

Legal Vacuums in the Submission of Notary Protocols**Erry Ariani, Azis Budianto**

Universitas Borobudur, Indonesia

Email: erry_drb287@yahoo.com, azis_budianto@borobudur.ac.id

Abstract

This research examines the legal protection of advocates' immunity rights in Indonesia's law enforcement system. Advocates' immunity guarantees legal protection, enabling them to perform their duties independently and without interference. This assurance is vital for providing effective legal defense for clients while minimizing concerns about legal repercussions that could obstruct the defense process. Despite its significance, the implementation of advocates' immunity rights in Indonesia faces several challenges. These include potential misuse of immunity and limited understanding among law enforcement regarding its legal boundaries. The article evaluates relevant laws and regulations governing advocates' immunity rights and highlights practical issues encountered in their enforcement. The research employs a normative legal method supported by case analysis to explore the implementation and effectiveness of these legal protections. The study analyzes statutory provisions, legal precedents, and real-world cases to determine how advocates' immunity is applied in practice. The findings reveal inconsistencies in the interpretation and enforcement of advocates' immunity rights, contributing to ongoing legal uncertainties. Based on the analysis, the study concludes that strengthening legal protection for advocates requires legislative refinement and improved enforcement mechanisms. It recommends clearer legal definitions, enhanced training for law enforcement officials, and public education to raise awareness about advocates' roles and rights. These measures aim to balance the protection of advocates' immunity with accountability, ensuring that legal professionals can perform their duties without unwarranted legal risks.

Keywords: Immunity Rights, Advocate, Legal Protection, Law Enforcement**INTRODUCTION**

According to Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is a state of law. A distinctive feature of a law-based state is that every action or deed, whether performed by individuals, groups, the populace, or the government, must be based on legal provisions and regulations established before the action was taken or which are applicable at that time. The principles of a state of law guarantee certainty, order, and legal protection based on truth and justice. This legal certainty, order, and protection require clear evidence that defines the rights and obligations of each individual as legal subjects in society (Horodovenko et al., 2022). The function and role of law are essential in achieving legal objectives, where law regulates social life as well as various professions in social life. One of the professions regulated

by law is the notary profession. A notary is often referred to as a noble officer, considering that this profession is closely linked to human relationships. [2] The notary profession has obligations that must be adhered to in accordance with the Notary Position Law (UUJN) and other regulations relating to the creation of deeds, including the Code of Ethics for Notaries formulated by the Indonesian Notary Association (INI). A notary who carries out their duties in accordance with the UUJN and applicable ethical codes can maintain public trust because the deeds created before or by that notary have been executed in accordance with established regulations in the UUJN and applicable ethical codes. Thus, if issues arise in the future, the notary's deed can serve as a guideline for the interested parties involved with the deed (Saputra & Rustan, 2023).

Notaries perform their duties and authority based on the Law of the Republic of Indonesia Number 2 of 2014 concerning amendments to Law Number 30 of 2004 concerning Notary Positions (hereinafter referred to as the Notary Position Law). This law regulates various aspects related to notarial practice in Indonesia, including provisions regarding the submission of notarial protocols after the notary's death. One of the relevant provisions in the UUJN is Article 35 paragraph (1), which stipulates that "If a Notary dies, the spouse or family in direct blood relation up to the second degree must notify the Regional Supervisory Council." This provision is of great importance to maintain the integrity and sustainability of notarial practices and to protect the documents contained in the notary protocol. The submission of notary protocols to the Regional Supervisory Council (MPD) after the notary's death is an important step to ensure the security and accessibility of those documents (Rizkiana, 2022). Article 15 paragraph (1) of the UU Jabatan Notaris (UUJN) emphasizes that notaries have the authority to create authentic deeds related to all actions, agreements, and arrangements requested by laws and/or desired by the parties involved to be stated in the form of authentic deeds. Additionally, notaries are also authorized to guarantee the certainty of the date of deed creation, to store deeds, and to provide copies, excerpts, and duplicates of deeds, as long as those authorities are not conferred or excluded to other officials or individuals designated by law.

These authentic deeds serve three functions for the parties involved: First, as evidence for the parties that what is written in the agreement represents their intent and will. Second, as official proof for the parties regarding the content of the agreement reflecting their purpose and consensus; and third, as proof to third parties that on a certain date, unless stated otherwise, the parties made an agreement whose content aligns with their intent. Furthermore, Article 1 paragraph (13) of the UUJN states that Notary Protocols are state archives. Therefore, Notary Protocols must be treated like state documents that must be preserved to maintain their authenticity. Thus, Notary Protocols as a collection of documents must always be stored and protected in all situations, both when a notary is on leave and after the notary's death.

