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The Role And Responsibilities of A Notary In Public Services Based on Professional Ethic Morals and Law

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Abstract: The purpose of this research is to determine the role of notaries and the responsibilities of notaries. This legal research uses empirical legal research and then uses a legislative approach and analysis of legal concepts as well as qualitative methods, the results of which are presented in a systematic qualitative descriptive manner. Based on the analysis, it is known that notaries play a role in providing services to the public in accordance with moral principles and professional ethics through authentic deeds as valid evidence. Notaries have the responsibility to provide services to the public in accordance with moral principles and professional ethics in accordance with the notary code of ethics in the UUJN, and other regulations.

Keyword: Notary, Public Service, Professional Ethics.

INTRODUCTION

In community life, the role of law plays an increasingly important role and continues to develop along with changing times. Today's modern society expects legal services to be more sophisticated and structured, in line with the ongoing progress of the times. Unlike the past, where agreements were often based solely on trust, today every agreement or agreement must comply with formal requirements set by regulations and laws to ensure its validity and clarity. The importance of public services in the current era requires that every service not only meets certain quality standards, but also provides maximum satisfaction for customers. These services cover various fields, including the social field as well as, of course, the legal field. In the legal field, services to the public must be able to provide assistance that is oriented to the needs of society at large, starting from legal advice to the process of creating legal documents that meet applicable legal standards.

In other words, effective and efficient legal services today play a crucial role in ensuring that every individual and business entity gets appropriate legal protection and guarantees that all their transactions and agreements are carried out in compliance with applicable regulations. This not only ensures legal certainty, but also builds public trust in the legal system as a whole.

Notaries play a very important role in a country's legal system, especially in providing quality and reliable services in creating legal documents. As a public official who has the authority to make authentic deeds, the notary is responsible for ensuring that every document produced meets the formal and legal requirements in force. Article 1 paragraph (1) of the Law on the Position of Notaries (UUJN) outlines that a notary is an official who has the authority to make an authentic deed, a document that has strong legal force for proof before the law.

More than just creating documents, notaries are also expected to act with high integrity and comply with the notary professional code of ethics regulated in the UUJN. This code of ethics covers various aspects, starting from the obligation to maintain the confidentiality of information, upholding justice, to ensuring compliance with applicable legal regulations. The oath of office taken by a notary is proof of their commitment to these principles, where a violation of the oath of office can result in the cancellation of the decision to appoint a notary by the Minister.

The notary's role is to guard the validity and clarity of legal transactions. An authentic deed made by a notary has strong legal force, providing legal certainty to the parties involved in the transaction. For example, in a property sale and purchase transaction, the notary is not only tasked with ratifying the agreement, but also to ensure that all formal and substantial requirements have been fulfilled in accordance with applicable legal provisions.

Apart from that, notaries also play an important role in promoting transparency and justice in various aspects of legal life. The public can rely on notaries to provide objective and reliable legal advice, as well as facilitate complex legal processes in a manner that meets the highest standards of professionalism.

Thus, integrity, in-depth knowledge of the law, and compliance with the notary's code of ethics are the main foundations in carrying out daily duties. This not only increases public confidence in the legal system, but also maintains legal certainty and fairness for all individuals and businesses who use notary services in their various transactions.

Notaries play a very important role as public officials in legal affairs in society, where they have the authority to make authentic deeds as mandated in Article 1868 Burgerlijk Wetboek (BW). However, despite having this vital role, in reality it is not uncommon for notaries to be involved in legal disputes and become the subject of various lawsuits in court.

This is proven by the many cases decided by the Supreme Court of the Republic of Indonesia in both the civil and criminal realms involving the involvement of notaries. One example of a case that has emerged is the land mafia case that befell Indonesian artist, Nirina Zubir. In this case, the assets and land owned by Nirina Zubir were claimed by her former Household Assistant (ART) with the help of the notary involved. It was revealed that the names or ownership of the land certificates had been changed through forgery of documents in the form of authentic deeds made by the relevant notary.

As a result of this action, the two notaries involved in the case were finally sentenced to prison for 2 years and 8 months because they were proven to have committed crimes of forgery of authentic deeds and money laundering. Cases like this show that although notaries have broad authority in creating valid legal documents, they also require strict supervision and high levels of integrity to prevent abuse of authority or violations of professional ethics.

