The Importance of Notary Integrity and Commitment in Carrying Out Their Functions

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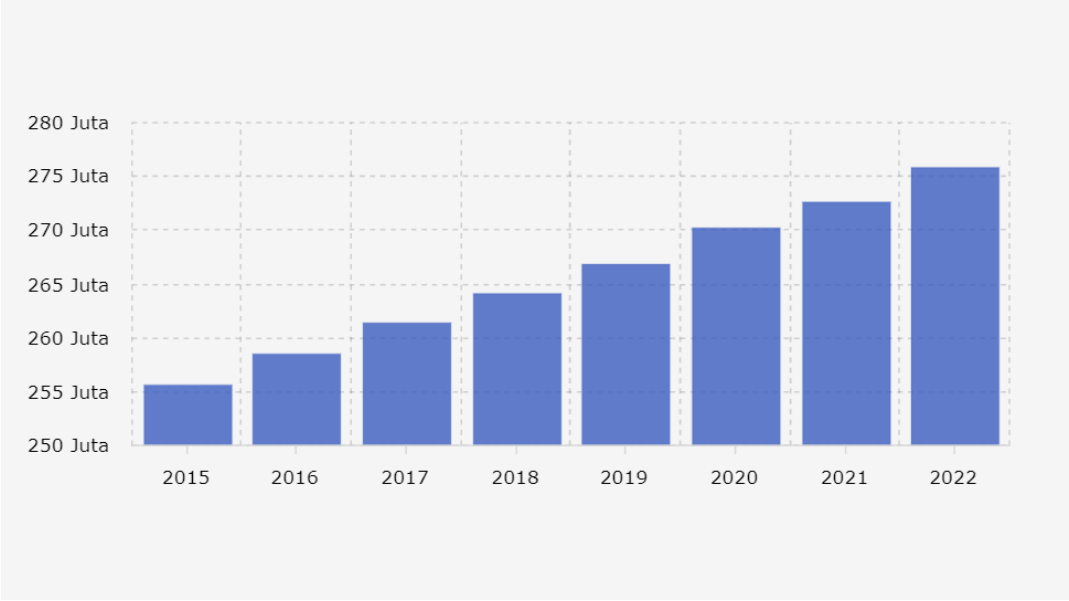
Abstract
Integrity and commitment are two important things for a notary in carrying out his duties and functions. Public trust in the professionalism of a notary is determined by the level of integrity and commitment he has. The notary must ensure that the tasks performed are in accordance with applicable professional and ethical standards. A strong commitment to duties and responsibilities helps ensure that legal transactions carried out by a notary are honest and fair. Therefore the researcher feels the importance of the integrity and commitment of a notary in carrying out its functions. In this study, researchers used the literature study method using books and journals as the main data. For secondary data researchers use data and other relevant literature. Researchers found that notaries need to have integrity and commitment in carrying out their duties, especially for the community.

I. Introduction

Notary is a public official who has the authority to make authentic deeds and other authorities in accordance with the Notary Office Act and other laws. The position of Notary is accepted through an appointment of authority from the government through Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. Based on this authority, notaries are basically representatives of the state in matters of civil law (Wibowo, Najwan, & Bakar, 2022) Notaries play an important role in the legal and financial systems. They are responsible for ensuring that legal transactions are conducted in an honest and fair manner and according to established standards. Therefore, integrity and commitment must be a top priority for a notary in carrying out his duties and functions. The background to the importance of notary integrity and commitment is to ensure that their professionalism is maintained and meet public expectations for quality and trustworthy services. Public trust in a notary is strongly influenced by the level of integrity and commitment he has, so maintaining these two things is the main responsibility of every notary in carrying out his duties and functions (Pakarti, 2022).

As a public official serving the public interest, a notary has the duty to create deeds. However, by carrying out these duties and authorities, notaries may experience legal problems stemming from the implementation of their duties and authorities (Kie, 2007). Because the notary is outside or above the parties involved, his position as a liaison between the state, society and the market is a service profession in the field of civil law (Budiono, 2015). Notaries as public officials have the authority to create authentic deeds and other powers in carrying out their duties. It cannot be ruled out, along with the times, the role of a notary is increasingly important in every legal relationship in social life, including in various business relationships, banking activities, land affairs, social activities, and others (Inkiriwang, 2010).

