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INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI: 10.21474/IJAR01/17192

DOI URL: <http://dx.doi.org/10.21474/IJAR01/17192>



RESEARCH ARTICLE

IMPLEMENTATION OF SUPERVISION PRINCIPLES BY THE REGIONAL SUPERVISORY COUNCIL IN THE EXAMINATION PROCESS OF NOTARIES WHO ARE ALLEGEDLY VIOLATING THE CODE OF ETHICS (COURT DECISION STUDY NUMBER 235/G/2019/PTUN.KT)

Opras Pandu Jagendra¹, Rahadi Wasi Bintoro² and Tedi Sudrajat³

1. Master Student, Faculty of Law, Jenderal Soedirman University, Indonesia.
2. Senior Lecturer, Faculty of Law, Jenderal Soedirman University, Indonesia.
3. Senior Lecturer, Faculty of Law, Jenderal Soedirman University, Indonesia.

Manuscript Info

Manuscript History

Received: 26 April 2023

Final Accepted: 31 May 2023

Published: June 2023

Key words:-

Inspection, Supervision Principle,
Notary Supervisory Board

Abstract

The application of the principle of supervision by the Notary Supervisory Board must be oriented towards the truth according to the laws and regulations. Thus, the Notary who is suspected of violating the code of ethics in the examination is based on the Regulation of the Minister of Law and Human Rights No. 15 of 2020 concerning the procedures for the examination by the Notary Supervisory Board of the Notary. Legal remedies that can be taken by a notary who is subject to sanctions by the Notary Supervisory Council is to appeal a letter of objection by Article 28 paragraph 1 of the Regulation of the Minister of Law and Human Rights number 15 of 2020 concerning Procedures for Examination of the Supervisory Board of Notaries, but in practice, there are problems regarding the implementation examination of a notary suspected of violating the code of ethics, occurred in the case of the decision of the Jakarta State Administrative Court Decision Number 235/G/2019/PTUN.KT.

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Introduction:-

Position of Notary His presence is required by the rule of law to assist and serve the public who need authentic written evidence regarding circumstances, events, or legal actions. On a basis like this, those who are appointed as Notaries must have the spirit to serve the community, and for this service, the people whom the Notary has served by their duties and positions can provide honoraria to the Notary. Therefore the Notary does not mean anything if the public does not need it. (Salim HS, 2008)

As a public official, the notary profession is regulated in Law No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning Notary Positions. This law can provide general guidelines for notaries, and in it, there are also strict sanctions for notaries who are proven to have violated these rules. The UUJN regulates, among others, general provisions which contain definitions related to notaries regarding the appointment and dismissal of notaries, authorities and obligations, as well as prohibitions for each notary, domicile and formation as well as the area of the office of a notary and substitute notary, honorarium for services given by a notary, notarial deed, return of minutes of deed and summons of a notary, supervision, notary organization, provisions regarding sanctions and so on.

Corresponding Author:- Opras Pandu Jagendra

Address:- Master Student, Faculty of Law, Jenderal Soedirman University, Indonesia.

In carrying out their duties and authorities, the notary is supervised by a parent organization, namely the Notary Supervisory Council, whose purpose is to not violate the applicable provisions. The Notary Supervisory Council was formed to enforce the applicable law. Law enforcement here can be interpreted as an effort or effort to implement the law as it should, including supervision in each of its implementations. If there is a violation of a legal provision or regulation, an effort to enforce the law is required in the form of giving sanctions by the applicable provisions.

Considering that the role and authority of a Notary are very important in people's lives, every behaviour and action taken by a Notary in carrying out his duties is very vulnerable to abuse of his professional position so that it can harm the community; therefore, a body is needed to supervise the role of a Notary. The purpose of Supervision carried out on Notaries is to fulfil the requirements and carry out their duties by the provisions of the legislation in force for the security of the interests of the general public.

