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Legal Categorization and Implications of the Placement of the Notary Profession in the Indonesian Standard Business Classification

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Abstract

Article 1 point 1 of Law Number 30 of 2004 concerning the Office of a Notary Public explains that a Notary is a public official authorized to make authentic deeds in accordance with the Law on the Position of a Notary Public and other laws. From the other side, the regulation of the Head of the Central Bureau of Statistics Number 2 of 2020 concerning the Indonesian Standard Business Classification whose purpose is to classify economic activities in Indonesia states that Notaries are categorized together with other business actors in code 69104. Mention of Notaries in Indonesian Standard Business Classification's efforts to make Notaries able to move into entrepreneurs in accordance with the title of classification number 69104 "Activities of Notaries and Land Deed Officials" whose categorization is the same as other business actors so that makes the author interested in researching this matter. Based on the case above, there are two formulations of the problem, namely: How is the placement of implications arising from the position of a Notary Public categorized as self-employed according to the Regulation of the Head of the Central Bureau of Statistics Number 2 of 2020 concerning the Indonesian Standard Business Classification; How is the harmonization between Law Number 30 of 2004 concerning the Position of Notary Public and the Regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification. The research method that the author uses is normative juridical by studying the law and then clashing between laws and regulations.

Keywords: Notary, Entrepreneur, Categorization, Legal Implications, Placement of Notary Profession, Indonesian Standard Business Classification

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Introduction

The role of notaries in society to coordinate legal needs is fundamental so many legal acts related to agreements require the presence of a notary to be made with written evidence in the form of an authentic deed. Article 1 number 1 of Law Number 30 of 2004 concerning Notary Position explains that a Notary is a public official authorized to make authentic deeds and other authorities as referred to in this Law and other Laws. The authentic deed in question must fulfill its elements and to become authentic it needs to go through several procedures, based on Article 1868 of the Civil Code, the definition of an authentic deed is a deed made in the form prescribed by law by and before authorized employees, in the place where the deed is made.

Notaries are not only subject to the Notary Position Law but there are other rules that limit Notaries in carrying out their positions, such as the Code of Ethics of the Notary Association, which contains prohibitions that are not allowed by Notaries while holding their positions as public officials or public officials. In business activities, Notaries also play a role, especially in the establishment of a business entity, either a legal entity or an unincorporated business entity, both of which require a deed of the establishment made by a Notary. Before signing the deed of establishment, the business entity is first registered on the website of the Ministry of Law and Human Rights, business entities that are not incorporated, are registered in the Business Entity Administration System then for business entities that are incorporated, they are registered in the Business Entity Administration System to

obtain approval from the Ministry of Law and Human Rights. To obtain a business license registered on the One Single Submission (OSS) website requires the purpose and objective of running a business, the purpose and objective are regulated in the Indonesian Standard Business Classification after entering the purpose and objective, a Business License Number is issued to run a business.

The Indonesian Standard Business Classification itself is regulated in the Regulation of the Head of the Central Statistics Agency Number 2 of 2020, this regulation regulates various economic activities as well as the aims and objectives of classifying business fields in Indonesia. In the regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification, especially in classification number 69104 entitled "Activities of Notaries and Land Deed Officials". In the existence of this, the Notary in carrying out his position must first obtain a license from One Single Submission (OSS) like a business entity, both unincorporated business entities and incorporated business entities. On the other hand, the appointment and dismissal of Notaries are carried out and appointed by the Ministry of Law and Human Rights, making the question of the actual status of Notaries as public officials or entrepreneurs.

An example of a case that occurred on the Kaskus website entitled "Cheap Notarial Deed" (Website: Kaskus.com/Akta Notaris Murah) from two perspectives, if a notary is classified as an entrepreneur according to the the Indonesian Standard Business Classification, this is something natural because a notary is an entrepreneur, but if viewed from the perspective of the Notary Position Law, this is a violation based on Article 16 number 1 letter a of the Notary Position Law, which is "acting honestly, carefully, independently, impartially, and protecting the interests of parties involved in legal acts" and is a violation of the Code of Ethics in the form of self-promotion.

