



## Factors causing ineffective notary supervisory assembly impressing the level of violation of notary office in lampung province

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### Abstract

This paper discusses the issue of legal issues that cause the Notary Supervisory Council to be ineffective in suppressing the level of violation of the notary office in Lampung Province. This research is a socio-legal research. To find and analyze the factors that cause the Notary Supervisory Council to be ineffective in suppressing the level of violation of the notary office in Lampung Province. From this research, it was found that the factors causing the Notary Supervisory Council were not effective in suppressing the level of violation of the notary office in Lampung Province. Factors that cause the Notary Supervisory Board to be ineffective in suppressing the level of violation of the notary office in Lampung Province are due to internal and external factors. The internal factor is due to the limited funds available for the Notary Supervisory Council in Lampung Province, the lack of readiness of the facilities and infrastructure used by the Notary Supervisory Council in Lampung Province to carry out routine checks. The external factor is due to the lack of knowledge of notaries, the increasing number of notaries in Lampung Province in terms of competition and resulting in violations of office and code of ethics in order to get more income and minimal reports from the public.

**Keywords:** notary supervisory council, notary public, offense

### Introduction

The existence of a notary is very much needed by the public in general, namely to formulate the legal actions of the parties in an authentic deed in order to have legal certainty of justice in making an agreement. The existence of a notary is very much needed by the community to ensure that all agreements and legal events in the community can be protected by the presence of a notary who is authorized to make an authentic deed (Pebry Dirgantara, 2013) <sup>[10]</sup>. The responsibility of a notary in carrying out his duties and authorities is required to be able to act and apply it when providing legal services and input to the public and the public (Dwiky Bagus Wibisono, 2018) <sup>[6]</sup>.

The existence of a notary who is very much needed by the community requires a mechanism for supervision and guidance to notaries so that in carrying out their positions they do not violate the provisions contained in the UUJN and the Indonesian Notary Association Code of Ethics. Articles 67 to 81 of the Law on Notary Positions (UUJN) stipulate legal mechanisms to carry out supervision and guidance related to the actions of data notaries carrying out their duties and authorities. In Article 67 of the Law on the Position of a Notary, it is stated that in terms of supervision and guidance to a notary, it is carried out by the Minister (Ruslan, 2013) <sup>[11]</sup>.

The Ministry of Law and Human Rights of the Republic of Indonesia in carrying out the task of supervising and fostering notaries in Indonesia is assisted by institutions, namely the Honorary Council for internal organizations and the Notary Supervisory Council. The two institutions are extensions of the Ministry of Law and Human Rights where the Notary Supervisory Council is formed from the Central level to the District and City levels. The role of the Notary

Supervisory Council in carrying out its supervisory and coaching duties is very important related to the notary's attitude when carrying out his duties and authority to make authentic deeds to ensure legal certainty for those who appear before him (Neky Kuntjoro, 2016) <sup>[9]</sup>.

The difference lies in the authority of the Honorary Council and the Notary Supervisory Council. The Notary Supervisory Board provides guidance and supervision to the Notary in carrying out his position. The Honorary Council has the authority to conduct guidance and supervision in terms of actions regulated in the code of ethics. The Indonesian Notary Association (INI) Notary Code of Ethics is a standard of ethical or moral behavior of a notary who in carrying out his duties and authorities must be followed and obeyed, including officials. Temporary Notary, Substitute Notary and Special Substitute Notary (Deva Apriza, 2018) <sup>[5]</sup>.

The regulation of obligations and prohibitions in the position of a notary so that the notary in carrying out his duties and authorities upholds and maintains the dignity of the notary position which will be perfect if implemented (Della Kartika Sari, 2019) <sup>[3]</sup>. Since the existence of the Notary Supervisory Council, the MPDN/MPWN of Lampung Province has conducted inspections, supervision and imposed sanctions on these legal issues. These legal issues include a notary who violates the Code of Ethics and the prohibition of positions related to concurrent positions. In the provisions of Article 17 paragraph 1 letter e of the Law on Notary Positions and Article 4 number 15 letter a the Code of Ethics of the Indonesian Notary Association clearly stipulates that a Notary may not hold concurrent positions as attorneys/advocates and litigate in court, but in practice in Lampung Province there are a notary who is

reported to have committed the violation.

