

The Effectiveness Of Notaries Obligations In Providing Notarial Services Free Of Charge In Sragen Regency

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Abstract.

A Notary Is A Professional Who Plays A Vital Role In Society, Particularly In Creating Order By Ensuring That Legal Events Are Documented In An Authentic Deed, In Accordance With Article 1, Paragraph (1) Of Law Number 2 Of 2014 On Amendments To Law Number 30 Of 2004 (Uujn). In Its Implementation, According To Its Authority Under Article 37, Paragraph (1) Of The Uujn, Which Mandates Notaries To Provide Notarial Services Free Of Charge To Those In Need, The Situation In Sragen Regency Remains Minimal. This Is Due To Several Factors That Hinder The Effectiveness Of This Article: 1) The Legal Factor Itself, Wherein Article 37 Of The Uujn Requires Further Clarification Regarding The Types Of Notarial Services That Can Be Provided Free Of Charge To Those Who Cannot Afford Them, In Order To Prevent Multiple Interpretations By Notaries And To Ensure Legal Certainty For All Parties Involved; 2) The Law Enforcement Factor, Specifically The Mpd (District Regulation Agency) And Notaries. In This Case, The Mpd Has Never Inquired Or Urged Notaries To Fulfill This Obligation, Which Is Based On Minimal Oversight From The Mpd. Furthermore, Notaries, Who Are Aware Of This Obligation, Have Never Conducted Legal Outreach To The Community, Resulting In A Lack Of Awareness Of The Regulation Among The General Public.

Keywords : *Notary, Notary Services And Free Of Charge.*

I. INTRODUCTION

According to Article 1, paragraph (1) of Law Number 2 of 2014 on Amendments to Law Number 30 of 2004 concerning Notary Positions (UUJN), a notary is defined as “a public official authorized to create authentic deeds and other authorities as stipulated in this law or based on other laws.” Notaries play a role in accommodating civil legal acts carried out by the community. The position of a notary does not fall within the executive, legislative, or judicial institutions, allowing them to be trusted as impartial experts in creating authentic deeds. An authentic deed is created by an authorized public official, detailing or explaining a legal action taken or a state observed or witnessed by the deed-making public official. The authentic deed produced by a notary can be accounted for and protects clients in their legal actions. The power of the authentic deed serves as perfect proof for the parties involved, so if a party raises an objection, it can be proven in court (Sari, Suharningsih, and Nurdin 2014). A deed is considered authentic not because of a legal provision but because it is created by or in the presence of a public official. The authenticity of a notary's deed derives from Article 1 of the UUJN, which designates notaries as “public officials.” Thus, deeds created by notaries in this capacity acquire the nature of authentic deeds. In other words, the deeds made by notaries are authentic not because the law stipulates so, but because those deeds are made by or in the presence of a public official. As stated in Article 1868 of the Civil Code (KUHPperdata) (Hendra, n.d.), it reads:

“An authentic deed is a deed made in the form prescribed by law by or in the presence of a public official authorized to do so at the place where the deed is made.”

A notary has the duty to provide legal certainty in the form of creating authentic deeds and land deeds. In carrying out these duties, there are two main functions: first, a notary has the responsibility for providing legal certainty to the community for every validation of legal commitments; and second, a notary possesses authority granted by law or regulation as a state official to provide legal reinforcement for these commitments, ultimately giving peace and security to the community (Darusman 2014). In practice, when notaries also require materials for office operations, salaries for notary staff, deed production costs (such as

paper and other materials), and other expenses that must be paid or incurred in relation to other agencies, they are still obligated to assist those who cannot afford to pay notaries (Sheila, Kristyanto, and Wisnaeni 2014). As an obligation defined by the UUJN, notaries must fulfill this duty in providing legal services in the notarial field free of charge to those in need. Article 37, paragraph (1) of the UUJN states: *“Notaries are required to provide legal services in the notarial field free of charge to those who are unable.”* Legal services refer to services provided by individuals with specialized skills and knowledge in the legal field to assist others in resolving legal issues or providing legal advice (Wicaksana and Udiana 2023). Regarding legal professions that can provide legal assistance to the community, according to Kansil, they can be classified into five types. As he stated (Kansil, 1997):

“In accordance with the legal needs of Indonesian society, several legal professionals are recognized today: Judges, Legal Advisors (Advocates, Lawyers), Notaries, Prosecutors, and Police. These professions are equipped with legal ethics to carry out their functions and activities optimally.”