The notary protocol is part of the notary's administrative office, which plays a very important role in supporting notaries in performing their duties correctly and properly (Bondarieva, 2019). Notary Protocols consist of a collection of documents that are state

archives, which must be stored, maintained, and managed in accordance with applicable legal regulations (Iriantoro & Hardiansyah, 2024). Based on Article 62 of the Notary Position Law (UUJN), if a notary dies, their term of office ends, resigns, is unable to continuously carry out their duties due to physical or mental conditions for more than 3 (three) years, is appointed to a state position, relocates, is temporarily suspended, or is dismissed dishonorably, the notary protocols must be submitted to another notary. Even though the notary has passed away, the deeds that have been made still possess legal power and a legal age that exceeds the biological age of the notary (Latorre, 2024).

Article 35 paragraph (1) of the Notary Position Law (UUJN) is a relevant provision regarding the submission of notary protocols after the death of a notary. However, this provision has several weaknesses in its application. One of the main issues is the lack of clarity in the provision. Article 35 paragraph (1) of the UUJN states that "If a Notary dies, the spouse or family in direct blood relation up to the second degree must notify the Regional Supervisory Council." This provision requires the heirs of the notary to report the notary's death to the Regional Supervisory Council (MPD). However, the rule does not explain in detail the procedures or actions that the heirs must take after that notification, particularly concerning the submission of the notary protocols (Febyanti et al., 2023a).

This legal vacuum could lead to various practical problems, such as the absence of provisions explaining what should be done if the heirs fail to submit the notary protocols to the MPD after reporting the notary's death (Munnofa & Hadisuryo, 2024a). This ambiguity potentially leads to undesirable legal risks, such as damage, loss, or abuse of the documents within the notary protocols. Normatively, there is a legal vacuum in the Notary Position Law concerning the actions to be taken if the heirs do not submit the notary protocols. Article 35 paragraph (1) of the UUJN does not provide adequate explanations regarding the procedure for submission of protocols by the heirs, thus it may create legal and administrative issues in its practice. This problem becomes more complicated if the heirs do not fully understand their obligations concerning the submission of notary protocols. Although the heirs are not notaries, Article 35 paragraph (1) of the UUJN implicitly shifts the responsibility of submitting the notary protocols to the heirs after the notary's death, which can lead to challenges in its implementation. Therefore, this study will explore how the legal vacuum in the procedure for submitting notary protocols may affect the responsibilities and rights of the heirs, as well as the challenges faced by the heirs in submitting the notary protocols after the notary's death.

Previous research on the implementation of the Notary Position Law (UUJN) has explored the duties and responsibilities of notaries, focusing on the legal protection of deeds created by notaries and the management of notary protocols. However, there has been limited research on the specific procedures for submitting notary protocols after a notary's death, particularly in the context of the obligations imposed on the notary's heirs.

This research addresses a critical gap by examining the procedural ambiguities in Article 35 paragraph (1) of the Notary Position Law (UUJN) concerning the submission of notary protocols after a notary's death. It highlights the lack of detailed guidelines and

the resulting legal uncertainties faced by the heirs of a deceased notary. This analysis aims to propose practical legal reforms and procedural improvements.

RESEARCH METHOD

This study employs a normative legal research method, utilizing a statutory, case, and conceptual approach. The statutory approach involves examining legal rules, principles, and doctrines related to the submission of notary protocols, aiming to address the legal vacuum in the procedure and its impact on the responsibilities and rights of heirs. The case approach analyzes relevant legal cases, serving as a practical guide to understanding challenges heirs encounter when submitting notary protocols after a notary's death. The conceptual approach draws from established legal doctrines and scholarly opinions to build a theoretical framework supporting the study's legal analysis.

Data analysis in this research is conducted through qualitative legal analysis, involving a systematic examination of primary and secondary legal sources. The study interprets legal provisions, judicial decisions, and scholarly opinions to uncover gaps and inconsistencies within the legal framework. Conclusions are drawn by synthesizing findings from these approaches, offering recommendations to improve the regulatory mechanism governing the submission of notary protocols. Ultimately, this study seeks to fill the identified legal vacuum and propose solutions that ensure the protection of heirs' rights while maintaining legal certainty in the notary protocol submission process.

RESULTS AND DISCUSSION

Legal Vacuums in the Procedure for Submitting Notary Protocols

Notary Protocols are recognized as archives according to Article 1 of Law Number 43 of 2009 concerning Archiving, which elaborates on several definitions related to archives as follows: [9]

1. Archive is a record of activities or events in various forms and media in accordance with the development of information and communication technology, created and received by state institutions, regional governments, educational institutions, companies, political organizations, community organizations, and individuals in carrying out social, national, and state life.
2. Dynamic archive is an archive that is used directly in the activities of the archive creator and is stored for a certain period.
3. Vital archive is an archive that is very important for the operational continuity of the archive creator, cannot be renewed, and is irreplaceable if damaged or lost.
4. Active archive is an archive that has high frequency of use or is used continuously.
5. Inactive archive is an archive that has reduced frequency of use.
6. Static archive is an archive produced by the archive creator due to its historical value, has passed its retention period, and has been designated for permanent retention after being verified by the National Archives of the Republic of Indonesia or other archival institutions.

