

JURIDICAL ANALYSIS OF PROHIBITION OF DUAL NOTARY POSITIONS BASED ON THE PROVISIONS OF ARTICLE 17 OF THE LAW OF NOTARY POSITIONS

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Abstract: *In carrying out his position, a Notary has the obligation to act honestly, thoroughly, independently, impartially and to protect the interests of the parties involved in legal actions. However, in practice there are still notaries who do not act honestly, one of which is by holding concurrent positions. The prohibition on concurrent positions of a Notary has been regulated in Article 17 letter (f), however, in practice it is still found that there are notaries who carry out such concurrent positions.*

Key Words: *Notary, Multiple Positions, Conflict of interest.*

1. INTRODUCTION:

The position held by a Notary is a position of trust given by law and society, for that a Notary is responsible for carrying out the trust given to him by always upholding legal ethics and the dignity and nobility of his position, because if this is ignored by a Notary then will be harmful to the general public it serves.

Notaries in carrying out their duties have been regulated by various kinds of regulations. However, the name of humans in living their lives can not be separated from the tendency to deviate and deviate.[1] So it is vulnerable to various kinds of violations, one of which is regarding concurrent positions. In practice, in practice, over time with the increasing number of people who take on the Notary profession from time to time, coupled with technological developments and the opportunity for some Notaries to get as many clients as possible, there are also Notaries who find it difficult to get clients. This causes some notaries to carry out concurrent positions as advocates, employees of privately owned enterprises, state officials and other positions that are clearly prohibited in the notary position law.

2. THEORITICAL FRAMEWORK:

a. Theory of Responsibility

In the legal dictionary, responsibility is a must for someone to carry out what has been required of him.[2]

b. Conflict of Interest Theory

Conflict of interest is defined as a situation in which a state administrator who has power and authority based on laws and regulations has or is suspected of having a personal interest in any use of his authority so that it can affect the quality and performance that should be.

c. Power Theory

Power can be interpreted as something scary because it has to force other people to fulfill their wishes.

3. LITERATURE REVIEW:

Basically, the position of a notary is inherent in a notary because as a public official he must maintain his attitude and behavior in accordance with the profession he carries. Notaries in carrying out other activities, if they are not careful in carrying out the work, they can plunge the notary into actions that violate the laws

and regulations regarding the position of a notary and his professional code of ethics, or can further be entangled in criminal acts.

Another purpose of supervision of Notaries is that Notaries are presented to serve the interests of the community who need evidence in the form of an authentic deed according to the request of the person concerned to the Notary.

5. METHOD:

The method used in this research is a normative juridical approach, namely an approach based on legal principles or legislation, decisions as well as on doctrines related to the problem under study.[3]

6. DISCUSSION:

The position held by a Notary is a position of trust given by law and society, for that a Notary is responsible for carrying out the trust given to him by always upholding legal ethics and the dignity and nobility of his position, because if this is ignored by a Notary then will be harmful to the general public it serves.

Notary in carrying out his position, it is not enough just to have legal expertise but also must be based on responsibility and appreciation of the nobility of dignity and the nobility of his position. The role and authority of a Notary is very important for legal traffic in society, therefore a Notary must be able to carry out his profession professionally, highly dedicated and always uphold his dignity by upholding a Notary code of ethics.

7. ANALYSIS:

A. Provisions on the Prohibition of Multiple Positions in the Perspective of the Notary Profession Based on the provisions of Article 17 of the Law on Notary Positions

Notary is very large in serving the community in terms of making an authentic deed as evidence or as a legal or absolute requirement for certain legal actions. The function of a notary is not limited to making an authentic deed but with philosophical, sociological and juridical grounds and reasons, the notary can detect the possibility of bad faith and unwanted consequences and protect parties with weak socio-economic and juridical positions, thereby protecting those with good intentions. The notary guarantees the skills and authority of the parties to take legal action in the deed he makes. However, it is very unfortunate that in Indonesia there are still problems with the position of a Notary, so from this the author examines the prohibition of concurrent positions due to the existence of multiple positions that have been carried out by notaries.\

B. Legal Consequences for Notary Deeds Doing Multiple Positions

Legal consequences are consequences caused by law, on an act committed by a legal subject.[4] Legal consequences are a result of actions taken, to obtain a result expected by legal actors. The intended consequences are those regulated by law, while the actions taken are legal actions, namely actions that are in accordance with applicable law.[5]

8. CONCLUSION :

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) Provisions on the prohibition of concurrent positions in the perspective of the Notary profession Based on the provisions of Article 17 of the Notary Position Act, the Notary is a notary public official whose duty is to provide services to the public, especially in legal traffic related to all legal actions related to authentic deeds.
- 2) Based on the provisions of Article 17 of the Notary Position Act, where the deed made by the Notary who commits the violation when he violates multiple positions, if there is a legal problem with the deed, the deed can lose its authentic nature. , and only has the power as a deed made privately if it is signed by the parties concerned, it can even be canceled by law.

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