

## *Study On The Effectiveness Of Supervision And Council By Regional Supervisory Assembly Against Notaries In Gorontalo District*

Ridho Cahya Pratama Lahay<sup>1</sup>, Nur M. Kasim<sup>2</sup>, Julius Mandjo<sup>3</sup>

<sup>1</sup> Faculty of Law, Universitas Negeri Gorontalo

<sup>2</sup> Faculty of Law, Universitas Negeri Gorontalo, Indonesia.

<sup>3</sup> Faculty of Law, Universitas Negeri Gorontalo, Indonesia

### ARTICLE INFO

#### **Keywords :**

*Supervision, Guidance, Notary Position*

#### **How To Cite :**

Lahay R.C.P., Kasim, N.M ., Mandjo. J (2020). *Study On The Effectiveness Of Supervision And Council By Regional Supervisory Assembly Against Notaries In Gorontalo District* . *Estudiante Law Journal*. Vol. 2 (3): 588-602

#### **DOI :**

### ABSTRACT

The purpose of this article is to determine the effectiveness of the authority of Supervision and Guidance by the Regional Supervisory Board for the Notary profession and to know the inhibiting factors for Supervision and Guidance of the Notary profession in Gorontalo Regency, Although routinely in carrying out supervisory and coaching duties, the Regional Supervisory Council still finds several problems regarding the code of ethics of the notary profession, frequent administrative violations related to the notary deed . The research method used is the empirical legal research method. The problem in this article is to what extent is the effectiveness of the authority of the Regional Supervisory Council towards the supervision and guidance of Notaries in Gorontalo Regency and what are the inhibiting factors in carrying out such supervision and guidance. The results of the discussion show that there are some ineffective supervision implementations such as Notaries in Gorontalo Regency still often neglect to make book bundles if the number of deeds has fulfilled 50 deeds, there are also repeated omissions by Notaries related to the neatness of deed storage and deed picking tests. The inhibiting factor is the lack of infrastructure due to the combination in 1 Supervisory Council at the regional level so that it has implications for less effective and maximum supervision and guidance for Notaries. For this reason, it is necessary to add authority to the Regional Supervisory Council in the Law on Notary Positions or in other technical regulations as well as the need for government efforts to support human resources in order to increase the Notary profession in Gorontalo, so that with the adequate allocation of the Notary profession in each region, an institution can be created. Regional Supervisors in each of the regions in need.

@2020 Lahay R.C.P., Kasim, N.M ., Mandjo. J  
Under the license CC BY-SA 4

## 1. Introduction

In the context of countries that adopt legal principles, there are various kinds of legal systems that are very popular in use. Among them is the civil law system and the common law system. The system adopted by Continental European countries which refers to Roman law is called the civil law system, has such a term because Roman law originated with the great work of Emperor Iustianus Corpus Iuris Civilis while the system developed in England based on the original law of the majority of the British people is known as with the common law system. The civil law is often referred to as the Continental system.<sup>1</sup>

The concept *rechstaat* legal system continental European has the aim of reducing the vast authority of the king in the country. For example, in the development of Immanuel Kant's thought who coined the term *nachwachter staat* or liberal law state. However, thinkers in that era thought that the ideas of Immanuel Kant were too liberal or tended to be freely open, so Friedrich J Stal (a German legal expert) concretized the concept of *rechstaat* by acknowledging the protection of human rights, the separation or division of power, the existence of a government. based on regulations (*wetmatigheid van het bestuur*), and the existence of an administrative court that is free in disputes (*administratieve rechtspraak*).<sup>2</sup> While the concept of rule of law was pioneered by liberals with the main goal of creating legal certainty. Furthermore, according to Hayek in his book entitled *The Road To Serfdom*, there are 3 elements of nature in the concept rule of law, namely generality, equality, and certainty Peter then to complete the above by Albert V. Dicey in 1885 wrote a book entitled *Introduction to the Study of the Law of Constituion*, containing three important elements, namely; Supremacy of the law, stating that everyone has the right to be given equal rights before the law, and the Constitutional Base on Human Rights.[1]<sup>3</sup>

In the context of a contemporary legal state, it is necessary to develop laws that can be pursued by reforming the law, these reforms still pay attention to the influence of globalization which shapes the plurality of the applicable legal order. Legal reform is an effort to improve services, legal certainty and awareness of the law as well as law enforcement with the core of justice, truth, order and welfare in the context of an increasingly orderly and orderly state administration. Legal development can be pursued

---

<sup>1</sup> M Marzuki, *Introduction to Legal Science in Revised Edition*, (Jakarta: Kencana, 2011), 223.