7. Protected archive is a state archive related to the existence and survival of the nation and state, whose integrity, security, and safety must be preserved.
8. General archive is an archive that does not fall into the category of protected archives.

Notary Protocols are collections of documents that constitute state archives and must be maintained and preserved under any circumstances, including when the respective Notary has retired or passed away, in accordance with applicable laws and regulations. Referring to Article 65 of the Notary Position Law (UUJN), Notaries have full obligations and responsibilities for all the protocols they possess. This responsibility does not only apply during their tenure as a Notary but also persists for their lifetime, even after their term has ended (Vigil et al., 2015). This lifetime responsibility has significant consequences for the Notary and their heirs. When a Notary passes away, the heirs not only inherit physical assets but also the responsibilities and obligations related to the management of the protocols. This means that the heirs must continue the Notary's essential role in safeguarding, storing, and transferring the protocols to another Notary appointed by the Regional Supervisory Council (MPD). This process must be carried out carefully to ensure that the interests of third parties who rely on these documents are not overlooked.

As part of compliance with regulations, it is crucial for the heirs to understand the appropriate procedures for submitting notary protocols (Febyanti et al., 2023b). Misunderstanding or mistakes in fulfilling this responsibility can lead to legal disputes or losses for the interested parties. Therefore, education and a deep understanding of the legal provisions concerning notary protocols are necessary for the heirs. Through this understanding, they can effectively perform their duties and ensure that notary protocols remain a reliable legal resource in the future. Upon the death of a notary, the legal responsibility of the heirs, as stipulated in Article 35 paragraph (1) of the Notary Position Law (UUJN), requires the heirs to notify the Regional Supervisory Council (MPD) of the notary's death. With this obligation, heirs implicitly take over the responsibilities of the deceased notary. This indicates that the heirs not only receive the assets included in the inheritance but also bear the responsibilities and obligations related to the notarial profession previously held by the deceased. One of the primary responsibilities of the heirs is the submission of the notary protocols and the documents produced by the notary.

The legal responsibilities of the notary's heirs are governed by Article 35 paragraph (1) of the Notary Position Law (UUJN), which requires the heirs to report the notary's death to the Regional Supervisory Council (MPD). This obligation is not only administrative but also reflects the transition of responsibility from the deceased notary to their heirs. By reporting the notary's death, the heirs formally assume the position and responsibilities previously held by the notary. This shows that the heirs act as substitutes for the notary in fulfilling obligations relating to the storage and management of notary protocols.

It is important to note that the responsibilities borne by the heirs are not limited to the physical assets of the inheritance but also encompass the moral and professional obligations associated with the notary's position (Glover, 2017). The heirs inherit not only

physical assets but also the obligation to maintain and preserve the integrity of the documents once produced by the deceased notary. In this context, submitting the notary protocols becomes one of the primary responsibilities. These protocols contain documents that record various legal actions performed by the notary, and it is essential for the heirs to ensure that these documents are submitted to the newly appointed notary by the MPD. The process of submitting notary protocols and related documents requires a deep understanding of the applicable legal procedures. The heirs need to ensure that the submission is conducted correctly and in accordance with established regulations to prevent legal issues from arising later. Misunderstanding of this procedure could lead to disputes among interested parties, especially if there are parties relying on the documents for their legal interests (Resnik, 2014). Therefore, heirs should effectively communicate with the MPD and the receiving notary to ensure the smooth submission process.

The heirs' responsibility for submitting notary protocols is not merely a formality but also a crucial step in preserving the continuity of notarial practice and protecting the rights of involved third parties (Garcia-Teruel, 2020). Heirs must recognize that they play a key role in ensuring that documents containing legal information retain their authenticity and security. By fulfilling this responsibility, heirs can contribute to a better legal system and provide legal certainty to all interested parties. The heirs' responsibilities regarding the submission of notary protocols are further governed by Article 63 paragraph (2) of the UUJN. This provision mandates that the notary's heirs must submit the Notary Protocol to another notary appointed by the MPD when the notary has passed away. Thus, heirs hold a strategic role in ensuring the continuity of notarial practice, maintaining accessibility, and safeguarding the documents contained within the Notary Protocol. This responsibility is vital for ensuring the continuity of legal activities and protecting the interests of the parties concerned.

