

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 30 OF 2004

ON

OFFICE OF NOTARY PUBLIC

DIRECTORATE GENERAL OF

LAWS AND LEGISLATION

THE MINISTRY OF LAWS AND HUMAN RIGHTS OF THE REPUBLIC OF

INDONESIA

PREFACE

The 1945 Constitution of the State of the Republic of Indonesia explicitly stipulates that the state of the Republic of Indonesia is a constitutional state. The principle of constitutional state is to secure the legal certainty, order and protection based on the truth and justice.

Legal certainty, order, and protection require, among others, that legal traffic in the community requires evidences clearly determining the rights and obligations of an individual in the community. In various business relations, banking, land, social activities and other activities require written evidences, among others in the form of authentic deed. An authentic deed can clearly define the rights and obligations of the relevant parties thereby securing legal certainty and avoiding any dispute.

Notary public is the competent public official to draw up an authentic deed as long as the drawing up of a certain deed is not specifically made to the other public officials. In addition to being required by the laws and legislation, the drawing up of an authentic deed is also required by the relevant party to ensure the rights and obligations of the parties for legal certainty, order, and protection to the relevant parties simultaneously to the community on the whole.

This Law stipulates in details general office of Notary Public, therefore an authentic deed drawn up by or before a Notary Public can expectedly secure legal certainty, order, and protection. Considering Notarial Deeds as authentic deeds are the strongest and fullest written evidences, this Law also stipulates the form and nature of Notarial deed, Minutes of Deed, Tenor of Deed, and Copy of Deed, or Excerpt of Notarial Deed.

In accordance with one of the tasks of the Directorate General of Laws and

Legislation of the Ministry of Laws and Human Rights of the Republic of Indonesia, it is deemed necessary to disseminate Law Number 30 Of 2004 on Office of Notary Public for understanding by the community.

May this book fulfil the expectations of all parties and be beneficial.

Jakarta, December 2008

Director General of
Laws and Legislation

signed

ABDUL WAHID, S.H, M.H.

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 30 OF 2004

ON

OFFICE OF NOTARY PUBLIC

BY THE GRACE OF THE ONE SUPREME GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that the State of the Republic of Indonesia as a constitutional state based on Pancasila and the 1945 Constitution of the State of the Republic of Indonesia shall secure legal certainty, order, and protection based on the truth and justice;
 - b. that authentic written evidence on legal condition, event, or act through a certain office shall be required to secure legal certainty, order, and protection;
 - c. that notary public being a certain office holding a profession in legal services to the community shall receive protection and security for legal certainty;
 - d. that notarial services as one of the legal requirements in the development process shall be increasing more and more;
 - e. that Reglement op Het Notaris Ambt in Indonesie (Stb. 1860:3) on Office of Notary Public shall fail to conform to the legal development and community's needs anymore;
 - f. that, therefore, it is necessary to form Law of Office of Notary Public;

In view of : Articles 20, 21, and 24 paragraph (3) of the 1945 Constitution of the State of the Republic of Indonesia;

With Joint Approval of

THE HOUSE OF PEOPLE'S REPRESENTATIVES OF THE REPUBLIC OF
INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS STIPULATED:

To stipulate : LAW OF OFFICE OF NOTARY PUBLIC.

CHAPTER I

GENERAL

In this Law, by:

1. Notary Public we mean a public official having an authority to draw up authentic deeds and other authorities as referred to in this Law.
2. Notary Public Temporary Official we mean an individual who for the time being holds the position of Notary Public to perform the office of a Notary Public who passes away, is dismissed, or suspended.
3. Substitute Notary Public we mean an individual who for the time being is appointed as a Notary Public to replace another Notary Public who takes leave, is sick, or for the time being indisposed.
4. Special Substitute Notary Public we mean an individual who is appointed as a Special Notary Public to draw up certain deeds as mentioned in his/her assignment letter as a Notary Public because there is only one Notary Public

in one district or city, while the relevant Notary Public is not allowed to draw up the deed pursuant to this Law.

5. Notary Public Organization we mean a notarial profession organization in the form of corporate body association.
6. Supervisory Council we mean a body having authority and obligation to develop and supervise Notary Publics.
7. Notarial Deed we mean an authentic deed drawn up by or before a Notary Public according to the given form and procedure herein.
8. Minutes of Deed we mean the authentic Notarial Deed.
9. Copy of Deed we mean copy of word by word of the entire deed and the lower section thereof contains a phrase “issued as a copy”.
10. Excerpt of Deed we mean excerpt of word by word of one or several sections of the deed and the lower section of the excerpt of the deed contains a phrase “issued as an excerpt”.
11. Tenor we mean one of the copies of deed for debt acknowledgment with the heading “PRO JUSTITIA BASED ON THE ONE SUPREME GOD”, with an executorial power.
12. Formation of Office of Notary Public we mean determination of the number of Notary Publics required in a Office of Notary Public area.
13. Notarial Protocols we mean a collection of documents being a state archive to keep and maintain by Notary Publics.
14. Minister we mean a Minister of which the tasks and responsibilities cover notarial affairs.

CHAPTER II

ASSIGNMENT AND DISMISSAL OF NOTARY PUBLIC

Part One

Assignment

Article 2

Notary Publics shall be assigned and dismissed by the Minister.

Article 3

Requirements of assignment of Notary Public as referred to in the Article 2 shall be:

- a. Indonesian national;
- b. being devoted to the One Supreme God;
- c. attaining the minimum age of 27 (twenty seven) years;
- d. being sound of mind and sound of body;
- e. having a master of law's degree and MA's degree in notarial affairs;
- f. already being apprenticed or decidedly already being an Notary Public's employee for 12 (twelve) consecutive months in a Notary Public's office on his/her own initiative or at the recommendation of Notary Public Organization after having MA's degree in notarial affairs; and
- g. not being a civil servant, state's official, advocate, or not holding another position that the law prohibits the same from doubling the position.

Article 4

(1) Before performing his/her office, a Notary Public shall pronounce an oath according to his/her religion before the Minister or the appointed official.

(2) The oath as referred to in the paragraph (1) shall read as follows:

“I swear:

that I will adhere to and loyal to the State of the Republic of Indonesia, Pancasila and the 1945 Constitution of the State of the Republic of Indonesia, Law of Office of Notary Public and other laws and legislation.

that I will perform my office trustworthily, honestly, accurately, independently, and non-unilaterally.

that I will maintain my attitude, behaviour, and perform my obligations in accordance with code of ethics of my profession, honour, dignity, and responsibility as Notary Public.

that I will keep secret the content of the deed and statement obtained in the performance of my office.

that to be assigned in this office, I, directly or indirectly, with any name or on any ground, never and will not give or promise anything to anybody.”

Article 5

The taking of an oath of Notary Public as referred to in the Article 4 shall be made at the latest 2 (two) months as of date decision of assignment of Notary Public.

Article 6

In case of failure to take the oath within the given time as referred to in the Article 5, decision of assignment of Notary Public can be cancelled by the Minister.

Article 7

Within 30 (thirty) days as of date of taking of an oath of Notary Public, the relevant person shall:

- a. really implement his/her office;
- b. submit minutes of oath of Notary Public to the Minister, Notary Public Organization, and District / Municipal Supervisory Council; and
- c. submit office address, sample of signature, and initial, as well as red-coloured seal of Office of Notary Public to the Minister and another official responsible for agrarian affairs, Notary Public Organization, chief judge of district court, District / Municipal Supervisory Council, as well as district head or mayor where the Notary Public is appointed.

Part Two

Dismissal

Article 8

(1) A Notary Public shall resign or be honourably dismissed from his/her office due

to:

- a. demise;
- b. attaining the age of 65 (sixty five) years;
- c. own request;
- d. failing to spiritually and/or bodily perform his/her Notarial tasks for more than 3 (three) consecutive years; or
- e. doubling the position as referred to in the Article 3 point g.

- (2) Provision on age as referred to in the paragraph (1) point b can be extended until attaining the age of 67 (sixty seven) years by considering the health of the relevant person.

