

Enhancing The Jurisdiction of The Regional Notary Supervisory Council of West Nusa Tenggara Province in The Advancement and Oversight of Notaries

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Abstract

The position and authority of a Notary is crucial in ensuring legal clarity for individuals while undertaking legal activities. The behavior and actions of a Notary are very susceptible to abuse of their professional position, which can have negative consequences for society. In order to mitigate community losses, the establishment of a regulatory entity to oversee notaries is important. The research use the normative law research method to identify a legal rule, legal principles, and legal doctrines that can address the current legal difficulties. According to the findings of the research on the Enhancement of Authority of the Notary Regional Supervisory Council in the Development and Oversight of Notaries, the Notary Supervisory Board is empowered to conduct administrative oversight, and sanctions serve as legal repercussions for the decisions made by the Supervisory Board against a Notary who breaches the regulations pertaining to the execution of their duties in the position of a Notary, as stipulated in Legislation regarding the role and responsibilities of a Notary.

Keywords: Jurisdiction, Regional Notary Supervisory, Advancement and Oversight

INTRODUCTION

The Republic of Indonesia, established on the principles of Pancasila and the 1945 Constitution of the Republic of Indonesia, ensures the provision of certainty, integrity, and legal safeguards for all its citizens (Fauzia, Hamdani, & Octavia, 2021:13). In order to ensure absolute assurance, tranquility, and safeguarding. According to Darus (2017: 1), the law mandates the use of genuine written proof for acts, agreements, determinations, and legal events carried out by or before authorized officials. The Notary Institution is crucial in all development processes as it fulfills legal professions and services, offering legal assurances and clarity to the involved parties.

The profession of Notary in Indonesia has been in existence since 1620. The establishment of Notaries in Indonesia was initially regulated in the Regulation on Notarisambt in *Nederlansch Indie*, which was enacted on January 11, 1860, as reported in *Staatblad* 1860 Number 3. The Governor General Chs. F. Pahud and Algemene Secretary A. London signed this ordinance in Batavia on January 26, 1860. It was officially implemented across Indonesia on July 1, 1860. Following Indonesia's attainment of independence, this legislation came to be often referred to as the Notary Position legislation, also known as NOTARY PJABATAN. The regulations governing Notaries have undergone multiple changes in response to the evolving demands for their functions. One such change is reflected in Law Number 33 of 1954, State Gazette Number 101 Supplement to State Gazette Number 700, which pertains to Notary Representatives and Temporary Deputy Notary. In addition to the role of notary public, there are also other regulations that govern notaries, including the Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number M-01.HT.03.01 of 2003 regarding Notaries, which was issued on January 17, 2003. Ultimately, the legislation governing the notary profession On September 14, 2004, significant modifications were made with the enactment of Law Number 2 of 2014, which pertains to amendments to Law Number 30 of 2004 on the duties of a notary. This action was taken in response to the necessity of restructuring and revising the regulations pertaining to the Notary Profession. The objective is to establish a legal framework that is universally applicable to the entire population within the territory of the Republic of Indonesia. This is necessary because the existing provisions in the previous regulations are no longer aligned with the evolving societal and legal requirements. Indonesia.

The role and jurisdiction of a Notary is crucial in ensuring legal clarity in relation to legal transactions undertaken by individuals. Notaries' behavior and actions in exercising their duty and authority are very susceptible to exploitation of their professional position, which can have harmful consequences for society. In order to prevent any detriment to the public, the establishment of a regulatory agency to oversee Notaries is necessary. The goal of supervising Notaries is to ensure their compliance with legislative regulations when carrying out their duties.

According to Article 1, number 6 of Permenkumham No. 16 of 2021, supervision refers to a set of measures aimed at preventing and addressing issues, which includes providing guidance and support, conducted by the Supervisory Council for Notaries. The purpose of supervising Notaries is to protect the community's interests. Notaries are appointed by the government to serve the community, rather than serving their own interests (Tobing, 1983: 301). According to Article 1 point 6 of the Notary Public Position Law, the Supervisory Council, often known as the Notary Supervisory Council, is a governing body responsible for providing guidance and oversight to Notaries.

The purpose of coaching and supervising Notaries is to ensure their diligent adherence to the requirements and proper execution of their duties in line with the provisions of the relevant legislation. Pursuant to Article 68 of Law no. 2 of 2014, which amends Law Number

30 of 2004 regarding the Role of Notaries, the Minister oversees and guides Notaries through the establishment of a Notary Supervisory Council. This council is composed of

- a) Regional Supervisory Council (MPD) for each Regency/City.
- b) Provincial Regional Supervisory Council (MPW)
- c) The Central Supervisory Council (MPP) is responsible for overseeing Jakarta, which serves as the capital of the nation.

