

# The Legal Consequences of Heirs Not Submitting the Notary Protocol To The Regional Supervisory Board

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## ABSTRACT

The legal issue faced by heirs who do not submit a notary's protocol when a notary passes away. Although Indonesian law does not explicitly outline the responsibilities of heirs in this regard, based on this, the research subject to be examined is the legal consequences for heirs who do not submit a notary's protocol and the authority of the Regional Supervisory Board in resolving notary protocols. The research method used in this study is a notarial juridical approach, using a legislative approach and a conceptual approach to analyze the legal issues. The research findings indicate that the failure to submit a notary's protocol can have negative legal consequences. Notary protocols, considered as state archives, must be preserved and maintained by notaries, and heirs do not have legal rights to them. The duty to submit notary protocols lies with the Regional Supervisory Board for documentation processes. These protocols include agreements, deeds, acknowledgments, and legal acts performed before a notary and are not part of the notary's personal estate but belong to the state. The authority of the Regional Supervisory Board in handling the handover of notary protocols. The MPD plays a vital role in receiving reports of notary deaths, facilitating the handover process, and ensuring the preservation of protocols. However, there are no specific sanctions that the MPD can impose on heirs who fail to fulfill their obligations. This legal gap may result in violations by heirs who do not report the notary's death or fail to submit the notary protocol. Therefore, this research emphasizes the importance of establishing clear and comprehensive regulations regarding the responsibilities of heirs regarding notary protocols to ensure legal certainty and clarity for all parties involved.

**KEYWORDS:** Legal Consequences, Heirs, Notary Protocol Submission, Regional Supervisory Board



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## I. INTRODUCTION

The Notary Protocol is a collection of documents that constitute a state archive, where according to Yuhana, the Notary Protocol must be preserved and its existence maintained under any circumstances, even if the Notary who issued and possessed the Notary Protocol

has retired or passed away.<sup>1</sup> This presentation is in line with Article 65 of the UUJN (*Indonesian Notary Law*), which states: "Notaries, Substitute Notaries, and Temporary Notary Officials are responsible for all deeds they create even if the Notary Protocol has been surrendered or transferred to the Protocol Notary keeper."

The substance of this article regulates that Notaries have a duty and full responsibility for all Protocols they possess. This responsibility extends not only during the tenure of a Notary but also throughout their lifetime.<sup>2</sup> The transfer of the Protocol of a deceased Notary is a legal action to transfer the responsibility for that Protocol to the Notary receiving the Protocol.<sup>3</sup> Consequently, the receiving Notary has the responsibility to safeguard and maintain the Protocol and has the authority over the Protocol in accordance with the regulations established by the law.<sup>4</sup>

The Protocol of a deceased Notary, if not yet delivered to the receiving Notary, remains the responsibility of the deceased Notary. In this case, the responsibility also extends to the inheritance received by the heirs. Therefore, the heirs are obligated to fulfill the duties of the deceased Notary as stipulated in the UUJN (*Indonesian Notary Law*). In principle, whenever a Notary passes away, all of their archives and Protocols must be transferred to another Notary designated as the recipient of the Notary Protocol by the heirs of the deceased Notary, following the provisions of Article 35 of the UUJN. The principles governing the transfer of the Notary Protocol include the obligation for spouses, blood relatives, or second-degree relatives in a direct line of descent to inform the local Regional Supervisory Board in the area where the deceased Notary resided within 7 (seven) working days after the Notary's passing.<sup>5</sup>

If a Notary passes away, their Notary Protocol will be transferred to another Notary appointed as the recipient of the Notary Protocol. The transfer of the protocol in the event of a Notary's death is carried out by the heirs of the Notary to another Notary designated by the local Regional Supervisory Board. The protocol transfer process is expected to be completed within 30 (thirty) days and must be documented with the creation of a deed regarding the transfer of the Notary Protocol, signed by both the party delivering and the party receiving the Notary Protocol. If a Notary passes away while in office, their duties and position will be taken over by a Substitute Notary as an Acting Notary for a maximum of 30 (thirty) days from the date of the Notary's passing. The Acting Notary is responsible for delivering the Notary Protocol of the deceased Notary to the local Regional Supervisory Board within 60 (sixty) days from the date of the Notary's passing.