The term “free of charge” as mentioned in Article 37 of the UUJN refers to legal services provided by notaries to those unable to pay without charging fees or costs. The notary services as referred to in Article 37 of the UUJN essentially involve services provided by notaries to clients in a usual or reasonable manner, which are requested by the parties and pertain to the notary's authority, both general and specific, as a public official (Manik 2021). The meaning contained in Article 37, paragraph (1) of the UUJN needs further clarification, even though it is clearly stated in the “general explanation” attachment. The legal services that can be provided free of charge by notaries require clarification for implementation. Legal norms should contain normative realities that should be carried out, allowing for execution without leading to multiple interpretations of the regulation. In Sragen Regency, there are differing interpretations or multiple perceptions among notaries regarding the legal services that can be provided free of charge, which results in the fulfillment of obligations under this article still being relatively minimal. This is in line with interview results conducted by the researcher with several sources.

Table 1. Interview Results with Several Notaries in Sragen Regency

| No. | Name | Fulfillment of Article 37 UUJN | |
|-----|-----------------------------|--------------------------------|-------|
| | | Already | Never |
| 1. | Sunastitingsih, S.H., M.H | - | ✓ |
| 2. | Djoko Slamet W, S.H. | - | ✓ |
| 3. | Anita Rumani, S.H | - | ✓ |
| 4. | Natalia Ambar K, S.H., M.H. | ✓ | - |

In Article 37, paragraph (2) of the UUJN, there are sanctions if its existence creates problems from the perspective of legal certainty. Because not everyone knows the contents of the regulation, and especially from the perspective of the MPD (District Supervisory Assembly), they have never inquired whether notaries have fulfilled this obligation. Based on the description above, the ineffective implementation of notaries' obligations to provide legal services in the notarial field free of charge is still minimal, making it important to conduct further research to identify the causes. The causes found in empirical field studies can serve as a basis for improving the implementation of obligations under the UUJN so that those in need receive legal certainty fairly. Therefore, research with the aforementioned title is important to undertake.

II. METHODS

This research is categorized as empirical legal research, employing a qualitative approach. This approach is used to gather information from notaries in Sragen Regency regarding the implementation of notarial obligations as stipulated in Article 37 of the UUJN. The research utilizes primary data through interviews and secondary data from primary and secondary legal materials.

III. RESULT AND DISCUSSION

Factors Contributing to the Ineffectiveness of Notaries' Obligations to Provide Free Notarial Services in Sragen Regency

According to Habib Adjie, a notary is a public position characterized by its role, meaning that the UUJN serves as the unifying regulation for notarial positions. It is the only legal framework governing

notaries in Indonesia. Therefore, all matters related to notaries must refer to the Notary Position Law (UUJN). The notary position is an institution created by the state. As a position, a notary is a profession or duty intentionally established by law for specific purposes and functions, and it is of a continuous nature as a stable work environment (Tambing 2020). According to the Amendment of the Notary Code of Ethics during the Extraordinary Congress of the Indonesian Notary Association, May 29-30, 2015, Article 1, paragraph (2), the Notary Code of Ethics (hereafter referred to as the Code of Ethics) consists of moral rules determined by the Indonesian Notary Association based on the decisions of the Congress and/or relevant laws that must be adhered to by all members and individuals performing notarial duties, including interim and substitute notaries.

The Code of Ethics also defines notaries in Article 1, paragraph (4): “A notary is any person who holds and performs duties as a public official as referred to in the Notary Position Law.” As a public official, a notary has authority with exceptions. Categorizing notaries as public officials pertains to their legal function, not as part of the general public. Notaries differ from government officials categorized as administrative bodies. A public official serves the public interest according to their authority, not limited to executive roles but also including notaries. Article 1, paragraph (1) of Law Number 2 of 2014 on Amendments to Law Number 30 of 2004 concerning Notary Positions defines a notary as: “A notary is a public official authorized to create authentic deeds and has other authorities as stipulated in this law or based on other laws.” A notary possesses the following characteristics:

1. As a position;
2. Specific authorities;
3. Appointed and dismissed by the government (though appointed by the government, notaries remain independent and impartial);
4. Do not receive salaries or pensions from their appointing authority;
5. Accountable to the public for their work.

