



REQUIREMENT OF LEGAL PROTECTION FOR RIGHTS P I AS A FORM OF LIABILITY FOR NOTARY NEGLIGENCE IN MAKING AUTHENTIC DEEDS

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| Article history: | Abstract: |
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| Received: 26 th May 2023 Accepted: 26 th June 2023 Published: 26 th July 2023 | Negligence in making authentic acts that cause some damages to the parties can be asked to respond to the notary for his presence. The purpose of this research is to analyze how notary responsibility and legal protection forms for the parties against notary negligence in the making of authentic acts . Methods used in this study with a type of normative legal research that is a library legal research or secondary data with sources of primary legal materials, secondary and tertiary. According to the results of the research that as a form of notary responsibility for negligence in the drawing of the act, notaries may be subject to sanctions and the parties are given legal protection to guarantee legal certainty. |
| Keywords: Notary Responsibilities , Negligence Notary , Legal Protection Make Deed | |

INTRODUCTION

Notary as authorized general in make deed authentic burdened not quite enough answer on s deed in connection with his job in make deed te rs grab , Not quite enough answer Notary Public in operate task position based on code ethics Notary Public poured in Article 4 of the law position notary . Then How protection law for the parties to negligence notary s in make deed authentic mentioned and deep form What notary s responsible answer on s negligence in make deed authentic mentioned . As in some Decision Case Litigation with Number : 51 PK/TUN/2013, Decision Court Number 74/PDT/2021/PT BTN and Decision court Number 40/ Pid . B/2013/PN Lsm . Notary Public must responsible answer if on deed he made there is Negligence . Legal remedies to Negligence committed by a notary can harm the other party has to accounted for by a notary and is form protection law against the parties . Based on things that have explained so writer interested Fordo studies case entitled : Legal Protection for the Parties Form Responsibility for Negligence Notary is In Making Deed Authentic.

METHOD

The method is the main way used to describe something by using the mind carefully to achieve a goal. While research is a principal means in the development of science and technology. According to Soerjono Soekanto, the notion of legal research methods is a scientific activity, which is based on certain methods, systematics, and thoughts that aim to study one or several certain legal phenomena, by way of analyzing them. Normative legal research, namely legal research conducted by researching library materials or library law research. This research is a process to find legal rules, legal principles, and legal doctrines, which move from the blurring of Norms in the Legal Position. Normative law research is legal research that examines law that is conceptualized as norms or rules that apply in society, and becomes a reference for everyone's behavior.

Types and Sources of Legal Materials Types and sources of legal materials used in normative legal research, consist of Primary Legal Materials Primary legal materials, namely legal materials that are authoritative and binding. In addition, applicable international law rules (treaties, conventions, etc.), court decisions and commercial and non-commercial contracts are also primary legal materials. Secondary Legal Materials Secondary legal materials are all publications about law that are not official documents as legal material that provide an explanation of primary legal materials, such as draft laws, draft regional regulations, research results, works from legal circles that are relevant to the legal issues being studied. Tertiary Legal Materials Tertiary legal materials are materials that provide instructions and explanations of primary and tertiary legal materials, such as dictionaries, encyclopedias, cumulative indexes, and so on.

RESULTS AND DISCUSSION

A. Form Of Notary Liability For Negligence In Making Authentic Deeds

Notary wrong one official general have role important inside ensure certainty law, order and protection law through deed authentic made by and before him, Deed made Notary, must can give certainty law about what is stated in it has truly happen or is the right things explained by the attending parties facing. Notary is s wrong one official general have role important inside ensure certainty law, order and protection law through deed authentic made by and before him, then deed authentic is right tool strong evidence and when happen s dispute in Court except da p at proven the untruth, so deed Notary give something perfect proof na as mentioned inside to the parties who made it. If happen something s dispute to deed mentioned so deed mentioned a canceled or null and void.

