

Notary's Responsibility in Carrying Out Official Secrecy Regarding the Contents of Deeds in Blora Regency

Siti Nurul Azizah

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: nurulazizah632@gmail.com

Abstract. *One of the very noble legal professions (officium nobile) is the Notary profession, it is said so because of the work done by a Notary. Notaries have the authority to make deeds which are regulated in Article 15 paragraph (1), (2) and (3) UUJN. Notaries need the principle of caution in carrying out their duties, because if there is an error or negligence from the Notary in carrying out his position, it can cause legal problems for the Notary in the future. Notaries in carrying out their positions are obliged to maintain the confidentiality of all matters concerning deeds and other letters that have been made, this is regulated in Article 16 paragraph (1) letter f regarding the obligation to deny. This research was written using an empirical research method and using a qualitative approach, studied with analytical descriptive research specifications. The results of this study are that the Notary's responsibility is stated in Article 65 UUJN which explains that he is responsible for every deed he makes. The responsibility held by a notary adheres to the principle of liability based on fault of liability. The responsibility of a notary arises if there is an error made in carrying out his/her duties and the error causes a loss to the person requesting the notary's services. If the notary makes a mistake, he/she may be subject to civil, criminal and administrative sanctions. In order for a notary to be able to provide information in court, he must have the approval of the Notary Supervisory Board. This is regulated in Article 66 of the 2014 UUJN.*

Keywords: Confidentiality; Notary; Official; Responsibility.

1. Introduction

One of the very noble legal professions (officium nobile) is the Notary profession, it is said so because the work done by a Notary is very closely

related to humanity. The presence of the notary position is required by legal regulations with the intention of helping and serving the community who need authentic written evidence regarding circumstances, events or legal acts.¹A notary must have dedication, integrity, morals and ethics in carrying out each of his duties and positions. As a position of trust, a notary is obliged to keep confidential the deeds he has made and the information/statements of the parties obtained in making the deed, unless the law orders him to reveal the secret and provide the information to the party requesting it.² This is reinforced by the definition of a Notary in Article 1 paragraph (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, namely:

"A notary is a public official with the authority to make authentic deeds and has other authorities, as stated in this Law or based on other laws."

Notaries have the authority to make deeds, which is regulated in Article 15 paragraphs (1), (2) and (3) of the UUJN. The authority of a notary in making authentic deeds includes those related to making agreements and stipulations, where the making of agreements and stipulations is required by statutory regulations or the wishes of the parties concerned to be stated in an authentic deed. Other rules related to authority are contained in Article 15 paragraphs (2) and (3) of the UUJN. In addition, a notarial deed is also the basis for the legality of the existence of a notarial deed, the requirements of which include:³

1. The form of the deed made must be in accordance with statutory provisions;
2. The deed must be made before or by a public official;
3. The public official in front of or by whom the deed is made must have the authority to make this deed.

A deed is a written document that is deliberately made to be used as evidence of an event and signed by the party who made it.⁴

Notaries need a principle of caution in carrying out their duties, because if there is an error or negligence from the Notary in carrying out his/her duties, it can cause legal problems for the Notary in the future. This will

¹Habib Adjie, 2008, Indonesian Notary Law: Thematic Interpretation of Law No. 30 of 2004 Concerning the Position of Notary, Refika Aditama, Bandung, p. 14.

²Ibid., 36

³Ngadino. 2019, General Provisions on Procedures for Making and Filling in PPAT Deeds, Publishing Unit of PGRI University Semarang Press, Semarang, p. 13.

⁴Moechthar, O, 2017, Basics of Deed Making Techniques. Airlangga University Press, Surabaya, p. 6

later bring the Notary to the judicial process. In the judicial process, proof is something that is very important, be it proof with testimony or in writing.⁵UUJN explains that the right to refuse is held by a notary, which right to refuse is an obligation of a notary as stated in Article 16 paragraph (1) letter f UUJN which explains:

"In carrying out the duties of the position he holds, a notary is obliged to keep confidential all matters relating to the deed he has made and all information obtained for the making of the deed in accordance with the promise/oath of office, but with exceptions if the law determines otherwise."

In carrying out his/her position, a notary is obliged to maintain the confidentiality of all matters concerning deeds and other letters that have been made, this aims to provide protection for the interests of the parties concerned. Sanctions for notaries who violate Article 16 paragraph (1) letter f regarding this obligation to deny are contained in Article 16 paragraph (11) UUJN, where these sanctions can take the form of dishonorable dismissal, honorable dismissal, temporary dismissal, and written warning.