The UUJN mandates that notaries, as professional public officials, continually improve their quality—intellectually, morally, and socially—while upholding the dignity of the notarial profession. To fulfill ethical professional demands, notaries must possess three moral pillars (Sari, Suharningsih, and Nurdin 2014):

- 1) They must be individuals who are not swayed from their principles by fears, laziness, shame, or emotions. This requires strong moral character.
- 2) They must recognize that maintaining ethical standards is a heavy obligation.
- 3) They must have ideals.

Abdul Ghofur Anshori indicates that a notary's responsibility regarding material truth can be divided into four categories (Utama 2021):

1. Civil responsibility for the material truth of the deeds they create, which can be viewed through unlawful acts, differentiated as active or passive. An active unlawful act creates harm to others, while a passive unlawful act refers to failing to perform required actions that cause harm. This involves elements of an unlawful act: existence of the act, fault, and resultant harm. An unlawful act broadly encompasses violations of law, propriety, decency, or the rights of others. An act is unlawful if it infringes on others' rights or contradicts legal and ethical standards. This necessitates that notaries remain neutral and provide legal advice to clients. Consequently, a notary can be held accountable for the material truth of a deed if their legal advice later proves incorrect. Through the construction of the explanation of the Notary Public Act, it can be concluded that a notary can be held accountable for the material truth of a deed they have created if it turns out that the notary did not provide access to certain legal information related to the deed, causing one party to feel deceived due to their ignorance. Therefore, it is advised that notaries provide important legal information that clients should know regarding legal matters they are dealing with. Furthermore, it is also explained that there are other aspects that notaries must pay attention to, namely those related to their own legal protection. With any carelessness or lack of seriousness on the part of the notary, they have actually placed themselves in a position that the law requires accountability for. If a mistake made by the notary can be proven, then the notary may face sanctions as stipulated by law.

2. The criminal responsibility of a notary for the material truth in the deeds they create. Notaries, in carrying out their duties, are not free from mistakes, whether intentional or unintentional. The mistakes made by notaries can lead to legal accountability, both civilly, administratively, and criminally. If it turns out that the deed contains elements of false statements, then the deed is null and void by law, meaning that the law treats the agreement as if it never occurred or voids it automatically without the need for a lawsuit. The situation is restored to the state prior to the agreement.

A notary, in carrying out their duties, must be accountable, meaning (Utama 2021) :

- 1) A notary is required to create deeds properly and correctly. This means that the deed must meet legal requirements and the requests of the interested parties because of their position.
- 2) A notary is required to produce quality deeds. This means that the deeds they create must comply with legal regulations and the actual wishes of the interested parties, not fabricated. The notary must explain to the interested parties the truth of the contents and the procedures of the deed they create.
- 3) Having a positive impact means that everyone will recognize that the notary's deed has perfect evidentiary power.

In understanding the notary profession, Liliana Tedjosaputro emphasizes the philosophy and essence of the profession and professionalism integrally. According to her, the requirements of balance, harmony, and alignment in accordance with Pancasila are important considerations. These three aspects must be operationalized in understanding the gradation of various interests in society, which include individual interests, community (public) interests, state interests, and professional organization interests. These interests include (Sari, Suharningsih, and Nurdin 2014) :

1. Client Interests : These can be individual or collective. In relation to professionals, the client's position is independent and confidential within the framework of providing services.

2. Community Interests : This is closely related to the nature of the profession, which must prioritize serving the public interest (altruistic in nature). Careless professional service can harm the community interests that need to be served.

3. State Interests : This involves issues of social policy in the form of development programs, especially in the legal field, and more specifically, improving the quality of law enforcement.

4. Professional Organization Interests : For professional members, organizational discipline in relation to administrative mechanisms is crucial. However, the most important role of the organization is to ensure that professional services are provided according to current professional standards.

The Code of Ethics in the context of ethics becomes inadequate if it consists solely of regulations emphasizing the sanctions imposed on notaries who violate these ethics. There are four fundamental reasons why professionals, including notaries, disregard the Code of Ethics, as follows (Wiranata 2005) :

1. The Influence of Familial Ties

One characteristic of familial ties is the equal treatment and appreciation of family members, which is seen as fair. Treatment of non-family members differs, affecting the professional behavior related to the professional code of ethics, which should provide equal treatment to clients. A professional notary should distinguish between professional matters and familial relationships, setting aside familial connections while in the office but maintaining them outside.

