

THE IMPORTANCE OF SERVICE DIGITALIZATION IN THE NOTARY OFFICE AS AN EFFORT TO AVOID REFUSAL FOR MAKING OF DEED

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ABSTRACT

The purpose of this writing is to find out how important digital or online services are for Indonesian people or clients before they deal directly with a notary so that they can prepare everything needed to deal directly with a notary without having to go back and forth due to a lack of requirements or preparation, for the benefit of the community or the client and can make the notary know an overview of what he will face. The making of an authentic deed by a notary considering the scope of authority of a notary is far greater than that of a land deed official whose services can be carried out by the official's own employees. This study uses normative research methods by comparing samples that have occurred in notary offices in providing services directly with registration of services that occur in the tax office where in registering services the taxpayer chooses the type and time of service so that it is scheduled and recorded in the service system at the office. It is hoped that this method can be applied to services at the notary's office before meeting directly with the notary which in terms of what types of services can be provided by the notary, they can arrange himself according to the authority and ability of the notary to reduce refusal to draw up an authentic deed by a notary.

Keywords: digitalization of services, refusal, notary

INTRODUCTION

Notary is a public official who is appointed by the government to carry out some of the authorities owned by the government which is then facilitated by a legal forum in Law Notarial Position number 2 of 2014 concerning the Position of Notary (Derika, 2020). It is stated in the general provisions of article 1 number 1 that "a notary is a public official authorized to make authentic deeds and has other authorities as referred to in this law or based on other laws".

Notaries in carrying out their duties and positions regulated in the notary office law have consumers in the form of the wider community throughout Indonesia, even foreign nationals can also use the services of a notary to record their civil law actions, because basically the task of a notary is to record every legal action of legal subjects based on Indonesian positive law such as sale and purchase agreements, cooperation, leasing, establishment of legal entities and others (Basri, 2020). This note is useful for all parties involved directly or indirectly in the legal actions that are recorded, including the role of the notary in recording it also has an important role to ensure that the legal actions of the parties are properly recorded in accordance with applicable legal provisions. This can provide legal certainty for all parties involved if one day there is a dispute over a legal action that has taken place (Poa, 2020).

The basic problem is that even though notaries get some of the government's authority for notes, not all notaries carry out all the duties and powers they have. Many of them do not carry out their duties and positions for various reasons such as having a high risk if carried out, or because they are experiencing illness, or because they are not within the realm of their authority and so on where the reasons for a notary to refuse to record or make an authentic deed have been mentioned. in law or originating from law (Sari, 2016). Apart from that, there are also many Indonesian people who actually do not really know what a notary is, what is his authority, what are his duties and positions before they are forced or because of invitations from other people to come to see a notary. Those who already know the powers and duties of a notary are usually related to land affairs where the position is carried out by different officials even though it can be carried out by the same person, or those who have previously dealt with a notary so they know the duties, positions and authorities owned by a notary. This can happen because there is almost no deliberation or outreach regarding notary affairs carried out by the Indonesian Notary Association organization where this activity is prohibited for notaries which has been regulated in the Notary Code of Ethics regarding the prohibition of article 4 number 3 (Latifah, 2021). It is as if it makes us touch an ice cube, then we know that an ice cube is cold, which knowledge can be given to us for free by other people.

Usually, people only get to know a notary after they are introduced by friends or relatives, although sometimes the person who introduces them may not necessarily be able to explain the duties and functions of the notary. This is a moment that notaries can take advantage of to be able to introduce themselves to the public regarding their duties, functions, and authorities to the wider community, which can be done from the central organization through the organization, or by first changing the provisions in the notary's code of ethics so that the development of services that can be provided by a notary to the public can be done quickly even before the public comes to the notary's office as is the case in the tax office where at least they will choose in advance about the type of service, service time, and what requirements and procedures must be prepared beforehand so that when you are dealing with a tax official, you can immediately process what is the wish or obligation of the taxpayer (Rosawatiningsih, 2019). Based on the description above, it can be drawn a topic of discussion about the importance of service digitalization in the notary office as an effort to reduce the making of an authentic deed.

METHOD

The research method used in this study is the Normative Juridical research method which emphasizes the use of written legal norms contained in the Legislation, applicable legal norms, as well as the code of ethics to the customary system which is expected to be able to answer in detail, systematically and thoroughly regarding the importance of digitizing services at the notary's office as an effort to avoid rejection of making authentic deeds.

