

## Juridical Review of the Effectiveness of Implementing Internships for Extraordinary Members to Produce Professional Notaries

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**Abstract.** *Carrying out internships for Notaries is very important, this is to improve the skills of notary candidates, however in reality the awareness of Notary candidates has not been carried out effectively, this is due to the practiciness of Notary candidates who want to start practicing freshly so it is not uncommon for internships to be carried out not on time determined by existing regulations. The method in this writing is analytical descriptive. Based on the study carried out, it can be understood that the effectiveness of implementing internships for Extraordinary Members in producing professional notaries in Semarang City is currently not being able to be realized well, this is shown by the majority of Extraordinary Members who have a statement letter that they have done an internship but in reality have not done so. The internship position for Extraordinary Members to become Notaries based on Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notaries is very important, this is in accordance with Article 2 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/ 2021 About Internships.*

**Keywords:** *Effectiveness; Internship; Juridical; Notary.*

### 1. Introduction

Social life cannot be separated from the legal aspect, therefore, along with developments in society, demands for services from the legal aspect also increase. In this modern era, society has abandoned legal acts in the form of agreements based on trust between one another which they should have done in the past, every agreement they make in this day and age will definitely lead to validity that meets the appropriate formal requirements. with applicable

regulations and laws. Notaries as public officials whose position is very much needed by society in legal acts, therefore the position of notaries becomes increasingly important in society. The existence of a Notary as a public official who has the authority to make authentic deeds has actually been confirmed in Article 1868 of the Civil Code. However, in reality it became a legal problem that resulted in a lawsuit in court.

This is proven by the fact that the Supreme Court of the Republic of Indonesia has decided so many cases, both civil and criminal, involving notaries. Notaries who are often involved in Code of Ethics issues can also be seen in the Semarang area, where violations of the code of ethics mostly involve the act of issuing a deed but in the process or stage of making the deed the Notary's Code of Ethics is set aside. Based on these references, this could be because notaries are competing to please their clients in order to get a high income. This does not rule out the possibility that human nature is never satisfied, using various methods to get lots of clients so that they forget their position's Code of Ethics.

This obligation is as regulated in Article 16 of the Law on the Position of Notaries, namely that in issuing a deed the presenters first introduce themselves before the notary and then the notary listens to the wishes of the parties with impartial, honest and thorough behavior and witnessed by at least 2 true witnesses properly recognized by the notary as an action to prevent disputes in the future and after the deed has been drawn up, the deed is then read first in front of the parties and then signed by the parties in front of the notary.

Notaries must adhere strictly to the Notary Code of Ethics. One thing that was agreed upon at the Congress of the Indonesian Notary Association was regarding the reasonable limits for making a deed. This is stated in Article 4 number 16 of the 2015 Amendment to the Notary Code of Ethics, which determines: making deeds that exceed reasonable limits, the amount of which is determined by the Honorary Council. With the stipulation of these provisions, it is very clear that the reasonableness limits for making deeds are norms included in the Notary Code of Ethics, which must be obeyed by all notaries or all people carrying out the office of notary. The Notary Code of Ethics is a moral principle determined by the Indonesian Notary Association based on the Decision of the Association's Congress and/or determined and regulated in the laws and regulations that regulate this matter and which apply to, and must be obeyed by, each and every member of the association and everyone. who carries out the duties and positions of a notary. In carrying out their duties, a notary must be professional and in carrying out legal action must always act carefully so that the notary when making a deed must examine all relevant facts, completeness and validity of the evidence or documents shown to the notary. The notary's performance must be trustworthy and trustworthy, work in accordance with applicable legal

regulations.

Carrying out the duties and position of a notary apart from having to submit and comply with UUJN and the Code of Ethics must of course pay attention to other laws, one of which is the principle of prudence. The principle of prudence is one of the most important principles that must be applied or carried out by notaries in carrying out their duties as public officials. The precautionary principle requires notaries to always be careful in carrying out their official duties, in the sense that they must always be consistent in implementing statutory regulations in the notarial sector based on professionalism and good faith.<sup>1</sup> Although the Law on Notary Positions in its articles does not specifically mention the Precautionary Principle, the elements of certainty, precision and prudence are clearly reflected in most of the articles of the Law on Notary Positions. In addition, supervision by the Regional Supervisory Council on the performance of notaries will minimize the possibility of deviations in notary performance from applicable regulations and legislation. As long as a notary official implements the provisions consistently, the notary will be able to guarantee the implementation of prudential actions for himself as a public official.<sup>2</sup>

Based on various existing explanations, it is clear that in order to support the functioning of the law as a means of protecting the rights of every person in this country, a Notary who is professional and has high morals is needed, this is the basis for creating a Notary who adheres to his professional ethics. In order to ensure that this happens, internships are needed for prospective Notaries.

One of the requirements to be appointed as a Notary is to have undergone an internship or actually have worked as a notary employee for a minimum of 24 consecutive months at a notary office after graduating from the second level of notarial law. This is as stipulated in Article 3 letter "f" of the 2014 UUJN, which confirms that you have undergone an internship or have actually worked as a Notary employee for a minimum of 24 (twenty four) consecutive months at a Notary's office on your own initiative. or on the recommendation of a Notary organization after passing the second level of notarial education. The purpose of self-initiative in this case is that the Notary candidate can choose the office they want themselves, but is obliged to get a recommendation from the Notary Public organization.

Provisions relating to internships for prospective Notaries are regulated in Article 3 letter "f" of Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notaries (hereinafter referred to as UUJN of

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<sup>1</sup>Sam Dwi Zulkarnaen, Principles of Caution for Notaries as Public Officials in Carrying Out Their Positions, Thesis, Masters Faculty of Law UI, Depok, 2008.

<sup>2</sup>Freddy Haris and Leny Helena, Indonesian Notaries, Lintas Print Publishing, Jakarta, 2017, p. 77.

2014), in Article 3 letter "f" the period stated internship for a minimum of 12 (twelve) consecutive months at a notary's office. Since the enactment of UUJN in 2014, the internship period has become 24 months after a notary candidate has passed the second level of notarial law and the internship period cannot be interrupted, it must be consecutive.

Along with the extension of the internship period to 24 (twenty four) months, if viewed from the provisions of Article 88 UUJN of 2014, which confirms that applications as Notaries that are currently being processed, are still processed based on Law Number 30 of 2004 concerning Notary Positions, and The internship period that the notary candidate has completed is still taken into account based on the requirements regulated in this Law (result of changes). Based on the provisions of Article 88 of the 2014 UUJN above, it is clear that the process of appointing a notary that was submitted before the changes to the Notary Position Law came into force will still be processed.

The internship described above is an internship at a notary's office, while the internship that prospective notaries have to go through is not only at the notary's office but there are also joint internships. Joint internships can be carried out by ALB INI members if they have interned at a notary's office for at least 6 months. The time required to take part in a joint internship is 4 semesters. As explained in Article 8 of the Regulations of the Indonesian Notary Association Number: 24/PERKUM/INI/2021 concerning Amendments to the Regulations of the Indonesian Notary Association Number: 19/PERKUM/INI/2019 concerning Internships. This joint internship will not only apply to future notary candidates, but also notary candidates who have undergone an internship, but not yet completed two years, notary candidates who have worked as notary employees, but also not even two years old, as well as prospective notaries who will work as notary employees, but their work period will exceed two years. Especially for prospective notaries who will exceed two years, the notary recipient of the internship is obliged to notify the regional administrator at his/her place of residence regarding the prospective notary's work start date and the prospective notary is obliged to take part in a joint internship program. Internship with members of the Extraordinary Membership of the Indonesian Notary Association is a series of activities to improve mastery, expertise and skills and implementation of notary office duties as well as increase understanding of the notary code of ethics and its application. In reality, not all Notary candidates carry out the process correctly. According to Ana S, member of the Central Java Regional Supervisory Council,<sup>3</sup>In connection with this issue, it is necessary to carry out further research regarding "Judicial Review of the Effectiveness of Implementing Internships for Extraordinary Members to Produce Professional Notaries in the City of Semarang"

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<sup>3</sup>Interview with Ana, Regional Supervisory Council, in Semarang, January 27 2023.

