

Urgency of Changing the Notary Law as a Form of Legal Protection for Notaries and Their Clients

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Abstract. *This study aims to analyze: 1) The legal force of the Notary Law in providing legal protection for notaries and their clients at this time. 2) The form of change needed so that the Notary Law is more optimal in protecting notaries and their clients. This type of research is included in the scope of normative legal research. This type of research is normative legal research. The approach method in this study is the Legislation approach (statue approach). The type of data in this study is secondary data sourced from primary, secondary and tertiary legal materials. The data collection method uses library techniques (study documents). The analysis in this study is prescriptive. The results of the study concluded: 1) The legal force of the Notary Law in providing legal protection for notaries and their clients at this time, namely Protection for notaries is reflected in the regulation of authority in Article 15, the summons mechanism in Article 66, and supervision through the Notary Supervisory Board as regulated in Articles 67–81. Meanwhile, clients receive legal guarantees through Article 16 which affirms the independence of notaries, Article 54 which regulates the confidentiality of deeds, and Articles 84–85 which give clients the right to claim compensation in the event of a violation. 2) The form of change needed so that the Notary Law is more optimal in protecting notaries and their clients, namely one change needed is strengthening the mechanism for summoning notaries by law enforcement officers in Article 66, by setting a time limit for the Notary Honorary Council (MKN) to provide approval to prevent potential abuse of authority. In addition, Article 15 needs to be updated to accommodate the legality of electronic deeds, so that notaries can adapt to technological developments and provide more efficient services. In order to ensure transparency and certainty for clients, Article 16 must regulate the obligation of notaries to include a list of official fees, so*

as to prevent illegal levies that can harm users of notary services. In terms of law enforcement, Article 85 needs to be strengthened with stricter sanctions, such as the implementation of administrative fines and a blacklist system for notaries who are proven to have committed serious violations.

Keywords: Client; Legal Protection, Notary; UUJN.

1. Introduction

A notary is an official who is tasked with making authentic deeds. The purpose of making written agreements before or made by a notary is so that the deed becomes an authentic deed that can be used as strong evidence if at some point there is a dispute between the parties or there is a lawsuit from another party.¹The journey of notaries in Indonesia has developed in accordance with the development of the State and nation of Indonesia. Contemporary Indonesian history records that in the reform era there was a significant change in the notary institution. This change was marked by the success of the Reform order government in enacting Law Number 30 of 2004 concerning the Position of Notary (UUJN), which was later updated by Law Number 2 of 2014.²The duties of a notary in general lie in his/her authority in making authentic deeds, by a notary the deeds he/she makes have strong evidentiary power when compared to private deeds. As long as the degradation from an authentic deed to a private deed does not cause any loss, the notary concerned cannot be held legally liable through Article 1365 of the Civil Code concerning Unlawful Acts. The form of liability adopted by Article 1365 of the Civil Code is liability based on fault, in this case the fault inherent in a notary regarding the deed he/she makes. The degradation of the evidentiary power of a notary deed to a private deed generally comes into effect since a court decision that has permanent legal force (*inkracht*).³

Notaries have an important role in every legal relationship in community life, because in carrying out these legal relationships, written evidence in the form of

¹Kunni Afifah, (2017), Tanggung Jawab dan Perlindungan Hukum bagi Notaris secara Perdata Terhadap Akta yang Dibuatnya, *Jurnal Lex Renaissance*, No. 1 Volume 2, p.150

²Rita Permanasari, Akhmad Khisni, (2018), Imunitas Hukum Bagi Notaris Yang Membuka Rahasia, Jabatan, *Jurnal Akta*, Volume 5 No. 2, p.26

³Edwin Azhari, Ali Murtadho, dan Djauhari, (2018), Tanggung Jawab Notaris Dalam Pembuatan Akta Perjanjian Nominee Dalam Kaitannya Dengan Kepemilikan Tanah Oleh Warga Negara Asing Di Lombok , *Jurnal Akta*, Vol 5 No 1, p.45

an authentic deed is required.⁴The most important position of the notary profession is in its main task as the maker of authentic deeds. The authority to make authentic deeds is only carried out by a Notary as long as the making of certain authentic deeds is not specifically for other public officials. It can be concluded that a Notary is the only public official who has the authority to do so.⁵Notaries in carrying out their duties provide services to the community who need their services as well as possible. Notaries also provide legal counseling to their clients to achieve high legal awareness so that the community is aware of and appreciates their rights and obligations as citizens and members of society.⁶Authentic deeds made by or before a Notary are often questioned by one party or another party because they are considered detrimental to their interests, either by denying/denying the contents of the deed, the signature or the presence of the party before the Notary, even with allegations that false information is found in the authentic deed. So that currently it is not uncommon for Notaries to be summoned by the police, investigators, public prosecutors, and/or judges, either as witnesses, suspects, or even defendants, in connection with the Deeds they have made.⁷

