



Comparative Study of the Legal Position of Notary in Indonesia and the United Arab Emirates

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<http://dx.doi.org/10.18415/ijmmu.v8i1.2374>

Abstract

This study aims to determine how the similarities and differences in the legal authority of the notary office in Indonesia and the notary in the United Arab Emirates, the existence of the authority and responsibility of the notary as well as the ideal model in the development and improvement of notary services obtained from comparing the two countries. The method used is a comparative research method. Techniques for reviewing and analyzing legal materials are using literature study. The results of this research are, first, Notary in Indonesia and Notary in the United Arab Emirates have the same characteristics but also differ in several ways, these differences include requirements for notary appointment, including age requirements, education, apprenticeship, oath of office, technology application and there is also a type of private notary that does not apply in Indonesia. Second, Notaries in Indonesia and in the United Arab Emirates both have the same authority as Notaries in making authentic deeds and in terms of responsibility for the deeds they make, both have the same existence in carrying out their duties as Notaries. The difference in several things is in the rules of authority for Public Notaries and Private Notaries which are not in the rules of the Law on the Position of Notary Public in Indonesia. Third, the ideal model in developing and improving notary services obtained from the results of comparing with the United Arab Emirates can be seen from the access to Notary services which can be done online.

Keywords: *Notary; Authority; Position Law*

Introduction

The notary's position as a general official who makes authentic deeds is increasingly considered important with the development of the field of law. The notary is expected to bring positive developments in the implementation of the notary office in Indonesia. The latest regulation regarding the position of a Notary, namely Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary Public, has regulated several new provisions concerning Notaries.

But in fact, to reach the stage of appointment as a Notary, it takes a long process, namely going through the selection stage to become an Extraordinary Member (ALB), participating in a joint internship for four semesters, then collecting certain points to qualify for the Notary Code of Ethics Exam. This long and costly procedure can slow down to meet the growing need of the public for Notary services.

Based on these considerations, in this case the Minister of Law and Human Rights must appoint a Notary to serve as many residents as above. Appointment of a notary, in English, is called an appointment of a notary, while in Dutch it is called *benoeming van notary*, a process or act of lifting. Appointing a notary is conceptualized as an action taken by the government to determine or appoint a notary to serve residents in every province in Indonesia. The philosophy of the appointment of a notary itself is in the context of equal distribution and distribution of Notaries throughout Indonesia, so that they can provide legal services to Indonesian citizens.¹ The conditions for the appointment of a Notary are stipulated in Article 2 of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notary Public. Basically, the appointment of a Notary does not only have to meet the requirements stipulated in the statutory regulations, but it must be tested through a test, which is called the Notary appointment test.²

But in fact, to reach the stage of appointment as a Notary, it takes a long process, namely going through the selection stage to become an Extraordinary Member (ALB), participating in a joint apprenticeship for four semesters,³ then collecting certain points to qualify for the Notary Code of Ethics Exam. This long and costly procedure can slow down to meet the growing need of the public for Notary services.

The United Arab Emirates is one of the developed countries in the Middle East with the majority of the population being Muslim and making Islam the official religion in their country. The application of technology that they have developed is not only for the scientific development sector, but is also applied in various sectors, especially in the field of law, as a country that also adheres to the Civil Law and Sharia Law systems like Indonesia.⁴ The United Arab Emirates continues to improve legal services for the needs of its people as well as for foreign citizens who are also one of the largest residents there. The notary itself is defined if it is based on Law No. 11 of 2017 Concerning The Notary Public In The United Emirates of Abu Dhabi.⁵

In this provision, we can see that there are two types of Notaries in the United Arab Emirates, namely Public Notaries and Private Notaries, the two types of Notaries that are enforced in that country certainly have different terms and qualifications than in Indonesia, this can be seen in the provisions of Article 6 Law No. 11 of 2017 Concerning The Notary Public In The United Emirates of Abu Dhabi.

