Position of Notary in Indonesia as a State Official

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Abstract

A notary is a public official authorized to make authentic deeds, but apart from that, in fact, there are also notaries who become state officials after being appointed as public officials. One of the difficulties of the The Rules of Notary Profession (UUJN) is the conflict between Articlparagraph (1) letter e juncto Article 3 letter g and the prohibition of Article 17 paragraph 1 letter d with Article 11 paragraph 1, so that there is a conflict of interest in concurrent positions, that raises question which steps should be taken by a Notary who doubles as a State Official. This study used a normative juridical research method, which was carried out in the library and the field using document study legal material collection tools. Based on the qualitative analysis, it is known that there are (two) solutions that regulate Notaries to become State Officials, namely the Notary is required to take leave and to appoint a replacement Notary, and the Notary is responsible for the deeds made before becoming a member of the State Officials so that they are not causing problems with multiple positions on the head of the notary deed andthe replaced notary protocol.

I. Introduction

The establishment of the UUJN aims to realize legal unification in the notary sector. Law Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning the Notary Profession (UUJN), there are deficiencies that cause legal pluralism and problems in the implementation of the Notary's position. This is very much realized considering that UUJN is "... a man-made product that is not without flaws..."[1]

One of the deficiencies in the UUJN is regarding the procedures or procedures that must be carried out by a Notary who is appointed as a State Official, has a different understanding in the UUJN article. As stated in Article 8 paragraph (1) UUJN, namely:

The notary stops or is dismissed from his position with honor due to:

a. die;
b. 65 (sixty five) years old;
c. their own request;
d. spiritually and/or physically unable to carry out the duties of a Notary's position continuously for more than 3 (three) years; or
e. holding concurrent positions as referred to in Article 3 letter g.[2]

The concurrent positions referred to in Article 3 letter g relates to one of the conditions for being appointed as a Notary Public, namely: "... not having the status of a Civil Servant, State Official, Advocate, or not holding other positions which by law are prohibited for being concurred with Notary position ...."[3]

The provisions of Article 8 paragraph (1) letter e juncto Article 3 letter g require that a Notary who doubles as a State Official must resign or be dismissed from his position. Meanwhile in Article 11 paragraph (1), it contains provisions that the Notary is obliged to take leave and appoint a Substitute Notary.

In addition, the provisions regarding the existence of an article that regulates Notaries as State Officials (UUJN Article 11) appear to contradict with the prohibition of Notaries to concurrently serve as State Officials (UUJN Article 17 letter d), thus causing concurrent positions. The problem of multiple positions can be seen in the making of the head of the Notary deed and the replaced Notary protocols, where the

[1] Anke Dwi Saputro, ed., *Jati Diri Notaris Indonesia Dulu, Sekarang, dan di Masa Datang*, (Jakarta: PT. Gramedia Pustaka, 2008), p. 104.
[2] Indonesia (1), Undang-Undang tentang Jabatan Notaris (Law regarding the Notary Profession), UU No. 2 Tahun 2014 (Law Number 2 Year 2014), LN. No 117 Tahun 2004 (State Gazette Number 117 year 2004), TLN No. 4432, psl. 8 ayat (1). (Supplement to the State Gazette Number 4432) art. 8 para. (1).
[3] *Ibid*., art. 3 letter g.

head of the deed includes the name of the Notary who serves as a State Official along with the name of the Substitute Notary, so that this provision can cause a conflict of interest to the Notary who is appointed as the State Official.

Regarding the conflict or conflict between Article 8 paragraph (1) letter e juncto Article 3 letter g and Article 11 paragraph (1) raises a question, which procedure should be taken by a Notary who is also a State Official, whether honorably dismissed or temporarily dismissed, or taking leave with a substitute or without a replacement, as well as Article 17 letter d with Article 11, causing concurrent positions which causes a conflict of interest, these things will definitely cause a new problem in the implementation of the Notary's duties. This research will answer how the legal status of a notary who becomes a state official and also how the responsibility of the notary to the deed made before becoming a state official.

2. Research Method

This article examines the regulatory policies for notaries who hold concurrent positions as state officials and what are the procedures for notaries who are appointed as state officials. The literature study was carried out with secondary data obtained from existing regulations, as well as expert opinions obtained from notary-related journals and books. Content analysis was carried out against notary regulations that apply in Indonesia.