Based on the background and problems mentioned above, the author is interested in conducting research because there are differences in the Notary category in Law Number 30 of 2004 concerning the Notary Position with the Regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification with the title "Legal Categorization and Implications of the Placement of the Notary Profession in the Indonesian Standard Business Classification".

Research Problems

1. What are the implications of categorizing notaries as self-employed according to the Regulation of the Head of the Central Bureau of Statistics Number 2 of 2020 on the Indonesian Standard Business Classification?
2. How is the harmonization between Law Number 30 the Year 2004 on the Position of Notary and the Regulation of the Head of the Central Bureau of Statistics Number 2 the Year 2020 on the Standard Classification of Indonesian Business Fields?

Research Method

1. Approach Method

This research uses the Normative Juridical method. The normative juridical method is carried out through literature studies that examine mainly secondary data in the form of case studies based on laws and regulations, court decisions, agreements, contracts, or other legal documents, as well as research results, study results, and other references (Badriyah Khaleed, 2014). There is

also the same opinion as the explanation, namely a legal research method that seeks to see the law in a real sense can be said to see the law in a real sense can be said to see, examine how the law works in society. This research is supported by literature related to the problem under study (Salim HS, 2013). This approach is used to be able to know and analyze the conflict between the Notary Position regulation and the Head of the Central Statistics Agency Regulation Number 2 of 2020 concerning the Indonesian Standard Business Classification.

2. Research Specification

The specification used in this research is Prescriptive specification, Prescriptive specification is a research that aims to get suggestions on what to do to overcome certain problems (Soerjono Soekanto, 1986). Then the difference with descriptive is describing the data obtained from observations, interviews, documents, and field notes, then analyzed which is poured into the form of a thesis to describe the problem.

This is related to being able to know and analyze the conflicts that occur in Law Number 30 of 2004 concerning Notary Positions with the Head of the Central Statistics Agency Regulation Number 2 of 2020 concerning the Indonesian Standard Business Classification.

3. Data Source

The main data in this research is secondary data, secondary data is divided into 3 (three) legal materials, which are:

- 1) Primary legal materials are binding legal materials such as the 1945 Constitution, laws, literature, legal journals, official documents, and so on. Here, the author will use several primary legal materials, including:
 - a. The 1945 Constitution.
 - b. Law No. 30 of 3004 on the Office of Notary.
 - c. Regulation of the Head of the Central Bureau of Statistics Number 2 of 2020.
 - d. Law Number 16 of 1997 concerning Statistics.
- 2) Secondary legal materials are materials that are closely related to primary legal materials and can help the research process (Mukti Fajar ND and Yulianto Achmad, 2015). This secondary legal material includes all literature and publications on law that are not official documents. In writing this thesis proposal, the author will use several secondary legal materials, which are:
 - a. Review of Law No. 30 of 3004 on the Office of Notary.
 - b. Review of the Head of the Central Bureau of Statistics Regulation Number 2 of 2020.
 - c. Review of Law Number 16 of 1997 concerning Statistics.
- 3) Tertiary legal materials are legal materials that support primary legal materials and secondary legal materials by providing an understanding of other legal materials. The following are tertiary legal materials:
 - a. Great Dictionary of the Indonesian Language
 - b. Legal Dictionary
 - c. Encyclopedia

Discussion

1. **Implications arising from the position of Notary being categorized as self-employed according to the Regulation of the Head of the Central**

Bureau of Statistics Number 2 of 2020 concerning the Indonesian Standard Business Classification.

According to Hidayat Nur Wahid, a profession is a conscious choice made by someone, a job that is specifically chosen, done consistently, and continuously pursued, so that people can say that he is indeed working in that field (Sukrisno Agoes and I Cenik Ardana, 2009).