The sanctions mentioned in Article 16 paragraph (11) of the UUJN are intended so that Notaries can carry out their positions in accordance with the notary code of ethics and the UUJN, so that Notaries are expected to be more careful in carrying out their positions. In relation to the obligation to deny from Notaries, not all regulations can be used to exercise the Notary's right to deny, there are regulations that can override the Notary's right to deny.

Recently in Blora Regency there is a land sale and purchase process that is sufficient by using a receipt without the need to use the services of a notary. The notary is placed as a third party and not an official who is authorized to intervene in the legal relationship that is built. This shows the lack of public knowledge about the position of a Notary. Based on this, the author raised the title "Responsibility of Notaries in Carrying Out Official Secrecy Over the Contents of Deeds in Blora Regency" to find out the reality in the field regarding the title that the author is researching.

2. Research Methods

Empirical Legal Research is a legal research method that uses empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation.

⁵Arisaputra, M. I, 2012, Notary's Obligations in Maintaining the Confidentiality of Deeds in Relation to Notary's Right to Refute. Perspective, Vol XVII No.3, p. 176.

Empirical research is also used to observe the results of human behavior in the form of physical remains or archives.⁶

Empirical legal research is usually called field research, which is a type of research that is oriented towards collecting empirical data in the field. The research method is empirical juridical with the type of field research, namely the researcher conducts research directly to the location to obtain and collect data.⁷

The approach used by the researcher in this study is the sociological approach to law. The sociological approach to law is an approach that analyzes how reactions and interactions occur when the norm system works in society. In addition, the sociological approach to law is also known. This approach is constructed as a stable, institutionalized and socially legitimized social behavior.⁸This study uses a qualitative approach, researchers not only collect data from the quality side, but also want to gain a deeper understanding behind the phenomena that have been obtained. This is because qualitative research has a close relationship with social reality and human behavior. The qualitative approach aims to explore or build a proposition or explain the meaning behind reality.⁹The specification of this research is descriptive analytical, namely to describe, find legal facts comprehensively, and systematically examine the positive legal regulations of Indonesia relating to the Responsibility of Notaries in Carrying Out Official Secrecy Over the Contents of Deeds in Blora Regency. In detail, describe and find legal facts regarding Notaries Who Cannot Maintain the Confidentiality of the Contents of Deeds in Blora Regency.

3. Results and Discussion

3.1. Notary's Responsibility in Maintaining Official Confidentiality Regarding the Contents of Deeds in Blora Regency

According to Hans Kelsen, who describes the theory of responsibility in law, namely a concept related to the concept of legal obligation (responsibility) is the concept of legal responsibility (liability). A person who is legally responsible for certain actions that he can be subject to sanctions in cases where his actions are contrary to/against the law because his own actions make the person responsible. Normally, in a case the sanctions imposed on

⁶Mukti Fajar and Yulianto Achmad, 2010, *Dualism of Empirical and Normative Legal Research*, Pustaka Pelajar, Yogyakarta p. 280

⁷*Ibid.*, p. 34.

⁸Salim and Erlies Septiana Nurbani, 2014, *Application of Legal Theory in Thesis and Dissertation Research*, 3rd Edition, Rajawali Press, Jakarta, p. 23.

⁹Burhan Bungin, 2011, *Qualitative Research Methodology; Methodological Actualization Towards a Variety of Contemporary Variants*, 8th Edition, Rajawali Pers, Jakarta, p. 124.

the perpetrator (delinquent) are because of his own actions that make the person responsible.¹⁰

Hans Kelsen further states that failure to exercise the care required by law is called “negligence”; and negligence is usually regarded as another kind of “wrong” (culpa), though less severe than the wrong which is fulfilled by anticipating and intending, with or without malice, a harmful consequence.¹¹The subject of responsibility and the subject of legal obligation are the same. In traditional theory, there are two types of responsibility: based on fault and absolute responsibility.¹²According to Munir Fuady, the theory of aansprakelijkheid or in Indonesian it can be called the theory of responsibility is a theory to determine who should receive a lawsuit or who should be sued because of an unlawful act.¹³

