

Implementation Of Notary Position in The Making of Dedies in Pandemic Times Covid-19

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Abstract. The notaries were concerned about Covid 19 when preparing the deed. The goal of this research is to Implementation of the Notary's Role in Documentation The health protocol and presence of parties are different before and during the Covid 19 Pandemic, according to Dated March 17, 2020, Decree No. 65/33-III / PP-UNI / 2020. Finally, PP UNI believes it is critical to communicate the following information in terms of the letter's intent: a. The management of the Indonesian Notary Public Association (PP-INICentral) and all of its members workers are concerned about Covid-19's rapid expansion has had a direct impact on the performance of a notary public's duties in providing community services.

Keywords: Covid 19; Notary; Dedies; Pandemic

1 Introduction

The existence of written evidence that is authentic who is authorized to create an authentic deed is one form of providing Every citizen of Indonesia is guaranteed certainty, order, and legal protection as a state of law founded on Pancasila and the Republic of Indonesia's Constitution of 1945, which ensures certainty, order, and legal protection for every citizen of Indonesia. Legislation, such as The right to determine is granted to notaries under Law No. 30 of 2014 on the Notary Office, as amended by Law No. 2 of 2014 amending Law No. 30 of 2004 on the Notary Office, Article 1 number 1 (UUJN). A notary public is a person who serves the public as a notary officer with the authority to execute legitimate deeds and other functions as outlined by this or other laws.

"Any acts, agreements, and stipulations needed by legislation and/or by those concerned to be expressed in the original Deed are permitted to be made by Notaries.", ensuring the date of making the Deed, keeping the Act, giving Grosse, and so on." copies, and collections of the Act, all of which are According to the UUJN's Article 15 paragraph, "not allocated or exempted to other offices or other persons prescribe" (1). Other authorities are the lone exceptions, as they must be declared in the valid deed by law and/or the interested parties. A notary public is a government officer who has the power to certify all acts, agreements, and papers. [1] The notion of truth is included in the authentic deed, suggesting that the parties have not only clarified what is stated in the deed, but also that what is represented in the deed is true correct. Because it possesses three powers of proof, namely external, formal, and material, authentic deeds can also be considered to have complete power of proof.

Since the Covid-19 pandemic has spread globally and including in Indonesia, the Indonesian government has set several policies to break the chain of the spread of Covid-19. The government issued regulations in the form of Presidential Decree Where the public is

required to carry out social restrictions or those that are prohibited by law, see Government Regulation Government Regulation No. 11 of 2020 on Determination of the Covid-19 Public Health Emergency and Government Regulation No. 21 of 2020 on Large-Scale Social Restrictions (PSBB) in the Context of Accelerating Covid-19 Handling Indonesia was decimated as a means of stopping the Covid-19 virus from spreading, social and physical distance has been used.

The impact of the PSBB implementation has caused a phenomenon where companies are obliged to implement the Work from Home (WFH) policy or work from home, including legal service work, whether carried out by advocates or notaries as public officials. As regulated by A notary is defined as an official general public with the authority to make an authentic deed and other authorities as defined in the UUJN or based on other laws in Article 1 number 1 of Law Number 30 of 2004 concerning Notary Positions (UUJN), as amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions (UUJN). A notary is a person who acts as a witness also serves as a trusted third party and plays a crucial role in the legality of a transaction. The services of a notary can be said to be a community need, not only in making a deed but as a witness or arbiter of a transaction. This paper will further discuss related to the implementation of the notary position during the pandemic.

2 Research Methods

The research is research using a normative juridical approach, namely by examining secondary data obtained by researchers in library research/document studies related to the case that is the object of this research.[2] The method used is descriptive-analytical where the author tries to describe the research topic comprehensively.[3] The normative juridical approach used in this study is not only intended to present data related to the research topic but is also intended to analyze the data.