As explained in Article 66 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, for the purposes of the judicial process, investigators, public prosecutors, or judges with the approval of the Regional Supervisory Council have the authority to:

1. Take a photocopy of the Minutes of the Deed and/or letters attached to the Minutes of the Deed or Notary Protocol in the Notary's storage.
2. Summon a Notary to attend an examination relating to a deed he has made or a Notarial Protocol which is in the Notary's custody.

The Summons of Notaries are only regulated simply, namely briefly in 1 (one) article only, namely in Article 66 only. The fact that the regulation is brief and without explanation has raised a number of questions regarding the provisions of the summons of Notaries. Here the author wants to examine and review the urgency of changing the law on the position of notaries as a form of legal

⁴Dwi Andika, Pelaksanaan Penyelesaian Pelanggaran Kode Etik Notaris Tentang Pemasangan Papan Nama Notaris Di Kota Denpasar, *Jurnal Ilmiah Prodi Magister Kenotariatan*, Universitas Udayana, p.213

⁵Habib Adjie, (2009), *Hukum Notaris Indonesia (Tafsir Tematik Terhadap Undang-Undang Jabatan No. 30 Tahun 2004 Tentang Jabatan Notaris*, Bandung : Refika Aditama. p. 40

⁶Ndaru Satrio, (2016), Analisis Yuridis Terhadap Tindak Pidana Memberikan Keterangan Palsu Dalam Akta Otentik Sebagaimana Dimaksud Dalam Pasal 266 Ayat (1), *Jurnal LEX Certa* , Volume 1 No. 1, p.97

⁷Misbah Imam, (2023), Penggunaan Klausula Proteksi Diri Bagi Notaris Dalam Akta Partij ditinjau dari Undang-Undang Jabatan Notaris, *Jurnal Ilmu Kenotariatan*, Volume 4 Issue 2, p.146

protection for notaries and their clients, according to the author in carrying out his position and authority as a notary who is in fact one of the public servants, a notary must understand the obligations and prohibitions in carrying out his authority as a notary. For example, law enforcement officers still often do not understand the mechanism for summoning notaries whose deeds are problematic. So that many notaries in carrying out their authority often look anxious and afraid, even though it is not certain that the error in the deed is entirely from the notary, it could come from his client who falsified his identity, or so on.

2. Research Methods

This type of research is normative legal research. The approach method in this research is the statute approach. The type of data in this research is secondary data sourced from primary, secondary and tertiary legal materials. The data collection method uses library techniques (study document). The analysis in this research is prescriptive.

3. Results and Discussion

3.1. Legal Power of the Notary Law in Providing Legal Protection for Notaries and Their Current Clients

Notaries have a crucial role and function in supporting the government in creating certainty, order, and legal protection through the creation of authentic deeds. In carrying out their duties, notaries must function as guides in the legal field and be able to provide useful advice to interested parties. Although not under the provisions governing civil servants, notaries are still required to carry out their duties by upholding moral integrity and honesty.⁸

Notaries have an independent and impartial position in carrying out their duties. In this regard, notaries in carrying out their duties must be in accordance with the code of professional ethics, because notaries are an honorable profession (*officium nobile*).⁹ A deed made by a notary can be a legal basis for the status of a person's property, rights and obligations. Mistakes in a deed made by a notary can result in the revocation of a person's rights or the burdening of a person with an obligation, therefore a notary in carrying out his/her duties must comply with the various provisions stated in the Notary Law, namely Law of the Republic of

⁸Tan Thong Kie, (2001), *Serba Serbi Praktek Notaris*, Jakarta : Ichtiar Baru. p.30