<sup>2</sup> Sayuti, *The concept of rechtstaat in the rule of law*, on *NALAR FIQH*, Journal of Islamic Economics and Society Studies, Volume 4, Number 2, December 2011, 93

<sup>3</sup> Teguh P., "Rule of Law in the Dimensions of Statein Indonesia", *JOURNAL OF LAW REFLECTION OF LAW*, October 2010 Edition, 133.

by reforming the law, which in terms of such renewal still takes into account the influence of globalization that forms the plurality of the applicable legal order. Legal reform is an effort to improve services, legal certainty and awareness of the law as well as law enforcement with the core of justice, truth, order and welfare in the context of an increasingly orderly and orderly state administration.<sup>4</sup>

The development of law in the contemporary sense in the context of the rule of law (reschstaat) is very closely related to law enforcement in Indonesia. Law enforcement is central to life activities that intersect with law which is prepared based on planning for the law, in the process of law making or law formation, enforcement in the field of law itself as well as providing an evaluation of law.<sup>5</sup> Talking about law enforcement in the civil sector, it is still often found in the community that there are legal problems over documents that have no legal force.

The implication above causes people not to know exactly about the importance of legal instruments. The importance of the task of the notary profession in creating conditions that prioritize legal protection and certainty for the community to prevent future legal consequences by making authentic deeds that do not accommodate the interests of the parties. Notary is a profession that has an important function in people's lives in general, in particular asking for various analyzes and legal advice from the notary itself regarding the substance of the deed to be carried out by the notary.<sup>6</sup>

If you examine article 67 paragraph (1) of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary, the Ministry of Law and Human Rights is given the authority to supervise all kinds of notary professions. In carrying out its duties, the Ministry of Law and Human Rights is given the obligation to form a supervisory board consisting of government elements, organizations that accommodate notaries, as well as experts or academics who are competent in that field. The supervisory board formed consists of the Regional Supervisory Council or MPD, the Regional Supervisory Council or MPW and the Central Supervisory Council.<sup>7</sup>

---

<sup>4</sup> Fence Wantu, *Idee des Recht In Certainty, Justice, and Legal Expediency (Implementation In Civil Court Processes)*, First Printing, (Yogyakarta: Pustaka Belajar, 2011), 1.

<sup>5</sup> Zudan A Fakrullah, "Law Enforcement as an Opportunity to Create Justice" *Journal JURISPRIDENCE*, Volume 2 Number 1, March 2005, 22.

<sup>6</sup> Salim, *Contract Law and Theory Contract Drafting*, (Jakarta: Sinar Graphic, 2016), 43.

<sup>7</sup> Habib Adjee, *Indonesian Notary Law Thematic Interpretation of Law Number 30 of 2004 concerning Notary Positions*, (Surabaya: Refika Aditama, 2011), 173.

Regarding the effectiveness of supervision and guidance by the Regional Supervisory Council in Gorontalo district, the researcher found that there were several problems with the code of ethics that occurred. There is a problem with the code of ethics for notaries in the working area of Gorontalo district with status under examination. The alleged occurrence of this practice is related to the minutes of the deed from the notary. Therefore, the Regional Supervisory Council in Gorontalo Regency carries out routine supervision of Notaries every 1 (one) month, based on Article 70 (2) of the Law on Notary Positions. Examination of the protocol aspect of the notary profession once in 1 (one) year or whenever it is deemed necessary or an examination must be carried out. Furthermore, cases of code of ethics were still found, such as in the minutes of notary protocol inspection published by MPD Number: 6/BAP PN/MPDN, K.Gtlo.KBlmo.K.Gorut, 10.2017, it was found that there was writing in the reportorium book that was not neat on the picking test. to the minutes of the deed issued by the Notary concerned. So it is considered important to be carried out by the Notary MPD institution. For this reason, the Regional Supervisory Council has categorized it in the status of checking the code of ethics for the notary concerned.