The Notary Supervisory Council, comprised of academic experts and departments specializing in notaries and Notary Organizations, is responsible for overseeing and evaluating Notaries. In addition, it has the power to impose sanctions on Notaries who have been found guilty of violating their duties in the Notary Office. The establishment of the Notary Supervisory Council aims to enhance the quality of services and legal safeguards for individuals utilizing Notary services.

When performing the task of providing direction and monitoring, the Notary MPW, which includes the MPW of each province, encounters numerous challenges. To obtain further information regarding the Municipal Performance Watch (MPW) of each province in executing the guidance and oversight role of Notaries within their respective provinces, and to provide solutions for the implementation of such guidance and oversight functions of Notaries.

RESEARCH METHODS

This study employs normative legal research methodologies, which involve the systematic identification of legal norms, principles, and doctrines to address the legal challenges at hand (Marzuki, 2009: 35). The research methodology employed in the preparation of this Journal is normative juridical legal research, which entails the examination of existing legal laws and principles (Hadjon, 1997: 20).

In order to address the legal issues in this legal research, various problem-solving methods will be employed, including the statutory approach, which relies on statutory rules as the main legal source. Peter Mahmud Marzuki defines a legislative approach as a technique that utilizes laws and regulations (Marzuki, 2009: 35). An analytical approach is required to investigate the clarity surrounding the departure from established perspectives and principles in legal science (Hamdani & Fauzia, 2022), specifically the perspectives and principles concerning the enhancement of the authority of the Notary Regional Supervisory Council in the development and oversight of notaries. According to Peter Mahmud Marzuki, when employing a conceptual approach, it is imperative to make reference to legal concepts. These principles are present in the perspectives of scholars or legal doctrines. Legal principles can be contained in legislation, although they may not be clearly stated (Marzuki, 2009: 35).

The sources of legal materials for this research include primary legal resources, secondary legal resources, and tertiary legal resources. Primary legal materials, also known as primary legal resources, are legally binding materials that possess authoritative status. They include legislation, official records, and minutes pertaining to the creation of laws related to the establishment of administrative justice subsequent to the enactment of the Government Administration Law. Secondary legal materials, also known as secondary legal resources, encompass a range of legal materials that offer elucidations of primary legal materials. These may include books, research findings, scholarly journals, articles, expert opinions, academic works in the field of law, newspapers, and other supplementary legal materials. Tertiary legal materials, also known as tertiary legal resources, encompass legal materials that offer guidance and elucidation on primary and secondary legal documents, including legal encyclopedias, dictionaries such as the Indonesian Dictionary, and other assorted dictionaries.

DISCUSSION**The Implementation of the Authority of the Notary Regional Supervisory Council in the Development and Supervision of Notary Positions**

One of the legal bases that regulates supervision of Notaries in carrying out their duties and positions is Article 1 point 6 of the Law on the Position of Notaries, which states that the Supervisory Council is a body that has the authority and obligation to carry out guidance and supervision of Notaries. Based on the article above, it is the responsibility of the Supervisory Council to carry out the task of supervising Notaries after the enactment of the Notary Position Law.

Supervision of Notaries is carried out by the Notary Supervisory Board in stages. Based on Article 67 of the Notary's Position Law, it is stated that supervision of Notaries is carried out by the Minister, in this case the Minister of Law and Human Rights. In the framework of this supervision, the Minister formed a Supervisory Council. The Supervisory Council consists of 9 (nine) people, consisting of the following elements: a. Government of 3 (three) people; b. Notary Organization of 3 (three) people; And c. 3 (three) experts or academics. Based on Article 68 of the Notary Position Law, the Supervisory Council consists of the Regional Supervisory Council (hereinafter referred to as MPD), the Regional Supervisory Council (hereinafter referred to as MPW), and the Central Supervisory Council (hereinafter referred to as MPP). Based on Article 24 paragraph (1) Permenkumham No. 16 of 2021, in carrying out its duties the Supervisory Council is assisted by 1 (one) or more secretaries appointed at the Supervisory Council meeting.

The division of this assembly is functionally and hierarchically divided into three, in accordance with the division of its working areas, namely the Regional Supervisory Council whose seat is the City/Regency and its working area is the City/Regency, the Regional Supervisory Council of Notaries whose seat is the capital of the Province and its working area is the Province and the Supervisory Council The Notary Center for the Center is located in the National Capital and its working area is throughout Indonesia (Amir, et al., 2014: 99).

