

The Policy of The Regional Supervisory Board in Overcoming Business Competition Problems in The Determination of Honorarium By Notaries in The Kuningan District

Mochamad Sesar Dwisepta, Kadar Pamuji, and Kartono

Local Government of Kuningan Regency

Abstract

The role of the Regional Supervisory Board (hereinafter referred to as Supervisory) in supervising Notary is very important, the goal is that Notary in carrying out their duties in their positions remain within the corridors of statutory regulations and the code of ethics. This study aims to determine the extent of the role of the Supervisory in supervising Notary in determining Honorarium outside the Rules of Notary Profession and under association provisions. This type of research is normative juridical. The method used in this research is literature study and interviews by interviewing several Notary and the chairman of the Regional Supervisory Board as respondents. The data obtained were analyzed using qualitative analysis techniques and then described. The results of the study show that the Regional Supervisory Board regarding its role in supervising Notary who determine the honorarium under the stipulations of the association and the Law on Notary Position can be summoned if there is a prior report from the public, however, the Supervisory should work and be active in terms of supervising Notary, because the Supervisory according to article 1 number 6 of the Rules of Notary Profession has given the authority to guide Notary.

Keywords: Regional Supervisory Board; Notary; Role; Honorarium

Abstrak

Peran dari Majelis Pengawas Daerah dalam mengawasi notaris sangatlah penting, tujuannya agar notaris dalam melaksanakan tugas dalam jabatannya tetap dalam koridor peraturan undang-undang serta kode etik. Penelitian ini bertujuan untuk mengetahui sejauh mana peran dari Majelis Pengawas Daerah dalam mengawasi notaris dalam menetapkan honorarium di luar ketentuan undang-undang 30 tahun 2004 tentang jabatan notaris dan di bawah ketentuan perkumpulan. Tipe penelitian ini bersifat yuridis normatif. Metode yang digunakan dalam penelitian ini adalah studi pustaka dan wawancara dengan mewawancarai beberapa notaris dan ketua Majelis Pengawas Daerah sebagai responden. Data yang didapat dianalisis menggunakan teknik analisis kualitatif kemudian dideskripsikan. Hasil penelitian menunjukkan bahwa Majelis Pengawas Daerah mengenai perannya mengawasi notaris yang menetapkan honorarium di bawah ketentuan perkumpulan serta Undang-Undang Jabatan Notaris dapat dilakukan pemanggilan jika ada laporan terlebih dahulu dari masyarakat, akan tetapi Majelis Pengawas Daerah seharusnya bekerja serta bergerak aktif dalam hal mengawasi notaris, karena Majelis Pengawas Daerah menurut pasal 1 angka 6 Undang-Undang Jabatan Notaris telah memberikan kewenangan untuk memberikan pembinaan terhadap notaris.

Kata kunci: Majelis Pengawas Daerah, Notaris, Peran, Honorarium

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Introduction

Notary as one form of the legal profession, it is appropriate to support law enforcement through the implementation of the profession of office as a public official authorized to make a legal product that is an authentic deed that has the power of perfect proof to help create legal certainty for the community. Legal action involving at least two parties is not impossible if in the future there can be conflicts or disputes related to such legal actions, in such cases then here lies the

role of the authentic deed, namely providing guarantees of legal protection through an authentic deed made by the notary concerned. An authentic deed made by a notary is perfect proof because it has three evidentiary powers, namely the power of outward proof (*uitwendige bewijskracht*), the power of formal proof (*formele bewijskracht*), and the power of material proof (*materiele bewijskracht*). A notary is an honorable profession is always attached to ethics and with the ethics of the notary is related to his work, because of its adhesion to ethics in the profession of a notary public is called as a noble profession (*officium nobile*) (Tobing, 1999).

A notary public official who is solely authorized to make authentic deeds, agreements, and determinations required by the interested is required to be stated in an authentic deed, guarantee the certainty of the date, keep the deed and provide Grosse, copies, and quotations, all as long as the making of the deed by a general regulation is not also assigned or excluded to officials or others (Tobing, 1999).