3 Results and Discussion

Notaries are given the authority to make an Authentic Deed, which is a sliver of written evidence with perfect evidentiary power for the community, as stated in the UUJN, rules and regulations that specifically specify that the essential criterion for the authenticity of an original The public is present at the deed. parties in front of a Notary based on Civil Code Article 1868 Since the issuance of the Appeal Letter from the Indonesian Notary Association's Central Management, (PPINI) dated March 17, 2020, the Notary's office has been encouraged to decrease operations in and outside the office, and if there is no urgent necessity, to complete the job that must be completed, completing as much as possible at home There are two types of There are two types of There are two types of legal activities that require a declaration and/or agreement: those that can be delayed and those that can't. Obviously, letters and/or agreements that can be postponed are those that can be postponed. cannot require immediate attention. need to be completed right now or soon and can be completed until conditions improve. On the other hand, letters and/or agreements that must be performed promptly or cannot wait are those that cannot be postponed. [4]

By Circular Letter The PP-INI has issued Directive No. 67/35-III/PP-INI/2020, which gives explicit instructions to Notaries on how to carry out their obligations in working conditions from home, particularly the following, which are classified as postponed.

Rearranging the date for the appearers to sign the deed until conditions permit; offering alternative Notary partners whose conditions permit them to do the work. "Shortly after the Government revokes the Covid-19 emergency," the sentence "shall be made/restated in an Authentic Deed." is added for agreements, activities, or meetings that can be made privately under the laws and regulations. Land deeds, deeds relating to changes marriage agreements, debts, and notarial deeds are examples of legal entities and their registration, as well as deeds referring to connections marital agreements, debts, and notarial deeds are examples of separate legal issues deeds wills, have all been postponed. [5]

For deeds whose preparation cannot be delayed as exemplified above, PP-INI has emphasized that for work that cannot be completed from home, it must be completed at the Notary's office with the obligation to carry out the technique for preventing Covid-19 from spreading that has been issued by the Government or guidelines. Commonly accepted Covid-19 prevention measures include the use of masks, the provision of hand sanitizer, the application of alternate working hours for employees, and the improvement of general office cleanliness. Sharing draft documents with clients before signing via secure online channels is also important to consider to avoid lengthy revisions and speed up the signing process.

In dealing with Covid 19, Presidential Decree Number 11 of 2020, is part of The government has the jurisdiction to make findings under Article 10 paragraph (1) of the Health Quarantine Law. The standards of obligation in Article 16 paragraph (1) letter (m) of the UUJN have been modified for the greater public welfare can at least be set aside in an emergency. In an emergency, physical meetings are considered to be contrary to the larger and crucial public interest, so they should not have any impact on the provision of services electronically. The existence of an electronic signature supported by an electronic certification held by a Third Party is a security system for electronic information and communication. With certified electronic signatures, the existence of electronically signed electronic documents cannot be denied by the parties in the transaction equivalent to authentic evidence.

In other words, the authentication process is technically guaranteed, and the output is automatically authentic evidence. Following Article 1875 of the Civil Code which states that a private deed that is not rejected by the parties has the power of proof like an authentic deed. Thus, in the worst-case scenario where the Notary Deed made electronically will be assumed to be a private deed, later this will not be a legal problem as long as the parties do not deny it, and the relevant Government Agencies can also accept it well. Of course, it will be stronger if the relevant agencies explicitly issue regulations that can accept and recognize the electronic Notary Deed and become the basis for fulfilling the completeness of documents to make Government Administration Decisions electronically.

During the Covid-19 pandemic, the interests of legal subjects, both individuals (person/naturlijk persoon) and legal entities (rechtspersoon) cannot be predicted and limited. Business entities, both legal entities and non-legal entities, continue to operate with a limited amount of organizational activity. The dynamics of the organization, changes to the articles of association, changes in the management structure, sale and purchase of PT shares, and the entry and exit of the founders of a business entity are carried out by merging the foundation. 63 of 2008 concerning the Implementation of the Law on Foundations for Merging Foundations requires the management to make a design for the merger of foundations as material for the preparation of the deed of the merger before a notary.[6]

This is evidence that several laws and regulations have regulated the requirements for formalities in carrying out legal actions for legal entities and companies. Likewise, with legal actions of legal subjects such as the transfer of ownership rights in the form of a grant agreement (Article 1682 BW), a peace agreement Article 1851 BW in conjunction with Article 9 of Law

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