



The Implementation of Supervision of Notaries during the Vacuum of Office of the Aceh Notary Regional Supervisory Council (MPWN)

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Abstract

According to Article 4 Paragraph (4) of the Regulation of the Minister of Law and Human Rights Number M.02.PR.08.10/2004 confirms that The Notary Regional Supervisory Assembly appointed by the Director General of AHU of the Ministry of Law and Human Rights with duration of office for 3 (three) years. However, the Aceh MPWN for the 2017-2020 period, whose duration of office has expired on 27 September 2020, until May 2021 has not yet appointed a new MPWN. As a result, the MPWN Aceh position has been in a vacuum for more than 8 (eight) months. So, it is necessary to conduct a research on the Implementation of Supervision of Notaries by MPWN Aceh before and during the vacuum of MPWN Aceh. This research is an empirical legal research (empirical juridical), using a qualitative approach whose data is based on field data, namely by interviewing respondents and informants related to this research. The results of the study shows that the Implementation of Supervision of Notaries by MPWN Aceh for the 2017–2020 period has been running in accordance with the existing mechanisms and regulations. Meanwhile, during the Aceh MPWN's vacuum, several recommendations from the District/Manucipality MPDN in Aceh regarding alleged violations of the Notary Code of Ethics and/or UUJN, could not be controlled and supervised by the Aceh MPWN due to the Aceh MPWN was no longer authorized to handle the problem. Therefore, legal certainty and legal protection cannot be implemented.

Keywords: *Notary Supervisory Council; Vacuum MPWN Position*

Introduction

An agreement or agreement made in written form, needs to be proven that the agreement or agreement has actually occurred. So, we need an institution that can make an agreement or the agreement has strong evidence. So that the parties who make the agreement get legal certainty and protection.

The institution as referred to above is "a notarial institution, as one of the social institutions in Indonesia, which arises and develops from the need in the association of human beings who require evidence regarding the civil law relationship that occurs between them".¹

As people's lives develop, the need for notary services is increasingly needed. "Notaries as public servants have the task of serving the community in the civil sector, especially those related to making authentic deeds. This is as regulated in Article 1868 of the Civil Code (KUH Perdata), which states that: "Authentic Deed is a deed made in the form determined by law, made or before public officials who have the power to that, at the place where the deed was made".

Law Number 30 of 2004 concerning Notary Positions, as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions (hereinafter referred to as the Law on Notary Positions and abbreviated as UUJN) states that: "Notary deed is an authentic deed made by or before a notary according to the form and procedure stipulated in UUJN".

"The presence of a Notary Institution as regulated in the UUJN is a *Beleidsregel* (policy regulation) from the state, which is intentionally formed or created as an implementation of the state's duty in providing services to the community, especially in making authentic deeds recognized by the state".² This is in line with the notary definition itself as stipulated in Article 1 Number 1 UUJN which states that "Notary is a public official who is authorized to make authentic deeds and has other authorities as referred to in UUJN or based on other laws".

Based on the provisions above, it can be understood that "the position of a notary is a public office, where the official is assigned or authorized to provide services to people in need. It is clear that the Notary Institution was born and formed because the community needs it".³ According to Supriadi, "Notaries have the duty and authority to make agreements, actions or provisions that give rise to rights and obligations between the parties. In this case, it provides guarantees, certainty or evidence of the agreement, act or stipulation so that the parties involved in it obtain legal protection and certainty. Thus, the position of a Notary is held or its presence is required by the rule of law with the aim of helping and serving the community who need authentic written evidence regarding legal conditions, events or actions".⁴

"The authority possessed by a Notary as a public official was born from the community's need for evidence. In order to meet the needs of the community, the state in carrying out its main functions and duties in providing public services is required to form an institution to carry out its duties and functions, rights and obligations, authorities and powers. This institution is tasked with or carrying out its duties and authorities to act on behalf of the state in providing public services to the community, but it is only limited to the field of civil law".⁵

Notaries as public officials, according to the provisions of Article 15 paragraph (1) UUJN "have the authority to make authentic deeds regarding all actions, agreements and provisions required by legislation and/or desired by the interested parties to be stated in an authentic deed, guaranteeing the certainty of the date. making the deed, keeping the deed, giving grosse, copies and quotations of the deed, all of this as long as the making of the deed is not assigned or excluded to other officials or other people stipulated by law".