Deed Notary Public own role important in A proof of having strength binding law for the parties implementing it. Strength proof the become the formal requirements required for the deed Notary Public can apply as authentic deed. So that strength proof formally or materially from deed authentic the can become strength strong evidence. Strength Formal proof is certainty that something events and facts the in deed truly carried out by a notary and explained by the parties who appear to notary, meanwhile strength Material proof is certainty that what is that in deed is valid proof against the parties who made it deed or those who got rights and valid For general, except There is proof otherwise.

Deed in the process of making has in accordance procedures regulated by law related with making deed authenticated by Notary, will ensure characteristic authentic deed the as well as certainty law for the parties or subject in deed the.¹

All regulation law indeed aim toward balance from various interest such, because regulations law only results from deed human and one man is characteristic No perfect, then Already goods Of course all regulation law That contain traits that are not perfect too.² This associated with profession Notary, then basically Notary Public in operate task position can just do something error or the infringement civil matter This can requested something accountability, though matter the related with truth material from deed made before him.³

Task as well as position carried out by a Notary No just work mandated by law, will but more from it. it is implementation something function social have important position that is related with trust society.⁴

Related with matter that, Hermen reward Koeswadji state that in a manner general connection engagement between Notary and his client arranged in Article 1320 Civil Code.⁵

However related with implementation authority about making deed, Notary must always Act be careful, and also Notary must researching relevant facts related with considerations based on regulations applicable laws tie to him. Notary Public must researching related matters with completeness, validity the things that are made proof as well as documents brought or filed to Notary, and heard information or statement from the parties facing. such thing is obligation as something base consideration For later poured in deed to be he made. If in matter Notary Public No thorough in inspect facts related matters with matter such, then Notary Public can said in operate duties and powers with No be careful.⁶

Vice versa, if Notary whose job is also to provide service to public or people in need his services in endorsement or making something deed, then inside deed That there is something contrary clause for example with law, so raises loss towards other people, while the parties facing The same very No know it, then with attitude passive or shut up That concerned notary can imposed Article 1365 of the Civil Code.⁷

Legally, Notary as official responsible public answer make deed Authentic can burdened not quite enough answer on deed in connection with his job in make deed authentic these include:

1. Notary Responsibilities kindly Civil

related with accountability from profession Notary Public in operate task position is related with accountability in a manner civil. Accountability This is consequence logical must requested to somebody profession inside law carry out his job. As for accountability the No only based on moral but also based on law. such thing This leave from thinking that all something someone does must can requested something accountability.⁸

Related with matter mentioned above, R. Wirjono Prodjodikoro state that accountability on deed somebody usually practical new There is meaning when that person do actions that are not permitted by law and in part big from deeds like This is something inner action Civil Code named with deed violate law.⁹ Deeds oppose law arranged in Civil

¹Habib Adjie, *Cancellation and Cancellation Deed Notary*, Refika Aditama, Surabaya, 2010 p. 19

²Nico, *Responsibility Notary Public as Official General*, Center for Documentation and Studies of Business Law (CDSBL), Yogyakarta, 2003, page 97

³ *Ibid.*

⁴ Kartikosari, H., & Sesung, R. *Limitations Amount Making Deed Notary by the Central Honorary Board of Association Indonesian notary*. Journal Al'Adl, 9(2), 245-262, 2017 p. 249.

⁵Nico, *Responsibility Notary Public as Official General*, Center for Documentation and Studies of Business Law (CDSBL), Yogyakarta, 2003, page 97

⁶ Fikri A. R., *Application Principle Precautions Notary Public In Getting to Know the Appearances*, Journal of Law, 2 (3), 2018 423-440, p. 425

⁷Nico, *Responsibility Notary Public as Official General*, Center for Documentation and Studies of Business Law (CDSBL), Yogyakarta, 2003, page 87

⁸ *Ibid.* p. 84

⁹R. Wirjono Prodjodikoro, *Principles of Civil Law*, Cet.9, Sumur Bandung, 1983, p. 80.