## 2. Research Methods

The research method used in this research is a sociological juridical approach to study and discuss the problems raised, namely by linking law to efforts to achieve goals and meet needs in society. In this case, what has been regulated in the Law relating to the Juridical Review of the Effectiveness of Implementing Internships for Extraordinary Members to Produce Professional Notaries in the City of Semarang.

## 3. Result and Discussion

### 3.1. Juridical Review of the Effectiveness of Implementing Internships for Extraordinary Members to Produce Professional Notaries in the City of Semarang Today

Regarding the requirements for being appointed as a Notary, the provisions in Article 3 UUJN specifically determine the following:

- (a) Indonesian citizens;
- (b) Fear of God Almighty;
- (c) Be at least (twenty-seven) years old;
- (d) Physically and mentally healthy as stated by a health certificate from a doctor and psychiatrist;
- (e) Holds a law degree and has a second degree in notarial education;
- (f) Have undergone an internship or have actually worked as a Notary employee for a minimum of 24 (twenty four) consecutive months in a Notary office or on their own initiative or on the recommendation of a Notary Organization after graduating from the second level of notarial law;
- (g) Not having the status of a civil servant, state official, advocate, or not currently holding another position which is prohibited by law from holding the position of Notary;
- (h) "Never been sentenced to prison based on a court decision that has permanent legal force for committing a criminal offense that is punishable by imprisonment for 5 (five) years or more." From this article, what is given more special attention in this research is that to become a Notary you must take education in the field of notary and undergo an internship to hone your knowledge and skills according to Article 3 letter f of Law Number 2 of 2014, to

become a Notary in the long term. The fastest time is 2 (two) years or 24 (twenty four) months. So prospective notaries are required to do an internship at a notary's office first to complete one of the requirements to then be appointed as a notary. Regarding the further meaning of internship,

The implementation of the apprenticeship occurs based on an apprenticeship agreement made between the apprentice and the apprentice or a company which is made in writing which at least regulates the rights and obligations of the parties (intern and apprentice) as well as the duration of the apprenticeship. . "If the apprenticeship is not based on a prior agreement between the apprentice and the apprentice, then the apprenticeship is deemed invalid, so the status of the apprentice changes to that of a worker in the place where he or she carries out the apprenticeship."

Basically, internship activities are very important for Prospective Notaries. As previously explained, referring to the provisions of Article 3 letter f UUJN which requires that before being appointed as a Notary, prospective Notaries are first required to "undergo an internship or have actually worked as a Notary employee within 24 (twenty four) consecutive months. - Join the Notary's office on their own initiative or on the recommendation of the Notary Organization after graduating from the second degree of notary". Meanwhile, if we refer to the explanation of the article, it is determined that "what is meant by "own initiative" is that prospective Notaries can choose for themselves to carry out an internship at the desired Notary's office while still receiving a recommendation from the Notary Organization."

(1)To be appointed as a Notary, a prospective Notary must meet the following requirements:

- a. Indonesian citizens;
- b. have faith in God Almighty;
- c. aged at least 27 (twenty seven) years;
- d. physically and mentally healthy;
- e. holds a law degree and has a second degree in notarial education;
- f. has undergone an internship or has actually worked as a Notary employee for a minimum of 24 (twenty four) consecutive months in a Notary's office on his own initiative or on the recommendation of a Notary Organization after graduating from the second level of notarial law;

g. does not have the status of a civil servant, state official, advocate, or is not currently holding another position which is prohibited by law from holding the position of Notary; And

h. has never been sentenced to imprisonment based on a court decision that has permanent legal force for committing a criminal offense that is punishable by imprisonment for 5 (five) years or more.

(2)The requirements as intended in paragraph (1), must be proven by complete supporting documents which include:

a. photocopy of identity card;

b. legalized photocopy of birth certificate;

c. original physical health certificate from the hospital doctor;

d. original spiritual health certificate from a psychiatrist or hospital psychiatric specialist which is still valid or no later than 1 (one) year from the date of issue;

e. photocopy of legalized bachelor's degree in law and master's degree in notary law or specialist notary education;

f. original certificate of internship at a Notary's office that is known to the Notary Organization or statement of having worked as a Notary employee who has received a recommendation from the Notary Organization for a minimum of 24 (twenty four) consecutive months after graduating from second degree notarial or specialist notarial education;

g. a statement of not having the status of a civil servant, state official, advocate, or not currently holding another position which is prohibited by law from holding the position of Notary Public; and h. original local police record certificate.

(3)In addition to the complete supporting documents as intended in paragraph (2), prospective Notaries must attach:

a. photocopy of training certificate to improve the quality of notary positions issued by the Directorate General of General Legal Administration;

b. photocopy of code of ethics certificate issued by the Notary Organization which is legalized by the Notary Organization;

c. original letter of willingness to act as protocol holder; And

d. photocopy of legalized Taxpayer Identification Number.

(4)The Notary Office as referred to in paragraph (1) letter f and paragraph (2) letter f has a working period of at least 5 (five) years and has issued at least 100 (one hundred) deeds.

Article 9 Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 19 of 2019 concerning Requirements and Procedures for Appointment, Leave, Transfer, Dismissal and Extension of the Notary's Term of Office, which reads:

(1)If the Notary Position Formation at the requested domicile is not available, the prospective Notary can apply for appointment using the waiting list by filling in the form electronically.

(2)Applicants as intended in paragraph (1) are required to fill in the form within the time period as intended in Article 3.

(3)Filling out the form as intended in paragraph (1) must contain at least:

- a. applicant's name;
- b. date of birth;
- c. the place of domicile requested;
- d. date of notary degree diploma; And
- e. internship start and end dates.

(4)Provisions regarding requirements as intended in Article 3 to Article 8 apply mutatis mutandis to the waiting list.

(5)Applications for appointment using the waiting list as intended in paragraph (1) are limited to a maximum of 5 (five) applications.

The issue of internships is also regulated in the Regulations of the Indonesian Notary Association Number: 24/Perkum/ini/2021, concerning Amendments to Association Regulations Number: 19/Perkum/Ini/2019 concerning Internships. Article 1 number (2) of the Regulations of the Indonesian Notary Association Number: 24/Perkum/Ini/2021 concerning Internships states that "Internships are Internships in Notary Offices and Joint Internships organized by the Association". Article 1 number (3) of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships states that "Internship in a Notary's



Office is the practice of carrying out positions for notary candidates in the office of the Notary Recipient of the Internship." origin 1 digit (4) Indonesian Notary Association Regulation Number:

Article 3 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states that:

Internship material at a notary's office includes skills training regarding the practice of carrying out the Notary's position in accordance with applicable laws and regulations, especially related to the Notary's Office Law, Civil Law, Commercial Law, Land Law and the Notary's Code of Ethics in accordance with the Internship curriculum and syllabus as described in article 9.

