

Electronic-Based Concept of Supervision of Notary Office Administration

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Abstract: Notary office administration tends to be untidy, less effective and efficient so that a lot of documents accumulate and cannot be completed on time resulting in the potential for irregularities, slips, and even loss, which is the focus of the problem in this article, thus affecting the ineffective implementation of the oversight function carried out by the assembly. Supervision of Notaries where in the end supervision is only carried out at a glance, randomly, and is carried out only once a year. The goal to be achieved in this study is to analyze the concept of supervision and administrative arrangements for the Notary's office based on an electronic system. The research method used is socio-legal with a normative approach that analyzes the articles in laws and regulations, namely the Law of Notary Profession (UUJN) and the Archives Law, and looks at their implications in the field. The result of the problem analysis is that improvements must be made at the Notary's office and the Notary's institution. Conditions that have been manual so far require extensive storage space, long time to search for files, prone to physical risk of lost or obsolete files, and confidentiality is not maintained, will be effective and efficient. The benefit of third parties is that if needed, they will be obtained quickly and accurately. Minutes of the Deed do not have to be issued, you can use a soft copy while still having permission to use it.

Keywords: Notary Supervision, Administration, Electronic Documents

1. Introduction

1.1 Background

Supervision of a Notary at a Notary institution is to supervise the performance of a Notary so that it complies with the rules. The Notary Office as the administrative implementer of the Notary must maintain professionalism. Notaries' and Notary offices' performance can be evaluated using supervision. The Notary is supervised in order to minimize errors and prevent irregularities in the Notary's role and purpose. The purpose of supervision is to facilitate the Notary's position, which has been established to achieve the objectives of the Notary Code of Ethics and Law No. 2 of 2014, which amends Law No. 30 of 2004 to the Notary Profession (hereafter referred to as UUJN). Supervision of a Notary is related to the creation of an activity to determine or evaluate the extent to which the implementation of the Notary's position has been carried out correctly. Supervision can also detect whether policies are running or not and detect errors or deviations that arise in carrying out the Notary's position.

The function of Notary Supervision management is as a form of control or inspection. Notary Supervision is meaningful as an activity of observing the implementation of the activities

of the Notary's office being inspected to ensure compliance and compliance with the rules for all work being carried out by a Notary, including administrative arrangements for the Notary's office, so that from the results of supervision it can be seen whether there are deviations that occur based on rejection measure made.

Article 70 letter b of Law of Public accountant Calling (UUJN) and Article 16 passage (1) Guideline of the Pastor of Regulation and Common freedoms of the Republic of Indonesia number M.02.PR.08.10 of 2004, generally specifies that the Territorial Administrative Committee has the obligation and position to inspect the Legal official Convention one time each year or on the other hand whenever considered significant/vital. This obligation is a charge that just has a place with the MPD and is done straightforwardly at the connected Legal official's office [1], except during the pandemic period from 2021-2023, the documents that will be examined from each Notary's office are collected in one place and examined by the MPD.

Documents in the Notary's office are stored in a row or stacked in such a way so that they can fit in a cupboard so that document storage and layout are no longer considered, in the end it will cause the Notary's office to be full of files, the archive arrangement is not neat, documents are prone to tucking away, weathered with age, less economical, time-consuming document search, weak supervision and potential violations/irregularities.

The facts above illustrate the need for regulation so that the Notary's office administration system can be run effectively and efficiently so that the Supervisory Board can also carry out its functions effectively and efficiently, so as to improve the performance and administrative services of the Notary's office that meet the standard standards of Public Service Officers that are adjusted. with current conditions. From this background prompted the author to conduct research with the title: "**Electronic-Based Concept Of Supervision Of Notary Office Administration**".

1.2 Problem Formulation

Based on the description above, it can be formulated the formulation of the problem: How is the concept of supervision and administration of the Notary's office based on an electronic system?

2. Discussion And Analysis

2.1 The Influence of Manual Administration on The Effectiveness of Notary Supervision

Supervision is an activity of observing all activities in an organization in order to achieve work results in accordance with the plans that have been prepared. The Regional Supervisory Council consists of 3 (three) elements, namely: elements from the government, the Notary profession, and academics. Usually the MPD office is in a private building owned by the Chair of the MPD which is attached to the Notary's office. This condition adds to the burden of space for the Notary's office. Functions of positions in the MPD organization such as secretary did not run as they should because all duties were carried out by the Chairman of the MPD. Periodic inspections as mandated by article 70 letter b Law of Notary Profession (UUJN) are carried out at the end of the year preceded by a planning meeting, by dividing each region to each member of the MPD. After carrying out the inspection, another meeting was held to discuss the results of the inspection and match it with last year's inspection. Supervision is the process of fulfilling the results of implementation, mistakes, failures for further improvement and prevention to avoid the occurrence of the same mistakes.[2]

The act of comparing past and current inspections is to see a Notary's performance graph, provide an assessment by looking at efforts to improve from time to time. Examination files are kept in the MPD office in filling cabinets lined up so as to make the office look full. The Chairperson of the MPD reports the results of the inspection to the local INI as a report to the party who has given the mandate in the form of Minutes of Examination.

