



Implementation of Supervision by the Notary Regional Supervisory Assembly on Notaris in Executing Its Positions in Padang Pariaman Regency

Muhammad Pajri; Ismansyah; Azmi Fendri

Student of Magister Notary Program, Universitas Andalas, Indonesia

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Abstract

A notary is a public official who is only authorized to make an authentic deed regarding all deeds, agreements and stipulations. Supervision and inspection of Notaries are carried out by the Supervisory Council, in which there is a Notary element, thus at least Notaries are supervised and examined by members of the Supervisory Council who understand the world of Notaries. Because there are quite a number of Notaries in Padang Pariaman Regency, as long as the author can see and pay attention to these violations, the author focuses on research on how the implementation of supervision by the Pariaman Regional Supervisory Council against Notaries in Padang Pariaman Regency in carrying out their positions. The research method used in this research is Sociological Juridical, which is an approach taken to analyze the extent to which a legal regulation is effective. The results of this study are (1) the implementation of supervision and guidance carried out by the Regional Supervisory Council in Padang Pariaman Regency, namely providing guidance and supervision to notaries, responding maximally to public complaints about notaries suspected of committing violations, carrying out protocol submissions. (2) Forms of Violations Committed by Notaries who are under the Supervision of the Pariaman Regional Supervisory Council, namely Lack of honesty and discipline of the Notary in carrying out his position, the Notary is negligent in carrying out his profession. Because, in this case, the Notary really trusts his employees to receive and save the fees entrusted by the client to him. So, when the fees have been deposited by the notary's client, the employees do not report the management fees deposited to the notary. Thus, the Notary must be willing to be responsible in such a case to reimburse all costs that have been incurred by his client. (3) Law Enforcement Process by the Pariaman Regional Supervisory Council Against Notaries Who Do Violations the Pariaman Regional Supervisory Council (MPD) will conduct a preliminary examination of the violations committed by the Notary. If the Notary concerned is proven to have violated Article 7 paragraph (1) letter of the UUJN, the Pariaman Regional Supervisory Council (MPD) will summon the person concerned. Summons to Notaries is made a maximum of 3 (three) times. If the Notary does not improve its performance, the report will be continued/recommended to the Supervisory Council of the Province of West Sumatra.

Keywords: *Supervision; Notary Regional Supervisory Council; Notary*

Introduction

Notaries have the authority regulated in UUJN, in accordance with the provisions of Article 15 paragraph (1) UUJN, Notaries have the authority to make authentic deeds regarding all actions, agreements and stipulations required by laws and regulations and/or what the interested parties want. to be stated in an authentic deed, by guaranteeing the certainty of the date of making the deed, keeping the deed, providing 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.

In carrying out this authority, notaries have an organizational forum to gather notaries throughout Indonesia. The Indonesian Notary Association (INI) is an association and based on *broedcshap van candidat notary* in the Netherlands, it is recognized as a legal entity (*rechtspersoon*) with *gouvernements besluit* (government stipulation) dated 5 September 1908 no 9. The forum for this notary organization is regulated in Article 82 of the UUJN amendments, in this article, it is regulated regarding the objectives, duties, authorities, work procedures, and organizational structure, the Articles of Association, the Bylaws of the Indonesian Notary Association. This organization also has a series of codes of ethics that must be enforced and obeyed by all members of the notary public under the auspices of the organization.

The Notary Supervisory Council is an agency that has the authority and obligation to carry out the guidance and supervision of Notaries. The role of the Notary Supervisory Council in carrying out its duties to supervise a Notary who carries out his duties in his office area is very much needed, as contained in Article 67 of the UUJN. Furthermore, based on the provisions of Article 68 UUJN, the Notary Supervisory Council consists of 1) Regional Supervisory Council (MPD); 2) Regional Supervisory Council; 3) Central Supervisory Council. The Regional Supervisory Council (MPD) is formed and domiciled in a regency or city (Article 69 paragraph 1 UUJN), the Regional Supervisory Council (MPW) is formed and domiciled in the Provincial Capital (Article 72 paragraph 1 UUJN), and the Central Supervisory Council (MPP) is formed and domiciled in the State Capital (Article 76 paragraph 1 UUJN).

Supervision and inspection of Notaries are carried out by the Supervisory Council, in which there is a Notary element, thus at least Notaries are supervised and examined by members of the Supervisory Council who understand the world of Notaries. The existence of a member of the Supervisory Council from the Notary element is an internal control, meaning that it is carried out by fellow Notaries who understand the world of Notaries inside and out, while the other elements are external elements that represent the academic world, government and society. The combined membership of the Supervisory Board is expected to provide a synergy of supervision and objective examination, so that each supervision is carried out based on the applicable legal rules, and the Notaries in carrying out their duties do not deviate from the UUJN because they are monitored internally and externally.

The Notary Supervisory Council as the only institution authorized to supervise, examine and impose sanctions on Notaries, each level (MPD, MPW and MPP) has their respective authorities as stated in the UUJN and the Regulation of the Minister of Law and Human Rights.