Chairul Anom, a Notary in Bandar Lampung City, Choirul Anom is the director and legal representative of PT. Bumi Madu Mandiri in a dispute against PTPN VII (Plantation Nusantara) in Way Kanan Regency. Choirul Anom is known to be an active notary in Bandar Lampung City, Lampung Province. This is one of the real examples of legal issues regarding violations of the Code of Ethics and Prohibition of Notary Positions in Lampung Province because in Article 17 paragraph (1) letter e of the Law on Notary Positions and Article 4 number 15 letter a of the Indonesian Notary Association Code of Ethics. Clearly regulates the prohibition of notary positions for concurrent positions.

Thabrani Notary in Bandar Lampung City who is indicated to have falsified the Deed of Purchase of land Number: 05/CT.TKB/I/2008 dated January 22, 2008. The sale and purchase stated that there was a sale and purchase between Liawati (Liaw Ye Ing)/the seller and Marthalina Arifin (the Buyer). The fact is that the buyer is not Marthalina Arifin (Buyer) but should be Marthalina Arifin (Buyer).

Notary Rudi Hartono, who is a Notary in Bandar Lampung City, also violated the Code of Ethics, in connection with a transaction between the non-active South Lampung Regent Zainudin Hasan and Alzier Tabrani over 3 plots of land in Munjuk Sampurna Village. Ownership number 20 covers an area of more than 1.4 hectares, property rights number 21 covers an area of more than 1.3 hectares and property rights number 28 covers an area of 5725 m<sup>2</sup> before a notary Rudi Hartono. The three land assets were purchased from Alzier for Rp. 2.5 billion. Unfortunately, to deceive the actual price of the sale and purchase value, the deed of sale and purchase of property rights number 20 stated that the price was only Rp. 66.6 million. Then for the property rights number 21 of Rp. 74 million more. And for property rights number 28 of Rp. 50 million. Whereas the actual price of the three land assets is Rp. 2.5 billion. Alzier admitted that he did not understand and did not know anything. The reason is that it was the initiative of people close to Zainudin Hasan and Notary Rudi Hartono.

### Research Question

Based on the description of the background above, in order for this research to be more focused, the problem of this research needs to be formulated as follows:

1. What are the factors that cause the Notary Supervisory Council to be ineffective in reducing the level of violations of notary positions in Lampung Province?
2. What are the appropriate future arrangements for the Notary Supervisory Council to effectively reduce the level of violations of notary positions in Lampung Province?

### Research Objectives

Based on the problems that have been formulated above, the objectives to be achieved in this study are as follows:

1. To find out, examine and analyze the factors that cause the Notary Supervisory Council to be ineffective in suppressing violations of notary positions in Lampung Province
2. To find the right solution for the Notary Supervisory Council to effectively suppress violations of notary positions in Lampung Province.

## Literature Review

### Effectiveness of law

Bronislaw Malinowski explained the theory of the effectiveness of social control over the law contained in 3 (three), problems, namely: (Sibuea, 2016).

1. In developed societies, public order is regulated by a system of social control and coercion, namely law. For its implementation, the law is supported by the tools of organizational power, namely the State;
2. In underdeveloped societies such tools of power are sometimes not owned;
3. Thus, is it possible that in the life of an underdeveloped society there is no law? Bronislaw Malinowski analyzes the effectiveness of law in society which is divided into 2 (two) types, namely advanced society and backward society. A developed society is a society whose economic cycle is based on a broad market, focused on industry, and uses advanced technology. In developed societies, laws are drawn up by officials who have the authority and enforced by law enforcement in this case are judges, prosecutors and police. Underdeveloped communities are people who have an ordinary economic cycle and tend to be simple and underdeveloped people do not know the tools of power.

The effectiveness of legal norms in Anthony Allot's view is alluded to in his book entitled *The Limit of Law*, Butterworths. The book explains that the background of the discussion on the effectiveness of legal norms as discussed in the book is as follows: (Soediro, 2017).

