

# HONORARY COUNCIL OF NOTARY PUBLIC

## (Regulation of the Law and Human Rights Ministry of The Republic of Indonesia No. 7/2016 dated February 3, 2016)

BY THE GRACE OF GOD ALMIGHTY  
THE LAW AND HUMAN RIGHTS MINISTRY OF  
THE REPUBLIC OF INDONESIA,

Considering :

That to implement provisions in Article 66A paragraph (3) of Law No. 30/2004 concerning the post of notary public as already amended by Law No. 2/2014 concerning Amendment to Law No. 30/2004 concerning the Post of Notary Public, it is necessary to stipulate Regulation of the Law and Human Rights Minister concerning Honorary Council of Notary Public;

In view of :

1. Law No. 30/2004 concerning the Post of Notary Public (Statute Book of the Republic of Indonesia of 2004 No. 117, Supplement to Statute Book of the Republic of Indonesia No. 4432) as already amended by Law No. 2/2014 concerning Amendment to Law No. 30/2004 concerning the Post of Notarial Public (Statute Book of the Republic of Indonesia of 14 No. 3, Supplement to Statute Book of the Republic of Indonesia No. 549);
2. Law No. 39/2008 concerning State Ministry (Statute Book of the Republic of Indonesia of 2008 No. 166, Supplement to Statute Book of the Republic of Indonesia No. 4916);
3. Presidential Regulation No. 44/2015 concerning the Law and Human Rights Ministry (Statute Book of the Republic of Indonesia of 2015 No. 84);
4. Regulation of the Law and Human Rights Minister No. 29/2015 concerning the Organization and Work Mechanism of the Law and Human Rights Ministry of the Republic of Indonesia (State gazette of the Republic of Indonesia of 2015 No. 1473);

D E C I D E S :

To stipulate :

REGULATION OF THE LAW AND HUMAN RIGHTS MINISTER CONCERNING HONORARY COUNCIL OF NOTARY PUBLIC.

## CHAPTER I GENERAL PROVISIONS

### Article 1

Referred to in this Ministerial Regulation as :

1. Honorary Council of Notary Public is a body that has the authority to develop notary public and to give approval or rejection in the interest of investigation and court process over the taking of minute deed and the summoning of notary public to attend a questioning related to deeds or protocols of notary public kept by notarial public.
2. Notary public is a public official that has the authority to make authentic deeds and other authority as referred to in Law concerning the Post of Notary Public or based on other law.
3. Supervisory Council of Notary Public, hereinafter called Supervisory Council, is a body that has the authority and obligation to develop and supervise notary public.
4. Organization of Notary Public is a professional organization of notary public in the form of association as legal entity.
5. Head of Regional Office is the Head of the Regional Office of the Law and Human Rights Ministry.
6. Director General is the Director General of General Law Administration.
7. Minister is the minister in charge of carrying out government affairs in the field of law and human rights.
8. Law is Law No. 30/2004 concerning the Post of Notary Public as already amended by Law No. 2/2014 concerning Amendment to Law No. 30/2004 concerning the Post of Notary Public.
9. Day is working day.

## CHAPTER II ORGANIZATIONAL STRUCTURE OF THE HONORARY COUNCIL OF NOTARY PUBLIC

### Part One

#### Organizational Structure

### Article 2

- (1) The Honorary Council of Notary Public is made up of :
  - a. The Central Honorary Council of Notary Public; and
  - b. The Regional Honorary Council of Notary Public.
- (2) The Central Honorary Council of Notary Public as referred to in paragraph (1) letter a is set up by the Minister and is domiciled in the capital of the Republic of Indonesia.
- (3) The Regional Honorary Council of Notary Public as referred to in paragraph(1) letter b is set up by the Director General on behalf of the Minister and is domiciled in the provincial capital.

## Article 3

- (1) The Central Honorary Council of Notary Public as referred to in Article 2 paragraph (1) letter a is made up of :
  - a. government official;
  - b. notary public; and
  - c. expert or academic.
- (2) The Central Honorary Council of Notary Public as referred to in paragraph (1) is made up of 7 (seven) people consisting of :
  - a. 1 (one) chairman;
  - b. 1 (one) deputy chairman; and
  - c. 5 (five) members.
- (3) The chairman and deputy chairman of the Central Honorary Council of Notary Public as referred to in paragraph (2) shall come from different elements and shall be elected from and by members of the Central Honorary Council of Notary Public.
- (4) The election of chairman and deputy chairman of the Central Honorary Council of Notary Public as referred to in paragraph (3) shall be done by consensus.
- (5) If the election by consensus fails to reach an agreement, the election of chairman and deputy chairman of the Central Honorary Council of Notary Public as referred to in paragraph (4) shall be done by vote.