The type of research used in this study is Descriptive Analysis to obtain clarity on problem solving and conclusions to be drawn, namely from general matters to specific matters to illustrate the importance of digitizing services in the notary's office as an effort to avoid rejection of making a deed authentic (Prihardiati, 2021).

The obtained data were analysed in a descriptive analysis and described in the form of a logical and systematic description to illustrate the importance of digitizing services at the notary's office as an effort to avoid rejection of making an authentic deed.

RESULTS

The results of the research based on field research in several notary offices, almost all notary offices appointed for research when receiving clients, most of them know that the notary office is a place for them to take care of land affairs, whether it is due to buying and selling, grants, inheritance, and other matters. Other land matters, especially for those who are coming to the notary's office for the first time. Even though there are times when some of them often come to the notary's office but only deal with land affairs, the majority only understand that taking care of land can be managed by a notary, even though land affairs are not under the authority of a notary, but are under the authority of an official making land deeds. Even just for matters of land services, clients can come and complete matters just by meeting employees from the notary's office without having to go directly to the official who made the land deed and the client's needs can be resolved. However, this is different from how the notary works (Avani, 2020).

The majority of employees who make land deeds understand the procedures for land legal proceedings such as buying and selling, grants, inheritance, royalties, and others. But very few notary employees understand the procedures and workings of being a notary itself because the way a notary works is very broad and there are many ways that can be done. Therefore, direct service by a notary to the client is needed if it is related to the authority of the notary's position because the risks that can be posed by the notary's position are greater than the risks from the position of the land deed official (Setiawan & Gun, 2017). In contrast to how services occur at the tax office, such as on the local tax office KPP websites, they have provided a website that can be visited to be able to find out and complete the requirements needed for taxpayers to be able to receive services at the tax office, such as registering for a tax office, obtaining a Taxpayer Participant Number or NPWP, consulting about taxation, as well as about payment of income tax and others. With a website service at the tax office, taxpayers can prepare whatever is needed according to the needs of taxpayers when they come to the tax office. So that after the taxpayer comes and meets the tax officer, the taxpayer can immediately receive the services needed so that he can save time and effort (*KPP Pratama Karanganyar _ Daftar Kantor Pelayanan Pajak Indonesia*, n.d.). When the service is provided by a notary, the client must come to the notary first and introduce himself to the notary if he did not know the notary before or was not recognized by the notary concerned. Then the client will express his purposes to the notary to be able to get what the client needs, then the notary will submit several requirements and procedures to be faced, then the client will go to fulfil the necessary requirements and return to the notary's office to follow up on his request so the wish of the client can be fulfilled afterwards (Putri et al., 2018). Therefore, it can be said that what happens in services both at the notary office and the tax office in Indonesia are basically different and more efficient the tax service office than the notary office even though basically the two concerns on different matters.

DISCUSSION

In notary affairs, in its development, it continues to be the subject of discussion in Indonesian society, this is because many people currently need a service in the form of a service with the aim of obtaining legal certainty through the role of a notary. The role of a notary in the service sector is as an official who is authorized in the civil field, especially making authentic deeds and other authorities as stipulated in the Law on Notary Position.

Basically, the standard of service for a notary in providing services, especially in the case of making authentic deeds, is to first ask for formal data from his client, in this case what is meant by formal data is the identity of his clients in the form of name, address, date of birth, nationality, religion, that are contained in the identity card or with an

alternative to a driving license or passport, as well as other necessary supporting data (Dewi, 2019).

The procedures of a notary in providing services to clients are as follows:

- 1) Conduct an introduction to the client based on the identity shown to the notary;
- 2) Ask, then listen and examine the wishes or desires of the client by way of question and answer;
- 3) Examining evidence of documents related to the wishes of the parties;
- 4) Provide advice and make a framework deed to fulfill the wishes or wishes of the parties;
- 5) Fulfil all administrative techniques for making notarial deeds, such as reading, signing, providing copies, and filing for minutes;
- 6) Carry out other obligations related to the performance of Notary duties (Setiawan & Gun, 2017).

