

## Juridical Implications for Notaries who are appointed as House of Representatives in the Conception of Legal Certainty

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**Abstract.** *All elements of society certainly have the same obligations and rights, in the eyes of state law. In essence, those who will represent certain elements of society must be bound by the provisions of the laws in force in Indonesia. The People in the Conception of Legal Certainty". The research method used is a qualitative approach, namely a way or research method that emphasizes analysis or descriptive. In a qualitative research process things that are subject perspectives are emphasized more and theoretical foundations are used by researchers as guides, so that the research process is in accordance with the facts encountered in the field when conducting research, in the form of interviews with Notaries to find relationships (correlations) between various symptoms or variables as a data collection tool consisting of document studies, observations (observations), and interviews (interviews). Based on the research results, there are the results of the judge's legal considerations in determining civil cases concerning Juridical Implications for Notaries who are appointed to the People's Legislative Assembly in the Conception of Legal Certainty. become a member of the People's Legislative Assembly, based on Article 17 letter d UUJN regarding the prohibition of concurrent positions as state officials. Then the notary is obliged to apply for leave, and appoint a substitute notary (Article 11 paragraph (1-3) UUJN). Which reads: (1) Notaries who are appointed as state officials are required to take leave. (2) Leave as referred to in paragraph (1) applies as long as the Notary holds office as a state official. (3) Further provisions regarding Notary leave as referred to in paragraph ( 1) regulated by Ministerial Regulation. and the Responsibilities of a Notary Who Is Appointed to be a Member of the People's Legislative Assembly for Deeds That Have Been Issued When They Cause a Loss of Other Parties, namely the Notary who makes the deed is responsible for the deed he made, even though the notary who made the deed is on leave while he is a member of the People's Representative Council and has appointed a notary substitute as recipient of the notary protocol. The legal basis is Article 65 UUJN.*

**Keywords:** Certainty; Notary; Representatives.

## 1. Introduction

Indonesia is a legal state based on Pancasila and the 1945 Constitution, according to Aristotle a legal state is a state that stands above the law which guarantees justice to its citizens. . . . ”<sup>1</sup> where every action and behavior must be in accordance with the norms prevailing in society which become guidelines and guidelines. These values and norms are habits that describe the attitude of human action in social life and good or bad behavior based on human nature which is manifested through freedom of will so that it is regulated by legal regulations. If these regulations are based on the content or relationships and interests that are regulated, they can be divided into the fields of Public Law and Private Law.<sup>2</sup>

Public Law is connected with rules where there is an element of interference from the Rulers so that it is the law that regulates the relationship between individuals and the State, which includes among other things Law. State Administration, State Administrative Law, Criminal Law. While Private Law regulates legal relations between one legal subject and another legal subject in the Civil field, namely regarding persons, objects, agreements, evidence and expiration, which are regulated in the Indonesian Civil Code. In the provisions of the Criminal Law which constitutes Public Law, there are not a few regulations concerning individual interests, the interests of life and property. Vice versa, in Private Law there are regulations concerning public interests, such as Marriage Law which regulates individual interests, but for the sake of public order, the Government intervenes in this matter, so understanding this interest cannot determine the difference between Public Law and Private Law is based on the interests it regulates absolutely and sharply..., because Public Law also regulates individual interests or vice versa Private Law regulates public interests.

The legislature is a political structure whose function is to make laws. Today, this institution is called the House of Representatives (hereinafter abbreviated as DPR) (Indonesia), the House of Representatives (United States), or the House of Commons (England). These institutions are elected through a general election mechanism which is held periodically and comes from political parties. Once every five years, the Indonesian State has a grand party where the participants are all Indonesian people who care about the state of their nation. The big party that costs a lot of money is called the general election (hereinafter referred to as

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<sup>1</sup> Moh. Kusnardi and Bintan R. Saragih, *State Science*, 5th Cet., (Jakarta: Gaya Media Pratama, 2005), p. 131.