In carrying out his duties, a Notary has responsibilities towards his position and has an obligation to be responsible to his clients and be responsible for all his actions. According to Sudarsono, the responsibilities are:¹⁴“Responsibility is an obligation for someone to properly carry out what has been required of him. Responsibility is borne by individuals who are able to act morally. The object of responsibility is a truly humane action based on the part of humans who act through free will”. Notary Position Regulation (PJJN). Notaries in carrying out their duties and positions are required to comply with the provisions contained in Law No. 30 of 2004 concerning the Position of Notaries as amended by Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notaries (hereinafter referred to as UUJN) which regulates the responsibility for their duties and positions. Notaries in carrying out their positions have a reference called the Notary Code of Ethics, which is a guideline for Notaries in carrying out their duties and positions as Public Officials who are authorized to make an authentic deed.¹⁵

Regarding the responsibility of a notary, it is stated in Article 65 of the UUJN, namely: "Notaries, Substitute Notaries, and Temporary Notary Officials are responsible for every deed they make even though the notary protocol has been submitted or transferred to the party keeping the notary

¹⁰Jimly Asshiddiqie and M. Ali Safa'at, 2012, Translation of Hans Kelsen's Theory of Law, 2nd ed., Konstitusi Press, Jakarta, p. 56.

¹¹Hans Kelsen, 2007, General Theory Of Law and State, General Theory of Law and State: Basics of Normative Legal Science as Descriptive-Empirical Legal Science translated by Somardi, BEE Media Indonesia, Jakarta, p. 83.

¹²Jimly Asshiddiqie and Ali Safa'at, Op.Cit., p. 61.

¹³ Hans Kelsen, Op.Cit, p. 10.

¹⁴Sudarsono, 2012, Legal Dictionary, Rineka Cipta, Jakarta, p. 84.

¹⁵J. Kartini Soedjendro, 2001, Land Rights Transfer Agreements That Have the Potential to Cause Conflict, Kanisius, Yogyakarta, p. 69.

protocol." Notarial deeds as authentic deeds are made according to the form and procedures stipulated in Articles 38 to 65 of the UUJN.¹⁶

The responsibility of a notary is not only to himself and his colleagues, but also to clients and the community who need his services. A notary-client relationship must be based on:¹⁷

- a. Notaries provide the best possible service to the community who need their services.
- b. Notaries provide legal counseling to achieve high legal awareness, so that members of society are aware of their rights and obligations.
- c. Notaries must provide services to underprivileged members of society.

It must be understood that a notary in carrying out his/her position must be based on responsibility and morals, so that it is expected that the notary will be able to carry out his/her duties as regulated by law and as required of a notary by law and the interests of the community. In the process of making a deed, the Notary is responsible if it can be proven that the Notary is guilty and has violated the applicable legal provisions. In relation to Notary errors, the term *beroepsfout* is used, which is a special term that refers to errors made by professionals with special positions, namely Doctors, Advocates, and Notaries. These errors are made in carrying out a position.¹⁸ Every profession has a code of ethics which is a norm that is applied and accepted by all members. The profession holders have two obligations, namely the obligation to carry out the profession honestly, responsibility and obligation not to violate the rights of others.

Duties or obligations based on legitimate authority, whether derived from law or from an agreement, can give rise to responsibility for the person carrying out the obligation. Every grant of authority is always followed by obligations or responsibilities from him. Notaries are given the authority to make an authentic deed, therefore the notary concerned is obliged to fulfill all the requirements that have been determined, especially in making the deed so that the deed made meets all the requirements as an authentic deed.¹⁹

¹⁶Abdul Ghofur Ansori, 2009, *Indonesian Notary Institution: Legal and Ethical Perspectives*, UII Press, Yogyakarta, p. 16.

¹⁷Wahyu Wiriadinata, 2013, *Morals and Ethics of Law Enforcement*, CV Vilawa, Bandung, p.108.

¹⁸Sjaifuracchman, 2011, *Aspects of Notary's Accountability in Making Deeds*, Mandar Maju, Bandung, p. 173.

¹⁹Sjaifurrachman, *Op.cit*, p. 17.

Notaries have an important role in preparing deeds that reflect formal truth according to the information provided by the parties. Deeds produced by Notaries become strong evidence in legal disputes. Articles 1866 and 1867 of the Civil Code state that written evidence, including notarial deeds, has evidentiary power. In a legal dispute, notarial deeds can be used to recall events that have occurred, provide a basis for evidence, and confirm the facts stated therein. Notaries are responsible for ensuring that the deeds they produce meet formal requirements, such as the date, signatures of the parties, witnesses, and of course, the Notary's signature.