In the first point, it is stated that the identity of the client is important when dealing with a notary. Of course, everyone always carries their identity card with them at all times, but not everyone will prepare for this because sometimes a person does not or does not yet have a plan to face a notary, especially for those who suddenly meet a notary so there is a possibility that the client will forget to bring the identity card. The client must bring the documents needed for the purpose of making an authentic deed as the documents requested are proof that what will and has been a legal action really exists so that the notary becomes convinced to help the client. The letters in this case are not always the same for every legal action carried out by the client. Of course, the letters in making a sale and purchase deed are different from the letters for making a lease deed, they are also different from cooperation agreements, they are also different from the establishment of a legal entity, so they are also different from changes to changes in other legal entities, even to state something that is in yourself that will be included in an authentic deed also differ in the letters needed (Sukarti & Karnila, 2016).

Therefore, it is very possible for the client when facing the notary to do the work twice in terms of preparing the documents needed to make an authentic deed. Not only the conditions, those who do not know the procedure to be followed have a high risk for the client to become a victim of fraud for other clients because people who do not know will be easily deceived. With the condition of clients who have never dealt with a notary before, many of them are afraid to meet a notary because they do not know exactly what a notary does, and when they need something authentic evidence, then they come to the notary to ask for his services to make an authentic deed in order to obtain legal certainty. It is from here that clients will get various information such as requirements, procedures, and so on for the benefit of making the desired deed and it is very possible for clients to work twice to prepare it because they did not know what was needed beforehand.

In contrast to services that occur at the tax office, where before they arrive or enter the tax office area, the security guard on duty at the front post will ask the taxpayer to ask what his needs are. It is from here that the officers help taxpayers to be able to fill out the tax office service website so that data can be obtained from the wishes of the taxpayer, what requirements must be prepared, what are the procedures, to the schedule to come and meet the tax office officer is also provided on the website tax office services, so that taxpayers will understand and understand what needs to be prepared and what they have to do before coming to the tax office so they can save time and effort. Just imagine if this did not exist, a taxpayer would come to a tax office that is very far from the tax office, even almost hundreds of kilometres, like the KPP Pratama Karanganyar which covers two areas at the same time, Karanganyar Regency and Sragen Regency. If taxpayers come without

bringing the required requirements, they will return and prepare these requirements where the distance between the house and the tax office can be very far. So, with the tax office service website, taxpayers can be helped in terms of work efficiency and can get direct service for the first time when they come to the tax service office.

Even though the number of notary offices and tax service offices in Indonesia is larger, even in one village there are three notary offices, such as those in Karanganyar, Sragen, Gunung Kidul, the clients of the two offices are still wider than the number of notary office clients. where the service of the tax office is limited to a certain area such as KPP Pratama Karanganyar which serves taxpayers from Karanganyar Regency and Sragen Regency, it is different from a notary, the notary office on Sabang Island can serve clients from Merauke Island, this happens because the legal subject for notary services is not limited because it can be anyone with a legal object that covers the entire territory of the Unitary State of the Republic of Indonesia (Buyanov, 2020).

Under these circumstances, digitalization services or also known as pre-service notary offices can be integrated in the future, which is for the convenience of prospective clients. This pre-service can also help the public or clients to know what services can be provided by a notary, for the notary himself can also understand what is needed to provide services because we know that the services that can be provided by a notary are very broad as representatives of the government because of the granting of rights and authority to a notary. So that the notary knows that there will be a client who will come with their needs, the notary can prepare in advance so that services can be carried out more quickly and efficiently, including schedules for meetings and consultations can be made beforehand so as to minimize the possibility for clients who come to meet with a notary it turned out that the notary was not in his office.

The prohibition against self-promoting notaries on social media, as well as on the internet where digital pre-services are made if done individually, one effort that can be made is to integrate with a central organization. Whereas by making a notary pre-service digitization program in Indonesia, this can avoid the prohibition on promotion for individual notaries as contained in the notary's code of ethics. The Indonesian Notary Association organization must be able to take this role to carry out digital pre-services to all notaries in Indonesia, such as by cooperating with a reliable programmer to be able to create a nationally made website that can be accessed by all Indonesian citizens and even foreigners. In addition to creating a new website, they can also take advantage of an existing site, namely the Indonesian Notary Association website by adding a notary service program to save costs for creating or developing a website program.