## Article 4

- (1) The Regional Honorary Council of Notary Public as referred to in Article 2 paragraph (1) letter b is made up of :
  - a. government official;
  - b. notarial public; and
  - c. expert or academic.
- (2) The Regional Honorary Council of Notary Public as referred to in paragraph (1) is made up of 7 (seven) people consisting of :
  - a. 1 (one) chairman;
  - b. 1 (one) deputy chairman; and
  - c. 5 (five) members.
- (3) The chairman and deputy chairman of the Regional Honorary Council of Notary Public as referred to in paragraph (2) shall come from different elements and shall be elected from and by members of the Regional Honorary Council of Notary Public.
- (4) The election of chairman and deputy chairman of the Regional Honorary Council of Notary Public as referred to in paragraph (3) shall be done by consensus.

- (5) If the election by consensus fails to reach an agreement, the election of chairman and deputy chairman of the Regional Honorary Council of Notary Public as referred to in paragraph (4) shall be done by vote.

## Part Two

### Appointment

#### Article 5

- (1) To become a member of the Honorary Council of Notary Public, the following qualifications shall be met:
- Indonesian nationality;
  - fear of God Almighty;
  - at least graduate of school of law;
  - physically and mentally healthy;
  - never having committed a disgraceful act;
  - never having been sentenced for committing a criminal offense with fixed legal force;
  - not in a state of being bankrupt; and
  - having experience in the legal field for at least 3 (three) years.
- (2) In addition to having to meet the qualifications as referred to in paragraph (1), candidates for members of the Honorary Council of Notary Public from the element of expert or academic shall not be a lawyer or legal adviser.
- (3) The qualifications as referred to in paragraph (1) shall be proven by enclosing the following documents:
- a photocopy of resident identity card or other legal identity card;
  - a photocopy of diploma of graduate of school of law validated by the school of law or institute of higher learning concerned;
  - a statement of being physically and mentally healthy issued by a doctor of government hospital;
  - a statement of never having been sentenced;
  - a statement of never having gone bankrupt; and
  - a curriculum vitae equipped with the latest color photograph.
- (4) The term of office of the Honorary Council of Notary Public is 3 (three) years and can be extended..

#### Article 6

- (1) Members of the Central Honorary Council of Notary Public shall be proposed to the Minister through the Director General on condition:
- element of the government is proposed by the Director General of the official appointed by the Minister as many as 2 (two) persons.
  - element of notarial public is proposed by the Central Executive Board of the Indonesian Notary Public Association as many as 3 (three) persons; and

- c. element of expert or academic is proposed by the dean of the school of law of state university organizing a magister program for notarial public as many as 2 (two) persons.
- (2) The Director General shall pass on the proposal as referred to in paragraph (1) to the Minister no later than 7 (seven) days after the proposal has been accepted.
- (3) If the proposal as referred to in paragraph (1) has been approved by the Minister, the Minister shall decide members of the Central Honorary Council of Notary Public no later than 20 (twenty) days after the proposal has been accepted.
- (4) The chief and members of the Central Honorary Council of Notary Public can be proposed from and concurrently held by the chief and members of the Central Notary Public Supervisory Council.

#### Article 7

- (1) Members of the Regional Honorary Council of Notary Public shall be proposed to the Director General through the Head of Regional Office, on condition:
  - a. element of the government is proposed by the Head of Regional Office as many as 2 (two) persons.
  - b. element of notarial public is proposed by the Regional Executive Board of the Indonesian Notary Public Association as many as 3 (three) persons; and
  - c. element of expert or academic is proposed by the dean of the school of law of state university in the relevant province as many as 2 (two) persons
- (2) The Head of Regional Office shall pass on the proposal as referred to in paragraph (1) to the Director General no later than 7 (seven) days after the proposal has been accepted.
- (3) If the proposal as referred to in paragraph (1) has been approved, the Director General on behalf of the Minister decide members of the Regional Honorary Council of Notary Public no later than 20 (twenty) days after the proposal has been accepted.
- (4) The chief and members of the Regional Honorary Council of Notary Public can be proposed from and concurrently held by the chief and members of the Regional Notary Public Supervisory Council.