The problems above show that in carrying out the task of supervising and fostering the Regional Supervisory Council in Gorontalo district, there are still some problems related to the code of ethics of the notary profession. Therefore, this research will focus on the core issue on the extent to which the effectiveness of supervision and guidance of Notaries by the Regional Supervisory Council in Gorontalo Regency and how the performance of the Regional Supervisory Council in responding to various kinds of obstacles that arise in the field when the Notary is on duty. Based on this background description, the authors are interested in conducting research with the title "Study of the Effectiveness of Supervision and Guidance by the Regional Supervisory Board of Notaries in Gorontalo Regency".

## **2. Method**

Description of the problem through the introduction to the background above, it can be identified several problem formulations which are narrowed down in the following questions:

1. To what extent is the effectiveness of Supervision and Guidance by the Regional Supervisory Council towards Notaries in Gorontalo Regency?
2. What are the inhibiting factors for the implementation of supervision and guidance by the Regional Supervisory Council against Notaries in Gorontalo Regency?

## **3. Discussion**

### **3.1. The position of the Regional Supervisory Council as the Agency Conducting Supervision, Examination and Guidance of Notaries in Gorontalo Regency.**

The supervisory agency of a profession has various definitions of its function and position. According to the Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number M-OL.HT03.01 of 2003 concerning Notary, what is meant by supervision in Article 1 paragraph 8, namely administrative activities that are preventive and repressive by the Minister aimed at keeping Notaries in carry out their duties in accordance with statutory regulations. Furthermore, what is meant by supervision is providing guidance and supervision both preventively and curatively to notaries in carrying out their professions as public officials so that notaries must always improve their professionalism and quality of work, so as to provide guarantees of legal certainty and protection for recipients of notary services and the wider community.

The basic framework for the birth of a supervisory agency for the Notary profession is through the Law on Notary Positions. The Notary Position Act is a unification in the field of Notary Position regulation, meaning that the only legal rule in the form of a law governing Notary Positions in Indonesia, so that all matters relating to Notaries in Indonesia must refer to the Notary Position Act.<sup>8</sup> UUJN which is meant to regulate all the actions of the Notary profession. As for matters that violate general or specific criminal provisions not regulated in the UUJN, the Notary profession is subject to the applicable criminal law regulations. Prior to the unification process in the field of position regulation regarding the Notary profession with the enactment of Law Number 2 of 2014 amendments to Law Number 30 of 2004, the supervision, examination and imposition of sanctions on notaries were carried out by the judiciary that existed at that time.

The above provisions are as regulated in article 140 of the Reglement op de Rechtelijk Organisatie en Het Der Justitie (Stbl. 1847 No. 23), article 96 of the Buitengewesten Reglement, article 3 ordonantie Buitengerechtelijke Verrichtingen-State Gazette 1946 Number 135, and article 50 of the Notary Position Regulations. (PJN).<sup>9</sup> Then the supervision of the notary is carried out by the General Court and the Supreme Court as mentioned in Articles 32 and 54 of Law Number 12 of 1965 concerning Courts in the General Courts and the Supreme Court. Also in the Circular Letter of the Supreme Court of the Republic of Indonesia Number 2 of 1984 concerning Procedures for Supervision of Notaries, Joint Decree of the Chief Justice of the Supreme Court and the Minister of Justice Number KMA/006/SKB/VII/1987 concerning Procedures for Supervision, Enforcement and Self-Defense of Notaries, and lastly in Article 54 of Law Number 8 of 2004 concerning

---

<sup>8</sup> Sjaifurracman, Aspects of Notary Accountability in Making Deeds, Mandar Maju, Bandung, 2011, 11.

<sup>9</sup> Habib Adjie, Civil and Administrative Sanctions against Notaries as Public Officials, (Bandung: Refika Aditama, 2010), 127.