1. The law has a limit in its effectiveness (degree of compliance).
2. There is a general tendency in various countries to make laws and regulations without researching whether legal products can achieve their goals.
3. It is difficult to measure the effectiveness of the law

The effectiveness of legal norms is defined where the norms are no longer implemented and valid in society. The formulation of a legal norm can be described before a violation has occurred. If there is no violation, the legal norm is continuous in a situation where the violations that have occurred are very many, then lead to an assessment of the ineffectiveness of the application of the legal norm and the implication of the loss of the validity of the legal norm. Effective application of legal norms for Kelsen is an absolute requirement for the validity of the law. This is a wrong judgment. The enactment of the law is based on basic norms. However, in order to apply these norms in society, certain conditions must be met, namely that the law is effective. In conclusion, the effective application of legal norms is an absolute requirement for the enactment of the law (Huijbers, 2012).

The effectiveness of legal norms is an activity with the aim of effective implementation of legal norms. In order to be able to see the effectiveness of the application of a legal norm, one must look at the way in which the norm is implemented by the wider community which is the goal (Ali, 2009) <sup>[13]</sup>.

### Research Methodology

This research is a socio-legal research. To find and analyze the factors that cause the Notary Supervisory Council to be ineffective in reducing the level of notary violations in

Lampung Province. The data obtained from related legal subjects were obtained by socio-legal research methods. In socio-legal research, it also looks at the correlation between law and society, so as to be able to reveal the effectiveness of the law in society (Mukti Fajar, Yulianto Achmad, 2010)<sup>[8]</sup>. The nature of research in socio-legal research is usually descriptive, explanatory, or exploratory. The nature of this research is descriptive. The nature of descriptive research aims to provide sketches and overall reports that are systematic in nature to the problems being studied. The nature of descriptive research seeks to provide solutions to problems with the data they have, then analyze and interpret them (Cholid Nabuko, Abu Ahmani, 1997)<sup>[2]</sup>.

The approach in this study uses the observation approach and the Statute Approach (the legislation approach). The observation approach is the activity of a process with the aim of understanding an event. Observation is usually the monitoring and writing of the observed conditions in a structured manner (Sutrisno Hadi, 1995)<sup>[12]</sup>. Statute Approach or statutory approach. The use of the legal approach aims to be able to analyze and review several formulations of relevant laws and regulations (Erlina Kusumaningdiah, Mulyoto, 2017)<sup>[7]</sup> concerning the authority of the Notary Supervisory Board.

Sources of data used in this study are primary data and secondary data. Primary data is data obtained directly from the first source (Amirudin, 2012)<sup>[1]</sup>. The primary data used in

this research is in the form of direct interviews with: members of the Regional Supervisory Council of Bandar Lampung City, members of the Supervisory Council of the Notary Region of Lampung Province, administrators of the Indonesian Notary Association for the Province of Lampung and several notaries in Lampung Province in the form of observations, interviews and documentation. Secondary data is data that includes official documents, books, research results in the form of reports and so on. Primary Legal Materials include:

1. Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary;
2. Code of Ethics of the Indonesian Notary Association; c) Regulation of the Minister of Law and Human Rights Number 40 of 2015 concerning Organizational Structure, Procedures for Appointing Members, Dismissing Members and Working Procedures of the Supervisory Council;
3. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 15 of 2020 concerning Procedures for Examination of the Supervisory Board of Notaries

Secondary legal materials include: research results relevant to this research; text books, legal reading books, legal journals, other related legal document materials, both printed and electronic. Tertiary Law Materials include: Legal Dictionary, Language Dictionary, and Encyclopedia. Data collection techniques in this study used field studies and literature studies. Primary legal materials were obtained through observation and interviews with the Regional Notary Supervisory Council of Bandar Lampung City, the Supervisory Council of the Notary Region of Lampung Province, the administrators of the Indonesian Notary

Association for the Province of Lampung and several notaries in the Lampung Province to obtain the desired data by asking several questions regarding or relating to this research. Interviews were conducted by giving draft questions to each resource person in accordance with their respective portions. Secondary materials are obtained using literature studies, literature studies are carried out by collecting and compiling laws and regulations, legal copies, journals, books, legal dictionaries, internet and newspapers regarding or relating to the problem.

