



## The role of the regional supervisory board of notaries in the supervision and mentoring of notaries

Erika Eka Widya Putri<sup>1</sup>, Mohammad Jamin<sup>2</sup>, Noor Saptanti<sup>2</sup>

<sup>1</sup> Master of Notary, Faculty of Law, Sebelas Maret University, Indonesia

<sup>2</sup> Lecturer of Master of Notary, Faculty of Law, Sebelas Maret University, Indonesia

### Abstract

This article aims to determine the role of The Regional Supervisory Board of Notaries (MPD) in supervising and mentoring Notaries. This article uses normative legal research methods. In this article, it can be seen that the Notary Supervisory Council is a body that has the authority and obligation to provide guidance and supervision to Notaries. The role of The Regional Supervisory Board of Notaries (MPD) in terms of supervision is intended so that Notaries in carrying out their official duties must be based on and follow the laws and regulations governing the office of Notary. The authority and obligations of The Regional Supervisory Board of Notaries (MPD) are regulated in Article 70 and Article 71 of Law Number 30 of 2004 which has been amended by Law Number 2 of 2014 concerning the Notary Position Law (UUJN) and the authority of The Regional Supervisory Board of Notaries (MPD) is also regulated in the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examining the Supervisory Assembly Against Notaries (Permenkumham Number 15 of 2020) and Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Assembly (Permenkumham Number 16 of 2021).

**Keywords:** Notary, regional supervisory board of notaries, supervision and guidance

### Introduction

Notaries have a very important role in legal traffic, especially in the field of civil law. Notaries in carrying out their official duties must adhere to and be based on the laws and regulations governing the office of notary inherently, meaning that everything mentioned in the laws and regulations governing the office of notary must be followed. The notary serves as a public official who has the authority to make authentic deeds and other authorities stipulated in the Notary Position Law and (UUJN) other regulations (Sidik, 2018). Notary as a Public Official is stipulated in Article 1 point (1) of Law Number 2 Year 2014 on the Amendment to Law Number 30 Year 2004 on the Position of Notary (hereinafter referred to as UUJN), which states "Notary is a public official authorized to make authentic deeds and has other authorities as referred to in this Law or based on other Laws." Furthermore, the authority of the public official is regulated in Article 15 of the UUJN. The authority attached to the office of notary makes the state regulate the supervision and sanctions for notaries who violate the regulations for the implementation of the office. Notaries must comply with the Notary Position Law, the Notary Code of Ethics and also other regulations relating to the position of Notary.

Notaries are not deed makers or people who have a job making deeds, but Notaries in carrying out their duties are based on or equipped with various legal sciences and other sciences that must be mastered in an integrated manner by Notaries and deeds made before or by Notaries have a position as evidence, therefore Notaries must have good intellectual capital in carrying out their duties (Habib Adjie, 2017). The role of Notary as a public official who serves the making of authentic deeds for the community to protect the interests of the community, it is necessary to supervise and foster the notary profession.

The Notary Supervisory Council (MPN) is a body that has the authority and obligation to carry out guidance and supervision of notaries. Supervision of notaries is intended so that notaries in carrying out their official duties must be based on and follow the laws and regulations governing the office of notary. The main task of notary supervision is so that all rights and authorities and obligations given to notaries in terms of carrying out their duties as provided by the relevant basic regulations, will always be carried out on a predetermined path, not only legal paths but moral paths and professional ethics for the sake of ensuring protection and legal certainty for the community (Abdul, 2017).

The official or agency authorized to supervise Notaries in carrying out their duties is the Minister of Law and Human Rights (Article 67 paragraph 1 UUJN). In the implementation of such supervision, the Minister forms a Supervisory Council (Article 67 paragraph 2 of UUJN). The position of the Notary Supervisory Council that carries out the supervisory duties of the Minister can be considered as receiving duties from the Minister attributively as a party that has government affairs (Habib Adjie, 2008). The supervision carried out by the Notary Supervisory Panel is not only the implementation of the duties of the Notary position in accordance with the provisions of the Notary Position Law (UUJN), but also the Notary Code of Ethics and the acts or behavior of Notary life that can harm the dignity of the Notary position under the supervision of the Notary Supervisory Panel (Article 67 paragraph 5 of UUJN), this shows the very broad scope of supervision carried out by the Notary Supervisory Panel (Habib Adjie, 2014).

Based on Article 68 of the UUJN, the Supervisory Assembly consists of: (a) The Regional Supervisory Board of Notaries (MPD); (b) The Regional Supervisory Assembly Of Notaries (MPW); (c) The Central Supervisory Board Of

Notaries (MPP). Each of these Supervisory Assemblies has a different place of residence, for The Central Supervisory Board Of Notaries (MPP) is located in the State Capital (Article 76 paragraph 1 UUJN), The Regional Supervisory Assembly Of Notaries (MPW) is located in the Provincial Capital (Article 72 paragraph 1 UUJN) and The Regional Supervisory Board of Notaries (MPD) is located in the Regency or City (Article 69 paragraph 1 UUJN).