The role of a notary in society must be carried out with full responsibility, honesty and compliance with applicable legal regulations and codes of ethics. They are not only responsible for ensuring the validity of legal documents, but also for protecting the interests of the general public from potential fraud or manipulation that could harm many parties. Therefore, the existence of a notary with high integrity is very important in maintaining public trust in the legal system and fair legal protection for all.

It cannot be denied that notaries play a crucial role in maintaining the validity of legal documents and providing legal certainty for the public. However, the sad fact is that there are

many cases where notaries are involved in abuse of authority, fueling public distrust of their integrity as public officials.

One striking example is the situation at the Medan District Court, North Sumatra, where notaries were involved as defendants in no less than 286 cases. These cases cover a wide range of violations, ranging from failure to follow regulated procedures to more serious allegations such as forgery of documents and involvement in land mafia practices. Apart from that, Regional Supervisory Councils in various regions also receive complaints from the public regarding notary violations of the Law on Notary Positions (UUJN), which covers various aspects such as the obligations regulated in Article 16, prohibitions in Article 17, provisions regarding the form of deeds in Article 38, as well as the rules related to the Notary Protocol in Article 58.

This fact shows that even though there are strict and clear regulations in the UUJN governing the behavior and responsibilities of notaries, the gap between the norms that should be followed (*das sollen*) and the reality on the ground (*das sein*) is still very striking. This raises the question of how a public official who has taken the oath of office and is expected to carry out his duties with high integrity can be involved in serious violations such as document falsification and money laundering, as has occurred in some of the cases already mentioned.

Public distrust of notaries not only threatens the integrity of certain individuals, but also tarnishes the image of the profession as a whole. Strong action is needed to uphold high standards of professional ethics and ensure compliance with the law, as well as increasing supervision and accountability for notarial practices in the field. Only with these steps can public trust be restored and the role of notaries as objective and professional guardians of legal justice can be properly maintained in society.

Formulation of the problem

1. What is the role of a notary in providing services to the public?
2. What are the responsibilities of a notary in providing services to the public in accordance with professional ethics and the law?

Research purposes

This research aims to reveal the central role of notaries in providing legal services to the public and to understand their responsibilities in accordance with moral principles, professional ethics and the law. Notaries have a crucial role in providing quality legal services with the creation of authentic deeds as one of their main tasks, which must be carried out strictly following high standards of legal procedures and integrity. A notary's responsibilities also include maintaining the confidentiality of information, providing honest and objective advice, and ensuring that every legal transaction is carried out fairly and in accordance with applicable regulations. Implementation of the UUJN is the main basis that regulates notary practice, covering various aspects such as deed making, notary protocol management, and ethical standards that must be upheld in every interaction with the public. Thus, it is hoped that this research can provide a deeper understanding of how notaries can maintain their integrity in providing services that have a direct impact on legal certainty in society..

METHOD

This research uses empirical legal research methods, which were chosen because there is a gap between the norms that should be implemented (*das sollen*) and the reality that exists in society (*das sein*). The approaches used include a statutory approach and an analytical conceptual approach. The legal approach is used to directly examine the provisions regulated in the Notary Position Law (UUJN) and its derivative regulations, while the legal concept

analysis approach is used to examine legal concepts and principles related to roles and responsibilities. Notary Public.

This research relies on primary, secondary and tertiary legal materials to support its analysis. Primary legal materials include the original text of the UUJN and its implementing regulations, which are the main basis for understanding the obligations and prohibitions of notaries. Secondary legal materials include legal literature, articles and previous research results that provide a broad view of issues related to notarial practice and legal implementation. Meanwhile, tertiary legal materials consist of relevant court decisions, both in the civil and criminal realms, which show the application of the law in cases involving notaries.

By using this approach and type of legal material, this research aims to provide an in-depth understanding of the role of notaries in public services and to explore the challenges and problems faced in implementing applicable legal norms.