Legal uncertainty arises when there are no clear rules or guidelines governing a matter, in this case, the submission procedure of the notary protocols by heirs after the notary's death (Febyanti et al., 2023c). This legal vacuum creates ambiguity regarding the steps the heirs must take to fulfill their obligations under the Notary Position Law (UUJN). This lack of clarity leads to confusion for the heirs, who may not possess adequate legal knowledge about the correct way to submit the notary protocols to the Regional Supervisory Council (MPD) or the appropriate authorities. This situation can obstruct their ability to fulfill their responsibilities and potentially prolong the important document submission process, which can impact the integrity and continuity of the protocols.

Without detailed and clear procedures outlined in the regulations, the risk of legal disputes increases. Heirs, who generally lack familiarity with the intricacies of the legal world, might become entangled in complicated situations if errors occur during the document submission. For instance, if the notary protocols are not submitted according to the regulations, third parties with interests in those documents may feel aggrieved and potentially sue the heirs. Such legal disputes would not only involve the heirs but could also create an additional burden for the courts and delay the resolution process regarding

the notary protocols. This risk is heightened if there are no clear penalties for failure to submit the protocols or if legal regulations regarding the actions to be taken by the MPD in such situations are lacking.

The transfer of professional responsibilities from the deceased notary to the heirs is a legal consequence outlined in Law Number 2 of 2014 concerning the Notary Position (UUJN). In this law, heirs do not only inherit the deceased notary's assets but also their professional responsibilities and obligations. However, the existing legal vacuum may result in the heirs not fully understanding the responsibilities they must undertake. For example, maintaining the authenticity and security of important documents within the notary's protocols becomes the responsibility of the heirs. Furthermore, they must also ensure that these documents remain accessible to interested parties, such as those involved in agreements made by the former notary. The lack of clarity in regulations concerning the submission procedures of notary protocols after the notary's death presents significant risks, including the potential for document misuse (Munnofa & Hadisuryo, 2024b). Without clear and firm procedures, there is a likelihood that protocol documents containing important deeds could be misused, altered, or even lost. The misuse or loss of these documents not only harms the heirs but can also negatively impact third parties who have entrusted deeds or documents created by that notary. For instance, if legal disputes arise later regarding deeds created and the documents have been lost or altered, the interested parties will struggle to prove their rights.

The heirs' responsibility in ensuring the continuity of notarial practice is crucial, especially concerning the submission of the Notary Protocol to the successor notary appointed by the Regional Supervisory Council (MPD). Notary Protocols include various legal documents and written evidence that are integral to the duties and responsibilities of notaries. By submitting these protocols to the new notary, heirs ensure that legal activities related to these documents can continue without hindrance and that the interests of the involved parties remain protected. In addition to maintaining continuity in practice, heirs also have the responsibility to ensure the accessibility of the documents contained in the Notary Protocol. These protocols consist of important state archives, and by submitting them to the new notary, heirs guarantee that these documents can be accessed by parties with interests, such as rights holders, parties involved in legal agreements, or government agencies that require access to these documents.

Heirs also have the responsibility to maintain the security of the documents within the Notary Protocol. These documents often contain sensitive and confidential information, including personal data, business agreements, or other important documents. Heirs are obligated to protect these documents from unauthorized access or misuse, and the submission of the Protocol to the new notary is a crucial step in ensuring the security and protection of these documents. In fulfilling this responsibility, the heirs' role aligns with the duties of the MPD, which oversees and regulates notarial practice in its jurisdiction. The MPD has the authority to appoint a successor notary after the previous notary has passed away, and the heirs serve as intermediaries in the submission of the Notary Protocol. This task is important to ensure the continuity of notarial practice as

well as to protect the security and accessibility of the documents within the Protocol (Poliakov, 2024).

Heirs must also execute the process of submitting the Notary Protocol diligently and in accordance with the applicable legal provisions. This responsibility includes the physical transfer of the documents from the Notary Protocol to the new notary and providing relevant information regarding the Protocol to the successor notary. To perform this task effectively, the heirs need to collaborate with the MPD and the appointed notary, establish effective communication, and adhere to the prescribed procedures to ensure that the submission process proceeds smoothly and legally. The submission process of Notary Protocols from a deceased notary is a legal action aimed at transferring ownership and responsibilities associated with those protocols to the successor notary. Once the notary protocols are submitted to the receiving notary, that notary holds full responsibility for maintaining, storing, and exercising authority over the protocols in accordance with applicable laws (Kurniawan et al., 2020).

In principle, whenever a notary passes away, all the archives or protocols they possess must be transferred to another appointed notary as the recipient of the protocol, executed by the heirs of the respective notary. According to Article 35 of the Notary Position Law (UUJN), if a notary dies, the heirs, including the spouse or family in a direct blood relation up to the second degree, are required to report the death to the Regional Supervisory Council (MPD) in the area where the deceased notary worked. This notification must be made no later than seven working days after the notary's death. If the deceased notary was on leave, then the notary's duties will be continued by a substitute notary as an interim official for a maximum of 30 days from the date of death (Sudjono et al., 2024). After this period, the interim official is obliged to submit the protocols from the deceased notary to the MPD within 60 days from the date of the death of the notary. This submission aims to ensure the continuity and security of the managed protocols, in accordance with the provisions prescribed in the UUJN.