2. The Influence of Position

The influence of one's position often causes notaries to act without regard for the professional code of ethics. As public officials serving the public, notaries should treat all members of society equally. However, due to the influence of their position, they may occasionally act preferentially towards one client over others. While this might be human nature, it indirectly creates differences between individuals. This treatment is unfair, and thus, a notary as a professional violates ethical standards.

3. The Influence of Consumerism

A materialistic lifestyle can negatively impact a notary's actions. The demands of consumerism, which is part of this lifestyle, can stem from oneself or family. A notary may take steps that violate the code of ethics to satisfy their personal needs. They may view their profession merely as a means to make

money, neglecting their role as a service provider inherent in their profession. For example, many notaries engage in indirect promotions to attract as many clients as possible or suggest that every agreement must involve a notarized deed to enhance their practice's reputation.

4. The Profession Becomes a Business Activity

Someone devoted to a noble profession like notary must understand that a profession differs from a business activity. Economic laws cannot be applied to a noble profession. Business focuses primarily on profit, while the ideals of a profession are based on the spirit of service to society. In business activities, quantitative values are prioritized, whereas in a profession, the sought value is qualitative.

5. Weak Faith

One requirement to become a professional is faith in God Almighty, which includes carrying out His commands and avoiding His prohibitions. Faith is the foundation of human morality. If a person strengthens their faith through devotion, moral values will be instilled within them, acting as a brake against wrongdoing. With devotion, one becomes more aware that good deeds will be rewarded with goodness and vice versa. Indeed, God is Most Just. With faith in God Almighty, professionals have a strong moral shield, making them less susceptible to various material temptations around them. With strong faith, needs are met reasonably, which is true happiness.

The execution of the duties and positions of a notary must adhere to the Notary Act and the Notary Code of Ethics. Notaries must observe the principles in carrying out their duties. These principles are necessary as guidelines for the proper execution of notarial tasks in providing legal services to the community. According to Sudarsono in his legal dictionary, principles are defined as fundamental laws, where something becomes a reference for opinions (Sudarsono 2007). A notary is a professional who plays an important role in society, particularly in maintaining order by ensuring that a legal event is documented in an official deed. According to Basyarudin, in the legal perspective in Indonesia, a notary is not merely a "stamp dealer," as implied in countries with an Anglo-Saxon legal system. Such assumptions arise because notaries do not have specialized education, acting as witnesses in court to reaffirm the validity of deeds that have been authenticated. In Indonesia, notaries are regarded as capable of providing legal advice to the creators of deeds concerning the preparation of authentic deeds, as notaries are part of the legal practitioners. Notarial deeds in Indonesia possess formal evidentiary strength and material strength, functioning as executorial legal power that can be considered perfect evidence (Wiratama, Surata, and Arta 2024). The presence of notaries is to meet the community's need for authentic legal documents (deeds) in civil law, which entails a responsibility to serve the public. Members of the community can file civil lawsuits against notaries and demand compensation, damages, and interest if it turns out that the deed was proven to be made in violation of applicable legal regulations. This represents a form of accountability for notaries (Sheila, Kristyanto, and Wisnaeni 2014).

The authority of notaries to create deeds in authentic form is also regulated in Article 11868 of the Civil Code. A deed can be considered authentic if it meets the following requirements as stipulated in Article 11868 of the Civil Code :

1. The deed must be made by (door) or in the presence of (tenoverstaan) a public official.

The requirement states that a deed must be made by or in the presence of a public official designated by law according to Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 on Notary Positions.

2. The deed must be made in a form (vorm) that has been determined by law.

The form of the deed made by a public official that is termed as an authentic deed must be established by law. Concerning the deed of inheritance rights, which has always been made by notaries, its form has never been regulated by law. The form of the inheritance rights statement deed made by a notary is only regulated in Article 111 paragraph (1) letter c number 15 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 16 of 2021 concerning the Third Amendment to the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 13 of 1997 concerning Registration Provisions of Government

Regulation Number 124 of 1997 concerning Land Registration in the form of a deed; however, there are still differences of opinion regarding what the form of the inheritance statement deed should be like.

3. Public officials who create deeds must have the authority to make those deeds, whether based on their area of jurisdiction or the time when the deed is created. According to Tobing, the authority of a notary includes four aspects :

- a. The notary must be authorized regarding the deed they create.
- b. The notary must be authorized concerning the individuals for whom the deed is made.
- c. The notary must be authorized regarding the location where the deed is created.
- d. The notary must be authorized regarding the creation of the deed.