This study was analyzed qualitatively because the processed data resembled sentences and not numbers. Qualitative analysis technique is an assessment that is carried out through combining data that is owned and analyzed qualitatively. Data which has been analyzed qualitatively will later provide a brush description related to legal aspects related to the problem being studied (Amiruddin, 2012)<sup>[1]</sup>.

### **Factors causing the Notary Supervisory Council to be ineffective in reducing the level of violations of notary positions in Lampung Province**

The establishment of the Notary Supervisory Council consisting of the Notary Regional Supervisory Council in each city/regency in Lampung Province and the Lampung Province Notary Supervisory Council is one proof of the implementation of a notary supervisory body in Lampung Province which carries out the supervisory function of notaries in Lampung Province in particular in accordance with the mandate of laws and regulations with the aim that notaries can carry out their duties professionally and maximally.

MPDN of all cities/regencies of Lampung Province and MPWN of Lampung Province carry out supervisory duties based on laws and regulations, namely Article 16 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No: M.02. PR.08.10 of 2004 concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Procedures for Examination of the Notary Supervisory Council which has been revoked and replaced by Ministerial Regulation Number 15 of 2020 concerning Procedures for Examination of the Supervisory Council of Notaries.

MPDN in all cities / regencies of Lampung Province, the Supervisory Council of the Notary Region of Lampung Province is the assembly with the authority to carry out the function of fostering and supervising notaries in Lampung Province. In the discussion this time is the province of Lampung.

Supervision and guidance carried out by the Regional Supervisory Council of the city/district of Lampung Province and the Supervisory Council of the Notary Region of Lampung Province, namely against violations of the duties and authority of a notary and violations of the Notary Code of Ethics. Supervision and examination by the Notary Supervisory Council in Lampung Province is carried out 1 (one) time in a year (Interview with F.X. Sumarja, member of the Notary Regional Supervisory Council of Bandar Lampung City, Notary Supervisory Council, University of Lampung Master of Law Lecture Building)

Table of violations of notary duties and authorities in carrying out their positions and violations of the 2018-2020 Notary Code of Ethics in the Lampung Province Region:

Table 1

N No	City/District Area	Number of Problem Notaries	Name of the notary	Information	Violations committed
11	Bandar Lampung	5 Notary	-	Sentenced for 1 (one) year and 4 (four months) for committing a crime of falsifying an authentic deed	Article 3 numbers 1, 2 and 4 of INI Code of Ethics Article 16 paragraph (1) letter an Act notary position
			-	Sentenced to an administrative sanction of temporary suspension for 6 (six) months due to holding concurrent positions as attorneys and Directors of a Private Company	Article 3 Numbers 1, 2 and 4 of INI Code of Ethics Article 17 paragraph (1) letter e Act notary position
			-	Its whereabouts unknown	Articles 7 and 16 of the Act notary position, Code of Ethics Article 2 and Article 3 number 1, number 2 and 4
			-	Deed Forgery	Article 16 paragraph 1 letter an Act notary position, Code of Ethics Article 2 and Article 3 number 1, number 2 and number 4
			-	Sale Price Counterfeit	Article 16 paragraph (1) letter a notary office law, Code of Ethics Article 2 and Article 3 number 1, number 2 and number 4
22	Lampung Selatan	2 Notary	-	Since being sworn in, he has never made a deed	Article 7 UUJN
			-	Sentenced to imprisonment for 1 (one) year and 8 (eight) months for committing a crime of selling land belonging to another person	Article 16 paragraph (1) letter a notary office law, Code of Ethics Article 2, Article 3 number 1, number 2 and number 4
33	Lampung Tengah	-	-		
44	Metro	-	-		
55	Lampung Timur	2 Notary	-	Its whereabouts unknown	Article 7 notary office law
			-	Its whereabouts unknown	Article 7 notary office law
66	Lampung Utara				
77	Pesawaran				
88	Tanggamus				
99	Lampung Barat				
110	Tulang Bawang				
111	Pringsewu				
112	Way Kanan				
113	Tulang Bawang Barat				
114	Mesuji				
115	Pesisir Barat	1 Notary	-	Sentenced to a written warning because the public complained that they were not careful in making the Sale and Purchase Deed so that it harmed other people	Article 16 paragraph (1) letter a notary office law

