

## The Role of Notaries in Ensuring Legal Protection for Customers and Customization Entrepreneurs

Isro'i<sup>1)</sup> & Bambang Tri Bawono<sup>2)</sup>

<sup>1)</sup> Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: [isroi.std@unissula.ac.id](mailto:isroi.std@unissula.ac.id)

<sup>2)</sup> Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: [bambang@unissula.ac.id](mailto:bambang@unissula.ac.id)

**Abstract.** *The development of the creative industry, particularly in the field of motor vehicle customization, has created a need for clear legal protection for both customers and entrepreneurs. The existence of a Notary as a public official has an important role in providing certainty, order, and legal protection through the creation and ratification of deeds of agreement between the parties. This study aims to analyze the role of notaries in ensuring legal certainty in vehicle customization practices, identify potential disputes that may arise, and analyze legal instruments that can be used to protect the interests of both parties. The research method used is a normative juridical approach with a literature study and analysis of related laws and regulations. The results of the study indicate that authentic deeds made by notaries function as strong evidence and provide preventive and repressive legal protection. In addition, notaries also play a role as mediators who ensure that the rights and obligations of customers and entrepreneurs are stated in a balanced manner. Thus, the presence of notaries in vehicle customization transactions not only supports the growth of the creative industry but also increases public trust through guaranteed legal certainty.*

**Keywords:** Authentic Deed; Customer; Industry; Protection.

## 1. Introduction

The development of the creative industry in Indonesia over the past decade has shown significant growth, one of which is in the field of motor vehicle customization. Customization activities are not only a form of artistic expression and lifestyle, but also a growing business opportunity that contributes economically to creative entrepreneurs. However, the practice of vehicle customization often raises legal issues, both in terms of contract certainty, quality assurance of work, and protection of customer rights as consumers.

In this context, the presence of a notary as a public official authorized to create an authentic deed plays a strategic role. A notary can help formulate a clear, balanced, and legally binding agreement between the customization entrepreneur and the customer. Through an authentic deed, each party has stronger legal protection in the event of a future dispute. Furthermore, the notary also acts as a neutral party, bridging the interests of both parties to ensure justice and legal certainty.<sup>1</sup>

The urgency of this research lies in the crucial role of notaries in supporting the growth and development of the creative industry, while ensuring adequate legal protection. With legal certainty, both customers and customization entrepreneurs will feel safer and more protected in conducting transactions. This research uses a normative juridical approach by examining laws and regulations, legal doctrine, and emerging practices within the motor vehicle customization industry.<sup>2</sup>

Therefore, this study aims to analyze the extent to which the role of notaries can provide legal protection guarantees for customers and customization entrepreneurs, as well as how legal instruments through authentic deeds are able to prevent and resolve potential disputes that arise in the practice of motor vehicle customization.

## 2. Research Methods

This research uses a normative legal research method, namely legal research that starts from applicable positive legal norms. This approach was chosen because the study focuses on analyzing the role of notaries in providing legal protection through authentic deeds in motor vehicle customization practices.

The types of approaches used include:

1. Statute Approach, by reviewing Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, the Civil Code (KUHPerdota), and other relevant laws and regulations<sup>3</sup>.

---

<sup>1</sup>Tan Thong Kie. (2007). Notary Studies and the Ins and Outs of Notary Practice. Jakarta: Ichtiar Baru van Hoeve.

<sup>2</sup>Adrian Sutedi. (2009). Legal Protection for Consumers. Jakarta: Sinar Grafika.

<sup>3</sup>authentic deeds made by a notary have perfect evidentiary power in court, Habib Adjie (2008).

2. Conceptual Approach, by examining legal doctrine, principles of contract law, and legal protection theory.

3. Case Approach, by analyzing court decisions or legal cases related to motor vehicle customization disputes (if any).

The sources of legal materials used consist of:

1. Primary legal materials, namely applicable laws and regulations, including the Civil Code, the Notary Law, and the Consumer Protection Law.

2. Secondary legal materials, in the form of literature, books, journals, research results, and opinions of legal experts discussing agreements, the role of notaries, and consumer protection.

3. Tertiary legal materials, such as legal dictionaries and legal encyclopedias which function to provide additional understanding of legal terms.

The legal material was collected through library research. Data analysis was conducted using a descriptive-analytical method, describing applicable legal norms and analyzing their relationship to the role of notaries in ensuring legal protection for customers and customization entrepreneurs.

#### Theoretical Framework

This research is based on several relevant legal theories, including:

1. Legal Protection Theory (Satjipto Rahardjo) Explains that the law is there to provide protection to the weak, in this case customers as consumers of motor vehicle customization services.

2. Agreement Theory (Subekti) Emphasizes the importance of the principle of consensualism, the principle of freedom of contract, and the principle of good faith in every agreement made between customers and customization entrepreneurs.