A public official if he is appointed and dismissed by the state and authorized by law to serve the community in a particular field. According to Philipus M. Hadjon, the general official should have been appointed by the head of state instead of the minister. The establishment of public office must be based on law because government regulations should not form a public office without a delegation of laws. This relates to the legal character of a deed made by a public official (notary) as an authentic evidence tool due to the existence of the public trust. Public trust (*Publica fides*) are considered to exist because the appointment of a public official is carried out by the head of state (Haryati, 2018).

Notary's position as a public official during the community and the evidentiary power of the authentic deed he made, it can be said that the position of Notary Is a position of trust. The position of trust given by the law and the community requires that a person who works as a Notary Public is responsible for carrying out the trust as well as upholding the ethics of the law, dignity, and dignity of his/her position. And if the trust is violated in making a deed both intentional and unintentional, the notary must be held accountable (Darusman, 2017).

In practice notaries whose positions as public officials are often involved with lawsuits both as witnesses and as suspects. Related to this, then in Law No. 2 of 2014 concerning The Position of Notary Amendment to Law No. 30 of 2004 Article 66 paragraph (1) that for the judicial process, investigators, public prosecutors, or judges with the approval of the honorary panel of Notary. The authority of this Notary Honorary Board is in giving approval or rejecting requests from investigators, prosecutors, and judges who want to call and examine the Notary in

the trial. This authority was previously the authority of the Regional Supervisory Board, which has now been declared no longer valid based on the Decision of the Constitutional Court No. 49/PUU-X/2012. Regarding the regulation on the position and form of legal protection provided by the Notary Honorary Assembly to the notary public is not regulated in the legislation (Rohim, 2018).

Referring to article 67 paragraph (1) of the notary office law, it is determined that the supervision of the notary public is carried out by the Minister. Thus, to carry out such supervision, the Minister shall establish a Supervisory Assembly (article 67 paragraph (2) of the notary office law. Article 67 paragraph (3) of the notary office law determines that the Notary Supervisory Panel consists of 9 (Nine) people from the following elements (Adjie, 2017):

1. Government as many as 3 (three) people;
2. 3 (three) notary organizations; and
3. 3 (three) experts / academics.

Over time with the increasing number of people who undergo the notary profession time, coupled with the development of technology and the opportunity for some notaries to get as many clients as possible in an instant and unorthodox way and the circumstances and needs that continue to increase, this makes some notary public tempted to deviate from the existing rules. Unwittingly it has caused competition among some notaries themselves. Competition between notary partners is increasingly suggesting unhealthy business competition between notary partners themselves.

Competition between notary partners is increasingly suggesting unhealthy business competition between notary partners themselves. They are proactively going down the market to clients, offering services, negotiating honors, and doing alliances like business people in general. (Indonesia, 2008) A notary is not as the state civil apparatus as stated in law no. 5 of 2017 governing the state civil apparatus, this is because the notary position does not receive a salary every month as received by the employee, but rather the notary income comes from the honorarium given by the client who uses the services of the notary public. In essence, what distinguishes a notary public from a public servant is a notary public employee who does not receive a salary from the government, a notary public is retired by the government but the notary does not receive a pension from the government. A notary is an official appointed by the minister of law and human rights are reasonable if the public who uses notary services and hopes to obtain services provided by notaries, in this case in the form of making deeds that truly have reliable value and quality and have legal certainty. On the other hand, even though it is a position given by the state, the notary public does not obtain a salary

from the state in carrying out its obligations. As stated in article 36 of the Notary Office Law, in carrying out its duties a notary public only receives an honorarium or fee from its clients. Notary honorarium is regulated in Article 36 of the Notary Office Law, notary public hopes that this honorarium can provide welfare for them. Besides, in article 4 number 10 the code of conduct stipulates that notaries are prohibited from assigning honorariums lower than those established by the association so that in practice some notaries are vying to establish a higher honorarium and some of them determine the honorarium lower than has been determined to attract as many clients as possible so that Article 36 of the Notary Office Law and article 4 number 10 of this code do not run effectively.

