

Cover of Notary Deed as Part of a Copy of Notary Deed

Ida Ayu Katsuya Putri Dewi¹, Ni Luh Made Mahendrawati², Anak Agung Istri Agung³



ABSTRACT: A notary is a public official who is authorized to ratify documents and other authorities granted by law, both based on the Notary Law and other laws and regulations. A deed cover is required whenever a duplicate deed is issued. Based on this, the researcher is interested in learning more about the laws and regulations that regulate the authority of notaries to issue the cover of a copy of the deed and the role of the notary in certifying the authenticity of the copy. This research uses legislative methods, conceptual approaches, and case approaches to conduct normative research. The decision to include or not include the cover of the deed when submitting a copy of the deed is in the hands of the notary, guided by the ethics stated in the code of ethics, because there are no special rules regarding this matter regulated in the Notary Law.

KEYWORDS: Deed Cover, Deed Copy, Notary

1. BACKGROUND

The 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3) Indonesia is a law-abiding country. As a law-abiding country, Indonesia has a responsibility to enforce and apply the law in all aspects of public life. The main purpose of Indonesian law is to promote social harmony, uphold individual rights, and maintain public safety. To prevent abuse of authority, the state law mandates that all actions, whether carried out by the state or by the people, must be in accordance with the relevant legal standards.

Pancasila serves as a basic document of the state of law in Indonesia and as a national philosophy of life. Every rule and regulation in Indonesia is based on Pancasila. The Preamble to the 1945 Constitution states that the state's purpose is to protect the Indonesian state, promote public welfare, educate the nation's life, and build global peace. To achieve these goals, all government policies must be guided by the ideals of Pancasila. Clarity of law and equal treatment of all citizens are fundamental to the idea of a state of law. The rights and responsibilities of citizens are protected when there is clarity about the law. To avoid the concentration of power and abuse of authority, the rule of law must include oversight and balance between the legislative, executive, and judicial branches. To provide justice for all individuals, the state must have an independent judiciary.

In addition, the principle of accountability of public officials and public participation in the decision-making process is also important. The accountability of public officials is guaranteed through effective oversight to avoid abuse of power. Public participation allows communities to participate in policy-making that relates to them. All of this guarantees that the rule of law not only guarantees the rights of its citizens, but also provides fair access to justice.

Legal certainty is the main goal of the rule of law which creates a sense of security and provides clarity regarding the rights and obligations of every individual. In the context of private (civil) law, Indonesian law regulates legal protection in transactions between individuals through the legalization process. This legalization process is carried out by state officials who are authorized in accordance with laws and regulations to ensure the legality of transactions or agreements made. One of the officials who plays an important role in this matter is the notary.

Public officials who are authorized to create authentic deeds that are the strongest evidence in legal interactions are known as notaries. In the event of a dispute, the Indonesian legal system recognizes authentic deeds as admissible evidence, so authentic deeds have a prominent place. As part of his duties, the notary must verify that the deed he witnesses complies with all local, state, and federal laws and regulations.

Legal actions, agreements, and conclusions governed by law can be notarized by a notary. Notaries are also authorized to certify signatures, ensure the certainty of the date of the letter, and provide citations and copies of the deed. To ensure that all parties to the transaction are protected by law, the notary deed must comply with all relevant regulations. Making a deed related to property or auction minutes is one of the additional powers given to a notary by laws and regulations. The importance of notary

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deeds in determining the validity of transactions has been well established in several areas, including trade, finance, and real estate. Clear legal guarantees of the rights and responsibilities of all parties can be achieved by a valid deed.

Notaries must act professionally and ethically at all times when carrying out their responsibilities. Each deed must be valid and executed in accordance with the laws of the country, and the notary must explain its contents to the relevant parties in a straightforward manner. In this way, the notary mediates disputes, ensures that the document is legal, and protects the interests of all parties.

Legal protection for the parties involved in the transaction is greatly enhanced by the closing of the deed, although the Notary Law does not contain explicit requirements that address it. In order for documents to be legally traceable, the deed cover ensures that they comply with all relevant legal standards. One way to ensure that a notary deed remains valid and valid is to use a deed cover.

Although there are no specific regulations regarding the closing of the deed, notaries play an important role in ensuring that all documents comply with the law. A notary deed is not only a powerful tool for conflict resolution but also a necessary protection for all parties involved.

2. METHOD

The research methodology used in writing this paper is normative legal research using the Laws and Regulations Approach, Conceptual Approach, and Case Approach. The data sources in this study are primary, secondary, and tertiary legal materials. To complement the Document Study Technique, which is the main tool in collecting legal materials, the Interview Technique is used to obtain additional information from informants.