The target of supervision in addition to efficiency is to check[3]: a) The operational implementation of the Notary's office is in accordance with the stipulated obligations b) Notary's institutional functions are in accordance with those specified in UUJN/UUJN-P and the Code of Ethics, c) Working and technical methods that do not deviate from regulatory provisions laws and regulations d) There is no indication of the occurrence of fraud or irregularities and taking advantage that is detrimental to many parties.

The implementation of supervision is carried out in 2 categories, namely periodic inspections and casuistry inspections. Periodic inspections are carried out once in 1 year. The fact is that periodic inspections are carried out only to the extent of the Notary's duties in making the Deed even though Article 67 paragraph (5) states that: Supervision as referred to in paragraph (1) includes the behavior (integrity) of the Notary and the performance of the Notary's position.

The magnitude of the responsibilities of the Supervisory Board causes them not only to fulfill the formal requirements as the Supervisory Board but also must:[4] 1). Good mastery of law and notary knowledge, 2). Obey religious norms, decency, order, and customary norms, 3). harmonious household.

Article 66 A UUJN-P directs the Legal official Privileged Chamber (MKN). The capability of MKN is in the system of training. There are 7 (seven) MKN individuals comprising of 3 Public accountants, 2 Government, and 2 scholastics. Further arrangements in regards to the obligations, capabilities, terms and methods for arrangement and excusal, hierarchical design, work strategies and financial plan of the Legal official Privileged Committee are directed in a Pastoral Guideline.

2.2 Effectiveness of Supervision and Administrative Arrangement of Notary's Office based on electronic system

Technology facilitates the growth of human freedom because it can radically reduce discrepancies in relationships with other parties (which are limited in the dimensions of time, place and atmosphere). Effective and harmonious interactions occur using technology and local cultural input.[5] Globalization is a long process that ultimately directs the entire population of the earth as a world society. Furthermore, global society must be interpreted as a natural and reasonable process that is inevitable due to the increasingly advanced civilization of human life, especially in the fields of science and technology, communication and information.[6]

The era of globalization and technological progress requires speed and accuracy of information in order to make quick, effective and efficient decisions. Electronic archives encourage digital-based archival information systems. The organization's or department's website/website has a website address so that the distribution is more open.

Regulation Number 11 of 2008 concerning Data and Electronic Exchanges opens exchanges through electronic media. The possibility of digital public accountant/E-Public accountant has been coming in from scholastics and professionals in the fields of regulation and innovation. Article 3 of the ITE Regulation states: Use of Data Innovation and Electronic Exchanges is done in light of the standards of lawful sureness, benefit, judiciousness, honest intentions, and opportunity of decision of innovation or innovation impartial. The principles contained in the ITE Law should be able to dispel concerns about inconvenience and reduced

sense of security as a result of the use of IT. The principle of legal certainty has been guaranteed by the ITE Law by taking into account other principles such as the usefulness of electronic documents for interested parties, the principle of caution in their use, good faith for the transacting parties, and the principle of giving freedom to the public in choosing the form of technology used.

The focus of the discussion on the effectiveness of the concept of supervision and administration of an electronic-based Notary's office is related to the storage and management of electronic documents. Law number 43 of 2009 in the consideration section letter f states: that Law number 7 of 1971 concerning Archive Principal Provisions needs to be adjusted to the development and needs of community, nation and state life which are influenced by developments in national challenges and global information and communication. The need for this adjustment gave birth to Law No. 43 of 2009 which in its entirety supports archive management towards the era of globalization. Records management must follow the provisions of Law number 43 of 2009 and the implementation of which is PP No. 28 of 2012, specifically articles 68-69 of Law no. 43 of 2009 in conjunction with articles 106-107 of PP number 28 of 2012.