⁹Dewi Rachmayani, Agus, *Covernote Notaris Dalam Perjanjian Kredit Dalam Perspektif Hukum Jaminan*, *ACTA DIURNAL: Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad*, Volume 1, No. 1, December 2017, p.79

Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary.¹⁰

The position of a notary as an official who makes authentic deeds is stated in Article 2 Paragraph 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, which states that a Notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or based on other laws. Authentic deeds made by or before notaries according to the form and procedures stipulated in the law.¹¹The authority that exists in a Notary does not come from other government institutions, but rather the authority that is based on and granted by the Law. Therefore, the authority possessed by a Notary is the authority of attribution.¹²

The Notary Law (UUJN), which is regulated in Law Number 30 of 2004 and its amendment in Law Number 2 of 2014, has an important role in providing legal protection for notaries and their clients. As a public official, a notary is authorized to make authentic deeds and carry out other duties regulated by law. The legal force of the current UUJN can be seen in several aspects, namely protection for notaries in carrying out their duties, legal guarantees for clients in using notary services, and the mechanism for monitoring notaries.

1. Legal Protection for Notaries

Legal protection of the rights of Notaries is the result of the transformation of interests carried out through the legislative process in maintaining the law makers or parliament, so that the rights of Notaries can be respected, or protected and obeyed.¹³Notaries as public officials are given legal protection in carrying out their duties, both in terms of authority, summons in legal processes, and supervision. Article 15 of the UUJN stipulates that notaries have exclusive authority to make authentic deeds regarding all legal acts required by laws and regulations. With this provision, notaries have clear legal power in carrying out their duties without having to worry about intervention from other parties.

¹⁰Abdul Ghofur Anshori, (2009), *Lembaga Kenotariatan Indonesia, Perspektif Hukum dan Etika*, Yogyakarta : UII Press. p. 46.

¹¹Nawaaf Abdullah, Munsyarif Abdul Chalim, (2017), Kedudukan Dan Kewenangan Notaris Dalam Membuat Akta Otentik, *Jurnal Akta*, Vol. 4 No. 4, p.658

¹²Daniar Ramadhan dan Ngadino, (2019), Kewenangan Notaris Dalam Pembuatan Akta Yang Berhubungan Dengan Pertanahan, *Jurnal Notarius*, Volume 12 No. 2. p.686

¹³Fainnadya Shanvieta, (2022), Aspek Perlindungan Hukum Bagi Notaris Terhadap Malpraktek Dalam Pembuatan Akta, *Lex Administratum*, Volume 10 No. 5, p. 10

In the case of summoning a notary by law enforcement officers, Article 66 of the UUJN provides protection by requiring investigators, public prosecutors, or judges to obtain approval from the Notary Honorary Council (MKN) before summoning a notary. This aims to prevent criminalization of notaries who only act as recorders of legal facts. Regarding the position and form of legal protection provided by the Notary Honorary Council (MKN) as a legal protection institution for Notaries, this is not expressly regulated in the Notary Law or in other laws and regulations, so that this causes the implementation of the provisions of Article 66 paragraph (1) of the Notary Law to seem to be not functioning. This can have a negative impact if at some point in the future there is a case of alleged malpractice by a Notary, of course it will be very detrimental to the Notary concerned. Based on this explanation, it can be seen that there is a gap in norms in the application of Article 66 paragraph (1) of the Notary Law, because there are no regulations explaining the position and form of legal protection provided to the Notary's position through the Notary Honorary Council in relation to allegations of malpractice carried out by Notaries in the process of making authentic deeds.¹⁴ On the other hand, problems often occur in the approval process of the MKN, such as delays or even potential intervention from certain parties.

Legal protection is also provided through a supervisory mechanism by the Notary Supervisory Board (MPN), which consists of the Regional, Regional, and Central Supervisory Boards. Articles 67–81 of the UUJN stipulate that the MPN is tasked with supervising the behavior and implementation of notary duties. With this supervision, notaries who carry out their duties professionally will receive legal protection, while notaries who violate the provisions can be subject to sanctions.