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<sup>1</sup> D. A. Yuhana, *Peran Majelis Pengawas Daerah dan Notaris Penerima Protokol Terhadap Penyimpanan Protokol Notaris Yang Telah Berumur 25 Tahun*, *Jurnal Officium Notarium*, Vol. 1, No. 1, (2021), p.56.

<sup>2</sup> Ahmad Farich Sultoni, *Batas Pertanggungjawaban Notaris atas Pembuatan Akta Otentik*, *Jurnal Ilmu Kenotariatan*, Vol. 2, No. 1, ((2021), p.79..

<sup>3</sup> Milinia Mutiara Yushhinta Dewi & Bayu Indra Permana. *Keabsahan Akta Yang Dibuat Oleh Calon Notaris Yang Sedang Magang Di Kantor Notaris*, *Jurnal Ilmu Kenotariatan*, Vol. 3, No. 2, (2022), p.76-83.

<sup>4</sup> Ida Bagus Sudhyatmika & Gde Made Swardhana, *Akibat Hukum Protokol Notaris Yang Telah Meninggal Dunia Yang Belum Diserahkan Oleh Ahli Waris*, *Acta Comitas*, Vol. 7, No. 2, (2022), p.311.

<sup>5</sup> E. P. Putra, Y. Yuliandri, & A. Fendri, *Kedudukan dan Tanggung Jawab Notaris Penerima Protokol Notaris yang Meninggal Dunia*, *Al Hurriyah: Jurnal Hukum Islam*, Vol. 5, No. 1, (2020), p.63.

Based on Article 35 of the UUJN, it is known that the general steps in the delivery of the Notary Protocol and the responsibilities of each party involved in the delivery of the Notary Protocol. The parties involved in the delivery of the Notary Protocol include the heirs of the deceased Notary, the Notary designated as the recipient of the Notary Protocol by the local Regional Supervisory Board, the Acting Notary, and the MPD. Therefore, a legal event related to death, in this case, the passing of a Notary, results in an obligation for the heirs to safeguard, preserve, and deliver the Protocol to the local Regional Supervisory Board or the designated Notary. The stages of delivering the Notary Protocol from the heirs to the designated recipient Notary appointed by the local Regional Supervisory Board must be completed within 30 (thirty) days, and the Substitute Notary must deliver the Notary Protocol to the local Regional Supervisory Board within 60 (sixty) days.

In practice, the heirs typically submit a request for the appointment of the Notary as the recipient of the protocol to the local Regional Supervisory Board when a Notary passes away.<sup>6</sup> Firstly, the Heirs are required to manually or electronically notify the Regional Supervisory Board within the jurisdiction where the deceased Notary worked about the death of the Notary, within a maximum of 7 (seven) working days from the date of the Notary's passing, in accordance with Article 35 paragraph (2) of the UUJN. In line with this, Article 56 paragraph (1) of Regulation Number 19 of 2019 stipulates that if a Notary passes away, the heirs must provide notification to the Regional Supervisory Board either manually or electronically within a maximum of 30 (thirty) days. If the Notary does not have any heirs, the notification to the Regional Supervisory Board, whether manually or electronically, must be made by the employees of the deceased Notary within a maximum of 30 (thirty) days, as stipulated in Article 56 paragraph (2) of Regulation Number 19 of 2019. After receiving the notification from the heirs or the Notary's employees, the Regional Supervisory Board will immediately hold an internal meeting attended by several Notaries who are members of the Regional Supervisory Board to discuss the Handover of the Notary Protocol.