Thus, it is clear that "The deed made before a notary is perfect authentic evidence with all its consequences. Notaries are appointed by the Government represented by the Minister of Law and Human

¹ GHS. Lumban Tobing. (1999). *Peraturan Jabatan Notaris*, Jakarta: Erlangga, p. 2.

² Irma Mulia Fitri, Ilyas Ismail dan Suhaimi. (2019). "Pengawasan dan Pembinaan Majelis Pengawas Daerah Terhadap Notaris Yang Melakukan Pelanggaran Di Kabupaten Aceh Timur", *Syah Kuala Law Journal*, Vol.3(1) April 2019, p. 54.

³ Mariana, Darmawan dan Suhaimi. (2019). "Pengawasan Terhadap Notaris Yang Tidak Membuka Kantor", *Kanun Jurnal Ilmu Hukum*, Vol.21(3) Desember 2019, p. 474.

⁴ Supriadi. (2006). *Etika dan Tanggung Jawab Profesi Hukum Di Indonesia*, Jakarta: Sinar Grafika, p. 20.

⁵ Purwanto dan Fatriansyah. (2019). "Peran Majelis Pengawas Wilayah Notaris dan Majels Kehormatan Notaris Terhadap Pembinaan dan Pengawasan Notaris", *Recital Review*, Vol. 1(2) Juli 2019, p. 12-13.

Rights of the Republic of Indonesia and work for the State to serve the needs of the community in making authentic deeds. The notary does not receive his salary from the government, but gets a salary from the party requesting his services”.⁶

Furthermore, in Article 15 paragraph (2) of the UUJN it is stated that the authority of a notary also includes:

- a. “To ratify the signature and determine the certainty of the date of the letter under the hand by registering it in a special book;
- b. book a letter under the hand by registering in a special book;
- c. make a copy of the original handwritten letter in the form of a copy containing the description as written and described in the letter concerned;
- d. validate the compatibility of the photocopy with the original letter;
- e. provide legal counseling in connection with the making of the Deed;
- f. make a deed related to land; or
- g. make a Minutes of Auction Deed”.

In order for the above-mentioned authorities to be carried out properly and responsibly, the Notary is charged with a number of obligations that must be obeyed. These obligations are regulated in Article 16 of the UUJN. Among these obligations, the most principal obligations of a Notary (especially in providing services to the community) are obligations related to ethics and morals. Some of the obligations of a Notary concerning ethics and morals contained in Article 16 UUJN, among others:

- a. “Acting trustworthy, honest, thorough, independent, impartial, and safeguarding the interests of the parties involved in legal actions;
- b. provide services in accordance with the provisions of the UUJN, unless there is a reason to refuse it;
- c. keep everything about the deed he made and all information obtained for the making of the deed in accordance with the oath/promise of office, unless the law provides otherwise”.

Further, the obligations of a Notary relating to ethics and morals are described in the Notary Code of Ethics. Among the Notary's obligations contained in the Notary Code of Ethics, several obligations are directly related to services to the community, including:

- a. “Have good morals, character and personality;
- b. behave honestly, independently, impartially, trustworthy, thorough, full of responsibility, based on the laws and regulations and the contents of the oath of notary position;
- c. prioritizing service to the interests of society and the state;
- d. treat every client who comes in well, regardless of their economic status and/or social status”.

⁶ Muyassar, Dahlan Ali, Suhaimi. (2019). “Pertanggungjawaban Hukum Notaris Terhadap Peningkaran Akta Jual Beli Tanah Bersertifikat Oleh Pihak Yang Dirugikan”, *Syah Kuala Law Journal*, Vol.3(1) April 2019, p. 148.

Based on the description above, it is clear that a Notary is required to be a Notary with a personality, namely a Notary with good morals and character. If the morals and morals are good, then the other obligations imposed on the Notary will usually be good too, such as being honest, trustworthy, impartial and working with full responsibility. This is important, because “the position of the notary profession is called *Officium Nobile*, which is a noble legal profession. In carrying out his profession, a notary as a public official must always uphold his dignity. Notaries are required to be careful, put forward the principle of prudence, always be objective towards anyone who comes and as an independent profession a notary in carrying out his obligations must be followed by responsibility”.⁷ Therefore, the Notary in carrying out his profession or providing legal services or services to the community can be accounted for both to the interested parties, also to the community, nation and state and to Allah Subhanahu Wata'ala.