The purpose of notary supervision is to fulfil the requirements and carry out their duties by the provisions of the legislation in force for the sake of safeguarding the interests of the general public, while the main task of notary supervision is that all rights and authorities, as well as obligations given to the notary in carrying out their duties as given by the relevant basic regulations, are always carried out on a predetermined path, not only the legal route but also the moral and professional ethical path to ensure legal protection and certainty for the community. (Muhammad Harris, 2014)

The Supervisory Council here has supervision with the main objective being that a Notary can carry out his duties based on legal regulations that bind him and on moral and ethical grounds to create legal protection and certainty both for the community itself and for the Notary himself. It can also be that a notary in carrying out his duties can fulfil all the obligations imposed on him. Not only fulfilling the obligations regulated by the law on the position of a notary and the Code of Ethics but also gaining the public's trust. Thus, the supervision carried out on the Notary can provide legal protection and certainty for all parties.

However, the Notary does not necessarily carry out his duties and positions based on the Notary code of ethics. Some problems arise due to the violation of the code of ethics of office, as in the case of decision court number 235/G/2019/PTUN.KT started with a report from Widya Augustine delivered by Advocate and Legal Consultant RawiSahroni& Partners via letter Number RS&P 138/PLP/B/III/2018 dated March 26, 2018, regarding the complaint that was submitted to the Regional Supervisory Council of Notary Tangerang City against Notary M. Irsan. The reason for this complaint is based on the process of a sale and purchase agreement on Certificate of Ownership No. 10.27.09.01.1.04798 and 10.27.09.01.1.04799 before Notary M. Irsan. After the sale and purchase agreement signing process, Widya Agustin, as the reporter, had not been given a copy of the sale and purchase agreement deed. Based on the fact that Notary M. Irsan has not provided a copy to the client, which in this case is Widya Agustin, it is stated in Article 54 paragraph (1) of the law on the position of a notary, which reads, "Notaries can only provide, show, or notify the contents of the Deed, Grosse Deed, Copy of Deed or Quotation of the deed, to people who have a direct interest in the deed, heirs, or people who have rights, unless stipulated otherwise by laws and regulations", this is what makes notary Mirsan suspected of violating the code of ethics so that it is reported to the regional supervisory board.

Regarding violations of the Notary's code of ethics based on Article 2 of the Minister of Law and Human Rights Number 15 of 2020, it states "The Supervisory Council has the authority to provide guidance and supervision to Notaries and conduct an examination of alleged violations of the behavior and implementation of the Notary's position", but in the process of carrying out the examination there are procedures that are not by the regulations. Regarding the procedure for examining the supervisory board against a notary, according to Article 15 paragraph 4, "In the event that the Reported Party is not present after being legally and properly summoned, a second summons shall be made" to the summons of Notary M. Irsan only once and the Regional Supervisory Council of the Tangerang City Notary Public has conducted an examination without the presence of Notary M. Irsan then provide recommendations to the Notary Supervisory Council of the Banten Province for alleged violations of the code of ethics for the position of a Notary against Widya Augustine, Based on Article 19 of the Minister of Law and Human Rights Number 15 of 2020 concerning governance the method of examination of the supervisory board against a notary, the examination includes the presence of the Reporter and the Reported Party, reading of the Report and statements of the reporting party and the self-defence of the reported party. Meanwhile, in the above case, the examination was carried out without the reported party, namely Notary M. Irsan. Thus, there is a discrepancy between the regulations and the procedure for examining a notary suspected of violating the code of ethics. The

supervision carried out by the Supervisory Board of Notaries shows a discrepancy in the examination procedures in giving sanctions to notaries who are suspected of violating the code of ethics.

To maintain the nobility of a notary's position, one thing that needs to be done is to supervise and enforce a code of ethics for notaries. Supervision can be interpreted narrowly and broadly, supervision in the narrow sense here is that notaries carry out supervision for the sake of preventing violations of the notary code of ethics, while broad supervision is not only supervision in the context of prevention, but includes efforts to enforce the code of ethics, so that the supervision becomes a unified system in realizing the nobility of the notary profession.

Research Method:-

The type of research used is normative legal research or it can also be called doctrinal legal research. approach in normative legal research. The research specifications used in this study are prescriptive in nature. The analysis used in this research is normative-qualitative. According to Jonny Ibrahim, the qualitative normative data analysis method is a discussion and elaboration that is arranged logically on the results of research on norms, rules, and legal theories that are relevant to the subject matter.

Method deep data collection writing This are:-

Studies document, that is method get data about something problem with browse and learn regulation legislation, books, literature, journals, articles Good print as well as online as well other related ingredients with research.

