

Analysis of Notary's Obligation to Provide Notarial Pro Bono Services to Financially Disadvantaged Individuals (A Studi on The Notaries in Medan)

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ABSTRACT

As public officials appointed by the state, notaries do not receive state honoraria; however, they receive honoraria for legal services rendered in accordance with their authority. The use of notary services is affected by the ability to pay (ATP) due to the financial ability. However, according to Article 37 paragraph (1) of the Law on Notary Position and Article 3 number (7) concerning the Notary Code of Ethics for the Extraordinary Congress of the Indonesian Notary Association held in Banten in 2005, "Notaries are obliged to provide notarial pro bono services to financially disadvantaged individuals". The implementation of these notarial pro bono services for financially disadvantaged individuals in Medan has been going well due to the humanity, notary's morality, and integrity.

Keywords: *Notary's obligation, pro bono, financially disadvantaged*

INTRODUCTION

Notary is a profession in the field of law. The notary profession was born as a result of interaction between members of the community and was developed and created by the community itself. Notaries according to Law of the Republic of Indonesia No. 2 of 2014 concerning Amendments to Law No. 30 of 2004 concerning the Position of Notary, hereinafter referred to as UUJN, are public officials authorized to make authentic deeds and have other authorities as referred to in this Law or based on laws other laws. A notary is part of the state which has general powers and is authorized to exercise part of the powers of the state to make authentic written evidence in the field of civil law. The state authorizes notaries to provide services to the community. The authority of a Notary based on Article 15 paragraph (1) UUJN is the authority to make authentic deeds regarding all actions, agreements and stipulations required by laws and regulations and/or desired by interested parties to be stated in authentic deeds, guarantee certainty of the date of making the deed, save deed, provide grosse, copy and excerpt of the deed, as long as the making of the deed is not also assigned or excluded to other officials or other people determined by law.

The position of notary is very dignified, considering the important role of a notary for society. The behavior and actions of a notary in carrying out his professional position must be in accordance with the code of ethics determined by the Indonesian Notary Association (INI). Notaries have professional ethics, where professional ethics are moral ethics specifically created for the good of the profession concerned. Kindness is meant by a notary's service standard to the community. Notaries as public officials appointed by the state, do not receive an honorarium from the state but receive an honorarium for the legal services provided in accordance with their authority. The amount of honorarium value received by a Notary at the UUJN is not regulated absolutely, but is adjusted to the conditions of each region. It is possible that there is an agreement to determine the honorarium between the Notary and the client, so that there is no similarity in

honorarium among Notaries.

Legal services in the notary sector are needed by every class of society. The use of notary services by people who can afford it can be done by giving an honorarium to the notary. This is the opposite with the poor community, that is, they cannot provide honorarium to the notary. Differences in economic ability have an impact on the use of notary services. Basically, a notary may not refuse any client who comes to carry out legal actions in the notary field in accordance with Article 37 paragraph (1) UUJN "Notaries are obliged to provide legal services in the notary field free of charge to people who can't afford it". The article indicates that people who cannot afford notary services can be provided free of charge. The issue of honorarium becomes an obstacle in its implementation when the Notary on the other hand also requires materials for office operations, salaries of Notary employees, costs of making deeds (paper, stamps, etc.), as well as other costs that must be incurred in relation to other agencies. Especially for Notaries in areas such as underdeveloped villages, or outskirts of cities, it is certain that the possibility of serving the poor community is getting bigger and the Notary's burden is getting heavier.

The problem with notaries in Medan City, which is included in the category of developing cities, is the doubts of the people who are unable to go to a notary. Especially if the office where the Notary is practicing looks luxurious, then it makes people unable to be reluctant and afraid to visit the Notary's office there. In fact, even if notary services can be provided free of charge, there are other costs that must be paid by people who can't afford it or become the burden of the notary. The fee in question is Non-Tax State Revenue (PNBP) which has been determined by the government both in the land sector and services by the Ministry of Law and Human Rights, of course the implementation does not distinguish between people who can afford it and can't afford it.