When a notary dies, the heirs should submit a request for a recipient notary protocol to the Regional Supervisory Council, including notifying the council manually or electronically about the death of the notary within a maximum period of seven days from the date of death. This provision is regulated in Article 35 paragraph (2) of the Notary Position Law (UUJN). Additionally, Article 56 paragraph (1) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 19 of 2019 regarding the Requirements and Procedures for the Appointment, Transfer, Dismissal, and Extension of Notary Terms of Office (hereinafter referred to as Permenkumham 19 of 2019) clarifies that in the event of a notary's death, the heirs are obligated to notify the Regional Supervisory Council manually or electronically within a maximum period of thirty days.

If the deceased notary has no heirs, the notification must be carried out by the notary's employees, also within a maximum period of thirty days, as stipulated in Article 56 paragraph (2) of Permenkumham 19 of 2019. After receiving a report from the heirs or notary's employees, the Regional Supervisory Council will promptly hold an internal

meeting attended by several notaries serving as members of the Council to discuss the handover of the notary's protocols. Subsequently, after the internal meeting, a general meeting will be convened to discuss the handover of the notary's protocols. In this meeting, the Regional Supervisory Council will first offer other notaries who are willing to receive the protocols from the deceased notary. If no notary is interested, the Regional Supervisory Council will appoint another notary to receive the protocols. After designating the recipient notary, a minutes of the handover of the notary protocols will be drawn up, signed by the transferring and receiving parties. The process of submitting the protocols of the deceased notary is carried out by the notary's heirs (Munnofa & Hadisuryo, 2024c).

Furthermore, the legal protection for the holder of the notary protocols is based on Article 65 of the Notary Position Law (UUJN), which states that Notaries are obliged to account for the deeds they create in the event of legal defects that cause those deeds to be void by law. Although the deeds are prepared at the request of the involved parties, Notaries still have the responsibility to ensure that what is requested by those parties complies with applicable legal provisions. Notaries must be able to explain the consequences of creating such deeds if the interested parties wish to proceed with their requests, despite potential legal issues. Legal certainty and justice in society arise from the existence of legal certainty itself. Therefore, in creating deeds, Notaries must provide certainty and legal protection to prevent the deeds from causing disputes in the future, especially if the deeds do not offer legal certainty to the involved parties. In situations where the Notary who created the deed is still alive, they hold full responsibility for the deeds they create in accordance with Article 65 of the Notary Position Law (Siranggi et al., 2019).

However, if the Notary who created the deed has passed away, and the deed has been submitted to the accepting notary, the provisions in the amended UUJN do not provide detailed clarification regarding the accepting notary's responsibilities for deeds that are void by law or contain legal defects. One of the responsibilities of the accepting notary is to summon and examine as a witness, which must be done after obtaining permission from the professional organization, in this case, approval from the Notary Honorary Board (Trismala & Rahayu, 2022). With the approval of the Notary Honorary Board, legal certainty for the public can be created, and the trust of the public in the Notaries will be strengthened. Legal protection for Notaries regarding the deeds in their custody relates to the accountability of the accepting Notary, which is not of a civil nature. However, if there is a summons for the accepting Notary by an investigator, public prosecutor, or judge, such actions must still be carried out with approval from the Notary Honorary Board. Meanwhile, preventive protection for problematic deeds has not been clearly regulated, and for repressive legal protection, the holder of the protocols must obtain approval from the Notary Honorary Board before engaging with judicial processes. This protection is limited to approval from the Honorary Board and does not provide detailed regulations regarding deeds created by Notaries that contain legal defects,

leading to those deeds being void by law, especially if the Notary who created the deeds has passed away.

Challenges and Efforts in Submitting Notary Protocols After the Notary's Death

Lack of Legal Knowledge is one of the main challenges faced by heirs in submitting notary protocols after the notary's death. In many cases, heirs do not have a sufficient background or understanding of the laws governing the notary profession and the protocol submission process. This can become a serious issue, especially since the submission of notary protocols involves important documents that contain legal rights and obligations for the parties involved (Febyanti et al., 2023d). This deficiency in legal knowledge can lead to errors in following the procedures set by law. For instance, heirs may not realize that they must notify the Regional Supervisory Council (MPD) within a certain timeframe after the notary's death. If they miss this deadline, it can result in detrimental legal consequences, such as sanctions or even the loss of rights over the documents contained in the notary's protocols.