In carrying out his duties, a Notary must ensure that the contents of the deed he makes are in accordance with the actual facts. If a criminal act is proven, such as falsification of the contents or signature in the deed, the Notary must be held criminally responsible. Criminal liability includes objective elements of acts that are considered criminal acts, as well as subjective elements of perpetrators who meet the requirements to be subject to criminal penalties. Forgery of the contents of a deed, including signatures, is regulated in Article 263 paragraph 1 of the Criminal Code (KUHP). Notaries must carry out their duties without any element of intent to commit a crime, and if a violation occurs, criminal liability will be applied in accordance with the Criminal Code and Criminal Procedure Code.

3.2. Obstacles and Solutions to the Notary's Responsibility in Maintaining Official Secrecy Regarding the Contents of Deeds in Blora Regency

1) Lack of Public Knowledge About the Position of Notary

According to Anik Sundari, in the process of buying and selling land, it is sufficient to use a receipt without the need to use a notary. This is because buying and selling land is equated with buying and selling in general which does not use an intermediary. The notary is placed as a third party and not an official who is authorized to intervene in the legal relationship that is built. Whereas according to the Basic Agrarian Law and the Government Regulation on Land Registration, changes in ownership must be through a notarial deed.

Likewise with the source named Sumiyati, she once borrowed money from a loan shark with a land certificate. According to her, in the debt agreement, it was enough to provide the Certificate of Ownership that she owned without having to take care of it through a notary. This ended in the problem that she was deceived because the certificate was changed to the name of the loan shark without her knowledge. Then finally she filed a lawsuit to fight for her land ownership again.

In a debt agreement, specifically for land objects, a mortgage must be imposed in accordance with the Mortgage Law. The Certificate of

Ownership must be certified using the services of a Notary. This aims to ensure that the execution of the guarantee provides justice for the parties using auction services. All of these notary duties are of course secured by the principle of confidentiality.

The position of a Notary as a public official because making authentic deeds has perfect evidentiary power in court. This position of trust given by law and society requires the Notary to be responsible for carrying out this trust as well as possible and upholding legal ethics and dignity. In the obligations of a Notary that have been explained, the Notary must maintain the trust of his client, namely to keep all the contents of his deed confidential from other parties as regulated in Article 16 (1) letter e which states that "A Notary is obliged to keep confidential everything regarding the deed he makes and all information obtained for the purpose of making the deed in accordance with the oath/promise of office, unless the law determines otherwise." If this trust is violated in making the deed, either intentionally or unintentionally, the notary is obliged to be responsible for it.²⁰This is called the right of denial.

The right to object is for a person who is being tried to submit an objection accompanied by reasons to the judge who will try the case.²¹ The term right of denial is a translation of *verschoningsrecht* which means the right to be exempted from giving testimony as a witness in a case, whether it is a civil case or a criminal case. This right is an exception to article 1909 of the Civil Code that everyone who is called as a witness is required to give testimony. According to Van Bemmelen, there are 3 bases for being able to demand the use of this right of denial, namely:

- a. Very close family relationship
- b. Danger of being subject to criminal law
- c. Position, work and job secrets

Furthermore, regarding the definition of the notary's right of refusal, it is stated that the right of refusal is the right to refuse to give testimony or the right to request withdrawal from testimony (*verchoningrecht*). The notary's right of refusal contains the obligation not to speak (*verschoningsplicht*) so that the notary not only has the right not to speak (*verchoningrecht*), but also has the obligation not to speak

²⁰Yoyon Mulyana Darusman, "The Position of Notary as an Official Making Authentic Deeds and as an Official Making Land Deeds," *Journal*, 2017, p. 46.

²¹WJS Poerwadarminta, 2007, *General Indonesian Dictionary*, PT. Balai Pustaka, Jakarta, p. 382.

(*verschoningrecht*).²²The notary's right to refuse is not only a right, but also an obligation because if violated, it will be subject to sanctions according to the law. Notaries not only have the right not to speak, but are also obliged not to speak.²³

In reality, the Right of Refusal is not necessarily mandatory for Notaries to exercise when looking at Article 54 paragraph (1) UUJN, namely "Notaries can only provide, show or notify the contents of the deed, Grosse Deed, copy of the deed or extract of the deed, to people who have a direct interest in the deed, heirs or people who obtain rights, unless otherwise determined by Laws and Regulations". In this Article, it seems that a Notary can notify the contents of the deed to parties who do not have a direct interest in the deed he made, as long as it is supported by laws and regulations. The Right of Refusal can be set aside if there is a higher interest demanding the disclosure of official secrets and there are exceptional provisions that exclude or set aside the application of the provisions on official secrets and break through the existence of the Right of Refusal, namely Article 66 paragraph (1) letters a and b UUJN. The Right of Refusal can also be set aside for the Law on the Eradication of Criminal Acts of Corruption and the Law on Tax Courts. However, in practice, the general public is less aware or aware of this.

