

Responsibilities and Legal Protection for Substitute Notaries for Authentic Deeds They Have Made

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Abstract. *A Substitute Notary is someone who is temporarily appointed as a Notary to replace a Notary who is on leave, sick, or temporarily unable to carry out his or her position as a Notary with the aim of ensuring that there is no vacancy in carrying out the duties of the Notary. This research aims to 1) Find out and analyze the Responsibility and Protection for Substitute Notaries for authentic deeds they have made and 2) Find out and analyze the legal consequences for the responsibilities and protection for Substitute Notaries who have issued authentic deeds. This research approach uses a Normative Juridical approach with the research specifications in writing this thesis being analytical descriptive, especially in terms of responsibility and legal protection for Substitute Notaries for the authentic deeds they make. The type of research is qualitative and the data source comes from primary data and secondary data. The conclusions in this research show that in accordance with Article 65 of the Notary Position Law, a Substitute Notary is responsible for the formal form of the Authentic Deed. The responsibilities of a Substitute Notary can be divided into two, namely, responsibilities while still serving as a Notary and responsibilities when no longer serving as a Notary. Legal Protection for Substitute Notaries according to Article 66 of the Notary Position Law, namely through the Honorary Council of Notaries, the Rights and Obligations of Denial, Attaching Letters, Documents and fingerprints to the Deed Minutes, Organization of the Indonesian Notary Association, Supervision of the implementation of the Notary's code of ethics. The legal consequences for the responsibilities and legal protection of a Substitute Notary can be divided into three: (1) civil legal consequences, namely compensation for losses; (2) Administrative legal consequences, namely verbal warning, written warning, temporary dismissal, honorable dismissal and dishonorable dismissal; (3) criminal legal consequences, a Substitute Notary can be punished if he violates the provisions regarding falsification of an authentic deed, provides false information in an Authentic Deed and reveals secrets which he is obliged to keep because of his position.*

Keywords: *Authentic; protection; Responsibility; Substitute.*

1. Introduction

The birth of the position of notary was not deliberately created and then socialized to the public, the position of notary exists because the public needs it. However, currently a notary is a separate position, notaries are not placed in judicial, executive or judicial institutions because notaries are expected to have a neutral position.

Notary is a separate position called a Public Official whose job is to help and serve people in need in the field of civil law, especially in the production of written evidence authentic regarding circumstances, events or legal actions.¹

Currently Law no. 30 of 2004 concerning the Position of Notaries has been updated with Law Number 2 of 2014 concerning the Position of Notaries (hereinafter referred to as UUJN). UUJN is a written law as a measuring tool for the legitimacy of notaries in carrying out their duties and positions.²The definition of a Notary as referred to in Article 1 number 1 UUJN is a public official who has the authority to make authentic deeds and has other authorities as intended in this Law or based on other Laws.

The authority of a Notary as a Public Official is never given to other officials, as long as this authority does not become the authority of another official. In accordance with these provisions, the Notary is the only official who has the authority to make authentic deeds regarding all actions, agreements and stipulations which are required by a general regulation or which the interested parties wish to state in an authentic deed.

Apart from the Notary, other officials who are given the authority to make authentic deeds are:³(1) Consul (based on Conculair Wet); (2) Regional Head or Regional Secretary appointed by the Minister of Justice; (3) Substitute Notary Public; (4) Bailiff at the District Court; (5) Civil Registry Office employees.

Even though this official only carries out the function of a General Official However, they are not public officials. Regarding the authenticity of a Notarial deed, Soegondo Notodisoerjo, stated: that to be able to make an authentic deed, a person must have the position of a "General Official". A "Civil Registry Employee" (*Ambtenaar van de Burgerlijke Stand*), even though he is not a legal expert, a "Civil Registry Employee" has the right to make authentic deeds for

¹Putra Arafaid, 2017, "Legal Responsibilities of Notaries for Deeds in Original", IUS Journal of Law and Justice Studies, Vol. 5, no. 3, p. 511

²Habib Ajie, 2009, Civil and Administrative Sanctions against Notaries as Public Officials, Refika Aditama, Bandung, p. 37,

³H. Budi Untung, 2002, Global Vision of Notaries, Andi, Yogyakarta, p. 43-44

certain things, for example to make birth certificates, marriage certificates, death certificates. Thus he is designated by law as a "Public Official" and is given the authority to make the deed.⁴

A written agreement made by or before a Notary is called a deed. According to Article 1 number 7 UUJN determines that: "A Notarial Deed is authentic deed made by or before a Notary according to form and procedure the method stipulated in this law"