3. Theory of Legal Certainty (Gustav Radbruch) Emphasizing the importance of legal certainty through authentic deeds made by a notary, so that the rights and obligations of the parties are more guaranteed.

4. Theory of Justice (John Rawls) Underlines that notaries play a role in bridging the interests of both parties fairly and proportionally.

#### Framework

Motor vehicle customization activities have the potential to create conflicts of interest between customers and businesses, particularly regarding the suitability of workmanship, cost, and timeframe. In this context, a notary plays a crucial

role as a party guaranteeing legal certainty by creating an authentic deed of agreement.

Through this framework of thought, research is conducted with the following flow:

1. Identify legal issues in vehicle customization practices (potential for disputes, weak consumer position, lack of contract certainty)<sup>4</sup>.
2. Analysis of legislation relevant to the position of notary, contract law, and consumer protection<sup>5</sup>.
3. Application of legal theory (legal protection, agreements, legal certainty, and justice) to understand how the role of notaries can strengthen legal protection<sup>6</sup>.
4. Conclusion regarding the role of notaries and the effectiveness of authentic deeds as legal instruments that guarantee certainty, justice and protection for customers and customization entrepreneurs.

### **3. Results and Discussion**

#### **3.1. The Role of Notaries in Providing Legal Protection**

Notaries play a crucial role in ensuring that every motor vehicle customization agreement is clearly stated and legally binding. Authentic deeds prepared by a notary serve not only as valid written evidence but also as a form of preventative protection that can minimize disputes. Thus, notaries not only perform administrative functions but also make a substantial contribution to creating legal certainty for customers and entrepreneurs.<sup>7</sup>

Legal review of the role of notaries in providing legal protection

##### **a. Notary's position as a public official**

A notary is a public official with authority based on Law Number 30 of 2004 concerning the Office of Notaries (UUJN), as amended by Law Number 2 of 2014. A notary's position as a public official grants them the authority to create authentic deeds that have full evidentiary force before the law. This positions notaries as a crucial instrument in ensuring legal certainty and protection for the public.

---

<sup>4</sup>Civil disputes generally arise due to failure to fulfill obligations (default) or unlawful acts. The role of a notary in this case is to ensure that the agreement is made clearly, in detail, and in a balanced manner so as to prevent disputes from arising. Munir Fuady (2014),

<sup>5</sup>The principle of freedom of contract provides freedom for parties to determine the contents of the agreement, as long as it does not conflict with the law, public order and morality. Subekti (2008)

<sup>6</sup>Consumer protection is needed because the position of consumers tends to be weaker compared to business actors Adrian Sutedi (2009).

<sup>7</sup>Adjie, Habib. (2008). Indonesian Notary Law: A Thematic Interpretation of Law No. 30 of 2004 concerning the Position of Notary. Bandung: Refika Aditama.

a. The function of a notary in providing legal certainty

An agreement outlined in a notarial deed provides certainty regarding the rights and obligations of the parties. With an authentic deed, every legal act can be clearly proven, thereby reducing the risk of disputes. This legal certainty provides tangible legal protection for both customers and entrepreneurs in business activities, including in the creative industry sector, such as vehicle customization.

b. Preventive Legal Protection

The notary's role in providing legal protection extends beyond providing evidence and also serves as a preventative measure. Notaries are required to clearly, transparently, and in accordance with the law. This preventative protection prevents potential future disputes by ensuring that agreements do not contain clauses that are detrimental to either party, particularly the consumer.

c. Repressive Legal Protection

If a legal dispute persists, a notarial deed serves as authentic evidence with full legal force. In litigation, judges use authentic deeds as the primary evidence to assess the validity of a legal relationship. Thus, notaries provide repressive protection to the parties because the deeds they create can strengthen their legal standing in court.

d. The Role of Notaries in Customer and Entrepreneur Relations

In the context of the motor vehicle customization business, the legal relationship between customers and entrepreneurs often has the potential to give rise to disputes, for example regarding costs, product specifications, or delays in workmanship. Notaries play a crucial role in:

1. Guarantee written agreement between customers and entrepreneurs.
2. Protecting consumers from the detrimental standard clause.
3. Providing protection for entrepreneurs so that their rights are also recognized, for example regarding payment and contract certainty. Thus, the role of a notary is not only to maintain the balance of legal relations, but also to create a sense of security for both parties.

e. Legal Basis for Legal Protection by Notaries

The role of notaries in providing legal protection is supported by various legal bases, including:

- a. Civil Code regarding engagements and agreements.

b. Law No. 30 of 2004 in conjunction with Law No. 2 of 2014 concerning the Position of Notary.

c. Law No. 8 of 1999 concerning Consumer Protection.

The principles of justice and legal certainty as put forward by Satjipto Rahardjo (2000) and John Rawls (2006).