Supervision and examination of Notaries carried out by the Supervisory Board, which includes Notary elements, thus at least the Notary himself must be supervised and examined by members of the Supervisory Board who understand the world of Notaries. The existence of members of the Supervisory Board from Notaries is internal supervision while the other elements are external elements representing the academic world, government and society. The Notary Supervisory Board, does not only supervise and examine Notaries who have been proven to have committed violations in carrying out the duties of the Notary position.¹⁵

¹⁴*Ibid.*, p. 4

¹⁵Irma mulia sari, (2019), Pengawasan Dan Pembinaan Majelis Pengawas Daerah Terhadap Notaris Yang Melakukan Pelanggaran Di Kabupaten Aceh Timur, *Syiah Kuala Law Jurnal*, Volume 3, No. 1, p.58.

The implementation of the duties of the Notary Supervisory Board is to provide preventive and curative guidance to Notaries in carrying out their profession as public officials so that Notaries must always improve their professionalism and work quality, so that they can provide certainty and legal protection for recipients of Notary services and the wider community. Supervision of Notaries is very important for the life of society. In carrying out their duties, Notaries are required to improve their professionalism and work quality, so that they can provide certainty and legal protection for clients and the wider community. The number of Notaries that increases every year, results in increasingly tight competition for Notaries to act professionally and improve their quality.¹⁶

Legal protection for Notaries aims to ensure that the rights, authorities and obligations of Notaries in carrying out their duties as provided by UUJN and the Code of Ethics are carried out based on applicable provisions, both based on law and based on professional morals and ethics, in order to ensure legal protection and legal certainty for the Notary profession and the public interest. Thus, a sense of calm, peace and guaranteed legal protection will be created for Notaries in carrying out their duties as Public Officials.¹⁷

2. Legal Protection for Notary Clients

In addition to protecting notaries, UUJN also provides legal guarantees for clients who use notary services. Article 16 of UUJN requires notaries to act honestly, independently, and impartially in carrying out their duties. This provides protection for clients so that the legal transactions they carry out through notaries can be trusted and do not harm either party.

Deeds made by a notary have perfect evidentiary power as regulated in Article 1868 of the Civil Code and reinforced by Article 15 of the UUJN. Authentic deeds made by a notary cannot be denied their validity unless it can be proven that there is an element of forgery or violation of the law. Thus, clients who use notary services obtain strong legal certainty in every transaction carried out.

As regulated in the last sentence of Article 16 paragraph (1) letter e of the Notary Law, namely unless the Law determines otherwise, and the last sentence as stated

¹⁶Muhammad Haris, (2014), Pengawasan Majelis Pengawas Daerah Terhadap Notaris Setelah Berlaku Undang-Undang No. 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang No. 30 Tahun 2004 Tentang Jabatan Notaris, *Jurnal Hukum dan Pemikiran*, Volume 14 No. 1, p.5

¹⁷Prasetya Agung, (2016), Batas – Batas Kewajiban Menjaga Kerahasiaan Notaris Dalam Kaitannya Hak Ingkar Notaris Berdasarkan Undang -Undang Tentang Jabatan Notaris, *Jurnal Akta*, Volume 3 No. 4, p.6

in Article 54, based on the two articles, it is clear that notaries must keep confidential matters relating to their position. Notaries are obliged to keep confidential the contents of their deeds, in fact, notaries are obliged to keep confidential all information starting from the preparation of the deed until the completion of the making of a deed. If they are made witnesses in a case, they can use their right to withdraw as witnesses.¹⁸

According to criminal procedure law, anyone can be appointed as an expert witness, namely someone who has knowledge and experience on the matter.¹⁹ If a notary reveals the secret of the position entrusted to him, then he is threatened with criminal penalties based on Article 322 of the Criminal Code which states "Anyone who intentionally reveals a secret that he is required to keep because of his position or profession, whether which now, as in the past, is threatened with imprisonment or a fine."²⁰

UseThe Notary's right to refuse is exercised when the Notary is asked for information related to the contents of the deed he has made. The term right to refuse is a translation of *verschonningsrecht*, which means the right to be exempted from providing information as a witness in a civil or criminal case. This right is an exception to the general principle that everyone who is called as a witness is required to provide that testimony. The right to refuse is a form of legal protection for notaries by law in order to provide testimony in court. The Right to Refuse, namely the right to refuse to provide testimony in court. The refusal is not limited to the matters stated in the deed he made, but all the facts related to the deed. This right is not only limited to that right, but is an obligation not to speak.²¹