Minutes deed is a notary product mandated by Article 1868 of the Civil Code which later gave birth to Law no. 30 of 2004 concerning the Notary Profession. Article 1868 of the Civil Code is a reference for Book IV concerning Evidence and Expiration including: types of evidence, strength of evidence, burden of proof, benefits, and functions of evidence. The ITE Law provides for an expansion of evidence. Article 5 section (1) of the ITE Regulation peruses: Electronic Data as well as Electronic Reports and additionally printouts are substantial lawful proof. Be that as it may, the ITE Regulation gives limits in article 4: Arrangements in regards to Electronic Data or potentially Electronic Reports as alluded to in section (1) don't make a difference to: a) letters which as per the Law should be made written down, and b) letters and their records which as per the law should be drawn up as a notarial deed or a deed drawn up by the authority who made the deed. The form of an authentic deed which is physically risk-prone requires security because of the importance of the function of the minutes of the deed so that the Notary may not ignore it. Minutes deed must be protected from all forms of risk of physical changes, tucked away, lost, burned and even disappeared due to a disaster.

Storage of documents in the Notary world apart from being made on paper can also be made electronically, for example minutes of Notary deed apart from being made on paper are also scanned and then stored on a computer or laptop as an electronic document so that it is easy to find, open and make a copy if needed. This method can be used as a security, as a reserve.[7] The backup system has actually been carried out by a Notary using a flash drive and storing it in several places that are considered safe.

The regulation on the form of Minutes Copies has not been regulated in detail, so it is not something that is against the law if the form is in the form of an electronic document.[8] Article 54 UUJN states that a copy of the deed may only be given, shown and notified by a Notary to interested persons, unless otherwise stipulated by law. A copy of the deed stored in electronic form can later be printed if desired by the entitled party and if not, it can still be stored in soft copy.

The concept of electronic Notary office administration arrangements is intended so that documents are stored in electronic form using a system that allows documents to be stored as they are original and if necessary, issued by 'viewing or printing' as needed. An example of a fingerprint sheet that will be manually stored on each deed, so by using electronic means only one fingerprint (eg right and left thumb) can be used forever.

The process of converting the administration of the Notary's office into an electronic system consists of a backup process of minutes of deeds (the original minutes of deeds are still kept) and pure conversion of other documents (after the conversion is carried out, the documents are destroyed). Administrative arrangements for the Notary's office electronically are carried out in the same stages as the electronic office documentation process. The steps that must be carried out are: moving documents, scanning, converting, importing, and saving documents.

The concept of electronic Notary administration arrangements is also intended to replace all registers into electronic form. Each register will be made in such a way that you can find the data you need through search by name or deed name or whatever makes it easier to search. Input can be done periodically such as every week and it is possible to sort according to the date of the deed.

The concern with electronic registers is that there is no control in case of irregularities. The role of the security system must be optimally executed automatically by the program. There are ways that can be taken, namely the program register will be closed at 24.00 at the end of each month. This method does not allow the Notary to make Deeds with backward numbers.

The emphasis on economic principles is also the background for the emergence of Notary Office Administrative Supervision and Arrangements. The Supervisory Board does not require funds for transportation to carry out a Notary's examination. The Notary Office no longer wastes money because there are many duplicate files and thick documents are anticipated by transferring them in electronic form. Reducing the space for document storage due to transfers in electronic form makes the Notary's office space more spacious.

Public services are the main element of the Notary's job duties, assisted by electronic administrative arrangements. Regulation number 25 of 2009 concerning Public Administrations article 4 concerning standards expresses that the Execution of Public Administrations depends on: a). Public interest. b). Legitimate conviction. c) Equivalent freedoms. d). Correspondence. e). Incredible skill. f). Participatory. g). Equivalent Treatment. h). Receptiveness. I). Responsibility. j). Extraordinary offices and treatment for weak gatherings. k). Dependability. l). Speed, accommodation, and reasonableness.

Constraints in the use of electronic systems usually arise when the level of progress in science and technology which has many benefits is often injured by some intellectuals who have abilities in the field of science and technology but lack values or ethics. Professionalism must not forget a high sense of social responsibility, a spirit of togetherness that must be respected and guarded by adherence to a solid professional code of ethics. [9]

The concept of electronic administration cannot be carried out in its entirety because it conflicts with the applicable law, especially regarding the impossibility of authentic deeds entering the electronic domain. Computers are only operated limited to typing and printing certificates. The space for movement is limited by article 1868 of the Civil Code and several articles of the UUJN/UUJN-P, including

- a. Article 1 number 7 UUJN-P concerning bona fide deeds that should be made by or before a Legal official as per the structure not entirely settled by regulation. The law being referred to is article 1868 of the Common Code.
- b. Article 1 point 8 of the UUJN-P with respect to minutes of the deed, to be specific the first deed which incorporates the marks of the appearers, witnesses and Legal official.
- c. Article 16 section 1 letter (c) UUJN-P appends letters and records as well as the fingerprints of the individual showing up on the Minutes Deed.
- d. Article 48 paragraph (2) UUJN-P concerning the validity of changing the contents of the deed is if the initials and signs of approval are affixed by the appearer, witness, Notary.

