

## The Effectiveness of Notary Candidate Internships at the Klaten District Notary Office in Producing Professional Notaries

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**Abstract.** *This study aims to analyze the effectiveness of the implementation of apprenticeships for notary candidates at the current Klaten District Notary Office. 2 Analyze the obstacles and solutions in implementing apprenticeships for prospective Notaries in Klaten Regency at this time Method. This study used a sociological juridical method with a descriptive approach and used qualitative data analysis. Results. The implementation of the apprenticeship for prospective notaries at the Notary Office of Klaten Regency can be said to be quite effective, this can be seen from the implementation of the apprenticeship for prospective notaries at the notary office in Klaten Regency in accordance with Article 16A UUJN, in accordance with Indonesian Notary Association Association Regulation Number; 10/PERKUM/INI/2018 Concerning Internships, in accordance with the Internship Technical Guidelines for Extraordinary Members of the Indonesian Notary Association (ALB INI) and in accordance with notary office procedures both in terms of attendance and the level of participation of prospective notaries who carry out the internship. Internships are also quite effective to carry out because apprenticeships are related to practice. Thus apprenticeship greatly determines the quality of a notary later. The parties involved in the implementation of the internship at the notary office have their respective rights and obligations. The right of apprentice notary candidates is to obtain guidance from notary apprentice recipients. The obligation of the apprentice notary candidate is to follow the internship as well as possible until it is completed. The rights of the Notary receiving the apprenticeship are enforcing the rules and apprenticeship agreements. The obligation of the notary apprentice recipient is to guide the apprentice notary candidate. Meanwhile, the Notary Organization (INI) is obliged to provide recommendations for apprenticeships for prospective notaries who wish to carry out an internship at a notary's office as a condition for becoming a notary public. In practice, prospective notaries who take part in the apprenticeship program as required by law experience many obstacles, including; it is difficult to get an internship place for prospective Notaries, there is no curriculum or standard procedures for apprenticeship for prospective Notaries, and Notaries where apprentices do not fully*

*provide their knowledge for reasons of confidentiality of position or busyness, and there are no criteria for Notaries who are able or capable to provide knowledge of notary practice for internships Candidate Notary Conclusion.*

*Keywords. Effectiveness; Implementation; Internship; Prospective.*

## **1. Introduction**

Indonesia is a country based on law, based on the sound of Article 1 paragraph (3) of the 1945 Constitution which was ratified on November 10, 2001 and after the third amendment. This statement and affirmation of constitutional provisions conveys the meaning that all aspects of social, state and government life must always be based on law. To realize a rule of law, one of which is the need for legal instruments to regulate balance and justice in all areas of people's lives and livelihoods through statutory regulations without neglecting the function of jurisprudence. This shows that laws and regulations have an important role in Indonesia's legal state.

Community life is inseparable from legal aspects and because of that along with developments that occur in society, the demand for services from legal aspects has also increased. In this advanced era, society has abandoned legal actions in the form of agreements based on trust between one another, which should have been done in ancient times, every agreement made today will definitely lead to legitimacy that meets formal requirements in accordance with regulations and applicable laws.

Professions related to the law itself include Police, Judges, Advocates, Prosecutors, Notaries and others. The legal profession is a broad profession, where each role has its own characteristics. Community life that requires legal certainty requires a public service sector which is currently growing along with the increasing needs of the community. This indirectly has an impact on the increase in the field of notary services.

Notary is a public official appointed by the Government through Kemenkuham (Ministry of Law and Human Rights) to assist the general public in making deeds and agreements that exist or arise in society. The need for this written agreement to be made before a person in order to guarantee legal certainty for the parties in carrying out what is stated in the agreement. The parties in making a written agreement, made before a notary.

The aim is that the deeds made by the parties can be used as strong evidence if one day there is a dispute between the parties or there is a lawsuit from another party. Such is the importance of the function of the notary deed, so to avoid the invalidity of a deed, the performance of a notary is regulated in the

Regulations for the position of a notary, which has been replaced by Act No. 30 of 2004 concerning the Position of Notary in conjunction with Act No. 2 of 2014 concerning amendments Act No. 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJN of 2014).