3. RESULTS AND DISCUSSION

Arrangement of Notary Deed Cover in the Issuance of a Copy of a Notary Deed as an Authentic Deed

To prove a legal transaction, a deed must be made, signed by an authorized official, and witnessed. Real estate transactions, credit agreements, marriage agreements, and other legal arrangements all use original deeds due to their high probative power. All legal events described in this deed are guaranteed to be true because they contain three types of evidence, namely external evidence, formal evidence, and material evidence. According to the Supreme Court Decision No. 3199 K/Pdt/1994, a notary signature on a deed provides full probative power, meaning that the court will accept it as a valid deed without asking for other evidence, as long as there is no evidence to the contrary. Unlike notaries who are authorized to handle various kinds of legal transactions, PPAT (Land Deed Making Official) is limited to transactions related to land and property only, such as sale and purchase deeds or the encumbrance of land rights. The deed must be made in accordance with the procedures established by law and by the authorized officials, as stated in Article 1868 of the Civil Code (KUHPercivil) which regulates authentic deeds.

A deed made by an official who does not have the form or power of attorney is considered a deed under hand, but the deed has legal consequences if signed by the person concerned (Article 1868 of the Civil Code). According to Professor Sudikno Mertokusumo, the purpose of making an authentic deed is so that it can be used as evidence in legal disputes in the future. If notarized by an authorized notary and meets all applicable legal requirements, a duplicate of the original deed made by a notary has the same legal force as the original. To ensure that the copy has the force of law and can be used as evidence in court or for other administrative purposes, it is important to follow the correct procedure when making an authentic copy of the deed. This includes examining the application, including accurate information, and asking a notary to sign and stamp it.

Notaries are obliged to maintain the confidentiality of the information contained in the deed, unless permitted by law. The procedure for making a copy of the deed must be carried out carefully so that the privacy rights of the parties recorded in the deed are not violated. Although it is not regulated in detail in the Law on the Notary Profession, the cover of the deed serves to ensure the authenticity of the documents issued by the notary. The cover of this deed includes important information, such as the identity of the notary, the deed number, the date of creation, and the description of the copy of the deed, which serves to prevent forgery and ensure legal clarity. The Notary Code of Ethics regulates the behavior of notaries in carrying out their duties, including in the preparation and management of deeds. Notaries are obliged to ensure that the deed made meets applicable legal standards and does not harm other parties. Although there are no specific rules in the legislation regarding "deed cover", its existence is still important to maintain the integrity of authentic deed documents. Thus, the deed cover provides legal protection for the parties involved in legal transactions.

Authentic deeds made by Notaries and PPAT have an important purpose in Indonesian law, which is to ensure the validity of transactions and protect the interests of all parties involved, both in real estate transactions and other legal transactions. Cover deeds and copies of valid deeds have the practical purpose of ensuring the validity and legal force of letters issued by authorized officials, such as notaries and PPATs, although this is not expressly stated in laws and regulations.

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The notary in his authority issues a copy of the deed accompanied by a cover copy of the deed

Authority comes from the root word authority which can be interpreted as an authority, right and power that is possessed to do something. Formal powers, which include legislative power and executive administrative powers, are what we mean when we talk about authority. Having control over a particular population or sphere of government is the essence of authority, which sometimes consists of many authorities. The delegation of power from superiors to subordinates at the organizational level is the root of formal power that comes from law, and this process is known as authority. Everyone in society will obey the rules and laws if the power is already in his hands. The leader has the authority if he is able to make decisions, either verbal or written, that are based on relevant laws and accepted by all parties. The Great Dictionary of the Indonesian Language defines authority as "the power to make decisions, rule, and delegate responsibilities to others." In a more general sense, authority can be interpreted as the recognition by members of another group of a person's right to act within certain limits. You can acquire authority in a variety of ways, but in this case, it falls into three categories based on its origin:

1. Laws and regulations promulgated by state authorities and bodies are sources of attribution, namely initial authority. The drafters of the Constitution or the lawmakers who drafted the laws gave special authority to certain government bodies and authorities. One example is the handover of authority to make laws to the President and the House of Representatives.
2. Source of Delegation, in this case is the transfer of power from one government body to another through the use of attribution authority. Case example: implementing the DPRD directive on the ratification of candidates for Deputy Regional Head.
3. The source of the mandate, in this case the authority delegated from one government agency to another through delegation. The delegated authority remains in the hands of the mandator; the mandated recipient can only act on the authority of the mandator; cannot act on its own. For example, the minister's subordinates are entrusted with the task of making choices.