Each level of The Supervisory Council of Notaries (MPN) has its own authority to conduct supervision and to impose sanctions. The UUJN does not authorize the The Regional Supervisory Board of Notaries (MPD) to impose any sanctions on Notaries, but only The Regional Supervisory Assembly Of Notaries (MPW) and The Central Supervisory Board Of Notaries (MPP) are authorized to impose sanctions. The Regional Supervisory Board of Notaries (MPD) is authorized to impose sanctions in the form of oral or written warnings (Article 73 paragraph 1 letter e of the UUJN), and the sanctions are final (Article 73 paragraph 2 of the UUJN), and the decision proposes to The Central Supervisory Board Of Notaries (MPP) in the form of temporary dismissal from the Notary position for 3-6 months, and propose to The Central Supervisory Board Of Notaries (MPP) to dishonorably dismiss from the position of Notary (Article 73 paragraph 1 letter f of the UUJN) and The Central Supervisory Board Of Notaries (MPP) has the authority to impose sanctions on Notaries stipulated in Article 77 letters (c) and (d) of the UUJN (Habib Adjie, 2008).

The Regional Supervisory Board of Notaries (MPD) is the most important benchmark in supervising notaries, this is because the scope of work of The Regional Supervisory Board of Notaries (MPD) is closer to the presence of Notaries in their domicile so that supervision and guidance is easier. The authority of The Regional Supervisory Board of Notaries (MPD) is regulated in Article 70 and Article 71 of Law Number 30 of 2004 which has been amended by Law Number 2 of 2014 concerning The Notary Position Law (UUJN) and the authority of the Regional Supervisory Assembly is also regulated in the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examining the Supervisory Assembly Against Notaries (Permenkumham Number 15 of 2020) and Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Assembly (Permenkumham Number 16 of 2021).

Based on the background of these problems, the author is interested in making a paper with the title: The Role Of The Regional Supervisory Board Of Notaries In The Supervision And Mentoring Of Notaries.

### Research methods

This research uses the Normative Juridical method by using statutory analysis. The author in conducting research is to use a systematic method, namely by analyzing and exploring legal symptoms. The importance of determining the research method is due to the systematic relationship with the type of research and analyzed to obtain high validation in terms of data collection and in the final results of the research (Philips, 2013). To find the answer to a problem that has been described in this study using normative research, with a statutory approach.

Normative legal research generally focuses on analyzing a document, namely legislation, court decisions, contracts or agreements, legal principles and principles, legal theories and views of legal experts (Muhaimin, 2020). The data collection technique in this research is a literature study which is a research method whose data is obtained through library research sourced from laws and regulations, books, publications and research results (Zainudin, 2014).

### Result and discussion

#### The Role Of The Regional Supervisory Board of Notaries in The Supervision and Mentoring of Notaries

The establishment of The Regional Supervisory Board of Notaries (MPD), is evidence for the government in maintaining the dignity and work of the notary profession and therefore the existence of The Regional Supervisory Board of Notaries (MPD) placed in each city and district is very necessary, namely to supervise and foster the work of the Notary profession. The existence of The Regional Supervisory Board of Notaries (MPD) is the front guard in supervising and maintaining the moral dignity of the notary profession. The Regional Supervisory Board of Notaries (MPD) is the arm of the government to see to what extent the notary does his work for the community in providing legal assistance and legal counseling for all levels of society. Supervision carried out by The Regional Supervisory Board of Notaries (MPD) on the work of the notary profession in practice has many problems or problematics that occur in the field.

The following are the materials and objects of examination conducted by The Regional Supervisory Board of Notaries (MPD) against Notaries and this data was obtained from the The Wonogiri's Regional Supervisory Board of Notaries (MPD). Examination of Notary Protocol based on Article 70 letter b of Law Number 30 of 2004 concerning the Notary Position Juncto Article 18 of the 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 Assembly Against Notaries Juncto 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 the Duties of the Notary Supervisory Assembly, including:

1. Notary Office;
2. Letter of Appointment as Notary;
3. Minutes of Notary Oath of Office;
4. Certificate of Notary Leave Permit;
5. Certificate of Notary Leave;
6. Notary Protocol which consists of Book of Deed Registers; Book of Underhand Letter Registers that are legalized; Book of Underhand Letter Registers that are recorded; Book of Police Letters Registers; Book of Names of Faces or Clerks; Book of Wills Registers; Book of Other Registers that must be kept based on the provisions of the Laws and Regulations;
7. State of Archive Storage;
8. Monthly Report;
9. Deed Examination;
10. Delivery of Protocols that are 25 (twenty five) years old or more;
11. Number of Employees consisting of Bachelor and Non Bachelor;
12. Office Facilities, among others: Computer; Desk; Wardrobe; Guest Chair; Filling Cabinet; Telephone/Faximile Plane;