If the Notary has to bear all costs incurred, it will be an economic burden and unfair to the Notary. Related to the existence of the Notary Office Law and the Notary Code of Ethics, the Notary is required to be able to provide services for both people who are able and those who cannot afford it without differentiating their socio-economic conditions. Based on the description above, the main problem is why a notary is required to provide legal services in the notary field for free, how is the implementation of the notary's obligations in providing services free of charge to people who can't afford in Medan City and what are the obstacles that cause Notaries do not provide services for free in Medan City.

METHODS

This study uses an empirical juridical approach, because in this study the emphasis is on the legal aspect as a societal attitude towards law and the legal system as an example of values, ideas, beliefs or hopes which in the end social forces will be able to determine how the law is obeyed, violated or deviated.

RESULTS AND DISCUSSION

The Obligation of a Notary to Provide Free Legal Services to People Who Cannot

Article 1 number 7 Law no. 2 of 2014 states that: "Notarial deed, hereinafter referred to as a deed, is an authentic deed made by or before a notary according to the form and procedure stipulated in this law". The notary has the authority to make authentic deeds regarding all actions,

agreements and stipulations that are required by laws and regulations and/or that are desired by interested parties to be stated in authentic deeds, guarantee the certainty of the date of making the deed, save the deed, provide grosse, copies and quotations of the deed, all of this as long as the making of the deed is not also assigned or excluded to other officials or other people determined by law.

Article 37 paragraph (1) Law no. 2 of 2014 states that: "Notaries are obliged to provide legal services in the notary field free of charge to people who can't afford it". The mechanism for providing legal services in the Notary field is the service of making deeds and other notary services to the poor for now it is still guided by the Republic of Indonesia Law Number 30 of 2004 concerning the Office of a Notary as amended by the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments Based on Law Number 30 of 2004 concerning the Position of Notary (UUJN) Jo. Law of the Republic of Indonesia Number 16 of 2011 concerning Legal Aid (UUBH), Government Regulation of the Republic of Indonesia Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Free Legal Aid Funds, and the Notary's Code of Ethics.

Legal aids is usually used to mean legal aid in a narrow sense in the form of providing legal services to people involved in a case free of charge or for those who can't afford it (poor).. Legal aid in the notary field which is actually outside the authority of a notary but can be carried out by a notary based on UUJN Article 15 number 2 letter e that a notary has the authority to provide legal counseling in connection with making a deed. The legal counseling referred to here is not for the general public, but is a Notary's obligation to the parties or appearers in making the deed requested by him. Factors supporting the provision of legal services in the notary field are Article 37 Paragraph (1) UUJN: "Notaries are obliged to provide legal services in the notary field free of charge to people who can't afford it." As well as based on Article 3 point 7 of the Notary Code of Ethics: "Providing deed making services and other notary services for people who can't afford it without charging an honorarium."

Legal services are also regulated in Law no. 16 of 2016 concerning Legal Aid where in Article 1 point 1 it is stated that Legal Aid is Legal Services provided by Legal Aid Providers free of charge to Legal Aid Recipients. In number 2 it is stated that the recipient of legal aid is a person or group of poor people. In Article 2 of the UUBH it is stated that Legal Aid is carried out based on the principles of:

- 1) Justice; What is meant by "principle of justice" is placing the rights and obligations of everyone in a proportional, proper, right, good and orderly manner.
- 2) Equality before the law; What is meant by "principle of equality before the law" is that everyone has the same rights and treatment before the law and the obligation to uphold the law.
- 3) Openness; What is meant by "principle of openness" is giving access to the public to obtain complete, correct, honest and impartial information in obtaining guarantees of justice on the basis of constitutional rights.
- 4) Efficiency; What is meant by "principle of efficiency" is maximizing the provision of Legal Aid through the use of existing budgetary resources.
- 5) effectiveness; What is meant by "principle of effectiveness" is to determine the appropriate achievement of the objectives of providing legal aid.