Amendments to Law Number 2 of 1986 concerning General Courts.<sup>10</sup>

Based on 1999 to 2001 amendments were made to the 1945 Constitution which also changed the. Article 2 paragraph (2) of the 1945 Constitution confirms that judicial power is exercised by the Supreme Court and judicial organs attached to the judiciary

General, Religious Courts, Military Courts, and Executive Courts, government and Constitutional Courts. As a continuation of these changes, the Judicial Law No. In 2000, which in article 2 stipulates that the exercise of judicial power by the Supreme Court and judicial bodies that depend on it is a public affair, the religious courts. courts, military courts, state administrative courts and by the Constitutional Court. In Article 1 of Law Number 14 of 1985 concerning the Supreme Court, it is emphasized that the Supreme Court is the perpetrator of one of the judicial powers as referred to in the 1945 Constitution.<sup>11</sup>

The Supreme Court, based on these laws, only has jurisdiction in the field of justice, while in terms of organization, administration, and finance, it is under the authority of the Ministry of Justice. In 2004 Law No. 8 of 2004 was enacted, in Article 5 paragraph (1) it was emphasized that the technical development of the judiciary, organization, administration and finance of the courts was carried out by the Supreme Court. Since the transfer of authority, a notary appointed by the government (Minister), is no longer appropriate if the supervision is carried out by another agency, in this case the judiciary, because the Minister no longer has any authority over the judiciary. Then the supervision of notaries as regulated in Article 54 of Law Number 8 of 2004 is revoked by Article 91 of the Law on Notary Positions.

In relation to violations committed by a Notary, it can be seen in the provisions below which are explicitly stated in certain articles in Law Number 2 Hold 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary which states if it is violated by a Notary , namely:

a. Violating the provisions of Article 16 paragraph (1) letter m, namely not reading the deed before an audience in the presence of at least 2 (two) witnesses, or 4 (four) witnesses specifically for making an underhand Will Deed, and signed at that time also by the appearers, witnesses and notaries. The reading of the deed is part of the "verlijden" as stated in article 1868 of the Civil Code, which means compiling, reading and signing the

---

<sup>10</sup> Ibid

<sup>11</sup> [1] PL Tobing, Notary Position Regulations. Cet.II,(Jakarta: Erlangga, 2018), 32

deed.

b. Violating the provisions of Article 16 paragraph (7) and paragraph (8), namely if the Notary at the end of the deed does not include a sentence that the appearers want the deed not to be read because the parties wish to read, know, and understand the contents of the deed themselves, then the will of the parties concerned the party must be listed at the end of the notarial deed.<sup>12</sup>

c. Violating the provisions of Article 41 by referring to Article 39 and Article 40, namely not fulfilling the following provisions:

1. Article 39, that:

a. The appearer is at least 18 (eighteen) years old or married and capable of taking legal actions. This is related to the subjective aspect of the validity of a notary deed, namely being able to act to carry out a legal act. Violation of this article includes the inability of the public official concerned to understand the general limits of maturity to carry out a legal act.

b. The appearer must be known by the Notary or treated by 2 (two) identifying witnesses who are at least 18 (eighteen) or married and capable

of carrying out legal actions or introduced by 2 (two) take legal action or be introduced by 2 (two) other appearers.

2. Article 40 explains that each deed is read by a Notary in the presence of at least 2 (two) witnesses at least 18 (eighteen) years old or married, capable of carrying out legal actions, understands the language used in the deed and can sign and initials and does not have a marital relationship or relationship in a straight line up or down without degrees of degree limitation and a line to the side up to the third degree with a Notary or the parties.

If you refer to these provisions, in practice this has not worked well in Gorontalo Regency, the basis of the author states that there are still notaries who were not present at the time of reading and signing the deed.[1] Actions like this basically can cause harm to the parties and the Notary himself. As has been determined that if the requirements to become a witness are not fulfilled, then based on Article 41 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary, it will result in the deed being made only having the power of proof as a deed. under hand.