The requirements contained in these provisions can be further elaborated that the conditions for the appointment of a Public Notary include those with an age of not less than 25 years, have taken undergraduate studies in Law and S1 Sharia Law, have a good medical record, do not have criminal record, pass the interview test and qualification exam and if it has fulfilled all the conditions, it can be said to be eligible to be appointed as a Notary Public in the United Arab Emirates.

¹ *Ibid*, hlm 58.

² Pasal 1 angka 1 Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 25 Tahun 2017 tentang Ujian Pengangkatan Notaris.

³ Peraturan Perkumpulan Ikatan Notaris Indonesia Nomor:13/Perkum/Ini/2018 Tentang Tata Cara Pemberian Dan Penggunaan Poin

⁴ The judicial system in United Arab Emirates is based on the civil law system with influences from Islamic, French, Roman and Egyptian laws. https://en.wikipedia.org/wiki/Legal_system_of_the_United_Arab_Emirates diakses pada tanggal 5 Oktober 2020

⁵ Notary Public: Any person certified, assigned or licensed by the Department to authenticate and notarise the *idochira* and to assume all the competencies indicated in this Law. It includes both the Public and Private Notaries.

The provisions regarding the Private Notary itself also have special requirements, namely allowing certified lawyers to be able to carry out their function as a Private Notary.⁶ as a solution to the increasing need for citizens in the United Arab Emirates for Notaries. By making comparisons with the law of notary office in the United Arab Emirates, it is hoped that we can find out how the legal development of the position of notaries in the United Arab Emirates and in Indonesia at this time, so that things can be analyzed which can be the rationale for improving and perfecting the regulations regarding the law of office Notary in Indonesia.

Research Methods

The type of research used in this legal research is normative. The approach used in this research is the conceptual approach, statue approach, historical approach, comparative approach. The legal materials used in this research are primary, secondary and tertiary legal materials. The technique for studying and analyzing is using documentary studies. The data analysis used in normative research is qualitative analysis. The analysis of legal materials used in this research is qualitative analysis, which is a method of research that aims to understand and understand by analyzing in depth the comparison of the rules of position and authority of the Notary in effect in Indonesia and in the United Arab Emirates.

Result and Discussion

Equation and Difference of Legal Authority of Notary Office in Indonesia and Notary in United Arab Emirates

Table 1. Comparison of Notary Authorities in Indonesia and Notary in the United Arab Emirates

COMPARISON	INDONESIA	UNI EMIRAT ARAB
Legal system	Civil Law	Civil Law and Shariah Law
An Area	1,905 milion km ²	83.600 km ²
Total population	268.583.016 soul ⁷	9.992.083 soul ⁸
Legal Basis	UUJN No. 2 of 2014	Federal Law No. 11 2017
Professional organizations	Indonesian Notary Association	There is no
Minimum age limt	27 year	25 years
Education	Bachelor of Law then continued with Master of Notary	S1 Law or S1 Sharia Law
Exam	Notary Code of Ethics	Ujian Kualifikasi
Internship	24 month	There is no
Oath	There is	There is no
Retied age	65+2 year	49 years / have worked for 20 years
Position area	Province	Court Jurisdiction
Notary office	Each notary has its own office	One office consists of several notaries
Electronic notary	Concept	There is
Deed language	Indonesia	Arab
The presence of witnesses	Must	Only certain circumstances
Deed making costs	It is determined that the maximum is by law and the association has its own agreement	Stipulated by the Ministry and applies nationally
Supervision	Supervisory Council and Honorary Council	Abu Dhabi Judicial Department (ADJD)

⁶ Article (24) Federal Law No. (4) of 2013 Regulating the Profession Notary Public

⁷<http://www.dukcapil.kemendagri.go.id/berita/baca/554/wow-jumlah-pria-masih-lebih-banyak-kemendagri-rilis-data-penduduk-semester-i-tahun-2020>

⁸ https://www.cia.gov/Library/publications/the-world-factbook/geos/print_ae.html

From the comparison table, it can be seen briefly that both the law of notary office in Indonesia and the law of notary office in the United Arab Emirates have their own differences, including in terms of age, education, internships, exams, retirement age, office, fees and supervision, however For the equation we can find it in the oath of office and security deposit as well as the legal system adopted, in the case of this comparison it is intended to be able to find the advantages and disadvantages that can be developed in the legal system of notary office in Indonesia so that it will be even better in the future.