6) **Accountability** What is meant by "principle of accountability" is that every activity and final result of the activity of administering Legal Aid must be accountable to the public. The purpose of Legal Aid regulated in Article 3 of the UUBH is to:

- 1) guarantee and fulfill the rights of Legal Aid Recipients to get access to justice;
- 2) realizing the constitutional rights of all citizens in accordance with the principle of equality before the law;
- 3) ensure certainty that the implementation of Legal Aid is carried out evenly throughout the territory of the Republic of Indonesia; And
- 4) realizing an effective, efficient and accountable judiciary.

The scope of legal aid according to Article 4 of the UUBH is:

- 1) Legal aid is given to legal aid recipients who face legal problems;
- 2) Legal aid as referred to in paragraph (1) covers civil, criminal and state administrative law issues, both litigation and non-litigation.
- 3) Legal aid as referred to in paragraph (1) includes exercising power of attorney, accompanying, representing, defending, and/or taking other legal actions for the legal interests of the Legal Aid Recipient.
- 4) Legal aid Article 5 of the UUBH states that legal aid recipients include any person or group of poor people who cannot fulfill their basic rights properly and independently. Basic rights include the right to food, clothing, health services, educational services, employment and business, and/or housing.

Article 3 of the Republic of Indonesia Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Free Legal Aid Funds states that in order to obtain legal aid, a legal aid applicant must meet the following requirements:

- 1) Submit a written application containing at least the identity of the Legal Aid Applicant and a brief description of the subject matter being requested for Legal Aid;
- 2) Submit documents relating to the case; And
- 3) Attach a poverty certificate from the Lurah, Village Head, or an official of the same level at the Legal Aid Applicant's residence.

Meanwhile, the procedures for providing legal aid according to Article 6 of the Republic of Indonesia Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Free Legal Aid Funds are:

- 1) The Legal Aid Applicant submits a written request for Legal Aid to the Legal Aid Provider.
- 2) The application as referred to in paragraph (1) at least contains: a. Identity of the Legal Aid Applicant; And
b. A brief description of the subject matter for which Legal Aid is requested.
- 3) The application for legal assistance as referred to in paragraph (1) must attach:
 - a. Certificate of poverty from the Lurah, Village Head, or equivalent official at the Legal Aid Applicant's residence; And
 - b. Documents relating to the matter.

The identity of the Legal Aid Applicant as referred to in the Article above is proven by a

resident card and/or other documents issued by the competent authority. Free legal assistance to the public by a notary is carried out by means of an applicant for legal aid making a written or verbal request directly to the notary concerned by completing the requirements indicating that the applicant is economically incapacitated. If the application is accepted by a notary, legal assistance can continue. If the notary refuses for certain reasons, the applicant for legal aid can turn to another notary or if he feels disappointed, he can complain to INI where the applicant for legal aid is domiciled. This can be done by the applicant for assistance in accordance with Article 3 point 7 of the amendment to the Code of Ethics for Notaries at the Extraordinary Congress of the Banten Indonesian Notary Association in 2015, which states that:

Implementation of Provision of Notary Services for free in Medan City

The need for legal services in the notary field can be provided to the public and does not recognize social status, both from the wealthy and the less fortunate who need legal services must receive the same service from a notary. In carrying out its duties, functions and roles, a Notary has the right to honorarium. This means that people who already need the services of a notary are obliged to pay a notary's honorarium, however, a notary is also obliged to help free of charge to those who cannot afford to pay a notary's honorarium.

In carrying out his duties, a notary is obliged to provide the best service to the community, both to people who are able and to people who can't afford it. Notaries are also obliged to provide legal counseling to their clients to achieve high legal awareness so that people are aware of and live up to their rights and obligations as citizens and community members. As explained by Tobing, quoted by Widyadharma as follows:

"Efforts in the context of increasing the professionalism of notaries are not only known about the duties and positions of notaries, but it must also be known how the people who will be served want it"

The mechanism for providing legal services in the Notary field is the service of making deeds and other notary services to the poor for now it is still guided by the Republic of Indonesia Law Number 30 of 2004 concerning the Position of a Notary as amended by the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments Based on Law Number 30 of 2004 concerning the Position of Notary (UUJN) Jo. Law of the Republic of Indonesia Number 16 of 2011 concerning Legal Aid (UUBH), Government Regulation of the Republic of Indonesia Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Free Legal Aid Funds, and the Notary's Code of Ethics.