The main function of a notary is to ensure the validity and legitimacy of a transaction or legal document. A notary has the authority to make and sign authentic deeds such as agreements, sales and purchases, and other deeds related to law. With the signature of a notary, the document has legal force and is accepted by the parties concerned (Andasasmita, 1983). In addition, a notary also has an important role in providing legal advice to the public. A notary has good knowledge and understanding of law and can provide solutions to legal problems faced by society. A notary can also assist the public in processing legal documents such as managing company registration, validating documents, and other services related to law. This function is very important to ensure that the community has access to good and quality legal services (Sulihandri & Rifiani, 2013).



Statistics on Indonesia's population in 2022. (Annur, 2022)

Based on population statistics, especially in 2022, Indonesia has a population of more than 275 million people and affects the number of requests for notary services. The more the population, the greater the community's need for notary services in terms of making authentic deeds, validating letters, and other services related to law and transaction security. Therefore, the greater the population of an area, the higher the need for notary services and the increase in the number of notaries operating in the area (Permatasari & Suyatna, 2021). In this case, the government plays an important role in regulating and managing notary services to suit the needs of the community and provide good service to the community. The government is also obliged to ensure that notary services that operate meet standards and have legal certification. This is very important to maintain public trust in notary services and avoid actions that are detrimental to society (Tonggiroh, 2022).

The increase in Indonesia's population has also affected the notary service business and increased competition in this industry. Many new notaries have sprung up to meet people's needs and obtain business opportunities. However, with this competition, notaries must ensure that they have good competence and quality in order to compete and maintain their position in the market (Prabowo, 2011). In addition, the increase in population also affects the level of demand for legal products and other legal services such as lawyers, legal consultants, and so on. This shows that the population has a close relationship with the legal industry and other legal services, and requires good regulation and supervision from the government to protect the interests of society (Nurmayanti & Khisni, 2017).

2. Research Method

The paradigm in this paper is Post-Positivism, this paradigm sees law as an object of interpretation which is not value-free. The epistemology in this paradigm sees the researcher and the object of research as two different and distant things, in this case law is a research object that stands on the outside the construction of the researcher's thinking which is then subjectively interpreted without any value aspects influencing it.[1] The post-positivism paradigm generally uses this type of empirical research, this also includes writing, using empirical research, empirical research sees problems in a study as real problems of law enforcement in society, but still does not change the goals and standard textual forms of legislation existing, so that empirical research with a post-positivism paradigm does not rely on the subjectivity of the logic of researchers broadly, but is contextualized based on the purpose of the birth of a legal regulation.[2]

[1] Erlyn Indiarti, "Diskresi Dan Paradigma: Suatu Telaah Filsafat Hukum. Inauguration Speech for Professor of Diponegoro University" (Semarang, 2010).
[2] B Bungin, *Penelitian Kualitatif* (Jakarta: Prenada Media Group, 2007).

3. DISCUSSION

Integrity and Commitment of a Notary's Position as a Public Official

A Notary who serves as a public official is expected to have high integrity. Integrity can be known through the level of freedom (independence), fairness (impartality), and trust (trustworthiness). These two things become a benchmark for a Notary in carrying out his duties. Integrity is conformity between one's feelings, speech and actions. If a Notary lacks integrity in carrying out his duties, he will be prone to committing detrimental actions such as manipulation, corruption, collusion, dishonesty, conspiracy, and many other bad actions. Every action taken by someone has a responsibility, especially if the action is related to the duties and responsibilities of the legal profession, such as the position of a Notary. Responsibility is a principle of professionalism and is a form of notary's commitment to the implementation of his duties and position (Hadjon, 2005).