After the internal meeting is concluded, a General Meeting will be held to discuss the Handover of the Notary Protocol. In this meeting, the Regional Supervisory Board will first offer the opportunity to other Notaries who are willing to voluntarily accept the Notary Protocol of the deceased Notary. If there is no interest in accepting the protocol, the Regional Supervisory Board will proceed to appoint a Notary to receive the protocol of the deceased Notary. Once appointed, the Notary receiving the Notary Protocol will prepare an official deed regarding the handover of the Notary Protocol. This deed will be signed by the party delivering and the party receiving the Notary Protocol. The process of delivering the Protocol of the deceased Notary will be carried out by the heirs of the Notary.

Based on the above explanation, the focal point of this research is the legal consequences that can be imposed on heirs who do not submit the Notary protocol when a Notary passes away. This is crucial because the Notary protocol serves as a state archive document containing all legal acts that govern the interests of the parties involved in the document. Considering the involvement of heirs in the Notary protocol when a Notary passes away, this research will further examine the authority of the Regional Supervisory Board in handling the handover of

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<sup>6</sup> Sudhyatmika, Ida Bagus & Swardhana, Gde Made, *Op. Cit.*, p.40.

the Notary protocol. The existence of the Regional Supervisory Board plays a vital role as the party notified by heirs when there is a Notary's passing to receive the Notary protocol. Based on these two issues, this research will comprehensively analyze the discussion in this study.

## II. METHODOLOGY

The legal research method in this study is normative jurisprudence, which focuses on legislation as the basis for addressing legal issues related to the legal subject under examination. Legal rules and regulations will be examined to assess their suitability and relevance, including their conformity with legal norms and principles. This research employs both a legislative approach and a conceptual approach to gather comprehensive information and answer questions related to the research subject. These approaches are crucial for analyzing legal issues from various perspectives. The analysis of legal materials is a step taken by the author to address legal issues in line with the legal topics being studied. The author conducts an examination of the legal issues that are the object of the research, then examines all legal materials that are relevant and pertinent to the issues at hand. Subsequently, the author analyzes the legal issues based on these legal materials, and the results of this analysis serve as the basis for providing answers and conclusions supported by strong arguments. This research method also involves an understanding and interpretation of applicable legal norms, as well as reference to relevant legal principles.

## III. LEGAL CONSEQUENCES OF HEIRS NOT SUBMITTING NOTARY PROTOCOLS

Heirs who do not submit the notary protocol essentially do not have clear legal consequences. This is because within the legal framework in Indonesia, there are no provisions governing the responsibilities of heirs in the submission of notary protocols. However, even though there are no specific legal provisions, heirs who do not submit the notary protocol can still face negative legal implications. This is due to the fact that the notary protocol, as defined in Article 1, paragraph 3 of the Notary Law, is a collection of documents considered state archives that must be preserved and maintained by the notary.

The legal status of heirs is not that of a notary, and therefore, heirs do not have legal rights or responsibilities concerning these documents. Consequently, it is the obligation of heirs to submit the notary protocol to the Regional Supervisory Council for the management of documents related to the notary protocol. The notary protocol consists of agreements, deeds, acknowledgments, and other legal acts conducted in the presence of the notary. These documents are not the personal property of the notary but are considered state property. Therefore, as official documents, the notary protocol holds the status of state archives that must be stored and preserved by the notary in accordance with the provisions of the relevant laws and regulations.

The notary protocol holds historical and administrative value within the context of a legal system in a country.<sup>7</sup> Therefore, it is the responsibility of the notary to store and maintain the notary protocol properly, including safeguarding its confidentiality, integrity, and accessibility. The notary protocol can serve as strong written evidence in legal actions involving the notary, providing legal certainty to the parties involved. Consequently, heirs of a notary, with good intentions, should make the handover of the notary protocol to the Regional Supervisory Council to serve as a basis for the new notary's responsibility to safeguard and maintain the notary protocol.<sup>8</sup>

Understanding the procedures for the handover of the notary protocol by the heirs of a deceased notary is crucial. The authority of the Regional Supervisory Council in the resolution of the notary protocol handover is important in determining the legal consequences for heirs who fail to submit the notary protocol after the notary's passing. Heirs who do not submit the notary protocol may have legal consequences, as their failure to do so can impede or obstruct the ability of interested parties to access relevant evidence. This, in turn, can affect legal proceedings involving legal acts recorded in the notary protocol. Heirs should not benefit from retaining the notary protocol since it does not become their property but remains part of the estate left by the deceased notary.