Code Book III Chapter III about The agreements that were born for the sake of law in Article 1365 " every deed violate bringing law loss to people, oblige people who because his fault publish loss it , replace loss the " until with article 1380

Deeds oppose law when associated with profession Notary , then can said that if Notary inside operate task position with on purpose do something actions that harm one or both sides side facing in making something deed and thing That truly can known , that something done by a Notary for example contrary with law , then Notary Public can requested accountability based on Article 1365 of the Civil Code .¹⁰

Accountability This is consequence logical must requested to somebody profession inside law carry out his job . As for accountability the No only based on moral but also based on law . such thing This leave from thinking that all something someone does must can requested something accountability .¹¹

Not quite enough answer Notary Public as official general covers not quite enough answer profession Notary Public That related themselves with deed , including :¹²

2. Notary Responsibilities kindly Criminal

Criminal in matter This is deed crime committed by a person Notary Public in capacity as official authorized general make deed , no in context individual as citizens in general . Elements in deed criminal includes :¹³

1. Deeds human ;
2. Fulfil formula regulation legislation , that is apply principle legality , nullum delictum nulla poena sine praevia lege poenali (no There is prohibited and punishable acts with criminal If matter the No or Not yet stated in law);
3. characteristic oppose law .
4. Not quite enough answer Notary Public based on Constitution Position Notary (UUJN).
5. Not quite enough answer Notary Public in operate task position based on code ethics notary . this confirmed in Article 4 UUJN regarding oath position notary .

Basically as profession , position Notary Public can punished in a manner criminal , if can proved in court , that in a manner on purpose Notary Public together with the parties / appearers For make deed with intents and purposes profitable party or facing certain just or harm another proponent . When p This proved , then Notary Public the must punished .¹⁴

In the UUJN it is regulated that when Notary Public in operate task position proven do offence , then Notary Public can imposed or dropped sanctions , in the form of penalty civil , administrative , and code ethics position notary . Sanctions the has such kind , fine previously in PJJN as well Now in UUJN and code ethics position notary , which is not arrange exists penalty criminal to notary . In practice found reality that something action law or violations committed Notary Public Actually can sentenced penalty administration or civil or code ethics position notary , but Then pulled or qualified as something follow crime committed by a notary .¹⁵

3. Not quite enough Reply Notary kindly Administrative And Code of Ethics

Not quite enough answer administration Notary Public is application regulation position Existing notary in relation with profession notary in Indonesia based on Constitution replacement number 2 of 2014 Number 30 of 2004 concerning Position Notary (UUJN).

In carry out position as a Notary Public must truly hold on stick to UUJN and Code of Ethics Notary . this aim so a Notary Public can guard credibility and professionalism in operate position .

In Constitution Position Notary Public Give authority to Bond Indonesian Notary (INI) for compile code existing ethics _ now and is addition from UUJN where as explanation or explanation addition from UUJN provisions . Compiled code of ethics become norms or regulation about ethics . Special for Notary Public about ethics has arranged in UUJN, however For know existing provisions in UUJN included in room scope code ethics presumably need There is interpretation that , in order to be able to is known with clear punishments in a technical sense is discipline from UUJN provisions .

Not quite enough answer according to Valerina JL Kriekhoff related with 3 (three) things , namely : get trust , is honor and is trust .¹⁶ Furthermore he said that there is three type not quite enough responsibility , that is : responsibility moral responsibility , responsibility answer technical profession and responsibility answer law .¹⁷

¹⁰Nico, *Responsibility Notary Public as Official General* , Center for Documentation and Studies of Business Law (CDSBL), Yogyakarta, 2003, page 86

¹¹Nico, *Responsibility Notary Public as Official General* , Center for Documentation and Studies of Business Law (CDSBL), Yogyakarta, 2003, p.84

¹²M. Nur Rasaid , *Civil Procedure Law* , Sinar Graphics , Jakarta, 2005, pp. 35-49

¹³ *Ibid.*

¹⁴Habib Adjie, *Indonesian Notary Law (Thematic Interpretation To Constitution Number 30 of 2004 concerning Position Notary)* , Printing Second , Refika Aditama , Bandung, 2009, page 24.

¹⁵Habib Adjie, *Sanctions Civil and Administrative To Notary Public As Public Officials* , Print 2, Refika Aditama , Bandung, 2009, page 120.