Notary as a public official whose position is very much needed by society in legal actions, from and because of that the position of Notary becomes increasingly important in society. The existence of a Notary as a public official authorized to make authentic deeds has actually been confirmed in Article 1868 of the Civil Code. However, in reality it became a legal issue that led to a lawsuit in court.

This obligation is as stipulated in Article 16 of the Notary Office Law, namely in issuing a deed the appearers first introduce themselves before the notary, then the notary listens to the expectations of the parties with impartial, honest and thorough behavior and is witnessed by at least 2 correct witnesses -recognized by a notary is an act of preventing disputes at a later date and after the deed was made, the deed was then read out before the parties and then signed by the parties in front of the notary.

Notaries must adhere to the Notary Code of Ethics. One that has been agreed upon at the Congress of the Indonesian Notary Association is regarding the reasonable limits of deed making. This is stated in Article number 16 of the 2015 Notary Code of Ethics Amendment, which determines making a deed exceeding the reasonable limit, the amount of which is determined by the Honor Council. With the stipulation of these provisions, it is very clear that the fairness of making a deed is a norm that is included in the Notary Code of Ethics which must be obeyed by all notaries or all people who carry out the position of a notary public.

One of the requirements to be appointed as a notary public is having undergone an apprenticeship or actually having worked as a notary's employee for a minimum of 24 consecutive months at a notary's office after graduating from notary level two. This is as formulated in Article 3 letter "f" of the 2014 Notary Office Law (UUJN), which confirms that one has undergone an apprenticeship or has actually worked as a Notary's employee in a minimum of 24 (twenty four) consecutive months joined the Notary's office on his own initiative or on the recommendation of a Notary organization after graduating from notary level two. The intention of the initiative itself in this case is that the prospective Notary Public can choose the office he wants, but is obliged to obtain a recommendation from the Notary Office organization.

Provisions related to apprenticeship for prospective Notaries are formulated in Article 3 letter "f" of Act No. 2 of 2014 concerning amendments to Act No.

30 of 2004 concerning the Position of Notary (hereinafter referred to as the Law on Notary Position (UUJN) of 2014), in Article 3 letter "f" states the shortest apprenticeship period of 12 (twelve) consecutive months at a notary's office. Since the enactment of the 2014 Notary Translation Law (UUJN), the apprenticeship period has become 24 months after a prospective notary has graduated from the second degree of notary and the apprenticeship period cannot be interrupted, it must be consecutive.

Joint internships can be carried out by extraordinary members of the Indonesian Notary Association (ALB INI) if they have apprenticed in a notary's office for at least 6 months. The time required to take part in the joint internship is for 4 semesters. As explained in Article 7 of the Indonesian Notary Association Association Regulations Number: 10/PERKUM/INI/2018 concerning Amendments to the Indonesian Notary Association Association Regulations Number: 06/PERKUM/INI/2017 concerning Internships. These joint apprenticeship participants will not only be applied to future notary candidates, but also notary candidates who have undergone apprenticeships, but not yet completed two years, notary candidates who have worked as notary employees, but also notary candidates who have not completed two years. will work as a notary employee, but the term of service will extend beyond the two-year term.

Especially for a notary candidate who will exceed these two years, the notary receiving the apprenticeship must notify the regional administrator at his place of domicile regarding the starting date of the prospective notary's work and the prospective notary is required to take part in a joint apprenticeship program. Internship with extraordinary members of the Indonesian Notary Association (ALB INI) is a series of activities to improve mastery, expertise and skills and carry out the duties of a notary's position and increase understanding of the notary's code of ethics and its application. In fact, not all Notary candidates carry out the process correctly.

## **2. Research Methods**

The type of legal research used is sociological juridical. In this sociological juridical legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in the interactions between them. The approach method used in this qualitative legal research is a qualitative approach method, which is an approach by seeking information through direct interviews with informants empirically first and then followed by conducting research on secondary data contained in literature studies through theoretical steps.<sup>1</sup>The data obtained in this study were then selected and arranged

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<sup>1</sup>Ibid, p. 7

systematically for further analysis and presentation using qualitative analysis methods.<sup>2</sup>The logic of thinking used in this study is deductive reasoning where this research departs from general matters (legal norms) to specific matters.