Article 9

- (1) A Notary Public can be suspended from his/her office due to:
 - a. being in an insolvency process or deferment of obligation to pay debt;
 - b. being under custody;
 - c. committing a disgraceful deed; and
 - d. violating his/her office obligations and prohibitions.
- (2) Before the suspension as referred to in the paragraph (1), the Notary Public shall be given an opportunity for advocacy before the Supervisory Council gradually.
- (3) The suspension of the Notary Public as referred to in the paragraph (2) shall be made by the Minister at the recommendation of the Central Supervisory Council.
- (4) The suspension on the ground as referred to in the paragraph (1) points c and d shall become effective for not later than 6 (six) months.

Article 10

- (1) The suspended Notary Public as referred to in the Article 9 paragraph (1) point a or b can be reassigned to be a Notary Public by the Minister after recovery of his/her rights.
- (2) The suspended Notary Public as referred to in the Article 9 paragraph (1)

point c or d can be reassigned to be a Notary Public by the Minister after expiry of the term of suspension.

Article 11

- (1) Any Notary Public who is assigned to be a state official shall take leave.
- (2) The leave as referred to in the paragraph (1) shall become effective as long as the Notary Public holds the position of state official.
- (3) The Notary Public as referred to in the paragraph (1) shall appoint a Substitute Notary Public.
- (4) If the Notary Public fails to appoint the Substitute Notary Public as referred to in the paragraph (3), the District / Municipal Supervisory Council shall appoint another Notary Public to take the Notarial Protocols having jurisdiction over the domicile of the Notary Public appointed to be a state official.
- (5) The appointed Notary Public as referred to in the paragraph (4) shall temporarily hold the Notarial Protocols.
- (6) Any Notary Public no longer holding the position of state official as referred to in the paragraph (1) can perform the Office of Notary Public back and the Notarial Protocols as referred to in the paragraph (4) shall be submitted back to him/her.

Article 12

A Notary Public shall be dishonourably dismissed by the Minister at the recommendation of the Central Supervisory Council in case of:

- a. declaration of insolvency based on court's order already having a permanent

- force of law;
- b. being under custody for more than 3 (three) continuous years;
 - c. committing any action humiliating the honour and dignity of Office of Notary Public; or
 - d. committing a severe violation to Office of Notary Public obligations and prohibitions.

Article 13

A Notary Public shall be dishonourably dismissed by the Minister in case of committing a criminal act threatened with imprisonment of 5 (five) years or more based on court's order already having a permanent force of law.

Article 14

Any further provisions on the terms of and procedures for appointment and dismissal as referred to in the Article 3, Article 8, Article 9, Article 10, Article 11, Article 11, an Article 13 shall be contained in a Ministerial Regulation.

CHAPTER III

AUTHORITIES, OBLIGATIONS, AND PROHIBITIONS

Part One

Authorities

Article 15

- (1) A Notary Public shall be authorized to draw up an authentic deed on all actions, agreements, and decisions required by the laws and legislation

and/or the relevant parties to contain in an authentic deed, guarantee the certain date of drawing up of deed, keep deed, give tenor, copy and excerpt of deed, as long as the drawing up of the deed is not assigned or excepted to another official or person stipulated by the law.

- (2) A Notary Public shall also be authorized to:
- a. ratify signature and determine certain dates of documents privately made by registering the same in a special register;
 - b. register any documents privately made in a special register;
 - c. make copies of the authentic documents privately made in the form of copies as written and described in the relevant documents;
 - d. verify the copies to the authentic documents;
 - e. give a legal extension on drawing up of deeds;
 - e. draw up deeds relating to agrarian affairs; or
 - f. make deeds of minutes of bid.
- (3) In addition to the authorities as referred to in the paragraphs (1) and (2), a Notary Public shall have other authorities stipulated by the laws and legislation.

Part Two

Obligations

Article 16

- (1) In performing his/her office, a Notary Public shall be obligated to:
- a. act honestly, accurately, independently, non-unilaterally, and maintain the interests of the relevant parties in any legal action;

- b. draw up deeds in the form of Minutes of Deed and keep the same as a part of Notarial Protocols;
- c. issue Tenor, Copy, or Excerpt of Deeds based on Minutes of Deed;
- d. serve pursuant to this Law, unless there is any reason to refuse the same;
- e. keep secret anything on deeds he/she draws up and any information he/she receives to draw up the deeds in accordance with oath of office, unless stipulated otherwise by the law;
- f. bind any deeds he/she draw up in 1 (one) month into a book containing not more than 50 (fifty) deeds, and in case of failure to contain the number of the deeds in one book, the deeds can be bound into more than one book, and record the number of Minutes of Deeds, month, and year of drawing up of the same in the envelope of each book;
- g. make a list of deeds of protest against non payment or non receipt of securities;
- h. make a list of deeds relating to testament according to the sequence of time of drawing up of deeds each month;
- i. submit the list of deeds as referred to in the point h or the list of nihilism relating to testament to the Central Testament Department of which the tasks and responsibilities are in notarial affairs within 5 (five) years in the first week in the following month;
- j. record the same in the repertory of date of submission of list of testament at each end of the month;
- k. have seal/stamp containing state symbol of the Republic of Indonesia

required, if the appearers wish that the deed is not read because the appearers have read, known, and understood the content thereof on their own, provided that it is mentioned in the closing of the deed and each page of the Minutes of Deed is initialized by the appearers, witnesses, and Notary Public.

- (8) In case of failure to fulfil one of the requirements as referred to in the paragraph (1) point 1 and paragraph (7), the relevant deed shall only have power of evidencing as a deed privately made.
- (9) The provision as referred to in the paragraph (8) shall not apply for the drawing up of deed of testament.

Part Three

Prohibitions

Article 17

A Notary Public shall be prohibited from:

- a. implementing an office outside his/her office area;
- b. leaving his/her office are for 7 (seven) consecutive days without any acceptable reason.
- c. doubling as a civil servant;
- d. doubling as a state official;
- e. doubling as an advocate;
- e. doubling as a manager or an employee to the state-owned company, region-owned company or private company;

- f. doubling as a Land Deed Official outside his/her office area;
- g. perform another job in contravention of religious, ethical, or appropriateness norms that can influence the honour and dignity of office of Notary Public.

CHAPTER IV

DOMICILE, FORMATION, AND OFFICE AREA OF NOTARY PUBLIC

Part One

Domicile

Article 18

- (1) A Notary Public shall have domicile in district or municipality.
- (2) A Notary Public shall have office area throughout the province of his/her domicile.

Article 19

- (1) A Notary Public shall only have one office, namely in his/her domicile.
- (2) A Notary Public shall not be authorized to regularly implement his/her office outside his/her domicile.

Article 20

- (1) A Notary Public can implement his/her office in the form of civil association by remaining taking into account independence in implementing his/her office.
- (2) The form of civil association as referred to in the paragraph (1) shall be arranged by Notary Publics by virtue of laws and legislation.

- (3) Any further provisions on the requirements of implementing Office of Notary Public as referred to in the paragraph (1) shall be stipulated in Ministerial Regulation.

Part Two

Formation of Office of Notary Public

Article 21

The Minister shall be authorized to determine the Formation of Office of Notary Public in a region as referred to in the Article 18 paragraph (1) by considering a recommendation from Notary Public Organization.

Article 22

- (1) Formation of Office of Notary Public shall be determined based on:
- a. business world activity;
 - b. total population; and/or
 - c. average number of deeds drawn up by and/or before Notary Public each month.
- (2) Any further provisions on Formation of Office of Notary Public as referred to in the paragraph (1) shall be stipulated in Ministerial Regulation.