When associated with Philipus M. Hadjon's theory, the current Notary Law has preventive and repressive legal protection instruments. Preventive legal protection is provided through supervision by the Notary Supervisory Board, the obligation of notaries to carry out their duties professionally, and the MKN approval mechanism before the notary is summoned by law enforcement officers. Meanwhile, repressive legal protection is provided through a complaint mechanism against notaries, sanctions against notaries who violate, and the right of clients to file a

¹⁸Ida Ayu, (2022), *Penggunaan Hak Ingkar Notaris Terkait Dengan Kewajiban Melaksanakan Rahasia Jabatan*, *Justicia Sains: Jurnal Ilmu Hukum*, Volume 06 No. 02, p.312

¹⁹Djoko Prakoso, (1988), *Alat Bukti dan Kekuatan Pembuktian di dalam Proses Pidana*, Yogyakarta : Liberty. p. 82.

²⁰Dian Pramesti Stia, (2008) , *Peranan Notaris Dalam Proses Peradilan Kaitannya Dengan Kewajiban Menjaga Kerahasiaan Jabatan Di Kota Surakarta*, *Tesis*, p. 75-76.

²¹Bagus Gede, (2017), *Analisis Yuridis Tentang Hak Ingkar Notaris Dalam Hal Pemeriksaan Menurut Undang - Undang Jabatan Notaris Dan Kode Etik Notaris*, *Jurnal Acta Comitas*, volume 1, p.109

civil lawsuit if they feel aggrieved. However, there are still several weaknesses in the implementation of this legal protection, especially in terms of transparency of supervision, the effectiveness of sanctions against notaries who violate, and the slow process of resolving disputes for clients. Therefore, several changes are needed in the Notary Law.

3.2. Forms of Changes Required to Make the Notary Position Law More Optimal in Protecting Notaries and Their Clients

The profession of notary as a skill can of course only be carried out if the person concerned has undergone special education, even carrying out the duties of a notary is the carrying out of esoteric job duties, namely a profession that requires special education and adequate skills to carry it out.²² The notary profession must have the following elements:²³

1. Must be honest with clients and yourself (intellectual honesty).
2. Aware of the limits of his authority.
3. Not solely based on monetary considerations;
4. Have strong moral integrity.

Everyone who uses notary services definitely wants to be treated honestly, fairly, impartially and in accordance with applicable laws and regulations.²⁴ Due to the notary's independent and impartial position, the resulting deed constitutes a definite legal certainty and guarantee.²⁵

In Indonesia itself, the notary profession is greatly influenced by the civil law system tradition. In this tradition, the notary profession is a public official who is delegated the authority to make deeds whose contents have the power of formal evidence and are enforceable. This type of notary is called a functional notary (notariat fonctionnel). Professional notaries (notariat professionnel) in the common law system tradition, their deeds do not have the power as mentioned

²²Habib Adjie, (2009), *Sanksi Perdata dan Administratif Terhadap Notaris sebagai Pejabat Publik*, Bandung : Refika Aditama. p.1

²³Liliana Tedjasaputro, (1995), *Etika Profesi Notaris (Dalam Penegakan Hukum Pidana)*, Yogyakarta : Bigraf Publishing. p.86

²⁴Jaifurrachman, Habib Adjie, (2011), *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta*, Bandung : Mandar Maju. p. 251

²⁵Tan Thong Kie, (2011), *Studi Notariat dan Serba-Serbi Praktek Notaris* (Cetakan Kedua), Jakarta : Ichtiar Baru van Hoeve, p.444.

even though this professional organization is regulated by the government.²⁶

The position of a notary as a functionary in society is still highly respected. A notary as an official is a place for someone to get reliable advice. Everything that is written and determined (konstantir) is true, he is a strong document maker in the legal process. Every society needs a (figure) whose information is reliable, trustworthy whose signature and seal (stamp) provide strong guarantees and evidence, an impartial expert and a legal advisor who is flawless (onreukbaar or unimpeachable), who keeps his mouth shut and makes an agreement that can protect him in the days to come.²⁷

In line with the above, the notary profession as part of the legal profession is considered a very noble and honorable profession, because the goal of the legal profession is to uphold law and justice in the life of society.²⁸ So that it makes the public believe in the notary profession, this extraordinary trust from the public is often ignored or forgotten in practice, including the oaths or promises that have been said, as if the oaths and promises were just sweeteners or merely formal requirements when appointing someone as a notary official.²⁹

The Notary Law (UUJN), which is regulated in Law Number 30 of 2004 and its amendment in Law Number 2 of 2014, still has several weaknesses that need to be fixed in order to be more optimal in protecting notaries and clients. The following are several forms of changes that are needed, along with the articles that need to be changed and the proposed changes.