Existence of Authorities and Responsibilities of Notary in Indonesia and in Arab Emirates Union

Notary Authority in Indonesia

Administrative law divides authority or authority into 3 (three) based on the method of acquisition, namely the authority of attribution, delegation or mandate.⁹ The authority possessed by a notary is the authority of attribution, because the authority possessed by the notary comes from a statutory regulation or legal rule, in this case the authority of the notary comes from UUJN. Notary as a position has its own authority. Each of these powers must have a legal basis.¹⁰

Article 1 number (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary states that a Notary is a Public Official (Openbaar Ambtenaar) who is authorized to make authentic deeds and has other powers regulated in this law or other laws.¹¹ Authentic deed is evidence that society needs because it has the strongest and fulfilling nature.

Notary's authority is contained in Article 15 of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of a Notary. In addition, the authority of a Notary is also regulated in the laws and regulations which include:¹²

1. Code of Civil law
2. Law Number 25 of 1992 concerning Cooperatives,
3. Law Number 40 of 2007 concerning Limited Liability Companies,
4. Law Number 16 of 2001 concerning the Jo Foundation. Law Number 28 of 2004 concerning amendments to Law Number 16 of 2001 concerning Foundations,
5. Law Number 41 of 2004 concerning Waqf, and
6. Law Number 12 of 1995 jo. Law Number 1 of 2009 concerning Aviation.

Responsibilities of a Notary in Indonesia

According to Hans Kelsen in his theory of legal responsibility states that: "a person is legally responsible for a particular act or that he is responsible for the law, the subject means that he is responsible for a sanction in the case of contrary actions."¹³ Hans Kelsen further stated that:¹⁴

⁹ Purwaningsih, E. (2011). *Penegakan Hukum Jabatan Notaris dalam Pembuatan Perjanjian Berdasarkan Pancasila dalam Rangka Kepastian Hukum*. 325 Adil, 2(3), hlm. 323–335.

¹⁰ Jozan Adolf, Widhi Handoko, Muhamad Azhar Program Studi Magister Kenotariatan Fakultas Hukum Universitas Diponegoro *Eksistensi Wewenang Notaris Dalam Pembuatan Akta Bidang Pertanahan* NOTARIUS, Volume 13 Nomor 1 (2020)

¹¹ Ngadino. (2019). *Tugas dan Tanggung Jawab Jabatan Notaris di Indonesia*. Semarang: UPT Penerbit Universitas PGRI Semarang Press.

¹² Salim, HS. *Peraturan Jabatan Notaris*, Jakarta: Sinar Grafika 2018, hlm.32.

¹³ Hans Kelsen (a), 2007, sebagaimana diterjemahkan oleh Somardi, *General Theory of law and State, Teori Umum Hukum dan Negara, Dasar-Dasar Ilmu Hukum Normatif Sebagai Ilmu Hukum Deskriptif Empirik*, BEE Media Indonesia, Jakarta, 2007, hlm. 81

¹⁴ *Ibid*, hlm, 83.

"Failure to exercise the prudence required by law is called negligence; and error is usually seen as another kind of culpa, although not as harsh as fulfilled error because it anticipates and wills, with or without malicious intent, harmful consequences." Hans Kelsen then divides the responsibilities consisting of:¹⁵

Individual responsibility, that is, an individual is responsible for an offense he has committed himself;

Collective liability means that an individual is responsible for an offense committed by another person;

Liability based on error which means that an individual is responsible for a violation he has committed intentionally and is thought to cause harm;

Absolute liability which means that an individual is responsible for a violation he has committed because it was accidental and unexpected.