Moreover, the lack of understanding concerning the responsibilities inherent in the submission of notary protocols can also result in legal uncertainty. Heirs may not know what steps to take after notifying about the notary's death, including the submission process involving the accepting notary. This ambiguity can lead to non-compliance with legal provisions and potentially create disputes with third parties who rely on the documents within the protocols (Hashmi et al., 2018). Furthermore, heirs who do not understand the applicable legal provisions may also be exposed to the risk of document misuse. For instance, they might not recognize the importance of maintaining the confidentiality and security of the documents within the notary's protocols. If such documents fall into the wrong hands, it could harm interested third parties and potentially lead to more complex legal issues.

Unclear procedures for submitting notary protocols after the notary's death present a significant challenge for heirs. This lack of clarity is often caused by insufficiently detailed legal provisions, creating confusion among heirs regarding the steps that must be taken. For example, existing regulations may not clearly explain how to report the notary's death to the MPD or the specific steps needed to submit the notary protocols to the accepting notary. This procedural ambiguity can lead to practical problems, particularly regarding deadlines. Heirs may not be aware that they are obligated to notify the MPD within a certain timeframe after the notary's death. If this deadline is missed, they may face unwanted legal consequences, including potential sanctions or complications in the ownership of the documents. Additionally, without clear guidelines, there may be misunderstandings regarding which documents should be included in the submission process, further adding to the difficulties faced by the heirs.

Moreover, a lack of clarity in procedures can also lead to conflicts among the heirs themselves. For instance, if more than one heir is involved, they may have differing interpretations of how the submission process should be conducted, which can result in disputes among them. Without clear guidelines, they may struggle to reach an agreement on the necessary steps to take, which in turn could delay the submission process and

disrupt the continuity of notarial practice. The interests of third parties in the context of notary protocol submission after the death of a notary is a crucial aspect that heirs must consider. Notary protocols not only store documents related to legal activities but also include deeds and agreements involving third parties. These parties may be individuals or entities with a direct interest in transactions previously handled by the notary. Therefore, heirs have the responsibility to ensure that the rights and interests of these third parties are protected during the process of submitting notary protocols to the newly appointed notary.

One challenge faced by the heirs is the potential emergence of disputes from third parties. For instance, if there is dissatisfaction or disagreement regarding the documents in the protocols, third parties may file claims or legal actions against the heirs or the accepting notary. The ambiguity regarding who is responsible for managing these documents can complicate the situation and create tension. In such situations, heirs need to have a good understanding of the contents of the protocols and the relevant documents to provide accurate information to third parties and prevent larger potential disputes. Administrative complexity in the process of submitting notary protocols after the death of a notary poses a significant challenge for heirs. This process involves not only the physical transfer of documents but also compliance with various strict and detailed administrative procedures. Heirs must communicate with multiple parties, including the Regional Supervisory Council (MPD) and the accepting notary, which can create additional confusion and workload amid the already emotional situation of loss.

One aspect of this administrative complexity is the deadlines that heirs must meet to report the notary's death and submit the protocols. Article 35 paragraph (1) of the Notary Position Law (UUJN) requires heirs to notify the MPD within seven working days after the notary passes away. Additionally, the submission process itself must be conducted in accordance with established regulations, such as the creation of a handover minutes signed by all relevant parties. If heirs are unfamiliar with these procedures, they may face the risk of delays or errors in reporting, potentially leading to sanctions or legal issues. The involvement of a Substitute Notary in the submission process of the protocols of a deceased notary arises as a solution when the notary does not have heirs or when the heirs are unable to fulfill this responsibility. The appointment of a substitute notary is essential to ensure the continuity of managing protocols and important documents stored within the notarial archives. However, the presence of a substitute notary can also add a layer of complexity to the submission process.

First, the appointment of a substitute notary requires administrative procedures that must be followed according to applicable regulations. According to legal regulations, the Regional Supervisory Council (MPD) is responsible for appointing a substitute notary in such situations. This process involves internal meetings and general meetings to determine who will fill the position. Heirs, or in the absence of heirs, the parties managing the documents may have to wait for this appointment before proceeding with the submission process. This can lead to delays in submitting the protocols and create uncertainty about who will be responsible for the documents. Second, the involvement of

a substitute notary also creates challenges in terms of communication and coordination. The substitute notary must understand the context and content of the protocols of the deceased notary, and they need to establish effective communication with the MPD and other related parties. Heirs or responsible parties may not have sufficient information to provide a thorough explanation regarding the existing documents, so the substitute notary must actively seek the information required to carry out their duties. This can be an additional burden, particularly if the existing documents are numerous and complex.

Compliance with Changing Regulations is a significant challenge for heirs in submitting notary protocols after the notary's death. Legal regulations governing notarial positions and protocol management may change, affecting the procedures and responsibilities that heirs must fulfill. Therefore, it is essential for them to continuously update their knowledge about the applicable provisions to perform their duties correctly.