According to Article 1 paragraph (7) of the Notary Law, a notarial deed is an authentic deed made by or in the presence of a notary according to the form and procedures established in the Notary Position Act, and the original of the notarial deed is referred to as the minuta of the deed. This minuta is stored by the notary as part of the notary's protocol, while what is given to the interested parties is a copy of the deed (Era Fitriyeni 2012). The minuta of the deed is the original of the notarial deed. In this context, the term minuta refers to the original deed stored in the notary's protocol. The minuta of the deed also includes the original signatures, initials, or left thumbprints of the parties involved, witnesses, and the notary. Additionally, any supporting evidence attached to the minuta of the deed is included. This minuta must be stored by the notary, assigned a monthly number, and entered into the notarial deed registry (repertorium) with a repertorium number. This storage obligation applies not only to the minuta of the deed made by and/or in the presence of that notary but also to the protocols of other notaries received due to the death of another notary, the end of their term, or for other reasons, as regulated in Article 62 of the Notary Law (Era Fitriyeni 2012):

The delivery of the notary protocol occurs in the following circumstances :

- a) Death
- b) Expiration of their term
- c) Self-request
- d) Incapacity, either mentally or physically, to carry out notarial duties continuously for more than three years
- e) Appointment as a state official
- f) Transfer of jurisdiction
- g) Temporary dismissal
- h) Dismissal without honor

An authentic deed is divided into two types: partij acta and relaas acta. The partij acta, or party deed, is a deed made in the presence of a notary, meaning it is based on the statements or actions of the parties facing the notary, which are recorded by the notary to create a deed. In contrast, the relaas acta, or official deed, is a deed made by the notary as a public official that contains an authentic account of all events or occurrences witnessed, experienced, and observed by the notary. The authentic deed has evidentiary strength or value generally described as follows (Yustisianto 2022) :

- 1) Material. The ability of the deed itself to prove its authenticity as an authentic deed. If viewed externally, as an authentic deed and in accordance with legal provisions regarding the requirements for authentic deeds, the deed is valid as an authentic deed until proven otherwise. This means that until someone proves that the deed is not an authentic deed materially.
- 2) Formal. It must provide certainty that an event and the facts in the deed were indeed carried out by a public official or explained by the parties present at the time indicated in the deed according to the established procedures for deed creation.
- 3) Material. Certainty regarding the authenticity of the deed, statements, or declarations contained in or expressed in the deed must be assessed as true.

Notaries are not authorized to create deeds in the field of public law (publiek rechtelijke acten); their authority is limited to creating deeds in the realm of civil law. Likewise, notaries are not authorized to create, issue, or publish any "decision letter" (beschikking) as this is the authority of the State Administrative Officer.

An authentic deed is one created by or in the presence of a notary. Authentic deeds made by notaries include (Setiyoso 2017) :

- a) All actions.
- b) Agreements.
- c) Determinations required by statutory regulations and/or those desired by the interested parties to be stated in an authentic deed.**

Article 36 paragraph (1) of the Notary Law states: "Notaries are entitled to receive fees for legal services provided in accordance with their authority." However, Article 137 of the Notary Law mandates: "Notaries are required to provide legal services in the field of notarial activities free of charge to those who are unable." This is similarly reiterated in Article 3 number (7) of the Code of Ethics, which states that notaries are obligated to: "Provide deed-making services and other notarial services to the community who are unable without charging a fee." Additionally, notaries are also obliged to "prioritize service to the community and the state," as mandated in Article 3 number (6) of the Code of Ethics (Simatupang 2020). The definition of a person who is unable is as follows: "person" means human (in a specific sense), "unable" means not sufficient or lacking, while "capable" means having the power (can, able) to do something or to be able. These three definitions from the KBBI can be synthesized into: a person who is unable is a human who cannot do something as it should be. The general understanding that has developed in society links the concept of being unable more closely with the definition of poverty.

According to the Decree of the Minister of Social Affairs of the Republic of Indonesia Number 1146/HUK/2013 concerning the Establishment of Criteria and Data Collection of the Poor and the Unable, in the first dictum of the decree, the categories of the Poor and the Unable are divided into two :

- a) Registered Poor and Unable
- b) Unregistered Poor and Unable.