Part Three

Removal of Notary Public Officer Area

Article 23

- (1) A Notary Public can submit a request for removal of his/her office area in writing to the Minister.
- (2) The requirements of removal of office area as referred to in the paragraph (1) shall be he/she has performed his/her office tasks in a certain district or municipality being his/her domicile for 3 (three) consecutive years.
- (3) The request as referred to in the paragraph (1) shall be submitted after receiving a recommendation from Notary Public Organization.
- (4) The time as referred to in the paragraph (2) shall exclude leave already taken by the relevant Notary Public.
- (5) Any further provisions on request for removal of Office area of Notary Public shall be stipulated in Ministerial Regulation.

Article 24

In a certain condition and at the request of the relevant Notary Public, the Minister can remove a Notary Public from one office area to another one.

CHAPTER V

LEAVE FOR NOTARY PUBLIC AND SUBSTITUTE NOTARY PUBLIC

Part One

Leave for Notary Public

Article 25

- (1) A Notary Public shall have a right to leave.
- (2) The right to leave s referred to in the paragraph (1) can be taken after the

Notary Public implements his/her office for 2 (two) years.

- (3) During taking leave, the Notary Public shall appoint a Substitute Notary Public.

Article 26

- (1) The right to leave as referred to in the Article 25 paragraph (1) can be taken each year or simultaneously for several years.
- (2) A leave can be taken for maximum 5 (five) years including the extension.
- (3) During the term of office of Notary Public, total leave shall be maximum 12 (twelve) years.

Article 27

- (1) A Notary Public can submit a request for leave in writing accompanied with the recommendation of appointment of Substitute Notary Public.
- (2) The request for leave as referred to in the paragraph (1) shall be submitted to the competent official, namely:
 - a. District / Municipal Supervisory Council, in case the leave is not more than 6 (six) months;
 - b. Provincial Supervisory Council, in case the leave is more than 6 (six) months to 1 (one) year;
 - c. Central Supervisory Council, in case the leave is more than 1 (one) year.
- (3) The request for leave can be approved or refused by the competent official to give leave permit.

- (4) Carbon copy of the request as referred to in the paragraph (2) point b shall be submitted to the Central Supervisory Council.
- (5) Carbon copy of the request as referred to in the paragraph (2) point c shall be submitted to the District / Municipal Supervisory Council and Provincial Supervisory Council.

Article 28

In urgency, a Notary Public's spouse or relative in vertical line can submit a request for leave to the Supervisory Council as referred to in the Article 27 paragraph (2).

Article 29

- (1) Leave permit certificate shall at least contain:
 - a. Notary Public's name;
 - b. date of commencement and expiry of leave; and
 - c. name of Substitute Notary Public accompanied with documents supporting the Substitute Notary Public as stipulated in the laws and legislation.
- (2) Carbon copy of leave permit certificate from the District / Municipal Supervisory Council shall be submitted to the Minister, Central Supervisory Council, and Provincial Supervisory Council.
- (3) Carbon copy of leave permit certificate from the Provincial Supervisory Council shall be submitted to the Minister and Central Supervisory Council.
- (4) Carbon copy of leave permit certificate from the Minister shall be submitted to the Central Supervisory Council, Provincial Supervisory Council, District /

Municipal Supervisory Council.

Article 30

- (1) The Minister or the appointed official shall be authorized to issue leave certificate.
- (2) The leave certificate as referred to in the paragraph (1) shall contain data on taking of leave.
- (3) Data of taking of leave as referred to in the paragraph (2) shall be recorded by the Supervisory Council as referred to in the Article 27 paragraph (2).
- (4) Each request for leave shall enclose leave certificate as referred to in the paragraph (2).
- (5) The Minister or the appointed official can issue duplicate of unusable or lost leave certificate at the request of the relevant Notary Public.

Article 31

- (1) Request for leave can be refused by the competent official to the leave.
- (2) Refusal of request for leave shall be furnished with reason(s) thereof.
- (3) Refusal of request for leave by the District / Municipal Supervisory Council can be appealed to the Provincial Supervisory Council.
- (4) Refusal of request for leave by the Provincial Supervisory Council can be appealed to the Central Supervisory Council.

Article 32

- (1) In case of on leave, a Notary Public shall submit Notarial Protocols to the

Substitute Notary Public.

- (2) The Substitute Notary Public shall submit the Notarial Protocol back to the Notary Public after expiry of leave.
- (3) The submission as referred to in the paragraphs (1) and (2) shall be drawn up in a minutes and submitted to the Provincial Supervisory Council.

Part Two

Substitute Notary Public, Special Substitute Notary Public, and Notary Public
Temporary Official

Article 33

- (1) Requirements of appointment of Substitute Notary Public, Special Substitute Notary Public, and Notary Public Temporary Official shall be Indonesian nationals with master of law degree and already working to Notary Public's office for at least 2 (two) consecutive years.
- (2) Provisions applicable to Notary Publics as referred to in the Articles 15, 16, and 17 shall also apply to Substitute Notary Public, Special Substitute Notary Public, and Notary Public Temporary Official, unless stipulated otherwise in this Law.

Article 34

- (1) In case there is only 1 (one) Notary Public in one office area, the District / Municipal Supervisory Council can appoint A Special Substitute Notary Public competent to draw up deeds in the personal interest of the Notary Public or

his/her family.

- (2) The temporary appointment as referred to in the paragraph (1) shall not be accompanied with submission of Notarial Protocols.
- (3) The Special Substitute Notary Public as referred to in the paragraph (1) shall take an oath before the Minister or the appointed official.

Article 35

- (1) In case of demise of Notary Public, his/her spouse or relative in vertical line shall notify the District / Municipal Supervisory Council of the same.
- (2) The notification as referred to in the paragraph (1) shall be submitted at the latest 7 (seven) working days.
- (3) In case of demise on leave, the office tasks of the Notary Public performed by Substitute Notary Public as a Notary Public Temporary Official shall be maximum 30 (thirty) days as of date of demise.
- (4) The Notary Public Temporary Official shall submit Notarial Protocols of the late Notary Public to the District / Municipal Supervisory Council at the latest 60 (sixty) days as of date of demise.
- (5) The Notary Public Temporary Official as referred to in the paragraphs (3) and (4) can draw up a deed in his/her own name and have Notarial Protocols.

CHAPTER VI

HONORARIUM

Article 36

- (1) A Notary Public shall be entitled to receive honorarium for legal services he/she gives in accordance with his/her competence.
- (2) The amount of honorarium received by the Notary Public shall be based on economic and sociologic values of each deed he/she draws up.
- (3) The economic value as referred to in the paragraph (2) shall be determined from the object of each deed as follows:
 - a. up to Rp. 100,000,000.00 (one hundred million rupiah) or equivalent to gram of gold at that time, honorarium he/she receives shall be maximum 2,5% (two point five percent);
 - b. above Rp. 100,000,000.00 (one hundred million rupiah) up to Rp. 1,000,000,000.00 (one billion rupiah), honorarium he/she receives shall be maximum 1.5% (one point five percent); or
 - c. above Rp. 1,000,000,000.00 (one billion rupiah), honorarium he/she receives shall be as agreed between the Notary Public and the parties, but not more than 1% (one percent) of the object of deed he/she draws up.
- (4) The sociologic value shall be determined based on social function of the object of each deed and the honorarium he/she receives shall be maximum Rp. 5,000,000.00 (five million rupiah).

Article 37

Each Notary Public shall provide the poor with free notarial legal services.

CHAPTER VII

NOTARIAL DEED

Part One

Form and Nature of Deed

Article 38

- (1) Each deed shall consist of:
 - a. heading;
 - b. body; and
 - c. closing.
- (2) Heading shall contain:
 - a. title;
 - b. number;
 - c. hour, day, date, month, and year; and
 - d. full name and domicile of Notary Public.
- (3) Body shall contain:
 - a. full name, birth place and date, nationality, occupation, position, domicile, residence of the appearers and/or those they represent;
 - b. statement on position to act as appearers;
 - c. content of deed being the desire and intention of the relevant parties;
and
 - d. full name, birth place and date, occupation, position, domicile, and residence of each knowing witness.
- (4) Closing shall contain:
 - a. description of reading of deed as referred to in the Article 16 paragraph

- (1) point 1 or Article 16 paragraph (7);
 - b. description of signing and place of signing r translation of deed, if any;
 - c. full name, birth place and date, occupation, position, domicile, and residence of each witness of deed; and
 - d. description of absence of change in the drawing up of deed or description of change that can be in the form of addition, deletion, or substitution.
- (5) In addition to containing provisions as referred to in the paragraphs (2), (3), and (4), Deed of Substitute Notary Public, Special Substitute Notary Public, and Notary Public Temporary Official shall also contain number and date of stipulation of appointment, and the appointing official.