First, legal uncertainty due to regulatory changes can cause confusion for heirs. For example, if there are changes in the provisions regarding reporting deadlines or the procedure for submitting protocols, heirs must quickly understand and implement these changes. However, in many cases, heirs may not have adequate access to current information or may be unaware that regulations have changed. This may result in them taking steps that do not conform to the applicable provisions, potentially leading to legal problems in the future. Second, compliance with changing regulations requires more effort and attention from the heirs. They must actively seek information regarding the latest developments in the law, either through official sources such as government websites or by consulting competent legal practitioners. This process not only requires time but also a good understanding of the law, which may not be possessed by all heirs. This lack of understanding can hinder their ability to fulfill legal obligations and contribute to potential violations that may harm them personally and the other parties involved. Overall, compliance with changing regulations is a critical challenge that heirs should not underestimate. In order to maintain the continuity of notarial practice and ensure the protection of the rights of interested parties, it is important for heirs to be proactive in monitoring and understanding the latest developments in applicable regulations. By taking this step, they will not only be able to fulfill their obligations effectively but also reduce the risks of disputes and legal issues that may arise in the future.

Efforts in submitting notary protocols after the notary's death is a complex process and requires attention and specific steps to ensure it is carried out properly. First, heirs must identify all the protocols and documents managed by the deceased notary. The notary protocols contain official records concerning legal actions taken by the notary and are an essential part of the estate. Therefore, this initial step involves gathering information regarding the storage location of the protocols and the filing methods used by the notary. If there is no clear filing system, heirs may need to involve third parties familiar with the operational procedures of that notary. After the documents have been collected, the next effort is to ensure that the protocols are recognized and valid according to applicable legal provisions. Heirs need to verify the legality of the documents and

ensure that all transactions recorded in the protocols are accessible and executable. If there are doubts or disputes regarding the validity of the documents, heirs may need to undergo legal processes to obtain validation from the court or relevant authorities. This may involve involving a lawyer or another notary to help navigate the legal process and ensure that all necessary steps are taken.

Heirs should consider the transfer of responsibilities and obligations associated with the position of the deceased notary. In many cases, notaries have professional responsibilities to protect the clients' interests and securely maintain documents. Therefore, heirs need to determine whether there is a need to appoint another notary who can take over these responsibilities. This process may involve communication with affected clients and lawyers to ensure that all parties understand the changes in the management of documents and the responsibilities involved. Finally, to ensure that the submission process of the notary protocols goes smoothly, it is important for heirs to communicate effectively with all relevant parties. This includes clients, legal institutions, and any parties that may be involved in the management or submission of the protocols. This collaborative effort not only helps expedite the process but also creates clarity regarding the rights and obligations of all parties involved. With the right steps, it is hoped that the submission process of notary protocols after the notary's death can be carried out fairly and in accordance with applicable legal provisions.

CONCLUSION

The conclusion of the analysis regarding the responsibilities of the heirs of a notary and the submission of notary protocols is the legal recognition of notary protocols. Notary Protocols are recognized as important state archives that must be maintained. The responsibility for these protocols not only applies during the tenure of the notary but also continues for a lifetime, including for the heirs after the notary's death. Heirs have a significant responsibility to report the notary's death to the Regional Supervisory Council (MPD) and to submit the notary protocols to the appointed notary. This process is essential to ensure the continuity of notarial practices and protect the interests of third parties who rely on those documents.

The legal vacuum and lack of clear guidelines regarding the procedures for submitting notary protocols can lead to legal risks. Heirs who do not possess adequate understanding of these procedures may potentially become entangled in legal disputes, which can negatively impact the integrity of the documents and the rights of third parties. The responsibilities of heirs not only encompass the physical submission of documents but also ensuring the security, authenticity, and accessibility of the documents within the protocols. This is crucial to prevent document misuse and protect sensitive data. The receiving notary must be responsible for the deeds in their custody. However, there are no clear provisions regarding the responsibilities of this notary for deeds that contain legal defects after the notary who created the deed has passed away.

Furthermore, the challenges faced by heirs often arise from a lack of adequate understanding of the laws governing the notary profession, which may lead to errors in

following the established procedures. This can potentially result in detrimental legal consequences, including sanctions and the loss of rights to important documents. The process of submitting protocols involves many administrative steps that must be adhered to, including deadlines for reporting to the Regional Supervisory Council (MPD). Delays or mistakes in reporting can exacerbate the situation and lead to legal problems. Heirs must constantly update their knowledge about regulatory changes that may affect submission procedures. Misunderstanding these changes can lead to confusion and the potential for legal violations. Heirs must ensure that the rights and interests of third parties are protected during the submission process. Ambiguity in the responsibilities and management of documents can trigger disputes that are detrimental.