The unavailability or inaccuracy of information contained in the notary protocol can hinder the rights of interested parties and complicate the resolution of transactions or legal disputes. The concept of authority, as expressed by H.D. Stouth and quoted by Ridwan HB, is relevant to the definition and authority of notaries as regulated by the Notary Law (UUJN). The concept of authority refers to the rules governing how the government or public legal entities acquire and exercise their powers.<sup>9</sup> So, the Notary Law (UUJN) grants authority as per legal regulations to carry out the tasks and functions of a notary, including the authority regarding the handover of the Notary Protocol. According to Article 16 (1) (b) of the UUJN, it is stated that a notary is obliged to make deeds in the form of a minute and keep them as part of the Notary Protocol. Additionally, Article 16 (1) (d) of the UUJN mandates notaries to issue deed copies, deed excerpts, or deed transcripts based on the deed's minute.

The legal framework regarding notary protocols is currently not detailed and clear in the statutory regulations. Article 63 (2) of the UUJN does not explicitly clarify whether the heirs of a deceased notary are obligated to hand over the notary protocol. This article does not specify whether the heirs are fully responsible for the notary protocol that has not been handed over or provide clear guidelines on this matter. According to Radbruch, it's essential to address legal certainty, which is related to the concept of legal certainty.<sup>10</sup>

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<sup>7</sup> Meyssalina Manuria Isabella Aruan, *Akibat Hukum Protokol Notaris Yang Tidak Diserahkan Oleh Ahli Waris Kepada Notaris Lain (Studi Pada Majelis Pengawas Daerah Kabupaten Deli Serdang)*, Jurnal Notarius, Vol. 1, No. 2, (2022), p. 248

<sup>8</sup> Elok Sunaringtyas Mahanani & Iswi Hariyani. *The Urgency of The Indonesian Notary Association (INI) In Development And Supervision Of Notary*, Jurnal Ilmu Kenotariatan, Vol. 4, No. 1, (2023), p.7.

<sup>9</sup> Ridwan H.R., *Hukum Administrasi Negara*, (Jakarta: Raja Grafindo Persada, 2016), p.118.

<sup>10</sup> Rahmadi Indra Tektona, Nuzulia Kumala Sari, & Amru Hanifa Mukti, *Kepastian Dalam Penyelesaian Hukum oleh Indonesia pada Dumping yang Dilakukan Republik Rakyat Tiongkok dan Vietnam*, Jurnal Ius Constituendum, Vol. 6, No. 2, (2021), p.339.

Firstly, the law consists of positive legal regulations. In the context of notary protocols, the lack of clear and detailed legal provisions in Article 63 (2) of the UUJN regarding the obligation of heirs to hand over notary protocols can lead to legal uncertainty. When there is a deficiency in legal regulation, such as the absence of specific provisions regarding the obligation of heirs to hand over notary protocols, it can result in ambiguity regarding the responsibilities and obligations to be fulfilled by the heirs. Consequently, legal uncertainty arises concerning the steps that heirs must take in such a situation.

This legal uncertainty may include questions such as whether heirs are obliged to hand over notary protocols, the time frame for such delivery, and the legal consequences if heirs fail to meet their obligations. The lack of legal regulation can complicate matters for heirs and hinder the establishment of legal certainty in the implementation of the law. Therefore, it is important to have clear, detailed, and comprehensive regulations regarding the obligations of heirs to hand over notary protocols. This will help ensure legal certainty, avoid doubts and ambiguities, and provide clear guidance to heirs in fulfilling their responsibilities concerning notary protocols.