Article 39

- (1) The appearers shall fulfil the following requirements:
- a. attaining the minimum age of 18 (eighteen) years or already married; and
 - b. being capable of taking legal actions.
- (2) The appearers shall be known to Notary Public or introduced to him/her by 2 (two) knowing witnesses attaining the minimum age of 18 (eighteen) years or already married and being capable of taking legal actions or introduced by other 2 (two) appearers.
- (3) The introduction as referred to in the paragraph (2) shall be explicitly declared in a deed.

Article 40

- (1) The reading out of deed by Notary Public shall be in the presence of at least 2 (two) witnesses, unless the laws and legislation stipulate otherwise.
- (2) The witnesses as referred to in the paragraph (1) shall fulfil the following requirements
 - a. attaining the age of minimum 18 (eighteen) years or already married;
 - b. being capable of taking legal actions;
 - c. understanding the language used in the deed;
 - d. being able to affix signature and initial; and
 - e. not having any marriage relation or blood relation in upper or lower straight line without any degree limitation and until the third degree with the Notary Public or the parties.
- (3) The witnesses as referred to in the paragraph (1) shall be known to the Notary Public or introduced to the Notary Public or the appearers shall explain their identities and competence to the Notary Public.
- (4) The introduction or explanation of the identity and competence of the witnesses shall be explicitly contained in a deed.

Article 41

In case of failure to fulfil the Articles 39 and 40, the deed shall only have a power of evidencing as a deed privately made.

Article 42

- (1) A Notarial Deed shall clearly contain mutual relationship uninterruptedly and

not use any abbreviation.

- (2) Empty space and gap in a deed shall be clearly lined before signing of deed, except a deed printed in a form by virtue of laws and legislation.
- (3) All numbers shall be intended to determine the number of anything mentioned in deed, the mentioning of date, month, and year shall be stated in letters and preceded with figure.
- (4) Provisions as referred to in the paragraph (2) shall not apply to any power of attorney not yet containing the name of the proxy.

Article 43

- (1) Deeds shall be drawn up in Indonesian.
- (2) In case the appearer fails to understand the language used in a deed, Notary Public shall translate or explain the content thereof in a language understandable by the appearer.
- (3) If the Notary Public fails to translate or explain the same, the deed shall be translated or explained by an authorized translator.
- (4) Deeds can be drawn up in another language understandable by the Notary Public and witnesses if the relevant parties require the same, unless stipulated otherwise by the laws and legislation.
- (5) In case the deeds are drawn up as referred to in the paragraph (4), Notary Public shall translate the same in Indonesian.

Article 44

- (1) A deed having been duly read out shall be signed by the appearers,

witnesses, and Notary Public, unless one of the appearers fails to affix his/her signature by mentioning the reason(s).

- (2) The reason(s) as referred to in the paragraph (1) shall be explicitly contained in a deed.
- (3) The deed as referred to in the Article 43 paragraph (3) shall be signed by the appearers, Notary Public, witnesses, and sworn translator.
- (4) The reading out, translation or explanation, and signing as referred to in the paragraphs (1) and (3) and Article 43 paragraphs (2), (3), and (5) shall be explicitly contained at the end of the deed.

Article 45

- (1) In case the appearers are only interested in a certain part of the deed, only the certain part shall be read out to them.
- (2) If the certain part as referred to in the paragraph (1) translated or explained, the appearers shall affix their initial and signature on the part.
- (3) The reading out, translation or explanation, and signing as referred to in the paragraphs (1) and (2) shall be explicitly mentioned at the end of the deed.

Article 46

- (1) If in the making of recording of wealth or minutes on an action or event, the appearers:
 - a. refuse to affix their signature; or
 - b. are absent in the closing of the deed, while the appearers do not yet sign the deed;

The refusal or absence shall be contained in a deed and the deed shall remain being an authentic deed.

- (2) The refusal as referred to in the paragraph (1) point a shall be contained in a deed by mentioning the reason(s) thereof.

Article 47

- (1) Authentic power of attorney or another document being a basis to draw up a deed issued in the form of original deed or power of attorney privately made shall be attached to the Minutes of Deed.
- (2) The authentic power of attorney drawn up in the form of Minutes of deed shall be described in a deed.
- (3) Provisions as referred to in the paragraph (1) shall not be required if the power of attorney is attached to the a deed drawn up before the same Notary Public and it is contained in a deed.

Article 48

- (1) Content of the deed shall not be changed or added, both in the form of overlapped writing, insertion, deletion, or deletion and replace the same with another one.
- (2) Change of deed in the form of addition, substitution, or deletion shall be lawful if the change is initialized or given another validation mark by the appearers, witnesses, and Notary Public.

Article 49

- (1) Each change of deed shall be made on the left side of the deed.
- (2) If the change can not be made on the left side of the deed, the change shall be made at the end of the deed, before closing of deed, by indicating the changed part or inserting additional sheet.
- (3) Any change without indicating the changed part shall make the change null and void.

Article 50

- (1) If words, letters, or numbers in a deed shall be deleted, the deletion shall be made in such a way so that it can be read as originally contained, and the number of the deleted words, letters, and numbers shall be contained on the side of the deed.
- (2) The deletion as referred to in the paragraph (1) shall be considered valid if the deletion is initialized or given another validation mark by the appearers, witnesses, and Notary Public.
- (3) In case of another change in the change as referred to in the paragraph (2), the change shall be made on the side of the deed in accordance with Article 49.
- (4) The number of change, deletion, and addition shall be contained in the closing of each deed.

Article 51

- (1) A Notary Public shall be authorized to revise any miswriting and/or mistyping in the Minutes of Deed already signed.

- (2) The revision as referred to in the paragraph (1) shall be made by making a minutes and giving a notation on the same in the original Minutes of Deed by mentioning date and number of deed of minutes of revision.
- (3) Copy of deed of minutes as referred to in the paragraph (2) shall be submitted to the parties.

Article 52

- (1) A Notary Public shall not draw up a deed on his/her own, for his/her spouse, or for the others having a family relationship with the Notary Public both due to marriage or blood relationship in lower and/or upper straight line without any degree limitation, and in siding line until the third degree, and become a party on his/her own, or in a position or through a proxy.
- (2) The provision as referred to in the paragraph (1) shall not apply, if the person as referred to in the paragraph (1) except the Notary Public himself/herself, becomes the appearer in the sale before the public, provided that the sale can be conducted before the Notary Public, public lease, or public wholesaling, or becomes a member of meeting of which the minutes is drawn up by the Notary Public.
- (3) Violation of the provision as referred to in the paragraph (1) shall make the deed only have a power of evidencing as a deed privately made if the deed is signed by the appearers, without prejudice to the obligations of the Notary Public drawing up the deed to pay any expense, compensation, and interest to the relevant person.

Article 53

A Notarial Deed shall not contain a provision giving a right and/or profit to:

- a. Notary Public, his/her spouse;
- b. witness, his/her spouse; or
- c. persons with family relationship with the Notary Public or witness, both blood relationship in upper or lower straight line without any degree limitation or marriage relationship until the third degree.

Part Two

Tenor, Copy, and Excerpt of Deed

Article 54

A Notary Public can only provide, introduce, or inform the Content, Tenor, Copy, or Excerpt of Deed to the persons directly related to the deed, beneficiaries, or persons receiving the rights, unless stipulated otherwise the laws and legislation.