3. Results and Discussion

The Legal Status Of A Notary Who Becomes A State Official

Scope of Office of Notary

1. Notary Duties and Authorities

In UUJN Article 1 point 1, a notary is defined as a public official authorized to make authentic deeds and other authorities as referred to in UUJN. The definition given by UUJN refers to the duties and powers carried out by a notary. This means that a notary has a duty as a public official and has the authority to make authentic deeds and other authorities regulated by UUJN.[4]

Article 1 UUJN does not provide a complete description of the duties of a notary. According to Lumban Tobing, apart from making authentic deeds, notaries are

[4] Abdul Ghofur Anshori, Lembaga Kenotariatan Indonesia Perspektif Hukum dan Etika, (Yogyakarta: UII Press, 2009), p. 13-14

also assigned to register and legalize letters or deeds that are made privately. The notary also provides legal advice and explanations regarding the law to the parties concerned.[5] Meanwhile, according to Setiawan, the core of the duties of a notary as a public official is to regulate in writing and authentically the legal relationship between parties who benefit from requesting the services of a notary, which is basically the same as the task of a judge who provides justice between the parties to the dispute.[6]

Sudikno Mertokusumo argues, a deed is a letter that is the basis of a right or a word that was made from the beginning on purpose to make a statement….[7] The opinion which interprets the deed as a legal act is the opinion of Subekti, which interprets Article 108 of the Civil Code, does not mean a letter but must mean a legal act.[8] Strengthening the second opinion, Acte or deed in a broad sense is a legal act (recht handeling), a writing made to be understood as evidence of a legal action. [9]

J. M. Polak in Roesnastiti Prayitno once stated in one of his speeches, that there are 4 functions of a notary, namely:

1) As an "official" he makes authentic deeds;
2) As a "judge" he provides an intermediary in completing inheritance among the heirs;
3) As a "legal counselor" and "legal aid provider" he provides information so that the parties are aware of their respective rights and obligations based on;
4) As an "entrepreneur" or "entrepreneur" he retains his clients in order to be able to finance his business.[10]

The task of the notary is to confirm the legal relationship between the parties in a written form and in a certain format, so that it is an authentic deed. He is a strong document maker in a legal process.[11]

According to Than Thong Kie, notaries have similarities in work with advocates, the similarity is: "both of them put an incident in the economic field in a legal form, give advice to customers and expect to gain their trust. But there are

[5] G.H.S. Lumban Tobing, Peraturan Jabatan Notaris,(Jakarta: Erlangga, 1983), p. 37
[6] Setiawan Wawwan, Hak Ingkar dari Notaris dan Hubungannya dengan KUHAP (a study of the descriptions presented at the INI congress in Jakarta, 1995), p. 2.
[7] Sudikno Mertokusumo, Penemuan Hukum Sebuah Pengantar, (Yogyakarta: Liberty, 1979), p. 106.
[8] Subekti, Hukum Pembuktian, (Jakarta: PT Pradnya Paramitra, 1980), p. 29.
[9] Sudarsono, Kamus Hukum, (Jakarta: PT. Rineka Cipta, 2007), p. 25.
[10] Roesnantiti Prayitno, Tugas dan Tanggung Jawab Notaris Sebagai Pejabat Pembuat Akta Tanah, (Jakarta: Media Notariat INI, 1989), p. 179.
[11] Tan Thong Kie, *Studi Notariat Beberapa Mata Pelajaran dan Serba Serbi Praktek Notaris*, Cet ke-2, (Jakarta: PT. ICHTIAR BARU VAN HOEVE, 2000), p. 159.

differences in principle, namely:

1. A notary provides services to all parties, an advocate to one party. A notary must try to resolve a problem so that all parties are satisfied; Advocates only try to satisfy one party. Even if a consensus is reached in this case, basically he only pays attention to the interests of his customers.
2. The job of a notary is to prevent a problem from occurring between parties, while an advocate resolves a problem that has already occurred".[12]

UUJN Article 17 states, notaries are prohibited from:

a. carrying 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. holding concurrent positions as a civil servant;
d. holding concurrent positions as a state official;
e. holding concurrent positions 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 office area;
h. becoming a substitute notary; or
i. carrying out other work that is contrary to religious norms, decency, or propriety that may affect the honor and dignity of the position of a notary.