### **3. Results and Discussion**

#### **3.1. Implementation of apprenticeship for notary candidates in producing professional notaries in Klaten Regency**

Based on a literature study in Act No. 2 of 2014 concerning Amendments to Act No. 30 of 2004 concerning the Position of Notary Public, a Notary is a public official authorized to make authentic deeds and other authorities as referred to in this Law.<sup>3</sup>In the notary world, notary ethical standards have been spelled out in the Notary Code of Ethics which must be obeyed by all notaries, the consequence of violating the Code of Ethics is organizational sanction. In addition to these sanctions, the notary concerned is also morally responsible for the image of the notary, both now and the truth of the notary institution in the future.<sup>4</sup>

The duty of a Notary is to carry out as a public function of the state and work for the service of the public interest, especially in the field of civil law, even though a Notary is not a civil servant who receives a salary from the state. Civil unions in the notary profession were formed because of the potential for professionalism. Professionalism in the Notary profession prioritizes the expertise (scientific) of a Notary in carrying out his/her duties based on UUJN and the Notary's Code of Ethics, the professionalism of a Notary in carrying out his/her duties is manifested in serving the public and deeds drawn up before or by a Notary.<sup>5</sup>

The importance of apprenticeship for prospective Notary Publics is to align notarial knowledge acquired during their Masters of Notary education with practice that occurs in the field as well as things that are not obtained during their education in college. These things are in the form of stitching up the deed, arranging the minutes of the deed in the Reportorium or filling out the register for recorded or legalized letters and learning to understand the wishes of the appearers and formulating them in the form of a notarial deed. The internship as mentioned above has been separated from the educational institution that organizes the Master of Notary education, meaning that

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<sup>2</sup>Mukti Fajar ND and Yulianto Achmad, Op.Cit, p. 122

<sup>3</sup>Article 1 point 1 Law no. 2 of 2014 concerning the Position of Notary

<sup>4</sup>Herlien Budiono, Collection of Civil Law Writings in the Field of Notary Affairs, Second edition, Citra Aditya Bakti, Bandung, 2013, p. 163.

<sup>5</sup>Hartanti Sulihandri and Nisya Rifiani, Op.Cit., p. 6.

graduates from the educational institution are entirely the business of the Notaries who will be used as places for apprenticeship.<sup>6</sup>

According to Notary Renny Oktadelina Marsono, the benefit of apprenticeship for prospective notaries is to train their practical skills to become a notary. By holding an apprenticeship program for prospective notaries, prospective notaries can see and practice directly the daily activities of a notary. Then the prospective notary can also see and hear directly the wishes of the appearers and can formulate them directly in the form of a deed.<sup>7</sup>

Even though this can affect the quality of legal services that will be provided to the public when the apprentice notary candidate becomes a notary in the future. This ability will not increase if the prospective notary is only armed with the theory that was obtained while taking a notary master's education or an internship which is carried out with a limited time.

According to Notary Ari Nur Widanarko, apart from the advantages of apprenticeships, apprenticeships also have drawbacks. In implementing the apprenticeship, the obstacle lies in the knowledge gained while undergoing lectures. It is often found that what has been taught in lectures is different from what was carried out during the internship practice.<sup>8</sup>

According to Notary Renny Oktadelina, one of the drawbacks of apprenticeship is that if a notary candidate does not carry out the apprenticeship and does not gain knowledge as well as possible, then in the future they will become a notary who is not qualified.<sup>9</sup>

According to Notary Ari Nur Widanarko, the drawback of apprenticeship for prospective notaries is that the application for apprenticeship arrangements is not spelled out in the Law on Notary Positions, so there are no standard rules for implementing apprenticeships in a notary's office. Apart from that, the drawback is the seriousness of the notary candidate in carrying out the internship at the notary's office, if you are not serious in carrying out the

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<sup>6</sup>Habib Adjie, Op.Cit., p. 63.

<sup>7</sup>The results of an interview with Notary Renny Okta Delina Marsono, on Thursday, January 17 2023, at 14.30 WIB.