Government supervision of Notaries is regulated in Article 67 of the UUJN, which states that:

- (1) “Supervision over Notaries is carried out by the Minister;
- (2) In carrying out the supervision as referred to in paragraph (1) the Minister shall establish a Supervisory Council;
- (3) The Supervisory Council as referred to in paragraph (2) consists of 9 (nine) people, consisting of the following elements:
 - a. government as many as 3 (three) people;
 - b. 3 (three) notary organizations; and
 - c. 3 (three) experts or academics.
- (4) In the event that an area does not contain elements of government agencies as referred to in paragraph (3) letter a, membership in the Supervisory Council is filled with other elements appointed by the Minister;
- (5) The supervision as referred to in paragraph (1) covers the behavior of the Notary and the implementation of the Notary's position;
- (6) Provisions regarding supervision as referred to in paragraph (5) shall apply to Substitute Notaries and Temporary Notary Officials”.

“The purpose of the supervision carried out on the Notary is so that the Notary fulfills the requirements or obligations demanded of him. The requirements or obligations are not only required by law or by law, but based on the trust given by the client to the Notary. Supervision of Notaries is very important in people's lives, because in carrying out their duties, Notaries are required to improve their professionalism and quality of work, so that they can provide guarantees of legal certainty and protection for clients and the wider community”.⁸

The Supervisory Council as referred to in Article 67 paragraph (2) of the UUJN consists of:

- a. “Regional Supervisory Council;
- b. Regional Supervisory Council; and

⁷ Maheksi Diah Ayu Saraswati. (2021). “Disparitas Putusan Majelis Pengawas Pusat Notaris Yang Memiliki Kekuatan Hukum Mengikat Dalam Penjatuhan Sanksi Administratif Notaris (Studi Kasus Putusan No. 03/B/MPPN/X/2018 dan Putusan No. 13/B/MPPN/XII/2017)”, *Otentik's: Jurnal Hukum Kenotariatan*, Vol.3(1) Januari 2021, p. 39.

⁸ Irma Mulia Fitri, Ilyas Ismail dan Suhaimi, *Op. Cit.*, p. 59.

c. Central Supervisory Board".

In particular, the Notary Regional Supervisory Council (MPWN), according to Article 72 of the UUJN is formed and domiciled in the provincial capital, for a term of office of 3 (three) years and after the term of office ends, it can be reappointed. Its membership consists of 3 (three) government elements, 3 (three) notary organizations, and 3 (three) experts or academics. The nomination and appointment of MPWN members is regulated in the Regulation of the Minister of Law and Human Rights Number: 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 (hereinafter referred to as Permenkumham No. M.02.PR.08.10/2004).

Regarding the term of office of MPWN in Article 72 paragraph (4) of the UUJN it is emphasized that: "The term of office of the chairman, deputy chairman, and members of the Regional Supervisory Council is 3 (three) years and can be reappointed". However, especially for the Aceh MPWN for the 2017 - 2020 period, its management has ended on 27 September 2020. So, it has been more than 8 (eight) months (from 28 September 2020 to June 2021) the position of the Aceh MPWN is in a vacuum⁹. Actually, the vacuum of MPWN's position should not occur, because it greatly affects the supervision and development of the Notary. Moreover, there are several Notaries whose status has become Reported. So that the supervision and guidance of the Notary does not run as expected. Even though the supervision and guidance of a Notary is a form of state responsibility in protecting the public from the actions of a Notary that are not in accordance with the applicable laws and regulations.

Methodology

This type of research is included in empirical legal research (empirical juridical), which is a study that examines or examines applicable laws or legal provisions as the object of research. In this case, law is not seen only as a perspective and applied discipline, but also as an empirical or legal reality. According to Suharsimi Arikunto, "empirical juridical research, or what is called field research, examines the applicable legal provisions and what happens in reality in society".¹⁰ This is in line with Abdulkadir Muhammad's opinion, "empirical juridical research is legal research regarding the enforcement or implementation of normative legal provisions in action on every particular legal event that occurs in society".¹¹

This study uses a qualitative approach, namely "research whose data is based on field data, because the data is obtained from sources in the field. These sources can be in the form of individuals (personal) who are the subject of research, as sources that exist in society, both as independent individuals and part of certain communities".¹²

Data was collected by means of field research and library research. Field research was conducted by interviewing respondents and informants related to this research.