<sup>2</sup> Soerjono Soekanto and Pumadi Purbacaraka, *Joints of Law and Legal Studies*, Cet. keVI, (Bandung: PT. Citra Aditya Bakti, 1993), p. 45

the General Election). Elections are an important instrument in a democratic country that adheres to a representative system.<sup>3</sup>

Those who are elected are considered as persons or groups who have the ability or obligation to speak and act on behalf of a larger group through political parties. In essence, those who are going to represent a particular political party must have an interest in themselves and their group. So elections are a way to choose people's representatives who will sit in representative institutions (parliament). One of the groups interested in sitting as a member of the parliament is the notary profession. Besides fighting for the interests of the party, notaries who sit in parliament also have an interest in their profession. The development of notary institutions in Indonesia began to enter at the beginning of the 17th century. According to Jan Pieterszoon Coen in Jacatra (now Jakarta) between 1617 to 1629, for the needs of residents and traders it was necessary to appoint a notary, which was called *Notarium Publicum*.<sup>4</sup>

Talking about notaries means we are talking about document authenticity. That is one of the reasons people visit a notary. Recognition of the authentic nature of these documents did not come immediately, but recognition only emerged in the 13th (thirteenth) century, several hundred years after the emergence of the position of notary public. Several hundred years later, a regulation called *ventosewet* emerged.<sup>5</sup>

In Indonesia, notaries act as public servants. This is because a notary is an official appointed by the government to serve the public's need for valid legal documents. Even though the notary's status is a public servant, don't think that the notary wears simple clothes. On the contrary, notaries wear official and exclusive clothing to show their professionalism and seriousness. As a person with the position of notary, that person in carrying out his position should have more "privileged" position in law compared to other people, but a notary outside of his position is a person who has the same position as other people (equality before the law).<sup>6</sup>

Of course there are several things that must be fulfilled to become a notary public, it is impossible for a notary to practice without having adequate skills. Legal education background is a necessity. After graduating from the law faculty, a candidate for notary public is required to attend notarial studies or pursue a degree in notary law education. It is not enough to have formal education alone

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<sup>3</sup> Moh. Kusnardi and Harmaily Ibrahim, *Introduction to Indonesian Constitutional Law*, (Jakarta: Center for Constitutional Law Studies Faculty of Law UI, 1983), p. 328.

<sup>4</sup> G.H.S. Lumban Tobing, *Notary Office Regulations*, (Jakarta: Erlangga, 1983), page 15

<sup>5</sup> Ira Koesoemawati and Yunirman Rijan, *To Notaries*, (Jakarta: Achieve Asa Success, 2009), page 23

<sup>6</sup> Habib Adjie, *Indonesian Notary Law*, (Bandung: PT. Refika Aditama, 2008), page 102

to become a notary profession in Indonesia, where the requirements to become a notary candidate in Indonesia in general are people who are Indonesian citizens. Because a notary is a public official who is appointed by the state to represent the state in making authentic deeds which contain confidential matters. Of course it would be dangerous, if this position is held by a foreign citizen. This country's secrets could fall into the hands of other countries.<sup>7</sup>

Being a good notary is required to have mature maturity. According to the Civil Code (hereinafter abbreviated as the Civil Code) that a person's adult age is 21 (twenty one) years old, but a person to become a notary based on Law No. 30 of 2004 concerning the Position of Notary (hereinafter abbreviated as UUJN) must be 27 years old. (twenty seven years. In Indonesia, notaries gather in an association forum called the Indonesian Notary Association (hereinafter abbreviated INI). INI is a legal association of notaries and has a legal entity according to the Decree of the Minister of Justice of the Republic of Indonesia dated January 23, 1995 Number C2-10221.HT.01.06. Relating to the elections mentioned by the author above. Often elections to elect representatives of the people in the DPR and government leaders are termed as democratic parties by the people. As the meaning implies, namely the people's party, then everyone has an interest and has the right to celebrate this "party". However, because this relates to the state system, rights and obligations also arise.<sup>8</sup>

Regarding this leave, it is necessary to give a separate interpretation, namely leave submitted by a notary because the person concerned is appointed as a state official. In this regard, it is necessary to state beforehand regarding state officials, in Law No. 43 of 1999 concerning amendments to Law No. 8 of 1974 concerning Basic Personnel Affairs, UUJN also regulates notaries who are appointed as state officials. If the notary has concurrent positions with the State, this is a reason for temporarily dismissing the notary from his position, Article 8 paragraph (1) letter e UUJN. If a notary is to be appointed as a state official, he is obliged to take leave while holding office as a state official, Article 11 paragraph (1) and (2) UUJN, and is obliged to appoint a substitute notary who will accept the protocol, and after no longer holding office as a state official, then the notary can resume his duties as a notary. this kind of provision is to maintain the continuity of the notary's position.