- e. Article 50 paragraph (1) UUJN-P regarding deletions must remain legible and the number of words, letters or numbers crossed out must be included on the left side of the deed.

The repertoire must be reported monthly to the Assembly in a manual system that is currently running cannot be made Deed backwards but if it is made electronically, it cannot be detected by the Supervisory Council so safeguards must be made so that this deviation does not occur.

The constraints that exist are actually just a form of concern because the space for electronic administration has been opened wide by laws and regulations. Some of the obstacles that will arise are:

- a. Not all notaries master technology
- b. Feelings of insecurity, fear of damage to the electronic system causing loss of documents.
- c. Civil Code and UUJN, UUJN-P still require physical filing.

3. Conclusions And Recommendations

3.1 Conclusions

Administrative arrangements for the Notary's office have several problems: each deed must be followed by a personal data document of the appearer and other related documents so that thickness cannot be avoided without being followed by reduction resulting in full storage space; Document management is not the focus of attention so that training or adjustments are not carried out regarding office management, there are no employees specifically for document management, inadequate document management facilities, do not keep abreast of modern archival technology developments, risk of document loss as a result of a less systematic storage system, imperfect maintenance and security, as well as borrowing or using archives by the leadership or by other organizational units.

In detail, the administrative influence of the Notary's office on the effectiveness of current Supervision is: thick archives will only be viewed by sampling/quote test as a result, information is not fully captured during periodic inspections, the Supervisory Board receives Notary register reports once a month causing a buildup of reports in the MPD office, The mission of carrying out preventive supervision is not achieved if it persists with the manual Notary archive/documentation system due to time constraints and the activities of the Supervisory Board.

The concept of supervision and control of the Notary's office electronically, namely the emphasis on the concept of supervision and regulation of the Notary's office electronically lies in: the backup process of minutes of deeds into electronic form, the process of converting documents from paper to electronic form, and the online system with the Notary Supervisory Board.

3.2 Recommendations

The concept of supervising and managing the administration of the Notary's office must be followed by synergy from various parties, the Indonesian Notary Association, the Notary Supervisory Board and the Ministry of Law and Human Rights. Information Technology is a necessity in daily activities.

The era of electronic transactions will surely be followed by electronic legality. IT capabilities of Notaries must be improved. INI as the sole forum for Notaries is required to

organize training on the use of IT. Document management skills must also be improved in order to master electronic document management. The notary cannot just hand it over to his employee because the notary is the owner of the office who is responsible for his office. The Notary Supervisory Board whose role is to supervise Notaries must increase their knowledge of IT and apply online system policies in carrying out supervision. An assessment of the performance of the Notary and the Notary's office can be submitted online so that the Notary can repair it more quickly if he commits a violation. Implementation of the concept must be followed by legality by the Ministry of Law and Human Rights. The Ministry of Law and Human Rights issues a legal umbrella for the application of the concept of supervision and administrative arrangements for the Notary's office in the form of laws and regulations.

References

- [1] Habib Adjie, Notary Supervisory Board as State Administrative Officer, PT Refika Aditama, 2011.
- [2] Jeany Elly Wawolumaja, Studi Perbandingan Tentang Pengawasan Notaris dengan PPAT (Comparative Study of Notary Supervision with PPAT), Thesis of Magister Notary UNDIP 2011, page 56.
- [3] Ibid, page 113.
- [4] Habib Adjie, Meneropong Khasanah Notaris dan PPAT Indonesia (Observing Indonesian Notary and PPAT Treasury), PT Citra Aditya Bakti, Bandung, 2009, page 51.
- [5] Suteki, Hukum dan Alih Teknologi sebuah Pergulatan Sosiologis (Law and Technology Transfer, a Sociological Struggle), Thafa Media, Yogyakarta, 2013, page 13.
- [6] Komar Andasmita, Notaris Selayang Pandang (Notary, At a Glance), Alumni, Bandung, 1999, page 2..
- [7] DS. Widiyani-2012, Pengaturan Hukum mengenai Keberadaan Minuta Akta Notaris yang Hilang atau Rusak karena bencana Alam (Legal Arrangements Regarding the Existence of Minutes of Notary Deeds that are Lost or Damaged due to Natural Disasters), www.repos.
- [8] Emma Nurita, Cyber Notary Pemahaman awal dalam Konsep Pemikiran (Cyber Notary Early Understanding in the Concept of Thought), PT Refika aditama, Bandung, 2012, page 63.
- [9] Muladi, Hukum Pidana dan Profesi Jabatan Notaris (Criminal Law and Notary Profession), Magazine RENVOI number 3.111.X, August 2012, page 78.