RESULTS AND DISCUSSION

The Role of Notaries in Public Services

The Law on the Position of Notaries (UUJN) and the Law on the Position of Notaries (UUJNP) do not explicitly explain the role of notaries in providing services to the public. However, this role can be understood through the authorities regulated in the Law. According to Philipus M. Hadjon, authority is the basis that must be adhered to in every government action. A notary's authority includes making authentic deeds, which are legal documents that have strong evidentiary power before the law. Notaries also have the authority to provide legal advice to clients, explain the legal consequences of an action or transaction, and ensure that all legal procedures are fulfilled correctly. Apart from that, notaries are also responsible for maintaining the confidentiality of information obtained from their clients. Although not directly explained in the UUJN and UUJNP, these authorities show that notaries have a significant role in providing trusted and quality legal services to the public. This authority is also the basis for notaries to act with integrity and compliance with professional ethics, so as to maintain public trust in the legal system as a whole .

According to Black's Law Dictionary, authority refers to the right to exercise power in law. Specifically, authority includes the right to exercise power or authority, the right to apply and enforce the law, the right to demand obedience to the law, the right to give orders or instructions, the right to try or decide cases, and the right to control or supervise power.

Notaries have a very important role as public officials in providing services to the community. This role is crucial because the notary is the only public official who has the authority to make authentic deeds. This authority is regulated in Article 15 UUJN and UUJNP which confirms that a notary has the authority to make authentic deeds regarding all acts, agreements and stipulations that are required by statutory regulations or requested by interested parties to be stated in authentic deeds.

The basis for appointing a notary as a public official with the authority to make authentic deeds is explained in Article 1 UUJN. The word "authorized" in the Position of Notary (PJN) is closely related to the provisions regulated in Article 1868 of the Civil Code, which stipulates that an authentic deed is a deed made by or in the presence of a public official who has the authority to do so, in the place where the deed is made. Thus, the notary's authority to make authentic deeds is not only a clear grant of legal rights, but also a strong basis for carrying out their duties in providing quality and trustworthy legal services to the public.

The authority of a notary in making authentic deeds provides legal certainty which is very important for the community. This authentic deed is not only strong evidence for the parties directly involved, but also for other parties who obtain rights from the deed, in accordance with the provisions regulated in Article 1870 of the Civil Code. Thus, notaries

play a crucial role in providing legal certainty regarding legal actions carried out by the public or legal subjects.

Philosophically, the basis for granting notaries the authority to make authentic deeds is to secure legal certainty regarding these legal acts. The evidentiary power of an authentic deed is very large because the deed was made by an official who has the legal authority to do so. This implies that every authentic deed produced by a notary can be relied upon as valid evidence and has convincing legal force in the judicial process and in other legal transactions. Thus, the role of a notary is not only limited to creating legal documents, but also in maintaining the integrity of the legal system and providing fair protection for all parties involved in legal transactions .

Apart from the main function of making authentic deeds, notaries play an important role in the broader process of providing services to the community. One of the crucial responsibilities of a notary is to ensure the certainty of the date the deed was made. This is not just an administrative record, but a guarantee that the legal document has a clear starting point in establishing the rights and obligations of the parties involved. By doing this, notaries make an important contribution to maintaining the integrity and clarity of the legal process, which is vital for justice and legal certainty in society.

In addition, as the custodian of authentic deeds, notaries have the responsibility to store these documents safely and protected from damage or loss. This is an important preventive step to ensure that existing legal evidence remains reliable in the long term. In practice, notaries usually have a structured and secure storage system, which follows strict security and privacy standards in accordance with applicable legal provisions.

The notary also has the obligation to provide a grosse or official copy of the authentic deed to interested parties. Grosse is a copy that has the same legal force as the original and is often needed to fulfill the requirements of certain legal or administrative transactions. The assurance that the grosse issued by the notary is a valid and accurate copy is an additional guarantee for the security of legal transactions carried out by the parties involved.

This entire process is carried out by the notary by complying with legal principles, professional ethics, as well as the provisions regulated in the Notary Position Law (UUJN) and its implementing regulations. The existence of a notary in the legal system ensures that every legal document produced has strong legitimacy and can be legally accounted for. Thus, the role of a notary is not only as a recorder of transactions, but also as a guardian of justice, security and legal certainty in the services provided to the community.

Notary's Responsibilities in Service to the Public are in Accordance with Professional Ethics and Moral Law

The definition of responsibility includes conditions or circumstances where a person must be responsible for everything that happens or the consequences of his actions or decisions. This is closely related to moral and ethical obligations in carrying out an action. Responsibility is not just recognizing the consequences of actions or decisions, but also includes awareness of the impacts that may arise on oneself, other people, or the surrounding environment.