According to Radbruch, when there is ambiguity or deficiency in legal regulation, as in the case of Article 63 (2), which does not explicitly clarify whether heirs of a deceased notary are responsible for notary protocols, it may affect the legal responsibility of heirs, causing misunderstandings and errors in legal understanding and implementation.<sup>11</sup> In this case, the lack of specific regulations regarding whether heirs of a notary are obliged to hand over notary protocols can lead to various interpretations and differing opinions. Misinterpretation and misapplication of the law can result in legal uncertainty, where individuals or parties involved in the case cannot definitively determine the obligations and responsibilities they should fulfill. Such uncertainty can hinder justice, legal certainty, and the reliability of the legal system.<sup>12</sup>

Criminal liability can be imposed on heirs who do not hand over notary protocols as archives. Article 81 of the Archives Law states that anyone who intentionally possesses and/or holds state archives for their own or another unauthorized person's interests shall be subject to imprisonment for a maximum of 5 (five) years or a fine of up to IDR 250,000,000. Therefore, according to this provision, anyone who intentionally possesses and/or holds state archives for unauthorized purposes may face criminal sanctions. If heirs fail to hand over notary protocols that should be part of state archives to the Regional Supervisory Council, their actions can be considered a violation of Article 81 of the Archives Law. Heirs may be seen as intentionally possessing and/or holding state archives for their or someone else's unauthorized interests.

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<sup>11</sup> Misbah Imam Soleh Hadi & Bayu Indra Permana, *Konstruksi Hukum Pembebasan Pajak Penghasilan Terhadap Peralihan Hak Atas Tanah Dalam Pembagian Hak Bersama Waris*, Jurnal Ilmu Kenotariatan, Vol. 3, No. 1, (2022), p. 15.

<sup>12</sup> Bayu Indra Permana, et.al., *Legal Certainty of Income Tax Exemption on the Transfer of Rights to Land in the Sharing of Collective Integration Rights*, International Journal of Social Science and Education Research Studies, Vol. 2. No. 11, (2022), p.13.

Heirs who do not hand over notary protocols as state archives, based on the principles of authenticity and reliability in archive management, should adhere to the principles of preserving the authenticity and reliability of archives. This is stipulated in Article 4 (b) of the Archives Law. Therefore, heirs who do not hand over notary protocols as state archives are violating the principles of authenticity and reliability because they are not preserving the authenticity and integrity of these documents.

This can jeopardize the reliability of evidence and raise doubts about the authenticity and trustworthiness of the information contained in notary protocols. The principles of authenticity and reliability in archive management aim to maintain the integrity and validity of archives as a reliable source of information. Hence, heirs have an obligation to preserve the authenticity and reliability of notary protocols by handing them over to the Regional Supervisory Council.

Article 16 of the UUJN does not provide explicit clarification regarding the responsibilities of a Notary after their term of office has ended or after their passing, concerning the official documents they have produced. However, in practice, even though Article 35 of the UUJN only regulates the procedures for the transfer of Notary Protocols, there are no provisions regarding sanctions for either heirs or temporary Notary officials who neglect to hand over the Notary Protocols of the deceased Notary. The responsibility of heirs is not related to the contents of the deeds prepared by the Notary but is limited to the losses incurred due to their negligence in reporting the Notary's death and delivering the Notary Protocols to the Regional Supervisory Council .

#### IV. THE AUTHORITY OF THE REGIONAL SUPERVISORY BOARD IN RESOLVING THE HANDOVER OF NOTARY PROTOCOLS

Notaries in carrying out their duties are supervised by the Minister, where the Minister then establishes a Supervisory Board to perform its supervisory functions over Notaries. The purpose of this supervision is to ensure that Notaries, in carrying out their duties, comply with all requirements related to the Notarial position, in order to safeguard the interests and safety of the community. Notaries are appointed not for their own interests but for the benefit of the community they serve<sup>13</sup>. Article 67 paragraph (3) of the UUJN has stipulated that the Notary Supervisory Board consists of 9 (nine) members with elements, namely the Government with 3 (three) members, Notary Organizations with 3 (three) members, and Experts or Academics with 3 (three) members.<sup>14</sup>

The authority of the Regional Notary Supervisory Board is essentially a power delegated by the Ministry of Law and Human Rights to the Regional Notary Supervisory Board regarding rights, duties, and responsibilities in overseeing the behavior of Notaries and Notary positions and is based in the district/city as specified in the UUJN.<sup>15</sup> The Regional Notary

<sup>13</sup> Tobing, G.H.S Lumban. *Peraturan Jabatan Notaris*. (Jakarta: Erlangga, 1981), p.301.