Deeds issued by Notaries provide legal certainty for the public. According to Nursyiwana, a notary is a semi-private person, because he cannot act freely like a private person. Notaries uphold their dignity, therefore for every service provided by a notary, the notary is permitted to receive a fee (honorarium).⁵

The duty of a Notary is to serve the community, he is not limited by time and must be able to work at any time as long as the community still needs legal services. When a notary is sick or temporarily unable to work carrying out his official duties, the notary is obliged to apply for leave which is the right of a notary as a public official.⁶

Notaries can apply for leave if they have held their position for 2 years and if it is less than 2 years, the notary cannot take their leave rights, because leave is the right of a Notary. Leave requests can be submitted one month before the leave start date. The length of the leave application depends on each notary. During the leave period, the Notary must appoint a substitute notary and if he does not appoint a substitute notary, the Regional Supervisory Council (MPD) appoints another Notary to receive the Notary Protocol.⁷In practice, a notary can appoint a replacement notary who is usually one of the employees who has worked in his office for a long time and is deemed capable of replacing him based on the notary's own assessment.⁸

A substitute Notary in carrying out his duties has an obligation to guide everyone who comes to the office to put what the applicant wants into a form of deed,⁹

⁴Kartini Soedjendro, 2001 Agreement on Acquisition of Land Rights with the Potential for Conflict, Kanisius, Yogyakarta, p. 43

⁵Nursyirwan, 2000, Dissecting the Notary Profession, Padjadjaran University, Bandung, p. 3-4

⁶Ni Nyoman Candra Krisnayanti, Ida Ayu Putu Widiati, Ni Gusti Ketut Sri Astiti, 2002, Responsibilities of a Substitute Notary in the event that the Notary being replaced dies before the leave ends, Journal of Legal Interpretation, Vo. 1, No. 1, p. 230-234 (<https://www.ejournal.warmadewa.ac.id/index.php/juinhum>)

⁷Law Number 30 of 2004 concerning Notary Positions, Article 11

⁸Adjie, H., 2007, Indonesian Notary Law, Thematic Interpretation of Law no. 30 of 2004 concerning the Position of Notary, Refika Aditama, Bandung

⁹Manuaba, IBP, Parsa, IW, & Ariawan, IGK, 2018, Principles of Notary Care in make an Authentic deed, Scientific Journal of the Notary Masters Study Program, Vol 1, p. 59-74

because that is one of the authorities of a Notary. The task of a Substitute Notary is to replace the duties of a Notary to provide legal services, so that there is no vacancy.

Before carrying out his position, a Substitute Notary is first appointed by the Minister of Law and Human Rights of the Republic of Indonesia who is then represented by the Regional Office of each region. In carrying out his duties, the Substitute Notary must be guided by the applicable legislation, in this case the Law concerning Position of Notary and other related laws to prevent errors. In carrying out his duties and positions, the substitute Notary sometimes experiences obstacles, because the Substitute Notary is meeting and handling various cases directly for the first time.

The authority, obligations and prohibitions of a substitute Notary are the same as those of a Notary, this is in accordance with the words of Article 33 paragraph 2 "The provisions that apply to Notaries as intended in Article 15, Article 16 and Article 17 apply to Substitute Notaries, Special Substitute Notaries and Temporary Notary Officials, unless this Law provides otherwise."¹⁰

The Substitute Notary's term of duty ends when the Notary's leave period is over, so the Substitute Notary submits the Notary Protocol back to the Notary, 1 (one) day after the leave ends. The handover of the Notary Protocol must be made into an official report which is submitted to the Regional Supervisory Council (MPD), Regional Supervisory Council (MPW) and Central Supervisory Council (MPP).¹¹

The end of the term of office of a substitute Notary does not end the responsibility of the Substitute Notary for the deed he or she has made, meaning that the responsibility of a Notary or Substitute Notary for the authentic deed he or she has made is a lifetime responsibility. The provisions regarding the notary's responsibility for the deed he or she makes are contained in Article 65 UUJN¹²

In Law Number 2 of 2014 Article 66 paragraph (1) there is the word "Approval" which means that it cannot be carried out (summon) if it does not obtain approval from the Regional Supervisory Council. The request for approval aims to

¹⁰Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions.