No	Required Changes	Articles Changed	Issues Found	Proposed Changes
1	Strengthening Legal Protection for Notaries	Article 66 UUJN	1) MKN is considered not independent. 2) MKN's approval could hinder the investigation.	1) MKN must provide clear legal reasons if it rejects. 2) The MKN approval deadline is a maximum of 14 days.

²⁶Sidharta, (2006), *Moralitas Profesi Hukum, Suatu Tawaran Kerangka Berpikir*, Bandung : Refika. p.2

²⁷Tan Thong Kie, (2007), *Studi Notariat dan Serba-Serbi Praktek Notaris*, Jakarta : Ichtiar Baru Van Hoeve. p. 449.

²⁸Yulies Tiena Masriani, (2013), Kedudukan Hukum Akta-Akta Notaris Dalam Ekonomi Islam, *Serat Acitya-Jurnal Ilmiah*, Volume 3, No. 2, p. 33

²⁹Henny Saida Florida, (2014), Peran Notaris Dalam Pembuatan Akta Pendirian dan Akta Perubahan Anggaran Dasar Koperasi, *Jurnal Saintech*, Volume 6 No. 2, p. 61.

		Article 66A UUJN	MKN is too dominated by government elements, potentially not independent.	1) Changing the composition of MKN to 5 people (3 notaries, 2 academics/legal experts). 2) Affirming that MKN should not be intervened by external parties.
2	Strengthening Notary Responsibilities	Article 65 UUJN	It is unclear whether the notary's liability covers the substance of the agreement or merely administrative errors.	1) Notaries are only responsible for administrative errors. 2) Notaries are required to have professional insurance.
3	Legal Protection for Notary Clients	Article 15 UUJN	There are no regulations regarding electronic deeds.	1) Electronic deeds have the same legal force as physical deeds. 2) Digital archives must be encrypted to prevent forgery.
		Article 16 UUJN	There is no transparency of fees, allowing for additional charges without explanation.	1) Notaries are required to include a list of official fees. 2) Sanctions for notaries who charge fees outside the provisions.
4	Stricter Sanctions for Notaries Who Violate	Article 85 UUJN	There are no sanctions in the form of fines.	1) Adding administrative fines of up to IDR 500 million. 2) Implementing a "blacklist" system for notaries who are dishonorably dismissed.

In conclusion, so that the Law on Notary Positions is more optimal in protecting notaries and their clients, the following articles need to be changed:

1. Article 66: Expediting MKN approval for summoning notaries.
2. Article 66A: Changing the composition of the MKN to make it more independent.
3. Article 65: Affirms that notaries are only responsible for administrative errors.
4. Article 15: Recognizing the legality of electronic deeds.

5. Article 16: Establishing transparency of notary fees.
6. Article 85: Adding fines and a blacklist system for notaries who violate.

Legal certainty is a very important aspect in the making of an authentic Deed by a Notary. This is because it will be a problem for the parties if the losses experienced are due to the lack of legal protection for the parties.³⁰ The theory of legal certainty put forward by Gustav Radbruch emphasizes that the law must be positive, based on facts, clear in its formulation, and not easily changed. When associated with the form of change required in the Notary Law (UUJN), this theory provides the basis that every change in the UUJN must strengthen legal certainty, both for notaries in carrying out their duties and for clients who use notary services. If analyzed based on Gustav Radbruch's theory of legal certainty, then changes in the Notary Law must be made with the following principles:

1. Strengthening positive legal certainty by including rules on recognizing the legality of electronic deeds in Article 15.
2. Maintaining legal objectivity based on facts by adding a 14-day time limit for approval of the summons of a notary by the MKN in Article 66.
3. Avoid ambiguity in the formulation of the law by clarifying the responsibilities of notaries in Article 65, so that there is no misuse of the law that is detrimental to notaries.
4. Maintaining regulatory stability, but still providing firm sanctions by amending Article 85, so that there are no changes to the rules too often but they remain effective in law enforcement.