The designation of a lower honorarium is considered to have conducted an unhealthy competition conducted through the determination of the honorarium and in this case, may result in the position of notary public can be played. One of the causes of the rise of dishonest competition is the determination of honorariums by notaries below the standards set by the notary office professional association as well as the code of ethics (Teyer, 2013). Why is this said to be a form of dishonest competition between notaries? In this context, it is very contrary to what is regulated in the law, especially the Notary Office Law or notary code of ethics because the notary public is prohibited from making such efforts to get as many clients as possible. To date, notary honorarium arrangements do not specify an exact amount or proportion but only determined the uppermost limit preceded by the word "not exceeding" as stipulated in the Notary Office Law. That is, the regulation on honorarium in this Notary Office Law as the threshold for the amount of honorarium that can be imposed by a notary public to his client, and the regulation on honorarium in the code of conduct is the lower threshold of the amount of honorarium that can be imposed by the notary to his client.

The above shows that the provisions of the amount of honorarium, both specified in the Notary Office Law and each regional administrator does not run effectively, because in practice there is a notary public who assigns honorarium to his client more or less than the regulation of the Notary Office Law and also the code of ethics. The inclusion of the amount of honorarium or fee in the notary office law has no coercive nature for notary public and the parties who need notary services, are only as a reference or benchmark and also no one supervises specifically related to the honorarium if there is a notary public following or not following the provision.

Competition between notary public that results in the emergence of unhealthy competition can occur in various forms, some such as competition conducted by notaries by promoting their services through certain media such as

newspapers and electronic media, cooperating with service bureaus, legal entities, or establishing honorariums under the provisions of the association and it has violated the provisions of the prohibition on article 4 of the notary code of ethics.

There are several reasons on which a notary public gives an honorarium under the provisions of the association, among others (Djuaeni, 2014):

1. Notary public thinks that if the work is not taken will be taken by other parties because there are still many notaries who queue and are willing to do it.
2. The work is forced to be taken because it needs costs to finance the operation of the office.
3. There is an effort to maintain the dignity of a notary public following the notary code of ethics and there is a psychological burden of shame if it does not have clients.

There is a case in Kuningan District where there is a notary public reported by the client to the Regional Supervisory Board (report letter number: BA.12/MPD-KNG/I/29/2020 dated March 23, 2020) regarding the determination of honorarium between notaries that the client thinks is inconsistent and varies, according to the client who reported that this client had previously made a deed of establishment of a limited liability company in another notary and then wanted to make a deed of establishment of the limited liability company in the notary reported, but when talking about payment, the notary reported this asked for a fairly low price. According to the client's statement, the reason he reported the notary to the Regional Supervisory Panel was that there were inconsistencies regarding the honorarium between each notary public. The absence of regulations governing the standard of honorarium of the organization that should be the basis of the notary in determining the minimum limit of honorarium to clients, notary public becomes mutually slamming prices to get as many clients as possible and this situation can not be left alone because it will cause disharmony between fellow notaries. Regarding the case, the Regional Supervisory Panel as the supervisor has called the notary public and then conducted an examination of the reported notary and until now the case is still somehow continuing because when the client asked members of the Regional Supervisory Panel about the case they only replied that the case was under investigation by the Regional Supervisory Panel and until now there has been no clarity.

Tariff war in the profession of notary has been so severe that it is not uncommon to get clients, the notary public conducted a tariff war "slam prices" unreasonable levels, as said by Tuti Andriani who is a notary and land deed official who is also a representative of the regional administrator of Kuningan District in a

plenary meeting of the central board of the Indonesian Notary Association which discussed expanding the provision and refresh of knowledge held on January 12, 2017, in Balikpapan. Due to the low tariffs drawn from the client in common sense the amount of the service money, it seems impossible for the cost of production of the resulting deed. Regarding this, Ikatan Notaris Indonesia as the organization that supervises the notary public should make a regulation or by delegating to the regional administrator of the Indonesian Notary Association to make a regulation of the association governing the threshold of notary honorarium and also sanctions given to the notary if there is a violation of the provisions of the association so that the notary public when setting the amount of honorarium to the client bases on the regulation of the association.