Responsibility in the legal dictionary can be termed as liability and responsibility, the term liability refers to legal responsibility, namely liability due to errors committed by legal subjects, while the term responsibility refers to political responsibility.¹⁶ The theory of responsibility emphasizes the meaning of responsibility that is born from the provisions of the Laws and Regulations so that the theory of responsibility is interpreted in the sense of liability,¹⁷ as a concept related to the legal obligation of a person who is legally responsible for certain actions that he or she can be subject to a sanction in case his actions are against the law.

In the administration of a State and government, this accountability is attached to a position which has also been attached with authority. In the perspective of public law, it is this authority that gives rise to accountability, in line with general principles; "*geenbevegedheid zonder verantwoordelijkheid; thereis no authority without responsibility; la sulthota bila mas-uliyat*"¹⁸

In order to enforce the law, a Notary has a mandate concerning the interests of the public in general, therefore it is obligatory for a Notary to have a professional responsibility towards the mandate that he carries. Responsibility and professional ethics are closely related to integrity and morals, if you do not have integrity and good morals, a notary cannot be expected to have responsibility and good professional ethics as well. Professions emerge as a result of interactions among members of society, who are born, developed or created by the community itself. Theoretically and technically, the notary profession must have professional ethics and responsibilities, therefore a notary must be responsible for the deed he has made, even if the notary has ended his term of office.¹⁹

Notary Authority in the United Arab Emirates

In the United Arab Emirates, a Public Notary is part of the Court and is based in a local Court according to jurisdiction, has certain powers and works under the supervision of the Ministry of Justice, besides that it not only regulates positions regarding Public Notaries, the United Arab Emirates also regulates regulations regarding Private Notaries. who also have the same authority as a Public Notary.

¹⁵ Hans Kelsen (b), sebagaimana diterjemahkan oleh Raisul Mutaqien, *Teori Hukum Murni* Nuansa & Nusa Media, Bandung, 2006, hlm. 140.

¹⁶ HR. Ridwan, *Hukum Administrasi Negara*, Raja Grafindo Persada, Jakarta, 2006, hlm. 337.

¹⁷ Busyra Azheri, *Corporate Social Responsibility dari Voluntary menjadi Mandotary*, Raja Grafindo Perss, Jakarta, 2011, hlm. 54.

¹⁸ *Ibid*, hlm. 352.

¹⁹ Karina Prasetyo Putri, Suhariningsih, Bambang Winarno, *Tanggung Jawab Dan Perlindungan Hukum Bagi Notaris Purna Bakti Terhadap Akta Yang Pernah Dibuat (Analisis Pasal 65 Dan Pasal 66 Undang-Undang Nomor 2 Tahun 2014 tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris)*, Program Studi Magister Kenotariatan, Fakultas Hukum Universitas Brawijaya, hlm, 7.

In addition to making the agreement deed, it also identifies the signatures of the parties and ensures that the agreement made is in accordance with the wishes of the parties, besides that specific rules regarding the authority of Public Notaries and Private Notaries are contained in *Law No. (11) of 2017 Concerning the Notary Public in the Emirate of Abu Dhabi* dan di dalam *Federal Law No. (4) of 2013 Concerning the Regulation of the Notarial Profession*.

The term "Public Notary" refers to those who are accredited, authorized, or licensed by the Ministry of Justice to prove and ratify customary documents and exercise all the functions prescribed by law. The term includes Public Notaries and Private Notaries, who are authorized by the Ministry of Justice to carry out notary acts within the jurisdiction of their department, both for the public interest and for the service of the public interest. Meanwhile, Private Notaries also have the same authority as Public Notaries, this is regulated in *Article 24 Federal Law No. (4) of 2013 Concerning the Regulation of the Notarial Profession*. Based on the article, it is explained that, a lawyer can work as a private notary if he has met the conditions stated in *Article 23 Federal Law No. (4) of 2013 Concerning the Regulation of the Notarial Profession*.