There are two laws and regulations that are equal in position but have two fundamental differences in one of the articles concerning multiple positions. So the axioms (statements that can be accepted as truth without proof) are legal,

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<sup>7</sup> Journal of law online/vol xxII/ Mohd. Ghazali Rais, 2010, Position of Notary While Being a Member of the People's Legislative Assembly, Notary Masters Study Program, Diponegoro University Postgraduate Program

<sup>8</sup> Habib Adjie, Indonesian Notary Law, (Bandung: PT. Refika Aditama, 2008), page 102

which one should take precedence. For this reason, the author is interested in researching the position of a notary who is a member of the council (legislative body based on the trias politica), whether to stop, which according to the Indonesian dictionary means not practicing (based on Article 50 paragraph (1) letter l of the Election Law), or only on leave only (based on Article 11 paragraph (1) UUJN).

## **2. Research Methods**

The research method that will be used in this study is a qualitative approach, namely a method or research method that emphasizes analysis or descriptive. In a qualitative research process things that are subject perspectives are emphasized more and theoretical foundations are used by researchers as guides, so that the research process is in accordance with the facts encountered in the field when conducting research, in the form of interviews with Notaries to find relationships (correlations) between various symptoms or variables as a data collection tool consisting of document studies, observations (observations), and interviews (interviews).<sup>9</sup> Researching the Juridical Implications for Notaries who are appointed as House of Representatives in the Conception of Legal Certainty

## **3. Results and Discussion**

### **3.1. Juridical Implications for Notaries Who Are Appointed Members of the People's Legislative Assembly in the Conception of Legal Certainty**

The state officials referred to by the author in his writing here are members of the DPR, the authors do not mention that state officials are referred to by more general terms such as members of the legislature or members of the legislature because what includes the legislature is the institution that makes regulations both at the regional and central levels. For example, the DPRD (Regional People's Representative Council) institution, the DPRD institution does not include state officials because apart from not being included in Article 11 paragraph (1) of the Personnel Law, regarding institutions that include state officials. DPRD According to Law No. 22 of 2003 concerning the Susduk of the MPR, DPR, DPD, and DPRD, in carrying out their duties and authorities, the City DPRD has the right to ask city-level state officials, regional government officials, legal entities, or members of the public to provide information. DPRD is a legislative body, but DPRD is not a state official. So the notary who doubles as the state official referred to in this paper is the DPR.

Notary Listyo in Pekalongan, he is busy as a notary who happened to be interviewed with a lot of clients, asked the author to comment on the concurrent

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<sup>9</sup> Bambang Sunggono, 2006, *Legal Research Methods*, Rajawali press, Jakarta, p.75

positions above. According to him, if you ask about the legal status of a notary who is a member of the DPR, should he take leave or stop. As an MPD (Listyo also serves as a member of the MPD), I must comply with the UUJN as a formal law governing the position of a notary, namely the notary is required to apply for leave to the MPP and appoint a substitute notary while serving as a member of the board. In accordance with Article 11 paragraph (1 and 2) UUJN. However, Notary Listyo, who is also a lecturer in the Notary Position Regulations course, has a personal opinion, namely that the notary should stop.<sup>10</sup>

In the opinion of Notary Listyo, only taking leave means that the notary's office is still open, where the office has a substitute notary appointed by the notary who was elected as a member of the DPR. In other words, only the position is on leave, while the person remains as a notary. So the notary not only applied for leave to the supervisory board, but also resigned from his position as a notary.

A week before the writer interviewed Notary Listyo, he first interviewed another notary, namely Notary Nofandi in Pekalongan. In his office, the author asked for his opinion on the notary who was elected as a member of the DPR, whether he only applied for leave to the MPP or not to practice based on the Election Law. Notary Ngadino argues, in Indonesia there is one source of all existing regulations, or also called Groundnorm. The source of the regulation is used as a reference for the laws and regulations under it. The source of regulations referred to after Pancasila is the 1945 Constitution.

