

Legal expediency aspects of the position of academics in the composition of the notary supervisory board in Indonesia

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Article Info	ABSTRACT
<p>Keywords: Legal Expediency, Academics, Notary Supervisory Board</p>	<p>This study analyzes the role of academics in the Supervision of Notary Supervision Panels in Indonesia and the concept of legal expediency of the role of academics in the Composition of Notary Supervisory Panels. The formulation of the problem proposed is what is the role of academics in the Supervision of Notary Supervisory Panels in Indonesia and how is the legal expediency of the role of academics in the Composition of Notary Supervisory Panels. This research uses a normative juridical approach, data collection is carried out by literature study and data analysis is carried out qualitatively. The results of this study show that: first, the role of academics in the Supervision of Notary Supervision Panels in Indonesia is to provide a balance of views based on academic theories on the types of violations reported and the types of sanctions to be imposed in accordance with the severity of errors or violations of the code of ethics committed by reported notaries. Academic views are submitted to the plenary session of the Supervisory Panel and formulated jointly regarding the types of violations committed and legal sanctions imposed on the reported notary. Furthermore, the court will decide the case and the verdict will be handed down as the decision of the Supervisory Panel. Second, the legal expediency of the role of academics in the composition of the Notary Supervisory Panel is of significant benefit in carrying out supervision of notaries, especially providing a balance of views academically in handling cases against notaries who commit violations. In addition, it provides benefits in the organizational development of the Notary Supervisory Council, especially in transforming knowledge in the latest notarial fields for the organization, organizational development through education and training as well as the implementation of research and evaluation in order to improve the quality of the Notary Supervisory Council's performance.</p>
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INTRODUCTION

After the Covid-19 pandemic, problems regarding Notaries have increased, based on data from the DKI Jakarta Provincial Notary Area Supervisory Council, namely the Recap of the

history of imposing sanctions on Notaries for 2017-2023 has increased sharply. Furthermore, according to ombudsman data, it was found that there were various obstacles and public dissatisfaction to obtain their rights in public services, this was related to the function of public services carried out by notaries as public officials that, there are several obstacles to public services that must be a concern. The impact of the Covid-19 pandemic on the delivery of public services. With many public service providers restricting services, this public service restriction began to be carried out by the government since mid-March 2020. One of them is a Notary in carrying out his duties as a general official to make authentic deeds.

Notaries fulfill responsibilities related to the making of deeds, and the deed made, i.e. minuta (original deed) is a state document. A general official is an official who is appointed and dismissed by the general power (government) and is given the authority and obligation to serve the public in certain matters, therefore he participates in exercising the authority of the government. In carrying out his role, a Notary Public is required to show professionalism and carry out his responsibilities effectively. Notaries are required to demonstrate professional conduct that includes the traits of thoroughness, autonomy and prudence.

One example of a reported notary is suspected of violating the Notary Code of Ethics. Copy of the Decision of the DKI Jakarta Provincial Notary Area Supervisory Board Number 17/PTS/Mj.PWN.Prov.DKI Jakarta/XII/2022. This decision was made on December 13, 2022 with the Head of the Examining Team Leo Prayoga and 2 members, Ria Wijayanti Estiko and H. Mohammad Ryan Bakry. The decision canceled the Minutes of Notary Examination from the South Jakarta City Administration Notary Regional Supervisory Board Number 10 / MPDN. JKTSEL/ BAP/XI/202 dated November 17, 2022.

Supervision of notaries in carrying out their duties as general officials to make authentic deeds is supervised by the Supervisory Panel consisting of the Regional Supervisory Council, Regional Supervisory Council and Central Supervisory Council with the aim that the Notary Position Regulations and Notary Code of Ethics can be implemented properly and notaries in carrying out their duties always pay attention to the terms or conditions stipulated by the Law in order to ensure legal certainty for parties who use the services of a notary.