With this change, the Notary Law can be more optimal in providing legal protection for notaries and their clients, without sacrificing legal certainty which is the main principle in the notary system.

4. Conclusion

The Notary Law (UUJN) generally has good legal force in protecting notaries and their clients through the regulation of authority, summons mechanism, and supervision. Clients also receive protection through the rules on notary independence, confidentiality of deeds, and the right to claim compensation. However, the implementation of the UUJN still faces obstacles that require improvement so that legal protection is more effective and optimal. Amendments to the UUJN need to emphasize legal certainty, transparency, and effectiveness of

³⁰Sri Yuniati dan Sri Endah Wahyuningsih, (2017), Mekanisme Pemberian Sanksi Terhadap Notaris yang Melakukan Pelanggaran Kode Etik Jabatan Notaris, *Jurnal Akta*, Vol. 4 No. 4. p.249

supervision. Strengthening the notary summons mechanism in Article 66 with a time limit for MKN approval is needed to prevent abuse of authority. Article 15 needs to be updated to accommodate the legality of electronic deeds, while Article 16 must regulate the transparency of notary fees. In addition, Article 85 needs to be tightened with administrative fines and a blacklist system for notaries who violate the rules. With these changes, the UUJN can be more optimal in protecting notaries and their clients and maintaining the integrity of the notary profession. The government needs to revise the Notary Law (UUJN) to accommodate electronic deeds, clarify the notary summons mechanism, and tighten supervision and sanctions. Meanwhile, notaries must uphold integrity and professionalism in carrying out their duties, and the public needs to understand the role of notaries and ensure compliance with legal procedures to avoid potential problems in the future.

5. References

Journals:

- Bagus Gede, (2017), Analisis Yuridis Tentang Hak Ingkar Notaris Dalam Hal Pemeriksaan Menurut Undang - Undang Jabatan Notaris Dan Kode Etik Notaris, *Jurnal Acta Comitatus*, volume 1, p.109
- Daniar Ramadhan dan Ngadino, (2019), Kewenangan Notaris Dalam Pembuatan Akta Yang Berhubungan Dengan Pertanahan, *Jurnal Notarius*, Volume 12 No. 2. p.686
- Dewi Rachmayani, Agus, *Covernote* Notaris Dalam Perjanjian Kredit Dalam Perspektif Hukum Jaminan, *ACTA DIURNAL: Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad*, Volume 1, No. 1, December 2017, p.79
- Dian Pramesti Stia, (2008), Peranan Notaris Dalam Proses Peradilan Kaitannya Dengan Kewajiban Menjaga Kerahasiaan Jabatan Di Kota Surakarta, *Tesis*, p. 75-76.
- Dwi Andika, Pelaksanaan Penyelesaian Pelanggaran Kode Etik Notaris Tentang Pemasangan Papan Nama Notaris Di Kota Denpasar, *Jurnal Ilmiah Prodi Magister Kenotariatan*, Universitas Udayana, p.213
- Edwin Azhari, Ali Murtadho, dan Djauhari, (2018), Tanggung Jawab Notaris Dalam Pembuatan Akta Perjanjian Nominee Dalam Kaitannya Dengan Kepemilikan Tanah Oleh Warga Negara Asing Di Lombok , *Jurnal Akta*, Vol 5 No 1, p.45
- Fainnadya Shanvieta, (2022), Aspek Perlindungan Hukum Bagi Notaris Terhadap Malpraktek Dalam Pembuatan Akta, *Lex Administratum*, Volume 10 No. 5, p. 10