<sup>8</sup>The results of the interview with Notary Ari Nur Widanarko, on Thursday, January 17, 2023, at 14.20 WIB.

<sup>9</sup>The results of the interview with Notary Reny Oktadelina, on Thursday, January 17, 2023, at 13.10 WIB.

internship then one day you will not be able to serve the community (appearers) properly.<sup>10</sup>

According to Article 1 number 11 of Act No. 13 of 2003 concerning Manpower, apprenticeship is part of a job training system that is organized in an integrated manner between training at training institutions and working directly under the guidance and supervision of instructors or workers/labourers who are more experienced, in the process of producing goods and/or services in a company, in order to master certain skills or expertise.

The definition of an apprentice is generally stated in the Big Indonesian Dictionary, namely an apprentice is a prospective employee (who has not been permanently appointed and has not received a salary or wages because he is considered to be still at the learning stage). The essence of extending the apprenticeship period for prospective notaries is that a period of 12 (twelve) consecutive months at a notary's office is lacking because the problems encountered while practicing as a notary are not as simple as what was learned or exemplified by lecturers while studying the Notary Masters Program.

The duties carried out by the notary profession are very heavy, there are many risks related to administrative sanctions, civil sanctions and criminal sanctions faced by a notary if an error occurs in making a deed. The lack of awareness of notary candidates to study seriously in order to become a professional notary is the main reason that an apprenticeship only fulfills the requirements to be appointed as a notary.<sup>11</sup>

Basically it is not only a matter of apprenticeship time which is a benchmark or parameter that can be used as a reference that a notary candidate is deemed capable of becoming a professional notary, but it depends on how a prospective notary is able to absorb the knowledge or knowledge he gains during the apprenticeship process, in addition to the availability knowledge and information contained in the place of apprenticeship, because the Notary who is used as a reference for the apprenticeship should be a Notary who has sufficient experience so that they are considered to have more abilities that are beneficial to the prospective Notary. Due to this problem, a notary organization, namely the Indonesian Notary Association (INI), proposed to

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<sup>10</sup>The results of the interview with Notary Ari Nur Widanarko, on Thursday, January 17, 2023, at 15.15 WIB.

<sup>11</sup>Nawang Andi Kusuma, Implementation of Internships for Prospective Notaries in the City of Yogyakarta, Thesis, Postgraduate Program at Gadjah Mada University, 2011, p.60.

hold a joint internship that must be attended by prospective notaries apart from apprenticeships in a notary's office on their own initiative.<sup>12</sup>

Benchmarks for the effectiveness of implementing apprenticeships for prospective notaries at a notary's office can be seen from Article 16A UUJN, namely: (1) Prospective notaries who are undertaking apprenticeships are required to carry out the provisions referred to in Article 16 paragraph (1) letter a namely "act trustworthy, be honest, thorough, independent, impartial, and protect the interests of the parties involved in legal actions. (2) In addition to the obligations referred to in paragraph (1), the prospective Notary is also obliged to keep confidential everything regarding the deeds he made and all information obtained for making the deed. based on Article 7 of the Indonesian Notary Association Association Regulations concerning the Implementation of Internships, among others, as follows: 1) Implementation and Person in Charge: Notary apprentice recipient. 2) Place: Notary office receiving apprenticeship and can be held in more than 1 (one) Notary Office within a period of 24 (twenty four) months provided that each Notary Office is held for at least 6 (six) months; 3) Time : Every working day, at least three days in 1 (one) week for at least 4 (four) hours per day.<sup>13</sup>

In addition, benchmarks for the effectiveness of implementing apprenticeships for prospective notaries at a notary office can be seen from the Technical Instructions for Internships for Extraordinary Members of the Indonesian Notary Association (ALB INI) by the central board of the Indonesian Notary Association (INI), namely:

1. Apprentice Recipient Notary Office is a Notary Office selected by Apprentices from the List of Notary Apprentice Recipients that has been determined by the Regional Management on the recommendation of the Regional Management;
2. Apprentices may take part in an internship at 1 (one) Notary Office or more, provided that the Internship at one Notary Office must be served for a minimum of 6 (six) months, and obtain a Certificate of Apprenticeship (SKM) from each Notary Office concerned, with an accumulative amount at least 24 (twenty four) months;
3. Internship at the Notary Office is counted from the time the person

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<sup>12</sup>Collection of articles, [www. Hukumonline.com/calon-notaris-wajib-magang-sama](http://www.Hukumonline.com/calon-notaris-wajib-magang-sama), accessed on Thursday, March 7 2019, at 14.24 WIB.