¹⁶ Valerine JL Kriekhoff , *Professional Responsibility* , Faculty of Law, University of Indonesia, Jakarta, 2007 , p . 2.

¹⁷ Valerine JL Kriekhoff , *Professional Responsibility* , Faculty of Law, University of Indonesia, Jakarta, 2007 , p . 2.

Whereas responsibility law to a Notary Public in operate profession according to Lanny Kusumawati classified in 2 (two) forms namely :¹⁸

1. Civil Law Responsibilities , if Notary Public do error Because disavow promise as has been determined in provision Civil Code Article 1234 or deed violate law as specified _ in provision Civil Code Article 1365. Against error the has raises loss party client or party other .
2. Criminal Legal Responsibility , whenever Notary Public has do deed law which is prohibited by law or do mistakes / deeds oppose law Good Because on purpose or negligent causing loss on the part other .

According to Hans Kelsen about responsibility law stated " Someone responsible answer in a manner law on something deed certain or that he carry not quite enough answer law , subject means that he responsible answer on something penalty in matter contrary deeds " ¹⁹. As well as Failure For do caution required by law _ called negligence ; and oversight usually looked at as One another kind of error (culpa), though No as loud fulfilled error _ Because anticipate and will , with or without Meaning evil , harmful consequences . ²⁰

It makes the parties need certainty necessary law protected . Protection law the is form protection law for the parties According to satjipto Rahardjo , Protection law is give protection to right basic human rights (HAM) that are harmed by others and protection That given to society so they can enjoy all rights granted by law . ²¹

B. Legal Protection For The Parties For Notary Negligence In Making Authentic Deeds

Basically protection law for the parties on negligence Notary Public there is in law number about position notary , basically Deed Notary Public indeed is deed of interested parties , no the deed The notary concerned , because that's in matter happening dispute from included agreement in deed Notary made for them and before Notary Public then bound is those who held agreement That myself , meanwhile Notary Public No bound For fulfil promise or obligation whatever as stated in deed Notary made before him and the notary The same very outside those who become parties .

However in Article 1366 of the Civil Code stipulates that " everyone is responsible No just For losses caused Because his deeds , but also for losses caused Because negligence or not enough be careful ". Then inside Article 1367 of the Civil Code , states that " someone No just responsible For losses caused Because his deeds itself , but also for that which is caused Because the deeds of those who become his dependents or caused by the items below supervision " .

Legal remedies to violation or mistakes made by a notary who can harm the other party can done in accordance with type suspected violations / mistakes done by a notary .

1. Report to Assembly Supervisor Notary Public

In matter Notary Public suspected violate code ethics Notary Public or violation implementation position Notary Public as arranged in Constitution Position Notary, then effort law that can done is with report matter the to Assembly Regional Superintendent for checked and implemented trial .²² Next , the fall penalty carried out by the Assembly Territory and Assembly Superintendent Central Superintendent accordingly with respective ²³authority.

As for the ordinances drop penalty administrative to Notary Public in seen in [Permenkumham 61/2016](#)

For Eliminate sanctions as above dropped to Notary by the Assembly Supervisor Regional Notary and Assembly Supervisor Central Notary, then especially formerly Assembly Supervisor Regional Notary is present do supervision and coaching. Supervision and Guidance carried out by the Assembly Supervisor Regional Notary is based on the report Good from public or aggrieved party on guess violation behavior and execution position Notary Public or can also originate from implementation authority Assembly Supervisor can obtained from :²⁴

Procedures and ordinances reporting done with way , reports complaint must made in letter written accompanying Indonesian with possible evidence _ be held accountable as well as addressed to Assembly Supervisor Regional Notary , if report addressed to Assembly Supervisor Territorial Notary , then Assembly Supervisor Regional Notary forward to Assembly Supervisor Authorized Regional Notary , likewise if report be delivered to Assembly Supervisor Central Notary , then Assembly Supervisor Central Notary will forward To Assembly Supervisor Authorized regional notary . Every report complaint addressed to Assembly