Article 67 Paragraph (3) of UUJN states that supervision of Notaries is carried out by the Minister by forming a Supervisory Panel of 9 (nine) people consisting of elements: Government as many as 3 (three) people, Notary organizations as many as 3 (three) people; and 3 (three) experts/academies. At the conceptual level, the aspect of legal expediency to carry out the task of supervision of notaries, in essence, when referring to legal expediency, namely representing the academic world, government and society, this combination is expected to provide synergy of supervision and objective examination, so that every supervision is carried out based on applicable legal rules. Therefore, the position of the composition of academics should be understood in line with this line of expediency.

The authority of the Notary Regional Supervisory Council (MPDN) has been regulated in the Notary Office Law (UUJN) and regulations issued by the Minister of Law and Human Rights of the Republic of Indonesia. However, until now, there has been no provision that specifically regulates the act of imposing sanctions on Notaries who are proven to have violated the duties of their office and their behavior. The Notary Area Supervisory Board in carrying out supervision must be based on the Notary Office Law.

The problems in this study are as follows:

1. What is the role of Academics in Notary Supervision Council in Indonesia?
2. What is the expediency of the role of academics in the composition of the Notary Supervision Council in Indonesia?

METHODS

Research methods used normative juridical or library research, namely research by tracing and analyzing library materials and documents related to the substance of the research. In normative juridical research, using the statute approach is a steady, definite and absolute thing. It can be said to be firm, definite and absolute based on legal logic that normative legal research is based on research carried out on existing legal materials

RESULT AND DISCUSSION

The Role of Academics in Notary Supervision Council in Indonesia

Notaries as general officials are required to have a good personality, wise, wise and full of a sense of responsibility and are obliged to carry out all provisions of applicable laws and regulations. In addition, notaries are required to have proficiency or mastery in the field of law that is their competence. The presence of a notary aims to help and serve the public who need authentic written evidence regarding circumstances, events or legal acts.

In an effort to maintain the dignity of notaries as general officials who help and serve the community, there is an organization that houses it, namely the Indonesian Notary Association. As a tangible form of upholding the nobility of the notary position by the organization, INI created a code of ethics for its members which was established in Bandung, on January 28, 2005. The professional code of ethics is a norm set and accepted by a professional group, which directs or instructs its members how to act and at the same time guarantees the moral quality of the profession in the eyes of the community.

Given the importance of the role of notaries in public life, it is important for notaries to always comply with and carry out every mandate contained in the UUJN and the Notary Code of Ethics. In reality, notaries in carrying out their duties and authorities are still violations of the code of ethics. Based on data from the Notary Area Supervisory Board of the Special Capital Region of Jakarta. During 2020 to 2022, there were 15 cases of violations of the code of ethics that have been sanctioned by the Notary Regional Supervisory Board of the Special Capital Region of Jakarta, both sanctions in the form of verbal reprimands, written reprimands and temporary suspension of the reported person. The imposition of sanctions on notaries who violate the code of ethics is carried out by the

Supervisory Panel in accordance with its authority through an examination and trial process involving the Chairman and Members of the Supervisory Panel consisting of government elements, notary organization elements and experts/academy elements.

The role of academics in the Enforcement of the Notary Code of Ethics is to provide a balance of views based on academic theories on the types of violations reported and the types of sanctions that will be imposed in accordance with the severity of errors or violations of the code of ethics committed by the reported notary. Academic views are submitted to the plenary session of the Supervisory Panel and formulated jointly regarding the types of violations committed and legal sanctions imposed on the reported notary. Furthermore, the court will decide the case and the verdict will be handed down as the decision of the Supervisory Panel. The role of academics in the Notary Supervisory Panel in addition to participating in supervising notaries is to provide a balance of views on two other elements of the Supervisory Panel, namely government elements and notary elements, especially in the examination and trial process of notaries who are examined or suspected of violations. The academic element in providing an academic view shows that academics have carried out their duties in accordance with their capacity and in accordance with the mandate of the law given to them. The existence of academics in the Composition of the Notary Supervisory Panel in this case is to perfect the elements in the Supervisory Panel, so there is no need to add other elements in the Supervisory Panel.

