

Analysis of the Evidential Strength of Notarial Deeds in the Activities of the Margi Rizki Demak Savings and Loans Cooperative

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Abstract. *This study aims to analyze the evidentiary power of notarial deeds in the legality of the Margi Rizki Demak Cooperative and identify obstacles and solutions in processing notarial deeds for cooperatives. The urgency of this research lies in the strategic role of cooperatives in the Indonesian economy, particularly in supporting a mutual cooperation-based economy. The research method used is a normative and empirical juridical approach, by reviewing applicable regulations and interviews with notaries, cooperative administrators, and related parties. The results show that the Margi Rizki Demak Cooperative still relies on loan agreements with private deeds based on the principle of kinship, even though notarial deeds have stronger legal force in the evidentiary system. The main problems are the lack of understanding among members, the cost of preparation, and complex administrative procedures. Proposed solutions include legal education, administrative digitization, and collaboration with notaries to strengthen the legality and transparency of cooperative transactions.*

Keywords: Cooperative; Legal Certainty; Notarial Deed.

1. Introduction

Cooperatives are one of the pillars of the people's economy, designed to empower communities through the principles of mutual cooperation and togetherness. Throughout Indonesia's economic history, cooperatives have played a crucial role in providing access to capital for their members, encouraging small and medium-sized enterprises, and creating jobs. The success of cooperatives is determined not only by member participation but also by the existence of regulations and legal

documents that guarantee the legality and certainty of all business activities.¹ Law Number 25 of 1992 concerning Cooperatives provides the legal basis for cooperatives to carry out their functions transparently, accountably, and professionally. This law stipulates that cooperatives must have valid legal documents, one of which is a notarial deed. Notarial deeds are not only required for the establishment of a cooperative legal entity but also serve as authentic evidence in all transactions, particularly those involving savings and loans, business partnerships, and asset management.² In the context of civil law, a notarial deed is legally binding evidence because it is prepared by an authorized public official. As the deed maker, the notary is responsible for ensuring that the agreements outlined in the deed comply with applicable law, do not give rise to disputes, and provide legal protection for all parties involved.³ This is important for cooperatives, especially in maintaining the trust of members and business partners. From a sharia economic perspective, notarial deeds align with the principles of justice, transparency, and transaction recording as recommended in the Qur'an, Surah Al-Baqarah, verse 282. In Islamic teachings, written records are considered an effort to maintain justice and avoid disputes. The application of notarial deeds in cooperative transactions based on the principle of kinship is crucial for ensuring transparency, legal validity, and compliance with sharia values.⁴

Despite its significant benefits, implementing notarial deeds in cooperatives often faces significant challenges. The relatively high cost of deed preparation is often a reason why cooperatives, especially small cooperatives, are reluctant to use notary services.⁵ Furthermore, complex administrative procedures and limited legal knowledge among cooperative administrators and members often hinder document legalization. This situation has the potential to create legal vulnerabilities in the event of disputes or disagreements. The absence of a notarial deed in cooperative transactions can seriously impact business sustainability. Agreements executed privately do not have the same legal force as authentic deeds. As a result, cooperatives risk losses, loss of member trust, or even difficulties in legal proceedings. In the long term, this can hinder the cooperative's growth and diminish its credibility in the eyes of the public.⁶ In addition to being

¹Wulandari, S. (2023). Akta Notaris dalam Pengurusan Kewajiban Koperasi Terhadap Anggota. *Jurnal Kenotariatan dan Hukum Ekonomi*, No. 1, Vol. 13, p. 22.

² Syafitri, A. (2023). Analisis Hukum Akta Notaris dalam Pendirian Usaha Bersama. *Jurnal Hukum Bisnis dan Internasional*, No. 2, Vol. 12, p. 61.

³Ahmad, R. (2017). Kekuatan Hukum Akta Notaris dalam Perjanjian Jual Beli Tanah. *Jurnal Hukum dan Pembangunan*, No. 1, Vol. 47, p. 56.

⁴ Nefianti, B. N., Indriasari, E., & Widyastuti, T. V. (2024). *Kewenangan Notaris dalam Pembuatan Akta Pendirian Koperasi*, Penerbit NEM.

⁵Farida, R. (2019). Akta Notaris dan Implikasinya terhadap Legalitas Perjanjian Koperasi. *Jurnal Hukum Ekonomi Syariah*, No. 2, Vol. 7, p. 55.