The determination of notary honorarium below the standard that can cause unhealthy business competition between fellow notaries, of course, causes its problems, not only to fellow notary colleagues but also to the notary in itself because it can create gaps between notary partners in a certain region to cause disharmony of relationships with colleagues who should be able to help and respect each other, it can also demean the dignity of the notary profession that should always be maintained by anyone who carries out the profession and has violated the laws of office and the code of ethics and also the oath of office that requires every notary public to always behave honestly, as well as maintain the honor and dignity and responsibility of the notary profession.

There is no definite regulation made by the Regional Supervisory Board and the Indonesian Notary Association and also the Notary Honorary Board as the organization that oversees the notary public regarding the regulation of the minimum amount of honorarium that can be imposed on clients for their services. This is one of the causes of competition between the notary public that continues to occur for many years among notaries. It should be the Regional Supervisory Board, The Indonesian Notary Association, and also the Notary Honorary Board to make regulations regarding the minimum honorarium limit that can be determined by the notary public against the client for the use of his services as well as strict sanctions that will be imposed against the notary who is proven to violate because the Regional Supervisory Panel and the Notary Board of Honor have the authority to call a notary public for examination and as well as sanctions to a notary public who are found guilty of their violations, the difference between the Regional Supervisory Panel in sanctioning will be delegated to the Notary Supervisory Panel while the Notary Board can impose direct sanctions on notary public.

Research Problems

The problems taken in this study are:

1. How is the application of honorarium rates by Notary in Kuningan District?
2. What is the policy issued by the Regional Supervisory Board which has a role as supervisor of Notary in overcoming the problem of notary Honorarium in Kuningan District?

Research Method

This research was conducted using a normative juridical method with a statutory approach and a conceptual approach. The research specification used is prescriptive analytic with secondary data sources carried out by logical analysis and the results will be explained in a systematic narrative text.

Discussion

1. Determination of the Notary Honorarium in Kuningan District.

Legal services in the field of a notary are needed by every group of society. The use of notary services by the people who can afford it can be done by providing an honorarium to a notary public. On the contrary, the disadvantaged community groups cannot provide an Honorarium to Notary. The difference in economic capacity has an impact on the use of notary services. A notary should not refuse every client who comes to take legal actions in the field of the notary. This article shows that poor people can be provided with notary services for free. Notary also sometimes determine the honorarium under the provisions, it is also reasonable because it covers the monthly office operational costs.

The existence of article 37 paragraph (1) of the Law on Notary Position guarantees all rights of citizens without exception while in the territory of the Republic of Indonesia. This statement has been expressly stated in Article 1 paragraph (3) of the 1945 constitution of the Republic of Indonesia. Indonesia as a state based on the law has a characteristic that everyone must be respected, upheld, and protected by the state, to provide a sense of justice when someone commits an act. law, which states that the provision of free legal assistance to clients who come to the notary office to rent services:

- a. A notary is entitled to receive Honorarium for legal services rendered following their authority;
- b. The amount of honorarium received by the notary is based on the economic value and the sociological value of each deed he makes
- c. The economic value as referred to in paragraph (2) is determined from the object of each deed as follows:

- i. Up to Rp. 100,000,000.00 (one hundred million rupiahs) or the equivalent of grams of gold at that time, the honorarium received at most was 2.5% (two point five percent)
 - ii. Above Rp. 100,000,000.00 (one hundred million rupiahs) to Rp. 1,000,000,000.00 (one billion rupiah) the honorarium received is a maximum of 1.5% (one point five percent) or
 - iii. Above Rp. 1,000,000,000.00 (one billion rupiahs) the honorarium received is based on an agreement between the notary and the parties, but does not exceed 1% (one percent) of the object for which the deed is made.
- d. The sociological value is determined based on the social function of the object of each deed with a maximum honorarium of Rp. 5,000,000, - (five million rupiah).