<sup>13</sup>Article 7 Regulation of the Indonesian Notary Association Association Number: 10/PERKUM/INI/2018 concerning Amendments to the Indonesian Notary Association Association Regulation Number: 06/PERKUM/INI/2017 concerning Apprenticeships.



concerned starts doing the internship/enters the office at the Apprentice Recipient Notary Office, which is carried out after the Prospective Notary concerned becomes an INI Extraordinary Member;

4. The Apprentice's presence at the Notary's Office is carried out at least 3 (three) days in 1 (one) week and on every day the Internship is carried out within a minimum of 4 (four) hours;

5. Notary Apprentices are obliged to guide and educate Apprentices in their office in accordance with the material for the Apprenticeship as contained in article 8 of the Association Regulations regarding Apprenticeships.

6. Notary Apprentice Recipients must provide opportunities for Apprentices to participate in the deed drafting process while participating in Internship activities in their office, either as a witness, or as a Substitute Notary if possible. (with due observance of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia);

7. Apprentices will receive an Apprentice Certificate (SKM), which is issued by the Notary Recipient of the Apprentice, according to the form and format set out in the Association Regulations;

8. The Internship Certificate (SKM) is given after the Apprentice in question has undergone an Apprenticeship at the Notary Office of the Apprentice Recipient for at least 6 (six) months;

9. The Internship Certificate (SKM) must contain at least the following information:

1. Apprentice Name;
2. THIS ALB Number;
3. Apprentice period or time that has been undertaken;
4. Apprentice material that has been given according to the Internship curriculum;
5. The results of the Apprentice Appraisal concerned while undergoing the Internship program. (fair, good, very good).

10. The Apprentice Participants are also given a statement that they have participated in the process of making the deed after undergoing the apprenticeship by including the number of the deed.

According to Notary Renny Oktadelina Marsono, the implementation of apprenticeships at a notary's office is quite effective because with the obligatory apprenticeship order, prospective notaries can learn and practice directly what a notary does. Because in reality the knowledge gained in the world of lectures is still lacking and not enough to become a good and professional notary. To become a notary, you need experience so that you can serve the community well and be able to provide legal counseling to the community.<sup>14</sup>

According to Notary Ari Nur Widanarko, the effectiveness of the apprenticeship at the notary's office depends on the seriousness of the prospective notary who carries out the apprenticeship. If the prospective notary carries out the internship seriously, then the internship will be very effective. And conversely, if the prospective notary is not serious in carrying out the apprenticeship, one day he or she will not be able to become a great and professional notary.<sup>15</sup>

In the case of implementing a Notary Apprenticeship, it is very important to protect the rights and obligations between the prospective notary who carries out the apprenticeship and the Notary Public. The interests of each party in this case are the notary candidate who carries out the apprenticeship and the notary must receive protection, so that there are no problems between the parties in the implementation of the apprenticeship in the future, one of which is the unilateral dismissal carried out by the notary to the notary candidate who carry out an internship. In order to realize the above, a notary candidate who is carrying out an apprenticeship and a notary in the apprenticeship should make an agreement in the form of an apprenticeship agreement. This is to organize and resolve problems that may arise in the future between prospective notaries who carry out apprenticeships and notaries, and to protect the interests of each party in the implementation of the internship. During the internship at the notary's office, apprentice participants must follow the rules in the office. However, most of what happens is that those who do their internships in a notary's office don't really pay much attention to this. Especially in terms of working hours at the notary's office. For example, there are those who come as they please outside of the office's stipulated working hours, there are those who go back and forth from the office regardless of what business they have, and many more. Without having a sense of care about activities in the office. In their minds that apprenticeship is just a formality to become a notary. This is a big mistake and

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<sup>14</sup>The results of an interview with Notary Ari Nur Widanarko, on Thursday, January 17, 2023, at 14.30 WIB.