¹¹Article 34 Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning Requirements and Procedures for Appointment, Leave, Transfer, Dismissal and Extension of the Notary's Term of Office

¹²Law Number 30 of 2004 Jo Law Number 02 of 2014 concerning the Position of Notaries, Article 65, reads: Notaries, Substitute Notaries and Temporary Notary Officials are responsible for every deed they make even though the Notary Protocol has been submitted or transferred to the party holding the Notary Protocol.

maintain the honor and dignity of the Notary as a Public Official, in addition to showing confidentiality and not easily take a photocopy of the minutes of the deed and/or letters attached to the minutes of the deed or Notary's protocol in the Notary's custody and summon the Notary to attend an examination relating to the deed made on the notary's protocol which is in the Notary's custody. The provisions of this law only apply to substitute Notaries who are still carrying out their official duties, so that substitute notaries still receive legal protection. Substitute Notaries who have completed their service do not receive legal protection from the Notary Honorary Council, based on the explanation in Article 65 UUJN Number 2 of 2014, Substitute Notaries who have completed their service must still be responsible for the deeds they make and cannot receive legal protection for them. Legal protection for substitute Notaries who have retired from service is not specifically regulated in the UUJN, so this is a legal vacuum. Article 65 UUJN Number 2 of 2014 is vague norms and give rise to various interpretations regarding the time limit for accountability of a Notary whose term of office has ended.

2. Research Methods

The research method used is normative juridical. The normative juridical research method is research on library materials or secondary data, which includes primary, secondary and tertiary law.¹³ The specifications for this research use analytical descriptiveness, which is a method that functions to describe or provide an overview of the object being studied through the data collected. Data sources used¹⁴ comes from primary data and secondary data. The data collection method used is to explore the normative framework using legal materials that discuss legal theories related to legal responsibility and protection of Substitute Notaries. The data analysis method is the process of systematically searching for and arranging data obtained from interviews, literacy and the laws to be studied and making conclusions so that they are easy to understand.

3. Results and Discussion

3.1. Responsibility and Legal Protection for Substitute Notaries for Authentic Deeds They Have Made

A notary is a public official who has great duties and responsibilities in carrying out his position to work professionally and work around the clock as long as the public needs his legal services. According to Dr. Muhammad Hafidh, SH.,

¹³Soerjono Soekanto and Sri Mahmudji, 2003, Normative Legal Research, A Short Review, Raja Grafindo Persada, Jakarta, p. 13

¹⁴L. Moleong, 2002, Quantitative Research Methods, PT. Rosdakarya Youth, Bandung, Hal. 34-35

M.KN,¹⁵Notaries are required to always be available and there cannot be a vacancy if a Notary is not present or leaves his/her official duties for more than 7 consecutive working days¹⁶ then the Notary is obliged to appoint a replacement Notary¹⁷to continue his duties and position as a Notary, so that there is no vacancy.

The requirements for being appointed as a Substitute Notary are an Indonesian citizen who has a Bachelor of Laws degree and has worked as a Notary office employee for at least 2 (two) consecutive years.¹⁸

After all documents are received by the Ministry of Law and Human Rights, if the administrative requirements have been met, a schedule will be taken for the oath/promise to be taken and the appointment of a replacement notary public. However, if there are any administrative requirements that are lacking or incomplete, they will be rejected by the Ministry of Law and Human Rights.¹⁹There are several parties who have the authority to appoint or inaugurate a replacement Notary Public depending on how long the leave is taken by the Notary. If the leave taken is less than 6 (six) months, they will be appointed by the Regional Supervisory Council (MPD) at City/Regency level, while for leave it is 6 months to 1 (one) year will be appointed by the Regional Supervisory Council (MPW) at the provincial level, and for leave of more than 1 (one) year will be appointed by the Central Supervisory Council (MPP) at the central level.

The implementation of office duties carried out by a Substitute Notary is the same as the Notary who is being replaced, including the authority and

¹⁵Dr. Muhammad Hafidh, SH., M.Kn is a Semarang City Notary & PPAT, Chair of the Semarang City Regional Management of the Indonesian Notary Association, Chair of the Semarang City Regional Supervisory Council of the Indonesian Notary Association, and also served as a Substitute Notary before becoming a Notary. (interview conducted on July 31 2023 at 13.30 WIB at the Notary & PPAT Office of Dr. Muhammad Haridh, SH., M.Kn)

¹⁶Law Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the Position of Notary Article 17 paragraph (1) point (b)

¹⁷Law Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the Position of Notary Article 1 paragraph (3) reads: A Substitute Notary is a person who is temporarily appointed as a Notary to replace a Notary who is on leave, sick, or temporarily unable to carry out duties. his position as a Notary