⁹ According to the Big Indonesian Dictionary, "vacuum is defined as empty or void (about rulers, officials and so on who are not in place or not functioning)", <https://www.kamusbesar.com/kevakuman>.

¹⁰ Suharsimi Arikunto. (2012). *Prosedur Penelitian Suatu Pendekatan Praktek*. Jakarta: Rineka Cipta, p. 126.

¹¹ Abdulkadir Muhammad. (2004). *Hukum dan Penelitian Hukum*, Bandung: Citra Aditya Bakti, p. 134.

¹² Hasyim Ali Imran. (2015). "Penelitian Komunikasi Pendekatan Kualitatif Berbasis Teks", *Jurnal Studi Komunikasi dan Media*, Vol. 19 No. 1, Juni 2015, p. 136.

Results and Discussion

1. Implementation of Supervision of Notaries by the Aceh Notary Regional Supervisory Council (MPWN)

As described above, the implementation of the duties of a Notary as an official authorized to make a deed, a deed made before a notary is perfect authentic evidence with all the consequences. In this case, "Authentic deed is binding evidence which means that the truth of the things written in the deed must be acknowledged by the judge which constitutes the deed is considered true as long as the truth is that no other party can prove and vice versa".¹³

Given the enormous impact of the Deed made by a Notary, which in this case can provide guarantees of legal certainty and protection for third parties (clients and the wider community), the duties and authorities of a Notary need to be supervised by the Government. So that the Notary is appointed by the Government represented by the Minister of Law and Human Rights of the Republic of Indonesia and works for the State to serve the needs of the community in making authentic deeds. Thus, the Notary in carrying out his profession or providing legal services or services to the community can be accounted for both to the interested parties, also to the community, nation and state as well as to the Creator, namely Allah Subhanahu Wata'ala.

Likewise, supervision of Notaries is carried out by the Minister of Law and Human Rights of the Republic of Indonesia, namely by forming a Supervisory Council. In general, the Notary Supervisory Council has the scope of authority to convene hearings to examine allegations of violations of the code of ethics or violations of the implementation of the position of a Notary. The Notary Supervisory Board has the authority to conduct hearings to examine: (1) There are allegations of violations of the code of ethics; (2) There are allegations of violations of the implementation of the duties of a Notary Public; and (3) the behavior of Notaries who carry out their duties as Notaries which can interfere with or affect the implementation of the Notary's duties".¹⁴

Basically, the supervision carried out on Notaries by the Notary Supervisory Council is due to "the need for the enforcement of professional ethics itself, the implementation of the Notary profession is seen as an attitude of life, in the form of a willingness to provide and expertise in carrying out tasks which are professional services in the field of law to the community with full involvement and expertise in carrying out duties in the form of obligations to the community in need of legal services".¹⁵ In addition, supervision is also carried out considering the need to maintain public trust in the Notary profession.

Therefore, if there is a public report against a Notary who is suspected of having violated the Notary Code of Ethics or a violation of the UUJN, then for the first time the problem is handled by the Notary Regional Supervisory Council (MPDN). This is in accordance with Permenkumham No. M.02.PR.08.10/2004, which in Article 13 paragraph (2) letter d says that MPDN has the authority to receive reports from the public regarding alleged violations of the Notary Code of Ethics or violations of provisions in the Act.

Furthermore, according to Article 14 point d of the Regulation of the Minister of Law and Human Rights No. M.02.PR.08.10/2004, MPDN has the authority to "call a Notary to attend an examination related to the deed he made or the Notary Protocol that is in the Notary's custody". Finally, according to Article 17 of the Regulation of the Minister of Law and Human Rights No. M.02.PR.08.10/2004, "The results of the examination by the Examining Team are stated in the minutes of the examination signed by the Head of the Examining Team and the Notary being examined, which is then submitted to the local

¹³ Yeni Afrilla, Yanis Rinaldi, Suhaimi. (2019). "Tanggung Jawab Pengembang dalam Perjanjian Bangun Bagi dengan Akta Notaris", *Jurnal IUS Kajian Hukum dan Keadilan*, Vol. 7(3), Desember 2019, p. 455.

