

Reconstruction of the supervision policy of notary as a land-certificate maker in Indonesia based on justice value

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Abstract

In Indonesia, the notary plays an important role in the Indonesian's Law Structure. Even so, there are still many problems for notaries, one of which is related to supervision. For the sake of realizing benefit, legal certainty, and justice, the author is interested in examining this problem where the main problem discussed are what problems arise in notary supervision of land-certificate making in Indonesia currently and how the reconstruction is based on the value of justice. The matter are studied using normative research with descriptive research type. The approach to the problem used is an applied normative approach with the type of judicial case study. The data used are literature research where the data consists of primary, secondary and tertiary legal materials.

Research Shows that the problems faced in the current notary supervision process come from MPN, which mostly comes from the weak governance of the institution. This is coupled with the lack of a legal culture of professionalism that is owned by Notaries which is reflected in the reluctance to examine Notary in persons by the MPN as both are fellow Notaries. To overcome this, it is necessary to reconstruct the policy of notary supervision as government official based on the value of justice by changing article 67 of Law Number 2 of 2014 to: (1) Notary supervision is carried out by Indonesian notary association (INI) and (2) for the Minister to immediately form a supervisory board, and also for INI to form a Notary's Honorary Board.

Keywords: reconstruction, supervision, notary, justice value

Introduction

Notary is a legal profession appointed by the government and are often called a noble profession (*nobile officium*). Deeds made by a notary can be a legal basis for the status of property, rights and obligations of a person. Erroneous deeds made by a notary can lead to the loss of a person's rights or the burden of a person on an obligation, therefore the notary in carrying out his / her duties must comply with various provisions as stated in the Law on the Position of a Public Notary.

Notary in carrying out its duties is supervised by the Notary Supervisory Council. With the existence of Notary Supervisory Council, it is hoped that there will be an increase in legal services and protection guarantee for people who use notary services. At present, malpractices or irregularities are often encountered by notaries in exercising their authority and positions. These deviations caused material, time and psychological losses for the public who use notary services.

In order to implement a proper supervisory function, several laws and regulations have been drafted regulating the duties, powers and obligations of the Notary Supervisory Council, such as Law No. 30 of 2004 concerning the Position of a Public Notary, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.02.PR08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures and Procedures for Examination of the Notary Supervisory Council, Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.39-PW.07.10 of 2004 concerning Guidelines for

Implementing Tasks Notary Supervisory Council, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.01-HT.03.01 of 2006 concerning terms and procedures for the appointment, transfer and dismissal of Notaries and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number M.03.HT.03.10 Years 2007 concerning The taking of minutes of Deed and Notary Summons.

Supervision of notaries is also carried out by the Notary's Honorary Council (MKN). The Notary's Honorary Council is the body authorized to carry out the guidance of Notaries. The Notary Honorary Council is regulated in the Law on the Position of Notary after the amendment (Law No.2 of 2014). The matter related to the Notary Honorary Council is the Constitutional Court Decision No. 72 / PUU-XII / 2014. The Notary Honorary Council has also been regulated in the Minister of Law and Human Rights Regulation No.7 of 2016 concerning the Notary's Honorary Council.

In carrying out its obligations and authorities, the Notary's Supervisory Council and the Notary's Honorary Council experience several obstacles such as the imbalance between the number of MPN officials (consisting of 9 people) and MKN officials (consisting of 7 people) with the number of notaries and the wide coverage area that must be supervised, limited funds, facilities. And the infrastructure for the MPN to carry out supervision, lack of communication between members of the MPN and other obstacles. This causes the process of monitoring and coaching notaries to be less than optimal, so that the number of notaries affected by malpractice cases increases.

Apart from the above, there are also problems such as; the

same article in the Law on the Position of Notary Public Year 2004 was tested in the Constitutional Court. This material test was submitted by a company director, Kant Kamal in an article by Erdi^[1]. The article regulating the approval of the honorary council regarding the examination of the legal process is deemed to be detrimental to the applicant because the reported case involving a notary has been terminated, even though regional police (*Polda Metro Jaya*) has examined witnesses related to making authentic deeds. The reason is that they did not get approval from the agency. This is considered to hinder the investigation, making the applicant experienced injustice in the process.