⁶Santoso, H. (2018). Kedudukan Akta Notaris sebagai Alat Bukti dalam Sengketa Perdata. *Jurnal Hukum Bisnis dan Perdata*, No. 4, Vol. 15, p. 45.

regulated by the Cooperatives Law, the existence of notarial deeds is also reinforced through various technical regulations, such as the Regulation of the Minister of Cooperatives and Small and Medium Enterprises. This regulation emphasizes that cooperatives with complete legal documents, including notarial deeds, have the potential to receive a better health assessment. This assessment is a crucial factor in cooperative business development, including access to financing and partnerships with other institutions.⁷

The Margi Rizki Demak Cooperative serves as a concrete example of the challenges cooperatives face in implementing notarial deeds. In practice, this cooperative still relies heavily on private agreements with members, even though notarial deeds offer stronger legal protection. This reflects the need for legal education and regulatory support to enable cooperatives to optimally utilize these legal instruments. This research aims to analyze the strategic role of notarial deeds in strengthening the legality of cooperative operations. The focus of the research is not only on the evidentiary value of notarial deeds in the context of civil law, but also on identifying the obstacles faced by cooperatives and recommending possible solutions. With this understanding, it is hoped that cooperatives can improve legal compliance and the quality of their governance.

Overall, the existence of notarial deeds is an important foundation for cooperatives in realizing transparent, accountable, and sustainable governance. This research is expected to contribute to the development of notarial law theory, while also serving as a practical reference for cooperatives in strengthening legal protection and public trust. By strengthening legal aspects, cooperatives can be more competitive in facing the dynamics of the modern economy. The formulation of the research problem is the obstacles and solutions related to notarial deeds at the Margi Rizki Demak Cooperative.

2. Research Methods

This research uses an empirical legal method with a statutory and empirical approach. Data were obtained from primary sources through interviews with cooperative administrators and notaries, as well as secondary sources through a review of literature, relevant laws, and regulations. The data were analyzed qualitatively to identify the evidentiary strength of notarial deeds and the challenges they face.

3. Results and Discussion

The Margi Rizki Demak Cooperative faces various obstacles in implementing notarial deeds in loan transactions. The main obstacle is members' lack of

⁷Wulandari, S. (2023). Akta Notaris dalam Pengurusan Kewajiban Koperasi Terhadap Anggota. *Jurnal Kenotariatan dan Hukum Ekonomi*, No. 1, Vol. 13, p. 22.

understanding of the function and legal consequences of notarial deeds. Many members consider deeds to be merely a formality, which can lead to disputes due to misunderstandings of the agreement's contents. To address this, the cooperative needs to provide legal education, regular outreach, and use simple legal language to ensure members understand their rights and obligations.

The cost of deed preparation is also a significant obstacle, especially for members with small loans. The burden of fees often discourages members from using notarial deeds. Possible solutions include subsidizing part of the costs or offering installment payment schemes to reduce the financial burden on members. Cooperatives can also collaborate with notaries to obtain more affordable rates.⁸ From an administrative perspective, the deed creation process is often hampered by slow and error-prone manual recording systems. Digitizing administration, implementing modern filing systems, and training cooperative employees are strategic steps to expedite the process and improve record-keeping accuracy.⁹ Thus, loan services can be carried out more efficiently and professionally.

Issues with the validity of deeds often arise from drafting errors or non-compliance with legal regulations. Cooperatives must collaborate with experienced notaries and carefully verify documents to ensure the deeds are as legally binding as possible. Furthermore, legal training for administrators is crucial to enhance their understanding of the legal aspects of deeds.¹⁰

Obstacles to deed signing also often arise from members feeling uncertain or lacking an understanding of the document's contents. To address this, cooperatives need to prioritize a personal approach and information transparency, including explaining the contents of the agreement directly. The use of digital signature technology can also expedite the process without compromising the validity of the document. In terms of storage, the risk of document loss or damage can be minimized by implementing a structured storage system, both digitally and physically. This system will facilitate access to important archives and maintain the security of legal documents.

Law enforcement challenges arise when the deed lacks detail and is insufficient to be used as evidence in court. The deed must be more detailed, including clear legal

⁸ Yusrizal, M. (2024). Peran Notaris Sebagai Pejabat Umum Dalam Pendirian Dan Perubahan Badan Hukum Koperasi. In *Seminar Nasional Hukum, Sosial dan Ekonomi* (Vol.3, No.1, p.348-359).

⁹ Permana, I. G. A., & Suhartana, L. W. P. (2021). Peranan Notaris Dalam Pendirian Koperasi Sebagai Badan Hukum, *Journal Education & Development*, 9(3), 586-590.

