy to Notary HP SH. who intends to take the original documents from the Notary office of HP, SH. and Public Complaints Session meetings by the Regional Supervisory Council.

Keywords: Authority, Regional Notary Supervisory Council, Document Return Order

A. INTRODUCTION

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 supervision is that when notaries carry out their duties, they fulfill all the requirements related to the implementation of their duties for the sake of safeguarding the interests of the public, because notaries are appointed by the government. not for the notary's own interests but for the benefit of the people he serves.¹

Basically, the one who has the authority to supervise and examine notaries is the Minister of Law and Human Rights, in which the Minister forms a Notary Supervisory Council. The Minister as head of the Department of Law and Human Rights has the task of assisting the President in carrying

out some government affairs in the field of law and human rights. Thus the authority in the field of law and human rights rests with the government, so that it is related to how the government obtains the supervisory authority.²

Law Number 2 of 2014 concerning the Position of Notary Public determines that the Minister shall supervise notaries. In carrying out the supervision, the minister forms a Supervisory Council which consists of 9 (nine) persons consisting of elements

1. Government as many as 3 people
2. 3 notary organizations
3. 3 experts / academics

According to Article 67 of Law Number 30 of 2004 concerning the Position of Notary Public, the Notary Supervisory Council consists of

¹ GHS. Lumban Tobing, 1983. *Peraturan Jabatan Notaris*. Erlangga, Jakarta. 301

² Habib Adjie, 2008, *Sanksi Perdata dan Administratif terhadap Notaris sebagai Pejabat Publik*, Cetakan Kedua, Bandung: Refika Aditama, p. 131

1. Regional Supervisory Council
2. Regional Supervisory Council
3. Central Supervisory Council

Regional Supervisory Council (MPD) is formed and domiciled in a regency or city (Article 69 paragraph (1) Law Number 2 of 2014 concerning the Position of Notary), the Regional Supervisory Council (MPW) is formed and domiciled in the provincial capital (Article 72 paragraph (1)) Law Number 30 of 2004 concerning Notary Position) and the Central Supervisory Council (MPP) were formed and domiciled in the State Capital (Article 76 paragraph (1) of Law Number 30 of 2004 concerning Notary Position).

The Regional Supervisory Council is the first institution that supervises Notaries, the Regional Supervisory Council receives reports from the public regarding violations of the code of ethics or violations of the implementation of the Notary's office and is authorized to carry out examinations of the Notary Public.

As in the case of the Notary / PPAT HP, SH, which was done by his client, Mr. FXCB, through their attorney S, SH, because it is suspected that the Notary has held his Building Use Rights Certificate without any clear reason, except verbally, the Notary Herlina Pakpahan said that the detention of the SHGB letter was ordered by Mr. MRW, who introduced the Reporting Party, Mr. FXCB with the Notary HP, SH.

The reporter has even reported to the Regional Supervisory Council for the Special Capital Region of Jakarta on the alleged violation of the notary's code of ethics, and on the report and through a series of examinations, the Notary Regional Supervisory Council finally issued a Letter of Order to Notary HP, SH as in the Minutes of the Inspection of the Supervisory Council Regional Notary Public Number UM.MPDN.Jaksel / 07.15.09

Based on the description above this paper intends to answer the question:

1. How is the Authority of the Regional Supervisory Council in Issuance of a Notary Notary Against Client's Document Returns?

2. What Factors Influence the Exercise of Authority of the Regional Supervisory Council in Issuance of Notary Notary Against Client Document Returns?

B. DISCUSSION

1. Exercise of Authority of the Regional Supervisory Council in Issuance of a Notary Letter of Returning Client Documents

The powers of the Regional Supervisory Council stated in Article 70 of the UUJN include: Holding hearings to examine any suspected violations of the Notary Code of Ethics or violations of the implementation of the Notary's office; and b. Receive reports from the public regarding suspected violations of the Notary Code of Ethics or violations of provisions in the Law.

Based on this authority, the Reporting Party, namely FXCB, felt that it was disadvantaged by the Notary HP, SH because it had withheld his documents so that the FXCB then reported an alleged violation of the Notary's Code of Ethics to the South Jakarta Regional Supervisory Council, then the South Jakarta Regional Supervisory Council held a hearing to examine the existence of alleged violation of the code of ethics as reported by the Informer.