The scope of supervision of Notaries applies to Notaries, Substitute Notaries, Special Substitute Notaries and Temporary Notary Officials (Article 67 paragraph (6) of the Notary Position Law). Notary supervision includes Notary behavior and the implementation of the Notary's position (Article 67 paragraph (5)). The behavior of a Notary and the implementation of the Notary's Position, as is known, is outlined in the Notary's Position Law, specifically in Chapter III which regulates the Powers, Obligations and Prohibitions. Apart from that, the Notary's Code of Ethics is also regulated in Chapter III, namely the chapter which regulates Obligations, Prohibitions and Exceptions. .

To carry out supervision, the Supervisory Council is given the authority to conduct examinations of Notaries, hold hearings to examine alleged violations of the Notary's Code of Ethics or violations of the implementation of the Notary's position, make decisions and impose sanctions on Notaries who violate the Notary's Office Law and the Notary's Code of Ethics. Apart from that, the Supervisory Council is also given the authority to regulate everything related to Notary leave permits, determine replacement Notaries, Notary leave protocols and carry out actions deemed necessary to carry out matters as mentioned above (Articles 70 to Article 77 of the Law NOTARY POSITION).

The Supervisory Council has the authority to provide guidance and supervision of Notaries as well as carry out examinations of alleged violations of the behavior and implementation of the Notary's position. There are two important words in the authority of the Supervisory Board; guidance and supervision. The word "development" means that the task of the Supervisory Council is to prioritize preventive measures, while the word "supervision" is repressive in nature to impose sanctions on Notaries who are proven to have violated their position and/or behavior (Indonesian Notary Supervisory Council, 2013: 16). In other

references, it is stated that the word coaching at the beginning contains the meaning of preventive activities, while the word supervision contains a repressive-curative meaning, namely the act of examining notaries who are suspected of committing official and behavioral violations (Amir, et al., 2014: 100).

In carrying out their duties and authorities, both the Central Supervisory Council, the Regional Supervisory Council and the Regional Supervisory Council have their respective duties and authorities, which are regulated in Article 70 to Article 77 of the Notary Position Law in conjunction with Part III of the Decree of the Minister of Law and Human Rights of the Republic Indonesia Number M.39-PW.07.10 of 2004 (hereinafter referred to as Ministerial Decree).

The provisions of Article 73 of the Notary Position Law regulate MPW's authority relating to:

- (1) Convening a hearing to scrutinize and render judgments on public reports that have been submitted via the Regional Supervisory Council;
- (2) Summoning the implicated Notary to scrutinize the report as specified in letter a;
- (3) Grant authorization for a leave period beyond 6 (six) months up to 1 (one) year.
- (4) Analyzing and determining the judgment of the Regional Supervisory Council that denies the requested leave by the reporting Notary;
- (5) issuing sanctions in the form of either verbal or written warnings;
- (6) recommending the imposition of sanctions on the Notary to the Central Supervisory Council, in the following forms: a. Suspension for a period of 3 to 6 months; or b. Dismissal with a dishonorable status.
- (7) Prepare an official report for each decision to enforce sanctions as mentioned in letters e and f.

Regarding the Code of Ethics, the author argues against granting MPW the power to examine alleged breaches of the Notary's Code of Ethics. This is because the Notary's Office already has its own internal institution to handle such violations committed by its members. The MPW possesses the jurisdiction to conduct oversight in accordance with the Law on Notary Positions, while the Notary Honorary Board possesses the competence to enforce rules in accordance with the Notary Code of Ethics.

In compliance with Article 83, paragraph (1) of the Law on the Position of Notaries, the Notary Organization is responsible for creating and implementing a Code of Ethics for Notaries. According to Article 7 of the Notary Code of Ethics, the supervision of the Code's implementation is conducted as follows:

(1) The Regional Management of the Indonesian Notary Association and the Regional Honorary Council handle cases at the initial level. (2) The Regional Management of the Indonesian Notary Association and the Regional Honorary Council handle cases at the appellate level. (3) The Central Management of the Indonesian Notary Association and the Central Honorary Council handle cases at the final level. Moreover, Article 75 of the Notary Position Law governs the MPW's jurisdiction regarding:

(1) Transmit the decision as specified in Article 73 paragraph (1) letters a, c, d, e, and f to the relevant Notary, with a copy sent to the Central Supervisory Council and the Notary Organization. (2) Lodge an appeal with the Central Supervisory Council against the imposition of sanctions and denial of permission by the Notary.