One of the three sources of authority is attribution, which is different from the other two sources, namely delegation and mandate, and is often established through the separation of powers in the Constitution. A government official can transfer responsibilities and powers to another government body through a delegation process, which follows a set legal framework. In regular interactions between superiors and subordinates, the process of transfer of power through a mandate occurs, but the responsibility for accountability lies with the person issuing the mandate.

The legal basis of notary authority is stated in Law Number 2 of 2014 concerning the Notary Position in Article 15 which determines:

"(1) The notary is authorized to make an authentic deed regarding all acts, agreements, and determinations required by laws and regulations and/or required by the interested party to be stated in the authentic deed, guarantee the certainty of the date of making the deed, deviate the deed, provide grosse, copy and quotation of the deed, all of which as long as the deed is made is not assigned or excluded to other officials or other persons stipulated by law."

"(2) In addition to the authority as intended in paragraph (1), the notary shall also be authorized to:"

"A. Authenticate signatures and establish the certainty of the date of the letter under hand by registering in a special book;"

"b. To book the letter under the hand by registering in a special book;"

"c. Make a copy of the original letter under hand in the form of a copy containing the description as written and described in the letter concerned;"

"d. Verify the compatibility of the copy with the original letter;"

"E. Providing legal counseling in connection with the making of deeds;"

"f. Making deeds related to land; and"

"G. Make an auction minutes deed."

"(3) In addition to the authority as intended in paragraph (1) and paragraph (2), the notary has other powers regulated in laws and regulations."

In exercising authority, the obligations of notaries are regulated in Article 16 paragraph (1) of the Law on the Notary Position which determines:

(1) In carrying out his duties, the notary shall:

- a. Act trustworthy, honest, thorough, independent, impartial, and safeguard the interests of related parties in legal acts;
- b. Make deed minutes and store them in the notary protocol archive;
- c. Include the signature, supporting documents, and fingerprints of the applicant on the deed minutes;
- d. Distributing deeds in large quantities, duplicate deeds, or deed excerpts derived from deed minutes;
- e. Provide services in accordance with these laws and regulations, unless there is a compelling reason to refuse them;

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- f. Unless required by law to do otherwise, keep secret any facts relating to the deed he performed, as well as any information obtained for that reason, in accordance with the oath or promise of office;
- g. Record the minutes of the deed, month, and year of manufacture on the cover of each book; Binding deeds made for one month into a book containing no more than fifty deeds; If the number of deeds cannot be contained in one book, the deed can be bound into more than one book.
- h. In the event of unpaid or unreceived collateral, compile a list of protest actions;
- i. Every month, compile a list of all deeds related to the will chronologically;
- j. Within 5 (five) days in the first week of each following month, submit a list of deeds as referred to in letter i or a list of null related to wills to the center of the list of wills at the Ministry that organizes government activities in the field of law;
- k. At the end of each month, record in the report when the list of wills was submitted;
- l. Have a stamp or seal containing the emblem of the Republic of Indonesia, by listing the name, position, and residence of the person concerned around the deed; <
- m. At least two witnesses must be present at the time of the making of the will under hand, and all parties involved, including the will maker, witnesses, and notary, must sign the deed at the same time after reading it. n. Accept interns for notary positions.

In the case of the implementation of deeds that have permanent legal force in Indonesia, notaries play a very important role. Their job is to protect the interests of all parties involved in the agreement by creating, verifying, and providing legal certainty on important documents. A notary is a public official who is authorized to make legally binding documents as documentation of the agreement reached between the parties. Notaries provide legal certainty to the parties through the creation of authentic deeds, which are essential to avoid problems later on and the ability to account for the agreement in court. Furthermore, notaries reduce the possibility of abuse by protecting the rights of the parties by ensuring that the deed expressly states all agreed terms. Additionally, it is their duty to keep authentic deeds and other important documents safe, ensuring that they can be retrieved whenever needed. Notaries perform several important functions, including confirming the identity of the parties, explaining the content and legal consequences of the agreement, and making copies of authentic deeds that the parties can use as evidence of the agreement. This copy has the same legal force as the original. The content and existence of this deed is legally recognized and can be used as valid evidence in court due to its high legal force and its status as an authentic deed. A notary deed can contain a sale and purchase agreement, lease, company deed of incorporation, and other legal documents. In accordance with the definition of the Notary Law in Article 1 number 9, a copy of the deed is an exact copy of the original deed, with the provision "given as a copy" at the bottom of the copy⁶⁰. The content of the deed, whether made by or in the presence of the notary who made it, is the same. So, when we say the same text, we mean the same text as the minutes of the deed. A copy of a deed made by a notary has the same legal force as the original, but the copy is not an old copy, but a legalized copy.