2. Notary Obligations and Responsibilities

The notary is also obliged to record privately-held deeds that are legalized and submit a copy that is actually recognized as valid from the repertory and other lists of deeds made before him during the past year. In accordance with the provisions of Article 15 paragraph (2) letters a and b UUJN, if during the past year there was no deed drawn up by a notary, then the notary concerned within the same period is obliged to submit a statement regarding this matter.

Notaries in carrying out their duties and positions are required to be responsible for themselves, clients, and certainly God Almighty. This responsibility can be interpreted as a basic willingness to carry out what is his obligation. Accountability is an act of giving explanations that can be justified either morally or legally.[13]

[12] Ibid, p. 169.
[13] Sidharta, Moralitas Profesi Hukum, (Bandung: Refika Aditama, 2006), p. 49.

Notaries can carry out their duties and positions must be responsible, meaning:

1. The notary is required to make the deed properly and correctly. This means that the deed made fulfills the will of the law and the request of interested parties because of their position.
2. Notaries are required to produce quality deeds. This means that the deed he made was in accordance with the rule of law and the will of the interested parties in the true sense, not making it up. The notary explains to interested parties the truth of the contents and procedures of the deed he made.
3. Has a positive impact, meaning that anyone will admit that the notarial deed has perfect proof strength.[14]

The responsibilities of a notary from an ethical perspective include adherence to the notary's oath of office, in this case the basis for the professional code of ethics. The oath of office of a notary is the basis for the enactment of the professional code of ethics for those who pronounce it, which is regulated in UUJN Article 4.

The responsibility of a notary is also contained in Article 65 UUJN which stipulates that:

"Notaries, Substitute Notaries, and Temporary Officials are responsible for every deed made even though the Notary's protocol is submitted or transferred to the protocol depository."

In this case, the makers of Article 65 UUJN consider that:

1. Those who are appointed as notaries, substitute notaries, and notary temporary officials are considered as carrying out personal duties for life, so that there is no time limit for accountability.
2. The responsibility of a notary, substitute notary, and temporary notary official is considered to be attached wherever and wherever the former notary, substitute notary, and temporary notary official are located.[15]

Based on the concept of such a position, a notary as a position (so that the legal rules regarding notaries, namely UUJN, not notary profession laws) has limitations in terms of their authority, namely as stated in UUJN Article 15.

3. Rights Owned by a Notary

A. Right of Refusal by a Notary

[14] Abdul Kadir Muhammad, Etika Profesi Hukum, (Bandung: PT. Citra Aditya Bakti, Cetakan ke III 2006), p. 93.
[15] Habib Adji, Meneropong Khazanah Notaris dan PPAT Indonesia, *Op. Cit.*, p. 43-44.

The Scope of Notary Refusal Rights, namely:

1) Required Confidential Notary.
   Based on the sound of the notary's oath of office, what must be kept confidential is limited to the contents of the deeds (Notary Office Regulations) which are then expanded to include the contents of the deed and information obtained in the implementation of the office (UUJN).
2) Parties related to Notary Refusal Rights.
   A notary as a trusted official is obliged to keep everything that is notified to him as a notary. This obligation is not only required to be carried out by a notary, but also by parties related to a notary public, including employees in the notary office.

B. Leave Right

While carrying out his duties, a notary has the right to apply for leave, which can be taken after carrying out his duties for 2 (two) years (Article 25 paragraph (3) UUJN). The total number of leave taken by a notary is not more than 12 (twelve) years (Article 26 paragraph (3) UUJN). In accordance with the character of a notary's position, which must be continuous as long as the notary is still in his term of office, the notary concerned must appoint a replacement notary.[16]

The request for leave as referred to above is submitted to the authorized official, based on Article 27 paragraph (2) UUJN states:

a. Regional Supervisory Council, in terms of the leave period of not more than 6 (six) months;
b. Area Supervisory Council, in terms of leave period of more than 6 (six) months to 1 (one) year; or
c. Central Supervisory Council, with a leave period of more than 1 (one) year.

C. Honorarium

While the notary is carrying out his duties, even though he is appointed and dismissed by the government, he does not receive a salary from the government or a pension from the government, so that the honorarium received by the notary is the personal income of the notary concerned.[17]

The notary has the right to receive an honorarium for the law given in accordance with their authority. The amount of honorarium received by a notary is based on

[16] Habib Adji, Hukum Notaris Indonesia, Op.Cit., p. 102.
[17] Habib Adji, Hukum Notaris Indonesia, Op. Cit., p. 108.

the economic value and sociological value of each deed he makes. (Article 36 paragraph (1) and (2) UUJN.