¹⁸Lanny Kusumawati . (2006). Position Responsibilities _ Notary . Bandung: Refika Aditama , h. 49

¹⁹Hans Kelsen , as translated by Somardi , *General Theory Of Law and State, Theory General Law and the State, Fundamentals of Normative Law As Descriptive Legal Studies Empiric* , BEE Media Indonesia, Jakarta, 2007, page 81

²⁰ *Ibid.*, p. 83

²¹ satjipto Raharjo , *Legal Studies* , PT. Citra Aditya Bakti , Bandung, 2000, p. 69

²²Indonesia, Law Number 2 of 2014 concerning Top Changes Number 30 of 2004 concerning J abatan Notary s , article 70

²³ *Ibid* , Article 73 paragraph 1 letter e

²⁴Indonesia, Regulation of the Minister of Law and Human Rights Man Republic of Indonesia Number 15 of 2020 Concerning Examination Procedures Assembly Supervisor To Notary , Article 8

Supervisor Regional Notary is required recorded in the incoming letter book by the secretary Assembly Supervisor Regional Notary , As for registration the includes :²⁵

1. Identity Whistleblower and reported ;
2. Submitted Report to Chairman Assembly Supervisor Regional Notary ;
3. Evidence/ facts law as well as attachment document other .

If recording as the has complete , then Secretary Assembly Supervisor Regional Notary did administration a report in the ²⁶case register book containing :

1. Case register number and date ;
2. Number and date letter report ;
3. Reporting Name ;
4. Name of the Reported Party ;
5. Attachment evidence or information others considered need done recording .
6. Names of chairman , members , and secretary Assembly Examiner who has established and determined by the Assembly Supervisor .

Task end from Assembly Supervisor Top Regional Notary implementation inspection report as above is convey report results inspection to Assembly Supervisor Regional Notary with Cover Letter copied to Rapporteur , Reported Party , Assembly Supervisor Central Notary and Regional Management Association Indonesian Notary no later than 30 (thirty) days counted since report noted in the case register .

Assembly Supervisor Notary Public Alone is an entity that has authority and obligation For carry out supervision and coaching to Notary . ²⁷Ordinances _ Supervision to Notary Public held as UUJN regulated as following :²⁸

- 1) Supervision on Notary Public carried out by the Minister;
- 2) In carry out supervision as meant in paragraph (1) the Minister establishes Assembly supervisor ;
- 3) Assembly Supervisor as referred to in paragraph (2) totaling 9 (nine) people, consisting of from elements :
 - a. Government as many as 3 (three) people;
 - b. Organization Notary Public as many as 3 (three) people;
 - c. Expert or academics as many as 3 (three) people
- 4) In matter something area No there is element agency government as referred to in paragraph (3) letter a, membership in Assembly Supervisor filled from other elements appointed by the Minister.
- 5) Supervision as referred to in paragraph (1) includes behavior Notary and implementation position Notary .
- 6) Provision about supervision as referred to in paragraph (5) applies for Notary Public Substitutes and Officers Temporary Notary .

Supervision to performance Notary Public done in a manner tiered , Start from Assembly Supervisor Regional Notary , Assembly Supervisor Regional Notary and Assembly Supervisor Central Notary .²⁹ Provision About Assembly Regional Superintendent , regulated in Article 69 UUJN Number 2 of 2014. And in carry out his job Assembly Regional Supervisors are based on the authority that has been arranged in Regulation of the Minister of Law and Human Rights Man Republic of Indonesia Number 16 of 2021 concerning Arrangement Organization and Working Procedures , Procedures Appointment and Termination as well as Budget Assembly Supervisor notary ,

Notary basically is official general appointed and dismissed by the Minister of Law and Human Rights Man Republic of Indonesia, then supervision and inspection to Notary Public carried out by the Minister of Law and Human Rights Man deep Republic of Indonesia implementation carried out by the Assembly Supervisor Authorized notary do coaching and supervision to Notary , as well do inspection to guess violation behavior and execution position Notary formed by the Minister of Law and Human Rights Man Republic of Indonesia.