¹⁸Law Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the Position of Notary Article 33 paragraph (1) and Regulation of the Minister of Law and Human Rights Number 19 of 2019 concerning Requirements and Procedures for Appointment, Leave, Transfer, Dismissal and Extension of Term Notary Position Article 27 paragraph (3)

¹⁹Dr. Muhammad Hafidh, SH., M.Kn is a Semarang City Notary & PPAT, Chair of the Semarang City Regional Management of the Indonesian Notary Association, Chair of the Semarang City Regional Supervisory Council of the Indonesian Notary Association, and also served as a Substitute Notary before becoming a Notary. (interview conducted on July 31 2023 at 13.30 WIB at the Notary & PPAT Office of Dr. Muhammad Haridh, SH., M.Kn)

obligations as stated in Article 33 paragraph (2) UUJN, namely: Provisions that apply to Notaries as intended in Article 4 (related to oaths), Article 15 (authority of the Notary), Article 16 (obligations of Notaries) and Article 17 (prohibitions on Notaries) apply to Substitute Notaries and Temporary Acting Notaries, unless the Law provides otherwise.

In Article 38 paragraph (5) UUJN that the Deed of Substitute Notary and Temporary Notary Official, apart from containing the provisions as intended in paragraph (2), paragraph (3), and paragraph (4), also contains the number and date of appointment determination, as well as the official who picked it up.

Notary as a continuous position, especially for Substitute Notaries, is obliged to continue the Notarial deed number, *warmarking*, and legalization of the Notary who replaced him into the relevant list, meaning that the Replacement Notary did not create a deed number, *warmarking*, legalization, and the book itself, but continuing from the Notary who is being replaced, which later, when the term of office of the Substituting Notary is over, will be handed back to the Notary who will be replaced by making a Protocol Handover Minutes from the Substituting Notary to the Notary being replaced.²⁰

The UUJN does not explicitly regulate the responsibilities of substitute notaries who do not carry out their authority and obligations or carry out their authority and obligations which may harm other parties. A Substitute Notary is responsible for the formal and material correctness of the deed he or she makes if the Substitute Notary is proven in court that the Substitute Notary was careless or intentional to the detriment of the parties. In other words, an Authentic Deed ratified by a Substitute Notary can be said to be void in a court decision so that the holders of the deed will feel that they have been harmed by the deed, so the Notary must be responsible for what he or she has done.

According to Hans Kelsen, an individual must be responsible for what he does, so a Substitute Notary must be responsible for the authentic deed he made himself. This is in accordance with Article 65 UUJN which reads: "Notaries, Substitute Notaries and Temporary Notary Officials are responsible for every Deed they make even though the Notary Protocol has been submitted or transferred to the party holding the Notary Protocol."

Dr. Muhammad Hafidh, SH., M.kn, said that,²¹Basically, the Notary is not responsible for the contents of the deed made before him because the contents

²⁰Habib Adji, 2022, Understanding and Applying Covernotes, Legalization of Warmarking in Carrying Out the Duties of a Notary Position, PT. Refika Aditama, Bandung, p. 47

²¹Dr. Muhammad Hafidh, SH., M.Kn is a Semarang City Notary & PPAT, Chair of the Semarang City Regional Management of the Indonesian Notary Association, Chair of the Semarang City Regional

of the deed are the agreement and wishes desired by the parties. So the Notary in this case is only responsible for the formal form of the authentic deed, as stipulated in the Law. If there is an error in the contents of the deed, the Notary concerned cannot be held responsible because the Notary only records all the information he obtains from the parties present.²²

According to Dr. Muhammad Hafidh, SH., M.Kn,²³ The responsibilities of a Substitute Notary can be divided into two, namely: (1) The Substitute Notary is responsible for the authentic deed that he or she made while the Substitute Notary was still serving as a Notary, namely in accordance with Article 51 UUJN, the Substitute Notary while still in office must submit to and Complying with the Notary Professional Code of Ethics, the aim is for notaries to truly carry out their duties professionally, morally and skilled in rational argumentation.²⁴; (2) The Substitute Notary is responsible for the authentic deed he or she makes after the term of office is over, meaning: "The Substitute Notary is responsible for the deed he or she makes even though the notarial protocol is handed over or transferred to the party holding the Protocol", namely the civil responsibility of the Substitute Notary. , if the authentic deed he makes does not comply with the provisions of the Law (Article 38 UUJN) which results in the Deed being degraded to a private deed, in addition to that he is criminally liable, if in making the authentic deed there are elements of forgery, fraud, coercion, and/ or the Notary discloses the secret of the position entrusted to him (Article 322 paragraph (1) of the Criminal Code)