2) Perspective Statement on Notary's Official Secrecy

From the perspective of law enforcement officials, it seems that they are still paying attention in deciding cases related to notarial deeds. One example is the handling of land ownership cases where all transfers have been recorded in the Certificate of Ownership. The presence of a notary in giving testimony cannot actually be done because the deed has been submitted as evidence. The notary's testimony at this trial certainly overrides the principles of the notary's office, moreover it can attack his person.

In practice, along with the journey from time to time and the succession of cases that occur, Notaries as Public Officials in carrying out their duties are often involved in legal cases either as witnesses or as suspects, so in certain cases the parties to the case (can be represented by a Lawyer), Prosecutor, Judge, or the parties concerned in court who feel the need to present a notary as a witness, related to the deed he made. Summoning a notary to provide testimony itself is an attitude of denying and not respecting the position of a notarial deed as a perfect evidence that does not require other evidence, so an institution is needed that can provide legal

²²GHS Lumban Tobing. Notary Position Regulations. p. 122.

²³Ibid, p. 123.

protection for the notary's position itself and for the contents of the notarial deed.

The ignorance of law enforcement can have an impact on the threat of the notary profession which is slightly disturbed due to being called to provide information. This has actually been regulated in the Notary Position Law and Professional Regulations that a notary in order to provide information in court must have the approval of the Notary Supervisory Board, but it is often related to the confidentiality of the information on the contents of the deed made by the notary, in the process of summoning a notary by the police without the approval of the supervisory board still often occurs, the investigator's insistence on the grounds of helping to speed up the process of examining the case and the notary agrees because to help the process of examining the case, the notary submits the original minutes which are then made into a report of its acceptance

In connection with the obligations of Notaries that are not recognized or understood by investigators, this results in notaries being forced to give testimony or not carry out the Notary's oath of office. And other obstacles, several Notaries also said that Notary Examination in court cases regarding criminal acts or civil lawsuits in a case, greatly threatens the position of Notaries because the construction of laws and regulations that have been applied so far has shifted a lot. And the lack of understanding from the notary himself, has not fully understood what should be kept secret and when and how to reveal secrets related to deeds made by or in front of him.

Several law enforcement officers also believe that notaries as public officials can be asked for information at any time because in the provisions of the Criminal Procedure Code all citizens who are connected to a case are required and can be summoned to provide testimony and assume that notaries are required to provide information regarding the position and work they do.

Based on Article 16 paragraph (1) letter e in conjunction with Article 54 of the 2014 UUJN, the obligation of a Notary to keep the contents of the deed confidential is in line with other laws that regulate the obligation of every person to be able to provide testimony in the judicial process, so that a Notary cannot refuse when made a witness if the relevant regulations expressly determine that the Notary is required to provide testimony or to show the Notarial deed (with prior approval from the Notary Honorary Council in accordance with the provisions of Article 66 of the 2014 UUJN).

The use of the right to keep something confidential related to the position (right of denial) in relation to a Notary as a witness should be distinguished

between civil cases and criminal cases. In judicial practice, in line with the right of denial (or obligation to deny), there is a right to withdraw as a witness, as regulated in:²⁴

1) Article 168 of the Criminal Procedure Code, namely the right of a witness to refuse to give testimony based on family relations with the accused, determined by law, or his/her job, position and dignity.

2) Article 1909 of the Civil Code stipulates that all persons who are competent to be witnesses are required to be able to provide testimony before a judge, but may request to be exempted from exercising their right to provide testimony, namely:

a) Who is related by blood, in the second degree or by blood, to one of the parties;

b) Whoever has a blood relationship in an unlimited direct line and in a lateral line to the second degree with the husband or wife of one of the parties; and

c) Anyone who, due to his position, work or office, is required by law to keep something secret, but only solely regarding matters whose knowledge has been entrusted to him.

According to Lilik Mulyadi, in M. Nurung, that this aspect made by a Notary is in the form of an authentic deed and the truth expressed is purely formal truth, different from that in criminal procedure law, where the judge seeks material truth, this does not mean that in civil procedures the judge seeks half-hearted or false truth. Seeking formal truth means that the judge must not exceed the limits submitted by the litigant, so it does not look at the weight or content, but at how broad the judge's examination is.