To find out in more detail about the problems of supervising notaries and solutions to the problems faced in order to realize benefit, legal certainty, and justice are the reason for the author to examine this further in a research with the following issues:

1. What problems have arisen in the supervision of notaries over land-certificate making in Indonesia currently?
2. How is the reconstruction of the policy of notary supervision on the making of land-certificate in Indonesia based on the value of justice?

Method of Research

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge^[2]. Paradigm also looked at the science of social as an analysis of systematic against *Socially Meaningful Action* through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach (approach) the research is to use the approach of *Normative-Juridical*^[3], which is based on the norms of law and the theory of the existing legal enforceability of a law viewpoint as interpretation.

As for the source of research used in this study are:

1. Primary Data, is data obtained from information obtained from literature review derived from the existing regulation, credible news and data obtained from interested parties.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, researchers uses data collection techniques, namely literature study, interviews and documentation. In this study, the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the

data^[4].

Research Result and Discussion

1. Problems In The Supervision Of Notaries Over Land-Certificate Making In Indonesia Currently

A notary can only be said to be free from legal responsibility if the authentic deed he or she has created and / or created before him meets the formal requirements. The legal consequences of unlawful acts committed by notaries in making authentic deeds are basically occurred in a case where public officials have been seeking profit and abusing the powers that have been regulated in the Public Notary's Law (UUJN) and the amendment of UUJN and a client or other party that experiences loss by the making of the said deed.

A deed that contains elements of an illegal act committed by a Notary according to the law may be canceled or can be canceled. Regarding the cancellation of the deed, it is under the authority of a civil judge, namely by filing a civil suit to the civil court. If in the trial the party who is at loss is asked to cancel the deed (the victim), the notary deed can be canceled by the civil judge if there is a solid evidence. As it is known that a Notary deed is an authentic deed which is a written evidence which has binding and perfect evidentiary power, it is still possible for the deed to be annulled by the opponent's evidence, namely the filing of a lawsuit to demand the cancellation of the deed to the court so that the deed is canceled. Cancellation of an authentic deed can also be carried out by a notary if the parties realize an error that has been stated in the deed that could potentially create doubts about the agreement between the parties concerned therefore the deed can be canceled.

An authentic deed made by a Notary must be considered valid and bind the parties before it can be proven that the authentic deed is invalid from the physical, formal and material aspects of the authentic deed. In the provisions referred to in Article 41 of the Law on amendments to the UUJN which states that if a Notary violates the provisions referred to in Article 38, Article 39, and Article 40 it results in the deed only having the power of proof as an undersigned deed, then the Notary deed only has the power of proof as undersigned deed.

The legal consequence of an authentic deed made by a notary against the law which causes the authentic deed to become a deed under the hand and the deed can be canceled is in line with the theory of authority and the concept of legal protection. As stated in the theory of authority, the notary in making authentic deeds is included in the authority by attribution, based on the provisions of Article 15 paragraph (1) of the Law on amendments to UUJN. The occurrence of a legal consequence, namely in the form of an authentic deed becomes an underhand deed and the deed is canceled due to the abuse of authority carried out by the Notary, where the Notary in exercising its authority has violated statutory provisions which resulted in losses for the parties and resulted in changes in the power of proof of the deed and the existence of cancellation of the authentic deed by the court.

With the existence of laws and regulations that apply both in terms of notary regulations and official land deed maker (PPAT), both of them prohibit different regional positions in

¹ Erdi, Erdi & Perdana, Surya & Suprayitno, Suprayitno. (2020). *Perlindungan Hukum Terhadap Notaris Dalam Melaksanakan Hak Dan Kewajiban Ingkar Notaris Pada Saat Penyidikan Kepolisian Negara Republik Indonesia*. DE LEGA LATA: Jurnal Ilmu Hukum. 5. 164-182. 10.30596/dll.v5i2.4081.

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³ Johnny Ibrahim, (2005), "Teori dan Metodologi Penelitian Hukum Normatif", Bayumedia, Surabaya.

⁴ L. Moleong, (2002), "Metode Penelitian Kualitatif", PT Remaja Rosdakarya, Bandung.

carrying out their positions. However, if a notary gets a regional position that is different from his PPAT position, while waiting for an application to the relevant agency (Department of Law and Human Rights/ National Land's Office) to be able to adjust to his or her position area, then the validity of the notary deed he or she makes is still valid, because of the contents of the deed itself as the deed itself are what the concerned parties ordered and the notary only helps to formulate the deed for the parties.

In Government Regulation Number 37 of 1998 concerning PPAT Position Regulations also explicitly and clearly stated in Article I paragraph (1) letter c, namely: "PPAT ceases to serve as PPAT because of being appointed and taking an oath of office or carrying out duties as a Notary with a domicile at a District / Municipality of a Level II Region other than the working area as PPAT".

According to Article 9: " A PPAT that stops serving as PPAT because of being appointed and taking the oath of office of Notary in District I Municipality of Level II Region other than the working area as referred to in Article 8 paragraph (1) letter c can be reappointed as PPAT with the working area of the Regency/ Municipality of the Level II Region where his / her domicile is as Notary, if the PPAT formation for the work area is not yet full ".

Whereas in Article 17 letter g of UUJN, it is emphasized that Notaries are prohibited from holding concurrent positions outside the area of office of Notaries. If the prohibition is violated, then based on Article 85 UUJN, administrative sanctions can be imposed by the Notary Supervisory Council in several stages. Notaries will first be given the opportunity to defend themselves starting from the District, Region, and the central MPP and in the end if all of it failed then the Notary or PPAT will be disrespectfully dismissed/Fired by the Minister of Law and Human Rights of the Republic of Indonesia.

In relation to the above problem, Article 9 paragraph (1) letter d of the UUJN states that a Notary that has been temporarily suspended from his or her position for committing a violation of his or her obligations and prohibition of office means that a Notary with a different position of office as mentioned that has violated the prohibition of office as referred to in Article 17 letter g UUJN, must also be temporarily suspended from his position for 6 (six) months (as stated in Article 9 paragraph (4) of UUJN). Before the dismissal is carried out, the Notary concerned is given the opportunity to defend himself in stages before the Supervisory Council (Regional, Regional and Central) as seen in Articles 9 paragraph (2) and (3) of UUJN. However in Article 10 paragraph (2) of UUJN states that the Notary who has been temporarily suspended from his position can be reappointed as Notary by the Minister after the termination period ends.

In accordance with Article 8 paragraph (1) point c Government Regulation Number 38 of 1997 concerning PPAT Position Regulations states that: "PPAT ceases to serve as PPAT because of being appointed and taking an oath of office or carrying out duties as a Notary with a domicile in a level II District Municipality other than his working area as PPAT ". It is clear that this article regulates the legal consequences in the event that a Notary Public / PPAT is appointed in a different position of office. This situation causes the PPAT concerned to automatically terminate itself as PPAT and therefore no decision to dismissal is required.

In the event of a difference in working areas like that, the first action that can be taken is that the PPAT Concerned is to be actively contact the BPN to immediately take care of the change in the work area by requesting a Decision paper of a working area issuance. In case the concerned party's notary haven't done it, then the notary must immediately goes to the Central BPN to apply for changes to the work area following the Notary Work Area by attaching a Decree of his Appointment as Notary and Minutes on his or her Appointment as Notary to avoid legal consequences.

If it turns out that the work area being applied for is closed or there is no formation, then the concerned must wait until there is formation / evaluation of the area. The problem is waiting here in the sense that it cannot be determined how long and for how long. While waiting for certainty what can be done is that the person concerned must make a choice, choose his work area as Notary Public or his work area as PPAT because as the author described above, a PPAT Notary may not have a branch office / representative office and must have only 1 (one) office domiciled within the working area and if the Notary is concurrently a PPAT, the Notary's office will also serve as his or her PPAT office which he or she concurrently serves.

Factors that become obstacles for Notaries / PPAT in carrying out their positions are related to the notary's neutral attitude. Notaries must adhere to the principle of being careful with information given by the parties facing them. It is possible that the party facing it provides information that is not in accordance with the truth.