As a Public Official who is entrusted with carrying out State duties, a notary cannot justify any means in carrying out his position but must comply with the rules that have been outlined, bearing in mind that a notary is a public official authorized to make an authentic deed. Thus it can be said that a notary is one part of the pillars of law enforcement in Indonesia, so that in carrying out his/her duties the notary uses a seal/stamp with the State symbol, namely the Garuda bird whose use has been determined by law. Tobing's opinion above, legal services in the notary field can be provided to the public and do not recognize social status, both from the wealthy and the less fortunate who need legal services must receive the same service from a notary.

In line with this, currently the Creative Economy Agency (Bekraf) has signed a Memorandum of Understanding regarding the provision of free legal assistance with law offices

and the Indonesian Notary Association (INI). The driving force for the creative economy in Indonesia is mostly done by craftsmen in small cities in Indonesia, where many of them still do not have businesses in the form of legal entities, because they do not understand the benefits. In addition, they also need legal assistance in dealing with issues related to regulations. In this case, Bekraf hopes that in the future, the provision of legal entity establishment facilities by INI as well as legal assistance facilities by law offices can help small-scale creative economy businesses develop.

A notary in providing legal services to underprivileged people in accordance with the authority stipulated in UUJN is not required to receive honorarium or wages, but in practice the notary in Medan City interviewed 6 notaries in Medan City, only 3 (three) notaries who never provided legal services in the notary sector free of charge, while 3 (three) other notaries stated that they had never provided legal services in the notary field free of charge to the public. According to notary H. Ikhsan Lubis who is also the Chairman of Pengwil North Sumatra, he stated that he had never provided free legal services in the notary sector because people had never come to ask for these free legal services. Notary as a Public Official who, in carrying out his duties, in addition to obtaining an honorarium determined by law, also has the obligation to provide legal services to the community and is included in the matter of making deeds for free.

The provision of free notary services is only possible for people who really can't afford it as evidenced by a certificate from the Village/Kelurahan head from the place of residence concerned and limited notary services are incidental according to the needs of non-commercial community members. Providing free services is an imperative obligation which is expressly regulated both in Article 37 UUJN and in the Notary Code of Ethics. The notary in his oath of office is obliged to provide community service in such a way that the notary is obliged to devote his duties to the interests of the community and the State in carrying out his duties to pay attention to the needs of members of the surrounding community who are classified as poor people by setting aside the notary's honorarium in making deeds or other legal services.

Usually the provision of notary services for free occurs on the initiative of the notary himself who knows very well that the people who come to him are incapacitated and that the deeds done are also non-commercial, such as the needs of community members who wish to make a deed of a farmer group or grant of waqf or deed of a village association or religious foundation.

Every rule that is imperative inherent in the implementation of the duties of his position, the Notary may not refuse requests from members of the public who really need deed making services or other legal services related to the Notary's authority. The legal consequences for a Notary who does not provide legal services for free can be given sanctions in accordance with the UUJN and the notary's code of ethics. The notary's obligations are regulated in accordance with the provisions of Article 37 paragraph (1) UUJN. The legal consequences in the form of refusal to provide Notary services for free which are qualified as violations are regulated in the provisions of Article 37 paragraph (2) UUJN. Notaries as Public Officials can be given or imposed sanctions that are adjusted to the level and severity of the violation.