In principle, the task of supervising and examining notaries is the authority of the Minister of Law and Human Rights, as stipulated in the Notary Position Law (UUJN). In practice, the Minister establishes a Notary Supervisory Panel to carry out this function. The Minister has the responsibility to assist the President in managing some government affairs in the field of law and human rights. Attributive authority in supervising notaries is specifically owned by the Minister, in accordance with the provisions stipulated in Article 67 paragraph (1) of the UUJN. The position of the Minister as part of the executive (government) indicates the exercise of government power in the capacity of a State administrative body or position.

Based on Article 67 paragraph (2) of the UUJN, the Minister has the right to delegate supervisory authority to a body called the Supervisory Council. The Supervisory Board is an institution that has the responsibility and authority to carry out supervision and guidance of notaries. Therefore, the Minister as the party giving the delegation, and the Supervisory Panel as the recipient of the delegation, have full rights and responsibilities to supervise the notary without the need to return its authority to the delegate.

The Expediency of the Role of Academics in the Composition of Notary Supervision Boards in Indonesia

The existence of academics in the composition of the Supervisory Board is an integral part of the implementation of supervisory activities for notaries. The main academic role in the Notary Supervisory Board is in charge of supervising so that Notaries carry out their duties in accordance with their authority and do not violate applicable laws and regulations. Its function in the field of supervision includes ensuring that the rights, authorities, and

obligations given to Notaries are in accordance with the provisions of applicable laws and regulations, and this needs to be done by adhering to a predetermined path, including moral and ethical aspects. The aim is to ensure legal protection and legal certainty for parties who require Notary services. The importance of the role of the community also cannot be ignored, because they have the responsibility to supervise and report Notary actions that are not in accordance with the rules of law to the local Notary Supervisory Panel. With this report, it is expected to prevent Notary actions that violate the rules of law in carrying out their duties. Therefore, in addition to complying with laws and regulations, Notaries are also required to follow professional ethics to avoid lawsuits and reprehensible acts.

The presence of academics in the structure of the Notary Supervisory Board is expected to make a significant contribution to achieving the objectives of supervision of Notaries. The main focus of the supervision is to ensure that Notaries meet the needs of the community by providing authentic deeds at the request of related parties. The importance of the Notary's role in society makes its existence relevant, but the replacement of supervisory agencies does not mean reducing the level of difficulty in conducting supervision. Although the Notary Supervisory Board carries out its duties strictly, the success of supervision also depends largely on the awareness and responsibility of individual Notaries to comply with applicable laws. The role of the community is no less important in maintaining the quality of Notary services, where reports on Notary actions that violate the rule of law can be submitted to the local Notary Supervisory Board. Through this reporting mechanism, it is expected to avoid Notary actions that are not in accordance with legal procedures in carrying out their duties.

The Notary Supervisory Board has an important role in ensuring that Notaries carry out their duties in accordance with their authority and comply with all applicable laws and regulations. Its functions include supervision, examination, and sanction of Notaries who are proven to violate the rules. In addition, the purpose of the Notary Supervisory Panel is to ensure that all rights, authorities, and obligations given to Notaries are in accordance with the provisions of applicable laws and regulations. Supervision is carried out not only through legal channels, but also based on moral and ethical values, to ensure legal protection and legal certainty for those who need it.

Based on data from the Notary Regional Supervisory Board of the Special Capital Region of Jakarta, it is known that from 2020 to 2022 there were 15 cases of violations of the code of ethics that have been sanctioned by the Notary Regional Supervisory Board of the Special Capital Region of Jakarta, both sanctions in the form of verbal reprimands, written reprimands and temporary suspension of the reported. The data shows that after the Covid-19 pandemic, from 2020 to 2022, there was an increase in the number of notaries who received sanctions for violations. In addition, one of the notaries was sanctioned differently from the recommendation of the Regional Supervisory Council, where the Regional Supervisory Panel decided to release the minutes of the event.