Becoming a notary requires a high commitment and great responsibility. A notary must ensure that they understand the applicable laws and regulations properly and carry out their duties according to set standards. In addition, a notary must also have high integrity and honesty and not be involved in actions that are detrimental to society or violate the law (Tobing, 1983). In carrying out their duties, a notary must also have a commitment to provide good service to the community. A notary must ensure that they provide the right solution for every problem faced by the community and meet the needs of the community properly. A notary must also have openness and good communication with the community, understand needs and provide useful advice. This commitment will help build public trust in the services of a notary and enhance the notary's reputation in society (Mertokusumo, 1995). A notary is recognized as a public official in Indonesia, meaning that they have broad powers and responsibilities in carrying out legal duties. Public officials have an important role in society because they are responsible for ensuring that legal transactions are carried out in accordance with the law and meet established standards (Mas, 2004). A notary has an obligation to maintain the integrity of their profession and ensure that they act fairly and objectively in performing their legal duties. They must ensure that they are not influenced by certain parties and ensure that the transactions they carry out are in accordance with the law and meet established standards (Darusman, 2016).

The position of a notary as a public official also carries a big responsibility to ensure that people's rights are protected. They must ensure that they do not provide legal advice that is detrimental to society or assist in acts that are detrimental to society. Notaries must have a commitment to ensure that the transactions they carry out are in accordance with the law and meet established standards (Rahman, 2017). The obligations and responsibilities of a notary as a public official make this profession very important for

society. Communities can trust that the legal transactions they carry out will comply with the law and meet established standards. The integrity and commitment of a notary will help build public trust and ensure that the services of a notary are recognized and accepted by the public. Therefore, the position of a notary as a public official must be recognized and respected by the community (Hendra, 2012).

In notary practice in Indonesia, several notaries violate their own professional ethics. For example the case of Notary San Smith who was found guilty in the Supreme Court Decision Number 1099 K/PID/2010, for committing the crime of entering false information into an authentic deed, violating Article 266 Paragraph (1) and Article 55 Paragraph (1) 1st of the Criminal Code , so imprisoned for 2 years. This act is a violation of the oath or promise as a notary to perform duties in a trustworthy, honest, thorough, impartial manner, maintain the confidentiality of deeds and information obtained in office, and comply with the professional code of ethics, as stipulated in Article 4 Paragraph (1) and Paragraph (2) Law on Notary Office (Syarifurrachman & Adjie, 2011). Notaries must provide the best legal services and services, both to people who can afford it or can't afford it. They are also obligated to provide legal guidance to their clients so that people can be aware of their rights and obligations as citizens and members of society. As stated by Tobing and quoted by Ignatinus, "Efforts to improve the professionalism of notaries do not only include knowledge of the duties and positions of notaries, but also understanding what the people they serve want" (Widyadharma, 2009).

Authorities, Obligations, and Prohibitions of a Notary

Duties or obligations accepted by a Notary are job duties (ambtsplicht). Notaries must carry out the duties of their position in accordance with the promise while serving as a Notary. A Notary is said to neglect the duties or obligations of the position if they do not carry out the orders that must be carried out by law imposed on them (Anshori, 2009). In carrying out its duties, a Notary has several authorities, obligations and prohibitions.

Obligations of a Notary	
Article 15 paragraph 1	"In carrying out his position, the Notary is obliged to:" a. "act honestly, thoroughly, independently, impartially, and protect the interests of the parties involved in legal actions;" b. "make a deed in the form of Minutes of Deed and save it as part of the Notary Protocol;" c. "Issues grosse deed, copy of deed, or excerpt of deed based on minutes of deed;" d. "provide services in accordance with the provisions of this law, unless there is reason to refuse it;"