Results and Discussion:-

Supervision by the Notary Supervisory Board in the Examination Process of Notaries Who Are Allegedly Violating the Code of Ethics

In social life, we realize that there is no profession without ethics. Without professional ethics, what was initially known as a profession will soon fall and be relegated to an ordinary job of earning a living that is not colored by idealism. Here, it is not only the community's interests that are often not protected, but the dignity and honor of the legal profession, especially the notary profession, which has won the public's trust, will also be threatened with receding. To avoid these things, it is necessary to have a professional notary code of ethics that regulates the ethics and behavior that a notary must carry out as a guide for the notary in carrying out his service. (BayuNirwana Sari, 2012)

The role of a notary is very important in people's lives, so every behavior and action taken by a notary in carrying out his duties is very vulnerable to abuse of his professional position so that it can harm the community, therefore a body is needed to supervise the role of a notary. The purpose of Supervision carried out on Notaries is to fulfill the requirements and carry out their duties in accordance with the provisions of the legislation in force for the security of the interests of the general public since the enactment of the the law on the position of a notary, Supervision, examination, and imposition of sanctions on Notaries have been carried out by the Minister of Law and Human Rights by establishing a Notary Supervisory Council.

The definition of the Notary Supervisory Council has been regulated in Article 1 number 6 of the the law on the position of a notary, and the Notary Supervisory Council is a body that has the authority and obligation to carry out guidance and supervision Notaries. According to Indrohato, authority is the ability given by laws and regulations to cause legal consequences; sources of authority can be obtained for government officials or organs (institutions) through attribution, delegation, and mandate.

Based on the provisions stipulated in Law Number 2 of 2014 concerning the Position of Notary, the authority of the Notary Supervisory Board to carry out guidance and supervision of Notaries is spread over several articles according to their level.

1. Regional Supervisory Council, from now on abbreviated as MPD, is an agency that has the authority and obligation to carry out the guidance and supervision of Notaries at the district/city level.
2. Regional Supervisory Council, from now on abbreviated as MPW, is an agency that has the authority and obligation to carry out guidance and supervision of Notaries at the Provincial level.
3. The Central Supervisory Council, from now on abbreviated as MPP, is a body that has the authority and obligation to carry out the guidance and supervision of Notaries at the National level.

Based on the the law on the position of a notary, when viewed from Indrohato's opinion, the Notary Supervisory Council has delegated authority because the authority was created and given by the TUN body, which is the Ministry of Law and Human Rights. So the authority obtained by the notary supervisory board comes from other institutions. The authority attached to the notary supervisory board is special, namely, carrying out supervision, examination, and imposition of sanctions on notaries. This authority is a limitation that the notary supervisory board may not take any action outside the authority.

The Notary Supervisory Board, as the body authorized to supervise the performance of the notary profession, which is also one of the elements of the legal service, is obliged to participate in enforcing the law by its authority by contributing energy and thoughts and carrying out its duties in a trustworthy, honest, thorough, independent and impartial manner, in order to maintain and foster the nobility of the dignity and position of a notary, as well as uphold truth and justice and strive for the realization of legal certainty.

Supervision can be defined as a process to ensure that organizational and management objectives are achieved. It deals with ways of making activities as planned with the instructions that have been given and with the principles outlined. Then Henry Fayol said that supervision is "The definition of supervision, namely supervision consists of testing whether everything goes according to a predetermined plan with the instructions that have been outlined, it aims to show (determine) weaknesses and errors to correct them and prevent a recurrence. (Victor Situmorang, 1994)

The supervision carried out by the Supervisory Board is not only the implementation of the duties of a Notary's position by the provisions of the Notary Office Act, but also the Notary Code of Ethics and the behavior or behavior of a Notary's life that can injure the dignity of the Notary's position. Supervisory Council's supervision (Article 67 paragraph 5 the law on the position of a notary) shows the very wide scope of supervision carried out by the Supervisory Council. Supervision of the implementation of the duties of a Notary Office with an actual size in the Law on Notary Positions with the intention that all provisions of the Notary Office Law governing the implementation of the Notary Office duties are complied with the Notary concerned. The function of this supervision is to provide scores, analyzes, recommends, and conveys the results of letters/reports relating to the field of work of the organization or institution, which have been researched. So it can be concluded that the Notary Supervisory Council has the authority and supervisory function regulated by the law on the position of a notary.