Source: Notary Supervisory Council of Lampung Province

The table above is data on violations of the prohibition of positions and the code of ethics of a notary in the province of Lampung. From the data contained in the table above, it can be said that even with the supervision and guidance carried out by the Notary Supervisory Council, there are still factors that cause the Notary Supervisory Council to not effectively supervise and guide notaries in Lampung Province. According to the Notary Supervisory Council of Bandar Lampung City and the Supervisory Council of the Notary Region of Lampung Province, there are several factors that cause the Notary Supervisory Council to be ineffective in suppressing the level of violations of the authority and code of ethics of notaries in Lampung Province. Some of the inhibiting factors in the implementation of supervision and guidance to suppress violations of the position and code of ethics of a notary in Lampung Province are as follows:

### 1. Notary Resources Itself.

Lack of ability of notaries in mastering notary knowledge which causes not optimal in carrying out their positions. This lack of ability reaches in terms of substance and notarial administration. This factor can be said to be formed because of the educational process that is not in accordance

with the standards and also because of the subjective factor of the notary himself.

### 2. Lack of Reports from the Community.

Prior to the issuance of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examination of Notaries, the Examining Council could not make reports on indications of violations of the position and code of ethics of a notary without a report from the public. This factor was previously the reason for the ineffectiveness of the supervision and examination of the Notary Supervisory Board in Lampung Province. In this case, the Notary Supervisory Board does not merely suppress violations of the position of a notary but rather to foster notaries to be more careful.

### 3. Notary Education

Education when notaries study in the world of lectures is also an external factor that causes the Notary Supervisory Council to be ineffective in reducing the level of office violations in Lampung Province. Educational standards, infrastructure facilities that are not evenly distributed in every university that supports Masters in Notary Affairs have resulted in the uneven ability of notaries when carrying

out their positions. These educational standards and infrastructure make several notaries in Lampung Province have uneven abilities so that they are vulnerable to violating the position and code of ethics of a notary. This factor can be overcome by improving education mechanisms, aligning educational standards and infrastructure for each MKN campus (Interview result with Rugun as Chairman of the Notary Regional Supervisory Council of Bandar Lampung City, an element of the Government)

#### **4. Budget Limitations**

Budget constraints are a factor that causes the Notary Supervisory Council to be ineffective in reducing the level of violations of notary positions in Lampung Province. With this budget limitation, the Notary Supervisory Council, especially the Regional Notary Supervisory Council throughout the Lampung Province, can only conduct a thorough inspection 1 (one) time a year. Supervision and inspection that is carried out 1 (one) time a year makes the guidance of notaries in Lampung Province ineffective which results in violations of positions and codes of ethics. Regional Supervisory Councils throughout Lampung Province are experiencing difficulties in terms of financing used to carry out a review of Notary Offices in Lampung Province.

#### **5. Authority of the Regional Supervisory Council**

Prior to the issuance of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examination of Notaries, the Supervisory Council could not make reports and carry out examinations based on the exercise of the authority of the Supervisory Council. This factor was previously the reason for the ineffectiveness of the supervision and examination of the Notary Supervisory Board in Lampung Province.

#### **6. Notary Work World Competition**

The increasing number of notaries in Lampung Province, especially Bandar Lampung City, is one of the factors causing a notary to violate his position and code of ethics in order to get more income. Constraints from internal factors of the Notary Supervisory Council and coupled with subjective notary factors related to competition in the world of notary work make the Supervisory Council less effective in conducting supervision and guidance with existing resources.

#### **7. Reluctance**

Members of the Notary Regional Supervisory Council consist of elements of the government, academics and notaries so to carry out the examination they feel it is inappropriate because the element contained in it is a Notary and the notary himself is also supervised so that the implementation is not optimal. This factor is based on a sense of "pekewuh" between fellow notaries because they feel that they are friends of the same position and friends of the same association.