The principle of honorarium gives the highest respect to a notary professional but is limited to the minimum or maximum and until now no one wants to criticize this. After all, notary office organizations do not need to regulate notary fees that apply to their members. After all, if there are members who violate it, will they be punished (subject to sanctions) by the notary office because they violate the stipulated honorarium? Therefore, it is better if the determination of the honorarium is left to the agreement, the meaning of the agreement itself is that the agreement is the first condition for the validity of an agreement, as evident in article 1320 of the Civil Code. Or in other words, article 1320 of the Civil Code requires that for the validity of an agreement a "binding agreement of theirs" is required.

As the intent of the above agreement, to reach an agreement (agreement) between the parties, of course, there must be one party who offers and there is a party who accepts the offer or acceptance. Based on this understanding, it can be said that the existence of an offer and an acceptance of the offer are elements of the agreement. Tappers with the notary itself, with parameters known to the notary public and the tappers themselves (Adjie, 2017).

The notary's honorarium may not exceed the maximum limit of the applicable provisions of the notary office law, even though the honorarium provides the highest appreciation but is still limited by the Law on Notary Position. Regarding this, sanctions because they are not attached to legal acts as a whole, respect in the scientific context, they are valued at zero, because Notary has dignity because helping people or communities who need those services is a variable that is raised if the variables are not raised, then our deed only valued for hotcakes because there is knowledge in education where we can take the award, which is

where the path to becoming a notary is very long and takes quite a long time to become a notary (Rochman, Interview 2020). The variable is raised because in this case what will appear is not the price but the morality or morality that cannot be measured in the material. Honorarium must be appreciated as high as possible.

Example:

"In making the deed of company, he or the notary immediately set the price for the definition I hold and the honorarium is given as high as possible so for example, the client does not object and feels that the deal with the transaction is valid or the same as accepting an agreement from the notary and the client." The purpose of this statement is that in every company deed or other deed, the notary will set a high price. However, it depends on the client, whether the client has an objection or not and the notary opens the opportunity for negotiations on the price set by the notary".

In this case, the notary should also provide good and correct legal assistance because if it is not correct to provide legal assistance, it is appropriate to question the science, in addition to the notary providing advice/state legal consultant, it also trusts the notary that the notary has high knowledge. A notary is also endeavored or demanded to master higher fields whenever they can continue their studies to the next level so that later when they are in society, Notary can be more optimal in assisting in the legal field and can solve problems that occur in the wider community.

The work of a notary outside his / her authority is in the establishment of a business entity or legal entity which is always related to an application for validation and completeness of a license following the prevailing laws and regulations but it is possible in other matters. The request for ratification is the authority of the founder which can be carried out by himself or authorized to a Notary (Bahari, 2010).

The notary who has just opened an office said that in determining the service fee for his client, the notary determines the amount based on existing habits, and often does the notary ask his client about the amount of fee that is usually charged in the deed-making process. Therefore, even this new notary in determining the amount of this honorarium can be said to be just estimating because the regulations governing the minimum honorarium do not exist so that according to him if he is reprimanded because he is considered to have violated the code of ethics, he will not be subject to sanctions. because there are no basic regulations regarding the minimum amount of honorarium for Notary in Kuningan District (Noverika, Interview, 2020). According to the author, what the author got in the interviews that have been conducted.

This is still a controversy among Notary in Kuningan District because there is no legal certainty regarding honorarium regulations so that Notary in applying Honorarium for their services still use reason or estimate how much the client will be charged for his services. The absence of legal certainty is what triggers unfair business competition because the notary determines the minimum honorarium without any regulatory basis but based on reasoning or just guessing (Noverika, Interview, 2020).

A notary is a position that is considered a profession, meaning that the notary has an organization as a place to overshadow him in carrying out his duties. The notary's organization should regulate all matters relating to this issue explicitly, not half-way so that events like this do not continue gradually from time to time. How long does the debate regarding the honorarium continue to be disputed by Notary in Kuningan District or other areas and also the sanctions must be strict, not just a verbal warning or non-verbally so that Notary also have a fear of the sanctions they will receive if they commit a violation, even though it is not 100% there are no more violations, but at least there are preventive actions from the organization to prevent disputes between Notary in Kuningan District (Noverika, Interview, 2020).