The 1945 Constitution, according to Notary Ngadino, is flexible, why is what is underneath it not flexible? In other words, which law is used in addressing the issue of multiple positions, there is no need to make it a long and complicated issue, as long as it does not deviate from the 1945 Constitution itself. Similar to Notary Listyo, Notary Ngadino also has a personal opinion regarding notaries who are members of the DPR. However, the notary partner should have to choose one. "Only taking leave means that a notary who is a member of the DPR remains a public official, it's just that he can't sign the deed," he said. In addition, simply by applying for leave, it is feared that it will reduce the existence of a notary who is also a member of the DPR.

Being in a dilemma, when having an opinion according to conscience and the reality on the ground is contrary to the system or regulations that apply. In the same way as the two notary opinions above, they have the same personal opinion that the notary who becomes the DPR must stop. Both of them also argued that if a notary who becomes a member of the DPR only applies for leave, it means that the notary is only unable to make a deed and sign it, but the notary still serves as a public official.

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<sup>10</sup> Interview with Mr. Listyo as PPAT in Pekalongan City

Based on the two opinions of the notary above, that is, with the nameplate still on display and the office of a notary who is on leave while being a member of the DPR open, the notary is still accepting clients. The difference is that the notary receiving the protocol serves, but the appointing notary still gets an honorarium from the substitute notary's client. Regarding honorarium, according to Notary Listyo, it is usually done according to an agreement between the appointing notary and the replacement notary.

Regarding the notary having to resign from his position if he is elected to the DPR, notary Habib Adji also revealed that his working position is in the city of Surabaya. Habib Adji said that the legal rules governing the position of a notary who is a member of the DPR are substantially different. Based on Article 11 paragraph (1) and (2) UUJN, Notaries are required to appoint a substitute notary who will accept the protocol, and after no longer holding a position as a state official, the notary can resume his duties as a notary (Article 11 paragraph (3) juncto (6) UUJN), whereas according to Article 12 letter I and 50 paragraph (1) letter I of the Election Law, notaries are prohibited from practicing or are prohibited from carrying out their duties as a notary public.

If according to Article 11 paragraphs (1) and (2) UUJN, Notaries are required to appoint a replacement notary who will accept the protocol, and after no longer holding office as a state official, the notary can resume his/her duties as a Notary (Article 11 paragraph (3) ) jo (6) UUJN) then it can be categorized that the notary concerned is still practicing, even though his position and name are used by a substitute notary, meaning that his nameplate as a notary remains (installed) or not taken down.

Based on Article 12 letter I and 50 paragraph (1) letter I of the Election Law, a notary is prohibited from practicing or is prohibited from carrying out his/her duties as a notary at all, meaning that if a notary who becomes a member of the legislature uses a substitute notary is still categorized as practicing or carrying out his/her position. , then according to Article 12 letter I and 50 paragraph (1) letter I of the Election Law it is prohibited to practice, in other words the notary concerned no longer has to take leave, but must resign or stop remaining as a notary and submit the protocol to another notary and reduce his nameplate and closed his office.

A notary running for office as a member of the legislature must stop. UUJN has regulated the matter of concurrent positions. If the notary holds another position, this is regulated in the mechanism regarding leave. It is said that leave is granted by three institutions. If the leave is up to 6 (six) months in length, it becomes the authority of the MPD. For a period of 6 months to 1 year, the authority of the MPW, and above one year, becomes the authority of the MPPN. Most importantly, leave cannot be sorted out. That is, a person who becomes a

state official, for example a regent, governor, and others, has 5 (five) years of leave. It must be taken at once. In its elaboration, it is not known about the extension of the leave, meaning that Person A takes 3 (three) months off from the MPD, then extends the leave for another 2 (two) months. It can't be, because in UUJN every leave is made in one minute of handover and those who receive a substitute notary must take an oath. So, in that sense, the timeframe is clear, the protocol is clear. The longest leave during the term of office of a notary is only allowed for 12 (twelve) years. The Election Law says that a notary who becomes a candidate must stop. Whereas in UUJN it is permissible to take leave. With the existence of these two laws and regulations, it is necessary to review the extent of their understanding, because there are two fundamental differences. So the legal axiom, which one should take precedence if there are 2 (two) laws that regulate the same thing. The legal axiom, of course, is the last law that applies. This means that the notary must stop.

The main purpose of the existing law is legal certainty, justice for the majority of society, and finally benefits the community itself. The law was created not to make matters worse, but to provide the three points of the law's objectives above. Indonesia is a rule of law country, but according to Satjipto Rahardjo, professor at Diponegoro University, he is of the opinion that it has been more than sixty years since the nation of Indonesia has been a rule of law, but after the country was founded in 1945, it turns out that there are still many things that need to be clarified and consolidated. The Indonesian legal state is not static and is a building that has been completed since birth. This treatise responds by saying, we have a legal state to make people feel happy in Indonesia's legal state.