Regarding the discrepancy between the recommendation from MPD and the decision from MPW in handling cases of violations committed by notaries, it is not a mistake because Permenkumham Number 15 of 2020 justifies such differences in views. The notary supervisory panel must summon the reported and the reporter, where new evidence may be found within 3 months from the recommendation of the Regional Supervisory Panel to the Regional Supervisory Panel, while if the reported party or the reporter is not satisfied with the decision in the Regional Supervisory Panel, it can be recommended to the Central Supervisory Panel.

Legal Expediency Aspects The Role of Academics in the Composition of Notary Supervisory Panels in this case is in accordance with Jeremy Bentham's Legal Expediency Theory which is based on the principle of utility that the existence of Academics becomes an integral part in the implementation of supervision activities for notaries. In the context of the code of ethics approach, a set of beliefs and moral standards that must be followed are; The code of ethics created by the organization is the basis for academics in deciding sanctions for notary violations. Furthermore, academics must be meticulous in carrying out supervision and examination of notaries as general officials. According to the line of understanding of the theory of legal expediency, the factual truth in every notary is that it tends to produce profits, benefits, benefits, pleasure, goodness and happiness in terms of carrying out their duties. On the contrary, it is the duty of the Notary Supervisory Board to avoid situations of misfortune, pain, crime, displeasure and unhappiness that disturb the peace of the public who use the services of a Notary.

Legal Expediency Aspects The role of academics in the composition of the Notary Supervisory Panel is that academics are useful in providing balance and harmony of views for the other two elements in the Notary Supervisory Panel in terms of handling notaries who commit violations. This means that before the Supervisory Panel makes a certain decision against notaries who commit violations, academic elements can provide academic views on the problems that occur.

In addition, another legal advantage of the academic element in the Supervisory Panel is that it can conduct independent research related to notary practice, regulations, and related issues. Academics can analyze existing data and information to identify problems or deficiencies in the notary supervision system, as well as provide recommendations for improvement. Academics can act as consultants or experts who provide views and advice to the notary supervisory board. Elements of academia can participate in discussions and meetings to help formulate new policies or regulations that are more effective in notary supervision.

Elements of academics can provide new scientific perspectives in training and educational activities to members of the notary supervisory board. Academics in this regard may conduct seminars, workshops, or courses that address topics related to notary supervision, including ethics, regulations, and practice. In evaluation activities, academics can carry out evaluations and audits of the performance of the notary supervisory board. Academics in this case can evaluate the effectiveness of existing supervisory mechanisms,

identify weaknesses, and provide recommendations for improvement. Academics can play a role in the development of new policies related to notary supervision. They can provide input based on their research and analysis, as well as help formulate better policies in maintaining the integrity and quality of notary practice.

Based on the description above, it can be stated that the existence of academic elements in the Composition of the Notary Supervisory Board has significant legal expediency aspects in carrying out supervision of notaries, especially providing a balance of views academically in handling cases against notaries who commit violations. In addition, another aspect of legal expediency is that the existence of academic elements can provide benefits in the organizational development of the Notary Supervisory Council, especially in transforming knowledge in the latest notarial fields for the organization, organizational development through education and training as well as the implementation of research and evaluation in order to improve the quality of the Notary Supervisory Council's performance.

CONCLUSION

The role of academics in the Supervision of Notary Supervision Boards in Indonesia is to provide a balance of views based on academic theories on the types of violations reported and the types of sanctions that will be imposed in accordance with the severity of errors or violations of the code of ethics committed by the reported notary. Academic views are submitted to the plenary session of the Supervisory Panel and formulated jointly regarding the types of violations committed and legal sanctions imposed on the reported notary. Furthermore, the court will decide the case and the decision will be handed down as the decision of the Supervisory Panel. The legal expediency of the role of academics in the composition of the Notary Supervisory Panel is significantly useful in carrying out supervision of notaries, especially providing a balance of views academically in handling cases against notaries who commit violations. In addition, another aspect of legal expediency is that the existence of academic elements can provide benefits in the organizational development of the Notary Supervisory Council, especially in transforming knowledge in the latest notarial fields for the organization, organizational development through education and training as well as the implementation of research and evaluation in order to improve the quality of the Notary Supervisory Council's performance.

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