<sup>15</sup>The results of the interview with Ari Nurwidanarko, on the 17th of January 2023, at 14.30 WIB.

should be enlightened. In their minds that apprenticeship is just a formality to become a notary.

There are several obligations of the notary where the apprentice will carry out his apprenticeship, one of which is to provide enough opportunities for apprentices to work during the apprenticeship, if the apprentice works for or is part of a civil partnership in a Notary's Office, it must be determined which notary is responsible for provide guidance and information on passing the apprenticeship.<sup>16</sup>

In order to make it easy for prospective notaries who want to find an internship according to their wishes or on a recommendation from a notary organization, the legislators have determined the obligations of notaries.

The notary's obligation is something that must be carried out by a notary in carrying out his position, because it has become a necessity required by law. The obligation of a Notary to accept apprenticeship for a Notary candidate is regulated in Article 16 paragraph (1) letter n of the Amended UUJN. Explanation of Article 16 paragraph (1) letter n namely:

Article 16: In carrying out his position, a Notary is obligated to: n. accepting apprenticeship for prospective notaries Accepting apprenticeships for prospective notaries in Article 16 paragraph (1) letter n above means that they are ready to prepare prospective notaries so that they are able to become professional notaries. Every Notary who does not carry out the obligations set forth in Article 16 paragraph (1) letter n of the Amended UUJN may be subject to the sanctions provided for in Article 16 paragraph (13) of the Amended UUJN that a Notary who violates the provisions referred to in paragraph (1) letter n may be subject to sanctions in the form of a written warning. This provides certainty for notary candidates to get an internship place in order to fulfill the internship requirements so they can be appointed as a notary public.

Internships are very important for prospective Notaries to practice all the theories acquired while studying at the Notary Masters Program with actual practice of Notary positions in the field, for example filling out repertoriums, books of lists of deeds for privately-held letters that are legalized, bookkeeping and other things obtained during the period lectures. There are several obligations of a Notary where the prospective Notary apprentices in carrying out his internship period, including:

1. Provide sufficient work opportunities to apprentices during the internship.

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<sup>16</sup>Sjaifurrachman, Aspects of Notary Liability in Making Deeds, Mandar Maju, Bandung, 2011, p. 92-93.

If the apprentice works for or is part of a civil partnership in a Notary's office, it must be determined which Notary is responsible for providing guidance and information on passing the apprenticeship.

2. Provide guidance, guidance and advice during apprentices undergoing internships.
3. Provide the widest possible opportunity for apprentices to learn about the work and duties of a Notary.
4. Provide opportunities for apprentices to be able to take courses or related exams and in order to fulfill the requirements for appointment as a Notary.
5. Provide opportunities for apprentices to become substitute notaries if the apprentices are deemed capable of doing so.
6. Transmit the experience and knowledge possessed by a Notary to apprentices.
7. Notify the Indonesian Notary Association regarding apprentices who are apprentices in their office within the time determined by the Indonesian Notary Association.
8. Provide a certificate of passing the apprenticeship in the form determined by the Indonesian Notary Association after the apprentice has completed and has fulfilled the apprenticeship requirements specified by the Indonesian Notary Association.<sup>17</sup>

As for apprentice Notary candidates, there are several obligations that must be carried out during their internship at the Notary's office, including:

1. Act as befits a Notary employee in accordance with the Notary Office Law and the Notary's code of ethics.
2. Doing all the work like a Notary Public, such as administering a Notary's office, making renvoi, preparing deeds, sewing up deeds, checking deeds, completing deeds, dealing with clients, conversing by telephone related to work in a Notary's office and so on.
3. Working on legal Notary office work given to apprentices by the Notary where he is an apprentice unless there is adequate reason.

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<sup>17</sup>Sjaifurrachman, Op.Cit., p. 92-93.

4. Listen to the instructions, guidance and advice given by the Notary where the apprentice is carrying out the internship.<sup>18</sup>

According to Notary Teuku Irwansyah, the Notary Organization (INI) is obliged to provide recommendations for internship places for prospective notaries who wish to carry out an internship at a notary's office as a condition for becoming a notary.