	e. "keep secret everything regarding the deed he made and all information obtained in order to draw up the deed in accordance with the oath/pledge of office, unless the law determines otherwise;" f. "binds the deed made in 1 (one) month into a book containing no more than 50 (fifty) deed, and if the number of deed cannot be contained in one book, the deed can be bound into more than one book, and record the number of minutes Deed, month and year of manufacture on the cover of each book; g. "make a list of deed of protest against non-payment or non-receipt of securities;" h. "make a list of deeds relating to the will according to the order in which the deed was drawn up every month;" i. "sending a list of deeds as referred to in letter h or a list of zeros relating to wills to the Central List of Wills of the Ministry whose duties and responsibilities are in the field of notary within 5 (five) days in the first week of every following month;" j. "record in the repertorium the date of sending the testament list at the end of each month;" k. "has a seal/stamp bearing the state symbol of the Republic of Indonesia and in the space surrounding it is written the name, position and place of domicile concerned;" l. "reading the deed before the appearers attended by at least 2 (two) witnesses and signed at the same time by the appearers, witnesses and Notary;" m. "accepting the apprenticeship of prospective Notaries."
Article 15 paragraph 2	"Keeping the Minutes of the Deed as referred to in paragraph (1) letter b is not valid, in the event that the Notary issues the deed in the original form."
Article 15 paragraph 3	"Original deed as referred to in paragraph (2) is a deed: a. payment of rent, interest, and pensions; b. cash payment offers; c. protest against non-payment or non-receipt of securities; d. power of attorney; e. ownership statement; or a. f. other deeds based on statutory regulations."
Article 15 paragraph 4	"The original deed as referred to in paragraph (2) can be made in more than 1 (one) copy, signed at the same time, form and content, provided that in each deed the words "applies as one and one applies to all" "
Article 15 paragraph 5	"Original deed containing power of attorney that has not been filled in with the name of the authorized person can only be made in 1 (one) copy."

Article 15 paragraph 6	"The shape and size of the stamp/stamp as referred to in paragraph (1) letter k shall be stipulated by a Ministerial Regulation."
Article 15 paragraph 7	"The reading of the deed as referred to in paragraph (1) letter l is not required, if the appearer wants the deed not to be read out because the appearer has read it himself, knows and understands its contents, provided that this is stated in the cover of the deed and on each page of the deed Minutes initialed by the appearers, witnesses, and notaries."
Article 15 paragraph 8	"If one of the conditions referred to in paragraph (1) letter l and paragraph (7) is not met, the deed concerned only has the power of proof as a deed under the hand."
Article 15 paragraph 9	"The provisions referred to in paragraph (8) do not apply to the making of a will."

Source: UU No.30 of 2004

Prohibition for a Notary	
Article 17	"Notaries are prohibited: a. carry out positions outside the area of office; b. leaving the area of office for more than 7 (seven) consecutive working days without a valid reason; c. concurrently as a civil servant; d. holding concurrent positions as a state official; e. concurrent position as an advocate; f. holding concurrent positions as a leader or employee of a state-owned enterprise, regionally-owned enterprise or private enterprise; g. holding concurrent positions as a Land Deed Making Officer outside the Notary's territory of office; h. become a Substitute Notary; or a. i. carry out other work that is contrary to religious norms, decency, or propriety that may affect the honor and dignity of the Notary's position."

Source: Indonesian Laws No.30 of 2004

In addition to the powers, obligations and prohibitions, Notaries must also ensure that they understand and comply with applicable laws and regulations. They must have adequate knowledge and skills to fulfill the tasks assigned to them. In addition, notaries must also ensure that they have an effective administration and management system to ensure that the documents and information they receive can be found easily and safely (Musdiyanti, et al., 2022). The ability to work efficiently and communicate well is also important for a Notary. They must be able to cooperate with interested parties and understand their needs and expectations. In this case, the Notary must be able to solve problems and resolve conflicts that may arise. Notary success in carrying out their duties

and responsibilities is greatly influenced by their commitment and dedication to their profession (Notodisorjo, 1993).

The authority of a Notary is defined in Article 15 paragraphs (1) and (2) of the Notary Office Law, while additional powers in Article 15 paragraph (3) can be determined later based on the applicable legal regulations. Considering that the role and authority of a notary is very important in social life, the actions of an irresponsible notary can cause harm to society. Therefore, the notary supervision institution must be recognized as effective. Regulations regarding notary supervision are contained in Article 67 paragraph (1) of the Notary Office Law which stipulates that the Minister forms a Notary Supervisory Council starting from the Regional, Regional, to Central levels (Prodjodikiro, 2000). To increase public legal awareness, notaries have the authority to provide legal guidance. Legal guidance is one way to increase legal awareness by providing instructions according to applicable norms, so that the existing legal rules can be understood and obeyed by the community (Octaviani, 2016).