2. Do lawsuit in a manner Civil

In matter Notary Public suspected violate provision civil , that is If the act in question considered detrimental , then Notary Public the can being sued to District Court based on Article 1365 of the Civil

²⁵ *Ibid*, Article 10 paragraph (2)

²⁶ *Ibid*, Article 11 paragraph (1)

²⁷Indonesia, Regulation of the Minister of Law and Human Rights Man Republic of Indonesia Number 15 of 2020 Concerning Examination Procedures Assembly Supervisor To Notary , Article 1 paragraph (2)

²⁸ Constitution Republic of Indonesia Number 2 of 2014 concerning Change on Constitution Number 30 of 2004 concerning Position Notary . Article 67

²⁹ *Ibid.*, Article 68

Code about deed violate law (onrechtmatige daad) which spawns loss on the part others , give liability of the person due the mistake do it publishing loss such , do replacement loss That although loss the done by workers Notary Public That alone .

Penalty civil is sanctions given for mistakes Because default , as well as action in do legal resistance , sanctions that is shaped replacement charge , replace loss and interest is later impact felt in the lawsuit of the person facing it If related deed open secrecy so that is known public general .³⁰

In Constitution Number 2 of 2014 concerning Changes to the Law Number 30 of 2004 concerning Position Notary Public explain that Notary Public is official authorized general For make deed authentic and own authority other as meant in Constitution This or based on Constitution other .³¹

Notary Public as official general working make deed authentic connected with duties and powers in UUJN, that Notary Public duty and authority make deed authentic about all deeds, agreements, and provisions required by regulations legislation and/ or as desired by interested parties For stated in deed authentic , guaranteed certainty date making deed , save deed , give grosse , copies and excerpts deed , everything That throughout making deeds That not assigned either or excluded to other officials or other people determined by law.³²

That role Notary Public connected with functions, duties and powers based on UUJN is serve community (stakeholders) in need tool proof written character authentic about events and/ or deed the desired law based on regulation legislation that action law certain must made in form deed authentic .

3. Do reporting in a manner Criminal

Besides report to Assembly Regional Superintendent and sue in a manner civil law , the aggrieved party can report in a manner criminal . A Notary Public can sentenced When the notary suspected violate law criminal, then can reported to party police force .

If deed the raises case for interested parties , notary can demanded For convicted . Provision Article 66 UUJN characteristic imperative for party Police, Attorney, or Judge.

Although matter This No arranged in a manner special in Constitution Position Notary and its changes , imposition penalty criminal the done based on stipulated conditions in regulation containing legislation penalty criminal like Criminal As for the ordinances do report to police is Based on Article 1 point 24 KUHAP (Criminal Code) , submitted report to police refers to a notice delivered by a person Because right or obligation based on Constitution to authorized official , with trust has or currently or suspected will happening incident criminal .

All form action criminal can you report to party police force . For entitled party submit report cops , everyone on the inside report something incident . Everyone who experienced , saw , witnessed , and/ or fall victim to follow criminal entitled For submit reports to investigators and/ or investigator Good in a manner oral nor written .

Report Can filed under conditions offense normal alias delict that can processed directly by investigators without exists agreement from the victim or aggrieved party . A number of example from offense normal the like case murder (Article 338 of the Criminal Code), robbery (Article 365 of the Criminal Code), theft (Article 362 of the Criminal Code), assault (Article 351 of the Criminal Code), and rape (Article 285 of the Criminal Code).

Deadline ending prosecution This depending on time expired case alone . Expiration time case its nature different , with range time start from 1 to 18 years .

Provision about expired or time expired follow criminal This contained in article 78 of the Criminal Code. The influencing factors range time is qualification or type follow crimes committed , as well heavy or lightness threat the criminal . Check out the following This time expired demands For follow criminal the . Authority demand penalty removed because expired :

1. Expiration time For follow crime committed with printing is after One year
2. Expiration time For follow punishable punishment with criminal fine , criminal confinement , or criminal maximum imprisonment of three year is after six year
3. Expiration time For follow punishable punishment with criminal prison more from three year is after twelve year
4. Expiration time For follow punishable punishment with criminal dead or criminal prison lifetime life is after eight mercy year
5. If so perpetrator from case follow criminal his age Not yet reach eight mercy years , each grace period expiration above reduced become one third

If so follow crime committed of course fulfil Article 78 of the Criminal Code, however time his demands Already entered the expiry date , then Already No can Again done prosecution on follow criminal the . Hence , more and more fast follow criminal reported , then will the more fine too.

³⁰ Prawira , I Gusti Bagus Yoga. “ Responsibility of PPAT Against Deed Sell Buy Land .” Journal of IUS IV, No. 1 (2016): 69

³¹ Constitution Number 2 of 2014 concerning Changes to the Law Number 30 of 2004 concerning Position Notary Public Article 1 paragraph 1

³² *ibid.*, Article 15 paragraph 1

After report police made , did Still There is possibility For Can unplug report the ? Basically , that report already made No Can revoked back . So, though Already done return loss to the victim or has There is peace with the victim, the legal process will still walk with as should .

However , on development in practice , it is possible done termination investigation caused Because repeal report police who have made . Permission on he did repeal report This caused Because there is principle special restorative justice For follow belonging to the crime light .

Deed Notary who is not fulfil condition as deed authentic changed become deed below hand in matter strength proof in court . Deed below hand have strength perfect proof like deed authentic if acknowledged by the person concerned, meanwhile deed authentic No need confession from the party concerned . Strength perfect proof means that content deed That in court considered Correct until There is proof crippling resistance deed it .

According to Hans Kelsen responsibility law is where" Someone responsible answer in a manner law on something deed certain or that he carry not quite enough answer law , subject means that he responsible answer on something penalty in matter contrary deeds" ³³. As well as Failure For do caution required by law called negligence ; and oversight usually looked at as One another kind of error (culpa), though No as loud fulfilled error Because anticipate and will , with or without Meaning evil , harmful consequences . ³⁴

Deed authenticated by a Notary _ own strength tool proof strongest and full have role important in every connection law in life society . Through deed decisive authenticity in a manner clear rights and obligations , guarantee certainty law , and at the same time it is also hoped that it can avoided happening dispute .³⁵

Importance protection law for the parties in make deed authentic For ensure certainty law for the parties in make agreement , Protection law the is form protection law for the parties According to satjipto Rahardjo , Protection law is give protection to right basic harmed human rights others and protection That given to society so they can enjoy all rights granted by law . ³⁶

So that in operate position Notary Public must in accordance with applicable laws and regulations as well as the code ethics notary to avoid from Deeds oppose law that can ensnare Notary Public good inside _ administration nor code ethics , in civil nor criminal .

CONCLUSION

Based on results research and discussion as well as analysis that has been done , so can pulled conclusion which is answer on problem in study as following :

1. Notary Public must responsible answer to the deed he made , so Notary Public must guarantee validity deed authentic made _ in accordance with applicable regulations _ with notice Good condition formal or condition material in making the deed . As form responsible answer on omissions and errors in making deed so Notary Public can imposed penalty form Reprimand written , Termination temporary / Suspension , Termination with respect or termination with No respect . Aspect accountability Notary Public arise Because exists resulting negligence (culpa). mistakes (schuld) committed by the Notary inside operate something task positions and faults That raises loss for others and not close also possible when Notary Public can reported in lawsuit Good civil or lawsuit criminal consequence negligence Notary Public in make deed authentic to the parties .
2. parties given protection law to deed authentic made by a notary with the aim For ensure certainty law for the parties , the parties given right For report or do lawsuit to deed drawn up by a notary in accordance with laws and codes applicable ethics , the parties can do report to assembly supervisor next notary will be dealt with followed by the supervisory board notary or in a manner civil as well as criminal consequence inaccuracy Notary Public related with making deed authentic that can detrimental to the parties .

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³⁴*Ibid.*, p. 83

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