### **3.2. Potential Disputes in Vehicle Customization Practices**

Based on literature studies and developing practices, there are several potential disputes that often occur in the world of motor vehicle customization, namely:

#### **1. Default**

Not fulfilling the obligations stipulated in an agreement, either due to negligence or intent, Delay in completing work or customisation results that do not comply with the agreement<sup>8</sup>.

The form of breach of contract is related to not carrying out the performance at all, carrying out the performance but not in accordance with the contents of the agreement, carrying out the performance but late, doing something that according to the agreement should not be done.

Default gives rise to legal consequences such as the obligation to pay compensation where the injured party has the right to demand compensation for costs, losses, and interest. The injured party can also force the other party to continue to implement the terms of the agreement without any additional costs for the settlement. The contract can be canceled by a judge at the request of the injured party, which can occur with the consequence of compensation so that the loss is transferred to the party in breach of contract.

In vehicle customization, defaults often arise due to delays, quality issues, or specification changes. Notaries play a crucial role in:

- a. State the agreement clearly so that each party's obligations can be understood.
- b. Provides preventive legal protection by ensuring that there are no clauses that are detrimental to either party.
- c. Provides a repressive legal basis because authentic deeds can be used as strong evidence in the event of default.

Legal basis in default disputes:

---

<sup>8</sup>Subekti. (2008). Contract Law. Jakarta: Intermasa.

- a. Civil Code Articles 1234 – 1252 regarding obligations and default.
  - b. Law No. 8 of 1999 concerning Consumer Protection,
  - c. Law No. 30 of 2004 in conjunction with Law No. 2 of 2014 concerning Positions
2. Fee dispute

In vehicle customization agreements, one of the main sources of disputes that often arise is the issue of cost. Cost disputes usually arise from differences in perception between the customer and the business owner regarding the price, additional cost components, and the agreed-upon payment mechanism. Differences in interpretation regarding the price or additional costs not stated in the agreement<sup>9</sup>.

This situation creates disputes because the customer believes the business owner has committed a breach of contract by imposing fees beyond the initial agreement, while the business owner believes their actions were solely in the interest of achieving better results. Without a clear clause in the agreement regarding the mechanism for additional fees, it will be difficult for both parties to find common ground.

It is in this context that the role of a notary becomes crucial. An authentic deed drawn up by a notary should explicitly contain clauses regarding:

- a. Main cost details that has been agreed upon.
- b. Additional fee requirements for example, this can only be done if there is written agreement from both parties.
- c. Dispute resolution mechanism, whether through deliberation, mediation, or legal channels.

With a notarial deed, any disputes regarding fees have a clear legal basis, so that customers are protected from unilateral practices, and entrepreneurs also receive certainty of payment for services rendered.

### 3. Quality assurance

According to Article 7 letter e of Law No. 8 of 1999 concerning Consumer Protection, business actors are obliged to provide quality assurance for goods and/or services traded in accordance with applicable standards. This means that in vehicle customization, entrepreneurs are required to ensure that the modification results are in accordance with the contract, both in terms of

---

<sup>9</sup>Fuady, Munir. (2014). Civil Law Concepts: Contracts, Agreements, and Family Law. Bandung: Citra Aditya Bakti.

materials, design, and vehicle function. Customers are dissatisfied with work results that are deemed not to meet standards.<sup>10</sup>.

In vehicle customization practice, quality assurance can be expressed in several forms:

a. Specification Conformance

Modifications must conform to the design, materials, and features outlined in the contract. For example, if the contract specifies the use of duco paint of a certain standard, the contractor may not substitute a lower-quality paint.

b. Functional Eligibility

Customized vehicles must remain functional, safe, and roadworthy. Modifications must not compromise vehicle safety.

c. Warranty or Maintenance Period

Entrepreneurs can provide a certain period of time as a guarantee, for example 3–6 months, to repair damage that arises due to workmanship defects.

d. Safety and Security Standards

Customization results must comply with safety standards, for example, the installation of additional frames, electrical systems, or audio systems must not endanger the rider.

Quality assurance is a form of legal protection for customers, ensuring that customized vehicles meet specifications, functionality, and safety standards. Disputes regarding quality can be minimized with a clear contract, especially if it's drawn up in the form of an authentic deed by a notary. Thus, the notary serves not only as a recorder of the agreement but also as a guardian of legal certainty, ensuring the quality of the customization.

### **3.3. The Function of Authentic Deeds as a Protection Instrument**

Authentic deeds have three main functions in the context of motor vehicle customization:

Proof Function

provide perfect evidentiary power before the law in the event of a dispute.

Preventive Function

prevent disputes from occurring because all important clauses have been clearly formulated.

---

<sup>10</sup>Kie, Tan Thong. (2007). Notary Studies and the Ins and Outs of Notary Practice. Jakarta: Ichtiar Baru van Hoeve.