Article 5 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states that:

1. The Internship Materials as referred to in article 3 are carried out by the Notary Recipient of the Internship to the Internship participants in their office and the Regional Management during the Joint Internship.
2. The implementation of Joint Internships by Regional Management is carried out according to the period stipulated in article 5 point 2 of these Association Regulations.
3. Regional Management is prohibited from carrying out Joint Internship activities outside the period specified in paragraph 2 unless with approval from the Central Management.
4. Joint Internships are carried out in stages and stages according to the Internship period that has been carried out at the Notary's office as follows:
  - a. Having undergone an Internship for 6 (six) months, you can take part in a Joint Internship for the first semester material;
  - b. Having undergone an internship for 12 (twelve) months, you can take part in a Joint Internship for the second semester material;
  - c. Having undergone an Internship for 18 (eighteen) months, you can take part in a Joint Internship for the third semester material;
  - d. Those who have undergone an internship for 24 (twenty four) months can take part in a Joint Internship for the fourth semester material.

5. If an Internship participant who has met the requirements is unable to take part in a Joint Internship during the period corresponding to the Internship period that has been undertaken as specified in point 4 above, then the relevant Internship participant can take part in a Joint Internship for that material in the following 3 (three) month implementation period.

6. Joint Internships are carried out in separate classes according to the semester material attended by Joint Internship participants.

7. Joint Internship Participants cannot take Joint Internship material for 2 (two) semesters or more in one implementation period, either at the same Regional Management or at a different Regional Management.

8. Evaluation of the application of the Internship material as referred to in paragraph 1 is carried out by the Regional Management during the implementation of the Joint Internship.

Article 5 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states that:

1. Carry out an internship at a notary's office for at least 24 (twenty four) consecutive months after graduating from Notarial Education as proven by a diploma and being registered as an Extraordinary Member of the Indonesian Notary Association.

2. The implementation of Joint Internships is carried out by the Regional Management at least 1 (one) time within 6 (six) months and is carried out in the months of February, May, August and November.

Article 6 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states that:

Internship participants at a notary office must meet the following requirements:

1. Law graduate from law faculty;
2. Notarial education graduate from specialist notarial education or master of notarial education;
3. Extraordinary Member of the Indonesian Notary Association;
4. Submit a written recommendation request to the Regional Administrator at the location of the Notary Recipient Internship where the internship is intended to be, to:

- a. Request the appointment of a particular Notary who has met the requirements to accept apprentices; or
  - b. approve the choice of prospective Internship participants to intern at a particular Notary Office based on their own wishes and initiative;
5. Sign a Statement of Commitment to comply with the laws and regulations governing the Position of Notary, the Notary Code of Ethics and the Regulations of the Indonesian Notary Association;
  6. Have an Internship Activity Report Book according to the format issued by the Indonesian Notary Association to record daily internship activities, which must be filled in by the relevant Internship participant and initialed by the Internship Recipient Notary;
  7. Comply with statutory regulations regarding the position of Notary, including but not limited to the obligation to keep the contents of the deed and information and other documents related to the making of the deed confidential.

Article 7 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states that:

Notary Recipient Apprentices must meet the following requirements:

1. Has been actively carrying out the position of notary for 5 (five) years or more with a minimum number of 100 (one hundred) deeds;
2. Never received sanctions from the Association for Violating AD, ART, Association Regulations and Code of Ethics;
3. Being active in the Association or having concern for the Association according to the assessment of the local Regional Management, among other things, having a KTA, paying member dues and taking part in knowledge refreshers and socialization organized by the Association management;
4. The capacity and facilities of the Internship Accepting Notary Office make it possible to accept Internship participants;
5. Has been appointed by the Regional Management at the suggestion of the Regional Management as a Notary Recipient Apprentice;

6. Provide a report to the Regional Management of the Indonesian Notary Association at the relevant place of residence regarding the start and end of the Internship;
7. Providing opportunities for Internship participants to take part in Joint Internship activities;
8. Always pay attention to and comply with the laws and regulations regarding Notary Positions and Internship Programs prepared and determined by the Indonesian Notary Association.

Article 7A of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states that:

1. The list of Notary Recipients for Internships is determined by the Regional Management based on a proposal from the Regional Management with the conditions as intended in Article 7 of these Association Regulations;
2. In the event that there is a notary who has fulfilled the requirements as intended in Article 7 but is not yet included in the list of notary recipients of internships issued by the Regional Management, then the Notary concerned can submit himself to the Regional Management to be proposed to the Regional Management as a Notary recipient of internships after an assessment has been carried out by him. Regional Administrator;
3. The provisions as intended in paragraph (1) can be changed in the event that:
  - a. Notary Recipient Apprentice dies;
  - b. Notary Recipient Internship changes location;
  - c. Notary Recipient Apprentices are on leave for more than 6 (six) months;
  - d. The Internship Recipient Notary is sanctioned by the Association for violating the Association's AD, ART and Regulations, as well as other Association Decisions;
4. Changes to the List of Notary Recipients for Internships by the Regional Management are proposed to the Regional Management;
5. The Regional Management must convey these changes to the relevant Notary Recipient Apprentice and to Apprentice Participants who are undergoing an internship at a notary's office who are no longer registered as Notary Recipient Apprentices due to the reasons as referred to in paragraph 3 above;

6. In the event of a change as intended in paragraph 3, the Internship Participant who is currently undergoing an internship at the Notary Recipient of the Internship can continue his/her internship at:

- a. Notary Recipient Apprentice who is the Protocol Holder of the Notary as referred to in paragraph 3; or
- b. Notary Recipient Apprentice appointed by the Local Regional Administrator.

Article 8 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states that:

1. Internship at Notary Office:

1.1. Executor and person in charge: Notary Recipient Apprentice;

1.2. Place: Notary Office of Internship Recipient and can be carried out at more than 1 (one) Notary Office within a period of 24 (twenty four) months provided that at each Notary Office it is carried out for at least 6 (six) months;

1.3. Time: Every working day, at least three days in 1 (one) week for at least 4 (four) hours per day.

1.4. The Notary Recipient of the Internship is obliged to submit a report on the implementation of the Internship in his office to the Regional Administrator at his place of residence as a notary.

1.5. The Internship Recipient Notary can provide an Internship Certificate to the Internship participant if the Internship participant concerned has carried out an Internship for at least 6 (six) months and has met the minimum graduation standards.

2. Joint Internship:

2.1. The executor and person in charge is the Regional Administrator;

2.2. Joint Internships are carried out at the Regional Management Secretariat or at other places determined by the Regional Management;

2.3. The time for the Joint Internship as specified in article 5 number 2 above;

2.4. Joint Internship Participants are Internship participants at a notary's office or Prospective Notaries who have carried out an Internship at a notary's office for at least 6 (six) months as proven by an Internship Certificate from the Notary

Recipient of the Internship and include a cover letter for the Joint Internship from the Notary Recipient of the Internship;

2.5. Joint Internship Participants can only take part in a Joint Internship for one semester of material in one Joint Internship implementation period.

2.6. Joint Internship Teaching Staff: Notaries, Notary Specialists and/or Experts other than Notaries who are deemed competent in their fields, who are notified to the Central Management based on a proposal from the Regional Management at the location where the Joint Internship is held.

2.7. Joint Internship material is in accordance with the curriculum regulated in the Regulations of this Association.

2.8. The Regional Management can give a Joint Internship participant a Certificate of Having Participated in a Joint Internship if the Joint Internship participant concerned in the evaluation has met the minimum graduation standards.