¹⁰ Dianti, V. P. (2021). *Analisis Kewenangan Notaris Pengganti Dalam Pembuatan Akta Pendirian Koperasi Menurut UU No.2 tahun 2014* (Master's thesis, Universitas Islam Sultan Agung (Indonesia)).

protection clauses, such as guarantees or sanctions in the event of a breach of the agreement. This will strengthen the cooperative's position in the face of potential disputes.¹¹

Member identity verification also needs to be tightened to prevent data errors or identity misuse. The implementation of biometric technology, integration with population data, and electronic ID card-based verification procedures are crucial steps to ensure the accuracy of borrower data. Cooperative deeds are sometimes not recognized by third parties due to legality or registration issues. To address this, cooperatives must ensure all deeds are registered with authorized institutions and meet legal requirements to ensure their validity and widespread recognition. Strengthening the cooperative's image and credibility is also a supporting factor.¹²

Limited legal literacy among members is one of the main causes of low awareness of the importance of notarial deeds. Some members view deeds as mere formalities that provide no direct benefit. However, notarial deeds are authentic evidence with strong legal force to protect the rights and obligations of the parties. Cooperatives need to build legal awareness through educational approaches, such as training, seminars, or regular outreach involving notaries.¹³ This aims to ensure that members understand the legal consequences of each loan agreement they make.

On the other hand, challenges in coordinating with notaries also pose a challenge. Not all notaries have extensive experience handling cooperative documents, which increases the risk of errors in drafting deeds. Therefore, cooperatives need to collaborate with notaries who understand the intricacies of cooperative regulations and related rules. This collaboration not only ensures the validity of documents but also assists the cooperative in drafting agreement clauses that legally protect the interests of members and management.¹⁴

Furthermore, technological developments can be leveraged to support efficiency and transparency in the deed-making process. The implementation of digital signatures, online-based administration platforms, and electronic document storage are strategic steps that can expedite the legalization process. This

¹¹ Rachman, D., & Nissa, S. (2024). Tinjauan Atas Prosedur Pengajuan Pendirian Koperasi Simpan Pinjam Pada Dinas Koperasi, Usaha Kecil Dan Menengah Kabupaten Bandung. *AKURAT/ Jurnal Ilmiah Akuntansi FE UNIBBA*, 15(02), 1-9.

¹² Laksana, A. A. N. M. W., & Mahadewi, K. J. (2023). Legitimasi Hukum yang Tak Terbantahkan: Kekuatan Pembuktian Akta Dibawah Tangan yang Telah Disahkan oleh Notaris. *Jurnal Kewarganegaraan*, 7(1), 466-471.

¹³ Wulandari, F. A. (2023). *Keabsahan Akta Jaminan Fidusia terhadap Perbuatan Hukum Koperasi yang Telah Dinyatakan Pailit* (Doctoral dissertation, Islamic University of Indonesia).

¹⁴ Arifin, J. (2021). *Analisis Peran Dan Tanggung Jawab Notaris Dalam Pendirian Koperasi Di Kota Semarang* (Master's thesis, Sultan Agung Islamic University (Indonesia)).

technology can minimize geographical barriers or time constraints, while increasing members' accessibility to legal information. This modernization also reflects professional and adaptive cooperative governance. Finally, the lack of legal understanding among cooperative administrators is a serious obstacle. Legal training and assistance from notaries or legal experts are needed so that administrators can manage legal documents in accordance with regulations. By implementing appropriate solutions, all notarial deed issues can be minimized, thereby providing stronger legal protection for the cooperative and its members.

4. Conclusion

This study concludes that the implementation of notarial deeds at the Margi Rizki Demak Cooperative still faces various obstacles, particularly in legal aspects, costs, administration, and document validity. The low level of legal literacy among members is a major obstacle, as many consider deeds merely a formality without understanding their evidentiary value. The relatively high cost of deed preparation also reduces interest in using notarial deeds, especially for small loans. Technical obstacles such as manual recording systems, poorly structured document storage, and errors in deed preparation also exacerbate the situation. Cooperatives need to adopt strategic measures such as administrative digitization, the implementation of a technology-based identity verification system, and collaboration with experienced notaries to ensure that each deed meets legal standards. Legal training for administrators and education for members are important solutions to increase legal awareness and prevent potential disputes. This study contributes to concrete recommendations for building more transparent, efficient, and legally compliant cooperative governance. The implementation of strong notarial deeds can increase member trust and strengthen legal protection in every loan transaction. With a comprehensive strategy, cooperatives can transform into professional, sustainable, and highly competitive economic institutions.

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