Some of the characteristics of a profession are, firstly, that the work has a social function and significance because it is required to serve the community. On the other hand, public recognition is an absolute requirement for a profession, far more important than government recognition. Secondly, a profession requires certain skills that are acquired through "long" and intensive education and training and carried out in certain institutions that are socially accountable. The process of acquiring these skills is not just routine, but problem-solving. So in a profession, independent judgment plays a role in making decisions, not just carrying out tasks. Third, the profession is supported by a discipline (a systematic body of knowledge), not just fragments or just commonsense. Fourth, there is a code of ethics that guides the behavior of its members along with strict and clear sanctions against violators of the code of ethics. Supervision of the enforcement of the code of ethics is carried out by professional organizations. Fifth, as a consequence of the services provided to the community, members of the profession individually or in groups receive financial or material rewards (Dedi Supriadi, 1998).

According to the description of experts and some of the characteristics mentioned, it is known that the profession itself is not an ordinary job, because there is a code of ethics that supervises and limits and the acquisition of the profession is not easy. A notary is one of the professions that requires a fairly long process, starting from the undergraduate law degree which is taken 4 (four) years, and the Masters level for 2 (two) years or even more, after taking the Masters level must register with the Indonesian Notary Association and undergo a test to become an Extraordinary Member, after becoming an Extraordinary Member, prospective Notaries are required to intern for 2 (two) years at the Notary Office and 6 (six) months at the Land Deed Official office and the National Land Agency Office. If all internship requirements are met, then you can register for PPAT organized by the Ministry of Agrarian Affairs and Land and National Land Agency, for Notaries will be organized by the Ministry of Law and Human Rights. If declared accepted and get a Decree after that complete the administration to the Indonesian Notary Association and the Association of Land Deed Officials to be able to practice as a Notary/Land Deed Officials.

Habib Adjie explains that Notary is a public official who is the only one authorized to make authentic deeds regarding all acts, agreements, and stipulations required by general regulation or by those concerned are desired to be stated in an authentic deed, guarantee the certainty of the date, keep the deed and provide a gross, copy and citation, all insofar as the making of the deed by a general regulation is not also assigned or excluded to another official or person (Habib Adjie, 2008).

Gandasubrata states that a Notary is a public official appointed by the government including law enforcement elements that provide services to the public (HR. Purwoto S. Gandasubrata, 1998). The notary is an extension of the state, using a seal with a garuda symbol to ratify the agreement, and has permanent legal force. According to Article 1 of Law Number 30/2004 on Notary Position, it is explained that a Notary is a public official authorized to make authentic deeds and other authorities as referred to in this Law. The Notary Position Law explains in detail the

duties, functions, authorities, and prohibitions that are binding on Notaries. According to Article 1868 of the Civil Code, what is meant by an authentic deed is a deed made in the form prescribed by law by or before a public official authorized to do so at the place where the deed is made. According to the provisions of this article, a deed can be said to be authentic if it fulfills the following elements, which are:

- a. Made in the form prescribed by law;
- b. Made by or before a public official authorized for the purpose of making the deed;
- c. Made in the territory of an authorized notary public.

A deed made before a notary is called a notarial deed, or authentic, or authentic deed. Related to the elements of Article 16 paragraph (1) letter a of Law of the Republic of Indonesia Number 2 of 2014 Concerning the Amendment to Law Number 30 of 2004 Regarding the Position of Notary, related to the meaning of "impartial", if the client is a prospective notary then the deed loses its authenticity or can become a private deed.