Article 55

- (1) A Notary Public issuing Tenor of Deed shall make a notation on the minutes of deed of the receipt of Tenor of Deed and date of issue and the notation shall be signed by the Notary Public.
- (2) Tenor of Deed of debt acknowledgment drawn up before Notary Public shall be a Copy of Deed with executorial power.
- (3) The Tenor of Deed as referred to in the paragraph (2) in the heading of deed shall contain a phrase "PRO JUSTITIA BASED ON THE ONE SUPREME

GOD”, and a phrase “given as the first tenor” is contained at the end of the deed by mentioning the name of the person requesting the same and for whom the tenor is issued and date of issue.

- (4) The second Tenor of Deed and so forth can only be given to the persons as referred to in the Article 54 at the court’s order.

Article 56

- (1) Original deed, Tenor of Deed, Copy of Deed, or Excerpt of Deed issued by a Notary Public shall be sealed / stamped.
- (2) The seal as referred to in the paragraph (1) shall also be affixed to the copy of document attached to the Minutes of Deed.
- (3) Privately made document so legalized and registered and verification of copy by Notary Public shall be sealed/stamped and initialized and signed by the Notary Public.

Article 57

Tenor of Deed, Copy of Deed, Excerpt of Notarial Deed, or validation of privately made document attached to the deed kept in the Notarial Protocols, can only be issued by the Notary Public drawing up the same, Substitute Notary Public, or the valid holder of Notarial protocols.

Part Three

Making, Keeping, and Submission of Notarial Protocols

Article 58

- (1) A Notary Public shall make register of deeds, register of privately made documents so legalized, list of privately made documents so recorded, and other registers of documents required by this Law.
- (2) In the register of deeds as referred to in the paragraph (1), the Notary Public shall each day register all deeds drawn up by or before him/her, both in the form of Minutes of Deed and original deeds, without any empty gaps, each in a space covered with ink lines, by mentioning serial number, monthly number, date, nature of deed, and names of all persons acting both on their own and as proxies of the others.
- (3) Deeds issued in the form of original deeds drawn up in duplicate or more at the same time shall be recorded in a register in one number.
- (4) Each page in the register shall be given serial number and initialized by the District / Municipal Supervisory Council, but the first and last pages shall be signed by the District / Municipal Supervisory Council.
- (5) Pages before the first page shall contain information on total pages on the register of deeds signed by the District / Municipal Supervisory Council.
- (6) In the register of privately made documents so legalized and in the register of privately made documents so recorded as referred to in the paragraph (10, Notary Public shall each day record privately made documents so legalized or recorded, without any empty gap, each in a space covered with ink lines, by mentioning serial number, date, nature of documents, and names of all persons acting on their own and as proxies of the others.

Article 59

- (1) A Notary Public shall make a clapper register for register of deeds and register of privately documents so legalized as referred to in the Article 58 paragraph (1) shall be prepared alphabetically and make the same each month.
- (2) The clapper register as referred to in the paragraph (1) shall contain the names of the appearers by mentioning behind the names the nature, and numbers of deeds, or documents registered in the register of deeds and register of privately made documents.

Article 60

- (1) Deeds drawn up by or before Substitute Notary Public or Special Substitute Notary Public shall be registered in the register of deeds.
- (2) Privately made documents so legalized and privately made documents so recorded shall be registered in a register of privately made documents so legalized and privately made documents so recorded.

Article 61

- (1) A Notary Public shall severally or through his/her proxy submit in writing a legalized copy of register of deeds and other registers made in the previous month within no later than 15 (fifteen) days in the following month to the District / Municipal Supervisory Council.
- (2) If the Notary Public fails to draw up a deed within 1 (one) month, the Notary Public shall severally or through his/her proxy submit the same in writing to the District / Municipal Supervisory Council within the time as referred to in the

paragraph (1).

Article 62

A Notary Public shall submit Notarial Protocols in case of:

- a. demise;
- b. expiry of term of office;
- c. own request;
- d. failing to spiritually and/or bodily implement office tasks as a Notary Public for 3 (three) consecutive years;
- e. appointment of a state official;
- f. removal of office area;
- g. suspension; or
- h. dishonourably dismissal.

Article 63

- (1) Submission of Notarial Protocols as referred to in the Article 62 shall be made within no later than 30 (thirty) days by making a minutes of submission of Notarial Protocols signed by the persons submitting and receiving the Notarial Protocols.
- (2) In case of condition as referred to in the Article 62 point a, the submission of Notarial Protocols shall be made by the Notary Public's beneficiary(-ies) to another Notary Public appointed by the District / Municipal Supervisory Council.
- (3) In case of condition as referred to in the Article 62 point g, the submission of Notarial Protocols shall be made by the Notary Public to another Notary Public

appointed by the District / Municipal Supervisory Council if the suspension is more than 3 (three) months.

- (4) In case of condition as referred to in the Article 62 point b, c, d, f, or h, the submission of Notarial Protocols shall be made by the Notary Public to another Notary Public appointed by the Minister at the recommendation of the District / Municipal Supervisory Council.
- (5) Notarial Protocols from another Notary Public who attains the age of 25 (twenty five) years or more upon submission thereof shall be submitted by a Notary Public receiving the Notarial Protocols to the District / Municipal Supervisory Council.

Article 64

- (1) Notarial Protocols from Notary Public appointed to be a state official shall be submitted to a Notary Public appointed by the District / Municipal Supervisory Council.
- (2) Notary Public holding the Notarial protocols as referred to in the paragraph (1) shall be authorized to issue Tenor of Deed, Copy of deed, or Excerpt of Deed.

Article 65

Notary Public, Substitute Notary Public, Special Substitute Notary Public, and Notary Public Temporary Official shall be responsible for each deed they draw up even though the Notarial Protocols have been submitted or transferred to a party keeping the Notarial protocols.

CHAPTER VIII

TAKING OF MINUTES OF DEED AND SUMMONS OF NOTARY PUBLIC

Article 66

- (1) In the interest of judicial process, the investigators, general prosecutors, or judges with the approval from the District / Municipal Supervisory Council shall be authorized to:
 - a. take copy of Minutes of Deed and/or documents attached to the Minutes of Deed or Notarial Protocols kept by the Notary Public; and
 - b. summon the Notary Public to be present in the hearing relating to the deeds he/she draw up or Notarial Protocols kept by the Notary Public.
- (2) Taking of copy of Minute of Deed or documents as referred to in the paragraph (1) point a, shall be made in a minutes of submission.

CHAPTER IX

SUPERVISION

Part One

General

Article 67

- (1) Notary Publics shall be supervised by the Minister.
- (2) In the supervision as referred to in the paragraph (1), the Minister shall form a Supervisory Council.

- (3) The Supervisory Council as referred to in the paragraph (2) shall consist of 9 (nine) as follows:
 - a. 3 (three) persons from the government;
 - b. 3 (three) persons from Notary Public Organization; and
 - c. 3 (three) experts/academicians.
- (4) In case of absence of the government's elements in one region as referred to in the paragraph (3) point a, membership in the Supervisory Council shall be filled from the other elements appointed by the Minister.
- (5) The supervision as referred to in the paragraph (1) shall cover behaviour of Notary Publics and performance of the office of Notary Public.
- (6) Provisions on the supervision as referred to in the paragraph (5) shall apply to Substitute Notary Public, Special Substitute Notary Public, and Notary Public Temporary Official.

Article 68

The Supervisory Council as referred to in the Article 67 paragraph (2) shall consist of:

- a. District / Municipal Supervisory Council;
- b. Provincial Supervisory Council; and
- c. Central Supervisory Council.

Part Two

District / Municipal Supervisory Council

Article 69

- (1) District / Municipal Supervisory Council shall be formed in district or municipality.
- (2) Membership of District / Municipal Supervisory Council shall consist of the elements as referred to in the Article 67 paragraph (3).
- (3) Chairman and Vice Chairman of District / Municipal Supervisory Council shall be elected from and by members as referred to in the paragraph (2).
- (4) Term of office of chairman, vice chairman, and members of District / Municipal Supervisory Council shall be 3 (three) years and they can be reassigned.
- (5) District / Municipal Supervisory Council shall be assisted by a secretary or more appointed in a Meeting of District / Municipal Supervisory Council.