Legal protection for Notaries in carrying out their duties and authority for the implementation of service functions and achieving legal certainty in providing services to the public, has been regulated and stated in Article 66 UUJN. Article 66 of the UUJN regulates the establishment of a Notary Honorary Council

Supervisory Council of the Indonesian Notary Association, and also served as a Substitute Notary before becoming a Notary. (interview conducted on July 31 2023 at 13.30 WIB at the Notary & PPAT Office of Dr. Muhammad Haridh, SH., M.Kn)

²²Eudea Adeli Arsy, Hanif Nur Widhiyanti, Patricia Audrey Ruslijanto, 2021, Notary's Responsibility for Deeds that are Legally Defective and Do Not Comply with the Provisions for Making Deeds in the Law on Notary Positions, *Jurnal Bina MULia Hukum*, Vol. 6, no. 1, url:<https://jurnal.fh.unpad.ac.id/index.php/jbmh/issue/archive>, p. 135 (accessed on August 20, 2023 at 16.31)

²³Dr. Muhammad Hafidh, SH., M.Kn is a Semarang City Notary & PPAT, Chair of the Semarang City Regional Management of the Indonesian Notary Association, Chair of the Semarang City Regional Supervisory Council of the Indonesian Notary Association, and also served as a Substitute Notary before becoming a Notary. (interview conducted on July 31 2023 at 13.30 WIB at the Notary & PPAT Office of Dr. Muhammad Haridh, SH., M.Kn)

²⁴I Gusti Ayu Ria Rahmawati, I Nyoman Putu Budiarta, Ni Gusti Ketut Sri Astiti, 2020, "Responsibilities of Notaries for Authentic Deeds They Make Regarding Retirement Periods", *Journal of Legal Construction*, Vol. 1, No. 2, URL:<https://www.ejournal.warmadewa.ac.id/index.php/jukonhum>, p. 331 (accessed on 20 August 2023 at 15.40 WIB)

(hereinafter referred to as MKN) consisting of representatives of Notaries, the Government and academics, which functions as a legal protection institution for the Notary's Office in relation to deeds made by or before him.

According to Fitzgerald's theory of legal protection, legal protection is the protection of certain interests that can only be done by limiting the interests of other parties. Normative legal protection for Notaries and substitute Notaries has been provided by the applicable laws and regulations.

The process of legal protection for a Substitute Notary for the Authentic Deed he or she makes is divided into two, namely:

a. Legal Protection Process for Substitute Notaries while still carrying out their duties as a Substitute Notary, namely

1. In the case of summoning a Notary for the purposes of the investigation, prosecution and trial process, and taking photocopies of the minutes of the deed and/or letters attached to the Minutes of Deed or Notary's protocol in the Notary's custody must be approved by the Notary's Honorary Council.²⁵

2. Legal protection process for Substitute Notaries in terms of making Deeds

The process of protecting yourself in making a deed is by making clauses in the draft deed that can secure or protect the Notary from all demands from the parties. Apart from that, the Notary must also attach/attach documents and fingerprints of the parties with the intention that they can become proof that the parties agree to the making of the deed and are responsible for the contents of the deed.

b. Legal Protection Process for Substitute Notaries when not serving as Public Officials

The notary is only responsible for the formal form of a deed, while for the contents of the deed, the notary has the right to deny or keep it secret. So, legal protection is only the rights and obligations of denial. But usually, if the Notary makes the deed in accordance with the applicable rules and regulations, the Notary can receive legal protection from INI in the form of legal assistance.

3.2. Legal Consequences of Responsibility and Legal Protection for Substitute Notaries Who Have Issued Authentic Deeds

²⁵Law Number 30 of 2004 concerning Amendments to Law Number 2 of 2014 concerning Notary Positions, Article 66

Substitute Notaries in carrying out their duties and positions must adhere strictly to the applicable regulations. This rule is also a requirement for a deed to be an authentic deed. The authenticity of the deed arises because formal obligations have been carried out in making the deed. The importance of the formal truth of a deed can be seen by the presence of special deed witnesses who are present to provide testimony that the process of making the deed has fulfilled the formal requirements for making an authentic deed.

Regarding errors in unlawful acts, civil law does not differentiate between errors caused due to the perpetrator's intention, but also due to the perpetrator's mistake or carelessness. This provision is in accordance with what Riduan Syahrani stated as follows: "not be careless".²⁶A notary who makes a deed turns out not to be in accordance with his/her authority, this could happen on purpose or due to negligence, which means it is wrong so that the element of having to be an error is fulfilled, it can result in an authentic deed being degraded into a signed deed which only has the power of personal evidence.