¹⁴ Irma Mulia Fitri, Ilyas Ismail dan Suhaimi, *Op. Cit.*, p. 57.

¹⁵ *Ibid.*, p. 60.

Regional Supervisory Council with a copy to the Notary concerned, the Regional Manager of the Notary Association. Indonesia, and the Central Supervisory Council".

In connection with this, Suhaimi, a member of MPWN for the 2017-2020 period, said that "if the public reports a Notary who is suspected of violating the Notary Code of Ethics and/or violating the UUJN, then the matter is handled by the MPDN in the area, because the MPDN is the one who has the authority. handle public complaints in their jurisdiction. After the inspection stages carried out by MPDN are completed and MPDN makes a Minutes of its Examination, then MPDN submits the matter to the local MPWN and a copy is submitted to the Notary (who in this case is the Reported Party) and to the Regional Management of the Indonesian Notary Association and the Central Supervisory Council."¹⁶

The purpose of supervision of the Notary is intended so that the Notary is serious with full responsibility and fulfills the requirements in carrying out his duties in accordance with the applicable laws and regulations. This is intended to provide protection for the interests of the general public. Meanwhile, the implementation of notary supervision is intended so that all rights and authorities of a notary in carrying out their duties are carried out in accordance with predetermined paths or signs, not only legal channels, but also on the basis of professional ethics and morals in order to ensure legal certainty and legal protection for the community.

When the examination is carried out, the Notary must be in his office by preparing the necessary files (protocols) or documents, such as: "Minuta Deed, Reportorium (Book of Deed List), Special book for ratification of signatures and bookkeeping of letters under the hand, Book the list of appearers or Klapper from the list of legalized deeds and the list of private letters, the protest register book, the will list book, and other books that must be kept by a notary based on the legislation".¹⁷

One of the cases handled by MPWN Aceh was "the allegation against a Notary TM who violated the provisions of Article 7 paragraph (1) letter a of the UUJN, namely: Notary TM did not actually carry out his position as a Notary, Notary TM left his office area for more than 7 (seven) days consecutive work without a valid reason. The case has been handled and examined by the MPDN of East Aceh Regency, by recommending to the Aceh MPWN that the Notary TM is proposed to be imposed/imposed sanctions in the form of dishonorable dismissal".¹⁸

Based on the description above, it is clear that the implementation of supervision of Notaries by MPWN Aceh for the 2017–2020 period has been running in accordance with the applicable mechanisms and laws and regulations. In this case the Aceh MPWN has examined cases of alleged violations of the Notary Code of Ethics and/or UUJN, after the delegation or recommendation from the local MPDN.

2. Implementation of Supervision of Notaries during the Vacuum of Office of the Aceh Notary Regional Supervisory Council (MPWN)

The term of office of the MPWN in Article 72 paragraph (4) of the UUJN is emphasized that: "The term of office of the chairman, deputy chairman, and members of the Regional Supervisory Council is 3 (three) years and can be reappointed". However, especially for MPWN Aceh for the 2017-2020 period, their term of office has ended on September 27, 2020. So, it has been more than 8 (eight) months (from September 28, 2020 to June 2021) the position of MPWN Aceh is in a vacuum. This is in accordance with the statement put forward by Chairiah that "the term of office of MPWN Aceh for the 2017-2020 period has ended on September 27, 2020, which is in accordance with the Decree of the Minister of Law and Human Rights Number: AHU-66.HM.07.01 of 2017 concerning Changes The First Amendment to the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: AHU-40.HM.07.01 of 2017 concerning the Dismissal of Members of the Supervisory Council

¹⁶ Suhaimi, Member of Aceh Notary Regional Supervisory Council (MPWN) for the 2017-2020 period, *Interview*, Mei 15, 2021.

¹⁷ Mariana, Darmawan dan Suhaimi, *Op. Cit.*, p. 479.