BIBLIOGRAPHY

- Bondarieva, M. (2019). The role of the notary in the efficient protection of property rights. *Access to Just. E. Eur.*, 60.
- Febyanti, D., Tanuwijaya, F., Prakoso, B., & Adonara, F. (2023a). Responsibility of the Heirs for the Submission of Notary Protocol. *International Journal of Social Science and Education Research Studies*, 3(10.55677).
- Febyanti, D., Tanuwijaya, F., Prakoso, B., & Adonara, F. (2023b). Responsibility of the Heirs for the Submission of Notary Protocol. *International Journal of Social Science and Education Research Studies*, 3(10.55677).
- Febyanti, D., Tanuwijaya, F., Prakoso, B., & Adonara, F. (2023c). Responsibility of the Heirs for the Submission of Notary Protocol. *International Journal of Social Science and Education Research Studies*, 3(10.55677).
- Febyanti, D., Tanuwijaya, F., Prakoso, B., & Adonara, F. (2023d). Responsibility of the Heirs for the Submission of Notary Protocol. *International Journal of Social Science and Education Research Studies*, 3(10.55677).
- Garcia-Teruel, R. M. (2020). Legal challenges and opportunities of blockchain technology in the real estate sector. *Journal of Property, Planning and Environmental Law*, 12(2), 129–145.
- Glover, M. (2017). Freedom of Inheritance. *Utah L. Rev.*, 283.
- Hashmi, M., Governatori, G., Lam, H.-P., & Wynn, M. T. (2018). Are we done with business process compliance: state of the art and challenges ahead. *Knowledge and Information Systems*, 57(1), 79–133.
- Horodovenko, V., Shandula, A., & Dmytriyeva, M. (2022). Legal certainty in law enforcement through the prism of ECtHR decisions. *Amazonia Investiga*, 11(59), 43–53.
- Iriantoro, A., & Hardiansyah, B. S. (2024). Electronic Storage Of Notary Protocols Based On A Cloud Computing System In The Cyber Notary Concept. *Jurnal Hukum Prasada*, 11(2), 62–72.
- Kurniawan, N., Purnawan, A., & Ngadino, N. (2020). Duties & Responsibilities of Notary Recipient of Minuta Deed of Notary Protocol who has Retired or has Passed Away in Salatiga. *Jurnal Akta*, 7(4), 291–300.

- Latorre, S. (2024). The place of the public notary: How the engine of the capitalist state operates through material and legal arrangements. *Environment and Planning C: Politics and Space*, 42(3), 401–416.
- Munnofa, A., & Hadisuryo, H. (2024a). Legal Protection for Prospective Notaries Against Unfinished Notary Obligations When the Notary Dies. *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*, 6(2), 655–677.
- Munnofa, A., & Hadisuryo, H. (2024b). Legal Protection for Prospective Notaries Against Unfinished Notary Obligations When the Notary Dies. *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*, 6(2), 655–677.
- Munnofa, A., & Hadisuryo, H. (2024c). Legal Protection for Prospective Notaries Against Unfinished Notary Obligations When the Notary Dies. *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*, 6(2), 655–677.
- Poliakov, O. (2024). Administrative and legal framework for the introduction of the electronic notarial system in Ukraine. *Visegrad Journal on Human Rights*, 4, 79–86.
- Resnik, J. (2014). Diffusing disputes: the public in the private of arbitration, the private in courts, and the erasure of rights. *Yale LJ*, 124, 2804.
- Rizkiana, E. (2022). The Analysis of the Notary Regional Supervisory Board on the Storage of Notary Protocols that are more than Twenty-Five Years. *Jurnal Daulat Hukum*, 5(4), 328–340.
- Saputra, T. E., & Rustan, R. (2023). Supervision of Subdistrict Heads as Temporary Deed Making Officials in the Indonesian Positive Law Perspective. *Golden Ratio of Law and Social Policy Review*, 3(1), 36–48.
- Siranggi, I., Husin, S., & Azheri, B. (2019). Liability of Substitute Notary in Deed Correction. *International Journal of Multicultural and Multireligious Understanding*, 6(4), 30–41.
- Sudjono, I., Uwiyono, A., & Pandamdari, E. (2024). Legal Protection For Deceased Recipients Of Notarial Wills. *Policy, Law, Notary And Regulatory Issues*, 3(2), 273–289.
- Trismala, L., & Rahayu, M. I. F. (2022). The Role of the Notary Honorary Council on the Summon of a Notary by Police Investigators Regarding the Deed He Made. *3rd Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2021)*, 953–958.
- Vigil, M., Buchmann, J., Cabarcas, D., Weinert, C., & Wiesmaier, A. (2015). Integrity, authenticity, non-repudiation, and proof of existence for long-term archiving: A survey. *Computers & Security*, 50, 16–32. <https://doi.org/10.1016/j.cose.2014.12.004>

Copyright holder:

Erry Ariani, Azis Budianto (2024)

First publication right:

[Syntax Idea](#)

This article is licensed under:

