

The Role of the Honorary Tribunal of the Notary of the Territory at the Request of Law Enforcement Against Alleged Violations by the Notary

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Abstract

The Honorary Panel of Notaries rejected the investigator's application for approval in the judicial process. The rejection of the case was carried out by testing article 66 of Law Number 2 of 2014 concerning the Position of Notary at the Constitutional Court. This study aims to analyze the role of the Regional Notary Honorary Assembly at the request of law enforcement against alleged violations by notaries, and to analyze the reasons for the refusal of the Regional Notary Honorary Assembly to the application for examination of the Notary by police investigators. The approach method used in this study is normative juridical which is prescriptive. The legal materials used are primary legal materials, secondary legal materials and tertiary legal materials. The results of this study show that: The role of the Regional Notary Honorary Council in responding to the request of the investigator to present as a witness or suspect in the case that is resolved, the Regional Notary Honorary Council can refuse and or grant the request, very much depends on the objective conditions at the time of the examination of the notary. The reason for the Regional Notary Honorary Council refusal to the investigator's request to present a Notary as a witness or suspect, if from the results of the hearing the examination of the object in the Deed before the Deed was made was carried out in accordance with the standard operating procedures according to the

Keyword: the Regional Notary Honorary Council; Law Enforcement; Offense Notary

Abstrak

Majelis Kehormatan Notaris melakukan penolakan permohonan penyidik atas permintaan persetujuan dalam proses peradilan. Adanya penolakan kasus maka dilakukan pengujian pasal 66 Undang-Undang Nomor 2 tahun 2014 tentang Jabatan Notaris pada Mahkamah Konstitusi. Penelitian ini bertujuan untuk menganalisis peran Majelis Kehormatan Notaris Wilayah atas permintaan penegak hukum terhadap dugaan pelanggaran oleh Notaris, dan untuk menganalisis alasan penolakan Majelis Kehormatan Notaris Wilayah terhadap permohonan pemeriksaan pada Notaris oleh penyidik kepolisian. Metode pendekatan yang digunakan dalam penelitian ini adalah yuridis normatif yang bersifat preskriptif. Bahan hukum yang digunakan adalah bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Hasil penelitian ini menunjukkan bahwa: Peran Majelis Kehormatan Notaris Wilayah (MKNW) dalam menyikapi permintaan penyidik untuk menghadirkan sebagai saksi atau tersangka dalam perkara yang diselesaikan, maka MKNW dapat menolak dan atau mengabulkan permintaan, sangat tergantung pada kondisi obyektif pada waktu dilakukan sidang pemeriksaan terhadap notaris. Alasan Penolakan MKNW terhadap permintaan penyidik untuk menghadirkan Notaris sebagai saksi atau tersangka, apabila dari hasil sidang pemeriksaan terhadap objek dalam Akta sebelum dibuat Akta dilakukan sesuai dengan standar operasional prosedur menurut undang-undang.

Kata Kunci: MKNW; Penegak Hukum; Pelanggaran Notaris

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Introduction

The Notary profession is indeed an expectation for the realization of legal certainty that is expected by the community, considering that notaries are given the authority as state officials who organize the making of authentic deeds which are very important to ensure legal protection. Many aspects of the practice of law relating to notaries relate to authentic deeds and their use in the evidentiary process (Tan Thong Kie, 2007).

Notaries as community servants have the task of serving the community in the civil sector, especially in terms of making authentic deeds. As referred to in article 1868 of the Civil Code Juncto Article (1) number (7) of Law Number 2 of 2004 concerning the Position of Notary (UUJN), nature Article 1868 of the Civil Code states that: An Authentic Deed is a deed that in the form prescribed by law, made by or before public servants who have the power to do so in the place where the deed he made.

Based on Article (1) number (7) of Law Number 2 of 2014 concerning the Position of Notary states that: A Notarial Deed is an authentic deed made by or before a Notary according to the form and procedures stipulated in this law.

Notaries must behave professionally in carrying out their positions, because the position of Notary is a trusting position that must be in harmony with those who carry out the duties of the notary position as a trustworthy person. Notary as a position of trust does not mean anything, if it turns out that those who carry out the duties of the position of Notary as untrustworthy persons, so that, between the Position of Notary and its Officers (who carry out the duties of the position of Notary) must be in line like two sides of money that cannot be separated (Adjie, 2013).

Notaries as officials who stand in the realm of law (such as advocates, judges, prosecutors, and police) make Notaries directly or indirectly have rights other than making authentic deeds, deeds of inheritance / for an inheritance, and deeds of trade contracts as well as to maintain the smooth running of the legal process that occurs, including those related to processes in the judiciary, both in criminal and civil courts. The intended judicial process is closely related to proof, both proof by writing and also proof by testimony.

The Honorary Notary Tribunal rejected the investigator's application for approval in the judicial process, because of the rejection of the case, a test of 66 of the Notary Position Act was carried out at the Constitutional Court. This is evidenced by several tests, they are: First, the Constitutional Court Decision Number: 49/PUU-X/2012 the decision: granting the applicant's application in its entirety, that is stating the phrase with the approval of the Regional Supervisory Panel in article 66 paragraph 1 of Law Number 30 of 2004 concerning the Position of a Notary Public.

Secondly, in the decision of Constitutional Court Number: 72/PUU-XII/2014, the judgment stated: that the application cannot be accepted because it does not have a legal position. The applicant is an advocate who is not included in the subject addressed in article 66 paragraph 1 of law Number 2 of 2014 concerning the Position of Notary. That is the investigator, the public prosecutor or the judge. Meanwhile, as an advocate, there is no real or potential harm to the enactment of the article.

The three decisions of the Constitutional Court Number: 22 / PUU-XVII / 2019 with the fact that the application was rejected because the applicant was deemed not to understand the norms of article 66 of Law Number 2 of 2014 concerning the Position of Notary as a whole because it did not consider the existence of paragraphs 3 and 4. Judgment Number: 22/PUU-XII/2019, the applicant is a victim of the criminal act of misuse of false blanks of deeds of sale and purchase of land rights. His grief is not included in the subject proposed by the formulation of article 66 paragraph 1 of Law Number 2 of 2014 concerning the position of notary.

The four Judgments of the Constituency Courtitusi Nomor: 16/PUU-XVIII/2020 with its judgment declared the application of petitioner I, petitioner III, petitioner IV and petitioner V inadmissible, and rejected petitioner II's application

for other than the rest. Thus, it does not accept and reject the material test of article 66 paragraph 1 of Law Number 2 of 2014 amendments to Law Number 30 of 2004 concerning the Position of Notary. The applicant was filed by the Indonesian Prosecutors Association (PJI).

A large number of tests on the material of Article 66 of the Notary Office Act shows that there is no clarity on the role of the Honorary Notary Tribunal in terms of granting rejection and approval of the application for notary examination by the Investigator. In the event that the Notary Honorary Assembly rejects the notary examination application by the investigator, what is the reason for the refusal of the Notary Honorary Assembly. These two issues are important to analyze because they are to provide legal certainty for the Honorary Notary Assembly and investigators. This study aims to determine the role of the Honorary Council of Regional Notaries at the request of law enforcement against alleged violations by Notaries.

Research Problem

Based on the background of the aforementioned problem, the issue can be formulated as follows: What is the role of the Honorary Assembly of the Notary of the Region at the request of law enforcement against alleged violations by the Notary? And what are the reasons for the refusal of the Regional Notary Honorary Tribunal against the application for examination of the Notary by the police investigator?

Research Methods

The research method used in this writing is normative juridical, normative research focuses on literature research to obtain secondary data as the main data. (M.Syamsudin, 2007). The research approach method used uses three approach methods that are the *Case Approach*, the *Statue Approach* and the *Conceptual Approach*. This research was studied using primary legal materials consisting of laws and regulations related to the position of the Honorary Notary Assembly, secondary legal materials and tertiary legal materials.

Discussion

The role of the Honorary Assembly of The Regional Notary on the Request of Law Enforcement against alleged violations by the notary.

Soerjono Soekanto concludes that a role includes at least three aspects:

1. Roles include norms that are connected with a person's position or place in society. The role in this sense is a series of regulations that guide a person in the life of society.
2. The Role is a concept of what individuals can do in society as an organization.
3. The Role can also be interpreted as individual behavior that is important for the social structure of society (Soekanto, 2013).

Regarding the role, Abdulsyani argued that a role is an act of a person or group of people in a certain way to carry out their rights and obligations in accordance with their status. Role actors are said to play a role if they have carried out their rights and obligations in accordance with their social status with society (Abdulsyani, 2007).

Based on the description above, it can be concluded that a role is an attitude or behavior which includes the status of a person or group of people in carrying out their rights and obligations in accordance with their position in a group. When connected with the role of the Notary Honorary Assembly, the role is not only an

individual's rights and obligations, but is a duty and authority possessed by the Notary Honorary Assembly.

Habib Adjie's opinion is that the role of the Notary Honorary Assembly is very necessary to provide legal guidance and protection for Notaries avoid legal problems that can bring down the Notary institution as a trust institution for the community. Trust is a value that must be properly maintained by the Notary in order to obey the principles that are guidelines for the Notary in carrying out the duties of his office (Adjie, 2007).

The decision of the Constitutional Court relating to the material test of article 66 of the Notary Office Act has been outlined in the following provisions:

1. Constitutional Court Decision Number: 49/PUU-X/2012

The decision of the Constitutional Court Number 49/PUU-X/2012 is the result of a decision on a material test application requested against article 66 paragraph 1 of Law Number 30 of 2004 concerning the Position of Notary. This material test application is submitted by an individual (private employment). Article 66 paragraph 1 of Law Number 30 of 2004 concerning the Position of Notary states: "For the benefit of the judicial process, the investigator, public prosecutor or judge with the approval of the Regional Supervisory Panel is authorized to: (a) take a photocopy of the original of the deed and /or letters-letters attached to the Minuta Deed or Notary Protocol in the notary's storage, and (b) call the Notary to be present in the examination related to the deed he made or the Notary protocol that is in the custody of the Notary notary storage.

The article provides for the authority of the Regional Supervisory Panel to grant permission to investigators, public prosecutors, and judges to take photocopies of original deeds and notary summonses. However, this provision has been removed by the Constitutional Court Decision Number: 49/PUU-X/2012, dated May 28, 2013. There are two things listed in the constitutional court's decision: 49/PUU-X/2012 which includes: the existence of a Regional Supervisory Panel and has no binding legal force. With this decision, the Regional Supervisory Panel is no longer authorized to permit investigators, public prosecutors, or judges to take photocopies of original deeds and notary summonses because they are contrary to the 1945 Constitution of the Republic of Indonesia. Not having binding legal force means that article 66 of Law Number 30 of 2004 concerning the Position of Notary does not have to be obeyed by investigators, prosecutors or judges. Thus, from 2013 to 2014 there was a legal vacuum, so investigators, public prosecutors and judges taking photocopies of original deeds and notary summonses did not need permission from the Regional Supervisory Panel. Amar verdict: granted.

2. Constitutional Court Decision Number: 72/PUU-XII/2014

The decision of the Constitutional Court Number: 72 / PUU-XII / 2014 is the result of the decision of the application for a material test requested against article 66 paragraph 1 and paragraph 3 of Law Number 2 of 2014 concerning the Position of Notary. This application for a material test was filed by the advocate.

Amar the verdict: the plea is inadmissible.

The legal consideration of the Constitutional Court, is that the court did not find any harm to the petitioner either manifestly or potentially by the enactment of the article requested by the examiner by the petitioner. That the petitioner who is an advocate by profession has been guaranteed and protected by the existence of a Notary Honorary Tribunal. When an Indonesian citizen applies to the presence of evidence in the form of photocopies of original deeds

or notaries, or it could be that the applicant is in a position as a notary attorney to protect notaries who are facing legal problems who then use the legal umbrella, that are the article requested for testing. According to the court, there is no constitutional loss suffered by the applicant with the enactment of article 66 paragraph 1 along the phrase "with the approval of the Honorary Notary Assembly and paragraph 3, and 4 of Law Number 2 of 2014 concerning the Position of Notary.

3. Putusan Mahkamah Konstitusi Nomor: 22/PUU- XVII/2019

The decision of the Constitutional Court Number: 22 / PUU- XVII / 2019 is the result of the decision of the application for a material test requested against article 66 paragraph 1 and paragraph 4 of Law Number 2 of 2014 concerning the Position of Notary. This application for a material test was filed by the victim of a criminal offense.

Amar broke up: the application was rejected.

Considering the law of the Court, the petitioner did not understand article 66 paragraph 1 of the Notary Office Act in its entirety. The approval of the Notary Honorary Assembly does not aim to complicate the investigation process or the need for examination of the notary, because it has been anticipated by the provisions of article 66 paragraph 3 which states that the Notary Honorary Assembly within a maximum of 30 days from the receipt of the approval request letter as referred to in paragraph (1) must provide an answer to accept or reject the request for approval. In the event that the Notary Honorary Assembly does not give an answer within the period referred to in article (3), the Notary Honorary Assembly is deemed to have received a request for approval. In addition, according to the Court, article 66 paragraph (4) of Law Number 2 of 2014 concerning the Position of Notary, is precisely an affirmation that the Honorary Notary Council cannot obstruct the authority of investigators, public prosecutors or judges in exercising their authority for the benefit of the judicial process, moreover, the provisions of the article a quo are intended to protect notaries as public officials in carrying out their duties, especially protecting the existence of original as a document a state of a secret nature.

The changes and additional norms in the Notary Position Law are appropriate. They do not conflict with the Constitutional Court decision Number: 49/PUU-X/2012, that is by adding norms to article 66 paragraphs (3) and (4), which aim to avoid obstacles to an investigation by the Honorary Notary Assembly. It is precise if the petitioner's application is granted, that is canceling article 66 paragraph 1 of the Notary Office Act as a whole can create an issue where there is no role of the Honorary Notary Assembly in carrying out the development of the notary, especially in overseeing the implementation of the obligations of the notary which includes keeping everything about the deeds made and all the information obtained for the making of the deed. Article 66 paragraph (4) of Law Number 2 of 2014 concerning the position of a notary is very necessary in creating fair legal certainty against the limits of the authority of the Honorary Panel of Notaries to give approval for investigators, public prosecutors and judges in making summonses to notaries or examining other files for judicial purposes.

4. Constitutional Court Decision Number: 16/PUU- XVIII/2020

The decision of the Constitutional Court Number: 16 / PUU- XVIII / 2020 is the result of the decision of the application for a material test requested against article 66 paragraph 1 of Law Number 2 of 2014 concerning the Position of Notary.

This material test application was submitted by the Indonesian Prosecutors Association.

Amar the verdict: the application of petitioner I, petitioner III, petitioner IV, and petitioner V is inadmissible. Rejecting petitioner II's application for addition to and the rest.

The court's legal considerations, that it turns out that the issue of constitutionality of article 66 paragraph (1) of Law Number 2 of 2014 concerning the Position of Notary on the application of a quo is the same as the issue of constitutionality in the decision of the Constitutional Court Number: 22 / PUU-XVII / 2019. Although the basis and reasons for the test used are different so that a quo application can be filed, because of the constitutionality issue requested by the same test, namely regarding the approval of the Honorary Notary Assembly, the court's consideration in testing the article 66 paragraph 1 of Law Number 2 of 2014 concerning the Position of Notary in the Constitutional Court Decision Number: 22 / PUU- XVII / 2019 referred to mutatis - mutandis also applies to the application for a quo.

After the enactment of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary on January 15, 2014, an application for a material test against article 66 of Law Number 2 of 2014 which contains legal protection for this notary was again submitted. The application for a material test against article 66 of Law Number 2 of 2014 was requested by the Indonesian Prosecutors Association (PJI) to the Constitutional Court on January 27, 2020, which was then received by the Registrar of the Constitutional Court on February 10, 2020 and recorded in the case register book with Number: 16/PUU-XVIII/2020. Previously, there were 2 (two) almost similar applications against article 66 paragraph 1 of Law Number 2 of 2014, namely in the decision of the Constitutional Court Number: 72 / PUU-XII / 2014 dated August 26, 2015 in which the decision stated that the applicant's application was inadmissible and the decision of the Constitutional Court Number: 22 / PUU-XVII / 2019 dated May 20, 2019 which stated that it rejected the applicant's application for examination of article 66 paragraph 1 of Law Number 2 of 2014 concerning Amendments to the Law- Law Number 30 of 2004 concerning the Position of Notary (Priandhana, 2021).

Article 66 of the Notary Position Law both in Law Number 30 of 2004 and its amendments, namely Law Number 2 of 2014 related to the regulation of procedures for summoning notaries for investigation and examination. Where in this case there have been four decisions of the Constitutional Court related to the constitutional test of the article a quo, namely the decision of the Constitutional Court Number: 49 / PUU-X / 2012, 72 / PUU-XII / 2014, 22 / PUU-XVII / 2019 and 16 / PUU-XVIII / 2020. Therefore, only the decision of the Constitutional Court Number: 49/PUU-X/2012 with the amar decision "granted the application", while the other three decisions of the Constitutional Court with the amar decision "inadmissible" and or rejected.

Based on this description, the number of tests Pof 66 of the Notary Office Act, there is a partial transfer of authority from the Regional Supervisory Panel to the institution of the Honorary Notary Assembly. The Regional Board of Trustees is not a defunct institution, but there are many other powers. The Central Notary Honorary Assembly does not have the authority of a Regional Notary Honorary Assembly that is directly related to the Notary. The Honorary Council of Regional Notaries has duties and functions that play a very important role in the implementation of the position of a notary, namely providing guidance and

protection for the position a notary. The Honorary Notary Assembly as stipulated in article 66 and article 66 A of the UUJN is an imperative article or order. This means that in practice, if there is a Notary who is called by the police, prosecutor's office or direct judge without being examined first by the Constitutional Court, it is tantamount to underestimating and categorizing as a violation of the law (Athira, 2022).

Based on this, the authority possessed by the Honorary Notary Assembly is a procedural authority that has been regulated in the laws and regulations (Law on the Position of Notary). Meanwhile, in terms of its implementation and authority, the Notary Honorary Assembly pays attention to the implementation requirements stated in other laws and regulations. The Central Notary Honorary Assembly has the task of carrying out guidance and supervision of the Regional Notary Honorary Assembly. MKNP does not have the authority like MKNW which is directly related to Notaries. MKNW has the duties and functions that play the most role related to the implementation of the position of Notary, both coaching and protection of the position of Notary. Whenever the notary is faced with a problem that is contrary to the obligations and authorities of the Notary. The Examining Panel is formed by the MKNW which is in charge of conducting an examination of the Notary after obtaining approval for the examination by the MKNW (Widiada, 2018).

The Regional Notary Honorary Council has the function of carrying out guidance to: maintain the dignity and honor of the notary in carrying out the profession of his position, and provide protection to the notary related to the obligation of the notary to keep the contents of the deed confidential. (Maya, 2017) Guidance to a Notary can be done when there are seminars and discussions, coaching related to the implementation of the position of a notary and the notary code of ethics. This means that not only coaching is related to the position of Notary but also coaching is carried out related to complying with the notary code of ethics (Khalis, 2021).

The Honorary Council of Regional Notaries in its implementation has duties based on article 24 paragraph 1 of PerMenKumHam Number 17 of 2021 concerning Duties and Functions, Terms and Procedures for Appointment and Dismissal, Organizational Structure, Work Procedures and Budget of the Honorary Notary Assembly, namely: Conducting an examination of applications submitted by investigators, public prosecutors, or judges and Giving approval or rejection of requests for approval taking photocopies of original deeds and summoning notaries to be present in investigations, prosecutions, and judicial proceedings.

The Honorary Notary Assembly is an institution whose duty and authority to approve or not notaries are called by law enforcement officials to provide information related to a criminal case involving a notarial deed. (Mardiansyah, 2020) The Honorary Notary Council is an independent body in makes decisions that have the duty and obligation to provide guidance or guidance to strengthen the notary institution in enforcing the Notary Position Law. This can be seen in the provisions of article 66 of the UUJN, in which at that time the MPD was authorized to grant or reject requests for approval from investigators to summon and examine Notaries in judicial proceedings, but now the authority has become the duty of the MKN (Lumaria, 2014).

Based on the foregoing, it can be concluded that the role of the Notary Honorary Assembly has been regulated in article 66 of Law Number 2 of 2014 concerning the Position of Notary, and article 24 of the Regulation of the Minister of Law and Human Rights Number 17 of 2021 concerning Duties and Functions,

Terms and Procedures for Appointment and Dismissal, Organizational Structure, Work Procedures and Budget of the Honorary Assembly of Notaries. In addition, the Honorary Panel of Regional Notaries has the role of examining applications that have been submitted by law enforcement officials, giving approval or rejection of requests for approval for taking photocopies of original deeds and summoning notaries to be present in investigations, prosecutions, and judicial proceedings. In carrying out its duties, the Regional Notary Honorary Council has the function of carrying out guidance to maintain the dignity and honor of the notary in carrying out his profession and providing protection to the notary with the obligation of the notary to keep the contents of the deeds made confidential. In addition, in responding to the investigator's request to present witnesses or suspects in the case he is handling, the Honorary Panel of Regional Notaries may refuse and or grant the request, depending largely on the objective conditions at the time of the examination hearing of the notary concerned.

Reasons for the Refusal of the Honorary Assembly of the Regional Notary to the Application for Examination to the Notary by the Police Investigator.

The authority to give approval or refusal to request approval for the summoning of a Notary to be present in the examination conducted by law enforcement officials and to the request for approval for the taking of photocopies of original deeds and or letters, which are attached to the original of the deed or protocol of the Notary that is in the notary's storage is the Honorary Assembly of the Notary. The examination by the investigator begins with conducting a Preliminary Examination, which is an examination carried out for the first time by the police both as an investigator and investigator, if there is an alleged violation of the criminal law to find answers to questions, whether it is true that a criminal act has occurred, what criminal acts have been committed, against whom and when it was committed and whether law enforcement was necessary.

In this regard, the investigation must be carried out by collecting materials in the form of witness statements, expert statements, letters or documents, instructions and suspect statements. In connection with the activities of collecting the materials above, the initial steps taken based on the existing authority of the investigator will make summonses to those related to reports of alleged criminal acts.

Summons against a notary who is reported and suspected of committing a criminal act will not necessarily be immediately approved by the Honorary Panel of Regional Notaries. The report on the application for examination of the notary will first be studied and will conduct an examination of the notary concerned. If it turns out that in the examination there is an indication of a procedural error in making the deed, then the Honorary Panel of Regional Notaries will to approve for the summons to the Police Investigator for examination. And if in the examination there is no error in the procedure for making the deed, then the Honorary Panel of The Regional Notary in accordance with its authority to refuse to approve the summons by the Investigating party against the notary concerned. Consent or refusal will be given in writing.

The reasons for the rejection of the Honorary Council of Regional Notaries against the application for examination at the Notary are in Article 32 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 17 of 2021 concerning the duties and functions, terms and procedures for

appointment and dismissal, organizational structure, work procedures, and budget of the Honorary Assembly of Notaries, that:

1. The taking of photocopies of original deeds and /or letters as referred to in article 30 paragraph 3 is carried out in terms of:
 - a. There are allegations of criminal acts related to the original of deeds and / or letters attached to the original of the deed or notary protocol in the notary's storage.
 - b. There has not been a loss of the right to sue based on the provisions of the decade in the laws and regulations in the field of criminal law.
 - c. The existence of a denial of the validity of the signature of one or more parties
 - d. There is an alleged reduction or addition to the original of the deed or
 - e. There are allegations that the notary made the date of resignation (*antidatum*).
2. The granting of approval or rejection of the application of the investigator, public prosecutor or judge as referred to in paragraph 1 is carried out based on the results of the examination and the decision of the plenary meeting of the Honorary Assembly of the Regional Notary.

Based on the results of an interview with Mr. Erdian as the Honorary Panel of Notaries for the West Java Region on May 12, 2022 at 10:49 WIB, in general, the notary summons carried out by the investigation as a witness or suspect is related to criminal acts regulated in the Criminal Code, including the following:

1. Article 263 of the Criminal Code is the forgery of letters. The notary forged a letter of proof of deposit of BPHTB (Land Rights Acquisition Duty).
2. Article 264 of the Criminal Code is the forgery of letters carried out on authentic deeds.
3. Article 266 of the Criminal Code is the provision of false information in an authentic deed.
4. Article 322 of the Criminal Code is to open secrets.
5. Article 372 of the Criminal Code is embezzlement.
6. Article 378 of the Criminal Code, namely fraud, namely fraud.

Based on research, several things that cause criminal acts to occur are found in this study, namely:

1. Due to personal proximity, the notary accepts the making of the deed without looking at the parties' original Identity Card, this may obscure the signature or photo of the owner of the Identity Card.
2. The notary receives a draft from one of the parties, so in this position it is clear that the notary is not in a balanced position or the notary is partial.
3. Notaries do not supervise or do not disclose the obligations that must be carried out by employees, so employees accidentally or deliberately commit carelessness that is fatal to the notary itself.

Based on the results of the Research the Honorary Assembly of Regional Notaries may refuse the request of the police investigator to refuse to present a notary, taking into consideration, as follows:

1. There is no relevance to the deed made by the Notary in question.
2. There is an error in stating the date or number of the deed between the one mentioned in the request of the investigator, public prosecutor and the judge and that made by the Notary in question.
3. The deed made is not a Notarial deed but a PPAT deed.
4. On the issue intended by the investigator, a settlement has been made by the parties with a peace.

5. The object of the dispute is in the process of a civil case or the object of the dispute has been decided by a judge, in essence, the deed made by the Notary concerned is in accordance with the provisions of the applicable law.
6. The Notary concerned in making the Deed is based on a Power of Attorney or Power of Attorney Deed where the problem does not lie in the Deed made by the Notary concerned but based on the Power of Attorney Deed made by another Notary.
7. The notary in making the Deed is based on a Certificate of inheritance. In making a deed, it is in accordance with the applicable provisions. It turns out that there is an error in the certificate of inheritance in question.
8. The object in the Deed before the Deed is made has been carried out in accordance with the procedure in accordance with the applicable provisions, for example, evidence of perfect ownership and in sequence has been examined by the Notary concerned (Suprayitno, 2017).

Conclusion

1. The role of the Honorary Panel of Regional Notaries in conducting examinations of applications that have been submitted by law enforcement officials, may give approval or rejection of requests for taking photocopies of original deeds and summoning notaries to be present in investigations, prosecutions, and judicial proceedings. In carrying out its duties, the Regional Notary Honorary Council has the function of carrying out guidance to maintain the dignity and honor of the notary in carrying out his profession and providing protection to the notary with the obligation of the notary to keep the contents of the deeds made confidential. In addition, in responding to the investigator's request to present witnesses or suspects in the case he is handling, the Honorary Panel of Regional Notaries may refuse and or grant the request, depending largely on the objective conditions at the time of the examination hearing of the notary concerned.
2. The reason for the refusal of the Regional Notary Honorary Assembly (MKNW) to the request of the investigator to present the Notary as a witness or suspect, if from the results of the hearing the examination of the object in the deed before the deed was made has been carried out in accordance with the standard operating procedures according to the law of the notary position.

Suggestion

1. Notaries must be careful in carrying out their positions, in the sense that the notary carefully examines the data, documents letters used as requirements or data on the issuance of notary products. If necessary, scan the entire data so that it is clearer.
2. To the Honorary Panel of Notaries, it is more optimal in carrying out its role in examining cases of alleged violations by notaries related to their duties and positions.

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