Furthermore, according to a notary in Medan City, Rudi Haposan Siahaan, that while practicing for his work area he has never met a client who intends to request the provision of legal services in the notary field for free, this is because in general clients who come The intention

is to make a notarial deed regarding the transfer of rights and obligations between parties regarding a transaction that has economic value such as a lease agreement, file legalization, legalization, or warmeking. In addition, there are also clients who come to the office generally intending to draw up a deed for the establishment of a Community Organization (ORMAS), the establishment of a foundation, firm, or other form of maschap.

Furthermore, the author's interview with notary Cipto Soenaryo also stated that since he served as a notary, he has never provided legal services in the notary field to clients for free because there have never been clients who were less able to come to him to draw up a deed. In connection with the author's interview with notary respondents H. Ikhsan Lubis, Rudi Haposan Siahaan and Cipto Soenaryo that while practicing notaries in Medan City there were no services providing legal services in the notary field to underprivileged clients free of charge, then another form of providing these legal services is in the form of a reduction in honorarium or wages for the services of a notary in making a deed where the amount of the notary's honorarium has been determined by UUJN. These clients cannot be said to be incapable people because they have assets.

Based on the results of interviews with notary respondent Rudi Haposan, said that a price reduction or notary honorarium is given if the client is unable to pay the notary honorarium in accordance with the type of deed he made, the notary will ask how willing the client is to pay the full honorarium. Notary Cipto Soenaryo said that the procedure for providing legal services in the notary field was widely known by the notary profession, until now in practice his party rarely met clients who asked for legal assistance completely free of charge, meaning that zero rupiah was obtained from clients. His party provides a form of legal services in the notary field by waiving the service fee, but for institutional administration it is still carried out by the client because the costs incurred for paying for this administration are the client's obligation.

The glory and nobility of the notary profession now tends to fade, this is due to the continued increase in the list of notary names related to cases in court, both civil and criminal cases. In addition to the less qualified self-qualified notaries, it could also be due to the trend of the notary's profession as a money-printing machine. As Sugiono said, quoted by Renvoi Magazine as follows:

"The trend is that notaries only get money now, so they don't pay attention anymore that they have a professional job. I say this based on the frequent complaints of many clients, as well as many cases in court involving notaries as defendants, and I am often asked to be an expert witness in the technique of drawing up deeds".

In line with what Sugiono said, Dwi Suryahartati also said:

"A notary's work is not only oriented towards calculating profit and loss, but also burdened with social responsibility. Namely, the obligation to provide legal services in the notary sector free of charge to those who can't afford it. That is what is emphasized and regulated in Law Number 2 of 2014 (UUJN)".

Furthermore, according to Notary Yulhamdi, Notary Risma and Notary Agus Armani Ry, notary respondents who were interviewed by the authors for the application of legal services in the notary field each stated that they had provide legal services in the notary sector free of charge.

In this case his party prioritizes cross subsidies, cross subsidies means giving on target, sometimes what is considered really needed and sometimes not to be given to clients who can afford it. Service costs incurred by clients who can afford it will later be allocated to those in need. This is implemented so as not to reduce the needs of employees and the rights of employees who work in their offices.

Notary Risma stated that usually notaries provide legal services free of charge due to closeness or knowing clients who come to really be less well off or because of an emotional connection, a common understanding and a family relationship between the notary and the client. The same thing was also expressed by the respondent Notary Agus Armani Ry, that a notary based on his belief can judge that a client who appears before him should be given legal services in the notary field for free. concerned. The notary will not ask for conditions such as a certificate from a government agency such as a poor or incapacitated certificate to a client who is unable to obtain legal services in the notary field because asking for these conditions according to the notary will be burdensome for the client.

Based on the results of the research that the authors conducted, information was obtained that in carrying out their obligations under the UUJN regarding the provision of legal services in the notary sector free of charge to underprivileged communities, the background was 3 (three) factors, namely:

- a. Human factor
- b. The client's candor factor facing him
- c. The notary's belief factor is that the client facing him is classified as an underprivileged person.