Responsibilities of Notaries in the United Arab Emirates

Notary in the United Arab Emirates, apart from having the authority to make agreement deeds, also has a big responsibility for the deeds he makes, which if proven that the Notary has committed an offense will be subject to sanctions in the form of fines.

Notary supervision in the United Arab Emirates is carried out under the coordination of the Ministry of Justice. Sanctions that can be given to a Notary who violates the United Arab Emirates UUN, namely in the form of a fine of around AED 5000-50,000, and will be 2 times if the same case is repeated.²⁰

The existence of this sanction is in order to maintain the professional performance of the Notaries in order to avoid violations of their authority and to increase the sense of responsibility for each agreement deed made.

“The Notary Public has the competence to notarize documents and records as required by the law or as requested by a concerned party, authenticate signatures of concerned parties - at their request, and verify the date of customary documents. Besides, he is in charge of attesting and notarizing all declarations and affirmations, and affixing the executive wording on any attested documents, according to the provisions of the law. Documents to be notarised must not be in contravention with the law or the public order, and must not fall under the notary prohibitions, or under any other local jurisdiction, as prescribed in Article No. (1) of the Law No. (11) of 2017 concerning the Notary Public in the Emirate of Abu Dhabi. The Notary Public has branches throughout the Emirate of Abu Dhabi, and there are distributed according to population and the distance between branches.”²¹

²⁰ Article (26) point 4 Law No. (11) of 2017 Concerning the Notary Public in the Emirate of Abu Dhabi

²¹ <https://www.adjd.gov.ae/EN/Pages/Notary-Public.aspx> diakses pada tanggal 10 Oktober 2020.

Ideal Model in Developing and Improving Notary Services Obtained from the Results from Both Countries

From the Aspect of Notary Appointment

The implementation of the appointment of a Notary in the United Arab Emirates as previously described is not during the process of appointing a Notary in Indonesia, only with a passing exam certification from the Ministry of Justice of the United Arab Emirates and having studied S1 Law and or S1 Sharia Law, fulfilling the specified requirements can be appointed as a Notary and work in a court according to local jurisdiction, even the existence of a Private Notary in that country also shortens their admission process on the condition that they have passed a certification exam from the United Arab Emirates Ministry of Justice and worked in the legal field for more than 5 years²², as well as having fulfilled the specified conditions, they will be able to open a practice office independently in their jurisdiction.

In the rules for the position of a Notary in Indonesia, there is no rule regarding private notary, but in this case it can be studied further to illustrate the ease of future regulations that may be applied to meet the high needs of the public for Notaries. Given the lengthy procedures for the appointment of a Notary Public in Indonesia, it not only takes a long time but also costs a lot.

Improving the quality of the Notary itself can be started from the educational process and the apprenticeship process of prospective Notaries, by way of INI working with all universities that have MKN study programs to organize a more efficient learning curriculum and internship practice materials for Notaries who accept internships for Notary Candidates so that maximizing the quality of the Notary Candidates so that in the future it can be simplified the process of appointing Notaries with short requirements, with supervision and transparency, the application of technology is also very important to be implemented further, considering that the present has entered the era of digitalization.

From the Aspect of Implementing the Position of Notary by Utilizing Technology

The rapid advancement of technology at the present time has also given encouragement to various sectors to apply technology to facilitate work as well as in the implementation of the notary office, the United Arab Emirates has fully implemented technology in the legal field in their country, especially in the field of Notary services which through Website and application media can make it easier for notaries and their clients to apply for legal consultation and service provision online.

The Abu Dhabi Judicial Department (ADJD) seeks to develop notarial services up to global quality standards based on speed of completion and easiness of procedures. Indeed, the ADJD has placed among its strategic priorities the provision of those services electronically in order to facilitate the service for customers.

For this reason, the Judicial Department has launched the e-Kiosk for notarial services in order to upgrade the notary public services and digitalise the processes to enhance the effectiveness and sustainability of judicial procedures and ensure permanent access to notarial services.