#### **8. Facilities and infrastructure**

Actually, for a notary who carries out his duties and authorities in accordance with the Law on Notary Positions and the Notary Code of Ethics, the Indonesian Notary Association is willing to be examined by the Regional Supervisory Council, but other obstacles occur, namely in

the form of uneven facilities owned by the Notary Supervisory Council in Indonesia. Lampung Province to support the implementation of the duties and functions of supervision and development. This factor is one of the obstacles for the Notary Supervisory Council in the Lampung Province to carry out routine supervision and guidance, as not all Regional Supervisory Councils throughout Lampung Province are supported with maximum facilities and infrastructure (Interview result with F.X. Sumarja as a member of the Notary Regional Supervisory Council of Bandar Lampung City, elements of Academics)

#### **9. People Don't Care**

Prior to the issuance of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examination of Notaries, the Supervisory Council could not make reports and examinations based on the implementation of the authority of the Supervisory Council in matters obtained from the examination of notary protocols or legal facts relating to indications of violation of duties, the position and authority of the notary, the implementation of the position and the behavior of the notary so that the Notary Supervisory Board can only process reports on indications of violations of office and code of ethics based on reports from the public while the public is less concerned about these legal issues.

#### **10. Notary Awareness**

The subjective factor of notary awareness is also a problem so that the Notary Supervisory Board is not effective in reducing the level of violations of positions and codes of ethics in Lampung Province. The low awareness of notaries will uphold the prohibition of positions and the code of ethics is an external problem that results in ineffective supervision and guidance by the Notary Supervisory Council.

#### **11. Limited Time for Members of the Notary Supervisory Board**

The members of the Notary Supervisory Council in the Lampung Province region are more preoccupied with the profession of each member of the Notary Supervisory Council. The members of the Notary Supervisory Council are more busy in terms of their work as notaries, civil servants, or lecturers, resulting in minimal interaction/dialogue with members of the Notary Supervisory Council regarding the implementation of the supervisory and coaching functions.

#### **12. Notary Subjective Factors**

Notaries are not neat in making protocols. Sometimes this Notary Protocol has not been copied in the Protocol book. And there are still many Notaries who neglect to collect monthly reports, or submit reports that are not timely so that the Notary Supervisory Board has difficulty in recording and recapitulating the Notary Protocol which spends a lot of time on coaching and examining one notary only and coupled with the increasing number of notaries in Lampung Province. Become one of the factors that cause a notary to violate his position and code of ethics in order to get more income.

#### **13. Notary Education**

The uneven standard of education and infrastructure owned

by the Notary Masters University which has an impact on the uneven ability of notaries and the lack of experience in practice when pursuing master's education sometimes makes a notary commit a violation of his position and code of ethics (Interview result with Erina Pane as a member of the Regional Supervisory Council for the Notary Region of Lampung Province, an element of Academics)

#### 14. Lack of Ability of Notaries

The factors that cause the Notary Supervisory Council to be ineffective in reducing the level of notary office violations in Lampung Province are more external factors from the Notary Supervisory Council, namely the notary itself in the form of non-compliance with Article 1320 of the Civil Code, notary competence that is lacking in mastering notary science and its implementation, ignorance, wanting to find loopholes, flying hours, lack of caution. This factor is the cause where the Notary Supervisory Board is not always able to provide supervision and understanding to the notary (Interview result with Akhmadi Dahlan as a member of the Supervisory Council for the Notary Region of Lampung Province, an element of a Notary)

#### 15. Notary Character

The factors that cause the Notary Supervisory Council to be ineffective in reducing the level of notary office violations in Lampung Province are more about the notary factor itself in the form of a notary personal competence in the notary field, the character of a notary who often plays in a dangerous zone, and the economic condition of a notary (Interview result with Sri Sulastuti as a member of the Supervisory Council for the Notary Region of Lampung Province, an element of Academics)

#### 16. Lack of Dialogue and Outreach to the Community

The factors that cause the Notary Supervisory Council to be ineffective in suppressing the level of notary office violations in Lampung Province are due to the lack of concern from the community and reports from the public on violations of the position and code of ethics of the notary as well as the lack of interactive dialogue between the community and the management of INI organization in Lampung Province and the Notary Supervisory Council. In Lampung Province (Interview result with Berta as secretary of the Notary Regional Supervisory Council of Lampung Province)