The presence of the Notary Supervisory Council is a clear indication of the requirement set by the Notary Position Law, which oversees the monitoring of the Notary profession. The Law on Notary Positions established the Notary Supervisory Council, thereby removing the District Court's oversight over the Notary profession.

The establishment of the Notary Supervisory Council necessitates the creation of a rule that outlines the council's responsibilities and powers as a practical guideline for its supervisory functions. The Notary Supervisory Council's purpose is to provide direction and

guidance to its members, who in turn provide guidance and supervision to Notaries. This ensures that Notaries carry out their professional duties as public officials with improved professionalism and quality of work. The ultimate goal is to provide legal certainty and protection to recipients of Notary services. It is important to note that the presence of a Notary benefits the community being served or requesting Notary services, rather than the Notary themselves.

Legal Ramifications of the Regional Notary Supervisory Council's Decision on Notaries Who Breach the Performance of Notarial Duties

The imposition of sanctions on Notaries demonstrates that they are not exempt from legal obligations. Notaries may face civil penalties, whereas administration might be susceptible to both ethical and criminal punishments. Sanctions, as described by Philipus M. Hadjon, are a mechanism of authority in the realm of public law. They are employed by governing bodies as a response to violations of administrative law regulations. Therefore, the components of sanctions are as follows (Hadjon, 1996: 1):

- 1) As an instrument of authority; 2) Inherently pertaining to the legal framework of society;
- 3) Employed by monarchs or leaders in positions of authority; 4) Implemented as a response to defiance or refusal to comply.

Sanctions are an integral component of the legal system, and every legal regulation in Indonesia invariably includes sanctions as a concluding measure. Sanctions in Indonesia are not limited to laws, but can also be imposed by other regulations, such as ministerial directives or subsidiary legislation. It is mandatory to incorporate punishments into every legal legislation as a requirement. According to the legal norm, individuals who break the rule will face criminal, civil, and administrative penalties. Therefore, offenders may get multiple sanctions simultaneously (Hadjon, 1996: 262).

Sanctions are a legal means of exerting pressure and raising awareness for those who violate laws. They aim to highlight that the actions taken are not in line with the established legal regulations and encourage the individuals involved to comply with these regulations. Additionally, sanctions help maintain a sense of balance in the functioning of the legal system. a legal regulation. The sanctions imposed on the notary are intended to highlight the fact that the notary has violated the provisions governing the execution of their official duties as outlined in the Notary's Position Law. The purpose is to rectify the notary's actions and ensure that they perform their duties in a proper and lawful manner, in accordance with the relevant notary legislation.

Furthermore, sanctions are imposed on Notaries to safeguard the public from any activities that may have adverse effects on society, such as creating deeds that fail to adequately protect the interests of the parties involved, as specified in the Notarial deed. The purpose of these sanctions is to uphold the integrity of the Notary institution, which is seen as a trusted entity. This is important since any misconduct by a Notary has the potential to undermine public confidence in Notaries.

The imposition of penalties on Notaries is governed by the Law on Notary Positions, specifically in Articles 84 and 85. There are two types of sanctions outlined: 1) As mentioned in Article 84 of the Notary Public Law, if a Notary fails to comply with the provisions outlined in Article 16 paragraph (1) letters i, k, Article 41, Article 44, Article 48, Article 49, Article 50, Article 51, and Article 52. If the conditions outlined in the aforementioned Article are not met, the corresponding deed will only hold evidentiary value as a private document or it will be rendered invalid. In such cases, the parties mentioned in the deed who incur losses have the right to seek reimbursement of expenses, compensation, and interest from the Notary, citing this as a valid justification. Article 84 of the Law on the Position of Notaries might be likened to Article 60 of the Regulations on the Position of Notaries. According to Article 60 of the

Notary's Position Regulations, if a document created before a Notary fails to meet the necessary formalities, it can be invalidated by a court or considered legitimate only as a private document. As to Article 60 of the Law on Notary Positions, the process of nullifying a deed in order to establish it as a private deed necessitates a court ruling. As to Article 84 of the Law on the Position of Notaries, the provisions outlined in Article 60 of the Regulations on the Position of Notaries are deemed unnecessary. The provisions outlined in Article 60 of the Notary's Position Regulations align with the essence of Article 1869 B.W. The parties' claims for the Notary to provide recompense for costs, compensation, and interest are the implications that the Notary will face if the deed in question is only considered a private deed for evidentiary purposes or if the deed is rendered invalid. The sanctions outlined in Article 84 of the Law on Notary Positions, which include compensation, expenses, and interest, might be classified as Civil Sanctions. According to Article 85 of the Notary Public Law, if a Notary violates any of the provisions listed in Article 7, Article 16 paragraph (1) letters a to k, Article 17, Article 20, Article 27, Article 32, Article 37, Article 54, Article 58, Article 59, and/or Article 63, they will face the following sanctions: a) Verbal warning; b) Written warning; c) Temporary dismissal; d) Honorable discharge; and e) Dishonorable discharge.