In issuing a copy of the deed, there is a procedure that must be followed by a notary, namely the notary can only issue a copy of the deed to the party directly involved in the deed, namely the party whose name or identity is listed in the deed, or to another party who is entitled based on the permission or consent of the party involved, if the legal basis requires the provision of a copy, such as requests from officials or authorized agencies. The copy of the deed issued must be in accordance with the original deed and can be a physical copy or an electronic copy, if required. The notary is responsible for ensuring that the issued copy is an accurate copy and that there are no changes to the original deed. Each copy of the deed issued must be signed by a notary and stamped with a valid notary stamp or stamp, indicating that the copy is a valid copy and corresponds to the original. A notary stamp is usually placed on the bottom or last page of a copy of the deed. In addition, the notary is obliged to record every copy issued in the register book of the copy of the deed he has, as part of the documentation and supervision. Thus, a copy of the deed issued by a notary must meet the applicable legal provisions and only be given to the right party, by ensuring the accuracy and confidentiality of the contents of the deed.

An important concept in the practice of notary work is the idea of prudence. There is a respectable trust associated with the office of notary. The careful and careful execution of notary duties is required by law, especially the UUJN and the Notary Code of Ethics.⁶¹ Notaries function as administrators and protectors of the authenticity and security of the documents they issue by complying with this principle. This guarantees that notaries always act within the limits set by law and give the public confidence in the civil law system the guarantee it needs that notaries will behave professionally and with the highest integrity in all transactions and agreements they witness.

Notaries who do not adhere to the principle of prudence in making deeds risk losing their authenticity, which can result in the deed being canceled or declared null and void. Cancellation means that the legal consequences of the act recorded in the deed are no longer valid from the time the cancellation is made, which can be requested by the party who feels aggrieved. On the other hand, null and void means that the legal consequences of the act recorded in the deed have never existed since the act was

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committed, based on a court decision that has permanent legal force. The application of the principle of prudence by Notaries is crucial because it involves aspects of protecting the interests of the people who use their services. By carefully drafting and verifying each deed, the Notary can ensure that the document meets all applicable legal provisions and is free from errors or defects that may affect its validity. This not only ensures that the legal force of the deed is maintained, but also minimizes the risk of future legal disputes that could be detrimental to the parties involved. Furthermore, the Notary's thoroughness in applying the principle of prudence also reflects his professionalism and integrity as a public official. Thus, public trust in the legal system and the use of Notary services can be maintained and improved, making the role of Notaries as guardians of legal certainty even more vital in the context of the life of the nation and state.

It alludes to the authority and responsibility given to notaries by the theory of authority and legal protection to carry out official functions in making legally binding documents. Article 15 of the Notary Law states that a notary can certify a deed and provide a copy of the document to the interested party. Importantly, the parties concerned are legally protected by a notarized copy of the deed that comes with a copy cover. There will be less chance of abuse or legal disputes over the validity of the document if the copy has a transparent cover, which ensures that the recipient gets an official and legitimate copy that reflects the original content of the deed. Legal protection, according to Philipus M. Hadjon, is a set of norms or standards that can prevent an object from harming another, it also includes the maintenance of human dignity and dignity as well as the recognition of human rights owned by legal subjects. This research relies heavily on the theory of protection and legal authority.

CONCLUSION

Although the Notary Law does not regulate the issue of the cover of a notary deed as an authentic deed, it is the responsibility of the notary to ensure that each copy is identical to the original and has the same weight as the authentic deed, so that the function of the deed is maintained. Therefore, it is necessary to regulate the use of deed covers in more detail and clearly, in order to ensure uniformity and compliance with the principles of professionalism in the implementation of notary duties. These arrangements are important to ensure that the deed cover used meets the set standards, does not contradict professional ethics, and can be legally accounted for.

According to the Notary Law, notaries can perform their duties by issuing a copy of the deed. As stated in Article 16 paragraph (1) letter d of the Notary Position Law, notaries must have certain standards in carrying out their duties. These standards include trustworthiness, honesty, thoroughness, independence, and impartiality. Notaries are also obliged to protect the interests of the parties involved in legal acts and issue grosse deeds, copies of deeds, or deed excerpts based on the minutes of the deed. To ensure the authenticity of the deed and facilitate the process of identification, management, and filing in accordance with the provisions of the law, the cover of the deed functions as a physical protector and includes a signature or notary stamp as an endorsement. The document contains important information about the deed.

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