---

12

The provisions which, if violated, cause the notary deed to have the power of proof as an underhand deed, are stated expressly in certain articles in the law on the position of the notary concerned as mentioned above. It can be interpreted that the provisions are not explicitly stated that the notarial deed has the power of proof as a private deed, then other than that it is included in the notarial deed which is null and void, namely:

a. Violating the obligation, namely not making a list of wills and sending it to the Central List of Wills within 5 (five) days in the first week of every month (including reporting if nothing).

b. Violating the obligation, namely not having a stamp/stamp that makes the emblem of the Republic of Indonesia and in the space that surrounds it, the name, position and place of domicile are written.

c. Violating the obligation, namely at the end of the deed it is not stated or stated expressly in Indonesian or other languages used in the deed, using an official translator, explanation, signing the deed before an appearer, notary and official translator.

d. Not giving initials or not giving other signs of endorsement by the appearers, witnesses and notaries, for changes or additions in the form of overlapping writing, insertions, deletions, or deletions and replacements with others by adding, replacing or deleting.

e. Does not mention the changes to the deed that are not made on the left side of the deed, but to the changes made at the end of the deed before the closing of the deed, by showing the part that was changed or by inserting an additional sheet. Changes made without specifying the modified part will result in the change being void.

f. Do not write off, initialize and make changes in the form of crossing out words, letters or numbers, this is done in such a way that it can still be read in accordance with what is stated.

re-listed, and the number of words, letters or numbers that are crossed out is stated on the side of the deed, nor is it stated at the end of the deed regarding the number of changes to the deletion and additions.

g. Not correcting typographical errors and/or typos contained in the signed minutes of deed, also not making an official report on the correction and not submitting the official report of the correction to the party mentioned in the deed.

Based on the above description of the various qualifications of violations committed by Notaries and can be dealt with by the Regional Supervisory Council in Gorontalo Regency. The results of the author's research there are several violations or cases that are



often encountered by the Regional Supervisory Council in Gorontalo Regency. If based on the qualifications above, when the researcher conducted an interview with Mr. Ramlan Harun, SH, MH, as chairman of the Gorontalo Regency Regional Supervisory Council, the violations that were often encountered during routine inspections were as follows [1]<sup>13</sup>:

1. There are still frequent violations related to employees who work in a Notary's office not in accordance with the qualifications determined by the laws and regulations. There are also frequent violations committed by Notaries related to the obligation to bind the 50 deed into a book. In this case, it is known as a deed bundle. According to Mr. Ramlan Harun, this problem is often encountered every year during examinations by the Regional Supervisory Council. For this reason, the Regional Supervisory Council provides guidance to Notaries who commit these violations, and if they are found again in successive examinations, the Assembly The Gorontalo Regency Regional Supervisor will issue an inspection report and forward it to the Gorontalo Provincial Supervisory Council to impose sanctions either verbally or in writing to the Notary concerned.
2. During the examination of the Notary, it was found that the writing in the reportorium book was not neat enough for the quotation test of the minutes of the deed to be issued. As the researchers described above, there are provisions that require the Notary to re-check the minutes of the deed made. If there is a writing error in this case as well as the quotation test of the minutes of the deed, the implications of the deed can become a private deed. This also causes the deed made by the Notary concerned to be null and void by law. For this reason, the efforts of the Gorontalo Regency Regional Supervisory Council according to Mr. Ramlan Harun related to its findings are to provide guidance to the Notary concerned. In this regard, the Gorontalo Regency Regional Supervisory Council has made a report on the inspection of the Notary protocol and has reported it to the Regional Supervisory Council to be given verbal sanctions to the Notary concerned.
3. Violations committed by a Notary that do not originate from routine inspections by the Regional Supervisory Council of Gorontalo Regency but originate from public reports. The violation in question is related to multiple positions, causing the deed made by the Notary to have the power of proof at hand and has the potential to be canceled by law. For this reason, the Gorontalo Regency Regional Supervisory Council conducted an examination of the Notary concerned and according to Mr. Ramlan Harun, a sanction was imposed in the form of a written sanction from the Gorontalo Provincial Supervisory Council.

---

<sup>13</sup> Interview conducted with Ramlan Harun, Chair of the Gorontalo Regency Regional Supervisory Council from elements of the Kemenkumham regional office on January 7 2022.

And the sanctions are contained in the minutes of the examination which will be given a copy to the Supervisory Council of the Gorontalo Province.

The position of the Regional Supervisory Council on the implementation of tasks carried out by the Examining Team of Notaries in Gorontalo Regency as mentioned above has been carried out properly. Where the Examining Team always reminds the Notaries to always maintain and improve existing facilities to support the improvement of the performance of the Notaries. In addition, the Examining Team also always checks the Notary Protocol carefully as an effort to minimize violations that can be committed by a Notary.