This e-platform provides 47 approved forms of commonly used transactions. The said forms are automatically approved by the system without prior review and the possibility of selecting POA items.

²² Article 24 Federal Law No. (4) of 2013 Concerning the Regulation of the Notarial Profession

The e-Kiosk is electronically connected to some relevant parties in order to complete the personal data of the parties or transactions. The platform is equipped with an ID card reader to download the parties' data automatically from the population register, as well as the commercial license data.

The e-Kiosk aims to facilitate the notary public services and contribute to the provision of various service channels in terms of notarial services.²³

From the Aspect of Implementing the Position of a Notary During the Covid-19 Pandemic Implementation of the Position of Notary During the Pandemic in Indonesia

Since the Covid-19 Pandemic in Indonesia, the Central Management of the Indonesian Notary Association issued a Letter of Appeal for the Central Executive of the Indonesian Notary Public Association (PP-ANI) dated March 17, 2020, in which Notaries are urged to reduce activities in the office and if there is no urgent need, work -work must be completed as much as possible at home.

Given the laws and regulations explicitly stipulate that the main requirement for an authentic deed is the presence of the parties before a notary in accordance with Article 1868 of the Civil Code. Then how do notaries carry out their positions in the midst of the Covid-19 Pandemic?

Notary Prita Miranti Suyudi²⁴ is of the opinion that legal actions that require a statement and / or agreement can be divided into 2 groups, namely those that can be postponed and those that cannot be postponed. Freely, it can be interpreted that letters and / or agreements that can be postponed are those that do not have to be done now or immediately so that they can be done pending better conditions. Conversely, letters and / or agreements that cannot be postponed are those that must be done immediately or cannot wait.

For the first group, PP-ANI through Circular Number 67/35-III / PP-ANI / 2020 has provided clear guidelines for Notaries in carrying out their positions in working from home conditions, namely as follows:²⁵

Reorganize the schedule for signing the deed with the parties, to allow conditions;

Recommend other Notary colleagues whose conditions allow for carrying out the position;

For agreements, deeds, or meetings which according to the statutory regulations the documents can be made under hand, a clause is attached.

"Will be made / restated in an Authentic Deed as soon as the Covid-19 emergency is revoked by the Government".

- a. The second group, namely deeds that cannot be postponed, at least according to the author's observations there are several, namely as follows:
- b. Land Deeds.
- c. Deeds Concerning Changes to Legal Entities and Registration.
- d. Deeds Relating to Relationships Between Individual Legal Subjects, Such as Marriage Agreements, Accounts Payable and Notarial Will and Registration.

²³ <https://www.adjd.gov.ae/EN/Pages/Notary-Public.aspx#> di akses pada Tanggal 10 November 2020

²⁴ <https://www.hukumonline.com/berita/baca/lt5e8efcaac54aa/notaris-ppat-dan-pandemi-covid-19-oleh--prita-miranti-suyudi/> ditulis oleh Prita Suyudi seorang Notaris Senior di Bali

²⁵ PP-ANI melalui Surat Edaran Nomor 67/35-III/PP-ANI/2020

Implementation of Notary Public During the Pandemic in the United Arab Emirates

In April 2020, the Dubai Court announced that public notary services would be available to perform remotely, to comply with health and safety measures imposed due to the pandemic, while also ensuring that business operations remain resilient. The circular states that the following Notary Services can be performed remotely:

- a. Notary Power of Attorney;
- b. Notary legal notification;
- c. Thank-you note;
- d. Notary Local Service Agent Agreement;
- e. Notary Note / Articles of Association and its additions with respect to civilian companies (i.e. companies that are not subject to the Commercial Company Law).

Companies subject to the Commercial Companies Act wishing to enter or modify constitutional documents must do so with the Dubai Economy Department.

This long distance notary service requires the BOTIM app, a video / voice calling app which can be found on the App Store for Apple users and the Play Store for Samsung users. The process requires the notary office of the Dubai Court to contact the document attestor via this video link to establish the identity of the principal and full knowledge of document content.