Notary / PPAT in carrying out their duties and positions is subjected to UUJN rules. Therefore, if a Notary commits a violation in carrying out his duties and positions, until the criminalization occurs, the Notary will be threatened with sanctions as stated in the UUJN. Sanctions against Notaries are categorized into 2 (two), namely civil sanctions in the form of reimbursement of fees, compensation, and interest which will be received by the Notary on the claims of the parties if the deed only has the power of proof as an underhanded deed or the deed becomes null and void for the sake of law. Notaries also still have to face the threat of sanctions in the form of ethical sanctions if the Notary violates the notary's code of ethics, and can even be subjected to criminal sanctions in the event of a criminal violation in committing the deed.

However, criminal sanctions against Notaries must be seen in the context of carrying out their duties and subject to general criminal provisions, namely the Criminal Code, UUJN and the amendment Law on UUJN do not regulate specific criminal acts for Notaries. Whereas specifically for PPAT, by carrying out their positions are regulated in Government Regulation Number 24 of 1997 concerning Land Registration in conjunction with Government Regulation Number 37 of 1998 concerning Land-certificate Making Officials (PPAT).

Based on the explanation above, the writer then formulates the problems faced in the current PPAT notary supervision process in Indonesia, among others:

- a. The length of time required to process a case report submitted by the public to the MPN or The Notary Supervisory Board takes too long as they must review whether the report is true or not. Furthermore, the MPN must conduct a meeting first with the case-examining team. This often takes a long time, and causes people to become impatient waiting for reports to be processed.

This condition also results in the lack of public complaints about the performance of notaries.

- b. MPN members come from various agency backgrounds, causing the process of supervising notaries to be hampered due to time constraints and the busyness of each MPN member.
- c. Lack of communication between MPN members in carrying out supervision and guidance. This has resulted in the lack of supervision and guidance programs for Notaries, especially PPAT Notaries.
- d. The imbalance between the number of supervisors and the number of notaries as well as the wide coverage of areas that must be supervised causes the supervisory duties that have been stipulated in the UUJN, to be not optimal.
- e. Inadequate facilities both in terms of facilities and infrastructure for MPN members have resulted in less than optimal performance of MPN members in carrying out routine checks. Lack of facilities hampers activities that are periodic, regular and regular in nature, such as the repertorium inspection which is carried out regularly every year. This aims to prevent errors and negligence in the practice of notaries.
- f. Lack of operational costs for MPN members to run a notary surveillance program. This causes the supervision program in the form of guidance to notaries that is often not sustainable.
- g. So far, the validity and effectiveness of notary supervision is minimal. So that there is no assessment of the performance of the MPN and MKN.
- h. The lack of professionalism legal culture owned by most of the Notary in Indonesia as reflected in the feeling of reluctance to examine Notary in person as both are fellow Notaries.

2. Reconstruction Of The Policy Of Notary Supervision On The Making Of Land-Certificate In Indonesia Based On The Value Of Justice

Notary's supervision is a reflection of the legal system established by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Public Notary (UUJN). According to Lawrence M. Friedman, what gives life to a legal system is its external social factor. The system can be non-isolated or isolated depends on input it receive from the outside. Public legal awareness also play a role in Notary supervision this external social factor. Thus it can be stated that if the effectiveness of the supervision is small, while the strength of the quantity of malpractice committed by notary is large as the chances of the success of the supervisory institutionalization process are not optimal. The reciprocal interaction of the two has positive and negative effects, in fact it can increase the smoothness of the supervision process by increasing the amount of effectiveness supported by adequate facilities and infrastructure as well as active involvement of the community as users of notary services to reduce the flow of malpractice.

According to Satjipto Rahardjo^[5], the course of law is also determined by other means of equipment in society, such as the traditions of other social institutions, collective attitudes, and dominant views in society. It is through these factors

that law is manifested. The problem that arises from the research results is that the context of the supervision is not optimal enough to supervise malpractice. Behavioral factors of professional people and the minimum number of MPN personnel make law work are not optimal.

Legal development like this is a very abstract normative context, which means that it only exists in the context of written law. In Black's Law Dictionary^[6], in order to solve this, a legal mobilization is needed, namely human behavior or action that can add and change the written Law enforcement in the context of MPN supervision in a normative concept, where the MPN only applies what is already in the UUJN.

