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Notary's Authority in Providing Legal Counseling to the Public Regarding Notarial Deeds

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Abstract: Notaries in providing legal counseling are based on Article 15 paragraph 2 letter e of the UUJN, namely providing legal counseling in connection with the making of deeds. It is very important to improve legal understanding related to the making of notarial deeds. Notaries have an obligation to convey information clearly and provide appropriate advice to clients, while maintaining professionalism and following the applicable code of ethics. Thus, effective legal counseling by notaries can help ensure the protection of individual rights and legal certainty in society. The obstacles to legal counseling include the low level of basic education of the community, lack of legal knowledge among the community, and distrust of the legal process. The community often has difficulty understanding the legal terminology and procedures required for making notarial deeds, and does not understand the importance of notarial deeds in protecting their rights and providing legal certainty. To overcome these obstacles, several strategies can be taken. Strategies to improve legal understanding through counseling by notaries in villages, as well as improving clear and effective communication, are important steps to clarify complex legal concepts for the community.

Keyword: Authority Notary, Deed Notary, Counseling Law, Society.

INTRODUCTION

Notary is a legal profession whose attributes and activities are carried out daily by a notary, from various activities to providing the best service for his/her clients/parties. The position of notary is held or its presence 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. (Arif Kurnia & Ma'ruf, 2018) . On this basis, those who are appointed as notaries must have the spirit to serve the community. Therefore , a notary is meaningless if the community does not want it. The activities carried out above are activities with a conventional system carried out by Notaries and the parties with authentic written evidence regarding circumstances, events, or legal acts. Article 15 paragraph 1, which reads:

"Notaries have the authority to make authentic Deeds regarding all acts, agreements and stipulations which are required by statutory regulations and/or which are desired by interested

parties to be stated in authentic Deeds, guarantee the certainty of the date of making the Deed, store the Deed, provide grosses, copies and quotations of the Deed nor are they assigned or excluded to other officials or other persons as determined by law."

One of the authorities given to a notary as a public official is to make authentic deeds in addition to other authorities stipulated by law. An authentic deed which is also authentic evidence based on Article 1868 of the Civil Code is an authentic deed, namely a deed made in a form stipulated by law by or before a public official authorized for that purpose at the place where the deed was made. Article 16 HIR and Article 285 Rbg explain that "An authentic deed is a deed made by or before an official authorized for that purpose, is complete evidence between the Parties and their heirs and those who receive rights from them regarding what is stated therein and even as a notification of the latter, but the latter is only notified directly with the subject of the deed. Notaries in carrying out their duties and obligations provide legal socialization so as not to exceed the limits of their authority in practice (Doly, 2011) . The authority of a notary to provide legal socialization to interested parties in making authentic deeds is a form of providing legal understanding related to the actions that will be stated in the deed in accordance with statutory provisions.

In the Notary Law and in the Notary Code of Ethics, it is explicitly stated or formulated that Notaries provide legal counseling in connection with deeds as stated in the Notary Code of Ethics Article 3 that Notaries in carrying out their duties provide legal counseling to achieve high legal awareness in society so that society is aware of and internalizes their rights and obligations as citizens and members of society. Mochtar Kusumaatmadja has reminded us, he said that technical skills education without being accompanied by professional responsibility and ethics education is dangerous. This means that what was conveyed certainly cannot be denied, because if the education only concerns technical skills without being accompanied by professional responsibility and ethics, it will result in the profession holder becoming wild, because he cannot carry out his profession professionally, which ultimately causes great losses to the legal profession holder as a whole. As a public official, a Notary is required to be responsible in carrying out his authority so that he can provide legal counseling to the parties before the deed is made. If later on the deed that has been made turns out to contain a dispute, then this must be questioned, whether the error in the deed was caused by the Notary or the parties who did not provide incorrect information without the notary's knowledge or was there an agreement made between the Notary and one of the parties who appeared or the error of the parties who did not provide the documents truthfully. So that a deed that has been made by a Notary does not contain legal defects in the future, due to the notary's error in not providing legal counseling first. Then the Notary must provide accountability both morally and legally (Dewi, 2019) .