Prior to reaching the determination that the deed in question is fraudulent or legally invalid, substantiating evidence must be shown. While the parties involved may argue that the deed does not meet the necessary criteria, the Notary asserts that it does. In such cases, it is essential to provide evidence that the deed in question fails to comply with the provisions outlined in Article 84 of the Law on the Position of Notaries.

The term "self-authenticating deed" refers to a private deed that possesses the ability to serve as conclusive evidence, particularly in terms of its probative value. A private deed is considered legally valid as long as the contents and signatures within it are accepted by the involved parties. If one side refutes it, then the evidentiary value is transferred to the judge. A Notarial Deed, which possesses the evidentiary power of a private deed, may be rendered invalid if it fails to comply with the provisions outlined in Article 1869 of the Civil Code. This can occur due to one of the following reasons: (1) the lack of authorization of the relevant public official, (2) the incapacity of the said public official, or (3) defects in its form. Consequently, the deed cannot be considered a private deed and is rendered null and void. This means that the deed immediately loses its legal validity without requiring any further proof. Therefore, it is still necessary for parties to evaluate and demonstrate that the deed in question fails to meet the requirements of a notarial deed.

The term "null and void" is commonly used to evaluate an agreement that fails to meet specific criteria, namely a defined subject matter and a permissible cause. Furthermore, this term can be applied to invalidate an agreement if it lacks the consent of the parties involved and the legal capacity to enter into an agreement.

Article 1333 of the Civil Code highlights that for an agreement to be valid, it must primarily involve a specific type of object, with the quantity of the item being able to be identified or computed at a later point. Article 1333 of the Civil Code contains specific requirements that outline the elements of an agreement. Article 1335 of the Civil Code states that an agreement without a valid reason or based on false or prohibited grounds is considered invalid. However, Article 1336 of the Civil Code specifies that if no reason is explicitly stated in the agreement, but there is a legitimate reason or a reason other than the one stated, the agreement remains valid. A cause is deemed prohibited if it is expressly forbidden by law, or if it goes against moral principles or public order, as stated in Article 1337 of the Civil Code. If the Notarial deed is deemed null and void due to the elements outlined in Articles 1335, 1336, and 1337 of the Civil Code, it is incorrect to label it as such based on the violation of specific articles in Article 84 of the Law on the Position of Notaries, as this would be inappropriate. Regarding its formality, the act of notarization does not contravene the

stipulations outlined in Article 1320 of the Civil Code. Essentially, it is categorically unfeasible for a Notary to draft a deed for the parties that blatantly fails to meet the objective criteria. According to Article 1320 of the Civil Code, an agreement is considered valid if it satisfies four specific conditions: 1. All parties involved must give their consent; 2. The individuals involved must have the legal capacity to enter into an agreement; 3. The agreement must pertain to a specific object or matter; 4. The agreement must have a lawful cause that is not forbidden. Article 84 of the Notary's Position Law specifically governs the administrative procedures followed by Notaries when creating legal documents. If a Notary's deed is found to violate the provisions outlined in Article 84, it can be deemed null and void. In such cases, it is important to establish the precise basis or reason for this determination. When a Notary's deed is declared null and void, it is considered as if it never existed. Consequently, it cannot be used as a valid basis for seeking compensation fees or interest from the Notary.

Common penalties in Administrative Law encompass the subsequent actions (Hadjon, 1996: 245):

1) *bestuursdwang* refers to the exercise of government coercion; 2) withdrawal of favorable judgments pertains to the revocation of decisions related to permits, payments, and subsidies; 3) imposition of administrative fines involves the enforcement of financial penalties by the government; and 4) imposition of forced money by the government, also known as *dwangsom*, refers to the compulsory payment demanded by the government.