From the many powers of the Notary Supervisory Council, in fact there are still violations, both the code of ethics and the making of an imperfect deed. For example, what can be observed is the violation of the code of ethics, starting from the installation of signage at events such as weddings, birthday celebrations of banks and companies that are notary partners as well as condolences at the event of the death of the notary's family or relatives, friends and the notary's own colleagues, which was later considered to be a common thing to do. Another form is in the form of linking maps (check-in) on the Notary's social media accounts (such as Facebook, Instagram, etc.) which according to the author is also a form of promotion in the form of notification of the location where the notary's office is located which is also a code violation notary ethics.

For the process of making a deed, where there are imperfections in the notarial deed made either in the form of discrepancies or lack of data on the identity of the appearer which is typed in the deed, as well as other typing errors, it can reduce the authenticity of the deed itself so that the deed becomes degraded into a private deed. Things like that should be a separate focus for the Notary Supervisory Board in carrying out its supervisory function so that the violations and mistakes as mentioned above do not happen again.

Because there are quite a number of Notaries in Padang Pariaman Regency, as long as the author can see and pay attention to these violations, the author focuses on research on how the implementation of supervision by the Pariaman Regional Supervisory Council against Notaries in Padang Pariaman Regency in carrying out their positions. Based on the description above and to accommodate the interests of the discussion of the above problems, the authors are interested in conducting research in a scientific work in the form of a paper with the title **"IMPLEMENTATION OF SUPERVISION BY REGIONAL SUPERVISORY ASSEMBLY ON NOTARIES IN EXECUTING HIS POSITION IN PADANG PARIAMAN DISTRICT"**

Research Methods

The approach method used is the Juridical Empirical approach, the Juridical Empirical Approach is an approach taken to analyze the extent to which a legal regulation is effective so that the scope of the research is a positive legal inventory which is a preliminary activity, here the researcher not only reveals the negative aspects of a problem but also aspects positive so that a solution can be given.

In this approach, it is actually how to find law in action from a regulation so that real behavior can be observed as a result of the implementation of positive law and is evidence of whether or not it has behaved in accordance with the provisions of normative law (codification or legislation).

Therefore, in addition to using a juridical approach, an empirical approach based on primary data analysis obtained from field research through the interview method is also carried out, in order to obtain more in-depth information on matters relating to various driving factors relating to the implementation of a regulation. In a juridical approach, this research is based on the analysis of primary data obtained from research using the interview method. Especially for notaries who are in the jurisdiction of Padang Pariaman Regency and members of the Pariaman Notary Regional Supervisory Council.

Research Result

Based on Article 7 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2021 concerning the Notary Supervisory Council, before carrying out its authority and duties, take an oath/promise of office in front of the official who appointed it. In this case the Regional Supervisory Council (MPD) based on Article 3 of the Regulation of the Minister of Law and Human Rights Number 16 of 2021 is appointed by the Head of the Regional Office with a Decree. The members of the Pariaman Regional Supervisory Council have been sworn in and sworn in by the Head of the Regional Office of the Department of Law and Human Rights of West Sumatra Province. Being part of the working area of the Regional Supervisory Council (MPD), the Notary under his supervision carries out the duties and functions of the MPD as follows: Kota Pariaman, Kabupaten Padang Pariaman and Pasaman.

From the results of an interview with one of the members of the Pariaman Regional Supervisory Council (MPD), it was explained that the Pariaman Regional Supervisory Council (MPD) in carrying out its duties to optimize the supervisory and guidance functions of Notaries already has a work program that

will be carried out during the term of office of the members of the Regional Supervisory Council (MPD) Pariaman since the appointment, the work program of the Regional Supervisory Council (MPD) includes:

1. To provide guidance and supervision to Notaries who are within the work area of MPD Pariaman.
2. Respond maximally to public complaints regarding a Notary suspected of committing a violation.
3. Carry out the Submission of the Notary Protocol.

From the explanation above, it can be concluded that the implementation of supervision and guidance carried out by MPD Notaries in Padang Pariaman Regency is not optimal because there are still many violations of the code of ethics and legal violations that occur by Notaries in Padang Pariaman Regency. One of the findings that was successfully obtained in research at the MPD Pariaman secretariat at the office of the Ministry of Law and Human Rights in the West Sumatra region was an indication of a criminal act of fraud committed by one of the Notaries (and his employees) in Pariaman which had harmed his client in the form of a sum of money with a nominal value of several hundred million for land purchases.

When viewed from the fulfillment of the theory of legal certainty, the supervision carried out by the MPD does not guarantee legal certainty for people who want to deal with notaries. This is a problem because the honorable profession of a notary should be an institution that can be trusted by the public in meeting the need for legal services in the field of notary.

In terms of the theory of responsibility, when viewed from the responsibilities of the MPD in carrying out their duties, the supervision of notaries carried out by the MPD has fulfilled the responsibilities of the MPD as mandated in the relevant laws and regulations governing it, but on the other hand, if the conditions as mentioned above occur, the notary must bear a great responsibility to fulfill his obligations for all costs requested by the notary to his client for the notary services provided or as a representative of one of the clients to receive a sum of money made without a power of attorney. legal authority, and if the notary fails to fulfill these responsibilities, it can be concluded that the theory of responsibility is not fulfilled.

Based on the theory of authority, that the MPD's authority to examine notaries who are within its supervision area, in this case Padang Pariaman Regency, when viewed from the procedures and procedures for the examination carried out which has been stated in the legislation, the MPD's authority has been fulfilled and completed. held.

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