- Henny Saida Florida, (2014), Peran Notaris Dalam Pembuatan Akta Pendirian dan Akta Perubahan Anggaran Dasar Koperasi, *Jurnal Saintech*, Volume 6 No. 2, p. 61.
- Ida Ayu, (2022), Penggunaan Hak Ingkar Notaris Terkait Dengan Kewajiban Melaksanakan Rahasia Jabatan, *Justicia Sains: Jurnal Ilmu Hukum*, Volume 06 No. 02, p.312
- Irma mulia sari, (2019), Pengawasan Dan Pembinaan Majelis Pengawas Daerah Terhadap Notaris Yang Melakukan Pelanggaran Di Kabupaten Aceh Timur, *Syiah Kuala Law Jurnal*, Volume 3, No. 1, p.58.
- Jaifurrachman, Habib Adjie, (2011), *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta*, Bandung : Mandar Maju. p. 251
- Kunni Afifah, (2017), Tanggung Jawab dan Perlindungan Hukum bagi Notaris secara Perdata Terhadap Akta yang Dibuatnya, *Jurnal Lex Renaissance*, No. 1 Volume 2, p.150
- Misbah Imam, (2023), Penggunaan Klausula Proteksi Diri Bagi Notaris Dalam Akta Partij ditinjau dari Undang-Undang Jabatan Notaris, *Jurnal Ilmu Kenotariatan*, Volume 4 Issue 2, p.146
- Muhammad Haris, (2014), Pengawasan Majelis Pengawas Daerah Terhadap Notaris Setelah Berlaku Undang-Undang No. 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang No. 30 Tahun 2004 Tentang Jabatan Notaris, *Jurnal Hukum dan Pemikiran*, Volume 14 No. 1, p.5
- Nawaaf Abdullah, Munsyarif Abdul Chalim, (2017), Kedudukan Dan Kewenangan Notaris Dalam Membuat Akta Otentik, *Jurnal Akta*, Vol. 4 No. 4, p.658
- Ndaru Satrio, (2016), Analisis Yuridis Terhadap Tindak Pidana Memberikan Keterangan Palsu Dalam Akta Otentik Sebagaimana Dimaksud Dalam Pasal 266 Ayat (1), *Jurnal LEX Certa* , Volume 1 No. 1, p.97
- Prasetya Agung, (2016), Batas – Batas Kewajiban Menjaga Kerahasiaan Notaris Dalam Kaitannya Hak Ingkar Notaris Berdasarkan Undang -Undang Tentang Jabatan Notaris, *Jurnal Akta*, Volume 3 No. 4, p.6
- Rita Permanasari, Akhmad Khisni, (2018), Imunitas Hukum Bagi Notaris Yang Membuka Rahasia, Jabatan, *Jurnal Akta*, Volume 5 No. 2 , p.26
- Sri Yuniati dan Sri Endah Wahyuningsih, (2017), Mekanisme Pemberian Sanksi Terhadap Notaris yang Melakukan Pelanggaran Kode Etik Jabatan Notaris, *Jurnal Akta*, Vol. 4 No. 4 p.249
- Yulies Tiena Masriani, (2013), Kedudukan Hukum Akta-Akta Notaris Dalam Ekonomi Islam, *Serat Acitya-Jurnal Ilmiah*, Volume 3, No. 2, p. 33

Books:

- Abdul Ghofur Anshori, (2009), *Lembaga Kenotariatan Indonesia, Perspektif Hukum dan Etika*, Yogyakarta : UII Press. p. 46.
- Djoko Prakoso, (1988), *Alat Bukti dan Kekuatan Pembuktian di dalam Proses Pidana*, Yogyakarta : Liberty. p. 82.
- Habib Adjie, (2009), *Hukum Notaris Indonesia (Tafsir Tematik Terhadap Undang-Undang Jabatan No. 30 Tahun 2004 Tentang Jabatan Notaris*, Bandung : Refika Aditama. p. 40
- Habib Adjie, (2009), *Sanksi Perdata dan Administratif Terhadap Notaris sebagai Pejabat Publik*, Bandung : Refika Aditama. p.1
- Liliana Tedjasaputro, (1995), *Etika Profesi Notaris (Dalam Penegakan Hukum Pidana)*, Yogyakarta : Bigraf Publishing. p.86
- Sidharta, (2006), *Moralitas Profesi Hukum, Suatu Tawaran Kerangka Berpikir*, Bandung : Refika. p.2
- Tan Thong Kie, (2001), *Serba Serbi Praktek Notaris*, Jakarta : Ichtiar Baru. p.30
- Tan Thong Kie, (2007), *Studi Notariat dan Serba-Serbi Praktek Notaris*, Jakarta : Ichtiar Baru Van Hoeve. p. 449.
- Tan Thong Kie, (2011), *Studi Notariat dan Serba-Serbi Praktek Notaris (Cetakan Kedua)*, Jakarta : Ichtiar Baru van Hoeve, p.444.