In criminal cases, a Notary is required to be present to give testimony with the approval of the Notary Honorary Council. Because in criminal cases what is sought is material truth, the Notary is required to give testimony about what was seen and known about an event so that the disclosure of the case becomes transparent and material truth can be achieved. However, if what is stated is about the confidentiality of a deed that cannot be disclosed in court, then it is better for the Notary to ask to withdraw as a witness regarding the confidentiality of the deed based on the provisions of Article 170 paragraph (1) of the Criminal Code and Article 1909 paragraph (2) of the Civil Code.

²⁴According to Van Bemmelen's opinion, as quoted by GHS Lumban Tobing, 1983, Notary Regulations, Erlangga, Jakarta, p. 120,

Regarding the use of the right to keep something confidential related to the position (right of denial) it is not only applied to the entire testimony, but also to certain questions, even the right of denial can be applied to each question, meaning that the refusal to be a witness is not always for the whole thing, but can still be a witness only in certain questions, a right of denial is used not to speak to provide information concerning the substance or contents of the deed, both the contents of the deed in writing and matters outside the deed that are known by the Notary because of his position. The threat of punishment given for violations of the application of Article 4 paragraph (1) of the Criminal Code in relation to Article 4 paragraph (2) in conjunction with Article 16 paragraph (1) letter e in conjunction with Article 54 of the 2014 UUJN is regulated in Article 322 paragraph (1) of the Criminal Code, namely anyone who intentionally reveals a secret that must be kept because of his position or profession, either now or in the past, is threatened with a maximum prison sentence of 9 (nine) months and/or a maximum fine of Rp. 600.00 (six hundred rupiah). Based on Article 322 paragraph (1) of the Criminal Code, it appears that official secrets are something that is very attached to a person because of his position for things he knows both now and in the past which began when he held his position legally. This is not an excessive consequence because the responsibility of an official, especially a public official, namely a Notary is very heavy because what he intentionally does will have legal consequences, not only for the parties or clients, but also other parties concerned and interested. In addition, also remember the oath or promise of a notary, namely that the notary will keep confidential the contents of the deed and information obtained in carrying out the office of a notary (Article 4 paragraph (2) UUJN 2014) and in Article 16 paragraph (1) letter e UUJN 2014 it is stipulated that a notary is obliged to keep confidential everything regarding the deed he makes and all information that has been obtained for the purpose of making the deed in accordance with the oath or promise of office, unless the law determines otherwise.

4. Conclusion

Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary (hereinafter referred to as UUJN) which regulates the responsibilities for their duties and positions. Notaries in carrying out their positions have a reference called the Notary Code of Ethics, which is a guideline for Notaries in carrying out their duties and positions as Public Officials who are authorized to make an authentic deed. Notarial deeds as authentic deeds are made according to the form and procedures stipulated in Articles 38 to 65 of the UUJN. The responsibilities of notaries are stated in Article 65 of the UUJN which explains that they are responsible for every deed they make. The responsibility held by a notary

adheres to the principle of liability based on fault of liability. The responsibility of a notary arises if there is an error made in carrying out his/her duties and the error causes a loss to the person requesting the notary's services. If the notary makes a mistake, he/she may be subject to civil, criminal and administrative sanctions. There is a land sale and purchase process that only uses a receipt without the need to use a notary. This is because land sale and purchase are equated with general sale and purchase that do not use intermediaries. Notaries are placed as third parties and not officials who are authorized to intervene in the legal relationship that is built. In fact, according to the Basic Agrarian Law and the Land Registration Government Regulation, changes in ownership must be made through a notarial deed. This shows the lack of public knowledge about the position of a Notary. In all of these notary duties, of course, they are secured by the principle of confidentiality. In terms of law enforcement officers, it seems that they are still a concern in deciding cases related to notarial deeds. One example is the handling of land ownership cases where all transfers have been recorded in the Certificate of Ownership. The presence of a notary in providing testimony cannot actually be done because the deed has been submitted as evidence. The notary's testimony in this trial certainly ignores the principle of the notary's position, let alone attacking his personality. The ignorance of law enforcement can have an impact on the threat of the notary profession which is gradually being disrupted due to being called to fill in information. This has actually been regulated in the Notary Law and Professional Regulations that a notary must have the approval of the Notary Supervisory Board to be able to provide information in court, but this is often related to the confidentiality of the information on the contents of the deed made by the notary. In the process of summoning a notary by the police without the approval of the supervisory board, this is regulated in Article 66 of the 2014 UUJN.

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