The purpose of notary supervision is to fulfill the requirements and carry out their duties by the provisions of the applicable legislation for the sake of safeguarding the interests of the general public, while the main task of notary supervision is that all rights and authorities as well as obligations given to a notary in carrying out their duties as stipulated given by the relevant basic regulations, always carried out on a predetermined path not only by legal channels but also based on moral and professional ethics to ensure legal protection and certainty for the community (Muhammad Haris, 2019)

The examination is a series of activities to collect and manage data, information, and evidence carried out objectively and professionally based on an audit standard to test compliance with obligations or for other purposes to implement regulatory provisions. This study defines supervision as an activity that seeks to control so that implementation can go according to plan and ensure whether organizational goals are achieved (Makmur, 2011). When viewed from the purpose of supervision and inspection, both have the same goal, namely so that the implementation runs by the objectives and applicable regulations; inspection is a stage in implementing supervision.

In conducting examinations of alleged violations of behavior and the implementation of the position of a Notary, the Supervisory Council forms an Examining Council. The Examining Council consists of 3 (three) people composed of 1 (one) Chairman and 2 (two) members assisted by 1 (one) secretary. The formation of the Investigating Council is carried out no later than 14 (fourteen) Days as of a. Reports on public complaints to the Regional Supervisory Council; b. the results of the recommendation of the Regional Supervisory Council's examination to the Regional Supervisory Council; or c. an application for an appeal against the decision of the Regional Supervisory Council to the Central Supervisory Council, is received and registered. (Rokilah, Pitasari, 2020)

In the example case in Decision No. 235/G/2019/PTUN.KT, there was a report from Widya Augustine submitted by Advocate and Legal Consultant RawiSahroni& Partners through letter Number RS&P 138/PLP/B/III/2018 dated March 26, 2018, regarding a complaint that was presented to the Tangerang City Notary Regional Supervisory

Council against Notary M. Irsan. the implementation of the examination process against a notary who is suspected of violating the code of ethics, is not by the principle of supervision.

The examination carried out by the Regional Supervisory Council in handling this case includes curative (action) and repressive supervision. Repressive supervision, namely supervision carried out after issuing government decisions/decisions so that it is corrective and restores a wrong action, is also called *aposteriori* supervision (Paulus Efendi, 1999). Notary Public. The report is issued after an alleged violation by a notary is then scheduled for an examination day by the Examining Council. Article 1 paragraph 4 of the Regulation of the Minister of Law and Human Rights number 15 of 2020 concerning the procedure for examining the supervisory board against a notary public states that the Investigating Council is an examining team that has the authority to conduct examinations and impose sanctions established by the Notary Supervisory Council.

The examination process by the Notary Supervisory Board against a notary suspected of violating the code of ethics is regulated in the Minister of Law and Human Rights Regulation number 15 of 2020 concerning procedures for examining the supervisory panel of a notary. Article 15, paragraph 4 states that if the reported party is not present after being summoned legally and properly, the 2nd (two) call is made. In the above case, the summons made by the Supervisory Council is only done once (Chapter IV Point 1.3.12). If viewed from the supervisory principle described by HandaYAningrat, which consists of: (Makmur, 2011)

- 1) Monitoring is oriented towards organizational goals
- 2) Supervision must be objective, honest, and put the public interest first
- 3) Supervision must be oriented towards the truth according to the applicable laws and regulations, oriented towards the truth of the objectives in the implementation of work
- 4) Supervision must ensure the resources and results of the work
- 5) Supervision must be based on objective, thorough and precise standards
- 6) Supervision must be continuous
- 7) The results of supervision must be able to provide feedback on improvements and improvements in the implementation, planning, and policy of the future

In one of the supervisory principles described above related to supervision, it must be truth-oriented according to the laws and regulations, that the Notary Supervisory Board in the above case, the examination process only calls 1 (one) time so that the process is not by Permenkumham No. 15 the year 2020 concerning procedures for examination by the supervisory board of notaries. In Article 15 paragraph (5) of the Permenkumham, it is stated that a proper and valid examination shall be summoned 2 (two) times. So this is contrary to the principle of supervision and regulation of the Minister of Law and Human Rights No. 15 of 2020 regarding the procedure for examination by the supervisory board of a notary.