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In making a statutory regulation, the DPR must also adhere to the following principles:<sup>12</sup>

- 1) Clear, in the sense of being simple, brief, and not convoluted and does not create double meanings or give rise to multiple interpretations;
- 2) Thorough, in the sense that it is necessary to explain in detail the orders, prohibitions or permissibility. The purpose is so that the intended party can know exactly what is ordered, prohibited, or permitted; And
- 3) Consistent, in the sense of using one word to express the same intention.

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<sup>11</sup> Satjipto Rahardjo, *A Law Country That Makes Its People Happy*, (Yogyakarta: Genta Publishing, 2009), page 107

<sup>12</sup> Rival Gulam, Bivitri Susanti, *Regulation Design Manual for Social Transformation*, (Jakarta: Center for Indonesian Law and Policy Studies, 2005), page 56



Based on the principles in making the law above implemented, the issue regarding the concurrent positions above will not become a prolonged polemic for notaries who are members of the DPR.

this legal certainty that it is based on the opinion of Gustav Radbruch that law has a necessity to contain three basic values where in his book it is written that in law there are three basic values namely legal certainty (*rechtssicherheit*) where legal certainty discusses from a juridical point of view, legal justice (*gerechtigkei*) where in legal justice discusses philosophical angles as justice is equal rights for all people who have affairs in the realm of court, and the benefits of law (*zweckmassigkeit*) where in the benefits of law discusses utility or use value.<sup>13</sup>

In this case, of the three things that have been mentioned, they have their own roles where in terms of legal certainty must be fulfilled first because in legal certainty, look at it from a juridical perspective before providing legal justice for someone and legal benefits that create use value, therefore the author here in his research he will lean and focus on legal certainty but will still explain justice and the usefulness of law in general. Certainty itself, etymologically, comes from the word for sure which means it cannot be changed.<sup>14</sup> Juridical Implications for Notaries Who Are Appointed as Members of the People's Legislative Assembly in the Conception of Legal Certainty, namely Notaries who are elected as members of the People's Representative Council, based on Article 17 letter d UUJN concerning the prohibition of concurrent positions as state officials. Then the notary is obliged to apply for leave, and appoint a substitute notary (Article 11 paragraph (1-3) UUJN). Which reads:

- (1) Notaries who are appointed as state officials are obliged to take leave.
- (2) The leave as referred to in paragraph (1) applies as long as the Notary holds office as a state official.
- (3) Further provisions regarding Notary leave as referred to in paragraph (1) are regulated by a Ministerial Regulation.

### **3.2. The Responsibilities of a Notary Who Is Appointed to Become a Member of the House of Representatives against Deeds That Have Been Issued When They Cause Losses to Other Parties**

A notary who is a member of the DPR cannot refuse to be examined by either the supervisory board or investigators in connection with a deed he made which gave

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<sup>13</sup> Satjipto Rahardjo, 2012, Law Studies, Bandung, Citra Aditya Bakti, page 19.

<sup>14</sup> W.J.S. Poerwadar Minta, 2006, Third Edition General Indonesian Dictionary, Jakarta, Balai Pustaka, page 847.

rise to legal consequences on the grounds that he has immunity or the right of immunity. The definition of the right to immunity that belongs to the DPR itself in Indonesian is also called the right to immunity, constitutionally it has been regulated in Article 20A paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that in addition to the rights regulated in the articles In other articles of this Constitution, the DPR has the right to ask questions, convey suggestions and opinions, as well as the right of immunity.

In a stricter regulation, it can be seen in Article 196 of Law No. 27 of 2009 concerning the MPR, DPR, DPD and DPRD or currently people usually call it the MD3 Law. Paragraph (2) of this provision states that members of the DPR cannot be prosecuted before a court because of statements, questions and/or opinions expressed both orally and in writing in DPR meetings or outside DPR meetings relating to the functions and duties and authorities. DPR. Based on this explanation, it can be seen that as long as a member of the DPR expresses statements, questions and/or opinions that he puts forward both orally and in writing as long as they are in a DPR meeting or outside a DPR meeting and are closely related to the functions and duties and authorities of the DPR they cannot be prosecuted beforehand. court, and this is what is hereinafter referred to as the right of immunity.