13. Examination Assessment;
14. Time and Date of Inspection.

The authority of The Regional Supervisory Board of Notaries (MPD) is also regulated in Article 70 of UUJN as follows: holding a hearing in the context of examining allegations of whether or not there is a violation of the Notary Code of Ethics or the office of Notary; examining the Notary Protocol once a year or at any time deemed necessary; granting a 6 month leave permit; determining a substitute Notary by taking into account the proposal of the Notary concerned; determining the place of storage of Notary Protocols that are 25 years old or more; appointment of a Notary who will act as a temporary holder of the Notary Protocol who is appointed as a state official as referred to in Article 11 paragraph (4) of UUJN; receiving public reports regarding alleged violations of the Notary Code of Ethics or violations of the provisions in the Notary Position Law; and making and submitting examination reports to The Regional Supervisory Board of Notaries (MPD).

Article 71 of UUJN also regulates the Obligations of The Regional Supervisory Board of Notaries (MPD) relating to recording in the register book included in the Notary Protocol by stating the date of examination of the number of deeds and the number of letters under the hand legalized and made since the date of the last examination; making minutes of examination and submitting to The Regional Supervisory Assembly Of Notaries (MPW), with a copy to the Notary concerned, the Notary Organization, and The Central Supervisory Board Of Notaries (MPP) keeping the contents of the deed and the results of the examination confidential; receiving certified copies of the register of deeds and other registers of Notaries and keeping them confidential; examining public reports against Notaries and submitting the results of the examination to the The Regional Supervisory Assembly Of Notaries (MPW) within 30 days, with copies to the reporting party, the Notary concerned, The Central Supervisory Board Of Notaries (MPP) and the Notary Organization; and submitting an appeal against the decision to refuse leave.

In addition to the UUJN, the authority of The Regional Supervisory Board of Notaries (MPD) is written in the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examining the Supervisory Assembly Against Notaries (hereinafter referred to as Permenkumham Number 15 of 2020) and Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Assembly (hereinafter referred to as Permenkumham Number 16 of 2021). The authority of The Regional Supervisory Board of Notaries (MPD) in examining is contained in the Second Section on Examination The Regional Supervisory Board of Notaries (MPD) Article 17 to Article 23 of Permenkumham Number 15 of 2020.

Article 17 of Permenkumham Number 15 of 2020 regulates that the examination by The Regional Supervisory Board of Notaries (MPD) is closed to the public and the examination begins no later than 7 days after the Examining Panel is appointed and The Regional Supervisory Board of Notaries (MPD) completes the examination results no later than 30 days from the time the report is recorded in the case register book. The authority of The Regional Supervisory Board of

Notaries (MPD) in examining is contained in Article 18 of Permenkumham Number 15 of 2020 which includes reports of public complaints, examination of notary protocols, and or legal facts regarding alleged violations of the implementation of the office and behavior of notaries. The examination in Article 19 Permenkumham Number 15 of 2020 is carried out by summoning the reporter and the reported party, including attendance; reading the report and the reporter's statement; the reported party's defense. The results of the examination are outlined in the minutes of the examination and recommendations for the results of the examination in accordance with Article 20 of Permenkumham Number 15 of 2020. Meanwhile, the inspection of the notary protocol is carried out periodically 1 (one) time in 1 (one) year based on Article 21 of Permenkumham Number 15 of 2020.

The examination of legal facts regarding violations of the implementation of the notary position is carried out based on a court decision that has permanent legal force in accordance with Article 22 of Permenkumham Number 15 of 2020. As the results of the examination in Article 23 Permenkumham Number 15 of 2020 are signed by the chairman and secretary of the Examining Panel and reported to the Chairperson of the Regional Supervisory Assembly and attach a public complaint report; minutes of The Regional Supervisory Board of Notaries (MPD) examination and recommendations for the results of The Regional Supervisory Board of Notaries (MPD) examination.

In this case, after receiving a report and holding a hearing to examine an alleged violation of the implementation of the notary position, The Regional Supervisory Board of Notaries (MPD) is not authorized to impose any sanctions (Neneng, 2022). The Regional Supervisory Board of Notaries (MPD) is only authorized to report the results of its hearing and examination to The Regional Supervisory Assembly Of Notaries (MPW) with a copy to the reporting party, the notary concerned, The Central Supervisory Board Of Notaries (MPP), and the notary organization (Dwikky, 2018).