Legal Efforts That Notaries Can Take Who Are Suspected of Violating the Code of Ethics

Sanctions themselves can be interpreted as a manifestation of the impact and consequences of an act or action that has been taken, and of course, the action is an action that is not by the rules and not as it should be. According to Philip. M. Hadjon, sanctions are tools of power that are public law used by the authorities as a reaction to non-compliance with administrative, legal norms (PhilipusHadjon, 1996)

Thus the elements of sanctions, according to the notary code of ethics, sanctions are punishments that are intended as means, efforts, and tools to enforce obedience and discipline of members of associations and other organs that hold and carry out the position of a notary, in upholding the code of ethics and organizational discipline. This means that sanctions can be imposed and given to a position holder who violates an existing rule. A sanction arises due to an obligation inherent in a position. Like an obligation that must be carried out in this case by a notary, if The notary violates the rules governing his obligations, he will be penalized for his actions.

The provisions regarding sanctions in the law on the position of a notary are regulated in Articles 84 and 85. The provisions of sanctions in Article 84 can be categorized as civil sanctions because the sanctions are in the form of providing compensation, certain costs or interest to the injured party. Article 84 reads as follows: Law Number 30 of 2004 concerning Notary Positions states that:

“The act of violating the provisions as referred to 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 an underhand deed or a deed being null and void by law can be a reason for the party suffering the loss to demand reimbursement of costs, compensation, and interest from a notary”.

Meanwhile, the provisions regarding sanctions in article 85 of the the law on the position of a notary can be categorized as administrative sanctions and can be subject to sanctions in the form of:

- a. verbal warning;
- b. written warning;
- c. temporary suspension;
- d. honorable discharge; or
- e. dishonorable dismissal.

In UUJN, the regulation of administrative sanctions has been mentioned, namely by placing a written warning in the first order of sanctioning, which is a warning to the Notary from the Supervisory Council, which, if it is not fulfilled, is followed up with a temporary dismissal—sentenced to subsequent sanctions in stages. The application of the provisions of the article above must, of course, consider the severity of the violations committed by the Notary, in the sense that the application of the sanctions is tiered. (Verdyanikadkk, 2021)

The sanctions contained in the article above shall apply in stages, starting from a verbal warning to a dishonorable discharge. Both oral and written, Reprimand is only the initial stage to enter into the solid form of sanctions, namely temporary dismissal, respectful dismissal, and dishonorable dismissal. Articles 12 to 13 of the the law on the position of a notary determine the reasons a notary can be dishonorably dismissed from his position, namely because:

- a) Is declared bankrupt based on a court decision that has permanent legal force;
- b) Being under continuous care for more than 3 (three) years;
- c) Doing acts that demean the honor and dignity of the position of a notary; or
- d) Committing a serious violation of the obligations and prohibitions of the position.

According to Habib Adjie, “the sanctions regulated in Article 84 and Article 85 of the the law on the position of a notary are sanctions against a notary relating to a deed made before and by a notary. This means that every notary carrying out his duties must pay attention to certain rules and requirements. Otherwise, the notary will obtain sanctions who ignore the existing rules.

The imposition of sanctions is also adjusted to the severity of the violation. If a Notary violates both the code of ethics and the the law on the position of a notary that does not harm the community materially, the Notary is given a warning, and coaching is carried out first. The Notary Honorary Council or the Notary Supervisory Council informs that the Notary concerned has committed a violation as regulated in the legislation and the code of ethics and is given an explanation and appropriate solution so as not to commit a breach in the future. (Madyastuti, 2020)

When a Notary violates a provision stated in the articles scattered in Law Number 30 of 2004 concerning the Position of a Notary, the Notary Supervisory Council has the authority to impose the above sanctions. For the imposition of these sanctions, a Notary can take legal action so that, in this case, the Notary Supervisory Board is accountable both in the Civil and Administrative fields.