It cannot be used as an excuse for a notary who is a member of the DPR to refuse to be examined, by exercising his right of immunity as a DPR for his legal actions when he became a notary. Because the right of immunity applies to its function as the DPR. In conclusion, a person who serves as a notary in carrying out his duties must be as follows:

- 1) Trustworthy: can be trusted to carry out their duties, namely carrying out orders from the parties/persons who want the notary to express his intentions and desires in a deed and the parties affix their signatures at the end of the deed.
- 2) Honest: don't lie or cover up everything.
- 3) Careful: namely being careful and thorough in compiling the editorial of the deed so as not to harm the parties.
- 4) Independent: the notary decides for himself that the deed made has the proper legal structure and can provide legal counseling to the client.
- 5) Impartial: neutral, not taking sides with one party.
- 6) Maintain attitude, behavior and carry out obligations in accordance with the professional code of ethics, honor, dignity and responsibility as a notary.

7) Maintain attitude and behavior: that means having a professional nature both inside and outside the office.

8) Performing obligations in accordance with the professional code of ethics, honor, dignity and responsibility as a notary: maintaining the honor of the notary's professional dignity, including not slandering fellow notary colleagues or tariff wars.

9) Will keep the contents of the deed and information obtained in the exercise of office confidential. Confidentiality of the contents of the deed and the information obtained, meaning that the notary must listen to the information and wishes of the client before putting it in the form of a deed. The notary is obliged to keep the entire contents of the deed confidential and all information that he hears. This is related to the "right of refusal" which is a right owned by a notary, the notary has the right not to answer the judge's questions if there is a problem with the notarial deed he made. The information/testimony given by the notary is in accordance with what was stated in the deed. This right is invalidated when dealing with the law on corruption (article 16 UUJN).

10) Do not promise or promise anything to anyone either directly or indirectly under any name or pretext namely relating to the provision of money for appointments in certain areas..

Certainty itself can be seen by statutory regulations because certainty is a form of normative research. In the principle of legal certainty when these laws and regulations are created and promulgated by paying attention to and taking into account the principle of legal certainty, a clear, reasonable or logical rule will be realized and later there will be no doubts that will lead to multiple interpretations which will conflict with various norms or regulations exist and in accordance with Law No. 12 of 2011 which contains the formation of statutory regulations article 6 letter i which essentially states that the contents of the contents in statutory regulations must reflect the principle of legal certainty, then with the principle of legal certainty these regulations can be a limitation for society in carrying out an action from one person to another.<sup>15</sup>

The existence of limitations in a legal regulation means that it cannot contain substances that tend to lead and have many meanings or what the author usually calls multiple interpretations if it is correlated with another statutory regulation or another applicable norm. As for the opinion of the experts that the author uses as a basis for thinking and reference, namely the theory put forward by Gustav Radbruch, namely he said that at its core the principle of legal certainty is

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<sup>15</sup> Peter Mahmud Marzuki, 2008, Introduction to Law, Jakarta, Kencana, page 158.

something that is very basic where the law must be positive, implemented and obeyed.

The meaning of his statement is that the principle of legal certainty is fundamental in people's lives where the law must contain individual or group rights evenly which will be enforced at a certain time and place so that the goal of legal certainty can later be achieved and can be accepted and guarantees legal certainty in the midst of public life. Gustav Radbruch also said that the principle of legal certainty has four factors, namely:

- a. Factors in the form of legislation that is positive (gesetzliches Recht).
- b. Based on facts (tatsachen)
- c. Facts in an event need to be explained and described correctly so as not to cause errors when understood and implemented.
- d. It is a positive law so it is not easy to change.

#### **4. Conclusion**

The Responsibilities of a Notary Who Is Appointed to be a Member of the People's Legislative Assembly for Deeds That Have Been Issued When They Cause a Loss of Other Parties, namely the Notary who makes the deed is responsible for the deed he made, even though the notary who made the deed is on leave while he is a member of the People's Representative Council and has appointed a replacement notary as the recipient of the notary protocol. The legal basis is Article 65 UUJN. which reads: *"The notary has responsibility for the deed issued even though the notary's protocol has been handed over to the recipient of the protocol."*

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