#### Article 8

- (1) Before performing their duties, the chief, deputy chief and members of the Honorary Council of Notary Public shall take an official oath/pledge in front of the official appointing them.
- (2) The official oath/pledge as referred to in paragraph (1) shall be taken no later than 30 (thirty) days after the decision on the appointment of the chairman, deputy chairman and members of the Honorary Council of Notary Public has been made.
- (3) The official oath/pledge as referred to in paragraph (1) is as follows:
 

"I swear/pledge :

that I will comply with and will be loyal to the Republic of Indonesia, Pancasila, the 1945 Constitution, law

on the post of notarial public, and other laws and regulations.

that I, to be appointed as a member of the Honorary Council of Notarial Public, directly or indirectly, under whatever name or excuse, will not give or will not promise to give anything to anybody.

that I will keep the secrecy of audit result or anything which according to the law and regulation and its nature shall be kept secret.

that I will not receive gift or anything in any form from anybody that I know or deserve to assume that it has anything that is related or may be related to my post or job.

that in exercising my post or job, I always give priority to state interests over my personal interest, other person's interest or group's interest.

that I will always uphold state and government honor.

that I will work in a honest, orderly, and accurate basis in the interest of the state".

#### Article 9

- (1) Members of the Honorary Council of Notary Public are discharged honorably from their post because they :
- a. die;
  - b. have concluded their term of office;
  - c. do so at their own request;
  - d. move to other working area;
  - e. do not attend meetings and/or sessions of the Honorary Council of Notary Public 3 (three) times in a row or 6 (six) times not in a row during 1 (one) year of tenure;
  - f. lose their Indonesian nationality;
  - g. are not physically and/or mentally healthy; and/or
  - h. are declared bankrupt.
- (2) Members of the Honorary Council of Notary Public are discharged dishonorably from their post because they:
- a. are sentenced based on a court verdict with fixed legal force to 5 (five) years or more;
  - b. commit misdeeds that undermine the honor and dignity of post; and
  - c. have violated an official oath.
- (3) If members of the Honorary Council of Notary Public allegedly commit a criminal offense and are named a suspect or defendant, they shall be temporarily discharged from their post until a court verdict with fixed legal force is issued.

#### Article 10

Members of the Honorary Council of Notary Public who come from element of notary public quit as members of the Honorary Council of Notary Public for the sake of law if they are :

- a. temporarily discharged from their post as notarial public based on provisions in Article 9 of the Law; or
- b. discharged dishonorably from their post as notarial public based on provisions in Article 12 of the Law.

#### Article 11

- (1) In case of vacant member of the Honorary Council of Notary Public because of honorable or dishonorable discharge as referred to in Articles 9 and 10, the Minister or the Director General can ask each of the elements to propose candidates as midway replacements for the members discharged.
- (2) Provisions on the appointment of midway replacements as referred to in paragraph (1) shall continue to observe the qualifications as referred to in Article 5.
- (3) The term of office of midway replacements as referred to in paragraph (1) is adjusted to the remaining tenure of the members replaced.

#### Part Three

#### Secretariat of Honorary Council of Notary Public

#### Article 12

In performing its duties the Honorary Council of Notary Public is assisted by the supervisory council and the secretariat of the Honorary Council of Notary Public.

#### Article 13

- (1) The audit council is tasked with conducting audit.
- (2) The audit council as referred to in paragraph (1) is assisted by 1 (one) secretary.

#### Article 14

- (1) The Honorary Council of Notary Public is assisted by the secretariat of the Honorary Council of Notary Public.
- (2) The secretariat of the Central Honorary Council of Notary Public is tasked with conducting administrative, human resources, budget, and facility and infrastructure development.
- (3) The secretariat of the Regional Honorary Council of Notary Public is tasked with giving administrative support, audit technique, and method of drafting work program, budget and report to the Honorary Council of Notary Public.
- (4) The secretariat of the Honorary Council of Notary Public as referred to in paragraphs (2) and (3) shall have an office within the working area of the Honorary Council of Notary Public.
- (5) The domicile of the secretariat office as referred to in paragraph (4), for :
  - a. The Central Honorary Council of Notary Public is at the Directorate General of General Legal Administration at the Law and Human Rights Ministry; and

- b. The Regional Honorary Council of Notary Public is at the Regional Office of the Law and Human Rights Ministry.