For example, when a Notary is also involved in a case in court, then after being examined by the Notary Supervisory Board, the Notary concerned is considered to have violated the Notary's obligations as regulated in Article 16 paragraph (1) letter a the law on the position of a notary where "a Notary is obliged to act honestly, thoroughly, independent, impartial, and safeguard the interests of the parties involved in legal actions." On that basis, the Regional Supervisory Council decides and proposes to the Central Supervisory Council to impose sanctions in the form of dishonorable dismissal. Law. There is also another example, namely in the case of the Notary Supervisory Board with the authority as regulated in Article 66 of Law Number 30 of 2004 concerning the Position of a Notary that the Regional Supervisory Council has the authority to examine a Notary in connection with a request by an investigator, public prosecutor or judge to take a photocopy of the Minutes or in Notary protocol in the Notary's storage, as well as the summons of a Notary related to the deed he made or in the Notary protocol that is in the Notary's storage, the final results of the Regional Supervisory Council's examination as outlined in the form of a Decree, containing the ability to give approval or reject the request of the investigator, public prosecutor or judge. If it turns out that the decision of the Regional Supervisory Council decides to pass the Notary concerned to be

examined by investigators, basically based on that decision, the Notary who feels that the deed he made as the object of the examination has complied with the provisions as regulated in Article 38 the law on the position of a notary can file a legal action in court. . The legal consequence of legal remedies that a Notary Public can submit for every decision issued by the Notary Supervisory Council is to place the Notary Supervisory Council as the defendant.

In the case of the decision no. 235/G/2019/PTUN.KT, Notary M.Irsan, in taking legal action against the Dismissal Penalty, has taken administrative measures by submitting an objection letter shown to the Notary Supervisory Council. The objection letter was received based on the receipt. However, the administrative efforts taken did not receive a response. Furthermore, Notary M. Irsan has registered his lawsuit at the Jakarta State Administrative Court.

Article 28 paragraph 1 of the Regulation of the Minister of Law and Human Rights number 15 of 2020 concerning Procedures for Examination of the Supervisory Council Against Notaries states that "The Reporting Party and/or Reported Party who object to the decision of the Regional Supervisory Council has the right to file an appeal to the Central Supervisory Council which is submitted through the secretariat of the Regional Supervisory Council."

The authority of the Notary Supervisory Council, as regulated in the law on the position of a notary, can be seen that the authority of the Notary Supervisory Council is to impose sanctions on notaries who are suspected of violating the the law on the position of a notary rules and the code of ethics. For a notary who is subject to such sanctions according to article 28 of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Examination of the Supervisory Council Against Notaries, they can take legal action by submitting an appeal to the central supervisory board within a period of no later than 7 days from the time the verdict is pronounced, the notary must submit a memorandum of understanding. appeal within 14 (fourteen) days after the appeal is declared, the memorandum of appeal must be submitted no later than 7 (seven) days as of receipt by the secretary of the Regional Supervisory Council. The Notary may submit a counter memorandum of appeal no later than 14 (fourteen) days as of receipt of the memorandum of appeal by the appellant.

If the administrative appeal still results in a decision deemed detrimental to the notary, then a lawsuit can be filed with the Administrative Court. This is by the provisions of Law Number 51 of 2009, the second amendment to Law Number 5 of 1986 concerning the State Administrative Court Article 48 paragraph (2), which states that the new Court has the authority to examine, decide, and resolve State Administrative Disputes as referred to in paragraph (1). referred to in paragraph (1) if all of the relevant Administrative Efforts have been used, as also regulated in Article 2 paragraph 1 of the Supreme Court Regulation Number 6 of 2018 concerning Guidelines for Settlement of Government Administrative Disputes After Going through Administrative Efforts explaining "The court has the authority to accept, examine, decide and resolve government administrative disputes after taking administrative efforts"

If the Notary feels that The decision of the Supervisory Board is not appropriate or burdensome Notary who is concerned or not done transparent and balanced in the inspection. The opportunity to apply to PTUN remains open after all administrative effort, provided reasonable administrative objections and appeals administration, has been pursued, though in the relevant law has determined that the decision of the TUN agency or position has declared final or not other legal remedies were taken because basically that the use of effort administrative disputes in Administrative Disputes The state begins with a dissatisfied attitude against acts of State Administration (Fahrul, 2018)

Article 1, paragraph 9 of Law Number 51 of 2009 concerning the State Administrative Court explains, "A State Administrative Decision is a written determination issued by a state administrative body or official containing legal actions for state administration based on the applicable laws and regulations. Concrete, individual, and final, which has legal consequences for a person or civil legal entity.