<sup>14</sup> Fenny Tria Yunita & Malik Wahyu Kurniawan, *Peluasan Kewenangan Pelaporan Majelis Pengawas Notaris: diskursus kepastian hukum dan keadilan substantif*, Jurnal Ilmu Kenotariatan, Vol. 2, No. 1, ((2021), p.14.

<sup>15</sup> Isro Vita Nugrahaningsih, *The Role of Regional Honor Council In Maintaining The Honor of Notary Position*, Jurnal Ilmu Kenotariatan, Vol. 4, No. 1, (2023), p.18.

Supervisory Board can be considered as the forefront of Notary supervision in the region, where the Regional Notary Supervisory Board has the authority to oversee and provide guidance to Notaries in performing their duties. Article 4 of Minister of Law and Human Rights Regulation No. 40 of 2015 states that the Regional Notary Supervisory Board consists of members with the provisions of 3 (three) individuals proposed by the Head of the Regional Legal Services Office Legal Division, 3 (three) individuals from the Notary element proposed by the Regional Board of the Indonesian Notary Association, 3 (three) individuals from the expert or academic element proposed by the local law faculty dean or experts/academics by the Head of the Regional Office, and the members of the Regional Notary Supervisory Board from the Notary element are internal supervision carried out by fellow notaries, while the expert or academic element is an external element where this combination is expected to provide synergy in objective supervision and examination, so that every supervisory action is carried out based on applicable laws and provides dual internal-external supervision functions so that Notaries do not deviate from their duties.

The Regional Notary Supervisory Board has authority in the supervision of Notaries as stipulated in Article 70 of the UUJN, which includes holding hearings to conduct examinations of alleged violations of the Notary Code of Ethics or violations in carrying out the duties of a notary, conducting periodic inspections of Notary Protocols, once a year or as needed, granting leave with a maximum time limit of 6 (six) months, appointing a Replacement Notary, taking into account proposals from related Notaries, determining the location of storage of Notary Protocols that are 25 (twenty-five) years or older during the handover, appointing a Notary to temporarily take responsibility for the Notary Protocol, appointed as a state official in accordance with Article 11 paragraph (4), and receiving reports from the public regarding alleged violations of the Notary Code of Ethics or violations of provisions in this Law, namely compiling and submitting reports as mentioned in points a, b, c, d, e, f, and g to the Regional Notary Supervisory Board.

The Regional Notary Supervisory Board has obligations as stipulated in Article 71 of the UUJN, which includes filing an appeal against the rejection of leave, recording details in the register book within the Notary Protocol, stating the examination date, the number of deeds, and the number of hand-written letters validated and made since the last examination, preparing an inspection report and sending it to the local Regional Notary Supervisory Board, with copies also sent to the relevant notary, the Notary Organization, and the Central Notary Supervisory Board, maintaining the confidentiality of the contents of deeds and examination results, receiving validated copies from the deed register and other registers from notaries and maintaining their confidentiality. Investigate reports from the public regarding notaries, present the results of the examination to the Regional Notary Supervisory Board within 30 (thirty) days, with copies also given to the reporting party, the concerned notary, the Central Notary Supervisory Board, and the Notary Organization, and initiate the appeal process against leave rejection.



The Regional Notary Supervisory Board plays a role in safeguarding and protecting the interests of the public against Notary deeds, where these deeds are part of the Notary Protocol and serve as the strongest and fulfilled written evidence.<sup>16</sup> The Regional Supervisory Board, in carrying out its duties to safeguard the interests of the public, can receive reports of violations of the Notary's code of ethics from the public. These reports will then be forwarded to the Regional Supervisory Board, which has the authority to issue oral warnings or written sanctions to the Notary. Additionally, the MPW can recommend temporary suspension from the Notary's position, which can be carried out by the Central Supervisory Board. The decisions regarding warnings and sanctions by the MPW are considered final, as stipulated in Article 73 paragraph 2 of the UUJN, which states that the decisions of the MPW, as mentioned in paragraph (1) letter e, are final.