2.9. The Regional Management is obliged to notify the implementation of the Joint Internship to the Central Management and report the results of the implementation of the Joint Internship no later than 30 days after the implementation date.

Based on the provisions above, the requirements mentioned above, according to the research results, it is necessary to carry out a more in-depth study of the 24 (twenty four) month internship period which must be carried out correctly by Notary candidates, because so far it is not uncommon to find Notary candidates who take the time do internships on Saturdays only, because from Monday to Friday the Notary candidate is still tied to work in another office. Of course, this does not guarantee that the prospective notary will truly absorb the knowledge gained during the internship, especially since usually the notary's office is only open half a day on Saturdays. This is as explained by a Notary in Semarang as follows:

"The interns usually come to the office once a week, namely Saturday, because they have other work, so the quality of the internship is not optimal, I also can't force them to come every day because they also work."<sup>4</sup>

One of the requirements to be appointed as a Notary is to have undergone an internship or actually have worked as a notary employee for a minimum of 24 consecutive months at a notary office after graduating from the second level of

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<sup>4</sup>Dr. Hj. Ismawati, SH, M.Kn,*Interview*,Notary in Semarang City, August 10 2023, 13.00 WIB

notarial law. This is as stipulated in Article 3 letter "f" of the 2014 UUJN, which confirms that you have undergone an internship or have actually worked as a Notary employee for a minimum of 24 (twenty four) consecutive months at a Notary's office on your own initiative. or on the recommendation of a Notary organization after passing the second level of notarial education. The purpose of self-initiative in this case is that the Notary candidate can choose the office they want themselves, but is obliged to get a recommendation from the Notary Public organization.

Based on the provisions in the article relating to internships, according to Alwesius there are 3 (three) things that must be fulfilled, namely:<sup>5</sup>

The internship period is 24 (twenty four) months, the internship period is calculated starting after a notary candidate has passed the second level of notarial law, the internship period must be carried out by a notary candidate "consecutively". These three conditions must be met before a notary candidate can be said to have fulfilled the internship requirements as stipulated in the 2014 UUJN.

Different from the previous law, namely Law Number 30 of 2004 concerning Notary Positions (hereinafter referred to as UUJN of 2004), Article 3 letter "f" states that the minimum internship period is 12 (twelve) consecutive months at a notary's office. Since the enactment of UUJN in 2014, the internship period has become 24 months after a notary candidate has passed the second level of notarial law and the internship period cannot be interrupted, it must be consecutive, for example:

Person A has been an intern at notary. If you look at the numbers, A has indeed met the requirements because he has had an internship or worked in a notary's office for 2.5 years. However, because it is not carried out consecutively, this does not meet the requirements specified in Article 3 of the 2014 UUJN.<sup>6</sup>

Along with the extension of the internship period to 24 (twenty four) months, if viewed from the provisions of Article 88 UUJN 2014, which confirms that:

- a. Applications as Notaries that are currently being processed are still being processed based on Law Number 30 of 2004 concerning the Position of Notaries.
- b. The internship period that a notary candidate has completed is still taken into account based on the requirements regulated in this Law (result of changes).

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<sup>5</sup><http://alwesius.blogspot.com/2014/01/cepatan-terhadap-uujn-yang-baru.html>, accessed on 17 August 2023 at 19.00 WIB

<sup>6</sup>*Ibid*, p. 2

Based on the provisions of Article 88 of the 2014 UUJN above, it is clear that the process for appointing a notary that was submitted before the changes to the Law on Notary Positions came into force will still be processed based on the old provisions (UUJN of 2004) but specifically for the internship period, the internship period that has already been applied will still apply. determined in Article 3 letter "f" of the 2014 UUJN, namely 24 (twenty four) months after the relevant notary candidate graduates from the second level of notarial law, without any exceptions. After the 2014 UUJN amendments come into force, all appointment processes for which a Decree on appointment as Notary has not been issued on the effective date of the amendment to the Law on the Position of Notary, must meet the requirements for an internship period of 24 (twenty four) months,

Basically, it's not just a matter of internship time that is the benchmark parameter which can be used as a reference that a prospective Notary is considered capable of becoming a professional Notary, but it depends on how the prospective notary is able to absorb the knowledge or know-how he or she obtains during the internship process. Apart from the availability of knowledge and information available at the internship site, at least the Notary who is used as a reference for the internship is able to provide new experience for the prospective Notary, because the Notary at the internship certainly has sufficient experience so that he or she is considered to have more abilities that are useful for the prospective notary.

Based on this phenomenon, the notary organization, namely the Indonesian Notary Association (THIS) proposes to hold a joint internship that prospective notaries must take part in, in addition to an internship at a notary's office on their own initiative.<sup>7</sup>The aim of holding this joint internship is not only to produce ready-to-use and professional notaries but also to improve mastery, expertise and skills in carrying out the duties of a notary position as well as increasing understanding of the notary Code of Ethics and its application.

The urgency, extension The internship period for notary candidates is 24 (twenty four) months in the spirit of the Indonesian Notary Association (INI), namely:

“First, to prepare prospective notaries who are ready to use; secondly, to improve the quality of notaries in Indonesia by producing reliable notary candidates. Thirdly, to obtain quality notaries who can be trusted by the public, because there is a difference between education in a notarial master's degree and the needs in practice. Another aim to improve mastery, expertise and skills

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<sup>7</sup><http://www.Hukumonline.com/berita/baca/calon-notaris-wajib-magang-bersama>, accessed on August 18 2023, at 19.20 WIB



in carrying out the duties of a notary position and increase understanding of the notary Code of Ethics and its application."<sup>8</sup>

INI central management in a plenary meeting held on March 28 2014, said that:

Internship procedures can be carried out twice a month. The time allocation is 24 consecutive months after graduating from the notary program. The planned joint internship curriculum includes in-depth study of Notary Position Regulations, Family Law, Code of Ethics 1, Deed Making Techniques. Another theory that needs to be studied is wealth law, land law and techniques for making land deeds and banking. Apart from that, Bankruptcy Law and Money Laundering Criminal Law are also studied. This joint internship will not only be applied to future notary candidates, but also to notary candidates who have undergone an internship, but have not yet completed 2 years; notary candidates who have worked as notary employees but have not yet completed 2 years.<sup>9</sup>

The internship described above is an internship at a notary's office, while the internship that prospective notaries have to go through is not only at the notary's office but there are also joint internships. Joint internships can be carried out by ALB INI members if they have interned at a notary's office for at least 6 months. The time required to take part in a joint internship is 4 semesters. As explained in Article 5 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships then states. This joint internship will not only be applied to future notary candidates, but also notary candidates who have undergone an internship, but not yet completed two years, notary candidates who have worked as notary employees, but also not yet completed two years.

Especially for prospective notaries who will exceed the two years, the notary who receives the internship is obliged to notify the regional administrator at his/her place of residence regarding the start date of work for the prospective notary and prospective notaries. They must take part in a joint internship program. Internship with ALB INI members is a series of activities to improve mastery, expertise and skills and implementation of notary office duties as well as increase understanding of the notary code of ethics and its application.

In reality, internship activities are seen as trivial by some Notary Candidates, they consider internships to be a formality activity to obtain an internship certificate from the notary's office as a condition for being appointed as a Notary Public,

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<sup>8</sup>*Loc. cit*

<sup>9</sup>*Ibid.*, pp. 5-6

this was conveyed by Notary Candidates in the City of Semarang.