Legal Counseling is carried out by providing a clear, focused explanation, so that the meaning and purpose of the authentic deed are easily understood and understood by the parties. Sometimes people only provide explanations and documents without knowing the legal problems. Article 15 paragraph 2 letter e of the Notary Law Number 2 of 2014 explains that, "in addition to the authority as referred to in paragraph (1), Notaries are also authorized to: e. provide legal counseling in connection with the making of Deeds." Notaries are expected to be able to provide legal counseling (Cindarputera & Putra, 2022) . Notaries in carrying out their duties and positions must always be guided by the UUJN and the Notary Code of Ethics. The term ethics is formed from two Latin words, mores and ethos which are combined as a series of politeness of a society and human morals. Etymologically, ethics are interpreted as the same as morals in the form of values and norms that are used as a guideline for humans or groups in regulating their behavior. Notaries in carrying out their duties must have a fair attitude. Fairness means there is no bias towards anyone, with the explanation regarding notary above, it is necessary to know what a notary is, therefore it is especially concerning the deeds that will be

made before him. With that's how it is issue law in article This namely How Notary Public carry out his authority in carry out extension worker law to public about deed notary ?.

METHOD

The approach method used in this study is the Normative Juridical approach method (Kartika & Laitupa, 2024) this is because the main data used is secondary data, namely data obtained based on literature studies, related regulations, and publications from related parties . Using characteristic study qualitative with method think deductive-inductive (Kartika & Laitupa, 2022).

RESULTS AND DISCUSSION

In order to carry out their position, notaries must have a professional character, for example having high moral resilience, exercising their professional authority based on local wisdom elements, implementing high elements of religious aspects and saying things that can be emulated and polite, being honest with themselves and others, not prioritizing personal benefits, prioritizing implementation according to their field of knowledge, in this case knowledge and experience, must consider clients who need their help as equals, in addition they must also prioritize the code of ethics that has been regulated by the notary association. Legal counseling carried out by notaries related to the issuance of deeds is very much needed in explaining legal knowledge for the community related to authentic deeds, therefore in forming a society that understands the law and realizing the law for needs, because the community's knowledge regarding the law is not the same between each other, according to an education or knowledge and experience of a notary regarding the implementation of his authority will not be free from the shadow of negligence in the form of intentional or unintentional, negligence carried out by a notary is accounted for through law through civil, administrative and criminal liability. (Authority & Notary, 2019) . Notarial deeds must explain the clarity that all matters or events and truths contained in the deed are truly carried out by the notary explained by the parties who put forward the day, date, month, year, hour (time) of the appearance listed in the deed in accordance with a series of steps that have been regulated according to the issuance of the deed. Formally in order to be able to explain the facts and clarity related to the parties who need the assistance of a notary, the initials and signatures of the parties or the person appearing, witnesses or notaries and show the things that are stated, witnessed, heard from the notary (in a release deed or a partij deed) by writing a statement or the willingness of the parties in the formation of the deed. Meanwhile, material facts can be of the type of fact and can be proven and can be accounted for through material against the existing parties, the basis for accountability that has been explained refers to negligence that results in losses to other parties, and it is mandatory to provide evidence initially to the elements of negligence. (Princess Anjulika, 2023) .

The authority of a Notary as stated in Article 15 paragraph (2) letter e is to provide legal counseling in making deeds. Legal counseling is one of the activities of disseminating information and understanding of legal norms and applicable laws and regulations in order to realize and develop legal awareness in society so that a legal culture is created in the form of order and obedience or compliance with legal norms and applicable laws and regulations in order to uphold the supremacy of law. The purpose of legal counseling is to make society understand the law, in the sense of understanding the provisions contained in the legal regulations that regulate their lives as individuals; Fostering and increasing legal awareness of citizens so that every citizen obeys the law and voluntarily without encouragement or coercion from anyone carries out their rights and obligations as determined by law. (Kusbianto et al., 2020) . There are 2 (two) legal counseling methods, namely the approach in legal counseling and the delivery of legal counseling. First , the approach in legal counseling includes:

- (1) The Giver counseling law must be capable of convincing the public so that it is interested in the material presented. It means extension workers must be persuasive;
- (2) The Giver counseling law must play a role as educator. For guidance of the public to the direction of objective counseling law. It means extension workers must be educative;
- (3) Extension workers must be capable of communicating with the public so that a connection can be established and lead back. It means extension workers must have communicative abilities;
- (4) Extension workers must be capable of accommodating and give a way out to existing problems. It means extension workers must be accommodating.