This document should be sent to a dedicated email address in PDF format with an approved declaration for remote signing at the bottom of each page. When sending an email, it must contain all relevant information and documentation.

After the Dubai Public Notary has reviewed the documents, the applicant will be contacted via BOTIM. The applicant will then receive an SMS and an email containing the amount to be paid and a payment link. After payment is made online, the original documents will be sent to the address of the applicant. The fee for this procedure will be paid by credit card and the courier will send the documents for AED 21 to the address of the applicant.

As previously described, with the implementation of the use of technology as a whole, the concern that problems in notary services can be resolved and continue to run smoothly and smoothly without any significant obstacles, it is hoped that in the future the rules of office of a Notary in Indonesia can provide clear and detailed regulatory convenience. regarding the application of technology in the implementation of the position of Notary in Indonesia in order to improve Notary services.

Conclusion

Based on what has been discussed in previous chapters, the authors make the following conclusions:

The similarities and differences in the legal authority of notary positions in Indonesia and notaries in the United Arab Emirates are as follows:

Notaries in Indonesia and Notaries in the United Arab Emirates have the same characteristics but also differ in several ways, these differences include the requirements for the appointment of a Notary, including age requirements, education, apprenticeship, oath of office, and also the type of private notary that does not apply in Indonesia. In addition, there are also differences in the arrangement of the duties and powers of a Notary such as the area of office of the Notary Public, the office of the Notary Public,

retirement age, determination of Notary deed fees, and Notary Supervision, as well as the application of Technology as part of the implementation of the Notary office.

The existence of the authority and responsibility of a notary in Indonesia and in the United Arab Emirates is as follows:

From the comparison of the two, it can be found that both Notaries in Indonesia and in the United Arab Emirates both have the same authority as Notaries in making authentic deeds and in terms of responsibility for the deeds they make, both have the same existence in carrying out their duties as Notaries. Equations such as making deeds in the national language, obeying the rules and not contradicting the law and deeds are made according to the form and structure stipulated by law. The difference in several respects is in the rules of authority of Public Notaries and Private Notaries which are not in the rules of the Legal Position of Notaries in Indonesia.

The ideal model in the development and improvement of notary services obtained from the results of comparing the two countries is as follows:

The ideal model in the development and improvement of Notary services obtained from the results of comparing with the United Arab Emirates can be seen from access to Notary services that can be done online and to maximize services for emirate and expatriate citizens, the government makes rules regarding Private Notary, in Indonesia there is not yet. rules regarding Private Notary, but in this case it can be studied further to illustrate the ease of future regulations that allow it to be implemented to meet the high needs of the public for Notaries. Given the lengthy procedures for the appointment of a Notary Public in Indonesia, it not only takes a long time but also costs a lot. In the future, INI will cooperate with all universities that have MKN study programs to organize curriculum and internship practice materials for Notaries who receive internships for Notary Candidates in order to maximize the quality of Notary Candidates so that in the future it can simplify the notary appointment process with short requirements, with supervision and transparency, the application of technology is also very important to be implemented further considering that the present has entered the era of digitalization.

Recommendation

We can take the position of notary public in the United Arab Emirates as an example in several aspects, including the less complicated appointment system and the regulation of the appointment of lawyers and experts who have experience working in law and justice for more than 5 years who can be appointed as Notaries. Private as long as they meet the criteria and requirements stipulated by the law and have passed the qualification exam by the Ministry.

Currently in Indonesia it is not easy to apply similar rules, but in the future, the Indonesian Notary Public Association (INI) can simplify the process of appointing Notaries by establishing regulations that not only improve the quality of our Notaries, we can also increase the number of Notary appointments, as well as a necessity for the community. today is the convenience of transactions in digital form. And this has an impact on the work of the Notary as authentic deed maker. The United Arab Emirates as a country that is more advanced in terms of technology can be used as an example in the implementation of the Electronic Notary system, where authentic deeds can be made in digital form while maintaining their authenticity.

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