Creating a new page on the Indonesian Notary Association's website can be filled in with the types and models of services that can be performed by a notary, which is the authority of the notary contained in article 15 paragraph (1) of Law Number 2 of 2014 concerning the Office of a Notary, that *"The notary has the authority to make authentic deeds regarding all actions, agreements and stipulations that are required by laws and regulations and/or that are desired by interested parties to be stated in authentic deeds, guaranteeing the certainty of the date of making the deed, keep the deed, provide grosse, copies and excerpts of the deed, all of that as long as the making of the deed is not also assigned or excluded to other officials or other people determined by law"*. With this authority, the service models that can be facilitated with the website are as follows:

1. Agreements, agreements in this case such as sale and purchase agreements, lease agreements, to cooperation agreements where there are two or more parties involved in it. By pressing the agreement button on the website page, options can be raised regarding what agreement the client is referring to, whether it is a sale

and purchase agreement, whether it is a lease agreement, or even a cooperation agreement. After the client presses the buy and sell agreement button, for example, several columns will appear to be filled in according to what will be agreed, for example a sale and purchase agreement for a motorized vehicle, then the client can fill in that the subject of the agreement is two or more parties, the object of the agreement is a motorized vehicle, time of agreement or transaction and several options provided as additional options in the agreement.

2. Stipulation, one example that can be used by a notary's authority in terms of stipulation is a legal subject who requests to make an authentic deed regarding his statement or stipulation as the heir of someone who has died based on valid evidence. For example, by pressing the stipulation button, several options will appear for determining what you want to do, for example determining the heir, then the next step will appear several sections that must be filled in in the form of who is the heir, who is the heir, when did the heir die and so on.
3. Legal Entity, the establishment of this legal entity is like establishing or changing a limited liability company, firm, association, organization and so on where the founder must be a legal subject and more than one person, except for an individual company which can be established with only one person. After the client presses the legal entity button, a choice will appear whether to establish a legal entity or to amend the statutes of a legal entity, which after the client selects one of them several columns will be presented that need to be filled in for the purposes of establishing or changing a legal entity such as the name legal entity, founders, authorized capital, and so forth.

After the clients have completed the pre-service process on the website, as a closing or final step, notes are automatically given from the program regarding any formal requirements or documents that need to be brought to the notary to complete the service desired by the client so that clients can prepare in advance what requirements are needed before dealing with a notary (Irsyadiyyah, 2021).

Because every notary operates based on his ability in the notary world, not all notaries can exercise their authority, it is often found that a notary only exercises his authority in making deed of Power of Attorney Imposing Mortgage, or only focused in the scope of Legal Entities, or focused on the Agreement, some even did not exercise their authority as a notary at all. So in this case, the sorting by the organization of the notary is done by sorting or mapping the notary who takes the work package regarding mortgage rights, regarding legal entities, regarding private agreements, and other authorities that can be carried out based on the notary's authority. So if we choose the type of service to a legal entity, or for example we want to change the name of a company and enter the notary's pre-service website, then we will be directed to a notary who can provide us with these services by sorting out which area we are going to such as the Semarang district or wonogiri district, then we will be directed to several notaries who can provide these services in Semarang district or notaries in wonogiri district, even if we choose service under a Food Freinces Cooperation agreement with areas in West Java, then we can be directed to notaries is who registers his services in the private agreement section. So that indirectly notaries who do not exercise all of their authority can minimize refusing to make authentic deeds based on the wishes of the clients either because it is outside their authority or because of the prohibition of the relevant law, and clients do not need to worry if what they wish will be rejected by a notary or not because they have applied for pre-service before on the website of the Indonesian Notary Association organization.

Because the service process provided by a notary is manually conducted by human or not made systematically or like an automatic robot so that it is possible for developments to occur in the types of work taken by a notary, it can become wider and many jobs are taken by a notary from their authority, or even decrease or narrow down the type of service he will provide to clients, so in order to be able to anticipate this and facilitate it so that notaries are not burdened with this pre-service, facility renewals can be carried out which can be done regularly on a schedule, for example once a year, or five years once or multiples (Maulani & Buana, 2018). This development enables the notary to continue to develop in the future considering the Arabic proverb says that "*Seek knowledge as far as China.*"

CONCLUSION

The notary as a general official for delegation and part of the government's authority must be able to provide the services needed by the wider community, so a notary who is also a public servant must be able to provide the best possible service with a minimum of refusing to provide services. The use of a notary pre-service program or site that is published on the *Ikatan Notaris Indonesia* organization's website which is integrated nationally by a central organization, this is very doable and is expected to be able to support the interests of the wider community before meeting with the relevant notary. In addition to facilitating the client in terms of the process of completing work with a notary, it can indirectly facilitate the notary in terms of the limitations of the work taken by the notary because the authority of a notary is also important in the eyes of Indonesian society, and on the other hand the prohibition regarding notaries for promotion or self-advertisement in public be a hindrance.

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