The consequences outlined in Article 85 of the Notary Position Law can be classified as administrative sanctions, including temporary dismissal, honorable dismissal, and dishonorable departure from office. H.D. Van Wijk and Willem Koni Jabatan Notarisenbelt assert that Administrative Sanctions are a mechanism of authority within the realm of public law. These sanctions are employed by authorities as a response to instances of non-compliance with administrative law regulations (Wijk and Koni, 1990: 327). Sanctions of this nature can be classified as revoking favorable rulings. Written warnings and spoken warnings can be classified as forms of genuine coercive measures (*bestuursdwang*). Positive rulings may be revoked as a penalty if the individual in question fails to adhere to the limitations, conditions, or provisions of the law, or if the individual has provided inaccurate or incomplete information. In order for the decision to be altered, the correct and complete data must be provided. Prior to the actual enforcement of the *Bestuursdwang*, it is necessary to issue a written warning.

This pertains to the enforcement protocols and authorities responsible for imposing penalties in accordance with Article 85 of the Notary Position Law, specifically with the oversight of notaries. If a Notary violates specific Articles mentioned in Articles 84 and 85 of the UUJ Abatan Notaris, they may face sanctions as outlined in these two Articles. The purpose of supervising Notaries is to ensure that a maximum number of Notaries meet the established requirements, in order to safeguard security and protect the interests of the general public. The requirements necessary for the imposition of sanctions will be directly linked to the nature of the sanction. The binding force of a sanction is determined by certain qualities inherent in each form of sanction. The Civil Sanctions referred to in Article 84 of the Law on Notary Positions include compensation, charges, and interest. In order to enforce Civil Sanctions, it is imperative to ascertain if a Notary's deed holds evidentiary value as a private deed or if the deed is rendered invalid beforehand. Implementation of Civil Sanctions is contingent upon proof.

Administrative sanctions, as outlined in Article 85 of the Notary's Position Law, may be imposed in the event of a Notary's violation of the provisions specified in the same article. In order for Administrative Sanctions to be enforced, some conditions must be fulfilled. These sanctions are intended to address violations and their primary objective is to put an end to the violation (Hadjon, 1996: 247). The Supervisory Council has the authority to impose sanctions on a Notary who violates specific Articles outlined in Article 85 of the Law on the Position of Notaries.

Enhancing the Jurisdiction of the Regional Notary Supervisory Council of West Nusa Tenggara Province in the Advancement and Oversight of Notaries

The Notary Supervisory Council, whether at the national level (such as the Central Supervisory Council) or at the provincial and local levels, is a governing body with the power and responsibility to provide guidance and oversight to Notaries in accordance with the legislation, specifically Law Number 30 of 2004 on the Position of Notaries, as amended by Law Number 2 of 2014. An agency refers to an institution that exercises a portion of the Minister of Law and Human Rights' authority in the domain of Notary Affairs. Specifically, it is responsible for providing guidance and oversight to Notaries, encompassing their conduct and the execution of their duties. This implies that the Minister has assigned the Agency with the responsibility of offering guidance and oversight to Notaries.

The Minister has complete authority over the work procedures, organization, and supervision system of the Supervisory Council in this post. The Minister is provided with guidance and supervision of Notaries as a result of Law Number 2 of 2014, which pertains to the amendments made to Law Number 30 of 2004 regarding the Position of Notaries. Subsequently, this authority is gradually delegated to the Supervisory Council at the Central, Provincial, and Regency/City levels.

The concept of supervision is implicitly governed by the explanation of Law Number 30 of 2004 regarding the Position of Notaries, as amended by Law Number 2 of 2014. These laws confirm the regulations regarding the supervision of the execution of the position. Notarization is conducted through the participation of experts/academics, as well as agencies specializing in Notary Affairs and Notary Organizations. The purpose of these rules is to enhance services and provide stronger legal safeguards for the community. The notion of supervision is specifically created to fulfill the objectives of Law Number 30 of 2004 regarding Notary Positions, as revised by Law Number 2 of 2014. The Law Number 30 of 2004 pertains to the establishment of Notary Positions, with the primary objective of enhancing services and providing enhanced legal safeguards for the community.

The Minister of Law and Human Rights, Yasonna Laoly, emphasized the need for enhanced supervision of Notaries. He urged the Notary Supervisory Council to take decisive and prompt action against Notaries who have been found guilty of misconduct or poor performance. Additionally, he stressed the importance of providing guidance and training to ensure that Notaries carry out their professional duties with professionalism and integrity.

Enhancing the authority of the Notary Supervisory Board has become imperative in order to uphold and preserve the integrity of the Notary's office, given the intricate nature of Notarial progress. It is not solely about maintaining your position, but rather about assisting individuals whose rights have been infringed upon. This aligns with the sociological dimension of establishing rules and regulations that not only consider the existing norms of society, but also address its legal requirements.