The authority of the Central Supervisory Board, as stipulated in Article 77 of the UUJN, is limited to the ability to temporarily suspend the Notary and propose a dishonorable discharge to the Minister. Article 78 of the UUJN states that hearings conducted by the MPP in cases of leave rejection and sanctions are open to the public, and Notaries are given the opportunity to defend themselves during the hearings conducted by the MPP.

The positions of the Central Supervisory Board, Regional Supervisory Board, as well as the Regional Supervisory Board, do not have written authority to issue warnings or sanctions specifically aimed at the heirs of a deceased Notary who fail to submit the Notary Protocol. Although the UUJN states that heirs are responsible for submitting the Notary Protocol after the Notary's death, there are no clear sanctions that can be imposed.

However, Article 63 paragraph 6 of the UUJN grants the Regional Supervisory Board the authority to take possession of the Notary Protocol if it is not submitted by the heirs within 30 (thirty) days after the Notary's death. Therefore, when the MPD becomes aware of the death of a Notary, the MPD has the legal authority to take action to secure the Notary Protocol that has not been submitted to the Notary or to the MPD.

It should be noted that the MPD is not held responsible or accountable as long as the family has not reported the Notary's death to the MPD. The role of the MPD begins when it receives a report about the Notary's death because the MPD is a supervisory institution, and its actions are only applicable after receiving an official report. The UUJN does not grant authority to the MPD, whether at the Central, Regional, or Local levels, to impose sanctions on heirs who fail to submit the Notary Protocol. This legal gap can lead to violations by heirs who do not report the Notary's death or fail to submit the Notary Protocol to the MPD or the receiving Notary.<sup>17</sup> As an example from a previous case, the MPD received notification of a Notary's death from a fellow Notary. This information allowed the MPD to contact the heirs of the deceased Notary and request them to promptly report and complete the documentation related to the Notary's death. After the heirs informed and completed the documentation regarding the Notary's death, the MPD could proceed with appointing a Notary to receive the Notary Protocol.

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<sup>16</sup> Ria Trisnomurti & I Gusti Bagus Suryawan. *Tugas dan Fungsi Majelis Pengawas Daerah dalam Menyelenggarakan Pengawasan, Pemeriksaan, dan Penjatuhan Sanksi Terhadap Notaris*, Jurnal Notaril, Vol 2. No. 2, (2017), p.127-140.

<sup>17</sup> Meyssalina Manuria Isabella Aruan, *Op.Cit.*, p.249.

## V. CONCLUSION

Heirs who do not submit the notary protocol do not have clear legal consequences because Indonesian law does not regulate the responsibility of heirs in submitting the notary protocol. However, not submitting the notary protocol can have negative legal implications, considering that the notary protocol is considered a state archive that must be preserved by the notary. The legal position of heirs is not that of a notary, so heirs do not have legal rights over the notary protocol. The notary protocol must be submitted to the Regional Supervisory Board for documentation-related processes. The notary protocol consists of agreements, deeds, acknowledgments, and other legal acts performed before a notary and is not the notary's personal document or part of the inheritance but rather belongs to the state.

The Regional Supervisory Board has the authority to take possession of the notary protocol if it is not submitted by the heirs within 30 days after the notary's death. However, the MPD needs to receive a report of the notary's death before taking action. Although the UUJN establishes the obligation of heirs to submit the notary protocol of the deceased notary, there are no specific sanctions that the MPD can impose on heirs who fail to fulfill this obligation. The MPD is responsible for safeguarding and protecting the interests of the public regarding notarial deeds, which are part of the notary protocol and serve as strong written evidence. The UUJN does not grant the Regional Supervisory Board the authority to impose sanctions on heirs who do not submit the notary protocol.

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