In notaries, responsibility refers to their obligation to act with integrity and compliance with the law and professional ethics. Notaries must be aware that every authentic deed they make has major implications for all parties involved. They must ensure that every action they take not only meets strict legal requirements, but also takes into account wider social and legal impacts.

The moral obligations of notaries include maintaining public trust in the notary institution itself, which requires high integrity in every aspect of their work. The professional ethics of notaries also require them to maintain the confidentiality of client information, provide honest and objective advice, and ensure that the legal procedures they carry out run

with full transparency and accountability. Thus, the notary's responsibility is not only limited to the technical aspects of making authentic deeds, but also involves a deep moral responsibility towards society and the legal system as a whole .

The concept of responsibility proposed by Valerina JL Kriekhoff can be divided into three main things, which reflect moral and ethical obligations in carrying out duties or holding certain roles:

1. Trust

Receiving trust means that a person or institution has a responsibility to maintain the trust that has been given by other parties, such as the public or clients. This trust is not gained instantly, but rather through a good reputation, undoubted integrity and consistent service quality. Notaries, as public officials, must maintain public trust in their ability to produce legal documents that are valid and accountable.

2. Honor

Respect reflects that a person or institution must maintain its good name and dignity in carrying out its duties. This includes not only the obligation to carry out duties professionally, but also with integrity and high morals. For notaries, maintaining honor means carrying out each task in good faith, maintaining the confidentiality of client information, and avoiding conflicts of interest that could damage their professional integrity.

3. Trustworthy

Trust relates to trust or responsibility given to carry out tasks or manage something responsibly. This often includes aspects of trust and integrity in managing the interests of other people or society in general. Notaries have the mandate to manage the process of creating legal documents, such as authentic deeds, with full responsibility so that they not only comply with legal requirements, but also provide fair and impartial protection to all parties involved.

By understanding and internalizing these concepts, notaries can carry out their duties better, ensuring that every action they take not only meets the technical aspects of the law, but also upholds the moral values and professional ethics necessary to maintain public trust and integrity of the legal system as a whole.

Valerina JL Kriekhoff identifies three types of responsibilities that are relevant in carrying out certain tasks or professions:

1. Moral Responsibility

Moral responsibility relates to the ethical and moral obligations of a person or institution in carrying out their duties. This includes awareness of right and wrong values in every action taken. For notaries, moral responsibility involves high integrity in maintaining public trust, carrying out duties with honesty, and respecting moral principles in providing advice and services to clients.

2. Professional Technical Responsibilities

This responsibility is related to the skills and professional standards that must be adhered to in carrying out certain duties or professions. For notaries, professional technical responsibilities include the ability to produce accurate and valid legal documents in accordance with applicable legal requirements. This includes mastery of authentic deed-making procedures, in-depth knowledge of relevant laws, as well as other technical skills required in notarial practice.

3. Legal Responsibility

Legal responsibility includes the obligation to comply with applicable laws and regulations when carrying out certain activities or tasks. For notaries, legal responsibilities involve a deep understanding of the legal framework that regulates their profession, such as the Notary Public Law (UUJN) and its implementing regulations. This ensures that

every action carried out by the notary is in accordance with applicable legal provisions, so that the resulting legal documents have valid legal force and can be accounted for.

By understanding and carrying out these three types of responsibilities simultaneously, notaries can carry out their roles effectively and provide high quality services to the public. Integrity, technical expertise and legal compliance are the main pillars that support the reputation and trust of the notary profession in a country's legal system.

In ethics and morals, responsibility refers to a person's willingness to recognize and accept the consequences of actions or decisions taken. It reflects awareness of the moral values and norms that apply in a particular society or environment. This responsibility includes aspects of awareness of the impact of the action or decision, recognition of mistakes or successes, as well as the obligation to be responsible for all consequences that arise.

In civil law, notaries' responsibilities are primarily seen from the aspect of material truth in the deeds they make. As public officials who have the authority to make authentic deeds, notaries are civilly responsible for the accuracy and correctness of the contents of every deed they legalize. This is a natural consequence of carrying out one's profession which requires accuracy and thoroughness in recording relevant facts.