Article 37 paragraph (1) UUJN which explains that a notary is obliged to provide legal services in the notary field free of charge to poor people, so that the application of this article in carrying out their profession depends on the notary concerned who is influenced by human factors, the candor of the client and the conviction of the notary Alone. An explanation of the background factors regarding the provision of free legal services above according to the author's view is as follows:

- a) Human factor
The provision of legal services in the notary field free of charge by a notary is based on humanitarian factors because of the moral encouragement of the notary himself to help fellow human beings, in this case a client from an underprivileged group of people who comes to ask for help in making a deed without giving compensation or honorarium to the notary, this situation reflects the high moral integrity of the notary in carrying out one of his obligations professionally.
- b) The client's frankness factor to the notary
Provision of legal services in the notary field free of charge by a notary based on the factor of the client's candor to the notary due to the honesty expressed by the client regarding the inability to pay an honorarium for a legal service he needs, so that it can arouse the social spirit of the notary concerned to provide free.
- c) The notary's belief factor is that the client facing him is classified as an underprivileged person
Provision of legal services in the notary field free of charge by a notary based on the

factor of belief because there is an assumption that initially arises based on the notary's assessment regarding the appearance and legal services needed by clients who come before him, so that from this assessment the notary can make a decision to provide services free legal services.

Based on the information above, it can be concluded that the implementation of the provision of legal services in the notary sector free of charge by a notary based on Law Number 2 of 2014 concerning UUJN in Medan City, especially the analysis of Article 37 paragraphs (1) and (2) has the meaning that the provision of services in the notary field is influenced by several things, namely because of humanity which is based on the morality and integrity of a notary, because without sufficient knowledge about the provisions of one of his obligations, this obligation cannot be applied in carrying out the profession in the community. There are other things where a Notary is obliged to refuse to provide assistance, namely in the case of making a deed whose contents are contrary to public order or decency.

Barriers to Providing Free Legal Services in Medan City

According to the notary Yulhamdithat in practice the provision of legal services in the notary sector to the public legally does not have any problems, if the client who comes to the notary's office has fulfilled all the requirements as an appearer and has completed the necessary documents in the process of making an authentic deed. Based on the author's interview with Notary respondents Risma said that the provision of legal services in the notary field to the public would not make it difficult for the client and if the client had good intentions and had complete legal documents needed in providing legal services in the notary field.

Based on the results of the author's interview with the notary respondent Notary Public Risma it can be concluded that the technical constraints in providing services free of charge to poor people, namely the notary need office operating costs, because the notary is a public official who is not paid by the state but the notary seeks his own income from the honorarium for the services of making deeds needed by the community.

According to notary informant respondents Agus Armaini Ry, Notary honorarium collection for clients is not all for the notary, but part of the honorarium is used for the operational costs of the notary office such as:

- a. Employee salary costs as labor;
- b. Electricity costs as computer electricity and other electronic devices that require electricity to type deeds and other needs related to client interests;
- c. If there is a deed related to other agencies such as the Land Agency, the fee is paid from the notary's honorarium.

The work of a notary prioritizes service over honorarium (income), which means prioritizing what must be done, not looking at the size of the honorarium to be received because client satisfaction takes precedence. The service must be needed because of professional expertise, not amateurism, and a professional always works well, which means thorough, not careless, and not reckless, Correct means recognized by the profession concerned and does not violate the rights of others, Timely means doing according to with the promises made by the client.

With the rule of law, it is actually an objective interest of all citizens. Where there is

society there is law. This legal norm is aimed at concrete actions, outward actions or actions that should have occurred and are called legal actions. Legal actions are actions that are intentionally desired by the subject and cause legal consequences. The element of a legal act is a will and a statement of will that deliberately creates legal consequences. In the sense that a person is punished because he deliberately violates the applicable legal norms, resulting in something bad or harmful. In this case a concrete event must be a legal event, namely an event which is linked by law to legal consequences.

Of the factors that influence the provision of legal services free of charge to the underprivileged, in practice the research conducted on notaries is mostly based on the humanitarian factor, because the compensation for services provided to clients who can't afford it is not in the form of honorarium or wages, but a notary expects a reward for The service is from the Almighty.