The poor are individuals who have no source of livelihood and/or lack basic needs that are appropriate for their lives and/or their families. Meanwhile, the unable are individuals who have a source of livelihood, salary, or wages, but can only meet their basic needs appropriately and cannot afford to pay contributions for themselves and their families. Based on the results of an interview conducted by the researcher with the first informant, Notary & PPAT Ms. Sunastitingsih, S.H., M.H., who also serves as the Chairperson of the Regional Supervisory Board (MPD) on July 15, 2024, at Jalan HOS Cokroaminoto No. 17, Dusun Kebayanan Sragen Manggis, Sragen Wetan, Sragen Regency, it was found that in the implementation of Article 37 of the Notary Law (UUJN), which mandates that Notaries provide legal services in notarial matters free of charge to those in need, there have been no clients who have come forward seeking these services. This is generally because the individuals who approach Notaries are seeking to create notarial deeds related to the transfer of rights or obligations that have economic value or that generate profit from the deed's creation. Furthermore, most clients or individuals who come to this Notary request the creation of deeds related to PPAT (Land Deed Official) tasks, such as land sale and purchase agreements. These deeds incur costs beyond the PPAT's fees that must be paid by the parties, whether sellers or buyers, varying according to the sale price of the land. The additional costs include State Non-Tax Revenue (PNBP), Income Tax (PPh) from the seller, Land and Building Transfer Tax (BPHTB) from the buyer, among others, which cannot be entirely borne by the Notary or PPAT.

As the Chairperson of the MPD, Ms. Sunastitingsih has not received any reports from the community and has not found any Notary who has fulfilled the obligation under Article 37 of the UUJN, which requires Notaries to provide legal services in notarial matters free of charge to those in need. The MPD has also never inquired whether Notaries have fulfilled this obligation according to Article 37 of the UUJN. Based on the results of an interview conducted by the researcher with the second informant, Notary and PPAT Mr. Djoko Slamet Waharto, S.H., on July 17, 2024, at Jalan Raya Sragen – Solo, Jl. Ngepos No. KM.3, Kebayan 2, Jetak, Sidoharjo, Sragen Regency, he stated that during his tenure as a Notary in Sragen, he has not had any clients who are classified as unable to request legal services free of charge. Most of the individuals who approach him are financially capable. The awareness of the clients is that every request for legal services involving a Notary entails a profit or benefit for themselves. For instance, in the case of a lease

agreement, the lessee gains the right to use an object for profit while the lessor receives rental income. Thus, these clients cannot be categorized as economically disadvantaged. Additionally, those seeking to establish legal entities, such as CVs, PTs, or foundations, are already prepared for the costs that will arise. However, if a client requests a child adoption deed, the Notary can provide this service free of charge based on the necessary requirements.

Nevertheless, when a Notary has provided free legal services regarding this deed, the client will still incur costs with other institutions, such as the District Court, to obtain their rights in the adoption process. Therefore, while a Notary can offer services free of charge, the deed created does not immediately confer rights; other supporting institutions are involved. In other words, the Notary is merely a facilitator, with the final decision still linked to other institutions. Based on the results of an interview conducted by the researcher with the third informant, Notary and PPAT Ms. Anita Rumani, S.H., on July 17, 2024, at Jalan Sukowati No. 15 Sine, Sragen Regency, she stated that during her tenure, she had once provided legal services in the field of PPAT, specifically in the creation of a land sale and purchase deed, where the client acting as the seller was her own neighbor. However, in this instance, the waiver of fees was only applied to the seller, while the buyer still had to pay according to the agreed honorarium. The provision of free legal services was not directly known to the seller (the client), and thus, until the deed's completion, the seller had not retrieved the certificate. This lack of knowledge about the regulation meant the seller did not request a waiver from the Notary, as they were considered unable. The Notary also did not provide an explanation from the outset regarding the existence of this regulation. The roles and authorities of Notaries and PPATs differ; therefore, it can be stated that during her tenure as a Notary, she has not been approached by individuals classified as unable for legal services in notarial matters.