Such thing is likened to the work of an automatic machine. To solve this problem, a solution is needed not from a normative point of view but from a sociology of law which emphasizes the role of human behavior that is much more varied and not merely as an automatic machine. This behavior is termed by Roger Cottere^[7] as an "invocation of law". Admittedly, it is not easy to balance the life of law between what should be outlined by normative provisions and what actually works in everyday life. To overcome this, a harmonious balance in supervision is needed by strengthening the composition of the Regional MPP and supported by facilities and infrastructure that make it easier for the public to report any dysfunctional deviations from Notary professionalism therefore a professional culture of notary profession is needed.

A culture of professionalism is a culture built in a professional culture that prioritizes excellent service. In its development, the notary's professional life is increasingly developing to create a large unit in practice. This fact brings with it an expression that is "mega lawyering", the atmosphere sometimes neglects the dignity of the profession. A legal professional job is like a business. Legal work to serve the public's need for legal services will be segregated where the large material flow takes precedence, this overrides the whole notary profession. According to Sidharta^[8], in the context of a healthy professional organization culture, the sacred values (sacred) that must be defended desperately and profane values.

A healthy professional community culture should also show that at such times, the classification between in-group and outgroup (us and you) does not necessarily have to be highlighted. Furthermore, Sidharta also added that the professional community that upholds a culture of professionalism will tend to prioritize organic solidarity rather than mechanics with the spirit of "defending the corps" in order to ignore the broader and higher level public interest.

Referring back to what Friedman^[9] has outlined, the legal system has a role in organizing human behavior. This system is also realized in the context of notary supervision by the MPN. Culture is included in the legal system, how a notary behaves both inside and outside of his profession.

⁶ Bryan A. Garner, (2010), *Black's Law Dictionary*, West, p. 51.

⁷ Roger Cotterrell, (1995), *Law's Community: Legal Theory in Sociological Perspective*, Clarendon Press, p.215.

⁸ B. Arief Sidharta, (2013), *Ilmu hukum Indonesia: upaya pengembangan ilmu hukum sistematis yang responsif terhadap perubahan masyarakat*, Genta Publishing, p.51.

⁹ Friedman, in Edelman, Lauren. (2011). Lawrence Friedman and the canons of law and society. *Law, Society, and History: Themes in the Legal Sociology and Legal History of Lawrence M. Friedman*. 19-25. 10.1017/CBO9780511921629.002.

⁵ Satjipto Rahardo, (2003), *Sisi-sisi lain dari hukum di Indonesia*, Kompas, p.106.

Strictly speaking, the position of notary is a position given by the state in the field of notary which is inherent in him while he is still in office. Therefore, from the results of field observations, it is necessary to improve the Notary's professional culture based on sacred cultural values to maintain the nobility of the Notary profession in addition to strict regulations.

Meanwhile, as the external legal culture is built through close supervision from the MPN, Notary Organizations and the public therefore In particular the public, as users of Notary's legal services are sometimes disadvantaged by irregularities committed by the Notary him or herself and not to mention the motive of the parties in concern who sometimes want to deviate from the existing rules which forces a notary to make a deed, most of which are actually made by the parties that are not in accordance with the applicable provisions. In part, structurally the professional legal culture aims to achieve legal traffic order in society, where there is no single provision of values or norms that are collided with by the Notary and the community itself.

According to Gijssel ^[10], every theory used by legal science can be interpreted as a unity of views, opinions and notions relating to reality which are formulated in such a way that it is possible to describe hypotheses that can be studied. The common thread of a theory is used to solve problems and form systems. The system referred to in this research is a policy reconstruction that is useful for application in the supervision of PPAT notaries, with a combination of legal sociology which is useful for helping the law itself from a behavioral point of view. The sociology of law as also explained by Satjipto Rahardjo above as an empirical science, which bases on facts in a descriptive, explanatory way and makes predictions about the operation of law.

Input from the theory of sociology of law which refers to the context of behavior is used as a reference for building an administrative justice system which is then deduced to become an effective notary supervision. The use of this method makes it possible to describe it, both in terms of the internal structure of the body itself, and its environment, as well as the interactions between the two variables.

The minimum number of personnel as well as the wide area and the number of Notaries has made the supervision system that has been built in UUJN not maximal considering that there are still many violations or deviations committed by notary persons. This has not been taken into account by the notary's own internal factors which have not fully had a good legal culture in carrying out their duties and powers. Thus a capacity building program is needed for notaries, especially PPAT through intensive coaching.