2. Regional Supervisory Board policy in supervising Notary in determining honorarium rates.

The implementation of the honorarium in Kuningan District is arguably still not appropriate, because there are several Notary who stipulates that the honorarium is not following the provisions of the Law on Notary Position and the provisions of the code of ethics. Competition between Notary is included in unfair business competition and this is something that is considered normal, according to Arie Siswanto, what is meant by competition law is a legal instrument that determines how competition should be carried out (Hermansyah, 2008) Competition is defined as "... a struggle or contest between two or more persons for the same objects". (Webster, Dictionary) Therefore, with due regard to the above competitive terminology:

1. There are two or more parties involved in trying to outperform each other.
2. There is a will among them to reach the same goal.

The competition between notaries that often occurs is in the determination of honorariums below the association standards for their services. The problem of Notary determining below standard Honorarium has occurred for a long time and this problem does not occur in one region, but in almost all regions where there

are Notary, the problem of determining below standard Honorarium must always exist. Although it is not only about the determination of sub-standard Honorarium, there are other problems in notary practice (Andriani, Interview, 2020). Determination of honorariums that are below the standard for associations that occur in Kuningan District has become something that is considered normal. The determination of notary service honorariums under standards that can cause unhealthy business competition between notary partners of course causes its problems, not only to fellow notary partners but also to the notary public itself. In addition to being able to create gaps between Notary colleagues in a certain region to cause disharmony of relationships with colleagues who should be able to help and respect each other, it can also demean the dignity of the notary profession that should always be maintained by anyone who runs the profession and has violated the laws of his office and his code of ethics and oath of office that requires every Notary to always behave honestly, as well as maintaining the honor and dignity and professional responsibility of Notary (Prayitno, 2019).

This problem is also a question in itself for people who often use the services of Notary because this is not supposed to happen between Notary if they see that Notary are public officials where officials have the same identity as an authoritative person and are often respected. If fellow Notary do the unfair business competition or nudge each other in terms of work, then what is the difference between them and street vendors on the roadside who sell their wares and slam their prices if they see other traders who charge high prices aim to win over buyers (Andriani, Interview 2020)

In Kuningan District, there is a notary who determines an honorarium which is quite far from the price considered to be a fair price making of the deed, for example in notary A in the case of the establishment of a limited liability company, the honorarium normally received by a notary is Rp. 15,000,000, to notary B in the case of a limited liability company establishment, the honorarium received by the notary is Rp. 10,000,000, and to notary C in the case of a limited liability company, the honorarium received is Rp. 7,500,000, in this case, it can be seen that there is a notary's inconsistency in determining the honorarium, this is what often becomes a problem that often occurs among Notary (Santoso, Interview 2020).

The notary should not be like a person who is a moneylender in working in his job duties, the notary must obey the prevailing regulations, do not be greedy in terms of work that makes him an elbow each other here to get as many clients as possible, especially for Notary who first time open an office, there must be someone who violates the rules to get a lot of clients by for example collecting an honorarium under the terms of the association, don't want to be labeled as a

"cheap" notary by the public. The notary is a position, in the community, he will be seen as an official, where the official is an honorable person and has dignity, not just because he wants his office to look crowded.

With this problem, the Regional Supervisory Board as the notary supervisor has received several reports from the public as well as from other Notary regarding the stipulation of Honorarium under stipulations by several Notary in Kuningan District. Based on the frequent existence of these reports, the Regional Supervisory Board made an effort in the matter of determining the honorarium by coordinating, which in this case involved the Regional Supervisory Board, Regional Honorary Board, the Indonesian Notary Association, and also the Association of Land Deed Officials. Why is this done? because the Regional Supervisory Board considers this matter which cannot be ignored, where the dignity of this notary is at stake in front of the public if a dispute over the determination of this fee is allowed to occur. This is because the Regional Supervisory Board does not want the public to the stigma that Notary are moneylenders and also do not have good morals because they always steal clients from other Notary using one of which is to determine the honorarium under the provisions of the association and also the Law on Notary Position (Andriani, Interview 2020).