Article 70

District / Municipal Supervisory Council shall be authorized to:

- a. hold meetings to investigate alleged violation of Code of Ethics of Notary Public or violation of performance of office of Notary Public;
- b. gradually investigate the Notarial Protocols once in 1(one) year or at any time if considered necessary;
- c. give leave permit for up to 6 (six) months;
- d. determine Substitute Notary Public by taking into account the recommendation of the relevant Notary Public;
- e. determine a place to keep the Notarial Protocols where he/she has attained the age 25 (twenty five) years upon the submission of the Notarial Protocols;
- f. appoint a Notary Public to serve as a temporary holder of Notarial Protocols assigned as a state official as referred to in the Article 11 paragraph (4);

- g. receive reports from the public on alleged violation of Code of Ethics of Notary Public or violation of any provisions herein; and
- h. make and submit reports as referred to in the points a, b, c, d, e, f, and g to Provincial Supervisory Council.

Article 71

District / Municipal Supervisory Council shall be obligated to:

- a. record in a register contained in Notarial Protocols by mentioning date of investigation, number of deeds and documents privately made so legalized and made as of the last date of investigation;
- b. make minutes of investigation and submit the same to the Provincial Supervisory Council, with carbon copy to the relevant Notary Public, Notary Public Organization, and Central Supervisory Council;
- c. keep secret the content of the deed and the result(s) of investigation;
- d. receive the legalized copies of register of deeds and other deeds from Notary Public and keep them secret;
- e. investigate the reports from the public on Notary Public and submit the results of investigation to Provincial Supervisory Council within 30 (thirty) days, with carbon copy to the reporting party, the relevant Notary Public, Central Supervisory Council, and Notary Public Organization.
- f. submit petition for an appeal against decision on refusal of leave.

Part Three

Provincial Supervisory Council

Article 72

- (1) Provincial Supervisory Council shall be formed and domiciled in Capital of Province.
- (2) Membership of Provincial Supervisory Council shall consist of the elements as referred to in the Article 67 paragraph (3).
- (3) Chairman and Vice Chairman of Provincial Supervisory Council shall be elected from and by the members as referred to in the paragraph (2).
- (4) Term of office of chairman, vice chairman, and members of Provincial Supervisory Council shall be 3 (three) years and they can be reassigned.
- (5) Provincial Supervisory Council shall be assisted by a secretary or more appointed in a Meeting of Provincial Supervisory Council.

Article 73

- (1) Provincial Supervisory Council shall be authorized to:
 - a. hold meetings to investigate and make decision on a public report submitted through Provincial Supervisory Council;
 - b. summon the reported Notary Public for investigation as referred to in the point a;
 - c. give a leave permit for more than 6 (six) months to 1 (one) year;
 - d. investigate and judge the decision of District / Municipal Supervisory Council refusing a request for leave submitted by the reporting Notary Public;
 - e. impose sanctions in the form of oral or written warnings;

- f. recommend the imposition of sanctions against the Notary Public to the Central Supervisory Council in the form of:
 - 1) suspension for 3 (three) months to 6 (six) months; or
 - 2) dishonourably dismissal.
 - g. make a minutes for any decision of imposition of sanctions as referred to in the points e and f.
- (2) Decision of Provincial Supervisory Council as referred to in the paragraph (1) point e shall be final in nature.
 - (3) Each decision of imposition of sanction as referred to in the paragraph (1) points e and f shall be drawn up in a minutes.

Article 74

- (1) The investigation in the meeting of Provincial Supervisory Council as referred to in the Article 73 paragraph (1) point a shall be closed to the public.
- (2) Notary Public shall be entitled to advocacy in the meeting of Provincial Supervisory Council.

Article 75

The Provincial Supervisory Council shall be obligated to:

- a. submit the decisions as referred to in the Article 73 paragraph (1) points a, b, c, d, e, and f to the relevant Notary Public with carbon copy to the Central Supervisory Council, and Notary Public Organization; and
- b. submit an appeal from the Notary Public to the Central Supervisory Council against the imposition of sanction and refusal of leave.

Part Four

Central Supervisory Council

Article 76

- (1) Central Supervisory Council shall be formed and domiciled in the capital of the state.
- (2) Membership of Central Supervisory Council shall consist of the elements as referred to in the Article 67 paragraph (3).
- (3) Chairman and Vice Chairman of Central Supervisory Council shall be elected from and by the members as referred to in the paragraph (2).
- (4) Term of office of chairman, vice chairman, and members of Central Supervisory Council shall be 3 (three) years and they can be reassigned.
- (5) Central Supervisory Council shall be assisted by a secretary or more appointed in a meeting of Central Supervisory Council.

Article 77

Central Supervisory Council shall be authorized to:

- a. hold meetings to investigate and make decision at appeal instance against the imposition of sanction and refusal of leave;
- b. summon the reported Notary Public for investigation as referred to in the point a;
- c. impose a sanction in the form of suspension; and
- d. recommend the imposition of a sanction in the form of dishonourably dismissal to the Minister.

Article 78

- (1) The investigation in a meeting of Central Supervisory Council as referred to in the Article 77 point a shall be open to the public.
- (2) The Notary Public shall be entitled to advocacy in the meeting of Central Supervisory Council.

Article 79

Central Supervisory Council shall submit the decision as referred to in the Article 77 point a to the Minister and the relevant Notary Public with carbon copy to the relevant Provincial Supervisory Council and District / Municipal Supervisory Council as well as Notary Public Organization.

Article 80

- (1) During suspension, the Central Supervisory Council shall recommend a temporary official to the Minister.
- (2) The Minister shall appoint a Notary Public to receive the Notarial Protocols from the suspended Notary Public.

Article 81

Any further provisions on procedures for appointment and dismissal of members, organizational structure and work system, as well as procedure for investigation by the Supervisory Councils shall be contained in a Ministerial Regulation.

CHAPTER X

NOTARY PUBLIC ORGANIZATION

Article 82

- (1) Notary Publics shall associate in one Organization.
- (2) Provisions on purposes, tasks, authorities, work systems, and organizational structure shall be contained in Articles of Association and Bylaws.

Article 83

- (1) Notary Public Organization shall determine and maintain Code of Ethics of Notary Public.
- (2) A Notary Public Organization shall have a register of members and the copy thereof shall be submitted to the Minister and Supervisory Council.

CHAPTER XI

SANCTION

Article 84

Violation by a Notary Public of the provisions as referred to in the Article 16 paragraph (1) point l, Article 16 paragraph (1) point k, Article 41, Article 44, Article 48, Article 49, Article 50, Article 51, or Article 52 making a deed only have a power of evidencing as a deed privately made or making the same null and void can be a reason for a party suffering a loss to clam for expenses, compensation, and interest to the Notary Public.

Article 85

Violation of the provisions as referred to in the Article 7, Article 16 paragraph (1) point a, Article 16 paragraph (1) point b, Article 16 paragraph (1) point c, Article 16 paragraph (1) point d, Article 16 paragraph (1) point e, Article 16 paragraph (1) point f, Article 16 paragraph (1) point g, Article 16 paragraph (1) point h, Article 16 paragraph (1) point i, Article 16 paragraph (1) point j, Article 16 paragraph (1) point k, Article 17, Article 20, Article 27, Article 32, Article 37, Article 54, Article 58, Article 59, and/or Article 63, can be sanctioned in the form of:

- a. oral warning;
- b. written warning;
- c. suspension;
- d. honourably dismissal; or
- e. dishonourably dismissal.

CHAPTER XII

TRANSITIONAL PROVISION

Article 86

Upon effectiveness of this Law, the implemental regulation relating to the office of Notary Public shall remain effective as long as not contravening or replaced yet by virtue of this Law.