### **3.2. Obstacles that affect the implementation of apprenticeships for prospective notaries in creating professional Notaries in Klaten Regency**

Based on the results of research and data review, it was found that with the increasing number of interested young people to become notaries and the rapid growth of notary candidates with the opening of notary programs in almost all leading state tertiary institutions, of course in this case a regulation was given to prepare notary candidates so that they When you really become a notary, you can carry out your obligations properly and with full responsibility and have a high dedication to your profession as a notary who has the responsibility to carry out truth and justice as the mission of a nation based on Pancasila.

However, in practice, prospective notaries who take part in the apprenticeship program as required by law experience many obstacles, including; it is difficult to get an internship place for prospective Notaries, there is no curriculum or standard procedures for apprenticeship for prospective Notaries, and Notaries where apprentices do not fully provide their knowledge for reasons of confidentiality of position or busyness, and there are no criteria for Notaries who are able or capable to provide knowledge of notary practice for internships notary candidate.

Even though this can affect the quality of legal services that will be provided to the public when the apprentice notary candidate has become a notary. This ability will not increase if the Notary candidates are only armed with theory obtained from formal notarial education or apprenticeships that are carried out with a limited time. Thus it is necessary to prepare notary candidates to become notary officials who have integrity, are honest and trustworthy in the interests of their clients, then,

From Article 16 paragraph (1) letter a which is the obligation of the prospective notary public that must be obeyed if it is clarified, the prospective notary is only bound by 9 provisions of letter a namely, the prospective notary must act trustworthy, honest, thorough, independent, impartial, and maintain

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<sup>18</sup>Ibid

the interests of the parties involved in legal actions, and coupled with the obligation to keep everything confidential regarding the deed made. It is clear that from these provisions the prospective notary is obliged to comply with these provisions and is not allowed to violate these obligations.

Prospective notary apprentices act as staff or employees who accept clients who require legal action from the notary's office where they do their internship. So the prospective notary public is expected to act in a trustworthy manner, namely to be trusted in all matters of transactions, both tax payments and Non-Tax State Revenue (PNBP) to the State Land Agency, honest, thorough, namely thorough and careful in working, independent, impartial, and safeguarding the interests of related parties in legal actions, namely acts committed by legal subjects in making deeds. Also, a prospective notary who is an apprentice is obliged to keep secret everything regarding the deed made, that is, keep secret everything about the deed made by the notary at the place where he is apprenticed and the information obtained by the notary during his apprenticeship.

In the provisions of the academic text it is stated that the internship as a condition for being appointed as a notary public is extended from 12 (twelve) months to 24 (twenty four) months, so that prospective notaries gain professional, personal and social competence in accordance with the objectives of the apprenticeship, namely knowledge transfer and skills (transfer of knowledge and skills), in addition, for prospective notaries who are apprentices, those concerned are subject to the obligation to maintain confidentiality as a Notary maintains the secrets of his position.<sup>19</sup>

Furthermore, if it is continued in the provisions of the Notary's code of ethics which regulates related to the position of a Notary, starting from the rights and obligations of a Notary to the prohibitions and sanctions for Notaries who violate the code of ethics, then no juridical provisions that regulate related to legal sanctions for prospective notaries who violate the code of ethics are found of Article 16A paragraph (1) and (2) of Act No. 2 of 2014 Concerning the Position of Notary

### **3.3. The solution to overcoming obstacles in implementing apprenticeships for prospective notaries in producing professional notaries in Klaten Regency**

Based on the theory of legal certainty, Article 16A UUJN does not fulfill the theory on which laws and regulations are formed, namely legal certainty. Because Article 16A of the UUJN clearly regulates the obligations of apprentice

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<sup>19</sup>Academic papers discussing academic texts on the Draft Law on amendments to Law number 30 of 2004 concerning the Position of Notary Public, p. 4

notary candidates but the sanctions for apprentice notary candidates if they do not carry out their obligations are not regulated in the UUJN, it should be in accordance with the theory of legal certainty, there must be clear statutory regulations and there is no legal vacuum that creates confusion about notary and legislator.