The deed made by the Substitute Notary can have legal consequences, namely:

1. Civil legal consequences

A Substitute Notary as an official who makes an authentic deed, if an error occurs, whether intentional or due to negligence, which results in another person (as a result of the deed being made) suffering losses, which means that the Substitute Notary has committed an unlawful act. If an error committed by the Notary can be proven, the Notary may be subject to sanctions in the form of threats as determined by law. As intended in Article 84 UUJN²⁷which stipulates that "it can be a reason for parties who suffer losses to demand reimbursement of costs, compensation and interest from the Notary".

According to Dr. Muhammad Hafid, SH., M.Kn,²⁸Based on Article 84 UUJN, which is an element of a Notary, civil action can be sued because the authentic deed made by the Notary is degraded to a private deed which only has the strength of

²⁶Riduan Syahrani, 1998, *Ins and Outs and Principles of Civil Law*, Alumni, Bandung, p. 279

²⁷Article 84 reads: Acts of violation committed by a Notary against the provisions as intended in Article 16 paragraph (1) letter I, Article 16 paragraph (1) letter K, Article 41, Article 44, Article 48, Article 49, Article 50, Article 51, or Article 52 which results in a deed only having evidentiary power as a private deed or a deed becoming null and void by law can be a reason for the party who suffers losses to demand compensation for costs, compensation and interest from the Notary.

²⁸Dr. Muhammad Hafidh, SH., M.Kn is a Semarang City Notary & PPAT, Chair of the Semarang City Regional Management of the Indonesian Notary Association, Chair of the Semarang City Regional Supervisory Council of the Indonesian Notary Association, and also served as a Substitute Notary before becoming a Notary. (interview conducted on July 31 2023 at 13.30 WIB at the Notary & PPAT Office of Dr. Muhammad Haridh, SH., M.Kn)

proof as a hand-held deed. As a result of the deed being degraded, one of the parties involved in making the deed felt aggrieved by the Notary's actions, so the Notary was made one of the Defendants.

2. Administrative Legal Consequences

Apart from civil sanctions, a Substitute Notary can also be subject to administrative sanctions in the form of a verbal warning, written warning, temporary suspension, honorable dismissal and dishonorable dismissal if he violates several articles regulated in Article 85 UUJN²⁹.

3. Criminal Legal Consequences

A notary can also be subject to criminal sanctions regarding a deed he or she makes if it fulfills the elements relating to the articles in the criminal law. Criminal sanctions related to Notarial deeds that can be given to Notaries include investigators, public prosecutors and judges who will include acts that violate the provisions, namely: Forging authentic deeds, etc., and deliberately using authentic deeds, etc. which is fake or falsified (Article 264 of the Criminal Code), and Ordering to include a false statement in an authentic deed (Article 266 of the Criminal Code)

Apart from the elements of forgery and including false information, a Notary can be subject to criminal threats if someone makes a complaint regarding a Notary disclosing the secrets of the position entrusted to him.³⁰

4. Conclusion

The normative legal protection for Substitute Notaries has been provided by the applicable laws and regulations, namely: (1) Legal protection regarding the rights and obligations of the renegade; (2) attach letters, documents and fingerprints to the minutes of the Deed; (3) Notary Honorary Council (MKN); (4) Organization of the Indonesian Notary Association; (5) Supervision of the implementation of the Notary's code of ethics. Apart from these five protections, you can protect yourself by drafting an authentic deed that creates clauses that can protect your own Substitute Notary.

5. References

²⁹Article 85 reads: Violation of the provisions as intended in Article 7, Article 16 paragraph (1) letter a, Article 16 paragraph (1) letter d, Article 16 paragraph (1) letter e, Article 16 paragraph (1) letter f, Article 16 paragraph (1) letter g, Article 16 paragraph (1) letter h, Article 16 paragraph (1) letter l, Article 16 paragraph (1) letter j, Article 16 paragraph (1) letter k, Article 17, Article 20, Article 27, Article 32, Article 32, Article 37, Article 54, Article 58, Article 59, and/or Article 63.

³⁰Criminal Code, Article 322 paragraph (1) and paragraph (2)

Adjie, Habib., 2007, Indonesian Notary Law, Thematic Interpretation of Law no. 30 of 2004 concerning the Position of Notary, Bandung: Refika Aditama

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