"I was forced to do an internship because it was my obligation to obtain an internship certificate which would later be used as a condition for being appointed as a notary. The most formal thing was that I went to the office, sometimes once a week, sometimes twice, sometimes I never came at all in a week."<sup>10</sup>

The 24-hour internship period at a Notary's Office is seen as ineffective by some Notaries, because the time is too long so prospective notaries feel bored and make the internship activity a formality, this was stated by a Notary in the City of Semarang.

"In my opinion, the internship period set by the UJUN is currently ineffective, because it is too long, with too long an internship participant only doing formal activities in order to obtain an internship certificate, so that in the internship activity the prospective notary does not really learn"<sup>11</sup>

"In my opinion, the stipulation of a 2 year internship as a requirement to be appointed as a notary is not effective, because that time is very long, and does not guarantee that prospective notaries can gain maximum knowledge and experience, where they only go to the office for a few days at most"<sup>12</sup>

Internship activities at a notary's office can be turned into a business by Notary individuals who want to earn some money by buying and selling internship certificates, this was conveyed by Prospective Notaries in the City of Semarang;

"There is a friend of mine, he has never done an internship at a notary's office, but he got an internship certificate from the notary's office by paying a certain amount of money."<sup>13</sup>

In general, the implementation of internships for Notaries is expected to be able to create the ideal Notary. Several things to be achieved by adding an internship period for Notary candidates include:<sup>14</sup>

a. Ability for ethical awareness (ethical sensibility)

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<sup>10</sup>Si P, interview, Notary candidate in Semarang City, interview on August 10 2023, at 15.00 WIB

<sup>11</sup>Apit Nurwidijanto, SH., M.Kn, interview, Notary in Demak Regency, August 12 2023, at 13.00 WIB

<sup>12</sup> Dr. Hj. Ismawati, SH, M.Kn, *Interview*, Notary in Semarang City, August 10 2023, 13.00 WIB

<sup>13</sup>Si P, interview, Notary candidate in Semarang City, interview on August 10 2023

<sup>14</sup>Budi Untung, *Global Vision of Notaries*, Andi Publisher, Yogyakarta 2001, p. 59

*Ethical sensibility* can be seen from the ability of professionals in the legal field to determine aspects of situations and conditions that have ethical importance.

b. Ability to think critically (ethical reasoning)

*Ethical reasoning* namely the ability to think ethically and rationally regarding matters that are closely related to the tools and frameworks that are considered to constitute the entire legal professional ethics education. For this, the following approaches are needed:

1) Use an objective view (impartial perspective). Objective means addressing the problem fundamentally. Analysis is carried out objectively by eliminating subjective elements. This objective view can be done by placing oneself in the position of a person who is in justice so that he does not take sides. Being objective also means abandoning collegial ties including nepotism, collusion and corruption.

2) Raising the principles of action at a general and universal level. Professionals must be able to lay down principles which are basic values for the problems they face. These general principles include the values of justice (legality), propriety (equity) and equality (equality).

3) Pay attention to and consider the rights and welfare of several parties affected by legal professional decisions, basing rights on truth. Truth is the main foundation in resolving the problems faced and equality is based on balanced rights and responsibilities.

c. Ability to act ethically (ethical conduct)

*Ethical conduct* intended to be a manifestation of a sincere heart. This will be demonstrated by the behavior carried out in making decisions ethically and correctly. Ethical failure occurs because the person at fault does not have the courage to admit the mistake honestly. This may be because the person involved is afraid of their future prospects.

d. Ability for ethical leadership (ethical leadership)

*Ethical Leadership* is the ability to carry out leadership ethically, which of course is related to sincerity. In accordance with Article 15 paragraph (1) of the 2014 UUJN, a notary has the authority to make authentic deeds regarding all deeds, agreements and decrees required by statutory regulations and/or which are desired by interested parties to be stated in authentic deeds, guaranteeing certainty of date. making deeds, keeping deeds, providing grosses, copies and

quotations of deeds, all of this as long as the making of the deed is not also assigned or excluded to other officials or other people as determined by law.

The parameter that can be used as a reference for whether a notary candidate is considered capable of becoming a professional notary is how a notary candidate is able to absorb the knowledge and knowledge they gain during their internship and apply it when they become a notary. Apart from the availability of knowledge and information available at the internship site, at least the Notary Recipient Internship is able to provide new experiences for prospective Notaries, because the Notary at the internship site certainly has quite a lot of knowledge and experience so that he is considered to have more abilities and is very useful for prospective notaries.

In addition to internships at notary offices, the Indonesian Notary Association (INI) organizes joint internship activities that prospective notaries must take part in. This joint internship is not only aimed at producing ready-to-use and professional notaries but also to improve mastery, expertise and skills in carrying out office duties. notaries and increase understanding of the Notary Code of Ethics and its application.<sup>15</sup>

By setting the internship period for 24 (twenty four) months, it is hoped that Notary Candidates will have the ability to be ethically aware (ethical sensibility), the ability to think critically (ethical reasoning), the ability to act ethically (ethical conduct), and the ability to ethical leadership

In reality, the 24 (month) internship as a requirement to become a Notary is still ineffective, because some Notary Candidates consider the 24 month internship at a Notary's office to be too long, where the internship at a notary's office is only used as a formality to obtain an Internship Certificate, so they only come to the Notary's Office once a week for absences, sadly there are Notary Candidates who have never done an internship but received an Internship Certificate from the Notary's Office.

To produce professional Notaries, the Indonesian Notary Association (INI) conducts evaluations of apprentices, by conducting assessments of apprentices carried out by both the Notary receiving the apprenticeship, the Regional Administrator, and the Regional Administrator, then the results of the assessment are conveyed to the apprentices, If there is a Notary Candidate who still does not meet the minimum standards for graduation, it is necessary to provide guidance on the parts that the Notary Candidate does not understand or does not understand, and if the Notary Candidate has not met the qualifications

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<sup>15</sup>Apit Nurwidijanto, SH., M.Kn, interview, Notary in Demak Regency, August 12 2023, at 13.00 WIB

to become a Notary, then the Notary Candidate cannot get a Letter Internship Description.

Based on this, the legal effectiveness of implementing internships for extraordinary members to produce professional notaries in the city of Semarang is currently still not effective or has not been able to be realized properly, this is shown by the existence of several extraordinary members who come to the internship place only once a year. a week, where the internship activity is only used as a formality to obtain an Internship Certificate as a condition for being appointed as a Notary Public, apart from that there are still extraordinary members who obtain a certificate of having done an internship from a Notary Office but in reality they have not done an internship at a Notary Office, the time period internship for 24 (twenty four) months as stipulated in Article 3 letter F of Law no. 2 of 2014, concerning amendments to Law no.

### **3.2. Internship Position for Extraordinary Members to Become a Notary**

#### **1. Implementation of Internships for Extraordinary Members to Become Notaries in the City of Semarang**

Based on the Decree of the Directorate General of Higher Education, DEPDIKNAS RI No. 80/DIKTI/KEP/2000, the Notary Specialization Program was officially changed to the Master of Notary Study program which in several cases underwent changes in the form of reducing or adding courses. It seems that the replacement of the Notary Specialist program still does not meet the public's expectations because the Master of Notary program does not seem to be much different from the old Notary Specialization Program.<sup>16</sup> Almost every Master of Notary student hopes that after graduating, they will immediately start practicing to become a Notary. Meanwhile, sufficient provisions are needed to remember that the responsibilities after becoming a Notary are the responsibility of each individual. During your education in the Master of Notary, lectures are a form of interaction between lecturers, students and knowledge/skills.