Based on the above explanation, the following are matters that need to be considered by the Supervisory Council in carrying out its duties according to the author are First, the supervisory board as the bearer of community values In simple terms, has a moral responsibility to carry out its duties and obligations to supervise Notaries and to keep the public from being disadvantaged in using Notary services.

Second, the results of community development or outreach are related to the duties and authorities of the supervisory board as well as the facilities and infrastructure for public complaints about violations committed by a Notary to the

supervisory board.

Third, the target of environmental influences. Based on the results of observations and theories, a conclusion is almost the same that the operation of law always intersects with social, cultural, economic, political and so on.

Fourth, there is a need for professional socialization of the supervisory board regarding the educational background of the supervisory board itself and there is a need for a relevant monitoring and evaluation program to validate and streamline supervision of notaries, especially PPAT. The supervisory board must consists of 3 (three) people each, consisting of elements from the Government and experts / academics to compensate for the three people from the Notary organization. In addition, it is also necessary to have the involvement of other parties in examining and prosecuting Notary persons who do, namely elements of the Government. It is better if the government who handles this matter also has a legal education background because the decisions taken by the supervisory board are still in the realm of law, considering the concepts of law must be mastered as well. For example, regarding legal principles, decision-making methods, legal remedies and so on.

Fifth, there needs to be a review of the 2014 UUJN because in Article 1 Number 6 with Articles 66A and 67 of the 2014 UUJN are ambiguous.

In order to create a supervisory board that has awareness, certainty and just legal benefits, a policy reconstruction is needed where the supervision of notaries should be carried out by the Notary's Honorary Council (MKN) which was formed by the Indonesian notary association (INI) organization. As stated by Stufenbau, the legal system is a hierarchy of law. In this hierarchy, a certain legal provision originates from a higher level. And the highest provision is Grundnorm ^[11] or hypothetical basic norms. The lower terms are a concretization of the higher terms.

The formation of MKN by the INI organization is a concrete form of a higher provision, namely the UUJN. By carrying out notary supervision, which by MKN is intended to avoid dualism of authority in terms of supervision of notaries. If supervision is carried out by MKN, the coaching process becomes more focused. MKN can provide guidance to notaries so that irregularities or legal malpractices can be minimized so that awareness, certainty and legal benefits based on justice can be realized.

Conclusion

1. The problems faced in the PPAT notary supervision process at this time are the length of time required to process a report case submitted by the public to the MPN, MPN members comes from various backgrounds, causing the notary supervision process to be hampered due to time constraints and busyness of each of MPN member, Lack of communication between MPN members in carrying out supervision and guidance, The imbalance between the number of supervisors and the number of notaries as well as the wide coverage of areas that must be supervised causes the supervisory duties that have been stipulated in UUJN is not optimal, Inadequate facilities both in terms

¹⁰ Gijssel in, Soegianto, Soegianto. (2020). PROFESSIONAL ETHICS AND LEGAL PROTECTION FOR NOTARY. Jurnal Pembaharuan Hukum. 6. 10.26532/jph.v6i2.7897.

¹¹ Grundnorm, as introduced by Hans Kelsen in Stufenbau Theory, see Wirman, Wirman & Danil, Elwi & Fendri, Azmi. (2019). Investigation of Crime Committed by a Notary with the Approval of the Honorary Board of Notaries. International Journal of Multicultural and Multireligious Understanding. 6. 822. 10.18415/ijmmu.v6i3.920.

of facilities and infrastructure for MPN members resulting in less than optimal performance of MPN members in carrying out routine inspections, Lack of operational costs for MPN members to carry out supervisory programs for notaries, and the fact that so far the validity and effectiveness of notary supervision is still not optimal as there is no assessment of the performance of the MPN and MKN and not to mention the lack of a legal culture of professionalism that is owned by the Notary as it is reflected in the lack of examination of the Notary in person as both the examiner and the notary him or herself are fellow Notaries.

2. The reconstruction of the notary supervision policy as a PPAT based on the value of justice is by changing article 67 of Law Number 2 of 2014 to: (1) Notary supervision is carried out by Indonesian notary association (INI) and (2) for the Minister to immediately form a supervisory board, and also for INI to form a Notary's Honorary Board.

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