Honorarium is the right of a notary, meaning that a person who needs the services of a notary is obliged to pay a notary's fee, although the notary is also obliged to help free of charge to those who cannot afford to pay an honorarium to a notary. (Article 37 UUJN).

Responsibility Of The Notary To The Deed Made Before Becoming A State Official

Definition of Officials, State Officials, Public Officials

Official

According to Great Dictionary of the Indonesian Language, the term pejabat (Indonesian term for "official") has the meaning as "... service; part of the work of the Government or as a Government Employee; shake...".[18] An official is an individual who carries out a position which is a right and an obligation "... The position acts through the mediation of the Officer ..."[19] According to E. Utrecht, a Position (ambt) is "... a permanent work environment (kring van vaste werkzaamheden) held and carried out for the benefit of the state (public interest)...." [20]

The relationship between Position and Officer cannot be separated, on the one hand that position is permanent (permanent work environment), on the other hand that position can be carried out by humans as a supporter of rights and obligations, so that those who fill or carry out positions are called Officials or Officers who carry out position rights and obligations. Therefore a position will not work if there are no officials to run it. The word official refers more to "... a person who holds a position ..."[21] All actions taken by officials in accordance with their authority constitute the implementation of the position.[22]

State officials

[18] Tim Penyusun Kamus Pusat Pembinaan dan Pengembangan Bahasa, Kamus Umum Bahasa Indonesia, Cet ke-16, (Jakarta: Balai Pustaka, 1999), p. 723.
[19] E. Utrecht, Pengantar Hukum Administrasi Indonesia, (Djakarta: Penerbitan dan Balai Buku Ichtiar, 1963), p. 124-125.
[20] Ibid., p. 159.
[21] Indroharto, *Usaha Memahami Undang-undang Tentang Peradilan Tata Usaha Negara, Beberapa Pengertian Dasar Hukum Tata Usaha Negara*, Buku I, (Jakarta : Pustaka Sinar Harapan, 1996), p. 28.
[22] Habib Adjie (1), *Sanksi Perdata dan Administratif Terhadap Notaris Sebagai Pejabat Publik*, Cet I, (Bandung : PT. Refika Aditama, 2008), p. 18.

According to Article 1 paragraph (4) of Law Number 43 of 1999 State Officials are "... leaders and members of the highest and highest state institutions as referred to in the 1945 Constitution and other State Officials determined by law..."[23] State Officials according to Article 11 paragraph (1), consists of:

a. President and vice president
b. Chairman, Deputy Chairperson, and members of the People's Consultative Assembly.
c. Chair, Deputy Chair and members of the House of Representatives.
d. Chairperson, Deputy Chairperson, Junior Chairperson, and Supreme Court Justices at the Supreme Court as well as Chairpersons, Deputy Chairpersons, Deputy Chairpersons, and Judges at all judicial bodies.
e. Chair, Deputy Chair, and members of the Supreme Advisory Council.
f. Chairman, Deputy Chairperson, and members of the Audit Board.
g. Minister and minister-level positions.
h. Head of Representative of the Republic of Indonesia abroad who has the position of Ambassador Extraordinary and Plenipotentiary.
i. Governor and Deputy Governor.
j. Regent/Mayor, and Deputy Regent/Deputy Mayor; And
k. Other State officials determined by law[24]

Other State officials referred to in the law include the Chairperson, Deputy Chairmen and members of the KPU, KPK, DPD, DPRD, BIN (State Intelligence Agency), BAPPENAS, BPN (National Land Agency), State Secretary, Ombusman Commission and so on.

State officials who are appointed from civil servants are dismissed from their organic positions while serving as state officials, without losing their status as civil servants, and when they have finished carrying out their duties as state officials, they can be reappointed to their organic positions.[25] According to Hoge Raad (H.R), Civil Servants are:

Those who are appointed by the authorities are entitled for the benefit/benefit of any person or those who work for a public body, for example the state, province or municipality, who represent that body in carrying out their duties and exercising the powers that exist in that body.[26]