#### Article 15

- (1) The secretariat of the Honorary Council of Notary Public is led by 1 (one) secretary of the the Honorary Council of Notary Public.
- (2) The secretary of the Central Honorary Council of Notary Public is appointed by the Director General.
- (3) The secretary of the Regional Honorary Council of Notary Public is appointed by the Head of the Regional Office of the Law and Human Rights Ministry.

#### Article 16

- (1) To become secretary of the Honorary Council of Notary Public as referred to in Article 15, the following qualifications shall be met:
  - a. coming from element of the government; and
  - b. having a rank of :
    - 1. at least III/d for the Central Honorary Council of Notary Public; and
    - 2. at least III/b for the Regional Honorary Council of Notary Public.
- (2) The secretary of the Honorary Council of Notary Public as referred to in paragraph (1) has the authority to propose the appointment of secretariat staff according to the need to the Director General or the Head of the Regional Office.

### CHAPTER III

#### TASK AND FUNCTION

#### Article 17

- (1) The Central Honorary Council of Notary Public is tasked with developing the Regional Honorary Council of Notary Public regarding its duties.
- (2) In performing its duties as referred to in paragraph (1), the Central Honorary Council of Notary Public has the function to supervise the Regional Honorary Council of Notary Public.

#### Article 18

- (1) The Regional Honorary Council of Notary Public is tasked with :
  - a. checking applications filed by investigators, public prosecutors, and judges; and
  - b. approving or rejecting any request for approval to summon notary public to attend investigation, indictment, and court process.
- (2) In performing the duties as referred to in paragraph (1), the Regional Honorary Council of Notary Public has



the function to conduct development in a bid to:

- a. keep the dignity and honor of notary public in exercising their profession of their post; and
- b. protect notary public regarding the obligation of notary public to keep the content of deeds secret.

## CHAPTER IV WORKING PROCEDURE

### Article 19

The Central Honorary Council of Notary Public shall develop and supervise the Regional Honorary Council of Notary Public in carrying out tasks and functions based on approval from the Chairman of the Central Honorary Council of Notary Public.

### Article 20

The authority of the Regional Honorary Council of Notary Public based on the decision reached at the meeting of the Regional Honorary Council of Notary Public covers:

- a. questioning notary public for whom a request for approval is filed to the Regional Honorary Council of Notary Public by investigator, public prosecutor or judge;
- b. approving or rejecting any request for approval to collect photocopies of minute deeds and/or letters attached to the minute deeds or protocols of notary public kept by notary public; and
- c. approving or rejecting any request for approval to summon notary public to attend investigation, indictment and court process related to deeds or protocols of notary public kept by notary public..

### Article 21

- (1) In questioning notary public, the Chairman of the Regional Honorary Council of Notary Public shall form an investigating council made up of 3 (three) members consisting of each element of members of the Regional Honorary Council of Notary Public.
- (2) The investigating council as referred to in paragraph (1) is made up of :
  - a. 1 (one) chairman concurrently member; and
  - b. 2 (two) members.
- (3) In conducting investigation, the investigating council as referred to in paragraph (2) is assisted by 1 (one) secretary.
- (4) The investigating council as referred to in paragraph (3) shall be formed no later than 5 (five) working days after a report has been received.
- (5) The investigating council as referred to in paragraph (4) has the authority to investigate and approve or reject any request from investigator, public prosecutor or judge when it comes to collecting photocopies of minute deeds and/or letters attached to the minute deeds or protocols of notary public and/or protocols of

notary public kept by notary public and summoning notary public.

- (6) Any result of investigation by the investigating council as referred to in paragraph (5) shall be reported to the Chairman of the Regional Honorary Council of Notary Public.
- (7) The Chairman of the Regional Honorary Council of Notary Public as referred to in paragraph (6) shall convey a report every month to the Chairman of the Central Honorary Council of Notary Public.

#### Article 22

- (1) The investigating council as referred to in Article 21 shall reject to investigate notary public who has marriage or blood relations in the vertical and/or horizontal lines without degree restriction and in the side line up to the third degree.
- (2) If the investigating council has the relations as referred to in paragraph (1), the Regional Honorary Council of Notary Public shall appoint replacement.