Article 87

Notary Publics already appointed upon effectiveness of this Law shall be declared as Notary Publics as contained herein.

Article 88

Upon effectiveness of this Law, a request for appointment of Notary Public already fulfilling the requirements shall remain processed by virtue of the existing laws and legislation.

Article 89

Upon effectiveness of this Law, the existing Code of Ethics of Notary Public shall remain effective until stipulation of the new Code of Ethics of Notary Public by virtue of this Law.

Article 90

Any graduate of Notarial Specialist education not yet appointed as a Notary Public upon effectiveness of this Law can remain appointed as a Notary Public pursuant to this Law.

CHAPTER XIII

CLOSING

Article 91

Upon effectiveness of this Law:

1. Reglement op het Notaris Ambt in Indonesie (Stlb 19860:3) as already

- amended recently in State Gazette Of 1945 Number 101;
2. Ordonantie 16 September 1931 on Honorarium for Notary Public;
 3. Law Number 33 Of 1954 on Notary Public Representative and Temporary Notary Public Representative (State Gazette Of 1954 Number 101, Supplement to State Gazette Number 700);
 4. Article 54 of Law Number 8 of 2004 on Amendment To Law Number 2 Of 1986 on General Judicature (State Gazette of the Republic of Indonesia Of 2004 Number 34, Supplement to State Gazette of the Republic of Indonesia Number 4379); and
 5. Government Regulation Number 11 Of 1949 on Oath of Office of Notary Public,
- shall be revoked and declared null and void.

Article 92

This law shall become effective as of date of stipulation.

For people cognizance, it is instructed to promulgate this Law by inserting the same in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta

on October 16, 2004

THE PRESIDENT OF THE REPUBLIC OF
INDONESIA

signed

MEGAWATI SOEKARNOPUTRI

Enacted in Jakarta

on October 6, 2004

STATE SECRETARY OF THE

REPUBLIC OF INDONESIA,

signed

BAMBANG KESOWO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

OF 2004 NUMBER 117

ELUCIDATION OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 30 OF 2004
ON OFFICE OF NOTARY PUBLIC

I. GENERAL

The 1945 Constitution of the State of the Republic of Indonesia explicitly stipulates that the state of the Republic of Indonesia is a constitutional state. The principles of constitutional state are to secure the legal certainty, order and protection based on the truth and justice.

Legal certainty, order, and protection require, among others, that legal traffic in the community requires evidences clearly determining the rights and obligations of an individual in the community.

Authentic deeds as the strongest and fullest written evidences have the significant role in any legal relationship in the community. In various business relationships, banking, agrarian, social activities and other activities, the need for written evidencing increase more and more in line with the growing demand for legal certainty in various economic and social relationships, in national, regional, or global level. Authentic deeds explicitly stipulate the rights and obligations, secure legal certainty, and simultaneously avoid any dispute. Despite the inevitability, in a dispute settlement process, an authentic deed being the strongest and fullest evidence rally contributes to the settlement of case less expensively and immediately.

As long as the drawing up of certain deeds, authentic deeds are not made

special for the other public officials. In addition to being required by the laws and legislation, the drawing up of an authentic deed is also required by the relevant party to ensure the rights and obligations of the parties for legal certainty, order, and protection to the relevant parties simultaneously to the community on the whole.

Authentic deeds basically contain the formal truth as informed by the parties to Notary Public. But, Notary Public must indicate that what is contained in a Notarial Deed is really understood and as wished by the parties, namely by reading out the same thereby clarifying the content of Notarial Deed and giving an access to information, including access to the relevant laws and legislation to the parties signing the deed. Therefore, the parties can freely determine to agree or disagree the content of Notarial Deed to sign.

Part of the applicable legislation of Office of Notary Public is the inheritance of the Netherlands East Indies and another one is the national legislation, namely:

1. Reglement Op Het Notaris Ambt in Indonesie (Stlb 19860:3) as already amended recently in State Gazette Of 1945 Number 101;
2. Ordonantie 16 September 1931 on Honorarium for Notary Public;
3. Law Number 33 Of 1954 on Assistant to Notary Public and Assistant to Temporary Notary Public (State Gazette Of 1954 Number 101, Supplement to State Gazette Number 700);
4. Law Number 8 of 2004 on Amendment To Law Number 2 Of 1986 on General Judicature (State Gazette of the Republic of Indonesia Of 2004 Number 34, Supplement to State Gazette of the Republic of

Indonesia Number 4379); and

5. Government Regulation Number 11 Of 1949 on Oath of Office of Notary Public.

The legislation fails to conform to the legal development and need of Indonesians. Therefore, it is necessary to renew and re-stipulate the same on the whole in one law on office of notary public thereby creating a legal unification applicable to all inhabitants throughout the state of the Republic of Indonesia. To realize the legal unification in notarial affairs, Law of Office of Notary Public shall be formed.

This Law stipulates in details genera office of Notary Public thereby expectedly making the authentic deeds drawn up by or before a Notary Public able to secure legal certainty, order, and protection. Considering Notarial Deeds as authentic deeds are the strongest and fullest written evidences, this Law also stipulates the form and nature of Notarial deed, Minutes of Deed, Tenor of Deed, and Copy of Deed, or Excerpt of Notarial Deed.

As the strongest and fullest written evidences, what is contained in a Notarial Deed shall be accepted, unless the relevant parties can prove otherwise before the court. Functions of Notary Public outside the drawing up of authentic deeds are comprehensively stipulated for the first time herein. In addition to involving the Agency assigned to and responsible for notarial affairs and Notary Public Organization, the supervision of office of Notary Public shall also involve the experts/academicians. This Law shall be intended to improve legal services and protection to the community.

II. BY ARTICLES

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Point a

Self-explanatory.

Point b

Self-explanatory.

Point c

Self-explanatory.

Point d

By “sound of body and sound of mind” we mean being able to bodily and spiritually perform the authorities and obligations as a Notary Public.

Point e

Self-explanatory.

Point f

By “own initiative” we mean that the prospective notary public can choose his/her office on his/her own by remaining receiving a recommendation from Notary Public Organization.

Point g

By “civil servants” and “state officials” we mean those as referred to in Law Number 43 Of 1999 on Amendment to Law Number 8 Of 1974 on Principles of Personnel Affairs.

By “advocate” we mean those as referred to in Law Number 18 Of 2003 on Advocates.

Article 4

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Self-explanatory.

Article 7

Point a

Self-explanatory.

Point b

Self-explanatory.

Point c

This provision shall be intended to know whether or not the relevant Notary Public has really implemented his/her tasks.

Article 8

Paragraph (1)

Point a

Self-explanatory.

Point b

Self-explanatory.

Point c

Self-explanatory.

Point d

Continuous incapability, both spiritually and bodily, in this provision shall be proven with expert medical certificate.

Point e

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 9

Paragraph (1)

Point a

Self-explanatory.

Point b

Self-explanatory.

Point c

By “committing disgraceful deed” we mean committing an action in contravention of religious, ethical, and traditional norms.

Point d

Self-explanatory.

Paragraph (2)

By “gradually” in this provision we mean starting from District /

Municipal Supervisory Council, Provincial Supervisory Council,
to Central Supervisory Council.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 10

Self-explanatory.

Article 11

Paragraph (1)

This provision shall be intended to avoid conflict of interest
because as a Notary Public, he/she has to be independent and
non-unilateral.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Article 12

Point a

Self-explanatory.

Point b

Self-explanatory.

Point c

By “action humiliating the honour and dignity” we mean for example gambling, being intoxicated, misusing drugs, and committing adultery.

Point d

By “severe violation” we mean failing to fulfil the obligations and violating the prohibitions in the office of Notary Public.

Article 14

Self-explanatory.

Article 15

Paragraph (1)

Self-explanatory.

Paragraph (2)

Point a

This provision shall be a legalization of private deed drawn up by an individual on his/her own or by the parties on their own on a duly stamped paper by registering the same in a book specifically appropriated by Notary Public.