[23] Indonesia (2), *Undang-undang tentang Perubahan atas Undang-undang Nomor 8 Tahun 1974 tentang Pokok-pokok Kepegawaian (Law regarding the Amandment of Law Number 8 Year 1974 regarding Basic Law on Civil Service)*, UU No. 43 Tahun 1999 (Law Number 43 Year 1999), art. 1 para. (4).
[24] *Ibid*., art. 11 para. (1).
[25] *Ibid*., p. 20.
[26] G.H.S. Lumban Tobing, *Peraturan Jabatan Notaris*, Cet. Ke-3, (Jakarta : Erlangga, 1983), p. 36

UUJN also regulates Notaries who are appointed as State Officials, based on Article 11 paragraph (1) and Article 11 paragraph (2) UUJN, a Notary who is appointed as a State Official is obliged to take leave.11 and appoint a substitute Notary,12 and after no longer holding office as State Official, then the Notary who is appointed as a State Official can resume his duties as a Notary.[27]

Public Official

Public official is a person whose job is to serve the public interest, in accordance with the authority given. Public officials are not only to brands who are domiciled as Executive Officers (Government), but also to Notaries who have independent positions regardless of power in any form. [28]

Definition of Notary as General Official, Substitute Notary, and Notary Temporary Officer.

Notary as General Official

Notary as a Public Official is confirmed in chapter I Article 1 of PJN (Ord. Stbl. No. 3, came into effect on July 1, 1860), which states:

Notary is a Public Official who is the only one authorized to make authentic deeds regarding all actions, agreements and stipulations that are required by a general regulation or by interested parties to be stated in an authentic deed, guarantee the certainty of the date, save the deed and provide grosse, copy and quote, all insofar as the making of the deed by a general rule is not also assigned or excluded to officials or other people.[29]

Meanwhile, according to UUJN Article 1 paragraph (1)"... Notary is a Public Official who is authorized to make authentic deeds and other authorities as referred to in this law ...,"[30] other authorities referred to the authorities regulated in UUJN Article 15 authority which is confirmed in the legislation confirms that the legal action must be made with a notarial deed (for example Law Number 40 of 2007 concerning Limited Liability Companies).

The provisions of Article 1868 of the Civil Code only explain the definition of an authentic deed, these provisions do not clearly regulate who is a Public Official,

[27] *Ibid*., art. 11 para. (6).
[28] *Ibid*., hal. 26
[29] Tobing, *Op.Cit*., p. 31
[30] Indonesia (1), *Op.Cit*.,art. 1 para. (1).

and do not explain the place where he is authorized to the limits of his authority, so that legislators still have to make laws and regulations to regulate this matter, thus it can be said that UUJN and PJN are implementing regulations of Article 1868 of the Civil Code and it is the notary who is meant as a public official..[31]

Position

The position of a Notary is not placed in a Judicial, Executive or Legislative institution, because the position of a Notary is related to service to the community so that to guarantee legal certainty, the Notary must be in a neutral position, if placed in one of the three institutions, the Notary can no longer be considered neutral . This neutral position also applies to the making of a deed, a notary is not allowed to make the contents of a deed in favor of his client, because the notary's job is to provide services without discriminating between status or interests, unless it violates laws and regulations.

By paying attention to several articles of several laws and regulations that legitimize the existence of a Notary as a Public Official, and seeing the duties and work of a Notary to provide public services (services to the community) to make authentic deeds, the Notary is also assigned to record in the register of letters at privately recorded (waarmerken) as well as registering in the legalized privately held document register (legaliseren) of privately owned letters or deeds (L.N. 1916-46 jo. 43).[32]

According to Article 3 UUJN, the requirements to be appointed as a Notary are:

a. Indonesian citizens
b. Have faith in God Almighty;
c. At least 27 (twenty seven) years old;
d. Physically and mentally healthy;
e. Graduated with a law degree and graduated from the notary degree;
f. Has undergone an apprenticeship or has actually worked as a Notary's employee on his own initiative or on the recommendation of a Notary Organization after graduating from notary level; and
g. Does not have the status of a civil servant, state official, advocate, or is not currently holding another position which by law is prohibited from having concurrent positions as a Notary.[33]

[31] Tobing, Op.Cit., p 35.
[32] *Ibid.,* hal. 32-35.
[33] Indonesia (1), *Op.Cit*., art. 3.