### Protection Function

protecting customer rights as consumers while maintaining the interests of entrepreneurs so that they continue to receive payment certainty.

With an authentic deed, customers are assured that their rights are protected, while businesses gain legal certainty regarding their obligations. The notary thus acts as a guarantor of contractual justice, in accordance with John Rawls's theory of justice.

### **3.4. The Relevance of the Role of Notaries in the Development of the Creative Industry**

The legal protection provided through a notary has direct implications for the development of the creative industry. The presence of an authentic deed in vehicle customization transactions increases public trust, making customers more confident in using customization services due to a sense of security. This also supports the growth of a healthy, competitive, and sustainable creative business ecosystem.

Thus, it can be concluded that notaries not only play a role in formal legal aspects, but also as a catalyst in encouraging the growth of the creative industry by guaranteeing legal certainty and protection for the parties.

### **4. Conclusion**

The role of notaries in motor vehicle customization very strategic because through their authority to make authentic deeds, notaries are able to guarantee legal certainty, balance of rights and obligations, and legal protection for customers and entrepreneurs. Potential disputes in customization practices. These include defaults, cost disputes, and dissatisfaction with the work results. These disputes can be minimized through a clearly and detailed, authentic deed. Authentic deeds work as a perfect means of evidence (evidence function), a means of preventing disputes (preventive function), and an effective legal protection instrument (protection function) in protecting the interests of the parties. The presence of a notary in vehicle customization transactions not only protects the parties legally, but also contributes to the development of the creative industry by creating a sense of security and public trust.

### **Suggestion**

1. For Customers, it is recommended to set out the vehicle customization agreement in an authentic deed before a notary to obtain legal certainty and adequate protection.
2. For Customization Entrepreneurs, it is important to involve a notary in agreements with customers to prevent disputes that could potentially harm the reputation and continuity of the business.

3. For Notaries, it is necessary to increase the active role in providing legal education to the public regarding the importance of written agreements and authentic deeds in vehicle customization transactions.

4. For the Government, more specific regulatory support is needed to protect customers and business actors in the creative industry sector, including the vehicle customization sector, in order to create a healthy and competitive business climate.

## 5. References

### Journals:

Anggraini, R. (2019). *Peran Notaris dalam Memberikan Kepastian Hukum terhadap Para Pihak dalam Perjanjian*. Jurnal Hukum IUS QUIA IUSTUM, 26(3), 457–478.

Hidayat, M. (2020). *Kedudukan Notaris sebagai Pejabat Umum dalam Sistem Hukum Indonesia*. Jurnal Hukum dan Pembangunan, 50(2), 300–318.

Lestari, A. & Pratama, Y. (2022). *Potensi Sengketa dalam Perjanjian Jasa Industri Kreatif dan Solusinya*. Jurnal Hukum Progresif, 14(2), 199–214.

Sari, D. P. (2020). *Perlindungan Konsumen dalam Transaksi Jasa pada Era Industri Kreatif*. Jurnal Legislasi Indonesia, 17(2), 221–234.

Setiawan, B. (2018). *Perlindungan Hukum terhadap Konsumen dalam Perspektif Hukum Perdata*. Jurnal Rechts Vinding, 7(3), 421–437.

Wulandari, F. (2021). *Kekuatan Hukum Akta Autentik dalam Penyelesaian Sengketa Perdata*. Jurnal Ilmiah Hukum De Jure, 21(1), 15–29.

### Books:

Adjie, Habib. (2008). *Hukum Notaris Indonesia: Tafsir Tematik terhadap UU No. 30 Tahun 2004 tentang Jabatan Notaris*. Bandung: Refika Aditama.

Fuady, Munir. (2014). *Konsep Hukum Perdata: Perikatan, Perjanjian, dan Hukum Keluarga*. Bandung: Citra Aditya Bakti.

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

Rawls, John. (2006). *A Theory of Justice: Teori Keadilan*. (Terjemahan Uzair Fauzan & Heru Prasetyo). Yogyakarta: Pustaka Pelajar.

Subekti, R., & Tjitrosudibio, R. (2009). *Kitab Undang-Undang Hukum Perdata (KUHPerdata)*. Jakarta: Pradnya Paramita.

Subekti. (2008). *Hukum Perjanjian*. Jakarta: Intermasa.

- Sutedi, Adrian. (2009). *Perlindungan Hukum bagi Konsumen*. Jakarta: Sinar Grafika.
- Tan Thong Kie. (2007). *Studi Notariat dan Serba-serbi Praktek Notaris*. Jakarta: Ichtiar Baru van Hoeve.
- Widjaja, Gunawan & Muljadi, Kartini. (2003). *Perikatan yang Lahir dari Perjanjian*. Jakarta: RajaGrafindo Persada.