What the Regional Supervisory Board has done is the implementation of concrete action from the decision of the plenary meeting of the Indonesia Notary Association central board which was held on January 12, 2017, in Balikpapan which is mentioned in attachment III regarding the recommendations and attitudes in point 2 which mention that: This is because the Regional Supervisory Board does not want the public to the stigma that Notary are moneylenders and also do not have good morals because they always steal clients from other Notary using one of which is to determine the honorarium under the provisions of the association and also the Law on Notary Position (Andriani, Interview 2020). What the Regional Supervisory Board has done is the implementation of concrete action from the decision of the plenary meeting of the Indonesian Notary Association central board which was held on January 12, 2017, in Balikpapan which is mentioned in attachment III regarding the recommendations and attitudes in point 2 which mention that: This is because the Regional Supervisory Board does not want the public to the stigma that Notary are moneylenders and also do not have good morals because they always steal clients from other Notary using one of which is to determine the honorarium under the provisions of the association and also the Law on Notary Position (Andriani, Interview, 2020). What the Regional Supervisory Board has done is the implementation of concrete action from the decision of the plenary meeting of the Indonesian Notary Association central board

which was held on January 12, 2017, in Balikpapan which is mentioned in attachment III regarding the recommendations and attitudes in point 2 which mention that:

"Regional administrators are advised to determine the lower limit of the honorarium for notary deeds according to the conditions of their respective regions. In article 36 of the Law on the Position of Notary Public, the maximum Honorarium of 1%, 1.5%, and 2.5% is determined according to the economic value of the deed object. The urgency of this regulation is so that there is no unfair competition among notaries, which can cause a bad impression in the eyes of the public."

The results of the meeting between the Kuningan District Regional Supervisory Board, the Kuningan District Regional Honorary Board, the regional administrator of the Indonesian Notary Association of Kuningan District, and also the regional administrator of the Kuningan Association of Land Deed Officials resulted in an agreement regarding a regulation regarding Honorarium. The agreement contains the cost threshold that a notary may impose on each deed made by a notary against his client, so with this agreement the Regional Supervisory Board hopes that Notary will apply Honorarium under the association's provisions. If there is a notary who violates this, the notary will be given a warning and if he still does so, the notary will be summoned by the Regional Supervisory Board and the Notary Honorary Board and an ethical hearing will be carried out (Andriani, Interview 2020). Therefore, with the agreement made based on the meeting, this regulation could become the basis of reference for the Regional Supervisory Board to supervise Notary in determining Honorarium following the provisions of the association, the role of the Regional Supervisory Board in supervising this notary. very necessary because to achieve the goals of the organization, following the definition of Sarwoto which explains that "Supervision is the activity of managers who try to carry out the work following the established plan and/or the desired results" (Sarwoto, 1991). Supervision comes from the basic word vision which means being able to know carefully and thoroughly (Anggraini, 2012). George R. Terry stated that "control is to determine what is accomplished evaluate it, and apply corrective measures, if needed to ensure results in keeping with the plan", meaning that supervision focuses on evaluating and correcting actions. The results are following the plan, thus this supervisory action is carried out on an ongoing activity process but precisely at the end of the activity after the activity produces something (Muchsan, 2000). Siagian P. Sondang argues that supervision is all activities to ensure and ensure that the task/work has been

carried out according to a predetermined plan. The wisdom that has been outlined and the orders (rules) given (Siagian, 2003).

Not only that, the role of the Regional Supervisory Board as a supervisor is as steering controls to minimize as well as overcome problems and irregularities that will arise and be faced by the Regional Supervisory Board in its task of supervising Notary. According to Henry Fayol, the definition of supervision, namely supervision consists of testing whether everything goes according to a predetermined plan with the instructions that have been outlined, it aims to show (determine) weaknesses and mistakes to correct them and prevent their recurrence (Situmorang, 1994).

In line with the definition put forward by Henry Fayol, in this case, the Regional Supervisory Board has the role to oversee whether everything that has been agreed upon in the meeting will take place or go according to plan, the meaning is whether the regulation will later apply efficiently to the notary in terms of determination of the honorarium or the result will be the same as before. Therefore, this is where the Regional Supervisory Board has an important role in supervising Notary so that these regulations can run efficiently.