The appointment and dismissal of a Notary is carried out by the Government,[34] in this case the Minister whose field of duties and responsibilities includes the notary field,[35] thus the requirements for a Public Official are someone appointed by the Government with the task of authority to provide public services in certain fields, fulfilled by the position of Notary.[36]

Substitute Notary

A substitute notary is "… a person temporarily appointed as a notary to replace a notary who is on leave, sick, or temporarily unable to carry out his position as a notary…"[37] requirements to be appointed as a substitute notary are "… Indonesian citizens with a law degree and have worked as a notary office employee for at least 2 (two) consecutive years…"[38]

Substitute Notary by law is given the same authority and obligations as well as prohibitions as the Notary he replaces, (as referred to in Article 15, Article 16 and Article 17 UUJN), so that the Substitute Notary is tasked with continuing the implementation of the position of the Notary he replaces. The provisions of these articles are to maintain the continuity of the Notary's position as long as the Notary's authority is still attached to the Notary being replaced.[39]

According to the provisions of Article 32 paragraph (1) UUJN, a Notary who takes leave is obliged to submit the Notary Protocol to the Notary Substitute, if the leave is over, the Substitute Notary returns the Protocol to the Notary, and the Substitute Notary remains responsible for every deed he made even though the Protocol has been submitted.[40]

Notary Temporary Officer

According to Article 1 paragraph (2), what is meant by a Notary Temporary Officer is "... a person who temporarily serves as a Notary to carry out the position of a Notary Public who has died, been dismissed or temporarily dismissed..."[41]

[34] *Ibid*., psl.2.
[35] *Ibid*., psl. 1 ayat (14).
[36] Tobing, Op.Cit., p. 37-39.
[37] Indonesia (1), *Op.Cit*., art. 1 para. (3)
[38] *Ibid*., art. 33 para. (1)
[39] Habib Adjie (2), *Hukum Notaris Indonesia, Tafsir Tematik Terhadap UU No. 30 Tahun 2004 Tentang Jabatan Notaris*, Cet. 1, (Bandung : PT. Refika Aditama, 2008), p. 43.
[40] Indonesia (1), *Op.Cit*., art. 65.
[41] *Ibid*., art. 1 para. (2).

However, if the definition of death in Article 1 paragraph (2) is related to the provisions of Article 35 paragraph (3) UUJN, it can be concluded that if a Notary dies while on leave, the Notary Temporary Officer is tasked with continuing the implementation of the position that has not been completed, namely at most within 30 (thirty) days since the Notary died,[42] Notary Temporary Officer holds the Notary's protocol and will submit it to the Regional Supervisory Board no later than 60 (sixty) days from the date the Notary dies.[43]

The substance of Article 1 paragraph (2) UUJN creates confusion about Notary as a position. Notaries in carrying out their duties and positions are given certain powers. A notary who dies and is dismissed still has no authority, meaning that the position of the notary he holds has ceased and will not return as a notary, therefore the notary's protocol concerned is kept by another notary as the temporary holder of the notary's protocol, while for a notary who is temporarily dismissed then temporarily he does not have the authority to carry out the duties of his position, so it is not logical if a person who is no longer has authority (temporarily), but his authority is exercised by another person by appointing a Notary Temporary Officer.[44]

4. Conclusion

Arrangements for Notaries who are appointed as State Officials are contained in Article 11 UUJN. Notaries who are appointed as State Officials are required to take leave and appoint a Substitute Notary. If the Notary does not appoint a Substitute Notary, the Regional Supervisory Council (MPD) will appoint another Notary as the Temporary Holder of the Notary Protocol, to accept the Notary protocol whose jurisdiction covers the place and position of the Notary who is appointed as a State Official, if the Notary appointed as a State Official no longer serves as a State Official, the Notary can return to carrying out his position as a Notary. If Article 11 UUJN is not implemented, it means that the Notary who is appointed as a State Official does not take leave and does not appoint a Substitute Notary, then the consequences or consequences of the Article are Article 8 paragraph (1) letter e juncto Article 3 letter g UUJN and Article 85 UUJN, i.e. the Notary is deemed to have concurrent positions as a State Official and will be subject to administrative sanctions in the form of dismissal from his position.

[42] Indonesia (1)., *Op.Cit*., art. 35 para. (3).
[43] *Ibid*., art. 35 para. (4).
[44] Adjie (2), *Op.Cit.,*p. 42-43.

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REGULATIONS

Kitab Undang-Undang Hukum Perdata

Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan NotarisUndang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris

Undang-Undang Nomor 43 tahun 1999 tentang Pokok-Pokok Kepegawaian

Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum