

Responsibilities of Prospective Notaries Undergoing Internships Regarding the Confidentiality of Notarial Deeds

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Abstract. *Confidentiality of notarial deeds is a fundamental principle of notarial law that serves to guarantee legal certainty, protection of the rights of the parties, and public trust in the notary's position as a public official. Prospective notaries who are undergoing internships have direct access to minutes of deeds and confidential legal data, thus giving rise to legal liability consequences even though they do not yet have the status of a notary. This study aims to analyze the construction of legal liability of prospective notary interns regarding the obligation to maintain the confidentiality of notarial deeds and examine the forms of supervision and legal sanctions for violations of this obligation. The research method uses normative legal research through a statutory and conceptual approach, with data collection techniques in the form of literature studies on laws and regulations, doctrines, and theories of legal liability and legal protection theories. The results of the study indicate that the obligation to maintain the confidentiality of notarial deeds is also inherent in prospective notary interns due to their access and active involvement in notarial activities. The legal liability of prospective notary interns is multidimensional, encompassing criminal, civil, as well as ethical and administrative liability. Supervision of prospective notary interns is carried out through internal mechanisms by supervising notaries and external mechanisms by professional organizations and state institutions, with sanctions that function as preventative and repressive measures to protect the interests of the parties and maintain the dignity of the notary profession. This study emphasizes the urgency of strengthening legal regulations regarding the position and responsibilities of prospective notary interns as an integral part of the national notary legal system.*

Keywords: *Apprenticeship; Candidate; Confidentiality; Notarial.*

1. Introduction

The confidentiality of notarial deeds is a crucial aspect because the deed contains important legal information and facts that are private and have the potential to affect the rights and interests of the parties involved.¹ Prospective notaries who are currently interning in this matter are required to uphold the confidentiality mandate regulated by law to guarantee public trust in the notary institution and to ensure effective legal protection for each individual.²

Furthermore, Indonesia's status as a nation governed by the rule of law also means that any violation of confidentiality provisions by prospective notaries undergoing internships can result in legal and disciplinary sanctions. This emphasizes that no party, including prospective notaries undergoing internships, is above the law. They must be fully responsible for every action taken while carrying out their duties, especially those involving the misuse or disclosure of confidential information. Therefore, strict regulations regarding the confidentiality of notarial deeds are not only normative but also an implementation of the principle of the rule of law in Indonesia.

Overall, Article 1 of the 1945 Constitution states that Indonesia is a state based on the rule of law. This article provides a strong constitutional basis for the implementation of the duties of prospective notaries who are interns, particularly regarding the responsibility to maintain the confidentiality of notarial deeds. This emphasizes that the implementation of notarial functions cannot be separated from applicable legal principles, and must be carried out in good faith and professionalism to ensure legal certainty, protection of the rights of related parties, and public trust in the national legal system. Therefore, prospective notaries who are interns must realize that their position is not only as students or prospective public officials, but also as part of the legal system that is obliged to uphold the values of the rule of law as mandated by the 1945 Constitution.

Article 28 of the 1945 Constitution provides a strong basis for ensuring that the confidentiality of data and documents held by notaries must be strictly maintained as part of the legal protection of the rights of interested parties. Prospective notaries who are currently in their internship, even though they are still in the learning and supervision process, must understand that violations of the confidentiality of deeds can impact the personal and legal rights of the parties listed in the deed. Therefore, the responsibility to maintain the confidentiality of deeds is not merely an administrative obligation, but rather

¹ Amar Bintang et al., "Limitations of Notary's Legal Responsibility in Making Deeds Based on Statutory Regulations," *Adagium: Scientific Journal of Law* 3, no. 1 (2025): 88–103.

² R Moch Arizky Saeful Ikhsan and Ronny Kusuma, "Legal Position of Barcodes on Notary Signatures in the Legal Regulation System in Indonesia," *NUSANTARA: Journal of Social Sciences* 12, no. 6 (2025): 2945–2504.

part of fulfilling basic human rights guaranteed by the state through the constitution.³.

The concept of legal protection for prospective notaries undergoing internships, as stipulated in Article 28, also requires a monitoring mechanism and sanctions for violations committed by prospective notaries interns regarding the confidentiality of deeds. This is in line with the principle of a state based on the rule of law, where the protection of human rights and legal certainty must be accompanied by accountability from the legal profession. Therefore, in addition to internalizing the values of legal protection, prospective notaries interns must understand the legal consequences if proven to have violated the confidentiality provisions, both administratively and criminally, in accordance with applicable laws and regulations.⁴.

A notary is a public official who has the authority to make authentic deeds and the obligation to maintain the confidentiality of the contents of the deeds he makes.⁵This obligation is regulated in Article 16 paragraph (1) letter f of Law Number 30 of 2004 concerning the Position of Notary as amended by Law Number 2 of 2014, which states that notaries are obliged to keep confidential all matters concerning deeds and information obtained in carrying out their position, unless the law stipulates otherwise.⁶.

Before being appointed as a notary, a prospective notary must go through several stages, one of which is an internship at a notary's office for a certain period of time as stipulated in Article 3 letter f of the Notary Law (UUJN). This internship period aims to provide prospective notaries with practical experience in carrying out notarial duties and a deep understanding of professional ethics, including maintaining the confidentiality of deeds and private documents.⁷.

However, in practice, the responsibility of prospective notaries participating in internships for the confidentiality of notarial deeds is not yet specifically and

³ I Gusti Made Ardianta, Aris Munandar, and Djumardin Djumardin, "Legal Analysis of Notary Public's Right to Refuse Regarding the Confidentiality of Notarial Deed Minutes Contents Based on Notarial Law and Code of Ethics," *Jurnal Risalah Kenotariatan* 4, no. 2 (2023): 8.

⁴ Henry Donald Lbn Toruan, "Legality of the Existence of the Notary Supervisory Board and the Notary Honorary Board. *Journal of De Jure Legal Research*," *Journal of De Jure Legal Research* 20, no. 3 (2020): 435–58.

⁵ Lidia Sinaga, Madiasa Ablizar, and Mahmud Siregar, "Responsibilities of Notaries and Notary Employees in Maintaining the Confidentiality of Deeds," *Visi Sosial Humaniora* 2, no. 2 (2021): 152–66.

⁶ Rita Permanasari and Ahmad Khisni, "Legal Immunity for Notaries Who Reveal Official Secrets," *Jurnal Akta* 5, no. 1 (2018): 25–32.

⁷ SA Romli, Muhamad Sadi Is, and Lidya Desrika, "Legal Implications of Decision Number 50 P/Hum/2018 on the Cancellation of Regulation of the Minister of Law and Human Rights Number 25 of 2017 Concerning the Notary Appointment Examination," *ELQONUN: Journal of Constitutional Law* 1, no. 2 (2023): 156–70.

firmly established, either in the Notary Law (UUJN) or its implementing regulations. This raises potential problems, particularly when prospective notaries who are interns leak the contents of deeds or other important information. Several cases of leaks of important information from notary offices are suspected to involve internal parties, including interns, but have received little attention in academic studies.

Normatively, the principle of confidentiality is regulated in Article 4 of the Notary Law (UUJN), which requires notaries to maintain confidentiality regarding all matters relating to deeds and their position. However, there are no explicit regulations regarding the responsibilities and sanctions for prospective notary trainees who violate this principle. This creates a legal loophole that can create legal uncertainty and weaken the protection of the parties to the deed.⁸.

Sociologically, data shows that in West Java, including Kuningan Regency, there has been an increase in the number of prospective notaries undergoing internships. Information from several notary offices indicates concerns among notaries regarding ethical violations by interns, particularly regarding data misuse and document leaks. Emerging cases, such as the alleged leak of asset sales information by an intern at one notary office, serve as a significant warning that supervision and regulation of interns need to be tightened.

The urgency of this research is further heightened given the importance of maintaining the integrity of the notary profession and protecting the rights of the parties listed in the deeds. Without clear responsibilities and adequate legal regulations, internships have the potential to become a vulnerable point for legal violations that harm the public. This research is expected to contribute to the formulation of a more assertive legal policy direction regarding the legal position and responsibilities of prospective notaries during their internship, particularly regarding maintaining the confidentiality of deeds.

This research was conducted with the aim of delving deeper into the legal responsibilities of prospective notaries who are interns regarding deeds at their mandatory internship location. Therefore, this research determined the formulation of the problem as a limitation of its discussion, namely (1) What is the legal responsibility of prospective notaries regarding the confidentiality of authentic deeds?; (2) What is the form of supervision and sanctions for prospective notary interns who violate the obligation of confidentiality of deeds? This research will be conducted to discuss further the formulation of the problem with analysis according to the specified research method.

⁸ Muhammad Dimas Giovandre Diputra and Rahmida Erliyani, "The Existence of Prospective Notaries in Undertaking Internships According to the Notary Law," *Collegium Studiosum Journal* 7, no. 1 (2024): 116–30.

2. Research Methods

The type of research used in this thesis is normative legal research (normative juridical). This research is conducted by examining applicable legal norms, including statutory regulations, legal principles, doctrines, and relevant legal theories. This legal research is structured using two approaches: the Statute Approach and the Conceptual Approach. Research data is collected through library research that focuses on written legal sources and other supporting materials that support the analysis. The collected data is then analyzed qualitatively using a normative descriptive-analytical approach.

3. Results and Discussion

3.1. Legal Responsibilities of Prospective Notaries Undergoing Internships in Maintaining the Confidentiality of Deeds

In general, prospective notary interns are undergraduate graduates in law who are currently undergoing an internship as one of the requirements to be able to take the notary professional exam and be appointed as a notary.⁹In practice, prospective notary interns are placed in the office of their supervising notary and are involved in various administrative and technical activities, including drafting deeds, managing minutes, and archiving documents. This gives prospective notary interns access to highly important and confidential information, both regarding the data of the parties and the substance of the deeds being prepared.

From a positive legal perspective, even though a prospective notary public is not yet a public official, they can still be held legally accountable for leaking official secrets. This is affirmed in Article 322 of the Criminal Code (KUHP).¹⁰which stipulates that:

"Anyone who intentionally reveals a secret that he is obliged to keep because of his position or work, whether present or former, is threatened with imprisonment or a fine."¹¹

This provision provides the basis that not only notaries can be held accountable, but also other parties who, due to their position, are privy to confidentiality, including prospective notary trainees. Therefore, legally, the obligation to maintain confidentiality of the contents of a deed binds not only notaries but also prospective notary trainees involved in the notary's office activities.

⁹ Lepthoeve Tobias Tunjan, "Responsibilities of Notaries to Prospective Notaries Who Are Interning at Their Place," *Collegium Studiosum Journal* 6, no. 1 (2023): 296–307.

¹⁰ Winahyu Erwiningsih, "The Role and Responsibilities of Notaries in Maintaining Official Secrecy in Criminal Justice Processes" (Master Thesis: Islamic University of Indonesia, 2020).

¹¹Article 322 of the Criminal Code

An example of a case that can be raised is when a prospective notary trainee without permission conveys the contents of a deed to an unauthorized third party. This action clearly contradicts the obligation to maintain the confidentiality of the notary's position as stipulated in Article 4 paragraph (2) of the Notary Law (UUJN), which states that notaries are obliged to maintain the confidentiality of all matters concerning the deeds they make. Even though the prospective notary has not yet officially taken office, direct involvement in the internship process gives rise to ethical and legal responsibilities that cannot be ignored.

To understand the position of prospective trainee notaries in maintaining the confidentiality of deeds, the legal liability theory is used.¹² This theory emphasizes that anyone who commits a legal act or gains access to a certain authority has legal consequences for their actions. Legal liability can arise in various forms, namely:

- a. Criminal liability, if the actions of the prospective trainee notary public revealing the secrets of the deed cause loss or endanger certain parties as regulated in Article 322 of the Criminal Code concerning the crime of revealing official secrets;
- b. Civil liability, if the action is detrimental to the parties to the deed, giving rise to the right to claim compensation;
- c. Administrative and ethical responsibilities, which arise within the framework of the notary's code of ethics and supervision of professional organizations, where the supervising notary is also responsible for guiding and supervising his/her internship.

Thus, the theory of legal responsibility positions prospective notary trainees as legal subjects with responsibilities, even though they are still in the learning stage. This responsibility is multi-layered: personal as individuals, professional as prospective notaries, and ethical as part of a legal professional organization.

Based on a normative analysis of laws and legal doctrines, several conclusions can be drawn regarding the responsibilities of prospective notary trainees in maintaining the confidentiality of deeds. First, even though prospective notaries do not yet have an official position as a notary, they are still burdened with a legal obligation to maintain the confidentiality of deeds because they have direct access to the minutes of the deed and client data. The Notary Law, the Criminal Code, and the Notary Code of Ethics do not explicitly mention prospective notary

¹² Pinda Hapsari Manitis, "Responsibilities of Notary Staff as Witnesses Regarding the Confidentiality of Deed Contents in Semarang Regency" (Master Thesis: Sultan Agung Islamic University (UNISSULA), 2024).

trainees, but systematically the obligation to maintain confidentiality is inherent through the office order delegated by the supervising notary.

Second, the legal responsibilities of prospective notary trainees encompass three aspects. Criminally, they can be held accountable for the crime of disclosing professional secrets under Article 322 of the Criminal Code. Civilly, prospective notaries can be sued for damages by parties injured by the information leak. Ethically, they can be subject to internal sanctions from their supervising notary or professional organization, including a warning, termination of their internship, or a prohibition from further steps toward becoming a notary.

Third, from the perspective of legal responsibility theory, the presence of prospective notary trainees within the organizational structure of a notary's office places them as individuals who share the burden of legal responsibility, even if their actions are carried out in a learning capacity. Thus, the responsibilities of prospective notary trainees are determined not only by formal regulations but also by personal integrity, guidance from supervising notaries, and a culture of professionalism in notarial practice.

The results of this study confirm that the legal responsibility of prospective notary trainees to maintain the confidentiality of deeds is an integral part of ensuring the dignity of the notarial profession. From the internship stage, prospective notaries should be prepared to uphold the profession's mandate and ethics, as successfully maintaining the confidentiality of deeds will reflect the moral quality and professionalism of prospective notaries in the future.

3.2. Forms of Supervision and Sanctions Against Prospective Notary Apprentices Who Violate the Obligation to Maintain Confidentiality of Deeds

The position of notary is a position of trust that highly upholds confidentiality and integrity.¹³ Therefore, everyone involved in notarial activities, including prospective notary trainees, is obliged to maintain the confidentiality of the deeds that are part of their work. However, because prospective notaries do not yet have official status as public officials, supervision of them is not explicitly regulated in the Notary Law (UUJN). Nevertheless, in practice, prospective notaries remain within the scope of supervision, whether by supervising notaries, professional organizations, or general legal mechanisms. The question that then arises is what form of supervision and sanctions can be imposed if a prospective notary trainee violates the obligation to maintain the confidentiality of deeds.

Supervision of prospective notary interns can be viewed from two perspectives: internal supervision and external supervision. First, internal supervision is carried

¹³ Wahyu Satya Wibowo, Johni Najwan, and Firdaus Abu Bakar, "The Integrity of Notaries as Officials Making Authentic Deeds in the Notary Position Law," *Recital Review* 4, no. 2 (2022): 324, <https://doi.org/10.22437/rr.v4i2.18861>.

out by the supervising notary. As the party responsible for accepting prospective notary interns, the supervising notary is obliged to provide direction, guidance, and control over all of the prospective intern's activities. This supervision includes providing clear instructions regarding permitted and prohibited tasks, monitoring document access, and periodically evaluating the prospective notary's attitude and behavior during the internship. In the event of a violation, the supervising notary can issue a warning, issue a written warning, or even terminate the prospective notary's internship.¹⁴

Second, external oversight is carried out by professional organizations, particularly the Indonesian Notaries Association (INI). Although prospective notaries are not yet full members, professional organizations still play a role in maintaining the quality of prospective notaries through recommendations and assessments of their eligibility. If there are reports of violations, professional organizations can consider the prospective notary's track record in providing recommendations for passing the internship to the next stage of the notary profession. Furthermore, external oversight is also embedded in state institutions, such as the Ministry of Law and Human Rights, which has the authority to appoint notaries. If there is evidence that a prospective notary has violated the confidentiality of deeds, this can be grounds for rejection of the appointment in the future.¹⁵

To explain these oversight and sanction mechanisms, the theory of legal protection is used. This theory essentially emphasizes that law exists to provide protection to legal subjects, both through preventive and repressive measures.