Based on the results of an interview conducted by the researcher with the fourth informant, Notary and PPAT Ms. Natalia Ambar Kristiani, S.H., M.Kn., on July 17, 2024, at Jalan Kutorejo, Sragen Tengah, she mentioned that, in her view, the provisions of Article 37 of the UUN regarding the obligation of Notaries to provide legal services free of charge to economically disadvantaged individuals are beneficial and greatly needed by the lower community. Throughout her tenure as a Notary and PPAT, she has been approached by clients requesting legal services free of charge, especially regarding waqf (charitable endowment) deeds, which she provides without charge. From the beginning of establishing her Notary and PPAT office, Ms. Natalia has intended to offer free legal services for waqf matters to any clients who request them. This service is provided throughout the entire waqf process, meaning clients do not spend a single cent on the legal actions involved. When clients approach Ms. Natalia for assistance with legal services in waqf matters, she provides these services free of charge, regardless of the clients' financial status. According to Ms. Natalia, this is based on the conscience and sincerity of the Notary. However, if a client who is unable requests legal services free of charge, the Notary will provide this based on the client's affirmation and transparency in seeking legal help. According to several informants, the existence of this article, which mandates Notaries to provide free legal services in notarial matters to those in need, can enhance the dignity and status of Notaries in the eyes of the community. It reflects the Notary's high social awareness regarding the needs of society, particularly for those who are economically disadvantaged. However, the interviews also reveal that many economically disadvantaged individuals are unaware of this regulation, resulting in them seeking to pay honorarium fees through various means, including negotiations with Notaries.

Based on the theory of legal effectiveness according to Soerjono Soekanto, a regulation can be considered effective if it meets five factors. Relating this to the above findings, it can be stated that this regulation has not been effective, as the five factors explained by Soerjono Soekanto are not being met, including :

1. Legal Factors (the law itself) : Article 37 of the UUN still requires interpretation or clarification regarding the legal services that can be provided by Notaries to those in need. Each Notary has different interpretations of the legal services that can be offered free of charge. The law serves the purposes of justice, certainty, and utility. According to Humberto Avila, certainty is based on :

2. **Law Enforcement Factors** : This refers to the parties involved in the formation and application of the law. It is clear that both the lawmakers and those applying the law require deeper clarification to avoid misinterpretations.
3. **Supporting Facilities for Law Enforcement** : In terms of supporting facilities for the implementation of these obligations, there are currently none. Every legal act involving the services of a Notary, such as the creation of deeds, incurs additional costs beyond the Notary's fees, including payments for taxes and other institutional fees. These costs cannot be wholly borne by the Notary, who also needs funds for office expenses and the production of deeds (paper, stamps, etc.).
4. **Community Factors** : This concerns the environment in which the law is applied. The community, particularly those who are economically disadvantaged, often lacks awareness of Article 37 of the UUJN, which mandates that Notaries provide legal services in notarial matters free of charge. Many clients who approach Notaries are financially capable, assuming that engaging a Notary always incurs a fee. Even those who cannot afford it may not be aware of this regulation, leading to delays in processing deeds (such as sale and purchase agreements) as they search for the necessary funds.
5. **Cultural Factors** : This refers to the creations, ideas, and feelings that arise from human interactions. It is ingrained in the community's understanding that any legal act requiring a Notary's services will involve costs.

The ineffectiveness of Article 37 of the UUJN in Sragen Regency does not provide legal certainty for the community. According to Humberto Avila's theory of legal certainty, "one meaning of legal certainty is that the wording of articles must provide equal access to justice for all parties." This indicates that the current wording does not offer equal opportunities for those in need to attain legal justice. In practice, there are regulations governing the provision of legal services in notarial matters free of charge for those in need, yet many do not receive these services. Additionally, Notaries who are aware of this article fail to inform their clients about Article 37 of the UUJN. The MPD's oversight remains relatively weak, as evidenced by the interviews where it was mentioned that the MPD has never inquired whether Notaries have provided free legal services to those in need. Consequently, the MPD is unable to impose sanctions under Article 37(2) of the UUJN if Notaries do not comply with Article 37(1). This is compounded by the fact that Notaries themselves do not provide outreach to the community regarding this regulation.

IV. CONCLUSION

Article 37 of the Notary Law (UUJN) has not been effectively implemented in Sragen Regency, as evidenced by the minimal number of Notaries fulfilling this obligation. Several factors contributing to this ineffectiveness include:

1. **Legal Factors**: Article 37 of the UUJN requires further clarification regarding the notarial services that can be provided free of charge to those in need. Notaries often provide their own interpretations of what services can be offered without causing harm to themselves.
2. **Law Enforcement Factors**: This pertains to both the Notary Supervisory Board (MPD) and the Notaries themselves. The MPD has not inquired or urged Notaries to fulfill this obligation, indicating a lack of oversight. Furthermore, Notaries have not conducted legal outreach to the community, resulting in many being unaware of this regulation.

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