¹⁸ Azhar, Member of Aceh Notary Regional Supervisory Council (MPWN) for the 2017-2020 period, *Interview*, Mei 12, 2021.

of the Notary Territory of 2014 to 2017 and the Appointment of Members of the Supervisory Council of the Notary Territory of the Term of 2017 to Year 2020 Aceh Province. Based on the Fifth Dictum of the MPWN Aceh Decree, it is stated that the tenure of the Aceh MPWN is until September 24, 2020".¹⁹

Furthermore, it can be stated that "some time ago there was information about the Inauguration of MPWN for the 2021-2024 Period, namely with the issuance of the Civil Director of the Directorate General of General Administration (Dirjen AHU) of the Ministry of Law and Human Rights of the Republic of Indonesia Number: AHU.2.UM.01.01-1555 dated 12 April 2021 addressed to the Regional Head of the Ministry of Law and Human Rights, regarding the Coordination Meeting for Strengthening, Guiding and Supervision of Notary Positions and the Inauguration of the Notary Regional Supervisory Council for the 2021-2024 Period and the Interim Substitute (PAW) for the 2019-2022 Regional Notary Honorary Council. Based on the letter, the Inauguration of MPW Notary for the 2021-2024 period will be held between the 22nd to the 20th. April 24, 2021 at the Aryaduta Hotel Jakarta. However, a few days later, the plan for the inauguration was moved from the Aryaduta Hotel Jakarta to The Westin Resort Nusa Dua, Bali. The transfer of the inauguration place was in accordance with the Letter of the Civil Director of the Directorate General of General Administration (Dirjen AHU) of the Ministry of Law and Human Rights of the Republic of Indonesia Number: AHU.2.UM.01.01-1161 dated April 16, 2021. The plan for the Inauguration of the Notary MPW was apparently canceled 3 (three) days later, namely the issuance of the Letter of the Civil Director of the Directorate General of General Administration (Dirjen AHU) of the Ministry of Law and Human Rights of the Republic of Indonesia Number: AHU.2.UM.01.01-1633 dated April 19, 2021. According to the letter, the inauguration of MPW Notaries has been postponed for an undetermined time. As a result, the term of the MPW Notary's vacuum has increased again".²⁰

During the vacuum of MPWN Aceh's position, the Regional Office of the Ministry of Law and Human Rights of Aceh asked the members of the Aceh MPWN who had been delegated to continue carrying out their activities or duties in the context of supervision and guidance to Notaries, especially MPWN members who were still proposed for the next period, even though the MPWN members did not get achievements. anything.

According to Sasmita (Head of the Legal Services and Human Rights Division) as a member of the Aceh MPWN from the government, namely from the Regional Office of the Ministry of Law and Human Rights in Aceh, "supervision and guidance for Notaries continues to be carried out even though the term of office of the Aceh MPWN has ended (demissioner). This has been consulted with officials at the Director General of AHU of the Ministry of Law and Human Rights of the Republic of Indonesia in Jakarta, who stated that to fill the legal vacancy for the old Aceh MPWN positions, the old officials were continuing to wait for the Decree on the Appointment of the new Aceh MPWN Officials".²¹ However, the problem is, there is no written basis or evidence whatsoever from the Director General of AHU of the Ministry of Law and Human Rights of the Republic of Indonesia regarding the continuation of the MPWN Aceh position. In addition, not all of the old Aceh MPWN officials are proposed to be MPWN officials in the future. Moreover, there are members of the Aceh MPWN (even serving as the Chair of the Aceh MPWN) who have moved their place of duty and there are also members of the Aceh MPWN who have died.

The MPWN Aceh Officials for the 2017-2020 period are:

1. Yuspahrudin, Bc.IP., S.H., M.H., from the Government element (Kakanwil Kemenkumham), as Chair of MPWN Aceh.

¹⁹ Chairiah, Secretary of Aceh Notary Regional Supervisory Council (MPWN) for the 2017-2020 period, *Interview*, April 23, 2021.

²⁰ Suhaimi, Member of Aceh Notary Regional Supervisory Council (MPWN) for the 2017-2020 period, *Interview*, Mei 15, 2021.

²¹ Sasmita, (Head of Legal Service and Human Rights Devision) as a Member of Aceh Notary Regional Supervisory Council (MPWN) for the 2017-2020 period, submitted at the Aceh MPWN meeting which has been delegated on February 16, 2021 at the Regional Office of the Ministry of Law and Human Rights of Aceh Province.