#### Appropriate medium and long-term arrangements for the Notary Supervisory Board to effectively reduce the level of notary violations in Lampung Province

Violation of the position and code of ethics of a notary in Lampung Province seems to cause its own legal problems. Legal issues that arise based on internal and external factors from the Notary Supervisory Council require input in terms of medium-term, concrete, practical and academic future arrangements that are appropriate for the Notary Supervisory Council, especially the Notary Supervisory Council of the entire Lampung Province and the Notary Supervisory Council of Lampung Province. The future arrangements in terms of medium-term, concrete and practical are appropriate for the Notary Supervisory Council to effectively reduce the level of violations of Notary positions in Lampung Province, namely:

1. Improve coordination between the Notary Regional

Supervisory Council throughout Lampung Province and the Lampung Province Notary Regional Supervisory Council.

2. The Notary Supervisory Council, especially in the Lampung Province, is required to be more effective in managing the time between carrying out supervision and carrying out their respective main tasks, because the Notary Supervisory Council consists of academics, government and notaries.
3. Regarding facilities and infrastructure, it is expected that the collection of mandatory dues from notaries in Lampung Province will increase which will have implications for the implementation of better guidance and supervision.
4. Carry out periodic supervision at least 2 (two) times a year as a preventive supervisory function supported by maximum facilities and infrastructure Carry out periodic supervision at least 2 (two) times a year as a preventive supervisory function supported by facilities and infrastructure maximum infrastructure (infrastructure (Interview result with F.X. Sumarja as a member of the Notary Regional Supervisory Council of Bandar Lampung City, elements of Academics)
5. Increased interactive dialogue or socialization to the public regarding indications of violations of the prohibition on notary positions and this code of ethics in order to report to the Notary Regional Supervisory Council, so that cooperation between the community and the Notary Supervisory Council to carry out the supervisory and coaching functions is optimal (Interview result with Berta as secretary of the Notary Regional Supervisory Council of Lampung Province)
6. Strengthening the Notary Regional Supervisory Council. The government's policy to give power to the Regional Supervisory Council is implemented in the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examination of the Supervisory Council Against Notaries, the institution of the Regional Supervisory Council must be strengthened by increasing the standard of ability, capacity and understanding of the Notary Supervisory Council, supporting facilities, welfare and a notary legal culture to comply with the prohibition on positions in UUJN and this Notary Code of Ethics.

In the future, long-term arrangements that can be made to overcome legal problems are the factors that cause the Notary Supervisory Council to be ineffective in reducing the level of violations of the prohibition of positions and the notary code of ethics in Lampung Province, namely by maximizing the supervisory function. The definition of supervision is not regulated in UUJN but found in the Regulation of the Minister of Law and Human Rights (Permenkumham) M.02.PR.08.10 of 2004 concerning Procedures for Appointing Members, Dismissing Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Board. In Article 1 point 5 Permenkumham M.02.PR.08.10 of 2004 it is stated that: "Supervision is a preventive and curative activity including coaching activities carried out by the Supervisory Board of Notaries."

Invalid and revoked Regulation of the Minister of Law and Human Rights (Permenkumham) M.02.PR.08.10 of 2004

concerning Procedures for Appointment of Members, Dismissal of Members, Organizational Structure, Work Procedures, and Procedures for Examination of the Notary Supervisory Council which was then replaced by a Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 15 of 2020 concerning Procedures for Examination of the Supervisory Board of Notaries which does not regulate the definition of supervision. In the future, long-term arrangements that can be made to overcome legal problems that cause the Notary Supervisory Council to be ineffective in reducing the level of violations of the prohibition of positions and the notary code of ethics in Lampung Province are by maximizing the supervisory function which is divided into:

### **Internal Control Monitoring Settings**

Internal control is supervision carried out by an agency under the auspices of the government. In the world notary under the auspices of the Ministry of Law and Human Rights. The Ministry of Law and Human Rights in carrying out supervision and development of the notary position delegates to the Notary Supervisory Council. For the Lampung Province, supervision and guidance is carried out by the MPDN and MPWN in the Lampung Province. To be able to effectively improve the supervision and guidance of Notaries, MPN can carry out internal supervision in the following ways:

1. Planning the right division of tasks on target.
2. Making a work plan that describes the development and supervision activities that must be implemented by MPDN and MPWN of Lampung Province.
3. Improve the development of members of the Notary Supervisory Council in the Lampung Province region continuously so that members have the same standard of ability in terms of carrying out supervision and guidance, becoming elements that are able to carry out the supervisory duties of notaries optimally in accordance with their responsibilities. The Notary Supervisory Council in Lampung Province consists of elements of the government, notaries and academics.
4. Maximizing the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examination of the Supervisory Board of Notaries. In particular, maximizing Article 8 paragraphs (1) and (2) of the regulation so that the Regional Supervisory Council of Notary City/Regencies throughout the Province of Lampung / Supervisory Council of the Notary Region of Lampung Province in carrying out supervision pays attention to legal norms in order to provide guidance to notaries, which consists of administrative efforts carried out in stages.

### **External Monitoring Settings**

1. Improvement and coordination of guidance and supervision by legal subjects in an organization that is an external party to the Notary Supervisory Council or the Notary Honorary Council, for example supervision carried out by the public who were first provided with knowledge in terms of actions that are considered to be a violation of the notary's authority contained in the UUJN as well as violations of the scope of this notary code of ethics through interactive dialogue or socialization facilitated by the Notary Supervisory

Council, the Notary Honorary Council and the Indonesian Notary Association for the City/Regency in Lampung Province.

2. The factors causing the problem of violating the position prohibition contained in the UUJN and the prohibition of this notary code of ethics in Lampung Province did not occur by itself, but a series based on the polemic of the existence of the Notary Masters Program which lasted quite a long time, namely since the birth of the UUJN According to UUJN, to be appointed as a Notary, you must have a bachelor's degree in law and a master's degree in notary education. This provision causes many State Universities and Private Universities to open Postgraduate Notary Masters Programs (MKn). These problems can be addressed by improving, maximizing the curriculum and aligning the standards of facilities and infrastructure at the notarial master education campus to strengthen the notary knowledge base during lectures and also strengthen practice for notary students.

### **Conclusion**

The factors that caused the Notary Supervisory Council to be ineffective in reducing the level of violations of notary positions in Lampung Province were due to internal and external factors. Internal factors related to the lack of budget, facilities that do not support the Notary Supervisory Council in several areas in Lampung Province, the Notary Supervisory Council, the lack of reports from the public, the limited time that members have and the reluctance of some members of the Notary Supervisory Council notary elements in terms of providing guidance and supervision to co-worker. External factors due to lack of experience of Notaries, the increasing number of notaries in Lampung Province, especially Bandar Lampung City in terms of competition and resulting in violations of positions and codes of ethics in order to get more income and the lack of reports from the public.

The right future arrangement for the Notary Supervisory Council to effectively reduce the level of notary office violations in Lampung Province which is medium-term, concrete and practical is to improve coordination between the Notary Regional Supervisory Council throughout Lampung Province and the Lampung Province Notary Supervisory Council, maximizing time effectiveness. members of the Notary Supervisory Council in Lampung Province to supervise, provide guidance to notaries in Lampung Province and carry out their respective main tasks, increase the collection of monthly fees from notaries related to improving the facilities and infrastructure used by the Supervisory Council, carry out regular supervision, increase dialogue interactive activities or socialization to the public regarding violations that are vulnerable to being carried out by a notary in order to report to the Notary Regional Supervisory Council.

The right future arrangement for the Notary Supervisory Council to effectively reduce the level of long-term violations of the position of a Notary in Lampung Province is to maximize the implementation of the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examination of the Supervisory Council against Notaries. In particular, maximizing Article 8 paragraphs (1) and (2) of the regulation so that the Regional Supervisory Council of the City/Regency Notaries

throughout the province of Lampung in carrying out the functions of the authority to develop and supervise notaries, maximize the curriculum and harmonize the standard of facilities and infrastructure on the campus of notary master education to strengthen the notary knowledge base during lectures and also to strengthen the practice for notary students.

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