Notary is a public official to serve the community. So, in the context of carrying out their duties, the community must be protected. For this reason, a supervisory board was created whose function is to protect the public in the event of malpractice by a notary. The purpose of this supervision is to prevent violations that are detrimental to society.

If a notary under supervision continues to commit violations, then action is taken. For this, the notary concerned is subject to sanctions in accordance with the applicable regulations by observing the violation he has committed. UUJN stated that the lightest sanction was verbal warning. The second penalty is a written warning, and the third, the sanction is temporary dismissal for a maximum of 6 (six) months. The last sanction

is dismissal of his / her position, either with respect or disrespect (Article 85 UUJN).

Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 40 of 2015 concerning Organizational Structure, Procedures for Appointing Members, Dismissing Members, and Working Procedures of the Supervisory Council in Article 23 states:

The administrative powers of the Regional Supervisory Council which do not require the approval of the Regional Supervisory Council meeting include:

- a. give leave permission for a period of up to 6 (six) months;
- b. determine a substitute notary;
- c. receive and determine the storage place for the Notary Protocol which at the time of handover of the Notary Protocol has been 25 (twenty five) years old or more;
- d. issue a copy of the deed as referred to in letter c including the letter attached to the deed at the request of the interested party in accordance with the provisions of Article 54 of the Law;
- e. validate the original photocopy of the letter attached to the deed as referred to in letter d;
- f. receive reports from the public regarding suspected violations of the Notary's code of ethics or violations of provisions in the Law;
- g. initials and signs a list of deeds, a list of underhand legalized documents, a registered under-handed list, and a list of other documents required by law and
- h. receive submission in writing a copy of the deed, a list of underhanded letters which is legalized, and a list of under-handed letters which has been legalized, made in the previous month no later than 15 (fifteen) calendar days in the following month, which contains at least number, date and title of the deed.

2. Factors Affecting the Exercise of Authority of the Regional Supervisory Council in Issuance of Warrants to Notaries Against Client Documents Returns

- a. The reporter sends an Application for Document Return through his Proxy to the Notary HP, SH which intends to take the original documents from the HP, SH Notary office, because the application letter at the Notary HP, SH office is ignored, then FXCB reports the alleged violation of the HP Notary Public Code of Conduct. , SH by the Reporting Party to the Regional Notary Supervisory Council.
- b. Regarding the report or complaint of the FXCB Reporting Party, the Regional Supervisory Council has appointed a Regional Examining Council to carry out an examination of the report, but because more than 30 days the Regional Examination Council conducting the examination has not submitted the Minutes of the Audit Results to the Regional Supervisory Council of the Notary City Administrative City of South Jakarta then the Regional Supervisory Council took the initiative to hold a hearing and decided to ask the Notary HP, SH to return all documents to the party who gave or left the documents.

C. CLOSING

Based on the description above, it can be concluded:

1. The duties and powers of the Regional Notary Supervisory Council are contained in the UUJN and are also mentioned in the Regulation of the Minister of Law and Human Rights No. 40 of 2015 so that according to the author, the Notary Regional Supervisory Council exceeds its authority in issuing an order to the Notary against the return of client documents that are detained because those who have the authority to make decisions and impose sanctions are the Regional Supervisory Council, the Central Supervisory Council and the Minister of Law and Human Rights .
2. Factors that influence the exercise of the authority of the Notary Regional Supervisory Council in issuing a warrant to

the Notary against the return of client documents issued by the South Jakarta Notary Regional Supervisory Council after considering the reporter's statement regarding the chronology of the case of the Rapporteur's valuable documents being detained, the Request for Return of

Documents from The Reporting Party through his Proxy to the Notary Reported Party intends to take the original documents at the Notary Party's office and the Public Complaints Session meeting by the Regional Supervisory Council.

BIBLIOGRAPHY

GHS. Lumban Tobing, 1983. Notary Position Association. Erlangga, Jakarta.

Habib Adjie, 8 2008, Civil and Administrative Sanctions against Notaries as Public Officials, Second Edition, Bandung: Refika Aditama.

Code of Civil law

Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary Public

Notary Code of Ethics

Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR.08.10 of 2004

Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 40 of 2015 concerning Organizational Structure, Procedures for Appointing Members, Terminating Members, and Working Procedures of the Supervisory Council

Minutes of Investigation Number UM.MPDN.Jaksel / 07.15.09