Understanding and perception of these three factors greatly determines the success of the teaching and learning process. College is an activity that differentiates between formal and non-formal education. However, regarding a person's readiness to become a Notary, college is not the only source of knowledge and not the only learning activity. Based on Article 3 of the 2004 UUN, there are several conditions that must be met in order to be appointed as a Notary, as follows:

- a. Indonesian citizens;

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<sup>16</sup>Budi Untung, *Global Vision of Notaries*, Andi Publishers, Yogyakarta, 2001, p. 59

- b. Fear of God Almighty;
- c. Be at least 27 (twenty seven) years old;
- d. Physically and mentally healthy;
- e. Hold a Bachelor's degree in law and graduate from second degree level of notary;
- f. Have undergone an internship or actually worked as a notary employee within 12 (twelve) consecutive months at a Notary's office on their own initiative or on the recommendation of a Notary Organization after graduating from the second level of KENO dance; and
- g. Not having the status of a civil servant, state official, advocate, or not currently holding another position which is prohibited by law from holding the position of Notary Public.

In the 2014 UUJN, there was a change in the Notary internship period, which was originally only 12 (twelve) months to 24 (twenty four) months. The extension of the internship period, which was originally 1 (one) year to 2 (two) years, is actually not too difficult compared to the internship period stipulated in the Netherlands, where the internship period for Notaries is increasingly longer. After the release of Notariswet 1999, the apprenticeship period for prospective notaries became 6 (six) years.

So far, laws and regulations in Indonesia refer to the Netherlands, so the articles in Stbl. 1860 No. 3 is a copy of the articles in Notariswet in the Netherlands. However, in Stbl 1860 No. 3 there is no article that requires an "internship period" (workstage). In fact, in Notariswet itself there is a provision that one of the requirements to be appointed as a Notary is that the person concerned must be able to submit proof that he has worked (uninterruptedly) at a Notary's office for at least three years. The issue of internships in Indonesia at that time was that Ordinance 1907 No. 485 was issued which regulated the Notary exam parts I, II and III. This Ordinance does not include explicit rules regarding internship requirements. Previously there was also a Bijblad no. 5142 which alludes to the apprenticeship period. The form is only in the form of a recommendation, namely from Gouvernementsmissive dated 29 November 1889 No.2763 to Director van Justitie, so that when accepting a proposal to fill a Notary vacancy, pay attention to the applicant's skills, including practical skills. The "internship period" is still considered a requirement for the appointment of a Notary Public, not as something urgent or urgent. Previously, the "internship period" requirement was not included directly, but became a formal requirement by attaching a certificate from a Notary that he had participated in an internship at

a Notary's office for two consecutive years after graduating from Notary Specialist or Master of Notary education as authorized by the organization.

A person who graduates from the Master of Notary program must immediately undertake an internship to obtain an internship certificate as one of the requirements for registering to become a Notary. The previous procedure for carrying out an internship was to first make an internship certificate which had been signed by the Notary at the internship location and addressed to the secretary of the INI Regional Management at the respective location. Submission of this internship certificate is intended to be recorded by the secretary of the INI Regional Management, since when the person concerned started doing the internship so that when the internship period of 24 (twenty four) months has been completed, a certificate can be issued by the INI Regional Management based on the internship certificate file previously received. This was expressed by a notary in Semarang City as follows:

At that time, the Notary who accepted prospective Notary Public interns was told to make an internship application first, then on the basis of the internship application a certificate of internship registration was made which was addressed to the regional government. So the internship time is calculated based on the date when the internship starts, then when the internship period is finished we get an Internship Certificate.<sup>17</sup>

From a juridical perspective, after UUJN, internships for Notary candidates have become very urgent because they have become mandatory (dwingenrecht). However, because the UUJN itself is addressed to Notaries, it does not rule out the possibility of manipulation in the issuance of internship certificates by certain groups of Notaries. This was stated by the Demak Regency Notary that:

"An internship is a necessity and requirement that prospective notaries must complete when they want to become a notary. "If a prospective notary does not have sufficient experience, it is best to carry out the internship seriously."<sup>18</sup>

At several universities administering the Master of Notary program, there are extra-curricular activities such as internships with a duration ranging from 3-6 months. However, this is not enough to provide direct Notary practice, because students are also writing a final assignment (thesis), so it is certain that the quality of the internship is not optimal. This is different from those who have passed MKn and carried out an internship with totality, because they will feel intellectual, mental, emotional and spiritual struggles in facing the reality in the field.

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<sup>17</sup>Dr. Hj. Ismawati, SH, M.Kn,*Interview*, Notary in Semarang City, August 10 2023, 13.00 WIB

<sup>18</sup>Apit Nurwidijanto, SH, M.Kn,*Interview*, Notary in Semarang City, August 12 2023, 13.00 WIB.

It's just that until the research was conducted, according to the researchers there was no similarity among Notaries in how they treated apprentices, whether in the form of unwritten or written rules such as apprenticeship requirements. How to treat prospective notary apprentices is still left to the respective recipient notary. In fact, based on the UJN (article 16 paragraph (1) letter m), it has been regulated that accepting apprentices is one of the obligations for Notaries. In fact, it is not uncommon to find Notaries who have opened an office for a longer time who refuse to use their office as an apprenticeship place for prospective notaries. This is as expressed by a notary in Demak. Before becoming a notary, he had difficulty finding an internship as follows:

"It's very difficult to find internships in my area. There are reasons why seniors reject those of us who want to do internships. Finally I was forced to look for an internship in Semarang City..."<sup>19</sup>

Even a Notary in the City of Semarang once found it difficult to find an internship when he had not yet opened an office, as expressed as follows:

"I used to find it difficult to find an internship, they said the places were full, there were no places, basically for various reasons. That's why, at this time if there are any younger siblings who want to do an internship, please come to my place. My office is wide open for those who want to do internships."<sup>20</sup>

Notary is a legal profession and thus the Notary profession is a noble profession (*nobile officium*). It is called a *nobile officium* because the notary profession is very closely related to humanity. A deed made by a Notary can be a legal basis for the status of a person's property, rights and obligations. Mistakes in a Notarial deed can result in someone's rights being revoked or someone being burdened with an obligation. Errors occur due to the Notary not understanding the wishes of the parties, which is caused by the lack of knowledge obtained if the internship is not carried out optimally.

In connection with the implementation of article 7 of the Indonesian Notary Association Regulation Number: 24/PERKUM/INI/2021, a Notary receiving an internship must fulfill 8 (eight) provisions, including:

1. Has been actively carrying out the position of notary for 5 (five) years or more with a minimum number of 100 (one hundred) deeds;

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<sup>19</sup>Apit Nurwidijanto, SH, M.Kn, *Interview*, Notary in Semarang City, August 12 2023, 13.00 WIB.

<sup>20</sup>Dr. Hj. Ismawati, SH, M.Kn, *Interview*, Notary in Semarang City, August 10 2023, 13.00 WIB



2. Never received sanctions from the Association for Violating AD, ART, Association Regulations and Code of Ethics;
3. Being active in the Association or having concern for the Association according to the assessment of the local Regional Management, among other things, having a KTA, paying member dues and taking part in knowledge refreshers and socialization organized by the Association management;
4. The capacity and facilities of the Internship Accepting Notary Office make it possible to accept Internship participants;
5. Has been appointed by the Regional Management at the suggestion of the Regional Management as a Notary Recipient Apprentice;
6. Provide a report to the Regional Management of the Indonesian Notary Association at the relevant place of residence regarding the start and end of the Internship;
7. Providing opportunities for Internship participants to take part in Joint Internship activities;
8. Always pay attention to and comply with the laws and regulations regarding Notary Positions and Internship Programs prepared and determined by the Indonesian Notary Association.