2. Sasmita, S.H., M.H., from the Government (Kanwil Kemenkumham)
3. Jailani M. Ali, S.H., M.H, from the government (Kanwil Kemenkumham)
4. Bukhari Muhammad, S.H., Sp.N. from elements of the Notary Organization
5. DR. Teuku Abdurrahman, S.H., Sp.N. from elements of the Notary Organization
6. Azhar, S.H., Sp.N. from elements of the Notary Organization
7. DR. Suhaimi, S.H., M. Hum. from academics (FH Syiah Kuala University)
8. Tarmizi, S.H., M.Hum., from the Academics (FH, Syiah Kuala University)
9. Dr. Darmawan, S.H., M.Hum., from the Academics (FH University of Syiah Kuala), as Deputy Chair

Of the 9 (nine) members of the Aceh MPWN who have retired, the ones that have been proposed again for the next period are:

1. Sasmita, S.H., M.H., from the Government (Kanwil Kemenkumham).
2. Dr. Suhaimi, S.H., M.Hum., from Academics (FH, Syiah Kuala University).
3. Dr. Darmawan, S.H., M. Hum., from the academics (FH University of Syiah Kuala).

Therefore, “even if members of the Aceh MPWN who have been demobilized continue to carry out their duties, this is certainly not effective and will not work as well as expected. Moreover, some have moved assignments outside the region, some have not been proposed for the next period, some have retired and some have died, even those who are still domiciled in Banda Aceh are not necessarily willing to carry out the task. This is understandable because it is no longer his duty and authority or responsibility, and from the point of view of contributions in any form he does not get anything”.²²

Legally, the members of the Aceh MPWN for the 2017–2020 period and have already been delegated, do not have any authority in supervising and fostering Notaries. Meanwhile, in reality there are several Notaries in Aceh who are currently Reported Parties because they are suspected of having violated the UUJN and/or the Notary Code of Ethics. The notary has the initials AW (one of the Notaries in Aceh Besar District) and Notary SR (one of the Notaries in Banda Aceh City). The two Notaries have been handled by the Regional Supervisory Council (MPDN), namely: MPDN Aceh Besar District and MPDN Banda Aceh City and asked MPWN Aceh to follow up. However, as stated above, the existing MPWN Aceh has been declared decommissioned and therefore no longer has the authority to handle this problem. Thus, legal certainty and legal protection cannot be realized, both for the community and for the Notary concerned. In this case, according to Article 74 paragraph (2) of the UUJN "Notaries have the right to defend themselves in examinations in the session of the Regional Supervisory Council".²³

Actually, the vacuum of the Notary MPW position should not occur, because it greatly affects the supervision and development of the Notary. So that the supervision and guidance of the Notary cannot run as expected. Even though the supervision and guidance of Notaries is a form of state responsibility in protecting the public, from the actions of Notaries who carry out their duties that are not in accordance with the applicable laws and regulations.

²² Suhaimi, Member of Aceh Notary Regional Supervisory Council (MPWN) for the 2017-2020 period, *Interview*, Mei 15, 2021.

²³ Azhar, Member of Aceh Notary Regional Supervisory Council (MPWN) for the 2017-2020 period, *Interview*, Mei 12, 2021.

The vacuum of MPWN Aceh ended just a few days ago, with the inauguration of MPWN Aceh Members along with other MPWN members throughout Indonesia on June 10, 2021 at the Grand Hyatt Hotel Nusa Dua Bali. The inauguration of MPWN members was carried out by the Director General of General Legal Administration (Dirjen AHU) Cahyo Rahadian Muzhar, which began with the reading of the Decree of the Minister of Law and Human Rights and continued with the pronouncement of the Oaths and Promises of MPWN Members. The inauguration was based on the Letter of the Civil Director of the Directorate General of General Administration (Dirjen AHU) of the Ministry of Law and Human Rights of the Republic of Indonesia Number: AHU.2.UM.01.01-2000 dated May 21, 2021, which was addressed to the Head of Regional Office of the Ministry of Law and Human Rights, regarding the Coordination Meeting on Strengthening, Guiding and Supervision of Notary Positions and the inauguration of the Notary Territory Supervisory Council for the 2021-2024 Period and the Interim Substitute (PAW) for the 2019-2022 Regional Notary Honorary Council.