The direction and supervision of the Notary Regional Supervisory Council is based on the principles of the rule of law theory, state power theory, legal system theory, and authority theory. The theory aims to elucidate the deficiencies in terms of legal substance, legal structure, and legal culture regarding authority, sanctions, and the implementation of supervision as stipulated and currently enforced (*ius constitutum*) in Law Number 30 of 2004 concerning the Position of Notaries, as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, and its corresponding implementing regulations, including those issued by the Indonesian Ministry of Law and Human Rights.

The legal structure aspect emphasizes the efficacy of the oversight mechanism. Conversely, the supervisory entity must undertake a hierarchical procedure, commencing with the Regional Supervisory Council, then progressing to the Regional Supervisory Council, and ultimately culminating in the Central Supervisory Council. The factors of buildings and

infrastructure, human resources, budget, and legal culture, including the attitudes and behaviors of both members and notaries, must not be overlooked.

In addition, the profession of Notary, being a noble legal profession (*officium nobile*), necessitates a high level of professional expertise and capabilities, which must be complemented by moral principles. The objective is to uphold the prestige and integrity of the notary profession, thereby guaranteeing stability, organization, and legal safeguards for the community.

The data analysis results regarding the implementation of the supervisory authority function of the Notary Regional Supervisory Council in West Nusa Tenggara Province, along with the obstacles discussed earlier, have led to the formulation of a supervisory concept for the council. This concept involves prevention and active supervision. This model can be executed periodically or on-demand to obtain information about claimed infractions in the operation of a Notary's office and violations of a Notary's conduct.

Effective active supervision can be achieved through the implementation of a legally binding supervision system, namely by evaluating the legal validity of a document executed by a notary, which may result in legal ramifications. The purpose of adopting a legal supervision system is to ensure that Notaries adhere to the relevant rules in order to offer legal protection for the community. This supervision is made possible by aligning the actions of Notaries with the desired goals.

Regular inspections and assessments conducted by the Regional Supervisory Council, Regional Supervisory Council, and Central Supervisory Council serve as proactive measures and guidance for notaries to provide the highest level of service to the community. This concept aligns with the implementation of the supervisory system, which utilizes a rule model and encompasses two handling models within the electoral supervision system, as stipulated in Article 454 paragraph (1) of Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections. This article states that election violations arise from both the identification of election violations and the reporting of such violations. Hence, it is imperative to modify Article 73 of Law Number 30 of 2004 regarding the Role of Notaries, as revised by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 regarding the Role of Notaries, namely by enhancing or broadening the jurisdiction. The Notary Regional Supervisory Council has developed a proactive prevention and supervision framework, which involves periodic or ad hoc supervision to gather information regarding alleged infractions in the execution of notarial duties and violations of notarial conduct.

It is crucial to enhance the jurisdiction of the Notary Regional Supervisory Council by broadening its authority through a proactive prevention and supervision approach, conducted periodically or as needed to address alleged violations in the execution of Notary duties and breaches of Notary conduct. In addition, the power to enforce sanctions should be modified to include the ability to apply sanctions not only through verbal or written warnings, but also through temporary dismissal or dishonorable dismissal. The purpose of this is to enhance the efficacy and implementation of punishments, hence perhaps deterring Notaries from engaging in undesirable behavior.

CONCLUSION

In the context of supervision and guidance of Notaries, the Notary Supervisory Council is the party that has the authority to carry out supervision not only aimed at complying with the code of ethics but also has a broader aim, namely that Notaries in carrying out their official duties fulfill the requirements stipulated by statutory regulations. invitation for the protection of the interests of the community it serves. The Notary Supervisory Council has the authority to supervise, examine and impose sanctions on Notaries. The Notary Supervisory Council has the authority to carry out administrative supervision, namely supervising Notaries to make

deeds in accordance with the provisions of the Law on Notary Positions, rather than supervising the preparation of the material and contents of the deed.

The authority of the Notary Regional Supervisory Council in the guidance and supervision of Notaries is based on legal authority in accordance with Article 67 of Law Number 30 of 2004 concerning Notary Positions as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning The position of Notary is delegated authority from the Minister of Law and Human Rights of the Republic of Indonesia. Supervision means that the Notary Regional Supervisory Council has the authority to prevent violations of the Notary's position, both preventively, namely administrative supervisory authority which regulates procedural procedures and notarial protocols, as well as curative supervision related to taking action against alleged violations committed by the Notary, as well as provide guidance to the Notary himself so that he always maintains the Notary's code of ethics and carries out the duties of the Notary's position.