### **3.2. Factors Inhibiting the Implementation of Supervision and Guidance by the Regional Supervisory Council of Gorontalo Regency**

The Regional Supervisory Council in Gorontalo, has several forms of supervision carried out on notaries in Gorontalo Regency including [1]<sup>14</sup>:

a. Conduct inspections of the Notary Protocol periodically 1 (one) time in 1 (one) year or at any time deemed necessary. The implementation of the inspection of the Notary Protocol, which is carried out periodically, has been running as intended by the existing laws and regulations, where every year the Regional Supervisory Council always conducts inspections of notaries in Gorontalo Regency.

b. Record in the register which is included in the Notary Protocol by mentioning the date of the examination, the number of deeds and the number of private documents submitted and made since the date of the last examination. This is something that the Regional Supervisory Council must do after examining the Protocol .

Notary Public. Including the Regional Supervisory Council in Gorontalo Regency, where after the inspection is carried out the Regional Supervisory Council records the date of the examination, the number of deeds made since the last date the examination was carried out.

c. Give initials and sign a list of deeds, a list of legalized letters, a list of registered letters and a list of other documents required by law.

d. Receive submissions in writing a copy of the list of deeds, a list of legalized private letters, and a list of registered private letters that have been legalized, drawn up in the previous month no later than 15 (fifteen) calendar days in the following month, which

---

<sup>14</sup> Interview conducted with Ramlan Harun, Chair of the Gorontalo Regency Regional Supervisory Council from the Kemenkumham regional office element on February 5, 2022.

contains at least the number, date and title of the deed.

e. Receive reports from the public regarding alleged violations of the Notary Code of Ethics or violations of the provisions of the Notary Position Act.

f. Hold a hearing to examine the alleged violation of the Notary's Code of Ethics or violations of the implementation of the notary's position.

There are several factors that hinder the implementation of supervision and guidance by the Regional Supervisory Council for Notaries in Gorontalo Regency, including:

1. According to Ramlan Harun, SH, MH, as Chair of the Regional Supervisory Council of Gorontalo Regency Notaries, explained that the obstacles faced by the Supervisory Council Notary area of Gorontalo Regency [1]<sup>15</sup>:

a. There are only 2 (two) Regional Supervisory Council institutions formed in Gorontalo, namely the City Regional Supervisory Council Gorontalo and the Gorontalo Regency Regional Supervisory Council. For the Regional Supervisory Council, Gorontalo Regency is joined with 3 other regencies, namely North Gorontalo Regency, Boalemo Regency and Pohuwato Regency. This is a bit of an obstacle to the effectiveness of notary supervision and development. The combination of these several areas makes the scope of supervision and guidance wider so that it is possible that the supervision and coaching process will be ineffective.

b. The combination of these areas occurs due to the lack of Human Resources in this case the lack of a Notary profession.

c. The distance between each region is far enough to carry out supervision and guidance for the Notary profession.

2. According to Ramdani, SH, M.Kn, as a member of the Gorontalo Regency Regional Supervisory Council from the Notary element<sup>16</sup>:

a. The same statement as conveyed by the chairman of the Regional Supervisory Council of Gorontalo Regency related to the less effective supervision and guidance of Notaries due to the combination of several regencies other than Gorontalo City. Considering the distance between one district and another, the supervision and development process for

---

<sup>15</sup> Interview conducted with Ramdani, Member of the Regional Supervisory Council of Gorontalo Regency from the Notary element on January 7, 2022.

<sup>16</sup> According to Ridwanto Igrisa, SH, M.Kn, as a member of the Gorontalo Regency Regional Supervisory Council from academics

notaries is not effective.

b. Self-awareness of Notaries who commit routine violations every year.

a. Due to the wide area of authority of the Regional Supervisory Council with the combined status, the lack of sufficient facilities and infrastructure to be used by the Notary Regional Supervisory Council of Gorontalo Regency in conducting routine inspections.

b. Lack of a Notary profession and with the availability of funds that are still not sufficient to carry out maximum supervision.

c. With the combined status in the structure of the Regional Supervisory Council in the Regencies of Gorontalo, North Gorontalo, Boalemo, Pohuwato, access to public knowledge about the existence of the Regional Supervisory Council has not been optimal.