In the context of prospective notary trainees, preventative legal protection is reflected in the mandatory supervision of the supervising notary. This supervision aims to ensure that prospective notaries understand professional ethics from the outset, preventing violations that could harm others. With preventative supervision, it is hoped that prospective notaries will be able to fulfill their obligations to maintain the confidentiality of deeds without having to face sanctions.

Meanwhile, repressive legal protection arises when a violation occurs.¹⁶ At this stage, prospective notary trainees may be subject to sanctions designed to restore justice and protect the interests of the injured party. These sanctions can

¹⁴ Perdana Hendra Wicaksana, "The Effectiveness of Online Guidance and Supervision of Notaries by the Regional Supervisory Board in Bantul Regency" (Dissertation: Islamic University of Indonesia, 2024).

¹⁵ Hardini Febriani, "Legal Politics of the Organizational Regulation of the Indonesian Notaries Association (INI)" (Dissertation: Islamic University of Indonesia, 2025).

¹⁶ Helmy Achmad and Biner Sihotang, "Optimizing the Role of the Indonesian Notaries Association in Legal Protection for Notaries," *Al-Zayn: Journal of Social Sciences & Law* 3, no. 4 (2025): 5320–33.

include ethical, administrative, or criminal sanctions. From an ethical and administrative perspective, the supervising notary may terminate the internship or withhold a recommendation for continuation. Professional organizations may also record the violation in their files and use it as a basis for rejecting or postponing the prospective notary's appointment. Criminally, prospective notaries may be prosecuted under Article 322 of the Criminal Code if their actions constitute disclosure of professional secrets.

Thus, the theory of legal protection emphasizes that the mechanism of supervision and the imposition of sanctions is not merely to punish, but also to protect the interests of the parties in the deed and to maintain the dignity of the notary profession.

Based on the analysis, it can be seen that supervision of prospective notary trainees plays a crucial role in maintaining the quality of the future notary profession. Internal supervision by a supervising notary is the most direct form, as the prospective notary is within the notary's work environment. Meanwhile, external supervision by professional organizations and state institutions provides an additional layer of control to ensure that only prospective notaries with high integrity are appointed as notaries.

The sanctions that can be imposed on prospective notary trainees who violate the obligation to maintain the confidentiality of deeds are multi-layered. First, ethical sanctions include a warning, termination of the internship, or rejection of recommendations from the supervising notary or professional organization. Second, administrative sanctions impact the notary candidate's appointment process, such as the postponement or cancellation of the opportunity to take the notary professional examination. Third, criminal and civil sanctions, if the violation results in actual harm to the parties involved in the deed.

Based on these results, it can be understood that the system of monitoring and imposing sanctions on prospective notary trainees is a legal protection instrument aimed not only at protecting the parties involved in the deed, but also at protecting the notary profession itself from degradation. A prospective notary must recognize from the outset that the confidentiality of the deed is not merely a legal obligation, but also a trust whose violation will preclude their ability to gain trust as a public official in the future.

4. Conclusion

The legal responsibility of prospective notary trainees to maintain the confidentiality of deeds, according to applicable laws and regulations, is essentially multi-layered. This responsibility encompasses criminal aspects (Article 322 of the Criminal Code concerning disclosure of official secrets), civil (Article 1365 of the Civil Code concerning unlawful acts), and ethical-administrative aspects (reprimands, termination of the internship, or rejection of

a recommendation for appointment as a notary). Supervision and sanctions against prospective notary trainees who violate the obligation to maintain the confidentiality of deeds are implemented through internal oversight mechanisms by the supervising notary and external oversight by professional organizations and state institutions. Sanctions that can be imposed include ethical sanctions (reprimands, revocation of recommendations), administrative sanctions (postponement or cancellation of appointment as a notary), and general legal sanctions in the form of criminal and civil cases.

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Regulation:

The 1945 Constitution of the Republic of Indonesia

Criminal Code

Civil Code

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