Thus, based on the description above, it is clear that based on the theory of legal certainty, both Act No. 2 of 2014 concerning the position of notary public and the notary's code of ethics do not have the enforcement of sanctions that are legally binding on apprentice notary candidates as a result of all the sanctions stipulated in the provisions Act No. 2 of 2014 and the code of ethics cannot be given sanctions to prospective notaries if apprentice notary candidates do not carry out their obligations as referred to in Article 16A Act No. 2 of 2014 as sanctions that should be given to notaries if they do not carry out their obligations as referred to in Article 16 of Act No. 2 of 2014 concerning the Office of a Notary.<sup>20</sup>

Based on the theory of absolute liability, that an individual is responsible for a violation he committed unintentionally and unexpectedly. In connection with the obligations of prospective Notaries who are apprentices whose obligations have been regulated in Article 16A UUJN, they must bear everything during the internship period, if there is something that may be blamed, sued, prosecuted, etc. Thus the legal consequences for prospective apprentice notaries who do not carry out their obligations as stipulated in Article 16A to act trustworthy, honest, thorough, Mandiri is impartial and safeguards the interests of parties related to legal actions and keeps everything regarding the deed made secret and all information obtained for the making of the deed does not result in the imposition of sanctions as imposed on a Notary who violates Article 16 of Act No. 2 of 2004 and the code of ethics . But the moral sanction that will arise, this is related to Article 16A paragraph (1), namely if the candidate notary during the apprenticeship is not honest, trustworthy, independent, impartial, safeguarding the interests of the parties involved in legal actions.

This moral sanction is a sanction that comes from the community if the apprentice notary candidate is dishonest during the apprenticeship, the community no longer trusts and will be reluctant to take care of everything related to the agreement to the notary's office where the notary candidate is an apprentice. The provision of clear sanctions is intended so that the confidentiality and interests of the parties involved in the deed are protected by law. As a result of the dishonesty of the apprentice notary candidate who does not keep secret what is kept secret by the notary at the place where the

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<sup>20</sup>Ahmad Rifa'I, *Legal Invention*, Sinar Graphic, Jakarta, 2010, p. 60

apprentice notary candidate is regulated in Article 16A paragraph (2), criminal law provisions will still apply to the apprentice notary candidate due to a criminal act committed in violation of the provisions the applicable law in the Criminal Code which has legal consequences for the imposition of criminal sanctions on apprentice notary candidates.

Prospective notary apprentices may be subject to criminal sanctions, if the apprentice notary candidate does not keep secret everything regarding the deed made by the notary at the place of his apprenticeship and the information obtained by the notary during his apprenticeship, namely Article 322 of the Criminal Code which reads: (1) Whoever deliberately disclosing a secret which he is obliged to keep because of his current or former position or livelihood, is punishable by a maximum imprisonment of nine months or a maximum fine of six hundred rupiahs. (2) If a crime is committed against a certain person, that act can only be prosecuted on the complaint of that person." Civil sanctions can also be imposed, if there are parties who feel disadvantaged, namely Article 1365 of the Civil Code, which reads:

"Every act that violates the law, which causes harm to another person, obliges the person who because of his mistake to issue the loss, compensate for the loss."

Because for civil sanctions and criminal sanctions are sanctions imposed by judges based on the lawsuit of the parties who bear the loss of the deed made by the notary at the place of the prospective notary apprentice.

#### **4. Conclusion**

In practice, prospective notaries who take part in the apprenticeship program as required by law experience many obstacles, including; it is difficult to get an internship place for prospective Notaries, there is no curriculum or standard procedures for apprenticeship for prospective Notaries, and Notaries where apprentices do not fully provide their knowledge for reasons of confidentiality of position or busyness, and there are no criteria for Notaries who are able or capable to provide knowledge of notary practice for internships notary candidate. One of the legal construction efforts is to include the legal term apprentice notary or notary candidate into chapter 1 of the general provisions of Article 1 to provide subjective legal certainty, include obligations and prohibitions as well as sanctions for prospective notary or notary apprentices into a separate chapter.



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