

JURIDICAL ANALYSIS OF 25 YEARS OLD NOTARY PROTOCOL STORAGE BY THE NOTARY RECEIVING PROTOCOL TO THE REGIONAL SUPERVISORY ASSEMBLY (Analysis of Article 63 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions)

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Abstract: *The Notary Protocol must be kept by the Notary for an indefinite period of time. Article 63 Paragraph (5) of the Notary Position Law states that the Notary protocol from another Notary whose submission is 25 years old or older, is submitted to the Notary Regional Supervisory Council, but the provisions of Article 63 Paragraph (5) are not implemented. minuta who is 25 years old to the Regional Supervisory Council and still keeps the protocol at the Notary Office of the Protocol Recipient.*

Key Words: *Depository, Notary Recipient of Protocol, Notary Protocol, Regional Supervisory Council.*

1. INTRODUCTION:

Notary protocols that must be stored and maintained by a notary in addition to causing a buildup of protocols can also be damaged due to the age of the paper which is only a few dozen years old, eaten by termites, or even lost due to a natural disaster that befalls the area where the notary's office is concerned. , and in the event that the Notary protocol is in the possession of the Notary who receives the protocol, it is possible that a lawsuit or other forms of problems will arise related to the Notary protocol whose memorandum is a document/archive of the said State. The retention period of these archives if following the provisions of the regulations regarding company documents is a minimum of 30 years. The period of time is not short and along the way there is often a risk of damage or even loss. The Regional Supervisory Council is not able to store thousands of notary protocols that are more than 25 years old in the Regional Supervisory Council's office because the Supervisory Council itself does not have an office to store these documents, so the notary protocols are stored in the notary office concerned.

2. THEORITICAL FRAMEWORK:

- Legal Certainty Theory: According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is carried out, that those entitled by law can obtain their rights and that decisions can be implemented.[1]
- Theory of Authority: According to Miriam Budiardjo, power is the ability of a person or group of human beings to influence the behavior of another person or group in such a way that the behavior is in accordance with the wishes and goals of the person or country.[2]

3. LITERATURE REVIEW:

According to Sudikno Mertokusumo, a deed is a letter as evidence that is given a signature containing events that form the basis of a right or an engagement, which was made from the beginning intentionally for proof. [3]

Notaries in carrying out their positions must be subject to and comply with the applicable laws and regulations, in carrying out their positions, notaries are subject to Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning Notary Positions (hereinafter referred to as UUJN).

4. METHOD:

The method used in this study is a normative approach, which is an approach that focuses on reviewing and researching legal material by referring to legal norms contained in legislation, court decisions and legal norms that exist in society.[4]

5. DISCUSSION:

Notaries must be responsible for life based on Article 65 of the Notary Position Act, but what about the Deed received by the Notary receiving the protocol who is 25 years old or more whether the responsibility remains attached or transferred to the Regional Supervisory Council. In practice, the provisions of Article 63 Paragraph (5) of this Law on Notary Positions are not carried out properly, the Notary Recipient of the Protocol does not submit the 25-year-old Minutes to the Regional Supervisory Council and still keeps the 25-Year-Old Minutes at the Office. The Notary Recipient of the Protocol, so based on the description of the problems described above, the importance of legal certainty from the 25 year old notary protocol that is kept by the Notary Recipient of the Protocol and the authority of the Notary Recipient of the Protocol in issuing a copy of the minutes.

6. ANALYSIS:

Everything that is done by someone, whether intentionally or not, must be held accountable, especially with regard to the Notary's responsibilities occurring in relation to the implementation of the duties and obligations imposed on the Notary based on the authority granted by law.[5] The Notary Protocol can be transferred based on Article 62 of the UUJN due to several things. Based on Article 63, the Notary must submit the Notary Protocol to another Notary who has been appointed by the Regional Supervisory Council (MPD), as contained in Article 62 of the UUJN. In addition, the responsibility of the Notary protocol, especially for the minutes of the deed for a lifetime, in Article 65 of the UUJN states that the Notary is responsible for every deed he made even though the Notary Protocol has been submitted to the Notary Protocol custodian. As an official, the limit of authority is when he is still an official as specified in the legislation. In carrying out his duties and positions, a Notary is limited by age, so that a Notary has a time limit in carrying out his duties.

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

- That the notary protocol that has reached the age of 25 (twenty five) years or more as stipulated in Article 63 paragraph (5) of the UUJN must be carried out by the Notary Recipient of the Protocol and the Regional Supervisory Council is obliged to accept it, but this does not work properly where The protocol was not given to the Regional Supervisory Council due to several reasons, related to the lack of infrastructure owned by the Regional Supervisory Council, but as long as the Law stipulates so, so long as the law applies and must be implemented.
- The authority to store the protocol of a Notary who is 25 years old or more as stipulated in Article 63 paragraph (5) of the UUJN, since the receipt of the protocol, the Notary Recipient of the Protocol has the obligation to store and maintain it, and for the purposes of the copy of the minutes of the document, the Notary Recipient of the Protocol is still has the authority as long as the Notary is in office and has the right to issue a copy of the minutes (the protocol received), the Regional Supervisory Council does not have the authority to issue a copy of the minutes because there is no authority given by law to the Regional Supervisory Council.

REFERENCES:

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4. Zainuddin Ali, 2011, *Metode Penelitian Hukum*, Sinar Grafika, Jakarta, page 105.
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