#### Article 23

- (1) Applications for approval to collect minute deeds or protocols of notary public and to summon notary public by investigator, public prosecutor or judge to attend a questioning related to deeds or protocols of notary public kept by notary public shall be filed to the Chairman of the Regional Honorary Council of Notary Public according to the working area of the relevant notary public.
- (2) The applications as referred to in paragraph (1) shall be filed in writing in Indonesian language, with a copy addressed to the relevant notary public.
- (3) The applications as referred to in paragraph (2) shall contain at least :
  - a. name of notary public;
  - b. address of notary public's office;
  - c. numbers of deeds and/or letters enclosed to the minute deeds or protocols of notary public kept by notary public; and
  - d. main case put to accusation.
- (4) The Chairman of the Regional Honorary Council of Notary Public shall give answers in the form of approval or rejection of the applications as referred to in paragraph (1) no later than 30 (thirty) working days after the applications have been received.
- (5) If the period of time as referred to in paragraph (4) has passed, the Regional Honorary Council of Notary Public will be considered to have received a request for approval.

#### Article 24

- (1) In conducting investigation, the investigating council has the authority to summon notary public based on an application from investigator, public prosecutor or judge.

- (2) Summons on notary public as referred to in paragraph (1) is made by a letter signed by the Chairman of the Regional Honorary Council of Notary Public.
- (3) In a state of urgency summons can be made by facsimile and/or e-mail immediately followed by a summons.
- (4) Summons on notary public is made no later than 5 (five) days before investigation is conducted.
- (5) Notary public shall fulfill a summons from the investigating council and cannot appoint proxy.
- (6) If notary public does not show up after being summoned legally twice in a row, the investigating council can take a decision with regard to the request from investigator, public prosecutor or judge.

#### Article 25

- (1) The investigating council shall give approval or rejection after hearing a statement directly from the relevant notary public.
- (2) The statement as referred to in paragraph (1) is disclosed in an official report of investigation.
- (3) If the investigating council approves an application from investigator, public prosecutor or judge, notary public shall :
  - a. give a photocopy of minute deed and/or necessary letters to investigator, public prosecutor or judge
  - b. convey a photocopy of minute deed and/or letters as referred to in letter a by making an official report of delivery signed by notary public and investigator, public prosecutor or judge, witnessed by 2 (two) people.

#### Article 26

The collection of minute deeds and/or letters of notary public kept by notary public as referred to in Article 25 is done if :

- a. there is allegation of criminal offense related to minute deeds and/or and/or letters enclosed to minute deeds or protocols or notary public kept by notary public;
- b. the right to file suit has not disqualified based on provisions on expiry in the law and regulation in the criminal code;
- c. there is denial of validity of signature from one party or more;
- d. there is allegation of reduction or addition of minute deeds; or
- e. there is allegation of notary public setting back the date (antidatum).

### CHAPTER V

#### SUMMONS ON NOTARY PUBLIC

#### Article 27

- (1) Approval will be given to investigator, public prosecutor or judge in the interest of court process in

summoning notary public if :

- a. there is allegation of criminal offense related to minute deeds and/or and/or letters kept by notary public;
- b. the right to file suit has not disqualified based on provisions on expiry in the law and regulation in the criminal code;
- c. there is denial of validity of signature from one party or more;
- d. there is allegation of reduction or addition of minute deeds; or
- e. there is allegation of notary public setting back the date (antidatum).

- (2) The Regional Honorary Council of Notary Public can accompany notary public in the investigation process before investigator.

#### CHAPTER VI

##### FUNDING

###### Article 28

- (1) All expenses arising from the implementation of this Ministerial Regulation shall be borne by the Budget Implementation List of the Directorate General of General Legal Administration for the Central Honorary Council of Notary Public.
- (2) All expenses arising from the implementation of this Ministerial Regulation shall be borne by the Budget Implementation List of the Head of the Legal Service Division of the Regional Office of the Law and Human Rights Ministry for the Regional Honorary Council of Notary Public.

#### CHAPTER VII

##### Article 29

Provisions in this Ministerial Regulation also apply to substitute notary public and acting notary public,

#### CHAPTER VIII

##### CONCLUSION

###### Article 30

This Ministerial Regulation shall come into force as from the date of promulgation.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On February 3, 2016

THE LAW AND HUMAN RIGHTS MINISTER OF  
THE REPUBLIC OF INDONESIA,

sgd.

YASONNA H. LAOLY

Promulgated in Jakarta

On February 5, 2016

THE DIRECTOR GENERAL OF  
LAWS AND REGULATIONS OF  
THE LAW AND HUMAN RIGHTS MINISTRY OF  
THE REPUBLIC OF INDONESIA,

sgd.

WIDODO EKATJAHJANA

(S)