Based on the results of the author's research, the implementation of the authority of the Regional Supervisory Council in Gorontalo Regency there are also some ineffective implementations such as notaries in Gorontalo Regency still often neglect to make book bundles if the number of deeds has fulfilled 50 deeds, there are also repeated negligence by the Notary related to the neatness of deed storage and deed picking tests. This is influenced by several factors apart from the awareness of the Notary itself as well as various reasons, one of which is due to the busyness of the Notary. The lack of infrastructure is caused by a combination of 1 Supervisory Council at the regional level which also causes less effective and maximum supervision and guidance for Notaries. The ineffectiveness of the implementation of authority by the Regional Supervisory Council is largely due to the above factors which led Interview conducted with Ridwanto Igrisa, Member of the Gorontalo Regency Regional Supervisory Council from the Academic element on February 11, 2022. required by legislation cannot be implemented properly.

#### **4. Conclusion**

The implementation of supervision carried out by the Regional Supervisory Council in Gorontalo Regency is carried out in two ways, namely preventively where supervision is carried out before a violation occurs, this can be seen from the socialization of new regulations carried out by the Regional Supervisory Council to a notary in Gorontalo Regency, curatively where supervision is carried out after a violation, this can be seen from the efforts of the Regional Supervisory Council to provide guidance to the Notary related to the deed he made. The existence of the Gorontalo Regency Regional Supervisory Council in the form of a combination of 3 regencies consisting of North Gorontalo, Boalemo and Pohuwato Regencies is less effective in conducting supervision

and guidance. This causes a wide range of guidance and supervision of Notaries. Especially with the lack of infrastructure, due to the combination of 1 Supervisory Council at the regional level, it also makes it less effective and maximal to carry out supervision and guidance to Notaries. For this reason, there is a need for government efforts, in this case the Gorontalo Provincial Government to carry out policies in the field of special education for regions such as Boalemo, Pohuwato and North Gorontalo Regencies by providing access to people who want to continue their studies in the field of Notary. This is useful as a support for human resources to increase the Notary profession so that with the sufficient allocation of the Notary profession in each of these regions, a Regional Supervisory Agency can be created in each region that needs it. This is in order to reduce the combined institutional entity in the structure of the Regional Supervisory Council in order to make it more effective , 2007. Indonesian Notary Law Thematic Interpretation of the supervision and development process for the Notary profession in Gorontalo Province.

### References

Adjie 's Books and Journals

Habib Against Law Number 30 of 2004 concerning the Position of a Notary. Surabaya: Refika Aditama.

\_\_\_\_\_, 2010. Civil and Administrative Sanctions Against Notaries as Public Officials. Bandung: Refika Aditama.

\_\_\_\_\_, 2011. Notary Supervisory Council as State Administration Official. Bandung: Refika Aditama.

Marzuki, PM, 2013. Introduction to Law. Editor's revision. Jakarta: Kencana

Prasetyo, T., 2010. Rule of Law in the Dimensions of the Indonesian State of Law. Legal Reflections, October.

Sjaifurracman, 2011, Aspects of Notary Accountability in Making Deeds. Bandung: Forward Mandar.

Salim HS, 2006, Contract Law-Theory and Contract Drafting Techniques, Jakarta: Sinar Graphic.

Sayuti, 2011. The Concept of Rechtsstaat in the Indonesian Law State (A Study of Azhary's Opinion). Fiqh Reason, December. IV(2).

Tobing PL, 2018. Notary Position Regulations. Cet.II, Jakarta: Erlangga.

wantu. F. M, 2011. Idee Des Recht: Legal Certainty, Justice and Benefit (Implementation in Civil Court Processes). Yogyakarta: Reviva Scholar.

Zudan Arif Fakrulloh, 2005. "Law Enforcement as an Opportunity to Create Justice" in the journal Jurisprudence, Volume 2 Number 1, March.

Legislation and Jurisprudence

1945 Constitution of the Republic of Indonesia.

Law no. 30 of 2004 in conjunction with Law no. 2 of 2014 concerning the Position of Notary.

Regulation of the Minister of Law and Human Rights Number 15 of 2020 concerning Procedures for Appointment and Examination by the Notary Supervisory Council.

Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2021.