Based on the sound of Article 1 paragraph 9 of Law Number 51 of 2009 concerning State Administrative Courts above, the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number AHU.55.AH.02.04 of 2019 dated August 6, 2019, concerning Disrespectful Dismissal from the Position of a Notary The name M. Irsan is a written decision that contains a determination and takes effect immediately since it was issued by the official who made it, in this case, the Minister of Law and Human Rights of the Republic of Indonesia,

which is concrete, individual and final and causes very serious legal consequences for a person, so a decision letter is included in the State Administrative Decree.

For the state administrative court environment based on Law Number 5 of 1986 concerning State Administrative Courts as amended by Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning State Administrative Courts in Article 47 regulates competence PTUN in the judicial system in Indonesia is tasked with and authorized to examine, decide, and resolve state administrative disputes. Judging from the explanation above, the object of the State Administrative dispute is the state administrative decision by Article 1 point 3 and Article 3 of Law Number 9 of 2004.

A judicial body's competence (authority) to adjudicate a case can be distinguished on relative competence and absolute competence. Relative competence relates to the authority of the court to adjudicate a case according to its legal territory. In comparison, absolute competence is the authority of the court to adjudicate a case according to the object, material or subject matter of the dispute. According to Soedikno Mertokusumo, absolute competence or absolute authority of the court is the authority of court bodies in examining certain types of cases that absolutely cannot be examined by court bodies in other courts. This absolute competence or absolute authority answers the question: what court has the authority to adjudicate a particular case. (Retnowulan Sutantio, 2005)

According to the author, the legal efforts taken by M. Irsan in terms of filing a lawsuit to the State Administrative Court to challenge the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: AHU.55.AH.02.04 the Year 2019 dated August 6, 2019, Regarding Disrespectful Dismissal from Notary position on behalf of Muhammad Irsan, SH, from the Notary Office in Tangerang City which has been decided through Decision Number 235/G/2019/PTUN.KT, when viewed from the object of the dispute, namely. When viewed from the explanation above regarding the meaning of state administrative decisions as regulated in Article 1 paragraph 9 of Law Number 51 of 2009 concerning State Administrative Courts, in this case, if it is associated with the theory of judicial competence, the decision is the absolute authority of the Administrative Court. State Enterprises. The relative authority of a judicial body is determined by the boundaries of the legal area under its authority. A court body is declared authorized to examine a dispute if one of the disputing parties (plaintiff/defendant) residents in one of the jurisdictions that are the jurisdiction of the court. In this case, the Ministry of Law and Human Rights as the defendant and domiciled in Jakarta, based on the relative competence, the Administrative Court in charge is the Jakarta State Administrative Court.

Conclusion:-

1. Applying the principle of supervision by the notary supervisory board must be oriented towards the truth according to the laws and regulations. Thus, the notary who is suspected of violating the code of ethics in the examination is based on the regulation of the Minister of Law and Human Rights No. 15 of 2020 regarding the procedure for the examination by the supervisory board of the notary, which is carried out as many as 2 (twice) so that the notary can defend the report reported by the party who feels aggrieved by the following stages of examination. The region must have completed the examination and submitted the examination results within a period of no later than 30 (thirty) calendar days from the receipt of the report. The region conducts inspections, reads the report, and hears the complainant's statements. The reporting party and the reported party may submit evidence to support the proposed argument. The results of the examination are stated in the minutes of examination, which are signed by the chairman and secretary, the Cover Letter for the delivery of the minutes of examination which is sent to the Regional Supervisory Council is copied to the reporting party, the reported party, the Central Supervisory Council, and regional administrators of the Indonesian Notary Association.
2. Legal remedies that can be taken by a notary who is subject to sanctions by the Notary Supervisory Council is to appeal an objection letter by Article 28 paragraph 1 of the Regulation of the Minister of Law and Human Rights number 15 of 2020 concerning Procedures for Examination of the Supervisory Board of Notaries. If the administrative appeal still results in a decision deemed detrimental to the notary, then a lawsuit can be filed with the Administrative Court. This follows Law Number 51 of 2009, the second amendment to Law Number 5 of 1986 concerning the State Administrative Court.

Acknowledgment:-

The Notary Supervisory Council, as an institution that receives delegations from state administrative bodies or officials in carrying out its authority, especially in terms of supervision, must be full of responsibilities and carry out

its duties by procedures determined by applicable regulations. So that no party feels aggrieved by the decision issued by the Notary Supervisory Council, besides that, it can also guarantee legal certainty for the parties concerned.

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