

Notary's Responsibilities in Providing Social Services in Sragen Regency

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Abstract. *This study examines the responsibility of notaries in providing social services in Sragen Regency. The focus of the study is on why the implementation of notaries' social obligations has not been optimal and what obstacles are faced in practice. This social obligation is regulated in Article 37 of the Notary Law (UUJN), which requires notaries to provide free legal services to the underprivileged. The type of research used is empirical law with a structural approach and economic analysis of law. Primary data were obtained through interviews with notaries in Sragen Regency, while secondary data were sourced from laws and regulations, literature, and legal journals. Data analysis was conducted using descriptive qualitative methods. The results of the study indicate that the implementation of social obligations by notaries is still limited to waiving notary service fees, without covering other costs such as taxes and administration. Furthermore, the lack of clear criteria for the underprivileged community makes its implementation subjective. The main obstacles include a lack of public knowledge, the absence of technical regulations, and high notary operational costs. This study concludes that the implementation of notaries' social responsibilities in Sragen is not optimal. It is recommended that there be legal counseling, regulation of criteria for service recipients, and state support so that notaries can maximize their social obligations.*

Keywords: Notary; Responsibility; Social Services; Underprivileged Community.

1. Introduction

A notary is a public official who is given authority by the state to make authentic deeds and other authorities as regulated in the Notary Law (UUJN).¹Deeds made by notaries have perfect evidentiary power, so their existence is very important in guaranteeing legal certainty, order, and protection of the rights of the community.²Therefore, the notary's role not only plays an administrative role but also carries moral and social responsibilities. One manifestation of a notary's social responsibility is the provision in Article 37 of the UUJN, which states that "Notaries are required to provide free legal services in the notarial field to those who cannot afford it."³This norm emphasizes that the notary profession should not be viewed solely as a profession focused on honorariums, but also has a social dimension aimed at ensuring legal access for the underprivileged. This provision is expected to ensure that people from all walks of life can access legal services fairly without financial constraints.

However, in practice, this social obligation has not been implemented optimally. Research in Sragen Regency shows that the majority of notaries only provide fee relief for notarial services, while other costs such as stamp duty, taxes, and administration remain borne by the public. This results in the provisions of Article 37 of the UUJN not being implemented in accordance with the "free" spirit mandated by the law. Furthermore, to date, there are no clear criteria for who can be categorized as poor. The UUJN does not provide an explanation of economic or administrative indicators that can serve as a basis. As a result, the implementation of this social obligation is highly dependent on the personal discretion of notaries. In practice, some notaries use a certificate of poverty from the village, while others rely solely on subjective observations of the condition of the person appearing before them.⁴This situation creates non-uniformity in practice, and even opens up space for discrimination that can be detrimental to society.

Another obstacle is the high operating costs of notary offices. To carry out their profession, notaries require funds to cover employee salaries, electricity, stationery, and tax obligations. Even though legal services are provided free of charge, notaries must still cover these costs. This situation creates a dilemma: on the one hand, notaries are required to fulfill their social obligations, but on the other, they must ensure the financial viability of their offices.⁵From the

¹Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary

²G.H.S. Lumban Tobing, (1999), *Peraturan Jabatan Notaris*, Jakarta: Erlangga, p. 45.

³Article 37 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary

⁴Habib Adjie, (2011), *Hukum Notaris Indonesia: Tafsir Tematik terhadap UU Jabatan Notaris*, Bandung: Refika Aditama, p. 122.

⁵Liliana Tedjosaputro, (2012), *Etika Profesi Notaris dalam Penegakan Hukum Pidana*, Yogyakarta: Bigraf Publishing, p. 88

perspective of Gustav Radbruch's Theory of Legal Purposes, the social obligations of notaries actually embody the value of justice, as they provide equal opportunities for both the wealthy and the disadvantaged. They also provide legal certainty, as they are enshrined in written norms. However, in terms of utility, these provisions have not been effectively implemented due to their limited implementation.⁶ This means that legal norms exist, but they have not yet achieved their intended goals. Meanwhile, according to Philipus M. Hadjon's Legal Protection Theory, legal protection can be divided into preventive and repressive. The social obligations of notaries should function as preventative legal protection, providing opportunities for disadvantaged communities to access their rights before disputes arise. However, in reality, due to the lack of adequate technical regulations and oversight, this legal protection is ineffective.⁷

Thus, there is a gap between legal norms and social practice. Article 37 of the UUN (National Notary Law) normatively regulates the social obligations of notaries, but its implementation in Sragen Regency has been suboptimal. This is due to a lack of public awareness, the absence of technical regulations, the burden of operational costs, and the professional dilemmas faced by notaries. Based on these issues, this research is crucial for a deeper examination of the implementation of notary social responsibility in Sragen Regency. It also aims to identify inhibiting factors and provide recommendations for more effective implementation of notary social obligations, ensuring access to justice for all levels of society.