After the signing of the Minutes of the Appointment of MPWN, the Director General of AHU Cahyo Rahadian Muzhar in his remarks and mandate stated that "regarding the policies and directives of the President of the Republic of Indonesia regarding the recovery of economic growth through simplification of licensing and regulatory cuts, this requires greater support from Notaries. Notaries are expected to be more thorough and careful in making deeds and play an active role in drafting regulations, and continue to adapt to Indonesia's progress. Notaries are important actors in business because they are legal advisers to all parties whose products are authentic deeds used in courts as legal evidence. Furthermore, MPWN members are expected to be able to tighten supervision of Notaries, both through institutional strengthening and the imposition of sanctions, and as MPWN members are required to continue to innovate and create solutions that are appropriate and appropriate to the needs of the community".²⁴

If one observes the Address and Mandate of the Director General of AHU above, it appears that it is inversely proportional to the reality that occurs in practice. On the one hand, the Director General of AHU expects Notaries to be more thorough and careful in making deeds, play an active role in drafting regulations, and continue to adapt to Indonesia's progress. In addition, the Notary is also a legal advisor for the parties in making an authentic deed, because the authentic deed is sometimes used in court as legal evidence. The Director General of AHU also hopes that MPWN members can tighten supervision of Notaries, either through institutional strengthening or the imposition of sanctions. Meanwhile, the Director General of AHU himself is less responsive to the term of office of MPWN (including MPWN Aceh), which in this case the Director General of AHU allows the occurrence of a vacuum in MPWN's position for a long period of time without any certainty. This results in the inability to supervise and provide guidance to Notaries who violate the Notary Code of Ethics and/or UUJN, because the MPWN who has been delegated does not have any authority over the Notaries who commit violations. On the other hand, unsupervised Notaries are feared to act arbitrarily against their clients and the public.

Based on the description above, it can be understood that the Ministry of Law and Human Rights of the Republic of Indonesia (in this case the Director General of AHU) is less concerned about the existence of MPWN as an institution authorized to supervise and guide Notaries, and allow the existence of a vacuum in the management of MPWN positions for a long period of time. so that notaries in carrying out their duties receive less supervision and guidance from MPWN. Whereas the notarial institution was formed or created as an implementation of the state's duty in providing services to the community.

²⁴ Cahyo Rahadian Muzhar, Director General of General Legal Administration (Dirjen AHU) of the Ministry of Law and Human Rights of the Republic of Indonesia, Address and Mandate Delivered at the Inauguration of the Notary Territory Supervisory Council for the 2021-2024 Period and the Interim Substitute (PAW) of the Regional Notary Honorary Council Period 2019-2022 at the Grand Hyatt Hotel Nusa Dua Bali, 10 June 2021.

Conclusion

The implementation of supervision of Notaries by MPWN Aceh for the 2017–2020 period has been running in accordance with the mechanisms and applicable laws and regulations. MPWN Aceh has examined cases of alleged violations of the Notary Code of Ethics and/or UUJN, after the delegation or recommendation from the local MPDN, such as the alleged case of a Notary TM in East Aceh Regency who did not actually carry out his position as a Notary, who left his area of office. more than 7 (seven) consecutive working days without a valid reason.

The occurrence of a vacuum in the management of the Aceh MPWN position, legally members of the Aceh MPWN for the 2017–2020 period have retired, so they do not have any authority to supervise and guide Notaries. Several recommendations from the District/City MPDN in Aceh regarding alleged violations of the Notary Code of Ethics and/or UUJN, could not be followed up by the Aceh MPWN due to the vacuum of the Aceh MPWN position. Among the Notaries who became Reported were Notary with the initials AW (one of the Notaries in Aceh Besar District) and Notary SR (one of the Notaries in Banda Aceh City). The two Notaries have been handled by the Notary Regional Supervisory Council (MPD), namely: Aceh Besar Notary MPD and Banda Aceh City Notary MPD and asked the Aceh MPWN to follow up. However, MPWN Aceh is no longer authorized to handle this problem. Thus, legal certainty and legal protection cannot be realized, both to the public (as the Reporting Party) and to the Notary concerned (as the Reported Party).

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Cahyo Rahadian Muzhar, Director General of General Legal Administration (Dirjen AHU) of the Ministry of Law and Human Rights of the Republic of Indonesia, Address and Mandate Delivered at the Inauguration of the Notary Territory Supervisory Council for the 2021-2024 Period and the Interim Substitute (PAW) of the Regional Notary Honorary Council Period 2019-2022 at the Grand Hyatt Hotel Nusa Dua Bali, 10 June 2021.

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