Point b

Self-explanatory.

Point c

Self-explanatory.

Point d

Self-explanatory.

Point e

Self-explanatory.

Point f

Self-explanatory.

Point g

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 16

Paragraph (1)

Point a

Self-explanatory.

Point b

Obligations in this provision shall be intended to maintain the authentication of a deed by maintaining the same in the original form, therefore any falsification or misuse of tenor, copy, or excerpt thereof can be immediately known by verifying the same with the original one.

Point c

Tenor of Deed issued based on this provision shall be the first

Tenor, while the subsequent ones shall only be issued at the court's order.

Point d

By "any reason to refuse the same" we mean any reason making a Notary Public non-unilateral, such as blood or family relationship with the Notary Public or with his/her spouse, one of the parties has no capability to take any action or anything not allowed by the law.

Point e

Obligation to keep secret anything relating to deeds or other documents shall be to protect the interests of all parties related to the deeds.

Point f

Deeds and documents made by a notary public as authentic official documents shall be secured both the deeds themselves and the content thereof to prevent the misuse.

Point g

Self-explanatory.

Point h

Obligations contained in this provision shall be important to protect the interests of the beneficiaries where the correctness of a deed of testament already drawn up before a Notary Public that can be traced.

Point i

Self-explanatory.

Point j

Recording in the repertory shall be made on day of submission, it is important to prove that the obligations of Notary Public as referred to in the points f and g have been fulfilled.

Point k

Self-explanatory.

Point l

That Notary Public shall be physically present and sign the deed before the appearers and witnesses.

Point m

Acceptance of apprenticeship of the prospective Notary Public shall mean to prepare the prospective Notary Public to be a professional Notary Public.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Paragraph (9)

Self-explanatory.

Article 17

This prohibition shall be intended to secure the public interests requiring Notarial services.

Point a

The prohibitions in this provision shall be intended to give legal certainty to the public and simultaneously prevent the unfair competition between the Notary Publics in implementing their tasks.

Point b

Self-explanatory.

Point c

Vide the Explanation of Article 3 point g.

Point d

Vide the Explanation of Article 3 point g.

Point e

Vide the Explanation of Article 3 point g.

Point f

Self-explanatory.

Point g

Self-explanatory.

Point h

Prohibition from becoming a “Substitute Notary Public” shall apply to Notary Publics not yet implementing their office, those taking leave, and those in office area removal process.

Point i

Self-explanatory.

Article 18

Self-explanatory.

Article 19

Paragraph (1)

By only having one office we mean a Notary Public shall be prohibited from having branch, representative office, and/or any other forms.

Paragraph (2)

A Notarial Deed shall as much as possible be drawn up in Notary Public’s office except the drawing up of certain deeds.

Article 20

Paragraph (1)

By “civil association” in this provision we mean Notary Public joint office.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 21

Formation shall be the need for filling of office of Notary Public.

Article 22

Provision on Formation of Office of Notary Public shall apply to the first appointment or removal of office area of Notary Public.

Article 23

Paragraph (1)

Self-explanatory.

Paragraph (2)

By “certain district or municipality” in this provision we mean a district or municipality where a Notary Public implements his/her office tasks upon submission of request for removal of his/her office area.

Paragraph (3)

By “recommendation” in this provision we mean only concerning efficiency report on Notary Public performance.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 24

By “certain conditions” we mean among others due to natural disaster,

security, etcetera according to human consideration.

Article 25

Self-explanatory.

Article 26

Paragraph (1)

“Taking of annual leave” in this paragraph shall mean without prejudice to the rights of Notary Public to take leave for more than 1 (one) times in 1 (one) year.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 27

Self-explanatory.

Article 28

By “urgency” we mean if a Notary Public has no opportunity to submit a request for leave due to temporary indisposition.

Article 29

Paragraph (1)

Point a

Self-explanatory.

Point b

Self-explanatory.

Point c

Documents supporting Substitute Notary Public shall be:

1. copy of master of law certificate legalized by the relevant university;
2. copy of identity card ratified by Notary Public;
3. copy of birth certificate ratified by Notary Public;
4. copy of marriage certificate ratified by Notary Public, if already married;
5. certificate of good conduct from the local police;
6. certificate of sound body from the government doctor;
7. 4 recent colour photos, 3x4cm size; and
8. curriculum vitae.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Self-explanatory.

Article 35

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Based on this provision, “Notary Public Temporary Officials” shall be responsible for what they do in implementing their tasks and office.

Paragraph (5)

Self-explanatory.

Article 36

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Deeds with social function shall be, for example deed of incorporation of foundation, deed of incorporation of school, deed of wakaf land, deed of incorporation of house of worship, or deed of incorporation of hospital.

Article 37

Self-explanatory.

Article 38

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Point a

Self-explanatory.

Point b

By "position to act as the appearers" we mean legal basis to act.

Point c

Self-explanatory.

Point d

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Self-explanatory.

Article 41

Self-explanatory.

Article 42

Paragraph (1)

Self-explanatory.

Paragraph (2)

By “lined” in this provision we mean to indicate that the empty space or gap in a deed is not used anymore.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 43

Paragraph (1)

Indonesia Language as referred to in this deed shall be Indonesia language adhering to the standard principle of Indonesia language.

Paragraph (2)

Self-explanatory.

Paragraph (3)

By “authorized translator” we mean a sworn translator.

Paragraph (4)

By the relevant parties” we mean the appearers or those represented by the appearers.

Paragraph (5)

Article 44

Self-explanatory.

Article 45

Self-explanatory.

Article 46

Self-explanatory.

Article 47

Self-explanatory.

Article 48

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Self-explanatory.

Article 51

Self-explanatory.

Article 52

Self-explanatory.

Article 53

Self-explanatory.

Article 54

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Self-explanatory.

Article 57

Self-explanatory.

Article 58

Self-explanatory.

Article 59

Self-explanatory.

Article 60

Self-explanatory.

Article 49

Paragraph (1)

By “15 (fifteen) working days” we mean from the 1st day to the 15th day.

Paragraph (2)

Self-explanatory.

Article 62

Notarial Protocols shall consist of:

- a. minutes of Deed;
- b. register of deeds or repertory;
- c. register of privately made deeds of which the signing is made before a Notary Public or privately made deeds so registered;
- d. register of names of the appearers or clapper;
- e. register of protests;
- f. register of testament; and
- g. other registers to keep by the Notary Public by virtue of the laws and legislation.

Article 63

Self-explanatory.

Article 64

Self-explanatory.

Article 65

Self-explanatory.

Article 66

Self-explanatory.

Article 67

Paragraph (1)

By “supervision” in this provision shall include the development of Notary Public by the Minister.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Point a

The government elements shall be stipulated by the Minister.

Point b

Self-explanatory.

Point c

By “experts/academicians” in this provision shall be legal experts/academicians.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Article 68

Self-explanatory.

Article 69

Self-explanatory.

Article 70

Point a

Self-explanatory.

Point b

Self-explanatory.

Point c

Self-explanatory.

Point d

Self-explanatory.

Point e

Self-explanatory.

Point f

Self-explanatory.

Point g

By “report from the public” shall include reports from the other
Notary Publics.

Point h

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

Article 73

Paragraph (1)

Self-explanatory.

Paragraph (2)

By “final in nature” we mean binding and can not be appealed to
the Central Supervisory Council.

Paragraph (3)

Self-explanatory.

Article 74

Self-explanatory.

Article 75

Self-explanatory.

Article 76

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Self-explanatory.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Self-explanatory.

Article 84

Sanctions imposed on Notary Publics shall also apply to Substitute Notary Publics, Special Substitute Notary Publics, and Notary Public

Temporary Officials.

Article 85

Self-explanatory.

Article 86

Self-explanatory.

Article 87

Self-explanatory.

Article 88

Self-explanatory.

Article 89

Self-explanatory.

Article 90

Self-explanatory.

Article 91

Self-explanatory.

Article 92

Self-explanatory.

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