2. Research Methods

The type of research used in this work is empirical legal research. Empirical legal research not only examines law as written norms but also examines how that law is understood and implemented in societal practice.⁸ This research uses two approaches, namely the Structural Approach, used to understand the relationship between legal norms, notary institutions, and social reality.⁹ And Economic Analysis of Law is used to assess the effectiveness and efficiency of implementing notary social obligations by considering cost and benefit factors.¹⁰ Data sources come from primary and secondary data. Data collection methods include interviews, document studies, and library materials. The data analysis method used is descriptive qualitative. The collected data is not judged as right or wrong, but rather presented systematically to illustrate the actual conditions of notary social obligations. Furthermore, the data is linked to the legal theories used,

⁶Gustav Radbruch, (1990), *Filsafat Hukum*, diterjemahkan oleh Satjipto Rahardjo, Jakarta: PT Gramedia, p. 39

⁷Philipus M. Hadjon, (1987), *Perlindungan Hukum bagi Rakyat Indonesia*, Surabaya: Bina Ilmu, p. 25

⁸Soerjono Soekanto, (2006), *Pengantar Penelitian Hukum*, Jakarta: UI Press, p. 52

⁹Satjipto Rahardjo, (2000), *Ilmu Hukum*, Bandung: Citra Aditya Bakti, p. 116.

¹⁰Richard A. Posner, (1973), *Economic Analysis of Law*, Boston: Little Brown and Company, p. 23

namely Gustav Radbruch's Theory of Legal Purpose and Philipus M. Hadjon's Theory of Legal Protection, to gain a comprehensive understanding.¹¹

3. Results and Discussion

3.1. The implementation of notary responsibilities in providing social services in Sragen Regency is not yet optimal.

The Implementation of Notaries' Responsibilities in Providing Social Services in Sragen Regency is Not Optimal. This is evident from various indicators that show that the role of Notaries in carrying out their social responsibilities has not fully addressed the needs of the community, especially the underprivileged. Based on the results of field research, notaries in Sragen do have an understanding of their moral and social obligations, but in practice, the implementation of these responsibilities is often hampered by various internal and external factors. One of the main problems that arises is the lack of consistency of notaries in providing social services to those in need. Although some notaries have provided pro bono services, the number is still very limited and not carried out continuously. This condition gives the impression that the implementation of social responsibility by notaries is more of a formality than a real commitment to the welfare of society. Furthermore, most people are not even aware that notaries have a social responsibility inherent in their profession, so the level of utilization of these services is also relatively low.

On the other hand, in terms of regulation, the Notary Law (UUJN) does not explicitly stipulate the obligation of notaries to provide social services to the community. The legal regulations only emphasize the notary's function as a public official authorized to issue authentic deeds, provide legal certainty, and safeguard the interests of the parties. However, in social practice, there are dimensions of morality and professional responsibility that require notaries to play an active role in assisting the community, especially the underprivileged. Thus, there is a gap between the formal legal basis and the growing social demands in society. Furthermore, the busy schedule of notaries in carrying out their professional duties is another reason why social responsibility is difficult to fulfill optimally. Many notaries focus on commercial interests, namely serving economically well-off clients, as this better ensures the sustainability of their practice. As a result, the interests of the underprivileged are neglected. Furthermore, the lack of coordination between notaries and social institutions or local governments also exacerbates the situation, because without good synergy, social services cannot be implemented systematically.

¹¹Gustav Radbruch, (1990), *Filsafat Hukum*, diterjemahkan oleh Satjipto Rahardjo, Jakarta: PT Gramedia, p. 39; Philipus M. Hadjon, (1987), *Perlindungan Hukum bagi Rakyat Indonesia*, Surabaya: Bina Ilmu, p. 25

This situation indicates that the social responsibility of notaries in Sragen is still influenced by an individualistic paradigm, where profit orientation is more dominant than the value of service. In fact, notaries, as public officials, should prioritize the principle of social justice, especially in providing access to justice for those in need. The lack of optimization of this role also has implications for low public trust in the notary profession as part of the legal system that should provide inclusive legal protection. Thus, the research results confirm that although notaries normatively have a moral and social responsibility in providing services, in practice, this implementation still falls short of expectations. Collective awareness is needed, both from notaries themselves and from the government and professional organizations, to uphold the principles of more inclusive and equitable social services in Sragen Regency.