Code of Ethics on Notary Position

The code of ethics is an important part of the notary profession. It defines the moral and professional standards that notaries must apply in carrying out their duties. Codes of ethics help ensure that notaries have high professional integrity and meet the standards set forth in their profession (Lubis, 1994). One of the main duties of a notary is to carry out fair and honest legal transactions. The code of ethics ensures that notaries are not involved in practices that are detrimental to society or contrary to the law. Notaries must ensure that they are impartial and maintain their professional integrity (Prinst, 2002). The code of ethics also ensures that notaries hold professional secrets and protect their clients' privacy rights. Notaries must ensure that the information they obtain in carrying out their duties is not divulged without the knowledge and consent of their clients. This ensures that the privacy rights of their clients are protected and builds trust between notaries and their clients (Adam, 1998). The code of ethics ensures that notaries hold high professional standards in performing their legal duties. Notaries must ensure that they have sufficient knowledge and skills necessary to perform their duties properly. This ensures that the services of notaries are recognized and accepted by society because they have high professional standards (Nico, 2003).

Integrity is the correct understanding of the role that a person has in society without being influenced by any factor. This is the result of moral and conscience efforts that take place within a Notary, so that he is strong and able to carry out his duties and responsibilities as a public official who handles government duties and relates to

applicable laws, such as the Law on Notary Position and the Notary Code of Ethics. (Ancient, 2020). The Notary's Code of Ethics includes ethical principles to ensure that the duties and responsibilities of a Notary as a public official are carried out in a professional, honest and free from harmful influences. Personal ethics, duties, service, peer relations, and supervision are some of the things that must be considered. Notaries must have strong moral integrity, be honest, and understand the limits of their authority. He must comply with applicable laws and not violate the provisions that are prohibited. Notaries must carry out their duties professionally, not just as a recorder. If the legal provisions are violated, the deed made by the Notary will lose its authentic power. In addition to moral integrity, a Notary must also have an essential sense of justice and not be affected by money. He must ensure that the formal evidence created reflects a sense of justice, not just to fulfill legal certainty (Muhammad, 1997).

There is an understanding that having professional, ethical, and legal aspects will make a Notary a professional, who is able to keep abreast of legal developments in order to deal with actual problems that occur in society. In terms of ethics, a Notary must understand all the ethical values written in the Indonesian Notary Code of Ethics and Notary Regulations. There are several principles that must be used as a basis or guide in carrying out office duties, such as the principles of legal certainty, trust, equality, caution, and professionalism to carry out tasks with the right substance and understanding for the benefit of a Notary (Prasetyawati & Prananingtyas, 2022). Notaries play a very important role in carrying out the duties of the legal profession. This is inseparable from the basic problems related to the function and role of the law itself. Law is defined as the rules that govern people's lives. The responsibility of a Notary as part of the legal profession should not be interpreted that in carrying out their duties, they must be separated from the power of law. Therefore, a Notary is expected to be able to apply this in providing services to the community (Tedjosaputro, 1995).

4. CONCLUSION

Non-compliance with integrity and commitment by a notary public can cause harm to society and affect the image of the notary profession as a whole. As a consequence, public trust in the notary profession will decrease and may affect public acceptance of the duties and functions of a notary as a whole. Because notaries must always maintain their integrity and commitment to maintain the image of the profession and provide quality services to the community. By having high integrity and commitment, a notary can ensure that the duties and functions carried out can be carried out properly and in accordance with the specified standards. This makes the notary public to be trusted and provides legal certainty for the transactions carried out. Therefore, integrity and

commitment are two very important things for a notary in carrying out his functions and duties and must be maintained so that a notary can provide quality services to the public.

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