Second, the method of delivering legal counseling can be classified into two forms, including direct legal counseling carried out by meeting face to face between the counselor and the person being counseled and indirect legal counseling carried out through print media or electronic media. Legal counseling carried out by a Notary is intended so that the parties understand the legal rules used in making the parties' deeds. (Laurensia Arliman, 2015).

There are several obstacles faced in the process of providing legal understanding to the public, especially in the context of making notarial deeds. One of the main obstacles is the level of basic education which is still inadequate among the majority of the community. This low level of education causes many people to not have an adequate understanding of the legal aspects that are relevant in their daily lives, including the process and importance of making notarial deeds. As a result of this low level of education, the public often has difficulty in understanding the legal terminology and procedures required to make notarial deeds. They may not understand the importance of notarial deeds or how the process of making them can protect their rights and provide legal certainty. This can result in distrust or even rejection of the legal process that is actually designed to protect their interests. In facing these obstacles, notaries have a very important responsibility to provide clearer and more easily understood legal explanations for clients. Notaries must be able to explain complex legal concepts in a simple way and using language that is easily understood by the general public. They need to provide concrete examples and analogies that are relevant to everyday life to clients so that they can understand how important notarial deeds are. In addition, notaries must also be patient and give clients enough time to understand the explanation given. They must ensure that clients truly understand their rights and obligations as well as the legal implications of the deed to be made. With a more communicative and educational approach, notaries can help improve legal understanding among the public and encourage them to better appreciate and comply with existing legal processes.

To overcome these obstacles, several efforts can be made. To improve the public's understanding of the law regarding the making of notarial deeds, notaries can improve the quality of their communication with several strategic steps. First, they must use clear and simple language so that it is easily understood by the general public, avoiding the use of complicated legal terminology. Explanations must be arranged systematically in the form of points or logical steps, and visual aids such as diagrams or pictures can be used to help clarify complex concepts. In addition, providing concrete examples from relevant real cases can help the public understand how legal concepts are applied in their daily situations. Simple analogies can also be used to illustrate the importance of notarial deeds, for example by comparing notarial deeds to "official letters" which have higher legal force than "personal notes". Furthermore, notaries need to be patient and give clients enough time to understand the explanations given. Listening carefully to clients' questions and concerns, as well as providing opportunities to ask questions and get additional clarification, are key to ensuring that the information conveyed is truly understood by the public. Setting up special consultation sessions can also help in providing more detailed and comprehensive explanations.

By implementing these steps, it is hoped that notaries can effectively improve the public's legal understanding regarding the making of notarial deeds. This will not only help protect their rights but also provide better legal certainty in everyday life. The purpose of legal counseling

is carried out so that the parties understand the law that should be the basis for making a deed. This purpose will be relevant if it is carried out on the parties to the deed, considering that the deed of the parties is the desire of the parties as stated in the deed. The role of the Notary is to express this desire in the deed in question so that it is in accordance with applicable provisions. The purpose of legal counseling will be in line if it is carried out on the making of the parties' deeds. Legal counseling is carried out on the parties' deeds with the aim that the clauses in the deed are in accordance with applicable law and can fulfill the principle of proportionality therein.

CONCLUSION

Notaries in providing legal counseling are based on Article 15 paragraph 2 letter e of the UUNJ, namely providing legal counseling in connection with the making of deeds. It is very important to improve legal understanding related to the making of notarial deeds. Notaries have an obligation to convey information clearly and provide appropriate advice to clients, while maintaining professionalism and following the applicable code of ethics. Thus, effective legal counseling by notaries can help ensure the protection of individual rights and legal certainty in society. The obstacles to legal counseling include the low level of basic education of the community, lack of legal knowledge among the community, and distrust of the legal process. The community often has difficulty understanding the legal terminology and procedures required for making notarial deeds, and does not understand the importance of notarial deeds in protecting their rights and providing legal certainty. To overcome these obstacles, several strategies can be taken. Strategies to improve legal understanding through counseling by notaries in villages, as well as improving clear and effective communication, are important steps to clarify complex legal concepts for the community.

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