The authority of a Notary in carrying out his practice is contained in Article 15 paragraphs (1), (2) and (3) of Law Number 30 of 2004 concerning the Notary Position, which are:

- (1) Notaries are authorized to make authentic Deeds concerning all acts, agreements, and stipulations required by laws and regulations and/or desired by the parties concerned to be stated in an authentic Deed, to ensure the certainty of the date of the Deed, to keep the Deed, to provide a gross, copy, and quotation of the Deed, all insofar as the act of the Deed is not also assigned or excluded to another official or other person stipulated by law.
- (2) In addition to the authority as referred to in paragraph (1), a Notary is also authorized:
 - a. Attest the signature and establish the certainty of the date of the letter under hand by registering it in a special book;
 - b. Record the letter under hand by registering it in a special book;
 - c. Make a copy of the original underhand letter in the form of a copy containing the description as written and described in the letter concerned;
 - d. Attesting the suitability of the photocopy with the original letter;
 - e. Providing legal counseling in connection with the making of deeds;
 - f. Making deeds relating to land; or;
 - g. Prepare minutes of the auction.
- (3) In addition to the authorities as referred to in paragraphs (1) and (2), Notaries have other authorities as stipulated in laws and regulations.

The authority is to underlie the Notary in carrying out and making a perfect authentic deed, the authority of the Notary is obtained based on the Notary Position Law. The deed made by the Notary must accommodate the wishes of the notary's client by fulfilling the elements of an authentic deed based on article 1868 of the Civil Code "an authentic deed is a deed made in the form prescribed by law by or before public servants who are authorized to do so, in the place where the deed is made".

A. Kohar provides characteristics to be called an authentic deed as follows (Irfan Iryadi, 2018):

- a) Notarial deeds are deeds made by - in the presence of those authorized to do so.
- b) There is a certainty of the date.
- c) There is certainty about who signs (legality of the identity of the parties).

- d) The notary has advised before the deed is made about the contents of the deed (prohibited and permitted to be done).
- e) If there is a contradiction in the content of the deed, the contradiction must be proven.
- f) The notarial deed must be kept secret by the notary.

The explanation above is the characteristics and authority allowed by the Notary in carrying out his position, then the legal implications of how the Notary is classified as an entrepreneur in the Head of the Central Statistics Agency Regulation Number 2 of 2020 concerning the Indonesian Standard Business Classification. Legal implication itself is a legal consequence that will occur based on a certain legal event (Tedi Sudrajat, 2011). The classification of Notaries as self-employed will lead to changes and shifts in the nature of Notaries who were previously public officials as described in Article 1 number 1 of Law Number 30 of 2004 concerning Notary Positions, to companies that must register themselves to run their business.

In addition, the Notary is obliged to fulfill the rights of its employees in accordance with Article 1 numbers 1 to 4 of Law Number 13 the Year 2003 concerning labour, which are:

1. Employment is all matters relating to labor before, during, and after the working period.
2. Labour is every person who is capable of doing work in order to produce goods and/or services both to meet their own needs and those of the community.
3. Worker/laborer is every person who works by receiving wages or rewards in other forms.
4. Employer is an individual, entrepreneur, legal entity, or other body who employs labor by paying wages or other forms of compensation.

In general, the rights that must be fulfilled in Law Number 13 Year 2003 concerning labour are :

1. The basic right to a living wage.
2. The right to equal opportunity and treatment from the company without discrimination.
3. The right to receive vocational training to improve and develop work competence.
4. The right to carry out work according to the specified time: Seven hours a day for six working days a week or eight hours a day for five working days a week.
5. Right to labor placement. The right to protection of occupational health and safety. The right to welfare through labor social security.
6. The right to participate in a trade or labor union.
7. The right to leave: At least 12 working days after the employee has worked for one year continuously.
8. Right to rest: After four hours of continuous work, workers are entitled to a break of at least half an hour.
9. Maternity and menstrual leave for female employees: One and a half months before childbirth and the first and second days of menstruation.
10. Right to worship.
11. Right to go on strike.
12. The right to receive severance pay in the event of termination of employment.

As the transfer of the nature of Notary from a Public Official to a company makes Notary allowed to do marketing or promotion like a company, it is certainly at odds with the Notary Code of Ethics regarding prohibitions that are not allowed

by Notary, one of which is self-promotion activities regulated in Article 4 of the Notary Code of Ethics, which is :

1. Having more than 1 (one) office, either a branch office or representative office;
2. Installing a signboard and/or writing that reads "Notary/Notary's Office" outside the office environment;
3. Conducting publication or self-promotion, either alone or jointly, by stating his/her name and position, using printed and/or electronic media facilities, in the form of:
 - a. Advertising;
 - b. Congratulations;
 - c. Condolence speech;
 - d. Expressions of gratitude;
 - e. Marketing activities;
 - f. Sponsorship activities, whether in the social, religious, or sporting fields.
4. Cooperate with a service bureau/person/Legal Entity that essentially acts as an intermediary to find or obtain clients;
5. Signing a deed whose preparation process has been prepared by another party;
6. Sending the minutes to the client for signature.

The legal implication that arises is the shift in the nature of the notary, which was originally a public official in carrying out his position to serve the community and the state, with the inclusion of notaries in the Indonesian Standard Business Classification, the nature becomes a profit-oriented company, thus the notary to carry out his position is required to register in the One Single Submission (OSS) series to obtain permits to run his business to be legal and legal, this is very inconsistent with Law Number 30 of 2004 concerning the Notary Position and the Notary Code of Ethics which states that Notaries are public officials. It is necessary to harmonize whether a Notary is considered a Public Official or a company.

Another impact arising from Notaries being considered as entrepreneurs apart from Law Number 13 of 2003 concerning Manpower is seen from the Job Creation Law in Article 1 of Government Regulation Number 8 of 2021 concerning the Company's Authorised Capital and Registration of Establishments, Changes, and Dissolution of Companies that Meet the Criteria for Micro and Small Enterprises, the definition of an Individual Limited Liability Company is:

Limited Liability Company, hereinafter referred to as the Company is a legal entity which is a capital alliance, established based on an agreement, conducting business activities with authorized capital that is entirely divided into shares or an individual legal entity which fulfils the criteria of micro and small enterprises as stipulated in laws and regulations concerning micro and small enterprises.

With the existence of an Individual Limited Liability Company in the future Notary can become a company that everyone can get a Notary Position easily, only registering through the Online Legal Administration to be registered and filling out the Individual Limited Liability Company form related to terms and availability, after that registering through One Single Submission (OSS) to get a Business License Number after the number has been issued, the Notary can run his business like other entrepreneurs. So far, establishing a business entity both incorporated and unincorporated requires legality in the form of a deed of establishment made by a Notary, while in the establishment of an Individual Company, there is no need for a Deed of Establishment made by a Notary as a form of validity that a business entity has been established.

2. Harmony between Law No. 30/2004 on the Position of Notary with Regulation of the Head of the Central Bureau of Statistics No. 2/2020 on the Indonesian Standard Industrial Classification.

Harmonization of laws and regulations can be defined as a process of aligning or harmonizing laws and regulations that are to be or are being drafted so that the resulting laws and regulations are in accordance with the principles of law and good laws and regulations (Risky Dian Novita Rahayu Rochim, 2014). Regulation of the Head of the Central Bureau of Statistics Number 2 of 2020 concerning the Indonesian Standard Business Classification has criteria that must be harmonized to be in sync with Law Number 30 of 2004 concerning Amendments to Law Number 2 of 2014 concerning Notary Positions.

Every regulation aims to achieve legal certainty, be it Law No. 30/2004 on the Position of a Registrar or Regulation of the Head of the Central Bureau of Statistics No. 2/2020 on the Indonesian Standard Business Classification.

- Concerning letters (b) and (c) of Law No. 30/2004 on the Position of Notary:
 - a. that in order to ensure certainty, order, and legal protection, authentic written evidence is needed regarding circumstances, events, or legal acts organised through certain offices.
 - b. that notary is a certain position that carries out the profession in legal services to the public, needs to be protected and guaranteed in order to achieve legal certainty;
- Article 1 Regulation of the Head of the Central Bureau of Statistics Number 2 of 2020 concerning the Indonesian Standard Business Classification:
 1. In this Agency Regulation, what is meant by the Indonesian Standard Business Classification is to classify Indonesian economic activities/activities that produce products/outputs, both in the form of goods and services, based on business that are used as standard references and tools for coordination, integration, and synchronization of statistical implementation.

It can be seen that the difference in objectives between Law Number 30 of 2004 concerning Notary Positions and Regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification. The definition of a business actor based on Article 1 Number 3 of Law Number 8 of 1999 concerning Consumer Protection that a business actor is any individual or business entity, both in the form of a legal entity and not a legal entity established and domiciled or carrying out activities in the jurisdiction of the Republic of Indonesia, either alone or jointly through an agreement to carry out business activities in various economic fields (Sarah Selfina Kuahaty, Teng Berlianty, Theresia Louise Pesulima, Agustina Balik, 2021).

In addition to being subject to the Consumer Protection Law, entrepreneurs who have a legal entity are also subject to Law Number 40 of 2007 concerning Limited Liability Companies (PT), which in fact is a legal entity, law graduates mention several terms for legal entities. Purnadi Purbacaraka and Soerjono Soekanto use the term legal person to refer to legal entities and natural persons for humans (A.A. Gede D. H. Santosa, 2019).

Notaries are responsible for maintaining public trust and upholding legal ethics and dignity in carrying out their profession (Pratiwi Ayuningtyas, 2020), it is stated that in Article 1 of Law Number 30 of 2004 concerning Notary Offices, it is explained that Notaries are public officials who are authorized to make authentic

deeds and other authorities as referred to in this Law. Departing from the definition of business actors above, it is clear that it is far different and contradictory, Notaries are public officials who are subject to the rules of Law Number 30 of 2004 concerning Notary Offices and the Code of Ethics which contains prohibitions on Notaries in carrying out their positions, for example the case in the background above Notaries are classified as private which are classified and grouped with business actors in the fields of Tourism, Hospitality and others.

The position of Notary as a public official itself is not in accordance with the Notary Position Law if the Notary must comply with the rules of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification which then if it is still in effect, there will be many implications for the Notary himself regarding the Law and the Notary Code of Ethics. On the other hand, a business entity, that are CV and Firm, or a legal entity, namely Limited Liability Company, Foundation, Cooperative, and others cannot be separated from the role of Notary so it requires a deed of establishment to run their business, not only that but also requires a Business Identification Number with certain purposes and purposes grouped in the Indonesian Standard Business Classification to be registered with One Single Submission (OSS) and get a number to run their business. There is an inconsistency in the mention of Noaris between the Notary Position Law and the Regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification.

The establishment of the Notary Code of Ethics is to build moral rules determined by the Indonesian Notary Association based on the congressional decision of the association and regulated in the laws and regulations governing it and which apply, must be obeyed by every member of the association and all people who carry out the duties of the office as a Notary. To maintain the dignity of the Notary, the code of ethics needs to be obeyed and implemented as the rules that have been formed and agreed upon, the matter arising between Law Number 30 of 2004 concerning the Notary Position and Regulation of the Head of the Central Bureau of Statistics Number 2 of 2020 concerning Indonesian Standard Business Classification is not synchronized and is not in accordance with the rules and hierarchy of legislation governing the status and level of Notaries who are referred to as public officials or as self-employed/entrepreneurs. According to the hierarchy of laws and regulations, it is necessary to reaffirm the rules underlying the Law and Regulation of the Head of the Central Statistics Agency based on Article 7 of Law Number 12 of 2011, the types and hierarchy of laws and regulations of the Republic of Indonesia are as follows:

1. The 1945 Constitution of the Republic of Indonesia
2. Decree of the People's Consultative Assembly
3. Law/Government Regulation in Lieu of Law
4. Government Regulation (PP)
5. Presidential Regulation (Perpres)
6. Provincial Regional Regulation (Perda Provinsi)
7. Regency/City Regional Regulation (Regency/City Regional Regulation) 6

Regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification is an implementing regulation of Law Number 16 of 1997 concerning Statistics which regulates its relationship with the collection, processing, presentation, and analysis in the implementation of statistics. Meanwhile, Law Number 30 of 2004 concerning Notary

Positions stands alone not because of implementing regulations but legislation which, when referring to the level of legislation, applies the principle of hierarchy of legislation *lex superior derogat lex inferior*, which means that legislation at a lower level must not conflict with legislation at a higher level.

The theory of legislation explains that higher rules will rule over the regulations below, based on the status of the Notary Position Law with the Regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification which is an implementing regulation, its strength is lower than the Notary Position Law so that the position of the Law is clearly higher than the Regulation of the Head of the Central Statistics Agency, Therefore, the confusion that arises due to the conflict between the aforementioned regulations regarding the position of the Notary position classified as self-employed is not applicable and still adheres to the Notary Position Law, with the understanding that Notary is a public official who is authorized to make authentic deeds as specified in its form.

The code of ethics is a derivative regulation and agreement of Notaries in the association as the code of ethics arises from the existence of the Notary Position Law to maintain the spirit, dignity, and dignity of Notaries whose position is a public official, therefore the Notary Code of Ethics is still valid because Notaries according to the principle of *lex superior derogat lex inferior* are stronger and higher in level than the Regulation of the Head of the Central Statistics Agency which is lower below. The principle of *lex superior derogat legi inferiori* means that higher laws (norms/legal rules) negate the validity of lower laws (norms/legal rules). Determining whether a norm has a higher position than other norms. The rule of law generally has a hierarchically organized written legal order.

The analysis explains that the return of the Notary as a public official and the Notary should not be included in the Indonesian Standard Business Classification is again harmonious by referring to the principle of legislation, if indeed the Indonesian Standard Business Classification collects data to determine the classification and activities engaged in economic activities, then the Notary is not engaged in the economy and the nature of public officials is service, because the income is not in the form of wages or salaries but honoraria Notary so that it cannot be combined with the group of business actors because the code 69104 leans to business actors.

Conclusion

1. The implications arising from the position of Notary being categorized as self-employed according to the Regulation of the Head of the Central Statistics Agency Number 2 of 2020 concerning the Indonesian Standard Business Classification, namely the nature of a Notary is like a company that is profit-oriented or profit-oriented, so it is allowed to promote like a company, needs to undergo a series of licensing registrations in One Single Submission (OSS) to obtain legality in running its business. Notary offices can be established easily on par with Limited Liability Companies based on Government Regulation Number 8 of 2021 concerning the Company's Authorised Capital as well as Registration of Establishment, Change, and Dissolution of Companies that Meet the Criteria for Micro and Small Enterprises.
2. Harmonisation between Law Number 30 the Year 2004 on Notary Position and Regulation of the Head of the Central Bureau of Statistics Number 2 the Year 2020 on Indonesian Standard Business Classification between the Notary

Position Law and the Regulation of the Head of the Central Bureau of Statistics by using the principle of legislation, namely *lex superior derogat legi inferiori*, which means that stronger rules defeat weaker rules.

Suggestion

Regulation of the Head of the Central Bureau of Statistics Number 2 of 2020 concerning the Indonesian Standard Business Classification is not in accordance with matters relating to the main duties and functions of the Notary position as a public official, specifically, the code number 69104 needs to be evaluated again because it is not in sync with Law Number 30 of 2004 concerning Amendments to Law Number 2 of 2014 concerning Notary Position. We recommend that code number 69104 be removed from the Indonesian Standard Business Classification and regulated in the Notary Position Law and adjust what is the function of a Notary as a public official so that there is harmony between regulations, namely the Head of the Central Bureau of Statistics and the Notary Position Law.

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