The interpretation of legal certainty in determining the honorarium for Notary can be seen from the background of the deed made with work other than the deed requested. A deed that has economic value will be different from a deed that has social value. The higher the economic value of a deed will affect the honorarium for work other than the making of the deed requested by Notary service users. The difference in the economic and social value of the deed will greatly influence the interpretation of one notary in determining the honorarium. The interests of the Notary service users lead to an agreement to determine the value of the honorarium for work other than making deeds (Gultom, 2015).

With this less good competition between all public officials, the code of conduct must exist with the aim that there is no competition between fellow public officials. Just like the notary office law, this notary code of conduct has not given sufficiently clear notice about this rival thus can be elaborated to article 4 paragraph 9 of the code of conduct that tells: "notaries who claim to run notary positions are prohibited from doing business, either directly or indirectly, which becomes an unhealthy competition between fellow notaries (Ningsih, 2019).

The honorarium is regulated in the organization of notary office with a minimum tariff of notary services to achieve equality of each notary public. Then given a penalty in the form of sanctions violations against the services of the notary. Based on the results of an interview with notary respondent I Made Kembar Bagiasa, S.H here with this reduction in notary fees given if a person is less able to

pay the deed he made, the notary thus ensures how capable a person can pay (Gunawan, 2020).

Conclusion

- a. That due to the legal arrangement of notary office services provided outside the Notary Office Law has not been strictly regulated in the written regulations. The Notary Office Law and notary code of ethics do not explain the existence of honorarium other than the honorarium of deed making. The honorarium fee is determined based on an agreement between the notary public and notary service users. Because in principle the determination of the number of honorariums for notary services other than the making of deed is not regulated explicitly in the Notary Office Law and notary code of ethics but in practice is given based on the agreement of notary public and notary service users.
- b. The supervisory mechanism carried out by the Regional Supervisory District of Kuningan District on the implementation of notary duties and positions are preventive and repressive. Notary supervisory board of Kuningan District in carrying out its duties, referring to ministerial regulations, ministerial decision, Code of Ethics, and also Notary Office Law as the basis of its actions. The implementation of supervision carried out by the Regional Supervisory Board of Kuningan District has been effective because the supervision is following the working procedures of the Regional Supervisory Board even though it has not fully run following standard operations procedure. This can be assessed by the Regional Supervisory Board which in this case has made a repressive effort, namely by following up the reports it has received by summoning the chairman of the Notary Association of Indonesia Kuningan District, the Honorary Board of Kuningan District, and also the Association Land Deed Officials of Kuningan District to overcome the issue of notary honorarium in Kuningan District which in the end the Regional Supervisory Board issued a policy in the form of regulations on the minimum limit of notary honorarium and not only that, the Regional Supervisory Board also complicates cases of violations of other codes of conduct to the regional supervisory board to be followed up whether the reported notary is true in violation of the rules of the Notary Office Law and the Notary Code of Ethics.

Suggestions

- a. It should be established a clear and written regulation on the determination of honorarium by the notary public for legal services other than the making of a deed. For the Indonesian Notary Association to make arrangements on

honorariums on the services of notaries internally. The need for written rules on the determination of honorariums on the services of Notary Public so that there is no unhealthy competition and different interpretations. The principle of legal certainty needs to be accommodated by the Notary Office Law for the future so that the notary in establishing an honorarium to notary service users has a clear and firm legal basis. The determination of honorarium to work other than making an authentic deed must pay attention to the background and interests of notary service users.

- b. The notary supervisory board through its representatives in each region is expected to issue a regulation that has an emphasis on imposing sanctions on violating notaries, so that the violating notaries will think repeatedly not to violate the rules and to comply with the regulation, not only about the regulation of the minimum honorarium but concerning other violations such as notaries cooperating with law firms. , notaries who work outside their jurisdictions in a row, and notaries who promote their positions. In the case of conducting supervision, the supervisory panel must actively move and work following the standard operating procedure that has been described in the Notary Office Law as well as the code of ethics, considering that the sanctions imposed by the notary supervisory panel are coercive, binding and can affect the position of notary public.

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