Furthermore, Article 37 of Law no. 2 of 2014 concerning the Position of Notary Public, explains that:

- 1) Notaries are required to provide legal services in the notary sector free of charge to people who can't afford it.
- 2) (1) A notary who violates the provisions referred to in paragraph (1) may be subject to sanctions in the form of: verbal warning, written warning, temporary dismissal, respectful discharge and dishonorable dismissal.

The provision of legal services in the notary field is influenced by human factors which are based on the morality and integrity of a notary, and is also supported by scientific factors regarding the provisions contained in UUJN, one of which concerns the obligation to provide legal services free of charge to certain groups. poor people, because without sufficient knowledge about the provisions of one of their obligations, these obligations will not be applied in carrying out their profession in the community.

The implementation of the provisions of the obligations contained in Article 37 of the UUJN and Article 3 paragraph (7) of the notary's code of ethics will increase the dignity of a notary and increase public trust in a notary regarding the provision of legal services in the notary sector. The totality of a notary in carrying out his duties and positions will increase credibility of the notary so that the notary will get happiness and prosperity in life.

The notary world recognizes the existence of administrative sanctions, this is also recognized in the Amendment Law on the UUJN, that apart from being subject to civil sanctions, notaries can also be subject to administration. The definition of sanctions in state administrative law is a tool of power which is a public law in nature, used by the government as a reaction to non-compliance with obligations contained in the norms of state administrative law. Administrative sanctions include:

- 1) Government coercion (besturssdwang). Actual actions of the authorities aimed at ending a situation prohibited by a rule of administrative law
- 2) Withdrawal of favorable decisions (permits, payments, subsidies). Imposing sanctions based on recalling or declaring an earlier decision invalid, and issuing a new decision.
- 3) Imposition of administrative fines. Charged to anyone who violates the law with a certain amount of money based on statutory regulations.

- 4) Imposition of forced money by the government (dwangsom). Imposed with the aim of adding to a definite punishment, in addition to the fines specified in the laws and regulations.

My opinion regarding the Administrative Sanctions imposed on notaries is very good to apply, because it gives a deterrent effect on notaries from committing acts that violate the provisions of the notary office law. Administrative sanctions imposed on a notary in making a deed if he commits a violation are regulated in several articles of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2014 concerning the Office of a Notary, namely in Article 7 paragraph 2, Article 16 paragraph 11 and paragraph 13, Article 17 paragraph 2, Article 16 paragraph 11 and paragraph 13, Article 17 paragraph 2, Article 19 paragraph 4, Article 32 paragraph 4 and Article 37 paragraph 2, Article 54 paragraph 2 and Article 65A.

Based on the Amendment Law on UUJN, it states that there are several administrative sanctions that spread across several articles, these sanctions include verbal warnings, written warnings, temporary dismissals, respectful dismissals and dishonorable discharges. These sanctions apply in stages starting from reprimand sanctions, namely sanctions that are considered mild to the heaviest, namely dishonorable dismissal, so that the application of this article in carrying out their profession depends on the notary concerned who is influenced by human factors, client frankness and the notary's own beliefs.

In the case of the imposition of sanctions of temporary dismissal (schorsing) as well as onzetting sanctions or dishonorable dismissal as a member of an association for violations as referred to in Article 13 above, the Central Management must notify the Regional Supervisory Council (MPD) and a copy is submitted to the Minister of Law and Rights. Human Rights. However, the dismissal sanction given to a notary who commits violations and acts against the law is not in the form of dismissal from the notary position but dismissal from the membership of the Indonesian Notary Association so that even though the notary concerned has been proven to have committed a violation and unlawful act, the notary can still make a deed and exercise other authorities as Notary Public. It would be wiser for the Minister of Law and Human Rights to optimize the functions of the Notary Honorary Council (MKN), Notary Honorary Council (DKN), and Notary Supervisory Council (MPN) in escorting notary members to existing rules so they don't violate the rules in carrying out their duties.