Legal responsibility for notaries refers to the obligation to carry out duties in accordance with applicable legal provisions, including those regulated in the UUJN. This law provides clear guidelines regarding the procedures that must be followed in making authentic deeds and managing other legal documents. The notary's oath of office, which is regulated in the UUJN, confirms the notary's commitment to acting with high integrity, maintaining the confidentiality of information, and complying with all applicable regulations in carrying out his duties. Thus, moral, civil and legal responsibilities are an integral part of the profession as a notary. They must internalize professional ethical values, ensure the accuracy and truthfulness of every document created, and always comply with applicable laws in order to maintain public trust and the integrity of the legal system as a whole.

The oath of office sworn by a notary before carrying out their duties, as regulated in the UUJN, contains several important commitments that confirm their responsibilities in carrying out their profession:

1. Obedience to the State and Basic Values

Notaries promise to obey and be loyal to the Republic of Indonesia, Pancasila, the 1945 Constitution, UUJN, and other laws and regulations. This confirms the notary's obligation to always comply with the laws and basic values of the Indonesian state, including the principles of Pancasila as the foundation of the state and the 1945 Constitution.

2. Execution of Position with Trust and Integrity

Notaries are committed to carrying out their positions in a trustworthy, honest, thorough, independent and impartial manner. They are expected to carry out their duties with a high level of integrity, honesty in every aspect of their work, as well as being independent and impartial to certain parties in carrying out their notarial functions.

3. Enforcement of the Professional Code of Ethics

Notaries promise to maintain their behavior, attitude and carry out their obligations in accordance with the professional code of ethics, as well as maintaining the honor and dignity of their profession. This includes maintaining reputation and integrity as a notary by complying with applicable ethical norms, as well as being responsible for every action they take in notarial practice.

4. Information Confidentiality

Notaries have an obligation to keep the contents of deeds and other information obtained in the course of their duties confidential. They must maintain the confidentiality of information obtained from clients or other parties involved in the deed-making process,

in an effort to protect their privacy and interests and maintain public trust in their profession.

5. Not Involved in Bribery or Nepotism Practices

The notary promises not to promise anything to anyone to be appointed to his position. They are prohibited from engaging in bribery practices or giving gifts to any party that could influence the appointment process or implementation of their duties as notaries. This aims to maintain independence, integrity and objectivity in carrying out notary duties.

By taking this oath of office, notaries officially commit themselves to carrying out their duties with full responsibility, integrity, and prioritizing the public interest and the trust given to them as public officials in the field of law.

The oath of office sworn by a notary is a commitment that must be upheld as a form of their moral and professional responsibility in carrying out their duties as public officials who have the authority to make authentic deeds and other legal processes. This oath emphasizes the importance of the principles of trustworthiness, honesty, thoroughness, independence, impartiality, and safeguarding the interests of parties involved in legal actions, as regulated in Article 16 Paragraph (1) letter a UUJN.

These principles are not just a formality, but rather reflect the expected professional morals and ethics as well as the responsibilities that every notary must adhere to in carrying out their duties. With the authority to make authentic deeds regarding various acts, agreements and stipulations that are required by law or requested by the parties involved, notaries have several important responsibilities. First, the notary must ensure the certainty of the date the deed was made, so that the information contained in it is accurate and in accordance with existing facts. In addition, the notary takes the serious responsibility of storing the deed, ensuring its existence for future purposes and preventing manipulation or loss. Then, the notary also has the obligation to provide a grosse, official copy, or quotation of the deed to interested parties. This not only fulfills administrative needs, but also becomes valid and accountable evidence in the legal process.

By complying with the oath of office and the principles regulated in the UUJN, notaries maintain their integrity as public officials who can be trusted to provide quality legal services and provide fair and transparent legal protection for the public.

CONCLUSION

- a. The role of a notary is very important in providing services to the public by following moral principles, professional ethics and legal provisions through making authentic deeds as legally valid evidence. One of its main objectives is to provide necessary legal certainty and fair legal protection to all parties involved in legal transactions or agreements.
- b. Notaries hold a great responsibility in providing services to the public, which are based on the moral principles and professional ethics stated in the notary code of ethics in the Notary Position Law (UUJN) and applicable regulations. This confirms the commitment of notaries to carry out their duties with integrity and compliance with applicable legal regulations, so that the public can obtain assurance that every transaction or agreement they make will be handled with utmost care and fairness.

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