Based on the Association Regulations, Notaries who receive internships are expected to have moral responsibility towards prospective Notaries who are interning in their place and are expected to be able to master the material according to the curriculum and syllabus for semesters 1 to 4 according to this regulation during their 2 year internship in the Notary's office, so that they do not appear to be just giving internship recommendation letter only, but can understand the material. The organization's desire to produce reliable notaries is increasingly demonstrated by the assessment of prospective notaries. The organization does not want prospective Notaries to only undertake internships in Notary offices or joint internships as mere formalities. For this reason, the organization proposes an evaluation of the intern participants. The assessment will be carried out by the Notary receiving the internship and regional or regional administrators. The results of this assessment will be conveyed to the interns. If there are prospective Notaries who still do not meet the minimum standards for graduation, improvements need to be made to the parts that are considered deficient or imperfect.

## 2. The Urgency of Internships for Extraordinary Members to Become Notaries Based on Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions

In reality, the implementation of internships for Notaries is very important, this can be proven judicially with the provisions of Article 2 of the Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 concerning Internships which states that:

The objectives of the internship for Notaries are:

1. Improve mastery, expertise and skills in carrying out the duties of a Notary position as well as in understanding the laws and regulations and legal theories relating to and/or related to the implementation of the duties of a notary position for prospective notaries, so that when appointed they can become a Notary who is qualified and ready to serve the interests of society.
2. Increase understanding of the Notary Code of Ethics and its application, both in carrying out the position of Notary and in daily life.
3. Making prospective Notaries aware of the importance of carrying out an internship which is a practical education in order to carry out the position of Notary properly and correctly.
4. Providing confidence to Notary candidates so that they are ready to carry out their positions as they should.
5. Increasing public confidence that prospective notaries are ready to carry out the position of notary as expected.

At first glance, the internship activity looks simple, namely just making an authentic deed. However, the product produced by a notary has the power to act as perfect evidence. For this reason, in producing products that will later become evidence, special expertise and skills are needed which are not only obtained at college, but have also been practiced in the daily work of a notary and this will be able to be done when the candidate notary is in the place of internship. The notary's responsibilities in relation to the legal profession in carrying out his position cannot be released from the law, so it is hoped that notaries can act to reflect this in their services to the community.

The notary profession is a profession that many people hope for. After completing the Master of Notary program, the thing that must be undertaken immediately is an internship for 24 (twenty four) months. Senior notaries certainly have a role in forming new notaries so that they can be more

professional in carrying out their duties. However, not all Master of Notary graduates can easily get an internship. On average, notaries who want to accept internships look at whether or not the prospective notary graduated from the same university as the notary who wants to accept an internship.

The term internship is only a requirement so that prospective notaries have real knowledge about notarial practices and the ins and outs of the notarial world. Notaries will work independently, therefore, to mentally prepare prospective notaries to face the court and the various problems raised by the present, an internship process is needed. Based on experience and cases that have occurred where prospective notaries who carry out the internship process will receive provisions when practicing as a notary later.

One of the requirements to become a notary is that you must undergo an internship as follows: "have undergone an internship or have actually worked as a notary employee within 24 (twenty four) consecutive months on notary office on their own initiative or on recommendation from the Notary Organization after graduating from the second level of notarial law."

Notary is a position that many people hope for, especially for someone studying the Notarial study program. After completing the Master of Notary Study program, you have to do it immediately carried out for prospective notaries it is an internship for 24 (twenty four) months at a notary's office and balanced with joint internship activities.<sup>21</sup>

The position of a notary is held or its presence is required by legal regulations with the aim of helping and serving the public who need authentic written evidence regarding circumstances, events or legal acts.<sup>22</sup> The position of a notary as a functionary in society is still respected today. A notary is usually considered an official from whom someone can get reliable advice, everything he writes and determines is correct, he is a strong document maker in a legal process.<sup>23</sup>

Notaries work independently (*mandiri*), meaning they do not depend on superiors or anyone else in carrying out their duties and positions. A notary must be able to decide for himself what deed to make and what legal formula is appropriate and can provide legal counseling to the parties. In this regard, an internship is very necessary for a prospective notary, this is for the benefit of the notary himself.

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<sup>21</sup>Teresia Din, "Notary's Responsibility for Authentic Deeds Indicated as Criminal Offenses", *Journal of De Jure Legal Research*, vol 19, no 2. 2019, p. 172.

<sup>22</sup>Habib Adjie, *Op.Cit*, p. 14

<sup>23</sup>Tan Thong Kie, *Notarial Studies and Miscellaneous Notarial Practices*, First Printing, PT. Ichtar Baru van Hoeve, Jakarta 2007, p. 444

Many notaries are not ready to carry out their official functions after they graduate from the Master of Notary study program when they open their own office. Through internships, prospective notaries are expected to know many ins and outs of notarial practice in a way. Really, knowing the most appropriate legal formula to use in making deeds, whether authentic or private, and regarding notarial administration. This is because there are no standards for what must be done during an internship, so there are no rules regarding what must be learned while at the internship.

Notaries who have been opening offices for a long time certainly have a role in forming new notaries so that later the Notary candidates become candidates can be more professional and moral in carrying out his position as a Notary. However, not all Notaries provide freedom when carrying out internships. This is stated in Article 3 letter f of the 2014 UUJN which emphasizes that one of the requirements to be appointed as a notary is that the prospective notary has undergone an internship or has actually worked as a notary employee within 24 (twenty four) consecutive months. join the notary's office on their own initiative or on recommendation

Notary Organization after graduating from Notary Degree Two and in the explanation of Article 3 letter f UUJN 2014 it is emphasized that what is meant by self-initiative is that prospective notaries can choose the office they want themselves while still getting a recommendation from the Indonesian Notary Association Organization (INI). The internship requirements for prospective notaries are imperative, meaning they must be completed and there must be proof.<sup>24</sup> Proof that the Notary Candidate has actually participated in an internship for 24 (twenty four) consecutive months at a notary's office. This internship is very important for Prospective Notaries, to balance the notarial knowledge obtained in college with notarial practice, and other things that are not obtained in college but can only be obtained in notarial practice. For example, administering minutes of deeds into the repertory or filling out register books for recorded letters or legalized letters, and more importantly learning to understand the wishes of the parties and formulating them in the form of a Notarial Deed. In reality, not all notaries allow apprentice notary candidates to read the minutes of the deed. In order to realize the effectiveness of the implementation of mandatory internships, So reconciliation should be carried out between the universities that hold the Master of Notary program, the Indonesian Notary Association (INI) and the Ministry of Law and Human Rights. The issue of internships for prospective notaries should not be underestimated, because it is through the internship process that notaries are formed who are ready to serve the community well and correctly.