The implementation of guidance and supervision of Notaries by the Regional Supervisory Council of Notaries in West Nusa Tenggara Province, which includes supervision, examination and guidance of Notaries, is carried out based on the authority as regulated in Law Number 30 of 2004 concerning the Position of Notaries as amended by Law Number 2 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions and Implementing Regulations, however, in practice, there are still problems both in terms of legal substance, legal structure and legal culture.

The formulation of strengthening the guidance and supervision of Notaries by the Regional Supervisory Council of Notaries is carried out by expanding the authority of the Regional Supervisory Council of Notaries through a more active prevention and supervision model, as well as by expanding the authority in imposing sanctions on Notaries.

The implementation of guidance and supervision of Notaries by the Regional Supervisory Council of Notaries in West Nusa Tenggara Province, it can be recommended:

- a. In terms of legal substance, it is necessary to revise Law Number 30 of 2004 concerning the Position of Notaries as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries and its Implementing Regulations to further regulate the mechanisms and administrative technicalities for imposing verbal warning sanctions, regulating the imposition of sanctions in a consistent and coherent manner, mechanisms for regulating systems for monitoring and executing decisions on Notaries, as well as developing a system for monitoring the implementation of Notary positions that can demonstrate objectivity.
- b. In terms of legal or institutional structure, it is necessary to strengthen human resources through comprehensive competency tests in terms of nominating membership for the Notary Regional Supervisory Council, increasing the budget, infrastructure, and carrying out more intensive supervision.
- c. From a legal culture perspective, there is a need for a mechanism for selecting members who do not hold multiple professions or positions so that it can increase the effectiveness of the implementation of guidance and supervision by the Notary Regional Supervisory Council.

REFERENCES

- Amir, L., et al. (2014). Eksistensi Keputusan Majelis Pengawas Notaris Menurut Undang-Undang Peradilan Tata Usaha Negara. *Jurnal Ilmu Hukum*.
- Bambang Rantam Sariwanto, "Implementasi Permenkumham No.12/2020", Makalah pada Webinar
- Darus, M. L. H. 2017. *Hukum Notariat dan Tanggungjawab Jabatan Notaris*, Cetakan Pertama. UII Press. Yogyakarta.

- Diana Hakim Koentjoro, *Hakim Administrasi Hukum*, (Bogor : Ghalia Indonesia), hlm. 71.
- E. Utrecht, *Pengantar Hukum Administrasi Negara Indonesia*, (Jakarta : Pustaka Sinar Harapan, 1990),
- Fauzia, A., Hamdani, F., & Octavia, D. G. R. (2021). The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law. *Progressive Law Review*, 3(1).
- Hadjon, P. M. 1996. *Penegakkan Hukum Administrasi dalam Kaitannya dengan Ketentuan Pasal 20 Ayat (3) dan (4) UU No. 4 Tahun 1982 Tentang Ketentuan-Ketentuan Pokok Pengelo laan Lingkungan Hidup*. Yuridika, Fakultas Hukum Universitas Airlangga. Surabaya.
- Hadjon, P. M. 1997. *Pengkajian Ilmu Hukum, Makalah Penelitian Metode Penelitian Hukum Normatif*. Universitas Airlangga. Surabaya.
- Hamdani, F., & Fauzia, A. (2022). Gagasan Judicial Preview terhadap UU Ratifikasi Perjanjian Internasional dalam Rangka Pembaruan Hukum di Indonesia. *Jurnal Kajian Ilmu Hukum*, 12(1). hlm. 127.
- Jurnal Legislasi Indonesia, Vol. 6 No. 3, September 2009, hlm. 592
- Machmud Aziz, “*Landasan Formil dan Materiil Konstitusional Peraturan Perundang-Undangan*”,
- Majelis Pengawas Notaris Republik Indonesia. 2013. *Materi Rakor Bidang Pembinaan dan Pengawasan*.
- Marzuki, P. M. 2009. *Penelitian Hukum*. Kencana. Jakarta.
- Nasional “Peningkatan Fungsi Pengawasan Oleh Majelis Pengawas Notaris
- Tobing, G. H. S. L. 1983. *Peraturan Jabatan Notaris*. Erlangga. Jakarta.
- Wijk, V., & Koni, W. 1990. *Jabatan Notarisenbelt, Hoofdstukken van Administratiefrecht*. Uitgeverij Lemma B.V. Utrecht.