The authority of The Regional Supervisory Board of Notaries (MPD) is also regulated in Permenkumham Number 16 of 2021 concerning the Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Assembly. The Regional Supervisory Board of Notaries (MPD) in Article 26 paragraph (1) letter a of Permenkumham Number 16 of 2021 explains that The Regional Supervisory Board of Notaries (MPD) is domiciled in the office of the technical implementation unit of the Ministry of Law and Human Rights or other places in the district / city which are determined based on The Regional Supervisory Board of Notaries (MPD) meeting.

The authority of The Regional Supervisory Board of Notaries (MPD) is administrative in nature in accordance with Article 29 Permenkumham Number 16 of 2021 which does not require approval of The Regional Supervisory Board of Notaries (MPD) meeting as referred to in Article 27 letter b Permenkumham Number 16 of 2021 including: granting a notary leave permit for a period of up to 6 (six) months; determining a substitute notary by taking into account the proposal of the notary concerned, receiving reports from the public regarding alleged violations of the notary code of ethics or violations of the provisions in the

Law; keeping the contents of the deed and the results of the examination confidential; receiving certified copies of deed registers and other registers from notaries and keeping them confidential; recording in the register book included in the notary protocol by stating the date of examination, the number of deeds and the number of letters under the hand that were authorized and made since the date of the last examination; making and submitting reports to The Regional Supervisory Assembly Of Notaries (MPW). Another authority of The Regional Supervisory Board of Notaries (MPD) is the authority to provide administrative certificates for the transfer of notary work areas and administrative certificates for the extension of the term of office of notaries.

Based on Article 30 Permenkumham Number 16 of 2021 explains that the authority of The Regional Supervisory Board of Notaries (MPD) which is administrative in nature which requires approval of The Regional Supervisory Board of Notaries (MPD) as referred to in Article 27 letter C Permenkumham Number 16 of 2021 includes: holding a hearing to examine alleged violations of the notary code of ethics or violations of the implementation of the notary office; conducting an examination of the notary protocol periodically 1 (one) time in 1 (one) year; determining the place of storage of the notary protocol which at the time of the handover of the notary protocol is 25 (twenty five) years old or more; appointing a notary who will act as a temporary holder of the notary protocol who is appointed as a state official; prepare minutes of examination and submit to The Regional Supervisory Assembly Of Notaries (MPW), with a copy to The Central Supervisory Board Of Notaries (MPP), Notary Organization, and the relevant Notary; and examine public reports against notaries and submit the results of the examination to The Regional Supervisory Assembly Of Notaries (MPW) within 30 (thirty) days with a copy to The Central Supervisory Board Of Notaries (MPP), Notary Organization, the relevant notary and the reporting party.

In addition, the existence of The Regional Supervisory Board of Notaries (MPD) as the spearhead of the Notary Supervisory Council is primarily to supervise and prevent the enforcement of the Notary Code of Ethics and the implementation of the Notary position. In this case, The Regional Supervisory Board of Notaries (MPD) must be responsive in handling violations committed by Notaries. In addition, The Regional Supervisory Board of Notaries (MPD) must also be transparent in handling every case of violation that occurs so that its authority and quality remain good in the eyes of the public. The Notary Supervisory Council must seriously become an independent institution in carrying out its coaching duties to Notaries.

The coaching function is intended so that those being supervised, namely Notaries, are always reminded to always understand and therefore comply with the rules, both those that are only listed and regulated in the Notary Code of Ethics and the provisions in the applicable Legislation. All of this is based on the Law or the Meaning of the Oath of Office which is pronounced and witnessed by world witnesses, namely the Oath Executing Official and witnesses specifically brought in for that. Do not forget that the Notary Oath of Office is witnessed by Allah SWT, God Almighty, All-Knowing and All-Seeing. In this empathetic atmosphere, Notaries are expected to have self-defense to ward off all temptations and tempting lures to ward off

everything that can make the bad honor and dignity of Notaries (Shabrina, 2020).

### Conclusion

The role of The Regional Supervisory Board of Notaries (MPD) in terms of supervision is intended so that Notaries in carrying out their official duties must be based on and follow the laws and regulations governing the office of Notary and the role of The Regional Supervisory Board of Notaries (MPD) at the Regency / City level in minimizing violations committed by Notaries, both supervision and guidance of Notaries and strict sanctions can be applied by the Notary Supervisory Council.

The authority and obligations of the Regional Supervisory Assembly of Notaries are regulated in Article 70 and Article 71 of Law Number 30 of 2004 which has been amended by Law Number 2 of 2014 concerning the Notary Position Law (UUJN) and the authority of the Regional Supervisory Assembly is also regulated in the Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examining the Supervisory Assembly Against Notaries (Permenkumham Number 15 of 2020) and Regulation of the Minister of Law and Human Rights Number 16 of 2021 concerning Organizational Structure and Work Procedures, Procedures for Appointment and Dismissal, and Budget of the Notary Supervisory Assembly (Permenkumham Number 16 of 2021).

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