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<sup>24</sup>Habis Adjie, Indonesian Notary Law Thematic Interpretation of Law no. 30 of 2003 concerning the Position of Notaries, Second Printing, Refika Aditama, Bandung, 2007, p. 63

So far, internships have been implemented for notary candidates in Indonesia, the requirements for Notary candidates to be able to take part in joint internship activities must meet the following criteria:

1. Has been registered as ALB INI (has an ALB INI Number);
2. Have undergone an Internship at the Notary Office of the Internship Recipient for at least 6 (six) months as proven by an Internship Certificate from the Notary concerned;
3. Register for a Joint Internship with the Regional Management organizing the Joint Internship;
4. Include a Joint Internship Cover Letter from the Notary Recipient of the Internship, by attaching the SKM from the Notary Recipient of the Internship;
5. Participate in a Joint Internship according to the schedule set by the Regional Management organizing the Joint Internship.

The joint internship held by the Regional Management of the Indonesian Notary Association is an effort to increase the competence of notaries so that they become professional Notaries, because in the joint internship they always discuss how Notaries practice in making a deed as adjusted to the regulations, as well as in accordance with the code of ethics. Before joint internships were held, internships for Notary candidates were only internships in Notary offices.

The association made a rule to hold joint internships because it was deemed necessary, in order to support a profession full of responsibilities. In the past, before the reform era, to become a Notary, you could apply for a SK (Letter of Decree) after graduating from a two-year notarial program. This means that if the Notary candidate passes from Notary programs cannot immediately apply for a SK, but must wait two years after graduating. Therefore, an idea arose from the Indonesian Notary Association regarding what activities could be done to fill the time during the two year period for prospective Notaries, so that at that time the Central Management of the Indonesian Notary Association made an idea to state that prospective notaries had to do an internship at notary office. After 2004, internships were clearly regulated and stated in the 2004 UUJN Law. After the reform, it was changed to one year before graduating from the notary program in the sense of being in college and one year after graduating from the notary program. In the 1999 era, internships were only held for 1 (one) year after graduating, but in reality it was the same, namely an internship period of one year before graduating from the notary program and one year after graduating from the notary program. So actually it's the same as a two year internship, the only difference is the time it is carried out and the length of the internship

period.

Starting from the two year waiting period, the members of the association were required to hold an internship in a Notary's office and the members of the association felt that it was necessary to hold an internship, while the joint internship arose from filling that waiting period and the need for repetition or learning so that prospective notaries become competent Notaries. professional. Carrying out an internship for notary candidates will at least review the learning in lectures and the learning gained during the internship at the Notary's office.

During an internship at a Notary's office, for example, a prospective Notary only struggling in making PT deeds, while others only make sale and purchase binding deeds. Maybe one notary's office never makes which deed, which notary makes which deed, sometimes there are also Extraordinary Members who do internships in the Notary's office who don't participate actively, so their ability in making the deed less than optimal. The existence of a joint internship is like averaging what was learned together and reviewing the lessons learned during the lecture period. According to the Chairman of the Indonesian Notary Association, joint internships are linked to the practice of prospective notaries, so this internship is arranged by the association, to provide training to prospective notaries,

An obstacle that will occur to prospective notaries if they do not undertake an internship at a Notary's office so that they do not receive a letter of recommendation from the Notary who received the internship, where the letter is used as a requirement for registering as a joint internship participant. With a joint internship program, it is hoped that prospective notaries will deepen their mastery, increase their knowledge and skills in making deeds. Apart from that, there are also criteria for Extraordinary Members to pay attention to their attitudes and behavior as Notaries, as well as the attitude of implementing integrity as a notary, understanding and mastery as a Notary.

It is written in the attachment to the Association Regulations that to become a Notary you must be an Extraordinary Member of the Indonesian Notary Association moreover formerly. The Notary Appointment flow is as contained in the attachment Indonesian Notary Association Regulation Number: 24/Perkum/Ini/2021 Concerning Internships First, you have to graduate from the Master of Notary, after graduating from the Master of Notary, take part in the Extraordinary Member selection or what is usually called pre-Extraordinary Member, after becoming an extraordinary member, members can then do an internship. The internship in question is an internship at a Notary's office and a joint internship after the intern obtains an internship certificate, then ends with a code of ethics exam.

That based on this, legal certainty regarding the legal position of apprenticeship for extraordinary members to become a notary is mandatory and very important. This is implemented in accordance with the provisions of Article 3 letter F of Law no. 2 of 2014 concerning the Position of Notaries and Article 2 and Article 5 of the Regulations of the Indonesian Notary Association Number: 24/Perkum/Ini/2021 concerning Amendments to the Regulations of the Indonesian Notary Association Number: 19/Perkum/Ini/2019 concerning Internships. Because the aims of internships for Notary Candidates include increasing mastery, expertise and skill in carrying out the duties of a notary position, increasing understanding of the code of ethics, and giving notary prospective candidates a sense of self-confidence.

### 3. Solution to the Problem of Ineffective Implementation of Extraordinary Member Internships for Notary Candidates in the City of Semarang

In connection with the problem of ineffective implementation of internships for Notary candidates in Semarang City, several solution steps need to be taken, namely:

- a. Responsibility in the event that a Notary Candidate does not carry out an internship properly and obtains an Internship Certificate means that the Notary Candidate can still be appointed as a Notary Public because the requirements have been fulfilled in accordance with statutory regulations and are not subject to sanctions as regulated in the UUJN because the Notary Candidate has not yet complied with the statutory regulations. invitations that regulate Notaries, however, may be subject to moral sanctions and the criminal provisions of Article 55 paragraph (1) in conjunction with Article 263 of the Criminal Code concerning the Inclusion of the Crime of Forgery of Documents. On the other hand, Notaries who receive internships can be subject to sanctions in the form of administrative sanctions in UUJN and the criminal provisions of Article 55 paragraph (1) in conjunction with Article 263 paragraph (1) of the Criminal Code concerning Forgery of Documents.
- b. It is necessary to create a special monitoring mechanism regarding the implementation of internships for Notary candidates;
- c. The internship period for prospective Notaries needs to be reduced, this is because the internship is based on the skills and abilities of prospective Notaries to become professional Notaries, not based on the length of the internship, but on the quality and efficiency of the internship.

Based on the description above, it can be said that joint internships have the aim of increasing knowledge so that the absence of a Notary appointment exam does

not affect prospective Notaries. This is because in the joint internship program there are several tests in a series of joint internship activities.

The objectives of law include ensuring certainty, order and legal protection. Legal traffic in people's lives requires evidence that clearly determines a person's rights and obligations as a legal subject in society.

The profession of a notary is a public official who has the duties and obligations to provide legal services to the public who need legal protection and guarantees in order to create legal certainty so that the duties and obligations of a notary profession and its authority, such as making authentic deeds and other authorities, have been regulated in the UUJN of 2014.

A person who serves as a Notary must have an independent, impartial attitude and safeguard the interests of the parties. The position of Notary is currently in great demand among female students, so many are studying in a notarial program in order to fulfill one of the requirements to become a Notary. In fact, becoming a notary is not easy, there are many stages that prospective Notaries must go through to become a notary because the position of Notary is a noble position that has great authority accompanied by obligations and prohibitions in carrying out the profession and is required to comply with the professional code of ethics. Notary Public.

#### **4. Conclusion**

The effectiveness of implementing internships for Extraordinary Members in producing professional notaries in Semarang City is currently not being realized properly, this is shown by the existence of Extraordinary Members who have a certificate of having done an internship but in reality have not done an internship at a Notary's Office. The internship position for Extraordinary Members to become Notaries based on Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Position of Notaries is very important, this is in accordance with Article 2 and Article 5 of the Indonesian Notary Association Regulation Number: 24/Perkum /This/2021 About Internships.

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