Examination and imposition of sanctions at the appeal level are carried out by the Regional Ethics Council (Article 10). Decisions containing sanctions for temporary dismissal (schorsing) or dismissal (onzetting) from association membership can be submitted/appealed to the Regional Ethics Council. If the examination and imposition of sanctions at the first level have been carried out by the Regional Ethics Council, since at the management level of the area concerned a Regional Ethics Council has not yet been established, then the decision of the Regional Ethics Council is a decision at the level of appeal. Examination and imposition of witnesses at the last level is carried out by the Central Honorary Council (article 11).

Then the Central Supervisory Council then carries out a temporary dismissal and has the right to propose to the minister in the form of dishonorable dismissal. Then the Minister, on the recommendation of the Central Supervisory Board, can discharge the notary with honor and discharge without honor. Administratively, the responsibility of the notary is that the notary may be subject to administrative sanctions in the form of temporary dismissal, honorable discharge or

dishonorable discharge for a notary who has committed an unlawful act.

There has never been a public complaint regarding a notary who refuses to provide legal assistance free of charge, both at the central and regional levels. Even if there is, it will be resolved amicably between the notary and the complaining community facilitated by the Regional Ethics Council. The sanctions given did not amount to dismissal, but only a reprimand. This is due to the difference in treatment between legal aid services free of charge by advocates who can be asked for reimbursement from the Ministry of Law and Human Rights, while notaries cannot receive reimbursement which comes purely from the notary's own pocket. This causes the implementation of the provision of free assistance by a notary public cannot be forced into its implementation.

Every rule of law that applies in Indonesia there is always a sanction at the end of the rule of law. Inclusion of sanctions in various legal regulations is an obligation that must be included in each legal regulation. It is as if the existing legal rules cannot be complied with if the final part does not include sanctions.

CONCLUSION

The conclusions that the writer can put forward in this study are as follows:

1. Notaries are required to provide legal services in the notary sector free of charge because this is regulated in Article 37 paragraph (1) of Law no. 2 of 2014 which states that: "Notaries are obliged to provide legal services in the notary field free of charge to people who can't afford it". Besides that, the Code of Ethics for Notaries at the Extraordinary Congress of the Indonesian Notary Association which was held in Banten in 2015 also stated that "Notaries are required to provide services for making deeds and other authorities for people who can't afford it without charging an honorarium". The mechanism for providing legal services in the Notary field is the service of making deeds and other notary services to the poor for now it is still guided by the Republic of Indonesia Law Number 30 of 2004 concerning the Position of a Notary as amended by the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments Based on Law Number 30 of 2004 concerning the Position of Notary (UUJN) Jo. Law of the Republic of Indonesia Number 16 of 2011 concerning Legal Aid (UUBH), Government Regulation of the Republic of Indonesia Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Free Legal Aid Funds, and the Notary's Code of Ethics.
2. The implementation of the notary's obligations in providing services free of charge to people who can't afford it in the city of Medan is already running properly or its application already exists in the city of Medan.

This can be seen from the implementation of the provision of legal services in the notary field free of charge by a notary as stipulated in Law Number 2 of 2014 concerning UUJN, particularly the analysis of Article 37 paragraphs (1) and (2) has the understanding that the provision of services in the notary field is influenced by several things namely because of humanity which is based on the morality and integrity of a notary, because without sufficient knowledge about the provisions of one of his obligations, these obligations cannot be applied in carrying out the profession in the community.

3. Obstacles that cause notaries not to provide services for free in Medan City are technically in providing free services to poor people, notaries need office operational costs, because notaries are public officials who are not paid by the state but notaries seek their own income from the honorarium for the service of making the deed needed by the community. Collection of notary honorarium to clients is not all just for the notary, but part of the honorarium is used for operational costs of the notary's office such as
 - a. Employee salary costs as labor;
 - b. Electricity costs as computer electricity and other electronic devices that require electricity to type deeds and other needs related to client interests;
 - c. If there is a deed related to other agencies such as the Land Agency, the fee is paid from the notary's honorarium.

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