3.2. Obstacles faced by Notaries in providing Social Service Assistance to the Community in Sragen Regency

In practice, the implementation of social services by notaries in Sragen Regency has not been fully effective and optimal. Although notaries have a social role as stipulated in the Notary Law (UUJN), empirically, various obstacles affect their performance and contribution to society, particularly to disadvantaged groups. These obstacles can be classified into several aspects: internal factors within the notary, external factors within the community, and regulatory and institutional factors.

1. Internal Factors of Notaries

Several obstacles stem from the internal circumstances of notaries themselves. First, time constraints and professional workloads often make it difficult for notaries to provide dedicated space for social services. The notary profession is required to consistently provide legal services in a timely, accurate, and procedural manner, resulting in social aspects often being marginalized. Second, not all notaries share the same understanding of the urgency of social services. Differences in motivation, background, and professional orientation lead to variations in implementation. Some notaries still view social services as an additional activity, rather than an integral part of their moral and legal responsibilities. Furthermore, financial constraints also present a barrier. Social services, particularly for the underprivileged, often require financial sacrifices from notaries, for example, in the form of reduced or waived service fees. Not all notaries are prepared to undertake this, especially when it is linked to the sustainability of the notary office, which must remain professionally managed.

2. External Factors from Society

Another obstacle arises from the beneficiary community. Lack of public understanding of the role and function of notaries often leads to underutilization of the social services offered. Many people are more familiar with the role of

notaries as limited to the preparation of authentic deeds and formal legal transactions, without understanding that notaries also have social responsibilities. Furthermore, there is still a lack of trust among some in the notary profession. This is due to the stigma that notary services are synonymous with high costs, so people are reluctant to approach them even though there are actually opportunities to obtain social services at low costs or even free. The diverse socioeconomic conditions of the Sragen community also present their own obstacles. For people with low levels of education, legal awareness is also low, limiting access to notary social services.

3. Regulatory and Institutional Factors

The next obstacle relates to regulations and institutional aspects. Normatively, the Notary Law does not explicitly regulate the obligations of notaries to provide social services. As a result, the social role of notaries is often understood only as a moral responsibility, rather than a legal obligation that must be fulfilled. This lack of norms creates heterogeneity in practice. Furthermore, notary professional organizations such as the Indonesian Notaries Association (INI) have not yet maximally encouraged their members to provide social services. Social activities facilitated by these organizations are still incidental, unstructured, and unsustainable. This contributes to the low level of notary participation in social activities.

4. Critical Analysis of Barriers

When examined from the perspective of the theory of the social role of the profession, these obstacles indicate a gap between the ideal role of notaries as public officials and public servants and the reality of their implementation in the field. Internal obstacles illustrate that professionalism often takes precedence over social responsibility. External obstacles, meanwhile, point to issues of communication and legal understanding at the community level. Regarding the regulatory aspect, the weakness of the legal framework demonstrates the need for stronger, more stringent regulations. The absence of explicit provisions renders social services ineffective, leaving their implementation largely dependent on the awareness of each notary.

5. Implications for Optimizing Social Services

The obstacles outlined above have implications for the suboptimal provision of notary social services in Sragen Regency. The notary's social role remains partial, sporadic, and dependent on individual factors. If these obstacles are not addressed promptly, the notary's significant potential as a law enforcement agency that supports the needs of the less fortunate will not be realized.

From the perspective of national legal development, this situation is certainly inconsistent with the spirit of a state based on the rule of law, which prioritizes

social justice. As public officials, notaries should be able to address the legal needs of the lower classes, not simply serve the middle and upper classes.

4. Conclusion

Notaries' social responsibility is not yet optimal. Article 37 of the Notary Law requires notaries to provide free legal services to the underprivileged, but implementation in Sragen Regency remains limited. Notaries generally only waive service fees, while other costs, such as stamp duty, taxes, and administration fees, remain the responsibility of the public. The lack of clear criteria for low-income communities results in the provision of social services being highly subjective and varying among notaries. This creates legal uncertainty and the potential for discrimination. The main obstacles faced by notaries in providing social services include: a. lack of public knowledge, b. lack of technical regulations, c. high office operating costs, d. conflict between professional idealism and material needs. Thus, it can be concluded that legal norms already exist, but their implementation in the field is still a formality and has not been able to provide maximum benefits for the underprivileged community.

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